

The balance between individual liberty and the government's duty of security:  
Identifying Michel Foucault's means of correct training in Juli Zeh's *Corpus Delicti*

by

Dylan McCullough

B.A., Kansas State University, 2019

A REPORT

submitted in partial fulfillment of the requirements for the degree

MASTER OF ARTS

Department of Modern Languages  
College of Arts and Sciences

KANSAS STATE UNIVERSITY  
Manhattan, Kansas

2021

Approved by:  
Major Professor  
Dr. Necia Chronister

# **Copyright**

© Dylan McCullough 2021.

## Abstract

During the recent global pandemic, the balance between individual liberty and the government's duty to protect its citizens has become an international topic of debate. The primary aim of this project was to explore this balance as it is depicted in Juli Zeh's not-too-distant medical dystopian novel *Corpus Delicti: Ein Prozess*. An area of analytical focus that is lacking on this contemporary novel is the discussion of biopower and how those who wield power in health crises behave. Michel Foucault's text *Discipline and Punish* offers the theoretical framework to identify those who exercise biopower in an extreme example of authoritarianism. By no means a comparison to what we continue to experience in today's pandemic, the project does aim to identify actions and ideas to avoid in order to maintain a healthy balance between liberty and protection.

## Table of Contents

Acknowledgements .....	v
Introduction .....	1
Michel Foucault .....	5
Heinrich Kramer – Hierarchical Observation .....	11
Sophie – Normalizing Judgement .....	22
Mia Holl – The Examined .....	31
Conclusion – .....	40
Bibliography .....	47

## **Acknowledgements**

I really didn't know what to expect when I decided to go for my MA in German Literature. I contemplated several topics for my thesis but found extreme relevance in this topic of health, law, and the relationship between a state and its people. I was surrounded by a wonderful group of dedicated individuals who each sacrificed something in order to help me achieve this momentous point in my life. Throughout this project, I would have never been successful without my wife, Madison. She sacrificed her time with me so that I may succeed in this program. She helped me work through some of my ideas and kept me motivated even when I thought I was nowhere. This project also would not have happened without the help, guidance, or steady hand of Dr. Necia Chronister, who sacrificed time away from her studies and her family to aid me in completing this project. She was with me from the drawing board. My parents, Chris and Stacey, who always supported me in my endeavor to learn German. I remember back to high school when my mom pushed me to take German over French and I will forever be happy that she did. Heidi Summers, who grew with me in the program, gave me the confidence I needed to be an even better educator and person. To my committee members, Drs. Sara Luly, Derek Hillard, and John Warner, who have had me in their classes for some 6 years now. Each one had a hand in my growth as an academic.

## Introduction

The conversation surrounding the role of government in times of a health emergency has never been more ubiquitous than it is today. Although scientific breakthroughs have allowed us to make general predictions about when, where, and even how a new or mutating disease can emerge, we are, at this juncture, unable to pinpoint precisely what, when, or where this may happen. This can lead to confusion as to how a government is supposed to act during health emergencies. Governments exist to protect us from outside threats. Whether these threats were other warring tribes or, as we have found out recently through our recent pandemic, the threat of microscopic organisms that can be undetected and cause death. Health pandemics certainly were not specific topics of concern when the current democracies were built, so the question remains; how far should a government's power reach into our lives in order to protect us from an ever-impending crisis? What would happen if we decided to circumvent this confusion by creating a society strictly with the purpose of protecting health and promoting a healthy population? There exists in today's social theories a metaphorical contract, often referred to as a social contract, which is deliberated upon when forming a society. This contract usually asks the people to yield some individual power to an authority by obeying the laws which are generally agreed upon and enforced by the same authority. Therefore, a social contract in a society that places health above all else would cede power to the authority to protect the people from disease using whatever means necessary. Since we cannot be certain when that will happen, how much power should the government have? What if the idea of eliminating all disease and suffering was achievable only after restricting liberty and individual freedom? What if the government convinced the people that the only way to accomplish this was at the complete forfeiture of their civil liberties, i.e.,

abdication of personal decisions like smoking cigarettes, drinking coffee, soda, or alcohol, and taking any drugs not accepted by the government? Juli Zeh illustrates this extreme possibility in her book *Corpus Delicti: Ein Prozess*.

Juli Zeh is a German lawyer-turned-author who has been publishing and writing novels since 2001. In Zeh's work, her legal mind takes us through the court scenes and utilizes legal language to build suspense in this not-too-distant dystopian future. Being a well-read student on law concerning human rights, Zeh has a unique perspective on the question of how far government, even with the best intentions, should go to protect its people.

In Juli Zeh's dystopian novel *Corpus Delicti: Ein Prozess*, which takes place in a future dystopian German society, Zeh captures the story of the once complacent biologist, Mia Holl, as she lives and struggles in a society that prioritizes physical health above everything. The Method, a term used to refer to the governing authority, has created a society free of disease and illness, but this society can only maintain its existence through a compulsory abdication of personal freedoms and individuality. The social contract restrictions include, but are not limited to, mandatory blood screening, exercise quotas, air purification tests, stool screening, and prior authorization to mate<sup>1</sup> (Zeh, 112). Zeh carefully illustrates a world in which personal freedoms and societal responsibility are pitted against one another. The more security you are guaranteed, the fewer freedoms you may enjoy as an individual. Moritz Holl, the brother of Mia and social rebel who, on principle, refuses to live by the standards imposed by the Method, has been tried and convicted of raping and murdering an innocent young woman. The Method collected DNA evidence against Moritz at the crime scene and thus sought the maximum penalty based on this

---

<sup>1</sup> In an attempt to maintain a healthy population, only pairs with approved immune systems, and which are compatible enough to produce offspring with acceptable immune systems, are allowed to mate.

irrefutable evidence. After Moritz is found dead in his cell from a suicide attempt prior to this punishment, Mia is devastated. She fails to comply with her mandated screenings and exercise quotas as she is grief-ridden from the passing of the only family she has left. The Method, as though a spider with a vast web linked to all its citizens, quickly identifies Mia as a danger to society, as she fails to comply with the scientific mandates. In the beginning, she adamantly maintains her loyalty to the Method, but through constant antagonization, Mia becomes more and more “radicalized” against it as we can see when she brazenly smokes a cigarette or outright questions Method hierarchs. Heinrich Kramer, the beloved media face and journalist for the Method, decides to wage a psychological and ideological war against Mia, both publicly and in private. The state presses charges against Mia for her violations against the social contract between the Method and its people. Her defense uses her brother’s trial as evidence that the Method not only contributed to her actions that violated the laws in question, but they were also complicit in the death and false conviction of her brother. The “infallible” Method is found to be capable of mistakes or in this case miscarriage of their promise to protect its citizens, and public confidence in the Method starts to fracture. This ruling subsequently nullifies Mia’s charges and clears her brother’s name. However, Mia develops too much confidence and becomes publicly vocal against the Method. The Method arrests her again for speaking out. This is seen as a threat to the safety of the people, and she is then sentenced to the same maximum penalty her brother received, indefinite stasis. Indefinite stasis was the work-around the Method found to maintain their dogma of protecting life. Instead of being put to death, you would be put into a frozen state for an unspecified amount of time. In the moment of Mia’s ultimate and complete cessation of liberties, she is fully prepared to become the symbol against the Method. However, right before this punishment is carried out, the Method comprehends that to punish her would make her a



martyr and consequently pardons her for her crimes and places her back into society where she will be “re-educated” to better assimilate into the Method’s society.

This novel depicts a possible example of a medical authoritarian state that exerts biopower over its citizens. Many of the below-mentioned scholars discuss the theme of biopower and how it is used in *Corpus Delicti*. What is biopower and what does it mean for a society? In this paper, I will explore biopower as it exists in Zeh’s novel just as some of these scholars have done. Max Graff in his article titled “Menschenwürde im digitalen Zeitalter: Körper, Datenschutz und Menschenbild bei Juli Zeh”, discusses how Zeh approaches issues of personal privacy and state surveillance in her novels. Graff highlights the importance of these issues through highlighting their relevance to our 21<sup>st</sup> century society. He argues that these issues attack the very foundation of human dignity. Carry Smith-Prei in her article titled: “Relevant Utopian Realism: The Critical Corporeality of Juli Zeh’s *Corpus Delicti*”, discusses Zeh’s engagement with politics in her works, including *Corpus Delicti*. Although the novel does not focus solely on political discourse, Smith-Prei analyzes parts of the text with Zeh’s history of political involvement. Patricia Herminhouse, in her article titled “Author as Public Intellectual: The Case of Juli Zeh”, delves deep into Juli Zeh’s storied political involvement and how that involvement translated into her texts. Carry Smith-Prei joins Patricia Herminhouse in a separate article by exploring an exhaustive review and analysis of Juli Zeh’s interaction with politics through her texts in an article titled “Juli Zeh and the Desire for the Political in Contemporary Literature”. Both Hans Seeber, in his article titled *The Tyranny of Health: Juli Zeh's ‘Body Utopia’ Corpus Delicti: Ein Prozess* and Heinz Preußner in his article titled “Dystopia and Escapism: On Juli Zeh and Daniel Kehlmann”, discuss the unique role Juli Zeh’s novel plays in the dystopian genre as it relates to the government’s role in regulating health. Seeber finds similarities and divergences in

Zeh's novel to those of famous dystopian author, George Orwell among others. Although *Corpus Delicti* does not call for direct political discourse, Zeh touches on philosophical themes that can be found in the time of enlightenment, a philosophical period from which we derive many of the personal and societal freedoms we possess today. Both authors argue that unlike many dystopian novels, the focus of the novel does not rest on the direct political discourse, but rather on the philosophical arguments between societal responsibilities and the individual. However, I will go further to discuss the effects the use of biopower has on a society when a government uses it in extreme circumstances. We should look no further than Michel Foucault to help us discuss what biopower is.

