



IEL PAPER IN COMPARATIVE ANALYSIS OF
INSTITUTIONS, ECONOMICS AND LAW NO. 14

***One Flew Over the Cuckoo's Nest:
Violence, Uncertainty, and Safety***

Manfred J. Holler and Barbara Klose-Ullmann

February 2013

This paper can be downloaded without charge at the IEL Programme – Institutions Economics and Law Working Paper Series
<http://www.iel.carloalberto.org/Research-and-Publication/Working-papers.aspx> or
<http://polis.unipmn.it/index.php?cosa=ricerca,iel>

One Flew Over the Cuckoo's Nest: Violence, Uncertainty, and Safety[°]

Manfred J. Holler* and Barbara Klose-Ullmann**

Abstract: The paper deals with theatre plays that serve as a substitute for social experiments.

Plays can give us a better understanding of human behaviour in situations where it is impossible or even immoral to conduct experiments, for example, in cases of human suffering or violations of human rights when violence and uncertainty prevails. The quest for safety and security against violence is universal and has always been pursued by mankind. Such diverse plays as Shakespeare's "King Lear" and "Hamlet," on the one side, Ken Kesey's "One flew over the Cuckoo's Nest," on the other, demonstrate how human beings develop strategies to cope with outright or hidden violence and insecure situations in order to gain safety and lead a secure life. Other plays, e.g., Heinrich von Kleist's "The Prince of Homburg" illustrate how violence is managed – also to reduce uncertainty. Schiller's "Wallenstein" follows a different pattern: it exemplifies a paradox of power that faces uncertainty and ends in violent defeat.

JEL Classification C72, D82, K00

Keywords Shakespeare, Wallenstein, Prince of Homburg, Ketman, Violence, Uncertainty, Safety

[°] Barbara Klose-Ullmann presented an earlier version of this paper, titled "Safety on Stage" at Villa Lante, Rome, Aug.25-26, 2011. We would like to thank the participants of this workshop and Heidi Linsmayer for helpful comments. This paper is dedicated to Jack Nicholson. A slightly revised version of the paper is going to be published in: Hans-Henning Kortüm and Jürgen Heinze (eds.), *Aggression in Humans and Other Primates: Biology, Psychology, Sociology*, Berlin and Boston: De Gruyter, 163-180.

* University of Hamburg, Hamburg, Germany, Public Choice Research Centre, University of Turku, Finland, Center of Conflict Resolution (CCR), and IEL International Program in Institutions, Economics & Law, Torino
holler@econ.uni-hamburg.de.

** Gesellschaft für integrierte Studien (GIS), Munich, Germany. bku@accedoverlag.de

1. Introduction

Can we start a street fight to learn about the properties and effects of violence? Can we take away a family's property to find out how its individual members and the family as a social entity behave under the threat of starvation? Can we throw people into a dungeon to let them feel the pain of uncertainty and hunger? Why not look at theatre plays when we want to find out more about violence and uncertainty? Plays can be understood as a substitute for social experiments. As such they can be of help, especially when it is impossible or even immoral to conduct experiments dealing with human suffering or violations of basic rights, or may end in uncontrollable catastrophes.

In his review of Daniel Kahneman's new book "Thinking, Fast and Slow", Freeman Dyson, Professor of Physics Emeritus at the Institute of Advanced Studies in Princeton, points out that "strong emotions and obsessions cannot be experimentally controlled" (Dyson 2011, 43). He argues that the methods that earned the psychologist Kahneman a Nobel Prize in economics do not allow him to study them. "The part of the human personality that Kahneman's method can handle is the nonviolent part, concerned with everyday decisions, artificial parlor games, and gambling for small stakes. The violent and passionate manifestations of human nature, concerned with matters of life and death and love and hate and pain and sex, cannot be experimentally controlled and are beyond Kahneman's reach" (Dyson 2011, 43). He further argues that the "artistic" approach of Sigmund Freud (and William James) is the territory in which to study violence and passion. "Freud can penetrate deeper than Kahneman because literature digs deeper than science into human nature and human destiny" (Dyson 2011, 43). To make use of theatre plays does not necessarily imply that we have chosen a post-Freudian approach. But we have to admit that we started from the premise: What happens on stage can be taken as a blueprint and extract of real life – also when it comes to violence, uncertainty, and safety.

Of course there are numerous historical studies of violence, uncertainty, and safety, based on episodic evidence, on the one hand, or quantitative data, on the other. However, the plays that we consider in the following are distilled by the experience and understanding of their authors and filtered by an audience of millions. If they do not reflect fundamental human dimensions in an adequate way, then at least we can assume that they shaped the images of them. So let us take this material and check whether it helps us to further our understanding of violence, uncertainty, and safety.

However, let us first ask about the relationship of violence and uncertainty. Why to combine these two concepts? - They both seem adverse to safety and security: violence in a more direct, often physical way, while uncertainty threatens the mental and psychological balance. But uncertainty is also used to resist aggressive violence, especially if aggression is not induced by emotions but executed with some degree of rationality. A rational aggressor wants to be sure that the aggression is successful. Camouflage is a means to circumvent aggression as by its very nature it destroys or undermines information. Lack of information (or knowledge) implies uncertainty. Ketman¹ is such a form of dissimulation, or political or religious camouflage. It helps to survive when open dissent would result in persecution and Gulag or KZ.

Ketman has always been widely practiced by people in any forms of ideocracies as their only possibility to survive in a decent way. The Polish author and Nobel Laureat Czesław Miłosz finds strong similarities between Ketman and the customs cultivated in the totalitarian regimes of the Comecon countries. He observes that it “is hard to define the type of relationship that prevails between people in the East otherwise than as acting, with the exception that one does not perform on a theatre stage but in the street, office, factory, meeting hall, or even the room one lives in. Such acting is a highly developed craft that places a premium upon mental alertness. Before it leaves the lips, every word must be evaluated as to its consequences. A smile that appears at the wrong moment, a glance that is not all it should be can occasion dangerous suspicions and accusations. Even one’s gestures, tone of voice, or preference for certain kinds of neckties are interpreted as signs of one’s political tendencies” (Miłosz, 1990, 54).

