

Putting Justice on Trial in Four Periods of German Literature: Case Studies

(Jakob Wasserman, Arnold Zweig, Manfred Bieler, Thomas Brussig)

by

Marc Reibold

Department of Germanic Languages and Literature
Duke University

Date: _____

Approved:

William C. Donahue, Supervisor

Michale M. Morton

James Rolleston

Jochen Vogt

Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor of Philosophy in the Department of
Germanic Languages and Literature in the Graduate School
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ABSTRACT

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Abstract

This dissertation explores arguments against legal and authoritarian structures as thematized by four works of fiction from distinct periods of German history: Jacob Wasserman's *Der Fall Maurizius* (the Weimar Republic), Arnold Zweig's *Das Beil von Wandsbek* (the Third Reich), Manfred Bieler's *Das Kaninchen bin Ich* (post-war division of Germany), and Thomas Brussig's *Leben bis Männer* (Germany after reunification). The aim of my analysis is to define how each work builds a "case" against the state. It conducts a literary analysis of each work, which it places in its own cultural and political context. It then compares this case to German theories of law to determine points at which the work is in dialogue with pressing questions of justice particular to its legal epoch: *Der Fall Maurizius* (1928) builds a case against the state by juxtaposing positivist and natural law, yet ultimately cannot avoid the axiomatic nature of each position; *Das Beil von Wandsbek* (1938-43) is a Marxist morality play whose concept of justice proves insufficient to its own implied standards; *Maria Morzeck oder Das Kaninchen bin ich* (1969) engages the GDR's 1961 law reform directly, yet in its development from GDR film to FRG novel softens its critique of the state by thematizing its own literary limitations; and *Leben bis Männer* (2001) argues against Germany's post-reunification trials of former GDR border guards, but exposes its own plea for a sympathetic view of the GDR.

In gratitude to my committee, friends and family.

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Introduction: Putting Justice on Trial in Four Periods of German Literature

My interest in the topic of justice in German literature grew from a fascination with the severe political changes experienced by Germans within only a few generations. At the time of reunification in 1990, there was a generation still living that had experienced the Kaiserreich, the Weimar Republic, the Third Reich, and thereafter, either the GDR or the FRG, or in some cases, both. In speaking with various people about their experiences during these eras, I noticed a dominant theme: “that which was possible, and that which was not” under the respective law. Under fascism, for example, it was often thought “not possible” to resist, and at the time of the GDR, it was not possible to leave, or choose a particular career path, if found on the wrong side of the SED’s political agenda. Such descriptions of injustice and legality rely on the function of the law in the context of the respective German state. Yet even so, we see that the law explains only one part of any such experience. While one person may describe resistance to fascism as impossible, for example, another might pursue this very thing. My interest in the way individuals justified their differing responses in terms of the law gave me the impulse to explore how this theme is presented in select cases of German literature. In literature, I discovered, concepts of justice are always complicated beyond

mere legal codification by intense personal, emotional, psycho-developmental, and even (or especially) religious and ethical concerns.

My dissertation explores legal and authoritarian structures as thematized by four works of fiction depicting distinct periods of German history: Jacob Wasserman's *Der Fall Maurizius* (1928 the Weimar Republic), Arnold Zweig's *Das Beil von Wandsbek* (1938-43 the Third Reich), Manfred Bieler's *Das Kaninchen bin Ich* (1969 post-war division of Germany), and Thomas Brussig's *Leben bis Männer* (2001 Germany after reunification). This study seeks to define how each work builds a "case" against the state of its historical era, and describes this case in dialogue with the pressing legal and political issues of its time. The aim of my analysis is to determine the contribution each work makes to the greater trajectory of German questions of justice in the twentieth century. While I use—heuristically—the language of law itself in claiming that these works build a kind of "case," I am particularly interested in the way in which literature can undermine, complicate, and enrich strictly legal determinations of justice and injustice. The works I've chosen for analysis do not merely document the accepted norms of legality in their respective period of interest; they problematize them. To borrow the title of Jonathan Franzen's wildly successful recent novel, the case studies I've assembled here provide "corrections," if you will, to impersonal legal mandates.

Selection Criteria

My dissertation does not aspire to a comprehensive or even fully representative study of German legal history, nor does it argue for any particular theory of normative justice. Rather, its interest lies in uncovering the way these works of literature, film and theatre conceive injustice as an experience distinctive to their own particular historical era. For this reason I choose works that thematize the connection between the law and the state. My contribution, as I see it, is to identify the manner in which literature requires us to historicize and contextualize otherwise impersonal and allegedly “universal” legal demands. In the following, I briefly introduce each of the case studies treated in the four chapters that follow; later in this introduction, I will provide a more substantive summary of the arguments proposed in each.

Jakob Wasserman’s *Der Fall Maurizius* (1928), published in the Weimar Republic, presents a crime drama that thematizes the difference between positivist and natural law. It argues against the conservative politics of the Weimarian courts, and pits Weimar’s younger generation against the older generation of the *Kaisereich*. While its protagonist, the young Etzel Andergast, ultimately triumphs over his father by holding to the natural law, the novel shows how humans ultimately cling to an “axiomatic” interpretation of justice. This complicates its depiction of a generational conflict whose outcome, arguably, contributes to the success or failure of the Weimar Republic’s liberal democracy.

Arnold Zweig's *Das Beil von Wandsbek* (1938-43), written in exile at the time of the Third Reich, is based on the true story of a small time butcher who commits suicide after executing four Communists for the Nazis. The novel reimagines this event as a Marxist morality play in which rampant capitalism ultimately explains why Germans became willing Henchmen for the regime. The novel's "case" against the state, however, fails on its own terms in so far as it ultimately privileges a religious morality as a safeguard against fascism. By playing one belief against another, the work anticipates moral philosophy's difficulty in solving the essential question it proposed to answer.

Manfred Bieler's *Maria Morzeck oder Das Kaninchen Bin ich* (1969) is arguably be the most multivalent work in this study. First censored by GDR authorities in 1963, then turned into a DEFA film in 1965, censored once more in this form, and finally published in the FRG in 1969, this popular realist novel thematizes the literary limitations of its own case against the state. This complex genesis self-consciously softens its critique of its antiheroes, encouraging readers to accept their double role as perpetrators and victims of the state. In this dissertation, I am able to tell only part of this fascinating story of the evolution of a literary and filmic work caught between two opposing Cold War regimes. But the analysis I have set up here does at least lay the groundwork for a more rigorous study of the film that raises once again vexing question of justice in the German Democratic Republic. It is a topic to which I hope to return in subsequent scholarship.

Thomas Brussig's *Leben bis Männer* (2001) is a one man play in which a soccer coach argues for the innocence of his star player, who is on trial during the infamous *Mauerschützenprozesse* ("border guard trials") for killing an unarmed East German citizen trying to flee the GDR in 1988—one year before Unification. At that time, Heiko, the amateur soccer player, served willingly in the GDR's border guard. The play proposes a *Vergatterungskonzept* (essentially, a "concept of allegiance" as practiced by the military) as a sympathetic way of remembering the GDR. Its emphasis on understanding this failed socialist state from a personal perspective suggests a first step to reconciling East and West Germany. The work seeks a perspective beyond any particular conceptualization of justice by asking its audience to empathize with, rather than condemn, the accused. And yet it does so without placing in doubt in the accused's responsibility for murder. Beyond the particular case of Heiko, Brussig, in his best work thus far, manages to portray the way in which the GDR on the whole has been "put on trial" in the immediate post-Unification era. The very mixed figure of the coach provides an ambivalence and nuance heretofore unknown in Brussig's oeuvre.

Further Inquiry

The questions raised in this dissertation lead to a number of related inquiries that I was not able, due to limitations of time and space, to handle here. In a further inquiry, I would include an exploration of how the 1947 DEFA film, *Das Beil von Wandsbek*, radically reimagines Zweig's original novel. After permitting the making of the film, the

SED banned the film after determining that it (the film) achieved the same effect first attributed to the book: empathy on the part of the audience for a Nazi henchman. Yet its process in doing so differs markedly. The film, not surprisingly, relies heavily on cinematic affects to make its points, which I would like to explore and contrast to the way similar themes are addressed in the novel. But the film also severely compresses the novel's plot (also a stock strategy in the filming of novels), indicating a preference for certain elements of the original story over others in the construction of its would-be Marxist argument. Since the film's argument fails, also (at least in the eyes of the SED), I would like to determine how the film achieves a similar effect of evoking empathy for its henchman despite significant adjustments to the narrative's basic structure, and how this empathy may differ in quality from that evoked by the novel. A number of works in this study have been filmed, sometimes for television, sometimes as "feature films," and I believe a larger study of the relationship of text to film would be highly instructive in pursuing the question of how issues of justice and injustice are portrayed to audiences/readerships at various times and in varied politico-historical contexts.

Theories of Justice Informing this Study

As I began to envision this project, Ernst Baker's *Principles of Social and Political Theory* (1951) helped me to think about the relationship between the state and its laws, and particularly about why it is so difficult to imagine one without the other:

The state (...) is a legal association: a “juridicially organized nation, or a nation organized for action under legal rules.” It exists for law: it exists through law: we may even say that it exists as law, if by law we mean not only the sum of legal rules, but also, and in addition, an operative system of effective rules which are actually valid and regularly enforced. The essence of the state is a living body of effective rules, and in that sense the state is law.” (Baker 102)

This formulation allowed me to understand better why the arguments against the state in my study are perceived with relative ease; they exploit our basic awareness that the state and its laws are dependent upon another, and in some ways, amount to one and the same thing.

Baker’s writing also helped me to delineate the law from morality: “Law is not ethics; and legality or obedience to law, is not the same as morality. Law is concerned with external acts, and its demands are satisfied by such acts because they are all that it sanctions, themselves external acts of physical compulsion, can possibly secure” (Baker 112). The ease with which a work of literature can depict a character’s inner motives, and therefore contrast this character’s morality with the legality of his or her deeds, is thus a common – if problematic – method fiction uses in its criticism of the law. Baker’s definition requires that I look for deeper complications in how these works build their cases against the state. To point out, for example, that a work shows us why the law cannot assess individual morality is both obvious in the general sense, yet necessary in the explication of particular works.

Baker also explains how the natural law becomes legitimate at times of revolution, which helped me to consider the larger implications of the case against the state proposed, for example, by *Maurizius*:

In normal times it was allowed that positive law, as being known and enforceable, must necessarily prevail. In revolutionary times, as for instance during the American Revolution, and the issue of the Declaration of independence, an appeal was made from positive law to the "evident truths" contained in "the laws of Nature and of Nature's God. (Baker 110)

Though Baker cites American History, I found his explanation applicable to my study. In 1945, German lawmakers declared that the moral catastrophe of the Third Reich was enabled by positivist law. In addition, their attempt to prosecute Nazi perpetrators required a law above this positivist law, for which they looked to the natural law. This moment in German history is understood by scholars as a kind of temporary revolution in legal theory, indicated by Radbruch's revision of his theory of positivist law. I discuss this briefly at the conclusion of my first chapter, and find its implication for my overall study significant. In my final chapter, on Thomas Brussig's *Leben bis Männer*, I draw on the work of the eminent legal theorist and public intellectual, Bernhard Schlink, particular insofar as he challenges the application of the Radbruch rule to the *Mauerschützenprozesse*.

While my dissertation is not an overarching historical overview of German law, I want its legal history to frame my investigation, allowing me to determine points at

which each work can be seen in dialogue with the pressing legal questions of its time. Bernd Rüther's *Grundrisse des Rechts* (2007) has furthermore allowed me to define the historical eras I have chosen as, also, legal epochs, each implementing the law as necessary to enforce its political order and validate its state. This provides a core framework for my study: the interaction between works of art and a law in flux according to its historical period.

In light of this legal history, German questions of law and justice reveal their unique quality. Rüthers clarifies the precarious position of practitioners of the law in general and of German practitioners of the law in particular as a result of rapid and successive political change: "In Zeiten häufiger und rascher Systemwechsel sind die daraus für Juristen erwachsenden Gefahren unübersehbar. Sie bekommen innere und äußere Glaubwürdigkeitsprobleme, wenn sie mehreren, inhaltlich verschiedenen Rechtsordnungen nacheinander zu dienen haben oder dienen sollen" (Rüthers 3). The historical eras of my study designate these differing legal epochs, or "orders of the law," through which the instability of the law in each historical era is exposed: "Die innerdeutschen Umbrüche der Jahre 1918, 1933, 1945 und erneut 1989 sind augenfällige Beispiele dafür. Jurist in zwei oder gar drei ‚Reichen‘ gewesen zu sein, ist ein deutsches, in Teilen ein europäisches Massenschicksal" (Rüthers 3). Rüther's definitions help us understand how the four works I examine here thematize this legal „fate of the masses“

in their cases against the state, often by describing the unjust result of successive political change from a personal perspective.

In considering the role that perspective and empathy play in my examination, Martha Nussbaum's thought on the possibilities of the novel have been indispensable. Nussbaum describes the genre of the novel as "concrete to an extent generally unparalleled in other narrative genres. It takes as its theme, we might say, the interaction between general human aspirations and particular forms of social life that either enable or impede those aspirations, shaping them powerfully in the process" (2). This allows a novel to present perspectives on justice that may correspond to a broad range of disciplinary inquiry.

For example, Steve Rytina, who writes from the perspective of the social sciences, tells us that "the predominant concern of justice is from the perspective of those under investigation ... Thus the concept is often relative to the particular point of view of a participant in a particular set of social arrangements" (Rytina 117). The works I examine insist on such points of view, and Nussbaum explains why doing so is often controversial:

(The novel) is a morally controversial form, expressing in its very shape and style, in its modes of interaction with its readers, a normative sense of life. It tells its readers to notice this and not this, to be active in these and not those ways. It leads them into certain postures of the mind and heart and not others. (Nussbaum 7)

My exploration shows that a “normative sense of life” often constitutes a substantial part of a work’s case against the respective German state, and usually includes an insistence on norms of justice to which the state authority will not agree, as we see clearly, for example, in Brussig’s play. Thus, we see that certain qualities of the novel are particular to other fictional genres as well.

Fiction exploits its possibilities by presenting a normative sense of life and juxtaposing it to its own conception of injustice—sometimes operational, sometimes not fully articulated. This concept helped me to understand why a novel can slip in and out of dialogue with multiple theories of justice, yet not grant clear and consistent preference to any one of them. Its purpose in presenting a normative sense of life is not to show why any particular theory of justice is preferable to another, but rather to point out the difficulties of each. In this, the perspective of its characters, the participants “in a particular set of social circumstances” (Nussbaum) remains preeminent.

Preview of Arguments by Chapter

In my first chapter, I explore how Jakob Wasserman’s *Der Fall Maurizius* (1928) uses the genre of a crime drama to thematize a generational conflict between father and son fueled by opposing conceptualizations of justice. When the young Etzel Andergast discovers that his father, the powerful district attorney Herr Baron von Andergast, may have ensured the conviction of an innocent man, the ill-fated Doctor Maurizius, he sets

out to solve the murder case on his own. In doing so, he defies the will of his father, whose procedural behavior in the home, as well as in court, suggests his role as the “straw man” in the novel’s argument against positivist law. Andergast argues with Etzel along the lines of positivist law theory, often reducing it to an axiomatic interpretation in which the form of the law is the only justification it needs. For his part, Etzel counters that justice is a right “born within the breast of man,” a claim that strongly aligns with the concept of natural law. In *Maurizius*, Etzel is depicted as on the right side of the argument. His rejection of his father’s destructive authoritarianism, as well as his own sense of ethics, lead him to discover that Maurizius is falsely accused. Etzel does not solve the case, since its facts can never be fully ascertained. However, his solution for helping Maurizius is first a matter of proving the error of the law. In this, Etzel’s position vis-à-vis his father exposes its own weakness: discovering an error in the system does not yet prove the rightness of one’s own position. In fact, Etzel’s insistence that justice is a matter of *Gewissheit* (“conviction”) is as axiomatic as Andergast’s defense of the positivist law, and open to all the dangers associated with vigilantism. Their argument becomes a political intervention as Etzel comes to represent the younger generation of the Weimar Republic, which sees in the continuation of the authoritarian structures of the Bismarckian courts (which continued in this form throughout the Third Reich) a threat to liberal democratic ideals. Andergast and Etzel’s arguments often focus directly on political events, for example the ethics of arresting political protesters.

Wasserman was concerned that the Weimar Republic would soon succumb to more extreme conservative forces than those using its courts to persecute liberal dissenters. *Maurizius* depicts this conflict between generations as also a conflict between opposing conceptualizations of justice and anticipates the impending *Unrechtsstaat* (State of Injustice) of the Third Reich and the subsequent -- if brief -- shift to natural law made by West German legal theorists in the early years of the Federal Republic.

In my second chapter, on Arnold Zweig's *Das Beil von Wandsbek* (1938-43), I investigate how an argument with a clear Marxist intention is undermined by its own excessive narration. The novel is set during the time of the Third Reich, and presents an interpretation of fascism as the final stage of late capitalism. Its Marxist intention is to show how individuals are reduced to performing immoral acts against their fellow citizens because their own economic system leaves them no choice. Yet *Beil* presents a butcher-turned-henchman who, by the end of the novel, cannot be held entirely accountable for his actions. The novel's effective emphasis on the societal, political, and intellectual entrapment makes it impossible to assign ultimate responsibility for the killings he performs on behalf of the state, and impossible to attribute it clearly to overheated capitalism. As we follow Albert Teetjen's development from butcher to henchman, and subsequently from perpetrator to victim, the novel depicts a social and political environment more complex than will allow for an ideological solution. In fact, the novel causes readers to doubt its own ostensible position so well, that the SED

ultimately banned it along with a subsequent film version, citing sympathy with a small-time Nazi as incongruent with the socialist ideology.

The third chapter traces the development of Manfred Bieler's *Maria Morzeck oder das Kaninchen bin ich* from its origins as a banned manuscript, through its development into a banned DEFA film, and finally, to its publication as a West German novel. As the work progresses through these phases, its focus changes meaningfully according to its socio-political context. Produced as a DEFA film in 1965, the story of a teenage girl who, in order to help her brother, begins an affair with the older judge who sentenced him, intended to show the *progression* of GDR law: we were to witness a loosening of unjust legal strictures that had up until that point obtained in the GDR. The film stages its case against the state as an argument against its careerist – and therefore immoral – servant, the judge Paul Deisder. Its plot focuses on the judge's severe interpretation of the *Rechtspflege-Erlass* of 1961, the intent of which was to provide a greater democratization of the judiciary. The film was conceived to highlight the *progressive* social change already afoot in the SED. Yet, for reasons I discuss, the Party instead interpreted the film's intent as an attack, and censored it, along with a group of similar films, quite ruthlessly. Manfred Bieler left the GDR in 1968 and rewrote his original manuscript as a popular realist novel whose focus is now the judge's own entrapment in the machinations of the East German state. The novel thus softens its critique of the same character it demonizes in the 1965 film, and leads us to consider the Third Reich as well as the GDR as more

appropriate “culprits” (or causal factors) for his over-zealous judicial behaviour. Further it adds a key character, the poet Harry Rutek, whose role suggests the novel is aware of its own limitations. It is a self-reflexive moment characteristic neither of the East’s socialist realism, nor the West’s popular realism. *Morzeck* allows a variety of perspectives on GDR injustice, which it distributes in two genres and publicizes under separate German states.

In my final chapter on Thomas Brussig’s popular *Leben bis Männer*, the reunification of these two states is thematized in an argument against the prosecution of GDR border guards, as I mentioned above. In this one man play, a soccer coach vehemently defends one of his best players, who is accused of killing an escaping East German citizen during his time as a GDR border guard. I demonstrate how the play briefly, but powerfully, engages with contemporary legal arguments against the Border Guard Trials, but lays them aside in order to let the coach make his case: Heiko is innocent because he simply did as he was told in accordance with *Vergatterung*. The term, as I explain in some detail below, refers to a military procedure during which soldiers swear an oath of loyalty. The coach rants against the injustice of the West, and presents his conceptualization of justice in the metaphor of a soccer game. As the play progresses however, we realize that the player he defends is actually his own foil. The coach’s plea for sympathy is really a plea on his own behalf, and on the behalf of the GDR. The coach hides his own pain behind a facade of provincial and abrasive rants,

which upon analysis reveal a desperate attempt to be understood beyond the realm of explanation or even justification. He is seeking the “justice” of audience’s empathy, not that of the courts. In this way, the play suggests an avenue to reconcile the differences between East and West in a functional democracy, bringing the political cycle of my study, which begins with the failing Weimarian democracy, to a close.

Needless to say, numerous other works might recommend themselves for a similar kind of analysis, and I look forward, in an expanded version of this study, to exploring some of them. Yet I think enough has been demonstrated here to show the particular German case of clashing systems and norms of justice. No doubt, as Nussbaum says, literature (and fiction in general) always provide the opportunity for a more nuanced picture of guilt and innocence, of justice and the rule of law. The novel not only allows, but demands, conflicting views of justice to live side by side, and to compete in the reader’s eye for a measure of legitimacy. Yet in no other case that I know of, have so many conflicting regimes—each with its own official justice system—existed among one people in such close historical proximity. In this sense, I hope my study can prove productive for others who take up this question with regard to other works—both within the politico-historical periods I’ve examined, and beyond.

Chapter 1: Jakob Wasserman's *Der Fall Maurizius*

1.1 Introduction

Jakob Wasserman's *Der Fall Maurizius* (here-after *Maurizius*), published in 1928, challenges readers with a crime drama whose father-son conflict provides a staging ground for his case against the Wilhelminian and Weimarian legal systems. *Maurizius* describes the incarceration of an innocent man and its effects, providing a literary depiction of the separation between justice and law and attacking it with moral conviction.

Justice is generally understood to be a subcategory of morality. *Maurizius* depicts morality as the final standard for justice, making it the final standard for the law. Once this hierarchy exposes the inevitable failures of the law, the separation between the two spheres is complete. *Maurizius* accomplishes this separation so well that readers find no way to reconnect these two spheres. Critics thus attack its representation as a critique of the law with no alternative, an unsophisticated reading of the law unproductive to any functioning legal system (Scheel 119, 23). I will argue that *Maurizius* does present an alternative. Its protagonist, Etzel Andergast, consistently describes justice in keeping with the theory of natural law, an approach of historical significance to the Weimar

Republic as it becomes an argument against anti-democratic political forces that exploit the positivist law.

Maurizius makes a bold argument for the way things “should be.” Readers who focus on the absence of a workable legal solution in the novel miss its deeper case against the legal structures of its time. *Maurizius* anticipates the impending re-evaluation of the relationship between justice and law that begins after Weimar fails and the Third Reich is destroyed. At that time, legal scholars try to prevent the future possibility of atrocities performed under the positivist law of the Third Reich, and move toward an interpretation of natural law closely aligned to that of Wasserman’s narrator and his young idealist, Etzel Andergast.

1.2 *Maurizius*: a “Case” against the Weimar Republic

In making its “case,” *Maurizius* enters a dialogue with the positivist legal theorists Gustav Radbruch and Hans Kelsen. Kelsen’s 1911 publication, *Hauptprobleme der Rechtlehre*, represents the methodological completion of positivist legal theory, the dominant theory of law at the beginning of the 20th Century.¹ In *Allgemeine Staatslehre* (1925), Kelsen expresses the relationship of justice and law as follows:

¹ See also, “The Victory of Positivism” in Heinrich Albert Rommen and Thomas R. Hanley. *The Natural Law: a Study in Legal and Social History and Philosophy*.

To free the concept of law from the idea of justice is difficult because both are constantly confused in non-scientific political thought as well as in general speech, and because this confusion corresponds to the ideological tendency to make positive law appear just. If law and justice are identified, if only a just order is called law, a social order which is presented as law is – at the same time – presented as just; and that means it is morally justified. The tendency to identify law and justice is the tendency to justify a given social order. It is a political, not a scientific tendency. (Kelsen 5)

Kelsen anticipates *Maurizius's* critique of positivist law. The novel's attack on Wilhelmenian, and therefore positivist law, is indeed political. The novel fictionalizes an actual murder trial² but presents readers with more than a crime drama. Its political overtones are better understood in context of the Weimar judiciary, and in how *Maurizius* takes its case to the jury of its readership.³

Maurizius juxtaposes its young idealist's search for the truth to his father's legalistic and repressive control. Its depiction renders Wilhelminian conservatism rife with immorality by leading us to empathize with a series of its victims. *Maurizius* indicts the Bismarckian courts which stoically live on as a set of rules, procedures and

² For an account of the actual murder trial of Carl Hau, conducted in July 1907, see: Rainer Scheel, *Literarische Justizkritik Bei Feuchtwanger, Musil, Wasserman Und A. Zweig*. 66-68.

³ For an analysis of reading habits and the possible effects of literature on Weimar's reading public, see: Anton Käs, "Schreiben und Lesen in der Weimarer Republik." Bernhard Weyergraf, *Literatur Der Weimarer Republik: 1918-1933*. Käs assesses the effect of the novel genre as minimal when compared to other popular print forms such as newspaper entertainment and magazines.

interpretations of the law in spite of serving a new, democratic republic.⁴ After the revolution of 1918/19, the Weimar Republic's legal system remained a bastion of conservative, anti-democratic values, resulting in a continuation of Wilhelminian law which did not reflect the political values of a new democratic regime.⁵ This process foreshadowed a pattern of legal continuity whose echo could be perceived several times in German history.⁶ To more fully appreciate the novel's emphasis on the morality and the personal choices of its characters, it will be helpful to briefly consider the theoretical foundation that allows this development.

In 1910 Max Weber noted that the BGB (Bürgerliches Gesetzbuch) could accommodate vastly differing social arrangements without revision: "So könnte jeder einzelne Paragraph des Bürgerlichen Gesetzbuches völlig unverändert ... in Geltung bleibe ... und dennoch könnte die Wirtschaftsordnung sich dergestalt verändert haben, das kein Mensch behaupten würde, sie sei noch dieselbe wie früher" (Weber 269). In

⁴ Ian Ward traces the authoritarian nature of the Bismarckian courts through to their activity during the Third Reich. See: "The Bismarckian Courts." Ian Ward, *Law, Philosophy and National Socialism: Heidegger, Schmitt and Radbruch in Context*. 25-40.

⁵ See: Rainer Scheel. Literarische Justizkritik bei Feuchtwanger, Musil, Wasserman und A. Zweig. 16-19. See Also: Bookbinder, "The Femme and the Weimar Judiciary" in Paul Bookbinder. *Weimar Germany: The Republic of the Reasonable*. 101-20.

⁶ The most notorious example of legal continuity occurs after the Third Reich, a time at which many prominent members of the NS legal community simply continued their work both of interpreting and of writing the law. The GDR kept the BGB with several revisions. The BRD replaced the final vestiges of the BGB with the "Zivilgesetzbuch" in 1975: "Erst das ‚Zivilgesetzbuch‘ von 1975 hob die Reste deutscher Rechsteinheit im Privatrecht endgültig auf." See: Bernd Rütters, *Rechtstheorie: Begriff, Geltung Und Anwendung Des Rechts*, Grundrisse Des Rechts. 21.

Germany, precisely this happened in 1918, in 1933, and again in 1945. In these years, Rüthers explains,

wurde ... jeweils eine ganze Rechtsordnung mit weithin unveränderten Gesetzeswerken in kürzester Frist, gleichsam abrupt auf neue "Rechtsideen" umgedacht. Es wurde neuer Wein aus alten Schläuchen ausgeschenkt. Das muss zu der – rechtstheoretischen – Frage führen, wie denn dieser neue Wein dort hineingelangt ist. (Rüthers 21).

In Weimar, a continuing conservative interpretation of the law made clear that these new democratic ideas had not found roots in the justice system. Scholars present two reasons for this.