## Michel Foucault

Having explored the complex nature which surrounds biopower, Michel Foucault remains an authority on the subject. In order to look at the society Juli Zeh has created in *Corpus Delicti: Ein Prozess*, we will be delving deep into Foucault's book titled *Discipline and Punish: The Birth of the Prison*. Although not explicitly mentioned in his work, biopower is a later product derived from his work on discipline in this text. Aptly named, biopower is the exercising of power over life. Or in Foucault's words, biopower constituted "a power to foster life or disallow to the point of death"<sup>2</sup> (*The Will to Knowledge*, 138). However, it should not be conflated with supernatural power since it is derived from society. Foucault discusses, at great lengths, biopower as it functions in medical settings. While admitted into a medical facility, one is under constant surveillance in more than one way (*Discipline and Punish*, 172). Heart monitors, blood pressure readings, blood tests, urine samples, meticulously kept medical records,

---

<sup>2</sup> From Michel Foucault's book later published titled *The Will to Knowledge* (2006)

and even video surveillance are all used to maintain and monitor life in a strict and regulated way. These facilities have what would be called biopower. This correlation insinuates that surveillance is a type of power. Being able to readily access vast amounts of information over one individual is an exercise of power over that individual. Some of this information is unobservable to the naked eye, meaning that the observer may possess information about the observee that the observee may not even know themselves. However, *Discipline and Punish* is an attempt by Foucault to show what society could look like if governments exerted this biopower over their people, or in other words, the ability to maintain life through such a strict and regulated way that it may cause the cessation of life.

In Zeh's novel, crimes against the state are not always direct attacks on the people, but instead they challenge the very existence and doctrine of the Method, or the authority. Their dogma is a clean and purified life void of bacteria and virus. The government's mission is the eradication of any impurity that can cause a society to succumb to illness and thus, they exert biopower in very direct way. Instead of taxes and regulations, like those that were imposed throughout most of the modern human society, the Method asks for the citizens to pay with their personal freedoms, and in return the Method provides a clean environment in which people will never be sick. The Method essentially produces a hybrid model of both discipline and punishment, both the psychological and physical well-being of Mia during her time living under the Method are significantly and negatively impacted. Ironically enough, because the Method sees itself as a defender of health, it does not believe in the death penalty, but that does not stop them from torturing Mia near the end of the story. Their usage of modern science is sometimes reminiscent of a repackaged form of medieval methods. Although they do not resort to red-hot pincers and dismemberment by horse, as Foucault mentions, the Method does use torture

techniques seen in mental institutions from the 20<sup>th</sup> century such as electroshock therapy (Foucault, *Discipline and Punish*, 3). Although Mia faces the worst tortures both physical and psychological in the novel, the people themselves face daily psychological torture (Zeh, 235). Worst of all, it seems to be so normalized into society that it is allowed to continue without much resistance.

When your day is planned and accounted for, down to the minute, it doesn't leave much time for illicit activity let alone the freedom to protest. However, when this organization is used as an agent to control citizens, it also doesn't leave room for personal freedoms or even emotions (Foucault, *Discipline and Punish*, 250). It empties your mind of personal wants or personal thought. Mia Holl in Zeh's novel discovers this when she has charges brought against her for mourning the loss of her brother, a natural human reaction to death. Instead, this system forcibly conforms its citizen's thoughts and actions into self-disciplining of themselves causing them to mindlessly abide by the Method's doctrine and authority. To help explain this, Foucault introduces a three-pronged approach that authorities use to accomplish this. The first prong is titled hierarchical observation. "The perfect disciplinary apparatus would make it possible for a single gaze to see everything constantly" (Foucault, *Discipline and Punish*, 173). This is largely a state of constant surveillance over the citizens in order to inflict a psychological control over the people. One of Foucault's most crucial points is the *Panopticon*.<sup>3</sup> In a *Panopticon*, people are

---

<sup>3</sup> The *Panopticon* is a theoretical invention of brothers Jeremy and Samuel Bentham in the late 1700's. It was an attempt to maximize surveillance of inmates using the least number of guards possible. His theory came to fruition in 1813 after the British government allocated funds for one to be built to replace a failing prison under the British government. The *Panopticon* is built using a central observation deck, occupied by a single prison guard. From this single perspective, the guard can see every cell, but the inmates are unable to see into the observation deck. The inmates are never certain when they are being observed or who is doing the observations. The theory is that since

under near constant surveillance, and they are aware that they are under constant surveillance. When psychology is utilized in this way, you have people who will begin to discipline themselves, but the question remains, what is it that they are disciplining themselves to avoid?

Through this simple yet integral part of the three-pronged approach, the second prong called normalizing judgement begins to take shape (Foucault, *Discipline and Punish*, 177). In this prong and after a prolonged period under constant surveillance, the subjects start to form a norm that they are inclined to follow. Not only does constant surveillance cause the subjects to follow a norm, but they may also notice what is punished or considered unacceptable. The gray areas are quickly defined as either accepted or unaccepted and the subjects adjust to the norm accordingly (Foucault, *Discipline and Punish*, 182). This sense of normalcy is given to the subjects by those in power. Both are paired with the final prong, which is the examination. This final prong is how the authority tests and warns its subjects on how well they are complying and following the norm. (Foucault, *Discipline and Punish*, 184-185).

In Zeh's book, we see these three prongs all working simultaneously to create a medical prison system which exerts biopower over a society. The citizens are under constant and mandated medical surveillance through the forfeiture of their bodily fluids so that they may be tested. The people's freedom of speech is under strict scrutiny as they may not speak out against the Method, and they are encouraged to report those who may be practicing "unsafe" or "reckless" behavior that could undermine the safety of others. Through this constant surveillance, the Method has established a "normal" where the people know what is acceptable and what is not. In its finality, the third prong grants the Method the sole power of examining the

---

they are never certain about being observed and that they could be observed at any moment, they then will behave themselves as if they are currently being observed.

people and using constant surveillance to ensure that the “normal” is being sustained. The judicial system is the heart of the Method’s examination process. Through constant surveillance, the Method collects overreaching data on the people, and the judicial system calls them to court to question their failure to maintain the norm. Even without sufficient evidence they may be convicted of crimes against the Method. This may sound familiar to us in a variety of ways, yet this justification of protecting medical health is something that we are currently grappling with in our society today.

Jeremy and Samuel Bentham created the system called the *Panopticon*. Greek in origin, it means “all seeing” (The Bentham Project). Originally meant to make prison systems more efficient, it has since woven itself into the very fabric of our society today. If you have ever held a part time job at a restaurant or even an office job in a multination corporation, you have probably been subjected to a version of Bentham’s *Panopticon*. You are constantly being observed by your supervisor or even the employees around you if it is a highly competitive environment. Everybody is subconsciously gathering information about you to either aide you or to use against you in the workplace. Then there is the normalized standard of being a good employee or what a “proper” employee should look like. Speaking, dressing, education, political beliefs, or even how you carry yourself, all represent a standard set by someone high up in the company. Then there is the examination which may look like a quarterly review of your performance at the company. The employee gets rated on a scale in certain areas which the company deems important and then they have a meeting and discuss possible improvements which would aid the employee to become more compatible with the vision of the company’s “perfect” employee. These three prongs of the *Panopticon* can be applied to so many different facets of society and it is because it has proven to be such an effective way to manipulate and

control human behavior to resemble a normalized standard. Just think about how we present ourselves online, in public, at our jobs, with our friends, or quite literally in any segment of human social interaction and how it has been or can be affected by these three prongs.<sup>4</sup>

Through this paper, we will look at the three main characters in *Corpus Delicti*, what role they play in this society, and how they align with the three prongs of Foucault's *Means of Correct Training*. First, we will look at Mia's adversary, Heinrich Kramer, who believes and preaches the infallibility of the Method. Kramer is a major figurehead for the Method and challenges Mia not only philosophically but also emotionally and physically. Secondly, we will analyze Sophie the judge and her pivotal role in the text. Sophie is logic oriented and wants the truth and her only problem is that she believes that the Method operates in absolute truth. Lastly, we will look at Mia Holl, the one-time follower of the Method and visible victim of the limitations of personal freedoms in the text, including her ability to grieve the death of her brother. Using Michel Foucault's means of correct training from his text *Discipline and Punish*, we will explore Kramer and the Method as they surveil and observe the people, Sophie as she

---

<sup>4</sup> Is the penal system of today so different than that of the 18<sup>th</sup> century? The goal of the penal system back in the 1750's, where Foucault described the barbaric punishment of man convicted of attempting to murder the King of France, the goal was not justice or fairness. It was a show of what the state could inflict on those who stepped outside the bounds of society. It was a show for what the state's perceived role was in punishing those who broke the agreed upon rules of society. The goal of the penal system was conformity. Through Jeremy Bentham's *Panopticon* we see a continuance of this practice. The modern penal system is not seeking either justice or fairness, but rather conformity to since-changed norms and this process is no longer caged by the penal system but has been let loose on society. The tools used to control a population has changed between the 18<sup>th</sup> century and today is the process in which the state achieves this conformity, and it is through the three prongs of the *Panopticon*: surveillance, normalization, and examination. The goal of which is to produce innocuous, non-rebellious, and hardworking citizens who question nothing and are content in a life of normalized standards dispensed to them from their life's supervisors.

presides over the normalization of judgement in the society, and Mia as she is examined and evaluated on the hierarchy created through surveillance and judgement.

## **Heinrich Kramer – Hierarchical Observation**

The perfect disciplinary apparatus would make it possible for a single gaze to see everything constantly. A central point would be both the source of light illuminating everything, and a locus of convergence for everything that must be known: a perfect eye that nothing would escape and a centre towards which all gazes would be turned.

(Foucault, *Discipline and Punish*, 173)

Observation is a necessary and integral part of society, and one can infer its importance by reflecting how vastly it is used. Hospitals monitor the sick, academic advisors monitor students who are at risk of failing a course, even the entire dogma of the scientific method relies on and requires observations to prove or disprove hypotheses. However, the position of observer grants a unique kind of power over the observed and the degree of observation varies from society to society and is often altered by new techniques of observing. When discussing observations in his book, Foucault highlights the transformation of observation through the privatization of industry through the booming industrial revolution (Foucault, *Discipline and Punish*, 172-173). Technology was evolving quickly, and observations became a necessary key to industry efficiency to maximize profit. Those who were caught attempting to steal from the company, be it theft of either time or materials, would be subject to punishment to deter those who would do harm to a company. What would happen if this necessity of widespread observation was applied not by companies on employees but by governments on its people? What would happen if the perceived necessity of observation was not to maximize profit but rather compliance to government doctrine?



