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Into the Courtroom: Paul “Sling” Schlesinger and the Origins of German Literary Trial Reportage

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Abstract: This article is a critical portrait of Germany’s most influential trial reporter, Paul Schlesinger, who covered Berlin’s criminal court in the 1920s for a leading liberal daily, the *Vossische Zeitung*, under the pseudonym of Sling. It describes Schlesinger’s transition from feuilletonist to trial reporter, and shows how Schlesinger used literary techniques traditional to the feuilleton to elevate the then-undervalued genre of trial reportage to a place of cultural attention.

One of the biggest sensations in the German art world after World War I took place not on the classical stage but in the courtroom: in November 1921 Berlin’s public prosecutor charged the director and actors in a local production of Arthur Schnitzler’s play *Reigen* with the jailable offense of public indecency. Schnitzler’s piece was a bald-faced depiction of the hypocrisy of Vienna’s sexual mores, organized into ten pre- and post-coital conversations between a series of overlapping lovers. Considered unperformable upon completion in 1896, it fared little better with the public’s more censorious members twenty-five years later, who flung stink bombs and anti-Semitic invective at each lifting of the curtain. Like the beleaguered performance, the ensuing trial launched into the public eye not just a scandal over aesthetics and morality; it provided a platform for airing political outrage from right-wing groups of all feather, and became a convenient tool of cultural propaganda in the hands of a budding National Socialist movement.¹

This sudden clash of art and politics begged for a literary-satirical touch, and in place of their somber legal experts, Berlin’s *Vossische Zeitung*, a leading liberal daily, sent to court Paul Schlesinger, a staff feuilletonist who wrote

pieces of local color under the pseudonym of Sling. What Sling drew out of these days in court was of a different nature than the usual legal critique and stenographic report. Mood, metaphor, and “verbal blossoms” from the star-studded cast of expert witnesses provided much-needed humor and psychological insight into the happenings of the courtroom.²

With the *Reigen* trials Sling acquired what would become his signature beat, and with it the reputation as one of the Weimar Republic’s most beloved journalists. The *Reigen* articles also marked the beginning of literary trial reportage in the German press. Sling’s contemporaries—press scholars, legal professionals, and journalists alike—saw him as a stylistic reformer who transformed a “neglected journalistic form” to “works of high literary quality.”³ The following article investigates this literary turn through an overview of Sling’s courtroom coverage, with the following questions in mind: What did the feuilletonist bring to the courtroom? How did a literary approach to trial reporting change perception of the justice system in Weimar Germany?

Trial Reporting in Wilhelmine and early Weimar Berlin, 1880–1921

Prior to Sling’s arrival, trial reporting existed as a stunted and struggling genre, despite its founders’ best intentions. It had been initiated in the late nineteenth century by a new body of modern mass dailies, which challenged conventions by reporting on socially sensitive issues like crime and justice. This assertive journalistic spirit, however, did not translate easily into form. Early trial coverage was limited to prim, factual accounts done in the so-called “stenographic” style, published rather inconspicuously under local or miscellaneous news.⁴ Readers interested in splashier, romanticized versions of cases had to search outside the context of the daily press, in participant memoirs or specialized magazines like *Der Criminal-Reporter* or *Illustrierte Gerichts-Zeitung*.⁵ After World War I, Berlin newspapers took more latitude, relying increasingly on sensational crime stories to sell copy.⁶ Still, the expansion in court coverage did not greatly affect quality or style. Trial reporting continued as a bland, crime-focused genre that wandered between coverage of prominent local news and back-page entertainment supplements. Even as late as 1926, celebrity defense attorney Max Alsberg complained that news of the courts was hidden behind stories of “six-day races, boxing matches and other sporting events.”⁷

For all its ubiquity, trial reporting remained a controversial genre well into the twentieth century, popular with readers but regarded with suspicion by many spectators of the public sphere. Reluctant supporters granted it a weighty social role, agreeing with jurist Franz von Holtendorff that “without truthful reporting of court hearings the public administration of justice can-

not happen at all.”⁸ But generally the mood was set by critics, who considered trial reporting to be “a field of lowly reportage for the purpose of satisfying curiosity and sensation mongering. The representation as well as the choice of material [serves] only the purpose of thrilling and amusing.”⁹

Journalists were no great fans either. Trial reporting in the early twentieth century was tough, unpopular work, which editors generally delegated to lesser staff reporters. “No one aspires to the court,” Sling admitted, particularly in Berlin, “[b]ecause everybody knows that ‘trial reporting’ means: going to ‘Moabit’ every day—and that is for most people, not just the accused, extremely uncomfortable.”¹⁰ The problem with Moabit wasn’t the district itself, a populous, working-class neighborhood in northwest Berlin. It was its grandiose courthouse, where the city’s criminal trials took place. Despite constant renovations, the sprawling, neobaroque building struggled to meet the needs of Berlin’s ever-growing population. *Berliner Tageblatt* crime reporter Walter Kiaulehn remembers that “people sat on top of one another, and in the dark too,” creating an “unforgettable atmosphere of familiarity” and dreadful air.¹¹ Sling’s reporting on day four of the *Reigen* trial corroborates this impression: “The air in the courtroom is getting worse, it’s becoming unbearable, and the trial [creeps along] lethargic and viscous in the morning hours.”¹²

Then there was the trouble of writing. Under the court’s cramped conditions, long, dull hours of proceedings had to be compressed into pithy reports, leaving little time and energy for critical approach or literary ambition. Journalists rarely received a byline, and those trial reporters who did not sink into obscurity could generally expect a harsh appraisal of their work.¹³ Unsurprisingly, legal experts like the *Vossische Zeitung*’s Erich Eyck preferred to publish commentary under the rubric of national politics or in specialized legal supplements. And the crime-minded among the German literati were partial to small cultural weeklies or book format, which offered more generic creativity as well as forgiving deadlines.¹⁴ In fact, the latter tended to eschew the courts entirely, taking one of two approaches: either that of the armchair polemicist, in the critical style of Maximilian Harden, or that of the gumshoed investigator, like Egon Erwin Kisch, who sought out crimes as they were happening. Both approached the subject of crime and punishment in an entertaining and critical manner, but without much interest in the courtroom itself or for the process of judgment for which it stood.

