

**“Dasrecht & Gott sind immer beim=Stärksten, & der – Stärkste hat
immer=Recht”: Representations of Law and Justice in the work of
Reinhard Jirgl**

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Doctoral Thesis

I, Juliane Horn, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

The dissertation analyses the themes of Law, justice and injustice in the work Reinhard Jirgl. Jirgl, who was born in 1953 in the GDR, has published many works of prose and essays since 1990. With the exception of one novel all novels examined in this thesis are set within the context of events in recent German history. Jirgl's representations of injustice and violence are thus closely related to or associated with, concrete historical events.

The evaluation of the textual material is methodologically grounded in relevant philosophical ideas of justice, some from antiquity and others which originate from more contemporary thinkers, such as Agamben or Derrida. At the height of the Greek civilization, two main traditions of justice develop in parallel: the first, which Alasdair MacIntyre calls 'justice of effectiveness', is marked by the belief that 'the strong would do without justice altogether if they could', whilst the second, which he calls 'justice of excellence' values justice as a key virtue which serves the common good of the *polis*.¹ The two traditions can be traced in theory and praxis up to the present. The textual analysis shows that most of Jirgl's examples of social practices are adequately described by the philosophical tradition which MacIntyre calls 'justice of effectiveness'. The dissertation considers how far Jirgl's work presents an understanding of justice based on the inevitability of 'might is right' and, consequently, whether social practice is marked by an unbridgeable gap between human aspirations and an unchanging *modus operandi*. It explores whether Jirgl's texts offer glimpses of hope that transcend the prevailing cultural and historical pessimism that runs through them.

¹ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), p. 73.

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List of Abbreviations

Works by Reinhard Jirgl: Fiction

<i>MutterVaterRoman</i>	(Aufbau, 1990)	MVR
<i>Im offenen Meer</i>	(Luchterhand, 1991)	IoM
<i>Das obszöne Gebet. Totenbuch</i>	(Jassmann, 1992)	oG
<i>Abschied von den Feinden</i>	(Hanser, 1995)	AF
<i>Hundsnächte</i>	(Hanser, 1997)	H
<i>Die Atlantische Mauer</i>	(Hanser, 2000)	AM
<i>Genealogie des Tötens. Trilogie</i>	(Hanser, 2002)	GT
<i>MER – Insel der Ordnung</i> (part two of GT)		MER
<i>Kaffer. Nachrichten aus dem zerstörten=Leben</i> (part three of GT)		K
<i>Die Unvollendeten</i>	(Hanser, 2003)	U
<i>ABTRÜNNIG</i>	(Hanser, 2005)	At
<i>Die Stille</i>	(Hanser, 2009)	S
<i>Nichts von euch auf Erden</i>	(Hanser, 2012)	N

Works by Reinhard Jirgl: Non-Fiction

<i>Land und Beute: Aufsätze aus den Jahren 1996 bis 2006</i>	(Hanser, 2008)	LuB
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Secondary Literature on Reinhard Jirgl

Clarke, David and Arne De Winde, eds, <i>Reinhard Jirgl: Perspektiven, Lesarten, Kontexte</i>	(Rodopi, 2007)	PLK
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Introduction

This dissertation examines the representation of law and (in)justice in ten of Reinhard Jirgl's novels. Reinhard Jirgl, who was born in 1953 in East Germany, has published fifteen volumes of prose and 'ungefähr 45 Aufsätze und Reden und zwei Essaybände' since 1990.¹ His first four works of fiction were written before 1989 in the GDR, all of them 'ohne Chance auf Veröffentlichung'.² They were also, in contrast to the works written by other oppositional writers of the GDR, not considered suitable for publication in West Germany as they did not meet the 'Erwartungshaltungen westdeutscher Medien gegenüber Literatur aus der DDR'.³ The first publication in 1990 caused very little public resonance and disappointingly low sales. However, the breakthrough came in 1993 when Jirgl received the highly regarded Alfred-Döblin-Preis for the then still unfinished manuscript of the novel *Abschied von den Feinden* (1995). Since then Jirgl has written seven more novels of which *Die Unvollendeten* (2003) is the most acclaimed. In 2010 Jirgl was honoured with Germany's most prestigious literary prize, the Georg-Büchner-Preis. The jury's decision is based on Jirgl's artistic attempt to provide a voice for the forgotten victims of recent historical upheavals. His books tell us about the

Katastrophen, den Kriegen und Vertreibungen, den Zeiten der Teilung und der schwierigen Vereinigung. Dabei lässt er die historischen Umbrüche aus unterschiedlichsten Perspektiven alltäglichen Erlebens gegenwärtig werden und macht – so zuletzt in den großen Romanen *Die Unvollendeten* und *Die Stille* die Stimmen der Vergessenen und Verschütteten wieder hörbar.⁴

In his programmatic text *Die wilde und die gezähmte Schrift*, Jirgl states how important it is for him as a writer to enter the discourse on justice:

¹ Arne de Winde, "Das hatte ich mal irgendwo gelesen": Überlegungen zu Reinhard Jirgl's Essayismus', in 'Reinhard Jirgl', *Text und Kritik*, 189 (Januar 2011), 86-97 (p. 87).

² Reinhard Jirgl, 'Schlußwort für einen 'Nachlaß zu Lebzeiten'', in *GT*, pp. 815-33 (p. 816).

³ *Ibid.*, p. 817.

⁴ Reinhard Jirgl, *Rede zum Georg-Büchner-Preis* (2010), <<http://www.deutscheakademie.de/druckversionen/DankredeBuechner.pdf>> [accessed 16. June 2014].

Ich suche [...] mit meiner Sprache und meiner Text-Machart nach
Ausdrucksmöglichkeiten, das in den sozialen und mentalen Wirklichkeiten
bestehende Unrecht zu benennen, zuzuspitzen um es zu verneinen! (LuB, 109)⁵

Winfried Fluck, who asks whether ‘fictional texts such as novels, plays or films [can] offer meaningful contributions to the question of what constitutes justice’, argues that works of fiction are a privileged medium in which to make such a contribution.⁶ According to him, there are three ways in which the theme of justice can occur in fictional accounts. The issue might appear ‘(1) in texts that deal with legal problems and legal practice; (2) in texts that argue for rights and entitlements, for example by ‘altering social perceptions of ethical responsibility for the (mis)treatment of various groups of people’’, or (3), it might occur ‘in texts that articulate claims for the recognition of individuality or particularity’.⁷ As I shall show, Jirgl’s novels contain examples of all three types.

With the exception of one novel, the dystopia *Nichts von euch auf Erden*, which is set in the far future, all books examined in this dissertation are set within the context of events in recent German history. This means that most of the chosen examples of injustice and violence are contextualized within, or associated with, concrete historical events. This historical narrative framework allows a comparison between ideals of justice and law and the fictionalized glimpses of past realities. As this inquiry focuses on an examination of the ways in which Jirgl represents the theme of justice, including legal practices, the introduction will list a variety of ways in which the concept of justice has been defined. This is especially important as the concept has undergone significant changes in meaning since antiquity. Starting with the classical theories of Socrates, Plato and Aristotle and ending with Derrida’s *Force of Law*, I shall consider the ways in which these theories are illustrated or undermined by the literary texts.

At the height of Greek civilization, two main traditions of justice develop in parallel: the first, which Alasdair MacIntyre calls ‘justice of effectiveness’, is marked by the belief that ‘the strong would do without justice altogether if they could’, whilst the second, which he calls ‘justice of excellence’ values justice as a

⁵Jirgl has repeated this statement in several other essays, (see, for instance in *PLK*, p. 24) which shows how very important it is for him to discuss forms of injustice.

⁶Winfried Fluck, ‘Fiction and Justice’, *New Literary History*, Vol. 34.1 (Winter 2003), 19-42.

⁷Fluck, p. 36.

key virtue which serves the common good of the *polis*.⁸ The two traditions can be traced in theory and praxis up to the present. The textual analysis shows that most of Jirgl's examples of social practices are adequately described by MacIntyre's 'justice of effectiveness'. The dissertation considers how far Jirgl's work presents an understanding of justice based on the inevitability of 'might is right' and, consequently, whether social practice is marked by an unbridgeable gap between human aspirations and an unchanging *modus operandi*. It explores whether Jirgl's texts offer glimpses of hope that transcend the prevailing cultural and historical pessimism that runs through them.

Besides these philosophical traditions, I analyse the author's implicit commentary on the cultural influences of the Judeo-Christian tradition on practices of punishment. Another aim of the thesis is to explore how Jirgl responds to the idea of ethical and cultural progress throughout history. The ongoing debate about the reality of progress is informed by the differences between philosophical pessimism and other, more optimistic theories which predict a better future for humans. A careful analysis of Jirgl's texts, which appear to many commentators as being overly pessimistic, should reveal whether or not such a dark perspective must necessarily go hand in hand with historical fatalism and dystopian prophecies.

The scholar Erk Grimm challenges Jirgl in questioning the status of his programmatic intention to represent injustices. In his article *Die Lebensläufe Reinhard Jirgls* he suggests that the proclamation "das in den sozialen und mentalen Wirklichkeiten bestehende Unrecht zu bennennen [...]" klammert auf eigentümliche Weise die Akteure aus, die Unrecht begehen oder erfahren. Anders gesagt: Die Anklage ist die Klage über ein jenseits aller partikularen Identitäten beschworenes Unrecht'. Citing Jirgl's intention to strive for a maximum of subjectivity in his texts, Grimm concludes that injustice will subsequently remain 'in der Sphäre der subjektiven Empfindung, die zum Maßstab der allgemeinen Weltbetrachtung wird'.⁹ This is a serious critique which reduces Jirgl's concerns for particular cases of injustice to a general subjective feeling of an inevitable and essential injustice within human society; a point which Karen Dannemann declares to be worthy of further

⁸ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988), p. 73.

⁹ Erk Grimm, 'Die Lebensläufe Reinhard Jirgls: Techniken der melotraumatischen Inszenierung', in *PLK*, pp. 197-226 (pp. 207, 217).

investigation.¹⁰ In the following chapters I shall therefore engage with Grimm's criticism.

Dannemann and Grimm are part of a small group of scholars who have written papers on Jirgl in the two anthologies about the author's work that are published so far.¹¹ Both collections contain an extensive bibliography of reviews and scholarly papers written about Jirgl's texts up to their publication. The most extensive research has been carried out by Arne De Winde, whose dissertation examines the role of spectral images and the intertextual aspects in the author's oeuvre.¹² He has also written a number of separate papers, some of which will be addressed in this dissertation. A second dissertation, written by Dannemann, offers an excellent overview of the 'Gesellschafts- und Zivilisationskritik in den Romanen Reinhard Jirgls'.¹³ Dannemann's thesis is a superb starting point for further research, as are some of the still very small number of scholarly papers which have been published so far.

A frequent criticism of Jirgl's representation of history, which is addressed throughout this dissertation, is the claim that he universalizes political injustice and violence.¹⁴ Such lack of differentiation, if it indeed exists, can easily undermine the search and hope for improvement and shows injustice and violence to be ubiquitous and inevitable realities in which individual suffering loses any particular significance. Among the representations of suffering, it is Jirgl's depiction of Germans as victims which has caused the greatest debate amidst literary critics.¹⁵ In this dissertation I shall evaluate the main discussion and draw conclusions as to

¹⁰ Karen Dannemann, *Der blutig=obzön=banale 3-Groschen-Roman namens "Geschichte": Gesellschafts- und Zivilisationskritik in den Romanen Reinhard Jirgls* (Würzburg: Königshausen & Neumann, 2009), p. 325.

¹¹ *Reinhard Jirgl: Perspektiven, Lesarten, Kontexte*, ed. by David Clarke and Arne De Winde, *German Monitor* 65 (Amsterdam and New York: Rodopi, 2007); 'Reinhard Jirgl', ed. by Heinz Ludwig Arnold, *Text und Kritik*, 189 (Januar 2011).

¹² Arne De Winde, *"Palimpsest der Gespenster": Intertextualität, Genealogie und Spektralität im Werk von Reinhard Jirgl* (Heidelberg: Synchron, 2016).

¹³ For Dannemann's dissertation see footnote 10 above.

¹⁴ See, for instance, Stephan Braese, 'Die Ich-Erzähler. Flucht und Vertreibung – wie kann man daran angemessen erinnern? Fragen wir die neuere deutsche Literatur.', *Der Tagesspiegel*, 9 May 2004 and Katarzyna Śliwińska, "'Erinnern: Das heißt immer Wiedergängerei': Erinnerung und Trauma in Reinhard Jirgls Roman *Die Unvollendeten*", in *Das "Prinzip Erinnerung" in der deutschsprachigen Gegenwartsliteratur nach 1989*, ed. by Carsten Gansel and Pawel Zimniak (Göttingen: V&R unipress, 2010), pp. 471-90 (p. 489).

¹⁵ See, for instance, the debate between H. Welzer and C. Kammler: Harald Welzer, 'Schön unscharf: Über die Konjunktur der Familien- und Generationenromane', *Mittelweg*, 36.1 (2004), 53-64; Clemens Kammler, 'Literarisches Lernen in der Erinnerungskultur', *Essener Unikate*, 26 (2005), 94-103.

whether or not the way these ethnic Germans are drawn is appropriate considering the crimes committed during the Third Reich. Finally, Jirgl's claim that it is especially by means of his idiosyncratic use of language and style, his 'Text-Machart', that he can address injustice, will be examined throughout this thesis.¹⁶

Notions of Justice

The following paragraphs constitute an overview of a number of useful conceptualizations of the notion of justice. The theory of just war, due to its exclusive relevance to the theme of war, is treated separately in the chapter dedicated to Jirgl's representation of war. Part of any analysis of the concept of justice must also be a reflection on the complex relationship between law, justice and violence in the context of historical and political contingencies. Justice is, in the first instance, frequently aligned with notions of impartiality, equality, integrity, objectivity and fairness, and is also closely linked to the rule of law. It is then not surprising that only the fourth definition of justice in the Oxford English Dictionary defines justice in a way which is divorced from law: 'the quality or fact of being just; the principle of just dealing or conduct; integrity, impartiality, fairness'.¹⁷ As the definitions of impartiality and fairness themselves then refer back to justice, the designation of justice remains circular; it comprises nothing more than loosely interconnected and equally elusive notions. However, to comprehend justice in relation to fairness helps to understand many cases of injustice. Usually, injustice refers simply to occasions when people are punished, rewarded or treated differentially even though they have committed the same deeds. There are, however, a number of theories of justice which are not based on fairness as a guiding principle. Some of them will be mentioned in a brief overview of important ideas of justice. This exposition, which starts with Greek philosophy as the origin of many ongoing debates on justice in Western thought, must be selective for two reasons: the enormity of the subject and the relevance to an analysis of Jirgl's texts.

All theories have arisen from social and historical contexts and the disputes of Socrates, Plato and Aristotle are no exception: 'We inherit from the conflicts of the social and cultural order of the Athenian *polis* a number of mutually

¹⁶ See, for instance, (*LuB*, 109) or (*PLK*, 24).

¹⁷ R. William Trumble and Angus Stevenson, eds, *Shorter Oxford English Dictionary*, 5th edn, 2 vols (Oxford: Oxford University Press, 2002), p. 1473.

incompatible and antagonistic traditions concerning justice and practical rationality'.¹⁸ For Homer, justice or *dikē* is what follows the cosmic order and the *themis* laid out by Zeus. Etymologically, '*dikē* is what is marked out; *themis* is what is laid down'.¹⁹ Nature and society are still considered to be inseparable parts of a preordained cosmic order. After Homer, there are two main traditions of justice in Greek antiquity that develop simultaneously. The one, which MacIntyre calls 'justice of effectiveness', and which is by nature instrumentalist, is exemplified by the comments of the historian Thucydides, as well as by Thrasymachus, Glaucon and Adeimantus, who appear in Plato's *Republic*, and by other sophists. As stated before, it is marked by the belief that 'the strong would do without justice altogether if they could'.²⁰ The second, MacIntyre's 'justice of excellence', in being the opposite, is non-instrumental and values justice as a main virtue as such.²¹ This tradition is followed by theorists who try to define justice more universally and as a virtue worth striving for. Such theorists include Socrates, Plato and Aristotle who are all representatives of ethical theorists who proclaim the unity of all the virtues, including justice. Modern versions of the latter tradition can be traced in Kant's ideas on justice during the Enlightenment and of the former, instrumentalist one, in Nietzsche's work. In order not to underestimate the influence of 'justice of effectiveness', it should be kept in mind that this tradition has had a great impact on liberal theories and that 'a succession of utilitarians, positivists, and pragmatists have seen in the sophists their own predecessors'.²² In Jirgl's texts it is possible to identify the competition between these two traditions and I shall embark on an evaluation of his discourses on either side of the divide. It is therefore important to spell out some of the most influential theories which are still relevant today and which are needed for the subsequent analysis.

The tradition which prepares the way for Nietzsche's and Freud's pessimistic views on justice, and to a small extent for Hobbes' *Leviathan*, is most famously expounded through the following three statements by Thrasymachus in book one of Plato's *Republic*: (1) 'justice is nothing but the advantage of the stronger' (338c), (2)

¹⁸ MacIntyre, *Whose Justice?*, p. 13.

¹⁹ *Ibid.*, p. 14.

²⁰ See MacIntyre's comments and references on Thucydides on pp. 64-70 and book II of Plato's *Republic*.

²¹ MacIntyre, *Whose Justice?*, p. 73.

²² *Ibid.*, p. 74.

‘justice is obedience to the law’ (339b) and (3) ‘justice is nothing than the advantage of another’ (343c).²³ Also well-known is Glaucon’s argument at the start of book two, where he relates the story of the ‘ring of Gyges’ which renders its owner invisible. Glaucon believes, ‘daß man nicht freiwillig, sondern nur aus Zwang gerecht handelt, weil Gerechtigkeit als solche kein Gut ist. Denn wo man sich stark genug fühlt zur Ungerechtigkeit, da ist man ungerecht’ (360).²⁴ These views are opposed, albeit not successfully, by the Socrates of the *Republic*. Plato offers his theory of the tri-partite soul, which is mirrored in the tri-partite structure of the just state, as a solution. For him, the just person has a soul in which reason is the dominant part, subjugating passion and ambition. All just actions are guided by a vision of the Good. Socrates, however, fails in his project to refute Glaucon and the other sophists, as his opponents have no understanding of the form of Justice which, for Plato, is the necessary precondition for any successful enquiry into the nature of justice. ‘It follows that the *Republic* is by intention a radically incomplete book. It tells us what structure and content a theory which could rationally warrant its account of justice would have to possess. But it does not provide such a theory’.²⁵

Aristotle, for whom justice is equally a key virtue, believed that the best possible *polis* is achievable and used empirical evidence to formulate his ethical and political theories. Plato, by contrast, never assumed that the utopian vision of the *Republic* could be realized. For Aristotle, justice or *dikaïosunē*, is the ‘norm by which the *polis* is ordered’.²⁶ Only practical reason (*phronēsis*) and excellence of character (*aretē*) in unison will ensure actions which are just and beneficial for the *polis*. Aristotle considers the virtues, including justice, as means which lie between the two extremes of excess and deficiency. In his conception of justice, in which one deserves certain goods according to one’s merits and virtues, the extremes in the case of justice (*dikaïosunē*) are that of self-aggrandizement (*pleonexia*) and its opposite: acting in ways which invite unnecessary injury and injustice to oneself. Although *pleonexia* often involves taking more than one deserves it should not be translated as ‘greed’, or as Hobbes does as ‘a desire of more than one’s share’.²⁷ From today’s perspective, Aristotle’s idea of the *polis* is anti-democratic for it excludes not only

²³ Plato, *The Republic*, transl. by G. M. A. Grube, ed. by C. D. C. Reeve (Indianapolis: Hackett, 1992).

²⁴ Platon, *Der Staat*, transl. by August Horneffer (Stuttgart: Alfred Kröner Verlag, 1973), p. 40.

²⁵ MacIntyre, *Whose Justice?*, p. 82.

²⁶ *Ibid.*, p. 97.

²⁷ See MacIntyre’s citation from Hobbes’ *Leviathan* 15 on p. 111.

women, slaves and foreign people but also ‘artisans, merchants and farmers’.²⁸ Only the best and most virtuous, the members of the aristocracy, are able to take an active part in the daily politics of the *polis*. As with Plato, Aristotle is sceptical about democracy and the populace at large. It will be valuable to compare this scepticism with Jirgl’s representation of the masses and with the frequent critique of liberal democracy found in his texts.

The last of the great Greek thinkers to be considered here is Socrates, Plato’s teacher. It needs to be remembered that only through the Socrates of Plato’s earlier dialogues might an impression of the ideas of the historical Socrates be gained. It is here that one can find those dialogues in which Socrates undermines a variety of false beliefs about the nature of justice by using his unique method of inquiry, ‘the elenchus’. This ‘involves the form of argument [where] a thesis is refuted when, and only when, its negation is derived from the answerer’s own beliefs’.²⁹ With the help of the elenchus, Socrates is able to show that several common assumptions about the nature of justice are wrong but even then he is unable to define justice differently. Socrates, however, was well ahead of his time in radically challenging the prevailing views on punishment and retribution and in making universal demands on justice. In contrast to Plato and Aristotle he declares that all humans should strive for self-knowledge as a prerequisite for just action: ‘The central theme of this “philosophizing” is that for each and every one of us, citizen or alien, man or woman, the perfection of our own soul must take precedence over every other concern: money, power, prestige’.³⁰

Socrates is the only important philosopher of his time to question and reject the fact that ‘[h]arming one’s enemy to the full extent permitted by public law is not only tolerated, but also glorified’.³¹ There were no public laws to limit the violence against enemies until the end of the Middle Ages, when the rules of just war started to be developed. Thus, the ancient *lex talionis*, which is part of both the Old Testament and the Koran, counteracts unbridled acts of retaliation.³² The law attempts to stop irrational passionate revenge by positing that retaliation for a given

²⁸ MacIntyre, *Whose Justice?*, p. 104.

²⁹ Gregory Vlastos, *Socrates: Ironist and moral Philosopher* (Cambridge: Cambridge University Press, 1991), p. 111.

³⁰ *Ibid.*, p. 110.

³¹ *Ibid.*, p. 180.

³² See Vlastos, p. 182 for OT citation from Exodus 21 : 24-5: ‘...eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe’.

harm should not be greater than the inflicted harm. The *lex talionis*, which is often criticized for initiating a chain of violence, thus also sets limits to violent acts. Under ideal conditions, deed and retaliation cancel each other and the cycle of retaliation stops. As Hesiod wrote, expressing a widespread Greek sentiment: ‘For if one suffered what one did, straight justice would be done’.³³ According to Vlastos, the fact that the *lex talionis* was such an integral part of the Greek moral code is due to the fact that it was confused with one or more of three closely related but distinct concepts: restitution, self-defence and punishment.³⁴ But if retaliation were restitution it would be just, in the same sense as the repayment of a debt is just. Self-defence and retaliation are etymologically very close in Ancient Greek and often used interchangeably. The problem of interchangeable usage applies even more acutely to the terms punishment and revenge or punishment and retaliation: pairs which were almost identical in the Ancient Greek language.³⁵ They are, however, very different terms. In Greek society, just as today, punishment was considered to be the administration of penalties and sanctions which follow determined norms. Therefore, according to Vlastos, punishment differs from vengeful retaliation in three closely related ways: (1) whilst in both harm is inflicted, punishment stops short of inflicting an additional wrong, (2) punishment should be disassociated from vengeful and resentful feelings and (3) hatred for the wrongdoer, which is essential to revenge, should not be present in punishment. It is perhaps correct to say that punishment is ideally informed by rational and prescriptive decision whilst retaliation is more often subject to irrational passion. The confusion between punishment and retaliation or revenge continues to the present day and appears to be an important part of Jirgl’s discourse on justice.

Ironically, it is the sophist and rival of Socrates, Protagoras, who first distinguishes between the two in Plato’s dialogue: ‘No one punishes wrongdoers putting his mind on what they did and for the sake of this – [...] – not unless he is taking mindless vengeance, like a savage brute’.³⁶ Protagoras subsequently goes on to declare the sole purpose of punishment to be deterrence. In what way were Protagoras and Socrates then theoretically ahead of their own time? Socrates’ unusual argument is given in Plato’s *Crito* as follows:

³³ Vlastos, p. 183.

³⁴ *Ibid.*, p. 186.

³⁵ *Ibid.*, p. 186.

³⁶ Plato, *Protagoras*, (324A-B), cited by Vlastos in his own translation, p. 188.

- I. "We should never do injustice."
- II. "Therefore, we should never return an injustice."
- III. "We should never do evil [to anyone]."
- IV. "Therefore we should never return evil for evil [to anyone]"
- V. "To do evil to a human being is no different from acting unjustly to him."³⁷

For Socrates, acting unjustly is most of all damaging for the agent who is thus prevented from a virtuous life, the good life of *eudemonia*. His standards of personal conduct are possibly as high as those set, many centuries later, by Kant's Categorical Imperative which arises from the same philosophical tradition of privileging rational thought as the basis of human actions.

The strict separation between punishment and revenge, which can be traced back to Socrates, is still at the core of contemporary Western legal systems. Critical arguments regarding the artificial and arbitrary nature of such a split are relatively recent. Charles K. B. Barton shows convincingly in his book *Getting Even: Revenge as a Form of Justice* that the complete divorce of punishment from the victim's vengeful feelings is neither just nor typical of human practices.³⁸ Barton writes that 'in spite of the fact that throughout the world the first form of justice has been revenge, an unconditional rejection of revenge is endemic to modern Western culture where an *anti-revenge paradigm* dominates'.³⁹ He defines 'revenge' as 'personal retributive punishment, a definition that accords well with popular understanding and usage of the term'.⁴⁰ For revenge to be just it must be meted out in proportion to the injury and only towards the perpetrator of the relevant offence. Jirgl repeatedly engages with the problematic relationship between crime, punishment and revenge. Furthermore, he is interested in the disempowered and dejected victims of crimes in which the perpetrators avoid adequate punishment.

Nietzsche and Freud also offer important thoughts regarding the relationship between punishment and revenge. The former discusses the origins and hidden

³⁷ Plato, *Crito*, (48B-D), cited by Vlastos in his own translation, p. 194.

³⁸ Charles K. B. Barton, *Getting Even: Revenge as a Form of Justice* (Chicago: Open Court, 1999).

³⁹ *Ibid.*, pp. 2-3.

⁴⁰ *Ibid.*, p. 83.

psychological functions of revenge and retaliation in the second part of his *Zur Genealogie der Moral*, a text which shares many similarities with Freud's *Das Unbehagen in der Kultur*. Both are discourses on the psychological impact of modern civilization on the economy of human drives and affects. The two texts, for instance, agree on the existence of aggressive drives which for the sake of civilized life cannot find an easy outward release, as was, according to Nietzsche and Freud, possible in less civilized societies. The aggressive drives are instead turned inwards against the self, leading to a variety of mental afflictions and some degree of unhappiness. Nevertheless the ideas of Freud and Nietzsche regarding morality and law differ. According to Freud, a civilized community establishes a system of law in order to defend itself against the individual transgressor who seeks an unrestricted release of 'uncivilized' aggression. Justice is no more than 'die Versicherung, daß die einmal gegebene Rechtsordnung nicht wieder zu Gunsten eines Einzelnen durchbrochen werde. Über den ethischen Wert eines solchen Rechts wird hiermit nicht entschieden'.⁴¹

Nietzsche, on the other hand, declares morality to be a man-made system of laws which allows the subjugation of the 'mighty' by those who are less powerful and considers law to be yet another obstacle for his highest being, the *Übermensch*. The strongest and best types, however, are to create their own laws; ordinary laws are merely useful to contain the general mediocre populace. Nietzsche draws the reader's attention to the same confusion between punishment and revenge as Vlastos does in relation to Ancient Greek society. Originally, punishment which is driven by pure anger 'aus Zorn über einen erlittenen Schaden'⁴² was nothing but retaliation limited by a certain reciprocity and which constituted an early understanding of justice, according to the rule: 'jedes Ding hat seinen Preis; *Alles* kann abgezahlt werden'.⁴³ Likewise, all through human history one can observe a connection between punishment and the enjoyment of cruelty which can only be counteracted by strong communities with powerful rulers. These rulers impose the law which, in being entirely impersonal, sets the standards of right and wrong. The general aim of the preservation of law will distract from focusing on particular crimes and

⁴¹ Sigmund Freud, *Das Unbehagen in der Kultur* (Stuttgart: Reclam, 2010), p. 43.

⁴² Friedrich Nietzsche, 'Zur Genealogie der Moral', in *Kritische Studienausgabe*, ed. by G. Colli and M. Montinari, 15 vols (München: Deutscher Taschenbuch Verlag and de Gruyter, 1999), V, pp. 245-412 (p. 298).

⁴³ Nietzsche, 'Genealogie', II.8, p. 308.

perpetrators and subsequently render law and punishment more normative and less cruel. Weak, reactive men who are full of *ressentiment* will always try to sanctify ‘die Rache unter dem Namen der *Gerechtigkeit*’ unless they are controlled by strong and active legislators.⁴⁴ Nietzsche argues further that from a biological point of view, ‘Rechtszustände’ are only allowed to be ‘*Ausnahme-Zustände*’ as they restrict ‘den eigentlichen Lebenswillen’. A ‘Rechtsordnung souverain und allgemein gedacht’⁴⁵ is unimaginable for Nietzsche and this firmly places him in the tradition of ‘justice of effectiveness’. Nietzsche shares with Freud a certain pessimism regarding the perfectibility of human nature and of law. This thesis will examine whether Jirgl’s novels display the same pessimism in regard to the improvability of the law.

Barton summarizes Nietzsche’s thoughts on the relationship between *ressentiment* and punishment well:

Nietzsche mostly uses the word ‘revenge’ to indicate a psychological state of resentment which is born of envy and jealousy but which takes on the cloak of goodness through self-deception [...] He talks with disdain only about people who self-deceptively regard themselves to be good on account of not retaliating when maltreated by others, but who, at the same time, deceive themselves about the impotent resentment they feel and are too cowardly to express openly.⁴⁶

Indeed, Nietzsche regrets that the days of direct retaliation as encapsulated in the *lex talionis*, carried out by the masters, are gone. His negative outlook on human nature leads him to the assumption that revenge born out of unhealthy *ressentiment* will be cruel and disproportionate. At the same time he ‘talks disparagingly of the doglike people who allow themselves to be maltreated and who are too afraid to revenge themselves’.⁴⁷ It will be shown that Jirgl takes up both these themes: revenge and ‘punishment’ born out of *ressentiment* and inappropriate fear and subordination in the face of injustice and unjust authorities.

A further fundamental, albeit very different, theory of justice is that endorsed by Hobbes. In true Enlightenment fashion, Hobbes’ theory turns out to be full of optimism about the rational use of reason. Hobbes defies any categorization into the two traditions which divide the great Greek thinkers, a fact which is accompanied by

⁴⁴ Ibid., II.11, p. 310.

⁴⁵ Ibid., II.11, p. 313.

⁴⁶ Barton, note 11, p. 146.

⁴⁷ Ibid., p. 146.

considerable confusion about the nature of the theory he espouses in *Leviathan* (1651). Hobbes is confident that rational and self-interested human beings will seek peace because of their fear of death and their desire for comfort and basic necessities. As the natural condition is that of ‘war of every man, against every man’, groups of people band together to form a commonwealth and seek protection under the authority of a strong and lawgiving sovereign.⁴⁸ There is a restriction to the kind of laws the ruler is able to legislate which is explained by Hobbes’ distinction into natural laws and civic laws. He lists nineteen natural laws which he also calls ‘moral virtues’ or ‘commands of God’. Dictated by a universal rational desire for self-preservation, natural laws are ‘a precept or general rule, found out by reason, by which a man is forbidden to do that, which is destructive of his life, or taketh away the means of preserving the same’.⁴⁹ The first law indirectly states that all human beings are equal in their natural state: ‘naturally every man has a right to everything’⁵⁰ and the third captures Hobbes’ leading idea of justice: ‘men perform their covenants made’.⁵¹ As there is no law in the state of nature, ‘[t]he notions of right and wrong, justice and injustice have there no place’, the third law must apply to civic law.⁵² Civic or positive law is legislated by the sovereign who thereby defines what is ‘good, evil, lawful and unlawful’.⁵³ Theoretically, following from the primacy of natural law, ungoverned people could enter into mutual contracts which are not legislated by a sovereign. However, for Hobbes it is the obligation to follow civic law legislated by a sovereign ruler which constitutes justice. For him, the administration of the laws is subject to basic rules of fairness: ‘treat like cases alike and treat different cases differently’.⁵⁴

The main problem with Hobbes’ idea is that there is no proper guarantee that the laws are not those of an evil dictator. The theory does not encourage the critical examination of laws but favours blind submission. Hobbes tries, however, to secure the goodness of civic law by stating that ‘the law of nature, and the civil law, contain each other, and are of equal extent.’⁵⁵ As natural laws are discoverable by reason and

⁴⁸ Thomas Hobbes, *Leviathan*, ed. M. Oakshott (New York: Macmillan, 1962), pp. 100-01.

⁴⁹ *Ibid.*, p. 103.

⁵⁰ *Ibid.*, p. 103.

⁵¹ *Ibid.*, p. 113.

⁵² *Ibid.*, p. 101.

⁵³ *Ibid.*, p. 138.

⁵⁴ *Ibid.*, p. 155.

⁵⁵ *Ibid.*, p. 199.

serve self-preservation and peaceful cooperation, this will limit the kinds of laws inaugurated. As I shall show, Hobbes' basic idea of the social contract between a government and the people is critically explored in Jirgl's writings where he raises the question of what happens when government or state becomes negligent in its duties towards the populace. Today, Hobbes' optimism in the power of reason might appear naive but his *Leviathan* turned out to be the theoretical foundation for political and juridical theories ever since. His summary of the nineteen natural laws: 'Do not that to another, which thou wouldest not have done to thyself' is the most common version of the Golden Rule, an egalitarian ethic of simple reciprocity.⁵⁶ The Golden Rule is at times mistakenly compared with Kant's much stronger Categorical Imperative, an ethical category at the heart of the tradition of 'justice of excellence' in which human perfection and goodness are inseparable from high moral principles.

Kant's vision of just and right conduct is grounded, just like Hobbes' but to a much greater degree, on the belief in the power of reason. The pinnacle of Kant's ethical theory, his famous Categorical Imperative or moral law is formulated in two of his works; *Grundlegung zur Metaphysik der Sitten* (1785) and in the *Kritik der praktischen Vernunft* (1788). The two best known formulations of the law are: 'handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, daß sie ein allgemeines Gesetz werde'⁵⁷ and 'handle so, daß du die Menschheit sowohl in deiner Person, als in der Person eines jeden andern jederzeit zugleich als Zweck, niemals bloß als Mittel brauchest'.⁵⁸ It is the first moral theory which is entirely based on logical reasoning and, as such, accessible and applicable to all rational human beings independently of any contingent considerations. Right and just actions are done with 'good will' and out of respect for the moral law and should never be based on empirical ulterior motives. Agents have a moral duty to act in accordance with the moral law and those duties which can be enforced by public and juridical institutions are called duties of justice. The universality test prohibits murder, theft, betrayal and all forms of violent and non-violent coercion tout court and therefore, if widely applied, would engender much more justice and less violence.

Kant's emphasis on the importance of the use of pure reason which he summarized in the paper *Was ist Aufklärung?* (1784) is of great practical and

⁵⁶ Ibid., p. 122.

⁵⁷ Immanuel Kant, *Grundlegung zur Metaphysik der Sitten* (Leipzig: Reclam, 1983), p. 236.

⁵⁸ Ibid., p. 246.

political significance. Kant's distinction between pure reason (Verstand) and practical reason (Vernunft) is, for instance, employed by John Rawls in his influential *A Theory of Justice* (1971). 'Die im Gesellschaftsvertrag vereinbarte Kooperation [...] muß durch die Vernunft "überwacht werden", indessen der Gebrauch des Verstandes den individuellen egoistischen Interessen geschuldet ist'.⁵⁹ Jirgl, too, has repeatedly referred to the importance of the Kantian essay.⁶⁰ According to him, it is Kant's demand for the critical use of one's reason which is more important than ever in helping to counteract 'selbstverschuldete Unmündigkeit' which in turn makes it easy for dictators to subjugate entire populations and to establish unjust institutions. In one of his essays, Jirgl cites the following excerpt from *Was ist Aufklärung?*:

Faulheit und Feigheit sind die Ursachen, warum ein so großer Teil der Menschen [...] dennoch gerne zeitlebens unmündig bleiben; und warum es anderen so leicht wird, sich zu deren Vormündern aufzuwerfen. Es ist so bequem, unmündig zu sein. [...] *Unmündigkeit* ist das Unvermögen, sich seines Verstandes ohne Leistung eines anderen zu bedienen. Sapere aude! Habe den Mut, dich deines *eigenen* Verstandes zu bedienen!⁶¹

Kant distinguishes between private and public use of reason. Certain professions in the fields of the military, finance and the church are obliged to a degree of obedience and can use reason only privately. However, if these private beliefs conflict too strongly with the institutional requirements of office, then the office holder is, or should be, obliged to relinquish that office. On the other hand, writers and intellectuals have the duty of an unrestricted public discussion of their thoughts. The very liberal idea of freedom of expression was advocated by Kant before the French Revolution. His ideas are also at the core of Habermas's principles for an open and democratic discourse in which the valid norms are determined by common agreements 'denen alle möglichen Betroffenen als Teilnehmer an rationalen Diskursen zustimmen können'.⁶²

⁵⁹ Wolfgang Schlüter, *Immanuel Kant* (München: Deutscher Taschenbuch Verlag, 1999), p. 147.

⁶⁰ See, for instance, Reinhard Jirgl, *Land und Beute: Aufsätze aus den Jahren 1996 bis 2006* (München: Hanser Verlag, 2008), pp. 21, 31, 153.

⁶¹ Jirgl, 'Von Dämmerung zu Dämmerung oder Die Falle der Identifikation', in *LuB*, pp. 21-32 (p. 31).

⁶² Schlüter, p. 148.

One last aspect of Kant's theory which is of relevance here, is the fact that his Categorical Imperative is frequently mistaken to be yet another version of the Golden Rule, or ethic of reciprocity, which is, however, only loosely related to it. The Golden Rule is best known through the maxims 'Do unto others as you would have them do unto you' (Matthew 7.12, Luke 6.31) and 'Love your neighbor as you love yourself' (Luke 10.27). It is said to provide a basic maxim for our responsibility to treat others justly. In Western culture it arguably ranges from the *lex talionis* to the more demanding versions above which are attributed to Jesus of Nazareth, whilst within Asian culture it is founded on a very similar formulation by Confucius about five centuries earlier. Socrates and Kant, however, demand much more of justice than mere reciprocity. Socrates's imperative as stated in the *Crito* almost anticipates parts of Saint Matthew's Sermon on the Mount (Matthew 5.38-42).⁶³ Kant's Imperative, on the other hand, requires the universalization of a maxim: with the help of logical reasoning it has to be turned into a general and compulsory law. Nietzsche's remark that Kant's Categorical Imperative 'riecht nach Grausamkeit' possibly refers to its ascetic character as it creates an unbridgeable gap between actual human nature or inclinations and abstract metaphysical rules.⁶⁴ Similarly, Freud is questioning the reasonableness of the demand of 'Du sollst den Nächsten lieben wie dich selbst', of which he remarks:

es ist ein Unrecht an ihnen [den Meinen], wenn ich den Fremden ihnen gleichstelle [...] Wozu eine so feierlich auftretende Vorschrift, wenn ihre Erfüllung sich nicht als vernünftig empfehlen kann?' and '[d]ie Existenz dieser Aggressionsneigung, die wir bei uns selbst verspüren können, beim anderen mit Recht vorauszusetzen, ist das Moment, das unser Verhältnis zum Nächsten stört.'⁶⁵

Both Freud and Nietzsche alert us in their work to the difficult issue of the violence of the law. Freud writes:

Infolge dieser primären Feindseligkeit der Menschen gegeneinander ist die Kulturgesellschaft beständig vom Zerfall bedroht. [...] Die größten Ausschreitungen der brutalen Gewalt hofft sie zu verhüten, indem sie sich selbst das Recht beilegt, an

⁶³ For the formulation of Socrates' words see above in this chapter.

⁶⁴ Nietzsche, 'Genealogie', II.6, p. 300.

⁶⁵ Freud, *Das Unbehagen*, pp. 58-59, 61.

den Verbrechern Gewalt zu üben, aber die vorsichtigeren und feineren Äußerungen der menschlichen Aggression vermag das Gesetz nicht zu erfassen.⁶⁶

It is a widely recognized fact that the law has to be violent in order to prevent even greater violence. There is less awareness, however, that law with its aspects of self-legitimacy and self-preservation, does not necessarily need to be just; it does not even need to aim towards justice. The relationship is such that ‘there can be law without justice’ but ‘justice is realized only through good law’.⁶⁷ Law is always oscillating between violence and an ambition towards justice: ‘[it] sits poised between the present reality of violence and the promises of a justice not yet realized’.⁶⁸ As Robert Cover remarks: ‘Legal interpretation takes place in a field of pain and death’.⁶⁹ He also reaches the controversial conclusion that we should resign ourselves to ‘make peace with violence’.⁷⁰ To this Jonathan Simon replies: ‘While it is essential to recognize the forms of violence that guarantee the effective operation of law, and assure their institutional support, it is a mistake to reify the current descent of punishment into vengeance and waste management as the inevitable face of law’s violence’.⁷¹ Jirgl’s representations of juridical violence can be evaluated in respect to Cover’s controversial claim. This thesis will explore how far Jirgl’s novels resonate with Cover’s and Freud’s view in assuming the inevitability of such violence or whether they articulate a hope that the law can be improved, a view expressed by Derrida.

Derrida’s great contribution to the topic of law’s violence and the possibility of justice, which is far more optimistic than Freud’s, culminates in his essay *Force of Law*. Derrida traces the genealogy of the idea of the foundational myth at the base of every law and makes his own contribution to that history. Most importantly, however, he explains the impossibility of defining justice by addressing the impossibility of justice itself. He does this by reinterpreting Montaigne’s distinction

⁶⁶ Freud, *Das Unbehagen*, pp. 61-62.

⁶⁷ Austin Sarat, ‘Situating Law Between the Realities of Violence and the Claims of Justice: An Introduction’, in *Law, Violence, and the Possibility of Justice*, ed. by Austin Sarat (Princeton: Princeton University Press, 2001), pp. 3-17 (p. 7).

⁶⁸ *Ibid.*, p. 8.

⁶⁹ Robert M. Cover, ‘Violence and the Word’, *The Yale Law Journal*, Vol. 95.8 (July 1986), 1601-29 (p. 1601), cited in ed. by Sarat, pp. 5, 9, 12.

⁷⁰ Cover, cited in ed. by Sarat, p. 42.

⁷¹ Jonathan Simon, ‘The Vicissitudes of Law’s Violence’, in *Law, Violence, and the Possibility of Justice*, ed. by Austin Sarat (Princeton: Princeton University Press, 2001), pp. 17-48 (p. 42).

between law and justice which Montaigne sets out in the *Mystical Foundation of the Authority of Laws*:

Lawes are now maintained in credit, not because they are just, but because they are lawes. It is the mystical foundation of their authority; they have no other [...]

Whosoever obeyeth them because they are just, obeyes them not justly the way as he ought.⁷²

Montaigne already touches on the idea of ‘founding myths’ which aid the justification of laws: ‘and our law hath, as some say, certaine lawfull fictions, on which it groundeth the truth of justice’.⁷³ Founding myths such as Moses and the ten commandments from God, the Divine Right of Kings, a constitution based on Kant’s idea of a just *Rechtsstaat* or, as in the GDR, the theory of historical materialism, are needed to justify and to give authority to a set of laws. Without such foundations the authority to make people obey the laws, other than by physical force, would be difficult to sustain. The crucial questions people might ask are: why should one follow a particular set of laws rather than another, and why should this particular group of people assume the legitimacy to make up these laws?

Derrida continues by showing how Pascal develops Montaigne’s thoughts further in discussing the connection between force and justice and the corruption of earthly justice. He sees the texts by Pascal and Montaigne as forerunners of a ‘modern critical philosophy, even a critique of juridical ideology, a desedimentation of the superstructures of law that both hide and reflect the economic and political interests of the dominant forces of society’.⁷⁴ Derrida goes beyond Montaigne and Pascal in focusing on the mystical structure of the ‘founding act’, the origin of authority and the positing of law, which by definition ‘cannot rest on anything but themselves, they are themselves a violence without ground. This is not to say that they are in themselves unjust, in the sense of ‘illegal’ or ‘illegitimate’. They are neither legal nor illegal in their founding moment’.⁷⁵ Once the law becomes established it can be deconstructed: it is a construct but it also lacks an ultimate foundation. Both facts contribute to its deconstructibility. Derrida formulates a

⁷² Jacques Derrida, ‘Force of Law: The “Mystical Foundation of Authority”’, in *Acts of Religion*, trans. by Mary Quaintance, ed. by Gil Anidjar (London: Routledge, 2002) pp. 230-298 (pp. 239-40).

⁷³ *Ibid.*, p. 240.

⁷⁴ Derrida, ‘Force’, p. 241.

⁷⁵ *Ibid.*, p. 242.

paradox which leads to a separation of justice in the form of laws and the indefinable idea, the ideal of justice. The former can be deconstructed whilst the latter cannot. However, Derrida claims that ‘deconstruction takes place in the interval that separates the undeconstructibility of justice from the deconstructibility of law’. This deconstructibility also entails ‘the political chance of all historical progress’.⁷⁶ Derrida suggests here that only by means of a constant and critical analysis of existing laws, their origins, functions, insufficiencies, violence, and so on, can there be a chance to make different laws and establish new juridical conditions. As with any change, there is a chance of improving social conditions, our human chance of progress.

Derrida equates the possibility of deconstruction with justice itself and concludes that ‘deconstruction is possible as an experience of the impossible, there where, even if it does not exist, if it is not *present*, not yet or never, *there is* justice.’ In other words justice, which is always incalculable and singular, ‘an experience of the impossible’, remains an aporia. Although justice is a phantom and will always remain a phantom, the act of deconstruction is an activity which opens up a utopian space for the experience and possibility of the impossible, of ‘justice’. Derrida’s treatment of justice resembles his ideas of another ideal which cannot be actualized: of democracy. As with democracy, justice cannot be achieved. However, through the deconstruction of existing laws and institutions, a path is opened towards the experience of justice which is ‘yet to come’. I shall examine how far Jirgl’s pessimistic and critical discourse can be understood as a type of deconstruction which lays bare law’s many shortcomings. Jirgl’s representations of the violence which is committed by the victors of wars and in the early years after a fundamental change of regime seems to point towards the idea of a violent founding act. Unsurprisingly, the most vivid examples of abuses of power which are often legitimized by the rulers, are set against the background of World War II, as in any war victory brings a chaotic change of law: ‘- denn jeder Sieger muß auch das-Gesetz des Besiegten besiegen.....’ (S, 38).

This great variety of approaches to justice as well as the difficulty of giving a succinct definition of the term ‘justice’ is, however, to some degree made up for by a shared sentiment that ‘there is nothing so finely perceived and finely felt, as

⁷⁶ All further citations from Derrida’s ‘Force of Law’, pp. 242-43.

injustice' (Dickens, *Great Expectations*). Though Dickens is speaking specifically about 'the little world of children', Amartya Sen suggests that 'the strong perception of manifest injustice applies to adult human beings as well'.⁷⁷ It is then unsurprising that the theme of justice in literature is generally approached via a representation of injustice. At best, the unjustly treated are redeemed through acts of poetic justice. In Jirgl's texts there is no direct poetic justice in the sense of happy endings, but I shall explore how far the fact that he gives a voice to victims of violence and to minorities whose stories nobody wants to hear also constitutes an important form of poetic justice.

In this dissertation I shall address Grimm's criticism that Jirgl's attempt to name a variety of injustices 'klammert auf eigentümliche Weise die Akteure aus, die Unrecht begehen oder erfahren'.⁷⁸ Further, I trace the discourse of 'justice as effectiveness' versus 'justice as excellence' as suggested by MacIntyre.⁷⁹ The distinction suggests that an 'effective' law which helps to sustain or achieve certain relations of power cannot, at the same time, be fair and is always, to some degree, unethical. A literary text offers an interesting intervention in that it explores the interaction of theory with individual motivation as well as the implications of representation itself for understanding justice. A closely related question is that of the inevitability of law's violence as suggested by Freud and Cover. Is there textual evidence for a possibility of improving law or does the text suggest the eternal inability of human beings to create better laws and achieve social conditions which are more just? The answer will also depend on whether or not Jirgl subscribes to philosophical pessimism, a question which is addressed throughout the dissertation. Following Derrida's suggestion, the experience of justice might merely inhere in the act of exposing the many shortcomings and abuses of law in critical writing. Ideally, such texts engender critical thinking in the tradition of Socrates, Kant and Derrida and encourage the reader's civil disobedience. Derrida's discussion of violent founding acts will provide the basis for a comparison of his theory with Jirgl's frequent representation of events which could be considered as such. Subsequent and related questions raised by all those points are: what exactly motivates people to respect the law and to accept different kinds of foundational myths? Or, if they do

⁷⁷ Amartya Sen, *The Idea of Justice* (London: Penguin, 2010), p. vii.

⁷⁸ Erk Grimm, 'Lebensläufe', p. 207.

⁷⁹ MacIntyre, *Whose Justice?*, p. 73.

not respect the law, under which conditions do parts of the populace start to revolt against existing laws and political conditions? How are the differences between injustices committed in dictatorships and democracies represented? Are these differences substantial and to what degree does Jirgl betray a scepticism of democracy and the masses?

Finally, it is Jirgl's contribution to a discussion of the nature of punishment and its distinction from revenge which needs to be examined. The contra-positioning of the *lex talionis* or Mosaic law with the Evangelical law of forgiveness which is expressed in the New Testament, can be found in the author's texts and arguably still determines contemporary social practice. It needs to be seen whether the writings are equally critical of both traditions and whether there is textual evidence of a new approach to punishment which transcends the boundaries of our Judeo-Christian inheritance. This Judeo-Christian legacy is also at the root of the ideas of Carl Schmitt whose influence can be traced in all of Jirgl's novels written and published since 1995. Besides the well-documented influence of Michel Foucault on Jirgl's oeuvre, it is the impact of Schmittian thought that appears to be conspicuous enough to merit a separate space in this introduction.⁸⁰ Schmitt's many writings on law, politics and war, and especially on just war theory, combined with the great influence he has had on Jirgl, explain his importance for understanding Jirgl's work.

Carl Schmitt's Theories and their Relevance for the Writings of Reinhard Jirgl

The influence of certain aspects of Schmitt's theories and concepts is particularly noticeable in the following novels: *Abschied von den Feinden* (1995), *Hundsnächte* (1997), *ABTRÜNNIG* (2005), *Die Stille* (2009) and *Nichts von euch auf Erden* (2013). Besides the author's play with Schmitt's ideas within a fictitious context, there are also clear references to Schmitt and his concepts in Jirgl's essays. The title of his essay collection *Land und Beute* (2008), a play on the German phrase *Land und Leute*, is in itself reminiscent of one of the main themes of Schmitt's work *Der Nomos der Erde* (1950): the conquest of territory or *Landnahme* and its relationship to the law. Law, legal justice and the politics of war, especially a critique of just war theory, are major trajectories of Schmitt's writings which make Schmittian theories

⁸⁰ See, for instance, Jirgl's citations in *IoM*, pp. 253-54; *GT* (the title itself is homage to Foucault), pp. 832-33 and Arne De Winde, 'Die Foucault-Rezeption des Schriftstellers Reinhard Jirgl', in *Deutschsprachige Gegenwartsliteratur seit 1989*, ed. by Clemens Kammler and Torsten Pflugmacher (Heidelberg: Synchron Verlag, 2004), pp. 153-71.

relevant for this thesis. Also, Schmitt's notions of the *State of Exception* and political *Großraum* as well as his *Freund – Feind* distinction have inspired thinkers such as Agamben, Mouffe, Derrida and many others to develop those notions further or to critique them. This has led to a revival of his thought within academic circles outside Germany. Carl Schmitt, who has been termed 'Crown jurist of the Third Reich',⁸¹ has been the subject of political debates by critics of both the political 'left' and the political 'right' for many years.⁸² Events such as the end of the Cold War and the 9/11 terror attack have increased the interest in his political writings. It is therefore of interest to pinpoint which position Jirgl takes within that ongoing academic debate.

First, the impact of Schmitt's oeuvre on Jirgl's output can be clearly traced in two of the novels. In Jirgl's dystopia *Nichts von euch auf Erden* we find Earth to be separated into a *pluriverse* of Schmittian *Großräume*.⁸³ The entire novel's framework echoes the following citation from Schmitt's introduction to his *Der Nomos der Erde*:

Die bisherige europa-zentrische Ordnung des Völkerrechts geht heute unter. Mit ihr versinkt der alte Nomos der Erde. Er war aus der märchenhaften, unerwarteten Entdeckung der Neuen Welt hervorgegangen, aus einem unwieder-holbaren geschichtlichen Ereignis. Eine moderne Wiederholung könnte man sich nur in phantastischen Parallelen denken, etwa so, daß Menschen auf dem Weg zum Mond einen neuen, bisher völlig unbekanntem Weltkörper entdecken, den sie frei ausbeuten und zur Entlastung ihres Erdenstreites benutzen könnten.

The relationship between both works is also confirmed by the time scale of *Nichts von euch auf Erden*, which the author explained in a radio interview shortly after the publication of the novel: the colonization of Mars and Moon is set to happen five hundred years from the present thereby functioning as a mirror image of the discovery and exploitation of the American continent five hundred years ago.

The second instance of a theme in Jirgl's oeuvre being captured by a singular passage by Schmitt is the story of two brothers in *Abschied von den Feinden* and *Hundsnächte*. At the end of 1945, whilst being a prisoner of the Allied troops,

⁸¹ Jan-Werner Müller, 'Myth, law and order: Schmitt and Benjamin read – reflections on violence', *History of European Ideas*, 29 (2003), 459-473 (p. 459).

⁸² See, for instance, Jan-Werner Müller, *A Dangerous Mind: Carl Schmitt in Post-War European Thought* (New Haven and London: Yale University Press, 2003).

⁸³ See below for the origin of both notions.

Schmitt extended the idea of enmity to the private and existential. He claimed that in order to be able to unsettle one's beliefs and feelings of self-identity, a true enemy has to be sufficiently similar to one's own self. In *Ex Captivitate Salus* (1945/47) Schmitt writes:

Wen kann ich überhaupt als meinen Feind anerkennen? Offenbar nur den, der mich in Frage stellen kann. Indem ich ihn als Feind anerkenne, erkenne ich an, daß er mich in Frage stellen kann. Und wer kann mich wirklich in Frage stellen? Nur ich mich selbst. Oder mein Bruder. Das ist es. Der Andere ist mein Bruder. Der Andere erweist sich als mein Bruder, und der Bruder erweist sich als mein Feind. Adam und Eva hatten zwei Söhne, Kain und Abel. So beginnt die Geschichte der Menschheit. [...] das ist die dialektische Spannung, die die Weltgeschichte in Bewegung hält, und die Weltgeschichte ist noch nicht zu Ende.⁸⁴

This allegorical image of brotherly hostility reads like a template for the two novels in which the enmity between two brothers is taken literally to extremes: after the older brother has murdered the younger, he suffers the slow and painful disintegration of his own identity. The personal conflicts are contextualized within the historical ones: the upheavals of German post-war history. Already before the death of the brother, both their identities are at times fused and cannot easily be separated. After all, as Schmitt continues in the above paragraph: 'alle Vernichtung ist nur Selbstvernichtung'.⁸⁵ One brother's interior monologue is a long reflection of his anticipated death and the subsequent (con)fusion of both their identities:

Er mein Bruder, wird mich aufhören. [...] Ich, zerlegt von meinem Mörder, das sagt man so, von meinem Bruder, das sagt man so, werde seine Existenz sein. Werde seine Sprache sein. !Vorsicht Falle. Wenn ich spreche werde ich ihn sprechen. Darauf achten. So sind die Regeln für dieses Spiel. (AF, 225)

Jirgl's texts engage relatively openly with the following themes of Schmittian thought: the critique of universal concepts such as 'humanity'; the negative role of technology in modern warfare; the permanence of war; the friend-enemy distinction and its fundamental political role; the conquest of the New World and an application of the concept of the territorially separated *Großraum*. Starting with his notion of enmity, what follows is an overview of these Schmittian concepts and ideas as well

⁸⁴ Carl Schmitt, *Ex Captivitate Salus* (Berlin: Duncker & Humblot, 2002), pp. 89-90.

⁸⁵ *Ibid.*, p. 90.

as a presentation of the ways in which they can be traced in Jirgl's oeuvre. Carl Schmitt's 'friend – foe' dichotomy originates from his influential pamphlet *Der Begriff des Politischen* (1927) and is used by Schmitt as a criterion to determine the political in a highly original way:

Die spezifische politische Unterscheidung, auf welche sich die politischen Handlungen und Motive zurückführen lassen, ist die Unterscheidung von *Freund* und *Feind*.⁸⁶

Der politische Feind braucht nicht moralisch böse, er braucht nicht ästhetisch häßlich zu sein; er muß nicht als wirtschaftlicher Konkurrent auftreten [...] Er ist eben der andere, der Fremde, und es genügt zu seinem Wesen, daß er in einem besonders intensiven Sinne existenziell etwas anderes und Fremdes ist, so daß im extremen Fall Konflikte mit ihm möglich sind.⁸⁷

In his essay *Die Diktatur der Oberfläche*, Jirgl implies that he is influenced by Schmitt's idea of enmity:

Das 'Verschwinden des Feindes' nach 1989 im globalen Verhältnis der Nationen [...] ist eine optische Täuschung. Weitgehend verschwunden allein ist das eingerastete Schema einer Frontierung Ost-West, gekoppelt ans politische Links-Rechts, mit dem auch in der deutschen Nation die Diskurse der Macht spätestens seit der zweiten Hälfte des 19. Jahrhunderts operierten. Die Freund-Feind-Struktur, bereits dem Christentum tief eingeschrieben, ist eine fundamentale des Abendlandes; keine nominell-beliebige, sondern eine konkret politische Tatsache, die aus der Rückwirkung hinübergreift ins je Künftige. Und wäre selbst der Feind verschwunden, so bestünde die Feindschaft weiter.⁸⁸

According to Schmitt, the limiting case of enmity is war and the possibility of war is inextricably linked to the existence of the political and to historical change.

Therefore, in a society without war: 'wird es dann keine Völker als politische Einheiten, aber auch keine kämpfenden Klassen und keine feindlichen Gruppen

⁸⁶ Carl Schmitt, *Der Begriff des Politischen* (Berlin: Duncker & Humblot, 2009), p. 25.

⁸⁷ Ibid., p. 26.

⁸⁸ Jirgl, 'Die Diktatur der Oberfläche: Über Traum und Trauma des 20. Jahrhunderts', in *LuB*, pp. 33-52 (p. 49).

mehr geben'.⁸⁹ However, such an 'end of history', which goes hand in hand with the demise of the political, is resisted by Schmitt. As Matthias Lievens writes:

If one defines history in terms of political struggle, as Schmitt does, the end of history equals the end of politics. That is where the Schmittian notion of the katechon appears: restraining the end of history is fighting the demise of the political. The katechon provides a strong image of what Schmitt's metapolitical endeavour is about: to save the political from de- and hyperpoliticisation.⁹⁰

Although Jirgl does not subscribe to a theological concept such as the restraining katechon, his books, like Schmitt's, contain many polemics against the dangers of an illusionary depoliticization or its opposite, the vilification of the politicized enemy. For Jirgl, the 'last men' at the end of history, as described in a variety of his texts, are in permanent danger from the violent and unexpected return of the political.

Closely related to the dehumanization of an absolute enemy is, for Schmitt, the universalization of concepts such as humanity, justice, peace, civilization or progress. In *Der Begriff des Politischen* he writes that:

Wenn ein Staat im Namen der Menschheit seinen politischen Feind bekämpft, so ist das kein Krieg der Menschheit, sondern ein Krieg, für den ein bestimmter Staat gegenüber seinem Kriegsgegner einen universalen Begriff zu okkupieren sucht, um sich (auf Kosten des Gegners) damit zu identifizieren.⁹¹

He continues to say that "Menschheit" ist ein besonders brauchbares ideologisches Instrument imperialistischer Expansionen und in ihrer ethisch-humanitären Form ein spezifisches Vehikel des ökonomischen Imperialismus'.⁹² The consequence of this is that during war 'dem Feind die Qualität des Menschen abgesprochen [...] und dadurch der Krieg zur äußersten Unmenschlichkeit getrieben werden soll'.⁹³ In *Der Nomos der Erde* (1952), written after the period of Nazi atrocities, Schmitt makes a small and rare indirect reference to those years:

Erst mit dem Sieg einer Philosophie der absoluten Humanität im 18. Jahrhundert [...] erscheint nämlich als die andere Seite desselben Begriffs [des Menschen], sein

⁸⁹ Schmitt, *Der Begriff*, p. 52.

⁹⁰ Matthias Lievens, 'Singularity and Repetition in Carl Schmitt's Vision of History', *Journal of the Philosophy of History*, 5 (2011), 105-129 (p. 127).

⁹¹ Schmitt, *Der Begriff*, p. 51.

⁹² *Ibid.*, p. 51.

⁹³ *Ibid.*, p. 51.

spezifisch neuer Feind, der *Unmensch*. Der Absetzung des Unmenschen vom Menschen folgte dann in der Geschichte des Menschen im 19. Jahrhundert eine noch tiefere Aufspaltung, die des *Übermenschen* vom *Untermenschen*'.⁹⁴

Although the last statement most fittingly applies to the practice of human slaughter in Nazi concentration camp, there is not a single explicit reference made by Schmitt to that effect. As Gabriella Slomp writes about that text:

Whilst [...] Schmitt strongly opposes the notion of absolute enmity, which he associates mainly with Marxism and just-war theory, nevertheless he tellingly fails to make any mention of Nazism, thus omitting from his account the paramount example of de-humanization of the enemy in the twentieth century.⁹⁵

Jirgl, but also left-liberal scholars, value Schmitt's political ideas whilst ignoring his role and beliefs during the Third Reich.⁹⁶

Schmitt also counters the enthusiasm which comes with the discovery of new technologies as early as 1932: 'Die Technik ist nicht mehr neutraler Boden [...] und jede starke Politik wird sich ihrer bedienen'.⁹⁷ In the same book he writes: 'Ein technischer Fortschritt braucht weder metaphysisch noch moralisch und nicht einmal ökonomisch ein Fortschritt zu sein'.⁹⁸ Twenty years later, after World War II, Schmitt repeats his thoughts in a fashion which is explored in Jirgl's *Nichts von euch auf Erden* as well as in the short dystopian interlude of *Die Stille* and in *MER*:

Der Mensch, biologisch und von Natur ein überaus schwaches und hilfsbedürftiges Wesen, schafft sich durch die Technik eine neue Welt, in der er das stärkste, ja sogar das alleinige Wesen ist. Die gefährliche Frage, bei welchen Menschen sich die ungeheuerliche Macht über andere Menschen konzentriert, die mit der Steigerung technischer Mittel notwendig verbunden ist, darf nicht gestellt werden. Das ist unverändert, der alte, aber durch die moderne Technik gesteigerte Glaube an den Fortschritt und die unendliche Perfektibilität. Er wurde in der Aufklärung des 18. Jahrhunderts geboren.⁹⁹

⁹⁴ Carl Schmitt, *Der Nomos der Erde* (Berlin: Duncker & Humblot, 1974), p. 72.

⁹⁵ Gabriella Slomp, 'The Theory of the Partisan: Carl Schmitt's neglected legacy', *History of Political Thought*, Vol. XXVI/3 (Autumn 2005), 502-19 (p. 519).

⁹⁶ See, for instance: *The Challenge of Carl Schmitt*, ed. by Chantal Mouffe (London and New York: Verso, 1999).

⁹⁷ Schmitt, *Der Begriff*, p. 86.

⁹⁸ *Ibid.*, p. 83.

⁹⁹ Carl Schmitt, 'Die Einheit der Welt', *Mercur*, VI. Jahrgang, 1. Heft (Januar 1952), 1-11 (p. 9).

Schmitt perceptively points out that the use of weapons of mass destruction requires a justification which necessarily criminalizes the opponent:

Die technisch-industrielle Entwicklung hat nämlich die Waffen des Menschen zu reinen Vernichtungsmitteln gesteigert. [...] Solche absoluten Vernichtungsmittel erfordern den absoluten Feind, wenn sie nicht absolut unmenschlich sein sollen. Es sind ja nicht die Vernichtungsmittel, die vernichten, sondern Menschen vernichten mit diesen Mitteln andere Menschen.¹⁰⁰

The present complexity of politics and Schmitt's criticism of modernity stands in stark contrast to the foundational simplicity which Schmitt attaches to the *Landnahmen* in the past, events which are not too dissimilar from Derrida's foundational act. Any *Landnahme* is inseparably linked to the inauguration of law and order: 'In jedem Falle ist die Landnahme nach Innen und Außen der erste Rechtstitel, der allem folgenden Recht zugrunde liegt'.¹⁰¹ Schmitt cites the philosophers Locke and Kant in defence of the view that all systems of law evolve after the acquisition of land, laws that are not encapsulated in more recent legal systems but which nevertheless in Schmitt's opinion 'ist und bleibt der wirkliche Kern eines ganz konkreten, geschichtlichen und politischen Ereignisses, nämlich der Landnahme'.¹⁰² In *Der Nomos der Erde*, Schmitt, being a political realist, contrasts the political realities of the past with the pretentious and ideological claims which serve to justify territorial takeovers. During the colonization of the New World, an invisible line was drawn around Europe:

Hier hörte das europäische Recht [...] auf. Hier endete infolgedessen auch die durch das bisherige europäische Völkerrecht bewirkte Hegung des Krieges und wurde der Kampf um die Landnahme hemmungslos. Jenseits der Linie beginnt eine 'überseische' Zone, in der, mangels jeder rechtlichen Schranke des Krieges, nur das Recht des Stärkeren galt.¹⁰³

Schmitt, the Roman Catholic, also criticizes the institution of the Christian Church for the legitimization of cruelties during *Landnahmen*. The conquistadores justified and legitimized their 'just wars' through the papal 'Missionsauftrag' which was 'in

¹⁰⁰ Carl Schmitt, *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen* (Berlin: Duncker & Humblot, 1963), p. 95.

¹⁰¹ Schmitt, *Der Begriff*, p. 17.

¹⁰² *Ibid.*, p. 18.

¹⁰³ *Ibid.*, p. 62.

der Tat die rechtliche Grundlage der Conquista'.¹⁰⁴ Whilst the war between Christian rulers followed certain rules of mutual respect, the war between 'Christen und Nicht-Christen' did not.¹⁰⁵ 'So wurde der Aufruf des Papstes zu einem Kreuzzug gegen die *Infideles* ein völkerrechtlicher Titel von großer politischer Bedeutung, weil er die völkerrechtliche Grundlage für den Erwerb des Bodens islamischer Reiche wurde'.¹⁰⁶ Although being fully aware of the dialectic between 'civilized' inner-European wars and the brutal, unjust and unregulated *Landnahmen* elsewhere, Schmitt remains loyal to his Euro-centric world view. Jirgl takes up the theme of *Landnahmen* by Conquistadores in *Abschied von den Feinden* and the *Landnahmen* by an elite on Moon and Mars in *Nichts von euch auf Erden*, the one novel which is also dedicated to the creation of new *Großräume*.

Schmitt, as much as Kant before him, cannot fathom a united world under a unique leadership. In the early 1940's he develops the idea of the *Großraum* which is 'a domain of human planning organization and agency' which is 'opposed to the assertion of a universal, liberal global order'.¹⁰⁷ Schmitt creates the concept under the influence of personal fears that the formerly strong system of European states is now in continuous decline. As a replacement for nation states, he envisages a 'pluriverse world order, divided by a handful of functional *Großräume*'.¹⁰⁸ As Meyer, Prinz and Schetter point out, the idea of *Großraum*, in strictly linking the spatial to the political, is outdated in a world of much more complex networks of power.¹⁰⁹ As I shall show in chapter one, there is some correspondence between the idea of *Großräume* and the world order of spatially separate entities in Jirgl's *Nichts von euch auf Erden* which contradicts the critique of Meyer et al. Schmitt prophetically stated his disbelief in philosophies of history that privilege a universal world order. At the height of the Cold War, according to Schmitt, 'bleibt die Geschichte stärker als jede Geschichtsphilosophie, und deshalb halte ich die heutige Zweiheit der Welt nicht für eine Vorstufe der Einheit, sondern für einen Durchgang

¹⁰⁴ *Ibid.*, p. 80.

¹⁰⁵ *Ibid.*, p. 81.

¹⁰⁶ *Ibid.*, p. 81.

¹⁰⁷ Robert Meyer, Janosch Prinz, and Conrad Schetter, 'Spatial contestation? – The theological foundations of Carl Schmitt's spatial thought', *Geoforum*, 43 (2012), 687- 696 (pp. 689, 692).

¹⁰⁸ *Ibid.*, p. 692.

