



PORTRAITURE OF WILHELM VOIGT:

MEMORY, MORALITY, AND NATIONAL IDENTITY

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If the genealogist . . . listens to history, he finds that there is “something altogether different” behind things: not a timeless and essential secret, but the secret that they have no essence or that their essence was fabricated in a piecemeal fashion of alien forms.

—Michel Foucault, “Nietzsche, Genealogy, History”

How should one construct a portrait of a man? Especially when that man is removed from oneself by decades and continents? And, even more so when that man has already had such a comprehensive portrait painted and repainted . . .

The picture is one I have looked at many times before, but, only now, does it seem appropriate to posit an interpretation. In the foreground I see a white whiskered man. With gaunt face and hat askew, his eyes lock with the observers, drawing one into his strangely sad countenance. In one hand he lazily holds a sword, letting the weight rest on his arm. The other hand, bleached white, in an interesting use of negative space, forks a burning cigar, a thin trail of smoke snakes out of frame. The uniform he wears is slightly disheveled; maybe it is his protruding belly that disrupts the ordered symmetry of buttons, or maybe too it is the button undone, or maybe it is his posture, so obviously different from the ordered rank of soldiers in the background. With these observations in mind, it soon becomes clear that the man in front is not a soldier, or at the very least is a poor one. This much is true, the man in front is Wilhelm Voigt, maybe one of the best remembered Prussian officers who never was. A convict and a swindler, Voigt gained the recognition of the world, by pretending to be what he was not.

This essay attempts to ensure a critical relationship to the past, a relationship wherein past events are not taken at the face value fabricated by historical and popular depictions. Through the “long baking process of history” truth becomes “undoubtedly the sort of error that cannot be refuted because it was hardened into an unalterable form.”¹

¹ Michel Foucault, *Nietzsche, Genealogy, History*, (Presses Universitaires de France, 1971), 79.

The Wilhelm Voigt Story

The story is still fairly well known. If not worldwide, at least many German's know the story as evidenced by the German word "Köpenickiade"—denoting a con game that involves pretending to be in a position of authority. It all happened one day in October 1906 when Wilhelm Voigt, a 57-year-old-ex-convict, got dressed up in a Prussian Captain's uniform, which he amassed from secondhand stores, with the intention of robbing a German *Rathaus*. After testing the response he received from others while wearing the uniform, civilians and soldiers alike, Voigt coerced four off-duty grenadiers, a sergeant, and later another six at-liberty guardsmen to accompany him to Köpenick, a suburb on the outskirts of Berlin. At the Putlitzstrasse station, on the way to Köpenick, Voigt treated his troops to beer from a station kiosk and laid out his "commands." Upon arrival at the council chambers in Köpenick, the "Captain" arrested the mayor and other town officials claiming to act on "all-highest command," and made off with the town's cash, around 4000 marks, in two large sacks. The mayor and officials were sent off to a Berlin police station while Voigt went his separate way. It was not until their arrival at Berlin's Neue Wache that the officials learned that their arrest had not in fact been decreed by the "all-highest."

Prior to this extraordinary heist, Voigt had spent much of his life in prison. At age fourteen, following a conviction for theft, Voigt left school and began an apprenticeship with his father, a cobbler in Tilsit. However, "going straight" did not last long for Voigt; between 1864 and 1906, Voigt was in and out of the prison system for twenty-five years, having been convicted on six occasions for theft, robbery and forgery. His longest stint in prison, a fifteen-year period of hard labor for armed robbery at the courthouse in Wongrowitz, ended just before his Köpenick heist. He did not become a free man again until February 1906.

During the 1891 trial, Voigt was denied his prerogative to call witnesses, of which he had six, and he was prevented from appealing the verdict (Voigt's call for appeal appeared after the legal deadline; the official who was supposed to draft the appeal only came to see Voigt after the deadline had already passed). At the trial, Voigt was judged solely based upon his illegal activities; it was not taken into account that he prevented his partner, Kallenberg, from killing the policeman who caught them, or that social or medical circumstances may have led to Voigt's actions. As we shall see, the circumstances of Voigt's 1891 trial were very different from what proceeded in 1906—the trial for Voigt's *Köpenickiade*. In the 1906 trial, the presiding judge, Judge Dietz, disapproved of Voigt's past legal treatment, going so far as to allege that "today [1906] that judgment would probably not be possible."² Did so much really change in fifteen years?

Interpretations of the Story

Conventional historical interpretations of Voigt's *Köpenickiade* suggest that it reflected a moment when the German people's reverence for the Prussian uniform was unquestioned, when militarism was a matter-of-fact state of affairs. Already on the day after Voigt's arrest, *The London News* wrote:

For years the Kaiser has been instilling into his people a reverence for the omnipotence of militarism of which the holiest symbol is the German uniform. Offences against this fetish have incurred condign punishment. Officers who have not considered themselves saluted in due form have drawn their swords with impunity on offending privates.³

Most historians subsequently agree with this characterization of Voigt's act. The author of the only modern book-length study of the episode based on archival sources, Winfried Löschburg, calls Voigt's stunt, "the exposure of the belief in uniforms and in authority of Wilhelmian Germany—

² Bahn, *Meine Klienten*, 76, Paul Lindau, *Ausflüge ins Kriminalistische*, (Munich 1909), 265.

³ The Illustrated London News, 27 October 1906 issue.

an exemplary event, *a warning!* . . . with his insolent-dashing action . . . Voigt offered an undreamed-of opportunity for the unmasking of the spur-clattering (*sporenklirrenden*), saber-rattling state structure.”⁴ German Historian Thomas Nipperdey writes, “the famous case of the Captain of Köpenick . . . is a *classic proof* of the German citizens dyed-in-the-wool respect for the military.”⁵ Peter Fritzsche, a historian of German popular culture, writes Voigt “*forever* amused the world with a reminder of how much Germans respected a uniform.”⁶ Similarly, the Prussian historian, Christopher Clark categorizes Voigt’s *Köpenickiade* as “a parable about the power of a Prussian uniform . . . Voigt’s tale evokes a social setting marked by a servile respect for military authority.”⁷ In popular culture too, such as in Carl Zuckmayer’s play, “The Captain of Köpenick,” and in Helmut Käutner’s movie adaptation thereof, the episode is treated satirically as a comical example of the danger of uncritically accepting the military and military mentality.⁸

Interpretations and depictions of Voigt in both historical work and popular culture treat Voigt as an example of Germany’s essentially militaristic culture. Historical depictions of Voigt most often conclude that his stunt exposed the deep-seated reverence of Germans for uniforms and authority. While some popular depictions do suggest the reverse, turning Voigt into an anti-militaristic symbol, this reversal only reinforces the essentializing of Germans and Germany as obsessed with things military. As the philosopher Martin Heidegger notes: “whatever is ordered is

⁴ Emphasis added, Winfried Löschburg, *Ohne Glanz*, 5, 7-8. In Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 41.

⁵ Emphasis added, Thomas Nipperdey, *Nachdenken über die deutsche Geschichte: Essays*, (Munich, 1986), 173.

⁶ Emphasis added, Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 161.

⁷ Christopher Clark, *Iron Kingdom*, (Penguin Books 2006, 2007), 598. In Clark, this categorization of Voigt, and the symbol Clark turns Voigt into—i.e., symbol of Prussian respect for the uniform at the turn of the 20th century—becomes important for his overall project and telling of Prussian history. As, in his conclusion, Clark connects the dissolution of Prussia to the general sentiment that Prussia was and is a symbol of “warring Germany,” of a Germany that deeply respected uniforms and authority.

⁸ Edward M. V. Plater, “Film & History,” *The Captain of Köpenick: A Faithful Adaptation?*, Dec 1990, Vol. 20 Issue 4, 88.

always already and always only imposed upon to place another in the succession as its consequence.”⁹

Historical depictions of Voigt tie Germany to militarism, perhaps rightly positing the nature of *fin de siècle* Germany as disciplinarian and authoritarian. But does it make sense to treat German culture as caught in a telos of militarism, such that even the present in Germany can only be seen through the lens of resisting an authoritarian essence? The present era has witnessed both culturally and politically the end of German militarism, but not the end of attempts to interpret contemporary conformism and uncritical respect for as an essence of German cultural that follows from prior militarism. However, while the typical interpretations of Voigt’s act encourage historians and authors to reinforce stereotypical beliefs about German militarism, it masks opposing tendencies built into the same phenomena.¹⁰ The categorization of Voigt’s act, as representative of militarism, reinforces the historical stereotyping of German culture. In making Voigt’s act “a warning” and “proof” of mass German militaristic sentiments, Voigt becomes a symbol for describing the nature of German society that “directly” led to the First and Second World Wars.

Similarly, in popular culture, interest in Voigt arises with the entrance of National Socialism into the *Reichstag* as a *warning*. Carl Zuckmayer brings Voigt’s story back to life as a warning to the German people, writing in his memoirs: “even though the story lay more than twenty years in the past . . . it was particularly in this moment, in the year 1930, in which the National Socialists entered the *Reichstag* as the second largest party . . . once more a mirror image, an *Eulenspiegel* image of the mischief and the dangers that were growing in Germany.”¹¹ These

⁹ Martin Heidegger, *Insight into That Which is: Bremen Lectures 1949*, (1949), 28.

¹⁰ I.e., these “found narratives of Voigt, centered around militarism become important in creating historical frames that allow for comprehensive readings of German history, or facets of German history therein. However, they too mask and disguise power-knowledge relations at play in *fin de siècle* Germany.

¹¹ In Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 41.

presentations of Voigt reveal how the framing of Voigt's story shaped subjectivities and opinion. The reveal how Voigt became a useful tool for historians to sort through, group, and think about long-term historical trends. These frames connect events, people, and trends across eras and create stories that make the past meaningful for the present—although, I will argue, meaningful in a largely distorted way, a way that hides other potential power-knowledge relations.

While these interpretations and depictions of Voigt might be useful in creating a teleological history of Germany in the twentieth century, insofar as they demonstrate how far Germany has come from the authoritarian state it once was. When analyzed through this one-dimensional lens of militarism, important aspects of Voigt's story are either overemphasized or neglected, left aside in historicist positionings of Voigt as symbol of Germany's deeply instilled reverence for militarism and a militaristic society. Critiques of militarism—focusing on the Prussian uniform as pious symbol and on the Prussian subject's unwavering faith in the authority of this symbol—mask underlying historical and philosophical currents that may explain enigmatic aspects of Voigt's case in other ways that thereby present different forms of knowledge-power and societal subjugation (above and beyond the authoritarian and anti-democratic nature of militarism). There may be many ways to tell the story of Voigt. Thus, there is no point asking the question who is he? There is no inherent truth about Voigt and his story, rather, difference is built in. It is only in the violence of framing—in the ordering, arranging, and regulation of the event—that Voigt's story is given a specific historical interpretation or a moral, essence, or "truth".

In both popular consciousness and historical scholarship, Voigt's story has been given a truth as it is recalled as an example of militarism in German culture. However, in re-examining Voigt's story from perspectives that include scholarship on Germany's legal and criminal justice reforms, philosophers of criminal justice such as Foucault, and philosophers and historians who

have examined national consciousness, this essay will re-situate Voigt's story not as a precursor to accelerating militarism, but rather an early symbolic figure in a turning point of German culture that may still be underway today. To motivate my in-depth analysis of Voigt's story, the remaining introductory remarks will argue the following: (i) that conventional tellings of Voigt are steeped in nostalgia for simpler, militaristic accounts of Germany's past; (ii) that alternative contemporary cultural perspectives celebrate Voigt as a rebel only serve to reinforce the militarism thesis; (iii) that Benjamin Hett's seminal analysis of the transformation of German Criminal Law in Voigt's time is a starting point for a systematic examination of whether Voigt is a symbol of intensifying militarism or could be a figure around which other power-knowledge relations operate; and (iv) that by re-framing the meaning of Voigt, he can become a formative figure in the ongoing transformation of German culture away from militarism and towards alternative conceptions of culture and identity.

Nostalgic History

By introducing the concept of “nostalgic history,” we can start to see the weakness in the typical retellings of Voigt's story. Historical framings of the past seem to connect to a very modern aspect of human experience, that is, nostalgia. With the inauguration of the modern world, comes the loss of an enchanted world—a world with clear borders and values—as people become embedded in a life of ceaseless mutability and change. Yet they long to experience nostalgia, “a spiritual longing, a nostalgia for an absolute, a home that is both physical and spiritual, the Edenic unity of time and space before entry into history.”¹² In the work of Svetlana Boym, the loss of an enchanted world

¹² Svetlana Boym, ed. Cristina Vatulescu, Tamar Abramov, &c., *The Svetlana Boym Reader*, (Bloomsbury Publishing Inc., 2018), 223.

in modernity lends itself to a newfound search for imagined communities. Often this culminates in the production and maintenance of a community through nationalism.

Nostalgia, in its conventional mode—that is, restorative nostalgia—aids in the development of a national community. Recreated practices of national commemoration help to “reestablish social cohesion, a sense of security and an obedient relationship to authority.”¹³ This sort of nostalgia centers around an emphasis on *nostos*—the rebuilding of a lost home—and, as such, is characterized by a desire for the past to burden the present, for the past to give weight to the present and make it meaningful. As such, the past is restored and reinvented in the present: “new traditions are characterized by a higher degree of symbolic formalization and ritualization than the actual peasant customs and conventions after which they were patterned.”¹⁴ Restorative nostalgia accounts for the displacement and the loss of distance of the modern individual, as a collective idea of community is invented, and the past is made available in the present through intimate experience with the past. Weight is restored to the weightless individuals of modernity, however in a much more oppressive manner, as traditions become increasingly formalized and ritualized in the hope that something unchangeable can still be grasped in the sweeping ebb and tide of modernity’s progress.

Consequently, by giving the past weight and meaning, individuals are tied together in a national community. That connection is dependent upon exclusions based upon ethnic and/or national principles. National memory is weighted down and not allowed to play freely, as memorial signs can only function within a single plot, a sort of conspiracy that aims to cultivate an uncritical and unreflective mythical relationship to reality, one in which the lines of good and evil are clearly and self-evidently demarcated and expressed as truth. In this sort of nostalgia, a

¹³ *Ibid*, 235.

