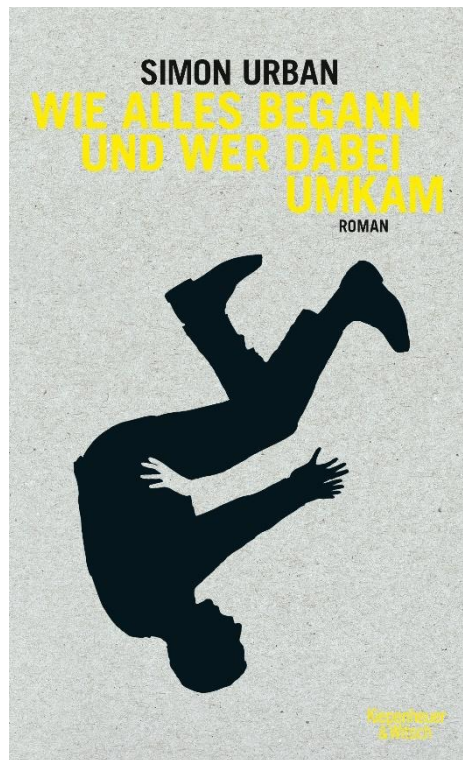


HOW IT ALL BEGAN AND WHO DIED IN THE PROCESS

by **Simon Urban**

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[pp. 9 – 13]

Dear Doctor Horn,

As you have presumably gathered from the press, my execution is now pending – I do not yet have a precise date, since the case before the ECHR dragged on for so long that the authorities in Berlin have had no judicial planning certainty to date (or at least, that is how it was explained to me). However, Monday morning's verdict has changed that, as you will be aware. The matter will now pick up speed, least of all because the interior minister went out on such a limb unnecessarily in the spring. It thus appears highly likely that I have, roughly estimated, another one or two weeks in this world, a world which has never really understood me, despite all the reports and interviews, etc. That is not intended to sound sentimental or emotive; it means simply: Some insights remain incommunicable, forever condemned to dwell in the brain that hatched them. One can't resettle a flamingo in the Arctic Circle, after all.

Merely for the sake of completeness, so as not to cloud what I hope is your halfway apposite view of me with unnecessary speculations, so to speak: I never held any illusions with regard to the ECHR, and I had foretold to Matthias Ludynia from the very outset that his individual petition was doomed to fail. You know him, though; the man is a

human rights lawyer through and through, and simply could not help at least attempting it. Be that as it may. Ultimately, this very last round did have a point, for I have rarely seen myself so fittingly portrayed as in the Strasbourg verdict. Should you find the time and inclination to read it in full, I can promise you it is worth it. Even more importantly, I had almost eight months of extra time to work through the entire manuscript again and undertake final corrections. We ought to include Ludynia in the acknowledgements; his desperate plaint may not have saved my life, but it will save our readers all manner of stylistic howlers, linguistic blunders and inaccuracies, that I can guarantee.

I enclose the definitive edition, for you to edit within the contractually agreed parameters; Géraldine Stegmüller will accompany the editing process as my representative in situ, and attend to my interests after the sentence is enforced. I am aware of the futility of wishes expressed far ahead of their possible fulfilment; nonetheless, I will take this opportunity to ask you to carry out the editorial process on a consensual basis – ideally in harmony with Ms Stegmüller. You may behold that as my last will.

With regard to the manuscript itself, I consider it fairly readable at this early point, and to be perfectly honest with one another, we both know that this autobiography will not be bought for its literary merit, but that its allure lies in a purported or veritable glance behind my psychological curtain. If I were a professional writer and not what I am (or at least pretend to be, with some success), I would like to have adapted the material into a picaresque novel, incidentally. However, the idea did not occur to me until February, and thus far too late, to my considerable regret. It is clear to me, of course, that you would never have agreed to such a project – I have not forgotten the authenticity mantra. Your opinion would interest me nonetheless, should you manage to reply to this letter in time: Would you have thought it possible?

Whatever the case, the bundle, as you like to call it, is as true as possible, in my view, and should there be minor deviations from the police records or should I have made occasional errors with regard to dates or names, it is not a case of fictionalization by stealth, but merely due to my not necessarily outstanding memory. In this regard, you have landed yourself an unreliable narrator, but not a liar. (Aside from which, you have access, as discussed, to my archive of almost 950 mini-cassettes, which largely also exist as transcriptions; Ms Stegmüller has some knowledge of them and will be happy to help.)

Regarding the erotic aspects we spent so long discussing on your last visit, I remain obstinate; they complement the person and are so banal as to be unsuitable material for scandal, making them acceptable to me in their current form.

As you can see, I have done what I could up to this point. I shall now hand over to you, and – unlike the other authors you publish – will definitely not have to stomach the criticism applied to the work.

I feel I ought to follow up with weighty words of farewell (if I know you, this letter will be archived forthwith and still be read by sociologists or psychologists a hundred years from now), but I have to admit: My mind is empty. Perhaps I have emptied it through writing. Perhaps an uncontrollable part of me fears something I myself do not feel at all, and has slipped into a state of shocked paralysis. I can assure you, in any case, that there is something extremely comforting, for want of real gods, in bearing witness to oneself, and realizing thereby that one does in fact regret nothing (or is unable to regret anything, even when such regret is demanded).