Sling and the Birth of Courtroom Feuilleton, 1921–28

Like his literary cohort, Schlesinger’s interest in the court was slow in the making. The Berliner, born in 1878, came to trial reportage by way of a circuitous and largely literary route, laconically self-described as having “done

a bit of everything.” After the youthful abandonment of an apprenticeship in a Berlin textiles business, Schlesinger took up “music, literature, yes acting. I wrote plays, became a journalist, moved around in Germany. Went abroad. After twenty-five years of wandering I came home.”¹⁵

With his return to Berlin in 1920, at the age of forty-two, Schlesinger landed in the feuilleton department of the *Vossische Zeitung*. “Auntie Voss,” as it was affectionately known, was Berlin’s oldest newspaper, a liberal institution revered for its high-minded political and cultural coverage. Since 1914 it had also been the flagship of the progressive multimedia concern, the Ullstein Verlag. This wasn’t Schlesinger’s first assignment for Ullstein; before and during World War I he had worked as a company correspondent in Munich, Paris, Lugano, and Bern, his articles scattered across the company’s many dailies, weeklies, and magazines.¹⁶ A position in the feuilleton of the prestigious *Vossische Zeitung*, though, was quite a step up in the world of German journalism. Originally a venerated arts and entertainment section set off from political news with a heavy black line, by the 1920s the moniker feuilleton more often referred to an editorial department than a specific news rubric. But the general character still applied: the feuilletonist promoted cultural content and stylized writing, leaving standard reporting and overt political commentary to his colleagues on page one.

Accordingly, Schlesinger’s early articles were amusing pieces of local color, sketches and anecdotes inspired by the author’s rediscovery of his home city.¹⁷ Moritz Goldstein, a fellow *Vossische Zeitung* feuilletonist and Sling’s successor to the court, remembered how the desire to “write Berlin” led Schlesinger everywhere from the elegant Westend to the proletarian districts around Alexanderplatz, and after exhausting the usual sources of public parks and public houses, a “pure need for material” drove him to the courts.¹⁸ Schlesinger had worked in the neighborhood of Moabit many years earlier. Inspiration came from the memory of lunchtime visits to the court and the surrounding pubs during his textiles apprenticeship, where court employees and observers swapped post-trial commentary over pints of beer. In those days, before the era of cinema, locals willing to brave long lines and limited seats on the public gallery’s slender pews were rewarded with the opportunity to “speculate, discuss, and fervently participate” in what writer Felix Hollaender dubbed the “theater of no money.”¹⁹

Schlesinger’s memory of the place where “my films rolled” served him well.²⁰ Thirty years had passed since his youth, yet the allure of Moabit courtroom remained. What had evolved was Berlin’s self-image, from the “Athens” to the “Chicago” on the Spree. Though its reputation proved worse than statistics actually allow, the crime rate had indeed risen, and so too crime’s place

of significance in the culture of Weimar Germany.²¹ The Berlin public by all accounts seemed to relish in its criminalistic image, a fascination since interpreted as not only a sign of the times but as a way to understand the apparent collapse of the prewar social and moral order.²²

Yet, ultimately, for Sling the literary appeal of Moabit lay not so much in the crime but in the courtroom itself. Natural affinities between the fields of law and literature—particularly the desire of each to illuminate truth despite fundamental differences in its extraction—make the appeal of the court understandable. German law seeks in every case first and foremost to determine the “*objektiver Tatbestand*,” the unvarnished facts of what happened, which ultimately form the basis of the court’s final act, the *Urteil*, or judgment. These facts are identified and protected within the context of a trial under the rules of evidence, ideally unmediated by subjective elements of motive and emotion.²³

The law’s ideal of unmediated truth, however, often “does not make a good story,” as Janet Malcolm points out. “[T]hat’s why we have art.”²⁴ Literature’s advantage over the law lies in its ability to operate with a much wider concept of the truth, one unfettered by such cares as real-life actions and motives. Its tools—imagination and language—are likewise unrestrained. In fact, they are lauded for more brazen acts of nonmimesis. The best early twentieth century example of this literary abandon comes not from Sling but from Franz Kafka, whose famous preoccupation with the legal system is best represented by *Der Prozess* (1925). The novel plots the tragicomic downfall of Josef K., accused, convicted, and ultimately executed by an unknown authority for an unnamed crime. Kafka gives us one strong instance of what happens when literature turns its gaze to the law: an imaginative exploration of timeless juridical issues like guilt and innocence, crime and punishment, civic order and belonging. And while the power of this fantastical trial can be located in its abundance as a metaphor, it also works on its most literal level. The story reproduces with uncanny accuracy an all-too-familiar terror of the individual thrown into a remote and inaccessible system of justice.²⁵

The specter of a seemingly hermetic justice system is exorcized in Sling’s work, too, although in Sling’s case the court process appears not as a literary trope but as an actual event. Journalism is, after all, a literary field bound by the imperatives of actuality in ways more similar to the law than fiction. But a literary approach to trial reporting—as the next section demonstrates—is capable of getting a truth beyond the *Tatbestand*, specifically by introducing, through the techniques of fiction, those mediating, subjective elements the law works so hard to exclude.