¹⁴ *Ibid*, 234.

restorative nostalgia, the obsession with “the real” leads to a strengthening of the structures of modernity as exclusions are increasingly built into the ideas of national communities; restorative nostalgia buttresses a singular mode of reality. Restorative nostalgia attempts to grasp the past in an immutable structure. This seems very much at play in contemporary historical accounts and depictions of Wilhelm Voigt.

But there is more than one “singular mode of reality” at play here. More recently, in cultural presentations, Voigt has been fashioned into a symbol that fits within nationalist and progressive agendas. For example, in some parts of German-speaking Europe, Voigt somehow became “a symbol of liberty and independence, especially among Luxembourgers, who remember their country being overrun by the German military machine in two world wars. Luxembourg City still holds official honorary ceremonies for the captain annually.”¹⁵ Many other nationalities view Voigt as a rebel against rigid, bureaucratic, war-driven societies. Similarly, in discussion of the presentation of Voigt’s story in theatre and film, critics generally agree that these emphasize the danger of uncritically accepting militarism and the military mentality. In the film adaptation of Voigt’s story, Plater responds: “Käutner uses the means of expression at his disposal as a filmmaker . . . to heighten our sympathy for the hero and increase our aversion to the Prussian military mentality that thwarts the hero’s quest for reinstatement in society.”¹⁶ While Voigt is here made into a symbol different from that in most historical accounts, i.e., Voigt here becomes a sort of rebel opposing militarism, a symbolization that fits within a new variation on nationalist and progressive efforts. Voigt, though presented as a dissident, is nevertheless construed in these ceremonies and media representations in a manner that promotes the permanent remembrance of

¹⁵ Verner Markussen, “Through a fraud, the ‘Captain of Köpenick’ is better remembered in Europe than most real Captains.” *Military History*, Oct. 2006, Vol. 23 Issue 7, 18.

¹⁶ Edward M. V. Plater, “Film & History,” *The Captain of Köpenick: A Faithful Adaptation?*, Dec 1990, Vol. 20 Issue 4, 93.

the militarism of Germany, pointing yet again to the essential militarism of Germany in reflecting Germany's project of demilitarization post WWI and WWII. Voigt, in these representations, ironically reinscribes militarism in national memory and consciousness, albeit in a more acceptable manner.

Because divergent power-knowledge relations are disguised and written over in the framing and reframing Voigt's story in militaristic terms, it is pertinent to question this singular history. Nietzsche questioned a history that reintroduces a suprahistorical perspective:¹⁷

A history whose function is to compose the finally reduced diversity of time into a totality fully closed upon itself; a history that always encourages subjective recognitions and attributes a form of reconciliation to all the displacements of the past; a history whose perspective on all that precedes it implies the end of time.

In accounts and depictions of Voigt, both past and contemporary, it seems that historians have tried to impose a suprahistorical version of Voigt's story. In framing Voigt's story in militaristic accounts and interpretations, a form of reconciliation is given to Voigt's displacement, i.e., Voigt, as symbol, becomes useful in creating this version; a contiguous history and narrative of Germany that holds decisive influence over subjective recognitions and identity. Unearthing these divergent forms of power-knowledge and deconstructing the supposed one truth of Voigt, shows how framings of the past holds too easily lock down identity and culture.

An Alternative Interpretation of Voigt

Of the historical accounts of Wilhelm Voigt, only Benjamin Hett has attempted to decenter the militaristic accounts of Voigt in examining unquestioned assumptions about Wilhelmian Germany (i.e., Germany between 1890 to 1918). In his work, Hett claims that Voigt brings to the attention of contemporary historians to anomalous features of German criminal law history which cannot

¹⁷ Michel Foucault, *Nietzsche, Genealogy, History*, (Presses Universitaires de France, 1971), 86-87.

be explained solely through statutory frameworks because these are generally empty vessels into which a society may pour its changing culture. Hett aims to present a more comprehensive history of German criminal law (from 1891 to 1906) by adopting a wider frame that addresses both public attitudes and major political changes, above and beyond the procedural and substantive framework of German criminal law. Hett compares Voigt's criminal trial of 1891 with other criminal trials and identifies four enigmatic features of the popular and the official receptions of Voigt's case of 1906. It was only with the 1906 trial that many changes in the ideas and practice of German criminal law first became visible to the general population, reflecting larger changes within German society as a whole. According to Hett the four important features of the reception of Voigt's 1906 trial are as follows:¹⁸

- (1) Most observers thought that the Prussian justice system had become more merciful sometime between the 1870s and 1906, or even since 1891.
- (2) Most were coming to accept that a lawbreaker could be a victim of social conditions, and hence guiltless, or at least less guilty,
- (3) Prussian officialdom went out of its way to treat Voigt gently.
- (4) In response to the first three features, a new right-wing critique of Prussian justice began to evolve, with its main proposition that the criminal courts and society as a whole were becoming "soft on crime."

These anomalous features of Voigt's 1906 trial, Hett finds, cannot be explained solely by looking at the German legal history, which remains, even today, essentially a creation of 1871 and is largely intellectual history—doctorial and theoretical history that is, narrowly conceived and thoroughly

¹⁸ Formatted differently for the sake of the reader. Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 27.

formalist.¹⁹ That is to say, criminal proceedings in law cannot be fully explained by the statutes outlined by laws, as this is a narrow scope that doesn't account for social and cultural processes that may have shaped the law as it is lived. Only by considering these processes can the anomalous features of Voigt's 1906 trial be explained.

However, as Hett notes, most historians continue to assume that "Imperial Germany was the classic land of arrogant authority, and of unhappy yet submissive subjects," even when this claim is directly refuted by the treatment of Voigt in 1906.²⁰ In stressing the authoritarian and antidemocratic qualities of Imperial Germany's criminal justice system, most historians have disregarded the dynamism of that system. Hett argues that Voigt's treatment at the hands of police and judicial authorities is not emblematic of the failure of the Prussian/German state to meet the challenges of a modern society, but that his case demonstrates the remarkable transformation that was underway in the German criminal justice system in the last years before the first World War.²¹ These are, Hett finds, changes on the level of daily practice and ideas, procedural changes that took into account a wide range of new kinds of evidence—evidence of social conditions as well as medical and psychological histories. Hett also notes changes that were brought on by the rise of mass media which exposed the criminal justice system to the general population. These changes resulted in a rush of public opinion into the sanctuaries of ministerial offices and courtrooms. Hett shows that, via selective use of sources and the naiveté of their interpretation, historians have generally ignored historical deviations from the law and legal histories.²²

¹⁹ Benjamin Hett, *Death in the Tiergarten*, (Harvard UP, 2004), 7.

²⁰ Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 2.

²¹ *Ibid*, 3.

²² *Ibid*, 40.

Re-framing Voigt

Hett's critique of historical and popular depictions of Voigt seems justified and is a foundation for my argument. In the making of Voigt's story into a moral that describes early twentieth century Germany, the nature of German society is unfairly seen through a one-dimensional lens, a lens that does not allow for change but that crystalizes into an immutable form. Both popular culture and academic history are caught in this essentializing mode that fulfills a central claim of historicism: "that the nature or essence of an individual, a nation, or a culture should be embodied in—or identified with—its history."²³ This view requires that the past be presented "objectively" in order to demonstrate a sense of individual and cultural identity in the present as well as in the past. Nietzsche argues that the purely historical glance—the glance that wants to capture the past in an immutable and essentialized structure—is problematic as anchoring ourselves in the past does not provide us with a foundation for a healthy life. The purely historical glance robs us of a life-affirming relationship with the world:²⁴

We want to serve history only to the extent that history serves life: for it is possible to value the study of history to such a degree that life becomes stunted and degenerate—a phenomenon we are forced to acknowledge, painful though it may be, in the face of striking symptoms of our age.

In turning the past into a narrative with a moral, history is turned against life; as the past is seen as constant and unalterable, it becomes a "truth" that holds sway over identity in the present. Life becomes stunted and degenerate as submission to the enclosing horizon of history does not allow lines of flight in the creation of horizons of one's own. That is to say that, to some degree, events and actions are underdetermined and even accidental, suggesting that they could have been

²³ Barry Stephenson, "The Seed of All Thought: Nietzsche's "The Uses and Disadvantages of History for Life," *The Agonist*, Vol. 9, Issues 1 & 2 (2016), 2-3.

²⁴ Nietzsche, Friedrich, *On the Uses and Disadvantages of History for Life*, trans. R.J. Hollingdale, in *Untimely Meditations*, ed. Daniel Breazeale, (Cambridge UP, 1997), foreword.

otherwise. In the same way, this could be true of the writing of any history. This seems to be the case in depictions of Wilhelm Voigt's story, as both popular culture and academic history have essentialized Voigt's story to hold a moral and "truth," when, on the other hand, there are arguably divergent phenomena present within this moment. "The *unhistorical* and the historical are necessary in equal measure for the health of an individual, of a people, and of a culture."²⁵ That is to say, forgetting is of equal importance to memory in our relationship to the past, especially when memory submits unthinkingly to essentialized depictions of the past.

In relation to the narrative and moral constructed around Wilhelm Voigt some forgetting, some unlearning, may be needed. Seeing the moral of Voigt's story and Köpenickiade as representative of the authoritative and anti-democratic nature of Imperial Germany posits history and identity teleologically. "Those who are fascinated by the idea of progress do not suspect that everything moving forward is at the same time bringing the end nearer, and that joyous watchwords like 'forwards' and 'farther' are the lascivious voice of death urging us to hasten to it."²⁶ The found moral of Voigt's story does not allow for a life-affirming relationship to history; it rather becomes a will to death, as it posits the past, the present, and the future as incapable of changing direction, when the very nature of being is becoming. Historical events have no essence because their essence was fabricated in piecemeal or alien forms *via* accidental contingencies. Voigt's case reveals a large-scale effort to essentialize and stereotype all of German culture in light of a particular historical moment. It is therefore, important to decenter the militaristic/anti-militaristic interpretations of Voigt's act, as there were subtexts, other processes at work, that tend to get overlooked in the essentializing process of historicism and popular culture.

²⁵ *Ibid*, §1.

²⁶ Milan Kundera, Trans. Aaron Asher, *The Book of Laughter and Forgetting*, (HarperPerennial edition, 1978, 1996), 246.

This essay attempts to reveal how the “truth” of Voigt became compounded in offering alternative accounts of Voigt’s narrative above and beyond militaristic accounts. In problematizing the “truth” and moral of Voigt’s story a move is made away from the enclosing horizon of history sewn around Voigt. In cases like this one, only re-examining the past can liberate us from the past. As event and actions are in some sense accidents, determinism of the past closes off options in the past, probable and improbable, that could have been. Instead, re-interpretation, can open up a multitude of potentialities or nonteleological possibilities of historic development covered over by the stereotyping of Voigt’s act and the supposed found moral therein.

The stakes of a transdisciplinary account are manifold. Such an account of the Voigt narrative revises and expands our knowledge and understanding of modern Prussian history, the story of Voigt, and German culture as a whole. Additionally, it reveals ruptures in human experience that may differ from historiographical or popular depictions. Finally, it makes one consider the influence of popular culture on knowledge and identity. As presentations and depictions of Voigt, through both popular culture and academic history, are arguably stuck in essentializing or stereotyping modes—in seeing Voigt only as symbol of Prussian militarism, this essay will offer alternate ways of understanding what is going on.

The essay will proceed as follows. In the first section, I discuss the historical backdrop of Voigt’s case in regard to German criminal history in connection with Foucault’s concept of the delinquent. The second section offers some insights into why Voigt’s story was fabricated to be read as militaristic/anti-militaristic and how this fits with an emerging national consciousness. The third section (III) offers some concluding thoughts about Voigt’s story and its reverberations. Additionally, a discussion is given about one’s orientation towards the past and how this holds decisive influence over identity in the present.

I Historical Background and Foucault

To place, position, set means here: to challenge forth, to demand, to compel toward self-positioning. This positioning occurs as a conscription. The demand for conscription is directed at the human.

—Martin Heidegger, *Insight into That Which is: Bremen Lectures 1949*

In this section, the criminal justice system of Wilhelmine Germany will be re-examined through the lens of Foucault's philosophy. More specifically, Wilhelm Voigt's life and treatment, in and outside of the incarceration system will be investigated in relation to Foucault's conception of the *delinquent* as in understanding Voigt as *delinquent*, disciplinary mechanisms and power-knowledge relations underlying Voigt's story are uncovered.

The German criminal justice system took shape as Germany was united. On 18 January 1871, following four decisive wars, Germany was unified at a ceremony at the Hall of Mirrors in Versailles into the German Empire, a Prussian-dominated nation state. Unification was concomitantly followed by a number of institutional reforms which set the precedent for modern Germany's constitution and organization. One of the creations of this unified Germany was the Imperial German criminal-legal system (which essentially remains, even today, a creation of the 1870s—intellectual, doctrinal, and theoretical). Substantive German criminal law—the set of laws that determine how members of society are to behave—was largely contained within one statute, the Reich Criminal Code (Reichstrafgesetzbuch or RstGB) of 1871. While procedural criminal law—sets of procedures for making, enforcing, and administering substantive law—was defined by two statutes, both of which came into effect on 1 October 1879, the Code of Criminal Procedure (Strafprozessordnung or StPO) and the Judicial Code (Gerichtsverfassungsgesetz or GVG). These

laws were entirely characteristic products of the “liberal era” of Prussian-German politics in formally abolishing flogging and nearly so the death penalty (c.f., Britain at the time was rather conservative in these two regards).²⁷

Staying true to the “liberal-era” of Prussian-German politics, the new code, the RstGB, drew on a Kantian intellectual line:²⁸

It assumed that law-breakers were rational creatures, fully responsible for their actions; the best punishment was one measured to the seriousness of their act (a *Tatvergeltungsstrafe*), which could also serve as a general deterrent to other rational actors in society.

Aside from §51 of the RstGB, which defined a rigidly worded insanity defense, there was no conception within the RstGB of social causes of crime or individual peculiarities (i.e., mental problems) that reached beyond the moral or intellectual constitution of the individual. Similarly, the GVG and the StPO established more liberalized national standards for criminal trial procedure: abolishing secret trials; asserting a reliance on documents over oral testimony; affirming the right of defendants to counsel; and ensuring that trials were to be public wherein evidence was revealed in the presence of the defendant. Furthermore, §1 of the GVG closed trials to the interference of authority, providing that “the judicial power is to be exercised by independent courts subject only to the statutes.”²⁹

While these measures and reforms purportedly gave defendants’ rights formerly unheard of, administration of criminal justice in Wilhelmine Germany retained some features that worked

²⁷ Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 6.

