Crime Stories: Criminal, Society, and the Modernist Case History

Our case becomes rounded off and difficulty after difficulty thins away in front of us. . . . I shall soon be in the position of being able to put into a single connected narrative one of the most singular and sensational crimes of modern times.¹

Sherlock Holmes (and, of course, his creator, Sir Arthur Conan Doyle) recognized quite clearly the relationship between solving crimes and telling stories: to solve a crime is to write its narrative. Crime disrupts the social order. The detective is called in to solve the mystery of the crime, catch the criminal, and set the world back in order. But it is not sufficient simply to put the criminal behind bars, for there are always many more criminals to take his or her place on the streets, continuing to disrupt order. To avoid living in a continuous state of crisis, we need to control our anxiety that anybody is a potential criminal threat by clearly distinguishing between the criminal and the noncriminal. This is the crucial task that tales of crime—from scientific criminological works to popular journalistic accounts to fictional texts—seek to accomplish.

Holmes continues his discussion of the Baskerville case by pointing to the importance of these crime stories and their representations of criminals for the success of his ongoing investigation: “Students of criminology will remember the analogous incidents in Grodno, in Little Russia, in the year ’66 and of course there are the Anderson murders in North Carolina, but this case possesses some features which are entirely its own” (616). Criminology is thus concerned with establishing criminal types by drawing connections between them and, at the same time, drawing clear lines between the criminal and the noncriminal. Traditional crime fiction operates in a similar fashion: the narrative begins with a disruption of bourgeois order (the crime) and ends with the restoration of bourgeois order, as the detective pieces together the “single connected narrative” that explains the “singular” events and distinguishes the criminal from the innocents, clearly locating guilt in a single
offender or a small group of offenders. In Holmes’s time, at the end of the nineteenth century, these mechanisms of distinction were largely intact. Stories—whether in fictional works such as those of Doyle or criminological works such as the numerous editions of the *Pitaval*, the popular encyclopedia of criminal cases—seemed to be able to explain the causes of criminal behavior. This certainty, however, was beginning to erode.

If narrative is a primary means to distinguish between types, reach judgments, and explain causes, what happens when the belief in narrative coherence goes into crisis, as it increasingly does in the nineteenth and twentieth centuries? It is this question that I seek to address as I turn my attention to a remarkable moment in the development of the criminal case study: the ambitious but short-lived series *Außenseiter der Gesellschaft: Die Verbrechen der Gegenwart* (Outsiders of society: the crimes of today), published by the left-wing Verlag Die Schmiede in 1924–25 under the general editorship of the poet and important literary-political activist Rudolf Leonhard. In a project without precedent in German literature, Leonhard enlisted the talents of important writers such as Alfred Döblin, Egon Erwin Kisch, Ernst Weiß, Iwan Goll, and Theodor Lessing to write book-length studies of recent sensational criminal cases. The topics covered in the series ranged widely, from the confidence schemes of the impostor who called himself Freiherr von Egloffstein, to the Hitler-Ludendorff trial, to the career of the serial killer Fritz Haarmann. Forthcoming volumes by such celebrity writers as Max Brod, Arnolt Bronnen, Georg Kaiser, Thomas Mann, Joseph Roth, and Jakob Wassermann were advertised but never materialized. Due to financial problems, the series was discontinued and the Verlag Die Schmiede was soon forced to close down entirely.

Though it existed for only a little over one year, the fourteen volumes of the *Außenseiter* series occupy a crucial role both in their authors’ individual development and in documenting some of the innovative ways in which criminality was understood in Weimar Germany. It received significant critical attention in the 1920s and was hotly debated in a variety of criminalistic and literary publications. It is thus surprising that the series has received remarkably little attention in both German- and English-language scholarship. Aside from the presence of an all-star cast of writers, the significance of the *Außenseiter* series lies in its rethinking and reworking the aims and possibilities of the genre of the criminal case history. This series, I argue, sought to intervene in the tradition of crime narratives in order to question the nature and effects of the genre. If narrative is one of the primary techniques by which the criminal and the noncriminal are distinguished, then the crisis of narration that is a central characteristic of modernist literature would naturally precipitate a crisis of this mechanism of distinction when brought to bear on the discussion of criminals. When the belief in the ability to narrate a life story, to turn experience into text, comes into doubt, the belief in the ability of a narrative to separate criminal from noncriminal and to reconstruct the events that lead to a crime must also fall under suspicion. This is precisely what happens in these volumes, in which some
of Germany’s most important authors of modernist fiction, most innovative journalists, and most interesting intellectual figures turn their attention to the breakdown of the case narrative as a means to distinguish the criminal from the noncriminal. The unusual grouping of very different types of writers indicates the hybrid nature of this crossover project, which brings a combination of reportage, fictional techniques, and scientific analysis to bear on an area that is usually the domain of legal and medical specialists. At the same time, the series incorporates medical texts and trial documents into what often reads like a fictional narrative. Contemporary critics thus found it difficult to classify the project, repeatedly questioning what genre it might fit into. This difficulty has certainly not dissipated over the years. Indeed, when Suhrkamp republished Ernst Weiß’s contribution to the series, Der Fall Vukobrankovics (The Vukobrankovic case) in 1982, they labeled it a novel.

Außenseiter der Gesellschaft is ultimately uncontainable under traditional generic concepts because it consciously presents itself as a borderline project that transgresses genres (between history and fiction, scientific analysis and popular sensationalism) in order to question precisely the possibility of generic classification. In so doing, it develops a genre that would become increasingly popular over the course of the twentieth century, the nonfiction documentary crime novel. The series not only breaks down generic borders; it also interrogates the borders between the criminal and the noncriminal that the traditional criminal case history normally patrols and defends—ultimately locating the criminal squarely within society, rather than outside of it. Both “border crossings” are, indeed, intricately related and I shall explore this relationship in this paper by presenting an overview of the Außenseiter series and its contributions to the genre of the criminal case study. In order to demonstrate the place of this series within the larger tradition of the genre—a tradition that it at once furthers and breaks with—I begin with a brief discussion of the development of the relationship between the criminal and the case history from the eighteenth-century Pitaval story to Michel Foucault’s recent theories of the examination, then look at the ways in which Leonhard’s series challenges and attempts to think through these conceptions of the criminal case history. I will then turn to a closer analysis of two of the most innovative volumes in the series, Weiß’s Der Fall Vukobrankovics and Döblin’s Die beiden Freundinnen und ihr Giftmord (The two girlfriends and their murder by poisoning).

The Criminal and the Case
from Pitaval to Foucault

Außenseiter der Gesellschaft falls squarely within a tradition dating back to the eighteenth century of producing an encyclopedia of sensational criminal cases. François Gayot de Pitaval published the first volume of his Causes célèbres et intéressantes (Celebrated and interesting cases) in 1734, aiming the series at both profes-
sional and lay audiences. Pitaval’s *Causes célèbres* was an enormous success, appearing in nine separate editions before 1789. The idea of publishing an archive of criminal cases quickly spread throughout Europe and the “Pitaval” story became an important and often-imitated genre that was still very much alive well into the second half of the twentieth century. Throughout the nineteenth and early twentieth centuries, numerous editions of sensational criminal cases continually found a home, as the editor of a nineteenth-century German *Pitaval* asserted, both “in the studies of scholars and the boudoirs of the elegant reading public.” The *Pitaval* thus attempted to bridge the gap between official and popular representations of criminality and achieved widespread success in doing so.

As the editors of the German *Neuer Pitaval* (New Pitaval), which was first published in 1842, make clear, the *Pitaval* was resolutely centered on the figure of the criminal and not the authorities that judge him or her. This stance, the editors argue, allows them to present their case materials objectively and thoroughly, “allowing the psychological motives to speak purely and vividly for themselves.” The *Pitaval*, then, presented itself as an unmediated archive that sought to survey, explain, and classify criminals and their crimes. However, as Joachim Linder nicely demonstrates in his survey of nineteenth-century German *Pitaval* literature, this concentration on the figure of the criminal from a seemingly objective stance results in anything but an objective presentation of the facts. In the *Pitaval* tradition, the criminal is presented as a curiosity, an aberration from the norm that makes him an interesting case. The powers that judge the criminal are thrust into the background as the individual criminal takes center stage to be documented, classified, and distinguished—by an invisible, purportedly infallible, and generally anonymous narrator.

