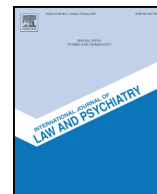




Contents lists available at ScienceDirect

International Journal of Law and Psychiatry



Trauma and the state with Sigmund Freud as witness

Elizabeth Ann Danto

Hunter College, City University of New York, New York City, NY, USA

ARTICLE INFO

Available online xxx

Keywords:

Sigmund Freud
War neurosis
Social democracy
Trauma
Legal history

ABSTRACT

Just before and after the end of World War I, Sigmund Freud took on an activist role and in his writings and speeches, redirected the concept of war trauma from individual failure to a larger issue of community responsibility. Testifying in Vienna as an expert witness for the state, Freud said that the military psychiatrists—not the soldiers—had “acted like machine guns behind the front” and were the “immediate cause of all war neurosis.” Freud was called on by the legal community when Julius Wagner-Jauregg, a future Nobel Prize winner (and also future Nazi Party adherent), head of the municipal Clinic for Psychiatry and Nervous Diseases, was accused of the lethal use of electrotherapy on shell-shocked soldiers. As sociological as psychoanalytic in his responses, Freud’s withering critique came just 2 years after he avowed that “it is possible to foresee that the conscience of society will awake.” That speech on the human right to mental health care affirmed Freud’s alliance to the social democratic position and inspired the second generation of psychoanalysts to develop community-based clinics throughout Europe where treatment was free of cost, for war neurosis and beyond.

© 2016 Elsevier Ltd. All rights reserved.

When he was charged with the lethal use of electrotherapy on shell-shocked soldiers, the Viennese physician Julius von Wagner-Jauregg, director of the city’s principal public psychiatric clinic, was, in 1920, as well-known in Vienna as Sigmund Freud. But where Wagner-Jauregg accused the returning soldiers of “malinger,” Freud, testifying as an expert witness for the state, said that the military psychiatrists—not the soldiers—had “acted like machine guns behind the front lines, forcing back the fleeing soldiers,” and he later reasserted that traditional military psychiatry was the “immediate cause of all war neurosis, [forming] rebellion against the ruthless suppression of [the soldier’s] own personality by his superiors” (Freud, 1920a,b, p. 212). Because this kind of withering social critique is rarely associated with Sigmund Freud today, this article draws on his own writings as evidence of what was, in fact, Freud’s vigorously democratic approach to issues of law and mental health. As a consequence, Freud can now be seen increasingly as an early participant in Austria’s modern social democracy. In the 2 years between his Budapest speech on “the conscience of society” (Freud, 1918a,b, p. 167) and this testimony, both written and oral from the March 1920 judicial inquiry, Freud reworked what may have seemed like a 1918 war-end euphoria into a principled way of thinking about psychoanalysis as a theory of emancipation and about the points of confluence where an individual’s release from neurosis joins a society’s relief from bourgeois repression.

E-mail address: edanto@hunter.cuny.edu.

1. The Commission

Coming just 2 months after the end of World War I, with the Social Democrats recently elected to lead the country, a new Austrian law instructed the National Assembly to investigate and prosecute “neglect of duty by military authorities during the war” (Eissler, 1986, p. 14). The resulting Commission for the Investigation of Derelictions of Military Duty (*Kommission zur Erhebung militärischer Pflichtverletzungen*) got to work on December 19, 1918, seeking witnesses, documentation, opinion, and argument. Ultimately, the Commission concluded that Dr. Wagner-Jauregg’s treatment of shell-shock by an enhanced electrotherapy was more brutal than necessary, fundamentally wrong and also an ineffective means of returning soldiers to the front. Dr. Wagner-Jauregg, a standing member who had recused himself when under investigation was, however, not indicted, nor was his practice interrupted. The three most prominent Commission members—Alexander Löffler, Julius Tandler, and Hugo Schulz—had, each in his own way, spearheaded social reform in postwar Vienna.

