

Population Planning and Gender Equality—Abortion in the GDR

Introduction

In 1972, the abortion law in the German Democratic Republic (GDR) underwent a significant liberalization process. Abortions were no longer prohibited, and it became possible to terminate pregnancies up to the twelfth week without providing legally recognized reasons. The new law replaced the restrictive legislation enacted during the founding period of the GDR. The legal reform of 1972 brought about two significant changes regarding unintended pregnancies: Firstly, the decades-long and partially humiliating practice of obtaining approval for abortion from a commission was abolished. Secondly, and perhaps more crucially, unintended pregnancies no longer needed to be terminated illegally. The broader public welcomed the new law, with exceptions from certain groups, including Christian churches and conservative parties, notably the Christian Democratic Union (CDU). Despite the endorsement, the liberal approach to abortions came to an abrupt halt with the reunification of the two German states and the reinstatement of the (West-) German Section 218 of the Criminal Code—commonly known as § 218. Even in current debates surrounding § 218 in Germany, the liberal approach of the GDR's abortion law plays a minor role, if any at all.

However, upon closer examination of the GDR's scientific debates and population policy strategies of the 1960s, the 1972 law appears far from surprising. Instead, it aligns with a series of gender equality measures aimed at fostering economic growth through a high birth rate and simultaneous integration of women into the workforce, justified based on the constitutionally guaranteed principle of gender equality. These measures have been criticized for their shortcomings in effectively promoting genuine gender equality, a subject extensively discussed.¹ Moreover, many of these initiatives, particularly the right to legal abortions, were motivated by population planning objectives rather than solely by principles of gen-

1 Ferree, Myra Marx: After the Wall: Explaining the Status of Women in the Former GDR, in: *Sociological Focus* 28 (1995), No. 1, pp. 9–22.

der equality. Nonetheless, by situating the history of abortion rights in the GDR within the context of relevant political and scientific debates of the respective era, this analysis aims to contribute to the exploration of the intricate relationship between women's rights and (state) socialism.

Controversies around § 218

Before exploring the legal aspects of abortion in the Soviet occupation zone (SBZ) and later in the GDR, it is essential to delve into the history of the German abortion paragraph briefly. § 218 of the Criminal Code was established with the formation of the German Empire in 1871, defining abortions as criminal acts against human life. The enactment of § 218 in 1871 must be examined in the context of the discursive shifts observed in abortion debates worldwide. For centuries, the so-called right to life of the fetus played a minimal role. However, starting in the Middle Ages, the question of when human life begins gained increasing importance. Both canon and secular law began to refer to Aristotle's considerations, which posited that the fetus undergoes gradual ensoulment after conception, reaching completion at 40 days for male and 90 days for female fetuses.² In secular jurisprudence, the perception of the fetus evolved further during the Enlightenment, transforming into a protected entity. At the same time, the ›nascent human‹ was redefined as a ›future citizen‹, even though abortions initially remained non-punishable.³ This shift is closely tied to the building process of sovereign nation-states, including Germany. With the establishment of the German Empire, a constitution came into effect that, for the first time in German legal history, codified supra-regional regulations on abortion. As punishment, imprisonment or fines were prescribed. The law did not recognize any exceptions for legal abortions.⁴ By addressing abortions in the Criminal Code under the section ›Crimes and Offenses against Life‹, German legislation consequently attributed human

2 Jerouschek, Günter: *Mittelalter. Antikes Erbe, weltliche Gesetzgebung und Kanonisches Recht*, in: Jütte, Robert (ed.): *Geschichte der Abtreibung: von der Antike bis zur Gegenwart*, München 1993, pp. 27–43.

3 Jerouschek, Günter: *Zur Geschichte des Abtreibungsverbots*, in: Staupe, Gisela/Vieth, Lisa (eds.): *Unter anderen Umständen: zur Geschichte der Abtreibung*, Berlin 1993, pp. 18–23.

4 *Strafgesetzbuch für das Deutsche Reich vom 15. Mai 1871: Paragraph 218. Schwangerschaftsabbruch*, lexetius.com/StGB/218/schwangerschaftsabbruch (29.02.2024).

life to the fetus and established the immediate beginning of human life at conception.