The Moabit Mirror: Literary Style in the Courtroom

1. Sling and Subjectivity

With Sling's rising fame in the mid-1920s, court officials slowly came to recognize the wide, sloping shoulders and unruly graying hair of Berlin's most unusual court commentator. Fellow journalist H.H. Bormann remembers that "if [Sling] entered a room during a trial and silently took a seat at his place among the press corps, there was always a movement, a bracing of the dais-throned members of the court."²⁶ But at first no one knew to suspect this bearlike man, with all the rumpled appearance of an artist, rambling the court's corridors in short, sedate steps, of being "Herr Sling." And how could they? Anonymous authorship was still common practice in 1920s German journalism. Bylines were considered an honor that invariably elevated the subjectivity of the writing style, resulting in the cultivation of a recognizable authorial voice or a strong emphasis on opinion and impression. Even those journalists who were granted one, feuilletonists and political critics, often chose—like Schlesinger—to write under a pseudonym.²⁷ The advantage of this strategy was the ability to refine authorial subjectivity without the risk of identification, an art form Sling jokingly named "Suppressionism."²⁸

But, actually, the only aspect of suppression in Sling's work was his given name. His personality was instantly recognizable on the page, and the subjectivity that gave him an identifiable voice also formed something of a methodology for his reporting. Freely admitting his belief that "[o]bjectivity does not exist," Sling had no inhibitions about being led by inner impulses.²⁹ Amid fanatic scribbling at the press bench, between reporters, noses to their pads, seizing "only words," Sling would sit upright, "his gaze seemingly casually going around the room . . . gaug[ing] the surface of faces, the accused, witnesses, lawyers, judges . . . nearer and nearer . . . [until] suddenly his eye stopped and took in the entire person."³⁰ His strategy for reporting, Sling claimed, "depends on my soul's experiences. . . . In the courtroom I look out for the motives of the souls of those persons present, the accused, the witnesses. I also cannot help but attempt to look into the hearts of the state prosecutors and judges. The picture I take in creates in me sadness, outrage, apprehension, sympathy, contempt, amusement, sarcasm, love and hate."³¹

Strategic reliance on emotions, quicksand for conventional reporting, works for Sling's trial reportage for a few reasons. First, because legal proceedings aim so determinedly for objectiveness, the simultaneous process of trial reporting seems able to afford a certain amount of emotional generosity. Just how different this approach is from the objectivity of the court can be seen in comparison with another document produced from trial proceedings, the

Urteil, an efficient, specific, and above all purely expository record of the facts (*Sachverhalt*) and a corresponding legal interpretation (*Rechtliche Würdigung*) written by the presiding judge. Second, because Sling's process is not pure emotionalism, it is controlled feeling, with emotions carefully harvested and rigorously vetted. Sling describes his work further as the practice of a "responsible, subjective creation," the "suggestive notification" of one's own experience, which is "only possible in the compressed form of a newspaper report through the use of artistic methods."³² These methods include a mixed bag of literary devices and strategies traditionally associated with works of fiction. The greatest impact is made by Sling's flexibility with rhetorical modes, stepping beyond the exposition dominant in standard court reporting to a finer reliance on description and narration, which expand both the content and the form of the trial report.

2. Sling and Description

The descriptive mode's clearest contribution to court-focused journalism is an elevated sense of place. For Berlin this was no small matter. The architecture and the atmosphere of the Moabit criminal court were famously imposing, for defendants, for casual visitors, even for journalists, as *Berliner Tageblatt's* Gabriele Tergit was willing to concede. Tergit felt so intimidated on her first visit to Moabit that "I went through the courthouse, up the stairs, but I couldn't bring myself to open the courtroom door."³³

Most newcomers to Moabit were more in need of a Virgil than the usual "intermediaries between the two worlds," the court's civil servants and the regular members of the press, whose tools of demystification were limited to the stenographic report or the juridical critique.³⁴ Sling was better equipped to introduce the uninitiated to the sights and sounds of the court, as his lyrical portrait of the courthouse, "Die Atmosphäre von Moabit" (The Atmosphere of Moabit), demonstrates. "Soundlessness," Sling explains,

is one of the eerie components of the Moabit atmosphere. The pompous staircase, with its dreary and unfelt ornaments of sandstone allegories, is nearly always deserted. Sometimes a small troop of witnesses ascends the stairs, gathers in front of a chamber door. A few lawyers scurry in their robes across the corridors, or a state's attorney is called from his office, where he had retired during the deliberation of the court. One hears the voice of a guard, summoning a case, a witness. Very rarely, and all the more alarming, . . . the angry outburst of the convicted, the trumpet-like bickering of parties, whose argument has resumed outside of the courtroom. But otherwise silence.³⁵

In Sling's hands, the architecture of the court provides not only mood but metaphor for the potentially alienating nature of the justice system. Like

the courthouse it describes, the article is dominated by the entryway's enormous, dueling set of stairs, which cross upon each other with the visual effect of a Möbius strip. This main staircase "leads the visitor in from the street" as another hidden system of stairs "takes the detained accused on secretive paths from the holding prison directly into the courtroom. If in the courtroom a direct incarceration is ordered: a door opens, a figure is swallowed."³⁶ The overall effect is disorientation only by degrees less haunting than in Kafka's secret court. Passive language reinforces an impression of the lack of human agency, while the court, like all sprawling institutions, seems to take on a life of its own ("a door opens, a figure is swallowed"). In the end, a living building stands in contrast to its legal professionals, "agents" of "this tiered world," the real "victims of Moabit," who are "closed in the armor of correctness, fossilized like the ridiculous allegorical figures in the entryway."³⁷