Were you to ask me now, eye to eye here in my cell, whether I would not like a few more good years, the classic years in the sun somewhere, I could not possibly deny it. I would like to remain upright enough to admit that now, in the final straight. As you know, I have never tired of life or the like. Despite that, especially with regard to my own existence, I value quality over quantity. Thus, you find me more sentimental than desperate, more melancholy than frustrated. Last night, a sentence on the subject came to me that amused me for some time, and which I suggest you might use on the back of the book (or on the sleeve; you're the expert). It is: The more consciously one makes one's decisions, the better one can die with the consequences. Feel free to use it as you please.

I wish you all the best, expressly including regaining the possibly record-breaking advance, of which I will presumably have little to savour – other than an opulent last meal – but above all: stubborn fortitude against the egomaniac moralists who are sure to breathe down your neck for a long time to come due to the Faustian bargain you have made with me. Rest assured that even the most presumptuous of them will one day slacken. Maintaining an appearance of permanent moral superiority is one of the most strenuous activities there is.

The sun is just setting outside the window; I look forward to this moment every day, as I cannot help seeing in it the anticipated announcement of a renewed beginning (don't you dare interpret that in a spiritual sense). I am a bad person who was able to do a great deal of good due to this quality, and should you succeed in keeping me in memory in such a way, or at least marketing me as such, I would be grateful even beyond my approaching end.

*Kind regards,
J.H.*

1

[pp. 17–31]

The older we get, the more we have to keep secret. If I have gained one conviction in life to which I unhesitatingly attribute the status of a law of nature, it is this: Every year heaps up new perceptions and attitudes which we are condemned to lock inside ourselves, because their public expression would first endanger and then utterly destroy our social and economic existence.

I assume by this point that all people share this experience, and that all people find it equally disturbing or even schizophrenic. They suddenly discover standpoints in their minds that deviate strongly from current conventions, the fundamental values of their personal circles, or the dominant zeitgeist of their day. Very few of them face up to this phenomenon, realize or accept their societally taboo perceptions, and attempt to deal with the consequences. Most make matters easier for themselves and bottle it all up as best they can. What they all do is keep silent. Only in very rare, existential, emotional or intoxicated moments does a fraction flash to the surface of what was never meant to be visible. Then, we look upon the lone tip of an iceberg rising for a few seconds in monstrous bluntness

from the inky waters, only to vanish into them forever. And we become aware of what we would be forced to discover, were we to dare to dive deep, just once.

I have been thinking about the phenomenon of essential secrecy for several decades now. I made my first observations on it at the age of 13, when my parents and I were still living in my grandmother's house. My grandfather had perished unexpectedly of pneumonia in 1984, which was the final straw for his already embittered wife. From then on, my grandmother, a bony, leptosome type usually clad in pale dresses, stalked in search of new victims around her *property*, as the beige-bricked bungalow outside Stuttgart was called in the family. She had hated her life with my grandfather as vehemently as she hated him, and now that life deprived her far too early of the everyday target of her highly developed sadism. That *Jupp!* (I only realized years after my grandmother's death why she had repurposed a fond nickname into a curse: the scornfully exclaimed syllable *Jupp!* could be loaded with far more condensed loathing than the two smooth syllables of *Josef*) – that her husband simply welched on his destiny as the main culprit for everything that had ever happened and was yet to happen in future, rendered her targeted malice random.

For my grandfather, on the other hand, death will have been one of the more pleasant experiences in his life. He swapped permanent disruption of the peace for eternal rest, and that seemed like a pretty good deal to me, even as a child.

From 1977, my parents and I resided in the small and rather dark granny flat in the basement of the *property*, while my grandmother ruled over more than 130 square metres on the ground floor, after her husband's desertion. In retrospect, I wonder why my parents went along for so many years with this tenancy, which was in actual fact a fee-based dependency. As far as I know, there were no advantages to it. Even the *lease* to be paid in cash at the middle of each month for our three and a half gloomy rooms and the unused basement sauna contained not a whiff of family reduction.

My grandfather's sudden absence from his function as responsible sinner further intensified our living situation. As nature cannot spare even a woman like my grandmother a certain rudimentary genetically determined affection for her children and grandchildren, her attacks were, however, aimed only occasionally at my father or me, but all the more frequently at her daughter-in-law, as one might well expect. With growing disillusionment during these years, I studied my mother's example of how a good-natured and peaceful character can be one of the greatest catastrophes imposed upon us by our genomes. I have certainly never met a person more at another's mercy than the woman who gave birth to me. I presume I would have to suffer years of therapy to clarify to any professional extent what influence the family relations at the time had on my adolescence. Of one thing, however, I am absolutely certain: I learned back then that unconditional forbearance never produces pity, only ever more suffering. My mother's defencelessness proved, in ever new variations, to be urgently needed fuel for my grandmother's raging hatred. Not until much later did I come across Adorno's words, according to which only those are loved who can be weak without provoking strength. On the fact that my mother was never loved by my grandmother, Adorno and I are of one mind.