¹⁰⁹ *Ibid.*, pp. 693-94.

zu einer neuen Vielheit'.¹¹⁰ Such a 'Vielheit' must then be mirrored by a *pluriverse* of *Großräumen*.

Clearly, then, there is a very strong influence of Schmitt's thought on Jirgl's more recent fiction. Does the influence colour the auctorial-narrator's opinion, do Jirgl's novels expose Schmitt's highly idealized view of Europe and, lastly, to what degree is the Schmittian oeuvre, if at all, critically explored? Schmitt's main thoughts on war and warfare are introduced in the first chapter, which is dedicated to Jirgl's representation of war.

Other philosophers and theorists, whose ideas turned out to be particularly useful tools in order to examine Jirgl's novels and who are of a lesser importance than Schmitt for my analysis, are cited and introduced at the relevant places in each of the chapters. The great number of philosophical ideas used here in order to analyse Jirgl's texts corresponds to the author's approach to put theories to the test in ways that are well captured by the following statement by Richard Sennett:

The reader will often find philosophical ideas applied to or tested by the concrete experience of individuals. [...] an idea has to bear the weight of concrete experience or else it becomes a mere abstraction.¹¹¹

Style: The Use of the Alpha-numerical Code

Jirgl makes clear that his depiction of injustice is inseparable from language. As has already been cited, he describes how he uses language and style in order to accentuate quotidian humiliations and existing injustices:

Ich suche [...] mit meiner Sprache und meiner Text-Machart nach Ausdrucksmöglichkeiten, das in den sozialen und mentalen Wirklichkeiten bestehende Unrecht zu benennen, zuzuspitzen um es zu verneinen! (*LuB*, 109)¹¹²

Jirgl's insistence on the close link between style and the representation of injustice underscores the importance of providing at least an overview of his unorthodox usage of language and graphical fonts. The functioning of, and reasoning behind the use of the alpha-numerical code in Jirgl's prose are well explained by the author himself in two partly overlapping essays: *Das poetische Vermögen des*

¹¹⁰ Schmitt, *Einheit*, p. 11.

¹¹¹ Richard Sennett, *The Corrosion of Character* (New York: W. W. Norton & Company, 1998), p. 11.

¹¹² Jirgl has repeated this statement in several other essays, (see, for instance *PLK*, p. 24) which shows how very important it is for him to discuss forms of injustice.

alphanumerischen Codes in der Prosa and *Die wilde und die gezähmte Schrift: Eine Arbeitsübersicht*.¹¹³ Besides the author's essays there is an evaluation of Jirgl's stylistic methods and aims by Arne De Winde.¹¹⁴ De Winde starts his essay by pointing out that many reviewers do not make the effort in trying to understand the reasoning behind Jirgl's literary style but instead 'tend to dismiss the author's orthographic experiments as derivative and superficial'.¹¹⁵

The term *alpha-numerical code* denotes the discrete set of letters, numerals and punctuation marks which constitute the keyboards of typewriters and computers. Although the name *alpha-numerical* might suggest a parity between letters and numbers this is actually not the case and Jirgl holds with most other writers that literary works should primarily be composed of words. Nevertheless he sees poetic advantages in the, albeit sparse and carefully chosen, usage of numerals within his texts. The same applies to the prose of Arno Schmidt although Jirgl surpasses his former mentor by providing a rationale for his choice of a numeral as a different graphic signifier for a fully spelled out number. Jirgl applies the numerals methodically in order to reach greater mimetic precision and to add a physical dimension to the text. All other unconventional applications of the code serve the same purpose: to extend the semantic dimensions of a text beyond those which are limited by a prescriptive application of orthographic and grammatical rules. Jirgl summarizes the impetus for his ambitious aim, which was born out of an acute feeling for the lack of possibilities of self-expression whilst following the terrorising and totalising norms of grammar and orthography, as follows:

Ein Regelwerk, das so empfand ich, den Ansprüchen an literarische Texte nicht (mehr) genügen kann; der Bedarf an geronnener Gegenwärtigkeit im Text ist ein größerer geworden, der Blick auf die Wirklichkeiten mitsamt der in ihnen schon enthaltenen 'Wirklichkeit des Kommenden' von der Canetti sprach, muß demzufolge ein anderer, ein differenzierter, ein genauerer Blick sein, ohne daß hierfür der Zeichenvorrat unserer Schrift-Sprache aufgegeben werden müßte.¹¹⁶

¹¹³ The first is published in Jirgl's *Gewitterlicht* and the second in *LuB* pp. 92-122.

¹¹⁴ Arne De Winde, 'Das Erschaffen von "eigen-Sinn": Notate zu Reinhard Jirgls Schrift-Bildlichkeitsexperimenten', in *PLK*, pp. 111-49.

¹¹⁵ *Ibid.*, p.111.

¹¹⁶ Jirgl, 'Schrift', in *LuB*, pp. 92-122 (p. 99).

By rearranging and combining signifiers in unconventional ways, Jirgl pushes the limits for the application of a given grapheme further without re-inventing anything which is not already contained as a possibility in the code. The author narrows the gap between what he as an individual wishes to convey and that which is possible to transmit through language. He takes great care to explain the meanings of his use of symbols. Their application within the text is all but arbitrary and the reader is invited to read the guidelines he provides in some of his earlier novels.¹¹⁷ However, without such knowledge the text remains meaningful, even though additional dimensions of the narrative will be lost. The same applies when the texts are consumed in a non-visual or purely audible manner. The author writes to be read rather than heard, thereby encouraging the reader's active participation in unravelling as many layers of information and meaning as possible. Extra meaning is created most easily when homophone words, or words split in an enlightening way, carry an extra connotation such as *Bank-Rotte*, *zuphällig*, *Protes-Tantismus*, *Mühtos*, *moneypoliert*, *Fant-Asien*, *Nazionalismus* and many others.

Jirgl's texts are thus an excellent illustration of some of the arguments put forward by Derrida in his *Of Grammatology*. Writing is not a mere substitute or supplement of speech, nor is speech closer to any 'truth'. Derrida deconstructs a long metaphysical tradition, starting with Plato which considers the spoken word to be superior. A side effect of this line of thought is that the empirical world of our senses has been devalued, a fact which Nietzsche was the first of the modern philosophers to point out. For Aristotle, Hegel, Rousseau, Saussure and others the graphic signifiers or written words are inferior images or copies of the more original signifier, the spoken word. Thus it is the legacy of metaphysical systems which causes one-sided theories of language. Derrida's main critique is directed against a Western philosophical tradition which favours the spoken word within a constructed dichotomy between spoken and written language. Focusing on the mind-body dichotomy, the devaluation of the written word goes hand in hand with the denigration of the human body and physical objects generally. Jirgl's theoretical approaches follow the tradition of Nietzsche, Foucault and Derrida. In his battle against humiliation and injustice he sees the need to rehabilitate the body in its historicity and proclaims the rejection of metaphysical or ideological dogmas:

¹¹⁷ See part of the list in the appendix.

[I]n den Diktaturen, den Zeiten gewalthafter Bloßlegung, sogar ist der menschliche Körper der einzige Text, der die Wahrheit sagt. [...] Ihn gilt es abzurichten, zu schleifen, in Denk- und Sprachgestik tautologisch gleichzuschalten. Jegliche europäische Diktatur hatte und hat ihre unterirdische Quelle in der Körperlustfeindlichkeit des Christentums.¹¹⁸

Jirgl refers to that logocentric tradition in his most personal novel, *Im offenen Meer*:

Anscheinend [...] in allen politisch=religiösen Diktaturen die Überbewertung des gesprochenen Wortes. Das Primat des Hör-Sinns hat Geschichte in der Religion des Abendlands: ‘auditum verbi Dei, id est fidem’ – ‘Sprache ist der Garant des orthodoxen Glaubens’ (Barthes) : das greift aus dem Mittelalter in die Gegenwart hinein. (*IoM*, 175)

According to Derrida’s critique of logocentric theories it is not just the written word which is corruptible but thoughts and speech are equally vulnerable. All forms of language are linked in complex ways, defying simple and biased binaries. Derrida thus exposes theories which favour the written word as similarly flawed. In his texts, Jirgl takes account of the fact that speech is an important part of language by representing speech acts as authentically as possible. To this effect he uses for instance phrases typical for the specific historic time of their utterance, orthographic alterations which reflect on the speakers’ lax use of norms, the omission of letters or of spaces between words or punctuation marks which point to the emotional tenor of the utterance, as in this excerpt:

Der ältere Landarbeiter rief noch einmal u seine Stimme voll mit lautem Zorn: -Uns hatter ruiniert, der !Saukerl. Keinn Fleckn Land hatter uns gelassen. Alles weggenomm, das Partei=Schwein. Zumdank durftn wir hier-auf-seim-Hof als Knechte für Ihn schuftn, fürn Appl untn Ei. (*U*, 48)

Besides providing a useful illustration of Derrida’s theory, Jirgl recognizes the word, the entire written page and finally the completed text as ‘three-dimensional’ physical objects, an idea which is expressed by our notions of ‘Wortkörper’, ‘Textkörper’ or ‘Sprachleib’.¹¹⁹ About 4000 years ago, the originally pictographic and ideographic languages were superseded by our system of phonetic

¹¹⁸ Jirgl, ‘Schiff’, in *LuB*, pp. 92-122 (pp. 108-09).

¹¹⁹ *Ibid.*, p.104.

letters; a process which de-sensualized writing and alienated it from the picture but at the same time served the development of conceptual thought and abstract sciences. Genealogically, the ineradicable traces of the original imagery of the pictographic signs are, however, contained in the physical shape of the signs of the alpha-numerical code. To utilize signifiers more fully, we must acknowledge both their physical and their conceptual dimensions. Common applications of this principle in Jirgl's texts are the visually-inspired distinction for the usage of numerals as opposed to number words, the importance to match content and form by the *Schriftbild* of a written page and the exploitation of figurative associations which inhere in single signs.

To illustrate the first point it is useful to utilize Frege's distinction between sense and reference. In his *Über Sinn und Bedeutung* (1892) Frege, the founder of modern logic, investigates the differences in semantic meaning in relation to different descriptions or names for one and the same object. Using his original idea 'in reverse' one could say that the purely *phonetic* identity 'ein altes Haus \equiv 1altes Haus' is most definitely false within Jirgl's stylistic framework. We are not dealing with two exchangeable descriptions of the same object but with two houses of an opposite character where 'ein' signifies a large or wide house as opposed to '1' which is supposed to conjure up the mental image of a tall and slim house. The second aspect, which concerns the close relationship between form and content, the *Schriftbild* and the *Wortkörperzusammenfügungen und -zerreiβungen* of Jirgl's prose are already established stylistic means in other art-forms of modernity.¹²⁰ As Jirgl remarks:

Einer Bemerkung von Boris Groys sinngemäß folgend zeigt die Zerstückelungs-Ästhetik der Moderne – in Grafik und Malerei die verrenkten, zerschnittenen, verzerrten Gliedmaßen abgebildeter menschlicher Körper – auch all das her, was im 20. Jahrhundert Menschen von Menschen angetan wurde. Unvermittelt okkupiert die Historie das Satzbild.¹²¹

Besides the representation of historical upheavals, it is the description of disturbing emotions whose nature is captured by Jirgl's disharmonious and disrupted *Schriftbild*. Part of the *Schriftbild* is also the use of different fonts. It is yet another

¹²⁰ On this topic see: Hayden White, *The Content of the Form* (Baltimore and London: Johns Hopkins University Press, 1987).

¹²¹ Jirgl, 'Schiff', in *LuB*, pp. 92-122 (p. 116).

means of increasing the mimetic content of a sentence without using too many words whilst creating immediate visual impressions. Jirgl exploits the link between the predominant usage of specific typographies which were typical of their time and the main ideologies at that time: ‘Reichsmark noch immer gültig’ (U, 12), ‘Die Frau muß dem Manne dienen’ (U, 69) or ‘ein Plakat: Fotomontage eines betrunkenen Motorradfahrers, das Skelett mit Schnapsflasche in Knochenhand auf dem Sozius; Text: ‘DER TOD FÄHRT MIT!’ (U, 108). Capital letters usually signify the authoritarian language of power: ‘(:werweiß, ?ob nicht der 1 od andere ebenfalls Deutscher war, der, das STRENGE VERBOT mißachtend, nicht hier im Zug sein dürfte -)’ (U, 40) and italics often indicate the strong subjective character of an utterance. Throughout this dissertation I shall provide textual examples which stress the relationship between style and content whenever the content is related to the wider politics of justice and the law accompanied by an analysis of the ways in which the alpha-numerical code and Jirgl’s style contribute to the critique of injustices as well as to their foregrounding.

Content and Structure

Finally, it is useful to comment on the arrangement of the main four chapters of this thesis. The chapter on war stands at the beginning as it is in war where the questions of the possibility of justice and of ethical conduct are posited in situations that are most adverse to their existence. For instance, does the implementation of the principles of just war make any real difference during actual war and warfare? The passages relating to war and its nature are followed in the second chapter by those concerned with the consequences of unethical conduct in other, slightly less violent settings, such as flight and expulsion and within dictatorships. Both of these are extremes that help to bring to the fore the impact and the mechanisms of injustice. The chapter concludes with an examination of the ethical consequences for the various protagonists in Jirgl’s novels who take the law into their own hands. It posits the question why these people act outside the law and whether there is a connection between the quality of juridical institutions and the need for illegitimate law enforcement.

Chapter three comprises an examination of the novels’ representation of legal practices which includes a comparison of their differences in regard to both East and

West Germany, an investigation of the depiction of several court cases in Jirgl's more recent books, and finally, an analysis of the many expropriations described in *Die Stille*. The work of solicitors, requisition of property, whether for political or economic reasons, and juridical trials are all expressions of legal power. As these practices are contextualized within very different historical epochs and political systems, their depictions offer plenty of material to investigate whether the texts sufficiently differentiate between the various degrees of the abuse of legal power.

Finally, the last chapter is dedicated to the treatment of nonhuman animals by humans. Other species have almost no rights and are often mercilessly exposed to human cruelty and greed and thus the attitude of 'might=right' can all too easily be confirmed in our relationship to other animals. The first section of the tri-partite chapter investigates the descriptions of physical signs in humans and nonhuman animals during, and immediately after, a *Todeskampf* and asks whether there are significant differences between the two. If not, what conclusions should we draw and should we have more empathy with all living creatures? This is followed by a short analysis of textual examples of the mistreatment of animals and, finally, by an analysis of Jirgl's usage of the image of Nazi concentration camps in the context of other, oppressive systems, especially that of the GDR.

1

War and International Law

This chapter is divided into two interrelated parts: ‘The Nature of War’ and ‘The Theory and Practice of Just War’. Wars are usually the most extreme form of state violence or of violence between different groups of people. In war the implementation of just and ethical conduct is pushed to a limit. There are voices that reject the idea of ethical considerations during war and warfare altogether or are sceptical about the practical application of moral prescriptions. The former view is usually called ‘realism’ and its defenders claim that ‘what we conventionally call inhumanity is simply humanity under pressure. War strips away our civilized adornments and reveals our nakedness’.¹ The exponents of political realism view war as a necessary ‘extension of politics and hence permeated by hard-nosed state interest rather than “lofty” pretensions to moral behaviour’.² This scepticism is often grounded in a universalization of the many historical cases in which the law was determined by the stronger and victorious party. Justice is considered here in that tradition which MacIntyre calls ‘justice of effectiveness’.³ Arguably the most infamous proponent of political realism is Machiavelli, who recommends in his *Il Principe* three ways to maintain power over a newly conquered territory: the newly gained land must be destroyed, fully occupied or profitably colonized.⁴ This chapter explores whether, or to which degree, the examined texts conform to such cultural and historical realism and whether the author’s representations of warfare can ultimately be reduced to an expression of cultural and ethical pessimism in regard to the nature of war. As any discourse on war is, to a degree, linked to a discussion of historical or cultural pessimism, the question arises whether the author’s representation of war and violence leaves a space, however small, for hope that some improvement in war-related justice can be achieved. This question is closely related to an examination of the influence of Carl Schmitt’s pessimistic political outlook, as discussed in the introduction, on Jirgl’s writings. Furthermore, the first part of the chapter deals with the criticisms of some early commentators who claim that Jirgl’s

¹ Michael Walzer, *Just and Unjust Wars*, 4th edn (New York: Perseus Books Group, 2006), p. 4.

² Alexander Moseley, ‘Just War Theory’, in *Internet Encyclopedia of Philosophy* <<http://www.iep.utm.edu/justwar/>> [accessed 19. October 2014].

³ MacIntyre, *Whose Justice?*, p.13.

⁴ Niccolò Machiavelli, *Der Fürst*, trans. by Friedrich Blaschke (Leipzig: Reclam, 1976). See the start of chapter 5 in any edition.

representation of war is deterministic, reductionist and universalizing, which subsequently renders war to be an inevitable human constant. As these critics focus on the early *MutterVaterRoman*, the chapter investigates whether or not the same determinist view of war continues to predominate in more recent novels.

The discourse on war is a red thread through almost all of Jirgl's writings. However, this discussion will be restricted to those novels, besides some citations from the author's essayistic output, in which the subject of war is a major component. These are, in order of their publication, *MutterVaterRoman* (1990), *Die Unvollendeten* (2003), *ABTRÜNNIG* (2005), *Die Stille* (2009) and *Nichts von euch auf Erden* (2013).

The Nature of War

Any inquiry regarding the texts' engagement with questions of the possibilities for just and ethical conduct during war require an examination of the underlying assumptions in relation to the nature of war. These questions are raised in contributions by three commentators: Peter Böthig, Arne De Winde and Dieter Schlenstedt. All three analyse Jirgl's first novel, *MutterVaterRoman*, which is thematically preoccupied with war and political violence. As Böthig writes: 'Der Zweite Weltkrieg, der "jüngste epileptische Anfall europäischer Zivilisation" (*MVR*, 136), bildet das Zentrum des Romans, ist jedoch im wesentlichen eine Parabel auf alle möglichen Kriege, eine Parabel auf den Krieg als eigentliche Form der Geschichtlichkeit'.⁵ Böthig argues that Jirgl fails in his project to free history from metaphysical explanations and meta-narratives by posing his own metaphysics; a large, new myth of history 'zu dessen Zentren – als Movers – sexuelles Begehren und Tötungslust erklärt werden'.⁶ De Winde offers a counter-argument to Böthig's analysis by showing that the novel's 'heterogeneous intertextual and rhetorical constellations [...] undermine any clear-cut political or theoretical positioning'.⁷ According to De Winde, Jirgl's novel has 'eine jede historische, ideologisch-

⁵ Peter Böthig, 'Reinhard Jirgls Faschismusanalyse', in *Grammatik einer Landschaft: Literatur aus der DDR in den 80er Jahren* (Berlin: Lukas Verlag, 1997), pp. 30-36 (p. 31).

⁶ *Ibid.*, p. 34.

⁷ Arne De Winde, 'Diese "Geschichte voll der Ungereimtheit & Wiederholung": Krieg, Gewalt und Erinnerung in Reinhard Jirgls *MutterVaterRoman*', in *Literatur Im Krebsgang: Totenbeschwörung und memoria in der deutschsprachigen Literatur nach 1989*, ed. by Arne De Winde and Anke Gillier (Amsterdam and New York: Rodopi, 2008), pp. 43-76 (p. 43).

theoretische oder psychologische Präsenz oder Position unterlaufende Textur, die Verweisketten ohne Ende auslöst' which is reminiscent of 'Derridas Konzept des "Spiels"'.⁸

De Winde's judgement can be modified in the following way: the novel, whilst undermining naive beliefs in ideologies and authoritarian voices, and this also self-referentially, still has history and war as its major tragic themes whereby the voices of the narrators express a recurring (and possibly auctorial) position that resonates with Böthig's thesis. Dieter Schlenstedt, who reviewed the novel for the East German Aufbau-Verlag, comes to a conclusion similar to that of Böthig and his analysis entails the suspicion of the merging of narrative and auctorial voices:

Und unter dem von dem Text aufgebauten "Erfindungen" (wie es einmal heißt) vernehme ich Stimmen unabweisbarer Authentizität, die zweifellos aus tiefsitzenden Obsessionen des Autors, seinem Gebanntsein von den Schrecken, die Geschichte und Menschen bereiten können, von Tod, Töten und Getötetwerden ebenso wie von den Begierden und Öden der Sexualität, kommt.⁹

Schlenstedt judges the book to be predominantly the 'Auseinandersetzung mit der Lebenswelt unter dem Nationalsozialismus, während des Krieges und Nachkrieges'¹⁰ and criticizes the apparent historical universalization of the novel's dark depiction of human nature as driven by sexual desire and murderous instincts, which are both posited at the root of perpetual violence:

Eingeblendete Chroniken, Legenden und andere Formen von Geschichtsbildern seit dem Mittelalter bis in die Gegenwart der Darstellung, die Rede, es hätte der Roman ebensogut in Troja spielen können, deuten auch hier auf Allgemeinheit. [...] Geschichte ist Wiederkehr des Gleichen im Schrecken, eines Fleischwolfs [...] ist Krieg, in dem alle Seiten nur ihr Spiel treiben.¹¹

De Winde's examination of *MutterVaterRoman* differs from the analysis offered by Böthig and Schlenstedt. He suggests that the reading of

⁸ Ibid., p. 74.

⁹ Dieter Schlenstedt, Berlin, Staatsbibliothek, 'Überlegungen zu R. Jirgl: Mutter Vater Roman', SBB IIIA Dep38 2619 0039 r.

¹⁰ Schlenstedt, SSB IIIA Dep38 2619 0040 r.

¹¹ Schlenstedt, SSB IIIA Dep38 2619 0045 r.

MutterVaterRoman encourages a critical scepticism towards theories and the authority of the written word. In this novel the author uses, more than in any other text, the techniques of collage and montage; he creates a bricolage or ‘Scherbenspiel’ (*MVR*, 11) of inter-textual references. Essayistic passages by both well-known and obscure authors, excerpts from dictionaries and textbooks, the Bible and historical chronicles are integral parts of the text which need to be read very carefully in order to decipher their occasionally ironic and playful dimensions. De Winde, through reference to Derrida’s *Structure, Sign, and Play*, discerns an affirmative dimension of *MutterVaterRoman*. In accordance with Derrida’s text, De Winde bases his argument on the absence of a transcendental signifier in the text and its highly complex construction. He argues, quoting Derrida, that the text contains the possibility for ‘die Bejahung einer Welt aus Zeichen ohne Fehl, ohne Wahrheit, ohne Ursprung, die einer tätigen Deutung offen ist’.¹²

It is, however, arguable whether Jirgl’s prose is as affirmative as De Winde makes it out to be. Jirgl’s carefully constructed text is not without a centre and is based on conventional concepts. It focuses on war as the overriding constant in human history: ‘Der letzte Raubkrieg als Wiedergeburt des ersten Raubkrieges europäischer Zivilisation; die Parole im Staffellauf des Genozids –βάρβαρος! – hat ihre variable Geschichte bei konstantem Kurswert an der Börse der Demagogien. Ich hätte ebenso über Troja schreiben können’ (*MVR*, 137). These words are a fairly representative indicator of the novel’s narrative framework and as such support the analyses of both Schlenstedt and Böthig, rather than De Winde’s more fluid and open interpretation. What follows is, however, an analysis of one of the sections of *MutterVaterRoman* in which the author uses subtle irony in order to subvert scientific determinism and which subsequently supports De Winde’s more generous interpretation of a novel without a centre.

¹² De Winde, ‘Krieg, Gewalt und Erinnerung’, p. 74. The citation can be found in English in: Jacques Derrida, *Writing and Difference*, trans. by Alan Bass (London and New York: Routledge, 2001), p. 369.

War, Statistics and Mathematical Models

De Winde makes an important point which is overlooked by other commentators of *MutterVaterRoman*. There are two playful textual passages which ironically address the theme of abuse of mathematical models and statistics within the social sciences. The examples are particularly useful for the debate surrounding historical and philosophical pessimism. Both collages are parts of the third chapter of *MutterVaterRoman* and consist of two sets of statistical data which are partly illustrated by mathematical curves. These inclusions are provocative and thematically connected to the surrounding prose. Jirgl's play with statistics, especially the calculation of the 'NOSTRADAMUS-PUNKT' (*MVR*, 121) as the year for the next large military conflict, is likely to have been inspired by the writings of the Russian futurist poet Velimir Chlebnikow (1885-1922) whose poetry was translated and published in East Germany. Chlebnikow, who studied mathematics and physics before turning to literature, experimented with language and, by way of combining various natural and social sciences, developed a unique theory of history. Besides predicting a historical caesura for the year 1917, he claimed that all great sea battles recur in intervals of 317 years.

The first set of tables titled 'Bilanz der Kriege' (*MVR*, 85-86) show the number of war victims in major military conflicts since the Thirty Years' War and the gaps or 'Latenz-Jahre' (*MVR*, 120-21) between those wars.¹³ De Winde comments on the playful and subversive character of the war statistics and tables as follows: 'Wissenschaft wird hier karikaturistisch als eine dilettantische Tätigkeit dargestellt, die von dieser anderen 'Ferkerei', Prophetie, kaum zu unterscheiden ist'.¹⁴ Both passages function as parodies of bad science and new dogmas. They are part of a long surreal chapter which plays with the medium of cinema. A mysterious old man, the *Filmvorführer* (*MVR*, 52) invites Margarete, the heroine of the novel, to watch films with him that reveal droll glimpses of the historical past. The old man seems to be the omniscient main narrator of the cinema chapter.

¹³ The tables are taken from: Boris Z. Uralnis, *Bilanz der Kriege* (Berlin: Deutscher Verlag der Wissenschaften, 1965), the reference is given in *MVR*, p. 379.

¹⁴ De Winde, 'Krieg, Gewalt und Erinnerung', p. 67.

The first set of data directly follows his comment ‘wir rechnen in großen Zahlen jenseits von Begreifen, das ist der Neue Katholizismus, und STATISTIK das neue Dogma’ (MVR, 84). ‘DIE ERHEBUNG DER TOTEN’ (MVR, 85) shows an exponential increase of war victims up to World War II. The *Filmvorführer* tells his audience that ‘[i]m Fall der normierten Werte aus Tabelle 1 läßt sich deren Zusammenhang mit der transzendenten Funktion der Form $y=f(x)=e^x$ erkennen’ (MVR, 86). The statement is followed by an excerpt from *Meyers Lexikon* which explains the scientific significance of exponential functions: ‘DIE EXPONENTIALFUNKTIONEN EIGNEN SICH ZUR BESCHREIBUNG WICHTIGER NATURVORGÄNGE, ZUM BEISPIEL [...] DES UNGEHINDERTEN WACHSTUMS EINER POPULATION VON TIEREN ODER KREBSZELLEN’ (MVR, 87).

The second, similar, collection of figures is introduced by the *Filmvorführer* in a way which indicates more clearly that the passage is satirical: ‘Damen & Herren! Haben Sie Lust zu den zwei größten Ferkeleien?: HANDELSÜBLICHE WISSENSCHAFT & PROPHETIE: Ihr Auftritt, meine Damen & Herren Akademiker!’ (MVR, 120). The subsequent table shows the relationship between major European wars and the gaps between those wars, the ‘Latenz-Jahre’ (MVR, 120-21) which is illustrated by a graph strongly suggestive of a regular pattern. The analogy to the steady occurrence of viral epidemics as part of nature gives rise to the assumption: ‘ES EXISTIERT EIN ‘KRIEGS-VIRUS’, DER DIE GESETZMÄSSIGKEIT DER VERNICHTUNG DES MENSCHEN DURCH DEN MENSCHEN ZUR FOLGE HAT’ (MVR, 122). The extrapolation of the curve leads to the ‘scientific’ prediction of the next major conflict for the year 1999, the ‘NOSTRADAMUS-PUNKT’ (MVR, 121). So called scientific methods, the desire to find simple rules and patterns in order to explain highly complex and unpredictable social events as well as people’s gullibility in believing anything which is uttered by a voice of authority are all criticized. There exists an ease with which academics can manipulate data in order to make illegitimate generalizations or predictions in fields outside the domain of the natural sciences. A further, but more direct, critique of statistics is made at the end of the chapter in a short fragment signed with the author’s name: ‘Die Schilderung vom Vergewaltigen und Töten eines weiblichen Häftlings durch einen SS-Mann verweist NOCH auf Wirklichkeit, ein sterbendes Bild, sein Tod wird Statistik sein’ (MVR, 136). Statistics say very little; only by

bearing witness, in art or otherwise, can memories of atrocities be preserved in order to provide the victims with a degree of retrospective justice by exposing the perpetrators' crimes.

The playful critique of science as a means for predicting wars and for making out that they occur with the regularity of natural laws, is all too easily overlooked. Both Böthig and Schlenstedt do not refer to it, and Schlenstedt, when writing the following sentence, clearly takes the second collage literally: 'Krieg [...] ist ein ewiger Kreislauf des Tötens, das in seinen massenhaften Ausbrüchen naturhaften Charakters scheint, auf eine Art periodisch auftretenden Virus zurückführbar, so auch in Zukunft erwartbar'.¹⁵ As the following analysis will show, the two ironic plays on statistical data which deride the reduction of complex and dreadful events to predictable sets of numbers and dates, signal a significant intervention in the ongoing debate on historical and philosophical pessimism and the possibility of legal and ethical progress.

Both sides of the discourse on human progress are well illustrated by Steven Pinker's *The Better Angels of Our Nature* and John Gray's *The Silence of Animals*.¹⁶ Pinker's work sets out to gather large amounts of evidence in the form of statistical tables and charts of exactly the kind which is criticized by Jirgl in *MutterVaterRoman*. Whilst Jirgl's text demonstrates how easy it is to use statistics in order to naturalize the event of war, Pinker uses statistical data to argue for the opposite, namely the historical decline in violence and warfare. Gray, on the other hand, denies any such progress and, as Nietzsche does in the last part of his *Zur Genealogie der Moral*, attacks our trust in science. He writes:

When contemporary humanists invoke the idea of progress they are mixing together two different myths: a Socratic myth of reason and a Christian myth of salvation. [...] but the belief that the increase of knowledge goes with advances in civilization is an act of faith.¹⁷

¹⁵ Schlenstedt, SBB IIIA Dep38 2619 0045 r.

¹⁶ Steven Pinker, *The Better Angels of Our Nature: The Decline of Violence in History and its Causes* (London: Penguin – Allen Lane, 2011); John Gray, *The Silence of Animals: On Progress and Other Modern Myths* (London: Penguin - Allen Lane, 2013).

¹⁷ Gray, *Silence*, p. 80.

The problem, according to Gray, is that ‘[h]uman knowledge increases, while human irrationality stays the same’.¹⁸ Jirgl’s attack on determinist approaches based on selective statistics vis-à-vis complex and unpredictable social events, by and large undermine Pinker’s optimism but also leave some space for accidental change in respect of an unpredictable future. Therefore they are not as radically pessimistic as Gray’s theses. As Jirgl writes in a letter to Arne de Winde, the future, in not being subjected to natural laws, is not predictable: ‘Von einer “Wiederkehr des Immergleichen” habe ich, zumindest in dem intendierten Sinn, nirgends gesprochen. Es wäre mir auch zu einfach, diesen Circulus vitiosus als grundlegend gesetzt und de facto unausweichlich anzunehmen’.¹⁹ It can be argued that Jirgl’s literary works, like his ironic play on science and statistics, also leave open the space for unpredictability and do not display a rigid cultural pessimism or an utterly inflexible tendency to universalize historical events.

Human Nature: Eros and *Todestrieb*

Through being Jirgl’s main book on war as a human constant, *MutterVaterRoman* is also the most explicit text regarding the author’s early perspective on the relationship between human nature, aggression and war. At the end of the chapter containing the two war statistics there is a tripartite sub-chapter called ‘MITTELPUNKT’ (*MVR*, 135-37) which is placed roughly at the 36th percentile of the novel. A *Mittelpunkt* which is off-centre does not undermine the centrality of the three contained theoretical fragments which De Winde himself declares to be a ‘hermeneutischer Rahmen’ for the novel.²⁰ It might, however, show that all ‘perfect’ centres are human constructions and as such idealizations. The first of the three theoretical fragments, taken from an East German book on ‘healthy’ sexual relationships, is a critique of official sexual politics in the GDR and denies any links between aggression and acts of procreation, whether extreme or not. It seems as biased as the second fragment, in which the complete opposite is stated: the reduction of all subconscious drives to hidden desires for both death and killing. Both passages are over-simplifications which invite the reader to become aware of ideological bias in writings about human

¹⁸ Ibid., p. 81.

¹⁹ Reinhard Jirgl, ““Schreiben – das ist meine Art, in der Welt zu sein“: Gespräche in Briefen mit Clemens Kammler and Arne De Winde’ (2007), in *PLK*, pp. 21-59, in *LuB*, pp. 125-62 (p. 150).

²⁰ De Winde, ‘Krieg, Gewalt und Erinnerung’, p. 54.

psychology. The complete denial of any aggression linked to sexuality at the base of human nature is as misperceived as the theoretical attempt to declare aggressive drives as the foundation of human behaviour including our sexuality. It is possible that the third text, signed by Jirgl himself, tries to find a synthesis between these perspectives. It is called 'FASCHISMUS' (*MVR*, 136-37) and warns that 'Hitler-Faschismus' is a specific expression 'einer unter jeder Zivilisationshülle latenten Gefahr'. The phenomenon and its expressions are trans-historical: between 'dem Schrei "Die Christen vor die Löwen" und "Türken raus aus Deutschland" liegt weniger als ein Augenblick'.

Jirgl uses variations of the phrase 'im Mittelpunkt steht der-Mensch und damit im Weg' (*MER*, 321; *AF*, 194), which is most likely to be an ironic comment on the 'new socialist human being' and the official proclamation that he or she is the *Mittelpunkt*.²¹ *Der neue sozialistische Mensch* is a theoretical construct which posits the ideal of a human being in complete and utter opposition to another construct: the 'fascist beast' whose theoretical foundation is loosely connected to the second theoretical excerpt. The texts in 'MITTELPUNKT' constitute a critical comment on the absurd attempts to adjust views of human nature to ideologies. That Jirgl nevertheless over-emphasizes human aggression throughout *MutterVaterRoman*, including in his 'synthesis', might well be a reaction against the complete omission of such a discourse in the GDR and also an expression of the author's historical pessimism. The discourse in MITTELPUNKT in which Jirgl, according to De Winde, takes up 'das psychoanalytische Mythologem eines sich unendlich wiederholenden Widerstreits zwischen Eros und Todestrieb, Aufbau und Zerstörung der Kultur, Verdrängung und Wiederkehr des Verdrängten' validates Böthig's implied criticism that Jirgl subscribes to a psychologically based metaphysics of war, and to some extent undermines De Winde's argument that the novel has no proper centre.²²

The early *MutterVaterRoman* is in many respects different from the later novels. As Böthig rightly discerns, it is subject to a far greater degree of porosity and fluidity of time, space and characters:

²¹ See, for instance, *MER*, p. 321.

²² De Winde, 'Krieg, Gewalt und Erinnerung', p. 54.

Indem Jirgl die Linearität der Zeit auflöst (z.B. in den Kriegsmetaphern, die in einem einzigen Satz den Bauernkrieg und die Situation in einem Atombunker des Dritten Weltkriegs zusammenziehen); indem er Situationen ‘entrealisiert’, da sie in Varianten denkbar sind; indem er Figuren auflöst [...] indem er den Raum auflöst [...] – löst er die je konkrete Geschichtlichkeit des Erzählten mit auf.²³

This does not happen in the other, later novels, examined in this chapter: Böthig’s judgement uniquely applies to *MutterVaterRoman*. Subsequent books, with the exception of *Nichts von euch auf Erden*, describe groups of characters who are acting in clearly discernible historical contexts. *Die Unvollendeten*, for instance, follows a well-defined group of characters through the upheavals of flight and expulsions at the end of World War II and then traces their lives in the GDR. The novels which are set in identifiable historical periods are not reductive; political and economic forces, chance events and technological developments all play an additional part in explaining the origins of war. In fact, the only other novel besides *MutterVaterRoman* in which biological drives play a clearly discernible role in accounting for the propensity for warfare, is Jirgl’s dystopia *Nichts von euch auf Erden*.

In the futuristic scenario of *Nichts von euch auf Erden* an apparent ‘permanent’ peace on Earth is the entirely accidental result of the bio-political ‘*Detumeszenz-Gen-Umgestaltungsprogramm*’ (N, 18-36) during the 23rd century.²⁴ According to the OED, ‘detumescence’ is the ‘subsidence from swelling or [...] subsidence of the penis or clitoris from erection’.²⁵ As a bio-political measure, all those who have problems in adjusting to the norms and duties of society are sent to the Moon, and later to Mars, to become the recipients of ‘corrective’ medical programmes culminating in the genetic ‘*Verwandlung des forciven Aggressionstriebes in einen Detumszenz-Trieb*’ (N, 19). Although great care was taken to contain the manipulated gene within the victimized group, the ‘*D-Gen >>brach aus<<*’ and ‘*die Eindämmung misslang*’ (N, 21). Unintentionally, the new gene spreads amongst the people back on Earth and slowly kills all desire for natural procreation and aggression. The population experiences a gradual loss of will to live in the sense envisioned by Schopenhauer:

²³ Böthig, *Grammatik*, p. 34.

²⁴ The 23rd century in the novel corresponds to the years 2300 to 2399 in our present calendar.

²⁵ *Shorter Oxford English Dictionary*, p. 661.

Was die den Willen abschwellenden Gene bewirkt haben, sehen wir heute. Und die einst dominierenden Völker auf dieser Erde sind erloschene, verglühte, von sich selbst weggeworfener Haufen – belauert und umzingelt von Verbrechern genfremder Volkschaften. (*N*, 168)

The dangers of a process leading towards an increasingly more civilized and non-aggressive human population were already recognized by Freud: ‘Vielleicht führt er zum Erlöschen der Menschenart, denn er beeinträchtigt die Sexualfunktion in mehr als einer Weise, und schon heute vermehren sich unkultivierte Rassen und zurückgebliebene Schichten [...] stärker als hochkultivierte’.²⁶ The Freudian scenario is realized in the 25th century and eventually leads to the bio-political decision to reverse the programme. Thus there is continuity between *MutterVaterRoman* and *Nichts von euch auf Erden* in regard to the foregrounding of biological causes as an explanation for human aggression. The peace caused by the manipulation of the gene thought to be responsible for aggression and sexuality, which preceded the reversal of the programme, lasted nevertheless for about two hundred blissful years. As the text partakes in the philosophical debate about the possibility of perpetual peace, it is first necessary to give an overview of the main thoughts on the subject of perpetual peace in order to trace these ideas in Jirgl’s dystopia *Nichts von euch auf Erden*, the only novel that features a prolonged period of genuine peace.

Perpetual Peace versus Permanent War

Rousseau and Kant are the two main Enlightenment thinkers who are known for their writings on the theme of perpetual peace. The discourse of ‘perpetual peace’, as represented in the novel *Nichts von euch auf Erden*, takes up some of the issues raised by the writings of the two philosophers. The title of Rousseau’s pamphlet *Project for Perpetual Peace* (1761) suggests that the author believes in the possibility of a peaceful future and the further progress of human affairs. However, Rousseau was merely asked to publish an abstract of the *Project for Perpetual Peace* which was written by the Abbé de Saint-Pierre. The fact that it is often assumed that

²⁶ Sigmund Freud, *Warum Krieg?* (Stuttgart: Reclam, 2012), p. 69.

Rousseau is the author of the project has led to some misunderstanding: in fact Rousseau did not believe in the Abbé's project.

At first sight the pamphlet appears to be an abridgement of the Abbé's peace plan, but, as Céline Spector shows in her careful analysis, Rousseau also subverts the original text.²⁷ In the *Confessions*, Rousseau writes about the Abbé de Saint-Pierre:

This rare man [...] perhaps the only one since the human race has existed who had no other passion than that of reason, nevertheless did nothing but proceed from error to error in all his systems, out of having wished to make men similar to him, instead of taking them as they are and they will continue to be.²⁸

Rousseau, having serious doubts that any progress has been made through the implementation of the Hobbesian social contract, expresses his doubts about the widespread assumption that the social order 'was the work of reason rather than of passion', for otherwise how can it be explained that we 'have forestalled private wars only to ignite general ones, which are a thousand times more terrible; and that by uniting ourselves to several men, we really become the enemies of the human race'?²⁹ After relating a modified version of the peace plan, Rousseau responds to the Abbé's faith in the possibility of a peaceful cooperative Europe with his own realism: 'I dare not answer with the Abbé de St. Pierre; that the true glory of Princes, consists in procuring utility to the public, and happiness to their subjects'.³⁰ That Rousseau is not alone in this opinion is confirmed by the fact that, according to him: '[this] discourse, in the cabinet of ministers, hath covered with ridicule, the author [the Abbé] and his projects'.³¹ Rousseau then goes on to prove carefully that it would be in the real interest of rulers to follow the peace plan. The obstacle is, however, that they act in their perceived interest rather than their real one. The final pessimistic verdict is an indirect criticism of the Abbé's faulty premises:

²⁷ Céline Spector, 'Le Projet de paix perpétuelle : de Saint-Pierre à Rousseau', in B. Bachofen and C. Spector, eds, *Principes du droit de la guerre, Ecrits sur le Projet de Paix Perpétuelle de l'Abbé de Saint-Pierre* (Paris: Vrin, 2008), pp. 229-94; transl. by Patrick Camillier, pp. 1-45, <celinespector.com/wp-content/uploads/2011/02/Rousseau-Saint-Pierre-Spector.pdf> [accessed 15 April 2013].

²⁸ Jean-Jacque Rousseau, *Confessions*, Book IX. Cited in Spector in modified translation, p. 3.

²⁹ Jean-Jacque Rousseau, *Project for Perpetual Peace*, (London: printed for M. Cooper, 1761), p. 3. Cited in Spector in modified translation, pp. 4-5.

³⁰ *Ibid.*, p. 27.

³¹ *Ibid.*, p. 28.

[I]t should be well noted that we have not at all assumed men to be as they ought to be, good, generous, disinterested, and loving the public good out of humanity, but as they are, unjust, greedy, and preferring their self-interest to everything. [...] If, in spite of all this, the Plan has still not been implemented, it is not because it is fanciful; it is because men are demented, and because it is a sort of folly to be wise in the midst of fools.³²

Kant had similar doubts about the practicality of plans for perpetual peace but with the hope that ‘eine [...] obzwar zur Zeit schlummernde, moralische Anlage im Menschen anzutreffen sei, über das böse Prinzip in sich [...] doch einmal Meister zu werden’, he published his own ideas under the title *Zum ewigen Frieden* in 1795.³³ According to Kant, only a steadily increasing union of different peoples, that ultimately comprises the entire world, would enable individual states to escape a state of lawlessness which bears the permanent potential for wars. However, as ‘bei gar zu großer Ausdehnung eines solchen Völkerstaates [...] die Regierung desselben, mithin auch die Beschützung [...] unmöglich werden muß’ and consequently ‘wiederum einen Kriegszustand herbeiführt: so ist der ewige Friede (das letzte Ziel des ganzen Völkerrechts) freilich eine unausführbare Idee’.³⁴ Kant nevertheless thinks that it is the duty of states to form unions which represent the ‘kontinuierliche Annäherung’ towards such a *Völkerstaat*.³⁵

Both Rousseau and Kant claim that it is a general lack of people’s use of reason as well as self-centredness which is preventing perpetual peace. In the far future of *Nichts von euch auf Erden*, things are different because human nature has changed in consequence of an unforeseen accident. The remaining earth population is governed by a fundamental Hobbesian principle: ‘Die Obrigkeit hat mit den-Regierten ein Vertragsverhältnis zu erfüllen: Sicherheit [...] für die-Regierten [...] Gehorsam gegenüber der Obrigkeit’ (N, 36). In the 25th century, it is only because life becomes more difficult for the scientific and bureaucratic elites who live on Mars, and who do not carry the manipulated gene, that the bio-political measures are reversed; they want to re-introduce politics and history on Earth. A delegation from

³² Ibid., p. 40. Cited in Spector in modified translation, p. 21.

³³ Immanuel Kant, *Zum ewigen Frieden* (Königsberg: Friedrich Nicolovius, 1795), p. 33.

³⁴ Immanuel Kant, *Die Metaphysik der Sitten* (Stuttgart: Reclam, 1990), 2. Abschnitt: § 61 [350], p. 215.

³⁵ Ibid., [350], p. 215.

Mars is sent down to carry out tasks which remove all foundations of the peaceful life which lasted about two centuries: ‘Einführung des Hierarchie-Prinzips’ (N, 164), ‘Neuwahlen zur Bildung einer handlungsfähigen Regierung’ (N, 162), the end of ‘Völkerentmischung, Separation zur Besinnung auf die Selbstheit’ (N, 169) and the implementation of the ‘*Kontrektations-Gen-Umgestaltungsprogramms*’ (N, 38) in order to reactivate sexual and aggressive human drives. One of the delegates from Mars explains why the people on Earth have to watch holograms of long forgotten historical conflicts:

Der Lebensfrieden in eurer behaglichen Abendstimmung hat euch vom weiteren Forschen nach eurer Herkunft abgehalten. Der Ewige Friede ist nur zu haben durch das ewige Unwissen der Friedfertigen. Jeder Friede aber senkt seine Pfeiler, auf denen er fußt, ins Blut derer, die vordem waren ohne Frieden. (N, 177)

The beginning of the statement alludes to Nietzsche’s remarks made in his *Also sprach Zarathustra* on ‘the last man’ which is also the main theme of Francis Fukuyama’s *The End of History and the Last Man*. The speaker from Mars claims that peace is gained only at the price of complete ignorance in relation to past conflicts and past history. The statement may imply either that wars never end completely because the remaining grievances serve as precursors for future wars, or that long-lasting peace is always grounded in a cover-up of previous extreme violence. Indeed, most of the military conflicts which have happened since World War II, including current ones, are rooted in the more distant past. Kant had already stated in his *Zum ewigen Frieden* that the forgetting of the past is a necessary condition for future peace: ‘Ursachen zum künftigen Kriege sind durch den Friedensschluß insgesamt vernichtet, sie mögen auch aus archivarischen Dokumenten mit noch so scharfsichtiger Ausspähungsgeschicklichkeit ausgeklaut seyn’.³⁶ The holograms which are shown to the docile population reveal that their peace is founded on violence: on the forceful deportation and secret disposal of the superfluous populace living in an overcrowded volatile world. However, besides the importance of the suppression of traces of past injuries, there is another aspect of Kant’s and the Abbé de Saint-Pierre’s thoughts which is discernible in *Nichts von euch auf Erden*.

³⁶ Kant, *Zum ewigen Frieden*, pp. 5-6.

In all three narratives it is the separation of culturally diverse populations which guarantees the permanence of the peace. The Abbé de Saint-Pierre thought that peace could be established solely in Europe because the different nations were bound together by similar customs, religion and trade. In Rousseau's abridgement of the Abbé's ideas he argues for a unified peaceful Europe 'which unites them by the same religion, by the same law of nations, by manners, by letters, by commerce'.³⁷ Kant goes beyond Europe and promulgates a loose confederation of many states in which cultural diversity is slowly eroded. It is the

Verlangen jedes Staats (oder seines Oberhauptes), auf diese Art sich in den dauernden Friedenszustand zu versetzen, daß er, wo möglich, die ganze Welt beherrscht. Aber die Natur will es anders. – Sie bedient sich zweyer Mittel, um Völker von der Vermischung abzuhalten und sie abzusondern, der Verschiedenheit der Sprachen und der Religionen, die zwar den Hang zum wechselseitigen Hasse, und Vorwand zum Kriege bey sich führt, aber doch bey anwachsender Cultur und der allmählichen Annäherung der Menschen [...] zum Einverständnis in einem Frieden leitet.³⁸

This enmity between diverse cultural groups plays an important part in Jirgl's dystopia. After the end of the last major war about resources, the so called '>>Sonnen<<-Weltkrieg' (N, 24), all big continents are strictly separated from each other: 'Feindschaften erloschen Dank befriedeter kultureller und sozial-mentaler Differenzen; [...] die Völker kamen zur Ruhe; [...] Fortan blieben die Völkerschaften in den einzelnen Erdteilblöcken unter sich, getrennt und allein' (N, 24-25). The separation of these large continental blocs resembles a state of quarantine. 'Um ganze Landesteile schuf man [...] hermetische Kordons' for the purpose of the '>>Ausblutenlassen<< dort herrschender Konflikte; keine kriegerische Handlung sollte jemals wieder andere Landesteile anstecken' (N, 24). The use of '>>...<<' serves as a visualization of the sun's radiation and the ebbing away of inter-continental violence. The strict separation of culturally diverse continents in order to achieve long-lasting peace is a practical solution to a problem, which is part of Rousseau's and Kant's sceptical thought. Whilst permanent peace is the subject of

³⁷ Rousseau, *Project*, p. 4.

³⁸ Kant, *Zum ewigen Frieden*, pp. 62-3.

just one of Jirgl's texts, it is the permanence of war which permeates almost all of his novels.

The cultural pessimism expressed in a desire to declare such a perpetuity of warfare can be traced in Carl Schmitt's political writings, especially those connected to his 'friend – foe' dichotomy. That Jirgl subscribes to Schmitt's 'friend-enemy' distinction may explain his frequent allusions to the permanence of antagonistic struggle up to open war between states.³⁹ Jirgl comments in one of his essays on the Schmittian dichotomy:

Die Freund-Feind-Struktur, bereits dem Christentum tief eingeschrieben, ist eine fundamentale des Abendlands; keine nominell-beliebige, sondern eine konkret politische Tatsache, die aus der Rückwirkung hinübergreift ins je Künftige. Und wäre der Feind verschwunden, so bestünde die Feindschaft weiter.⁴⁰

It is noteworthy that Jirgl does not make an anthropological statement: he speaks about the 'Abendland' only and that he believes we are potentially capable of circumventing the trap of divide and rule set up by those in power. The human propensity to fall too easily for politically motivated 'Feindschaftsraster' is 'seit jeher' a means of establishing and maintaining 'Macht-, Disziplinar- und Kontrollsysteme'.⁴¹ Such systems have an interest in ensuring that 'Menschen untereinander sich nicht kennenlernen' because, as Aristotle said, 'Freundschaft das ist immer ein Mittel gegen den Staat'.⁴² Jirgl claims that people have the ability to choose to avoid following those 'Feindschaftsraster' which are often based on the 'Beharrungswahn der Grobinformiertheit und des Mißverstehens'.⁴³ The representations of such friendships in Jirgl's novels are, however, rare compared with those of different kinds of war and enmity.

The notion of war in Jirgl's novels covers more than just open military conflict, a fact which follows from Schmitt's definition of the 'political'. For Schmitt, 'enmity' is *the* existential base of politics, whether in times of open military conflict or in times of peace:

³⁹ See the introduction for Schmitt's influence on Jirgl's writings.

⁴⁰ Jirgl, 'Diktatur der Oberfläche', in *LuB*, pp. 33-52 (p. 49).

⁴¹ Jirgl, 'Von Dämmerung zu Dämmerung', in *LuB*, pp. 21-32 (p. 31).

⁴² *Ibid.*, p. 31.

⁴³ *Ibid.*, p. 31.

Der politische Feind braucht nicht moralisch böse, er braucht nicht ästhetisch hässlich zu sein; er muss nicht als wirtschaftspolitischer Konkurrent auftreten, und es kann sogar vorteilhaft scheinen, mit ihm Geschäfte zu machen. Er ist eben der andere, der Fremde, und es genügt zu seinem Wesen, dass er in einem besonders intensiven Sinne existenziell etwas anderes und Fremdes ist.⁴⁴

The friend-enemy distinction is seen by Schmitt as being constitutional of our psychological make-up and as such cannot be the subject of value judgements. In military wars, which are the most extreme expressions of politics and enmity, our proneness to dislike strangers is instrumentalized by assigning the status of economic, ideological or moral enemy to the Other. War, according to Schmitt: 'ist nur die äußerste Realisierung der Feindschaft, [...] wohl muss er als reale Möglichkeit vorhanden bleiben, solange der Begriff des Feindes seinen Sinn hat'.⁴⁵

The following paragraph from *ABTRÜNNIG*, which declares the permanence of social violence and war shows that the reduction of antagonisms to the friend-enemy dichotomy is advocated by an auctorial voice:

Das Zuwenig an sinnvoller Arbeit & der Schwund an Leistungsanerkennung, in Verbindung damit ein Verlust an Würde, erzeugen - eskalierend - gesellschaftliche Gewalt [...] Daher schwinden im Selbenmaß die Möglichkeiten zum Friedensschluß, dem Ende des Gesellschaftskriegs. Auch hierin bezeugt KRIEG seine stete TOTALITÄT. (At, 119-20)

The boxed auctorial comment describes the silent war within society which is caused by an ever-increasing devaluation of labour within a capitalist market society. It states that the kind of enmity which will determine politics for the foreseeable future is the real existential antagonism which is caused by an increasingly corporate kind of capitalism which *uses* human labour to maximize profits. Class war is seen here as a continuation of belligerent war in apparently *peaceful* times. The implication is, however, that a different kind of society offers the possibility of less social violence and greater social justice.

Not only does an auctorial comment proclaim the permanence of warfare, the main narrator of *ABTRÜNNIG*, a journalist, shares the sentiment:

⁴⁴ Schmitt, *Der Begriff*, p. 27.

⁴⁵ *Ibid.*, p. 33.

Der Zweite Weltkrieg kannte am-Ende noch [...] Die-militärischen-Sieger. Allen folgenden kriegerischen Konflikten [...] war und ist ein solches Ende nicht mehr beschieden; Kriege gehen weiter [...] So folgte dem Zweiten der Dritte Weltkrieg: der Kalte Krieg. An dessen Folgen kranken wir bis heute. (*At*, 480-81)

This citation from *ABTRÜNNIG* is reminiscent of the following statement from Schmitt's *Der Begriff des Politischen*. Schmitt writes: 'Tatsächlich besteht heute eine solche abnorme Zwischenlage zwischen Krieg und Frieden, in der beides gemischt ist'.⁴⁶ This analysis is based on Schmitt's negative opinion of the Treaty of Versailles, the Kellogg Pact and the League of Nations during the interwar period. Schmitt argues that the so called 'peace pacts' constitute the "Fortsetzung des Krieges mit anderen Mitteln" because they extend the 'Vorstellung vom Kriege auch auf nichtmilitärische (wirtschaftliche, propagandistische usw)' spheres, thereby rendering 'nicht-militärische Aktionen in wirksamster, unmittelbarster und intensivster Weise feindliche Aktionen'.⁴⁷ It is, however, problematic to declare war to be *permanent*, whether it is fought with conventional weapons or not. *War* and *peace* will slowly become synonymous and both notions will thus become meaningless. Statements such as the above rightly invite the criticism that Jirgl universalizes historical processes. Stephen Pabst, after citing the same paragraph from *ABTRÜNNIG*, writes for instance that the pattern of Jirgl's history of violence 'ist die Kontinuität der Wiederholung, die auch die Differenz zwischen Krieg und Frieden, Demokratie und Diktatur nivelliert'.⁴⁸

The 'permanence of war' is a recurring topic in those novels which are closely related to German history: *MutterVaterRoman*, *ABTRÜNNIG* and *Die Stille*. In these texts the theme is centred around reflections on historical events and contemporary politics. However, in the two dystopian narratives, chapter thirty-one of *Die Stille* and *Nichts von euch auf Erden*, the last and self-destructive wars are the result of technological accidents. In both texts, the 'permanence of war', which is the ultimate expression of the friend-enemy dichotomy, is played out at its most extreme, the antinomy between the human animal and Nature:

⁴⁶ Ibid., p. 98.

⁴⁷ Ibid., pp. 98-99.

⁴⁸ Stephan Pabst, 'Fortgesetzte Gewalt', in *Demokratie im Schatten der Gewalt: Geschichten des Privaten im deutschen Nachkrieg*, ed. by Daniel Fulda and others (Göttingen: Wallstein Verlag, 2010), pp. 313-335 (p. 322).

So trat, zunächst ungesehen unvermutet, des-Menschen Urfeind hervor: die Natur.
(S, 355)

*So stark sind Sie in ihrer=Natur, daß Sie Den Kampf aufnehmen wollen ein weiteres
Mal mit & gegen Die Die Allem Feind ist : Allbeherrschend*

!NATUR (N, 10)

In either apocalypse the final technological disasters are preceded by war and anarchy. The USA is bankrupted through ‘zu kostspielige Heereinsätze=weltweit mit desaströsen militärischen Mißerfolgen – zwar keine Niederlagen, sondern schlimmer: Keinesiege..... & somit schleichende Kriege mit verwischten Formen – damals blieben Krieg & Frieden ununterscheidbar’ (S, 354). Later, in the 22nd century there is open class war marked by ‘machtvollen Märsche[n] der-Arbeitslosen [...] Massaker[n] an der verarmten Bevölkerung & den Scharen illegaler Imigranten, angerichtet von Nationalgarde & Heer’ (S, 354).

Similarly in the second novel: during the 23rd century, when the sun is the last available direct source of energy, there are ‘Raubzüge, Plünderungen, Ausmordungen – atavistische Erscheinungen, uralte Kämpfe um den reinen Besitz von Territorien [...] während die dort ansässigen Territorialeigner ihre Hegemonie bis aufs Äußerste zu verteidigen suchten’ (N, 24). These examples show that ‘war’ is indeed central to all of the five novels mentioned above. The notion is stretched to cover the phenomena of class struggle, xenophobia and the ‘Darwinian’ battle of the strong against the weak up to the scenarios of a final Armageddon.

To summarize, all five texts speak, albeit to varying degrees, about permanent war and warfare. The fluidity of the notion of war can undermine the reader’s willingness to focus on the ways the texts differentiate between the various kinds of war and lead to a general ‘war fatigue’. In defence of the author it should be noted that there is a strong correlation between a protagonist’s subjectivity and his or her outlook on life as continuous warfare. Jirgl states in his essay *Von Dämmerung zu Dämmerung oder Die Falle der Identifikation* that differences in ‘mentaler Art’ which result from the ‘unterschiedlichen Sozialisationen in West und Ost’ are of secondary importance to that of ‘Affirmation und Verweigerung gegenüber den relevanten Verhältnissen’. It appears that the narrators who proclaim the permanence

of war share the strong existential bond of being *non-affirming* people. For these people society may change toward greater social justice or peace but they are, in being driven to focus on the destructive elements of society, almost incapable of noticing any progress. First, there is Walter of *MutterVaterRoman*, who hides in mysterious forests to avoid World War I. Walter, the deserter, when stating ‘eigentlich ist immer Krieg’ (*MVR*, 159), is traumatized by war, loss and many years of being on the run. The second *non-affirming* narrator is the anti-hero from *ABTRÜNNIG*, whose pessimistic comment is cited above. To develop a kind of paranoia goes with the auctorial description of the negative meaning of being ‘abtrünnig’: ‘*Abtrünnigkeit* ist zwei=deutig; auf ihrer negativen Seite ist sie letal besetzt’ (*At*, 484). The affliction is marked by a lack of objectivity which opens up an enormous space ‘für BEDENKENLOSIGKEIT’ (*At*, 485). Both texts’ male narrators are deeply at odds with society. The third *non-affirming* male protagonist is the retired widower Georg of *Die Stille*. He and his unloved son Henry have long conversations about their family’s history, including the times of war. Georg, as much as Walter and the journalist, centres his philosophy of life around the permanence of war:

Es ist Immerkrieg : [...] Väter Brüder Söhne – werden geboren um Imkrieg zu fallen [- um Imkrieg ermordet zu werden von Vätern Brüdern Söhnen -] [...] so daß die-Frauen die Denkrieg überleben [- die Imkrieg überstehen -] fort=an die-Männerarbeit leisten müssen, nun 2fach erniedrigt: als Mensch, als Frau. (S, 183)

Georg, whose parents suffered violent deaths when he was a small boy, generalizes his lifelong feelings of emotional disconnectedness. He blames war and his childhood experiences and it becomes clear why he is incapable of establishing lasting bonds with others, namely ‘*weil es nicht der Schmerzen lohnt, an anderer Menschen Seele die eigene Seele zu binden, wenn diese Bindung jederzeit zerrissen zerschossen zerschlagen werden kann*’ (*S*, 184). The italics stress the subjective character of the monologue in which Georg also realizes the euphemistic character of the words ‘fallen’ and ‘überleben’.

The contrast to the three characters, Walter, the nameless journalist and Georg, is established by Henry, who, despite years of paternal psychological abuse, remains, at least to some degree, life-affirming. He relates the optimistic story of the

friendship between his grandfather Werner Baeske and the cadet Wilhelm Schneiderei. During the battle of the Somme, Werner went into the deserted area between ‘den deutschen u: den englischen Stellungen’ in order to rescue his friend Wilhelm. Carrying Wilhelm on his back, Werner returns almost upright and widely visible ‘zu den eigenen Stellungen’ (S, 153). To the surprise of all the soldiers:

Nichts geschieht: kein Schuß, keine Granate [...] Als sei in der schwarzen kriegerischen Nachtstunde für genau=Diese Minuten [...] Der Waffenstillstand beschlossen & alle verfeindeten Parteien hätten, ohne 1 Wortes der Absprache od Verhandlung zu bedürfen, Daran sich gehalten. (S, 153)

Henry is able to discern a human propensity for empathy and courage even during trench warfare: ‘Weil 1 1ziger Soldat in Diesen Minuten nicht nur seine eigene Courage erfunden hat, sondern er hat damit auch all die übrigen Tausende hier&da in Gräben geduckten Soldaten angesteckt’ (S, 153). His own father’s pessimism, which implies that principles of just war are farcical, is opposed by Henry’s belief in the soldiers’ potential to act in ways which correspond to a moral intuition not to kill the vulnerable. Such behaviour or expression of a general will, however, cannot be administered by ‘Absprache od Verhandlung’ (S, 153); it is the spontaneous, collective expression of the better side of our human nature. It is arguable whose subjective perspective comes closer to reality. Whilst there is some evidence that the ‘abtrünnig’ character, which could be seen as the limiting case of being non-affirming, is afflicted by some degree of paranoia (At, 484), it also appears that the *Verweigerer* are more likely to spot hidden injustices and societal antagonisms *because* they are not focusing on self-distracting pleasurable activities and personal happiness.

Conclusion

In view of the examined textual material, it is clear that military war, as well as non-military societal warfare, are recurring features of past, present and future in all of the five relevant novels. Wars up to and including World War II are still fought between more or less clearly defined sides and with military victors, whereas the Cold War marks the beginning of a historical development recognizable by the loosening of boundaries between war and peace. In *MutterVaterRoman* and, to a lesser extent in *Nichts von euch auf Erden*, human sexual and aggressive drives are

represented as *prima moventes* of war. A determining feature is also the author's belief in the ineradicability of enmity between different groups of people, which in turn serves as one cause for the permanence of social violence as experienced by a number of non-affirming narrators who cannot always be entirely divorced from the auctorial voice. The almost inflationary usage of the word 'war' for any form of societal violence can, however, easily undermine the original semantics of the expression.

As with the texts of the Abbé de Saint-Pierre and Kant, there is a suspicion in *Nichts von euch auf Erden* that cultural diversity is a strong obstacle to the achievement of worldwide peace. The texts of Rousseau, Kant and Jirgl share a limited hope in human behaviour ever being determined by the faculty of reason. Nevertheless, they do not deny such a possibility altogether. Importantly, Jirgl's descriptions of the future, which are partly informed by contemporary political developments, are subject to chance as much as to that which has empirically been proven to be persistent. Great changes in history are at times brought about by accident: 'Einmal mehr bestätigten sich die Auffassungen, dass bei allen gravierenden Entwicklungsoptionen, [...] dasjenige Moment, das aus Zufallswendepunkten hervorkommende Verläufe entwirft, das Ausschlag gebende Moment sei' (N, 25). Such uncertainty in respect of the future corresponds to the following claim by Nassim N. Taleb 'that in spite of our progress and the growth in knowledge, or perhaps *because* of such progress and growth, the future will be increasingly less predictable'.⁴⁹ Finally, in the more realist novels, *ABTRÜNNIG* and *Die Stille*, there is a discernible shift away from a purely psycho-biological explanation as the main cause of belligerent violence towards a more complex picture, which incorporates ideological and economic factors as well as historical facts in order to explain the human propensity for war.

If a long period of peace is an accidental and almost impossible state of affairs, and this in a world increasingly marked by political and belligerent antagonisms, the prospects for a more just society diminish. Opposing groups are likely to have different ideas of justice, and there is a greater pressure to instrumentalize legal systems in order to disadvantage those who have no power to influence the law.

⁴⁹ Nassim Nicholas Taleb, *The Black Swan* (London: Penguin - Allen Lane, 2007), p. XXVIII.

Theory and Practice of Just War

The second part of the chapter will examine whether legal restrictions, which are encapsulated practically in international law and theoretically in just war theory, are relevant to and discernible in the author's frequent representations of armed warfare. Do we find a chasm between theory and practice, between our aspirations and deeds as is proposed in the two forms of justice advocated by MacIntyre? Another question raised here is the depth of the historical scepticism which Jirgl's texts convey and whether such scepticism, if it exists, leaves any space for legal utopianism. If war has the historical permanence which the novels imply, are there nevertheless ethical differences in the methods of war and warfare and, if so, do these methods depend on the political system of the warring party? Finally, do the texts implicitly or explicitly undermine the entire concept of 'just war' or do they at times also suggest that restrictions and rules of conduct in warfare will be better than no rules at all?

Kant gives expression to a certain intuition which rejects as paradoxical even the thought of any contiguity or relationship between justice and law on the one hand and war on the other. For him, the question of justice and rights during a war presents the greatest problem; it is difficult: 'sich auch nur einen Begriff davon zu machen und ein Gesetz in diesem gesetzlosen Zustand zu denken (*inter arma silent leges*), ohne sich selbst zu widersprechen'.⁵⁰ This leads to the suspicion that the notion of a 'just war' can only be self-contradictory. Kant's words articulate the most pessimistic view and raise the question whether there is evidence of the same radical intuition in Jirgl's novels. Are the wars in the texts represented as the expressions of ultimate lawlessness and do they illustrate a ubiquitous attitude that 'might is right' in battle?

As stated in the introduction, I am following Alasdair MacIntyre's distinction between 'justice of effectiveness' and 'justice of excellence'. The roots of the former tradition, which is by nature instrumentalist and said to be 'realist', can be found in the writings of the historian Thucydides, especially in his account of the Peloponnesian war which broke out in 431 B.C. between Athens and Sparta. Thucydides' *The Peloponnesian War* is, however, also one of the first literary representations of the permanent tension between the two forms of justice which is

⁵⁰ Kant, *Metaphysik der Sitten*, 2. Abschnitt § 57 [347], pp. 210-11.

examined here with respect to Jirgl's texts. In Thucydides' book, it is the frequently cited *Melian Dialogue* which illustrates the 'realist' attitude of the Athenian generals, or the author's realism, best. Athens sets out to subject the island of Melos, a Spartan colony, and after rejecting the plea of the Melians for a status of neutrality, the Athenians 'brought force to bear on them by laying waste their land' (V: 84).⁵¹ The dialogue describes the negotiations between the representatives of each side which ended in a prolonged blockade of the island leading up to the Melians' unconditional surrender 'to the Athenians, who put to death all the men of military age whom they took, and sold the women and children as slaves' (V:116). Of importance are the justifications for this act of unprovoked aggression which are given by the military leaders of Athens. For them it is irrelevant that Melos never attacked Athens and they proclaim that for 'practical people, the standard of justice depends on the equality of power to compel and that in fact the strong do what they have the power to do and the weak accept what they have to accept' (V:89). That another concept of justice exists, which invites different kinds of solutions in situations of warfare, is made explicit by the Melians' answer:

Then in our view (since you force us to leave justice out of account and to confine ourselves to self-interest) – in our view it is at any rate useful that you should not destroy a principle that is to the general good of all men – namely, that in the case of all who fall into danger there should be such a thing as fair play and just dealing [...] And this is a principle which affects you as much as anybody, since your own fall would be visited by the most terrible vengeance. (V:90)

The reply by the Melians refers to the fact that rules of fairness within warfare can indeed be part of prudent self-interested state policies. It is therefore also one of the first literary expressions to demand a set of rules to regulate warfare, rules similar to those which became encapsulated in the principles of just war theory many centuries later.

Thucydides' report shows that the two contrary views of justice as distinguished by MacIntyre can be traced back to an early account of war. Representations of war are then a privileged medium in which the 'realist' and

⁵¹ Thucydides, *The Peloponnesian War*, trans. by Rex Warner (London: Penguin, 1972), V: 84-116, pp. 400-08.

‘idealist’ narratives of justice are played out. In order to determine how the relationship between justice and war is represented, I shall structure the examination around two parts of just war theory which will be introduced below where I present an overview of that theory. The analysis of the most relevant passages from *MutterVaterRoman*, *Die Unvollendeten*, *ABTRÜNNIG*, *Die Stille*, *Nichts von euch auf Erden* and some of the author’s essays refer to the debate about the practicality and effectiveness of just war theory.

