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## Sling: “Richter der letzten Instanz”

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### Sling: “Richter der letzten Instanz”

In the 1920s courtroom reportage became an important journalistic genre in the 1920s as leftist and liberal reporters filed into the halls of justice and analyzed what they saw and heard there in order to expose the injustices of a judicial system that had not embraced the liberal republic. Paul Schlesinger, who wrote under the pseudonym Sling, along with his colleagues Carl von Ossietzky, Kurt Tucholsky, Gabrielle Tiergit wrote of the sensational and the mundane, the political and the everyday cases, all of which provided the basis for social commentary and political criticism. Some have argued that the eagerness of these journalists to criticize the German judicial system helped to foster a “crisis of confidence” in the German judiciary - a factor that contributed to the undermining of Weimar democracy. Others, like Claudia Schönigh, have argued that the reportage of Sling and others offered constructive suggestions for the liberalization of the German justice system and that these suggestions remained unheeded by an intransigent judiciary.

One could have hardly accused Sling of failing to offer a constructive engagement with the law in his own reportage. His incisive analysis of judicial decisions and legal practice was praised by legal experts such as Gustav Radbruch, the Minister of Justice, who wrote of Sling in 1928 in the forward to a collection of Sling’s *Vossische Zeitung* articles, “Selbst ohne juristische Vorbildung, hatte er ein durch Berufsroutine unverbrauchtes, erstaunlich ursprüngliches und sicheres Urteil über die Handhabung des Rechts.” Forty-one years after Sling’s death, Dr. jur. Robert Kempner would describe Sling as “eine Art Justiz-Beauftragter,” a “Richter der letzten Instanz” who had a natural, intuitive understanding of the law with which he could hold his own with any trained expert.

Sling was trained neither in journalism nor the law. Born in 1878 in Berlin, he worked as an apprentice in an “alten, sehr ehrenwerten” textile firm that made women’s clothing, shawls, and handkerchiefs. It was while working there that one day, after taking a long morning break in a nearby distillery, he and a colleague visited the nearby courtroom “um ein paar Verbrecher aburteilen zu sehen.” This was his introduction to Moabit, where his “film rolled.” Although he never learned the wool trade, he later wrote, “von Moabit blieb was von mir hängen.” After trying his hand at a variety of trades, he finally hit upon journalism. After twenty-five years of taking assignments in Germany and abroad, he finally returned to Berlin where he once again visited Moabit - this time as a reporter for the *Vossische Zeitung* rather than a mere spectator.

What made Sling’s reporting compelling was not just his insightful criticisms legal procedure and judicial decisions. As a lover of the theater, he found in the courtroom a

real-life drama which he sought to portray with the same literary flair he used in his own piece “Der dreimal tote Peter.” Shunning the notion of journalistic objectivity, he sought to uncover “die seelischen Beweggründe der auftretenden Personen, der Angeklagte, der Zeugen.” The most mundane civil suit as much as the most sensational murder case served as his material. “Der Menschheit,” he wrote, “ist ein großer, nicht eben süßer Kuchen, der krümelt.” The occasion was the immigration proceedings against a Russian woman who had been living in Germany without a visa because her native land would not allow her to return, nor would the United States immigration office allow her to stay. “Krümel der Menschheit. [...] Pustet auf den Tisch und läßt den Krümel auf der Erde liegen. Würde der Krümel die Gesetze ernst nehmen, so müßte er sich erschießen. Wie kann man leben ohne Erlaubnis? Er tut’s.”

Courtroom reporting for Sling was the key to an open and viable justice system in a democratic society. In the new age of mass communication, he stridently defended the right for the press to have access to the courtroom to open the justice system to the scrutiny of the public. This right came with responsibility, however. Like the courts, the press should also be responsible to the public, according to Sling: “Kritik braucht auch die Presse. Zwangs- und Gewaltmaßnahmen lehnt sie ab. Ihre Erziehung hat sie in eigene Regie übernommen.”

One of Sling’s most important journalistic campaigns was the campaign against the alarmingly high number of perjury trials in Berlin courtrooms after 1924. Changes in the structure of Schwurgerichte under the Emminger reforms that year had led to a dramatic increase in the number of convictions as well as prosecutions for perjury. Between 1923 and 1924, the number of perjury convictions in Germany more than doubled and by 1925 it had tripled. In the Weimar system, oaths were administered as a way of coercing a witness to tell the truth and was often done before the witness had given the statement. Providing false testimony under oath brought a penalty of a minimum of one year and a maximum of ten in Zuchthaus. Sling found in covering perjury trials that a high percentage of cases, individuals perjured themselves by lying under oath regarding an illicit sexual affairs. “Gibt es viele Menschen,” he asked once with regard to a murder case, die in sexuellen Dingen nicht lügen, nicht ausgezeichnet lügen?” and condemned not the liar, but the repressive sexual morality of the period. Such was the case in the trial of Stadtrat Eggert, who was convicted of perjury after having brought his neighbor to court for peeping into his apartment through the mail slot. The nosy neighbor accused him of having an affair with a young woman; he denied it. The court decided that since she could see inside the apartment she must have seen the two alleged lovers together. Eggert’s sentence of two years in prison was commuted to two years in Untersuchungsgefängnis and after serving one year he was released. “Das ist Gnade,” wrote Sling, “wie steht es mit der Gerechtigkeit? Ist der Mann schuldig oder nicht,” he asked, suggesting that even the court did not believe in the justice of the conviction.

Sling’s analyses of many such cases ultimately contributed to significant revisions in the

role of oaths in German legal proceedings and a significant reduction in the penalties for perjury in the German criminal code, although he would not live to see those changes. The Weimar press lost one of its most outspoken defenders of liberal justice when Sling died of a heart attack on 22 May 1928, and thus never witnessed the foreclosure of democratic possibilities he had struggled to defend through his reportage.