Although Heinrich Kramer is the antagonist of Juli Zeh's novel, it is important to note that he is not the leader of the Method, but rather its face. He fully embodies the ideals of the Method and is a journalist that frequents the morning shows and evening news to defend and promote it. The Method is both the name of the government and the scientific method that the government enforces as law as a means to an end of eliminating human disease. Its aim is to accomplish this through mandating medical and other personal information be forfeited to the government and through extreme observation. Outside of Kramer and Sophie, we seldom hear about or meet members of the Method. However, since Kramer is the face of the government and actively and openly defends the Method, we can reasonably assume, unless stipulated otherwise, that what he believes and says is on behalf of, and in compliance with, the Method.

Publicity of crimes committed holds a unique role in Zeh's novel, and thus elevates Kramer's importance in the novel as a Method sympathizing journalist. Heinrich Kramer is introduced to us when he barges into the room where a public judge is meeting with public defender Rosentreter and the state prosecutor Barker discuss crimes against the state.

Der Eintretende [Kramer] hat nicht angeklopft und scheint nicht bemüht, unnötigen Lärm zu vermeiden. Er bewegt sich mit der Selbstverständlichkeit eines Mannes, der überall Zutritt hat. ... Der Angesprochene grüßt flüchtig und versteckt den Blick in seinen Unterlagen. Kramer zupft seine Bügelfalten zurecht, schlägt die Beine übereinander, legt einen Finger an die Wange und übt sich in der Pose eines unauffälligen Zuhörers, was bei einem Mann seines Formats ein aussichtsloses Unterfangen ist. (Zeh, 15-16)<sup>5</sup>

---

<sup>5</sup> Rosentreter raises a weary hand to signal his agreement with Sophie. The gesture is barely over when the door behind him opens. The new arrival doesn't knock or apologize for the disturbance: he moves with the confidence of a man accustomed to going where he pleases. ... Rosentreter looks up briefly and buries his head in his files. Kramer straightens the crease of his trousers, crosses his legs, tilts his head, and cultivates the look of a casual observer, a difficult role for a man like him. (Spencer, 14-15)

Kramer walks through the doors like he owns the place and pulls up a chair to take part in the ongoing deliberations of minor offenses against the state. There is a noticeable disturbance of the proceedings with his arrival, but Kramer seems unphased by his disturbance. His presence seems to make everyone a little uncomfortable, but most notable is the reaction of Rosentreter, the public defender, as he seems to cower behind his notes. It isn't long before Mia's case is brought up and everyone appears to agree to let the minor offenses go with some minor corrective measures to ensure she continues her contribution to society. However, Kramer is the only one who remembers the last name Holl. She is the sister of the man, Moritz Holl, who claimed innocence in his trial where the state had DNA evidence against him, all of which pointed to a rape and murder of a young woman. The Method's claims of infallibility, specifically since everything they stand for is scientifically backed, extend to the judicial sector. Since their power to observe is so vast, they usually have scientific evidence to back their claim to, what they define as, a treasonous act against society. So, the fact that someone claimed to be innocent, even in the face of seemingly irrefutable evidence, is memorable especially to someone like Kramer who publicly ridiculed Moritz in the paper he writes for.

After Kramer's interruption, they take a second look at the case and divulge the details. It appears that Mia is suffering from loss, from grief. Her human emotion to loss has interfered with her compliance with the society's extensive and emotionless medical regulations. The state has records of her medical status including nutritional records collected from her stool, sleep patterns, blood pressure readings, and urine samples. They even know that she has ceased physical activity. These are all mandated measures the individual must comply with and failure

---

to provide them is considered a crime against the state, or to the fanatics, crimes against humanity. Mia secretly reveals to the reader that she vomited in a bowl while watching her brother's trial on the television and, to avoid the detectors in her toilet bowl of higher-than-normal traces of stomach acid, she dumped the bowl outside (Zeh, 34-35). The Method here has the power of observation in the extreme, which means they have an extraordinary power over the people. They can identify people who threaten their ideals and convict them of crimes backed by the presumed infallibility of science.

Kramer played a significant role as a journalist through the trial of Mia's brother. He helped shape the perception of the Method's "infallible" nature and painted Moritz as a crazy person, a deviant to deny the DNA evidence against him. Mia states that she thinks Kramer is the one responsible for killing her brother, even though Mia provided the fishing line to Moritz in prison which he ultimately used for suicide. However, it is interesting to think about in this sense of normalized observation. Normalized observation is one of the first steps to self-governance. This means that the people, through a massive campaign to intrude on personal liberties, have been conditioned to regulate themselves to comply with the Method's demands. They have been convinced that health is the most sacred aspect of humanity and must be protected through the government's power, no matter the cost.

The Method incorporates an extreme and modern version of the *Panopticon* through their surveillance capabilities. The Method is not starkly different, technology-wise, than what we can observe today. For instance, we have blood, stool, and urine screenings that show the presence of substances like diseases, drugs, and/or alcohol. Similarly, we have video and social media surveillance that monitor and record what millions of people think and say, and there is some technology, albeit in its infancy, which measures what is in our atmosphere. Therefore, being

able to monitor air quality and purity inside a dormitory wouldn't be out of the imagination. This means that the Method can take the theory of the *Panopticon* and apply modern technology to increase the efficiency of it. The ability of the authority here to surveil its citizens is so much more than what Bentham and prison wardens would have had access to in the 18<sup>th</sup> century. Instead of publicly disciplining everyone who individually acts out in order to reassert authority, the authority is disciplining *all* subjects through the threat of constant technological surveillance. They never see the people who are collecting and testing their stool and urine samples, they have no idea who the individual is that is testing their mandated blood samples, and they never know when the air around them is being monitored. The only time the face of the observer is revealed is when the defendant is in the court room. Even then, it isn't one judge usually, but a panel of judges. The judges have all the evidence gathered against the defendant, and no one person is responsible for the severe intrusion into their personal lives.

Kramer fills a certain niche for Zeh in her novel. Her novel is driving into the very nature of the Method and their process, and she uses Kramer and Mia to combat each other, not with physical force, but with words and philosophy. Their first meeting together lasts several chapters in the book and the main topics discussed are of reason and the Method's ideals. Kramer's visit was a product of both curiosity and an attempt to speak to Mia to preempt any thought of resistance she might have against the Method. Mia is steadfast in her belief that her brother was innocent and succeeds in making Kramer admit the fact that no government or belief is infallible, because humans are inherently fallible creatures (Zeh, 36-39). Once he realizes that Mia won't be easily swayed into compliance, his intentions become increasingly more hostile in nature. He manipulates her in a few subtle ways. One way is by telling her that compliance is the way she can continue to be in control of her life. What he means is that she should take control of her life

by letting the Method control and monitor her life. The other manipulation was to constantly give Mia just enough hope and information to question the legitimacy of the Method.

‘Ich blicke auf eine Kreuzung zwischen zwei Wegen‘. sagt Mia. ‚Der eine Weg heißt Unglück, der andere Verderben. Entweder ich verfluche ein System, zu dessen *METHODE* es keine vernünftige Alternativ gibt. Oder ich verrate die Liebe zu meinem Bruder, an dessen Unschuld ich ebenso fest glaube wie an meine Existenz. Verstehen Sie?‘ Mit einer heftigen Bewegung dreht sie sich um. ‚Ich *weiß*, dass er es nicht getan hat. Was soll ich jetzt machen? Wie mich entscheiden? Für den Sturz oder den Fall? Die Hölle oder das Fegefeuer?‘ – ‚Weder – noch‘, sagt Kramer. ‚Es gibt Situationen, in denen nicht die eine oder die andere Möglichkeit, sondern die Entscheidung selbst der Fehler wäre.‘ – ‚Soll das heißen.... Sie, ausgerechnet Sie bekennen sich zu Lücken im System?‘ – ‚Selbstverständlich.‘ (Zeh, 39-40)<sup>6</sup>

In the heat of debate, Mia is describing her dilemma. She can either betray her brother or betray what she thinks is and has been so far proven to be, the only rational option for conducting a society, the Method. These are the only two ways forward that she can envision, yet she knows in her bones that her brother did not commit these crimes. However, if she believes that her brother is innocent, then that means that the infallible system, which she believed in up until this point, is indeed flawed, since these two things are mutually exclusive. Kramer answers her confusion by saying these are not her only options and that in some situations, the error is in the making of a decision in the first place. As Mia immediately realizes, this means that Kramer

---

<sup>6</sup> ‘From here I can see two paths,’ says Mia. ‘One is marked misery, the other ruin. I can curse a system founded on a Method to which there is no rational alternative; or I can betray my love for my brother, whose innocence seems as clear to me as the fact of my own existence. Do you see?’ She swings around violently. ‘I *know* he didn’t do it. What course should I take: hell or damnation? Should I fall or should I fall?’ ‘Neither’ says Kramer. ‘In certain situations, the error lies not in the choices you make, but in making a decision at all.’ ‘But ... are you of all people telling me there are flaws in the system?’ (Spencer, 31)

is conceding the Method to be flawed, but he recommends that the best thing to do is just ignore this outlier of a case and continue on. Essentially, Kramer is acknowledging the death of Moritz, yet insists on the fact that it was an outlier. Kramer's belief in the system is unshaken, but this shattered what remained of Mia's belief.

Leading up to Mia's trial for anti-Methodist actions, Kramer emphasizes and utilizes the rhetoric authorities use when their people start to lose confidence in their leadership, the rhetoric of fear. Just before Mia goes to trial, Kramer publishes an article which blames the recent rise in "terrorist" threats on Mia's brother and concurrently associates Mia with her brother, a relationship that had been kept secret until now. This is yet another use of power over people in this society through information collection. Information gathered through surveillance is even more powerful when those that hold the information also control the flow of that information. Kramer obviously knew this fact since the beginning and the government undoubtedly knew this since they have all biological and medical histories of their people. Whether Kramer knew that this would make her a martyr for the terrorists is uncertain, but what is certain is that he was attempting to use this otherwise undisclosed information to sway the public's opinion of Mia leading into her trial. However, he is not the only one hoarding secrets. The first time we see Kramer behind the curve is the only time he doesn't seem to be in control of the information.

