

»Halted Blood« or Pregnancy? On the Liminal Perception of Life and Death between Biopolitics and Social Practice in Occupied Western Poland, 1939 - 1945¹

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Introduction: Pregnancies as a liminal stage of life and death at the center of Nazi biopolitics

Midwife Helena K. was accused of having performed an abortion on a young ethnic German woman in the summer of 1941. At the Special Court in Litzmannstadt/Łódź, she testified that she had examined the woman carefully and had not detected a pregnancy. She claimed that she hadn't performed an abortion, but rather a douche of the vagina and the uterus. »During the war«, she said referring to the First World War, »there were frequent cases of young girls with halted blood«, which she had been able to treat in a similar manner.² She regarded the absence of the menstruation as an anomaly to be remedied. According to her, she intended to restore the woman's »normal« menstruation by rinsing the uterus. The midwife proposed that the absence of menstruation could be attributed to the war, suggesting that violence and existential threat had a negative impact on women's health. Neither the midwife nor the accused woman discussed the possibility of pregnancy or expecting a child.³

In legal proceedings concerning abortions, it was often challenging to ascertain with certainty whether a pregnancy had indeed occurred. During the initial stages of fetal development, it was not possible for midwives and physicians to accurately differentiate between a non-pregnant and a pregnant woman. Hormonal pregnancy tests were not yet available.⁴

1 The following text is based on my habilitation thesis, Hannover Medical School in 2024. I would like to thank Vanessa Walter for proof reading.

2 Minutes of the trial against the midwife Helena K., 13 April 1942, in: Archiwum Państwowe w Bydgoszczy (APB), Fordon 90/962.

3 Minutes of the trial against the midwife Helena K., 13 April 1942, in: APB, Fordon 90/962.

4 Hormone-based tests using frogs were known, but not available for widespread use. Cf. Malich, Lisa: Die hormonelle Natur und ihre Technologien. Zur Hormonisierung der Schwangerschaft im 20. Jahrhundert, in: *L'Homme* 25 (2014), pp. 71–86.

It was only through the first movements of the baby, which occurred around the beginning of the fourth month of pregnancy, that a woman's condition could be determined with certainty, explained the director of the Landesfrauenklinik [Regional Women's Hospital] in Gliwice in 1943.⁵ This very state of »not knowing« was sometimes used as the midwives' argument in court. Pregnancy and abortion, thus became, as Barbara Duden and Cornelia Osborne point out, a »gray area« in which it was often more a matter of hunches and feelings than of medical certainty.⁶ The early stage of pregnancy and the very beginning of the circle of life, thus, could be described as a state of uncertainty, based on perceptions and choices.⁷

The midwife Helena K. addressed the ambiguity between an abnormality of blood flow and the uncertainty of pregnancy. She attempted to persuade the court that in this instance the issue was merely an anomaly, a stagnation of the blood flow, which she had successfully reversed. Pregnancy became only one possible reason when menstruation stopped. In this case, the midwife ruled out the possibility of pregnancy. She justified her actions by stating that she felt obliged to heal the woman. Her experience of interwar Poland may have led her to assume that this argument would convince the court. In the countryside of interwar Poland, midwives were often the only trained medical professionals and, therefore, possibly took care of all women's health issues.⁸ In Germany, and presumably in Poland as well, »mother syringes« for vaginal irrigation were readily available from the early twentieth century onward. As Cornelia Osborne observes, the use of »mother syringes« was associated with notions

5 Director of the Landesfrauenklinik in Gliwice, Opinion, 28 January 1943, in: Archiwum Państwowe w Katowicach (APK), 117/2143. See also Duden, Barbara: Zwischen wahrem Wissen und Prophetie. Konzeptionen des Ungeborenen, in: Duden, Barbara/Schlumbohm, Jürgen/Veit, Patrice (eds.): Geschichte des Ungeborenen. Zur Erfahrungs- und Wissenschaftsgeschichte der Schwangerschaft, 17.-20. Jahrhundert (Veröffentlichungen des Max-Planck-Instituts für Geschichte), Göttingen 2002, pp. 11–48.

6 Osborne, Cornelia: Gestocktes Blut oder verfallen? Widersprüchliche Redeweisen über unerwünschte Schwangerschaften und deren Abbruch zur Zeit der Weimarer Republik, in: Duden, Barbara/Schlumbohm, Jürgen/Veit, Patrice (eds.): Geschichte des Ungeborenen. Zur Erfahrungs- und Wissenschaftsgeschichte der Schwangerschaft, 17.-20. Jahrhundert (Veröffentlichungen des Max-Planck-Instituts für Geschichte), Göttingen 2002, pp. 293–326.

7 Heinemann, Isabel: Wert der Familie. Ehescheidung, Frauenarbeit und Reproduktion in den USA des 20. Jahrhunderts (Family Values and Social Change vol. 3), Berlin, Boston 2018.

8 Cf. Kassner, Elzbieta/Lisner, Wiebke: Zwischen staatlichen Vorgaben und gesellschaftlichen Bedürfnissen. Berufskarrieren von Hebammen und die Geburtshilfe

of health and hygiene and constituted a prevalent method of feminine hygiene.⁹ The accused midwife Helena K. also explained her uterine rinses within this context. It was not until 1933 that the National Socialists prohibited the free sale of »mother syringes« through the reintroduction of § 219 of the German Penal Code, which criminalized the advertising of »abortifacients« and also »mother syringes« in Germany.¹⁰

However, women in occupied Poland did not merely engage in discourse on the topic of abortion in the context of uncertainty; they also made deliberate decisions, even when they became pregnant. In the absence of contraceptive options and constrained reproductive choices, Isabel Heinemann argues that women seek to regulate their pregnancies and births through alternative means.¹¹ She refers to this as women's »subversive agency«.¹² What were women's choices based on and how did they justify them in occupied western Poland?

The framework for women's decision-making was (and still is) defined by legal, religious and political discourses and regulations, as well as by social practices. During the interwar period and the war, the Catholic Church was a strong social force in Poland.¹³ It prohibited abortion. However, the church's influence in certain social groups declined during the interwar period. Researchers cite this as one reason why women increasingly made reproductive decisions.¹⁴ Concurrently, in Poland, as in numerous other countries, a eugenic movement emerged that, from

in Polen zwischen 1918 und 1945, in: Barelkowski, Matthias/Schutte, Christoph (eds): *Neuer Staat, neue Identitäten? Deutsch-polnisch-jüdische Biografien nach der Wiedererrichtung Polens 1918* (Polono-Germanica), Osnabrück 2021, pp. 121–156.

