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Subconscious Influences: The Leopold-Loeb Case and the Development of an American Criminal Archetype

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SUBCONSCIOUS INFLUENCES

The Leopold-Loeb Case and the Development of an American Criminal Archetype

A Thesis

Presented to

The Faculty of the Lyon G. Tyler Department of History

The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

by

John Carl Fiorini

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APPROVAL SHEET

This thesis is submitted in partial fulfillment of
the requirements for the degree of

Master of Arts

John Carl Fiorini

Approved by the Committee, July 2005

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ABSTRACT

In 1924, two teenagers, Nathaniel Leopold Jr. and Richard Loeb, kidnapped and murdered a fourteen-year-old boy for no apparent reason. Such a motiveless crime appeared unprecedented in American history, and the Leopold-Loeb case quickly became a national media sensation as people struggled to understand both the crime and the criminals.

The public and legal controversy over what drove Leopold and Loeb to murder began in earnest when their attorney, Clarence Darrow, pled both young men guilty to the charges against them, but successfully argued that they should be spared the death penalty because of mitigating circumstances related to their respective mental states. Darrow’s expert psychiatric witnesses used psychoanalytic approaches to argue that, although Leopold and Loeb were not insane, they possessed subconscious drives that hindered their judgment. Psychoanalysis was a relatively new methodology, and its application towards understanding a supposedly new type of criminal quickly made the Leopold-Loeb case seem like a dark byproduct of the changes that were taking place in 1920s American society.

The story of Leopold and Loeb gradually took on a life of its own. In 1924, legal professionals, mental health professionals, lay people, and sensationalist news media all interacted with each other to shape and reshape perceptions of the case. In the ensuing decades, contemporary public perceptions about psychology, sexuality and murder came to dominate the actual events of 1924 in public memories of Leopold and Loeb.

In 1948, the film Rope removed the factual case from the very arguments about sexuality and criminality that the case had inadvertently helped to start, and the fictional Leopold-Loeb narrative emerged. Examples of the narrative have changed over the years to suit the times in which they were produced and to respond to earlier examples, but they all tap into the legacy of the real events of 1924, and they have slowly supplanted the history of the Leopold-Loeb case. A study of the ways by which the narrative arose and has changed from 1948 to the present therefore reveals how an American popular culture myth began, and how its legacy continues to influence American thought.
SUBCONSCIOUS INFLUENCES
INTRODUCTION

In January of 1992, Tom Kalin’s film Swoon premiered at the Sundance Film Festival in Aspen, Colorado. Swoon was a dramatization of the 1924 case of Nathaniel Leopold Jr. and Richard Loeb, two upper-class Chicago teenagers who murdered a fourteen-year-old boy with no apparent motive. Swoon was not a big production by most 1990s film standards, with a budget of only 250,000 dollars and gross receipts totaling around 340,000 dollars.¹ Two feature films – both of them major Hollywood studio productions – and one bestselling novel predated Swoon in adapting the Leopold-Loeb case for a mass audience: Alfred Hitchcock’s Rope (1948) and Richard Fleischer’s Compulsion (1959), which was based on a 1956 Meyer Levin novel.² Interestingly, Swoon – the only film to explicitly link itself with the historical Leopold-Loeb case by using the historical figures’ real names – seems less interested with the history of the Leopold-Loeb case than arguing with the fictional works that came before it.

All three films depict a unique relationship between their main characters, and the ways in which that relationship led or contributed to murder. Yet Rope and Compulsion were both made during a time of explicit national heterosexism, and were essentially damning of their main characters because of an implied same sex relationship. Swoon,

² Alfred Hitchcock, Rope, 80 minutes (United States: Warner Brothers, 1948), film; Richard Fleischer, Compulsion, 103 minutes, (United States: 20th Century Fox, 1959), film; Meyer Levin, Compulsion, (New York: Simon and Schuster, 1956); these are all works of fiction, which do not use any real names for the case or claim historical accuracy, although they were both based on the Leopold-Loeb case.
however, was a part of what *Sight and Sound* magazine, among others, has termed “The New Queer Cinema” that began in the late 1980s and early 1990s.³ Film critic Armand White argues that “*Swoon* was made primarily as a falling away from *Rope* and *Compulsion*.” According to White, the film “[marked] a new generation’s theory based choice to dismantle oppressive history” by not only telling a new version of the Leopold-Loeb story, but by reenacting several scenes from the earlier two films in order to make the subversion more clear. In Kalin’s portrayal of the case, it was not an inherent deviance that led Leopold and Loeb to murder, but rather the society in which they lived and the stigma that that society attached to their sexuality and their Jewish heritage, alienated them and thereby drove them to murder.⁴

If, as White argues, Kalin was making a film intended to “[indict] the cultural misrepresentation of homosexuality,” why use cultural representations based on an actual event that was almost seventy years old at the time of *Swoon*’s release? Why try to create “a valorizing sexual politics . . . based on the behavior of those who [cancelled] out their own humanity” by murdering a child?⁵

The Leopold-Loeb case became an icon for cultural and social representation – and therefore misrepresentation – almost immediately after the two teenagers were arrested, and different renditions of the Leopold-Loeb style murder have continued in varying forms ever since. In 1924, the public, the news media, the criminal justice system, and the psychiatric community all sought to provide explanations for how and why the crime occurred. The explanation that has had the longest and strongest legacy in

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the fictional works on the case was the testimony of the psychiatric experts for the
defense. Before studying the defense alienists' explanations for the event, however, a
brief synopsis of the event itself, and the national atmosphere in which it occurred, should
be provided.

On Thursday, May 22, 1924, the naked body of a young boy was found stuffed
into a culvert running underneath a set of railroad tracks along the Illinois-Indiana border,
not far from Chicago. Hydrochloric acid had been poured on the face, belly, and genitals
to obscure identification. The body was soon identified as that of Robert “Bobby”
Franks, the son of a wealthy Chicago businessman. Coroner's physician Joseph Stringer
determined that Bobby had suffered at least two violent blows to the head, followed by
the strangulation that finally killed him. Bobby was fourteen years old.6

Bobby had disappeared the previous day, Wednesday May 21, 1924. On
Thursday, the day Bobby’s body was found, his father Jacob was awaiting a phone call
from a man who called himself “George Johnson.” “Johnson” had already sent a
telegram demanding 10,000 dollars in exchange for Bobby’s safe return, although it did
not arrive until after Jacob Franks had already notified the police of Bobby’s
disappearance. The phone call was meant to be the beginning of an elaborate scheme to
send Franks to payphones at multiple locations to confuse anyone who might be
following him. Eventually Franks was supposed to throw the money from a moving train
at a specified point on the line, allowing “Johnson” to pick up the money without being

Illinois P, 1975, 1999), 40, 46-47, 53-54; Later analyses and new evidence would raise uncertainties as
to the exact cause and time of Bobby Franks’s death, but not to the fact that he was bludgeoned and
strangled.
apprehended and thereby complete the perfect crime. The plan became moot the moment the body in the culvert was identified.\textsuperscript{7}

A pair of eyeglasses found near the body led the authorities to nineteen-year old Nathan Freudenthal Leopold Jr. Though he had spoken to the police earlier in the case when not considered a suspect, Leopold was brought in for official questioning on May 29\textsuperscript{th}. During questioning, Leopold used Richard Loeb, also nineteen, to corroborate his alibi. Both men tried to maintain a previously agreed upon alibi that on the night of the murder they had been together with two young women whose names they could not recall. The questioning of other witnesses refuted their alibi and, isolated from one-another during their interrogations, the suspects became confused about their own story. At 1:40 in the morning on May 31, Loeb broke. Leopold followed suit shortly thereafter.\textsuperscript{8}

Their confessions shocked law enforcement officials, the American public, and the alienists for both the prosecution and the defense, each of whom analyzed the two murderers for the judicial proceedings that followed their confessions. Both young men seemed to have too many advantages in life for either of them to turn to crime. They had finished college as teenagers and were enrolled in graduate school at the University of Chicago, Loeb in history, Leopold in law. They were both the children of millionaires and faced virtually unlimited opportunities in life. And they had both bludgeoned and

\textsuperscript{7} Ibid. 34, 41-42.
\textsuperscript{8} Higdon, 76-77; 86-94
strangled a fourteen-year-old acquaintance, chosen almost completely at random, just for experience of the act and the satisfaction of getting away with it.\(^9\)

To head the defense team, Leopold and Loeb’s families quickly retained Clarence Darrow, whose most famous case came a year after he defended Leopold and Loeb, when he led the defense in the 1925 Scopes Monkey Trial in Tennessee. However, at the time of the Leopold-Loeb case, Darrow, sixty-seven, was already well-known for his oratorical skills, legal mind, and defense of labor leader Eugene V. Debs. He agreed to take on the Leopold-Loeb case to help the defendants avoid the death penalty.\(^10\)

Following their confessions, Leopold and Loeb had led investigators to much corroborative evidence, including the keyboard upon which they had typed the ransom note, the car they used, and some of the clothing Bobby Franks had been wearing on the day of the murder. Knowing that it would be impossible to establish either reasonable doubt or legal insanity, Darrow surprised everyone by pleading both defendants guilty to the charges of murder and kidnapping. He then announced his intention to introduce expert psychiatric testimony related to the defendants’ states of mind to demonstrate cause for mitigation in sentencing. Psychiatric testimony had never been used in such a manner before, and the stage was set for a battle among psychiatrists.\(^11\) The gambit worked; both Leopold and Loeb were sentenced to life plus ninety-nine years in prison, but were spared the death penalty.

In Kidnapped: Child Abduction in America, (1997) historian Paula Fass argues that Leopold-Loeb was the first child murder case to receive national press attention in

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\(^10\) Higdon, 123-124.

\(^11\) Ibid. 125-132; 163-163.
which the criminals received more attention than the victim. Prior to the Leopold and
Loeb case, the press and the public generally focused on the child who lost his or her life,
on the characteristics of the victim and how or why he or she came to be murdered.
Leopold and Loeb’s selection of Bobby Franks was a matter of happenstance; the two
murderers were not even resolute that their victim be a child. There was therefore
nothing special about Bobby Franks’s selection as a victim for people to focus on. The
randomness of the victim made the offenders and their motives seem all the more
important to the public. People wanted to understand Franks’s murder, and if there was
nothing special about Franks to understand, people naturally looked for something special
about the murderers.12

Leopold and Loeb’s initiation of the trend towards focusing on the criminal was
also aided by the rise of a new explanatory model for human behavior: psychoanalysis.
The Leopold-Loeb case shifted focus from the victim to the criminal and created a crisis
precisely because it seemed senseless, something that normal people could not
understand or protect themselves from. The psychoanalysis of the defense alienists
offered reasons for the crime that went beyond traditional or conscious motives,
providing an explanation for something that a quarter of a century earlier would have
been inexplicable.

The question of whether the testimony of the alienists for the defense in the
Leopold-Loeb hearing was merely the most public reflection of a great shift in
psychiatric and psychological thought in the 1920s, or whether it actually served as the
catalyst for that same shift, remains debatable. The testimony came at a time when

perspectives on psychiatry, in both the public and scholarly fields, were changing. The work of the alienists in the sentencing hearing of Richard Loeb and Nathan Leopold in the summer of 1924 both reflected the nature of that change and affected the direction it took.

In the decades that have passed since the summer of 1924, the defense alienists’ characterizations of Leopold, Loeb, and the crime they committed together have created a distinct narrative. The specifics vary, but the narrative involves two young men whose homoerotic relationship, coupled with a desire to prove themselves as intellectually superior humans, kill someone who they consider to be their inferior. The Leopold-Loeb characters kill the victim — who is usually another young man — in the hopes that performing the act together will bring them closer together, the murder itself will demonstrate their superiority over their victim, and getting away with the murder will prove their superiority over law enforcement. Determining whether or not a work of fiction qualifies as a part of this narrative is somewhat subjective, but there are several direct examples: the 1929 play *Rope*, the 1948 film adaptation of *Rope*, Meyer Levin’s novel *Compulsion* (1956),\(^\text{13}\) the play and film adaptation of *Compulsion*, and finally Kalin’s efforts to subvert the narrative in *Swoon*.