In the Western tradition, the quest for rules within war and, most of all, for criteria which determine just causes of war, goes back to the first written accounts of ancient battles, not only Thucydides but also the Bible in which wars are justified on account of divine intervention. The first systematic theories were thus written from a Christian perspective, starting with comments by Augustine and culminating in the thirteenth century with the rules contained in Thomas Aquinas’ *Summa Theologicae*. According to Alexander Moseley, ‘Aquinas’s thoughts become the model for later Scholastics and Jurists to expand and gradually to universalize beyond Christendom’.⁵² Reasoning that it ‘violates the common good’, Aquinas is also one of the first to question the divine right of killing the innocent.⁵³ Christian ideas and pagan Greco-Roman thoughts are gradually developed further by a number of Enlightenment thinkers such as Francisco de Vitoria (1486-1546), Francisco Suarez (1548-1617), Hugo Grotius (1583-1645), Samuel Pufendorf (1632-1704), Christian Wolff (1679-1754) and Emerich de Vattel (1714-1767).⁵⁴ Eventually, the theories converged towards two sets of rules: the principles pertaining to just causes of war (*jus ad bellum*) and the principles guiding (just) behaviour in war (*jus in bello*). Relatively recently a third category has been added which deals with ethical conduct after the war (*jus post bellum*).

Jus ad bellum

The principles of *jus ad bellum* correspond to the demands for a *just cause* (to resist aggression, to defend sovereignty or human rights), for the *right intention* (wars should not be waged in order to expand power or expropriate land and to take booty),

⁵² Moseley, ‘Just War Theory’.

⁵³ Andrew Fiala, *The Just War Myth* (Maryland: Rowman & Littlefield, 2008), p. 37.

⁵⁴ The list is taken from Moseley’s Introduction to his ‘Just War Theory’.

for the war being fought under a *proper legitimate authority* and only as a *last resort* when nonviolent means have failed to resolve the conflict.⁵⁵ Defensive wars against aggressors are the most common kind of just wars.

Jirgl's texts contain hardly any direct references to the theme of *jus ad bellum*. One is made in *Die Stille* where the retaliations of the approaching Red Army at the end of World War II are described as being a consequence of Germany's expansionist policies and atrocities: 'die *sarmatische* Rückflut Eisen&feuer, losgetreten 6 Jahre=zuvor von Eisen&feuerflut der *Deutschen Wehrmacht* auf ihrem Raubzug nach=Osten' (S, 370). The word 'sarmatisch' denotes that the troops are from Russia or Poland rather than the West. Having been the main victims of the *Ostfeldzug* and of widespread ethical purges, the Slavic soldiers are expected to retaliate according to the ancient *lex talionis*. Whilst World War II is represented in *Die Stille* as being fought by the Allied troops for a just cause and out of self-defence, the dystopian novel *Nichts von euch auf Erden* tells about the end of any wars that might originate in just motives.⁵⁶ In about two hundred years from now, the last war over the ownership of increasingly scarce resources is fought with all possible might. This war: 'bildete [...] eine Mischform aus Wirtschafts- und politischem Territorialkrieg, und wie alle Kriege dieser Kategorien wurde er demzufolge mit barbarischer Härte und Unerbittlichkeit geschlagen' (N, 24). As the dwindling of natural resources leads to ever fiercer battles to secure a share in the last sources of energy and food, there are no wars to be fought which can be categorized as just and thus the application of just war theory becomes obsolete: 'might is right' has finally become the overriding rule.

Jus in bello

According to the rules of *jus ad bellum*, nations and armies that are unjustly attacked have the right to defend themselves against the aggressors. It is, however, controversial whether they fulfil the principles of *jus in bello* once the defensive war has started. The theorist Andrew Fiala describes the idea that wars are actually just and can be fought by entirely just means, as the term 'just war theory' suggests, as

⁵⁵ Fiala, p. 38.

⁵⁶ The narrative of war in *Nichts von euch auf Erden* is inspired by Alfred Döblin's *Berge, Meere und Giganten* (Frankfurt am Main: Fischer Verlag, 2013), which describes mostly wars over power and territory.

the ‘just war myth’. Kant, by stating his ‘*inter arma silent leges*’ rejects even the slightest possibility of such mythification.⁵⁷ In reality, this seemingly paradoxical situation explains the ease with which states that justly enter a defensive war against an aggressor frequently continue their ‘just’ fight by breaking the rules of *jus in bello* and *jus post bellum*. They assume, as in consequentialist ethics, that the end justifies the means. As Fiala writes:

The paradigm for the just war myth in the twentieth century is World War II. But this war was won by employing immoral means: carpet bombing, fire bombing, and atomic bombing that killed civilians on a massive scale. World War II was not a just war: the cause may have been but the means employed to obtain victory were not.⁵⁸

Only in certain situations, which Michael Walzer calls ‘supreme emergencies’, is it permissible to use unjust means to win a war: the danger must be imminent and no other means are at the time available to counter the attack. Whilst the initial carpet bombing of German cities by the RAF was a response to a supreme emergency, the bombings of entire cities towards the end of the war were not.⁵⁹ Fiala nevertheless defends the need for principles of just conduct. He closely examines the abuse which arises from the superficial assumption that wars can be fought or won justly. The aim of the following textual analysis is to unearth the degree of scepticism towards the possibility of at least some justice during armed battle which is conveyed by the fictional and essayistic material.

The three main principles of *jus in bello* require the *discrimination* between non-combatants and soldiers in order to observe *non-combatant immunity* as much as possible, *proportionality* between the means and goals of warfare, and lastly a prohibition from employing *intrinsically bad means* such as torture, rape, the use of weapons of mass destruction or poisonous gas.⁶⁰ As all five novels contain plenty of examples which tell stories about the relationship between the armed forces and the civilian population during wartime, the material will be discussed according to the two most prevalent aspects of *jus in bello*: non-combatant immunity and the use of intrinsically bad means. It needs to be kept in mind, however, that there is usually an

⁵⁷ Kant, *Metaphysik der Sitten*, [347], pp. 210-11.

⁵⁸ Fiala, p. 6.

⁵⁹ Walzer, pp. 251-68.

⁶⁰ Fiala, p. 39.

overlap of relevant contents: the themes of *non-combatant immunity*, *proportionality* and the employment of *intrinsically bad means* cannot be neatly separated.

Starting with the theme of non-combatant immunity, the Allied bombing campaigns against the civilian population constitute the most prominent type of offence. References to the campaigns can be found in all of the four books dealing with the historical past. In *MutterVaterRoman*, the passage ‘DREI TAGE STAAT’S JUGEND’ (MVR, 58) combines the description of the compulsory military camps for young people during Hitler’s total war with the start of the area bombings of German cities. The teenagers observe: ‘In der Nacht des dritten Tages [...] ein lautloses Stern-Gewitter [...] Das war Lübeck. Die 1.Nacht’ (MVR, 59). The bombings are described as an impressive grand spectacle, as for instance: ‘Protuberanzen reckten spitze Hahnen-Kämme über den Meeres-Giebel, Flamm-Köpfe krähen Schwefel-Atem’ (MVR, 59) which are reminiscent of Arno Schmidt’s descriptions of area bombings at the end of his *Aus dem Leben eines Fauns*. The air raids are presented in the context of Germany’s attempts to militarize all aspects of life and therefore as being a consequence of Hitler’s aggressive war. The same contextualization is established in another passage about the area bombings. An omniscient narrator, after having related the atrocious story of Margarete’s father, also known as ‘sanfter Bibliothekar & Vater’ (MVR, 328), who raped and killed at least one Jewish woman, comments: ‘Bombenangriffe später & kollektive Nächte LSR: Ende jeder Volksgemeinschaft. Durch die Keller pfeifend der Wind Vergeltung’ (MVR, 329). The narrator addresses Margarete’s mother, who knows about her husband’s crimes and represents the bombings as a deserved ‘Vergeltung’ rather than an Allied war crime. The italicization of *gemein* underscores the true character of the ‘Volksgemeinschaft’, which now suffers collectively the first major reprisals in air raid shelters and cellars. Allied bombing is also a topic of *Die Unvollendeten*, which contains two allusions to it at the end of the first chapter, where one depicts the events in recently liberated Czech territory. Although they survive the war on the winning side, ordinary Czech people are not much better off than the ostracized Germans. The narrator hypothesizes about the devastated expression in the eyes of miserable people on a train:

vielleicht weil sie, ob Tschechen od Deutsche, diesen Krieg überlebt hatten u: fortan im noch größeren Elend saßen als zuvor [...] – die Bomben der Alliierten waren in den letzten Jahren in Komotau u in den anderen Orten im Sudetenland auf Tschechen u auf Deutsche gleichermaßen gefallen. Die Übriggebliebenen hockten hier, anonymes Menschen=Vieh mit dem Mief von Tier=Vieh. (*U*, 40-41)

The use of ‘u:’ indicates the greater probability of the statement on the right side of the conjunction. The fact that the ‘winners’ are likely to be worse off than before can be read as a comment on the infringement of the principle of *proportionality*. In the Sudetenland the bombs are meted out not only in disregard of the principle of non-combatant immunity but also irrespectively of whether or not the majority of victims share the nationality of the enemy. In the second intimation of Allied bombings, Anna’s young lover who deserted from the SS and who survives by means of criminal activities, is surprised that Anna still has a family: ‘Seid ihr noch am-?Leben. Meine Alten sind tot. Dresden.....’ (*U*, 69). The five dots after ‘Dresden’ refer to the enormity of the death toll in the carpet bombing of Dresden. The word ‘Dresden’ can stand alone: it has become synonymous with the worst Allied bombing attacks on German civilians.

In *ABTRÜNNIG* another story of the indiscriminate bombing of non-combatants is told. It is the fictionalized version of the actual destruction of a train full of inmates from the evacuated concentration camp Neuengamme by American bombers at the train station of Celle. ‘Dieser Groß-Angriff mit Be-Sechszwanzig-Bombern [...] am 8. April 1945 [...] mit insgesamt drei Geschwadern der 9. U-S-Luftflotte [...] galt dem Gaswerk, dem Güterbahnhof sowie der Stadt X. selbst’ (*At*, 340). According to historians, the targets were, however, chosen because of their strategic importance and only a few roads besides the station were hit. As one eyewitness recalls: ‘Die Amerikaner leisteten Maßarbeit. Der Güterbahnhof und die Gasanstalt sind total zerstört [...] Alles, was um den Güterbahnhof liegt, ist in starke Mitleidenschaft gezogen’.⁶¹ The 9th US Air Force Bombardment Division only targeted

das Eisenbahnnetz und sogenannte ‘Communication Centres’, das heißt Knotenpunkte des Straßennetzes. Beabsichtigt waren in beiden Fällen eine

⁶¹ Bernhard Strebel, *Celle April 1945 revisited* (Bielefeld: Verlag für Regionalgeschichte, 2008), p. 48.

Unterbindung bzw. nachhaltige Behinderung deutscher Nachschubwege für Truppen und Material im unmittelbaren Hinterland der Frontlinien. Opfer unter der Zivilbevölkerung waren nicht beabsichtigt wurden aber billigend in Kauf genommen.⁶²

Strebel gives the following estimates of the number of people killed during the mission on the 8th of April:

Die Zahl der Opfer unter den Häftlingen ist auf mindestens 200, höchstens 500 zu schätzen. Außerdem kamen 38 SS-Männer, Soldaten und Angehörige der “Organisation Todt” sowie 122 Zivilisten aus Celle [...] ums Leben. Die hohe Zahl an Menschenverlusten war von den Amerikanern nicht beabsichtigt und wurde von ihnen aller Wahrscheinlichkeit nach nicht einmal bemerkt.⁶³

Strebel’s investigations indicate that the city of Celle was not a target of carpet bombing by American bombers. That Jirgl seems to follow the historiographical accounts very closely in all other respects raises the question of why he deviates from the facts on the issue of civilian immunity. It appears that legitimate strategic bombing does not fit his apocalyptic narrative that is told about the last weeks of World War II. Besides, the indiscriminate bombing of civilians was relatively common throughout the war and its representation draws the readers’ attention to the deterioration of moral boundaries on all warring sides as an inevitable consequence of total war. Whilst the civilian casualties of Celle, including many of the prisoners who were evacuated by train, were the unintentional side effects of strategic bombings, the implied intentionality in the fictitious case illustrates the narrator’s comment about the last months of World War II:

Krieg wand sich in Agonie, zog Alles&jeden in die Maßlosigkeit Seines feurigen Todeskampfes, alsbaldige Sieger wie die schon-Verlierer, hinein - & gab somit dem Unmaß an Schrecken-der-Letztentage genau !Dies als Maß für schon künftige Zeiten vor [...] Schuld & Vergeltung – *Unmaß für Unmaß*, u längst Ohnebegriff geworden – ließ BEDENKENLOSIGKEIT frei – . (At, 342)

⁶² Ibid., p. 45.

⁶³ Ibid., p. 117.

Strategic bombing which follows the principles of *jus in bello*, simply does not fit the narrator's notions of 'Maßlosigkeit' and 'Unmaß für Unmaß'.

The third novel in which bombing campaigns are mentioned is *Die Stille*: 'obwohl in der Brandung von alliierten-Bombenfeuern schon manch deutsche Stadt mit ihren Bewohnern verbrannt war – in Diesermasse Tod angeblich Eineschuld zu tilgen, die, wie jede Schuld, die Schuld von Izelnen war' (S, 14-15). Georg, the pessimistic and disillusioned speaker, deplors the irrationality and futility of a collective punishment, which kills the guilty and the innocent alike. He is sceptical regarding the real motive behind the carpet bombings, he thinks that they 'in-Wahrheit viel Ifacheren Zwecken zu=Diensten waren [...] dem Izigem Zweck, den zu-Allenzeiten Allarmeen-der-Welt koste-das-was-Es-wolle verfolgen, nämlich Einen Krieg zu gewinnen' (S, 15). His non-affirmative outlook on life augurs a political pessimism which leaves no space for even the slightest acknowledgement of the possibility of conduct as encapsulated by the notion of 'justice of excellence'. In accordance with Georg's subjective experience, the end of winning a war overrides any prescriptions for the means of fighting. In his statement he universalizes the realist outlook on warfare. There is some historical evidence, including the Allied carpet bombings of Japan and Germany at the end of World War II, in support of Georg's judgement. It is also worth noting that he thinks the bombings are far too indiscriminate to count as just retaliation or retribution. However, the universalization of the worst, though undoubtedly common, aspects of war all too easily leads to a fatalistic attitude which undermines human aspirations and consequent attempts to establish a fairer kind of warfare.

The last reference to the bombing of civilians is also made by Georg. In *Photo 45* (S, 247-51) he recalls the story of the bombs which fell on his wife's family property in the small village of Thalow in November 1943. Georg knows about the event from the parson who rescued him and his sister from an orphanage. Those memories, which reach back 'über mehr als fünf Jahrzehnte' (S, 250), are passed on to his son Henry. According to Georg, the stray bombs were accidental, no more than a 'ziellos abgeworfene Last' (S, 251), a mere side-effect of the 'DIE-BOMBENANGRIFFE.....' that could be seen at a great distance 'blutend in die Himmel's Finsternis hinauf' (S, 250). 'Und in großen Kehrschleifen, nachdem SIE ihre Bomben-Last entladen haben [...] fliegen die englischen & amerikanischen Geschwader über Unserland=hier zu ihren Stützpunkten zurück [...]Später

geschah Dies=irae auch zum Tageslicht' (S, 250). Thalow, in being a small and strategically unimportant village, was no target for bombers. The planes that dropped the bombs needed to be lighter in order to reach their bases without having to refuel. As the main house in Thalow was not hit, it appears that the pilots dropped their ballast completely randomly. The chance event in Thalow is represented as being inseparable from the air raids on Berlin. The five dots at the start of the sentence '.....' help to visualize the gradual increase in noise when the bombers passed over the village more and more frequently. It is thus one more comment on the violation of *jus in bello* by Allied troops.

Aside from the many examples of carpet bombings on German territory, there is also one mention of the use of atomic bombs in *MutterVaterRoman*. A member of the new secret police visits Walter's mother to inquire about her son's mysterious whereabouts. The interrogation takes place in East Germany during the early fifties. Within his monologue the spy philosophizes about power and technological progress:

Macht ist kein Geheimnis, die Bombe auch nicht. Die Erfindung, die sich gegen den Erfinder kehrt, denken Sie an Frankenstein & Otto Hahn. Letzterer hat das Atom besiegt und wird ans Kreuz geschlagen seit Hiroshima. Krieg ist Krieg, wenn er von Den Andern ist. (MVR, 339)

The statement '*Krieg ist Krieg, wenn er von Den Andern ist*' succinctly expresses the partisanship which marks judgements about the means of war. There is usually a lack of self-criticism on all sides and a propensity to point the finger at military and ideological opponents. In the context of the Cold War, the use of atomic bombs in August 1945 was either hailed or condemned depending on which side of the Iron Curtain the judgement was made. The spy in Jirgl's story is aware of the ideological bias which is at the root of Otto Hahn's condemnation. The situation on the other side of the ideological division is encapsulated by the story of the philosopher Elizabeth Anscombe who argued in 1956 that the Americans' use of atomic bombs at the end of World War II constituted a war crime violating the main principles of *jus in bello*. When Anscombe debated her views at Oxford University in an event which led to the decision to honour President Truman with a degree, everybody else

thought that she was mistaken.⁶⁴ As Jonathan Glover writes: ‘She correctly saw how area bombing had prepared the way for the atomic bomb’ and that the ‘silence and utter imperturbability’ of all the other academics who were present at the debate ‘now seem extraordinary’.⁶⁵ Apart from this, the spy’s comment also contains a reminder of the fact that scientific discoveries are never made in an apolitical vacuum. Jirgl’s texts, as much as Schmitt’s, display a similar attitude towards technological progress and the misuse of new technologies, especially in warfare. Schmitt refers to the topic throughout his oeuvre. Already in 1932 he is warning that the perceived neutralization and depoliticization through modern technology is a dangerous illusion: ‘Die Technik ist nicht mehr neutraler Boden [...] und jede starke Politik wird sich ihrer bedienen’.⁶⁶

The next example, from *Nichts von euch auf Erden*, deviates from those above. As the novel is set in the far future, it lacks the usual reflections on Germany’s recent past. One of the people who have returned from Mars to re-politicize Earth, the ‘Marsianerin’ (N, 182) addresses a selected group of people still inhabiting Earth as follows:

- Der Mensch an sich war zum Feind geworden, das Dasein der Vielzuvielen, deren Leben von niemandem für Nichts gebraucht wurde [...] für Kriege gabs Maschinen mit Fernbedienung [...] ihr Auslösen geschah unbedenklicher, daher die Opferzahlen ins Gigantische wuchsen [...] Denn längst war die Unterscheidung zwischen Kämpfern und Zivilisten verschwunden. (N, 179-80)

The development of military technology, together with exponentially rising population numbers eroded the value of human lives and as a consequence any thought of *jus in bello* has become anachronistic. In this scenario wars are fought from a distance and without conventional soldiers. Civilian casualties have become a normalized and integral part of collateral damage. The exceptional usage of weapons of mass destruction which is known from the twentieth century has now become the norm. Various wars are fought by powerful elites and can only be won by those who have the most advanced technological weapons. Simultaneously there is a loss of moral constraint on the means of warfare. The scenario could be an illustration of

⁶⁴ Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Jonathan Cape, 1999), pp. 106-07.

⁶⁵ *Ibid.*, p. 107.

⁶⁶ Schmitt, *Der Begriff*, p. 86.

Carl Schmitt's apocalyptic picture of the last, most violent 'endgültig letzten Kriege der Menschheit', which 'über das Politische hinausgehend, den Feind gleichzeitig in moralischen und anderen Kategorien herabsetzen und zum unmenschlichen Scheusal machen müssen, dass nicht nur abgewehrt, sondern definitiv vernichtet werden muss'.⁶⁷ The distinction between civilians and combatants has disappeared; the *Other* has become the collective dehumanized enemy.

To sum up, most of the excerpts on non-combatant immunity are set against the background of Germany's aggressive war. The representations of area bombings, especially in *MutterVaterRoman* and in *Die Stille*, are drawn as deserved retaliations. However, the later novels *Die Unvollendeten*, *ABTRÜNNIG* and *Die Stille* increasingly convey an illustration of the following thesis stated by Jirgl in his article *Endstation Mythos*, in which he summarizes his thoughts on the effectiveness of *jus in bello* whilst making a special reference to World War II: 'Ausgehend von der Formel vom "Gerechten Krieg" gegen Nazi-Deutschland folgt [...] daraus mit eigener Logik die Inkriminierung eines ganzen, zum "Absoluten Feind" gemachten Volkes mit dem Ziel von dessen physischer Vernichtung gemäß eines zum Tod verurteilten Verbrechers'.⁶⁸ The author's opinion is influenced by Schmitt's strong critique of *jus ad bellum*. For Schmitt the ideal war, which at the same time comes closest to fulfilling the criteria of traditional just war theory, is modelled on the inter-state wars in Europe which happened for several hundred years preceding the twentieth century under the *jus publicum Europaeum*. These wars were based on the notion 'des gerechten Feindes' or '*justus hostis*' and on the 'Parität und Gleichheit der kriegsführenden Mächte'.⁶⁹ For Schmitt, such wars constitute great progress in comparison with the more recent wars of the twentieth century, the religious wars of the past and with the colonial wars fought by Europeans outside Europe. All of these distinguish themselves by a criminalization or dehumanization of the enemy in unison with a drive for the complete annihilation of the *Other*. In such a world 'in der sich die Partner auf solche Weise gegenseitig in den Abgrund der totalen Entwertung hineinstoßen, bevor sie sich physisch vernichten, müssen neue Arten der absoluten Feindschaft entstehen'.⁷⁰ For Schmitt, a necessary condition for the possibility of any form of justice during war is that the enemy has the status of *justus*

⁶⁷ Ibid., p. 37.

⁶⁸ Reinhard Jirgl, 'Endstation Mythos', *Frankfurter Rundschau*, 24 March 2004.

⁶⁹ Schmitt, *Nomos*, p. 125.

⁷⁰ Schmitt, *Partisanen*, p. 95.

hostis which counteracts the dehumanization and criminalization of the respective enemy.

Jirgl argues similarly and claims the gradual erosion of moral norms during war: ‘In allen Kriegen zwingt dasjenige Feindesmuster mit dem größten Vernichtungspotential schließlich allen Kriegsparteien genau dieses Muster auf. Und sobald eine Seite Krieg zum Totalen Krieg ausruft [...] werden auch die Gegenseiten von den Mustern solcher Totalität erfasst’.⁷¹ As an example of the infraction of the principles of *jus in bello* by the Allies, the author cites ‘das *moral bombing*, wie insgesamt der Bombenkrieg alliierter Streitkräfte gegen die deutsche Zivilbevölkerung. Das hierfür maßgebliche Rechtsempfinden beruhte auf einem kruden Gut/Böse-Dualismus’.⁷² It might well be inevitable that defensive wars against aggressive intruders are accompanied by war crimes on all sides. This, however, can easily blur existing differences, however small. The strategic bombing of the Celle train station is a case in point. In the fictional case, the author remains close to all the historical facts apart from one detail where he draws overt attention to the civilian casualties whilst representing the air attack as a case of non-strategic bombing. There is a clear aim behind the deviation: in the three novels, the representations of the conduct during and immediately after World War II are such that the continued experience of atrocities by German soldiers and Nazis erodes moral codes on all fronts of the war and where the subsequent forms of retaliation are informed by and mimetic of the aggressor’s methods. Here ‘Schuld & Vergeltung’ lead to a war of ‘*Unmaß für Unmaß*’ (*At*, 342). It is then in the logic of any total war to leave little or no space for humanitarian considerations as encapsulated in the principles of *jus in bello*. There is clearly enough evidence that a total war erodes moral codes and that it leads to the vilification of entire populations on all warfaring sides. However, whilst the use of atomic bombs in 1945 and the carpet bombings of Dresden and Tokyo are objectifications of Jirgl’s thesis, the strategic bombings of Celle and other, militarily and strategically important places are clear examples where the Allies operated within the rules of *jus in bello*. The fiction centres solely on the former whilst playing down the latter. Jirgl thus denies the possibility of just behaviour especially towards the end of a total war. This

⁷¹ Jirgl, ‘Endstation’.

⁷² *Ibid.*

cultural pessimism is likely to be a result of the strong influence on the author of Schmitt's pessimistic writings about modern warfare.

Another aspect of the texts is the author's representation of the use of intrinsically bad means in war and warfare. To start with, there are some reflections on torture, a theme which is somewhat surprisingly embedded in a comment on the present rather than the past. The main protagonist of *ABTRÜNNIG* is witness to a property auction, where his sadistic daydreams, directed at the members of the fiscal and juridical establishment, are inspired by a historical cross-section of incidents of torture. The content of the text suggests the anthropological permanence of torture and therefore raises the question to what extent it will ever be possible to control torture, rape and extreme violence as *intrinsically bad means* in and even *outside* war. The historical descriptions are placed in self-contained boxes side by side with a second set of boxes which contain the protagonist's violent daydreams. The first example describes the brutal murder of a new-born by a SS-guard in front of its mother (*At*, 153). The next instance is set in the context of the relatively recent colonial conflict between Portuguese mercenaries and local fighters of Mozambique in the 1970s. It tells of the brutal murder of a pregnant woman whose foetus is removed by the soldiers with knives and replaced by a cockerel (*At*, 154). The third box is dedicated to the Spanish conquistador Francisco Pizarro and the extreme cruelty with which he tortured captured Indios. The use of italics in the statement 'Die Folter also dient weder der Suche nach Wahrheit [...] noch der Bekehrung zum kristlichen Glauben; die-Folter hat einzig den Zweck der Erniedrigung & der Vernichtung der zu *Untermenschen* degradierten Gefangenen' (*At*, 155), stresses the precarious position as much as the historical universalism of de-humanising the enemy. The fourth inset describes the extreme and often fatal conditions under which forced labourers were transported to the Gulags during the Siberian winter (*At*, 156) and the penultimate description of cruelties is set during the Algerian war of independence. A group of French soldiers, who cannot join the usual celebrations on the 14th of July, are torturing an Arab prisoner who is scheduled to be shot on the following day: 'Aber die Soldaten, die in der Wache haben bleiben müssen, langweilen sich, es gelüstet sie nach Unterhaltung' (*At*, 157). Finally, the last box contains an extremely cruel method of torture from the times of Genghis Khan and '[d]ieser Foltermethode bedient Man sich noch Heute, insbesondere *War Lords* im Vorderen Orient' (*At*, 158).

This historical cross-section of violence and torture can be read as a denial of the progress which is achieved through the process of civilization and therefore as a universalization of the phenomenon of cruelty. Under unfavourable circumstances, even people who believe themselves to be political liberals, like the protagonist, might turn to violent thoughts and actions as a reaction to perceived institutional or physical violence and injustice. Further, in most of the examples of torture, those who consider themselves to be more ‘civilized’ (the Aryan SS-guard, the Portuguese mercenaries, the Spanish conquistador and the French soldiers) abuse those who are regarded as less civilized and therefore less human (the Slav woman, the natives of Mozambique, the Indios and the Arab prisoner). In the case of the Arab prisoner, torture also happens as a matter of entertainment and out of boredom. In all cases the torture is carried out by the strong and powerful on the weak and defenceless. There is no parity of cruelties. The protagonist, however, who is the indirect target of the juridical ‘Zwangsvollstreckung’ (*At*, 144), is driven by feelings of strong personal animosity towards the juridical establishment.⁷³ Being full of personal resentment, he conceives of cruelties for the lawyers and estate agents modelled on the long series of historical precedents. The knives and bayonets of the past are replaced by modern implements and ‘die Benutzung 1 chirurgischen Flexers zur Schädelknochensäge’ turns out to be ‘das geeignetste Instrument, die nötigen Schnitte auszuführen’ (*At*, 156). The mechanical details of the daydreams reveal the darker sides of a technological progress which is not matched by any ethical advancement and so allows the human imagination constantly to conjure up newly-refined versions of eternal punishments. Nevertheless there is a huge difference between imagined and real acts of torture. Laws and conventions are, under normal circumstances, sufficient mechanisms to safeguard individuals from torture. As the six examples show, it is in territorial and ideological wars where the veils of civilization appear far too thin to protect the *perceived* enemy from torture.

Yet another violent theme in *Die Stille* is the great fear amongst German civilians of becoming a victim of rape and violent death at the hands of members of the approaching Red Army. This fear, which is described in *Photo 67* (*S*, 370-75) led

⁷³ This case will be discussed in greater detail in the examination of Jirgl’s representation of court cases.

to thousands of actual suicides.⁷⁴ The widespread anxiety was hugely increased by exaggerated rumours: ‘in Horden fallen Russen Kirgisen Tadschiken über die frauen diemädchen her; danach den Geschändeten die Köpfe mit Gewehrkolben zertrümmert mit Bajonetten ausgeweidet lebendig verbrannt an Scheunentore genagelt (die Gekreuzigten noch einmal vergewaltigt)’ (S, 371). These rumours, which built on German propaganda and a fear of retaliation: ‘die *sarmatische* Rückflut Eisen&feuer, losgetreten 6 Jahre=zuvor’ (S, 370), drew on the stereotyping of Slavs and Mongolian Races as *Untermenschen*. The atrocities envisioned by the German population correspond to, and are possibly informed by, the crimes committed by parts of the *Wehrmacht* and the SS in the so called *Säuberungsaktionen* in the East.⁷⁵ Arguably, the crimes against Germans, especially women, by Russian soldiers bear no comparison to the attempted decimation of Slav populations and the mass killings of Eastern European Jews by special police battalions. The narrative of *Die Stille* takes account of that fact by featuring only a single woman who was raped by Russian soldiers (S, 333). At the same time, the narrator refers to facts which have been put under a taboo in the GDR: ‘Vergewaltigen, um den-Stolz Der-Deutschen-Frau zu !brechen, Deutsche wahllos zu ermorden: Keintag ohne 1 Deutschen Tod, soll der Schriftsteller Ilja Ehrenburg froh=lockt haben: *Ihr werdet sehen, welch ein !Spaß das ist, Deutsche zu töten*’ (S, 371).⁷⁶

Besides torture and rape, it is the use of weapons of mass destruction and poison gas which is forbidden according to the rules of *jus in bello*. Photo 29 of *Die Stille* (S, 172-76) describes Werner being alone on the front and dreaming about death, love and destruction. Suddenly the dream metamorphoses into the description of a reality which appears all too close to Werner’s nightmare: ‘-!!!GAAAS Die Maske vorm Gesicht erstickt seinen Schrei Nun ist auch Soldat Baeske wach : !RAUSRAUS !LOS!LOS!SCHNELL!ALLES!RAUS’ (S, 174). Poison gas, which was widely used during World War I, was successfully banned in World War II. This achievement is due to the incorporation of its prohibition into the international rules

⁷⁴ See, for instance, Christian Goeschel, *Suicide in Nazi Germany* (Oxford: Oxford University Press, 2009), pp. 149-66.

⁷⁵ See, for instance, Ales Adamowitsch, *Henkersknechte* (Berlin and Weimar: Aufbau-Verlag, 1982) and Christopher Browning, *Ordinary Men, Reserve Police Battalion 101 and the Final Solution in Poland* (London: Penguin, 2001).

⁷⁶ Ilja Ehrenburg, *kill* (1942), <<http://www.shoabloger.wordpress.com/2013/09/22/full-text-of-the-leaflet-kill-by-i-ehrenburg-1942/>> [accessed 20 October 2014].

of *jus in bello* after World War I and a fear of retaliation on the German side. Walzer writes, for instance:⁷⁷ ‘Winston Churchill was entirely justified when he warned the German government, early in World War II, that the use of gas by its armies would bring an immediate reprisal’.⁷⁸ Jirgl implicitly acknowledges that the ban on using poison gas was successfully implemented during World War II: the only description of a gas attack is set during the First World War and serves simultaneously as a temporal anchor to that particular war within a book of nonlinear chronology. In other words, without the reference to a gas attack, the scene could equally well be set in World War II.

Jus post bellum: Justice after War

Recent military conflicts, as much as the widespread violence after World War II, resulted in the theoretical development of a third set of equally important principles which deal with just conduct in the aftermath of a war. The most influential theoretical account of *jus post bellum* is given by Brian Orend. In his article *Justice after War* he argues for the following list of prescriptions for the conduct of a ‘just state seeking to terminate its just war successfully’.⁷⁹ The demands of *Proportionality and Publicity* require a financially and politically reasonable peace settlement which is publicly proclaimed and those of *Rights Vindication* ensures that all ‘those basic rights whose violation triggered the justified war’ are re-established. Through careful *Discrimination* between those who were not directly involved in causing the war and did not commit atrocities, and those who did, collective and indiscriminate forms of punishment such as socioeconomic sanctions will be avoided. The rules of *Punishment* require that the leaders of the aggressive regime who caused the war as well as ‘soldiers from all sides of the conflict’ should ‘face fair and public international trials’. Any form of *Compensation* has to be subject to discrimination and it needs to be ensured that enough resources are ‘left so that the defeated country can begin its reconstruction’. Finally, a degree of *Rehabilitation* might be called for ‘to reform decrepit institutions in an aggressor regime’.

⁷⁷ Walzer, p. 215.

⁷⁸ However, as Michael Binyon writes: ‘Churchill, astonishingly, wanted to use poison gas on a vast scale for the mass extermination of Bolsheviks – and sent out enough canisters to gas thousands’. In *The Times*, Saturday Review, 24 August 2013, p. 15.

⁷⁹ Brian Orend, ‘Justice after War’, *Ethics & International Affairs*, 16.1 (2002), 43-56 (p. 55).

Collectively, the rules try to counter a common tendency of victors to view themselves as legitimate executors of justice in the conquered territory, a fact which is usually marked by a great degree of partiality towards one's own military transgressions and also by a desire for revenge, which often provides the breeding ground for future conflicts. The necessity of countering arbitrary rule in the aftermath of war was already formulated by John Locke in his *Second Treatise of Government* (1690) and by Immanuel Kant in *Die Metaphysik der Sitten* (1797).

Paragraphs 178 and 179 of Locke's treatise are dedicated to the right conduct of those who justly conquer a territory of a sovereign who had previously started an aggressive war, a situation which can be compared with that existing at the end of the Second World War. Locke writes that the victor 'has an absolute power over the lives of those who by an unjust war have forfeited them; but not over the lives or fortunes of those who engaged not in the war' (§ 178). He argues that:

the people having given to their governors no power to do an unjust thing [...] (for they never had such a power in themselves), they ought not to be charged as guilty of the violence and injustice that is committed in an unjust war. (§ 179)

However, whilst the principles of *jus ad bellum* and *jus in bello* are encapsulated in international law through the Hague and Geneva Conventions and the Security Council of the United Nations, the equally important rules of *jus post bellum* are not yet sufficiently incorporated in international legislation.⁸⁰ As previously with *jus in bello*, and starting with *Discrimination*, I shall structure the analysis according to the most prominent aspects of *jus post bellum*.

The descriptions of flight and expulsion, which are themes of *Die Unvollendeten* and *Die Stille*, represent the aftermath of a war in which ethnic German civilians, mostly children, women and the elderly, were forced to suffer deprivation and hardship. As the majority of the refugees did support Hitler and his regime, the arbitrary reprisals were not exclusively meted out against the innocent. Yet, insofar as Jews, Hitler's opponents and small children were all included in the collective act of retribution, the expulsion is arguably marked by an unfair lack of discrimination. Compared with those who lived further west, those who happened to end up at the wrong place at the end of the war had thus to bear a disproportional

⁸⁰ Orend, 'Justice after War', p 43.

amount of suffering. Subsequently, the entire first part of *Die Unvollendeten* constitutes a comment on the principles of *post ad bellum*. As I shall discuss in more detail in the next chapter, the crimes against ethnic Germans in the Sudetenland are shown to be inspired by and to emulate Nazi atrocities. The descriptions show how important it is to follow the principle of discrimination after an aggressive war: whilst the majority of the perpetrators escape, the remaining civilian population becomes the subject of manifold reprisals. The novel starts with human voices who warn each other: ‘!Heutmorgen sind Viele schon erschlagen & erschossen worden-’ (U, 5) which, together with the command to have ‘30 MINUTEN ZEIT –MIT HÖCHSTENS 8 KILO GEPÄCK PRO PERSON – AM BAHNHOF SICH EINZUFINDEN-DIEJENIGEN, DIE GEGEN DIESEN BEFEHL VERSTOSSEN, WERDEN NACH DEN KRIEGSGESETZEN BESTRAFT’ (U, 5, 15), marks the ‘Beginn jener *Wilden Vertreibungen*.....’ (U, 5). The question about the legitimacy of the ‘KRIEGSGESETZE’ does not arise: it is the spontaneously created law of the victor who makes the most of a chaotic situation in which the newly gained powers might not last very long. The Allies agreed in the Potsdam Conference in July 1945 ‘that any transfers that take place should be effected in an orderly and humane manner’.⁸¹

In reality, as Jirgl writes, the different occupiers of Germany argued ‘über die [...] Zahl der jeweils aufzunehmenden FLÜCHTLINGSKONTINGENTE’ (U, 6) in which the Americans insisted on obeying the agreements made at the Yalta Conference in February 1945: ‘25 Kilo Gepäck pro Person, keine Trennung der Familien, keine Evakuierungen vor 1946 -: Die Flüchtlinge kamen Einhalbesjahr zu früh, denn die tschechischen Behörden hatten der Willkür Freienlauf gelassen [...] (die sowjetische Seite ließ gewähren.....)’ (U, 6). For many expellees ‘Einhalbesjahr’ felt endlessly long and the agreements made in Yalta and Potsdam remained meaningless and inconsequential documents for them. Although the expulsions described in *Die Unvollendeten* were not based on any higher commands made by the Allied powers, the adjective ‘wild’ which is usually given to these expulsions is misleading. As R. M. Douglas writes:

⁸¹ R. M. Douglas, *Orderly and Humane* (New Haven and London: Yale University Press, 2012), p. 90.

Except in a very few instances, deportations as a result of mob action did not feature in the Europe of 1945. Rather, the so-called ‘wild expulsions’ were in almost every case carried out by troops, police, and militia, acting under orders and more often than not executing policies laid down at the highest levels.⁸²

Subsequently, the word ‘wild’ helped to create the myth of the expulsions as spontaneous reactions by a local mob, which exonerated all those who were really responsible. The use of capital letters in Jirgl’s text stresses the official nature of the expulsions.

As I examine in the next chapter, although some members of the local population exhibit signs of mob mentality, others feel visibly uncomfortable with the situation. The end of war leaves a legal vacuum which is filled by the arbitrary and despotic rule of the local administrators who frequently feel free to indulge in acts of retribution without being stopped by the Allies. In all the chaos caused by the lack of proper controls, women are particularly vulnerable to physical and sexual abuse from soldiers and victors. In *Die Unvollendeten*, Anna, the youngest of the four women, has to work in a Czech labour camp where she is raped every night: ‘Diesenächte: Ich hörte meine Unterwäsche, die 1zigen noch heilgebliebenen Sachen, zerreißen. [...] Aber Jedenacht hieß Weiterleben, vielleicht nur bis zur nächsten Nacht.’ (*U*, 20). Douglas writes that ‘[a]fter the war [...] the Red Cross recorded that the sexual abuse of female detainees by their captors was pervasive and systematic’.⁸³ Unsurprisingly, there were no enforceable principles of *jus post bellum* to protect the losers from the victors’ transgressions. As the protagonists of the scenes describing flight and expulsion are women, the texts draw particular attention to their plight. It appears that the weaker suffer more through the repercussions of war and thus need better protection from the victors. The presentation illustrates yet again an attitude of ‘might is right’.

The end and aftermath of World War II are also privileged themes of *Die Stille*. Here, however, it is also the retreating Germans who are held responsible for the unnecessary suffering of the civilian population. Besides the bombs dropped by Allied planes: ‘nur nachts will man sich in die offene Landschaft wagen, der Tiefflieger wegen die auf Alles&jeden schießen’ (*S*, 332), it is mostly the SS which

⁸² Douglas, p. 94.

⁸³ Douglas, p. 141.

hinders the quick flight of people: ‘Längst ist das-eigene-Volk=Derfeind, der letztmögliche, den MAN noch zerschlagen kann’ (S, 331). As the front moves eastward, members of the Red Army practise retaliation on ethnic Germans who did not want to flee from their village in East Prussia: ‘Die-Rote-Armee rückte ein in das Dorf. Vater Mutter Geschwister wollten vom Hof nicht lassen: erschossen; die Frau war oft vergewaltigt worden’ (S, 333). Disregarding ‘das lange Sterben das den-Toten folgt [...] fliehen sie: Wer-macht & eSeS (;?Wo mag der-Amerikaner jetzt sein-)’ (S, 335). Parts of the *Wehrmacht* have given up the defence and the duty to protect their fellow countrymen, which is encapsulated in the word *Wehr*. Their previous power or *Macht* has finally dissolved and created a temporary vacuum where nobody takes on the responsibility for all those who now symbolize the state which Agamben calls ‘mere life’, a state in which mental death precedes biological shut down. Disillusion with their own troops and the fear of the Red Army engenders a last hope that the Western Allies might relieve the suffering. A situation of anarchy and utter lawlessness is described: Agamben’s ‘state of exception’, a theoretical development of Schmitt’s notion of an exceptional political situation which leaves no space whatsoever for principles of just conduct. Here, during the final days of war, Kant’s ‘*inter arma silent leges*’ certainly holds true.

Post-war justice also includes the punishment of war criminals. As the subject is given greater attention in a separate chapter, I shall only give a short evaluation of the Allied trial of *ABTRÜNNIG* in this section. The novel fictionalizes the historical *Celler Hasenjagd* of April 1945 in which escaping inmates of concentration camps were hunted down and killed by a local civilian elite. The author adheres closely to historical accounts, as in the following accurate descriptions of the trial’s outcome: ‘Die ursprünglich gefällten 3 Todesurteile für die Haupt-Angeklagten wurden nicht vollstreckt, sondern, kaum ausgesprochen, in Zuchthausstrafen bis zu zehn Jahren umgewandelt. Doch bereits nach 4 Jahren wurden diese wie alle übrigen Angeklagten freigesprochen & aus der Haft wieder entlassen’ (At, 351). The trial was rendered ineffective for two main reasons: the parochialism of the local population and the changing of alliances during the increasingly fierce Cold War. The episode illustrates Orend’s point made in his paper *Justice after War* that, ideally, any war crime trial should be held on neutral territory and be supervised by judges who are not party to either side of the

conflict.⁸⁴ After the examination of Jirgl's texts in regard to the various rules of just war, it is apt to scrutinize the material in regard to one more closely related aspect of that topic, namely the nature and effectiveness of international agreements.

Scepticism towards International Contract Law

There are several textual passages which are marked by a strong scepticism regarding the contracts between warring parties or states. Their quantity alone necessitates a separate investigation. It needs to be examined, for instance, how strongly this mistrust of international agreements is connected to more general doubts about the principles of just war theory which are encapsulated in international law, such as The Hague and Geneva Conventions. The scepticism regarding international law has worthy predecessors in Rousseau and Kant but also in Carl Schmitt whose strong polemics against the Treaty of Versailles can be found throughout the last part of his *Der Nomos der Erde*.

In his essay *Principles of the Right of War*, Rousseau observes a pervasive social practice of 'justice of effectiveness'. He sees the 'human race crushed by a handful of oppressors [...] and everywhere the strong armed against the weak with the formidable power of the laws'.⁸⁵ Rousseau points out that in practice the law is abused in order to justify violence:

Whereas in princes' ideas [...] force alone, addressing Citizens in the name of law and foreigners in the name of *raison d'état*, renders the latter unable to resist, so that the vain name of justice serves everywhere only as a shield for violence. As for what is commonly called the right of nations, it is certain that for want of sanctions its laws are merely chimaeras.⁸⁶

Rousseau accuses the powerful of creating laws in their own expansionist interest or in order to maintain the social status quo. As Christopher Bertram writes, this 'text is a subversive reminder of the way in which we can use legal and moral reasoning as the self-deceiving cover for self-interest, hiding abstractions and concepts whilst the

⁸⁴ Orend, 'Justice after War', p. 54.

⁸⁵ Jean-Jacques Rousseau, 'Principles of the Right of War', in *Of The Social Contract and Other Political Writings*, ed. by Christopher Bertram (London: Penguin, 2012), pp. 149-68 (p. 153).

⁸⁶ *Ibid.*, p. 154.

corpses pile higher'.⁸⁷ Kant expresses similar sentiments when writing the following lines:

Bei der Bösartigkeit der menschlichen Natur, die sich im freien Verhältnis der Völker unverhohlen blicken läßt [...] ist es doch zu verwundern, daß das Wort Recht aus der Kriegspolitik noch nicht als pedantisch ganz hat verwiesen werden können [...] denn noch werden Hugo Grotius, Pufendorf u. a. m. [...] obgleich ihr Kodex, philosophisch oder diplomatisch abgefaßt, nicht die mindeste gesetzliche Kraft hat, oder auch nur haben kann [...] immer treuherzig zur Rechtfertigung eines Kriegsangriffs angeführt [...].⁸⁸

However, Kant argues further that the fact that leaders often speak about rights and justice in relation to warfare can be interpreted as a sign of our human aspirations. Unless a sovereign is cynically claiming that 'might is right' like 'jener gallische Fürst' who declared that it is 'der Vorzug, den die Natur dem Stärkeren über den Schwächeren gegeben hat, daß dieser ihm gehorchen soll'⁸⁹, he or she is likely to know the difference between 'justice of effectiveness' and 'justice of excellence' as the frequent

Huldigung, die jeder Staat dem Rechtsbegriffe (wenigstens den Worten nach) leistet, beweist doch, daß eine noch größere, obzwar zur Zeit schlummernde, moralische Anlage im Menschen anzutreffen sei, über das böse Prinzip in sich [...] doch einmal Meister zu werden und dies auch von anderen zu hoffen.⁹⁰

Kant, after mercilessly criticising human shortcomings, goes on to demand the creation of international institutions which advocate world peace.

Rousseau's and Kant's scepticism regarding the effectiveness of law during warfare nevertheless does not preclude a certain optimism and desire regarding the change of the status quo. What Spector describes in respect of Rousseau's writings as a 'vacillat[ing] between 'legal utopianism' and 'historical scepticism' can equally be applied to Kant's words.⁹¹ Kant, who cannot logically reconcile 'war' and 'justice', draws the most radical conclusion from his insight: only a world

⁸⁷ Ibid., p. xxxv.

⁸⁸ Kant, *Zum ewigen Frieden*, pp. 32-33.

⁸⁹ Ibid., pp. 33-34.

⁹⁰ Ibid., p. 33.

⁹¹ Spector, p. 27.

government with a codex of peace-preserving laws can guarantee lasting peace and justice. Meanwhile, however, those in power have a moral obligation to obey the basic rules of *jus ad bellum*, *jus in bello* and even of *jus post bellum* which are listed in §56, §57 and §58 respectively of Kant's *Vom Völkerrecht* and which also serve as the foundation of Orend's Kantian just war theory.⁹² The same can be said of Rousseau, whose criticism of the farcical implementation of international law is explained by the corruption of the ruling classes and who leaves open the possibility that Princes discover their true interests by the correct use of reason. Both thinkers like to believe in the improbability of the existing law.

Before commenting on the degree of doubt, disillusionment or 'legal utopianism' in respect of international contract law which can be discerned in Jirgl's historical novels, it is illuminating to cast a quick look at Schmitt's dismissal of the League of Nations and the Versailles Treaty. Schmitt writes that the League of Nations, instead of preventing future wars, 'erlaubt Krieg, fördert Koalitionskriege und beseitigt eine Reihe von Hemmungen des Krieges dadurch, dass er gewisse Kriege legitimiert und sanktioniert'.⁹³ Schmitt's critique includes the Versailles Treaty which was judged by him and many others to be too harsh and which ultimately led to a 'continuation' of war. Two short references in *Die Stille* point to the disastrous consequences of that treaty. First, during the interwar period Wilhelm tells his friend Werner: '*In-der-Politik braut sich Was zusammen. Versailles war nicht das Tor zum Frieden, es war die Fall-Tür zum Nächstenkrieg*' (S, 160). Secondly, after Georg and his son Henry have spoken about World War I, Henry generalizes that

kein Krieg der letzte ist, sondern daß die-Verlierer des einen Krieges, wenn sie nicht grad zu Staub zerstampft wurden, wieder auferstehn & durch die erlittene Provokation ihrer Niederlage daraufhin mittels ihrer Antwort die Besieger durch eine größere Provokation zu übertrumpfen suchen. (S, 195)

Both statements are expressions of the thesis that Germany's humiliation at the end of World War I, through both her defeat and the subsequent harsh measures

⁹² Brian Orend, *War and International Justice – A Kantian Perspective* (Ontario: Wilfrid Laurier University Press, 2000).

⁹³ Schmitt, *Der Begriff*, p. 57.

prescribed by the Treaty of Versailles, ultimately contributed to the ascent of Nazism and remilitarization. In particular, Article 231, which ‘stated that Germany and her allies were responsible for the war and the damage it had caused’, led to widespread national resentment.⁹⁴ This criticism of the Treaty of Versailles is part of a more general scepticism which is the subject of the following paragraphs.

The first example from *MutterVaterRoman*, which reaches back to the twelfth century, is based on two historical sources relating to the area around Salzwedel, the town where Reinhard Jirgl grew up. The first comment is taken from the *Altmaerckische Chronik* (1736) and conveys the main facts of a battle in 1152 which itself constitutes one piece of the book’s greater Martian collage. Described is a bloody dispute between the two heirs of a murdered count: ‘Es entstand ein Krieg zwischen Hertzog Henrico und Marggraffen Adelberto’ (*MVR*, 56). The king interferes and enforces a short-lived peace: ‘Daß aber der zwischen diesen beyden [...] gestiftete Friede nur von kurzer Daurung gewesen, erhellt aus der Petersbergerischen Chronic [...] beym Jahr 1153’ (*MVR*, 56). The narrative continues in a more fictional manner under the heading ‘LEGENDE’ (*MVR*, 56). Here, ‘LEGENDE’, which has different meanings, is most likely to be used to characterize a text which is neither a ‘historische Wahrheit’ nor a ‘literarische Fiktion’ but exists ‘in einem Bereich zwischen diesen beiden Polen’.⁹⁵ It is likely to be based on the legendary account of Albert’s life as told by Caspar Sagitari.⁹⁶ The legend starts with a description of famine and devastation: ‘weils der Bauern zuwenige & der Schlachten zuviele geworden’ (*MVR*, 56). Albrecht, cunningly, invites Heinrich ‘zur Unterzeichnung des Friedens’ (*MVR*, 56) into his castle where he kills his brother during the subsequent festivities (*MVR*, 57). Continuity with more recent German history is achieved by a temporal shift to the times of the Third Reich. A group of boys from Birkheim, Jirgl’s fictional name for Salzwedel, where the novel is partly set, re-enact the legendary murder of Heinrich: ‘Der ist...tot! Albrecht [...] Du hast deinen Bruder totgemacht’ (*MVR*, 57). Albrecht comes up with the ultimate justification: ‘Und wenn schon! [...] Krieg-is-Krieg, und Der war ein Feind!’ (*MVR*, 57). The representation of the historical event follows a trajectory from chronicle to

⁹⁴ Mary Fulbrook, *History of Germany 1918-2000* (Oxford: Blackwell, 2002), p. 25.

⁹⁵ *Metzler Lexikon Literatur*, ed. by Dieter Burdorf and others (Stuttgart and Weimar: Verlag J. B. Metzler, 2007), p. 425.

⁹⁶ ‘Caspar Sagitari, *Geschichte der Marggraffschaft Saltzwedel in welcher besonders Albrechts des Baeren Leben und Thaten*, ohne weitere Angaben’, (*MVR*, 379).

fiction via the legend. As Hayden White remarks: ‘In historical discourse, the narrative serves to transform into a story a list of historical events that would otherwise be only a chronicle’.⁹⁷ Here, the gradual development from chronicle to fiction, which is tied up with two temporal leaps, adds content to the basic facts and serves to transmit a sense of historical pessimism. The peace treaty in the story turns out to be a deadly trap. Albrecht defeats his rival Heinrich in a fashion which even Machiavelli, four hundred years later, only recommends as a last resort.⁹⁸ Equally pessimistic is the final part of the narrative in which the boys re-enact the old legend of Albrecht’s deceit. The boy’s proclamation ‘Krieg-is-Krieg, und Der war ein Feind!’ (*MVR*, 57) illustrates the power of ideological indoctrination which all too easily leads to an attitude in which the end of winning a war justifies the means of doing so.

The novel *ABTRÜNNIG* contains a passage on the much more recent Hitler-Stalin pact. A Ukrainian woman, who today lives in Germany, relates her complex family history:

-Meine Familie stammt aus Białystok, einer Industriestadt im Nordosten Polens, etwa 50 Kilometer von der russischen Grenze entfernt [...] -1939 rückte Die-Rote-Armee in Białystok, ein, unsere Stadt fiel dadurch der Sowjetunion zu. Es hieß, das geschah durch Einen Vertrag der-Russen mit Hitler. Und weil unser Familienname deutsch klang – unsere Vorfahren waren einst aus Preußen eingewandert - beargwöhnten uns jetzt die neuen kommunistischen Behörden. (*At*, 19)

Although the woman has reasons to feel resentment, her choice of words such as ‘Sowjetunion’ and ‘Rote-Armee’ instead of ‘Russland’ and ‘die Russen’, reveals a certain loyalty to the USSR, the state in which she, due to historical contingencies, ultimately grew up. The passage also underscores the problem of nationality in an area which was constantly disputed by different rulers and in which the local population appear to be mere pawns in a game of power.

The deadly consequences of the Hitler-Stalin pact for Polish citizens are also the subject of an episode in *Die Stille*: the story of Werner’s secret lover Isolde, who is Jewish and Polish. She shares the destiny of the majority of Polish Jews:

⁹⁷ White, *Content*, p. 43.

⁹⁸ For historical examples see chapter 8 of Machiavelli’s *Il Principe*.

‘Neununddreißig, als die-Wehrmacht Polen überfallen & besetzt hatte, war Isolde den-Judenjägern, die den Blutspuren der-Wehrmacht überallhin folgten -, zugefallen.....’ (S, 279). The duration of the year 1939 in the subjective experience of the victims is visualized by the length of the spelled-out numeral. The text also works against the myth of a ‘clean’ *Wehrmacht* following the rules of a just war that persisted in Germany until the end of the last century. As a consequence of the Hitler-Stalin Pact many ordinary people chose the wrong alliance or found themselves in a no-win situation. Isolde has returned to her native town of Przemysl, which is now ‘2geteilt : westlich des Flusses San die-Deutschen / östlich die-Russen (Polen gab es nicht mehr)’.⁹⁹ In the east of the city

die Scharen derer, die von den-Russen zusammengetrieben & ABGEFÜHRT wurden -;- Polen u: Juden im Westteil der Stadt wähten sich in=Sicherheit, da begannen auch hier die Zusammentreibungen..... MAN hatte Isolde u deren Eltern deportiert, mit Vieltausenden waren sie=alle in den-Lagern: *verschwunden*. (S, 280)

Here, the capital letters do not represent the language of power but stand for the deeds of the powerful as well as the predominantly male perpetrators of despotism. The text suggests that many of the Jews made the fatal mistake of fearing the communist Red Army more than the anti-Semitic Germans. Interestingly, with the use of ‘u:’, Poles and Jews are, according to Jirgl’s manual, positioned as a ‘Gegensatzpaar’.¹⁰⁰ This captures the hierarchical order of persecution: a Polish Jew is first of all Jewish and therefore lower down the ethnic scale than a mere Slav. The German occupiers could build on a history of Polish home-grown anti-Semitism, which after the motto of *divide et impera*, helped to ‘normalize’ the concentration and extermination of Polish Jews. The sudden use of italics in ‘*verschwunden*’ is an effective visual means to engender the feeling of the dread of unknown horrors.

The apocalyptic interlude in *Die Stille* and the dystopian novel *Nichts von euch Erden* contain material which points to an even greater mistrust of international contracts and laws. In *Die Stille*, the mass of people have become victims of a ‘rundum informierte[s]=Unwissen’ (S, 317-18) and are utterly surprised by a global war: ‘Der-Letzte-Krieg trat aus den-Bildschirmen heraus & Türen u Wände ein,

⁹⁹ Note the double reference of the word ‘San’ here.

¹⁰⁰ For a list of rules see, for instance, Jirgl’s *Abschied von den Feinden*, p. 325.

!ganzplötzlich prasselte Entsetzen nieder auf die-Städte über-All=Aufderwelt zur Gleichzeit' (S, 318). The subsequent war is characterized by complete lawlessness in which 'Abkommen, Pakte, Verträge, - kurzerhand zerrissen, - Vereinbarungen, von den Tischen gewischt wie Pfützen verschütteten Biers' (S, 319). The theme is continued in *Nichts von euch auf Erden*, where the last battles about scarce resources are fought with all possible might:

Mitunter schien es, Einsicht Vernunft Wille-zum-Frieden könnten obsiegen; - doch Herren in dunklen Anzügen Damen in dezenten Kostümen, feierlich & korrupt [...] konferieren das Ungeschick der Staaten [...] Eigen=Interessen durchfechtend bis zum-Äußersten [...] solange sie mit=Obenauf sein&bleiben können beim Wiederneuverteilen-der-Märkte [...] Kalkulationen auf Ruin & Tod von Vielmillionen heißen fortan Erhalt-des-Friedens Bewältigung-der-Wirtschaftskrisen
-. (N, 8)

These portrayals of future conflicts are full of pessimism regarding human progress. Kant's utopian hopes: '*Einsicht Vernunft Wille-zum-Frieden könnten obsiegen*' have been proven to be chimeras in a world where '*Vertragbruch & Verrat*' (N, 8) prevail and in which well-educated women have joined men in their Machiavellian battles for market domination.

The four novels display a clear mistrust of international agreements and convey no sign of utopian legalism. An exception is made in *Die Unvollendeten*, where it is acknowledged that the wild expulsions in the Sudetenland were stopped by the Allies after six months and, as already mentioned, the Americans made an effort to stick to contracts. They had insisted on obeying the agreements made at the Yalta Conference in February 1945: '25 Kilo Gepäck pro Person, keine Trennung der Familien, keine Evakuierungen vor 1946 -:' but unfortunately, '[d]ie Flüchtlinge kamen Einhalbesjahr zu früh' (U, 6).

Conclusion

As Thomas Nagel has argued, the paradoxical tension between absolutist restrictions, as embodied by the just war codex, and utilitarian considerations cannot be resolved within any complex war situation. He does not therefore reject the theory as unnecessary: after all, moral dilemmas can only occur if there are moral boundaries, but he concludes that: ‘We have always known that the world is a bad place. It appears that it may be an evil place as well’.¹⁰¹ Nagel’s words could easily serve as a leitmotiv for Jirgl’s representations of war. The better part of the relevant textual material expresses varying degrees of a historical pessimism combined with the disbelief in the effectiveness of institutionalized international law. In *MutterVaterRoman*, Albrecht betrays and murders Heinrich nine hundred years ago on the pretext of a peace offer. The wild expulsions which are described in *Die Unvollendeten* happen in spite of the Allied agreements signed in Yalta and Potsdam. During that time, Anna, the teenage girl, has to put up with nightly rapes in one of the many labour camps for ethnic Germans. The novel *ABTRÜNNIG* deals with the betrayal of ordinary Polish people as a consequence of the Stalin-Hitler Pact, Allied carpet bombings and the continued practice of torture and cruelty throughout human history. Many episodes point to the volatile and anarchic situation after the end of a major war. Whether it is the crisis between the two World Wars or the expulsion of ethnic Germans: either disaster is related to the existence of contracts. Passages in *Die Stille* refer to the Treaty of Versailles as a contributing factor to another German-led war whilst the wild expulsions are an example of existing agreements often being ineffective. The lack or insufficiency of any principles of *jus post bellum* is, in many cases, at the centre of unnecessary suffering.

However, indicators of a belief in the necessity of rules and regulations are not entirely absent from Jirgl’s texts. The complete first part of *Die Unvollendeten* can be read as an illustration of the importance of *jus post bellum*. There is an acknowledgement of the improvement of the expellees’ situation after the Allies put a stop to six months of ‘wild expulsions’ and started to follow the agreements signed at the conferences of Potsdam and Yalta. The court case in X., following the

¹⁰¹ Thomas Nagel, ‘War and Massacre’, *Philosophy and Public Affairs*, 1.2 (1972), 123-44 (p. 144).

massacre of escaped prisoners, does likewise: although pointing out that too little justice was done, the episode tries to lay bare a number of reasons behind the final, somewhat inadequate outcome. A greater degree of justice could have been achieved if this trial, as well as other war crime trials, had been conducted on neutral ground. After all, according to Jirgl's own words: 'eine 'getrübte' Gerechtigkeit, wie nach den Nürnberger Prozessen, ist immer noch besser als keine Gerechtigkeit'.¹⁰² Although Jirgl tries to illustrate his thesis that in all wars 'dasjenige Feindesmuster mit dem größten Vernichtungspotential' ultimately forces exactly the same destructive pattern upon all other 'Kriegsparteien', the texts still depict the Allied troops as being ethically superior to SS and *Wehrmacht*.¹⁰³ The Red Army, although at times retaliating with shootings and rapes, does not operate by the *lex talionis*. The crimes committed against civilians of German ethnicity do not measure up to the fears of the population which are raised by the many horrifying rumours and speculations. The US Army tries to stick to the agreements made in Potsdam and the British occupants do their best to prosecute the war crimes in the city of X. Ultimately, within the novels, all the parties that started World War II justly, as a defence, make some effort to obey the rules of just war, whereas there is no textual evidence whatsoever that the SS or the *Wehrmacht* did the same. There is then a degree of differentiation between the behaviour in war and the reasons a country's army went to war.

Jirgl's texts express a high degree of historical and political scepticism which includes doubts about the effectiveness of just war theory and its principles which is paralleled by the realities of current warfare. Part of that cultural pessimism is due to the great influence of Carl Schmitt's theories on the author. That this is problematic, especially because of Schmitt's sympathies for a Nazi society, has been discussed in the introduction. However, as the examples above show, steps towards greater justice in connection with wars are not dismissed as being completely futile. They make a difference and, as in the case of the 'truce' which enabled Werner to rescue Wilhelm, are sometimes spontaneous expressions of the better side of human animals and our human propensity for friendship. The texts are the realist reflections on a belligerent reality that does not altogether cut off possibilities for a better future: a future which

¹⁰² Reinhard Jirgl, 'Entdecken heisst die Wiederkehr von Realität', *Neue Zürcher Zeitung*, 15 August 2007.

¹⁰³ Jirgl, 'Endstation Mythos'.

is mutable subject to unexpected, chance events which might well disrupt the eternal repetition of past errors. Part of this indetermination in regard to the future is the novel's increasing acknowledgement of the causal complexity of the reasons for war. The books written after the demise of East Germany undergo a shift away from declaring subconscious sexual and aggressive drives as *prima moventes* for war. There is a gradual change towards a view which includes economic conditions as well as the lust for power of ruling elites. This change is marked by a greater historical realism and increased historical contextualization in the later novels. More arguable perhaps is the thought that the scarcity of energy resources and food will finally erode the entire concept of justice: *Nichts von euch auf Erden* offers a dystopian vision of a world in which the strongest will do anything to get hold of whatever is left for the survival of our species. In this scenario cultural conflicts have been settled in the past and are superseded by economic struggles for survival which go hand in hand with fights for political power. Up to that point, Jirgl's historical pessimism leaves some spaces, albeit small ones, that are either expressions of the better side of human aspirations or entirely subject to chance, for the implementation of just rules.

The next chapter, which examines the ethical dimensions of various acts of violence and their relationship to the Law, further elucidates these problems and the widespread suffering which is caused by the absence of *jus post bellum*. The most prominent textual examples of this describe the flight and expulsion of ethnic Germans in the aftermath of World War II. The second theme of the following chapter is, however, not related to the violence caused through war; it is an investigation of the reasons for and the ethical implications of cases where protagonists take the law into their own hands.

2

Injustice: A View from Nowhere?

When asked about his attitude to ethics in an interview, Jirgl answered: ‘Ich habe keine Paradigmen, sage nicht, was wahr oder falsch ist. Die Ethik liegt vielleicht im Zulassen [...] Also eine Art von Zulassungsethik, wenn man das sagen kann. Aber ich versuche mich an keiner ethischen Interpretation der Welt.’¹ It is, however, arguable whether the choice of the author’s subject matter is not itself a proper value judgement that concerns the state of human affairs and the search for historical truth. A careful reading of the texts might therefore reveal Jirgl’s partiality with regard to acts of violence and injustice. This chapter is divided between two major themes which feature cases of violence and injustice that are productive for discussion: first the descriptions of events, victims and perpetrators in the wake of World War II and secondly cases of taking the law into one’s own hands, many of which are contextualized within the more recent past of Germany’s history. Moreover, both parts pay attention to the author’s idiosyncratic style: the various forms of visual representation that he uses in order to add additional meaning to his texts.

The focus of the first part is on the author’s representation of those human agents who defy an easy categorization into either passive victims or active perpetrators: those who are part of an area in which the distinction between the two categories becomes blurred. In addition, and in response to serious criticisms by leading scholars, it examines the depictions of victims and perpetrators for the ways in which the author differentiates between both. The textual analysis of the relevant passages will be decisive in evaluating Jirgl’s writing within the ongoing debates about the cultural and political evaluation of Germany’s Nazi past and how far he articulates a ‘non-committal’ attitude to ethics. The second part of the chapter is an analysis of the most controversial cases of taking the law into one’s own hands in Jirgl’s novels. One important question is whether or not these often very violent reactions against injustice are in themselves just or unjust, permissible or impermissible and whether their representation is indeed devoid of any ethical

¹ Werner Jung, “Material muss gekühlt werden”: Interview mit Reinhard Jirgl, *neue deutsche literatur*, 46.3 (1998), 56-70 (p. 61).

judgement. The chapter will provide an analysis of the ethical content of the different cases: are the particular unlawful actions self-indulgent and motivated by personal resentment, or do they constitute genuine acts of civil disobedience and courage in the face of true injustice? Lastly, in both parts of the chapter the analysis regarding the texts' cultural and historical pessimism, which can be traced throughout this dissertation, continues. Part one, which follows, is also part of a wider discourse about the possibility as well as the appropriate means of representing Germans as victims after the Holocaust.

The Upheaval of Fascism: Victims and Perpetrators

The debate surrounding the representation of Germans as victims started to gain momentum after the publications of *Luftkrieg und Literatur* (1999) by W. G. Sebald, *Im Krebsgang* (2002) by Günter Grass, and the highly controversial book on the Allied bombing of Germany, *Der Brand* (2002) by Jörg Friedrich. These were followed by a great number of books, films and documentaries dealing with the bombings of German cities, rape of German women by (mainly) Russian soldiers and flight and expulsion of ethnic Germans from Eastern Europe.² Other, equally important public events, such as the *Historikerstreit* (1986), the *Crimes of the Wehrmacht* exhibition in the 1990s, discussions of Daniel Jonah Goldhagen's *Hitler's Willing Executioners* (1996), the debate between Martin Walser and Ignatz Bubis (1998), the unveiling of the Berlin Holocaust memorial (2005) and the exhibition *Erzwungene Wege* (2006), offered new perspectives on Germany's Nazi past. This led to continued *memory contests* which Mary Cosgrove and Anne Fuchs define as 'highly dynamic public engagements with the past that are triggered by an event that is perceived as a massive disturbance of a community's self-understanding'.³ All this contributed to a renewed discussion about the borderline between the permissible and the impermissible in representations of the Nazi past, the question whether German suffering must always be historically contextualized in

² For the possible reasons for that upsurge in public interest see Aleida Assmann, *Der lange Schatten der Vergangenheit: Erinnerungskultur und Geschichtspolitik* (München: C. H. Beck, 2006), pp. 192-94.

³ Elizabeth Boa, 'Lost 'Heimat' in Generational Novels by Reinhard Jirgl, Christoph Hein, and Angelika Overath', in *Germans as Victims in the Literary Fiction of the Berlin Republic*, ed. by Stuart Taberner and Karina Berger (Rochester, New York: Camden House, 2009), pp. 86-101 (p. 86).

ways which depict it to be the result of atrocities first committed by Germans and, lastly, the question of a hierarchy of suffering in which Auschwitz must come first.

Within Jirgl's novels, the largest group of people who fall victim to historical upheavals and contingencies are the expellees from the former German territories of what is today part of Poland and the Czech Republic. They provide the major theme of his most accessible and widely read novel *Die Unvollendeten* but they are also prominent in sections of *Die Stille*. In the GDR the subject of German re-settlers, flight and expulsion had been surrounded by an official taboo whereas those topics dominated the discourse in the Western zones at least until the late fifties. There is, for instance, an abundance of literature on German suffering disseminated before the social changes of the late sixties in the Federal Republic. In fact, Robert G. Moeller and others argue in two collections of essays under the title *Germans as Victims* that a real taboo never existed in either Germany.⁴ A similar conclusion was reached in a discussion amongst writers and commentators triggered by the publication of W. G. Sebald's *Luftkrieg und Literatur*. Sebald argues that accounts of the Allied bombings, flight and expulsion were largely absent in German literature. Jirgl, who disagrees, points out that realistic descriptions of the life of refugees and of the flight itself can be found in many literary works:

Ein Beleg dafür ist nicht zuletzt die gesamtdeutsche Literatur aus dieser Zeit, und keineswegs jene aus landsmannschaftlich gestimmten Nischen. Bei Uwe Johnson oder Walter Kempowski, bei Erwin Strittmatter oder bei Christa Wolf, Heinrich Böll oder bei Arno Schmidt schreiben sich zu diesem Thema durch die unterschiedlichsten Werke deutliche Spuren; denen widerfuhr in der Rezeption selten Aufmerksamkeit. Dies deutete einen Wendepunkt an. Neben der allfälligen Gleichgültigkeit von Menschen gegenüber dem Leid ihrer Nachbarn dürften die Gründe für das Desinteresse am Vertriebenenthema vor allem an der sozialen Umorientierung in den sogenannten Wiederaufbau-Jahren liegen.⁵

Jirgl thus continues writing about a theme which has a tradition in post-war German literature. What is new, however, is that the topic of flight and expulsion has by now become a focus of public interest and widespread debate. Somewhat optimistically,

⁴ See, ed. by Taberner and Berger pp. 15, 42, 164, 202 and *Germans as Victims: Remembering the Past in Contemporary Germany*, ed. by Bill Niven (Basingstoke and New York: palgrave, 2006), chapters 1, 11, 12.