The first is the Wilhelminian bureaucracy itself. On the day Kaiser Wilhelm stepped down, November 9, 1918, the new government appealed to the patriotism of the bureaucracy for the sake of stability and order. Because the state servants followed this appeal and chose to serve the new government almost with no exception, the state national assembly rewarded them with employment for life, a guarantee drafted as Artikel 129 of the Weimar *Reichsverfassung* (Constitution of the Reich) (Scheel 17). This bureaucracy continued to function in the conservative tradition ingrained by Kaiser Wilhelm, finding it difficult to switch loyalties to a democratic state of which it was already, also due to Germany's defeat in WWI, deeply suspicious. Thus the second element for a continued conservative culture within the bureaucracy, including the

courts, is the Weimar Republic's uphill struggle in convincing its civil servants of its own legitimacy.⁷

In the Weimar Republic, prosecutions of citizens with liberal backgrounds were exponentially higher than those with conservative and authoritarian leanings, even though these represented a real danger to the state.⁸ Weimar law was enabling authoritarian elements to gain the upper hand, causing writers to engage the state on behalf of a threatened liberal democracy. "Der Dichter griff nach der Politik; aber mehr ergriff die Politik den Dichter" (Weyergraf 13). Wasserman joined the ranks of authors critical of authoritarian tendencies in the Weimar Republic, including Thomas Mann, Lion Feuchtwanger, Ernst Toller, and Carl Zuckermeyer.⁹

1.3 The Novel's *Ought* vs. Rabruch's *Being*

Maurizius attacks positivist law directly, but also engages it on its own terms. This complexity arises from the positive law itself. As *Maurizius* embarks on a project of politicizing both justice and the law by defining them in relation to each other, Hans Kelsen's positivist legal theory anticipates its impending dilemma:

⁷ See: Weyergraf, *Literatur Der Weimarer Republik: 1918-1933*. 7-8.

⁸ For a comparison of convictions, see: Bookbinder, *Weimar Germany: The Republic of the Reasonable*. 113.

⁹ For a discussion of "Gruppe 1925" including a comprehensive list of members, see: Scheel, *Literarische Justizkritik Bei Feuchtwanger, Musil, Wasserman Und A. Zweig*. 19-22.

... the effort to deal with law and justice as two separate problems falls under the suspicion of repudiating altogether the requirement that positive law should be just. This requirement is self-evident; but what it actually means is another question. At any rate, a pure theory of law in no way opposes the requirement for the just law by declaring itself incompetent to answer the question whether a given law is just or not and in what essential element of justice consists. A pure theory of law – a science – cannot answer this question because the question cannot be answered scientifically at all. (Kelsen 6)

Maurizius risks defeating its own project by proving what proponents of positivist law already assert: the law exists apart from justice. For this reason, the novel must show how they remain in relationship despite its successful separation between justice and law. *Maurizius* attempts this reconnection in two ways: The first is an appeal to natural law. The second is an attack of positivist law on its own terms.

Positive law theory includes morality in its paradigm: “If law and justice are identified, if only a just order is called law, a social order which is presented as law is – at the same time – presented as just; and that means it is morally justified” (Kelsen 6).

Maurizius interrupts this process, showing in the first instance that Weimar’s social order cannot be morally justified, thereby proving that the law presenting this social order cannot be just according to Kelsen’s own definition.

In so doing, the novel seeks to bridge the gap delineated by positivist legal theorists, that between law and morality: law as external and therefore measurable, and

morality as internal and falling under a different set of evaluations. The pre-imminent positivist law theorist Gustav Radbruch explains this separation: “Der rechtliche Wert kennzeichnet eine Handlung als gut für das Zusammenleben, der moralische Wert als gut schlechthin. Rechtlicher Wert ist Wert einer Handlung für andere oder für die Gesamtheit der andern, moralischer Wert Wert einer Handlung schlechthin” (Radbruch and Wolf 133-34). While *Maurizius* depicts morality as “gut schlechthin,” it takes the additional step of connecting it to the notion of Ought (Soll): Things “ought” to be a certain way. Thus *Maurizius* contradicts positivist legal theorists who separate Ought permanently from the Law. For Radbruch there is no connection, a declaration that stems from the impossibility of proof: “Statements concerning the Ought may be established or proved only by other statements concerning the Ought. For this very reason, the ultimate statements concerning the Ought are incapable of proof, axiomatic. They may not be discerned, only professed” (Radbruch *The Legal Philosophies of Lask, Radbruch, and Dabin* 55). Young Etzel Andergast’s professions of Ought are a continuous declaration that Ought (Soll) and Being (Sein) must be one and the same.

Etzel allies closely with proponents of natural law. The natural law theorist Heinrich Rommen¹⁰ responds to Kelsen’s separation of Ought and Being as follows:

¹⁰ Heinrich Rommen (1897-1967) practiced law and conducted Catholic social activism in Weimar before he was imprisoned by the Nazis. Rommen subsequently fled the Third Reich, finishing a distinguished career as law professor at Georgetown University. His *The Natural Law* (1936) is the first work to examine specifically the differences between natural and positivist law.

“being and oughtness must in the final analysis coincide. Or to express it differently, being and goodness, the ontological and deontological or moral orders must at bottom be ultimately one” (Rommen 143). Etzel describes this combination of “being and oughtness” as born with man: “Der Mensch besitzt ein Urrecht, in seiner Brust, ein mit ihm geborenes” (645). Etzel declares that this “Urrecht” came into existence first. Any other kind of law comes second.

In fact, Radbruch provides a similar formulation, and traces the ascent of positivist law to its relativist origin. It is itself a reaction to natural law: “Die Lehre des Relativismus hat sich entwickelt als Gegenspiel zur Doktrin des Naturrechts” (Radbruch *Der Mensch Im Recht : Ausgewählte Vorträge Und Aufsätze Über Grundfragen Des Rechts* 80). This historical development helps us to understand the novel’s approach. In order to attack Weimar’s positivist law convincingly, *Maurizius* must also grapple with the relativism that provided its foundation.

1.4 Staging the Argument

The district attorney, Herr Baron von Andergast, successfully prosecutes the wrongly accused Dr. Maurizius for murder in 1910, a career move that solidifies his position at the top of the legal community. Almost two decades later, his idealistic son, Etzel, rebels against his father and pursues the truth of the case. The son runs away, a development that persuades Andergast to visit the falsely imprisoned Maurizius, where

the shaken attorney also becomes convinced of the convict's innocence. He will, however, only offer Maurizius a pardon. Maurizius commits suicide after leaving prison.

At first glance, *Maurizius* fulfills the essential genre requirements of a crime novel. We are given the actual facts of the case piece by piece in order to heighten and keep narrative tension (Scheel 77). Peter Paul Maurizius, the father of Maurizius, shares the essential facts of the murder and the trial with Etzel. From him we learn that his son was a gambler living beyond his means who marries the older Elli Hensolt for her fortune. After two years of marital harmony, Maurizius confesses that he already has a daughter, Hildegard. This revelation causes a crisis of faith, a stress increased when Elli's sister, the eighteen year-old and much more attractive Anna Jahn, moves into the house in order to take care of Maurizius' illegitimate daughter. Elli's envy and insecurity has reached neurotic proportions by the time Professor Gregor Warremme enters the love triangle.

Warremme uses his intellectualism, charisma and social intelligence to hijack Maurizius' precarious set of volatile relationships. The professor lies and manipulates, eventually convincing Maurizius of a previous affair with Anna, which supposedly began after a performance of Shakespeare's *Measure for Measure* in which Warremme plays a part. Thus, on an evening walk during which Anna hopes to hear Maurizius'

declaration of love, she must instead endure an interrogation about this affair, a questioning which fills her with a final measure of disgust for him, her sister Elli, and Warremme. The professor now confesses to Maurizius that an affair never took place; he had actually raped Anna. As Maurizius sinks into despair, Warremme increases his power by employing Elli and loaning Maurizius money for his gambling debts. Upon Maurizius' return from a final trip to beg his relatives for funds, Elli, terrified, calls Warremme and sends Anna out to meet Maurizius. Suddenly, Elli is shot in the back. Anna has killed her sister. Warremme makes sure that the murder weapon disappears. Maurizius flees but is captured and returned shortly thereafter to stand trial for the murder of his wife. Andergast serves as district attorney. Warremme is his chief witness, testifying that he saw Maurizius shoot Elli.

The plot begins twenty years later as Andergast's son, Etzel, becomes interested in the trial after a mysterious old man continually seeks an audience with his father. Etzel follows him and discovers that he is Peter Paul Maurizius, the convict's father. The elder Maurizius conveys the facts as he knows them to Etzel, who in turn fails to convince Andergast of a possible injustice. Obsessed with solving the case and obtaining justice for Maurizius, Etzel runs away to find the secretive Warremme, who has changed his name back to George Warschauer and is living in Berlin. Meanwhile, Andergast reviews his papers from the trial and visits Maurizius in prison. Finally convinced of Maurizius' innocence, he offers him a pardon, but no retrial. Maurizius leaves prison

and hangs himself. As a triumphant Etzel returns with his own evidence, he discovers that his father has no interest in retrying the case. When he learns of the pardon, Etzel flies into a rage and destroys his father's office. Andergast has a mental breakdown and is admitted to a clinic.

1.5 Method

The novel's complicated construction generates its first criticism of the law. The legal system is unable to accurately assess the events in a case so convoluted. The plot is complex enough to excuse Andergast's blindness to the facts of the case. Yet Andergast's obsession with the law and its form assures that these facts do not come to light. While *Maurizius* shows how the law is inadequate, it keeps human agency in this equation. The law may readily facilitate immorality, but it is also manipulated to such ends. The novel leads readers through the courts and the prisons, encouraging them to empathise with a series of victims, an experience that translates into an "argument" for a moral standard of justice.

We can apply Martha Nussbaum's analysis of how novels influence reader empathy to clarify how *Maurizius* builds its case. Nussbaum describes the genre of the novel as "(...) concrete to an extent generally unparalleled in other narrative genres. It takes as its theme, we might say, the interaction between general human aspirations and particular forms of social life that either enable or impede those aspirations, shaping

them powerfully in the process." Thus, the novel is "a morally controversial form, expressing in its very shape and style, in its modes of interaction with its readers, a normative sense of life. It tells its readers to notice this and not this, to be active in these and not those ways. It leads them into certain postures of the mind and heart and not others" (Nussbaum 2,7). Once a critique of justice and law is conducted in this way, however, readers often discover that its inherent complications have barely been defined.

Maurizius encourages reader empathy for its characters in order to continually reinforce our skepticism vis-à-vis the law. This stress is commonplace in legal theory: "Recht ist eine notwendige Bedingung humaner Existenz, weil sonst Chaos und Anarchie drohen. Recht ist also notwendig" (Rüthers 3). *Maurizius* creates a corrupt representative of this necessity in Andergast while his idealistic son, Etzel, functions according to its antithesis: "Recht ist aber andererseits in der Frage der "Richtigkeit", "Angemessenheit", oder "Wahrheit" seines konkreten Inhalts zu allen Zeiten primär ein Produkt menschlicher Setzung und Anwendungen. Es ist daher unsicher und wandelbar" (Rüthers 3). The novel pits the authoritarian Herr Andergast, rigid in character and unbending in his interpretation of the law against his idealistic son Etzel for whom justice does not originate in a system of legal thought but rather in an apparent intrinsic knowledge of right and wrong. Common to this main emphasis in legal theory, readers experience the necessary fallibility of the law on the one hand, and

the immoral failure of the law on the other. "Recht wird von Menschen formuliert, ,gesetzt' und angewendet. Es ist dem Irrtum und Missbrauch menschlichen Handelns ausgesetzt. Wer anderes und mehr will, muß das Recht in einer anderen Welt ansiedeln, darf es dann aber auch erst in dieser ,anderen Welt' erwarten" (Rüthers 3). In *Maurizius*, young Etzel rejects this proposal, demanding justice "here and now."

I will investigate to what extent *Maurizius* conceives Etzel as a representative of natural law, an argument that situates the novel in a theoretical tradition that sees a brief return of the German judiciary to the principles of natural law at the end of the Third Reich. The connection places *Maurizius* in dialogue with social historians who argue that lasting democratic change was only possible after the final collapse of Germany's authoritarian political system at the end of World War II as it did not occur in Weimar.¹¹

1.6 Herr Andergast: a "Straw Man" for Positivist Law

A shrewd bureaucrat, Andergast conducts his household the way he conducts his affairs in court. He is rigid and authoritarian in pursuing his own interests which he ascribes to the necessity of law and order. To investigate how Herr Andergast represents positivist law, I will compare Wasserman's depiction of him to the three main theses that make up German positivist law theory.

¹¹ See: "The Bismarckian Courts" in Ward, *Law, Philosophy and National Socialism : Heidegger, Schmitt and Radbruch in Context*. 25-40.

The first reads: "Recht sind nur die vom Staat gesetzten ("positiven") Rechtssätze. Der normsetzende Wille des Staates ist die einzige Rechtsquelle" (Rüthers 287). Herr Andergast consistently refers to the law of the state as the final authority. An example is his response to Etzel's concern that a recently conducted trial had a possibly unjust outcome. "Am Abend vorher hatte Etzel gewagt, die Berechtigung eines Urteiles in einem politischen Prozeß anzuzuweifeln, ungewöhnliche Kühnheit, Durchbruch des herrschenden Zeremoniells. (...) Etzel berichtete es so; soweit er die Sache in einem krassen Mißverhältnis standen, die Schuld geringfügig, die Strafe unmenschlich" (Wasserman 42). Herr Andergast is disgusted with his son's breaking of conversational norms, an infraction of household rules, and his simultaneous suggestion that public opinion is a barometer for the fairness of the law: "Es sei verhängnisvoll, Recht und Gefühl zu verquicken, und heiße, das Unbedingte ins Joch des Ungefährs zu spannen. Das Recht sei eine Idee, keine Angelegenheit des Herzens; das Gesetz kein beliebig zu modelndes Übereinkommen zwischen Parteien, sondern heilig-ewige Form" (42).

This scene indicates both a difference in interpretations of law as well as a generational conflict with political ramifications. Etzel calls the result of a political trial into question. We may consider that *Maurizius* readers are aware of its reference to the extraordinary number of liberal political activists prosecuted under Weimar law. Andergast is furious at his son's unwillingness to accept the law:

(...) was flammt so leugnerisch, so unglaubend aus den Augen des Knaben herüber? Ewige Form des Gesetz? ... er hat ihn etwas raunen hören, dass der Staat eine rechte und eine linke Hand habe und zweierlei Maß, eins für das eine, eins für das andere, und mehrerlei Waagen und für jede Waage mehrerlei Gewichte. Wie verhielt es sich damit? (Wasserman 42)

Etzel does not ask this question aloud, only with his eyes. This sets off a further monologue in Andergast as he ridicules the younger generation's sense of justice:

Das Neue, von dem sie Fabeln, auf das sie pochen, wo ist es? In ihnen Selbst, sagen sie. Es gibt kein Neues, es gibt kein Altes. Der Mensch, sein Weg, seine Geburt, sein Tod, alles dasselbe seit sechsjahrtausend, seit sechzigtausend Jahren, Fabelei der Zeit beschränkten, jedes Lustrum zur Epoche zu machen; je weniger sie selber sind, je mehr erwarten sie von der Zeit: der uralte Storm treibt auch ihre Klappermühlen, und sie bilden sich ein, sie hätten seinen Lauf verändert, weil in seinen Wassern auch ihr Rad sich dreht. (Wasserman 43)

According to Andergast, the new generation expects much from its own time because it has nothing to offer, and certainly nothing with which to counter the state, the only source of the law.

The second tenet of positivist law is: "Jedes verfassungsgemäß erlassene Gesetz (im Materiellen Sinne) ist bindendes Recht. Es ist einer weiteren Begründung weder fähig noch bedürftig" (Rüthers 287). This thesis drives Andergast's professional career. It also fuels the legitimacy of the stifling rules he imposes at home. Wasserman attacks this positivist dogma of Andergast when Etzel perceives that the connection between his

father's behavior at home and his conduct in court exposes an essential weakness of the law: An authority based on rules and procedures that reinforce its own legitimacy. While Etzel believes that the law is only legitimate if it is just, Herr Andergast insists that the law is already just by virtue of being the law. Further, he is justified in his interpretation. "Wer Recht zu setzen vermag, beweist damit, daß er Recht zu setzen berufen ist" (Radbruch *Rechtsphilosophie* 82). Andergast follows this dictum and does not justify his actions to anyone. To him, the law is self-legitimizing.

Maurizius seeks to show why this choice is unnatural and that it comes at substantial cost. To protect himself from possible questioning about his choices, Andergast insists on a permanent relational distance between himself and others. "Der Herr vertrat und wünschte keine Nähe. Stumme Pflichterfüllung war, was er erwartete" (Wasserman 14). Professionally, Andergast disappears behind his position: "er war der Beauftragte eines absoluten Herrn, dessen Interessen er vertrat, in dessen Namen er wirkte. ... Der Herr, verschwand er auch als wirkliche Person, als Symbol blieb er stehen. Und Symbol war auch der Diener, als Diener hatte er keine Geschichte, kein Vorleben, kein Privatleben" (44). The symbolic nature of Andergast's own person becomes ironic at the end of the novel, as the attorney chastises Etzel for confusing the idea of justice with its symbol: "Du kannst mit dem Symbol nicht leben!" (644).

The novel connects this symbolic nature of Andergast's professional position to his rearing of Etzel. As Etzel rebels, we read: "es war nicht der Despotismus des Vaters, der eine Niederlage erlitt, es war der des Beamten. Herr von Andergast war der Dienst Berufung, der Beruf Sendung" (Wasserman 43). At home Andergast performs his role of father the way he performs his role of attorney at work. "Jedem Ding war Aufsicht Übertragen. Kalender, Stundenplan, Uhr, Merkbuch, Schulzeugnis: alles ging von der Tabelle aus und strebte zur Festsetzung hin, amtlich starr" (15). During their daily scheduled meetings, Andergast's conversations with Etzel consist of rhetorical games: "(...)alles war nur ein Spiel, sarkastisches Spiel eines Partners, der aus seiner unvergleichlichen stärkeren Position keinen Vorteil ziehen will" (35). Their conversations always end "unverbindlich, in ein quälendes Vakuum laufend" (35). In court as well as at home, Andergast plays a part, no more.

Maurizius presents Andergast's control of their discourse through Etzel's relationship to his father's hand. In his early years, the boy often wakes up in the middle of the night seeing his father's hand with an outstretched finger before him:

Er kannte diese Hand besser als die eigene ... Manchmal bewegte sie sich im Traum auf einem blauen Aktendeckel wie ein seltsames Reptil. Ihre stumme Beredsamkeit oder ausdrucksvolle Ruhe ließ bisweilen an die Hand eines Schauspielers denken, eines besonders erfahrenen und überlegenen allerdings, der nur strenge und gelassene Charaktere verkörpert und sie wohl erwogen 'spielt,' nicht geradezu lebt, sondern eben spielt, um begreiflich zu machen, daß er die Distanz wahrt. (Wasserman 18)

The novel's emphasis on Andergast's "acting a part" makes this acting a crucial part of the plot, exposing how the attorney hides behind a role whose "legitimacy" justifies any wrongdoing. The narrative thus separates "being just" and "acting just." The role of attorney, and thus of the law, only defines a part Andergast enacts. He is not actually there. Etzel's continuous attempts to reach his father behind his "acting father" in the same way that he relentlessly tries to find the facts behind the "acted justice" of the court, continually threaten to undo Andergast's precarious psychological construction.

The third tenet positivist law defines is decreed in relation to the state: "Der Gesetzgeber ist beim Erlaß von Gesetzen nicht an materielle Rechtsgrundsätze oder moralische Grundwerte oder ethische Prinzipien gebunden. Eine Inhaltskontrolle staatlicher Gesetze auf materiale Gerechtigkeit scheidet aus" (Rüthgers 287). The state is an authority unto itself, and its determination of the law makes it just. This last requirement of positivist law helps to clarify why for Andergast any attack on the law is an attack on the state.

The attorney defends the state in order to save himself. After seeing how severely his victim has suffered, and believing him to be innocent, Andergast refuses to reopen the case. Instead, he offers Maurizius pardon, saving his own career. The

judiciary helps him in this; it has rules in place for avoiding a public relations calamity.

At this point, *Maurizius* narrative engages with positivist law on its own terms.

If, according to Kelsen's positivist law theory, the public judges whether a law is just by deciding whether or not the social system it creates is moral, it becomes clear why Andergast avoids the public arena at all costs. *Maurizius* and Kelsen appear to agree unless we consider the following question:

What does it really mean to say that a social order is a just one? It means that this order regulates the behavior of men in a way satisfactory to all men, that is to say, so that all men find their happiness in it. The longing for justice is men's eternal longing for happiness. It is happiness that man cannot find as an isolated individual and hence seeks in society. Justice is social happiness. (Kelsen 6)

Maurizius does not depict an order that is "satisfactory to all men," nor does the outcome of Andergast's successful trial create "social happiness." The opposite is true.

Andergast's rejection of the idea that justice can be measured by "satisfaction to all men" or "social happiness" complicates his own understanding of positivist law theory. Let us consider his confused interpretation regarding the symbolic nature of justice. During their last confrontation, Andergast tries to convince Etzel once and for all that law and justice are forever separate: "Laß ab von der Vorstellung, daß Gerechtigkeit und Justiz ein und dasselbe sind oder zu sein haben. Sie verhalten sich zueinander wie die Symbole des Glaubens zur religiösen Übung. Du kannst mit dem Symbol nicht

leben" (Wasserman 644). Andergast is now in dialogue with the narrator, who has already shown us that the attorney himself exists as symbol: "Der Herr, verschwand er auch als wirkliche Person, als Symbol blieb er stehen" (44). Andergast is a symbol of justice chastising Etzel for his belief in the symbol of justice. Etzel rejects his father's formulation: "Lieber nicht leben. Lieber die Welt in Fetzen als solche Gemeinheit" (645). Since Etzel will not budge, Andergast evokes legal procedure to end the discussion: "Die Unterhaltung ist im Übrigen Gegenstandslos, da Maurizius die Begnadigung angenommen hat. Ohne Vorbehalt" (645). Only Andergast's role of attorney is validated by judicial protocol.

Andergast's brutal implementation of the law threatens to make him the "straw man" in the novel's case. While he takes on the role of straw man during his pedantic arguments with Etzel, *Maurizius* works against a flat depiction of Andergast by showing us how he violates his own rules, and also how he suffers. As Andergast "wins" the argument against Etzel, above, we see him violate his own positivist standards of justice. For example, Andergast could not argue for his position vis-à-vis Kelsen's requirement that "justice is social happiness." In fact, the attorney betrays a deep immorality as evidenced by his forced removal of Etzel's mother from the home. Andergast's personal wretchedness becomes overt through his office, as is the case when he refuses to make the truth about the wrongly accused Maurizius public. Andergast lives out a series of self-justifications which appear to function apart from his own sense of right and wrong.

The novel depicts him at war with himself, as is the case when he visits Maurizius in prison in order to find out the possible truth of the case.

We learn that he is self-assured only on the surface, the measurable reality as defined by positivism: “Der Positivismus beschränkt das Erkennbare auf das ‚Positive‘, die ‚Tatsachen‘, auf das empirisch Feststellbare und Beschreibbare” (Rüthers 286). Even before Andergast visits Maurizius in prison, he is confronted with a category he has rejected: that which “ought to be.” Positivist law clearly rejects this possibility: “Statements concerning the Ought (...) may not be discerned, only professed” (Radbruch 53). Etzel will profess precisely such an Ought, a moral plea Andergast will refuse to the last.

1.7 Etzel Andergast: an Interpretation of Natural Law

Once the Weimar Republic fails and the Third Reich is overcome, Germany’s legal theorists consider natural law as a viable alternative to positivist law which is now blamed for allowing Nazi injustice. At this time, Heinrich Mitteis describes natural law as “Recht in dem höchsten Sinne. Es steht über allem positivistischen Recht. Es ist sein Richtmass und Gewissen, es ist der König der Gesetzte, die Norm der Normen” (Mitteis 7). This statement could have been produced by Etzel Andergast.

Both Etzel and Andergast assert the truth of their positions as the axiomatic. In his final showdown with his father, Etzel defines justice as springing directly from the breast of human beings: "Der Mensch besitzt ein Unrecht, in seiner Brust, ein mit ihm geborenes. Teil hat jeder an der Gerechtigkeit wie an der Luft. Raubt man ihm die, muß die Seele ersticken" (645). It is a law in itself, placing it in direct contrast to the law as understood by Andergast for whom the world and everything in it can only be empirically measured. Predictably, Andergast rejects Etzel's formulation, demanding Etzel understand that the law and justice must forever be separate. In order for the youth's argument to convince us, we must see why Etzel's position leads to "social happiness" and why Andergast's does not long before a final confrontation forces each to formulate their positions.

Maurizius, begins its critique of the law by describing the circumstances of Etzel's life, and not those of Maurizius' case. Rommen also takes this approach: a critique of positive law must not necessarily lead to natural law, "(...) yet it opens the way thereto, inasmuch as it raises the problems of the higher law, of the legitimacy of the positive law, of the intrinsic limitations of the power and the will of the legislator" (Rommen 127). *Maurizius* begins with a depiction of Andergast as the legislator of Etzel's life. In keeping with the method of introducing tension early in a crime novel plot, Etzel discovers a mysterious letter on the dresser even before he sees the strange old man,

Maurizius' father, on the street. The letter, however, has nothing to do with Maurizius' case; it has everything to do with Etzel's personal experience.

The letter is from his mother, Sophie von Andergast, from whom Etzel has been kept since the divorce of his parents. Andergast has forbidden the mention of her name in the house. Neither is his mother is allowed any contact with her son. Before we learn of Etzel's yearning for justice, therefore, Maurizius makes the source of this longing believable. Etzel understands that the law can be immoral because he has been suffering from his father's law of the home for the greater part of his life. It is a law which exists purely as form: "Er lebte zwischen gläsernen Wänden. Verstöße, die er sich zuschulden kommen ließ, wurden nicht beredet, nicht bedroht, sondern bloß notiert" (Wasserman 16). Etzel has also learned that his father's authority is based on rules and procedures that reinforce each other. "Dabei wurde keine Vorschrift ausdrücklich bestimmt oder die Einhaltung äusserlich erzwungen; sie wurde nur still vermittelt, und die eiskalte Selbstverständlichkeit, mit der es geschah, ließ an Widerspruch nicht denken" (16). Readers looking for the root of Etzel's need to undermine authority will not find it in the mistrial of Maurizius but in his own biography. After Etzel disappears, Sophie clarifies this in her confrontation with Andergast:

Du bildest dir doch nicht ein, daß es sich um eine vorübergehende Störung des Verhältnisses zu deinem Sohn handelt? Der Bub wird zurückkommen, wenn er seinen Zweck erreicht hat oder wenn er sich überzuegt hat, daß er unnerreichbar ist. Er wird Zurückkommen, ohne

Frage, aber nicht zu dir. Niemals mehr zu dir. (Wasserman 512)¹²

Etzel has rejected Andergast's way of thinking long before the narrative begins, at which time he repeatedly asks Rie, his nanny, about the letter. Etzel is unwilling to accept her evasive answers. Exasperated, she responds "Du bist ja der reinste Detektiv!" (Wasserman 13). Etzel seeks the truth, and *Maurizius* uses Rie's phrase to connect his quest for justice in his own life to his desire of justice for others. Etzel soon expresses this need in one of his many secret, unsent letters to his mother, at first describing his suspicion that his mother has been treated unjustly: "Ich habe das Gefühl, dass man Dir ein grosses Unrecht zugefügt hat. Stimmt das?" (46). Etzel then makes this perception universal: "Ich muss Dir überhaupt sagen, was man tagtäglich von Ungerechtigkeiten hört, ist ganz schauderhaft (46). Finally, Etzel presents his own all-consuming obsession with justice:

Du must wissen, daß mir Ungerechtigkeit das Allerentsetzlichste auf der Welt ist. Ich kann Dir gar nicht schildern, wie mir zumut ist, wenn ich Ungerechtigkeit erlebe, an mir oder an anderen, ganz gleich. Es geht mir durch und durch. Leib und Seele tun mir weh, es ist, als hätte man mir den Mund voll Sand geschüttet und ich müßte auf der Stelle sterben (Wasserman 46).¹³

¹² "You can't be pretending that this amounts to a temporary interference in the relationship to your son. The boy will come back when he has reached his goal, or convinced himself that it cannot be reached. He will come back, without question, but not to you. Never again to you." (All translations in this text are mine unless cited.)

¹³ "You must know that injustice is the most deplorable thing in the world to me. It is impossible for me to describe to you the way I feel when I experience injustice done to me or others, no matter. It goes through

Dying by asphyxiation is also the way Etzel describes a denial of "Gerechtigkeit" (justice) for others: "Raubt man ihm die, muß die Seele ersticken" (Wasserman 645). Etzel thus connects his own suffering on behalf of others at the beginning of the novel to the suffering of all at its conclusion.

