



Explaining crime

Berlin newspapers and the construction of the criminal in Weimar Germany

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In the turbulent years of the Weimar Republic, well-known journalists working for leading newspapers regularly covered the proceedings of the criminal court in Berlin-Moabit. In seeking sensational news as well as stories about everyday life in the metropolis, the court provided them with insights into contemporary urban problems such as unemployment, political struggle, gender-based conflict, and crimes of passion. The court and the journalistic coverage of its activities are historically important because they were a locus of legal and social conflicts intermingled with popular entertainment and mass media.

This article sheds light on the engagement of the press with criminal trials in Weimar Berlin. By examining material never previously discussed, it claims that, contrary to what is generally believed today, German public opinion did not on the whole accept the idea that criminals could be categorized as a genetically inferior social class. In fact, most crime reporters – who reflected and formed public opinion – argued that the psychological problems of overstrained individuals and inferior living conditions were responsible for most crimes. Offenders were therefore considered as unfortunate ‘ordinary men’, or, more generally, as ‘victims of society’. Some journalists even claimed that *crimes passionelles* were the result of society’s oppression. This article goes on to argue that the extreme popularity of these reports shows that the journalists’ perspective on criminality met with the approval of contemporary readers and accorded with common views

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on crime. As part of the larger discourse on 'victimization' so important to the Weimar period, this journalistic coverage of the court can help us understand the unique role the criminal played as a central symbol of the German press and public.

Keywords: Berlin, criminality, press, victimization

In 1928, the German-Jewish pedagogue Siegfried Bernfeld (1892–1953), who was deeply influenced by Sigmund Freud's psychological theories, wrote in an essay on 'Male Urban Youth' [*männliche Großstadtjugend*]: 'Neurosis, neglect and criminality are more a matter of interpretation than psychological facts ... One *is* not a criminal, but finds oneself in a mental dilemma, which, under certain circumstances, is regarded as crime' (Bernfeld, 1996: 236–7). While such a statement might seem quite radical today, in Weimar Germany it was not at all unusual, for at that time many German intellectuals considered delinquents more as victims than as hardboiled criminals. Since it was commonly believed that criminals were 'scapegoats of a hypocritical society' (Lindner, 1999: 285), many forensic experts and intellectuals sought a more psychological view of criminality. Liberal court reporters in particular presented the criminal as a 'victim of society' and, unlike professional criminologists who focused on 'habitual criminals' or categorized criminals as genetically inferior, crime reporters argued that stress-related psychological problems and poor living conditions were the root causes of most crime.

In this article I shall concentrate on two questions. First, who were these journalists and why did they write so passionately about criminals and their crimes? In particular, I will examine whether it is true – as researchers like Hans-Ulrich Wehler, Claudia Schönigh and Theo Rasehorn have argued – that a 'lenient' way of judging crime was characteristic of liberal and left-wing journalism (Wehler, 2003: 408–12; Schönigh, 2000; Rasehorn, 1985). Second, I will explore the way in which court reporting was part of criminal discourse in Weimar Germany and the connection between the criminality debate (carried on by jurists, criminologists, physicians and politicians) and the courtroom journalists who worked for popular dailies in Berlin.

Crime reporting in Weimar Berlin

From the mid-1920s onward, the so-called stabilization period, courtroom reporting became a favourite genre for the Weimar

press, especially for the liberal-democratic newspapers. Well-known German-Jewish journalists such as Paul Schlesinger (1878–1928), Gabriele Tergit (1894–1982) or Moritz Goldstein (1880–1977) and also conservative journalists like Alfred Karrasch (1893–1973) regularly attended the Criminal Court in Berlin. They regarded the court as a place in which to gather sensational news and stories about everyday life in the metropolis, especially news that related to the problems of unemployment, political conflict and crimes of passion (Siemens, 2007). Contact between journalists and defendants in court was limited. Courtroom journalists thus wrote exclusively about their impressions of the main trial without conducting their own investigations into the evidence of the cases. Neither background reporting nor interviews with accused, prisoners or lawyers was conducted. The reporters relied primarily on the ‘official truth’ produced in court. Already in the late 1970s, Erhard Schütz contended that the criminal court reporting of the 1920s concentrated on an imprecise ‘human nature’ and produced only platitudes, ‘deep glances into the flat side of the soul’ (Schütz, 1977: 95). This critique warrants closer examination.