On its own, this article reflects an inhumanity, seemingly inherent to the court, which also inspired his colleagues' grim, industrial picture of the same place, Tucholsky's "Moabit justice factory" or Goldstein's "machine that produces judgments."³⁸ But with every additional article, Sling's court becomes more animated, its chambers populated with unique and lively characters. This process is aided by description-heavy passages, which offer elevated insight into individual character on all sides of the bench. On the administrative side, Sling complicates the dismissive stereotype of the authoritarian and remote Prussian judiciary with a multitude of portraits, revealing a wide scope of talents and challenges: of good judges, exhausted judges, young and old judges, even the most brittle of them, like "Der Beamte" (The Civil Servant), not fossilized but sitting elevated at the tribune "rosy, correct, and decorative with a silver braid on his velvet cap."³⁹

But his best efforts are spent on unusual, colorful representations of those on trial, drawing on all cultural tools available. Over the years he tries out references to ancient history, to classical myth, and to contemporary literature. A thieving prostitute appears as an ironic Phyrne and brawling horse dealers as satyrs; other trials feature "Ibsenesque misunderstood women" and "Strindbergian martyred men."⁴⁰ More humorous is Sling's liberal use of zoomorphism. The court becomes a bestiary of criminality as colluders in real estate fraud are transformed into a flock of bickering birds,⁴¹ as a pimp's spiritual monstrosity is betrayed in his blubbery, seal-like appearance,⁴² or as a piscine writer angrily confronts the judge:

Accused and brought into the courtroom by an exceedingly cheerful constable of the court, a writer, whose name evokes the image of the most pleasant time of the year. The name equinoctial storm would be in view of this lady an inappropriate flattery, so let's call her Miss November. The charges

list coercion, breach of the domestic peace, insult and theft.

How she stood there, with tiny malicious eyes in the massive face, the strong mandible clapping up and down through uninterrupted speech, she resembled one of those grotesque fishes, which vents their tropical snouts on the glass walls of the aquarium.⁴³

The overall achievement of such description-laden texts lies in the clear and lively impressions they produce, which bring to focus details unimportant to the court's execution of the law but fundamental to understanding the dynamic of the trial and the character of those present. Sling's ability to recreate this dynamic for the benefit of readers not only aroused public interest in small, seemingly insignificant court cases, but also helped provide a greater social context for them. Read as a whole, the collected transgressions of individual defendants yield an elevated sense of the character of Weimar criminality. Sling's group portrait contains some of the era's most sensational offenses but is mainly populated by common citizens committing acts of everyday crime, that which Elder describes as misdeeds "between spouses and lovers, coworkers and schoolmates, friends and neighbors," with motives ranging from "sexual aggression [to] robbery, revenge, economic despair."⁴⁴

Unsurprisingly, Sling's reflection of Weimar crime hinges strongly on this final complaint. Not just crimes against property, domestic abuse, murder, even increases in insult become "compelling representatives of [Weimar's] inflationary culture."⁴⁵ And beyond the stock characters of the swindler, the thief, and the cat burglar, Sling places before his readers average people pushed to the edge, like the subject of his final article. In "Die große Wut des kleinen Mannes" (The Great Anger of the Little Man), the defendant stands accused of attempting to murder a colleague who, under the promise of a job, swindled him out of his last pennies, and who, when tried in court, received only a light sentence and probation. He begins:

In the dock of the large jury courtroom, the scrawny figure of the little old engraver seems to get lost, and one does not want to believe what offense brought him here: attempted murder. He is sixty-five years old, led a life full of work and disappointment, never did anything wrong before—and then he too had to try out murder.⁴⁶

The "he too" here is significant, a brief nod to the popular impression of the postwar rise in violence, although both the judge's gentle sentence (four months, one week incarceration) and Sling's interpretation show no ambivalence in placing guilt on external forces, which propel even "those of sweet temper" to "the hour when all patience and forbearance are consumed, when the heart is exposed, when the vengeful hand raises: shoots and stabs."

Accounts of violent crime from the ranks of “upstanding citizens”—such as police officers, schoolteachers, and civil servants—further blur the borders between the behavior of the bourgeois citizen and the criminal outsider.⁴⁷ One of the most sensational trials of 1924 is case in point. Limestone quarry director Fritz Angerstein was tried and convicted of killing eight people, primarily members of his household, with an axe. Angerstein’s gruesome crime makes him far less sympathetic than the old engraver of the previous case, and more shocking to the public as a sign of social and moral disintegration. But nevertheless Sling shows him to be a carrier of a similar moral. In Sling’s account, Angerstein was “not in any way somehow a noteworthy person, and we all would have passed by this petit-bourgeois without noticing him. But he was hardly what one might call an unlikeable person.” The normality of the man is what makes his crime all the more penetrating. “Angerstein’s crime is ours,” Sling writes. “[W]ho doesn’t know from himself or other persons nearby the sudden outbreaks, which—often for insignificant reasons—show a good husband to be an insupportable tyrant, a loving father as a Tartar? Just how far is the path to a crime?”⁴⁸

3. Sling and Narrative

The bigger reach across rhetorical modes is Sling’s narrative style, a creative use of voice and point of view, which at times included stylized narrative framing, the reconstruction of dialogue, and a strong authorial presence.⁴⁹ The biggest distinction between this “subjective” narrative style and objective reporting is not an emphasis on storytelling per se. For even the most conventional stenographic report gives a chronological summary of the courtroom happenings: beginning with the backstory of the crime, proceeding through excerpts of the courtroom examination, and concluding with the judge’s verdict. Rather, the difference lies in the freedom to follow other plotlines, and in this sense, the potential of narrative for trial reportage extends not only to style but also to content.