I kept fastidious records of my mother's precise misdemeanours in a kind of journal, which astounds me now, to be honest. In retrospect, I can no longer establish my motivation for making these notes in 1985 (at the age of only 13, as mentioned). Perhaps I had a vague feeling of being a kind of student, who happened to have stumbled into a fascinating experiment on structures and strategies of power and wanted to make certain I would never forget what I learned.

My notes attest to many of my mother's mistakes consisting merely of completing the daily tasks demanded by her landlady to an insufficient extent or at an unfitting time. On 17 May 1985, for instance, my mother had not purchased the horse ointment my grandmother's doctor had advised her to rub into her joints

on a daily basis from the pharmacy in Botnang (West Stuttgart) at 11 a.m., but instead – as I recorded in writing: *as a result of a traffic jam in the city caused by an ambulance crash, during which the driver lost control of the vehicle at approx. 130 km/h and collided with a bridge pillar* – not until 1:30 p.m. A week later, my grandmother's laundry was not *washed, dried and ironed by the early afternoon*, as demanded, but only by 7 p.m. (no excuse was given in this case). On the very next day, my mother had already begun to vacuum my grandmother's oriental-rug-lined living room at 08:05 a.m., although it had actually been agreed for 8:30 and my grandmother had not yet fully *done* her hair. I recorded the reason for the premature vacuuming in blue ink on white squared paper: My mother wanted to make sure she could serve up lunch (the abbreviation *Köklo* presumably stood for my then absolute favourite dish, *Königsberger Klopse*, a type of meatballs in caper sauce) at precisely 12 noon, as Elisabeth had repeatedly proved particularly sensitive on that issue. When my grandmother's tasks could brook no delay, she would go out to the stairwell and ring a small bell made of Nymphenburg porcelain (its hand-painted decoration depicting a cat playing with a ball of wool), the penetrating sound audible in every last nook of our basement flat, whereupon my mother would instantly jump up and hasten to the upper floor, knowing the awful jangling would only end once my grandmother had assigned her task.

Flicking through this juvenile documentation of a German family tyranny at the end of the twentieth century, I have no option now but to establish that my mother must have been hugely disturbed. For all nine dreary years of our basement habitat, she was paid for her work like an average cleaner (according to my records, initially at five DM per hour, later – thanks to my father's tentative intervention – 50 pfennigs more) and had obviously convinced herself of the argument that this arrangement allowed her to combine an additional income with family solidarity. She received her pay monthly in cash, subtracted from our rent. My mother would hand 250 DM in *rent* including ancillary costs to my grandmother, who would ceremoniously sit at her late husband's otherwise unused

bureau (I was to find out only later that it was an original David Roentgen) and receive 120 DM in *pay* in return. It seemed to me as if my mother were paying 130 DM for the privilege of toiling away for my grandmother.

My father rarely puts in an appearance in my memory of this time. He worked a great deal (as a senior civil engineer) and vanished every weekend with exclusively male friends on angling trips, if one can call concentrated draining of beer cans on the bank of a farmed trout pond in Büsnau an angling trip. Although I assume he secretly pitied my mother in view of the unpleasant conditions accompanying her work in the *property*, I did not record a single situation in which he took his wife's side in my grandmother's presence. My memory of him is above all as a conflict-avoiding, introverted man with no talent for communication or sense of humour, whose sole solution to all problems was to sidestep them in an unobserved moment rather than grabbing them by the horns.

An old friend of my father's, whom I happened to run into in Düsseldorf many years ago and who was so astounded at our unexpected meeting *in the middle of a metropolis* (nonsense, of course) that he immediately treated me to several beers in a fog-enclosed smokers' pub, said as we parted ways, in a melancholy tone of voice, my *good Papa* had been a man with whom one *couldn't win a war*. I must have shown some perplexity in response, as he instantly apologized for his choice of words, and it took me several minutes to convince him I was by no means offended or put out, but on the contrary very grateful to him for the formulation – firstly, I had never managed in all the years to characterize my father in such brief and fitting terms, and secondly, I could now put an end to conversations about him with a single sentence.

The terms on which my grandmother held an irreversible monopoly for me include the word *deficiency* in particular. As she used it, it referred to everything other people did wrong, and it seemed to take its orientation from school grading terminology; in especially drastic cases of failure, she would resort to the formula *absolutely inadequate*. There was no recognizable pattern to how exactly my

grandmother wore my mother down – perhaps it depended on her mood on any particular day. Her repertoire included mocking stares, imitation, spiteful comments, hurtful and demeaning exposures, polemical insults, fastidiously collected accusations, barefaced lies (what we might now call *fake news*), sudden uninhibited screeching, and the threat of terminating her *engagement* (meaning: employment) along with the tenancy of the basement (I learned thereby that property ownership means not primarily money, but power). My mother usually suffered her invective in silence; if she had something to say in apology, she would do so quietly and calmly. Once we were alone in the basement, she would immediately leap to my grandmother's defence against my accusations, telling me Grandma was lonely, had a *Pomeranian temper*, didn't mean it that way, had recently lost her husband, had a strict upbringing, never had it easy, had her own *burden to bear*, came from a very different generation, didn't know any better, and was still my grandmother, despite all else. My mother understood my grandmother better than she did. She was her most successful defender, never raised her voice, and never cried. My mother was born to acquiesce.

Not me.