Courtroom journalists in Berlin formed a distinct group. In 1931 they even founded a lobby organization, the ‘Association of Courtroom Journalists’ (Vereinigung der Gerichtsberichterstatter), whose aim was to establish a pressure group that would improve journalists’ chances of obtaining ‘hot’ information from lawyers, judges and the bureaucracy. Although virtually nothing is known about this organization, its membership list in 1931 indicates that political and confessional differences did not prevent journalists who shared the same professional interests from becoming members (Goldstein, undated: II AK85/106 & AK85/172).

The most famous Berlin court reporter was Paul Schlesinger, who wrote under the pseudonym ‘Sling’. He was born into a German-Jewish middle-class family in Berlin and wrote his first novel at the age of 17. After studying languages and music, he worked as correspondent for the Ullstein publishing house in France and Switzerland and returned to Berlin in 1920 (Söseman, 1993: 51–75). When Sling started to cover trials for the *Vossische Zeitung* in 1924 he was not a legal specialist, and according to his successor, Moritz Goldstein, it was the ‘need for news’ that ultimately drew him to the impressive building in Berlin-Moabit, at that time the largest criminal court in Europe. Since the Wilhelmine period, a ‘semi-official’ (*richteroffiziöser*) style had dominated court reporting, in which journalists did not question the authority of judges or challenge the appropriateness of judicial procedure. Sling helped to change the style of court reporting

dramatically, and at a time when many contemporaries felt that the whole moral order was being turned upside down the law and the administrators of justice came under severe criticism from communists, the extreme right (Grunwald, 2002) and staunch democrats. The repressive character of the Second Reich, democratic reformers like Sling argued, had survived nowhere better than among the judiciary. The aim of Schlesinger, Tergit and Goldstein was to 'humanize' the criminal justice system. This goal reveals that such liberal reformers possessed an idealistic concept of 'justice' and its regulatory agency. Rudolf Olden, lawyer at the Berlin Kammergericht and journalist for the *Berliner Tageblatt*, expressed this as follows:

With respect to the judicial system, the Republic definitely did not pursue a good policy. By neglecting to offer the judges a highly estimated and respectable position, which they never obtained under the reign of the Prussian kings, though they would have merited it, the Republic failed to fulfil its most important duty. Otherwise, it preserved all the rights of civil servants meticulously. (Olden, 1932)

In contrast to this engagement, the reporters showed no interest in the 'criminal' after his conviction. What happened in the German prisons remained largely unnoticed and unreported (Wachsmann, 2004; Engstrom, 2003).

The young Gabriele Tergit (born Elisa Hirschmann) began to report for the liberal *Berliner Tageblatt* in December 1924 (see Larsen, 1987; Tergit, 1983), and criticized the German legal system for reinforcing gender inequality: 'Moabit is a place of men. As subject and object alike, women play only a marginal role' (Tergit, 1999: 173). When Tergit covered trials for abortion (which was illegal, according to paragraph 218 of the German Criminal Code), she attacked both middle-class hypocrisy and class distinctions, since only working-class girls were tried (Tergit, 1928). But Tergit's reports also affirmed a traditional idea of womanhood, since she also argued that female criminals were driven by their emotions in most cases: 'The domain of women', she wrote, 'is eternity, love and gossip' (Tergit, 1999: 173).

In one of his first court reports Sling wrote that most capital crimes should be considered 'tragedies of mankind' or 'fatal accidents' (Sling, 1922). In a typical report entitled 'Hackbusch', Sling covered a case in which the businessman Paul Hackbusch had shot his son and then attempted to kill himself (Sling, 1977: 140–3). Tried in court, he explained that economic pressures and conflicts with the tax authorities had led him to the conclusion that suicide was the only solution. Although Sling deemed the decision 'insane', he was concerned about

whether Hackbusch was indeed mentally ill and wrote: 'How incriminatingly and painfully the bureaucratic machinery must act on a mentally sane, not to say outstandingly tough citizen, that it can drive him to such insane action?' (Sling, 1977: 142).

