

The Madness of Eroticism: Perceptions of Nonconformist Sexuality Between Erroneous Individualism, Moral Malfunction and Sheer Madness

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There is a large variety of contemporary and retrospective views on the relationship between sexual deviance and madness at the turn of the twentieth century.¹ This article investigates which semantics were used to describe a sexually deviant lifestyle in that historical setting, focussing on the triangle Else Jaffé (born Elisabeth von Richthofen), Otto Gross, and his wife Frieda Gross (born Schloffer).² Their erotic behavior deviated from the typical bourgeois sexual ethics, paternalism, and monogamy of the bourgeois social life of the Wilhelmine and Josephine era. All were part of what was regarded a sexually deviant, eroticist³ circle – concerning marital sexuality – but their environment labelled the reasons for their deviant sexual behavior quite differently: Several patterns ranging from individual failure to societal degeneration and from moral dysfunction to pathological behavior can be identified. And whereas madness is the common perspective for Otto Gross' biography, the women were regarded in different terms.

Although the Von Richthofen sisters, Else and Frieda von Richthofen, are often introduced as subjects of historiographic studies, they are frequently regarded as playing mere accessory roles to their well-known male partners such as Max Weber and D.H. Lawrence.⁴ In these biographies, Else and Frieda von Richthofen serve to encourage the main male character's personal change, to en-

¹ Dietze, Gabriele – Dornhof, Dorothea (eds.) (2014): *Metropolenzauber: Sexuelle Moderne und urbaner Wahn*. Köln/Wien. Matysik, Tracie (2008): *Reforming the Moral Subject: Ethics and Sexuality in Central Europe, 1890–1930*. Ithaca. Bagel-Bohlan, Anja – Salewski, Michael (eds.) (1990): *Sexualmoral und Zeitgeist im 19. und 20. Jahrhundert*. Opladen. The literature on sexual norms and deviance of the last decades discusses only queer identities, gender, or sex work – not non- or extramarital sexuality.

² Most of the works on this personage are strictly biographical, i.e. they reconstruct lives, frame them within lifelines or narratives, and justify decisions. That kind of biographical reconstruction is not the focus here. It is more about construing the speech on sexual deviance; that is to look at the gossip. Consequently, the question of truth is secondary, whereas the transported narratives, semantics, and conclusions turn out to be more relevant. Hence, what happened between the persons is less important than what was said about them and the reactions of their milieu.

³ On eroticism cf. Featherstone, Mike (1999) (ed.): *Love and Eroticism*. London.

⁴ This switch of attention is most notably in: Green, Martin (1974): *The Von Richthofen Sisters: The Triumphant and Tragic Modes of Love*. New York. Despite its title, the book is a study comparing Max Weber and D.H. Lawrence. Only recently, research has begun to focus on Else Jaffé-von Richthofen.

rich his experience, or to trigger his intellectual or emotional developments. In other words, they play a supportive role in the biographical reconstructions of their partners. The literature on Lawrence, for instance, describes the influence of Frieda von Richthofen, who married Lawrence in 1914 after separating from her first husband and her children, as Lawrence's muse. Likewise, referring to her intellectual capabilities as well as her physical attraction, Else von Richthofen is described as a muse to Edgar Jaffé as well as to Alfred and Max Weber.⁵ The historian Martin Green underpins this reception by connecting the sisters to almost Jungian archetypes: Frieda von Richthofen was Aphrodite – goddess of love, emotion, and loving care, but not very sophisticated. Else von Richthofen was her counterpart or complement: Athena, the sensible, intellectually more demanding goddess. Green connected the goddesses to different "modes of love."⁶

The reduction of these women to emotional functions is also clearly visible in the literature about Max Weber. In her biography, his wife Marianne Weber drew the picture of a puritan and ascetic, meaning that they led a companionate marriage.⁷ The academic discussion on the term *Gefährtenehe* is strongly connected to the Webers as stereotype and even ideal type of this bourgeois lifestyle.⁸ The ideal of a balanced partnership, uncorrupted by material needs or by children forcing the woman into the gendered role as mother, is also strongly connected with the narrative of an unromantic, sensible relation between the partners. In other words, it transports the topoi of rationalism and sexual asceticism. The younger biographical sketches of Max Weber normally adopted Marianne's narratives, reducing the role of other women in his life. Especially Else Jaffé and Mina Tobler were framed within a midlife crisis of the aging Weber.⁹ Hence, parts of the academic community were irritated by Joachim Radkau's claim in his 2005 Weber biography that these relations were not ephemeral for Weber, but existential and important influences on his later oeuvre, a claim that also invites us to rethink the ascetic Weber as a role model of exemplary prophecy for a scientific ethos built on intrinsic values and renunciation.

⁵ Demm, Eberhard (2014): Else Jaffé-von Richthofen. Erfülltes Leben zwischen Max und Alfred Weber. Düsseldorf, pp. 93–102.

⁶ Green: The Von Richthofen Sisters, p. 78 and 82 ff. Sam Whimster argues that Green's archetypes reduce sensuality to sexuality. Whimster, Sam – Heuer, Gottfried (1999): Otto Gross and Else Jaffé and Max Weber, in: Featherstone, Love and Eroticism, pp. 129–160, p. 132.