In his book *Réligions et philosophie dans l’Asie Centrale* (Religions and Philosophy in Central Asia) of 1865, Joseph Arthur de Gobineau² notes that the Muslims believe that “He who is in possession of truth must not expose his person, his relatives or his reputation to the blindness, the folly, the perversity of those whom it has pleased God to place and maintain in error”. In other words, he must hide his true beliefs. A Persian once told Gobineau, “there is not a single true Muslim in Persia.” “Nevertheless”, says Gobineau, “there are occasions when silence no longer suffices, when it may pass as an avowal. Then one must not hesitate. Not only must one deny one’s true opinion, but one is commanded to resort to all ruses in order to deceive one’s adversary... Thus one acquires the multiple satisfactions and merits of

¹ The term comes from the Arabic word *kitmān* which means secrecy or concealment.

² During his six years as a diplomat in Persia, the French diplomat, writer and ethnologist Joseph Arthur de Gobineau became aware of Ketman as a widespread phenomenon in Persia. Gobineau attained a notorious reputation as author of the *Essai sur inégalité des races humains – 4 vol. 1853-55* (*Essay on the Inequality of Human Races*) which influenced Wagner, Nietzsche and especially Adolf Hitler. Therein he tried to demonstrate the superiority of the Arian race over the two other “primary” races: the black and the yellow race.

having placed oneself and one's relatives under cover, of not having exposed a venerable faith to the horrible contact of the infidel, and finally of having, in cheating the latter and confirming him in his error, imposed on him the shame and spiritual misery the he deserves" (Quoted in Miłosz, 1990, 57-58).

Miłosz categorizes the different forms of Ketman, he observes in the totalitarian Comecon countries to include National Ketman, The Ketman of Revolutionary Purity and The Metaphysical Ketman, the latter occurring generally in countries with a Catholic past like Poland (cf. Miłosz, 1990, 54-81, and Donskis, 2008, 140-150). Miłosz's Ketman is role acting in the real world to protect himself. However, history demonstrates that role acting in the real world can be most hazardous especially if a man in power confuses the real world and the theatre stage, and poetry and history. It is said that Alexander the Great "saw himself as the new Achilles, and along with his friend Hephaestion as the new Patroclus, to have been replaying the Trojan War (on one occasion cruelly reworking the scene in the *Iliad* in which Achilles drags the body of the dead Hector from his chariot around the walls of Troy - though in Alexander's case the victim was, for a little while at least, still alive)" (Beard, 2011, 27). In this paper, however, we will focus on theatre plays where blood is red marmalade and dead people go to the backstage bar and have a drink. But we will analyse well-known plays that show Ketman-type acting on stage, following this strategy to outbalance aggressive violence and to assure safety. Section 2 presents feigned madness as a form of dissimulation chosen as a survival strategy. In Shakespeare's "King Lear" and "Hamlet" this strategy is straightforward – a means of the weaker party to avoid extermination. In Ken Kesey's novel "One Flew over the Cuckoo's Nest," successfully adapted as theatre play and movie, this relationship is much more subtle as the discussion will show. Section 3 illustrates a relationship of security (and uncertainty) and the law when law is applied as instrument by the Great Elector to enforce his will. The submission to the law is declared as a safe haven in Heinrich von Kleist's play "The Prince of Homburg" in which the Great Elector (Elector Frederick of Brandenburg) declares his and his country's strict submission to the law. But when the application of legal rules is in conflict with his political intentions, he is prepared to sacrifice the certainty they are to guarantee his ambition. Section 4 refers to Friedrich von Schiller's Wallenstein trilogy. Schiller presents Wallenstein as a military leader who wants to keep his strategic options in order to maintain his power to act. However, this policy of hesitation results in his violent downfall and the downfall of those who believed in him. Readers who are not curious to find our arguments distilled from theatre plays may start the

reading of the paper with the concluding Section 5. This section briefly discusses the method chosen for this paper and generalizes some of its results.

2. Madness and Safety

In many cultures mad people are outside of society, they are discriminated against, and suffer from this discrimination, but also enjoy the freedom to live without obligations. There are cultures in which mad people are ranked to be the wise ones or even declared sacred. Who would deny food to a saint or even violate his bodily integrity by beating or killing him? Madness can give shelter against aggression and assure safety. To what degree can people play madness to protect themselves? Is this a viable strategy? Here we will try to find a preliminary answer to these questions by looking into three well-known plays: King Lear, Hamlet and One Flew Over the Cuckoo's Nest.

2.1 King Lear

The Earl of Gloucester has two sons: Edgar, the first-born, and an illegitimately born second son named Edmund. In the beginning of Shakespeare's "King Lear" it seems to be made obvious that both sons are appreciated and loved by their father: "*Our father's love is to the bastard Edmund/ As to th' legitimate*" (I, 2, 17f.). Thus, Edmund does not have to be afraid to be left out in his father's last will on the basis of being the second-born and not in wedlock. The old Anglo-Saxon law provided for the inheritance being equally shared among all children, irrespective whether in wedlock or not. However, this principle became questionable by (a) the principle of primogenitur, based on Roman law, whereby the first-born would be the sole heir and (b) arbitrary changes of the testament by the testator. Note that between 1590 and 1610,³ the social attitude towards illegitimate children changed substantially: The latter were more and more considered belonging to lower classes and their chances as equal heirs were diminishing (see Schülting, 2007, 368-369).

As a consequence, Edmund is appalled by King Lear's decision to divide the country among his two daughters Regan and Goneril and disinherit his youngest daughter Cordelia, instead of dividing it among the three as he had intended before the "love test." Edmund becomes afraid, being the second-born and "bastard" son, to get his equal share of Gloucester's heritage.

³ Shakespeare wrote "King Lear" between 1603 and 1606.