The legacy of the defense alienists’ testimony can be found in all of these adaptations of the case and their portrayal of Leopold, Loeb, and their motives. Each incarnation of the narrative has added its own nuances to the case in accordance with its own time, yet each incarnation has also affected historical perceptions of the case. There is thus a unique dialogue at work in the Leopold-Loeb case, one in which fiction has

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come to dominate history. The first section of this paper will analyze the testimony of
the defense alienists in 1924 to demonstrate the roots of later fictionalized
characterizations of the Leopold-Loeb case. The second section of this paper will study
the changes of the fictional portrayals over time, analyzing both the utilization of the
Leopold-Loeb style narrative to make moral or social points and the way that the
narrative has affected perceptions of the actual historical event. Fact, fiction, and
misunderstanding have plagued the Leopold-Loeb case since 1924 precisely because
fiction has become as strong an influence on perceptions of the case as history, if not
stronger. By studying the fiction and the history together, one can learn more about both.
CHAPTER I
THE EXPERT TESTIMONY FOR THE DEFENSE IN 1924

Bobby Franks's murder defied conventional explanations of motive. Leopold and Loeb's act was not profit driven and they had no personal grudge against Franks, nor was the murder the work of delusional madmen. The state's alienists argued for the defendants' culpability, yet neither they nor the State's Attorney were able to make sense of the crime while maintaining the rationality of the defendants.\textsuperscript{14} The hearing to determine whether or not Leopold and Loeb's mental states should mitigate their sentences thus provided the opportunity for the defense alienists to showcase a new approach to understanding the workings of the human mind. It was an approach that both reflected and influenced 1920s professional and popular views of psychiatry and mental health.

Among psychiatrists, the case's legacy lies in the defense alienists' utilization of the relatively new method of psychoanalysis, the legal procedures for determining sanity, the proper applications of the word insanity both legal and psychiatric forums (if any), and the explanation for why Leopold and Loeb chose to kill. The lay public was concerned with these same issues while the trial was occurring in the summer of 1924. In the years that followed, however, the public became increasingly fixated on the last of these questions. The alienists' analyses were either adapted or selectively recalled to fit

in with numerous other factors at work in shaping the case over the ensuing decades, mainly the media frenzy that surrounded the case specifically and the changing perceptions of sexuality and criminality in general. The alienists’ research into Leopold and Loeb’s pasts and mental lives, however, laid the groundwork for both the fictional and nonfictional representations of the crime, even if these interpretations took on a form that the alienists never intended. Thus, in order to understand how the Leopold-Loeb narrative emerged and its relevance to perceptions of the actual case, this paper will have to begin with the work of the alienists for the defense itself, and the climate in which it was done.

Psychiatrist Nathan G. Hale, writing of the testimony of the alienists for the defense, argued in 1995 that “at issue were traditional views of crime and punishment, that is, that only insanity could excuse murder; the new criminologists believed that influences in early childhood could diminish judgment and control in pathological but not insane personalities.” The alienists argued that this diminished judgment and control created mitigating circumstances for Leopold and Loeb’s commission of murder and thereby rendered the death penalty inappropriate for the crime.15

Not all of the defense alienists adhered to Sigmund Freud’s interpretations of precisely how subconscious drives developed or in what way they influence the human psyche, but the defense alienists reached their conclusions through the psychoanalytic method which Freud championed. The defense alienists gathered information from interviews with the defendants, their families and acquaintances, and physical examinations. They then used this information to analyze every aspect of the men’s lives

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that might have contributed to the development of their personalities and created subconscious drives that could explain why Leopold and Loeb felt the impulse, if not the compulsion, to murder Bobby Franks.¹⁶

Since the sentencing hearing’s conclusion, the defense alienists’ work has often been defined interchangeably — and somewhat arbitrarily — as psychiatry, psychology, or criminology.¹⁷ While this complicates discussion of the secondary literature on the case, all of the defense alienists who testified were medical doctors who utilized a psychoanalytical approach to perform what later psychiatrists would call forensic psychiatry.

The state’s alienists, by contrast, adhered to the older and less complicated viewpoint that all people fell into one of two categories: sane and insane. To the state’s alienists Leopold and Loeb had made a clear-cut and rational choice to commit murder and should be subject to the most severe penalty under the law, execution.¹⁸ Historian Elizabeth Lunbeck argues that this older school of psychiatric thought viewed the mind’s

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¹⁶ Harold Hulbert and Karl Bowman, “Medical Report by Drs. Hulbert and Bowman,” in McKernan, 83-140; William A. White, William Healy, Bernard Glueck and Ralph Hamill, “Joint Medical Report by Drs. White, Healy, Glueck, and Hamill,” in McKernan, 141-164. Taken together, these two reports contain the basis for the alienists’ testimony; neither Hulbert nor Bowman testified, but their report was read into the court transcript and provided the basis for the Joint Medical Report. The two reports do not differ in their methodologies or diagnoses; the alienists’ physical evidence included the physical frailty of both defendants and Leopold’s dysfunctional pituitary and pineal glands. These physical traits were consistently used as contributive, not definitive, factors in their subjects overall psychological abnormality. The state’s alienists dismissed the factors’ importance.


¹⁸ “The State’s Alienists,” 167-209.
functions as “unproblematically evident in behavior.”\textsuperscript{19} The state’s alienists spent much less time with Leopold and Loeb than did the defense’s, and some of them reached their conclusions reached mainly by observing the two subjects while they interacted with law enforcement personnel. According to a 1924 editorial in \textit{The Journal of Abnormal Psychology and Social Psychology}, the work of the state’s alienists was thus “limited to the traditional inquiries” into cognitive abilities such as spatial and temporal orientation, memory, and the ability to respond rationally to questions and problems. Leopold and Loeb’s satisfactory responses to these inquiries were all the proof required to demonstrate their sanity and therefore their legal culpability for the murder.\textsuperscript{20}

The more complex psychiatric approach of the defense alienists was legally unprecedented, but it was in keeping with trends in psychiatry that had been underway for several decades. For most of the nineteenth century, psychiatry was relegated to state funded institutions for the insane, and those diagnosed as insane were considered by both psychiatrists and lay people to be a distinct subset of humanity. By the early twentieth century, however, psychiatrists were beginning to question whether there really was an inherent biological difference between those considered mentally ill and those they diagnosed as mentally healthy. In 1908, Albert Beers published \textit{A Mind that Found Itself}, a memoir of Beers’s three-year institutionalization for severe depression and delusions of persecution. Beers contended that some forms of mental illness were both curable and preventable, and that the mentally ill should no longer be viewed as a distinct


\textsuperscript{20} \textit{Journal of Abnormal Psychology and Social Psychology}, 224.
subset of society. Mind’s publication heralded the beginning of the Progressive Era’s Mental Hygiene Movement, which both spread public awareness about mental illness and prompted the desire to improve treatment and prevent mental illness from developing in the first place. Psychiatrists in the Mental Hygiene movement focused on discovering the causes of mental illnesses and thus the means of preventing them, and on developing more effective and humane treatments.

The Mental Hygiene Movement occurred in conjunction with the rise of psychiatric theories about the importance of childhood development in shaping a person’s personality and influencing or controlling his or her actions. Between World War I and II, American society became increasingly medicalized and psychiatry began supplanting the perceived role of organized religion in shaping and understanding individual behavior. Historian Stanley Coben argues that the values of Victorianism favored “the type of character developed in . . . small-town and rural homes: dependably self-controlled, hard working, independent, pious, frugal, and willing to postpone gratification.” These values came under increasing strain in the early 1900s and eventually faced a tremendous “Rebellion” in the 1920s.

The Mental Hygiene movement, of which psychiatry and more specifically psychoanalysis were critical elements, was an important mechanism for helping many people to alleviate their anxieties about a perceived moral crisis caused by the decline of

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Victorianism. Psychiatric approaches such as Freudian psychoanalysis emphasized behavior and personality development through medical rather than spiritual means. Yet these approaches also incorporated the importance of family life and social environments in shaping behavior. Especially after World War I, psychoanalysis thus offered what psychiatrist/historian Nathan G. Hale has termed “a casuistry of the soul, scientific, pragmatic, up-to-date.” By embracing psychiatric and psychological approaches to behavior – and by joining in these approaches through the social reforms of the Mental Hygiene Movement – many Americans could therefore still have a sense of shared morality and a means of maintaining those moral standards, even if they were established and maintained on a bigger scale than the familial and communal orientation of the Victorian Era. Analyzing the state of medicine, psychiatry, and society in the 1910s and 1920s, historian Anne Lovell and psychiatrists Robert Castel and Francois Castel argue that, “more than just a response to a crisis in medicine, Psychoanalysis was a response to a crisis in American values. . .”

For many Americans the Leopold-Loeb case – involving as it did the motiveless murder of one upper class teenager by two other upper class teenagers – represented a prominent manifestation of that crisis. By bringing psychoanalysis into the sentencing hearing, Clarence Darrow hoped to use psychiatry as a response to that crisis, and help his clients avoid the death penalty in the process. Unlike the state’s experts, who found Leopold and Loeb to be “mentally normal,” the defense found the two men to be

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25 Hale, 64.
26 Robert Castel, Franciose Castel, and Anne Lovell, *The Psychiatric Society*, trans. Arthur Goldhammer, (New York. Columbia UP, 1982), 32; Italics in original. Unlike most of the books on psychiatry in the twentieth century, which begin their analysis in the latter half of the nineteenth century at the earliest, Castel, Castel, and Lovell see this crisis in values as continuous from colonial times onward.
“mentally abnormal.” Lunbeck argues that psychiatry began emerging out of the asylum by the early 1900s and psychoanalysis became more popular. Consequently, the question of "who was normal, who abnormal . . . drew [psychiatrists’] interest and guided their practice” more and more. As they explored this question, psychiatrists came to recognize a spectrum of personality types between the two extremes of the “psychopathic deviant” and the “normal character.”

Interestingly, these changes in psychiatry and public perceptions thereof were concomitant with changes in the way that personal identity was constructed and expressed. According to historian Paula Fass, institutions such as “the school, the community, the workplace, and the market” had generally been integrated with each other and the people who operated within them prior to the 1920s. By the 1920s, however, “an elaborate system of differential roles and emotionally neutral relationships was being articulated as the effects of national markets, urban consolidation, and machine and clerical technology re-created the meaning of social identity.”

Both psychoanalysts and lay people therefore focused on the family as the basic unit of childhood development and identity formation. Social interactions became a means of expressing that identity. The social structure of the early twentieth century therefore reinforced the psychoanalytical concept that a person could seem normal while performing his or her role, yet prove to be mentally abnormal when scrutinized, a concept

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28 Lunbeck, 3.
29 Lunbeck, 3.
that the alienists utilized in their evaluation of Leopold as a “paranoid psychopathic personality.”\textsuperscript{31}

Many 1920s psychiatrists recognized that their evaluations were somewhat subjective. In 1925, psychiatrist Sheldon Glueck used the Leopold-Loeb case to discuss the problem of terminology. Glueck recognized the inherent subjectivity and even arbitrariness of using terms like “normal,” “abnormal,” or even “peculiar” to describe patients “[a psychiatrist or psychologist’s] individual experience and mature judgment are the principal instruments available at present.”\textsuperscript{32}

To add credibility to a defense tactic that relied on psychiatric experience and judgment, Defense Attorney Darrow recruited experts with credentials that were virtually beyond reproach. The most prominent of the defense alienists was William Alanson White. At the time of his testimony, White was head of the American Psychiatric Association, the superintendent of St. Elizabeth’s hospital in Washington, DC, and the author of a then recent book on the need for legal reforms regarding insanity.\textsuperscript{33} The team of defense alienists also included nationally recognized experts on juvenile delinquency and sexually driven criminals.\textsuperscript{34}

The alienists for the prosecution and the alienists for the state did not disagree over the presence or absence of certain symptoms found in Leopold or Loeb, but in the significance of these symptoms. An editorial in the \textit{Journal of Abnormal Psychology and}

\begin{multicols}{2}
\begin{itemize}
\item White, et al., “Joint Medical Report,” 155.
\item Glueck, 450.
\end{itemize}
\end{multicols}
Social Psychology characterized the defense alienists as the practitioners of a new, “dynamic psychology.” The defense alienists “entered intensely into the inner mental life of the criminals, into a genetic study of their mental processes, thus taking into consideration and laying emphasis upon an entirely different and additional class of alleged facts” from that of the “traditional” alienists for the state.\(^{35}\)

These facts served to differentiate Leopold and Loeb’s developments, and therefore their personalities, from that of supposedly normal men of the same age and socioeconomic status. One of the central points of focus of their study was on Leopold and Loeb’s respective family lives. The family was an institution whose perceived role in society had been changing since the Victorian Era, and it had been changing in ways that reinforced the defense alienists’ desire to study it. In the Victorian Era the ideal normative family was characterized by a rigid hierarchical structure, and served as the basic educational and economic unit of American society. Throughout the early twentieth century, however, educational and occupational institutions became less and less integrated with individual identity or a sense of community.