Since its introduction, § 218 has been the subject of societal debates and political reform movements. In the early twentieth century, various women's movements advocated liberalization, particularly the radical women's movement led by Helene Stöcker. In the 1920s, the permissibility of abortions became a fundamental demand of the proletarian health movement in the Weimar Republic. It is essential to distinguish that feminists like Helene Stöcker aimed to strengthen reproductive self-determination, while the proletarian health movement saw the criminalization of abortions primarily as perpetuating a two-class society. The latter argued that privileged women would always have access to safe abortion methods, while less privileged women would rely on riskier approaches and unqualified practitioners. In the Weimar Republic, political parties like the *Communist* or *Social Democratic Party* called for legal liberalization. However, the lack of a parliamentary majority in the 1920s prevented any fundamental reform of § 218. In 1927, a legal change was enacted, exempting abortions from punishment if medically indicated, specifically when the life or health of the pregnant woman was at risk. The penalty was also significantly reduced.⁵

Shortly after the Nazis seized power in 1933, German abortion laws were revised once again, establishing a state-coordinated control over female reproductive capacity in two directions: An abortion ban was imposed on ›genetically healthy‹ and ›racially superior‹ women, who were expected to give birth to a minimum of four children to sustain the German »Volkskörper«, while pregnancies identified as ›genetically inferior‹ (for example, those of foreign women) were compelled to be terminated coercively. Consequently, both abortion prohibition and forced abortion coexisted under National Socialism.⁶

This brief digression into the history of § 218 illustrates both the significance of definitions of the beginning of human life as well as the crucial aspects of population planning strategies within abortion discourses. For

5 Soden, Kristine von: ›§ 218 - streichen, nicht ändern!‹ Abtreibung und Geburtenregelung in der Weimarer Republik, in: Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 36–50.

6 Czarnowski, Gabriele: Frauen als Mütter der ›Rasse‹. Abtreibungsverfolgung und Zwangseingriff im Nationalsozialismus, in Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 58f.

centuries, there have been debates about when human life begins and—seemingly automatically—the right to reproductive self-determination ends. In this context, the significance of women’s bodies as political bodies must be emphasized. In particular, through the restriction of the right to abortion, women are still held accountable for the continuity of society through (re)production.⁷

Liberal handling in post-war Germany

As sexual violence escalated toward the end of the war, with mass rapes perpetrated by soldiers against women of enemy states, the Nazi abortion laws were amended through an additional decree in 1945: henceforth, pregnancies resulting from rape were permitted to be terminated. However, this exception applied exclusively to cases of rape committed by Russian soldiers, while abortions resulting from other forms of sexual abuse remained prohibited. After the end of World War II, the Allied Control Council revoked all Nazi decrees, including those related to abortion, and reinstated the legal framework of 1927. In practice, abortions due to rapes by Russian soldiers were often maintained.⁸

The challenging post-war circumstances, coupled with widespread sexual violence, sparked discussions for an expanded spectrum of indications for legal abortions. The Allied Control Council, as the supreme governing authority, failed to reach a unified solution on the issue of abortion; instead, various zonal laws were enacted.

In the Soviet Occupation Zone, the Military Administration advocated early liberalization. Among the reasons were the challenging post-war living conditions and the occupiers’ concern that the ongoing rapes by members of the Red Army would undermine the moral acceptance of the liberators. A draft created in 1946 included not only medical and criminological indications but—for the first time in German law—social reasons for the legal termination of a pregnancy. However, due to jurisdictional limitations, the draft could not be enacted as a zone-wide decree.

7 Ankum, Katharina von: Political Bodies: Women and Re/Production in the GDR, in: *Women in German Yearbook*, vol. 9, Lincoln 1993, pp. 127–144.

8 Poutrus, Kirsten: Von den Massenvergewaltigungen zum Mutterschutzgesetz. Abtreibungspolitik und Abtreibungspraxis in Ostdeutschland, 1945-1950, in: Bessel, Richard/Ralph Jessen (eds.): *Die Grenzen der Diktatur: Staat und Gesellschaft in der DDR*, Göttingen 1997, p. 179.

Instead, corresponding draft laws were introduced into the state parliaments (*Länderparlamente*) of the Soviet Occupation Zone and adopted in different forms. All five states enacted a so-called ›ethical indications‹, allowing abortions in case of rape. All parliaments, except Saxony-Anhalt, agreed upon approving social circumstances, e.g., poverty or general living conditions. In Saxony-Anhalt, the introduction of a social indication failed to garner majority support. Additionally, in all five states, commissions were established at the Health Departments to decide on submitted abortion applications. These commissions were an integral part of the abortion practices in the GDR and existed until the liberalization in 1972.

As previously explained, the enactment of the state laws (*Ländergesetze*) was primarily motivated by the challenging living circumstances in post-war Germany. The liberalizations aimed to become a pragmatic solution to the ›abortion dilemma‹ and should be repealed once economic stability was restored. Arguments of reproductive self-determination appeared to be irrelevant. Moreover, the criminalization of abortions should be maintained, as evidenced by a quote from Maxim Zetkin, the former Vice President of the Central Administration for Health Care: »Grundsätzlich sind wir für eine Aufrechterhaltung des Paragraphen 218. Dieses sogenannte Recht der Frau auf den Körper könne man nicht anerkennen, müsse aber der Zeit Rechnung tragen.«⁹