Unknown to Kramer, Rosentreter, who is Mia's defense attorney, has uncovered information about bone marrow transplants. Bone marrow transplants are recognized as the best way to treat leukemia in young children, and Moritz was cured of leukemia using this procedure as a young boy. When Rosentreter asks the judge if the files and findings from Moritz's trial could be admissible in this trial, Kramer realizes immediately where this is going. When the judge agrees to allow Moritz's trial findings to be admissible in Mia's case, Kramer becomes

vocally and physically angry. Mia even mentions that he looks like a man who, for the first time in his life, is not in control of the events unfolding in front of him<sup>7</sup> (Zeh, 166). Rosentreter, after building up sufficient tension, finally reaches his point which is that those who undergo bone marrow transplants end up sharing identical DNA to the donor - meaning that Moritz's DNA is identical to that of his donor. The donor, having no personal ownership to his own bodily material and who was a known violator of Method laws, was forced to "donate" his bone marrow to Moritz, as he was the most compatible donor. Thus, it was the donor, Walter Hannemann, not Moritz, who raped and murdered Sibylle Meiler, the woman Moritz was charged and convicted of killing.

The proven fallibility of something as commanding as DNA evidence is the actual threat to the Method. Not "terrorists" who refuse to comply, not Mia who has developed sincere reservations about the Method, not Moritz who was the tragic victim of the Method's "infallibility," but the fact that the system itself is inherently flawed, and an innocent man was convicted of something he did not do based on evidence that was considered absolute. The system neglected nuance. Although the nuance was small and complex, the small lapse in information allowed for the miscarriage of justice which brings with it the permanent stain of discreditation of the system. This is inherently the flaw of any system that preaches infallibility. Even something as grounded as science, facts can often change. Kramer even went as far to say that emotion is no way to govern because whose emotions should we base our society around? Science, although widely respected and easier to prove correct or false, carries a similar consequence. Whose scientific teachings and findings do we base a society around and what happens when scientific knowledge shifts or is challenged or manipulated?

---

<sup>7</sup> „Er wirkt wie ein Mann, der zum ersten Mal im Leben vom Lauf der Ereignisse überrumpelt wird.“

As the chaos ensues all the characters are lost in the shuffle in the court room. But this is not the last we see of Kramer and his use of surveillance. After Moritz is posthumously found not guilty for the crimes he was convicted of, Kramer pays Mia a visit. During this visit, Mia gives him a lengthy statement which, once posted by Kramer, emboldens 10,000 people to take to the streets and protest the Method. Kramer knows that the Method's ability to control the situation is to have her in a controlled environment, and they arrest her again. Kramer even admits in their next conversation that they were bugging all her conversations while in custody, which normally isn't allowed, but Mia has been deemed an enemy of the state and therefore the government has granted emergency powers to surveil her. Even though the power of the Method is very broad, they are granted even further power considering what they declare an outstanding situation. While being deprived of food and social interaction, Mia is slyly trapped into a recorded "confession" where she is associated with her brother and an anti-government terrorist organization. The plan all along, according to Mia's forced confession, was to take down the Method by fabricating a situation in which the Method looked fallible. No doubt an attempt to spin the situation to shift blame on to a fabricated terrorist group.

Kramer's use of surveillance on Mia is occurring right in front of us as they have their argument in Mia's cell. He gives her tubes of protein as she has been deprived of food while being held captive there. She accepts them without hesitation, but after they have concluded their conversation, Kramer picks up her tubes with a plastic bag, being careful not to touch it with his bare hands. A few chapters later, it turns out that more evidence has come out against Mia as the Method Defense, or the military wing of the Method, found what the equivalent of weapons of mass destruction would be in her apartment: bacteria. Kramer helped plant evidence against her by collecting the protein tubes, which have her DNA and fingerprints on them, and having those



tubes filled with dangerous substances that a biological scientist might normally work with. The Method has used circumstantial evidence to procure a search warrant for her apartment where they planted hazardous material and drawings of the city's water lines. Shortly after this makes the news, those that were supporting Mia through her trial are no longer in the streets protesting on her behalf. When the government controls the media and the mechanisms of surveillance, any story they produce will be easy to agree with, because their facts are all the people know. They will have facts, whether they be fabricated or genuine, and with that power they can make anything a reality.

Foucault's description of the way the authorities handled a plague-induced lockdown in the late 1600's is not unlike the modernized version of the Method. Foucault's unnerving illustration of events that occurred during this lockdown point toward the idea of the Panopticon, where Foucault believes its origin can be found. During the time of this plague which took place at the end of the 17<sup>th</sup> century, it was common practice for the authorities of the time to lock down entire cities to precisely locate and quarantine the plague to keep it from spreading.

First, a strict spatial partitioning: the closing of the town and its outlying districts, a prohibition to leave the town on pain of death, the killing of all stray animals; the division of the town into distinct quarters, each governed by an intendant. Each street is placed under the authority of a syndic, who keeps it under surveillance; if he leaves the street, he will be condemned to death. On the appointed day, everyone is ordered to stay indoors: it is forbidden to leave on pain of death. The syndic himself comes to lock the doors of each house from the outside; he takes the key with him and hands it over to the intendant of the quarter; the intendant keeps it until the end of the quarantine... Inspection function ceaselessly. The gaze is everywhere (Foucault, *Discipline and Punish*, 195).

During the pandemic of this plague, the authority essentially restricted what little personal freedom the people had to begin with. Violations of individual freedoms were not an outrage in

the 17<sup>th</sup> century before the enlightenment. Obligatory inspections, constant wellness check-ins, and threat of death to those who violated the authority of the state. This then offers a major conflict that arises in the relationship between the state and its people. This takes place before liberal society and the enlightenment engulfs the world. The capricious revocation of the normal way of life was not just accepted, but occasional. The people had very few rights and liberties protected from government annulment.

Surveillance gives the surveyor distinct power over the surveilled. Surveillance for power is often more effective when the surveilled know they are being watched, but surveillance for use is more effective when the surveilled do not know they are being watched. For example, the Method records Mia talking to her lawyer when she probably assumes it is in confidentiality, and this information is most useful when used against her. However, Mia knows that she is living in a monitored house where everything is measured, recorded, and collected and this surveillance is most effective in making people govern themselves. Regardless of reasoning, having the power of observation coupled with the ability to use that information indiscriminately, makes for a tremendously unbalanced system. This novel shows that under the means of correct training, it doesn't matter if a government is proven to have had a miscarriage of justice if they are free to employ a massive, overreaching system of surveillance to correct the narrative. They can effectively fight back any perceived slander by conjuring or using their vast collection of knowledge that might otherwise be unknown to the public. They use Kramer and the press to accomplish this.

## Sophie – Normalizing Judgement

But discipline brought with it a specific way of punishing that was not only a small-scale model of the court. What is specific to the disciplinary penalty is non-observance, that which does not measure up to the rule, that departs from it. The whole indefinite domain of the non-conforming is punishable: the soldier commits an “offence” whenever he does not reach the level required; a pupil’s “offence” is not only a minor infraction, but also an inability to carry out his tasks. (Foucault, *Discipline and Punish*, 178-179)

To set boundaries and guidelines, an authority must consistently apply punishment to those who do not conform. Even in fictional utopias, perfection is never achieved. Finding fault where there is none is one of many ways an authority holds power over its people (Foucault, *Discipline and Punish*, 178). This perpetual punishment of even the slightest infraction of the rules is evidence of, among other things, an imbalance of power. These “micro-penalties” as Foucault calls them, insinuates that the authority has some moral superiority over its people and that everything they are correcting their people on will lead to a perfect society. Foucault gives an example of the schools and the military using this method. “The workshop, the school, the army were subject to a whole micro-penalty of time (lateness, absences, interruptions of tasks), of activity (inattention, negligence, lack of zeal), of behavior (impoliteness, disobedience), of speech (idle chatter, insolence), of the body (incorrect attitudes, irregular gestures, lack of cleanliness), of sexuality (impurity, indecency)” (Foucault, *Discipline and Punish*, 178). There is a strong correlation between this normalization of the correct body from Foucault and *Corpus Delicti*. The character Sophie, the judge, in *Corpus Delicti* takes on a role that gradually yet significantly changes over time. At first, Sophie plays this role of “norm enforcer” by cracking down and enforcing the rules, defined by the Method, on those deemed to be a deviant to the

system, but later her part evolves to become the very thing she was tasked to protect the Method from, a deviation of the system.

The role of the judiciary, and by extension Sophie, in Juli Zeh's novel is that of normalizing judgement. The judiciary has been given a broad range of powers to surveil and collect incriminating evidence on their people. Instead of justice or fact guiding the numerous judges in their deliberations, they are instead guided by the wants and power of the authority, handing down what the authority has defined as justice through normalized judgement. This becomes apparent in Sophie's attitude toward Mia, as it changes throughout the story. The first time Mia and Sophie formally meet is during Mia's first court hearing when Mia is found in violation of health guidelines demanded by the Method. The grief Mia experiences after the death of her brother has become too much for her and she fails to comply with regulations. Mia refuses to accept any intervention on behalf of the Method, claiming that her situation is a private one and requires a private solution. Sophie's astonishment is obvious as this is far from the orthodox opinion one should possess living under the Method.

After a small dialogue between the two, Sophie hands down the lightest sentence possible on Mia which is to make up the missed samples. There would be no mediation on the condition that Mia promises that she will avoid any other infractions against the Method. Although not vital to the development of the plot, this proves what Foucault argues is crucial to the means of correct training. The goal of the correct training, according to Foucault, is not for the authority to arbitrarily punish their citizens, but to train them to abide by the desired rules. To achieve this, you must implement what Foucault calls a gratification-punishment system.