9 Cf. Osborne, *Gestocktes Blut oder verfallen?*, p. 323. »Mother syringes« are also referred to as »douche syringes«.

10 In January 1941, a ban on contraceptive advertising was imposed. Cf. Czarnowski, Gabriele: *Frauen – Staat – Medizin. Aspekte der Körperpolitik im Nationalsozialismus*, in: *Beiträge zur feministischen Theorie und Praxis* 8 (1985), pp. 86–87.

11 Cf. Heinemann, Isabel: *From »Children by Choice« to »Families by Choice«? 20th-Century Reproductive Decision-Making between Social Change and Normative Transitions*, in: Gembries, Ann-Katrin/Heinemann, Isabel/Theuke, Theresia (eds.): *Children by Choice? Changing Values, Reproduction, and Family Planning in the 20th Century* (Wertewandel im 20. Jahrhundert), München 2018, pp. 215–236.

12 *ibid.*

13 Cf. Huener, Jonathan: *The Polish Catholic Church under German Occupation. The Reichsgau Wartheland, 1939-1945*, Bloomington, Indiana 2021.

14 Cf. Solga, Przemysław: *Spółeczny, medyczny i prawny kontekst aborcji w Drugiej Rzeczypospolitej*, in: *Res Historica* 53 (2022), pp. 429–454; Zok, Michael: *Körperpolitik, (staatstragender) Katholizismus und (De-) Säkularisierung im 20. Jahrhundert. Auseinandersetzungen um Reproduktionsrechte in Irland und Polen*, in: *bodypolitics* 7

the mid-1920s onwards, politically campaigned for options to plan and regulate births, thus, affording women greater freedom of choice and action.¹⁵ This was due to the high number of women who fell ill and died as a result of abortions performed by non-professionals.¹⁶ Family planning clinics were established in major urban centers to offer counseling and contraceptive options, though not abortions. However, in smaller cities and rural regions, this knowledge was not accessible.¹⁷ In the event of an unplanned pregnancy women from the community frequently provided practical assistance instead.¹⁸

The invasion of Poland by Nazi Germany on 1 September 1939 and the subsequent occupation resulted in a fundamental shift in the circumstances of women's choice regarding pregnancy. On 26 October 1939, the western Polish territories were incorporated into the German Reich as the Reich districts [Reichsgaue] of Danzig-West Prussia and Wartheland as well as the administrative districts of Zichenau and Katowice (later Upper Silesia).¹⁹ The German occupiers sought to Germanize and to transform the annexed territories into a German living space [Lebensraum]. Therefore, among other things, they sought to reorganize and to govern the population through the application of biopolitics.²⁰ Pregnancy and

(2019), pp. 123–158. <http://bodypolitics.de/de/wp-content/uploads/2020/04/ch07-zok.pdf> (24 June 2024).

- 15 Cf. Zok: Körperpolitik, (staatstragender) Katholizismus. See also Titkow, Anna: Poland, in: David, Henry P. (ed.): *From Abortion to Contraception. A Resource to Public Policies and Reproductive Behavior in Central and Eastern Europe from 1917 to the Present*, Westport, Connecticut, London 1999, pp. 165–190.
- 16 Cf. Maniszewski, K.: Rola położnej i jej praca na wsi. Referat wygłoszony na V Zjeździe Związku Położnych R.P. w Warszawie und Fortsetzung, in: *Nowiny Akuszeryjne*, 1939, pp. 6–11.
- 17 Cf. Kuźma-Markowska, Sylwia: »Zbudź się, żydówko!«. Genderowe ujęcie tematu kontroli urodzeń wśród żydów w międzywojennej Polsce, in: Lisek, Joanna (ed.): *Niemie dusze? Kobiety w kulturze jidysz*, Wrocław 2010, pp. 465–480.
- 18 Sołga, Spółeczny, medyczny i prawny kontekst aborcji w Drugiej Rzeczypospolitej.
- 19 The eastern part of Poland was occupied by the Soviet Union in accordance with the Hitler-Stalin Pact. The central parts of Poland around the cities of Lublin, Warszawa and Kraków were placed under German administration as the General Government. Cf. Pohl, Dieter: Die Reichsgaue Danzig-Westpreußen und Wartheland. Koloniale Verwaltung oder Modell für die zukünftige Gauverwaltung?, in: John, Jürgen/Möller, Horst/Schaarschmidt, Thomas (eds.): *Die NS-Gaue. Regionale Mittelinstanzen im zentralistischen »Führerstaat«*, München 2007, pp. 395–405.
- 20 Haar, Ingo: Biopolitische Differenzenkonstruktionen als bevölkerungspolitisches Ordnungsinstrument in den Ostgaue, in: John, Jürgen/Möller, Horst/Schaarschmidt, Thomas (eds.): *Die NS-Gaue. Regionale Mittelinstanzen im zentralistischen »Führerstaat«*, München 2007, pp. 105–122.

childbirth, as part of the circle of life and women's individual experience and choice, became the focus of Nazi biopolitics. Michel Foucault characterizes biopolitics as a novel technique of power in »modernity«, designed to regulate populations and discipline individual bodies in accordance with specific norms.²¹ During National Socialism biopolitics became inextricably linked with racism.²²

While the Nazi occupiers sought to increase the birthrate of the German population, they emphasized the necessity of undermining the »biological power« of the Polish population and of completely excluding the Jewish population.²³ In order to encourage German births, physicians and health policymakers proposed that German mothers receive care and advice from German midwives and enforced restrictive abortion regulations. The German legislation, exemplified by § 218 and § 219 of the German Penal Code, which prohibited abortion and the advertising of contraceptives and abortifacients, was directly transferred and as such introduced to the annexed Polish territories.²⁴ In contrast, Polish women were discouraged from having children. The implementation of a minimum age for marriage was among the measures introduced. Additionally, Polish women were encouraged to undergo abortions.²⁵ In the territories that were annexed by Nazi Germany, the occupiers introduced a system of racial segregation that influenced all aspects of life, including reproduction. The objective was to control reproduction and achieve Germanization.²⁶ How

21 Cf. Foucault, Michel: *Sexualität und Wahrheit. Der Wille zum Wissen* (vol. 1), Frankfurt am Main 1977; Stingelin, Martin: *Einleitung: Biopolitik und Rassismus. Was leben soll und was sterben muß*, in: Stingelin, Martin (ed.): *Biopolitik und Rassismus* (Suhrkamp Taschenbuch Wissenschaft), Frankfurt a. M. 2003, pp. 7–26.