⁷ Weber, Marianne (1926): Max Weber. Ein Lebensbild. Tübingen.

⁸ Allert, Tilman (1995): Max und Marianne Weber. Die Gefährtenehe, in: Treiber, Hubert – Sauerland, Karol (eds.): Heidelberg im Schnittpunkt intellektueller Kreise. Opladen, pp. 210–241. Allert, Tilman (1998): Die Familie. Fallstudien zur Unverwüstlichkeit einer Lebensform. Berlin, pp. 29–65.

⁹ Chołuj, Bożena (1995): Max Weber und die Erotik, in: Treiber, Hubert – Sauerland, Karol (eds.): Heidelberg im Schnittpunkt intellektueller Kreise. Opladen, pp. 242–263.

Elisabeth Jaffé-von Richthofen

The Von Richthofen sisters were typical and at the same time extraordinary specimens of their social setting: They were daughters of a Prussian officer whose untimely-ended career, gambling, and adulterous affairs had minimized the perspectives for his offspring to maintain their bourgeois living standard. At the same time, all three children profited from the family's social network. Facing their parents' horrid marriage, the daughters rejected the values they were educated with. Elisabeth von Richthofen, the elder one, was born in 1874 and took the intellectual way out.¹⁰ She became a teacher and studied political economy in Heidelberg and Berlin. She received her PhD in 1900 with a special permission, for women were normally not allowed to study at a university, and she lacked the school certificates required for university attendance.¹¹ After graduating, she worked as a labor inspector in Karlsruhe. It is often emphasized that she was the first female academic working in such a position and that she, as a modern woman, independently sustained herself. Therefore, she was publicly quite well-known: She lectured on her work, on female emancipation, and on the working conditions of women. In addition, she had got acquainted to the leaders of the women's movement and the women's labor movement. Marianne Weber introduced her as an official of the *Union of German Feminist Organizations*. By 1902, she was on her way to become an active part of the social reform milieu.

She however suddenly married Edgar Jaffé and, even though the organization and her husband tried to convince her to keep working, resigned from her positions. Up to that point, female civil servants normally were required to be unmarried, but the women's movement hoped to find the administration of Baden willing to reconsider this rule.¹² The case was settled when her first child was born in 1905 (followed by three children within the next five years), because the bourgeois value system did not accept working mothers. Although her husband encouraged her to keep publishing, her public work ceased.

Formally submitting to the bourgeois code (i.e. to stop working after marriage), Else Jaffé had two extramarital relations – a situation, for which Eberhard Demm uses two descriptions: “open marriage” and the model of the French aris-

¹⁰ Frieda (born 1879) escaped by marrying the Englishman Ernest Weekley in 1899 and migrating to England. She left him for D.H. Lawrence and led an unsettled bohemian life with him. The youngest daughter, Johanna (born 1882), also took the first opportunity to escape from home: She married at the age of eighteen, just to find herself in an unlucky marriage. It is difficult to frame her in an emancipative setting unless one would describe bourgeois marriage as a failed attempt of emancipation from the girl's parents – finding herself under her husband's custody.

¹¹ Demm: Else Jaffé-von Richthofen, p. 9.

¹² Ibid., p. 38.

ocracy of the eighteenth century.¹³ In 1909, Else gave birth to her third child, Peter, who was the son of her lover Otto Gross. Although this paternity was known, Max Weber became Peter's godfather.¹⁴ The position of Edgar Jaffé is juridically noteworthy in this constellation: He accepted the child, and legitimized him by giving his name. The husband's acknowledgement of a child born within a marriage gave remedy to an adulterous wife. There was no further discussion on Peter, who then was the son of Edgar Jaffé.¹⁵

Despite Jaffé's acceptance of Gross' child, their marriage failed. When Edgar Jaffé was appointed professor in Munich in 1910, the Jaffés established separate houses: He had an apartment in Munich while his wife and children resided in nearby Wolfratshausen. They frequently visited each other, went on vacation together, and occasionally performed as a family, especially from the moment Edgar Jaffé embarked on a political career in 1914: Guests met the Jaffés as an intact family.¹⁶ In addition, Else Jaffé had a third apartment rented by Alfred Weber, with whom she had been having a relationship from 1909. Before that, the relation situation of Else Jaffé and Max Weber became confused: In August 1909, both found themselves in Venice where something happened between them. Joachim Radkau and Weber's letters' editors assume a short intense affair, while others see him failing to respond to her advances because of his complexities.¹⁷ Whatever exactly happened, it led to a tense situation that escalated when she began an affair with Alfred Weber. Max Weber railed at her, wrote to his wife about the "stupid, ugly toad"¹⁸ and refused to meet her for years.¹⁹

Though it was not Else Jaffé's first affair, her relationship with Alfred Weber was a scandal. In his letters to Marianne Weber, Max Weber saw Else Jaffé as the instigator: "It was clear to me [...] that something would happen [...] because of her nature."²⁰ It was not an issue of alternative ethics, but of base motives: "What she is feeling is easy to discern. It is a spontaneous, sheer sexual desire. It was the way she reacted to me speaking friendly about Gundolf – I was sure that

¹³ Ibid., p. 86 f. The latter description is in this case more appropriate, because "open marriage" is rather a concept and an emancipatory practice of the second half of the twentieth century that connects to different attributions of marriage and relationships than those communicated and performed by the Jaffés.

