REFLECTIONS OF THE INSANITY DEFENSE IN GERMAN LITERATURE:
ENLIGHTENMENT TO EXPRESSIONISM

Renee Catherine Miller

A Thesis
Submitted to the Graduate College of Bowling Green
State University in partial fulfillment of
the requirements for the degree of

MASTER OF ARTS
May 2014

Committee:
Kristie Foell, Advisor
Geoffrey Howes
The insanity defense is a controversial practice that has developed over time in the Western world. This controversy is especially seen in the general public’s attitude, which seems to lag behind legal and medical developments of the insanity defense and mental illness. The introduction gives an overview of the legal developments of the insanity defense in the Western world, providing a comparison between Germany and the U.S. In order to fully investigate the notion of criminal insanity in German literature, this thesis will take a close look at Faust by Goethe (enlightenment period, 1808), Der Sandmann by ETA Hoffmann (romanticism period, 1816), Bahnwärter Thiel by Gerhard Hauptmann (naturalism, 1888), and Die Blendung by Elias Canetti (expressionism, 1935). This thesis will demonstrate how the literary view of insanity develops from considering it almost a metaphysical issue (Goethe); to an artistic/demonic possession in the case of Hoffmann; to a force of nature (Thiel); to a Freudian (or anti-Freudian) perspective with Canetti.

Gretchen, one of the main characters in Goethe’s Faust, suffers from a bout of insanity at the end of the novel, killing her mother and drowning her child. In Hoffmann’s Der Sandmann, Nathanael experiences a downward spiral into insanity during the course of his life. Similar experiences are witnessed in Hauptmann’s Thiel and Canetti’s Peter Kien in Die Blendung. However, for Thiel, the loss of his son leads him to murder his second wife and child, while Kien commits suicide at the end after setting fire to his library. Parallels can clearly be seen between literature and criminal law as the insanity defense has developed over these time periods. The thesis concludes with another brief look at current public attitudes towards the insanity defense, ending with the thought that even though our Western society has come a long way in the way of legal and medical developments since the Enlightenment, the public’s view seems, at times, to have not changed along with these recent developments.
Dedicated to my two wonderful parents and younger brother.

I could not have done this without your support!
ACKNOWLEDGMENTS

I would like to acknowledge my two thesis advisors in the German Dept. at BGSU. First of all, thank you to Dr. Kristie Foell for agreeing to be my thesis advisor in the first place and working with me each week to make this a reality. And second, thank you to Dr. Geoffrey Howes for agreeing to be my 2nd reader – I could not have achieved this accomplishment without either one of you!
TABLE OF CONTENTS

INTRODUCTION .................................................................................................................. 1

0. Current status and history of insanity defense................................................................. 2

0.1 Historical development of insanity defense in Germany.............................................. 8

0.2 Practical issues in attempting an insanity defense in Germany vs. US.................... 11

0.3 Evolving views of criminal insanity in German literature....................................... 12

CHAPTER 1: GOETHE’S FAUST: MEDIEVAL DEMONS IN THE AGE OF

ENLIGHTENMENT ........................................................................................................... 14

1. Höhn and Brandt: Two Noteworthy Infanticide Cases that Inspired the Character

“Gretchen” ......................................................................................................................... 15

1.1 Possessed by the Devil and Enlightenment Principles............................................. 19

1.2 Society is Partly to Blame ......................................................................................... 21

1.3 Faust’s Role and (Lack of) Responsibility ............................................................... 23

CHAPTER 2: HOFFMANN’S DER SANDMANN AND THE EMERGENCE OF THE

INSANITY DEFENSE ........................................................................................................... 27

2. The Schmolling Case .................................................................................................... 27

2.1 Repressed Abuse ....................................................................................................... 28

2.2 The Appearance of a Normal Life ........................................................................... 30

2.3 The Downward Spiral ............................................................................................... 33

2.4 A “Figure of Horror” and the Eyes .......................................................................... 34

2.5 Nathanael’s Mental Illness: Personality Disorder & Psychoanalytic Theory ........ 36

2.6 A Mental Switch ......................................................................................................... 37
CHAPTER 3: HAUPTMANN’S BAHNWÄRTER THIEL AND THE BIOLOGICAL BREAKDOWN…………………………………………………………........ 41

3. Romantic Love vs. the Fallen Woman……………………………………………………. 41

3.1 The Breakdown Begins………………………………………………………………. 45

3.2 A Sudden Realization and Uncontrollable Rage…………………………………. 47

3.3 Embracing the Mental Institution…………………………………………………. 48

3.4 Battered Spouse Syndrome & PTSD……………………………………………… 49

CHAPTER 4: CANETTI’S DIE BLENDUNG AS SATIRE OF THE NOW-ESTABLISHED INSANITY DEFENSE………………………………………………………………. 52

4. M’s Criminal Trial: A Trial conducted by his Own……………………………… 52

4.1 Robert Musil’s Der Mann ohne Eigenschaften………………………………… 54

4.2 A Bookmarked Case of Insanity…………………………………………………. 55

4.3 The Skirts and the Pants: Are they really there or is it all in his head?…… 57

4.4 The Trial Within (His Head)……………………………………………………… 59

4.5 Outwitting the Psychiatrist at His Own Game…………………………………. 61

4.6 Kien’s Mental Breakdown: What is he ultimately suffering from?………... 64

4.7 A Foreshadowing of What was to Come: The Insanity Defense…………….. 66

CONCLUSION - EIN LETZTER ÜBERBLICK……………………………………………… 68

BIBLIOGRAPHY…………………………………………………………………………….. 74
INTRODUCTION

A former Army psychiatrist, Maj. Nidal Malik Hasan, opened fire on the Texan Fort Hood Army Base in 2009, killing 13 people and wounding over 30 others (Fernandez 1). The defense argued insanity, but was unsuccessful. Hasan received a sentence of death for his crimes. As an issue that has slowly evolved over time, the legal definition of insanity remains controversial in society today, as discrepancies have existed between the medical definitions of insanity and the judicial rulings on insanity, which at times can be swayed by public opinion. In the case mentioned here, this was a terrorist assault on the military. Strong emotions invoked by the public may in part have been responsible for the denial of the insanity defense in this case, as there was a clash that existed here between private feelings held by individual American citizens, public outrage as a whole, and medical and legal standards surrounding the issue of insanity. Part of the heat given off by the public surrounding this case is due to ignorance, as public understanding has always lagged behind when considering the complex history of the insanity defense. In addition, part of the reason for such outrage by the public when the defense argued insanity in this case surrounded the fact that the defendant was a Muslim; the American public immediately had a flashback to the 9/11 terrorist attacks and the circumstances under which 9/11 occurred. Hasan’s case only served as a reminder of the terrorist attacks.

The development of the insanity defense has a long history that began, not in the U.S., but in Europe. This thesis will explore the evolution of the notion of criminal insanity in German intellectual (literary) life, from insightful works of the enlightenment and romantic periods that first portrayed the role of madness in criminal acts, to a more developed, deterministic theory of madness and criminal insanity from the naturalism period to the expressionism period. In order to fully investigate the notion of criminal insanity in German literature, this thesis will take a
close look at *Faust* by Goethe (enlightenment period, 1808), *Der Sandmann* by ETA Hoffmann (romanticism period, 1816), *Bahnwärter Thiel* by Gerhard Hauptmann (naturalism, 1888), and *Die Blühdung* by Elias Canetti (expressionism, 1935). First, however, let us summarize the insanity defense as it is currently understood in the United States and Germany, with U.S. law serving as a comparison to German law.

0. Current status and history of insanity defense

“Insanity is a mental illness of such a severe nature that a person cannot distinguish fantasy from reality, cannot manage his/her own affairs, or is subject to uncontrollable impulsive behavior” (USLegal 1). This legal definition, which derives from the United States federal government legal code, means that the person accused of the crime has committed the crime, but was mentally incompetent (or suffered from a mental illness) at the time the crime occurred. The accused did not know the difference between right and wrong, and thus cannot be held accountable for the crime that occurred. It is a U.S. Constitutional right under the 6th Amendment to be able to assist one’s attorney during a trial; insanity can also be relevant here at the time of trial. If the accused is found to be mentally incompetent, the trial will be delayed; the same occurs also at the time of execution, as one must be mentally competent and able to understand the circumstances surrounding the execution in order to be executed.

The issue of mental illness and insanity, however, can be documented farther back in history in German-speaking Central Europe. Mental asylums existed in the German cities of Elbing, Hamburg, and Nuremberg in the early 14th century, with Elbing being the first documented in 1310 (Wheeler and Lytton 1). Since the United States did not exist as a country yet in the 14th century, the only noteworthy comparison to Germany is the country of England, which, as will be soon be noted, is the source of most U.S. jurisprudence. Through the Middle
Ages and until the mass establishment of asylums, treatments in general for mental illness and insanity were offered by humanistic physicians, medical astrologers, apothecaries, and folk or traditional healers; the clergy also played a significant role in treating the mentally ill or insane (Foerschner 1-2). Demonic possession, as will be seen later in Goethe’s Faust, was thought to play a role in the actions of those deemed insane. Treatments included blood transfusions to purify the blood and release the demons within, as well as drilling holes in the skulls of afflicted patients; again, this was done in the hopes that demons would be released by being able to escape through the hole that had been drilled in the person’s skull, and thus, the afflicted person would be cured (Foerschner 1). Priests would also ask those afflicted with a bout of insanity or mental illness to confess their sins and ask for God’s mercy in the hopes of an instant cure as well as eternal salvation. Confessing one’s sins for salvation is also seen today; however, the purpose today is purely religious, not medical. Such treatments were carried out throughout all of Europe, including the German territories as a whole. Other European and German cities, depending on city customs and rules, simply ran the insane out of their town, which is a form of what would today be known as banishment, or chose to just throw the mentally ill and insane into prison (Foucault 5). These practices lasted through the Middle Ages and Renaissance eras (Foucault 6).

Now that the prehistory of mental illness and madness is understood, it is time to take a look at the legal background that has come to be known as the insanity defense.

Originating in Scotland during the eighteenth century, and then spreading to the rest of the world’s legal systems, a partial defense can also be offered in place of the insanity defense (NSW Government Lawlink 1). In the U.S. this is known as “diminished responsibility.” When the accused claims diminished responsibility, the intent necessary for the crime the accused committed will be negated; however, the accused will not be excused from all guilt, but rather,
only part of the guilt (Wallace and Roberson 98). If this situation arises, juries will still state the accused is guilty of the crime; however, the accused will be guilty of a lesser criminal charge. However, Wallace and Roberson note that “many states reject this personal defense, and those that allow it limit its use to specific intent crimes (premeditated murder being reduced to second-degree murder, for example), permitting evidence to prove that the defendant lacked the mental state to commit an element of the offense” (98). Again, the accused’s mental state at the time the crime occurred is relevant here. Even though diminished responsibility is not popular among the states, it is still used from time to time, especially if, for example, a lawyer knows that the insanity plea may not be applicable to his/her client’s case. If this situation arises, lawyers will try for the diminished responsibility plea for their clients instead.

Not only is diminished responsibility not that common among the U.S. states, but the U.S. federal government is also not a big supporter of diminished responsibility, either. Applying only to federal cases, the U.S. Insanity Defense Reform Act was passed in 1984 to try and limit the use of the diminished responsibility plea, opting instead to shift to a lower burden of proof for insanity pleas from beyond a reasonable doubt to clear and convincing evidence (Wallace and Roberson 98). It was during this time period that the federal government realized that cases at the federal level with insanity pleas were almost impossible to win, hence, the lower burden of proof of clear and convincing evidence. Again, the defendant is responsible for proving the diminished responsibility plea, which still applies to federal cases today.

Germany also has a diminished responsibility (“verminderte Schuldfähigkeit) clause in its criminal code. The clause states:

Ist die Fähigkeit des Täters, das Unrecht der Tat einzusehen oder nach dieser Einsicht zu handeln, aus einem der in § 20 bezeichneten Gründe bei Begehung der Tat erheblich vermindert, so kann die Strafe nach § 49 Abs. 1 gemildert werden. *(Bundesministerium 2)*
In contrast to the United States’ diminished responsibility clause, Germany actually goes further in regards to the accused’s mental state at the time the crime occurred, taking into account again the offender’s inability to appreciate the unlawfulness of their conduct due to a “substantially diminished” mental capacity when the crime occurred. The burden of proof that diminished responsibility falls under in Germany is again the balance of probabilities. Another difference is that those who successfully receive a plea of diminished responsibility in Germany are first placed in a mental institution before being moved to a correctional institution (Trestman et al. 232). However, Germany, like the U.S., also mitigates the charges against the accused (again, the example of premeditated murder dropping down to second-degree murder); the accused is still guilty of committing the criminal act, but the court's understanding of the severity of the act is diminished.

The legal definition of insanity has developed over the years, with the first definition of legal insanity arising in 1843; it was known as the M’Naghten test, or the “right and wrong” test (Wallace and Roberson 95). This test is as follows:

Individuals are presumed to be sane and to possess a sufficient degree of reason to be responsible for their crimes, until the contrary can be proven. For individuals not to be legally responsible for their acts, they must be laboring under such a defect of reason, from diseases of the mind, as not to know the nature and quality of the acts that they were doing, or, if they did know it, that they did not know that it was wrong. (Roberson and Wallace 95)

Individuals must be able to be accountable for their crimes and to know, as the M’Naghten test states, the difference between right and wrong. However, if the person, at the time the crime occurred, suffered from a disease of the mind, then they might be unable to understand that their actions were wrong. The sense of reason and what a “reasonable person” would have done under the same circumstances also comes into play here. Reason is always taken into consideration...
during a question of insanity in a criminal case. This opinion arose from a case in which a man (Daniel M’Naghten) attempted to kill the prime minister of England, Sir Robert Peel. M’Naghten was unsuccessful and ended up actually killing Peel’s secretary instead. As M’Naghten was mentally ill and suffering from delusions at the time the crime occurred, he was found to be insane instead of guilty. Although this is a case of British law, the United States based their first insanity defense on this case. British law, since the founding of the United States, has influenced American law; for example, this is evidenced by the writing of the U.S. Constitution, which has many elements of British law within it.

During 1887, in the state of Alabama, the criminal case Parsons v. State established the irresistible impulse test (Wallace and Roberson 96). If the accused could show that while suffering from a disease of the mind at the time the criminal behavior occurred, that he/she could not control his/her behavior, then the accused would be found insane. This case involved the removal of the district attorney after he did not resign from his office in the state of Alabama due to unprofessional conduct while holding a public office. The court ruled that Parsons was unable to control his behavior due to a disease of the mind and thus had to be forcefully removed from office.

It was not until the following century that the next wave establishing a new standard for insanity surfaced in the United States. In 1954, the case Durham v. United States came before the U.S. Supreme Court; this case did away with the M’Naghten right or wrong requirement and instead stated that: “a person is insane if he committed a criminal act that was a product of a mental disease or defect” (Wallace and Roberson 96). This standard identifies the accused’s mental illness as the cause of the crime. Breaking and entering was the crime in this case, and the accused was shown to be mentally ill, as he had been hospitalized numerous times for his illness.
Again, due to the accused’s mental illness, he was found to be insane and not guilty of the crime; the accused was then placed back into a mental institution.

One year after the Durham case, the American Law Institute’s Model Penal Code implemented the substantial capacity test in 1955. This test can be found in the Model Penal Code and is as follows:

1. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminality (wrongfulness) of his conduct or to conform his conduct to the requirements of the law.
2. As used in this Article, the terms mental disease or defect do not include abnormality manifested only by repeated criminal or otherwise antisocial conduct. 