22 Cf. Haar: *Biopolitische Differenzenkonstruktionen*, pp. 105–122.

23 Cf. Lisner, Wiebke: »[A]ls deutsche Hebamme im befreiten Osten«. *Geburtshilfe und Reichshebammengesetz als Instrumente des Volkstumskampfes im Warthegau 1939-1945?*, in: Pfüttsch, Pierre (ed.): *Die Rolle der Pflege in der NS-Zeit. Neue Perspektiven, Forschungen und Quellen* (Medizin, Gesellschaft und Geschichte), Stuttgart 2024, pp. 309–340.

24 Cf. Majer, Diemut: »Fremdvölkische« im Dritten Reich. Ein Beitrag zur nationalsozialistischen Rechtsetzung und Rechtspraxis in Verwaltung und Justiz unter besonderer Berücksichtigung der eingegliederten Ostgebiete und des Generalgouvernements, Boppard am Rhein 1981.

25 Epstein, Catherine: *Model Nazi. Arthur Greiser and the occupation of Western Poland*, Oxford 2010; Vossen, Johannes: *Gesundheitspolitik als Teil der »Volkstumspolitik«*. Der öffentliche Gesundheitsdienst im »Reichsgau Wartheland«, 1939-1945. Final report to the Fritz Thyssen Stiftung, not published, November 2005.

26 Haar, *Biopolitische Differenzenkonstruktionen*.

did Polish and German women living under occupation respond to the regime's effort to exert control over the beginning of life?

This chapter offers an examination of abortion as a social practice employed by women to regulate births on the one hand, and its restriction as a biopolitical measure in the annexed Polish territories on the other hand. It serves as an example of the government's efforts to regulate the circle of life. Consequently, an analysis of proceedings concerning abortion illuminates the conceptualization of the beginning of life and provides insight into women's social practices related to birth control and reproductive choices. What concepts of life were negotiated and how were they valued in relation to biopolitical goals?

The primary sources for this chapter are the files of the Special Court in Katowice and the Fordon Women's Prison near Bydgoszcz (Bromberg). The files were created as part of the investigations and trials of women suspected of having undergone abortions or of being so-called »abortionists«. These files were maintained by German police officers and court officials. Some of the women subjected to interrogation were only able to communicate in Polish. The statements were subsequently translated by interpreters and recorded in German.²⁷ It is important to note that some of the accused women provided testimony under duress. The testimonies of the accused women repeatedly include statements such as »I was admonished again to tell the truth«²⁸ or »In a long preliminary talk, I was familiarized with the subject of my interrogation. I am prepared to provide a full and accurate account of the facts, particularly given that I am aware that I have no alternative.«²⁹ In their statements, the women frequently attempted to present arguments in their favor, hoping that these would result in a reduced sentence or acquittal. These statements are noteworthy for their indication of the women's understanding of the permissible scope of discourse.

In several court hearings conducted under the auspices of the German occupation authorities, the issue of abortions that had taken place during the interwar period were investigated. Previously performed abortions and

27 Cf. Statement from a clerk who translated the statements of Angela T., who spoke only Polish during the interrogation, 5 April 1940, in: APK, 134/920, folio 148. In another case, the witness was initially unable to give her statement because no one at the police station spoke Polish. The next day, the witness brought her friend with her to translate her statement. Waleria M.'s statement, 9 February 1940, in: APK, 134/911, folio 22–24.

28 Interrogation Angela T., 8 April 1940, in APK, 134/920, folio 144–147.

29 Interrogation Rosa B., 29 March 1940, in: APK, 134/920, folio 54–63, 57.

cases were frequently reopened with the intention of proving that the defendants were »commercial abortionists«, thereby, justifying more severe punishments. Additionally, the German occupation authorities sought to utilize past cases to identify and expose »abortion networks« with the objective of preventing future abortions among German women.

Pregnancies: Perceptions and Choices

In the court interviews the women provided detailed accounts of their physical sensations. When menstruation was absent the women did not always consider pregnancy as a potential explanation. For example, the 20-year-old ethnic German Rosa B. stated in 1940: »It was in September 1939 that I missed my period for the first time. I waited another month because first I thought I had caught a cold.«³⁰ It was only upon the occurrence of a second missed period that she was certain of her pregnancy and informed her partner. She did not seek confirmation from a medical professional, such as a doctor or midwife. She was certain of her pregnancy, despite her partner's initial skepticism.³¹ In contrast, widowed ethnic German Johanna B. assumed she was pregnant in 1944 but desired confirmation. She sought a medical professional to verify her pregnancy. She chose to undergo an abortion, although it was illegal, after the doctor confirmed that she was two or three months pregnant.³² In 1936, the 32-year-old ethnic German Hildegard S. was convinced that she was pregnant. She asked a Polish midwife to terminate the pregnancy. The midwife conducted an examination but was unable to confirm the pregnancy. Nevertheless, Hildegard S. persisted in her demand for uterine rinsing, as she informed the police in 1940.³³ In her testimony, Hildegard S. referred to the ambiguous situation described by the midwife mentioned at the outset and the uncertainty surrounding the possibility of pregnancy. In its reasoning, the German court in 1940 followed Hildegard S.'s testimony and relied to some extent on the findings of the accused midwife. The court deemed

30 Testimony Rosa B., 29 March 1940, in: APK, 134/920, folio 54–63, folio 58.

31 *ibid.*

32 Indictment against Luziana K., 24 November 1944, in: APK, 134/774, folio 22–30.

33 Testimony Hildegard S. 28 March 1940, in: APK 134/920, folio 16–23.

the case to be merely an »attempted abortion«, as it was not possible to ascertain whether a pregnancy had in fact occurred.³⁴

As the women recounted in their interrogations, abortions were often painful and always carried the risk of infection.³⁵ They were also aware of the possibility of punishment. In many cases, the women in question claimed during interrogation that they had opted to terminate the pregnancy because of financial constraints or fear of losing their jobs.³⁶

