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Sace Elder

## Murder, Denunciation and Criminal Policing in Weimar Berlin

Since 1989, there has been a wealth of scholarly research into the role of denunciation in supporting Germany's two twentieth-century authoritarian regimes. The shocking revelation after the collapse of East German communism and the opening of the Stasi archives that hundreds of thousands of GDR citizens had served as 'informal collaborators' with the secret police helped to explain how a relatively small police organization managed to create a culture of terror and conformity. By focusing on the co-operation of ordinary citizens with policing institutions in the surveillance of public and private behaviour, scholars of Nazi Germany have demonstrated that the Secret State Police (Gestapo), far from constituting a totalitarian institution that imposed terror on German citizens, relied on spontaneous denunciations by citizens to identify perpetrators of political and racial crimes.<sup>1</sup> Scholars have elaborated this revision by outlining the 'myths and realities' of the Gestapo, re-evaluating the view of omnipotence and omnipresence first publicized by the Gestapo leadership and later perpetuated by scholars who had not bothered to question the self-promoting assertions of the Nazi state police.<sup>2</sup> While some scholars, such as Bernhard Dörner and Eric A. Johnson, have objected to this revision of the Nazi terror that, in its most extreme articulation, seems to shift responsibility for the terror away from the Gestapo and its agents and onto the shoulders of 'ordinary Germans',<sup>3</sup> research into denunciation has notably revised our

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1 For a useful examination of the historiography, see Robert Gellately, 'Denunciation as a Subject of Historical Research', *Historical Social Research*, 26, 2/3 (2001), 16–19, and Klaus-Michael Mallmann and Gerhard Paul, 'Omniscient, Omnipotent, Omnipresent? Gestapo, Society, and Resistance' in David Crew (ed.), *Nazism and German Society, Rewriting Histories* (London and New York 1994), 166–96. See also Robert Gellately, *The Gestapo and German Society. Enforcing Racial Policy, 1935–1945* (Oxford 1990), esp. 129–57; Reinhard Mann, *Protest und Kontrolle im Dritten Reich. Nationalsozialistische Herrschaft im Alltag einer rheinischen Grossstadt* (Frankfurt am Main and New York 1987).

2 Gerhard Paul and Klaus-Michael Mallmann (eds), *Die Gestapo — Mythos und Realität* (Darmstadt 1995); Gerhard Paul, *Die Gestapo in Schleswig-Holstein* (Hamburg 1996); Robert Gellately, *Backing Hitler. Consent and Coercion in Nazi Germany* (Oxford and New York 2001). For the classic work on the Gestapo that perpetuated the notion of omnipotence and efficiency, see Jacques Delarue, *Geschichte der Gestapo* (Düsseldorf 1964).

3 Eric A. Johnson, *Nazi Terror. The Gestapo, Jews, and Ordinary Germans* (New York 1999); Bernhard Dörner, 'NS-Herrschaft und Denunziation. Anmerkungen zu Defiziten in der Denunziationsforschung', *Historical Social Research*, 26, 2/3 (2001), 55–69. Dörner's own research demonstrates the widespread practice of denunciation in German society. See his *Heimtücke. Das Gesetz als Waffe. Kontrolle, Abschreckung und Verfolgung in Deutschland 1933–1945* (Paderborn 1998).

understanding of state–societal relations under nazism. Rather than a one-way exertion of domination of the state on society, the model now generally accepted is that of a powerful state apparatus, whose ability to coerce was nonetheless limited and which relied on the complicity of a significant minority of citizens.

How citizens in the Third Reich learned these accusatory practices so quickly, however, remains almost wholly unexamined. Despite a growing interest in the development of police work and institutions in the years before the nazi seizure of power, there has been little systematic research into the ‘civic tradition in Germany which, at least according to popular mythology, encouraged people to inform the police’.<sup>4</sup> In this article, I will argue that this ‘civic tradition’ can be found in the institutions and practices of criminal policing developed in Germany before 1933. I will focus on the criminal police (Kriminalpolizei, Kripo) of Berlin, and in particular on the work of the homicide squad, which was the organization that boasted the most ‘state-of-the-art’ police science and whose work was arguably the best publicized of the various branches of police work. I begin by arguing that separating criminal from political policing creates a specious distinction that masks the very concrete ways in which the methods and goals of criminal police work intersected with those of political policing. Key to my argument is the notion of the culture of ‘mutual surveillance’ (a term more appropriate than ‘self-policing’, which suggests an absence of state intervention<sup>5</sup>) that was articulated as a goal by the Berlin police officials in the 1920s. This culture of policing or ‘mutual surveillance’ was by no means a success in the eyes of the police, but it was precisely in its failures, I argue, that it set the stage for the culture of denunciation after 1933. Finally, I focus on a case study of a murder in 1931. The five-year investigation that was perpetuated by the mutual denunciations of the murder victim’s neighbours illustrates how ordinary citizens participated in the institutions and practices of mutual surveillance developed and promoted by police officials in the 1920s. Their accusatory behaviour is indicative of a continuity in the culture of policing in the periods before and after the nazification of the Berlin police.

In 1933, Hitler complained to his Minister of Justice that ‘we are living at present in a sea of denunciations and human meanness’. Citizens were accusing one another of the most remote infractions for the basest of reasons.<sup>6</sup> Understanding how civic practices of policing functioned before 1933 is essential for understanding how the regime after 1933 was so successful in mobilizing the co-operation of citizens in the enforcement of racial laws and

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4 Sheila Fitzpatrick and Robert Gellately, ‘Introduction to the Practices of Denunciation in Modern European History’ in Fitzpatrick and Gellately (eds), *Accusatory Practices. Denunciation in Modern European History, 1789–1989* (Chicago 1997), 21.

5 Gellately, ‘Denunciation as a Subject of Historical Research’, op. cit., 16–17.

6 Quoted in Robert Gellately, *The Gestapo and German Society*, op. cit., 139.

political conformity. To appreciate this connection fully we must turn our attention to the points of contact between the state and its citizens where the state enjoyed a high degree of legitimacy and actively sought the co-operation of its citizens in policing public behaviour. For this reason, I use the definition of denunciation or ‘accusatory practices’ offered by Sheila Fitzpatrick and Robert Gellately. They define accusatory practices as ‘spontaneous communications from individual citizens to the state (or to another authority such as the church) containing accusations of wrongdoing by other citizens or officials and implicitly or explicitly calling for punishment’. These ‘practices’ vary from culture to culture and are a ‘point of contact between individual citizens and the state, one that embodies a whole set of unarticulated decisions about loyalties to the state, on the one hand, and to family and fellow citizens, on the other’.<sup>7</sup> Such a conceptualization of accusatory behaviour permits the comparison of similar practices across regimes (authoritarian or liberal) without losing sight of the specific purposes and specific state–societal relationships encompassed in that behaviour.<sup>8</sup> For example, German workers in the Ruhr enforced patriotic loyalty to the Reich during the French occupation through an informal yet publicized system of denunciation, while communist cells in Berlin enforced discipline by successfully encouraging their members to report politically questionable activities to the local leadership.<sup>9</sup>

Rigid definitions of what kind of crimes can be denounced have prevented scholars from investigating the close linkages between authoritarian and non-authoritarian regimes in terms of denunciatory behaviour and state–societal relations. Traditionally, ‘denunciation’ has been used to denote accusations of breaches of political or church law — what contemporary scholars implicitly see as ‘illegitimate’ normalizing codes, in contrast to the ‘legitimate’ laws, such as criminal codes. In this view, denunciations are specific to authoritarian regimes or (in the case of medieval and early-modern Europe) repressive cultures in which conformity of thought and action is the main feature of social organization. ‘Illegitimate’ laws are designed to enforce the power of the state or the church, while ‘legitimate’ laws, such as those prohibiting murder

<sup>7</sup> Fitzpatrick and Gellately, op. cit., 18.