(Wallace and Roberson 96)

The substantial capacity test centers on the accused’s lack of self-control, which led to the accused committing the crime, as the accused was unable to follow the law. This test again brings up the notion that the accused suffered from a mental disease or defect at the time the crime occurred, and this mental disease or defect prevented the accused from having the proper substantial mental capacity required to appreciate the wrongfulness of his/her conduct. Because of the many aspects this test considers when determining whether an individual was sane at the time the crime occurred (mental disease or defect, substantial capacity, wrongfulness of conduct), this standard has become the most widely adopted of the insanity standards, and many states continue to use the substantial capacity test today.

The federal government, in order to shift the burden of proof onto the defendant, passed the Insanity Defense and Reform Act of 1984, which added the severe mental disease test to the standards of insanity. This test is again based on the mental illness of the accused, which does not allow the accused to “appreciate the nature and quality of the wrongfulness of his or her acts” (Wallace and Roberson 96). However, this test only applies to federal cases, and, as mentioned
above, shifts the burden of proof to the defendant to show that they were insane at the time the crime occurred.

The **German Criminal Code** (*Strafgesetzbuch*, most recent version was updated in 2009) also has a definition of insanity. This definition is as follows: “any person who at the time of the commission of the offence is incapable of appreciating the unlawfulness of their actions or of acting in accordance with any such appreciation due to a pathological mental disorder, a profound consciousness disorder, debility or any other serious mental abnormality, shall be deemed to act without guilt” (German Criminal Code 1). When compared to the U.S. definition of insanity, several similarities surrounding the concept of insanity in the criminal process can already be seen in this definition. The German definition of insanity also involves an accused who, while suffering from a mental disorder, is unable to appreciate the wrongfulness associated with the crime they committed and instead of being found guilty of the crime, will instead be found insane. Now that the current state of affairs surrounding the insanity defense in both the United States and Germany is understood, as well as past developments of the defense in the United States, it is time to take a look at the historical developments that led to the insanity defense that Germany has today.

### 0.1 Historical development of insanity defense in Germany

It was not until Germany became its own country in 1871 that actual laws concerning the insane first began to be officially recognized by the German government, several hundred years later than the first mental asylums that were mentioned above. The old law from 1871 concerning insanity, in comparison to the insanity laws Germany has today, is as follows:

Criminals who have committed their crimes during insanity, according to Par. 51 of Penal Code (*Reichsstrafgesetzbuch*) are not liable to any judicial prosecution; they are generally, through the intercession of the police court as described under
section 1, put into the asylums, where they are retained until eventually cured. (Harrison 1079)

Criminals who are declared insane are placed in a mental institution; once these individuals are “cured,” only then are they removed from the mental institution and placed within a correctional setting. The law goes further and, like the U.S., has a clause detailing what to do if the accused is declared insane at the time of trial. Again, the accused is placed within a mental hospital setting until declared fit to stand trial. In order for the accused to be declared fit to stand trial, the attending physician at the institution had to examine the accused and declare them “cured”; the accused would then be released from the mental institution and placed on trial.

One of the first documented German mental institutions with a focus on treatment opened in the province of Brandenburg in 1879 (Harrison 1043). Like many institutions today, the asylums in Brandenburg cared for and treated those persons who had been deemed mentally ill (normally after an examination by the attending physician); charities paid for the expenses accrued by the asylums. Some of these patients had committed a crime, while others had been placed in the institution by their families. Like today, there were only a limited number of beds, and at times, those who had been deemed mentally ill were unable to enter the asylum and were turned away, usually placed back in the care of their families, or at the very least, those who could afford to take care of their family members. However, in compliance with Germany’s definition of insanity in its Criminal Code, once a crime has been committed by the accused, he/she will be placed in a mental institution instead of confinement until they are cured. Even today, Germany still has 150 fully-functioning psychiatric hospitals (Diefenbacher 95).

One monumental difference between Germany’s and the U.S.’s insanity defense is that the insanity defense is relatively easier to prove in Germany than in the U.S. During the early twentieth century (1920’s and 1930’s), a diagnosis of psychosis from a licensed psychologist was
enough to prove a plea of insanity in Germany (Ko 9). However, Germany soon became a bit more cautious. This is seen during the 1950s and 1960s when the prevailing view shifted to require a more careful and documented scientific analysis, with an expert psychologist’s opinion required at the time of trial (Ko 9). Influenced by the U.S., Germany would then later adopt a version of the M’Naghten rule in 1993; this section of the German Penal Code was known as the “Incapacity Criminal Capacity Because of Mental Disorder” (sic) (“Schuldunfähigkeit wegen seelischer Störungen”), which is very similar to what Germany has in its penal code today (Strafgesetzbuch 1). This section read:

A person is not criminally responsible if at the time of the act, because of a psychotic or similar serious mental disorder, or because of a profound interruption of consciousness or because of feeblemindedness or any other type of serious mental abnormality, he is incapable of understanding the wrongfulness of his conduct or of acting in accordance with this understanding. (Ko 9)

Again, this section mentions the accused suffering from a psychotic or serious mental disorder, and due to this disorder, the accused is unable to understand or appreciate the wrongfulness of the conduct that led the accused to the commission of the crime. In comparison to M’Naghten, this standard does not mention the accused having any form of reason at all, meaning the inability to understand their conduct, but rather just some sort of mental condition, whether it is a psychotic disorder, a serious mental disorder, an interruption of consciousness, feeblemindedness, etc. in order for the insanity plea to be valid. Another difference between this standard and M’Naghten is the fact that M’Naghten only mentions the accused’s mental condition and not an interruption of consciousness or feeblemindedness. Both standards, however, do address the accused being unable to appreciate the wrongful nature of the conduct. This inability to understand or appreciate wrongful conduct is still seen today under the insanity
section of Germany’s penal code, as well as the United States’ section of federal law defining insanity.

0.2 Practical issues in attempting an insanity defense in Germany vs. US

To prove insanity in the U.S. at the federal level, the standard required is known as “clear and convincing evidence,” which means that more than two thirds of the evidence brought forth during the proceedings of the case favors the side trying to prove this standard (Wallace and Roberson 98). The defense is responsible for proving insanity not only in Germany but also in the U.S. As a legal standard in the U.S., clear and convincing evidence can be quite subjective (but yet still remains difficult to prove, as the standard is so high); regardless, this subjective nature of clear and convincing evidence is why this standard is used in insanity pleas. Subjective nature implies insanity pleas that are easier to prove, as no strict objective test exists when dealing with insanity pleas. Each case of insanity is different, hence the subjective nature. The burden of proof for proving insanity in Germany is known as the balance of probabilities which means “more likely than not,” or, in the case of the defendant trying to meet this burden of proof, the defendant was “more likely than not insane at the time the crime occurred” (Ahn-redding 73). This standard is similar to the U.S. standard; however, it is still easier to prove in Germany than in the United States, as the burden of proof balance of probabilities is even more subjective than the U.S.’s clear and convincing evidence. Judges also have more power and control in Germany’s legal system compared to the greater power juries have in the U.S.

At the state level in the U.S., however, the burden of proof is actually higher - one level higher than clear and convincing evidence - and is known as “beyond a reasonable doubt.” This means that more than ninety percent of the evidence that has been presented during the case proceedings must favor the side who is trying to prove this standard. Because this standard is
even higher than the U.S. federal government’s clear and convincing evidence, beyond a reasonable doubt is almost impossible to prove, as the stakes are extremely high in a criminal case for determining punishment (the death penalty may be a possible punishment in a murder case, for example, and this is also a punishment that cannot be reversed once implemented), especially one in which insanity is an issue. “Because of the complexity of this form of defense, it is normally raised only in the most serious cases, such as murder” (Wallace and Roberson 94). However, pleas of insanity (and diminished responsibility) still occur. One can argue that such pleas are more common in the German legal system than the American legal system. This arose, in part, due to the result of a national inquiry into mental health services, as well as increasing awareness by the German public of developments within the legal and medical fields concerning individuals labeled as “insane;” this awareness especially grew during the 1970s in Germany (Diefenbacher 95-96). Now that the historical developments of the insanity defense in Germany have been understood, it is time to take a look at how these same developments have evolved in German literature from the enlightenment period to the expressionism period.

0.3 Evolving views of criminal insanity in German literature

Goethe’s *Faust* serves as a relevant starting point to the understanding and portrayal of insanity in German literature. As a prime example, Gretchen’s crimes in *Faust* (killing her mother and drowning her child) can be argued as cases of insanity. In Hoffmann’s *Der Sandmann*, one sees Nathanael’s downward spiral into insanity in the story, insanity that is caused by irreversible childhood trauma (trauma as a concept was also just emerging during the romanticism period). Hoffmann’s story ends with Nathanael’s death; during one of his fits of madness, Nathanael attempts to throw the love of his life, Clara, over a tower balcony, is unsuccessful, and then throws himself over the balcony instead. *Bahnwärter Thiel* by Gerhart
Hauptmann relates the story of Thiel, whose second wife kills the child from his first marriage; this drives Thiel to insanity, leading him to kill both the second wife and the child he had with her. Elias Canetti’s *Die Blendung* serves as a final example in the development of insanity in German literature, as Canetti’s work tells the story of Herr Doktor Peter Kien, who also slowly goes insane during the story’s procession. Kien also slowly retreats deeper into himself and his madness, until, like Nathanael, he commits suicide, but by setting his library on fire. This thesis will demonstrate how the literary view of insanity develops from considering it almost a metaphysical issue (Goethe); to an artistic/demonic possession in the case of Hoffmann; to a force of nature (Thiel); to a Freudian (or anti-Freudian) perspective with Canetti.
CHAPTER 1: GOETHE’S *FAUST:

MEDIEVAL DEMONS IN THE AGE OF ENLIGHTENMENT

“Goethe war sein Leben lang von der Gestalt Faust und dem Thema “Pakt mit dem Teufel” fasziniert” (Maierhofer and Klocke 39). The legend of Faust, as told in The Harvard Classics in an excerpt from Goethe’s biography (written by an anonymous author), is as follows:

It is worthwhile to say something of the history of the story on which it is founded—the most famous instance of the old and widespread legend of the man who sold his soul to the devil. The historical Dr. Faust seems to have been a self-called philosopher who traveled about Germany in the first half of the sixteenth century, making money by the practice of magic, fortune-telling, and pretended cures. He died mysteriously about 1540, and a legend soon sprang up that the devil, by whose aid he wrought his wonders, had finally carried him off. (The Harvard Classics 1)

Maierhofer and Klocke state that Goethe’s life-long fascination with this legend surrounding the devil drove him to write one of the most-well known, legendary works of all time: *Faust.* (39). This is a story that has been told over and over; the influence of this story reaches far and wide, numerous versions of the legend and spin-offs based on Goethe’s tale abound. Goethe’s *Faust* is broken into two parts. The first part addresses the legend of Faust; however, the first part also delves deeply into the story of Gretchen, Faust’s lover.

Though written in 1808, the setting of *Faust* actually takes place at the end of the Middle Ages. Thus, the story perspective takes two forms: “erzählte Zeit” and “erzählende Zeit.” The difference between the two is noted as follows: “Erzählende Zeit wird definiert als *Dauer des (Vor-)*Lesens einer Geschichte - also: wie lang man braucht, um die Geschichte zu lesen* (meist in Seitenzahlen angegeben). *Erzählte Zeit bezeichnet die Zeitspanne, in der sich das Erzählte abspielt* - also: welcher Zeitraum *beschrieben* wird” (Kreszenz 1). “Erzählende Zeit” means the length or the time it takes to write or tell a story (or, in this case, to give a performance of the play). *Faust* was written by Goethe during the enlightenment era, so this is the “erzählende Zeit”
part of the story. However, *Faust* actually takes place during the end of the Middle Ages, which is the “erzählte Zeit” part to the story.

The form “Zeit des Erzählens” is also related to the above-mentioned forms “erzählte Zeit” and “erzählende Zeit.” This refers to when the story (or in this case, a play) was written (Hagel 247). Even though the play is about the Middle Ages, Goethe wrote this work during the age of Enlightenment. Hence, the age of Enlightenment is the “Zeit des Erzählens.”

Gretchen loves Faust and will do just about anything to please him (“Sonst hab ich dir ja alles zulieb getan”) (Goethe 134). In the course of the story, Gretchen kills her mother and drowns her child. She has a sexual encounter with Faust, who later says in reference to this, “Und ihr Verbrechen war ein guter Wahn” (Goethe 129). This sexual encounter was enabled through the murder of Gretchen’s mother, who would not have allowed her daughter to have the sexual encounter otherwise. One can hypothesize that this first murder and sexual encounter that resulted from this murder, led to the second murder. It can be further argued that Gretchen was insane when this second murder was committed. This second murder, one can continue to hypothesize, was committed by Gretchen under duress brought about by society’s rejection of her due to her having a child out of wedlock.

1. Höhn and Brandt: Two Noteworthy Infanticide Cases that Inspired the Character “Gretchen”

The courts condemning Gretchen to death for her crimes was the clear verdict during the “erzählte Zeit” of the middle ages. But what was Goethe’s motivation for enacting such a “crime and punishment” on the early 19th-century stage? One possible reason is that Goethe had been involved in several infanticide cases that occurred during the 18th century.

On November 28, 1783, Johanna Catharina Höhn lost her head for infanticide. As a Privy Councilor to Carl (or Karl) August, Grand Duke of Saxe-Weimar-Eisenach, Goethe was presented with the case of Höhn, a 24-year-old unmarried servant girl who cut her newborn son’s throat. Infanticide was an Enlightenment
wedge issue touching not only evolving standards of humane criminal justice, but 
“as the main eighteenth-century area of conflict surrounding social repression and
female sexuality.” Was it justice to put mothers to death for infanticide? Was it
efficacious for a state to do so — given that such crimes were committed in a state
of desperation that might negate deterrence, and that the offenders attracted the
pity of potentially unruly scaffold mobs? Eleven years earlier, Goethe had
witnessed the same event — another mother losing her head for the crime of
infanticide. (Executed Today 1)

The case in question, which had occurred eleven years earlier, on January 10, 1772, was that of
Susanna Brandt, another mother who had also been beheaded for the murder of her infant child
(Executed Today 2). However, the circumstances in Brandt’s case were somewhat different than
those in Höhn’s case.

The orphand maid, not yet 26, had the previous August given birth to the child
of a passing goldsmith who had drugged and seduced/raped her. Brandt got rid of
the child, and when caught hysterically attributed the murder to infernal
influence. (Executed Today 2)

Many argue that Susanna Brandt was Goethe’s inspiration for the character of Gretchen; Goethe
had also started writing Faust in 1772 and thus, was still working on it during Catherina Höhn’s
case, which only gave Goethe further background knowledge and inspiration for his work.

However, much controversy exists regarding Goethe’s judgment call to have Höhn
executed in 1783. Wilson explains, “it was more controversial in Classical Weimar than might
have been expected; the execution of Höhn was actually seen as a human rights issue in Classical
Weimar and was also seen as a violation of enlightenment principles” (7-8). These principles, for
example, included taking responsibility for one’s own actions; however, in addition to this, one
was also expected to treat everyone around them with respect and fairness. Humanity was
continuing to develop and to recognize that at times, extenuating circumstances may exist in a
criminal case; infanticide was no exception, and the death penalty for the crime of infanticide
was suddenly called into question and was not even implemented in all infanticide cases. Some
women were even released from prison after having been convicted of this crime! Wilson explains:

Several of the women convicted of infanticide who were sentenced to life imprisonment were in fact released for good behaviour. For example, Margaretha Sophia Rost was freed after five years, married and lived to the age of 83; then, in the case of Dorothea Altwein, she was pardoned after seventeen years. (11)

Not only was the death penalty considered to be a violation of enlightenment principles, according to Wilson, but it was also found to have no deterrent effect on the women committing this crime (16). In addition, infanticide was a crime that ended up in the spotlight during the enlightenment era, with public executions for this crime being incredibly vulnerable to riot outbreaks and a loss of crowd control, as those witnessing the executions felt pity for these women.