¹⁴ Cf. Marianne Weber's diary in: Ibid., p. 64.

¹⁵ Peter died from diphtheria only eight years old, so questions concerning inheritance and sociability within the family cannot be studied.

¹⁶ Demm: Else Jaffé-von Richthofen, p. 132 f.

¹⁷ Radkau, Joachim (2005): Max Weber: Die Leidenschaft des Denkens. München, p. 551 ff. Comment on the letter to Marianne Weber, January 17, 1910, in: Weber, Max – Lepsius, M. Rainer (ed.) (1994): Briefe 1909–1910. Tübingen (= Max Weber Gesamtausgabe [further as MWG] II/6), p. 367. Demm: Else Jaffé-von Richthofen, p. 72 f. Meurer, Bärbel (2010): Marianne Weber. Leben und Werk. Tübingen, p. 299. Krüger, Christa (2001): Max und Marianne Weber: Tages- und Nachtansichten einer Ehe. Zürich, p. 136 f.

¹⁸ Max Weber to Marianne Weber, May 28, 1910, in: MWG II/6, p. 545.

¹⁹ Max Weber to Marianne Weber, April 5, 1914, in: MWG II/8, p. 594.

²⁰ Max Weber to Marianne Weber, January 17, 1910, in: MWG II/6, p. 369.

he was the one. Before him, it was Salz. And just afterwards, it was Alfred.”²¹ His brother, Max Weber suggested, was just one in a row, he fell prey to a classical *femme fatale*. She was indiscriminately adulterous, driven forth by her desires. Whereas Max Weber’s biographers assumed that his rejection of Else Jaffé’s behavior was based in envy, his disgust may have also been rooted in the bourgeois ethos of denouncing female adultery more than male adultery. Consequently, the undertone of the letter is not that of sympathy with a weak woman, but of indignation towards an intelligent woman acting culpably. This is also reflected in Max Weber’s opinion of his brother: “Here it is not only the sexual attraction, it is more than that.”²² He is excused, his behavior is morally warranted for emotional reasons. But whereas Max Weber did not expect the affair to last long, Else Jaffé and Alfred Weber stayed together until Alfred Weber’s death in 1958.

Edgar Jaffé resisted Heidelberg society’s expectation to divorce. Instead, the Jaffés established a functional system of separate households – he preferred to have a part-time-wife rather than an ex-wife. Her motives seem different: As an adulterous woman she would have lost the custody of her children. From 1910 to 1920, Else Jaffé organized functioning time schedules to combine her life with her men: she maintained a cordial relationship with Edgar Jaffé and discussed his political career with him, and met Alfred Weber who commuted to Munich. The situation became more complicated in 1919, when Else Jaffé started an affair with Max Weber. They reconciled and his acceptance of the professorial position in Munich in 1918 was closely connected to the fact that she lived there. Else Jaffé kept this relationship from both her husband and her lover, and she seems to have informed them only shortly before Max Weber’s death when she and Marianne Weber were nursing him.²³

If we try to frame her biography with public notions of madness, little can be said: Else Jaffé’s behavior was privately and publicly disapproved. When she started her relation with Alfred Weber, she was ignored in, albeit not barred from, the salons. Her behavior was seen as immoral, but not as pathological. She was criticized as part of the eroticist movement with its search for new ethics and better ways to live: She wanted, as she stated, to “live in beauty,”²⁴ and a less restricted sexuality, at least in terms of monogamy, was part of this. Else Jaffé’s process of emancipation is quite atypical: As a baroness she married a man of a lower rank with a Jewish background, she studied in university where she received a doctoral degree. She worked as factory inspector, examining and amending the

²¹ Max Weber to Marianne Weber, January 20, 1910, in: MWG II/6, p. 372.

²² *Ibid.*, p. 373.

²³ On the marital relationship of the Webers: Schlaffer, Hannelore (2011): *Die intellektuelle Ehe: Der Plan vom Leben als Paar*. München, here pp. 28–61; Krüger: *Max und Marianne Weber*, p. 138ff., 222 f., and *passim*; and Allert: *Max und Marianne Weber*, p. 232.

²⁴ Max Weber to Marianne Weber, January 17, 1910, in: MWG II/6, pp. 367–370. In 1918 Max Weber wrote similar formulations to Else Jaffé, without distancing himself by quotation marks. E.g. Max Weber to Else Jaffé, January 15, 1919, in: MWG II/10, pp. 394–400.

working conditions of women. That would have provided a classic pattern for a social reform or a political career.²⁵ But by marrying, and abandoning her job and political and social work, she returned to traditional gender patterns. Although officially she stayed a member of the *Union of German Feminist Organizations*, it practically played no role in her life anymore. Thus, she used her individual options and focussed on her private emancipation without dropping her familial and intellectual milieu. Instead, her emancipation took place within a bourgeois frame eschewing open social confrontations: Although there was rumor about her lifestyle, the situation never escalated.