<sup>8</sup> See, for example, the essays in ‘Denunziatend der Neuzeit. Politische Teilnahme oder Selbstüberwachung’, special issue of *Sozialwissenschaftliche Informationen*, 27, 2 (1998) and Inge Marsolek and Olaf Stieglitz (eds), ‘Denunziation im 20. Jahrhundert. Zwischen Komparatistik und Interdisziplinarität (Denunciation in the 20<sup>th</sup> Century. Between Comparatistic and Interdisciplinary)’, special issue of *Historische Sozialforschung*, 26, 2–3 (2001).

<sup>9</sup> Pamela Swett, ‘Denunziation und (Selbst-) Disziplinierung. Straßenzellen der Berliner KPD, 1929–1932’, *Sozialwissenschaftliche Informationen*, 27, 2 (1998), 126–31; Gerd Krüger, ‘Straffreie Selbstjustiz. Öffentliche Denunzierungen im Ruhrgebiet, 1923–1926’, *Sozialwissenschaftliche Informationen*, 27, 2 (1998), 119–25. In Allied-occupied Bavaria, citizens rarely informed the police of black market activities, but there was a high incidence of informing on women for suspected prostitution. Citizens were also quite willing to summon police to solve neighbourly differences. Gerhard Fürmetz, ‘Last oder Hilfe für die Polizei? Anzeigen, Meldungen und Denunziationen im Nachkriegsbayern’, *Sozialwissenschaftliche Informationen*, 27, 2 (1998), 138–43.

and theft, are widely accepted as necessary for the maintenance of social and moral order, carry a long tradition of legal and cultural practice and are not tied exclusively or even primarily to the integrity of the political order. Upon further examination, however, the distinction between 'political' and 'legal' crimes loses its usefulness.

Accusatory practices within the context of criminal policing did not form a distinct category from those employed in the policing of political, sexual or religious behaviour. Rather, they helped form a continuum of regulatory priorities determined, but not entirely controlled, by the state. Historically, institutional and cultural practices of enforcing social conformity and loyalty to the state have not been confined to the realm of political behaviour. Criminal codes are often seen by certain social groups and individuals as part of a political rather than a moral order, as the nineteenth-century history of wood theft clearly illustrates.<sup>10</sup> Further, laws regarding 'political' crimes, or even the racial purity laws of the Nazi regime, can easily be seen as codes of social and moral order. Separating political denunciations from informing on breaches of 'legitimate' law creates a specious distinction. As Gerhard Sälter puts it, the differentiation between different kinds of informing is 'problematic from a methodological perspective because it implies a normative prejudicing of the research subject and threatens to limit [the subject] to this dichotomy'.<sup>11</sup>

In Germany in the 1920s and 1930s, even those responsible for policing 'ordinary' and political crimes found it difficult to draw definitive boundaries between the two, as there was no clear division of labour between the criminal and political police. Although criminalists sought to keep themselves separate from the political police as a matter of professional integrity, detectives from the Berlin Kripo (Department IV) were often called on to assist in investigations handled by the understaffed political police (Department IA). Despite the professional resistance to the politicization of its work, the Kripo in Berlin became increasingly engaged in policing subversive political groups after 1930.<sup>12</sup> The career of Bernhard Weiss illustrates this close connection between criminal and political policing. Weiss, a trained lawyer, returned from distinguished service in the first world war and began work with the Kripo as its deputy chief and assisted in the restructuring of the political police. He returned to Department IV in 1924 as its chief and helped to develop the Prussian State Criminal Office. In 1927 he was promoted to deputy president of the police, in which capacity he vigorously defended the necessity of political policing and political intelligence. Perhaps ironically, it would be his own

10 Dirk Blasius, *Kriminalität und Alltag. Zur Konfliktgeschichte des 19. Jahrhunderts* (Göttingen 1978).

11 Gerhard Sälter, 'Denunziation — Staatliche Verfolgungspraxis und Anzeigeverhalten der Bevölkerung', *Zeitschrift für Geschichtswissenschaft*, 47, 2 (1999), 153. Translation mine. Gellately makes a similar argument in Gellately, 'Denunciations in Twentieth-Century Germany' in Fitzpatrick and Gellately (eds), *Accusatory Practices*, op. cit., 186.

12 Hsi-Huey Liang, *The Berlin Police Force in the Weimar Republic* (Berkeley and Los Angeles, CA 1970), 125–7.

republican affiliations, as well as his Jewish identity, that would lead him to become a casualty of the purges of the police in 1932.<sup>13</sup>

This blurring of official provenance became even more pronounced after 1933. The Gestapo and the Kripo often found themselves sharing jurisdictional authority with regard to certain criminal violations, such as homosexual behaviour and race defilement (*Rassenschande*).<sup>14</sup> Such disputes illustrate the fluidity of the lines between political and criminal transgression. Even the targets of nazi persecution defy distinct delineation. As is well known, the nazis included criminals in their long list of enemies of the *Volksgemeinschaft*, who after November 1933 could be placed in 'preventive detention' as habitual criminals. It was, in fact, the nazis' hard line against crime and vagrancy that won them a degree of respectability in the eyes of many law-abiding Germans.<sup>15</sup> Informers in criminal cases were thus just as conscious of policing society against its enemies as denouncers were of policing the state against the politically suspect.

This is not to suggest that the policing of 'ordinary' criminality was a synecdoche of the nazi terror. Certainly, there were important qualitative and indeed moral differences between the enforcement of the 1935 anti-miscegenation laws and the laws prohibiting murder and aggravated assault. It is rather to demonstrate that the lines between the two kinds of policing were not always so clear, especially from an institutional standpoint. For citizens, there were no clear distinctions between criminal, racial and political transgressions; for historians, too, it is difficult to draw the distinctions. At the intersection of these kinds of policing are the accusatory practices of citizens mobilized by police to identify transgressions of both 'illegitimate' and 'legitimate' laws. The policing of 'criminal' activity (murder, theft, sexual assault, vagrancy, etc.) through the interaction of the state and citizens thus belongs analytically in the realm of denunciation research. The history of the criminal police in Berlin suggests that efforts to create a public culture of policing in the 1920s established certain features of the surveillance society of the nazi regime.