Yet, Goethe unquestionably cast his vote for Höhn’s execution. Wilson sees this as due, in part, to his close friendship with the Duke, as well as to Goethe’s own beliefs in regards to women committing the crime of infanticide.

Goethe’s vote carried considerable weight. How could it not? He was the duke’s best friend and thus easily the most powerful member of the Council after Carl August because of his immense influence over him. Goethe unquestionably cast his vote to retain the death penalty for a crime that was widely seen in his time as resulting from social injustice and harbouring wide potential for extenuating circumstances (in principle, not only in particular cases). His vote thus ran entirely counter to his depiction of the case of Margarete in Faust, in which ‘extenuating circumstances’ abound. On top of that, Goethe never approved of human rights or expanding human rights; he was always a proponent of the death penalty. (Wilson 26-29)

It is worth noting, however, that the Duke himself had a different opinion on the matter of executing women who had committed the crime of infanticide. In his research on the Duke’s reading materials and correspondences with fellow officials in Weimar, Wilson found that the Duke thought of the death penalty as being the harshest punishment one can impose on mankind
(“Der Tod ist und bleibt, meines geringen Ermeßens, allezeit die härteste Strafe vor die Menschheit”) (12). The Duke even proposed having the death penalty abolished for the crime of infanticide; however, his councilors were not unanimous in agreeing with the duke’s proposal (Wilson 20).

However, by the end of the enlightenment era, use of the death penalty had decreased, including for the crime of infanticide. Social, economic, and psychological factors were argued to lead to reduced mental culpability in criminals at the time their crimes were committed, and thus, if criminals could not be fully responsible for their crimes, then how could one execute them for their crimes? For cases of infanticide, another reason given for eliminating the death penalty is that the woman would necessarily have been in a state of temporary insanity at the time of the killing, as is evidenced in Goethe’s *Faust* (Wilson 20-21). Although not officially recognized in the legal codes, this was a foreshadowing of what was to come in Germany with the implementation of future insanity legal codes, as well as what was to make up the insanity defense itself.

Yet, if the Duke felt so strongly against the use of the death penalty, then why did Goethe still vote to execute Höhn? And why did he have Gretchen executed in *Faust*, even though he clearly shows during the story that extenuating circumstances like duress and society’s disapproval against unwed mothers did exist? Perhaps Goethe felt conflicting emotions after all, and by writing *Faust*, hoped to show what was happening during the enlightenment era. Goethe was writing about the issues taking place during the time period in which he lived in, which was the era of the enlightenment. By writing *Faust* and demonstrating Gretchen’s punishment for her crime of infanticide, Goethe was also showing the fate that awaited young women who committed the crime of infanticide – namely that of death. Perhaps too that Goethe hoped to
come to peace with his decision for the execution of a young mother (Höhn), as there was an irreolvable conflict here. Goethe had two different jobs to do – both as a lawyer and an author – and these views conflicted, as Faust shows a more sympathetic view on the part of the reader towards Gretchen when she sentenced to death for her crimes. This sympathetic view is in contrast to the view Goethe showed when he sentenced Höhn to death for her crime. Now that Goethe’s legal experience in judging infanticide cases is understood, it is now time to take a look at the actual story itself.

1.1 Possessed by the Devil and Enlightenment Principles

As mentioned above, though written in 1808, the action of Faust actually takes place at the end of the Middle Ages. During the end of the Middle Ages, there was no consistent concept of “insanity,” which was more often explained as demonic possession. One can argue that Gretchen was “possessed by the devil” when she committed her double murders, thanks to Faust’s pact with the devil, Mephistopheles, in Goethe’s story. Gretchen even suspects something of the sort and mentions this in a conversation she has with Faust concerning religion: “Der Mensch, den du da bei dir hast, ist mir in tiefer innerer Seele verhasst...Auch wenn er da ist, könnt ich nimmer beten” (Goethe 101-102). In this scene, Gretchen tells Faust she is unable to pray when Mephistopheles is around her. Even though Faust was the one who made the pact with the devil, this pact was slowly transferred onto Gretchen, and her inability to pray whenever Mephistopheles was around is one example that demonstrates this.

It is only when Gretchen is in prison that she returns to her senses and realizes what she has done and that she is being put to death for her crimes. Even though Gretchen was insane, or “delusional,” according to Goethe, at the time the crime occurred, at the end of the story, Gretchen realizes her sins and accepts her death sentence as just (129). (“Gericht Gottes! Dir hab
ichi mich übergeben! ... Dein bin ich, Vater! Rette mich!”) (Goethe 135) Morally, Gretchen realizes that what she did was wrong, and she knows she is guilty. Gretchen is also aware of the crimes she committed, that of killing her mother and drowning her child (“Meine Mutter hab ich umgebracht, mein Kind hab ich ertränkt”) (Goethe 132). However, Gretchen also knows there is no changing the court’s mind, that the decision has been made for her to die, and in the end, she gives in to her fate and knows it will not do her any good to flee her situation (“Ich darf nicht fort; für mich ist nichts zu hoffen. Was hilft es fliehen?”) (Goethe 133). Yet, at the end of the story in the final scene, instead of being condemned for all eternity to hell, Gretchen is saved because she has realized the immorality of her sins and has taken responsibility for them (“Sie ist gerichtet!” “Ist gerettet!”) (Goethe 135).

During this time period (18th century), infanticide and its prevention was a favorite theme of the criminologists (ExecutedToday 1). As one of the main virtues of the enlightenment, taking responsibility for one’s actions plays a role in the crime of infanticide, as the mother (and father, too, by way of modern-day thinking) is responsible for the care of her child and needs to see that no harm comes to her child. Killing a child goes against the virtues and morals of the enlightenment, as one can argue that the killing of a child means that the mother is unwilling to take charge for the care of her child. It is also a violation of the rights of the child, as it was expected that parents take care of their children. This is also in line with enlightenment principles.

However, one must ask, as is seen above, is it just to condemn mothers to the death penalty for the killing of their child? One can argue that Gretchen was placed in a desperate situation, as she was faced with the stigma placed on her by society for having a child out of wedlock. Gretchen herself even recognizes the stigma society will place on her; she is also aware
that in order to support herself and her child she will be reduced to the harsh life of a beggar on the streets: “Es ist so elend, betteln zu müssen, und noch dazu mit bösem Gewissen! Es ist so elend in der Fremde schweifen, und sie werden mich doch ergreifen” (Goethe 133). The crime she committed of murdering her child, one can theorize, could be a situation of duress, as mentioned in the line above when Gretchen recognizes that she will be reduced to the life of a beggar, as society will not support her. Thus, Gretchen was clearly not functioning at her normal mental capacity; thus, was she worthy of receiving the death penalty? The above-mentioned cases from 1772 and 1783 highly influenced Goethe when he wrote Faust and also raise this same question of receiving the death penalty for Susanna Brandt and Johanna Höhn. One can argue that this was a sign of the times (enlightenment era), and criminals were expected to take responsibility for their actions, and that included mothers killing their children.

Being able to reason and to take responsibility for one’s self and one’s actions were central to the enlightenment, the period in which Goethe’s Faust was written. “Nicht nur der Einzelne soll ein besserer Mensch werden, sondern die Menschheit soll sich höher entwickeln” (Maierhofer and Klocke 33). Not only should one person try to better him/herself, but all of humanity as a whole should further develop itself. One could argue that this was a reason for why the courts condemned Gretchen to death for her crimes, even though one can argue she was insane at the time she committed her crimes.

1.2 Society is Partly to Blame

One can also question society’s role in Gretchen’s death and could even go so far as to place part of the blame on society for her death, as well as the lifestyle she would be forced to lead; namely, that of a prostitute or a beggar in order to support herself and her child, as society’s reaction to women having children out of wedlock is to shun them. Gretchen’s brother, Valentin,
even hints at something of the sort before his death, which was caused by Faust himself: “Du bist
doch nun einmal eine Hur…Du fingst mit einem Heimlich an, bald kommen mehrere dran, und
wenn dich erst ein Dutzend hat, so hat dich auch die ganze Stadt’” (Goethe 109). If one needs to
be a part of society in order for society to function wholly, then shouldn’t society be supporting
Gretchen in her time of need, realizing she knew she made a mistake and felt guilty for having
this child out of wedlock? In addition, should society as a whole have realized that something
was just not right when Gretchen committed her crimes? Should society have realized that
Gretchen was not acting within her full mental faculties and have sentenced her under
diminished responsibility instead? Society should have stepped in when Gretchen needed
assistance and given her the aid she needed so that she would have been able to better herself and
become a productive member of society again, in accordance with the enlightenment principles.
Yet, society did not do so, and hence, this is where society’s guilt comes into play.

Reason and the ability to reason are also seen in several parts during the progression of
Goethe’s story. For example, when Faust is returning to his study room with the black poodle,
who is really Mephistopheles, the devil, in disguise, Faust feels reason and hope are beginning to
appear in his life again after he hears the church bells and goes for a walk with Wagner on Easter
Sunday: “Vernunft fängt wieder an zu sprechen, und Hoffnung wieder an zu blühen” (Goethe
35). Faust was always trying to better himself, as he strove to try and know everything,

Again, this brings up the question of whether or not society is also to blame for
Gretchen’s crimes. Goethe’s own legal reasoning plays a part here, as by sentencing Höhn to
death for the killing of her child, society would be forced to confront its own responsibility in
infanticide cases. If society as a whole should, according to enlightenment principles, work to
better itself, then why was Gretchen excluded from society and condemned to death for her
crimes? The role of society during the enlightenment time period should have stepped in, helped Gretchen return to her senses and make her aware of the wrongfulness of her crimes, which she did realize anyway at the end of the story once she had returned to her senses, which would have allowed Gretchen to better herself again and thus become part of the greater, overall betterment of society.

1.3 Faust’s Role and (Lack of) Responsibility

And speaking of Faust, what about his role in the story? Should one consider him guilty as well, since he fathered the child and should, according to enlightenment principles, be held responsible for his actions as well? Mephistopheles actually questions Faust about this and reminds Faust that he too has “shed blood in the city,” which makes him guilty too (“Wisse, noch liegt auf der Stadt Blutschuld von deiner Hand”) (Goethe 129). This blood refers to not only killing Valentin, as the devil “made him do it,” but also for playing a role in the death of Gretchen’s mother. Initially, he persuaded Gretchen to give her mother a potion to make her sleep at night so that he could come visit her; this potion is what killed Gretchen’s mother (“Hier ist ein Fläschen! Drei Topfen nur in ihren Trank umhüllen mit tiefem Schlaf gefällig die Natur”) (Goethe 102). Gretchen responds by remarking how much she has done for him already: “Ich habe schon so viel für dich getan, dass mir zu tun fast nichts mehr übrig bleibt” (Goethe 102). This means that Gretchen has only one thing left to do - consummate her relationship with Faust - so, with almost nothing to lose, what’s one tiny murder along the way, even if that may not be her intention? Yet, if it happens, what does it matter as long as she is with Faust?

Faust also tries to rescue Gretchen at the end and get her to flee with him (further committing another crime by fleeing from the law) but is unsuccessful. Before this rescue mission, Faust pleads with Mephistopheles to save Gretchen for him. The question that must be
asked here is whether Faust had the right to make a deal for Gretchen’s soul along with his own. Originally, Faust’s pact was with Mephistopheles alone; now, he is bargaining for Gretchen, too. Is this a sign of the times – that women were unable to speak for themselves and thus had to have a man speak for them? Gretchen was unable to defend herself in front of the court who condemned her to death for her crimes. However, in God’s court, the highest court of all, all people to Him are the same – men, women, and children – and, as is seen at the end of the story, when Gretchen is pleading with Him to save her, He redeems her.

One can argue that Faust did not understand Gretchen’s conduct at the end of the story, as Gretchen knew she was responsible for the crimes she had committed and had to accept the punishment for those crimes. Faust, on the other hand, did not want to accept or share any responsibility in the death of Gretchen’s mother. One could go so far as to place blame on Faust as well for the murder of his child; even though Gretchen was the one who killed the baby, Faust is just as guilty for knowing about the child and not being willing to take responsibility for his own child.

Perhaps another reason why Faust could not understand Gretchen’s conduct at the end of the story is that she was, in fact, hallucinating. At first, Gretchen does not even recognize Faust when he appears at her cell to try and rescue her.

Gretchen: ‘Das war des Freundes Stimme!...Wo ist er?...Erkannt ich den süßen, den liebenden Ton.’ Faust: ‘Ich bin’s!’

Gretchen: ‘Du bist’s! O sag es noch einmal!...Er ist’s! Er ist’s!...Und bist du’s denn? Und bist du’s auch gewiss?...Dir auch – du bist’s! Ich glaub es kaum…Da sitzt meine Mutter auf einem Stein…der Kopf ist ihr schwer, sie schliefl so lange, sie wacht nicht mehr…Mein Hochzeittag sollt es sein!...Stumm liegt die Welt wie das Grab!’” (Goethe 132-134)

Gretchen thinks she hears Faust’s voice, and he tries to assure her that it is him; however, she refuses to go with him. Further, Gretchen hallucinates about her mother; she thinks she can see
her mother sitting there on a stone by the mountains, but her mother’s head is heavy, and she sleeps and sleeps, never waking up again. In her mind, Gretchen also thinks it should be her wedding day, and to her, the world is already feeling as cold as the grave.

Gretchen is extremely delusional at the end of the story, raving about Faust, the crimes she has committed, as well as the blame society has placed on her and her hope (though she knows it is a slim hope) to be redeemed in God’s eyes. An example of this is first seen when Faust first comes to rescue her, she actually thinks it is death knocking at her cell door instead: “Weh! Weh! Sie kommen. Bitter Tod!” (Goethe 130). Then, when she finally does recognize Faust, she thinks his hands are covered in blood and feels he grabs at her like a murderer would:


Her inability to recognize what is around her or make distinctions between her thoughts (insane versus rational) clearly shows her insanity at the end of the story, which Faust is unable to comprehend when he comes to rescue her. In the end, he is forced to leave her, as time has run out to save her, as Mephistopheles tells him they must leave, otherwise he will leave Faust with Gretchen: “Komm! Komm! Ich lasse dich mit ihr im Stich” (Goethe 135). The morning comes, and Gretchen will be executed for her crimes.

Gretchen and Faust also have two completely different mindsets. As mentioned above, though written in the enlightenment, the actual plot of the story takes place at the end of the Middle Ages. The era afterwards is one of progress, moving towards the renaissance era. Goethe places these two worldviews (end of Middle Ages versus a new era of progress) against one another in the characters of Gretchen and Faust. Gretchen, one can theorize, still has the Medieval mindset, that of a simple, religious person, which is again evidenced when she gives
herself over to God’s court: “Gericht Gottes! Dir hab ich mich übergeben!” (Goethe 135). On the other hand, Faust is himself a symbol of the times, as he is a being always moving towards progress and knowledge, as evidenced by his desire to know everything: “Habe nun, ach! Philosophie, Juristerei und Medizin, und leider auch Theologie! Durchaus studiert, mit heißem Bemühen. Da steh ich nun, ich armer Tor! Und bin so klug als wie zuvor” (Goethe 13). Perhaps this is another reason why Faust failed to understand Gretchen’s conduct at the end of the story, as their viewpoints on life are different, as well as their mindsets – Faust’s mindset is in the era of progress, while Gretchen’s is still in the Middle Ages.

