

Police emotion work in interpersonal homicides and attempted murders (1950s–1970s)¹

Bettina Severin-Barboutie

Interpersonal homicides and attempted murders have been related to the most intense of emotions. A long existing and well-known example is the so called »crime of passion,« a murder or attempted murder associated with a love relationship, in which individuals lose rational control of themselves and get carried away by their emotions. Consequently, »crimes of passion« are not considered to be premeditated, but have long been acknowledged as criminal acts triggered by intense emotions (Karstedt 2011, 7). Hand-in-hand with the presumed emotional nature of »crimes of passion« is the legitimacy granted emotion as a legal defense as well as lesser penalties for these objectionable acts; during certain times in history, perpetrators even went unpunished (Karstedt 2002, 300). In 19th century Paris, for instance, those accused of a »crime of passion« were likely to be acquitted even when they admitted the deed (Ferguson 2010, 1).

In European and US historiography to date, homicides have been studied as part of the history of crime, violence, and urbanization (Mc Mahon 2013; Schwerhoff 2011; Speitkamp 2010; Roth 2009; Spierenburg 2008; Guillaud 1986; Harris 1989; Ambroise-Rendu 2006). Over the past few years, historical research has shifted towards a broader and more cultural understanding of murder. For example, Martin Wiener has explored how the legal treatment of homicides contributed to the shaping of gender and national stereotypes within the imperial contexts of Victorian England (Wiener 2004a, 2004b), Eliza Ferguson has studied the construction of

1 I am very grateful to Véronique Gay, Elisa Marcobelli, Liza Reggazoni, and Paola Schrenck for their suggestions concerning postwar Italy.

sexual difference through crimes of intimate violence in 19th century France (Ferguson 2010), whereas Lizzie Seal has analyzed gender representations of women who kill (Seal 2010), and Marlou Schrover and Winfried Speitkamp have studied honor killings (Schrover 2013; Speitkamp 2010). Currently, Ute Frevert is investigating the influence of »crimes of passion« and »crimes of honor« on the making of penal law codifications and on the administration of justice in Germany from 1794 to 1945 (Frevert 2013a), and Gian Marco Vidor is analyzing the link between crime and emotion in Italian penal law between 1870 and 1920 (Vidor 2014).²

This article focuses on the intersection of law and emotion in both interpersonal homicides and attempted murders in postwar Germany. It analyses hearings, led by the Stuttgart criminal police department, on homicide cases from the 1950s to the 1970s, making use of Arlie Russell Hochschild's definition of »emotion work.« For Hochschild, emotion work refers »to the act of evoking or shaping, as well as suppressing, feeling in oneself,« and »it can be done by the self upon the self, by the self upon others, and by others upon oneself« (Hochschild 1979, 561, 563). This emotion work will in turn be explored using a performative studies concept: The police hearings will be addressed as *Aufführungen* as conceived by Erika Fischer-Lichte—that is as performances that relied on a specific text and were characterized by the physical co-presence and shifting roles of actors and spectators in a specific place and for a certain amount of time (Fischer-Lichte 2003, 39–41). The purpose of this approach is to broaden the understanding of law and emotion in the criminal justice system in three different ways: First by suggesting a new area of inquiry for Hochschild's concept of emotion work, second by scrutinizing a time span not yet extensively studied, and third by shifting the focus towards an institution of the criminal justice system that is among the first legal actors on the crime scene, but is far less researched than other judicial institutions.³

2 See also Vidor's article in this volume.

3 Historiography about the performative dimensions of the criminal justice system includes Habermas (2008); Jäger (2003); Martschukat (2003); and

The analysis draws on files in which male residents from Italy were charged with homicide or attempted murder. These examples have been chosen for two reasons. On the one hand, postwar German society still harbored assumptions—long present in different parts of Europe—about the emotional specificities of male Italians/»Latins«/Southern Europeans, such as their hot-blooded, impulsive characters (Wiener 2004, 204; Gräff 1969). Concurrently, crimes of honor (*delitti d'onore*) continued to be relevant in Italian penal law and allowed the mitigation of sentences if offenders were able to prove that they had acted under specific emotional circumstances in order to restore their sullied honor (Codice penale, §§ 544, 587, 592).⁴ Thus, interrogations of Italian suspects inevitably raised questions about (diverging) »feeling rules,«⁵ moral judgments, and legal underpinnings in police investigations of these acts. Furthermore, the cases selected include interrogations with distinctive communicative situations. Some in fact took place in the presence of interpreters; thus a certain number of the encounters were not face-to-face communication between police officers and interviewees, but triangular communication situations in which police officers talked to interviewees through a third party, who was very often a fellow countryman of the accused.

Apart from the records of Stuttgart's criminal police department (stored in the state archives in Ludwigsburg), this article relies on the *Polizei-Handbuch für Baden-Württemberg* (a manual designed for police officers by the police

Steinmetz (2002). For historical research on trial and police records see Eibach (2003); Kounine (2013); Harris (2010). For research published before 2002, see the summary presented by Fuchs and Schulze (2002). On emotion management in contemporary police forces see Van Stokkom (2011).

4 The three articles of the Italian penal code were abolished on August 8, 1981. Codice penale, §§ 544, 587, 592; <http://www.altalex.com/?idnot=36653>. Last accessed Oct. 31, 2014. For an analysis of the meaning of honor in Italian penal law today see De Simone and De Francesco (2007).

5 According to Hochschild, feeling rules are »a set of socially shared, albeit often latent (not thought about unless probed at), rules« (Hochschild 1979, 563).

school of the federal state of Baden Wuerttemberg, updated regularly since the 1950s), legal codifications both from the Federal Republic of Germany and from Italy; and contemporaneous sources about criminality among »guest workers« (Gräff 1969) and women (Damrow 1969), as well as about the culture of emotion (Pasolini 1964).

The article shall first give an overview of the role played by the police in the investigation of homicides and go on to examine police hearings as emotion work. The second part begins by focusing on the question of how law, fairness, and justice were intertwined with emotions in the hidden scripts of the police. It then explores the way police made sense out of emotions in their reports. Finally, the article concludes with remarks on sense-making processes after an offence had been communicated to the general public.