Michel Foucault has argued, based in part on precisely this type of material, that over the course of the nineteenth century a new conception of the criminal emerges. No longer is a criminal simply someone who commits a crime, as in classical jurisprudence; rather, there now exists a new type of species, the “dangerous individual,” whose criminal nature exists independent of a criminal act. This shift, Foucault further argues, is accompanied by a “psychiatrization of criminal danger” and the emergence of a “scientifco-legal complex.” In Foucault’s analysis, it is not the legal system itself, so much as the scientific apparatus that emerges around it, that is now responsible for distinguishing between the criminal and the “normal” individual. The criminal becomes someone not just to be judged and punished but also to be known and disciplined—he or she becomes the object of a series of examinations.

This new approach to criminality, as the *Pitaval* indicates and as Foucault argues, revolves very much around the process of writing—especially the writing of cases. In the much-discussed section on the examination in *Discipline and Punish*, Foucault establishes a clear and direct link between writing, social control, and the concept of the case. “The examination,” he writes, “surrounded by all its documentary
techniques, makes each individual a ‘case’: a case which at one and the same time constitutes an object for a branch of knowledge and a hold for a branch of power” (191). According to Foucault, in modernity the deviant individual is no longer someone simply to be judged and punished based on his or her transgression, but rather someone “to be trained or corrected, classified, normalized, excluded, etc.” (191). This new form of exercising power is thus directly tied to a new method of forming and organizing knowledge. For Foucault, the techniques of writing and constructing cases establish a direct link between the individual and the institutions that seek to control him or her.

At the center of this new method of organizing knowledge, Foucault argues, lies “a whole meticulous archive constituted in terms of bodies and days” (189). This archive, he continues, situates individuals “in a network of writing” and “engages them in a whole mass of documents that capture and fix them” (189). The archive, then, marks the site at which institutions establish and maintain their power over individuals. Foucault is notoriously vague in locating the agent of this disciplinary power. His principal argument, in fact, is precisely that these shadowy forces are difficult to locate, because disciplinary power “is exercised through its invisibility” even as it “imposes on those whom it subjects a principle of compulsory visibility” (187). Foucault’s by now well-known story, then, is of the increasing visibility of the individual as a case subject to a normalizing discipline and the increasing invisibility of the powers that discipline him or her. Further, these shadowy institutions exercise their power over the individual through their means of organizing and categorizing knowledge. For Foucault, the “case” is a means of making an individual visible and thus an object of control by powers that themselves remain invisible.

Upon first glance, the Außenseiter series would seem to fit nicely with Foucault’s story, for in this series the criminal is, indeed, something to be known, the object of a series of investigations. The series explicitly places itself within the Pitaval tradition, as contemporary commentators rarely failed to observe, repeatedly describing it with terms such as “Pitaval-like” and “a modern Pitaval.” In the Pitaval, as in Foucault’s history, the criminal is presented as a curiosity, an aberration from the norm that makes him or her an interesting case. However, something else, I want to argue, is at work in the Außenseiter series (and in twentieth-century crime stories more generally): the invisible knowledge-system that is the object of Foucault’s analysis increasingly serves as an object of investigation itself and is consequently made increasingly visible. Just as Foucault saw a new technique of writing as establishing and masking a new technique of power, these case studies attempt to locate a new technique of writing that will reveal and destabilize that very power.

Turning their attention precisely to the relationship that Foucault would later concentrate on, that between the criminal and his or her examiners, these studies repeatedly show the criminal to be the object of juridical, medical, journalistic, popular, and literary attention. The volumes in the Außenseiter series are, indeed,
archives, but not the “meticulous archive” described by Foucault. Rather, they are intentionally disorganized, self-contradictory archives that contain multiple perspectives and varied approaches to their objects of investigation. Both in the individual volumes (each of which is ultimately the work of a single author) and in the series as a collective (which, in a sense, stands as the work of a corporate “author”), the views expressed in the Außenseiter volumes simply cannot be reconciled with one another. And this multivalence is precisely what the series strives to attain as it demonstrates the difficulty (perhaps impossibility) of clearly locating causality and guilt, seeking instead to map the contradictions between the various discourses that endeavor to make the criminal visible as a distinct and deviant individual. While I want to do justice to the independence of these volumes (the very fact that each volume has a different, clearly identified author is in itself quite important and a significant departure from the Pitaval tradition of presenting a case history as if it were not mediated), I hope also to point to a unity of this project, and indeed to its larger significance for the Weimar understanding of criminality. Before turning to a more detailed analysis of the series, however, I first wish to examine a remarkable contemporary meditation on the relationship between judge and judged in the genre of the case that provides an interesting counter to Foucault’s theories and demonstrates that the concern with rethinking the genre of the case in Weimar Germany extended beyond the fourteen volumes of the Außenseiter series.

In his 1930 study of the “simple forms” that he sees as lying at the foundation of all literary efforts, Einfache Formen (Simple forms), the German literary theorist André Jolles offers one of the most extended and compelling accounts of the form of the case to date. After discussing a number of forms “which we can identify by name” such as legend, saga, myth, and puzzle, Jolles turns to a form that he argues belongs alongside these other more familiar entries in his system of fundamental forms, but for which “we still do not have a standard name.” Jolles names this newly discovered form Kasus.

The case, as Jolles is quick to point out, differs crucially from other, seemingly similar forms, such as the example. In order to demonstrate this difference, he turns to the realm of crime and justice, citing a story from the popular section of the Berliner Illustrirte Zeitung (Berlin illustrated newspaper) titled “Grotesquerie und Tragik im Strafrecht” (Grotesquerie and tragedy in the criminal code):

Amid the throngs of the city a pickpocket steals my wallet, which held 100 Marks in small bills. He divides his booty with his girlfriend, whom he tells about his lucky catch. If they are both caught, the girlfriend would be punished as a receiver of stolen goods.

Let’s say I had only a 100 Mark bill in my wallet. If the thief gets change and gives fifty marks to the woman, then she is exempt from punishment. For it is punishable as receiving stolen goods only when it is the exact item attained by the crime, not the change for the money.

After citing the relevant paragraphs of the criminal code, Jolles turns to an analysis of this short text and finds that its seemingly simple structure is actually quite inter-
esting: it falls into two separate halves that work both with and against each other. The first half makes a law visible; it is an application of a judicial norm: the pickpocket and his friend are both found to be guilty of theft under the law. As such, it is an example of a particular German law, but not in itself a case. The action of the pickpocket and his friend are simply weighed against the relevant paragraphs of the legal code. For it to be a case, Jolles argues, the second half of the text must also be present. He uses the traditional judicial image of a scale to illustrate this point. Just as a scale has two dishes, this text—and the form of the case—has two parts. In the second half of the text the process of judging is turned around: instead of allowing the law to weigh or judge the act, it allows the act to weigh or judge the law itself. In other words, the actions of the thieves are not the only issue being judged here; their actions themselves are also, in turn, judging the law. The resulting text (which only in its entirety is a case) is thus no longer a one-sided example of a law, but an interrogation of it:

In its totality, the two parts of this text do not point to a law, but rather to a loophole in the law. What comes to light in this totality is the fact that the scales do not weigh correctly, the ruler does not measure correctly. . . . In this totality the girlfriend is not measured by a norm, rather one norm is measured by another norm. (178–79)

As James Chandler succinctly states in his analysis of this passage: “The text thus turns into a double balancing act in which the balance that weighs an act against the law is balanced with one that weighs one law against another.” While this dual weighing of laws and actions has long been recognized as a basic tenet of case law, Jolles’s significant contribution is to note that this balancing act is precisely what characterizes the fundamental structure of the case. Jolles’s crucial point, as Chandler has noted, is that “the case names not only the anomaly for a scheme or system, but also the scheme or system itself, as well as those processes by which anomalies and norms are adjudicated” (208–9). Jolles picks up on a longstanding—and in his view perhaps inherent—tendency of the case history toward open-endedness and seeks to apply this quality to the question of narrative form.