Etzel's empathy is drawn from his own experience. Andergast denies Etzel all contact with this mother for nine years. The youth thus understands that people in authority exercise power over his reality by imposing silence on certain themes, banning witnesses, or simply ensuring that information necessary to attain the truth never enters the discourse. His life is a trial with a presumed outcome. Andergast considers this rearing of Etzel after the youth runs away: "Kindheit ist ein unvollkommener Zustand; ihn zu einem möglichst vollkommenen zu machen ist die Sache der Eltern und der Lehrer. Der Vater ist was Überagendes (...) das von ihm erzeugte Geschöpf hat nichts weiter zu tun, als ihn sich zum Muster zu nehmen und folgsam in seine Fußstapfen zu treten" (Wasserman 215-16). It is a system based on form in which the sharing of personal experience has no part: "Der einzelne Tag macht keinen Einschnitt, die Stunde läßt nicht zum Aufenthalt ein, sie müssen addiert werden" (216). Etzel's adulthood will be the result of a math problem: "Klassenaufstieg, Konfirmation, Semestralzeugnis,

and through me. Body and soul hurt. It is as if one had filled my mouth with sand and I must die on the spot."

Jahreszeugnis, Examina; die Endsumme ergibt Inhalt und Wert des Lebens. Eine Rechenaufgabe" (216). Life is an empirical exercise.

Maurizius contrasts the attorney's faith in all things mathematical to Etzel's suspicion of the empirical early in the novel. A part of Andergast's daily schedule is to observe his son doing homework. Once Etzel becomes nervous and begins to falter, his father asks him on which subject he is working, showing interest only if it is mathematics or history: "Mit seiner überlegenden Rednergabe jedes Wort 'bringend', wie die Schauspieler sagen, pries er eines Tages die geistige Sauberkeit, zu der die Mathematik erziehe, den Zauber der Figur, der reinen Figur nämlich, für den sie empfänglich mache" (Wasserman 36). For Andergast mathematics define the laws of nature: "Sie gewähre, behauptete er, lebendige Anschauung der Naturgesetze, und wie dir Krönung einer Kuppel das anscheinend Auseinanderstrebende vereinige, könne sie die höchsten menschlichen Fähigkeiten verbinden und die gegensätzlichsten" (36). In contrast, Etzel consistently runs headlong into insolvable dilemmas when arguing with his father: "In seinem naiven Jugendeifer, geriet er immer an die Grenze, wo es keine andere Rettung gab als das Paradox" (35). When Andergast gently but firmly praises the study of history, in German "Geschichtswissenschaft" (the science of history), Etzel angrily denies, "dass es sich dabei um eine Wissenschaft handle. Mit demselben Recht könne man Aktenschreiben und Zeitunglesen eine Heißen" (37). Etzel turns the tables and makes Andergast's own case for clarity by attacking the very set of empirical

requirements upon which it is based: "Wo sei da die Erkenntnis? Wo Gesetz? Wo trete man auf festem Boden? Gedächtnislast sei es, Willkür, Nomenklatur, Chronologie, im besten Fall Roman." (37). Andergast responds by moving Wasserman's own narrative into an ironic light: "'Ei,' sagte Herr von Andergast und machte eine Geste wie ein Dirigent, wenn die Pauke zu laut wird" (37). Etzel's "Pauke" will remain too loud for the lawyer as Wasserman continues to characterize his sense of justice as springing not from empiricism but from empathy.

In keeping with the overall structure of the narrative, Etzel's initial barrier to such an understanding begins at home. Andergast is not interested in sharing personal details of his life. Let us return briefly to Etzel's mandatory meetings with this father: "Es waren dialektische Übungen im Grunde, und das Gebiet, auf dem sie sich abspielten, war von Herrn von Andergast genau umgrenzt. Etzel wusste, dass er die Grenze nicht überschreiten durfte" (Wasserman 37). When Etzel does ask about "den Beruf, die private Existenz, die Vergangenheit des Vaters (...) erhob sich Herr von Andergast, runzelte die Stirn und sagte mit schräg abgleitenden Blick: ,Wir wollen das zu einer passenderen Zeit errörtern'" (27). Etzel sees his father "wie einen Turm, der keinen Zugang hat, keine Türen, keine Fenster, der nur gewaltig ragt und von unten bis oben Geheimnis birgt" (27-38). Like the law, he is an unshakable system of rules that hides a secret truth.

In contrast to Andergast, who cannot empathize with other people and keeps them at a distance, Etzel seeks them out. In this way he meets Peter Paul Maurizius, whose request for a reconsideration of the case Andergast has ignored for twenty years. Peter Paul Maurizius considers Etzel a godsend and shares with him details of his incarcerated son's life. The old man sees, "in dem Knaben etwas wie einen göttlichen Sendboten, er setzte sich gegenüber den lächerlichen Altersunterschied hinweg und war gesprächiger als gegen irgendeinen Menschen seit zwanzig Jahren" (Wasserman 95). Peter Paul Maurizius' trust of Etzel is assigned to his own senility, which the youth uses to his advantage:

(...) der Knabe hatte es ihm angetan (...) er hielt es nicht für unmöglich, daß er ihm in seiner großen Sache dienen könne, und während er sich einbildete, ihn zu diesem Ende schlau zu ködern, ließ er sich von dem mindestens ebenso schlauen Jungen über alles ausholen, was er zu wissen begehrte, teilte ihm auch wichtige Partien aus seinem sorgfältig gesammelten Material mit. (Wasserman 95)

Etzel gains the elder Maurizius' trust and pursues the truth, a faculty that remains foreign to Andergast and his judicial process.

Etzel's ability to communicate and empathize with others has won him allies in the adult world. His teacher, the ill-fated Dr. Camill Raff, describes Etzel's character to Andergast who visits him after the youth disappears: "Man hat im Umgang mit ihm immer das angenehme Gefühl: stimmt. Nur so kann es sein, so macht man, so sagt ,man

das und das, so verhält man sich gegen einen Freundschaftsdienst, gegen eine Beleidigung, so in der Verlegenheit, im Zorn, so und nur so“ (Wasserman 154). Raff gives examples of Etzel’s willingness to sacrifice himself for the sake of another, as happens when a teacher decides to randomly punish a student for a prank after failing to discover the real culprit. Etzel volunteers to take the punishment: “Er konnte es nicht aushalten, dass ein Unschuldiger (...) für den Schuldigen büßen sollte“ (155) Andergast is unimpressed with this messianic theme. Instead, he sets a trap for Raff by cornering him into admitting his knowledge of Etzel’s plan to travel to Berlin alone. “Als älterer Freund musste ich ihm doch zu helfen suchen” Raff replies (162). The concept “friend” is already precarious, the kind of relational process common to Etzel and repulsive to Andergast. “Mit dem Begriff Distanz war Etzel schon ziemlich früh vertraut, obschon seine Natur, im Gegensatz zu der des Vaters, auf Nähe angewiesen war” (18). When Raff reveals a different interpretation of “Mündigkeit” than that held by Etzel’s father, the trap springs shut. Andergast begins:

“An Ihrer persönlichen Haltung habe ich bloß zu bemängeln, daß Sie mich zu warnen unterließen. Es wäre Ihre Pflicht gewesen...”

The teacher replies: “Ich durfte ihn nicht verraten”.

Andergast responds: “Einen Unmündigen? Kann man da von Verrat sprechen?”

The teacher answers: “Ich denke doch, Herr Baron. Hier, scheint mir, ist Unmündigkeit nur ein juristischer Begriff.”

Andergast finishes: "Genügt der juristische Begriff nicht, wenn eine grobe Unzuträglichkeit zu verhüten ist? Gibt es einen höheren? Ich bin für Belehrung empfänglich" (163).

Andergast's question: "Gibt es einen höheren?" clarifies his description of the law as "heilig ewige Form" in his discussion with Etzel (Wasserman 44). In positivist law theory, it is the law itself that produces this form. For Andergast, Ought (Sollen) represents "Pflicht," a point he makes clear during his confrontation with Sophie: "Ich werde tun, was mir die Pflicht gebietet" Andergast declares after Sophie accuses him of removing Etzel's soul. "Selbstverständlich," she answers, "die Pflicht ist ein großer Herr. Und was gebietet sie dir? Den Kerker." Andergast's response is *Maurizius'* word play on the form of the law: "Ich lehne die Debatte in diesen Formen ab." Sophie replies: "Die Form, mein Gott (...) Ich kann nicht wie deine Kanzeleiautomaten mit dir reden, wenn es um das geht, worum es eben geht" (513). Sophie feels sorry for Andergast, since he can only defend himself by rejecting the "form" of the argument. To Sophie, this indicates Andergast's flight from reality. In Weimar society, however, Andergast can appeal to the "form of the argument" (the law) with great effect.

Andergast's masterful entrapment of Raff hinges on holding the teacher accountable to his version of Ought (Sollen), his "Pflicht" (duty). This Ought is subject to the law: "Es wäre Ihre Pflicht gewesen..." (Wasserman 163). Andergast silences the teacher and declares the student "unmündig," nullifying Raff's empathy for Etzel by

invoking the law. The attorney has drawn a confession from the teacher and must pursue the matter no further. Raff initiates his own disciplinary review, is suspended from the school, and begins his physical and spiritual decline.

1.8 Conviction vs. Relativism

Wasserman has Andergast destroy Raff according to the teacher's own code of duty as based in the law in order to describe a system whose rules are inherently unfair. *Maurizius'* argues against the relativism upon which positivist law is founded by showing us that following the rules does not lead to justice.

Positivist law dictates that social orders cannot be declared moral or immoral through comparison to each other. Radbruch argues that it is possible to create a system of values (*Werte*) in a given social order, but the number of possible social orders is infinite (*unendlich*) even as the possible system of values remains finite (*beschränkt*). It is therefore possible to set up a complete system of values (*Werte*) that function in a specific social arrangement. However, "es ist unmöglich, zwischen diesen Möglichkeiten auf eine Wissenschaftliche, beweisbare und widerlegliche Weise zu entscheiden, die Wahl zwischen ihnen ist nur durch eine Entscheidung möglich, die aus der Tiefe des individuellen Gewissens geschöpft wird" (Radbruch 81). If *Maurizius* convinces us that the individual conscience is sufficient for such a judgment apart from empirical assessment, relativism and the positive law it espouses will be challenged, successfully

calling Weimar justice into question. *Maurizius* would achieve a victory against Weimar's positivist law as, ironically, not living up to the requirement prescribed by Kelsen: "(justice is) men's eternal longing for happiness. It is happiness that man cannot find as an isolated individual and hence seeks in society" (Kelsen 6). None of *Maurizius'* characters achieve happiness through Weimar society or its law.

In prison, the falsely accused *Maurizius* explains how injustice occurs: "Alles ungerechte und Leiden der Erde hat seinen Grund darin, daß Erfahrungen nicht übermittelt werden können" (Wasserman 525). The novel's harrowing description of prison life and its detailed chronology of *Maurizius'* mental and physical deterioration describe the irreparability of the damage done to those falsely and those "justly," punished. This deeper difficulty for the law, that of fair punishment, further undermines the notion that justice can ever be attained. Even if *Maurizius* were guilty, the locking up of men like animals cannot be morally justified. The prison's pastor explains this error to *Andergast*: "(...) der Fehler ist der: Wenn ein Richter Urteilt, so urteilt er als Mensch über einen Menschen, und das darf nicht sein" (550). The pastor, who will commit suicide because he believes *Maurizius* is innocent, goes a step further when he quotes a released inmate's comment on the word "justice": "Das Wort sollte man garnicht in den Mund nehmen. (...) Es ist ein Wort wie ein Fisch, entschlüpft es einem, wenn Mann's greift. (...) Wenn man die Stimme hätte, was könnte man da erreichen, es fehlt an der Stimme" (554).

Maurizius contrasts the pastor's humble position with that of Etzel. The youth's belief in justice is founded on personal conviction, described as *Gewissheit*, a concept of justice so foreign to Andergast that he pulls his hand back from his son's forehead as though he had burned it: "Sonderbar mitgenommen siehst du aus," sagte er finster und zog die Hand zurück, als hätte er sie verbrannt" (Wasserman 639). Etzel explains that he has solved the case. Maurizius is innocent, "Unschuldig verurteilt. Justizmord." Andergast jerks back almost imperceptibly. He looks at his fingernails, his hands "play their part" as they always have (640). Even after privately accepting Maurizius's innocence, Andergast is ill-prepared for this final confrontation: "(...) es ist etwas in der Meine des Buben, dem schwer standzuhalten ist: die Flamme der Gewissheit" (640). Yet the prison pastor's humility gives Etzel's insistence an air of arrogance.

Andergast is not altogether wrong in ridiculing Etzel's generation for insisting that justice lies "in them" (Wasserman 43). While Etzel wins the moral high ground, he does so by proving his father and the legal system in error. Yet a systemic error does not prove Etzel correct. Andergast dictates the law because he knows what it is, and Etzel "chokes on injustice" due to his conviction of right and wrong, but the most convincing conceptualization of justice may belong to the pastor, who feels unqualified to take the word "justice" into his mouth.

With Maurizius proven innocent, Andergast solves his own legal dilemma by pardoning the falsely accused. There will be no confession of error and thus no attempt to make right what is wrong: "Jede Aktion erübrigt sich. Der Sträfling ist begnadigt" Andergast triumphantly tells Etzel (Wasserman 641). Etzel pays a penalty for his simplistic interpretation of the law, and flies into a rage. Conviction plays no part in the legal system. "Nein, in so einer Welt will ich nicht leben!" Etzel cries: "Der Mensch besitzt ein Urrecht" (645). Etzel's frustration and subsequent reliance on the natural law at the time of the Weimar Republic can be better understood by examining a historical precedent:

In periods when the positive law, grown rigid, is no longer the order of justice that people believe in, but rather a means in the struggle of the ruling class to maintain its social and political power which can no longer be justified in the name of the general welfare, revolutionary and reforming groups, unwilling or unable to appeal to the "good old law," have to appeal to the natural law.
(Rommen 143)

Etzel refuses the "good old law," as represented by Andergast and his generation: "'ich erkenn's nicht an, das andere, ich will's nicht, ich glaub's nicht'" (Wasserman 645). Etzel attacks Andergast's positivist stance in the same way that Maurizius argues against the Weimar judiciary through the construction of its narrative: Etzel first rejects his father's explanations of public dissatisfaction with the law, "Schlauheit der Kaste. Komplott. Angst der Priester um den Zinsgrochen. Religiöse Übung? Wieso?" and shifts focus to the injustice of a man falsely imprisoned: "Was hat

das mit Religion zu tun, dass man einen Unschuldigen verderben lässt, weil's die Übung ist und das Symbol nur so drüber hängt wie der Helm über einem grinsenden Schutzmannesgesicht..." (645).

There is a historical precedent this, a development that *Maurizius* seeks to reverse. Rommen explains: "The idea of natural law obtains general acceptance only in the periods when metaphysics, queen of the sciences, is dominant. It recedes or suffers an eclipse, on the other hand, when being (...) and oughtness, morality and law, are separated, when the essences of things and their ontological order are viewed as unknowable (Rommen 143). Andergast represents the positivist notion that "the essences of things and their ontological order" are unknowable. Etzel rejects this: "Lieber die Welt in Fetzen, als solche Gemeinheit" (Wasserman 645). In Etzel's rejection, *Maurizius* anticipates the shift back to natural law as it occurs once positivist law is seen as providing the means for abysmal moral failure as it occurs after the Weimar Republic.

1.10 Maurizius indicts its Jury

Finally, *Maurizius* confronts its readers with their own culpability in tolerating Weimar injustice. Etzel does not understand why *Maurizius* would accept the injustice of a pardon: "Die Begnadigung angenommen? ... Läßt die Ungerechtigkeit auf ihm sitzen? Schweigt? Lebt weiter?" Andergast's reply indicts Weimar's citizens: "Der Mensch kann alles" (Wasserman 645). Etzel responds by redefining his father's critique

as a self-indictment: "Das sehe ich, das der Mensch alles kann! ... der eine kann die Wahrheit verschinden machen, der andere kann dran verrecken! Soweit habt ihr ihn also gebracht?" This recognition, too, must result in an action: "Wo ist der Richter, dass man ihm die Gnade ins Gesicht spuckt?" (646). The generational conflict which has been building throughout the narrative culminates in a direct appeal to Weimar's youth. Etzel refuses to go along with his father's cover-up due to its public message: "Das ist der Bub von Andergast, werden sie sagen, der Alte hat dem Maurizius zur Begnadigung verholfen, der Junge kluscht dazu, die stecken alle zwei einer Decke...Fein. Gediehen. Schöne Welt. Großartige Welt. Wenn man doch auf der Stelle krepieren könnte..." (646).

The novel's depiction of "justice" as that which cannot be expressed must also find its conclusion. As Etzel speaks, language fails: "Die Sprache versagt ... Ohnmacht der Worte" (Wasserman 646). Etzel reaches the same point as that of the released prisoner who dares not take the word "justice" into his mouth: "Wenn man die Stimme hätte (...) was könnte man da erreichen, es fehlt an der Stimme" (554) . Wasserman's political project finds its voice in Etzel's silence. His narrative defends Weimar democracy by attacking its law. Yet "justice," the prisoner says, cannot be expressed: "Es fehlt an der Stimme." *Maurizius* takes advantage of this missing definition to make its political point.

Etzel's teacher, Dr. Raff, describes the youth to Andergast: "Ein so zartes Gefühl für das Maß ist ergreifend. Ich wenigstens kenne nichts, was mich stärker packt. Ich meine das Maß dafür, was der andere Mensch tragen kann und was erlaubt ist, ihm aufzubürden" (Wasserman 157). Etzel has a voice that is sufficient to a functioning democracy. Yet Andergast silences him: "Es wäre mit den Grundsätzen unvereinbar gewesen. Es hätte die Richtlinien verschoben. Es hätte die Ordnung geschadet, der Regel widersprochen, und man hätte damit auf die ‚Direktiven‘ verzichtet" (220). After Andergast's legal triumph, Etzel delivers a final tirade on behalf of justice, symbolically stuffs a handkerchief into his mouth and physically destroys his father's office. He represents a generation silenced by its fathers, by the law and finally by itself. Robbed of justice, its "soul must suffocate" (645).

Maurizius presents a bleak picture as its plot concludes. Andergast's mental collapse does not bring Maurizius back from the dead, nor will Etzel and Andergast reconcile, fulfilling Sophie's prophecy: "Er wird zurückkommen, aber niemals zu Dir" (Wasserman 512). Andergast will remain *blutiger Andergast* ("bloody Andergast"), as he is called among the townspeople, imagined by Etzel to stand over a sea of fire, judging the throngs of the damned (38). Sophie explains the broken attorney's miscalculation long before his mental ruin, first praising his empirical prowess: "Wer sollte an deinem Scharfblick zweifeln? Scharfblick ist das beste, was du hast," and then characterizing this power as wasted: "Ohnmächtig? Nie wirst du es sein. In der Ohnmacht entdeckt man

oft die wahre Kraft. Deine hast du am toten Werk verbraucht“ (513). Andergast’s “dead work” is to insure that justice in the form of a functioning democracy cannot take root.

The Weimar Republic fails five years after *Maurizius* is published. Once the Third Reich is destroyed, German legal theorists turn against the positivist law, holding its tenets responsible for the atrocities committed under the Nazi judiciary (Rüthers 263). Instead, legal theorists now attempt a return to the tenets of the natural law, a process that continues until the mid-1960’s. Wasserman’s critique anticipates this response to positivist law, a development perhaps best exemplified by the oft-debated conversion of Gustav Radbruch. In 1947, Radbruch reformulates his positivist law theory in a way that moves it close to the natural law (Pierce 73-98). In his 1947 essay, “Die Erneuerung des Rechts,” Radbruch writes:

The inherited conception of law, that legal positivism that ruled unchallenged among German legal scholars for decades and taught the ‘law is law’ – this view was helpless when confronted with lawlessness in the statutory form. (...) though compulsion can be based on power, the obligatory quality of law cannot be. This must be founded rather on a value that inheres in law. (Ward 182)

Radbruch subjugates this law to that which it cannot define: “Preference should be given to the rule of positive law, supported as it is by due enactment and state power, even when the rule is unjust and contrary to the general welfare, unless the violation of justice reaches so intolerable a degree that the rule becomes in effect ‘lawless law’ and must therefore yield to justice” (Ward 182-83).

Maurizius' literary attack on Weimar's positivist law is a pursuit of this justice. There must be a "higher norm," as Rommen puts it, to which positivist law must answer. One critic has suggested that the novel's cry for justice rings hollow in light of the legal atrocities that follow during the Third Reich (Scheel 143). Yet in presenting an argument against injustice under positivist law, *Maurizius* anticipates a reincarnation of natural law as it occurs in the early years of a new German democracy, a time at which it is employed to readjust the judiciary and to justify the prosecution of Nazi perpetrators. By the mid-sixties, the democratic legitimacy of the FRG allows it to adjust its laws toward a positivist interpretation once more. *Maurizius* anticipates a post-war conceptualization of justice legal scholars will initially accept: Positivist law as exemplified by its fictional "straw man" Andergast and his generation is insufficient to justice, and can only accomplish a "dead work."

Chapter 2: Arnold Zweig's *Das Beil von Wandsbek*

2.1 Introduction

Arnold Zweig's *Das Beil von Wandsbek* (hereafter *Wandsbek*), published in 1947, is a Marxist morality play whose concept of justice proves insufficient to its own implied standards. Albert Teetjen is a butcher who agrees to play the part of Nazi henchman in order to make ends meet. He does so in disguise, but is identified. The community retaliates by boycotting his shop, which drives Albert and his wife Stine to despair, and finally to suicide. *Wandsbek* retains a clear Marxist orientation and didactic intention, yet reveals its dependence upon religious "Innerlichkeit" in the form of Mennonite and other religious influences. The novel's own excesses, so to speak, exceed and complicate its intentions, making it a novel more interesting than the piece of political propaganda it was intended to be, and otherwise would have been.

Albert's low social position and limited intelligence constrain his choices. The butcher justifies his actions with fascist ideology, yet reveals an intrinsic understanding that he has done something wrong. His wife mediates her Mennonite and Jewish morality to Albert, even if he outwardly rejects it. As the plot unfolds, the novel juxtaposes Albert's fascist ideology to Stine's religious morality, but allows neither to gain the upper hand as Stine subjugates her belief to fascist law. Albert and Stine cannot

properly determine what is happening to them, which complicates our assumption of their guilt. Both pay the penalty for Albert's moral crime. Stine's faith becomes a path to redemption, while Albert perishes with no hope.

Albert is a lower-middle-class butcher intent on keeping his meager social position. The new, large butcher shops of the Third Reich are driving him out of business. With the help of his wife, Stine, Albert writes a letter to his former World War I comrade and rising ship-owner, the Nazi Reeder Footh. Albert wants Footh to influence Hamburg's business policies on his behalf. Footh, however, is also trying to solve a problem. He is looking for an executioner to circumvent the obstructionist Hamburg courts. Reichmarshal Göring has ordered four dubiously convicted Communists executed per hand axe in keeping with Germanic lore, and the Führer interprets Hamburg's delay as undermining his authority. Footh will receive three ships taken from their Jewish owners if he sees to it that the executions are carried out. Albert's request for political help is Footh's chance for political and financial success.

Footh tells Albert that a legal process would be too complicated and time consuming. Instead, he offers Albert two thousand Reichmarks for the beheadings. Albert is apprehensive, but accepts the assignment on condition of anonymity. He keeps his task a secret from everyone including Stine. Unfortunately for Albert, the Nazi doctor Käte Neumeier watches the execution through binoculars, and becomes obsessed

with revealing his identity. She is able to do so several weeks later. Neumeier, who is also Stine's doctor, decides to punish Albert by leaking his identity. The community boycotts Albert and Stine's shop, driving them deeper into bankruptcy. Albert's allies now turn against him. His Nazi cohort, Sturmpreester, extorts him for unshared profits from the execution. Footh refuses to see the destitute butcher, who is now the laughing stock of the local Nazi Party. To keep the store afloat, Stine makes a private loan for two hundred Reichmarks against her bedroom set, a family heirloom. The night before this money is due, Doctor Kley, whose ships have been given to Reeder Footh, gives Albert two hundred Reichmarks. The Jew is leaving for Palestine and cannot take the money out of the Reich. Before Albert makes it home, Stine's loaners visit to gloat about the bedroom set. Stine throws them out and hangs herself. Albert buries her in the foundation of the Elbe bridge, which the Führer came to see after the execution. After the four ghosts of his victims appear to him in a vision, Albert shoots himself in the head.

2.2 A Marxist Morality Play

Zweig based this plot on a newspaper article posted in *Deutsche Volkszeitung* on the 18th of April, 1937:

Die Hinrichtung von Jonny Detmer und drei weiteren Antifaschisten wurde seinerzeit nicht dem Hamburger Scharfrichter, sondern dem Schlächtermeister und SS Mann Fock aus Altona übertragen. Der Schlächtermeister

hatte gehofft, dass er mit den 2000 Mark, die ihm die Hinrichtung einbrachte, sein Geschäft wieder würde in Gange bringen können. Nach und nach sickerte aber durch, dass er der Henker der vier unschuldigen Opfer des Hakenkreuzes gewesen sei. Darauf blieben immer mehr Kunden weg, und der finanzielle Zusammenbruch war unvermeidlich. In seiner Verzweiflung erschoss der Schlächtermeister seine Frau und beging dann Selbstmord“ ("Selbstmord Eines Henkers. Altona. (Di)").

Wandsbek imagines this event as the product of a class conflict exploited for political gain. The novel opens with Albert sitting at his kitchen table trying to write a letter to Reeder Footh. The butcher's political plea seals his economic demise. The introduction characterizes this process as inevitable: "Geschehnisse, wie sie hier abrollen werden, um in einem viermal geschwungenem Beil, einem Revolverschuß und einem Zuziehen einer eingeseiften Schlinge zeitgemäß zu gipfeln, beginnen oft mit einer Unscheinbaren Bewegung" (Zweig 12). Albert dips his writing feather into an inkpot, creating an inconspicuous motion (unscheinbare Bewegung). The rest of the events, we are told, will simply happen: *wie sie hier abrollen werden* ("as they will happen here"). This passive construction invites us to consider Albert's limited agency. *Wandsbek* then contextualizes this limited agency in the financial hardship suffered by Germany's lower-middle-class: "Die Kasse war so gut wie Leer, am Ersten aber die Miete zu entrichten, nicht für die Wohnung, sondern auch für den Kühlschrank, Schneidemaschine und Wiegewagen, die heutzutage (...) zum Zubehör einer Schlächtereie gehören, wenn die Kundschaft nicht ganz ausbleiben soll" (12). Albert and Stine do not own the wares they need to make a living, and seek political help to keep

them from losing their socio-economic position. *Wandsbek* characterizes the root of Albert's aggression, which he later directs toward imagined Communist hordes plotting against him, as economic injustice: "Tja, die Sorge um den verfluchten Zaster. Haben die einen beim Halse, sitzt man allein in seiner Stube, als wäre nicht Stadt Hamburg rund um herum, mit anderthalb Millionen Volksgenossen und lauter voller Safes" (12). The novel presents Albert and Stine as members of the lower middle class described in Marx's *Communist Manifesto*. Their destiny is to slip into the class beneath:

The lower strata of the working middle class – the small tradespeople, shopkeepers, and retired tradesmen generally, the handicraftsmen and peasants – all these sink gradually into the proletariat, partly because their diminutive capital does not suffice for the scale on which Modern industry is carried on, and is swamped in the competition with the large capitalists, partly because their specialized skill is rendered worthless by new methods of production. (Marx 27)

Stine dictates Albert's letter to Footh, and evokes the Führer's will as the antithesis of Marx's prediction: "Obwohl mein Sturmführer Preester nicht dieser Meinung ist fasse ich doch die Absichten meines Führers dahin zusammen, daß der kleine Mann auch leben soll" (Zweig 13). Stine and Albert would rather perish than become part of the proletariat. Critics point out that this construction is the crux of the plot.¹ For Albert and Stine, "that the small man should live, also" (*dass der kleine Mann*

¹ The connection between Albert Teetjen's insistence on remaining a shopkeeper to his continued support for Adolf Hitler is analyzed by Karol Sauerland in Arnold Zweigs Faschismus; David R. Midgley, Hans-

auch Leben sol) must mean that he stays in the class above the proletariat. Long after the execution has doomed them to financial ruin, the two invest their last resources to make the butcher shop attractive to costumers. *Wandsbek* can be read to show us how capitalism corrupts Albert and Stine's otherwise moral work ethic. In fact, Albert does not want to ask Footh for help: "Anbetteln. Darauf läuft es doch hinaus" (14). But "the new methods of production" Marx describes leave Albert no choice. Footh becomes necessary for Albert's financial survival. The Nazi answers Albert's request with a second perversion of his legitimate trade. Since Albert's "specialized skill" has been "rendered worthless" by the new warehouses, the Nazi conscripts the butcher's skill for murder: "Wenn man dir nun, eine Gelegenheit gäbe, ein Sümmchen zu verdienen, einen Zuschuß für die nächste Zeit? (...) Und mir wurde da gerade eine Gelegenheit bekannt, die gleichsam und gewissermaßen in deinen Beruf schlägt" (37). To stay in the lower middle class, Albert must perform an act this class despises: "Das Henkeramt war nun einmal von besonderer Art, unheimlich und unehrlich (...) Im bürgerlichen Leben blieb das Töten von Menschen kitzlig" (38). Albert fears offending bourgeoisie morality even as its economic processes force him from its ranks. Footh knows that the best way to convince Albert to accept the assignment is to let him experience the pleasures of the next class up, that of the large scale entrepreneur.