Concomitantly, there was a greater emphasis on the family as the most important factor shaping the development of an individual’s personality and emotional life. The family’s main prescriptive purpose became to aid children in developing their own identities while learning to fit into and thrive in their roles outside the home.\(^{36}\) Many sociologists, psychologists, and psychiatrists, filling the gap created by Victorianism’s decline, wrote books on proper child care and its importance for helping children develop in the modern age. Many parents, concerned with meeting their obligations to help their

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\(^{35}\) *Journal of Abnormal Psychology and Social Psychology*, 224-225.

children develop properly, bought and read the books avidly. The defense alienists argued that Leopold and Loeb’s family lives demonstrated the possible consequences of improper familial development.

In the defense alienists’ analyses of Leopold and Loeb, for example, the alienists devoted extensive attention to the role of both defendants’ respective nannies, probably because in many ways both nannies played the role of surrogate or supplementary parents. In Leopold’s case, their work emphasized the developmental influence of the third of his nannies, Mathilda Wantz. Wantz, who cared for Leopold from age six to age twelve, sexually abused Leopold and his older brother and encouraged both boys to break rules so long as their disobedience did not negatively affect her. The Hulbert-Bowman report, a preliminary report on Leopold and Loeb performed by two alienists, provides a succinct summary of the two alienists’ views of Wantz’s effect on Leopold:

This woman, of very peculiar mentality, was so close to the boys [Leopold and his brother] that the boys, especially the younger one [Leopold], took her abnormal ideas as normal. She gave him a wrong conception about sex, about theft, about right and wrong, about selfishness and about secrecy. He was so constituted that he was never able to emancipate himself from her erroneous teachings and mistakes.

Wantz’s behavior went unnoticed and her employment continued until Leopold was twelve. Since Leopold’s father was occupied with work and his mother was sick for most of his lifetime, the defense alienists argued that Wantz’s influence was critical to Leopold’s development, and that he lacked the parental nurturing necessary for a proper and healthy mental life.

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37 Fass, *Damned and the Beautiful*, 91-93, 95-118.
38 Hulbert and Bowman, 111.
39 Higdon, 66; 198-199.
Loeb was educated by the same governess from age four to fifteen. She was a strict woman who pushed Loeb to move through school at an accelerated pace, but she was not cruel and never violent. The discipline was nevertheless more than Loeb was accustomed to, and in response to what he perceived as “repression,” Loeb learned very early in life to use lies as a means of avoiding punishment. Loeb’s propensity for breaking rules and telling self-serving lies escalated continuously, eventually leading to criminal activities and finally the murder of Bobby Franks.\(^{40}\)

In addition to establishing that Leopold and Loeb did not receive the critical familial guidance in their development, the defense alienists used Leopold and Loeb’s social lives and bonds to demonstrate their maladjustment. Paula Fass argues that in the 1920s, as the family came to be perceived as the primary institution in shaping individual identity, the school and peer groups “effected the transition from the family, where personal identity was formed, to the society, where social identity was expressed.”\(^{41}\) The defense alienists argued that Leopold and Loeb’s social experiences in school were evidence of the expression of abnormal personalities, and that the mutually exclusive compatibility of their abnormal personalities contributed to the dynamic that led them to murder.\(^{42}\) In later perceptions of the case by the press, the public, and filmmakers, the emotional and sexual nature of Leopold and Loeb’s relationship was the greatest single causative influence that led them to murder, but these perceptions generally focus on the relationship itself, and not on the lives and personality developments that led up to it. The work of the alienists was more comprehensive.

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\(^{40}\) Hulbert and Bowman, 87, 86, 87, 89.
\(^{41}\) Fass, Damned and the Beautiful, 121.
\(^{42}\) White, et al., “Joint Medical Report,” 142.
At the age of five, Leopold began attendance at a school that had only recently started admitting boys. He was one of the only male students. Transferring briefly to a public school in the hopes that it would aid his socialization, Leopold quickly found that he did not fit in. Leopold returned to the predominately female private school shortly thereafter and quickly began skipping grades, eventually entering the University of Chicago at 16, further distancing himself from people of his own age. According to the defense alienists, Leopold’s placement in a mostly girls’ school limited his exposure to what were seen as normative gender roles, while his brief time in public school only made him feel more alienated from children of both sexes.

The alienists summarized Leopold’s teenaged years leading up to the murder as a time when “he was especially sensitive to the opinion of others and to their criticism, but he did not let this attitude be known. He assumed the attitude of indifference or superiority, and, on the whole, found it difficult to make friends.” Having developed his identity abnormally, he was unable to make the transition towards the expression of a healthy masculine identity that Fass describes. Instead, he found solace in his affected superiority and his relationship with Loeb, both of which supposedly played prominent roles in his decision to commit murder.

Loeb, by contrast, was paraphrased in one of the alienists’ reports as asserting that “he feels that he is very skillful at making friends, [and] can do so quite easily.” The defense alienists attributed Loeb’s self aggrandizing lies and social eagerness as indicative of an inferiority complex deriving from Loeb’s early physical frailty, which he

43 Hulbert and Bowman, 111; 114; 111.
44 Hulbert and Bowman, 115.
45 Higdon, 198.
46 Hulbert and Bowman, 103.
later outgrew, and his feelings of sexual inadequacy. They also noted the importance of Loeb’s having skipped several grades in school. The result was that Loeb grew up too fast, drinking and going in “immoral directions” with his older classmates while still feeling socially isolated.47

Many contemporary press descriptions of Loeb paid attention only to his playboy lifestyle without the insecurities that might have led up to it. The alienists’ attention to the importance of Leopold and Loeb’s social lives was in part a response to the fears among many people in the 1920s that American society was in the midst of a perceived moral crisis. Not everyone in the 1920s experienced prosperity or embraced the public and commercialized leisure atmosphere of the twenties, but many people feared that F. Scott Fitzgerald’s description of the 1920s as a “whole race going hedonistic, deciding on pleasure” was an accurate one.48 Both Leopold and Loeb embraced Fitzgerald’s “hedonistic” lifestyle. They drank in spite of prohibition, dated and had sex with women (especially Loeb), smoked, enjoyed the newfound mobility introduced by the increased prevalence of the automobile, and generally fit the mold of the wild 1920s youth.49

After learning that Leopold and Loeb had committed a murder with almost no apparent motive, both private individuals and social critics feared that a generation of psychopathic young people might be the result of the new leisure culture and the less institutionally integrated construction of personal identity.50 Historian Alan Brinkley writes that the work of many 1920s and 1930s social critics focused on the twenties as an era characterized by the rise of a narrow-minded and materialistic middle class in a

47 Hulbert and Bowman, 105-106; 161.
49 Higdon, 17-20;
50 Hulbert and Bowman, 115.
backlash against the supposed hedonism of the 1920s.⁵¹ Leopold and Loeb played directly into this backlash because they seemed to link the model of the pleasure seeking 1920s youth with senseless murder and amorality. There is probably some truth in the idea that Leopold and Loeb’s lifestyles contributed to their crime; both teenagers did disobey legal authority with impunity and without consequences. But such a direct causative portrayal of their hedonistic behavior oversimplifies the other influences that might have helped lead the two men to murder, impulses which the defense alienists sought to uncover but which later portrayals of the case either forgot or ignored.

Given some of the contemporary views of 1920s youth culture, the alienists had to establish ways in which Leopold and Loeb’s abnormal personalities differentiated them from other 1920s youths who engaged in the same leisure activities. In addition to arguing for Leopold and Loeb’s abnormal childhood development and social maladjustments in their peer environments, the defense alienists chronicled the mental and emotional lives of both defendants to further démonstrare the abnormality that began in their childhoods. They also sought to demonstrate the defendants’ unique relationship with each other and the ways in which that relationship led to the murder of Bobby Franks.

For most of his life, and especially following the death of his mother when he was seventeen, Leopold embraced his own version of nihilism, believing that there was no morality or meaning to existence and that intelligence was the only trait worth cultivating. Leopold sought to bury or eradicate his emotions in order to reinforce his idea of himself as a superior and rational being. Seeking solace in his fantasies and his

sense of superiority in lieu of an acknowledged emotional life, the defense alienists describe Leopold’s problems as growing progressively worse over time as his fantasies came more and more to dominate his mental life. Leopold’s relationship with Loeb allowed him to bring some of the elements of his fantasy life into his real life, integrating his two worlds. 

Loeb compartmentalized his feelings and his actions rather than seeking to eradicate his feelings. Loeb considered his moral viewpoint to be “the normal one,” but considered himself exempt from the behavioral restrictions of his inferiors. The alienists concluded that “a careful estimate of the way in which this boy has developed his tendencies shows that the divergence between his thinking and his feelings or emotional life had its origin even before he was ten years old.” According to the defense alienists, Loeb developed intellectually but not emotionally, remaining “pathologically backward in his emotional make-up” as he got older.

In addition to the two men’s sexuality, one other theme of the defense alienists’ work has had an overt and lasting legacy on the portrayals of the case that arose in later years: both men embraced the idea of themselves as superior to other human beings. The specifics of the Leopold-Loeb characters’ needs to prove their superiority varies throughout the fictional renditions of the Leopold-Loeb story. Yet their desire to do it, and their desire to do it together, contributes to their decision to commit murder and therefore their downfall.

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52 Hulbert and Bowman, 140.
53 Hulbert and Bowman, 102.
Leopold was an adamant believer in Nietzsche’s theory of the superman and believed that anything which gave him pleasure was inherently justified. He suppressed his emotions and separated himself from his peers in part to embrace this view of himself as an exceptionally rational human being. Undoubtedly, Leopold’s self imposed social exile was in part because he had always had trouble socializing with his peers. Aside from Loeb, Leopold had had almost no friends over the course of his life. His feeling of superiority allowed him to justify his social problems in a way that made him feel good about himself.

Loeb’s need for a feeling of superiority was more outward than Leopold’s. The alienists asserted that Loeb differed from Leopold in that “to him [Loeb] the possession of knowledge which others did not possess was a great thrill, and he found that by committing crimes and knowing the true details he could discuss them with others who were unaware of the true facts, and thus receive a secret thrill and satisfaction, which was most pleasurable.” Loepold tried to remain emotionally neutral in all things, but Loeb enjoyed crime for the thrill of the experience.

