

I Accuse



AN ENGLISH TRANSLATION OF THE
DIALOGUE IN "ICH KLAGE AN," A 1941
GERMAN FILM ABOUT EUTHANASIA

TRANSLATED BY JOHANNES ALLGAIER

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WITH AN INTRODUCTION BY DAVID HOLM

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INTRODUCTION

by David Holm

History Department, College of New Caledonia

Less than six weeks after taking power on 31 January 1933, Germany's National Socialist government established a Ministry for Popular Enlightenment and Propaganda. Hitler placed the ministry under Dr. Joseph Goebbels, who steadily nationalized the entire German film industry, completing the acquisition by mid 1942.

Even before it was nationalized, the industry was controlled by the ministry's Department of Film. Every film had to be licensed by the department before production could begin, and completed productions had to be approved by the department before they could be released for distribution. Moreover, the department gave grants and tax concessions to films on themes the government considered important.

One such theme was euthanasia, which was seen by some people, including many National Socialist leaders, as a means to reduce human suffering, rid German society of unproductive members, and purify Germany into a strong, virile nation. The head of the National Socialist Medical Association, Dr. Gerhard Wagner, advocated euthanasia for these purposes at the 1935 Nuremberg Party Rally -- the same rally which saw the proclamation of the anti-Jewish Nuremberg Laws. Two years later, a film entitled *Opfer der Vergangenheit (Victims of the Past)* was shown in every movie house in Germany. An accompanying commentary argued that monies spent keeping mentally "inferior" people alive were not only a "waste of German national wealth" but a "waste of soul and spirit."

Euthanasia was still against the law, but in August 1939 -- days before the invasion of Poland -- Hitler signed a secret decree establishing an (illegal) euthanasia program for the incurably ill. Doctors chosen to participate in the program began putting mental patients and the elderly infirm to death, often

against their will. Some were the victims of early experiments with vehicle exhaust gases. Cyclon B was eventually found to be more efficient.

Two of the euthanasia program's leading officials complained that secrecy interfered with their work. They approached Goebbels' ministry with the suggestion that a film be made to shift public opinion in favour of legalizing euthanasia. They even offered a novel -- *Sendung und Gewissen* (*Mission and Conscience*), written by Dr. Wagner's public relations officer, Hellmuth Unger -- as a basis for the script.

The resulting film was one of the most profitable made in the Third Reich. *Ich Klage An* (*I Accuse*) grossed over 5.3 million Marks at the commercial box office following its release in 1941. Pleading on compassionate grounds for legalization of euthanasia, *Ich Klage An* attacked the cruelty of "a legal system which withheld from doctors the right to make a life or death decision, protected those weaklings who were 'unfit to live,' and granted the right to live to others besides those whom Hitler called the 'vigorous majority.'" [Erwin Leiser, *Nazi Cinema*, trans. Gertrud Mander and David Wilson (New York: Macmillan, 1974), p. 91.]

According to the Secret Service's reports on public reaction, viewers who were irreligious or nominally religious generally came away from *Ich Klage An* supporting its message. But more devout Christians and some intellectuals were not convinced. Hitler, preoccupied with the invasion of the Soviet Union, did not want Germans divided in their support for his government. He cancelled the euthanasia program -- and secretly continued work on a Final Solution regarding Jews and gypsies.

Was *Ich Klage An* a propaganda film? Certainly it was produced with Ministry of Popular Enlightenment and Propaganda funds, for a political purpose, by a director (Wolfgang Liebeneiner) known for his interest in and support for euthanasia. But to what extent did the film promote its message by twisting the truth, misrepresenting or ignoring the other side of the argument, or using emotion to overrule reason?

More specifically, does the film's trial scene present the best available anti-euthanasia arguments (and alternatives, such as palliative care)? Does it present them fairly? Are the opponents of euthanasia seen to be as respectable

as the proponents? Do camera angles, lighting, makeup, and expression treat both sides fairly?

Wolfgang Liebeneiner always denied that *Ich Klage An* was propaganda. Perhaps some current viewers will come to the same conclusion. In the matter of ulterior motive, however, the film constituted classic propaganda. *Ich Klage An* built a case for voluntary, compassionate euthanasia -- not the merciless slaughter of mental patients, the sick and elderly, and millions of healthy Jews, gypsies, and Slavs which was the real intent of the National Socialists' euthanasia program.

TRANSLATOR'S NOTE

by Johannes Allgaier
English Department, College of New Caledonia

The present translation was done from the video version of the movie -- not from the script, with an ordinary video cassette player rather than an editor. Since the movie is an old one, some of the dialogue had to succumb to the inevitable ravishes of time. More was sacrificed to the requirements of subtitles. Where I stuck too close to the German idiom, Kathy Plett, as editor, did an admirable job of substituting the more appropriate English equivalent. She also supplied most of the stage direction. If the result makes for an intelligible and, I hope, enjoyable viewing of the movie, it bears witness to the fact that, unlike the theatre, the merits of a film rest more on its visual impact than on that of its spoken dialogue.

ICH KLAGE AN (I ACCUSE)

Based on the novel
"Sendung und Gewissen" (Mission and Conscience) by Hellmut Unger
and on an idea by Harald Bratt

Main Cast:
Heidemarie Hatheyer, Paul Hartmann, Mathias Wieman, Margarete Haagen,
Charlotte Thiele, Christian Kayssler, Harald Paulsen, Albert Florath

Director:
Wolfgang Liebeneiner
© 1941

SYNOPSIS

Hanna Heit, a young, attractive woman, contracts multiple sclerosis. Her husband, Dr. Thomas Heit, a medical researcher, desperately searches for a cause and treatment for the disease. As her condition deteriorates, Hanna asks both her family doctor and friend, Dr. Bernhard Lang, and her husband to relieve her in the final stages of her suffering. The doctor refuses on ethical grounds but the husband decides that it is the best course of action. He poisons her to end her ordeal and is subsequently put on trial for murdering his wife. In the meantime, the doctor has been treating a child with meningitis. When he views the deterioration of the child, who has had to be placed in a mental institution, he begins to question his own views on euthanasia and decides to support Thomas at the trial. The film ends before a verdict is given. Viewers must decide for themselves whether, in this case, the "mercy killing" was justified.