Goethe’s writing of this legend fits well into the enlightenment era, as Gretchen at the end of the story thought about the crimes she had committed and accepted her fate of death. This fits well with the idea of every person accepting responsibility for his/her actions during the time of the enlightenment, which Gretchen did and paid the ultimate price for - her life. The next chapter of this thesis will address a separate issue of insanity: being unable to accept responsibility for one’s actions, as will be seen in Hoffmann’s Der Sandmann.
CHAPTER 2: HOFFMANN’S *DER SANDMANN* AND
THE EMERGENCE OF THE INSANITY DEFENSE

In the romanticism period, authors broke away from the values of the enlightenment and instead tackled the themes of irrationality, insanity, and madness, to name a few, in their works. An ambivalent attitude of insanity evolving during one’s life-course can be seen in Hoffmann’s *Der Sandmann*, which appeared in 1816. Reason was no longer the main theme for romantic authors, but rather dreams, the irrational, the mysterious, fantasy, feelings, and nature (Maierhofer and Klocke 46). Hoffmann’s *Der Sandmann* encompasses each one of these romantic elements; Nathanael’s behavior throughout *Der Sandmann* is extremely irrational, since he lives in a world of fantasy and irrationality.

2. The Schmolling Case

As an author, Hoffmann himself was a mastermind in creating works where the irrational and fantasy were dominant themes. However, Hoffmann was also a judge, and one of his criminal cases played a role in influencing his writing of *Der Sandmann*.

In 1817, the tobacco-rolling apprentice David Schmolling was found on the outskirts of Berlin next to his mortally wounded fiancée. He admitted stabbing her and was arrested and tried for murder. Although the killing was premeditated, there was no recognizable motive; only some mysterious urge that drove him to the deed. In the absence of a motive for the crime, Schmolling’s lawyer requested the expert testimony of a psychiatrist, a certain Dr. Merzdorff. On the strength of the psychiatric evaluation that Schmolling had not been in control of his mental faculties at the time he committed the crime, the defense argued that the accused was not accountable for the murder... The crime according to Merzdorff, represented an outbreak of Schmolling’s otherwise latent form of madness, neither physically nor mentally recognizable, which medical experts termed *amentia occulta*. The judge refused to accept the medical interpretation and found the accused guilty of murder. The ruling was confirmed by the court of appeals. In his legal brief, the appellate court judge cited recent psychiatric literature, arguing that the medical defense of *amentia occulta* was scientifically unacceptable. The absence of a motive for a deed did not constitute sufficient evidence of the defendant’s insanity... The appellate judge who set forth this decision was ETA
Hoffmann...Yet, the case of Daniel Schmolling is symptomatic of an emerging “struggle of the faculties.” (Von Mücke 521)

This last part of Von Mücke’s explanation of the Daniel Schmolling case – an emerging struggle of the faculties – is very well-suited to describing Hoffmann’s work and the beginnings of recognition of an insanity defense. When Hoffmann wrote Der Sandmann in 1816, M’Naghten did not exist yet, and would not appear until almost thirty years later in 1843, in the English-speaking part of the Western world. However, Schmolling’s lawyer recognized that recent developments in psychiatry could be used as the basis to form a defense along the lines of insanity. Schmolling’s lawyer, as is seen in the case above, was unsuccessful when Hoffmann was an appellate judge; however, the term insanity was beginning to develop in the early part of the nineteenth century, as is evident in Hoffmann’s works and is especially prominent in Der Sandmann. Already, as pertains to romanticism, the relationship between dreams and madness had been recognized, and a working definition of madness existed as well (Foucault 99).

Foucault writes that in madness, man deceives himself and his “relation to truth is disturbed and darkened” (102). This working definition of madness then developed into a definition of insanity in accordance with the legal clauses that would appear during the late 19th century. German authors such as Hoffmann, who had the advantage of first-hand experience with cases of insanity through his work as an appellate judge, were also taking note of recent psychiatric developments in insanity during the romantic era and were also producing works that dealt with this theme.

2.1 Repressed Abuse

In Der Sandmann, as a child, Nathanael is abused by his father’s advocate, Coppelius, after Nathanael has snuck into his father’s workshop while his father was working with the sandman, or so Nathanael assumed, as the sandman turned out to be Coppelius himself. This traumatic scene is described as follows:
Da ergriff mich Coppelius, ‘kleine Bestie! - Kleine Bestie!’…riss mich auf und warf mich auf den Herd…’Nun wollen wir doch den Mechanismus der Hände und der Füße recht observieren.’ Und damit fasste er mich gewaltig, dass die Gelenke knackten, und schrob mir die Hände ab und die Füße und setzte sie bald hier, bald dort wieder ein. ‘s steht doch überall nicht recht! ‘s gut so wie es war! (Hoffmann 9-10)

This is a mysterious scene; it is not entirely clear what happens with Nathanael. Having his hands and feet removed and rearranged by Coppelius clearly is not reality. Human beings would die if this happened to them in real life, as it is not possible to remove one’s extremities, rearrange them, and then expect the human being to be able to carry on and live a normal life again, but the romantic era encompasses this sort of irrationality. During this scene, Nathanael distances himself from the trauma and reality in general, and Nathanael experiences the abuse he receives from Coppelius in a dreamlike (or nightmare, if one prefers this term to “dream”) state; dreams were also a main theme of the romantic era (Foucault 90). Yet, why does Nathanael remember this childhood trauma occurring in this manner: his limbs being removed, rearranged, and then put back the right way again? Because this is a traumatic incident, and the true memory of what happened to Nathanael was repressed. Foucault would concur with Hoffmann here, as delirium, according to him, is “the dream of waking persons,” and delirium and dreams, as evidenced in the history of insanity’s development, can be one of the characteristics of insanity and mental illness, especially when such dreams and delirium become a part of one’s reality.

Hoffmann shows here what Freud would later theorize in his essay “Das Unheimliche.” Freud references Hoffmann in the issue of repression, as well as with the issue of why Nathanael replaced a real memory with a false one. Freud states in his essay: “Für den weiteren Fortgang dieser Szene macht es der Dichter bereits zweifelhaft, ob wir es mit einem ersten Delirium des angstbessenen Knaben oder mit einem Bericht zu tun haben, der als real in der Darstellungswelt der Erzählung aufzufassen ist” (8). It is difficult to discern the difference between when
Nathanael is portraying events that appear in the real world, or events that occur only during his delusions (moments of insanity). At these moments when these events occur during Nathanael’s delusions, the issue of repression appears. By living in a delusional world at times, Nathanael is able to repress the trauma and what really happened to him as a child; he is able to replace the real world around him with one that is not traumatic, one that will not hurt him the way he was hurt in his early childhood.

The trauma does not appear to have any immediate effect on Nathanael’s life; but much later, the appearance of Coppola, an eyeglass seller, triggers Nathanael’s childhood memory and sends him into a downward spiral of insanity. Coppola comes to Nathanael’s door while Nathanael is away at school and tries to sell him a pair of eyeglasses. Nathanael reacts by screaming at Coppola how on earth can he have so many eyes (or eyes for sale?)? (“Toller Mensch, wie kannst du Augen haben?”) (Hoffmann 27). And, more specifically, how can he be selling eyes that belong to so many other people? Nathanael then writes a letter home to Lothar, who is the brother of Nathanael’s beloved, Clara, and tells him not just this story with Coppola, but also shares with Lothar what happened to him as a child.

2.2 The Appearance of a Normal Life

At the beginning of the letter to Lothar, Nathanael writes: “Etwas Entsetzliches ist in mein Leben getreten” (“Something horrible has entered into my life), and Nathanael recounts the meeting with Coppola before launching into the traumatic events of his childhood (Hoffmann 3). At this point in his life, Nathanael is still functioning normally and is able to recognize and share with others in his life the trauma and abuse he experienced as a child. Drawing on the convention of the epistolary novel, Hoffmann uses these letters to allow the reader a glimpse into the minds of his characters, to allow the reader to see where his characters are coming from,
what their thoughts are, and how they perceive the events that occur around them in their everyday life. One must ask oneself, however, whether Nathanael makes the connection here that the unconscious part of his mind is still linked to and traumatized by what occurred to him as a child. Thus, the unconscious part of Nathanael’s mind is still influenced constantly by the traumatic childhood event, the one Nathanael never really completely healed from. One could then further argue that Nathanael does not make the connection (or is simply just not aware of it, or never becomes aware of it); for him, this traumatic childhood event is still a huge part of Nathanael’s every-day life, influencing how he lives and conducts himself around others, which is what also led Nathanael’s mind to slowly spiral into insanity over his life course.

A classic example of the return of the repressed appears in a poem Nathanael writes where Hoffmann allows the reader a glimpse into Nathanael’s unconscious. Nathanael writes this poem during a visit home from the university. The poem is about Coppelius ruining his and Clara’s wedding day. Although the reader never does get a chance to read it (there is only a description of it in Hoffmann’s text), the poem itself is an unusual piece. Hoffmann’s description of it is as follows:


The poem starts off showing Nathanael and Clara in love, then takes a dark twist when Coppelius shows up on their wedding day. Nathanael and Clara are at the altar reciting their vows of
marriage when Coppelius suddenly appears and then comes forward, snatches Clara’s eyes out of their sockets, and throws them at Nathanael (Hoffmann 23). It is as if Clara’s eyes are burning Nathanael; Coppelius then proceeds to grab Nathanael and throw him into a fiery circle, encompassed by hurricane-like forces. While Nathanael is swaying in this fiery roar, Clara’s voice, unbidden, suddenly reaches Nathanael’s ears. She is begging Nathanael to look at her, stating her eyes are right here—what Nathanael is really seeing are drops of his own heart’s blood (Hoffmann 23). Nathanael stops to consider this for a moment and thinks he really does belong to Clara, that he belongs to her forever. But then he looks again at Clara, and it is really death staring back at him, death looking at him with a friendly face through Clara’s eyes (Hoffmann 24).

The return of the repressed is seen in Coppelius’ conduct towards Nathanael. When abused by Coppelius as a child, Nathanael was thrown onto his father’s stove, and his hair was singed (Hoffmann 9-10). This reference to being burned again appears in Nathanael’s poem when Clara’s eyes appear to be burning Nathanael and when Coppelius grabs Nathanael and throws him into a circle of fire. When he stops to think about Clara and how he could have a life with her forever, this is reality talking to him— the chance to put the trauma behind him and move on with his life. Then he looks at Clara again, but instead of seeing her face, sees death looking at him. Perhaps as a child Nathanael feared he would die when Coppelius threw him on his father’s stove, and this is why death reappears to Nathanael, namely as a repressed memory.

When Nathanael recites his poem to Clara, she is horrified, a reaction which Nathanael cannot understand, showing that he is starting to lose his sense of reality here. “His mind is almost totally absorbed by the vivacity of certain ideas” (Foucault 90). One can argue that this is certainly the case for Nathanael, as this traumatic childhood event is constantly consuming him.
and not just affecting his life, but also affecting the lives of those around him, namely the people who are close to him, such as Clara, Lothar, and his mother. Clara, by the time Nathanael recites this poem, is frustrated and loses patience with Nathanael. Her reaction clearly shows that enough is enough already: in her mind, Nathanael needs to forget this childish fantasy, Coppelius will no longer harm Nathanael, and it is time for Nathanael to simply move on with his life, as there is no point in dwelling on past events, something Nathanael seems to have a hard time letting go of.

2.3 The Downward Spiral

The downward spiral only continues for Nathanael and is seen next in the scene where Olimpia, Professor Spalanzani’s “daughter,” is stolen from him. As Professor Spalanzani begs Nathanael to go after Coppola (who has become Coppelius in Nathanael’s mind) to rescue Olimpia, he shows Nathanael all that he has left of Olimpia, which are her eyes. Seeing Olimpia’s eyes throws Nathanael into another fit of madness, leading him to attack the professor (Hoffmann 38). Nathanael is placed in a mental institution after this incident. Being placed in a mental institution for a “fit of madness” was quite common during the romantic period; the term “madness” was also more common than the term “insanity.” “Madness” (or “Irrsinn,”) was associated with mental illness, and those suffering from “fits of madness,” as mentioned above, were placed in mental institutions until the person was deemed to be “cured” (Harrison 1043).

When Nathanael attacks Spalanzani, he is not functioning at the height of his mental capabilities. Hoffmann writes: “Da packte ihn der Wahnsinn mit glühenden Krallen und fuhr in sein Inneres hinein Sinn und Gedanken zerreißend” (English translation: “There the insanity seized him with flaming claws and lead to the disruption of his inner senses and thoughts”) (38). Note also that Hoffmann actually uses the term “insanity” in this sentence.
The way Nathanael reacts in this scene centers itself around the simple issue of eyes. Detlef Kremer gives Nathanael’s irrational fear of eyes huge weight in Hoffmann’s work (66). The human eye, Kremer believes, and the fear that Nathanael associates with it, is not only a fantastical element of magic in this story, but also leads to psychological and psychiatric issues for Nathanael (67). Nathanael did indeed have a phobia of human eyes, a phobia that stems from his childhood trauma. Kremer further adds: “in the psychological view of the 'dark side' of the human soul and Nathanael’s traumatic childhood, this figure of 'der Sandmann' becomes a figure of horror” (66). In addition, Kremer states that a fear of losing one’s eyes stems from past times when folktales used to be told around the fire; these tales centered on figures of horror like ‘der Sandmann’ (66). Eyes in general and the loss of eyes in particular, for Kremer, are associated with these horror figures, which ‘der Sandmann’ demonstrates (66). Not only are the eyes associated with figures of horror in the old folktales, but the eyes also demonstrate a magical purpose in literature – not just one of horror – but also one of wonder and a representation of the fantastic.

2.4 A “Figure of Horror” and the Eyes

It can be argued that “der Sandmann” certainly is such a horror figure in Nathanael’s eyes. If one goes back to the initial scene of childhood trauma for Nathanael, Coppelius, as the figure of “der Sandmann,” is the one who initiated the childhood trauma in the first place. He is the one who grabbed Nathanael, which Nathanael was forced to witness, as he was the one being traumatized. This witness of events by Nathanael involves the use of one of a human being’s most powerful and sensitive senses: the human eye. Human beings, from early on in life, process life around them through what they see. How human beings interpret what they see, however, is
an entirely different story altogether, as Nathanael demonstrates by the way his unconscious
distances himself from the trauma that occurs to him.

The issue of the eyes continue to reappear for Nathanael, as evidenced above with the
visit from Coppola when he simply tries to sell him a pair of eyeglasses, and again when
Spalanzani shows Nathanael all that he has left of Olimpia, which are her eyes. These incidents
in Hoffmann’s story that lead Nathanael to have a mental breakdown each time represent the
resurfacing of the trauma Nathanael keeps unsuccessfully trying to repress. Spreizer notes that
this provocative tension between vision and repression in the tale forms the basis of Freud’s
psychoanalytic case study of Nathanael in his essay “Das Unheimliche,” written in 1919 (236).

When writing about Hoffmann’s *Der Sandmann*, Sigmund Freud mentions this
resurfacing of repressed memories in his essay, “The Uncanny” (German: “Das Unheimliche”),
concurring that the human eye is one of the most sensitive of the organs, and thus, also the one
that humans fear to lose the most. In his essay, Freud writes: “Es ist eine schreckliche
Kinderangst, die Augen zu beschädigen oder zu verlieren. Vielen Erwachsenen ist diese
Ängstlichkeit verblieben und sie fürchten keine andere Organverletzung so sehr wie die des
Auges” (Freud 10). Freud goes further into detail explaining this phenomenon: why Nathanael
fears anything to do with eyes to the high degree that he does, letting it affect his later life and
the way he functions and interacts with those who are also a part of his later life. For those
individuals who did experience a traumatic event as a child, events they were forced to witness
(as they were the ones undergoing the traumatic event), this fear of losing one’s eyes never truly
goes away (Freud 27). Instead, this fear remains hidden in the unconscious, unconsciously
influencing life decisions and actions later on in one’s life course. For Nathanael, however, his
reactions are extreme, and readers reading Hoffmann’s story quickly realize that Nathanael’s
mental breakdowns are caused by some sort of mental illness brought about due to this irreconcilable childhood traumatic event. These mental breakdowns only occur, however, when Nathanael’s unconscious can no longer be repressed.