The case is thus for Jolles not that which deviates from the norm, as Foucault would have it, but the form that provides the means of questioning the norm itself. The case ultimately does not illustrate a condition or answer a question; rather, it poses a question, without however ever being capable of answering it. The case is not closed—indeed, the case is never closed. It poses a question that cannot be answered, because it is not in itself a judgment, but rather a means of judging. It is, as Chandler nicely puts it, “the very form of ‘deliberation’” (209). With Jolles’s theory of the case as a border genre that performs a double balancing act in mind, I now want to return to a discussion of the series of cases that attempted, five years before Jolles published Einfache Formen, to engage and develop the genre of the case history toward an increasing open-endedness and narrative inconclusiveness along precisely the lines that Jolles laid out, allowing acts to judge norms as it allowed norms to judge acts and seeking to find a narrative structure to enact this process.
Society and Its Outsiders: Toward a Documentary Crime Narrative

The dual title of the series—*Outsiders of Society: The Crimes of Today*—defines an object of investigation that is at least doubled. On the one hand, just as in the *Pitaval*, the subjects of these volumes are the individual criminals, the outsiders of society. But the other half of the title points toward a different object of investigation: the crimes of today. The intentional ambiguity of the genitive here signals an ambiguity of agency that will be a central concern of each volume: Does it mean that the crimes under discussion are recent in origin? Or is the present (*die Gegenwart*) itself guilty of a crime? Another peculiarity of the title of the series is its unbalanced nature: the first half refers to people (outsiders), the second half to things (crimes). Like Jolles’s scales, the series continually attempts to weigh two different objects simultaneously: criminals and crimes, outsiders and society, guilt and innocence, laws and transgressions. The books in the series announce themselves not only as investigations into criminal matters but also as investigations into the investigations of criminal matters.

The criminals that seem to be the objects of investigation are rarely the most important figures in these texts, as Eduard Trautner clearly indicates in the introduction to his tale of spies and politics in revolutionary Berlin, *Der Mord am Polizeiagenten Blau* (*The murder of police agent Blau*). For Trautner, the Blau case, which revolved around the murder of a suspected double agent who infiltrated the revolutionary communist movement in the chaotic days following the end of World War I, was ultimately not about individuals or even their competing political ideologies. Trautner notes in his opening discussion of the case: “One questions whether one is dealing with actors or with statistics, for one doesn’t see individuals here as much as functionaries of invisible currents and movements” (7). Trautner proposes an alternative way to view the relationship between criminal and society, which differs from traditional criminological writings in that it is based neither on statistics nor on individual psychology. Rather, his volume seeks to depict a range of forces at work in the events that are usually hidden beneath statistical and psychological studies. He attempts to accomplish this task through a narrative experiment that incorporates extended verbatim reproductions of trial documents, witness statements, press reports, and even posters and pamphlets from post–World War I Berlin, leading several contemporary reviewers to accuse him of not giving his material sufficient narrative form. In light of Trautner’s theory of outsiders and their role in a mysterious system of forces, however, his study can be read as an attempt to let the various tales of crime that surround this case stand in their self-contradictory forms, thus allowing his narrative not simply to add yet another version of the story, to offer an alternative explanation of the events, but rather to map a battle among and between these various narratives.

Foucault also saw tales of crime as having the potential not only to consolidate
power but to destabilize it as well. Against the monovocal examination that I discussed earlier, Foucault opposed the dossier, which would, in its intersections of competing discourses, use the figure of the criminal to make disciplinary power visible. His introduction to the collaborative volume on the parricide Pierre Rivière demonstrates the similarity between the project at stake there and the project of the Außenseiter series as I am reading it:

I think that what committed us to the work, despite all our differences of interests and approaches, was that it was a “dossier,” that is to say, a case, an affair, an event that provided the intersection of discourses that differed in origin, form, organization and function. . . . All of them speak, or appear to be speaking, of one and the same thing . . . But in their totality and their variety they form neither a composite work nor an exemplary text, but rather a strange contest, a confrontation, a power relation, a battle among discourses and through discourses.28

More than fifty years before Foucault, the case studies in the Außenseiter series consciously function as precisely this type of dossier, recording through their documentary approach the battles among and within discourses that Foucault noted in the case of Rivière.

It is not incidental that the authors involved in the Außenseiter series, like Foucault and Jolles, turn to the field of law and crime to think through these representational struggles, for the form of the modern trial-by-evidence could well be characterized as a sort of battle over who gets to represent the people and events under discussion: the prosecution presents its case—it tells its story based on a selection of the evidence—and the defense presents its case—its own, different story based on a selection from the same body of evidence. Within each competing camp, of course, there are further differing versions of events presented by the accused, the victims, and the witnesses (both the expert and the material witnesses). The judge and jury are charged with voting for the representation that they find the most convincing and thereby officially sanctioning it. The authors in the Außenseiter series are engaged in a similar battle of representations, but endeavor to break free from this narrative competition and occupy a position outside of the traditional trial schema. By incorporating these various representations into their narrative, they seek not to endorse one particular version, but rather to make them visible as precisely what they are: imaginative reconstructions of events based on what is always inadequate evidence. They are ultimately more concerned with representing the process of narrating events than with weighing-in on the narrative that they find most compelling.

As such, these volumes constitute an odd genre that falls between nonfiction (trial reports, criminological treatises) and literary fiction. Hermann Ungar, a writer known primarily for his fictional works, seems to be aware of the generic category into which his case narrative of a woman accused of contracting the murder of her husband, a Czech army officer, is likely to be placed. To counter this, he
prefaces his study, titled *Die Ermordung des Hauptmanns Hanika: Tragödie einer Ehe* (The murder of Captain Hanika: The tragedy of a marriage), with a disclaimer that his book is to be read as a chronicle, not a work of art:

The presentation that follows does not aspire to be seen as a work of art. It only presents what actually occurred, as can be gleaned from the available material. The reporter was reluctant, in the account of a criminal case, to fill in the gaps with his own inventions, to round out the characters through the addition of imagined characteristics and details—that is to say, to make use of the material as an artist and turn the chronicle into a novella. The goal of the presentation is nothing more than to organize and register the material without further ambitions.  

Ungar’s language certainly echoes that of the *Pitaval*, whose authors similarly claimed to record events without subjectively reworking them. Ungar thus exhibits an awareness of his text’s relationship to an established literary tradition. But the story that Ungar tells surely reads nothing like a chronicle. Indeed, Ungar himself admits that the emotionally charged atmosphere surrounding the case precludes even the possibility of neutrality (13–14)—least of all on the part of the judge and the jury, whom Ungar pronounces “surely incapable of allowing the contexts to affect them more deeply, in that they do not see the wider contexts” (66). The “chronicalist” himself, of course, claims a position outside of and above the courtroom, from which these contexts are visible—and are made visible in the case study he writes (95–96). Ungar’s alleged chronicle, as a reviewer for the *Prager Presse* (Prague press) noticed, is ultimately anything but an objective record of events—and not in spite of, but rather precisely because of its ostensibly objective (sachlich) style:

But precisely this method of presenting the material gives the attentive reader a feeling similar to what one has when reading one of Stendhal’s Italian novellas: the technical juridical style begins almost from the inside out to provide illumination. The dry recitation of events suddenly becomes thrilling, submerged psychic processes become visible, and it turns out to be much less difficult to give meaning to these puzzling events than one had supposed.  

Neither strictly a chronicle, nor strictly a work of fiction, Ungar’s combinatory approach to his subject occupies a position between traditional genres. And it is precisely this status as a hybrid genre that lends Ungar’s account its power. This explains the continual protests on the part of the authors in the series that they are engaged in writing neither clinical case histories nor works of fiction. As in Jolles’s notion of the genre of the case, we are faced here and in the other volumes of the series with a borderline genre that falls between science and fiction in its attempt to maintain a double balancing act between weighing an individual’s actions and a society’s judgment of them. Exciting and crisply narrated stories combine with clinical analyses and trial transcripts in the pages of these volumes, developing a genre that would become increasingly popular later in the century: the nonfiction
documentary crime novel. The messy archives of this series consistently present multiple voices and multiple perspectives, which refuse and indeed work against narrative closure by incorporating self-contradictory documents. Following Jolles’s notion of the case, these studies are left open-ended; they are acts of deliberation, not pronouncements of judgment. But, as the reviewer for the *Prager Presse* makes clear, the desire to provide closure by giving meaning to puzzling events exerts a powerful force that is not entirely precluded by the series’ narrative experiments.