[I]t is this system that operates in the process of training and correction. The teacher must avoid, as far as possible, the use of punishment; on the contrary, he must endeavor to make rewards more frequent than penalties, the lazy being more encouraged by the desire

to be rewarded in the same way as the diligent than by the fear of punishment.  
(Foucault, *Discipline and Punish*, 180)

Sophie is rewarding Mia, not for her negligent actions, but for her historical lack thereof. Mia obviously wants to be left alone, and although Sophie knows this is not possible, she allows Mia to make up what she has missed, and no further intervention will be required.

However, two days later Mia must appear in front of Sophie again for abuse of toxic substances: smoking a cigarette in memory of her brother. Sophie, believing that Mia is starting to take advantage of her goodwill, becomes noticeably frustrated. However, through her anger, she feels inclined to give Mia the benefit of the doubt. For some unknown reason, Sophie continues to give Mia every chance possible to correct herself. Sophie implements what Foucault has described, reward instead of punishment. She is more inclined to win the trust of her subjects and reward rather than punish. From the viewpoint of Mia, however, this image of Sophie is not accurate. Sophie is part of the system that Mia is increasingly distrusting. Mia does not seem to acknowledge any of the olive branches that Sophie extends to her and instead sees Sophie as complicit in the death of her brother.

The first time Mia noticed Sophie is well before her first court appearance, in fact, during Moritz's trial. „Mias Gedächtnis zeigt Sophie als eine von vielen schwarz gekleideten Puppen in den Kulissen einer Geisterbahn, ganz hinten im Windschatten des Schwurgerichts sitzend, halb verbogen vom vorsitzenden Richter, den Beisitzerin und Protokollanten“ (Zeh, 53). This subconscious remembrance of Sophie details the mindset of Mia in the moments leading into her trial. She remembers Sophie from her brother's trial and refers to her and the other judges of the

judicial system as “*Puppen*,” which in English could mean either puppets or mannequins<sup>8</sup> (*The Method*, 40). It is important to note that these two translations could be interpreted differently. While both terms can be used rationally, both come with their own separate connotations. Being a puppet has the notorious characteristic of being void of life or in some cases the antithesis of humanity. Puppets are often manipulated by a human to tell a story. If Mia sees them as puppets, then this could be interpreted to mean that the justice system and all the members that make up the justice system are just another tool of the Method, manipulated to ensure certain outcomes or to tell the story they want told, both of which would favor the “infallible” Method. The other interpretation that can be drawn here is the term mannequins. Although still void of life and self-determination, mannequins have the added connotation that something is being manipulated in a way to sell something. When one thinks of a mannequin, the first thoughts might be of a department store mannequin that has been carefully and artfully positioned in a way to maximize the sale of some product that the mannequin is wearing or displaying. This interpretation would essentially argue that the judges are manipulated by the Method to appear like they are fair and impartial to convince the public that they are fair and impartial, but secretly the judges are being commanded and guided to the result that the Method wants. Neither of these definitions accurately portray Sophie’s role in the story, as Sophie herself becomes a deviation from what the Method has deemed normal for how a judge should act.

In the beginning, however, when Sophie is contemplating whether Mia’s case merits intervention, Mia’s negative opinion of Sophie is not without merit. Kramer, who insists there is more to Mia’s case than what may appear, proceeds to persuade Sophie into bringing a civil case

---

<sup>8</sup> For purposes of finding an agreed upon translation for certain terms, I used a translated version of *Corpus Delicti* called *The Method* which was translated by Sally-Ann Spencer.

against Mia for her crimes against the Method. This is nothing less than interfering with judicial proceedings to bring about the decisions the Method wants. This process of judicial interference seems to have been normalized since Sophie is easily persuaded by Kramer, the face of the Method. His opinion carries power as he is the mouthpiece of the Method. The ability of a state sponsored reporter to push a judge into a ruling is the very image of manipulation.

Sophie certainly makes comments that show her bias. „Frau Holl, Sie werden sich nicht an mich erinnern, aber ich kenne Sie. Ich war Berichterstatterin im Prozess *gegen* ... ich meine, *wegen* Moritz Holl“ (Zeh, 52, italics added). In this scene, the use of “*gegen*” here stipulates that the trial was ‘against’ her brother and then she corrects herself to say “*wegen*” which changes the meaning entirely to the trial ‘of’ her brother. If an honest and unbiased judge in an open and free democracy claimed to be a part of a case ‘against’ one of the defendants in their courtroom, they would have been immediately removed from the case, if not also removed from their position as a judge. That type of comment, even as a Freudian slip, violates the very nature of impartiality. This is indeed the job of a judge; to be an honest and impartial third party that enforces mediation between two or more parties that have some legal conflict in need of remedy. However, this small yet important gaffe in speech reveals what may be the normalized position of the judicial system under the Method, the position of protecting the Method’s ideology and enforcing it on the people. This severely limits the actions and possibilities of those wrongly accused of crimes against the Method and shows up as a minor crack in what appears to be an impenetrable wall. With a comment such as this, Sophie knows that the Method has solidified its stance on Moritz, as the crime he was accused of was so heinous that it impacted the very dogma of what the Method claims to be and what it claims it has the absolute right to protect its citizens

from. They could not simply let such a horrid transgression go without making a spectacle out of it to discourage other potential rule-breakers.

Although portrayed as a mannequin by Mia, Sophie animates herself from this lifeless description in assisting Mia in proving the Method to be fallible. Throughout the entirety of Mia's trial, which litigates her supposed crimes against the Method, Sophie gives Mia the benefit of the doubt more than anyone in the Method ever has. Sophie allows Mia's defense lawyer, Rosentreter, to file unorthodox motions and even allows Mia to speak her mind with considerable freedom. The narrator describes Sophie on numerous occasions as being an intelligent young woman who wants to do good and strives to be the best judge she can be. On occasion during Mia's trial, this attempt to allow justice to be served starts to tarnish her reputation in the Method, thus making the selection of Sophie to be the normalized punisher ironic, given that she deviates from what the Method wants its judiciary to be and is later ostracized for it. This creates an interesting dichotomy between justice and truth. From the beginning, Sophie takes pity on Mia and her situation. This pity takes the form of minimal intervention to correct her failure to produce medical samples required by law. Had it not been for Kramer's intervention, this would have been the end of the story. There is no question that Sophie believed in the Method and was adamant that it was necessary to enforce their regulations, but Sophie's intellect, curiosity, and willingness to reward instead of punish, were critical in allowing the destruction of the Method's image of infallibility.

When the state prosecutor motions to have Mia's testimony cited out of context, Sophie says: "Abgelehnt... Lassen Sie die Angeklagte ausreden"<sup>9</sup> (Zeh, 68) Her frustration with the state prosecutor is a prime example of when Sophie is starting to deviate from her normalized

---

<sup>9</sup> *Denied... Let her tell her statement in full.*



role in the Method's judiciary. She is starting to fight against the Method's ability to say whatever they want to frame things a certain way. Sophie's frustration peaks in the chapter titled "Der Hammer"<sup>10</sup> where Mia is in and out of what appears to be a dream state and her lawyer is asking for the penalties incurred from the abuse of toxic substances be dropped. "Sie hat zum zweiten Mal in die futternde Hand gebissen. Sophies Hand."<sup>11</sup> Although she has allowed Mia plenty of freedom, her inclination to continue is certainly stressed at times. Mia is unwilling to accept any help from the system she is beginning to loathe. This scene also sharpens the image of the background problems Sophie may be encountering. Sophie resorts to screeching and showing blatant frustration with how Mia is handling herself and even alludes to her peers criticizing her for her extremely lax penalties for her crimes. Although she outright denies their motions to dismiss these penalties, it is important to note that Barker, who is the state prosecutor, tries to take advantage of Sophie's frustration and weaponize it against Mia, but Sophie continues to be fair and just to Mia.

All this emotion boils over in the last chapter in which we really interact with Sophie, titled "Der Härtefall."<sup>12</sup> At this moment, Sophie is steeped in frustration, and her tell-tale sign of chewing on the end of her pencil shows she feels uncertain about the conclusion of this trial. She has thrown out the established judicial procedure the Method demands of a judge during a trial. This abandonment of this norm is not the culmination of recklessness, but rather of curiosity and a drive for truth. She is intrigued by the very notion that the Method is fallible and believes that the only way of finding out the truth is taking this argument and trial to its natural conclusion.

---

<sup>10</sup> The Gavel

<sup>11</sup> *For the second time she had bitten the hand that fed her. Sophie's hand.*

<sup>12</sup> *Exemption*

Only through exhaustive consideration can the truth be revealed. This makes Sophie a deviation of what the Method wants for a jurist. Kramer and the Method are aware of the danger Sophie has placed them in and we are introduced to the two other associate judges for the trial. It is unclear if this is procedure or the Method reacting to the situation. It is clear, however, that Sophie has become impatient with Barker overstepping his bounds in exaggerating Mia's situation. Twice, she snaps at him to just read the charges and not oversell the prosecution's case against her, a probable deviation for Barker as he is no doubt used to the judge being on their side. Sophie seeks truth, not the usual pompous and entitled notion that the defendant is guilty until proven innocent. However, Mia and Rosentreter are not immune to her cynicism either. Both parties are pushing their luck with a judge who is on the verge of anger for the first time. It is also unclear whether Sophie's frustration is aimed more at the Method or at Mia and her defense.

Mia then is offered to use her "pedestal" to explain what she believes. In this short monologue, she talks about revolution and the many revolting against the few. Revolution to Mia is a natural occurrence, one that can be observed in nature and that it is a necessary action in certain situations (Zeh, 158). Mia is arguing that in order to keep leadership of a society in check, there must be revolt to ideas that threaten the society's purpose. In this case Mia is becoming ideologically similar to Moritz in believing that the purpose of human life is to live and experience life, even if that means risking health and safety. Sophie takes from this something no one else does. She believes Mia was talking about the futility of revolution: every human is equal and therefore there would be no sense to revolt against your equals. Astonished, the associate judges complain that she just admitted into evidence testimony that calls for revolution, a far cry from the limitations of protected speech that exist for the citizens under the Method. Then, in the

culmination of Mia's monologue, she suggests that the Method isn't keeping its end of the social contract; she believes it killed her brother instead of protecting him. Barker loses his demeanor in demanding the court take action against her dangerous speech. That's when it all changed.