Nation-building and motherhood

The GDR was officially established on October 7, 1949. The »Gesetz über den Mutter- und Kinderschutz und die Rechte der Frau« (›Maternal and Child Protection and Women’s Rights Act‹) was introduced shortly after its founding. The act refers to the constitutionally guaranteed equality of men and women while emphasizing a high birth rate to secure the nation’s future. In addition to birth-promoting measures such as appropriate support services, a nationally applicable abortion law was also included. »Im Interesse des Gesundheitsschutzes der Frau und der Förderung

9 Translations in this document were provided by the author: ›Essentially, we are in favor of maintaining Paragraph 218. This so-called right of women to their bodies cannot be recognized, but we must take into account the current times.‹ Poutrus: Von den Massenvergewaltigungen zum Mutterschutzgesetz, p.184.

der Geburtenzunahme[...]«¹⁰ abortions were no longer allowed, only in case of medical or genetic reasons. Even terminating a pregnancy resulting from rape was no longer legally allowed.

The strategy of promoting population growth through child-related social benefits and restricting abortion rights are closely interwoven with the founding of the GDR as a Socialist state, following the Soviet-Stalinist model. In the Soviet Union, abortion had been banned since 1936. Simultaneously, the full integration of women into the workforce was essential for increasing labor and economic productivity.¹¹

The only remaining element from the former state laws was the presence of the commissions, where pregnant women still had to ask for permission to abort the pregnancy. Approval rates varied significantly by region, partly due to widespread uncertainty about the interpretation of the new abortion law. There were unpredictabilities both among medical professionals as well as the women seeking approval to terminate their pregnancies. The new law promised a regulation that would clarify medically accepted reasons for legal abortions, but this was not published in the years following the law's enactment. Numerous letters from physicians to the Ministry of Health have been preserved, requesting specific information on these medical criteria.¹² For the women, the uncertain outcomes of often inquisitorial commission hearings, the unclear legal status, lack of legal recourse, and the risk of compromised anonymity, especially in rural areas where commission members might be known personally, led to significant hesitation. Consequently, many women chose not to appear before the commissions, opting instead for illegal and often unsafe abortion methods.¹³

Overall, it is evident that the number of applications decreased—as expected—with the restrictive introduction of the law. According to Lykke

10 »In the interest of protecting women's health and promoting an increase in the birth rate, Gesetz über den Mutter- und Kinderschutz und die Rechte der Frau, 1950, www.verfassungen.de/ddr/mutterkindgesetz50.htm, (29.02.2024).

11 Merkel, Ina: Leitbilder und Lebensweisen von Frauen in der DDR, in: Kaelble, Hartmut/Kocka, Jürgen/Zwahr, Hartmut (eds.): Sozialgeschichte der DDR, Stuttgart 1994, pp. 359–382.

12 »Wie Ihnen bekannt ist, ist [...] vor über 2 Jahren, das Gesetz über den Mutter- und Kinderschutz und die Rechte der Frau erschienen. [...] Seit Herausgabe des Gesetzes verlangen die Ärzte verständlicherweise nach einer Richtlinie bezüglich dieser Indikationsstellung.«, #1 Bundesarchiv.

13 Maleck-Lewy, Eva: Und wenn ich nun schwanger bin? Frauen zwischen Selbstbestimmung und Bevormundung, Berlin 1994, p. 94f.

Aresin, a gynecologist in the GDR, in 1950, there were still a total of 32,000 applications for termination of pregnancy; however, in 1951, there were only about 9,000. By 1958, the number of applications had fallen to 1,730.¹⁴ Simultaneously, the number of illegal abortions increased significantly, with experts estimating up to 70,000 illegal procedures occurring annually.¹⁵

Despite the return to a restrictive stance on abortion, it is crucial to emphasize that, unlike § 218, abortions in the GDR were not treated as criminal acts against human life. Therefore, no direct link between definitions of the beginning of human life and abortion in the GDR can be made. Generally, definitions regarding the beginning of human life are seldom central to abortion debates in sources from the GDR Ministry of Health and scholarly literature. Instead, the discussions are framed around socialist health policy and women's health protection. This perspective reactivates patriarchal reasoning, implying that women rely on the state's paternalistic protection, as they are perceived as incapable of taking responsibility for themselves and their bodies.

However, the restrictive abortion law led to various forms of protest, mainly because of the inquisitorial methods of interrogation within the commissions.¹⁶ The process was described as humiliating and degrading.¹⁷ Nevertheless, the practice continued for over a decade because population growth became even more critical for the GDR after establishing the Berlin Wall in 1961.¹⁸

Internal and External Pressures for Liberalization

Despite all efforts of population growth, the fertility rate continued to decline, from an average of 2,51 children per woman in 1964 to 1,51 chil-

14 Aresin, Lykke: Schwangerschaftsabbruch in der DDR, in: Staupe, Gisela/Vieth, Lisa (eds.): *Unter anderen Umständen: zur Geschichte der Abtreibung*, Berlin 1993, p. 90.

