

ZUFALL: METAPHORS OF CONTINGENCY AND THE RISE OF THE CASE

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David Dunham

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David Dunham, Ph. D.

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This dissertation investigates the development of the *case* in the 18th century as a small-form account of individual life in the sphere of medicine and criminal psychology, focusing on the texts' shift toward contingent and deviant events. The thesis argues that the standardization of case-like forms implies an evolving attitude toward the role of chance in scientific reasoning in the German context and that this paradigm shift toward contingency is reflected in changing perspectives toward deviance in both literary and scientific domains. In its precise narration of particularistic observations, the case possesses a multi-functionality that enables close reading of contingent events while also approximating generalizable conclusions through the plurality of cases in a series. This theme of the contingency of the individuality is then traced through the literature of case studies, beginning with Karl Philipp Moritz' *Magazin zur Erfahrungsseelenkunde* and concluding with the *Kriminalgeschichten* of August Gottlieb Meißner, Karl Friedrich Möchler, and Friedrich Schiller.

BIOGRAPHICAL SKETCH

David Dunham graduated in 2013 with a Bachelor of Arts in Philosophy and a Bachelor of Arts with highest honors in German Studies at New York University. In 2018, he was admitted as a candidate for the degree of doctorate (Ph. D.) in German Studies at Cornell University. He is a recipient of the Goethe Essay Prize, the Franz Peter Hugdahl Memorial Award, the Cornell Exchange Fellowship with the Humboldt-Universität zu Berlin, and the Cornell Graduate Student Fellowship in the Digital Humanities.

For my family

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PREFACE

The following dissertation is the product of an extensive engagement with the work of Karl Philipp Moritz since the beginning of my graduate studies in 2015. This work arose especially in response to reading *Das Magazin zur Erfahrungsseelenkunde* (1783-1793), which Moritz founded and edited in collaboration with Friedrich Pockels. Unlike any other collected works that I had previously read, the journal was incredibly open in the variety of material that it accepted. As editor, Moritz accepted a wide variety of case-like essays on any topic relevant to the study of empirical psychology, ranging from observational accounts of mental illness to crime stories, as well as philosophical texts on the origins of language. Viewing this work at a distance, the remarkable aspect is the great openness with which material is published, with few editorial interventions or regulations of the information selected for inclusion. Moreover, I was struck by the degree of variation in the order of its contents. While contemporary periodicals may organize pieces according to distinct sections, Moritz apparently made few attempts to impose an interior order to each volume, frequently alternating between one topic and another. This initial impression led to a growing interest in the concept of the *small form* and the way different scales of perception influence the interpretation of these materials. In the *Magazin*, the emphasis on short observations is contrasted with the large quantity of texts that it aims to publish over each successive volume. This distinction raised the initial questions that brought about this research: What methods connect the readings of short individual works with those on a large scale? How did Moritz imagine that readers would make connections between short texts within a large, diverse collection?

Ultimately, these questions would find a direction through the framework of contingency, chance, and probability. In reading Moritz' essays, I began to interpret the *Magazin* and similar journals as experiments in managing the vast increase of materials published in the eighteenth century. In a variety of contexts, Moritz demonstrated an interest in

the way in which a unity can be perceived throughout a manifold [*Mannigfaltigkeit*]. The manifold represents the disordered state in which the natural world appears, and which the viewer strives to overcome to see the lawful unity that underlies it. This perception may partly be attributed to the large quantity of materials that were published relative to the average reader's capacity to consume information. From the first to second halves of the 18th century, the absolute number of printed books is estimated to have increased almost 50% in what is now Germany.¹ The long-term reduction in printing costs and the expansion of the reading public brought about a state in which essays could be published on topics that were ever more particular in scope. While all these topics were potentially of interest to a general readership, there were few existing methods that could impose organization on a growing expanse of content. It would be impossible to create a hierarchy of subjects in advance. Instead, these journals needed a different framework to organize the apparently random new facts that were incorporated into an expanding system. Considering this problem, I began to approach the problem of order as a question of managing contingency: How should one find an organizational principle that underlies an increasing quantity of information that does not apparently adhere to a general rule? What creates such order from a natural state of disorder?

By considering small forms as representations of contingent events, it is possible to consider these small forms not just as texts but also as documents. When read individually, these essays may be interpreted as stories of unforeseeable events, the explanation of which is found within a reading of the details within that narrative. However, when viewed from the perspective of a distant whole, these essays may be better understood as objects that store information as data, and which yield a different kind of understanding when read in connection with others. In this latter interpretation, the collected body of texts contains information that

¹ Buringh, Eltjo, and Jan Luiten van Zanden. "Charting the 'Rise of the West': Manuscripts and Printed Books in Europe, a Long-Term Perspective from the Sixth through Eighteenth Centuries." *The Journal of Economic History* 69.2 (2009): 409–445. The number of books published in 1701-1750 (in thousands): 78,205. The number of books published in 1751-1800: 116,814.

can be measured and analyzed at once, almost as one might statistically analyze a body of quantifiable data. By reading the essays as texts, they appear as *factual* histories; but by reading them as documents, the essays altogether yield *probabilistic* hypotheses.

By reading these texts from the more distant perspective, I began to see a possible solution in which order can be found within an ever-expanding disordered body of documents. While large publications of cases may not present universal laws, they may instead yield probable conclusions, which when measured together suggest lawlike principles that approximate the truth. This intuition can be found in the axioms of classical probability theory, such as in the works of Jakob Bernoulli, who developed the thesis that the probability of large numbers of observations approximates the truth. This insight, which I call *mathematical probability*, is distinguished from an earlier rhetorical probability that was viewed as a masquerade of factual, historical knowledge. With the elevation of probability, which Hans Blumenberg called the logicization of a metaphor, the quantity of data-oriented observational texts gained increased significance over any individual text that tells a complete historical account of a deviant event. Considering this premise, a central objective of this dissertation is to examine mathematical probability as a technique of mass organization, giving the editor a standard by which to draw general conclusions from a state of natural disorder.

Following this line of reasoning, I believe that the evidence shows that the mathematical turn in probability theory was consequential for the development of small-form cases in the eighteenth century, which in turn has altered the conventional distinction of history and poetry, of necessity and possibility, which is so often taken for granted.

David Dunham
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INTRODUCTION

The concept of contingency is one of the most widely recognized but least understood factors in the differentiation of society since the Enlightenment. In contrast to the lawfulness of historical necessity, contingency broadly indicates the presence of numerous existing possibilities, each of which may appear equally likely or even random when compared to others. While traced to the philosophical and theological traditions of antiquity, the concept has undergone a historical development that has continually reshaped its relationship to the concept of *chance*. While contingency describes a state of equally likely known possibilities, *chance* describes unpredictable or limitless events that occur contrary to any law or reason. Thus, both concepts revolve around certain key philosophical questions of freedom and determinism: Are uncertain events subject to an unknown law, which is yet to be discovered, or is lawless chance an inherent fact of this universe? Are the manifold particularities of individual lives also subject to such a law, or is it impossible to understand the complex causes that form each singular life? Even for those who reject the existence of chance and maintain optimism in the existence of rational laws, there remains the challenge of predicting contingent events when the ultimate causes of those uncertain phenomena are not understood.

In approaching the problem of contingency, the complex tool of *probability* serves to approximate truth when an event cannot be known with certainty. In classical rhetoric, the concept of probability indicates a degree of belief significantly less than the requirements of truth. Unlike arguments that appeal to logic and necessity, rhetorical probability appeals to the listener's common sense of the likelihood of one argument over another, thereby masquerading as truth. However, in the early modern period, advances in mathematics demonstrated that probability can be precisely calculated, and this determination can serve as substitute for truth

in the absence of logical necessity. Jakob Bernoulli in particular advanced this new field with the formulation of the Law of Large Numbers, as it is now known, which holds that probability will closely approximate truth with an increasing number of observations of contingent events. Thus, the elevation of probability in the domain of mathematics places contingency under an entirely new domain of prediction and control. Contrary to common intuition, contingent events do not indicate possibilities that are all equally likely, as one might expect in throwing a fair dice. Instead, in the world of empirically observed events, some possibilities are more likely than others, and this probability can be quantified with a large number of particular observations. With these tools of quantification, probability theory set forward a new paradigm shift in the philosophy of uncertainty, the impact of which extended from mathematics to theology, medicine, psychology, and crime. Moreover, this transformation of contingency may have even altered the course of literature's own functional differentiation, the consequences of which have not yet been clearly understood.

For Niklas Luhmann, the functional differentiation of contemporary society is accompanied by an increase in the observation of contingency, whereby literature's role evidently comes into question. Luhmann argues in *Theory of Society* (1997) that the system of society has differentiated into distinct, autonomous functional systems, such as politics, science, and the economy. In contrast to premodern systems in which one functional system hierarchy dominates a stratified order, the differentiated society does not have a single code that serves to describe society as a whole. Consequently, each system of society has its own variation of contingency, which partially defines the border of that system against that of others. "With the differentiation of certain functional systems, there arise formulas of contingency that can claim a system-specific indisputability, just as scarcity is for the economic system. [...] But in the

specification of such formulas to corresponding particular function systems, there remains open the question of what they mean for the entire society.”¹

Contingency is measured according to its range of possibilities, which from a sociological perspective indicates the relative complexity of a social system. Yet each system produces contingency in its own context according to its own code. Thus, given the systemic autonomy of literature and art since the time of Goethe, Luhmann proposes a system-specific contingency that is not subordinate to others. For Luhmann, the contemporary arts serve to revive possibilities that were previously excluded. “Thus, one could describe art as the reactivation of excluded possibilities. Its function is to let the world appear in the world, the depict the unity in unity, whether it is improved or whether it is (primarily as today) worsened.”² By reactivating excluded possibilities, the arts introduce a degree of contingency into the system of society through its observation of other social systems. Thus, the contingency of literature is a central motivation for the present dissertation. If literature serves a social function of enhancing possibilities, how does this relationship with contingency affect the forms that have emerged in an independent system of literature?

In this sociological context, the *case* is one written form with a unique relationship to contingency and chance. From a modern medical perspective, a case is a text that examines an individual person or event that deviates from a norm. This understanding may be exemplified in the *case history* or *case report*, which is a descriptive account of a patient's peculiar symptoms, and which Sigmund Freud would popularize in the twentieth century. However, in works prior to our contemporary medical system, the case amounts to more than a medical

¹ Luhmann, Niklas. *Die Gesellschaft der Gesellschaft*. Frankfurt am Main: Suhrkamp, 1997. 470.

² Ibid. 352.f.

document. At its core, the case is a document that represents a single unified moment of contingency that defies expectations of a norm. While the case may often be presented as a narrative account, the case may not necessarily be interpreted as a story, as cases may equally be read as documents offering observational data without a narrative resolution. In either account, the case is a small form that presents contingency as an as-yet unexplained deviance. This concept is notably expressed in Andre Jolles' *Simple Forms* (1930), which defines the *Kasus* as a story that presents a problem without an answer. "The uniqueness of the form *Casus* lies in that it indeed poses the question, but it cannot give the answer; that it imposes on us the responsibility of decision, but it does not itself possess the decision – what is realized within it is the weighing but not the result of that weighing."³ This concept of the case broadly coheres with the etymological understanding that the English-speaking world has received from the Latin *casus* – an event that demands interpretation but does not presume a correct answer. Furthermore, the German context possesses the unique term *der Fall*, which similarly indicates an unexplained event, but which contains the additional sense of a *fall from grace*. In this regard, the case suggests a state of decline or imperfection, which may intuitively describe individuals affected by illness. This imperfection is then linked to the associated term *Zufall*, which defines a state of chance. These associations contribute to a contemporary concept of the case that is founded upon contingency. The case does not only describe a state of the world; it depicts an unpredictable violation of human expectations. Due to the unique relationship of this form to contingency, one of the objectives of this dissertation is to show the development of the case in relation to the transformations in the theories of contingency in the Enlightenment period.

³ Jolles, Andre. *Einfache Formen*. Halle: Max Niemeyer Verlag, 1956. 158.

In recent years, scholarship has given increased focus on the *Fallgeschichte* as a small form that has transformed the practice of communication in both scientific and literary contexts. However, this contemporary interest in the *Fallgeschichte* has often led to misconceptions of the case as a re-iteration of the Biblical fall from grace. Specifically, recent works have used the term *Fallgeschichten* to define a new category of text that groups the works of empirical psychology (Karl Philipp Moritz), literature (Schiller and Kleist), and other genres.⁴ While practical for the theoretical discourse, this new term has promoted an interpretation of cases as *narrative* forms of extraordinary events, which seems to draw a direct historical lineage to the novella of Goethe – the case as *unerhörte Begebenheit*. Moreover, this concept re-enforces an interpretation of the case as a story that reformulates the Biblical expulsion of Adam and Eve from Eden.⁵ As I show in chapter four, prior to the mid-nineteenth century, the word *Fallgeschichte* was written exclusively to describe the Biblical case, which is the story of the quite literal fall of humankind and the beginning of their original sin. By re-enforcing this theological concept, modern scholarship has presumed an interpretation in which *every* case implies an original sin, or in other terms, an inherently singular imperfection that appears unresolvable. Yet despite this common understanding, the earlier writers of cases tended to use *der Fall* in regard to secular cases (i.e., scientific and literary contexts). Thus, cases have not necessarily been read as narratives that trace contingent events as stories from beginning to end. More importantly, cases may not necessarily be re-iterations of original sin. If cases represent certain inherent imperfections, as might appear in a rare illness or extreme criminal act, then

⁴ See: Pethes, Nicolas. *Literarische Fallgeschichten: Zur Poetik einer epistemischen Schreibweise*. Paderborn: Konstanz University Press, 2016. See also: Leventhal, Robert. “Kasuistik, Empirie und pastorale Seelenführung. Zur Entstehung der modernen psychologischen Fallgeschichte, 1750-1800.” *Jahrbuch Literatur und Medizin* 2 (2008): 13–40.

⁵ See examples in chapter four.

one is more likely to view them as *chance*, i.e., random events. However, while the subject of cases may be contingent, it is far from random. In fact, as this dissertation intends to show, cases are formed to uncover the lawfulness underlying unpredictable events. By observing and documenting individual subjects, cases seek to learn the complex rules that cause contingencies that previously defied explanation.

In examining several of the most prominent texts of the case genre, I argue that the mathematical turn in probability theory was consequential for the development of case-like small forms in the 18th century. With large quantities of information, probability theory became capable of addressing questions that were previously beyond the scope of such abstract reasoning. For the first time, the collection of mass data made it possible to observe the regularities of such contingent activities as births, deaths, and even crimes. Johann Peter Süßmilch, one of the first major investigators of these data, observed in his seminal work *Die göttliche Ordnung...* (1741)⁶ a stable ratio of male to female births, which Süßmilch saw as evidence of divine intervention in the actions of humankind at its most fundamental level. Probability's intervention into society demonstrated the supremacy of data to reveal the norms of the most unpredictable events of human life. However, the impact of this paradigm shift was not limited to statistics and demographics. Instead, I argue, mathematical probability influenced the evolution of case-like small forms that contained the empirical observations necessary for large-scale conclusions. By understanding the development of the case as a probabilistic form, one may better understand its unique differentiation as a literary genre around 1800.

⁶ Süßmilch, Johann Peter. *Die göttliche Ordnung in den Veränderungen des Menschlichen Geschlechts aus der Geburt, dem Tode und der Fortpflanzung desselben erwiesen*. 2 vols. Berlin: A. Haude und J. C. Spener, 1756.

The scope of this dissertation will range from the early 18th to the beginning of the 19th century, following the formalization of mathematical probability to the publication of the earliest criminal case story collections. Chapter one, “THE ART OF CONJECTURE: JAKOB BERNOULLI, MOSES MENDELSSOHN, AND THE PROBABILITY OF NARRATIVE,” shows the development of the Law of Large Numbers in Jakob Bernoulli’s *Ars Conjectandi* (1713) and its impact on the concept of rhetorical probability. Contingency and chance are initially presented as a philosophical dichotomy, with the latter being viewed as contrary to human freedom. Bernoulli subverts this distinction by demonstrating that the probability of chance events (e.g., crime and disease) can be calculated with the same degree of certainty as contingent events (e.g., coin flips). By calculating the average of a large number of observations, the calculated probability of an event approaches the actual likelihood of its occurrence. In demonstrating this theorem, Bernoulli creates several short stories that serve as examples substantiating this calculative approach. These cases, which each pose an investigative empirical problem, can only be solved by calculating the most probable possibility amongst an unknown number of alternatives. Thus, Bernoulli’s work recasts the conventional case as an object of collection, the answer to which arises through a structured process of comparing one case to another. Influenced by Bernoulli’s magnum opus, Moses Mendelssohn writes a similar set of cases in “Gedanken von der Wahrscheinlichkeit” (1756) and argues that mathematical probability can be used to predict the causes of medical illness. Thus, Bernoulli’s formalization of these mathematical principles lays the groundwork for a different kind of case, which would later be described as a *small form*.

Chapter two, “THE DATA AND NARRATIVES OF CASES: KARL PHILIPP MORITZ AND JOHANN GEORG ZIMMERMANN,” explores the historical background of

the case as a form of medical analysis. Within the scope of the late Enlightenment context, the chapter discusses the scholarly disagreement on the status of the case as *narrative* or *document*. Was the case primarily a textual narrative that told the history of an individual condition, or did this narrative quality develop from a documentary form in which individuality represented a collection of statistical facts? In addressing this question, the chapter examines the work of Johann Georg Zimmermann, particularly his essay “Von der Erfahrung in der Arzneykunst” (1764), in which he argues that the physician must be capable of arranging particular facts in a way that tells a narrative of illness, giving order to a multiplicity of observations. While influenced by Zimmermann's concepts, Karl Philipp Moritz began to publish *Das Magazin zur Erfahrungsseelenkunde* (1783-93), which would collect cases of psychological deviance from a wide range of perspectives of society; and in gathering a large number of observations, the magazine would aspire to generate new theories of the causes of those contingencies. Considering the evidence in Moritz' aesthetic writings and travel narratives, I argue that Moritz conceived of cases as a combination of both narrative and documentary qualities. On the one hand, Moritz believed that cases should limit observations only to the historical facts of the individual subject. However, under the influence of the mathematical paradigm of probability, Moritz believed that the mass collection of cases would reveal the order underlying these seemingly random events. This intuition, repeated in various forms throughout his works, represents a major reformulation of the case as a small form that is both document and narrative, depending upon the level of scale in which they are to be interpreted.

Chapter three, “RUBRICS: PROBABILITY AS ORGANIZATIONAL PRINCIPLE,” examines the rubric as a means to impose order upon an unordered collection of contingent cases. Tracing its development to the late Middle Ages, the rubric is defined as a category or

heading that describes a set of miscellaneous texts according to their commonality. Often, these rubrics were titles written in red ink, which were added later to a collection to give structure to an otherwise unordered series of works. However, as the number of print journals proliferated in the eighteenth century, rubrics were frequently introduced as categories for much larger quantities of case-like texts. Unlike the early modern rubrics, which were titles imposed after the completion of a major work, Enlightenment rubrics were forward-looking categories that contained selection criteria for the inclusion of new information. By examining different kinds of rubrics, including those in Moritz' *Magazin zur Erfahrungsseelenkunde*, this chapter shows that rubrics incentivized the indefinite expansion of writings on miscellaneous chance events, since any possible subject matter could fall under a certain rubric and put into connection with similar cases. Moreover, these rubrics would be continually revised *in response to* the changing contents of the texts being published in their journals. Considering the systematic nature of these revisions, I argue that rubrics served to capture the mathematical probabilistic conclusions of texts, which would otherwise be entirely singular at the small scale.

Chapter four, “*KRIMINALGESCHICHTEN: THE CASE OF DEVIANCE IN MEIBNER, MÜCHLER, AND SCHILLER,*” discusses the development of criminal literature out of the case genre in the late 18th century. While criminal cases were frequently published in major collections, such as Moritz' *Magazin*, these cases were primarily small-form cases that cited actual legal documents. However, in the works of August Gottlieb Meißner and Karl MÜchler, these cases were adapted into short stories to be interpreted in a literary context. Moreover, these case-like stories deliberately exceeded the earlier limitations of empirical observation, choosing instead to include probable details of the criminal's innermost motivations. In examining several key examples in this tradition, I argue that the criminal stories

did *not* reject mathematical probability in favor of rhetorical plausibility. Instead, I argue that authors of *Kriminalgeschichten* chose to integrate certain plausible details into the stories of historical criminals, such that the reader may view their actions as probable considering their background and motivations. Furthermore, this chapter discusses Friedrich Schiller's *Der Verbrecher aus verlorener Ehre* (1786), which is framed as a *true* story that serves as the case of the criminal as such, not just that of a particular individual. In this text, Schiller intends to portray *Der Verbrecher* as a work of literature, but which nevertheless maintains an adherence to true historical facts. Considering this evidence, I argue that Schiller attempts to integrate the demands of both mathematical and rhetorical probability. By isolating an historical individual and re-integrating them into a probable lifeworld, Schiller intends to bring the inner (imagined, poetic) probability of the criminal's motivations into alignment with the outer (historical, factual) probability of the world with which the reader is acquainted. In doing so, Schiller's major work represents a key intervention in the differentiation of a literary genre out of the models of a medical and scientific tradition.

CHAPTER 1
THE ART OF CONJECTURE: JAKOB BERNOULLI, MOSES MENDELSSOHN,
AND THE PROBABILITY OF NARRATIVE

Contingency and Necessity

In pre-statistical mathematics, Jakob Bernoulli's posthumous work *Ars Conjectandi* (1713) influenced the discourse of probability far beyond the scope of his philosophical predecessors, whose conclusions remained limited to the mathematical objects of *a priori* knowledge. Historically, Bernoulli's most widely recognized contribution is his proof of the *Law of Large Numbers*, which argues that observations presenting a contingent outcome approximate a lawful conclusion after measuring the average of a large collection of instances. For example, the flip of a coin presents a *contingent* outcome of known alternatives (head and tail), but the average outcome of a large number of cases approximates the expected theoretical outcome (50/50). More significantly however, in part IV of the work, Bernoulli argues that these conclusions can be extended beyond the limits of games of chance and into questions of *a posteriori* understanding. Just as the axioms of probability apply to the limited sphere of coin-tosses and gambling, he argues, so may one also infer the likelihood of disease and crime from numerous empirical observations of seemingly endless possibilities. With this insight, Bernoulli's work escapes the boundaries to which theory was previously limited and foresees the formalization of statistics as an application of mathematical principles to empirical phenomena. While this contribution to mathematical probability is widely recognized, Bernoulli's work also presents a subtle but equally transformative shift in the paradigm of *narrative probability* that is consequential for the literary-scientific case genre of the ensuing centuries. Bernoulli's empirical intervention depends upon reference to

exemplary stories – thought experiments alluding to hypothetical events, which frame the scope of possible empirical cases to be collected. This groundwork of the case [*der Fall*] is further developed in the writings of Moses Mendelssohn, whose essay “Gedanken von der Wahrscheinlichkeit” (1756) appeals to Bernoulli's theories to suggest a new aesthetics in which probability becomes the substitute for truth itself. In examining the role of the case-like *example* for Bernoulli and Mendelssohn, this paper argues that classical probability contains the models for a subsequent small-form case genre, in which improbable and even fictitious cases stories gain empirical value as collective elements of a series.

Prior to Bernoulli's intervention, the terminology of contingency [*Kontingenz*] and chance [*Zufall*] suggests a fluid distinction in philosophical discourses on uncertainty, the tensions of which Mendelssohn would eventually confront. First, contingency tends to represent uncertainty as the foreseeable possibility of some future occurrence. The term is etymologically derived from the Latin *contingere* (to occur)⁷ or from *contingens*, the Latin translation of Aristotle's *endechomenon* – the indefinite possibility or non-necessity of an event.⁸ In this modality of possibility, Aristotle's contingency contrasts with the Magarian school, which he claims reduces possibility to the real. Instead, Aristotle argues that possibility signifies that which may not become real, based on the distinction of capacity [*dynamis*] and ability [*energeia*]. “Therefore it is possible that a thing may be capable of being and yet not be, and capable of not being and yet be, and similarly with the other kinds of predicate; it may be capable of walking and yet not walk, or capable of not walking and yet walk.”⁹ Aristotle uses the example of the sea-battle, which may

⁷ Schmidt, Heinrich. *Philosophisches Wörterbuch*. 16th ed. Stuttgart: A. Kröner Verlag, 1961. 312.

⁸ Vogt, Peter. *Kontingenz und Zufall: Eine Ideen- und Begriffsgeschichte*. Berlin: De Gruyter, 2011. 44.

⁹ Aristotle. *Metaphysics* Book 9, chapter 3. All Aristotle citations unless otherwise noted: *A New Aristotle Reader*. Ed. J.L. Ackrill. Princeton NJ: Princeton University Press, 1987.

or may not happen tomorrow,¹⁰ as a chance event that does not occur by necessity. In this paradigm, contingency emphasizes that which does *not* yet exist and contemplates the foreseeability of events that are possible yet known.

Following the Latin *contingens*, this contingency also entails a set of choices that appear indeterminate except to an omniscient being. Thomas Aquinas largely affirms the Aristotelian definition of contingency as *neither necessary nor impossible*. Yet for Aquinas, contingency does not imply blind chance, as he argues that for God, contingent causes create a space for the exercise of a free will, which God enables in humanity despite knowing the outcomes of all decisions before they occur. “Now God knows all contingent things not only as they are in their causes, but also as each one of them is actually in itself. And although contingent things become actual successively, nevertheless God knows contingent things not successively, as they are in their own being, as we do but simultaneously.”¹¹ While God knows all contingent things by virtue of an intellect *a priori*, Aquinas attributes human knowledge of contingent events to the senses, being inherently linked to matter. However, for Aquinas no chance event occurs apart from divine foresight: “Certain effects are said to be contingent as compared to their proximate causes, which may fail in their effects; and not as though anything could happen entirely outside the order of Divine government.”¹² In this view, what is called *contingent* is foremost a manner of speaking. Just like the roll of the dice, an event is contingent not because it is indeterminate, but rather because its result depends upon an enormity of minor causes that are hardly observable, except by a divine

¹⁰ Aristotle. *On Interpretation* chapter 9.

¹¹ Aquinas, Thomas. STH I, q14, art. 13. *Summa Theologica, Part 1*. Trans. Fathers of the English Dominican Province. The Complete American Edition. Benzinger Brothers, 2006.

¹² STH I, q103, art. 7

intellect. Additionally, probability falls short of genuine knowledge because *contingent knowledge* requires a complete understanding of the entirety of causes that can only be gained by the senses.

While scholastic *contingency* emphasizes the possibility of the non-existent, Enlightenment theodicy instead turns toward the non-necessity of existence, which is a major step toward the rationalization of uncertainty. In the *Theodicy* (1710), Leibniz writes that “this cause [of the world] must be intelligent: for this existing world being contingent and an infinity of other worlds being equally possible, and holding, so to say, equal claim to existence with it, the cause of the world must needs have had regard or reference to all these possible worlds in order to fix upon one of them.”¹³ (§7) The world being an “assemblage of contingent things,”¹⁴ contingency turns from the possible to the factual, by which a divine will brings this world into existence, selecting one out of an infinite range of possibilities. In this view, probability has little claim to truth, as each world is equally possible, and thus factual observations leave little room for probabilistic inferences when a divine will intervenes in the realization of possibilities. However, contingency’s shift to factuality significantly shifts toward the world as it exists, establishing observations of contingency on the same plane as fortuitous chance, which is fully located in the realm of existence.

Chance and Fortune

Unlike contingency, which entails equally possible alternatives, *Zufall* indicates an incalculable event that emerges irrationally into existence. The German term derives from the

¹³ Leibniz, G.W. *Theodicy: Essays on the Goodness of God, the Freedom of Man and the Origin of Evil*. Ed. Austin Farrer. Trans. E.M. Huggard. Peru, Illinois: Open Court, 1986.

¹⁴ *Ibid.* §7

Latin *accidens*, which signifies an unfortunate event, or a circumstantial, external chance.¹⁵ However, by the 16th century, this externality comes to designate a symptom or property of illness.¹⁶ In this sense, *Zufall* may arise either in the singular or the plural, the former indicating the case of illness itself and the latter of the particular symptoms alone, which in natural science represent modifications of the healthy body (“distinguishing properties of matter”). In this regard, chance suggests something particularistic that is descriptive of the world.¹⁷ Another feature attributable to *Zufall* is incalculability, whereby an event appears to contradict any appearance of lawfulness. In this regard, *Zufall* is also associated with the Latin *fortuna* and Greek *tyche*.¹⁸ [fn: *Tyche* deity] In Aristotle, luck [*tyche*] contrasts with the mechanical [*automaton*] as the cause of events¹⁹ and thus suggests an irrational, almost supernatural interference into the world. One side of this force is the benevolent fortune of *Glück*, while the opposing force is *Zufall*, associated with medical illness and the randomness of afflictions. Thus, *Zufall* appears factual like contingency, describing the non-necessity of the world, yet it entails an incalculable infinitude of possibilities, unlike the limited number of possible worlds ascertainable to the intellect. While the limited outcomes of a coin toss are contingent, the same cannot be said of the afflictions of nature, in

¹⁵ Pfeifer, Wolfgang, ed. *Etymologisches Wörterbuch des Deutschen*. Berlin: Akademie-Verlag, 1989. 2046.

¹⁶ Ibid. “For mystics, ‘what comes along as external to being, the not-original’ (Seuse, Tauler), then in the natural sciences as ‘the distinguishing properties of matter’ (16th century), and in medicine as ‘the externally arriving disruption of illness, phenomenon of sickness, symptom’ (16th century), also ‘attack’ (17th century).”

¹⁷ “The particular arising of a sick condition.” Grimm, Jakob und Wilhelm. *Deutsches Wörterbuch von Jacob Grimm und Wilhelm Grimm*. Trier: Trier Center for Digital Humanities, Universität Trier, 2008. <http://woerterbuchnetz.de/cgi-bin/WBNetz/wbgui.py?sigle=DWB&lemid=GZ09352&hitlist=&patternlist=&mode=Gliederung>

¹⁸ In the late classical period of Greek antiquity, the city states turned toward their own distinct *Tyche* deity for the protection against the forces of warfare, chaos, and fate. Unlike other deities, which may be tied to a sect, *Tyche* rises as a civic deity of Greek city-states and colonies, standing as a point around which citizens could rally. Thus, the public, secular nature of fortune predisposes fate to represent the particularized, fractionalized contingencies of a living settlement. Its origin is supernatural, and its force transcends all secular boundaries, except to the extent that public citizens gather together into one place. See: Broucke, Pieter B. F. J. “Tyche and the Fortune of Cities in the Greek and Roman World.” *Yale University Art Gallery Bulletin* (1994): 34–49.

¹⁹ Aristotle. *Physics*, Book 2, Chapter 4.

which new deviances arise without predictable cause. By this distinction, the medically inspired *Zufall* lies in the domain of description, offering a singular unquantifiable event in the world that demands interpretation but resists calculation.

In Leibniz' *Theodicy*, the contingency/chance distinction appears fully established, yet Jakob Bernoulli's inquiries into combinatorics suggest an eventual unraveling. While Leibniz argues that the experienced world is an "assemblage of contingent things" [*des choses contingentes*], no event occurs purely by chance [*le hazard*], and "all philosophers" agree that it is "only an apparent thing, like fortune: only ignorance of causes gives rise to it."²⁰ Chance thus marks the irrationality of uncertainty – the existence of an unforeseeable event or random choice resulting from an indeterminacy in the universe. However, in earlier letters to Leibniz, Bernoulli's criticisms reveal a much more unstable distinction, whereby the sphere of contingent calculations intervenes into descriptive chance. Bernoulli's intention in drafting *Ars Conjectandi* is to apply the same probabilistic logic in analytic matters to questions known only from experience. While reason may tell us the number of cases in which 7 or 8 may fall on the dice, he argues, we do not know the number of cases which can bring death to the young man before the old man.²¹ In seeking statistical data to test his claims, Leibniz responds that inferences upon an 'infinite' number of cases cannot be made based on finite measurements and thus confines questions of probability to finite contingencies.²² However, Bernoulli defends his approach on the grounds that probability

²⁰ Leibniz. *Theodicy* §303.

²¹ "I will introduce you briefly that what it is about: It is well-known that the probability of every arbitrary event depends on the number of cases in which it can arrive or not arrive. The remark is the reason why we know, for example, how much more probable it is that 7 or 8 points fall in two throws. Yet we do not know how much more probable it is that a 20-year-old young person will outlive an elderly person of 60 years as the latter will the former. [...] From there I began to consider if perhaps that which it is not known to us a priori could not become known to us a posteriori from the outcome of similar examples observed in great numbers..." *Die Werke von Jakob Bernoulli*. Ed. K. Kohli. Basel: Birkhäuser, 1969. 509.

²² Ibid. Letter from Leibniz to Bernoulli. 3 December 1703.

does not require complete knowledge of all possible cases. Instead, he argues, even infinite quantities can possess finite *levels* of likelihood. The number of possible illnesses may be infinite, but our finite knowledge of chance events is full of regularities, and if a new illness were to occur, then this discovery requires an increase in one's observations of the world.²³ Thus, the concepts of contingency and chance appear to converge in Bernoulli's view, since both require observations of a finite number of cases, and probability theory does not demand absolute certainty of all the possibilities of chance. Moreover, Bernoulli's insight points to the impact of mathematical developments on case reports as narratives. If *Zufall* is characterized by descriptive illnesses, then for Bernoulli the *topoi* of rhetoric are not privileged over the methods of enumeration and calculation. Instead, he argues that chance events known *a posteriori* could possess the same mathematical probability as that of contingent events known *a priori*. The consequence of this intervention, as demonstrated in *Ars Conjectandi*, is that narrative forms are reduced and transformed to capture a vast range of data, and this shift leads to entirely different, non-linear ways of reading and writing cases.