Harald Müller and Geoffrey V. Davis, *Arnold Zweig, Poetik, Judentum Und Politik Akten Des Internationalen Arnold Zweig-Symposiums Aus Anlass Des 100. Geburtstags*. 249.

Footh takes Albert for a ride in his fancy, expensive car: "Albert neben ihm strebte sich, das Hochgefühl zu verbergen, mit welchem er in dem grauen Leder des Kabrioletts lehnte" (Zweig 39). The butcher usually travels per bicycle that has a sidecar for carrying raw meat. With Footh, he takes in the beauty of a bustling Hamburg on a sunny day, imagining his new privileged position: "Gott war es schön, dazuzugehören, in einem noblen Wagen zu sitzen, von einem feinen Restaurant ins andere gebracht...Unter großen Kastanien warteten schon bunt gedeckte Tische" (39). Albert's sense of belonging is reinforced by the physical pleasures Footh provides. The butcher can only reciprocate by fulfilling the Nazi's wishes with his butcher skills, and tops Footh's suggested training time of ten days by two. In a scene that leads us to empathize with a man whose only capital is his trade, Albert yells, "Acht!" and Footh knows that the game is over: "Gewonnenes Spiel" (39). *Wandsbek* juxtaposes Albert's lack with his materialism, a trait Stine shares. Albert thinks of his wife while enjoying the view from the leather seat of the convertible: "Schade das Stine mich nicht anrollen sieht (...) sie hat so einen Sinn für's Feierliche" (40). Yet we empathize with Albert because he has no other access to these pleasures. For her part, Stine translates Albert's joyful return and entry, "Wie eine Katze!" into money: "Nun leist ich mir auch die Boxcalfshuhe" (40). Albert's new self-confidence is expressed through playfully chastising her for setting a festive coffee table. He becomes haughty and brags about his rekindled relationship to his former war comrade: "Was fährst du da alles auf, Ollsch! Wirtschaftsrat Footh hat mich nicht hungern lassen" (41). The bill collectors will soon be receiving a letter from

Wirtschaftsrat Footh declaring that all expenses will be covered by the fifteenth of the month. Once Albert agrees to the execution, his troubles disappear.

He keeps his impending deed from Stine: “Was ich für ihn machen soll, bleibt streng in meinem Beruf,” an ironic description of his last job option as butcher under the Nazis (Zweig 42). Any service approved by the regime is legal: “Was kann ein Schlächter schon illegales anstellen?” (42). Albert gently mocks Stine’s naiveté with his question but cannot answer it himself. His lower middle-class status and limited education prevent him from understanding how his role in German society supports that of Reeder Footh, who almost lets slip his need of the butcher’s service: “Beinahe hätte er verraten, wie groß der Dienst war, den Albert da übernahm und gesagt, das hänge ganz von ihm ab” (39). Only after he performs the execution, Albert is no longer necessary. Footh directly contradicts Stine’s belief that Adolf Hitler wants “the little man to live, also.”

The novel summarizes its presentation of this fascist view in a scene that takes place after the butcher is ruined. Albert is pacing back and forth in front of Footh’s house. Albert’s act has moved Footh up the political ladder, yet Footh refuses to see the butcher, who is now a problem. Footh spots him through the window and says over his shoulder: “Dort geht eine solch verlorene Existenz” (Zweig 449). His friend, the ruthless Nazi Vierkaant, replies, “Der nicht zu helfen ist (...) diese Mittelständler

müssen sich einordnen — nach unten. Es findet sich keine selbständige Marktbude mehr für gewatter Schneider und Handschuhmacher“ (Zwieg 449). In this, Vierkaant can be said to agree with Marx. Of course his solution is different: “ Organisation, meine Herren, Eintritt in Reih und Glied“ (Zweig 449). Albert agrees without understanding the consequences. Defending his impending choice to perform the execution, he recollects the inscription at the Koppelschloß, “Mit Gott für König und Vaterland“ (43). But there is no role for Albert in this new Fatherland. As Albert trudges away from Footh’s villa, the Wirtschaftstrat comments, “Jetzt zieht er ab, mein Beilschwinger (...) diese Mittelständler (...) mal waren sie doch nötig“ (449). Vierkaant drives home the thought: “Zum Abwandern nach unten oder nach oben. Ohne sie wäre unsere Partei so unmöglich wie im neunzehnten Jahrhundert die Literatur, im achtzehnten die Musik, im siebzehnten der Choralgesang, die Religion. Aber jetzt im Eingang einer neuen Epoche!“ (449). By destroying the enemies of the Third Reich, Albert ensures this new era and his exclusion from it. Vierkaant’s historical overview defines Albert’s expendability as a necessary by-product of an historical class war. Albert has, in one form or another, always been there.

2.3 Albert’s Ambiguous Intelligence

The difficulty we have in accepting Albert’s loyalty is the extent to which we must accept his ignorance. Albert stays loyal to the Nazis by abusing his own common sense. On one hand, this is an effective way to indicate his indoctrination. Albert blames

his financial ruin on a communist conspiracy and believes that he has been betrayed by Hitler -- not because the Führer asked him to kill, but because the Führer is not protecting Albert from the red hordes. Through it all, his faith in Hitler's benevolence remains: "Wenn der Adolf wüsste, was mit uns gespielt wird" (Zweig 434). Even as Albert removes the Führer's portrait from his grandfather's picture frame, we cannot know if it is a confession of disappointment in Hitler or confession of his own guilt. And yet there are times when Albert comes close to recognizing the root of his trouble. When Stine asks Albert to shoot her to death when the time comes, Albert assures her: "Wirst von mir nicht erleben Deern." But he ponders whom he should kill if he could: "In Wirklichkeit wusste er nicht, gegen wen er die Waffe hätte richten sollen. Gestern glaubte er noch an seinem Führer, heute aber schien ihm etwas in der Partei nicht mehr zu stimmen" (435). Albert never figures it out, complicated by contradictory depictions of Albert's intelligence.

The butcher is intellectually challenged. At the beginning of the novel, he cannot write a letter: "Ich kriegs nicht zusammen, Stine" (Zweig 12). Stine reads to Albert out loud, and we get the sense that his reading skills are limited. Denied a proper education, Albert's longing for knowledge, especially about what lies under the ground, eventually drives him into the arms of the fascists: "Es gab unendlich viel, was Albert gerne gewußt hätte. Aber seine Lehrer hatten davon geschwiegen, und jetzt kannte er niemanden, den er hätte fragen mögen. Wie Beispielsweise Steinkohle und Petroleum" (339). Albert's

obsession with Jules Verne's novel, *Journey to the Center of the Earth*, feeds his own obsession with a mythical netherworld (339). "Der Schlächtrmeister Teetjen hatte keine deutliche Vorstellung von dem, was eigentlich einen Roman von einem sachlichen Bericht unterschied" (336). Albert assumes, for example, that Hitler's *Mein Kampf* must be a factual report: "daher war ja kein Staatsanwalt aufgestanden, das Buch zu verbieten" (337). Albert's limited intellect turns his comical participation in the *Wünschelrutenkommando* (divining rod commando) into an effective way of gaining our sympathy.

By the end of the novel, Albert has given up trying to understand why the Wandsbeker Chaussee has singled him out for punishment. Instead, he blames this calamity on his lifelong following of orders. Albert makes no distinction between familial and military obedience: "Das weiß Gott. Immer folgen. Erst dem Vater und dann war da noch der Großvater, nicht wahr, dann dem Lehrer und dann dem Unteroffizier, dem Herrn Kompanieführer, dem Bataillon, dem Regiment. Und dann den Rednern in den Versammlungen. Einer nach dem anderen" (Zweig 490). This familial obedience was always in service of the state: "Vaterländisch war trumpf bei den Teetjens, und warum es ihm in Adolf Hitler's Reiche damit so jämmerlich ausging, das würde er Zeit dieses Lebens kaum verstehen" (497). Albert yearns for a view from above, a broader perspective from which he can make sense of his life. If there is an afterlife, he muses, he will seek out the Teetjen family table. His father and grandfather

should be sitting there in judgment over his earthly confusion: "(...) und dann würde man ja klüger werden und alles durchschauen, so wie Fliegerphotokopien aussahen, die zertrümmerte Städte und Straßen festhielten in Kanton, Barcelona und Madrid" (497). The novel itself presents a similar picture, a reading from above that Albert cannot see. He considers a drowning death for himself and Stine, and provides a metaphor of his intellectual condition: "Elbabwärts treiben, das ging nicht. Dazu waren sie beide zu gute Schwimmer. Darum lernten ja früher die Matrosen nicht schwimmen, damit sie sich im Wasser nicht lange quälten" (459). By contrast, *Wandsbek's* intellectuals, which include the prison director Koldewey and the Nazi doctor Käte Neumeier, enjoy a broader perspective on the functions of the Third Reich. We may thus interpret Albert's imagined suicide attempt as a reflection of an intellect that is at once too low and too high. Albert wishes that he and Stine could drown. Unfortunately, they have learned to swim (i.e. to use their intellect) just well enough to survive, causing them to suffer a torturous decline instead.

Wandsbek first hints at Albert's intellectual ability while Footh tries to convince him to take the job of henchman. Since Albert is unsure, Footh recounts the story of another former war comrade, Unteroffizier Ruckstuhl, who decapitated an old Jew on the road with an axe for illegally harvesting wood during their deployment on the Eastern front during WWI:

Hatte Ruckstuhl ihn daraufhin nicht zum Tode verurteilt, absteigen lassen, auf dem gefrorenen Weg niederknien, und ihn mit der eigenen Holzaxt geköpft? Freilich gab es einen großen Halloh, als die nächsten Fuhrwerke den alten Itzig vor den Fahrgleisen liegen fanden, von seinem Pferdchen beschnuppert, den Kopf mit dem grauen Bart neben sich, als hätte er ihn man bloß verloren. (Zweig 36)

Ruckstuhl might have been convicted of murder, Footh recalls, "hätte nicht ein Kriegsgerichtsrat Nissenbaum einen Narren an dem Fall gefressen, der ihm mit der Ehre des deutschen Waffenrockes unvereinbar schien" (36). Nissenbaum proves that Ruckstuhl was drunk on this Sunday morning between 10 and 11 a.m. He cannot be held accountable for his actions as he had several times been in "Dämmerungszuständen, in denen er alles mögliche tat, ohne davon zu wissen" (36). This defense of Ruckstuhl suggests a similar defense of Albert, who also experiences a "twilight condition" (*Dämmerungszustände*) throughout the novel. The butcher cannot tell the difference between dark and light (right and wrong), and, like Ruckstuhl, is not altogether aware of what he is doing.

In a perversion of justice, the military unit makes Ruckstuhl sleep on the train floor all the way back from Berlin. Footh attributes this punishment to: "Das unverbrüchliche Rechtsgefühl des deutschen Volkes" (Zweig 37). Beheading a Jew might cost someone a good night's sleep, no more. Footh conveys to Albert two possible truths: Killing with an axe is acceptable, and if a soldier like Ruckstuhl got away with it publicly during the First World War in a system that legally forbade the act, Albert

would certainly get away with it hidden from the public in a system that legally approves the act.

But Albert remains suspicious, and he fills in the gaps of the story while nipping Footh's Liquor: "Ruckstuhl hatte Schwein gehabt. Es hätte auch ganz anders mit ihm ausgehen können" (Zweig 37). Had Ruckstuhl been tried by somebody else, the Catholic Kriegsgerichtsrat Dachert, for example, he might well have been convicted of murder, and not a mild version of manslaughter. Albert is thus dimly aware of the law's dependence on interpretation.

Further, Albert has a fundamental aversion to playing the part the Ruckstuhl: "Dem Henker ins Handwerk pfuschen. Nein – rotes Gesindel ausrotten" (Zweig 42). Half asleep, he sees before him a lone Russian path that melds into his own Wandsbeker Chaussee. An old Jew is kneeling at its center, stretching his neck away from a man with an axe. The Jew keeps moving ahead. "Ausserdem war das damals Krieg, und jetzt ist Frieden," Albert mumbles to himself (42). Albert sees a connection he tries to sever: "In Wirklichkeit, versuchte Albert damit einen Unterschied herzustellen zwischen sich und dem Feldgendarm Ruckstuhl von der Forstabteilung Schaulen" (42). Ruckstuhl had acted like a lunatic and killed on his own authority: "Auf eigene Faust zugeschlagen. Albert aber würde alles wie der Führer selber machen, streng legal" (43). Albert's

justification, that he will act lawfully, attempts to sanction by legality what he finds morally suspect.

In trying to explain how ordinary Germans became henchmen, *Wandsbek's* imagined executioner becomes a fictional prototype of actual Nazi perpetrators put on trial in the Federal Republic of Germany during the three decades after the Third Reich.² One commentator describes the responses of the accused at the Auschwitz Trial conducted from 1963-1965:

Die Angeklagten sehen sich größtenteils als Opfer des Nationalsozialismus, 'als Befehlsunterworfenen Soldaten' wie sie gern sagen. Sie verweisen sich auf ihre nationalsozialistische Erziehung, auf fehlendes Unrechtsbewusstsein und reklamieren für ihre Entlastung immer wieder den Befehlsnotstand. (Fischer and Lorenz)

Albert does not evoke the *Befehlsnotstand* ("necessity to obey orders") because his story takes place before the war begins. However, Albert does evoke several of the above reasons to justify his actions. In doing so, Albert manifests strains of the "authoritarian personality" described by Adorno in 1950.

² These include the "Nürnberger Prozess" (1946), "Nürnberger Nachfolgeprozess" (1946-1949), "Bergen-Belsen Prozess" (1945), "NS Täter Prozesse" (1949-1969), and "Frankfurter Auschwitz Prozesse" (1963-65) Torben Fischer and Matthias N. Lorenz, *Lexikon Der "Vergangenheitsbewältigung" in Deutschland: Debatten- Und Diskursgeschichte Des Nationalsozialismus Nach 1945* (Bielefeld: Transcript, 2007).

2.3 The Authoritarian Personality and Nazi Myth

In *The Authoritarian Personality*, a comprehensive psychoanalytic and sociological study, Adorno and his co-authors identify a tendency of authoritarian personalities to identify with the strong and despise the weak: "He wants to belong to or be 'in with' the ruling group. It is not so much that he himself wants to dominate, but rather that he wants to serve powerful interests and so *participate in their power*" (Adorno 54). We have seen that Albert exhibits this need, and how Footh uses it to his advantage. Albert makes his decision because he thinks that it will bring him financial security and the protection of the powerful. When Footh mentions his official office as an aside, Albert's ambivalence about the morality of his decision momentarily disappears:

"Wirtschaftsrat?' staunte er, 'Mensch, seit wann denn?'" (Zweig 40). His belief that he is secretly saving the Fatherland from internal enemies allows him to associate even more closely with the Führer himself. This imaginary bond justifies his actions. The historic phrase Albert remembers from the Koppelschloß, "Mit Gott für König und Vaterland," validates this belief because it readily applies to the Führer: with God's help one serves Hitler and the Fatherland (43). Even though everything is going wrong for Albert, his secret hope remains that the old school book wisdom, "Die Sonne bracht' es an den Tag," promises that his good deed – the execution of the four communists -- will one day come to light (43). In awe of his personal sacrifice for the greater good, his fellow Aryans will reward him.

Albert has internalized Nazi ideology. In *Wandsbek*, this process of indoctrination takes place in a complex system of folklore and pseudo-science. As the Nazis corrupt Albert's trade, they also corrupt his natural curiosity with an ideology based on belief. *Wandsbeck's* prototype of the authoritarian personality is particularly vulnerable to Nazi myth.

Neumeier describes this vulnerability at a "scientific talk" given by her colleague, the ardent Nazi ideologue, Dr. Labadan. Albert declares that this new science proves the superiority of the German race: "der Mensch (...) war Herr der Schöpfung, und der nordische, der Germane, Herr der Menschen. Das hatte der Führer dem deutschen Volke vom Himmel gebracht, das war das richtige Evangelium" (Zweig 177). Albert describes fascist science as a "right religion," which allows *Wandsbek* to thematize his ideology as belief.

Albert attends the talk at which Labadan's explanations of the world mesmerize a capacity crowd (Zweig 181). As Neumeier peruses the audience, she notices that most of it is trying to follow Labadan's argument. They *want* to believe more than they are able to actually understand:

Überall zwischen den Uniformen in den Reihen, die sie übersehen konnte, saßen die Menschen, Frauen und besonders Männer, deren Augen gläubig an dem Vorgetragenen hafteten und in deren Gesichtern es arbeitete, das Vorgetragene zu bewältigen. Ein gebildetes

Volk, das deutsche, vorgeschult zu allem Guten, aber auch zu allem Bösen? (Zweig 185)

Neumeier depicts an audience similar to the willing masses described in Hanna Arendt's *The Origins of Totalitarianism*:

They do not believe in anything visible, in the reality of their own experience; they do not trust their eyes and ears but only their imaginations, which may be caught anything that is at once universal and consistent with itself. ... They are predisposed to all ideologies because they explain facts as mere examples of laws and eliminate coincidences by inventing an all-embracing omnipotence. (Arendt 349-50)

Wandsbek poses the question of why some Germans need this "all embracing omnipotence," and others do not. Neumeier wonders if Albert is an exception in Labadan's audience, or whether he represents a norm in the German population in which, " ... ein Rechner wie Herr Footh jederzeit ein Instrument aufreiben konnte, ein Werkzeug, bereit ein Urteil, also einen Befehl der Obrigkeit, auszuführen und Geld dafür in die Tasche zu stecken; bedenkenlos? Schwer zu sagen, ob sich viele solche Teetjens in den Reihen des deutschen Volkes befanden" (Zweig 185). *Wandsbek* suggests that Albert may be one of many, and anticipates the need for an explanation of the Third Reich in keeping with Adorner's authoritarian personality.

Albert succumbs to a scientific "revelation" he describes in religious terms: "das wichtig Evangelium" (177). After Labadan's speech, Albert joins the

Wünschelrutenkommando ("divining rod commando"), allowing him to connect to the mystical netherworld in a way acceptable to the bourgeois class. (Zweig 334). In his original rejection of the Footh's offer, Albert follows his description of the henchman's office, "Das Henkeramt war nun einmal von besonderer Art, unheimlich und unehrlich (...) Im bürgerlichen Leben blieb das Töten von Menschen kitzlig," by connecting it to the mystical parts of the earth: "Durch die Gräber, die es schuf, stand es gleichsam mit den Eingeweiden der Erde in Verbindung, dem geheimnissvollen Boden" (38). The German bourgeois class accepts Nazi myth but rejects the henchman's office, even as each represents an opposing side of the same coin: the making of graves.

While Nazi myth is acceptable to the public, and the office of henchman is not, both are sides of the same coin: the making of graves, death. The German bourgeois class punishes Albert once Neumeier exposes him as the henchman of its political foes because his act exposes the dark side of its ideology. If we return to Ruckstuhl's absolution, in which *Dämmerungszustände*, (twilight conditions) excuse the murder of a Jew during WWI, we see how this excuse functions in our perception of Albert (Zweig 36). Albert "does not know what he is doing" because he cannot know which side of fascist bourgeois morality he is on. As both small time tradesman and Nazi henchmen, he operates on both its accepted and forbidden side. When his moral confusion becomes overwhelming, he reverts to his default position: the Führer's will.

We see this after Albert's "heroic deed" comes to light. The Wandsbeker Chaussee is not grateful to Albert. Instead, it begins to destroy him. Albert agonizes over whether or not he may have done something wrong, and concludes:

Und da muss ich mir sagen: Tat der Adolf Hitler recht, die Gesetze der anderen zu ändern, so tat auch der Albert Teetjen recht, sie auszuführen – in aller Bescheidenheit. Hat ihm das Volk zugejubelt, wie er hier in Hamburg einfuhr? Ja. Hat's ihn zum Herrn gemacht über Tod und Leben? Ja. Also trägt er die Verantwortung und ich bin los und ledig, alles in Ordnung. (Zweig 443)

In this passage, Albert first justifies himself with following Hitler's law, then suggests a greater responsibility – *also trägt er die Verantwortung* ("he carries the responsibility"). The Germans are responsible for making the Führer lord over death and life: "Hat's ihn zum Herrn gemacht über Tod und Leben?" ("did it not make him lord over death and life?"). Albert obeys the Führer's law, which ensures that he is always right. Yet doing this frees him of a specific responsibility: *also trägt er die Verantwortung, und ich bin los und ledig* ("therefore, he carries the responsibility, and I am free"). If Albert is always right because he follows Hitler's law, what responsibility is he trying to avoid? Specifically, what has Hitler done wrong?

2.3 Stine's Subjugation of Religious Morality

Albert gives Footh two reasons for refusing the job: "Erstens wegen meiner Frau. Und zweitens wegen dieses Rockes" (Zweig 38). Footh knows that he has no influence

over the first reason, and offers Albert the disguise of “Frack und Maske” to keep him from dishonoring his SS uniform (Zweig 38). Albert wants to avoid moral judgement – in first order the judgment of his wife. “Wer Menschenblut vergießt,” Stine repeats throughout the novel, “dessen Blut soll durch Menschen vergossen werden” (160). Stine’s religious heritage dictates this morality, which Albert has only partially internalized along with his fascist myth.

Stine was raised Mennonite, a Christian sect known for pacifism and vegetarianism. As a child, she was raised part-time by her Jewish neighbors, who taught her shopkeeping in their pharmacy. With Stine’s marriage comes her subservience to Albert. Albert relies on his wife to run the store, and to compensate for his abysmal education. We see that Albert cannot compose his letter to Footh: “Ich kriegt nicht zusammen, Stine. S’ ist ja, als sollt’ man eine lockere Sanddüne hinaufsteigen, und man rutscht in einemweg ab. Diktier mir deins. Das klingt noch am besten” (Zweig 12). Stine dictates Albert’s letter. But after meeting with Footh, Albert excludes her from his decision: “Und was habt ihr ausgehandelt?” Stine asks (41). “Darfst du nicht fragen, darf ich dir auch nicht sagen. Bist halt meine vernünftige Stine ... kannst jetzt ruhig ein paar Kaffeebohnen mehr mahlen. Der im Fährhaus war besser”(41). Albert sees himself as the breadwinner, but Stine makes his arrangement possible.

Stine's belief that people must help each other initiates the plot. She encourages Albert to write the letter because he'd helped Footh to riches during WWI: "Einer hilft dem anderen. Im Weltkrieg halfst du ihm drei-oder viermal aus dem Dreck. Das vergisst du bloß immer" (Zweig 14). Albert does not want to beg, but Stine insists, "Niemand ist alleine," while her finger traces verses in the Book of Hosea (13). Stine dictates Albert's letter, which he describes: "Das redt ja wie ich selbst, aber besser" (13). Stine's talent helps Albert, and even "speaks for him". But he does not speak for Stine, nor does he let her speak for herself. Stine submits to Albert, even as her morality submits to the state. Her steadfast belief in the afterworld, and in the coming judgment, is in contrast to her submissive stance toward worldly authorities. Stine's marriage to Albert juxtaposes her religious morality with Albert's Nazi ideology, evidenced by her inability to have children. Taught to shun meat, Stine's body rejects the butcher's and remains barren. Stine finally becomes pregnant, but loses the child at the moment Albert confesses to the execution. Albert's murderous act is replicated in Stine's body, even as his rejection of her morality causes her death.

Stine's complicity in this process enables *Wandsbek* to subjugate religious morality to fascist law. Without this construction, her Mennonite and Jewish morality would be as potent as the morality of the communists. When Albert refuses to tell Stine what he is doing for Footh, Stine says only: "Ist alles recht (...) unter einer Bedingung: Rechtlich muß es sein. Mein Albert soll sich nicht gegen Staat und Partei gebrauchen

lassen. Damit setzt man sich immer in die Nesteln“ (Zweig 42). The Nazi Party ultimately tells Stine what is right and wrong via the law. Stine unwittingly reinforces Albert’s moral confusion because she, too, is unable to conceive of the state’s complicity in immoral acts. An example is her warning that Footh may be putting his personal interests ahead of the state. Perhaps the rising Nazi is “eigensinnig,” she suggests, and will get Albert entangled in an illegal act (42). Stine does not entertain the idea that the state could itself be immoral, while Albert cannot imagine how Footh could rise through the Party ranks if he is undercutting the state’s interests. “Weiss ich doch nicht,” Stine responds. “Wenn einer immerfort fremde Häfen ansteuert, läuft leicht mal was Verbotenes unter“ (42). Despite her partial moral insight, her ability to understand how the state manipulates the law is finally as limited as Albert’s. When Albert asks Stine why he shouldn’t avenge them against Sturmpreester by entering the local tavern, “den Braven Panzer,” with a pistol “so’n kleines Gespräch zu führen unter Freunden, wo sie dann ein paar Herrschaften heraustragen müssten,” Stine answers, “Weil du kein Mörder bist“ (489). Albert’s doubting “Und warum habe ich dann zugeschlagen, voriges Jahr?“ is countered by Stine’s: “Weil’s dein Führer gewollt hat“ (489). While Stine’s religious conviction has helped Albert to understand, in some way, that killing is wrong, it remains powerless because she cannot separate it from the power structures of this world. *Wandsbek* thematizes this difficulty with a showdown between Stine and Agnes Timme, the widow of Friedel Timme, a communist executed by Albert.

Agnes confronts Stine in the butcher shop, and argues for justice along communist lines: "Erkennt das Wort: Klassenlage!" (454). Stine counters, "Wer auf's Diesseit setzt, der hat verspielt!" (Zweig 454). Stine expects justice in the afterlife. But by placing state law over her moral convictions, she does not act upon this belief. She also tolerates Albert, who chooses to destroy the state's enemies here on earth: "Nun würde er durchgreifen, mit dem Beil" (74). Agnes and Stine's argument ends when Timme's executioner enters the room. Faced with the executioner of her husband, Agnes accuses him of making a grave mistake. Albert replies: "A. Teetjen liegt immer richtig" (456). Agnes responds by returning a picture of Albert to Stine: "Ich wollte meinen Kindern den Henker ihres Vaters mitnehmen, aber der hängt dort," she says, and points to the portrait of Adolf Hitler on the wall (456). The Mennonite Stine and the communist widow Agnes both seem to absolve Albert of his crime. But while Agnes consciously chooses to pursue justice here on earth, Stine fools herself into thinking that, in practice, she is not pursuing a similar goal. Yet due to her subservience to Albert, Stine is actually fighting against her own morality. During their debate, Stine begins reciting bible verses with the passion of a young child: "Und Gott war das Wort, und das Wort ward Fleisch, und wohnt in unserer Mitte" (454). Agnes takes over the recitation while smiling with sad eyes, "aber die finsternes hat's nicht begriffen – geht's nicht so weiter? Wie ihr einem Leid tun könnte, das ahnt ihr garnicht" (454). Stine does not understand what Agnes means, and the communist's empathy for Stine invites a similar response from us. Stine's recitation reveals that she has no deeper insight than to believe what she has been

taught. She cannot critically compare moralities to each other. Instead, she tries to fulfill the requirements of each. Yet while Agnes finishes the recitation, each verse echoes the same threat in her ears, “wer Menschenblut vergießt...” (454). Even if Agnes and Stine absolve Albert of his crime, and Stine manages to absolve herself, each verse of her faith echoes a principle neither of them can escape. Upon learning that another Christian, Frau Pastor Langenhammer, had committed suicide after being denied permission to enter the United States, Stine ponders: “In unseres Vaters Haus sind viele Wohnungen, sicher auch für Leute, die unschuldiges Blut vergossen haben, aber auch schuldlos. Und wenn nicht ganz schuldlos, so doch halbwegs (...) Was ein Strick angerichtet hat, konnte ein anderer wieder gutmachen” (504). Stine anticipates paying the price demanded in a dream by her grandmother’s ghost: “Ab und zu muß die Frau führen hinunter in den Tod” (472). Stine’s grandmother reflects back to her a moral failure that must be reconciled with her faith. Before Albert shoots himself in the foundation of the Elbe bridge, a final vision of the four executed communists appears over their combined grave: “Ihre Mienen sagten: nun sei es genug” (539). Justice is “accomplished” in keeping with the religious morality Stine learns in her Bible. Yet the same morality requires that her death provides her hope: a possible life after death, that is, a redemption which takes into account her impossible position when she sinned – a paraphrase of the novel. While Stine and Albert perish, only Stine is redeemed.