15 Maleck-Lewy, Eva: *Und wenn ich nun schwanger bin?*, p. 93.

16 Grossmann, Atina: ›Sich auf ihr Kindchen freuen‹. Frauen und Behörden in Auseinandersetzungen um Abtreibungen, Mitte der 1960er Jahre, in: Becker, Peter/Lüdtke, Alf (eds.): *Akten, Eingaben, Schaufenster: die DDR und ihre Texte: Erkundungen zu Herrschaft und Alltag*, Berlin 1997, pp. 241–257.

17 Thietz, Kirsten/Michalski, Bettina/Fritzsche, Andrea (eds.): *Ende der Selbstverständlichkeit? die Abschaffung des § 218 in der DDR*, Berlin 1992, p. 59.

18 Weber, Hermann: *DDR: Grundriß der Geschichte; [1945–1990]*, 1st ed. rev., Hannover 1992, p. 115.

dren in 1971.¹⁹ The decrease posed a significant threat to socialist society and its political leaders. Therefore, they attempted a turnaround, moving away from prohibitions and regulations towards a positive framing of population growth and childbirth by introducing the term *Wunschkind* (›dream child‹). The term has been used not only for promoting childbirth by showing the advantages of having children but also, e.g., when introducing the birth control pill in the GDR in 1965. The *Wunschkindpille* promised better planning and, consequently, a high combability of family and work.²⁰

Alongside the declining birth rate, the increasing number of illegal abortions, often accompanied by severe medical complications and even deaths, became a significant political issue. Additionally, other factors pushed for a liberalization of the restrictive abortion law: In 1956, a liberal abortion law was introduced in the neighboring country of Poland. Foreign tourism to the allied states of the socialist Eastern Bloc, namely to the People's Republic of Poland, led to a so-called ›abortion tourism‹ towards the East. Furthermore, a liberalization of abortion law was underway in West Germany, and the GDR was determined not to fall behind its bourgeois system counterpart in matters of women's rights.²¹

At the same time, women—occasionally even men—submitted protests, known as *Eingaben* (›submissions‹), to the Ministry of Health against the legal rulings and practices. The U.S. historian Anita Grossmann provided a detailed analysis of these *Eingaben*. Grossmann notes that they took over the rhetoric of socialist modernization and population policies. They do not argue for the right to reproductive self-determination but instead use the socialist notion of progress: more women could be integrated into societal, economic, and political life if they were allowed to decide for themselves whether they want to carry out a pregnancy or not.²²

19 Statistisches Bundesamt: Entwicklung der Fertilitätsrate in der BRD und in der ehemaligen DDR von 1950 bis 1990, 2016, de.statista.com/statistik/daten/studie/554952/umfrage/fertilitaetsrate-in-der-brd-und-ddr/ (29.2.2024).

20 Leo, Annette/König, Christian: Die ›Wunschkindpille‹: weibliche Erfahrung und staatliche Geburtenpolitik in der DDR, Göttingen 2015.

21 Schwartz, Michael: Frauen und Reformen im doppelten Deutschland. Zusammenhänge zwischen Frauenerwerbsarbeit, Abtreibungsrecht und Bevölkerungspolitik um 1970, in: Jaraus, Konrad (ed.): Das Ende der Zuversicht? Die siebziger Jahre als Geschichte, Göttingen 2008, p. 203.

22 Grossmann: ›Sich auf ihr Kindchen freuen‹, p. 251.

In this climate of internal and external factors pressuring for reform, Inge Lange entered the political stage, effectively advocating for the liberalization of abortion law. By then, she was chairwoman of the *Demokratischer Frauenbund Deutschland* (Democratic Women's Federation of Germany, DFD), a mass women's organization in East Germany, installed by the government.²³ As chairwoman of the DFD, she was tasked with drafting a proposal on the abortion law in December 1971. Only two weeks later, Lange presented a draft of several pages, which, in addition to the general liberalization of abortions up to the twelfth week of pregnancy, also contained detailed information on implementation and realization. The draft was approved by the central political bodies of the GDR, the *Politbüro*, *Zentralkomitee*, and *Ministerrat*, and submitted to the parliament for final approval.²⁴ Already in March 1972, the law was passed by the parliament—although, for the first and only time in the history of the GDR, not unanimously.²⁵ No further information exists regarding the draft law work, including other actors' involvement. Inge Langes stated that it took three attempts to pass the liberal legislation, suggesting an extensive and challenging drafting process.²⁶

Subsequently, terminating a pregnancy, up to the twelfth week, without stating reasons became possible—a significant shift from the restrictive legislation of 1950. The law's introduction occurred without public debate; not even sporadic media reports hinted at the liberalization. It appeared to many as an overnight liberalization. Critics had warned of an increase in abortions following the deregulation, and initially, this seemed to be accurate. The number of registered abortions surged dramatically, reaching a provisional peak of over 113,000 in 1973.²⁷ In the subsequent

23 The DFD was a women's organization in East Germany, founded in 1947. While officially advocating for women's empowerment, it was also closely aligned with the ruling Socialist Unity Party (SED) and supported state policies.