Naturally, the specific circumstances and my young age prevented me from doing anything. My grandmother ruled unchallenged over our tiny realm, and my parents were incapable and unwilling in many respects to change their situation under their own steam. For my absent father, the situation proved not all that bad, all things considered; the women's single-edged conflict left barely any room in either camp for conflicts with him. Aside from which, he was presumably gambling on one day taking over the *property* and kept out of matters, for that reason alone. My mother, in contrast, had been raised to believe nothing was holier in the world than the family. Had she thrown in the towel, she would automatically have been given the main blame for the failure of our lunatic asylum. In addition, one cannot evade accusing her of almost complete lethargy when it came to righting wrongs.

Thus, I had no lack of maturity and means, only of allies. What I did not lack was the firm will to make a complete record of the injustice going on before my eyes on a day-to-day basis, to assess it objectively but bluntly, and thereby to create a counterweight to my grandmother's cruelty. My parents' behaviour showed me I could not expect any serious help from them. Although it would doubtlessly have been their duty to discuss and contextualize the more than problematic situation with their son, my father did nothing of the sort and my mother merely made repeated helpless attempts to persuade me the pitched battles raging in our house were normal *skirmishes*, unavoidable when three generations lived under one roof. I am convinced that my mother, had she been connected up to an FBI lie detector, would have reported a basically harmonious situation in the *property*, without making the polygraph needle swing in the slightest. She saw what she wanted to see. It would never have occurred to my mother that her all-encompassing meekness was the high-performance engine of a tragedy she could not admit to herself, because her meek nature rendered the condemnation of my grandmother's actions necessary to do so impossible.

I began preparations for my grandmother's trial on 3 June 1985. Although my nine-square-metre bedroom plastered with Batman and Nena posters made a rather more noteworthy than worthy courtroom, it was absolutely sufficient for my purposes. Neither the witnesses nor the defendant herself would appear in person for the main trial. I had found an old commentary on the German Criminal Code in my grandfather's bookcase, its pale grey binding an aesthetic distillation of the material's dryness, and spent some three weeks investigating *criminal responsibility, perpetration and participation* and *crimes against personal honour*. My particular field of interest was section 14 of the Criminal Code and there, § 185 (slander), § 186 (defamation) and § 187 (malicious falsehoods). Aside from that, my focus lay on § 234 (trafficking for the purpose of labour exploitation) and § 223b (mistreatment of wards).

The proceedings proved complicated. My problems began with the circumstance that the damaged party was also the defendant's advocate (my mother), that one of the two witnesses (my father) refused to make a statement, and the main witness for the prosecution (me) also had to function as public prosecutor, judge and court recorder. Simultaneously, I lacked an expert witness who might examine the defendant with regard to criminal responsibility. Finally, I also took on the role of investigating police officer. If I was to find an adequate verdict for my grandmother's crimes, I could not forgo well-founded evidence that would stand up to my own questions in court.

Although this starting point had considerable inherent hurdles, I was extremely motivated to make the trial happen and to conclude it successfully. The most useful tool for my preparation proved to be a Dictaphone, which my father had previously used for building-site inspections, so as not to have to make notes on construction progress with frozen fingers in winter. Later, he had recorded his drinking buddies' conversations at the trout pond and for a time seriously considered using these utterly banal dialogues as the basis of a *live angling guide* (whatever that was supposed to be). Since my father had stopped having to inspect building sites and had also realized that no publisher would ever print the gruff dialogues of the half-cut *Büsnau Friends of the Trout*, the Grundig device had been gracing the inside of a drawer, and now served me not only for recording statements, but also as an irreplaceable instrument for my investigations.

I hid it, switched on, in a side pocket of my Fjällräven backpack, and held 63 interviews over the space of around four months. It was important to me to let people outside of the *property* have their say as well. In order to succeed in the main proceedings, I had to sketch as multi-faceted a picture of our family situation as possible from a large range of perspectives (something I had learned from *Perry Mason*). I talked to several neighbours and neighbours' children, my mother's cousin and my father's half-brother. I feigned a fever and manoeuvred our GP Dr Strathmann into a taped conversation about my grandmother and the

concerns I had about the state of her nerves. I spoke several times to my mother in her unconscious function as advocate for my grandmother, and made two attempts to persuade my father to talk; to no avail, as expected. I typed transcripts of all interrogations on our Olympus, filed them in an inconspicuous school folder with the title *Social Studies Material* and locked the file in my desk. On five occasions, I used the not inaccurate excuse of being interested in studying law to attend public trials at the Stuttgart district court and assizes.

After completing the interrogations, I hid the Dictaphone in my grandmother's living room on a total of 24 days, and recorded minor to major *skirmishes*, which I then also transcribed and filed in order of conflict intensity. Once the content of my grandmother's accusations and her methods and strategies began to repeat themselves recognizably, I concluded the evidence-gathering process.

Whereas the trial's organization had caused repeated difficulties and had also been significantly more time-consuming than expected, I needed only a single Saturday for the adjudication: 14 December 1985. My parents were visiting a school friend of my father's in Kassel from Friday to Sunday evening, while my grandmother was attending her annual spa in Bad Oeynhausen (a tour of Westphalian lounge bars disguised as a health cure). Having carried out my work exclusively in my bedroom to date, I now moved the main trial to my grandmother's living room, using my grandfather's bureau as my judge's bench. The defendant, her advocate, the plaintiff and the key witnesses appeared in court in the form of partly framed portrait photos, which I distributed on a semi-circle of seats and armchairs.