Edmund: *“Wherefore should I
Stand in the plague of custom, and permit
The curiosity of nations to deprive me,
For that I am some twelve or fourteen moonshines,
Lag of a brother? Why bastard? Wherefore base?”* (I, 2, 2-6)

Therefore he forges a letter in Edgar’s name which reads:

*“This policy and reverence of age
makes the world bitter to the best of our times; keeps
our fortunes from us till our oldness cannot relish them.
I begin to find an idle and fond bondage in the oppression
of aged tyranny, who sways, not as it hath power,
but as it suffer’d. Come to me, that of this I may speak
more. If our father would sleep till I wak’d him, you
should enjoy half his revenue for ever, and live the
beloved of your brother, EDGAR.”* (I, 2 46-54)

Edmund shows the letter to his father and Gloucester believes that it was written by Edgar. He is furious about his son’s “conspiracy” and wants to punish him.

Gloucester: *“This villain of mine comes under the
prediction; there’s son against father: the King falls from
bias of nature; there’s father against child.”* (I,2, 109ff)

Edgar is forced to flee. He disguises as “mad Tom O’ Bedlam” or Poor Tom. In Britain, since the time of Shakespeare, the term ‘Tom O’Bedlam’ or ‘poor Tom’, or ‘Abraham-men’ was used for beggars and vagrants who were or pretended to be lunatics. They claimed to have been former patients at the Abraham ward at Bethlehem Royal Hospital (Bedlam) which was a mental institution. The term was adopted as a technique of begging, or was used for playing the role of a madman. Says Edgar *“...poor Tom!// That’s something yet: Edgar I nothing am.”* (II, 3, 20f.).

Edgar survives all the scams and intrigues. When Lear and the Fool seek shelter from a storm out in the heath, they enter a hovel in which Edgar is sitting disguised as a madman. Calling himself poor Tom he sings *“Pillicock sat on Pillycock hill:/Alow, alow, loo, loo!”* This is a children’s song, but also obscene pun: Pillicock has the meanings 1. honey, darling and 2. penis; Pillicock Hill is, in this context, a circumscription for vagina.

Without being recognized, poor Tom, i.e. Edgar, takes care of his father who was in the meantime blinded by Regan and her husband Cornwall. He challenges Edmund (V, 3,

110ff) to become Earl of Gloucester and wounds him fatally in a duel. Before Edmund's death (V, 3, 168ff), Edgar reveals himself to the dying brother. At the very end of the play, the Duke of Albany, the husband of dead Goneril, asks Kent and Edgar "... to rule in this realm..." (V, 3, 320). King Lear and his three daughters are dead. It remains open whether Edgar becomes King and will lead England to a better, and less violent future.

Edgar survived because he feigned madness and madness gave him shelter. He used madness to hide from his brother Edmund who hated him and preferred to see him dead, and from his father who is furious at him. It is a rather efficient means to be safe, as his dissimulating madness allows him to disguise as a poor beggar while still being able to help his father in disguise. Apparently, in Shakespeare's days, pretending on stage to be somebody else, and play a theatre in the theatre, was quite common. In *King Lear*, the Earl of Kent takes on the role of a servant called Caius after he was banished by Lear when he implored the king to be less rigid towards Cordelia and not disinherit and abdicate her. In the mask of Caius he can continue serving and protecting his king.

Faking madness provides Edgar with safety without making use of violence. Taking on the role of Poor Tom proves to be a successful survival strategy. He switches back to his "real" life when he considers the time right, i.e., at the very end of the tragedy. In the end, the time of role playing and uncertainty is over.

2.2 One Flew Over the Cuckoo's Nest

McMurphy thought that pretending to be mad and being transferred to a mental clinic rather than serve the rest of his penalty term in prison would give him an easier life. However, his transfer to hospital turns out to be fatal for him.

Ken Kesey's novel was published in 1962. A year later, it was adapted into a Broadway play by Dale Wasserman, followed by a film version in 1975 which won five Academy Awards. The author got the inspiration for his book while working on a night shift at a veteran's hospital, talking to patients. He did not believe that they were insane but that society had pushed them out. At this time it was rather common in the US, but not only there, to lock people who deviated from standard behaviour, into a mental institution.

The story is set in an Oregon mental clinic and tells much about the institutional process in such a place. Its focus is on the character Randle Patrick McMurphy who successfully faked to be insane while he was in prison. So he was transferred to a mental

hospital. He constantly antagonizes the ward's head nurse Mildred Ratched who rules the place most rigidly. McMurphy is convinced that he will stay only for a few months in the institution, i.e. as long as his remaining prison term. Only later does he learn that he is not one of the regular 'acutes' who are there on a voluntary basis and have chances to leave the place. He is there for an undefined time. That is his first misjudgement.

His second misjudgement is the following. He misses the opportunity to flee from the institution as he had become friends with other patients at the ward: Chief Bromden, Billy Bibbit, Dale Harding, etc. He wants to help them against Big Nurse Ratched's extremely oppressive ruling that they did not understand. Her methods are too subtle for them to grasp. McMurphy motivates them to fight these methods, more than once he gets electro shock treatments when he behaves too obnoxiously for the nurse's taste. When Billy Bibbit committed suicide after the Big Nurse had threatened him to tell his mother of his "sexual experience", McMurphy is so furious that he almost strangles the nurse. That is the point where he is forced to undergo a lobotomy.⁴

After being lobotomised McMurphy is in a vegetative state, silent and motionless. The Chief is appalled and deeply sad when McMurphy is wheeled back lying on a Gurney: "There 's nothin' in the face. Just like one of those store dummies..." (Kesey, 1974, 308) Before Chief Bromden jumps through the broken window and escapes from the hospital, he smothers McMurphy with a pillow, commenting his action: "I lifted the pillow, and in the moonlight I saw the expression hadn't changed from the blank, dead-end look the least bit, even under suffocation" (Kesey, 1974, 309).