24 Leo/König: *Die ›Wunschkindpille‹*, pp. 183ff.

25 Specifically, there were four opposing votes and eight abstentions, mostly from the CDU-party; Lembke, Ulrike: *Schwangerschaftsabbruch in DDR und BRD*, in: *Digitales Deutsches Frauenarchiv*, www.digitales-deutsches-frauenarchiv.de/angebote/dossiers/30-jahre-geteilter-feminismus/schwangerschaftsabbruch-in-ddr-und-brd (29.02.2024).

26 Bock, Jessica: *Die Fristenlösung in der DDR: Inge Lange*, *Digitales Deutsches Frauenarchiv*, 2021, <https://www.digitales-deutsches-frauenarchiv.de/angebote/dossiers/218-und-die-frauenbewegung/die-fristenloesung-in-der-ddr-inge-lange> (05.06.2024).

27 Bock, Jessica: *Der Schwangerschaftsabbruch in der DDR*, 2023, www.bpb.de/themen/deutschlandarchiv/542838/der-schwangerschaftsabbruch-in-der-ddr/ (29.02.2024).

years, the number of abortions steadily declined, reaching just under 74,000 in 1988.²⁸

Critics often argue that legalizing legislation leads to an increase in their numbers. Proponents of liberal legislation emphasize that not the number of abortions is increasing after liberalization, but rather the number of legal and, therefore, registered abortions. Notably, no law in the world can prevent individuals from terminating pregnancies if they choose to do so. Laws can only ensure that abortions occur within a medically, legally, and socially secure framework. Furthermore, the warnings about an increase in abortion rates following law liberalization perpetuate the stereotype of irresponsible women who don't care about contraception or pregnancy.

Abortion in GDR's civil rights movements

In the 1980s, as criticism of the communist government grew, different women's rights groups debated the female living conditions under socialism in the GDR. Among other topics, the right to reproductive self-determination under the current abortion law has been discussed.

The role of literature seems crucial when considering the nongovernmental women's rights movement in the GDR. Various scholars, e.g., Ilse Nagelschmidt, developed the thesis of an emerging feminist consciousness through literature in the 1970s and 1980s, especially when examining influential authors such as Christa Wolf, Irmtraud Morgner, or Brigitte Reimann.²⁹ When discussing the topic of abortion, this thesis seems to hold, as various novels addressing abortion were published, especially in the 1970s and 1980s.

Published in 1982, the novel *Meine ungeborenen Kinder* (My Unborn Children) by Charlotte Worgitzky seems of particular importance regarding the topic of abortion.³⁰ The novel, contrary to its initial title's implication, is not a tale of mourning for children lost through abortion but rather a strong advocacy for maintaining the liberal law as one of the

28 Aresin: Schwangerschaftsabbruch in der DDR, p. 94.

29 Nagelschmidt, Ilse: Über Erfahrungen im Aufspüren von Differenzen: schreibende Frauen in der DDR, in: Nagelschmidt, Ilse (ed.): Frauenleben - Frauenliteratur - Frauenkultur in der DDR der 70er und 80er Jahre, Leipzig 1997, pp. 39–55.

30 Worgitzky, Charlotte: *Meine ungeborenen Kinder*, 5th ed., Berlin 1989.

most significant achievements in GDR's women's politics. Protagonist Martha Trubec reflects on her abortions, some of which occurred illegally, involving dangerous methods, such as direct use of violence. Following the novel's argumentation, to spare other unintentionally pregnant individuals from such experiences, abortions should be legal.

Despite the solid feminist implications, the title already indicates a phenomenon of the non-state women's movement in the GDR regarding the topic of abortion. *Meine ungeborenen Kinder* (unintentionally) equals a fetus with a child—a human life that already began—and therefore abortion with murder.