To speak of accusatory practices as part of a culture of 'mutual surveillance' in the Weimar period is not to suggest that the nazi terror, with a police force that was not constrained by the rights of citizens, began in the 1920s; rather, it is to argue that such a culture set the conditions under which development of the nazi terror in the 1930s was possible. Accusatory practices of the Weimar

13 Ibid., 158–9. See also Bernhard Weiss, *Polizei und Politik* (Berlin 1928).

14 Patrick Wagner, *Hitlers Kriminalisten. Die deutsche Kriminalpolizei und die Nationalsozialismus zwischen 1920 und 1960* (Munich 2002), 80–7.

15 Patrick Wagner, *Volksgemeinschaft ohne Verbrecher. Konzeptionen u. Praxis der Kriminalpolizei in der Zeit der Weimarer Republik und des Nationalsozialismus* (Hamburg 1996); Gellately, *Backing Hitler*, op. cit., 90–120; Nikolaus Wachsmann, 'From Indefinite Confinement to Extermination. Habitual Criminals in the Third Reich' in Robert Gellately and Nathan Stolfus (eds), *Social Outsiders in Nazi Germany* (Princeton, NJ 2001), 165–91.

period were not developed in the same coercive environment as those fostered by the Gestapo, nor did their execution have the same implications for their victims. Just as it is dangerous to underestimate the power of the Nazi police apparatus, however, it is also ill-advised to underestimate the influence of the institutions of Weimar policing. Indeed, it would be a mistake to ignore the ubiquity of the police (especially in Berlin) in the Weimar period and the influence it exerted over many aspects of public life. There was a 'general view', as one historian has written, 'that the Weimar Republic, compared to the Prussian monarchy, had vastly extended the sphere of public surveillance'.<sup>16</sup>

In the realm of criminal policing, experts cultivated and promoted practices of professional police work and the mutual surveillance of citizens with particular success in Germany. Because of widespread concerns about predatory criminality and because of the popularity of crime stories as sensational events, the criminal police in Berlin was more successful than the other branches of the police in garnering support from the public. While political crimes affected only a small group of people, 'everyday' criminality seemed to be a pervasive part of everyday life.<sup>17</sup> The criminal police sought to specialize and professionalize their practices to make them more efficient and effective tools in the escalating war on crime.<sup>18</sup> Criminal police work took on a greater sense of urgency as the rise in crime rates after the first world war fed into widespread anxiety about economic, social and political disorder, turning Wilhelmine public concern about crime into full-scale moral panic.<sup>19</sup> Specialized organization of criminal investigative units, the systematization of information on criminal transgressors in files and cards, the routine raids of underground 'hang-outs' and the recruitment of informants, all represented an elaboration of pre-war practices that were designed to make police work more efficient and 'scientific' and to inspire the trust of the public.<sup>20</sup> This trust was crucial for the police force which after the Revolution drew its authority from a republican constitution rather than monarchical power. As a representative of the Prussian Ministry of the Interior wrote in 1926:

16 Liang, op. cit., 6.

17 Ibid., 16–17.

18 Wagner, op. cit.; Richard Bessel, 'Policing, Professionalization, and Politics in Weimar Germany' in Clive Emsley and Barbara Weinberger (eds), *Policing Western Europe. Politics, Professionalization, and Public Order, 1850–1940* (New York 1991); Richard Bessel, 'Militarisierung und Modernisierung. Polizeiliches Handeln in der Weimarer Republik' in Alf Lüdtke (ed.), *'Sicherheit' und 'Wohlfahrt'. Polizei, Gesellschaft und Herrschaft im 19. und 20. Jahrhundert* (Frankfurt am Main 1992), 323–43; Andreas Roth, *Kriminalitätsbekämpfung in deutschen Großstädten 1850–1914. Ein Beitrag zur Geschichte des strafrechtlichen Ermittlungsverfahrens. Quellen und Forschungen zur Strafrechtsgeschichte*, vol. 7 (Berlin 1997).

19 Richard Bessel, *Germany after the First World War* (Oxford 1993), 241–53; Moritz Liepmann, *Krieg und Kriminalität in Deutschland* (Stuttgart, Berlin and Leipzig 1930); Sace Elder, 'Murder Scenes. Criminal Violence in the Public Culture and Private Lives of Weimar Berlin', PhD diss., University of Illinois Urbana-Champaign 2002), 26–66.

20 Wagner, op. cit., 79–107.

The character [of the Prussian police] as an organ of the people arises unambiguously from the exclusion of that which is military, from the complement [of personnel] from all circles of the people, and above all from the fostering of close togetherness [*Zusammengehörigkeit*] between the police and people, which gives the postwar police a completely new character.<sup>21</sup>

Such was the ideal, in many regards unfulfilled, of the republican police. To be sure, the administration of the criminal police came under attack from political opponents of the Social Democratic government in Prussia, leftist critics of the criminal justice system and journalists critiquing the handling of individual cases. However, the goal of the criminal police — to protect society from criminals and bring wrongdoers to justice — was never in question.

An essential part of the modernization of police work was the cultivation of a co-operative relationship between police and public — the education of the citizenry to serve as the eyes and ears of criminal investigators (even if police experts often expressed doubts about the ultimate realization of that goal). Such a model of policing did not originate in the fascist regime.<sup>22</sup> In the 1920s its proponents, at least in Berlin, rather promoted it as an inherently civic and republican model. Criminal justice experts could legally justify the use of coercion in obtaining the co-operation of citizens for prosecution,<sup>23</sup> but compulsion did not serve the ends of a republican state authority that theoretically worked for the people. Nor did it yield important information to the police about crimes that had not yet been committed.<sup>24</sup> The productive ‘togetherness’ of police and people had to arise from the education of citizens in police practices and the criminal activity that took place in the city.

Such was the goal of leading figures in the Berlin criminal police. In the wake of embarrassing public revelations regarding the failure of the Prussian police to identify one of their own informants Fritz Haarmann, the ‘Werewolf of Hanover’ who was responsible for the murder of more than 20 young men and boys, the chief of the Berlin Kripo Bernhard Weiss insisted to his professional colleagues that Haarmann would have been apprehended much earlier had the neighbours in his apartment building reported the serial murderer’s suspicious activities to the police sooner:

21 Ernst von den Bergh, *Polizei und Volk. Seelische Zusammenhänge. Die Polizei in Einzeldarstellung*, vol. 1 (Berlin 1926), 116. In many regards the Berlin police retained its militaristic character, especially the Schutzpolizei. See Bessel, ‘Militarisierung und Modernisierung’, op. cit.