²⁸ *Ibid*, 6. While critiques of Kant, e.g., Ayn Rand, may portray Kant’s ethics as extremely rigid in character, in being grounded in the dignity of the individual they reveal a surprising degree of flexibility. Additionally, Kant’s view of government could be seen as representative of a classical liberal ideal: a minimal state that primarily ensures individuals protection from wrongful interference of other actors, that allows each to pursue their ends with maximal liberty.

²⁹ E. Löwe, *Die Strafprozessordnung für das deutsche Reich*, 12th ed. (Berlin, 1907), 21.

against open trials and the rights of defendants.³⁰ These “retained” features, however, were not so much conservative holdovers as modern redeployments of power, as becomes clear when rethinking this period along lines suggested by Michel Foucault.

The Wilhelmine period in Germany overlaps with the time period investigated by Foucault in his analysis of discipline and justice. During this time, Germany (like other European countries) transitioned from pre-modern penal justice to the modern penitentiary apparatus that Foucault identifies, which involves a shift in focus from offences and offenders to delinquents, from acts to actors, from negative to positive knowledge. This transvaluation of focus for Foucault reflects larger developments in modern society as a whole, which can crudely be subsumed under a transition from groups to selves, from collectivities to individualities. In modernity, a transition occurs in knowledge from knowing-what-to-avoid to knowing-what-not-to-be. This transition is accompanied by a newfound emphasis on the individual; rather than focusing primarily on acts, people are viewed as potentialities for committing crimes to the extent that some individuals themselves are defined as embodying delinquency—the criminal act is effaced, made insignificant, in light of a new form of knowledge that posits that some types of individuals are anomalous; that demarcates some such individuals out as what-not-to-be. In other words, the “delinquent,” an imaginary element introduced and fabricated by the penitentiary apparatus, is made into an object of knowledge—something to be discovered, unearthed, interrogated, exposed, understood, categorized—in brief, it is made a “truth.” By reifying the speculative concept of “delinquency,” through making it into an object of knowledge, specific claims to bodies are produced; individuals must act and behave in certain ways that can be differentiated from delinquency lest they themselves be categorized as “delinquent” and concomitantly viewed as incompatible with society.

³⁰ Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 6.

To restate, the production of individual knowledge in modernity depends upon turning a fabricated element into an object of knowledge, such that what is normal can be justified as right. This is a transition from negative to positive knowledge wherein the question is reformulated from knowing-what-to-avoid to knowing-what-not-to-be (in thinking in this way, knowing-what-not-to-be justifies what one should be).

To fully understand Foucault's analysis of the penitentiary, it is first requisite to examine his notion of power as "discipline" that cannot not be identified with an institution or an apparatus, but is rather a type of power, in and of itself, even if it may be taken over by "specialized" institutions—e.g., houses of correction, schools, hospitals, etc. Power, for Foucault, cannot be understood in the conventional sense of an authoritative influence over others. That is, power cannot be understood only institutionally, juridically, or authoritatively. Power is rather the "multiplicity of force relations immanent in the sphere in which they operate and which constitute their own organization."³¹ Power comes from everywhere, there is no central point of deployment; one is always already "inside" power. It could be said that power is the complex strategical situation in which a particular society finds itself; the ways in which a particular society is organized and positioned; the deployment of discourses that reinforce power and reify social relations. In brief, power should not be thought of as something emanating from a central source (e.g., a monarch), it is rather the very constitutive basis that animates organizational structures; we must conceive of power without the king.³²

Consequently, to define "discipline" as unconnected to institutions or apparatuses, but rather as a type of power, is to say that "discipline" is a technology that orders the function of

³¹ Michel Foucault, *The History of Sexuality: An Introduction, Volume 1*, trans. Robert Hurley (Vintage/Random House, 1990). First published in French in 1976, 92.

³² *Ibid*, 91.

institutions and society as a whole. As such, “discipline” leads to the formation of a disciplinary society, a society that operates on a normalizing scale and ensures the ordering of human multiplicities. As power is the complex strategical situation in which a particular society finds itself, it is imbedded with calculations, with aims and objectives, that are sought through tactics. The peculiarity of the disciplines lies, not in their ordering of human multiplicities, but in that they try to define, in relation to the multiplicities, a tactics of power that fulfills three criteria: (1) “to obtain the exercise of power at the lowest possible cost,” (2) “to bring the effects of this social power to their maximum intensity and to extend them as far as possible”, and (3) “to link this ‘economic’ growth of power with the output of the apparatuses . . . within which it is exercised.”³³ The aim of these tactics, by (1) political discretion, (2) an increase of people brought into the myriad of institutions, and (3) a progressive account of history that links “economic” growth to institutional intervention and that is fulfilled when both the docility and utility of all elements of the system are increased. One instance of this in the history of German criminal law can be observed in the institution of the GVG and §1 therein—the section that purportedly closed courts to authoritative influence. While on paper, this reform seems to limit power, it also works to disguise and provide relative invisibility to the fact that presiding judges had near-omnipotent power in the courtroom.³⁴

Foucault’s claim that disciplines should be regarded as sorts of counterlaw, powers operating both outside and alongside of juridical law, is relevant to the operations of modern German criminal law. Disciplines create between individuals a tacit link, creating constraints that

³³ Michel Foucault, *Disciplines and Sciences of the Individual*, “Panopticism,” (Pantheon Books, 1977), 207.

³⁴ Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 6.

are not contractual obligations, but rather disciplinary links that determine and justify societal relations and allow contractual links to be systematically distorted. Foucault writes:³⁵

Whereas the juridical systems define juridical subjects according to universal norms, the disciplines characterize, classify, specialize; they distribute along a scale, around a norm, hierarchize individuals in relation to one another and, if necessary, disqualify and invalidate.

Discipline is counterlaw; it does not operate juridically, finding universal norms that can act as premises for judging subjects, posing universal judgments. In this case, juridical law would be the RstGb, the GVG and the StPO, which arise from the universal norm that lawbreakers (and all people) are rational subjects and thus should be punished according to the severity of their acts. This is juridical power: a power that says no, something that is not a condition to produce but rather only capable of posting limits; and that presumes each person to be equal and responsible. Discipline, by contrast, operates through normalizing judgment, through a system in which each subject finds himself caught in a “punishable, punishing universality.”³⁶ Normalizing judgment operates by comparing, differentiating, hierarchizing, homogenizing, and excluding individuals. While it does refer individual actions to a whole, that whole is too a field of comparison, a space of differentiation in which an average is respected, an average toward which one must move such that the constraint of conformity can be achieved. By quantitatively classifying and characterizing individuals and hierarchizing in terms of value the “nature” of individuals, discipline *normalizes*. Concomitantly, discipline is opposed to judicial penalty, “whose essential function is to refer, not to a set of observable phenomena, but to a corpus of laws and texts that must be remembered.”³⁷ Consequently, it would be a mistake to try to understand Wilhelm Voigt’s case, or for that matter any case in criminal law history, only through the legal apparatus. This would be misleading, as it

³⁵ Michel Foucault, *Disciplines and Sciences of the Individual*, “Panopticism,” (Pantheon Books, 1977), 212.

³⁶ *Ibid*, 194.

³⁷ *Ibid*, 195.

does not bring to light the mechanisms of criminal justice in everyday existence and experience (experience which is thoroughly saturated with the disciplines). Hence, Hett's claim that the criminal law history of Germany has no history.³⁸

In one of Voigt's subsequent trials, the February 1891 trial before the Superior Court in Gnesen, the disparity between juridical law and discipline is evident. There are surely some aspects of juridical law present in the trial, but present only to the extent that they condemned Voigt to the penal institution. Prior to this Voigt managed to stay out of trouble. From 1897 to 1889 he moved to Bohemia, married, had children and worked steadily as a shoemaker. However, in 1889 he fell back into what Hett calls his "old habits"³⁹ and was sentenced to thirteen months imprisonment for theft and forgery. During this period of incarceration Voigt made the acquaintance of Kallenberg, who later convinced him to join in on a robbery at the cashier's office at the courthouse in Wongrowitz. Voigt and Kallenberg were caught in the act, and the subsequent February 1891 trial lasted all of twenty minutes, resulting in Voigt receiving the maximum sentence, which was fifteen years of hard labor. In this trial, some serious procedural errors were committed (discrepancies from the expectations of the GVG and StPO). Voigt was denied his requests to call upon witnesses, of which he had six, and additionally was unable to draft an appeal, as the official who was supposed to draft the appeal only came to see Voigt after the deadline had already passed. Both of these procedural errors prove to be counterlaw. Rather than operating around universal norms as established in law, this trial seemed to operate around a norm, around the deep-seated conviction that Voigt was and is a *delinquent*.

³⁸ Benjamin Hett, *Death in the Tiergarten*, (Harvard University Press, 2004), 1.

³⁹ Hett consistently describes Voigt's turn back towards criminal/illegal activities as "falling back into his old habits." This is a problematic notion as it implies that instinctually Voigt is predisposed towards crime. Consequently, it seems that Hett implicitly understands and categorizes Voigt as *delinquent*, revealing that his history operates in a mode of power-knowledge that remains unquestioned.

Beginning sometime in the nineteenth century, Foucault identifies a transformation in penal imprisonment that covered both the deprivation of liberty *and* the technical transformation of lawbreaking individuals. This transformation hinged in part on the institution of a new prison apparatus, the panopticon system or the “Pennsylvania system,” an architectural system that allowed an overseer to observe all the incarceration cells at once from a central point. The first of these prisons in Berlin, the *Moabiter Zellengefängnis*, was built in the 1840s and soon became the most feared prison in Berlin.⁴⁰ Surveillance and observation were key in this new apparatus and took two forms: observation of punished individuals, and intimate biographical knowledge of each inmate, “of his behavior, his deeper states of mind, his gradual improvements; the prisons must be conceived as places for the formation of clinical knowledge about the convicts.”⁴¹ The overall aim of these panopticon apparatuses is to “make the prison a place for the constitution of a body of knowledge that would regulate the exercise of penitentiary practice.”⁴² Not only did prison’s need to know the juridical sentences of judges and apply punishment according to the act of the law breaker (i.e., as outlined in the RstGB), but in a transformation from a penal measure to a penitentiary operation, it had to too extract from the inmate a body of knowledge such that the inmate could be modified to become a useful, that is docile, member of society. This transvaluation of the offender into a normal, responsible individual hinges on the penitentiary apparatus’s substitution of the *delinquent* for the convicted offender.

“The delinquent is to be distinguished from the offender by the fact that it is not so much his act as his life that is relevant in characterizing him.”⁴³ If the penitentiary operation is to be a genuine reeducation, a discipline that orders human multiplicities in calculated distributions and

⁴⁰ Benjamin Hett, *Death in the Tiergarten*, (Harvard University Press, 2004), 15.

⁴¹ Michel Foucault, *Disciplines and Sciences of the Individual*, “Panopticism,” (Pantheon Books, 1977), 216.

⁴² *Ibid*, 218.

⁴³ *Ibid*, 219.

operates with normalizing judgment, it needs to form biographical knowledge of convicted individuals in order to compare, differentiate, hierarchize, homogenize and exclude those individuals. Juridical knowledge, that is negative knowledge that simply outlines the scope of acceptable and unacceptable knowledge, cannot be a successful tool for reeducation or correction of individual lives, as corrective measures introduced purely from the standpoint of the criminal act do not change individual circumstances, psychology, social position, or upbringing—juridical knowledge and juridical punishment is unsuccessful for the task of penitentiary practice, which at root is individual transformation towards conformity; that is, the creation of homogenized individuals. With this transvaluation, from focus on the act to the actor, criminology is made possible, as the introduction of the “biographical” establishes the “‘criminal’ as existing before the crime and even outside of it.”⁴⁴ While this does reduce the responsibility of the criminal, it introduces even starker and stricter restrictions on these individuals, as they are consequently viewed as predisposed towards crime (due to psychological, social, and circumstantial evidence). This transvaluation from offender as author of his acts, to delinquent as linked to offense by a myriad of complex threads (instincts, drives, tendencies, character) is accompanied with a new sort of knowledge, “a ‘positive’ knowledge of the delinquents and their species.”⁴⁵ This “positive” knowledge is largely different from juridical knowledge—which is negative insofar that it poses only limits and borderlines upon permissible acts—as it aims to construct a biographical overview of the lawbreaker and construct individualized procedures for making these lawbreakers successful societal actors. “The task of this new knowledge is to define the act “scientifically” *qua* offense and above all the individual *qua* delinquent.”⁴⁶

⁴⁴ *Ibid*, 220.

⁴⁵ *Ibid*, 222.

⁴⁶ *Ibid*, 222.

By introducing the fabricated notion of delinquency, the penitentiary apparatus is able to function as a discipline, organizing and hierarchizing individuals according to their life, operating around a norm, and thus instituting a normalizing effect on individuals and society as a whole. Thus, the delinquent, as knowledge of what-not-to-be, becomes a successful tactic of power in increasing the utility and docility of “normal” people—i.e., it supplements the formation of law-abiding, modest, and productive subjects. As such, in fabricating delinquency, the penitentiary system enabled criminal justice to operate on a general horizon of “truth,” in silently organizing a field of objectivity in which punishment can function as treatment.

It seems that an analysis of Voigt’s life, in and out of the incarceration system, through the lens of Voigt as delinquent proves more fruitful than an analysis of Voigt from the standpoint of the history of criminal trial in Germany. The latter analysis, being primarily intellectual and theoretical, fails to reveal forces, aside from the law, that may have influenced Voigt’s treatment as he lived. In what follows, it will be argued that Voigt’s criminal trials of 1891 and 1906 and his treatment in the intermezzo period between these trials are better understood with the underpinning of Foucault’s philosophical and historical insights, even when historically, the two trials proved to hold very different content in their treatment of Voigt.⁴⁷

In his analysis of the penitentiary system of the nineteenth century, Foucault finds that “the prison cannot fail to produce delinquents,” this insight will be taken as a starting point for a Foucauldian analysis of Voigt.⁴⁸ When in 1889 Voigt “fell back into his old habits”⁴⁹ and was sentenced to thirteen months for theft and forgery, it was there that Voigt made acquaintance with

⁴⁷ While Hett argues that the difference between the 1891 and 1906 trial can be accounted for by changing social, political, and intellectual paradigms, there seems to be a commonality found between the two trials if Voigt is viewed as Foucault’s *delinquent*. In both cases, Voigt is presented and understood as an example of what-not-to be, thus justifying knowledge of what one should be.