CAST OF CHARACTERS

Heit Household

HANNA Heit - main character, wife of Professor Thomas Heit

Professor THOMAS Heit - husband

BERTA Link - maid

MAILMAN

GUESTS, including Professor SCHLUETER and PASTOR

Heit Laboratory

Dr. Barbara BURKHARD - assistant to Professor Heit

Dr. Helmut HOFER - assistant to Professor Heit

Lab ASSISTANTS

Dr. WERTER - specialist

Dr. Lang's clinic

Dr. BERNHARD Lang - doctor and friend of Hanna

Sister Emma - nurse

MOTHER of newborn boy

FATHER and MOTHER of little girl with meningitis

Edward Stretter's office

EDWARD Stretter - brother of Hanna

Secretary

Courtroom

PRESIDENT and other JURORS

PROSECUTOR

DEFENSE counsel

CLERK

2 medical EXPERTS

SPECTATORS in audience

Mental Institution

DOCTOR

Nurse

[Outside Hanna Heit's house. Hanna walks out to greet mailman]

HANNA. Good morning. -- Well, what have you got?

MAILMAN. Registered mail.

HANNA. From where?

MAILMAN. From Munich.

HANNA *[runs back into house calling maid]* Viola! Berta!

MAILMAN. Mrs. Heit, your signature.

HANNA. Yes, come in quickly. *[calls]* Berta! *[to mailman]* Come in. *[runs upstairs]* Berta! Stop what you're doing and come here.

MAILMAN. Madam, my pencil.

HANNA. I must phone Thomas. *[dials husband's office]* Hello, this is Hanna. I'd like to speak to my husband. *[turns to maid]* Berta, now I've opened it. Shall I read it?

BERTA. What sort of letter is it?

HANNA. From the university in Munich. *[speaking on phone]* Miss Burkhard, can I speak to my husband?

BURKHARD. *[in lab]*. He's lecturing. Can I take a message?

HANNA. Please tell him to phone home right away. It's a letter from Munich.

BURKHARD. Yes, I will tell him.

BERTA. Are we moving to Munich? -- Where is the Professor?

HANNA. He is still lecturing.

[In lecture theatre, Professor Thomas Heit addresses an audience of medical students]

THOMAS. In conclusion, ladies and gentlemen, we know nothing about the cause of these neurological diseases. It proves to us that, in medicine, there is still much to discover. It makes us humble when we consider the miracle of the brain. For what is the relationship of the intellect to the brain? How does thinking originate? We don't know anything about that. I envy you for your youth -- you may live to see the solution to these problems.

[Audience pounds desks as he exits the theatre. In Hanna's living room]

HANNA. Please, Berta, stay here. I am so excited. What if it is a rejection? *[answers phone]* Yes, Thomas. Here is a letter from the university. May I open it? *[reads letter]* Thomas, you have been appointed. I am so happy! Just think, we're going to live in Munich! I have to tell Bernhard right away. He is waiting for the decision. *[She calls Dr. Bernhard Lang's office]* Where is Dr. Lang? I have to speak to him. He's still in the clinic?

[In Bernhard's clinic, where a woman has just given birth]

MOTHER. The way he's crying...

BERNHARD. How do you know it's a boy?

MOTHER. Because he sounds just like my husband.

[In Hanna's kitchen]

HANNA. Well, first we'll take an apartment. We'll sell this home and build a new one at the Stamberger See. The Alps are nearby, for climbing in the summer and skiing in the winter.

BERTA. -- for breaking your bones!

HANNA. I have to call my brother right away. He'll burst with envy.

[She goes to phone. In Edward Stretter's office, he is dictating to his secretary]

EDWARD. And so I advise you to purchase the shares of the company. Our group would thereby attain the necessary majority. *[picks up phone and speaks to Hanna]*

HANNA. Edward, we're moving to Munich. Thomas has been appointed Director of the Pettenhöfer Institute.

EDWARD. Congratulations. And that means you won't be able to annoy me so often anymore. From there, a phone call costs 1.20 marks a minute.

HANNA. Now you have to make peace with Thomas... I treasure Thomas, but you've always behaved like an ape.

EDWARD. All right. When?

HANNA. Tonight. We'll celebrate tonight. I'll invite friends. *[calls to Berta]* Berta, we're celebrating tonight. I'll go shopping. At least 10 people are coming. You can get Ella to help.

[phones Bernhard's office again] Is Dr. Lang still not there? Please tell him to call here right away.

[In a private home, Bernhard is attending a sick little girl. The parents are in the room]

BERNHARD. Meningitis.

FATHER. Is it life threatening?

BERNHARD. Yes, unfortunately.

MOTHER. Doctor, can she stay at home? I want to care for her myself.

[In Hanna's kitchen]

HANNA. Professor Schlueter is coming... and guess who else? Edward is coming!

BERTA. I'm glad.

HANNA. He was just unhappy about the inheritance. -- Have we got enough wine?

BERTA. I think so.

HANNA. I'll go have a look. *[She leaves room, trips on stairs and screams]*

BERTA. What's the matter, Hanna?

HANNA. What idiot put this basket here?

BERTA. Did you hurt yourself? That's what happens when you take 3 steps at a time. Shall I get the wine?

HANNA. No, I'll go. How many bottles do we need?

BERTA. For Professor Schlueter alone, we'll need three!

[In Hanna's dining room, guests are seated at dinner table. Professor Schlueter rises to give a speech]

SCHLUETER. I have to give a speech now. Silence!

WOMAN GUEST. He won't be able to do it in under half an hour.