Prior to their planning of the perfect crime to satisfy their frustrations, both men embraced vivid fantasy lives as a means of coping with the abnormalities that made it impossible for them to find satisfaction in mainstream society. Psychoanalysts placed a great emphasis on repression as a critical element of the subconscious, theorizing that buried emotional desires manifest themselves indirectly in people’s instincts, thought processes, and behavior. In the case of Leopold and Loeb, the emergence of their fantasies, and the nature of those fantasies, thus demonstrated the subconscious desires

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55 Higdon, 19-20; Hulbert and Bowman, 143-144.
56 Hulbert and Bowman, 143-144, 115, 143-144.
57 Hulbert and Bowman, 106.
that mitigated their decision to commit murder together. It was also crucial to their mutual dependence on one another.\textsuperscript{58}

The fantasy of Leopold’s which received the strongest attention from the alienists was the one in which Leopold played a loyal slave, who was wholly submissive to his master. Several months before the murder, Leopold and Loeb formally agreed on Loeb’s dominance in the relationship agreed to commit the murder together.\textsuperscript{59} Leopold viewed himself as superior to most of his peers, but he viewed Loeb as superior to him. The formalization of Loeb in the dominant role thus allowed Leopold to feel submissive and find companionship while maintaining his feeling of superiority.\textsuperscript{60}

Loeb’s fantasies were rooted directly in dominance and crime. Around age nine or ten, Loeb began to fantasize that he was a famous prisoner, being beaten and abused in public. He would also imagine that he was a criminal “’Master Mind’ and was so clever at planning crimes that he could escape detection from the greatest detectives of the world.” In both cases, Loeb’s differentiation from mainstream society was obvious. The defense alienists noted that in all of Loeb’s fantasies, “there is no instance of his performing a crime alone, where there was no one to appreciate his skill,” and in committing these crimes “he [Loeb] was always the leader.”\textsuperscript{61} The nature of the dominance in the two men’s relationship received extended attention in all of the Leopold-Loeb narratives, but it was always considered an element of their sexual

\textsuperscript{58} Hale, 59.
\textsuperscript{59} Hulbert and Bowman, 118-122; it is important to note that Leopold and Loeb implicated one another in the actual act of murdering Bobby Franks, and Leopold may have been consciously trying to shift some of the responsibility to his companion.
\textsuperscript{60} White, et al., “Joint Medical Report,” 120.
\textsuperscript{61} Hulbert and Bowman, 92.
attraction to each other, rather than an element of their psyches that developed before they met, and which made their relationship one of mutual accommodation.

The defense alienists characterized Leopold and Loeb's relationship as one of mutual accommodation. Over time, each man gradually became dependent on the other to realize his fantasies. The two men began their criminal association by cheating at cards committing petty delinquencies, vandalism, car theft, and burglary together. In exchange for cooperating with Loeb, Leopold was allowed limited sexual contact with Loeb. As the two men worked together in breaking the law and satisfying one another's fantasies – fantasies that the alienists saw as critical components of Leopold and Loeb's mental lives – their crimes progressively escalated up to the murder of Bobby Franks.

The defense alienists argued that, while the two men's fantasies were not identical, they were complementary. Leopold wanted to be submissive, Loeb wanted to be dominant. The defense alienists viewed Loeb's dominance as a critical element of the defendants' relationship, citing an incident when Loeb was forced to choose between Leopold's companionship and the opportunity to join a fraternity. Although the two men had not yet begun realizing criminal fantasies together, Loeb's selection of the latter option hurt Leopold deeply. Leopold was willing to commit crimes with Loeb in order to maintain the "friendship" which it was "impossible for him [Leopold] to live without."64 As with the question of dominance, the element of psychological dependence – especially Leopold's dependence on Loeb – in the two men's relationship became secondary to their

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62 Higdon, 198, 249-260; The specifics of the so-called ABCD crimes – the criminal acts Leopold and Loeb committed together prior to the murder – are not detailed in either of the alienists' reports; the above characterization is based on Higdon's subsequent investigation into the matter.


64 Hulbert and Bowman, 115-16.
sexual dependence in the transition to the fictional narrative, rather than as the result of long and deep rooted psychological problems in both men.

Freudian theory posited that all men go through a period of bisexuality during their development, and that male adults with same sex attraction simply never progressed beyond this phase. Same sex activity was thus considered a sign of arrested sexual development. While Freud argued that homosexuality often linked itself with narcissism because homosexuals were stuck in an early developmental phase, he did not see any inherent harm in the trait except insofar as it hindered cultural advancement. The significance of Leopold and Loeb’s sexual relationship was thus significant to the defense alienists’ psychoanalysis because it was a part of their arrested development and inability to adapt themselves to the modern American civilization of the 1920s. However, in order to explain why Leopold and Loeb’s relationship led to murder, the defense alienists had to incorporate the defendants’ sexuality into the greater scheme of their abnormality.\footnote{Jennifer Terry, \textit{An American Obsession: Science, Medicine, and Homosexuality in Modern America}, (Chicago: U of Chicago P,1999), 59-61.}

They thus defined Leopold and Loeb’s relationship by its uniqueness:

> An unbiased estimate of the facts pertaining to this association between the two defendants leads us to the conviction that their criminal activities were the coming-together of two peculiarly maladjusted adolescents, each of whom brought into the relationship a long-standing background of abnormal mental life. This has made the situation so unique that probably will never repeat itself. There is justification for stressing the uniqueness of this case if, for no other reason, than that it has created wide-spread panic among parents of young people.\footnote{White, et al., “Joint Medical Report,” 142.}

The defense alienists’ argument for the uniqueness of both Leopold and Loeb’s development as individuals and their relationship served two purposes. First, by emphasizing Leopold and Loeb as aberrations, the defense alienists reassured the public...
that there was no need to fear that an entire generation of youths in the 1920s would begin committing murders without discernible motives. Second, the defense alienists’ argument served to reinforce their development as an influence on behavior in later life, and on psychoanalysis as a means of tracing and interpreting that development. They argued that neither young man fit properly into his role in the social structure of the 1920s because neither young man had developed properly during his childhood. The two young men came together because each of them was excluded from mainstream society by his “long standing background of abnormal mental life,” and those backgrounds formed dark complements to one another.67

The defense alienists were thus able to use the Leopold-Loeb case to reinforce the 1920s trend toward medical and secular explanations. If the Mental Hygiene movement helped many people deal with the anxieties brought about by the shift away from the Victorian value system, the Leopold-Loeb case threatened that feeling because the two defendants could be construed as the ultimate evidence of these movements’ inadequacy. Many people were worried that crimes like Bobby Franks’s murder were going to be a consequence of the shift away from the previous generation’s values. The defense alienists turned this problem on its head. By arguing that Leopold and Loeb’s childhood developments were abnormal, the importance of childhood development in shaping an individual’s personality was reinforced precisely because Leopold and Loeb did not develop properly. According the alienists, the problem was not the absence of morality in 1920s young people; it was Leopold and Loeb’s failure to understand that morality.

67 Ibid.
Leopold and Loeb thus reinforced rather than rebutted the necessity of mental hygiene and continued psychiatric scholarship on the development of pathological personalities.68

The testimony of the defense experts provided an explanatory model that was in keeping with the scientific and social climates of its time, but in subsequent years that model was adapted to fit the changes in those climates. And, as psychiatry continued to gain credibility and especially after the resurgence of Freudianism in the late 1940s and early 1950s, psychiatric and societal perspectives came even closer together. Where the alienists had tried to distinguish between Leopold and Loeb’s bisexuality and the psychopathology that led them to murder, pointing to a broader pathological abnormality, the Cold War Leopold-Loeb narratives did just the opposite, explicitly linking the Leopold-Loeb characters’ sexuality and their psychopathology.

At the conclusion of the hearing on mitigation, Judge John Caverly gave both defendants sentences of life plus 99 years, and although Caverly specifically discounted the influence of the psychiatric defense, there was a response to the testimony of the experts almost immediately after his ruling.69 Two articles, the 1924 editorial in the Journal of Abnormal Psychology and Social Psychology and Sheldon Glueck’s reply to that editorial in the July 1925 issue of Mental Hygiene, commended the work of the defense alienists as more thorough than that of the state’s alienists, but argued that the case demonstrated the need for reforms in the use of experts in court.70 The editorial saw the problem as lying in the need for changes in the legal system that would allow alienists of both sides to work together. The two sides could then improve psychiatric and legal

69 A reproduction of Judge Caverly’s decision can be found in McKernan, 76-80.
70 Journal of Abnormal Psychology and Social Psychology, 24-25; Glueck, 449-468.
understandings of what constituted a mitigating factor in a defendant’s mental state without having to put themselves on one side or the other of a legal argument.\textsuperscript{71}

In spite of the psychiatric community’s pleas, analyses and characterizations of the Leopold-Loeb case became less thorough and critical, moving largely away from scholarly discourse and becoming shaped by misleading characterizations of the case based on selective use of the facts. In 1924, the news media explored numerous and farfetched explanations for why Leopold and Loeb committed the crime and hyping the story as much as possible. The result was an odd hybrid of pseudo-medical science and sensationalism.\textsuperscript{72}

The most thorough effort to uncover the facts about Leopold and Loeb’s lives and create an objective understanding of who they were and what drove them was the work of the defense alienists. The newspapers covered the alienists’ role in the case extensively and made a great deal of the information about the defendants that the alienists procured, even publishing most of the Hulbert-Bowman Report. The papers, however, did not endorse the defense alienists’ position, deriding Darrow’s employment and strategy as an example of money buying an escape from justice. In her article on the case, “Making and Remaking an Event,” historian Paula Fass argues that “the newspapers wanted to have it two ways: to use psychiatric testimony for the information it provided and the authority it gave to simple domestic lessons but to knock psychiatrists off their scientific perch,”


\textsuperscript{72} Fass, “Making and Remaking an Event,” 919-951.
continuing the societal debate over moral versus medical explanations for human behavior.\textsuperscript{73}

The public faced a similar dilemma in craving an explanation for the crime while at the same time wanting to see the criminals punished. Leopold and Loeb had successfully used expensive attorneys and expert witnesses to avoid the death penalty, and the defense alienists were heavily criticized for their perceived complicity in helping the two men to escape justice. The public desired an explanation for the murder of Bobby Franks, but after Judge Caverly’s ruling many people were outraged that this explanation served to benefit the murderers by sparing their lives.

Yet the element of the case that most affected public perceptions in the decades after the sentencing hearing, and which figures prominently in all of the Leopold-Loeb narratives, is what the newspapers did not report. Testimony on the sexual aspects of Leopold and Loeb’s relationship was held in closed sessions. Additionally the press, Maureen McKernan’s book \textit{The Amazing Crime and Trial of Leopold and Loeb}, and other contemporary summaries of the case refused to provide in-depth analysis of the material that publishers deemed unprintable.\textsuperscript{74} Nevertheless, the public was still fascinated by Leopold and Loeb’s sexuality and its possible relevance to their criminal deviance, in spite of their lack of concrete information about the nature of the two men’s relationship. Thus, as Paula Fass contends, “the public discussion of sexuality was marginalized or shortcircuited and largely restricted to rumor and innuendo.”\textsuperscript{75}

Despite or perhaps because of this restriction, the sexual aspect of Leopold and Loeb’s relationship took on a life of its own. In a case which had always been treated

\textsuperscript{73} Fass, “Making and Remaking an Event,” 933, 937.

\textsuperscript{74} McKernan

\textsuperscript{75} Fass, “Making and Remaking an Event,” 941-942, 940.
sensationally by the news media, Fass writes that “sexuality and psychology began to dominate the public memories and representations. Removed from the public view and therefore from newsprint, it now moved to other forms and toward the boundaries between fact and fiction.” Unfortunately, however, the press’s use of supposed medical science for its stories, and its coverage of the alienists’ testimony, meant that as the transition between fact and fiction took place, the oversimplified sexual explanation for Leopold and Loeb’s crime seemed to be scientifically rooted even though the media propagating it were not subject to scholarly peer scrutiny. The misperceptions of the Leopold-Loeb case thus changed into the Leopold-Loeb narrative with no check on the speculation involved in the case.

Loeb was killed by a cellmate in 1936, just as fears of the sexually driven psychopath were on the rise across the country. After his death, the media began to explicitly discuss the sexual details of the Leopold-Loeb case that publishers had previously avoided. Loeb’s killer claimed that he had acted in self-defense after Loeb had made a sexual overture towards him. Although his story was apocryphal – Loeb had been cut over fifty times, often from behind – Hal Higdon asserts that “undoubtedly, many people accepted the story that Loeb died making homosexual advances as true because they wanted it to be true. They considered the Franks murder an act of perversion … so it seemed fitting that Loeb die while attempting another perverted act.”