In general, a hospital symbolizes security and personal safety for the patients. It is run by people who are meant to help their clients with their physical or psychological problems. But for McMurphy being in hospital did not mean safety, on the contrary. As it turned out McMurphy exchanged possible open brutality in prison with subtly exercised oppressiveness, in other words, an outright prison with a ward in a hospital and this hospital was run by the Big Nurse as restrictively as a prison. The punishment for McMurphy's non-compliance to her rules was death: first his soul was killed by lobotomy and then he was physically killed through an act of grace committed by Chief Bromden.

⁴ Lobotomy was rather common for mentally disturbed "overactive" or violent people to make them become again a "normal, satisfied member of society." It is a type of neurosurgery. It consists of cutting the connections between the frontal lobes (or prefrontal cortex) and the rest of the brain. It was believed that severing such connections would calm patients' emotions and stabilize their personality without affecting their intelligence and motor functions. In the USA, it was a common treatment in the 1950s with gradual decline of the procedure in the 60s. By the early 1970s, the application of lobotomy had nearly ceased. Instead, by then, a large range of psycho-pharmaceuticals was available to treat mentally troubled people.

The rules celebrated by Big Nurse Ratched were meant to reduce uncertainty in an environment which is rather unstable by its nature due to the mental state of its clients. However, the suicide of Billy Bibbit signals that the rules do neither guarantee security for the institution nor safety for its patients. But this was not a threat to the functioning of the institution as long as McMurphy's non-compliance did not make this defect obvious. The response was lobotomy. This was an act of violence, and not a medication, as McMurphy, quite different from Edgar in the preceding section, was poorly faking insanity.

2.3 The Hamlet plot

Shakespeare wrote Hamlet around 1600 and published it in 1603. Already several centuries before, in the turn of the 12th to the 13th century, the Danish historian Saxo Grammaticus had narrated a similar story about crimes and feigned madness called Amletus. Here, Amletus is the legitimate successor of his father Horwendillus, governor of Jutland. He is afraid that his uncle Fengo, who had killed his father and married his mother Gerutha, will also kill him. Therefore he pretends to be insane by doing all sorts of very odd things. His mother becomes suspicious but he sticks firmly to his disguise as a madman. Yet, Fengo remains doubtful and sends him to England. His two nephews who accompany him are supposed to transmit to the king of England Fengo's order to kill Amletus. The latter manages to alter this order such that the English king is asked to kill his nephews which he does. Amletus marries the king's daughter and returns to Jutland. Fengo tries again to kill Amletus but Amletus survives killing Fengo instead. Finally Amletus becomes the governor of Jutland and succeeds his grandfather, i.e. his mother's father, Rørik, as Danish king. But, in the end, he was slain in a battle against Wiglek, Rørik's successor.

In 1589, a play called Ur-Hamlet was performed in London and alluded to the author of "The Spanish Tragedy," Thomas Kyd. It got lost, but might have been Shakespeare's inspiration. In Kyd's play, it is known among the Danes that Fengo killed his brother Horwendillus, allegedly in order to liberate Gerutha from her brutal husband. In Shakespeare's Hamlet, Claudius murders his brother, King Hamlet, in all secrecy by pouring poison into the sleeper's ear. Thereafter, Claudius marries King Hamlet's wife Gertrude. Both are now reigning over Denmark. Hamlet gets to know about his uncle's horrible deed only a few months later when he visits his father's grave. There, his father's ghost appears telling him about the murder and makes Hamlet and his friends Horatio and Marcellus swear by Hamlet's

sword “never to speak of this...” and to revenge his father. Hamlet asks his friends (I, 5, 177ff)

*“How strange or odd some’er I bear myself –
As I perchance hereafter shall think meet
To put an antic disposition on –
That you, at such time seeing me, never shall,
With arms encumber’d thus, or this head-shake,
Or by pronouncing of some doubtful phrase,
That you know aught of me - this do swear....”*

As Hamlet intends to proceed with his revenge in all secrecy, he decides to use the disguise of madness exemplified by extremely foolish behaviour (“*to put an antic disposition on*”); his behaviour changes between madness and the clownish performance. When his former school friends Rosencrantz and Guildenstern tell him of a group of play-actors that they met on their way to the castle and who are coming to offer their services he asks them whether they can perform “The Murder of Gonzago”:

Hamlet muses: “...*I have heard*

*That guilty creatures sitting at a play
Have, by the very cunning of the scene,
Been struck so to the soul that presently
They have proclaim’d their malefactions...”*
*...I’ll have these players
Play something like the murder of my father
Before mine uncle. I’ll observe his looks...
...The play’s the thing
Wherein I’ll catch the conscience of the king”* (II,2,583ff)

This scene shows two quite different but related aspects: (a) Shakespeare considered the effect of a theatre play on the audience so direct and impressive, strong enough to reveal a spectator’s malefaction. Indeed, Claudius reveals his secret when he sees on stage how Gonzaga is murdered by having poison poured in his ear. - This demonstrates how well the stage is suited to be used for re-enacting real life and social experiments. (b) The travelling theatre players’ performance was only possible because Claudius and Gertrude considered Hamlet to be insane or at least quite disturbed although they were not sure of the reason for his state of

mind. In any case, they did not refuse to watch the performance that Hamlet had arranged with the travelling players.

Whenever necessary, Hamlet puts on the disguise of a madman. Hiding behind his alleged madness or foolishness he wants to conceal that he knows of Claudius' crime. His plan to prove Claudius guilty works out, but Hamlet hesitates to kill his uncle. In the last scene (V, 2, 314ff) the Queen dies of poisoned wine which according to Claudius was meant to be offered to Hamlet. Instead, Claudius is deadly wounded by Hamlet with Laertes' poisoned rapier and thereafter forced by Hamlet to drink the potion that he prepared for Hamlet. *"Here, thou incestuous, murd'rous, damned Dane, Drink off this potion. Is thy union here? Follow my mother"* (The King dies.) (V,2, 328ff).

