

INTRODUCTION

The Jerusalem Case

On October 29, 1772, Karl Wilhelm Jerusalem, a twenty-five-year-old lawyer in the town of Wetzlar, shot himself in the head in his apartment and died one day later.¹ Jerusalem, who came from a bourgeois background and had repeatedly come into conflict with the nobility and his superiors, did not find much satisfaction in his position as a legation secretary to the Principality of Brunswick-Wolfenbüttel. He was bullied, and his father had already arranged a new position for his son in Vienna when Jerusalem fell in love with the countess Elisabeth Herd, a married woman. Devastated and heartbroken after being rejected, Jerusalem decided to take

1. A collection of documents concerning the Jerusalem case can be found in Roger Paulin, *Der Fall Wilhelm Jerusalem: Zum Selbstmordproblem zwischen Aufklärung und Empfindsamkeit* (Göttingen: Wallstein, 1999).

his own life. Under false pretenses, he obtained a pistol from his acquaintance—Johann Christian Kestner, who was not aware of any of the unfortunate details—and shot himself. In a letter, Kestner told the story to his friend Johann Wolfgang Goethe, who had met Jerusalem as a student in Leipzig, and who also had settled in Wetzlar in May of the same year:

As Jerusalem was now alone, he appears to have made all his preparations for this terrible deed. He wrote two letters. One to a relative, the other to H. After these preparations, around toward 1 o'clock, he shot himself in the forehead above his right eye. The bullet could not be found anywhere. No one in the house heard the shot except the Franciscan Father Guardian, who also saw the powder flash but because there was no further sound, paid no attention to it. The servant had hardly slept the night before and has his room far out at the back. It appears to have been done as he was sitting in his armchair in front of his desk. The back of the seat of the chair was bloody, as well as the armrests. Thereupon he slumped down from the chair. There was still a lot of blood on the floor. He was fully dressed, his boots on and wearing a blue coat with a yellow waistcoat.²

Jerusalem's body was found in the morning by one of the servants, and the doctor, who was called immediately, could not do anything for the young man, whose pulse was still beating. "The rumor of the event spread quickly," Kestner continues in his letter:

The whole town was shocked and thrown into an uproar. I first heard about it at 9 o'clock, I remembered my pistols, and I don't know, in a short time I was so very shocked. I got dressed and went there. He had been laid on the bed, his brow covered, his face already that of a dead man. . . . Here and there lay books and some of his own written essays. "Emilia Galotti," its pages opened, lay on the desk at the window, next to it a manuscript, approximately the thickness of a finger, in quarto, of a philosophical nature. Part One or the first Letter had the title "On Freedom." He died at noon. In the evening at 10:45 he was buried in the common churchyard in stillness with 12 lanterns and several persons ac-

2. Johann Christian Kestner, "Letter to Goethe Reporting on Jerusalem's Suicide," in Johann Wolfgang von Goethe, *The Sufferings of Young Werther*, trans. and ed. Stanley Corngold (New York: W. W. Norton, 2012), 103.

companying him; barber's apprentices carried him; the cross was carried before him; no clergyman attended.³

The familiarity of these passages from Kestner's letter is not a coincidence: Goethe modeled his first novel, *The Sufferings of Young Werther* (1774), after the Jerusalem case, and the final pages borrow verbatim from Kestner's report on the suicide. The novel's famous last line—"no clergyman attended"—is a direct quote from the letter, as is Werther's signature dress, blue coat and yellow waistcoat.

The adaptation of an authentic case of suicide in Goethe's *Werther* shows that by the end of the eighteenth century, literary fiction has abandoned its moralizing and didactic purpose and has instead begun to reach toward the uncommented depiction of individual histories. *Werther* can no longer be understood as a moral example; as an individual case it is organized as a narrative so as to make accessible "the heart of a sick, youthful delusion."⁴ A "true depiction," Goethe writes in his autobiography regarding the *Werther* novel, does not have a didactic purpose, "it does not condone, it does not condemn; it develops sentiments and actions as they follow from one another, and in so doing it illuminates and instructs."⁵ In a conversation with the Swiss poet Johann Kaspar Lavater, Goethe is said to have labeled his first novel a *historia morbi*, a story of an illness, thereby implying that *Werther* belonged to the tradition of medical cases and their interest in psychopathology.⁶ The narrative presentation of an individual case based on contemporary events distinguishes Goethe's novel from other literary works of his time. It is telling that the novel, which appeared without a desig-

3. Kestner, "Letter," 103–104.

4. Johann Wolfgang von Goethe, "From My Life: Poetry and Truth," in *Werther*, 115.

5. Goethe, "From My Life," 118.

6. Hans Gerhard Gräf, "Nachträge zu Goethes Gesprächen, 1: Johann Kaspar Lavater," *Jahrbuch der Goethe-Gesellschaft* 6 (1919): 283–285. For a detailed discussion of Goethe's remark to Lavater, see Christiane Frey, "Ist das nicht der Fall der Krankheit? Der literarische Fall am Beispiel von Goethes *Werther*," *Zeitschrift für Germanistik* 19 (2009): 317–329.

nation of authorship, was initially not even perceived as literary fiction; the opening fiction of the editor and the epistolary form contributed to this perception.⁷ That *Werther* could also be read as a documentation of a real case of suicide indicates a significant change in the status of literary fiction toward the end of the eighteenth century. It also shows the emergence of interest in psychological abnormalities and, just as important, in the ability of narrative fiction to present psychological cases. Insofar as it eliminates any external interpretative frame, *Werther* does not provide a general rule or principle to which the case relates, as was the custom in older traditions of casuistry, and it does not subscribe to an identifiable norm that the novel would champion. Goethe's novel absorbs the historical case into a narrative structure that retains the tension between the individual history and the general consequences that could be drawn from it. It is in reference to given cases that authors begin to display, to experiment, and to reflect on the conditions for the narrative appropriation of reality. The following pages will show that representing cases in fictional narrative became an important touchstone for the development of German literature.