Although Ungar and others protest that they are not writing works of fiction, they are careful to highlight their proximity to techniques usually associated with fictional genres. For example, in his examination of the case of a murder resulting from a financial dispute in the Austrian lumber industry, *Schuß ins Geschäft* (Shot into business), Franz Theodor Csokor explicitly presents his study as a sort of documentary drama, containing chapters with titles such as “The Psychiatrists’ Chorus,” in which he presents what he terms a “Satyr Play” of psychiatric experts, and “The Fifth Act,” in which he relates the trial as an elaborate and to some extent prescribed tragic performance. Leo Lania’s reportage of the Hitler-Ludendorff trial, *Der Hitler-Ludendorff Prozeß* (The Hitler-Ludendorff trial), which incorporates a large amount of material reproduced verbatim from the trial protocol, also turns the trial transcript into a dramatic work, referring to the events in the courtroom as a “Tragicomedy,” a “Judicial Comedy,” and even a grotesque “farce.” Iwan Goll invites comparisons with a different medium altogether: he presents a crucial section of his study of the French political terrorist Germaine Berton as a film, thus making the montage technique that he utilizes throughout his story explicit. The chapter, titled “Film of a Boy’s Suicide,” describes the suicide of a fifteen-year-old boy in short, disconnected “scenes” that lack coherent transitions and refuse to explain his death: “Philippe’s death remains a mystery to everybody.” Before the climactic verdict in the trial, Goll returns to the film metaphor, imagining a cinematic version of the defendant, Germaine Berton, sharing the screen with other female political terrorists from different times and places (75). The montage technique derived from film and the documentary drama is thus explicitly applied to the genre of the criminal case history in this series in order to launch a critique of the judicial system that has more force than either pure fiction or the standard case chronicle.

It is through this montage technique that these revisionist case histories seek to accomplish their double balancing act of judging a criminal and his or her judges. Indeed, as I argued earlier, it is ultimately the investigation rather than the investigated that receives the bulk of attention in these volumes. In Berton’s trial, Goll argues, the issue that concerned the court was not the murder of which the defendant was accused, but the political philosophy that lay behind the murder (46). Lania writes of the Hitler-Ludendorff trial in similar terms: “Court proceedings? No, it was more of a seminar on treason” (83). In his volume on an early-twentieth-century trial of an Italian countess accused of murdering her husband, Karl Federn
evokes Lania’s language of a judicial tragicomedy, describing the proceedings as “from beginning to end, a judicial monstrosity, a tragic farce.” Federn’s closer examination of these tragic and farcical events thus turns the tables and puts society on trial: “There are cases in which the fiction cannot and may not be maintained. There are events in which the backbone of a country, a society, is tested” (207). It is ultimately this story of a social order put on trial that grips Federn, not the tragic personal tale of a woman whom he believes to have been wrongly convicted of murder. He writes that the memoirs of the falsely convicted woman, Linda Murri-Bonmartini, had little effect on him, but that “what I now read about the trial gripped me so strongly that I was led to follow the proceedings carefully and methodically, and spent almost an entire year occupied only with this event” (7). Like Lania, Goll, Trautner, and most of the other authors in this series, Federn consciously tells the story not of an individual on trial, but of a society on trial: “My book is to this day just as much a presentation and critique of the proceedings as of the crime that was the subject of these proceedings” (13). These volumes thus serve as inquiries not simply into specific cases but rather into the form of the case study itself. They are investigations of investigations, in which—half-a-century before Foucault—the “scientifical/legal complex” is made visible and critiqued by allowing different narratives to speak with and against one another. This turning the tables on the investigative apparatus in order to put society on trial did not, of course, originate with this series; it followed in a long tradition of such works. What is significant about the series is its insistence on the crucial interplay between open-ended case studies and an inconclusive narrative form, the nonfiction documentary crime novel. In order to demonstrate the new narrative structure that these studies develop, I now wish to turn to an extended analysis of two of the most complex and interesting meditations on narratives of crime that were included in this series: Ernst Weiß’s Der Fall Vukobrankovic and Alfred Döblin’s Die beiden Freundinnen und ihr Giftmord, both of which take as their central subjects the cases of women accused of murder through poisoning, and both attempt to think through conceptions of guilt, causality, and the crucial role that narrative plays in establishing these conceptions.

“We understand it, on a certain level”: Self and Society in Der Fall Vukobrankovic and Die beiden Freundinnen und ihr Giftmord

Ernst Weiß’s study of Milica Vukobrankovic, a Yugoslavian schoolteacher twice brought to trial in Austria under accusations of having attempted to poison the families she worked for, consists largely of direct transcriptions of the two trials, interspersed with Weiß’s own parenthetical comments. He also integrates a number of press reports on the case, quotes the psychiatric experts called in to eval-
valuate the defendant, and undertakes an extended reading of Vukobrankovic’s autobiography written while she was in prison, *Weiberzelle 321* (Women’s prison cell 321). Altogether, these varied documentary sources compose approximately two-thirds of the entire book, the central “plot” of which revolves around the struggle over representation of the defendant. Critics and publishers alike have had difficulty classifying this text by an author known primarily for his fictional writings. Joachim Linder and Jörg Schönert speculate in their discussion of the text and its many inconsistencies and non sequiturs that Weiβ’s opinionated first-person narrator is intended as a satire and is, therefore, probably not to be equated with the author. They thus read it as a literary work with an unreliable first-person narrator. Indeed, in 1982, as I mentioned earlier, Suhrkamp republished *Der Fall Vukobrankovic* as a novel. Inge Weiler, on the other hand, finds the narrator to be “consistent in his ability to explain matters,” serving as a sort of court of highest appeal over the court and the defendant alike. In his reconstruction of the Vukobrankovic case, the historian Gabriel Finder treats Weiβ’s study primarily as a documentary source alongside trial protocols and journalistic accounts. It thus seems that now, as in the 1920s, critics are sharply divided over what to make of the odd genre of this text. It is, I think, difficult to sustain Linder and Schönert’s classification of *Der Fall Vukobrankovic* as a novel, since it clearly differs from Weiβ’s more traditional works of fiction. It also clearly differs from a clinical case history or a trial chronicle. What, then, are we to make of this work? How are we to read it?

Weiβ’s ostensible intention in *Der Fall Vukobrankovic* is to argue that the defendant can be diagnosed as suffering from what he terms a “poisoning complex” that places her in a long line of historical precedents. The numerous historical and clinical documents that Weiβ assembles in his text are intended to support this argument and demonstrate this complex. Especially important for Weiβ’s argument are the frequent comparisons that he makes between Vukobrankovic and the celebrated nineteenth-century poisoner Gesche Gottfried, whom he pronounces Vukobrankovic’s “greater, more devilish sister” (159).

Weiβ is not alone in reading the defendant into this tradition. The bulk of the evidence presented in the courtroom also revolved around Vukobrankovic’s supposed “typicality” as a poisoner: the prosecutor speaks of leafing through the history of poisoning in his summation, few of the reports on the trial fail to mention historical connections to other poisoners, and even Vukobrankovic’s own defense attorney makes reference to the poisoning tradition in presenting his client’s case. Perhaps the most interesting piece of evidence marshaled against Vukobrankovic involves her own interest in the tradition of poisoning. Her supposed possession of a monograph by Erich Wulffen, one of the leading German criminologists of the early twentieth century, titled *Die Psychologie des Giftmordes* (The psychology of poisoning) plays a central role in both trials, culminating in a humorous exchange during the second trial, in which the defendant finally interrupts a long discussion of whether she might have possessed this monograph: “My dear minister,” she
snaps, “when a cook wants to make an apple strudel, she buys a cookbook. She wouldn’t buy a book titled ‘The Psychology of the Cook.’ If I were planning a poisoning, I would buy myself a book about poisons, not about the psychology of the poisoner” (96–97). Even Weiß, who is unrelentingly hostile to the defendant, admits that she scores on this point, and the prosecutor, he reports, was unable to respond to this retort.