22 Robert Gellately, ‘Allwissend und allgegenwärtig? Entstehung, Funktion und Wechsel des Gestapo-Mythos’ in Paul and Mallmann (eds), *Die Gestapo. Mythos und Realität*, op. cit.

23 On the debates about the use of force by police in obtaining statements, see ‘Zeugen’ in Fritz Stier-Somlo and Alexander Elster (eds), *Handwörterbuch der Rechtswissenschaft* (Berlin and Leipzig 1920), vol. 6; Karl Friedrichs, ‘Das Recht der polizeilichen Vernehmung’, *Archiv für Strafrecht und Strafprozess* 54 (1907), 394–407; Albert Hellwig, ‘Zur Psychologie der polizeilichen Vernehmungstechnik und ihrer Würdigung durch den Richter’, *Die Polizei*, 25, 3 (1928), 72–3.

24 Stargardt, ‘Polizeiliche Ermittlungen. Wünsche und Winke’, *Kriminalistische Monatshefte*, 6, 1 (1932), 6–12. On the inappropriateness of police brutality on the part of the German political police in the *Rechtstaat*, see Weiss, *Polizei und Politik*, op. cit., 123–8.



Certainly, one will retort that the sharp eye of the law, the police, must see more than the untrained gaze of the lay person. Granted. On the other hand, however, one should not forget that the difficult, responsibility-laden activity of the criminal police, particularly insofar as it serves in the protection against criminal acts, to a large degree relies on the co-operation of the public. Without this, the efforts of the criminal police often remain unsuccessful.<sup>25</sup>

Without the eyes and ears of citizens, in other words, the police was limited in its ability to protect the public from dangerous criminals. Weiss was doing more than deflecting responsibility for Haarmann's murder spree away from the police; he was articulating a philosophy of police work that was embodied in many of the institutions and practices developed by the police to encourage citizens' co-operation.

In the years following the Haarmann investigation, the police became increasingly aggressive in drawing public attention to the work of criminalists and the necessity of participation in criminal surveillance and investigation on the part of the citizenry. What was needed in the war on crime was a populace ready to serve as the eyes and ears of police officials. This recruitment of the public to take part in criminal policing was part of what Anton Kaes has identified as a culture of 'total mobilization' in postwar Germany, a term he borrows from Ernst Jünger. The militarization of German society continued after the first world war and expanded into all aspects of social life, including police work. Fritz Lang's film 'M' compellingly depicted the elaboration of the processes of mobilization — in this case, the collective search for an urban murderer. Neighbours survey each other as policemen look on, and everyone becomes suspicious. The film thus captures 'the desire for disciplinary power and mobilization'.<sup>26</sup> As we will see, however, the disciplinary aspect of this mobilization was far from complete.

Before the first world war the urban press already played a key role in encouraging popular interest in local and national crime. The proliferation of daily newspapers which began in the late nineteenth century and continued into the Weimar period increased the volume and the quality of the communication between the authorities and the citizenry. In Berlin at the turn of the twentieth century, the public press made it possible for urban citizens to imagine the cityscape as a coherent space and to map sites of danger and respectability. Crime reporting was part of this process in Berlin.<sup>27</sup> In Germany's 'newspaper city', Berlin police officials had at their disposal a vast array of national and local papers in which to publicize police work, from the

25 Bernhard Weiss, 'Der Fall Haarmann', *Archiv für Kriminologie*, 76, 3 (November 1924), 161–74.

26 Anton Kaes, 'The Cold Gaze. Notes on Mobilization and Modernity', *New German Critique*, 59 (Spring/Summer 1993), 114–15.

27 Peter Fritzsche, *Reading Berlin 1900* (Cambridge, MA and London 1996), and Philipp Müller, 'Journalistische Vermittlung und ihre Aneignung. Die öffentlichen Verhandlungen über Wilhelm Voigt alias Hauptmann von Köpenick in Berlin 1906/08', *Österreichische Zeitschrift für Geschichtswissenschaften*, 13, 2 (2002), 35–55.

respectable *Vossische Zeitung* to the tawdrier late-Weimar tabloid *Tempo*. In his pre-war handbook for criminal investigation, Albert Weingart encouraged police officials to publish information about investigations in the local sections of the daily press. 'Those who have made important observations should learn through the news in the press of the implications of their observations and so be induced to come forward as witnesses.' Weingart warned, however, that officials should be cautious not to reveal too much information that might damage the investigation.<sup>28</sup> German crime experts were not singular in noting the efficacy of the modern print media in the project of surveillance. Indeed, the dramatic expansion of the popular press in the latter half of the nineteenth century throughout Europe was due in large part to the growing concern with urban crime and its prevention.<sup>29</sup> Newspapers in late Victorian towns in Britain, for example, became increasingly local in focus and operated as producers of urban knowledge that helped to enforce urban civility by exposing transgressors of norms of urban conduct.<sup>30</sup>

The ability of the urban press in Berlin to produce urban knowledge was amplified in the Weimar period by an increase in the overall number of newspapers and an elaboration of pre-war trends in the commercialization of reading.<sup>31</sup> Beginning in August 1919, police routinely informed the press of all capital crimes.<sup>32</sup> That same year, the *Berliner Morgenpost* orchestrated an elaborate contest called 'Augen Auf!' in which Berliners were to seek out and 'apprehend' a *Morgenpost* reporter posing as a 'criminal'.<sup>33</sup> Not all Weimar criminalists believed the publication of information about crimes ultimately yielded the desired results, preferring instead 'modern' and 'scientific' techniques of detection. Yet influential criminalists such as Robert Heindl insisted that the publicity offered by the press was invaluable.<sup>34</sup> On the occasion of the Peter Kürten serial murder case in Düsseldorf, the exasperated head of the Berlin homicide squad Ernst Gennat, frustrated with the sensationalism in the regional and national newspapers, remarked: 'The criminal police and the

28 Albert Weingart, *Kriminaltaktik. Ein Handbuch für das Untersuchen von Verbrechen* (Leipzig 1904), 42. The press also exerted a significant influence on the criminal justice system in the Wilhelmine period. See Benjamin Hett, *Death in the Tiergarten. Murder and Criminal Justice in the Kaiser's Berlin* (Cambridge, MA 2004).

29 See Marie-Christine Leps, *Apprehending the Criminal. The Production of Deviance in Nineteenth-Century Discourse, Post-Contemporary Interventions* (Durham, NC 1992); Judith Walkowitz, *City of Dreadful Delight. Narratives of Sexual Danger in Late-Victorian London* (Chicago 1992); Fritzsche, op. cit.

30 Andy Croll, 'Street Disorder, Surveillance and Shame. Regulating Behavior in the Public Spaces of the Late Victorian British Town', *Social History*, 24, 3 (1999), 250–68.

31 Gideon Reuveni, 'Lesen und Konsum. Der Aufstieg der Konsumkultur in Presse und Werbung Deutschlands bis 1933', *Archiv für Sozialgeschichte*, 41 (2001), 97–117.