Bernoulli's Mathematical Turn

Bernoulli's *Ars Conjectandi* is a turning point in probability theory in its extension of probabilistic axioms to empirical phenomena, and this turn rests upon a consequential analogy of the human body to a game of chance. After proposing his proof of the Law of Large Numbers, part IV addresses the application of the axioms of probability to questions of human health. First, Bernoulli proceeds with the definition of *Zufall* as a non-necessary fact of existence. *Zufall* “is that which is not, could not be or have been, well-understood as the result of a distant possibility,

²³ Ibid. Letter from Bernoulli to Leibniz. 20 April 1704.

not a nearby one.”²⁴ Intuitively, the gap between this *Zufall* and moral certainty [*moralisch gewiss*] is the number of cases – even an eclipse, he writes, was random until the vast number of observations pointed to the regularities of nature.²⁵ Yet in calculating the probability of uncertain events, he writes, one assumes that each case is equally likely, just as the game of dice requires an object with finite sides of equal shape and surface. This rule is also apparent in another game in which an urn contains a definite number of colored stones, either black or white. When a stone is removed from the urn, the likelihood of a given outcome is calculated analytically, given the geometric equality of the stones and the limited number of possibilities. However, he adds, this assumption of equality does not seem to hold for the manifold appearances in nature, in which the variety of manifestations does not suppose a rule of equality. The alternative, he argues, is to treat a case observed *a posteriori* as if similar cases possess an equal likelihood of occurrence. In his example, if out of 300 people of the same age and constitution of Titius, 200 die in the course of ten years, then one can probably conclude that there are twice as many cases in which Titius dies in the next decade than those in which he lives.²⁶ The analytic calculation of probabilities in the urn game is analogous to the *a posteriori* likelihood of disease, he argues, because the stones may represent each irreducible contingent manifestations of disease contained within a vessel interpreted as the human body. “Then, if in place of the urn, we consider for example the human body and what an enormity of the most diverse differentiations and sicknesses are concealed within it, just like the urn of pebbles, then we will similarly confirm through observations how much more

²⁴ Bernoulli, Jakob. *Wahrscheinlichkeitsrechnung (Ars Conjectandi)*. Trans. Robert Karl Hermann Haussner. Leipzig: W. Engelmann, 1899. 73.

²⁵ Ibid 74. “Yet before astronomy achieved such perfection, one had to count eclipses just as one would for both the other aforementioned events to the future, randomly occurring ones.”

²⁶ Ibid. 89-90. “Since, for example, if one has observed that out of 300 people of the age and constitution of Titius, 200 have died within the course of ten years, and yet the remainder live longer, then one can conclude with sufficient certainty that there are double as many cases in which Titius meets his fate in the next decade as there are cases in which he survives this point in time.”

easily this or that event arises in these areas.”²⁷ In this view, the previously infinite range of illnesses is reduced to a finite, albeit large, number of possibilities. As Lorraine Daston concludes, the analogy is a simplifying assumption about nature, which justifies the gathering of mortality statistics and other data to support general claims about disease.²⁸ Furthermore, the urn analogy transforms the otherwise *interpretive* question of illness into a risk-oriented assembly of irreducible facts. Here, the black/white pebbles correspond to a binary system of categories of illness, each representing a distinct symptom, the correlations of which comprise the individual case of illness. The fact of illness is not a *history* of a singular event but instead a *vessel*, just like the urn that contains an unordered collection of evidence.

Due to this urn analogy, Bernoulli can be viewed at the juncture of subjective and objective probability, and these insights seem to question the epistemic value of case-based interpretation, whether medical or otherwise. In the subjective or rhetorical view, probability expresses the degree of *belief* in a proposition, whereas the *objective* form defines that degree as the mathematical ratio of one set of cases to another. Bernoulli is frequently described as having blurred this distinction,²⁹ disregarding the boundaries between rhetorical persuasion and calculation. However, the truth of Bernoulli's views is more complex, as he does not seem to reject the importance of rhetorical persuasion even in mathematical probability. As Ian Hacking paraphrases Heisenberg, the subjective/objective distinction may also be understood as a distinction of reducible/irreducible properties. While objective probabilities are those that are “ultimate and irreducible,” subjective

²⁷ Ibid. 92.

²⁸ Daston, Lorraine J. “The Domestication of Risk: Mathematical Probability and Insurance 1650-1830.” *The Probabilistic Revolution*. Edited by Krüger, Lorenz, et al., Vol 1, MIT Press, 1987. 241.

²⁹ Engberg-Pedersen, Anders. “State of War 1800: Topography and Chance.” *Empire of Chance*. Cambridge: Harvard University Press, 2015. 63. “Not until the mid-nineteenth century were these two kinds of probability clearly distinguished from each other, and probabilists from Jakob Bernoulli to Laplace would shift from one use of the term to the other without blinking.”

ones are such only in that they are “reducible to other, irreducible, probabilities.”³⁰ For Heisenberg, this distinction means that subjective probabilities can be *reduced* by a repeated number of experiments. This distinction is especially relevant in the face of Bernoulli's urn analogy, whereby the subjective interpretation of the case contains a collection of irreducible probabilities (the binary pebbles). In this regard, Bernoulli could be viewed as a step in what Hans Blumenberg called the “terminologization of a metaphor.” As Blumenberg argues, probability is first a matter of verisimilitude [*Wahrscheinlichkeit*], rooted in rhetoric and alluding to a “chimerical deception” or “illegitimate simulation” of the truth.³¹ This concept is elevated, however, in the *logicization* of verisimilitude, whereby subjective probability transforms into a mathematical concept that is unrooted from “theological and teleological premises.”³² By mathematizing probability, indeterminate chance is given new relevance that was previously excluded from a theological worldview insisting upon the divine necessity of events. In each of these views, Bernoulli's intervention suggests the crossing of a line that demystifies chance. On the one hand, one can speak of the verisimilitude of a subjective case interpretation, on the other hand the entirely non-narrative calculation of chance. While this distinction may simplify this paradigm shift, in reality Bernoulli's neither completely mathematizes chance nor dismantles the narrative foundation on which cases are judged. Instead, his thought experiments reveal a different case-like form in which *irreducible* chance events can be reconciled with the ‘reducible’ subjective probability in the narrative composition of illness.

³⁰ Hacking, Ian. “Jacques Bernoulli’s Art of Conjecturing.” *The British Journal for the Philosophy of Science* 22.3 (1971): 216.

³¹ Blumenberg, Hans. “Terminologization of a Metaphor: From ‘Verisimilitude’ to ‘Probability.’” *Paradigms for a Metaphorology*. Trans. Robert Savage. Ithaca NY: Cornell University Press, 2010. 81.

³² *Ibid.* 89.

In *Ars Conjectandi* part IV, Bernoulli cites several thought experiments that illustrate the application of probability axioms to investigative questions. In each case, a question is posed in which a probabilistic answer must be given. After the range of contingent possibilities is outlined, evidence must be gathered that either supports or negates each possibility. As investigator, one is required to investigate as many reasons as possible that may hold different degrees of weight upon the answer. In the first example, he writes: “My brother has not sent me a letter in a long time, so I'm in doubt as to whether his idleness or business is responsible for it. However, I also fear that maybe he has even died. Thus, here are three reasons for the missing letters: idleness, death, and business.”³³ In the frame narrative, the premise is given, and the range of contingent possibilities is defined. From this foundation, the observer must consider several possibilities beyond the scope of this narrative in which either laziness, death, or business is involved. For each argument [*Beweisgrund*], what is the ratio of cases confirming a failure to write to the total number of cases? On the surface, the case of the missing brother seems to recede from its narrative into purely quantitative measurement. However, Bernoulli further explains that each condition must be considered according to an analysis of the *number* and *weight* of its arguments. The possibility of his brother’s death or his preoccupation with business are both contingent, but only the former necessarily suggests the outcome.

Argument	Condition: Contingent or necessary?	Indicative Force: If the condition is true, is the outcome necessary?
He is dead.	Contingent (His current state is unknown.)	Necessary (If he’s dead, he cannot write.)
He is lazy.	Necessary (One knows beforehand if he is lazy or not.)	Contingent (Laziness may not be the cause of his failure to write.)
He is busy.	Contingent (His schedule is unknown.)	Contingent (His business may not be the cause of his failure to write.)

Figure 1. The combinatoric schema of Bernoulli's case.

³³ Bernoulli (1899). 80.

In not only this case, but any investigative case, one may create such a matrix of possibilities that determine both the number and weight of data answering its probability. For each condition, he claims, the calculation of probability differs according to the respective weight of contingent-necessary pairing, but in every condition a large number of cases must be gathered to determine the result.³⁴ Another example proposes that the weight of these conditions can be further divided according to pure [*rein*] and mixed [*gemischt*] cases: In a crowd of people fighting, one person is struck with a sword. A trustworthy witness claims that a man with a black coat is the culprit. Gracchus and three others are found wearing black coats.³⁵ This first evidence is ‘mixed’ because each additional case of a black-coated man reduces the likelihood of his guilt. Suppose, Bernoulli continues, that upon questioning Gracchus’ face grows pale. This evidence is *pure* because it only contingently suggests his guilt. He may be guilty and not grow pale. Each of these combinations suggests a different weight that influences the number of cases to be collected to determine the probability of guilt or innocence.

The Logicization of Verisimilitude

In each of Bernoulli’s cases, a descriptive event prefaces each probabilistic question, and Bernoulli’s formulaic solution apparently questions rhetoric’s ability to weigh the likelihood of each contingent cause. By giving certain boundaries to *moral certainty*, he claims that a hypothetical judge could reach courtroom decisions with a fixed perspective and in an unbiased

³⁴ Ibid. 82. “From what has thus far been said, it is visibly clear that the credibility of any argument depends on the number of cases in which the latter can be available or unavailable; or in which it can indicate a thing, not indicate it, or indicate its opposite. Thus, the degree of certainty, or the probability that this argument delivers, can be calculated from those cases with the help of the theories of the first part, just as they cultivate the hopes of the participants in a game of chance.”

³⁵ Ibid. 81-82.

manner.³⁶ However, given the many ways in which Bernoulli attempts to subdivide the weighing of reasons, probability's escape from subjective interpretation is far from certain. In *The Game of Probability* (2014), Rüdiger Campe examines this section of Bernoulli's treatise and expresses skepticism of the attempt to uncouple mathematical probability from rhetorical verisimilitude. Bernoulli's case-like examples, he suggests, show similarities to the classical rhetorical topics, understood as the set of formal techniques to achieve persuasion in narrative prior to the facts of a case. In the *Topics* §97, Cicero writes:

Not only complete speeches, but also parts of a speech may be supported by the same kind of Places [*locis*], partly peculiar, partly general; for example, in exordia [introductions], those who listen are to be made benevolent, docile, and attentive with the help of certain Places peculiar to exordia; the same holds for narrations, for them to work towards their goal, which is that they should be plain, short, clear, credible, of controlled pace, and dignified. Although these features are meant to be in evidence in the whole speech, they are more characteristic of narration.³⁷

In the juridical sense, the topics are more than just hooks to capture the listener's attention, but rather a narrative framework for argumentation that structures and precedes the collection of facts. The law guides the direction of the topics, and they provide the persuasive force necessary for the acceptance of particularistic data. In Blumenberg's terms, the topics represent verisimilitude as metaphor – probability as the appearance of truth, resting upon the narrative framework that is designed to persuade while separated from the facts of the contingent case. Another important feature of the topics is the *locus*, understood as a universal argument without a case.³⁸ For example, in convicting someone of luxury, one might proceed from a critique of the concept of luxury itself,

³⁶ Ibid. 80. "Thus, if on the instigation of the authorities, it would be useful if certain boundaries could be set for moral certainty, or if it were decided, for example, that there must be the realization of 99/100 or 999/1000 certainty, such that a judge cannot be biased and instead have a definite perspective, which he continually has in view in the act of sentencing. Anyone who is knowledgeable in everyday life can set up further such axioms on their own initiative. We cannot remember them all, especially when we lack the opportunity for their application."

³⁷ Cicero. *Cicero's Topica*. Trans. Tobias Reinhardt. Oxford: Oxford University Press, 2003.

³⁸ Mortensen, Daniel E. "The Loci of Cicero." *Rhetorica: A Journal of the History of Rhetoric* 26.1 (2008): 52.

and the *loci* provide the circumstantial arguments that may be tailored to the specific cases. Bernoulli's examples possess a similar rhetorical framework, since a generalizable event precedes each case, and the circumstantial contingencies provide the particular narrative facts. For this reason, Campe argues that Bernoulli's rationalization of probability is modeled upon the topics, since his examples mirror the rhetorical division of contingencies and event: Citing Agricola's *topos de contingentibus*, the event is assigned a particular cause, but the narrative *contingentia* "can continue to exist with a thing or without it."³⁹ Campe states that the "terminologies of conjecture, of the probable, of signs, and of contingency are all modeled according to the topics"⁴⁰ and concludes that the new mathematical probability is not ultimately different from the topics that it references.

While Bernoulli's examples certainly reference the classical rhetorical topics, these cases amount to more than a repetition of subjective probability. Instead, considering the importance of the law of large numbers, the examples constitute a vastly different form that enhances the epistemic value of improbable, contingent cases. Invariably, each event does not just entertain a single likely narrative. Instead, the Law of Large Numbers requires the incorporation of a multitude of *arguments* ranging across every degree of probability, and each circumstance is supported by a large number of cases that explore every unlikely possibility. In the case of the missing brother, it may be improbable that after a long journey, the brother has died, and all correspondence has gone missing. However, the Bernoullian case requires a precise value of that improbability before it is excluded, and thus every possible case must be explored, or at least a very large number, which may determine that value. Of all the cases in which one fails to write, in

³⁹ Campe, Rüdiger. *The Game of Probability: Literature and Calculation from Pascal to Kleist*. Trans. Elwood H. Wiggins Jr. Stanford University Press, 2014. 137.

⁴⁰ *Ibid.*

how many is death the cause? Responding to the Gracchus example, Campe argues that such circumstantial conditions amount to a *translation* of the world into the event. In the case of the men wearing black coats, the event turns toward four individuals and the particular details that are incidentally related to sword-fighting (e.g., the paleness of their faces). In the multiplication of circumstances, Campe argues, “[w]e must strive to translate the world into the world that is the case.”⁴¹ Each relevant circumstance must be explored in detail, and this expansion of perspective generates a turn from the event into the lifeworld in which it is situated. However, in Campe’s view, Bernoulli’s translation does not amount to a decisive shift but rather lies in a vacuity between the worlds of event and narrative, writing that “he makes himself at home in a provisional world in between. In a first order of things in this world, we may be able to translate the world of our common experience – the social and physical world – into a closed cosmos of calculable data, but we still cannot further integrate this ensemble of data into the world that is the case, of its construction and its hypotheses.”⁴² In this view, the case may reference the data of all these cases but cannot integrate them into *our* world as probable narrative. In the first example, one might reference the *data* of death causing a failure to write but not the cases themselves to the extent that they may be incorporated into the narrative. Thus, it appears that Bernoulli appears stuck in between the event of the case and the *argumenta* of the narrative supported by data. Yet despite this apparent limitation, Bernoulli is not restricted to the probable topics of classical rhetoric. While examining a wide range of circumstances, the examples do not get lost in the totality of possibilities. Instead, the narrative component of Bernoulli’s cases involves the enumeration of the most probable and *improbable* contingencies, considering the large degrees of difference that lie

⁴¹ Ibid. 145.

⁴² Ibid.

between an expected outcome and the chance events at the limits of the imagination. All these degrees of difference are incorporated into the narrative of the example, but the epistemic significance of this formulation would not be articulated until decades later. In his 1756 essay “Gedanken von der Wahrscheinlichkeit,” Moses Mendelssohn cites Bernoulli’s theories to support a revision to the case genre that enhances the status of improbable, unheard-of events. Fully embracing the mathematical calculation of chance, Mendelssohn argues that in the limitations of human understanding, quantitative probability may fully substitute the place of certainty. “Among every form of knowledge to which human understanding is applied, the knowledge of probability may be considered the most noble because it is appropriate for our limited insight, and in most cases, it must take the place of certainty.”⁴³ At stake for Mendelssohn is the validity of induction and the recurring theological defense of God’s knowledge of arbitrary, free actions. Most importantly, Mendelssohn cites Bernoulli as showing probability’s ability to point toward certainty by observing the totality of truth conditions for a given question. “Often, probability is also the path through which one reaches unmistakable truth. If we cannot at once look over all the truth conditions that lie in a subject, then one initially accepts some of these truth conditions to see what results from them if they alone exhaust the essence of the subject. The success that one gets in this way is called a hypothesis.”⁴⁴ This high acclaim for probability is further supported, he argues, by the recent statistical calculations in London and Paris, which determine the life expectancy of individuals in different age groups, and Bernoulli’s text is recognized as using these statistics to prove the likelihood that a given individual of a certain age will die. At this point, Blumenberg cites the essay as *authenticating evidence* for the transition from metaphorical to *logicized*

⁴³ Mendelssohn, Moses. “Gedanken von der Wahrscheinlichkeit.” *Gesammelte Schriften*. Jubiläumsausgabe. Vol. 1. Stuttgart: Friedrich Frommann Verlag, 1971. 149.

⁴⁴ *Ibid.* 156.

probability.⁴⁵ For Mendelssohn, the success of the Copernican model lies not in the discovery of new evidence but in its probability over the Ptolemaic model, positing only a few causes for all phenomena.⁴⁶ Lacking confirmatory evidence, the predominant model of the universe rests upon an uncertain claim, but this probability approaches certainty the more often human observations support its premises. This leads Mendelssohn to a more general insight of Bernoulli's theory, namely that the frequent correlation of observations suggests the probability of a causal connection. Causal inference is thus determined as a matter of degrees, and Mendelssohn extends this reasoning from astronomical theory to medical case examples.

Moses Mendelssohn

Supporting the validity of causal inference, Mendelssohn describes two examples modeled upon those of Bernoulli's text, and these case-like stories shift the topical focus to observations of strange medical occurrences. The first example illustrates the validity of causal inference in a case of coffee-induced dizziness: "Suppose that someone feels dizziness whenever they drink coffee. Then, they can assume with probability that this drink is the cause of the perceived dizziness. However, the first time this happens to them, they can do nothing less than this probable conclusion. There could just as well have been a completely different cause from which this dizziness arose, which by mere chance appeared as a symptom when they drank coffee. However, the more often they try it, the more probable the hypothesis becomes that it was not mere chance...."⁴⁷ In one aspect, the case mirrors Bernoulli's in that the event is explained in the

⁴⁵ Blumenberg (2010). 94.

⁴⁶ Mendelssohn (1971). 161.

⁴⁷ Ibid. 159.

enumeration of probable circumstances, although the case only mentions the circumstance with the most evident connection to that event. Moreover, the case illustrates this principle with an initially improbable hypothesis, given the admittedly manifold number of more likely causes in a singular observation. These unlikely contingencies are even more evident in the second example, in which a family appears to suffer identical symptoms after having eaten a salad.

In a certain collection of medical observations, it is told of a family who one night was overcome with sleeplessness, fatigue, slackness of face, and a kind of lunacy. The medic came to the hypothesis that there must have been a harmful piece of cabbage in the salad they all ate the previous evening, and he found that he was not mistaken. It was not impossible here that a particular event was the cause of sickness for any given person in this family. Yet since these many symptoms could also be explained by a single cause, the medic justifiably supposed the latter, and the probability of his hypothesis tended toward certainty as the count of sick persons approached the number $n + 1$, just as $n : n+1$.⁴⁸

While this example illustrates the principle of Occam's Razor, it simultaneously validates the investigation of an initially improbable set of circumstances, which would be fantastically implausible without the large number of supporting observations. Unlike the open-ended possibilities of Bernoulli, for Mendelssohn these improbabilities are essential for the case to contain both data and narrative. Just as Bernoulli does, this approach considers the entire range of contingent causes, but the narratives only cite the extremes of that range: the most probable of improbable causes. Much like the *unheard-of event* of Goethe's novella, the case orients toward the unlikely possibility, and in doing so it defines the scope of contingencies that are to be measured to determine the probable explanation of an event.

One consequence of the probabilistic revolution is the transformation of the case as a genre that crosses the boundaries between literary and medical-legal discourses. In *Ars Conjectandi*, Bernoulli foresees the possibility of calculation to answer questions of guilt in legal courtrooms.

⁴⁸ Ibid. 161.

For Mendelssohn, the context shifts to medical diagnosis, which was historically the domain of unpredictable chance and only answerable with close description of symptoms. In both contexts, the *logicization* of chance leads to a re-orientation of the case to the factual world that it supposedly cites. Writing in response to Schiller's cases, Arne Hoecker shows how the case complicates Aristotle's distinction between history, focused on the factual, and poetry, which is subject to the laws of rhetorical probability.⁴⁹ Given Bernoulli's model, the case seems to perform both poetic and historical functions: On the one hand, it describes an event, but it also claims to explore possibilities in the range of its causes. For Hoecker, the role of the case lies in managing this nuanced relationship to its historical event. He writes, "the question of how the case history organizes and controls its own reference can help to answer the question of what the case actually is."⁵⁰ However, in the Bernoulli/Mendelssohn model, the examples contain only a loose reference to the factual history that situates the case in its legal-medical discourses. Of the cases shown here, only Mendelssohn's final example alludes to the reported reality of the observations that he conveys.⁵¹ Instead, historical reference matters less than the (im)probability of the circumstances to the event. This disconnection between the event and its reference moves the case closer into the domain of literature. In the context of the *example*, Susanne Lüdemann argues that literature distinguishes itself as a *counter-science* [*Gegenwissenschaft*] that searches for the norm in

⁴⁹ Aristotle. Chapter 9. *On the Art of Poetry*. Trans. Ingram Bywater. Oxford: Clarendon Press, 1962. "From what we have said it will be seen that the poet's function is to describe, not the thing that has happened, but a kind of thing that might happen, i.e., what is possible as being probable or necessary. The distinction between historian and poet is not in the one writing prose and the other verse—you might put the work of Herodotus into verse, and it would still be a species of history; it consists really in this, that the one describes the thing that has been, and the other a kind of thing that might be. Hence poetry is something more philosophic and of graver import than history, since its statements are of the nature rather of universals, whereas those of history are singulars."

⁵⁰ Höcker, Arne. "In Citation: 'A Violation of the Law of Boundaries' in Schiller and Kleist." *The Germanic Review: Literature, Culture, Theory* 89.1 (2014): 62.

⁵¹ "In a certain collection of medical observations..." the case begins. The text offers a reference to a supposedly real collection, but the reality underlying these observations matters less than the probability that this reference provides.

deviance.⁵² If the example is such a counter-science, then Bernoulli's contribution is to give the case license to explore possibilities beyond the legal discourses in which it is anchored. It gives the example the freedom to act as literature without escaping from its legal questions. Ultimately, in proposing the case as a range of contingencies, these examples give credibility to improbable and even fictitious cases as observations that examine the limits of possibility.

Another consequence of this revolution is the increased relevance of evidence in large numbers, and the subsequent 18th century witnessed a proliferation of large collections of small forms hinging on this mathematical principle. In these collections, which predominantly feature cases of medical and criminal deviance, editors describe the uniqueness of a new form that is both historical and poetic. Focusing on the particular, contingent facts of the case, the writings serve as evidence that in large numbers comprise a more general probabilistic knowledge. The most famous of these collections is the *causes célèbres* (1734-1743) of François Gayot de Pitaval, which consist of the most interesting and peculiar legal cases of the period. In the first English preface, the editor highlights the way these cases are so improbable that they would be taken for fiction if not for their reference in historical fact. “But the most valuable part thereof is the Facts themselves, which are indeed so singular and extraordinary that they even border upon Romance, and many of them would pass for Fiction, were they not so well vouched that no room is left to call their Truth into question, being established on no less Authority than that of the National Records and Registers of the publick courts of the Judicature.”⁵³ In his German translation of Pitaval, Friedrich Schiller

⁵² Lüdemann, Susanne. “Literarische Fallgeschichten. Schillers „Verbrecher aus verlorener Ehre“ und Kleists „Michael Kohlhaas“.” *Das Beispiel. Epistemologie des Exemplarischen*. Ed. Jens Ruchatz, Stefan Willer, and Nicolas Pethes. Berlin: Kulturverlag Kadmos, 2007. 211.

⁵³ Pitaval, François Gayot de. *Select Collection of Singular and Interesting Histories. Together with the Tryals and Judicial Proceedings to Which the Extraordinary Facts Therein Recorded Gave Occasion*. Translator Unknown. Vol 2, London: Printed for A. Millar, 1744. i-ii.

compares the multiplicity of circumstances in its volumes to the engaging plot of a novel, but which nevertheless offer historical truths with insight into the human heart. “One finds in that same [work] a selection of legal cases, which are elevated to the level of the novel in terms of the interest of its plot, its artistic development, and its manifold of objects; and at the same time it still possesses the advantage of historical truth.”⁵⁴ In these commentaries, historical reference is an important element of cases, but only to the extent that it establishes the possibility of improbable circumstances. Instead, these references are subsidiary to the extraordinary events that easily converge with fiction. Nevertheless, the law of large numbers foresees an eventual order out of disordered cases – a law-like regularity that arises from the exceptionality of particular cases. This principle is stated most clearly in Karl Philipp Moritz’ *Magazin zur Erfahrungsseelenkunde* (1783-93), which is a collection of reader-submitted observations of unusual psychological deviances. For Moritz, the *Magazin* aspires to bring together the manifold material that will eventually find an order as a whole. In the introduction, he writes:

In turning the public into a witness of itself is not presumptuousness, as if I found myself in the position of using it, while being a representative thereof, to explore the depths of a science that are not yet explored by the brightest minds. Rather, I only wish that my zeal and good may speak for me when I dare to bring together some materials for a building that still seeks its architect and will probably find him.⁵⁵

Here and elsewhere, Moritz appeals to the metaphor of a building to describe the order of knowledge in a collection. The purpose of the medium is to collect raw material, each part of which is a singular circumstance, and the pieces should reveal a geometric order in a larger scientific

⁵⁴ Schiller, Friedrich. “Schillers Vorrede zur Neuübersetzung von Pitavals Merkwürdigen Rechtsfällen (1792).” *Der Verbrecher aus verlorener Ehre: Studienausgabe*. Ed. Alexander Kosenina. Stuttgart: Reclam, 2014. 126-127.

⁵⁵ Moritz, Karl Philipp. “Einleitung.” *GNOTHI SAUTON oder Magazin zur Erfahrungsseelenkunde als ein Lesebuch für Gelehrte und Ungelehrte*. 1.1 (1783).
https://www.mze.gla.ac.uk/bandnavigation/artikel/?sid=mze_01_1&aid=mze_01_1_ein

view of the whole. This principle is further reflected in the numerous *Kriminalgeschichte* collections of the late 18th century,⁵⁶ and the proliferation would likely not have occurred without the preceding probabilistic revolution.

As conclusion, this underrepresented chapter of intellectual history suggests the following hypotheses of relevance for a theory of small forms: (1) To the extent that any established distinction of contingency and chance existed prior to 1700, these concepts rapidly merged in the probabilistic revolution, whereby incalculable chance become imminently knowable as contingent possibility; (2) the Bernoullian paradigm shift produced a set of examples altering the characteristics of the case genre, in which rhetorical probability becomes calculable according to a systematic enumeration of possible circumstances; and (3) this new case offers credibility to extraordinarily improbable circumstances, which as singular events border on fiction, yet in large numbers support a probable conclusion. Given these three claims, mathematical probability theory is essential to understand the relationship of literary and scientific systems of communication, as well as the way fictional literature serves to observe and moderate the legal and medical systems that it references.

⁵⁶ See: MÜCHLER, Karl. *Kriminalgeschichten: Aus gerichtlichen Akten gezogen*. Berlin: Vieweg, 1792. p.17-18. "The tables of the criminals, their misdeeds and the punishment thereof, these mortality lists of the people's virtue, are evident proof of the victory of reason under which only a good government is possible." Unlike the other examples mentioned here, MÜCHLER appeals to existing crime statistics to look for the social conditions of crime, and he intends for the reality of those conditions to be revealed in the stories of his collection. <http://mdz-nbn-resolving.de/urn:nbn:de:bvb:12-bsb10395069-6>.

THE DATA AND NARRATIVES OF CASES: KARL PHILIPP MORITZ AND JOHANN
GEORG ZIMMERMANN

Individuality as Contingency

In the periodical *Denkwürdigkeiten* (1786), Karl Philipp Moritz frequently expands upon a key theme central to his empirical-psychological project of the ensuing decade: the apparent tension between the order and regularity of nature, which is conceived as a whole, and the disorder and contingency of its parts as isolated, particular cases. As he claims, the moral world, i.e., the immaterial social and psychological world of specific human individuals, is fundamentally a situation of conflict and disorder, characterized by a multitude of sin and crime, which no comprehensive system can clearly control or predict. The ‘natural’ world, on the other hand, i.e., the manifold world of plants and animals, appears in contrast as an ordered and purposeful system of life. In calling into question the human’s place within the state of nature, Moritz proceeds to outline a key methodological question underlying the scientific observation of human figures: Can one conceive of the human as a unified whole (i.e., the human species as such) or is one limited in conceiving only of *particular* human beings, each case being inherently singular when compared to every other? “Is the particular man something or nothing? – Should the heads of a body converse with each other and make deliberations, or should every head and body be only one? – What is unnatural: the separation or the unification of man?”¹ Here, individuality appears as a signature feature of human mental life, and one cannot easily reduce this individuality to a taxonomical system of natural things, as one would a species of plants, without overlooking the singularity of

¹Moritz, Karl Philipp. “Eine Vergleichung zwischen der physikalischen und moralischen Welt.” *Denkwürdigkeiten*. Vol. 11, Ed. Claudia Stockinger, Berlin: De Gruyter, 2013.

each individual life and eliminating the unique collection of natural causes that distinguishes one human life from another. For Moritz, this conflict is further developed in terms of the contingency [*Zufall*], which accompanies the human individual's status in a social hierarchy, and which obscures the clarity with which one must perceive the reality of the manifold of human lives. Cases are also imbued with questions of chance, especially publicized reports in which extraordinary events take place against the background of everyday life. Such contingency of the phenomenal world presents a challenge to notions of the wholeness of humankind, and Moritz frequently suggests that this fragmentariness of nature is an obstacle to be overcome. In one instance, he writes, "That I think and feel the value of my being, I do not want to attribute to chance, which places me just under the part of the human race that is called the civilized part. – I place myself on the lowest level that chance could move me and do not yield any of my claims to the rights of humanity."² Indeed, the intuition of the contingency and randomness of other human lives, as revealed in the manifold of empirical sensation, is a central concern for Moritz. This contingency is most prevalent in the consideration of cases of social and medical deviance, each text of which presents a constellation of symptoms that initially appear singular and irreducible to a known set of rational causes. In the *Magazin zur Erfahrungsseelenkunde* (1783-1793), Moritz attempts to grasp and overcome this contingency through the collection of a large quantity of singular³ cases, ranging from sensational crimes to unusual sicknesses and superstitions, and which gathers

² Moritz, Karl Philipp. "Was giebt es Edleres und Schöneres in der ganzen Natur." *Denkwürdigkeiten*. Vol. 11, Ed. Claudia Stockinger, Berlin: De Gruyter, 2013, p.17. In this essay, the contingency of human life is associated with the manifold [*Mannigfaltigkeit*] and plurality of human mental phenomena. The challenge of chance in human affairs is the possibility of a whole purposive in itself, which nevertheless preserves the completeness of individual life and the contingency that accompanies it: "...the mind of man can be subordinated by nothing. It is a complete whole in itself." (17)

³ I often mention the term 'singularity' and 'particularity' in alternation. By 'singularity,' I mean that the case presents a set of symptoms that are sufficiently unique, either in quality or degree, that it seems to exist independently from a group, and that the case's background is insufficient to explain the uniqueness of its symptoms.

together in one place the raw empirical facts of deviance in the hope of ultimately serving the future development of a new discipline of psychological knowledge.

In comparison to the wide range of scientific journals of the Enlightenment, the *Magazin* represents a noteworthy corpus in that it approaches narratives of deviance both as *interesting*⁴ narratives of singular lives, as well as building blocks of a more ambitious scientific project. At the level of the text, contributors are encouraged to submit writings detailing events from everyday life presenting remarkable cases for the study of the mind. In doing so, the cases typically present all and only the facts that are relevant to the particular context, and which ostensibly narrate a *history* of the course and outcome of an individual's deviation from the norms of the everyday. From this perspective, Moritz is frequently considered to present a 'close reading' of the soul, advocating close attention to the details and minutiae of symptoms, and in a disinterested manner of observing each case without recourse to premature judgment or generalization upon prior cases. Following this 'particularistic' side of the case genre, Andreas Gailus argues that Moritz represents a fundamentally modern way of reading the soul for his time, as he does not only seek general knowledge of its natural functions but also presents cases to serve the representation of individuality as such. "To write the soul now means to retrace the particular and contingent experiences that formed it, to tell its history, the story of how it became the way it is. In other words, it means to conceive the soul as a historical state [sic] of affairs, and to represent it in case histories which, while seeking to promise general knowledge about the workings of the soul, also promise to reveal the life of the individual in its singularity and distinctiveness."⁵ Following this

⁴ An *interesting* case might present sensational or provocative narratives that convey meaningful information when read in isolation, such as the rare appearance of *precognition* (a frequent topic in the *Magazin*) – a case that presents a supposed counterexample to known physical laws.

⁵ Gailus, Andreas. "A Case of Individuality: Karl Philipp Moritz and the Magazine for Empirical Psychology." *New German Critique* 79. Special Issue on Eighteenth-Century Literature and Thought (2000): 93.

line of analysis, Moritz presents cases as unified but inherently distinct histories of individuals, which cannot be reduced to a collection of categorical data extracted from their source and tabulated for the production of general theories. From this perspective, contingency is an unavoidable condition of a self that exists in the world, and the genre of case writing serves to capture the inescapable uniqueness that resists assimilation into a system of general norms. The case is thus not just a representation of an abnormal individual, as Gailus puts it, but the depiction of the “abnormality of individuality” as such⁶ – the intuition that every human life is an outlier, and no case exists that conforms to the criteria of the theoretical ‘average man.’⁷ Thus, in Gailus’ view, the case genre is ultimately a small form in the conventions of self-writing, an examination of real life as if under the microscope, and a defense of the inviolability of individuality against the totalizing forces of institutions.

While it is apparent that Moritz indeed orients the case to the boundaries of individuality, this close reading perspective does not fully account for Moritz’ concurrent interest in the universal endpoint of a serial publication that collects evidence toward a comprehensive whole. As much as the *Magazin* is motivated by an interest in cataloguing the rare and sensational conditions of the period, Moritz never loses sight of the ultimate objective defined at the outset, namely the preparation of material for an emergent form of knowledge that does not yet exist – the creation of a discipline that applies the insights of medicine to the realm of the non-corporeal mind. In the introduction, Moritz cites Moses Mendelssohn as having suggested the division of rubrics in the

⁶ Ibid. 95.

⁷ Adolphe Quetelet’s concept of *l’homme moyen* was not yet developed in Moritz’ time. However, as I will show in the following section, Moritz suggests a concept of ‘health’ that reflects a mathematical paradigm of the average, despite this concept not being explicitly formulated in his essays.