Hamlet's disguise strategy is successful to the effect that he reveals the murderous crime committed jointly by his uncle Claudius and his mother. This turns the uncertainty into certainty, but this certainty does not provide safety to Hamlet. On the contrary, because this certainty makes him drop the veil of madness and now his uncle knows that Hamlet knows, violence is the winning pattern. Instigated by Claudius, Hamlet is challenged by Laertes to have a duel with him. Deadly wounded, Laertes tells Hamlet that his rapier is poisoned and Hamlet is bound to die, too, although he is not seriously wounded.

3. The safe haven of "Law and Order"

As alluded in Kleist's play "The Prince of Homburg," a rigorous legal setting provides a firm framework of security which the ruler and the people can rely on. Quintessentially the ruling Elector is convinced that a well-functioning state could not exist without laws and the understanding that they have to be abided by ("pacta sunt servanda"). Non-compliance with the law leads to chaos. However, the play demonstrates that there might be circumstances where a deviation from the tight path of the law is necessary to stabilize the state and to assure safety to its Prince and its people.

Heinrich von Kleist wrote the play in 1809/1810. He wanted to motivate the Prussian people and other German states to fight against the Napoleonic occupation. The play takes place in 1675, when – so the historical facts - the Brandenburgers under their Elector Friedrich Wilhelm ("The Great Elector") fought against the Swedes. In the play, Friedrich Wilhelm's explicit intention is to annihilate the Swedes in this final battle, the Battle of Fehrbellin (I, 5).

The Prince of Homburg is Colonel of the Cavalry. He returns from the battle as hero since he achieved a splendid victory against the Swedes who fled from the battle field leaving behind their flags and many other trophies. However, as it turns out, he acted against the Elector's deliberate order "*to not move from the post allocated him...until he will receive a personal order.*" (I, 5, p.35f.) During the briefing, knowing his impetuous behaviour, the Elector even admonished Homburg to stay calm and wait for the command telling him "... *you've already cost me two Battles in this campaign...*" (I, 5, p.37). Nevertheless, disregarding the order, Homburg charged too early.

After the battle, in Berlin, they all gather in front of the cathedral laying down their Swedish trophies. The Elector renders a little speech:

*"...Today was a famous victory
...However, its being ten times grander
Would not excuse its being won by chance:
This was by no means my final battle,
And I must, must have my orders obeyed.
Whoever it was, who led that attack,
He's committed a capital offence,
And I repeat; I want him court-martialled."* (II, 9, p.56)

In what follows, Homburg is imprisoned to be court-martialled immediately and sentenced to death, as the law says. When Natalie, the Elector's niece and Homburg's fiancée, asks her uncle to pardon Homburg, the Elector answers (IV, 1, p.74):

*My dear girl, Look; a single word from you
Would melt the hardest tyrant's heart; were I one,
I feel absolutely sure it would mine.
But tell me; can I really overturn
A sentence that a court of law has passed?
Think of what the consequences would be.*

Not adhering to the law means acting like a tyrant to the Elector. But such behaviour would neither suit the Elector nor his soldiers, nor his people. They all love their country as a law-abiding entity. When Natalie asks her uncle about the consequences of pardoning Homburg, thus overturning a sentence that a court of law had passed, the Elector indicates that the country might fall into chaos. Yet, he is very empathetic to the plight of his niece who is rather upset about how Homburg - faced with death - is behaving (IV, 1, p.75). She observes:

"His mind's a blank, but for one thought: save me.

*Staring down a set of rifle barrels
Has got him so scared, stunned stupid with fear,
Nothing, except staying alive, is left”.*

Homburg’s reaction shows signs of madness – madness of fear.

The conversation between Natalie and her uncle ends with the Elector writing a reprieve and sending Natalie with the letter to the prison. The letter says that Homburg will be pardoned if he feels that the Elector has done him wrong. However, when Homburg reads the letter, he becomes convinced that he has committed insubordination and deserves death. Obviously, the letter hands the responsibility for judgement to the delinquent himself. This trading of position changes Homburg’s view on life and death substantially and defeats both his madness of fear and fear of death.

On the other hand, during the conversation with Natalie, the Elector started to face his dilemma. It seems that he can no longer adhere to the strict rules of his own code of conduct generalized by the law without reference to himself. In fact, there are two incidents where he burdened himself with guilt, at least to a certain extent. In section V, 5, p.97 Homburg’s friend Hohenzollern reminds the Elector with what happened in the night before the battle when Homburg was nightwalking in the gardens of the Palace gardens.

*“...He seemed to be dreaming of the next day’s fight,
And had a wreath of laurel in his hand
You, as if to probe the workings of his mind,
Took his laurels from him...
Then handed the wreath and chain, intertwined,
To her Highness, the Princess Natalie.
..- and he blushes...
But you, pulling the Princess back with you ...
And he – is holding a glove in his hand...”*

Hohenzollern reports that his friend Homburg was dumbfounded when he became aware that it was the Elector’s niece Natalie’s glove that he found in his hand after a “dream of love” co-arranged by the Elector. He could not concentrate during the briefing being held before the battle and consequently did not take in the instructions given for the battle as he was totally absent-minded. Hohenzollern considers the Elector, by playing with Homburg’s dreams and longings, to be at least partially responsible for Homburg’s absent-mindedness. As a consequence, Homburg cannot be held fully responsible for his disregarding the order.

Another incident that shows the Elector's deviation from law-abiding behaviour is evident in the very beginning of V,5 when he asks Kottwitz as to who ordered his regiment's march to town. It turns out that it was Natalie, who claimed that this was on behalf of her uncle, the Elector. Without hesitating, the Elector pretends to know of this order, allegedly given on his behalf which, however, was not the case.

To sum up, the Elector is not only partly responsible for Homburg's charging too early in the battle but also covers the insubordination of his niece Natalie, the regiment's formal commander. Natalie's behaviour is at least as grave a misdemeanour as Homburg's but the Elector does not react at all. Possibly he considers this offence not really serious as it was committed by a woman. However, there is danger that the Army revolts if he would not pardon Homburg. They love Homburg and consider him a great hero. On top of it, after reading the Elector's letter, Homburg feels deep remorse, being convinced that death is his just and fair penalty – an attitude that the Elector hoped to see.