⁵ Reinhard Jirgl, 'Heimat und imperialistische Utopie: Zur Wiederentdeckung einer Ressource', in *LuB*, pp. 231-49 (p. 231).

Jirgl summarizes the reasons for the changes and for the greater freedom to write about German suffering thus: ‘In der Gegenwart des Abklingens von Denkweisen des Kalten Kriegs und der sich öffnenden Archive kann nun auch dieser weiße Fleck im Erzählerischen literarisch besiedelt werden, und zwar erstmals ohne jegliches Ressentiment und besonders ohne die Perpetuierung gegenseitigen Schuldzuweisens’.⁶

However, in respect of the German expellees, the far greater suppression of the subject in the GDR was exemplified by the fact that the words *Umsiedler* and later *Neubürger* were officially used in the Eastern zone as euphemisms to distract from the fact that the expellees fled from the approaching Red Army. As Bill Niven points out:

there was little scope in this official success story [of having integrated 4 million ‘resettlers’] for public articulation of the past sufferings of the ethnic Germans at the hands of the Poles and Czechs – who were, after all, the GDR’s neighbours in the socialist bloc – and even less scope for criticism of the Russians.⁷

This is relevant insofar as Jirgl describes in *Die Unvollendeten* the plight of three generations of women who ended up as *Neubürger* in East Germany, a country without *Vertriebenenverbände*. Jirgl admits to using ‘die eigene Familiengeschichte’ as a background for *Die Unvollendeten* to a degree, thereby stressing the autobiographical character of the book.⁸ Clearly, there is then a greater demand and a late opportunity for the articulation of the experiences of those refugees who settled in the Eastern zone.

Today the debate continues, albeit less ferociously and the *memory contests* have somewhat abated. According to Berger and Taberner, the post-unification discussions helped to open up the space for an acknowledgement of ‘both the complexity and fundamental unknowability of the past’ and ‘we now see the emergence of a more fluid, less monolithic, and often more fragmented discourse on the years 1933 to 1945’.⁹ They argue further that there is recognition ‘that German perpetrators might also have been victims’ and it seems that ‘today’s debate on

⁶ Jirgl, ‘Nachlaß zu Lebzeiten’, in *GT*, pp. 815-33 (pp. 821-22).

⁷ Bill Niven, ‘Introduction’, in ed. by Niven, p. 3.

⁸ Jirgl, ‘Nachlaß zu Lebzeiten’, in *GT*, pp. 815-33 (p. 822).

⁹ Stuart Taberner and Karina Berger, ‘Introduction’, in ed. by Taberner and Berger, pp. 1, 3.

Nazism centres on the effort to reconcile empathy with ‘real’ historical actors, their choices and limitations (individual choices and objectively ‘given’), with more abstract notions of historical justice, universal ethical imperatives, and personal responsibility’.¹⁰ The recent controversies about the television drama *Unsere Mütter, Unsere Väter* (dir. Philipp Kadelbach, 2013), show that the representation of perpetrators who appear also to be the victims of circumstance is a highly problematic one, ending possibly in the exoneration of the perpetrators in the eyes of some viewers. Ultimately, it is important that this process of greater openness towards the historical actors of the past is ‘set within a framework that wards against the risks of relativization and revisionism’.¹¹ Besides attempts to relativize or revise the Nazi past it is also the ‘normalization’ of that historical era which needs to be avoided. Surprisingly, it was the Red-Green coalition who governed in Germany from 1998 until 2005, which advocated, as part of a tendency to greater de-politicization, such ‘normalization’. According to Niven, ‘the very generation which insisted in the 1960s and 1970s that West Germany must face its Nazi past was suddenly given to implying, if not exactly stating, that this past had been faced, and that Germany could move on’.¹²

Considering the polarized and complex nature of the debate on how to approach Germany’s Nazi past which gripped the German public immediately after the reunification, it is not surprising that critics have either warmly praised or roundly condemned Jirgl’s fictionalizations of events which happened in that era. The critical debate focuses predominantly on the reception of *Die Unvollendeten* and only very occasionally on passages from *ABTRÜNNIG* and *Die Stille*. Each of those three novels belongs to Jirgl’s more realist oeuvre and contains significant material which is set against the background of historical facts surrounding Germany’s Nazi past. The following textual analysis includes an evaluation of the main critical debates regarding Jirgl’s representation of Germans as either victims or perpetrators.

An important and recurring criticism that needs to be addressed in this chapter is the frequent accusation by scholars that Jirgl universalizes atrocities, injustice and suffering. The implicit charge is that the universalization of suffering in the context of the Nazi past is a form of relativism which devalues the suffering of

¹⁰ Ibid., p. 1.

¹¹ Ibid., p. 4.

¹² Niven, ‘Introduction’, in ed. by Niven, p. 9.

Holocaust victims. The question of relativism in connection with Germany's past was raised in the *Historikerstreit* of 1986 in which an attempt was made to relativize the centrality of the Holocaust by historians such as Ernst Nolte and Andreas Hillgruber.¹³ Retrospectively, Mary Nolan summarizes the controversial debate thus:

The *Historikerstreit* focused on the uniqueness of the Holocaust and the structural and systemic causes of genocide. It debated the legitimacy of comparisons between the Holocaust and the crimes of other nations and the validity and implications of emphasizing continuities between the Third Reich and other German states and societies that preceded and followed it.¹⁴

There are many different reasons why some historians and writers, Jirgl being one of them, reject the thesis of the uniqueness of the Holocaust. In his essay *Die Diktatur der Oberfläche*, he points out

daß an jegliche der Hitlerschen folgenden Diktaturen in Europa jene Hitlersche zynisch den Maßstab für das Absolute an Schrecken nachreichte, und die Apologeten jener Nachfolger, mentaliter allemal vom selben Schlag, höhnisch ihre ethische Überlegenheit nebst der eigenen Unvergleichbarkeit mit dem Vorläufer für sich reklamieren, indem sie vorrechnen, es ja nicht so weit wie Hitler getrieben zu haben.¹⁵

Problematic in this citation is, however, the exclusive reference to recent *European* dictatorships. The plural 'dictatorships' indicates that Jirgl speaks of the entire Eastern Bloc. Whilst a comparison between either Pol Pot, Stalin or General Pinochet and Hitler might be conceivable, to put, for instance, Erich Honecker on a level with any of those three is problematic. By contrast, the Holocaust survivor and author Ruth Klüger argues against the uniqueness of the Holocaust in a way which is explicitly aimed at the danger of a normalization of mass killings: 'Im Grunde wissen wir alle, Juden wie Christen: Teile dessen, was in den KZs geschah, wiederholt sich sich vielerorts, heute und gestern, und die KZs waren selbst

¹³ See: *Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der national-sozialistischen Judenvernichtung* (München and Zürich: Piper, 1987).

¹⁴ Mary Nolan, 'The *Historikerstreit* Twenty Years On', *German History*, 24.4 (2006), 587-607 (p. 587).

¹⁵ Jirgl, 'Diktatur der Oberfläche', in *LuB*, pp. 33-52 (p. 36).

Nachahmungen (freilich nur einmalige Nachahmungen) von Vorgestrigem'.¹⁶ For the critic Clemens Kammler, even this is unacceptable. Commenting on Klüger's statement, he writes: 'ausgerechnet diese Autorin scheint sich in einem entscheidenden Punkt auf die Seite der Harmonisierer zu schlagen, wenn sie die These von der Einzigartigkeit des Holocaust zurückweist und in ihr die Gefahr einer Neutralisierung heutiger Völkermorde angelegt sieht'.¹⁷ Klüger is afraid that the claim of the uniqueness of the Holocaust will be instrumentalized in order to belittle present and subsequent atrocities. In principle, Jirgl shares that sentiment, yet by including the policies of regimes that did not resort to large scale organized murder of their citizens in his comparison, he devalues the enormity of the Holocaust. As a lack of historical differentiation is incompatible with an impartial *Zulassungsethik*, it is important to explore to what extent Jirgl's representation of atrocities indeed contains universalizations of perpetrators, victims and war crimes, and whether they diminish the caesura of the Holocaust.

A closely related and much debated issue specifically regarding *Die Unvollendeten* is the question of whether or not Jirgl writes about German victimhood against the background of German atrocities and the Holocaust. As Cosgrove writes: 'The imperative to position German victimization within the context of German perpetration demonstrates just how tricky it is to write about German suffering in an ethical manner that is also aesthetically convincing'.¹⁸ At one end of the debate there is the following statement by Kai Artur Diers who writes about *Die Unvollendeten*, to which one of the three chapters of his thesis is dedicated:

Jirgl leaves out the Holocaust completely in *Die Unvollendeten* [...] Jirgl leaves out contexts. He falls short of illustrating the humiliating treatment that the Czech population endured during the Nazi occupation of the Sudetenland. There is not one sentence in which he mentions the reasons for the Czechs' hatred of the Germans.¹⁹

¹⁶ Ruth Klüger, *weiter leben: Eine Jugend* (München: Deutscher Taschenbuch Verlag, 1994), p. 70.

¹⁷ Kammler, 'Literarisches Lernen', p. 99.

¹⁸ Mary Cosgrove, 'Narrating German Suffering in the Shadow of Holocaust Victimology: W. G. Sebald, Contemporary Trauma Theory, and Dieter Forte's Air Raids Epic', in ed. by Taberner and Berger, pp. 162-76 (p. 165).

¹⁹ Kai Artur Diers, 'Cultural Memory, Identity and Representations of Flight and Expulsion', (doctoral thesis, Rutgers University New Jersey, 2007) <http://lefty64.scc-net.rutgers.edu/dlr/TMP/rutgers-lib_22860-PDF-1.pdf> [accessed 23 July 2011] (p. 127).

In complete contrast, Timm Menke has listed the most important analogies between the expulsions and the Holocaust, which he calls ‘Shoah-Assoziationen’ as follows:

Die Deportationen zum Beispiel, die gewaltsamen Evakuierungen der einheimischen Deutschen aus ihren dann enteigneten Häusern, ihr Marsch durch die Stadt zum Bahnhof, um dort in Waggons verladen und abtransportiert zu werden [...] Auch wird die deutsche Bevölkerung in der Tschechoslowakei gezwungen, als Nationalitätsausweis weiße Armbinden zu tragen [...] Außerdem der Geruch bei der Leichenverbrennung im Fußballstadion nach dem Mord an den SS-Männern und auch die Urangst der in der Scheune zusammengetriebenen Menschen.²⁰

Menke claims that these parallels do not constitute an ‘Aufrechnung oder ein Wertvergleich der Grausamkeiten’ but on the contrary aim at the ‘Sichtbarmachung der Ursachen für die Verbrechen, die seit 1933 vom faschistischen Deutschland ausgingen und zu dessen sekundären Opfern eben auch die deutschen Heimatvertriebenen zu zählen sind’.²¹ Yet such a *Parallelisierung* can just as easily be read as a relativization of Nazi crimes. Helmut Schmitz summarizes the problem:

One of the most striking features of recent representations of German suffering is that they appear to be in competition with the legacy of the Holocaust. [...] they frequently borrow from Holocaust imagery and tropes in order to attain gravity and legitimacy. Through this rhetorical operation, German victims are allocated a status similar to that of Holocaust victims.²²

There is undoubtedly some historical justification for pointing to parallels in the treatment of Germans. Keith Lowe’s account of the Europe-wide violence during the first years after the Second World War suggests that the ‘Shoah-associations’ of *Die Unvollendeten* are based on historical facts and that post-war acts of retribution were often informed by previous Nazi practices:

²⁰ Timm Menke, ‘Reinhard Jirgls Roman *Die Unvollendeten* – Tabubruch oder späte Erinnerung?’, *Glossen*, 20 (2004) <<http://www.dickinson.edu/glossen/heft20/menke.html>> [accessed 10 May 2011].

²¹ *Ibid.*

²² Helmut Schmitz, ‘The Birth of the Collective from the Spirit of Empathy: From the ‘Historians’ Dispute’ to German Suffering’, in ed. by Niven, pp. 93-108 (p. 103-04).

Forced labourers in Czechoslovakia were also routinely humiliated in ways that deliberately emulated the Nazi treatment of Jews. Thus they were made to wear swastikas, white armbands, or patches of material painted with the letter 'N' (for Němec, meaning German). When taken outside the internment camps on work duties they were frequently forbidden from using public transport, entering shops or public parks, or even walking on the pavement. The spectre of Nazism was often invoked during beatings and other 'punishments', particularly when the camp guards had themselves been victims of Nazi cruelty.²³

These remarks show that it is still controversial and difficult adequately to represent Germans as victims after the Holocaust and that it is therefore not surprising to find a wide range of critical responses that partly contradict each other. Many critics have responded positively to the author's depiction of war crimes and portrayal of sensitive issues of German victimhood and Germany's Nazi past. Gunther Nickel's remarks about *Die Unvollendeten* are typical of a wider response:

nie zuvor war in der deutschen Literatur derart eindringlich, derart berührend und gleichwohl ohne die leiseste Spur von Revanchismus geschildert worden, was Vertreibung und Flucht aus den ehemaligen deutschen Ostgebieten nach dem Zweiten Weltkrieg an Leid und Elend mit sich brachten.²⁴

Menke summarizes the overwhelmingly positive opinions of the German Feuilleton thus:

Mit den *Unvollendeten* ist ihm nun ein großer literarischer Wurf gelungen [...] Iris Radisch hat den Roman in *DIE ZEIT* sogar als die überzeugendste Schilderung der deutschen Nachkriegszeit überhaupt bezeichnet. Zwar teile ich nicht ganz ihre Auffassung – an Arno Schmidt kommt in dieser Beziehung niemand vorbei – doch ihr Lob [...] wird vom nahezu gesamten deutschen Feuilleton wiederholt und bestätigt.²⁵

²³ Keith Lowe, *Savage Continent: Europe in the Aftermath of World War II* (London: Viking, 2012), pp. 132, 134.

²⁴ Gunther Nickel, 'Deutsche Lebensläufe, polyphon erzählt', *Die Welt*, 28 February 2009.

²⁵ Menke, 'Tabubruch'.

Other prominent and positive evaluations are made by Karen Dannemann, Christina Nord, Martina Meister, Helmut Böttiger and Lothar Müller.²⁶

However, there have also been significant critical responses. As mentioned already in the introduction, Erk Grimm suggests that Jirgl's proclamation 'das in den sozialen und mentalen Wirklichkeiten bestehende Unrecht zu benennen [...]' klammert auf eigentümliche Weise die Akteure aus, die Unrecht begehen oder erfahren. Anders gesagt: Die Anklage ist die Klage über ein jenseits aller partikularen Identitäten beschworenes Unrecht'.²⁷ Citing Jirgl's intention to strive for a maximum of subjectivity in his texts, Grimm concludes that injustice will subsequently remain 'in der Sphäre der subjektiven Empfindung, die zum Maßstab der allgemeinen Weltbetrachtung wird'.²⁸ Stephan Braese comments on the fact that Jirgl writes *Die Unvollendeten* 'in genauer Parallelführung zu Schlüsselszenen aus der Geschichte des Holocaust' as follows:

In der Perspektive einer solchen Universalisierung, die die Vertreibungen des 20. Jahrhunderts als eine letztlich einzige gigantische Menschenrechtsverletzung zusammenzulesen versucht, gerät jede historische Differenzierungsbemühung, der der Unterschied zwischen Ursache und Folge noch etwas sagt, wie 'unversehens' zu einer 'mitleidlosen' Reaktion ohne Herz und Gefühl für die Opfer.²⁹

Similarly, Katarzyna Śliwińska criticizes Jirgl for representing flight and expulsion 'über das historische Ereignis hinaus als eine überzeitliche menschliche Erfahrung' thereby putting transhistorical trauma 'an die Stelle einer direkten Beziehung und *historischen* Referenz zur Vertreibung der Deutschen aus dem Sudetenland'.³⁰ In other words, both critics claim that Jirgl's representations of the plight of the expellees during their flight from the Sudetenland are not historically specific enough and thus, in being easily read as a depiction of eternal and inevitable suffering, cannot engender enough empathy for particular victims of historical

²⁶ Dannemann, *3-Groschen-Roman*, pp. 174-79; Christina Nord, 'Vererbte Fluchtreflexe', *taz*, 19 July 2003 and 'Suche nach Düsternis', *taz*, 24 December 2005; Martina Meister, '1fach vollendet & dunkel', *Frankfurter Rundschau*, 25 March 2003; Helmut Böttiger, 'Barrikaden aus Buchstaben', in *Nach den Utopien: Eine Geschichte der deutschsprachigen Gegenwartsliteratur*, by Helmut Böttiger (Wien: Paul Zsolnay Verlag, 2004), pp. 98-111; Lothar Müller, 'Der Dämon und seine Meinung', *Süddeutsche Zeitung*, 18 October 2005.

²⁷ Grimm, 'Lebensläufe', in *PLK*, pp. 197-226 (p. 207).

²⁸ *Ibid.*, p. 207.

²⁹ Braese, 'Die Ich-Erzähler'.

³⁰ Śliwińska, 'Erinnerung und Trauma', p. 489.

contingencies. Other critical comments, regarding Jirgl's portrayal of Nazi atrocities and German perpetrators, are discussed as part of the textual analysis.

The following enquiry focuses primarily on the question of the possibility of representing atrocities without simultaneously making value judgements as Jirgl claims to be doing, but also attempts to address the main criticisms. For instance, as it cannot be denied that the author universalizes political violence to some extent, an attempt is made to show that this is not always the case and that, especially in regard to the Holocaust, Jirgl's historical representations can be discriminating. Thus, there is a section focusing on assessing the representation of victimhood in all three novels, and the third and last subdivision deals with the character of Erich, a protagonist from *Die Unvollendeten* who is at the centre of a critical debate between Clemens Kammler and Harald Welzer.³¹ First, however, let us examine the historical comparisons with the Holocaust. It should be noted that much of the material fits more than one of the three structural divisions and is simply placed under the headline which appeared to be most fitting, so that ultimately all of the controversial points are addressed.

The Role of Holocaust Tropes and other Historical Comparisons

How do the texts depict the causal chain of historical events leading up to the expulsion of Germans from parts of Eastern Europe? One theoretical assumption, mentioned already in the previous chapter, is expressed by Jirgl in his essay *Endstation Mythos*, in which he writes that: 'In allen Kriegen zwingt dasjenige Feindesmuster mit dem größten Vernichtungspotential schließlich allen Kriegsparteien genau dieses Muster auf. [...] indem das NS-Regime den Krieg zum Völkermord erweiterte [...] werden auch die Gegenseiten von den Mustern solcher Totalität erfasst'.³² In the novel, some historical facts are directly mentioned and, as remarked earlier, others are associative of the Shoah. For instance, in *Die Unvollendeten*, Anna, on her flight from Czechoslovakia, has to be very careful not to be discovered as a German, because of the 'STRENGEN !VERBOTS für Deutsche, öffentliche Verkehrsmittel zu benutzen, ertappt & verhaftet zu werden' (*U*, 35).

³¹ See: Welzer, 'Schön unscharf' and Kammler, 'Literarisches Lernen'.

³² Jirgl, 'Endstation Mythos'.

The Czech authorities start the *Wilden Vertreibungen* by announcements which resemble those of the genocide of the European Jews : ‘30 MINUTEN ZEIT – MIT HÖCHSTENS 8 KILO GEPÄCK PRO PERSON – AM BAHNHOF SICH EINZUFINDEN –’ (U, 5). The chaos at the end of World War II leads to a suspension of law and order and to events which are marked by the kind of foundational violence which Derrida describes in his *Force of Law*. The victors spontaneously inaugurate a new law. This law is, however, not a creation ex nihilo; it is a form of historical repetition informed by previous German policies. That the law is not legitimate according to the Allied conventions is simply stated thus:

Die Amerikaner bestanden auf den hierfür in Jalta getroffenen Abmachungen: 25 Kilo Gepäck pro Person, keine Trennung der Familien, keine Evakuierungen vor 1946 -: die Flüchtlinge kamen Einhalbesjahr zu früh, denn die tschechischen Behörden hatten der Willkür Freienlauf gelassen & die *Sudetendeutschen* nach eigenem Gutdünken aus dem Land geschmissen (die sowjetische Seite ließ gewähren.....). (U, 6)

The spelling of ‘Einhalbesjahr’ instead of ‘1Halbesjahr’ or ‘½ Jahr’ stresses the fact that the victims’ subjective experience of time cannot be measured in these quantitative terms. The individual experience of temporality is out of joint with cosmic time. It took a seemingly ‘endless’ six months before the Russians intervened and put a stop to the ‘wild expulsions’.

The people of Eastern Europe, including the Red Army, as opposed to the American or English Allies, had been in closest proximity to Germany’s *Total War* and subsequently experienced greater losses and a greater erosion of moral boundaries. As Lowe writes: ‘Nazi brutality in the west was milder by far, the genocide of the Jews occurred well out of sight of the population, and competing nationalist tensions were rarely an issue’.³³ That means it is mainly in Eastern Europe where ordinary people witnessed German atrocities against Jews and ethnic Slavs. Any acts of retaliation against Germans after the war were bound to be informed by the daily practice of rounding up Jews and other undesirables by the SS, the Wehrmacht or by special Police Battalions that occupied parts of Eastern Europe. The German refugees are ‘zu Hunderten [...] mit weißen Armbinden [in

³³ Lowe, *Savage Continent*, p. 267.

Güterwagen] hinlgepfercht' (U, 6). During the transport of the expellees a Czech soldier is killed in a tragic accident and all have to leave the train: 'ALLES !RAUS !RAUS AUS DEN WAGEN !SCHWEINEBANDE [...] JEDER 6. WIRD !ERSCHOSSEN. Wir mußten in 1 Reihe Aufstellung nehmen die Arme hoch uns hinknien in den Graben neben den Schienen' (U, 7-8). These images are well known. However, unlike most of the Nazis' victims, the refugees are spared by the victors' magnanimity: 'Aber kurz darauf hieß es !ZURÜCK IN DIE WAGEN !LOSLOS' (U, 8). When all this happens it was, after all, only 'einige Atemzüge her, daß Frauen *auf-dem-Transport* [...] die Wangen mit eigenem Blut sich schminkten, den prüfenden Blicken der Selektierer 1 Chance zum Weiteramlebenbleiben..... abzurufen' (U, 24). The spelling of 'Selektierer' makes reference to the nature of the perpetrators. The practices of Czechs and Russians during the expulsions, as described in *Die Unvollendeten*, although informed by the recent proximity to Germany's *Total War*, cannot really be compared with those of the German executioners. Generally, the expellees are rounded up, marked out or roughly transported without being selected for slaughter. For the many deported Jews there was usually no '!ZURÜCK IN DIE WAGEN !LOSLOS' (U, 8) but indiscriminate killings, as described in both novels, instead. Again the author, by using 'Selektierer' draws attention to the death camps whilst making it clear that the ethnic Germans were merely made to fear for their lives as none of them was killed in retaliation for the death of the Czech soldier. Thus the text differentiates between German and Czech perpetrators; atrocities in eastern European camps for ethnic German did happen albeit rarely.³⁴ As R. M. Douglas writes:

With the possible exception of the Yugoslav detention centres in 1945 and 1946, in which a policy chillingly reminiscent of the Nazis' *Vernichtung durch Arbeit* did indeed for a time prevail, the inmates of camps for *Volksdeutsche* were the victims of maltreatment, abuse, and malign neglect, not a systematic program of mass murder.³⁵

Atrocious revenge on ordinary Germans is then not typical and it is also not a part of the protagonists' experiences. The novel thus corresponds to accounts made by

³⁴ See, for instance, Lowe, *Savage Continent*, pp. 125-144 and Douglas, pp. 130-157.

³⁵ Douglas, p. 157.

historians and does not, in this case, exaggerate the victimization of ethnic Germans by Czech citizens.

Another example of the emulation of previous methods by the Czechs is the collection of ethnic Germans in a camp which was used by the German occupiers to house forced labourers: ‘die für *den-Transport* Bestimmten kamen in ein provisorisches Sammellager im Mannesmann-Werk; die Häftlingsbaracken von den Zwangsarbeitern der-Deutschen standen ja noch & *Heim ins Reich!* die Kreideschriften am Tor’ (U, 18). Ironically, the slogan on the door has gained renewed actuality. It serves as an invitation to use the barracks for expelled Germans. Similarly, as forced labour was widely used by the Germans in all of the occupied countries, it is now Anna’s duty to work involuntarily on Czech farms. In the camp, Anna, a teenager, is subjected to nightly rapes: ‘Diesenächte: Ich hörte meine Unterwäsche, die 1zigen noch heilgebliebenen Sachen, zerreißen [...] Aber Jedenacht hieß Weiterleben, vielleicht nur bis zur nächsten Nacht.....’ (U, 20). The young woman feels the existential danger and submission becomes a matter of survival for her. Yet, the harshness of the camp is alleviated by regular visits to her family. Anna was allowed ‘aus dem Zwangsarbeitslager [...] turnusgemäß alle 2 Wochen nachhause [zu] gehen & sich neue Kleidung [zu] holen’ (U, 13), an arrangement that opens up the possibility of her escape.

A description of a massacre of members of the SS in *Die Unvollendeten* provides an insight into the ways the text depicts non-German perpetrators. At the end of the chapter it will be possible to conclude whether the writer differentiates between the two groups of perpetrators. Such a differentiation would arguably give an indication of an auctorial value judgement. Jirgl describes the vengeful slaughter of members of the SS by Czechs during the so called *Wilden Vertreibungen* in 1945. The narrator, who later turns out to be Anna’s son, relates his mother’s experience of the past massacre without any attempt to inspire empathy with the German victims and former perpetrators. His account is concise, factual and very short: ‘Einwohner & Milizionäre waren gerade dabei, die gefangenen SS-Männer & Kollaboratöre mit Eisenstangen & Steinen zu erschlagen. Das nahm sicher schon geraume Zeit in Anspruch und es waren derer Viele’ (U, 14). The SS-men are killed because of their previous deeds: ‘Es hieß, die-SS hatte noch kurz-vor-Kriegsschluß viele der im Werk beschäftigten Zwangsarbeiter erschossen’ (U, 14). Diers is clearly at fault with

his accusation that ‘there is not one sentence in which he [Jirgl] mentions the reasons for the Czechs’ hatred of the Germans’.³⁶ The novel contains no mention of an organized massacre of ethnic Germans who were not previously involved in war crimes. When witnessing the scene, Anna is warned by a concerned Czech military post to go home as quickly as possible: ‘*Wek hier Doitsche [...] Ge!heim !Rasch !Geh !heim*’ (U, 15). The retaliatory killings are, like so many other events during the *Wilden Vertreibungen*, against the law of the Siegermächte. Consequently, it is better to keep the killings ‘ge!heim’, to keep away German witnesses. The military post fears that Anna could become a witness of a *geheim* act of transgression, or possibly that she could get caught up in killings which have the potential to turn against anybody who is of German ethnicity. Irrespective of having full knowledge of the post’s intention, his warnings towards Anna and the fact that the slaughter is directed against men thought to be the killers of forced labourers shows the non-German perpetrators to be discriminating in their choice of German victims.

Lastly, and in regard to Holocaust tropes, Jirgl uses the visualization of parts of the script as a formal means to differentiate between the deportations of prisoners during the Holocaust and the transports of expellees after the Second World War. Specifically, the author uses the implementation of visual differences in the lettering of otherwise identical words. All instances of the words *Transport* and *Treck* in the context of the expulsions from the Sudetenland are given in italics (U, 5,6,7,8,9,10,11,13,28), whereas the use of capital letters is only used in connection with a Nazi concentration camp: ‘Jahre später [...] seien er & seine reiche Frau zum TRANSPORT nach Theresienstadt ABGEHOLT worden’ (U, 23).³⁷ This suggests a qualitative difference between the two kinds of transport and marks out the Holocaust as the event in which ‘transport’ acquired its emotionally loaded associations of horror. The genealogical origin of all that which is later associated with the word ‘abholen’ is discernible in the following example. When Anna and Erich speculate about their future they are suddenly reminded of the past:

³⁶ Diers, p. 127.

³⁷ Jirgl often uses capital letters to signify the use and abuse of power. In *Die Unvollendeten* see, for instance, pp. 5, 7, 84, 139-43.

--?Wielang wirds dauern [...] –Bis sie dich abholen kommt: deine Mutter. – Er hatte 1 winzige Pause gelassen zwischen *abholen kommt* und *deine Mutter*, u diese winzige Lücke hatte ausgereicht, beide frieren zu lassen; Frost aus dem Wort ABHOLEN mit seinem schwarzen Klang, der drang zu ihnen als Lärm von Eisen & Stiefeln..... aus dem Mittelpunkt allen Grauens herauf. (*U*, 71-72)

Here, 'ABHOLEN' is linked to Nazi practices via the words 'schwarz', 'Eisen' and 'Stiefeln', whilst the mother's dreaded act is referred to by 'abholen' and finally by '*abholen*'. The words in capital letters stand out most, they violate the optical order and smoothness of the page and draw the readers' attention before the less visually disruptive italics can be discerned.

There is, however, one exception to the rule. In the above quote about '*Frauen auf-dem-Transport*' (*U*, 24), it is '*transport*' rather than 'TRANSPORT' that refers to the transportations of Jewish people to the camps. This inconsistency at (*U*, 24) undermines the reader's search for a general pattern and subsequently frustrates his or her desire for infallible rules and over-simplifications and thereby the wish for clear hierarchies of terror which correspond to well-defined historical events along the lines of the dichotomy of good versus evil. What remains, however, is a discernible trend towards such a hierarchy of violent historical events by visual means which is supported by the almost exclusive use of italics in the context of flight and expulsion in the aftermath of the Second World War: italics are the shadow or spectral image of capital letters and they thus correspond to a relationship in which the Nazi-transportations form the template of horror for any kind of politically motivated transports in the future. Thus the two types of lettering where '*transport*' and '*abholen*' are the weaker images of 'TRANSPORT' and 'ABHOLEN' are in direct correspondence with two kinds of events. For instance, whilst the associations of '*Transports*' are less horrific and frightening than those connected to 'TRANSPORTS', the word in italics is nevertheless emotionally charged with the implicit knowledge of transports during the Holocaust.

Thus there is evidence that the Holocaust is singled out as being *worse* than subsequent atrocities, a point which is not entirely compatible with the author's claim of suspending any ethical judgement and with the allegation by some commentators that Jirgl universalizes human violence. The following investigation of the various ways in which victims are represented in those three realist novels that

deal with the atrocities of the twentieth century will provide further answers to the questions of the author's claim to ethical impartiality. Besides, it will show to what extent the descriptions of German victims differ from more conventional representations in which victimhood is often closely associated with moral goodness and superiority.

Victimhood

Before turning to a detailed examination of the depiction of Germans as victims, I will give examples of a more general nature. There is evidence that the texts, rather than privileging certain national, ethnic or religious groups of people as victims, display a more cosmopolitan approach in which the ownership of political power becomes the decisive element that separates victims from perpetrators. Thus, people without power, 'Menschen die niemals auf der Kommandohöhe standen, & daher zeitlebens oft mehr bezahlen müssen, als sie schuldigsind' (S, 85), are usually the main victims of war and political violence. Jirgl writes in *Die Stille* about the evacuated Polish regions east of the river Oder: '[i]n die leeren Ortschaften wird polnische Bevölkerung hinbefohlen. Die kommt nur selten freiwillig; wird ihrerseits aus anderen Teilen Polens zwangsevakuiert, der drohenden Entsidelung dieser Regionen vorzubeugen' (S, 375). The same happens in the Sudetenland, where '[v]iele dieser nicht immer freiwilligen tschechischen Neu-Bauern' (U, 28-29) struggle to cope because many of them were forced 'durch verordnete Umsiedlungen [...] von seiten der-Behörden' (U, 29) to resettle. As the narrator in *Die Unvollendeten* comments: during the last years of the war in Komotau and in the other places of the Sudetenland 'die Bomben der Alliierten' fell indiscriminately on 'Tschechen u auf Deutsche' (U, 41). The narrator's grandmother almost lost her house when Germany annexed the Sudetenland:

Als vor-Jahren die deutschen Besatzer ins Sudetenland kamen, wollten SIE wegen Hannas tschechischem Ehemann die Familie enteignen. Den Urkunden nach jedoch gehörte Hanna das Haus u Hanna war eine Deutsche. Die Familie behielt das Haus. Nun kamen die-Tschechen zurück u sahen, den Urkunden nach war das Haus deutscher Besitz. Die Neuen Behörden konfiszierten das Haus. (U, 19)

The people of the Sudetenland are subjected to expropriations which are contingent on their nationality and that of the invader. In another paragraph a similarly paradoxical situation regarding an entire Polish town is related: ‘die Stadt nun 2geteilt : westlich des Flusses San die-Deutschen / östlich die-Russen (Polen gab es nicht mehr)’ (S, 280).³⁸ Here, the sign ‘/’ serves as a visualization of the border created by the river that runs through the town and the invaders from both Russia and Germany are named as perpetrator nations. The fact that people without influence and power often suffer during wars, and independently of their allegiances and nationalities at that, seems a common theme in all examples. Having established that there is no obvious privileging of German victims in regard to forced resettlement, occupation and Allied bombings, the textual analysis will now turn to an in-depth investigation of the various representations of German victimhood.

The novel *Die Unvollendeten*, in being based on the experiences of four women who flee the Sudetenland, is the most productive offering descriptions of the suffering of ethnic Germans. All of the women: the male narrator’s mother, grandmother, the grandmother’s sister and his great-grandmother are described critically in ways which do not invite undue sympathy. For instance, the grandmother Hanna ‘hamsterte CHARAKTER’ whilst others hoarded ‘materielle Güter’ (U, 9) and his great-grandmother, Johanna, establishes herself as ‘der unerbittliche Posten für Anstand & Gesetz’ (U, 51). As a means of surviving the upheavals and humiliations of flight and expulsion, Hanna and her mother have to stick to codes and maxims such as ‘*Wer seiner Familie den Rücken kehrt, der taugt Nichts*’ (U, 9, 10, 20, 152), and ‘*Alles was man besitzt kann einem genommen werden, aber Anstand u Stolz, die kann einem !keiner nehmen*’ (U, 9). Hanna, however, leaves her daughter Anna behind when she joins one of the transports for German refugees and only retrieves her many months later. For Anna, the reason for her mother’s decision to flee the Sudetenland without her is all too obvious : ‘du hast [...] mich wegen meiner Schande !verachtet. Und Deshalb mich zurücklassen wolln, weil für dich Leben-in-Schande schlimmer ist als Keinleben’ (U, 21). The betrayal is exacerbated by the mother’s knowledge of Anna’s imminent home visit: ‘Du wußtest doch, daß ich aus dem Lager [...] an genau-!Diesemtag heimkommen & mir frische Sachen holen müßte’ (U, 20). The code of the older women is not strong enough to

³⁸ Notice the writer’s pun on the word ‘San’.

rise above their fear of being seen as sinful and immoral by their neighbours. This is made worse by the fact that Anna, the youngest, has no choice: she is forced to work in a camp where young women are routinely raped.

In one particular scene the grandmother's behaviour turns into a self-righteous denial of the self which borders on stupidity. Johanna and her two daughters have been lodging since spring 1946 as refugees with a rich farmer, who happens to escape one morning 'ZUM-ENGLÄNDER' (U, 23). He has been known to mistreat his native labourers and even more so his forced labourers: '[u]ns hatter ruiniert, der !Saukerl. Keinn Fleckn Land hatter uns gelassen. Alles weggenomm, das Partei=Schwein. [...] Hat uns in Alldenjahrn kaum besser behandelt als seine Fremdarbeiter. Nur, dass er uns zum-Schluß nich übere-Haufen-geknallt hat, wie die' (U, 48). The refugees too are exploited as cheap labourers 'denn [...] sie sollten beim-Bauern als Lohn für ihre Arbeit in den Ställen & auf den Feldern kein Geld, dafür zu essen haben' (U, 12). Once the farmers are gone and the estate empty, the labourers successfully start searching for provisions. They find 'Räucherschinken, [...] Würste [...] Hühnereier, in hölzerne Gestelle gelagert zu Hunderten' (U, 47-48). The joyful celebrations of the farmhands are interrupted 'wie Flammen unter plötzlich herabgestürzter Wasserlawine erloschen' (U, 50) by Johanna's sudden words: '!Hände !weg' (U, 49). Moments later the local authorities arrive in order to confiscate and register the food. Labourers and refugees are rewarded small portions of the bountiful feast 'als Belohnung fürs Anzeigeeerstatten' (U, 52). Johanna refuses even to take '5 Hühnereier': 'Das ist u bleibt Unrecht Gut.... [...] –Also ist es nicht recht, davon so-ohne-weiteres zu nehmen' (U, 53). She takes several old bank notes out of her pocket in order to pay the surprised man for the food. The man, who initially refuses to take the money, finally accepts 'so, als könne er damit vor seinen Augen die düstere Erscheinung einer Wahn-Sinnigen auslöschen' (U, 53).

Johanna's behaviour is a good example of a deficiency in justice in reference to Aristotle's notion of 'justice as a mean'. Aristotle declares justice to be the middle or mean between actions which invite, as happens in Johanna's case, unnecessary injury and injustice to the self and acts of self-aggrandizement. This rigidity of Johanna's character is illustrated further by an ironic comment on Kant's Categorical Imperative which the author reformulates thus to be her motto: '>>Ernähre dich so, daß der Zugriff auf dein Mahl jederzeit zugleich als Prinzip einer allgemeinen Tafel=Gesellschaft gelten könnte!<<' (U, 51). The paraphrase of the Kantian

Imperative questions the rationality of any rigid rules which claim to be universal. Jirgl comments in one of his essays on the relevance of moral imperatives for human conduct. Referring to both Socrates and Kant he says: ‘beiden Philosophen war eine praktische Vernunft zueigen, und so mochten sie listigerweise mit ihren Geboten der Unmöglichkeit das immerhin Mögliche ins Auge fassen, denn wer über das Ziel hinausschießt, der muss zumindest durch das Ziel hindurchgelaufen sein’.³⁹ In Johanna’s case, her high and somewhat unreasonable standards of conduct enable her to retain a righteous level of self-respect which has become a matter of personal survival in the face of a chaotic post-war world. Thus Johanna is portrayed as a flawed, slightly ridiculous character albeit in a manner which still engenders the reader’s empathy. Her extreme behaviour does not necessarily make her a better person but it helps her to keep herself and her family together.

Johanna’s daughter Hanna is additionally characterized by her strong sense of obedience towards authority in general and male authority in particular. As Hanna’s daughter Anna tells her lover Erich: ‘*Die Frau muß dem Manne dienen* – das stand für meine Mutter fest wie Die-10-Gebote’ (U, 69). As systems of rules are seldom free from inner contradictions, Hanna is yet again caught in a confusing double bind. She views Hitler as the main cause of her predicament but this feeling is ambivalent: ‘Hitler war für sie Ein Verbrecher – ihm, dem Unerreichbaren Toten, die Schuld am Verlust ihrer Heimat: *Noch den Leichnam hätte man vierteilen müssen* -, aber: Er war immer=hin DIE-OBRIGKEIT.....Und Die setzt RECHT & ORDNUNG’ (U, 9). Similarly rigid and paradoxical is the behaviour of Marie, Hanna’s childless sister. When she is questioned by a Russian officer on the day of the farmers’ escape ‘hätte sie sagen müssen , was sie früh [...] gesehen hatte’ (U, 26). Marie thinks: ‘*und wenn er auf seinem Gut Zwangsarbeiter beschäftigt hatte & wie es hieß einige russische Kriegsgefangene im Kiefernwäldchen=dort-drüben auf seinen Befehl hin erschossen wurden : Er ist & bleibt doch Der Bauer*’ (U, 26). The demand always to be truthful competes in Marie with a strong sense of loyalty towards the *Großbauer*, who is a killer and her exploiter. Thus her inconsistent set of beliefs leads her to collude with the perpetrator. The three women are not simply drawn as helpless victims but as people whose system of beliefs demands obedience to authority without questioning

³⁹ Reinhard Jirgl, *Dankrede für den Bremer Literaturpreis 2006: Über des Schriftstellers Eigensinn als Ethos*, p. 5, <http://www.senatspressestelle.bremen.de/bilder/060126_Literaturpreis_Jirgl-Danksagung.pdf> [accessed 14 November 2014].

the legitimacy or nature of that authority. Jirgl has written about the relevance of Kant's essay *Was ist Aufklärung?* for his work. He cites Kant's demand for the critical use of one's reason and criticizes the widespread 'selbstverschuldete Unmündigkeit' that Hanna, Johanna and Marie share with the majority of people at any point in history.⁴⁰

Besides *Die Unvollendeten*, *Die Stille* also contains unconventional accounts of fleeing ethnic Germans, this time from Silesia. There is, for instance, a description of a family that flees after burning their house down without regard to their infant's life: 'manche Behausung, von [...] deutschen Soldaten Auf-Befehl od von den Besitzern selbst vor-der-Flucht angezündet [...] Und inmitten schmokender Lumpen festgebacken 2 blasshelle Kinderärmchen [...] Waren vielleicht zu schwach um an dieser Hatz festzuhalten, da hat man sie 1fach zurückgelassen' (S, 332). The passage leaves little doubt that the child was sacrificed by the family in order to make the flight easier. The spelling of 'einfach' as '1fach' indicates the simplicity or speed of the decision to leave the small child behind. According to the writer's convention, 'od' signifies that it is equally likely that the houses were burnt down either by retreating German soldiers or their previous occupants. Whatever happened, it will have been ethnic Germans or German nationals who burned down dwellings in order to leave a wasteland for the approaching Red Army. The choice of 'Kinderärmchen' is significant insofar as the dead child was a truly innocent war victim, a fact stressing the senselessness and destructiveness of war in general. The older refugees are, however, not depicted as innocent and morally good people who deserve our unreserved sympathy.

In another passage the expellees are shown to treat each other with ruthless selfishness in order to increase their own chance of survival. The trek encounters a woman from East Prussia who shows all the signs of madness caused by a traumatic experience back home: 'Vater Mutter Geschwister wollten vom Hof nicht lassen: erschossen; die Frau war oft vergewaltigt worden' (S, 333). The woman is in a desperate condition, she 'torkelstolpert' and her 'dürren nackten Beine' are 'blaugefrom' (S, 333). Her only consolation is blowing into a children's trumpet, a present from an abusive Russian soldier. Soon the other expellees become irritated by the 'schrillkwätschige Getöne' and 'Man [reißt] ihr schließlich die Trompete fort

⁴⁰ See, for instance, in *LuB*, pp. 21, 31, 153.

[...] Man zertritt das dünne Blech' (S, 333). It is the men who use physical violence towards the traumatized woman but as she keeps exposing herself it is '[b]esonders die- Mütter' who 'empören sich, fürchten [...] die-sittliche-Verderbnis ihrer Kinder' (S, 333). The mothers worry about the loss of modesty in the disturbed woman whilst being completely impervious to the influence their complete lack of charity will have on their children. After a while, as she keeps showing all the symptoms of madness, 'schlägt [Man] jetzt nach der Frau' and as she continues to revolt 'schlägt [Man] stärker gegen die Frau' (S, 333). Beaten up, she finally turns to a flock of deserted animals and, in a scene reminiscent of the delirious Nietzsche comforting a beaten nag, finds consolation in the soft mane of a young horse: 'den Tieren schließt die Frau sich an. Schlägt die Krallfinger in die Mähne 1 kleinen Pferdes' (S, 334). Jirgl expresses the madness of the woman by means of expressionist poetic language and onomatopoeia such as 'torkelstolpert', 'schrillkwätschiges Getöne' or 'Krallfinger' (S, 333-34). By choosing ordinary words to describe the coldness and hypocrisy of the mothers and the violence of the men but poetic language to illustrate the woman's madness, the author increases the emotional impact of the episode: suddenly only the victimized woman seems to be worthy of compassion and pity. Yet, this stylistic manipulation is at odds with Jirgl's claim to dispense with any form of ethical judgement.

Similarly, the great immediacy of the account is achieved by a minimalist, succinct use of language and the omission of link words where the expellees catch 'Redefetzen von Gewalt Tod Frauenaltekinder Kehle Bäuche zerschlitzt' (S, 331) whilst they take shelter in 'zertobte[n] karge[n] Waldschaften' (S, 332). These descriptions underscore, however, the fear and hardship of all expellees. It is very cold, every morning brings 'neue Erfrierungen' and 'Manch-1 bewegt sich nicht mehr' (S, 332). There is then just enough information to create the necessary empathy with people who have to flee in the middle of winter under adverse conditions. The depiction of cruelty towards the burdensome woman by fellow Germans prevents, however, feelings of indiscriminate solidarity with the expellees. They are ordinary people with flawed personalities who react badly when put into a life-threatening situation.

At this point it is fitting to compare the representation of the refugees to that of the prisoners on their death marches. On their long trek from the east, all expellees who are too weak to continue, those '[a]n Schwäche Gestürzte am Hunger

Verdorbn im Frost Erstarrte, bleiben liegen – die über-die-Länder Geschütteten, selber schwach im Fleisch im Fieber die Muskeln starr verzerrt u die Gesichter, ziehen stumpf dran vorüber’ (S, 370). Out of context, this description could easily be mistaken for one that illustrates the plight of prisoners on a *Todesmarsch*. Just like the most exhausted and emaciated prisoners, the hungry and frozen expellees lose all interest in their fellow beings and some will reach a status which is reserved so far only for some victims of Nazi concentration camps, namely that of *Muselmänner*. As LaCapra suggests: ‘one might argue that the *Muselmann*, an actuality in Auschwitz, represents a potential that may become a real possibility for anyone in certain conditions’.⁴¹ To put German expellees on a par with the prisoners of concentration camps is, however, problematic. The text avoids such a universalization and the portrayal of the eastern expellees continues somewhat differently. Suddenly they are ‘[a]usgelaugt, böse, lauernd, kalkbitter’ because ‘Todesangst stinkt Wut stinkt Hunger stinkt Krankheiten stinken=Menschen stinken’ (S, 370). The fragility of human existence is shown to be universal under adverse conditions. Yet, as the next part of this chapter shows, Jirgl’s two representations of prisoners on death marches do not include any comments or descriptions which interrupt or prevent empathy with the prisoners. The portrayals of flight and expulsion of ethnic Germans are different; the refugees are drawn and described in ways which avoid the conventional fallacy of equating victimhood with moral goodness and superiority. The text prevents an easy identification with the victims but leaves space for some empathetic responses. This way of representing German victims helps to counter a revanchist, sentimental or apologist reading and as the prisoners are not shown to exhibit human flaws, it appears that the author is careful to differentiate between the two groups of victims.

The uncharitable behaviour of the expellees, as described in *Die Stille*, is matched by the coldness experienced by the women from *Die Unvollendeten* when they finally arrive in Germany. The expellees are never made to feel welcome and seem to be stigmatized in the eyes of their more fortunate compatriots. The three women who are living on the deserted estate of the farmer, who fled to the American or British zone, are treated by the native population ‘mit größtem Argwohn u offener Unfreundlichkeit. Nicht lange und das seltsame Verhalten der Fremden rief weitere

⁴¹ Dominick LaCapra, *History in Transit: Experience, Identity, Critical Theory* (Ithaca and New York: Cornell University Press, 2004), p. 187.

üble Nachrede & andere, kaum versteckte Böswilligkeiten hervor' (U, 55-56). When Hanna finally manages to get a job in a bigger town, she is put up in the middle of winter in '1 Zimmer, kahl, die Fensterscheiben zerschlagen, kaum Möbel, kein Ofen' whose owner, a mean and selfish widow, comments '*Flüchtlinge u Dünnschiß kann eben niemand aufhalten*' (U, 91). The narrator of *Hundsnächte* remembers a typical post-war comment made by common people about a female *Umsiedler*: '*aber siesja selber nurne Dahergelaufene ausm Osten, die haben doch keine Kultur*' (H, 233). The projection of all things negative and degenerate onto Eastern Europeans which started around the fin de siècle continues to operate after the end of the war and is here extended to the refugees from the eastern parts of Germany.⁴² There are many more examples which illustrate how badly Germans treat other Germans, which is entirely in line with the following comment by the narrator of *Die Unvollendeten*: 'Solidarität, Frint, gibts nur im Brockhaus: irgendwo zwischen Scheiße und Syphillis' (U, 62).

The previous paragraphs might suggest that Jirgl generally represents human relationships as negative. However, there are at times small episodes which show that people can act in less selfish or even selfless ways. Not all his characters are corrupted or influenced by unfavourable circumstances. Besides those Russians who are said to rape, and who do not stop the *Wilden Vertreibungen* in Czechoslovakia there is, when Hanna collects her sick grandchild from Berlin, a group of smoking Russian soldiers on the train who, when they see the sick child, stop smoking makhorka (U, 153). In *Die Stille*, a group of Russian soldiers refuses to mutilate the bodies of dead Germans in order to ease their burial in icy ground:

Anfangs hiebt Man mit Spaten den Toten die störrischen Gliedmaßen ab, - alsbald weigern sich die Männer [...] solche Verstümmlungen fortzusetzen [...] Denn viele der fremden Soldaten sind selber Bauern, - sie besitzen noch den-Instinkt des-Bauern, daß Vieh&mensch gerecht zu behandeln sei. (S, 374)

The narrator's generalization about farmers is, as any generalization potentially must be, undermined by the example of the German *Großbauer* in *Die Unvollendeten* who

⁴² On the topic of degeneration in relation to people from Eastern Europe see, for instance, Salli J. Kline, *The Degeneration of Women* (Rheinbach: CMZ Verlag, 1992) and Sander L. Gilman, *The Jew's Body* (London and New York: Routledge, 1991).

kills his forced labourers and who ruthlessly exploits all his workers. A further example is the Russian officer who questions Maria about the *Großbauer's* escape route. When noticing the utter fear and terror in Maria's expression, he 'änderte seine Stimmlage, beinahe lächelnd fragte er nach Marias Namen' (U, 26). Maria then lies to the officer, who seems fully aware of that fact, because he drives off in the opposite direction. He 'ließ eine Richtung einschlagen, die entgegengesetzte zu der von Maria gewiesenen' (U, 27). Maria gets away without being punished for her dishonesty and her worst fears about the Russians remain unconfirmed. Anna, Hanna's missing daughter, who has been raped many times by Czech men in labour camps, has a very positive encounter with a Czech who is an 'ehemaliger tschechischer Partisan' (U, 31). Having formerly fought the occupying Nazis, he now helps German expellees to recover lost family members and valuable goods hidden in their former homes. '[E]r [...] schaffte So-Manches aus Kellern & Gärten für manch-1 der Flüchtlinge=hinter-der-Grenze wieder herbei' (U, 32). Hanna had given him Anna's photo and her new address in Germany and even a page from her *Sparbuch*. The stranger delivers all of these things to Anna and there is no textual evidence that he acts out of a desire to enrich himself, nor for any other non-altruistic motive. Finally, amongst the cheering Czech population which confronts the trek of Germans ready to leave for their transport, there are still some Czechs who feel very uncomfortable and do not join in the 'Wogen aus Geschrei voller Wut Spott Hohn'. They look 'als fiele 1 Widerschein der Kalkbleiche von der Straße her auch auf sie, schauten starren Augs wie Blinde u stumm auf das Geschehn' (U, 16). All these instances describe people who retain their feelings for justice and decency even in the most detrimental circumstances, a fact that transcends national divisions. In the next section, the focus shifts from an examination of the representation of those who are predominantly victims towards an investigation of the ways various perpetrators are depicted.

Erich and other Perpetrators

Erich, one of the characters of the novel *Die Unvollendeten*, is the focus of a debate between Harald Welzer and Clemens Kammler. Erich, a former very young member of the *Waffen-SS*, appears to be traumatized by the massacre of a group of emaciated prisoners on one of the so called *Todesmärsche* by other, mainly older, members of

his SS unit towards the end of the war. Welzer takes issue with the fact that Erich is represented as traumatized and that he seems to suffer from total amnesia about his own behaviour. For Welzer, this is ‘schön unscharf’ and part of a general trend in contemporary literature to avoid a proper confrontation with the Nazi past by turning Nazi perpetrators retrospectively into victims worthy of our sympathy. According to him, Erich avoids accountability for his possible crimes: ‘Was tut der Erzähler [...]? Er desertiert, und zwar in eine Art Bewußtlosigkeit aus Überwältigung’.⁴³ Welzer claims further that Jirgl ‘eher beiläufig, den Holocaust streift’ and calls the writer’s representation of the massacre of prisoners ‘unempathisch’.⁴⁴ Clemens Kammler has answered Welzer’s critique by arguing that a judgement of Erich’s character can only be made in the context of the entire novel.⁴⁵ He argues that Erich, who turns out to be the narrator’s father, stands for the many irresponsible fathers which ‘SIND VON DEN KINDERN NICHT MAL DIE VERACHTUNG WERT’ (*U*, 189; *S*, 113). Besides, he is also a living example of one of the novel’s leitmotifs: ‘*Wer seiner Familie den Rücken kehrt, der taugt Nichts*’ (*U*, 9, 10, 20, 152). Welzer’s criticism that the characterization of the perpetrator Erich is drawn too hazily, is similar to Grimm’s critique that the text ‘klammert auf eigentümliche Weise die Akteure aus, die Unrecht begehen’.⁴⁶ This shows how controversial the character of Erich is and that the narrative in which he is embedded offers a productive ground for the discussion of victims and perpetrators.

Erich, who joins the *Waffen-SS* as a teenager during the last months of the war, later tells his girlfriend Anna: ‘Ich weiß bis-heute nicht, ob ich 1 der Häftlinge erschossen hab. Od die eigenen Leute Od die Hunde. Ob ich überhaupt jemanden getroffen hab’ (*U*, 76), wherein the use of ‘od’ instead of ‘od:’ indicates that all options are equally likely. One possible reading of Erich’s account is that he is indeed faking his amnesia in order to avoid responsibility for his action. Such a reading fits best to Jirgl’s surprise ‘dass Welzer nicht bemerkt haben will, wie sehr dieser (aus Versatzstücken echter Erzählungen herkommende) Bericht, den [er, Jirgl] einer erfundenen Figur eines 20-Jährigen in den Mund gebe, in die von ihm [Welzer]

⁴³ Welzer, ‘Schön unscharf’, p 59.

⁴⁴ *Ibid.*, p. 58.

⁴⁵ Kammler, ‘Literarisches Lernen’, pp. 94-103.

⁴⁶ Grimm, ‘Lebensläufe’, p. 207.

selbst in seinem Buch aufgezeigte Typik passt!'.⁴⁷ Thus, if Erich is lying he is merely one of many perpetrators who try to deny or belittle their crimes. Another reading suggests that Erich is suffering from perpetrator trauma and that his account is honest. In this case it is helpful to pay closer attention to Erich's words and to the representation of perpetrators and victims in the shooting scene.

When Erich relates his memories of his time in the SS to Anna, he emphasizes the gap between his expectations and reality: 'Gab Allemögliche, nur keine Ostfront mehr. Jedenfalls nichts davon, wie Man uns Das vorgestellt hatte' (*U*, 73). The permanent glorification of war, which undoubtedly played a large part in Erich's life to that point, turns out to be a complete lie. His preconceptions do not survive reality testing. Instead of encountering 'De[n] Unbeugsame[n] Deutsche[n] Mannes=Mut' he meets everywhere only 'Hinschmeißen Abhauen Türmen – Halsüberkopp=davon. Dreck u Blut u Krüppel' (*U*, 73). Part of this hasty retreat was the well-documented attempt to hide the emaciated inmates of concentration camps by forcing them onto one of the many 'death marches'. In the novel, some members of the SS 'wollten *sich absetzen* -!Auskneifen !Rettesichwerkann', but beforehand they send Erich and a few others 'als Begleitpersonal zu nem Gefangenentransport.....' (*U*, 73). It is here that Erich encounters for the first time the so called 'SCHWERVERBRECHER' (*U*, 73, 75; *At*, 343, 345, 379) who look like 'daherstolpernde Leichname mit Gesichtern wie verhungerte Raubvögel' (*U*, 73). Already suspicious of Nazi propaganda, he is shocked when he sees the skeletal figures. He cannot believe his eyes: '-das sollten !Menschen sein [...]?!Wer aber traute solch wandelnden Knochenhaufen VERBRECHEN zu' (*U*, 73). There is an overwhelming stench of rotting bodies, a 'Leichengestank [...]..... Als hätten die wirklichen Toten diese unkrepierten Toten sogar aus den Gräbern wieder rausgeschmissen' (*U*, 74). Erich encounters the absolute Other, figures which resemble Primo Levi's *Muselmann*.⁴⁸ Agamben, who defines *homo sacer*, to be the person who 'may be killed and yet not sacrificed' and whose 'human life is included

⁴⁷ Kammler, De Winde, Jirgl, 'Gespräche in Briefen', in *PLK*, p. 43. Jirgl refers to Harald Welzer, Sabine Moller and Karoline Tschuggnall, *Opa war kein Nazi: Nationalsozialismus und Holocaust im Familiengedächtnis* (Frankfurt am Main: Fischer Verlag, 2002), which thematizes the refusal of Nazi perpetrators to acknowledge their crimes.

⁴⁸ Primo Levi, *If This is a Man* (London: Abacus, 1987). In a footnote on p. 94 Levi writes: 'This word 'Muselmann', I do not know why, was used by the old ones of the camp to describe the weak, the inept, those doomed to selection'.

in the juridical order solely in the form of its exclusion', sees in the *Muselmann* the most extreme development of any *homo sacer*:

Now imagine the most extreme figure of the camp inhabitant. Primo Levi has described the person who in camp jargon was called 'the Muslim,' *der Muselmann* - a being from whom humiliation, horror, and fear had so taken away all consciousness and all personality as to make him absolutely apathetic [...] He was not only excluded from the political and social context to which he once belonged; he was [...] destined to a future more or less close to death. He no longer belongs to the world of men in any way [...] Mute and absolutely alone, he has passed into another world without memory and without grief.⁴⁹

Jirgl has found in the prisoners' trek the most literal expression of one of his leitmotivs: these prisoners are *Tote die nicht sterben können*. It is when one prisoner is brutally killed that the description of the remaining prisoners fits Levi's and Agamben's description of the *Muselmann* most closely. Erich retrospectively describes the immediate situation after the murder thus: 'keiner rührte auch nur die Augen, unverändert zeigten die herben Ledermasken nicht 1 Spur der Regung, als hätten sie Nichts=Garnichts gesehen gehört bemerkt davon' (*U*, 75). All this contributes to the fact that Erich experiences the killing as 'irgendwie *nicht echt*' (*U*, 74), as having been staged for the 'Theater od wie im Traum' (*U*, 75). Both reports are believable, especially in the context of Erich's age and inexperience.

Erich's descriptions of the prisoners are marked by a sense of disbelief which is not without empathy. He tells about a prisoner who has 'dürre wie Schifftau sehnige Arme' (*U*, 75) which look like 'Gestelle aus dünnen Ästen' (*U*, 73). Not every camp inhabitant or *homo sacer* has become a *Muselmann*. One prisoner, who seems to be the same age as Erich: ':?was hatte er getan, um schon in diesem Alter EIN SCHWERVERBRECHER zu sein' (*U*, 75), is attacked by one of the dogs but fights back. Erich watches as he 'mühsam – schwankend – mit Letzterkraft' picks up 'den Stein' in order to hurl it against the 'Hundevieh' (*U*, 75). The act of disobedience is answered by wild and random shootings of prisoners by the SS. Throughout the scene, the narrator's empathic choice of description for the victims is contrasted with his exclusively negative description of the killers. Erich is ordered to

⁴⁹Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford California: Stanford University Press, 1998), pp. 8, 184-85.

bring ‘diese Schießbudenfigurn auf-Trapp’ (U, 74) and as one prisoner breaks down in front of the *Scharführer* ‘trat der zu, noch mal, und noch mal, spuckte runter, dann zog er die Pistole und schoß dem Gefangenen-am-Boden in den Kopf’ (U, 74). When Erich and some other members of the SS see the hardly-alive and stinking prisoners, whose ‘Fleisch verweste an noch lebendigen Körpern..... [...] kotzten [sie] an Ort&stelle, u bestimmt nich allein wegen dem schwärenden Gestank’ (U, 74). If some of the perpetrators vomit for other reasons than the smell, it will be because they are not yet accustomed to brutal killings.

That the description of the victims is not without empathy is further confirmed by the fact that Erich sympathizes with the teenage prisoner who throws the stone. He admires the fact that somebody so fragile fights back, that being a victim does not need to be synonymous with being passive. When the *Sturmführer* keeps shooting at the collapsed prisoner, Erich’s trauma starts: ‘!Das hörte nich !auf: Hörte überhaupt nich mehr !auf: dieser !Alptraum..... !dieser –’ (U, 74). Erich struggles to find adequate words for his experience. His total amnesia sets in with the subsequent massacre of the prisoners from which he recalls merely two images: first, how all the guards took ‘die Maschinenpistolen von den Schultern’ and secondly, an image of how ‘die Gefangenen wie Stabpuppen über l ander zur Erde stürzen’ where they remain as a motionless and ‘bizarrer Haufen speckiger Lumpen u zerrissenes Fleisch’ (U, 76). At this point he vaguely remembers running away, and after regaining full consciousness, he realizes that ‘das kochendheiße Metall der Waffe in meine Hand bis auf den Knochen sich hineingebrannt hatte’ (U, 76). Erich has temporarily lost all sense of pain and reality. His body bears a physical mark which is a permanent reminder of his own past. He shows the scar to Anna ‘als seis Das Stigma’ (U, 76), a gesture which suggests that Erich is secretly proud to be marked. By presenting his hand ‘als seis Das Stigma’ (U, 76), he reveals that a part of him would like to be judged to be a victim or even martyr, which diminishes the reader’s ability to empathize with him. Śliwińska writes: ‘Ähnlich wie die Tätowierung eines SS-Soldaten ist ‘Das Stigma’ (76) als Figuration eines Schuldwissens zu verstehen, als ein Zeichen, das die Lücke im Gedächtnis markiert und das ausgeblendete Wissen vom eigenen Handeln fremdkörperartig erinnert’.⁵⁰ However, rather than the ‘Figuration eines Schuldwissens’ which might well not exist, the scars are an

⁵⁰ Śliwińska, p. 486.

outward sign of his actions irrespective of whether Erich has a guilty conscience or not. For Jirgl is ‘der menschliche Körper stets Schauplatz für das Chaos von Geschichte’ and ‘in den Diktaturen, den Zeiten gewalthafter Bloßlegung, sogar der einzige Text, der die Wahrheit sagt’.⁵¹ Whilst the bodies of the prisoners tell of their victimhood, Erich’s stigma ultimately reminds him of his participation in an act of violence. Nevertheless, whereas all the other members of the SS are represented as wholehearted perpetrators who completely lack empathy, Erich is drawn as somebody who, although formally belonging to the SS, does not altogether fit the conventional image of one of its members.

The representation of Erich stands in opposition to the predominant depiction of organized Nazis as heartless killers within Jirgl’s novels without seriously undermining that picture. His experience adds complexity to the victim-perpetrator dichotomy. His youth, his traumatization and the degree of surprise and pity he experiences when faced with the rows of prisoners make it possible to understand him. His immediate desertion after he is confronted with extreme brutality and violence, although it is very likely that he participated in the shootings, make it believable that he became caught up in the SS without full awareness of common SS practices. In *Die Unvollendeten* it is Erich’s emotional account of the callousness of the other SS guards which keeps the focus of the entire passage on the brutal and unjust treatment of the group of prisoners by the majority of SS men. To form a judgement on whether the figure of Erich is an exception amongst the depictions of Nazi perpetrators, it is productive to compare this event with the description of a second prisoner massacre which constitutes an entire chapter of *ABTRÜNNIG* and with the portrayal of the SS in *Die Stille*.

There are important parallels between the massacre of prisoners in *ABTRÜNNIG* and the shooting of inmates in *Die Unvollendeten*. The massacre depicted in *ABTRÜNNIG* is the fictionalization of the so called *Celler Hasenjagd* which took place in the German town of Celle in April 1945.⁵² The passage starts with a detailed description of the enormous effort exerted by prisoners in order to escape from a damaged railway carriage. For instance, one prisoner ‘*schiebt verbissen seinen ausgehungerten schmerzenden Leib [...] zu seinem Kameraden hinüber*’ whilst ‘*Seine Hände an den sehnddünnen Armen zittern*’ (At, 339). The

⁵¹ Jirgl, ‘Schrift’, in *LuB*, pp. 92-122 (p. 108).

⁵² The fictionalized event and the subsequent trial are examined in more detail in chapter three.

escapees move ‘*mühsam u mit schmerzzerstochenen Bewegungen wie Greise*’ resembling ‘*menschliche Schatten*’ (At, 340). Just as in the description of the shooting in *Die Unvollendeten*, the prisoners are depicted as being extremely frail and emaciated. As before, the long description of the frailty of the escaping inmates (At, 338-40) is contrasted with a short judgement about the brutality of the perpetrators: ‘Man erkannte am blauweißen Drillich & anhand der Nummern KaZet-Häftlinge & auch, daß sie [...] von Wildenmenschen erschossen & erschlagen worden warn’ (At, 350). The prisoners on the death march in *Die Unvollendeten* are represented in the same way as those who escape from their transport in *ABTRÜNNIG*. This is consistent with the fact that both scenes are fictionalizations of the same historical event: the evacuation of concentration camps by the SS in the face of the approaching Eastern Front in early 1945. The passages of *ABTRÜNNIG* which depict a massacre of prisoners are then marked by the same partiality which can be observed in *Die Unvollendeten*. The plight of the prisoners is recounted sympathetically whilst the majority of guards and perpetrators are described as being unfeeling and brutal.⁵³

The various comments on the behaviour of the SS to be found in *Die Stille* occur mostly in connection with the flight of ethnic Germans towards the West. The SS does everything to increase the irrational fear of the population without making the slightest attempt to help: ‘Eilends wie Messer fahren die schwarzsilbrigen eSeS-Uniformen in Diefurcht der Menschen [...] Längst ist das-eigene-Volk=Derfeind, der letztmögliche, den MAN noch zerschlagen kann. So mancher, der nicht bleiben nicht schweigen will, wird gehenkt’ (S, 331). First, the SS forces the population to stay longer than necessary and then in one ‘Februarnacht 1945’ the SS is ‘(klamm=leise) auf&davon’ (S, 331). Before their cowardly escape they have ‘in vielen Dörfern noch die Kirchtürme gesprengt’ (S, 331). The SS is predominantly made up of brutalized men (‘MAN’) whose violence rages against anybody who disobeys them. They are represented in the text as sharing the responsibility for the expellees’ plight. Later on in the novel, the Silesian refugees are hindered in their attempt to flee westward. They all want ‘eilig weiterfliehen nach=Westen; wer sie dran hindert, sind die schwarzen Wasser des Flusses Oder die-eSeS’ (S, 371). Jirgl uses the double meaning of ‘oder’ as river and as a connective to full effect. Here

⁵³ There are only two exceptions: Erich in *Die Unvollendeten* and the narrator’s uncle in *ABTRÜNNIG* whose involvement in the massacre is also discussed in chapter three.

again it is the SS which keeps the local German population from fleeing until it is almost too late and the members of the SS have themselves fled.

This second representation of flight and expulsion in *Die Stille*, depicting the refugees trying to cross the River Oder from the East, is not only full of allusions to the crimes of the SS during the last weeks of the war but also refers to those committed by the *Wehrmacht*. At the beginning there is a clear reminder that the cause of all the suffering during that period is Germany's aggressive war on the Eastern front. The enormous exodus '[i]m Januar des Tausendneuhundertfünfundvierzigsten Jahrs', a month which many may experience as eternity, 'die *sarmatische* Rückflut Eisen&feuer, losgetreten 6 Jahre=zuvor von Eisen&feuerflut der *Deutschen Wehrmacht* auf ihrem Raubzug nach=Osten. [...] Es schlugen aus dem-Osten Eisen&feuer zurück' (S, 370). Retaliation in the form of the *lex talionis* is only to be expected after years of war crimes by the *Wehrmacht*. Jirgl draws on images from the Old Testament thereby stressing the enormity of the violence used throughout the war on all sides. The negative role of the SS in preventing an early escape is repeatedly addressed in this scene: 'die Oder ist zwar inzwischen zugefroren: Das Eis überm Fluß könnte Menschen&fuhrwerke tragen; doch die-eSeS verbietet jegliches Menschen Flucht [...] Bleiben sollen sie=alle, ausharren, kämpfen & verteidigen' (S, 371). 'Horden verwundeter deutscher Soldaten' are killed and displayed with signs around their necks saying: '*Ich bin ein Feigling Hochverräter Russenknecht*' (S, 371). The choice of wounded soldiers to be hanged and shot stresses the brutality and senselessness of the late policies of the SS. Besides keeping the German settlers from fleeing for as long as possible and killing deserting soldiers, the SS was also responsible for spreading rumours about the Russians which led many to take up desperate measures and to choose 'die ihnen letztverbliebene Richtung: in den eigenen Tod' (S, 371):

Auf zum Letzten-Gefecht Der-End=Sieg ist nah. *Ihr wollt ?Frieden.....Aber Frieden aus Verzweiflung ist keiner* –brüllt Es schwarz aus Mäulern, Stahlhelme mit Zickzackrunen die Irrblitze Wahnsinn – *Was ihr von-Uns bekommen habt, wißt ihr: !Krieg. Was ihr von-Denen bekommen werdet, wissen wir: !Saures.....* (S, 371)

In this passage, ethical responsibility for the war as well as for the unnecessary suffering of many Germans at the end of it is assigned to the SS as a leading organ of the Nazi regime.