Sling’s articles regularly deviate from the standard report’s story of the crime in order to emphasize the story of the court procedure, one that is itself a narrative process. The first goal of the presiding judge is the construction of a legally acceptable record of events, filtered from information given in evidence. This narrative, the *Sachverhalt*, is important in its own right as an official version of what happened. It also forms the necessary basis for the judgment and sentence, two more landmarks in an even greater, socially significant story arc.⁵⁰

The advantage of the narrative approach over the stenographic is in part ideological. Narrative can complicate the picture of causality offered in the

Urteil, present also in the standard report's face-value presentation of crime, conviction, and punishment. An example of this critical potential in action is Sling's treatment of testimony, the narrative motor behind every trial. For his purposes, this method of evidence not only provides emotionally rich moments of interaction between the judge and other participants, it also offers a way to highlight complications in the legal process. Take, for instance, "Der Sachverständige" (The Expert Witness), in which an eyewitness attempts to give an adequate account of the drinking that preceded a murder.⁵¹ Despite exertion spent on "an exceedingly correct pronunciation," he cannot find the acceptable words to answer the judge's question about the defendant's state of inebriation:

Witness: "He was dead drunk."

Presiding Judge: "Whether he was 'dead' drunk or not, that decision you have to leave to the court. You are not an expert witness, rather an eyewitness. Was he drunk or not—"

Witness: "He was so drunk that he no longer knew what he was doing."

Presiding Judge (somewhat agitated): "I told you, you aren't supposed to give testimony as an expert witness."

Witness (has no idea what he is supposed to say).

Presiding Judge: "Did the defendant stagger?"

Witness: "One can be completely drunk without staggering."

Presiding Judge (exasperated): "For heaven's sake—how often do I have to tell you, that you are not an expert witness but an eyewitness!"⁵²

Here Sling uses dialogue, a tool of the stenographic report, but to a different end, not to repeat the story of the crime but to show the difficulty of its establishment. The problem isn't a lack of information, but a lack of understanding. The witness doesn't comprehend the difference between these two kinds of testimony, and the judge doesn't think to explain the difference. Between the two, however, the judge is more to blame; his struggle to elicit legally useful information happens despite the diligence of his eyewitness, an ironic outcome of the strict maintenance of courtroom procedure, which allows "one [to] express any sort of impressions before the court—just not in the vocabulary that lies within the [expert's] operating range."⁵³

Just as procedure can burden testimony, testimony can burden the efficacy of the court, as "Der Fassadenkletterer" (The Façade Climber) illustrates.

This article reports on the suspended trial of a façade-climbing thief, who was pushed out of an upper story window during a scuffle with the target of his intended crime. Sling takes advantage of wordplay and a creative structure to emphasize the narrative ambiguity behind the trial's indefinite postponement:

Der Fall des Fassadenkletterers von Kaiserhof, Wihlelm Kaßner, zerfällt in drei Abschnitte, erstens einen realistisch-romantischen, zweitens einen schwindligen und drittens einen zweifelhaften.

(The case of the Kaiserhof façade-climber, Wihlelm Kaßner, falls into three sections, the first realistic-romantic, the second dizzy, and the third dubious.)⁵⁴

Three uses of the word “fall” appear in this opening sentence: one meaning “case,” another literally the act of falling, and finally the verb *zerfallen*, “to fall apart,” which Sling uses to describe the story’s structure. Sling also plays with *schwindlig*, the quality of dizziness associated with Kaßner’s fall, which Sling also attributes to the contradicting testimonies of perpetrator and victim (*schwindel* means “fraud”). The court could expect a statement by Kaßner, a repeat offender facing a stiff sentence, to be inventive. But that his target, a businessman from Zurich, would also stretch the truth in his account, and to such an extent that he leaves Berlin in order to avoid perjuring himself, comes as a surprise. Two further attempts to explain what took place from the perspective of the court are equally unproductive, leaving the question posed outright by our bemused author—“[w]hich account is the right one?”—unanswered, and the trial unfinished.⁵⁵

These two playful accounts may have provoked little more than amusement among contemporary readers. Sling’s coverage of perjury, though, demonstrates the potential of a narrative style to do more than entertain and inform. In a deluge of articles, Sling reported on the staggering, mid-decade increase in perjury charges facing Moabit.⁵⁶ Numerous articles recount the smallest lies told in the pettiest of disputes, over insults hurled across family kitchens, over worthless pieces of property.⁵⁷ Other reports reveal witnesses regularly and thoughtlessly perjuring themselves to conceal furtive sexual behavior, or to demonstrate misguided loyalty.⁵⁸ These lies, far from relevant to the conviction of serious crime, or even any crime at all, still occurred under oath, and as such carried a minimum sentence of one-year imprisonment. Story by story, Sling’s articles demonstrated how poorly the court’s procedure of administering sworn oaths (prior to witness statements) actually served their function. Meant to add an additional layer of verisimilitude to witness statements, these blanket oaths often only served to send otherwise

law-abiding citizens to jail. The narrative packaging of this reform-minded message proved more persuasive than statistics or polemics alone. Sling's stories were widely credited for generating interest for the necessary legislative reform, which passed in the Reichstag in 1930.⁵⁹

Much in the same way that Sling's use of description captures the mood and character of the court's various participants, his use of narrative in theme and mode provides a highly detailed reflection of the court's inner workings. The insight offered in these creative narratives is largely structural, not political.⁶⁰ They illuminate the complexity inherent to the courtroom process, so often obscured by the apparent causality of prosecution, judgment, and sentence. The closure drawn from the transformation of muddled reality into an orderly story is a necessary part of the court's social function. But, as the excerpts above suggest, the work of the court is by no means a conclusive process. In the end a case can be solved, but whether it can ever be adequately explained is less clear.

