



Emil Stump, *Lotte Lenya*, 1931. Public domain. Wikimedia Commons.

Small Gretchen Tragedies: Gabriele Tergit's Courtroom Reports on §218*

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Abstract: In the Weimar Republic, some of the journalists who were observing the metropolis of Berlin from the perspective of the Criminal Court of Moabit weren't jurists, that is, specialists in covering legal issues, but rather were expert feuilletonists. Sling, Gabriele Tergit, and Moritz Goldstein questioned the trial proceedings with a sagacity that made their courtroom reports popular reading. Considering Tergit's courtroom reports as simultaneously journalistic and literary documents, this study focuses especially on those reports dealing with the highly debated Paragraph 218 [section 218] of the German Penal Code punishing abortion. In particular, the figure of *Gretchen* plays a prominent role in Tergit's reports on this issue. Scholars have pointed out that in the mass media of the last years of the Weimar Republic, Goethe's Gretchen was posited as a model of traditional but modern woman. Yet Tergit dismantles this ideal of woman as a product of social and legal conflicts. By documenting the "Gretchen tragedies" that resulted in criminal trials for infanticide and abortion, Tergit connects the stories of different social classes, but she also draws radical distinctions. Using specific rhetorical strategies, such as extracting key sentences from the court processes, polyphonic narration, and numerous film and theater references, Tergit invites her readers to sympathize with the defendants, suggesting models and possible solutions to the social and material impasses that tended to marginalize women who had an abortion.

Keywords: Gabriele Tergit – courtroom reports – German Penal Code §218 – Gretchen Tragedy – abortion debate – infanticide – Weimar Republic

* In German, the section sign [§] is the typographical character used to mark and to quote Paragraphen [sections] of legal codes. In the present study, §218 reads as Paragraph 218, except where sources translate or refer specifically the section sign as section, i.e., Section 218.

During the years of the Weimar Republic, a great heterogeneity of journalistic genres covered justice and crime.¹ For female journalists, writing about judicial matters was of particular meaning, as it allowed them to make their own opinions about legal proceedings public. In fact, in Germany women were not admitted to legal professions until 1922.² Even after the law allowing them to work as lawyers and judges was passed, women practicing these professions were an exception.³ Still, in the early 1930s, Elise Reifenberg (né Hirschmann, 1894–1982) deplored the rare presence of women in the courthouse. Under the pen name Gabriele Tergit, she published the February 21, 1932, article, “Frauen im Gerichtsgebäude” [Women in the court building] that highlighted the “minor role” of women both as “subjects” and as “objects” of court proceedings.⁴

Frauen im Gerichtsgebäude

Moabit ist ein Ort der Männer. Als Subjekt und Objekt spielen Frauen eine sehr geringe Rolle. Sie sind weder Betrüger, noch Einbrecher, noch Hehler. Weder besetzen sie, noch vergehen sie sich im Amt, sie verstoßen nicht der Staatsgewalt, noch treiben sie Landesverrat. Ihr Gebiet ist das Ewige, die Liebe und der Klatsch. Immer noch steht Greichen, einsam und verlassen, weil sie ihr Neugeborenes mordete, vor dem Schwurgericht. Immer noch steht die Wollense da, die auf den Verführer schoss. Martha Schwertleins reige Gestalt, die Kupplerin, immer alt, nur sehr verschieden an dem, vom kostbaren Pelzwerk bis zum armenigen Unschlaggutech. Du recken sich die Häuse von Lieschen und Bärbelchen aus dem Hofstul, die bösen Zungen schnattern; sie alle sitzen da, die wegen ausklastischen klagen und verklagt werden. Wegen der gemeinsamen Wasserleitung, wegen Gretes Mann oder Olgas Bräutigam, wegen des Badofürms haben sie sich „alle Sau“ genannt. „Ich werde den Wahrheitsbeweis dafür antreten!“ Und dann stehen sie vor dem Schwurgericht, um eines törichten Meineids willen, den sie in eben dem Privatklageverfahren oder in einem Ehescheidungsprozess leisten.

Da sitzt die Diebin, junge Dirne, um sich wegen eines nächtlichen Diebstahls zu verantworten. Aus der Untersuchungshaft wird die Ehehaushaltsdiebin vorgeführt, die immer zu zweit oder zu dritt auftritt. Die Zugewinnen, das sind die Geschädigten, die vom Heiratschwindler geläuschten Mädchen, die um eine Kaution betrogenen alten Frauen, die bestohlenen Damen, die Bekannten beim Totschlagsprozess, ihre Schwägerin und seine Tante. Da sitzen die Bräute der Zuhälter, die schwarzen Ponys ins Gesicht gezogen, Schnürstiefel bis zum Knie, sigretten Hacken, voll Angst und Sorge, bereit, jeden Meineid zu schwören, um den Liebsten zu retten. Da sind, Welt voll tieferster Schmerzen, die Mütter, die gekommen sind, um ein gutes Wort einzulegen für den alten Zin- und Ausbrecher, ebenso wie für den Jungen, der zum ersten Male fehlte.

Über allen sitzen Männer zu Gericht. Manchmal sitzt auch eine Frau als Schöffin da, um sich an der Urteilsfindung zu beteiligen. Immer noch sehr selten ist die Frau als Verteidigerin. Zu den Frauen vor Gericht gehören jetzt auch die Beamtinnen der Jugendgerichtshilfe, die den Verhandlungen beiwohnen und in der Stille viel Gutes wirken.

Nach zwei Kategorien von Frauen gibt es in Moabit: die eine ist die Zuhörerin, die nur kommt, wenn sie dieser Spezialfall interessiert und die unter den Scharen von männlichen Zuhörern ein Prozent ausmacht, und die zweite ist die Reinemachefrau, „die letzte Frau“, die unter der Perspektive des Staubes die Welt betrachtet. Sie wird finden, dass es nie einen schmutzigeren Prozess gab als den Sklarek-Prozess mit seinen Scharen von Menschen, die täglich ganze Wolken Staubes aufwirbeln. Aber der Schmutz ist kein Blickpunkt zur Betrachtung der Welt.

Gabriele Tergit.



Eine Ladendiebin auf der Anklagebank



Zwischen den Verhandlungen im Anwaltszimmer



Die Atmosphäre wird bereinigt



„... so wahr mir Gott helfe“

Figure 1. Tergit, “Frauen im Gerichtsgebäude” (Women in the court building)

Gabriele Tergit had the opportunity to observe and explore the courthouse and its atmosphere in detail because she had been writing court reports for the *Berliner Tageblatt* from as early as 1925, up to 1933.⁵ By covering primarily small cases⁶ in articles published in the local section of newspapers, she was able to establish herself in the interwar period both as a justice reporter and as a novelist (with her 1931 novel *Käsebier erobert den Kurfürstendamm*).⁷ The article Tergit wrote in 1932, a year before her exile,⁸ places “Gretchen” at the top of the list of the few female figures populating the courthouse: “Still is Gretchen there, lonely and abandoned because she murdered her newborn child, standing before the jury court.”⁹ As this study will show, with the term “Gretchen Tragedy” (*Gretchenstragödie*), Tergit designates those trials involving women who—exactly like the famous character of Goethe’s *Faust I*—are confronted with tragic circumstances closely linked to the birth of illegitimate children or with abortion. Tergit herself had covered, during her career, numerous cases of “Gretchen Tragedies.” Thus, in referring to Gretchen as a constant presence in the criminal court of Berlin-Moabit, Tergit suggests that those deep social conflicts linked to the question of Paragraph 218 of the Penal Code—hereafter referred to by its legal code, §218—which had long been heavily debated in the Weimar Republic, had still not been resolved.

Through an analysis of selected reports that Tergit published in the *Berliner Tageblatt* on this issue, this study examines how she used the journalistic form of courtroom reporting to spread legal and sociological knowledge about abortion. After contextualizing the courtroom reporting genre and the abortion debate in the Weimar Republic, the focus will be on Tergit’s use of the figure of Goethe’s Gretchen, on the one hand to draw attention to the problematic social consequences of the abortion law and, on the other hand, to create new models for women charged with §218. But Tergit’s theater and film references are not limited to *Faust*. By also referring to contemporary plays, such as Bertolt Brecht’s *The Threepenny Opera*, Tergit draws attention not only to the problems of law, but also to possible ways out of the social marginalization closely associated with abortion.