Gathering information, producing evidence, making sense, handling emotions: The police investigations

In the early hours of June 11, 1962, officers of Stuttgart's *Schutzpolizei* were patrolling the streets of Stuttgart-Vaihingen, a suburb in the southwest of the city, when they noticed a group of people composed of several men, but only one woman. One man was walking ahead of the rest and made the officers suspicious. Fearing that a fight was imminent, they decided to follow the group. As they were slowly driving along, the man walking ahead of the group suddenly turned around and shot one of the men following him. The officers immediately alerted Stuttgart's criminal police department from their telephone. When representatives of the criminal police department arrived at the scene of the crime half an hour later, the most urgent tasks had already been carried out by the *Schutzpolizei*. The fleeing suspect had been arrested, the weapon confiscated, several witnesses located, and the scene of the crime blocked off.⁶ The criminal police began their investigation from that point on.

6 Police account on the homicide of Hans-Joachim K., July 24, 1962, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

This example shows that the criminal police were not necessarily the first institution to come into play after a crime was revealed. Entrusted with similar functions as the criminal police in the detection of a legal transgression, the *Schutzpolizei* could actually precede their colleagues.⁷ However, the criminal police were responsible for further investigations. They had to collect as much information as necessary in order to reconstruct as precisely as possible what had happened, convert the act into a criminal offence under penal law, and classify suspects or offenders according to disposition-based categories drawn from the state of research of criminology at the time. In other words, they had to categorize suspects into criminal subsets depending on whether these suspects had committed the crime intentionally or not. Consequently, criminal police officers contributed both to the construction of the crime and of the criminal.⁸

The categorization of suspects and offenders according to motives identified by the police was a cautionary measure. It was considered an important prerequisite for the appropriate treatment of the offender within the criminal justice system as a whole. Very much in line with the typology common in criminology at the beginning of the 20th century (Wetzell 2000), there were approximately three categories of offenders: those who did not premeditate their act but transgressed a norm in specific circumstances (*Situationsverbrecher*), those who committed a crime at a certain phase of their lives (*Entwicklungsverbrecher*), and lastly, those who were born criminals (*Charakterverbrecher*). In this context, emotions could explain and legitimize a normative transgression in the group of the *Situationsverbrecher*, and constitute a subcategory of these criminals. Defined as *Konfliktsverbrecher*, or criminals as a result of a conflict, these people were considered to have violated a norm due to an emotional outburst resulting from an inner conflict, and were consequently neither charged with premeditation nor seen as having a particular predisposition.

7 On the organization of the Baden-Württemberg police, see Hochschule für Polizei Baden-Württemberg (2008).

8 See the findings of historical research on police records departments (Jäger 2003, 209).

Women were believed to be particularly vulnerable to this type of crime (Polizei-Handbuch 1970, 10–15)—a belief that corresponded to enduring, commonplace assumptions on female criminality (Uhl 2003).⁹

While the legal evaluation of the crime and the characterization of the criminal had a forward-looking dimension, the reconstruction of what had happened necessarily focused on the past, since criminal offences were, by nature, closed events. However, the past never only meant a »simple past,« but always also included a »past perfect,« because police investigations did not only have to gather information on the criminal acts themselves, but also on the background explaining—or even legitimizing—them. The construction of the event and its background could take a certain amount of time and be comprised of multiple temporal layers.

The police investigations very much resembled a play in three acts: The first act, taking place at the crime scene, was intended to furnish insight into what had happened, to generate visual evidence (photographs, sketches, foot- and fingerprints, etc.), to uncover victims, witnesses, and informants, and, eventually, to arrest any suspects.

The second act had to produce information on the backgrounds of the event; above all through the interrogation of suspects, victims, witnesses, and informants. Interrogations had to begin as soon as possible after an offence had been discovered in order to prevent these crucial actors from adjusting their narrative and agreeing in advance about what to declare to the police. In addition, it was implicitly assumed that the shorter the time span between the crime and the hearings, the less time the people involved in the crime would have to reflect upon what had happened, to adapt their behavior and to do »surface acting« (Hochschild 1979, 568). Consequently, interrogations carried out shortly after a crime was committed were believed to be more trustworthy than those realized at a later date.

9 For contemporaneous assumptions about female criminality see the book published in Germany by crime reporter Hildegard Damrow (1969). Evidence on the gendering of crimes of passion in history is produced in the following works: Ferguson (2010); Ambroise-Rendu (2006, 35–44); Wiener (2003); and Harrison (1989, 204–42).

Although most of the interrogations took place at the police station, some were held in prison or places of work, and others in hospital rooms or private apartments. These environments were spatial settings that were highly charged with personal feelings, such as pain and love. Apart from any surviving victims, some of the persons interrogated by Stuttgart's police had been present on the crime scene, or had even observed the criminal act. They constituted the (often narrow) circle of eyewitnesses (*Tatzeugen*), who had not been directly involved in the crime, but had participated in it as observers. Furthermore, the police relied on people belonging to the social and emotional environment of the suspects (*Auskunftspersonen*) to testify on the suspect's biography and private life.

The suspects analyzed in this article all came from Italy, thus the number of potential informants was limited, since family members and friends often lived abroad—a finding that reveals the limits and challenges that transnational social networks imposed on German authorities at the time.¹⁰ As a consequence, the police focused on those relatives and friends they could locate in Stuttgart or its outskirts; these people had often been frequently uprooted and were themselves legal aliens. Moreover, the police called on colleagues and supervisors to testify on the suspect's ethics and behavior at work. These informants, who did not have to be German nationals, were entitled to evaluate the conduct of others according to the moral claims of Germany's postwar society, because the working world was considered to be a social microcosm that shared the same set of norms and values as the society as a whole (e.g. punctuality, steadfastness, diligence, and integrity). Consequently, these informants fulfilled functions similar to those who acted as experts for the moral conduct of offenders in previous centuries.¹¹

Usually, a confession was regarded as the greatest success, if not the acme, of police interrogations. In those cases in which offenders actually confessed the deed they had been charged with, assessment of the crime's

10 This matches findings of historical research on transnational families, see Derix (2012, 351).

11 On these »experts on moral conduct,« see Kästner (2008, 85–98).

background—including the question of a potential emotional trigger—became the central focus of the hearing. Interrogations eventually led to what was called the *Auffassung des Falls*, that is the interpretation of the crime according to penal law, which could in turn bring about the execution of search warrants for the homes of—as well as the arrest of—any suspicious persons who had not yet been arrested. The contents of all hearings needed to be written down verbatim by the police officers and authenticated by the interviewees (Polizei-Handbuch 1970, 40–41, 65, 157).