32 Liang, op. cit., 117.

33 Fritzsche, op. cit., 84; Sara Frances Hall, 'Subject under Investigation. Weimar Culture and the Police' (PhD diss., University of California 2000).

34 Robert Heindl, *Polizei und Verbrechen*, Wilhelm Abegg (ed.), *Die Polizei in Einzeldarstellung*, vol. 4 (Berlin 1926), 116–21.

press are so dependent on one another, I don't know if the criminal police depends more on the press or if the [press] relies more on the criminal police.<sup>35</sup>

The publication of the often lurid and titillating details of local crimes and the call for citizens to offer up relevant information encouraged citizens to view police work as both entertaining and a civic responsibility; surveillance of criminal activity depended on the blurring of state and personal interests. While newspapers were the most important point of contact between police authorities and citizens, in Berlin in the 1920s crime experts developed new ways of communicating with citizens. The prophylactic advisory centres (*Beratungsstellen*) that were founded throughout Germany in the wake of the postwar crime wave represented one of the great innovations of the 1920s. At such centres citizens could seek out professional advice and information on crime prevention and crime prevention products; 19,000 visited the centre in Berlin in 1922 and 15,000 in the crisis year of 1930.<sup>36</sup> Investigators also increasingly relied on the radio as a means of communication, especially after 1924 when the limited number of household radios began to increase modestly.<sup>37</sup> In January 1925, for example, detectives on the hunt for a murderer gave a surprising amount of information in a radio press release regarding a possible suspect in the case. Police had already received numerous helpful phone calls from listeners who had been prompted by the previous day's report, the detectives stated, and expressed their hope that more citizens would come forward.<sup>38</sup>

Officials also took part in the visual culture of display that characterized urban life in order to publicize sensational cases and promote the image of the police as professional defenders of the public good and to mobilize citizens to co-operate with them.<sup>39</sup> For example, to the practice of exhibiting corpses at the morgue was added in 1923 the display of the clothing of an unidentified murder victim in a shop window; such publicity, officials hoped, would elicit from the public pertinent information.<sup>40</sup> Officials also developed the use of the new cinema to project notices and educational programming on the sides of buildings.<sup>41</sup> The 1926 Great Police Exhibition in Berlin was designed as a public relations event to promote the image of the police as a body of professional and scientifically trained experts whose role it was to protect the

35 Ernst Gennat, 'Die Düsseldorf Sexualverbrechen (Fortsetzung und Schluß)', *Kriminalistische Monatshefte*, 4, 4 (1930), 82 and idem, 'Der Kürtenprozess', *Kriminalistische Monatshefte*, 5, 6 (June 1931), 132–3.

36 Wagner, op. cit., 107–8.

37 K.C. Führer, 'Auf dem Wege zur Massenkultur? Kino und Rundfunk in der Weimarer Republik', *Historische Zeitschrift*, 262, 3 (1996), 739–81.

38 Landesarchiv Berlin (LAB) A Rep. 030–03, Tit. 198B, Nr. 1753, Bl. 8.

39 Janet Ward, *Weimar Surfaces. Visual Culture in 1920s Germany* (Berkeley and Los Angeles, CA 2001); Vanessa Schwartz, *Spectacular Realities. Early Mass Culture in Fin-de-Siècle Paris* (Berkeley, CA 1998).

40 Erich Liebermann von Sonnenburg and Otto Trettin, *Continental Crimes [Kriminalfälle]*, trans. Winifred Ray (London 1935).

41 'Frauenmord an Leibnitzstrasse', *Berliner Morgenpost (BMP)*, 10 July 1924.

citizenry against dangerous social outsiders. Among the exhibits was a diorama that asked the onlooker to analyse a crime scene to detect the murderer and a replica of Fritz Haarmann's apartment. The exhibit invited observers to test their own powers of detection in identifying criminals in a photographic line-up.<sup>42</sup> Simulated 'manhunts' at Luna Park in which the park visitors were invited to take part and crime puzzles published in newspapers also invited citizens to practise identifying and apprehending criminals. Such events and displays were meant to shift the position of the citizen from that of a spectator of police power to that of an active participant in police work, while at the same time reinforcing the police's authority as the ultimate arbiter of criminological truth.<sup>43</sup> In this way, officials and criminologists sought to organize citizens into a community that could ideally police itself, under the direction of professional criminalists, against criminal activity.

Of course, in murder investigations, investigators did not need to rely only on the public's sense of civic responsibility or attraction to lurid sensationalism; they could also appeal to basic greed. The offer of a reward for information leading to the apprehension of a murderer was already a well-established practice by 1919. Clearly some people were willing to provide false information for the promise of profit.<sup>44</sup> The conservative *Berliner Lokal-Anzeiger* took the cynical view that citizens participated in investigations out of greed when it indicated that the public was 'spurred on' by a 1000RM reward to give 'numerous reports of suspicious persons' with regard to the murder of a Berlin woman in 1932.<sup>45</sup> Most citizens were probably unaware, however, that rewards were distributed among all those citizens who had led investigators to useful evidence and that such witnesses often had great difficulty obtaining the promised money.<sup>46</sup>

Public response to police efforts to organize participation is difficult to measure. Police records and newspaper reports reveal in individual murder cases a high level of involvement in investigation, and not just in the local communities in which the murders had taken place; citizens from throughout the city responded to invitations to come forward with information. As early as 1920, when Lucie Belitz was murdered in her Kreuzberg apartment, police claimed that over 600 accusations made by members of the public had to be investigated, only one of which led to the apprehension of the murderers.<sup>47</sup> While this might have been an extreme case, it was by no means singular. The 1927 investigation into the murder of a young woman prompted one elderly

42 Oskar Dressler (ed.), *Große Polizei-Ausstellung im Wort und Bild. Internationaler Polizeikongress* (Vienna 1927), 33–8.

43 Hall, op. cit.

44 *BMP*, 15 February 1931.

45 'Der Mord an der Greisen in der Lutherstraße. Einige Spuren . . .', *8-Uhr Abendblatt*, 24 October 1932 in LAB A Rep. 030–03 Tit. 198B (Mordkommission), Nr. 1178. (Formerly housed in the Brandenburgisches Landeshauptarchiv, Pr. Br. Rep. 30 Berlin C Tit. 198B.)