2.5 Nathanael’s Mental Illness: Personality Disorder & Psychoanalytic Theory

So, what kind of mental illness does Nathanael suffer from? Nathanael may in fact be suffering from a personality disorder. According to the Diagnostic and Statistical Manual of Mental Disorders (DSM-5), personality disorders are associated with ways of thinking and feeling about oneself and others that significantly and adversely affect how an individual functions in many aspects of life (1). Personality, as Listwan et al. note, is linked to relapses in behavior and criminal or manic behavior, which also falls under legal insanity codes (166).

Listwan et al. further state:

Individuals, to a certain extent, play a role in creating their own environment; interactions with the environment can serve to strengthen certain personality traits…For example, an individual’s personality can influence their preferences for both friends and situations, their ideologies about how the world works and their own social roles (168).

The people Nathanael is mainly surrounded by in his life are Professor Spalanzani, his “daughter” Olimpia, Nathanael’s mother, Lothar, and Clara. Yet, Nathanael has relapses around them; as mentioned above, for example, he attacks Spalanzani when he sees Coppola kidnap Olimpia, or, Nathanael actually tries to kill Clara by attempting to throw her over the tower balcony (Hoffmann 38, 41). At violent moments like these, which are a trait of personality disorder, Nathanael’s personality changes. Lawson concurs and states that Nathanael does suffer from a pathological disease of the mind, one that influences his personality and his every-day interactions with the people around him (60). Lawson further states: “Nathanael’s preoccupation with events of the past
has been responsible for his distorted view of the present and for his loss of trust in the future. The lack of a harmonious relationship and balance between the three modi is pathological” (58).

From a modern-day Western-world perspective, Akers and Sellers would explain Nathanael’s loss of reason using Psychoanalytic Theory (Akers and Sellers 71). Psychoanalytic Theory is used, in part, to help explain personality disorder. Akers and Sellers explain further: “Psychoanalytic explanations rely heavily on irrational and unconscious motivations as the basic forces behind crime. In psychoanalytic theory, criminal behavior is explained as expressions or symptoms of one or more underlying mental illnesses, emotional disorders, or psychic disturbances” (72). Normally, this is caused by abnormalities or disturbances in the individual’s emotional development during early childhood (Akers and Sellers 71). Psychoanalytic theory is normally referenced in the determination of whether an individual is insane or not.

2.6 A Mental Switch

As Nathanael’s two main love interests, Clara and Olimpia become oddly interchangeable in his eyes during the progression of Hoffmann’s story. Nathanael's confusion of the two is first evident when Nathanael fails to understand Clara’s reaction to his poem about Coppelius ruining their wedding day. Nathanael is not reasoning or attempting to reason with himself or Clara during this scene in Hoffmann’s text; he simply reacts irrationally and labels Clara as a lifeless, damned automaton (“Du lebloses, verdammtes Automat!”) (Hoffmann 25).

Why does Nathanael label Clara as the lifeless automaton when the reader can clearly see that Olimpia is the one who plays this role? One can argue that during one of his mental breakdowns, Nathanael “switches” the roles of the two characters in his head. Clara becomes the lifeless automaton, and Olimpia becomes the new love of Nathanael’s life. The psychological influence Olimpia had on Nathanael was simply profound. Psychiatrist Ernst Jentsch wrote
several articles on the issue of the uncanny (Freud actually based his uncanny essay on Jentsch’s work), specifically mentioning dolls and automatons and the effects such dolls and automatons can have on a person. Jentsch writes “Je feiner der Mechanismus und je naturgetreuer die gestaltliche Nachbildung wird, um so stärker wird auch die besondere Wirkung” (7). This is definitely the case in Hoffmann’s Der Sandmann; Nathanael is unable to discern that Olimpia is not real, since her features were lifelike and thus, during one of his mental breakdowns, he successfully “switched” Clara’s and Olimpia’s roles in his head.

When discussing Der Sandmann in his essay, Freud, in contrast to Jentsch, places more emphasis on the role of the unconscious than anything else. He believed that Nathanael’s switching of the roles that Clara and Olimpia play stems from a wish to return to childhood, before the traumatic event in Nathanael’s life occurred. Freud writes: “Wir erinnern uns, dass das Kind im frühen Alter des Spiels überhaupt nicht scharf zwischen Belebtem und Leblosem unterscheidet und dass es besonders gerne seine Puppe wie ein lebendes Wesen behandelt” (12). Since children are unable to discern between animated and lifeless objects, they treat their dolls as though they were real. For Freud, then, Nathanael is stuck in a state of childhood, namely from the moment the childhood trauma occurred, and though he tries to repress this fact, is unsuccessful and has numerous mental relapses that are caused by this trauma.

The end of Hoffmann’s Der Sandmann shows Nathanael’s life ending in insanity; he first tries to throw Clara off a tower balcony but is unsuccessful and throws himself over the tower balcony instead. Zimmermannski states that in Nathanael’s mind, he reverted Clara back to the role of an automaton (1). During his childhood trauma, Nathanael distanced himself, imagining Coppelius taking apart his limbs before putting them back together again. The same is possible with a doll: taking apart the doll’s limbs, rearranging them, and then putting them back together.
again in their rightful place. Perhaps this is what Nathanael was trying to do to Clara – by throwing her over the balcony, she too would have been taken apart, as she would have broken into pieces, which is symbolic of Nathanael’s unconscious, which is also broken by the end of Hoffmann’s tale. Nathanael had also witnessed Coppola taking Olimpia away in pieces; this memory too could have driven him to attempt to throw Clara off the balcony so that the same thing would happen to her. The loss of Olimpia, who was the new Clara in Nathanael’s mind, transferred to Clara being Olimpia in his mind again, and thus, perhaps Nathanael was hoping to get revenge for Coppelius’ and Coppola’s actions against him. In the end, however, it was too much for Nathanael to handle, and he threw himself off the balcony instead.

Could Hoffmann himself have felt unsettled by the insanity case he ruled on in 1817 and thus by creating a character like Nathanael, sought to come to grips with the developments of insanity that were occurring around him and what would soon be an acceptance and recognition of the insanity defense in the world of legal thought and society itself? During his time in Bamberg, Hoffmann observed Dr. Adalbert Friedrich Marcus, who was head of the insane asylum St. Getreu in Bamberg; Hoffmann was interested in learning about psychic illnesses but always observed with a critical eye (Spreizer 237-238). Further, Spreizer notes that “for Hoffmann, the deeper one delved into the psyche, the more subjective became the diagnosis and the more problematic the cure” (238). Hoffmann shows this failure to cure when Nathanael is released from the mental asylum he had been placed in after attacking Spalanzani but then relapses, tries to kill Clara, but kills himself instead. This failure to cure Nathanael also shows the inadequacy of mental asylums during this time period of the Romanticism era. Little difference existed between a mental asylum and a prison, as confinement, rather than treatment, also served as the main basis when attempting to “cure” mental illness during this time period.
Finally, Hoffmann, as evidenced in *Der Sandmann*, refused to accept the changing waves that brought about what would only be the beginning of the insanity defense.
CHAPTER 3: HAUPTMANN’S BAHNWÄRTER THIEL AND
THE BIOLOGICAL BREAKDOWN

In contrast to Hoffmann, Gerhart Hauptmann in Bahnwärter Thiel shows a more accepting, tolerant view of the developments in the insanity defense. Hauptmann’s tale appeared in 1888 during the naturalism era in German literature; themes common to the naturalism era were social, psychological, and biological issues (Maierhofer and Klocke 106). Maierhofer and Klocke further state: “Im Mittelpunkt stehen die Lebensverhältnisse der Unterschicht” (106). Many naturalist writers subscribed to biological determinism, viewing issues that today might be seen as social or psychological as “natural.” Psychological developments, as noted above, were just beginning to develop during the romanticism era (for example, the first mention of the insanity defense in the Schmolling case). During the naturalism era, the insanity defense was well on its way to becoming established in U.S. criminal codes after M’Naghten in 1843 and the Parsons case in 1887; the German legal codes were just beginning to recognize this defense after 1871. Not only was 1871 the year of Germany’s unification, but also the year new legal codes appeared for the newly-formed country. These new legal codes included an insanity defense. As in Hoffmann’s Der Sandmann, one can argue that Thiel also experiences a downward spiral into insanity; however, this spiral occurs after his second marriage when Thiel discovers his second wife physically abusing his son from his first marriage, and not stemming from a childhood trauma, as in Hoffmann’s tale.

3. Romantic Love vs. the Fallen Woman

Hauptmann’s tale begins with the death of Thiel’s first wife, Minna (the name means “romantic love”), who leaves behind their son, Tobias. Thiel marries again to a woman named Lene (short for “Magdalene,” the fallen woman), and Thiel and Lene also have a son together.
While Thiel works as a signalman by the train tracks, Lene physically and verbally abuses Tobias because he is not her biological son. An example of this verbal abuse is as follows: “Du erbärmlicher Grünschnabel! Meinst du, ich sollte mein leibliches Kind wegen solch einem Jammerlappen, wie du bist, verhungern lassen? Halt’s Maul” (Hauptmann 20).

It is only when Thiel unexpectedly comes home from work early one day (he forgot his lunch and went home to pick it back up) that he discovers the mistreatment Tobias is receiving from Lene. As Thiel approaches his home, he hears Lene swearing and shouting at Tobias; Thiel also hears Tobias whimpering and crying. Thiel’s reaction is as follows:

Thiel feels his heart beating in irregular beats, and he begins to tremble. His reaction threatens to overwhelm him, and as he opens the door to his living room, he finds his wife, her face full of rage. Thiel hardly hears what she is saying to him (she actually asks him why he is home at such an unusual hour) and instead he focuses his gaze on Tobias, who is howling. For a moment it seems that Thiel is violently struggling to hold back something terrible that is building within him; the German “etwas Furchtbares” even suggests the Freudian “Es.” One can argue that Thiel starts to go insane here, as he is struggling to keep control of his emotions, but in the end, Thiel does nothing about the situation, grabs his lunch, and walks back out the door, leaving Tobias still crying.

Why does Thiel leave Tobias crying? What type of father would leave his biological son in that state? Biological problems, according to Maierhofer and Klocke, were an issue during the
naturalism era in German literature (106). Maierhofer and Klocke state: “Wie in einer wissenschaftlichen Studie untersucht der Autor, wie Gewalt entsteht, und fragt, was Davon Vererbung, was Naturgewalt ist” (111). Hauptmann was investigating the origins of violence, namely whether its roots stem from heredity or from the natural forces around us. Lene seems unable to cope with the fact that Tobias is not her biological son, but rather the son from Thiel’s first marriage, and as a result, she mistreats and physically abuses him. Cases of abuse like this still exist today, as not all stepparents who inherit children from their spouse’s previous marriage are able to cope with the fact that they have inherited these children. The reaction that follows from the fact that these are not the stepparent’s “real” or biological child(ren) ends up being abuse when the stepparent is unwilling or cannot accept their spouse’s child(ren). Thiel himself, although he loves Tobias and is Tobias’ biological father, does nothing to prevent Lene from physically abusing the son from his first marriage, a phenomenon that at times, is also seen today, as some parents know their spouse, who may not be the child’s real parent, is abusing the child, but, out of love and respect for the new spouse, do nothing to prevent their own biological child from the abuse they receive at the hands of the new spouse.

Lene is also a very controlling and intimidating individual, whereas Thiel himself is more of a passive and reserved individual. With such a difference in personality between the two, it makes it difficult for Thiel to intervene and prevent Lene from abusing Tobias. Byram concurs in an article she wrote on Hauptmann’s work discussing this issue and writes:

Lene seems at first to represent a female ideal, the answer to a man’s wish. Only later do her faults become visible. Further, Lene is also a blatantly sexualized woman who uses that sexuality to dominate her husband. Her “brutale Leidenschaftlichkeit” (brutal passion) puts him at the mercy of “die Macht roher Triebe” (power of raw drives). (145-146)
The center of Thiel’s and Lene’s relationship centers on power and control, which is at the heart of any relationship where spouse abuse and domestic violence are an issue. But Hauptmann also presents the two characters as “archetypes” of masculine and feminine and not merely as two individuals with different personalities, meaning that although Thiel is willing to care for his family, Lene brings out the worst in him at the end of the story. Minna was able to keep Thiel’s desires and drives in check, but Lene is unsuccessful at this, as Thiel reaches his breaking point after realizing she is to blame for Tobias’ death and kills both her and their second son. Another problem here involves that of the gender roles; in this story, the roles are switched, as Lene is the dominant one and is the one who runs the household – not Thiel. Lene is the one in control.

Even though Minna is only mentioned for a short time in Hauptmann’s text, the contrast between her and Lene could not be starker. The love Thiel had with Minna was romantic and spiritual, while the relationship Thiel has later with Lene is animalistic. Kathrin M. points this out in her article on Hauptmann’s work:

Der Unterschied zwischen Minna und Lene könnte nicht grösser sein: Minnas Zartheit, ihre zerbrechliche, ruhige, ja gar demütige Art steht der Bodenständigkeit, dem starken, leidenschaftlichen Wesen seiner zweiten Frau gegenüber. Obwohl die äusserliche herkulische Gestalt Thiels auf eine robuste Natur schliessen lassen, ist er trotz seiner sehnen Arme nicht der Mann, der ihre Herrschaftsicht in die Schranken weisen könnte. Immer bewusster wird Thiel die Diskrepanz zwischen der durchgeistigten Minna und der triebhaften Lene. (1)

Thiel does become aware of the differences between the two women as the course of Hauptmann’s work progresses; his hallucinations even center on his first wife Minna. Perhaps Thiel, through the hallucinations he experiences, unconsciously wishes that Minna were still alive to look after Tobias, as well as himself, as she is clearly the more loving woman in comparison to Lene. It can be theorized that Thiel even wishes Lene were more like Minna and
perhaps, during his hallucinations, Thiel’s unconscious only portrays Minna and not Lene before his eyes, as he never lost his desires and love for Minna.

As mentioned above, one can argue that Thiel begins to go insane, as he is forced to violently restrain emotions that are threatening to overwhelm him. However, one can argue that Thiel is also unable to register the scene that was just before his eyes (Lene abusing his son Tobias). Perhaps this is the reason why Thiel does not do anything violent or harmful to Lene, as Thiel is in shock and is trying to comprehend what just happened. As he returns to work, his movements are mechanical; however, his thoughts eventually do stray back to the events from several hours ago with Tobias: “Er tat es mechanisch, während sein Geist mit dem Eindruck der letzten Stunden beschäftigt war” (Hauptmann 24).