Magazin according to those established in medicine⁸. Moreover, in the opening to his rubric on psychiatry [*Seelenheilkunde*], Moritz writes that the *Magazin* is not only a collection of case reports but also a mutual exchange of cures. Just as the knowledge of the anatomy of the body informs the knowledge of physical cures, so may it be possible for the illnesses of the mind to be cured and the sick soul brought back to health. “Here, it depends on how these sicknesses are to be remedied. – One should research their sources and causes. One should investigate how they arise from the elimination of the balance of the faculties and how this balance could best be re-established.”⁹ Considering this dedication to the therapeutic value of empirical psychology, Moritz’ thought appears split between two epistemic objectives: (1) the case-based reasoning of particular instances of deviance, which preserves the contingent singularity of individual life while also affirming the contingency of the phenomenal world, and (2) systematic theorization, which appropriates cases as evidence for the revision of universal knowledge of the human mind as such. In Moritz’ terms, the study of real human lives is torn between the *particular* and the *whole*, and the challenge of empirical observation lies in this task of finding new *knowledge* that preserves the advantages of both ways of thinking. Thus, in this chapter, I will explore Moritz’ perspectives on *chance* in cases of human deviance, and the way in which he supposedly proceeds from a plurality of particularistic cases to support general theories of the mind. This question of *aggregation* has implications for the topic of contingency and its place within a concept of nature, both in Moritz’ thought and the late Enlightenment period: How does one reconcile a world that is governed by unchangeable laws and yet filled with outliers and deviants? In response, this chapter proposes

⁸ Moritz, Karl Philipp. “Einleitung.” *ΓΝΩΘΙ ΣΑΥΤΟΝ oder Magazin zur Erfahrungsseelenkunde* 1.1 (1783). Hereafter shortened as MzE followed by the volume and issue number. All articles can be accessed online at <https://www.mze.gla.ac.uk/bandnavigation/>

⁹ Moritz, Karl Philipp. “Revision der drei ersten Bände dieses Magazins.” MzE 4.1.

that Moritz manipulates the development of the narrative case genre, which is informed by a medical paradigm oriented toward statistical methods of analysis, measuring a quantifiable average from an accumulated body of facts. This statistical background enables Moritz to mediate the objectives of particular and general knowledge, contingency and order, by the creation of a system of comparison that makes examinations at different levels of *scale*.

The Medical Case: Patient as Fact and Narrative

Prior to the publication of the first edition of the *Magazin*, Moritz' proposal¹⁰ in *Deutsches Museum* (1782) includes the objective of building a collection of cases for the discovery of a whole that is useful for the treatment of society's illnesses and criminals. However, in linking the value of particular and general knowledge, Moritz does not initially propose to develop a set of general hypotheses to be tested but rather to collect a set of relevant observations that will pave the way for a *moral doctor* [*moralischer Arzt*] to discover the unity inherent in its parts. He writes, "From the combined reports of several careful observers of the human heart, an empirical psychology could arise, which in practical use could vastly surpass what our predecessors have achieved in this subject."¹¹ Without suggesting the proposal of any theories of the mind, Moritz raises the hope for an established order from the disordered reports of individuals situated in particular contexts of time and space. Moreover, this *unity* of reports is connected to a usefulness already established in the discipline of medicine but not yet existing in the expertise of the hypothetical 'moral doctor.' If these doctors in fact exist, he writes, this discipline would consider the cases of real individuals,

¹⁰ Moritz, Karl Philipp. "Vorschlag zu einem Magazin einer Erfahrungs-Seelenkunde." *Werke in zwei Bänden*. Vol. 1, Frankfurt/Main: Deutscher Klassiker Verlag, 1999.

¹¹ *Ibid.* 794-795.

just as the physicians who openly examine public reports of illness.¹² The figure of the doctor provides a seemingly useful analogy for empirical psychology, especially in the image of examination through autopsy, taking the symptoms as starting points and tracing the cause through the analysis of the illness' development. This method would succeed in maintaining the individually oriented, case-based reasoning built upon the narratives of informed observers. However, the reliance upon medical analogies alone does not seem to reconcile empirical psychology with the demands of generality – the 'unity' that the combination of these reports must yield – since the insights of one case do not automatically transfer to a similar case with a different set of symptoms.

In response to the open-ended nature of the work, Moritz writes that the *Magazin* would come to completion only with the exhaustion of outliers, which opens the possibility of a statistical solution to the 'unity' of empirical case narratives. In this view, the cases are not independent sources of scientific insight, directly tracing an illness from an effect to its cause, but a *Faktum* or quantum of information that provides meaning primarily in its connections to other 'Fakta' in its collection. He writes, "But how should such a work ever be completed? – It is completed when all the exceptions have been noted, when the facts always arrive such that there can be no more exceptions to the rule."¹³ As he repeats in the introduction to the *Magazin*,¹⁴ the case does not present an *example* of a certain illness but merely one particular manifestation of the deviant mind, leaving open the possibility of a multiplicity of different variations of an illness, each of which is situated in a singular set of circumstances. Grounded in empirical observation, both of oneself and

¹² Ibid. 794. "If only there were true moral doctors, which are concerned more with the individual as they are with the physical and gave public reports of their alleviation for the common good!"

¹³ Ibid. 798-799.

¹⁴ MzE 1.1. "What reassures me about adding yet another book to the present flood of books is this: that I am contributing facts and not moral nonsense, a novel, comedy, nor any other books."

others, the information value of the case lies in its degree of variation from the expectations of a norm (here, the ‘outliers’), which further supports the case as a moment of singularity but also as a potential point of connection to a constellation of other individual lives. In the context of the *Magazin*, Moritz suggests that the foundation of empirical-psychological knowledge does not begin with a set of predetermined *rules* but instead are generated organically over time out of the web of connections in the comparison of one case to another. In the development of these rules, the *Magazin* would then possess the foundation for its continual growth, since the newness of information in each further case is determined in light of the general *rules* that have been previously established in the collection of prior similar cases. With this understanding of the *Fakta* of experience, Moritz seems to propose a statistical methodology that mediates between the goals of particular and general knowledge, the rules of the mind arising from a measured comparison and re-configuration of a group of cases along a common set of parameters.

Furthermore, in adopting *Erfahrung* as a central term of this discipline [*Erfahrungsseelenkunde*], Moritz imports a concept of experience from a system of medicine, which is similarly influenced by a statistical framework for *factuality*. Under the guidance of Moses Mendelssohn, Moritz revises this title from *Experimentalseelenlehre* to reflect a particular concept of *experience* that would differentiate empirical psychology from experimental knowledge [vis-a-vis Wolff’s distinction].¹⁵ This concept bears certain similarities to the sort of medical

¹⁵ Following Christian Wolff’s distinction of experience and reason, Johann Krüger and Friedrich Hoffmann advanced the principle into the realm of medicine. *Experience* observes things in the current state, whereas *reason* investigates their general causes [Wolff: *General Logic*, Preface]. In the medical sphere, *Erfahrung* indicates the attention to immediate observations, whereas *Experiment* indicates a reasoning to causes. While Krüger emphasizes the necessity of knowledge through experience, the choice of the term *Erfahrung* would emphasize the observation of the world in its current state. As Andreas Elias Büchner expresses the distinction in *Der vernünftig rathende und glücklich curirende Medicus* (1762/65), observation entails the observation of something in the state it is found. Experimentation is an experience in transitioning something to a different state. [Cited in: Zelle, Carsten. “Experiment, Observation, Self-Observation. Empiricism and the ‘Reasonable Physicians’ of the Early Enlightenment.” *Early Science and Medicine* 18.4/5 (2013): 466]

observation that Johann Georg Zimmermann proposes in the emerging expansion of medical sciences into psychology, and which specifies the relation of particular and general knowledge. In “Von der Erfahrung in der Arzneykunst” (1764), Zimmermann argues that general maxims only arise from a systematic approach toward particular truths, and these particular observations only arise through a medical gaze trained in the narration of a given illness’ course of development. “By means of the knowledge of particular truths, one gets to the knowledge of general truths that always flow from a complete series of observations depending on each other. The knowledge of events leads to maxims. The former pertains to the domain of the observational mind. The latter is the work of genius. The observational mind gives us historical knowledge while genius gives us philosophical knowledge.”¹⁶ At this point, the difference of particular and general knowledge is not just of quality but also of quantity; general maxims arise from the seriality [*Reihe*] of empirical facts, and the result of this series is a *historical* knowledge, implying a narrative that traces a collection of observations from beginning to middle and end, giving order to what is otherwise a multiplicity. Furthermore, in adopting the term *spirit of experience*, Zimmermann develops a concept of empirical inquiry that lies at the border of experimentation and mere observation. In his terms, the observing doctor does not passively receive data (etymology: that which is given) but actively investigates nature,¹⁷ perceiving the particular with an eye toward its connections in a whole. As this argument suggests, the medical concept of *Erfahrung* necessitates the training of

¹⁶ Zimmermann, Johann Georg. “Von der Erfahrung in der Arzneykunst.” *Mit Skalpell und Federkiel - Ein Lesebuch*. Ed. Andreas Langenbacher. Bern; Stuttgart; Wien: Paul Haupt Berne, 1995. Schweizer Texte 5. 122.

¹⁷ Ibid. 120. “A doctor who views the natural course of a sickness thus makes observations. A doctor who gives a remedy for a sickness and who is aware of the effects of that remedy makes an experiment. The observing doctor listens to nature. The experiencing doctor investigates it.”

an active mind, not one that limits itself either to reason or experience but aims for the order that underlies a seemingly haphazard collection of clues and symptoms.¹⁸

For Zimmermann, the case form is described as a narrative that one is trained to interpret to uncover hidden causes (evidence of the general laws that determine individual deviance); however, Zimmermann also clearly recognizes that this interpretation does not occur in isolated observation. Instead, the reading of cases is a process of comparison in which the collection of symptoms and accidents [*Zufälle*] are sorted and organized such to bring about an order from an indeterminate multiplicity. In this manner, the discovery of general laws is not necessarily a matter of inference from effect to cause, but of systemic ordering of symptoms, such that the manifold of symptoms reveals an underlying order. Zimmermann writes:

We look at the contingencies so that we come to the symptoms and the history of its effects, and by these so that we come to the causes. The interior of nature would remain forever concealed to us when that which falls on our senses does not instruct us in that which was veiled before our senses. If we know all contingencies of a sickness, if we compare each of those with each other, separating the inconsistent, ordering together the consistent, then we have the history of the beginning, variations, and outcomes of the sickness.¹⁹

Here, the cause of deviance is not primarily *found* but rather *inferred* from the sphere of collected symptoms and effects, progressively altered in response to new information that is sorted and organized into a coherent whole. Moreover, he suggests here that the narrative of illness is not discovered and told at once, but gradually falls into place with the continual processing of symptoms. These accidents, he states, are only effects of the illness itself, and the discovery of a cause requires the collection of *all possible* data of these contingent facts, from which it may

¹⁸ Ibid. 121. “A person who wants to achieve true experience searches in books for truth, in nature for truth, by his rational conclusions for truth. Without satisfactory organization and superior first and second upbringing, a doctor does not have this desire.”

¹⁹ Ibid. 123.

become possible to gain knowledge of the general truths of deviance, but only as a matter of probability.

The complaints of the sick and the best questions of the doctor relating to these complaints very seldom develop the essence of a sickness. One must therefore consider all conditions with the strictest scrutiny and very often pull its conclusions from these conditions with the highest degree of probability. The genius of medicine is thus resolved into its first concepts, the art of quickly overlooking and joining a great number of dispersed events, coming from these connections to illuminated conclusions, coming from the known to the unknown.²⁰

Zimmermann proceeds from the uncontroversial intuition that the causes of deviance are hidden, and we can infer them only in degrees of probability from the visible effects upon the senses. More significant, however, is the suggestion that the insight into causes is revealed in the connections [*Verbindungen*] that support an otherwise contingent and dispersed field of particular observations. Thus, if a general cause does indeed exist, it is not apparently located in one place (e.g., a clue that verifies or negates a hypothesis) but is an insight contained within the web of relations amongst otherwise contingent pieces of information.

The Medical Case as Documentation

Zimmermann's concept of experience is oriented toward the development of cases as *narratives*, which create some form of temporal and logical order to experience; however, these small forms are simultaneously rooted in a tradition of *tabulation* in which case profiles are generated from a configuration of smaller, more particular data. On the one hand, Zimmermann portrays the case as an ordering of connections amongst dispersed symptoms, and writing the case involves a comprehensive approach to the entire scope of possible circumstances of illness. Moreover, the case is also tabular in that it comprises an aggregation of particular observations

²⁰ Ibid. 130.

that are quantifiable in nature, can be compared between one case and another, and from which a stable midpoint (or average) can be found at the center of its variations. In *Altered Conditions* (1995), Julia Epstein traces such a history of the case as evolving from a tabular format into a professionalized, statistically oriented system of documentation. In the early 18th century, Epstein argues, the case was not primarily an instance of individual medical diagnosis but an extension of statistical record-keeping that became possible with the development of administrative institutions.²¹ Once the state was capable of more precisely measuring births and deaths, the quantification of disease became the logical application of an increasingly institutional mode of observation. In this context, the case does not represent an individualized moment of illness but an instance of a disease's progression.²² The writings of Thomas Sydenham, for example, portray the case not as an independent description of the world but rather a derivation of disease as an "abstract, self-contained natural object."²³ In this view, the case can be represented entirely in terms of quantifiable data because it considers only information that can be reliably compared between all individuals affected by the known manifestations of illness. One notable example of statistical comparison is Francis Clifton's *Tabular Method* (1732), which identifies certain

²¹ Epstein, Julia. *Altered Conditions. Disease, Medicine, and Storytelling*. New York, London: Routledge, 1995. p.42-43. Francis Clifton's tables play a central role in the development of case reports. "Clifton's system was a system of data-recording. It was organized and it was rule-bound. [...] Indeed, the modernity of this approach lay in its very quantifiability." (42) In this respect, Clifton is not considered an outlier in the medical institution but rather a key figure in setting the standards of observation, writing that "By the last decades of the eighteenth century, the kind of concern for accurate observation that Clifton emphasizes became one of the foundations for clinical medicine in Western Europe." (43) In fact, Epstein considers this tabular case to be the dominant form of the 18th century, and only by the end of the nineteenth century would the narrative be revived in institutional practice. (37)

²² Ibid. 37. "For Sydenham, the case history was not so much an account of individual illness as a progress report on a disease process produced in order to arrive at a collective description of a given disease as a separate (though interactive) entity from its inhabited human host." This view distinguishes the report from the case *narrative*, the latter of which offers a temporal unity of events and is thereby oriented to the discovery of causes and diagnosis. Thus, the presence of diagnosis suggests a distinction of the disease from its host, whereas the report does not. (42)

²³ Ibid. 37.

necessary features that can be determined in every suffering individual, such as the sex, age, and temperament of the subject, as well as a tabulation of the most remarkable symptoms and their duration.²⁴ This framework of statistical analysis reduces the individual life to a system of particular parts that appear contingent in isolation. Thus, the tabular method clearly does not aim to identify causes of illness but to place the subject within a schema of comparison, i.e. to collect all the facts of a manifestation of illness regardless of their apparent relationship to the illness itself.²⁵ However, while the case is rooted in a convention of tabular representation, Epstein argues that the physician's role is the transformation of case data into narrative, to become a storyteller of an individual life in an attempt to move from known facts to resolution and diagnosis. As a form of interpretive writing, the case "produces a context around groupings of symptoms and signs and findings and articulates these data into a narrative whose goal is to move toward explanation, therapy, and resolution."²⁶ In this regard, the case has been in tension with two modes of analysis: the statistical, which aggregates cases as collections of data points, and the literary-historical, which interprets the events of illness in a particular life as an isolated whole.

As the case approaches the boundaries of data and narrative, 18th century medical discourse tends toward a paradigm shift in the concept of factuality: The case is narrative in its particularistic unity, but as data it reflects individuality as a moment of *variation* within a space of observation. In *The Birth of the Clinic*, Foucault emphasizes the spatial dimension of cases, writing that the patient represents a "geometrically impossible spatial synthesis"²⁷ due to the manner in

²⁴ Ibid. 42.

²⁵ John Ferriar expresses this view in *Medical Histories and Reflections* (1793). He writes that one of the greatest obstacles to observation is the tendency of medical writers to form systems. These persons should remember the writings of John Locke, who reminds us that a system ought to be nothing more than an arrangement of facts. See: Epstein (1995). 45.

²⁶ Ibid. 75.

²⁷ Foucault, Michel. *The Birth of the Clinic: An Archaeology of Medical Perception*. Trans. Alan Sheridan. New York: Routledge, 1973. 15. The "geometrically impossible" status lies in Zimmermann's supposedly

which its unique set of temperaments amplify the variations between every other patient suffering of the disease. In this view, the source of the variations lies in the individual itself (i.e., one's temperaments), and the role of observation is to become attentive to the minute *modulations* of the illness as revealed in its symptoms. "What classificatory medicine calls 'particular histories' are the effects of multiplication caused by the qualitative variations (owing to the temperaments) of the essential qualities that characterize illnesses. The individual patient finds himself at the point at which the result of this multiplication appears."²⁸ Foucault views this variation as a "paradoxical" status because one must accept the singularity with which particular cases of illness occur and at the same time "subtract the individual"²⁹ to observe the general laws according to which a disease takes effect. Since the variations of illness are qualitative in appearance, then the differences of symptoms between cases may be immeasurable; thus, the analysis of cases may not reveal the nature of illness in its totality, thereby necessitating an analysis of illness only as it occurs in individual reports. Foucault cites Zimmermann as having succumbed to this conclusion, recognizing the necessity of understanding nature in terms of particular narratives.³⁰

In contrast to the narrative-oriented case form of the early 18th century, Foucault proceeds to analyze the clinical institution as a transformation of the spatial domain of observation, such that the individualized differences of cases become quantifiable and comparable as a totality. In this context, the scope of the institution enables a wider space of data collection, and the rise of probability theory in the field of statistics suggests that the plurality of contingent medical

paradoxical position that the individual must be abstracted to know the disease but also must be understood positively as the support for its varied symptoms.

²⁸ Ibid. 14.

²⁹ Ibid. 14.

³⁰ Ibid. 15. "And the same Zimmermann, who recognized in the patient only the negative of the disease, is 'sometimes tempted', contrary to Sydenham's general descriptions, 'to admit only of particular histories. However simple nature may be as a whole, it is nevertheless varied in its parts; consequently, we must try to know it both as a whole and in its parts.'"

observations *in principle* converge upon a stable regularity. This regularity of large numbers allows the observer to utilize the uncertainty of symptoms in each particular case for the calculation of disease's regularity, thereby giving new value to the contingency of experience in its isolated instances. He writes:

This conceptual transformation [of uncertainty into a positive concept] was decisive: it opened up to investigation a domain in which each fact, observed, isolated, then compared with a set of facts, could take its place in a whole series of events whose convergence or divergence were in principle measurable. It saw each perceived element as a *recorded event* and the uncertain evolution in which it found itself an *aleatory series*. It gave to the clinical field a new structure in which the individual in question was not so much a sick person as the endlessly reproducible pathological fact to be found in all patients suffering in a similar way; in which the plurality of observations was no longer simply a contradiction or confirmation, but a progressive, theoretically endless convergence...³¹

In the conceptual transformation of uncertainty, Foucault recognizes the case as fact, i.e., a particularity that offers probabilistic evidence in support of general knowledge. This case is still characterized in terms of the isolation of its observation; however, the distinctions between cases are now understood not as qualitative differences (e.g., a dry cough vs. fever) but quantitative ones, comparable in matter of degree. When considered as part of an aggregate whole, this 'fact' of the case does not seem to cohere with the paradigm of the *narrative*, which offers some unity to the collection of observations in the historical account of a disease's development and cure. In the probabilistic view, the case both *contains* facts (symptoms and events in a patient's report) and *presents* itself as a fact (what Foucault calls the 'pathological fact' of the patient – a representation of disease in manner of degree). For Foucault, this shift depends upon an expansion of both the *physical* and *conceptual* space of observation that is guaranteed in the clinical institution of the hospital. By the turn of the 19th century, the hospital is still considered to be on

³¹ Ibid. 97.

the fringe of medical practice,³² but the validation of probability theory in astronomy and population statistics added credibility to its application in an enclosed space of diverse patients. Thus, the quantification of the case implies a technique for the expansion of space and scale of observation: the individual *body* defines the scope of the ‘pathological fact’ of disease (as both fact and collection of facts), whereas the general understanding of disease depends upon a defined scope from which a measurement of a large scale of facts can be determined.

Karl Philipp Moritz and the Midpoint of Knowledge

Historical research has demonstrated a mixed perspective on the status of the case as *narrative* and *statistic*. Michel Foucault places the statistical case as a development of institutions in the nineteenth century, which suggests that the conceptual transformation of the case results from a corresponding paradigm shift in probability theory in the measurement of uncertainty. However, 18th century writings also suggest a development of tabular formats prior to the emergence of specialized medical institutions of research. In this point of conflict, Moritz seems to take an independent path in the articulation of a case genre that preserves the narrative expectations of diagnosis while also anticipating the statistical shift, despite advancing the discipline outside the boundaries of medical institutions. Initially, in the introduction to the *Magazin*, when Moritz emphasizes the factuality of the project, he also suggests that the periodical does not intend to imitate the narrative forms of previous works: “What reassures me about adding yet another book to the present flood of books is this: that I am contributing facts and not moral nonsense, a novel, comedy, nor any other books.”³³ In stating that he does not intend to write

³² Ibid. 98

³³ Moritz, Karl Philipp. “Einleitung.” MzE 1.1.

novels, books, or comedies, Moritz resists the expectations of literary narrative linked to a historical presentation of symptoms. Moreover, the statement also suggests that Moritz does not intend to reproduce meaningless information but instead introduce new knowledge that is not captured in the *flood* of narrative publications.³⁴ The *factuality* in Moritz is thus seemingly distinct from the historian's, which organizes symptoms into the temporal unity of a narrative and subordinates individuality to the general concept of the disease. However, in other essays, Moritz tends to resist the conceptualization of individuals as points of data, writing that the predominant cameralist system subordinates the individual to a whole, thereby supposedly violating the Enlightenment concept of man as a means and ends to himself.³⁵ This system of state administration utilizes the early techniques of statistical collection (e.g., the tabulation of population, death, and disease) to achieve state objectives, which reduces individuality to an abstract data point in a collection. To grasp Moritz' specific understanding of factuality in the *Magazin*, one must look beyond the seemingly distinct categories of *narrative* and *statistic* to investigate the aesthetic and epistemic treatment of uncertainty in Moritz' work, which is key to reconciling the contingency of particular cases to form the lawfulness of general knowledge. In this context, Moritz' interest in the manifold of nature and the completeness of its parts is central to the *Magazin*'s case poetics. This path will demonstrate the significance of *isolation* and the

³⁴ Moritz repeats this view in the essay "Die Bücherwelt," which argues that the quantity of human knowledge has grown too large to be understood from a single human mind. Thus, with a "flood" of books, no single human can give it order from a single perspective, and instead one begins to work in a particular corner, making connections and reconciling pieces as if it were a puzzle. "The materials of the building have become too great to be looked over and ordered. – Thus, here and there one would come along and steal a piece from the great whole, start to build for itself as well as it can - and everything is separated, fragmented – everyone tears a fragment out from the enormous mass. With this, his mind broods over it his whole life –." *Denkwürdigkeiten* (26)

³⁵ Moritz, Karl Philipp. "Was giebt es Edleres und Schöneres in der ganzen Natur." *Denkwürdigkeiten*. Ed. Claudia Stockinger. Vol. 11. Berlin: De Gruyter, 2013. Sämtliche Werke: Kritische und kommentierte Ausgabe. 18-19.

limitations of *scale* as the key features of a poetics of factuality – the techniques by which facts are created in observation and become calculable in the space of the world beyond the narrative.

In the critique of the “Sundflüth von Büchern,” Moritz appeals to a recurring complaint of early modern science, namely that the intellectual community has accumulated too many curiosities and particularities, and this flood of material has precipitated a vast multiplicity of forms, from which it is impossible to determine the meaning of its contents as a whole.³⁶ In this regard, Moritz identifies the *book* as the representation of a key issue in the conflict of narrative and collective empirical forms. First, the book appears illuminating in that it generates complexity and vividness of ideas based upon the combination of a small number of characters.³⁷ However, as the *libraries* (including periodicals) has grown in number, no single individual can grasp the potential totality, i.e., the macro-level order that arises from the interrelations of its material. Thus, in approaching the book as an object of collection, Moritz seems to question the capacity of singular narratives to produce general knowledge when observed as objects in an aggregate heap of other texts. In *Denkwürdigkeiten*, he writes, “The entirety of the sciences can no longer exist in any human head. – It rots in thick volumes and is wildly gnawed away by worms. – Books have become a world apart from man, which do not so much live in him as he lives in them –.”³⁸ Books,

³⁶ The problem of the flood of books seems almost to be taken for granted during this period. For example, Montaigne writes in his *Essays* that the present age no longer has access to the experience of things in themselves, as the published works seem only to comment on one another: “There is more ado to interpret Interpretations than Things, and more Books upon Books than upon all other Subjects, we do nothing but comment upon one another. Every Place says, with *Commentaries* of Authors there is great Scarcity. Is it not the principal and most reputed Knowledge of our Ages to understand the Learned?” [Montaigne p.342]. This concern with the flood of books could also be understood in terms of the alleged *Lesewut* problem, in which the excessive passion for reading overstimulates the imagination and constitutes a “modern disease of the soul.” [Schreiber 41] Reason, on the other hand, is attributed to the capacity for order and classification, i.e., not to consume all information but to determine those facts that present entirely new kinds of knowledge.

³⁷ Moritz: “Das Buch” – “We know what humans living thousands of years before us thought of and did as noble and beautiful; and for this we can thank all twenty-four small figures that we call letters from which all the books of the world are composed.” See: *Denkwürdigkeiten* 25.

³⁸ *Denkwürdigkeiten* 26

as it were, live in a world of their own. These objects seem not only to preserve written knowledge but to continually actualize the presence and vitality of real human events. The words of the dead appear to pass over into the living, and our knowledge is enhanced by the inheritance of *histories* from the past that carry useful insights for the arts and sciences.³⁹ The problem of this narrative knowledge arises when one transitions from singular to plural cases, and when the record of human events transcends to a system of works entirely in a world of its own, in which we as readers may temporarily reside.⁴⁰ In response to this flood of material, Moritz likens the encounter of the book world with the contact of nature and its figures. The enjoyment of nature, he writes, leads one's eye toward the *rays of the sun* that disperse around the surroundings. There, one learns to recognize the distinctness of forms within the manifold of nature, from which one comes to *distinguish* one thing from another. "The light would enthrall me in virtue of manifold forms, by which I learned to distinguish them, and the manifold forms in virtue of the light from which I learned more and more to marvel."⁴¹ The metaphor of the light then shifts from an aesthetic experience into one of the understanding, which illuminates the obscure figures of the masses of books, when not hindered by the fog of superstition, and in seeing clearly one learns both to love and wonder at the variety of its contents.⁴² Thus, in posing this image of nature, Moritz draws a contrast between two

³⁹ Ibid. 24. "That the history of antiquity [*Vorwelt*] has come to us with all its useful inventions, arts, and sciences..." The term *Vorwelt* indicates a certain gap between the present and the distant past, such that one attributes their knowledge to the realm of history. The inheritance of knowledge from history involves the combination of twenty-four characters in language, which through their combinations express the totality of human knowledge. Thus, books lie conceptually on the side of *history* and *narrative* in a way that gives them access to the most general kinds of truths.

⁴⁰ The essay "Das Buch" transitions seamlessly into "Die Bücherwelt," which occurs at the moment in which the quantity of books becomes uncountable [*unzählig*] and cannot be securely represented in one's mind at once.

⁴¹ Ibid. 26

⁴² Ibid. 27. "To learn to love and admire more and more the pure and sublime light of reason, in all that it has portrayed in its illumination to the eyes of my mind, is the first guiding purpose in all that I read and think about what I read – all other purposes must be subordinated to it."

representations of order and disorder: The chaos of a collection of books, and an ordered totality structured according to a common viewpoint, which lies beyond the scope of its forms.

In proposing a naturalistic metaphor for the illumination of aggregate knowledge, Moritz argues that the information of libraries ought to contain a certain common point of perspective from which the observer can orient toward a general understanding of the whole. Quoting Mendelssohn, he writes that the *Germans* have a certain preoccupation with the classification and order in natural history, whereby no singular event or finding may be unaccounted for.⁴³ However, this method seems to result in a proliferation of new observations, as any particular object in nature must be reconciled within the taxonomic registers of the naturalists, and once again the totality of nature is out of reach. In response, Moritz proposes the creation of a new library for the human itself,⁴⁴ in which every piece of knowledge must have some connection to this key context of the *human*. He writes, “We are still missing such an appreciation of literature into its smallest branches. We always lose this main perspective from our eyes by turning our attention too often to everything particular that coincidentally presents itself to us.”⁴⁵ Readers must not become too attached to the particularities of empirical facts as such, and in place thereof Moritz distinguishes the recurring concept of the *perspective* [*Gesichtspunkt*] that serves to limit the scope of relevant facts and thus the contingent manner in which information appears to one’s understanding. This notion of perspective is analogous to the *ray of sun* illuminating the manifold of natural forms and bringing coherency to the vague intuition of a networked whole. At this point, Moritz orients

⁴³ *Denkwürdigkeiten*: “Die Bibliotheken” – “Moses Mendelssohn says incidentally in his writing to Lessing’s friends: The German has accustomed himself by the incessant study of nature to give everything one class to which it is ordered. Thus, everyone would necessarily have to be a ***ologist who presents his own particular opinion.” (92)

⁴⁴ “ein[e] Bibliothek für den Menschen” (93)

⁴⁵ *Ibid.* 93.

toward visual metaphors of organization, in this case the *Gesichtspunkt* being the focus of observation – a conceptual reference point from which the relevant particularities bear a common relation. While this concept of perspective draws strong connections between aesthetic and empirical-scientific perception, Moritz also suggests that the *Gesichtspunkt* amounts to a *measurement* of the scope of an empirical system. In critiquing the natural scientists, who are associated with the predominant culture of assembling *cabinets of curiosities*, Moritz argues, “Over the too-wide scope one forgot the midpoint. – Over the endless number of particularities, one forgot the great, simple result thereof.”⁴⁶ Here, the concept of perspective assumes a geometric character, which does not seem to appeal to aesthetic-visual faculties but instead those of reason and the understanding. The geometric midpoint is comparable to the center of a circle from which one calculates its determinate scope or circumference. Moreover, the particularities [*Einzelheiten*] are represented as vectors in this geometric space, and they seem to play a role in the determination of both the midpoint and scope. Further addressing the concept of the *midpoint* in the *Magazin*, Moritz writes that the clarity and order of our ideas depends upon the determination of this midpoint, and as observers we have a seemingly instinctual ability to establish and revise that point through trial and error. The midpoint is like a pencil around which the manifold of ideas flow, and through the establishment of its scope, one’s concepts are not likely to fall into chaos.⁴⁷ In determining this midpoint, one first makes an educated guess. If one senses

⁴⁶ Ibid. 94.

⁴⁷ In the “revision” to the first three volumes of the *Magazin*, [MzE 4.2] Moritz discusses the concept of the *Gesichtspunkt* as a metaphor for the selection of articles under the journal’s rubrics. As a concept of language, he compares this point to the midpoint of a circle, which offers some way of reducing the confusion of ideas within its circle. “The more uniform and constant visual ideas are, as it were, the pin around which the immense diversity of the inflowing hearing ideas revolves. – I have a fixed midpoint of my ideas – my concepts are not in danger of becoming confused.” Thus, for every clear concept or idea, he states, there must be a definite border [*Umkreis*] around it and a corresponding midpoint.

a hidden unity in the manifold ideas, but which is not ordered according to the midpoint, then one chooses another point that more accurately approximates the center of the whole:

In this way, we must find the truth in a somewhat arbitrary way, and therein exists the essence, the eternal tendency of our intellect, to relate the entire circumference of our ideas to some midpoint in which they all unite, just like the radius of a circle. Locating this midpoint has become the aspiration of all thinking minds in every era. It is the essence of our soul, just as it is the essence of a weaver, to make itself the midpoint of its cloth.⁴⁸

As new information is added to one's field of view, the freedom of the intellect enables the mind to continually revise its perspective, its sense of the median, and in following this intuition more closely approximates the *actual* point toward which all our knowledge is oriented. Furthermore, when this analogy of arithmetic calculation is applied to systems of written knowledge (e.g., a library, periodical, or case collection), then this paradigm seems to challenge the familiar narrative-oriented concept of empirical cases. In the geometric perspective, the order and unity of particular evidence is only determined in relation to the midpoint, which in turn is calculated from the diversification of variables within a perceived manifold. Thus, the transition from particular cases to pluralistic analysis involves a discrepancy between narratives and records in that the *historical* account fades away in the accumulation of a multitude of forms. If the understanding of the whole is ultimately a matter of calculation, then the midpoint must be continually revised in light of new information, yet the narrative is hardly conditioned to accommodate systematic revisions from new knowledge. As suggested in the writings of Zimmermann, a narrative tends to portray an internal order and coherency to particular events, using interpretive methods to connect cause to effect. When new facts are added to the scope of observation, then the entire narrative may be

⁴⁸ MzE 4.2: "Fortsetzung der Revision der drei ersten Bände dieses Magazins."
https://www.mze.gla.ac.uk/bandnavigation/artikel/?sid=mze_04_2&aid=mze_04_2_fdr

called into question, which otherwise attempts to account for the entire range of particular data. The *Gesichtspunkt*, however, is constantly amended and is never precisely defined as a single truth.

In addition to the possible inconsistency of narrative and documentary forms, the *Gesichtspunkt* also problematizes the factuality of the case at different levels of scale. For Moritz, the emphasis on particular cases is associated with the concept of *Fakta* and hence pertain to questions of truth. As detailed above, this concept of the fact is linked to a medical paradigm in which the physician's expertise is trained upon the observation of particular truths.⁴⁹ These individual observations, in Zimmermann's view, must be well-written and offer a certain narrative order to events.⁵⁰ However, in Moritz' view, when these cases accumulate into a multiplicity, the *Mittelpunkt* is at best an *approximation* of the true center of the whole. This does not seem to imply that such an actual midpoint is non-existent, but rather that the creation of that midpoint is a process of human reasoning. Just as with an experiment, he says, one first hypothesizes the point by chance [*auf gut Glück*] and then continually adjusts it according to the number of cases that are included or excluded in the boundary of its circle. He writes, "Thus, we choose another midpoint and by several failed attempts finally come to the correct one, as in a sort of exercise in arithmetic where one also only brings out the desired outcome by a number of possible cases that one puts down."⁵¹ While the *correct* point is theoretically obtainable, this conclusion can only occur when one has

⁴⁹ See Zimmermann quote: "By means of the knowledge of particular truths..." These particular truths combine together into the form of a "general truth." If one considers the case as a particular truth and at the same time as a well-written, i.e., narrative account, then this view may come into conflict with the geometric interpretation of general concepts, since narratives cannot be simply adjusted or combined in scope to embrace a larger circumference of focus.