The third act of the police investigation was dedicated entirely to »sense-making.« In this last phase, officers transferred the data collected into a plausible, cohesive narrative of the events—a sort of plot—by translating the criminal act into a legal charge under German penal law and by categorizing the offender on the basis of criminological typology as mentioned above. This written account—representing »closed narratives« of »closed events« and the subsequent break-down of multifaceted stories into explanatory legal frameworks—was then handed over to the prosecution for further investigation and from there eventually went to the courts of law (Polizei-Handbuch 1970, 41, 160). In those cases in which criminal offences were followed by a trial, police investigations became retrospectively what Yon Maley has called »pre-trial processes« (Maley 1994, 16), and the evidence they produced was part of the script the performances at court relied upon.

Police hearings as emotion work

Performing law, fairness, and justice; working upon emotions:

The hidden script of the criminal police department

There was no specific legal procedure defining how the police had to conduct interrogations (Polizei-Handbuch 1970, 153–54). However, officers were not entirely free in their questioning of people. On the one hand they had to respect the rules for interrogations stipulated in the German Code of Criminal Procedure (*Strafprozessordnung* §133–36), and

on the other hand they were advised to follow the guidelines in the police handbook.

The German Code of Criminal Procedure was meant to protect suspects, whereas the handbook intended to produce evidence. Hence, officers had to juggle between contradictory requirements. A further complication was that the German Code of Criminal Procedure was legally codified, while the handbook did not have binding character, rather it constituted a set of ideas on how the authors of the manual had imagined police officers should structure interrogations, and contained advice to be followed flexibly according to the individual interview situation.

Witnesses, informants, victims, and suspects were not familiar with these guidelines, nor were they meant to become aware of the techniques and strategies, used by interrogators to channel communication, elicit statements and induce emotions. As this was part and parcel of the »secret« character of criminal police departments' investigations (Hilgert 2013, 138–39), this ignorance was deliberate. The police did not want to give interviewees time to prepare themselves. They preferred to catch them off-guard and produce spontaneous reactions—in the eyes of the police this was more likely to mirror the emotional state of the interviewee and therefore more likely to be »true« than in a familiar procedure in which communication could be anticipated and the display of emotions controlled.

One of the major tasks of police officers in their call of duty to find the »truth« was the performance of law, justice, and fairness. »The defendant must have the impression,« suggested the handbook, »that the interrogating officer performs his duty correctly, stands outside of the affair, and does not try to bluff or cheat« (Polizei-Handbuch 1970, 151). The staging of law, justice, and fairness was intended to fulfill the moral principles of society. Research on the execution of the death penalty in private (Martschukat 2003, 246–50) suggests that this performance took not only the interviewees into consideration, but also the general public, who were physically absent during interrogations.

However, the performance of law, fairness, and justice was not limited to this aim, but also served two additional purposes. Firstly, it represented a

façade: the handbook advised officers to consciously deceive interviewees by asking important questions in a casual manner. They were to refrain from providing information to interviewees in order to collect a maximum of evidence without arousing suspicion. Only after a person had made contradictory statements, or had given testimony which did not match previous assertions or evidence otherwise produced, were the police to give further information or confront the interviewee with these contradictions (Polizei-Handbuch 1970, 64, 155). This meant that officers were to use practices inconsistent with the moral requirements they were simultaneously requested to perform.

This staging of law, justice, and fairness also fulfilled a creative function. It served as a tool to work upon the emotions of the interviewees by inducing in them a desired emotional state or inhibiting an undesired emotional state. At the core of this emotion work stood building and sustaining trust on the side of the interviewees. In the short term, this trust was to fuel cooperation for the undefined time of the police investigation, to produce evidence about the criminal act, and, in the best-case scenario, to obtain a confession from the suspect. In the long term, this trust was to ensure that suspects accepted the legal and moral judgment that would eventually be inflicted upon them at a later stage (Polizei-Handbuch 1970, 38, 148–51, 156). Trust-building in the criminal justice system therefore constituted a precondition for later judicial emotion work and can be considered to be a form of »future control« (Anderson 2010).¹²

Apart from the assumption that trust was essential for cooperation, the building and sustaining of trust requested by the handbook relied on two major presuppositions: First, that interviewees would in turn build up their trust in officers if they had the impression that they received fair and equal treatment.¹³ Second, that the high moral demands of the

12 Research on trust and trustworthiness has multiplied over the last few years, but there still is no consensus about the emotional quality of trust. See above all the works of Ute Frevert, Niklas Luhmann, Russell Hardin, and James S. Coleman.

13 On the differences between confidence and trust see Luhmann (2000) and Frevert (2003, 8–9).

criminal justice system vis-à-vis offenders intended by legal punishments (acknowledgment of moral principles and development of the moral sentiments attached to them) could only be achieved if suspects had experienced justice and fairness in the criminal system and built up trust beforehand—an assumption that matches conclusions of contemporary emotion theory whereby justice has to be established before moral sentiments can be aroused, and legal procedures »are not built on ›basic emotions,‹ but are part of the emotion process« (Karstedt 2002, 309–10).¹⁴ Consequently, trust represented a key—if not *the* key—to transforming the interviewees' emotional status altogether and therefore constituted an instrument in its own right for working upon emotions.