3.1 The Breakdown Begins

Thiel’s first mental breakdown occurs shortly afterwards when a train goes by where Thiel works. He watches the train come in and then calls out the name of his first wife before waking out of what appears to be a dream to him: “’Minna,’ flüsterte der Wärter wie aus einem Traum erwacht und ging nach seiner Bude zurück” (Hauptmann 28). Thiel returns to his work as if nothing happened before having another relapse during the same shift. His thoughts return to Tobias, and he feels pity for his son and the fact that his son has to put up with such physical abuse while Thiel is away at work. As another train prepares to roll in, Thiel actually thinks he sees his first wife and then thinks he is simply dreaming again. This scene is described as follows:

Thiel riß die Mütze vom Kopfe. Der Regen tat ihm wohl und lief vermischt mit Tränen über sein Gesicht. Es gärte in seinem Hirn; unklare Erinnerungen an das, was er im Traum gesehen, verjagten einander. Es war ihm gewesen, als würde Tobias von jemand mißhandelt und zwar auf eine so entsetzliche Weise, daß ihm noch jetzt bei dem Gedanken daran das Herz stille stand. Einer anderen Erscheinung erinnerte er sich deutlicher. Er hatte seine verstorbene Frau gesehen.
Sie war irgendwoher aus der Ferne gekommen, auf einem der Bahngeleise.  
(Hauptmann 33)

Simply a dream, or is Thiel hallucinating here? According to the National Institute of Mental Health (NIMH), one of the symptoms of a hallucination is seeing a being that in real life is not there, which Thiel is experiencing when he sees, or thinks he sees, his first wife, Minna (1). Hallucinations can be a part of a disease of the mind, thus strengthening the argument for Thiel’s moments of insanity during the course of Hauptmann’s tale (Wallace and Roberson 95-96).

Thiel’s hallucination only goes further later on during his shift when another train approaches the tracks: “Thiel fühlte ein Grauen, und je näher der Zug kam, eine um so größere Angst; Traum und Wirklichkeit verschmolzen ihm in eins. Noch immer sah er das wandernde Weib auf den Schienen” (Hauptmann 35). At this moment, dreams and reality become one for Thiel, and he continues to see Minna on the tracks. Thiel then thinks about Tobias and longs to see him, which one can argue is normal for a father who loves his son and cares deeply about him. However, one can also argue that for Thiel’s dreams to be mixing with his reality and to be seeing his dead wife appearing to him again and again on the tracks is not normal and again falls under the NIMH’s definition of a hallucination.

Hauptmann’s tale only leads to more tragedy for Thiel. One morning, Thiel, Lene, Tobias, and their youngest son are all out in the woods so that Lene can dig up potatoes. Thiel takes Tobias for a walk, enjoying the time he can spend here with his son. As he returns with Tobias and prepares to leave for work, he asks Lene to please keep an eye on Tobias and make sure he stays away from the train tracks so that no harm comes to him. Lene’s reply is only a shrug of the shoulders. Unfortunately, Lene does not keep an eye on Tobias, and he is struck by a train and killed. Lene appears to be upset, and as she leaves with Tobias’ body, Thiel tries to tell himself it is all a dream, just like the dream he had the day before, but to no avail: “Denn es wird ein
Miller 47

Traum sein, wie der gestern” (Hauptmann 50). Thiel also hallucinates again here and tries talking to Minna, begging her to give Tobias back to him, even though she is not there: “Du, Minna, hörst du? Gib ihn wieder.” (Hauptmann 54).

3.2 A Sudden Realization and Uncontrollable Rage

It is also at this moment that Thiel realizes that Lene is responsible for Tobias’ death. Thiel becomes enraged and promises himself he will beat her black and blue: “Und da will ich sie auch schlagen - braun und blau – auch schlagen” (Hauptmann 54). One can argue that Thiel also sinks back into insanity, as Hauptmann writes that a red fog envelops Thiel’s senses: “‘Tobias – sie hatte ihn gemordet – Lene – ihr war er anvertraut - Stiefmutter, Rabenmutter,’ knirschte er, ‘und ihr Balg lebt.’ Ein roter Nebel umwölkte seine Sinne” (Hauptmann 56). Thiel almost kills Lene’s and his second child in this scene out of anger at Lene and the fact that their second child still lives while Tobias is dead, but at the last moment, he is able to return to his senses and releases the child’s throat. The red fog that envelops Thiel’s senses, one can argue, is another hallucination that Thiel experiences, as according to NIMH, hallucinations can also be characterized by seeing patterns or lights that are not really there (1). This red fog existed in Thiel’s head alone. According to NIMH, hallucinations like this are normally caused by delirium or psychiatric disorders (1).

Later that night, Thiel kills both Lene and his child, and when Thiel is found the next morning on the tracks at the spot where Tobias was killed, it is quickly realized that Thiel is not functioning at a normal mental capacity (see Roberson and Wallace). This scene is described as follows:

‘Mord! Mord!’ Lene lag in ihrem Blut, das Gesicht unkenntlich, mit zerschlagener Hirnschale. ‘Er hat seine Frau ermordet, er hat seine Frau ermordet!’…Da lag das Kind mit durchschnittenem Halse…Den Morgen darauf fand ihn der diensttuende Wärter zwischen den Bahngeleisen und an der Stelle
sitzend, wo Tobiäschen überfahren worden war…Der Wärter richtete einige Fragen an ihn, bekam jedoch keine Antwort und bemerkte bald, dass er es mit einem Irrsinnigen zu tun habe. (Hauptmann 64)

Hauptmann’s language here, namely that of labeling Thiel an “Irrsinnigen,” or “madman,” shows Hauptmann’s view of Thiel not just being in a temporary state of madness, but perhaps a fixed state of madness instead, as his mental capacity is greatly diminished. At the end, Thiel is then placed within a mental institution, as he would be unable to stand trial or be placed within a correctional setting due to his diminished mental capacity. Hauptmann leaves the question of whether or not Thiel ever returns to his senses open; the reader can only surmise at what happens to Thiel – does he remain the rest of his life confined in a mental institution?

3.3 Embracing the Mental Institution

Thiel’s placement within a mental institution raises the question of exactly what sort of institution this would have been during this time period of the late nineteenth century and whether such an institution would have had harmful or healing effects for him. Houses of confinement were replaced with asylums throughout the course of the nineteenth century, and it was realized that “madness was only madness” (Foucault 52, 274). What does this mean, though, that “madness was only madness?” This means, according to Foucault, that madness was finally recognized as the mental illness that it truly is (274). However, during the late nineteenth century, patients institutionalized in asylums were subject to control rather than treatment. Even though madness was now recognized as a mental illness, asylum doctors still remained unsure as to “what worked” to “cure” madness, and thus, patients suffering from madness remained confined in asylums instead of receiving treatment that would enable them to be released back into the community. Regardless, the recognition of madness as a mental illness in medical terms carried over to the insanity defense and was now recognized in the courtroom.
Thiel may have been the one to kill Lene; however, one can argue that she is the one really at fault for her death. Byram explains: “Throughout the course of Hauptmann’s text, Thiel suffered loneliness and complete mental and physical debilitation” (148). The cause of his loneliness and physical and mental debilitation can be attributed to Lene and the way she treated Thiel. An example from Hauptmann’s text is as follows: “Er, der mit seinem ersten Weibe durch eine mehr vergeistigte Liebe verbunden gewesen war, geriet durch die Macht roher Triebe in die Gewalt seiner zweiten Frau und wurde zuletzt in allem fast unbedingt von ihr abhängig” (6).

Thiel had a wonderful, spiritually loving relationship with his first wife, but now with his second wife, he has succumbed to her overpowering influence and suddenly finds himself dependent on her for everything. This may be a case of battered spouse syndrome.

Typical symptoms of a battered-spouse syndrome victim include the openly physical ones—bruises, black eyes, broken bones, cuts and scratches. The emotional symptoms include depression, lack of self-esteem, and hopelessness. Sufferers might be "hypervigilant" to any signs of conflict on the part of the spouse. Denial that a problem exists is a common response. (Legal Dictionary 1)

One can definitely characterize Thiel in regards to this definition, as not only does he constantly suffer emotionally from the overbearing power of Lene’s abuse, but he is also in denial that a problem exists, as was evidenced in the scene above when he walked in on Lene abusing Tobias but then just walked right back out of the house again and not doing anything about it.

3.4 Battered Spouse Syndrome & PTSD

Wallace and Roberson then clarify what happens when the battered spouse undergoes a complete mental breakdown, which Thiel does: “Battered spouses may finally be placed in a position of believing they must attempt to kill the abuser or face death themselves” (106). For Thiel, he has already lost what matters most to him – his son from his first marriage, Tobias – and one can argue that he has no fear of death but rather, due to the loss of Tobias, is driven to
the point of a mental breakdown where the only way he can cope with the loss of his son is to kill the person ultimately responsible for his death: Lene. And if he kills Lene, then he may as well kill the child they had together, too, as Lene was always more concerned about him than about Tobias, and thus, this second child is indirectly responsible for the pain Lene caused Thiel.

What would Thiel’s diagnosis be, as the hallucinations Thiel suffered from indicate a mental illness? One could argue that Thiel suffered from Posttraumatic Stress Disorder (PTSD). Wallace and Roberson characterize PTSD as follows: “it is the development of characteristic symptoms following exposure to an extreme traumatic stressor involving direct personal experience” (104). To further clarify this characterization of PTSD, one does not have to have been in a warzone in order to suffer from PTSD; other traumatic stressors, such as the sudden loss of a loved one, or a tragic accident, can also cause PTSD in an individual. The loss of Thiel’s son, Tobias, would qualify as an extreme traumatic stressor. Tull concurs further that hallucinations and flashbacks, of which Thiel had many, also qualify as PTSD symptoms (1). PTSD has the ability to cause those who suffer from it to react in extreme ways, such as harming those around them, especially if the ones suffering from PTSD feel the people around them may even be causing them suffering, which Thiel did feel. An example of Thiel suffering from PTSD is shown in Hauptmann’s text after Thiel receives the news that Tobias is dead. “In dem Augenblick, als der Zug sich in Bewegung setzen wollte, brach Thiel zusammen” (Hauptmann 60). As Thiel is watching his son’s body being transported onto a nearby train to be taken back to his house, Thiel has a mental breakdown on the tracks where his son died. Thiel then, as noted above, realizes Lene is the one responsible for his son’s death and kills her and their remaining child, as he is unable to get past the anger and feelings of loss that overwhelm him. Kathrin M. concurs, writing that the pain was just too much for Thiel to handle: “Zu schmerzlich ward ihm
bewusst, dass sein ganzes, von Trieben gelenktes Wesen, welches ihn in eine Abhängigkeit von Lene stürzte, so schädlich von Minnas beinahe jungfräulicher, tugendhafter Aura abfiel” (3).

Because of the severe nature of these crimes, which are a double murder of both his second wife and the son Thiel and Lene had together, as well as Thiel’s diminished mental state of PTSD, one can argue that Thiel was insane at the time he committed the two murders. According to Germany’s definition of insanity, which did exist by the time Hauptmann’s work appeared in 1888, “Criminals who have committed their crimes during insanity, according to Par. 51 of Penal Code of the Reichsstrafgesetzbuch from 1871, are not liable to any judicial prosecution” (Harrison 1079). Rather, criminals who do commit their crimes under insanity, are placed within a mental institution, which as is seen in Hauptmann’s work, is what happens to Thiel. Thiel being placed within a mental institution instead of being placed on trial for his crimes lines up well with Germany’s insanity definition from 1871; clearly, insanity is now a recognized defense in Germany, as is illustrated successfully in Hauptmann’s work with Thiel being placed within a mental institution and not a correctional facility.
CHAPTER 4: CANETTI’S *DIE BLENDUNG* AS SATIRE OF THE NOW-ESTABLISHED INSANITY DEFENSE

By the time Elias’ Canetti’s *Die Blendung* appeared in 1935, the insanity defense was well-established in both the English- and German-speaking parts of the Western world. In the early 20th century in Germany, all that was required for a successful plea of insanity was a diagnosis of psychosis of the accused from a licensed psychologist (Ko 9). During the early 20th century, then, it was relatively easier than it would be today to obtain a successful insanity plea. If this ease of proving the insanity defense existed today, the public would be outraged, but for this time period of the 1930s, this ease was acceptable. Treatment, and no longer confinement, was also the objective for those mentally ill who were residing within mental institutions during this time period. *Die Blendung* evidences this treatment component as well as the ease in which one could be labeled “insane.”

Themes of insanity and madness were typical of the expressionist period (Maierhofer and Klocke 128). This was also the case in the media of the expressionism period, such as in Fritz Lang’s film, *M: Mörder unter uns* (M: Murderer Among Us), which appeared in 1931, several years before the publication of Canetti’s novel. In this German classic film, which was based on several real-life child murder cases, the plot centers around the search for a child serial killer in Berlin, both by the police and by the street criminals themselves, as the street criminals’ way of life is disrupted due to the police’s intense search for the child serial murderer (Norman 209). The criminals end up taking the law into their own hands and capture the murderer, putting him on their own version of a criminal trial (Norman 210).

4. M’s Criminal Trial: A Trial conducted by his Own
During the trial put on by the criminals, the murderer sinks to his knees and exclaims to the court of criminals before him: “But I can’t help it! I can’t! I really can’t help it! I want to run – run away from myself. How it screams and cries out inside me when I have to do it! Don’t want to! Must! And then a voice cries out, and I can’t listen anymore!” (Norman 211). To no avail. The court of criminals is not willing to take his madness into account; perhaps it would be a different situation if the murderer were brought before a legitimate and just court of law, as the criminals judging him in this film are just as guilty for their own crimes as he is. Yet, the criminals make a distinction between their own crimes — mostly petty theft — and the abomination of child murder. Even those who have killed feel outraged at the murder of a child, but even then, these criminals do not take his madness into account. If the murderer had been brought before a normal court of law, one can argue that his madness would have been recognized, that he would have been declared not responsible for his crimes and placed within a mental asylum instead of a correctional institution, as madness and insanity were well recognized in a court of law by the time the film $M$ appeared. The end of the film shows that the criminals themselves are aware that a court would judge the murderer insane, and he would therefore avoid a death sentence. Yet, so strong is their feeling that he deserves death, that they are ready to kill him themselves; he is saved only when the “long arm of the law” reaches in from off-screen and arrests him.

The child serial murderer also goes through phases where his urges to kill need to be satisfied; once he has done so, then life also returns to normal for him until the next urge to kill hits (Norman 211). However, the murderer also feels shame and guilt over the inability to control his actions (Norman 212). During the trial put on by the criminals, the murderer even admits that he has no choice to kill, and he hates himself as a result (Norman 211).
Even though the court of criminals was unwilling to take his uncontrollable impulses into account, the insanity defense was already well established in Western society courts. This was evidenced by M’Naghten and Parsons in the U.S., and in Germany’s first legal codes from 1871 with a clearly specified insanity defense. During the 1920s and 1930s, Germany continued to further develop its insanity defense, making it easier to prove in a court of law, as was mentioned above. This strengthens the argument that the murderer in _M_ would have been found insane. Not only were the courts receptive to the insanity defense, but the theme was also prominent in literature, not just in Canetti’s work, but also in works by Robert Musil (which will be discussed shortly), and, as evidenced by Fritz Lang’s movie, _M_, in popular culture. The application of the insanity defense would only continue to grow, as the courts would soon expand this definition of insanity.

4.1 Robert Musil’s *Der Mann ohne Eigenschaften*

Robert Musil, an Austrian writer during this time period, was well-known to Canetti, who was in contact with Musil as the latter worked on his magnum opus. He too delved into the developments of the insanity defense in his novel *Der Mann ohne Eigenschaften*. The first book was published in 1930, with the first part of the second book following in 1932. This novel was based in part on a real-life murder case for which a man named Christian Voigt was responsible. Though Musil never met Christian Voigt, the murderer whom he portrays as his character Christian Moosbrugger in his novel, there are many referenced and detailed accounts in the novel from newspaper accounts of Voigt’s murder trial (Payne et al. 43). Musil’s character Clarisse, also based on a real-life acquaintance, Alice von Charlemont, descends into insanity during the course of Musil’s novel, evidenced in the vivid presentation of the way in which the illusions she experiences interrelate to the people she meets and the situations she faces (Payne et. al 43).
Canetti was very familiar with Musil’s work and the case on which Musil based his novel (Lorenz 80). The admiration Canetti felt for Musil, one can theorize, also led Canetti to want to write just as great a work as Musil in his novel Die Blendung (Lorenz 79).

