

The Bishop of the Protestant Church in Thuringia, Moritz Mitzenheim, on the Draft Bill about the Termination of Pregnancy (November 24, 1947)

Abstract

After 1945, there were efforts in the states of the Soviet occupation zone to reform § 218 of the Penal Code. The goal of these efforts was to permit abortion without punishment not only when the mother's life was in danger, when there was a risk of hereditary disease, or when the pregnancy resulted from rape, but also, under certain conditions, in cases of social hardships. The Protestant bishop of Thuringia, Moritz Mitzenheim, sharply opposed these efforts, which he believed undermined the worth of human life as such, and recommended instead that the state and the church offer economic and social help to pregnant women.

Source

To the Parliamentary Group of the Socialist Unity Party in the Legislative Assembly [*Landtag*] of Thuringia

With growing concern, I am following the discussions that, as in the other states of the Eastern Zone, are now occurring in Thuringia, too. These discussions concern a change to § 218 of the Penal Code [StGB]. Your parliamentary group has submitted to the Thuringian *Landtag* a draft bill on the termination of pregnancy, and it will be up for a vote shortly. While I am far removed from any intention of meddling in your and your friends' political activity, I find myself impelled by this circumstance, as the bishop of the Protestant Church of Thuringia, to address, in full confidence, frank words to you and your parliamentary group, for in this matter we all bear equal responsibility before our nation and for our nation's future.

[...]

Independent of religion and confession, it is no doubt unanimously anchored in the ethical consciousness of humankind that the killing of human life is excusable only when it concerns self-defense or just retribution as part of an orderly legal process. At the beginning of all culture stands the commandment to protect life as a sacred sphere from the interference of humans. We Christians find these basic laws in the divine commandment "Thou shalt not kill." That this commandment was disregarded and became buried and overgrown in the moral consciousness of the comrades in law [*Rechtsgenossen*] is not the least of the reasons why Germany was led into the horrifying downfall of a barbaric dictatorship and fell into the abyss of collapse. This realization obligates the church, just as it raised its voice back then against the "euthanasia" murders, to help, out of a sense of mercy, to find the necessary clarity today as well.

Every termination of a pregnancy means a violation of this divine commandment. In cases where there is an immediate threat to the life of the mother and child, the killing of the budding life may be excusable from the perspective of self-defense. The termination of a pregnancy in clearly proven cases of sexual abuse may seem pardonable in individual cases in the confused situation of our chaotic present. But a killing for other reasons, even if it should occur with public toleration and support, remains a sin and an injustice whose inescapable consequences nobody is capable of foreseeing right now. Let us beware of placing momentary considerations of utility above God's commandment!

[...]

To be sure, it is a matter for the state to decide which cases it will punish and which injustices it will dismiss without heed and tolerate. But if a crime against budding life, which hitherto faced the threat of punishment, goes unpunished, indeed, in some cases is even supposed to be committed under state supervision, the unavoidable consequence is that the basic law of all human coexistence, respect for the life of the other person, becomes obscured again, and the barely begun re-education of our people to a humanitarian mindset is halted and must seem questionable.

[...]

Out of this social responsibility, which the Church, like every organization of public life, bears, I propose the following:

In a manner still to be agreed upon, the Church, using the means of the Internal Mission and the *Hilfswerk* [welfare organization of the church], will look after all mothers who, for social reasons, believe they are not able to create life possibilities for their child, and will help them to care for and raise their children such that they can get through the crisis time of our current misery without endangering themselves and their children. It must be possible for the combined efforts of state and church offices and organizations of the charitable welfare system to create life possibilities for every person. It must be possible in a social state to render the regulation proposed by § 2, subparagraph 2, superfluous. I therefore ask you to revise the draft in so far as it concerns the termination of pregnancy for social reasons, and to initiate the preparation of immediate measures, in which the church will participate with its means, so that expectant mothers suffering economic hardship can be helped.

[...]

Source: Jürgen John, ed., *Quellen zur Geschichte Thüringens 1945–1952*, vol. 9/1. Erfurt, 1999, pp. 340–43; 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* [The History of Social Policy in Germany since 1945, Vol. 2/2: 1945–1949. The Era of the Occupation Zones. Social Policy between the End of the War and the Founding of Two German States. Documents]. Baden-Baden: Nomos, 2001, no. 182, pp. 410–12.

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