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Victims of violence: Can we demand restraint from the public sphere?

Does press freedom entail an unlimited right to information on behalf of the public? When that information concerns victims of violence, the answer is no, argues Jan Philipp Reemtsma. An interest in crime is not the same thing as an interest in the victims of crime, especially when the interest manifests itself as sympathy or even the attribution of interpretative authority.

In considering the theme of "The public sphere, media and restraint", I would like to bear in mind the following questions: Does the public have a right to be informed? What does "freedom of the media" actually entail? What are the causes of the increasing interest in victims of crime? What are the contradictory needs of the victims? How are those needs exploited by television? What needs to be done? As is customary, I will start with the first question (as Odo Marquard would say).

Does the public have a right to be informed?

The verdicts in the several lawsuits brought by Caroline, Princess of Hanover against various media outlets have been coming thick and fast. Why the public interest in this woman? Well, she is the eldest daughter of the late Prince of Monaco and the actress Grace Kelly, who died some decades ago after a car accident. An attractive woman, Caroline had an eventful private life even as a teenager. Her second marriage ended with the death of her husband in an accident and she is now married to a descendant of the Guelph dynasty, (in)famous for extravagant, not to say distasteful, public appearances as well as incidents involving excessively importunate representatives of the media. On the basis of the verdict of the European Court of Justice that photos of celebrities may only be published if they make a relevant contribution to public discussion, the German Federal Supreme Court ruled, following an appeal from Caroline, that photos of her and her husband Ernst August on holiday could not be published. This ruling was in turn quashed by the Federal Constitutional Court on the grounds that entertainment also fulfils a public function, and that reports on the normality of celebrities' everyday lives constitutes entertainment — at any rate where questions of public interest are involved, in this case the renting of holiday villas in Kenya. The Federal Supreme Court had also banned photos of the couple's skiing holiday (with one exception); this judgement was upheld by the Constitutional Court.

Here is a quotation from the judgement: "Even pure entertainment comes under the protection of the freedom of the press. Entertainment can fulfil important social functions, for instance when it presents images of reality and provides topics of conversation that can lead to discussions about lifestyle

attitudes, values and patterns of behaviour." The protection of press freedom was also deemed to cover "entertaining articles about the private and everyday lives of celebrities and their social sphere, particularly those people close to them".¹ The extent to which a story represents a contribution to the formation of public opinion must be assessed on a case-to-case basis, the court ruled. It is generally agreed that this verdict, welcomed by some and viewed sceptically by others, does not make the application of law any easier.

The court referred to the protection of the freedom of the press, not to any right of the general public to information. And yet the latter is something that is frequently talked about, by the media most of all, whenever particular aspects of reporting are criticized. Can this right to information be considered remotely reasonable? I don't think so. After all, who could be sued should this right fail to be observed? The media? Obviously, and precisely for reasons of press freedom, courts cannot dictate to a newspaper or a private TV channel what they must report and what they must not. The state? That would represent a form of censorship and would destroy the freedom of the media. The duty of a public service broadcaster could at best be understood as being, among other things, to present the public with a certain range of information about politics with a certain degree of seriousness. But what about countries that have no public service broadcaster?

It could be said that the public has a right to a public sphere and that this right is established by the freedom of the media — but not in such a way that there is an authority that ensures that particular information is made accessible to all. Rather, it means that various press and media outlets have a right to publish or broadcast what they want. This creates a plurality of information such that everyone can choose what they want to be informed about and what not.

What does "freedom of the media" actually entail?

Kant drew a distinction between the private and the public application of reason — with his own profession in mind. A ruler has the right to restrict the public application of reason, by which Kant meant exerting influence over what is taught in lecture halls and preached from pulpits. But he has no right over the private sphere: what anyone printed in their own name was their business alone. The writer Christoph Martin Wieland approached the matter from the perspective of the public sphere: in his eyes, the freedom of the press — by which he meant every kind of printed material, indeed everything generated by a printing press — was the inalienable premise of the Enlightenment. Every exertion of influence, be it over the bias or the quality of the printed material, would lead to the establishment of a censorship authority, and who was to decide who should belong to it? Who was to say whether any intervention was really in the service of truth and not of arbitrary will? Of course freedom of the press would lead to the publication of untruths and malicious material, but then care needed to be taken that such statements were corrected elsewhere in another publication. Incitements to political unrest were the only exception he made to this rule.