This coexistence of abortion as murder while discussing women's rights issues from a feminist point of view seems striking for feminist debates in the 1980s in the GDR. The same rhetoric was repeated at a meeting of the *AG Schwangerschaftsabbruch* (Working Group Abortion) during a *Frauenforum* (Women's Forum), which took place in Erfurt in 1988. Before meeting in Erfurt, over 200 women wrote letters about abortion to the organizers, some of them sharing their own experiences. Unfortunately, the letters are no longer available, but many of the speeches at the meeting refer to or summarize the contents of these letters. The speakers unanimously agree that abortions should remain legal and accessible without restrictions. At the same time, women who had undergone abortion(s) write about murder and the enduringly burdensome experience. »Natürlich muss Schwangerschaftsabbruch frei bleiben. Aber daß die Trauer danach oft so unerwartet groß ist, ist überdeutlich. [...] Es ging vor allem über Schuldgefühle, die Scham und die Angst, darüber mit jemanden zu sprechen.«³¹

Within abortion discourses in the GDR, it can be observed that the beginning of human life and questions of its liminality played virtually no role in the abortion legislation of the GDR. Both laws and political discussions were characterized by a pragmatic approach focused on population growth through incentives and encouragement of childbirth. The beginning of human life and, therefore, the question of homicide in abortion did not appear in political sources; instead, the societal mission to shape a prosperous socialist society took precedence. Discussions become more emotional when looking at personal experiences with abortions.

31 »Of course, abortion must remain free. But the fact that the grief afterwards is often so unexpectedly huge is abundantly clear. [...] It was mainly about feelings of guilt, shame and the fear of talking about it with someone, #2 Robert-Havemann-Gesellschaft.

References to the beginning of human life with fertilization can be observed, framing abortion as murder.

This coexistence appears surprising given that contemporary feminist debates often reject such an equation. Rather, the right to self-determination is typically decoupled from the question of when human life begins. Consequently, affected individuals are frequently deprived of a platform to articulate the challenges that may accompany the decision to undergo an abortion. The debates within the independent women's movement in the GDR offer valuable perspectives on alternative approaches to handling abortions, even within feminist movements.

Abortion during German reunification

With the gradual collapse of communism and the approaching reunification of the two German states, concerns arose about undermining the liberal abortion law of the GDR. Protests, organized by different women's rights groups, took place at the beginning of the 1990s in East German cities, such as Leipzig and Berlin. The slogans were similar: »Gegen die Einverleibung der DDR – für ein selbstbestimmtes Leben«. ³² The various forms of protest combined feminist efforts to preserve the liberal abortion law from the GDR with criticism of the accession process of the GDR to the Federal Republic of Germany (BRD).

Political protests also took shape. In 1989, the *Unabhängiger Frauenverband* (Independent Women's Association, UfV) was founded and became a political party in 1990. The UfV aimed to affiliate the GDR's non-governmental and loosely organized women's rights groups to increase political influence for women's rights issues during German reunification.

Also, UfV called for different actions at the beginning of the 1990s. In June 1990, a signature campaign brought over 17,000 letters and postcards to the GDR-parliament *Volkskammer*, advocating the liberal abortion law in the GDR. A year later, after the federal elections in December 1990, even more letters were submitted to the *Bundestag*, the just reunited German federal parliament, in Bonn. According to a letter by the German authorities, over 40,000 letters have been received. ³³

32 »Against the incorporation of the GDR - For a self-determined life«, #3 Robert-Havemann-Gesellschaft.

33 #4 MONALiesA

Initially, during reunification, the GDR abortion law remained in effect in the former state territory. The political authorities were working on a new, nationwide draft law, which should combine the liberal GDR abortion law with aspects of § 218, which was and still is in place in the FRG. The efforts eventuate in the »Schwangeren- und Familienhilfegesetz« (»Pregnancy and Family Support Act«), adopted in 1992 by the *Bundestag*. The draft incorporated elements from both the former Western and Eastern German laws, maintaining the right to abortion until the twelfth week of pregnancy with the legal duty of consulting.³⁴ Therefore, the law represented a compromise between both legal practices.

Shortly after the law was passed, however, the Bavarian State Government, as one of 16 federal state governments, along with 247 politicians from the *CDU/CSU* fraction,³⁵ obtained a temporary injunction from the supreme constitutional court, preventing the law from taking effect. A year later, the Federal Constitutional Court accepted the objection and declared the law unconstitutional. The court reasoned that the state's duty to protect its citizens could not be ensured.

Therefore, after decades of the definition of the beginning of human life having no relevance for the political abortion discourse in the GDR, the connection between terminating a pregnancy and ending human life resurfaced. The Federal Constitutional Court proposed a return to § 218 granted in 1995. Abortions became again a criminal act against human life, with only a few exemptions from penalty. Furthermore, a legal duty of consulting had been installed.³⁶

Conclusion

The abortion legislation underwent significant changes during the 40-year existence of the GDR. Initially rooted in a liberal-pragmatic legal approach due to challenging post-war conditions, a restrictive law was implemented after the founding of the GDR. Once again, terminating

34 Deutscher Bundestag: Gesetzentwurf, 1992, <https://dserver.bundestag.de/btd/12/026/1202605.pdf> (01.03.2024).

35 The Christian Democratic Party (CDU) and the fraternal party, the Christian Social Union in Bavaria (CSU), are both Christian democratic and conservative parties, arguing already in 1974 against a liberalization of § 218 in Western Germany.

