Benjamin Carter Hett’s admirable article begins and ends with the case of Wilhelm Voigt. In 1906, after Voigt finished serving a fifteen-year sentence for armed robbery, the police expelled him, without just cause, from Wismar in Mecklenburg and then from Berlin, forcing him into unemployment and desperation. Voigt revenged himself by assuming the guise of a Prussian army captain, accosting ten all too obedient soldiers in the street, and suborning them to rob the Berlin suburb of Köpenick’s town hall of its ready cash. The "Captain of Köpenick’s" subsequent arrest and trial were public sensations. Voigt was found guilty, but leniently sentenced. The judge himself thought he had been "a victim of circumstances and of the existing state order." Though imprisoned, Voigt gained early release and protection from further harassment.

Hett tells this tale artfully. In the German and Anglo-American historical literature, German criminal justice has long seemed, especially in Social Democratic and left liberal accounts, to exemplify a militaristic and bureaucratic Prussian state’s repressive power. Judges, prosecutors, and lawyers figured as legal positivists whose failure to adjust to a pluralistic modernity helped pave the way to the Third Reich. Expertly framing the Voigt case in the larger context of the theory and practice of criminal law, Hett argues instead that law evolved together with Wilhelminian society. Within a structurally unchanged legal-judicial setting, anti-positivist ideas and anti-authoritarian practices multiplied, in practice changing the law in response to criticism from the Left and in spite of opposition from the Right. The proportion of acquittals increased; new forms of evidence, often guilt-mitigating, gained acceptance; and harsh punishments fell out of favor. Hett shows how an "all-pervasive media presence" altered the approach of judges and government officials to crime and punishment. He illuminates both the emancipatory and the repressive potential of the new trends.

Long years after the beginning of the German Sonderweg debate, few stones remain unturned. Yet until recently two core institutions of the Prussian-German state--the military and judiciary--remained largely untouched by critical rethinking of German modernity. All the more original, then, is Hett’s demonstration that in the Wilhelmine years the criminal justice system developed in dialogue with public opinion. Hett’s rich exploration of the representation of judicial issues in popular culture is pathbreaking. Skillfully combining this with analysis of changing criminal court practice, Hett dissolves the barrier political historians once posited between the modern state and civil society. By embedding legal history in society and popular culture, Hett greatly enriches it.
Above all, perhaps, by highlighting the pre-1914 “culture war” over judicial practice, Hett underscores the continuity between Imperial Germany and Weimar. For, in Hett’s words, “in every sense the Weimar Republic was being born: the anger and defensiveness of the political Right, the ascendancy of the democratic parties, the growth of mass culture--all of these things that we associate with the 1920s were well in evidence by 1906.”

Prize Committee:
William W. Hagen
Young-sun Hong
Jeremy King