⁴⁸ *Ibid*, 227.

⁴⁹ C.f., footnote 30.

another delinquent prisoner, Kallenberg. “The prison makes possible, even encourages, the organization of a milieu of delinquents, loyal to one another, hierarchized, ready to aid and abet any future criminal act.”⁵⁰ Kallenberg soon convinced Voigt to aid and abet him in a robbery of the cashier’s office at the courthouse in Wongrowitz, in which both delinquents were caught in the act. While the 1891 trial for this felony was short and incurred many procedural errors, one major failure of the trial, brought up in Voigt’s 1906 trial, was the failure of the court system to take into account Voigt’s prevention of Kallenberg killing the policeman who caught them—for which Voigt had six witnesses.

The neglect of this simple act in the trial seems to hinge on the systematic conviction and categorization of Voigt as delinquent. The RstGB outlines that lawbreakers are to be considered rational creatures, and consequently judged based on the severity of their actions. The 1891 trial, however, presented a one-sided analysis of Voigt’s actions, focusing only on the criminal act and ignoring the potentially redemptive act. In this way, Voigt was presented as a pathologized subject, one-sidedly seen as only delinquent and not a constructive member of society, even if the latter was only possible in a somewhat distorted sense. This blindness in the 1891 trial could be evidence for the categorization of Voigt already as delinquent, as it was entirely ignored and neglected that he possessed qualities and undertook actions other than those of a criminal nature.

After the 1891 trial’s sentence of fifteen years hard labor passed, Voigt was once again a free inmate in February 1906. The Society for the Welfare of Ex-Convicts wrote on his behalf to a shoemaker in Mecklenburg, Hilbrecht, who took Voigt on and even praised Voigt’s conduct in the workplace, later saying of Voigt that he “conducted himself superbly and was a good, dependable worker and a sober diligent person.”⁵¹ Hilbrecht’s description of Voigt is interesting

⁵⁰ *Ibid*, 228.

⁵¹ *Berliner Tageblatt*, 2 December 1906, Sunday edition.

as it presents him as an example of the norm, as a “normal person.” However, as Voigt was already marked out as delinquent, this sober and diligent lifestyle was soon to fade. In May 1906 Voigt became subject to arbitrary police procedures. Under an 1842 law, Prussian police had the authority to “exclude released prisoners from living in certain localities as they were “persons who constitute a danger to public security or morality.”⁵² The concern for public morality in the latter section of the law is interesting as it implies that inmates are not in fact rational beings, but rather pathologized subjects, who hold an influence and sway over a normalizing society that aims to construct homogenized subjects. While Mecklenburg was not part of Prussia, the authorities took it upon themselves to enact this law upon Voigt, one day summoning him to the Wismar police station and telling him that he had to leave town. Voigt proceeded to move from town to town, unable to find work, until he finally concluded his odyssey in Berlin where he moved in with his sister and found work in a shoe factory. However, “the conditions to which to free inmates are subjected necessarily condemn them to recidivism: they are under the surveillance of the police; they are assigned to a particular residence or forbidden others.”⁵³ It was not soon after his arrival in Berlin that Voigt was expelled from Rixdorf and a list of surrounding suburbs at the request of the police president of Rixdorf, using the same 1842 law that marked Voigt as a danger to public security and morality. The marking of Voigt as delinquent, even outside of the incarceration or justice systems, made it impossible for Voigt to pursue an “honest” living, and thus, Voigt reverted to criminality, setting the stage for his 1906 Köpenickiade—in an example of the idea that “detention causes recidivism.”⁵⁴

⁵² Walter Bahn, *Meine Klienten: Beiträge zur modernen Inquisition* (Berlin, 1908), 80-81.

⁵³ Michel Foucault, *Disciplines and Sciences of the Individual*, (Pantheon Books, 1977), 229.

⁵⁴ *Ibid*, 226.

Voigt's 1906 trial for the Köpenickiade proved to be different from his 1891 trial in many respects. Of particular interest here is the Prussian officialdom's generally gentle treatment of Voigt within the trial. While the treatment of Voigt was largely different between these two trials, arguably, both trials procedurally went forward on lines of seeing Voigt as delinquent. The cause of this more merciful treatment is not of interest here, rather it is the procedural techniques in this trial that are of interest. Much of the judge's sympathy for Voigt seems to stem from the change in procedural techniques in the trial. The presiding Judge, Judge Dietz, took an interest not only in Voigt's acts, but too in his life. This change of procedural technique connects to ideas of the bold, innovative judge as contemplated by Kantorowicz and other writers of the free law school.⁵⁵ The classical law school of Germany, Binding's law school, keeping with the nineteenth-century liberal law tradition, deemed that the only possible basis for the punishment was the offense itself; i.e., the punishment should fit the crime. However, in the 1906 trial, Judge Dietz proceeded on lines more related to the modern law school wherein punishment was to fit the *criminal*.⁵⁶ This sort of procedural approach fits with Foucault's genealogy of delinquency in the penitentiary institution: "it is this delinquency that must be known, assessed, measured, diagnosed, treated when sentences are passed."⁵⁷ Rather than focusing on Voigt's acts, the 1906 trial focused on Voigt's life, examining the procedural errors of his 1891 trial and the circumstantial complications after his release in early 1906 resulting in the remarkable conclusion that Voigt was perhaps a victim of the state:⁵⁸

. . . mitigating circumstances are to be accorded him on the grounds that Voigt, in fact, became a victim of circumstances and of the existing state order [*der bestehenden staatlichen Ordnung*], and without the expulsions would perhaps still

⁵⁵ Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 26.

⁵⁶ *Ibid*, 26.

⁵⁷ Michel Foucault, *Disciplines and Sciences of the Individual*, (Pantheon Books, 1977), 223.

⁵⁸ Voigt, *Hauptmann von Köpenick*, 132; *Berliner Tageblatt*, 2 December 1906, Sunday edition.

today be living as a shoemaker in Wismar. Therefore, with the expulsion, a grave misfortune came over him.

While the results of this 1906 trial in some sense seem to be conscious of the characterization of Voigt as delinquent, the procedural techniques in the case—i.e., the examination of Voigt's life above and beyond his act—fit within delinquent discourse. Thus, while the marking out of Voigt was made evident, the “truth” of Voigt was only found within a discourse that is characterized by discipline. This is to say, that even if Voigt was now seen as a “victim of the state,” he was a victim of the state only to the extent that he was already a delinquent. This trial, arguably, only worked to specify “delinquency” through Voigt, as Voigt himself became an object of knowledge, dissociated from illegalities *but* isolated as delinquent. It becomes pertinent for the penitentiary apparatus to produce delinquents, as the fabricated notion of delinquency allows for the propagation of a normalizing, disciplinary society through providing positive knowledge of what-not-to-be. In this trial, Voigt became a usable form of illegality, as he became enclosed within a definite milieu and was given an instrumental role in relation to other illegalities. By strategically opposing illegalities and delinquency, Voigt became a normalizing factor in society, as positive knowledge was formed around him to the extent that others become aware of what-not-to-be.

To recap, an argument has been posed that an understanding of Wilhelm Voigt, in and out of the incarceration and juridical systems, is better formulated through understanding Voigt as Foucault's delinquent. It is not enough, for one, to attempt to understand Voigt's treatment purely from the standpoint of criminal justice history in Germany, as this methodological approach fails to highlight epistemological changes in modern Germany, and too proves to be insufficient in highlighting the particularities and anomalies in Voigt's case and life. Disciplines prove to be counterlaw, just as Voigt's treatment proves to be counterlaw. A disciplinary analysis of Voigt then reveals how Voigt was ordered from the myriad of human multiplicities, how Voigt was

positioned into positionality—i.e., how Voigt became ordered as a specific type of knowledge (or being) that supplements the reproduction of society. A Foucauldian analysis thus reveals how Voigt's life was ordered by societal intervention on the uniform basis of seeing him as delinquent.

In light of this analysis, Voigt should be thought of not only as a symbol of Prussian militarism, but also, and perhaps for the contemporary world more importantly, as a symbol of disciplinary normalization in a normalizing society. Indeed, German society was undergoing transformation between Voigt's two trials (as seen in the second Judge's use of newer court procedures). What we see is how Voigt—who was consistently viewed as a delinquent—was treated differently. By seeing the transformation in society between Voigt's two trials, an alternative narrative opens up—a narrative that runs counter to the traditional militaristic account.

It is important to contemporary society to consider this alternative narrative because militaristic accounts of Voigt perpetuate a hierarchical approach to social relations that inculcate Germans with political views that are reactionary, chauvinistic and ultra-nationalist; i.e., militarism draws attention to the structural connections between the military and the wider social and political system in which it is embedded.

Yet, the militaristic analyses of Voigt fail to account for divergent conceptions of power and knowledge that operated around his figure. It seems that rather, in the case of Wilhelm Voigt, a different form of societal subjugation is at play, a subjugation which is not hierarchical or repressive (i.e., related to king and law), but rather a subjugation that operates on a different plane of power-knowledge. It is Wilhelm Voigt's unintended service to bring this phenomenon to the attention of his contemporaries insofar that his case demonstrates that the criminal justice system operated without law, and power without the king. Germany continues today to have power without a king; Germany also continues to have disciplinary regimes as all societies do. Voigt can

become, not a nostalgic, militaristic reference point, but a key story for modern Germany to consider as it contemplates how power and knowledge operate in a modern society.

Power, in the case of Voigt, does not operate by way of prohibition and blockage—that is negatively, it is rather productive, as it creates a knowledge of what-not-to-be through delinquency as knowledge of the anti-norm. Militaristic accounts of Voigt mask the workings of power at this moment; in construing Voigt’s story and the depiction thereof along militaristic lines, power, becomes attached to the king and laws, when rather, it seems that power, at this moment, operates through the disciplines. In analyzing Voigt’s case through a different theory of power, and advancing a different conception of power, a different grid of historical decipherment is made possible. It is revealed that delinquency helps to explain how German society becomes normalized and conformist. There is no possibility of resistance in an authoritarian system of power, only in seeing alternative modes of societal normalization, that is a disciplinary regime of power, can the power of truth be detached from the forms of hegemony in which it operates. The implications of this analysis are that the moral and essence of Voigt’s story have been fabricated in piecemeal fashion—fabricated to the end of disguising divergent relations of power-knowledge (this point will be expanded in the subsequent section in the discussion of national consciousness).

As such, this account undermines popular impressions of Voigt, that place Voigt either as a symbol of Prussian militarism or conversely as a force that upends militarism (namely in Zuckmayer’s play and the subsequent screen adaptation). However, there may be particular value to modern society in looking at Voigt’s story as an example of how disciplinary normalization operates. Next, we consider the rise of newspapers during Voigt’s time and the role of media in how a modern society pursues normalization.

II

The Story Reframed, The Word City

Truth isn't outside power, or lacking in power . . . Truth is a thing of this world, it is produced only by the virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its régime of truth, its "general politics" of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned . . .

—Michel Foucault, *Power/Knowledge*

It would seem that the 1871 unification of Germany inherently led to the formation of a national community, connected through newfound political and military ties. However, political unification and military hegemony are not the only factors contributing to the creation of a national community. In the above section, it has already been argued that Foucault's concept of delinquency, as formative of the norm, is implicit in the creation of a homogenized group of national subjects, a group that includes those typically seen as the rulers. Although, beyond this too, changes at the *fin de siècle*—namely the rise of mass media through newspapers, the semiotics of urban space, and the general changes of perception therein—supplemented the formation of a national community; a community consequently formed through a myriad of different historical and philosophical forces. Contemporary historians, such as Christopher Clark, have highlighted how 'militarism'—the Prussian system of universal conscription, the payment of matricular contributions for the upkeep of a national army, and/or the assertion of Prussian hegemony over other Germanic states—became one of the foremost "semantic rallying points" in modern German political culture: "in whatever sense it was used, [militarism] drew attention to the structural connections between the military and the wider social and political system in which it was

embedded.”⁵⁹ While militarism surely played a central role in the unification of Germany and the formation of a national community thereafter, Germany, after all, was unified following four European wars—this sort of historical analysis masks other historical and philosophical undercurrents that led to the formation of a national space. Additionally, analyses of Voigt through the lens of militarism—of which there are many (e.g., Clark’s contention that since Voigt’s episode was accompanied with and ended in laughter, he was therefore symbolic of a joke against widespread Prussian ‘militarism’)—really mislead, as they fail to account for supplementary and divergent elements brought forth by aspects of Voigt’s case and life.

This section focuses attention on shifting epistemological frameworks at the *fin de siècle* and how these frameworks became appropriated for constructing a national consciousness and narrative through the intervention of newspapers. In highlighting these aspects of early twentieth century Germany, the hope is to unlearn the “discovered” narratives of Voigt, narratives that interpret Voigt as symbolic of Prussian militarism.

An example of this is present in Alfred Döblin’s 1929 novel, *Berlin Alexanderplatz*, we encounter the story of Franz Biberkopf, a recently released convict from Tegel penitentiary who has determined to go straight. There are many similarities between the fictional story of Franz Biberkopf and the historical story of Wilhelm Voigt, both were incarcerated in Tegel, both were sent police notice that they could not reside in the Berlin area, both found trouble adjusting to metropolitan life, and both, arguably, were categorized as delinquent.