Feuilletonists in the Court Building

At the beginning of Tergit’s career as a local court reporter, the profession was revolutionized by the Berlin feuilletonist Paul “Sling” Schlesinger (1878–1928), who worked for Berlin’s *Vossische Zeitung*. Tergit said, “Without Sling turning the court report into works of art, none of us would have entered this profession.”¹⁰ Indeed, Tergit, who had already been writing courtroom reports for the *Berliner Börsen Courier*, was hired in 1924 by the *Berliner Tageblatt* to compete with Sling.¹¹ Although none of them was a jurist, Sling,

Tergit, and their colleague Moritz Goldstein (1880–1977) tried to portray the metropolitan reality by observing its court proceedings. In the short autobiographical text, “Wie ich Gerichts-Berichterstatter wurde” [How I became a court reporter], Sling writes that at the time when he was an apprentice in a textile company, he used to go with his friend Justav to the Criminal Court of Berlin-Moabit “to see a few of [the] criminals sentenced. . . . In Moabit, Justav and I had our film-screenings.”¹² However, Sling was a very attentive, critical observer of the judicial system.¹³ As Kate McQueen has pointed out, he cultivated “a recognizable authorial voice,” using “creative” rhetorical and narrative devices.¹⁴

Moreover, Sling’s comparison of a trial and the cinema can be seen as the result of a specific historical development. The affirmation of the principle of justice’s publicity, which had been discussed since the time of the French Revolution and officially codified by the Judicial System Act of the German *Reich* in 1877, envisaged the presence of spectators and journalists in the courtroom.¹⁵ In the new courthouses, which had been constructed since the foundation of the *Deutsche Reich*, there was more room for an audience. People sometimes had to get tickets to attend the proceedings. Some of these new courtrooms even had special seats with desks reserved for the press.¹⁶ Because the reading public was very interested in crime coverage, different kinds of court reporting developed.¹⁷ Yet there were important differences between the sensational court reporting of the yellow press and Sling’s or Tergit’s critical courtroom reports about small cases of the everyday, which have to be seen in the tradition of the *kleine Formen*, or “small forms,” of the Viennese feuilleton.¹⁸ As a “provocative alternative model”¹⁹ to a press that merely sold news, the feuilleton of the Viennese tradition was a literary journalism which did not renounce the factuality of its content, trying to offer a complex perspective on the diverse realities of the metropolis. Tergit’s and Sling’s reports belonged to a literary journalistic repertoire in the tradition of feuilletonists like Eduard Pötzl and Alfred Polgar. Unlike the *Sozialreporter*, like Bruno Frei or Else Feldmann,²⁰ who investigated the backgrounds of social conflicts—following defendants even outside the courtroom—the field of observation of journalists like Sling, Tergit, and Moritz Goldstein was mostly limited to the Berlin-Moabit courtroom, from which they drew their impressions, questioning proceedings and verdicts. As Daniel Siemens points out, they did not usually question the witnesses directly and they did not look for information outside the courtroom.²¹ They described the trial from the audience’s perspective, writing rhetorically and literarily sophisticated, often witty, texts. In her memoirs, Tergit recounts how her editor Rudolf Olden, who came from Vienna, improved her articles.²² Influenced by the style of

Viennese journalism, Tergit condensed her impressions of the courtroom and put them in the feuilleton style. For the *Berliner Tageblatt*, she had to publish a minimum of nine articles every month.²³ In addition to courtroom reports, Tergit wrote portraits of “Berliner Existenzen” (Berlin existences)²⁴ and other feuilletons.

Although Tergit did not have a law degree, her doctorate in history gave her a kind of scientific perspective on what she could observe in the courtroom.²⁵ In a 1931 article in which she reviewed a collection of Russian court reports written by Matwej Liebermann and originally published in the *Prawda*, Tergit highlights the importance of court reporting for understanding contemporary history.²⁶ She points out that “[o]riginal sources—like letters, diaries, recorded conversations—can tell the essence of an epoch better than the works of poets and historians. Apart from their technical elements, criminal case files are made up of such original sources, transmitting a knowledge of the typical feelings of a certain historical moment.”²⁷ Liebermann’s book contains, among other material, what Tergit calls a “Gretchen tragedy.”²⁸ In this specific case, Liebermann documents the story of a pregnant woman abandoned by her husband and not allowed to have an abortion, which leads her first to misery and ultimately to death.²⁹ Like Liebermann, Tergit considers it important to document the court cases dealing with abortion, to “tell the essence of an epoch.”³⁰

The Abortion Debate in the Weimar Republic

The most important years of Tergit’s journalistic career, when she was working at the *Berliner Tageblatt*, were marked by an extraordinarily intense political struggle about §218 of the German Penal Code.³¹ For this reason, her courtroom reports must be considered part also of a vast factual and fictional production of texts, plays, movies, and artwork about this topic. After the codification of the German Penal Code 1871, abortion was classified as a “crime against life.”³² Paragraph 218 imposed hard punishments—up to five years of penal servitude (*Zuchthaus* or penitentiary)—for women who had an abortion,³³ while §219 imposed up to ten years for those who were helping procure or those providing medical support, that is, doctors or midwives. As “crimes against life,” both articles belonged to the same category of §217, which punished mothers who killed their illegitimate children immediately after birth, with up to three years of penal servitude.³⁴ These harsh treatments of women who had abortions aroused protest movements, which began during the last years of Imperial Germany, spearheaded by the bourgeois women’s movement.³⁵

Because Gabriele Tergit attended the *soziale Frauenschule* (the Social

School for Women), she had been in contact, in her youth, with some members of the bourgeois women's movement (*Frauenbewegung*) that had played a key role in the fight against §218 of in the prewar period.³⁶ Things changed after the First World War for the movement against the abortion law. Other political groups joined the bourgeois feminists in the struggle. In the Weimar Republic, the German Communist Party (KPD) played a central role in organizing the movement that then involved large masses of the working class demanding the abolition of the *Klassenparagraf* ("the class-specific paragraph"), which implicitly discriminated against lower-class people.³⁷ Bourgeois women had enough money to easily find a compliant doctor, while working-class women had to rely on alternative networks to find help. More often than not they had to face dangerous abortions, often without medical support, using old instruments.³⁸ While debates and protests filled the streets and theaters of Berlin, the abortion law was amended on May 18, 1926. The penalty was mitigated. Abortion was considered a "misdemeanor"—no longer a "crime."³⁹ In 1927, for the first time, a judgment of the *Reichsgericht*, that is, the supreme court, allowed therapeutic abortion in a case of medical emergency (*Nothstand*).⁴⁰ But these minimal changes were not enough to quell the protests.

Many theater plays dealt with this topic, including *§218–Frauen in Not*, written by Carl Credé and directed by Erwin Piscator (1929); and films, including Martin Berger's *Kreuzzug des Weibes* (1926), about the abortion section 144 of the Austrian Penal Code; and Slatan Dudow's movie, *Kuhle Wampe, oder: Wem gehört die Welt* (1932), written by Bertolt Brecht and Ernst Ottwalt.⁴¹ Movies and theatrical plays about abortion were developed especially within the context of the proletarian theater. Many authors were receptive to the reform of the Soviet Union, where abortion had been legal since 1920.⁴²

Communist newspapers, including Germany's *Die Rote Fahne*, supported the protest against §218, as did bourgeois liberal newspapers like the *Berliner Tageblatt*⁴³ even though different political views existed within the newspaper's editorial team, as Tergit documents in her memoirs. The *Berliner Tageblatt*'s feuilleton editor-in-chief, Fred Hildenbrandt, who—according to Tergit's descriptions—seemed to show a certain affinity to National Socialism,⁴⁴ claimed, after having attended a Nazi meeting in 1930, that "people want to see a hero on stage. They had enough of these silly plays about §218[.]"⁴⁵ In fact, the small changes to §218 in 1926 did not end the protests, which triggered the production of films and plays. One of the most important theater plays on this topic was Friedrich Wolf's *Cyankali* (*§218*) (1929).⁴⁶ In Wolf's play, when the protagonist, Hete, gets pregnant, she doesn't receive any support from her doctor. She tries to do an abortion herself using an instrument,

helped by her boyfriend, Paul. After she fails in her attempt, she looks for illegal support by reading the advertisements in a newspaper, but it comes to a bad end. Indeed, in the first drafts of this tragic play, Wolf named its protagonist not “Hete” but “Grit,” most probably referring to *Faust*’s “Gretchen,”⁴⁷ exactly as Tergit (and other journalists) did. Thus, the first questions to be examined are what exactly is meant by the name “Gretchen,” and why does Tergit use this character from the literary tradition?