One of the feelings trust was to transform was shame. According to the handbook, shame and legal transgression were mutually inclusive. Shame emerged almost automatically once somebody had committed a crime and thus represented a quasi-universal feeling rule, regardless of the normative order and the sociocultural context in which the crime had taken place. While shame was considered intrinsic to any legal transgression, it hindered offenders from recognizing their crime. It could however be neutralized through a confession, and trust in the police was seen as the outside push or catalyst to drive an offender to confess. Hence, a confession not only represented the most successful outcome the police could achieve in an investigation, but it was also a cathartic act for the emotional state of the person who had transgressed the law (Polizei-Handbuch 1970, 151).

The manual supplied police officers with several trust-building techniques. It requested they ask questions in a measured way, avoid coercive interrogation, and refrain from using leading questions with the aim to obtain desired statements or confessions. Furthermore, it advised them not to talk too much, to ask short questions, and to adjust their language to the intellectual level of the interviewee, just as workers in other

14 On the link between moral judgments and emotions see for instance Prinz (2007).

professions had to be attuned to the economic status of their clients.¹⁵ Besides these suggestions, it recommended opening hearings with a personal presentation by the interviewee him/herself and thereby creating further communication situations in which interviewees had time to express themselves and to begin to feel comfortable (Handbuch 1970, 150).

Apart from these verbal techniques, the handbook provided officers with a set of rules concerning the physical display of emotions. Among these was the recommendation not to express or get carried away by their personal feeling during the interrogations (*Gefühlszucht*), and to avoid physical symptoms of emotions, such as shouting or gestures, even when somebody was disrespectful. They were also asked to have a well-groomed appearance (Handbuch 1970, 150, 155)—a requirement that German police forces have had to fulfill ever since (Hilgert 2013, 143).

This reigning in of emotions amounted to a kind of »double-faced emotion management« (Van Stokkom 2011, 249), because it was supposed to not only build up trust but also contribute to shaping the emotional state of interviewees in other ways. For instance, *Gefühlszucht* was meant to elicit sympathy and to prevent the interviewee from developing strong feelings such as anger; whereas adjusting to the intellectual status of the interviewee either meant demonstrating superiority and firmness (in contact with eloquent people with sophisticated language skills), or avoiding feelings such as distrust or hostility (in contact with interviewees who manifested poor language skills) (Polizei-Handbuch 1970, 149–50).

While officers had to work upon the emotional state of the interviewees, they were to inhibit interviewees from altering their feelings—a recommendation that relied on the implicit assumption that emotions could be contagious. Thus, the interaction between the performance of law, fairness, and justice on the one hand, and emotions on the other, was reversed. Firstly, officers were to keep an emotional distance from the case, as well as to the suspect, in order to stay fair and objective. Secondly, they were to avoid allowing suspicion to give way to trust, but also to distrust

15 See Hochschild (1983, 183).

foreigners more than Germans, as it was supposed that there was an emotional gap between Germans and other nationals. It was suspected, for instance, that the latter possessed greater language skills than they pretended to have, and thus understood what they were being asked. Hence, it was feared that the presence of interpreters would give them extra time for reflection and the creation of excuses, thus making it impossible to take them by surprise. Those interpreters and fellow countrymen were considered just as untrustworthy as the interviewees themselves, no matter how long they had been living in Germany (Polizei-Handbuch 1970, 156). This implicit mistrust of non-Germans conveyed the idea that Germans constituted a national emotional community apart.¹⁶

In principle, the general mistrust of the »others« compelled police officers to double-check all information they collected. At the same time, it forced them to discount altogether certain information as evidential material. Translations were considered completely worthless (Polizei-Handbuch 1970, 153, 155–56). The distrust the manual demanded therefore generated the contradictory effects Niklas Luhmann has identified for mistrust in general: the need for more information and the development of strategies to gather it on the one hand and the constriction of information and the reduction of complexity on the other (Luhmann 2014, 93). Furthermore, officers had to constantly slip into the role of spectators in order to make sense of the interviewees' performances. Assuming that interviewees manifested their emotional state through visible physiological signs, rather than through verbal statements, the handbook considered the interviewee's body both as a »communication machine for emotions« (Groebner and Wildt 2015, 8) and as a guarantee of the truth, consequently placing it at the center of the police hearing. It advised officers to position the interrogated person in such a way that they could see them from top to bottom, to search for physical symptoms of emotions (for example gestures, language, loudness, shaking, and facial expressions such as blushing or going pale) and to analyze them. This procedure was called

16 On the concept of emotional communities, see Rosenwein (2006).

Ausdrucksanalyse (Polizei-Handbuch 1970, 155).¹⁷ Particular attention was drawn to the eyes. The eyes were believed to give access to the emotional state of a person and officers were requested to maintain contact with what was called »the bridge of the eyes« (Polizei-Handbuch 1970, 155–56) throughout the encounter, except during a confession. However, while the handbook accorded an epistemic quality to emotions, it did not offer explicit guidance for decrypting or interpreting the emotional manifestations observed, nor did it provide an official paratext for cultural differentiation. Emotions were mentioned as if their meaning was so self-evident that they did not need further explanation.

Making sense out of emotions: Police reports

Although the handbook did not give instructions on how to write reports and final accounts (apart from the necessity of transcribing protocols word for word), police files were extremely standardized. The description of interviewees' multifaceted life stories and social relationships—particularly complex in migration biographies—was reduced to a minimum, the presentation of the circumstances surrounding the criminal act was fact-orientated, and the characterization of the offence was limited to the language of the law. Despite their importance in the hidden script for police hearings, emotions were almost absent—seemingly banned—from these reports. Their epistemic role was also rarely revealed.