We too prescribe the parameters of media freedom by imposing legal restrictions on it: incitement to criminal acts and other forms of incitement are forbidden; there are laws against offence to religious beliefs in order to safeguard public order (even if this is handled in far more liberal fashion than in the 1950s); against insulting the memory of the dead;² for protecting personal rights; and so forth. Indeed, again in the 1950s, a interpretation of the law prevailed that there was no legal limit to the constitutionally guaranteed

freedom of art, and that this released a work of art even from loyalty to the constitution. This led the Stuttgart public prosecutor to dismiss the pornography and blasphemy charges brought against Arno Schmidt's novel *Seelandschaft mit Pocahontas* [Seascape with Pocahontas]. Moreover, it was considered not to be for the jury to judge what was a work of art and what was not: a public prosecutor or a court was obliged to follow the opinion of an expert witness without questioning it. This interpretation has not held sway since the judgement against Klaus Mann's *Mephisto*;³ the verdicts on Maxim Biller's *Esra*⁴ and the subsequent debate have made abundantly clear the extent of the role played by libel law even in the field of narrative fiction. In the CD-ROM documentary of the second exhibition about the crimes of the Wehrmacht,⁵ the Hamburg Institute for Social Research had to take great care that spectators captured on film could not be identified. This would have been different had a famous person or historical figure been involved, be they a politician or an actor. At this point, a figure of contemporary historical significance legally loses the right to their own image, at least if it is connected to information relevant to the public — and a visit to such a widely debated exhibition would indeed have qualified as such.

Informing the public about crimes is of course covered by the freedom of the press — even if the way in which this is done would be better described as disinformation. For instance, violent crime is decreasing in Germany, as are sexual assaults on children and cases of neglect resulting in death. Yet solely on the basis of the press coverage of such cases, hardly anyone would come to the conclusion that this is the case. Certainly, irrespective of statistics, every such case is one too many. One could also argue with some justification that it is precisely because our everyday life has become safer that we react particularly strongly when it is brought to our attention that these incidents do indeed occur, again and again.

What is not covered by the freedom of the media is of course the degrading presentation of victims of crime, although here too there are matters to be considered. If I may talk from personal experience: although my wife had the blackmail photo sent to her during my kidnapping⁶ blocked from the public, it leaked out nonetheless. I am convinced, though I cannot prove it, that it was sold to *Bild* newspaper by a member of the police. The official version of events is that the reporter chanced upon the photo at the home of a policeman he was acquainted with. I do not know whether we could have taken any action against the publication — in any case, it was too late.

A photo of Sabine Dardenne,⁷ taken shortly after she been set free and was still in a state of considerable terror, went around the world; it gives the impression that the policeman is consciously exposing her to the cameras. In an instance such as this I would have hoped for the photographer, or at least the editors, to show restraint. Nor did I find it morally defensible to photograph the dead body of Uwe Barschel⁸ in his bathtub. A journalist to whom I made my views clear told me what an American journalist had said to Ethel Kennedy when, kneeling beside her bleeding husband Robert Kennedy amidst a storm of flashbulbs, she attempted to make room for the seriously wounded man: "That's history, madam!"

Press freedom no doubt also applies in the case of the victim of a crime who appears on television and is interviewed by Johannes B. Kerner⁹ or whoever it happens to be. First, no one has forced the person in question to undergo questioning; second, he or she can usually do with the money that they are presumably offered; and third, there is no plaintiff, since that could only be the

person who agreed to appear on television in the first place. Nevertheless, I think a huge moral problem arises here.

What are the causes of the increasing interest in victims of crime?