46 LAB A Rep. 030–03 Tit. 198B Nr. 504, Nr. 496, Nr. 522.

47 LAB A Rep. 358–01 (*Generalstaatsanwaltschaft des Landgericht Berlin*), Nr. 2484.

woman in Lichterfelde to write a desperate note to police in which she accused her young male tenant of trying to kill her. 'I consider my tenant the greatest scoundrel of all time', the woman wrote. 'He is an enormous swindler and lies constantly in unbelievable fantasies.'<sup>48</sup> Whether the distraught woman was exceedingly paranoid or truly in danger is not clear, but the woman's extreme suspicion was both unfounded (her tenant was not the murderer), and it was not singular in this particular case. Investigators received from suspicious citizens further reports of strangers encountered on trams, in queues at the welfare office, and even in their own apartment buildings who possibly fitted the description of the murderer.<sup>49</sup> None of the reports yielded the perpetrator. Similarly, the murder in 1929 of a little girl in the West End elicited statements from citizens throughout the city who reported strangers on the street, in pubs and even in Romani camps as likely suspects.<sup>50</sup>

The limited statistical evidence available suggests that the police enjoyed some success in soliciting popular participation. The number of registered complaints (*Anzeigen*) for first- and second-degree murder was published in the *Statistical Yearbook of the City of Berlin* for the years 1911 to 1926. In 1911, the number of *Anzeigen* for murder and attempted murder was 146; that number declined steadily until after the war when it rose dramatically in 1922 to 219. The number rose to 637 in 1924 and fell again to 91 in 1926. There were no similar statistics for the following years, so it is impossible to tell whether the drop in 1926 indicated a reversal of the postwar trend. What is clear, even in 1926, is that the rate of *Anzeigen* was not tied to the murder rate. The high number of complaints was in contrast to the low number of convictions for the same crime: in 1924 the courts only prosecuted 46 cases of premeditated and unpremeditated murder.<sup>51</sup> It is possible that citizens in 1924 might have been inspired in part by the Fritz Haarmann serial murder case in Hanover that year.

While Weimar officials often complained about a lack of public interest and support in solving capital crimes,<sup>52</sup> they complained just as often that the wheels of justice were clogged with false leads and spurious incriminations made by concerned or spiteful citizens.<sup>53</sup> Police found it difficult to discipline citizens' often enthusiastic participation in criminal investigations in accordance with the needs of the state. Scholars have discovered this uncontrolled nature of denunciatory behaviour in authoritarian regimes as well. As Fitzpatrick has pointed out, even in totalitarian regimes such as the Soviet

48 LAB A Rep. 030–03 Tit. 198B (Mordkommission), Nr. 521. (Formerly housed in the Brandenburgisches Landeshauptarchiv Pr. Br. Rep. 30 Berlin C Tit. 198B.)

49 Ibid.

50 LAB A Rep. 030–03 Tit. 198B, Nr. 1357.

51 *Statistisches Jahrbuch der Stadt Berlin*, 1923, 1924 and 1925. In 1926, that number decreased to 91.

52 LAB A Rep. 030–03, Tit. 198B, Nr. 2198, Bl. 224.

53 Gennat, 'Die Düsseldorfer Sexualverbrechen', op. cit., 81; LAB A Rep. 030–03, Tit. 198B, Nr. 581: Bericht, 22 June 1927.

Union, state agencies were often frustrated and overwhelmed by the accusations filed by citizens.<sup>54</sup> Similarly, in 1934 the Gestapo was inundated with denunciations of political crimes — so much so that the Reich Minister of the Interior demanded that steps be taken to reduce the number of charges brought to the police.<sup>55</sup> In the 1920s and 1930s, criminal justice experts deeply mistrusted the ability of even the most truthful citizen accurately to recall and relate observed phenomena.<sup>56</sup> These were the fundamental contradictions in the partnership between police and public promoted by officials such as Weiss. The panoptic ideal was hampered by the very way in which the German public was perceived by officials as well as by newspaper editors and reporters, who saw urban dwellers as both rational citizens and irrational sensation-seekers. Police officials had to rely on the observational powers of citizens whom they ultimately did not trust, while newspapers sought to appeal to both the sense of justice and the longing for sensation of the Berlin public.<sup>57</sup> Even Fritz Lang, whose film ‘M’ captured the essence of the societal panopticon advocated by the police, was sceptical of the omnipotence and omnipresence of the ‘gaze’. In his film, it is ultimately a blind man who identifies the murderer, and the objective gaze of the camera in the end yields to a sympathetic view of the criminal.<sup>58</sup>

These contradictions within the public culture of policing created a space for behaviour that worked against the disciplinary goals of the state. A key reason why the number of participants in criminal investigations far exceeded the number of witnesses with useful information was that the accusatory practices in criminal investigations were easily manipulated to suit personal agendas. Just as the Gestapo dealt with vindictive denunciations, so too did the criminal police of Weimar Berlin. Police officials were very familiar with the popular practice of using police investigations in interpersonal conflicts, as it was common in murder investigations for persons innocent of the crime to be implicated by jealous spouses, vindictive neighbours, angry creditors, and so on.<sup>59</sup> One particularly instructive case in this regard involved the denunciation

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54 Sheila Fitzpatrick, ‘Signals from Below. Soviet Letters of Denunciation in the 1930s’ in Gellately and Fitzpatrick (eds), *Accusatory Practices*, op. cit., 84–120.

55 Gellately, *Gestapo and German Society*, op. cit., 139.

56 For example, Kleinschmidt, ‘Wahrheit und Irrtum im polizeilichen Ermittlungsverfahren’, *Kriminalistische Monatshefte*, 6, 10 (1932), 225–7; Ernst Gennat, ‘Vernehmungen — Kriminalistische Strategie und Technik’, *Kriminalistische Monatshefte*, 3, 5 (1929), 101–5; William Stern, ‘Aussagestudium’ in William Stern (ed.), *Beiträge zur Psychologie der Aussage* (Leipzig 1903/04); Adolf Stöhr, *Psychologie der Aussage* (Berlin 1911).

57 Marie-Christine Leps argues that the press in nineteenth-century France and England ‘worked to incite, entertain, and distract the public into recognition of hegemonic truths’ about criminally deviant behaviour. See Leps, op. cit., 132.

58 See Kaes, op. cit., 116–17.

59 Investigations of the unrelated 1927 murders of Margaete Keding and Frieda Ahrendt, for example, in each case led estranged wives to implicate their husbands to the police. LAB A Rep. 030–03, Tit. 198B, Nr. 477; Transcript, 20 November 1930; LAB A Rep. 030–03, Tit. 198B, Nr. 551: witness statement, 7 April 1927.

in 1931 of a woman for the death of her son in 1921. The woman's child had died of liver failure after a long and complicated illness. In 1931, the estranged wife of the woman's former lover reported to the police that the woman had actually murdered her child. Later, in 1935, the woman was denounced again, by the same individual, for allegedly having conspired to murder the denouncer. Police declared the allegations to be false.<sup>60</sup> Such examples illustrate that criminal investigations, like political denunciations, were used for selfish purposes.

To speak of a culture of 'mutual surveillance' in the Weimar period, then, is to speak of a set of institutions and practices designed to encourage citizens to observe and report criminally suspicious behaviour to the state. Police experts as well as the popular media promoted the notion that such surveillance was necessary by propagating the notion that society and individuals needed protection from dangerous criminals. In this the criminal police were often very successful, even though citizens did not always participate in ways that the police expected or even desired. Like political policing during the Nazi regime, criminal policing in Weimar society created a space for state-societal interaction that could serve the often conflicting ends of the state and its citizens.