Without paying close attention to the occasional reference to the crimes of the *Wehrmacht*, the mention of the ‘Blutspuren der-Wehrmacht’ (*S*, 279) or of the German’s Army ‘Raubzug nach=Osten’ (*S*, 370), the passage could easily be misread in ways which support the myth of the leading Nazis and the SS being the ultimate perpetrators and culprits of the war. However, in the context of the wider oeuvre one can find other evidence to undermine such myth. In *ABTRÜNNIG* ordinary citizens become brutal killers in the massacre of the prisoners thereby subverting the mistaken belief of an innocent *Zivilbevölkerung*: ‘Leute-aus-der-Gegend, & weitaus mehr als Dazu nötig, setzte der Revierförster auf seine Liste für Treiber & Jäger gegen *Die entlaufenen Schwerverbrecher*’ (*At*, 345). These citizens, ‘eine Bürgerwehr – mehr als sechzig Leute’ who brought ‘Äxte Knüppel Hämmer Eisenstangen’ (*At*, 345) set out to slaughter thirty emaciated prisoners. Also, there is the farmer who shoots his forced labourers (*U*, 26) and the lesser crime of the banker who divorces his Jewish wife in order to advance in his career (*S*, 265, 277).

There are then plenty of clear-cut perpetrators. Erich’s youthfulness and alleged traumatization are not enough to exonerate him from his actions and to gain the reader’s sympathies entirely. Erich thrives under the adverse and difficult post-war conditions at the cost of others. Excitedly he tells Anna: ‘-Hab auch Verbindung zum Russen bekomm: Die verscherbeln sogar !Waffen [...] Waffen überdauern Jedenkrieg für den nächsten. Und weil ich Das nich ändern kann, will ich wenigstens dran verdienen’ (*U*, 68). Later, leaving Anna and the child in the Russian Zone, he starts a criminal career in the West. With his ability to adapt and to make the best of any given situation he might well use ‘Das Stigma’ (*U*, 76) in order to prove his masculinity and trustworthiness towards former Nazi perpetrators or petty criminals. Apart from this, Erich’s story forms an excellent background to highlight the more common brutality of the guards, who after all represent the majority of clear-cut perpetrators during the massacre.

Conclusion

The comparison between the respective representations of victims and perpetrators in all three depictions of massacres, two from *Die Unvollendeten* and one from *ABTRÜNNIG*, offers answers to the questions of whether the characterizations are made without discernible ethical judgement and whether the author differentiates between the atrocities committed by Czechs as opposed to those committed by Germans. The greatest difference between the representation of prisoners' massacres as opposed to that of SS-men and collaborators is simply the amount of space devoted to each; the slaughter of SS members merits only a single page (*U*, 14). Besides, the prisoners of concentration camps are described in their bodily frailty and given individual voices in *ABTRÜNNIG*, whereas there is not the slightest individual detail given of the murdered SS men. In the representations of all three massacres Jirgl differentiates between the murder of the defenceless victims who deserve our empathy and, as in the case of the SS members who had previously killed and mistreated forced labourers, the killing of perpetrators. The prisoners are described in ways which encourage empathy whereas the perpetrators are portrayed solely through witness reports of those partly involved in the crimes such as Erich in *Die Unvollendeten* and the uncle in *ABTRÜNNIG* who exclusively relate acts of great brutality from which they try to distance themselves.⁵⁴

The examined texts also help to undermine, and hopefully to alter, a number of ingrained social perceptions in which a rigid dichotomy of victims versus perpetrators is closely aligned with a gulf between good and evil. This applies particularly to the ways in which the texts relate the behaviour of Germans and German victims toward each other. Furthermore, the scenes depicting the mistreatment of prisoners heighten the awareness of outright war crimes and the representation of German expellees underscores their unethical behaviour which is caused by a lack of solidarity and sense of responsibility. In *Die Stille*, where the German expellees are predominantly shown to behave unfeelingly towards each other, and to a lesser degree in *Die Unvollendeten*, the same people are also represented in a fashion which is reminiscent of Agamben's *homo sacer*, and in extreme cases of Primo Levi's figure of the *Muselman*. Mirrored in Jirgl's texts is

⁵⁴ The uncle's story is examined in chapter three.

the following quote from Alex Murray about the potential of these figures in Agamben's writing:

This figure, which Agamben identifies as *homo sacer* [...] is the paradigm of politics. Agamben can thus provide a genealogy or a counter-history of Western politics through the figure of *homo sacer*, suggesting that the modern figure of the refugee, as well as the prisoner in the concentration camp, represent the limit point of politics.⁵⁵

Both the prisoner of the concentration camp and the post-war expellee are excluded from any laws and regulations, 'they have no political rights so it is no longer illegal for [them] to be killed'.⁵⁶ The representation does, however, differ for the two groups. The prisoners are drawn as absolute victims, and as such they invite a much larger degree of empathy than the refugees, who are, unlike those prisoners, depicted with all their human shortcomings. The texts work against simple generalizations and over-simplifications. They foreground the fact that there is no necessary connection between being a victim and acting ethically but also show that not every single member of the SS was a clearly defined perpetrator. In times of great political upheaval, law and order are suspended and it appears as if survival is contingent on peoples' location, ethnicity, social influence or simple good fortune. Potentially, under unfavourable circumstances almost everybody can be turned into *homo sacer*. This posits an ethical demand to resist the normalization of injustice and political violence.

The critics' arguments that Jirgl universalizes human suffering, which for him represents a transhistorical trauma, cannot be refuted altogether. The following two passages in *Die Unvollendeten* support that view: 'Zuerst, u wie in Früherenzeiten vor der-Pest, drangen von-Überall-her die Warnschreie menschlicher Stimmen an : *!Heutemorgen sind Viele schon erschlagen & erschossen worden -.*' (U, 5) and secondly:

Das 20. Jahrhundert, das Jahrhundert der Lager & Vertreibungen, nach soviel Freigelassenheit zu Idiotie u Grauen, vom Blut aus zerrissenen Lungen durchtränkter nächtiger Zeit [...] ?Nach wievielen Jahrhunderten wird das 20. Jahrhundert endlich

⁵⁵ Alex Murray, *Giorgio Agamben* (Abingdon: Routledge, 2010), p. 60.

⁵⁶ *Ibid.*, p. 60.

zu-Ende sein, und ?Was kommt ?Wann Danach. Aber: Das 20. Jahrhundert, es hat ja soeben wieder begonnen..... (U, 250)

Importantly, these statements are placed at the start and the end of the novel. They can be interpreted as a transhistorical frame in which the far more concrete events of the book take place. Yet, the reference to torn lungs points to the new dimension of mass murder in the Holocaust.⁵⁷ Although the human propensity for cruelty and violence appears to be universal, the text is precise enough to point out qualitative differences between acts of violence and groups of perpetrators. Most importantly, ‘Germans as victims’ as described in *Die Stille* and in *Die Unvollendeten* are represented within the context of previous German expansionist and racist policies and against the background of atrocities carried out by members of the SS, the *Wehrmacht* and ordinary Germans. The transhistorical framing of *Die Unvollendeten* can certainly be read as a warning that history has a propensity to repeat itself and that today’s many refugees are worthy of our empathy despite the fact that they are not represented overtly empathetically in the texts. Groups of people in adverse conditions will not necessarily act in ethical ways.

There is then a recognizable bias in the various ways victims and perpetrators are described. For instance, there are no negative characterizations of inmates from concentration camps and German perpetrators are almost exclusively depicted as brutes. Both facts are at odds with Jirgl’s idea of a *Zulassungsethik* that omits any ethical judgements or references to right and wrong actions. The next section explores whether this idea of a *Zulassungsethik* works better for cases of taking the law into one’s own hands. It also investigates whether these cases point to insufficiencies within the existing law and to the need and conceivability of an improved juridical order.

Taking the Law into one’s own Hands

The subject of taking the law into one’s own hands raises the question of the quality and sufficiency of the existing system of law and order. It is an *unlawful* act that frequently draws attention to the insufficiencies of the existing law. To take the law into one’s own hands can be a desperate decision by an individual or by an incensed

⁵⁷ The tearing of lungs is the ultimate cause of death in a gas chamber.

and angry mob. Heinrich von Kleist's *Michael Kohlhaas* probes the relationship between the personal experience of injustice and the escalating chain of violence that ensues when one's own attempts to rectify the unjust situation are frustrated. The question that Kleist's text raises is whether such lawless acts make matters worse, leading to new injustice, or whether they can, occasionally lead to satisfactory and just solutions.⁵⁸ Often, these predominantly violent actions in favour of one's rights have the secret approval of other law-abiding citizens who experience a feeling that some sort of 'justice' has been done which cannot be achieved legitimately and, as a side effect, may invite escalating senseless violence. However, although violent acts by an angry mob are a subject of Jirgl's novels, they are only touched upon in this chapter. This is because their representation by Jirgl unambiguously shows them to be unethical and cruel violations of the rights of migrant workers or strangers (*H*, 259; *oG*, 140; *AF*, 43) or worse, a hunting down of an officially ostracized section of the population (*At*, 338-56; *MVR*, 67).⁵⁹ Individual 'law enforcement', on the other hand, might still be ethical. The examples discussed here offer an exploration of the ethical implications of taking the law into one's own hands and of the possibility of representing such cases without taking an ethical stance.

The first example is a lengthy narrative of child abuse from *Die atlantische Mauer* (*AM*, 91-116). The story is told by a close friend of the female victim who, in her childhood, was regularly beaten and raped by her drunken father. The mother colludes with the father to whom she declares: 'Solange du mich in Frieden läßt, solange laß ich dir deine Tochter' (*AM*, 94). In a small West-German town during the nineteen fifties, the affair is hidden 'unter der [...] verschlußsicheren Membran der Gutbürgerlichkeit' (*AM*, 92). When, forty years later, the friend asks why she did not kill her parents, the woman simply replies 'Denk dir: ich bin nicht darauf gekommen' (*AM*, 97). It is only when it is discovered that the father, a teacher, seduced a number of his female pupils that he is tried in court. His punishments are lenient: he is merely 'vom Schuldienst suspendiert' (*AM*, 100). Not long after the trial, the uncle of one of the pupils with whom the father had had sexual intercourse takes the law into his own hands: 'dieser Mann, dem die behördlichen Strafmaßnahmen offenbar keine Befriedigung verschafft hatten, mußte [...] auf eine Gelegenheit zur Vergeltung gewartet haben' (*AM*, 100). The man kills the suspended

⁵⁸ Heinrich von Kleist, *Michael Kohlhaas* (Stuttgart: Reclam, 1982).

⁵⁹ For a discussion of these cases see Dannemann, *3-Groschen-Roman*, pp. 292-300.

teacher. What ensues is another court case, this time for the murderer of the abusive father and unprofessional teacher.⁶⁰ Yet, to kill a man because of an illicit affair with a teenager is disproportionate. The murder constitutes a self-indulgent criminal act which raises the suspicion that the killer's feelings for his niece were not completely innocent. The case would be less straightforward if the daughter had committed patricide. In such a case it could be judged to be a desperate act carried out against a background where child abuse carried a far greater taboo than nowadays and abused children were usually not believed. The murder of the father by his daughter would still not be ethically justified or acceptable but it could at least be understood to be the result of years of psychological and physical mistreatment.

In the second example, taken from *Abschied von den Feinden* (AF, 256-7) it is also the wrong person who ends up taking the law into his own hands. The episode is set during the first years after the opening of the German-German borders, a time which was marked by many property disputes and a severely challenged and changing legal system. 'Wir', the anonymous voice who speaks for the many locals of a small provincial town, functions as the narrator of the incident. One of the villagers stands in to deliver the opinion of the collective 'wir'. He relates the story about the 'Reiche=aus=dem=Westen' who appeared immediately after the 'Vereinigung [...] Sein Grundstück & das Haus darauf wollte Der wiederhaben Die Familie-von-Hier hatte beinahe dreißig Jahre drin gewohnt' (AF, 256). The man, who must have left the GDR during the fifties, suddenly turns up and 'wollte !Alles !Wiederhaben !Sofort Die Familie sollte !Raus ?wohin War dem egal – das Gerichtsverfahren zog sich in die Länge' (AF, 257). He sits in an excavator and 'walzte den Zaun nieder den Garten die Obstbäume das Gewächshaus Wollte alles plattmachen' (AF, 257). When the grandfather steps out of the house to stop the man, he dies of a heart attack. The provincial *vox populi* clearly condemns the act of vandalism but also comments negatively on the reaction of the owner:

!Was hat der wohl getan ?Hat der sich vielleicht 1 Axt gegriffen & dem Frechling auf dem Bulldozer !1 vor den Schädel gegeben -!Nicht die Spur !Nicht mal auf den Gedanken schien der gekommen Sondern !Zur Polizei ist der gelaufen [...] Aber die Polizisten haben ihm seine Geschichte !nicht geglaubt. (AF, 257)

⁶⁰ An analysis of this trial is given in chapter three.

The many exclamation marks illustrate the real outrage experienced by the speaker who is going to lecture the stranger on the subject of what does constitute a ‘healthy’ feeling for justice:

!Verstehen Sie uns nicht falsch Aber dem Mann ist sogar ganz recht geschehen
Denn wenn [...] er [...] zum Kadi rennt & Anzeige machen will Anstatt dem Kerl
kurzerhand den Schädel einzuschlagen : Dann gehts ihm halt dreckig in dieser-Welt.
(AF, 257)

Jirgl has commented on the way he has constructed the public voice of the villagers in *Abschied von den Feinden*.⁶¹ The ‘wir’ is structured in analogy to the *Chorus* of Greek plays and expresses ideas about the relationships between different kinds of power:

Gelesen auf der Ebene von Macht-Beziehungen verdeutlicht der Chor die
Pluralitäten der Macht [...] Eindimensionale Gewaltherrschaft ist stets nur ein
Spezialfall von Machtpraxis, und nicht einmal ein sehr effizienter, weil die
volkstümliche Seite eines solchen Regimes dabei nicht zum tragen kommt: die
Macht von Unten, die die Staatsmächte ihrerseits formuliert, trägt und ausprägen
hilft.⁶²

The collective voice of the ‘wir’ can therefore not be read as being derogatory: it is not the voice of an ignorant mob. Rather, it is a mixture of provincial public opinion informed by ignorance as much as by wisdom. The ‘wir’ is strong enough to modify the power of the state towards a strategy of ‘Zulassung und Ausgrenzung’ instead of using clear prohibitions.⁶³ Here, the public ‘we’, which represents the section of the villagers who share the speaker’s opinion, shows complete contempt for the law enforcing system. This fatalism suggests a world devoid of altruism in which the Hobbesian contract is habitually breached and vigilantes have to take care of law and order. The victim, who still believes in the power of the police, is ridiculed. The voice of the many also expresses a secret approval of the Neo-Nazis who regularly beat up asylum seekers: ‘Mit den Rabauken die immer Heilhitler brüllen [...] haben wir eigentlich nichts im Sinn Aber wie solln wir sagen Nein [...] Aber wir sind ja nicht vorbereitet’ (AF, 43). The mentality expressed here echoes that of statements

⁶¹ Kammler, De Winde, Jirgl, ‘Gespräche in Briefen’, in *LuB*, pp. 125-62 (pp. 135-36).

⁶² *Ibid.*, pp. 135-36.

⁶³ *Ibid.*, p. 136.

starting with ‘I am not a racist but...’ which are almost always followed by a racist remark. The many now bemoan the death of law and order in the GDR:

!Gott was warn wir 1 friedliches Fleckchen Erde hier Bis die-Grenze aufging [...] ?Sie wissen doch was TRAPO hieß Und die haben bei ihren Kontrollen in den Zügen alle rausgeholt die nicht hieb&stichfest nachweisen konnten warum sie hierher wollten [...] wir waren ja Grenzgebiet.⁶⁴ (AF, 22)

Part of the population thus helped to cement the previous political system which still meets with their approval. The text establishes an ambivalence towards the opinion of the ‘wir’: on offer is a variety of palatable and unpalatable opinions which cannot be dismissed as that of an unimportant provincial minority. The public demand to take the law into their own hands is understandable in the face of the incompetence shown by the forces of law and order. There is, however, a dormant undercurrent of people who, under detrimental circumstances, might resort to vigilante methods which are disproportionately violent. Contrary to a genuine ‘Zulassungsethik’, the texts do not depict uprisings by the oppressed against their masters, that arguably show, if successful, that mass violence can achieve greater justice for a disadvantaged class of people. Instead, the scenes of mob violence are part of Jirgl’s general concern with the fragility of civilized behaviour and he addresses the dangers of a power vacuum caused by sudden social changes. Whilst the police forces of the GDR were being dismantled and partly reorganized, they were weakened and became uncertain of their powers. The provision of security and protection by the state in exchange for obedience to the law, as envisaged in the Hobbesian social contract, is out of kilter. The man with the excavator, who is too impatient to wait for the court to make a decision, is a small representative of those who saw the demise of the GDR as an easy opportunity for enrichment. This case illustrates how an individual grievance can potentially serve as an excuse and pretext for mob violence.

This widespread desire to enrich oneself is also what the solicitor in *Hundsnächte* experiences after his repatriation from the East to the West, where his ‘Ekel’ regarding his petty and money-grabbing clients turns into an ‘objektlosen

⁶⁴ TRAPO: the *Transportpolizei* of the GDR.

Haß' (*H*, 31-32). As a solicitor he takes the law beyond its legitimate limits, abuses the trust of his clients and punishes them by unearthing their dirty secrets. The lawyer is convinced that 'der Ruinierte nur sich=selber den Vorwurf machen mußte, daß er den Dreck, der vor Gericht über ihn ans Licht gekommen war & der ihn vernichtet hatte [...] nicht weit genug weg vergraben hatte.....' (*H*, 32). His actions are not simply subversive of an absurd system in which money can buy legal protection by covering up illegal activities. The lawyer follows his own self-serving agenda and, as he becomes increasingly intoxicated by his own power, his decisions become more cruel, ruthless and irrational. The disaffected, disillusioned and misanthropic solicitor turns into a persecutor and killer who is punishing strangers for minor, mostly financial, crimes (*H*, 34-49).

The lawyer's last big case shows him as a man with clear psychopathic tendencies. An old frail, yet very successful, Jewish man wants to secure his fortune for the benefit of his only daughter whom he unfortunately married off to a useless and womanising good-for-nothing: '*Ich habe vor Jahren meiner Tochter diesen Hengst gekauft*' because it was '*im Aufbau einer Karriere opportun*' (*H*, 37). After having gained the utter trust of the old man, the lawyer craftily engineers the financial ruin of the family and tampers with the racing car of the son-in-law. Bringing the news of the betrayal to the old man gives him the greatest pleasure in years: '*Auf den alten Mann wirkten meine Eröffnungen, als schnellte in seinem Innern Mal um Mal 1 Motorkolben hoch in den Kopf, ihm [...] den Schädel explodieren zu lassen*' (*H*, 47-48). Next day the old man is dead: '*Und der Tod dieses Alten, der Ruin seiner Tochter, das war nicht mein einziger Triumph. Einige Wochen später hörte ich vom Unfall dieses Ehemanns*' (*H*, 48). The lawyer's dislike of people and money leads him to eliminate both together. The waiter, who listens to the lawyer's story, cannot understand the motive for the crime. There is an expectation that the solicitor planned a perfect crime in order to enrich himself. However, he made sure that the contract was set out to redirect the '*Riesen-Vermögen des Alten*' into '*die fettigen Pfoten irgend-1 Wohltätigkeit's Anstalt*' (*H*, 49). That he is not an idealist who redistributes riches in the manner of Robin Hood is apparent from his derogatory remarks about charitable institutions. His coldness and anger is mixed with resentment against those who had easy lives. It appears that the Jewish man deserves to suffer *because* he avoided the Holocaust: '*seine Familie & er gerieten niemals ins Emigranten=Schicksal, weder Auffanglager Hunger Läuse*

Obdachlosigkeit u Dreck' (*H*, 34). Although the victims are random clients, there is a suspicion that the extreme cruelty of the last case additionally has anti-Semitic roots.

The solicitor abuses his position within the juridical system in order to hurt other people for his personal gratification. He, as much as the uncle who kills a man for seducing his niece, oversteps the boundaries set by the ancient *lex talionis*: there is no proportionality between the original crime and the self-administered punishment. As he confesses, addressing his past persona, he felt 'die glühenden Brocken Lust, diese Klienten [...] mit den Mitteln & Verfahren des verübten Rechtes in die Endgültigkeit ihres Verderbens fallen zu lassen' (*H*, 32). He thus 'plays God', punishing people for his personal gratification and out of a feeling of Nietzschean *ressentiment* that originates partly from political disillusionment. The lawyer, the man who causes havoc on an East German property and the uncle who kills his niece's abuser are all described in ways that underscore their inappropriate, unethical and selfish behaviour. They are all depicted as unambiguously bad men who do not inspire any empathy. It follows that none of the textual examples encourages taking the law into one's own hands. At the root of the lawlessness are the mental fixations of the three actors rather than the existing law. A genuine *Zulassungsethik*, if possible at all, would require that the reader encounters more difficulties in separating ethical from unethical behaviour. And this is indeed the case in the next example taken from *Die Stille*.

In contrast to the three episodes examined so far, the protagonist of the last example, Dorothea: '-Von-kleinauf hieß ich bei den-Leuten *die Stille*' (*S*, 517), is construed in ways which encourage empathy with her character and therefore make it more difficult to evaluate her crime impartially. The nickname indicates the importance of her character within a novel which has 'Stille' as its leitmotif. Her deed is the final consequence of a long history of expropriations which is examined in the next chapter. It is also Dorothea, a free journalist from Frankfurt am Main and wife of Georg's son Henry, who narrates almost all of the property and land disputes surrounding her husband's family with great empathy (*S*, 420-24, 445-48, 460-64, 475-83, 494-96). Both Dorothea and Henry are introverted outsiders who found each other because they despised the many opportunists in East and West: 'Zunächst verband uns gemeinsamer Humor u gemeinsame Verachtung: Er gegen jene Gestalten im-Osten [...] Ich gegen bestimmte Gestalten im-Westen' (*S*, 424). Having been a quiet and critical observer of injustice, her ultimate act of defiance is the

murder of the chief of the energy company EL Co. during the official opening of mining activities which seal the complete disappearance of the Georg's native village of Thalow and its environs.

Dorothea narrates the entire incident and her feelings during her violent act very precisely whilst distancing herself emotionally: '4 Schüsse wie 4 Mückenstiche in den kompakten Block aus herbestelltem Lärm [...] Nun liegt er still. Der Vorstandsvorsitzende des-Energiekonzerns EL Co.' (S, 519). The passage contains one of Jirgl's recurring themes: the behaviour of the masses as opposed to that of the *abtrünnig* outsider. It is a consequence of the fact that the 'applaudierende Masse', displaying 'jubellachende Mäuler' and 'fettige[s] Klatschen' (S, 519), are so easily manipulated and instrumentalized by powerful *men*, that there is a continual recurrence of injustice irrespective of the type of social system: 'MAN war sichtbar bemüht, aus dieser Veranstaltung 1 Vollxfest zu machen so, als sei damit auch Volke's Iverständnis mit Dieser Maßnahme verbunden' (S, 519). The eminences and guests are gathered 'am Grubenrand' (S, 518), a place mainly associated with Nazi atrocities. Today's killings are, however, bloodless and lead instead to an increasing number of socially marginalized revenants: 'Auf der Basis von ökonomisch bestimmten Gesetzes-Lagen finden, praktisch täglich, Massen-Hinrichtungen statt' (At, 375). The date of the festivities, namely 'der 13. August' (S, 517), is a symbolic reminder of another misuse of power in German history. The blindness of the masses towards the true interests of those with economic or political power appears to be pervasive throughout history. The *hoi polloi* are laughing and celebrating, mouths wide open forming 'dunkle Löcher' (S, 519), Jirgl's familiar image indicating a deadly foreboding. By inviting the country's 'Umweltminister' (S, 518), capitalism has adopted new ways to hide its true nature. The pretence of caring about environmental issues is adopted by capitalists and leading politicians alike. As Mark Fisher writes, today 'the threat of resource-depletion [is] not repressed so much as incorporated into advertising and marketing'.⁶⁵

Dorothea's attack against a symbol of power is not going to lead to any fundamental changes. At worst the killing will lead to an increase of law-sustaining force and more laws which protect financial wealth. For her, however, it is an act of liberation. Dorothea loses her life-long fear of authority which is at the root of the

⁶⁵ Mark Fisher, *Capitalist Realism: Is there no Alternative?* (Winchester and Washington: O Books, 2009), p. 18.

perpetuation of a socially unjust status quo. When asked by the acting police officer for her reasons to commit a murder which is so ‘!Blödsinnig=!sinnlos!’, Dorothea eventually answers slowly and clearly. The interrogator cannot feel any sympathy for Dorothea’s action but she does not need sympathy, she needs something more important:

Herr Kommissar. Ich brauche Gerechtigkeit. Aber Die ist so unsichtbar wie Der Heilje Geist: nirgends niemals nicht gesehen. Denn Gerechtigkeit ist Was für die-Andere-Welt. In Dieserwelt haben wir: die Rächzflge. Mein Fer-traun in SIE – (hör ich meine Stimme [...] reden) –is geh-Wall-tich; doch um !Sein=Recht sollte sich jeder=selbst kümmern. Und man kann nicht frühgenug Damit beginnen. (S, 522)

Dorothea’s liberating deed is a desperate act in the face of the impossibility of achieving genuine social justice. She has lost all belief in a legal system which establishes a protective ‘Wall’ around those with money and power. Just like the ‘we’ in *Abschied von den Feinden*, she recommends that one is better off taking the law into one’s own hands. In accepting a long prison sentence, Dorothea takes full responsibility for the futile killing of a man who is merely an arbitrary symbol of corporate capitalism. By killing the man she is using him as a means to her own personal ends thereby violating Kant’s Categorical Imperative. Yet, the question remains why it is, at least for some readers, more difficult to condemn her action than it is in the three previous cases? In which ways does the text manage to encourage empathy with a killer and even tempt the reader to condone the murder?

Dorothea narrates most of the book’s third and last part which deals with the more recent injustices suffered by Henry’s family. Thus she shows concern for the problems of others. Part of this consideration is that she looks after Henry’s father Georg after his brain surgery; a responsibility Henry, who was strongly disliked by his father (S, 113, 115, 127-35), rejects. Dorothea seems to have no proper ties to or regards for her own family in which she grew up with an unloving father who projects his anger against his wife onto her: ‘So wirst auch !du werden [...] So wie diese Spinne=da, fauchte er mich an, -denn Allefrauen sind wie Spinnen’ (S, 426). As a consequence, she rejects part of her femininity: ‘ich wollte !niemals werden wie eine Spinne – ich wollte !niemals Eine Frau sein’ (S, 427). And, as a result of witnessing her parents’ acrimonious divorce, ‘[ward] [d]ieses Netz, gewissermaßen

mein=Netz [...] zerrissen' (S, 427). Being reserved makes the people around her uneasy, they say: 'Man wird nie so=recht warm mit ihr' and connect with Dorothea's nick-name 'etwas dunkel Unergründliches, Undurchschaubares, ja Feindliches' (S, 517). Later, when she is married and has a chance to overcome her resistance to open herself up, Dorothea is struck by bad luck: 'In meiner 1. Ehe 1 Fehlgeburt, in meiner 2. Ehe 1 Toteskind; ich kann Keinekinder zur-Welt bringen, die leben würden in Dieserwelt.....' (S, 444). When she catches a glance at the stillborn boy, whose face expresses a 'tief=verständige stille Lebensklugheit u Güte' (S, 443), she becomes convinced that there was 'nichts Organisches' (S, 444) at the root of the early death. Thus, the dead boy becomes an illustration of the Silenian wisdom which Nietzsche refers to in his *Birth of Tragedy*. When king Midas at last captures the wise man, he asks him what he considers to be the very best thing for humans, and the sage replies:

Elendes Eintagsgeschlecht, des Zufalls Kinder der Mühsal [...] Das Allerbeste ist für dich gänzlich unerreichbar; nicht geboren zu sein, nicht zu *sein*, *nichts* zu sein. Das Zweitbeste aber ist für dich – bald zu sterben.⁶⁶

Dorothea clearly belongs to those people who have a non-affirmative attitude towards life which is partly due to negative childhood experiences.⁶⁷ Besides her genuine interest for the problems of others, it is then also her bad luck in having an unloving father and a stillborn child which may enable the reader to feel empathy with a character who later becomes a killer. There is even an element of pathos in her action.

There is textual evidence that Dorothea is succumbing to a self-defeating prophecy. Her father's forecast, 'die Geschichte mit der Spinne' makes Dorothea determined to escape her predicament, she swears 'unter-Tränen der Wut !niemals zu werden wie Einefrau' (S, 444). Her inability to bear a living child confirms to Dorothea that she is successfully avoiding her destiny: 'diesen Wunsch sah ich nun: ?erfüllt' (S, 444). The question mark might indicate some doubts regarding her wish or perhaps an uncertainty in regard to whether it is necessary to continue to oppose

⁶⁶ Friedrich Nietzsche, *Die Geburt der Tragödie*, in *Kritische Studienausgabe*, ed. by G.Colli and M. Montinari, 15 vols (München: Deutscher Taschenbuch Verlag and de Gruyter, 1999), I, pp. 9-156 (p. 35).

⁶⁷ For a discussion of affirmative versus non-affirmative personalities see chapter one.

the prophecy. This self-defeating prophecy is interwoven with a violent fate. The fact that others experience the child they call *die Stille* as '[etwas] Undurchschaubares, ja Feindliches' (S, 517), is only one of a series of pointers towards her violent potential. There are, for instance, Georg's words uttered in a different context: '*Nur Stille Die Stille : !Die ist eine letzte=eine wirkliche Gefahr*' (S, 217). After Henry makes a career move and goes to America, Dorothea follows the old and recuperating George 'in sein Haus auf dem Anwesen in Thallow' (S, 420). Retrospectively she thinks that she should have known better and thought about the '!Fluch, der auf diesem Grund&boden in Thallow liegt' (S, 420). The curse, according to Dorothea was 'Einfluch aus allen Staaten & re-Gierungen – ob Schwarz Rot od andersfarbig lackiert – die zu-Allen-zeiten [...] nach Leben & Eigentum anderer Menschen grabschen' (S, 421). Yet, the state offering merely 'das eiserne Räder-Gewerke von Para-Grafen' knows 'weder Gnade noch Sühne' (S, 421). Until the violent destruction of the state 'ist deren Fluch: säkular=&=ewig.....' (S, 421). She finally justifies her crime by blaming the curse and her fated existence: 'Ich glaubte nicht Daran, nun hab ich Dran glauben !müssen : Denn schließlich bin ich janich freiwillig Hier.....' (S, 421).

Her mission to provide a *Sühneopfer* for past injustices, irrespective of her being fully conscious of her intention or not, prevents Dorothea from moving with Georg to Bad Bentheim. She rejects the offer of a new home with the words:

Nur komme ich bis-auf-Weiteres nicht los von Hier, denn ich habe noch Etwas zu erledigen. –(:?Ob ich, als ich Damals diesen Satz aussprach, schon so=genau ?wußte, !Was damit gemeint war.) (S, 488)

The idea to shoot the head of an energy corporation would, however, not have formed before Henry admits to having brought back a '*Smith & Wesson 357 Magnum*' (S, 515) from the USA. The fact that Dorothea's rejection of moving away from Thallow coincided '[v]ielleicht' with a sudden memory of Henry's return 'als er schließlich mit Erzählen begonnen hatte' (S, 488), confirms the likelihood of this. Henry, who is dying from cancer, asks Dorothea to shoot him with his magnum in order to shorten his suffering. She fails to comply and admits:

Und ich hätte vielleicht diese (mir=selbst vordem noch unklare) Absicht später nicht mit !solcher Entschlossenheit in-Die-Tat umsetzen können, wäre Henrys rasches Ende nicht gewesen. (S, 488)

This statement by Dorothea indicates that at least a small part of her motivation to kill a stranger might be a desire to atone for having failed to kill Henry. Ironically, in trying to evade her father's prophecy, Dorothea, who fights her femininity, ends up fulfilling her fate as a murderer. She thus becomes the sole woman who kills in Jirgl's oeuvre.⁶⁸

The character of Dorothea is likeable insofar as she becomes the chronicler of the injustices endured by Henry's family, which are explored in the next chapter. She is genuinely angered and upset by the state of this world, whether in the past or in the present. Yet, her emotional unapproachability, failing marriages and negative childhood experiences also drive her to a destructive and nevertheless self-affirmative action. Retrospectively, Dorothea avoids full responsibility by blaming fate. Painful and futile events in her life become the necessary stepping stones in a predetermined path which gives meaning to Dorothea's life. Her hidden desire to leave a mark and to shock authorities can be glimpsed when police and secret services of two countries search for Henry who disappears from his university in the USA. Dorothea suddenly envisages her estranged husband with new eyes:

So erhielt dieser Mann in meinen Augen eine Besonderheit, die meiner Eitelkeit schmeichelte. [...] Fantasieen [...] fügten sich [...] zum ver=führerischen Glanz des unvorstellbar Einen Großen Verbrechens, ausgeführt von 1 solangezeit als menschlichen Schatten daseienden Klandestin namens Henry Adam. (S, 474)

Henry did not commit a glamorous crime, quite the reverse: he developed paranoia and killed two innocent men in the wilderness. Dorothea, however, decides publicly to kill a man who symbolizes power. Her murder has a political meaning and at the same time serves as a justification for a life which almost went unnoticed; a genuine desire for greater social justice has become entangled with a desire to be noticed and to shock.

⁶⁸ In scenes describing extreme violence Jirgl frequently uses capital letters to express the word 'man' in order to express a relationship between violence and masculinity and male power. For example: 'Hat MAN ihm die Fähigkeit zum Sprechen ?zerschlagen' (S, 324).

Jirgl, too, offers an interpretation of the killing. In one of his written interviews he speaks of an ‘inversion of reason’:

Was als ‘sinnlos’ und ‘kindisch’, mithin als irrational (Dorotheas Mord an dem Geschäftsführer eines Energiekonzerns) aus der Sicht der alten obwaltenden Vernunft bezeichnet werden muß, verliert diese Bewertung auf der anderen Ebene und formuliert sich als die oberste Errungenschaft der Vernunft: der Verlust von persönlicher Lebensangst.⁶⁹

The normalized daily violence of state and capital is experienced by most people as reasonable or *vernünftig*, the murder by Dorothea as the opposite. At another level, however, Dorothea’s act can be considered to be far more reasonable than the ruthless policies of energy companies and states. In the same interview, Jirgl characterizes *angst* or fear as a means by which the state regenerates and secures its power over the general population. It is possible that Dorothea did not dare to kill Henry out of fear of being punished. The loss of *angst* thus becomes the first step to greater self-determination, albeit self-determination at the cost of an arbitrary man chosen to be an expiatory sacrifice, who happens to run an energy corporation.

Conclusion

In all the examples, there is no legitimate reason for the perpetrators to take the law into their own hands. Most of the crimes are not carried out in response to genuine insufficiencies of the existing body of law and order. The individual actors have no undisputed reason to enforce the law and thus their actions are unethical beyond doubt. Subsequently the texts do not encourage or glorify such acts. Furthermore, in two cases, it is not the real victims, those who are truly let down by the courts and the police, who strike out against their tormentors: the sexually abused child and the owner of the demolished garden. Here, the texts facilitate a clear ethical judgement by the reader. The message of these two examples is then that whoever is most likely to take the law into their own hands is at the same time unlikely to be a genuine victim of injustice.

⁶⁹ Arne De Winde and Bart Philipsen, ‘Über die Grenzen des Erträglichen: Briefgespräch mit Reinhard Jirgl’, translation from: *nY* #3 (2010) <<http://ny-web.be/transitzone/briefgesprach-jirgl.html>> [accessed 16 January 2011].

The lawyer and Dorothea, on the other hand, are more complex perpetrators and the depiction of their past histories encourages some degree of understanding of, or as with Dorothea even some empathy with, the unethical criminal act. The solicitor is the long-suffering victim of early political violence, whilst Dorothea is a sensitive observer and chronicler of political injustice. As Walter Benjamin remarks: ‘Was den Menschen angeht, so führt ihn zum Beispiel der Zorn zu den sichtbarsten Ausbrüchen von Gewalt, die sich nicht als Mittel auf einen vorgesetzten Zweck bezieht. Sie ist nicht Mittel, sondern Manifestation.’⁷⁰ However, in both cases, but especially with the lawyer, the impetus for action that is marked by the desire for greater social justice, caused by negative experiences of political violence, becomes interlaced with desires for personal emotional compensation that counter feelings of unqualified empathy.

The problem in all four cases is not really the inadequacy of the existing law but rather the social and political experiences of the perpetrators and their idiosyncratic mentalities. Apart from Dorothea’s murder, the actors are drawn in ways which invite a negative judgement about their crimes, a fact that is incompatible with any genuine *Zulassungsethik*. The case of Dorothea is equally irreconcilable. The emplotment of her personal journey strongly encourages the reader’s approval of her deed and only a very meticulous reading shows that her motivations are not entirely based on her dislike of perpetual injustice.

Conclusion

Jirgl’s declaration: ‘ich versuche mich an keiner ethischen Interpretation der Welt’ cannot be substantiated.⁷¹ The examined episodes display a noticeable bias towards a depiction of disfunctional families, injustice and violence. This underlying cultural and historical pessimism is an ethical interpretation of the world that invites the reader to feel indignation about the state of human affairs. Whether it is the brutality surrounding the end of World War II or Dorothea’s chronicle of governments ‘ – die zu-Allen-zeiten [...] nach Leben & Eigentum anderer Menschen grabschen’ (S, 421), the texts are indictments against the injustices of the depicted events.

⁷⁰ Walter Benjamin, ‘Zur Kritik der Gewalt’, in *Gesammelte Schriften II.1*, ed. by Rolf Tiedemann and Hermann Schweppenhäuser (Frankfurt am Main: Suhrkamp, 1999), pp. 179-204 (p. 196).

⁷¹ Jung, ‘Material’, p. 61.

There is also a discernible bias in the representation of victims and perpetrators in regard to the concrete historical context. The comparison between German victims and perpetrators on the one hand, and Czech perpetrators or victims from Nazi concentration camps on the other, suggests a hierarchy of atrocities in which German aggression serves as a template for subsequent, albeit less severe savagery. Finally, all protagonists who take the law into their own hands are acting unethically. In the cases of the solicitor and of Dorothea there is, however, a causal relationship between the continual witnessing of political violence and injustice and turning into a killer.⁷²

The next chapter takes a closer look at the depictions of legal institutions and procedures. Are legal institutions always lagging behind in their attempts to contribute to greater justice, are they necessarily violent and do they encourage people to take the law into their own hands?

⁷² The solicitor's negative experiences are described in the next chapter.

The Representation of Legal Problems and Legal Practices

There are altogether five novels in which significant juridical practices and problems occur: *Abschied von den Feinden* (1995), *Hundsnächte* (1997), *Die atlantische Mauer* (2000), *ABTRÜNNIG* (2005) and *Die Stille* (2009). In *Abschied von den Feinden* and its sequel *Hundsnächte*, the choice of a solicitor as one of the main narrators, who leaves the GDR legally in order to work in the FRG, allows for a critical comparison of legal practices in East and West Germany. In *ABTRÜNNIG* the reader is confronted with three very different court cases, one of which is based on historical facts and therefore permits the comparison between historiographical accounts and Jirgl's fictionalization of the case. The major theme from *Die Stille*, which illustrates legal practices best, is the permanent threat of expropriation of ordinary people by the state. Finally, the court case involving the abusive teacher and father of *Die atlantische Mauer*, which featured in the last section of the previous chapter, will be examined in more detail here. This chapter analyses these examples by looking at them in historical context in order to draw further conclusions regarding the degree of cultural pessimism and of historical universalizations in Jirgl's texts. I shall examine whether or not the representations of legal practices are differentiated enough to show that the institutional implementation of the Law is contingent on the relevant social and political system with its law-enforcing powers. If this is not the case and institutional injustice appears to be relatively stable throughout the different social and political eras of recent German history, then Jirgl can be rightly criticized for universalising the inadequacy of the Law. Additionally, and in response to Grimm's claim that the perpetrators of injustice are not clearly represented and contextualized, this chapter continues with the examination of whether or not the perpetrators of injustice are clearly and individually depicted.

Court Cases

It is specifically in the novel *ABTRÜNNIG* that trials are given a significant role within the plot. With the exception of one instance in *Die atlantische Mauer*, court

cases in other novels are lacking in either content or length and are therefore not examined here. The most prominent of the three court cases to be found in *ABTRÜNNIG* is the fictional representation of the so-called *Celle Massacre Trial*, which took place in Celle between December 1947 and May 1948 under the jurisdiction of the British control commission in Germany. What happened in Celle at that time can be summarized as follows: on 8 April 1945, a train delivering prisoners from several smaller concentration camps to Bergen-Belsen was redirected to Celle where it was hit by bombs dropped on the city's rail facilities by three American bomber squadrons. Most of the surviving prisoners tried to escape into the town of Celle or the nearby woods, the *Neustädter Holz*. Whilst the majority were simply recaptured, about two hundred prisoners were hunted down and brutally killed by a group comprising members of the SS, SA, police, Hitler youth and ordinary citizens.¹ From 1950 until the beginning of the eighties there was no published historiographic account of the massacre, thereby rendering the event a blind spot in Celle's history. Jirgl frequently privileges historical events that are marginalized or repressed in the collective memory as themes for his novels. Therefore the historical events in Celle, including the subsequent trial, provide an ideal frame of reference for the narrative of the chapters *Stille Jäger* (*At*, 338-56) and *Klassentreffen, Heute* (*At*, 364-86). The original verdicts of the trial and the fact that all the perpetrators were released by 1952 are summarized by the main narrator of *ABTRÜNNIG* and coincide with the accounts of various historians:²

Die ursprünglich gefällten 3 Todesurteile für die Haupt-Angeklagten wurden nicht vollstreckt, sondern, kaum ausgesprochen, in Zuchthausstrafen bis zu zehn Jahren umgewandelt. Doch bereits nach 4 Jahren wurden diese wie alle übrigen Angeklagten freigesprochen & aus der Haft wieder entlassen. (*At*, 351)

Erk Grimm is the only literary scholar to date who explicitly refers to Jirgl's representation of the massacre trial and the question of justice. Ignoring the differences between the author's and the narrator's perspective, Grimm writes:

¹ The most comprehensive historical study to date is Bernhard Strebel, *Celle April 1945 revisited* (Bielefeld: Verlag für Regionalgeschichte, 2008).

² See, for instance, Strebel, pp. 86-101 and Klaus Neumann, *Shifting Memories: The Nazi Past in the New Germany* (Michigan: University of Michigan Press, 2000), pp. 41-68.

While he [Jirgl] does not deny that ordinary citizens must answer for crimes sponsored by the state, and that they must confront the legacy of past wrongs, he chooses to highlight the Allied court's inadequate handling of the case.³

The question is, however, to what extent Grimm's claims are supported by the textual evidence. When thirty murdered corpses are found by American soldiers they ask immediately 'WO SIND DIE TÄTER' (*At*, 350) and, after an anonymous tip-off by the narrator's uncle, they quickly find the men who are responsible 'für diese Menschen-Treibjagd vom April' (*At*, 351). Far from depicting the court's inadequacy as a result of Allied policies, the text merely mentions the initiation of the trial by the Allies which corresponds to the information given by the historian Klaus Neumann: 'Später berief Die Alliierte Militärbehörde, inzwischen waren die-Engländer in X. eingerückt, ein Tribunal zur Aburteilung der Verdächtigten: das *Massacre Trial von X.-*' (*At*, 351).⁴ Grimm further assumes that the crimes were 'sponsored by the state'.⁵ However, the enormity of the event, and possibly the motivation to choose a massacre of prisoners as a literary theme, consists in the voluntary and spontaneous nature of the 'manhunt'.⁶ This is even clearer in the fictional representation, where both search and killings are organized and carried out by the *Honoratioren* of X., the town's elite, and not the members of the Wehrmacht, SA, SS or Hitler youth. The actual, as well as the fictional, killings were neither directly sponsored by the state nor legal: they were murders by 'ordinary' citizens without any higher orders to do so. However, official state policies facilitated the ease with which local bureaucrats felt legitimized to organize the manhunt. In the actual case, nine of the fourteen accused were members of the public and, as it turned out, the remaining policemen did not stand under any proper *Befehlsgewalt* either. Major Gerald Draper, in trying to press for a trial, explains the urgency to prosecute the murderers by pointing out the egregious nature of the crimes. In his words they represent 'ein außerordentlich starkes Beispiel für eine spontane und freiwillige Beteiligung von deutschen

³ Erk Grimm, 'Parallax Memories: Revisiting Forgotten Borderlands in Reinhard Jirgl's *Abtrünnig*', *Gegenwartsliteratur*, 8 (2009), 90-121 (p. 110).

⁴ Neumann writes that the Celle Massacre Trial was conducted in front of a British Military Court. However, Strebel comments that the trial 'war entgegen der zeitgenössischen Berichterstattung, die seither unhinterfragt übernommen wurde, kein Militärprozess, sondern ein Verfahren vor einem britischen Gericht der Kontroll-Kommission', p.12.

⁵ Grimm, 'Parallax Memories', p. 110.

⁶ The case of Celle is not unique. Similar killings took place in Lüneburg, Gardelegen and during the *Mühlviertler Hasenjagd* (Strebel, p. 61).

Zivilisten an einer besonders abstoßenden und unmenschlichen Serie von Morden'.⁷ Whilst the original convictions are uncontroversial, it is the subsequent change of those convictions and early releases which are problematic and unjust. By the late forties and early fifties, Cold War agendas, which influenced Western Allied politics, came to the fore:

Die meisten Todesstrafen hatten die Alliierten schon in den frühen fünfziger Jahren in Freiheitsstrafen umgewandelt – nicht zuletzt, weil sie die Deutschen im Zeichen des Kalten Krieges fest ins westliche Bündnis integrieren wollte und infolge des Koreakrieges eine Wiederbewaffnung der Bundesrepublik anstrebten.⁸

These facts are not integrated into Jirgl's novel. Instead it is the uncle's behaviour which is shown to be the main reason for the early releases:

Ausschlaggebend für die Umwandlung der Todesurteile in Freiheitsstrafen sowie für den späteren Freispruch aller Angeklagten, einer Rehabilitierung gleichkommend, mußte (so vermerkt in den Akten) der Auftritt des Studienrats vom Humanistischen Gymnasium in X. vor dem Tribunal auf die britischen Militär Richter gewirkt haben. (At, 351)

The narrator's interest in the murderous event is caused by a coincidence; on the internet he comes across a report which turns out to be his uncle's diary of 1945. Already the title of the publication, '*Diary Of My Unnamed War Crime*' (At, 354), points to the guilty conscience of its author. Contrary to Grimm's claim, *Stille Jäger* is not constructed around the failure of the Allied Forces to achieve justice, but around the narrator's attempt to understand his uncle's cowardice during the manhunt and the subsequent trial. The failure of the trial can further be explained as a result of the fragility of oral testimony and of a strong parochialism within the provincial community of X. In the actual case, the few British sergeants who investigated the incident had very little support from a mainly hostile population.⁹ The fictional text draws the picture of a closely knit and narrow-minded community whose pillars are the organizers of the manhunt: 'sie waren tatenvolle Männer; ihre Lebensauffassung steinern nach Lot & Winkel auf-Kante gefügt, [...] –sie=allsamt

⁷ Strebel, p. 88.

⁸ Christian Staas, 'Was damals Recht war...', *Die Zeit – Geschichte 1945*, 1 (2009), 76-80 (p. 79).

⁹ This fact is documented and researched by Strebel. See, for instance, pp. 93-94, 100, 103.

waren ernste Männer: Familienväter, Patrioten, keine fanatischen Nazis' (*At*, 343). As mentioned before, the perpetrators are depicted as 'ordinary citizens' without any higher order to kill. The difficulties of gaining proper evidence and true testimonies are fictionalized as follows: 'Doch standen die Beschuldigungen für die meisten der Angeklagten offenbar auf wackeligen Füßen' and '[v]or dem Tribunal jedoch verschafften die meisten der Angeklagten sich=selbst & den jeweils Anderen unwiderlegbare Alibis' (*At*, 351). The use of '&' indicates the motivation of these alibis: business relations, indebtedness and a behaviour which promotes mutual advantages between the different members of the community.¹⁰ Resentments, lies and wishes to settle old scores through revenge also affect the search for true evidence: 'Der Stadtkommandant trat sogar auf & beschuldigte 1 Bürgerin [...] die gegen ihn ausgesagt hatte, der Befangenen, weil er=selbst diese Frau vor-Jahren bei den-Behörden wegen 1 Vergehens angezeigt hatte & diese [...] sich rächen wollte' (*At*, 351). It is likely that high influence and greater eloquence of speech, whatever the truth of the matter, favoured the *Stadtkommandant* in the eyes of the law.¹¹

That this attempt to seek justice was blighted from the beginning is further explained by the absence of some basic requirements. As Ricoeur writes, 'the representation of the facts is also the representation *between* the opposing parties, the face-to-face contact of the protagonists, the appearance in court of all the parties', which is closely connected to the demand that 'the parties in opposition have equal access to speech'.¹² The victims, however, were all dead at the time of the trial and almost nothing was or is known about their identities.¹³ They did not properly count in the court proceedings; nobody 'spoke' for them. An initial obstacle to staging a trial was the uncertainty about the nationalities of the murdered prisoners. The British officers showed great initiative in finally bringing some of the perpetrators to trial. As Strebel writes: 'Vor einem Militärgericht waren nur Kriegsverbrechen ("war crimes") gegen Angehörige alliierter Nationen verhandelbar'.¹⁴ There was little official interest in the destiny of the presumably mainly Slavic prisoners. In the court proceedings, the British judges were separated from the witnesses by a cultural,

¹⁰ Jirgl uses '&' mainly in connection with "Geschäftlichem". See the appendix for a list of Jirgl's conventions as given in *Abschied von den Feinden*, p. 325.

¹¹ This is not too dissimilar to the actual case. See, for instance, Strebel, p. 100.

¹² Paul Ricoeur, *Memory, History, Forgetting* (Chicago & London: The University of Chicago Press, 2004), pp. 318-19.

¹³ Strebel, pp. 104-12.

¹⁴ Strebel, p. 88.

linguistic and ideological gap. This made it impossible for them to spot ‘the probable signs of inauthenticity’, ‘playing with possibilities in imagination’, ‘uncovering contradictions, incoherencies, unlikelihoods’, or to pay ‘attention to silences’ and ‘voluntary or involuntary omissions’. Most importantly they lacked ‘the resources for falsifying language in terms of error, lying, self-delusion, deception’.¹⁵ This problem was further compounded by a Greek translator and German defence lawyers. In contrast to the actual judges, a writer, who represents the case retrospectively, has the freedom to play with possibilities imaginatively. He or she has the additional advantage of hindsight. The author can consult the archives and keep abreast of historiographical studies. All of this, Jirgl admits doing. The original partiality of the court can be redressed in the text by giving the victims a voice. Jirgl sides with the murdered prisoners, thereby enacting a form of retrospective justice. What follows is an examination of the author’s narrative techniques that are used in order to express this partiality.

First he gives the prisoners a voice, so they can rise from their anonymity. The narrator ‘zooms in’, stopping at one wagon of the ‘great dark train’ - Jirgl’s leitmotiv for the Holocaust- that is full of prisoners from concentration camps. The form of narrative is what Stanzel calls a *personale Erzählsituation* given in the historical present.¹⁶ It inspires the feeling of ‘being present’, which is increased by an interspersed dialogue between the prisoners. Paradoxically, this ‘presence’ is one of ‘absence’: nobody will ever be able to know the last thoughts, words and movements of the prisoners soon to be killed. The writer is allowed to use his artistic imagination to refigure temporal events in a manner considered ‘unscientific’ by historians. What renders scene, actions and dialogue believable is that they are based on the extreme bodily fragility of their actors. The range of responses of starving and freezing prisoners is indeed limited. The reader is present, for example, when two of the prisoners try to open the damaged carriage in order to free themselves. One of them presses

*das Stück Planke an seinen dürren Leib wie 1 Schiffbrüchiger den Strohalm in
einem nach Jauche&sterben stinkenden Meer. Der Mann, zurückgesunken, atmet*

¹⁵ Paul Ricoeur, *Memory*, pp. 316-17. Ricoeur lists the requirements which (ideally) are common to the judge and the historian.

¹⁶ Franz K. Stanzel, *Typische Formen des Romans* (Göttingen: Vandenhoeck & Ruprecht, 1964).

röchelnd; die Anstrengung war für 1 Fastverhungerten zu groß [...] Der Andere schiebt verbissen seinen ausgehungerten schmerzenden Leib über die Körper der Toten/Nochnichttoten zu seinem Kameraden hinüber, löst ihm das Brett aus den Fingern & kniet sich nieder vor der Schiebetür des Waggons. (At, 339)

In addition to representing the prisoners' perspective, the text also depicts the behaviour and thoughts of the town's *Honoratioren*, in the past as well as in the present. Finally, the complex motivations of the narrator's uncle, expressed through diary entries and dreams, add yet further perspectives to the evaluation of the event. All the different points of view are held together by the semi-auctorial comments of the narrator.

The perpetrators are portrayed in negative terms throughout the two chapters. From the hunters' perspective the prisoners are seen as 'Schwerverbrecher' (At, 343) and 'Wildeviecher' (At, 346). The killers dehumanize the prisoners in order to break down their inhibitions to murder. This view is contrasted with the representation of people who are barely able to move but nevertheless have 'lebendige Augen Muskeln Hände Füße' (At, 343). This polarity reinforces the belief in the injustice of releasing all the convicted murderers during the first four years of their sentences. The perpetrators are '[j]ene in den Freispruch gelogenen Honoratioren' (At, 351) of X. Things can hardly get worse: the organizer and participant of the massacre, Bultjan, who replaces the uncle as the head of the gymnasium, becomes an influential educator of the next generation: 'Wegen des großen Mangels an ausgebildeten Fachlehrkräften bekam Ex-PeGe Bultjan, nach erfolgter ENTNAZIFIZIERUNG, den Posten des Schulleiters zurück' (At, 380). The use of capital letters exposes denazification as a mere political slogan without any genuine content.

The deceit causing the early release, however, springs from the eloquent and false defence of these *Honoratioren* by the narrator's uncle: 'Die ruhige, gefaßte Art seines Vortrags, zudem die Höflichkeit sowie die Seriosität seiner gesamten Erscheinung' influences the judges 'den Aussagen dieses Patriarchen Glauben zu schenken' (At, 351). The narrator, who was emotionally very close to his long deceased uncle, retrospectively judges the uncle's 'Auftritt vor dem Tribunal' (At, 355). He accuses him of having played 'die Rolle des Aufrechten=Einen gegen Alle' in court 'der alle Angeklagten entlastet hatte' and this out of 'Verrat aus Lebens-

Feigheit' (*At*, 355). The uncle becomes a placeholder for a member of a different and better Germany of the past which exists in the imagination of the British judges and which is closely linked to the myth which considers Germany to be *ein Volk der Dichter und Denker*. The judges believe the educated man with 'gütigblauen väterlich blickenden Augen' out of the same sentiment that led to the preservation of the 'über die gesamte Kriegszeit-hinweg von alliierten Luftangriffen absichtlich verschont gebliebenen Städte Bamberg od Heidelberg' (*At*, 351).

What, then, could be the reasons for the uncle to protect the perpetrators in front of the court? Grimm, in his *Parallax Memories* offers one possible reason. After having summarized the uncle's defence of the perpetrators, he writes: 'the nephew is allowed to discover his relative's cowardice – which arose, in Schmitt's terms, out of a misapprehension of what constitutes an enemy (*At*, 377-78) – as having been the true motive behind the man's failure to act'.¹⁷ The two pages mentioned by Grimm are dedicated to the part of the uncle's diary which describes how he is forced to take part in the killings and how he is humiliated by the rest of the killers, one of whom is his powerful and estranged brother. The deep moral rift between the uncle and the town's elite is clear from the following diary entry: 'SIE HOLEN MICH AB – um an Diesemorgen und dann für Allezeit einer=von- ihnen..... zu werden' (*At*, 375). It is also stated that '[v]om 1.- Tag- an erbrachte des Studienrats stille, gemütsweiche Art und die wilde-Ehe mit 1 Katholischen ihm die Feindschaft des stellvertretenden Gymnasialleiters (der *natürlich* auf den Posten des Leiters wollte)' (*At*, 345). The enmity is mutual. The nephew recalls the constant battles of his uncle with 'dem Gegner seinem Bruder' (*At*, 347). The plot is constructed around the theme of the ostracized erudite outsider and thus around the clear enmity between the uncle and the rest of the town's elite. When forced to kill a prisoner, his captors tease him with the words: 'er ist Leiter eines humanistischen Gümnnasjumms u bevorzugt Das-humane-Sterben' which are preceded by the command: '-Schlag !zu. !Schlag doch !end!lich !zu Du!schwein' (*At*, 378). More than fifty years later, the initiator of the massacre also refers to enmity: 'So nutzte Ihr Onkel die Gelegenheit vor dem Alliiertengericht !nicht dazu aus, seine Fein – [...] zu denunzieren' (*At*, 381). The uncle's lies in court are made in the full awareness of this enmity and also in full knowledge of the nature of the committed crimes. The

¹⁷ Grimm, 'Parallax Memories', p. 108.

director stops himself from fully admitting this enmity just in time by leaving the word 'Feinde' unfinished, an admission of the antagonism coming close to the acknowledgement of personal guilt. There exists then a clear animosity or enmity between the erudite and sensitive uncle and the rest of the *Honoratioren* who force him to take part in the crime.

If there is little evidence for Grimm's thesis of the uncle's 'misapprehension' of who his enemies are, what then could be the real reason for the uncle's failure to testify against the perpetrators? The text offers evidence for two possible scenarios: first, the fear of standing up against a powerful local majority which is indicated by the words 'Verrat aus Lebens-Feigheit' (*At*, 355) and secondly, the narcissistic act of following Matthew's gospel in order to feel morally superior that is entailed by the nephew's judgement that he played 'die Rolle des Aufrechten=Einen gegen Alle' (*At*, 355). The centrality of the second reading is supported by the self-righteous words of the main perpetrator. After the nephew, who works as a freelance journalist, has read from the uncle's account of the prisoner hunt at a class reunion in 2002, Bultjan, the initiator of the crimes, righteously justifies himself on behalf of all the other 'hunters':

Schauen Sie: Ihr Onkel war nicht eben beliebt gewesen in seiner Umgebung [...]
Aber: Er war ein !redlicher Mann. Er war einer der Wenigen [...] die nach Dem Krieg sich sagten: Ich darf Böses, das mir angetan wurde, nicht länger mit Bösem vergelten. Gott ließ Moses sagen: *Auge-um- Auge* [...]: Doch heißt es ?!nicht beim Evangelisten Matthäus: *Widerstrebt dem Bösen !nicht, sondern wenn dir jemand einen Streich gibt auf die rechte Wange, dann biete die andere auch dar* [...] So hat er sich als !wirklicher Mensch&krist, als ein Frieden's Freund erwiesen [...]
Gedenken wir statt dessen seines mutigen Vorgehens vor-Gericht als ein leuchtendes Exempel für !Zivilcourage. (*At*, 381-82)

Bultjan's words are exemplary for the instrumentalization of Christian beliefs by those who do not genuinely believe in these values themselves. Additionally, he cleverly abuses the widespread naive belief in the 'justice' of the official juridical system: 'Lesen Sie den Urteilsspruch der-Alliierten [...] Danach sind all=jene Personen, die Sie & dieser Zeitungsartikel auf das !Schändlichste verunglimpft

haben: freigesprochen worden. Wohlgermerkt: !Frei=gesprochen von !alliierten Richtern' (*At*, 381).¹⁸

Although believing in neither the values of the New Testament nor the justice system, Bultjan correctly assumes that many people do, or at least pretend to do, and uses that fact to his own advantage. The former perpetrator commits a 'revaluation of values' by assigning his own meanings to the notions of 'truth', 'courage' and 'civil disobedience'. The words become empty formulae, disconnected from their original meanings. The pretence that juridical decisions are just *per se* is a variation of the theme which Plato discusses in *The Republic*: 'justice is obedience to the law'¹⁹ or what MacIntyre coined 'effective justice'.²⁰ The official judgement serves here as the ultimate absolution of guilt. It is the above passage which might have inspired Grimm's critique of the author's 'highlight[ing] the Allied court's inadequate handling of the case', but this inadequacy is partly explained by the impossibility of obtaining truthful testimonies under hostile conditions and an evasive parochialism.²¹ As mentioned earlier, the Cold War agenda that actually led to the early release of the war criminals is not incorporated into the novel. The lenient punishment of the *Honoratioren* of X. is shown to be the outcome of the uncle's false testimony and as the nephew gradually discovers: 'Zeugen u: Helden sind selten eins' (*At*, 355).

The uncle's righteous, narcissistic or cowardly motives for lying in court underscore the issue of unreliable testimony. His attempt to follow the gospel of the New Testament is a masochistic gesture which is likely to be linked to feelings of power and personal superiority. Unsurprisingly, those who 'get away with murder' because of his 'generosity' turn even more hostile. Instead of being grateful and 'aus der Pflicht, ihm Dank zu schulden, verachteten sie ihn jetzt umso tiefer' (*At*, 352). The uncle's Christian idea of forgiveness is mistaken; it is only the slaughtered prisoners who can forgive. Instead, the real victims have become insubstantial to a dispute between a bullied outsider and his enemies. His pride and cowardice lead him to make the wrong decision. In a hierarchy of commandments which include not

¹⁸ Bultjan stresses this fact twice (*At*, 381). The first time he refers to official historical documents: 'Lesen Sie den Urteilspruch der-Alliierten – jenes unter dem Namen *Massacre Trial* formierten britischen Militärgerichts in X. – vom April des Jahres 1948 sowie die Kassation dieses Urteilspruchs im Oktober des Jahres 1952'.

¹⁹ Plato, *The Republic*, 339b.

²⁰ MacIntyre, *Whose Justice?*, pp. 73-74.

²¹ Grimm, 'Parallax Memories', p. 110.

to testify falsely and to forgive one's enemies, he chooses to 'turn the other cheek' towards the killers, his personal enemies. The consequence is the complete betrayal of the actual victims who are now beyond the possibility of justice. A decision purely based on reason in the form of Kant's Categorical Imperative would demand the duty of giving a truthful testimony. Kenneth Reinhard summarizes the moral conflict succinctly thus:

For Kant, it is clear that we must die rather than testify falsely, since the biblical law against false testimony constitutes a truly categorical imperative for practical reason (we cannot imagine, according to Kant, a coherent world that would approve of false testimony). Lacan wonders how things are changed if it is a question [...] of presenting *true* testimony that will nevertheless condemn our fellow man [...] Here, I am caught between two equally urgent duties, to love my neighbour and to support the general good.²²

However, the conflict only occurs if the idea of *neighbour* is drawn too narrowly. Contrary to Grimm's claim that the uncle cannot comprehend the 'enmity' of the town's elite, it is the true nature of what constitutes a 'neighbour' which is beyond his comprehension. That the man is nevertheless aware of his shortcomings arises from the following dream sequence.

In the dream (*At*, 352-54), the inadequacy of such forgiveness is contrasted to a punishment according to the Mosaic *lex talionis*. The dream is the most complicated aesthetic construction of the chapter and as such its allegorical apex. It is the section most porous and open to interpretation. The narrator recalls his uncle's frightening dream from a temporal distance of about thirty years. Dreams, according to Jirgl's instructions, are signified by a replacement of 'und' by the mathematical sign '+' and this convention, overriding any other rules for the connective, is consistently applied throughout this passage. Jirgl believes that 'Traumtexte identisch mit Autobiographien im ganz strengen Sinne sind'.²³ Thus, the nightmare might be intended by the author to get as close as possible to the uncle's traumatic symptoms, his self-destructive feelings of guilt. Crime and retributive justice, guilt, shame and self-hatred are the big themes of this comparatively small passage. As the

²² Kenneth Reinhard, in Slavoj Žižek, Eric L. Santner and Kenneth Reinhard, *The Neighbor: Three Inquiries in Political Theology* (Chicago and London: The University of Chicago Press, 2005), p 47. Reinhard is repeating a Lacanian thought.

²³ Jung, 'Material', p. 62. Jirgl uses dreams in order to shed light on the subconscious fears and desires of his fictional characters. See, for instance, (*AF*, 94-101; *S*, 174-75; *MER*, 351-52).

uncle focuses on his own punishment, the dream is likely to be a result of the shame and guilt about his own testimony in court and his collusion in injustice. Playing on the metaphor 'to lose face', justice is arguably restored by the command of a British officer who revises an initial collective death sentence:

Durch ihre verbrecherischen Taten habe sie=alle Den Tod !verdient. Das Tribunal aber ist in Revision gegangen + hat für sie einen anderen Urteilspruch gefunden: Sie werden weiter im Leben bleiben. Aber sie=alle haben das Recht auf ein menschliches Antlitz verloren. Jeder Izelne von ihnen wird mit einer dieser Sägen sein Gesicht zerschneiden [...] Danach werden sie=alle Ohnegesicht ins Leben..... entlassen. Das ist !Ein !Befehl, der !sofort !auszuführen ist. (At, 353-54)

This punishment leads to shame: the murderers will be marked, like Cain in the Old Testament, to be ostracized by parts of society. At the root of the dream lies the uncle's desire for adequate punishment in the sense of the *lex talionis* of Mosaic Law. He struggles to live with the full knowledge of his failure to avoid participating in the massacre and to lie in court; only a harsh retributive penalty might assuage his guilt and shame. In the dream, the victor will be the one who determines THE LAW, the one who presides over the right of the conquered to live or to die, assuming a god-like entity. The greatest use of power expressed in the dream is the strict prohibition of suicide, thereby taking away the very last possibility of personal freedom:

Erst als ich das sirrende Kreissägeblatt an meine Kehle setzen will, schlägt der Offizier wütend meinen Arm mit der Säge beiseite, + in gutem Deutsch schreit er in mein schon zerstörtes von Blut übergossenes Gesicht: -DAS GESETZ ist !niemals auf Seiten der Gesetze. (At, 354)

The unconditional power of the new law is underlined by the author's use of capital letters. A new law made by a new ruler, victor or God, does not need to consider any previous norms, laws or rules. It is itself not based on any legal parameters and is, as such, arbitrary and unpredictable. As Derrida says:

The foundation of all states occurs in a situation that we can thus call revolutionary. It inaugurates a new law, it always does so in violence [...] These moments, supposing we can isolate them, are terrifying moments.²⁴

The positing or establishing of law or right are exceptional and are in themselves neither legal nor properly juridical.²⁵

The dream captures such a Derridean ‘terrifying moment’ or act of foundation which is beyond the law. The text posits an opposition between THE LAW and laws which are based on empirical and contingent considerations. Whilst ‘DAS GESETZ’ has a mythical or metaphysical foundation, ordinary laws, whether just or not, are based to a degree on practical reasoning. The words ‘DAS GESETZ *ist !niemals auf Seiten der Gesetze*’ (At, 354, 525) open up a rift between the two. Here, THE LAW set by the victors has to be obeyed unconditionally and without consideration of previous laws or rights such as a right to commit suicide. Likewise, if THE LAW were to designate Kant’s Categorical Imperative or God’s Ten Commandments, then the ordinary laws would never be able to measure up to the ideals of the metaphysical or religious LAW. Ironically, the ordinary law, in which the victors played a part, has failed the victims completely and it is the imagined LAW of an omnipotent and cruel victor from which the man expects justice and relief.

Dominick LaCapra has raised some doubts concerning the idea of a new foundational law which is de facto created *ex nihilo*. According to LaCapra, Derrida’s violently inaugurated new law, which loosely corresponds to Jirgl’s ‘GESETZ’ cannot be without origin. It must be, at least to a degree, linked to past discourses or events.²⁶ LaCapra argues that Derrida’s description of revolutionary changes ‘as *coups de force* would seem to be cut off from its construction’.²⁷ For LaCapra ‘any historical situation [...] is intimately bound up with legitimating or justificatory discourse [...] –discourse that appeals to past discourses’.²⁸ The law-enforcers in the dream might not be able to draw on any previous laws or any protection through groups of people other than the victors, but the punishment is

²⁴ Derrida, ‘Force’, p. 35.