Nevertheless, some of the women also asserted that their partners had refused to become fathers and pressured them to consent to an abortion. The 28-year-old unmarried ethnic German Gertrud J. recounted that in 1941 her boyfriend Heinrich P. compelled her to terminate the pregnancy in her fifth month, »because otherwise he wanted to take his own life«. In the face of her fear, she ultimately consented and underwent a termination of the pregnancy by a Polish midwife.³⁷ In the case of Rosa B., the father of the unborn child also decided to terminate the pregnancy in December 1939. He was married to another woman and did not want his wife to know about the extramarital pregnancy. Rosa B. finally agreed and he accompanied her to a Polish midwife who performed the abortion.³⁸ Gertrud J. and Rosa B. presented themselves as passive participants in the decision-making process surrounding the abortion. They subordinated themselves to their partner's desires. The depiction of men as active agents and decision-makers aligns with the gender-specific role attributions. It is also possible that the women presented themselves in this way in order to possibly receive a lighter sentence.

An extramarital or pre-marital pregnancy resulted in social ostracism for women. In 1940, 24-year-old ethnic German Martha R., articulated her rationale for undergoing an abortion in 1935 as follows: »The man who impregnated me was my present husband. Because of shame before my parents and economic hardship, we were not yet in a position to get married. So together we decided to terminate the pregnancy.«³⁹ As Przemysław Słoga elucidates, in interwar Poland abortion was a more socially acceptable practice than pregnancy outside of wedlock.⁴⁰ Although

34 Verdict against the midwife Angela T., 13 June 1940, in: APB, Fordon 90/1933.

35 Cf. Testimony Rosa B., 29 March 1940, in: APK, 134/920, folio 54–63.

36 Process file Luziana K., 1944, in: 134/774, folio 24–25, 27.

37 Testimony Gertrud J., 21 October 1943, in: APK, 134/885, folio 181–185.

38 Testimony Rosa B., 29 March 1940, in: APK, 134/920, folio 54–63.

39 Testimony Martha R., 1 April 1940, in: APK, 134/920, folio 97–102.

40 Słoga: Społeczny, medyczny i prawny kontekst aborcji, pp. 429–454

National Socialists such as Heinrich Himmler campaigned for improved treatment of »good-blooded« children born out of wedlock and against the stigmatization of their mothers, there was minimal change of opinion during the National Socialist era.⁴¹ This social stigma was also evident in the statements of the 26-year-old ethnic German Agnes P. in February 1940. She stated on the record that she had decided to terminate her pregnancy due to fear of her parents. »My father is very strict, and I hid my pregnancy from him and also from my mother. I was afraid that he would throw me out of the house if he found out that I was pregnant. [...] I asked the midwife to abort my fetus because I was afraid of my father.«⁴²

For the accused women, abortion appeared to be the easiest way out of their desperate situation. The women's statements also indicate that they only desired to carry a pregnancy to term if they had the financial, familial, and professional resources to not only give birth, but also to raise a child. Cornelia Osborne characterizes the social practice of abortion as a »variant of female self-help« that enables women to »get oneself and the family through« challenging periods.⁴³

In the trial files, the accused women frequently stated that they had not contacted the person who performed the desired abortion themselves. For example, Gertrud J. testified that her partner, Heinrich P., contacted the Polish midwife, Helena I., and took her there. P. stated on the record that he had met the midwife a few weeks earlier during a train ride and had learned from casual small talk conversations with her »that she terminated pregnancies«.⁴⁴ In the case of Rosa B., it was also her partner, who contacted a midwife of whom he knew that she performed abortions: »W. knew the abortionist T. well because, as he told me himself, his own wife had also been to her for an abortion«,⁴⁵ Rosa B. told the police.

Hildegard S. initially consulted with the Polish fortune teller [Kartenlegerin] Janina P. in 1936 when she experienced two weeks of amenorrhea. She wanted to know »what was wrong with me«.⁴⁶ She assumed

41 Cf. Buske, Sybille: *Fräulein Mutter und ihr Bastard. Eine Geschichte der Unehelichkeit in Deutschland 1900-1970* (Moderne Zeit: neue Forschungen zur Gesellschafts- und Kulturgeschichte des 19. und 20. Jahrhunderts, vol. 5), Göttingen 2004.

42 Testimony Agnes P., 9 February 1940, in: APK, 134/911, folio 17–21.

43 Osborne: *Abtreibungen in der Weimarer Republik*.

44 Field verdict against Heinrich P., 6 January 1944, in: APK, 134/885, folio 208–210.

45 Interrogation protocol Rosa B., 29 March 1940, in: APK, 134/920, folio 54–63.

46 Testimony Hildegard S., 28 March 1940, in: APK, 134/920, folio 16–23. In some documents the name is spelled »Janina P.«, in others »Joanna P.«. Cf. *ibid*.

that she was pregnant and sought reassurance from the fortune teller. During the course of the conversation, she informed Janina P. that she was not inclined to continue the pregnancy for reasons related to her parents' strict disciplinary approach and her boyfriend's lack of interest in marriage. The fortune teller promised to provide assistance and a few days later, accompanied her to the residence of the Polish midwife Angela T. There, Janina P. initially negotiated with the midwife alone, without Hildegard S.'s presence. Subsequently, the midwife conducted an examination of Hildegard S. and performed a uterine rinse with soapy water, which resulted in the onset of menstruation.⁴⁷

The court records indicate that the pregnant women initially consulted a person they were closely acquainted with and whom they trusted. The partners and the fortune teller utilized social networks to establish contact with a midwife who consented to perform the abortion. Moreover, it appears that information regarding pregnancies, miscarriages and abortions was a topic of discussion within the community. Martha R. indicated in 1935 »T. was already well known as an abortionist in Laurahütte (Huta Laura) [village close to Katowice].«⁴⁸ Luzie J., an ethnic German from Huta Laura, informed the police that she had conversed with the German midwife, Mrs. U., during the delivery of her sister-in-law in February 1940. The topic of their discussion was the prevalence of abortions within the village. Luzie J. was aware of a case in which a young woman had undergone an abortion for the sum of 40 Reichsmarks. The information had been conveyed to her by a young man. »It was well known in town that T. had been performing abortions for years«, she continued.⁴⁹ The provision of practical assistance in the event of an unplanned pregnancy was not a matter of »secret knowledge«, accessible only to a select few. Rather, it was a form of informal exchange within the community, which could be readily accessed when needed.⁵⁰ This knowledge served to regulate social conduct and also to provide room for maneuver. The intensification of criminal prosecution by the German occupation authorities initially had little effect on this situation. Nevertheless, informal community exchanges and rumors also served as a catalyst for police investigations.