The Elector is ready to pardon Homburg. He wants Homburg to firmly believe in his war strategy, namely to annihilate the Swedish army completely, with the Elector being the “mastermind” and every officer in the Prussian army executing his instructions only. This extremely focused command structure reflected Napoleon's approach in the Battle of Austerlitz in 1805 where his troops defeated the Russian and Austrian armies. It has been said that in Austerlitz for the first time this structure was executed in a major battle.

Given Homburg's popularity among the officers and soldiers, the Elector is sure that they will all follow Homburg and agree with above strategy as well. Therefore, by deviating from his original attitude of “pacta sunt servanda” and pardoning Homburg, the Elector could reinstall security for his governance. But using the law he played with the safety of Homburg. However, from the play it is not clear that the Elector has chosen this strategy right in the beginning in order to implement the strict command structure and to install the unrestricted will within the army to exterminate the enemy rather than just to defeat him – getting away from ideals of knighthood and bravery and become a mere instrument in the hand of the commander. This somehow reflects the substitution of medieval battleship ideology (and emotions) by modern warship and managed violence.⁵ The play notoriously ends with “everybody” shouting: “In den Staub mit allen Feinden Brandenburgs!” (a sentence which is in general omitted in post World War II performances) or in its somewhat less drastic translation, “Dust. Down into the dust with our enemies.”

⁵ For a game theoretical analysis, see Holler and Klose-Ullmann (2012)

4. The Wallenstein Paradox⁶

Friedrich Schiller completed his trilogy “Wallenstein’s Camp”, “The Piccolomini”, and “Wallenstein’s Death” in 1799. In this dramatic poem there is hardly any action, aside from the murderous ending, but much talking, guessing, thinking and even dreaming. Wallenstein wants to leave all options open in order to keep the possibility of acting, i.e., the power to move. As long as the choice between the strategies ‘siding with the Swedes’ or ‘staying loyal to the Emperor’ remain a thought experiment, he feels powerful and power seemed to guarantee safety to him. Therefore, instead of moving and acting, he hesitates. But it is his undecided indifferent behaviour that leads to failure. He is assassinated by order of Emperor Ferdinand II. His daughter, wife and sister-in-law die and his closest friends are murdered as well.

In his play, Schiller experimented with regard to Wallenstein’s behaviour. He was familiar with the historic facts but had not the intention to be limited by them in what he wanted to see on stage. There is no evidence that the historic Wallenstein wanted to cooperate with the Swedes. Yet the historic Wallenstein was also sentenced to death by Ferdinand II. As professor of history at the University of Jena, Schiller had studied the Thirty-Years War (1618-1648) for around five years before lecturing about it to students. Thereafter, he started to write the play.

The play takes place in winter 1633/1634, in the middle of the Thirty-Years War between the catholic Austria and Southern Germany, the League, and the protestant Sweden and some principalities of Northern Germany. Wallenstein is the Commander-in-Chief of the League, having an immense scope of power. As the Sergeant-Major states in “Wallenstein’s Camp”, Scene 11,

*“He has the power absolute
To make war or peace, as it may suit;
He can confiscate money or property,
Can execute, or show clemency,
He can promote, or grant a commission,
All the matters of honour are at his disposition:
The Emperor himself gave him this as his right.”*

Some lines later he adds,

“Is he not a prince, as good as the next?”

⁶ Parts of this section derive from Holler and Klose-Ullmann (2008).

*Hasn't he his own coinage like Ferdinand?
His own people and his own land?
Men call him Your Highness, and bow to him deep.
His own soldiers he must be able to keep."*

The key political issue in Schiller's play is the question whether or not Wallenstein will cooperate with the Swedes. In "Wallenstein's Death" I, 5, the Swedish Colonel Wrangel comes to Wallenstein on a secret mission. The long-lasting bargaining between Wallenstein and the Swedes concerning joint action is finally to be concluded. By allying with the Swedes, Wallenstein hopes to gain the Bohemian crown and to reinstall Protestantism in Bohemia as well as to finish the war between the Catholic League and the protestant North. The Swedes, on the other hand, want to expand the protestant territory, under their rule or dominance, to the largest extent possible.

They started their talks with a review of the siege of Stralsund in 1628. Wrangel defended the city for the Swedes. Wallenstein's then besieging troops were forced to withdraw without success.

Wallenstein: *You wrested from my head the admiral's hat.*

Wrangel: *Today I come to set crown upon it.*

Wallenstein: *Your papers. Have you full authority?*

Wrangel: *So many doubts remain to be resolved.*

Wallenstein (after reading): *A letter to the point. It is a shrewd/ And wily master,
Wrangel, that you serve./ Your chancellor declares that it is but/ The late king's own
intent he carries out/ In helping me to the Bohemian crown.*

Wrangel hints at the Swedes' doubting that he, Wallenstein, the Duke of Friedland, would indeed become unfaithful to the Emperor and ally with the Swedes. To them it is even less imaginable that he would succeed in persuading a force of 18,000 men ". . . *To break their oath of loyalty.*" Wallenstein points out that the Emperor's army, which he recruited, consists of soldiers from many different countries. Actually, some of them came from Bohemia. Indeed, their fathers and grandfathers had already vehemently been opposed to the Hapsburgs who had forced them to become Catholic.

Regarding the nobility and the officers under his command, he goes so far as to say "*In any circumstances, they are mine.*" He shows Wrangel a declaration signed by all generals and commanders (except Max Piccolomini) which confirms their loyalty. This convinces Colonel Wrangel. "*I will drop my mask – indeed!/ I have authority to act in this.*"

Nevertheless, for safety reasons, as "*Everything might yet be trickery,*" Wrangel

demands from Wallenstein to disarm the Spanish regiments loyal to the Emperor, and to hand the border fortress Eger as well as Prague over to the Swedes. Wallenstein strongly rejects the occupation of Prague: *"Give up my capital to you! Why, rather/ Rejoin my Emperor!"* Wrangel: *"If there is time."* Wallenstein: *"That I am free to do, today and always."* However, Wrangel points out to him that he lost such freedom to act when his secret emissary Sesina was captured by soldiers loyal to the Emperor. Wallenstein, taken aback, offers no reply. Yet, the degree of his impotency is neither obvious to him nor to Wrangel. Wallenstein still believes that his troops are absolutely loyal to him. At the end of the meeting Wallenstein says that he would consider Wrangel's proposal.