What Is a Case?

The concept *case* refers to a particular way of thinking, administering, and classifying that has gained epistemic relevance in various disciplinary and institutional settings.⁸ In the most general terms, a case allows the making of connections between a specific, discrete incident that it reports and a general form of knowledge to

7. Regardless of the initial anonymous publication of the novel, *Werther* has been identified as the novel that inaugurates a new form of authorship, an author function, as Friedrich Kittler has argued, that regulates the hermeneutic interpretation of literary texts. (See Friedrich A. Kittler, "Autorschaft und Liebe," in *Ausreibung des Geistes aus den Geisteswissenschaften*, ed. Friedrich A. Kittler [Paderborn: Verlag Ferdinand Schöningh, 1980], 142–173.)

8. Most prominently, John Forrester, "If P, Then What? Thinking in Cases," *History of the Human Sciences* 9, no. 3 (1996): 1–25.

which it contributes. The particular way a case fulfills its function depends on the disciplinary context in which it appears; criminal cases are used for purposes different from medical or psychological cases. To qualify as a case, the observation and record of a particular event requires a framework that attributes significance to it in regard to other possible cases, but not necessarily documented ones. Thus, a case can be defined as a distinctive set of references—even when it can be treated as a self-sufficient observation of a discrete and isolated event, it is functionally dependent.⁹

Historically, cases answer to a variety of moral, legal, and epistemic problems. They have been used to deduce general codes of conduct in moral theology, where they can also take on an illustrative and exemplary character. They can support legal arguments and become precedents against which other cases can be measured, evaluated, and used in legal processes of decision making. Finally, cases can be used to generate knowledge, such as in medical disciplines, where they were to be considered the primary method of informing therapeutic and—since the Renaissance—scientific practice.

The functional definition of the case varies with its disciplinary and institutional frame, whereas its formal definition is easier to apprehend: cases employ narrative—a sequential and coherently written account of events—as their principle of organization. Beyond this congruence, their form can vary significantly in focus, perspective, and length. Premodern collections of medical cases from the late sixteenth century onward, for example, were published as *consilia* or *observationes*; although they vary in focus, perspective, and narrative style, these collections were the first to make systematic use of cases and, therefore, are of particular relevance for the scientific formation of modern medical discourse.¹⁰ *Consilia* were printed for practical educational purposes, and *observationes* are precursors to the modern concept of case that coincided with the birth of the clinic and the training of the medical gaze in

9. See Christiane Frey, “Fallgeschichte,” in *Literatur und Wissen: Ein interdisziplinäres Handbuch*, ed. Roland Borgards, Harald Neumeyer, Nicolas Pethes, and Yvonne Wübben (Stuttgart: Metzler, 2013), 283.

10. See Robert Jütte, “Vom medizinischen Casus zur Krankengeschichte,” *Berichte zur Wissenschaftsgeschichte* 15 (1992): 50–52.

the late eighteenth century.¹¹ In contrast to other forms of medical casuistry that often combine the description of symptoms with an anamnesis and diagnostic conclusions, *observationes* avoided any form of scholarly explanation and left open the relationship between an individual case and the sequence in which it appeared: “In the *observationes*, the hierarchy of case and commentary was reversed: no longer subordinate to the elucidation of doctrine, the case narrative became the primary object of attention.”¹² *Observationes* form their own “epistemic genre” that is directed toward the production of knowledge based on individual cases.¹³

The premodern medical case remained an empirical genre with a decidedly pragmatic and practical orientation. Its popularity in the late sixteenth century was due to increasing frustration with the dominant Galenic medicine and its theoretical and speculative methods.¹⁴ More generally speaking, cases often seem to become important when conventional paradigms of knowledge and knowledge production become obsolete or their general validity is questioned. Inversely, this means that no standard for their

11. See Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception*, trans. Alan Sheridan (New York: Pantheon, 1973). On *consilia* as a casuistic genre, see Michael Stollberg, “Formen und Funktionen medizinischer Fallgeschichten in der Frühen Neuzeit (1500–1800),” in *Fallstudien: Theorie, Geschichte, Methode*, ed. Johannes Süßmann, Susanne Scholz, and Gisela Engel (Berlin: Trafo Verlag, 2007), 81–95.

12. Gianna Pomata, “The Medical Case Narrative: Distant Reading of an Epistemic Genre,” *Literature and Medicine* 32, no. 1 (2014): 15.

13. Gianna Pomata introduces the concept of *epistemic genre* to distinguish the case from literature and to characterize “those genres that are deliberately cognitive in purpose” (Pomata, “Medical Case Narrative,” 15). Texts that can be affiliated with epistemic genres, Pomata specifies, develop in direct connection to scientific practices, and the knowledge they produce is not a cultural side effect, but the result intended by an author. Pomata distinguishes sharply between epistemic and literary genre: “Historians of knowledge should identify epistemic genres as that specific kind of genre whose function is fundamentally cognitive, not aesthetic or expressive—that kind of genre whose primary goal is not the production of *meaning* but the production of *knowledge*” (2). Pomata admits that this distinction can and should not be drawn rigidly and that historians of knowledge have indeed shown that poetics and epistemology are often interconnected. She believes, however, that the literary and the epistemic must be distinguished from one another in order to study and understand their specific effects.

