

CRIMINAL JUSTICE IN TIMES OF POLITICAL CRISIS: CENTRAL EUROPE, 1920–1950

GHI-sponsored panel at the European Social Science History Conference, Berlin, March 24–27, 2004. Moderator: Eric Johnson (Central Michigan University). Panelists: Gabriel N. Finder (University of Virginia), Benjamin Hett (Hunter College, CUNY), Richard F. Wetzell (GHI). Commentator: Helmut Thome (University of Halle).

This panel examined aspects of criminal justice in central Europe during times of political crisis and political transformation in the first half of the twentieth century. Both Benjamin Hett's and Richard Wetzell's papers addressed the question of the relationship between criminal justice and political ideologies. Whereas much of the historiography on Weimar criminal justice has focused on the right-wing political leanings of Weimar judges that were evident in many political trials, Benjamin Hett discussed a 1926 judicial scandal in order to examine some of the structural changes that occurred in the administration of ordinary criminal justice in the Weimar Republic. The crisis of public confidence in the courts during the Weimar years, he argued, was closely related to systemic changes in criminal procedure, namely the abolition of traditional juries, which actually made criminal justice in the Republic less democratic than it had been in Imperial Germany. While Hett was concerned with the changes that criminal justice underwent after Germany's transformation from monarchy into democratic republic, Richard Wetzell examined the politics of penal reform during the transition from the Weimar Republic to the Nazi dictatorship. Eschewing simple distinctions between "liberal" and "repressive" penal policies, Wetzell argued that the political implications of the Weimar penal reform movement were quite ambivalent and that the efforts of Nazi jurists to construct a "Nazi penal policy" were often in conflict with one another because the relationship between penal policy and political ideology was in fact quite fluid and ambiguous. Gabriel Finder, finally, examined an effort to construct new forms of criminal justice right after the collapse of the Nazi regime. Whereas Hett and Wetzell problematized the relationship between criminal justice and political regimes, Finder's examination of a Jewish civic tribunal that tried suspected Jewish collaborators in postwar Poland dealt with an extraordinary attempt to administer criminal justice outside the framework of the state. Thus all three papers pointed to the often paradoxical relationship between judicial and political structures. Helmut Thome's comment placed the papers in the context of sociological and legal theory.

Richard F. Wetzell