⁵⁰ As mentioned in the previous part, there is much evidence that supports Zimmermann's primarily narrative concept of the case. In one particular section, Zimmermann directly contrasts the physician's mode of observation with that of the mathematician. "The mathematical doctors sought nature in its calculations and forgot the history of diseases and their symptoms." See: "Von der Erfahrung in der Arzneykunst". 126.

⁵¹ MzE 4.2. "Fortsetzung der Revision der drei ersten Bände dieses Magazins."

reached the limits of possible cases.⁵² Until that theoretical endpoint is reached, this *Mittelpunkt* is a hypothesis that is continually put to the test, and as such it represents the *appearance* of truth and a *probability* that approximates the real truth with every additional case. In this regard, the differences of scope not only result in different conceptions of the case as narrative and as document, but they also indicate divergences of epistemic principles, whereby the general knowledge of a collection is judged according to probabilistic standards.

The Midpoint as Architectural Metaphor

While Moritz emphasizes the *Mittelpunkt* of empirical knowledge, he simultaneously compares the system of empirical psychology to a collection of *materials* that will one day come together to form a structured building. When this architectural analogy is considered alongside the geometric parallel, Moritz seems to explore a certain social and political dimension to the case in which the apparently deviant and outlier individuals may be incorporated into a common system of organization. In the introduction to the *Magazin*, he writes that the publication intends to pull together the vast materials of writing for the eventual construction of an edifice that still seeks its *master builder*.⁵³ In proposing a journal of psychology for the first time, Moritz portrays himself as undergoing an unprecedented journey, scouring the depths of a new science from the insights of enlightened minds. Following this intellectual odyssey, he thus recasts the case as part of an amorphous mass that can be appropriated in unforeseen ways. Accordingly, this approach toward collection suggests that the discipline of empirical psychology is not initially ordered or coherent,

⁵² In Moritz' language, a journal only seems to reach that point of completion when all relevant facts have been exhausted and no new information provides exceptions to the rules. "Then, it is completed when all exceptions are remarked upon..." (See full quote on p. 7)

⁵³ MzE 1.1. "... I only wish that my zeal and good will may speak for me when I dare to bring together some materials for a building that still seeks its architect and will probably find him."

as the distant observation of cases may entail that contingent, incoherent, or contradictory phenomena may co-exist, including those that may violate the common assumptions about the relationship of mind to body. Thereafter, an order seems to arise through the arrival of this *Baumeister* – a perspective that enables insight into the unity of the heap and thereby formulate the rules by which the order of this structure can be established. This nonrestrictive attitude toward collection seems to contrast with other appearances of the architectural metaphor, such as in “Das Buch / Die Bücherwelt,” in which Moritz laments the excessive accumulation of material and lack of order.⁵⁴ When that mass becomes too great, he says, there is no longer the possibility of finding a single focus of that order, just as if the circumference of the circle has become too large, and instead one finds only a chaotic discontinuity of perspectives. This sentiment is repeated in the essay “Ideal einer vollkommenen Zeitung,” in which he upholds the value of a magazine useful for the people, and in so doing will not simply gather together new material but bring those elements into a state of completion. “From the immense scope of sciences, it [the newspaper] should highlight that which is of interest not only to the scholar, or even only to a special class of scholars, but to all mankind. That which is not merely added material to the great edifice of some science, but something complete...”⁵⁵ In the *Magazin*, Moritz continues to maintain this distinction between an ‘unformed mass’ and a state of perfect order. However, the difference in this context is that the limits of the new discipline are unknown, unlike the mass of narratives [tragedies, comedies, novels] that he claims overflow the libraries and periodicals. Moreover, in turning the public into an observer of itself, i.e., into individuals who are both subjects and objects of

⁵⁴ “The materials of the building have become too great to be looked over and ordered. – Thus, here and there one would come along and steal a part from the great whole, start to build for itself as well as it can – and everything is separated, fragmented – everyone tears a fragment out from the enormous mass. With this, his mind broods over it his whole life.” (*Denkwürdigkeiten* 26).

⁵⁵ Moritz, Karl Philipp. *Werke*. Ed. Horst Günther. 2nd ed. Vol. 3. Frankfurt am Main: Insel Verlag, 1993. p.172.

examination, Moritz conveys a metaphor in which the shapeless mass of cases are *equal* in consideration, and yet each constructive with a direct connection to the ultimate whole. Until that totality is illuminated from the observer's vague intuition, no case is too contingent or irrational to warrant exclusion from scrutiny.

In employing an architectural metaphor of the building, Moritz reflects upon a number of experiences in which the intuition of public order arises within the area containing diverse forms of life. One possible point of reference lies in his own personal encounter with the urban Berlin of the mid-18th century, which underwent a sweeping series of transformations in the expansion of the city's limits during his lifetime. From his arrival in 1779 until his death in 1793, Moritz changed homes upwards of seven times, and his path seems to follow the outward growth of new construction, ranging from the old city center to Friedrichstadt and Neukölln.⁵⁶ Thus, coinciding with Moritz' writings of empirical psychology, he also witnesses the 'building' as something quite concrete and present in the world. The building of Berlin is not just the isolated home in nature, but just as much the metropolitan unit that multiplies and diversifies with the outward growth of its mass to a more ordered state. More evident, however, is Moritz' reflections upon public space within his journey to England in the year 1782 (one year prior to the *Magazin*). During his travels, he takes special interest in the House of Commons, which for Moritz stands as the nearest public space he can witness that embodies representative government. Paying close attention to the configuration of this house, Moritz notes the manner in which the members of parliament face the speaker and dress to be indistinguishable in rank or class. "The members of Parliament in the House of Commons have nothing distinctive in their dress; they come in wearing surcoats and

⁵⁶ Badstübner-Gröger, Sibylle. "Karl Philipp Moritz in Berlin – Bemerkungen zu seinen Wohnungen und zu seinen Äußerungen über die Stadt." *Karl Philipp Moritz und das 18. Jahrhundert*. Ed. Martin Fontius and Annalise Klingenberg. Tübingen: Max Niemeyer Verlag, 1995. 267.

boots and spurs. It is not unusual to see a member of Parliament stretched out on one of the benches while the others are debating.”⁵⁷ Moritz shows great interest toward the space of parliament as a manifestation of a social body, albeit one that comes together in a formally ordered manner. As he notes in the arrangement of the seats, the design of the building is similar to that of a church, in which the *choir* of MPs sit facing the speaker and the ceremonial mace, the latter standing as a representation of the assembly’s legality. In this analogy, the *Gesichtspunkt* of the speaker gives regularity to the commons and allows the representation of MPs as equal *in form*, despite being manifold in their class, origin, and political orientation. As he further elaborates in the *Kinderlogik*, this representation of the state is not a static body that stands apart from time. In fact, such an entity is always in flux, constantly re-constituting itself as a conglomerate of the persons acting within its boundaries – both physical and political. Unlike an absolute monarchy, from which the concept of the state derives from the power of a single contingent individual, the society of a parliament is a whole only in the collective aggregation of its members, and as a plurality comes to approximate the entirety of a people, while laying bare the divisions of class. In the penultimate copperplate of the *Kinderlogik*, Moritz describes the *house* of the state as a physical body constituted of other

⁵⁷ Moritz, Karl Philipp. *Reisen eines Deutschen in England im Jahr 1782*. Ed. Jürgen Jahnke and Christof Wingertszahn. Berlin: De Gruyter, 2015. *Sämtliche Werke: Kritische und kommentierte Ausgabe* 5. p. 38. As Elliot Schreiber argues in the *Topography of Modernity* (2012), Moritz recognizes the divisions of class in this body as much as he does the commonality of its members. This perception of the social divisions in a collective body is certainly clear. Schreiber: “On the one hand, his text displays great enthusiasm for the lower house of Parliament as a common political space. On the other, however, he exposes the limits of this space, which divides people in multiple ways along lines of political power. It succeeds in doing so, he shows, by creating the appearance of commonality.” (109) However, Moritz writes much more enthusiastically about the real egalitarianism of representative government, and his awareness of social division is mostly found in peripheral observations outside the building itself. Thus, his estimation of the equalizing power of the commons is much greater than his sense for its limits. For example, Moritz is more likely to praise the electoral system in the way it exalts the commoner as an equal participant in society. Reporting to Gedicke, he writes, “O dear friend, when one sees here how the smallest cart-pusher shows his participation in what is going on, how the smallest children already join in the spirit of the people, in short, how everyone shows his feeling that he is also a man and an Englishman, as good as a king and his minister, one feels quite differently than when we see the soldiers drill in Berlin.” (Ibid. 43-44)

particular bodies. Order consists in the determination of a head that enforces the aims that benefit the members equally, and which guides the members in their actions as a household.⁵⁸ Thus, in a republican form of government, the guiding purpose is determined as a whole, and this shared purpose structures the development of the state in which individuals work.⁵⁹

Earlier in his travel narrative, Moritz recounts the experience of the pleasure gardens of Vauxhall and Ranelagh, focusing less on the social environment of the surroundings and more on the circular rotundas as the centerpieces of the space's design. At Ranelagh, the grid-like system of trees and pathways presented a place of leisure for the upper and middle classes, who would enjoy the curiosities of music and artists, and come together to form what appeared as a "throbbing crowd."⁶⁰ However, Moritz' attention was immediately drawn to the rotunda building at its center and the beauty of its circular design. "But what a sight, when I suddenly stepped out of the darkness of the garden into a round building illuminated by many hundreds of lamps, which in magnificence and beauty surpassed anything I had ever seen before!"⁶¹ This rotunda offered an indoor space for the hosting of concerts, and which would also accommodate socialization during the colder seasons. At the center of the room, catching Moritz' eye, rose an immense chimney that appeared to support the entire structure. Here, just as in the House of Commons, Moritz observes the trajectories and encounters of human bodies, noting the remarkable manner in which different classes cross paths with each other and assemble to form a thick crowd [*dicksten Gedränge*].

⁵⁸Moritz, Karl Philipp. *Schriften zur Pädagogik und Freimaurerei*. Ed. Jürgen Jahnke. Berlin: De Gruyter, 2013. *Sämtliche Werke: Kritische Und Kommentierte Ausgabe* 6. p. 224.

⁵⁹Ibid. 224. In the *Kinderlogik*, Moritz says of the republican form of government: "Here the purpose is common to all – all are interested in the house being finished – one thinks for all, but he thinks for them only the way of achieving the purpose, not the purpose itself."

⁶⁰Greig, Hannah. "'All Together and All Distinct': Public Sociability and Social Exclusivity in London's Pleasure Gardens, ca. 1740—1800." *Journal of British Studies* 51.1 (2012): 58.

⁶¹*Reisen eines Deutschen in England*. p.34.

However, far from presenting the seeds of an emerging public sphere,⁶² Moritz seems to note the complex form in which the commonality of a building accompanies a corresponding sense of the particular stratification of English life. Stepping away from the crowd and into the gallery, Moritz uses the *Gesichtspunkt* of the rotunda to observe the orbits of bodies, and he does not hesitate to note the differences of association to which they seem to flow. Recollecting his sight from above: “I now went to the gallery and sat down in one of the boxes, where, like a serious observer of the world, I looked down on the hustle and bustle that was constantly turning around in the circle, and saw stars, and ribbons, French hairstyles, and venerable wigs, age and youth, highness and the simple middle class crossing each other in the colorful hustle and bustle.”⁶³ Witnessing this scene, Moritz would have received a strong impression of the complexity of manifold individuals who come together in a compressed space. At the same time, his observations also reveal the importance of perspective in capturing the entirety of a social body in one view. In London, Moritz comes across such human constructions just as the astronomer discovers a new planet – The fixation on a midpoint of perception enables a reference point for the measurement of a manifold of complex particular bodies, which in their varying movements coalesce into a law-like system. In this manner of seeing, Moritz begins to develop his own perspective on empirical observation: One

⁶² Greig 51. Greig discusses the scholarship in support of the interpretation of such urban spaces as blueprints for a Habermasian public sphere. One recurring argument states that access based on ticket sales suggests a public inclusion based on factors other than aristocratic class. Thus, these gardens are considered as spaces in which a new bourgeois public could interact freely without regard for rank [See: Paul Langford, *A Polite and Commercial People: England, 1727-1783*. (Oxford, 1992), 102.]. Greig critiques this view with the argument that the gardens served a space for the exhibition of class and associations, as the “appearance of public togetherness disguised a reality wherein the titled lady dismissed the wife of a city merchant and a wealthy Yorkshire gentleman rarely conversed with a lord.” (74-75) In Moritz’ perspective, the gardens do indeed represent a space of commonality, but not of a conspicuous public sphere, because his interest lies not in the openness of the gardens but in the enclosure of the rotunda, where he observes individual action primarily in the collective terms of social bodies. Therefore, Moritz seems less inclined to theorize a public sphere in which freely acting subjects exchange ideas and more likely to conceive the commons in terms of the structured space in which their actions converge into an organic system of movement and flow.

⁶³ *Reisen eines Deutschen in England*. 35.

must attend to the particular complexities of individual lives, but yet also define the common space within which the dynamics of the whole can be understood.

Die Glückseligkeit: *Felicity of Mathematical Order*

These preceding architectural and mathematical perspectives on space are increasingly formalized in his later writings, in which the building becomes a model for understanding the subjective relationship to the contingent manifold of nature. Upon returning to Berlin, Moritz proceeds to publish the *Magazin* (1783) and subsequently the *Denkwürdigkeiten* (1786), and in these essays he frequently addresses the *house* as the place in which order is distinguished from the intuition of randomness in human lives. In the essay “Häußliche Glückseligkeit – Genuß der schönen Natur,”⁶⁴ the home is a construction that makes possible both the isolation from and connection to nature. In separating oneself from nature and yet opening a perspective onto it, e.g., through a window, the home serves to maintain and protect the happiness and felicity [*Glückseligkeit*] of its inhabitants, protecting them from the effects of unpredictable weather, while also opening up a refuge in which the human *Mittelpunkt* can be located. “Therefore, within these four walls of a living room crowd together most of the scenes of human felicity, which is sought in vain in the wide world, across seas and in distant skies.”⁶⁵ Similar to the enclosure of the British Parliament, the family home is a miniaturization of the state in which order is installed over a multiplicity. In establishing that unity apart from nature, the house thus becomes a social unit that functions as a distinct element on an even wider scale. “From individual houses arise villages and cities, which with their furnishing make up countries and kingdoms.”⁶⁶ The creation of such a

⁶⁴ *Denkwürdigkeiten*. 94-96.

⁶⁵ *Ibid.* 95.

⁶⁶ *Ibid.* 95.

home is not merely the erection of walls and windows but rather a conceptual way of distinguishing a space of nature as independent from its environment, and in its confinement [*Einschränkung*] foster the happiness and wellbeing that can be controlled apart from the uncertainty of the expanse. This division of the home is achieved through *isolation* and hence of a particularistic scope of (self-)observation. Moritz writes that isolation is key to defining a new focal point [*Schwerpunkt*] within its boundary and thereby overcomes the contingency of a shapeless mass: “The more something isolates itself, draws its own outline around itself and has its focal point in itself, the less it is accidental, the less it falls into something else and mixes with it.”⁶⁷ The isolated entity is conceptually opposed to contingency because observation carves out a space in which the endless chain of cause and effect can be broken. Just as the home protects the individual from unforeseeable dangers, the isolation of empirical observation can distinguish a thing as *complete in itself*, possessing an order and freedom that does not depend upon the multitude of random causes in nature. Just as with finding the midpoint of a circle, isolation may initially be random, but repeated trials may expand the scope such that all the facts *fit together*⁶⁸ and form a coherent whole.

In directly linking the isolation of buildings to the control over contingency, Moritz emphasizes the role of narrative in outlining the form of particular cases. In several instances, he

⁶⁷ Moritz, Karl Philipp. “Die große Loge oder die Freimaurer mit Wage und Senkblei.” *Schriften zur Pädagogik und Freimaurerei*. Ed. Jürgen Jahnke. Berlin: De Gruyter, 2013. Sämtliche Werke: Kritische und kommentierte Ausgabe 6. 345.

⁶⁸ In the “Vorschlag” essay, Moritz uses the verb *sich einfinden* to describe the state of completion in a body of knowledge. As it were, all the facts must ‘come together’ such that there is no more exception to the rule. More specifically, the verb is considered synonymous with *eintreffen* – to arrive at a certain place. This sense seems key to understand the analogy of the circle. Drawing the correct circle is a matter of capturing a range of objects that can be observed at one glance, so to speak, such that one recognizes at once both the unity of a whole and the particularity of all its parts. Another possible analogy could be the image of a radar, which visualizes a totality of information in a given scope, while also preserving the particularities of individual observations in fine detail.

suggests that the function of literature is to isolate things that other sciences would otherwise be incapable of distinguishing. For example, in the essay “Zufälligkeit und Bildung,” he writes: “All the charm of poetry is based on this isolating, separating out from the whole, and in the fact that the isolated is given its own focal point, through which it forms itself into a whole again.”⁶⁹ In separating a thing from the mass, narrative is capable of turning the most ordinary appearance into a singularity – something that exists on its own terms and is not another variable within a multitude. As he puts it, isolation is able to create a beautiful portrayal of even the most ordinary and unremarkable of individuals, such as the poor life of a shepherd, who does not possess any distinctive characteristics when considered from the distant view of the masses.⁷⁰ In considering such singular cases, narrative focuses on a world at the small scale. It does not consider its human subject as an element of a state, nor as an equal citizen of a republic. Instead, case poetics treats the human as unique and complete in itself, obeying a system of laws in which events revolve around the subject itself, or at least considered from the primary perspective of the subject. Furthermore, Moritz elsewhere suggests that narrative or aesthetic form does not eliminate contingency but instead simply removes it from view, such that observation can clearly distinguish a particular form as independent and less complex than its circumstances. Addressing the link between isolation and ornamentation, he uses the analogy of the frame of a painting, which serves to limit the scope of vision, perhaps arbitrarily at first, to present an object at the center of view that would otherwise fall into obscurity in a mass.⁷¹ In this regard, narrative case form serves

⁶⁹ Moritz: *Freimaurer* p.345-346.

⁷⁰ Ibid 346. “This isolation makes the poverty in the shepherd’s life charming and poetic – because it is not conceived in an oppressive relationship with a state, but existing in and for itself.”

⁷¹ Ibid 346. “The frame adorns a painting because it isolates it, lifts it out of the surrounding mass of other things, and presents it to us as an exquisite object of attention.” In isolating an individual thing with a frame, a painting always represents a fragment of a whole because it necessarily excludes the manifold beyond its borders. The vase, on the other hand, designates the act of isolating captured within itself [*der Begriff des Isolirenden in sich Fassens*]. Additionally, he states that the vase possesses the character of storage [*Aufbewahren*] and thereby

primarily to reduce the scale of observation, placing an individual life at the center of focus and describing a variety of contingent events only to the extent that they relate to that *Mittelpunkt*. At the same time, in limiting this scale of observation, the narrative reduction of complexity also provides a point of connection to the multiplicity of the world of its exterior. In the essay “Über die Einsamkeit” (1784/85), Zimmermann argues that aesthetic isolation is a crucial therapy to bring about the peace and happiness of the mind. When one is sad or melancholy, the perception of nature in its *simplicity* gives the heart the greatest sense of liberation and satisfaction. “In solitude, great felicity glides through the imagination into the heart. The sight of beautiful nature often pulls the soul so completely into itself, and so completely relaxes all other thoughts, through the manifold green of the forests, the streams flowing by, the gentle blowing of the wind in the trees, the singing of the birds, and the clear view into the distance, that this freedom and this sensuality transform all thoughts into feelings.”⁷² For Zimmermann, the separation of oneself from nature initially appears distinct from the tumultuous, uncertain environment of Moritz’ essays, where menacing storms rage. Here, one enjoys the variety of forms of nature in their effortless clarity, and one’s imagination provides the intuition of the simple wholeness with which the manifold perceptions fold into one. The difference lies in the benefit of isolation, through which one gains protection from the incidents of nature and yet also an outlook through which one can

tends always to *open up* toward its state of completion. Thus, the figure of the vase offers a point of connection between the isolation of aesthetics and that of the individual case, since the vase offers a space in which the wholeness of a thing can be isolated and contained. This function bears similarity to that of the urn in Jakob Bernoulli’s theory of probability. A certain game of chance involves an urn with pebbles that could be colored either black or white. Consider each pebble to be a contingent observation and thus may or may not be true. With each additional observation, one can estimate the probability of the colors of the remainder of pebbles. This approximation, he argues, occurs in similar circumstances in nature, such as the prediction of the weather or of disease in human bodies. In this view, the vase/urn is emblematic of the statistical/documentary view of cases and collections thereof, since the wholeness of the human subject is conceived as a container with a multiplicity of small observations that are contingent on face value, and in which the *evidence* value of the case is determined in probabilistic terms.

⁷² Zimmermann 414-415.

comprehend its wholeness. For Zimmermann, this understanding is exemplified in the experience of the German-English gardens, which offer an irreproachable unity to nature and art.⁷³ Contrary to the French formal garden, which imposes symmetrical order upon nature, Zimmermann writes that the English garden is more adept at conveying the sublime because the wide distances are interspersed with objects that capture one's eye, and thereby stimulate the imagination of the infinitude of nature.⁷⁴ Thus, by focusing on the act of isolation, Zimmermann substantiates the role of narrative in producing this small-scale perspective. In training the physician to produce well-written cases, empirical observation embraces the distant solitude with which the order of the particular is distinguished from the contingency of nature's abyss.

While the practice of isolation supports the narrative interpretation of the case, the frequent emphasis on *Glückseligkeit* raises a series of connotations that also link the case to documentary and statistical modes of analysis. Both Moritz and Zimmermann use *Glückseligkeit* to describe a state of consistent wellbeing that flourishes in the enclosed space of separation from nature. This concept suggests a form of happiness that transcends the mere pleasure of the individual and instead alludes to a specific collective prosperity that bridges the gap between the particular self and the general state to which it belongs. At one level, *Glückseligkeit* involves individualistic human happiness, albeit primarily oriented to one's virtuous education. For instance, in the

⁷³ Zimmermann: "This new union of art and nature, invented not in China but in England, is based on the purest and most correct taste for beauty in nature, and on experiential and tested feeling of the effects of a chaste imagination for the heart." (416)

⁷⁴ Zimmermann: "A great English teacher of the sublime has said that solitude is frightening at first sight because everything that carries with it the notion of privacy is frightening and therefore also sublime, as for example an empty place, darkness, silence. [...] By a kind of greatness bordering on infinity, the eye is already enchanted at a great distance; when one sees the incalculable chain of the Alps standing and shining in a constant succession of steps of great parts of creation; but precisely the beautiful bright colors of the Alps soften the impression and give this immense rock wall more grace than sublimity." (417) In this context, the feeling of the sublime plays a certain therapeutic role in opening up the 'heart' through the activity of the imagination. Here, the relevant feature is the concept of infinity inherent in the German-English garden organization. These gardens, in Zimmermann's view, enable the isolated observation of *distant* things, which supports the sensation of a vast multitude beyond the periphery of sight.

introduction to the *Kinderlogik*, Moritz premises his pedagogy on the anecdote of a young boy Fritz who is disorderly and distracted in his studies. With his copper plate, the teacher Stahlmann hopes to teach Fritz the manner “of comparison and distinction, on which the entire felicity [*Glückseligkeit*] of a rational person depends.”⁷⁵ In this regard, the *Glückseligkeit* of an individual is associated with a moral virtue of development, and specifically one which relates to the Enlightenment ethic of rational observation and classification. Additionally, the term is etymologically connected with Aristotle’s *eudaemonia*, which indicates a type of *good* that amounts to a power “self-sufficient towards living well.”⁷⁶ This ethical sense of the term suggests a happiness that is not hedonistic but rather realized on the self-disciplined control over reason. Additionally, in the Grimm dictionary, *Glückseligkeit* is connected to a number of different forms of happiness, which repeatedly allude to the dual senses of *Glück* at its stem. On the one hand, the term indicates the sort of calculable outcomes of state power, such as success in battle.⁷⁷ Moreover, other definitions draw attention to the concept of *Glück* as fortune, in which *Glückseligkeit* indicates the collection of fortunate events that result in a present state of happiness. In this context, happiness is the consequence of a fate that is traced to a determinate collection of circumstances found external to the person itself.⁷⁸ One common thread throughout this range of definitions is the virtuous possession of good fortune, which rewards one with happiness as a result of some moral behavior. In each case, one speaks not of a moment of pleasure but of a continual *state*

⁷⁵ “Although these copper plates were made for another purpose, Stahlmann believed that they could also serve to teach his pupil the great art of dividing and ordering, of comparing and distinguishing, on which the entire felicity of the rational person is based, in a pleasant and playful way.” (147-148)

⁷⁶ *Felicity*: “a good composed of all good things; a power self-sufficient towards living well; a consummation as regards virtue; an utility self-sufficient for a living being.” See: Speusippus. “Definitions.” *The Works of Plato*. Trans. George Burges. Vol. 6. London: Henry G. Bohn, 1855.

⁷⁷ Definition 1b: “especially from success in battle.”

⁷⁸ Definition 3: “externally affecting, favorable power of fate, mostly in a personal conception, corresponding to the goddess *Fortuna*, therefore more often approaching the neutral meaning ‘destiny, power of fate’.”

of *Glückseligkeit*, which arises through the successful confrontation of the conditions of fate. For Moritz, this state is the result of the constitution of a home, where these circumstances of *Glückseligkeit* come together through the proper control over contingency and disorder.⁷⁹

In addition to the *Glückseligkeit* represented in the home, the term is also historically associated with state cameralism, which in the 17th century began to take the happiness of the commons as the objective of economic organization.⁸⁰ In this larger political context, *Glückseligkeit* is the basis for a transformation of the state in the period of Enlightened Absolutism, in which the general welfare is determined by the calculable material welfare of the individual households in its domain. In his works on political economy and world history, Johann Heinrich Gottlob von Justi distinguishes *Glückseligkeit* from *Glück* in terms that highlight the distinction between the contingent and sustainable wellbeing of a state. On the one hand, *Glück* is defined as the perfection of our *external* circumstances or as an event that exceeds our hopes.⁸¹ However, *Glückseligkeit* is defined as a *complete* satisfaction of all basic necessities;⁸² thus, he

⁷⁹ Additionally, Christian Wolff argues that *Glückseligkeit* is a condition of ‘continual happiness’ based on rational action and thus is virtuous, being in accordance with nature. In *Vernünfftige Gedancken von dem gesellschaftlichen Leben der Menschen* (1721), Wolff suggests that individuals can develop their *Glückseligkeit* through the unity of their faculties, and that the *Glückseligkeit* of a society is the consequence of each individual pursuing their rational happiness in each form of social life, e.g., marriage, family, and the ‘entire house’ [*das ganze Haus*]. This understanding of *Glückseligkeit* is characterized by two empirical conditions: (1) A state of plurality, i.e. a number of individuals that exist in an unsystematic collection, and (2) a state of continuity, namely that the ‘happiness’ of the society exists into perpetuity and not merely in a contingent manner. See: Engelhardt p.42.

⁸⁰ For more background on the history and theory of cameralism, see Magnusson (2017). In general, cameralism could be defined as the study of the economic management of land territories through the collection of data and with the ultimate objective of increasing state revenue and export trade. One important factor in this system is the calculation of the population and the control over conditions that would lead to its increase. In pursuing this goal, the new paradigm implied that state policies should interject into social life for the tabulation and prevention of illness. (29) Zimmermann also viewed medicine generally within this system, writing that “I have put the art of medicine in the same class with the art of state and the art of war....” (Zimmermann 129) because both involve the same kind of understanding, which seeks to trace appearances to their causes, and in finding those causes determine the hidden circumstances [*verborgene Umstände*] of the effects.

⁸¹ *Staatswirthschaft* §31, Engelhardt 61: “Without particular reflection on fate – positive or negative – ‘happiness’ / ‘lucky’ in Justi means a more externally-physically satisfying existence...”

⁸² *Staatswirthschaft* §31, Engelhardt 62: “‘Felicity’ / ‘bliss’ is by no means completely detached from this; after all, he also speaks of ‘external bliss’ and explicitly states that even the ‘most sober philosopher’ when ‘lacking

states, even a wise man cannot count himself completely happy if he lacks secure means of subsistence.⁸³ This latter concept is directly defined in material terms, which suggests a connection between the private happiness of the individual and public well-being, which is determined by the quantifiable conditions that bring about this moral-material state of flourishing. Moreover, the concept of a quantifiable well-being held increasing importance for the cameralists of the 18th century, who advanced a paradigm of administration based on the scientific measurement of factors that influence state economic output. This shift is in part attributable to the change in the definition of state territory away from that of a dynastic authority and toward a demographic and economic system.⁸⁴ This system-oriented view bears similarity to the structure of the circular building, which draws a boundary around a multitude that subsequently becomes ordered in its interior. In re-orienting the boundaries of the state according to those of the household-building, the concept of *Glückseligkeit* held central importance for the cameralists due to its emphasis on the moral virtues of wealth, progress, and the perfectibility of the individual. As head of the national ‘household,’ the state could in principle measure all the circumstances of life in the individual households that pertain to the wealth of the state’s finances. These factors could include

the most necessary means of subsistence’ (‘poverty’, ‘misery’) will not be able to ‘persuade his soul to enjoy perfect bliss’.” (62)

⁸³ Leibniz holds a similar concept. In *De vita beata* [Von Glückseligkeit], Leibniz argues that God is not the only perfect being, and humans are also perfectible in that they can overcome their passions and reach a sustained enjoyment of a complete, peaceful disposition [*Gemut*]. Leibniz plays a key role in the development of probability theory, and in this context, he approaches the problem of *Glückseligkeit* through the calculation of the contingent causes of misfortune. See: Köhnen, Ralph. “Die Geburt der Matrix: Berechnungen des Körpers und des Staates durch Leibniz.” *Selbstoptimierung: Eine kritische Diskursgeschichte des Tagebuchs*. Berlin: Peter Lang, 2018. 71–85.

⁸⁴ Behrisch 17: “Statistics did not emerge until the economy was discovered as an independent mechanism and thus also as an object of state action and state legitimation. This happened in England, France and Germany, largely simultaneously, in the second half of the 17th century. Then and there the idea emerged that state territories were not only dynastic, power-political and confessional units, but also demographic and economic functional systems.”

the statistical regularity of births and deaths, as well as rates of disease and crime.⁸⁵ As methods of tabulation made possible the calculation of the welfare of individuals, state administration could then statistically determine the wellbeing of the collective whole of society, which is the foundation of the *Glückseligkeit* of the state household, composed of a collection of individual households. Thus, in this early modern context, the institution of statistics opened up a different understanding of chance in the measurement of the *Glückseligkeit* of its manifold subjects. At the level of the individual case, the household serves to reduce the circumstances of chance through the determination of a 'midpoint' within itself. In cameralism, the state is composed of a collection of households that coalesce to form a new, ordered body. Similar to the case of the individual, which seeks a midpoint within itself, the state must find a midpoint to establish its order from the multitude of contingent human bodies and actions in its domain. In statistics, this midpoint is found in the concept of the *median* or *average* of cases, which is the quantifiable *middle* between a range of unpredictably divergent events. Thus, from the perspective of the 'state sciences' of cameralism, the *Glückseligkeit* of a country appears as a calculation of the conditions affecting the households in all its territory, and the definition of the normal condition for an entire people is determined from an average across a wide range of tabulations.

⁸⁵ Record-keeping of such information was already an established practice by the 17th century. The shift that enabled the cameralist system lies in the introduction of a tabular arithmetic into the calculation of these contingent conditions. John Graunt was one of the first to attempt a statistical analysis in his *Bills of Mortality* (1662), which aggregated weekly data into a tabular form that would enable comparison across a number of factors, e.g., year, season, parish, etc. Graunt's findings thereby indicated that contingent occurrences could be in principle measurable and predictable, and thus that a system could control the conditions that affected the wellbeing of a people.

Moritz' Cases Between Document and Narrative

In the preceding analysis, I have attempted to show that Moritz' concept of the *case* is connected to two possibly mutually exclusive interpretations of the form: The *narrative* and *documentary* formations. In the narrative form of the case, the writing of an individual life (whether of oneself or another) follows the expectations of historical knowledge, in which observations are arranged in a temporally continuous order that is situated in specific contexts of location and personal identity. This historical approach is shown to be aligned with the conventions of the medical discipline, as exemplified in the work of J.G. von Zimmermann, who theorizes a concept of empirical *experience* that is conscious of the perspective of the subject in *producing* the facts of observations, and who furthermore suggests that observations could only be communicated in a well-written manner that could trace the fortuitous symptoms of illness to their cause, just as someone might engage in a close reading of a short story. Moritz' essays seem to support this narrative view in that he explicitly advocates the cognizance of the unique perspectives of observers in producing their own observations. For example, his travel narratives in England and Italy are always contextualized by the distinctiveness of his own personal experiences, and he resists all attempts to generalize hastily from the insights offered by particular observations.⁸⁶ Furthermore, the *documentary* case contrasts with the narrative format in that it reports data from an individual's life that can be easily aggregated and compared with other cases. Unlike the historical narrative, the text of which gives order to singular experiences, the documentary case focuses only on the phenomena of observation, and only attempts to make probabilistic claims about the causes of deviance when a large number of cases have been collected. These

⁸⁶ After the split with Carl Friedrich Pockels, Moritz accuses the former of having distorted the mission of the *Magazin* to refute cases of superstition, instead of skeptically limiting his observations to the empirically verifiable.

documentary cases may not necessarily offer textual descriptions of individuals but instead may exist as tabular/statistical information that is aggregated in a larger work, such as Francis Clifton's tables. As such, this form often presents data in an anonymous manner, abstracting quantifiable features and eliminating irrelevant identifiable information. In the analysis of Moritz' architectural and geometric analogies, I have shown that Moritz tends to espouse statistical and probabilistic viewpoints in his interpretations of knowledge systems; and he furthermore frequently emphasizes the *factuality* of his project in contrast to the narrative, superfluous cases that sensationalize stories of deviance.