14. See Stollberg, “Formen und Funktionen,” 89.

composition exists and that one can attribute to them a liberating effect: “The adoption of case-related structures in literature as well as of narrative patterns in medical writing,” Nicolas Pethes writes, “always serves as an attempt to leave behind standardized modes of representation in favor of new ones beyond established general categories. In short, writing case histories always means writing against genre—at least in the traditional sense of general typological schemes.”¹⁵

The reference to the medical use of cases is particularly important in the following investigation because it differs significantly from casuistic practices in moral theology and jurisprudence: medical practitioners do not observe the individual case from the perspective of doctrine but instead proceed from an individual history. The narrative form of cases is sometimes considered sufficient evidence for the epistemic productivity of literary forms; this should not, however, lead to the easy conclusion that these cases can be fully understood in literary terms without reference to their disciplinary practices and institutional frames.¹⁶ What is of interest in the following, rather, is the constitutive contribution of case narratives to the establishment of new scientific disciplines, in particular empirical psychology and, more important, the formation of an autonomous discourse of and about literary fiction from the late eighteenth century onward.

One of the earliest attempts to define the case as an essential mode of literary narrative, André Jolles’s often-quoted *Simple Forms* (1930), is instructive here, although it is still heavily indebted to the tradition of casuistry in theology and jurisprudence. Jolles does not understand the case simply as a narrative illustration of a norm or

15. Nicolas Pethes, “Telling Cases: Writing against Genre in Medicine and Literature,” *Literature and Medicine* 32, no. 1 (2014): 27.

16. Volker Hess strongly rejects any understanding of the case as a literary genre and instead proposes different perspectives on the form, organization, and function of the case. Hess does not see any generic uniformity of the case at all and instead focuses on the media techniques and social practices of notation, registration, and writing—which he calls *paper technology*. (Volker Hess, “Observation und Casus: Status und Funktion der medizinischen Fallgeschichte,” in *Fall—Fallgeschichte—Fallstudie: Theorie und Geschichte einer Wissensform*, ed. Susanne Düwell and Nicolas Pethes [Frankfurt am Main: Campus Verlag, 2014], 37.)

a rule but as a negotiation of conflicts between norms. A case, he argues, raises a question without giving an answer; it is directed toward a decision without suggesting one.¹⁷ Jolles defines the case by assigning it a specific “mental disposition” (*Geistesbeschäftigung*), in contrast to understanding the case as a genre. Considering the breadth in variation of narrative and epistemic forms of casuistic reasoning in medicine, jurisprudence, and literature, Jolles’s definition of the case as a figure of thought rather than a set of narrative rules is indeed productive, as when he argues that the case has “a tendency to expand into an art form, . . . to become a novella.”¹⁸ Cases, in this view, precede the standardization of narrative forms and their solidification into genres. This opens up new perspectives on the exchange between literary and epistemic forms and on the constitutive potential of casuistic modes of representation for the development of literary forms: writing cases means not only writing against genre but also writing toward genre, toward theory, and toward applicable knowledge.

Dependent on their disciplinary focus, historical studies of cases have followed different traditions and trajectories. Interestingly, historians of science have emphasized continuities in which literary scholars, in reference to Foucault’s history of modern biopolitics and the emergence of disciplinary and normalizing practices that center around the individual, have seen a paradigmatic shift.¹⁹ Most prominently, John Forrester has argued for a tradition of “thinking in cases” that has shaped various scientific disciplines from antiquity to modernity.²⁰ In contrast to Foucault, Forrester does not see any decisive transformation or shift in the direction of casuistic think-

17. “The special character of the case lies in the fact that it asks the question, but cannot give the answer; that it imposes the duty of judgment upon us, but does not itself contain the judgment—what becomes manifest in it is the act of weighing, but not the result of the weighing.” (André Jolles, *Simple Forms: Legend, Saga, Myth, Riddle, Saying, Case, Memorabile, Fairytale, Joke*, trans. Peter J. Schwartz [New York: Verso, 2017], 153.)

18. Jolles, *Simple Forms*, 153.

19. See Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, trans. Graham Burchell (New York: Picador, 2008).

20. See Forrester, “Thinking in Cases.”

ing and reasoning.²¹ Focusing on the development of narrative in cases, however, at the beginning of the eighteenth century we see medical case histories become increasingly more comprehensive in their description of individual circumstances.²² With a special focus on psychological aspects, these cases also attribute more relevance to biographical details and thus become increasingly complex as narratives. Karl Philipp Moritz's *Magazin zur Erfahrungsseelenkunde* (1783–1793), often considered the birthplace of empirical psychology, is a decisive milestone in this tradition. Varying in length and narrative perspective, and following Moritz's rule to abstain from drawing conclusions, the cases published in the *Magazin* mix medical classification, pedagogical observation, and biographical narrative, thereby creating a dynamic ensemble of forms of writing in which literary effects and epistemic interest are indistinguishable from one another. As a result of this hybridization, case narratives in the late eighteenth century began to contribute to a new conception of literature that captured the problem of individuality by narrative means in order to create a general and empirical knowledge of the human. What Moritz was the first to call "the psychological novel" developed out of this context and contributed to the establishment of a novelistic form with an explicitly stated epistemic purpose.