In the main, the police referred only implicitly to feelings observed and to the consideration of these feelings in their work. There was only one instance where a police officer was straightforward: In his summary of the interrogation of an elderly male in March 1970, he noted he had significant reservations regarding the truth of the testimony because he had perceived the informant to be very nervous and confused during the encounter.¹⁸

17 For an historical overview of the facial analysis of trust and mistrust see Schmölders (2003, 217–26).

18 Police report, March 3, 1970, Staatsarchiv Ludwigsburg, EL 51/3, Bü 324.

While police officers very rarely provided explicit information about the display, awareness, and management of emotions during interrogations, they occasionally referred to emotions in the sense-making process. This concerned for example feelings implicitly emerging from interviewees, as in the case of the attempted murder of Adolf H. The latter had been seriously injured by two pistol shots outside a pub in Stuttgart-Bad Cannstatt in February 1970. The criminal police department charged Giovanni A. with the crime. Not only had he had a fight with Adolf H. and three other men on the night preceding the murder but, according to the testimony of Gonzalo F. (Giovanni's Spanish roommate), Giovanni had threatened to kill the four men on his return home from the fight that very night. With that testimony and other findings, the police retrospectively made sense of what Gonzalo had only mentioned implicitly. They concluded that Giovanni had taken vengeance on his victim and charged him with murder for base motives driven by revengefulness.¹⁹

Police officers referred to feelings mentioned by interviewees before or during the encounters. These utterances could be expressions of the interviewee's own feelings. For instance, Aldo B. justified himself in December 1966 by stating he had not strangled his girlfriend in order to kill her, but out of anger.²⁰ The feelings mentioned could, however, refer to someone else and therefore did not, strictly speaking, represent feelings, but communicated perceptions of other people's emotional state. For example, after the suspected homicide of Natala R. in Stuttgart, the police interviewed the prime suspect's girlfriend and brother-in-law. The girlfriend testified that her boyfriend's wife had become very angry and screamed loudly the last time she had come to visit them, while Natala R.'s brother remembered that his sister and brother-in-law argued constantly because of jealousy.²¹

19 Police account, March 2, 1970, Staatsarchiv Ludwigsburg, EL 51/3, Bü 324.

20 Police report, December 12, 1966, Staatsarchiv Ludwigsburg, EL 51/3, Bü 273.

21 Police report, March 2, 1972, Staatsarchiv Ludwigsburg, EL 51/3, Bü 365.

The investigation of these feelings and perceptions suffers from a methodological flaw, because it draws on historical sources that are biased. The police records do not actually mirror what was said, but the way police officers reported on what was said or translated during the encounters. However, the bias of the police records does not mean that utterances relating to feelings cannot be explored at all—quite the contrary. When analyzed in their performative dimensions, they can open new perspectives. Not only do they shed light on those feelings that officers considered noteworthy, and thus on the emotional landscape of Germany's postwar society, they also reveal the meaning accorded to them by police officers.

Analyzed from such a perspective, two types of utterances appear in the police records. The first type concern verbalized feelings, interactive speech which has been called »illocutionary utterances« in speech act theory (Martschukat and Patzold 2003, 4–5). In the main, these concerned trust explicitly expressed at the end of testimonies by foreign interviewees to confirm the correctness of the written report in German. »I will sign this report and refrain from reading aloud,« declared the suspect Guiseppe R. at the end of his interrogation by Stuttgart's criminal police department in 1972. »I am confident that everything has been written down the way I testified it or the way it has been translated.«²² In saying that he trusted the police report, Guiseppe R. actually authenticated the German version of his testimony. Hence, his assertion of trust replaced legal authentication of the report through reading. However, such acts of faith at the end of an interrogation did not necessarily testify to trust in the police and therefore to the successful performance of the police. It could have also been the result of the asymmetrical power relationship between police and interviewees, or, alternatively, mirror insufficient language skills that hindered non-German speaking interviewees from understanding or verifying the German report. Wherever this was the case, interviewees were in a similar situation to that of illiterate persons in previous centuries.²³

22 Police report, June 7, 1972, Staatsarchiv Ludwigsburg, EL 51/3, Bü 365.

23 See Ulbrich (1996, 208).

The second type of performative utterances concerns feelings brought forward to legitimate previous actions and corresponded to what speech act theorists have called »perlocutionary utterances« (Martschukat and Patzold 2003, 5). These utterances related either to the background of a criminal act or to performances in the investigation process. Ignazio O. and Calogero G. for instance, who had been involved in a homicide in 1962, were said to have lied for fear of punishment and testified to what they had seen only after the clergyman of Stuttgart's Italian Catholic community intervened on their behalf.²⁴ In another homicide case, an informant wanted to stay anonymous because he feared both the suspect and the suspect's brother.²⁵ The above-mentioned suspect Antonio P. refuted having first brought home the weapon the night of the crime. Instead, he declared that he had been scared at night since the last homicide committed in Stuttgart in May 1962, and therefore always carried a gun at night.²⁶ Guiseppe R., arrested in 1972 for attempted murder of his wife, explained retrospectively that he had failed to mention an injury on his middle finger because he had been too nervous to even realize that he had been injured.²⁷

In some cases, the meaning the police made of such perlocutionary utterances was not necessarily what interviewees presumably wanted to achieve. Antonio P., for instance, was believed to have presented his crime as an act of self-defense.²⁸ Some utterances could even create meanings that were diametrically opposed to the speaker's intention and therefore fail. The investigation on the homicide of Herta P. is a sound example of a case with such a reverse effect:

On November 29th, 1960, Herta P. was stabbed in her lower abdomen in Stuttgart-Bad Cannstatt. She died in a nearby hospital only an hour after

24 Police report, June 6, 1972, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

25 Police report, March 3, 1970, Staatsarchiv Ludwigsburg, EL 51/3, Bü 324.

26 Police report, June 11, 1962, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

27 Police report, June, 7, 1972, Staatsarchiv Ludwigsburg, EL 51/3, Bü 365.

28 Police report, June 11, 1962, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

the crime was discovered by Stuttgart's police. After having arrested the prime suspect present at the scene of the crime, Salvatore R. (Herta's ex-boyfriend, originally from Latina in Italy, who had come to Stuttgart to work in the late 1950s), the police immediately started to investigate the case and produced evidence not only about what had happened, but also how and why. They took photographs and drew geographical sketches of the crime scene, detected female footprints on the ground and eventually found both the weapon used in the crime, and a person who had eyewitnessed the criminal act, Benny H. (an American soldier, who had been living in Stuttgart since April 1960 and who had become Herta's boyfriend a few months later).

Collection of evidence from the crime scene was rapidly followed by the interrogation of the two men. Benny was interrogated twice; Salvatore went through several examinations the very night of the murder and the following days. Both were interrogated by different officers with the help of interpreters. Because he had been injured, Benny's interrogations took place in the hospital, whereas Salvatore was interviewed at the police station. Other witnesses and informants were also interviewed about the circumstances, as well as about the background of the homicide.