While the narrative and documentary cases may appear entirely contradictory, these competing viewpoints may be reconcilable when considered as texts that operate at two different levels of scale. First, the narrative case ostensibly views an individual life in isolation from the wider network of contexts and beings in its surroundings. This well-written case attempts to examine all the symptoms and appearances that center upon the particular body, regardless of relevance, and thereby portrays that life as a complete *whole*. At the same time, this narrative does not venture to resist the contingency that surrounds that life as an instance of deviance. In contextualizing that individual against the background of the everyday, the subject appears as a moment of *singularity*, producing phenomena that are not accounted for in the expectations of normal laws (i.e., an unforeseeable murder, a strange set of symptoms) and in interpreting those phenomena must find the hidden causes that explain the deviance. Thus, narrative approaches seem to take a black and white view toward the existence of randomness: Either (1) the deviance is attributable to known causes, thereby affirming the laws of necessity in the natural world, or (2) the deviance is entirely unexplainable and contingent, and thus one can only make conclusions after comparison with other similar cases that offer more insightful information. The documentary

case, however, seems to view contingency as a matter of degree and thus never entirely eliminated in statistical analysis. When individual lives are collected as quantifiable points of data, the *deviant* life can only be considered different from the *normal* one in the degrees of difference in its symptoms. Thus, the knowledge of the causes of deviance can only be understood probabilistically: Once a large number of cases has been collected, it may be possible to make statistical inferences into the conditions of deviance, without knowing the exact nature of the mechanism or law that brings about that difference. Thus, the statistical system of cases may accept the existence of contingency as an unavoidable quality of the manifold of phenomena in the world, and one may only understand the lawfulness of phenomena as a probabilistic approximation from a large sample of data.

Moritz appears to pursue both advantages of cases, as he frequently advocates for the portrayal of individuality as *complete in itself* (isolation on a perspective within the self) and also hopes for a systematic, general knowledge of illness that is based on the data of particular beings. In mediating these competing views, Moritz manipulates a concept of the *middle* of perception that is aesthetic, narrative, and mathematical in character. The concept of a *Gesichtspunkt* of perception enables one to view numerous manifold perceptions in their relation to a common reference point. In narratives, this point may be the individual body itself, which establishes a scope from which one can bring into account a wide range of phenomena. However, as Moritz elsewhere argues, this same perspective can be understood as a *Mittelpunkt* of a circle (the geometric and architectural view) that determines the circumference/limits of a general concept. This latter analogy seems to be more characteristic of the documentary case and its statistical associations. As he explains, the circle is not static. It must shift its borders to encompass the relevant information that pertains to it; thus, the midpoint shifts in response. Similarly, a statistic

analysis of cases calculates the average [*Mittelpunkt*] from a range of particular perceptions, and with the addition of new information, the notion of the average shifts accordingly. In this manner of reasoning, Moritz suggests that both analogies are *essentially equivalent* and that both narratives and documentary cases thus approach their data similar ways. Both kinds of cases involve the isolation of midpoints, the drawing of boundaries, and the calculation of general conclusions in ways that account for the particularity of all its parts. As a consequence, the transition from a historical narrative to a systematic collection is a matter of drawing a new border and shifting a focal point to capture a wider range of information.

RUBRICS: PROBABILITY AS ORGANIZATIONAL PRINCIPLE

Upon returning from his journey to England, Moritz' aesthetic and scientific thought was oriented around perceptions of *midpoints* of vast spaces, and this worldview was highly influenced by the real places that he regularly encountered in his journeys. In visiting the pleasure gardens of Vauxhall and Renelagh, he describes his enthrallment at the multitude of humanity that concentrates around its enclosed rotundas, shortly after having witnessed in the House of Parliament how a common reference point can organize an entire people. This equalizing focal perspective often manifests in architectural, astronomical, and aesthetic metaphors, but the commonality of each is the possibility of the organization of a multitude. What is the order that underlies disordered chance, and how does it arise without the guiding hand of reason? While in physical spaces, he would often remark upon the harmony with which natural differences would coalesce in the presence of a limited perspective. However, despite these imagined visions of aesthetic perfection, Moritz also extends such a principle of knowledge organization toward the practical application of written texts, which does not have the same verifiable analogy in the natural world. The *Magazin zur Erfahrungsseelenkunde*, first published in 1783 only a year after his return from England, steps clearly toward such a vision of completeness.

Without any clear journalistic precedents, Moritz writes in the introduction to the first volume that the magazine will set the foundation for a new science of the mind, and he imagines the eventual creation of an organized discipline from the disordered mass of material.¹ Without any clearly established theories or premises of such a discipline, Moritz begins the project with a

¹“...I only wish that my zeal and good will may speak for me when I dare to bring together some materials for a building that still seeks its architect and will probably find him.” *Magazin zur Erfahrungsseelenkunde* I.1, p.2.

set of *rubrics* as his foundation. These rubrics consist of four key terms that he adopts upon Moses Mendelssohn's recommendation, and which derive in large part from analogues in the medical sciences: *Seelennaturkunde* (physiology), *Seelenkrankheitskunde* (pathology), *Seelenzeichenkunde* (semiotics), and *Seelenheilkunde* (dietetics). These categories are not exhaustive, but they do supposedly present a means to order the contents.² In concluding his introduction, Moritz seems to take the role of these rubrics as self-explanatory, and only in later volumes would he begin to reconsider the way these terms organize material into new knowledge. The purpose of the journal, he writes, is to collect facts, not to write narratives.³ In the context of this empirical focus, the rubrics point toward competing demands of order and disorder. For such a journal to accept the widest range of essays, there are few restrictions on the order of its contents, as each published article may introduce a new topic or contribute unexpectedly to an earlier one. The rubrics, on the other hand, presume to offer order despite the magazine's focus on the new, remarkable, and deviant. This raises the following question, which is the subject of the present chapter: What is the function of rubrics for enlightenment mass publications if those works do not make any assumptions about the order of information in its contents? In short: How do rubrics attempt to mediate the competing demands of order and disorder? Although the term may appear to be a commonplace expression, its accelerating popularity from 1760-1800 suggests a context amounting to more than just lists, categories, and headings.

Pursuing the question of the rubrics' organizing function, this chapter will show its history and use as a tool of journals to expand their contents in an indefinite number of directions. Despite

² "Following the suggestion of Moses Mendelssohn, I will try to apply the classifications of the medical sciences to empirical psychology, and to arrange the essays in this magazine under the headings of physiology, pathology, semiotics, dietetics, and so on." Ibid. 3.

³ "What reassures me about adding yet another book to the present flood of books is this: that I am contributing facts and not moral nonsense, a novel, comedy, nor any other books." Ibid. 2.

the quite wide variety of literary contexts, rubrics came to represent an organizing process during a time of proliferating essayistic publications. Unlike the titles of single texts, which are unique to their individual contents, rubrics are headings of intersecting, open systems in which one text can fall under multiple different headings. Rubrics may also appear as spatial arrangements of texts, or as coordinates along a common plane, such that two texts out of sequence may appear closer or more distant to each other. While providing a common point of reference, thereby equalizing differences, rubrics also provide the ability to shift boundaries in response to new information, even differentiating categories into sub-categories as the balance of information shifts in different directions. As sub-collections within spatial boundaries, rubrics attempt to determine a midpoint within a particular scope of texts, and this midpoint often changes as the information within it shifts. This concept is in part the result of the earlier statistical revolution in which large quantities of unordered information point to a probabilistic average that closely approximates the truth. More fundamentally, rubrics have become the modern tools by which contingent information is observed and controlled – a kind of enlightenment technology that attempts to overcome the irrationality of chance – and this understanding largely persists as the term survives into the present day.

Rubrication and Print Matters

In contemporary English, the term *rubric* has come to denote a broad set of categories that are used for assessment and diagnosis. In a recent definition, a rubric stands for a title determined in accordance with an established system of medicine – a “section or chapter heading” used in reference to “groups of diseases.”⁴ These established methods of classification can be traced back

⁴Porta, Miquel. “Rubric.” *A Dictionary of Epidemiology* 2014.

to earlier developments in statistics, whereby similar afflictions were grouped according to their common symptoms or means of diagnosis. One of the earliest attempts at such a diagnostic system lies in the writings of Thomas Sydenham, whose observations on the bills of mortality viewed diseases as independently existing natural entities from which its cases are derived.⁵ In this system of nosology, Sydenham's foundational medical principle is to define illnesses by observing their empirical effects, upon which each abnormality can be categorically understood according to its objective characteristics. From this complete picture of the illness in its effects, it may then be possible to make inferences as to its causes and means of diagnosis. By the mid-nineteenth century, the classificatory methods of nosology became increasingly complex, organizing illnesses along hierarchies of causes in their relations to distinct anatomical systems. This hierarchical system of classification, now termed *numerical taxonomy*, developed into the *Bertillon classification*, which was first adopted by the International Statistical Institute in 1893.⁶ In this approach, the diverse rubrics of illnesses are organized into chapters that group illnesses according to their anatomical or pathological foundation.⁷ This system then underwent a series of revisions, eventually evolving into the contemporary International Classification of Diseases (ICD), which the World Health Organization manages today as the leading authority on health classification. With each iteration of this system, the expansion of empirical knowledge has brought about a proliferation of new rubrics – an advancement that ostensibly offers a more complete picture of particular diseases and their connections within the human body as a functional biological system. Yet despite the distinctly medical significance in modern classificatory regimes, rubrics are fundamentally

⁵ Epstein, Julia. *Altered Conditions. Disease, Medicine, and Storytelling*. New York, London: Routledge, 1995. 37.

⁶ Porta, Miquel, and John M. Last. "Classification of Disease." *A Dictionary of Public Health* 2018.

⁷ Ibid. "Bertillon Classification."

concerned with ordering *information* in general, seeking to define the boundaries of data that do not have any clear-cut criteria of belonging as one entity. This sense of classification originates far earlier than the statistical turn in medical reasoning, but it laid the foundation for less complex systems of information despite increasing production of texts and data.

The earliest use of rubrics can be traced at least as far as the 14th century, when late medieval liturgical scholars would use red ink to accentuate aspects of written texts. The term ‘rubric’ itself originates from the Latin *ruber* (one of the terms for *red*) and likewise the Latin *rubrica* (*red ochre*), indicating one of the materials used in the illustration of medieval liturgical texts.⁸ Although red ink was in use as early as ancient Egypt, the late medieval scholars came to use red to distinguish certain aspects of a manuscript against the background of its black ink. Many manuscripts would contain a large number of smaller texts within its volumes, and thus red ink served to



Figure 2. Rubrication of the Weingartner Liederhandschrift

clearly distinguish the place at which one text ends and another begins.⁹ In this regard, the color red does not just indicate the *title* of a work. Rather, the color is at first a paratextual marker, which lays out the boundaries of a subtext while maintaining the continuity of the entire work, as the

⁸ Alscher, Ludger et al. “Rubrica.” *Lexikon der Kunst. Architektur, bildende Kunst, angewandte Kunst, Industrieformgestaltung, Kunsttheorie*. 1977: 223.

⁹ Clemens, Raymond. *Introduction to Manuscript Studies*. Ithaca: Cornell University Press, 2007. 24. “Most manuscripts contain more than one text, and generally each text in a manuscript begins and ends with a title (respectively, the opening title and the concluding title). In Latin manuscripts, opening titles begin with the word *Incipit* (it begins/here begins). [...] In some manuscripts – for example, the eleventh-century Newberry Library MS 2 [...] titles were written in ink that was then brushed over with color to make the title stand out from the text...”

scribe proceeds from beginning to end without line or page breaks. One example of this practice is found in the German *Weingartner Liederhandschrift*, a late 14th century collection of *minnesang* lyrics from twenty-five authors.¹⁰ These verses run continuously throughout the first one hundred seventy pages of the text, and each stanza is marked by alternating red and black ink of its opening letter. The method of red highlighting was common for Latin manuscripts of the time, whereby introductory and concluding lines included short titles to mark beginnings and endings without a change in continuity. However, at other times the *rubric* would arise as a title added later to a previously written text. One typical characteristic of this method is that the scribe would leave blank certain lines preceding and following a text, after which point another individual would write the rubricated title of the text with red ink.¹¹ This separation of roles suggests that the rubric comes forward as the final step of a process, as the title stands apart from the main text while also summarizing and reflecting upon its contents. In this regard, these manuscripts suggest a development of the rubric as both *marker of* and *title within* the text. In the former sense, the reader does not see the rubric for its content but rather as a paratextual reference point, such as a page number or footnote, which helps to designate the formal boundaries of texts in a larger corpus. On the other hand, as a *title* the rubric may be viewed equally as part of the written body of work, offering a short text that describes a much larger one. Adding to these competing roles, rubrics may include a number of different techniques of highlighting the text itself, such as underlining important words in red.¹² This last practice is even evident in the *Domesday Book*, in which red

¹⁰ Riedenburg, Burggraf von. "Untitled." *Weingartner Liederhandschrift*. Stuttgart: Württembergische Landesbibliothek, 2021. 18.

¹¹ Clemens (2007) 24. "The rubricated title for a text or section of text would generally be written in one or more lines that the scribe of the text had left blank to receive the title. Short titles – some titles consisted of a single word – could simply be inserted in space available at the end of the last line of the preceding section of text."

¹² Alscher (1977). 223.

pigment would underline certain noteworthy parts of the text.¹³ In light of these diverse techniques of marking texts, the Latin rubric amounts to more than contemporary titles or headings. Instead, rubrics maintain a more distinct functional role in defining the boundaries of texts.

In theological traditions, rubrics may not only describe but prescribe the content of a text. In the introductions to liturgical books, rubrics can be found which explain the “nature and purpose” of the text and give complete directions for the actions of the rituals and the materials involved.¹⁴ These same rubrics maintain a historical connection to the rubricated titles of earlier centuries, as these directives were also printed in red to distinguish them from the body of the text.¹⁵ However, apart from the ubiquitous red color, the liturgical rubric points to a major difference with the aforementioned secular texts of the 14th century: The rubrics of the church seem to precede the texts that they describe. Part of this distinction lies in the character of the liturgy itself, which attempts to impose an order upon an array of customs and traditions. Given the historical and etymological sense of a *liturgy*, this term denotes a religious “service done for the sake of others” in which every member of the community plays a role, not just the priests who control the church mass.¹⁶ Furthermore, later sources suggest that the liturgy amounts to more than the rubrics that give it direction. Rather, liturgical rubrics comprise the particular system that gives complete *order* to the array of religious rituals and traditions that these books attempt to record.¹⁷

¹³ Clemens 24. “Another simple, inexpensive method of highlighting a title was to write the title in ink and then strike through or underscore the desired text with a line of red pigment; this technique occurs in *Domesday Book*, the survey of English landholdings commissioned by William the Conqueror in 1085, and is also found, for example, in southern European manuscripts of the late Middle Ages.”

¹⁴ Andreassi, Anthony D. “Rubrics.” *The Modern Catholic Encyclopedia*. Ed. Michael Glazier and Monika Hellwig. Collegeville, Minn.: Liturgical Press, 1994. 758.

¹⁵ Ibid.

¹⁶ Upton, Julia. “Liturgy.” *The Modern Catholic Encyclopedia*. Ed. Michael Glazier and Monika Hellwig. Collegeville, Minn.: Liturgical Press, 1994. 517.

¹⁷ *Mediator Dei* (1947), Pius XII writes, “No less erroneous [than the liturgy as ornamentation] is the notion that [the liturgy] consists solely in a list of laws and prescriptions according to which the ecclesiastical hierarchy orders the sacred rites to be performed.” Cited in Upton (1994). 518.

Despite the rubrics' prescriptive character, these rules are described as principles of *order* that orient the various substantial rituals of church life.

While the form of these rubrics appears relatively well developed in theological domains, there remains a historical gap between its late medieval origins and the enlightenment, when rubrics diversified into a variety of literary, scientific, and journalistic formats. One notable aspect of this shift is the degree of specificity that rubrics provide their contents. Over time, rubrics are not just a means of highlighting content or designating boundaries. Rather, similar to modern means of assessment, rubrics also come to contain criteria that direct their contents' future development. Part of this shift is attributable to the paradigm shift toward empiricism in the medical sciences, which contributed to an increased output of collections of scientific observations. Johann Krüger expresses this philosophical standpoint most explicitly when he writes that the entire edifice of knowledge is built upon the foundation of sense experience: “A necessity of nature, which is based on the limitation of our understanding, has imposed on man the law to get to know the world through experience. [...] For all that we know of it is either a mere experience or is based on it.”¹⁸ Cases are thus the most direct means of engaging with the objects of experience because of their limited scope and focus. This demand for empirical knowledge likely contributed to the widespread increase in published texts in scientific systems of discourse, and this proliferation was soon accompanied by a corresponding imperative for order and selectivity of information. Friedrich Hoffmann, a Wolffian teacher of Krüger, writes in *Medicina Consultatoria* (1728) that the early case collections contained many fictitious texts that only served

¹⁸ Krüger, Johann Gottlieb. *Versuch Einer Experimental-Seelenlehre*. Halle und Helmstädt: Hemmerde, 1756. (§4) 6.

to reenforce construed hypotheses, and that this overflow of data necessitates the creation of stricter criteria of observation. He writes:

Yes, since so many thousands of books in medicine have been written in which there are so few perfect observations from which one can draw the *usum practicum*, some useful *theoremata*, *corollaria* and *regulas*, I have often wished with all my heart that there were some skillful men who have the diligence and desire to serve the public and who would take the trouble, and from all *auctoribus*, both old and new, could have such *observationes*, which can be of use, either colligated into a book under certain titles, or at least have such short indices prepared in which only the necessary and useful ones, but not many unworthy ones, and those unfortunately caught by *auctoribus*, are to be found.¹⁹

In this view, the contemporary age has experienced an influx of texts dealing with insignificant observations, which is a common impression that would persevere for several decades. Karl Philipp Moritz, writing in 1783, similarly remarks upon “the present flood of books,”²⁰ which has diluted the quality of meaningful cases. For Hoffmann, the solution to this problem lies in organizing observations in ways that indicate the usefulness of their scientific contributions. Empirical observations must include all those that are *complete*, but collections must also be organized in a manner that provides stricter criteria for the inclusion of cases. This emphasis on the titles and indices of collections gives greater weight to the role of earlier *rubrics*, which give direction to order-less information.

Friedrich Hoffmann's medical empiricism also outlines several formal criteria of *complete observations*, (*vollkommene observationes*) and these requirements present one of the earliest systematic attempts to rubricate medical texts. With this solid foundation, Hoffmann foresees the development of a more formalized system of medicine in which theorems can be readily extracted from the variety of direct observations. In the first volume of *Medicina Consultatoria* (1721), he

¹⁹ Hoffmann, Friedrich. “Vorrede.” *Medicina Consultatoria*. Vol. 6. Halle im Magdeburgischen: Renger, 1728.)(3.

²⁰ Moritz, Karl Philipp. “Einleitung.” *MzE* 1.1 (1783). 2.

writes that the foundation of medical science lies in experience [*experientia*] and reason [*ratio*]. By the former, he means the complete account of the changes in the course of the human body.²¹ This is not dissimilar to Johann Georg Zimmermann's account: Experience lies firmly on the side of narrative, whereby the course of illness is described from beginning to end without prejudice toward a particular hypothesis. *Reason*, on the other hand, means for Hoffmann the formation of theories based on the application of judgment on the objects of experience.²² In this latter term, the *reason* of observation is the capacity for reflection and judgment, which entails the application of precise medical expertise and authority toward those experiences. As he describes, part of the value of reason is the expectation that judgment will yield certain principles, which in turn offers lessons in that which is *useful* or harmful for the patient's health. "For in this way one learns what is harmful and useful in any subject for the preservation and restoration of health among all things, which is actually the *finis* of medicine, and the office of the physician, or what can be required of him."²³ In medicine, observations should ultimately serve a practical objective. This system is not necessarily interested in knowledge for its own sake, nor in the accompanying overflowing of empirical data. Instead, the medical case should serve to enhance medical insights that actually contribute to the healing of real individual bodies. In this regard, the completeness of knowledge is linked to the synthesis of these two components of experience and reason. Experience opens the door to the widest diversity of contingent observations, and reason reduces that field to that which is useful, lawful, and pragmatic to scientific principles.

²¹ Hoffmann, Friedrich. "Vorrede." *Medicina Consultatoria*. Vol. 1. Halle im Magdeburgischen: Renger, 1721.)(("attenta & completa observatio earum rerum & mutationum, quæ fiunt circa corpus humanum.")

²² Ibid. "By the *rationem*, however, I understand a proficient *theoriam physicam & medicam* when applied with diligent consideration, profound meditation, and solid *judicio ad observationes medicas...*"

²³ Ibid.

Furthermore, Hoffmann argues persistently that collections of medical cases ought to include only complete observations, and this concept of completeness involves certain criteria that are common amongst all cases of a similar kind. He writes that solid judgment and accurate medical advice requires accurate and complete observations, along with the thorough history of the disease and its symptoms. These complete observations must have certain requirements [*requisita*], and these features are held in common for all types of experiences. “The complete *observationes* must have certain requisites, among which the first is that the whole nature of the human being or patient is described and presented quite clearly in them.”²⁴ While observations are still primarily a matter of proper description, Hoffmann’s extensive list of *requisita* reads more like the survey of a statistician, breaking down the features of the patient along categories that are common to every type of observation. On the one hand, the observations must be properly thorough, but they must also present certain key facts that predispose the case to systematic analysis. He writes that in these same descriptive observations, one must note such factors as the sex, age, temperament and structure of the nerves, where he lives and works, his lifestyle [*Lebensart und Ordnung*], and a host of other descriptive categories. In addition to these features of a complete personal history of the patient, the observation should also contain two other main categories of *requisita*, namely the attempted means of therapy and the autopsy results, if the illness terminates with death. This set of criteria also contains space for remarks upon the unexplained, contingent development of the disease [*ausserordentliche Zufälle und Veränderungen*], especially when the patient dies despite the doctor’s therapeutic treatment. For Hoffmann, these requirements of complete observations are quite extensive, but the combination thereof provides the attending physician with a set of directions for diagnosis. In this context,

²⁴ Ibid.)(2.

Carsten Zelle argues that the observations are a “recursive system of operations [...] centered around an extensive list of topics that determine the *observatio* (and the semantic field around the *casus*) as a concept that comprises of ambiguity, event and narration, all at the same time.”²⁵ These standards of observations amount to criteria of inclusion into a larger work. As criteria, they offer the physician what Zelle calls a “topical network”²⁶ of features that connect together the contingent circumstances of illness with recorded methods of therapy. Just as the earlier liturgical rubrics, they offer a means of categorizing a large collection. However, in Hoffmann's intervention, the *requisita* also serve to structure those particular contents, reducing the levels of complexity by identifying common points of reference across a range of different texts. Unlike liturgical rubrics, these categories are not just unique titles to individual works. Rather, they are indices that connect texts to a wide number of other topics and references.

The Popularization of Rubrics 1760-1800

While the history of rubrics extends for centuries, this term only became substantially popular around the 1760s, with increasing occurrences in periodicals until 1800. Over this period, the function of rubrics similarly diversified to provide various indexical functions in new types of journals. In some earlier journals, rubrics are more likely to be defined as titles that establish a singular link to the texts' content. In *Beyträge zur neuern Staats- und Krieges-Geschichte* (1764), a collection of historical essays on the Seven Years War, the *Register* states that each essay shall be rubricized according to the main word of its title. “Each state publication is rubricated under

²⁵ Zelle, Carsten. “Experiment, Observation, Self-Observation. Empiricism and the ‘Reasonable Physicians’ of the Early Enlightenment.” *Early Science and Medicine* 18.4/5 (2013): 461.

²⁶ *Ibid.* 468.

the main word of its title. Thus, for example, one looks for the circumstantial history narrative of the Protestant Comitial Envoys under the heading: Narrative.”²⁷ However, while a text may have only one title, each of which offers a unique description of the content, the text may simultaneously belong to multiple different rubrics. “If there are several words of one main meaning in a title, the state publication is rubricated under both, but with reference of the one to the other.”²⁸ At this point in time, rubrics already amount to more than headings. Rather, the term comprises an indexical network of relations between texts, such that each rubric contains the maximal number of texts that are pertinent to its topic. Despite this level of complexity, rubrics primarily maintain a relationship to titles and their keywords.

In the legal system, rubrics tended to possess more formal definitions, unlike the essayistic collections of their contemporary writers. Here, rubrics served to provide a title to a set of legal documents, such that one can easily grasp the main subject matter of the case. In the instructional *Anleitung zur juristischen Praxi* (1765), Johann Stephan Pütter writes that *Deduktionen*, a type of legal document, must be rubricated such that the reader can get a clear sense of the main points of the content. “Finally, arrange the rubric or the title of the entire work in such a way as is required partly by custom in the place or in the matter in which one is writing, and partly in such a way as also serves to express the content of the work most clearly and completely, and to engage the reader in advance, or to make him eager for insight into the writing itself.”²⁹ In this context, rubrics remain mostly titles of works, but they hold a more precise relationship to the content’s substance. Rubrics are not indexical references to keywords, but they offer some greater insight into the

²⁷ Wernich, Karl Friedrich. “Haupt-Register des ganzen Wercks.” *Beyträge zur neuern Staats- und Krieges-Geschichte* 186–190 (1764): 1.

²⁸ *Ibid.*

²⁹ Pütter, Johann Stephan. “Von Schriften, Worinn etwas vorgetragen wird; Insonderheit 4) Deductionen.” *Anleitung zur juristischen Praxi*. 3rd ed. Göttingen: Vandenhoeck, 1765. 92.

central conflict of the case. For Pütter, this process was more than a means of reference. Rubrication was a means to make the legal knowledge more accessible even to non-experts. As a legal scholar, he contributed to the differentiation of administrative law as a system with precise standards of record-keeping, and rubrics were key to the expression of legal documents in the most comprehensive way. “It is a minor detail, perhaps even a triviality, to point out how he provided his books with good indexes and his briefs with summaries of the contents, but they served to make his teachings accessible. He was not just one of the scholars who wrote merely for scholars.”³⁰ Thus, at least in the legal system, rubrics require appropriately concise summarization of contents, and these titles gain increasingly formal requirements along with the quantity of information that they cover. In another manual on legal case-writing, rubrics are arranged according to the *matter itself* [“die Sache selbst”], no matter how general or particular that matter may be.³¹ There are also often guidelines for the rubric's formatting and location, written either on the front or last page of a brief.³² As these guidelines gain wider application, rubrics possess a more functional role, providing understanding to readers about contents in a way that distinguishes one topic of texts from another.

After the adoption of rubrics in accounting systems, these headings suggest entirely different relationships to the texts' contents. While texts frequently hold one-to-one relationships to their rubrics, the organization of accounting tables requires information to be viewed across different parameters simultaneously. Financial information can be organized and sorted in entirely different ways, each of which may fall under a distinct rubric. In the manual *Versuch einer*

³⁰ Frensdorff, Ferdinand. “Pütter, Johann Stephan.” *Allgemeine Deutsche Biographie* 1888: 767.

³¹ Sieber, Jacob Gottlieb. “Vom schriftlichen Vortrage.” *Von dem gerichtlichen Prozeß*. 2nd ed. Vol. 1. Göttingen: Bossiegel, 1775. 445.

³² *Ibid.* 234.

Anleitung zur Finanzrechnungs-Wissenschaft (1773), every object can fall under a series of rubrics, including one of time: “A rubric of time to be able to judge immediately where it is found in the journal. A rubric in which a reference number to the document in which the presented sentence is proved. A rubric in which the object itself is recorded according to the rules of accounting, and a rubric in which the sum is expressed according to how high or low it is accorded in the treasury.”³³ In this context, a rubric is not a title, which would completely describe the contents. Rather, these rubrics are more accurately *features* of the entire corpora, which can be used to sequence the data along different points of reference. Moreover, in this understanding, one may also subdivide the rubrics themselves, such that each one represents a smaller segment of features. In fact, with sufficient information, data can be divided into their most fundamental units, which can be analyzed individually.³⁴ This system also makes possible the arrangement of *main rubrics* over *sub-rubrics*, such that information can be selectively defined and re-combined into a larger whole.³⁵ Through financial rubrication, it becomes feasible to understand the content on multiple levels simultaneously, despite the potentially large quantity of text and numerical data.

In addition to legal and financial collections, the third main category of rubrication pre-1800 consists of statistical reports, which seek to analyze both qualitative and quantitative information about an entire population. These categories are found in the body of questionnaires, which contain a complete list of features covering every aspect of the populace relevant to state administration. Prior to the institutionalization of statistics, the army and the church held the responsibility of maintaining such records. In the *Gesetzbuch für die kaiserlich-königliche Armee*

³³ Oesfeld, Karl Wilhelm von. *Versuch einer Anleitung zur Finanzrechnungs-Wissenschaft und Verwaltung öffentlicher Cassen*. Berlin: Buchhandlung der Realschule, 1773. 66.

³⁴ *Ibid.* 67.

³⁵ *Ibid.*

(1784), an alphabetic organization of the codes of the Austro-Hungarian army, the author outlines the conscription process by which the state takes account of the empire's families and their assets.³⁶ Since conscription was the only method to take account of this information, each family received its own questionnaire, and nobody was excluded from participating in its collection. Each questionnaire consisted of at least thirteen rubrics to be answered. The first set of rubrics requests data common to all people, such as one's age, qualification, religion, titles, offices and honors. The second half of the questionnaire contains what amounts to categorical data or groups to which one either does or does not belong: Is one a bourgeois citizen, farmer, cottager, or tradesman? Is one a child of any of these groups? Is one a ward of the state? The core principle of these rubrics is that everybody can give an affirmative answer to some rubric, and every rubric is relevant to at least some people. With the entirety of this information, this census offers a snapshot of the population at a moment in time, and the authorities would conduct a local revision house by house every February.³⁷

Considering these three main systems, rubrics are categories that appear to have both empirical and rational foundations. On the one hand, rubrics are formulated and introduced prior to the empirical data that pertains to their particular scope. In this regard, rubrics are designed to be of equivalent weight to each other, and altogether they ought to capture the entire range of possibilities within its field of observation. This view is evident in Johann Michael Sailer's *Betbuch* (1783), which argues that the rubrics of a particular subject are derived from the rational division of that subject as a whole. "The German concept of completeness (47. c) of the prayer book indicates, to the best of my conviction, the general rubrics that divide the whole rationally,

³⁶ *Gesetzbuch für die kaiserlich-königliche Armée*. Wien und Prag: in der von Schönfeldischen Buchhandlung, 1784. 537-540.

³⁷ *Ibid.* 540.

and assign to all individual prayers, sentiments, and reflections their proper place.”³⁸ On the other hand, rubrics are often revised in response to the changing empirical data that is collected. If the empirical data contributes little to a particular rubric, the editor may revise the set of rubrics such that the data is more equally distributed. For example, one *Damenjournal* (1784) gathers together essays on the subject of women’s education. By the sixth issue, the initial set of rubrics is revisited, and one rubric (“Damenerfindung”) is deleted due to a lack of material and replaced with an entirely new rubric (“Damenreligion”), with which the editors hope to receive greater contributions.³⁹ In each of these contexts, the editors seem to propose rubrics based on a rational analysis of the work’s subject, such that the rubrics altogether present a *complete* whole in which every possible contribution finds a place. However, it is equally evident that these boundaries change in response to new information, just as a hypothesis is revised in response to experimental data. This fact seems to call into question the functionality of rubrics as methods of organization, as the categories are initially tentative and non-permanent. Yet despite this apparent contradiction, rubrication still gained widespread appeal in each of the three main contexts. Whether the material is of a legal, financial, statistical, or even literary nature, rubrics serve to create an appearance of order out of disorder, which is achieved through the constant accumulation and division of data.

³⁸ Sailer, Johann Michael. *Ueber Zweck, Einrichtung und Gebrauch eines vollkommenen Lese- und Betbuches*. München und Engolstadt: Lentner, 1783. 50-51.

³⁹ Anonymous. “Damen-Erfindung. Künftige Veränderung dieser Rubrik.” *Damenjournal von einer Damen-Gesellschaft. Magazin zum Besten der Erziehung armer Mädchen* 1.6 (1784): 290-291.

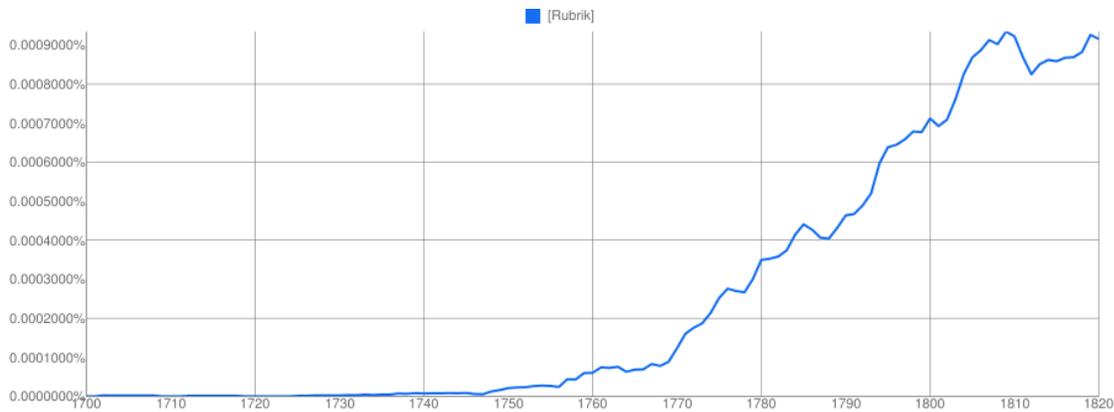


Figure 3. An n-gram analysis of the probability of the term *Rubrik* in the German-language Google Books corpus from 1700-1820.

The Revision of Empirical Psychology

By the initial publication of Moritz’ *Magazin* in 1783, the phenomenon of rubrication was already widely popularized and distinguished in several formats.⁴⁰ Building upon the four foundational rubrics of the medical sciences, Moritz proceeded to implement a distinct approach in which rubrics would undergo regular evaluation and revision. In this strategy, the editor’s responsibility is to examine the quality of information according to each rubric’s own criteria and to revise those categories to single out sub-rubrics in which content is lacking. In concentrating all content around a few central topics, each rubric represents what he calls an “approximate design” [*ohngefährer Entwurf*] of a whole that is implemented by a tabulation of textual data. From the outset, this journal is concerned with the issue of multiplicity because it invites entries from a wide field of inquiry: self-observations of dreams and illusions, anecdotal narratives of psychosis,

⁴⁰ See Figure 2: In addition to the examples previously cited, an n-gram analysis of the term *Rubrik* suggests that the term’s prevalence increased nearly fourfold over the period of 1763-1783 – a trend that continued until at least 1800. Available at: https://books.google.com/ngrams/graph?content=Rubrik&year_start=1600&year_end=2019&corpus=31&smoothing=3&direct_url=t1%3B%2CRubrik%3B%2Cc0#t1%3B%2CRubrik%3B%2Cc0

reports of criminality from the court system — anything that may be of relevance to the study of the mind.