Upon Biberkopf’s release, he is struck with the thought that his real punishment is just beginning. Thrown into a new world of strange sensations, Franz, in the early chapters of the novel, is stuck in a persisting sense of bewilderment. The city into which he is thrown, Berlin, proves to

⁵⁹ Christopher Clark, *Iron Kingdom*, (Penguin Books 2006, 2007), 600.

be an unnavigable urban space, with none of the organized timetables and activities of incarceration life. Trying to escape his suffering by mingling with the ever-present crowds, Franz is struck by the thought that “*it* wasn’t alive,” the whole city, people included, while seething and swarming, were just like the surrounding urban space, “*it* was just like the buildings, all painted, all wood.”⁶⁰ Everything was façade, there was no escape from the ever-prevalent unalive metropolitan world, wherein hurrying figures rushed about, one after the other. Unable to cope with this foreign world, Franz regresses to moaning and groaning, just as he had done in solitary confinement when the loneliness got to him. Interestingly, Franz begins his life of “going straight” by selling newspapers, perhaps in an attempt to find orientation in the unalive metropolitan world.

While Biberkopf’s decision to sell newspapers may have been entirely instinctual, it proves to be a seminal decision, as the *fin de siècle* inaugurated, among other things, an age of urban mass literacy, wherein the city as place and the city as text engaged with each other on a daily basis, guiding and misguiding city inhabitants, “and, in large measure, fashion[ing] the nature of metropolitan experience.”⁶¹ The city as text, or the “word city,” is, in its most simple iteration, defined by Fritzsche as “a social text that simultaneously reflected distorted and reconstituted the city.”⁶² Franz Biberkopf seems very much to be thrown into a world that is a discussion between industrial city and word city, a world where these two aspects become increasingly entangled and ensnared, coloring and orienting city dwellers, and distressing nascent city dwellers who are unattuned to the guidance of the word city.

The social text of the word city is connected to the early twentieth century phenomenon of newspapers establishing themselves as metropolitan institutions; however, it extends too beyond

⁶⁰ Emphasis added, note the use of the impersonal “it” in place of “they.” Alfred Döblin, Trans. Michael Hoffman, *Berlin Alexanderplatz*, (New York Review of Books, 1929, 2018), 6.

⁶¹ Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 1.

⁶² *Ibid*, 10.

newspapers to encompass the whole paper economy that soon proliferated across all sectors of metropolitan life: advertisements, broadsides, and a variety of curbside texts. In Berlin, as the industrial city reworked and proliferated versions of the word city, this wording and rewording in turn re-viewed and fashioned the city, such that the resulting margin of distortion became, as it were, a very part of experience of the city.⁶³ In brief, the word city inaugurated a mode of enframing, a way of ordering, regulating, and arranging humans and human experience. The resulting “human experience,” then was one that necessarily closed off, hid, and suppressed aspects of human experiences and possibilities.

While the text of the big city at the turn of the century had a wide range of authors from any number of genres—the novel, drama, vaudeville, photography, advertisement—which represented the metropolis, none of these texts were as indispensable or focused on the metropolis as the mass circulation newspaper.⁶⁴ Newspapers did more than introduce the metropolis to readers. It too calibrated readers to the tremulous and machine-tempered rhythms of urban life. Newspapers “fashioned ways of looking in addition to fashioning looks, and they trained readers how to move through streets and crowds in addition to guiding them among sensational sights.”⁶⁵ As the urban city itself lacked distinctive or permanent physiognomy, resulting in a persisting sense of bewilderment, newspapers proved indispensable in orienting city dwellers. Newspapers addressed metropolitan dwellers first and foremost as consumers, openly inviting readers to browse the city and teaching them how, in their representation of the city as sensational and spectacle. As readers and consumers approached the city more in terms of visual pleasure, rewriting difference and diversion as aesthetic, there emerged a city-wide increasingly

⁶³ *Ibid*, 10

⁶⁴ *Ibid*, 15.

⁶⁵ *Ibid*, 16.

homogenized audience united around a common perspective of encountering the metropolis as an ample field of visual pleasure.⁶⁶ This is the dawn of a new social type, “distracted browsers,” proliferated through the dramatic and suspenseful telling of events. “Recounting events in the form of drama or suspense, in which aesthetic effect regulated the telling, undoubtedly piqued the interest of readers, but it also encouraged them to take a detached, spectatorial view of the world.”⁶⁷ Newspapers represented the world as ready-made for browsing, in which “just-looking” described the basic urban encounter.

Timothy Mitchell identifies this attitude of “just-looking” as a peculiarly modern European orientation towards the world, in which exhibition, as a practice, exemplifies the modern European state. Spectacles like the world exhibition, the Great Exhibition of 1851 in London, and the 1892 Congress of Orientalists set up the world as a picture through the machinery of “representation,” in which everything is collected and arranged to stand for something, “to represent progress and history, human industry and empire; everything set up, and the whole set-up always evoking somehow some larger truth.”⁶⁸ Exhibition practice thus becomes a means of enframing, as it organizes and arranges human experience around specific “truths.” In exhibition practice people are thought of as something set apart from the physical world, as the ones who observe and control it. This attitude, however, extended beyond the gates of the exhibition, as the real world, “turned out to be rather like an extension of the exhibition. This extended exhibition would continue to present itself as a series of mere representations, representing a reality outside.”⁶⁹ A split was manifested between object-world and subject-observer, wherein truth was found through the observer (not unlike Foucault’s findings that truth descends from the interrogator). This objective

⁶⁶ *Ibid*, 130.

⁶⁷ *Ibid*, 137.

⁶⁸ Timothy Mitchell, “The World as Exhibition,” *Comparative Studies in Society and History* 31, no. 2 (1989), 6.

⁶⁹ *Ibid*, 9.

attitude of an exhibition visitor proves to be the attitude of modern individuals or modern political subjects. In the modern European state, representation precedes reality. In order to understand the world through the very European objective attitude, wherein there is an “objective” isolation of observer from object-world, the world needs to be seen as presented as exhibition or spectacle.

This newfound orientation towards the world is found too within the world of the “word city;” the world of representation, spectacle, and visual pleasure. This modern experience of the world and city weighed heavily on the public’s reception of criminal cases with theatrical presentations of court cases, such as Wilhelm Voigt’s, as these became newfound arenas for the production of “truths.” The word city produced truths that differed from those posited by militaristic or delinquent discourses, as the truths found therein were given meaning from political agendas.

Newspapers helped facilitate this shift, from readers to spectators, through casting the city in ostensibly theatrical terms. Criminal trials were cast and previewed with overdramatic language and reporting such that “court proceedings were the most common place spectacle.”⁷⁰ In November 1904, *BZ am Mittag*, previewed a coming criminal trial writing “a *sensational* profiteering trial will open on Monday the 7th and should prove to disclose most astonishing revelations.”⁷¹ Additionally, the performance of judges, prosecutors, and attorneys were closely scrutinized by the press, throwing these figures into the public’s eye, and undoubtedly influencing their actions within the courtroom. As such, some of the enigmatic aspects of Voigt’s 1906 trial can be understood through the intervention of the “word city.” The gentle treatment of Voigt, and the general assumption that courts had become more merciful at the turn of the century could be accounted for through the representational world of the early twentieth century, as manifested

⁷⁰ Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 158.

⁷¹ Emphasis added, “Heiratsvermittlung und Wucher,” *BZ*, no. 10, 2 Nov, 1904.

through the “word city” and exhibitions. Interest in criminal proceedings were undoubtedly influenced by the press’s deployment of theatrical metaphors and the conscription of readers as spectators.

However, the word city also distorted criminal trials by introducing a layer of morals and truths which oriented readers to understand events in pointed ways. Specifically, the word city led reader-spectators to understand themselves in terms of national identity that intersected with but were also distinct from the impacts of militaristic or disciplinary discourses. The transition from readers to spectators, and back again, and the concomitant interest in outlying figures, were undergirded by the rise of nationalist sentiments and the word city. As the word city became an integral factor in the construction of national narratives in its’ drawing in of fugitive figures. In his work, Benedict Anderson, connects the origins of national consciousness to the “interaction between a system of production and productive relations (capitalism), a technology of communications (print), and the fatality of human linguistic diversity.”⁷² Print-languages are foundational for national consciousness in three ways: (1) print-languages create unified fields of exchange and communication below Latin and above spoken vernaculars, lending to the awareness of millions of other people within the same language field, and thus accompanied with a sense of belonging; (2) print-capitalism gives a new fixity to language, supplementing and building national narratives of antiquity, in making the words of forebearers accessible; and (3) print-capitalism creates languages-of-power of a different kind from administrative vernaculars, in prizing which vernacular becomes used on a nationwide basis.⁷³ Print-capitalism both displaces religious imagined communities, as sacred languages are demoted under print-capitalism, and decenters

⁷² Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 1983), 42-43.

⁷³ *Ibid*, 44-45.

monarchical hierarchical organizations as an awareness arises of millions of other political subjects. In this way, a newfound unity arises among political subjects, unified through print-capitalism and the word city, and the creation and unearthing of common historical narratives.

This newfound unity connects to the relation of power-knowledge described in the first section; unity, at this moment, is not found through hierarchical relations to the king, rather unity becomes an effect of power-knowledge, an effect of a society organized more so around a norm than juridical or authoritative measures. This unthought subjectivation becomes mobilized within the word city to produce a more conscious national consciousness, thus helping explain how Germans play into and support a kind of conformist-rule following without really understanding what is happening. Thus, it could be said, the word city becomes a place of discourse—a means of enframing as it presents, depicts, and organizes events and people around a norm. Consequently, as the word city becomes a place of constructing national narratives and homogenized subjects, public cases and events, such as Wilhelm Voigt's Köpenickiade, are dragged into the vortex of nationalism as they are oriented and presented in specific ways by the press. "It was around sensational newsmakers like Wilhelm Voigt and Count Zeppelin that the press began to create a truly national 'public.'"⁷⁴ Through the intervention of the word city both contemporary views of Voigt and past perceptions of Voigt are construed in specific interpretations or made to be seen in specific lights, which fit within normalizing national narratives. However, this is a form of normalization distinct from that of delinquent discipline, insofar that the norm was construed not so much around increasing the utility and docility of all facets of society. Rather, normalization here was constructed around a gendered notion of right and wrong, masculine and feminine

⁷⁴ Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 31.

behavior. However, in making normalization conscious in this way, the word city worked to mask and mislead in hiding the effects of disciplinary normalization.

The Mask of Gendered Normalization via the Word City

Just two weeks before Voigt was released from Tegel, Count Zeppelin, another German “hero,” captivated the German public eye with his flight of Zeppelin LZ 4 over Mannheim, Worms, Darmstadt, Mainz, and Stuttgart. Amidst Socialist demonstrations for electoral reforms, this event, for the popular press, became a site of contestation between two different kinds of nationalism: “the official one expressed by the Kaiser and the court, and the popular exuberant version on the streets.”⁷⁵ Officialdom worried that crowds would be unruly and unorganized, putting the desirability of unofficial “people’s festivals” into question. As such, it was around the discipline of the crowds that newspapers focused their attention upon reflection of Zeppelin’s feat. Although, even before Zeppelin flew over Tempelhof Field, newspapers presented their view that Berliner’s would undoubtedly maintain a “dignified cool-headedness,” thanks to the “strict and wonderful discipline which our workers have learned on the political battlefield.”⁷⁶ Newspapers, specifically the *Morgenpost*, assumed control of crowd management through publishing extra editions to keep Berliners abreast of the progress of the Zeppelin, and providing flag signals to give sightseers updates on the Zeppelin’s progress.⁷⁷

In reflection upon the event, newspapers and other forms of mass media, portrayed the event and the masses with both flamboyant prose and nationalist narratives. For one, the poet, Adolf Petrenz wrote, “Berlin has only one single neck today . . . one cheering mouth, one eye, one

⁷⁵ Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 227.

⁷⁶ “Berlin in Erwartung Zeppelins,” MP, no. 223, 30 Aug. 1909.

⁷⁷ Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 227-228.

heart.”⁷⁸ The *Berliner Tagblatt* practically gushed: “people of Berlin . . . yesterday you were simply beautiful the way you presented yourself as a mass, as a whole.”⁷⁹ *BZ am Mittag* agreed with these sentiments, noting that the masses had indeed gained respectability: “The Berlin public, divided and opinionated as it may be, is unified in that it . . . can maintain discipline if it must.”⁸⁰ What all these examples of popular media express and celebrate was the formation of a popular, patriotic entity beyond the confines of class and the hierarchies of the monarchy.⁸¹

Unity, in this moment, was portrayed as unconnected to religious or monarchical organizations, but rather found within the very disciplined and organized masses of Berliners, in their orientation towards the zeppelin. “The masses of Berliners, assembled under the zeppelin symbolized a new Germany, a nation that was technologically advanced and oriented toward the future.”⁸² Parallels between Voigt and Zeppelin drew much commentary at the time, as both events and people weighed heavily upon the growing national consciousness, upon which ideas and terms in which a national narrative should be construed. In both cases, of central concern were notions of mass discipline and homogenization.

Coming so soon after the “miracle at Echterdingen”—i.e., Zeppelin’s flight—, conservative critics took a generally negative tone in their analyses of Voigt’s public attention, as the former event undoubtedly cast Germany in a positive conservative lens—demonstrating advanced technology and an orientation towards the future. Was it really right that Voigt should be so much in the public’s eye when he was a notorious criminal? This debate was exacerbated as the public was more sympathetic than conservatives in their reception of Voigt. While in prison,

⁷⁸ Adolf Petrenz in *Tägliche Rundschau*, 8 July 1918, quoted in Adolf Saager, *Zeppelin: Der Mensch, Der Kämpfer, Der Sieger* (Stuttgart, 1916), 173-174.

⁷⁹ BT, no. 438, 30 Aug. 1909.

⁸⁰ “Das Volk von Berlin,” *BZ*, no. 203, 31 Aug. 1909.

⁸¹ Peter Fritzsche, *Nation of Fliers*, 27-35.