A particularly illustrative case study in criminal denunciation suggests a continuity between the Weimar and Nazi periods. In January 1931 the body of 81-year-old bachelor Jakob Freudenheim was discovered in his apartment on Heinrich-Roller-Straße in north Berlin. There had been no sign of forced entry and the only potential clue as to the identity of the murderer was an envelope found on the floor next to the body on which was scrawled in blue pencil the cryptic word 'Langu'. The detectives very quickly arrested a radio technician because he was a stranger to the neighbourhood who was known to have visited Freudenheim's apartment shortly before the latter's murder. At the same time, many local residents were determined to find the culprit among their neighbours. That the investigators were never able to prove that the radio technician was the murderer and failed to produce another viable suspect fuelled the investigative zeal of Freudenheim's neighbours. For at least five years after Freudenheim's body was first found and police officials had all but given up on solving the murder, neighbours would keep the investigation alive by taking part in rounds of mutual incriminations and accusations that can only be described as a microcosm of denunciation. Like the many German citizens who denounced their neighbours to the Gestapo for having violated political and racial purity laws, the residents of Heinrich-Roller-Straße engaged in malicious and idle rumour, vindictive denunciation and strategic use of the state to mediate their interpersonal conflicts. The investigation lasted from January 1931 to at least 1936, when the last recorded report was made to officials by residents of the neighbourhood. The record of witness

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60 LAB A Rep. 030-03, Tit. 198B, Nr. 1355, Bl. 1-16.

statements and police reports permit a close examination of the ways in which citizens interacted with one another and with the state in the process of the criminal investigation.

The residents of Heinrich-Roller-Straße were undoubtedly curious and excited to read of their neighbourhood murder in the pages of the Berlin dailies. As in many other murder investigations of the period, the press sensationalized the Freudenheim murder to attract public attention to the case and enlist the aid of citizens in solving the murder. The Freudenheim murder was one of several in the ‘murder spree’ of January 1931 that the popular tabloid *Tempo* used as the context for its reward contest that year. The aspect of the Freudenheim case that attracted the most attention was the envelope discovered on the floor next to the body with the strange word ‘Langu’ scrawled on it. Several of Berlin’s dailies ran headlines that asked, ‘What does “Langu” mean?’ and speculated variously that it was Spanish, Esperanto or Hebrew for ‘Don’t stab!’<sup>61</sup> Prompted by the publicity surrounding the mysterious note, citizens reported to officials their own theories about what ‘Langu’ might mean. One man wrote to police that ‘Langu’ was Lithuanian for ‘window’.<sup>62</sup> A reader of the *BZ am Mittag* wrote from as far away as Koblenz to tell police that ‘Langu’ was an anagram of ‘Ungal’ [sic], which in Russian, he asserted, meant ‘chased away’.<sup>63</sup> Despite the efforts of these citizens to solve the mystery of the strange clue, its meaning was never determined.

The residents of Heinrich-Roller-Straße initially used the murder investigation to police the boundaries of their small community. Even as the official investigation focused on the radio technician (based on the statements of two witnesses who claimed to have seen an unidentified young man entering Freudenheim’s apartment) and on the theory that the murderer had been a stranger to the neighbourhood, many living in the area turned their suspicions against those who were on the margins of the community, who had not lived there long or who were unpopular. Lodgers in Freudenheim’s apartment building and the itinerant brother of a neighbour became objects of suspicion. The keeper of the local milk shop implicated a man whom he knew simply as ‘the bum’ because the man habitually borrowed money he never repaid. Freudenheim, the shopkeeper told police, had warned him about this ‘bum’, whom his wife refused to serve because of his ‘strange demeanour’. The man was also rumoured to have become a gigolo.<sup>64</sup>

The residents of Heinrich-Roller- and the intersecting Winsstraße did not look exclusively at those on the margins of their community, however. One

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61 *BMP*, 24 January 1931; *Tempo*, 26 January 1931; Walther Kiaulehn, ‘Warum Monteur Klein wieder freigelassen werden musste’, *BZ am Mittag*, 9 March 1931 and ‘Ein Selbstmord rettete Monteur Klein’, *BZ am Mittag*, 10 March 1931.

62 LAB A Rep. 030–03, Tit. 198B, Nr. 1364: Willi Rolligänger to Polizeipräsidentium, 12 March 1931.

63 LAB A Rep. 030–03, Tit. 198B, Nr. 1364: Note recorded by Kriminal-Sekretär Gröbel, 11 March 1931.

64 LAB A Rep. 030–03, Tit. 198B, Nr. 1424: witness statement, 7 February 1931.



person who fell under immediate local suspicion was Alfred W.,<sup>65</sup> the husband of Freudenheim's housekeeper Else. Else lived with her husband Alfred on Heinrich-Roller-Straße, just down the street from Freudenheim. Else and Alfred were immediate suspects because of their proximity to the victim and because they had the means and opportunity to commit the crime. Alfred, however, was able to produce an alibi for the time of the murder — an alibi confirmed by his neighbour Hermann S., a jalousie maker who lived in Alfred's apartment house.<sup>66</sup> Despite Alfred's alibi, his neighbours persistently implicated him in their statements to the police. In one such instance, a woman who lived in Freudenheim's building and whose husband had been one of the key eye witnesses to the stranger's entering Freudenheim's apartment, reported to the police that she knew from 'hearsay' that it was 'going around' that Alfred owned clothes just like those of the young man whom neighbours claimed to have seen with Freudenheim. She asked that her statement remain confidential because she did not want Alfred's wife to know that she had made these incriminations.<sup>67</sup>

For over a month, such rumours continued to circulate and witnesses repeatedly pointed their fingers at Alfred and his family. The wife of the porter in Freudenheim's building telephoned the police to indicate that the W. family 'appeared suspicious' because a man living with Alfred's brother Hermann on a nearby street fitted the description of the young man reportedly seen with the victim the day before the murder.<sup>68</sup> Police determined that this allegation was false; no such man lived with Alfred's brother and mother.<sup>69</sup> The porter's wife was not the only one to turn a rumour into an allegation, and the investigation quickly turned into a game of finger-pointing and vengeance. Less than a week after the porter's wife aired her suspicions to officials, another of Freudenheim's neighbours, Ida, made a confidential statement to the police in which she also implicated Alfred W. Police did not take an official statement because Alfred by this time had established an alibi. However, Alfred's mother eventually found out about Ida's betrayal, and promptly had a conversation of her own with the police in which she told the investigators that Ida's husband had a black coat and hat like the ones worn by the unidentified suspect — clothing which she herself had lent Ida's husband for a funeral. Upon investigation, police discovered that most of her allegations were insupportable, and that the hat she had lent Stark had been so small that Stark had been unable to wear it.<sup>70</sup> While some of Freudenheim's neighbours may have genuinely feared that a murderer was living in their midst, clearly the investi-

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65 To protect the identities of those involved, I have chosen to abbreviate the last names of those who do not appear in the newspaper accounts of the case.