Rosentreter, who had hardly been present for all this commotion, joins the conversation to prove the defense's case considering the state's allegations. He calmly requests that the evidence collected in Moritz's case be admitted into this case as evidence. To everyone's bewilderment, Sophie agrees on the grounds that Moritz's case is mentioned in both the prosecution and defense's case. Even though the narrator alludes to the fact that the associate judges would be angered by dragging the trial out, Sophie believes it is the best thing for the truth. This background illumination hints at the fact that normal judges would want an expedient trial, in which they would have failed to hand down proper justice. Sophie took a risk by letting Rosentreter use evidence from such a highly political case and is noticeably nervous when he starts making a longwinded monologue that doesn't seem to be going anywhere.

Everyone from the Method is now demanding that he stop his rambling speech and then from the gallery, rises a voice that demands Sophie to end the performance. That voice is Kramer, the only one who understands where Rosentreter is going, however, he is shouted down by Sophie on the basis that he has no part in this proceeding. This final act of deviation brings her arc to an end. Sophie has now shattered any notion of normalized behavior by a Method judge. At the first sign of Kramer being powerless, Rosentreter continues, much to Sophie's astonishment. This runaway train has traveled past Kramer's abilities to stop it. Rosentreter successfully finishes his defense, which is that the Method failed Moritz and in turn Mia by not disclosing the possibility of DNA being transferable upon bone marrow transplants, which Moritz had received as a child to combat leukemia. Sophie, upon this discovery and amid the

chaos in the courtroom, actually weeps in the face of the evidence that this system of government is indeed fallible.

For the remainder of the novel, Sophie is then only mentioned a few times, when the narrator discloses that she had been transferred to a different court. Bound by her determination for truth and reward-based governance, Sophie allows the slip in the perfect system which proves the systems infallibility. There is little debate around the fact that Mia is a deviant to the Method, but for the person who judges what is normal, who penalizes those who deviate, for that person to also be an aberration to the system is undoubtedly ironic.

### **Mia Holl – The Examined**

“The examination combines the techniques of an observing hierarchy and those of a normalizing judgement. It is a normalizing gaze, a surveillance that makes it possible to qualify, to classify and to punish. It establishes over individuals a visibility through which one differentiates them and judges them. ... At the heart of the procedures of discipline, it manifests the subjection of those who are perceived as objects and the objectification of those who are subjected.” (Foucault, 184-185)

Examination is the product of observation and normalization of judgement. Foucault defines examination as a highly ritualized process in which systems of observation with established or normalized judgements can use the knowledge and power of their position to create truths and through these truths the system can punish or discipline people who fall under their surveillance and deviate from the accepted norm (Foucault, *Discipline and Punish*, 184-185). We can see elements of examination in the scientific method as a way to gain knowledge and sometimes power in the natural world, and as Foucault refers to throughout this chapter, we can also see how this process of gaining knowledge and power has been adapted to other societal

structures such as education and medicine. In the scientific method, we observe a phenomenon, and we seek to understand or explain it. We use our ability to think rationally to normalize what to expect from experiments and to create hypotheses which attempt to answer what might cause these phenomena. In the end, we examine our findings and determine whether or not our hypotheses were correct or incorrect. However, when this system is monopolized by an ideology or agenda it could lead to a system that can invent truths. Rational thought is therefore eroded by a need to maintain what has been normalized through a process that punishes deviation or individuality.

Throughout the text, we are exposed to how extensive the observational powers are by Kramer and the Method and how Sophie and the citizens of the Method enforce a normalized expectation of life under the Method. If you deviate from what is normal or expected, you are then open to examination and classification by the Method where any and all evidence they have observed will be used against you in order to prove you are a threat to their system. Mia and her brother Moritz are an embodiment of the Method's ability to punish and discipline their people through open and hostile examination of their actions that deviate from the accepted norm. It is important to note the difference between discipline and punishment. The Method's ability to discipline their people comes from the fact that people know that they are being observed. If the people know that they are being observed and they know what is expected of them, they will self-discipline themselves to act accordingly or face punishment. Punishment in this instance, is when an observed person is caught deviating from the norm or violating any part of the health regulations set forth by the Method, and publicly admonished and charged for that deviation using evidence gathered through observation.

Before we can delve into Mia and her examination by the Method, we must discuss the novel's original deviant. Moritz and his criminal case are the basis for the whole text and subsequently shows the fallibility of the Method's system itself. Unlike Mia, Moritz refuses to comply with the Method out of principle. He frequently and intentionally breaks regulations of the health code such as having unauthorized sexual encounters, congregating outside sanitized zones, and partaking in unauthorized substances like alcohol and drugs. He has taken the identity of a free spirit and chooses to live outside of the Method's accepted norms. Once, while Mia and Moritz fought over their differing ideologies, Moritz passionately argued:

Im Gegensatz zum Tier kann ich mich über die Zwänge der Natur erheben. Ich kann Sex haben, ohne mich vermehren zu wollen. Ich kann Substanzen konsumieren, die mich für eine Weile von der sklavischen Ankettung an den Körper erlösen. Ich kann den Überlebenstrieb ignorieren und mich in Gefahr bringen, allein um des Reizes der Herausforderung willen. Dem wahren Menschen genügt das Dasein nicht, wenn es ein bloßes Hier-Sein meint. Der Mensch muss sein Dasein *erfahren*. Im Schmerz. Im Rausch. Im Scheitern. Im Höhenflug. Im Gefühl der vollständigen Machtfülle über die eigene Existenz. Über das eigene Leben und den eigenen Tod. Das meine arme, vertrocknete Mia Holl, *ist* Liebe. ... Was soll denn das Ziel dieser Sicherheit sein? Ein Dahinvegetieren im Zeichen einer falsch verstandenen Normalität? (Zeh, 92-93)<sup>13</sup>

---

<sup>13</sup> 'Unlike an animal, I can rise above the compulsions of nature. I can have sex without wanting to reproduce. I can decide to take substances that unchain me from my body and allow me, temporarily, to be free. I can disregard my survival instincts and place myself in danger, for nothing more than the challenge and the thrill. To be human, it isn't enough to *exist*, if to exist means simply being here in this world. Man must *experience* his existence. Through pain. Through intoxication. Through failure. By soaring as high as you can. By apprehending the full extent of your power over your own existence – over life, over death. That, my poor, withered sister, is love.' ... What's the point of being safe if we vegetate for the rest of our lives to satisfy someone's warped idea of the norm? (Spencer, 69-70)

Life, argues Moritz, can only be truly experienced through failures and successes, ups and downs, with risks taken by the individual and not dictated by an authority who claims moral superiority to overrule you on what is best for you. If mitigating risks is the ultimate goal of the Method, why not just suspend everybody in an elongated stasis, frozen in time with a near zero chance of biological contamination? His actions and beliefs unsurprisingly lead to him being identified and charged with crimes against the Method. His DNA was found at the scene of a murdered young woman. His case was handled routinely by the Method, but unlike nearly all people charged with crimes by the Method, Moritz continues to deny his guilt in the matter. We don't think much of this when we read it, simply because we see people plead "not guilty" every day in a courtroom. However, the Method has normalized society in such a way that claiming innocence in spite of scientifically collected evidence calls into question your mental health. The Method's claim to infallibility has been established as undeniable truth and any discussion to the contrary is viewed as being void of reason. The media, led on by the Method, took the opportunity to quantify Moritz's insanity. Examinations used in the context of Foucault's "means of correct training" are used in order to show deviation from accepted norms, but Moritz's trial and refusal to admit to "proven" guilt obliterated any notion of accepted normality.

The conclusion of Moritz's time in confinement ends, ultimately, in his suicide, which solidifies his martyr status for those in favor of overthrowing the Method's policies. The beginning of the story finds Mia in a state of grief after all of this has transpired. Postmortem, Moritz gifts Mia an entity which Zeh calls "die ideale Geliebte" or "the ideal inamorata<sup>14</sup>" (Zeh, *The Method*, 25). This imaginary friend plays a significant role in helping Mia cope not only

---

<sup>14</sup> For purposes of finding an agreed upon translation for certain terms, I used a translated version of *Corpus Delicti* called *The Method* and translated by Sally-Ann Spencer. It was translated in this edition as "ideal inamorata".

with the death of her brother, but also in her shift in ideology against the Method. She appears in the text only to Mia, as Moritz gifted her to Mia in the event of his arrest, and it contains the life, thoughts, and beliefs of Moritz. He had “created” this entity before his death and she was to mimic an ideal partner for him, someone who would have been 100% compatible to him and what he believed.

Juli Zeh uses “die ideale Geliebte” to aid in the ideological transition of Mia away from her pro-Method beliefs and towards individuality. As if this entity was an imaginary friend to Mia, they would have interactions during conversations with Kramer and that would lead to his confusion as to whom she is referring. These interactions would range from sharing fond memories with Moritz to in-depth ideological discussions about flaws in Kramer’s reasoning. They have long-winded conversations that often overlap with Mia’s conversations with other characters. The “ideale Geliebte” provides Mia a constant reminder of what her brother believed and died for, freedom. Mia is often conflicted with this persona and only later in the story becomes more accustomed to their thinking. This figure plays an interesting role in Foucault’s examination, because it is the one part of Mia that is safeguarded from examination. The dialogues between Mia and the “ideale Geliebte” all transpire in Mia’s mind, sheltered from the far-reaching probes of the Method. This sheltered personality aides in Mia’s transition away from the ideology peddled by the Method and toward Moritz’s belief of liberty.