36 Bundesamt für Justiz: Strafgesetzbuch: § 218a Strafflosigkeit des Schwangerschaftsabbruchs, https://www.gesetze-im-internet.de/stgb/_218a.html (01.03.2024).

pregnancies became nearly impossible, as social or criminological circumstances were no longer recognized. By the mid-1960s, the restrictive law could no longer prevent the declining birth rate in the GDR. Various internal and external factors pushed for liberalization, resulting in the adoption of a more liberal law in 1972. From then on, abortions were permitted up to the twelfth week of pregnancy without the need for specific reasons.

The growing public protest against restrictive legal practices and the declining birth rate notably influenced the introduction of new legislation. The liberalization process can thus be understood as a political attempt to counteract the declining birth rates. Accompanied by a pronatalist population policy, it aims to reshape the concept of childbearing and motivate it by creating incentives. This upholds the portrayal of women as crucial for society's survival. The construction of women as mothers persists, along with the hope of maintaining state control over the female body despite the legalization of abortions. Simultaneously, there were concerns, not just over the rising instances of severe complications from illegal abortions but primarily due to the socialist state's inability to fulfill its duty of protection. References to the necessity of reproductive self-determination are scarcely found in political debates.

Instead, abortion and necessary legal modifications are handled quite pragmatically. The (perceived) moral dilemma arising from the beginning of human life and the termination of pregnancy is only addressed by the women's rights movement of the 1980s. At various points, there are mentions of the loss of ›unborn children‹ or feelings of guilt, occasionally even drawing parallels to murder.

The relevance of the beginning of human life in abortion discourses, particularly on the political level, only emerges during reunification and the following socio-political transformation processes. This is primarily due to the judgment of the Federal Constitutional Court, which argues that a proposed liberal legalization of abortions would not be compatible with the state's duty to protect its citizens. The political argument against the legalization of abortions is thus based on the concept of the beginning of human life starting from the moment of fertilization.

However, the analysis of different abortion laws within one political system has been somewhat underrepresented and is indeed valuable. This is especially true when considering the societal conditions preceding the implementation of legal changes. As demonstrated in this chapter, such an analysis not only provides information about the various societal domains

affected by abortion laws but has also brought to light a German feminist legal practice that is scarcely known in current public discourses.

This exclusion of East German abortion history from the overall German abortion discourse stands in line with the decades-long ideological competition between the democratic West and socialist East and the process of German reunification. Rather than a genuine alignment of both states, the reunification resembled more of an accession of the formerly socialist East Germany to the Federal Republic of Germany, establishing a continued Western dominance reflected in the history of German abortion law.

References

- Ankum, Katharina von: Political Bodies: Women and Re/Production in the GDR, in: Women in German Year-book, vol. 9, Lincoln 1993, pp. 127–144.
- Aresin, Lykke: Schwangerschaftsabbruch in der DDR, in: Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 86–95.
- Bock, Jessica: Die Fristenlösung in der DDR: Inge Lange, Digitales Deutsches Frauenarchiv, 2021, <https://www.digitales-deutsches-frauenarchiv.de/angebote/dossiers/218-und-die-frauenbewegung/die-fristenloesung-in-der-ddr-inge-lange> (05.06.2024).
- Bock, Jessica: Der Schwangerschaftsabbruch in der DDR, 2023, www.bpb.de/themen/deutschlandarchiv/542838/der-schwangerschaftsabbruch-in-der-ddr/ (29.02.2024).
- Bundesamt für Justiz: Strafgesetzbuch: § 218a Strafflosigkeit des Schwangerschaftsabbruchs, https://www.gesetze-im-internet.de/stgb/_218a.html (01.03.2024).
- Czarnowski, Gabriele: Frauen als Mütter der ›Rasse‹. Abtreibungsverfolgung und Zwangseingriff im Nationalsozialismus, in: Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 58–72.
- Deutscher Bundestag: Gesetzentwurf, 1992, <https://dserver.bundestag.de/btd/12/026/1202605.pdf> (01.03.2024).
- Ferree, Myra Marx: After the Wall: Explaining the Status of Women in the Former GDR, in: Sociological Focus 28 (1995), No. 1, pp. 9–22.
- Gesetz über den Mutter- und Kinderschutz und die Rechte der Frau, 1950, www.verfassungen.de/ddr/mutterkindgesetz50.htm, (29.02.2024).
- Grossmann, Atina: ›Sich auf ihr Kindchen freuen‹. Frauen und Behörden in Auseinandersetzungen um Abtreibungen, Mitte der 1960er Jahre, in: Becker, Peter/Lüdtke, Alf (eds.): Akten, Eingaben, Schaufenster: die DDR und ihre Texte: Erkundungen zu Herrschaft und Alltag, Berlin 1997, pp. 241–257.
- Jeruschek, Günter: Mittelalter. Antikes Erbe, weltliche Gesetzgebung und Kanonisches Recht, in: Jütte, Robert (ed.): Geschichte der Abtreibung: von der Antike bis zur Gegenwart, München 1993, pp. 27–43.