Frieda and Otto Gross

The moderate, non-confrontational character of Else Jaffé's emancipation becomes clearer when compared to the second example: the case of Frieda and Otto Gross. Whereas the first case shows that an eroticist performance was possible within a bourgeois frame without being regarded in pathological terms, the case of the Grosses with its social sanctions shows the opposite.

Frieda Schloffer married Otto Gross in 1903. He was a physician specialized in neurology and the only child of Hans Gross, a judge and criminologist, who expected his son to be the successor of his lifetime project, the scientification of criminology with the help of physiological and psychological expertise. But Otto Gross was deeply impressed by Freud's theories of psychoanalysis and began to work as a therapist. Escaping his father's professional plans for him, Otto Gross preferred to settle in Munich in 1906, where he became assistant doctor at a psychiatric clinic. By then, he had become addicted to drugs, but he was highly functional until about 1907 by which time the Grosses opened their marriage.²⁶

Otto Gross' employment at the clinic ended by the end of 1906 because of his incapability to be a subordinate in the clinical hierarchy and to follow its daily routines. From then on, he lived a bohemian life. He stopped working and his family lived on payments from his parents. The lack of routine encouraged his drug usage. In January 1907, Frieda Gross gave birth to their son Peter, but was unable to handle both her role as mother and her responsibility for her sick husband.

Since 1905, Otto Gross was in contact with several nonconformist milieus, as anarchist circles, social reformers and *Lebensreform* networks, and he became a

²⁵ Cf. Beuys, Barbara (2014): *Die neuen Frauen – Revolution im Kaiserreich, 1900–1914*. Munich.

²⁶ The term is appropriate here, because they definitely connected it with emancipatory practices.

habitué of the Schwabing cafés.²⁷ Likewise, his publicist focus changed: After publishing in his father's journal, the *Archiv für Kriminal-Anthropologie und Kriminalistik*, as well as in psychological and psychiatric journals,²⁸ he veered away from academic publications and thus from the academic discourse. From 1908 on, his articles could be found exclusively in cultural, political, reformist and anarchist journals. His habitus and attitude increasingly alienated Gross from society, and correspondingly, his social observations and critique became sharp and fundamental: His central issues became dominance, and (strategies of) insubordination. He depreciated parental power in the anarchist Viennese journal *Die Zukunft*,²⁹ showing the direction of his rebellion against the dominant father. This insurgency became the core of his ideas: to overcome patriarchy through matriarchy, i.e. to abandon male authority over women. Therefore, he rejected monogamy: He consorted with other women, urged his wife to have relations with other men, and hoped to contribute to the birth of a new consciousness.³⁰ By free love, he wanted to break patriarchal domination.

Different from the ideal conception were the problems of jealousy and of emotional and social tensions within his family: On the one hand, Frieda Gross welcomed her husband's affair with Else Jaffé, with whom she hoped to share her heavy responsibility of taking care of her husband.³¹ The fact that she named her boy also Peter is often stressed to denote the friendship between both women.³² On the other hand however, Frieda Gross suffered from her husband's oth-

²⁷ On the interconnected anarchist and *Lebensreform* scenes of Schwabing and Munich cf. Voswinckel, Ulrike (2009): *Freie Liebe und Anarchie: Schwabing – Monte Verita: Entwürfe gegen das etablierte Leben*. München, pp. 48 and 53.

²⁸ A publication list can be found in Kreuter, Alma (1996): *Deutschsprachige Neurologen und Psychiater: Ein biografisch-bibliografisches Lexikon von den Vorläufern bis zur Mitte des 20. Jahrhunderts*. 3 vols. München, here vol. I, pp. 473 ff.

²⁹ Otto Gross (1908): *Die Elterngewalt*, in: *Die Zukunft* 65, pp. 78–80.

³⁰ On the discrepancy between Otto Gross' revolutionary and emancipatory impetus and his reductive biological ideas of matriarchy as natural form of human sociality and natural heterosexuality see: Brunner, Markus (2008): *Eros und Emanzipation. Zur Dialektik der sexualrevolutionären 'Radikalisierung' der Freudschen Psychoanalyse*, in: Dehmlow, Raimund – Rother, Ralf – Springer, Alfred (eds.): „...da liegt der riesige Schatten Freud's jetzt nicht mehr auf meinem Weg.“ *Die Rebellion des Otto Gross*. Marburg, pp. 270–278.

³¹ Cf. Whimster – Heuer: *Otto Gross*, pp. 132 ff.

³² Bertschinger-Joos, Esther (2014): *Frieda Gross und ihre Briefe an Else Jaffé. Ein bewegtes Leben im Umfeld von Anarchismus, Psychoanalyse und Bohème*. Marburg, p. 87. Peter Gross was born on January 31, 1907, Peter Jaffé was born on December 24, 1907. Frieda Gross also stayed on good terms with Frieda von Richthofen, who also consorted with Otto Gross.

er affairs.³³ She deliberately ignored a third child of Otto Gross, a daughter born by Regina Ullmann, who also lived in Munich.³⁴

