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PIONEERS IN CRIMINOLOGY

II. Gustav Aschaffenburg (1866–1944)

HANS VON HENTIG

Professor Hans von Hentig, Dean of the Bonn Law School, has been for ten years the Co-Editor of the *Monatschrift fuer Kriminalpsychologie und Strafrechtsreform* which was founded by Professor Aschaffenburg. He was dismissed by Hitler in 1935, came to America in 1936, taught at Yale, State Universities of California, Oregon, Iowa, Colorado and Kansas City. He has been Research Assistant to the Attorney General in Washington, D. C. and Director of the Colorado Crime Survey. Three years ago he was called back to assume the chair of Criminology at the University of Bonn. Professor von Hentig is author of *Crime, Causes and Conditions*, McGraw-Hill, 1947 and *The Criminal and His Victim*, Yale University Press, 1948. More recently he has published the first volume of a work on *Punishment*, entitled, *Early Concepts and Cultural Continuities*. The second volume: *The Therapy of Crime* will be out in the autumn. We are able to include the picture of Professor Aschaffenburg below through the courtesy of Dean von Hentig.—EDITOR.

I

The names—Henry Maudsley, Caesar Lombroso, and Gustav Aschaffenburg—suggest the tremendous impetus that criminology has experienced from medical science—mainly from psychiatry. Maudsley lived before my time. I was not young anymore when Lombroso's daughter conducted me in Turin through the shrine-like study of the eminent Italian who has been "buried" so many times and is not dead yet. But Aschaffenburg—I knew him well. We have been fighters on the same battle-field through many years. Fate fell on him like a thunderbolt; an unjust and an undeserved fate. He came to the hospitable shores of the United States broken in heart and broken in health. His hope to find a publisher came to naught. He who had played a prominent part at all



GUSTAV ASCHAFFENBURG

international meetings in Rome, in Prague, in London died in oblivion. The writer is making up for a long postponed duty in reviving the memory of the man and his work.

A great man should be sized up by two different individuals or groups. Those who happened to be on intimate terms with him, liked him, loved him or hated him. Ten or twenty years later, when the silent effect of his work has become visible, when opinion and judgement have grown unemotional, a second critic should review the essence of what he strove for and what he achieved. But we are not yet as far away from Aschaffenburg as that.

II

It may seem curious to find a criminologist trying to sketch a "portrait parlé" of another criminologist. When the writer first met Aschaffenburg a few years after the first world war he saw a small, stocky man enter the bungalow he was occupying in the charming surroundings of Munich. He moved with the uncertainty of a very short-sighted man and, strangely at the same time, with the directness of a doctor who is accustomed to giving orders and to being obeyed. One would have thought that he was slightly uneasy; but his breathlessness was not of emotional origin, just the attitude of a person suffering from asthma and highly sensitive to atmospheric conditions. Aschaffenburg's greatest assets were not his looks, but his delightful personality, his penetrating eyes, his never-tiring interest, his cheering vivacity and an unhesitating helpfulness which was not always reciprocated. With profound scholarship he combined the heart of a child. It always struck me that he, who had seen all the depths of human degradation and misery, had still preserved a certain prudishness. I still remember the story he told me with a certain embarrassment: There was a meeting in the small university town of Greifswald. Before going to bed he went for a short walk in the deserted streets. A young girl came out of the darkness and accosted him, using one of those eternal and well-known phrases. He asked her in bewilderment what she wanted. And she enlightened the famous psychiatrist by saying: "I am the night-life here." He fled to his hotel.

The writer has mentioned this episode because it shows the delicate fibre of the unusual man. He was well aware of his personal magnetism. That is why he made every effort to break through the barriers of spatial distance and to reach the region of human contact. When he entered a big hall, attention turned away from the more or less fascinating paper which was being delivered and was directed toward this short man, his unusual face and his good-natured smile, and tardily returned to the speaker. Many meetings in the capitals of Europe seemed devoid of something—somewhat like a blank cheque when he was not attending. Yet since he liked meetings, discussion and contradiction, notwithstanding his peaceful character, he was present as often as he could be.

One of the main traits in the mental make-up of Aschaffenburg was a startling mental activity. Whenever he came to see me and went for long walks through the woods, he used to stand still from time to time to discuss a problem which was on his mind. He liked to be stimulated by other people's opposite opinions and he carried with him a tremendous amount of clinical and judicial experience. Being

rather reserved and prudent himself, he was fond of listening to daring ideas and inventive interpretations. At times, with all his critical powers, he yielded to one of his finest qualities: his wish to help and to save. We disagreed for instance on the guilt of that supposed American lawyer, Karl Hau, who, disguised by a false beard, had come to Baden-Baden to shoot his wealthy mother-in-law. Hau got a death sentence and was a lifer in the penitentiary at Bruchsal (Baden), maintaining his innocence to the last. He wrote a suggestive prison book and committed a dramatic suicide after his parole in the ruins of Rome. Aschaffenburg's conviction was never shaken that Hau had not been the murderer of the mother-in-law. At a big official dinner party Aschaffenburg had been seated by chance near the minister of justice. Some years before this man had been one of the judges who sentenced Hau. A hot dispute started, everyone in the large hall grew silent and for a while the old judicial duel was fought all over again. In such a moment the calm scholar changed, to everybody's surprise, to a pugnacious and stubborn opponent; the less prepared he was the more forcible and convincing he was, and in this outburst of his temper hardly to be convinced.