²⁵ Jacques Derrida, *The Beast & the Sovereign*, trans. by Geoffrey Bennington, ed. by Michel Lisse, Marie-Louise Mallet and Ginette Michaud, 2 vols (Chicago and London: The University of Chicago Press, 2009), I, p. 49.

²⁶ Dominick LaCapra, *history and its limits: human, animal and violence* (Ithaca and London: Cornell University Press, 2009), pp. 98-100.

²⁷ *Ibid.*, p. 99.

²⁸ *Ibid.*, pp. 99-100.

nevertheless the result of a previous criminal act. It refers back to various codes which prohibit the killing of innocents and uses procedures reminiscent of the Old Testament. A clear reference to the Old Testament is the killing or disfiguring by saws. In the King James Version, King David's conquest or genocide of the children of Ammon is described as follows:

And he brought forth the people that [were] therein, and put [them] under saws and under harrows of iron and under axes of iron and made them pass through the brickkiln and thus did he unto all the cities of the children of Ammon. So David and all the people returned unto Jerusalem. (II Samuel 12.13)

The text comments on the pervasive Judeo-Christian traces in the various notions related to justice, violence and punishment. In the dream as well as in reality, the uncle's views on justice are shaped and compromised by those beliefs and traditions. Whilst he falsely protects 'his neighbours', the initiators of the manhunt, he also craves retributive justice that is reminiscent of the Old Testament. He develops an increasing aversion to Christian hypocrisy: 'Raffen sobald die-Gelegenheit dafür gegeben [...] Das, Junge, kannst du besonders=!gut von den-Kristlichen.....lernen' (*At*, 349) without the realization of his own shortcomings. As it turns out, all of the men, including the righteous uncle, are Christian hypocrites. The text, rather than criticising Christian thought as such, attacks the widespread religious hypocrisy of the believers. On his last visit, the nephew finds the uncle 'in Büchern von Seneca lesend' (*At*, 349). Increasingly disillusioned with mankind and religion, he consoles himself with the writings of the Stoics. Assuming that he has lost his religion, the religious beliefs mixed with his feelings of remorse now return in the dream 'with a vengeance as [...] intrusive, seemingly unintelligible, revenants (for example, [to] the irreligious [...] individual [...] that feels compellingly "called" to engage in sacrificial self-mutilation)'.²⁹ More disturbing, however, is that the uncle appears to be the only surviving perpetrator who shows feelings of guilt, shame and remorse. The main culprits, such as the head of the local gymnasium, Bultjan, carry on as respected members of bourgeois society without the slightest feelings of regret. After all, they were officially '!Frei=gesprochen von !alliierten Richtern' (*At*, 381).

²⁹ *Ibid.*, p. 203.

Factual and purely imaginative levels of text interlink in a story set in ‘a context in which there is a pronounced inclination to forget or objectionably airbrush a disconcerting past and the fate of its victims’.³⁰ In the episode the victims are, probably for the first time, given a voice and the violent event which led to their murder is re-introduced into public discourse. Both these facts constitute small acts of retrospective justice. The early release of the perpetrators, and the fact that most of them were never tried, gives each victim the status of what Agamben, inspired by early Roman texts, calls a *homo sacer*.³¹ Following Agamben’s idea Eric L. Santner characterizes the *homo sacer* as a topologically paradoxical figure ‘who is *included* within the sphere of political existence by virtue of his radical *exclusion*’. The *homo sacer* is deprived of ‘any symbolic *representation*’ and according to Roman texts ‘he who kills him will not be condemned for homicide’.³² That is exactly what happened in Celle and what is represented in the novel thereby establishing the prisoners’ status as *homines sacri*. However, the text subsequently provides a late and retrospective symbolic representation of the prisoners which at the same time allows these victims to transcend that status.

In Celle and in X., and because of the efforts of the Allies, justice was at least attempted. In the fictional account, it is the uncle’s personal failure and responsibility which closes off this opportunity for a different future. He did, however, finally fulfil his duty to bear witness through the posthumous publication of his testimony on the internet. Grimm’s two criticisms which refer to the novel *ABTRÜNNIG* are not fully substantiated. Victims as well as perpetrators are clearly represented. All the perpetrators are named in the uncle’s diary and some of them appear at the *Klassentreffen* almost fifty years later. It could be said, that the text ‘highlight[s] the Allied court’s inadequate handling of the case’.³³ Yet, it also shows that the Allied judges could not gain enough insight into the social tapestry of the city in order to punish all the culprits adequately. As Jirgl comments in a newspaper article with the programmatic title *Entdecken heisst die Wiederkehr von Realität*, ‘eine “getrübte” Gerechtigkeit, wie in den Nürnberger Prozessen, ist immer noch

³⁰ Ibid., p. 82.

³¹ Agamben, *Homo Sacer*.

³² Eric L. Santner, ‘Miracles Happen: Benjamin, Rosenzweig, Freud, and the Matter of the Neighbor’, in *The Neighbor: Three Inquiries in Political Theology*, by Slavoj Žižek, Eric L. Santner, Kenneth Reinhard (Chicago and London: The University of Chicago Press, 2005), pp. 76-133 (pp. 100-01).

³³ Grimm, ‘Parallax Memories’, p. 110.

besser als keine Gerechtigkeit'.³⁴ Equally, the chance discovery of the uncle's testimony on the internet by the narrator results in the return of a repressed piece of reality into public circulation with the possibility of a critical reevaluation.

The other two court cases in *ABTRÜNNIG* are less well drawn and are not representations of historical trials. They are not depicted from a multitude of perspectives but solely convey the narrator's personal dislike of a juridical system which, in his opinion, is subject to capitalist market forces and which helps solely to preserve the bourgeois status quo. In the first case a group of solicitors is negotiating new property rights in a forced auction which takes place in Germany's new capital in the spring of 2001. The auctioned houses are estimated to have a value of 4,5 million *Deutschmark*. The case is represented in a separate chapter of *ABTRÜNNIG* with the title *Zwangsvollstreckung & Die Vollendung der Natur* (*At*, 144-59). The chapter can be read as an illustration or play on Nietzsche's thoughts on human cruelty and the nature of revenge stated in II.6. of his *Zur Genealogie der Moral*.³⁵ This can be seen especially in the following passage from *ABTRÜNNIG*, which can almost be read as a synopsis of that Nietzschean paragraph. Formulations such as *Fest der Grausamkeit* or 'Leiden-machen' are here a direct reference to Nietzsche's text:

Genau wie Leidenschaft zu heftigem sexuellen Begehren, verführt Mit-Leidenschaft zum vitalen Drang nach Leiden-machen, dem wollüstigen *Fest der Grausamkeit* als dem Äquivalent für davor empfangenes Leid. Im *Fest der Grausamkeit* sucht der einem verordneten Recht Unterlegene *Gerechtigkeit*, und der Genuß am Leid Anderer muß umso größer geraten, je höher das ursprüngliche Ansehen bzw. die Bedeutung des Gemarterten in der Gesellschaft war. (*At*, 151)

Nietzsche says the same; he calls 'das Leiden-machen, - ein eigentliches *Fest*, Etwas, das, wie gesagt, um so höher im Preise stand, je mehr es dem Range und der gesellschaftlichen Stellung des Gläubigers widersprach'.³⁶ The desire for justice degenerates into a form of revenge carried out by all those who feel unjustly treated themselves. Cruelty becomes a result of Nietzschean *ressentiment*. The narrator, one of the tenants who is forced to give up his beloved flat, 'meine Wohnung = meine

³⁴ Jirgl, 'Entdecken heisst die Wiederkehr von Realität', *Neue Zürcher Zeitung*, 15 August 2007.

³⁵ Nietzsche, 'Genealogie', II.6., pp. 300-02.

³⁶ *Ibid.*, p. 300.

Höhle = mein Versteck' (*At*, 159), is a victim of the *Zwangsvollstreckung*.³⁷ During the auction he learns that the highest bidder is the ex-husband of his lover. The man is, in the eyes of the narrator, simply using his power and wealth in order to take revenge on the couple: 'Der Racheplan von Sophias ehe-Mann ist eingeleitet' (*At*, 159).³⁸ During the auction the narrator indulges in sadistic fantasies of extreme cruelty concerning all those solicitors and estate-agents. He uses his imagination to picture each of the members conducting the auction in turn, thereby projecting negative and stereotypical images onto them. He imagines, for instance, that one of the men would 'die 1 Mal vorgefaßte Meinung benutzen als eisernes Werkzeug zum unbedingten Durchsetzen der eigenen Ansicht' (*At*, 148) and the appearance of another man 'erweckt die Vorstellung, es müsse überall Gold an ihm sein: [...] -:das 1schmelzen dieses Typs mochte sich lohnen' (*At*, 149). Generally, the 'Pöbel' (*At*, 152) is known to think of estate agents and property owners as 'a priori zwar als *durchaus menschen!ähnlich, obschon ihnen die 4beinigheit eher angemessen erschiene* [...] wodurch gewisse Trübungen des *festlichen Tötungs=Genusses* eintreten dürften' (*At*, 152).

The narrator projects his negative feelings and his *ressentiment* unto the entire stratum of money-making bureaucrats and he shares the righteousness which he assigns to those he despises. His thought that one of the men engenders the idea 'es müsse überall Gold an ihm sein' (*At*, 149) is reminiscent of Nazi stereotypes of rich Jews and the statement about the 'Pöbel' expresses the narrator's low opinion of the masses whose alleged sentiments he actually shares. The representation of imaginary acts of sadism, which lead to a slow and painful death of those individuals leading the auction, is contrasted with well-documented cruelties and methods of torture (*At*, 153-58), that are discussed in the section dedicated to just warfare. The nature of these historic cruelties makes it difficult for the narrator to come up with truly new ways of inflicting pain. The provocation of the text is to follow Nietzsche's and Freud's assumption of an anthropology which posits aggressive drives as being all too readily available and thus persistently shaping human activities. Although not every torturer might experience pleasure and violent impulses often remain fantasies, the readiness to make others suffer and to project

³⁷ A reference which carries Freudian connotations.

³⁸ Jirgl plays with the double meaning of 'ehe' as 'marriage' (*Ehe*) and 'before' (*ehe* short for *ehemals*).

negative, stereotypical images of enmity onto them is shown to transcend historical contingencies. Driven by *ressentiment*, the anti-capitalist narrator, who writes articles for liberal magazines, is subject to fantasies that are inspired by historical cases of torture. *Die Vollendung der Natur* can be understood as an ironical comment on Kant's somewhat optimistic philosophy of history.³⁹ Kant's teleology of history, his 'Natur-Plan' (*At*, 151) is summarized by Pauline Kleingeld as follows:

Der wahre Endzweck ist die völlige Entwicklung der "Anlagen der Menschheit", die in ihrer Moralisierung, das ist in der Verwandlung des menschlichen Zusammenlebens in ein "moralisches Ganzes" kulminiert.⁴⁰

For the narrator, the acts which shape human destiny are usually crimes: 'Und seine hieraus provozierte *Tat zur vollendbaren Formgebung* nimmt naturgemäß die Züge DES VERBRECHENS an' (*At*, 151). The court scene, besides offering a comment on both Nietzsche's *Fest der Grausamkeit* and Kant's *Naturplan*, also depicts the psychological mechanisms of enmity between different groups of people. At best it shows that people who consider themselves to be of a left-wing, pacifistic or liberal disposition are not immune from aggressive desires and death wishes against the Other. This sentiment is well expressed by the following diary entry of one of the novel's characters with whom the main narrator sympathizes: 'Schon lange kämpft in mir der Widerspruch zwischen meiner pazifistischen Auffassung und dem Drang nach gewaltsamer Vergeltung für mannigfaltiges Unrecht' (*At*, 512). At worst it assumes that the potential for cruelty and aggression is an inevitable part of our human nature, which can be activated under particular conditions, thereby dismissing human progress tout court. The revenge by the rich and powerful ex-husband is just one more disappointing event that puts the narrator on the road to self-destruction. The last words of the protagonist are a foreboding of the murderous tragedy to come: 'Auch !diese Natur strebt ihrer VOLLENDUNG.....zu' (*At*, 159). The individual in his *Vollendung* anticipates and prefigures the end of human society.

The last of the court cases represented in *ABTRÜNNIG* deals exclusively with the journalist's court conviction for having killed two innocent strangers.

³⁹ The expression could also be an allusion to Nietzsche's arguably fatalistic imperative '*Werde der, der Du bist*'.

⁴⁰ Pauline Kleingeld, *Fortschritt und Vernunft: Zur Geschichtsphilosophie Kants* (Würzburg: Königshausen & Neumann, 1995), p. 14.

Having lost all, partner, flat and job, an encounter with an unkempt stranger whom the narrator is going to kill is only the end point of an increasing irritation that begins during a trip on the overcrowded and hot S-Bahn in Berlin (At, 504-10). This experience triggers the descent of the journalist's negative emotions and disappointments into the blind violent actions described in the chapter *Amok*. His disgust, despair and hatred of others are, to quote just a few examples, expressed as follows: 'Da will sich einer ransägen an dich, entweder n Schwuler od n Krimineller.....' (At, 506); 'die Kackofonie der Händis [...] der innervierende Signalton – eine Hand fliegt strax vors Ohr & die Stimme erschallt, als wäre das 1-jener unterm Tourette –Syndrom leidenden Bekloppten' (At, 506); 'die Zeitungsmacher & die Zeitungsleser, u um !keinen von beiden wärs schade, würden sie ausgerottet werden' (At, 509). The narrator's judgements have degenerated into emotionally driven crude generalizations; he has become a victim of the strongest *ressentiments*. As Nietzsche remarks in *Ecce homo* about the self-destructive character of such feelings:

mit nichts brennt man rascher ab, als mit den Ressentiments-Affekten. Der Ärger, die krankhafte Verletzlichkeit, die Ohnmacht zur Rache, die Lust, der Durst nach der Rache, das Giftmischen in jedem Sinne – das ist für Erschöpfte sicherlich die nachteiligste Art zu reagieren.⁴¹

What the journalist takes to be a *justified* reaction against the pervasiveness of injustice and stupidity is merely a narcissistic and vengeful reaction against the violations of his ego. Whilst his first victim advocates war in a proper Berlin dialect merely verbally: '!Krieg: Krieg is !immerjut [...] Ick haps erlebt Jungermann [...] Alle hattn se Arweit & niemand mußte aufer Straße lieng. Da war !jeder !Wer' (At, 509), the narrator becomes a real murderer fighting his own private war.

In the representation of the subsequent trial, the text focuses on the personal relationship between the narrator and his defence lawyer. The journalist's second murder is marked by madness. He is suddenly driven to get a proof of human authenticity in the face of death. He wants to hear the final 'SCHREI' (At, 516), wants to give people the '[e]inen Moment ihrer Wahrhaftigkeit' (At, 516). At the

⁴¹ Friedrich Nietzsche, 'Ecce homo', in *Kritische Studienausgabe*, ed. by G. Colli and M. Montinari, 15 vols (München: Deutscher Taschenbuch Verlag and de Gruyter, 1999), VI, pp. 255-374 (p. 272).

same time he is looking for his own self-defining moment: ‘Im Bestiarium alles Bürgerlichen-Lebens wird mir nun endlich 1 Platz zugekommen: Ich=der-Mörder’ (At, 517). In the ensuing trial, the narrator and journalist projects his desire for recognition and understanding onto his defence lawyer: ‘ich vermutete den langezeit gesuchten Verwandten-im-Geist’ (At, 502), only, all too predictably, to end up feeling betrayed and ‘vor diesem Denunzianten=Fatzke nackter als nackt entblößt’ (At, 503). The anger for having projected his desire to find a like-minded friend and confidant foolishly and naively onto the lawyer turns against that man and the entire juridical system even though the journalist has only himself to blame. Suddenly, the defence lawyer is judged by the narrator to be just as corrupted and superficial as the rest of the juridical profession. He represents a ‘xbeliebigen Juppi-Mechaniker, die lheits Wörter wie aus der Ölkanne fließend, sein Gucci-Anzug 1 von fertiggerichteten Wörtern bespeichelter Mechanikerkittel, daran jedes eigene Wort [...] auf den Boden dieser Rechtsbastelwerkstatt niederfiel’ (At, 502-03). The left-liberal narrator and intellectual should have known beforehand that ‘inmitten des Daseinmüssens von Unwahrhaftigkeiten die Verpflichtung zum wahrheitsgemäßen Reden & Handeln Nichts anderes als die beste Waffe aller Obrigkeit bedeutet, den Wahrhaftigen umso besser der !Vernichtung preiszugeben.....’ (At, 503). According to Adorno, ‘kommt [es] der universalen Unwahrheit nicht zu, auf der partikularen Wahrheit zu bestehen, die sie doch sogleich in ihr Gegenteil verkehrt’.⁴² How should a successful lawyer be able to understand the *ressentiment* and anger of the narrator; after all, he is well adapted to the bourgeois society and does not share the journalist’s history of failures and humiliations? Now, after yet another disappointment, the narrator becomes even more indiscriminate in his rage against the status quo and increasingly in denial of his own flaws and mental blind spots, which are the exact reverse of the prejudices and sentiments of those in power. The court, including the man’s lawyer, is part of the established system of power and as such they cannot be sympathetic towards the narrator’s disenchantment with the existing social and political situation. He has murdered two strangers and rightly deserves to be prosecuted. His critique of an alienating capitalist system goes nowhere because the law enforcing courts are also there to protect and perpetuate the power of the state. For the implementation of substantial social changes, the juridical

⁴² Theodor W. Adorno, *Minima Moralia* (Frankfurt am Main: Suhrkamp Verlag, 2003), p. 32.

system needs to be re-established. What surprises is the naivety of the journalist, who suspects to find like-minded renegades amongst the bureaucrats at the centre of power.

The last fictional court case which is substantial enough to be discussed here, is taken from *Die atlantische Mauer*. The incestuous rapist, teacher and father whose violent death was examined in the previous chapter, becomes the subject of two trials: first as a perpetrator and then as a victim of crime. As stated before, the greater crime, namely the continuous child abuse of his daughter, is never brought to light and subsequently turns into an ‘im Verschweigen erstorbenen Geschichte’ (AM, 103). He stands trial for a series of affairs with some of his under-aged female pupils. The outcome of this trial, in accordance with the laws of the late fifties, is a probation order; the educational authorities decide to suspend him as teacher and ‘schließlich erfolgte sogar die Aberkennung seines Beamtenstatus’ (AM, 100). In the later trial, the teacher’s widow becomes a witness in regard to the premeditated murder of her husband. The accused is a man whose niece once had an affair with the victim. ‘Das Geschrei über diese Affäre schwebte noch einmal [...] über der Stadt; das folgende Gerichtsverfahren [...] zerrte natürlich Familiäres..... auf den lichten Gemein-Platz’ (AM, 100-01). The woman’s marriage and character are drawn into the ‘Sog einer Gerichtsmaschine’ and become yet again ‘vor Aller Öffentlichkeit durchleuchtet’ (AM, 101). Instead of being a mere witness regarding the man’s crime, ‘mußte sich diese Frau=heute von jenen dienstlich=glatten Richtermienen [...] der GEFÜHLSKÄLTE bezichtigen lassen’ (AM, 101). The perpetrator’s wife feels publicly humiliated and persecuted ‘von jenen richterlichen Durchschnitzkarakteren des *Gesunden Volksempfindens*’ (AM, 102). Thus the court case is marked by sexist prejudices, provincial hypocrisy and patriarchal power structures. Retrospectively, and based on her mother’s past experience, the daughter expresses her doubts about the legal system by asking: ‘?wer setzt die Gesetze & ?!wo ist Schutz des Einzelnen vor diesen Setzern..... der Gesetze’ (AM, 102). The use of the notion *gesundes Volksempfinden* establishes continuity between the Law of the young Federal Republic and the Third Reich in which the notion and its legal application originate. Considering that many judges who worked in the Third Reich experienced no difficulties in passing de-Nazification procedures, the preservation of

traditions and legal notions is not surprising.⁴³ The judges and their institution are represented as puritan and misogynist; *gesundes Volksempfinden* demands that wives satisfy their husbands who subsequently stay faithful. Their accusations, instead of being focused on the killer of a man who abused teenage girls, are implicitly directed at the dead man's wife: if she had fulfilled her 'marital duties' properly, her husband would not have seduced his under-aged students and subsequently would not have driven another man to murder. In the fifties, just as before, the Law is sustained almost exclusively by men and the laws strongly support unjust patriarchal power structures. As the daughter rightly remarks, there is ultimately no infallible mechanism to protect the individual from those who make the Law in the first place. Nevertheless, appeal courts are in place to increase the chances of just decisions.

To sum up, the first and last of the four court cases can easily be characterized by Jirgl's remark that 'eine "getrübte" Gerechtigkeit [...] ist immer noch besser als keine Gerechtigkeit'.⁴⁴ Because humans are flawed and the Law is established and maintained by those who support the existing status quo, most legal cases will not have ideal outcomes. Nevertheless, an attempt to achieve justice is made. The cases that involve the renegade journalist are different. The property auction depicts an integral part of the capitalist system which works in favour of the moneyed classes and the narrator's violent thoughts highlight his murderous potential. That the lawyer in the subsequent murder trial does not show any empathy towards a man who is completely disillusioned with the existing society and its inauthentic population is not surprising and to impose a harsh sentence on a killer of two almost randomly chosen people is a just measure. As with the last case, the people who create the laws and run the courts in established societies ensure that their own interests, which usually coincide with those of the state, are preserved. This is particularly conspicuous in a court case examined in the last part of this chapter, where a naive young doctor ultimately pays with his life for accusing state-sponsored bureaucrats of secret dealings in an East German court. The first case differs insofar as a proper state bureaucracy did not exist in 1947 and there was some possibility of achieving proper justice yet this quickly disappeared during the early fifties. Here, it is not the initiators of the trial but the local population, especially the uncle, who prevent a just outcome. The cases are historically contextualized and

⁴³ See, for instance, Staas, 'Was damals Recht war...'

⁴⁴ Jirgl, 'Entdecken heisst die Wiederkehr von Realität'.

differ substantially. The criticism of capitalist greed is, for instance, only apparent in the late cases of the journalist, whereas the direct critique of a male-dominated court belongs to the case of an earlier period.

Thus Grimm's criticisms that the author's 'Anklage ist die Klage über ein jenseits aller partikularen Identitäten beschworenes Unrecht' cannot be substantiated by the depiction of these four legal cases.⁴⁵ The next part explores Jirgl's various representations of expropriations. The fact that they are contextualized within a greater variety of epochs of recent German history augurs well for a better chance to examine whether or not the texts universalize state-sponsored injustice.

Expropriations

State-sponsored expropriations are a central theme in *Die Stille*. The topic is closely linked to both the practice of solicitors and ruthless state policies. The story is intertwined by a permanent threat of expropriation, by either the state or by a corporation, of private properties belonging to the family whose members comprise the characters of the novel. The lengthy saga is set against the historical background of different political systems. Jirgl claims that one of his main intentions in writing the novel is to describe 'den über fast einhundert Jahre währenden Kampf einer Familie gegen äußere Enteignungsversuche an Haus und Grundbesitz, dem [...] Inbegriff für ein Grundbedürfnis des Menschen nach Lebenssicherheit'.⁴⁶ The first instance of this is the confiscation of a luxury steamer which August, a gambler, dreamer and father of the narrator Georg, bought shortly after the Nazis came to power. The family lives close to the Polish border and, with the start of the war and the rumours about 'Hetzjagden auf Polen u mit-den-Juden angeblich Solchesachen..... Erschießungen, Massengräber', officials 'konfiszierten das Schiff: kriegswichtig als Lazarett' (S, 34). August, who becomes a victim of mob violence, tries to escape in the direction of the River Oder and the narrator wonders why: '?Wollte er aus alter Gewohnheit auf sein ?Schiff (das es doch für=ihn längst nicht mehr gab, weil es DERSTAAT ihm genommen hat) (S, 36). The monumental and abstract entity 'DERSTAAT' assumes here a God-like all-powerful function. Various typographical variations such as 'der Staat', 'der STAAT' or even 'DER

⁴⁵ Grimm, 'Lebensläufe', in *PLK*, pp. 197-226 (p. 207).

⁴⁶ De Winde and Philipsen, 'Briefgespräch mit Reinhard Jirgl'.

STAAT' do not measure up to the monolithic 'DERSTAAT', which the author uses to express the strong dictatorial power that existed during the Third Reich.

At the same time as these events, Werner, who later becomes Georg's father in law, opens his own general store in Mathildenburg near Berlin. He manages the shop until the early years of the GDR when private businesses become, partly or fully, state property. After the experiences of 17th June 1953 and the Hungarian uprising of 1956, the 'Gehirne der-S.E.D.=Obrigkeiten' adopt a strategy of sly persuasion rather than of brute force: 'MAN will die-Schraubzwinge der-Staatsmacht mit Filz auspolstern' (S, 347). The outcome, however, is the same: the transformation of Werner's shop into state property. The blow is softened by a 'für Behörden überraschend höflich formuliertes Schreiben mit der Einladung zu einem Gespräch, Termin nach Ver-1-barung' (S, 347). The author's use of the equal sign stresses the increasing identification between state and leading party at that time and the capital letters in 'MAN' underscore the fact that those with real power are all men. When the shop becomes part of the state-owned *Handelsgenossenschaft*, Werner shows his *Eigensinn* by managing to withhold his signature of the agreement to his expropriation. He loses 'den Besitzanspruch auf Haus & Geschäftsräume, dafür könne er mitsamt seiner Frau zeitlebens mietfrei in dem Haus [...] in der oberen Etage wohnen' (S, 349). The state feels 'merciful and generous' and even offers Werner the position of 'Filialleiter' (S, 349) in his former shop. This is a wise move by the party officials as Werner is likely to be an excellent employee: he knows the job inside out and still feels responsible for a business he personally built up.

A different treatment is meted out to the pastor who once adopted Georg and his sister Felicitas thereby rescuing them from their brutal existence in an orphanage. He and his openness towards those who do not subscribe to the official ideology has been anathema to the leading bureaucrats for some time. When the pastor cannot be persuaded to leave house and congregation voluntarily, the state responds less gently. The man and his entire family find themselves 'kurzerhand hinausgeworfen' (S, 70). 'Die-Behörden' (S, 70) wait until the pastor shows some negligence in his civil duties and when the time is ripe 'sofort nach dem Bau der BERLINERMAUER' (S, 70) they expropriate him '1 Bagatelle wegen: mit der Stromrechnung für 1 Quartal war er versehentlich säumig geworden – der Tod seiner Frau setzte ihm zu' (S, 70). The *Behörden* wait for a reason, albeit an absurd one, in

order to exert their power; thus they pretend to stay within the Law. A small offence against the existing laws serves to legitimize the party bureaucrats in inaugurating their own rules, thereby re-enacting Thrasymachus' position that 'justice is nothing but the advantage of the stronger'.⁴⁷ Members of the pastor's social circle, which discusses alternative forms of society, are arrested and 'mancher Leben wurde zerstört in den Betonzellen der Gefängnisse, dieser Vorburgen für Konzentrationslager, die geplant wurden auch in diesem Neuen Deutschland bis ins Jahr 1989-' (S, 70). The old pastor eventually breaks down, not able to bear the treatment: 'MAN hieß den alten Mann Über-Stunden&stunden auf den Fluren An-der-Wand-stehn -, bis er schwächlich zusammenbrach, - u: sich ergab der Übermacht' (S, 70-71).

In the episode about the pastor, the usage of capital letters is restricted to give expression to the monumental and overpowering character of the Berlin Wall. There is no instance where 'DERSTAAT' is used for the East German dictatorship. Instead, the reference to that state is made through less visible expression such as 'Die-Behörden' (S, 70) and 'S.E.D.=Obrigkeiten' (S, 347). This could be read as a way to differentiate between degrees of state power in both authoritarian states. Yet, the recent erection of the 'BERLINERMAUER' (S, 70) hugely increases the bureaucrats' confidence to strike against those who do not support state and party. The power of 'DERSTAAT' twenty years earlier is almost matched by that of the rulers behind the 'BERLINERMAUER'. This reading is supported by Georg's reminiscences on the nature of the newly created state's dogma and its apostles: 'den-Staat's Ideologen, diesen Pfaffen der roten Religion' (S, 70). State ideology has become the new religion and nonconformists will be persecuted:

Denn siehe, wer nicht mit UNS ist [...] den werden WIR verfolgen bis in sein letztes Atom. Und noch dieses letzte Atom werden WIR an DERMAUER zerquetschen, auf daß in-Zukunft niemand wider UNS sei, denn siehe: !WIR=ALLEIN sind das-Licht & das-Leben in Ewigkeit..... (S, 70)

The parody of biblical passages serves to underscore the similar nature of dogmatic thought and the five dots at the end point to the deadly dangers of strong beliefs. Georg, the narrator, is passing on his memories of the GDR to his son Harry.

⁴⁷ Plato, *The Republic*, 338c.

Attention is given to the stark repressiveness of the early GDR regime. However, the reference to plans for camps to be built as late as 1989 (*S*, 70) shows also a certain continuity of judgement on the nature of the state's injustice and attitude towards its internal enemies.⁴⁸

It is typical of Jirgl's writing that he does not stop his critique here, by merely showing the practice of unlawful expropriations in the two dictatorships, but that he also fictionalizes the usurpation of property in the context of post-unified Germany. In the aftermath of reunification, many property disputes, which arose through the outcome of World War II and the subsequent division of Germany, came to the fore. In 1991, Georg and his wife Henriette engage a solicitor in order to regain the property rights for two houses, one in a sought-after area close to Berlin and another in a landscape despoiled by industry. These are the two family properties which were confiscated by the state authorities during the early years of the GDR. The couple seeks help from a young Christian lawyer, who happens to be one of the many Western entrepreneurs who came to the East after 1989. This solicitor claims to oppose materialist greed but admits his powerlessness in the face of market forces:

auch hier sehe er Dasteufliche=Kapital leider Gotte's obsiegen; Stärkere als er, so klagte der Junganwalt, Sehrvielstärkere hätten Die-Lage-im-Osten zu !Ihrengunsten aus=zü-Nutzen verstanden [...] Doch er=als-Anwalt des Rechts, gäbe Die Hoffnung nicht auf. !Niemals. (*S*, 446)

Soon enough he returns to the West, where, presumably, he has fewer illusions. The final verdict is the sole re-appropriation of the derelict and run-down house in the industrial South-East whilst the house in the attractive area near Berlin seems unattainable. Georg and Henriette interpret the outcome and the solicitor's words as follows: 'Das konnte doch nur heißen, daß Diese Stärkeren Anwälte für Große viehnanz=stärkere Immobilienfirmen zu-Diensten wären, die es Ihrerseits !bestens verstanden haben, lukrative Objekte [...] eigens=für=sich als Spekulatzjons-Objekte zu reservieren' (*S*, 447-48). The spellings of 'Spekulation' with an extra 'c' to form 'Speck', the German for bacon, and of 'Finanz' as 'viehnanz' where 'vieh' signifies cattle, add an extra derogative dimension to the critique of capitalism which is

⁴⁸ See also: Jirgl, 'Nachlaß', in *GT*, pp. 815-33 (p. 830). Jirgl claims that plans for the camps existed and that they are an inevitable consequence of rigid state power.

already apparent even when the couple's words are spelled correctly. The most powerful solicitors have the backing of rich businesses and in the experience of ordinary people 'justice' appears to be yet again 'nothing but the advantage of the stronger'. The two old people have no illusions: '-Es ist, wie es immer war [...] Die-Vergangenheit läßt nicht los : Recht bekommt, wer recht=Haben wollen kann & haben was nicht Rechtens ist' (S, 447). Ironically, the illegally confiscated house - Werner never signed the agreement to hand over his shop- is lost forever, whilst the derelict house, which was, albeit under pressure, 'given' to the state by 'wie auch immer, Rächtz=gültig unterschriebenen Überlassungsurkunden' (S, 448), is given back to the family. The spelling of 'rechtsgültig' with an 'ä' instead of 'e', leads to an association with 'sich rächen', to have one's revenge. The implicit assumption made by the spelling is that the expropriations by GDR officials were motivated to a certain extent by resentment, or more precisely Nietzschean *ressentiment*, against those who were traditionally better off.

When Henriette and Georg, the retired couple, regain the property rights for the house in need of complete reconstruction, it is Henriette's *Westverwandschaft* who turns up and helps them to obtain a reconstruction loan. They desire to set up business in the newly built house, a plan which ultimately proves successful. The business has hardly started when it becomes apparent that the entire land surrounding the house will be sold to the multi-national energy company EL Co.. It also becomes evident that the *Westverwandschaft* with their business is the first to cooperate with EL Co. by surveying the land for the forthcoming mining work. Having been abandoned for environmental reasons at the demise of the GDR, the mining of brown coal is suddenly reconsidered as a lucrative option. The entire village, including Georg's house, has to disappear. Just one elderly couple reject financial compensation and instead go to court in order to defend their right to remain. The couple, exemplifying Jirgl's concept of *Eigensinn*, does indeed win their case before the local court. Not altogether surprisingly, the multi-national company EL Co. fights back: 'Die Gegenseite, Das-Energieunternehmen EL Co., ging nach dem Urteilsspruch sofort zur nächsthöheren Instanz, Widerspruch einzulegen: beim Verwaltungsgericht in Berlin' (S, 482). In Berlin, by now the new centre of political and financial power, a decision is made in favour of EL Co.. The symbiosis between power and leading party in the GDR has quickly been replaced by a symbiosis between capital and leading political bureaucracy in post-unified Germany. This last

example of an expropriation completes the novel's sequence of usurpations throughout the last hundred years of German history and thereby establishes the de facto universality of effective justice. The text's repeated attack on the state's power to confiscate private property could be read as an expression of a neo-liberal ideology by the auctorial narrator. However, the novel's climax is centred on the forced mass resettlement that is caused by a multi-national energy company which, in the interest of raising profits, does not care about people or environmental issues and the most sadistic thoughts of the intolerant narrator of *ABTRÜNNIG* are directed against estate agents and lawyers.

Politically motivated expropriations are also mentioned in other contexts. For instance, the influential and corrupt GDR *Chefarzt* in *Abschied von den Feinden* 'hatte Grundstück & Haus vom Staat sehr sehr preisgünstig: !erworben.....' (AF, 197) and the sympathizers of Nazi-policies who own small businesses in Werner's home town are in 1933

wieder !da, schwimmen auf der neuesten Staatsbrühe wie Fettaugen oben=auf [...] SIE sind zu Neuem Reichtum gekommen nicht zuletzt durch Enteignung anderer unliebsamer Kaufleute – zumeist Juden -, auch Bankhäuser hatten SIE >>übernommen<<, deren Vermögen konfisziert & damit auch so mancher Schulden kurzerhand gestrichen. Judenfrei = Schuldenfrei. :Politik kann sehr spaßig..... sein. (S, 261)

In the first case, the *Chefarzt* is most likely to be sold a house whose inhabitants have legally or illegally moved to the West. Such a procedure is less brutal than the forced expropriations that are summarized in the second example and the two excerpts differ accordingly in length and count of indictment.

A last example which deals with a historical expropriation of private property, and which is also discussed in the previous chapter, is taken from *Abschied von den Feinden*. It shows the confusion and partial lawlessness experienced by East German citizens faced with the return of previous property owners whose houses were taken away or left behind in the years following World War II. The incident is related by the voices from the *Volk* who at regular intervals inform the older brother, the main narrator of the novel, of all the changes in their East German provincial town which happened since the German reunification in his absence. A family who

had bought 'Haus & Grundstück [...] von der Gemeinde' (AF, 256) thirty years earlier, suddenly found

diese[n] Reiche[n]=aus=dem=Westen vorm Tor' who 'wollte !Alles !Wiederhaben !Sofort Die Familie sollte !Raus ?wohin War dem egal – das Gerichtsverfahren zog sich in die Länge Und vor ein paar Tagen nun fuhr der Bulldozer vor das Haus Der Reiche [...] walzte den Zaun nieder den Garten die Obstbäume das Gewächshaus. (AF, 256-57)

The word 'Reiche' stresses the common stereotyping of Westerners as rich by East Germans, which is similar to the frequently used 'the poor relative in the East' by Westerners. To write the past tense of 'sein', 'War', like the English noun 'war', provides the association with a war-like situation. The suspension of the laws of ownership and of other laws belonging to the GDR leads to procrastination by the courts and subsequently to the man's decision to destroy half the estate. The owner of the house tries to get support from the police but his efforts are frustrated:

Zur Polizei ist der gelaufen Hat Anzeige machen wolln Aber die Polizisten haben ihm seine Geschichte !nicht geglaubt !Keinen Finger haben die krumm gemacht Haben den Mann glatt wieder zurückgeschickt auf sein ruiniertes Grundstück zu seinem toten Vater & der Bulldozer wütete noch immer..... (AF, 257)

This situation is paradigmatic for the power vacuum after the fall of the Berlin Wall. There is no proper protection of the individual by the state and the Hobbesian contract is out of kilter. At such moments ordinary people might take the law into their own hands, as the 'Reiche=aus =dem=Westen' clearly does.

The examples cover three epochs of German history. It is either the authoritarian state, a corporation, or an individual that violently tries to change existing property rights. Generally, the representations are differentiated enough to capture the peculiar features of each social order. It is solely in the skewed judgement of the non-affirmative Georg that the official practices of the GDR start to resemble those of the Third Reich. In the next section, the investigation of legal practices is limited to East and West Germany, which allows for a comparison between the two co-existing antagonistic systems. The question which arises is

whether there is a textual bias towards one system or whether everything is depicted indistinguishably in a spirit of historical pessimism.

East versus West – a Comparison of Legal Practices

The two novels *Abschied von den Feinden* and *Hundsnächte*, which tell the story of two rival brothers, will serve to compare the representation of juridical practices in East and West Germany.⁴⁹ The older brother, a law graduate from the GDR, leaves the country legally in the early eighties in the hope of finding a more satisfying existence in the FRG. The two novels address almost all major injustices which are usually associated with the GDR when viewed as an *Unrechtsstaat*. In relation to these representations the commentator Dorothea von Törne makes the following remark:

Obwohl Reinhard Jirgl wohl sämtliche Repressionen von der Stalinzeit über den Mauerbau bis zu den geplanten Internierungslagern für Andersdenkende verarbeitet hat und keine Scheußlichkeit ausläßt (vom Mißbrauch der Psychiatrie über die Allmacht der Stasi, vom Bonzenwesen bis zu den Selbstschußanlagen in den Todesstreifen entlang der Mauer, von Zwangsadoptionen bis zur Erpressung von Familien Ausreisebegehrender), ist es kein Abbild der äußeren Realität, sondern eine Komprimation möglicher Auswirkungen dieser Verhältnisse auf verschiedene Figuren.⁵⁰

It is clearly not Jirgl's intention to represent the lives of the many people who led 'a perfectly normal life'.⁵¹ In one of his programmatic essays he says

die Wirklichkeit des Textes kennt qualitativ durchaus andere Merkmale als die Wirklichkeit der Außenwelt. Würde ich *das Positive* ohne dessen Einbettung im bestehenden Unrecht herausstellen, ich würde mich mit meiner Sprache genau dem

⁴⁹ The story also allows a reading of one brother whose different personalities are represented as two brothers who are opposed to each other.

⁵⁰ Dorothea von Törne, 'Ins Metaphorische gesteigerte Detailbesessenheit', *neue deutsche literatur*, 43.5 (1995), 156-58 (pp. 157-58).

⁵¹ See, for instance, Mary Fulbrook, *The People's State: East German Society from Hitler to Honecker* (New Haven and London: Yale University Press, 2008), which focuses on the ordinary aspects of daily life in the GDR.

unterwerfen, worauf ebendieses Unrecht basiert: der gesellschaftlichen Gewalt [...] Nur in der Schonungslosigkeit und der Ungerechtigkeit gegen das Unrechte sehe ich eine (literarische) Möglichkeit, dem vom alltäglichen Terror Terrorisierten ein Recht, wenn man so will, dann *ein Positives* zu geben.⁵²

In other words Jirgl puts particular acts of injustice under a psychological magnifying glass whilst turning a blind eye to the more positive and ordinary aspects of everyday life. The use of exaggeration as a stylistic device is the author's way of trying to heighten people's awareness of the 'alltäglichen Terror'.

One such example of extreme political intimidation, which very few will have endured, is the story of the older brother's traumatization at the age of four. Unlike his younger brother, he experiences the horror of his mother being brutally taken away by the state's law-enforcers. The 'justice' supposedly directed against the father of the boys, a former member of the SS, who fled to the West, is effectively meted out against the rest of the family. The children are taken into care with the words '*Vergeßt nicht die beiden Bälger, den Kotzer-hier & den Hosenscheißer*' (AF, 49).⁵³ Whilst the mother, the '*Nazihure !Westschlampe*' (AF, 51) is made responsible for the absent father's actions, she has to endure an endless chain of the same questions 'stereotyp & grausam dahergeleiert od dahergebrüllt wie in der Zeremonie einer pervertierten=Religion' (AF, 56) and is finally locked up in a psychiatric institution. That the husband, a former member of the SS, has a far better chance of escaping persecution in West Germany is an indirect comment on the insufficient denazification of the West German juridical system. Throughout the novel, Jirgl uses the image of 'flies' as a trigger for the brother's traumatic memory. Even today, more than forty years later, just before he returns to his memories of the trauma 'beschäftigten ihn in Gedanken die Fliegen.....' (AF, 53). When, towards the end of the sixties, the political climate in the GDR starts to improve and '[d]ie Zeiten verfrühter politischer Euforien spien ihre Toten aus', the state arranges the reunion of the boys with their estranged mother: 'wir, die beiden vom Staat vor Jahren zu Waisen erklärten Bälger, durften jetzt – von Amts wegen & von gleichen Staats wegen, der uns zu Waisen deklarierte – wieder 1=leibliche=Mutter haben –' (AF,

⁵² Jirgl, 'Schrift', in *LuB*, pp. 92-122 (p. 109).

⁵³ Here, 'the sins of the father are visited upon the sons', yet another way the Law is shaped by biblical traditions.

302). The late GDR government of Walter Ulbricht took a softer course and declared an amnesty for political prisoners, who are described by Jirgl as *Tote*, as people released from prison with a broken spirit. The measures and changes, due to an act of mercy by the powerful state, are to be welcomed but they cannot erase the pain in the older brother.

In spite of the violence of his enforced separation, the older brother retains an initial degree of hope and idealism. He self-reflectively considers his reasons to study law: ‘Dem Anfang deines Juristen-Berufs war die Jugendzeit noch nicht fern, die 1fachen Sandbauten des Empfindens von *Gerechtigkeit* aus frühesten Tagen’ (*H*, 28). Only with professional experience and exposure to everyday practices comes the realization that he is inescapably caught in a double bind. Already at the end of his studies he saw ‘das Zwielicht dieses Berufes bedrohlich zur Seite Des-Staates sich neigen’ (*H*, 29). He tries to find an illusory apolitical niche, or ‘Zuflucht als Justitiar in einem Krankenhaus, Spezialisierung auf Arbeitsrecht’ (*H*, 29). Before his death he remembers the feelings of his previous self, which he addresses as ‘du’:

Paragrafen wimmelten klein & gefährlich wie Handschellen im Arsenal von Vollstreckungsbeamten (diesem THEATER DER LEICHEN, mit dem dich nichts verband außer Ekel u Wut vor der Tatsache, daß du hier warst als ein Handlanger aus Gründen des Überstehenmüssens od aus einer anderen Feigheit). (H, 189)

Cowardice and inertia are the reasons which kept him in this stagnant position for so long. He summarizes his situation: ‘Freilich, & mit Beginn der Achtzigerjahre verstärkt, mehrten sich Verfahren, deren Urteil per Anweisung entweder schon vor :od bereits nach Verhandlungsende von dubiosen=Funktionären gemäß deren Brauchbarkeit 1fach & kaltschnäuzig festgelegt bzw. revidiert worden warn’ (*H*, 30). In his eyes, at the beginning of the eighties the juridical system becomes increasingly farcical and a mere tool of official power politics. According to the author, ‘:od’ signifies the greater likelihood of the statement on the side with the dots.⁵⁴ In this case, the fixing of the outcome of court cases beforehand seems to be more common or likely than a retrospect revision. These are the historical and individual conditions in which the older brother tries to live a life which does not implicate him in state-regulated injustice. However, it is his attempt to act as little as possible as a lawyer in

⁵⁴ See appendix for Jirgl’s list of rules.

unison with state-regulated political decisions which ultimately has the opposite effect. He experiences what Adorno famously states in his *Minima Moralia*, 'es gibt kein richtiges Leben im falschen'.⁵⁵ Against his will he becomes a pawn in the bureaucratic juridical machinery. The only viable option for him not to become implicated in injustice is to choose another profession. Certain occupations will always be predestined to contribute to the dissemination and implementation of the violence which is necessarily contained in any Law:

These two - judicial word and punitive deed – are connected only by the social cooperation of many others, who in their roles as lawyers, police, jailers, wardens and magistrates perform the deeds which judicial words authorize.⁵⁶

Adorno's words are illustrated by one fateful decision of the brother. He, in order to defend two nurses against an unfair dismissal after their application to leave the GDR, opts for a 'deal' with the leading officials. The solicitor agrees for a well-situated doctor to be sacked instead of the nurses on the pretence of a medical mistake. The nurses and the doctor all work in the same hospital as the lawyer. Retrospectively he explains his decision thus:

Ich mußte ihretwegen Kompromisse mit den Mächtigen des Hauses – Gewerkschaft=Konfliktkommission=Direktor=Parteileitung – eingehen : 2 gegen 1 : 2 sozial schlechter Gestellte ohne abgeschlossene Berufsausbildung, die nach der Entlassung (wie ich glaubte) daher umso rascher dem kriminellen Status *Nichtsozialistische Lebensführung* verfallen würden – so billigte ich seinerzeit die Entlassung 1 Arztes..... (H, 190)

His decision is partly grounded in his wilful failure really to get to know the doctor's case and it is informed by questionable but comforting utilitarian considerations. His victim, the doctor, remained anonymous to him until many years later when the solicitor has a chance encounter with the man's widow. Only now, much later, does he become aware that it was *his* decision which ultimately drove the doctor to commit suicide and his widow into prostitution. The brother admits responsibility for

⁵⁵ Adorno, *Minima Moralia*, p. 43.

⁵⁶ Cover, 'Violence and the Word', cited in ed. by Sarat, p. 147.

his decision and judges himself to be a perpetrator besides other perpetrators: ‘und sind u bleiben doch immer, jeder 1zelle, 1 Gestalt, 1 Jemand, 1 ganz konkreter Mensch [...] mit 1igen ganz konkreten Gemeinheiten Versagen Dreckigkeiten u Verbrechen..... ganz !konkret & !genau benenn- & bezifferbar’ (H, 194). The man’s words contradict Grimm’s claim that those who are responsible for crimes remain anonymous and fuzzy in Jirgl’s fiction.

A number of theoretical points are made clear by this particular part of the plot. First, it shows the flaws in the utilitarian approach to decision making. *Two* socially disadvantaged nurses are pitted against *one* socially respected doctor thereby satisfying the lawyer’s superficial sense of contributing to social justice. Secondly, it shows the impossibility of fighting the injustice within an authoritarian state through its own institutions. Idealistically or naively, the doctor had used the state’s juridical institution in order to accuse the state of injustice. In the words of his widow: ‘Der gottverdammte Trottel ist !nicht stille gewesen. Sondern hat !Anzeige erstattet vor Gericht, der Dämlack der. !Ausgerechnet: Vor Gerichtgehn im !Osten gegen den-Osten.....’ (H, 187). Her husband acted as a whistleblower. His crime was the discovery of the secret trade in human organs: ‘Nieren Lungen Lebern Herzen : eben Alles, was auf diesem Sklavenmarkt im Handel ist – für Devisen’ (H, 186). The deal was organized between the leading administrators of the hospital, where all of the men worked, and West German officials. The true victims were, as always, the ordinary people and not ‘irgendwelche Funktionäre, deren Weiber od auch steinreiches Handwerker=Pack’ but those who were ‘so dämlich [...] im-Osten krank zu werden’ (H, 186). The woman narrates the story with all her never-ceasing anger and cynicism and in a manner of ordinary speech she lists all the obstructions to and punishments for her husband’s attempt to fight for justice:

Uns wurde das Konto gesperrt, kamen an unser Geld nicht mehr ran – wir konnten die Miete nicht mehr zahlen, kein Gas, keinen Strom – eine Anstellung fanden wir beide nicht. Meinen Mann wollte nicht mal die-Kirche als Friedhofsarbeiter einstellen. War denen wohl zu heiß für ihr Süppchen, das sie all-die Jahre hinweg köcheln ließen überm Feuer der Partei..... (H, 191)

The narrator’s last comment is a very direct indictment of the cooperation between the East German church and the state. There is no retrospective justice for the wife; the organ trade was, after all, sanctioned by West German officials. As

Žižek writes: ‘Symptomatically, although many DDR files were opened to the public, the ones that remained secret are the files recording contact between East German and West German politicians’.⁵⁷ As no Stasi file on the doctor could be found, the widow is sent away with the bureaucrat’s cynical comment that just like ‘*nach Fünfundvierzich in Deutschland*’ when everybody claimed to have been ‘*gegen die-Nazis, nimmt nach Neunundachtzich der-Widerstand gegen die-Kommunisten mit jedem Tag zu*’ (H, 318). When the doctor was dismissed everybody adopted a strategy of wilful blindness: ‘Dabei stand Die Wahrheit wie aus dicken Steinen gehauen vor jedem, der sehen wollte. Aber Das !wollte ja niemand sehen. Bis auf Einen. Einen Kollegen, & noch Einer mehr auf dem Abschuß’ (H, 187-88). The lawyer must have known of the machinations too, but successfully repressed the truth until the moment of confrontation. The widow narrates the role of *der Feiste*, the most brutal, corrupted and degraded character of the novel:

Also: Der Feiste hatte Damals dafür gesorgt, daß mein Mann nicht mehr arbeiten durfte. Er konnte Sowas veranlassen: bei Seinen Verbindungen nach Ganz-Oben..... Also hat Er meinen Mann zuerst kaltgestellt & später seine Entlassung durchgesetzt. Bereitwillige Juristen..... für Sowas finden sich immer. (*Scheiße Da haben wirs o !Sch- u jeden Millimeter Haut spürst du mit Kalk überschüttet [...]*). (H, 188)

The brother admits to being a coward; he is aware of the true nature of his decision, which is certainly not ‘free’. Within the institutional network of the authoritarian state almost any decision will confirm the status quo and is subsequently neither free nor just.

The question arises as to whether the older brother and solicitor gets closer to his ideals of justice and free agency after his arrival in West Germany during the early eighties. The author uses the brother’s move to the West in order to contrast the respective juridical systems. Unsurprisingly for the reader who is familiar with Jirgl’s texts, the West is equally disappointing to the literary anti-hero. In the West, mere disgust eventually turns into proper hatred: ‘Und mußtest einst auf die letzte Stufe auch noch steigen: vom Ekel zum Haß [...] Denn du sahst diese Exemplare, die du kanntest von drüben im-Osten, Hier in ihrem Ruin ohne wirkliches Elend so klein’ (H, 31). For the older brother, injustice, pettiness and stupidity transcend the

⁵⁷ Slavoj Žižek, ‘Neighbors and Other Monsters: A Plea for Ethical Violence’, in *The Neighbor: Three Inquiries in Political Theology*, by Slavoj Žižek, Eric L. Santner, Kenneth Reinhard (Chicago and London: The University of Chicago Press, 2005), pp. 134-190 (p. 139).

ideological system: they are part of the German psyche. In the East he meets ‘Zanksucht Kleinlich- & Gläubigkeit – die 3 Schienen, auf denen die beständig leckgeschlagenen Karonkähne mit Griesgram als Obulus [...] allzeit vom Stapel gingen’ (H, 29) and in the West he encounters

wie sie mit dem Freizeitvergnügen von Giftzwerge – dem Ziehen vors Gericht – ihr kleinliches Nachbargezänk mit dämonischer Wut & Kälte in die Dürre & Wichtigkeit einer Amtssprache hinaufkatapultierten [...] wie geplatze Kaufverträge [...] in ihre Augen den teerigen Glanz der Verzweiflung trieben..... (AF, 92)

As a last affirmative gesture the brother is able to turn this hatred into lustful destructive activity: ‘Du klaubtest aus dem objektelosen Haß heraus die glühenden Brocken Lust, diese Klienten ins *Verderben* zu stürzen, !absichtsvoll sie mit den Mitteln & Verfahren des verübten Rechtes in die Endgültigkeit ihres Verderbens fallen zu lassen’ (H, 32). Paradoxically, his initial individual acts of punishing clients, through which the narrator also regains the feeling of true agency, are just compared with those which are expected from him within the institutions of bourgeois society. The cases the brother has to deal with in the West are predominantly related to the protection and accumulation of private property: ‘Kredite- Steuer- Miet- & Eigentumsfälle, Inkassoverfahren, Verkehrsdelikte beiderlei Asfalte: der Straßen wie der Betten, Unterschlagung, einklagbares Nutzungsrecht, Nachbarschaftskriege, alle Schlammschichten von Betrug - & kein Halten auf dem Weg=nach-unten.....’ (H, 33). Jirgl uses ‘&’ instead of ‘und’ in order to signify monetary or business relations. By trusting their lawyer, the clients whom he ‘defends’ reveal to him their dishonesties and are thus finally exposed and ruined by their own solicitor. Arguably, they get what they deserve rather than what they are capable of paying for. The solicitor works entirely within the law against the norms of the established law. He remarks that ‘der Ruinierte nur sich=selber den Vorwurf machen mußte, daß er den Dreck, der vor Gericht über ihn ans Licht gekommen war & der ihn vernichtet hatte, vordem nicht zureichend tief & nicht weit genug weg vergraben hatte.....’ (H, 32).

The text takes up Plato’s criticism of sophist rhetoricians as expounded in *Gorgias* and *Phaedrus*. Some of the sophists, being also the first lawyers, practised for money the art of persuasive, rhetorical argument in which truth and justice were

subjugated to a minor role. Advocacy in the West, as described by the older brother, is not much different from this state of affairs. For enough money one can hire a highly skilled lawyer to win one's case. However, as shown in the previous chapter, the lawyer soon starts to mete out inappropriate punishments and becomes a murderer and criminal. His disappointment regarding the West turns into misanthropy. His deepest wish is for 'Verbrechen, die Menschen & Geld !verschwinden lassen' (*H*, 49), both of which he manages in his last big case. In the midst of so much pettiness, the lawyer misses 'Das Hund's Gemeine - Die raffinierte Grausamkeit, Trinität von Rachsucht , Verrat & Geld u schön wie ein Frauengemälde von Raffael' (*H*, 33). By carrying out his own self-indulgent 'perfect crime' against the old Jewish man and his daughter, he forfeits any ambition to achieve greater justice. After this last case, feeling he was 'in einem Großen Spiel' (*H*, 40), the gradual disintegration of the brother's sense of identity is followed by his slow physical decay at the end of the novel. The experiences in East Germany have left him emotionally damaged; he cannot oppose the social injustice of the capitalist legal system in any constructive way. However, the text, in representing the shortcomings of a profession of lawyers which is financially corrupt, invites the reader mentally to reject such a state of affairs.

Conclusion

It might be legitimate to conclude that most of the accounts and representations of legal practices in Jirgl's novels are depictions of MacIntyre's 'effective justice' or justice which primarily serves the state. These practices transcend social and political forms and so cannot be explained by particular forms of governance and consequently appear to be universal. However, there are nevertheless discernible differences in the degree of state violence exerted through its institutions in different eras of German history. The differences are most noticeable in the representations of past injustice in the Third Reich when compared with those committed in today's Germany, but less pronounced between those of the Third Reich and the GDR. As political injustice in the GDR is foregrounded in three of the novels examined in this chapter, it is perhaps not surprising that Jirgl, who uses 'Ungerechtigkeit gegen das Unrechte' as a poetic means in order to assign to all the victims of political violence a retrospective 'Recht', at times exaggerates the similarities between the two

dictatorships.⁵⁸ Generally, in Jirgl's work, the legal institutions of any state appear to illustrate all the realist statements made by Thrasymachus in book one of Plato's *Republic*: (1) 'justice is nothing but the advantage of the stronger' (338c), (2) 'justice is obedience to the law' (339b) and (3) 'justice is nothing than the advantage of another' (343c) are, in variation, at the base of unjust juridical procedures.⁵⁹ Besides, whatever appears to be just or to follow the principles of fairness is often merely the result of Nietzschean *ressentiment* and at times it appears that the Law is still shaped by Judeo-Christian traditions.

There are significant differences in the presentations of injustice between the two dictatorships on the one hand and the FRG and post-unified Germany on the other. Whilst violence and injustice is state-sponsored in the authoritarian regimes, it is the greed of corporations and individual lawyers that perpetuates social injustice in the former. Here, the state has lost almost too much power to intervene. Altogether, the texts offer little hope that institutions will ever be more just, yet it becomes evident that some justice is better than none and that state-sponsored expropriation of private properties happen predominantly in dictatorships.

Whilst the first three chapters focused on the representation of violent and unjust relationships between people and their various attempts to create legal rules and institutions, the last theme of this dissertation is an investigation of a variety of descriptions showing the interaction between human and nonhuman animals with the aim of unearthing the kind of ethical and political implications which our treatment of animals has for the wider society.

⁵⁸ Jirgl, 'Schrift', in *LuB*, pp. 92-122 (p. 109).

⁵⁹ Plato, *The Republic*.

Might=Right: Our Relationship to Nonhuman Animals

After fleeing Nazi-occupied Germany, the Nobel laureate Isaac Bashevis Singer compared species bias to the “most extreme racist theories.” Singer argued that animal rights was the purest form of social-justice advocacy, because animals are the most vulnerable of all the downtrodden. He felt that mistreating animals was the epitome of the “might-makes-right” moral paradigm. We trade their most basic and important interests against fleeting human ones only because we can.¹

Jonathan Safran Foer’s words refer to the following passage from Singer’s *Enemies, a Love Story*:

As often as Herman had witnessed the slaughter of animals and fish, he always had the same thought: [...] The smugness with which man could do with other species as he pleased exemplified the most extreme racist theories, the principle that might is right.²

However, as this principle is also all too easily applied to the weaker members in human societies, this examination starts with an investigation of a variety of passages in Jirgl’s novels that describe similarities between human and nonhuman animals by relating observations of expressions of pain immediately before their physical death. The material provides an insight into the author’s views with regard to the privileging of humans and depicts our shared animality at the point of death. If there are no significant differences between the suffering of some animals and that of people, this will have consequences for how we treat some species of nonhuman animals. The author’s deep concern for nonhuman animals is elaborated further in the second part, which is dedicated to textual examples of animal abuse. It should be pointed out that the various texts under discussion here do not advocate or illustrate

¹ Jonathan Safran Foer, *Eating Animals* (London: Penguin Books, 2009), p. 213.

² Isaac Bashevis Singer, *Enemies, a Love Story* (New York: Farrar, Straus and Giroux, 1988), p. 145.

specific theories of ‘animal rights’, the notion of which is subject to on-going philosophical and legal debates; they merely highlight the worst aspects of our relationship with animals within the wider context of the misuse of power within society and a ruthless exploitation of nature and of nonhuman animals that are ‘treated like animals’. If anything they underscore the almost complete disregard for the animals’ pain and suffering by those who exploit them. The chapter examines whether the texts discriminate between socio-political societies that facilitate the abuse of animals more easily or whether they convey an undifferentiated view of our disregard for ‘lower’ species independently of social arrangements. A further question which arises from this investigation is whether or not the relevant texts depict situations in which the mistreatment of nonhuman animals facilitates the exploitation of the weakest humans.

It is noteworthy that one of the novels, namely *MER*, addresses the problematic issue directly at a time when the animal rights movement in the West was still in its infancy. The book, which was written a decade after the publication of Peter Singer’s *Animal Liberation* of 1975 and before the *Universal Declaration of Animal Rights* by the International League of Animal Rights in 1989, in commenting very directly on the mistreatment of animals in farming and research, remains an exception amongst German literary texts of the time.³ Jirgl’s criticism of practices which occurred in socialist and capitalist societies alike is part of a more general criticism of anthropocentrism in a rigorously materialist society. As noted previously, Jirgl writes that his intentions in *MER* are to show ‘den Automatismus einer jeden konsequent materialistisch orientierten Gesellschaft: *die Verwertung der eigenen Substanz, des Menschen selbst*’.⁴ One of the aims of the textual analysis of *MER* is to find out how, if at all, the book establishes a relationship between the materialist exploitation of animals and the utilization of humans. If it turns out that power is always abused in a way which facilitates the ill-treatment of living beings, the question arises whether Jirgl, as some commentators have suggested, advocates a

³ See, for instance, Böthig, *Gramatik einer Landschaft: Literatur aus der DDR in den 80er Jahren*; Konrad Kurz, *Apokalyptische Zeit: Zur Literatur der mittleren 80er Jahre* (Freiburg: Josef Knecht, 1987); Michael Schenkel, *Fortschritts- und Modernitätskritik in der DDR-Literatur* (Tübingen: Stauffenburg Verlag, 1995); Heimo Schwilk, *Wendezeit-Zeitenwende: Beiträge zur Literatur der achtziger Jahre* (Bonn: Bouvier Verlag, 1991).

⁴ Jirgl, ‘Nachlass’, in *GT*, pp. 815-33 (p. 830).

fatalistic view of cultural and political atrocities which denies historical progress and any possibility of redemption.⁵

The most prominent places within Jirgl's oeuvre where instances of cruelty against animals can be found are, in the order of their creation: *Im offenen Meer*, *MER*, *Kaffer*, *Abschied von den Feinden*, *Hundsnächte*, *Die atlantische Mauer* and *ABTRÜNNIG*. To avoid repetition, some of the episodes which are related to slaughterhouses are not mentioned in the second part of this tri-partite chapter, which is dedicated to the clearest representations of the abuse of animals by humans and thus depictions of one of the most fundamental exemplifications of the attitude 'might is right'. The third section takes up the idea that certain aspects of the factory style slaughter of cattle and pigs can serve as a blueprint for the treatment of underprivileged or undesirable humans. It investigates the instances in which the text draws on the analogy between extermination camps and slaughterhouses and thus deals with the treatment of 'de-humanized' humans. As these analogies are contextualized in different historical epochs and political systems, the third part also readdresses the problematic issue of whether or not Jirgl's texts universalize brutality and violence of humans against other living creatures.

Humans and Animals in the Throes of Death

The first section is assigned to an investigation of one particular aspect of Derrida's criticism of philosophical anthropocentrism: namely, the privileging of a human death as opposed to the mere perishing of an animal. The representations of dying nonhuman and human animals will be examined against the background of Derrida's text *The Animal That Therefore I Am*. In the book, Derrida discusses a philosophical post-Cartesian phenomenon which he traces in relevant texts of Kant, Heidegger, Levinas and Lacan. All of them 'share, vis-à-vis what they call "the animal," a considerable number of [...] axioms, prejudices, presumptions, or presuppositions'.⁶ Derrida argues that these philosophers 'like Descartes, think that [...] its capacity to produce signs is foreign to language and limited or fixed by a program'.⁷ These logocentric assumptions implicitly support a position of mastery over the animal.

⁵ See, for instance, Grimm, Pabst, Śliwińska and Welzer, whose criticisms were discussed previously.

⁶ Jacques Derrida, *The Animal That Therefore I am*, transl. by David Wills, ed. by Marie-Louise Mallet (New York: Fordham University Press, 2008), p. 89.

⁷ *Ibid.*, p. 89.

Derrida holds that this attitude is not only ‘dominant in philosophy and as philosophy, in our world, in “modern times,” but also [...] the discourse of domination itself’ and that ‘this domination is exercised as much through an infinite violence, indeed, through the boundless wrong that we inflict on animals’.⁸ This subjugation is based on defining ‘the animal in an essentially negative way, as deprived of whatever is presumed to be “proper” to the human: “speech, reason, experience of death, [...] covering of tracks, gift, laughing, tears, respect, etc.”’.⁹ According to Derrida, the privileging of human death is expressed in the following statement by Heidegger from his *Unterwegs zur Sprache*:

Die Sterblichen sind jene, die den Tod als Tod erfahren können. Das Tier vermag dies nicht. Das Tier kann aber auch nicht sprechen. Das Wesensverhältnis zwischen Tod und Sprache blitzt auf, ist aber noch ungedacht.¹⁰

Derrida claims that Heidegger holds that what is proper to the animal is the fact that it cannot ‘properly’ die because it lacks language:

For Heidegger, ‘man remains the only example of *Dasein*’ and ‘If the distinction between (properly) *dying* and *perishing* cannot be reduced to a question of terminology, if it is not a linguistic distinction, for Heidegger it nevertheless marks the difference of language [...] Since he links [...] the possibility of death as such to the possibility of speech, he thereby concludes that the animal, the living thing as such is not properly a mortal: the animal does not relate to death as such. The animal can come to an end, that is, perish (*verenden*) [...] But it can never properly die.’¹¹

That there are so many instances of animals that undergo a *Todeskampf* in Jirgl’s texts raises the question of the writer’s motivation for choosing the painful death of animals as a privileged theme in his novels. Do the examples subvert the prevailing anthropocentric world view; do they heighten the reader’s empathy with animals or do they merely encourage us to reflect on death as an actual and often difficult

⁸ *Ibid.*, p. 89.

⁹ Marie-Louise Mallet, ‘Foreword’, in Derrida, *The Animal That Therefore I am*, pp. ix-xiii (pp. ix, x).

¹⁰ Jacques Derrida, *Aporias*, trans. by Thomas Dutoit (Stanford: Stanford University Press, 1993), p.35. Derrida cites from Heidegger’s *Unterwegs zur Sprache*, p. 215.

¹¹ *Ibid.*, p.35.

event? Of interest in this respect will be how those narrators who empathically describe animals in the throes of deaths relate to their fellow human beings.

Jirgl, who frequently comments on the theme of ‘Tote, die nicht sterben können’, also offers many narratives of animals ‘that cannot die’. In the case of humans, it is crucial to point out that the texts contain two types of human beings who are unable to experience a proper death and who, to complicate matters further, cannot always be clearly separated from each other. First, there are all those humans who are psychologically damaged or alienated from their desires and potentials through subjugation to psychological and political powers. Secondly, there are also those who literally struggle to die in a proper *Todeskampf*. De Winde offers the following Lacanian analysis of the first kind of revenants, who can, however, turn into those who are in the last throes of biological death:

According to Lacan the point of the sadistic scenario is not simply to kill the victim, since such a “first death” cannot prevent the mortal remains from entering the natural cycles of decay and degeneration. Instead, the victim is made to suffer and endure endless torture. This Lacanian perspective sheds new light on one of the central (con) figurations of Jirgl’s oeuvre, “der Tote, der nicht sterben kann.” [...] A genealogical reinterpretation of Lacan’s hypothesis allows us to understand the leitmotif and tropology of “dying without death” as a symbolic representation of the plight of the individual under a regime that rules by the laws of biopolitics.¹²

De Winde refers to Jirgl’s representation of the GDR regime as one that aspires to be utterly materialist and full of disregard for the majority of its citizens (*GT*, 830). This somewhat controversial view will be examined in some depth in the third part of this chapter. Yet, as the following words by Stephen R. L. Clark show, the Lacanian analysis can also be applied to the case of nonhuman animals:

Rabbits kept in rabbit hutches for so long that they have no concept of escape even when they have the chance to, may be, in one sense, well-off; in another, they are ‘deleporised’, dead rabbits before their body dies.¹³

¹² Arne De Winde and Frederik Van Dam, “‘Der Schrei des Marsyas’: The Mythic Voices of the Subaltern in Reinhard Jirgl’s *Mutter Vater Roman*”, in *Twenty Years on: Competing Memories of the GDR in Postunification Culture*, ed. by Renate Rechtien and Dennis Tate (Rochester: Camden House, 2011), pp. 69-83 (p. 73). De Winde refers to the seventh seminar by Jacques Lacan.

¹³ Stephen R. L. Clark, *Animals and Their Moral Standing* (London: Routledge, 1997), p. 115.

The Lacanian analysis applies to the different, but closely related depictions of ‘Tote, die nicht sterben können’ and only very occasionally to the representation of the death throes of dying creatures and the *Todeskämpfe* of humans that are the main subject of the present sub-chapter. The excerpts in this part, which are all representations of genuine death struggles, are taken from the following novels: *MutterVaterRoman*, *MER*, *Im offenen Meer*, *Abschied von den Feinden*, *Hundsnächte*, *Die Unvollendeten*, *ABTRÜNNIG* and *Die Stille*.

Bodily Expressions of *Todeskampf* and Death

The textual material in this section is chosen for the prevalence of descriptions of the physical signs of death in both human and nonhuman animals. For instance, the dystopia *MER* contains several interesting interludes which have the actual death of humans and animals as a theme. The book tells the dystopian story of a holiday on the Baltic Island of Hiddensee in which a holiday quickly turns into social anarchy. Jirgl fictionalizes a *state of exception* (Schmitt, Agamben)¹⁴ on an East German island that is modelled on a real event which happened during the year nineteen eighty-two in the coastal regions of the GDR: ‘Einer durch Schlamperei und Sorglosigkeit rasch [...] sich ausbreitenden Maul- und Klauenseuche, der tausende Tiere zum Opfer fielen’ and ‘Ein- und Ausreisen sowie briefliche Verbindungen nach “draußen” waren nicht mehr möglich’.¹⁵ The three leading male narrators, a physicist, a mechanic and a surgeon, who meet on the train, are confronted with a different, and much more serious, emergency situation of an uncertain nature and offer their different perspectives whilst the island gradually falls into anarchy with several powerful forces competing for control.