The core morality of this religious faith is apparent to both Albert and Stine throughout the novel. Albert and Stine have visions that indicate their internal struggle with what Albert has done. When Albert's grandfather appears at his own grave to call him stupid, we see that Albert is aware of his own guilt. As the ghosts of the four executed appear to Albert and Stine while they are trying to bury the axe, believing it is cursed, they prove to each other an awareness of their own complicity in murder. Before shooting himself in the foundation of the Elbe bridge, a final vision of the four executed appears over the grave: "Ihre Mienen sagten: nun sei es genug" (539). Justice of a sort is accomplished in keeping with the Stine's religious morality, despite its subjugation to fascist law.

Albert and Stine's visions of judgment contradict their justifications of Albert's deed. On the night Albert and Stine try to bury the axe, believing it is cursed, both observe a supernatural *Heerwurm* ("a winding column of soldiers"), in which thousands of ghosts are marching off to war. The vision indicates a foggy awareness on the part of each that the events in which they are participating will culminate in catastrophe. In their representative role for the lower-middle-class, Albert and Stine lead us to consider the moral awareness of this fascist bourgeois class as a whole. Stine's religious morality thus presents a contrary model to Dr. Kley's final assessment of German guilt. In the epilogue, two Jews, Kley and Plau, meet in Palestine after the war. Kley laments that the German people would not heed the voices warning of the upper classes. Instead, the

masses followed them “schuldhaft und schuldlos” down the path to destruction (Zweig 556).

2.4 The Henchman “*Vermenschlicht*”

In using a cacophony of political voices to tell Albert’s story, *Wandsbek* often veers into polemic passages, causing critics to balk at its heavy-handed presentation of political themes. An example is Vierkaant’s explanation of Albert’s expendable role in the class war. With such scenes in mind, we can understand the critic Karl Kröhnke, who imagines Zweig’s euphoria at reading the original newspaper article: “das Opfer als Täter; der kleine Mann, der kein kleiner sein will, als Erfüllungsgehilfe der Großen – und darum am Ende auch: der Täter als Opfer. Hangmen also die. Was für ein Stoff! muss es Arnold Zweig durch den Kopf geschossen sein” (Kröhnke 132.) Another critic suggests that *Wandsbek* sacrifices character for the sake of its political diatribes.³ An example is Ruth Klinger’s private critique of an early manuscript dated 1943/1944:

³ Zweig kept several long-winded diatribes of little consequence. Such bombast may be one reason critics often focus instead on the plausibility of certain details, using historical studies to prove whether or not Zweig’s description of a butcher’s life in the Third Reich is accurate, for example, and therefore whether or not the plot line believable. Crucial for Zweig’s construction to work is that the butchering trade during the Third Reich be as financially decimated as he depicts. Early criticism picked up immediately on this critical point, with Reich-Ranicki and Hilscher finding it highly implausible that Albert Teetjen would need to turn his butcher’s axe into an executioner’s instrument in order to survive. Reich-Reinicki further argues that a boycott against the butcher on moral grounds simply would not be there. See: Marcel Reich-Ranicki, *Deutsche Literatur in West Und Ost Prosa Seit 1945*, 333.

Wenn ich ein Freund Arnold Zweig's wäre und mit ihm offen reden dürfte, würde ich ihm kurz entschlossen zurufen: ‚Mensch, lass doch endlich die Politik und sei wieder ein Dichter!‘ Und so sei im Kurzen gleich das wichtigste unterstrichen: Alles was nicht vermenschlicht, durchblutet, typisch zweigisch ist, fällt ab, ist auf gleicher Stufe mit anderen Erzeugnissen antifaschistischer Literatur. (...) Das Schicksal des (Albert) Teetjen, der Aufbau der Handlung, die Unentrinnbarkeit, sagen mehr als alle politischen Tendenzen. (Zweig et al. 79)

While reasonable, this critique chooses not to consider *Wandsbek's* possibly unique contribution. *Wandsbek* uses that which is *vermenschlicht* (“made human”) to help us empathize with characters who endure the consequences described by its overbearing political themes. An example of this is the moving interaction between Stine and Dr. Neumeier, the Nazi doctor responsible for the boycott of their store, and Albert's economic decline. Stine visits Neumeier a final time to ask for sleeping pills, but she is really there to learn which poison will kill them both. Neumeier tells Stine to give her poor husband Baldrian tea, then stares, stricken, “weil sie den Henker Friedel Timmes einen armen Mann genannt hatte” (Zweig 464). Stine submissively curtsies to say goodbye. The scene invites us to consider the meaning of Neumeier's lengthy diatribe on Albert's personality during Labadan's *Wünschelrute* (divining rod) speech. As Neumeier witnesses Stine, we are led to think of Albert, who, in the face of authority, is just as submissive as his wife. The effect is one of increased empathy for them both.⁴

⁴ *Wandsbek's* effect on its audience caused Zweig considerable difficulty in the GDR. In 1951, the East German film studio, Deutsche Film AG (DEFA), turned the novel into a film. The SED then banned the

Wandsbek presents a story that allows us to experience why it is so difficult to assess the guilt of the German war generation. Albert and his reason for killing four communists is part of a story so complex that determining one overriding factor for his choice becomes impossible. The novel tries hard to define his problem as primarily economic, but it does not convince – and therefore fails as the communist morality play it is clearly meant to be. It anticipates the authoritarian personality as a way of explaining Albert's adherence to Nazi myth, but Albert is enigmatic, having flashes of moral insight when we least expect them. Stine's subservience causes her religious morality to fail her, even as the novel suggests that it ultimately will not do so utterly. And while *Wandsbek* names communism the victor of the story, the final moral victory may belong to Stine through her redemption.

film it after it played in the theatres for one month to 800,000 viewers. Falk Harnack earned the distinction of directing the first movie censored by East German authorities. These accused the film of awakening feelings of sympathy for a Nazi henchman. Such sentiments were unacceptable to both East German authorities, even as they explained Nazism as the inevitable result of capitalism's complete ideological dominance over its citizens. After Zweig suggested drastic cuts to the film, the DEFA allowed an edited version back into theatres in 1962. See: *Lexikon des Internationalen Films* 2001 2001, Katholischen Institut für Medieninformation (KIM) 7. The DEFA condemned Zweig's work for its own political purpose: The idealization of a communist state, whose citizens heroically resisted fascist Germany and were now, after the war, resisting the fascist West. Removing the possibility of personal agency in this struggle undermined a state theology unable argue both ways: On one hand, capitalist dominance as the perfect trap, on the other, individual resistance under all conceivable circumstances. Accordingly, Albert must have the choice to resist while dominated at each level of his existence in order to show that capitalist control over its Western societies is complete.

Chapter 3: Manfred Bieler's *Maria Morzeck oder Das Kaninchen bin ich*

3.1 Introduction

Manfred Bieler's *Maria Morzeck oder: Das Kaninchen bin ich* (hereafter *Morzeck*), argues against GDR injustice by thematizing a judge's severe prison sentence of a teenager. The youth, Dieter Morzeck, is accused of subversive activity against the state. The novel "argues" that the state's representative, the judge Paul Deisder, pursues his own motives in handing down this sentence, and that these motives stem from his own failed *Vergangenheitsbewältigung* ("overcoming of the past"). The state becomes complicit in this injustice in two ways: First, by using Paul's fear of his fascist past to secure his allegiance, and secondly, by implementing this allegiance to secure its authoritarian regime.

Morzeck's first-person narrator, Maria Morzeck, begins an affair with the judge, Paul, in the hope of helping brother Dieter. Maria and Paul's affair becomes a staging ground for debates about the law, during which Maria is consistently frustrated by the fact that her perspective is limited by her age. When Paul introduces his friend Harry, an alcoholic poet, Maria gains an ally. Harry provides Maria with the insight she needs to understand Paul's motives. Paul finally changes his mind about his previous

interpretation of the law, and attempts to appeal his own verdict. By this time, the authorities are aware of Paul's affair with Maria, as is his wife, and Paul attempts suicide. Soon after, Dieter is released from prison, learns of Maria's affair with the judge who locked him away, and almost beats her to death. *Morzeck* ends with Maria starting to write her story in an attempt to prevent insanity.

Morzeck contextualizes its critique of the state by layering its narrative with different perspectives that show how each view of Paul is itself limited and subjective. This problematizes its description of GDR injustice, and undermines its case. *Morzeck* shows that it is aware of these restrictions. By using first and third person points of view to thematize the limitations of its own literary critique, the popular realist novel invites us to consider the relationship between political literature and its greater political and social context.

Bieler's 1969 novel is itself the result of the complex political and cultural developments that took place in the GDR during the early 1960's. In 1963, the SED banned an early manuscript of *Morzeck*, at that time named simply *Das Kaninchen bin ich*. Bieler was able to turn this manuscript into a screenplay for a DEFA¹ film, which the SED also banned. Bieler rewrote his original manuscript after emigrating to the BRD. *Morzeck's* development from censored manuscript to DEFA film to BRD novel was

¹ The East German film production company, *Deutsche Film-Aktiengesellschaft*, was founded in 1946.

determined by its cultural and political context at each stage. To better understand *Morzeck's* political interventions, we will consider the historical developments that allowed a banned manuscript to become a film, how this film thematized the GDR's law reform of 1961, and why this interpretation outraged the SED.

3.2 From Censured Manuscript to DEFA Film

Bieler, whose literary contributions have been largely ignored, is perhaps best known for writing the script for the 1965 DEFA production of *Das Kaninchen bin ich* (hereafter *Kaninchen*). The author finished the original manuscript for his novel in 1963, but the *Hauptverwaltung Verlage und Buchhandel* ("East German Publishing Bureau") denied his text a *Druckgenehmigung* ("publication license"), effectively banning it from circulation (Soldovieri 150). Shortly after this setback, Christel Graf, a young dramaturge at the DEFA, introduced Bieler to Kurt Maetzig. The director read Bieler's manuscript and was delighted by the "very lively, folksy, original figure" of the character Maria, "the profound ethical problems" of the material, its "riveting story," and its "fabulous dialogue" (Qtd in Feinstein 158).² Maetzig's enthusiasm encouraged Bieler to rewrite his censored text into a screenplay for one of the most controversial productions of the DEFA.

² Maetzig recalls: "Mir fiel in dieser Zeit der unveröffentlichte – oder sagen wir es deutlicher: der verbotene Roman von Manfred Bieler in die Hand. Hier fand ich vieles, dass mir sehr gefiel: eine sehr lebendige, volkstümliche, originelle Gestalt, tiefgehende ethnische Probleme, eine fesselnde Fabel, die sich gegen stalinistische Strafjustiz wandte, und glänzende Dialoge." *Prädikat, besonders schädlich : Filmtexte*. Ed. Christiane Mückenberger. Berlin: Henschel, 1990.

In 1964, the director of HV Film,³ Günter Witt,⁴ approved the script for the DEFA's 1965 production schedule (Feinstein 165). The DEFA then censored the film as, "an anti-socialist, pessimistic and revisionist attack on the state" (*DEFA Film Library*).⁵ In December of this same year, Erich Honecker guaranteed the film's notoriety by singling it out for personal attack during his tirade against the DEFA at the Eleventh Plenum of the SED's Central Committee. A brief overview of the political situation leading up to this moment allows us to better understand the censorship of *Das Kaninchen bin ich*.

3.3 An Offensive Interpretation of the Rechtspflegebeschuß

The building of the Berlin Wall in the fall of 1961 created an unintended consequence for the SED: the inclination of East German artists and writers to intensify their focus on domestic affairs. Emmerich characterizes this process in the following way: "Durch die vollzogene 'Einmauerrung' wurde das Augenmerk aller DDR-Bürger – einschließlich der Intellektuellen und Schriftsteller – notgedrungen stärker auf ihr

³ *Hauptverwaltung Film* ("Central Film Administration").

⁴ For a discussion of Günter Witt's involvement with the making of "*Das Kaninchen bin ich*", see Allen in: Seán Allan and John Sandford. *DEFA: East German cinema, 1946-1999*. A further detailed account of Witt's crucial role in gaining DEFA approval for the film can be found in: Joshua Feinstein. *The triumph of the ordinary: depictions of daily life in the East German cinema, 1949-1989*. 166.

⁵ The DEFA's approval and subsequent banning of the film is the result of a complex power struggle between several government institutions. Even in light of its controversial origins, *Das Kaninchen bin ich* attracted a surprising amount of official scrutiny. For an account of how sympathetic DEFA encouraged script changes in an effort to appease the Central Committee, the Ministry of Justice, and the Attorney General's Office, see: Stefan Soldovieri. "The Representation of Legal Issues in *Das Kaninchen bin ich*." New York: Berghahn Books, 1999. 146-158.

eigenen, örtlichen, sehr konkreten Lebensumstände und – verhältnisse gelenkt“ (Emmerich 162). Kramer describes this development as also changing the point of view within the DEFA “Ironically, it was ... precisely the walling off of the WEST which set the precondition for the opening of a new window, a window one did not look out of, but *into*. It was a window between rooms of the domestic space of the GDR, between official spaces and real ones – an artistic atrium“ creating “a freer, more candid discourse within“ (132).

Das Kaninchen bin ich thematizes the East German law reform, the *Rechtspflegebeschluss* ("Resolution on Jurisprudence") issued on January 30, 1961 (Soldovieri 146-147). During script negotiations, Bieler and Maetzig's interpretation of this reform remained a source of conflict with DEFA officials, and ensured the SED's wrath after production was complete. The *Rechtspflegebeschluss* remains a key theme in Bieler's 1969 text.

The *Rechtspflegebeschluss* was grounded in "the rhetoric of stabilization that had begun to take hold in the judiciary," and "exhorted moderation and leniency in procedures of prosecution and sentencing" (Soldovieri 147). Further, it made provisions for "public conflict committees" to referee "petty crimes and certain first offences" (Soldovieri 147). In the film, Paul sentences Dieter to a severe prison term in order to impress his superiors before the law reform is issued, and begins an affair with Maria

after it takes effect. While on an excursion in the country, the Paul and Maria witness an act of defiance against the state comparable to Dieter's: A fisherman named Grambow insults the army, calling it a "gang of pigs," and disrespects the body of a drowned petty officer while in a drunken rage (Soldovieri 156). In accordance with the new law, the mayor of the town arranges for the matter to be settled in a public forum.

The mayor wants to enlist Paul's help in arranging this meeting, but the judge refuses, insisting that, "the *Rechtspflegebeschluss* is not a free pass for the enemy" (Soldovieri 156; scene 68/shot 235). Maria, who cannot avoid comparing the situation to Paul's treatment of Dieter, confronts him about her brother's severe punishment. Meanwhile, Grambow's hearing proceeds according to the new rules. The fisherman receives a light sentence of one hundred hours of community service, lenient compared to the five years in prison that Paul allotted to Dieter. At this point, the film thematizes the way in which the law must be interpreted, through Paul's career-oriented dogmatism, as well as the injustice of the law before the *Rechtspflegebeschluss*, emphasized by the discrepancy in judicial methods. Both aspects of the film offended the SED.

As a character, Paul does not project the SED's preferred image of the judiciary, nor does the film present a strong counterweight to the opportunistic judge (Feinstein 165). In terms of the *Rechtspflegebeschluss*, the SED waged a public campaign to ensure that the new law be understood as part of a socialist progression, not as proof that the

original law had been in error. GDR administrators were told to "find ways of mediating the language of new Politbüro and Central Committee directives in a fashion that would not jeopardize the narrative of GDR society's continuous development" (Soldovieri 149). Representations of "socialist development in the judicial sphere could accommodate a rhetoric of contradictions, but not ruptures" (Soldovieri 149). Maetzig's own summary of the film brings its contrary interpretation of the "socialist development in the judicial sphere" to a point:

The film dealt with criminal justice in the GDR. In the beginning, you see a trial carried out along thoroughly Stalinist lines, whilst at the end you see a second trial, which is conducted according to democratic principles. It was a film that formulated a hope that the course could be set towards a democratic socialism in the GDR. (Brady 85)

The film interpreted the law reform as a rupture, and invited its audience to consider this break to be a positive development. This depiction also angered critics of the *Rechtspflegebeschluß*, which had passed despite vehement opposition. During the political upheaval of the early 1960's, the interpretation of the law reform became a complicated affair, intensifying the conflict between those seeking a return to earlier, stricter policies, and those pushing for even more fundamental judicial reform (Soldovieri 149).

In a 1969 interview, Kurt Maetzig admitted that he was not shocked by the SED's censorship of the film. Instead, he claimed that, "the really surprising thing was that the

film could be made at all" (Brady 83). Maetzig's reaction is the result of further political developments of the early 1960's, described by historians as a period of stabilization,⁶ "in which the GDR turned to practical matters of government and economy" (Soldovieri 146-147). The director recalls that the proposals made in the early 1960's by Walter Ulbricht's economic advisor, Erich Apel, "corresponded with the wishes of the artists for more freedom and liberty for their work, for more responsibility and for more freedom of speech regarding the problems of the country" (Brady 85). The building of the Wall, in addition to Krushchev's condemnation of Stalin in 1956, "contributed to the sense among East German intellectuals⁷ that change was imminent in their society" (Feinstein 154). In this atmosphere of reform, artists felt encouraged to explore a more daring critique of the state (Soldovieri 147). This change did not erode support for the SED. In fact, "many loyal to the regime did not interpret this apparent trend as a thawing of socialism's utopian goals but rather as a signal of their long awaited redemption" (Feinstein 158). This change had a direct impact on the DEFA.

East German filmmakers considered the Wall, "the signal that they would now, finally, enjoy a protracted discursive space in which critical works of art would no longer be lambasted for playing into the hands of the West" (Kramer 132). Maetzig's

⁶ My investigation is indebted to Soldovieri's work on censorship and the 1961 *Rechtspflegebeschluss* as thematized in the film. Soldovieri undertakes his periodization of the GDR according to Weber and Staritz. See: Hermann Weber. *Die DDR 1945-1990*.48-76., and Dietrich Staritz. *Geschichte der DDR*.197-275.

colleague at the DEFA, the filmmaker Klaus Wischnewski, corroborates this view: "the years from 1961 to 1965 are characterized by a sense of energy, self-confidence and a willingness to take risks" (Qtd in Allen 12). *Kaninchen* became one of several DEFA films produced in 1965 "shot through this window" of a relatively relaxed attitude toward artistic expression (DEFA 132-133).⁸ While the film presented a "very deliberate response to the political and cultural situation of the GDR," its goal was not to "subvert the socialist project" (Feinstein 158). Neither did the DEFA's choice of director and screenwriter present a particular risk to the regime.

Maetzig had joined the underground German Communist party in 1944, assisted in founding the DEFA in 1946, and had "been involved in the production of films glorifying communist rule" (Feinstein 152).⁹ While Bieler's banned manuscript attracted official scrutiny of the project, there is evidence that the author's reputation for dissent was largely constructed after his final break with the SED. Emmerich reminds us that there is considerable revisionism concerning the politics of former East German writers, and cites Bieler as an example of those lacking nerve: "nicht jeder hat jederzeit vor seinem Weggang Zivilcourage gezeigt und bedrohten Kollegen geholfen" (Emmerich

⁸ Kramer cites interview transcripts for the *Südwestfunk* documentary *Verbannte Bilder: Die Verbotsfilme der DDR*. Maerker, Christa and Jansen, Peter. *Verbannte Bilder: die Verbotsfilme der DDR*. Documentary Film Vol. Südwestfunk, April 1991.

⁹ Shortly after helping to found the DEFA, Maetzig directed one of its earliest successes, *Ehe im Schatten*, in 1947. For an evaluation of Maetzig's work as exemplary among early DEFA productions, see: Erwin Pracht, *Einführung in den sozialistischen Realismus*. The film *Das Kaninchen bin ich* is not mentioned in Pracht's 1945-1975 review of GDR film and literature, nor is Manfred Bieler.

220)). In 1961, Bieler voted to exclude Heiner Müller from the *Verband Deutscher Schriftsteller* ("Association of German Authors") only two years before his original manuscript for *Kaninchen*.¹⁰ Despite his previous loyalty to the Party, Bieler now became its target.

3.4 The SED retaliates at the Eleventh Party Plenum

Emmerich describes the Eleventh Party Plenum, held in December 1965, as a highpoint of the SED's campaign against literary and intellectual tendencies that called the socialist system into question (Emmerich 166). In his extensive study, *Die Intellektuellen: Literatur und Politik in Ostdeutschland von 1945 bis 2000*, Werner Mittenzwei, characterizes the conference as a bewildering political affair for both politicians and artists (232). The most widely accepted interpretation of this event holds that the SED used this meeting to refocus its frustration with the stagnant economy. The meeting "was intended to deflect attention away from the acute economic problems that the New System of Economic Planning and Management (...) had run into the previous year" (Allen 12). Feinstein agrees with this analysis, yet maintains "it is impossible to say

¹⁰ For the original interview, see: Heiner Müller, "Schreiben ging mir vor Moral " *Der Spiegel* 1992: 146.

what prompted the Party leadership to use the Plenum, which was supposed to be devoted exclusively to the economy, as a forum for attacking artists" (168).¹¹

During the course of the conference, the SED reproached the DEFA, censoring twelve of the films it produced in 1965 (Mittenzwei 232). According to Maetzig, *Kaninchen* received the brunt of the SED's criticism by chance, and was "described as counterrevolutionary, as hostile to the state, as an economic crime, as an insult to the entire republic" (Brady 86). While the Party simply removed the majority of banned DEFA films from public view, it singled out *Das Kaninchen bin ich* for open rebuke, accusing it of undermining the reputation of the GDR's justice system (Mittenzwei 233). Honecker's infamous tirade at the plenum called the film, along with *Denk bloß' nicht, ich heule*¹², degenerate and anti-socialist:

Our GDR is a clean state. In it there exist unyielding standards of ethics and morality, for decency and proper behavior. Our party takes a decisive stand against the imperialist-driven propaganda of immorality, which pursues the goal of damaging Socialism. ... In a number of films produced in the past few months -- *Das Kaninchen bin Ich* and *Denk bloß' nicht, ich heule* -- certain views and tendencies both alien and damaging to socialism are represented ... Often the relationship between the individual on the one hand and the Party leaders and the

¹¹ This development in the history of the GDR is complex and deserving of more attention than can be granted here. It is the result of both the failing NÖS program, as well as Khrushchev's fall from power in the USSR. For a synopsis in context of the Eleventh Plenum, see: Feinstein. 168-173.

¹² Frank Vogel's film was also produced in 1965.

collective on the other is portrayed as cold and detached. The reality of our society is portrayed as a difficult road – and one which requires many sacrifices along the way – to a beautiful, but illusory future. (Qtd in Allen 12-13)¹³

The twelve banned DEFA productions would hereafter be known as *Die Kaninchen Filme* ("The Bunny Films") (*DEFA Film Library*). Accordingly, the SED relieved Günter Witt¹⁴ and the GDR's Minister of Culture, Hans Benzien, of their posts (Mittenzwei 234-235). In an attempt to prevent further damage, Maetzig publicly conceded that some of the SED's criticism of his film was justified (Allan 13). Walter Ulbricht replied in an open letter, accusing Maetzig of "pandering to 'counter-revolutionary' tendencies from the Federal Republic" (Allan 13). *Kaninchen* was not released in the GDR until 1989.¹⁵

¹³ This citation follows Sean Allen's translation. For the original transcript, see: Erich Honecker. *Bericht des Politbüros an die 11. Tagung des Zentralkomitees der SED, 15-18 Dezember 1965*. Berlin: 1965. For a further analysis of Honecker's Eleventh Plenum address in terms of specific consequences for East German writers, see: Wolfgang Emmerich. *Kleine Literaturgeschichte der DDR*. 166-7.

¹⁴ For Witt's subsequent apology to the SED after the Eleventh Plenum, see: *Prädikat, besonders schädlich: Filmtex te*.

¹⁵ The film was screened as part of the full corpus of banned DEFA films at the *Berlin Film Festival* in 1990. For the complete list, see: Karen Ruoff Kramer. *Representations of Work in the Forbidden DEFA Films of 1965*. 133. Since this time, *Das Kaninchen bin ich* has become the focus of critical attention, and a standard component of international forums on East German cinema. An example is the Museum of Modern Art's inclusion of the film as part of its film series, *Rebels with a Cause: The Cinema of East Germany*, in 2005.

Mittenzwei describes the number of films censored in 1965 as grotesque, and most critics agree that the SED's response to the DEFA was out of all proportion to the possible threat posed by the *Die Kaninchen Filme* (DEFA Film Library). Yet the SED felt that leaving this challenge unchecked amounted to calling its own authority into question (DDR 207). Further, *Kaninchen* conveys its condemnation of the justice system from the lower tiers of East German society, making its critique more difficult to tolerate. It is not only what Maria *says* that is controversial, it is who she *is*. Feinstein explains: "The picture's sympathies clearly lay not with the Byzantine state but with the folksy verve and wit of the little people, caught between the cracks and without a voice" (163). Even though "Bieler and Meatzig took pains to show that Maria's development occurs in tandem with her society's progression," their efforts were not enough to gain approval of the film, "a major theme of which is official injustice" (Feinstein 163). Feinstein sums up the perceived danger posed by Bieler's young narrator:

... this character's very autonomy, her insistence on defining herself in the first person and against convention, was threatening. The Party derived its legitimacy from its position as the avant garde of the proletarian society's guide to the future. The regime was not quite ready to admit that the disenfranchised could fend for themselves, especially if this autonomy could be used to criticize its rule. (Feinstein 163)

Bieler's 1969 BRD novel also relies on Maria's "voice from the bottom." However, in this version, Maria's outspokenness poses no possible threat to the SED. Instead,

Maria uses her autonomy to discover what makes Paul identify with the Party in the first place.

3.5 From DEFA Film to BRD Novel

In 1966, the SED denied Bieler permission to publish a subsequent work, *Zaza*, a theater piece that dealt with prison life. This caused Bieler's final break with the SED (DDR 207-208). Bieler left the GDR, joining the growing number of writers who considered the SED's political demands intolerable. He moved to Prague in 1967, became a Czech citizen, and pursued his career as a playwright. Bieler fled to the BRD after Soviet tanks put an end to the Prague Spring in 1968, and rewrote his banned 1963 manuscript of *Das Kaninchen bin ich* in Munich. He was finally able to publish his novel with the Biederstein Verlag in 1969.

Bieler changed the title of his original manuscript, *Das Kaninchen bin ich*, to *Maria Morzeck oder: Das Kaninchen bin ich*. This change reflects extensive revision of the 1963 text (Karsch). Dieter's severe prison sentence still drives the plot, but *Morzeck's* focus on the *Rechtspflege-Erlass* is now limited. Instead, the novel argues that Paul has a different motive for his zealous interpretation of the law. Two significant changes to *Morzeck*

facilitate this change of theme: the elimination of the Grambow episode, and the addition of a character, the poet Harry Rutek.¹⁶

In *Kaninchen*, the Grambow episode allows Maria to compare the difference in the severity of GDR law before and after the *Rechtspflege-Erlass*. *Morzeck* removes this possibility of a direct comparison. Instead, Maria attacks Paul's interpretation of the law based solely on its destructive effect on her family. When Paul defends himself by placing his verdict into its historical context, he instead reveals the conflicted nature of his ideology. Paul refers to the *Rechtspflege-Erlass* only once, but Maria cuts him off because his legal explanations prove to be irrelevant. Since Maria's youth and inexperience restrict her insight into Paul's motivations, *Morzeck* burdens its narrator with a question she cannot answer. This narrative pressure is relieved by the second significant change to the novel: the addition of the alcoholic poet Harry Rutek.

Harry provides Maria with critical insight to Paul, and provides a palimpsest that allows us to see Paul's development at several stages of his life, most notably during the Nazi period. Harry argues that the root of Paul's behavior can be found in his past: the judge flees into representative roles for the state in order to overcome his personal pain. This is a remarkable departure from the plot of *Kaninchen*, in which Paul's careerism is responsible for his judicial decisions. *Morzeck* suggests that Paul's careerism

¹⁶ Bieler had originally removed this character from the script of *Kaninchen* at the request of Maetzig. See: Feinstein, 164.

is only a symptom of his own failed *Vergangenheitsbewältigung* (“overcoming of the past”).