Literature on Gross generally attests that his application of a free love concept to his life failed because of his own inaptitude. Here, moral nonconformity as eroticism is framed rather as an innovative concept than as the formation of a *nomos*. Its societal negotiation is thus not a question of right or wrong, but a question of applicability, attractiveness, and promotion. That opens the historical-biographical reconstruction of nonconformist protagonists to deductions *ad personam*. For example, Eberhard Demm compared Otto Gross to a “guru, making his female followers dependent and afterwards dictating their sex life.”³⁵ To him, Otto Gross was a “dangerous maniac.”³⁶ Less contemptuous is Esther Bertschinger-Joos, who argued that his quest for free love failed because of his jealousy and his dominance.³⁷ Other authors also noticed the ambivalence of his character: He was “obviously charismatic [...]. But his effect was elusive. All, including his mistresses, abandoned him after a phase of passionate affection for him or for the idea he was struggling with – they often left him embittered, resigned or even hateful.”³⁸ The connection between charisma and madness is a classic *topos* in the history of religions: Corporal signs (like hypnotizing eyes, a sonorous voice, a mystical smile, mutilations or tics) are seen to function both as indicators of both individual exceptionality and of madness. The descriptions of Otto Gross show this oscillation as a temporal sequence of interpretations: his dishevelled hair, his volatile moves, and the Styrian accent – he was exotic and fascinating, his ideas interesting, his empathy with his patients impressive. But the personal charismatic impact was not permanent – and intensified his biographical conflicts.

³³ *Ibid.*, p. 93 f. Bertschinger-Joos quotes a letter of Else Jaffé to Otto Gross, December 15, 1907. The letter is translated in: Whimster – Heuer: Otto Gross, pp. 143 ff. In a letter, Frieda Gross called another patient of Otto Gross, Elisabeth Lang, a “hysterical cow.” Frieda Gross to Else Jaffé, August 25, 1908, in: Dehmlow, Raimund (2002): Frieda Weekley – Otto Gross: “Frau der Zukunft”, in: Heuer, Gottfried (ed.): 2. Internationaler Otto Gross Kongress. Burghölzli, Zürich. Marburg, pp. 301–316, available online at: <http://www.dehmlow.de/index.php/de/otto-gross/89-frieda-weekley> (note 100).

³⁴ On Camilla Ullmann (born on July 18, 1908) cf. Bertschinger-Joos: Frieda Gross, p. 101, and Demm: Else Jaffé-von Richthofen, p. 137.

³⁵ *Ibid.*, p. 58. On the prejudice of sexual dependence in religious communities cf. Neef, Katharina – Wustmann, Claudia (2011): Störer gesellschaftlicher Ordnung: Über inhaltliche Kontinuitäten in Sektenbeschreibungen, in: Zeitschrift für Religionswissenschaft 19/1, pp. 56–85.

³⁶ Demm: Else Jaffé-von Richthofen, p. 59.

³⁷ Bertschinger-Joos: Frieda Gross, p. 94.

³⁸ Laska, Bernd A. (2003): Otto Gross zwischen Max Stirner und Wilhelm Reich, in: Dehmlow, Raimund – Heuer, Gottfried (eds.): *Bohème, Psychoanalyse und Revolution*. Marburg, pp. 125–162, here p. 150. This ambivalence can also be found in the secondary literature on Gross, cf. Kanz, Christine (2014): *Zwischen Wissen und Wahn. Otto Gross in den Metropolen Wien, Zürich, München, Berlin*, in: Dietze – Dornhof: *Metropolenzauber*, pp. 149–169, pp. 149 ff.

The Grosses' lives changed rapidly when Frieda Gross brought her husband to the Burghölzli clinic in Zurich in May 1908 to cure his increased drug addiction. There he met C.G. Jung as the attending doctor and the two Freudians began to analyze each other in nerve-wracking sessions lasting for hours and entire nights.³⁹ Jung's anamnesis contains an interview with Frieda Gross, who confessed that she could not take responsibility for her husband anymore because he tortured her with his constant inquiries, analyses, and his irregular conduct. In response, Jung recommended to establish separate households.⁴⁰ In the following years, the Grosses often travelled between Munich and Switzerland (most notably Ascona, where Frieda Gross settled with their children in 1911). Frieda Gross got involved with the anarchist Ernst Frick, a relationship of which Otto Gross is often seen as its procurator. Frieda's life remained tenuous nevertheless, because Frick was emotionally as unbalanced as Otto Gross, and was temporarily imprisoned for anarchist assaults committed in Switzerland.⁴¹

The reactions of Frieda Gross' milieu on her lifestyle vary: While her family severed contact with her, her friends remained loyal and generous. Max Weber, who scorned Else Jaffé for her extramarital relation, became Frieda Gross' helpful friend. He described her to Marianne Weber as a withering cocotte – tragic, but sympathetic. They even made fun of her (unsuccessful) romantic attempts towards him.⁴² In contrast to Else Jaffé, Max Weber saw in Frieda Gross the weak woman: as a woman, her ratio was subordinated to her emotions. Therefore, Max Weber did not confront her with morality, but excused her behavior completely.

In 1913, Frieda Gross' father-in-law Hans Gross filed a lawsuit, for he disliked his son's and daughter-in-law's conduct and tried to control them. He regularly sent money, but became increasingly dissatisfied with the situation. Finally, he took measures to change the situation in his favor. Otto Gross was working in Berlin as a psychoanalyst and was involved with the anarchist scene when the Prussian police arrested him for morphinism and anarchy and expelled him from Germany. There was no official law suit. And afterwards, it became clear that his

³⁹ Cf. Heuer, Gottfried (2001): Jung's twin brother: Otto Gross and Carl Gustav Jung, in: *Journal of Analytical Psychology* 46, pp. 655–688.