47 Testimony Hildegard S., 28 March 1940, in: APK, 134/920, folio 16–23.

48 Testimony Martha R., 1 April 1940, in: APK, 134/920, folio 100.

49 Interrogation Luzie J., 29 March 1940, in: APK, 134/920, folio 45–46.

50 Cf. also Osborne, *Abtreibungen in der Weimarer Republik*.

Abortions: Biopolitical Goals and the Politics of Germanization

As Anna Titkow points out, in interwar Poland abortion can be described as a social practice of self-determined birth control, particularly in rural areas. In general, the Polish courts handed down relatively lenient sentences.⁵¹ Since 1932, abortions performed by physicians were permitted in cases where there was a medical indication. The same applied if the pregnancy was a result of a criminal act or if the pregnant woman was under the age of 15.⁵² The 1932 Penal Code, thus, established legal avenues for abortion in Poland.

The German occupying forces intensified the criminal practice and implemented the law of the German Reich analogous in the »incorporated territories« prior to establishing specific regulations.⁵³ This resulted in the general prohibition of abortions in accordance with § 218 of the German Penal Code. The 1935 amendment to the *Law on the Prevention of Hereditary Diseases* [Gesetz zur Verhütung erbkranken Nachwuchses] permitted abortion on medical and eugenic grounds at the request of an appointed medical commission. In this instance, an abortion could be performed without legal repercussions. The law, in no case, permitted abortions to be carried out on women's requests. Conversely, abortions performed without authorization were now considered not only a »crime against life«, but also a violation of »the Volk« and the »Volksgemeinschaft« [ethnic community] and its »reproductive power«.⁵⁴ The German Reich courts made less frequent use of the possibility of imposing a fine following the advent of 1933. Nevertheless, until the beginning of World War II, the maximum penalties of several years imprisonment or even imprisonment in a concentration camp were seldomly imposed in the German. With the onset of the war the practice of sentencing became increasingly severe.⁵⁵ In the »annexed« Polish territories, German courts frequently imposed the maximum penalties for those they deemed to be »professional or commer-

51 Cf. Titkow, Poland; Sołga: Społeczny, medyczny i prawny kontekst aborcji, pp. 429–454.

52 Cf. Zok, Körperpolitik, (staatstragender) Katholizismus.

53 Cf. Majer: »Fremdvölkische« im Dritten Reich.

54 Cf. Czarnowski, Gabriele: Women's crimes, state crimes. Abortion in Nazi Germany, in: Arnot, Margaret/Usborne, Cornelia (eds.): Gender and crime in modern Europe (Women's and gender history), London 1999, pp. 238–249.

55 The *Dangerous Habitual Criminals Act* of November 1933 made it possible to increase the penalty for abortion up to and including imprisonment in a concentration camp. Cf. ibid.

cial abortionists« and who were Polish nationals. These penalties included several years in prison. The accused were well aware of the intensified persecution and condemnation of abortion that was common practice under occupation. For instance, Polish midwife Maria W. stated during her interrogation: »I admit that I was involved in abortions in Polish times, but I deny that I continued to do so after the Germans came to power.«⁵⁶

However, the imposition of severe sentences against Poles who performed abortions on Polish women somewhat contradicted the defined biopolitical objective of reducing the birth rate within the Polish population in the »incorporated« territories. In October 1941 the NSDAP-Public Health Department wrote to *Reich Health Leader* Leonardo Conti: »the severe sentences against Polish midwives for abortions on Polish women are incomprehensible and highly dangerous.«⁵⁷ Conti endorsed this perspective and, in March 1942 transmitted the same assessment to Heinrich Himmler, *Reich Commissar for the Consolidation of German Nationhood* [Reichskommissar für die Festigung Deutschen Volkstums] and head of the police and SS. Himmler agreed with Conti. Abortions performed on Germans, however, were to be punished with the utmost severity in their opinion.⁵⁸

This perspective was expressed in the 1943 *Ordinance on the Protection of Marriage, Family and Maternity*, which exempted abortions performed on »foreign« women from legal ramifications. Conversely, the penalties for abortions performed on German women were significantly intensified. In addition to the previously applicable penalties of imprisonment and confinement, the death penalty could now be imposed.⁵⁹ The decree, thus, established the penal practice in the incorporated Polish territories. As early as December 1941, the introduction of the *Polish Criminal Law Ordinance* [Polenstrafrechtsverordnung] defined death penalty the standard punishment for Poles and Jews for attacks or unruly behavior against

56 Interrogation of the midwife Maria W., 12 February 1940, in: APK, 134/911, folio 29–31.

57 Letter of the NSDAP Hauptamt für Volksgesundheit [Public Health Department], 2 October 1941, in: BArch, R 1501/3806.

58 Correspondence between *Reich Health Leader* Leonardo Conti and Heinrich Himmler on the punishment of abortions on Polish women, March 1942, in: BArch, R1501/3806.

59 Cf. Czarnowski, Women's crimes, state crimes; Czarnowski, Gabriele: Frauen als Mütter der Rasse. Abtreibungsverfolgung und Zwangseingriff im Nationalsozialismus, in: Staupe, Gisela (ed.): Unter anderen Umständen. Zur Geschichte der Abtreibung, Neuaufl., Dortmund 1996, pp. 58–72.

Germans. In the event that the court deemed an abortion to be an attack against Germans, it could impose several years in prison, in penal camp or even the death penalty.⁶⁰ Although Conti and Himmler expressed reservations about the harsh penalties for abortions performed on Poles, German prosecutors, nonetheless, investigated every suspected abortion. In light of the proclaimed »ethnic struggle«, the objective was to identify social structures that facilitated abortions. A 1941 ruling by the Łódź district court put this straight: »Since Germans and Poles live together in many cases, it is all too easy for these crimes against life to be committed against the German population. The danger of weakening the German nationality is particularly great.«⁶¹ In the view of the law enforcement authorities, the close cohabitation and the associated lack of racial segregation in everyday life made thorough investigations and harsh sentences for Poles inevitable.