Through *Harry*, we learn that Paul also suffers. *Morzeck* makes its argument against the SED by showing how the Party exploits Paul’s fear of his Nazi past to ensure his allegiance. Subsequently, Paul’s failure to overcome his past enables the SED’s authoritarianism, which makes the Party’s own failure to confront Germany’s fascist past responsible for GDR injustice. This is an ambitious argument for a popular realist novel to make; yet *Morzeck* shows an awareness of its own limitations in presenting this critique. In fact, the novel thematizes its own literary restrictions in a way that invites us to consider the relationship between political literature and the extra-aesthetic realm.

3.6 Maria describes Paul as Interchangeable

A comparison between the courtroom scenes in *Kaninchen* and in *Morzeck* shows us how *Morzeck* employs Maria’s first-person point of view to draw our attention to Paul’s interchangeability. In *Kaninchen*, Paul is already present as the hearing begins. In *Morzeck*, Maria’s description of Paul begins before he arrives. We read: “Über dem Richtertisch hing das Bild des Präsidenten¹⁷ mit 'ner Perle im Schlips. Er sah uns ernst aber nicht unfreundlich an, und trotzdem waren wir so beklommen, daß wir nicht

¹⁷ The first (and only) president of the GDR was Wilhelm Pieck. As in *Kaninchen*, Dieter’s trial in *Morzeck* also takes place before the *Rechtspflege-Erlass* is issued and the Wall is built. However in the film, the portrait above Paul is of Walter Ulbricht.

miteinander sprachen, Hethe und ich“ (Bieler 16). Maria introduces Paul as an absence, while the authority that he serves terrifies Maria and her aunt. This version emphasizes Paul's role as part of a system. When Paul enters the room, he does so as part of *das Gericht* (the court): “Dann kam der Staatsanwalt, nach ihm der Verteidiger, ein Offizialverteidiger, weil wir uns keinen leisten konnten, und schließlich mein Bruder. Ganz zuletzt kam das Gericht, ein Richter und zwei Beisitzer, wir standen alle auf, und die Verhandlung wurden eröffnet“ (Bieler17). The order of the procession indicates that Paul is the highest authority in the court, yet Maria's description of him is fleeting, “Der Richter war ein bisschen größer als die beiden Beisitzer und schien so ende Dreißig“ (Bieler 17). Maria's description heightens our sense of Paul's anonymity when he opens the proceedings. In contrast to *Kaninchen*, in which Paul begins the hearing with his own words, Maria paraphrases the judge: “Er ... sagte, daß wir den siebentenundzwanzigsten hätten und Dieter Morzeck wegen Staatsverleumdung und planmäßiger Hetze angeklagt sei” (Bieler 18). Maria's paraphrase removes Paul's voice from us, and foreshadows his inability to use his own voice, relying instead on Party rhetoric and propaganda.

Maria's fear of the president's portrait above Paul's empty chair underscores her subjectivity, and the rest of her description fulfills expectations of a hearing conducted by an authoritarian regime. We might expect a portrait of the president on the wall, the building to be imposing, and the judge to be interchangeable; Paul serves the court and

not himself. Yet immediately after introducing Paul, Maria has a daydream that allows us to re-imagine the actual position of those serving the state.

This scene is also present in *Kaninchen*, but it is only a few lines long and takes place before Paul speaks. Critics have cited this scene, in which Maria imagines that Dieter is accused of being a spy, as capturing her creativity and determination in rising above her circumstances (Feinstein 160). *Morzeck* extends Maria's thoughts to a full paragraph in which they become a meditation on the interchangeable identities of representatives of the state.

Staatverleumdung ... Das war für sie so was wie Spionage, und Spionage war ein Kavalierversbrechen, was Besseres. Spione beziehungsweise. Spionierer, wie Tante Hete sagte, trugen einen Frack, tanzten mit Diplomatenfrauen und schoben sich gegenseitig chiffierte Meldungen unter die Kompottschalen, bis sie irgendwann in ein Geheimfach ihres Sekretärs griffen, eine Mauserpistole herausnahmen und sich eine Kugel in die Schläfe donnerten (...) während die Dame in Ohnmacht fiel, gab der scheinbar Verblichene die ersten Lebenszeichen, etwa: ‚Ich tat es für dich‘, oder: ‚Ich liebe meine Heimat über alles, über alles in der Welt. (Bieler 18)

Dieter is not accused of spying. As Maria waits for the judge to enter the courtroom, she muses about the ambiguous identity of spies, who have so many aliases that they cannot remember their own name: "diese armen Figuren haben so viele Decknamen, daß sie sich nicht mal mehr darauf besinnen können, wie ihr eigener Vater geheißen hat" (Bieler 18). Maria's daydream takes on the form of a scene in a cinematic

spy thriller. The hero has been identified and is fatally wounded. Lying in the arms of his lover, he gasps: "ich tat es für dich," and, "Ich liebe meine Heimat über alles, über alles in der Welt." Maria delivers this description right before Paul enters the room, inviting us to consider to what extent the judge, too, is a state servant with no identity.

Maria does not identify Paul when they first meet. Instead, she names him after an act he performed in their immediate past. This lends Paul an aura of anonymity and timelessness. In *Kaninchen*, Paul reveals his identity to Maria right away, telling her his name during their first personal encounter. In *Morzeck*, their first personal encounter takes place at the symphony, and Paul appears out of nowhere: "Plötzlich steht jemand neben mir, hat meine Uhr in der Hand und lacht" (Bieler 35). Paul is simply "somebody" (jemand), Maria does not recognize him as the judge in court, nor does he say his name. After Paul leaves, Maria cannot remember how he looked: "bloß an seiner Stimme hätte ich ihn wiedererkannt"(Bieler 36). Yet Maria makes no connection between this voice and the judge's voice in court. When Paul finally tells Maria his name during their second meeting, she does not hear it: "Er sagte seinen Namen, aber ich verstand ihn nicht, weil er gerade in meinem Gedächtnis die Uhr aufhob, die im Metropol-Theater auf'm Fußboden gelegen hatte"(Bieler 73). Because Maria is remembering what Paul *did* as he speaks, she cannot hear who he says he *is*. She identifies Paul by what he *did*, not by what he *says*. Maria names him *Der Uhraufheber* ("he who picks up a watch"), suspending his present identity and replacing it with his actions in the past.

Maria's manager finally identifies Paul: "Mensch, det is'n Bulle ... Aba wat für eena" ... Aus der Littenstraße, mein Kind, wo se de Hosen runterlassen missen. ... Da ist der Richter" (Bieler 75-6). We see that Maria needs a third-person perspective to show her "who Paul is," while the manager's identification provides another layer of description to Paul's character. In this case, we learn of the effect Paul's role-playing has on his community: "Unter fünf Jahre spielt sich bei die Brieder nischt ab" (Bieler 75-6). *Morzeck's* layering of third-person perspectives on Paul finds its climax when Harry presents his insight to Paul's motives.

3.7 Harry's insight: Paul is a Servant

Harry tells Maria that Paul can only play the role of *Stellvertreter* ("representative"), and that Paul's past role-playing for the Nazis determines his present role-playing for the SED. Harry focuses first on Paul's military service, then discusses details of his Soviet internment: "Er selber war bei den Pionieren," Harry explains. "Er hat Brücken gebaut oder gesprengt, ganz wie's kam" (180). Paul's ability to follow orders under any circumstance is the first step to understanding his motives: "Ich halte das für wichtig. ... Das er immer Stellvertreter war ... Immer anstelle, anstatt...und nie selber, durch sich, aus sich heraus" (180). Once the war ends, the Soviet military mistakes Paul for a Nazi officer. Paul's role-playing ends in catastrophe: "Er hat also alle die Prügel bekommen, die einem anderen zugedacht waren" (180). Harry interprets this experience as emblematic of Paul's relationship to the SED: "Er steckt die Ohrfeigen für sie ein. ...

Aber er ist nicht identisch, weder mit sich, noch mit der Sache. Er ist nicht zu sich selber gekommen. Er ist unglücklich. Er ist ein Knecht“ (Bieler 186). Paul's inability to "come to himself" (or be himself) causes him to accept punishment on the state's behalf.

Harry's insight allows us to see Paul's interchangeability in the context of Germany's fascist past. Maria initially describes Paul's role-playing in keeping with Hannah Arendt's "Cog Theory," which holds that bureaucracies need exchangeable parts. Arendt writes, "it is inevitable that we speak of all persons used by the system in terms of cogs and wheels that keep the administration running" (*Responsibility and Judgment* 29). Such cogs, or representatives of the state, might then refer to this process in an attempt to escape moral culpability for committing crimes on its behalf.

Yet Paul uses the limited independence granted to him, as judge, to impose a harsher sentence on Dieter than that required of a cog in the GDR's bureaucratic machine. Maria initially believes that Paul does so to further his career. In light of Arendt's moral philosophy, Harry's use of the term *Knecht* ("servant") reframes Paul's possible motive.

Arendt uses the term "obedience" to describe a misunderstanding of the proper relationship between the body politic and its authorities. The historical origin of this confusion is the relationship of a slave to a master, a child to a parent, or the theological definition of man's relationship to God (*Responsibility* 46-8). But none of these are

appropriate to the modern political sphere. By defining the sum of his thesis as Paul's obedience, Harry suggests that Paul suffers from something more profound than a need to succeed in socialist society: the need to obey. Here, *Morzeck* departs from the plot of *Kaninchen*, in which Paul's harsh implementation of the law is attributed solely to his careerism. Yet the novel is not content to exchange one character flaw (careerism) with another (servanthood). Instead, Paul allies himself with authority in order to overcome his own pain.

To avoid the pain of defeat, Harry tells us, Paul associates with whoever is victorious: "das schönste am Siegen sind die Nebenerscheinungen: die Wunde brennt nicht mehr ... Gewissensbissen? Weg! Der Zweifel? Weg! Zögern? Weg!" (Bieler 183) Just as Paul once allied himself with the Nazis, and then sided with the Soviets, he now identifies with the SED. Yet Paul's inability to be "at one with himself" prevents him from identifying with each cause in an appropriate way: "er ist nicht identisch, weder mit sich, noch mit der Sache" (186). To overcome possible contradictions in his thinking, Paul overcompensates and identifies with each cause completely. This has consequences for his fellow citizens: "Man gerät in Versuchung, ihn mit der Sache, die er vertritt – er ist ja Stellvertreter geblieben – gleichzusetzen" (186). Harry's insight shifts the responsibility for Paul's actions to the SED, which manipulates Paul's identity crisis to its own purposes.

If Paul questions the Party, he risks association with the previous (fascist) state.

Paul thus subjugates himself to the SED in order to distance himself from Nazism. Harry clarifies this process to Maria by ridiculing the inseparability of Paul's rhetoric from that of the Party:

Haben wir gesehen, wohin die Skepsis führt? Jawohl, wir haben es gesehn, wohin sie führt. Kann man an diese Frage überhaupt so herangehn? Nein, man kann an diese Frage nicht so herangehn. Wäre es jetzt gut, eine Diskussion über diese Fragen zu beginnen? Nein, es wäre nicht gut. Ist es nicht besser, Vertrauen zu haben? Jawohl, es ist besser, Vertrauen zu haben ... Kann sich der einzelne irren? Ja, der Einzelne kann sich irren. Kann die Partei irren? Nein. Die Partei hat immer recht. (Bieler 183)

According to Harry, the SED can count on Paul's allegiance as long as he fears his own past.

3.8 Paul's Ambivalent Allegiance to the SED

In contrast to the film, Paul's self-contradictory defense of the law to Maria does not reveal his lack of character. Instead, it validates Harry's insight. The argument begins when Paul finally tells Maria why she had to leave the courtroom during Dieter's trial: the court was about to play the Konrad Adenauer speech her brother is accused of broadcasting over an intercom. Maria responds to Paul's confession by flying into a rage:

Was jeder jeden Tag im Radio hören und jeden Tag im Fernsehen sehn kann – davon wird euch mies und mau? Herzlichen Dank. Das genügt ja eigentlich. Ihr seid so einmalige Scheißer, daß es wirklich zum Himmel stinkt. Das war euer Staatsgeheimnis, was Tante Hethe und ich nicht hören durften, und zu Hause hätten wir bloß am Knopp zu drehn brauchen, aber das machen wir nicht mal, weil uns das zu doof und zu langweilig ist! Verstehste!? ... Daß unsereinem das Kotzen kommt, wenn wir eure Staatsgeheimnisse hören!? (Bieler 198)

Paul defends the action as a necessary procedure: " in Wirklichkeit passiert das bei jeder Gerichtsverfahrung auf der Welt. Hätte ich in diesem Fall die Öffentlichkeit nicht ausgeschlossen, müßte ich bei Mordprozessen Zulassen, daß uns die Angeklagten vorführen, wie sie Menschen umbringen" (Bieler 199). His argument fails to convince Maria: "Ich bin kein Rechtsanwalt. Ich habe bloß meinen Menschenverstand" (199). Paul's defensiveness suggests that he is not at peace with his own explanation: "Denkst du vielleicht, wir sind Faschisten? ... Denkst du vielleicht, es macht uns Spaß, jemanden ins Gefängnis zu bringen? ... Wir sind die Partei, die Gefängnisse abschaffen, die keine Zuchthäuser sondern Krankenhäuser und Schulen und Kindergärten bauen will" (203). In an attempt to justify this contradiction, Paul claims that incarceration is productive. He provides an example of a successful Party member who was interned by the Nazis for four years, and subsequently imprisoned in the GDR for five more: "Er ist rehabilitiert, er ist wieder Parteimitglied, er hat wieder eine verantwortungsvolle Funktion" (203). Maria must accept the possibility of necessary penal phases in the development of ideologically sound citizens: "Leben heißt Opfer bringen, vorwärts

gehn, ununterbrochen vorwärts" (204). Paul's previous description of his own imprisonment suggests that he is actually referring to himself.

Maria tells us that nothing makes Paul happier than talking about his own Soviet internment: "Wenn er von seiner Gefangenschaft sprach, ging ihm irgendwie das Herz auf" (Bieler 87). Paul's recollection is markedly different from that of other former prisoners of war. They brag about their forced labor on behalf of the Allies: "Ohne sie wäre die Welt stehengeblieben" (87). Paul recounts no such heroism: "Dieser hier drete den Spieß mal rum. Der sagte, daß er ein furchtbarere Hosenscheißer war und sich am liebsten vor jedem auf'n Bauch geschmissen und ihm die Stiebel geleck't hätte. Aus ihm wäre in Rußland erstmal 'n Mensch geworden" (87). Harry tells us that the Soviets mistreated Paul, and that he associates with victors in order to overcome the pain of defeat. Accordingly, Paul's gratitude for Soviet indoctrination is actually a coping strategy to justify his own current imprisonment in the GDR.

This influences Paul's interpretation of the law, causes him to believe that he is acting on principle. This implication is reinforced by Paul's inability to sympathize with prisoners. Paul cannot understand Maria's distress after seeing Dieter in prison: "Im Zuchthaus ist doch alles klar," he says. "Da verstehe ich dich nicht. Wenn einer im Knast ist, ist der Fall doch eindeutig. Er kriegt so und so viel Jahre aufgebürmt, und die sitzt er ab. Fertig" (Bieler 115). Maria's description of Paul reinforces the similarity between

the judge and his convicts: "Er war nicht unsympathisch," she says of an early meeting, "aber wenn ich ihm ins Gesicht sah, fiel mir mein Bruder ein (83). Paul and Dieter even share a physical mark received in prison. After the guards beat Dieter and chip his tooth, we learn that Paul, too, has a chipped tooth. Harry tells us that it was given to him by the Soviets. In light of Harry's insight, *Morzeck* suggests that Paul's motive in imprisoning enemies of the state is the result of his own incarceration, not his ideological conviction. Paul's defense of the law, during which he unwittingly exposes his ambivalent allegiance to the SED, strengthens this argument.

Paul confesses that he would give Dieter a lighter sentence now that the East German border is closed. This puts him in danger of admitting that the GDR supports a legal discontinuity. As we saw above, the SED found the interpretation of a "break" in the development of GDR law unacceptable. In *Morzeck*, Paul follows the SED's preferred interpretation of the 1961 law reform: the law has not changed; the society has developed. This does not satisfy Maria: "Ach, ... ändern sich die Gesetze jede paar Jahre?" (Bieler 205). Paul must shift his focus to prove that this is not the case: "Eigentlich ... wenn auch...die Gesetze ändern sich natürlich nicht so oft...aber die Art, sie auszulegen, die ändert sich" (205). This change of focus to the interpretive quality of the law reveals Paul's contradictory stance toward the SED.

Paul argues that the law's new leniency can be explained by the SED's reliance on the proper interpretation of the law, not simply the following of its letter: "wir sprechen nicht Recht of Grund des toten Buchstabens" (Bieler 205). Therefore, the severity of Dieter's crime justified the Party's response at the time: "Wir dachten jedenfalls, daß vier Jahr gerade das richtige maß dafür sind" (212). But Paul's use of the term *wir* ("we") is misleading. Paul sentenced Dieter to a harsher prison term than the SED required -- even before the law reform of 1961. It follows that no *wir* sentenced Dieter; Paul applied the harshest sentence permitted. This proves that no *wir* interprets the "dead letter of the law". Instead, Paul's verdict contradicts his defense of the Party as united in its interpretation of the law, thereby undoing his attempt to hide behind its ideology.

To avoid self-incrimination, Paul now blames the severity of early East German verdicts on the historical development of the GDR. Paul makes politics responsible, specifically the theory that each criminal act is counterrevolutionary: "Dementsprechend sahen die Urteile aus. ... Straffetischismus ("punishment-fetish"): – sagen wir heute. Das hat es gegeben – zweifellos" (Bieler 206). Paul denies being part of this tradition. In contrast to his position vs. the 1961 law reform in *Kaninchen*, he associates himself with the *Rechtspflege-Erlass* in order to distance himself from *Straffetischismus*: "Es gibt den Rechtspflege-Erlass – siehst du, das ist die Art wie wir sowas machen: langsam, gründlich, aber hieb und stichfest" (206). It is the only time the *Rechtspflege-Erlass* is

mentioned in *Morzeck*. Even then, Maria cuts Paul off to deny him the possibility of obscuring his motives with legal theory.

In fact, Paul's use of the concept *Straffetischismus* complicates his stance toward the *Rechtspflege-Erlass*. The term originates in a Soviet legal text that Maria translates for Paul entitled *Einige Probleme der weiteren Entwicklung des sowjetischen Strafrechts im Lichte des Programms der KPdSU* ("Some Problems of the Further Development of the Soviet Criminal Law in Light of the Program of the CPSU") (Bieler 99). Since the CPSU ultimately pressured the SED to give up its reforms, Paul's interest in this document suggests his ambivalence towards the GDR's application of socialist law. Throughout *Morzeck*, Paul refers to the Soviet Union as the true measure of socialist progress, which suggests that he might side with the CPSU against the SED's reforms. Paul's use of the *Rechtspflege-Erlass* to defend the SED is thus an unreliable indicator of his allegiance.

3.9 *Morzeck* Undercuts its Argument: the Problem with Harry

Maria relies on Harry's insight to help us understand Paul's motives, yet doubts his ability to describe the world. According to Maria, Harry uses words in an inauthentic way, creating poetry he names *himmlische Konstruktionen* ("heavenly constructions") (Bieler 132). Harry's poetics are juxtaposed to Maria's preference for realistic narrative at the beginning of *Morzeck*. Maria introduces her story: "ich will mal sagen: kein Buch mit Sonnenaufgang oder -untergang, mit Natur und Wolken und wie der Wind über die

Heide pfeift, wo ich mich immer frage, wer sich dafür interessiert (...) Bei sowas blättere ich immer gleich weiter, denn Himmel und Sterne lassen mich verhältnismäßig kalt“ (5).

In other words, Maria has no interest in heavenly constructions as described by Harry, and justifies this preference by her need of advice: “Ich möchte lieber wissen, was sich die Leute zu sagen haben, wenn sie im Bett liegen und das drum und dran vorher und nachher, oder so Sachen aus dem Krieg, oder wenn einer den andern umbringen will, denn das sind Lagen, in die man selber kommen kann, wenn man nicht aufpasst“ (6).

Harry cannot satisfy her demands on literature because she considers his language inauthentic. In this, Maria’s criticism of Harry is specific. The poet cannot keep the meaning of his words in correct proportion to each other:

Er machte auf fein, sagte ‘gewaltige Verlegenheit,’
‘unendliche Leidenschaft’, ‘himmlische
Konstruktion’, ‘gesegnete Ruhe’ und sowas, und immer im
falschen Zusammenhang, dadurch wurde es ein bißchen
schief und witzig, wie wenn man auf einer Zeichnung die
Maßstäbe willkürlich verschiebt, sagen wir mal, einen
Mann durch eine Straße geh läßt, wo ihm das höchste
Haus bloß bis ans Knie reicht, oder umgekehrt – also, auf
jeden Fall: Gulliver (Bieler 130).¹⁸

Maria lists Harry’s preferred literary constructions (heavenly constructions) in this critique, and her comparison of Harry to the narrator of Jonathan Swift’s *Gulliver’s*

¹⁸ “He tried to be fancy, said ‘mighty embarrassment,’ ‘immeasurable Passion,’ ‘heavenly constructions,’ ‘blessed peace,’ and the like, and always in improper relation to each other, where-by things got a little crooked and funny, as when one randomly adjusts the scale of a drawing, let’s say, letting a man walk through a street in which the highest house only reaches his knee, or the other way around – in any case: Gulliver.”

Travels makes two points: the poet cannot keep the meaning of his words in correct proportion to each other, and the connection between his words is always false: *und immer im falschen Zusammenhang* ("always in the wrong relation to each other"). To follow the *Gulliver* analogy, Harry tries to present moral lessons -- the kind of advice Maria prefers. But the poet fails. Instead, his formulaic use of words -- *er machte auf fein* ("he tried to be fancy") -- makes his portrayals *schief und witzig* ("crooked and funny"). If everything Harry describes is disproportionate in and of itself, his insight to Paul might not be accurate. Specifically, Harry could not tell us how large a part Paul's past plays in his identification with the SED, his careerism, or his interpretation of the law. This may subvert Harry's insight, which destabilizes *Morzeck's* argument that a failed *Vergangenheitsbewältigung* is responsible for the injustices of the GDR.

3.10 A Critique of East German Poets: the Similarity between Harry and Paul

Harry cannot present a convincing argument against the GDR. *Morzeck* holds the poet accountable for his political impotence through Maria, who makes no distinction between the inauthenticity of Harry's language and that of the state. Throughout *Morzeck*, Maria describes the language of the state as formulaic and inauthentic. Maria receives a letter from the university which denies her access to a higher education: "Sehr geehrtes Fräulein...! Zu unserem Bedauern müssen wir Ihnen mitteilen..." (Bieler 62) The rest of the letter is meaningless, reinforced by Maria's juggling of its word

order: "Weiter brauchte ich nicht zu lesen, dann fing alles an zu tanzen. 'Zu Ihrem Bedauern müssen Sie uns mitteilen'... 'Zu unserm Mitteilen müssen wir Sie bedauern'...,'Zu Ihrem Mitteilen müssen wir uns bedauern'...'Zu unserm Bedauern müssen wie Sie bedauern'" (Bieler 62-3). The actual reason for her rejection, Dieter's incarceration, though obvious, is not mentioned. When Maria visits Dieter in prison, she notes how the guard requests that photos be presented: "Er sagte nicht, 'die müssen Sie mir zeigen,' sondern: 'Die müssen mir vorgelegt werden' Passiv" (106). The guard cannot disguise imperatives.

The state's misuse of language corrupts Maria's relationship with Paul. Maria does not know how to address Paul in his official role when writing an appeal on behalf of her brother. She is not familiar with the proper form, even though both she and Paul know the essence of her request: "'Sehr geehrter Herr...' – da ging's gleich los. Besser war vielleicht: 'Hochverehrter Herr' ... 'Hohes Gericht!' Besser ist vielleicht noch, damit's nicht zu aggressiv klingt: ‚Verehrtes Hohes Gericht!' oder 'Hoher Gerichtshof!?' Nein, nein. Also: 'Verehrtes Hohes Gericht!' Ausrufezeichen. Absatz. ‚Ich erlaube mir...' '(Bieler 162). The formulaic language of the state obscures the meaning of their conversations. Paul relies on Party rhetoric to make his points. Harry, as she thinks, fares no better with his heavenly constructions. Maria leads us to consider the similarity between the two during their first meeting.

Maria is equally estranged by the language of each, and begins describing their hands instead of recounting their words: "wie sie aus den Ärmeln hingen ... wie sich die Finger im Gespräch aufrichteten, am Ende der Sätze stehenblieben und plötzlich einknickten, sich zur Faust bogen, wieder öffneten, ganz weich und ganz langsam, vier Finger über der Lebenslinie, der Herzlinie, mit weißen Nagelbetten und Monden alles noch mal sagten, was der Mund sagte" (Bieler 132). Maria is daydreaming about her relationship with Paul when his and Harry's voices return: "'und dann kamen die Stimmen langsam zurück, das Gespräch zerfiel in Fragen und Antworten, die Sätze in Wortgruppen" (132). Instead of telling us what these questions and answers are, Maria breaks them down into their grammatical and phenometical parts: "Fräulein Hartung, Subjekt, Prädikat, Objekt, adverbiale Bestimmung, Interjektionen, die Worte mit Silben, die Silben in Mitlaute, Zwielaute, Selbstlaute: a-e-i-o-u" (132). Meanwhile, the content these create has become irrelevant: "Hörst du überhaupt zu, wenn man mit der redet?', fragte Paul. ‚Nein,‘ antwortete ich" (132). Maria characterizes Harry and Paul's use of language as so similar that it blurs the potential difference in their arguments. This element of irony in Harry's protest is underscored when the poet repeats what Maria has just ignored: "Ich wollte gerade erklären, warum ich kein Techniker geworden bin, Engineer oder sowas, kein Brückenbauer, ohne Sinn für himmlische Konstruktionen"(132). Harry refuses a career in the GDR's socialist project in order to criticize the regime with his poetry, but Maria cannot tell the difference between his heavenly constructions and Paul's political explanations.

3.11 Maria Celeste: an Analogy of Maria Morzeck

Morzeck softens its critique of the poet's impotence by inviting us to consider that political literature is always dependent on its own political and social context. This becomes apparent when Harry presents an original -- and political -- poem, *Maria Celeste*, to Maria and Paul. Before he begins, Harry feels constrained to provide an introduction to his work: the historical context that will explain what his poem is about. Paul interrupts this introduction: "Willst du nicht lieber gleich das Gedicht vorlesen, sonst müssen wir uns das alles zweimal anhören...?" (Bieler 190) Maria disagrees. Harry tells us that his poem is based on a maritime myth in which a ship, the *Maria Celeste*, was found on the high seas without a crew. Harry presents this introduction in a straightforward, realistic way – the kind of narrative Maria prefers: "In der Mannschaftsmesse stand das Geschirr auf den Tischen. Es mußte, kurz bevor die Matrosen das Schiff verlassen hatten, serviert worden sein. Manche hatten sogar schon angefangen, die Teller standen alle in einer Reihe" (189). At the end of the story, the ship is towed back to its homeport and returned to its original owner, but the crew's disappearance remains a mystery. Harry then presents his poem, which is obscure and therefore difficult to understand:

Durch mein Herz, Maria Celeste, meine Zweitagsfliege,
meine Bettfederfee, schwimmen drei Matrosen und
schlagen meinen Puls mit braunen Beinen – in die Milch
aus Tang und Finsternissen den Flossenflügelwurf des
Rochensm, den dritten, den giftigen Stachel des

Goldbarschs, den blauen, den silbernen Streifen des
Schellfischs. (Bieler 191)

Harry's introduction helps Maria and Paul to understand that *Maria Celeste* is an analogy of the East German state whose citizens (the crew) have disappeared and left the ship (the state) to drift aimlessly upon the sea: "niemand weiss bis heute, wo diese leute geblieben sind" (Bieler 189). Paul immediately attacks the poem: "es hat Gewisse Schönheiten, aber ich frage mich: was soll das alles? ... du mußttest uns die ganze Geschichte mit diesem Segelschiff vorher erzählen, damit wir überhaupt in der Lage waren..." (192). Maria defends Harry's work: "'Schluss,' rief ich. 'Mir gefällt es.'" (192) Maria despises Harry's inauthentic language, but can enjoy his poem because he provides a realistic context she can follow. This passage thematizes the dependence of political literature on its own extra-aesthetic context to be understood.