In response to the inherent multiplicity of his topic, Moritz introduces four initial rubrics into which each new contribution is to be filtered. At least initially, this approach seems to put the project on solid grounding, as each contribution to this new psychological science must adhere to the discourses of the earlier, physiological disciplines. However, by the publication of the first issue in 1783, Moritz had only successfully published texts on the rubrics of physiology and pathology, with hardly any material on semiotics and dietetics. Thus, in preparation for the generation of new texts within these rubrics, Moritz writes a series of essays that propose guidelines [*Grundlinien*] for the development of these fields. He writes, “For such a design, I have on the off chance dared to draw the following guidelines, and I will erase one after the other with the greatest indifference as soon as facts appear which run against it.”⁴¹ These guidelines present a set of hypotheses about the relevant subject matter, which the data may validate or falsify over time. While taking the form of distinct propositions, the hypotheses also function as sub-rubrics in that they invite evidence that supports or falsifies these assertions. Moreover, the hypotheses are not entirely distinct from each other, as each relates to a more general paradigm about the fundamental definition of health and illness. For Moritz, mental health is a matter of the balance and connectivity of both the faculties⁴² and the ideas⁴³ adhering to them. Each faculty must stand in a precise relationship to the others, and the economy of ideas must be regulated to prevent the

⁴¹ Moritz, Karl Philipp. “Grundlinien zu einem ohngefähren Entwurf in Rücksicht auf die Seelenkrankheitskunde.” *MzE* 1.1 (1786): 32.

⁴² Hypothesis 1: “The lack of proportionate correspondence of all mental faculties is mental illness.” (ibid. p. 33).
Hypothesis 3: “The active forces must stand in a certain relationship with the imaginative forces...” (ibid. 34.)

⁴³ Hypothesis 5: “The lack of proper coherence between ideas seems to be the cause of many diseases of the soul.” (ibid. 35-36.)

excesses of older ideas dominating the expression of newer ones. When taken together, these hypotheses set the groundwork for the *approximate design* of the whole that will eventually emerge from the texts. As a type of sub-rubric, these hypotheses actively invite the inclusion of texts that might falsify them. In this regard, Moritz frames the rubric in terms of a shifting boundary that responds to the information within new texts and does not depend upon any definite preconceptions.

In the case of the rubric of *Seelenzeichenkunde*, Moritz initially lacks material to publish and instead contextualizes his expectations with an essay describing the distant analysis of the features of his students. There, instead of a collection of hypotheses, he instead proposes a methodology of spatial organization of texts that follows a process of empirical tabulation. One of the advantages of being an educator, he writes, is the many opportunities to observe individuals in their diversity [*Mannigfaltigkeit*]. Upon meeting someone for the first time, he would study all aspects of their physical features and note each remarkable characteristic. After collecting observations for a week into his book, he could then see conclusions that to him were previously only *probable*. These conclusions would come forward, he writes, in response to a process of tabulation that puts *similar* characteristics into alignment with each other and allows the connections and relationships to show themselves.

In this way, I sometimes draw up tables of some of the most striking characters, where above the names are placed next to each other at some distance, and where under each one I enter daily remarks. It then gives me great pleasure to see these characters figured next to each other and to follow their nuances often down to the smallest physical movements and facial expressions.⁴⁴

Moritz finally proposes that the contributors adopt a similar method of collection for this rubric, such that the category of semiotics may model itself upon the method of this anecdote – a manifold

⁴⁴ Moritz, Karl Philipp. “Zur Seelenzeichenkunde.” MzE I.1 (1783): 109.

collection of physiological observations of use to the reader.⁴⁵ In establishing a connection between the rubric and the *table*, Moritz points to a *probabilistic technique* in which a manifold of observations is brought into alignment and visually represented. In spatially representing the diverse objects of a collection, a rubric develops in which randomness and uncertainty are preserved within the *collection*, but in tabulation they reveal new lines of connection that only become apparent in aggregation. For the eighteenth century, the use of tables to present empirical data was associated with the Cameralist system of public administration, which sought to observe on a mass scale the seemingly random phenomena of relevance to social and economic control – crime, death, disease, and reproduction. This tabulation technique is present in the rubric in that the journal often reproduces singular cases that are already a matter of public record but does so in a way that re-organizes those singularities into disperse collections that may have unforeseen points of similarity.

As Moritz' *Magazin* continued to gather new texts, a series of further revisions took place in which constellations of similar texts gave rise to even more sub-rubrics. By the fourth volume, he notes that most previous cases seem to be sensationalized stories of crime and that there are relatively few scientific observations that closely examine mental symptoms. The objective of empirical psychology, he claims, cannot be solved through such sensationalism but rather through a scientifically minded examination of causes and effects.⁴⁶ Concerned about the unbalance of material, Moritz attempts to solve the problem with the explicit addition of sub-rubrics

⁴⁵ Ibid. 110. "A collection would perhaps be very useful of several actual physiognomic experiences, of the impression that such persons first made on us, with whom we subsequently became more closely acquainted."

⁴⁶ Moritz, Karl Philipp. "Revision der ersten drei Bände dieses Magazins." MzE 4.1 (1786): 2. "Here, it depends on how these sicknesses are to be remedied. – One should research their sources and causes. One should investigate how they arise from the elimination of the balance of the faculties and how this balance could best be re-established."

[*Nebenrubrik*] that would contain certain topics of overrepresented occurrence in the existing main rubrics. His attention turns particularly toward the cases of suicide, which appear to be of such importance that he proposes a new sub-rubric on *despair* [*Lebensüberdruss*]. “Because of the importance of the subject, I will try to arrange those contributions of this kind that might arrive in the future under a separate subheading, which will now also include all stories about suicides.”⁴⁷ This action differentiates the rubric beyond the original four categories, the boundaries of which continually evolve in response to the unexpected points of similarity in the grouped texts. This additional sub-rubric carries its own set of corresponding criteria and *Grundlinien*, in this case the request for complete details about the subject’s life, upbringing, and social conditions.⁴⁸ With its own foundations, the sub-rubric is both an offshoot of a larger topic and an independent category. It serves to return balance to the overall framework of the journal in two ways: It separates apart the excesses of an existing rubric and identifies a new subject that is to be further expanded and understood.

One of these separated cases is of Friedrich Wilhelm Mayer, whose crime Moritz takes as exemplary of the newly defined *suicidal* category. An average citizen with a Christian upbringing, this young man travelled to Prague to pursue his profession but became conscripted into the Austrian and later Prussian military forces during the War of the Austrian Succession. As his service dragged on, he became increasingly drunken and hopeless, whereupon he decided to steal and sell his comrade’s possessions. However, after being spotted, he fled to hide on the roof of a

⁴⁷ Ibid. 12.

⁴⁸ Ibid. “I ask those who wish to communicate such things to me in the future to provide as much information as possible about the upbringing, way of life and circumstances of the persons who, through suicide, have become both an object of pity and the attention of those who are left behind.” These criteria are not entirely unique to this sub-rubric. Rubrics dealing with criminality, for instance, place great importance on the observations of the figure’s *upbringing*. However, these criteria are not universal to every topic, and each new rubric seems to stipulate its objectives anew despite their similarity to preceding categories.

tobacco spinner. Realizing that he would then face desertion, he decided to starve himself to death by remaining in his hiding spot rather than face charges. Miraculously though, he was spotted alive after fourteen days and rescued from his own demise. Later however, during his recovery, he overheard that he would likely be punished for his desertion with lifelong imprisonment. This news, along with his strained *despair*, led him to murder one of his innocent comrades in cold blood, demanding instead to receive execution as his punishment. Moritz lists several similar persons whose crimes lie within the rubric. While such a crime may already be *exceptional*, the differentiation of a separate rubric preserves a space in which less frequent cases may be represented. Thus, insofar as this editorial intervention develops a more precise order, it is also equally committed to the further diversification of the manifold *within* the collections of each rubric.

Another important instance of this diversification lies in Moritz' separation of dream cases from the larger category of *Seelennaturkunde*, the inclusion of which suggests the admission of a large degree of disorder within the machinery of the faculties of thought. By the third volume, several cases were published that involved persons whose dreams seem to exceed the physical laws of nature. In reflecting on these cases in his revisions, Moritz focuses on the case of Pastor U.,⁴⁹ whose self-observations raise extraordinary implications for the mind's capacity for premonitions, the consequence of which would drastically separate the laws of the psyche from the natural principles on which Moritz' investigations are founded. The pastor recalls an invitation by his friend to accompany him on an urgent trip. In the night prior to the trip, the Pastor writes, he experienced a dream in which he witnessed his friend's brutal death in a vivid accident. Fearful of the premonition, the pastor refused to pursue the trip in a desperate effort to undermine fate.

⁴⁹ Ulrici. "Eine Unglücksweissagung." MzE 3.1 (1785): 47–56.

However, he was later proven correct in predicting his friend's unfortunate death, suggesting to the pastor a certain power of premonition. In Moritz' assessment, the case does not present serious implications for a fantastical sixth sense, and he does not attempt to dispel such sensationalism as Friedrich Pockels would attempt to do. Instead, he suggests that the subject's dreams point toward an inner logic in which the faculties interact with one another. As explanation of the event, he speculates, "Since the concern for his friend had already once stimulated the imagination of Pastor U., this was probably the most natural cause for the images that had accumulated for a long time, erupted in him, and had to come together in the whole of a dream."⁵⁰ As his friend often spoke of his impending death, the pastor's concerns became internalized to the extent that they found expression in the images of his dreams, and on this occasion they happened to be correct. Intrigued by the way the mind obscures the boundaries of truth and fiction in dreams, Moritz elevates the objective of the analysis of dreams in empirical psychology. He writes that the observation of dreams puts the nature of being on firmer foundations, as it traces the course of the imagination [*Phantasie*] and of well-ordered thought [*wohlgeordnetes Denken*] into their innermost recesses.⁵¹ At this turning point, Moritz contemplates a more prominent role for dreams as the intersection of contrasting faculties of reason and imagination. More importantly, dreams suggest the possibility of a concealed order underlying the disordered eruptions of dormant ideas. Upon considering the subject, Moritz institutes the second sub-rubric of the same issue, separating observations of remarkable dreams⁵² from the rubric of *Seelennaturkunde*, and stating that the incorporation of

⁵⁰ Ibid. "Revision der ersten drei Bände dieses Magazins." 19.

⁵¹ Ibid. 23. "The philosopher makes the dream the object of his contemplation to investigate the nature of the being that thinks and dreams in it, to place the truth itself on firmer foundations through the difference between dream and truth, and to trace the course of the imagination and the course of well-ordered thought into its most hidden recesses."

⁵² Ibid. 24. "[a] collection of dreams strange in themselves, or made strange by reflections..."

further random material would provide material for further productive investigations. Thus, one issue produces two new categories, which are not rationally deduced from the foundational abstract rubrics. Rather, the sub-rubrics react to a set of disordered, deviant cases that bear sufficient similarities to warrant a separate collection with its own set of hypotheses.

In each of the revisions, Moritz' production of sub-rubrics involves a process of consistently reading similarity from a heterogenous diversity. However, the revision does not explain the mechanism by which a revision reaches consistent judgments of comparison. For example, the *Lebensüberdruss* rubric takes the case of Friedrich Wilhelm Mayer and considers it directly alongside that of the murderer Seybell, who, driven insane by the burdens of debt and servitude, murdered an innocent child in the hopes of bringing a swift end to his own life. These cases may indeed appear similar, but how does a rubric read such similarity at a large scale? The question raises the problem of the *intertextuality* in reading order out of disorder: In what way does one read these texts in connection despite multiple differences in form and content?

In viewing the journal as a *spatial* organization of texts, an intertextual reading may be possible in which texts unite along common points of contact, which contrasts to a *temporal* reading in which new texts progressively build upon old knowledge. Moritz Baßler articulates such a position in arguing that archives are a type of text corpus in which contents are ordered through a set of *equivalence structures* that group texts into *discourses*. These points of equivalence arise through the act of marking and re-arranging passages in a spatial manner. He writes, "Within this corpus, passages can be marked, so to speak by search query, which are equivalent to each other [...] These passages result in an intertextual equivalence structure."⁵³ Here, the concept of an

⁵³ Baßler, Moritz. *Die kulturpoetische Funktion und das Archiv: Eine literaturwissenschaftliche Text-Kontext-Theorie*. Tübingen: Narr Francke Attempto Verlag, 2005. 196.

equivalence structure may be useful in that it suggests that texts are assemblages of different *features* that can be placed in relationships of equivalence with each other. This then brings the concept of a rubric closer to that of a table since the remarkable parts of texts can be re-arranged alongside analogous points of other texts. Therefore, from this understanding of the archive, Baßler's spatial account of equivalence suggests an increasing degree of order that may arise through the growth of complexity of material.

A spatial analysis of corpora is illustrative of rubrication's logic, whereby the disparate units of texts are processed according to a sorting procedure, creating an organization according to categories with loose boundaries. In this approach, the reading of texts from beginning to end does not necessarily lend itself to a *complete* understanding of the subject matter. Instead, the larger work is characterized by the interconnectivity of its parts, in which texts build rubrics throughout the accumulation of matter, even across distant time periods between one publication and the next. Karl Philipp Moritz' method differs significantly from the preceding attempts at rubrication in that the *Magazin* systematizes the process of differentiation, such that the four foundational disciplinary categories grow into a more diverse empirical web of relationships. Unlike most existing journals, which revised their rubrics on a case-by-case basis, the *Magazin* foresaw the necessity of a more fixed procedure in which the rubrics are regularly reviewed and differentiated to compensate for unbalances in material. While it is implausible that the *Magazin* could ever have satisfied its ambitious goals within such a limited timeline, the journal did succeed in laying the foundation for a different kind of natural science that places the mind as its subject. In doing so, Moritz' empirical psychology maintains a delicate balance between contingency and order, whereby the rubrics create an order at the large scale while incentivizing the inclusion of deviant cases within the contexts of each category.

Rubrics and the Production of Multiplicity: Two Directions

Despite Karl Philipp Moritz' overt system of rubrication, not every journal categorizes its material so openly, such as Friedrich Martini's *die Mannigfaltigkeiten*, which presents loose requirements for the inclusion of texts and allows the interests of the readers to define the topics in which those texts will concentrate. Unlike Moritz, this corpus is not dedicated to a single subject matter, but instead selects texts from a variety of different disciplines and presents them as one collection of miscellaneous facts that do not fall into any systematic body of knowledge. In a single issue, one might find an essay on bird hunting in Norway, a proposal to cure tooth pains, a treatise on the instincts of animals, and even an exchange of letters between the editors and an unknown woman named Konstantia who criticizes the project for the perpetration of harmful representations of women in its contents.⁵⁴ In targeting such a multiplicity of topics, the editors apparently aim to capture a corpus in which diverse interests coincide, and in allowing the readers' interests free sway, propose a corpus of novelties that appear as eccentricities in isolation and yet in accumulation tend quite unexpectedly toward a more comprehensive order.

The editors, writing under the name Polylogus, announce this plan in an introductory essay titled "Geschichte dieser Wochenschrift,"⁵⁵ in which the expectations of order are disrupted by the competing interests of individuals attempting to build knowledge in a community. The origins of this corpus are traced to a personal friendship with a man named Herr von Freudenthal, whose circle of colleagues comes to form a microcosm of intellectual activity in which literature is shared amongst the group. In one salient moment, Martini visits the personal library of Freudenthal and

⁵⁴ Konstantia. "Schreiben der Konstantia an die Verfasser." *Die Mannigfaltigkeiten* 1 (1769): 397–404.

⁵⁵ Polylogus. "Geschichte dieser Wochenschrift." *Die Mannigfaltigkeiten* 1 (1769): 1–41.

points out the gaps and discontinuities in the otherwise unified collection of works. These gaps, he is told, are the places in which books are lent to other colleagues, and the resulting disorder reflects the varied interests of its members.⁵⁶ Polylogus, already greatly impressed with the erudition of his new friends, comes to view Freudenthal's library as a model for a public-oriented corpus of works. He too starts to borrow books from this collection, and soon the beginnings of the journal emerge in the informal patterns of circulation in their small society. Then, in reflection upon this library's status as *repository* for the group, Polylogus proposes a model for a general-purpose publication that would extend this usefulness to the disinterested public. Unlike other publications, this journal would select texts from a series of scientific disciplines and *alternate* topics on a weekly basis, in each instance presenting entirely new information and thereby maximizing the diverse manifold of contents.

Despite the lack of open categorization, this journal implements its own implicit rubric in the alternation of the binary of *enjoyable* and *useful* texts, which indicates an intervention that responds to the readership and preserves the multiplicity of content. Thus, the analysis of rubrics as dispersions is not always a passive behavior, but equally an active one that reacts to the tendency of contributors to mimic prior texts. Just as would later be the case with Moritz' *Magazin*, the editors noticed an unbalanced state of material and offered several revisions to ameliorate the issue. For example, by the end of the first quarter, the revision explains that the desire to provide greater usefulness to the reader would require a reduction of *particular* texts, such as excerpts and translations, and a *greater* emphasis on original essays. This approach, they say, would guarantee an alternation between the useful and the enjoyable: "Weeklies, it is said, are not systems. That is

⁵⁶ Ibid. 15. "By all appearances, you are surprised, Polylogus,' he said, 'to see an apparent disorder in the orderly collection of books. [...] Mr. Theodor, Mr. Hugo, I and perhaps several book lovers are now for a certain time the interim owners of the beautiful works that seem to be missing here.'"

true. But he who wants to be understandable to all classes of readers has one more obligation to let what is explainable in general precede the particular.”⁵⁷ Here, the editors recognize the necessity of a certain amount of systematization of contents to counteract the inequalities of received texts. While the journal initially accepts texts on all possible topics whatsoever, these entries ultimately concentrate on the topics of greatest fascination for the readership. This instigates the proposal of a selection mechanism for the rebalancing of texts based upon the oppositions of *useful* and *enjoyable*, along with the *general* and the *particular*. In this case, the editors implement a pattern of *deliberate alternation* to capture a more diverse whole from which an accurate statistical average of texts can be determined. For *die Mannigfaltigkeiten*, such a manifold is not merely an existing state to be passively accepted, but a *constructed outcome* that the rubric seeks to build and enhance. Thus, the editors must use the rubric to manage two competing interests: On the one hand, the desire to satisfy the demands of the readership, whose interests eventually concentrate around common expectations, and secondly the demand to consistently produce *new* facts and stories that lie outside the expectations of common experience.

Ultimately, the production of multiplicity is linked to the publication of new knowledge that defies the expectations of a norm, and *die Berlinische Monatsschrift* targets this information with a rubric of *forms*, which enables an exchange of information between social systems. In the 1783 introduction to the first issue⁵⁸, the editors present a plan that recognizes the value of the *Mannigfaltigkeit* and the pedagogical mission of educating the layperson. In doing so, the essay explicitly outlines an 8-point rubric that strives to contain the following: (1) Reports [*Nachrichten*] from the widest range of sciences, (2) descriptions of the peoples and customs of neighboring

⁵⁷ Polylogus. “Kurzer Vorbericht.” *Die Mannigfaltigkeiten* 1.2 (1769): 204.

⁵⁸ Gedike, Friedrich, and Johann Erich Biester. “Vorrede.” *Berlinische Monatsschrift* 1 (1783): 1–2.

countries, (3) observations of everything that affects the inner human self, (4) biographical reports of well-known individuals, (5) entries on the acquisition of the German language, (6) translations of important works of antiquity, (7) excerpts from rare foreign works, and finally (8) essays on any subject that fits into the tone of the journal. In taking the distinctions of written form as its point of departure, the journal creates a unique possibility for the influx of a range of texts from other social systems, such as law or medicine. In this way, the rubric is essential for the plan of a journal that is a *junction point* of information across different realms of society – an advantageous strategy for the maximization of the scope of content.

This transitional function is exemplified in an early text titled “der vorgebliche neue Messias in Berlin,”⁵⁹ a criminal case taken almost directly from the legal case files. In presenting the facts of the case in citation to the readership, the author advocates for the usefulness of the legal text for moral and psychological examination. As evidence, he introduces the case of Rosenfeld, the facts of which offer useful substance for the investigation of the origins of religious fanaticism. Furthermore, this case initiated a series of similar published reports, and in reading these texts together, the average features of a criminal profile come closer into view. The text tells the story of a man who travelled around the Berlin area dressed as a prophet and denounced the corruption and injustice of the church and king. Depicted as rhetorically persuasive and with precise Biblical knowledge, Rosenfeld declared himself the true messiah and called upon all believers to renounce every secular and divine authority and to follow him toward salvation. As the text extensively reports from the trial, Rosenfeld then began to demand seven virgins in exchange for the path to paradise, a price he construed as justified by the word of the Bible. Eventually, after preaching throughout the region and siphoning off the wealth of his followers,

⁵⁹ Biester, Johann Erich. “Der vorgebliche neue Messias in Berlin.” *Berlinische Monatsschrift* 1 (1783): 42–79.

the prophet succeeded at receiving seven young girls from his congregation. However, as the range of demands continued to increase, some followers defected and reported him to the court, where the true range of abuses became known. Once the biographical details are presented, Rosenfeld emerges as a surprisingly ordinary figure with few unusual remarks upon his childhood. Born of a good family with a Christian education, Rosenfeld's unique path began to emerge after he came of age and pursued a career as a hunter. After a series of abuses from the authorities and a failed marriage, Rosenfeld's temperament turned to one of resentment, turning his anger against all those perceived to have harmed him, especially women, whom he claimed to have denied him the *rights of men*. From this rage, he crosses a turning point from the normal to abnormal and takes himself to be a new prophet that will correct the perceived disorders of life. Finally, after hearing the details of his crimes over a period of twenty years, the court sentenced him to imprisonment followed by a restraining order never to deal with women again under threat of corporal punishment.

In reading the case of Rosenfeld in isolation, the narrative of his crime seems to be one of singularity, identifying an individual whose biography diverges so radically from the conditions that tie him to everyday life. In this respect, Rosenfeld is well-suited for inclusion in a collection of novelties, and the rubrics of both *observation* and *report* select him for inclusion in a group concerned about questions related to law, morality, and psychology. This text ostensibly succeeded in provoking the public's interest, as several similar Messiah cases would appear in the following years, each of which offer new observations on singular individuals at the fringes of average life, but which nevertheless build upon similar themes that bind them as a group. In reading those cases as a diverse whole, the reader then begins to grasp the patterns associated with the psychological profile of the fanatic. For example, in the following year, the journal publishes a short report on a

new Messiah in Berlin,⁶⁰ which strengthens the apparent link between fanaticism and sexuality. In this case, a 40-year-old man named Philip desires to marry a young woman who rejects his advances. In response, he declares himself to be the new Messiah, and that as soon as they would marry, the entire world would be saved from original sin. Also, like Rosenfeld, Philip shows unusually extensive knowledge of the Old Testament, but denounces Christ and all other prophets. In reading this and other similar cases together, we see here the profile of a middle-aged male of affluent origins with no outward signs of illness or melancholia, but with detailed knowledge of theological texts, and whose behavior shows troubling responses to the demands of sexuality and authority. Such a profile does not take any single case as representative of the group but takes a certain empirical reading in which average features become distinguishable and the outlying details are cancelled out.

Rubrics and the New Governmentality

While published in service of a variety of different objectives, rubrics are indicative of a common, widespread Enlightenment paradigm that strives to capture the interconnectivity of all empirical knowledge. Unlike the hierarchies of Linnaean taxonomy, in which every observation relates to universally accepted categories, the loose distinctions of rubrics allow for such headings to shift gradually over time. The consequence of this format is an evolution of empirical observations toward small form empirical writing that places the *factuality* of immediate experience at the focus. All the evidence that these works bring forward are rooted in the reality of individual lives and the immediate conditions that have resulted in their singular deviance. As

⁶⁰ Schwager, Johann Moritz. "Noch ein neuer Messias." *Berlinische Monatsschrift* 1 (1783): 266–276.

such, they all rely upon the capacity of narrative to convey the coherency of a collection of facts that define a human life. Without those narratives, these journals would have been much less capable of achieving their objectives of turning the human mind into an observer of itself.

Furthermore, rubrication could be equally understood as a variation of the modern regulation of population and the economy. In journals, each case tends to examine a single individual subject; and in accumulation, journals comprise entire populations. As the evidence seems to suggest, rubrics were regarded as a technology for the management of these populations, each with their own set of choices for the sorting and organization of data. In this regard, rubrics are analogous to the police power that Michel Foucault attributed to the new governmentality that arose around the eighteenth century. In this paradigm, the regulatory apparatus of the police serves to enhance the general welfare of the state by organizing and disciplining the productive forces of the population. In his lectures at the Collège de France, Foucault describes the earlier governmentality as an intervention of state rationality [*raison d'État*] into the relations of the population through the regulation of the urban market.

[The police] is a cluster of intelligible and analyzable relations that allow a number of fundamental elements to be linked together like the faces of a single polyhedron: the formation of an art of government organized by reference to the principle of *raison d'État*; a policy of competition in the form of the European equilibrium; the search for a technique for the growth of the state's forces by a police whose basic aim is the organization of relations between a population and the production of commodities...⁶¹

In this phase, the regulatory police is a unitary institution that uses its powers to intervene in the population in three aspects: the urban society, the market, and the mercantilist system of commerce.⁶² This system operates as one apparatus, which disciplines the behaviors of the population for the purpose of protecting the economic household of the state. Moreover, he argues

⁶¹ Foucault, Michel. *Security, Territory, Population: Lectures at the College de France, 1977-78*. Ed. Michel Senellart. Trans. Graham Burchell. New York: Palgrave MacMillan, 2007. 338.

⁶² Ibid. 334-337.

that the character of governmentality is distinct from the state's judicial power in that it acts continuously: "We are in a world of indefinite regulation, of permanent, continually renewed, and increasingly detailed regulation..."⁶³ In this aspect, the police's regulatory power is analogous to the rubrics' function, which is not a judicial power (adjudicating on a case-by-case basis) but a continuous process of sorting, whereby new boundaries are regularly added in reaction to the changing nature of the population it receives. While the rubrics cannot actively change the contents of texts, their capacity to arrange texts into groups is a type of regulatory intervention into the disordered flow of ideas.

The new governmentality shares many of the same police functions, Foucault argues, but it serves to maintain a new liberal order in which individual freedom serves the general welfare. The physiocrats and eighteenth century *économistes* brought about a transformation of the governmental system through the expansion of the urban police into the administration of the land. In a shift away from mercantilist orthodoxy, the principles of free exchange influenced the new paradigm of state welfare. Governmentality previously sought to organize the population for the cheap production of commodities. Instead, the systemic priority is of the overall return, meaning the value that free exchange grants to those who work the land. In this new paradigm, the liberal state utilizes its regulatory apparatus to preserve the freedoms integral to open trade. It is the preservation of the *naturalness* of the population's means of exchange through the institution of a regulatory system that protects individual rights. "In brief, the new governmentality, which in the seventeenth century thought it could be entirely invested in an exhaustive and unitary project of police, now finds itself in a situation in which it has to refer to the economy as a domain of naturalness: it has to manage populations; it also has to organize a legal system of respect for freedoms..."⁶⁴ This liberalization of governmentality is associated with a differentiation of the previously unitary police function. The economic regulations of the police are relegated to politics

⁶³ Ibid. 340 [In reference to the regulations of Catherine II's *Instructions* (1767)]

⁶⁴ Ibid. 354.

and population management, and what remains of the *police*, he claims, is the repressive force that is combined with the “diplomatic-military apparatus.”⁶⁵ Thus, while security remains the foremost objective of governmentality, the new version serves the security of the liberal economic order, not that of the population itself.

Given this distinction, the technology of rubrics seems analogous to the newer governmentality in that it serves an order that relies upon the free flow of information. As previously shown, rubrics produce a set of distinctions that arise from the underlying order of a *natural* diverse whole. In pursuing this objective, they depend upon general rules that differentiate each other with the expansion of new contents, each of which examines individual subjects in a population. While rubrics appear to reduce the complexity of the population from a distant perspective, the contents of each rubric must be relatively open. Each title must allow for the loose, unorganized assimilation of new texts into its collection, such that the rubrics maintain order by protecting the disordered, contingent events that are communicated in its system. This openness supports the order of the journal through the continuous differentiation of new categories, which is incentivized through the expansion of new material. Yet within each rubric, the essays have free reign in the exchange of ideas, asserting few limitations on the types of narratives that can contribute to the discourse. In this regard, the rubrics are a variation upon the technology of governmentality, which serves to uphold the general order through the protection of the liberal marketplace.

In this interpretation, rubrics should not be mistaken as tools of neoliberal ideology. Rather, this technology exists at an inflection point in the historical transition to a new liberal order. In organizing a population with the preservation of the free flow of information, rubrics represent extensions of an existing governmental system that is transitioning from cameralism into liberalism. Furthermore, in the historical shift to mathematical probability, the importance of rubrics lies in mediating the focus from the very small to the very large. As a collection, readers

⁶⁵ Ibid.

do not have the ability to read individual texts and make connections across large quantities of information, especially when each essay deals with an apparently singular subject. Readers need some way to grasp the *whole* of the journal to calculate the probability of certain hypotheses that underlie contingent cases. For this reason, rubrics should be regarded as technology because they offer a selection mechanism for the assimilation of new information, as well as the means to differentiate new subcategories and produce new hypotheses that explain seemingly unpredictable events.

*KRIMINALGESCHICHTEN: THE CASE OF DEVIANCE IN MEIBNER, MÜCHLER, AND
SCHILLER*

The Criminal Case Before Criminology

Despite the lack of an official rubric, criminal subjects comprise a significant proportion of the texts in the *Magazin*, a seemingly inevitable consequence of the readership's desire for provocative texts that illustrate the most extreme limits of human deviance. These cases carry an even more significant weight due to their citation of true events as documented in court documents. In the first issue of the *Magazin*, the jurist Carl Wilhelm Frölich submits the case of Friedrich Wilhelm Meyer¹: Having been misled into recruitment into a Prussian regiment, the dismayed Meyer steals his comrade's possessions while in a drunken state. In fleeing from the act, Meyer is led from one criminal act to another, culminating in a premeditated murder designed to guarantee death rather than strict physical punishment. This initial horrific tale preceded the submission of a further eleven distinct criminal cases in the first three volumes alone, excluding several sensational cases of suicide, which in many circumstances were treated as equally serious provocations. In his first revisions of the *Magazin*, Moritz recognizes that the rubric of illness (*Seelenkrankheitskunde*) has been given overdue attention relative to the other rubrics. In describing the rubric, he notes that it contains all that is "terrible and horrible,"² suggesting that the crime stories are the most excessive; and he thus recommends that these stories should not play such a large role in empirical psychology, which aims to *alleviate* those conditions, not sensationalize them. Despite these admonitions, the *Magazin* received and published an additional ten criminal cases in the remaining

¹ Frölich, Carl Wilhelm. "Auszug aus den Kriminalacten." *Gnōthi sauton oder, Magazin zur Erfahrungsseelenkunde als ein Lesebuch für Gelehrte und Ungelehrte* 1.1 (1783): 16–20.

² Moritz, Karl Philipp. "Revision der drei ersten Bände dieses Magazins." *Gnōthi sauton oder, Magazin zur Erfahrungsseelenkunde als ein Lesebuch für Gelehrte und Ungelehrte* 4.1 (1786): 1.

seven volumes from 1786-1793, which describe pathological subjects committing a range of serious crimes such as theft and murder. Certainly, while the *Magazin* became a clear focal point for discourses of criminality, it was not the primary cause of the increased texts published on this subject matter. In fact, the *Magazin* makes no reference to the term *Kriminalgeschichte*, which was becoming increasingly common in the 1780s along with the proliferation of small-form periodical forms; nor is there any reference to any *Fallgeschichte* – the term that contemporary scholarship has appropriated to describe the *case histories* of the same era. Despite the lack of a single unifying mission for writers of *Kriminalgeschichten*, there was nevertheless a significant increase in texts dealing with criminal subjects, and this proliferation correlates with the increase in case-like forms in the journals of Moritz and others. Without any apparent unifying objective in the genre, this growth is much more likely associated with the rise of the case itself, since criminal cases involve similarly contingent events that resist categorization. However, there remains the question of the criminal case's transmutability across systems of communication: What enables these cases of factual events to be cited, revised, and transformed into stories in literary systems of expression?

Given the large proliferation of criminal case *stories* that correspond to factual events, the purpose of this chapter is to explore the way this type of deviance complicates the case's engagement with the contingency and lawfulness of everyday individual lives. In reading the case collections of August Gottlieb Meißner and Karl Möchler, the evidence suggests that the authors of *Kriminalgeschichten* attempt to resolve the contradictions of norm and deviance that seem inherent to the history of scientific case writing. In the sphere of empirical psychology, cases tend to accept the contingency of events within the scope of individual subjects while interpreting the lawfulness of those behaviors from a distant perspective, having gathered many observations organized according to the shifting categories of rubrics. However, in the publication of

Kriminalgeschichten, conclusions are drawn from smaller collections in which each case attempts to interpret contingency through the hermeneutical examination of individual texts. These revised versions of true legal cases alter descriptive details to firmly delineate the boundaries between norm and deviance – between factual life circumstances and the as-yet-unknowable core of selfhood from which chance deviations arise from the conditions of everyday life.

In writing *Kriminalgeschichten* as independent texts without reference to a larger collection, these authors utilize methods of narration in which quantitative probability shifts toward rhetorical plausibility. The empirical-psychological view holds that cases should aim to determine the factuality of contingent events, the collection of which yields the quantitative probability of deviant phenomena. In this approach, the texts are to be read primarily as history rather than literature.³ However, Meißner's *Kriminalgeschichten* seem to resist this Aristotelian distinction, and instead he takes a more flexible view toward the mixture of factual reporting and fictional embellishment. First, in his letters, Meißner suggests that the use of narrative *prose* suffices to distinguish the *truth* of his works from the poets, who write in verse. He writes, "But perhaps Ovid only wrote poetry; I, a prose writer, speak truth."⁴ In reading these comments, Seidel argues that Meißner follows a concept of literature in which a certain mixture of history and fiction is necessary, since the case must not only *describe* events but convey the truth of the character's inner development. "In fact, [cases] oscillate between historiography, annals, and poetry, thereby placing themselves under special demands and exhibiting special aesthetic qualities. [...] In the cases, truth and probability are combined without wanting to satisfy the demand for aesthetic

³ This view is represented in the words of Karl Philipp Moritz, whose previously mentioned introduction to the *Magazin* asserts that there will be facts and no new novels.