In none of his different statements did Salvatore openly admit having stabbed his former girlfriend with the stiletto found on the crime scene. According to the police reports, however, he purposely deflected suspicion from himself in two ways: He incriminated Benny by insisting that the American soldier had attacked him first, thereby presenting his deed as a legal act of self-defense, and he also legitimized his act with personal feelings. »I might have loved Herta more than any other man could ever love a woman,« he insisted. »Herta also told me that she loved me and used to present me to other people as her husband. When I love somebody, I am also jealous. I have always been jealous.«²⁹

The police officers did not deny that jealousy could be an emotional companion of love, and a letter from one of Herta's friends, who obviously

29 Police report, November 11, 1960, Staatsarchiv Ludwigsburg, EL 51/3, Bü 203.

knew about her problems with Salvatore, reveals that love and jealousy were commonly regarded as linked feelings in postwar Germany. In this letter, confiscated from Herta's apartment by the police, the friend claimed that »where there is no jealousy, there is no love.«³⁰ The police did not dispute the fact that Salvatore's act had been driven by jealousy. However, on account of different testimonies, they believed that Salvatore's relationship with Herta had not been based on love, but on economic interest. Instead of earning his living honestly, Salvatore had been kept by his girlfriend. Under this perspective, the jealousy which had obviously triggered his act did not correspond to the socially accepted—and therefore legitimate—feeling of jealousy the officers had in mind. Rather it had a rational basis and was hence premeditated. In the police interpretation, Salvatore had killed Herta because he did not want another man to benefit from her. Consequently, it was not so much the jealousy in itself that the police officers condemned, but the relationship that had caused this emotion. On one hand, it did not rely on the emotional bond that a relationship between a man and a woman ought to be based upon, that is to say love, and on the other hand it challenged the officers' gendered idea of the role women and men had to play in society. According to them, men had to provide for women and not vice versa.

Interestingly, the police reminded the suspect that it was forbidden to have such a knife in one's pocket in Italy,³¹ but at no point did they refer to differences between German and Italian penal law concerning, for instance, murders committed following dishonor. Nor did they use emotions as an explanation or legal excuse for the crime in their final evaluation of the case, even though stereotypes about Italians as »guest workers« (*Gastarbeiter*) and Southern Europeans (*Südländer*), and also as members of an emotional nation, were ubiquitous in postwar Germany (Gräff

30 Police report, January 1961, Staatsarchiv Ludwigsburg, EL 51/3, Bü 203.

31 Police account, December 15, 1960, Staatsarchiv Ludwigsburg, EL 51/3, Bü 203.

1967; Sala 2006; Severin-Barboutie 2011), whereas in postwar Italy the idea of a specific culture of love affairs and sexuality was commonplace.³²

Final remarks: Making sense out of emotions among the general public³³

While the police officers did not openly distinguish between German and foreign-born interviewees in the way they interpreted emotions,³⁴ such differentiations were made explicit once criminal acts had been communicated to the general public. The rather impartial account of an Italian newspaper on the homicide of Hans-Joachim K. by Antonio P., for instance,³⁵ prompted an anonymous reader (who claimed to live in Italy but to be of foreign origin and who will be addressed as »he« in the following lines) to confront Stuttgart's police with an interpretation of the act of killing that was completely different from that of the police officers. In his anonymous letter, sent to the police in June 1962, the reader drew a close line between the homicide, World War II, and labor migration from Italy to Germany. His argument embedded the killing in a bi-national relationship gone wrong during the war. Moreover, he attributed it to the hatred Italians supposedly felt towards Germans. In this perspective, the crime did not have the character of an interpersonal affair, but had been committed by a member of an imagined national emotional community against a member of another national emotional community. At the same time he recommended that Germans not trust Italians and discouraged their employment in the German economy. He also requested Germans to generally be distrustful in any future wars, as

32 Pasolini, Pier Paolo (1964), »Comizi d'amore,« accessed October 25, 2014, <http://www.youtube.com/watch?v=O38Qkyj5AXk>.

33 For further details about the link between criminality and the general public, see Schwerhoff (2011, 178–96).

34 This matches findings of Rita Chin according to which terms such as race were not employed in public discourse in West Germany (Chin 2007).

35 The article was entitled »Siciliano uccide (a Stoccardo) autista tedesco,« 1962, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

he predicted that nobody would stay on Germany's side up to the very end. Interestingly, this part of the letter was omitted in the German translation, even though the translated version had been testified as authentic.³⁶

Not everybody went as far as the anonymous author when interpreting murder cases involving Italian suspects. His letter is therefore not representative of the meanings which could potentially emerge from homicide cases once they left Stuttgart's police station. However, the letter does provide insight into the stereotyped imagination of nations as emotional communities, as well as into the meanings that murders generated in postwar Germany after their communication to the general public. It may have been such dynamics that the authors of the *Polizei-Handbuch* also had in mind when they asked officers to be careful when informing the press or the general public (Polizei-Handbuch 1970, 148).

36 Anonymous letter to Stuttgart's police, undated (received June 29, 1962); German translation of the letter, Staatsarchiv Ludwigsburg, EL 51/3, Bü 217.

