

## **On our encounter with Gerlinda Smaus and the book that followed**

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In this short piece, we celebrate both our friendship with Gerlinda Smaus and her important contribution to the fields of critical criminology and abolitionist feminism. We recount how we came to know Gerlinda Smaus, what she and her work mean to us, and how we eventually came to co-edit a book about her work (Feest & Pali, 2020a).

We are two critical criminologists and prison abolitionists from different generations. Brunilda is an interdisciplinary and intercultural scholar based in Belgium, working at the intersections of cultural and critical criminology, with a special focus on restorative, environmental, and social justice. Johannes is a retired criminal law professor at the University of Bremen, Germany. His work combined legal and empirical approaches towards criminal justice institutions, concentrating on police and prisons. He is currently trying to revive the abolitionist movement in Germany. Our communication with one another and friendship are important to us, as they help us understand and learn about past and current struggles and to forge legacies and solidarities.

Johannes had already known Gerlinda Smaus for a long time, but they lost touch when she moved to Czechia where she finally acquired the well-deserved status of professor – a position she had long been denied in Germany. In the spring of 2019, Brunilda was preparing for a meeting with Johannes for the purpose of tracing abolitionist heritages in Europe (Pali, 2019). Johannes was a great resource for this since in 2007, together with Bettina Paul, he engaged in a fascinating exchange with abolitionists, initiated with the question: “Does abolitionism have a future?” and inviting them quite simply to express their opinions during their collective exchange of ideas.

During this conversation, Brunilda noticed that the men they discussed were still household names, such as Nils Christie, Thomas Mathiesen, Heinz Steinert and Sebastian Scheerer, but that relatively little was known about female abolitionists, especially non-English speaking ones. Among the female abolitionists mentioned by Johannes, one in particular stood out, German-Czech sociologist Gerlinda Smaus. Smaus had clearly been an important and influential thinker for a whole generation of

critical criminologists in Germany. When Johannes mentioned that from the very outset Linda (our affectionate nickname for Gerlinda) had also tackled the complex issue concerning the relationship between abolitionism and feminism, Brunilda's interest in tracking down the woman and her work continued to grow.

Yet, we struggled to find much published in English about Linda or her work, so we decided to find her together so that we could ask questions we couldn't find answers to elsewhere. Johannes found out that she was working as a professor at the Masaryk University in Brno, Czechia, but that she was still living in Saarbrücken, Germany. We managed to get in touch with her and agreed to visit her together. It took us both several train rides and more than six hours to reach Saarbrücken from different directions (Johannes from Bremen, Brunilda from Leuven). In the afternoon of May 20<sup>th</sup> 2019, she warmly welcomed us in her home, where we also spent the night and the following morning.

During our stay, our conversations with her had us utterly gripped. We found out that she had written extensively about feminist criminology and gender theory in magazines and anthologies in German, Italian, Spanish and Czech, including a couple publications in English. However, nothing had been materialized in book form and no one had ever made the effort to compile these materials. From our talks in Saarbrücken, it became abundantly clear to us that her thinking was extremely original, as it threaded together materialistic, interactionist, feminist, and abolitionist elements in order to develop a theory of crime and criminalization.

The idea for a book about Linda's work became an obsession, a public service, a vocation almost. We felt we had to bear witness, trace, collect, translate. Our book *Gerlinda Smaus: "Ich Bin Ich" Beiträge Zur Feministischen Kriminologie* (Feest & Pali, 2020a)<sup>1</sup> started like this: from anger, disbelief, an instinct to repair, do justice, search for lineage. As we wrote in the book's prologue, our book is the product of tracing, discovering, recovering, unearthing, conversing, translating. It is a book of despair and hope. A book of despair because the silence around female abolitionists was bewildering and unjust. A book of hope because there we were, meeting Linda and discovering and rediscovering a wonderful human being and a great scholar.

"Digging up and retrieving" the texts was not an easy task. Some things were easy to locate, others were harder to get, for example via interlibrary loan. In addition, the Covid-19 pandemic came as another obstacle. Johannes did a tremendous job tracking down her work, which was not easy to find, especially in digital form; furthermore, he had to scan and process the materials to ensure that they were machine-readable and printable.

In addition to being very interspersed, the materials were also extensive, meaning we had to make a choice. After consulting with Linda, we decided to concentrate on the feminist or gender-theoretical aspect, which stemmed from her empirical research on criminal law, justice and prisons, and more specifically on

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<sup>1</sup> See also: <https://www.bol.com/nl/nl/p/gerlinda-smaus-ich-bin-ich/9300000008293088/>.

female crime, sexuality in prison, rape, etc. She also focuses on the fact that in prison, usually seen as an *“eingeschlechtliche”* (single-sex), i.e., male institution, “male” and “female” roles are played, irrespective of biological sex. On yet a higher level of abstraction, she discusses the question of whether criminal law itself has a “sex”. In our estimation, her work can add an impressive theoretical dimension to what has remained a largely empirical field and can thus aid in the endeavor of unearthing feminist heritage in critical criminology.

The second part of the book title is taken from one of Gerlinda’s central essays. In her paper, Smaus describes feminism as the “avant-garde of the human movement” because its abolition of gender categories intends to liberate both women and men. Gerlinda Smaus is a staunch feminist who sees feminism as a political movement advocating for equal rights for women. Her early work on abortion, not included in our anthology, is in that vein. It is about women in the usual, “natural” sense. Gerlinda Smaus stresses the importance of distinguishing between feminism and gender theory. Her theory of gender deconstructs the naturalness of this official image. She tries to show that “gender” is not “ontic”, but rather a roleplay, a masquerade. She regards all individuals as an ensemble of “male” and “female” qualities and abilities that become activated in specific situations. The somewhat surprising first part of the book’s title, “I am I”, needs to be understood from this gender-theoretical background. Each “I” represents an identity that has been crafted throughout the individual’s lifetime.

In our interview with Smaus, which serves as the introduction to her essays in our book (Feest & Pali, 2020b), she makes a number of highly interesting and original remarks on theory and practice, including her main sources of inspiration and advice for young female scholars.

The arduous academic career of Gerlinda Smaus makes clear just how necessary feminism is as a political movement. Born in 1940 in German-occupied Czechoslovakia, Gerlinda Smaus studied sociology at the Faculty of Education and Journalism at Charles University in Prague between 1962 and 1967. However, she emigrated to Germany in 1968, just after the Soviet tanks and troops invaded Czechoslovakia in an effort to stop the Prague Spring. She was hired as an assistant at the Department of Sociology at the Saarbrücken University of Saarland, where she earned a PhD in 1973. In 1995, she also obtained her “habilitation” degree, which is a precondition for professorship. Nevertheless, she continued to work at the University of Saarbrücken as a *Privatdozentin* and was never promoted to the rank of professors, especially since she did not have a law degree and, as a sociologist, was not qualified to participate in law exams. In our interview with her, she also reflected on the staggering amount of culture shock and patriarchal obstacles she had to endure as an emancipated Czech woman and scholar in German academia.

Fortunately, in 2001, she obtained a full professorship at the Faculty of Arts at the Masaryk University in Brno, Czechia. Based on the writings and testimonies of her colleagues and students, it is clear that she has played an incredibly important role in reforming sociology and establishing gender studies in the country. We are thus

delighted to see this special issue of the Czech Criminological Review dedicated to Gerlinda Smaus' work.

### References

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