Immediately upon their arrival on the island, the holidaymakers discover a rotten cadaver which leads to the debate ‘Tier od Menschenrest’ (*MER*, 220)? The question is answered by the physicist in more general terms: ‘Tier oder Mensch, die Lach-Probe entscheidet: Sagen Sie zu dem Kadaver *Du bist ein Mensch!* – wenn er lacht, haben Sie gewonnen. Lachen scheidet Mensch und Tier; die meisten Menschen haben nur diesen Beweis. – Sehen Sie, er bleibt stumm’ (*MER*, 221). The

¹⁴ According to Schmitt, a ‘state of exception’ is marked by the decision of a sovereign ruler to implement emergency measures.

¹⁵ Jirgl, ‘Nachlass’, in *GT*, pp. 815-33 (pp. 828-29).

physicist's comment highlights the absurdity of the question: as humans are mammals, the rotting meat of both might well be indistinguishable. Death, *because* language has become impossible, brings out the biological similarities. The people are disturbed by the cadaver, which reminds them of their own mortality. They utter the usual 'Betrachtungen über Vergänglichkeit' and, '[t]rotzdem sich alle hinlänglich davon überzeugt haben [...] lediglich 1 toten Vieh begegnet zu sein, will die Vorstellung vom Toten-Menschen offenbar nicht weichen' (*MER*, 222). Later on that day, a man on the beach steps on a grenade and dies in agony. The travellers see the injured man running (*MER*, 239). Immediately before the actual death, his facial muscles relax and give the man 'einen sanften Ausdruck; die Augen geweitet wie in großem Erstaunen, bewegte er seine Lippen, als suchte er mit Bedacht nach Worten – dann ein Zittern, ein Vibrieren' (*MER*, 244) and, seconds later, 'aus dem offenen Mund sein Schrei' (*MER*, 244). The surgeon, who is the most cynical amongst the three male protagonists, dismisses these last bodily expressions as a 'pure Reflex, der Mann sei aus dem Koma nicht mehr aufgewacht und habe von allem nichts gespürt' (*MER*, 244). Presumably, the surgeon has learned to disassociate himself from the pain of dying patients in ways not dissimilar to those adopted by the employees of abattoirs. For him, everything Derrida criticizes with regard to the philosophers' view on nonhuman animals, applies to dying humans; at the point of their demise they are nothing more than physiological entities with automatic responses.

After some weeks, the holidaymakers start to show the first signs of radiation sickness. Subsequently, when one of the hotels has burnt down, many people are forced to live inside a large community hall in which the windows are locked. The surgeon, who is looking after the sick, observes a swallow which is trapped in the building:

immer aufs neu u vergebens wirft sich das Tier gegen die taghell schimmernden Fensterscheiben [...] in dem kleinen Kopf die Augen erstarrt in Angst, der Schnabel weit aufgesperrt (:?Wo sind die Schreie der Tiere zu hören). (*MER*, 350)

Then, suddenly,

stürzt das Tier aus 1 Winkel in der Saaldecke beinahe senkrecht zu Boden [...] 1 winziges Zittern durchläuft den kleinen Leib [...] – kraftlos u matt schlagen paarmal die Flügel – dann liegt die Schwalbe still. (MER, 350-51)

The swallow's last act looks like an actively chosen path to end its suffering, but it remains impossible to say whether the bird's sudden *Sturzflug* involved any level of intentionality. The surgeon, who showed no empathy towards the dying man, feels for the dying bird. These examples display similarities between man and animal in the throes of death: their eyes express great anxiety, they move frantically and immediately before death their bodies tremble and shiver. As the situation goes from bad to worse, the physicist notices: 'In den Gesichtern der Menschen, die mir begegneten, hatten die furchtbaren Ängste der Tiere sich eingeschrieben, die, allein gelassen im Unwetter, vor Angst um sich selbst und um ihr Leben brüllten' (MER, 367). The text suggests that all living creatures are driven by the same instinct for survival and fear of violent death.

In the next novel, *Abschied von den Feinden*, 'wir', the anonymous local voices and representatives of a range of public opinions, describe horses which stray into the mined border strip between the two German states, the *Todesstreifen*. As a consequence of a large fire the horses, 'manche schon mit brennender Mähne' (AF, 44), panic, break out and run towards the border:

I der Tiere hatte sich im Stacheldrahtverhau gefangen brannte schon wollte sich losreißen – da explodierte die Mine & riß dem Tier den Bauch entzwei Wir sahen durchs Fernglas Gedärme quollen aus dem Pferdeleib Das Tier warf die Hufe gegen den Stacheldraht – die Selbstschußanlagen schleuderten ihre Metallsplitter auf das Pferd Es konnte nicht mehr fort u es konnte nicht sterben Das Tier brannte und schrie – wir hatten nicht gewußt daß I Tier menschlicher als Menschen schreien kann im Sterben [...] Das Tier warf den Schädel gegen das Feuer gegen den Schmerz –. (AF, 44-45)

The passage combines a criticism of East German policies with the description of an animal which suffers an agonizing death. The instruments of death are actually designed to kill human trespassers and the horrific suffering of the horse heightens the awareness of the enormity of the installations on the *Todesstreifen*. The collective 'wir' might not be touched as much by the death of a human as it is by the suffering of an 'innocent' animal caught up unwittingly in the deadly machinery.

The spelling of ‘ripped in halves’ as ‘entzwei’ instead of ‘ent2’ indicates the length and severity of the cut. It surprises the onlookers how ‘human’ the animal’s death-cries are. The expressions of pain, whether they are verbal or non-verbal, cannot, in their proximity to human reactions, be mistaken for mere instinctive responses.

Another example refers to the very opposite: an animal’s incapacity for crying. One of the two brothers who are the novel’s main protagonists narrates the killing of a fish by a seagull. Whilst the bird hacks out small pieces of the animal’s flesh, the brother describes the mouth of the fish being wide open like ‘ein Trichterschlund’ (AF, 315) and ponders, just like the surgeon in *MER*, ‘*Wo ist der Schmerz der Stummen hörbar*’ (AF, 315). The creature continues to struggle silently whilst the bird eats from the ‘großen zuckenden Tierleib’ (AF, 315). The narrator is astonished to see amongst the parts of the almost completely destroyed fish ‘ein noch immer zuckendes Herz’ (AF, 316). The great difficulty in finally achieving physical death reads like an illustration of the almost indestructible and blind will to live as described by Schopenhauer.

The novel *Hundsnächte*, the sequel to *Abschied von den Feinden*, contains the description of the suicide of one of the labourers of the ‘Abrißkolonne’. The worker, very unexpectedly and quietly, slips away and puts his head over one of the rails just before a train is scheduled. Yet, the train unexpectedly has to stop at a signal and when starting up again does not gain enough speed to kill the worker quickly. The remaining labourers look for him and find him several metres away from the rails in a state indicating a painfully prolonged *Todeskampf*:

Denn schließlich hat ihn einer im Graben neben dem Gleis entdeckt: [...] auf der anderen Seite vom Bahndamm: dorthin musser all-! I = nachdem der Zug ihn überfahren hatte gekrochen sein & seinen Kopp an der langgezogenen schlappen Halshaut baumelnd, den hatte er mit-sich dahergeschleift wien zerschlagenes Kuheuter. (H, 429)

The narrator, an architect who is equally stranded and misplaced amongst the workers of the ‘Abrißkolonne’, continues his report thus: ‘Wahrscheinlich isser nach einer Weile erstickt, weil die Luftröhre zusammengequetscht war’ (H, 430). The only way to describe the dead man is by comparing his image with that of a dead animal. His skin appeared ‘in einem bläulichhellen Weiß wie bei Fischbäuchen,

wenn sie verreckt im Uferschlamm liegen’ and his eyes were staring ‘halboffen & glasigtrübe wie beiner gekochten Flunder’ (*H*, 430). Here, a human is ‘verendet’, a term which Heidegger reserves for nonhuman animals. Jirgl uses the even stronger word ‘verrecken’ in order to describe the death of fish by suffocation. The ‘verreckt’ human resembles the perished fish. In death, and after the loss of language, there are no clear distinctions between them. Besides, what is often said about animals, namely that they hide away to die in solitude, applies to the man who has dragged his dying body into a ditch. Similar remarks can be made in respect of the main character of *Abschied von den Feinden* and *Hundsnächte*: the lawyer who, after a failed life, enters a derelict ruin in the vicinity of the East German *Todesstreifen* in order to die. He is the character about which the local people wonder ‘daß Soetwas aus einem Menschen werden muß: ein Toter, der nicht sterben kann’ (*H*, 71).

In *Die Unvollendeten* Anna, the youngest of the female protagonists, observes during her dangerous flight from the Sudetenland to Germany the chasing and killing of a small dog by a pack of stronger hounds. During the attack ‘jaulte [das Tier-am-Boden] kreischend auf – und wieder und wieder schlugen die Hauer in den zitternden Körper hinein’ (*U*, 46). As with previous instances, the animal ‘speaks’ with its eyes:

für 1 Moment sah Anna ein Auge des kleinen Hundes auf sie gerichtet: er lebte noch, sein Blick aber schien seltsam still, gefaßt u erfüllt mit Todeswissen. Als hätte das schwache Abendlicht allen Schmerz aus dem Tierauge herausgestrichen – ohne Angst, denn er brauchte sich nun nicht mehr zu wehren. (*U*, 46)

Parts of the dog are already eaten and Anna ‘wußte was weiter geschähe. !Da: der spitze hohe Schrei, im klagenden Gejaule verzitternd -, 1 Lebensfaden zerrissen, 1 Köterleben.....’ (*U*, 46). This example expresses, even more strongly than the others, the possibility that an animal might anticipate its own death, albeit in closer proximity to the actual event. At the moment when its own demise seems absolutely inevitable the creature exhibits stillness. This is not altogether different from the behaviour of humans expecting imminent death. The animal first ‘speaks’ with its body and its eyes. Only at the last moment does the *Todesschrei*, already expected by Anna, occur, accompanied by a quiver. Thus it appears as if the dog is most conscious of its plight before the actual *Todesschrei* rather than during it.

The last work considered here, *Die Stille*, contains the *Todeskampf* of a dog followed by the description of a dead bird. When Georg and Henry are involved in a fight with migrants, who feel threatened by the physical fight between father and son, their dog Max is accidentally killed. They hear ‘das Jaulen eines Hundes dem sein Leben zerschlagen wird, menschlicher als menschlich der Letztelaut – u mußte sterben, als wäre er Mensch geworden in Diesernacht’ (S, 309). On his way home, whilst his father is taken to hospital, Henry observes ‘1 Sperling, tot, den kleinen Schnabel weitauf gerissen’ (S, 310). As before, the animal’s last scream is eerily human and the wide open beak of the bird is a reminder that it tried to cry before it died.

To sum up, the theme of human and nonhuman animals undergoing painful struggles before they can die can be traced in each of the cited texts. The focus in all descriptions is the actual event of a prolonged struggle to die rather than on a generalized reflection on mortality. Heidegger’s separation between humans and animals on the grounds of the quality of their respective experiences of death is challenged by many of the cited episodes: there are the two men in *Hundsnächte* who retreat into solitary places in order to die or perish, the dog in *Die Unvollendeten* who seems to anticipate its own death, the animals in *MER* who suffer *Todesangst* and the swallow in *MER* which seems to commit suicide after realising its hopeless predicament. Likewise, from the external observer’s viewpoint, the bodily expressions immediately before death cannot be differentiated along the lines of any human-animal distinction: the man in *MER* who stepped on a mine utters the final *Todesschrei* in the same way as the hunted dog in *Die Unvollendeten* emits a final ‘spitze[n] hohe[n] Schrei’ (U, 46). The witnesses to the deaths of animals are either disturbed by the fact that a specific animal seems physiologically unable to express its distress through screaming or they wonder about the similarity of animal cries to human ones. The engineer ponders that ‘aus dem Schnabel, weit aufgesperrt, kein Laut’ (H, 138) and the surgeon that ‘:?Wo sind die Schreie der Tiere zu hören’ (MER, 350). The personal worry of one of the brothers, which is inspired by a dying fish: ‘*Wo ist der Schmerz der Stummen hörbar*’ (AF, 315) can be read as a universal concern with those literally and metaphorically incapable of screaming irrespective of whether they are human or not. The final shudder is described as an involuntary bodily expression at the very end of dying which humans and other vertebrates seem to share due to physiological similarities: the swallow

dies and ‘1 winziges Zittern durchläuft den kleinen Leib’ (*MER*, 351); the fatally injured man displays ‘ein Zittern, ein Vibrieren’ (*MER*, 244). The dog dies ‘im klagenden Gejaulte verzitternd’ (*U*, 46) and the heart of the fish still displays convulsions (*AF*, 316) when the rest of the body is almost completely eaten up. It is particularly in the event of violent death that all ‘species’ show their common nature. As one wise and old character in Monika Maron’s *Ach Glück* remarks:

Das Alter und der Tod machen uns den Tieren gleicher; unbarmherzig ziehen sie uns auf die andere Seite, ins Reich der Natur. Wenn unser Gehirn allmählich schwach wird und die Organe ihren Dienst verweigern, rettet uns unsere Kultur nicht mehr, und wir unterliegen dem gleichen Gesetz wie die Tiere.¹⁶

Contrary to Heidegger’s logocentric claim that language is decisive in determining proper death, the examples show animals that have different ways of communicating their anticipation of imminent death. The animals closest to being able to imitate human sounds and phonetics are the birds; and it is they who are unable to express a proper scream of death in two of the above examples. Instead, they rely on other bodily means to show their distress. In Jirgl’s examples it is the bird’s entire body, above all the eyes, which ‘speak’ and convey a certain consciousness of what is about to happen. The swallow has ‘die Augen erstarrt in Angst, de[n] Schnabel weit aufgerissen’ (*MER*, 350), whilst the pigeon has ‘das eine Auge weitaufgerissen’ (*H*, 138) and the engineer deciphers its movements as a ‘cry’ for help: ‘dies Schlagen mit dem Flügel die Bitte ums Aufhören: sie galt !mir’ (*H*, 138-39). The boy in *Hundsnächte*, who never anthropomorphizes birds, is surprised how much the eyes of the pigeon can express: ‘Immer hatte ich die Augen der Vögel für starr gehalten, ohne Ausdruck, beinah ohne Leben wie 2 Knöpfe aus Porzellan’ (*H*, 138). These encounters are good examples of a suggestion made by Matthew Calarco. In his *Zoographies*, he takes issue with Levinas’ anthropocentric ethical theory. For Levinas, the face of the Other, which constitutes an ethical challenge to his egoism, ‘is always and only the *human* Other’.¹⁷ Calarco cites one remark made by Levinas which indicates a certain agnosticism regarding the limits of the notion of ‘face’ and which should be taken as a starting point to extend

¹⁶ Monika Maron, *Ach Glück* (Frankfurt am Main: Fischer Taschenbuch Verlag, 2007), p. 180.

¹⁷ Matthew Calarco, *Zoographies: The Question of the Animal from Heidegger to Derrida* (New York: Columbia University Press, 2008), p. 55.

Levinas' ethical theory to other species: 'I cannot say at what moment you have the right to be called 'face'. I don't know if a snake has a face. I cannot answer that question'.¹⁸ The engineer feels addressed by the animal's eyes and its bodily movements; he wants to stop the suffering. The same can be said about the boy who responds to the suffering animal's gaze by throwing the fatal stone at the torturer (*H*, 152; *U*, 202) which will be discussed in the next part of this chapter. Although the last cries of some of the animals sound 'menschlicher als menschlich' (*S*, 309), there is no privileging of the *Todesschrei*. Language and death are disassociated. Some living creatures utter the scream but others who suffer equally are physiologically incapable of doing so. The witnesses of the burning horses are surprised 'daß I Tier menschlicher als Menschen schreien kann im Sterben' (*AF*, 45) whilst the birds, who are most likely to 'speak' are incapable of screaming and a man merely omits a 'dumpfes unmenschliches Greinen' (*MER*, 239) at his demise. These representations of creatures in the throes of death challenge Heidegger's anthropocentric thesis.

Humans and Nonhumans who cannot die

Im offenen Meer, which is made up of the narrator's dreams and some of his everyday observations, comprises a great number of individual episodes describing humans or nonhuman animals that are unable to die. In the dreams it is frequently the narrator's self which merges with that of a tortured animal. In *Die Zoohandlung* (*IoM*, 25-27), the dreamer-narrator observes the fight between two herrings through the window of a pet shop: 'Die beiden Tiere, obwohl inzwischen deren Rückenräten freiliegen + zum Großteil die Haut vom Fleisch gerissen ist, können nicht sterben [...] Ich begreife, daß diese beiden [...] Tiere ihren Todeskampf nie beenden können' (*IoM*, 27).

Another dream containing autobiographical details, titled *Der Hund* (*IoM*, 99-105), relates the nightmarish vision of a family dog which, after having been declared dead by the narrator's elderly aunts, displays signs of life. All the dreams described in *Im offenen Meer* are, according to Jirgl, 'identisch mit Autobiographien im ganz strengen Sinne' and thus expressions of the author's personal fears.¹⁹ The auctorial narrator discovers that they are eating a meal made from the flesh of his

¹⁸ *Ibid.*, p. 68.

¹⁹ Jung, 'Material', p 62.

dog and feels sick. He begs the two women: ‘*Solche Schmerzen! Wir können das Tier dieser Qual unmöglich ein Leben=lang überlassen!*’ and asks them ‘nach 1 wirklich verlässlichen Tötungsmöglichkeit’ (*IoM*, 104). Suddenly a ten year old boy appears, who has all the dog’s wounds and turns out to be the narrator’s younger self. The boy opens his eyes and the man gazes into his own abyss: ‘Mein Blick fällt hinein in Tiefen + Kälte des Blickes von – *einem Hund*’ (*IoM*, 105). As the images of man and animal merge, the visible physical pain of the dog becomes synonymous with the invisible mental anguish of the writer-narrator’s younger self. His cry for help is mediated via the injured dog because, contrary to the man’s mental pain, the animal’s deadly injuries engender pity and compassion.

In another dream, called *Vertreter* (*IoM*, 111-16), the narrator himself becomes the murderer of a male rival whom he believes to be capable of committing ‘jegliche Schandtät’ (*IoM*, 112). He throws the man ‘übers Geländer in die Tiefe hinab’ (*IoM*, 114). The injured and screaming man ‘gibt den Leuten [...] Anweisungen, wie seine Eingeweide durchzuschneiden bzw. abzuklemmen seien, damit er endlich sterben könne’ (*IoM*, 114). However, the people do not succeed and the man ‘schreit, + schreit um seinen Tod. Er wird nicht sterben können’ (*IoM*, 115). The narrator then, in order to cover up the crime, ‘replaces’ the dying man. Soon enough the ‘Vertreter’ of the ‘Vertreter’ enters the eternal return of the same murderous process: ‘Und ich werde mit meinem Schrei die Ewigkeit meiner Zeit + meines Sterbens erleben können’ (*IoM*, 115-16). Jirgl plays in this episode with the two meanings of ‘Vertreter’. The word is used first for ‘salesman’, later for ‘replacement’ and finally it connotes both at once. Here a mixture of very personal fears is expressed in the dream: the dread of being capable of murder and then being found out, as well as the horror of not killing properly as an empathetic expression of the dreamer’s own horror of suffering badly before death. The same anxiety is the focus of the book’s last dream *Zirkel der Verwesung* (*IoM*, 183-201), a nightmarish vision of an unsuccessful suicide. A man who lives in a typical old *Hinterhaus* in East Berlin tries to kill himself with sleeping pills but survives. In the morning he jumps ‘aus dem 3. Stockwerk in den Hof hinab’ but, and by now predictably, ‘findet keinen Tod’ (*IoM*, 200). After two further jumps he lies on the ground begging ‘um die Gnade [...] zu seinem Tod aus fremder Hand’ (*IoM*, 200). The destiny of the ‘Vertreter’ repeats itself: ‘So, im ewigen Kreislauf seiner Unfähigkeit zum Tod gefangen, bleibt ihm Über-Dauern in der Starre des Sterbens ohne Aus’ (*IoM*, 200).

The dreamer-narrator's self merges with that of the dying man. He pessimistically remarks: 'Und immer ist es *mein* Blut, ist es *mein* Gesicht + *mein* Schrei, der, ungehört [...] in den Asphalt des Hinterhofes sich einbrennt' (*IoM*, 200). He also identifies himself with every dead animal killed by the *Hauswart* who is the subject of an earlier part of the dream. He is 'der tot zur Erde niederstürzende Falke [...] die erschossenen Tauben vor den Stiefeln 1 Hauswarts [...] die lebendig eingemauerte Katze [...] + bin der erhängte Sperling' (*IoM*, 201). Furthermore, he is the child who faces being attacked by a dangerous animal: '+ bin das traurige Kind, das sein Gesicht [...] der Mordgier eines Tieres gibt' (*IoM*, 201). The auctorial narrator's self-pity is mediated by his empathy with suffering creatures. As with a previous dream, the visible suffering of other creatures becomes synonymous with his masked personal despair.

The episode, *Suizidal* (*IoM*, 202), is a prolonged contemplation on the conditions necessary to achieve a guaranteed death by taking sleeping pills. The story is set in a flat in East Berlin on a 'Silvesterabend' (*IoM*, 202). That the practicalities of a successful suicide as well as the humiliations of an unsuccessful one are also thematically treated in *Hundsnächte* (429-30), *ABTRÜNNIG* (520-22) and *Die Stille* (373-74), shows a certain preoccupation with the topic across the writer's oeuvre. These instances, together with most of the examples of *Im offenen Meer*, display a certain fixation with the failure to achieve death. There is a strong autobiographical element in those narratives and some of the fictitious locations are clearly related to the author's life. The realist observations are set in that area of East Berlin where Jirgl used to live at the time of writing and sometimes the dreams lead back to the place where the writer spent his childhood. For instance, a dream which focuses on the impending natural death of the narrator's grandmother takes place in 'die Straßen + Gassen von Salzwedel' (*IoM*, 40), where Jirgl grew up. Beyond being a very personal and subjective account of one person, the texts, especially the dream scenes, capture the eerie atmosphere of the old parts of East Berlin in the wake of the fall of the Berlin Wall. To describe so many *Todeskämpfe* in one work of fiction points to an ongoing concern with the nature of dying. Yet, the examples also point to a shared animality. Such a sentiment is well expressed by Jonathan Franzen, when writing about his 'personal history' of bird watching:

These birds may or may not have been capable of emotion, but the way they looked [...] was how I felt. I'd been told that it was bad to anthropomorphize [...] It was, in any case, anthropomorphic only to see yourself in other species, not to see them in yourself.²⁰

The narrator empathizes with the suffering of dying animals to the point of identification. *Der Hund* and *Zirkel der Verwesung* are devoid of distinct boundaries between the narrator and the various dead or nearly dead animals. Together with *Vertreter*, these episodes are also illustrations of the aforementioned Lacanian sadistic scenario in which the victim is not simply killed but endlessly tortured instead. They are dream scenes and thus stand out from other examples in being representations of the narrator's subjective experiences. In *Die Katze* (*IoM*, 74-76), a passage which also fits into the next section, and which is not a dream text, the death of the animal is not intrinsically linked to the narrator's inner life and the limits between him and the suffering cat are clear. Besides, in *Die Katze*, the narrator is not, as in other instances that are discussed below, haunted by an uncertainty in respect of the animal's ability to die. He actively returns to the cat in order to convince himself that it has finally died. The episodes of *Im offenen Meer* are not entirely unique in making the representation of death a matter of great personal anxiety. As some of the next examples show, there are, however, more narratives that illustrate the close relationship between the characters' personal unhappy histories and their over-identification with suffering animals.

'Jeder stirbt für sich allein'

The *MutterVaterRoman* is the first of many novels in which the recurring theme of a prolonged struggle to die is fictionalized through the narration of a helpless and sometimes traumatized onlooker. In this novel it is the young man Kieper, who is begging Walter, the leading male protagonist, to commit an act of mercy killing after their army vehicle has driven over a mine. Because the scene has not lost any of its immediacy for him, Walter relates the incident in the present tense. He remembers that Kieper 'fleht mich an um seine Exekution [...] Er sieht seine

²⁰ Jonathan Franzen, *The Discomfort Zone – A Personal History* (London: Harper Perennial, 2007), p. 189.

Abhilfe in mir' (*MVR*, 33). Walter, however, is traumatized and unable to comprehend the situation fully. He reacts in the same way as Erich, the young member of the SS in *Die Unvollendeten*: he runs away and becomes a vagabond and deserter. Besides the shock, it is Walter's fear that he might be unable to fulfil Kieper's last wish out of a 'möglicherweise falsch überlieferten Ethos' (*MVR*, 33) that drives him to run away. Kieper does not die in the sense envisioned by Heidegger; instead, he 'verreckt' like an animal. Both Walter and Kieper are only sixteen when they receive the 'GESTELLUNGSBEFEHL' (*MVR*, 29) to join the *Wehrmacht*. Walter's decision to desert, 'dieser eine Schritt, dieser eine Sprung über die Ladeklappe' (*MVR*, 29), saves his life. Only seconds later the mine explodes and everybody in the lorry dies, or to be more precise, 'perishes'. One of the reasons why Walter cannot fulfil Kieper's last wish, the 'falsch überliefert[e] Ethos' (*MVR*, 33) is likely to be the Christian command 'Thou shalt not kill'. This inability to shoot Kieper leads to a trauma which is paralleled by a compulsive repetition of similar scenarios throughout Jirgl's oeuvre.

The episode *Die Katze* (*IoM*, 74-76), is a detailed description of a cat's *Todeskampf*. The cat is run over on a busy Berlin road and several of the observers, all sitting inside a stationary tram, become agitated by the cat's suffering. One woman 'das Taschentuch vor den Mund gepreßt, durch den Stoff ein leises Schluchzen, wendet eilig den Blick beiseite'. The narrator judges that only 'ein 3. oder 4. oder noch häufigeres Überfahren' might bring 'endlich Ende u Ende der Qualen' (*IoM*, 75). He gets off the tram at the next station in order to go back and look at the cat. The animal is now completely dead, flattened by the traffic. Subsequent vehicles are 'bemüht auszuweichen [...] den Kadaver [...] nicht 1 ums andere Mal zu überrolln' (*IoM*, 76). Here the empathy of ordinary people with the dying cat contrasts with the widespread indifference towards animals that are anonymously killed in abattoirs or towards people who are killed in war situations in foreign conflicts:

auf den Bildschirmen der allabendliche Totschlag [...] *Das Lebarmachen des Unerträglichen* [...] Bombenanschlag in Beirut: Männer trugen einen Verstümmelten [...] das Gesicht des Mannes augenlos, für 1 Moment Kamerablick in 2 Höhlen voll Blut & im aufgerissenen Mund des Mannes der Schrei (Ton wurde nicht übertragen). (*AF*, 38)

In *Hundsnächte*, the engineer, who is one of the main narrators, is preoccupied with memories of his personal past. He relates the individual episodes of his life in the fashion of an inner monologue or, occasionally, within a dialogue. Confronted with a slowly dying man, one of the brothers introduced in *Abschied von den Feinden*, he wonders whether he could kill him in order to save him from a lynch mob outside the ruins into which he has retreated in order to die: ‘Ich würde ihn töten, um ihn zu bewahren vorm Tod durch die lynchende=Meute.....’ (H, 137). The thought triggers the narrator’s childhood memory of a failure to kill a suffering animal:

Damals, als ich die von dem Lastwagen der Armee auf dem Asphalt überfahrene Taube sah. Und das Tier war nicht tot [...] ich schrie aus Leibeskräften zu der Fahrerkabine hinauf, schrie bittend, sie möchten doch !umkehren, noch I Mal über das Tier hinwegfahren, damit es tot sein könnte -, umsonst. (H, 138-39)

The description of the pigeon’s agony covers almost three pages. One half of its fragile body is broken and pinned against the road surface whilst the other half tries manically to get off the ground: ‘Mit dem anderen Flügel schlug die Taube immerfort auf die Straße’ (H, 138). There, because of its injuries, the animal is unable to express its pain acoustically: ‘aus dem Schnabel, weit aufgesperrt, kein Laut’. Instead, and contrary to the boy’s expectations, he observes that the eyes of the bird are full of expression. He sees ‘das eine Auge weitaufgerissen’ (H, 138). Face to face with the dying animal, the boy feels a responsibility to help the pigeon die: ‘das Tier konnte nicht sterben – dies Schlagen mit dem Flügel die Bitte ums Aufhören: sie galt !mir, ich war der IZige hier, lich mußte ?was tun’ (H, 138-39). Helplessly, he considers ‘einen Ast od Pfahl’ but ‘fand nichts’ (H, 139). The only way left is to use the bicycle and run over the bird again. It takes him several attempts, his eyes tightly shut. When he looks back, however, he realizes that he has missed the bird: ‘Ich mußte die Taube noch I Mal überfahren’ (H, 139). At his last attempt he seems to hit the pigeon properly but this time he does not dare to look back, an omission which keeps haunting him throughout his life: ‘Und hatte nur I IZiges Mal [...] noch hinsehn müssen – und hätte Ruh gehabt bis zum heutigen Tag’ (H, 140). Back in the present, the engineer, whose marriage is slowly deteriorating,

imagines his wife leaving the room in response to the story of the dying pigeon with the following reproach: ‘Denn du wirst jetzt gleich die Geschichte von der Katze erzählen, die überfahren wurde und auch nicht sterben konnte – dann die von dem Hund, auf den wieder & wieder geschossen wurde umsonst’ (*H*, 140). Now, his traumatic experiences with animals lead him to consider killing the slowly wasting man in the ruin, the lawyer from *Abschied von den Feinden*, should he be attacked by a vicious and drunken human mob.

It is significant that the boundaries between the personalities of the engineer and the lawyer become increasingly blurred as the novel develops and at the very end of the story it is impossible to distinguish between the two men. As the lawyer sees the engineer for the first time he thinks ‘für 1 Moment [...] jener [...] Mann, sei ich.....’ (*H*, 178) and when the engineer at last meets the solicitor in the derelict house, where he awaits death, their monologues merge and become more and more indistinguishable. The wish to help him towards a quick death is then, as with most of the stories in *Im offenen Meer*, a matter of personal anxiety. Yet, the empathy with the man’s plight is rooted in the engineer’s knowledge of dying animals and therefore part of a wider concern for all living creatures. He becomes preoccupied with the thought that death should be as quick and painless as possible and starts to notice the people who are close to him. His wife criticizes his lifelong empathy with dying animals for being self-indulgent and sentimental. From her perspective, he is less and less able to communicate and does not notice her subsequent suffering. Due to the closure of many factories and businesses that belonged to the GDR and which happened in the wake of the West German ‘take over’, the overqualified man now works far away, seeing his family merely one weekend per month. One of the consequences is an increasing estrangement from wife and daughter: ‘Die Telefonanrufe, sie wurden kürzer [...] die Sprache glitt uns aus den Händen wie die Neu-Gier u Lust auf des Anderen Körper’ (*H*, 85). When his wife is diagnosed with breast cancer, she bears the difficult news alone: ‘?Seit wann trug sie Das Thema mit-sich=all-1 -:??’ (*H*, 211). After a successful operation she leaves him and rearranges her life. That the engineer develops a preoccupation with animals which undergo a prolonged death struggle is partly caused by his loneliness and alienation. He is forced to work far from home in a team of men who demolish derelict buildings, the ‘Abrißkolonne’ (*H*, 430), a manual job for which he is overqualified

and which he hates. Thus he increasingly identifies with suffering creatures that have no power such as those animals he saw dying or the doppelganger in the ruin.

ABTRÜNNIG's main instance of a *Todeskampf* is another case of a pigeon's suffering. The station with the name 'BERLIN ZOOLOGISCHER GARTEN' (*At*, 71) contains, somewhat ironically, 'Träger & Stützpfiler mit spittsen Metallstiften gespickt, zu verhindern daß Vögel dort sich einnisten' (*At*, 71). Here, the misspelling of 'spittsen' supports the visualization of a pointed fence through the two letters 'tt' and thus that of the animal's crucifixion. As it happened, 'an 1 der langen Dornen hat eine Taube sich selbst aufgespießt' (*At*, 71). The representation of 'one' through the elongated figure '1' has implications for the visualization of the designated objects: the thorn is long and narrow, whereas the pigeon is round and extended. The death struggle of the animal is described thus:

Das Tier lebt noch, schlägt die Flügel, umsonst: vom eigenen Körpergewicht festgehalten steckt die Taube auf dem Spieß, aus der Wunde am Unterleib hervorquellend Eingeweide – immerwieder Flügelschlagen, die Beinchen krallen nach festem Grund in der Luft – das Tier kommt nicht los, u: ich kann nicht helfen.
(*At*, 71)

Here, the narrator carries on with his journey through Berlin. He does not wait until the pigeon is dead, nor does he try to shorten its agony. The situation cannot be changed and the adult narrator is not traumatized by his impotence.

It is somewhat problematic, however, that almost all the characters that are moved and disturbed by the suffering of animals have difficulties with their emotional relationships to fellow human beings. This is particularly pronounced in the surgeon, the engineer and Henry. The great empathy with animals is partly caused by a continued disappointment with human beings which usually started during childhood. The animal is thus seen as not being malicious, greedy, selfish, brutal or vain and thereby more worthy of empathy and compassion. The sentiment is encapsulated in the following emotional experience by Franzen's character Alfred, a man who is averse to pleasures, reads Schopenhauer and shows no warmth towards his family whatsoever:

On a November morning thirty-five years earlier Alfred had found a coyote's bloody foreleg in the teeth of a steel trap, evidence of certain desperate hours in the previous night.

There came an upwelling of pain so intense that he had to clench his jaw and refer to his philosophy to prevent its turning into tears.²¹

At the root of the empathic feelings for dying and injured animals is a projection of the creatures' suffering onto the injured self. It is an outward sign of the emotional state of various damaged characters who cannot establish loving relationships. The humiliations and the mental abuse that the engineer (*H*, 232-49) or Henry (*S*, 65, 128-29, 244) endured during childhood have heightened their ability to empathize with the pain of animals. The abused child and the suffering animal are very similar to each other; they are both powerless and cannot defend themselves. A fairer world will require that both children and animals are treated with greater care. That the texts illustrate the similarities between nonhuman and human animals can, however, have implications of an altogether different kind: it could indicate that humans might be easily capable of reverting to the behaviour associated with predatory and aggressive mammals. An instance of such a reading is the episode from *Die Unvollendeten*, in which a pack of hounds kills a small, domesticated dog which serves as a metaphor for human mob violence (*U*, 46). Yet, the texts in the first part mostly show the vulnerability that humans share with other animals. They contain examples of suffering animals that inspire humans to develop their empathy with helpless creatures. The next part is dedicated to the opposite phenomenon: the complete lack of empathy with and compassion for animals and their subsequent abuse and exploitation.

The Mistreatment of Nonhuman Animals

One of Jirgl's early novels, *MER*, approaches the topic of institutionalized animal abuse in a far more systematic manner than any of the others. The story of the holidaymakers who are stranded on the island of Hiddensee is periodically interlaced with factual insertions on animal cruelty that are based on 'Aussagen von Personen,

²¹ Jonathan Franzen, *The Corrections* (London: Fourth Estate, 2010), pp. 316-17.

die mit derlei Praktiken beruflich befaßt sind, auf Schilderungen von Augenzeugen [...] als auch auf Beobachtungen des Autors selbst'.²² These italicized inclusions report on the institutionalized abuse of animals in the developed world and are built into the text like pieces of a collage. The experiences of the protagonists are juxtaposed with a total of sixteen running commentaries on animal cruelty. The comments can roughly be grouped into three sections: the transport and arrival of animals in slaughterhouses (1-4); the cruel reality of factory farming, predominantly of pigs and birds (5-11); and, finally, the practice of animal experiments (12-16). As the examples in each group are of a similar nature, it should suffice to select one or two representatives from each set for a more detailed investigation. The sixteen interludes are written in the factual, non-empathetic language of scientific reports which underscores the relationship between that kind of scientific language and its ability to create an emotional distance from the content itself.

Starting with the first group, the arrival of the holidaymakers is put into parallel with the arrival of animals in slaughterhouses (*MER*, 208, 217, 218-19, 231). An eyewitness reports the brutality against an animal during the unloading of a transport. Because of the lack of time, '*werden die Tiere mit Fußritten & Knüppeln aus den Waggons [...] herausgetrieben. 1 der Prügler, der [...] hinfiel [...] packte seinen Knüppel & schlug mit voller Kraft auf die Schnauze eines Schweins, solange, bis der gesamte Oberkiefer des Tieres zertrümmert war*' (*MER*, 231). That almost the same incident is fictionalized in three other texts (*MVR*, 60; *H*, 149-52; *U*, 202-05), shows the author's concern for this particular case. The event has, however, no discernible equivalent in relation to the group of stranded travellers whose experiences are not italicized. At best it can be read as a foreboding of the unfolding events. Yet, another of the four reports does establish a parallel between the feelings of the harassed animals and these of the holidaymakers, who are getting increasingly anxious: 'Den Kindern blieb die Nervosität ihrer Mütter uns [...] eine große Flasche Schnaps' (*MER*, 223) whilst pigs, on their way to the slaughterhouse, are routinely given '*Beta-Blocker [zum Ruhigstellen]*' (*MER*, 217). The second group of comments, which are all related to factory farming is juxtaposed with the increase of rules and restrictions on the island. As life on the cut-off island becomes harsher, fit

²² Jirgl, 'Anmerkungen zu *MER*', in *GT*, pp. 809-13 (p. 813).

adults are encouraged to work in ‘!Arbeitsbrigaden für die eLPeGe’ (MER, 285).²³ Due to the complete lack of information from the authorities, the people on Hiddensee start speculating: ‘Wir sinn eben nur Vieh – so fängt es immer an – [...] Nur Geduld –ist doch nur !Übung. 1 Übung, sonst nix’ (MER, 285-86). More and more of those who are forced to remain on the island develop signs of what they imagine to be radiation sickness, such as burned skin and diarrhoea. Subsequently, the local hall is turned into makeshift quarantine accommodation. One of the analogies drawn in the text refers to the industrial rearing of pigs: ‘Schweine [...] werden sie an ihre Box gefesselt & nahezu bewegungsunfähig gemacht. Daraus folgen Passivität, Depression und Ergebenheit in ihre Zwangslage’ (MER, 279).

The five interludes that list instances of cruel animal experiments are aligned with the last experiences of the holidaymakers. After the official acknowledgement that some kind of nuclear accident has happened and life starts to normalize, the survivors of the catastrophe are restoring the island by ‘gemeinschaftliche[r] zwölf- & mehrstündiger Arbeit’ (MER, 507). The men and women work automatically, seemingly free from any emotions, ‘als wären sie “nie aufgestört aus der Seligkeit gehirnloser Urahnen”’ (MER, 507). The statement is contrasted with the following report about primates:

Für radioaktiv kontaminierte Affen existiert 1 genauer Terminplan, nach dem sie arbeiten müssen [...] Dieser Wechsel Arbeit – Pause erfolgt solange, bis die Affen sterben [...] Die Affen zeigten unter Einwirkung der für Menschen tödlichen Dosis [auf mehrere Tage gestreckt] keine sofort wirksame Verminderung ihrer Arbeitsleistung [...] Derlei Ergebnisse sind aufschlußreich für den Aufrechterhalt der materiellen Produktion unter den Bedingungen eines atomaren, militärischen Konflikt. (MER, 507-08)

The chosen examples are representative of a number of others that are all designed to illustrate Jirgl’s thesis of the ‘Automatismus einer jeden konsequent materialistisch orientierten Gesellschaft: *die Verwertung der eigenen Substanz, des Menschen selbst*’.²⁴

²³ LPG is the abbreviation for the agricultural cooperatives of the GDR, the ‘Landwirtschaftliche Produktionsgenossenschaften’.

²⁴ Jirgl, ‘Nachlass’, in *GT*, pp. 815-33 (p. 830).

The emergency situation on the East German island is an explicit political criticism of a country whose leaders claim that the wellbeing of their population comes first. One of the protagonists paraphrases the slogan ‘Im Mittelpunkt steht der Mensch’ as follows: ‘einige Salven aus den Maschinenpistolen der Grenzsoldaten & was im Mittelpunkt steht u im Weg, der-Mensch ist weg’ (*MER*, 321). Throughout the text, the disregard for ordinary people is put in a direct relation to the mistreatment of animals. In the hellish island scenario, every living creature, except those who are in charge, becomes a means to increase material production. The running commentaries on animal abuse, with the exception of the one about the exposure of primates to radiation, cover almost every issue raised by Singer in his *Animal Liberation*, such as, for instance, the well documented and criticized psychological experiments with monkeys on maternal deprivation (*MER*, 430).²⁵ Yet Singer’s book is a critique of animal abuse in the USA and Western Europe and the tests on nonhuman primates regarding maternal deprivation and radiation sickness were carried out in the USA.²⁶ They are part of psychological and military studies that are not obviously related to the material production in a so called socialist system. Criticism of GDR socialism becomes thus, at times, a general complaint about the human propensity for cruelty whilst losing its specific connection to the shortcomings of a specifically socialist dictatorship. The next example, however, which appears in both *MER* and *Kaffer*, a novel which tells the very personal story of a male victim of East German society, is based on an actual case of animal exploitation.

Both texts illustrate how factory farming and the related desire to increase material production can lead to a complete disregard for animal welfare. At KIM, short for *Kombinat für Industrielle Mast*, in Königs-Wusterhausen, a town east of Berlin, old and unusable chicken eggs were systematically dumped on a large area of waste land. They were, especially in summer ‘von der Sonne zuende gebrütet ausgebrütet die verkrüppelte Brut u im pestilenzialischen Gestank ihres Daseins zwischen Hekatomben verfaulender Eier krochen die Hühnerkrüppel umher’ (*K*, 766). In *Kaffer*, whatever is described factually in *MER* (*MER*, 333) is represented in the manner of a very subjective inner monologue. The incident is based on a genuine

²⁵ See, for instance, David DeGrazia, *Animal Rights* (Oxford: Oxford University Press, 2002), p. 100 and Peter Singer, *Animal Liberation*, 2nd edn (London: Pimlico, 1995), pp. 32-36.

²⁶ DeGrazia, p. 99 and see, for instance, Andrew N. Rowan, *Of Mice, Models and Men: A Critical Evaluation of Animal Research* (Albany: State University of New York Press, 1984), p. 115.

report from ‘KIM-Hühnerfarm aus Kö-nix-Wusterhausen’ (K, 766).²⁷ KIM was at the forefront of industrialized farming in the GDR. In *Kaffer* both the useless chickens and the unproductive protagonist are discarded by a ruthless materialist system.

ABTRÜNNIG, a much more recent novel, contains a critical analysis of detrimental agrarian policies after Germany’s re-unification (At, 40-41). The text is the first in which the abuse of animals is linked to the mechanisms of a market economy. The narrator, a journalist whose father used to be a farmer in West Germany, describes for a prominent newspaper the decline in small farms in parts of the country. According to him, the problems started with the withdrawal of the ‘Zonenrandförderung’, on which most of the local farmers were dependent. The opening of many borders followed ‘als Erstes die-Kriminellen & die-Seuchen [...] Be Es Eh und Em Ka Es’ (At, 40). The farmers subsequently lost buyers for their beef and the ‘*Neue Parole*’ given out, often by those with no real knowledge of farming, was ‘*Ökologische Tierzucht*’ (At, 40). However, due to the farmers’ refusal to form bigger cooperatives, there was not enough suitable land for ecological farming. Some desperate smallholders even infected their herds in order to profit from the ‘finanziellen Entschädigungen für die verordnete Massenschlachtung’ of their animals and to prevent ‘den Sturz der Fleischpreise auf-dem-Markt’ (At, 40). The journalist concludes that the reasons for industrialized farming are the ‘enorme Bedarf an Tierfleisch. Daran hat Nichts sich geändert. Und bald schon wird die *ökologische Tierzucht* Dasselbe noch 1mal erfinden müssen....’ (At, 40). The fictionalized ‘newspaper article’ addresses several problems of animal farming which are related to capitalist market forces and state policies. The law of supply and demand ultimately ensures the continuation and increase of factory farming. As Foer writes about the factory farming of poultry: ‘Every year fifty billion birds are made to live and die like this [...] Americans eat 150 times as many chickens as [...] only eighty years ago’.²⁸ At the same time a deceptive ecological image is used to provide shoppers with a good conscience. ‘Ecological’ agriculture is what most people assume when they choose products marked as ‘free range’. Yet, according to Foer: ‘Applied to meat, eggs, dairy [...] the free-range label is bullshit [...] One can reliably assume that most “free-range” (or “cage-free”) laying hens are debeaked,

²⁷ Jirgl, ‘Anmerkungen zu *MER*’, in *GT*, pp. 809-13 (p. 813).

²⁸ Foer, *Eating Animals*, p. 137.

drugged, and cruelly slaughtered once “spent”.²⁹ Thus the journalist’s prophecy has long since become a widespread reality. Whether deceptively labelled as being ‘ecological’ or unashamedly exploitative, the practice of factory farming that is already criticized in *MER* in regard to the nineteen-eighties, continues in order to meet the ever-increasing international demand for meat products in the twenty-first century.

To summarize, the three texts display the author’s great concern for the welfare of nonhuman animals. Many examples show the exploitation of animals by the human species, a species which considers itself superior and thus thinks it has a right to do whatever it likes to the subjugated animal. The depicted incidents are either descriptions of abuse cases listed in the animal rights literature or are based on eyewitness reports. Insofar as Peter Singer’s *Animal Liberation* is based on the actual state of affairs; both sources are consistent with Jirgl’s claim of being a realist author.³⁰ Thus the texts inform the reader of practices of which he or she might have been unaware. The list of instances of animal exploitation given in *MER* is written in the mid-eighties, a time when there was still little public awareness of animal suffering, especially in East Germany. Uwe Pralle summarizes Jirgl’s rationale for including these examples as follows: ‘Kontrapunktierend sind kurze Texte in den Roman gefügt, die Techniken von Tierversuchen und industriellen Tötungen von Tieren darstellen: als sei das die Vorschule einer mörderischen Rationalität, die ebenso die Verwaltungsakte menschlichen Lebens und Sterbens beherrscht’.³¹ The latter is what Foucault denotes by the term biopolitics: the total management of human biological life by the state. The text clearly tries to establish a connection between the exploitative management of animals and of people by the state, yet almost all commentators of *MER* ignore Jirgl’s reports of animal cruelty.

Most of the examples of institutionalized animal exploitation are set in the historical context of GDR socialism. Retrospectively, however, it appears that there are limits to the utilization of human and nonhuman animals in that system due to a lack of certain technological and economic standards. Both *MER* and *Kaffer* try to illustrate how the prominence given to material interests leads to a situation in which animals as much as people serve as means to an end. This criticism, when viewed

²⁹ Ibid., p. 61.

³⁰ Jung, ‘Material’, p. 61 and Jirgl, ‘Anmerkungen zu *MER*’, in *GT*, pp. 809-13 (p. 813).

³¹ Uwe Pralle, ‘Das zentralbeheizte Neandertal’, *Der Tagesspiegel*, 30 June 2002.

from a twenty-first century perspective of near global capitalism, appears exaggerated. It is likely that an economic system of *laissez-faire* capitalism has a greater potential to display ‘den Automatismus einer jeden konsequent materialistisch orientierten Gesellschaft’.³² Unsurprisingly then, the writer’s focus has, during the last decade, shifted increasingly towards a critique of contemporary global capitalism. The scene in *ABTRÜNNIG* exemplifies, for instance, the most recent ideological development: the many ways in which capitalism operates and legitimizes itself under ‘progressive’, ‘ecologically sound’ and ‘humanitarian’ pretences. Subsequently a label such as ‘ökologische Tierzucht’ (*At*, 40) will be increasingly used as a cover for the real nature of the production process of meat products in order to provide consumers as well as producers with a good conscience.

The book *Im offenen Meer* contains a number of examples of tortured animals, either as part of the narrator’s dreams or in the form of the auctorial narrator’s ‘realist’ observations and thoughts. For instance, the experience of an unpleasant gastroscopy gives him the impetus to share his thoughts about torture and animal experiments. In *Nachschrift Zur Folter* he wonders whether the ‘emotionelle Selbst-Neutralisation des Arztes gegenüber seinem Arbeitsgegenstand’ (*IoM*, 50) is necessary in order to stop subconscious drives that gain pleasure from torture, awakened through the victims’ cries. Thus to sever the vocal chords of an animal before an experiment appears to be a measure to save the scientist from the darker side of his or her ‘human nature’.

In the dream *Zirkel der Verwesung* (*IoM*, 183-201) a despotic and brutal ‘Hauswart’ (*IoM*, 201) in ‘schwarzer Trainingshose + Schaftstiefeln’ (*IoM*, 192), fancies himself as the king of a ‘Hinterhof’ (*IoM*, 200). Around his block of flats, the sadistic *Hauswart* intimidates children and kills animals (*IoM*, 193). In front of a nest hangs a dead bird in a sling and everybody knows who the perpetrator is (*IoM*, 193). When his ten year old son keeps two young foxes against his will, the *Hauswart* slaughters them in a most depraved manner by squeezing their heads through a pencil sharpener. Afterwards ‘gab er die Tiere zurück. Sie waren tot’ (*IoM*, 194). Similarly, when the father discovers that his son has a cat, he forces him to bury the animal ‘bei lebendigem Leib’ (*IoM*, 194) in the cellar. The dream scenes of *Im offenen Meer* are, in contrast to dreams in other novels, conceived within a

³² Jirgl, ‘Nachlass’, in *GT*, pp. 815-33 (p. 830).

‘Wertigkeit, die alles gleich behandelt: den inneren Realismus und den äußeren Realismus einer Figur, die Erlebniswelt, die Traumwelt, die reflexiven Ebenen’.³³

The auctorial narrator describes his subjective experience and aversion to a type of man who enjoys the sadistic treatment of weaker creatures by means of a dream which allows him to exaggerate the sadist’s characteristics. The black trousers and boots establish an association with a torturer of the SS. The text also suggests that people like that can exist in our own neighbourhood. The dreary living conditions in an East Berlin *Hinterhof*, which is gray and ‘von Schwären Narben + Flecken übersät’ (*IoM*, 192), contribute favourably to the cultivation of characters like the *Hauswart*.

The two novels, *Abschied von den Feinden* and *Hundsnächte* contain further instances of individuals who take pleasure in witnessing the torture of animals. The former contains the memory of a talk between the two brothers and main protagonists, which expresses the utter pessimism of the older one. He tells the story of an expensive restaurant in Hong Kong which offers ‘den Touristen, für viele Dollars, an Kreuzgestelle aus Holz gefesselte, lebende Rhesus-Äffchen’ (*AF*, 169). Then, with a wooden hammer ‘dürfen die HERren Gäste den Äffchen die Schädeldecke einschlagen, um aus den noch lebendigen Tieren das Gehirn herauszufressen’ (*AF*, 169). The only idiosyncratic spelling in the passage is ‘HERren’. It carries several associations: ‘Gott der HErr’, ‘Irre’, whilst ‘HE’ stresses the fact that it is predominantly men who indulge in such pleasures. These rich men play God by choosing to kill a crucified monkey. A similar scene is described in *Hundsnächte*, the sequel to *Abschied von den Feinden*. The most depraved and sadistic character of the novel, *der Feiste*, describes his ‘Leib-Gericht’ (*H*, 397) to one of the brothers. He regularly enjoys ‘Gans, gebraten bei lebendigem Leib’ (*H*, 397) in a special restaurant ‘1 Stückchen außerhalb von Berlin’ (*H*, 397). *Der Feiste* tells:

Das Rezept stammt aus Frankreich, achtzehntes Jahrhundert [...] Die [...] Gans wird auf eine besondere Herdplatte [...] gesetzt. Im Kreis um die Gans stehen etliche Näpfe mit würzigen [...] Flüssigkeiten [...] die Gans [...] würzt sich damit inwendig selbst [...] der Höhepunkt einer gelungenen Zubereitung: Wenn [...] der Trancheur den 1. Schnitt ausführt: muß die Gans !aufschreien. Dieser Schrei ist das eigentliche Ereignis. (*H*, 397-98)

³³ Jung, ‘Material’, p. 62.

The dish is in fact so popular that it reappears on a menu on Moon as a ‘*Klassiker*’ (N, 290) where it is chosen by the narrator who is invited to eat with a mysterious omniscient stranger. The recipe has been preserved over centuries in its original formulation ending thus: ‘*Sie ist gebraten und lebt doch noch und schreit, wenn man von ihr schneidet*’ (N, 292). All three passages describe the contrived killing of an animal for the gratification of exotic human desires. The place where *der Feiste* experiences the spectacle of the tortured goose survived the fall of the Berlin Wall: ‘Den Ort kenne ich noch aus Früherentagen, die besondere Speise auch’ (H, 397). Places like that exist then in different political systems, continents and centuries attracting influential, bored or affluent clients.

Another example, taken from *Die atlantische Mauer*, addresses a common fallacy: the belief that people who like animals must be decent human beings. One of the narrators of the book, a former actor and paranoid murderer, rails against society from inside a psychiatric institution in the form of a long inner monologue. In the chapter ‘Menschenschwemme.....Vom Leben in der Tiefe’ (AM, 201-73) he gives expression to Sartre’s famous words ‘L’enfer, c’est les autres’:

MENSCHEN – wenn SIE mit ihren Wünschen an die-Unendlichkeit sich ransägen. Mit Gymnastik Heulen Lärmen & Gebrüll. In bizarren Schlachtfesten zugerichtet die Nochschwächeren. Die Tiere. Unter allem möglichen Brimborium [...] Tiere, die SIE in den Dreck schmeißen, auf Gestelle nageln. Unter Trötern & Geschrei langsam zu Tode foltern, MENSCHEN. (AM, 226-27)

The actor defends the animals against the often contrived social practices of his fellow human beings. For him, the madman, all humans are equally despicable and need to perish. Nevertheless his ‘speech’ contains some unpleasant truths: here it is the fact that animals are often sacrificed to satisfy a human desire to feel important and powerful. However, he also represents an attitude where, according to Pinker, ‘zoophily can shade into misanthropy’.³⁴ Another instance of such a misanthrope is the cynical surgeon in *MER*, who pities the suffering pigeon but has little or no regard for his fellow human beings (*MER*, 350-51). It is a fallacy to assume a direct correlation between the perpetrators’ cruelty against animals and that against fellow

³⁴ Pinker, *Better Angels*, p. 461.

human beings. Yet, the novel's most sadistic characters, such as the *Hauswart* (*IoM*) and *der Feiste* (*AF, H*) torture animals and humans alike. On the other hand, the mad actor, who starts killing his neighbours (*AM*), and the surgeon (*MER*) are both misanthropes who prefer animals to people. It shows that kindness towards animals can go together with aggression and violence against humans. Indicative of this are the laws to protect animals which were made in the Third Reich. As Pinker writes:

In an unsurpassed display of the human capacity for moral compartmentalization, the Nazis, despite their unspeakable experiments on living humans, instituted the strongest laws for the protection of animals in research that Europe had ever seen. Their laws also mandated humane treatment of animals in farms, movie sets, and restaurants, where fish had to be anesthetized and lobsters killed swiftly before they were cooked.³⁵

For these Nazis an anthropomorphization of the animal went together with an animalization of entire segments of the population, such as the Jews, gypsies and homosexuals in which the binary of humane man versus inhumane animal is reversed. The human hunters in the novel *ABTRÜNNIG*, who call the prisoners 'Wildeviecher' (*At*, 346) before killing them, and the farmer and member of the SS, who cares for his stock whilst mistreating his labourers and shooting Russian POWs (*U*, 26), are additional instances of this reversal. In all these cases the dehumanization of the Other is linked with a humanization of the animal.

These excerpts might convey the impression that the 'innocent' and victimized animals are morally superior to human beings. Opposing this view is, however, the prominent scene in *Die Unvollendeten* in which a pack of vicious dogs hunts down and kills a smaller, weaker one (*U*, 46). The pack of dogs is a metaphorical representation of the uncivilized side of our suppressed animality: 'ZIVILISATION – die Hüllen um das-Tier, Wenn die fallen, ist Neandertal' (*MER*, 242). The discourse on the human-animal binary contains an antithesis which opposes 'civilization and humanity' to 'wildness and animality'.³⁶ Thus there are two contradictory trends whereby the animal is either represented as an embodiment of the beastly and inhuman side of human nature or it stands for complete innocence.

³⁵ Ibid., p. 462.

³⁶ Hayden White, *Tropics of Discourse – Essays in Cultural Criticism* (Baltimore and London: The Johns Hopkins University Press, 1985), p. 151.

The literary text draws on both traditions: the vicious dogs in *Die Unvollendeten* complement the various mistreated ‘innocent’ animals which appear across the novels. Yet, in death it is the nonhuman animal that is likely to look more ‘human’. After all, their possible ‘viciousness’ is in most cases instinctive and not planned and contrived:

[D]as Gesicht [des Alten] [...] erinnert an den Kopf eines toten Hahns [...] die Ausdruckskraft toter Tiergesichter, die im Tod überraschende Menschenähnlichkeit erreichen + durch die Entfernung ihres Tierseins an Menschenähnlichkeit den Menschen noch übertreffen. (*IoM*, 82)

As before, the foregrounding of our shared biology as animals, opens up the question whether our ‘civilized’ behaviour is contingent on social conditions and thus whether there is no possibility of justice in a state of complete, violent anarchy.

Overall, the textual examples draw attention to animal cruelty and therefore to the most extreme expression of ‘might-is-right’ but do not show whether the exploitation of animals is always related to the regimentation and abuse of people. If anything, the worst offenders, types such as *der Hauswart* (*IoM*), or *der Feiste* (*AF*, *H*) are the outcome of the socio-political conditions of the GDR in which subordination and mutual observation were encouraged. Compared with the scarcity and nature of examples set in the post-unification era there is, then, some indication that the texts suggest that the degree of abuse is contingent on the kind of political and economic system in power. This investigation is continued in the last part of this chapter, which examines whether the imagery of the slaughterhouse is an appropriate means to express the abuse of political power in a range of different dictatorships.

Camps and Abattoirs

What do they know – all these scholars, all these philosophers, all the leaders of the world – about such as you? They have convinced themselves that man, the worst transgressor of all the species, is the crown of creation. All other creatures were

created merely to provide him with food, pelts, to be tormented, exterminated. In relation to them, all people are Nazis; for the animals it is an eternal Treblinka.³⁷

Charles Patterson holds that the theme and representation of slaughterhouses, which is repeatedly taken up by Isaac Bashevis Singer in his oeuvre, is highly suggestive of Nazi extermination camps.³⁸ The slaughterhouse allegory also features in a lecture given by the fictitious Elizabeth Costello in John M. Coetzee's *The Lives of Animals*. Speaking about both the Jews in the cattle-cars and the animals inside today's slaughterhouses, Costello mourns the common lack of 'sympathy' and the fact 'that we can do anything and get away with it; that there is no punishment'. In Costello's words: 'each day' is 'a fresh holocaust, yet, as far as I can see, our moral being is untouched'.³⁹ Peter Singer, who lost three of his grandparents during the Holocaust, comments in defence of I. B. Singer's and Costello's controversial analogy: 'Isaac Bashevis Singer has one of his characters compare human behavior toward animals with Nazis' behavior toward Jews. He's not saying that the crimes are equally evil, but that both are based on the principle that might is right'.⁴⁰ Jirgl rejects the uniqueness of the Holocaust for reasons best expressed by the following words of Patterson: 'Uniqueness implies the comforting but fatal certainty that the worst is behind us. For whatever is unique and has already happened will not occur again, and therefore requires no precautions to prevent it'.⁴¹

As before, the question arises whether Jirgl's representation of slaughterhouses convey the impression that political atrocities are eternal and inevitable or whether cultural progress is, at least in principle, possible. It needs to be examined to which degree the texts differentiate between the treatment of animals and humans and whether the presentations suggest the universalization of human depravity. Of interest in this context is that Jirgl also uses the image of the slaughterhouse in narratives which are set within the historical context of the last years of the GDR.

³⁷ Isaac Bashevis Singer, 'The Letter Writer', in *The Collected Stories* (London: Penguin Books, 1981), pp. 250-76 (p. 271).

³⁸ Charles Patterson, *Eternal Treblinka* (New York: Lantern Books, 2002).

³⁹ John M. Coetzee, *The Lives of Animals* (Princeton and New Jersey: Princeton University Press, 1999), pp. 34-35.

⁴⁰ Peter Singer, 'Reflections', in Coetzee, pp. 85-91 (p. 86).

⁴¹ Patterson, *Treblinka*, p. 222.

The following novels, in order of their production, not their publication, contain explicit references to abattoirs: *MutterVaterRoman*, *MER*, *Im offenen Meer*, *Abschied von den Feinden*, *Hundsnächte* and *Die Unvollendeten*. *MutterVaterRoman* and *MER* are the only two novels on the list written and completed before the demise of the GDR. *Im offenen Meer* was ready for publication after the reunification of Germany and the narrator reflects on his various experiences in Berlin during the years immediately before and after the fall of the Berlin Wall and the last three books are all written under the political conditions of a post-unified Germany. Consequently, it is possible to examine whether the political contingencies at the time of writing lead to discernible differences in regard to the use and the strength of comparisons which relate to the worst aspects of the Holocaust.

The first novel, *MutterVaterRoman*, contains the following short but poignant scene:

Allmonatlich ein Mal ist *Vieh-Verladung* am Bahnhof, Bauern fahren auf grotesken Schinderkarren heran. Hinter Bretteraufbauten ineinander verschlungenes Schwarzweiß, atmende Gebirgszüge im letzten Exil; bisweilen ein blutgeädertes, riesiges Auge hinter einem Bretterspalt, ein Tierstern schreckensvoll. Die Knäuel heller Schweine, von Stiefeln maltrahiert unter ohrenreißendem Quieken durchs Laufgatter, drängen in Güterwagen, gefräßige Verschläge in Dreckrot wie geronnenes Blut. (*MVR*, 60)

The passage is narrated by the sensitive and precocious teenager Margarete, who is one of the book's two main characters. Margarete and her friend Walter are engrossed in reflections on Germany's history, war and violence. At the time of her recollection, the two of them are adolescents, reluctantly engaged in compulsory activities for Germany's youth: 'DREI TAGE STAAT'S JUGEND: Schmiede & Schraubstock für ungewollte Gemeinschaft hatte Manöver-Spielen verordnet' (*MVR*, 58). Both witness together an Allied bombing: 'In der Nacht des dritten Tages im Westen unterm Horizont ein lautloses Stern-Gewitter [...] Anderntags hören wir: Das war Lübeck. Die 1. Nacht' (*MVR*, 59).⁴² The words refer to the historic beginning of Allied carpet-bombing of major German cities on the 28th March 1942 and thus at the time around which the systematic mass murder of Jews was officially

⁴² The expressionist description of the bombing, which is omitted here, is reminiscent of the bombing scene ending Arno Schmidt's *Aus dem Leben eines Fauns* which is criticized by W. G. Sebald in his *Luftkrieg und Literatur* (München: Carl Hanser Verlag, 1999).

decided upon and carried out on a massive scale. That the passage is clearly placed in the temporal and thematic context of the final years of Nazi dictatorship increases the likelihood that the reader will associate the descriptions of animal cruelty with the deportation of Jews and other enemies of the state in cattle wagons. ‘*Vieh-Verladung*’, especially, is highly associative of the deportations into concentration camps. The freight cars are as red as ‘geronnenes Blut’ and, as such, a sign and reminder of the slaughter of any kind of creature. Those who kick the pigs with ‘Stiefeln’ are just like the men in SS or SA uniforms who do the same to people they consider sub-human. Finally, the *Angst* in the eyes of the tortured creatures appears like a ‘Tierstern’ filled with horror. Like the yellow star of the Jews, the ‘Tierstern’ is here a symbol of the animals’ selection for death. The visible distress and anticipation of further pain and suffering experienced by the pigs works against an anthropocentric tradition that views animals as less sentient than humans.

Margarete’s memories of childhood and adolescence continue with a further reference to the weekly loading of animals into freight cars: ‘Später hatte ich Angst vor dem Weg zur Schule, vor dem Schul-Gebäude aus Ziegeln, dunkelrot wie die Waggons am Bahnhof zur Vieh-Verladung’ (*MVR*, 61). Here, the school as a place to become accustomed to a strict disciplinary regime is put in a direct relation to the freight cars which led to a violent death. Margarete emotionally associates the experience of school with that of the tortured animals on the way to the slaughterhouse. Jirgl, arguably, puts a disciplinarian and oppressive school on a level with a cattle car leading up to the abattoir which in turn is associated with an extermination camp. However, this use of imagery is not unique. To give just one example, the Holocaust survivor and Nobel laureate Imre Kertész draws a similar analogy in one of his highly autobiographical novels:

Later on, Auschwitz, I said to my wife, seemed to me to be just an exaggeration of the very same virtues to which I had been educated since early childhood. Yes, childhood and education were the start of that inexcusable process of breaking me, that survival that I never survived, I said to my wife.⁴³

Both authors view a school system which was fairly typical for a large part of Europe during the first half of the twentieth century as the first stepping stone in a process of further intimidation in which the human spirit is gradually broken.

⁴³ Imre Kertész, *Kaddish for an Unborn Child* (London: Vintage Books, 2010), p. 112.

A similar analogy is made in *Abschied von den Feinden*, which contains a small but nevertheless very important reference to the theme of camps and abattoirs. The detailed description of bullying and mental torture by both children and staff in an orphanage in the GDR during the late fifties is suspended in order to point out the following historical continuity:

von einer Klosterschule zur Kadettenanstalt [...] hin zum Erziehungsheim für Waisenkinder, und – doch das sollte Jahre später sein, in den Jahren 1988/1989, & auch dann nur auf dem Reißbrett in geheimen Maßnahmeplänen [...] ein Internierungslager für *subversive, feindlich-negative Elemente* :ein Konzentrationslager made in D.D.R. nach sozusagen Alter Schule - :alles=in=allem eine für diesen Teil der Welt namens christliches Abendland geradezu als natürlich zu bezeichnende Karriere für ein Haus wie dieses..... . (AF, 111-12)

The text implies a long history of places promoting obedience and oppression, starting with schools run by the church and ending in a concentration camp made in the GDR, that are the results of our Judeo-Christian cultural history. It is a partly justified criticism of Christian hypocrisy and violence that also draws on the thesis that Marxist ideology has replaced religion but operates in similar ways. According to the auctorial narrator in *Die Unvollendeten*, the only difference between Catholics and Communists is that the latter have ‘DEN MIESEREN GOTTESDIENST.....’ (U, 187). The caesura in that continuity of disciplinary regimes that is established by today’s liberal capitalist society is omitted in a text which predominantly traces the personal history of characters who are the victims of political injustice in the GDR.

The imagery of slaughter in *Abschied von den Feinden* is drawn implicitly in the traumatic memories of the brother who was abused in the orphanage. He uses a piece of *Sülze* as an analogy to his brain and its many negative memories from a violent childhood which are regularly conjured up together with the smells of ‘Regen Pisse Erbsensuppe Formalin & Metall’ (AF, 113). The individual pieces of meat visible in *Sülze* are a reminder

an ihre Herstellung, besser an die Zerstörung & Zerstückelung, des Ausblutenlassens & Zerteilens eines vormals lebendigen Wesens durch die Schlachtermesser & Sägen, die Haken & Beile, sodann die Verwandlung eines noch warmen Kadavers in blasige,

langsam gerinnende Massen Blut & Fleisch & Fett & Gekröse & Abfall, gefangen in jenem blockähnlichen Geleeklumpen. (AF, 113)

The passage establishes a wider connection between disciplinary institutions, camps and slaughter. At the same time, the disciplinary traditions that are exemplified by the history of the building are said to be a ‘Teil der Welt namens christliches Abendland’ (AF, 112). Just as with Kertész’s narrator above, the victimized brother in *Abschied von den Feinden*, views ‘Kadettenanstalt’, ‘Klosterschule’, ‘Erziehungsheim’ and ‘Konzentrationslager’ as institutions run by people who share a life-denying and authoritarian mental attitude that is nurtured within German culture. His exclusively negative childhood memories are linked to a vivid imagery of animal slaughter which, for the narrator, is indicative of the brutality inherent in both. Ultimately, the text evokes an atmosphere of an all-pervasive social violence. Here, the difference between the destructiveness of disciplinarian teaching institutions, concentration camps and slaughterhouses becomes essentially a matter of degree.