At this moment, the use of documents in this case takes on a new light. The very document that the experts consult in order to diagnose the defendant turns out, according to their own arguments, to play a role in her own development. Vukobrankovic is not only read into a tradition that Weiß refers to as a “poisoning complex”; she also reads herself into this tradition. What this moment indicates is a certain circularity in the construction of criminal types. Once the “female poisoner” is established as a type of person (and, by 1924, the type is well established), the category begins to acquire a life of its own. Otherwise disparate, individual, and often unmotivated and inexplicable actions then begin to be categorized, explained, and hence contained within this category.39 Fears about female sexuality, for example, find themselves being bound up with fears about murder: sexual assertiveness and especially tendencies toward homosexuality, accusations of which are pervasive throughout Weiß’s text, become indications of more serious criminal impulses. In other words, a wide and disparate range of fantasies coalesce around the notion of a certain type of person.40 For instance, although it was an important issue both for the court and for Weiß, there is utterly no evidence that Vukobrankovic was homosexual, other than the belief that female poisoners tend to be homosexual. Among Weiß’s most outrageous “proofs” of Vukobrankovic’s guilt is his assertion that she “gives the impression that she is a lesbian, a trait that is not uncommon among teachers” (192). Here we see a coalescence of fears and fantasies about women in positions of power: teacher = lesbian = poisoner.

Such absurd pronouncements inevitably invite the sort of “constructions of . . .” arguments that have constituted an enormous body of cultural studies approaches to criminality (among other subjects) in recent decades. Being particularly well suited to an intersection of Foucauldian and gender-studies approaches, the popular, legal, and scientific discourses on female poisoners, in particular, have attracted a good deal of attention in recent years.41 These studies inevitably—and often quite convincingly—see the construction of the female poisoner as a reflection of male fantasies and fears about women in general. And, indeed, one reading of Weiß’s text could place it squarely within this tradition. However, I want to take this issue of fantasies and social construction in a slightly different direction. As the inclusion of Vukobrankovic’s alleged possession of Wulffen’s treatise on the psychology of the poisoner as evidence against her during the trial makes clear, this notion of construction is more complicated than most commentators have realized. Fantasies about criminals are also quite often fantasies of criminals about themselves. In other words, the discourse of the female poisoner affects not only how Vukobran-
kovic is viewed from the outside; it also affects the ways in which she views herself. Leaving aside the question of whether she is actually guilty of attempting the murders of which she stood accused (and, like Weiß, I am inclined to believe her to be guilty), it is indisputable that at least in her fantasies about herself she inhabited the role of the female poisoner. In addition to Wulffen’s monograph, other literary evidence against Vukobrankovic presented in the first trial included her novella “Das Armband” (The bracelet), a thinly disguised roman à clef in which the Vukobrankovic character appears as a falsely accused criminal whose feelings of revenge against society take on destructive tendencies. In other words, a noncriminal finds herself drawn to criminal activities as a result of being viewed as a criminal.

More important to Weiß’s investigation is Vukobrankovic’s other major literary work, her prison memoir *Weiberzelle 321*, which describes the injustices faced by her and her fellow prisoners. Weiß discusses Vukobrankovic’s memoir at great length in order to prove her guilt by drawing comparisons with the autobiographical writings of Gesche Gottfried. Weiß adopts a sort of cultural studies methodology in his approach to this case, reading Vukobrankovic’s fictional and autobiographical work alongside scientific texts and related literature such as Gottfried’s autobiography to demonstrate the “poisoning complex” for which he is arguing. Weiß’s parallel reading is, in fact, invited by Vukobrankovic’s own assertion that, in her first-person memoir, “time and place have been altered, but the inner truth of these lines have not. For much of what my sisters in suffering experienced and endured affected me as if I had experienced it myself” (157). It is not only Weiß and the prosecution, in other words, who find themselves failing to distinguish between Vukobrankovic and other criminals, but also Vukobrankovic herself. Indeed, her memoir is from start to finish a document of her self-identification with other criminals. The divide between representation (others’ stories) and self-experience disappears in Vukobrankovic’s fantasy world. This breakdown of a border between self and other to which the memoir continually bears witness leads Weiß to assert that Vukobrankovic’s ventriloquizing of her story through other people as well as her telling other people’s stories as her own are all examples of her “own thinly veiled confession” (164).

What is at work here, I want to argue, is less a confession than a recording of a sort of “looping-effect,” through which, as Ian Hacking has argued, “systems of knowledge about kinds of people interact with the people who are known about,” thus affecting the “way in which individual human beings come to conceive of themselves.” What *Weiberzelle 321* bears witness to, then, is not an asocial or antisocial individual, but an overidentification, a sort of oversocialization, an inability to distinguish between self and others. The memoir, the trial, and Weiß’s study all represent a similar inability to distinguish between an individual and a type. Like the memoir, then, the case also bears witness to this “looping-effect,” a certain circularity at work in the construction of criminal types. Just as the category of the female poisoner becomes what Mark Seltzer has referred to in another context as a “point of attraction around which a range of acts, effects, fantasies and representa-
tions then begin to orbit,” it also becomes (again, in Seltzer’s words) “the point of attraction of the kind of person who traumatically experiences himself as nothing ‘deeper’ than a social construction.” Fantasies about the criminal and fantasies of the criminal about herself thus merge around the term “female poisoner”—and also around Weiß’s suggestive term “poisoning complex.” The “poisoning complex” that is made visible in this study is not only (and not primarily) the psychological complex that Weiß intends by his term, but precisely the circularity of representations and constructions that I have been describing. The “poisoning complex” that Weiß’s text demonstrates is a different type of complex; it is a self-perpetuating and self-fulfilling circular system, as in the terms “scientifico-legal complex” or “military-industrial complex.” It is a sort of “poisoner’s complex,” a circular system of representations and constructions that revolve around the “type” of the female poisoner. What is at stake in the trial and in his narrative of the case, Weiß shows, is not whether a crime was committed, but rather whether the defendant can be fit into the type of person that commits the crimes of which she was accused. The question posed by the court and by Weiß is ultimately not “Did Vukobrankovic attempt to poison the families she worked for?” but rather “Does she conform to the tradition of the female poisoner?”

Weiß’s documentary method, as I have been arguing, does not ultimately marshal evidence to prove the defendant’s guilt; rather it details a battle of representations—between the prosecution and the defense and among experts and journalists. However, Weiß is interested not primarily in recording the conflicts and contradictions among these various discourses. His primary achievement—whether intentional or not—comes in tracing the similarities among the competitors in this battle. The competing representations in this study ultimately document a breakdown of distinction between individuals and types—at the level of the subject, just as at the level of the system.

The result of this breakdown, Weiß concludes, is an uncertainty that cannot be overcome within the system as it exists. At the end of his study, he turns to the practical question of what is to be done with “borderline cases” (Grenzfälle) such as Vukobrankovic, who cannot be adequately accounted for by the legal system. His solution is life imprisonment without opportunity for parole (202–3). The radical destabilization of boundaries in this case ultimately results in a call for a radical restabilization of boundaries. Weiß can see no response to uncertainty other than a complete separation of inexplicable and dangerous types such as Vukobrankovic from the society with which they overly identify.

Weiß’s case study thus ends up on fairly traditional ground, with the re-establishment of a clear line between criminal and noncriminal. He presents us with a problem that he fails to resolve: both constructionist arguments and arguments that do not take the process of social construction into account fail to adequately grasp the complex exchanges between criminals and society. I will now turn to the most radically modernist text in the series, Alfred Döblin’s Die beiden Freundinnen und ihr
Giftmord, which again takes up the subject of the female poisoner and the problem of the dissolution of borders between self and society, but also seeks to resolve the question that Weiβ leaves hanging: how to narrate this condition without re-establishing clear boundaries.