⁴ August Gottlieb Meißner letter to Leopold Friedrich Günther von Goeckingk. 26 June 1783. Cited in: Seidel 179.

perfection – quite in the sense of the ‘sketchy.’”⁵ On the one hand, this mixture could be interpreted as a loosening of the strict adherence to historical fact, whereby the factual core of the *event* is synthesized with additional plausible circumstances as ornamentation to fill in missing details.⁶ On the other hand, Meißner could be interpreted as advocating a *pragmatic* approach toward case reporting, such that the authors may have free rein to narrate probable events, regardless of the core historical facts. This latter understanding is evident in the views of Johann Jakob Engel, who argues that history must not limit itself to description of one event, and that instead the role of history is to narrate an entire chain of events and circumstances, such that one uncovers the ultimate hidden causes of factual historical phenomena. Regarding political figures, he writes, “The political historian becomes pragmatic and uncovers secret motives. He makes known to us, on the one hand, the whole fanatical, ambitious, brave, guileful character of Cromwell, and, on the other, the whole state of things in England at that time...”⁷ For a man of Cromwell's stature, it is inadequate for the historian to recall the dates of landmark battles and events – They must uncover some truth of his most private motivations and the circumstances that enabled him to rise to power. The historical pragmatist, unburdened by the restrictions of strict empiricism, has the freedom to engage in whatever narration is conducive to the expression of the innermost truths of real persons. While the empiricist may stick to the facts of Cromwell's physical expressions and actions, the pragmatist has the power to expose the hidden motives, i.e., the heart, of the subject, along with the entire circumstances that surround their historical situation.⁸ In this form of pragmatism,

⁵ Ibid. 181.

⁶ Ibid. 179. “Meißner’s cases reveal their hybrid status between historiography and poetry, combining the fact that really happened with the probable ornament.”

⁷ Engel, Johann Jakob. “Über Handlung, Gespräch und Erzählung.” *Neue Bibliothek der schönen Wissenschaften und freyen Künste* 16.2 (1774): 177–256. 188.

⁸ Ibid. “...For these reasons, he develops for us the whole history of [Cromwell’s] life and lets us see how, under the continual favorable influence of external circumstances, one intention always led to another, one favorable

narrative contributes more than just the ornamental embellishment of credible fact. Rather, the central unheard-of event must be displaced by a much wider collection of connected events, which together yield an insight into a hidden psyche that is not present in empirical observations.

Unlike the predecessors of *Kriminalgeschichten*, who largely associated the case genre with chance events, Meißner and others represent a more decisive shift toward cases as history, whereby the authors attempt to unravel the hidden logic behind contingent deviant behaviors. Even in early modern lexicons, the case (*Fall*) has been related etymologically to chance (*Zufall*), which has led contemporary scholarship to infer a meaningful relationship between written case histories and modern concepts of deviance and disorder. In 1796, one lexicon defines the *case* as possessing a figurative sense of *Zufall*. “An unexpected pleasant or unpleasant event. [...] But here, the compound terms luck [*Glück*], coincidence [*Zufall*], accident [*Unfall*], and so on, are more common.”⁹ Another related sense of the term cites the biblical *fall from grace* of Adam, whereby the *Fall* indicates the state [*Zustand*] of having sinned, directly implicating the concept of original sin.¹⁰ In this latter sense, the decline and fall of humankind is treated as a historical occurrence that underlies the inherent disorderly deviation of criminality. Building upon this suggestive connection, some recent scholarship has gone as far as combine the two definitions such that every case represents another iteration of original sin, and that every utterance of “the case that...” initiates another beginning of the fall of man.¹¹ As this interpretation implies, all case writings

success to another, until he finally seized the supreme power in his fatherland. And here again the description has become a true history; we have seen the change of state. We can give an account of it.”

⁹ Adelung, Johann Christoph. “Der Fall.” *Grammatisch-kritisches Wörterbuch der hochdeutschen Mundart: mit beständiger Vergleichung der übrigen Mundarten, besonders aber der Oberdeutschen* 1796: 24–25.

¹⁰ Ibid. “Deterioration of civil and moral condition. Sudden decline in power, prestige, and prosperity. The fall of a minister, a favorite. Pride precedes the fall. When a great man falls, he is also great in the fall. The fall of the Roman Empire, although *decline* is more usual. In theological terms, the state of sinning. The fall of Adam. The image of God before the fall (Adam’s image).”

¹¹ “While Schiller in his interpretation of the biblical fall insists on the difference between individual and genus on the one hand, on the other hand this difference inscribes itself as a double signature of each individual case.

suggest a connection to criminality as the violation of a natural law. Nikolas Luhmann maintains a similar view, claiming “The first case was the fall of man. Today’s cases have something pathological about them.”¹² However, an analysis of the term *Fallgeschichte* gives reason for skepticism about the supposed theological underpinnings of the case. Around 1800, the term *Fallgeschichte* was reserved exclusively for the story of Genesis, and it was not conflated with *der Fall* of scientific observation.¹³ Thus, at that time, conventional terminology does not explicitly indicate the *narrative* qualities of cases, as exemplified in the concept of Zimmermann’s clinical case history; and instead, it conveyed only the sense of an unusual event that defies expectation. However, by the mid-19th century this sense begins to shift as the *Fallgeschichte* is expanded to include cases in which narrative reports play a central role.¹⁴ Then, only by the early 20th century is the *Fallgeschichte* clearly solidified into a non-theological discourse, when the word is included in a lexicon of German medical terminology.¹⁵ Moreover, the term does not appear in any of the works of Sigmund Freud, whose case histories are most widely known in contemporary times. Despite the lack of support for a theological reading of cases, much recent scholarship has followed this interpretation, using the term *Fallgeschichte* to describe different kinds of cases prior to

Every single ‘evil,’ every single misstep, every ‘case of...’ is a consequential case of the initial case, which in this way is dispersed into an infinite multiplicity of individual cases.” Mülde-Bach, Inka, and Michael Ott. “Einleitung.” *Was der Fall ist: Casus und Lapsus*. Ed. Inka Mülde-Bach and Michael Ott. Paderborn: Wilhelm Fink Verlag, 2014. 27-28.

¹² For Luhmann, cases are almost identical to contingencies (*Zufall*) in a legal perspective. This is attributed in large part to the expression of *fallen*, which indicates a lack of perfection or misfortune. This leads Luhmann to the analogy of the *Sündenfall* as the original case, as it is the allegorical origin of disorder. Luhmann, Niklas. *Kontingenz und Recht. Rechtslehre im interdisziplinären Zusammenhang*. Frankfurt am Main: Johannes F.K. Schmidt, 2013. 201f.

¹³ Wachler, D. Ludwig. *Neue theologische Annalen*. Vol. 1. Warburg und Frankfurt am Main: J. Ch. Hermann, 1809.

¹⁴ Kenngott, Adolf. *Uebersicht der Resultate mineralogischer Forschung in den Jahren 1856 und 1857*. Leipzig: Wilhelm Engelmann, 1859.

¹⁵ Meyers, Milton K., ed. *Lang’s German-English Dictionary of Terms Used in Medicine and the Allied Sciences*. 3rd ed. Philadelphia: P. Blakiston’s Son & Co., 1924.

1800.¹⁶ One consequent implication is that those cases suggest manifestations of unknowable, contingent imperfections that are traced back to a biblical fall from grace. While reading cases both as theological *Fallgeschichte* and medical case history, the chance symptoms of an individual life would be thus understood as the result of an inherent flaw that cannot be traced to known social or physical circumstances. Moreover, another implication is that contemporary scholarship elevates the narrative component of *Geschichte* as an integral part of the case, suggesting that all cases are texts meant to be read and interpreted in a manner distinct from cases of a similar type. However, such a limited reading would not acknowledge the possible *documentary* functions of the case, in which the collection of cases in large numbers reveals hidden correlations to observable circumstances, uncovering the lawfulness that underlies contingency. Thus, while the *fall from grace* interpretation seems to suggest that human deviance is inherently imperfect and unpredictable, a more pragmatic approach to the subject would leave open the possibility of the individual's perfectibility upon close analysis. The *Kriminalgeschichte* begins to move toward this latter toward narrative interpretation in the late 18th century, long before the term *Fallgeschichte* would evolve beyond its theological underpinnings.

Unlike the contingent *Fall*, which is collected as object of documentation, the *Kriminalgeschichten* utilize narrative methods to capture a wide range of circumstances contributing to the case's central event. In citing, revising, and rewriting the subset of criminal legal cases, these writers sought to examine human subjects according to the circumstances of each

¹⁶ See: Frey, Christiane. „Ist das nicht der Fall der Krankheit?“ Der literarische Fall am Beispiel von Goethes „Werther“. *Zeitschrift für Germanistik* 19.2 (2009): 317–329. Frey describes both Moritz' *Magazin* and Goethe's *Werther* as *Fallgeschichten*. “Hardly any genre was able to distinguish itself more strongly at that time and find more resonance than the case. Numerous collections of popular cases bear witness to this, such as *Magazin zur Erfahrungsseelenkunde*, which from 1783-1793 publishes a large number of mainly research *Fallgeschichten*, as has been pointed out several times in recent years.” (317) “The novel *Werther* can thus not only be considered a case, but it is about cases.” (321)

individual life. In contrast to Moritz' journalistic project, in which cases are interpreted in relation to a larger whole, the authors of *Kriminalgeschichten* developed collections in which each text is unconnected to any rubric, and each text is to be understood strictly according to the evidence that it brings forward. While Moritz strongly asserts that he would publish no novels or literature of any kind, *Kriminalgeschichten* utilize the narrativity of cases to enable the reader to interpret details and act as judge over the subject. The first major author of these cases is François Gayot de Pitaval, whose *causes célèbres* present a key source of case material in the legal system. Furthermore, two additional works are key to the development of the genre before 1800: August Gottlieb Meißner's *Skizzen* (1778-1796), which provides one of the earliest collections of criminal cases in the German language, and Karl Möchler's *Kriminalgeschichten* (1792), in which many of its contents are cited directly from Moritz' *Magazin*. In discussing these cases, this chapter shows the way in which *Kriminalgeschichten* adapt and re-appropriate these original documentary materials for a new programmatic purpose, namely, to distinguish the lawfulness of human actions from the *dark* contingency lying in the heart.

August Gottlieb Meißner

In the preface to the 13th and 14th volumes of the *Skizzen*, Meißner reflects upon his ongoing project and its significance toward a higher, more instructive moral purpose. In one especially revealing moment, he emphasizes that he invented none of the stories in this collection, although many of these events were related to him orally as anecdotes that were not previously published in any written form. Furthermore, he states that it has never been his intention to present merely

provocative horror stories; instead, he has always sought to present stories that are instructive of the nature of the human heart.

On the other hand, I hope one will not find a story among them that does not, in this or that respect, represent a strange trait of the human heart; that does not give rise to reflections on the strange linking of good and evil, on the thin line between virtue, weakness, and vice, on the uncertainty of human judgments, on the self-betrayal of vice, or on other related truths.¹⁷

This emphasis on the insights into the heart stands in stark contrast to the methodology of Karl Philipp Moritz, who advocated observation from a cold, distant perspective. As Meißner says, despite the apparent focus on “striking atrocities,” the purpose of these collections was to reflect upon the remarkable moves of the heart and the implications of those movements for moral judgments. In this regard, Meißner’s philosophy of case writing follows more closely with that of Schiller, who conceived the reader as an involved judge on questions of morality, once again represented as matters of the human heart. In the foreword to the translation of Pitaval, he writes, “Drives that are hidden from the observer’s eye in ordinary life become more visible on such occasions where life, liberty and property are at stake, and thus the criminal judge is able to take a deeper look into the human heart.”¹⁸ Unlike the *soul* [*Seele*], which is typically characterized as immortal, the ‘heart’ is the site of the mortal, material, and otherwise contingent human passions. As such, this inner space is equally the site of the unexplainable causes of human motivations – in many cases, one might speak about the person of *good heart* as having clarity of moral judgment, whereas the pathological criminal might possess in the moment a heart full of rage that conceals the rational, psychological motivation. Meißner ultimately proposes that the heart is the key to

¹⁷ Meißner, August Gottlieb. “Introduction.” *Ausgewählte Kriminalgeschichten*. St. Ingbert: Röhrig Universitätsverlag, 2003. 9.

¹⁸ Schiller, Friedrich. “Schillers Vorrede zur Neuübersetzung von Pitavals *Merkwürdigen Rechtsfällen* (1792).” *Der Verbrecher aus verlorener Ehre: Studienausgabe*. Ed. Alexander Kosenina. Stuttgart: Reclam, 2014. 112.

differentiating between legal and moral justification. In response to the criticism that he is justifying actual crimes, he writes, "... thus, one forgets the great difference between legal and moral judgment; between the judge who judges by deeds and the one who judges by looking into the innermost part of the heart."¹⁹ Judges may only rule over actions, and only the divine power can fully see into the human heart. Similarly, the criminal story does not seem to offer anything close to complete knowledge of the heart. Its more precise role is to grasp its boundaries – to understand the point at which the rational circumstances of everyday life may explain the crimes arising from a concealed source of passion. Unlike the rational judge, the criminal story gets to imagine what lies behind that curtain and seeks out the inner logic that defies rational circumstance.

By offering stories containing such *remarkable traits* [*merkwürdigen Zug*] of the human heart, Meißner clearly distinguishes between the average circumstances of individual characters and the irrational improbability of extraordinary crimes. The stories often attempt to account for all the noteworthy circumstances underlying an event, but even these details often fail to explain the contingent fits of passion from which the criminal acts arise. In one untitled criminal story,²⁰ a shepherd is described as an entirely average and moral figure without any misfortune and tendency toward lawlessness: "...a man who had the reputation of an honest, quiet, pious man among all who knew him, and really deserved it..."²¹ Conversing with his friend, a schoolmaster, the shepherd attributes his fortune to his unwavering faith. The schoolmaster responds positively but argues that the current faith is not nearly as strong as that of the ancients. "But the faith of the patriarchs? The faith of Abraham, who offered his only son to God? Who can hope to possess that

¹⁹ Meißner, *Ausgewählte Kriminalgeschichten*. 10.

²⁰ Titled "Mord aus Schwärmerey" in the collected edition.

²¹ Meißner, August Gottlieb. "Fortsetzung von Kriminalgeschichten." *Skizzen* 4 (1786): 259.

now?”²² In this moment, the text explains that these words unexpectedly brought about a dark turn in the shepherd's thinking, which is described as a disturbance in his soul. “The tranquility of his soul, his firm confidence in divine grace, was gone.”²³ The text offers some depiction of this moment of transformation in which he temporarily falls into dark thoughts and reacts coldly to the presence of those he loved. However, despite the documentation of empirical details, the narrator portrays this climax as an inner battle of heart and soul. In looking to the signatures of the heart, the text attempts to explain the man's inner logic, but the ultimate causes and circumstances of this psychological shift are still far from evident. Immediately convinced by the schoolmaster's words, the shepherd concludes that he can only fulfill his faith by sacrificing his own children, just as Abraham offered his son Isaac. In a violently explicit description of the murder, which he undertakes despite indescribable conflicting emotions. As he encounters his youngest son, the narrator writes, “The poor child plead so fervently. All this, he often confessed later, moved the innermost part of his heart.”²⁴ In again utilizing the language of *heart* and *soul*, the text seems to offer some probable yet speculative insights into the impetus of an improbable crime. In its reflection on those causes, the text's probable explanation of religious fanaticism anchors itself in the shepherd's empirical circumstances, i.e., that the zeal of his religious convictions grew into fanaticism. However, these narrative insights do not assume to capture the core behind the veil of that heart, where the rational logic of those passions turn an average man into a criminal. There remains no complete explanation for the schoolmaster's words provoking this extreme response, nor does the text claim to achieve that understanding. Instead, the text leaves a clear divide between

²² Ibid. 261.

²³ Ibid.

²⁴ Ibid. 263.

the criminal's heart and his social circumstances but leaves open the possibility for a rational understanding of each.

In other cases of Meißner, the culprit of the crime may contradict the probable suspect suggested by an analysis of the circumstances. In this regard, the story's message highlights the problems of analyzing contingent motives solely based on the probability of the extraneous circumstances. The story "Ja wohl hat sie es nicht getan!"²⁵ is one of several notable examples in which the state accuses a false suspect of a crime. Near a small village, an unnamed young woman travels through the woods carrying letters around the area. Just as many other cases, her life does not present many remarkable qualities: "...an honest, good, rather simple-minded girl!"²⁶ One day, while following a dog, she finds a package hidden in a bush. Immediately discovered by the authorities, the package is revealed to contain the body of a murdered child. The young woman is accused of the crime and tortured three times in an unsuccessful attempt to force a confession. The case attracts the attention of a liberal-minded citizen, who denounces the authorities' attempts to force guilt upon a person without certain evidence. "He of course admitted that probability spoke against her; that a grave suspicion pressured the imprisoned woman. However, he explained quite well for a peasant that probability is not certainty, and suspicion is not conviction; and he stuck to the conclusion: In the end, the devil can still have his way, and the prisoner can be innocent."²⁷ Ultimately, the man is proven correct. Shortly before her execution, the child's mother is found and admits to the crime; and due to her torture, the young woman is left disabled as a victim of the penal system. Unlike many other cases, the inner motives are not at stake. Instead, the case highlights the flaws of following probable circumstances without following examining the full

²⁵ Meißner, August Gottlieb. "Ja wohl hat sie es nicht getan!" *Skizzen* 13 (1796): 68–79.

²⁶ *Ibid.* 68.

²⁷ *Ibid.* 74.

truth and history of the subject's life, following every detail and excluding any alternative explanation. Certainty, unlike probability, requires an understanding of the story, not just the observations of the event.

In contrast to the criminal subject with an obscurely incalculable heart, there may equally be figures whose clear heart signifies an accordance with the calculability of moral and legal law. Courtroom judges, for example, may often be characterized as having a *good heart*, exercising the wisdom to see the entire life histories of the perpetrators and thereby reach moral judgments that go beyond the questions of legal guilt. In “Zwei Rechtsfälle, die noch nicht im Pitaval stehen,” there is one unusual case in that its singularity lies not so much with the facts, but with the judgment itself – a situation that is vastly distant from the shocking stories of murder and theft. A young Parisian jurist named Valmont encounters a young woman who is in trouble and in need of a place to stay. However, after agreeing to bring her home, he realizes that he doesn't have enough space for her, so he gives her a lottery ticket and sends her on her way. This ticket turns out to be the winning number and Valmont has lost a great deal of money. Thus, he challenges the claim in court, saying that the document was too valuable to have been exchanged for a matter so inconsequential. One of the judges, a man of *good heart*, finds a happy alternative: “You both liked each other once. Now, instead of quarreling, marry each other and consider the four and twenty thousand livres as a dowry!”²⁸ Here, the judge functions not only as instrument of the legal system, but as an agent of social and moral reconciliation. The clearness of heart indicates a capacity to see beyond appearances and understand the calculability of concealed motivations. However, another question remains: To what extent does Meißner expect that the collection of cases may fully account for a criminal's development, thereby laying the foundation to calculate

²⁸ Meißner. *Ausgewählte Kriminalgeschichten*. 49.

the incalculable of human passions? While Meißner does not venture to suggest an explicit answer, Meißner does clearly expect the reader to become more educated about the predictable causes of crime; and even if those crimes remain unpreventable, the reader as *judge* may be better equipped to distinguish moral and legal guilt.

Taking these examples as representative of the larger work, Meißner's criminals appear diverse in their transgressions and complex in their life courses. On the one hand, the most *interesting* stories are those that examine the history of the criminal and not just the crime itself. However, the most challenging aspect of reading these cases is not the intensity of the crimes or their sensational portrayal, but the proximity to the contexts and personalities of everyday life. Here, readers experience stories of the intensity of love leading toward tragic endings. They also witness working men and women whose crimes were brought about by circumstances beyond their control. Above all, they see completely rational figures whose actions seem unexplainable without looking deeper into the impenetrable depths of the psyche. Very few points of similarity hold these cases together as one whole, except when one considers their unique capacity to use singular events to reflect upon the conditions of ordinary life.

Karl Möchler

Following the well-established collections of cases in Moritz and Pitaval, Karl Möchler played a crucial role in popularizing the criminal narrative as an emerging genre of literature for a reading public at the end of the eighteenth century. Trained as a jurist in the Prussian administrative service, Möchler's most defining contribution to the case history tradition lies in his own collection *Kriminalgeschichten: Aus gerichtlichen Akten gezogen* (1792), which brings together many cases

originating throughout the legal system and makes them accessible as texts oriented toward literary engagement. In this regard, Möchler's criminal-literary work is just one of several collections of that period that utilize the history of criminal case narratives as subjects of literary portrayal. Accordingly, Möchler is to a large extent a writer of entertaining cases, the descriptions of which aim to move, shock, and challenge the reader through their sensationalist depictions of violent acts and deviant characters. A brief survey of some of these cases reveal a fascination with the violent intersection of excess passions and bizarre circumstances. "Intendirter Mord aus Lebensüberdruß," to take one example, deals with the strange circumstances with which the tedium of life combined with feelings of urgency bring about a violent action. Other infamous cases, such as "Mord aus religiöser Schwärmerei," deal with the extremes of passion that develop out of otherwise ordinary beliefs and convictions, leading the exemplary figures of social life to transform into the criminally insane. All these cases are at least founded on actual cases and encompass a wide variety of individuals across the realm of society. Moreover, these cases are distinguished by their fascination with the unusual or improbable hidden within the everyday, expanding and sensationalizing those aspects that may provoke and engage the reader. However, while these cases are all clearly altered and revised, both on the levels of form and content, for the purposes of entertainment, this is certainly not the sole motivation for Möchler to portray these criminal cases. Instead of limiting his selection of cases to the fringes of society, Möchler's *Kriminalgeschichten* is also concerned with uncovering the psychic structures that underlie all social action and the implications of those structures for our legal and moral assessment of criminality.

In his introduction to the work, Möchler situates his collection within the discourse on the relationship of the mind to the body and the possibility of free will. In the first sentence, he invokes

the status of the doctor and physiologist in their unsuccessful attempts to refute the apparent immateriality of the mind. “Great physicians, especially anatomists and physiologists, have often expressed considerable doubts about the immateriality of the human soul...”²⁹ First, Möchler immediately contextualizes this work on criminality with an emphasis on the doctor and its role in diagnosing inner structures of the mind. In many ways, this puts his work into dialogue with the works of empirical psychology, such as Moritz, who were interested in understanding the possibility of a *moral doctor* to ultimately produce diagnosis of the deviances that until then are misunderstood and undefinable. In this line of thought, the moral doctor is a development of the role of the physical doctor, using cases to gather symptoms and reach inferences about the underlying diseases and possible treatments. However, from the perspective of Möchler, the mind (whether material or immaterial) is clearly distinct from the body, but he nevertheless asserts a distinct connection between the two that is worthy of analysis. This then raises implications, in his view, for the causes of criminal behavior and the way in which they are addressed by the law. “An unfortunate confluence of small, often seemingly completely insignificant circumstances made this one a thief and that one a murderer, and often even the most attentive observer would not know whom to accuse more: whether the shortcomings of our constitution and legislation, which can so often be accused of complicity in crimes, or the unfortunate criminal?”³⁰ Here, the criminal mind is something mysterious and hidden from view, but nevertheless it is probable that these small, seemingly meaningless material conditions influence that mind in its development. The task of the reader is to take part in the analysis of these cases to better understand the way in which those

²⁹ Möchler, Karl. Introduction. *Kriminalgeschichten: Aus gerichtlichen Akten gezogen*. Hannover: Wehrhahn Verlag, 2011. 9.

³⁰ Ibid. 13-14.

factors (primarily socially constructed) bring about the mental transition from normalcy into criminality.

Further emphasizing the instructive nature of these reports, Mùchler suggests that the motivation to examine cases arises from the statistical regularity in which criminality takes place. In supporting the reform of the criminal justice system, Mùchler states that the advance of reason in public administration has demonstrated the regularity in which criminal acts take place across societies. “The tables of criminals, their heinous crimes and their punishments, these mortality lists of popular virtue, are telling proofs of the victory of reason under which only good government is possible.”³¹ As early as the publication of this collection, there was an emerging discourse about the annual regularity found in criminal reports across country. To take one example, one may observe that for a population of 447,465 in Calabria, approximately 500 murders occur annually,³² while in Tuscany only 60 prisoners are apprehended in a population of over one million. For Mùchler, this is strong affirmation of the intuition of causal regularities of the mind, which in connection with the influence of social conditions may produce a regularity of similar behavior. However, he is equally prepared to admit the moral dilemma of this observation. Statistical probability is optimistic in that it allows the possibility that criminality may be causally understood and thereby reformed, but it also raises implications for our conceptions of individual freedom. In his view, there is a responsibility to uncover a solution to this dilemma in which it remains possible to teach personal responsibility in the churches and schools but not neglect the significance of these observations on a larger scale. We would only be complicit in these acts of crime, he argues,

³¹ Ibid. 18.

³² Ibid.

if we did not take these observations as impetus to address the causes of criminality more generally.³³

The mentioning of social statistics in the introduction of his work provides meaningful context to the criminal case history genre. However, Mùchler does not clearly discuss the relationship between the factuality of singular cases and the probabilities of human behavior on a larger scale. In speaking about the motivation for his work, Mùchler remarkably states that his interest is not literary but rather to recollect cases that have been previously reported in legal documents. “What I have said here is truly not empty declamation. It is unfortunately the sad result of a mass of individual facts, the truth of which cannot be denied...”³⁴ Thus, the purpose of this work is ostensibly not simply the dramatic portrayal of the singular and extraordinary but to contribute in some way to the understanding of the probabilistic information at a larger scale. In justifying this collection, Mùchler notably does not emphasize the close analysis or interpretation of these singular figures, as one might expect from a psychoanalytic process. Instead, the point of case collection is the comparison, expansion, and accumulation of cases as a form of *facts* – comparable information that can be traced and accounted for as a totality. In this sense, Mùchler refers to this collection as a ‘mass of individual facts’ – points of information that suggest the similarity and comparability of individuals across circumstances.

In maintaining his fidelity to the factuality of the legal material, Mùchler claims to represent close contact with the empirical facts and is not interested in novelesque presentations. This has contributed to the one-sided impression of Mùchler as fundamentally objective, especially given his status as a practicing jurist and reformer. For example, Alexander

³³ Ibid. 19.

³⁴ Ibid.

Kosenina writes that in opposition to Schiller's *Verbrecher* text, Mùchler is relatively close to true empirical status. "Closeness to facts is the agenda for him – similar to Moritz, who always demands facts instead of speculation."³⁵ However, upon closer examination of the published cases in this collection, there are significant differences, both in language and content, with the original reports. Examination of a few of those cases may illustrate the way those alterations produce fundamentally different texts. As will become clear, Mùchler revises the original case histories to clarify and contextualize factual information, especially to bring the reader into closer contact with the mental processes underlying the criminal transformation.

First, in the chapter "Diebstahl aus kindlicher Liebe," Mùchler adapts a case that Karl Nencke reports in the second volume of the *Magazin zur Erfahrungsseelenkunde*. In this story, a young boy from a well-to-do family is left as an apprentice for a saddler. However, after a workplace accident, the boy causes serious injury to his finger, which risks being amputated. Seeing his teacher place money into a desk, the boy considers stealing the money to the extent that he may deceive the teacher. In his conscience, the boy rationalizes this act on account of the injured finger. He is simply refunding himself for paid instruction that cannot be fulfilled, since the potentially lost finger would prevent him from completely learning his profession. Nencke describes this moment in the *Magazin*: "...so he had the idea of carrying out on this good occasion the idea he had had for some time: to steal from the master as much as the apprenticeship money amounted to because in his conscience he considered it responsible to take from the master what he would have kept without fulfilling the condition, since, as he believed, his damaged finger would make him unfit to learn his profession."³⁶ In this version of the case,

³⁵ Ibid. 147

³⁶ Nencke, Karl Christoph. "Ein Diebstahl aus Großmuth von einem siebzehnjährigen Knaben." *Gnōthi sauton oder, Magazin zur Erfahrungsseelenkunde als ein Lesebuch für Gelehrte und Ungelehrte* 2.1 (1784): 54–59.

each sentence precisely indicates a new piece of information, and the narration quickly passes over the significant moment of justification, leading from normality to criminality. Correspondingly, the explanation *in his conscience* presents a rare moment of insight into the perpetrator's inner motivations, and the cause of such a thought remains unclear. However, in Müchler's adaptation of this same case, the factual details remain unchanged, but the information is given depth in one fundamental way: "He was troubled by the thought of this theft, but he soon calmed himself down by saying that he considered it less punishable to commit this breach of trust if he only stole as much from his master as he would now keep from him as an apprentice without fulfilling those conditions, because his damaged finger would make him unfit to fully learn the saddler's trade."³⁷ Müchler reinvents here the key moment of the story, giving the perpetrator greater self-reflection on the plan and thus the possibility of redemption from the crime. Moreover, Müchler makes other minor interventions in the text to diminish certainty, such as changing "responsible" to "less punishable." Now, the boy is not justifying the criminal act, but seemingly resisting its temptation, going only so far as one might escape punishment.

In "Intendirter Mord aus Lebensüberdruß," Müchler not only alters the understanding of the inner motivations of the character but also influences the presentation of the legal judgment. The perpetrator, Friedrich Wilhelm Meyer, is the son of a merchant and received a good Christian education. After learning his profession, he leaves to survive on his own in the world. Once he arrives in Prague, Meyer is unjustly seized and forced into service as a soldier, but after initially escaping the bloody battles against the Austrians, he decides to return home to Dresden. After meeting a sly recruiter in an inn, he is convinced to join the Prussian army on the promise of future happiness. However, after becoming resentful of his fate, he begins to take on an anarchic lifestyle.

³⁷ Müchler. *Kriminalgeschichten*. 108.

At some point, he steals his comrades' clothes and sells them. Things go wrong, and he hides in a tree for fourteen days, after which he is miraculously found alive. However, after learning that he would spend the rest of his life in a fortress, he kills his comrade Spannagel in cold blood in the hopes of receiving a death sentence instead.

In the original version of the Meyer case presented in the *Magazin*, the story ends with this moment of testimony from the perpetrator in which he offers his explanation for his crimes. However, MÜchler adds a conspicuous sentence at the end of his version, which does not appear in the original: "The court martial sentenced him to thirty times of running the gauntlet and eight years of imprisonment at the fortress."³⁸ This fact may have been cited from the actual case, or it may have just as likely been construed by MÜchler for the purpose of this story. In any case, MÜchler clearly decides to use the fact of Meyer's legal judgment to achieve a purpose distinct from that of Carl Froelich, who submitted this case to the *Magazin*. Considering MÜchler's statements in the introduction, it seems that the additional sentence serves to complicate the reader's participation in reaching their own judgment of the case. He writes, "More than too long, experience has impressed upon you the truth that punishments have little effect; but more often food worries, deprivation, and unjust pressure incite to crime, and mystical teaching promotes it. It is your duty to work against this."³⁹ Given this and other programmatic statements to this text, this criminal case history seems to expose the gap between legal and moral judgments. If the court decision is already provided to the reader, then what is the moral assessment of this dilemma? If it is legal to condemn a man to physical punishment, most likely resulting in his death, how does this

³⁸ Ibid. 68.

³⁹ Ibid. 18.

judgment reflect upon the reader's moral intuitions? The case seeks the rationale that can explain the applicability of a judgment to similar criminal cases.

In the two cases above, I would like to suggest the following claims about Möchler's role in the development of the criminal case genre: (1) The literary *criminal story* goes beyond the limits of the testimonial historical forms found in the works of empirical psychology. In the *Magazin zur Erfahrungsseelenkunde*, the cases present only those facts that are rooted in observation, either in the form of self-observation, in which the writer herself reports certain deviant experiences, or in the observation of deviancy from the perspective of another. For Möchler, these same cases are re-presented in ways that provide insight into the perpetrator's inner experiences and conflicts. In doing so, Möchler does not see himself as overriding the facts of the case but providing essential context of the criminal's social circumstances. (2) Furthermore, Möchler seeks to present a complete account of the perpetrator's life to the extent those details are relevant to understand the criminal act. This emphasis serves both to stimulate the interest of the reader, on the one hand, but also to illuminate the contingent nature of these historical circumstances.

Friedrich Schiller

In the introduction to *Der Verbrecher aus verlorener Ehre*, Schiller begins by identifying a central problem that arises in the reading of case histories. In portraying the inner life of the criminal, there is an enormous gap between the main figure, whose mental life is constantly disturbed by violent emotions, and the reader, who experiences a relatively quiet mental atmosphere. If the genre of the empirical-psychological case hopes to instruct its reader on the

nature of the soul, this plan comes with great difficulty given the abyss that lies between the main figure and its reader. Instead of depicting the downtrodden man as a human being like the reader, the text instead portrays the criminal as a “creature of a foreign type,”⁴⁰ for whom no similarity can be made. To this problem, Schiller poses his often-quoted demand: “Either the reader must warm up like the hero, or the hero must grow cold like the reader.”⁴¹ For Schiller, the problem of the first method is most evident in the narratives of his contemporaries, who attempt to sensationalize and shock the reader, stirring up the reader’s emotional response. The better approach, however, appears to be the alternative of making the protagonist “cold” like the reader. This means taking the figure out of the intensity of the criminal act and tracing its life history as part of the realm of everyday life. “The hero must become cold like the reader, or, that is to say, we must become acquainted with him before he acts; we must see him not only perform his action but also want to do it.”⁴² In this way, Schiller very explicitly emphasizes the instructive purpose of this genre – seeing the inner psychic transformations of the main figure, seeing their emotions and desires from their perspective, and witnessing their development from ordinary citizen into social outcast.

In this story, Schiller follows the life of the fictional Christian Wolf, which closely parallels that of the historical figure Friedrich Schwan. Schiller received the story of Schwan from his teacher Jakob von Abel, whose father directly witnessed the case as magistrate of the court. Using the facts of this real case as his guide, Schiller provides his own literary account of Wolf, and alters the text to provide character insights that could not otherwise appear in a legal report. Christian Wolf (as also named “the sun-keeper”) is the son of a widowed innkeeper. Early in his youth, he

⁴⁰ Schiller, Friedrich. *Der Verbrecher aus verlorener Ehre*. Ed. Alexander Kosenina. Stuttgart: Reclam, 2014. 10.

⁴¹ Ibid.

⁴² Ibid. 11.

becomes a petty thief partially due to the need to survive, but also to impress his lover, Joanne. This leads to several short terms of imprisonment. After each stint in prison, Wolf finds himself incapable of gaining employment, so he is led back to thievery to survive. Eventually, his repeated offenses leave him with a three-year prison sentence, and this moment serves as a turning point in his criminal development. Spending an extended period amongst hardened criminals, his mentality begins to reflect the feelings of resentment toward people. At this point, he no longer carries out criminal acts out of necessity, but out of the desire to commit acts of malice against others.

Christian Wolf undergoes several turns of conscience that lead him toward criminality, and Schiller often quotes the man directly to provide first-person narration of his inner conflicts. However, having been given the opportunity to speak and overcome the gap with the reader, Wolf expresses self-doubt and confusion toward the real causes of his actions. For example, after the death of his mother, he explains that a new world opened to him, and he could have traveled to find a new life and leave his past behind. However, for reasons unbeknownst to him, he did not make that choice.