Gretchen as the Modern Woman

Considering, on the one side, the explosion of theater and film productions on abortion in the second half of the Weimar Republic and, on the other side, the cinema-like perspective of courtroom reports, it is not surprising that Tergit’s articles on abortion were making use of film references.⁴⁸ With the name Gretchen, Tergit exploited the rhetorical device of *antonomasia* (“the practice of giving to a character a proper name that defines or suggests a leading quality of that character”).⁴⁹ This is the case in the November 1926 courtroom report, “Moderne Gretchentragödie. Mädchen—Liebhaber—Artz—Hebamme” (Modern Gretchen tragedy. girl—lover—doctor—midwife),⁵⁰ the title of which refers to Goethe’s character Margarete as the innocent, seduced woman accused of having killed her illegitimate child.⁵¹ Gretchen’s tragedy, which is woven into *Faust I*, is closely related to questions of justice, because Goethe used a court trial as the source for his drama.⁵² But Tergit had a further reference for this report. In the same year, *Faust*’s story had also been made into a movie.

The premiere of Friedrich Wilhelm Murnau’s film, *Faust. Eine Deutsche Volkssage* (Faust. A German folktale), written by Hans Kyser, took place in Berlin’s Ufa-Palast⁵³ only a few weeks before Tergit published the courtroom report, “Moderne Gretchentragödie” (“A modern Gretchen tragedy”).⁵⁴ Reviews that came out in newspapers testify that the film had great resonance.⁵⁵ Reviewers gave special praise to Camilla Horn, who played the role of Gretchen. There were several differences between the movie and Goethe’s drama. For example, the film gave more room to the setting of a Medieval Easter, which became a very visible background for the whole episode of *Faust*’s seduction of Gretchen.⁵⁶ This is also a reason to consider that Tergit may have been referring to the seduction scene of *Faust I* / v. 3073–3085, as well as to the movie,⁵⁷ when she titled a later courtroom report that translates as, “Gretchen tragedy. Easter walk through the Middle Age.”⁵⁸ From this report that was related to the trial of a case concerning the death of a newborn child, it can be observed that Tergit used the figure of Gretchen not only for trials dealing with charges of abortion, but also for charges of infanticide.

4. Beiblatt des 8 Uhr-Abendblatt der National-Zeitung zu Nr. 129
 Sonnabend, 4. Juni 1927

Drei Frauen stehen heute vor uns.

Die drei Typen: Gretchen, Girl, Garçonne.

Im Mittelalter ist jedoch das neue Bild von Frauen die Gretchen der Dichtkunst aufgeführt worden, das keine Schönheit und Grazie, nicht nur hohler Übermut hat, noch in ihm einmal eine feine Mischung von Weiblichkeit und Kraft, die eine gewisse Güte, jedoch auch ein gewisses Maß von selbstbewusster Geltung einer „Muttergötze“ hat. Diese Gretchen ist nicht nur die heilige Jungfrau und Marienbild, sondern auch die heilige Heilige, die die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt.

Das Girl, in der Welt zu finden, ist ein Bild, das die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt.

Das Garçonne, ein Bild, das die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt, die die Welt in ihrem Inneren durchdringt.

Die Gretchen, die Girl, die Garçonne.

Die Gretchen, die Girl, die Garçonne.

Die Gretchen, die Girl, die Garçonne.

Figure 2. Georg, “Drei Frauen stehen heute vor uns” [Three women stand before us nowadays], in *8-Uhr-Abendblatt der National-Zeitung*, June 4, 1927, 17.

Before attempting to reconstruct these and other implications of Tergit’s references to *Faus’s* Gretchen, it should be pointed out that Horn’s successful interpretation had some important consequences for the discourse on modern women that was proliferating in the mass media during this period. At a time when the press tended to classify the modern, “new” woman into different categories, Gretchen became a “type.” In a 1927 article published in *8-Uhr-Abendblatt*, journalist Manfred Georg (M. G.) wrote an article, the title of which translates as, “Three women stand before us nowadays. These three types are: the Gretchen, the Girl, the Garçonne.”⁵⁹ Georg’s article

contained three illustrations, each one showing photos of women who embodied the three types the journalist describes (Fig. 2). As an illustration for the Gretchen, the article shows, among others, a picture of the actress Camilla Horn as Gretchen in Murnau's *Faust* (opposite left, with braids and a sad expression on her face). Defying the Gretchen-Type, Georg claims she is the kind of woman who—rather than the emancipated “Girl” and “Garçonne”—impedes emancipation. Georg describes the “resistance” (*Widerstand*) of the Gretchen-Type to emancipation as follows:

. . . a resistance that, often out of indolence, or simply out of inferiority, refuses to share the difficulties of a new female form of life, and which, sentimentally, privately re-establishes for itself the absolutism of the Gretchen age with the comforts of Faust's fate, which after all is very comfortably redeeming.⁶⁰

As Jochen Hung has pointed out in his analysis of Georg's article, the “Gretchen” in the last years of the Weimar Republic began to incorporate a pre-war feminine ideal, “embody[ing] . . . the obedient wife and caring young mother, promoted by the resurgent right-wing forces in Germany.”⁶¹ This tendency shows the process of updating the German housewife into a modern *and* traditional woman.⁶² However, there is evidence to suggest that Tergit had a different conception than Georg of this Gretchen-Type. A few weeks after the premiere of Murnau's *Faust* (and months before Georg wrote his article), Tergit started using the Gretchen reference in her reports. The timing argues she intentionally chose the reference to the famous Murnau's film and its Gretchen-Character that in the mass media was being associated with the ideal of a traditional German mother-figure.

It has already been noted that with the figure of Gretchen, Tergit is covering more than cases of women charged under §218. But for Tergit, a “Gretchen” is also a woman charged under §217 of the Penal Code, which applies to murdering an illegitimate child immediately after the birth. Why does Tergit use the same literary figure both for abor-



„Cyankali“
Renée Stobrawa und Maria Krahn
(Lessing-Theater)

tion and infanticide? The first reason may be related to the legal system of the Weimar Republic. Since 1871, both §218 and §217 of the German Penal Code had belonged to the same category of “Crimes and misdemeanors against life” (*Verbrechen und Vergehen wider das Leben*)—that is, homicides (*Tötungsdelikte*).⁶³ Using the same name for both charges could eventually consolidate the idea that there was no real difference between abortion and homicide. Yet, as the evidence will suggest, Tergit’s intention was to lead her readers’ attention to another dimension of the debate.

Gretchen Tragedies in Tergit’s Courtroom Reports

In contrast to Georg, who defined the Gretchen as representing a new fashion connected with a political inclination, embodying a kind of “moderately modern” woman,⁶⁴ Tergit places the Gretchen type in a larger social and legal context, suggesting that this figure cannot be reduced merely to the sum of consumer choices and conservative political views, as can be observed by analyzing some of her reports. In Tergit’s courtroom report, “Paragraph 218: A Modern Gretchen Tragedy,” the young “Gretchen” named Lotte, who is charged with §218, is introduced with a description that creates an opposition between her present and her past:

She is a robust, big girl with broad hips; she has a broad, red face, was originally a playful, innocent thing, capable and quick; comes from a good home, the foster child of academics. Her name is Lotte and she calls herself Mara. Her family name is Hister, her parents’ Hilmer; she calls herself Hister-Hilmer. She is a mere teenage girl, who must now suffer the eternally constant, bitter fate of woman.⁶⁵

This description introduces and highlights Lotte’s physical and psychological transformation. The young girl, who isn’t rich but belongs to the bourgeoisie, meets a man and gets pregnant (for Tergit, who always underscores the material condition of the defendant, the social background makes a difference).⁶⁶ He persuades Lotte to get an abortion by promising to marry her if she does, and she accepts, even though she’d like to keep the baby. Yet, after the abortion, which makes Lotte sick, the girl’s family realizes the situation and tries to speed up the marriage. When the man breaks up with her, the girl’s reputation is destroyed; Lotte is seen as a person who “degrades herself” (*[Sie] hat sich deklassiert*)⁶⁷ and is marginalized by her milieu, because women who’ve had abortions lose their social status.