Sling regularly attempted to depict defendants as victims, and sometimes used technological metaphors when 'explaining' crimes: 'Insight into the uselessness of retribution comes along with the understanding of the innocence of the exploding human being' (Sling, 1926). The 'exploding human being' was – of course – free of personal guilt: 'A man who shoots is as innocent as an exploding boiler' (Sling, 1977: 142). In 1925, the sociologist and journalist Siegfried Kracauer, working for the liberal *Frankfurter Zeitung*, wrote about the serial murderer Fritz Angerstein in nearly identical terms: 'Mental dynamite accumulates, but the shell seems unsuspecting. One day, the bomb goes off with a bang, and the impulses spill out uncontrollably' (Lethen, 1994: 259). Such metaphors echoed the experiences of the world war, whose mass destruction caused an emotional as well as an economic crisis for many contemporaries. They also pointed to the troublesome status of the autonomous self in post-war Germany in general. In a world that apparently showed no respect for personal freedom and rarely offered a vision of future happiness, how could one blame an ordinary citizen for not respecting the rules of the penal code? Indeed, courtroom journalists often interpreted criminal acts as legitimate self-defence against a hostile environment.

Moritz Goldstein (whose pen name Inquit means 'he examined'), who worked as a journalist for the *Vossische Zeitung* from 1915 onwards and took over from Sling in 1929, often explained capital crimes, as long as they were 'apolitical', in the same way (Goldstein, 2005, 1977; Albanis, 2002). When a man was accused of murdering his wife, Goldstein argued that, when economic circumstances became increasingly difficult, the 'retained explosive was disastrously discharged'. Upon reading such reports it becomes evident that sympathy for the defendant could result in neglecting the suffering of the victim: 'For sure, he did not know how to treat his wife properly, and maybe he should not have married at all. But this ambitious, fair and dutiful man did not deserve to become the murderer of his wife' (Goldstein, 1932a).

Sling's and Goldstein's line of argument was not exclusive to the liberal press. Alfred Karrasch, a young court reporter and rather unsuccessful novelist who worked for the conservative Protestant *Berliner Lokal-Anzeiger*, part of the Hugenberg press empire, expressed similar views (Siemens, 2007: 78–81). Like Sling and Goldstein, Karrasch, who joined the NSDAP on 1 May 1932, also showed sympathy for the

accused – as long as they were not ‘communists’. In one of his reports, for example, he spoke of the ‘tragedies ... that remain unpublicized but reveal almost staggering insights into human destiny and so much helplessness’ (Karrasch, 1932). Karrasch described the accused as ‘unfortunates’, ‘desperate men’ (Karrasch, 1926a) and ‘tragic clowns’ (Karrasch, 1926b). He appealed to the reader’s sentiment of mercy just like his liberal colleagues and repeatedly identified the First World War, inflation or personal misfortune as the main reasons for criminal behaviour.

Journalists rarely mentioned the physiological peculiarities of defendants, and if they did, such characteristics were employed in a stereotyped manner (Olden, 1928; Zeiz, 1932). Racist or xenophobic descriptions were applied only in exceptional cases, and then mainly in the *Berliner Lokal-Anzeiger*. There one could read about an accused of Russian origin who was described as a ‘quite dirty, torn-up human being with a so-called Bolshevik head’, a ‘beast in human form’ (Anon., 1924a). In another report, a journalist quoted a leading forensic physician who had called the defendant an ‘inferior man, epileptically handicapped and burdened by an unsound hereditary background’ (Anon., 1928a).