The open-ended nature of this juridical interpretation, however, was not meant pessimistically. The hope of Sling's subjective style—of description, of narrative, of humor, and other appeals to sentiment—is to fill in the gaps by getting at an emotional truth inaccessible to, or at least unusable for, the law. As modest as this ambition may be, its impact can be significant. As Sling's articles on perjury show, the reach of a politically neutral, literary approach can extend beyond empathetic engagement to concrete political change.

Conclusion

The feuilleton's presence in the courtroom left a lasting impression, even after Schlesinger's sudden death on May 22, 1928. During his fiftieth birthday celebration, Schlesinger suffered a heart attack on the dance floor in the arms of a young painter and died hours later.⁶¹ On May 25, a large crowd of press colleagues, legal professionals, and lay readers gathered in the leafy, suburban cemetery Stahnsdorfer Waldfriedhof to pay their respects. They also responded in print: an outpouring of obituaries and letters to the editor praised Sling as the "conscience of Moabit," for his ability to make all figures in the courtroom feel visible and adequately represented in the public eye. Fewer openly addressed Schlesinger, the stylist. Only the president of Berlin's superior court wondered with some incredulity that an "artist by nature" would devote his "best labor on small-time criminality."⁶²

Writers understood better. Under Sling's gentle cultivation, attitudes toward trial reporting among journalists had turned completely, from a disregarded field of reporting to a culturally relevant, even artistic genre. As early as 1924, Gabriele Tergit began to test her literary skills in Moabit, and quick-

ly “every Berlin newspaper had to have its little Sling.”⁶³ In addition to liberal dailies like the *Vossische Zeitung* and the *Berliner Tageblatt*, the left-leaning *Weltbühne*, the communist *Rote Fahne*, even the conservative *Berlin Lokal-Anzeiger*, took their piece of the courtroom drama. The most successful new courtroom reporters were people of belles-lettres: dramatists and novelists like Goldstein and Tergit, who freely admitted “if Sling had not made artworks out of trial reports, none of us would have been seized by this profession.”⁶⁴ That in the last decades, authors of newsprint and book alike continue to find the courtroom worthy of cultural attention is also Sling’s legacy. From the formerly exiled, postwar reporter Gerhart Hermann Mostar of the *Stuttgarter Zeitung*, who regularly cited Sling as his role model, to the *Süddeutsche Zeitung*’s current trial reporter, Hans Holzhaider, who recently edited a new collection of Sling’s work, Schlesinger continues to be remembered not simply as the original, but as *Der Spiegel*’s trial reporter Gerhard Mauz claimed, “the only really legendary German trial reporter.”⁶⁵

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Notes

1. Gerd K. Schneider, "The Social and Political Context of Schnitzler's Reigen," in *A Companion to the Works of Arthur Schnitzler*, ed. Dagmar G. Lorenz (Rochester, New York: Camden House, 2003), 27–58. *Reigen* was initially objected to as pornographic in nature and thus corruptive for young people. Due to active pamphleteering by the local sections of the Nazi Party, which pointed out that the author, director, and portions of the cast were Jewish, the criticisms quickly took on an anti-Semitic nature. Anti-Semitism played such a strong role in the trial that defense attorney Dr. Rosenberger argued that the "fight wasn't against *Reigen*, but rather a fight against the Jews." The trial ended with an acquittal on November 18, 1921.
2. Sling, "Reigen vor Gericht," in *Der Mensch, der schießt*, ed. Hans Holzhaider (Dusseldorf: Lillienfeld Verlag, 2013), 267. All English translations of German texts have been provided by the essay's author.
3. Otto Groth, *Die Zeitung*, vol. 2 (Berlin: J. Bensheimer, 1928), 422. Moritz Goldstein, quoted in Daniel Siemens, *Metropole und Verbrechen. Die Gerichtsreportage in Berlin, Paris und Chicago 1919–1933* (Stuttgart: Franz Steiner Verlag, 2007), 68. Siemens's important German-language study on Weimar trial reportage is the only scholarly work to discuss Sling's trial coverage at length, although Siemens's interest lies in investigating the genre's social role as intermediary between the public and the justice system, and does not undertake stylistic analysis of Sling's texts or address the implications of style on the genre's formation or reception. Further information on Sling is limited to the forewords of the three collections of his work: *Richter und Gerichtete* (1929, reissued 1969), *Der Fassandenkletter vom "Kaiserhof."* *Kriminalfälle aus den zwanziger Jahren* (1989) and *Der Mensch, der schießt* (2013).
4. Not only was the method of transcription the dominant style of trial reporting, it was also largely the work of one journalist, Oskar Thiele, whose reports were bought by many of the Berlin dailies. See Sling, "Die Gerichtsberichterstattung," *Berliner Presse* 16.46, November 20, 1926, 1–2.
5. Hett, 51. Siemens, 62.
6. Johnson, 86. Sace Elder, *Murder Scenes. Normality, Deviance, and Criminal Violence in Weimar Berlin* (Ann Arbor: University of Michigan Press, 2010), 19.
7. Quoted in Imtraud Ubbens, *Sein Kampf für Recht, Freiheit, und Anstand war notorisch. Moritz Goldstein—"Inquit." Journalist und Gerichtberichterstatte an der Berliner "Vossische Zeitung" von 1918 bis 1933* (Bremen: edition lumière, 2009), 198.
8. Franz von Holtzendorff, *Wesen und Wert der öffentliche Meinung* (1880), quoted in Groth, *Die Zeitung*, 943.
9. Groth, 942.
10. Sling, "Die Gerichtsberichterstattung," 1–2.
11. Walter Kiaulehn, *Berlin, Schicksal einer Weltstadt* (Munich: Deutscher Taschenbuch Verlag, 1981), 505.
12. Sling, "Reigen vor Gericht," in *Der Mensch*, 269.
13. Such was the fate of Hugo Friedländer, the only Wilhelmine-era court re-

porter to have his articles collected, reviewed among others by Kurt Tucholsky, who deemed them “dumb and kitschy newspaper reports, useful only as light-weight refreshment for the memory.” Hugo Friedländer. *Mörder-Verräter-Attentäter. Gerichtsreportagen aus dem Kaiserreich*. eds. Gideon Botsch and Christoph Kopke (Berlin: Verlag für Berlin-Brandenburg, 2008), 7–9.