- Jerouschek, Günter: Zur Geschichte des Abtreibungsverbots, in: Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 18–23.
- Lembke, Ulrike: Schwangerschaftsabbruch in DDR und BRD, in: Digitales Deutsches Frauenarchiv, www.digitales-deutsches-frauenarchiv.de/angebote/dossiers/30-jahre-geteilter-feminismus/schwangerschaftsabbruch-in-ddr-und-brd (29.02.2024).
- Leo, Annette und Christian König: Die ›Wunschkindpille‹: weibliche Erfahrung und staatliche Geburtenpolitik in der DDR, Göttingen 2015.
- Maleck-Lewy, Eva: Und wenn ich nun schwanger bin? Frauen zwischen Selbstbestimmung und Bevormundung, Berlin 1994.
- Merkel, Ina: Leitbilder und Lebensweisen von Frauen in der DDR, in: Kaelble, Hartmut/Kocka, Jürgen/Zwahr, Hartmut (eds.): Sozialgeschichte der DDR, Stuttgart 1994, pp. 359–382.
- Nagelschmidt, Ilse: Über Erfahrungen im Aufspüren von Differenzen: schreibende Frauen in der DDR, in: Nagelschmidt, Ilse (ed.): Frauenleben - Frauenliteratur - Frauenkultur in der DDR der 70er und 80er Jahre, Leipzig 1997, p. 39–55.
- Poutrus, Kirsten: Von den Massenvergewaltigungen zum Mutterschutzgesetz. Abtreibungspolitik und Abtreibungspraxis in Ostdeutschland, 1945-1950, in: Bessel, Richard/Jessen, Ralph (eds.): Die Grenzen der Diktatur: Staat und Gesellschaft in der DDR, Göttingen 1997, pp. 170–198.
- Schwartz, Michael: Frauen und Reformen im doppelten Deutschland. Zusammenhänge zwischen Frauenerwerbsarbeit, Abtreibungsrecht und Bevölkerungspolitik um 1970, in: Jaraus, Konrad (ed.): Das Ende der Zuversicht? Die siebziger Jahre als Geschichte, Göttingen 2008, pp. 196–214.
- Statistisches Bundesamt: Entwicklung der Fertilitätsrate in der BRD und in der ehemaligen DDR von 1950 bis 1990, 2016; de.statista.com/statistik/daten/studie/554952/umfrage/fertilitaetsrate-in-der-brd-und-ddr/ (29.2.2024).
- Strafgesetzbuch für das Deutsche Reich vom 15. Mai 1871: Paragraf 218. Schwangerschaftsabbruch, lexetius.com/StGB/218/schwangerschaftsabbruch (29.02.2024).
- Soden, Kristine von: ›§ 218 - streichen, nicht ändern!‹ Abtreibung und Geburtenregelung in der Weimarer Republik, in: Staupe, Gisela/Vieth, Lisa (eds.): Unter anderen Umständen: zur Geschichte der Abtreibung, Berlin 1993, pp. 36–50.
- Thietz, Kirsten/Michalski, Bettina/Fritzsche, Andrea (eds.): Ende der Selbstverständlichkeit? die Abschaffung des § 218 in der DDR, Berlin 1992.
- Weber, Hermann: DDR: Grundriß der Geschichte; [1945–1990], 1st ed. rev., Hannover 1992.
- Worgitzky, Charlotte: Meine ungeborenen Kinder, 5th ed., Berlin 1989.

Documents from Archives

#1 Bundesarchiv: Schwangerschaftsunterbrechung.- Grundsätze, DQ 1/21530.

Population Planning and Gender Equality—Abortion in the GDR

- #2 Robert-Havemann-Gesellschaft: ›Die Trauer kommt oft unerwartet‹, GZ-Gr-015-62.
- #3 Robert-Havemann-Gesellschaft: ›Gegen die Einverleibung der DDR—Für ein selbstbestimmtes Leben‹, GZ-UFV-220-47.
- #3 MONALiesA: ›Brief zur Petition zur Neuregelung des § 218‹, [https://meta-katalog.eu/Record/73919monaliesa#?showDigitalObject=73919monaliesa_1&c=&m=&s=&cv=&xywh=-958%2C-137%2C3630%2C2720&r= \(01.03.2024\)](https://meta-katalog.eu/Record/73919monaliesa#?showDigitalObject=73919monaliesa_1&c=&m=&s=&cv=&xywh=-958%2C-137%2C3630%2C2720&r= (01.03.2024)).