It must be emphasized that such prejudiced descriptions were mostly used in anonymous reports. The established and specialized courtroom journalists tended to be far more cautious and did not cite physiological characteristics as proof of criminal behaviour. There is, however, one exception worth mentioning: in the report ‘Quite by Chance’, which appeared in the *Berliner Lokal-Anzeiger* in October 1926, Karrasch described an accused with previous convictions as follows:

It was clear to everybody that this defendant had been convicted previously. His looks showed what is best described as a physiognomy of a convict. His face was a bizarre, evil and weird caricature of a human face. In this case, we should not look for the relation of physiognomy and guilt, compulsion to crime, punishment and sin – that does not even enter the equation. But nevertheless, judging by his appearance the defendant seemed to be a typical tough criminal: rough, flat nose, morbid small eyes – a muddle of physiognomy. (Karrasch, 1926c; Karrasch, 1926d)

Karrasch’s statement contains contradictions. While insisting that no simple link could be established between the looks of the accused and his acts, he nonetheless deliberately hints at such a connection. Karrasch’s ambivalence indicates the difficulty in applying criminalistic concepts based on physiological and hereditary beliefs to real cases, but

it also demonstrates their power to shape people's ideas. Elsewhere, Karrasch wrote that the defendant had an 'intelligent look', even if 'his head showed pathological symptoms' (Karrasch, 1926e). Such quotations display the beginnings of the crude racial science that would be used only a few years later under the Nazis to cope with allegedly degenerate 'habitual criminals' (Wagner, 1996). Karrasch denied some of the defendants any 'human quality' – a point of view that facilitated a perverse criminal justice system.

The perception of criminality and the significance of 'victimization' in Weimar culture

Most scholars argue that the justice system in Germany steadily employed more repressive measures against offenders in the late 1920s and early 1930s. Silvana Galassi asserts that criminology at that period became increasingly dominated by criminal biology, which postulated a close correlation between heredity and criminal behaviour, having lost sight of the social causes of crime. The rising number of criminal biologists explained offenders' alleged lack of 'moral-legal reasoning' as an effect of physical and mental abnormality (Lenz, 1933: 67). Galassi claims to have found a great deal of continuity between the policies of the Kaiserreich, the Weimar Republic and Nazi Germany. She observes in fact a steady radicalization in the 'fight against crime', visible at the level of rhetoric as well as of concrete preventive action (Galassi, 2004: 427 and *passim*; see also Müller, 2004: 171–5, 273–89). Other scholars, however, such as Richard Wetzell, point to the complexities and tensions between the criminal biologist paradigm that postulated a close interaction of heredity and criminal behaviour, and explanations of crime that considered social problems as the most important criminogenic factors (Wetzell, 2000: 174–8, 230 and *passim*; see also Baumann, 2006: 13–16, 53, 80). According to Wetzell, even convinced criminal biologists did not believe in the political implementation of important steps towards an active crime-prevention programme. A programme that included eugenic sanctions such as forced sterilization could, therefore, probably not have been implemented prior to 1933 (Wetzell, 2003; for an overview of this discussion see Schaub and Freitag, 2007).

While criminal biological explanations of criminal behaviour became increasingly popular with the establishment of the 'Criminal-Biological Examination Centres' (*kriminalbiologische Untersuchungsstellen*) in Bavaria (1924) and Prussia (1930) (Liang, 1999; Simon, 2001), the public debate about crime in the Weimar Republic was not dominated by criminal

biological views (Weipert, 2006). It is hard to find direct traces of these in court reporting by leading German newspapers. Court reporters seldom used terms such as 'habitual criminals', 'degenerates' or 'defective human beings' to describe defendants (see Wagner, 1996; Heindl, 1926), and unlike many contemporary criminologists, most journalists did not regard criminals as physically and psychologically abnormal people. In their view, no man was naturally inclined to commit criminal offences – not until he had experienced rejection by society did he become a criminal.

While the efforts of leading jurists and members of the German Reichstag to modernize the German penal code received comparatively extensive newspaper coverage, the discussion about crime and 'criminals', in which physicians and policemen played a dominant role, did not. Only the conservative *Berliner Lokal-Anzeiger* clearly favoured the introduction of repressive measures for preventing crime (Wernecke and Heller, 1982). Thus, in a series of articles in October 1928 that dealt with the debate of the 'Reichstag Committee on Penal Reform' on so-called habitual offenders, one Walther Fischer called for draconian measures in the 'fight' against recidivists. According to the *Berliner Lokal-Anzeiger* Fischer was a leading authority on law enforcement policies, and in his text, innocently entitled 'On Rationalization in the Criminal Justice System', he advocated measures that would 'disarm the scum of the German people by preventing them from letting offspring come out of the compost pile'. Since he took the assumption regarding hereditary transmission of the criminal predisposition for granted, he recommended in thinly veiled terms the forced sterilization of recidivists. 'Criminals', Fischer recommended, should be made to engage in 'intense hard labour' (Fischer, 1928).