Alfred Döblin’s study of Ella Klein and Margarete Nebbe, two young married women who fall in love and conspire to murder Klein’s husband by contaminating his food with arsenic, was the first volume published in the Außenseiter series. Döblin’s narrative of the case attempts, five years before his story of another working-class criminal, Franz Biberkopf, to examine not only the breakdown of the border between criminal and noncriminal and between individual and society but also the ways in which the criminal case study attempts to re-fix these borders and finally to point to a way in which the genre might be reformed and this re-fixing might be avoided. Criticism on Döblin has largely ignored this text, which in fact does not even appear in the standard edition of his collected works. Those who have commented on Die beiden Freundinnen have, like critics of Weiβ’s text, had difficulty classifying it. Nearly all critics since the time of its publication have agreed that this text is a strange hybrid of medical and literary writings: “Author and doctor in one person produce this text,” writes Heinrich Temborious in a positive review of Döblin’s book. Hans Siemsen echoes this sentiment: “We are dealing here not with three people, but five. The three involved in the trial—and then the doctor Döblin and the writer Döblin.” Recent critics have similarly commented on the hybridity of Die beiden Freundinnen, but have tended ultimately to emphasize one of its many facets. At one end of the spectrum lies Manfred Maiwald, who reads it as a “trial report.” At the other end of the spectrum, Ernst Ribbat classifies Döblin’s text as a “crime novel.” Other critics have ended up somewhere in the middle, but lean toward one side or the other. Robert Wenzel views Die beiden Freundinnen primarily as a medical case history, a product of the doctor Döblin and clearly related to his other, more clinical, texts, while Walter Muller-Seidel emphasizes the literary qualities of the text: “one could call it a short story.”

The difficulty that critics have had in classifying this text is, as in the other Außenseiter volumes I have been discussing, directly related to the author’s attempt to reform the genre of the criminal case study, to find the language to narrate the breakdown of borders between criminals and noncriminals, between fact and fiction. In his retelling of the story of Klein and Nebbe published just a year after the trial had ended, Döblin changes the characters’ names to Elli Link and Grete Bende, but otherwise makes no attempt to obscure the relationship to the real case, which had attracted considerable attention throughout Germany and which would have been obvious to any informed contemporary reader. Indeed, the links and breaks between the “real” case and Döblin’s retelling of it stand at the center of his investigation, which seeks to address the genre of the case study and the ways in which it serves to placate its audience by locating guilt in an individual and thereby preserve the social order. That Döblin saw his case study as an intervention in the
traditional form of the genre becomes quite clear in his remarkable epilogue to the volume, in which he argues that the reasons behind this crime can never be known and a pattern of behavior cannot be developed: “I wanted to demonstrate the difficulty of the case, to question the impression that one could understand everything or even most things about such a large chunk of life. We understand it, on a certain level.” Döblin had already exhibited this narrative skepticism a decade earlier in his programmatic essay, “An Romanautoren und ihre Kritiker” (To novelists and their critics), in which he argued that the psychological novel is “a purely abstract phantasmagoria,” in which “the analyses and attempts at differentiation have nothing to do with the process of an actual psyche.” In order to avoid such myths of causality and individuality, Döblin advocates a turn away from psychology and toward psychiatry as the basis of literary production:

We can learn from psychiatry, the one science that captures the whole psychic life of the individual. It has long recognized the naïveté of psychology and confines itself to noting the products and movements of the psyche—and shrugs its shoulders at anything further, the “whys” and “hows.”

Döblin’s position in this early essay is certainly consistent with the epilogue of Die beiden Freundinnen und ihr Giftmord, in which he seeks to question not just the notion of causality implied by a coherent narrative of a life but also the effects of its imposition in turning a person and an event into a case:

We know nothing about psychic continuity, causality, the psyche and its concentrations of elements. We must accept the facts of this case, the letters and actions, and programmatically refuse to truly explain them. Not even if we were to delve here and there more deeply into events, would anything have happened. (112)

As a theoretician, Döblin is remarkably consistent. Yet, these musings on the nature of the case study in the epilogue must come as a shock to the reader, since they follow a story of more than one hundred pages in which this complex case is related as a crisp, exciting, and smoothly flowing narrative. In retrospect, it becomes clear that this narrative was able to be kept intact only because—as in the Pitaval—the narrator’s presence was elided throughout the entire story. In the first line of the epilogue the narrator makes his first, sudden appearance: “When I attempt an overview of the entire course of events, it is just like in the story: ‘a wind came and uprooted the tree’ ” (112). The introduction of the first-person coincides with the mention of a story. Clearly this initial (semblance of) narrative order is a necessary step in Döblin’s argument. Indeed, Döblin admits his own need to establish the very narrative order about which he will, in the epilogue, exhibit such skepticism—his need to understand the mysteries of the case:

When I reflected on the three, four people involved in this affair, I had the impulse to travel the streets that they routinely traveled. I also sat in the pubs in which the two women got to know one another, I visited the apartment of one of them, spoke with her personally, spoke with others involved and observed them. (114)
The story Döblin tells, in which he incorporates newspaper reports, trial records, medical testimony, and statements from those involved in the case is, in fact, full of “whys” and “hows.” Indeed, the question of whether Elli was guilty of murdering her husband (along with the question of whether Bende served as her accomplice) was never really an issue, either in the case or in Döblin’s retelling of it. What was at stake in the courtroom, as Döblin points out, was something that took the jury well beyond questions of guilt and innocence. As in the Vukobrankovic trial, the question concerned not the crime itself, but rather the constitutions of the criminals that led them to the crime:

A small group of learned men studied the physical and mental constitutions of the women and attempted to form an image on the basis of extensive experience. The prosecuting and defending attorneys both shed light on the lives of these women. In every case it was not the act that stood in the center, the poisoning itself, but rather practically the opposite of an act: namely how this course of events came to be, how it was possible. Indeed, they set out to demonstrate how this event was unavoidable. (100)

These various expert voices are incorporated into Döblin’s account of the case and the trial. Döblin’s case history, like Weiß’s, devotes the bulk of its attention to detailing the arguments and positions presented at the trial, which, in this case, break into two main schools: those experts who saw the crimes as arising from certain physical or psychological abnormalities in the two women (childhood trauma, malformed organs, an innate homosexual “drive”) and those experts who argued that the causes lay in social conditions (abusive spouses, economic hardship, a society unaccepting of homosexuality).

Döblin ultimately does not, of course, decide between these competing explanations. Indeed, at times he seems to take sides with each. Elli’s “female organs,” he tells us, “were not properly developed” (100), thus presenting the jury with the task of “pronouncing a uterus guilty” (100–101). But, at the same time, Döblin argues, the jury ought to, but cannot, consider other possible locations of guilt, such as her father, who forced Elli to return to her abusive husband. At one moment the source of Elli’s criminality seems to lie in her body; at another moment, it seems to lie in her society. What Döblin offers us is not a mystery that lacks a coherent explanation, as the epilogue seems to announce, but rather an abundance of explanations—plenty of “whys” and “hows.”

The first part of the story and the epilogue, in short, simply do not hold together. Nor, I would argue, did Döblin intend them to. His experiment with the narrative form of the case study attempts to overcome the fixation of guilt and the artificial separation of the criminal from noncriminal society by allowing the different parts of his text to come into conflict with one another. In other words, not only does he detail a battle among representations in this case, he also sets up a battle among his own representations; his narrative thus turns on itself and maps the conflicts and contradictions within itself.