But it is not only the tradition of medical cases that contributed to the development of narrative fiction in the second half of the eighteenth century. The *Causes célèbres et intéressantes*, published by the French lawyer François Gayot de Pitaval in several volumes between 1734 and 1743, had an equally strong effect on German writers throughout the eighteenth and nineteenth centuries. In his footsteps, one of the leading legal scholars in the early nineteenth century, Anselm Ritter von Feuerbach, published a collection of criminal cases, *Merkwürdige Kriminal-Rechtsfälle in aktenmäßiger Darstellung* (1808–1829); Willibald Alexis and Eduard Hitzig

21. For a discussion of the case in Forester and Foucault, see Inka Mülder-Bach and Michael Ott, eds., "Einleitung," in *Was der Fall ist: Casus und Lapsus* (Paderborn: Wilhelm Fink Verlag, 2014), 9–31.

22. See also Frey, "Fallgeschichte," 285.

initiated a *Neue Pitaval* that appeared from 1842 to 1890. Friedrich Schiller had already recognized the literary potential of the collection of remarkable and interesting criminal cases based on verifiable historical events. He so appreciated *Pitaval* that he became the editor of a German translation published between 1790 and 1792, and contributed an introduction.

The examples of Karl Philipp Moritz and Friedrich Schiller show that in the German context, modern literature—its practice and its theory—emerged in reference to casuistic traditions. Authors around 1800, guided by an abiding interest in the human individual, combined their interest in legal cases with medical and psychological perspectives. Both the legal and medical traditions rely on casuistic forms of reasoning and record-keeping, but they differ in their use of casuistic reference. In contrast to the medical case, which is used to induce empirical knowledge of the human body, legal forms of casuistic reasoning were predominantly deductive—considering cases in their specific relation to the law and the general legal framework. Thus, a difference remains between the deductive use of legal cases in classifying and regulating behavior and the medical case as a set of empirically observed symptoms that in concert with other, similar sets yields knowledge of ever-greater generality. It is in the negotiation of this difference between singularity and generality that narrative literature finds its place.

This book, then, is concerned with understanding the contribution of narrative fiction to a “thinking in cases,” and to the “history and philosophy of the case.”²³ It shows that in the late eighteenth century, narrative literature begins to work out a mode of representing individual cases that exceeds singularity and novelty but stops short of generality and moral didacticism. Two questions guide my investigation: How does this new literature contribute to the establishment of casuistic forms of knowledge that have shaped the formation of psychological practices and legal decision making from the middle of the eighteenth century onward? And, inversely, how does the practice of casuistic writing contribute to the formation of a literary and aesthetic system commonly known as “German Litera-

23. Forrester, “If *P*, Then What?”

ture?” In seeking answers to these questions in the German-language canon, this book examines how we came to attribute to literature special formative and critical qualities that until today define our habits of reading, and more generally, our cultural self-conception.

A Case of Individuality

Endeavoring to contribute to a history of the literary case, this study builds on a solid foundation of recent scholarship that has discovered the case as an important genre for investigating the aesthetic and epistemological implications of narrative forms since the end of the eighteenth century. Particularly in German scholarship, the case has emerged as a prominent object for studying the intersections between literary forms and scientific knowledge. The larger context for this emergence is a reorientation of the humanities, which in recent decades have received important thematic and methodological impulses from institutional transformations of scientific cultures and knowledge production.²⁴ Literary studies in particular have begun to reevaluate forms of representation and procedures of communication, and to redefine the institutional status of literature, literary writing, and texts.

Much of the shift in literary studies toward nonliterary objects is owed to the influence of Michel Foucault's analysis of the human sciences and its general premise that societies from the 1750s onward established new disciplinary techniques for effectively controlling behavioral patterns and that they were able to do so based on knowledge derived from the observation of the individual. In a famous passage in *Discipline and Punish*, Foucault introduces the case as a new form of documentation by which an individual is made accessible as “an object for a branch of knowledge and as a hold for a branch of power.”²⁵ In *Discipline and Punish*, the case appears

24. See also Arne Höcker, Jeannie Moser, and Philippe Weber, eds., *Wissen: Erzählen: Narrative der Humanwissenschaften* (Bielefeld: transcript, 2006), 11–16.

25. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1977), 191.

at a crucial historical moment when disciplinary measures of control begin to replace the majestic rituals of sovereignty, resulting in a complete reorganization of a society that from then on centers around the individual. Equally important, the case emerges at the intersection of what Foucault identifies as the three primary disciplinary techniques: hierarchical observation, normalizing judgment, and the examination. The latter, Foucault explains, combines “the techniques of an observing hierarchy and those of normalizing judgment.” It is accompanied by a complex system of registration and documentation, “a network of writing,” as Foucault puts it, that allows for the “constitution of the individual as a describable, analyzable object,” and at the same time, makes possible a comparative system for measuring the distance between individuals and the entirety of a population. Foucault refers to the specific form of the biographical reports and individual descriptions that dominate the new system of documentation as “a case”: “The case . . . is the individual as he may be described, judged, measured, compared with others, in his very individuality; and it is also the individual who has to be trained or corrected, classified, normalized, excluded, etc.”²⁶