This editorial was not an isolated overstatement. Over the following days the *Berliner Lokal-Anzeiger* published several articles on the question of crime and eugenics. On 28 October an article reported on a meeting of the 'Organization for Eugenics and Hereditary Science' (Bund für Volksaufartung und Erbkunde), whose participants had concluded that large cities had a harmful impact on the German genetic stock, stating that 'the able type of man is raised in the countryside, not in the metropolis' (Anon., 1928b). The following day, Bernhard Weiß (1880–1951), the German–Jewish vice-president of the Berlin criminal police, complained in a long article about the 'excessively mild legal practice' and 'Wild-West manners' of criminals (Weiß, 1928). Such articles indicated an increasing interest among those on the right in harsher crime-prevention techniques. Such measures were not, however, required in every case. Even the *Berliner Lokal-Anzeiger* made

a clear distinction between first-time offenders, considered to have committed their crime because of their circumstances, and 'habitual criminals'. Alfred Karrasch likewise maintained similar distinctions, proposing an approach of benevolent mildness towards first-time offenders coupled with harshness towards repeat offenders.

The liberal press did not adopt a clear standpoint on the question of crime, crime-prevention politics or the potential use of eugenics. Most of the articles relating to criminology and crime-prevention politics that appeared in liberal newspapers were written by specialists and not by regular staff journalists. Qualified court reporters simply did not seem to care about the discussion of criminality so long as this was unrelated to the context of the court. They only seldom quoted authorities on criminology such as Cesare Lombroso or Erich Wulffen in their reports on specific cases (Sling, 1977: 100–2; Goldstein, 1932b). As a result, the sometimes radical concepts of such 'professional' criminologists (Baumann, 2006; Becker et al., 2005; Müller, 2004) did not find their way into court reporting. Journalists only used criminological terms when they referred to explanations given by physicians and psychiatrists who testified as experts in court.

It is interesting to note that journalists rarely criticized forensic experts. Even when one physician described a defendant as having an 'ice-cold nature, like that of a frog' (*eiskalte Froschnatur*) (Anon., 1924b), journalists reported this dispassionately without adding any discerning comment. Whilst Tergit sometimes attacked forensic experts for their ignorance of living conditions, especially those of young working-class women (Tergit, 1928), Sling, who had acquired fame as a qualified critic of the legal system and was himself confronted with enraged allegations of 'distortion' by professional jurists (Bewer, 1927: 436–9), remained surprisingly uncritical of medical experts. His remarks in the case of Bruno Gerth, who had been accused of murdering two women and posthumous rape in 1924 (Frey, 1960: 385–405), are characteristic. He defended the 'modern criminal trial', which took into consideration a variety of expert testimonies, against a prosecutor whom he described as an adherent of the 'oldest intellectual style' and who had dared to criticize 'criminal psychology, starting off with Lombroso'. Sling's conclusion was forthright: 'In such cases, only psychiatrists have a right to explicate' (Sling, 1977: 100–2).

One reason that journalists refrained from criticism was that forensic experts, in explaining mental conditions that could lead to crime, established a set of arguments that effectively cast offenders as victims. After World War I, Germany in particular was full of genuine or self-declared 'victims'. The discourse of 'victimization' should indeed

be considered as one of the popular beliefs shaping individuality and self-perception. Victims could be found everywhere: there were 'victims of inflation', 'victims of the stab-in-the-back' at the end of World War I, 'victims of the Versailles peace treaty' (Heinemann, 1983), 'victims of class justice', of 'monopoly capitalism' and of unemployment. Some years later Siegfried Kracauer observed a continuing 'intellectual paralysis' between 1924 and 1929 (Kracauer, 1999: 15), the so-called 'years of stability' of the young Republic of Weimar (Peukert, 1987). After several years of insurrection, inflation and deprivation, of personal loss and of a common, more subjective feeling of wounded national pride, the discourse of 'victimization' helped people to cope with these burdensome difficulties, at the expense of self-critical reflection that could have led to concrete political action.