There has always been great interest in crime, as the genre of murder literature proves. But an interest in crime is not the same thing as an interest in the victims of crime, all the more so when the interest manifests itself as sympathy or even the attribution of interpretative authority. What do I mean by "interpretative authority"? Well, one can lend an essay a certain *gravitas* by ending it with a few lines from Jean Améry: the quotation, in itself, bears the stamp of evidence. Not because Améry is a great writer — although he certainly is — but because he was tortured and survived Auschwitz. Améry's most famous phrase, "Whoever was tortured, stays tortured", can be found in countless essays on torture, yet no one dares to ask "Is that actually true?" Ruth Klüger's cool epigram on the concentration camps — "It was different for everyone" — might also apply here: of course, were its author not herself a survivor, one would find this statement entirely inappropriate, a trivialization, almost blasphemous, and better judgement generally forbids its use as a corrective to Améry's apodeictic comment. Only one man can challenge Améry's interpretation of torture and the concentration camps: Primo Levi, a survivor of the same camp. We read his attack on Améry with discomfort, yet there is one thing that we who have suffered nothing comparable *may not* do — at least such is our automatic reflex — and that is take sides.

Why do we pay so much attention to victims' accounts of their experiences? Why do we read, not only with sympathy, but with also with interest, the description of the female prison director who, when a prisoner took a woman hostage, offered herself as a hostage in exchange and was then raped by the hostage taker? Why do we read the memoirs of people who suffered sexual abuse as children as if it were something that somehow informs us about the world? We should remember that such a literary genre — I shall call it "victim memoirs" — has not existed for long. Traditionally the reaction to the experience of sexual violence in particular — hence these examples — was to pass over it in ashamed silence. This shame also applied to other forms of violence, unless they were related to the status of a hero dying gloriously in the manner of Roland at Roncevaux or to that of a martyr suffering for his (noble) cause.

This situation has changed in many sectors of society — it would no longer be possible today to treat witnesses in the manner that was still tolerated in the Auschwitz trials. The crude idea that a person of more than three years of age cannot be traumatized — as Ruth Klüger was taught in the USA — is inconceivable today, and the sarcastic question of how many family members a person can lose and still display a normal mental constitution is today at the forefront of research and therapy.

The previous negative emotions — for we must understand what are at bottom aggressive attitudes as emotions — towards victims of violence are essentially normal, that is to say to be expected. There is a fundamental social affect *against* the victim, comprised of three elements. First, our ability to empathize is itself a highly ambivalent talent: because we can understand another's predicament, we want nothing to do with it. It is too close to the bone; in the proximity enabled by our empathy, we experience our own vulnerability. Christoph Martin Wieland once wrote of how an oriental king called a halt to beatings on the soles of the feet not out of sympathy, but because it always

reminded him that he too had soles — a singularly unpleasant insight in the circumstances, one might imagine. Second, victims are often uncongenial people. They view their environment with suspicion. They expect (and often experience) new injuries as soon as they are met with indifference. Manifestly or latently, they thus compel their surroundings to engage with them. As such they weigh up every word hypersensitively, as it were, making all dealings and communication with them wearisome. Their resentment flares up repeatedly, not against those who did them the violence, but against a world that they perceive to be the scene of the crime.

Thirdly and finally, the victim is made jointly responsible for the crime that befell him. This is known as "the deceptive effect of hindsight". I quote from Gottfried Fischer and Peter Riedesser's *Textbook of Psychotraumatology*: "The underlying social-cognitive mechanism was investigated by Fischhoff¹⁰ by means of a psychological experiment. He had test subjects assess the probability of certain occurrences. The test group were informed that the questionable occurrences had, in each case, already taken place. The control group, by contrast, classified the same series of events according to their probability, but without the additional information that they had indeed taken place. The events that had allegedly already occurred were universally judged 'more probable' and as such also 'easier to predict'. [...] Following this logic, a rape victim, for instance, should have 'expected' the assault."¹¹

