

Magdalene Gutenberg, Speech at a Gynecologists' Conference on the Termination of a Pregnancy after a Crime of Violence (October 5–6, 1946)

Abstract

The mass rape of German women at the end of the war, especially by Soviet soldiers, the problems of establishing families in a shattered society, and the political and economic pressure on women to participate in the country's reconstruction and enter the workforce made the legal regulation of abortion an important women's and sociopolitical issue after 1945. Abortion was permitted in the Soviet occupation zone after August 1945 in cases of rape, but critics argued that this regulation invited abuse. Still, in October 1946, Magdalene Gutenberg defended the right of women to terminate pregnancies resulting from rape.

Source

"In the discussion today, substantial charges were repeatedly raised about the abusive exploitation of the law of August 28, 1945, concerning the termination of a pregnancy caused by a sexual crime. In fact, there was even a demand to repeal this law in order to avoid these abuses. [...]"

Incorrect decisions in which the termination of a pregnancy was authorized on the basis of false information account for, at most, 25% of cases – and not, as stated here, 50–75%. However, this fact, i.e., that a certain percentage of incorrect decisions occurs, must under no circumstances provide reason to eliminate the law of August 29, 1945. The woman must have the fundamental right to demand the termination of pregnancy if that pregnancy was caused by a crime of violence. Whether the approval of termination is used in each case or whether it is refrained from for health or ideological reasons must be left to each individual woman. Questions of doubt about the nature and advisability of carrying out the termination of a pregnancy are irrelevant vis-à-vis the woman's fundamental right."

Source: Magdalene Gutenberg, Speech at a Meeting of Gynecologists on the Termination of a Pregnancy after a Crime of Violence (October 5–6, 1946), *Zentralblatt für Gynäkologie* (1947), Heft 2; reprinted in Udo Wengst and Hans Günther Hockerts, *Geschichte der Sozialpolitik in Deutschland seit 1945*, Bd. 2/2: 1945–1949: *Die Zeit der Besatzungszonen. Sozialpolitik zwischen Kriegsende und der Gründung zweier deutscher Staaten. Dokumente*. Baden-Baden: Nomos, 2001, No. 87, pp. 185–86.

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