

Crime and Madness in Modern Germany

Conference held at the Koebner-Minerva Center for German History
Jerusalem, 27. bis 28. Mai 2007

Crime and madness have intrigued scholars and laymen alike since the beginning of time, but in recent years had been dominated by Michel Foucault's theories. The participants in the conference in Jerusalem sought to transcend this paradigm, and to blur the boundaries between ‚subordination‘ and ‚oppression‘ so essential in Foucault's work. Instead, a different approach was applied. Speakers spoke on various topics, which ranged from an examination of changes in legal procedures to the analysis of cinematic images and nude stage performances. The different sessions underlined the mutual relations between cultural representations of crime and madness, and social institutions, and pointed to the thin line that separates jurisprudence from psychiatry.

The first of the four sessions focused on definitions of crime and insanity, and the ways in which these definitions have influenced methods of treatment. *Richard Wetzell* of the German Historical Society in Washington DC opened the conference with a discussion on how psychiatry and criminal justice reform have interacted and fluctuated from the end of the 19th century to the Third Reich. This lecture set the historical framework for all the other speakers at the conference. The next speaker, *Eric Engstrom* of the Free University in Berlin, traced in detail the evolution of German forensic psychiatry at the turn of the century, claiming that psychiatrists and legal reformers failed to enact legislation appropriate to contemporary forensic psychiatry. Nevertheless, the lack of legislation did not prevent the usage of psychiatry in the courts of law. *Thomas Weber* of the University of Pennsylvania presented a paper on how Hitler formed his concepts of crime and bravery from his experiences in the First World War. Basing his research on newly discovered archival material, Weber pointed to gaps between the reality in Hitler's regiments and the ideology that was supposedly derived from the war experience. This intriguing paper exposed the weak point of this session, which could have benefited from a tighter theoretical framework. The relations between the political and medical traditions and perspectives could have been further developed.

The second session on „Petty Crime: Women, Crooks and Drugs“ dealt with the criminals themselves, from women shoplifters to adolescent crime, and from fraud cases to drug delinquents. *Karsten Uhl* of the Technical University of Darmstadt demonstrated how the economic growth during the Weimar period (and also prior to it) created a new type of delinquent, the female shoplifter. Uhl showed how women did not suffer the full penalty of the law, and how their behaviour was often excused by biological explanations, such as the claim that menstruating women should not bear criminal responsibility for their actions. This lenient approach was terminated upon the Nazi takeover of power, which put an end to the German authorities' preferential treatment of women. The second speaker of the session, *Tobias Simpson* of Cambridge University, presented a paper on the juridical and scientific discussions regarding crime among youths in German universities before 1933. In sum, Simpson described how psychiatrists tried to assess criminal deviance by investigating the minds of youths.

Boaz Neumann of Tel Aviv University, the third speaker of the session, discussed the popularity of crooks in novels, newspapers and movies during the Weimar period. This development, Neumann claimed, was not the

result of a prosaic change in the quality of life following the war and the ensuing inflation; it was rather a reflection of a profound change in the self-perception of the German public. In short, Neumann argued the case that the public preferred appearances to content, and so idolized the dandy looking crook, rather than the dishevelled honest labourer. The final speaker of the session, *Jonathan Lewy* of the Hebrew University, talked about drugs and anti-social behaviour in the Third Reich. Lewy demonstrated that the Nazis did not treat drug crimes with the same fervor as might be expected today. In fact, German law enforcement agents were far less vigorous than their American counterparts in the 1930s and 40s. Moreover, the Nazis did not consider drug addicts as anti-social, consequently saving them from the terrible fate that this would have entailed. Instead, drug addicts were sent for treatment, sometimes at the expense of the public purse.

The third session, „Prisoners’ Hallucinations: Reality and Imagination in German Prisons,“ was devoted to prisons, both as a reality in pre-WWII Germany, and in the imagination of law-abiding citizens. The first speaker of the session, *Ofer Ashkenazi* of the Hebrew University, examined German films of the late 1920s in which the protagonist was falsely tried and sent to prison. Analyzing the hallucinations of the prison inmates, Ashkenazi pointed to the similarities between the representations of the prisons and of the private sphere in the modern city. According to this argument, ‚prison films‘ of the late 1920s propagated the urgent need for comprehensive social reform, which would restore the privileged status of the individual, and would abolish both potential anarchy and tyranny. The second speaker of this session was *Veronika Springmann* of the University of Oldenburg, who described the dual role that calisthenics played within German prisons in the Weimar era. Springmann argued that physical exercise served both as an educational tool and a form of corporal punishment, and not merely as an activity designed to instil discipline among the prisoners. Finally, *Nikolaus Wachsmann* of London University talked about mental illness in Nazi prisons. Wachsmann examined the ways in which mental illness was treated in these prisons, and discussed the problematic duality of prisoner and madman, a status applied to many inmates during that era.

The fourth and final session, „Madness and Crime in Popular Culture,“ dealt with different depictions of social outcasts in popular imagination. The first speaker of the session, *Daniel Siemens* of the University of Bielefeld, discussed the Berlin newspapers and the ‚construction of the criminal‘ in Weimar Germany. Through the examination of press coverage of trials, Siemens showed that journalists were very eager to report on rape cases and love-murders (Lustmord). More than 80 years ago, journalists (and perhaps their readers as well) demanded that society take action against criminals who incited their morbid and sexual imaginations. In all, Siemens presented an excellent example of how the press clamours for justice in modern society, all the while profiting from sales. The second speaker, *Sara Hall* of the University of Illinois in Chicago, discussed the German Police film, a genre that gained significant popularity during the Weimar period. This successful tool led to other attempts at integrating the public with police work, such as murder mystery games organized by the police at Luna parks, or the encouragement of denunciations leading to criminal investigations. Through these examples Hall demonstrated the dual effect of this practice, which did indeed encourage civilians’ engagement with the welfare of the whole community, but at the same time blurred the boundaries between legal institutions and civil society.

The third speaker of the session, *Erika Hughes* of the University of Wisconsin in Madison, discussed the careers of three leading dancers in the Weimar era and their relations with the law. The nude dancers she examined were on the borderline between criminal behaviour and bourgeois performing art. The insinuated or explicit drug use was a trademark that enabled the performers and the audience to forgive the blatant exhibition of sexuality and to blur the status of rationality in these performances. *Udi Geenberg* of the Hebrew University concluded the conference with a more abstract discussion of two theories of law and crime from the Weimar Republic and the Third Reich. In his lecture he compared Walter Benjamin’s and Carl Schmitt’s views on questions of crime and justice. While rejecting the notion of any real dialogue between the Jewish Marxist thinker and the Catholic Nazi jurist, he demonstrated how they both, starting from diametrically different intellectual traditions, came to observe their entire society as criminal. This comparison showed

how the political crisis shook the basic concepts of crime to their roots, and contributed to the theoretical framework of the discussion.

The speakers at the „Crime and Madness“ conference have explored the multi-faceted phenomena of crime and insanity, their interactions and various expressions, from film and newspapers to professional psychiatry and jurisprudence. They showed that the subject of social and cultural outcasts and discipline should not be limited to Foucault's paradigm and concepts.

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