⁸² Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 229.

several Berlin newspapers organized public collections for Voigt. A wealthy woman even assured him a pension after he finished his sentence. After his release, photographers chased him wherever he went; he became the subject of a wax display at the famous Passage-Panoptikum on Berlin's Friedrichstrasse; a gramophone company paid him 200 marks to record his story; and a restaurateur in Kreuzberg offered him free meals for a month if he would grace the head table.⁸³ Additionally, from the day Voigt began his sentence at Berlin's Tegel prison, clemency applications on his behalf filled the justice ministry's mailbag. These applications came from around the world: even the mayor of San Francisco sent one on official letterhead.⁸⁴ While these requests were all denied, through the work of Justice Minister Besler, Voigt was eventually granted clemency: the Kaiser pardoned him on August 15th.⁸⁵

Hannah Arendt observes that "in granting pardon, it is the person and not the crime that is forgiven."⁸⁶ However, it seems that not everyone wanted to or could forgive Voigt becoming a public figure. On August 20, 1908, the *Leipziger Neueste Nachrichten*, reflecting on the public treatment of Voigt, complained of the lavish and celebratory sentiments held towards Voigt:⁸⁷

Count Zeppelin had just released us from the terrible fever-dream of the Eulenburg scandal . . . There was wind in our sails again, and in view of the heart-lifting national enthusiasm that burned through our fatherland like a cleansing spring storm, we Germans could once more look friend and foe proudly and self-confidently in the eye. Then already a new roll of film was put on the fast-changing projector that we call public life. Rrrr . . . another picture: Wilhelm Voigt, the Captain of Köpenick. And the same people stormed the streetcar in Berlin, in order to run after a released prisoner.

⁸³ Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 32.

⁸⁴ *Ibid*, 29.

⁸⁵ *Ibid*, 29-30.

⁸⁶ Hannah Arendt, ed. Jerome Kohn, *Responsibility and Judgment*, (Shocken Books, 2003), 95.

⁸⁷ *Leipziger Neueste Nachrichten*, 20 August 1908, Strafsache Voigt.

In regard to the case of Wilhelm Voigt, conservatives took offence at Voigt being brought into conversations of national narrative as symbolic of something particularly German. Conservatives feared that “glorification of Voigt made the Germans ridiculous in the eyes of foreigners—and Germans, with the insecurity of the ‘latecomer’ nation, worried incessantly about what foreigners thought about them.”⁸⁸ Could Voigt really inspire the same disciplinary and organized modality of masses as shown through the feat of Count Zeppelin? Or did public approval of Voigt express “effeminate” qualities as posed by the *Deutsche Tageszeitung*? — “today it is effeminate to seek and to make sensation in the courtrooms, in the criminals’ dives (*Verbrecherspelunken*), in the back tenements (*Hinterhäuser*), and the prostitute alleys (*Dirnengassen*).”⁸⁹ Conservatives worried that national narratives constructed around “distorted compassion” for serious criminals might instate morals that were insufficient with the developing nation. Rather, German character should lie with enthusiasm for “serious men of quiet and unremitting work,” men such as “Hutton, Luther, Fichte, Kant, and Bismarck,” along with, *natürlich*, Count Zeppelin, “proud in his modesty, honest and brave.”⁹⁰ While the kinds of normalization here seem similar to those evoked by delinquent discourse, they differ insofar that they present a gendered notion of correct behavior (i.e., a norm construed in a Manichean sense over a norm construed around docility and utility, in the latter, the norm arises through normalizing judgment—judgment that operates by comparing, differentiating, hierarchizing, and excluding individuals, while the former presents a norm through juridical judgment—in demarcating what is permissible, in saying “no”).

In much conservative German literature at the turn of the 20th century a gendered notion of correct behavior was presented, one that put correct behavior on the side of seriousness, honesty,

⁸⁸ Benjamin Carter Hett, “The ‘Captain of Köpenick’ and the transformation of German Criminal Justice, 1891-1914,” *Central European History*, 2003, Vol. 36, No. 1 (2003), 33.

⁸⁹ “Verirrungen und Verzerrungen,” *Deutsche Tageszeitung*, 8 August 1908, evening edition.

⁹⁰ “Zeppelin oder Voigt?” *Deutsche Tageszeitung*, 23 August 1908, Sunday supplement.

bravery, and discipline—in line with the conservative given examples of “honorable men”. This notion of correct behavior permeating throughout text can be observed in the cultural pessimism of the *Deutsche Tageszeitung*:⁹¹

[The] unripe youth who poison their imagination with the reading of filthy ten-pfenning booklets . . . later form the contingent of *female* ‘criminal students’ who storm the spectators’ gallery for a morals trial, none of whom leave the room when the presiding judge . . . leaves it to the ladies present to disappear from the courtroom before presenting smutty postcards.

Immoral or problematic behavior was placed on the side of ‘effeminate’ activity that might ‘oversentimentally’ judge acts that are morally wrong, such as Wilhelm Voigt’s Köpenickiade. Of central concern was how ‘effeminate’ attitudes might diffuse out of courtrooms and lead to general acceptance of unruly behavior on a widespread scale.

However, when Voigt is seen as Foucault’s delinquent, these very conservative concerns are fulfilled through the general presentation of Voigt by both the courtroom and newspapers. To briefly restate, the delinquent is essentially the embodiment of the anti-norm. Delinquency becomes a usable form of illegality that the public can understand and discuss because delinquency makes public a sense of knowing-what-not-to-be to others in the form of a “truth”. Furthermore, in placing emphasis upon to individual, the criminal act itself is effaced; rather, some individuals themselves are defined as criminality itself. In this new epistemological space, individuals are compelled to act and behave in certain ways, lest they be categorized as “delinquent” and thereafter seen as incompatible with society. While conservatives tried to promote individuals such as Bismark, Kant, or Zeppelin, as ideals to pursue, their approach proved less successful than delinquency in leading to a homogenized disciplined society, as delinquency allows for positive knowledge to be created about what-not-to-be.

⁹¹ Emphasis added, *Leipziger Neuste Nachrichten*, 20 August 1908, Strafsache Voigt.

Although, the conservative discourse produced around Voigt is not entirely unsuccessful in the propagation of a normalizing society as it becomes a useful tactic for masking the relations of power-knowledge discussed in section I. Just as §1 of the GVG disguised and made invisible the near-omnipotent power of judges in the courtroom, by positing a gendered notion of “normal,” conservative critics made it hard to see where critical thinking and action were needed. In presenting a gendered norm, that operated through juridical judgment, readers were consequently led to ignore the at least as effective delinquent power-knowledge paradigm, that operated through normalizing judgment.

On Fame

Through the orientation and perspective of these conservative critiques it seems rather strange that Voigt was able to accrue any sense of public approval, especially when the “Voigt cult” was presented as a “symptom of a social and national sickness.”⁹²

However, my argument is that the public approval of Voigt can be accounted for by epistemological changes inaugurated by the word city and life within the metropolis; i.e., how the word city becomes a means of enframing, of ordering events to create coherent, contingent narratives. I argue the reason we know Voigt today is not merely because of the literal details of his crime—but because newspapers made his crime into a spectacle—a spectacle that was widely viewed throughout German society at the time, and which drew a range of opinions, including many that were sympathetic. His crime became a topic worthy of discussion—albeit a topic of directed discussion along gendered lines—in a society that was undergoing major transformation from an earlier empire towards a modern democracy (indeed, the last Kaiser would abdicate just a few years after he set Voigt free). Hence, I next argue that it is important to our understanding of

⁹² *Leipziger Neueste Nachrichten*, 20 August 1908, Strafsache Voigt.

Voigt today that we see his story has two interpretations, proliferated by the word city, that it was a story sitting at the crux between a nostalgic-militaristic and a modern-rebel interpretation—two interpretations that worked together to mislead readers in presenting Voigt’s story in black and white terms while providing relative invisibility to the workings of disciplinary normalization.

While narratives generally construe Berlin as a big city in flux, wherein outwardly colored differences proliferate, these narratives elide “established relations of power and often misrepresent the basic sameness” of city dwellers.⁹³ Metropolitan narratives organized detail and difference, and thus regulated ways of seeing and not seeing, reifying categorized notions of being. As pointed out by Frankfurt school theorists, since the turn of the century, the culture industry, while abolishing the intimate experience we once held towards literature and art, additionally extinguishes diversity as it pulls diverse social groups into its vortex and establishes a basic sameness of being-in-the-world.⁹⁴ Much like Franz Biberkopf’s initial insight into the world of metropolitan Berlin—i.e., that everything was unalive and merely façade—Georg Simmel, a celebrated sociologist in *fin de siècle* Berlin, found that city people lived completely on the surface; a new type of person emerged, the city person, who lived without a stable sense of identity or memory. Simmel finds, contrary to rural life, the city person is thrown into a world of constant stimulation, resulting from “the swift and uninterrupted change of outer and inner stimuli” within the metropolis, not unlike the overstimulation experienced by the nascent city-dweller Franz Biberkopf.⁹⁵ Thrown into a world of rapid crowding and changing image, wherein there are no lasting impressions, metropolitan man must cope by making the intellect the superior function, in

⁹³ Peter Fritzsche, *Reading Berlin 1900*, (Harvard UP, 1996, 1998), 3.

⁹⁴ C.f., Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment*, ed. Gunzelin Schmid Noerr, trans. Edmund Jephcott (Stanford University Press, 1944, 2002). First published in German in 1944.

⁹⁵ Georg Simmel, Ed. David Frisby & Mike Featherstone, *Simmel on Culture*, “The Metropolis and Mental Life,” (Sage publications, 1997), 175.

an attempt to preserve subjective life against the overwhelming power of metropolitan conditions. Additionally, as the metropolis is the seat of a money economy, people take an increasingly matter-of-fact attitude in dealing with men and things: an inconsiderate hardness. “Modern mind has become more and more calculating.”⁹⁶ Consequently, in adopting this attitude, a new precision is found in the definition of identities and differences. As punctuality, calculability and exactness are forced upon metropolitan existence, these traits color the contents of life, “and favor the exclusion of those irrational, instinctive, sovereign traits and impulses which aim at determining the mode of life from within.”⁹⁷ While these factors have led to the highest impersonality, they have on the other hand, promoted a highly personal subjectivity. In response to the rapidly changing world of overstimulation within the metropolis, people adopt a generally “blasé” and self-complacent attitude. This “blasé” attitude connects intimately to the newfound spectatorial mode of being, as in the face of public outrages, people persisted as mere spectators, finding aesthetic pleasure and amusement in spectacular moments. “The essence of the blasé attitude consists in the blunting of discrimination.”⁹⁸ All things are dragged down to an essential sameness, in part influenced by money becoming the common denominator of all values, wherein no one object or event demands preference over any other; everything becomes merely something to be observed. While this blunting of discrimination lends itself to a certain spiritual equality—contra the prejudiced modality of rural life, metropolitan life is imbued with a cultivation of personality, bought at the price of devaluing the whole objective world. In this world of calculability, the individual becomes a mere cog in an enormous system and organization, wherein the individual is reduced to a purely objective life. Life becomes composed, more and more, by impersonal contents, stimulations,

⁹⁶ *Ibid*, 177.

⁹⁷ *Ibid*, 177-178.

⁹⁸ *Ibid*, 178.

interests, uses of time, &c., displacing genuine personal colorations and incomparabilities.⁹⁹ Consequently, individuals must exaggerate, and overexaggerate, their personal characteristics to be audible to the others and even themselves.¹⁰⁰

This differentiation, or over-differentiation of one's consciousness and particularity, is mirrored in another *fin de siècle* thinker, Carl Jung, and his notion of "the persona." In a world where thinking becomes the superior function over feeling (the concomitant inferior function), the individual becomes inclined to cast a kind of cloak between their ego and the objective world. "The persona . . . is a compromise between individual and society as to what a man should appear to be."¹⁰¹ The persona is a compromise between the demands of the environment, the demands of metropolitan existence, and the inner structural necessity of the individual. While the persona can be a protective coating, allowing for natural relations with the objective, metropolitan world, all too easily one finds value in identifying completely with their persona—the mask freezes and the individual wastes away. The metropolitan world becomes the world of personas, of personalities, due to the crushing calculability of the metropolitan structural regime, wherein one must speak all the louder just to find out what they really are. The hard, urban, calculating market animal, as presented by Simmel and supplemented by Jung, becomes the ideal of conservative literature around which national identity should be construed. These facets of metropolitan life connect to the ideal man posited by conservatives. In essence, reliable, modest, and industrious become the found norm of conservatives that fit with the progressive and technologically advanced society of the metropolis. That is, a society wherein people become all the more cold and calculating in relations to each other (i.e., a masculine world that tries to deny effeminate qualities such as

⁹⁹ *Ibid*, 184.

¹⁰⁰ Interestingly, around the same time, Walter Benjamin draws similar conclusions to Simmel about changes in modern perception and being. C.f., Walter Benjamin "The Work of Art in the Age of Mechanical Reproduction."

¹⁰¹ Jolande Jacobi, *The Psychology of CG Jung*, (Yale UP, 1942), 28. CG Jung, "Relations," par. 246.

irrational and instinctive traits; a world wherein *logos* reigns over *pathos*). These changes in perception and being, as observed by Simmel and Jung, relate heavily to the reception of Wilhelm Voigt and the public's interest in his case and life.

The blasé, complacent mode of being, wherein people become split between observing and experiencing subjects becoming distracted critics and finding aesthetic pleasure in exhibition and spectacle, allows figures such as Wilhelm Voigt to come to the forefront of public interest. In essence, the news media needs *controversy* in order to cut through the banality of urban life. Even more so, the news media needs spectacular controversies. In general, at this time, perception becomes aesthetic, finding pleasure in all spectacles and exhibitions. But when this directed perception was aimed towards spectacular controversies, it was able to be directed by how the word city construes and frames events—how the word city inaugurates modes of seeing and not seeing.

Wilhelm Voigt's story finds a deeper meaning when these philosophical and historical undercurrents are given their due. Voigt provided a controversial spectacle that an entire metropolis could consume and debate. Conservative critics took offense to the public's interest in Voigt—an undoubted interest due to changes in perception—and tried to cast his story in specific tones and morals, i.e., as a negative model of the ideal man. While, on the other hand, more liberal perspectives framed Voigt as a victim of the state as evidenced in the *Berliner Morgenpost*'s claim that Voigt's fate was “largely a product of human institutions,” and that the police supervision “was the real cause of the Köpenick attack.”¹⁰²

However, underlying both of these narratives is the subtext of *delinquency* and the concomitant emergence of a normalizing society. Within this newfound space of power-

¹⁰² *Berliner Morgenpost*, 2 December 1906, Strafsache Voigt.

knowledge it becomes pertinent for the word city to frame events in specific depictions and interpretations, as enframing becomes a technique for ordering, arranging and regulating humans and human experience. In essence, the word city, in casting and enframing Voigt's act in militaristic tones disguises other power-knowledge relations that are at work within this historical moment. The overarching and unquestioned theme of militarism in most newspaper's depictions of Voigt's story, disguises divergent presentations and depictions of Voigt at the moment of his Köpenickiade. Both conservative commentator's attempt to remove Voigt from the stage of national commemoration and liberal commentator's making of Voigt into an object of anti-state fame, depend on the unquestioned presupposition that power operated in *fin de siècle* Germany authoritatively. That is, early twentieth century Germany was unquestionably a militaristic society. As such, the word city's presentation of Voigt becomes a successful tactic of disciplinary power-knowledge, as it masks and makes nearly invisible the workings of power therein. In debating Voigt's story, society was debating how to handle a person whom society had positioned as delinquent. However, beyond this too, society ignored the workings of power through delinquency, as the word city misled readers to find the moral and truth of his narrative through the militaristic nature of German society. At this moment, militarism is not the only force that led to normalizing society, disciplinary homogenization needs to be given its due.