Aschaffenburg had a few enemies and many friends. I would have liked to watch him as a prison doctor and to keep an eye on reactions toward him. But this period of his life lay behind him, when we first met. He was now the big boss, head of the Psychopathic Ward of Cologne, one of the richest cities of Germany at that time, internationally known, a much-wanted psychiatric expert all over Germany. He was tired of fame and work and recognition. At that time he came to see me in my retreat at Wessling and asked me whether I would not like to help him edit the *Monatsschrift fuer Kriminalpsychologie*. I was struck by his trust in me and said "Yes". A cooperation started at that time which was unique in its complete accordance, and the writer must admit that this conformity was maintained much more by Aschaffenburg's peaceful and tolerant disposition than by his own temperament. The writer—especially twenty years ago—was rash, impatient and adverse to compromise. Aschaffenburg was calm; balanced to a degree that could be described as wise. Our opposite natures fitted marvelously together. There was a natural consonance and a cheerful concurrence which the readers of the *Monatsschrift* must have appreciated, since they started flocking in from all parts of the world. A glance at the contributors from 1925–1934 will show that the most distinguished criminologists, in the United States, Japan, Russia, Italy, France, Spain, Belgium, Holland, Scandinavia and South America sent us their papers. It was "One World" in criminology.

Destiny brought about one last disagreement. After the Nazi regime had lasted one year, the writer saw clearly that honest science could not live in the atmosphere of *Gleichschaltung* or thinking on order. The publisher was fearful and urged a change in tone or greater caution. I was not ready to yield and tendered my resignation. Aschaffenburg thought I had been too impetuous. He hoped that conditions might improve and revert to the normal. He wrote a paper in answer to the gross attacks of Professor Dahm, the leader of the Nazi school of criminal law, and offered quiet discussion and a settlement on common ground. He continued publishing the *Monatsschrift* in 1935. In 1936, when he should have celebrated his seventieth birthday,

the regime took the *Monatsschrift* away from him, appointed a new publisher and asked new editors—uncorrupted and unspoilt—to take over. One comfort was left. The famous old appellation was changed to *Kriminalbiologie*. The writer crossed the ocean and Professor Aschaffenburg followed two years later. He went to Baltimore; the writer lived in the Rocky Mountains. The old close friendship had long been restored and letters went to and fro. We thought of the future and drafted our plans. Like all refugees, we under-rated the duration of the German imbroglio. Then, when hostilities were drawing to their end, death took away the remarkable man. His name will not vanish from our textbooks. Three psychiatrists left their impression upon the last century: Maudsley, Lombroso and Aschaffenburg.

III

Gustav Aschaffenburg was born in Zweibruecken, west of the Rhine on April 23, 1866. His father was a businessman. After his medical studies in Heidelberg, Wuerzburg, Freiburg, Berlin and Strassburg, and after having served as an interne under Professor Krafft-Ebing in Vienna and under Professors Ball, Charcot and Pierre Marie in Paris, he became assistant to the great Kraepelin in Heidelberg. The vogue in Heidelberg was experimental psychology at that time and Aschaffenburg eagerly joined the group of young scholars. It may be that his life-long aversion for alcohol dated from his experiments with that poison. According to Professor Wilmans, who succeeded Kraepelin when the latter went to Munich, this eminent psychiatrist led Aschaffenburg's interest toward criminology. Kraepelin too is said to have encouraged his promising assistant to write the book which made him famous: *Das Verbrechen und seine Bekämpfung*, published first in 1903. But at this time Aschaffenburg had already moved away from Heidelberg and had accepted a position as head of the medical service at the prison in Halle.

Heidelberg offers more opportunities for the study of crime than other German universities. Three penal institutions are sending their difficult cases to the Heidelberg clinic. The population is partly urban (Mannheim), partly rural (the Neckar valley). The whole Palatinate on the left bank of the Rhine has no university and is bound to make use of the medical facilities of Heidelberg. This Palatinate has the highest delinquency of violence in Germany. All these experiences could be enlarged in Halle and in Cologne where Aschaffenburg started teaching psychiatry in 1904 at the Academy of medicine. When Cologne restored its ancient university in 1919, he became Professor of Psychiatry and Director of the Clinic. Aschaffenburg has often depicted the careless, somewhat autocratic way, in which Konrad Adenauer, then mayor of Cologne, called him in and told him that he had appointed him to this great position. In Cologne he stayed till the train took him to Bremerhaven and to the transatlantic liner, never to see Germany again. He loved his country more than he knew himself. Professor Ruffin in Freiburg has told me a significant episode. When Aschaffenburg was about to leave Germany in 1938 a great Swiss publishing house approached him and asked him to write a textbook of psychiatry. He declined and told Ruffin that he would not be able to do so without seeing German students before him whilst writing the book, and this had become impossible now and for all times.