These three components form a powerful basic emotion that probably applies across all cultures. Victims of violence encounter it often over the course of their lives. Nevertheless in our society it is to a certain extent culturally overlaid, and to display such an emotion too obviously is seen as inappropriate and heartless. Public discourse is characterized by interest and sympathy as well as by a strange counter-emotion: victims are perceived somehow as being better people, as people who have a great deal to tell us by virtue of the violence they have suffered. This affective disposition goes as far as to make victim status even seem desirable to many. Consider the case of Benjamin Wilkomirski, for example, a Swiss man who while undergoing a course of psychotherapy dreams up the notion that he had survived ghetto and death camp in his infancy before being taken to Switzerland and adopted. He writes a book and is revered like a saint throughout the world. The book is a pretty crude piece of work, but is viewed as important literature — until a journalist rumbles him: none of it is true. What happened in this case is the reverse of what Freud dealt with in the essay "Family romances" ("Der Familienroman der Neurotiker"): someone fantasizes not that he is the illegitimate descendant of a personage of high rank — like Nikolaus Markgraf, the apothecary's son in Jean Paul's "Comet" (*Komet*), who imagines that he is that he is the son of the margrave Nikolaus — but that he is the son of murdered parents who have suffered the most terrible violence, something which as it were ennobles him, both in his own eyes and in those of the world at large.

How did this reversal come about? In my view it has a great deal to do with the slowly changing post-war attitude to Holocaust survivors. After a phase of disdain and disregard, their books began to be read, many even becoming bestsellers. The remarkable thing is that these books were written at all. After all, traditionally genocide is either perpetrated against illiterate populations, or there is no milieu in which survivors' accounts arouse any interest. The Holocaust, by contrast, was a crime that transcended all boundaries of class; there were survivors who were intellectuals or writers (or people who became writers) and some of them returned to a milieu in which people wanted to hear what they had to say. They wrote of a fate that others escaped only by chance

or by getting away at the right time. They became, in their books, interpreters of the human condition — and reading the books of Jean Améry, Primo Levi or Ruth Klüger reveals that they too saw themselves as such. They did not simply write about extreme situations — for instance a narrow escape during a dangerous expedition, which might be exciting, but essentially concerns no one else — but as the interpreters of a world that one cannot know without hearing what they have to say.

This did not stop with the memoirs of the survivors of the camps — at some point the Soviet ones as well as the German ones; rather, there developed what I call a "parasitic literature". This is not meant pejoratively — I have used this genre myself — but in the archaeological sense, where settlements that are found on the ruins of significant buildings are termed "parasite settlements". This parasitic literature — the accounts of women who have been raped, memoirs of childhood sexual abuse, texts written by hostages, kidnap victims and so on — has meanwhile gained some of the interpretative authority I have mentioned. As an author — if I may mention myself again — one does not necessarily expect to be credited with this kind of authority. Following the publication of my book *Im Keller* (In the cellar),¹² I received letters in which I was addressed as a kind of spokesperson for people who had experienced any kind of suffering — people who felt themselves to have been addressed in certain passages, that they were in some sense were personally "intended". Not because of projection, though that comes into it as well, but in the sense of "I know this feeling too, and now I know how to express it." Others express the view that they consider the author to be someone who not only knows something about the world that they do not, but that this knowledge in some (let me supply: strange) way is more profound and more fundamental than what they know about the world themselves. This attitude can coexist perfectly well the behaviour of acquaintances who, having heard that you have become a crime victim, will cross the street to avoid you. The emotional prejudice against the victim still exists — it is simply overlaid with cultural factors, as I have said.

What are the contradictory needs of the victim?

What are the needs of someone who has become a victim of violence? It is always tenuous to talk about what a person allegedly needs because he or she belongs to a particular group. Let us recall the classic rhetoric of supposedly objective class interests. This was designed to explain away the fact that the working class simply did not behave as theory expected. Far from fomenting revolution, the workers instead displayed a remarkable indifference to Marxist theory. The reaction to such disappointments was to attribute to the workers an objective interest in the overthrow of the entire status quo — an interest, it must be said, of which they knew nothing. In the terminology of Lukács and Hegel, the working class was a class *in* itself but not *for* itself. What needed explaining was why the working class did not know "for itself" what the Marxists knew about them. So an objective "mental block" was invented, which was why an avant-garde party was needed (Lenin); or else an emotional block was invented, which was why people attempted to couple Marx and Freud together and invented analytical social psychology. The first solution gave rise to regimes that practised state terror of the most evil kind, the second to a series of interesting prolegomena to a future theory that never saw the light of day. So beware!