Although Wallenstein, after a discussion with his sister-in-law, Countess Terzky, decides to agree to the Swedish proposal, the situation remains doubtful. Is he really willing to cooperate with the Swedes or is it just a tactical movement? Does he rather pretend to accept their proposal and then defeat them. It seems that Wallenstein wants to take advantage of the Swedes. But what are Wallenstein's true intentions? Wallenstein to Terzky: *". . . Might I not mean/ To make you all look foolish? Do you know me?/ I do not think I ever let you see/ The secrets of my heart . . . "* ("The Piccolomini", II, 5). Does he play with uncertainty and hope that it will give him protection against the other players in this power game? He seems to waver between two options: either to obtain the Bohemian crown through Swedish support or alternately, bring peace to the German lands. Yet, the second alternative would also imply a certain amount of cooperation with the Swedes - which would displease the Emperor as well.

However, Wallenstein does not want to make a choice. He does not want to let go his power and become the agent of his own decisions. He confesses to his brother-in-law Terzky: *"It is my pleasure to know the power I have."* ("The Piccolomini", II, 5.) In his article, published in the program of the Stein production in Berlin in 2007, Rüdiger Safranski (2007, p. 83) writes, "Of course, for Wallenstein 'power' means nothing else than the strength to have his will rule politically and in society. Power means the ability to act. As Wallenstein says: *"If I can no more act, then I am nothing"* (Wallenstein's Death, I, 7.) However, his hesitation in deciding implies yet another meaning of power. As a man of power Wallenstein is, like Hamlet, also a man of possibilities. He wants to remain master over his possible actions. Reality is but a constriction, it reduces the possibilities. Reality is what remains when the multitude of possibilities are squeezed through the eye of the needle of decision. The reality which you have opted for is captivating and entangles you in the independent logic of facts, although it is you who created them. This is why Wallenstein hesitates. He wants to

keep his options. As a man of power he wants to act, and yet he shuns the irreversibility of action. He wants to be both, a man of power and a man of possibilities.”

Wallenstein overrates himself and misjudges his generals, colonels and commanders. This certainly contributes to his sharp descent and to his eventual assassination. But he has already been declared an outlaw before coming on stage, i.e. everybody can kill him and receive a reward from the Emperor. Safety exists in Wallenstein’s imagination only and the uncertainty that he creates by his inactivity, does not protect him. But the notion of safety is not in the forefront of his thinking. His maneuvering and manipulating apparently caused the Emperor to outlaw him at a time when Wallenstein considered himself as most powerful, having all the options to act which meant for him overall security and firmness. But this sense of firmness is a grave misjudgement of the situation and of the people surrounding him that annihilates him, his family and confidants.

It has never been said that Wallenstein suffered from madness, but from a misinterpretation and misjudgement of reality. McMurphy played with madness while Wallenstein played with reason and rationality. They both failed.

5. On method

The method we applied in this paper is not a strictly scientific one. We did not collect history data and run multi-stage regressions and we did not bribe students to visit laboratories and play Battle of Sexes or War of Attrition experiments. One reason that we did not collect historical data is that there are too many when it comes to violence and the selection problem seems hardly solvable in a convincing way. (In fact a similar problem we faced when selecting theatre plays.) Another reason is that there is such a variety of violence. Moreover, doing statistics with violence would hardly shed light on its relationship to uncertainty and safety, two concepts that are much less represented in any statistical data, unless we dig in the archives of insurance companies. The latter approach, however, implies that we limit ourselves to a rather restricted view of both concepts.

Obviously, there were serious “limits of representation”⁷ to experimenting on violence and on uncertainty and safety related to it. This brings us back to the argument of Freeman Dyson that we referred to in the introduction to this paper which says that “violent and passionate manifestations of human nature, concerned with matters of life and death and love

⁷ For a discussion of “limits of representation” see various contributions in Farinelli et al. (1994). The volume discusses geographical (“the map”), political, linguistic, and historical representation and the moral and cognitive power of it.

and hate and pain and sex, cannot be experimentally controlled” (Dyson 2011, 43). We subscribe to this. So we have looked for material that reflects violence in a most explicit way and found theatre plays to serve our needs. Of course, movies and artwork such as paintings and sculptures also offer a host of suitable material. Following an approach suggested, e.g. by Baxandall⁸ (1985) we (re-)constructed a “pattern of intention” of the main characters of the plays that captured violence and its relationship to uncertainty and safety. This reconstruction and the selection of plays revealed to us some of the importance of madness to achieve safety – but also madness in view of the threat of death as experienced by the Prince of Homburg.

There might be even a more fundamental argument why the analysis of theatre plays or, more general, objects of art are substantial for understanding of violence, uncertainty and safety as we experience them today. V.S. Ramachandran, director of the Center for Brain and Cognition at the University of California, San Diego, suggests that mirror neurons or neuron systems enable us to absorb the culture of previous generations. In his recent book “The Tell-Tale Brain: A Neuroscientist’s Quest for What Makes Us Human” he observes that “culture consists of massive collections of complex skills and knowledge which are transferred from person to person through two core mediums, language and imitation.”⁹ The transformation is executed by mirror neurons that “act like sympathetic movements that can occur when watching someone else perform a different task - as when your arm swings slightly when you watch someone hit a ball with a bat” (McGinn, 2011, 34). Anatomy rules, not psychology, or liberal arts. In fact, V.S. Ramachandran extends the mirror-imagine approach into a science of art: “Enunciating nine ‘artistic universals,’ he propounds what he allows is a ‘reductionist’ view of art, attempting to provide brain-based laws of aesthetic response. Peacocks, bees, and bowerbirds possess rudimentary aesthetic responses..., and we are not so different” (McGinn, 2011, 34). Perhaps we are not so different when we watch someone hit a ball, but how do our mirror neurons work when we see a murder? How do they react when Hamlet puts his rapier into Polonius who is hiding behind a curtain? Are theatre plays a means to train our mirror neurons to understand violence and respond to it in a world where violence is not openly experienced every day and, luckily, most major violence we only know from TV news. Still, all kinds of violence are part of our culture as are the theatre plays that bring violence on stage.