Alexander Löffler (1866–1929) chaired the Commission. Löffler was professor of jurisprudence at the University of Vienna and had founded and remained editor-in-chief of the *Austrian Journal of Criminal Law* (*Österreichische Zeitschrift für Strafrecht*) from 1910 onward. In 1879, Löffler, an audacious man despite his ostensible conservatism, immersed himself in the study of “types of guilt” in criminal law. He was the scholar behind a certain kind of legal studies in Western penal codes for most of the twentieth century, assessing the moral weight of intentionality—or lack thereof—in the criminal mind.

<http://dx.doi.org/10.1016/j.ijlp.2016.06.004>
0160-2527/© 2016 Elsevier Ltd. All rights reserved.

Please cite this article as: Danto, E.A., Trauma and the state with Sigmund Freud as witness, *International Journal of Law and Psychiatry* (2016), <http://dx.doi.org/10.1016/j.ijlp.2016.06.004>

Dr. Julius Tandler (1896–1936) was a strikingly original social welfare theorist whose story remains to be heard outside of Austria. He was professor and chair of Anatomy at the University of Vienna Medical School before World War I. Grete Lehner, a psychoanalyst who taught at Harvard after her forced emigration, said that Tandler could transform a grueling medical task into a “beautiful and deeply aesthetic experience. Hidden relationships were suddenly made clear” (Gifford, 1977, p. 6). He applied this clarity of purpose to the re-organization of Vienna’s post-war health and social services. As Undersecretary of State for Public Health during Austria’s First Republic, he replaced an outmoded social service system with planned direct assistance to children and families or, as he put it himself, the “organized, practical and economic methods of help” (Tandler, 1929, p. 939). He put the true meaning of public welfare into action by responding to critical yet simple needs: baby clothes for mothers, communal laundry facilities, tuberculosis treatment centers, and skilled social work interventions. From alcoholism centers to child dental clinics to maternal consultation groups, Dr. Tandler’s unified system mapped out the advances made by modern social work practice.

A third member of the Commission was Hugo Schulz (1870–1933), a prolific Viennese writer and journalist, equally comfortable with military history as travelogs and political satire. He started as a court reporter for the *Arbeiter Zeitung*, the Social Democrat’s newspaper, under Victor Adler, rising to editor-in-chief in 1931. Victor Adler (1852–1918) was one of the party’s significant theoretical architects along with Otto Bauer. Schulz was their strategist and Minister in the State Office of Military Affairs but he was passionate about the idea that, just like the elite, workers should be taught about historical and cultural events. In his massive 2-volume *Blood and Iron: War and Soldiering in Ancient and Modern Times* (*Blut und Eisen. Krieg und Kriegerum in alter und neuer Zeit*), for example, lively illustrations were frequently drawn from civilian life, subtly conveying a materialist conception of history in keeping with the Social Democrats, but in contrast to Bismarck’s famous speech of the same title.

Why Freud as an expert witness

As chair of the Commission, Löffler would need to locate expert witnesses with professional knowledge of war trauma and who also spanned the new political spectrum. Löffler was not a politician, but with the election of an Austro-Marxist government in 1919, his designation as Commission chair would be scrutinized by the liberal press. In December 1918 and then in February and March 1919, one such Social Democratic weekly, the *Free Soldier* (*Der Freie Soldat*), had published consecutive reports about shell-shocked veterans subjected to “electrical torture” as a form of therapy at Wagner-Jauregg’s clinic (Eissler, 1986, p. 15). The reason for the outrage, said one of the articles titled “Physicians or Torturers?” was that the soldiers who were accused of “malingering” and “lack of will” were actually vulnerable people suffering from a psychological entity known as “war neurosis” or “shell-shock” and that the reality of this diagnosis was more complicated than its representation by the medical establishment. These diagnoses were popularized in World War I to describe some soldiers’ particularly intense reaction to bombardment fighting, with symptoms of panic, confusion, amnesia, tremors, loss of speech, and inability to sleep or walk (Leese, 2002). Exposed to the gruesome results of exploding shells on the front lines, the veterans’ experiences upended their return to civilian life. Some psychiatrists equated their psychological trauma with deviant behavior, the desire to subvert authority, and ultimately, evidence of marginal social class (Mosse, 2000). And in Vienna, not only did some physicians knowingly subject distressed individuals to harsh and inhumane treatment but also, *Der Freie Soldat* argued, the doctors participated in a sort of deceitful cost-saving program. These accusations, along with widespread scorn for traditional authoritarian wartime responses to trauma, found popular support in Austria and in

Germany where psychiatrists increasingly faced charges of medical brutality from both patients and reformist parliamentarians (Lerner, 2003).