The episode suggests that the presentation of *Maria Celeste* is an analogy for *Maria Morzeck*. The poem is named after *Morzeck's* narrator, *Maria*, and Harry's heavenly constructions, suggested by the Latin for "heaven," *Celeste*. The title combines Maria's literary realism and Harry's obscure poetry. Despite Harry's use of literary realism in his introduction, his poem – and therefore its argument -- remains multivalent. It does not fulfill the requirements of the original myth since the ship is not towed to its home port. Instead, *Maria Celeste* ends with the poet swimming toward the ship (his own poem): "Komm, noch im Tode schwimme ich dir zu: Maria Celeste" (Bieler 192). The

poet seeks his answer in swimming toward the ship (his work), not towing the ship to port (a resolution of the myth). The last line suggests that he will perhaps die performing this task. Therefore, his work will never be complete. Harry uses the incomplete status of his work to defend his poetry, "Es ist ohnehin nicht fertig" (192). But if we understand that *Maria Celeste* provides an analogy for *Morzeck*, Harry's defense is an admission that he cannot finish a political argument in a work of literature.

Morzeck thematizes its own literary limitations by suggesting that Harry (as the writer of *Maria Celeste*) reflects the role of Maria (as the writer of *Maria Morzeck*) participating in the poet's reaction to sharing his own work: "er war blaß" Maria tells us, "und ich merkte, daß er sich nicht wohlfühlte" (Bieler 192). Maria's reaction to Harry's insight about Paul is similar:

Als Harry Rutek die Tür hinter sich zugemacht hatte, ging ich an den Ausguß und kotzte. ... Ich hatte einfach das Gefühl, ich stehe über 'ner Jauchegrube und kann den Kopf nicht wegrehen. Ich würgte alles raus, was in meinem Magen war, ich heulte und stöhnte und ächzte, aber dann war's vorbei. Ich nahm die Hülle von der Schreibmaschine und schrieb alles auf, was mir Harry Rutek gesagt hatte, wenigstens das, voran ich mich errinern konnte (Bieler 187).¹⁹

¹⁹ "After Harry had closed the door behind him, I went to the drain and vomited. ... I simply felt that I was standing over a giant sewer pit but couldn't turn my head. I gagged everything out of my stomach, and bawled and sighed and groaned, but then it was over. I removed the cover from the typewriter and wrote down everything Harry had told me, at least what I could remember."

Harry's insight convinces Maria of her own entrapment. She immediately records his words. Due to their revelatory power, these words encourage her to write her story as the novel ends: "Ich stellte eine Schreibmaschine auf den Tisch, spannte einen Bogen Briefpapier ein ... und tippte den ersten Satz" (Bieler 310). A similar scene introduces the novel: "Jetzt habe ich einen Bogen in die Schreibmaschine gespannt und schreibe" (5). In this, a final departure from the plot of *Kaninchen*, which ends with Maria marching through Berlin in pursuit of a new life, *Morzeck* ends with Maria aware of her own entrapment, hopeful that a solution might be to write it all down.

Morzeck concludes by asking us to consider the difficulty of writing a work of political literature, yet remains aware of its literary restrictions. In its evolution from DEFA screenplay to BRD novel, *Morzeck* presents a more complex and differentiated view of the GDR than the film allows. In our post-unification era, the Cold War context in which the GDR was understood is itself under revision. *Morzeck* thematizes the way literary political interventions make them dependent on their own social and political context.

Chapter 4: Thomas Brussig's *Leben bis Männer*

4.1 Introduction:

In Thomas Brussig's one man play, *Leben bis Männer* (2001), a washed-up soccer coach argues that his star soccer player is innocent of killing an East German citizen trying to flee East Germany in 1988. His defender, Heiko, was part of the GDR's border guard, and had followed "*das Schießbefehl*" ("The order to shoot"). The coach addresses his audience at a time that reunified Germany was trying former GDR border guards for having performed crimes against humanity. These divisive trials became known as the *Mauerschützenprozesse* (Wall Guard Trials), and *Männer* provides a unique approach to the difficult process of reunification that began in 1989. The play's abrasive coach launches into a one to two hour monologue and exonerates Heiko according to *Vergatterung*, a military ritual during which border guards were sworn to allegiance. We soon suspect that the young border guard is actually a foil for the coach, and that the play is more concerned with his own *Vergatterung* in East German society. *Männer* proposes a *Vergatterungskonzept* ("concept of *Vergatterung*") as a sympathetic way of remembering the GDR. Its emphasis on understanding the socialist state from a personal perspective suggests a first step to reconciling East and West Germany.

The key question *Männer* raises is whether or not individuals should be held responsible for committing crimes that were not crimes at the time they were committed. The Wall Guard Trials held former GDR military personnel accountable for committing crimes against humanity at a time that these were dictated by civil or military law. In part, the West claimed legitimacy for these trials by comparing them to the trials of Nazi perpetrators conducted after WWII.¹ The European Court of Human Rights drew a similar parallel in its criticism of the German Wall Guard Trials, and clarified that no legal justification could disguise the essential questions at their core:

As with the Nuremberg Trials, these cases raise broad questions about the relationship between the law and the social/political system, now defeated, that it once served. They are questions of power, in spite of the Court's best efforts to cast the issues in these cases primarily in legal terms. ("Victors' justice")

In choosing a broken, politically incorrect football coach from the province, the play avoids the legal wrangling about the Wall Guard Trials after which, lastly, the West German courts had their way. The narrator has limited insight to the law. The coach is

¹ This justification often assumed a fundamental similarity between the GDR and the Third Reich, and encouraged the notion of *Doppelte Vergangenheitsbewältigung*, the coming to terms with the "double past" of the Third Reich and the GDR". Scholars have proven this direct comparison problematic, and contemporary definitions of *Doppelte Vergangenheitsbewältigung* ascribe it to a conservative political agenda. See: *Lexikon der Vergangenheitsbewältigung in Deutschland*. See also: Bill Niven's discussion of "a double past" in which he suggests benefits of a careful comparison: "Balanced comparison of periods and regimes between 1933 and 1989 is valuable because it can highlight both continuity and difference. "Equation of these periods, however, is distortive". *Facing the Nazi Past*. 44

misogynist and hyper-defensive, and correctly suspects his own social status. He presents his straightforward argument in a low-brow, taboo-breaking diatribe, enticing his audience with a simple comparison: the world is like the game of soccer, and if we understand soccer, we will be able to understand why the Wall Guard Trials are unfair.

4.2 The Two Spheres of *Vergatterung*

The coach blames Heiko's victim for putting the border guard in an impossible situation: "Mußte doch nicht so nen armen kleinen Grenzsoldat in Konflikt stürzen. Hätte jeden treffen können" (Brussig⁸). He justifies Heiko in two ways: First, Heiko had no choice: "Wehrpflicht, Fahneid, Befehle -- da hatte man keine Wahl als kleiner Grenzsoldat" (8). And second, that convicting Heiko cannot undo the supposed wrong he committed: "Da wurden nun mal welche erschossen. Ich sage: leider. Aber die Prozesse, Jahre später -- die machten doch keinen Mehr lebendig" (8). The coach follows two legal objections to the Wall Guard Trails: First, the law cannot hold persons accountable for acts committed when they were legal. In fact, the *Einigungsvertrag* ("The German Unification Treaty"), requires that prosecutions of former East German citizens be conducted in accordance with GDR law.² And second, that the purpose of the law is

² The European Court of Human Rights summarizes: "The German Unification Treaty (*Einigungsvertrag*) of 31 August 1990, taken together with the Unification Treaty Act (*Einigungsvertragsgesetz*) of 23 September 1990, provides, in the transitional provisions of the Criminal Code (Articles 315 to 315 (c) of the Introductory Act to the Criminal Code (*Einführungsgesetz in das Strafgesetzbuch*), that the applicable law is in principle the law applicable in the place where an offence was committed (*Tatortrecht*). That means that, for acts committed by citizens of the GDR inside the territory of the GDR, the applicable law is

to prevent further harm; it cannot undo a previous wrong.³ While incarceration of Heiko can be justified to prevent him from killing again, the demise of the GDR annuls this objective -- assuming the legality of trying soldiers of sovereign states for acts committed at a time of peace. To emphasize the symbolic – and therefore political – nature of the Wall Guard Trials, Heiko is not sent to prison but given probation. Since the courts have failed the GDR, the coach raises these common legal objections to the trials, and lays them aside. Instead, he claims that *Vergatterung* proves Heiko's innocence. *Vergatterung* is not a law. It is a military practice by which soldiers swear allegiance to their guard unit. Since there is no justice for the GDR in the courts of the West, the coach pursues it outside the legal sphere and conducts a quasi-court case in the theatre.

The coach argues that to understand *Vergatterung*, one must first understand soccer. In fact, justice is like soccer: it only functions if you understand the rules. “(E)s ist wichtig, daß man von einem Spiel die Regeln versteht“ (Brussig53). Fortunately, these rules are simple: “Fußball ist so einfach, das es ein Sechsjähriger kapiert“ (18). Unfortunately, women cannot understand soccer, he says: “Frauen verstehen nie, wieso

in principle that of the GDR. Pursuant to Article 2 § 3 of the Criminal Code, the law of the FRG is applicable only if it is more lenient than GDR law.” “Victors' Justice”. *German Law Journal*.

Fussball" (6). Heiko's problem begins here: due to her gender, the judge cannot understand *Vergatterung*: "Die versteht doch überhaupt nicht, was es heißt, daß ein Mann an seinen Platz gestellt wird, und seine Pflicht zu erfüllen hat" (8). By contrast, the coach is an expert: "Ein Trainer versteht das sofort" (8). This gives him special insight to the military – an understanding hidden from the judge: "Die hat doch keine Ahnung, wies zugeht in ner militärischen Einheit, mit Befehl und...So ne Richterin weiß doch nicht mal, was Vergatterung bedeutet" (7). In this way, *Vergatterung* becomes the common denominator between his soccer team and the border guard.

A soldier who undergoes *Vergatterung* swears an oath to a temporary military authority that overrides the regular structure of command. An example of its justification can be taken from the German *Bundeswehr*. The *Vorgesetztenverordnung* ("order of superiors") outlines the hierarchy of the military, while the *Soldatengesetz* ("law of soldiers") defines what constitutes a *Vorgesetzter* ("superior") for each soldier at his rank. *Vergatterung* is provided for, but not listed, in Paragraph 3 of the *Soldatengesetz*:⁴

"Vorgesetzter ist, wer befugt ist, einem Soldaten Befehle zu erteilen. Durch Rechtsverordnung wird bestimmt, wer auf Grund seiner Dienststellung, seines

⁴ Paragraph 3 of the *Soldatengesetz*: "Vorgesetzter ist, wer befugt ist, einem Soldaten Befehle zu erteilen. Durch Rechtsverordnung wird bestimmt, wer auf Grund seiner Dienststellung, seines Dienstgrades, besonderer Anordnung oder eigener Erklärung befehlen kann. Auf Grund des Dienstgrades allein besteht keine Befehlsbefugnis außerhalb des Dienstes. Durch eigene Erklärung darf eine Befehlsbefugnis nur zur Hilfeleistung in Notfällen, zur Aufrechterhaltung der Disziplin oder Sicherheit oder zur Herstellung einer einheitlichen Befehlsbefugnis in kritischer Lage begründet werden" (Deutsches Bundesgesetz Art. 80).

Dienstgrades, besonderer Anordnung oder eigener Erklärung befehlen kann“

(Soldatengesetz Para. 3.). As such, *Vergatterung* performs an exclusive function under military law.⁵

The German *Duden* presents three definitions of the noun *Vergatterung* as derived from the verb *Vergattern*. The first applies to the binding by oath of soldiers reporting for guard duty: “Soldaten bei Antritt der Wache zur Einhaltung der Vorschriften verpflichten“ (“To commit soldiers to the keeping of rules”). This military definition of *Vergatterung* presents the crux of the coach's case. This second, colloquial, definition is not restricted to military use and describes an act of obligating to official duty: “beauftragen (to give an assignment), [dienstlich] verpflichten“ (“to bind in official service/to commission”). The word's colloquial definition helps us to understand the coach's own *Vergatterung* as an East German citizen. The third definition is literal: “Mit einem Gatter umgeben“ (“to be surrounded by a fence”). It refers to the military ritual as it was traditionally performed, as soldiers were locked up (“Vergattert”) overnight to ensure their sobriety at the time of taking the oath and reporting for duty. The literal definition of *Vergatterung* helps us to understand the coach's own imprisonment in the GDR, a walled-in state from 1961 until 1989.

⁵ The term does not translate directly into English, though the description “mounting of the guard” (not to be confused with “changing of the guard”) which describes a similar process.

During *Vergatterung*, GDR border guards formed units of two in which one soldier had the authority to command the other. Each guard was of the same rank, and was released from *Vergatterung* at the end of the watch. This state of exemption from the regular chain of command was justified by the specific demands of each post. Former GDR border guard, Peter Thomsen, explains: "mit dem Wort 'Vergatterung' hatte praktisch der Zugführer ... das Recht dem (anderen) einen Befehl zu erteilen für die Gesamtzeit der vorgesehenen Dienstzeit von acht bis zehn Stunden."⁶ (Gründer)

The coach defends Heiko by comparing his border guard *Vergatterung* to his soccer team. The analogy implies that the coach is to Heiko on the soccer field what a soldier under *Vergatterung* is to Heiko at the border. This means that the coach and Heiko are of the "same rank" even when *Vergatterert* as coach and player. The coach presents this model as a way of understanding the relationship of East German citizens to each other: each is of equal rank even in an official state of *Vergatterung*. In this case,

⁶ From the interview: "Vergatterung resultiert grundsätzlich daraus, und machte sich erforderlich, da der strukturmäßige Vorgesetzte nicht seine Soldaten persönlich führte, weil die Grenzsicherung erforderte für einen bestimmten Abschnitt eine bestimmte Stärke, die errechnet war, und hatte - sag ich mal - 20 Punkte, aber jeder Postenpunkt hatte andere Charakteristika. Jeder Punkt stellte andere, oder spezifische Anforderungen an den Soldaten, der hier zur Sicherung eingesetzt werden sollte. ... Und mit dem Wort "Vergatterung" hatte praktisch der Zugführer ... das Recht dem (anderen) einen Befehl zu erteilen für die Gesamtzeit der vorgesehenen Dienstzeit von acht bis zehn Stunden. In a subsequent interview, Peter Thomsen explains that *Vergatterung* was justified because border guards were deployed in what was considered an active war zone: protecting the state from the capitalist aggressors of the West. Thomsen's description makes the coach's insistence on Heiko's *Vergatterung* all the more interesting, and might, in a specific way, justify his trial. Bernhard Schlink argues that the West had no right to conduct the Border Guard Trials because the authority for such prosecutions can only be earned by military victory over an enemy. However, if *Vergatterung* defined border guards as in a state of war, Schlink's argument is at least partially undermined. See: "Einschwörung der Grenzposten auf ihren Kampfbefehl," Ralph Gründer, and Bernhard Schlink, *Vergangenheitsschuld*.

one of them gains the authority to command or obey the other – which may include giving or following the order to kill. The coach's first defense of Heiko, "es hätte doch irgendjemand treffen können," relies on the interchangeability of East German citizens as presented by the coach (8).

4.3 The First Sphere of *Vergatterung*: Heiko

The coach summarizes his defense of Heiko at the trial:

Da bin ich aufgestanden in diesem Affenzirkus und habe gesagt, daß ich den Heiko kenne, seit er mit neun in die Mannschaft kam, daß ich sein Trainer bin, und daß ich hiermit unter Eid aussage, daß der Heiko einfach ne andere Beziehung hat zu Autoritäten; der macht, was man ihm sagt, und fragt nicht und diskutiert nicht herum – aber diese Richterin, die keine Ahnung hat – ich sag nur Vergatterung - , diese Richterin wollte mich unterbrechen, aber ich hab mich nicht unterbrechen lassen, sondern hab noch gesagt, daß der Heiko das nicht von sich aus gemacht hat, sondern weils andere wollten. (90)

The coach's analogy to Heiko's shooting at the border is straightforward: Heiko needs directions, the coach provides them, Heiko carries them out, and the team succeeds. Players demand clear directions: "Sie haben Angst, was falsch zu machen, Gegner ist unbekannt, und sie halten die Knochen hin. Da ist ne klare Anweisung die Erlösung" (Brussig11). Heiko's need of orders justifies the coach's commands.

We learn of Heiko's subservience to authority at the beginning of the play. The coach first meets Heiko while coaching a game. As he orders one of his players to tie his shoes, Heiko, who is on the opposing team, drops to his knees and ties his own shoes instead. It is his first manipulation of Heiko, which causes his team to lose the game. As consolation of the youth, who is now ridiculed by his team, the coach adopts Heiko into his own squad (Brussig11). Heiko leads the team to success by following coach's commands without question, which includes the order to tackle players illegally. The coach's command for this is "Hau'n um!" ("knock him down"). Heiko follows this order until convicted during the Wall guard trials.

After Heiko is convicted, he loses the ability to follow the coach's commands. The coach takes this as evidence of the trial's injustice: "er war psychologisch angeknackst" (93) Back on the field, the coach orders him to foul an opponent. This time Heiko does nothing. The team loses because Heiko cannot cheat. In fact, he is completely incapacitated: "Heiko spielte wie mit einer Kugel am Bein" (94). In the final analysis, Heiko's *Vergatterung* does not prevent him from questioning the coach. We might argue that his paralysis on the field confirms a longer inner conflict about following commands. This doubt is confirmed by the court's verdict. Also, the coach is not as loyal of Heiko as he claims. When Heiko gets a girlfriend, for example, the coach makes him captain in order to ensure his allegiance to the team: "Habe Heiko Kaptän gemacht" (15). The coach manipulates Heiko to keep him loyal.

Loyalty trumps the rules. The coach's interpretation of *Vergatterung* makes no claim on the legality of orders. While the rules of soccer help us to understand justice, the coach differentiates between these rules and his own commands. As we see above, *Vergatterung* overrides the regular military command structure for the duration of a watch: one soldier becomes the commander of another. On the soccer field, *Vergatterung* overrides the rules of soccer for the duration of a match: the coach becomes the "commander" of Heiko. However, the coach orders Heiko to break the rules -- the same rules he uses to argue that the Wall Guard Trials are unfair. Either the coach is not interested in his own description of justice, or he uses *Vergatterung* to skirt the issue of the proper relationship between rules and orders. Either way, his justification is unnecessary in Heiko's case. Heiko followed GDR law when he obeyed the order to shoot. The coach's description of Heiko's cheating on the soccer field is irrelevant to his case.

The second difficulty with the coach's analogy becomes apparent as Heiko tells the coach that he killed someone at the border. Heiko visits the coach on *Sonderurlaub* ("special leave"), indicating that he has performed a valuable service for the state. Bernhard Schlink cites such rewards as proof that accused border guards were following the law of the GDR: "Tatsächlich wurde, wer die Schußwaffe antsprechend angewandt hatte, nicht nur nicht bestraft, sonder belobig prämiert" (39). The coach recalls that they were watching the 1988 European Cup. Holland is playing West Germany when Heiko

tells him what he has done: "Und wie Jürgen von Kohler den van Basten von den Beinen holt, hat er mir gesagt: Trainer, ich hab einen umgehaun" (Brussig88). Heiko turns the coach's soccer command into a euphemism for his killing, and clarifying the essential problem with the coach's analogy.

Obviously, there is a vast difference between tackling a soccer player and killing a person. The coach responds as though disconnected from Heiko's horror: "Heiko, hab ich zu ihm gesagt, wir haben uns die Welt nicht ausgesucht. Ist nicht deine Schuld und nicht meine, daß die Welt so ist" (Brussig88) He provides no further details about Heiko's inner tumult: "Und damit war die Sache für mich erledigt" (88). William Collins Donahue argues that this episode ends our alliance with the coach, who later claims that his years of training Heiko prepared him to follow orders (185). "This simplistic use of soccer to dismiss Heiko's responsibility – and to dispatch the huge controversy surrounding the Wall – seems patently bankrupt, insofar as Heiko actually had other role models, including a conscientious objecter" (185). *Männer* ends our alliance with the coach in order to open up two levels of analysis. It becomes, "possible to see the coach as wrongheaded in many ways, yet right about some things, if only incidentally, partially, or provisionally" (Donahue 185). As we become more critical of the coach's explanations, we notice how insignificant a role Heiko plays. The coach's justification, "und damit war die Sache für mich erledigt" indicates his focus, and the phrase "für mich" (for me) his main concern (88). During Heiko's confession, we also

learn the approximate date of the crime, 1988, a year for which there are no recorded GDR border guard killings, but just before the fall of the Wall, adding a touch of poignancy and irony. The play's self-conscious fictionalization of a Wall Guard Trial invites us to consider a further function of Heiko in the play: as a foil for the coach.

4.4 The Second Sphere of *Vergatterung*: the Coach

The coach would be happy to stop talking about Heiko altogether: “ich muß ja nicht ununterbrochen über Heiko reden” (Brussig²²) He feels that he is addressing a much larger topic: “Ich meine, ich hab nichts zu verbergen. Ich stehe da jedezeit Frage und Antwort, aber meine Theorie über Fußball und Nationalcharakter, von Anfang an, seit es Fussball gibt – da nehmen Sie noch was zum Nachdenken mit nach Hause” (22-3). This explanation of national character does not depend on the soccer player’s trial: “Ich will Ihnen mal was verraten. Das hat nix mit dem Heiko zu tun – aber das ist ja auch völlig uninteressant für Sie, mit dem Heiko das” (15). The coach makes Heiko even less interesting by giving us few details about his life. He does not quote Heiko during the trial, and omits critical details of the case. We do not learn the actual charges brought. We only learn that the judge is female, that the victim’s mother was present, and that the victim was a male weightlifter – a fact the coach uses to blame individualistic sports for political chaos: “Das paßt doch prima zusammen, Kraftsport, und dann auf die Grenze losrennen” (93). The coach rants against individualism and obfuscates the facts of the case: “Wo kämen wir hin, wenn alle Individualitäten wären? Mit diesen ganzen

antiautoritären Moden muß mir niemand kommen“(13). Heiko all but disappears in the coach’s analysis of the trial. Instead, the coach reframes the case as a debate between the individualism – which he describes as anti-authoritarianism, and the concept of *Mannschaft* (team) -- which he describes as *Vergatterung*. To emphasize this point, the coach quotes himself as he is thrown out of court:

das hab ich alles gesagt! – , und daraufhin hat sie mich rausschmeißen lassen. 'Und so was nennt sich Gerechtigkeit!' sag ich. 'Wollt ihr mich nicht gleich auch anklagen? Da setzt ich mich doch neben ihn auf die Bank, hier *Er steckt sich die Hände vor, als wolle er sich Handschellen anlegen lassen*, das macht mir doch garnichts! (92)

Removed from the court, the coach asks his audience to accuse him of Heiko’s crime: “Wollt ihr mich nicht gleich auch anklagen?” (92) The play’s stage directions, “*Er steckt sich die Hände vor, als wolle er sich Handschellen anlegen lassen*” (“he reaches out his hands as if wanting to be put in handcuffs”), provide an image of his solidarity with Heiko: he wants to take the border guard’s place.⁷ The etymology of the word *Vergatterung* sheds light on this request.

In middle-high German, the word *Vergatterunge* meant *Vereinigung* (“unification”) or *Versammlung* (“gathering”). With his offer to take Heiko’s place, the coach argues that

⁷ The stage directions “as if wanting to be put in handcuffs” (“als wolle er sich Handschellen anlegen lassen”) indicates that his gesture is to have an air of ambivalence, which would support my argument below that he expects the GDR to be found either entirely innocent, or entirely guilty. However, the effect might just be a function of the German to English translation. Is there another way to say “als wolle er sich Handschellen anlegen lassen”? It seems the directions would always say, “as if”.

the GDR should be tried as a collective. This follows the reasoning of early Germanic law in which the community was liable for the wrongdoing of any individual member, unless it expelled him from its midst: "Die Tätersippe wurde von der Haftung frei, wenn sie sich von dem Täter lossagte, ihn verstieß, oder der Opfersippe preisgab" (Schlink 22). This understanding of justice was commonplace before the relationship between individuals and their legal accountability before the law underwent a fundamental shift. Once the law changes its focus from collective to individual accountability, individuals can only be tried for the crimes they themselves commit. However, this concept of community liability remains a valuable model for understanding how societies become morally accountable for the guilt of their individual members: if a community refuses to prosecute a transgressor in its midst, it effectively takes his guilt upon itself: "Solidarität mit dem Täter verstrickt in dessen Verbrechen und Schuld – dies ist der rationale Kern der Vorstellung einer Kollektivschuld" (89). By declaring solidarity with Heiko through *Vergatterung*, the coach attempts to "take upon himself" Heiko's innocence. The GDR will either be found entirely guilty, or entirely innocent.

This "one or the other" is apparent by the coach's description of his own life, itself defined by loyalty to a regime that imprisons him. His defensiveness of the GDR is an attempt to justify this helplessness. His insistence that he simply does not wish to travel now that the border is open, for example, is better understood as a justification of his own former imprisonment and present poverty: "Ich muß nicht in der Welt rum, Geld

ausgeben für Flüge nach sonstwohin, London, Maderia oder Mexico. Wozu gibts Fernsehen? Ich guck mir die Spiele hier an. Das langt" (21). Yet we know he wants to travel. The coach's actual response to this life-long restriction is shame, which he hides by ridiculing anticipated "British snobbery" at the sight of his GDR passport: "Ich las mich doch nicht von ihre Kontrolle angucken wie ein Asylbewerber" (29).

As the coach argues for the social stability of his past, *Männer* presents the audience with a broken protagonist whose argument for justice evokes sympathy. The narrator's crisis of meaning begins with the fall of the Wall:

Am schlimmsten wars, als die Mauer gefallen war. Da stellte sich die Sinnfrage. Bloß, weil neue Zeiten über uns einbrechen, darf man doch nicht gleich alles aufgeben! So eine Mannschaft wie uns, so was gibts doch heute gar nicht mehr in der modernen Welt, wo alles drunter und drüber geht, mit Börse, Internet, den Genen, doppelter Staatsbürgerschaft, den ganzen Politikern, den Banken, den Multis, Joint Ventures, und, und, und. Ich habe immer wieder meinen Jungs gesagt, daß wir nicht nur Fußball spielen. Wir trotzen den Zeiten, die immer gegen uns waren, immer. (Brussig 46-7)

The coach answers his *Sinnfrage* ("question of meaning") with a definition of the GDR as "the team": "wir sind die Mannschaft". A comparison of the coach's "Wir sind die Mannschaft" to the German reunification slogan "Wir sind das Volk" ("we are the people") suggests that he yearns to break away from the reunified *Volk* ("people") of Germany and a return to "the team" of the GDR. He describes the team in the present

tense to claim relevance of his argument to contemporary German law, but the play uses these lines to show us that he cannot leave the past behind:

Wir sind die Mannschaft, wo jeder seinen Platz kennt, wo alle an einem Strang zu ziehen haben, wo Geschlossenheit und Disziplin herrschen. Wir brauchen keine individualistischen Einlagen von einem vermeintlichen Genie, wie es ihm paßt. Wenn jeder nur macht, was er will, muß er nicht in ne Mannschaft. (Brussig 45)

Yet the play's narrator actually is at odds with this very claim. If his description of Heiko's soccer team represents the GDR, the coach breaks the rules of the game, and insists on his individualism over "seinen Platz" ("his place"). Further, he owes his soccer career to the emulation of Jürgen Sparwasser, also a "vermeintlichen Genie" ("apparent genius"). The coach cheats in pursuit of similar accomplishments, which undercuts his claim of "Geschlossenheit und Disziplin" ("solidarity and discipline"). Instead, his idealization of the former GDR breaks down, revealing its false ideology. The coach looks back and asks his *Sinnfrage* ("question of purpose") anew, and answers it with a description of the GDR as a soccer team, whose *Vergatterung* assured collective purpose.

This collective purpose is not described in the play. As a team, the GDR is undisciplined, and its ruling party, the SED, shows little solidarity with its own "players". Repeatedly, the coach is thwarted by the interests of the "Parteiniks," the higher authorities of the SED: "Die Parteiniks hatten wirklich Macht" (Brussig 43) The coach tells us that he appointed himself trainer of Heiko's soccer team, which functions

as an analogy of *Vergatterung* to the state. In *Vergatterung*, however, soldiers have no choice in their assigned role. In an attempt to justify his allegiance to the GDR, the coach depicts a voluntary *Vergatterung* to claim personal choice when there was none. His relationship to the SED exemplifies this circumstance. The coach joins the SED in hopes of travelling abroad with the national soccer team. The fate of the team is tied to his own, which is not the case for the SED. The Party is unaffected if the team loses. The coach, however, loses his chance to travel abroad: "Ich konnte doch nicht raus!" (Brussig 45) The coach's depiction – and denial – of his own imprisonment can be seen in dialogue with scholars who point out the distorted view of the former GDR as a prison only. And yet his depiction is not entirely false. Bill Niven reminds us that: "In many senses, of course, living in the GDR was like living in a prison, especially for those who wished to leave" (57). The coach wishes to leave, but he is literally *Vergatterert*, "surrounded by a fence," and watches West Germany win the European Cup from afar. In this passage, the coach's soccer analogy directly translates the political developments at the end of the Cold War as the West ("Der Westen") wins the international "championship".