14. Significant to Sling’s time was a series of modernist case histories, initiated in the mid-1920s, called *Außenseiter der Gesellschaft: Die Verbrechen der Gegenwart*, to which writers like Alfred Döblin, Egon Erwin Kisch, and Theodor Lessing contributed. Todd Herzog, *Crime Stories. Criminalistic Fantasy and the Culture of Crisis in Weimar Germany* (New York: Berghahn, 2009), 34–56.

15. Sling, “Wie ich Gerichts-Berichterstatter wurde,” in *Der Mensch*, 20–22.

16. Sling also wrote paperback novels and children’s plays for Ullstein Buchverlag.

17. These pieces have been collected in Sling, *Die Nase der Sphynx oder Wie die Berliner so sind*. ed. Ruth Greuner (Berlin: Buchverlag Der Morgen, 1987).

18. Moritz Goldstein, *Berliner Jahre. Erinnerungen 1880–1933* (Munich: Verlag Dokumentation, 1977), 122. My survey of the *Vossische Zeitung*’s digital archives verifies this memory. From 1921 to 1928, Sling’s feuilletonistic contributions appeared several times a month, within either the entertainment pages or the local news supplement. By 1924, the majority of Sling’s articles were courtroom feuilleton, appearing initially under the fitting heading of “Moabiter Spiegel” [Moabit Mirror], http://zefys.staatsbibliothek-berlin.de/list/title/zdb/27112366/?no_cache=1.

19. Felix Hollaender, quoted in Alois Wosnitzka, ed. *Das Neue Kriminalgericht in Moabit, Festschrift zum 100. Geburtstag am 17. April 2006* (Berlin: Berliner Wissenschafts-Verlag, 2006), 62.

20. Sling, “Wie ich Gerichtsberichterstatter wurde,” 20.

21. The Berlin public’s interest in crime is reflected not only in mass public involvement with high-profile criminal investigations but also in the popularity of crime-themed entertainment. To name a few examples, Fritz Lang packed the cinemas with tales of omnipotent criminals (*Dr. Mabuse, der Spieler*, 1922), and child murder (*M*, 1931). Bertolt Brecht and Kurt Weil’s gangster Macheath delighted audiences at the Theater am Schiffbauerdamm (*Die Dreigroschenoper*, 1928), and Alfred Döblin fictionalized the criminal life in *Berlin Alexanderplatz* (1929).

22. Elder, 45. Herzog, 2.

23. German criminal law bases its decisions for conviction on three required elements: the *Tatbestand* (the facts of what happened), *Rechtswidrigkeit* (possibility of self-defense), and *Schuld* (possibility of guilt). The *Tatbestand* covers “objective” and “subjective” elements; however, this “subjektiver Tatbestand” refers only to a basic, elementary awareness of the facts of situation. The German and American systems differ in other fundamental ways, mentioned briefly in the body of this text: German cases are decided by a judge and not by jury, decisions rely on legislation, not case law, and judges actively participate in German trials instead of remaining impartial referees like in American trials. See Richard S. Frase and Thomas Weigend,

“German Criminal Justice as a Guide to American Law Reform: Similar Problems, Better Solutions?,” *Boston College International and Comparative Law Review* 18, no. 2 (January 1995): 317–360.

24. Janet Malcolm, *The Crime of Shelia McGough* (New York: Vintage Books, 1999), 26.

25. Justice received its fair share of fictionalization during the Weimar era, too, in such novels as Franz Werfel’s *Der Abituriententag* (1928) and Lion Feuchtwager’s *Erfolg* (1930), and plays like Bertolt Brecht’s *Die Maßnahme* (1930).

26. H.H. Bormann, quoted in Sling, *Richter und Gerichtete*, ed. Robert M.W. Kempner (Munich: Rogner & Bernhard, 1969), 7.

27. Ostensibly an abbreviation of his last name, Schlesinger, Sling is—in German—a phonetically powerful though quite meaningless *nom de plume*. Other court commentators of this generation also hid their identities behind the open secret of a pen name: Moritz Goldstein went by “Inquit.” Gabriele Tergit was the more known pseudonym of Elise Reifenberg née Hirschmann, who also wrote under Christian Thomasius. Fritz Hampel of the *Rote Fabne* was known as “Slang.”

28. Sling, “Wer ich bin,” in *Das Sling Buch* (Berlin: Ullstein, 1924), 7–9.

29. Sling, “Wie ich Gerichts-Berichterstatter wurde,” 14.

30. “Richter,” *Die Weltbühne* 22 (May 29, 1928): 849.

31. Sling, “Wie ich Gerichts-Berichterstatter wurde,” 15.

32. *Ibid.*

33. Gabriele Tergit, *Etwas Seltenes überhaupt* (Berlin: Ullstein, 1983), 10.

34. Sling, “Die Atmosphäre von Moabit,” in *Der Mensch*, 16.

35. *Ibid.*, 15–16.

36. *Ibid.*, 16.

37. *Ibid.*, 19.