References

- Ambroise-Rendu, Anne-Claude. 2006. *Crimes et délits: Une histoire de la violence de la Belle Époque à nos jours*. Paris: Nouveau Monde éditions.
- Anderson, Jenny. 2010. »The Great Future Struggle: Future Studies and the Struggle for the World.« Institut Nicod. Interdisciplines. Accessed October 6, 2014. <http://www.interdisciplines.org/paper.php?paperID=93>.
- Chin, Rita. 2007. *The Guest Worker Question in Postwar Germany*. Cambridge: Cambridge University Press.
- Coleman, James S. 1982. »Systems of Trust.« *Angewandte Sozialforschung* 10:277–99.
- Derix, Simone. 2012. »Transnationale Familien.« In *Dimensionen internationaler Geschichte*, edited by Jost Dülffer, Wilfried Loth, 335–51. Munich: Oldenbourg Verlag.
- De Simone, Guilio, and Stefano De Francesco. 2007. »Italien.« In *Die Rolle der Ehre im Strafrecht*, edited by Sylvia Tellenbach, 293–376. Berlin: Duncker & Humblot.
- Eibach, Joachim. 2003. *Frankfurter Verböre: Städtische Lebenswelten und Kriminalität im 18. Jahrhundert*. Paderborn: Schöningh.
- Ferguson, Eliza Earle. 2010. *Gender and Justice: Violence, Intimacy, and Community in Fin-de-Siècle Paris*. Baltimore: The Johns Hopkins University Press.
- Fischer-Lichte, Erika. 2003. »Performance, Inszenierung, Ritual: Zur Klärung kulturwissenschaftlicher Schlüsselbegriffe.« In *Geschichtswissenschaft und »performative turn«: Ritual, Inszenierung und Performanz vom Mittelalter bis zur Neuzeit*, edited by Jürgen Martschukat and Steffen Patzold, 33–54. Cologne: Böhlau Verlag.
- Frevert, Ute. 2003. »Vertrauen—Eine historische Spurensuche.« In *Vertrauen: Historische Annäherungen*, edited by Ute Frevert, 7–66. Göttingen: Vandenhoeck & Ruprecht.
- . 2013a. »Emotions in German Penal Law, 1794–1945.« Research Project. Accessed October 12, 2014. <https://www.mpib-berlin.mpg.de/en/research/history-of-emotions/projects/law-and-emotions/emotions-in-german-penal-law-1794-1945>.

- 2013b. *Vertrauensfragen: Eine Obsession der Moderne*. Munich: Verlag C. H. Beck.
- Fuchs, Ralf-Peter, and Winfried Schulze. 2002. »Zeugenverhöre als historische Quellen—einige Vorüberlegungen.« In *Wahrheit, Wissen, Erinnerung: Zeugenverbörprotokolle als Quellen für soziale Wissensbestände in der Frühen Neuzeit*, edited by Ralf-Peter Fuchs and Winfried Schulze, 7–40. Münster: LIT Verlag.
- Groebner, Valentin, and Michael Wildt. 2015. »Leni Riefenstahl, Końskie, 12. September 1939.« *Mittelweg 36*, no. 1/2, 5–13.
- Guillais, Joëlle. 1986. *La Chair de l'autre: Le crime passionnel au XIXe siècle*. Paris: Olivier Orban.
- Habermas, Rebecca. 2008. *Diebe vor Gericht: Die Entstehung der modernen Rechtsordnung im 19. Jahrhundert*. Frankfurt am Main: Campus Verlag.
- Harris, Ruth. 1989. *Murders and Madness: Medicine, Law, and Society in the Fin de Siècle*. Oxford: Clarendon Press.
- Harris, Victoria. 2010. *Selling Sex in the Reich. Prostitutes in German Society, 1914–1945*. Oxford: University Press.
- Hilgert, Nora. 2013. *Unterhaltung, aber sicher! Populäre Repräsentationen von Recht und Ordnung in den Fernsehkrimis »Stablnetz« und »Blaulicht,« 1958/59–1968*. Bielefeld: transcript.
- Hochschild, Arlie Russell. 1979. »Emotion Work: Feeling Rules, and Social Structure.« *American Journal of Sociology* 85 (3): 551–75.
- Hochschule für Polizei Baden-Württemberg. 2008. »Baden Württemberg.« In *Handbuch der Polizeien Deutschlands*, edited by Hermann Groß, Bernhard Frevel, and Carsten Dams, 45–66. Wiesbaden: Verlag für Sozialwissenschaften.
- Jäger, Jens. 2003. »Erkennungsdienstliche Behandlung: Zur Inszenierung polizeilicher Identifikationsmethoden um 1900.« In *Geschichtswissenschaft und »performative turn«: Ritual, Inszenierung und Performanz vom Mittelalter bis zur Neuzeit*, edited by Jürgen Martschukat and Steffen Patzold, 207–28. Cologne: Böhlau Verlag.
- Kästner, Alexander. 2008. »Experten für ein gutes Leben: Zur Rolle von lutherischen Pfarrern in Untersuchungsverfahren nach Selbsttötungen

- (Kursachsen 1700–1815).« In *Experten und Expertenwissen in der Strafjustiz von der Frühen Neuzeit bis zur Moderne*, edited by Alexander Kästner and Sylvia Kesper-Biermann, 85–98. Leipzig: Meine Verlag.
- Karstedt, Susanne. 2002. »Emotions and criminal justice.« *Theoretical Criminology* 6:299–317.
- 2011. »Handle with Care: Emotions, Crime and Justice.« In *Emotions, Crime and Justice*, edited by Susanne Karstedt, Ian Loader, and Heather Strang, 1–19. Oxford: Oxford University Press.
- Kounine, Laura. 2013. »The Gendering of Witchcraft: Defence Strategies of Men and Women in German Witchcraft Trials.« *German History* 31 (3): 295–317.
- Luhmann, Niklas. 2000. »Familiarity, Confidence, Trust: Problems and Alternatives.« In *Trust: Making and Breaking Cooperative Relations*, edited by Diego Gambetta, 94–107. Oxford: Department of Sociology. Accessed October 20, 2014. <http://www.sociology.ox.ac.uk/papers/luhmann94-107.pdf>.
- 2014. *Vertrauen: Ein Mechanismus der Reduktion sozialer Komplexität*. 5th ed. Konstanz: UTB.
- Maley, Yon. 1994. »The Language of the Law.« In *Language and the Law*, edited by John Gibbons, 11–50. London: Longman.
- Martschukat, Jürgen. 2003. »The Duty of Society: Todesstrafe als Performance der Modernität in den USA um 1900.« In *Geschichtswissenschaft und »performative turn«: Ritual, Inszenierung und Performanz vom Mittelalter bis zur Neuzeit*, edited by Jürgen Martschukat and Steffen Patzold, 229–53. Cologne: Böhlau Verlag.
- Martschukat, Jürgen, and Steffen Patzold. 2003. »Geschichtswissenschaft und »performative turn«: Eine Einführung in Fragestellungen, Konzepte und Literatur.« In *Geschichtswissenschaft und »performative turn«: Ritual, Inszenierung und Performanz vom Mittelalter bis zur Neuzeit*, edited by Jürgen Martschukat and Steffen Patzold, 1–31. Cologne: Böhlau Verlag.
- Mc Mahon, Richard. 2013. »Urbanisation and Interpersonal Violence in Europe and North America: A Historiographical Review.« In *Stadt, Raum und Gewalt (Informationen zur modernen Stadtgeschichte)*, edited by Klaus Weinbauer and Dagmar Ellerbrock, 21–30. Berlin: Deutsches Institut für Urbanistik.