I opened the proceedings with a reading of the indictment, which I had spent around three weeks honing. I accused my grandmother of 24 incidents of slander, defamation and malicious falsehoods (stating an estimated number of unreported cases of well above 1000), as well as actual bodily harm through mental torture (with the same number of incidents and unreported cases) and nine

incidents of trafficking for the purpose of labour exploitation (in which my mother had to carry out tasks repeatedly and without pay, because my grandmother had not been satisfied with her initial performance). In evidence, I presented all transcriptions of my recordings and read aloud sample passages. These included slanderous insults such as *stupid cow, intellectual dwarf, slob, loser, brainless fool, idiotic woman* and, particularly frequently: *you dim-witted sow*. Additionally, my mother was repeatedly accused of being a *morbid legacy-chaser* who wanted to put my grandmother *under the clay* (apparently a Pomeranian saying), etc.

While I was able to confirm all counts, including their lack of justification, as main witness for the prosecution, my father kept schtum. His half-brother stated on tape that my mother was *Baden-Württemberg's leading punching bag – no one else can take so many blows and still stay hanging*. My mother's cousin broke out in tears when asked about my grandmother's behaviour. I played her sobbing, sniffing and huffing in full (almost five minutes), followed by the cousin stating *there's a special place in Lucifer's lodge for your grandmother*, that much was certain. I called Dr Strathmann to the witness stand as a sworn expert witness and asked her for an assessment of my grandmother's criminal responsibility. Dr Strathmann went on record as saying that the defendant was in perfect mental health, in her opinion, and the family conflicts described were not a consequence of mental illness, but ought to be regarded instead as *character-based*. My half-uncle, however, diagnosed that *your gran's losing her marbles, or maybe it's a brain tumour*. My mother stated in her defence what she had always stated. The court took note of her arguments. The representative of the public prosecutor made short shrift of the matter and called for the maximum penalty.

The sun had descended behind the spruces with which my grandfather had fenced in the *property* by the time the verdict was announced. I pronounced my grandmother guilty on all counts. Due to the spectacular number of repeat crimes, the lack of any accountable motive, or of any form of insight or regret, I also established particular severity of guilt. As my grandmother was quasi intentionally

and literally *robbing my mother of her life*, I assessed her actions to be repeated offences of attempted murder. At 6:04 p.m., I passed sentence and condemned my grandmother to death. An appeal process was ruled out.

[...]

13

[pp. 263–279]

The 11th of November was a day that never seemed to get light. Dark clouds were still suspended above Freiburg and the cold wind had been blowing for weeks, doing willing consumers the favour of driving them off the streets and into the shops. Winter was announcing its arrival with vigour, and while I braced my bicycle along empty roads to the main lecture hall, I attempted to imagine what it would be like to leave the city once and for all. Yet although that time was to come in less than 24 hours, I still had no idea whether my breakout would feel more like the act of liberation for which I hoped, or an uncoordinated escape to nowhere.

As promised, the student foundation had managed to shepherd a number of local notables along to the university for the excellence stipend award ceremony, presumably due less to the event's inherent attractiveness and more to the well-oiled cogs of the town's old boys' network. I had already gained the impression they were less keen to praise my academic achievements than to celebrate the unbroken success of Freiburg's political *côterie*, which would

presumably render the *honoured guests*’ reactions to my *original lecture* far more entertaining than I’d already been imagining.

While the chairman of the award jury – who turned out to be the acting CEO of the arms holding – insisted on expressing his enthusiasm at the backstage prep session, never tiring of advertising the excellent positions to be had for top lawyers in his company, provided they graduated *summa cum laude* (wink, wink), I eyed the crowd of guests of honour milling in front of the rows of seats, champagne glasses clinking as they grouped and regrouped into strategic cliques, looking like an upper-class nine-pin bowling club whose members could only stand each other’s company when greased with expensive alcohol.

The faculty director wore a permanent smile on his face, as professionally frozen as that of the lady mayor (her bird’s nest newly tinted burgundy), and the only person standing out among the palavering professors (Moss gave me a friendly wink) was Meta Formella, her physical presence impressive even from a distance. She was once again sporting a modern suit that lent daring emphasis to her figure without exposing its wearer to ridicule. I wondered whether there was any other *mature woman* in Freiburg who could have draped her curves in such a cream-coloured fabric installation without attracting sustained derision, but no one occurred to me. (Then again, that age group was not my speciality.) It seemed, in any case, as though Formella had ascended in record time to a position that made it impossible *not* to consider anything about her proof of absolute strength; presumably, the lady mayor spent her holidays combing through Berlin boutiques in search of similarly image-enhancing haute couture.

Barbara also put in an appearance, though I was certain she would rather have avoided a last reunion. We had said our goodbyes amicably in the traditional manner, about a week previously, and I had to admit I would rather miss her. The soothing regularity of our sexual intercourse had exerted an extremely positive influence on my physical state over the past six months, enabling me to focus much more easily on my actual goals.