In Musil’s work, Christian Moosbrugger killed a prostitute and was condemned to death for the murder. However, this was not the first crime that Moosbrugger had committed, “den Moosbrugger war wegen ähnlicher Verbrechen schon einigemal in Irrenhäusern gewesen” (Musil 68). Moosbrugger had also spent time in and out of a mental institution during his life and even knows that something is not right with himself, that he is mad. After he is condemned to death, he tells the court, “Sie haben einen Irrsinnigen verurteilt!” (Musil 76). The judge also knew Moosbrugger was an interesting case; regardless, he sought to place the blame on Moosbrugger for the murder, “dass man seinen Mord für ein politisches Anbrechen ansehe…Sie wissen immer anderen die Schuld zu geben!” (Musil 75). The public also reacts to Moosbrugger’s crime; two groups form, one supporting condemning the insane for their crimes, the other stating the insane should be confined in mental hospitals instead, or at least, the guilt placed and the punishment given should be diminished (Musil 536). Even today, where the insanity defense is a central issue in a high-profile, emotionally-charged criminal case, we see similar groups such as these two forming and butting heads with one another. Now that we understand the historical background in regards to the theme of madness for Elias Canetti’s Die Blendung, let us take a look at the text itself.

4.2 A Bookmarked Case of Insanity

Over the course of Canetti’s novel, Peter Kien slowly goes insane, retreating deeper into himself and his madness. For Kien, nothing is more important than his library and his books; this obsession leads him into an ill-considered marriage with his housekeeper, Therese. In her
position as housekeeper, Kien must pay Therese to care for his books; but once they are married, he reasons, she will provide her services for free. However, once they are married, Kien realizes that Therese has expectations of her own from marriage; when Kien is unable or unwilling to consummate their marriage, Therese ejects him from the apartment, and Kien spends the second part of the novel wandering the streets and ends up losing most of his money to the pimp and “Gauner,” Fischerle, who wants nothing more than to obtain a false passport to America so that he can challenge the chess champion of the world there. While on the streets, Kien runs into Therese and the “Hausbesorger” (apartment manager), Benedikt Pfaff, at a pawnshop. There, he sees them pawning off his books for money. He finds himself framed for stealing jewels at the pawnshop and ends up in jail, where he hallucinates thinking he is in jail for the murder of Therese, who he thinks has starved to death while he has been on the streets (Bookthrift 1). Pfaff bails him out and they return to Kien’s home, where the downward spiral only continues for Kien. So, the novel takes place in three parts: at Kien’s home, on the streets, and then again at Kien’s home.

Therese and Pfaff, who are having an affair, both prevent Kien from spending time in his library. Instead, Kien is confined in a separate room downstairs away from his books, which leads him to intensified hallucinations. Kien’s hallucinations are normally violent in nature, with their contents full of misogynistic elements (Canetti 429). Not only does Kien think he murdered Therese, but he goes even further and puts himself on trial in his mind. In this hallucination, Kien killed Therese by cutting her up and burying her under his floor. He actually thinks Therese is the insane one, as she is not the person he thought she was - meaning, she does not love books the way he does - and thus, her hatred, control, and abuse over him make Kien decide that all women must be like this, and therefore, he must hate all women. His view here is that Therese was
insane, and because of her insane actions toward him, he had to kill her. However, he is not the insane one and therefore should not be punished for his crimes. This is Canetti’s satire of the insanity defense: it is not the insane murderer who is innocent, but the insane victim who is guilty.

4.3 The Skirts and the Pants: Are they really there or is it all in his head?

Canetti further writes about the hallucinations Kien experiences while shut away from his books. Kien’s hallucinations revolve around skirts, symbolizing his masculinity issues, as pants were still commonly worn by men during this time period (1935 when Canetti’s novel appeared), while skirts and dresses were still worn by women (Aries 60). An example of this type of hallucination where skirts are present is as follows: “Unter die Hin- und Herschreitenden mischte sich selten jene Halluzination. Von einer blauen Farbe hatte sie keine Spur. Die verbotenen Röcke, die ihm ja gleichgültig waren, versuchten es in den verschiedensten Farben” (Canetti 416). Kien realizes the skirts are forbidden (“verbotenen Röcke) to him, yet he is indifferent to them, or so he thinks, as he tries to repeatedly fight off these hallucinations: “Eine Halluzination lebt, solang man sie nicht bekämpft” (Canetti 416). However, Kien is not actually hallucinating about skirts; rather, he convinces himself that the skirts are hallucinations themselves, and then, by denying them, he actually “de-hallucinates,” convincing himself that something that really is there is in fact not there.

Kien’s hallucination goes so far as to Kien actually having a battle with the pants against the skirts. This scene is described as follows:

Die Schatten schwankten; jene hellen Streifen, die sie voneinander trennten, verbreiteten sich und glitzerten hell. Es kann keinem Zweifel unterliegen, dass Kien seine Feinde von selbst besiegt hätte. Da kamen ihm ein paar wuchtige Hosen zu Hilfe und raubten ihm die Ehre des Sieges. (Canetti 420)
Kien ultimately loses the battle with the skirts, as well as the honor of winning the battle (“Ehre des Sieges”). One can argue that Kien is going insane during these hallucinations; further, one can argue that the loss of his honor in battle means that Kien is also defeated on the homefront in regards to his relationship with his wife, Therese, who is the one now in possession of his “army” of books. This means that Kien is no longer the man of the house, and for him, not being able to do what he wants, such as spending time in his library with his books, is a loss of honor and privilege, one that Kien does not seem to be able to overcome, as witnessed by his defeat by the skirts.

This loss of honor is further evidenced when Kien warns the pants (“Achtung!”) as they are leaving the house. Again, this is occurring during one of Kien’s hallucinations, right after Pfaff shuts Kien in the room again (Canetti 421). One can argue that Kien knows what this defeat with the skirts means for Kien: the loss of his manhood. Therefore, he tries to warn the pants, which may symbolize himself, to be prepared for the consequences that will follow from losing his battle. One of these consequences, one can argue, could be, for example, losing the privilege to spend as much time in his library as Kien wants, something he used to be accustomed to doing.

This battle against the skirts provides further evidence of Kien’s violent hallucinations against women. Kien hates women, so his battle with the skirts symbolizes this hate, as Kien clearly hates the skirts, too. However, Kien’s battle only takes place in his head; he never acts on these violent fantasies against Therese. Pfaff, on the other hand, is the violent one, and Therese wants a real man like Pfaff, as Pfaff is the one who can “wear the pants,” something which Kien, according to Therese, is unable to do.
So his “hallucinations,” which, as noted above, are not hallucinations, actually revolve around skirts, not pants. If this were reality, the passers-by would be both female and male, or skirts and pants, but Kien has somehow managed to convince himself that the skirts, which symbolize women, do not exist. This is especially true for the blue skirt, which symbolizes Therese, who also does not exist for Kien, as Kien thinks she is dead. Therefore, what he sees “must” be a hallucination, even though it is not. Kien is hallucinating a world in which reality must be a hallucination. His perception is just fine; he simply thinks he is hallucinating because he is in denial about the existence of “skirts,” which stand for women and sexuality. The reader can clearly see that Kien is thinking that he is experiencing hallucinations during the novel due to the way Kien’s “hallucinations end” – when he is done “hallucinating,” everything returns to normal for him – everything becomes quiet around him, and he no longer hears or sees or experiences anything out of the ordinary. Kien does not see anything anyway because his eyes are shut at the end of many of his “hallucinations”:

Er sieht nichts, obwohl er die Augen geschlossen hält und dieser Zustand Halluzinationen begünstigt…Er hört nicht ganz genau zu. Doch kehrt in jedem Satz das Wort ‘Mörder!’ wieder…Das Haus sagt: verrückt. Ich sag’: Mörder…Da wird es plötzlich ruhig. (Canetti 429)

4.4 The Trial Within (His Head)

This is an example of when Kien is putting himself on trial in his head for a crime he did not commit. The house is calling Kien crazy, but Kien is calling himself a murderer. Again, also note the use of the word “hallucination” by Canetti (writing from Kien’s point of view); this further shows that Kien is suffering from hallucinations. Based on the insanity defense that had developed by this time period, Kien would not be found guilty of the murder even though he thinks he is a murderer, as this scene where Kien is on trial in his head clearly demonstrates his
insanity. And besides, Kien would not have been found guilty anyway as he did not kill anyone in the first place – that’s the beauty of Kien’s insanity – the fact that it all takes place in his head.

Similar to the movie *M*, Kien also puts himself through a court that really is not a legitimate and just one. At his “trial,” he defends himself by saying that Therese deserved to die, as Therese, Kien felt, wanted to kill him: “Sie hat diesen Tod verdient” (Canetti 287). He thinks further about how he will defend himself, wondering if he too is to blame for Therese’s death, but then decides that in the end, she is still responsible for her own death: “Doch dafür, gerade dafür, trug sie selbst die volle Verantwortung” (Canetti 291).

Kien’s trial in his head labels him as a murderer, and an insane one at that. If this trial had been real, Kien would have been labeled as an insane murderer (ein ‘Mörder’) in a court of law, and then, due to his insanity, been placed in a mental institution; however, if Kien was still suffering from hallucinations at the time of the trial, he would not go to trial at all but just be placed within a mental institution immediately until he was “cured” from his insanity.

One can posit that Pfaff also plays a role in Kien going insane. Pfaff and Kien’s wife, Therese, have an affair with one another. This affair, one can argue, can be seen as a barrier between Kien and Therese, and Kien could see Pfaff as taking over his role of Therese’s husband, thus displacing Kien from his family role as being the man of the house. Going back to Kien’s battle with the pants against the skirts, one can argue that Kien was battling Pfaff as to see who would take control of running the household, as well as who will win Therese, and as evidenced above, Kien lost this battle. But to Kien, this does not even matter. He does not care that Pfaff is the one caring for Therese’s needs, as Kien himself has no desire whatsoever to have sex with her or care for her needs. The only thing that matters to Kien are his books.
Pfaff, one can argue, is an overbearing, abusive bully. His wife and daughter have both died at Pfaff's hands. Physical and mental abuse is also evidenced earlier in Canetti’s book before Pfaff moves in with Kien and Therese. Pfaff thinks he is a good father to his daughter; however, his daughter fears him: “Vor Schlägen fürchtete sie sich mehr als vor Tritten” (Canetti 403). This means that Pfaff’s daughter feared her father’s beatings, and as is evidenced repeatedly throughout Canetti’s work, Pfaff was not afraid to use his fists to “help” him communicate or get his way. This is something that would be considered a possible anger management issue in today’s society, but was, during the 1930’s, recognized already as abuse in the Western world.

Kien may also be recognizing that he is starting to lose control over his senses: “Er begann an seinem Verstand zu zweifeln” (Canetti 431). This occurs after Kien loses the battle with the skirts. Perhaps he realizes something is not quite right with his mind. For example, some people, after a hallucination, may feel like they are waking out of a dream and will wonder what happened in the time period while they were “dreaming,” (Akers and Sellers 71-72). Regardless, Kien is able to recognize here that something is going on with him.

4.5 Outwitting the Psychiatrist at His Own Game

The interaction between Kien and his brother George is the high point of Canetti's satire of psychoanalysis. George is a psychiatrist in Paris (his name is Georges in Paris, but takes the name Georg when he is in Germany) who receives a sudden telegram from Peter; however, the telegram is really from Fischerle who knows that Peter has not seen George in years, and as Fischerle is concerned that he is leaving Peter all alone while he heads off to America, sends a message to his brother George to get George to come visit him (Darby 139). The telegram reads: “Bin total meschugge. Dein Bruder” (Canetti 453). “Meschugge” is the German-Jewish (yiddish) slang word for bonkers, scatter-brained, or crazy. Having not heard from his brother in years,
George immediately sets off for Peter’s house and upon arrival, meets Peter’s wife, Therese, as well as Pfaff before finally seeing his brother. Being the very successful psychiatrist that George is, as he is extremely well-known for the work he has conducted with his mentally ill patients, he also quickly realizes that Therese and Pfaff are Peter’s problem, as well as the fact that the two are having an affair with one another. He also learns from Peter that both have been keeping Peter from his library, which is the root of Peter’s problem. Confident that Peter will be restored to his senses once he gets his library back, George solves Peter’s problem by having both Therese and Pfaff leave Peter’s house forever. George also suspects that Peter sent the telegram to him to have him solve Peter’s problem for him. George returns to Paris shortly afterwards, leaving Peter alone with his library.

As a psychiatrist, George is ready to diagnose his brother Peter as being insane, based on the telegram he had received from Peter. However, upon arrival, he learns the situation is not Peter’s fault and thinks that Peter, as mentioned above, brought him here to fix the practical situation with Therese and Pfaff. However, Kien, while talking to his brother George, deliberately misleads him about what is going on with him while George attempts to cure his brother using psychoanalysis; George is forced to try to “read between the lines.” “The reader (but not George) has access to the same type of information a psychoanalyst might have: the subjective, affect-laden memories of the “patient’’” (Foell 251-252). Yet, Peter is able to outwit his brother and convince him that he is sane, even though he clearly is not. George’s failure to cure his brother Peter demonstrates the author, Canetti’s, ability to outwit psychoanalysis. For example, Kien tells his brother that he (George) is not a man, but a woman: “Armer Kerl! Du tust mir leid. Eigentlich bist du eine Frau” (Canetti 479). In addition, Kien really does despise his
brother and considers him a “woman,” or as someone who lives in the world of the senses, and not in the pure (and purely masculine) world of the intellect.

However, Peter is able to convince George that he is perfectly sane. Perhaps Peter saying “Armer Kerl! Du tust mir leid. Eigentlich bist du eine Frau” has a double meaning (Canetti 479). Not only is Peter calling himself a woman and apologizing to himself for his feminine faults, but he also labels George as a woman and says he is ashamed of George. Even though George is a psychiatrist, Peter insults him and says he is really the more educated and learned of the two, as his books are his constant passion and are what make up his every-day life. By allowing his words to have a double meaning, Peter is able to brilliantly thwart George in his attempts to psychoanalyze Peter. This keeps George from seeing how insane Peter really is and convinces George of Peter’s sanity, as George is unable to successfully read between the lines and see the truth of what is really going on with Peter.

As mentioned above, Canetti showed in his novel his skepticism towards Freud and Freud’s concept of psychoanalysis, and the discourse between George and Peter exemplifies Canetti’s views. George’s incompetence as a psychoanalyst to see how insane Peter really is further demonstrates Canetti’s views. Canetti was always fascinated with the concept of the mass, a crowd of people uniting together for a common purpose, and uses the “termite mound” as a symbol for this. For Canetti, what drives a crowd together influenced individuals more than what Freud argues influences individuals, namely that of their sex drives. Canetti’s fascination with the masses came from an event on July 15, 1927. Elbaz narrates for us:

The palace of justice was set on fire by a crowd of workers that went on a rampage, after ninety of them were shot by police. Most upsetting was the fact that Canetti could not get away from the crowd although he tried to separate himself from it, so intense was the fascination it exercised on him…Canetti became a part of the crowd, he dissolved into it fully and did not feel the least resistance to what it did…It is clear that the most common and most elemental
trait of human behavior throughout all the ages is this mass dimension; the mass is that irreducible that shapes the course of history. (137 -138)

George Kien in Canetti’s novel himself describes the phenomenon of the masses.