SCHLUETER. The dinner was very good. One might even say "excellent." We must thank Hanna for it. Our friend Thomas is a great man. And now he is leaving us, in order to become even greater. But what would Thomas be without his wife? He is a great scholar and a serious researcher. And she is

laughing happiness and flourishing life. And so it is -- one complements the other, because each is quite different from the other.

[At the back door; Berta greets Bernhard]

BERNHARD. Have they just finished? -- Then I'll eat with you in the kitchen.

[In dining room, Schlueter continues his speech]

SCHLUETER. But consider how similar these two are. In the university clinic, Thomas has his lab, surrounded by microscopes and a whole arsenal of research. In this house, Hanna has her arsenal of life. Look around! Look over there at that little coach. Maybe it is to remind us of a special day. And then over there, on that desk, see the china dancer. I'm sure it has a happy significance. And then there is that picture. I'm sure they bought it to keep alive tender memories. And so, we salute them!

[In Hanna's kitchen]

BERNHARD. The food is lovely and it's much better in here. I don't have to behave myself.

BERTA. Where were you all day? Hanna tried to call you all day. We thought you wouldn't be able to come.

BERNHARD. But Berta. On such a day of honour!

BERTA. Hanna's brother is here. He wants to make peace with the Professor.

BERNHARD. Let's drink to that.

BERTA. You take everything so lightly. Even when you were a boy.

BERNHARD. My dear Berta, you raised Hanna from childhood. I know that. You stayed with her when she married Thomas, even though he was frowned upon. But even you didn't believe that he would become a professor one day. Who predicted it from the beginning? I did. And you say I "take things lightly!"

BERTA. Those were hard times, before Hanna inherited her fortune.

BERNHARD. Well, she didn't exactly starve.

BERTA. If it hadn't been for you...

BERNHARD. Exactly! So the two of us are the true heroes of the day!

[Edward enters kitchen]

EDWARD. Bernhard, here you are. We haven't seen each other for ages.

BERNHARD. Yes -- we went our separate ways.

EDWARD. You should have married her.

BERNHARD. *[speaking of Thomas]*. But he's the genius.

EDWARD. You spoon-fed him.

BERNHARD. He is my friend.

BERTA. I also thought Bernhard would marry her.

EDWARD. See? -- It's boring in there. Imagine, nothing but medical men.

[In living room]

HANNA. Where is Edward?

THOMAS. I don't know.

PASTOR. *[in discussion with Schlueter]* Pain comes from God, no doubt. He ordained that women should feel pain at birth, otherwise he would have created them differently.

SCHLUETER. But you don't know your Bible, Pastor. When God made Eve out of Adam's rib, He put him into a deep sleep first, showing that He was in favour of anesthesia!

[Hanna enters kitchen]

HANNA. Here you all are. What are you doing in here?

EDWARD. Come, sit with us.

HANNA. I can't. I have to look after my guests. -- Bernhard, where have you been?

BERNHARD. At my practice. Say, are you limping?

HANNA. I fell on the stairs. Nothing for you to bandage...

EDWARD. Now you start too! There's already enough talk about medicine in there.

[Thomas enters kitchen]

THOMAS. So this is where you all are.

HANNA. I must go to my guests.

THOMAS. Nice to see you here, Bernhard.

BERNHARD. Congratulations, Thomas.

HANNA. *[taking Bernhard by the arm]* There's dancing. Why don't we try it?

BERNHARD. Can you dance with your bad foot?

HANNA. Of course!

[They leave to dance. Thomas and Edward go into the study, to smoke a cigar. Back in the living room, scattered conversations are going on. Thomas's two assistants, Dr. Hofer and Dr. Burkhard, are among the guests]

HOFER. I'm going to go into surgery. I've always wanted to.

FEMALE GUEST. Won't it be terrible, cutting off legs and arms all day?

HOFER. No, I like it.

[In another corner of the room]

BURKHARD. Professor Heit is the greatest researcher I've ever known...

[Thomas and Edward continue their discussion in the study and patch up their differences]

EDWARD. Do you remember how you beat me up in grade 12?

THOMAS. Yes. Because you said I was a socialist.

EDWARD. You did the right thing. -- In those days, we were on a first name basis.

THOMAS. Let's do that again.

[They leave the study. Thomas picks up a cello]

THOMAS. Time for some music.

[In living room]

FEMALE GUEST. Every person should have his health examined every six months. This should be the law.

SCHLUETER. Ah, the cello. Now for some music. Come, let's go, we won't hear them again.

[Hanna sits down to play the piano, joined by Thomas on violin and Bernhard on cello. Edward returns to the study and finds another guest there]

MALE GUEST. I like music but not close up.

[Hanna's hand gives her some trouble at the keyboard and she stops playing].

EDWARD. *[in study]* Looks like it's finished. We can go in again.

[As the guests leave, several comment on Hanna's problem with her hand]

BURKHARD. Isn't that strange, with the hand?

FEMALE GUEST. Doctors all around, and nobody knows what's wrong.

SCHLUETER. *[to Thomas]* A thousand thanks. It was also a day of honour for me.

EDWARD. What's the matter with her hand?

BERNHARD. Probably just nerves.

[After the guests have left, Hanna and Thomas bid Berta goodnight]

HANNA. Now we can relax.

THOMAS. It was nice, what Schlueter said...

HANNA. What should we get to remind us of this evening? *[pointing to wall]* We need another picture here. -- *[to Berta]* Good night, Berta. No, go to bed. We'll clean up tomorrow. You must be tired.

[Hanna and Thomas blow out the remaining candles and walk toward the patio, where they look out at the sky]

THOMAS. What should we wish if we see a falling star?

HANNA. We don't need to wish for anything. -- Isn't life wonderful?

THOMAS. Yes, because of you.

HANNA. Oh, Thomas!

[They kiss. The next morning, at the breakfast table. On the radio, one can hear the sound of children singing a birthday song]

HANNA *[still having difficulty with her hand, asks Thomas for help cutting her bread]* You cut my bun.