My parents arrived almost simultaneously with Barbara, which made me strangely happy. My father was walking with a stick and still looked very aged with his bald pate, but the mere fact that he was strong enough to arrive on his own two feet could only be described as astounding. Perhaps he had more of me than I had realized, and I vowed to keep him in mind as an example of the kind of will for survival that always comes in useful.

Sandra was among the last guests to enter the lecture hall before the solid double doors were closed. Since the incident in the OAPs' home, we had spent almost every free moment together; now she positioned herself to the front right of the stage with my Nikon, giving me an ironic smile and an encouraging nod.

Instead of beginning a protracted discussion two weeks ago on the extent of her lies, I had turned the tables and described the plans for my departure from Freiburg in minute detail. My tactic of countering a betrayal of trust by extending a credit of trust paid off, presumably also due to the fact that there was no other satisfactory solution for either of us. Sandra admitted that her concern I might thwart Willi's deliberate killing or even alert the authorities in a moment of moralism had been absolutely amiss; while I forgave her essentially understandable precautionary measure, and admitted I was relieved to be able to entrust my own secrets to her, at last.

We were well aware we had entered into a shared fate on that 3 October 1993, on the very solid basis of an unorthodox jurisprudential understanding of the indispensability of atonement and an upstanding admiration of each other's uncompromising attitude and willingness to take action. I was of the opinion that there had been alliances more endangered in the history of humankind than ours, and to be honest I was not the slightest bit worried that our deed might be discovered post hoc. Sandra had made sure not to kneel *on* Willi's head so as not to leave any signs of pressure. (The deed had been preceded by weeks of practice with a pillow and a handball.) According to the pathologist's report, the old man had died of natural causes (nothing more than a suspected respiratory arrest), and

the body had been cremated three weeks ago and laid to rest in an anonymous urn grave near Biberach, at the family's request. Neither Sandra nor I were troubled by regret or nightmares; it seemed, rather, as though we had reaped surprising success together, the only inherent flaw of which being that no one could ever find out about it.

In the course of a wine-fuelled discussion of the question of how the majority of Germans would judge our actions, were the matter to come out after all, we had come to the conclusion that we would receive similarly immense public support as Marianne Bachmeier once had. We celebrated that realization with several days of sex and pub crawls, not for one moment feeling bad, let alone guilty. Either we both had particularly robust consciences, (possibly none at all), or our generation simply got no major emotional distress out of taking a Nazi mass murderer to task.

Once the doors to the lecture hall had closed and the audience was fully seated, the CEO stepped up to the microphone and said what everyone expected of him, while I took a long look around the room. The *Upright Eight* had come along, as had Bertram Günther, his lavender-hued nose positively glowing and even fatter now than on our visit to Heuweiler. In retrospect, he might have been the only person not to be particularly surprised by the way the evening went.

For a few seconds, I tried to savour the moment, which coincidentally – and presumably for the last time – had brought together the majority of those few people who had once been close to me, or at least thought so. Yet I could not enjoy the feeling. Even though I valued the unique combination of attendees and was aware of the fact that the next hour would probably occasion a radical turning point in my biography, I was unable to *grasp* these last few seconds of my previous existence, only to *observe* them. They seemed like the grand finale of a 90-minute movie that had taken 89 minutes for the exposition and now, at the very end, was finally discovering its storyline.

Then all eyes were on me, and I realized the CEO had finished speaking. The audience applauded politely; I stood up, gave the assistant on the projector a sign and climbed the five creaking wooden steps to the stage.

As I laid my manuscript on the lectern, my eyes met Meta Formella's gaze for one long instant, somewhere in the brightly lit dust-specked air above the projector, and I was overcome by a veritably intoxicating feeling of happiness, unfamiliar to me in its intensity. I had secured myself the best possible starting position for this long-awaited duel that no one but Sandra and I could see coming, and at that moment my victory was only a matter of time.

Three mute seconds passed; then I was ready.

‘Mr Dean, Madam Mayor, professors, chairman and members of the judging panel, ladies and gentlemen in the audience, fellow students – it is an honour to receive the Freiburg Student Foundation excellence grant. But it is also an obligation. To quote from paragraph III of the foundation's articles of association, the grant is *bestowed on those students at the University of Freiburg who have displayed extraordinary talent in their subject area and a high level of drive for independent research in the first semesters of their degree, and thus made relevant, innovative and original contributions to the scholarly work of their field at a young age, whose work is considerably above the average student performance, thus making a particularly promising academic career at the University of Freiburg more than likely.*

‘To all those who are still awake after that sentence, let me say: I appreciate the fact that so many great minds rank me as possessing above-average talent or dedication, and I would like to present you with what I hope is an original thought experiment this evening. But with regard to an academic career at the University of Freiburg, I'm afraid I will have to disappoint you.’

The CEO frowned.

‘The reason being that a notion of jurisprudence has been represented and obsessively taught at our law faculty since the winter semester of 92/93, one that I

not only *cannot* align with my personal convictions, but also consider dangerous and wrong.

‘As you may guess, I am talking about the approaches imported from the capital city into our backward province by Professor Claudia Inga Meta Formella, or, to speak with Professor Formella herself: into the *legal Middle Ages*, at whose cosy campfire I very much enjoyed warming my cockles until a year ago, since that fire cast a number of very interesting shadows on the walls of our cave.