Although Sophie is represented by the prong of normalizing judgement in this system, we can see through certain scenes with Sophie the extent to which the Method surveils their citizens and we can compound those observations with Sophie’s ability to normalize what is accepted. In these moments we can see examination at work. The first time we see Mia and Sophie in the same room is for the first formal civil hearing regarding Mia’s refusal to comply with the



Method's mandated prophylactic measures. The system of the Method has been built so that people do not often question or deny the direction they are given. Sophie, being the talented judge that she is, makes sure that Mia understands this social contract of the prioritization of health above all else before going into the proceedings of her case. Mia demonstrates that she does understand this goal. Mia says, humans are faulty just like most inanimate objects, but unlike those things that need to be repaired, humans cannot be so easily taken apart cleaned and returned to their former state. Therefore, the system is necessary to maintain human health for you and everyone around you. Once this observation has been made, Sophie moves on and asks Mia why she has not submitted her mandatory materials. Mia apologizes half-heartedly. This takes Sophie aback and her reaction is what we the reader must use to measure what normal reactions are. She cannot fathom why Mia is refusing mental health rehabilitation in the face of these minor but unacceptable lapses in compliance. Mia's answer is that it is a personal matter, and she will handle it as such.

This notion of individual solutions and free will is not only unacceptable, but it also tears at the very fabric of the Method's society. Selfishness when it comes to health is detrimental to everyone's health. This goal must be achieved with the system's direct intervention which seems to overrule the individual's wants or personal preferences. Sophie argues that since your personal benefit is aligned with the greater benefit of eradicated disease, the individual should blindly comply with the measures. This close tie between individual and public good leaves zero room for selfish endeavors like "personal matters."

'Frau Holl' ruft Sophie, ,wissen Sie, wovon Sie da sprechen? Kennen Sie körperliche Schmerzen, die in der Lage sind, Ihnen den Verstand zu rauben? Wissen Sie, was die Leute in früheren Zeiten durchgemacht haben? Leben bedeutet, sich beim langsamen Sterben zuzusehen. Jeder Schritt in die Welt konnte ein Schritt ins Verderben sein, jedes

Ziehen in der Brust oder Kribbeln im Arm der Anfang vom Ende. Die Angst davor, an sich selbst zugrunde zu gehen, war den Menschen ein ständiger Begleiter. Das *Wesen* dieser Menschen war die Angst. Ist es nicht ein großes Glück, diesen Zustand überwunden zu haben? (Zeh, 57-58)<sup>15</sup>

Sophie continues her argument by explaining the suffering observed in previous societies. The audacity to question this system, which provides health and longevity, is not well taken. Sophie continues Mia's examination by applying new guidelines that Mia must follow. She has been put on notice and will now be watched even closer to ensure her deviance from the system does not occur again or worsen. The normal has been broken. Mia has now decided that the only way forward is to achieve martyr status in this society. Only through shattering the Method's established normal can Mia reveal how backwards the morals are in this system.

Once Mia pushes the Method to their limits, we can see just how examined she has been. Mia initiates this intense examination by refusing to both comply with their rules and comply with their "deals." Mia believes that if the Method is forced to defend its every action, the people will see that the system is nothing more than one of unbalanced power over the people. She fully intends to push the Method as far as possible and that may include her death as an option. The examination process has already identified her as a threat to the normal, accepted way of life. The question of how far they will go to correct her deviance remains. They tried the court system

---

<sup>15</sup> 'Frau Holl,' exclaims Sophie, 'do you have any idea what you're talking about? Have you ever felt physical pain so intense you feared for your mental health? Do you know how dreadfully people suffered in the past? They watched themselves die by degrees and they called it *living*. Every step of the journey was a risk, a step towards perdition; a twinge in the chest, a tingle in the arm, and the end was in sight. People lived in constant fear of foundering on themselves; fear was *life* for these people. For humans to have risen above this condition is a blessing, don't you think?' (Spencer, 45)

and she proved them to be fallible. They appeal to her sense of ego by explaining that her failure to comply with the Method's prophylactic measures will lead to others not complying and that will ultimately result in a pandemic of sorts. They even admit that humans have gone such an extended period without disease that their immune systems would be extremely vulnerable. Once that fails, the Method attempts to correct her thinking by using an antiquated and well-known technique which aims to alter one's beliefs, electro-shock torture. Although the Method claims to have technological superiority in the medical field, they certainly have no trouble resorting to electro-shock therapy to torture Mia into submission. The means justify the ends with a totalitarian system in which the system requires compliance in order to function. The Method would resort to anything to brainwash their citizens to believe that their way was not only the best way, but that it was the only way. While still seizing from her electro-shock therapy, Mia shows that her deviance has been unaffected when she digs the microchip out of her arm with a needle and hands it to Kramer. She refuses to comply and is righteous in her knowledge that the more the Method puts her through, the larger her martyr status will grow and the less power the Method will have. The last straw of her examination comes in the final court scene when she makes a mockery of the trial. Dazed and barely conscience, Mia laughs, jeers, boos, and applauds throughout the trial as if she is in a front-row seat at the carnival. She pushes the judge past his breaking point, he concludes the trial, takes out an envelope that contains her verdict, as if her conviction has already been decided before the trial even commenced, and sentences her to the maximum penalty, which is "zum Einfrieren auf unbestimmte Zeit<sup>16</sup>," (Zeh, 10) or frozen indefinitely. Elated that she has finally pushed the Method to bring her to martyrdom and eager to start her sentence, Mia has become a walking contradiction to the Method's normal. Nobody

---

<sup>16</sup> *To be frozen indefinitely*

sane looks forward to their sentence after a guilty verdict has been reached. She lives in a system that resembles a prison so closely that her freedom is realized at the maximum point of incarceration. While taking one final drag from the cigarette, which happens to be her final wish, the final scene unfolds:

‘Im Namen der METHODE’, sagt Hutschneider. Der Deckel der Apparatur fährt langsam herunter; Mia nimmt noch einen Zug und reicht Kramer die Zigarette. ‚Also gehe ich ins Exil‘, sagt sie leise. Der Deckel klappt zu. Von Mia sieht man nicht viel mehr als ihre Füße. Zischend dringt kalter Nebel aus den Ritzen der Apparatur. Kramer und Hutschneider ziehen sich zurück, um den Vorgang aus gebührendem Abstand zu überwachen. Es wäre ein guter Augenblick für das Ende. Ein guter letzter Satz; dazu der seit Wochen oder Monaten friedlichste Moment. Aber die Tür fliegt auf, und Bell eilt aufgeregt und mit keuchendem Atem herein. In Händen hält er ein Dokument, das zu einer Rolle gedreht und auf altmodische Weise versiegelt ist. ... ‚Halt‘, schreit Hutschneider. ... ‚Der Präsident des Methodenrats‘, liest Bell, ‚entschließt sich auf Antrag der Verteidigung und nach Wunsch von höchster Stelle zu einer Begnadigung der Verurteilten.‘ ... ‚Wie schön‘, sagt Kramer zu Mia. ‚Sie sind gerettet.‘ (Zeh 262-263)<sup>17</sup>

---

<sup>17</sup> ‘In the name of the Method,’ says Hutschneider.

Slowly, the lid of the apparatus descends. Mia takes another drag on the cigarette and hands it back to Kramer. ‘So I’m being exiled,’ she says softly. The lid closes. We can’t see much of Mia, just her feet. Cold mist escapes with a hiss through the gaps. Stepping back, Kramer and Hutschneider supervise from an appropriate distance. This would be a good time for it to be finished, a good parting line. This is the most peaceful moment in weeks or even months. But the door flies open. Barker rushes in, gasping for breath. In his hands is a document rolled up to form a scroll and sealed in the old-fashioned way. ‘Your Honour!’ he says, still panting. ‘The judgment has been reversed.’ ‘Stop!’ shouts Hutschneider.

At once the hissing stops and the cold mist begins to disperse. ‘Thank the Method,’ says Barker. ‘That was close.’ ‘What’s going on?’ Hutschneider is so agitated that he almost snatches the scroll from the prosecutor’s hand. Barker breaks the seal. Kramer is leaning against the wall in his customary style, arms crossed, with a satisfied smile. ‘The President of the Method Council,’ says Barker, reading aloud, ‘has considered the defence’s appeal and, at the urging of his most senior advisers, has agreed to a reprieve.’ The lid clicks open.

‘Great news,’ says Kramer. ‘You’re saved.’ (Spencer 179-180)

Despite Mia's best efforts, her attempt at martyrdom has been carefully played by the Method. We don't know when, but we can assume that at some point, Kramer talked to the Method and asks for her to be pardoned to avoid her making situations worse. His reaction to the situation indicates that he was privy to what was going to happen. He laughs hysterically when he sees her disappointed face when her plan for martyrdom fails. Had she become a martyr, the people would have viewed the punishments inflicted on Mia negatively and the chances for an uprising or at least civil unrest would have been significantly higher. However, if the Method pardons her, they then look compassionate and they can stay in control of the entire situation. The plans for Mia taper off with the exit of the Method officials who were in the room, but it appears as if they will force her to live under more dedicated surveillance and with heavy intervention in her rehabilitation.

## **Conclusion –**

An underlying theme that presents itself throughout the novel is that of otherization. Juli Zeh and Ilija Trojanow contemplate this theme as it applies to contemporary global politics in their essay *Attack on Freedom: The Surveillance State, Security Obsession, and the Dismantling of Civil Rights*. They argue that governments who are willing to invoke fear as a means to give themselves emergency powers in the end are dangerous to a free and liberal society. They argue the only way to win the overall conflict between government power and the people is to not give in to fear and condone the erosion of the peoples' sovereign power. If these very foundations of democracy are threatened, not by other actors, but by the government itself, then the antiliberal mentality is no longer a hypothetical, but rather quite existential and they believe this is the only way antiliberal sentiments can succeed. "The fight against antiliberal thought cannot be won with

weapons, stricter laws, or by constructing an enemy stereotype” (Trojanow & Zeh, 277).