After reconstructing the case and switching to the description of the trial in the courtroom, Tergit’s report describes a witness being questioned by the judge. This witness is Lotte’s girlfriend, a stenotypist who seems to embody the typical modern “Girl,” the independent employee of the twenties.⁶⁸ The

witnessing stenotypist looks like the opposite of Lotte, who appears old-fashioned, romantic, monogamous, and weak. The description stresses the opposition between the two young women:

And the way the two girls stand there, they are the two poles of womanhood. The one cool, clever, superior, and skeptical; love does not happen to her: "She was just crazy," she says of the other one. Lovely, smiling, and elegant, the born mistress, the victor. And the other, warm, foolish, impulsive, and gullible, who can only love one and wants it that way, her whole life; not pretty, ruined by tears, broken.⁶⁹

Erhard Schütz notes that Tergit often operates by opposing two types or groups of individuals.⁷⁰ Here too, apparently, Tergit contraposes two different personalities: a passionate, warm temperament on one side; a cold, rational one on the other side. Yet, at the beginning of the article Tergit describes Lotte's situation as being the result of her own tragedy. Thus, there has been a transformation over time, a development between the girl *before* and the girl *after* the tragedy. Before the abortion, Lotte was not "foolish, impulsive, and gullible" but rather "capable and quick."⁷¹ This suggests "the two poles of womanhood" are not just two essentially distinct personalities, two destinies, or two consumer attitudes. The "Gretchen" and the modern emancipated "Girl" are not just two kinds of women, but eventually two moments in the life of *the very same* individual.⁷² Tergit condenses the transformation, which could be the subject of a long novel or a film, into two antithetical types, which are presented synchronically, standing next to each other in the courtroom.

But Tergit uses other techniques to compress social conflicts into a few lines. Incorporating "key sentences"⁷³ that she extracted from the trial, which are being quoted as direct speech, Tergit registers verbatim the conflict between the milieu and the individual: " 'I will marry you, if the consequence [of the sexual act, that is to say, the pregnancy] disappears,' says the boyfriend, 'otherwise it's over.' "⁷⁴ The direct speech works as emotion peaks, dramatizing the action, by letting the reader hear the voice of emotional and social pressure. This voice creates an impasse for the pregnant woman. Lotte-Gretchen has to decide between being a mother of an illegitimate child and losing her status and her boyfriend, *or* committing a crime. A second key sentence ("I don't love you anymore") decrees the bad end of this tragedy: The abandoned, desperate girl "winds up in a lowly bar"⁷⁵ and she loses her bourgeois status. The problem of social marginalization of mothers of illegitimate children is also represented in Murnau's *Faust*. In the film, Gretchen, trying to protect the newborn child in the cold winter, asks the people of her town for help, but no one wants to help her after she was condemned to the stocks and publicly humiliated.

“Have mercy on my child.”

“Are you not Gretchen that stood in the stocks?”⁷⁶

In Murnau’s movie, exclusion and marginalization—not Gretchen—kill her baby. Themes of exclusion and social conflict thus seem to be inherent in the *Gretchentragödie*, but Tergit has also a special sensitivity to social differences, which she always considers in her reports. In another courtroom report published in the *Berliner Tageblatt* on October 20, 1929, which translates as “Gretchen Tragedy: Easter



Brechtian actress Lotte Lenya.

Walk through the Middle Ages,”⁷⁷ the “Gretchen” belongs to a lower social class than Lotte. Proletarian Gretchens often have similar problems as bourgeois Gretchens. The key sentence of the trial, which is about infanticide and not abortion, is once again the answer the father of the illegitimate baby gives to a friend of the pregnant woman, who asks him: “What have you done to my friend?” He laughs: ‘It was very nice.’⁷⁸ Tergit’s laconic style⁷⁹ condenses the contrast between the superficiality of the man in a thoughtless moment and a lifelong misery. Again, the key sentence registers the psychological and material impasse. The pregnant handmaid already knows she won’t get any support from her family. In a handmaid’s life, there is no room for feelings or private problems.⁸⁰ Thus, she reacts by pretending not to be pregnant, and gives birth at work without medical assistance. Immediately after the child’s death, she wants to return to her job “to make coffee for the gentlemen.”⁸¹ And yet, this situation of extreme psychological and material loneliness, a consequence of social conventions and material difficulties, seems not to elicit the court’s understanding. Even if the medical expert claimed that the anemic woman could have experienced a “brain anemia”⁸² while giving birth to the baby, the court doesn’t apply section 51 of the Penal Code about temporary mental disorder defense to her case.⁸³ Tergit observes: “The sentence called ‘inconvenience’ (*Unannehmlichkeit*) what Goethe had called the whole misery of mankind,”⁸⁴ thus criticizing the ethical downsizing of a social tragedy. The court treats this case as unimportant, an unpleasant part of the proletarian,

quotidian life. Its inability to grasp the tragedy also seems for Tergit to be related to the absence of women: “No woman except the defendant was involved in this trial.”⁸⁵ Moreover, Tergit’s criticism also addresses the achievements of the feminist movement, which has made women free to earn money without freeing them from the sense of shame over illegitimate children. Illegitimate children are still grounds for social outclassing and contempt. Thus, both independent bourgeois women and poor handmaids are in danger of turning into a Gretchen.

It is important to note that Tergit was not the only journalist to use reference to Gretchen in her reports. Tergit’s colleague Moritz Goldstein, whose pen name was Inquit, covered the same trial about infanticide, on the same day, for *Vossische Zeitung*. He also titles his report, which seems to be in dialogue with Tergit’s article (the two journalists knew each other),⁸⁶ “Gretchens Schicksal,” that is, “Gretchen’s Fate.” Inquit quotes the sentence from *Faust I* which is said to be taken from the real trial of Susanne Margaretha Brandt, “She’s not the first” (*Sie ist die erste nicht*),⁸⁷ placing this court case in a long tradition of infanticides. Inquit, unlike Tergit, praises the modern time: “For Gretchen, the punishment is death by executioner’s axe. We are no longer so cruel today.” If Tergit this time criticized the judgment of the court, which condemned the girl to two years in jail, Inquit is rather glad to ascertain that in modern society the law is not as cruel as it was in earlier times. Unlike Tergit, Inquit finds the court’s sentence correct because it “did not fail to recognize the mitigating circumstances which should be taken into account.”⁸⁸ Thus, the same figure of “Gretchen” serves for writing about the same process in very different ways. Unlike Inquit, Tergit sees Gretchen as a *modern* tragic figure because she symbolizes the failure of contemporary society to develop a conception of motherhood independent of marriage. For Tergit, the figure of the modern Gretchen is neither linked to a specific crime (abortion or infanticide) nor—as with Georg—the product of a conservative lifestyle or political habit. Rather, she is the victim of a process of social exclusion that marginalizes economically, legally, and emotionally those who do not embrace a traditional family model.⁸⁹

We’ve had abortions! The Power of Self-Reporting

A trial court can be the moment when the merciless condemnation of society is rebalanced through a verdict that considers the reasons for the act. This is also the reason why some of the women charged under §218 reported themselves to the police, as did Lotte-Gretchen in the report “Paragraph 218: A Modern Gretchen Tragedy.” Indeed, the defendant Lotte-Gretchen herself asked her friend the typist to denounce her abortion. Tergit

reveals this detail through a theatrical dialogue that quotes directly from the court interrogation:

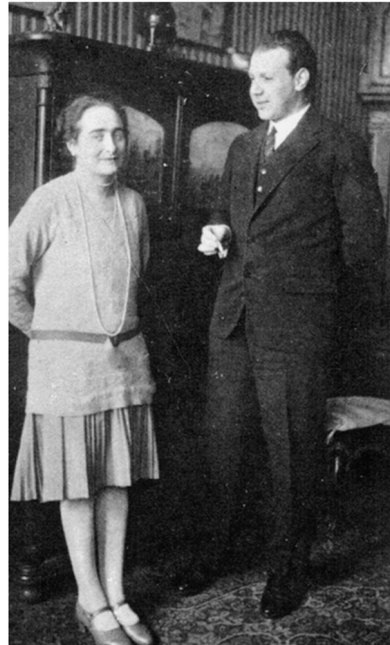
Judge: "Why did you register the complaint?"