If, despite all this, what we are talking about is "the" needs of "the" victim, then this can only be on the understanding that — again to quote Ruth Klüger

— it is "different for everyone", and that it makes no sense to expect people to want one set of things when in fact they want something quite different. The most one can do is to call on one's own experiences — be they from everyday life or from a therapeutic perspective — and tell the "victim" that he would do better not to *strive* for this or that, because (experience shows that) he will harm himself (or others) as a result. In this sense there is perhaps indeed one generalizable need, which, though I have no proof of this, I guess is to be found in all, or almost all, victims of violence: the desire not to be a victim any more. "Not to be a victim any more" means to not to define one's biography solely on the fact of having suffered a violent crime, not to reduce one's life to this aspect, not to view one's previous life teleologically, as it were: as having led up to this suffering, and living one's subsequent life primarily in the shadow of the violent act. Any therapy conducted with a victim of violence should at the very least aim to encourage the person to look on the experience as one moment — albeit a formative one — in a whole life story, a moment that cannot be undone but at the same time that is only one among many. What one should not do is define one's life through one's victim status.

This is where the problem becomes apparent. A public sphere that — happily — has culturally compensated for its emotional bias against the victim through interest and sympathy, affords a kind of bonus for the status of victim. The victim's status brings him or her a secondary profit, resulting in the need to persist in that status. I shall come back to this point.

Independent of the interaction with a wider public, victims, like all people, have the option of speaking or remaining silent, of entering into communication or not, or indeed of breaking off communication. In the case of the victim of violence, keeping quiet and talking both serve a specific function. Keeping quiet can represent the desire to hush what happened off the face of the earth — an understandable wish, if generally a futile one. But it can also be the expression of a desire to return to normality, the wish simply to let time pass until one *can* speak. Finally, silence can be the refusal to communicate, the withholding of details that might stimulate the interlocutor's imagination, the desire to keep the story for oneself.

Just as ambiguous is the desire to talk. This too can express the need to "keep the story to oneself", in this case to give the story a communicative shape and not to be the (mute) object of the fantasies of a real or imagined interlocutor. Talking can also be a way of settling oneself in one's victim status, of returning to the events again and again, of wanting to fix the interlocutor in his role as a sympathetic listener. Finally, talking about one's experiences can also be a way of manufacturing distance: communication creates a level on which immediacy is abandoned and where what happened can be measured almost cartographically. There is a time for talking just as there is a time for silence; but what is more important than anything is what form that speech or silence takes.

Back to the public sphere. At first, silence is expected; somehow it befits the victim. To refer again to personal experience: I wrote a book about violence in modernity that deals only very peripherally with violent crime. That said, there is always a possibility that my own experiences came into play, if only rarely and between the lines, and that a journalist interviewing me about the book will always bear this in mind. Then there often comes a comment like "I know you prefer not to talk about your experience, but...". I generally reply by saying, "What gives you that impression? I have written a book about it, given a newspaper interview and two radio interviews." Silence is what he or she

expects. If a victim talks rather than keeping quiet, and, moreover, talks in the full glare of the public eye, people are surprised. It must be courage, or the person must be unbroken, or something along those lines.

As far public interest is concerned, there is a bonus to be gained from silence as well as from speaking out. We sympathize with a victim who stays silent, while we admire one who talks. Both define the victim in his or her role, and — this is the dangerous effect — he or she can benefit emotionally from either. This benefit consists how the public reacts to him or her. The benefits of staying silent are considerably smaller than those of talking — after all, one cannot be silent *in* public. To be silent is to renounce the public sphere, talking is what one does in public, and if one appears on television, one shows one's face as well. Displaying oneself and talking about one's experiences in public has an inherent value for the victim. To become a victim entails anonymity and passivity. As a sufferer one is passive and anonymous, because suffering violence reduces and dehumanizes. One is the object of another's arbitrary will. Once the victim appears in public and talks, he or she steps out of this role, he or she seizes the reins again, takes the initiative, becomes "someone" again and determines what happens, at least in a communicative sense. But at the same time — and this is the dialectic of this process — the victim's appearance in public once again places him or her in the role of victim. So — to put the question very directly — what advice should be given to victims? What should we demand of the public sphere — in so far as it makes any sense at all to ask such a question, since "the" public sphere has neither an address nor a telephone number? Of course, what can be done is to address the media or to speak in public through the media.