THOMAS. You should see a doctor. Go to Bernhard. If necessary, he can recommend a specialist. I can't do it in my lab. Bernhard has the equipment. Go to him. *[He kisses her hand]*

HANNA. I hope the hand will be healthy again.

[Thomas leaves]

BERTA. Don't forget to go to Bernhard.

HANNA. Naturally I'll go.

BERTA. Are you pregnant?

HANNA. I think so. I feel so funny -- exactly how they describe it. I didn't say anything to Thomas, though. First I have to know for sure. But that the hand and foot should have something to do with it?

BERTA. I'm sorry, I don't know anything about that.

HANNA. You've wasted all your time with me. But I won't let Bernhard examine me.

BERTA. You can consult him, though.

HANNA. Of course. He does know more than we about it.

[In Bernhard's office. Hanna is seated]

BERNHARD. I didn't want to let you wait. *[To nurse]* I don't need you now, Sister Emma. *[The nurse leaves]* Child, you worry me. What's wrong?

HANNA. It's this stupid hand -- and now the foot too -- from before, you know.

BERNHARD. Pretty bad?

HANNA. Yes, since yesterday, for two days now.

BERNHARD. It comes and goes?

HANNA. Yes, but it was never so bad.

BERNHARD. *[taking her hand]* Does this hurt? -- Take your coat off.

HANNA. What are you going to do?

-
- BERNHARD. Electrify it. Test whether it's muscles or nerves. *[He helps her to take her coat off]* And the foot?
- HANNA. It's the joint. Bernhard, can one have these pains when one is pregnant? I feel pretty funny anyway, so dizzy.
- BERNHARD. I would have to examine you.
- HANNA. You don't believe that I would let you examine me? We've really been old friends too long for that. -- I would have married you if you had asked, before I knew Thomas. -- Is it possible that I am right about being pregnant?
- BERNHARD. I don't know.
- HANNA. *[looking at equipment he's using on her arm]* How strange! What's it for?
- BERNHARD. *[examining her arm]* The muscles are all right. By the way, what do you mean by "dizzy?"
- HANNA. It's as though I had looked into the sun.
- BERNHARD. Black spots? Hmm.. you should go to an eye doctor.
- HANNA. For heaven's sake. I won't need glasses for a long time! *[Bernhard consults a book while she looks at bottles on counter]* Are these samples? Who are they for?
- BERNHARD. They're for those who need them.
- HANNA. You wouldn't make a polite husband.
- BERNHARD. You don't know if I would have asked you!
- HANNA. You are married to medicine.
- BERNHARD. Come here and sit down.
- [They move into booth, where he examines her eyes]*
- HANNA. When someone has a headache, you give him castor oil. And when someone has a bad hand, you look into his eyes. -- The glance into the abyss... Did you see anything nice? That comes from having beautiful eyes.
- BERNHARD. Eyes right - eyes left.
- [There is growing concern on Bernhard's face as he completes the examination]*

- HANNA. See, everything's fine. -- After all, a baby is not a disease!
- BERNHARD. I will drop by tomorrow evening.
- HANNA. Goodbye, you serious man. *[to nurse]* Goodbye, Sister Emma. -- He looked deep into my eyes.
- BERNHARD. *[to the nurse after Hanna has gone]* Call the lab and see if Professor Heit is there. I have to speak to him urgently.
- [In Thomas Heit's laboratory. Dr. Burkhard and Dr. Hofer are working]*
- HOFER. 56-82, type B-C, negative. 56-83, type B-C, negative.
- BURKHARD. People are different. I couldn't live without work.
- HOFER. Too bad! It's said the lines of conflict run together in marriage like a focal point.
- BURKHARD. And that the conflict of the 3rd and 4th dimension takes place in marriage.
- HOFER. But marriage hostility does end. -- Just a minute. 56-85, type negative, B. 1-200 positive. 1-200 plus minus. -- Marriage hostility ends with the first child.
- BURKHARD. Children, yes. But marry -- why?
- [Bernhard enters, looking for Thomas]*
- BERNHARD. Hello, is the boss in?
- HOFER. Yes, in his office.
- [Bernhard enters the office. Thomas is writing]*
- THOMAS. Excuse me. Let me just finish this sentence.
- BERNHARD. Hanna came to see me.
- THOMAS. Yes. She won't let me examine her. It's better this way.
- BERNHARD. I have only examined her reflexes and her eyes. -- Bones and muscles are fine. It's the nerves.
- THOMAS. The nerves?
- BERNHARD. Temporary reduction of pupils. Paralysis of the left hand...
- THOMAS. So?
- BERNHARD. Multiple sclerosis.

THOMAS. Damn it, that's a death sentence! Why hit upon this? -- I can't imagine it. Incurable?

BERNHARD. Some cases. By no means all. I wish I had been wrong. We have to consult a specialist.

THOMAS. Werter - Werter is the best.

BERNHARD. I agree.

THOMAS. You know, I just don't believe it. -- Such a disease in Hanna. She's as healthy as a tree. Listen, Bernhard, don't take this unkindly. I know how matters stand. But don't you think you might have -- unconsciously, of course -- misinterpreted things?

BERNHARD. It's possible. But be careful that you -- out of an unconscious affect -- don't ignore something.

THOMAS. Of course. What did she say?

BERNHARD. Nothing. She doesn't know yet.

THOMAS. Does she feel sick?

BERNHARD. Naturally. But she thinks she might be pregnant.

THOMAS. Damn it. Have you examined her?

BERNHARD. No. She didn't want me to. I have only looked into her eyes.

THOMAS. Bernhard, Hanna is a problem for you. Ordinarily, you examine with the brain, but here you have examined with the heart. I have to go to Hanna. Miss Burkhard, I'm going home.

[Thomas goes home. Hanna is peering into a mirror and examining her eyes]

HANNA. Thomas! You've brought me flowers! You're always so thoughtful. How pretty! *[She drops the flowers, and he looks at her hand]* Isn't it stupid, this problem with my hand!

THOMAS. You should let yourself be examined, Hanna.