Witness: "Lotte wanted it herself." General surprise.

Defendant: "I must confess. I wasn't sober and was so desperate, away from home, in the bar, my life ruined. I can't love anyone else. Kurt shouldn't just get away with it, I thought. It wasn't thought out."⁹⁰

Lotte's statement "I can't love anyone else" is not simply a sign of an old-fashioned, traditionalist personality, but rather the expression of Lotte's reduction to the position of an obedient (failed) child-bearer. She can't and *shouldn't* love anyone other than the man who got her pregnant. The average opinion makes a traditional (abandoned) wife out of her. However, the courtroom is a place where she can seek justice.

Tergit Lotte's self-reporting achieves its purpose. The man has been punished. Of course, not everyone would report herself to the police. Sometimes, women are forced to have an abortion not by a man but by poverty. But especially in this case, the punishment for this act, for Tergit, seems to be questionable. For example, in her report that translates as "Paragraph 218. One case among a thousand cases" (*Ein Fall aus tausend Fällen*), which was published on February 23, 1929,⁹¹ Tergit stresses the misery of the proletarian woman seeking abortion. The protagonist of this story is a 16-year-old, working-class girl. In her case, even if her boyfriend wanted to marry her, the girl's mother—who is sick and unable to work—can't lose the economic support her daughter provides. Thus, she brings the girl to a midwife who provides an abortion. The neighbors report the fact to the police, anonymously. While the "gossip in the building" (*Klatsch im Hause*) representing the judging, moralist society, criminalizes the abortion, the court gives rather a mild verdict.⁹² Highlighting the lack of agency in the proletarian milieu, the title of Tergit's report, which translates as, "One case among a thousand cases," points out the impotence of this girl, who can't decide



Gabrielle Tergit with husband Heinz Reifenberg, 1928.

anything for herself. She is just a passive individual at the mercy of the fear of her mother and the evil murmurs of the anonymous, denouncing masses.

Tergit seems to suggest a class difference here. While proletarian women are forced into abortion by their poverty, a bourgeois woman would be able to take the initiative and act. Bourgeois women can use the moment of public visibility provided by a court case to make public the social pressures they have been subjected to. Like the feminist action reported in the magazine *Stern*, which took place forty years later, in 1971, when 374 women declared having had abortions,⁹³ self-denunciation seems to give a new power to the women charged under §218 in Tergit's reports. This is also the case for the 1931 courtroom report "218 without need. Moral picture from Moabit" (*218 ohne Not. Sittenbild aus Moabit*), first published in *Berliner Tageblatt* on July 22, 1931.⁹⁴ The whole article plays with explicit denotation and implicit connotation thematizing the difference between the appearance of "respectable" people and their actual behavior. Unlike her relatives, Frau Theres, who is charged under §218 for having had three abortions, doesn't look "respectable" but rather like a "wild person." Like Lotte, Theres reported herself to the police. Tergit is not quoting *Faust* anymore, because this is not the story of an innocent, seduced girl. From *Faust's* "Gretchen" Tergit switches to Brecht's "prostitute Jenny," recalling the character played by Lotte Lenya in Brecht's play, "Pimp Ballad" (*Zuhälterballade*), and also in G. W. Pabst's movie (1931).⁹⁵ "Mrs. Theres is a wild person. With her straight pony, she looks like Lotte Lenya in the 'Threepenny Opera.' She is married to a freelance decorator who has a prosperous business. She has had three abortions."⁹⁶

Theres—who suffers from epilepsy—had an abortion even though her husband earns good money. Yet, it slowly comes out that all the people around the woman put pressure on her: The mother-in-law thinks that they shouldn't have children yet. Theres's husband takes a prostitute home, asking his wife to prostitute herself also ("Why would you not want to earn money so easily?").⁹⁷ Like the prostitute Jenny in Brecht's play, Theres decides to betray her man, denouncing him (and herself) to the police: "Then Mrs. Theres reports herself. She goes to the police denouncing herself, her husband, the wise woman [the woman who helped her aborting], and on top of that, without any reason, her two brothers and sisters from the province, who led her to the wise woman."⁹⁸

Through self-incrimination Theres frees herself. Tergit's courtroom report plays with the tension between connotation and denotation: By designating Theres as a "bad woman," in contrast with all the "respectable" people around her, Tergit suggests that appearances can be misleading, because people who seem respectable forced the woman to abort for personal interests. But now,

as a “bad woman,” Theres can begin a new, emancipated life: “She is a bad woman, she committed forgery to get 500 marks, she secretly withdrew her husband’s savings bank money, she stole from her lodgers and she also stole a lace collar from a department store. She has no criminal record. She has now divorced and started working.”⁹⁹

The narrator provokes the reader to irritation, giving voice to a supposed standard moral that would condemn Theres. The talk of the respectable, ambiguous public opinion is thus being questioned by the polyphony of the report, which intentionally quotes the ambiguous “idle talk”¹⁰⁰ of the average public opinion. The report shows the hypocrisy of those who had an easy, material existence and pressured Theres to have an abortion. Unlike the working-class girl in the report “Paragraph 218. One case among a thousand cases,” Theres, who does *not* belong to the proletariat, would have had a choice if the people around her had been supportive. In this case, Tergit’s courtroom report takes the ambiguous point of view of the average public opinion, using commonplaces to unveil the inadequacy of the average standard moral judgment. This time, the report ends with the prosecutor’s request: The verdict is, at this time, still unknown.¹⁰¹ Tergit seems thus to ask: Will Justice imitate the “idle talk” of *them*?¹⁰²

Conclusion

Every page of the newspaper, if read properly, daily contains tragedies that cry out for the stage. . . . We want the truth of our time; we want the answers to the burning questions all around us. The Gretchen scene today must proceed from the problem of how the abused child of the people frees herself from the fruit of the dissolute student Faust by claiming the right to her body. . . . A clear position, in reference to Paragraph 218, on the problem: “Your body belongs to you.”¹⁰³

With these words, Friedrich Wolf claimed in 1929 the need to update Goethe’s Gretchen for the theater from the perspective of the modern debate about abortion. On February 19, 1931, Wolf and Else Kienle were charged and arrested for providing abortions for pay.¹⁰⁴ While the debate escalated, Tergit’s courtroom reports avoided radical or overly explicit tones. Certainly, Tergit wrote for a left-liberal newspaper, which could not use the same rhetorical devices the socialist press used. Instead, Tergit employs literary techniques for a more implicit differentiation between situations and social classes. She exploits the prominence of contemporary films to create sympathy and identification. At the same time, she creates short miniatures composed of sound sequences by merging the trial’s key sentences which she transcribed as if she were a human “recording tape.” By capturing the voices

in the courtroom, she leaves it up to the reader to judge the case. At the same time, Tergit suggests role models and a way out of the loneliness: the courage of reporting the act, the attempt to start a new life. Maybe her feuilletons avoid explicitness. But the *der populäre Pakt*, “the popular pact,”¹⁰⁵ between entertainment and criticism has been a very powerful weapon of the genre of feuilleton, to which these courtroom reports belong. By showing the inadequacy of the abortion law, Tergit’s journalism stimulated critical judgment, inviting the reader to deconstruct the ambiguous ideal of the modern and independent women, who is still subject to the risk to turn at any time into the old Gretchen.