How are the needs of the victim exploited by television?

A quick Google search comes up with an article entitled, "Media, stop trying to diagnose Spears!" You may remember that the pop singer Britney Spears became the subject of gossip in the media as a result of her eccentric behaviour, her at times scanty attire and even, as it was considered necessary to point out, her weight problems. Newspapers vied with each other to diagnose her mental condition and, as is the way in such cases, the opinion of professional therapists was hauled in. At this point, appalled at the readiness of psychotherapists to participate in such voyeuristic hype, the American Psychoanalytic Association intervened with the aforementioned appeal. They argued that it was deeply unprofessional to talk about someone whom one had never seen or spoken to in person and that it was unethical to make any statements on the matter. Pseudo-diagnoses of this kind would harm the individual concerned and bring the profession of the analyst, and ultimately psychoanalysis itself, into disrepute. The public could get the impression that diagnoses primarily served the purpose of slapping a pathologizing label on the person concerned. "Media, stop trying to diagnose Spears": An appeal to the media and to their own profession not to give the flippant and potentially damaging actions of the media the veneer of seriousness.

I would now like to discuss a case which — I shall not mince words — exploited the victim's need to talk and to remain silent in a particularly revolting fashion. I am speaking of the interview conducted by Kerner with a victim of horrendous sexual violence, along with her parents, her lawyer and her psychotherapist. The case, in brief: a thirteen-year-old girl was assaulted on the way to school, dragged into a car and forced to squeeze into a box. The attacker took her to his home and for five weeks made her live in this box, allowing her out only to be raped, sometimes filming her in the process. Later,

the attacker took her on short walks to walk his dog or take out the rubbish, and during one of these she managed to drop some pieces of paper that she had secretly written on. These were seen by a passer-by, who alerted the police.

Spiegel magazine reported the case at great length and in great detail, based presumably on information from the girl, more than just hinting at some of the repellent details of the case. In publishing this they made the girl into an object onto which their readers could project their pornographic fantasies. Kerner, incidentally, did not go into these details, but nor did he miss the opportunity to refer his audience to the *Spiegel*.

Now to the setting of the programme: Kerner generally sits behind a table on the left-hand side of the screen, barricading himself in, so to speak, from his guests, who sit on chairs on his right. As far as I am aware, no other presenter on German television has a comparable arrangement.¹³ As I have mentioned, he conducts a conversation with parents, lawyer and therapist, during which there are cuts to film sequences of an interview he has made with the girl earlier — both sitting on chairs opposite each other. Kerner is shown with his face to the camera, while the girl's face is disguised, shown only from behind or in profile and illuminated in such a way that the impression is given of a moving silhouette. Discretion? Well, I guess it depends on your point of view.

The journalistic standards of the programme are appalling. The questions remain at the level of "Didn't you give up hope after a few weeks?" "How did you get through this terrible time?" "How did you find the courage/the strength?" "How important is it to you to show that this man hasn't broken you?" And again and again: "What did you think/feel at the time, what kind of experience was it for you?", and so on.

The parents, of course, are not experienced in making TV appearances, nor have they given advance consideration to what to say and what not to. As a result, Kerner, thanks to his sympathetic tone, gets the mother to admit that she had given up hope of seeing her daughter alive again, whereupon the father can then distinguish himself with his defiant "*I never stopped hoping...*". The mother also replies to a related question of Kerner's — clearly without realizing what she is saying — that her daughter has become more "mature". Elisabeth Langgässer¹⁴ wrote something similar to her daughter who had survived Auschwitz. Kerner begins the interview with the remark that he is addressing the girl informally as "du" [as opposed to the formal "Sie" — trans.] at her express wish, having asked whether he should say "du" or "Sie", "because you are a real young lady now". That's what he says to a girl who has been raped daily for five weeks. Twice Kerner mentions the report in the *Spiegel*, so that his audience can read the repellent details later on; after all, the magazine is still available at the newsstands.