The 1930s public perceptions of sexuality’s role in the Leopold-Loeb case fits in with public perceptions of sexuality in general. Historian Estelle Freedman argues that

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79 Higdon, 298.
during the Great Depression, as many single unemployed men became nomadic in their search for work, traveling to communities in which they possessed neither roots nor reputations, there was an increased public and professional concern over the "sexual psychopath." In response, there was an increase in legislation on federal, state, and local levels that did not correspond to an increase in the actual incidence of sexually driven offenses. Freedman also asserts that during the Great Depression "American Criminologists became increasingly interested in sexual abnormality and male sexual crime." The two greatest subjects of interest were the "hypermasculine" sexual psychopath, and the "inadequately masculine" homosexual, "both categories of deviant males were thought to attack children, thus simultaneously threatening sexual innocence, gender roles, and the social order."^80 Ironically, the defense alienists included Leopold and Loeb’s sexuality as an element of their abnormal personalities, but as shown in the last chapter, their work also went into numerous and varied other factors in Leopold and Loeb’s personality development. The exclusive linking of Leopold and Loeb’s sexuality with their homicidal impulse took place in the press and in Fass’s "realm of rumor and innuendo."^81

Freedman directly credits the entry of “Freudian concepts of psychosexual development” in the 1920s with the rising public and state interest in sexual offenders. Leopold and Loeb’s crime introduced a terrifying new kind of abduction/murder, or at the least the first such crime to be detected and receive such wide publicity in the new communications network of the twentieth century. As both the public and criminal justice personnel sought to understand the crime, the alienists offered a psychiatric

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^80 Freedman, 89, 89, 90.
^82 Freedman, 90, 103-104.
explanation for why this new type of crime took place, of which sexuality was only one of myriad psychological factors at work. The press and the public, at least implicitly, came to view Leopold and Loeb’s sexuality as part of the explanation. The combination of the submerged sexuality surrounding the Leopold-Loeb case in 1924, the sudden exposure of their sexuality following Loeb’s death, and Freedman’s “Response to the Sexual Psychopath,” all reinforced the link between supposed sexual perversion and murder in the Leopold-Loeb case without ever giving the public any reason to question their assumptions.

By the 1940s and 1950s, Freedman describes an increasing link in criminological thought between homosexuality and predatory, violent behavior in the construction of gay men as threats to the social order, coloring cases like Leopold and Loeb with preconceptions which reflected the sexual paradigms of their own time rather than a thorough explanation of all of the facts of the case. Then, in 1948, Alfred Hitchcock adapted Rope to the silver screen, creating a tangible and lasting representation of the Leopold-Loeb style killing as implicitly linked with sexuality. The rest, unfortunately, was history – or at least it appeared to be.

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83 Freedman, 90, 103-104.
CHAPTER II

HISTORY AS A FICTIONAL NARRATIVE

Portrayals and mid-century perceptions of the Leopold-Loeb case had more continuity with 1920s thought on sexuality and psychopathology in general than with the case specifically. The first major feature film to adapt the Leopold-Loeb case was released in 1948. By then, the intense press attention that Leopold and Loeb had received in 1924 was a distant memory and the case had come to be thought of mainly as an embodiment of the dark side of the 1920s and an example of the links between sexuality and psychopathology. It was these characterizations – which carried with them the deceptive feel of factual and historical accuracy – that allowed the Leopold-Loeb narrative to thrive for so long without criticism or scrutiny.

In 1956, novelist Meyer Levin – whose book Compulsion made the question of Leopold and Loeb’s respective psyches seem almost entirely one of sexuality – wrote of the case that “certain crimes seem to epitomize the thinking of their era.” Levin’s statement demonstrates the way that the media depiction of the case and the fears of the sexual psychopath affected memories and perceptions of what drove Leopold and Loeb. The work of the defense alienists in 1924 sought to explore every aspect of the two men’s respective pasts and psyches that might have contributed to the murder of Bobby Franks. In the ensuing years, however, most people remembered only the elements of the

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alienists' work that reinforced their preexisting psychiatric and popular ideas about the psychological links between sexuality and murder. The history of the case was thus rewritten to become Levin’s epitome. And as the fictional Leopold-Loeb narrative arose and came to prominence after World War II – a time when the American fixation on sexuality, psychology, and morality became even stronger – the work of the alienists became even more creatively reshaped to suit these perceptions.

Levin, for example, aimed to expand on and supplement the psychoanalytical work of the alienists in 1924 – at least insofar as Levin remembered and interpreted that work – but he did so by selectively utilizing only those elements of the alienists’ work that related to Leopold and Loeb’s sexuality and little or nothing else. Levin then went on to argue that *Compulsion* was in part an effort to improve psychoanalytical understandings of Leopold and Loeb using the ostensible advancements in psychiatry that had taken place between 1924 and 1956. Levin thus made it seem as though the essential question surrounding the two men’s personalities had always been one of sexuality and little or nothing else, and he adapted both the facts of the case and the work of the alienists to suit his own interpretations and make the case sync up with the state of psychiatry in 1956.\(^{86}\)

Therefore, in order to understand how and why the Leopold-Loeb narrative varied from the facts of the case, one must understand the prevailing professional and lay perceptions about sexuality and psychopathology in the 1920s and the decades that followed. Leopold and Loeb seemed to reinforce many of the assumptions about men who engaged in same sex activities as dangerous and predatory people, but that is only

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\(^{86}\) Levin, ix-x.
because perceptions and memories of the two men and their crime were shaped to fit in
with preconceived notions about sexuality and personality.

During the Victorian Era, same sex activity among men was considered an
immoral temptation, something that every man could and should resist if he were strong
enough. Those who engaged in same sex activity were therefore reprobates who could be
cured through legal punishment or psychiatric treatments such as aversion therapy or
lobotomies.\textsuperscript{87} As psychiatry began to branch out beyond the asylum in the early
twentieth century, however, psychiatrists introduced the idea that same sex attraction, or
"sexual inversion," was a personality type. People who engaged in same sex activities
were pathologically driven to do so, and they could not be punished or treated into
changing their behavior.\textsuperscript{88} Lay people, by contrast, were still inclined to view sexuality
as a moral question and same sex relations as an act of perversion.\textsuperscript{89} Still, the view of
sexual orientation as a personality type raised new questions about the pathology of that
personality type. If there was more to same sex activity than a simple choice or a
supposed moral weakness, than how much more was there? What were the
characteristics and drives that made up a "sexual invert?"

Psychiatrists considered sexual inverts psychopaths. The principal symptom of
their psychopathology was insufficient masculinity, characterized by passivity and
effeminacy. These characteristics were subjective, socially constructed, and based more
in the absence of certain behavior or characteristics than in the presence of others. These
ambiguous criteria had two main effects. The first was that male sexual inverts were

\textsuperscript{88} Havelock Ellis, "Sexual Inversion," book 4, \textit{Studies in the Psychology of Sex} vol. 1, (New York:
\textsuperscript{89} Elizabeth Lunbeck, \textit{The Psychiatric Persuasion: Knowledge, Gender, and Power in Modern
considered more difficult to recognize that their female counterparts. Beginning in the 1920s and continuing for several decades in conjunction with the fears of the inadequately masculine sexual psychopath, this supposed difficulty made male homosexuals seem like an insidious threat. They were popularly perceived as sexual predators who could easily go undetected, but who posed a serious and immediate to both specific victims and society in general.

The second effect of identifying men who engaged in same sex relations through vague concepts like inadequate masculinity was that it made many men feel obligated to constantly affirm and demonstrate their own masculinity to demonstrate their heterosexuality. The clearest way for a man to demonstrate that he was not passive was to be aggressive, and the clearest way to demonstrate that he was not effeminate or insufficiently masculine was to demonstrate masculinity. Heterosexuality was thus an affirmative position that was inextricably linked with masculinity, a position that had to be firmly and consistently proven. It fell to men who wanted to avoid the label of a group they considered deviant to demonstrate their own masculinity and eliminate any potential confusion as to whether or not that masculinity might be inadequate or insufficient. Masculinity, heterosexuality, and normality were thus intertwined with one another, and were defined and demonstrated through active performances by “normal” men and their contrast with the psychopathically less masculine other.

Almost immediately after their arrest, Leopold and Loeb became archetypes of the other. Leopold and Loeb’s sexuality came to the forefront of perceptions about the

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90 Ibid. 237.
92 Lunbeck, 188, 237.
two men's motives and psychological makeup in conjunction with the rising fears of the sexual psychopath that Estelle Freedman describes. Public and professional thought about sexuality and crime therefore had more influence on perceptions of Leopold and Loeb than the actual facts and evidence of the case. In 1936, the public and law enforcement's mutual readiness to accept the dubious assertion that Loeb was killed in self defense demonstrated that he had come to be thought of as a sexual predator who could not control his impulses, and the perceived link between the supposedly sexual and predatory nature of those impulses was inexorable.

After World War II, masculinity, heterosexuality, and the American ideal had become more strongly intertwined in many Americans' minds, and the fear and marginalization of men who did not properly embody those ideas was consequently stronger. According to historian Elaine Tyler May, heterosexual domesticity and especially the nuclear family came to be viewed as the basic element of national strength and security in the late 1940s and 1950s. Since heterosexuality and masculinity were liked with each other and with the consensus, men and woman who engaged in same sex activities became publicly and officially linked with amorality and threats to national security. Men who were suspected of being gay were persecuted and driven out of public office, the FBI and police department vice squads performed raids and entrapped men who engaged in same sex activity, and homophobia pervaded much of mainstream American society.

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93 Freedman, 83-84, 89-90.
The rising fears about people who engaged in same sex activities arose in part from new discoveries about sexuality in America, and especially about the number of men who had engaged in same sex relations. In 1941, Dr. Alfred Kinsey’s famous survey revealed surprisingly high rates of same sex experience among men. During the war, homosexual civilians found more freedom that they had previously enjoyed, and soldiers who were imprisoned for homosexual activities discovered that they were not alone and did not have to act alone. Changes and new discoveries can be frightening, and many people in mid-century America consequently thought that the elements of the domestic consensus were in need of defense. They viewed the apparent changes in and discoveries about American society that had taken place during the war as threats to the consensus and therefore to national security.

It was in this atmosphere that the Leopold-Loeb case reemerged as a fictional narrative in 1948, and to varying degrees each example of the narrative reflects the psychiatric and or popular views on sexuality and antisocial personality disorders. In The Celluloid Closet (1987), historian/film historian Vito Russo argues that homosexuality in mid-century film was generally defined by the presence or absence of masculine traits. Russo’s assertions about film conventions surrounding sexuality and masculinity echo historian Elizabeth Lunbeck’s assertions about psychiatric views and social customs, and the creative liberties that came from fictionally adapting the case allowed for popular perceptions about sexuality and crime to be played up more strongly and directly.

Filmmakers have the power to manipulate the context of the stories they tell and the

98 Spencer, 353-354, 350-351.
characters they portray, and they are not constrained by fact. Filmmakers therefore had the power to portray Leopold and Loeb as a case study that reinforced popular mid-century associations among masculinity, sexuality, and psychopathology.

The number of films which can be said to utilize the Leopold-Loeb narrative is subjective, but at least three films and one novel were either inspired by or based directly on Leopold and Loeb: Hitchcock’s film *Rope* (1948), Meyer Levin’s novel *Compulsion* (1956), Richard Fleischer’s film version of *Compulsion* (1959), and finally Tom Kalin’s film *Swoon* (1992), which revisited the previous narratives in an effort to debunk their take on Leopold and Loeb’s compulsion to murder.\(^{100}\) The specifics of the narrative vary and one can define it in many ways, but essentially the narrative portrays two privileged young men who kill someone for the experience of the act and who are eventually caught and thus get their comeuppance.

*Rope* was the first feature film to adapt the Leopold-Loeb case, and it is a source text on the undertones of sexuality that permeate examples of the Leopold-Loeb narrative. In Alfred Hitchcock’s rendition of the story, the homicidal tendencies of the Leopold and Loeb characters were implicitly linked to their sexuality.