HANNA. Bernhard said the same thing, but I didn't want to. You think I should? -- What do you think it is, anyway? No, don't say it. I think of it constantly too.

[In Thomas' office, with Dr. Werter, a medical specialist]

- WERTER. Unfortunately, my colleague's diagnosis is correct. It is a severe, incurable disease. Are you going to tell your wife what's wrong with her? Don't do it. It's like telling a condemned man the date of his execution.
- BERNHARD. You can tell the day?
- WERTER. Of course not. But Mrs. Heit is very ill. Such patients are often euphoric, optimistic until the last minute. That will accelerate her death.
- THOMAS. And how will you judge the progress of the disease? We are colleagues. Please don't spare the truth. *[he speaks, as if to himself]* First the legs will be paralysed so that she can't walk anymore. Then the arms. I won't give up. I won't think of it. I'll fight it. After all, my lab is not a joke! Nerve specialists don't agree on the cause of the disease?
- WERTER. Unfortunately not.
- THOMAS. Exactly. I've read up on it. Maybe the cause lies in quite another area. It could be a blood disease.
- WERTER. I know this is your area of expertise, but how are you going to make the connection between this and multiple sclerosis?
- THOMAS. The nerves don't just consist of nerve tissues. They consist of liquid too. Maybe there are some substances in the blood that destroy the nervous system.
- WERTER. Hmm... Interesting.
- BERNHARD. But it could take years!
- THOMAS. Maybe I'll be lucky and it will go faster. I won't give up.
- WERTER. Naturally not. A real doctor never gives up. And -- excuse me for saying so -- a lover doesn't either. Can I do anything else?
- THOMAS. No thanks.
- WERTER. *[to Bernhard outside of the office]* In my opinion, the paralysis will progress very quickly. When it reaches the breathing centre, she will have suffocation fits.
- [Bernhard returns to the office]*
- THOMAS. Did you think I had gone mad? It's over already. Just don't tell me to be reasonable -- to get used to the situation.

BERNHARD. You won't give up.

THOMAS. Naturally not. But this is something new for me. We deal with sickness, as a word, a concept. But in reality there are only sick people. Multiple sclerosis -- what is it, this monster without an essence?

BERNHARD. That's the nature our profession!

THOMAS. Ah, our profession. Don't lie to me.

BERNHARD. Pull yourself together.

[In laboratory, Thomas speaks to Dr. Burkhard and Dr. Hofer]

THOMAS. We will hire two technical assistants. The disease must have a cause.

HOFER. Nobody has found it so far.

THOMAS. Here is the plan. You, Miss Burkhard, will do the histological work. You, Hofer, will do the animal experimentation. And I will look at the body fluids.

[In Bernhard's office]

BERNHARD. If he's lucky, he will find something.

EDWARD. Can he use his institute for a private case?

BERNHARD. It's no private case. If he discovers something, he won't only help Hanna. He will help thousands.

EDWARD. Do you think it will happen in time?

BERNHARD. Maybe.

[In Hanna's living room]

THOMAS. We had a good talk with Werter today. He says it's a nervous disorder.

HANNA. And -- he doesn't believe --

THOMAS. Hanna, I don't want to lie to you. He doesn't believe that you are pregnant.

HANNA. I was so much looking forward to it. It is all quite meaningless.

THOMAS. But Hanna. *[He takes her into his arms as she breaks down in tears]* For God's sake.

[In laboratory]

- ASSISTANT. How many sections do we have to make?
- BURKHARD. About one hundred.
- HOFER. *[calling from next room]* Can he give me a hand?
- BURKHARD. If he doesn't faint.
- ASSISTANT. I've never fainted!
- HOFER. Don't let the lady frighten you. She just wants to demonstrate the strength of the female soul. Come with me. -- We've got it, finally. The mouse is infected. -- Dr. Burkhard, come here. *[Burkhard enters]* The mouse is paralysed. Marvelous, isn't it?
- BURKHARD. Poor animal!
- HOFER. The first real success after 3 weeks, and this woman says "poor animal!"

[In Hanna's living room]

- BERNHARD. Here is your medicine.
- HANNA. You're experimenting with me. I'm just a guinea pig or something. What sort of disease do I have, anyway? Don't you know?
- BERNHARD. Not exactly.
- HANNA. It can't go on like this. Now I can't move both legs. And my right arm feels so strange. I can't be like this all my life, doing nothing.
- BERNHARD. Maybe we'll find a good treatment.
- HANNA. Do you think about it a lot?
- BERNHARD. Of course.
- HANNA. Is that why you look so tired these days? -- You can tell me.
- BERNHARD. I have been looking after a sick child these last two nights. She has meningitis and it's critical. I have to be ready at any moment to give her something for her heart.
- HANNA. And will it help?

-
- BERNHARD. Maybe she'll stay alive.
- HANNA. One can't imagine that there are other sick people. Funny. Of course, I'm not that sick! You are a good doctor, aren't you? -- And Thomas?
- BERNHARD. Thomas is a researcher. I help individuals, if I'm lucky. And he helps thousands.
- HANNA. Does he think of me, when he does his scholarly thing?
- BERNHARD. Always, Hanna.
- HANNA. Really? He always comes home so late. "New researches," he says. Does he not think of healthy Hanna, who is no more? Why don't you answer?
- BERNHARD. Because you know perfectly well how he thinks of you -- as you are today.
- [In laboratory]*
- THOMAS. When did we start these experiments?
- HOFER. Four weeks ago.
- THOMAS. And still only one mouse is paralysed? -- Then we don't need to observe it any longer. We'll have to try something new. Try some brain emulsion. How many sections do I still have to go through?
- BURKHARD. 120. But you're tired.
- THOMAS. No, I have to work. Do you have the time?
- BURKHARD. Of course.
- [In sick child's home, mother and father stand over the bed]*
- BERNHARD. I think we're over the hill. No fever.
- MOTHER. Oh, Doctor!
- BERNHARD. Don't rejoice too early. There can be a relapse. But I'm glad myself. I don't think anything will happen to her.
- [In laboratory, 9:40 in the evening]*
- THOMAS. Immersion.
- BURKHARD. How can you stand this?