To recap, the first two sections of this essay have uncovered and revealed how the interaction between the court system and newspapers led to the construction of a national narrative around Voigt that served the purpose of the self-reproduction of the state, through framing Voigt's with either a gendered notion of right and wrong behavior or in making Voigt into a victim of the state. It is curious how conservative critiques took offence with the valorizing depictions of Voigt. In fuming about the potentially effeminizing effects of uncritically accepting Voigt as a sort of

national hero—i.e., in seeing an identification with “victims” as effeminate—conservatives tried to consequently enframe Voigt’s story with a negative moral in arguing that Voigt was not an example of the “ideal man” around which national community should idolize (contra Zeppelin). Indeed, he became a national exhibition of right and wrong behavior. Although a national exhibition that misled readers in making it hard to see where critical thinking and action is needed. To bring my argument to a concluding point, I argue that after the turn of the century, Voigt occupied the role of a moral showman in a news-driven metropolis.

In his melodramatic language, Nietzsche poses that “normal” people within the state are analogous to poisonous flies. Within the state are found all too many poisonous flies, buzzing around the noise of the new ideal, great actors.¹⁰³

In the world even the best things amount to nothing without someone to make a show of them: great men the people call these showmen . . . they have a mind for all showmen and actors of great things . . . around the actors revolve the people and fame: that is “the way of the world.”

While conservatives tried to inaugurate men such as Zeppelin, Kant, and Bismarck, as the *showmen* around which revolved the people and fame, Voigt proves to be very much an actor within the state, created and fabricated through the web of narratives spun around his story. However, in conservative literature Voigt is posited as a *show-woman*, as a negative moral against the ideal man. “When the gratitude of many to one throws away all shame, we behold fame.”¹⁰⁴ In the face of Voigt, the masses prove to throw away all shame, all notions of his foolish or wrong behavior, thus forgiving him. They too, however, throw away their own shame as they shamelessly stare and uphold a caricature, that proves useful in creating comprehensive understandings of personal and cultural identity. Interest is heaped upon the personality built up around him by the word city and

¹⁰³ *Ibid*, 53-54.

¹⁰⁴ Friedrich Nietzsche, Trans. Walter Kaufmann, *The Gay Science*, (Vintage Books, 1887, 1974), §171, 201.

supplemented by changing perceptions and modes of being. This change coincides with the legal apparatuses interest in actors over actions in the judgment of crimes and the doling out of punishments. This change too coincides with the rise of social sciences at the time, and the concomitant potential of criminology. Voigt through the influence of the word city and newfound epistemological changes, was transformed into a great showman, around which revolved the people and fame. However, he became a very specific sort of actor, inaugurated by the state; an actor that was at once famous and embodied the anti-norm. Consequently, conservatives tried to reframe Voigt's story negatively. However, in the general framing of Voigt's story through the lens of militarism, both contemporary and past views of Voigt have upheld a caricature, a caricature that allows for the continual reproduction of the state and, at the same time, masks underlying and divergent power-knowledge and political relations, allowing their propagation to reign free. Militarism thus became an acceptable truth, a safer truth, that could be received successfully by all parties in their interpretations of Voigt. Militaristic presentations of Voigt allow for a comprehensive account of conformist rule-following, especially at a time when, through the word city, unthought subjectivation was made conscious. However, these depictions present a singular truth to Voigt. When this truth remains unquestioned it becomes hard to see where critical thinking and action are needed. This account does not give disciplinary normalization its due, as it equally does not give divergent conceptions of Voigt—i.e., conservative critiques—their due.

On Laughter

It may seem strange that Voigt's rise to fame was accompanied by humor, launching his celebrity.¹⁰⁵ However, the laughter following Voigt fits very well into the delinquent model. The connection between Voigt and humor is irony. His story makes people smile and laugh when it is

¹⁰⁵ C.f., the caricature of voigt in the magazine *Simplicissimus* displayed on the title page.

seen not as straightforward militarism but as a rebellious turning point of militarism against itself. Irony has a habit of drawing attention to itself; irony demands attention (and thus it leverages spectacle and exhibition, discussed in the previous section). As word of Voigt's absurdly successful charade spread like wildfire all over Germany, Europe, and even the world, it was accompanied throughout with irony.

An ordinary shoemaker had outsmarted the Germans, with their attention to “*Ordnung*” and their robotlike Prussian discipline, and in essence he had robbed them with their own weapons. Even Kaiser Wilhelm II is reported to have laughed out loud when he heard about the Captain of Köpenick.¹⁰⁶

As Voigt's story was accompanied with irony, attention was brought to the militaristic nature of Prussian society, but too, that attention was accompanied with relief and concomitant complacency:¹⁰⁷

Things deprived suddenly of their supposed meaning, of the place assigned to them in the so-called order of things . . . make us laugh. In origin, laughter is thus of the devil's domain. It has something malicious about it (things suddenly turning out different from what they pretend to be), but to some extent also a beneficent relief (things are less weighty than they appear to be, letting us live more freely, no longer oppressing us with their austere seriousness).

The origin of laughter surrounding Voigt seems to stem from the devil's domain—a domain that refuses to grant any rational meaning to the divinely created world. That is to say, we laugh at Voigt's charade and find it ironic, insofar that Voigt pretended to be something that he was not, he went outside the characterization of him by society. However, this laughter has a normalizing effect. In finding humor in Voigt dressing up as a Prussian officer, the militaristic state of affairs in Prussia is taken entirely seriously, it becomes a taken-for-granted that masks divergent normalizing propagators—e.g., disciplines and delinquency. The making of Voigt into a joke is

¹⁰⁶ Verner Markussen, “Through a fraud, the ‘Captain of Köpenick’ is better remembered in Europe than most real Captains,” *Military History*, Oct 2006, Vol. 23 Issue 7, 17-18.

¹⁰⁷ Milan Kundera, Trans. Aaron Asher, *The Book of Laughter and Forgetting*, (HarperPerennial edition, 1978, 1996), 86.

accompanied with the cessation of thought surrounding Voigt's story and *fin de siècle* German society as a whole; Voigt's charade is funny because it happens in a German society thoroughly marinated in *ordnung*, but within this irony, the normalizing and ordering nature of German society is left unquestioned. "Laughable laughter is disastrous."¹⁰⁸ Additionally, insofar that Voigt is delinquent, this irony proves to only strengthen the disciplinary nature of Prussian society, as Voigt becomes a humorous and well-known example of what-not-to-be.

After his release from Tegel and concomitant pardon, Voigt traveled around giving lectures and selling his postcards. However, "his aggressive self-promotion after his release led to a noticeable cooling of sympathy for him on the editorial pages of most newspapers."¹⁰⁹ The newspapers, it seems, started to take issue with Voigt when he began to try telling his own story, to try to present his story as a serious matter that he should relay to others in his own words and experience.

Through aggressive self-promotion, Voigt perhaps undid some of the fetters that kept him chained to his ironic representation by mass media, a necessary representation for a normalizing society. The problem was Voigt's personal interest in telling his story. By taking and presenting himself seriously, Voigt was undoing the prejudice that where laughter is present, thinking is unsubstantial and amounts to nothing. He seemed to be moving away from the characterization of "delinquent" into unknown territories of fame—i.e., territories of fame not condoned by public representations of him. "Must not anyone who wants to move the crowd be an actor who impersonates himself? Must he not first translate himself into grotesque obviousness and then present his whole person and cause in this coarsened and simplified version?"¹¹⁰ If Voigt wanted

¹⁰⁸ *Ibid*, 87.

¹⁰⁹ Benjamin Carter Hett, "The 'Captain of Köpenick' and the transformation of German Criminal Justice, 1891-1914," *Central European History*, 2003, Vol. 36, No. 1 (2003), 35.

¹¹⁰ Friedrich Nietzsche, Trans. Walter Kaufmann, *The Gay Science*, (Vintage Books, 1887, 1974), §236, 213.

to move the crowd, he would have had to stand by the ironical representation of himself, as cast through media and the culture industry. However, by taking himself and his act seriously, Voigt lost much of the appeal he had previously held; he tried to become something that he was not in the public's eye—i.e., an example of what-to-be. Voigt was and remains an example of what-not-to-be, as ironical and humorous representations of him only brought attention to the disciplinary nature of German society and left it unquestioned, thus promoting a homogenized community therein, where the disciplines were able to maintain relative invisibility. When Voigt stopped impersonating himself, he fell out of the public's eye, left to die, broke, in Luxembourg in 1922.

III **Observations**

Mirek rewrote history just like the Communist Party, like all political parties, like all people, like mankind. They shout that they want to shape a better future, but it's not true. The future is only an indifferent void no one cares about, but the past is filled with life, and its countenance is irritating, repellent, wounding, to the point that we want to destroy or repaint it. We want to be masters of the future only for the power to change the past.

—Milan Kundera, *The Book of Laughter and Forgetting*

The methodology of this essay has been to unravel and decenter accounts and modern perceptions of Voigt by highlighting the subtext at play beyond militaristic accounts of Voigt. Rather than offering broad teleological theorizing, the attempt here is to return Voigt's story and narrative to a human scale, in putting attention on the *human being* in history, i.e., in paying attention to how human beings and experience were ordered and enframed by societal and cultural factors above and beyond militaristic accounts. It seems that the historian is uniquely susceptible to forgetting the humanity of the past. In historical accounts of Voigt (e.g., Clark or Fritzsche), Voigt becomes

symbol— “all that happens is symbol, and as it represents itself perfectly, it points to the rest”¹¹¹— that becomes useful in regard to the scope of their projects. As such, Voigt is viewed perhaps all too one-sidedly, through contemporary lenses. Voigt is either seen as a symbol of Prussian militarism, or conversely, is viewed as a sort of rebel against the ubiquitous *ordnung* of Prussian society. In presenting the interpretation of Voigt’s act in these black and white terms, militarism becomes the central facet of normalized Germany, when there were subtexts at play.

In practically all accounts of Voigt the focus is “militarism.” Why then this focus on militarism? “The word first passed into general circulation as a liberal anti-absolutist slogan during the constitutional struggle of the early 1860s and it never lost these liberal connotations.”¹¹² The answer seems to be that “militarism” is an alive political term, a term filled with an anti-Prussian charge. Consequently, it can be seen that modern conceptions of Voigt are filled with political aims. In the analyses of Voigt that promote him as a symbol against Prussian militarism, these depictions side with liberal, anti-absolutist aims—fitting for the place Voigt holds in contemporary Germany and the orientation Germany has taken after the two World Wars. In contrast, historically connecting Voigt to militarism highlights the potential of the Prussian state, as *the* warring nation, telling the story of Prussia and the sequence of events therein “like the beads of a rosary,” one event leads to the other, continual cause and effect.¹¹³ However, both modern conceptions of Voigt remain nonetheless political, forgetting other normalizing relations of power-knowledge in the reverse-transubstantiation of Voigt into symbol.

In this essay, I have argued that the militaristic interpretation and categorization of Voigt’s act is not the only possible interpretation of Voigt’s Köpenickiade. The task of the historian lies in

¹¹¹ Goether, in a letter to Schubarth, 1818.

¹¹² Christopher Clark, *Iron Kingdom*, (Penguin Books 2006, 2007), 599.

¹¹³ Walter Benjamin, Trans. Harry Zohn, Ed. Hannah Arendt, *Illuminations*, “Theses on the Philosophy of History,” (Shocken, 1968 1969), 263.

interpreting the past, in reinterpreting teleological presentations of the past. Arguably, the past is a product of the present, insofar that the past becomes qualification and justification for present forms of identity and knowledge; we are always writing a history of the present. Memory is not something that belongs to the past, but is rather something that belongs to the present, to the present experience of people. The historian's history depends upon an attempt to authenticate and prove, through proper evidence, how things actually happened; while, on the other hand, the way in which people live out the past does not have to be truthful to the historian's evidence.¹¹⁴ Consequently, in this essay I have presented alternative interpretations and depictions of Voigt and his act, as one-sided interpretations of historical events will nothingness in disallowing change in the present.

I argued this in three parts. First, I argued that the undercurrent of discipline and delinquency—as philosophized by Foucault—is essential to understanding what is at stake in Voigt's exploit. Second, I pointed out that Voigt's life overlapped with two transformations in German society—the transformation of the justice system and the transformation of the role of news media in cultural life. These transformations interlock because courts provided spectacular stories that newspapers needed to thrive—court stories were widely and vigorously consumed by news readers of the time. Voigt's positioning by society as a delinquent put him at the center of these interlocking transformations—and thus made him the subject of a controversy that engaged the public—drawing the attention of both conservatives and a populace that was more sympathetic to his cause. However, through the word city's presentation of Voigt it becomes difficult to see where critical thinking and action are needed. Third, I highlighted that the public at the time saw Voigt's story as ironic and funny, this still holds true today. It is exactly irony and humor that are powerful tools for the public to poke holes in an authoritarian, militaristic regime—however irony

¹¹⁴ Partha Chatterjee, "Memory."

and humor too condone an uncritical relationship to the state of the world (we only find things to have irony when we see the world as existing in a certain immutable way). Voigt's story has power and resonance because he occupied the role of a delinquent, his story cut to the heart of contemporary issues regarding delinquents, and his story has potential power against militaristic origins and accounts of modern Germany, though these facets remain untapped.