Einmal wird sie nicht zerfallen, vielleicht in einem Land erst, und von diesem aus um sich fressen, bis niemand an ihr zweifeln kann, weil es kein Ich, Du, Er mehr gibt, sondern nur noch sie, die Masse. Auf eine Entdeckung tat sich Georges etwas zugute, auf eben diese: die Wirksamkeit der Masse in der Geschichte und im Leben des einzelnen; ihr Einfluß auf bestimmte Veränderungen des Geistes. (Canetti 450)

George is describing here how there are no single individuals such as you, me, him or her, but rather just that of the mass itself and the effects and the influence the mass has in history, in the course of one’s life, and the changes one feels within oneself. One can argue that this can be seen in Peter’s books, which are also a symbol of the masses, as he arrays them like an army on his bookshelf, and his books, as has been noted above, are all that he cares about, and he will do anything he can to protect his books, even if it means destroying them.

4.6 Kien’s Mental Breakdown: What is he ultimately suffering from?

Kien is not restored to his senses at the end of Canetti’s novel. After George leaves, Kien hallucinates again, but this time, there is no return to his senses or a normal life for him. By normal, this means spending all day with his books in his library, which he used to do before his marriage to Therese. However, one must ask, is it normal to shun human company and lock oneself away from the rest of the world? Foucault argues in his book *Madness and Civilization* that people who suffer from melancholy, a form of mental illness, which Kien appears to be suffering from, shun the company of others in order to become more attached to objects of their delirium; perpetual agitation of the mind without the exercise of the body can have the most disastrous effects (116, 214).
Kien, is also, however, suffering from paranoia. This is evidenced in another spin-off by Canetti after Freud’s involvement with a patient suffering from madness, Daniel Paul Schreber. Schreber felt that God was turning him into a woman, as Schreber suffered from numerous feminine tendencies. Roberts shares Freud’s diagnosis of Schreber and says “For Freud, Schreber could be nothing but mad, simply because virtually everything he thought and acted upon was already inscribed in the symptomological and nosological discourses of psychoanalysis” (3). Numerous parallels exist between Schreber and Peter Kien. For example, Schreber had a paranoia of others around him, fearing that the destruction of mankind was near at hand (Roberts 20). Kien, out of paranoia that someone would harm his books, ends up destroying them in a fire in the end. Both, according to Canetti’s views at the time, are suffering from a repression of the masses, and not from repressed sex drives, as in Freud’s view (Foell 202). In addition, Kien, like Schreber, also worked to repress the feminine inside of him, and in the end, he too, like Schreber, ended up mad.

The consequences of Kien suffering from melancholia and paranoia are described as follows: “BRAND IN DER BIBLIOTHEK…FEUER FEUER FEUER” (Canetti 504-509). While hallucinating, he ends up burning down his library, as well as himself, and one can argue that Kien died insane. Proof for this argument can be found in the last sentence of the novel: “Als ihn die Flammen endlich erreichen, lacht er so laut, wie er in seinem ganzen Leben nie gelacht hat” (Canetti 510). This sentence translates to: “As the flames finally reached him, he laughed so loud, louder than he had ever laughed in his life before.” One can argue that Kien has lost control of his senses and mental faculties and thus is insane when he dies in the fire.

If George had known that Peter was going to set his library on fire and die in the process, would he have declared his brother insane? During this time period (1935), all that was required
to consider someone insane, according to German law, was for a psychiatrist, which George was, to examine someone and declare them insane; this was also all that was required for a successful insanity plea during the early 20th century, according to German legal code (Ko 9). One could argue that based on the way that George was trying to psychoanalyze his brother, he would have declared his brother to be insane and had Peter placed within a mental institution; this is exactly what Peter was trying to avoid by playing the role of “listenreicher Odysseus” (the deceptive hero returning from his odyssey). George successfully placing Peter in a mental institution would also line up with the way the insanity definition had developed through 1935.

4.7 A Foreshadowing of What was to Come: The Insanity Defense

Could one also argue that Canetti’s work, though published in 1935, was a foreshadowing of how the insanity definition was to further develop in the English and German-speaking parts of the Western world? The skepticism this novel demonstrates regarding insanity and its diagnosis would become widespread after the war. During the 1950s and 1960s, Germany became more cautious in using just a psychiatrist’s diagnosis of insanity in a person accused of committing a crime, switching to a more documented and scientific analysis of persons who, due to a lapse in mental faculties at the time the crime occurred, could be declared insane. One can only wonder if or how George would have documented and further psychoanalyzed his brother Peter in order to determine whether Peter truly was insane.

The U.S. also had similar insanity developments in 1954 and 1955. In 1954, the case Durham v. U.S. came before the courts, and, by doing away with M’Naghten’s right or wrong requirement, established the accused’s mental illness as being the cause of the crime (Wallace and Roberson 96). One can speculate that George would definitely have agreed that Peter’s mental illness caused him to burn down his library, which is the crime of arson, according to
modern-day standards. A year later in 1955, the substantial capacity test, which is still widely used today, was established in the U.S. This test centers on the accused’s lack of self-control. Would George have also agreed with the substantial capacity test’s requirements? One can argue that George would again have declared his brother insane under this test; when Peter burned down his library, and his reaction evidenced by the last sentence in Canetti’s book, Peter lacked not only self-control, but also the proper substantial mental capacity to prevent him from committing the crime, as Peter was suffering from a mental disease or defect at the time the crime occurred. Putting it all together, one can see how the insanity defense, now at an advanced stage of development by the time Canetti’s novel appeared, was well-established in society and Western-world legal codes. Over time, the insanity defense would continue to further develop itself in Western legal codes and establish itself as an entity in society that appears to be here to stay.
CONCLUSION – EIN LETZTER ÜBERBLICK

The development of the insanity defense was not just evidenced through the stages of Western-world legal codes, but also in German literature, as authors Goethe, Hoffmann, Hauptmann, and Canetti have demonstrated during the literary stages of the enlightenment, romanticism, naturalism, and expressionism. Each literary stage, like each development in the insanity defense, had its own importance. For the enlightenment era, individual responsibility was important; for romanticism, psychology and the irrational; for naturalism, biology and sociology; and for expressionism, a general rejection of past norms and a complication of social models.

Madness was the common term used for those exhibiting symptoms of a mentally ill nature; the term “madness” would soon be replaced by the developing term “insanity” after Goethe’s *Faust* was written in 1808 and during the years in which Hoffmann’s *Der Sandmann* appeared (1816). However, during the end of the Middle Ages, which was the time period in which Goethe’s *Faust* took place, mental asylums abounded for those labeled as “mad.” No insanity defenses existed yet and would not exist until the emergence of psychology as a field. Only then was a further understanding of the human mind being developed, and something along the lines of an insanity defense began to take effect, which Hoffmann did not want to recognize during his term as a judge in the Schmolling case he ruled on. Yet, perhaps Hoffmann knew the development of this sort of [insanity] defense was not far off and would appear in the near future – hence, his reasoning for writing *Der Sandmann*, trying to come to terms with a changing society.

Goethe’s *Faust* evidences this lack of an insanity defense by Gretchen being condemned to death for her crimes. Her bouts of insanity, hallucinations, and delusions were clearly not taken into account. Höhn’s and Brandt’s cases evidenced this as well, as the legal courts during this time period were unable to recognize insanity as an actual defense. Goethe also placed part of the blame
on society for these executions – instead of assisting these women to better themselves in order to properly care for their infants, society went along with the courts condemning these women to death for their crimes.

By the time Hoffmann’s *Der Sandmann* appeared in 1816, defense lawyers, as evidenced in the Schmolling case, were beginning to recognize signs of mental illness and the start of what soon would be the first recognized insanity defense (M’Naghten in 1843) appeared in the courts. Hoffmann as a judge, however, refused to recognize medical diagnoses of mental illness and insanity in his courtroom. Perhaps hoping to come to terms with his decision in the Schmolling case, Hoffmann wrote *Der Sandmann*, portraying Nathanael as someone whose life slowly spiraled out of control and away from him into insanity, where his life ended.

Society had begun to change in regards to an acceptance of the insanity defense in legal and medical terms when Hauptmann’s *Bahnwärter Thiel* appeared in 1888; by then, the first waves of the insanity defense had appeared in the U.S. in the years 1843 (M’Naghten) and 1887 (Parsons), and in Germany in 1871 (Germany’s new legal code after unification). It was thought that biological factors, perhaps heredity or genetic predispositions, existed to cause mental illness within individuals or predisposed individuals to go “insane” if the right events were set in motion during one’s life to trigger such an episode (a death in the family, for example, as Hauptmann’s tale evidenced in the death of Tobias for Thiel). Society continued its rapid changes and rejected the past when Canetti’s *Die Blendung* appeared in 1935. By then, Freud’s psychoanalytic theory had been put in motion, along with further developments in psychiatry and mental illness, developments that would only continue to expand and grow as fields of study throughout the twentieth century, which Canetti’s *Blendung* foreshadows.
Medical developments were recognized by the time Hauptmann’s *Bahnwärter Thiel* appeared, with biological factors being seen as potential factors for crime. When Thiel’s son Tobias was killed due to a lack of supervision by Lene, something in Thiel’s mind occurred that caused him to go insane and kill both Lene and their second son. This rapid sequence of events – Tobias’ death, Thiel’s hallucinations, Thiel killing Lene and their second son – show how, when an individual is put under enough stress, can simply “snap” mentally and go insane, committing horrific crimes, which Thiel did. However, instead of being sentenced for his crimes before a court of law, Thiel was placed in a mental institution instead, as it was immediately recognized that Thiel was lacking his full mental faculties. This is again in line with the times and evidences how much the insanity defense has been recognized by this time period (1888), with individuals being placed in mental institutions instead of correctional facilities when found to be insane.

Canetti’s *Die Blendung* further evidences the developments in psychiatry (with the recognition of Freud’s psychoanalysis) and mental illness. Peter’s brother, George, as we have seen, instead of calling the police and having his brother thrown in jail for his erratic behavior, chooses to psychoanalyze (or attempt to psychoanalyze) his brother instead. Canetti gave an excellent in-depth look at what exactly was going on in Peter’s head during the story, with the reader having access to Peter’s thoughts, the “hallucinations” that were going on in Peter’s head, as well as the “trial” he put himself on, etc. Being able to give readers such an in-depth look at a character’s insanity shows how much more understanding and knowledge society has gathered by the beginning of the twentieth century in regards to insanity and mental illness. This knowledge would only continue to grow during the remainder of the century, as evidenced by further developments of the insanity defense in the U.S. (Durham case in 1954, and the substantial
capacity test in 1955) and in Germany, with more documentation from a psychiatrist being required in a German court of law (1950s and 1960s).

However, one thing that has not changed much over time is the public’s attitude to successful insanity pleas, particularly when it is successful in a high-profile case. The media reflects the public’s attitude in its reporting of the case, as evidenced when Jennifer Lynn Brigham received a successful plea of insanity in 2013 after having drowned her three-year old daughter in a relative’s bathtub in California back in 2010 (Lopez 1). Dr. Phil Resnick, director of forensic psychiatry at UH Case Medical Center in Cleveland, commented on the public’s current attitudes towards the insanity defense, stating that Brigham’s own personal safety may be at risk, as, once she is released to the public, the public may take the law into their own hands and punish Brigham themselves in order to see justice done. Lopez writes further on her conversation with Dr. Resnick that “The public is still extremely skeptical of mental illness. Even when people are recognized to be severely mentally ill, many public attitudes are, 'I don't care what they did, they should be punished'” (1). This was seen earlier in Fritz Lang’s movie *M*, where the criminals actually did take the law into their own hands, putting the child murderer on “trial,” not caring he was insane (even though they recognized his insanity), but instead wanting justice (their own form of “justice”) for the crimes he had committed.

In a similar case, Nathaniel Bar-Jonah has been charged with killing a 10-year old boy, Zachary Ramsey, and his attorneys are thinking of fighting for a successful insanity plea. Bar-Jonah has an extensive past criminal history, including convictions of molesting boys in Massachusetts and confinement to a mental institution until he was freed 10 years ago (Robinson 1). Shortly after his release, he was caught molesting another young boy, but instead of being sent back to prison or placed in a mental institution, he was sent to live with his mother in Montana
Robinson explains the dilemma the courts constantly face in cases of insanity, namely that of deciding how to balance justice with treatment for the mentally disturbed, especially when they are accused of horrific crimes (1). Robinson spoke with Roy Black, an attorney from Florida, and Mr. Black stated that “one of the true ironies of our legal system is that the sicker you are, the less likely you are to be successful with the insanity defense” (1). This is especially true when the criminal case is a horrific one.

Part of the problem is fear, and not just fear from the general public, either. The jurors themselves show fear when on a jury panel in an insanity case. Robinson explains, “especially with particularly horrific crimes, jurors want to know whether these people will ever get out. And the prospect of their getting out scares jurors to death…And some jurors do not believe in the insanity defense at all” (2). A lot of these fears and beliefs stem from misconceptions and a lack of knowledge about the history of the insanity defense, as well as a lack of understanding of individuals suffering from a mental illness. Sensationalized media portrayals do little to help the situation and may, at times, even make things worse.

When defendants do receive a successful plea of insanity, they are rarely released back into society, instead being sent to a mental institution until they are “cured.” Again, this is seen in high-profile cases that the media has closely followed. Rarely is the public satisfied with this recourse, even if the reasoning behind the judge’s sentencing is understood by the public. It is easier to want justice done for the good of society rather than taking the defendant’s own personal treatment needs into account.

Cases such as these continue to appear in our society over and over again. It is like a never-ending cycle. Not only are these cases present in the media, influencing the general public and lawmakers writing legal codes, but also in our pop culture, with films like The Silence of the Lambs
or TV shows like *Criminal Minds* and *CSI*. As has been shown, German literature attempted to deal with some of the vexing problems in works by Goethe, Hoffmann, Hauptmann, Canetti, and Fritz Lang’s movie *M*. And works such as these will continue to appear, as there is a certain fascination that surrounds horrific crimes committed by insane individuals. This fascination stems from questions such as, how could one even think of doing something so horrific? And why? What went wrong? Perhaps authors who write on these topics, basing their works on current cases of their own time period, choose to try and answer these questions, hoping to bring closure and understanding to the general public who read their works.

At one time, the general public thought cases of insanity and madness were caused by the devil. Even now, surrounded by so much ignorance and fed by blown-up news stories, our society seems to still be back in the Middle Ages, as the general population in the Middle Ages knew little more than what many people know today about insanity and mental illness. Yet, there have been numerous technological, medical, and legal developments in the realm of insanity and mental illness. However, so very few people are truly well-versed in the topic; their knowledge stems instead from out-of-proportion, high-profile criminal cases. One must ask oneself though, how reliable is the media when cases like this do grab the public’s attention, cases the media feels compelled to exaggerate and expand upon instead of reporting the truth? Perhaps the media, instead of blowing everything out of proportion, should take some time out and do some research itself on the history of insanity and mental illness, reporting the history on these topics and educating the public on the truth and how it relates to the case at hand.
BIBLIOGRAPHY


Diagnostic and Statistical Manual of Mental Disorders (DSM-5). “Personality Disorders.”


AmazonKindle.


Ko, Warren. “The Cruelest Irony: Monica Seles and Her Struggle With German Justice.”


Listwan Johnston, Shelley, Piquero Leeper, Nicole, and Van Voorhis, Patricia. “Recidivism


Wilson, Daniel W. “Goethe, His Duke and Infanticide: New Documents and

Print.