THOMAS. I have to. But to know that you are doing it too... I am very grateful, Miss Burkhard.

[In Hanna's dining room]

BERTA. It's 10 o'clock and he hasn't even phoned.

HANNA. He can't think of it now.

BERTA. But you have to think of him constantly. Half the crazy disease comes from the fact that he's never here.

HANNA. Stop it, Berta, or I'll send you out and I won't speak to you anymore.

BERTA. Hanna -- I don't mean any harm. Naturally, one can't say anything bad about the Professor.

HANNA. See, here he comes.

[Thomas enters]

THOMAS. Good evening, Hanna. Haven't you eaten?

HANNA. No, I was waiting for you.

THOMAS. I am on the track of something very important.

HANNA. I wish I could travel.

THOMAS. But we will -- we'll go to Munich.

HANNA. No, I want to go to a land where there is no disease.

[In laboratory, Dr. Burkhard puts a mouse in a jar of ether]

BURKHARD. Poor animal. I haven't forgotten you. So, now you are without pain.

[On the patio, Hanna receives medicine from Bernhard]

HANNA. It is nice of you to come yourself.

BERNHARD. *[measuring medicine out of a bottle]* I use it as a pretence, Hanna.

HANNA. If you left the bottle here, would you still come?

BERNHARD. You shall not lead me into temptation.

HANNA. Why don't you leave the bottle here?

-
- BERNHARD. See, this comes from talking too much. Now there are too many drops in the glass.
- HANNA. One more or less -- it won't matter.
- BERNHARD. You don't understand.
- HANNA. Now I know. You're giving me poison. You know that I am seriously ill and you don't want to tell me. I have long felt it. Are you afraid of leaving the bottle here? Are you afraid I would drink it all at once? I still have courage. I still believe that I will be healthy. But you don't. At least tell me the Latin name of my disease.
- BERNHARD. How would that help you?
- HANNA. If you won't tell me, Thomas will. But I want to ask you for something else, while I still can. I don't believe it will happen, but if things get worse -- I can see ahead -- the legs are paralysed, my left arm too. Now the right arm is starting to feel funny. I don't fear death, but I don't want to lie here all the time, not human anymore, just a lump of flesh. And a torture to Thomas, when I am decaying like this. And when he does think of me, when I'm dead, then he will be glad. I don't want that. -- You are my best friend.
- BERNHARD. Always.
- HANNA. Then forget to take the medicine bottle with you.
- BERNHARD. Hanna, you aren't that sick.
- HANNA. Promise me you'll help me. Promise you'll spare me and Thomas.
- BERNHARD. Now, listen. You know that I'm your best friend. But I'm also a doctor. A doctor is a servant of life. He must preserve life at any price.
- HANNA. Is he allowed to hold off death if he can?
- BERNHARD. Naturally.
- HANNA. But he is not allowed to shorten the agony of death?
- BERNHARD. No.
- HANNA. Why not?
- BERNHARD. Because we don't know what death is. We don't know what life is either. Life creates for itself the body. And the body

creates for itself the spirit and the soul. So long as the body lives, everything can turn out all right.

HANNA. You have thought this out beautifully.

[In laboratory, Schlueter is looking into the microscope]

SCHLUETER. Impressive! But this has nothing to do with multiple sclerosis.

HOFER. No.

SCHLUETER. What are you doing with it?

BURKHARD. Do you want to look at our liver culture? *[She opens cabinet and shows him samples]*

SCHLUETER. Damn it, that's magnificent! Professor Heit must be extremely proud of you.

BURKHARD. No, he's disappointed. He's only thinking of his wife.

SCHLUETER. That clouds his view.

[On the patio, Hanna and Thomas are having breakfast]

HANNA. What kinds of things are you trying to find out with your experiments?

THOMAS. You wouldn't understand.

HANNA. You are seeking a treatment for my disease.

THOMAS. Yes, Hanna.

HANNA. It's nice to know that you are leaving me alone because of this. You are thinking of me. And is the disease incurable?

THOMAS. No, Hanna.

HANNA. You can tell me. I have confidence in you. I know you will reach the goal eventually. I will be patient. Why don't you give me the poison stuff?

THOMAS. Because I want to win time for my work.

HANNA. Then the disease *is* incurable.

THOMAS. No, only until now...

HANNA. Sometimes I feel so awful, more than I've ever told you. Then I think, what if I die now and you aren't with me? It's

a terrible thought. Do promise me, Thomas, when the disease is faster than you are, don't leave me alone. No, don't speak now. When I'm at the point of losing my courage, then you have to help me. Help me to be your Hanna, right up to the end. If I become something else -- deaf, blind, or idiotic -- I couldn't stand it. You'd have to fall in love with another woman then, and that would hurt me. Promise me that you will relieve me first. Do it, Thomas, do it, if you really love me.

THOMAS. I will make you healthy, Hanna.

[In Bernhard's office]

BERNHARD. No, they haven't found anything yet.

EDWARD. And Hanna?

BERNHARD. The disease progresses rapidly.

EDWARD. Is there any hope?

BERNHARD. No. It is a race with death.

[In the laboratory, work continues. The next scene takes place in Hanna's living room]

HANNA. Of course I'm very sick, Edward. But on the inside, I am healthy, because I believe in Thomas. Don't you?

EDWARD. I do, Hanna, I do. I believe in his expertise.

HANNA. He will help me. One way or another...

[In the laboratory, another late night]

THOMAS. *[passing Burkhard a slide]* Here, look at this. Am I mad or do I really see something? -- You see it too? In both preparations? -- What do you see, Barbara?

BURKHARD. It looks like a caterpillar -- like silvery grid --

THOMAS. That agrees exactly with my observation. What do you think of it?

BURKHARD. Elementary particles of a serum. For multiple sclerosis.