Foucault’s remarks on the case as the unity of the notational system of individuality remained cursory. Although they suggest comprehending the case in relation to biographical modes of writing and even briefly invoke the transition from the epic to the novel as an indicator of the formation of a new model of individuality, they do not engage any further with the literary and narrative composition of the case or case history. Foucault does not attend to the case as a particular genre or textual form, although he considers the procedures of writing records an important element. In Foucault, the case appears as a concept or figure of thought that, within specific administrative settings, allows for the registration and coordination of individuals. In this context, Foucault introduces an important distinction that further complicates the attempt to give a coherent definition of the case. In contrast to premodern casuistry, Foucault points out, the modern case is no longer embedded in an already established system of classifications through which every single

26. Foucault, *Discipline*, 184, 189, 190, 191.

event will be attributed to a general rule. The modern case, rather, is utterly individual, and it is precisely as such that it finds its measure of comparability: the case is the individual in his or her individuality and this is what he or she has in common with other cases.

One would have thought that this new and modern concept of the case on which the human sciences rely—from psychology and pedagogy around 1800 to sexology and psychoanalysis around 1900—would develop into some kind of standardized model in order to direct the representation of individual cases toward a common goal and to make them comparable. As one sorts through cases and their collections toward the end of the eighteenth century, however, it soon becomes obvious how unsystematic the composition of cases turns out to be in regard to narrative form. One only needs to think of Karl Philipp Moritz's *Magazin zur Erfahrungsseelenkunde* as the most famous example from the late eighteenth century and consider the heterogeneity of its collected cases.²⁷ Moritz's very project of empirical psychology vitally depends on avoiding any restrictions regarding the composition of the solicited material. A full century later, sexological and criminological publications such as Richard von Krafft-Ebing's *Psychopathia sexualis* (1886) still exhibit no standards for the composition of cases and rely heavily on the collection of so-called *Beobachtungen* (observations). The only genre definition that Sigmund Freud will evoke to characterize his case histories is, famously, the literary novella.

Generally speaking, the narrative form of the case seems to support the case's individuality rather than providing a standardized framework for the purpose of scientific cognition. After all, one can only do justice to the absolute distinctiveness of an individual by making the individual's life the only standard for its representation.

27. Following Foucault's rendering of the case in *Discipline and Punish*, Andreas Gailus concludes his discussion of Karl Philipp Moritz and the *Magazin zur Erfahrungsseelenkunde*: "It is thus precisely Moritz's casuistic approach to the writing of the soul—his willingness, that is, to consider cases that are not yet exemplary cases of something—that opens up the conceptual space for a new notion of the 'individual': the individual, understood not as a member of a species but as a self shaped by a particular life-history." (Andreas Gailus, "A Case of Individuality: Karl Philipp Moritz and the Magazine for Empirical Psychology," *New German Critique* 79 [2000]: 79.)

There is a literary genre, however, that in the German context in the final decades of the eighteenth century, shares certain similarities with the case because it, too, centers on the representation of an individual biography: the novel. The novel attempts to depict an individual life by disregarding all the poetic rules and standards that had previously dominated literary writing and poetic discourse. It distinguishes itself from other genres by transgressing genre definitions altogether in order to depict life as a struggle between necessity and contingency. The modern novel marks a fundamental turning point in the relationship between literature and knowledge because it requires a mode of understanding no longer governed by the traditional discourses of poetics and rhetoric. The novel, instead, requires a theory, a completely new discourse able to capture the novel's critical potential and to make it accessible to aesthetics as the modern discourse concerned with artistic form in its relation to life.²⁸ By necessity, then, this book also contributes to the theory and history of the novel as the preeminent form of narrative in modernity.

The problem of the relation of the novel to the theory of literature has its corollary in the relation of the modern case to the theory of knowledge. The case does not exhibit any unity of form in the various and heterogeneous epistemic contexts in which it appears. A case, then, can hardly be defined in generic terms but must be understood as a relatively open process in which the mode of representation adapts to the epistemological context. Nicolas Pethes, to whose pioneering work on the literary case history my own study is greatly indebted, has suggested that the case be understood as a particular "mode of writing" that he calls, in reference to John Forrester's expression of "thinking in cases," a *writing in cases*. Rather than being defined by a set of readily available forms, an analysis of cases had to consider the specific mode of writing that defined each particular text.²⁹ The focus on "modes of writing" makes it possible to connect and align aesthetic and epistemological aspects

28. See Rüdiger Campe, "Form and Life in the Theory of the Novel," *Constellations* 18, no. 1 (2011): 53–66.

29. See Nicolas Pethes, *Literarische Fallgeschichten: Zur Poetik einer epistemischen Schreibweise* (Konstanz: Konstanz University Press, 2016), 15.

of cases and to disregard the distinction between literary and scientific texts in order to focus on the category of the case independent of its disciplinary and generic affiliation. This approach follows the theoretical-methodological assumptions of what Joseph Vogl has prominently termed a *poetology of knowledge*, which correlates the emergence of new objects and areas of knowledge with their modes of representation.³⁰ Vogl's *poetology*, however, refers to a particular historical period, the time "around 1800," during which the foundations of modernity were laid and anthropological knowledge emerged from a multiplicity of perspectives that did not yet show any disciplinary coherence.³¹ At that time, however, the representation, mediation, and application of knowledge began to disperse and increasing specialization compelled administrative institutions to outsource some of their authority and decision-making power to experts. As Pethes and Susanne Düwell have argued, the development of specialized disciplines of the human sciences around 1800 was itself owed to the increasing importance of individual case histories.³²

Literary Case Histories

As productive as the assumptions of a poetology of knowledge are for a history of the modern case around 1800, the exclusive focus on modes of writing has its historical limits. It works as long as the differentiation into specialized scientific disciplines has not yet completely succeeded and as long as there is not yet a positive concept of literary fiction that emerges around the same time to fulfill important cultural and societal functions such as the *Bildung* of middle-class citizens.