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Notes

¹ Schütz, “Wahre Verbrechen, wahrhaftige Berichte?” [True crimes, true reports], 223. Unless otherwise noted, all translations are my own.

² *Gesetz über die Zulassung der Frauen zu den Ämtern und Berufen in der Rechtspflege* [Law on the admission of women to judicial offices and professions], 11.7.1922 [July 11, 1922], RGBl I 1922, 573). The law came into effect, November 23, 1922. Kohleiss, “Frauen in und vor der Justiz” [Women in the judiciary and before the law], 120.

³ Kohleiss points out that in 1929, there were only eight women among 3,000 practicing lawyers in Berlin; in 1930, there were seventy-four female judges in Germany. Kohleiss, 121. “Altogether, the number of female attorneys in Germany should at that time have been around 120,” while there were “an estimated 12 lifetime female judges and over 100 female judges in judicial training,” quoting Röwekamp, *Juristinnen. Lexikon zu Leben und Werk* (Baden-Baden: Nomos, 2005), 468–70, 451, in Röwekamp, “Women’s Admission to the Legal Profession in Germany between 1900 and 1933,” 89, 90, 92.

⁴ Tergit, “Frauen im Gerichtsgebäude” [Women in the court building], in *Vom Frühling*, 256–57.

⁵ Before her employment at the *Berliner Tageblatt*, Tergit wrote court articles for the *Berliner Börsen Courier*. In the last years of the Weimar Republic, she also published articles in Carl von Ossietzky’s *Weltbühne* [World stage]. Tergit wrote her last court report in 1948, when she reported on the trial of Veit Harlan in Hamburg for *Die Neue Zeitung* (Munich). Brüning, nachwort [afterword] to *Atem einer anderen Welt* [Breath of another world] by Gabriele Tergit, 202–203.

⁶ Schütz, “Von Fräulein Larissa zu Fräulein Dr. Kohler?” [From Miss Larissa to Miss Dr. Kohler?], 215–37; Siemens, *Metropole und Verbrechen* [Metropolis and crime], 64; Sösemann, “Rechtsprechung im Feuilleton” [The judiciary in the feuilleton], in *Berliner Profile*, 51–75. Only seldom did Tergit cover famous trials, like the Flessa or the Kolomak trials, writing a series of court reports on them. She usually covered small court cases with a single article.

⁷ Tergit, *Käsebiert erobert den Kurfürstendamm*. The novel was translated by Sophie Duvernoy and published in 2019 as *Käsebiert Takes Berlin*. On Tergit’s career, see Schütz, “Von Fräulein Larissa zu Fräulein Dr. Kohler?” [From Miss Larissa to Miss Dr. Kohler?], 217.

⁸ After the raid of the SA-Strum 33 on Tergit’s apartment on March 4, 1933, she flew first to Prague, then to Tel-Aviv, together with her husband Heinz Reifenberg and their son Peter. In 1938 the family moved to London, where Tergit worked as a secretary of the German Exil P.E.N. Brüning, “Nachwort” [afterword] to *Gabriele Tergit. Frauen und andere Ereignisse* [Gabriele Tergit. Women and other events], 215–16.

⁹ Tergit, “Frauen im Gerichtsgebäude” [Women in the court building], 256. Original quote: “Immer noch steht Gretchen, einsam und verlassen, weil sie ihr Neugeborenes mordete, vor dem Schwurgericht.”

¹⁰ Brüning, vorwort [preface] to *Blüten der Zwanziger Jahre* [Blossoms of the

twenties], by Gabriele Tergit, 10.

¹¹ Brüning, 10–11.

¹² Sling, “Wie ich Gerichts-Berichterstatter wurde” [How I became a court reporter], in *Der Mensch, der schießt* [The man who shoots], 20.

¹³ For a historical portrait of Sling, see Sösemann, “Rechtsprechung im Feuilleton” [The judiciary in the feuilleton], 51–75.

¹⁴ McQueen, “Into the Courtroom,” 14, 18. Sling’s courtroom reports brought “to focus details unimportant to the court’s execution of the law but fundamental to understanding the dynamic of the trial and the character of those present,” McQueen, 17.

¹⁵ Paragraph 170, *Gerichtsverfassungsgesetz* [German Judiciary Act] in RGBI, 1877, no. 4, 72; Ortman, *Machtvolle Verhandlungen* [Powerful proceedings], 111.

¹⁶ Ortman, 111–13.

¹⁷ Schütz, “Wahre Verbrechen, wahrhaftige Berichte?” [True crimes, true reports], 222–23.

¹⁸ On the role of the feuilleton as a genre rooted in the tradition of German literary journalism, see Eberwein, “Verselbstständigung und Differenzierung: Feuilletonismus und Literarische Reportage,” in *Literarischer Journalismus*, 118–29. On the genre of the feuilleton, see also Kernmayer and Jung, *Feuilleton*, and Ethel Matala de Mazza, *Der populäre Pakt* [The popular pact].

¹⁹ Eberwein, “Verselbstständigung und Differenzierung,” 124. Original quote: “provokatives Alternativmodell.”

²⁰ Erian, “‘Pflichtbewußte Tagesschriftsteller’ im Wien um 1918” [‘Committed daily writers’ in Vienna around 1918], 107–24.

²¹ Siemens, “Explaining Crime,” 338.

²² He “deleted, put things together, raised a thought from the confused darkness into the clarity of a light-filled prose[.]” Tergit, *Etwas Seltenes* [Something rare], 20, 29; Chambers, “‘Eine ganze Welt baut sich im Gerichtssaal auf’ [A whole world is taking shape in the courtroom]: Law and order in the reportage of Joseph Roth and Gabriele Tergit,” in *Vienna Meets Berlin*, 98–99.

²³ Tergit, *Etwas Seltenes überhaupt. Erinnerungen* [Something altogether rare. Memories], 20.

²⁴ Tergit, “Berliner Existenzen” [Berlin existences], 47–84.

²⁵ Henneberg, “Die sieben fetten Jahre im Leben einer Generation” [The seven fat years in the life of a generation], Nachwort [afterword] in Tergit, *Käsebier erobert den Kurfürstendamm*, 388.

²⁶ Tergit, “Liebe und Ehe im neuen Russland” [Love and marriage in the new Russia], in Tergit, *Frauen und andere Ereignisse*, 158–63; *Berliner Tageblatt*, March 6, 1931. Tergit reviewing and citing: Liebermann, *Im Namen der Sowjets* [On behalf of the Soviets]. Brüning also cites Tergit’s review of Liebermann’s collection to emphasize Tergit’s historical and scientific approach to court reporting. Brüning, *Atem einer anderen Welt* [Breath of another world] by Gabriele Tergit, “Nachwort” [Afterword], 195.

²⁷ Tergit, “Liebe und Ehe im neuen Russland” [Love and marriage in the new

Russia], 158. Original quote: “Besser als das Werk der Dichter und Historiker gibt die ursprüngliche Quelle, der Brief, das Tagebuch, das aufgezeichnete Gespräch, das Wesentliche einer Epoche. Die Akten eines Kriminalfalls bestehen außer dem Formalen aus diesen ursprünglichen Quellen zur Erkenntnis der typischen Gefühle einer Zeit.”

²⁸ Tergit, 159.

²⁹ Liebermann, “Der Mord an Galina Mrawina” [The murder of Galina Mrawina], in *Im Namen der Sowjets* [On behalf of the Soviets], 111–214.

³⁰ Tergit, “Liebe und Ehe im neuen Russland” [Love and marriage in the new Russia], 158.

³¹ Strafgesetzbuch für das Deutsche Reich (vom 15. Mai 1871) [German Penal Code, May 15, 1871] in *Reichsgesetzblatt* (14.6.1871 [June 14, 1871]), 127–205.

³² Osborne, *Cultures of Abortion in Weimar Germany*, 5; Behren, “Kurze Geschichte des Paragraphen 218 Strafgesetzbuch” [Brief History of Paragraph 218 of the Criminal Code], 12–19.