‘Because you, Professor Formella, once gave your predecessor Professor Opitz a defamatory dressing down at this very lectern, labelling him antimodern and misguided, I would like to respond today, face to face from the same spot: You may continue to carve out your academic career, media career or perhaps even political career, Madam Professor, but you cannot change either people’s *need for* or *sense of* justice, and those factors are ultimately more powerful than you, for they are the unequivocal orders of the political sovereign.

‘I therefore prophesy that you and your sheer boundless understanding for breaches of the law of all kinds will come up against a broad and solid boundary of unacceptance in the foreseeable future. And precisely there, at that boundary, is where you will shipwreck and sink. And now, honoured members of the judging panel, you too will understand that my future at this university, painted only moments ago in glorious colours, has just dissolved into thin air.’

I drank a sip of water and watched the unsettled audience as it brought forth the predictable reactions, from isolated interjections to spontaneous applause, which left me cold. The front row had petrified into a Munch-like sculpture and only Meta Formella herself looked more interested than angry, thus motivating me to continue.

‘Earlier on, I promised you all an original thought experiment, and I would of course like to keep that promise. After all, a friendly foundation accountant will be transferring 1200 deutschmarks into my account every month for the next four

years, so that I can fund the round-the-world study trip I will embark upon at 3 pm tomorrow from Frankfurt Airport.

‘So as to remain a fond recollection during my abstinence, I would like to take this opportunity to redress the balance briefly, so to speak, by presenting an anti-Formella philosophy of a kind, this evening. Allow me to do so by giving preference to the justification and necessity of ruthless punishment, atonement und yes, even *revenge*, the malformed little sister of our celebrated friend *Lady Justice*. For I am convinced that one can only philosophize in a frivolous or, if you like, negligently aloof manner about the nature of leniency, understanding and resocialization, if one has never made the effort, while evaluating a crime, to adopt the perspective of the victims or the bereaved.

‘Naturally, it is not the task of the judiciary or the legislature to embrace a subjective bias and, from this subjective bias, to reach generally applicable legal norms. However, nor can it be the task of the judiciary or the legislature to unwittingly or deliberately ignore during sentencing the grave, at times lifelong suffering caused by severe crimes. The damaged party’s specific disadvantage is the *direct result* of a punishable act – and must serve at least as one measure applied to the legal settlement of this act, during the sentencing process. What I am advocating, in layman’s terms, is for not setting a specific sentence or legal parameter without first asking oneself in an upright and thorough manner what penalty would appear appropriate for the respective act, as its victim.

‘So much for the theory. But I would like to go beyond the theory this evening, since it is the very power of theory and impotence of empathy that I am criticizing here.

‘For this reason, I have spared no effort or expense over the past few weeks to plan a crime of my own, which I did not of course carry out – but which I *could* have perpetrated. As you, ladies and gentlemen, are almost exclusively jurists or at least on the way to that status, I have allowed myself not to enhance the plot of my fictitious crime artificially, but to adhere strictly to the banal and

gruesome reality with which you are confronted every day of your professional lives, or will be. The matter at stake is the abduction and murder of a child.’

I paused and emptied my water glass in two gulps. I had previously assessed this part of the speech to be an extremely risky possible breaking point, which might blow up my entire plan, in a worst-case scenario. I had to keep my listeners on board but not overstep the mark, which was very difficult when one brought a child’s murder into the equation.

My last few sentences, however, had intensified the audience’s shocked rigidity and dampened the burgeoning protest. The CEO was shaking his head and gazing at the floor, Professor Moss was on the brink of tears, the guests of honour were exchanging unsettled to disgusted glances, and a handful of people were leaving the room in the background. But nobody seemed to want to take the initiative and break off the event, which surprised me, to be honest. Most of them presumably still thought they were viewing an arranged spectacle, or perhaps my narrative curve was far more gripping than I assumed. Meta Formella, at least, had closed her eyes and seemed to be listening in concentration – and nothing else counted.

‘Over the past six weeks, I have sought out a potential victim for my fictitious crime in the Freiburg region and observed that victim for several hours a day, studying their behaviour and habits, especially their daily routine.’

I nodded to the assistant; the lights were dimmed and the first photo appeared on the screen.

‘Here we see the victim on the way to school. As you can imagine, the darkness in the photo is due to the time of year. This is an enlargement of the same photo.’

The picture was replaced by a section of it.

‘I have blurred the shots to protect the victim’s anonymity. I will now show you numerous other photos in chronological order. You’ll see the victim on

the way to school, to meet friends, to sports, or, like here, to music lessons. You'll make out the date and time of each photo on the top right.'

The lecture hall was now absolutely silent. Only the projector hummed away quietly. All eyes were fixed to the screen.

'A total of 756 photos were taken during my observation; obviously, I am only showing you a representative cross-section here. On the basis of my observations and the photo material, I was able to draw up a full plan of the victim's weekly routine. My next step was to try to find the least risky time for the abduction.