Whilst there is little else written on the theme of abattoirs in *MutterVaterRoman*, the second novel written before 1989, *MER – Insel der Ordnung*, contains a plenitude of allusions to such places. The three letters in the title of the text, *MER*, are an abbreviation for *Mitteleuropäisches Reisebüro*, a reference to the official German tour operator during the Nazi era. According to Raul Hilberg, in 1942 the *Deutsche Reichsbahn* ordered that the costs of the deportations of Jews from Holland, Belgium and France to Auschwitz had to be paid by the deportees themselves into the accounts of the *MER*.⁴⁴ The title forebodes a plot without a happy ending, albeit only for the reader who has the knowledge of these facts. In 1986, the aforementioned three men, an old physicist, a middle-aged surgeon, a young mechanic together with a woman, whose profession seems irrelevant for the story, are going on a holiday to the small and idyllic Baltic island of Hiddensee in the north of the GDR. Like most of the Jews who went on ‘trips’ run by the *MER*, they are going to die at their final destination. Whilst the men compete for the woman, ‘ereignen sich auf der Insel eine Reihe eskalierender Unfälle; schließlich die

⁴⁴ Raul Hilberg, *The Destruction of the European Jews*, 3 vols (New York and London: Holmes & Meier, 1985) II, p. 643.

Katastrophe, die auf den Ausbruch eines chemonuklearen, militärischen Konflikts hindeutet. Die Urlaubsinsel wird umfunktioniert zum Konzentrationslager'.⁴⁵

The first part of the novel contains the most material which is relevant to an investigation of the analogy between concentration camps and slaughterhouses. When the four travellers meet for the first time and realize that they are going on the same holiday, the first allusion to abattoirs separates the inner monologue of the mechanic from that of the surgeon. The passage is made to stand out both by being written in italics and as a separate paragraph:

Bei der Ankunft im Schlachthof, beim Öffnen der Waggon- od Lastwagentüren, häufig dieser Anblick: Auf den Ladeflächen die Kadaver verendeter Tiere, und dazwischen, mit weit aufgerissenen Augen, die Überlebenden. (MER, 208)

At this point, this interruption functions as a mere provocation, unsettling any reader who expects pleasantries and easy entertainment. After another interlude about the treatment of pigs with beta-blockers in order to prevent an anxiety-induced death on the way to the slaughterhouse (MER, 217), the description of the arrival of the holidaymakers on the island is broken off by the following paragraph, which again serves as a division between the inner monologues of two of the male protagonists, in this case the mechanic and the physicist:

Am Eingang zum Schlachthaus werden die Tiere in 1 Gang getrieben, der in 1 steilen Rutsche endet. Unter Todesangst, schreiend u in Panik, rutschen die Tiere die Steinrinne hinab und schlagen unten zumeist auf dort schon liegende Artgenossen auf. Sofern die Tiere durch den Aufschlag nicht betäubt sind, werden sie mittels elektrischem Strom [...] betäubt und anschließend getötet. (MER, 218-19)

After the second interlude, it becomes apparent that the author places the comments in parallel with the travelling group: the travel itself and the arrival both have their equivalent in scenes depicting animals mistreated during both phases of their transport. A third comment is placed between two events on the beach, the gruesome discovery of an animal cadaver and the death of a holidaymaker who stepped on a mine:

⁴⁵ Jirgl, 'Nachlass', in *GT*, pp. 815-33 (p. 826).

Das Ausladen der Schweine im Schlachthof muß wegen der hohen Abfertigungsrate & der Platzkosten sehr schnell geschehn; zur Beschleunigung werden die Tiere mit Fußritten & Knüppeln aus den Waggonen [...] herausgetrieben. (MER, 231)

Soon after, the travellers become victims of a nuclear disaster which ultimately leads to the deaths of almost everybody on the island. As their enforced stay is the consequence of a calamity that befalls everybody irrespective of social position, it is problematic to compare the authoritarian measures taken in the wake of this unforeseen accident with the violent regime inside a concentration camp.

At a later point, the most cynical and disillusioned of the three men, the surgeon, gives a monologue about the atrocities of the twentieth century which is both framed and interrupted by the words: ‘Und überall 1 Thoas, der die Altäre & die Kühlhäuser mit Fleisch versorgt’ (MER, 265, 269). By his references to ‘Thoas’ and ‘Iphigenie’, the narrator conjures up the practice of human sacrifice and slaughter: ‘der Witz heißt Iphigenie nach der zigsten Schlachtung, Hauptfigur & Hirschkuh ich, entrückt in 1 Taurien, worin jeder Neuankömmling 1 Altbekannter ist fürs Beil’ (MER, 264). The surgeon views himself as the next victim, the ‘Hirschkuh’, which, according to some versions of the Greek myth, was sacrificed by Artemis in order to spare Iphigenia from being sacrificed by her father, Agamemnon. She subsequently hides from her father’s eyes on the island of Taurus, whose king Thoas is known for the sacrificial slaughter of all strangers coming to the island. The price to pay for Iphigenia’s rescue is, however, that she has to help to prepare the strangers for slaughter. For the surgeon, the myth is eternally played out in past and present history. He remembers that he was almost deported to a concentration camp: ‘der Goliath in schwarzer Uniform holt sich 1 neuen David *Es leuchten die Sterne [...]*, der Lastwagen unten drauf die schon Abgeholt, Gestalten, die Leiber dampfend wie Schlachtvieh’ (MER, 264). Being not entirely Jewish he escapes the selection process at the last minute:

mein Aar halb schwarz halb weiß : !Da stehts – Bürokratenjahrhundert *Ordnung muß sein* & der-Heizer hat 1 Recht auf reines Material – also: !Runter vom Wagen das Balg, der Rest von der Baggasche !ab ins Abendrot *Es leuchten die Öfen. (MER, 265)*

The surgeon's reference to David and Goliath from the Old Testament points to his cultural pessimism. He experiences the historical repetition of biblical violence. That his memories are related in the present tense indicates his refusal to acknowledge any progress and retrospectively explains his cynicism. The passages in italics clearly stand out. '*Ordnung muß sein*' draws attention to the absurd and stereotypical German sense of order and the bureaucratic aspects of the Holocaust which ultimately saves the surgeon's life, whilst the other two contrast the poetic usage of 'Sterne' with its newly acquired association of the yellow stars and crematoria. Thus '*Es leuchten die Sterne*' has forever lost its innocence. Secondly, the analogy between the deportees and animals which are led to the slaughter is drawn and lastly, the allusion to black and white in connection with racial inheritance stresses the dichotomies in dogmatic thinking and ideological propaganda in which 'black, dark, Jewish and evil' are opposed to 'white, light, Aryan and good'. Before the repetition of the words containing a reference to Thoas, the surgeon connects his past experience to events known to happen in the Western part of Germany: '*Kanacken !!raus : Deutschland bleibt deutsch*' (MER, 265). The spelling of both words with 'oi' instead of the correct 'eu' refers to the shouting of 'oi, oi, oi' by German Neo-Nazis. Thus, for the surgeon the Other is permanently persecuted and his monologue becomes a universalization of the victimization of minority groups.

The next analogy between abattoir and concentration camp is drawn in a dream scene. This is made obvious by the author's usage of the plus sign '+' to replace the word 'und' and of italics which, in Jirgl's texts, often stress the greater subjectivity of a passage. One of the men, probably the physicist, whose memories of Germany's past go back furthest, imagines himself fleeing:

unvermittelt an 1 Dorfbahnhof – Güterschuppen, Verladerampe mit Boxen für Viehtransporte, ein Aufsichtsgebäude : + auf dem Gleis wartend der lange Güterzug.....Die Soldaten, die den Zug noch immer begleiten, erkennen mich wieder. Ich werde noch 1 Mal verhaftet + mit den übrigen Gefangenen in ein Konzentrationslager gebracht. (MER, 352)

As in previous references, the deportations to camps are carried out in cattle cars. The dream scene thus establishes an emotional connection between all three: slaughterhouses, concentration camps and the present situation on the island.

There is one last instance of the theme of slaughter in *MER* which yet again draws on the comparison between past atrocities and present predicaments. The passage describes ‘FOTOGRAFIEN VON MASSENEXEKUTIONEN aus dem letzten Krieg’ (*MER*, 390), in which the perpetrators, who are described as ‘*Soldaten in schwarzen Uniformen*’ (*MER*, 390), are likely to be members of a fascist organisation. The photos inspire empathic thoughts about the plight of the occasional survivor: ‘*die würden mehrmals sterben müssen: erschlagen von den Nachstürzenden, Erschossene od noch Lebende wie sie, Nachfolger im Sterben, od erstickt od verätzt vom Kalk, verbrannt vom Benzin am Ende der befohlenen Schlachtung*’ (*MER*, 390).

In the textual examples from *MER* the imagery of slaughter is used in a range of different historical contexts. Considering the industrialized methods and the scale of the mass murder in Nazi extermination camps, the analogy between camps and slaughterhouses seems appropriate. Yet, to go further and to draw on it in the context of the unexpected incarceration on an island where people have to work in order to survive the increasing food shortages, appears too strong. The girl, who is the object of desire and competition amongst all three men, is killed and prepared for a meal made by the most powerful family on the island. It is unclear whether others are also killed and served in meals for the remaining holidaymakers but, if so, there is no noticeable interference from the local authorities. The story shows how different groups of people compete for survival in an increasingly impoverished environment. Most people on the island of Hiddensee are dying of radiation sickness or, as in the case of the main female protagonist, as a punishment for a lack of subordination to the powerful island-elite. The disobedient are consumed in an act of involuntary cannibalism: ‘DIE PANIK: Die Leute hatten begriffen...! Viele schrien um Hilfe, die geschwächten Körper beim Fluchtversuch – viele erbrachen, was sie zuvor von der Suppe verschlungen hatten’ (*MER*, 501-02). According to Karen Dannemann, the serving of human flesh has the ‘gnadenlose sozialdarwinistisch motivierte Herabwürdigung menschlichen Lebens zu verwertbarem ‘Material’ [...] einen Tiefpunkt erreicht; die *Kesselsuppe* mit ‘Kannibalenbrocken’ (*MER*, 502) [...] führt jedoch immerhin zu einer letzten Auflehnung der durch die Realität des Irrsinns

eingekesselten Inselbewohner gegen das Vertieren'.⁴⁶ As mentioned earlier, Jirgl comments on the camp-like character of the island which is based on a real incident.⁴⁷ Whoever happened to be in that region of the GDR was forced to work on the local farms. Jirgl thinks that the situation represented a perfect opportunity for the state to carry out a 'NOTSTANDSÜBUNG unter den damaligen, allseits sich verschärfenden politischen Verhältnissen'.⁴⁸

According to Jirgl, the story's political relevance as a criticism of the GDR's dictatorship is retrospectively confirmed by documents which were discovered after 1989 containing 'von der Staatssicherheit der DDR, noch im Jahr 1989, projektierten und bereits eingerichteten Internierungslager mitsamt über 1500 bürokratisch erfaßten Namen von potentiellen Lagerinsassen'.⁴⁹ On the fictional island no official explanation about the cause of the disaster is made public. It remains unclear: 'ob dieser Vorfall ein technischer Unfall od aber die Folge kriegerischer Auseinandersetzung war' (*MER*, 368); but it soon became apparent that 'IRGENDWO IRGENDETWAS MIT RADIOAKTIVITÄT geschehen sein mußte' because 'Anzeichen von Strahlenschädigungen wurden immer deutlicher sichtbar' (*MER*, 363). That means the accident was not planned and the holidaymakers were not chosen for an unethical experiment involving involuntary radiation and they are not taking part in a 'NOTSTANDSÜBUNG'. At best, the story manages to highlight types of behaviour people exhibit in an exceptional situation, a situation made increasingly difficult through regimentation from above, food shortages and disease. It traces the gradual 'normalization' of such a state of exception. Amongst other things: 'Katastrophen schienen nicht allein nur das Entsetzen eingebüßt' but also was often 'das Mitfühlen der Unbetroffenen gegenüber Opfern verschwunden' (*MER*, 249). The frequent analogies to Nazi concentration camps and slaughterhouses do not capture the increasingly anarchic state of social disintegration in which different groups compete for survival and nobody seems to be in charge.

The next novel, *Im offenen Meer*, contains the most disturbing description of a slaughterhouse. The image is part of a dream sequence which captures the very personal feelings and thoughts of the auctorial narrator during the years surrounding

⁴⁶ Karen Dannemann, 'Liebesurteil, Einverleibung und ein mieser Gottesdienst: Reinhard Jirgls Blick auf die DDR', in *PLK*, pp. 61-88 (p. 74).

⁴⁷ Jirgl, 'Nachlass', in *GT*, pp. 815-33 (pp. 828-29).

⁴⁸ *Ibid.*, p. 829.

⁴⁹ *Ibid.*, p. 830.

the fall of the Berlin Wall. The dream has the title *In der Fleischfabrik* (IoM, 79-88). The narrative takes place in an old factory in East Berlin on the banks of the river Spree and, most importantly, before the collapse of the GDR. The factory, ‘zur termingerechten Auftragserfüllung’ (IoM, 79), regularly employs people who are not sufficiently adapted to the socialist way of life: ‘Leute, die dem geregelten Arbeitsleben entkommen [...] od aus den verschiedensten anderen Gründen von ihren Betrieben entlassen wurden’ (IoM, 79). These labourers are prepared to do any work just to survive in a system completely intolerant of the work-shy. On one particular night shift the narrator happens to be part of that group and describes what is happening. The changing rooms remind him of ‘Viehboxen in einem Schlachthof’ (IoM, 81). During his first break he wanders off into an adjacent factory hall in which naked workers play with pieces of meat, for instance: ‘1 beinloser Krüppel hält ein riesiges Stück rohen Fleisches vor sein entblößtes Genital: - *Kalbfleisch!* Ruft er krächzend’ (IoM, 83). Towards the morning when the shift ends everybody follows the signs ‘ZU DEN DUSCHEN’ which have ‘an schmierweißlichen Kacheln Kleiderhaken’ (IoM, 84). At some point a man in uniform steps between the still naked men and, promising them ‘jegliches *Sonderrecht*’, requests ‘*Freiwillige*’ für ‘1 *Sondereinsatz*’ (IoM, 85). The observer is warned by an older worker and decides to resist the temptation ‘auf eventuelle Bevorzugung bei zukünftiger Arbeitsbewerbung’ (IoM, 85). Yet, driven by curiosity, he follows the workers to uncover the nature of this ‘*Sondereinsatz*’. What he discovers resembles a human slaughterhouse. He reports that:

aus der Finsternis heraus [...] unter gräßlichem Winseln + Greinen, kriechen auf mich zu, nackte graunhaft ausgehungerte Menschenleiber [...] An den Wänden auch hier die allfälligen Koben mit Lattenrosten + Zwischendecken, + sämtliche Abteile + Etagen überquellend von nackten menschlichen Leichen, viele mit Verstümmlungen [...] – lzelne Gliedmaßen, Arme, Hände, Beine, Lenden- und Rückenpartien, wurden penibel von-1-ander getrennt + zueinander gehäuft. (IoM, 86)

The next part reads like an eye-witness report from one of the British liberators of Bergen-Belsen:

Die nackten Leiber der noch Lebendigen, ausgezehrt bis auf die Knochen [...] über den von Exkrementen Schleim u Blut verschmierten Steinboden zuckend

herkriechend zu mir [...] die ununterbrochene Nähe zu Leichen + den eigenen Tod immerfort vor Augen, hatte sie blind + wahnsinnig werden lassen. (*IoM*, 87).⁵⁰

As the volunteers are busy loading the dead bodies and body parts onto an old ship behind the building, the narrator realizes what is happening: ‘-Nun weiß ich- + was Vermutung war, findet drastisch die Bestätigung – woher die Konserven stammen + wer die Gläser für den Export mit seinem Fleisch auffüllen hilft von Schicht zu Schicht’ (*IoM*, 87). Here in the human slaughterhouse, the state, in its intolerance towards misfits who lack what is called *sozialistische Arbeitsmoral*, conveniently disposes of them whilst selling off their remains as sausage meat in exchange for valuable Western currency.

In the dream, the dictatorship of the GDR is envisioned as a place where people have become mere material means to increase production plans. Those who disobey and who do not fit in are first exploited and then slaughtered for consumption. Although the factory with its showers and lay-out is a reminder of a Nazi extermination camp, the vision arguably diverges from what is actually known about the camps. Dannemann comments on the role of cannibalistic scenes in the texts of Jirgl, insofar as they are set in the ideological context of GDR socialism, as follows:

Das Faktum der praktizierten Anthropophagie in all den geschilderten Szenen vollzieht sich indes stets im ideologisch verfügbaren Rahmen, denn es ist der vollendete, da konsequent realisierte und gesteigerte Materialismus einer Gesellschaftsordnung, auf dessen theoretischer Basis sich der sozialistische Staat errichtet hatte. Der Materialismus gipfelt in der ‘*Verwertung der eigenen Substanz, des Menschen selbst*’ (*GT*, 830), so Jirgls These.⁵¹

Considering that yet again for Jirgl dreams are ‘Autobiographien im ganz strengen Sinne’ and that *Im offenen Meer* is semi-autobiographical, the anthropophagical scene may be an expression of a subjective auctorial fear.⁵² The texts *MER*, *Kaffer* and *Im offenen Meer* are all preoccupied with the fact that the socialist state ruthlessly exploits human material at its economic base. The criticism of state

⁵⁰ For eye-witness reports, see, for instance: *Belsen 1945: New Historical Perspectives*, ed. by Suzanne Bardgett and David Cesarani (London and Portland: Vallentine Mitchell, 2006).

⁵¹ Dannemann, ‘Liebesurteil’, in *PLK*, pp. 61-88 (p. 76).

⁵² Jung, ‘Material’, p 62.

socialism in novels written after the reunification of Germany is entirely different: it focuses mainly on cases of power abuse that are more or less known from personal biographies. Yet, in order to see that the author's anxiety about a ruthless socialist materialism is not entirely unfounded, it is worth comparing his dream with a more realist excerpt from Herta Müller's *Herztier*.

Müller tells the story of four young people who are the subject of surveillance by Romania's secret police Securitate. One of the men, Kurt, works as an engineer in a slaughterhouse where he observes that prisoners are mercilessly exploited. That the same workers are made to break the rules by drinking the warm blood from the slaughtered animals becomes for Kurt a metaphor for their complete acquiescence in their own abuse; they have forfeited their right to complain. Also, the act of 'drinking blood' from those who are just below them in the hierarchy of power, makes the prisoners less aware of their own mistreatment by the state which is 'drawing blood' out of them. Kurt comments on the new workers: when they arrive 'werden sie schnell zu Komplizen. Sie brauchen nur einige Tage, bis sie wie die anderen schweigen und warmes Blut saufen'.⁵³ He secretly takes photos of the state-organized abuse and, being an inconvenient eye-witness, has difficulty in getting permission to leave the country like his friends. Besides, as a quiet observer, Kurt feels just as complicit in the abuses as the blood-drinking and by-standing local workers of the factory:

Ich bin ein Komplize der Blutsäufer, sagte Kurt, darum werde ich nicht entlassen [...] Seit dem Sommer werden die Häftlinge in Bussen hinter das Schlachthaus auf das Feld gefahren. Sie graben einen Kanal. Wenn sie müde sind, fallen die Hunde sie an [...] Ich fotografiere aus meinem Büro.⁵⁴

Müller is relating a story which is part of the reality of Ceaușescu's Romania; Jirgl's account, by comparison, is an imaginative magnification of all that which *in nuce* is already a reality in the Romanian regime. Thus the dream expresses a personal fear of a state of affairs that could arise in any authoritarian state. Jirgl describes a potential situation in which all those who are not useful to society are killed in secret after being fully exploited for its greater good. This eerie atmosphere of a degenerate

⁵³ Herta Müller, *Herztier* (Frankfurt am Main: Fischer Taschenbuch Verlag, 2009), p. 100.

⁵⁴ *Ibid.*, p. 239.

socialist dictatorship with its ‘Morgentrübe [...] Müdigkeit + Apathie’ (*IoM*, 84) is expressed by both Jirgl and Müller. They use the imagery of decay, ruins and abattoirs to describe the inevitable underbelly of a socialist reality; a reality which can never measure up to its utopian ideals. In all cases this imagery is taken up from the perspective of the outsider who cannot live with the system’s lies, taboos and regimentations. There is, however, a great difference between these imaginary ‘socialist’ slaughterhouses and the slaughter in Nazi extermination camps.

Towards the end of the Third Reich the atrocities of the regime became increasingly independent of materialist considerations. Hilberg notes that ‘with the progress of the destruction process, gains declined and expenditure tended to increase’.⁵⁵ It shows that an ideology can easily stand in the way of materialist considerations and that the mass murder in concentration camps was worsened by an absence of overriding economic considerations. Furthermore, what Jirgl describes in his dream resembles an actual event that was part of the reality of fascism. Yet, the brutality of the event stands in direct proportion to the absence of materialist considerations. What, according to the *Universal Jewish Encyclopaedia*, is ‘one of the most brutal pogroms in history’⁵⁶ shows just one part of an enormous act of revenge carried out by members of the fascist and Nazi-backed Romanian Legionnaires in January 1941 in retaliation for the murder of fourteen of their members on the orders of King Carol II in November 1938:

On the night of January 22, 1941, the Legionnaires of the Archangel Michael – after singing Orthodox hymns [...] drinking each other’s blood, and anointing themselves with holy water – abducted 200 men, women, and children from their homes. The Legionnaires packed the victims into trucks and drove them to the municipal slaughterhouse, a group of red brick buildings [...] Whining in terror, the Jews were driven through all the automated stages of slaughter. Blood gushing from decapitated and limbless torsos, the Legionnaires thrust each on a hook and stamped it: ‘fit for human consumption’.⁵⁷

This historical example supports the argument that there are significant differences between the offences against human rights which were committed in the GDR and

⁵⁵ Hilberg, *Destruction*, I, p. 271.

⁵⁶ Robert D. Kaplan, *Balkan Ghosts: A Journey through History* (New York: Vintage Books, 1993), p. 97.

⁵⁷ *Ibid.*, p. xxii.

those atrocities committed by the Third Reich. It is more than the title ‘*MER*’, with all its allusions to the deportation of the Jews, which seems to establish inappropriate parallels between both dictatorships. Whilst the victims of the Holocaust were killed on a massive scale with impunity and on mainly ideological grounds, those accused of ‘*Assozialität und nichtsozialistischer Lebensführung*’ (AF, 129) are killed very secretly whilst their meat is utilized to support a struggling economy. The imagery of abattoirs works well to express the dreary and stagnant atmosphere of late socialism but the very direct associations with Nazi concentration camps are unconvincing as they place the real victims of those camps on a par with the alleged misfits of an authoritarian, socialist system.

There is a second dream, also from *Im offenen Meer*, in which practices known to be used by Nazi executioners in Eastern Europe are implemented against GDR citizens who cannot, or do not want to work. East Berliners are asked to volunteer as extras in a film. They are brought to the film location, which consists of ‘steil abfallende Grubenrändern’ (IoM, 28), by a special train. The narrator discovers that those people he has to guide to the edge of the dump are selected by the ‘Kriterium ARBEITSFÄHIGKEIT : >>ARBEITEN OD MÜLLKIPPE<<’. He hears ‘Schreie aus Schmerz beim Übereinanderstürzen, gegenseitigen Sicherschlagen + Ersticken so vieler Körper im Sturz’ (IoM, 29). Finally, he is asked to kill other perpetrators because ‘Niemand aber darf etwas wissen von diesem Ort’ (IoM, 30). If he does not follow orders he will be subjected to a ‘DISZIPLINARVERFAHREN’ (IoM, 30). As the protagonist expects, ‘sie=Alle wie ich’ are going to fire their munitions ‘auf die Vorgänger [...] dem Befehl zur Folge, dem immergleichen’ (IoM, 31). The readiness to follow orders and to kill if one’s life depends on it is universalized in the dream. The narrator, as well as everybody else, is going to obey all orders to kill in the full knowledge of being shot next. The vision suggests the historical permanence of atrocities mostly known from the special *Einsatzgruppen* in Eastern Europe and from the *Sonderkommandos* in the camps. The semi-auctorial dream is the most intimate expression of the narrator’s fears, fears that might or might not be replicated by other members of GDR society. What remains is a personal nightmare that hugely overestimates the actual power and intentions of GDR authorities during the late nineteen eighties and thus belittles what actually happened earlier that century in Eastern Europe.

Hundsnächte takes up the imagery of abattoirs from *MutterVaterRoman*, *MER* and *Abschied von den Feinden*. One of the main protagonists, the engineer, remembers his childhood during and after the war. His memories of freight cars, the local abattoir and the transportation of prisoners are inextricably interwoven. The ‘Güterbahnhof’ is only remembered together with ‘Laderampen & Viehkoben fürs Ausladen des Schlachtviehs’ (H, 147). Jirgl’s metaphor for Auschwitz, the leitmotiv ‘der Große Dunkle Zug.....’ (H, 148) has haunted the boy ever since his father, who died before the end of the war, had mentioned it. The image of the train encapsulates a dark secret, a secret the father took to his grave and about which the adults keep silent. The engineer has particularly vivid memories of the brutality of the ‘Viehverladungen’:

Tiere, einzeln u wie benommen vom stunden- od: tagelangen Transport in viel zu enge Güterwaggons gepfercht [...] die Tiere aus den Waggons in die Koben hetzend tretend stoßend & prügelnd, um sie von dort [...] zu verladen, zur Fahrt in den Schlachthof der Stadt..... (H, 149)

One day, when pigs have to be loaded onto trucks, an intoxicated worker falls and ‘stürzte in die Schmiere aus Pisse & Kot zwischen [die] Schweine’ (H, 151) and ‘über&über mit hellbrauner Scheiße beklebt, rappelte [er] sich hoch, packte seinen Knüppel & drosch mit all seiner Kraft auf eines der Schweine ein’ (H, 151). The boy watches in horror. Feeling utterly powerless, he picks up a stone and, against the odds, hits the man’s eye, causing him tremendous agony. In his hiding place the boy restrains himself from shouting ‘!Ich hab dir ge!zeigt: du Arschloch du Mistkerl du dreckiger Sack du sollst tot sein !tot !!tot !!!tot’ (H, 152).

The narrative of the boy who throws the stone at the sadist, which is almost exactly repeated in *Die Unvollendeten* (U, 202-05), shows a child in defence of a helpless and mistreated animal. Not surprisingly, the early awareness of extreme cruelty renders the character as rather pessimistic in his adult life. The proximity of freight cars full of animals which are sent for slaughter and the great dark train full of prisoners, which the boy experiences in his childhood, establishes an analogy between the destinations of these trains: the slaughterhouse and the concentration camp. Thus, he will have the same outlook as another protagonist of *Hundsnächte*, for whom ‘Das Kennzeichen dieses=ganzen letzten Jahrhunderts [...]: das Zerreißen,

das Zerstückeln: in allen seinen Variationen & Verschiedenheiten' (H, 345) is. At the end of the novel, the middle-aged engineer suggests that the modern organisation of labour and its related bureaucracy is decisive in factorized killing:

?Wie sie möglich werden konnten: Die Vernichtungslager - :Weil diese Lager zur Arbeits-Welt.....gehören [...] Und in der Bürokraten-Sprache, die bis Heute gilt, is es egal, ob ich das Management für ne Hühnerfarm od für ein Todeslager betreibe [...] Und jeder der daran beteiligt ist, kann sich in dieser Sprache, die dort herrscht & für Alles gültig ist verstecken. (H, 484)

The anonymity of the bureaucratic system can ease the loss of feelings of compassion and responsibility. Workers often become unthinking and indifferent auxiliaries of actions demanded by those above them in the hierarchy. Hilberg writes about the Holocaust that '[w]ithout regard to cost, the bureaucratic machine, operating with accelerating speed and ever-widening destructive effect, proceeded to annihilate the European Jews'.⁵⁸ In *Abschied von den Feinden* (1995) and in *Hundsnächte* (1997), Jirgl's texts finally divert from a continued representation of scenes that link an exploitative socialist society and organized murder. The engineer's view is nothing more than a reflection of the deadly role of the bureaucracy in a system of labour division which is an integral part of any modern society.

The last example discussed here is from Jirgl's most popular novel: *Die Unvollendeten*. As mentioned above, the scene of the boy who throws the stone at the abusive worker reappears in this novel. The arrival of the animals at the 'GÜTERABFERTIGUNG' (U, 202), after a long rail journey is described as follows: 'Rinder & Schweine, einzeln u benommen vom stunden- od: tagelangen Transport in den finstern Waggons, nun geblendet vom Licht, stolpernd, auf wackeligen Beinen, verängstigt durch Geschrei & Stockschläge' (U, 202). The use of 'od:' indicates that it is more likely that the transport lasted days. Such a transport, usually without food and water, together with the brutality on arrival, raises the spectre of the prisoner transports to Nazi concentration camps. Jorge Semprun, for instance, describes his arrival at the camp in Buchenwald in his autobiographical novel *Die große Reise*, in very similar terms. When the doors are opened, he jumps

⁵⁸ Hilberg, *Destruction*, I, p. 24.

‘mitten ins blendende Licht’. The surviving prisoners who ‘aus den [...] Wagen herausträumen’ are ‘welcomed’ with ‘wahllos ausgeteilten Kolbenhiebe[n] der SS-Männer’.⁵⁹

The nine year old boy later reads in the newspaper that the sadistic ‘Viehtreiber’, having put his dirty hand into the bleeding eye-socket, died in hospital. Today, as an adult he has no regrets:

Willst Du ?wissen, wie ich Heut darüber denke: Weil HOMO FABER den Erdraum mit Schlaueit & Gewalt zum Menschraum sich erwütet, darin H. F. als HOMO MENSURA die Welt nach rechts der Dienstbarkeit, nach links der Vernichtung zubefiehlt [...] Obwohl SIE nachwaxen wie der Hydra Köpfe, blieb durch meinen Stein ein Mistkerl !weniger in der Welt. : Ich bereue, nicht !öfter Stein gewesen zu sein. (U, 204)

In this passage the narrator explicitly refers to the selection processes known from Nazi concentration camps. This reference is part of a statement which again universalizes the rigorous materialism which ultimately leads to the full exploitation of every living thing and to the murder of the unproductive. As ‘Kreatur’ stands for human and nonhuman animals alike, those who beat cattle and pigs to death are of the same mentality as those who send the Jews and disabled to gas chambers. For the narrator they are ‘Nullen’ (U, 204) who need a big authoritarian ‘Führer’ (U, 204) to create a society in which they can legitimately indulge in violence against the Other. The grown man is aware of the futility of murdering such people but nevertheless regrets not having caused more of them to perish. As an angry response of somebody disappointed by life and society, such harsh words seem comprehensible. After all, the narrator is not acting out this fantasy. As before, the criticism is aimed at an anthropocentric society in which the treatment of living creatures and the natural environment is not an end in itself but increasingly a means to an, often unethical, end.

To summarize, in all of the examples the imagery of slaughterhouses and slaughter is more or less openly linked to that of extermination camps. However, the analogy does not work equally well for all texts. The most problematic application is found in *MER*, in which Jirgl intends to illustrate ‘den Automatismus einer jeden

⁵⁹ Jorge Semprun, *Die große Reise* (Frankfurt am Main: Suhrkamp, 1981), pp. 221-22.

konsequent materialistisch orientierten Gesellschaft: *die Verwertung der eigenen Substanz, des Menschen selbst*, inspired by events which happened in the early eighties in East Germany.⁶⁰ The analogy, which was first used by I. B. Singer, draws, however, on the similarities between the process of factory farming of animals and the killings inside Nazi extermination camps. In Hilberg's words, 'upon closer examination the operations of the killing centre resemble in several respects the complex mass-production methods of a modern plant'.⁶¹ The life on the East German island, however, is not marked by any bureaucratic efficiency. The difference is also brought to light by Agamben's notion of *homo sacer*: it fits the victims of Nazi camps but not those who are secretly 'cannibalized' to prevent food shortages on the island in Jirgl's socialist dystopia. Although the production of meat constitutes the goal of slaughterhouses, it is the practice of factory-style mass killings which truly connects slaughterhouses and extermination camps: their common means rather than the common end. The ends differ: one is driven by an absolute materialist desire for profit whilst the other is impelled by an extreme ideology. As the island in *MER* is increasingly threatened by anarchy and widespread disease rather than by an oppressive, camp-like system of state control, the frequent allusions to slaughterhouses appear inappropriate. Yet the novel, which is written and set during the eighties, captures the repressive atmosphere which Mary Fulbrook summarizes as follows:

Repression [...] became more visible in the later 1980s, in no small part as a result of growing and ever more organised popular dissatisfaction [...] The economy was in such a state of terminal decline [...] that it was evident to increasing numbers of people that the situation was unsustainable in the long run. Rising consciousness of environmental disaster, a deteriorating food supply and growing fears about world peace, combined to produce an atmosphere of escalating unrest.⁶²

It is this dissatisfaction and a feeling of doom which significantly contributed to the creation of texts such as *MER* at that time, texts which must appear overdrawn in retrospect.

⁶⁰ Jirgl, 'Nachlass', in *GT*, pp. 815-33 (p. 830).

⁶¹ Hilberg, *Destruction*, I, p. 221.

⁶² Fulbrook, *The People's State*, p. 293.

Slightly less exaggerated, although written during the same historical era, are the two dreams of *Im offenen Meer*. The oppressive and dehumanising aspects, which undoubtedly existed in so-called socialist countries, are made visible in a nightmarish vision which points, by means of overplaying, to possibilities which inhere in an ideological system which punishes those who do not want to work regularly: ‘*Im Mittelpunkt Der-Mensch u im Weg*’ (AF, 194). ‘[D]ie-Asozialen’ have replaced ‘die-Hexe-von –nebenan’ (H, 390). ‘Asoziale [...] wußten !immer !ganz genau, was der Para-Graf mit der *Nichtsozialistischen Lebensführung* meint [...] Glauben Sie mir [...] erst die !freiwilligen Anzeigen Denunziationen Spitzeleien haben die Gesetzesblätter mit vernichtbaren Mengen Fleisch gefüllt’ (H, 390). This disregard for those who do not pursue regular occupations is indeed reminiscent of Nazi policies against non-Jewish citizens who were unable to meet the accepted norms of regular work and family life. Yet, in the GDR there were no extermination camps to get rid of those considered detrimental to the socialist cause. Jirgl’s early texts tend to overstate the continuities between Nazi Germany and the GDR. There is then too little historical differentiation and no acknowledgement of cultural or political progress made in East German society in those novels written before the fall of the Berlin Wall.

That both camps ‘made in the GDR’ and extermination camps are compared with slaughterhouses leads to an implicit parallel between the two types of concentration camps. For instance, the location of the first dream narrative strongly resembles a Nazi extermination camp. For a dream, however, with all its visionary elements, the use of imagery cannot be censured. It highlights similarities with the policies of the Third Reich and pushes them to the limits of the imagination. In *MER*, which is not a dream, and which is considered to be a critical comment on the situation in the GDR, the analogy does not work. This implies that the reason for the intransitivity of the relationship is the failure of the abattoir image for a camp made in the GDR: the camps are too different to be described successfully by the same image. Unsurprisingly, *MER* is written from a historical perspective prior to the fall of the Wall and subsequently none of the later novels draws on the same comparison. As Stephan Pabst observes about the writer’s subjective experience during the time of writing *MER*:

Was mithin zur Aussage über die DDR wird, ist weniger der faktische Vorgang, über dessen Auslegung durch Jirgl man streiten kann, als die Tatsache, daß sich das Zusammenspiel von faktischer Repression und Informationsdefizit zum Phantasma des Arbeitslagers summieren konnte.⁶³

In other words, Jirgl's personal situation and subjective experiences of life during the nineteen eighties inform his dark depiction of a state that ruthlessly persecutes the 'layabouts' and political opponents. There are no apparent differences between the injustice suffered under the Nazis and in the GDR.

The slaughterhouse analogy is best employed in the three descriptions of animals being sadistically treated during their transport to the abattoir (*MVR*, 60; *H*, 149-52; *U*, 202-05). In all accounts the narration is set against the background of Nazi deportations. Here it is predominantly the inhumane transport in freight cars that establishes the parallel between abattoirs and camps. In each case a sensitive child is witness to brutalities which offend its sense of justice and propriety. The impression that 'might is right' and that the strong can do what they like with anybody who is weaker, which thoroughly applies to concentration camps, is potently addressed in these passages.

A systematic materialist society, whose automatism Jirgl set out to sketch in *MER*, can conflict with ideological motivations. There is a suspicion that it is a ruthless capitalist system which offers the best metaphor for both highly efficient slaughterhouses and the system of factory farming. Political ideologies in the past were marked by irrational financial decisions and rituals which work against any thorough materialism. According to Hilberg: 'The deferment of the working Jews did not last very long. Economic considerations, after all, were not to be considered in the "Final Solution of the Jewish Problem"'.⁶⁴ It is, then, not the openly racist ideology of the Nazis that led to the Holocaust which makes the analogy between slaughterhouses and extermination camps so appropriate but rather the assembly-line style of the killings. To use the slaughterhouse and camp imagery in too many contexts advocates a fatalistic view of cultural and political atrocities which disregards the specific differences between historical epochs whilst accentuating the negative side of human nature. Ultimately, it erodes and devalues the formerly

⁶³ Pabst, 'Fortgesetzte Gewalt', p. 318.

⁶⁴ Hilberg, *Destruction*, II, p. 442.

powerful message of the image. The later texts, however, do not contain such comparisons; instead they offer a more differentiated and less emotive picture of the East German past.

Conclusion

The texts' many instances of dying species firmly establish that human and nonhuman animals experience the same suffering when physical death is painful or difficult. Whilst this awareness of our shared animality bears the possibility of greater empathy with the suffering of nonhuman animals, the mere fact of such a commonality can also suggest that humans might all too easily revert to an uncivilized, aggressive behaviour associated with predatory mammals. As Swetlana Alexijewitsch writes: 'Die Anziehungskraft des Bösen ist unbestritten, uns faszinieren die tief verborgenen Potenzen des Unmenschlichen im Menschen'.⁶⁵ Furthermore, at times of violent social upheaval the hierarchical order which places humans above nonhuman animals can topple and particular species become more cherished than a selected group of ostracized people. This happened during the Third Reich and, if hierarchies of species are maintained, it can easily happen again. The concern for defenceless nonhuman animals must thus be extended to include underprivileged humans and any improvement in social justice has to start at the bottom: the fairer treatment of all those who have few or no rights.

The various cases of animal exploitation and abuse cited in the second part illustrate the most extreme expression of 'might-is-right'. This is based on an anthropocentric worldview in which other species are subjugated with impunity and our shared animality is conveniently forgotten. The author's attempt to establish a close link between the ruthless exploitation of animals and that of human beings, especially in *MER*, remains, however, unconvincing. Nevertheless, the fact that the worst examples of animal abuse are set in the context of the GDR indicates the writer's attempt to show that the degree to which animals are exploited is contingent on the kind of political and economic system in power. A more favourable social system together with a heightened awareness of our shared biological roots, might

⁶⁵ Swetlana Alexijewitsch, *Der Krieg hat kein weibliches Gesicht* (Frankfurt am Main: Suhrkamp, 2015), p. 18.

then provide the potential for a society which is less likely to follow the principle of 'might-is-right'.

Besides an abundance of illustrations that highlight the subjugation of other species, the texts contain various depictions of the reversal of the hierarchy of abuse. In the relevant examples the privileging of the animal goes hand in hand with misanthropic behaviour which can, as known from Nazi policies, lead to the mistreatment of ostracized groups of human beings. A more just society must, however, give equal weight to all species.

The third, and last part of this chapter in which the author's usage of the slaughterhouse imagery is examined, shows that the analogy between camps and slaughterhouses is not always appropriate. The frequent use of such shocking imagery in different social and political contexts must ultimately have a desensitizing effect on the reader and denies the significance of the unique aspects of the Holocaust. The cultural pessimism expressed by the frequent use of the analogy also undermines the hope for more just social arrangements.

Conclusion

Jirgl's proclamation 'das in den sozialen und mentalen Wirklichkeiten bestehende Unrecht zu benennen, zuzuspitzen um es zu verneinen', turns out to be an adequate description of the examined textual material.¹ Considering further that the author deems 'Schonungslosigkeit' and 'Ungerechtigkeit gegen das Unrechte', besides his idiosyncratic style, to be an important artistic means to give all those 'vom alltäglichen Terror Terrorisierten ein Recht [...] *ein Positives*', it will hardly surprise that the oeuvre conveys an aura of pessimism.² Indeed, it would be surprising, if not startling, to find also textual descriptions of just practice and any noticeable correlation between the degrees of injustice and the kind of political power which enforces law and order.

Fluck's argument that 'novels [...] offer meaningful contributions to the question of what constitutes justice' started with a list of three possible narratives in which these inputs may be made. It may be 'in texts that deal with legal problems and legal practice'; in depictions 'that argue for rights and entitlements, for example by 'altering social perceptions of ethical responsibility for the mistreatment of various groups of people''; or 'in texts that articulate claims for the recognition of individuality or particularity'.³ The representations of legal problems and procedures in Jirgl's novels are so numerous that they provide enough material for a separate chapter. With regard to the second point, there are scenes which are clear examples of failed justice: people like *Der Feiste* or headmaster Bultjan who are responsible for the violent death of many people and who continue with their successful careers after the demise of the dictatorships that legitimized their crimes. However, there are also descriptions of fleeing ethnic Germans which undermine the widespread expectation in which victimhood is associated with moral goodness and even superiority. The last, and third point, is most conspicuous in the depiction of the emaciated prisoners who are given a voice in the novel *ABTRÜNNIG* but also in the intimate picture of the three generations of women who flee from the *Sudetenland* found in *Die Unvollendeten*.

¹ See, for instance, *PLK*, p. 24 and *LuB*, p. 109.

² Jirgl, 'Schrift', in *LuB*, pp. 92-122 (p. 109).

³ Fluck, p. 36.

‘Justice of Effectiveness’ or ‘Justice of Excellence’?

“Wenn du hundert Hammel besitzt, hast du recht. Dann hast du immer recht.,”⁴

In accordance with the author’s intention, almost all examples are depictions of state-sponsored abuse of power and an all-pervasive attitude of ‘might is right’, the type of justice which, in being divorced from the notion of fairness, is far more easily associated with injustice. The chain of expropriations described in *Die Stille* is representative of this: during the Third Reich properties are taken from Jews as contributions to the total war effort; in the GDR people who run businesses or are considered enemies of the state are dispossessed; and in post-unified Germany, it is the big corporations that, with some help from the bureaucrats in Berlin and monetary bribes, win the battle for land. Are there, then, no examples of the practical implementation of justice that illustrate the philosophical tradition which MacIntyre calls ‘justice of excellence’ and which values justice as a key virtue serving the common good of the *polis*?⁵

There are indeed several instances in which that kind of justice, which is also detached from pure revenge, is at least attempted. This fits to Jirgl’s previously cited statement that ‘eine ‘getrübte’ Gerechtigkeit’ is still better than none and can equally be applied to most of the trials which feature in the novels.⁶ The main exception to that is the tragic case of the East German doctor and whistle-blower, who discovered the clandestine trade in human organs between leading officials from both parts of Germany. Also, with reference to the protagonists who take the law into their own hands, it turns out that their actions are not a reaction against an inefficient and biased juridical system. Rather, the offenders are driven by a variety of motives that are connected to their past and to a number of psychological idiosyncrasies. Slightly different is the murder of a CEO by Dorothea in *Die Stille*: her unjust act appears to be an anti-capitalist sign and an expression of her acute, life-long observations of injustice, but is nevertheless a selfish endeavour to justify an unsuccessful life.

⁴ Comment from a Tadjik national, cited in: Swetlana Alexijewitsch, *Secondhand-Zeit: Leben auf den Trümmern des Sozialismus* (Frankfurt am Main: Suhrkamp, 2015), p. 467.

⁵ MacIntyre, *Whose Justice?*, p. 73.

⁶ Jirgl, ‘Entdecken heisst die Wiederkehr von Realität’.

With regard to the principles of just war, matters are different. The texts are sceptical about the effectiveness and enforceability of institutionalized international law. Besides, the author, through highlighting the Allied carpet bombing of German cities, tries to illustrate the following thesis: ‘In allen Kriegen zwingt dasjenige Feindesmuster mit dem größten Vernichtungspotential schließlich allen Kriegsparteien genau dieses Muster auf’.⁷ The same thought lies behind the usage of Holocaust tropes in *Die Unvollendeten* where I have shown that the text is careful to depict Allied violence as never quite reaching the brutality of its German template. The presentation of the Red Army in *Die Stille* is equally differential and does not paint a picture of an army driven by pure revenge that simply emulates the atrocities carried out in Eastern Europe by special troops and the *Wehrmacht*. The following eye-witness report from a Russian nurse, published by Swetlana Alexijewitsch, is just one of many that verify this important point:

Wir hoben Schützengräben aus. Die Deutschen sahen zu. Als sie begriffen, was wir von ihnen wollten, sahen sie uns entsetzt an: sie dachten, wenn die Gruben fertig sind, würden wir sie davorstellen und erschießen. Sie nahmen an, dass wir mit ihnen genauso umgehen würden, wie sie mit unseren Gefangenen.⁸

Throughout the relevant texts in *Die Stille* and in *ABTRÜNNIG*, it is predominantly the cynical orders of the retreating SS and their murderous anti-Russian propaganda, as well as the lack of solidarity amongst the expellees themselves, that are detrimental to their plight, whilst the representation of the approaching Red Army’s retaliation is restricted to the depiction of one woman’s tragic case: ‘Die-Rote-Armee rückte ein in das Dorf. Vater Mutter Geschwister wollten vom Hof nicht lassen: erschossen; die Frau war oft vergewaltigt worden’ (S, 333). There is then a noticeable discrepancy between the actual crime and the widespread rumours that led to uncountable suicides (S, 371).

Nevertheless, by singling out the Allied carpet bombardment of a provincial German city, Jirgl illustrates that the principles of just war will necessarily become eroded during a war which is fought by all sides to achieve victory. The case of the bombardment of a train of prisoners underscores the absurdity of a ‘collective

⁷ Jirgl, ‘Endstation Mythos’.

⁸ Alexijewitsch, *Der Krieg hat kein weibliches Gesicht*, p. 342.

punishment': indiscriminate targets will always be unjust. It could be argued, that the fictitious bombing of X. in *ABTRÜNNIG* is clearly based on the bombardment of the city of Celle in April 1945 by Allied aircraft, which happened to be a strategic bombing of the railway station. The possibility for a degree, however small, of just conduct in connection with war is, however, not altogether denied. The US Army finally interferes and stops the 'wild expulsions' of ethnic Germans to which the Red Army had turned a blind eye; the British sentence some of the murderers during the trial in X.; and there is the unspoken 'truce' between soldiers which enables Werner from *Die Stille* to rescue his best friend. Finally, besides the aforementioned depiction of the approaching Red Army, there is the Russian officer who does not punish Maria for lying to him, an act which can hardly be imagined under reversed circumstances between a German officer and a Russian peasant woman. The textual material thus indicates that there is not a complete erosion of rules of conduct during total war; the principles of just war seem to make at least a small difference.

Furthermore, in the representations of post-unified Germany there are no depictions of extreme arbitrary political injustice. Disaffection is predominantly caused by economic imbalance in which the rich can pay solicitors in order to cover their crimes and big corporations can exert some influence on law and politics. There is, however, a functioning hierarchy of institutions which most of the time protect the citizens from violence and crime. The Hobbesian contract is not out of kilter. By contrast, some of the scenes depicting the time immediately after the fall of the Berlin Wall show the fragility of state institutions that are responsible for law and order.

Lastly, our relationship to nonhuman animals is predominantly one of exploitation: a clear attitude of 'might is right'. There are, however, a number of narrators who display an acute empathy with suffering animals; they feel connected to these creatures through the commonality of pain and suffering. This discovery can serve as an impetus to treat animals and other people not as mere means to our own selfish ends. Nevertheless, the social practice in Jirgl's novels, regardless of whether the focus rests on human or nonhuman animals, is largely permeated by this attitude of 'might is right'. Therefore people with little or no power are frequently exposed to injustice, and animals are ruthlessly exploited. Does this imply that some of the

aforementioned scholars are correct in saying the texts universalize injustice and the impression that ‘justice is nothing but the advantage of the stronger’ (338c)?⁹

Universal Injustice and its Consequences

It is clear from the author’s programmatic statements that he aims to highlight injustice by, for instance, giving less weight to positive examples. As Jirgl states: ‘Würde ich *das Positive* ohne dessen Einbettung im bestehenden Unrecht herausstellen, ich würde mich mit meiner Sprache genau dem unterwerfen, worauf ebendieses Unrecht basiert: der gesellschaftlichen Gewalt’.¹⁰ The analysis has shown that this is correct: there are depictions of good and just actions, but these seem to be deliberately few in number.

The greatest problem which may arise when texts are permeated with representations of violence and injustice ‘ist die Kontinuität der Wiederholung, die auch die Differenz zwischen Krieg und Frieden, Demokratie und Diktatur nivelliert’.¹¹ A typical example that may inspire such criticism is the following auctorial comment about the violent nature of contemporary capitalism: ‘Auf der Basis von ökonomisch bestimmten Gesetzes-Lagen finden praktisch täglich Massen-Hinrichtungen statt’ (*At*, 375). The usage of ‘Massen-Hinrichtungen’ is problematic insofar as it can lead to the erosion of the word’s literal meaning. Yet, it has been demonstrated that Pabst’s criticism cannot be sustained entirely as there are significant differences in the representation of violence within dictatorships on the one hand and democracies on the other. For instance, *Abschied von den Feinden* and *Hundsnächte* depict predominantly and explicitly the destructive side of GDR socialism: ‘vom Mißbrauch der Psychatrie über die Allmacht der Stasi, vom Bonzenwesen bis zu den Selbstschußanlagen in den Todesstreifen entlang der Mauer, von Zwangsadoptionen bis zur Erpressung von Familien Ausreisebegehrender’.¹² On the other hand, the representations of the most murderous violence in the context of the historical past are mainly related to the Third Reich and the upheavals of World War II. The critical descriptions of post-unified Germany cannot compete: the ‘Massen-Hinrichtungen’ that are driven by

⁹ Plato, *The Republic*.

¹⁰ Jirgl, ‘Schrift’, in *LuB*, pp. 92-122 (p. 109).

¹¹ Stephan Pabst, ‘Fortgesetzte Gewalt’, p. 322.

¹² von Törne, ‘Detailbesessenheit’, p. 157.

corporate greed remain purely metaphorical and the juridical system, despite of being increasingly corrupted by the moneyed classes, still works reasonably well.

At the same time, however, the depiction of some state-sponsored crimes that are set in the GDR as opposed to those which describe the dark machinations of the Third Reich, especially in respect to concentration camps, are at times uncomfortably similar. Jirgl, in his essay *Die Diktatur der Oberfläche*, states that the Holocaust was instrumentalized by *European* dictators to demonstrate their relative benevolence. He thus rejects, as unhelpful, the thesis of the uniqueness of the Holocaust as it may lead to the demotion of other crimes that are committed elsewhere. The statement becomes problematic insofar as it refers specifically to Europe's history of the later twentieth century and subsequently implicates all the rulers of the so-called Communist bloc. Such a view might explain why the only significant lack of differentiation in Jirgl's novels occurs in respect of some representations of East Germany, where the texts draw on images associated with the policies of the Third Reich, especially the Holocaust. Yet, this only happens in books written before the fall of the Berlin Wall. Pabst's judgement about the camp which is described in *MER* also holds for the nightmares of *Im offenen Meer*: 'Was mithin zur Aussage über die DDR wird, ist weniger der faktische Vorgang, über dessen Auslegung durch Jirgl man streiten kann, als die Tatsache, daß sich das Zusammenspiel von faktischer Repression und Informationsdefizit zum Phantasma [...] summieren konnte.'¹³ These phantasmata about the GDR are predominantly represented through the medium of dreams, which, according to Reinhart Koselleck, have a very special status in respect to the historical and political situation at the time of their occurrence:

Sie sind leiblich manifest gewordene Erscheinungsweisen des Terrors, ohne daß die Zeugen Opfer physischer Gewalt hätten sein müssen [...] Die Träume verweisen nicht nur auf die Bedingungen, die solche Träume – als Fiktion – ermöglicht haben. Bereits als Erscheinung sind die Träume Vollzugsweisen des Terrors selbst.¹⁴

¹³ Pabst, 'Fortgesetzte Gewalt', p. 318.

¹⁴ Reinhart Koselleck, *Vergangene Zukunft: Zur Semantik geschichtlicher Zeiten* (Frankfurt am Main: Suhrkamp Verlag, 1989), p. 286.

Thus, the novels written after the collapse of the GDR paint a far more realist picture of the country: a portrayal which is devoid of claustrophobic nightmares featuring Holocaust tropes. There is only a short factual reference to an alleged plan to create camps for dissidents as late as 1989 at (S, 70), thus indicating a degree of political continuity between past and present dictatorships. Apart from this, the descriptions of politically motivated expropriations in Nazi Germany as opposed to those that happened in the GDR which are narrated in *Die Stille* and in *Abschied von den Feinden* differ, for instance, in their account of indictment and length. Jewish properties are confiscated and taken over as part of a general policy: ‘Judenfrei = Schuldenfrei. :Politik kann sehr spaßig..... sein’ (S, 261), yet there are only occasional cases in the GDR, such as the pastor who irritated the local bureaucrats through his acts of disobedience (S, 347-49) or the expropriation of Werner’s privately owned shop by the state (S, 70). Similarly, the degree of political power in both regimes is expressed visually through a differential usage of monolithic lettering where ‘DERSTAAT’ (S, 36) is only used for the Third Reich whilst the signifiers for the GDR leadership are the somewhat less monolithic ‘Die-Behörden’ (S, 70) and ‘S.E.D.=Obrigkeiten’ (S, 347). It is only through the ‘BERLINERMAUER’ (S, 70) that the Eastern bureaucrats increase their grip on the population to a level which for some is reminiscent of the Nazi era.

Apart from the more direct parallels that link the camps of the Third Reich to the political repression in East Germany, there are also the controversial ‘Shoah-Assoziationen’ of *Die Unvollendeten* listed by Menke.¹⁵ However, as with other novels describing the violence in the wake of World War II, there is a clear enough hierarchy of violence in which Nazi atrocities are at the top. In *Die Unvollendeten*, the use of different lettering establishes the severity of ‘abholen’ or ‘transport’. Capital letters are used with some consistency only in the context of Nazi crimes, whereas italics are reserved for the less harsh actions of the liberated Czechs. In *Die Stille* there are passages describing the flight of German expellees in images reminiscent of those which the author uses to describe camp inmates on a *Todesmarsch*. However, whilst both groups end up in a state close to death, or what Agamben and Levi call *Muselman*, the individual descriptions of refugees differ hugely from those of prisoners. In both novels, the ethnic Germans are depicted as

¹⁵ Menke, ‘Tabubruch’.

uncharitable, 'böse, lauernd, kalkbitter' because 'Todesangst stinkt Wut stinkt Hunger stinkt Krankheiten stinken=Menschen stinken' (S, 370), whilst the representations of prisoners in *Die Unvollendeten* and in *ABTRÜNNIG* are all empathic descriptions of their fragility and emaciation, the results of a prolonged mistreatment.

The comparison between East and West Germany is entirely unambiguous and constitutes a major part of the novels *Die atlantische Mauer*, *Abschied von den Feinden*, *Hundsnächte* and *Die Stille*, all of which were written after the reunification of Germany. The critique of the GDR and its state-sponsored violence is magnified in the failed lives of several individuals who become the direct or indirect victims of political terror. There is nothing comparable told about those who were socialized in the FRG, apart from the story of child abuse. Yet, the case is representative of the darker side of respectable family life and thus transcends any kind of political system in which families exist as a basic social unit.

Finally, it is most of all in the context of post-unified Germany and the dystopian future, that capitalism is criticized. As with the engineer in *Hundsnächte*, there is a shift towards existential economic pressures experienced by an increasing part of the population whose value is solely based on its ability to create wealth. In *Die Stille*, a large energy corporation supported by the main government has the power to rehouse several thousand people in order to extract fossil fuels on a large scale. The single couple that refuses the offer is brutally moved after having lost their lengthy legal battle. As stated in an auctorial comment: 'Das Zuwenig an sinnvoller Arbeit & der Schwund an Leistungsanerkennung, in Verbindung damit ein Verlust an Würde, erzeugen – eskalierend – gesellschaftliche Gewalt [...] Auch hierin zeigt KRIEG seine stete TOTALITÄT' (At, 119-20). The capitalist system creates a lack of human purpose which ultimately leads to social violence. Jirgl's dystopia *Nichts von euch auf Erden* describes how contemporary developments finally lead to actual war and ultimately to a world in which humans are degraded to mere bio-political entities exploited in the mines on the Moon. To begin with, there are the last wars for energy sources, water and food: 'Völkerwanderungen nie zuvor gesehenen Ausmaßes in die noch halbwegs gut versorgten Regionen, Raubzüge, Plünderungen, Ausmordungen – atavistische Erscheinungen' (N, 24). Later, in about three hundred years from today, through the colonization of Mars and the Moon, the strict separation of different continents from each other and the unexpected outcome

of bio-political measures, lasting peace is finally gained: ‘Die Völker kamen zur Ruhe; die Gen-Umwandlungen zeitigten [...] ihre Wirkung’ (N, 25). However, the peace on Earth coincides with strict hierarchical power structures on the Moon where superfluous and undesirable people work as forced labourers in mines and pits until they perish from illnesses and lack of strength.

Although there are differentiations in the texts which speak of the degree of severity of injustice in relation to the relevant socio-political systems, it appears that exploitation of humans and nature by a selection of individuals, who abuse their political and financial power, can happen at any time in history and in any society. This is a point which hardly anybody would deny. However, if political violence is worse in some societies, such as for instance dictatorships, it subsequently matters in what kind of society we want to live. Thus the texts, far from encouraging a fatalistic attitude, do the opposite: they ask the reader to be a vigilant observer of injustice with the ultimate aim of preventing a normalization of an attitude of ‘might is right’.

Crime and Punishment

One of the threads in Jirgl’s texts is the difficult question of what constitutes an adequate punishment for a crime, particularly to a political one. Also, considering the horrific violence in the wake of World War II, at which point does retribution turn into revenge and where are the fine lines between forgiving and forgetting?

The texts that focus on crimes committed in German dictatorships all depict major perpetrators who manage to avoid prosecution altogether, the worst of them being *Der Feiste* of *Abschied von den Feinden* and *Hundsnächte* and *Oberstudienrat Bultjan* of *ABTRÜNNIG*. On the other hand, the narrator’s uncle in *ABTRÜNNIG*, a minor perpetrator who gets away with his crime, dreams up a scenario in which he is punished according to the rules of the ancient *lex talionis*. Whilst the former men show no remorse or feelings of guilt whatsoever, this man desires some form of just retribution in order to experience personal peace. The material thus covers opposite human responses to severe crimes that went unpunished. The relevant story in *ABTRÜNNIG* is also a commentary on the misuse of the notion of forgiveness advocated in the New Testament. If forgiveness can and should only be granted by the prisoners who were brutally killed, the most appropriate treatment of the perpetrators might well be meted out in accordance with the *lex talionis* of the Old

Testament. Ultimately, it is only the text itself which retrospectively provides a degree of justice to the, mainly nameless, victims of the so called *Hasenjagd* that happened in Celle in April 1945.

A second recurring theme in Jirgl's novels is the confirmation that Nietzschean *ressentiment* plays a large part in political injustice. Expropriations by the state, rather than being a measure of just redistribution, are driven by personal envy and jealousy. The same can be said about the motivation to discriminate against and to abuse some well-educated individuals such as the medical doctor and whistleblower of *Hundsnächte*, the uncle of *ABTRÜNNIG* and the pastor of *Die Stille*.

Lastly, with the exception of the medical doctor going to court against state-sponsored organ sales to West Germany, the remaining court cases almost all represent some form of necessary justice. This correlates with the message that juridical institutions in democracies, although they are not perfect, still function reasonably well. One case, however, which is contextualized within the recent past, clearly shows the danger to democratic institutions of powerful corporations gaining too much political power. At the last juridical stage, Germany's highest court sides with the energy corporation against a renegade couple who refuse to make space for a coal mine. The example shows the fragility of any democratic system. It requires vigilance, courage and great awareness to protect and, if necessary, help to improve existing juridical structures.

The Question of Cultural and Historical Pessimism

To begin with, the strong theoretical impact of a pessimistic writer such as Carl Schmitt on Jirgl's oeuvre cannot be over-emphasized enough. Many of Schmitt's political ideas and constructs can be traced in Jirgl's novels that were written during this millennium. With the one exception of his depictions of colonial conquest in *Abschied von den Feinden*, Jirgl's literary application of Schmitt's theories is largely uncritical. Besides, Jirgl has commented on being influenced by Oswald Spengler's *Der Untergang des Abendlandes*, one of the main texts which expound cultural and historical pessimism written in the twentieth century.¹⁶

¹⁶ Jirgl, 'Gespräche in Briefen', in *PLK*, pp. 21-59 (pp. 34-36); in *LuB*, pp. 125-62 (pp. 139-41).

Another textual bias towards a pessimistic outlook is caused by the fact that most of the prominent narrators are non-affirmative. They are situated at the right hand edge of at least one of the following two scales: ‘*Affirmation-Verweigerung*’ and ‘*Philanthropie-Misanthropie*’, which Jirgl uses as a template ‘zur Gestaltung einer Personenimagination’.¹⁷ Ultimately, it is then the all too affirmative and philanthropic who are helped to see the world through the eyes of those who experience life as fundamentally problematic and unjust.

As Iris Radisch writes about the author’s choice: ‘Eine Zumutung ist das und zugleich eine schreckliche, eine rattenschwarze Vereinfachung. Aber kein Einwand gegen ein Kunstwerk, das sich mit Leidenschaft der Tragödie verschrieben hat, deren Kraft in der Radikalität und Blindheit gegenüber allen bürgerlichen Kompromissen und Einschränkungen liegt’.¹⁸

Considering past history and present political developments, it is rather difficult to be optimistic. As Žižek writes about the ever increasing number of refugees caused by war, poverty and increasingly by climate change: ‘When similar things happened in the past, social changes occurred in a chaotic and spontaneous way, accompanied by violence and destruction. Such a prospect is catastrophic in today’s condition, with weapons of mass destruction available to virtually all nations’.¹⁹ Both of Jirgl’s dystopian texts are an exploration of a possible future catastrophe which, albeit only *in nuce*, is already contained in the present. Thus it is a warning of what might happen if discernible technological, political and economic developments continue along today’s trajectories. At the same time, the scenario of *Nichts von euch auf Erden* leaves enough space for the effects of unpredictable and complex events, such as the pacifying side effects of gene manipulations that go out of control.

Things are different for those texts which are contextualized within Germany’s past or present history. That Jirgl writes almost exclusively about the unbearable, violent and unjust sides of life is entirely in the spirit of his intention to address and inflame existing injustice in order to cause a reaction in the reader, who is then meant to reject the depicted state of affairs. Thus, Jirgl texts become highly

¹⁷ Elliesen-Kliefoth, p. 76.

¹⁸ Iris Radisch, ‘Das Glück, allein zu sein. Reinhard Jirgls Roman *Abtrünnig* ist eine aufregende Heimkehr zu uns selbst’, *Die Zeit*, 1 December 2005.

¹⁹ Slavoj Žižek, *Against the double Blackmail: Refugees, Terror and Other Troubles with the Neighbours* (London: Allen Lane, 2016), p. 102.

political ones, a fact which fits his own definition of an artist as somebody ‘der es durch seine Arbeit [...] schafft, über das, was ist, sich zu erheben, und in seinem Werk eine Gegen-Natur entwirft, die zum (ästhetischen) Angriff auf das bestehende Schlechte taugt’.²⁰ The fictional material is therefore very carefully chosen. This, however, contradicts Jirgl’s claim to follow a *Zulassungsethik*, wherein reality is depicted without any ethical judgement.²¹ The reverse is the case: the many instances of abuses of power are there to cause indignation in the reader and this may ultimately heighten the awareness of the plight of victims as well as uncover the difficult dynamics of hierarchical and ideological power structures. For Jirgl, violence is not negative *per se*; rather it serves as an indicator of a situation which needs to be changed or causes a change, sometimes for the better:

Wenn Menschen aufeinandertreffen – da zeigt sich Gewalt, die in Begegnungen steckt und ja auch etwas Positives hat. Ohne Gewalt wäre keine Kunst und auch kein soziales Leben möglich. Gewalt heißt zunächst Modeln, sie hat mit Arbeit als einem Prinzip des Veränderns zu tun: ein Zustand der als falsch oder als unrichtig empfunden wird, soll so oder so sein.²²

According to Joshua Foa Dienstag, there exists a tradition of pessimistic thought which serves as an impetus for political action rather than to fatalism:

Unamuno and Camus [...] both embrace more heartily the life offered to us under the pessimistic diagnosis. Decades before the current interest in agonal politics, they both spoke of ‘contradiction’, ‘conflict’ and even ‘agony’ as fundamental conditions of political life (and life in general) that could nonetheless be affirmed and, even occasionally, enjoyed [...] What is more, while pessimism remained for them primarily a personal ethic, both Unamuno and Camus clearly saw it as authorizing and encouraging political participation.²³

²⁰ Imke Elliesen-Kliefoth, *“Bergauf beschleunigen“: Gespräche über Gelingen und Erfolg* (Zürich: Ammann Verlag, 2009), p. 78.

²¹ For Jirgl’s remarks on his *Zulassungsethik*, see the first page of chapter two.

²² Jung, ‘Material’, pp. 61-62.

²³ Joshua Foa Dienstag, *Pessimism* (Princeton: Princeton University Press, 2006), pp. 122-23.

In this sense, Jirgl's excessive writing on injustice is in itself an affirmative act, an activity which also sets out to encourage civil disobedience or at least the reader's heightened indignation in the face of a perpetual misuse of power.

Appendix

A Selection of Rules given by Reinhard Jirgl for his Usage of the Alpha-Numerical Code¹

oder	z.B. beim Variantenvergleich, wobei den einzelnen Varianten unterschiedliche Wahrscheinlichkeiten zukommen
od	z.B. Variantenvergleich mit gleicher Wahrscheinlichkeit aller beteiligten Varianten
und	bei Aufzählungen, Reihungen, <i>zeitlicher</i> Nacheinanderfolge etc.
u	bei <i>Gleichzeitigkeit</i> des Erscheinens sowie Gleichwertigkeit in der Bedeutung verschiedener Ereignisse, Vorgänge etc.
u:	zum Ausdruck von Gegensätzen bzw. der Verflechtung mit Gegensatzpaaren, die als solche dennoch sichtbar bleiben sollen (z.B. ‘Geburt u: Tod’; ‘Staat u: Gesellschaft’)
&	bei alten Texten od allgemein bei ‘Geschäftlichem’; auch für die Bezeichnung von ‘Geschäftigkeit’ allgemein
+	in Traumtexten
1	Allgemein, im Zeit-Bezug von Vorgängen; kurz, eilig, rasch vorübergehend 1.) <i>Bezeichnung von Menschen in ihrer optischen Erscheinung</i> : hager bis dürr; aufrechte Körper-Haltung 1.2.) <i>Bezeichnung von Menschen in ihrer charakterlichen Erscheinung</i> : spartanisch, knauserig bis geizig; Einzelgänger, Eigenbrötler 1.3.) <i>Bezeichnung von Menschen in ihren Tätigkeiten</i> : eilig, auch eifertig, fahrig; genau bis pingelig 1.4.) <i>Bezeichnung von Menschen in ihren Erlebnissen (resp. Erlebnisfähigkeiten)</i> : karg, auch (zeitl.) kurz, hastig; auch materielle Not bezeichnend! 2.) <i>Bezeichnung von Dingen in ihrer optischen Erscheinung</i> : fragil, von einfachem Bau; i.a. Enge, Bedrängnis; zudem weithin Sichtbares bzw. Markantes; bei Wegen, Straßen, Flüssen: geradlinig, schmal 2.1.) <i>Bezeichnung von Dingen in ihren Eigenschaften</i> : kalt, spitz, scharf(-kantig), hart, kompakt; spröde; klein, von leichtem Gewicht; auch kurzlebig, also schnell Verbrauchtes wie Verbrauchbares
ein eine	Im wesentlichen fast immer das Gegenteil der Bedeutungen von ‘1’. Unabhängig von der getroffenen Einteilung kann die ausgeschriebene

¹ For complete lists, see: in *AF*, pp. 325-28 and in *IoM*, p. 7.

eines Numerale weiterhin auch zur Bezeichnung von Beliebigkeiten stehen, wichtig für die Zuordnung und Identifikation bleibt immer der *unmittelbare* Kontext!

Interpunktion

Das Frage- wie das Ausrufzeichen am Satzbeginn kann und soll für den unmittelbar folgenden Satz als ein Notenschlüssel wirken!

Da es sich bei Textgebilden (auch) um die Darstellung von Sprech-Gesten und -Gebärden in deren körperlicher Entsprechung handelt, soll, was physisch, im 'Erscheinungs'-Bild des Satzes, zusammengehört, von einer sturen Grammatik nicht zerrissen werden. Oder, was physisch voneinander getrennt ist, sollte durch die Interpunktion im Satzbau keine 'Zwangsgemeinschaft' erleiden.

..... Abschließend zur Bedeutung der '.....' (5 Punkte) am Anfang bzw. Ende so manchen Wortes. Nicht zu verwechseln mit jenen 3 Punkten, die einen Satzabbruch (Aposiopese) kennzeichnen, signalisieren die 5 Punkte im Text der betreffenden Person eine unmittelbare, bevorstehende oder latent (schon 'immer') vorhandene Bedrohung, im schlimmsten Fall die Vernichtung, den Tod – d.h. die *Auflösung*.

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