The presenter formulates the refrain of the programme — and to a certain extent its justification — at the very outset: "She wants to show that her abuser has not broken her, has not destroyed her soul." The mother: "We want to show that she has not been broken." The girl, in answer to Kerner's question of why she is giving the interview: "I want to show that I haven't been broken." For the lawyer this is a trial run for the testimony in court — a profound misjudgement of the entirely different context. All in all, the show poses as therapy. The lawyer says that the interviews are a form of "self-therapy". The psychologist stresses that the girl "made her own decision" to talk to the media; that she is — *horribile dictu* — "authentic"; and that the goal of all psychological endeavours is "authenticity" (I shall return to this point). Kerner

asks if the interview recorded in the morning contributed to the "healing process"; the parents respond in the affirmative.

The lawyer, in front of his TV audience, explains his strategy as legal representative of the accessory prosecution and talks about the failure of the police — all this, let it be noted, before the trial has started. Such information is foolish and unprofessional, and does not serve one's client, merely one's vanity; something that for me touches on a problem of professional conduct. What clearly makes a mockery of any kind of professionalism is the appearance of the psychologist, although she does not say much (the quoted phrases aside). Even if a patient gives her permission, a psychotherapist is bound not to talk about her in public, no matter how inconsequential the remarks may be. This always represents a lapse of restraint — even if the therapist belongs to a professional field where the word "restraint" does not exactly play a major role. Not making public appearances should be such a self-evident professional standard that a therapist who contravenes this standard should expect to face legal proceedings. This applies to an even greater degree to the therapist of Natascha Kampusch,¹⁵ who chatted openly in a long interview about her (absent) patient.

The participation of the public in all this is indistinguishable from voyeurism. Kerner's sympathetic tone stimulates — consider, again, his references to the *Spiegel* — the voyeurism of his audience, which gets to have its cake and eat it: the reassurance that its interest is nothing but sympathy, and the enjoyment of watching a girl who, having been raped for weeks, claims to be unbroken. The entire show receives an expert seal of approval from a psychologist who has explicitly sanctioned the initially recorded interview. Amid all this, it should not be forgotten that the offender filmed what he did to the girl, explained to her that he would let her go after he had recorded enough videos, but, as the girl said meekly, he "always thought of something else". Now she is exhibited anew to an audience in front of TV cameras. She has no idea what she is letting herself in for. She is driven by the desire to speak, and the medium exploits that desire. At the time of the interviews she may indeed feel relatively well, but she does not know, cannot know, that how she feels could be very different again in weeks, months, perhaps even years. She does not know whether this second exhibition might have a cumulative effect — she *cannot* know this, but *her therapist must* know this. The latter's responsibility, and that of the lawyer, should have been to talk her out of the desire to speak before the public gaze. It is always right to forestall this kind of public display; and always wrong to encourage it or even to take part in such an exhibition. The rule of thumb ought to be easy to remember.

Once more to my own experience: after I was kidnapped, my wife and I gave a long interview to a newspaper and left it up to them to grant other papers reprint rights. This way we had the rest of the media off our backs. Nevertheless: when a request from ARD came asking whether I might want to give an hour-long interview, the temptation to concede was great, and, in wanting to show that I had not been broken, I might have spouted just as much nonsense as the parents and the girl. It was not my own wisdom not to do it — and this is how strong the urge can be to show oneself in public, even for someone who until then had very consciously avoided ever stepping foot inside a TV studio — but the good advice of several people who were close to us. For this advice, I am very grateful.

The fact that I wrote a book is something different. When one writes, one acts on one's own behalf, autonomously. A television appearance stimulates the

imagination of the audience; a book replaces that imagination with an account of the reality. Television creates an apparent directness; a book creates distance. In a book one speaks one's own language; in the television studio one is exposed to an atmosphere of apparent intimacy, yet is visible to all. The closeness produced by the participatory atmosphere is, to quote Ann Kathrin Scheerer,¹⁶ "misplaced proximity".

Every victim wants to win his autonomy back, but that cannot be achieved in the television studio. The studio is a place where others are in control. The channel wants ratings, as does the presenter, who wants to shine as a sympathetic interviewer; the lawyer wants to play a role in public and the therapist gives the whole event her professional blessing. I have already said that the girl's face was not visible on screen. What could be seen over and over again were the faces of the parents, listening to the broadcast of their daughter's words (along the lines of "What are you feeling?"), and the girl's hands, in close-up, while she spoke. Those shots of her hands were a breathtaking obscenity, a renewed assault on intimacy: a view through the keyhole — I could say worse.