30. See Joseph Vogl, ed., "Einleitung," in *Poetologien des Wissens um 1800* (Munich: Fink, 1999), 7–16.

31. The literature on eighteenth-century anthropology is immense. An introductory survey is available in Alexander Kosenina, *Literarische Anthropologie: Die Neuentdeckung des Menschen* (Berlin: Akademie Verlag, 2008).

32. See Susanne Düwell and Nicolas Pethes, eds., "Fall, Wissen, Repräsentation: Epistemologie und Darstellungsästhetik von Fallnarrativen in den Wissenschaften vom Menschen," in *Fall—Fallgeschichte—Fallstudie*, 19.

In my own approach to what I call the *literary case history*, I understand a case not only as defined by particular modes of perception and observation but also as an important tool for administrative decision making; as a written document based on the knowledge of the individual within the biopolitical paradigm that, as Foucault has shown, emerges in the late eighteenth century. I am, therefore, not so much interested in what happens “underneath” the distinction between literature and science, but more in the particular status of literary writing in this science of the individual and in how literature positions itself to other casuistic modes of writing.

As the cultural, social, and epistemic function of literature itself is at stake in this exchange, this book explores the conditions under which literature performs a dual role as an object of theoretical reflection *and* as a dynamic ensemble of forms of writing that contributes to the formation of anthropological knowledge. By shifting the focus in this way, it is possible to read a surprisingly large part of the German literary canon since the eighteenth century as a sequence of cases. On the most fundamental level, this means that one can retrieve the historical cases on which literary texts are based. To take up the example from the beginning, Goethe’s *The Sufferings of Young Werther* set new standards for the aesthetic depiction of subjectivity by adapting the case of Karl Wilhelm Jerusalem’s suicide in Wetzlar. *Werther* was part of a lively exchange of cases that in the 1770s began to encompass medical, psychological, pedagogical, judicial, and literary writings. Lawmakers, physiologists, anthropologists, and political administrators were assembling the first systematic collections of cases with the explicit purpose of building general and actionable anthropological knowledge, while at the same time fictional narrative literature established itself as a privileged medium to portray the subjectivity, the inner motivation, and more generally, the psychology of its protagonists. Writers, increasingly invested in the interrogation of the “human heart,”³³ insisted that literature make genuine contributions to the knowledge of the

33. Friedrich Schiller, “The Criminal of Lost Honor: A True Story,” in *Schiller’s Literary Prose Works: New Translations and Critical Essays*, ed. Jeffrey L. High (Rochester, NY: Camden House, 2008), 39.

self; and they demonstrated this capacity of literary narrative by making use of documented, well-known cases. Friedrich Schiller's early crime novella *The Criminal of Lost Honor* (1786), to take another example, is based on a "true story"; and Heinrich von Kleist announces that his *Michael Kohlhaas* (1808–1810) is taken "from an old chronicle." For literary studies, the most dramatic consequence of this collaboration between narrative fiction and empirical anthropology is that as of the end of the eighteenth century, narrative literature can no longer be appreciated by means of a poetics—by a given set of established poetic forms—but by the way it contributes to the comprehension of psychological motivation. Taking into account that the authors of these canonical texts were not primarily literary writers, but often legally and medically trained experts, we can conclude that an autonomous discourse of literary fiction only developed as a by-product of negotiating the narrative modes for representing individual cases. Thus, the role of literary fiction changes: its understanding at a given time requires knowledge not only of its cultural and historical context but also of the narrative procedures and specific forms employed in the representation of cases. As the controversial and at times bewildered reactions to Goethe's *Werther* showed, an accepted interpretive framework for the reading of narrative fiction was still lacking. Contemporary critics of *Werther* struggled with the problem of how to read a text that presented an individual crisis without following any formal and linguistic rules and without invoking an institutional or moral framework in which its disturbing topic could be defused. In retrospect we can see that Goethe's *Werther* contributed to the establishment of a new mode of writing in which an individual's biography could be presented and interpreted as a case. At the same time, the novel initiated a critical discourse that redefined the particular status of literature and literary discourse distinct from other disciplinary and institutional forms. Literary case histories, therefore, operate on both levels, that of casuistry and that of literature.³⁴ The relationship between case and literature, however, is not static; it is renegotiated in each individual work. In certain contexts, a

34. See Frey, "Fallgeschichte," 287.

novel can be read as a case history, in other contexts, it proves to be critical of casuistic forms of reasoning. The literary, epistemic, and institutional contexts that define the respective meaning and thus the institutional standing of literary case histories from the end of the eighteenth to the early twentieth century will be the subject of the following pages.