'Thursday afternoon emerged as the most likely point in time, since the victim crosses a wooded area in the north of Freiburg by bicycle every Thursday, to be precise in a window between 5:15 p.m. at the earliest and 5:30 p.m. at the latest. The cycle along the wooded path is approximately four minutes long and the section is almost always empty, since dog-owners prefer the fenced dog-walking area around a kilometre away, and joggers use the fitness path on the other side of the estate. In addition, it was unusually cold this October, and grew dark very quickly from about 4:15 p.m., which makes the sudden appearance of casual walkers as witnesses less likely. Over the past six weeks, there was in fact no one in that wooded area at the time in question except for myself – and the victim. Thus, I had very good chances last Thursday, my fictitious D-Day, of implementing the abduction. The victim passed the bush I was hiding in at precisely 5:28 p.m., and I let them pass, of course, since this crime is purely fictitious, as I have said.

'My escape route would have been a forest road leading straight onto the B 72. In this picture, you'll see the all-terrain rental car with an extremely spacious boot that a disguised accomplice rented two days previously under a false name and later reported stolen. And here you'll see an abandoned hunting cabin 90 kilometres from Freiburg, near Ochsenzoll, which would have been available to me as a hiding place for a week. Its owner died last year and the cabin

has not been entered since then. I think we can assume I would have succeeded in carrying out my fictitious crime in reality and going undiscovered after the fact.’

I took a dramatic pause of several seconds, attempting to gauge the audience reaction in the lecture hall’s twilight, but there seemed to be still no sign of protest. I now had my listeners firmly in my grip.

‘Being an honest person, I would have turned myself in to the police a week later, provided a full confession, assured my utter support for the investigation and shown deeply felt regret. A trial would have commenced within the subsequent months, and as I was under 21 at the time of the fictitious crime, juvenile law would doubtlessly have been applied.

‘Numerous credible witnesses, all students at this university, would have been able to confirm to the court that I was a chronic loner who avoids social contacts, has no career plan despite my good academic progress, and is still strongly financially dependent on his parents. The juvenile court judges would have applied the *Marburg guidelines*, with which you will all be familiar, to establish the existence of *youth-specific* or the *absence of adult-specific criteria*. They would have found what they were seeking under the headings *lack of connection to peers*, *lack of life-planning* and *lack of independence*, and would have categorized me, in all probability, as *extremely immature*.

‘A further mitigating circumstance would have been my difficult youth with a violent, matriarchal and absolutely unempathetic grandmother, concerning which the court could have viewed detailed handwritten notes from my long phase of traumatization. My criminal culpability would also have been up for debate, as the court expert would presumably attest to *paranoid schizophrenia* with a *dissocial personality disorder* and *post-traumatic stress disorder*. I have taught myself to simulate the appropriate symptoms credibly over the past few months. This is a photograph of two independent medical assessments provided over the past two weeks by psychologists practicing in Freiburg. They are not, of

course, conclusive reports, merely almost identical preliminary diagnoses within the parameters of a fictitious statement.

‘All of you know where I am heading. The combination of juvenile law, hardship, full confession, credible regret, traumatic childhood, disturbed development and diagnosed paranoid schizophrenia would not allow the juvenile court judge the slightest scope. Over the past weeks, I have viewed and documented 82 cases tried before German courts in the last five years, in which far less substantial mitigating circumstances ensured very lenient sentences.

‘Even though I would have planned this crime in firm mind and carried it out with premeditation and malice, the sentence would have to be: not criminally responsible, therapy in a secure facility, early release, depending on medical assessment and good behaviour, after three years at the earliest. Rest assured: I would achieve that too without difficulty. You yourselves have proven to consider me in possession of above-average talent and dedication, otherwise I wouldn’t be standing here this evening. I would be a free man only 1095 days after my crime.’

The expected turmoil began to set in at last. I saw Meta Formella rise to her feet and approach the stage with determined strides. She appeared to assume my talk was over, while clearly not wanting to put up with a defamatory show by a recalcitrant student in her own lecture hall, and was now aiming for an open exchange of blows, which I could well understand – that was her only chance, after all, to save face that evening. But I had other plans.

As she came up the steps to the stage, Sandra presented one last picture to the assistant on the projector, which appeared on the screen seconds later.

‘Ladies and gentlemen, I am coming to the end of my experiment and would like to reveal the identity of my fictitious victim, since that identity is of key significance. You’ll see here an unprocessed picture of the nine-year-old girl who cycles through the woods every Thursday evening; her name is Charlotte Formella. Charlotte is Meta Formella’s only daughter and I am glad to inform you that she is currently safe at home, in the best of health.’

To make myself heard over the deafening roar now arising, I turned the microphone up to full, my metallic voice echoing unmistakeably out of the ceiling speakers.

‘My question to you, however, Madam Professor, is whether you would agree with the juvenile court’s sentence, were the crime I have described not fictitious but real. Would you want to meet me at the till at Lidl three years later, if I were your daughter’s murderer? Would you make friendly enquiries on the progress of my resocialization and wish me the best of luck on my path as an honest citizen of this country? Would you swiftly quote some wise words from the theory of *défense sociale* and let me head off into the warm summer evening with a pat on the back? Or might you instead feel the need to grab a stainless-steel meat cleaver from the household goods section and dismember me?’

‘Feel free to take your time considering your answer, and write to me. I have finally got myself an email address, as of yesterday. You can reach me at legalmiddleages@gmx.de, all lower case. I wish you a very good evening. I need to go and pack my bags.’

[END OF SAMPLE]