On Historiography

In the work of Walter Benjamin, a different conception of how history should proceed is presented. Benjamin finds that our attitude towards the past is entirely tied up within an idea of redemption, that is too, an attitude of progress. With "progress" history becomes idolized, and blindness persists in regard to our ideological bases—reflexivity is lost, through a process of forgetting. Progress, however, occurs only within time. What would history look like without time—or with an overflow of time, with time as eternal and infinite?

Historicism contents itself with establishing a causal connection between various moments in history. But no fact that is a cause is for that very reason historical. It became historical posthumously, as it were, through events that may be separated from it by thousands of years. A historian who takes this as his point of departure stops telling the sequence of events like the beads of a rosary. Instead, he grasps the constellation which his own era has formed with a definite earlier one. Thus he establishes a conception of the present as the "time of the now" which is shot through with chips of Messianic time.¹¹⁵

In traditional historical approaches, the historian is content with a conception of time as 'homogeneous, empty time,' time that needs to be filled with content, content marked by temporal coincidence, and measured by clock and calendar. This conception of time is co-related to an orientation towards the future, an orientation that desires to change, destroy, and repaint the past, to fit with the demands of progress, and justify the nature of progress therein. History is constructed

¹¹⁵ *Ibid*, 263.

by the present, and the narrativization of the past becomes “true” and held dear as it legitimizes the present as good or better than the past—there is a political intention here. Messianic time alternatively views time as “a simultaneity of past and future in an instantaneous present.”¹¹⁶ Time in this sense becomes eternal, to the point that it could be seen as no time at all. Progress occurs only within time; “there is no progress in eternity, no politics or eloquence, either. There one laid one’s head back onto God, so to speak, and closed one’s eyes. And that was the difference between religion and morality.”¹¹⁷ Thus, the historian who proceeds along these lines, becomes aware of how the present has construed the past with specific political aims, which ennoble the idea of progress. To move away from progress, is to see how our orientation towards the world has been prejudiced by certain taken-for-granted, it is to see how history has been rewritten, and overwritten, how the past has been changed by the masters of the future.

Similarly, when in 1882 Nietzsche first declared that God was dead, he posed a tentative solution to this newfound atheistic world with the idea of the *Übermensch* and the eternal recurrence of the same. The idea of the eternal recurrence of the same holds similar historiographical implications to Benjamin’s “Theses on the Philosophy of History.” It is the idea that everything recurs as we once experienced it, and that the recurrence itself recurs *ad infinitum*. It is the idea that all events are repeated endlessly, there is no plan nor goal to give meaning to history or life, and that we are all puppets in a senseless play. Putting it negatively, “the myth of eternal return states that a life which disappears once and for all, which does not return, is like a shadow, without weight, dead in advance, and whether it was horrible, beautiful, or sublime, its horror, sublimity and beauty mean nothing.”¹¹⁸

¹¹⁶ In Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (Verso, 1983), 24. *Ibid*, 265.

¹¹⁷ Thomas Mann, Trans. John E. Woods, *The Magic Mountain*, (Vintage International Ed., 1995), 454.

¹¹⁸ Milan Kundera, Trans. Michael H. Heim, *The Unbearable Lightness of Being*, (New York: Harper & Row, 1987), 3.

The idea of the eternal return implies a perspective in which things appear to be different from how we know them to be, “they appear without the mitigating circumstances of their transitory nature.”¹¹⁹ With this sort of conception of time, events and people within history become real. Mere words, theories, and discussions no longer color the nature of the past, in which things are viewed quantitatively, one event naturally leading the next, and so on *ad infinitum*. There is an infinite difference between a Wilhelm Voigt who occurs only once in history and a Wilhelm Voigt who eternally returns, committing his Köpenickiade innumerable times in history—in the latter, the life and acts of Voigt are given weight, are made real in how they bear upon our life and understanding in the present, as within each repetition of his act, Voigt reveals something new. With this comes the weight of unbearable responsibility. In this idea, Nietzsche arguably returns a religious aspect to life, to a life that is filled with moralities and prejudices. There is a problem in equating truth to morality, this equation lends itself to one-dimensional perspectives of the past. It is only in a religious conception of time, that progress and morality are dissolved in the infinitude of the world. It is only in this attitude that it becomes clear how the past is colored by the “time of the now.”

This sort of methodological approach, of messianic time or of the eternal recurrence of the same, connects to a different mode of nostalgia offered by Boym, “reflective nostalgia” which has liberatory potentials—reflective nostalgia lends itself to “emancipatory possibilities and individual choices, offering multiple imagined communities and ways of belonging.”¹²⁰ While restorative nostalgia is deadly serious, tied up with weight and meaning, reflective nostalgia can be ironic and humorous. Reflective nostalgia does not take the past entirely seriously, understanding that the

¹¹⁹ *Ibid*, 4.

¹²⁰ Svetlana Boym, ed. Cristina Vatulescu, Tamar Abramov, &c., *The Svetlana Boym Reader*, (Bloomsbury Publishing Inc., 2018), 234.

past comes about through the imperfect process of remembrance and forgetting, and thus it lends itself to creativity and critical thinking. Boym writes about the relationship to time in reflective nostalgia:¹²¹

The past is not made in the image of the present or seen as foreboding of some present disaster; rather, the past opens up a multitude of potentialities, nonteleological possibilities of historic development . . . reflective nostalgia has a capacity to awaken multiple planes of consciousness.

Reflective nostalgia, quite literally, reflects upon the past. In reflective nostalgia there is no search for a Manichean world, where the demarcation of good and evil are implicit in a world that is remade as enchanted. Reflective nostalgia is connected to *algia*, to longing and loss, to the imperfect process of remembrance. As such, reflective nostalgia does not aim to construct a “truthful” and weighted communal narrative, influenced by notions of progress, but is more so oriented towards individual narratives that perpetually defer a return home, as home is seen in different lights and from different perspectives.¹²² In removing weight from the past that would engender a teleological end or a historic development (as constructed from the perspective of the present), the past is not grasped but held by an outstretched hand, palm facing upwards, that gives it the potential to fly off and move through its own volition. This humorous attitude towards the past lends itself to the creation of communities that are malleable and not formed fully through opposition and exclusion, but by inclusion, as individual perspectives of the past are up to reinterpretation and rethinking. Reflective nostalgia does not allow one interpretation of reality to reign supreme; reflective nostalgia awakens multiple planes of consciousness.

In Boym’s writing, reflective nostalgia seems like an individual undertaking to be had towards personal memories. Boym gives an example of reflective nostalgia in her homecoming to

¹²¹ *Ibid*, 242.

¹²² *Ibid*, 242.

Leningrad. Upon arrival Boym wanders into a half-empty grocery store and encounters a drink from her childhood, greenish bottles of the local mineral water “Poliustrovo.” Overcome with a wave of memories, Boym proceeds to buy several bottles of Poliustrovo, even despite the saleswoman’s dissuasion. With gumption, Boym breaks open the bottle like an experienced drunk, returning to her friend with a triumphant smile. This smile is soon shared, as upon her arrival Boym’s friend bursts out laughing: “what happened to your teeth? . . . did you kiss the stones or something?”¹²³ It seemed that the Poliustrovo had made her teeth turn into a dark grayish color, not unlike the color of the Neva embankment. Only then does Boym reflect: “the only thing that I forgot about Poliustrovo was that I never liked it.”¹²⁴

However, while reflective nostalgia may be presented as an individual undertaking, it seems that the attitude held in reflective nostalgia would be beneficial towards rethinking historiography. A reflective nostalgic approach to history entails not taking presentations of the past at face value. It rather implies a recognition that the past is made up in the image of the present, that the past may hold multiple potentialities that have been masked and made invisible through restorative-nostalgic historiography, through history that has been colored in sepia tones. Reflective nostalgic history awakens the question of what people choose to remember and forget of the past. As observed by Milan Kundera, “the struggle of man against power is the struggle of memory against forgetting.”¹²⁵ In regard to Wilhelm Voigt then, it becomes interesting to see what people choose to remember and forget, to see how restorative nostalgia has presented specific interpretations of Voigt—to see what notions of Voigt have crystallized and been evaluated from

¹²³ Svetlana Boym, ed. Cristina Vatulescu, Tamar Abramov, &c., *The Svetlana Boym Reader*, (Bloomsbury Publishing Inc., 2018), 266.

¹²⁴ *Ibid*, 266.

¹²⁵ Milan Kundera, Trans. Aaron Asher, *The Book of Laughter and Forgetting*, (HarperPerennial edition, 1978, 1996).

an uncritical perspective. It becomes important then to reflect upon these presentations in finding divergent interpretations that could operate around the figure of Wilhelm Voigt, not unlike Boym's finding that she never really liked Poliustrovo.

Thus, while "militarism" is unquestionably an important facet in Voigt's story, this one-dimensional perspective or outlook, rewrites the past through the lens of progress, masking divergent interpretations of Voigt in the sepia-hue of restorative nostalgia. Militaristic interpretations create a specific type of remembrance, through choice of memory and forgetting, that promotes a teleological reading and understanding of history. A desire to justify the present, it seems, has led to the destruction and repainting of the past; within this reading, divergent power-knowledge relations are masked and made near invisible.

As such, this paper has attempted to highlight some other factors that may have influenced the reception of Wilhelm Voigt and additionally present alternative interpretations of Voigt's act. In this way, the comprehensive militaristic account of Voigt is deconstructed through offering other possible power-knowledge relations operating at this historical moment. Through this, the aim has been to awaken multiple planes of consciousness in reflective nostalgia, to see how the present has colored the past and the implications of that coloration. There is no one "true" historical representation of the past. Further, it is problematic to assume that a historical interpretation is correct and take it for truth (it would only be truth in the system from which it proceeds, in the different type of history in which it is embedded). The word "history" has a meaning that fluctuates depending upon the discipline in which it finds itself, as such, a multidisciplinary approach ensures the development of multiple planes of consciousness and understanding that undermine one-dimensional readings of history.

The transformation of society and culture in Wilhelminian Germany obliges adopting much wider frames in thinking about the story of Wilhelm Voigt. It is not enough, and even problematic, to think (or really to not think) about Voigt's Köpenickiade as representative of the militaristic, authoritarian, and anti-democratic nature of *fin de siècle* Germany. This approach reifies social and individual identities in the present through an uncritical relationship to the past—i.e., it does not question why we think about Voigt as symbol of “warring” Germany. By problematizing and re-interpreting Voigt's story, today's Germany could take hold of its ongoing need to transform how modern society handles delinquency and discipline.

Historical events and actions are not really contingent and determined. Determinism of the past closes off options in the past that could have been, and thus close of options in the present as we are always writing a history of the present. Rather, the past has no one essence, its essence was rather fashioned in piecemeal, alien forms.

At the beginning of his novel, *The Book of Laughter and Forgetting*, Milan Kundera quite literally presents an example of when the past was airbrushed over. In February 1948, the Communist leader of Bohemia, Klement Gottwald, stepped out on the balcony of a Baroque palace in Prague, flanked by his comrades, with Clementis, a Bohemian official, standing nearby. As it was snowing and cold, and Gottwald was bareheaded, Clementis took off his fur hat and set it upon Gottwald's head. However, four years later, Clementis was charged with treason and hung. Consequently, the propaganda section immediately made him vanish from history and, of course, from all photographs, literally airbrushing him out of history. “Ever since, Gottwald has been alone on the balcony . . . nothing remains of Clementis but the fur hat on Gottwald's head.”¹²⁶

¹²⁶ Milan Kundera, Trans. Aaron Asher, *The Book of Laughter and Forgetting*, (HarperPerennial edition, 1978, 1996), 3-4.

While aspects of Voigt's story and act have not been literally airbrushed out of history, in framing Voigt's story along militaristic lines divergent relations of power-knowledge and forces of societal normalization have been disguised and masked, painted over and destroyed by the intervention of the word city. Perhaps too, an analogy could be made, all that remains of Voigt is the uniform, not unlike Gottwald's fur hat; divergent aspects of Voigt's story and person have been painted over to leave only a placeholder that points to what he was, and consequently becomes what he is. In taking the "found" "truth" and "moral" of Voigt's story seriously, historiographical and popular depictions of Voigt fail to show how difference is built into Voigt's story. "We need history, but not the way a spoiled loafer in the garden of knowledge needs it."¹²⁷ When history becomes tied to "truths" and "morals," that is, when history proceeds objectively, the past is rewritten to fit with teleological and progressive accounts of time. However, in viewing time as messianic or eternal, it is shown how there is no one "truth" to the past, rather, one begins to see how the "truth" of the past was fabricated to the end of presenting reified notions of identity. Truth is really only truthful as much as it changes, as much as it is a potential, not an "is" but an "ought." For Nietzsche both truth and knowledge are made up or discovered. The task then, as Nietzsche outlines in *Of the Use and Abuse of History* is the task of living inside the tensions and contradictions between subjective willing and objective knowing. In accepting this tension as a constitutive aspect of being a human being in the world it is at once revealed how perceptions of the past holds decisive influence over identity in the present.

Today's readers may be able to glean practical utility from this essay and the interpretation of Voigt therein. For example, in not shying away from the tensions present in Voigt's story, Germans today could become self-aware of the problems with restorative nostalgic re-telling's of

¹²⁷ Nietzsche, *Of the Use and Abuse of History*.

history. Restorative nostalgic presentations of history posit German identity and culture as having some essentially militaristic aspect. This essentialization is exacerbated as Germany today still has problems with ultra-conservatives re-emerging, making it difficult to find divergent possible forms of identity and culture that are not in part militaristic. Or perhaps, in seeing alternative modes of societal normalization the power of “truth” could be detached from the forms of hegemony in which it operates—revising teleological and progressive accounts of time and history. I think that a subtler and more beautiful point taken from this essay lies in the fact that Wilhelm Voigt’s story presents one example of the multiple violence of framing, of writing and rewriting the past in a coherent overview. In this way, Voigt brings to the attention of readers the tensions between an objective historical truth and the subjective play of appearances. To restate, the struggle of man against power is the struggle of memory against forgetting. Putting this negatively, when forms of power are forgotten, there can be no possibility of struggle against power. It is Wilhelm Voigt’s unintended service to bring this tension to life through his story and act, and further, to make this tension bearable as a constitutive aspect of being human. It only remains for historians and readers to notice.

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