⁴⁰ Bertschinger-Joos: Frieda Gross, pp. 105 ff. C.G. Jung's report on Otto Gross, June 30, 1908, *ibid.*, p. 116. The recommendation was part of the report to Gross' parents in Graz.

⁴¹ Cf. Bertschinger-Joos, Esther – Butz, Richard (2014): Ernst Frick. Zürich – Ascona, Monte Verità. Anarchist, Künstler, Forscher. Zürich.

⁴² Max Weber often visited Frieda Gross during his medical sojourn in Ascona in 1913. The neurasthenic Frieda Gross once received him in bed (Max Weber to Marianne Weber, April 17, 1913, in: MWG II/8, p. 187), which amused Marianne Weber (Marianne Weber to Max Weber, April 21, 1913, in: MWG II/8, p. 200, footnote). Frieda Gross wrote to Else Jaffé: "there were moments, when he was afraid... [sic]" (Frieda Gross to Else Jaffé, June 6, 1913, in: Bertschinger-Joos: Frieda Gross, p. 182). In 1914, Max Weber wrote about Frieda Gross' ambivalent charm: "Frieda is very affectionate and open-minded. When she's wearing her blond hair down, she's surely attractive to men" (Max Weber to Marianne Weber, April 17, 1914, in: MWG II/8, p. 629).

father had requested the police to act on his behalf. Otto Gross was brought to the Austrian border, where guards of a clinic took hold of him. As soon as his son was in custody, Hans Gross filed a law suit to put his son under his tutelage.

Yet, Otto Gross was not the true target of this operation: Having his son incapacitated, Hans Gross took legal action against Frieda Gross. He had two aims to re-establish his family's reputation: the custody of his grandson Peter Gross and the bastardization and thus disinheritance of his granddaughter Eva Gross, born in September 1910, whose father was Ernst Frick. But obviously, Frieda Gross was not marginalized for having an illegitimate child. Friends helped her and arranged money to support her children and pay the lawyers.⁴³ Max Weber ignored any of the objections against Frieda Gross even though he disliked her demimondaine lifestyle, her milieu of "sad and sick men without any future,"⁴⁴ and her motherly qualities.⁴⁵ As a loyal advisor, he sent a report to her lawyer praising her son as a well-educated child and Frieda Gross as the most caring mother while he urged Marianne Weber, Edgar Jaffé and Alfred Weber to do the same.⁴⁶

The outcome of the trial was a compromise: Otto Gross' incapacitation was modified – he was released to a sanatorium while the tutelage to his father persisted. However, Hans Gross gained no tutelage over Peter Gross. On the other hand, Eva was declared illegitimate in 1918 and given her mother's maiden name, Eva Schloffer.⁴⁷

This complicated situation for the Gross family was caused by what was publicly negotiated as madness. Otto Gross had consented to his wife's extramarital relations and even promoted them, and accepted the children originating from these relations. But being incapacitated, his acceptance was void and as a result his guardian Hans Gross was able to sue his daughter-in-law for adultery. The declaration of madness was therefore the instrument that allowed Hans Gross to interfere with his son's familial life and to rearrange it along traditional, patriarchal norms.

However, Otto Gross tried to challenge this verdict. *Die Zukunft* published his letter, written in asylum:⁴⁸ "It is my will that Frieda Gross' maternal rights are not to be touched; she alone shall have the children and every right concerning

⁴³ Demm: Else Jaffé-von Richthofen, p. 111.

⁴⁴ Marianne Weber to Max Weber, April 1, 1913, quoted *ibid.*, p. 111.

⁴⁵ In 1913, he wrote about Peter Gross: "the boy [...] hates father *and* stepfather, is *very* pathological" (Max Weber to Marianne Weber, April 14, 1913, in: MWG II/8, p. 182). His impression was better in 1914: Peter Gross is "a child of vivid peculiarity" (Max Weber to Marianne Weber April 12/13, 1914, *ibid.*, p. 620).

⁴⁶ Demm: Else Jaffé-von Richthofen, p. 111.

⁴⁷ During the trial concerning Eva's disinheritance Frieda Gross gave birth to another daughter of Ernst Frick. Hans Gross died in 1915, so there was no one to file a lawsuit concerning her disinheritance and that of her younger sister (born 1920). Their surname is Gross.

⁴⁸ Otto Gross had already used this way to gain media attention: "Die Elterngewalt" also was an open letter on behalf of his patient Elisabeth Lang, explaining the case, his actions, and the counteractions against him.

them. By the incapacitation, I have lost all my options to ensure her rights and her freedom."⁴⁹ Otto Gross identified two scenarios: incapacitation or incrimination. The former seemed the adequate strategy for his father to get hold of the children. "But I will fight against my existence, my striving being devaluated as pathological."⁵⁰

The article was the start of a media campaign in his favor.⁵¹ Concurrently, the detained Gross began to practice in the clinic. It is not quite clear whether he acted officially, with the consent of the staff, or covertly. In any case, it shows the uncontested expertise of the therapist Gross, and, moreover, a quite remarkable situation for someone who has been declared mentally ill. Furthermore, having been released in the summer of 1914, he was drafted as a physician in the *Landsturm* as part of the militarized society. Although Otto Gross remained under the tutelage of his father and was legally not allowed to make medical decisions, he treated and medicated patients. In short, while Otto Gross was explicitly declared mad, the actual demands on him outvoted this and he was practically treated as a sane person. Nevertheless, he was discharged for his increased drug consumption that made him physiologically unable to work, in 1915, and he died in 1920. His wife Frieda Gross lived modestly in the Ticino region until her death in 1950.