This Journal is not so much interested in the *Handbuch der Psychiatrie* published

before the first world war and Aschaffenburg's *Handbuch der gerichtlichen Medizin*, edited in common with Professor Hoche in Freiburg. Our attention is focussed on the book which caused the editors of the Journal to lay it before the American public in an excellent translation which made his fame. The *Monatsschrift* is too well known to dwell upon it at length, but the book deserves a few remarks. When it appeared just fifty years ago now and was reprinted in three large editions the approach was refreshingly new and original. The first part, called the general causes of crime is essentially sociological. Aschaffenburg has tried to forget the medical side of the problem making use of extensive statistical material and a very happy selection of literature. Some opinions may be contradicted or have been discarded by later studies. In the whole it is a most readable and most stimulating book. I have been requested more than once by Aschaffenburg to join him in writing a fourth and enlarged edition, but I always thought that the book should remain as it was with all its foibles and all its high qualities. If we have moved forward since—and it cannot be said that we have done so in every respect—we could not have done it without standing on his shoulders.

Lombroso died in 1909. The objections Aschaffenburg raised against the great Italian, his praise and his criticism could be levelled against himself and will be aimed probably at each of us by those who come after us. Yet they will know so much better than they otherwise would know because we endeavored in our time to gather new material, found new interpretations and ventured into new hypotheses which may be approved or disapproved by facts we were not aware of, because they were not available in our time.

There were very good reasons why scientific meetings all over the world listened with intense attention when Aschaffenburg rose to speak. Professor Ruffin has pointed at Aschaffenburg's artistic nature. That is why so many painters, musicians and actors came to seek relief and support in his optimistic attitude and his understanding compassion. The poor were sure of his care as well as those who could not be cured. Professor Gruhle has a story to tell. He had it from Aschaffenburg himself. He had been asked by the court to present his opinion on a pseudological personality; a few years later this same confidence man made him a sucker. Such things happened all the time. He had one of those salons where he and the cultivated Mrs. Aschaffenburg used to receive distinguished guests who happened to live in Cologne, or to come through the city and were the famous professor's patients. One evening a well-known actress who had been cured from a drug habit came in and said good-bye. She left the same night for Berlin to be back on her job. About midnight the phone rang and continued to ring. The police called from a station midway between Cologne and Berlin. The cured patient had taken cocaine again and had left the sleeping car in a minimum of clothing. Where should she be brought for further medical attendance? We thought it funny, but Aschaffenburg was plunged into thought. Could psychiatry still be perfected?

IV

It was a mark of honor to be invited to Mrs. Aschaffenburg's salon. Honorary degrees had been showered on her husband. No scholar of distinction came to Cologne without trying to see him. Then came the landslide of 1933. It came with

a fury no one expected; no generation in civilized Western Europe had experienced the like since the French Revolution. To Aschaffenburg's inner decency it seemed not only a political change, but the collapse of a world. It was as if this earth and a meteor had collided. Something unbelievable, quite contrary to the order of the moral planetary system had happened. He never accepted it, nor believed, nor overcame it. The shock first stunned, then killed him. Posterity, if it wants to maintain its nimbus as the incorruptible judge of men and times, owes Gustav Aschaffenburg more than the usual share of reparation.

V

An eminent American friend has put me on the spot by asking whether Aschaffenburg would have followed new lines of thought, if he had been able to write a revised edition in 1930. We have discussed the fundamental issues for hours on long walks through the Bavarian woods. The writer can not say that Aschaffenburg had changed yet tentative steps on the way of a compromise were more palpable to an old friend than visible to the outsider. Aschaffenburg saw the whole rising generation get up in arms against us, the "supernumerary" old set. They were of one mind. We were split into the classical school and the modern group, left leaderless after the death of von Liszt. The mob was raging in the streets. Millions of unemployed were in terror of the future and were turning their ears and their faint-hearted hopes toward the man who was promising everyone everything. A new world seemed to be in travail. Aschaffenburg, a social being par excellence, who wanted to like and be liked, was afraid of ostracism and loneliness although you could see him fight bravely against what he himself recognized to be a weakness. It is one of the hardest things in the world not to yield to the majority after having been taught that it is the essence of good democracy to submit to its will and command.

But these were only undercurrents in Aschaffenburg's mind. They never succeeded in getting the upper hand. They may have emerged to the surface in one or two articles in which he expressed the hope of an armistice between the two hostile camps. Yet we were defeated and no quarter was given. You can not offer a fair settlement to the victor in the midst of his triumph, and—besides—scientific convictions do not admit mutual concessions. When Aschaffenburg had realized the cruel finality of the situation, he did not speak of it anymore to me nor to others. He died from an overdose of disappointment. The new edition remained unwritten, but the old book is living on.