38. Kurt Tucholsky, quoted in Wosnitzka, *Neue Kriminalgericht*, 69. gol (Mortiz Goldstein), ? “Vom Tagewerk der Justiz. Der Apparat,” *Vossische Zeitung*, February 11, 1923, 5.

39. Especially relevant are Sling’s “Richterportraits aus Moabit,” in *Richter und Gerichtete*, 294–301.

40. Sling, “Phryne Ohne,” in *Der Mensch, der schießt*, 318–320; “Berlinische Satyrspiel,” in *Der Mensch, der schießt*, 155–157; “Der böse Mann und die böse Frau,” in *Der Mensch, der schießt*, 227–230.

41. Sling, “Der Geier, der Adler, der Kiebitz und die Rose,” in *Richter und Gerichtete*, 236–239.

42. Sling, “Das Untier,” in *Der Mensch*, 312–213.

43. Sling, “Die Schriftstellerinnen,” in *Der Mensch*, 237.

44. Elder, 8.

45. Johnson, 192.

46. Sling, “Die grosse Wut des kleinen Mannes,” in *Der Mensch*, 91–93.

47. Examples of such perpetrators include accounts of domestic homicide by a schoolteacher in “Dr. Bruno Schreiber,” in *Der Mensch*, 37–39, or by political personalities in “Sanitätsrat Böhme,” in *Der Mensch*, 39–44, and “Der Fall Heydeb-

rand,” in *Der Mensch*, 66–69.

48. Sling, “Angerstein,” in *Der Mensch*, 35–37.

49. Here I borrow from Harold B. Segel’s definition of narrative style given in *Egon Erwin Kisch, the Raging Reporter* (West Lafayette, Indiana: Purdue University Press, 1997), 75. The import of narrativity to journalistic genres outside of the feuilleton was not solely Sling’s innovation. In the years following World War I, literary-minded reporters, particularly those writing under the banner of New Objectivity, found narrative an innovative, useful way to render first-hand experiences.

50. The trial receives its social significance particularly from the punishment assigned at the end, which—according to the philosophy of criminal law—provides communities with the functions of rehabilitation, prevention, and retribution. The effectiveness of the existing penal code in fulfilling these functions was debated with some intensity in the 1920s. See Sling, “Der Mensch der schießt,” in *Der Mensch*, 13–15.

51. Sling, “Der Sachverständige,” in *Der Mensch*, 378–379.

52. *Ibid.*

53. *Ibid.*, 379.

54. Sling, “Der Fassadenkletterer,” in *Richter und Gerichtete*, 183.

55. *Ibid.*, 185.

56. By all accounts, the Emminger Reforms of 1924 acted as the catalyst for the increase in perjury convictions. This reform, intended as a money-saving measure, abolished Germany’s limited use of juries, replacing them with professional judges. The expanded role of the judge led to a greater likelihood for conviction for cases of perjury, which in turn led to a sharp increase in the number of perjury charges initiated by the state’s attorney. Perjury convictions rose from 407 Germany-wide in 1923 to 925 in 1924, and to 1,445 in 1925. Elder, 58.

57. Sling, “Die Familie und der Staat,” in *Der Mensch*, 338–340; Sling, “Die spacke Waschwanne,” in *Der Mensch*, 348–350.

58. Sling, “Die er kennt, sagt er Du,” in *Der Mensch*, 343–346; Sling, “Die Meineidskönigin,” in *Der Mensch*, 346–348

59. Gustav Radbruch, for one, mentions Sling’s role in testimonial reform in his foreword to *Richter und Gerichtete*, 11. The reformed law in the German Code of Criminal Procedure required witnesses to be sworn in at the judge’s discretion, only when the statement has a direct bearing on the outcome of the case, and only after giving statement (§ 59 StPO) minimum penalty was also lowered, from one year to six months incarceration (§154 StGB), Thomas Vormbaum, *Eid, Meineid, und Falschaussage. Reformdiskussion und Gesetzgebung seit 1870* (Berlin: Duncker & Humboldt, 1990), 104–112.

60. While Sling’s articles were clearly motivated by a liberal world view, they were nevertheless independent of the political ideology driving the discussion of the Weimar judiciary in the 1920s. One such discussion revolved around the so-called crisis of trust in the justice system (*Vertrauenskrise der Justiz*), a perennial complaint about the political and class bias of the German judiciary, which had been reinitiated by the *Vossische Zeitung*’s legal editor Erich Eyck in 1926, and heatedly debated

in the press by its more politically engaged members. Based on his collected work, Sling seems to have only mentioned this discussion in passing (“Der Strafrichter,” *Der Mensch*, 364–367). A more thorough culling of Sling’s articles online may reveal a more engaged participation, but the overall impression left by Sling’s collected coverage is a sympathetic and generally positive appraisal of the Berlin judiciary. Whether Sling’s situation outside the left-liberal party line is indicative of personal ideology or simply a matter of the critical limits of the feuilletonistic style may be difficult to determine. For a more detailed discussion of the Weimar *Vertrauenskrise*, see Siemens, 114–135.

61. Monty Jacobos, *Vossische Zeitung*, May 23 1923, 8.

62. Dr. Alfred Gerstel, quoted in Sling, *Die Nase der Sphinx*, 241.

63. Goldstein, *Berliner Jahre*, 122.

64. Quoted in Siemens, 74.

65. Sling’s influence on Mostar is cited in Frauke Höbermann. *Der Gerichtsbericht in der Lokalzeitung: Theorie und Alltag* (Baden-Baden: Nomos Verlagsgesellschaft, 1989), 24. Holzhaider’s collection, *Der Mensch*, appeared in 2013. Mauz is quoted by Gerd Meister, *Strafblog.de*, accessed May 31, 2014
strafblog.de/2012/02/28/wenn-unschuldige-explodieren/.