[Thomas goes into his office, picks up the phone, puts it down again and sits down at his desk, tired, head in hands. Edward enters the lab]

EDWARD. Dr. Burkhard? Are you still here?

BURKHARD. Who are you? -- Oh, Mr. Stretter, you are looking for the Professor. He's next door in his room.

EDWARD. Do you always work such long hours?

BURKHARD. I do right now.

EDWARD. *[looking around]* Very interesting, such a lab. *[He goes into the office next door]* What's happened to you? -- You look completely exhausted.

THOMAS. I think we've found the disease.

EDWARD. "We"?

THOMAS. Barbara and I. *[Edward shows that he is suspicious of the relationship between Thomas and Dr. Burkhard. Thomas exclaims]* I'm talking about the health of Hanna, man!

EDWARD. Don't pretend.

THOMAS. What's the matter?

EDWARD. It's none of my concern, but -- you do have good taste.

THOMAS. I don't know what you're talking about.

EDWARD. Yes -- you are a real judge of character. Don't pretend. But I am sorry for Hanna. Poor Hanna.

THOMAS. Leave Hanna out of this.

EDWARD. For me it is enough -- what I have seen here.

THOMAS. I was right after all.

EDWARD. Of course. The healthy are always right.

[In dining room, Hanna is sitting in a chair, tearfully examining her face]

THOMAS. Have you been crying?

HANNA. Of course not, I still have hope -- despite everything.

THOMAS. Hanna, I will make you well again. I have found the cause of the disease. Barbara confirmed it. We saw it a dozen times. Hanna, I am so happy.

HANNA. I can't move my arm anymore.

THOMAS. Calm yourself, Hanna. You will get healthy. You will walk again. I worked all night -- I'll go back --

HANNA. It's too late.

THOMAS. No, Hanna, no.

HANNA. Help me, Thomas, help me.

THOMAS. I will make you healthy.

[In laboratory]

HOFER. What, you worked all night?

BURKHARD. We've found it. I am wonderfully tired.

HOFER. Come, go home. Get some sleep, you deserve it.

[In bedroom, Hanna with visiting Pastor]

HANNA. You don't have to comfort me, Pastor. In 2 months, I'm going to dance again.

PASTOR. Then I will play a waltz again. -- I have to believe that someone with so much joy as you have, has to be devout.

HANNA. No, no. You won't catch me like this, Pastor. But it sounds very nice. And my pains are only half as bad, now that I know I'm going to be delivered of them.

[In laboratory, Thomas looks through a microscope]

THOMAS. I was right. This has nothing to do with multiple sclerosis.

HOFER. Unfortunately, Professor. But the result is still magnificent. Substances of the new dye appear to have attached themselves to the destroyed nervous tissue. This opens up new avenues for histological diagnosis.

THOMAS. For you perhaps. Not for me. You can go to Munich.

HOFER. But Professor.

THOMAS. Please leave me alone.

[In Hanna's bedroom, Bernhard is measuring out medicine]

BERNHARD. See, Hanna, now everything is going to be all right. A doctor must never give up hope. Sometimes miracles do happen.

HANNA. *[having trouble breathing]* Now I'm going to die.

BERNHARD. No, Hanna.

HANNA. Get Thomas.

BERNHARD. Yes, Hanna.

[In laboratory, the phone rings. Thomas doesn't answer it. In Hanna's bedroom, Berta stands at the door]

BERTA. I will get him. He can't be reached by phone. *[She goes to the lab and calls to Thomas]* Professor, come quickly. She is dying. This is the end.

[In Hanna's bedroom, Bernhard reassures her]

BERNHARD. He is coming.

HANNA. I can't bear it any longer.

[Thomas arrives and goes to the bedside]

THOMAS. I need to speak to Bernhard.

HANNA. Stay here.

THOMAS. It will just take a few minutes. *[As he leaves the room, he puts the medicine bottle of poison in his pocket. He then consults with Bernhard]* Tell the truth! How is it?

BERNHARD. It's the final stage.

THOMAS. Are you sure?

BERNHARD. I have seen such neurological cases before.

THOMAS. How much longer will it take?

BERNHARD. Two months?

THOMAS. Two months of unspeakable torture. There is nothing to stop it?

BERNHARD. It's impossible.

THOMAS. What can be done?

BERNHARD. Sedate her. Give her morphine.

THOMAS. Thank you for your openness. *[He goes back into the bedroom. In the living room, Bernhard begins playing the*

piano and the sound carries into the bedroom. Thomas prepares the poison I will give you some medicine. That will put you to sleep.

HANNA. It tastes bitter. Now I am so calm, so happy. Do you remember, when I ran away from home to be with you? We sat like this then, too. I feel so relieved, so much happier than ever before. I hope this is death.

THOMAS. Yes, this is death, Hanna.

HANNA. How I love you, Thomas. -- I wish I could give you my hand.

THOMAS. *[taking her hand]* I love you, Hanna.

HANNA. I love you, Thomas.

[She dies in his arms. After a short time, Bernhard enters the room]

BERNHARD. Why don't you have the light on?

THOMAS. *[leads him out, down the stairs and into the living room]*
Hanna is dead.

BERNHARD. Did you kill her?

THOMAS. I delivered her.

BERNHARD. Delivered? You call this delivered? Thomas! What have you done? You've murdered her! *[The maid hears voices and comes to listen at the door]* Don't say a word. You have taken her from the highest thing on earth -- life. As a doctor, you have lost your honour. And you never loved her. I know that now. She asked me to do it, too. But because I loved her, I didn't do it.

THOMAS. I did it because I loved her more. Because her suffering was inhumane, and because man should be above death, that's why I did it.

BERNHARD. It's over, Thomas. I am finished with you. I don't want to see you ever again.

[Bernhard leaves the house. The maid also leaves the house and goes to Edward's to report what has happened]

BERTA. He has murdered her. He admitted it himself. And he said it to Bernhard, too. -- Are you going to our house?

EDWARD. No, to the police.