Conclusions

The madness of Otto Gross functioned only as an instrument. Doctors and judges declared him both sane and insane. Both diagnoses were made simultaneously. The states of sanity and madness appear not as decent empirical states, but as a matter of juridical ascription by ascribed experts.

His contemporaries, both friends and critics, were highly disturbed because his case raised more than one question: Was Gross mad and a danger to public safety or victim of a police scandal? Could this happen to sane persons? Was it possible to be arrested without trial and to be declared mad without adequate means of defence? The Gross case exemplified the inadequacy of psychological diagnosis and incommensurability of external diagnosis and self-perception. This dilemma is also visible in the dual function of Otto Gross as patient and analyst – with his expertise as a psychoanalyst and therapist he could be the spokesman of the normally mute perspective of the patient and could question the expertise of his colleagues. The absence of defensive counter speeches in court cases handling incapacitation manifested the maladjustment of the rules of procedure. The dis-

⁴⁹ Gross, Otto – Harden, Maximilian (1914), *Der Fall Otto Gross*, in: *Die Zukunft* 86, pp. 304–306, p. 304.

⁵⁰ *Ibid.*, p. 305.

⁵¹ Jung, Christina – Anz, Thomas (eds.) (2002): *Der Fall Otto Gross. Eine Pressekampagne deutscher Intellektueller im Winter 1913/14*. Marburg.

comfort with this imbalance of opportunities accompanies psychology for as long as it serves jurisdiction.⁵²

The position, perspective and motivation of Hans Gross also needs to be mentioned. He was a judge, first practising and later theorist who tried to scientificate criminology and jurisprudence through the introduction of inquiry procedures, new empirical methods, and the application of psychology. As practitioner Hans Gross was used to categorize deviant behavior. To contextualize the proceedings and to work systematically he told his readers and colleagues to include the social milieu, the history of the criminal, and the dynamic of the crime. Within this discussion, insanity, imbecility, and other psychiatric pathologies were prominent issues as reasons of criminal conduct. Thus, it was not an easy decision for Hans Gross to declare his son publically mad. Evidently, the fact that a father took action against his son was not prior subject of contemporary criticism: Otto Gross misbehaved and failed – he had a wife and children but was not able to sustain his family. To his contemporaries, he obviously required paternal supervision.⁵³ As judge and father likewise, Hans Gross saw a clear obligation to educate those in need. This claim is contemporarily uncontested, at least there are no hints in the public debate dissenting from Hans Gross' general claim on his son and his son's family. Hans Gross was seen as too dominant, but his paternal rights over a thirty-year-old man are not questioned – not even by those vindicating his son. Much more difficult was the problem that the verdict of insanity might have fallen back on him and his grandson. Nineteenth-century criminology connected mental disorder to social and biological factors, so when a sheltered middle class youth did not show signs of neglect, abuse, or biographical abnormality, the root of his madness was traced to hereditary abnormality. Fending off this conclusion, Hans Gross stressed the drug addiction to divert from any diagnosis that would have reflected negatively on the family. But the attestation of madness to his son has to be understood as an *ultima ratio*, because he repudiated his only son and dissociated from him, cutting all parental ties in favor of an objectification – Hans Gross turned from father to guardian, Otto Gross turned from son to charge. This sacrifice is comprehensible only by recollecting the aim of the operation: He sacrificed a son to gain a grandson.⁵⁴

⁵² The discourse concerning the adequacy of methods is also mentioned in Gripenrog, Stephanie (2016): *Anormalität und Religion. Zur Entstehung der Psychologie im Kontext der europäischen Religionsgeschichte des 19. und frühen 20. Jahrhunderts.* Würzburg, p. 253 f.

⁵³ Cf. Dienes, Gerhard M. – Rother, Ralf (2003): *Die Gesetze des Vaters. Problematische Identitätsansprüche. Hans und Otto Gross, Sigmund Freud und Franz Kafka.* Wien. Stefan Zweig, in 1943, also deliberated the problems of patriarchal society in: Zweig, Stefan (1964): *The World of Yesterday. An Autobiography.* Lincoln, pp. 33 f.

⁵⁴ Kanz: *Zwischen Wissen und Wahn*, p. 158, reduced the father-son-conflict to a mode of literary interpretation. But although being a construction quite close to the material and recent critics, I would defend its usability.