What I had actually decided was still unknown to me. I wanted to do evil – that much I still vaguely remember. I wanted to earn my fate. I thought that the laws were for the benefit of the world, so I resolved to violate them. Formerly I had sinned out of necessity and recklessness; now I did it by my own free choice for my own pleasure.⁴³

Speaking with some degree of reflection on his past, Wolf admits that he began to commit crimes out of his own enjoyment, but this admission of free responsibility sheds little light on the true psychic mechanisms that triggered this turn against his own rational self-interest. Such lack of self-understanding recurs when Wolf commits murder for the first time. When he attempts to carry out another theft, his nemesis Robert is a witness. For a moment, Wolf considers fleeing the scene, but

⁴³ Ibid. 18.

ultimately shoots his rival in the back. Immediately after the act, there is a realization of guilt, but the murder itself disappears from Wolf's memory. "I could no longer evoke anything of what had brought me to rage a quarter of an hour ago. I did not understand at all how I had come to this act of murder."⁴⁴ This statement testifies to a clear moment of amnesia in the most critical criminal act of the entire story. On the one hand, the text strives to see this moment from within the criminal's perspective but leaves open the question of the immediate motivations for this action. Instead, as with all cases, it is the task of the reader to reach an independent judgment. The author may actively lead the narrative toward those moments that are most instructive, but in the case of Schiller, the exploration of the mechanisms of the heart leaves more questions than answers. The amnesia of the moment of criminal action is not exclusive to Schiller's work but in fact recurs throughout the *Kriminalgeschichten* genre, in which narratives cannot precisely ascertain the inner motives and causes for criminally deviant decisions.⁴⁵ As with many other cases, Schiller's narrative attempts to give a complete account of the subject's general circumstances preceding the crime, and in a moment of literary license explains the inner tumult of seemingly unpredictable passions that bring about the central action. This centrality of the heart is also exemplified in one of Meißner's *Skizzen* that fits a familiar pattern: An average man is struck by a common misfortune but in a moment of weakness allows his thoughts to turn toward murder. In this untitled supplement to a previous story,⁴⁶ the text introduces a farmer named Heine who by all accounts lives a fortunate and

⁴⁴ Ibid. 20.

⁴⁵ See: Meißner, August Gottlieb. "Fortsetzung von Kriminalgeschichten II." Upon getting in a fistfight with other farmers, the subject stabs another person unprovoked. The only explanation is that the victim's mother once quarreled with the culprit's mother. The judges attempted to uncover some other more rational motive, but to no avail.

⁴⁶ Meißner, August Gottlieb. "Nachtrag zu vorstehender Geschichte [Blutschänder, Feueranleger und Mörder zugleich, den Gesetzen nach, und doch ein Jüngling von edler Seele. Brief eines Predigers in *** an seinen Freund]." *Skizzen* 1 (1786): 71–77.

modestly prosperous life. However, shortly after his marriage, the jealousy of his wife⁴⁷ forces him away from his home and into drinking and games. Leaving the village in which he previously lived, Heine purchases property in another village, but in living a disordered life he fails to adequately tend to the land, leading his family further into debt. With his wife's criticisms increasing daily, Heine's thoughts quickly turn to murder. While the circumstances of the crime are clearly outlined, the narrative intervenes to portray the emergence of new thoughts from a concealed unconscious or *heart*. "The loss of his own life, where he saw only misery and remorse from his vantage, was a trifle to him, and a thought arose in his heart which soon became a resolution, a firm resolution to kill his wife before she laid a hand on herself..."⁴⁸ In both cases, the individual subject has little agency over the creation of criminal thoughts; and there is little direct causal connection between the prior circumstances and the incitement of these thoughts. Just as was the case with the *sun-keeper* Christian Wolf, the narrative provides access to the subject's perspective, which includes obscure sensations of the mechanics of the heart. Nevertheless, the case in its legible form asserts clear insight into the criminal's heart beyond that which is revealed through mere empirical observation. In the introduction to Heine's case, it reads: "How often would we find in the criminal files of a dusty courtroom some incident that would give us better information about the secret history of the human heart than whole quartans of so-called profound human experts."⁴⁹ While cases clearly aspire to gain greater information about human motives, this heart is rarely portrayed in a mechanic, structured manner. Instead, if these stories offer any

⁴⁷It should be noted the enormous gender differences between male and female criminals throughout these collections. While most cases involve male subjects, a disorderly female counterpart is frequently involved as a direct or indirect cause of criminal development. Female criminals, on the other hand, may be helpless young girls misled by a manipulating male antagonist, or they act on their own volition. A more complete study on *Kriminalgeschichten* should consider the highly gendered depictions of individuals throughout these works, which is of less central importance to this study on the evolution of probability theories in the case genre.

⁴⁸ Ibid. 74-75.

⁴⁹ Ibid. 72.

insights into the heart at all, they do so by connecting the criminal act to a set of known circumstances. The arousal of murderous thoughts may be unpredictable, but they could be better understood from the perspective of their rhetorical probability. At the same time, Schiller recognizes the empirical value of these criminal documents, which stand in opposition to the speculative insights of “so-called profound human experts” who impose their own uninformed preconceptions of human subjectivity. Thus, while Schiller values the empirical information of criminal documentation, he also maintains that these data are insufficient without the case’s unique *narrative* perspective on the concealed motivations of the heart.

In his introduction to the translation of *Pitaval*, Schiller expresses an optimism for the capacity of cases to educate the judge and see further into the human heart.⁵⁰ However, in writing *Der Verbrecher aus verlorener Ehre*, he also recognizes that the heart is not a monolithic entity with a common set of internal operations. Instead, it appears as a contingent space with as many diverse manifestations as individuals. He writes:

It is something so uniform and yet also so composite, the human heart. One and the same skill or desire can play in a thousand different forms and directions, can cause a thousand contradictory phenomena, can appear mixed differently in a thousand characters; and a thousand dissimilar characters and actions can be spun out of a single inclination, even if the person we are talking about does not suspect anything less than such a relationship.⁵¹

In the heart, the same inclination may appear give rise to thousands of contradictory phenomena, and the subject has little knowledge of any of the relationships between their thoughts and actions. Examined on the surface, the motivations of the heart would seem to be fundamentally subject to blind chance, with the same motives giving rise to opposing actions. For Schiller, this appearance

⁵⁰See footnote 18, page 118. “Drives, which in ordinary life are hidden from the eye of the observer, become more visible on such occasions, where life, liberty and property are at stake, and thus the criminal judge is able to take a deeper look into the human heart.”

⁵¹Schiller, Friedrich. *Der Verbrecher aus verlorener Ehre*. Ed. Alexander Kosenina. Stuttgart: Reclam, 2014. 9.

of chance results from the complexity of human motivations, which cannot be clearly reduced to the mechanics of cause and effect. If ever there were a Linnaeus of the human mind, he argues, one would be overwhelmed by the complexity of drives and inclinations, as well as the narrowness of laws necessary to categorize every deviant figure.⁵² Thus, this depiction seems to put Schiller in conflict with the position of Moritz, who argues that the collection of cases can give rise to a new science in its own branch of knowledge. However, while Schiller maintains that the heart appears deeply contradictory, he also argues that reading these cases can offer insights into their definite causes, maintaining that the psyche is fundamentally a natural system that operates according to its own internal laws:

One has examined the soil of the Vesuvius to explain the origin of its fire. Why does one pay less attention to a moral phenomenon than to a physical one? Why does one not pay as much attention to the nature and position of the things that surrounded such a man until the accumulated tinder caught fire in his inner being? The dreamer, who loves the marvelous, is attracted by the strange and abhorrent of such an appearance; the friend of truth looks for a mother for these lost children. He looks for it in the unchanging structure of the human soul and in the changing conditions which determined it externally, and in these two he certainly finds it.⁵³

Despite the apparent contradictions of the heart, Schiller proposes that this mysterious entity can be dissected and understood much the same way that a natural scientist explores a volcanic system that operates according to discernible laws. To disentangle the contingent, conflicting behavioral phenomena and uncover their root causes, Schiller argues that readers must be brought to see how the subject *wants* to accomplish those criminal actions, and that they should be able to see the sources of the thoughts that lead to these transgressions.⁵⁴ Thus, in opening the matter to close

⁵² Ibid. “Just as for the other kingdoms of nature, if once a Linnaeus arose who classified the human race according to instincts and inclinations, how much would one be astonished if one found so many, whose vice has to suffocate in a narrow bourgeois sphere and in the narrow fence of the laws, together in one order with the monster Borgia.”

⁵³ Ibid. 11.

⁵⁴ Ibid. “We are infinitely more interested in his thoughts than in his deeds, and even more interested in the sources of his thoughts than in the consequences of those deeds.”

examination, the status of the criminal subject must be altered, not that of the reader. In making the criminal as *cold* as the reader, the author must shed much of the outward expression of their passions such that the coldly observing reader can witness the subject on a level similar to his own.

Despite Schiller's apparent confidence in the ability of the historian to capture the inner heart of the criminal, his method does not seem to overcome the inability of *Kriminalgeschichten* to uncover the underlying causes of criminal motives. Moreover, Schiller's recommended pragmatic narrative intervention may risk creating a false sense of order when observable circumstances point only to contingency and disorder. Alexander Kosenina also notes the apparent conflict in the narrative's attempt to solve the causal circumstances of crime: "In the face of this apparent restoration of order, unease remains as to whether this really arises so inevitably from the inner workings of the soul, or the 'pragmatic' narrative technique to the total exposure of all psychological causes and effects."⁵⁵ There seems little guarantee that the narrative's inner history of the heart actually reveals inner truths rather than a poeticized imagination. For Kosenina, Schiller's apparent acceptance of sensationalism may enhance this risk of moralization since Schiller apparently acknowledges the necessity of narrative to stimulate the reader's curiosity. "The premise for Schiller's poetics of crime states that the enjoyment of observing and imagining a crime is a kind of natural constant and that the need for sensationalism can only be renounced with difficulty."⁵⁶ If this sensationalism does in fact exist, it seems that Schiller's *Verbrecher* would be unable to transform the criminal into a *colder* state at which one can observe his circumstances in a disinterested manner. In addition, the more the author deliberately impassions the criminal for the sake of a tragic effect, the more the literary character would appear to deviate

⁵⁵ Košenina, Alexander. "Schiller's Poetics of Crime." *Schiller: National Poet – Poet of Nations; a Birmingham Symposium*. Ed. Nicholas Martin. Amsterdam: Brill, 2006. 215.

⁵⁶ *Ibid.* 206.

from the reality of empirical observation. With greater deviation from the coldly observed reality of the case, the sensational literary case deviates further from the reader's perception of probable reality.

In fact, Schiller's sensationalism may be inferred from his views on tragedy, whereby the audience produces *sympathy* for an unfortunate figure that has committed transgressions. On the one hand, Schiller writes in *Verbrecher* that the historian ought to make the subject as cold as the reader, whereas the orator and writer have the exclusive power to warm the reader to the subject's level of passion. In writing a *Kriminalgeschichte*, this perspective suggests that one is not obligated to provoke sympathy in the audience through an elaborate display of emotionally charged situations, which might lead the average reader to heighten their passions in response to the empathic demands of the criminal's situation. Instead, he writes, one ought to promulgate the historical depiction of the criminal, such that one interprets the latter's actions as the causal result of an empirically observable situation. The subject must thus become *cold*, not in the sense that they become uncaring, but rather in that they are average individuals led by circumstance toward criminal deviance:

I know that some of the best historians of recent times and of antiquity have adhered to the first method and captivated the heart of their reader by enthralling speech. However, this style is a usurpation of the writer and offends the republican freedom of the reading public, which is granted the role of sitting in judgment of it. Simultaneously, it is a violation of the boundaries of justice, for this method belongs exclusively and properly to the orator and poet. The historian is left only with the latter.⁵⁷

This point clearly portrays Schiller's work on the side of the historian, while rejecting sensationalism. The *republican freedom* of the reading public demands that they see the facts and reach their own interpretations of the historical situation, which is inconsistent with the authority

⁵⁷ Schiller (2014). 10-11.

of the poetic writer to instigate a response in those same readers. However, Schiller's later writings on tragedy assign a prominent status to such murder stories, which produce some of the strongest sensations of sympathy in the reader. In *Über die tragische Dichtkunst* (1792), Schiller argues that it is almost a universal psychological law that stories of murder provoke the strongest feelings of horror, but that they simultaneously attract our attention and fascination.

It is a general phenomenon in our nature that the sad, the terrible, the horrifying itself attracts us with irresistible charm, that we are repelled and attracted again by appearances of misery and horror with equal forces. Everything crowds around the narrator of a murder story, full of expectation. We eagerly devour the most outrageous ghost story; and the greater it is, the more our hair stands on end.⁵⁸

Apart from the natural stimulation of a reader's fascination, Schiller writes that the crowds surrounding a murderer's execution are motivated by more than the desire to see justice carried out. Instead, he writes, they are driven by a sincere sympathy that leads them to the expression of their suffering and even to their forgiveness. "This unfortunate man may even be excused in the heart of the spectators, and the sincerest pity may work toward his preservation. Nevertheless, a curious desire stirs, may it be stronger or weaker, with the spectator to direct their eyes and ears to the expression of his suffering."⁵⁹ While Schiller never uses the term *tragedy* regarding the criminal Wolf, this description of the tragic effect is similar to that of the writer who raises the passions of the reader to those of the criminal. The sympathy is even purer, he states, when the writer ascribes the cause of suffering not to immoral actors but rather to the fate of external circumstances, which happen to be extensively documented in the case of Schiller's Wolf.⁶⁰ These

⁵⁸ Schiller, Friedrich. "Über die tragische Kunst." *Schillers Werke: Nationalausgabe*. Neue Ausgabe. Vol. 20. Weimar: Hermann Böhlaus Nachfolger, 2000. 148.

⁵⁹ Ibid. 148-149.

⁶⁰ Ibid. 155-156. "A poet who understands his true advantage will not bring about unhappiness through an evil will that intends unhappiness, and much less through a lack of understanding, but rather through the compulsion of circumstances. If it does not arise from immoral sources, but from external things that neither have a will nor are subject to a will, then one's compassion is purer and at least not weakened by any notion of moral impropriety."

characteristics of the *murder story* seem to put Schiller's *Verbrecher* within the category of tragedy, where the writer shows the chain of circumstances leading the unfortunate man to his fate, gathering the reader's sympathy along the way. From this perspective, Schiller (as poetic writer rather than historian) seems to have greater sway over the narrative's arrangement of facts, which may produce sympathy from an imagined inner order of the heart.

While Schiller's theory of tragedy points to certain similarities between sensational murder stories and tragedies, his ostensibly historical *Kriminalgeschichte* cannot be reduced to a variety of tragedy. First, the case's reference to historical fact creates different expectations than those of tragedy. While one fully expects the appearance of reality in histories, one would not expect that same faithful depiction of truth in tragedies. Moreover, Schiller's own tragedies seem to portray a fundamentally different kind of poetic truth: While the *Kriminalgeschichte* presents the factual account of the criminal's singular inner development, the tragedy presents criminality as a phenomenon that is deeply intertwined with the circumstances of everyday life, judged according to their perceptions of probability. In tragedy, such poetic expression of suffering does not serve to instruct, as history does, but rather to provoke the reader's aesthetic judgment, experiencing these events more in their possibility than in their reality. Schiller's fragment *Die Polizei* is one example of a proposed criminal case that also falls under the category of a tragedy [*Trauerspiel*].⁶¹ In this dramatic work, the narrative lens does not focus on any individual criminal. Rather, the tragedy follows the police's investigation of a chain of criminal events, which altogether portrays a complex society and its greatest extremes. As Schiller argues, the main objective is the expression of this complexity itself:

⁶¹ Schiller, Friedrich. "Die Polizei." *Dramatische Entwürfe und Fragmente: Aus dem Nachlass zusammengestellt*. Ed. Gustav Kettner. Stuttgart: J.C. Cotta, 1899. 252.

The main subject is an immense, highly intricate crime that has been intertwined with many families, and which becomes more and more compounded as the investigation continues, always bringing with it different discoveries. It resembles an enormous tree that has intertwined its branches with others far and wide, and which one must dig out by rummaging through an entire region. Thus, the whole of Paris is rummaged through, and all kinds of existence, of corruption, etc., are gradually drawn to light on this occasion. The utmost extremes of conditions and of moral cases come to be portrayed and in their highest peaks and characteristic points. The simplest innocence as well as the most unnatural corruption; the idyllic tranquility and grim despair.⁶²

Apart from the sensational depictions of extremities, the tragedy differs from the criminal history in that the former does not distinguish between the complexities of the crime and those multiplicities (“an enormous tree”) inherent to the circumstances of everyday life. The objective is to follow the indefinitely long series of developments, proceeding toward a depiction of the city Paris in its entirety. Thus, the tragedy concerns itself with a different kind of probability. In tragedy, the audience comes to recognize the probability of the depicted world and the possibility that suffering may befall them in the real world just as it befalls the society of the drama.

Despite the apparent attraction of sensational murder stories, Schiller did not view the purpose of his work in the creation of sympathy for any figure. Instead, in seeking an inner truth, he is primarily interested in the *probability* of the case – a characteristic to which both history and tragedy must adhere. In a letter to Christian Gottfried Körner, Schiller defends his planned historical work on the Dutch War of Independence,⁶³ writing that the restrictions of historical fact provide a strong foundation to the work; and the creation of a work of fiction requires inventions of the imagination that do not have the same authority as historical truth. Moreover, he argues that both factual and fictional works must contain a certain *philosophical inner necessity*, which he

⁶² Ibid. 256.

⁶³ Schiller, Friedrich. *Geschichte des Abfalls der vereinigten Niederlande von der spanischen Regierung*. (1788)

describes as a probability that the reader perceives in the work on its own terms, regardless of the evidence provided by historical circumstances.

The philosophical inner necessity is the same for both. Even if it were based on the most credible history, if a story cannot have happened, i.e., if the mind cannot see the connection, then it is an absurdity. If a tragedy must not have happened, as soon as its premises contain reality, then it is again also an absurdity.⁶⁴

Regardless of the audience's reception of the work, whether as tragedy or history, the greater objective is the adherence to probability in the literal sense of the term probability [*Wahrscheinlichkeit*]. At least in appearance, the work must be interpreted as possible in the light of its circumstances. In both cases, the task of the author is to make those facts appear plausible and real in the eyes of the reader; and in this regard, the perceived sensationalism of the case has relatively little relevance on that desired outcome. Despite their similarities, the *Kriminalgeschichte* does not follow the expectations of either history or tragedy, turning instead toward the goal of making deviant events probable from the perspective of the everyday reader.

In addressing the probability of history and tragedy, Schiller's criminal case amounts to more than just a return to classical rhetorical probability. Rather, in carefully citing and revising the facts of a documented case, Schiller seeks out the singularly exemplary story, which stands in for the criminal as such, not just one among a collection. In doing so, Schiller attempts to synthesize the probability of two sides of the case: The empirical probability of the case as documented event and the rhetorical plausibility [*Wahr-scheinlichkeit*] of the case's *philosophical inner necessity*.

⁶⁴ Schiller, Friedrich. "Brief an Körner (7 Jan. 1788)." *Schillers Werke: Nationalausgabe*. Neue Ausgabe. Vol. 11. Weimar: Hermann Böhlaus Nachfolger, 2000. 264.

Johannes Lehmann writes that cases are not just discovered but also invented, which is a dynamic that is equally at stake for a case of Schiller's type.⁶⁵ While cases are found from the passive reception of empirical facts, Lehmann writes that they are equally invented in that they are isolated and re-integrated into the world. "To invent what the case is means, on the one hand, to isolate the case from the world and to differentiate it as a case of this or that individual (and under their name) and, on the other hand, to reintegrate it into the causality of the world in which the case occurs."⁶⁶ While isolation is one of the key characteristics of every case, the process of re-integration is different within each context. For Moritz, this is achieved through a large collection differentiated according to rubrics. For a strictly *literary* case, the individual may be entirely decontextualized from its empirical-psychological framing.⁶⁷ However, for Schiller's *Verbrecher*, the individual is not entirely uncoupled from this context for the purpose of literary sensationalism, as the text is still founded upon a claim to truth,⁶⁸ informed by real events. Unlike any of the other major case-like stories of this period, Schiller's does not aspire to be treated as part of a collection, not even at an imaginary level. Instead, the story seems to present *the* case – not the story of a single unfortunate criminal subject but of the criminal *as such*. To achieve the universality within an exemplary case, the story cannot remain literary in the sense of a distinction between subject and circumstance. Instead, Schiller must re-integrate the historical individual into its biographical circumstances such that the reader can see the inner necessity and universality of the subject's motives and desires. As Lehmann states, "It is not about a contribution to an imaginary collection,

⁶⁵ Lehmann, Johannes F. "Erfinden, was der Fall ist: Fallgeschichte und Rahmen bei Schiller, Büchner und Musil." *Zeitschrift für Germanistik* 19.2 (2009): 364. "Was der Fall ist, wird ge- und erfunden zugleich."

⁶⁶ Ibid. 365.

⁶⁷ Ibid. "Literary cases [...], as texts decontextualized as novellas, dramas, or novels, often exist beyond an external knowledge-disciplinary framing."

⁶⁸ The subtitle of the work is "a true story," alluding foremost to its citation of the historical Friedrich Schwan. However, the subtitle is equally open-ended about the *kind* of truth that the work delivers. Is this about historical truth, inner psychological truth, or both at once?

but a *true story*, namely the *true story* of humankind, [...] a largely fictitious life story, on which Schiller can develop a model of human life and will in general.”⁶⁹ The case must be delivered back to a historical context, but in a manner that is deliberately selective with details, such that the story may be altered to generate a more universal model of the criminal self.

In writing a case that is both factual and imagined, Schiller requires a kind of probability that is not merely empirical or rhetorical. Instead, Schiller’s approach may be best described as an elevation of an individual from their particular circumstances into the realm of absolute necessity. In his own words, it is the complete freedom of the writer within the bounds of the facts of history. “[I] would know nothing, however, but the freedom of poetry to raise the probabilities of the Real World to the level of truth, and the possibility thereof to the level of probability.”⁷⁰ For the writer to bring the reader into the same reality as the criminal, Schiller recognizes the necessity of the distinction between probable and real events. Even when founded upon historical events with an empirical-scientific mindset, he chooses to selectively alter events to create the case’s inner necessity. In witnessing true events, the readers must learn to recognize the universality of the biographical circumstances, and they must learn to see as *necessary* those motives, emotions, and choices that they otherwise would consider *contingent*. In this regard, Schiller’s *Verbrecher* does not presume to be either history or tragedy. It is a contingent historical case that is re-imagined as necessary – an unpredictable criminal who is transformed into an average person, led by his circumstances on a path to criminality.

⁶⁹ Ibid. 366.

⁷⁰ Letter to Dalberg, cited in: Marsch, Edgar. *Die Kriminalerzählung: Theorie - Geschichte - Analyse*. München: Winkler Verlag, 1972. 107-108. Schiller responds to the comment that he ought to place the subject of *Die Räuber* into the historical period of Maximilian.

Reflections: The Probability of History and the Truth of Poetry

By the latter half of the eighteenth century, the case (as *Fall*) predominantly represented a textual form that synthesized certain elements of rhetorical and mathematical probability. On the one hand, the case inherited the standards of empirical written observation in the field of medicine, as exemplified in the writings of J.G. von Zimmermann. In this account, cases function in a manner that in English would be called *case histories* – descriptions of a constellation of symptoms affecting an individual, as well as the observable circumstances that may be related to those phenomena. However, progressively the *Fall* was reshaped into a documentary small form, which may not be interpreted as a narrative text, despite retaining much of its engaging and even sensational literary qualities. In this context, the case is an object with an apparently contingent set of features (e.g., its type of crime, motivation, class, and background, etc.) that are measurable amongst others in a common set of rubrics. This latter form is exemplified in the domain of the magazine, which observes cases in a disinterested manner, grasping the probable associations from a distant perspective. Contrary to the associations of the contemporary term *Fallgeschichte*, cases are not inherently a variation upon narrative historical texts subject to the conventions of interpretation. Instead, they are equally considered as objects of collection and parts of a larger whole. Moreover, the case does not inherit the etymological associations of the *Fallgeschichte* of Genesis, whereby the contingent deviances of moral life result from the uniquely hidden imperfections of the human species. To be sure, the case may be an object of *contingency*, i.e., an instance of individuality that could equally be otherwise. However, the interest in the case lies in the overcoming of incalculable chance, either through the observation of regularities in large

numbers (quantitative probability of chance events) or the narrative imagination of the *inner philosophical necessity* of the individual life in its contingent circumstances.

The *Kriminalgeschichte*, while still a variation of the *Fall*, represents a crucial move beyond the contradictions of rhetorical and mathematical probability. Long before the term *Fallgeschichte* was developed to describe the case tradition, criminal literature evolved alongside the empirical-psychological cases of the 1780s, introducing a role for the poetic imagination within the bounds of a medical-scientific system of investigation. While not entirely doing away with the Aristotelian distinctions of history and poetry, the emerging genre of criminal literature sought to look further beyond such contradictions, not allowing itself to be subject to the demands of positivistic empirical history or the sensational fictions of poetry. Instead, a truthful portrayal of the criminal mind, whether historical or tragic, requires an adherence to the standards of probability. In doing so, the authors propose a variety of probability that is neither entirely rhetorical nor mathematical. Rather, the truth of the text relies upon both the inner and external probability of events – a judgment that requires the reader to understand their own role in the formation of these cases and the *gaps* in historical knowledge that the poetic imagination must fill.

During the period in which Moritz published his *Magazin*, Schiller acknowledged the significant differences between their respective approaches toward empirical psychology. In conversations with Moritz, he claims that the *Magazin* relies to an excessive extent upon sad stories of misery that lack resolution. Instead of forming collections of these cases, Schiller advises Moritz to conclude each volume with a philosophical essay that brings the allegedly sad cases back into a state of order.

[W]ith regard to his *Magazine for Empirical Psychology*, [I] gave him a piece of advice to which you will perhaps also subscribe. I found that one always puts it down with a sad, often adverse feeling, and this because it only attaches us to groups

of human misery. I advised him to accompany each issue with a philosophical essay that would open a lighter view and, as it were, dissolve these dissonances into harmony again.⁷¹

In this critique, it may appear that Schiller does not accept the mathematical probability that Moritz attempts to promulgate in his work. Indeed, the purpose of Moritz' empirical psychology is to generate these *groups* of human deviance, such that this material may eventually fall into order from the perspective of a future figure that can read and re-arrange everything from a distant perspective. However, Schiller's main interest does not lie in the value of collection but rather in the resolution of *dissonances* that are created within the cases, i.e., the open gaps that lie between each case's central event and the limited written circumstances surrounding it. In contrast, the philosophical essays serve to compensate for these gaps and in so doing bring the cases back into a perceived harmony. As would become evident in the *Verbrecher*, this harmony may be instilled by the isolation of the individual from and re-integration into the lifeworld of these circumstances.

In his adaptation of Jacob Friedrich Abel's *Lebens-Geschichte Friedrich Schwans* (1787), Schiller re-imagines the case of this actual subject, re-integrating Schwan (as Christian Wolf) into the world while offering probable causes for the unpredictability inherent to the historical figure. One significant difference in Abel's account is his greater tendency to identify contingent inner qualities as the primary causes of Schwan's criminal development. After Schwan commits his first murder, Abel writes that the man unexpectedly abandoned the woman whom he had loved so much until that point. While this development may appear surprising, he explains, this behavior is likely the result of his *peculiar character*, whereby Schwan followed Abel's intuition that such criminals would attempt to engage in a new crime to diffuse the fear of the previous one. He writes:

⁷¹ Schiller, Friedrich. "Brief an Lotte von Lengefeld und Caroline von Beulwitz (12 Dec. 1788)." *Briefe*. Ed. Fritz Jonas. Stuttgart: Deutsche Verlags-Anstalt, 1892. 177.

But the most important reason for this sudden change probably lies in his peculiar character, on whom the present always made such a strong impression that he completely forgot everything else about it, and he was therefore very easily carried away in that same moment to the most contrary feelings, inclinations, and actions.⁷²

While informed by an observational intuition into the mind of a criminal, Abel identifies the reason for the change in a character trait that is not directly caused by any identifiable biographical circumstances. Thus, by following a historically accurate depiction of the real Friedrich Schwan, the criminal is presented as an individual influenced by a contingent set of motivations and desires, the probability of which are not explicitly explained considering his historical circumstances. Schiller, on the other hand, portrays the same historical figure but re-integrated into a different, not entirely accurate background. Unlike Abel, who conveyed Schwan's development in terms of character traits, Schiller chose to portray the figure more as a lonely outsider from his earliest childhood, and thus he attempted to transform the historical Schwan into the *probable* Wolf, whose criminality is causally linked to the initial conditions of his childhood. Schiller's Wolf is born to a single mother, operating an inn suffering from poor business. He does poorly in school, is rejected by older girls, and is generally ugly.⁷³ This portrayal contrasts with that of Abel, who describes Schwan as a normal child, having loving parents who provided him the best possible education. Abel writes that Schwan was brought into life with the best possible traits, and thus his further development is the result of his external circumstances:

Swan was endowed by nature with extraordinary endowments of the mind; full of intellect, wit, imagination, and memory, full of activity and fire, determination, and boldness, he carried the germ of every great virtue and every great vice, and it

⁷² Schiller (2014). 73.

⁷³ Ibid. 12. "Nature had neglected his body. A small inconspicuous figure, frizzy hair of an unpleasant blackness, a flattened nose and a swollen upper lip, which moreover had deviated from its position by the blow of a horse, gave his sight an adversity which repulsed all women from him and offered ample nourishment for the wit of his companions."

depended only on his external situation whether he should become Brutus or Catilina.⁷⁴

While Abel and Schiller seem to present conflicting sets of facts, they more importantly offer different stories of the criminal's development. On the one hand, Abel depicts the criminal against the background of the everyday. Just as Meißner commonly emphasized in his *Skizzen*, the criminal starts life as an average human being, so their improbable criminal development is rooted in the various choices and circumstances that surround key events in their life. Schiller, however, revises the case to de-emphasize the contingency of historical circumstances and introduce elements of internal necessity, which separate the figure Wolf from the expectations of ordinary society. For Schiller, Wolf does not become a criminal through the contingent development of his character. Rather, his criminality becomes necessary through the confluence of material circumstances from which he seeks to escape: The conditions of his birth and a penal system that prevents his re-integration into normal life. In this regard, Schiller's intention is not to subvert historical facts to tell a good story. Instead, as the title suggests, he aims to tell a different kind of story in which the improbability of Schwan's case is elevated into the probability of Wolf's. As history, he captures the contingency of biographical facts; and as narrative, those facts are re-arranged to show the necessity with which crime arises from material circumstances.

The strategy of selective narration is not exclusive to Schiller's approach toward *Kriminalgeschichten*, as Meißner would defend himself against similar suggestions that he was presenting exaggerated anecdotes of crime from untrustworthy sources. In response, Meißner writes insistently that he did not invent any of these stories. However, while he rejects the possibility that he falsified these accounts, he does admit that he filled the gaps in the historical

⁷⁴ Ibid. 58.

record with probable transitions, which he claims nobody would have otherwise noticed. While all the *major* circumstances remain unaltered from the original records, the case only gains truthfulness through the addition of such probable details.

I have invented not a single one of these stories. In none of them have I changed even one main circumstance. Some of them could certainly have gained effectiveness by a more arbitrary treatment; but I have treated these crime anecdotes entirely as true stories, not as one tells novellas. That I sometimes chose the most probable among several suppositions; that I connected small gaps, which are inherent in almost every oral tradition, by imperceptible transitions; this, I hope, will not be called falsification.⁷⁵

For Meißner, and equally for Schiller, the objective of anecdotal *Kriminalgeschichten* is to provide stories that approximate truth, but not necessarily in a manner according with the facts. To do so requires the inclusion of *probable* assumptions to complete the gaps in the story. However, for the author to select a probable possibility to complete the story, they must combine the knowledge of historical facts with the poetic imagination, which can interpret the possible inner turmoil and conflicts of character that occur within the heart. This approach requires a consideration for both inner and external probabilities, i.e., the inner possibilities of rhetorical probability (cases as *created* by a poetic imagination) tempered by the external mathematical probability (*discovered* cases that are observed and compared) with which such characters are known to exist in the world. Then, a *true* story would bring both forms into coherence, integrating the criminal's probable inner development with the externally measured historical probability. Thus, in his defense, Meißner attempts to show that he does not merely mix truth and fiction, as some have suggested,⁷⁶ but that

⁷⁵ Meißner, August Gottlieb. "Vorrede." *Kriminalgeschichten*. Vol. 1. Wien: Anton Doll, 1813. 7.

⁷⁶ Ibid. 3. In the editorial preface to the 1813 volume of his own works, Meißner is described as belonging to a special genre of narrative that mixes elements of both truth and fiction. "...[O]ne wanted to unite here everything that belongs to this special genre of narrative that blends truth and poetry and that was first given special care among us by Meißner."

he creates a deliberate interplay of one with another, relying upon the poetic use of one probability to temper the colder observation of the modern mathematical counterpart.

Given this unique perspective toward truth, the crime case genre seems to play a significant role in the early history of probability because it refines the expectations of probability in a period of strict empiricism. Far from contradicting the premises of mathematic probability, the *raison d'être* of these stories is based on the intuitions of a statistical analysis of crime. As Karl Mùchler argues in the introduction of his work, the evidence of crime's statistical regularity shows that criminality is a social phenomenon; and an understanding of those causes generates an increased sense of humankind's inner worth. Citing official figures, he observes distinct trends in the number of prisoners convicted of the same crime in different states:

If in Calabria, with a population of 447,465 people, 500 murders are committed annually, while in the Neapolitan state of 4 1/2 million subjects there are 1200 prisoners annually, and in Tuscany, out of a population of one million people, only 60 prisoners are counted annually, then there can likely no longer be a question of whether philosophy has not increased its empire. Yet what a large, cultivated field still remains for the man to whom Providence, even on the throne, has preserved a feeling for human worth and human misery, and for the active benevolence toward the lowest citizen.⁷⁷

Mathematical probability uncovers these empirical trends and portrays a theoretical image of the average criminal life, which Mùchler describes as someone from the lowest classes of the people – “Rough, without education, without rational principles of religion and morality, left to themselves and to blind chance, they are almost always a prey to the most oppressive poverty.”⁷⁸ As a writer wishing to adhere to historical facts, Mùchler recognizes the important social circumstances that are understood through the documentation of a vast number of cases. However, while mathematical probability offers the *understanding* of those circumstances, it does not offer

⁷⁷ Mùchler (1792). 18.

⁷⁸ *Ibid.* 10-11.

readers the empathic recognition of oneself in the criminal individual's life. In contrast to the generalized understanding of the criminal profile, crime stories offer an individualized depiction of those same circumstances, such that anyone can perceive the inner probability of crime when placing themselves into the life of the subject.

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