66 LAB A Rep. 030-03, Tit. 198B, Nr. 1424: Mordkommission Freudenheim 11 February 1931.

67 Ibid., witness statement, 27 January 1931.

68 LAB A Rep. 030-03, Tit. 198B, Nr. 1364: Vermerk, 7 March 1931.

69 Ibid., Vermerk, 9 March 1931.

70 LAB A Rep. 030-03, Tit. 198B, Nr. 481: Bericht, 6 December 1934.

gative process stimulated conflicts between others who could then use the police to mediate those conflicts.

The mutual incriminations and suspicions in the Freudenheim case did not tail off in 1931 as one might have expected. While officials had exhausted their interest and resources in the case after their futile attempt to pin the crime on their prime suspect, the radio technician, residents of the Heinrich-Roller-Straße neighbourhood continued for years to look amongst themselves for the murderer. In September 1934, the mother of Alfred and Hermann W. informed officials that Ida had been overheard telling someone that she could arrange to have her own husband Ernst incarcerated for the murder of Freudenheim.<sup>71</sup> Police diligently sought to determine the reliability of this rumour, the source of which was a married couple in the neighbourhood. The husband and wife claimed that they had only been repeating what they had heard Ida herself say, but they also insisted that Ida's accusations were not to be believed. Ida, they told police, was ill-tempered, vindictive and nasty to her husband and to other neighbours. 'I hold the whole prattle to be nothing but Ida's gossip', the husband said, 'and don't believe that there is any truth in it at all.'<sup>72</sup>

When the police finally questioned Ernst in December, the suspect told his interrogators that he knew that he had been implicated in the Freudenheim murder. For about a year, he said, he had heard rumours circulating that he was Freudenheim's murderer, although he claimed not to know the source. For her part, Ida maintained that the whole thing had been a misunderstanding. She claimed that when she had suggested that she could have him arrested, she meant only if he had not been able to prove his alibi for the Freudenheim murder.<sup>73</sup> The assistant detective who investigated this new round of rumours determined that they could not be substantiated. The incrimination made by Alfred W.'s mother in September 1934 'might have a personal character', he suggested. 'While [Ida and Ernst] and [Alfred W. and his family] had earlier socialized amicably, since the murder they have been on bad terms.' The new round of allegations was a continuation of the incriminations made against the W. family in 1931, the officer wrote in his report.<sup>74</sup>

The series of allegations continued into the spring of the following year, when the porter at Heinrich-Roller-Straße telephoned the police to report something suspicious in the apartment recently vacated by Alfred W. According to the porter, a hole had been sawed in the floor of the apartment, which the porter surmised must have been made to hide something obtained illegally. An officer went to the apartment building, where Hermann S. — Alfred's alibi — told him that in March, before the W. family had vacated their apartment, he had observed Alfred and his brother standing at a window looking at an 'object' and 'laughing'. Hermann S. believed that 'this object — which he

71 Ibid., witness statement, 13 September 1934.

72 Ibid., witness statements, 28 September 1934 and 1 October 1934.

73 Ibid., witness statement, 5 November 1934.

74 Ibid., Bericht, 6 December 1934.

[Hermann] in any case could not describe — could be connected to the Freudenheim murder case'.<sup>75</sup> Investigators, though apparently aware of the speciousness of the incrimination, were compelled to carry out at least a cursory investigation into the charges, which they determined were groundless.<sup>76</sup> Thus ended an ultimately fruitless murder investigation that appeared to have been driven more by the victim's neighbours than by detectives.

Seen in the context of the accusations and mutual incriminations that were made in the months immediately following the murder, the rumours and allegations made between January 1931 and 1936 suggest a continuity of 'accusatory practices' bridging the January 1933 divide. To what extent was the accusatory behaviour embraced by Freudenheim's neighbours and encouraged by the police the legacy of the authoritarian Kaiserreich? After all, by the end of the nineteenth century Germans were very familiar with the institutions of a police state.<sup>77</sup> Might the behaviour of the residents of Heinrich-Roller-Straße be evidence of the failure of liberal state institutions to establish themselves securely in German society? At a conference held in Rothenburg in 2000, scholars interested in the problem of denunciation concurred that denunciatory behaviour was most pronounced in dictatorial regimes where there was no clear division between state and society. Gerhard Paul summarized their conclusions as follows:

Although societies with established traditions of civil society and a critical relationship between state and society are also in no way safe from denunciation and also in part consciously encourage citizens in accusatory behaviour, it remains a civilizing function of the modern state structurally not to encourage its citizens to denunciate.<sup>78</sup>

Yet officials in the criminal police in Berlin in the 1920s self-consciously styled themselves as modernizers in the field of crime prevention and crime detection. Many, including Bernhard Weiss, also presented themselves as servants of a republican citizenry. It was precisely these two aspects of the development of the Weimar police that led to the fostering of the accusatory practices described above. The escalation of public surveillance of actual and potential criminal transgressors — murderers, thieves, child molesters or

75 Ibid., Bericht, 4 April 1935.

76 Ibid., Vermerk, 9 November 1936.

77 On the development of the Prussian police, see Albrecht Funk, *Polizei und Rechtsstaat. Die Entwicklung des Staatlichen Gewaltmonopol in Preußen, 1848–1918* (Frankfurt am Main and New York 1986); Alf Lüdtké, 'Gemeinwohl' und 'Festungspraxis'. *Staatliche Gewaltsamkeit und innere Verwaltung in Preußen, 1815–1850* (Göttingen 1982); and the relevant articles in Lüdtké (ed.), 'Sicherheit' und 'Wohlfahrt'. *Polizei, Gesellschaft und Herrschaft im 19. und 20. Jahrhundert* (Frankfurt am Main 1992).

78 Gerhard Paul, 'Denunziation — anthropologische Konstante oder kulturelles Phänomen? Eine Tagung vom 10. bis 13. Oktober 2000 in Rothenberg ob der Tauber', *Zeitschrift für Geschichtswissenschaft*, 48, 12 (2000), 1104. Translation mine.

merely 'asocials' — was a byproduct of the modern state, even though its implications bore little resemblance to the kind of bourgeois liberalism often associated with 'modern' state systems.

The accusatory practices of the Third Reich were not, or at least not only, the result of authoritarian state power working its way downward through the populace. Rather, they developed in a cultural context in which citizens were already accustomed to the message that they should be operating as the eyes and ears of the police and in which many citizens both took the message seriously and used the opportunity to further their own personal agendas. Participating in that culture, Freudenheim's neighbours appear to have been less interested in finding his killer than in how they used the police to intervene in their interpersonal relations. Detectives of the Berlin homicide squad never did catch the murderer. But they did learn, as the Gestapo would learn after them, that knowledge, whether based on fact or fiction, has power, no matter who produces it.

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