Detecting Abortions: Denunciations and Investigations

The German occupation authorities relied on the assistance of the local population to investigate cases of abortion.⁶² Investigations were frequently initiated by a complaint from someone within the woman's social circle. For example, in February 1940, Hedwig K., a 54-year-old Polish woman, filed a complaint against her husband's 39-year-old mistress with the police. Janina P. had been residing with Mr. K., Hedwig's husband in Wirek (Antonienhütte) near Katowice since 1932. She had a reputation as a fortune-teller. Hedwig K. asserted that, three weeks prior to filing her complaint, Franziska R. had informed her that Janina P. derived income not only from fortune-telling but also from providing assistance in abortions. Franziska R. was Mr. R.'s second wife, who had been married to the defendant Janina P. in his first marriage. As Franziska R. asserted, she and

60 Cf. Schlüter, Holger: »...für die Menschlichkeit im Strafmaß bekannt...«. Das Sondergericht Litzmannstadt und sein Vorsitzender Richter (Juristische Zeitgeschichte NRW 14), Recklinghausen 2014; Becker, Maximilian: Mitstreiter im Volkstumskampf. Deutsche Justiz in den eingegliederten Ostgebieten 1939-1945 (Quellen und Darstellungen zur Zeitgeschichte vol. 101), München 2014.

61 Judgment against the midwife Florentina Ch., 25 May 1941, in: APB, Fordon 90/282.

62 As Cornelia Osborne elucidates, abortions are frequently undetected when they are concealed by the social environment. Cf. Osborne, Cornelia: Abtreibungen in der Weimarer Republik. Weibliche Forderungen und Erfahrungen, in: Niethammer, Lutz/Satjukow, Silke (eds.): »Wenn die Chemie stimmt...«. Geschlechterbeziehungen und Geburtenplanung im Zeitalter der Pille, Göttingen 2016, pp. 96–120.

Janina P. were enemies. However, Franziska R. was concerned about her husband's 14-year-old daughter, who resided with Janina P. Mr. R. was unable to comment on the case as he had been drafted into the Polish army at the beginning of the German invasion and was missing since then.⁶³

The conflict over the daughter was evidently the catalyst for the complaint.⁶⁴ With assistance of the German occupation authorities Hedwig K. and Franziska R. sought to demonstrate the consequences of her actions to Janina P. Obviously, the rumors that she earned her income through the provision of abortions constituted a convenient pretext, despite the reported incident having already occurred seven years earlier.⁶⁵ However, the two women's complaint initiated a series of investigations by the German authorities, during which the 39-year-old Polish midwife Angela T. became the primary suspect. Janina P. acknowledged that she had sent women to Angela T. for abortions and had undergone three abortions herself. The authorities constructed a narrative portraying Angela T. as a »commercial abortionist« who had been engaged in the practice of abortion on a regular basis during the interwar period, up until the time of the investigation.⁶⁶

In 1943, 28-year-old Gertrud J., an ethnic German women, reported her boyfriend, Heinrich P., to the police. The couple had been together for five years and Gertrud J. was the mother of a seven-month-old child. »Since I see no other way out and must assume that P. does not want to marry me, I am reporting the following«, she told the police.⁶⁷ Gertrud J. informed the police that she had already been pregnant by Heinrich P. in 1941 and that he had urged her to have the pregnancy terminated. Upon becoming pregnant once more, he had pledged to wed her, yet he failed to fulfill his promise and was now also conscripted into military service. Gertrud J. and her mother had previously threatened

63 Interrogation of Franziska R., 27 March 1940, in: APK, 134/920, folio 12–15. It is not uncommon for court clerks to Germanize Polish names, as evidenced by the case of Hedwig (Jadwiga) K.

64 In contrast, the daughter informed the authorities that her mother had terminated the relationship with her father due to his violent conduct towards her. Interrogation of Christine R., 3 April, 1940, in: APK, 134/920, folio 115–120.

65 Vgl. Interrogation of the wife Hedwig K., 21 February 1940 and Interrogation of the wife Franziska R., 27 March 1940, in: APK, 134/920, folio 12–15.

66 Cf. Investigation file P./T., in: APK, 134/920, folio 1–166.

67 Interrogation Gertrud J., 21 October 1943, in: APK, 134/885, folio 8–15.

Heinrich P. that they would report the abortion to the police if he continued to refuse to marry Gertrud J. Heinrich P. was unmoved by this threat. His brother further insulted Gertrud J. and expelled her from the house. Consequently, Gertrud J. felt compelled to act on her threat.⁶⁸ Like the wives K. and R., she evidently sought to demonstrate to Heinrich P. the consequences of his actions with the assistance of the German police authorities and hoped to persuade him to marry her. In her formal complaint, however, she incriminated not only her boyfriend, Heinrich, but also herself and most significantly, the Polish midwife, Helena I., whom she identified as the person who had performed the abortion. The German police authorities took her complaint seriously and initiated an extensive investigation. While Heinrich P. was sentenced to three months in prison, suspended on the condition of »front-line probation«, midwife Helena I. was charged as the primary perpetrator and »commercial abortionist«.⁶⁹

In both cases, the complainants demonstrated a greater interest in intimidating the accused than in seeking retribution for the act of abortion. The denouncers sought to utilize the German legal system as a means of exerting pressure on the accused and to advance their concerns and interests.⁷⁰ The German prosecutors took the reports seriously and initiated investigations. However, rather than attempting to resolve the conflict between the complainants and the accused, the German prosecutors aimed to identify and convict those they deemed to be »abortionists«. In the two cases cited, Polish midwives became the primary targets of the investigations as a result of the complaints.

Prosecution Practices

The Polish midwife Angela T. was unable to substantiate her innocence. During the interrogation she stated:

I deny that I have ever been involved in the performance of abortions in my lifetime. Should the accusation be made that I have been involved

68 *ibid.*

69 Cf. Case file Gertrud J., in: APK, 134/885.

70 As Barbara Engelking shows, this was a frequent motive for denunciations to the German occupation authorities. Cf. Engelking, Barbara: »Sehr geehrter Herr Gestapo«. Denunziationen im deutsch besetzten Polen 1940/41, in: Mallmann, Klaus-Michael/Musiał, Bogdan (eds.): *Genesis des Genozids. Polen 1939–1941* (Veröffentlichungen der Forschungsstelle Ludwigsburg der Universität Stuttgart), Darmstadt 2004, pp. 206–220.

in abortions, I attribute this solely to the envy of the other midwives of Laurahütte [Huta Laura], who now seek to eliminate me as a midwife. Despite the repeated accusations, I declare once again that I was not involved in abortions during the Polish period.⁷¹

In her testimony, Angela T. described the accusations of performing abortions as an attempt to discredit her as a Polish midwife and named rivalry as a reason. Nevertheless, her assertions were refuted by the testimonies of three ethnic German midwives and several women who claimed that she had performed abortions on them.⁷² In June 1940, the Special Court in Katowice passed a sentence of three years and six months imprisonment to Angela T.