The coach's *Vergatterung* is lifted because the GDR disappears, not because he completes his "watch". His description of Jürgen Sparwasser's historic accomplishment, "das Sparwasser Tor" ("the Sparwasser goal") sets the audience up for a key insight to the coach's mental state after the GDR ultimately loses everything: "Was Sieg und

Niederlage psychologisch im Volk anrichten, kann man gar nicht überschätzen“

(Brussig 35). The end of the game is the end of his self-described *Vergatterung*. While the coach laments Heiko's inability to play soccer after the trial, "Was soll ich mit n'em Kapitän, der ständig an sich zweifelt?" he cannot trust himself, either (88).

His emphatic advice in defense of the GDR is just as applicable in a reunified Germany: "man muss lernen, sich unterzuordnen!" (Brussig 46-7). Only now, one must subordinate to Western capitalism. Forced into the role of consumer, the coach finds the weak spots of this system manifest in his own life, symbolized by his complaint about poorly constructed computers: "Nach dem Motto, die Schwachstellen findet der Kunde" (79). Regularly unemployed, he submits to peddling consumer goods. He must now sell baseball bats, symbolic of his economic entrapment. In the coach's analogy of soccer to justice, the rules of soccer are obvious to everyone. The opposite is true for baseball, the national sport of the Americans: "Was bei denen der Nationalsport ist, Baseball – da kann man die Regeln nicht vom Zuschauen verstehen. Nicht nach einem und auch nicht nach hundert Spielen" (19). Baseball is thus a metaphor for western – particularly American – justice. By selling baseball bats, the coach is bartering with tools of a system of justice he cannot understand. In fact, the rules of the game are so complicated that the Americans cannot understand them, either: "die verstehen selber nicht die Regeln (...). Wenn die nicht mal die Regeln von ihrem eigenen Nationalsport kennen, was haben die überhaupt für ein Verhältnis zu Regeln?" (20). In court, the

coach's rant against anti-authoritarianism is as much a product of his own economic failure as a condemnation of the Wall Guard Trials. Justice fails if its rules cannot be understood. The coach connects the injustice of the West to the brutality of its capitalist system. Its rules are not fair. Unemployed, he is fighting for his right to exist.

But the court, which convicts Heiko for injuring individual rights, denies the coach's voice: "Die Schöffen mußten so tun, als hätte ich nichts gesagt, also. Die mußten so tun in ihrem Gehirn löschen, was ich gesagt habe" (Brussig 92-3). The coach has projected his own voicelessness onto Heiko: "als Unteroffizier, da hat man doch die Verantwortung, da lernt man doch, sich durchzusetzen. Und das war das einzige, was der Heiko nicht konnte, nicht war?" (86) For the coach, "brüllen" ("shouting") is "passionate thinking," the most direct form of communication: "Es sieht aus wie Brüllen. Aber in Wirklichkeit ist es Denken, und zwar sehr leidenschaftliches Denken" (9-10). He fancies himself a master strategist, who controls the game from the sidelines: "ich ... denke und lenke. Der Stratege am Rand" (12) Yet we know that the coach has, instead, lost control over his own life. He projects this insecurity onto Heiko, then defends him as not the type to write poetry: "Er war jetzt nicht der Typ, der heimlich Gedichte schrieb, das nicht – aber brüllen konnte er nicht" (86). Since the coach's own "shouting" fails, too, we suspect that the coach resorts to writing his own "secret poetry," which he presents as a monolog in the theater.

He appears in court on the last day of Heiko's trial: "Es war der letzte Tag des Plädoyers,...und wo man sagen muß, das es einem leid tut. Klar, da musste er da sein" (Brussig 90). His defensiveness at the beginning of the play, " Bitte, ich hab nichts zu verbergen. Sehe ich aus wie einer, der was zu verbergen hat?" is now better understood: "Was macht das für einen Eindruck, wenn der Angeklagte am letzten Tag fehlt?" (8, 90). The coach has already taken the place of the accused: "Das Urteil ist noch nicht fest, angeblich, im sogenannten Rechtsstaat" (90). When he describes Heiko on the field after the trial, we feel that he is talking about himself: "gespielt hat er, als ob er abgeht, wenn er gelb sieht. War nicht mehr der alte. ... Hatte keinen Sinn mehr" (95). His defense of Heiko's *Vergatterung* was an insistence on his own, and his inability to articulate this defense increases our sympathy.

4.5 Sympathy and Reconciliation

The coach's plea for sympathy affirms his disinterest in justice before the law. He originally blames the injustice of the court on the judge's sympathy for the victim's mother: "Die Richterin sieht die Mutter...Dann hatte doch so n kleiner Grenzsoldat verloren, der konnte sich doch gar nicht begreiflich machen mit dem Befehl und Vergatterung...Ich weiß, wovon ich rede" (9). In court, sympathy interferes with justice. However, by claiming Heiko as his adopted son, the coach takes on a similar role before the audience and argues for sympathy with Heiko over sympathy for the victim. His

argument for a sympathetic view of the GDR rests on understanding *Vergatterung* irrespective of which conceptualization of justice the audience has.

Understanding *Vergatterung* cannot explain Heiko's action at the border, nor does it justify the repressive policies of the GDR. Yet with its emphasis on "understanding," *Männer* suggests a first step towards reconciliation between East and West. Critics argue that the FRG ignored this possibility of reconciliation when it pursued the border guard trials (Schlink). Reconciliation can begin when opposing parties accept the difference between "understanding" and "explanation": "Verstehen hat mit erklären nichts zu tun" (Schlink 183). And that understanding is not equal to justification: "verständlich machen heißt nicht rechtfertigen" (89). Instead, understanding provides a foundation for the reconciliatory process⁸: "Versöhnung setzt eine Wahrheit voraus, die verstanden werden kann, sie setzt verstehen voraus" (Schlink 180). The coach presents a truth we can understand, evoking our sympathy and enabling us to suspend judgment. The play invites us to understand the coach without needing causality for his actions, or trusting his explanations.

⁸ In his discussion of reconciliation, Schlink refers to the success of the "Truth and Reconciliation" hearings in post-Apartheid South Africa. These depended on the willingness of opposing parties to imagine each other's point of view. The process required going beyond a determination of facts or explanation, and proved that the explanation of crimes is not necessary for reconciliation to be successful. If the goal of *Männer* is to suggest a path toward reconciliation, the coach's explanation of Heiko's decision to follow orders – which must fail – is already irrelevant. If the goal is to determine his guilt or innocence, which was the point of his trial, the coach's explanation ultimately matters. We might argue that by choosing *Vergatterung* to build the coach's faulty case, *Männer* leaves the audience no choice but to consider reconciliation between the former FRG and GDR as the only viable alternative, since a determination of Heiko's guilt is impossible. See: Bernhard Schlink. *Vergangenheitsschuld*. 179-183.

Verstehen ist mehr als das Suchen und finden von Ursachen. Es schließt ein, sich in den anderen zu versetzen, sich in ihn hineinzudenken und –zufühlen, die Welt, mit seinen augen zu sehen. Wie soll man den anderen verurteilen, wie soll man ihm nicht vergeben, wenn man derart mit ihm empfindet? (Schlink 181)

In view of the reconciliation process, we see that *Männer* pursues a more elusive goal than its coach declares. Schlink explains that understanding makes society possible: “Wir machen Gesellschaft, wenn wir verstehen...der Grund für Versöhnung legt das Verstehen, in dem es gegen alles trennende... und auf das Verbindlich setzt“ (Schlink 185). The coach presents “das Verbindliche“ (*that which binds*) as soccer: “Bei Fussball spielt alles mit!“ (Brussig 132) *Männer* thematizes that which binds former East and West German societies in order to push aside, at least during the play, that which keeps them apart. Soccer becomes a common denominator between East and West, and represents norms of justice. The insistence on norms is the first step toward reconciliation.

The coach claims that these norms of justice are international. The rules of soccer are so obvious that even an American can understand them: “Wenn er helle ist, begreift er sogar allein, ohne daß einer daneben sitzt“ (Brussig 132). Therefore, they should be obvious to the courts of the FRG. The coach insists on norms (as rules) through that which binds (soccer) to make a proposition: German society is one in which the expectations of other members might not be fulfilled, but can at least be communicated

and addressed (Schlink 184). Yet in the coach's quasi court-case for the theatre, the norms of justice prove that the West has failed the East, as summarized by Heiko's case: "Und eines Tages fällt denen ein, ihn anzuklagen. In Berlin" (89) "They" ("denen") are in Berlin, the new capital of Germany, and their norms are incomparable with those of the GDR. *Männer* thus also thematizes that which stands in the way of reconciliation, and paraphrases the critique made of the Wall Guard Trials by the European Court for Human Rights. The Court claims that West Germany dismissed East German institutions by assuming the same moral authority ascribed to the Allies after WWII. The analogy is flawed:

At the core of this tension lies the radically different circumstances that existed at the end of the Cold War, in comparison with those that existed at the end of WW II. Germany's unconditional surrender to end WW II was followed by allied occupation and at least minimal efforts at de-Nazification and democratic education. In this context there could be no doubt about the Allies' moral and political authority – and their power to enforce it, at the Nuremberg Trials among other examples. At the end of the Cold War, however, the East was regarded as a partner (though of considerably lesser standing) to German unification. The West did not enjoy the same monopoly on moral and political authority after the Cold War – and its principle power over the East remains the ever less credible power to purchase the East's consent. This ambiguity should disallow total and sweeping condemnations of the former system, certainly not out of admiration for the Communist system but out of respect for the status and heritage of the East as a partner. ("Victors' Justice")

The opinion suggests that the West risks losing the East as a potential partner due to its zealous prosecutions, which are taking on the characteristics of "victor's justice". *Männer* addresses this mistake of the West by reminding the audience of a much deeper and problematic bond. While a political partnership with between East and West is an option, an escape from their shared past is not.

The coach makes numerous references to the Third Reich and World War Two in his argument for international norms of justice. An example is his claim that just war is conducted between nations that understand soccer. Thus, the English answer the German bombing of Coventry with the bombing Hamburg and Dresden, which results in a score of 2 to 1. The Americans, who do not understand soccer, drop two atom bombs on Japan in response to Pearl Harbor (20-1). They retaliate out of all proportion to the original wrong. While this proves their ignorance of the rules and the fairness of soccer, the coach's example barely conceals its suggestion that the Wall Guard Trials are a similar overreaction on the part of the FRG.

This argument follows a further criticism of the Wall Guard Trials: they represent the FRG's attempt to compensate for its own lamentable record in prosecuting Nazi perpetrators after WWII. Schlink describes this need:

Die Bewältigung der kommunistischen Vergangenheit wird, zumal von Bürgern der alten Bundesrepublik, gerne in eine Linie mit der Bewältigung der nationalistischen

Vergangenheit gesetzt. Den Problemen, denen man damals ausgewichen sei, müsse man sich jetzt stellen, was man damals falsch gemacht habe, müsse man jetzt richtig machen, wo man damals zu versöhnlich gewesen sei, dürfte man jetzt keine Nachsicht kennen. (Brussig 77)

The coach describes Heiko's reaction to the media circus surrounding the trial:

"Heiko hat sich gefühlt, als hätte er das Verbrechen des Jahrhunderts begangen" (Brussig 91). This description can be read to imply that the Wall Guard Trials substitute for the "trials of the century" which never took place: the trials of countless Nazi perpetrators whom the West German courts ignored after WWII. Heiko is a stand-in for the guilty.

The coach leads us to consider this injustice with an example from Germany's soccer history. After reunification, the soccer league of the West, the DFB (*Deutscher Fussball Bund*), refused to acknowledge the international playing records of former East German soccer stars: "Mit einem Wisch war alles weg!" (Brussig 54) By contrast, the DFB accepted the records of soccer stars that played for the Third Reich: "Früher war das einfacher: Die Spiele, die der Fritz Walter für den Adolf gemacht hatte, die zählten, und aus die Maus!" (54). While the DFB rejects the records of former GDR players, it had no problem accepting the records of those who played for Adolf Hitler. If we consider how a society takes upon itself the guilt of its perpetrators -- by refusing to expose and expunge, and instead accept and protect them -- we see a clever substitution in the coach's example: a soccer player's international record is a list of accomplishments on behalf of his state. If another state judges these as crimes, but accepts this record into its

own, that state effectively accepts these crimes into its own record.⁹ *Männer* asks us to consider a possible connection between the FRG's prosecution of GDR border guards and the guilt it assumed when it accepted the "records" of Nazi perpetrators after WWII.

In his defense of clear directions on the field, the coach asks the audience to consider this double standard: "Bloß weil Sie vielleicht einen Doppelnamen haben, müssen sie sich nicht für etwas bessers halten als ein Fussballtrainer" (Brussig 13-4). He addresses the audience, but his criticism is intended for the emancipated judge (who cannot understand *Vergatterung*), and his slight suggests a word play: the West German judge has a hyphenated name representing two standards of the law, one for the perpetrators of the Third Reich, and a second for the perpetrators of the GDR. The deeper tie that binds ("*das Verbindliche*") the two former countries is the difficult relationship each has to a shared past. Yet the two are not on equal footing. After winning the Cold War, the FRG claims the authority to prosecute former GDR citizens, whose only defense, perhaps, is the kind delivered on stage by Brussig's narrator.

⁹ Schlink describes the FRG's emphasis on a clean break with the Third Reich as evidence that no such break occurred: "Warum muss ein Schuldbezug zerrissen werden, den es garnicht gibt?" See: Schlink. *Vergangenheitsschuld*. 14.

4.6 Conclusion

Männer thematizes this greater historical dimension through its stage directions, which provide a sympathetic context for the narrator. It rains at key points in the coach's argument. In its interplay with the coach, the rain becomes a metaphor for political forces over which he has no control. This invites us to consider the "storms" of German history as the backdrop of his defense. He has persevered despite the Third Reich, its fall, the GDR, and now its demise. His optimism about the "rhythms of nature" suggest that he is poised to also survive reunification. His humility in describing this natural cycle works against our disgust for his blatant flaws. In awe of this process, the know-it-all understands his own insignificance: "Das ist eine Macht, dagegen bist du gar nichts" (Brussig 37). If we relate to his powerlessness, we should understand how he feels.

At the beginning of the play, the weather is a threat: "Nachher wird schwer etwas runterkommen. ... wenn's training losgeht. Das erste training mit der neuen Mannschaft. Und dann gleich Regen" (Brussig 5). It sounds as if he considers the Wall Guard Trials as the first rain storm after reunification. It will rain again – and right on top of him and his new team: "Das zieht sich zusammen, aber genau über uns" (37). The audience anticipates that there will be an extended storm during the play: "Das bleibt hier stehen, und dann kommt was runter" (38). Whatever the narrator tells us can be erased. In fact, it is highly likely: "Wissen Sie, worüber ich jedesmal staune? Wenn hier im Winter der Schnee liegt, und es beginnt zu tauen, und fängt alles wieder von

vorne an ... Die Natur, die kann das. Immer wieder alles enden lassen und immer wieder alles anfangen. Als wäre nichts geschehen“ (38). This passage introduces his comparison of Heiko’s trial to the trial of Pinnochet. There is a “natural“ cycle that erases all things: “Aber als es vorbei war, hieß es, schwamm drüber!“ (40) The metaphor is obvious. Though “the rain“ is never pleasant, “Das jetzt gleich wird kurz aber heftig,“ its result is positive, “Und danach Sonne. Und die neue Mannschaft“ (63). The political storm will bring a kind of cleansing.

The coach’s optimism about this natural cycles sharply contrasts with his pessimism towards the state: “Fussball (...) wird uns den Untergang bringen“ (Brussig 84). If the GDR is like soccer, and will doom us, the conditions under which it is played are salvific because these are eternal: “Das mit der Natur, das ist ewhig. Die Natur ist so scheißewig und so groß“ (84). The coach places his faith in the rythme of political change: which always benefit the land: “Auch vom Rythmus her muß mal wieder etwas runterkommen. Das Gras fühlt sich nicht gut an, so ohne Regen. Nachher wirds weicher, auch wenn’s erstmal feucht ist. Die Erde nimmt das Wasser, und gut ist“ (64). His optimism augments his praise of the East German soil, the only thing the Soviets left because they did not understand its value. This soil is renewed by the political storms under which the team plays. The current match is reunification.

As Wende literature, *Männer* represents a progression in Brussig's work. By comparing the play to his 1996 novel, the successful *Helden wie Wir*, we see a similar intergenerational dynamic. In *Helden*, a former Stasi agent denies responsibility for acts he committed on behalf of the state. This denial is not conscious; his relationship to the Stasi has altered his ability to understand himself as an individual. The "power of the Stasi is associated with the power of the father," a relationship that represents the "unity between the collective and the individual superego that unite to destroy the 'I'" (Brockman 101). By contrast, *Männer's* narrator assumes the role of the father in order to evoke sympathy for his son in order to exonerate them both. The previous generation is dependent on the next for its own defense.

The rain begins with the coach's recollection of Heiko's trial, and ends after the final words of his defense: "Hatte keinen Sinn mehr," a description of Heiko that refers to his own playing on "the team" of the GDR (Brussig 95). Immediately, the next generation of players takes the field. The script directs: "*Das anschwelende Kindergeschrei übertönt seine Worte*" (96). To be heard, the coach must get the attention of the next generation. He addresses his new team: "Männer, Fußball ist alles!" -- a combination of "that which binds" (soccer) and his own defense (*Vergatterung*).

Further Research Suggested by this Study

In my previous three chapters, I consider in various ways the relationship between literature and the GDR. And in focusing on each work's argument against the state, my investigation risks a particular vulnerability. Recent scholarship points out the potential error of viewing the GDR's literary history only in light of its socialist ideology, an ingrained approach to East German authors that developed during the Cold War,

Zumeist galten und gelten die übernommenen Denkmuster aus der Phase des Kalten Krieges, in denen Literatur auf einer bestimmten Fragestellung reduziert wird: die der ideologischen und moralischen Abhängigkeit der Schreibenden von der Staatsmacht. (Ohlerich 9)

Critical examinations which aim to prove whether or not authors cooperated or resisted the political-ideological demands of the state ask only the question, "Wie hält es der Geist mit der Macht?" (Wenzel 3) This reduces the potential literary contributions of these texts. "Solche Sichtweisen führen dazu, dass Literatur zu einem 'Anhängsel' der Politik reduziert und sogleich moralisch hoch aufgeladen wird" (Ohleisch 9). In response, I focus on the *Morzeck's* thematizing of its own literary limitations, which I consider to be its literary contribution. However, there are additional avenues of inquiry that would enrich our understanding of this work.

The conflict between the characters Harry and Paul is also an argument against the GDR's *Erbtheorie*. In the 1950's and early 1960's, East German literary theorists

struggled to explain Germany's literary history in keeping with the doctrine of societal upheaval and class overthrow. Their resulting proposition insisted on a re-evaluation of works written before the founding of the GDR in a way that proved the socialist state's inevitability, the only possible outcome after generations of capitalist and authoritarian rule. This critical approach became central to the SED's cultural policy and was known as the *Erbtheorie* ("theory of inheritance"), following Marxist theoreticians of the early 1930's who had stopped using the term *Tradition* and replaced it with the term *Erbe* ("inheritance") when referring to canonical literary works. The difference is essential to understanding how East German writers were supposed to approach Germany's literary past.

Harry and Paul conduct several arguments about the term *Erbe*, which becomes a form of SED propaganda. In response, Harry attacks Paul's use of Goethe to defend the Party:

Er liebt den Faust, denn er hat gelernt, das Erbe zu achten,
oder zum Beispiel einen Satz wie diesen: 'Der Handelnde
ist stets gewissenlos, Gewissen hat nur der Betrachtende.'
Vom selben Verfasser, von wem sonst? Das ist Balsam in
den Wunden. 'Im Anfang war die Tat.' Das hat er gern!"
(Bieler 184)

Later in the story, Paul refuses to consider the historical context of Harry's poem. The scene shows readers how the Party refuses to entertain certain aspects of German literature, specifically its historical context, because this might problematize its politics.

Morzeck describes Harry's anger in keeping with that of East German writers who despised what they perceived to be the Party's misuse of Goethe. Volker Braun's well-known description of the SED's literary agenda gives voice to this anger. In 1968, he lamented:

Sie (die Goethepächter) haben zu Goethes Werk einen Werkhof gemacht für die schwer erziehbare Nation. Sie schalten darin wie Gounvernanten. Wie wenig Liebe zum Heutigen spür ich in ihrem Gehabe. – Sie haben sein Erbe gepachtet und bleiben darin sitzen. Sie haben seine Schwellen gebohntert – aber wagen sich nicht mehr darüber. Sie leben mit seinen Büchern so, als würden die Bücher schon leben. Sie haben so mit ihnen zu tun, als hätten sie nicht mit sich zu tun. – Während wir, auf den Wiesen der öffentlichen Landschaft, mit ihm unsre Späße treiben. Sie sind neue Aristokraten; wir sind seine alten Freunde. (Emmerich 132)

A second theme worth pursuit in *Morzeck*, as it directly addresses the relationship between GDR writers and the state, is Harry's refusal to participate in the workforce. He wishes, as we saw above, to remain a writer instead. This theme suggests a criticism of the SED's cultural program *Greif zur Feder, Kumpel*, which was intended to create a closer working relationship between the GDR's laborers and writers. The program failed once writers produced unfavorable depictions of working life, to name only one reason. In Bieler's novel, Harry resists the contamination of his call to be a writer with any other profession. In fact, the poet is adverse to the concept of "a profession" in general, and defines "career" as a process of ever increasing aggression towards other members of society.

As I mention in my introduction, the fascinating story of the development of the DEFA film, *Kaninchen*, presents an opportunity for further analysis. In tandem with this pursuit, I am also interested in how the novel, *Morzeck*, references American cinema, and often appears to dialogue with western (specifically American) depictions of conceptualizations of justice in popular culture. In the novel, Maria's escapist flights of fancy often incorporate cinematic themes common to Hollywood productions. This may also allow a better understanding of how the novel builds connections to its own filmic version.

A natural outgrowth of this project is a comparison between Hannah Arendt's *The Origins of Totalitarianism* (1950) and Zweig's *Wandsbek* (1937-43). Zweig's novel, written in exile at the time of the Third Reich, anticipates Arendt's philosophical attempt to describe the functions of totalitarianism. I would begin with how Arendt describes "fascist law":

Totalitarian policy does not replace one set of laws with another, does not establish its own *consensus iuris*, does not create, by one revolution, a new form of legality. Its defiance of all, even its own positive laws implies that it believes it can do without any *consensus iuris* whatever, and still not resign itself to the tyrannical state of lawlessness, arbitrariness and fear. (*Origins* 462)

In *Wandsbek*, several characters who could have changed the course of events instead follow the law, unknowingly performing the will of the totalitarian state.

Wandsbek's vexing construction, in which each tier of fascist society is given voice on

behalf of its own Marxist intentions, also shows how each class fails to resist fascism because it, generally, follows the law. By the time even its most lucid characters understand what is happening, it is too late.

Albert, however, never reaches this conclusion. The novel singles Albert out to depict the direst of Arendt's descriptions. Albert believes in the historical thrust of fascism, which Arendt describes as changing the meaning of the law: "In these ideologies, the term 'law' itself changed its meaning: from expressing the framework of stability within which human actions and motions can take place, it became the expression of motion itself" (*Origins* 464). My interest lies in showing how Albert's belief that he is contributing to the forward motion of history begins his demise. To remain a part of this movement, Arnold willingly – or unwillingly, it is never clear – divorces himself from his own reality. In this, the novel anticipates Arendt's description of the ideal totalitarian subject: "The ideal subject of totalitarian rule is not the convinced Nazi or the convinced communist, but people for whom the distinction between fact and fiction (i.e. the reality of experience) and the distinction between true and false (i.e. the standards of thought) no longer exist" (*Origins* 474). *Wandsbek* invites its readers to experience this process along with its hapless butcher, who is trained to play the role of both executioner and victim. In this, the novel describes a key need of fascism according to Arendt: "What totalitarian rule needs to guide the behavior of its subjects is a preparation to fit each of them equally well for the role of executioner and victim. This

two-sided preparation, the substitute for a principle of action, is the ideology" (*Origins* 468). Wandsbek's uncanny move in reimagining the true story of a butcher turned henchmen is to paraphrase Arendt's definition of a key tenet of fascist ideology several years in advance: "Nature itself decided, not only who was to be eliminated, but also who was to be trained as an executioner" (*Origins* 468).

Finally, I would explore *Wandsbek's* depiction of Albert as a man alone, resigned to isolation for the sake of a larger political cause. In this, the novel touches on what makes Albert "pretotalitarian," and impotent, since "power comes from men acting in concert" (*Origins* 474). The novel reflects how this impotence benefits tyranny (*Origins* 474). In this light, Albert takes on a much greater representative role than that of Nazi stooge; He, in fact, reflects the isolation of individuals as required by the ideology they serve. Albert cannot experience the "solitude of philosophers;" rather, he lives out the loneliness of a man who is finally deserted by himself (*Origins* 476). I would explore how *Wandsbek* brings Arendt's philosophical discourse on totalitarianism to life, and connect this with other characters from the four periods examined here. In each work, the assigned "culprit" is depicted as a person in isolation, whose entrapment cannot be ascribed convincingly to only himself, or to the political system in which he must function. My inquiry would continue this present exploration of how concepts of justice are always complicated by personal, emotional, and psycho-developmental concerns.

Appendix to Chapter 3: Maria Celeste

Aus einem gelben Himmel fällt ein weißes Schiff:
Maria Celeste. Die Jakobsleitern hängen
ins Grüne. In der Offiziermesse
das Harmonium spielt:
Aus der Tiefe. Durch die Windstille geht der
Atem der Ertrunkenen. Durch mein Herz,
Maria Celeste, meine Zweitagsfliege,
meine Bettfederfee,
schwimmen drei Matrosen und schlagen
meinen Puls mit braunen Beinen –
in die Milch aus Tang und Finsternissen
den Flossenflügelwurf des Rochens, den
dritten, den giftigen Stachel des Goldbarschs, den
blauen, den silbernen Streifen des Schellfisches.

An den langen Abenden, wenn
Vaclav und Colleoni (um die zu wenig Platz ist)
ihren Schatten über die Hotels werfen,
eine Taube am Steigbügel, der Ermordete, der
Mörder, eine Krähe am Hut, der Herzog, der
Generalissimus, kommt mit,
wenn ich den langen Abenden über den Atlantik gehe, die
Leuchtfeuer grüße, wenn ich an langen Abenden
(um die zu wenig Platz ist)
kommt mir Maria Celeste, kommst du mir entgegen,
weißes Schiff vor den roten Felsen Neufundlands. Auf
der Brücke raucht ein Herr aus Amsterdam, aus
Zwickau und zieht mit seiner Shag einen
Strich in den Himmel, in Richtung
Jehova, des Vorhautsammlers,
des Breträchtlichen

Du kämmst den Schaum zu Federn und
bleichen Wellen. Komm mit dem
Einmaleins. Einmal eins ist
zwei. Einmal zwei ist Dreikönigstag.

Der Himmel nimmt die Fledermaus und den Apfelbaum
untern Arm und fliegt zu einem Fisch, der heißt
Maria Celeste. Komm,
noch im Tode schimme ich dir zu:
Maria Celeste

(Bieler 191-92)

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Biography

Marc Reibold was born in Darmstadt, Germany, on August 25, 1969. He received a Bachelor of Arts in German from the University of North Carolina at Greensboro in 1993, and a Master of Arts in English from the University of North Carolina at Charlotte in 2001. He taught English literature and German language at the University of North Carolina at Pembroke from 2001 to 2003, and received a Ph.D. in German Studies from Duke University in 2011. In 2004 he was awarded a *Sprachkursstipendium* to the Humboldt Universität zu Berlin. In 2007, he was awarded the Dean's Award for Excellence in Teaching by Duke University, and the *Ausstauschstipendium* to study at *Freie Universität Berlin* from 2007 to 2009.