What needs to be done?

One can only successfully regain one's self-determination if it serves no other purpose, and if there is no possibility of such a process being exploited in any way. This must become common knowledge; training on the giving of such advice needs to be available in all victim help organizations; it needs to be a part of lawyers' and psychotherapists' training, irrespective of their theoretical orientation. It must be a basic legal duty of lawyers and psychologists to prevent their clients or patients from making such ill-considered approaches to the media and, should the patient or client act against their explicit recommendation, it must be their duty not to do the same, let alone with a view to legitimizing it.

The text reproduced here is a slightly revised version of a talk given at a conference held by the German Union of Psychoanalysts (Deutsche Psychoanalytische Vereinigung, DPV) and the Hamburg Association of Psychoanalysts (Psychoanalytische Arbeitsgemeinschaft Hamburg, PAH), entitled "An encounter fraught with danger: Psychoanalysis caught between intimacy and restraint", on 3 May 2008 in Hamburg.

¹ From Michael Hanfeld, "A semi-victory for press freedom", FAZ No.67/08, p.40.

² Illegal in German law — trans.

³ In 1971, the German Constitutional Court ruled against the publication of Klaus Mann's novel *Mephisto* after a complaint brought by Peter Gorski that the main character, an actor who collaborated with the Nazis in order to further his career, resembled too closely his adoptive father and thus violated the latter's personal rights. While the novel was eventually published in 1981, the legal precedent remains valid — trans.

⁴ Similarly, in 2007 the Federal Constitutional Court ruled that Maxim Biller's novel *Esra* (2003) offended the personal rights of one of the plaintiffs; the book was embargoed and the publisher and author were required to pay 50 000 euros in damages — trans.

⁵ Between 1995 and 1999, the Hamburg Institute for Social Research (founded by the author) organized a touring exhibition dedicated to the crimes of the Wehrmacht. A subsequent exhibition took place between 2001 and 2004 — trans.

⁶ In 1996, Thomas Drach held the author captive for 33 days, releasing him after exhorting a ransom of 30 million deutschmarks. Drach was sentenced in 2001 to 14 years and 16 months imprisonment — trans.

⁷

Victim of Belgian murderer and paedophile Marc Dutroux, held captive for 80 days in 1996 — trans.

- ⁸ CDU politician and *Ministerpräsident* of Schleswig–Holstein who resigned his office after a controversial election campaign in 1987, during which he had been accused of dirty tricks against his SPD opponent. He strenuously denied these allegations but some months after leaving office, in October 1987, was found dead in a Geneva hotel in circumstances that to this day have not been explained — trans.
- ⁹ A high–profile German talk show presenter, whose career also covers sport and cooking. Most of his appearances have been on the public service channel ZDF — trans.
- ¹⁰ See B. Fischhoff, "Hindsight is not equal to foresight. The effect of outcome knowledge on judgement under uncertainty", in *Journal of Experimental Psychology: Human Perception and Performance* 104 1 (1975), pp. 288–299.
- ¹¹ Gottfried Fischer & Peter Riedesser, *Lehrbuch der Psychotraumatologie*, Munich/Basel 1998, p.180.
- ¹² See Jan Philipp Reemtsma, *Im Keller*, Hamburg 1997. The title "In the cellar" puns on the secondary meaning, "Rock bottom" — trans.
- ¹³ Beckmann sits opposite his guests on the same table, the political talk shows (Will, Illner) have chairs drawn up in a semicircle with the presenter in the middle, Maischberger has a group sitting around on armchairs and — I believe — sofas, Plasberg sits opposite his interview partners, who all sit at a table.
- ¹⁴ Elisabeth Langgässer (d.1950) was a half–Jewish writer whose daughter was deported to Auschwitz.
- ¹⁵ Natascha Kampusch was abducted near Vienna at the age of ten in 1998 and imprisoned in a cellar by Wolfgang Priklopil until she escaped in August 2006. She currently hosts her own talk show on the Austrian channel Puls 4 — trans.
- ¹⁶ Author and wife of Reemtsma — trans.

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