My analysis of courtroom journalism demonstrates that this discourse of victimization dominated Weimar culture. It was not only present in some marginal milieux but was well established among the middle class, and served to justify personal behaviour as well as to explain problems of society at large. Reporters attended criminal trials not because they were interested in the individual 'catastrophes', but because they considered these trials as indicators of a general crisis of the moral order and the 'dwindling faith in the judicial system' and they viewed the defendants as victims rather than as the cause of this moral confusion (Siemens, 2005: 139–63; Kuhn, 1983). In post-First World War Germany this attitude indicated a deep (and unacknowledged) ambivalence among liberals toward the Weimar Republic. For although many liberal journalists believed the social order to be in such disarray that it turned otherwise good citizens into criminals, they nonetheless defended the Weimar Republic and its institutions. How one could stand up for the democratic state, but at the same time severely criticize the judges representing the state's power, was one of the fundamental problems for which the courtroom journalists never found a satisfactory solution.

The weakness of the journalists' analysis of the problem of criminality made them vulnerable to sharp attacks. The extreme right accused the majority of courtroom journalists of political impotence and moral limpness: in their eyes, court reporters were 'humane to the point of perversity' (Dederding, 1931). In 1932, for example, the right-wing intellectual Ernst Jünger complained that criminal trials had become a 'forum, where the individual brings an action against the community' (Jünger, 1932: 142). Interestingly, Jünger's reaction to the growing public sympathy for offenders was not notably more extreme than that of more left-wing intellectuals. Already in 1920 the Austrian–Jewish

author Franz Werfel wrote dryly: 'Well, a generation of moviegoers, frequenters of coffeeshouse and nightclub heroes is emerging. Their ideal is the conman, the sexual psychopath, in a word, the criminal. This ideal, as everything, claims its victims' (Werfel, 1920: 235–6).

This critique, which regarded the interest in criminals as a symptom of the 'pathology' of modern urban mass society and which was mostly expressed by intellectuals of the political right, was not unique to Weimar Germany. Similar anxious views and moral concerns were also prevalent in France and the United States (Siemens, 2007: 114–92). But the context was different: while the criminal was an iconographic figure of modernity in many societies (for Britain, for example, see Walkowitz, 1992; for the US, see Halttunen, 1998), only in Germany was the criminal constructed as a representative of the confusion of morals and manners that turned criminals into 'victims' and 'victims' into something else, which was never accurately defined.

The problem of 'justice' in Weimar Germany

The intense public interest in criminal trials during the Weimar Republic was not limited to newspaper reports. Literary texts as well as popular movies raised the issue of the appropriate handling of offenders in an era that virtually 'made' criminals, at least in the perception of many contemporaries.

An insightful, and in many ways paradigmatic, literary figure is Franz Biberkopf, the main character in the novel *Berlin Alexanderplatz* by Alfred Döblin (1878–1957), first published in 1929. Biberkopf, a pimp and part-time criminal living in the notorious Scheunenviertel (literally, 'shed quarter') located next to the Alexanderplatz in the heart of Berlin, is portrayed by Döblin as a naïve and well-intentioned but ill-fated person, a modern Job. After spending four years in prison convicted of manslaughter, Biberkopf attempts to live 'virtuously' (*anständig*). But shortly after his release he stumbles once more because of a lack of inner strength and the influence of bad company. Most court reporters, and also writers such as Erich Kästner and Hans Fallada, would have explained cases like that of Biberkopf by insisting that he, a simple man, had failed to adapt to the needs of the metropolis with its harsh living conditions, immoral fellow men and limited employment possibilities (see Kästner, 1931; Fallada, 1932). By contrast, Döblin contends that it is precisely Biberkopf's narcissistic pride and his belief in the superiority of his physical strength and imagined cleverness, his hyper-masculinity (see Kingerlee, 2001: 63–132) that nearly kills him. Döblin's hero has to lose one arm and

later his beloved girlfriend, murdered by one of Biberkopf's 'friends', before he understands that his setbacks are not the blows of fate, but self-inflicted. According to the author, Biberkopf is not an innocent 'exploding human being', to use Sling's term, but someone who bears responsibility, even for incidents beyond his personal control. After his final catharsis, the criminal trial portrayed at the end of the novel, although 'fair' in both the legal and moral sense, has no real meaning for Biberkopf (see Döblin, 1929).