Three Phases of Literary Fiction

In contradistinction to recent scholarship on the case, this book focuses specifically on the status of literature and literary discourse as it positioned itself in regard to psychology, or rather to the various forms of casuistry in which the individual is made accessible to psychological cognition. Instead of asking how medical, psychological, and forensic case histories developed by means of literary narrative, forms, and genres, I aim to show how references to authentic historical cases shaped literary discourse throughout the long nineteenth century and thereby contributed to establishing a modern conception of literary fiction. Not only around 1800, but throughout the nineteenth and early twentieth centuries, literary authors made use of historical cases as the subject matter for their artistic production and as a means for reflecting on the functions and forms of literary expression. Authors of the late eighteenth century were concerned with narrative primarily in regard to historical and poetic forms of storytelling; by making psychological introspection the prevalent literary perspective, they established the novel as a model of reflection on psychological development. The focus in nineteenth- and early twentieth-century literature changed with the epistemic and institutional circumstances in which cases were embedded. The three parts of this book will reflect these transformations by identifying three phases that define the particular status of literature in regard to: (1) psychological knowledge in the late eighteenth century; (2) legal and medical institutions in the nineteenth century; and (3) literature's own realist demands in the early twentieth century.

Although my selection of literary texts suggests a literary historical approach beyond epochal characterizations, it largely follows the German literary canon, considering this canon itself primarily as a collection of cases that appear to be singular in their cultural effects and formative for a notion of literature in general. Furthermore, my selection gives preference to literary texts dealing with cases that challenge existing norms, especially legal norms. When authors around 1800 set new literary standards by shifting their attention to the depiction of the psychological motivation of individuals who did not display the moral and rational features that Enlightenment philosophers had claimed to be natural human qualities, they focused on cases that challenged the unstated premises of the legal and civic order. Literary case histories in this tradition also always question the basis on which legal and moral decisions are made in modern society, a question encapsulated in the concept of legal responsibility that stirred up so much controversy throughout the nineteenth century and troubled authors from E. T. A. Hoffmann and Georg Büchner to Alfred Döblin and Robert Musil.

This focus on literary case histories that refer, in a broad sense, to the disputed realm between legal and medical-psychological authority, also explains the omission of a body of literary texts from the epoch that in German is called *bourgeois* or *poetic* realism. Although these texts often revolve around criminal cases—Annette von Droste-Hülshoff's *Die Judenbuche* (1842) and Theodor Fontane's *Unterm Birnbaum* (1885) are among the most prominent examples—they generally take a narrative direction different from that of the literary texts discussed in this book. Literary scholars from Georg Lukács to Franco Moretti have convincingly argued that nineteenth-century realism replaced the focus on the particular with a logic of the average and the quotidian.³⁵ This realism trades the specificity of the individual case for the general depiction of an average life, and thus, according to Lukács's

35. See Franco Moretti, "Serious Century," in *The Novel: History, Geography, and Culture*, ed. Franco Moretti (Princeton, NJ: Princeton University Press, 2007), 364–400.

ideological critique, mirrors the conception of bourgeois reality in its moral and legal legitimacy.³⁶ Newer studies on the epoch of realism have been more nuanced in showing that many of these texts display a poetic potential of undecidability underneath the surface level of representation and that they expose bourgeois reality itself to be linguistically and culturally constructed.³⁷ There have been attempts to approach realist texts from the perspective of *thinking in cases*, for example, by focusing on the realist novella as a literary reflection of the casuistic distinction between the particular and the general.³⁸ Following Moretti's discussion of nineteenth-century realism, Pethes argues that precisely by shifting from the focus on the individual and the particular to the depiction of an average everyday life, realist novellas approximate forms of casuistic reasoning. In Pethes's view, realist texts by Adalbert Stifter, Gottfried Keller, and others express the generalizing tendencies of cases in the archival and administrative culture of the nineteenth century.³⁹

Such a broadening of perspective runs the risk of diluting the specificity of the case as discussed in this study: it could lead to labeling almost all narrative texts as case histories.⁴⁰ The omission of

36. See Georg Lukács, "Erzählen oder Beschreiben?" *Probleme des Realismus* (Berlin: Aufbau-Verlag, 1955), 101–145.

37. Among others, see Eva Geulen, *Worthörig wider Willen: Darstellungsproblematik und Sprachreflexion in der Prosa Adalbert Stifters* (Munich: Iudicium-Verlag, 1992); Christiane Arndt, *Abschied von der Wirklichkeit: Probleme bei der Darstellung von Realität im deutschsprachigen literarischen Realismus* (Freiburg im Breisgau: Rombach, 2009).

38. For example Daniela Gretz, "Von 'hässlichen Tazzelwürmern' und 'heiteren Blumenketten': Adalbert Stifters *Abdias* und Gottfried Kellers *Ursula* im Spannungsfeld von Fallgeschichte und Novelle," in Düwell and Pethes, *Fall—Fallgeschichte—Fallstudie*, 274–292.

39. "Die Erzählliteratur des 19. Jahrhunderts partizipiert nicht mehr nur an den Aspekten des Besonderen und Individuellen der Fallgeschichte, sondern scheint auch in der Lage zu sein, an die gegenläufigen Tendenzen des Genres im Rahmen der Verwaltungs- und Archivkultur des 19. Jahrhunderts—an Serialität, Normalität, Alltäglichkeit—anzuschließen." (Pethes, *Literarische Fallgeschichten*, 143.)