- Prinz, Jesse J. 2007. *The Emotional Construction of Morals*. Oxford: Oxford University Press.
- Rosenwein, Barbara H. 2006. *Emotional Communities in the Early Middle Ages*. Ithaca: Cornell University Press.
- Roth, Randolph. 2009. *American Homicide*. Cambridge, MA: Belknap Press.
- Russell, Hardin. 2001. »Conceptions and Explanations of Trust.« In *Trust in Society*, edited by Karen S. Cook, 3–39. New York: Russell Sage Foundation.
- . 2002. *Trust and Trustworthiness*. New York: Russell Sage Foundation.
- Sala, Roberto. 2006. »Die Nation in der Fremde: Zuwanderer in der Bundesrepublik und nationale Herkunft aus Italien.« *Imis Beiträge* 11:99–122.
- Saxer, Daniele. 2013. »Mit Gefühl handeln: Ansätze der Emotionsgeschichte.« *Traverse: Zeitschrift für Geschichte* 2:15–29.
- Schmölders, Claudia. 2003. »Das Gesicht als Bürgschaft: Zur Physiognomik des Vertrauens.« In *Vertrauen: Historische Annäherungen*, edited by Ute Frevert, 213–44. Göttingen: Vandenhoeck & Ruprecht.
- Schrover, Marlou. 2013. »Multiculturalism, Dependent Residence Status and Honour Killings: Explaining Current Dutch Intolerance towards Ethnic Minorities from a Gender Perspective (1960–2000).« In *Gender, Migration and Categorization: Making Distinctions between Migrants in Western Countries, 1945–2010*, edited by Marlou Schrover and Deirdre M. Moloney, 231–53. Amsterdam: Amsterdam University Press.
- Schwerhoff, Gerd. 2011. *Historische Kriminalitätsforschung*. Frankfurt am Main: Campus Verlag.
- Seal, Lizzie. 2010. *Women, Murder and Femininity: Gender Representations of Women Who Kill*. Basingstoke: Plagrove Macmillan.
- Severin-Barboutie. 2011. »Die Fremdwahrnehmung von Italienern und Türken in der Bundesrepublik.« In *Dolce Vita? Das Bild der italienischen Migranten in Deutschland*, edited by Oliver Janz and Roberto Sala, 116–35. Frankfurt am Main: Campus Verlag.
- Speitkamp, Winfried. 2010. *Orfeige, Duell und Ehenmord: Eine Geschichte der Ehre*. Stuttgart: Reclam.

- Spierenburg, Pieter. 2008. *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present*. Cambridge: Polity Press.
- Uhl, Karsten. 2003. *Das »verbrecherische Weib«: Geschlecht, Verbrechen und Strafen im kriminologischen Diskurs 1800–1945*. Münster: LIT Verlag.
- Ulbrich, Claudia. 1996. »Zeuginnen und Bittstellerinnen: Überlegungen zur Bedeutung von Ego-Dokumenten für die Erforschung weiblicher Selbstwahrnehmung in der ländlichen Gesellschaft des 18. Jahrhunderts.« In *Ego-Dokumente: Annäherung an den Menschen in der Geschichte*, edited by Winfried Schulze, 207–26. Berlin: Akademie Verlag.
- Van Stokkom, Bas. 2011. »Dealing with Defiant Citizens: Building Emotional Intelligence into Police Work.« In *Emotions, Crime and Justice*, edited by Susanne Karstedt, Ian Loader, and Heather Strang, 235–54. Oxford: Oxford University Press.
- Vidor, Gian Marco. 2014. »Leidenschaften vor Gericht: Verbrechen und Emotionen im italienischen Strafrecht im 19. und 20. Jahrhundert.« Research Project. Accessed October 26, 2014. <https://www.mpib-berlin.mpg.de/de/forschung/geschichte-der-gefuehle/projekte/emotionen-und-recht/verbrechen-und-emotionen-im-italienischen-strafgesetz-im-19-und-20-jahrhundert>.
- Wetzell, Richard. 2000. *Inventing the Criminal: A History of German Criminology, 1880–1945*. Chapel Hill: University of North Carolina Press.
- Wiener, Martin. 2004a. »Homicide and »Englishness«: Criminal Justice and National Identity in Victorian England.« *National Identities* 6 (3): 203–13.
- . 2004b. *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England*. Cambridge: University Press.

Sources

- Damrow, Hildegard. 1969. *Frauen vor Gericht: Ein Bericht über die weibliche Kriminalität*. Frankfurt am Main: Ullstein.
- Gräff, Günther. 1967. *Die Kriminalität der Gastarbeiter im Landgerichtsbezirk München I in den Jahren 1960–1963*. Munich: Dissertationsdruck F. Frank.
- Polizei-Handbuch für Baden-Württemberg. 1973. 6th ed. Vol. 6. Edited by the Landes-Polizeischule Baden-Württemberg. Stuttgart.

Strafprozessordnung (StOP). 1950. Bundesministerium der Justiz und für Verbraucherschutz. Accessed October 20, 2014. <http://www.gesetze-im-internet.de/stpo/>.

Bettina Severin-Barboutie, research fellow at the Alexander von Humboldt Foundation Research Cluster of Excellence »Writing a New History of Europe,« University Paris I Panthéon-Sorbonne and German Historical Institute Paris: BSeverin-Barboutie@dhi-paris.fr.