The film is about two young men, Brandon (Loeb) and Philip (Leopold), who strangle their former classmate David Kentley. Brandon and Philip killed David, who they considered to be their inferior, to prove that they were above both legal and moral guilt. As a means of gloating, Brandon and Philip place David’s body in a chest in their living room immediately before holding a dinner party which will be attended exclusively by people who know David. In the climactic final scene, Rupert Cadell, a guest at the

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\(^{100}\) Hitchcock; Richard Fleischer, *Compulsion*, 103 minutes, (United States: 20th Century Fox, 1959), film; Tom Kalin, *Swoon*, 82 minutes, (United States: American Playhouse, 1992), film.
dinner party and former mentor of Brandon and Philip on the subject of justifiable murder for superior beings, discovers what Brandon and Philip have done and renounces his philosophy, bringing the two men to justice. The film takes place almost entirely in Brandon and Phillip’s apartment, mainly the living room.101

Many scholars have studied Rope for its ambiguous portrayal of Brandon and Phillip’s sexuality and its possible relevance to murder.102 The 1929 Patrick Hamilton play upon which Rope was base was more sexually overt than the film, but Brandon and Granillo’s (Philip in the film) sexuality was not related to their crime. The play implies that two other guests at the dinner party have a history of same sex relations. Neither of the two guests is dangerous or criminal and one of them, Rupert, is the man who brings Brandon and Granillo to justice. Therefore, there must have been something about Brandon and Granillo aside from their sexuality that made them murderers.103

Hitchcock’s version uses the Rupert character for the opposite purpose, changing Rupert so that he is a masculine (and therefore heterosexual) contrast to the murderers as well as a moral one, and implying that the two contrasts may be related in accordance with mid-century views on insufficient masculinity and antisocial personalities. Film analyst Amy Lawrence argues that after World War II Hitchcock had a pattern of using James Stewart, who plays Rupert in Rope, as an icon of threatened postwar American

101 The film opens with an exterior shot of Brandon and Phillip’s apartment building while, the audience soon learns, David is being strangled inside. Otherwise the film takes place entirely inside the apartment.
masculinity and normality.\textsuperscript{104} Stewart’s casting as Rupert thus serves as a strong masculine contrast to Brandon and Philip, and his outrage over what Brandon and Philip have done reinforces the idea that the side of morality is also the side of domesticity.\textsuperscript{105} Since the sexuality of 1950s movie characters was demonstrated through the presence or absence of masculine traits, a hero had to constantly demonstrate his masculinity and therefore his heterosexuality to avoid appearing insufficiently masculine. Villains, by contrast, were often men who failed to demonstrate their masculinity.\textsuperscript{106}

The sexuality of Brandon and Phillip is never overtly portrayed, but it can be picked up through hints over the course of the film which imply but never confirm a sexual relationship.\textsuperscript{107} However, given Russo’s assertion that masculinity and heterosexuality were characteristics that were supposed to be actively demonstrated, Brandon and Phillip’s ambiguity and the hints that the film drops about their relationship makes their sexuality almost overt by the standards of the time.\textsuperscript{108} It also makes their relationship seem simple when compared to that of the Leopold-Loeb defense alienists. By oversimplifying the complex and “long standing background of abnormal mental life” that the defense alienists chronicled in the Leopold-Loeb case, \textit{Rope} implies that perhaps the abnormality lies in the relationship itself.\textsuperscript{109}

On the subject of superiority and murder, Rupert is an obvious moral contrast to Brandon and Phillip because in some ways he is so similar to them. Rupert’s sardonic

\begin{itemize}
\item \textsuperscript{105} Ibid.
\item \textsuperscript{106} Russo, 4.
\item \textsuperscript{108} Russo, 4.
\item \textsuperscript{109} White, et al., “Joint Medical Report,” 142.
\end{itemize}
approach towards the conversation at the dinner party demonstrates a degree of contempt for society. He also espouses the view that murder is a crime for the many, but a privilege for the few, echoing Brandon and Philip’s rationalizations. At base, however, Rupert is fundamentally different from Brandon and Phillip. When he discovers David’s body, Rupert fills with such shame at his former contempt for humanity and gives a prolonged speech in which he affirms his own membership in and obligations to society. He also draws a clear contrast between himself and Brandon: “you must have had something inside you that would let you do this.” Rupert furthers the contrast by asserting that “I have something inside me that would never let me do it, and won’t let me be a party to it now.”

Rupert is a wounded man, both physically and emotionally. He has a bad leg to show “for his courage” in World War II, and his sardonic conversation at the party and self asserted misanthropy demonstrates a man with shaken faith in humanity. He also demonstrates a degree of contempt for domesticity and the American consensus as banal pursuits that are beneath the superior being’s attention. In keeping with the pattern Amy Lawrence describes, however, Stewart’s character finds redemption in the end of the film. Rupert accepts and embraces his membership in and obligations to the society in which he lives, and he denounces Brandon, Philip, and the murder that the two of them have committed. As an icon of postwar masculinity, Rupert may be wounded, but he is still the strongest character in the film, and he triumphs over those people who represent insufficient masculinity and therefore immorality. And when Rupert embraces the

10 Hitchcock.
11 Ibid.
society which he had formerly held in contempt, he embraces the consensus and domesticity.\footnote{112}  

In 1924, Darrow and the alienists for the defense had tried to replace or at least supplement Victorian concepts of morality and choice with a more complex psychoanalytic model for understanding human behavior. In 1948 Hitchcock returned Victorian ideas by using the case to create a post war morality play that matched the popular mid-century American views on sexuality. There is no direct explanation for Brandon and Philip’s amorality and no direct motive for the crime; they are simply different from normal people. \textit{Rope} goes out of its way to discount misguided intellectualism or any kind of abnormal development as an explanation for the murder, and emphasize the crime as an act of complete senselessness. Brandon and Phillip are murderers, made so by the presence of Rupert’s undefined “something,” which is all that one can know and all that Rupert – the heterosexually masculine figure – needs to know. When Rupert discovers David’s body in the chest, he tells Brandon that Brandon has killed a man who could live and experience emotions “in ways that [Brandon] never could.” Thus men like Brandon – murderers – are fundamentally different from other members of society, and are inferior to what a man should be according to the postwar consensus.\footnote{113}  

By renouncing Brandon and Phillip, along with his own theories that murder can be justified, Rupert demonstrates that there are still some moral absolutes in postwar America. Those people who cannot see those absolutes through the supposed changes in the postwar American moral and ethical landscape, and people who cannot grasp those

\footnote{112}{Ibid.}  
\footnote{113}{Ibid.}
absolutes are aberrations, and would be aberrations regardless of the time or circumstances. Their behavior can never be fully understood nor their acts ever mitigated. In short, Rupert is a champion for postwar normality and morality.\textsuperscript{114} 

There are too many complexities about the sexuality of \textit{Rope} to explore all of them.\textsuperscript{115} Of all of these elements, however, the homoeroticism of the killers’ relationship is consistently the most prominent, both within studies of \textit{Rope} and in the film’s legacy for the Leopold-Loeb narrative. Yet the sexuality in \textit{Rope} and its relevance to the Leopold-Loeb characters is not explicitly portrayed or explored, it is simply implied and it is up to the audience’s imagination to connect the dots.

A more explicit portrayal of Leopold and Loeb’s sexuality, and a direct psychoanalytical connection between sexuality and murder, came in 1956 with Meyer Levin’s \textit{Compulsion}, and with the 1959 film adaptation of the novel.\textsuperscript{116} The 1940s and 1950s saw a strong resurgence in Freudian thought, albeit in an altered form that differed from the work of Freud himself to better suit the consensus’s preconceived notions about sexuality and psychology. Film analyst Robin Wood argues that the heterosexist intonations of \textit{Rope} follow this Freudian trend.\textsuperscript{117} Meyer Levin’s novel \textit{Compulsion}, however, contained overt psychoanalysis of characters based on Leopold and Loeb, and directly implemented the psychiatric view of inadequately masculine men as psychopaths. \textit{Rope} and \textit{Compulsion} each demonstrate both consensus and psychiatric

\begin{itemize}
\item \textsuperscript{115} Some of these elements include the significance of Janet’s character, misogyny, the possibility that Brandon’s need to prove his superiority derived from an inferiority complex brought about by the stigma of homosexuality, murder as a surrogate for same sex romantic acts, Phillip and Brandon’s imminent separation (an element of the real Leopold-Loeb case), and even the possibility of an inherent bisexuality in all of the male characters. Some of these aspects of the film can be found in: Robin Wood, \textit{Hitchcock’s Films Revisited}, (New York: Columbia UP, 1989), 336-353.
\item \textsuperscript{116} Levin; Fleischer.
\end{itemize}
views on insufficient masculinity, same sex relations, and amoral or psychopathic behavior. However, if *Rope* was primarily a reinforcement of the consensus, than *Compulsion* was its counterpart, primarily a reinforcement of the psychiatric perspective.

Levin’s work speculates about and creatively interprets the 1924 defense team’s psychoanalytical view of Leopold and Loeb, ostensibly to create a better understanding of the crime and the criminals. He writes in 1956 that “in our time, the psychoanalytical point of view has come to the fore,” and that while “psychiatric testimony in this case was comprehensive, advanced, and often brilliant, yet with the passage of time a fuller explanation may be attempted.” Levin offers *Compulsion* as that fuller explanation, with the case presented as fiction to allow for his speculation. He adapted the new Freudian resurgence for use as his methodology, and he adapted Leopold and Loeb for use as his case study.\(^{118}\)

*Compulsion* was published shortly before Leopold’s first parole hearing, when the controversy over Leopold’s release was resurrecting interest in the original case and granting renewed importance to the questions of what drove him to murder. Levin explicitly links *Compulsion* with the question of Leopold’s parole, and his use of psychoanalysis to illuminate that question demonstrates both his faith in that approach and the credibility that American society granted the postwar Freudian resurgence. Levin’s pursuit of “fuller explanation” using a psychoanalytical approach also demonstrates his confidence that the 1950s links between same sexuality and antisocial personalities constitutes an improved understanding.\(^{119}\)

\(^{118}\) Levin, ix-x, ix.
\(^{119}\) Ibid.
Compulsion reinforces aggressive masculinity as the trait of the heterosexual (and therefore normal and healthy) man, and same sex attraction as a sign of malignant psychopathology. In Levin’s interpretation of the case, Leopold-as-Judd’s sexuality comes to encompass and engender all of his abnormalities. At some point in Compulsion, Levin deals with virtually every element of both Leopold and Loeb’s personality development that the alienists chronicled in 1924, but Levin makes all of these elements either secondary to or a part of the characters’ respective sexualities, especially Leopold’s. The other influences and trauma in the two men’s past to which the real alienists assigned such importance are described in the last chapter with few details. In 1948 Hitchcock’s film removed the alienists’ work on the Leopold-Loeb characters’ pasts from his version of the narrative so that he focus on the killers’ deviance as something innate and possibly part and parcel of their sexuality. Levin’s work took the next step, incorporating the alienist’s work, but adapting that work to emphasize Levin’s own points about sexuality and psychology.