In addition to the story and the epilogue, Döblin appends two sections to his
study: the first is a series of charts that are supposed to serve as “a visual overview of the main phases of the case” (110). Though it initially seems that Döblin improbably intends these charts to offer a final explanation of the case, they too fall short of describing the course of events. Döblin’s various attempts to explain the “how” and “why” of the case are, by his own admission, inadequate; he remarks of the charts that the stress lies less on theoretical truth than on their vivid graphic quality: “The main thrust here lies not on theoretical truth, but rather on the graphic demonstration, the possibility of simply communicating at least the most important elements” (111). The second section appended to the study is a series of handwriting samples, along with character analyses based on Elli’s and Grete’s writing styles. Even after the publication of the volume, Döblin continued to be interested in this graphological evidence, writing to the noted graphologist Ludwig Klages and asking his opinion on the case. The need to explain, to situate, and to separate and the need to avoid the reductions that come with this very act of explanation, situation, and separation are simultaneously present in Döblin’s study. He summarizes his presentation thus:

The whole thing is a tapestry made up of many individual scraps—cloth, silk, even pieces of metal and clumps of clay. It is stuffed with straw, wire, and yarn and in many places the pieces are not bound together. Many tears are bound together with glue or glass. Then everything is seamless and bears the stamp of the truth. It has been thrust into our customary processes of thinking and feeling. It happened that way—even the participants believe that. But it also didn’t happen that way. (112)

It happened that way and it didn’t happen that way. What Döblin emphasizes here is the mythical nature of the case history: a crime cannot adequately be explained and hence contained by giving it narrative form, for the narrative necessarily becomes a myth. This is precisely the sort of argument that runs throughout the Außerseiter series. But Döblin also recognizes the need to construct such myths: a crime must be explained and irrational behavior must be given a cause in order to keep our worlds in order. Even as he insists on—and demonstrates—the impossibility of narrating a life, he insists just as forcefully on the need to tell stories, the need for narrative rescue from uncertainty. Indeed, one of the few moments in which Elli seems to find a way out of her tormented life is when she is able to tell her own story: “Then Elli narrated what she was able to—spasmodically, abruptly. . . . Elli achieved something. . . . It was a formal change, a liberation” (23). The narrator and his subject here are both driven by the need to tell a story and there is a certain pathos around this drive for a narrative that is at once impossible and necessary. And the narrative in each of these cases revolves around the same questions of causality, questions for which Döblin insists there are ultimately no clear answers.

Refusing to believe in causality, Döblin adopts instead the notion of mysterious motors that drive events beyond the logic of causality: “Zoology has uncovered actual motors of our actions. The greatest mass of our psyches is driven by instincts. The uncovering and dissection of these instincts brings quite decisive motors of
our actions to light” (117). Throughout his study, Döblin turns to various figures to represent these motors, and he never seems able to settle upon one appropriate metaphor. In the passage quoted earlier, for example, it is a wind ripping out a tree. Most notably, the motor figures as a bullet: “Invisible bullets come out of nowhere and strike us, they change us and we notice only the change, not the actual motor, the agent, the bullet. Everything then proceeds within us in a causal manner” (117).

This wind, this bullet, can hit anybody; hence, we cannot be assured that “I am not a criminal because I am not like her” and prove this through a case study that shows “her” to be different from “me” and shows “them” to be different from “us.” Döblin’s study of this borderline case puts this very border—the one between criminal and noncriminal, sane and insane, those violently struck by the bullet and those not struck by the bullet—into question. “We were no longer on the terrain of ‘guilt and innocence,’ “ Döblin writes, “but rather on another, terribly uncertain terrain—that of connections, recognition, insight” (100). The legal system, of course, does not permit the judge or the jury to enter into this uncertain territory and the traditional case history also avoids this territory. But Döblin’s case study, which takes the modernist crisis of narrative as its starting point in order to depict a larger crisis of faith in the legal and social order, insists that we must venture into this territory, that in the seeming aberration of criminal conduct the otherwise hidden, normal workings of society suddenly become evident. Criminality, Döblin argues, cannot be traced to an understandable cause—neither in the individual nor in society. The criminal justice system, like the criminal case study, seeks to construct a narrative that traces an event back to such a cause. And in so doing, both fall into mythologizing and thereby lose sight of—indeed, even work to obscure—the uncertain motors and bullets that prompt our actions.

Not only can experts not point to a cause of criminality, criminals themselves are deceived about the cause of their own actions. In the opening sentences of his narrative, Döblin plays with this uncertainty of agency: “The pretty blond Elli Link arrived in Berlin in 1918. She was 19 years old. She had previously worked as a beautician in Braunschweig, where her parents were carpenters. A minor act of juvenile delinquency happened to her: she took five Marks from the wallet of a customer.” After beginning what seems like a straightforward story about a young woman, Döblin inserts a structurally odd sentence that plays a trick on the reader: Elli initially seems to be the victim of a crime (it “happened to her”), but in fact the elaboration of this statement after the colon reveals Elli to have committed the crime (“she took five Marks”). Döblin’s narrative thus takes the reader by surprise and, in so doing, clouds the notion of agency.58 In a traditional crime narrative, this small juvenile delinquency would foreshadow and to some extent foreordain and serve to explain the later, larger crime. But Döblin subtly turns this process on its head. At work here is an interesting notion of trauma that provides an alternative to the more common location of trauma in individual (usually childhood) experiences. As Mark Seltzer notes in his study of serial killers, our tendency to locate trauma
in childhood amounts to a privatization of trauma. Döblin’s language of an anonymous, impersonal violence hitting one like a bullet from the outside amounts to a publicization of criminality. “Insofar as we react to this blow in our own way,” he writes, “we believe that we are in touch with ‘ourselves’” (117). Döblin opposes here what might be characterized by paraphrasing a Monty Python sketch: “This trauma that I have—that is to say, which is mine—is mine.” But for Döblin one cannot claim possession of one’s own trauma, or even one’s own crimes—one doesn’t commit them, they happen to you. Döblin thus goes a step beyond the “looping-effect” that we saw at work in Weiß’s study of another accused poisoner, Milica Vukobrankovic. It is not simply imitative types who are susceptible to a breakdown of borders between self and society (which was not an entirely innovative idea in the 1920s); rather, this dissolution of borders is precisely the normal condition of the individual in modernity—the individual in a state of shock.

The implications for the very notion of individuality that lies at the center of the notion of the case study are enormous. In Elli Link, we are no longer dealing with an individual, with a subject, but much more with the breakdown of the border between the individual and society, between public and private, between inside and outside. This study of what Döblin repeatedly refers to as a “borderline case” (Grenzfall), and which constantly attempts to locate and transgress borders, turns out to be about the very permeability of borders in modernity—especially the border between self and society. Similar to Weiß in his analysis of Vukobrankovic, Döblin insists that Elli Link is not antisocial or even asocial, but rather overly socialized. Döblin writes of Elli’s time alone in jail—a situation of the most intense isolation—as precisely a moment in which social forces seem to do battle within her:

While in prison, Elli was often confronted in dreams and daydreams with people and events blown up to violent proportions. . . . Elli was deeply affected by the events, the imprisonment, the interrogations. . . . From this source now flowed overly large masses of social impulses. While she seemed happy during the day and behaved calmly, at night and in her dreams she was the object of bourgeois impulses that were fiercely flaming up. (80–82)

Elli becomes here nothing more than an object under attack by social impulses. The language clearly does not depict an individual, but rather a site of conflicting drives. The charts appended to the end of the volume, which purport to present a “Spatial Presentation of the Psychic Developments,” similarly depict Elli as an object under attack, as circles representing differing impulses move in and out of the permeable borders that make up the site called “Elli.”

The traditional case history—like the psychological novel—fails to explain the cause of criminality precisely because its emphasis on the individual fails to look beyond the borders of individuality, fails to look precisely at this border that goes into crisis in modernity. Döblin’s crucial point is that if one follows the general modernist tendency to view “shock” as the individual’s normal experience of modernity, then it is no longer accurate to argue between psychological or sociological motivations and determinations. Rather, as Seltzer has noted in a different context,
“it’s not a matter either of equating inside and outside (the ‘psychological’ and the ‘sociological’) or a matter of choosing between them, since it’s precisely the boundaries between inside and outside that are violently transgressed, renegotiated, reaffirmed in these cases.”61 Döblin’s case study attempts to find a way to write this nonborder, to think both individual and society—and the violent exchanges between the two—together at the same time:

I didn’t set out to write a cheap milieu study. The only thing that was clear to me was that the life—or a portion of the life—of an individual cannot be understood in itself. People stand in a symbiotic relationship with other people and other things. . . . This is in itself a reality: the symbiosis with others and with apartments, houses, streets, places. This is a certain, if murky, truth. If I pull out an individual person, it is as if I were to look at a leaf or a thumb and attempt thereby to describe nature and development. But they cannot be described in that way; the branch, the tree, and the animal must also be described. (114)