The biographies of Else Jaffé and Frieda Gross, namely their libertine behavior and the transparency of the extramarital fatherhood of their children, provide a comparative background for the encounter with deviant female sexuality. Both husbands accepted their libertinism or even encouraged them in this life style. Both women stayed married and used their marriage to protect their personal freedom within a system that defined marriage rather as a means of social and moral coercion. But whereas Else Jaffé successfully maintained the appearance of a bourgeois life by reproducing the habitus of a situated mother and women, Frieda Gross combined her libertinism with an anti-bourgeois habitus and the continual need for money and support: “We [Max Weber and Frieda Gross] sat in a café. And it was horrible: suddenly, this sensitive being turned out to be the ideal type of a cocotte – just by contrast with the ‘bourgeois’ women sitting there. And I don’t know why – her somewhat slender, hasty make-up [...], the cigarettes, her loud voice, the posture of her head or her gesture [...]. And how this retroacted on her! Defiance of ‘society,’ nurturing her self-esteem by the ‘pathos of distance’ against them – all those emotions were there. I see her in Munich-Schwabing, but not in Heidelberg – she doesn’t fit in there.”⁵⁵ Because Frieda Gross did not keep up appearances, her situation was more precarious than Else Jaffé’s: She was protected only as long as her husband consented to her behavior. His incapacitation was an instrument to get hold of her. Frieda Gross’ morality was an issue in court as well, but not under the auspices of madness, but of depravity.

The eroticist movement ostentatiously rejected the ruling norms and conceptions of sexuality in many respects. Otto Gross’ idea of the neurotic potential of hypocritical monogamy is only one example of this rejection. The anarchistic view of ultimate personal freedom is another. Thereby, alternative modes of marital relations were negotiated. But it becomes not quite clear as to which extent these relations were openly discussed or whether they were presented as *faits accomplis*. There are hints for the latter in the documents: Frieda Gross lamented several times on the emotional efforts of free love.⁵⁶ Else Jaffé’s relation to Edgar Jaffé is always described as imposition of a dominant woman on a loving weak man.⁵⁷

Otto Gross operationalized his insights by emphasizing sexuality – practically as well as theoretically. With a libertine perspective he described society as misshaped by its patriarchal and hierarchical organization, suppressing femininity and sexuality. Society’s arbitrary standards regarding sexuality, Gross claimed, served to exemplify the repression of individuality. He thus questioned the

⁵⁵ Max Weber to Marianne Weber, April 18, 1913, in: MWG II/8, p. 189.

⁵⁶ Bertschinger-Joos: Frieda Gross, pp. 104–109. Max Weber to Marianne Weber, April 14, 1913, in: MWG II/8, pp. 182 ff.

⁵⁷ Demm: Else Jaffé-von Richthofen, pp. 66 ff. Demm sees her as the permanent beneficiary of the arrangement.

moral standards, not only for their arbitrariness, but also for their negative impact on the self. He noticed the hypersexualized subtext at that time, resulting from its suppression. His solution for this collective neurosis was to open the issue for discussion and for practice. By individual therapy and educational publications he aimed at societal change, which was well received amongst contemporary anarchists.⁵⁸

Any of these justifications of alternative sex morals – individually as well as socially focused – coincide with alienation and estrangement. Or, in the words of the sociologists of knowledge Peter Berger and Thomas Luckmann: “Deviance may be designated as moral depravity, mental disease, or just plain ignorance.”⁵⁹ The attribution of madness and thereby its reification as pathological abnormality is a standard reaction to deviance. But the stigma underwent significant changes in the nineteenth century.⁶⁰ The Freudian movement caused the multiplication of specialists for all kinds of mental disorders, including, from 1900 on, the spread of the neurologist’s profession. This pluralization as well as the professionalization opened individual as well as social spaces.⁶¹ This process did not automatically imply a loss of individual freedom, although a person with sexual deviant behavior normally was pathologized. Though Otto Gross’ case shows the sanction of deviance by medical and juridical means, the counter-example of Else Jaffé proves the existence of spheres where deviance remained unsanctioned.

Speaking of the encounter with eroticism and sexual deviance, there was no single pattern of behavior – labelling the acting persons as morally defunct, weak, or mad mirrors no paradigm of sanction. On the contrary, sanction (and toleration respectively) are results of specific contexts rather than of a concrete misconduct. Within the possible scope of action, the label of madness crystallizes as the most effective pattern in terms of prosecution of male deviance, whereas female adultery remains triable as a case of moral depravity. All labels work on a

⁵⁸ This political impetus was problematic for the psychoanalysts: His requests corrupted their strategy to establish psychoanalysis within academia as a diagnostic as well as a therapeutic technique. There was no space for the social critic Gross in a professionalized psychoanalysis. The confrontation on the issue in 1908 was apodictic – Freud declared: “We are medics and we’ll stay medics.” Laska: Otto Gross, p. 141.

⁵⁹ Berger, Peter L. – Luckmann, Thomas (1967): *The Social Construction of Reality*. Garden City, p. 66.

⁶⁰ Stephanie Gripenotrog discusses such changes and shifts in the fringe area between psychology and religion, i.e. between pathology and enthusiasm. Gripenotrog: *Anormalität*.

⁶¹ Cf. Radkau, Joachim (1998): *Das Zeitalter der Nervosität. Deutschland zwischen Bismarck und Hitler*. Munich.

social level, but the label of madness is lifted from a general verdict to a professionalized medical diagnosis, and from there to a firm juridical pattern.

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