40. Paul Fleming suggests an interesting and compelling reading of Stifter's novellas that would indeed justify a discussion of these texts in the context of casuistic reasoning: "The ultimate ruse of Stifter's realism is not that unadorned ordinariness is worthy of art, but rather that the unusual is somehow usual, as gentle and normal as the law itself. By the narrator's own admission, the gentle law, the

texts from the canon of nineteenth-century realism, however, does not mean that realism as a literary problem is excluded from consideration. Quite the contrary, the question of realism—as a literary technique and as an epoch in the history of literature—informs all the works discussed in this book. It appears in Schiller’s distinction between historical and literary forms of storytelling, which frames the life story of the *Criminal of Lost Honor*. In Georg Büchner’s and Frank Wedekind’s dramatic adaptations of casuistic materials, the problem of realism is inherently addressed in the transfer from narrative to dramatic modes of representation. Freud debates the problem when he compares his case histories with novellas to strategically contest their scientific status. Alfred Döblin calls into question the facticity of psychological storytelling to demand new forms of literary expression in alignment with the exact methods of the natural sciences, and his Austrian contemporary, Robert Musil, attempts to reform the culture of scientific rationality by establishing an essayistic mode driven by, what he calls, an *imaginary precision*.⁴¹

Finally, the problem of literary realism emerges in regard to the genre of the novel to which it is inextricably tied. The novel, according to Frederic Jameson, is “the final form of genre which it is virtually impossible for realism to dissolve without completely undoing itself in the process.”⁴² To some extent, the relation of realism and the novel frames this study on the literary case history and will guide the readings in the third and final part of this book, where

law of goodness finds a receptive audience in a small percentage of society, which means that it is not the norm that upholds and embodies the law; rather the rare, exceptional, and out of the ordinary do so. The law, in other words, is to be found not in the dead center and regular occurrences of society, but in its margins and in the minority.” (Paul Fleming, *Exemplarity and Mediocrity: The Art of the Average from Bourgeois Tragedy to Realism* [Stanford, CA: Stanford University Press, 2009], 161–162.)

41. See Sigmund Freud and Josef Breuer, *Studies on Hysteria*, ed. and trans. James Strachey (New York: Basic Books, 1957); Alfred Döblin, “An Romanautoren und ihre Kritiker: Berliner Programm,” *Schriften zu Ästhetik, Poetik und Literatur* (Olten: Walter Verlag, 1989); Robert Musil, *The Man without Qualities*, vol. 1, trans. Sophie Wilkins (New York: Vintage, 1995), 267.

42. Frederic Jameson, *The Antinomies of Realism* (London: Verso, 2015), 161.

Döblin's and Musil's engagement with cases and their contribution to a modern poetics of the novel are at issue.

Part I investigates the novel's engagement with the emerging discourses of pedagogy and psychology around 1800. Starting with a reading of Goethe's *Werther*, I argue that this novel not only created a new kind of hero with whom a whole generation of young readers could identify but also set up a narrative framework that made the history of *Werther* available to psychological interpretation. A few years later, Karl Philipp Moritz invoked the psychological productivity of novelistic storytelling in publishing the "psychological novel" *Anton Reiser* (1785–1790) as part of his project of empirical psychology or *Erfahrungsseelenkunde*. This use of fictional narrative for the representation of dispassionate observation, and the choice of engaging a literary genre for the production of psychological knowledge assigned irreducible cognitive qualities to literature. In Schiller and Kleist, finally, literature's contribution to what the former referred to as the natural "history of man"⁴³ becomes a matter of poetological concern when their novellas reflect on and challenge the narrative conditions of historical storytelling.

Whereas Part I is concerned with the emerging form of the literary case history, Part II deals with a matured relationship between literary and extraliterary discourses. Throughout the nineteenth century, the case history developed into an established epistemic genre that informed judicial institutions and lawmakers and played an important role in the process of legal decision making. More specifically, discussions about the problem of legal responsibility that dominated forensic debates from the 1820s to the birth of scientific criminology in the second half of the century were conducted with reference to case narratives. The three literary texts discussed in Part II do not engage with their cases on a psychological level but instead question the institutional authority of casuistic forms of representation. They do so, in part, by absorbing narration in more or less dramatic forms of staging, thereby opening up new perspectives on the aesthetic foundation of casuistic reasoning.

43. Schiller, "The Criminal of Lost Honor."

Through his legal involvement in the criminal case of Daniel Schmolling, E. T. A. Hoffmann develops a literary-philosophical perspective that informs his poetic program known as the Serapiontic principle, in which literature claims a position beyond the confines of reason. Based on an early case of legal responsibility, Georg Büchner's *Woyzeck* (1837) expounds the problem of judgment in the medical-legal context by staging the case as a dramatic ensemble of scenes of observation. Frank Wedekind's *Lulu* (1894), finally, presents cases from a sexological context as an arrangement of dramatic skits, exposing their anecdotal potential and staging sexual perversions as the reality of bourgeois fantasies and desires. All three texts discussed in Part II dissolve the narrative coherence of their cases, and by means of staging and symbolic representation successfully reclaim the singularity of the event.

When Sigmund Freud noticed that the case histories in his 1895 *Studies on Hysteria* read just like novellas, he could still pretend to be worried about the scientific status of his work. The psychoanalytic insight in the veracity of fiction, however, also affects the status of literature at the beginning of the twentieth century. Starting from a discussion of Freud's observation, Part III of this book focuses on texts that reference case histories in order to stake programmatic claims for a new form of literature: Alfred Döblin's program of a "fantasy of facts" will be discussed as well as Robert Musil's case-based concept of an "imaginary precision" in the novel *The Man without Qualities* (1930–1943).