Döblin clearly states here that his narrative stands in opposition to more traditional case studies: he wishes to avoid both writing a “cheap milieu study” and following individual clues in the manner of a detective. Indeed, the reference to thumbs is not incidental—recall how important body parts are to Sherlock Holmes’s investigations, most notably in “The Adventure of the Engineer’s Thumb.”62 Against such narratives, Döblin opposes his own innovative form of crime story that seeks to narrate individuals and their society at the same time and to detail the mysterious and traumatic forces of causality that traditional crime narratives obscure. Prompted by a difficult case that seemed to defy explanation, Döblin found himself confronted with the problems and uncertainties of narrating a life. And in this narrative crisis, he ultimately found a productive position from which to write. Die beiden Freundinnen, like the other volumes in the Außenseiter series, has its origins in a series of crises arising from confrontations with criminality that had long been developing but that seemed to intensify in the early twentieth century: the breakdown of belief in clearly definable distinctions between criminal and noncriminal, the loss of faith in the possibility of narrative coherence, the ultimate irreconcilability of competing causal explanations, the uncertain boundaries between inside and outside. The authors of these volumes follow the criminals they depict to these uncertain borders—between people, things, forces, and genres. And it is precisely in this space that they develop a technique of writing that seeks to reveal and destabilize the very power that Foucault has argued originally established and masked itself through a technique of writing. In place of Sherlock Holmes’s “single connected narrative,” the crime stories of the Außenseiter series offer a dossierlike multiperspectival narrative. They thus consciously break with the traditional case history and the traditional psychological novel and employ instead a critical style of crime fiction that would ultimately develop further into the nonfiction documentary crime novel. Their crime stories in the 1920s, like Foucault’s crime stories in the 1970s, offer innovative ways of conceiving and writing the relationship between narrative, power, and transgression, as their narratives insist on
depicting a certain anonymous, impersonal violence that ultimately cannot be clearly located, explained, or narrated—and that is obscured by locating, explaining, or narrating it. And that is perhaps the central insight offered by serial offenders and the series of case studies that tell their stories.

Notes


3. Forthcoming volumes were advertised at the end of the published volumes. Volume 8 (Arthur Holitscher’s *Ravachol und die Pariser Anarchisten*) contains the most ambitious list, announcing the titles of thirty-two volumes (such as Arnolt Bronnen on “Der Fall Vaquier” and Joseph Roth on “Der Fall Hofrichter,” neither of which ever appeared). See Arthur Holitscher, *Ravachol und die Pariser Anarchisten*, Außenseiter der Gesellschaft: die Verbrechen der Gegenwart, vol. 8, ed. Rudolf Leonhard (Berlin, 1925), n.p.


6. In reviewing the first four volumes of the series, one commentator, for example, places it alternately in the traditions of Fyodor Dostoevsky, the *Pitaval*, and the feuilleton within the space of a few paragraphs. See Temborius, “Außenseiter der Gesellschaft,” 694–95.

7. See Joachim Linder and Jörg Schönert, “Der Mordprozeß gegen Christiane Ruth-
8. Truman Capote’s *In Cold Blood*, published in 1965, is usually seen as the inaugural moment of this genre, which Capote distinguished from previous fictional accounts of true events, in that “the criteria of conventional novelistic criticism cannot be brought to bear fully upon this work.” Lars Ole Sauerberg discusses *In Cold Blood* as a “test case” of this impure genre in *Fact into Fiction: Documentary Realism in the Contemporary Novel* (New York, 1991), 20–22. This quote from Capote is on 21. In the German context, Ernst Ottwalt’s 1931 nonfiction novel of Weimar justice, *Denn sie wissen, was sie tun*, prompted many of the same debates that would revolve around Capote’s novel three decades later.


15. Ibid., 128.


18. Dehnow refers to it as “pitavalartig” and “ein moderner Pitaval” in “Außenseiter der Gesellschaft,” 314. Other commentators who refer to the series within the tradition of the *Pitaval* include Hans Nordeck (see Nordeck, “Außenseiter der Gesellschaft,” 546); Heinrich Temborious (see Temborious, “Außenseiter der Gesellschaft,” 695); and Kurt Tucholsky (see Wrobel [Kurt Tucholsky], “Außenseiter der Gesellschaft,” 359).


25. Although Jolles’s contribution to the history of case-based thinking is significant, it
would of course be historically short-sighted to consider such a notion of the case to be
the exclusive domain of the twentieth century, as Chandler demonstrates elegantly and
persuasively in *England in 1819*.
26. See Eduard Trautner, *Der Mord am Polizeiagenten Blau*, Außenseiter der Gesellschaft,
vol. 3 (Berlin, 1924), 7.
27. See, for example, Erich Ebermayer, “Außenseiter der Gesellschaft,” 632: “Die Darstel-
lung Trautner ist breit, arbeitet das Wesentliche nicht klar genug heraus und hält sich
tzu sehr an die Akten.”
28. Michel Foucault, ed., *I, Pierre Rivière, having slaughtered my mother, my sister and my brother
31. Leo Lania, *Der Hitler-Ludendorff Prozeß*, Außenseiter der Gesellschaft, vol. 9 (Berlin,
1924), 134.
32. Ivan Goll, *Germaine Berton: Die rote Jungfrau*, Außenseiter der Gesellschaft, vol. 5, (Ber-
lin, 1925), 54. The “film” is on 50–54. Compare Linder, “Außenseiter der Gesell-
schaft,” 261: “Die Deutung des Knabenschicksals bleibt ganz dem Leser überlassen:
Er kann die Bilder verbinden.”
34. On the Vukobrankovic case, see Gabriel Finder, “Der Fall Vukobrankovics: Begutach-
47–69.
37. See Finder, “Der Fall Vukobrankovics.”
38. See Weiß, *Der Fall Vukobrankovics*, 128, 134, and 145.
39. Mark Seltzer has argued this point about a different criminal type, the serial killer,
persuasively and brilliantly in *Serial Killers: Death and Life in America’s Wound Culture*
*Giftmörderin* functions in Weiß’s study owes much to Seltzer’s insights.
40. Interestingly, little is made of Milica Vukobrankovic’s Yugoslavian nationality, which
is especially surprising given that the trial took place in Vienna around World War
I. Gender seems to trump nationality and ethnicity in forming the stereotype of the
“female poisoner.”
41. See, for example, Weiler, *Giftmordwissen und Giftmörderinnen; Linder and Schönert, “Der
Mordprozeß gegen Christiane Ruthardt”; and Isabella Claßen, *Darstellung von Kriminal-
ität in der deutschen Literatur, Presse und Wissenschaft 1900–1930* (Frankfurt am Main,
1988), 147–211.
42. See Weiß, *Der Fall Vukobrankovics*, 153–84.
43. Ian Hacking, *Rewriting the Soul: Multiple Personality and the Sciences of Memory* (Princeton,


55. For the sake of consistency, I will use Döblin’s version of the characters’ names.

56. “Sie sollten auch eigentlich Recht sprechen über den Vater, der Ell wieder ihrem Mann zugeführt hatte—und dieser Vater war der Inbegriff einwandfreier bürgerlicher Gesinnung. . . . Das Gericht fragte nicht nach der Beteiligung, ‘Schuld’, Kleins, des Vaters, der Mutter Kleins”; Döblin, *Die beiden Freundinnen*, 101. It is interesting to note that for the first and only time in this study, Döblin here uses the victim’s real name (Klein) rather than the name he is given elsewhere (Link). Though this “error” is “corrected” in a later edition (see Alfred Döblin, *Die beiden Freundinnen und ihr Giftmord* [Olten, 1992], 95), it strikes me that this use of Klein rather than Link in precisely the paragraph where Döblin insists on looking beyond “was innerhalb des Kreises, der Grenzen geschah” is not coincidental.


58. I am grateful to Thomas Kovach for bringing this odd turn of phrase to my attention.


60. In the classic Monty Python sketch, a dinosaur expert is being interviewed about her
latest theory concerning the brontosaurus. As she avoids presenting her theory, she continually claims it as her own: “Well, this theory that I have—that is to say, which is mine—is mine.” Her theory, incidentally, turns out to be that brontosaurus was thin at both ends and thick in the middle.