Levin embraces psychiatry as an explanatory model for the murder through both a discussion of the alienists’ testimony and the psychiatric insight of Willie Weiss, a character who first appears in the book as a brilliant young student at the University of Chicago, and several decades later as a leader in the psychiatric field. Willie is a steadfast Freudian, and in his last appearance in the book he is even living in Vienna to be closer to the birthplace of Freudianism. Willie appears in the book several times, but he is most prominent in two scenes in which Sid, the character based on Levin, has in-depth discussions with Willie on the subconscious motives of the two offenders. The first discussion occurs in Chicago during Judd and Artie’s (Leopold and Loeb’s)
sentencing hearing, the second in Vienna when Judd is coming up for parole. In both scenes, Willie uses the alienists’ work as the basis for understanding Judd’s personality and his drive to crime. Artie receives some attention during the first discussion, but Judd is the centerpiece of both dialogues, possibly because by the time Levin wrote *Compulsion* Loeb (Artie) was dead and Leopold (Judd) was up for parole, so the potential danger that Judd might present to society is of more immediate importance to the time in which Levin was writing.\(^{120}\)

Both of Sid’s discussions with Willie ostensibly serve to augment the psychiatric findings of the alienists and create a more direct cause-and-effect relationship between the Leopold and Loeb characters’ psyches and their “compulsion” to kill Bobby Franks. As much as anything, however, Willie’s analysis represents the trends in perceiving homosexuality, criminality, and the Leopold-Loeb case that had been underway between 1924 and 1956. Shortly after Willie’s later discussion of Judd, Sid’s character reflects on the almost supernatural understanding of human behavior that Willie (using Freudian thought) possesses, implying that everything Willie had to offer in his analysis of Judd was correct. The mainstay of Willie’s analysis — and thus the basis for his brilliant understanding of psychopathology — is his reinforcement of the 1950s consensus on masculinity.\(^{121}\)

In Willie’s analysis, Judd (Leopold) becomes an almost victimized character, and his compulsion to commit murder is a direct result of his failure to become a sufficiently masculine man. According to Willie, Judd was driven to murder by two basic subconscious drives: Judd’s maternal issues and his desire to return to the womb, and his

\(^{120}\) Sid’s first conversation with Willie is described in Levin, pages 350-360, the last on pages 480-490.

\(^{121}\) Ibid.
desire to excise his homosexuality from his system. Levin’s take on the crime (conveyed through Willie) is that Judd (Leopold) committed the murder as an act of catharsis: by killing Paulie Kessler (Bobby Franks), Judd was trying to excise that part of himself that was gay and thereby take the first step toward becoming what Levin would consider a normal and mature heterosexual man.122

Levin’s vision of a “normal” heterosexual embraces the ideal of aggressive masculinity to the point of misogyny and criminality. The book constantly evokes images of the relentless pursuit of sex by men of sufficient masculinity.123 The book also implies repeatedly that homosexual men kill young boys, but emotionally healthy heterosexual men, by contrast, commit or at least contemplate rape as an outlet for their aggressive heterosexual tendencies. One of Sid’s role models in the book is a rugged man who wants to rape a young female noncombatant during World War II, affirming the hyper masculine ideal in contrast to the insufficiently masculine Judd and Artie. In between the murder and the arrest of the Leopold character, Judd begins a romance with a young woman named Ruth. His “normal” feelings for Ruth and his desire to learn about mundane (read: domestic) pleasures with her demonstrate that perhaps he was on the road to healing when he was arrested.124 In one scene, Judd attempts to rape Ruth, but is foiled by his own sexual dysfunction. This subplot serves both to illustrate the unrealized normality of Judd’s character and to reinforce heterosexual domesticity as the ideal for which one should strive. It was an ideal which Judd was incapable of attaining at the time, and Judd’s frustration over his inability may have led to his relationship with Artie and the consequent murder of the Bobby Franks character. The scene also shows how

122 Ibid.
123 Ibid. 55, 101
124 Ibid. 492-494, 188-189.
aggressively heterosexual, how misogynistically masculine, a man has to be in order to overcome any bisexual impulses.\footnote{125}

Levin published \textit{Compulsion} just as Leopold’s upcoming parole hearing was creating a public controversy, and Sid (the first person narrator of \textit{Compulsion} who fills in for Levin) concludes his book by telling the reader that he’s written it to help illuminate the question of whether or not Judd should be released. The basis for Sid’s illumination is psychoanalysis and inadequate masculinity of the Leopold character, so in a sense Levin makes the question of the real Leopold’s parole one of his sexuality and the threat that that sexuality might pose. Sid does not take an explicit position on Judd’s potential paroles, but since Willie’s analysis clearly implies that Judd had the capability to move beyond his arrested development, one can infer that with the removal of Artie’s influence, Judd and therefore Leopold might be able to reenter society if the danger that arises from his sexual impulses can be controlled.\footnote{126} In 1960, psychiatrist David Abrahamsen made an almost identical argument about Leopold. Abrahamsen asserted that Leopold, who was paroled in 1958, no longer presented a danger to society because Loeb was dead and Leopold was old enough that his “biological” (sexual) drives would have diminished such that he would probably not be as tempted to commit a similar crime.\footnote{127} The popular and professional message that Levin’s \textit{Compulsion} was created to reinforce is clear: sexual impulses that are not channeled in masculine ways towards members of the opposite sex lead to malignant antisocial behavior.

The film version of \textit{Compulsion} is far simpler. It goes even farther in emphasizing the role of Artie and Judd’s erotic relationship in causing the murder by

\footnote{125}Ibid. 155-177. \footnote{126}Ibid. ix-x, 495, 480-490. \footnote{127}David Abrahamsen, \textit{The Psychology of Crime}, (New York: Columbia UP, 1960, 1967), 278.
refraining from any in-depth discussion of Artie or Judd’s childhoods or any psychoanalytical explanations for their behavior. Fleischer’s *Compulsion* eliminates the Willie character and devotes far less attention to the alienists’ testimony than the novel, removing the psychoanalytical elements. The film provides only a brief example of one alienist’s testimony, and the alienists’ work before the trial is used mainly as a means of conveying the legal strategy and ingenuity of Jonathan Wilks (based on Clarence Darrow). Levin’s fictional psychoanalysis of the Leopold-Loeb characters focused on the characters’ insufficient masculinity as a symptom of their psychopathology, and Judd’s problems with his masculinity are portrayed as something that he might be able to overcome. *Compulsion* implies that what was supposedly wrong with the Leopold and Loeb characters – both sexually and psychologically – was more intrinsic to their nature.128

Even though *Compulsion* ostensibly tries to explore the murderers’ respective psyches, the film’s omission of so much of the alienists’ work and Willie’s analyses of Judd and Artie – however pat Willie’s work may be – removes many of the psychological and psychiatric elements of the real Leopold and Loeb case. The film contains many of the same elements of Judd and Artie’s relationship as the novel, and like the novel the film implies that the relationship caused the two men to commit murder. However, in the absence of the psychological exploration of the two characters, their supposed insufficient masculinity and the homicidal impulses that arose from it are a part of the two men’s basic natures.

Levin went out of his way – and beyond the facts of the case through mechanisms like the Willie character – to create a psychological explanation for Paulie Kessler’s

128 Fleischer.
murder. By contrast, the tagline to the film reads “Why did we do it? Because we damn well felt like it!”\(^\text{129}\) Such an attitude towards the murder, as one based on a whim rather than a pathological compulsion, raises a question: if the “compulsion” that inspired the film’s title was not the compulsion to kill, as in Levin’s novel, then what was it?

By removing the psychoanalytical elements of Levin’s version, Fleischer’s *Compulsion* combines Levin’s interpretation of insufficient masculinity as the direct trigger for murder with *Rope*’s interpretation of the Leopold-Loeb characters as fundamentally different from normal people. As discussed earlier, Rupert Cadell’s speech at the climax of *Rope* served to draw a clear and fundamental distinction between men like Brandon and men like Rupert. The film version of *Compulsion* seems to embrace the same notion of the murderous boys as constitutionally different from their peers. In *Rope*, however, the sexuality of the Leopold-Loeb characters is not explicitly causative of their commission of murder; its relevance to the “something” Rupert describes is not explicit.\(^\text{130}\) In Fleischer’s *Compulsion*, the psychoanalytical aspect of Levin’s has been removed, bringing the film’s moralistic storyline closer to that of *Rope*, but the sexuality remains. In other words, Fleischer’s characters were driven not so much by psychological development as by their basic natures. Those natures were insufficiently masculine and thus amoral.

The film *Compulsion*’s portrayal of the links between sexuality and murder were the culmination of the trend that had been underway since the summer of 1924. In 1924, laypeople and experts of various fields had struggled to understand Leopold and Loeb

\(^{129}\) The tagline for the film version of *Compulsion* can be found at Internet Movie Database’s “Compulsion” cite: “Compulsion,” Internet Movie Database. Site accessed 06/12/2004. http://imdb.com/title/tt0052700/

\(^{130}\) Hitchcock.
through varied and intermingling psychological, physical, social, and developmental factors, including factors dealing with Leopold and Loeb's sexuality. Over time, occurring in conjunction with the rising fears of the sexual psychopath that historian Estelle Freedman describes, lay people and professionals tended to put more and more emphasis on Leopold and Loeb's sexuality as the causative element in their decision to commit murder, until finally sexuality seemed like the only element.\(^{131}\) The trend continued up to 1959 through the fictional adaptations of the case and the press coverage of Loeb's murder following a supposed (but doubtfully true) sexual overture on Loeb's part towards another inmate.\(^{132}\) Fleischer's film, however, cemented conceptions of the Leopold-Loeb style murder as purely sexual and set the parameters for future debate in both film and nonfiction.

Since the history of the Leopold-Loeb narrative is one of fiction and conjecture taking the place of disinterested scholarly research, it is fitting that one of the most prominent arguments with the narrative took place using the same devices. Tom Kalin's *Swoon* premiered at the Sundance Film Festival in Aspen, Colorado.\(^{133}\) Kalin made *Swoon* to try to alter the view of Leopold and Loeb's crime as one of perversion, and he did so by contradicting the idea that sex and murder were directly linked in the case, and that instead it was the societal attitude towards same sex relationships that led to the murder.\(^{134}\) *Swoon* is the first and to-date only feature film to use Leopold and Loeb's real names and thus explicitly claim to be a historical film on the case. It is thus doubly


\(^{132}\) Higdon, 298

\(^{133}\) Kalin; "Swoon," *The Internet Movie Database*.

\(^{134}\) Kalin; Armand White, "Outing the Past, *Swoon* Cops a Plea; Rock Hudson Doesn't," *Film Comment* 28, no. 4 (July-August 1992), 21-25, 22.
interesting that *Swoon* seems to deal less directly with the history of the Leopold-Loeb case than to argue with the films that came before it.

In 1980s and 1990s, the movement for increased civil rights for gay and lesbian people in America that had been gaining momentum for years took several great steps forward. The AIDS epidemic raised public awareness, and gay and lesbian advocacy groups began cooperating to increase rights and social acceptance for their members. One result of this progress is what *Sight and Sound* magazine, among others, has termed “The New Queer Cinema,” of which *Swoon* was a part. In later years, large movie studios would begin to incorporate some of the ideas and stories of this genre for larger and more mainstream audiences as public acceptance increased. *Swoon*, however, was produced in the early years of the genre, when most examples of “The New Queer Cinema” were low budget independent films designed to challenge existing cinematic conventions and societal perceptions of same sex relations. *Swoon* issued its challenges with specific targets in mind.

Film critic Armand White argues that *Swoon* “was made primarily as a falling away from *Rope* and *Compulsion,*” and the film “[marked] a new generation’s theory based choice to dismantle oppressive history.” *Swoon* conveys the message that Leopold and Loeb were products of the intolerant atmosphere of the 1920s rather than in any preexisting mental or emotional problems specific to either man, challenging both the consensus view of same sex relations and past portrayals of Leopold and Loeb. Where *Rope* and *Compulsion* demonized Leopold and Loeb’s relationship by altering the facts to imply that murder was an inherent outcome of it, Kalin alters the facts to romanticize the

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relationship. With *Swoon*, Kalin is essentially engaging in a historiographic debate from which the history has been removed.