As Angela T. steadfastly maintained her innocence and refused to confess to the crimes with which she was charged, the court's decision was based on the testimonies presented against her.⁷³ The indictment prioritized the testimony of one of the ethnic German midwives, who claimed that women and men repeatedly came to her, confusing her with Angela T. and demanding an abortion. The prosecution presented this confusion as evidence against Angela T. Additionally, the indictment cited rumors as evidence. A woman in the village had succumbed to blood poisoning. It is alleged that she was unintentionally pregnant and had been in company of Angela T. prior to falling ill. The indictment claimed that Angela T. had performed an abortion on the woman and that she had subsequently died as a result.⁷⁴ However, the court considered it a mitigating factor that the majority of the offenses with which Angela T. was charged were committed during the Polish administration preceding the annexation of Upper Silesia to the German Reich.⁷⁵ Hence, the testimony of Rosa B. was of particular significance to the court. She stated that Angela T. had performed an abortion on her in December 1939, which was after the annexation of Upper Silesia to the German Reich. In their indictment, the prosecution authorities argued that: »The case of B. also demonstrates [...] that she [the midwife Angela T.] was not inclined to integrate herself

71 Interrogation of the midwife Angela T., 8 April 1940, in: APK, 134/920, folio 141–143.

72 Investigation report, 9 April 1940, in: APK, 134/920, folio 148–150.

73 Verdict of the special court Katowice against the midwife Angela T., 13 June 1940, in: APK, 134/920, folio 189–194.

74 Indictment of the public prosecutor's office Katowice, 16 May 1940, in: APK 134/929, folio 163–168.

75 Verdict of the special court Katowice against the midwife Angela T., 13 June 1940, in: APK, 134/920, folio 189–194.

into the ethnic community [Volksgemeinschaft], despite being aware for some time that the German prosecuting authorities acted with ruthless severity against such offenses.⁷⁶ The court underscored the following: »As the results of the investigation yielded clear evidence that T. not only performed abortions for financial compensation on fellow women, but she also did so on women from the Reich and ethnic Germans.«⁷⁷ Following the completion of her sentence, Angela T. was not released but instead transferred to the custody of the Gestapo. In the majority of cases, this resulted in the individual being transferred to a concentration camp.⁷⁸ This procedure was based on a decree dated April 21, 1943, which ordered that Poles sentenced to more than six months in prison [Straflager] were to be handed over to the Gestapo.⁷⁹ The fate of Angela T. during the Second World War remains unknown.

Midwife Helena I. received a sentence comparable to that of Angela T. In June 1944, she was sentenced to two years and six months in an aggravated penal camp under the *Polish Criminal Law Ordinance*. The reasons for this sentence were as follows: »She [the defendant] is Polish. The act of terminating a German woman's pregnancy has harmed the well-being of the German people, as the offense in question impairs the vital force of the German people.«⁸⁰ In March 1941, the Reich Ministry of the Interior introduced the *German People's List* [Deutsche Volksliste] in the annexed Polish territories. The purpose of this list was to differentiate between Poles and Germans and to Germanize parts of the Polish population. However, Jews were excluded from this process.⁸¹ As Birthe Kundrus points out, this led to a flexibilization of the criteria for being German, as it was not always possible to draw clear ethnic lines.⁸² This was particu-

76 Investigation report, 9 April 1940, in: APK, 134/920, folio 148–150.

77 *ibid.*

78 Intake form women's penitentiary Fordon, in: APB, Fordon 90/1933.

79 Vgl. Schlüter, »...für die Menschlichkeit im Strafmaß bekannt...«, p. 141; Becker, Mitstreiter im Volkstumskampf, p. 157.

80 Verdict against the midwife Helena I., 29 June 1944, in: APK, 134/885, folio 109–113.

81 In the Reichsgau Wartheland the German People's List was introduced already in October 1939. Cf. Stiller, *Völkische Politik*, pp. 1136–1137.

82 Cf. Kundrus, Birthe: »Regime der Differenz. Volkstumspolitische Inklusionen und Exklusionen im Warthegau und Generalgouvernement 1939–1944«, in: Bajohr, Frank/Wildt, Michael (eds.), *Volksgemeinschaft. Neue Forschungen zur Gesellschaft des Nationalsozialismus*, Frankfurt am Main 2009, pp. 105–123. See also Stiller, Alexa: *Völkische Politik. Praktiken der Exklusion und Inklusion in polnischen, französischen und slowenischen Annexionsgebieten 1939–1945*, –Bd. 2, Göttingen 2022, pp. 1328–1334.

larly evident in the trial against Helena I.⁸³ The court found that Helena I was unaware of the nationality of Gertrud J. and Heinrich P. Both had spoken Polish and had not identified themselves as Germans.⁸⁴ Consequently, the court declined to impose the death penalty, in contrast to the prosecution's request.⁸⁵ In this case, the court interpreted the flexibility of ethnic scales in a way that was favorable to Helena I. The testimony of the midwife, who stated that she had only »dutifully intervened as a midwife with Gertrud J., because J. had only come to her when a miscarriage was already underway«⁸⁶ was not deemed credible by the court though.⁸⁷

Midwife Helena I. presented a legal argument regarding the ambiguous boundary between an intervention and a spontaneous miscarriage. It is likely that she anticipated that she would only be convicted if there was clear and convincing evidence. Nevertheless, as the verdicts demonstrate, the German Special Courts were content with evidence presented in the form of witness testimonies or, as evidenced in the case of Angela T., even hearsay. Above all, the potential of performing an abortion on a German woman was sufficient grounds for a conviction. Polish midwives, who had been trained in the medical procedures necessary to perform abortions and whom the Nazi occupiers, because of their Polish identity, suspected in general of working against the Germanization policy, were accused and convicted of »commercial abortion«.⁸⁸