Democracy may be the strongest form of government that humans have created; however, it can be threatened when the government, or misinformation, is allowed to stir their citizens into a fear induced compliance to cede more power unto itself under the justification that only the government can fix the problems, if granted extralegal measures. Since the theory of democracy is reliant on the power being sovereign in the people, then democracy no longer exists when government can compel their people to cede more power to itself. The Method is an image of what this kind of democracy can evolve into. Citizens have surrendered their civil liberties to the governmental authority in order to eradicate disease and protect their valuable lives. Their promise of the latter is proven to be unrealistic in the end. No solutions are offered to remedy this breach in the liberal social contract and instead it maintains its authoritarian course.

Zeh and Trojanow go on further to address the ramifications of a radical surveillance state. They posit that western democracies’ widespread usage of public surveillance is a gross violation of the individual’s sovereign right to privacy. To justify their usage of such surveillance, Great Britain’s Home Office invoked fear that without them, society as Britons know it now would no longer be safe or secure. The state has always taken the role of securing the safety of its people. What good would a government be if they could not guarantee their peoples’ safety? However, in a democracy the people are also guaranteed individual and unalienable rights. Therefore, when both liberty and safety clash against one another, there must be a balance to ensure both survive. Disregard safety too much and the society may perish, revoke too much liberty and it may never be returned for fear of the return of the dangerous. They argue that if a problem arises, such as a health crisis, we must reject any form of solution that results in the erosion of our rights, for if we do, we are only aiding the decay of democracy,

and would be complicit in the return to authoritarianism. It is important to contemplate the importance of privacy now more than ever. Privacy exists, not as a way for illicit activity to occur, but because it is untenable for democracy to function without freedoms and liberties. Their article provides a potent warning to democracies everywhere as we collectively battle a global pandemic while finding a balance between safety and liberty.

Attempts to establish the line between personal freedoms and societal responsibilities have been ongoing for centuries. The individual is pitted against the government which limits the freedoms of the individual and usually those limits are imposed to protect the society from lawlessness. Essentially, this balance exists on a spectrum. To one extreme, defined as anarchy, the individual lives free of any regulatory system and can do, quite literally, whatever that individual wants free from any repercussions. There is but one rule and that is that there are no rules and, therefore, the antonym would be the existence of government. Governmental existence is solely to prevent anarchy and naturally the other extreme end exists a society fully regulated by the state. This society would be void of individuality and occurs when government becomes overly invasive in its citizen's lives. Although these extremes exist, therein rests a tolerable balance, a balance we experience today. In the story of *Corpus Delicti*, however, we would find the society nearing the extreme of totalitarianism, outside of that tolerable balance.

On the above-mentioned spectrum, the closer a society wanders toward totalitarianism, the more the system requires the people to conform to their regulations and the only way to do this efficiently is to deploy invasive surveillance to enforce and document compliance. When approaching totalitarianism, you will also see that the degree to which the surveillance is invasive also increases. Medical privacy can then be threatened. Everything consumed and produced is measured, thoughts and speech are regulated, and neighbors are rewarded for

reporting on each other when non-compliance is observed or suspected. Fear is the new motivation. Spearheaded by the likes of Kramer, the press is then owned and controlled by the state. According to Foucault, the observer has significant power over the observed, and when the system is observing the people without any neutral third party, which is usually the press, to oversee them, there exists a power imbalance. One theme that is not discussed in this paper but could be covered in a separate paper is that of misinformation and the role it plays in a health crisis. This power imbalance can easily be used to force people into compliance. But what is the standard? What does the system expect and how do the people know?

The standard is established by what the system condemns. We see this through Sophie and her role as the judge. Referred to as a mannequin, it is implied that she is doing what the system wants and that she hardly has individual thought while handing down justice. Sophie is the normalizing factor for the people under the Method. Through her scenes we can see how she approaches her cases and through her reactions we can see what is systemically expected and unexpected. Foucault defines this in numerous steps. But most importantly, the system facilitating the means of correct training must exercise constant discipline over the population to instill perfection, which can never be realized. Normalization is crucial to the system of control and is usually established after surveillance has become invasive of individual freedoms and supplemented by motivation through fear. We see aspects of this today, when laws originally passed to combat terrorism in the UK are being used to prosecute minor offences outside of its original intent. The stronger the microscope, the more imperfections you will see.

What does the system do with the information gathered through surveillance and with their established standard? How does the system react to a deviant citizen? This is answered through examination. In the case of *Corpus Delicti*, we see this in the form of the trials of Mia



and Moritz. Once the deviant is identified, the state compiles the evidence they have already collected. When this information fails to show original fault of the deviant, the state then uses its power of observation, which through Kramer we can see includes the control of information, to falsify evidence and the narrative to convince people of what they want. The people, having given too much power and faith to government, have no other instinct but to trust what the government reports. This absence of both critical thought and the ability to question has solidified the government's position as the only trustworthy source of information.

Why is it important to discuss this balance? Although today's western society would rationally be placed within the tolerable balance on our spectrum, there are some concerning discussions which we observed in Zeh's novel that we continue to entertain in our recent pandemic. We are not currently crumbling into Zeh's vision of a medical authoritarian state. However, the question of how involved the government should be during a pandemic has led to a contentious debate within liberal democracies. It frightens citizens of such democracies when there is deliberation surrounding the suspension of the status quo without a strategy to a sound return. In the United States we have seen discussions about whether vaccine passports violate medical privacy and many feel that the vaccines available have been or will be ineffective at delivering the government's promises to eradicate the disease. Some governmental mandates aimed at protecting citizens' health have ultimately been harmful, as in the deaths caused when COVID-19 positive patients were ordered into nursing homes (Watson).

Since the time of the enlightenment, it is believed that to be a liberal society, power must ultimately come from the people. The United States has based its social contract and thus the ensuing society limiting government. We know this by how our constitution and subsequent amendments are written and enforced. These laws are guidelines and limitations on the

government so that they do not infringe on the rights and liberties which are guaranteed to its citizens in the same document. There must be enough government to protect its citizens and government must be limited to ensure a free people. Zeh and Trojanow make a compelling argument that a government, which holds too much power over its citizens, either through surveillance or becoming reliant on more power to be abdicated by its people and transferred to itself, is nothing short of a runaway government on a path toward tyranny. The way to prevent a spiraling decline into Zeh's dystopian vision is for us to refute the notion that the government's responsibility is to suspend our rights in emergency health situations with no plan on a return to normal. In this same article that Zeh co-wrote with Ilija Trojanow, they warn against allowing governments who invoke fear to grant themselves notoriously vague emergency powers, often taking the form of increased surveillance over its people, which can then lead to foggy oversight and ultimately conclude in the existence of an overzealous government with too much power.

As a result, I argue that we should reaffirm our enlightened faith that reason, deliberation, and fact will shine a light on the darkness surrounding fear and that a liberal society will be informed enough and free enough for everyone to make the best choice for themselves and by extension, their community. Because, at the heart of this whole debate, both in the real world and in Juli Zeh's novel, is whether to preserve personal freedoms and liberties despite the fear that surrounds a crisis. What is the point of having a free society based on choice if that society doesn't use choice as a means to combat internal threats to society? If the people are forced into compliance by their government for, what it argues, is their own safety, then the principles and ideals which are the backbone of a liberal society are no longer safeguarded and a resulting disintegration of that society is all but guaranteed. Because today the government may mandate a vaccine that prevents widespread death, but what happens if the people or society disagrees with

the government in future crises? Who will protect our freedoms if the precedent already exists for the government to take our rights and liberties away in emergencies to then offer them to be repurchased only through compliance in something we don't believe in? Instead, if people are encouraged to do what is best for themselves during a crisis after being thoroughly educated and satisfied with a transparent solution, then the society not only succeeds, but ensures that their future generations will benefit from the freedoms and liberties we have long since enjoyed. The free market provides the necessary avenue for societal reinforcement to do what is best for the community. There is no law or limitation preventing free and private companies and organizations to help enforce or encourage health compliance. The greater the threat to society, the stronger the participation will be in encouraging society to make the right decisions. The government of a liberal society should feel obligated to provide information and materials to help the people make the best decision for them, but their power should not extend beyond the collective power of choice a liberal society enjoys.

## Bibliography

- “About Jeremy Bentham: Panopticon.” *University College London*, 2021,  
<https://www.ucl.ac.uk/bentham-project/who-was-jeremy-bentham/panopticon>.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Random House, 1995.
- . *The Will to Knowledge*. Penguin Books, 1976.
- Graff, Max. “Menschenwürde im digitalen Zeitalter: Körper, Datenschutz und Menschenbild bei Juli Zeh.” *Colloquia Germanica*, vol. 49, no. 4, 2016, pp. 391–422.
- Herminghouse, Patricia. “The Young Author as Public Intellectual: The Case of Juli Zeh.” *German Literature in a New Century*, edited by Patricia Herminghouse, Berghahn Books, 2008, pp. 268–84.
- Preußner, Heinz. “Dystopia and Escapism: On Juli Zeh and Daniel Kehlmann.” *Literatur Für Leser*, 2010, pp. 95–104.
- Seeber, Hans. “The Tyranny of Health: Juli Zeh’s ‘Body Utopia’ Corpus Delicti: Ein Prozess.” *Utopian Studies*, 2020, pp. 377–87.
- Smith-Prei, Carry. “Juli Zeh and the Desire for the Political in Contemporary Literature.” *Gegenwartsliteratur, Ein Germanistisches Jahrbuch a German Studies Yearbook*, 2015, pp. 85–101.
- . “Relevant Utopian Realism: The Critical Corporeality of Juli Zeh’s Corpus Delicti.” *A Journal of Germanic Studies*, 2012, pp. 107–23.
- Trojanow, Ilija, et al. “Attack on Freedom: The Surveillance State, Security Obsession, and the Dismantling of Civil Rights.” *German Studies Review*, vol. 38, no. 2, May 2015, pp. 271–84.
- Watson, Kathryn. “Justice Department Seeks Data from States That Required Admission of COVID-19 Patients to Nursing Homes.” *CBS News*, 27 Aug. 2020,  
<https://www.cbsnews.com/news/covid-19-nursing-homes-data-department-of-justice/>.
- Zeh, Juli. *Corpus Delicti: Ein Prozess*. Random House, 2009.
- . *The Method*. Translated by Sally-Ann Spencer, Harvill Secker, 2012.