³³ Paragraph 218 of the German Penal Code (1871) prescribed: “Eine Schwangere, welche ihre Frucht vorsätzlich abtreibt oder im Mutterleibe tötet, wird mit Zuchthaus bis zu fünf Jahren bestraft. Sind mildernde Umstände vorhanden, so tritt Gefängnißstrafe nicht unter sechs Monaten ein.

Dieselben Strafvorschriften finden auf denjenigen Anwendung, welcher mit Einwilligung der Schwangeren die Mittel zu der Abtreibung oder Tötung bei ihr angewendet oder ihr beigebracht hat” [A pregnant woman who has an abortion or who has her foetus [in German *Frucht*, fruit] destroyed in the womb is to be sentenced to penal servitude for up to five years. If there are mitigating circumstances the penalty is reduced to a minimum of six months’ imprisonment. The same penalty applies to any person helping to procure an abortion or to destroy a fruit in the womb with the consent of the pregnant woman] in *Strafgesetzbuch für das Deutsche Reich* [German Penal Code], 167. English translation from Osborne, Chapter 1 Notes, *Cultures of Abortion*, 228, n2. “Helping to procure” means both providing or performing an abortion.

³⁴ Paragraph 217 and 219 of German Penal Code (1871), 167.

³⁵ Osborne, “Towards a Cultural History of Abortion,” in *Cultures of Abortion*, 5–25.

³⁶ Gertrud Bäumer was one such member. It was Bäumer who also encouraged Tergit to write her first article in 1915. Tergit’s, “Frauendienstjahr und Berufsbildung” [Women’s service year and professional training] in Brüning, *Gabriele Tergit. Frauen und andere Ereignisse*, 7–11, was first published in *Der Zeitgeist, Beiblatt zum Berliner Tageblatt* (November 22, 1915). Later, Tergit—although acknowledging the merits of the bourgeois women’s movement—distanced herself from the ‘first generation’ of the women’s movement and, in particular, from Helene Stöcker. Tergit, “Bilanz der Frauenbewegung,” [Review of the women’s movement] in Brüning, *Gabriele Tergit. Frauen und andere Ereignisse*, 179–80, first published in 1932; Tergit, “Kleine Diskussion,” in Brüning, *Gabriele Tergit. Frauen und andere Ereignisse*, 112–15, first published in *Berliner Tageblatt* (August 17, 1928). About the

relationship between Tergit and the women's movement, see also Schüller, " 'Der Menschheit anderer Teil, die Frau.' " [The other part of humanity, the woman], 18.

³⁷ Osborne, *Cultures of Abortion*, 3. On the reports about abortion written by another journalist of this time, Maria Leitner, see Marx, "Nach eigenem Gutdünken" [At your own discretion].

³⁸ Küpper, " 'Herrin ihres eigenen Körpers,' " [Master of her own body], 123–24.

³⁹ Gesetz zur Abänderung des Strafgesetzbuchs [Law amending the Criminal Code], *Deutsches Reichsgesetzblatt* 1926, 239; Behren, "Kurze Geschichte" [Brief history], 14.

⁴⁰ *Ärztliche Schwangerschaftsunterbrechung. Notstand* [Medical termination of pregnancy. Emergency], *Entscheidungen des Reichsgerichts in Strafsachen* [Decisions of the Reich Court on criminal cases] (*RGSSt*) (11.03.1927 [March 11, 1927]), 242–258; Behren, "Kurze Geschichte" [Brief History], 14; Osborne, *Cultures of Abortion*, 5.

⁴¹ Piscator, *Frauen in Not: §218* [Women in need: section 218] (theater play); Berger, *Kreuzzug des Weibes* [The wife's crusade]; Dudow, *Kuhle Wampe oder: Wem gehört die Welt?* [Kuhle Wampe or who owns the world?].

⁴² Avdeev, Blum, and Troitskaya, "The History of Abortion Statistics in Russia and the USSR from 1900 to 1991," 41.

⁴³ Henneberg, "Montag und Donnerstag Überfall" [Monday and Thursday raid], Nachwort [Afterword] in Tergit, *Vom Frühling*, 311–17.

⁴⁴ Tergit, *Etwas Seltenes überhaupt* [Something altogether rare], 109–110; Schütz, *Romane der Weimarer Republik* [Novels of the Weimarer Republik], 156.

⁴⁵ Tergit, *Etwas Seltenes überhaupt* [Something altogether rare], 110. Original quote: "...einen Helden wollen die Leute auf der Bühne sehen. Sie haben genug von diesen albernem Stücken über §218 oder 'Masse Mensch.' "

⁴⁶ Wolf, *Cyankali* (§218) [Cyanide §218] in Wolf and Hammer, *Cyankali von Friedrich Wolf. Eine Dokumentation*, 5–69.

⁴⁷ Wolf and Hammer, "Von der 'Alltagslegende,' zu 'Cyankali,'" in *Cyankali von Friedrich Wolf*, 101.

⁴⁸ Tergit's court reports on abortion published in the *Berliner Tageblatt* are: "Berliner Aertze vor Gericht. Der vielumkämpfte § 218" [Berlin doctors on trial. The much-disputed section 218], July 26, 1925, 30–31; "Moderne Gretchen-tragödie. Mädchen—Liebhaber—Arzt—Hebamme" [Modern Gretchen tragedy. Girl—lover—doctor—midwife], November 8, 1926, Montag-Ausgabe [Monday edition], 6. "Ein Fall aus tausend Fällen" ["Paragraph 218. One case among a thousand cases"], February 23, 1929, 16; "Paragraph 218 . . . Abtreibungsprozess ohne Frauen" [Section 218 . . . Abortion trial without women], January 14, 1931, 17; "Paragraph für Erpresser. Wenn einem Frauenarzt das Krankenjournal gestohlen wird" [The (penal code) section for blackmailers. The case of a stolen gynecologist's journal], May 17, 1931, 39; "218 ohne Not. Sittenbild aus Moabit" [218 without need. Moral picture from Moabit], July 22, 1931, 5; "Armes Kind . . . Mitleid in Moabit" [Poor child . . . Compassion in Moabit], February 5, 1932, 19.

⁴⁹ *Encyclopaedia Britannica*, online ed. (2018), s.v. “antonomasia.” Accessed January 31, 2023. <https://www.britannica.com/art/antonomasia>.

⁵⁰ Tergit, “Moderne Gretchentragödie. Mädchen–Liebhaber–Artz–Hebamme,” in *Wer schießt aus Liebe? Gerichtsreportagen* [Who shoots for love: Court reports], 62–64. Hereafter quoted from the translation “Paragraph 218: A Modern Gretchen Tragedy” in Kaes, Jay, and Dimendberg, *Weimar Republic Sourcebook*, 202–203. Author research notes: Kaes omitted the subtitle in his translation and slightly modified the title. The article was published November 8, 1926, not November 5, in the *Berliner Tageblatt*. https://dfg-viewer.de/show?id=9&tx_dlf%5bid%5d=https%3a%2f%2fcontent.staatsbibliothek-berlin.de%2fzfefys%2fsnp27646518-19261108-0-0-0-0.xml&tx_dlf%5bpage%5d=6.

⁵¹ Goethe, “Faust I” in *Faust. Texte*, 31–199.

⁵² Matussek, “Faust I” in *Goethe-Handbuch*, 4:355.

⁵³ Murnau, *Faust. Eine Deutsche Volkssage* [Faust, A German Folktale], written by Hans Kyser, directed by Murnau, Ufa-Palast, Berlin.

⁵⁴ Tergit, “Paragraph 218: A Modern Gretchen Tragedy,” 202–203. Murnau, *Faust. Eine Deutsche Volkssage* [Faust, A German Folktale], written by Hans Kyser.

⁵⁵ Engel, “Faust im Film. Ufa-Palast am Zoo” [Faust in film. Ufa-Palast am Zoo], review of *Faust. Eine Deutsche Volkssage*, October 15, 1926, 4; Olimaky, “Der Faustfilm,” review of *Faust. Eine Deutsche Volkssage*, *Berliner Börsen-Zeitung*, October 15, 1926, 2.

⁵⁶ Olimaky, 2.

⁵⁷ On Tergit’s reference to the play and also to the film see Siebenpfeiffer, in “*Böse Lust*” [evil desire], 166; and Notes, 263, n91.