Fritz Lang's film *M* (1931), quickly recognized as one of the most important German films of the Weimar period, likewise dealt with the problem of criminal intention, personal guilt and possible legal responses. When shooting the film, Lang (1890–1976) admitted that he had been deeply influenced by famous criminal trials involving serial killers such as Fritz Haarman (1924) and Peter Kürten (1930–1), the 'Vampire of Düsseldorf' (see Kaes, 2001: 9; Aurich et al., 2001: 138). Lang even called his film a documentary, although it was filmed entirely in the studio and did not tell a real story. In the context of this essay, *M* is an important film because it reveals the extent to which interest in and even sympathy for offenders, established by court reporters and writers, had become commonplace in Weimar popular culture.

In Lang's film the serial killer, a sex offender named Beckert who has killed a young girl, is portrayed in a highly ambivalent way. Rather than a cold-blooded murderer he appears as a reluctant sex maniac, aware of his mental illness and fighting against his obsession. The offender himself, brilliantly played by Peter Lorre (1904–64), is a victim of his perverse nature and – in a way – apparently not responsible for his actions. He is the protagonist of the film, while the victims of his misdoings play only a marginal role. In an analogy to the dominant tendency in newspaper court reporting, the film seeks to understand the behaviour of the murderer and the motives for his actions, rather than simply accusing him.

Furthermore, the film discusses whether the state and its institutions are the only ones permitted to persecute and punish the child murderer. Lang portrays a well-organized criminal underworld that acts in a similar manner, first searching for Beckert and then convicting him, less through moral concern than out of self-interest. The inquiries of the police threaten to harm the fragile balance between the state and the criminal authorities. The 'criminal trial' against Beckert subsequently organized by the criminal underworld is one of the key scenes in the movie. Film historian Anton Kaes rightly interprets it as 'double-edged' mockery of the law, reflecting the cynicism of the Weimar judicial system and raising the question of retribution and the right to punish (Kaes, 2001: 67).

But for Tergit, reviewing the film for the leftist *Weltbühne* in 1931, it only revealed the 'perversion of justice', scorned the authority of the state and glorified violence and anti-social behaviour (see Aurich et al., 2001: 148–50). While Kaes is right in arguing that in the scene of the fake trial 'the very possibility of judging' is called into question (Kaes, 2001: 67), for Tergit, such extensive criticism goes much too far. Like her colleagues Schlesinger and Goldstein, she attempts to reform the criminal justice system, but does not seek to alter it fundamentally. Contrary to the perception of the majority of conservative jurists represented by Bewer, journalistic engagement with the law and its application was not the consequence of a radical hostile opposition to state authorities and the criminal court system. Rather, it indicated how much the critique of the status quo was grounded in the belief that an 'enlightened' modern society could be established by common effort on the part of politicians, jurists and the mass media. As Thomas Mergel and Peter Fritzsche have recently demonstrated, liberals, conservatives and socialists alike shared a belief in the ability of German society to modernize the political and social order (Fritzsche, 2007: 141–64; Mergel, 2005: 91–127). The evident gap between these rather idealistic concepts regarding the ability of state welfare, politics and law to ameliorate social conditions and the bleak reality of post-war society raised further the already high expectations. Despite the good intentions of many of the critics, failure to fulfil these expectations in the short term weakened the fragile Weimar Republic.

Another factor that limited the political influence of ambitious court reporters was their intellectual constraint. Most of the time, the influential journalists, who originated from the established middle classes, found it difficult to cross the social gap that existed between them and the accused, who often belonged to the working classes. Their reporting was cursory and reproduced middle-class values without touching upon the fundamental problems of guilt, responsibility and autonomy, pivotal particularly in Döblin's novel.

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