⁸ Michael Baxandall (1985) applies his approach that focuses on a reconstruction of (possible) patterns of intentions of the agents to such diverse objects as Benjamin Baker’s Forth Bridge, finished in 1889, and Piero della Francesca’s “Baptism of Christ” (about 1440-50).

⁹ Quoted in McGinn (2011, 34) in his review of V.D. Ramachandran’s book.

References:

- Baxandall, Michael (1985), *Patterns of Intention: On the Historical Explanation of Pictures*, New Haven and London: Yale University Press.
- Beard, Mary (2011), "Alexander: How great?" *New York Review of Books* 58 (October 27): 35-37.
- Donskis, Leonidas (2008), *Power and Imagination: Studies in Politics and Literature*, New Studies in Aesthetics Vol. 39, New York: Peter Lang Publishing.
- Dyson, Freeman (2011), "How to Dispel Your Illusion," *New York Review of Books* 58 (December 22): 40-43.
- Farinelli, Franco, Olsson, Gunnar, and Dagmar Reichert (eds.) (1994), *Limits of Representation*, München: Accedo-Verlag.
- Holler, Manfred J. and Klose-Ullmann, Barbara (2008), Wallenstein's Power Problem and Its Consequences, *AUCO Czech Economic Review* 2: 197-218.
- Holler, Manfred J. and Klose-Ullmann, Barbara (2012), Friedrichs Spiel mit dem Prinzen von Homburg, manuscript.
- Kesey, Ken (1974), *One Flew Over the Cuckoo's Nest*, New York, The Viking Press.
- Kleist, Heinrich von (2002), *The Prince of Homburg, A new version by Neil Bartlett with David Bryer*, London: Oberon Books.
- McGinn, Colin (2011), "Can the brain explain your mind?" *New York Review Books* 58 (March 24), 32-35.
- Miłosz, Czesław (1990), *The Captive Mind*, New York: Vintage International.
- Safranski, Rüdiger (2007), Friedrich Schiller oder die Erfindung des deutschen Idealismus, *Programmbücher des Berliner Ensemble*, 89: 80-84,
- Schülting, Sabine (2007), Good Girls – Bad Girls: King Lear und seine Töchter in: *Shakespeare King Lear*, Zweisprachige Ausgabe, Deutsch von Frank Günther, München: Deutscher Taschenbuch Verlag, 354-375
- Schiller, Friedrich, (1979), *Wallenstein*, Translated with an Introduction by F. J. Lamport, The Robbers and Wallenstein, London: Penguin Books.
- Shakespeare, William (2007), *König Lear*, Zweisprachige Ausgabe, Deutsch von Frank Günther, Munich: Deutscher Taschenbuch Verlag (English text: Arden 1972).
- Shakespeare, William (2010), *Hamlet*, Zweisprachige Ausgabe, Deutsch von Frank Günther, Munich: Deutscher Taschenbuch Verlag (English text: Arden 1972).

The **IEL International Programme** is an educational and research pole in law and economics promoted by a number renowned institutions.

Details are available at: iel@carloalberto.org or <http://iel.carloalberto.org/>

IEL papers in Comparative Analysis of Institutions, Economics and Law are published by the Department POLIS, Università del Piemonte Orientale, partner of IEL programme and are available at <http://www.iel.carloalberto.org/Research-and-Publication/Working-papers.aspx> or <http://polis.unipmn.it/index.php?cosa=ricerca,iel>

Recent working papers

- 2013 No.14 Manfred J. Holler and Barbara Klose-Ullmann: *One Flew Over the Cuckoo's Nest: Violence, Uncertainty, and Safety*
- 2013 No.13 Matteo Migheli and Giovanni B. Ramello: *Open Access, Social Norms & Publication Choice*
- 2013 No.12 Theodore Eisenberg and Martin T. Wells: *Ranking Law Journals and the Limits of Journal Citation Reports*
- 2012 No.11 Jinshan Zhu: *The Correlated Factors of the Uneven Performances of the CDM Countries*
- 2012 No.10 Manfred J. Holler: *The Two-dimensional Model of Jury Decision Making*
- 2012 No.9 Alain Marciano and Elias L. Khalil: *Optimization, Path Dependence and the Law: Can Judges Promote Efficiency?*
- 2012 No.8 Giovanni B. Ramello: *Aggregate Litigation and Regulatory Innovation: Another View of Judicial Efficiency*
- 2011 No.7 Roberto Ippoliti: *An Empirical Analysis on the European Market of Human Experimentation*
- 2011 No.6 Enrico Colombatto, Arie Melnik and Chiara Monticone: *Relationships and the Availability of Credit to New Small Firms*
- 2011 No.5 Nancy Gallini: *Private Agreements for Coordinating Patent Rights: The Case of Patent Tools*
- 2011 No.4 Robert K. Christensen and John Szmer: *Examining the Efficiency of the U.S. Courts of Appeals: Pathologies and Prescriptions*
- 2011 No.3 Alberto Cassone and Giovanni B. Ramello: *The Simple Economics of Class Action: Private Provision of Club and Public Goods*

- 2011 No.2 Theodore Eisenberg and Kuo-Chang Huang: *The Effect of Rules Shifting Supreme Court Jurisdiction from Mandatory to Discretionary – An Empirical Lesson from Taiwan*
- 2011 No.1 Guido Calabresi and Kevin S. Schwarts: *The Costs of Class Actions: Allocation and Collective Redress in the U.S. Experience*