⁵⁸ Tergit, “Gretchen Tragödie. Der Osterspaziergang ins Mittelalter” [Gretchen tragedy. The Easter walk into the Middle Ages], in *Wer schießt aus Liebe?* [Who shoots for love?], 121–23.

⁵⁹ M.G. [Manfred Georg, later: George], “Drei Frauen stehen heute vor uns. Die drei Typen: Gretchen, Girl, Garçonne” [Three women stand before us nowadays. These three types are: the Gretchen, the Girl, the Garçonne], 17.

⁶⁰ Georg, “Drei Frauen,” 17. Original quote: “... jener Widerstand, der oft aus Trägheit, oft auch einfach aus Inferiorität sich weigert, die Schwierigkeiten einer neuen fraulichen Lebensform zu teilen, und der gefühlsduselig für sich privat wieder den Absolutismus des Gretchen-Zeitalter mit den Annehmlichkeiten des schließlich doch sehr bequem erlösenden Faust-Schicksal errichtet.”

⁶¹ Hung, “The Modernized Gretchen,” 55–56.

⁶² Hung, 55, 55–56. Emphasis mine.

⁶³ Behren, “Kurze Geschichte” [Brief history], 12.

⁶⁴ Georg, “Drei Frauen,” 17. Original quote: “Das Gretchen ist nicht nur die deutsche Jungfrau mit Zöpfen und Strickstrumpfhorizont, es ist auch die heidisch und militärisch sich gebärdende Faschistin” [Gretchen is not only the German maiden with braids, whose only ambition is to knit stockings, but also the pagan and military fascist]. Hung “The Modernized Gretchen,” 79, uses the term “moderately modern” in his analyses of Georg’s article.

⁶⁵ Tergit, "Paragraph 218: A Modern Gretchen Tragedy," 202.

⁶⁶ Schütz, " 'Heimat war das Tier, das sie die täglichen Berufswege führte,' " [Homeland was that animal that carried her to work every day], 9–14.

⁶⁷ Tergit, "Paragraph 218: A Modern Gretchen Tragedy," 203.

⁶⁸ On the role of the "New Woman" in Tergit's Work, see Schüller, " 'Der Menschheit anderer Teil, die Frau,' " [The other part of humanity, the woman], 15–23.

⁶⁹ Tergit, "Paragraph 218: A Modern Gretchen Tragedy," 203.

⁷⁰ Schütz, "Heimat war das Tier" [Homeland was that animal], 7. Original quote: "Überhaupt operiert sie [Tergit] bei ihren Porträts gerne mit . . . typologischen Gegenüberstellungen."

⁷¹ Tergit, "Paragraph 218: A Modern Gretchen Tragedy," 203, 202.

⁷² Emphasis mine.

⁷³ In her memories, Tergit remembers, "When I wrote about a trial, my brain captured like a recording tape the one key sentence of the court proceeding . . ." Tergit, *Etwas Seltenes überhaupt* [Something altogether rare], 25. Original quote: "Wenn ich über einen Prozeß schrieb, so hielt das Aufnahmeband, das mein Gehirn ist, den einen entscheidenden Satz des Prozesses fest . . ."

⁷⁴ Tergit, "Paragraph 218: A Modern Gretchen Tragedy," 202 (text clarification mine).

⁷⁵ Tergit, 203.

⁷⁶ Murnau, *Faust. Eine Deutsche Volkssage* [Faust. A German folk tale], 1:40:35–1:41:20.

⁷⁷ Tergit, "Gretchen-Tragödie. Der Osterspaziergang ins Mittelalter" [The Easter walk into the Middle Ages], 121–23.

⁷⁸ Tergit, 122. Original quote: "Es war sehr hübsch."

⁷⁹ Siebenpfeiffer, *Böse Lust* [Evil desire], 166.

⁸⁰ Tergit recreates this situation in her 1951 novel *Effingers* (1951), telling the story of the poor tailor Käte Winckler and her friend Lischen Wolgst. Tergit, *Effingers, Roman*, 93–97.

⁸¹ Tergit, "Gretchen-Tragödie. Der Osterspaziergang ins Mittelalter" [Gretchen Tragedy. The Easter walk through the Middle Ages], 122. Original quote: "Kaffee machen für die Herrschaften."

⁸² Tergit, 122. ("Gehirnblutlehre")

⁸³ Tergit, 123.

⁸⁴ Tergit, 122 (clarification, mine). Original quote: "Was Goethe der Menschheit ganzer Jammer genannt hatte, hieß hier im Urteil 'Unannehmlichkeit.' "

⁸⁵ Tergit, 122. Original quote: "Keine Frau außer der Angeklagten war an diesem Prozeß beteiligt."

⁸⁶ Tergit, *Etwas Seltenes überhaupt* [Something rare], 172.

⁸⁷ Inquit, "Gretchens Schicksal" [Gretchen's fate], 21; Goethe, *Faust I* (188, V. 13); Matussek, "Faust I," 370.

⁸⁸ Inquit, "Gretchens Schicksal. Aus den Berliner Gerichten" [Gretchen's fate. From the Berlin Tribunals], 21.

⁸⁹ Tergit also uses "Gretchen" as antonomasia in "Wer schwindelt Heirat?"

[Who commits marriage fraud] in *Vom Frühling*, 262–65.

⁹⁰ Tergit, “Paragraph 218: A Modern Gretchen Tragedy,” 203.

⁹¹ Tergit, “Paragraph 218. Ein Fall aus tausend Fällen” [Paragraph 218. One case among a thousand cases], in Tergit, *Vom Frühling*, 141–42.

⁹² “. . . a sentence that appears to have been pronounced more to satisfy the letter of the law than out of conviction of the punishability of this act.” Tergit, 142.

⁹³ “Wir haben abgetrieben” [We have aborted], in *Stern*, June 6, 1971, front page and 16–23. Also quoted in Behren, “Kurze Geschichte” [Brief History of Paragraph 218], 16; Meier, “Wie hat sich das Verhältnis der Frauen zur Abtreibungsfrage geändert?” [How has women’s attitude to the abortion issue changed?], *Pro Familia Magazin*. January 1986, 6f, quoted in Behren, “Kurze Geschichte” [Brief History of Paragraph 218], 16.

⁹⁴ Tergit, “218 ohne Not. Sittenbild aus Moabit” [218 without need. Moral picture from Moabit], in Tergit, *Vom Frühling*, 227–29.

⁹⁵ In “Pimp Ballad” [*Zuhälterballade*], Macheath and prostitute Jenny recall their time together as a couple, when their household was a “whorehouse” and Jenny got pregnant. “But that ended up falling apart,” says Macheath. Shortly before this scene, Jenny betrayed him and reported him to the police. Brecht, “Die Dreigroschenoper,” in *Stücke 2*, [*Zuhälterballade*], 272–73.

⁹⁶ Tergit, “218 ohne Not” [218 without need], 228. Original quote: “Frau Theres ist eine wilde Person. Sie sieht mit ihren glatten Ponys aus wie die Lotte Lenya in der ‘Dreigroschenoper.’ Sie ist verheiratet mit einem selbständigen Dekorateur, der ein gutgehendes Geschäft hat. Sie hat dreimal abgetrieben.”

⁹⁷ Tergit, 229. Original quote: “Warum wolle sie nicht so leicht Geld verdienen?”

⁹⁸ Tergit, 229 (explanatory comment, mine).

⁹⁹ Tergit, 229.

¹⁰⁰ Heidegger, *Being and Time*, 211–14.

¹⁰¹ Tergit, “218 ohne Not,” 229.

¹⁰² Heidegger, *Being and Time*, 211–14.

¹⁰³ Wolf, “The Stage and Life,” 542; quoted from the translation in Kaes, Jay, and Dimendberg, *Weimar Republic Sourcebook*, 542.

¹⁰⁴ Wolf and Hammer, *Cyanide von Friedrich Wolf* [Cyanide by Friedrich Wolf], 276.

¹⁰⁵ On the connection between the popular and the political, and the role played by the feuilleton, see Matala de Mazza, *Der populäre Pakt* [The popular pact], 7–29; 62–73.

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