Freud offered Löffler a recognized sincerity of purpose and a humanist’s flexible outlook on legal inquiry. He was a credentialed if controversial physician, with colleagues in government including his former classmate Julius Tandler, now a sitting Commission member. Fifteen years earlier in the summer of 1906, Löffler had invited Freud to speak to a law school seminar and he obliged with an essay now titled *Psychoanalysis and the Establishment of Facts in Legal Proceedings* (Freud, 1906). Here Freud explained how the psychoanalytic approach was different from, though at times similar to, the investigative techniques of conventional legal practice. “The task of the therapist is the same as that of the examining magistrate... In both we are concerned with a secret,” he said. “But I must point out the difference. In the case of the criminal, it is a secret which he knows and hides from you; whereas in the case of the hysteric, it is a secret which he himself does not know, which is hidden even from himself” (Freud, 1906, p. 108). Freud went on to ask Löffler’s student lawyers whether their own technique would “succeed in distinguishing self-accusing individuals from those who are really guilty” (Freud, 1906, p. 113) and would be up to the “task of uncovering what is hidden in the mind.” Freud’s idea of offering two different explanations (criminal intent as distinct from neurotic self-punishment) for one overt behavior (secrecy) uncovered the complex, dialectical nature of psychologically informed legal inquiry. Since even the most direct questions stir up emotions that are not easily understood, the “hidden” impulse behind the behavior must be at least as complex. In other words, Freud was asking the students to consider the possible contradictions underlying that behavioral impulse, psychological or environmental, when attempting to establish the “facts” in a legal process. This idea would gain considerable traction at Wagner-Jauregg’s trial, when Freud seemed to suggest that the debate over the origins and treatment of shell-shock was an instance of physicians, closely allied to the military, imposing their assumptions about lower class soldiers as “malingerers” while ignoring the evidence of their trauma.

The 1919 report in *Der Freie Soldat* was a case in point. “In an especially tragic situation where the unfortunates suffering from ‘only’ from nerves,” the article stated, “they were accused of malingering from the outset, and many so-called doctors were only concerned with ‘unmasking’ them, not with diagnosing or curing their illness” (*Der Freie Soldat* of February 28, 1919, in Eissler, 1986, p. 15). Like all powerful diagnoses, the term “war neurosis” was double-edged. One view had the soldier impaired by a cluster of hounding psychological symptoms akin to today’s PTSD (Healy, 1993), while the more traditional medical view saw a physically qualified man essentially fake the same symptoms in order to deceive the doctors and avoid responsibility. The most conservative, if cynical, among the military psychiatrists thought that the alleged malingerers simulated symptoms in order to secure their pensions (Brunner, 1991). But, by denouncing the use of electrotherapy as a form of cruelty, *Der Freie Soldat* adopted a modern stance on war neurosis. The pain inflicted by the treatment was so harsh, the reporter alleged, that some patients died. An encounter with total powerlessness, carried back from the front lines and re-experienced at the hospital, led other soldiers to commit suicide. Yet others simply fled with their symptoms untouched, the severe human damage compounded by solitary confinement and unpleasant medication.

Wagner-Jauregg’s form of treatment was not new (Leese, 2002); it entailed the application of alternating electrical currents via electrodes or brushes to parts of the body. Brief pulses of electric current weakened the muscle so that patients suffering from trembling, for example, were actually cured quite quickly. Indeed, Wagner-Jauregg had impressed his colleagues from the Psychiatric–Neurological Clinic with positive results all the while reinforcing its traditional virtues. “It is an old-established treatment of hysterical conditions... The results have been absolutely brilliant,” he said in court (Eissler, 1986, pp. 50–51). Beginning in 1918, however, some of the doctors were dissatisfied with the impact

Download English Version:

<https://daneshyari.com/en/article/4760544>

Download Persian Version:

<https://daneshyari.com/article/4760544>

[Daneshyari.com](https://daneshyari.com)