A total of 44 Polish midwives and one Jewish midwives were incarcerated at the Fordon Women's Prison near Bydgoszcz as a consequence

83 In contrast to the Reichgau Wartheland, where Arthur Greiser pursued a restrictive ethnic policy and enrolled only about 12 % of the population in the *German People's List*, Fritz Bracht promoted the Germanization of the district of Upper Silesia through a broad Germanization of the former citizens of the Second Polish Republic. By 1944, 56% of its population had been included in the »ethnic community« via the *German People's List*. Cf. Wolf, Gerhard: Exporting Volksgemeinschaft. The deutsche Volksliste in Annexed Upper Silesia, in: Steber, Martina/Gotto, Bernhard (eds.): Visions of community in Nazi Germany. Social engineering and private lives, Oxford 2014, pp. 129–145; Stiller, Völkische Politik, pp. 1192–1209, 1240.

84 Cf. Verdict against the midwife Helena I., 29 June 1944, in: APK, 134/885, folio 109–113.

85 As an alternative to the death penalty, the public prosecution demanded a sentence of five-to-six-years in hard labor camp. Letter from the senior public prosecutor in Katowice, 15 March 1944, in: APK, 134/885, folio 144.

86 Verdict against midwife Helena I., 29 June 1944, in: APK, 134/885, folio 109–113.

87 *ibid.*

88 Investigation report in the case of the midwife Angela T., 9 April 1940, in: APK, 134/920, folio 148–150.

of their involvement in abortion. The average sentence was 4.6 years in prison or penal camp.⁸⁹ Many midwives convicted as »commercial abortionists« like Antela T., were sent to harsher concentration camp sentences after 1943. The conditions in prison and penal camps were marked by brutality of the guards, forced labor, a lack of food and medical care. For the midwives, many of whom were in their 40s, 50s or even 60s, a prison sentence under these harsh conditions of the German occupation could easily result in a death sentence.⁹⁰

Conclusions

The analysis of the case files from the Katowice Special Court in Upper Silesia and the Fordon Women's Prison near Bydgoszcz (Danzig-West Prussia) demonstrates that women and couples made conscious reproductive choices. In the absence of effective contraceptives, abortion was frequently the only means of limiting births. The biopolitical objective of the German occupiers was to increase the number of births among the German population and to limit the number of births among the Polish. In this regard, abortions were strictly forbidden for German women, whereas, they were desirable and even encouraged for Polish women. The Medical Review Board, which had been established to assess the legal grounds for abortion, granted numerous approvals for Polish women.⁹¹ In 1943, all abortions within the »fremdvölkische« [foreign ethnic] population were excluded from punishment. Conversely, abortions performed without state supervision and within a social network were perceived as a security risk and a threat to the »German national strength«. The authorities were concerned that German women might gain access to these abortion-facilitating networks at any time.

For women, an abortion performed by a midwife was often perceived as a straightforward and uncomplicated method of terminating an unwanted pregnancy. As experts in pregnancy and childbirth, the accused

89 The sentences ranged from 6 weeks in prison to 8 years in a penal camp. All together 56 women were imprisoned in Fordon because of abortion. Cf. Abortion Files, in: APB, Fordon 90.

90 Cf. Schlüter, »...für die Menschlichkeit im Strafmaß bekannt...« and abortion files of the women's prison Fordon, in: APB, Fordon 90.

91 Cf. Reichsärztekammer, 1 April 1944, list of allowed abortions by the Medical Review Board, in: Archiwum Państwowe w Łodzi (APŁ), L-15055.

Polish midwives, who were usually located in the close neighborhood of the women seeking their assistance, facilitated low-threshold access to abortion. In doing so, they supported the »subversive agency« of pregnant women as described by Isabel Heinemann. Those midwives acted in accordance with their »own logic« and in response to a sense of obligation to their social environment.⁹² In contrast, the biopolitical objectives of the Nazi health authorities and fear of punishment appear to have had little influence on the actions of midwives. It is possible that they hoped to avoid punishment by claiming that they had not performed an abortion but had merely assisted the women in healing blood flow disorders. The said midwives subsequently presented a series of arguments pertaining to the concept of »not knowing«. These included the assertion that they were operating within a »flex area« between pregnancy and »halted blood«, and that they had only examined the women, detected complications such as bleeding, and sent them to a doctor for curettage.

In contrast, the three ethnic German midwives who testified against Angela T. made it clear that they had opposed abortions even before the war and considered the performance of abortions a »defilement« of their profession. The midwife Klara U. stated: »I consider the dismissal of midwife T. to be an absolutely necessary measure. It is challenging to convey the extent of all the professional midwives' suffering because of her.«⁹³ Furthermore, midwife Agnes W. said: »I am not making my statements here out of envy or hatred towards the [midwife] T., but because I feel obliged to maintain the integrity of our profession which is of benefit to the Volksgesundheit [people's health]«. ⁹⁴ The midwives Agnes W. and Klara U. made it clear that, as German midwives, they placed greater value on legal regulations and the boundaries of their competencies than on social networks and low-threshold reproductive choices for women. Above all, they perceived it as a professional political necessity to take action against (Polish) midwives who performed abortions.⁹⁵

The trials point out different conceptions of life and its beginning, as well as different conceptions of competence to decide about it. Nazi

92 Cf. Lüdtke, Alf, »Eigensinn«, in: Jordan, Stefan (ed.), *Lexikon Geschichtswissenschaft. Hundert Grundbegriffe* 2002, pp. 64–66.

93 Interrogation of the midwife Klara U., in: APK, 134/920, folio 38–39.

94 Interrogation of the midwife Agnes W., in: APK, 134/920, folio 34–37.

95 The Polish Midwives' Associations of the Second Polish Republic also opposed abortions and their colleagues who conducted them. Cf. Kassner/Lisner: *Zwischen staatlichen Vorgaben*.

authorities, however, were less concerned with determining the beginning of life than with regulating reproduction for racist biopolitical purposes: the guiding principles for decisions regarding reproduction were not individual needs, values or standards, but rather those of »ethnic community«. The historical example, thus, illustrates the disparate and conflicting interests and claims to access and govern pregnancy and the unborn as liminal perceptions of life and death. This prompts the question of who, under what conditions and with what intentions, determines reproductive choices.

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