Like *Rope* and *Compulsion*, *Swoon* plays up the role of sexuality in Leopold and Loeb’s relationship and their eventual commission of murder, yet it seeks to eliminate any innate negativity in the relationship itself and make Leopold and Loeb seem like almost tragic figures. In the film’s second scene, Loeb and Leopold exchange wedding rings in a private ceremony, and following Loeb’s murder near the end of the film, Leopold removes the rings, bringing a fictional element of tragedy to a relationship for which there is no evidence of any romantic connotations.137

*Swoon* is also the only film to dramatize interactions between each man and a psychiatrist, yet even this depiction is used only to further Kalin’s argument that it was the misunderstanding and intolerance surrounding Leopold and Loeb’s sexuality that led to their antisocial tendencies. The real alienists had delved deeply into both men’s pasts and personalities, in *Swoon* even these discussions are focused exclusively on their characters’ sexuality. Leopold’s discussion of his fantasy life is focused on Leopold’s sexual fixations, either on Loeb or a childhood camp counselor. The psychiatrist’s interest seems to be in rooting out these fantasies’ relevance to his relationship with Loeb. The facts of Leopold’s fantasy in Kalin’s portrayal are essentially accurate. However, Kalin’s selective use of the alienists’ interviews with Leopold demonstrate his determination to portray only those aspects of the case relate to Leopold and Loeb’s sexuality and, as important, to 1920s societal views on their sexuality.

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Some of the trauma of Leopold’s childhood is depicted in *Swoon*, such as the sexual abuse Leopold’s childhood nanny inflicted upon him, although even this is portrayed to deride the alienists’ work. Other elements that the defense considered so important, such as Leopold’s problems in making friends, his adherence to Nietzsche, and both men’s desire to prove their superiority, are almost completely ignored in *Swoon*. At one point, in fact, Leopold specifically rejects the importance of his intellectual superiority in committing the murder: “I wanted to surpass the boundaries of intelligence for something more pure.” The real Leopold committed the murder partly because he was fixated on his own intelligence. Kalin completely eliminates this element of Leopold’s motive, probably because it doesn’t fit in with his engagement of the sexual mythology surrounding the case.

At base, Kalin’s take on the case is the same as Levin’s: Leopold and Loeb’s sexuality and their relationship with each other led them to murder. The difference between Levin’s and Kalin’s respective interpretations lies in how the sexuality and the relationship did so. According to White, “Kalin proceeds on the questionable whim that by claiming — and validating — Leopold-Loeb’s sexuality, he can redeem them.” Kalin might not agree with Levin’s side of the argument on sexuality and murder in the Leopold-Loeb case, but by engaging the argument at all, he perpetuates a myth that has substituted for history from practically the day that Bobby Franks’ body was discovered.

*Swoon* demonstrates that the Leopold-Loeb narrative is now used neither as an artistic mechanism nor as an effort to convey historical truth about the Leopold-Loeb

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138 While the psychiatrist testifies, cross dressers who had made appearances earlier in the film shout derisive comments about the content of his testimony.
139 Kalin.
140 White, “Outing...” 21,22.
case. Despite Swoon’s claims to history, such as using real names, places and events, it is not trying to uncover the historical truth of the Leopold-Loeb case. It is trying to win an artistic argument in which a historical event has become a symbolic prize to fight over. As White puts it, Kalin seeks to “snatch Leopold and Loeb’s gayness whole from the jaws of bigoted history.” Yet the fact that he engages the narrative over the real case demonstrates that, over the years, the narrative has become dominant over the history, and, as one Leopold-Loeb historian wrote of Compulsion: “it is difficult to tell where fact ends and fiction begins.” The problem has only become stronger over the years. The terms for historical debate were set first by sensationalistic journalists and later by fictional portrayals of the case. And it is now almost impossible to separate the reality from the myth.

If, as Armand White argues, Kalin was making a film intended to “[indict] the cultural misrepresentation of homosexuality,” why use cultural representations based on an actual event that was almost seventy years old at the time of Swoon’s release? Why try to create what White calls “a valorizing sexual politics . . . based on the behavior of those who [cancelled] out their own humanity” by murdering a child? The answer lies in the fact that adaptations of the Leopold-Loeb case are not about the events that took place 1924. As the narrative gained prominence over the history, film became a battleground for control of the narrative itself. The portrayal of the case in fictional adaptations has thus become cause for argument without much concern for the facts.

141 White, “Outing...”, 21
CONCLUSION

In looking back on his work for *Crime of the Century* (1975), Hal Higdon wrote that “people to whom [he] mentioned [his] work-in-progress would ask, ‘hasn’t there been an awful lot written about that written already?’ The answer is, not really.”144 The case has always been a useful subject for writers who want to grab their audience’s attention, but very few writers on the case have any new facts or insight to offer. Several books were published within a year or two of the sentencing hearing, most of them no longer available even in rare book rooms and special collections libraries.145 A few journalists and nonfiction writers continued to pay attention to Leopold and Loeb, especially in the aftermath of Loeb’s death in 1936, and during the controversy over Leopold’s parole in the mid-1950s.146 Synopses of the case have been published in numerous anthologies.147 Overall, however, people who wish to learn about and better understand the case have little more information now than they did in the mid-1920s.

144 Higdon, 348.
146 Marylin Bardsely, “Nathan Leopold and Richard Loeb, Crime of the 20th Century,” n.d., *Crime Library*, <http://www.crimelibrary.com/notorious_murders/famous/loeb/index_1.html?sect=7>, 12 December 2003, 7; Leopold’s first parole hearing was in 1953, and he courted positive press attention to help his prospects, even publishing his autobiography in 1958, the same year that he was finally paroled and, interestingly, the same year in which *Compulsion* was released; Nathan F. Leopold, *Life Plus 99 Years*, (New York: Doubleday, 1958)
Why, then, do people tend to assume that the case has been factually explored as thoroughly as those people Higdon describes? The reason for the shortage of serious attention to the Leopold-Loeb case is in part the same reason that people naturally assume that there is an abundance of it. The case has slithered its way into America’s national consciousness while almost completely escaping scholarly criticism or real factual exploration after the summer of 1924.

In her article “Making and Remaking an Event,” historian Paula Fass argues that in the 1980s and 1990s, the time of Swoon’s production, “the pair became a part of the self-conscious history of homoerotic love.” This adoption of the case is only the most recent. Since its inception, the recognition and sensationalism surrounding the case has made it a kind of currency that people can invoke to add weight to or gain attention for their own arguments. The fact that the case itself remains relatively unexplored and removed from scholarly analysis eases the process by which it could be adapted to suit these purposes.

The case – and the work of the defense alienists regarding it – was ideally suited for adaptation to fit heterosexist perceptions about sexuality, psychology, and murder. The murder of Bobby Franks occurred just as “The Response to the Sexual Psychopath”

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149 The case still holds many relatively unexplored aspects that could engage historical scholars. The possible influence of anti-Semitism in the case, especially the 1924 mass media’s portrayal of Leopold and Loeb, and the possible socioeconomic issues that arose from the wealth of the criminals and their ability to afford such an expensive defense to avoid the death penalty, are two particularly strong possibilities for in-depth historical analysis.
The unprecedented work of the defense alienists, which came with the newfound credibility of psychoanalysis, surveyed the sexuality of Leopold and Loeb as only one aspect and or manifestation of their respective abnormal personalities. Outside of the courtroom, however, the news media and the public’s fears of the sexual psychopath brought the two men’s relationship – and therefore their sexuality and masculinity – into disproportionate prominence as a causative factor leading to the two men’s perpetration of murder. In the middle of the twentieth century, as heterosexual domesticity became increasingly important in society and psychiatry was gaining in credibility, adaptations of Leopold and Loeb were thus the perfect vehicle to create films that warned of the pathological dangers of insufficient masculinity. These fictional adaptations played into both perceptions of the case in 1924 and perceptions about sexuality, morality, and psychopathology in post World War II America, and as a result those adaptations cemented a legacy.

That legacy has become so intertwined with the real Leopold and Loeb case that it is virtually impossible to study the latter without being influenced or diverted by the former. Twenty four years passed between Leopold and Loeb’s sentencing hearing and the release of Hitchcock’s *Rope* in 1948. During those twenty-four years, the case simmered in the public consciousness as heterosexism and fears of the sexual psychopath arose to pave the way for a ready acceptance of *Rope*’s portrayal of Leopold and Loeb. Higdon’s *Crime of the Century* (1975), the first and to date only extensive history of the case, was published twenty-seven years after *Rope* was released, and more than fifty

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151 Alfred Hitchcock, *Rope*, 80 minutes (United States: Warner Brothers, 1948), film
years after the sentencing hearing. By the time Higdon’s book was published, fiction had already reintroduced the case to the public and shaped their adaptations of the facts to fit in with their own interpretations of what composed the criminals’ identities and what drove them. And since these adaptations were in keeping with contemporary views on masculinity, society, and psychology, their interpretations bore the ring of truth. Film scholars have studied these adaptations as art and as cultural artifacts, and film historians have discussed the creation of these adaptations, but historians studying Leopold and Loeb have paid little attention to the way that fiction has rewritten the history of the case.

Higdon’s work sparked a renewed historical interest in Leopold and Loeb. Paula Fass’s work has both provided valuable historical insight and demonstrated an appreciation for the significance of fictional adaptations of the case. There has been an increase in scholarly theses and dissertations on the topic in recent years. True crime anthology pieces are devoting more attention to the case’s historical relevance. And finally, in May of 2004, the eightieth anniversary of the case, the Chicago Historical society opened an exhibit devoted to the investigation and prosecution of the case.

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152 Higdon.
155 For an example of a true crime anthology article that goes to greater lengths than most of its predecessors to emphasize the integrated nature of the numerous psychological, social, and legal issues of the case, see: Gilbert Geis and Leigh B. Beinen, Crimes of the Century, From Leopold and Loeb to OJ Simpson, (Boston: Northeastern UP, 1998);
At base, however, the case has not escaped from the sensationalism in which it was born. The Leopold-Loeb narrative, and the character dynamic of two male psychopaths engaged in a same sex relationship, is still utilized in contemporary films. Additionally, references to the case which invoke its supposed legacy can be found in numerous pop culture works. Work since the 1990s, especially Fass’s, indicates that scholars are coming to better appreciate the significance of the case and the inaccuracies that have come to characterize it. However, it is too soon to know whether or not the renewed historical interest in the case will constitute a new wave in historical scholarship that will overcome the myths that have surrounded the case since its inception. The terms for the debate were set outside the realm of historical scholarship several decades before historians like Fass began to take an interest in the case, and the Leopold-Loeb narrative continues to perpetuate itself and continue its message of the links between sexuality and murder.

In the summer of 2001, *Rope* reemerged as a play. The script was based on the 1948 Hitchcock film rather than the 1924 play, and the action on stage closely follows that of the film. The film was both a product of and an influence upon a time when

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157 For an example of a film adaptation, see: Barbet Schroeder, *Murder by Numbers*, 120 minutes, (United States: Castle Rock Entertainment, 2002), film; while the plot of *Murder by Numbers* is fictional, the criminals in the film are two gifted teenagers who try to execute the perfect murder in order to escape police detection and prove their superiority. One of the teenagers is a handsome and popular student, the other a shy outcast who adheres to Nietzsche. Echoing Judd’s relationship with Ruth in *Compulsion*, the latter killer begins a romance in between committing the murder and being arrested, and through his feelings for the girl he comes to desire a normal life only after it is too late. For an example of a popular television reference to the case, see Alan Taylor, “Down Neck,” *The Sopranos*, written by Frank Renzulli, season one, episode seven, originally aired on February 21, 1999, transcript available at http://www.sopranoland.com/episodes/ep07/transcript/index2.html. In the episode, Tony is discussing possible explanations for criminal behavior: “Then you got Leopold Loeb. They cornholed and murdered this kid for fun.”

postwar masculinity, heterosexual domesticity, mental health, and the American ideal were all intertwined with one another in many Americans' minds. Consequently, men who fell outside of consensus models for masculine behavior were viewed as amoral and or antisocial personalities. Cinematic renditions of Leopold and Loeb have exemplified these men. There is a great deal of historical scholarship analyzing and criticizing the postwar view of sexuality and personality, yet Rope's return as a play demonstrates that the Leopold-Loeb narrative, and with it the heterosexist characterizations of the Leopold and Loeb characters, is still going strong. The fictional dynamic of two psychopathic male characters who fit early and mid-twentieth century definitions of insufficient masculinity continues today in numerous forms, even as the broader American social trends that nurtured that narrative have come under scrutiny. Through the camouflage of fiction, a consensus continues.
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