[In courtroom. At the front sits a panel of jurors, headed by a President. Thomas sits facing them with his defense counsel. At a table on the side sits the state Prosecutor. The room is crowded with spectators.]

PRESIDENT. *[speaking to Thomas]* It is vital to the judgement of your case -- your life may depend on your telling us exactly what happened. How are we to cast a just verdict if you won't give up your silence?

PROSECUTOR. The charge is murder.

DEFENSE. Is there nothing important, nothing which the court needs to know?

PRESIDENT. You must have had a motive for your deed.

THOMAS. I loved my wife very much.

PRESIDENT. Yes, and -- ?

Well, let's begin with the questioning of witnesses. The witness Stretter, please. *[Edward Stretter enters the courtroom]* Director Edward Stretter. 43 years old. The deceased was your sister. You can refuse to testify.

EDWARD. I want to testify.

PRESIDENT. You can tell us first what you know about the relationship of the deceased and her husband. How did the accused meet your sister?

EDWARD. We knew Thomas Heit since childhood. Then we moved to North Germany, while he studied in Innsbruck. My sister was still a little girl when Thomas lost his practice because of his medical views.

PRESIDENT. We are aware of this.

EDWARD. He was very poorly off. He came here because his friend, Dr. Lang, who subscribed to his ideas, wanted to support him. That's when he met my sister again, who had become 20 in the meantime. And he succeeded in overwhelming her so much with his influence, that she ran away from home.

PRESIDENT. How did he succeed in that?

EDWARD. There were childhood memories he could draw on. Mainly, it was over the money, because he was poorly off. My father gave my sister her mandatory inheritance, and he

died soon after, probably as a result of this. I believe that it was all a question of money -- because he didn't have any.

DEFENSE. You know, sir, that Professor Heit worked day and night in his lab, disregarding his health, to save the life of his wife? You were there yourself at one time.

EDWARD. Yes, yes. And so was Miss Burkhard. And with her, he had more than a "working" relationship...

PRESIDENT. How do you conclude this?

EDWARD. Miss Burkhard worked days and nights there too, "disregarding her health." -- My sister was ill a long time, but she loved life...

DEFENSE. ... and her husband.

EDWARD. Yes, unfortunately.

DEFENSE. You have denounced Professor Heit to the Prosecutor, because it is your personal opinion that he was plotting to murder her?

EDWARD. I have known Heit, from childhood, to be an immoderate and brutal character.

DEFENSE. He beat you up on several occasions, I know. *[Audience laughs]*

PRESIDENT. Does the Prosecutor have any questions for the witness?

PROSECUTOR. No thank you, not at this time.

PRESIDENT. The Defense?

DEFENSE. Yes, please. In your opinion, is it possible that the deceased asked my client for death?

EDWARD. Possible? -- Yes.

DEFENSE. Thank you.

PRESIDENT. Sir, please sit down. Witness Dr. Helmut Hofer.

[Hofer enters the courtroom. In the audience, two spectators discuss the case]

1st SPECTATOR. The usual murder case.

2nd SPECTATOR. I don't think so.

PRESIDENT. Witness Dr. Helmut Hofer, 28 years old, medical assistant, not related by blood or law to the accused. Dr. Hofer, how long have you worked in Professor Heit's laboratory?

HOFER. For 3 1/2 years.

PRESIDENT. You knew the deceased?

HOFER. Yes.

PRESIDENT. What was the relationship of the Professor to his wife?

HOFER. He -- he loved his wife above everything.

PRESIDENT. You had assistants in the lab?

HOFER. Yes, technical assistants. And Dr. Burkhard, of course.

PRESIDENT. Dr. Burkhard -- is she very capable?

HOFER. Yes, very capable. And very much of a woman.

PROSECUTOR. Do you know anything about Dr. Burkhard's private relationships?

HOFER. Dr. Burkhard? Why?... No... Private relationships?

PRESIDENT. Did she have a special relationship with Professor Heit?

HOFER. Yes... No... I mean... Must I answer this?

PRESIDENT. You must say what you know.

HOFER. It is possible that Dr. Burkhard... worshipped Professor Heit. But...

PRESIDENT. But?

HOFER. Professor Heit, of course, didn't notice anything.

PRESIDENT. Why?

HOFER. He loved his wife in such a special way, he didn't see any other women.

PRESIDENT. Do you know anything about the deceased having asked her husband to give her the means to die?

HOFER. No. But it is possible.

PRESIDENT. Thank you, Doctor. -- Dr. Burkhard.

[Dr. Burkhard enters the courtroom and approaches the bench]

- PRESIDENT. Dr. Burkhard, your first name is?
- BURKHARD. Barbara.
- PRESIDENT. Your age?
- BURKHARD. 26.
- PRESIDENT. You have worked in Professor Heit's laboratory for the last 2 years?
- BURKHARD. Yes.
- PRESIDENT. You have a lot of work there?
- BURKHARD. Fortunately.
- PRESIDENT. You like working with Professor Heit?
- BURKHARD. You mean the amount of work? Professor Heit is a genius. He often couldn't rest. Then we worked to all hours. He stopped only for lectures. Sometimes there were slack periods.
- PROSECUTOR. Do you know if Mrs. Heit understood about her husband being a "workaholic"?
- BURKHARD. Privately, you mean? Yes, certainly. It was a reason for her to love him even more.
- DEFENSE. You thought the Professor's marriage was a happy one?
- BURKHARD. Yes. It was the only happy marriage I knew.
- PRESIDENT. Can you tell us anything about the personality of Professor Heit? As a human being, his character?
- BURKHARD. I am convinced that only a great human being can be a truly great scientist.
- PROSECUTOR. How did you get along with Dr. Hofer?
- BURKHARD. Dr. Hofer is of course anatomically and surgically extraordinarily capable.
- DEFENSE. Why do you say "of course"?
- BURKHARD. Professor Heit had only extraordinarily capable people working for him. *[Audience laughs]* I didn't mean it that way.

PRESIDENT. We know how you meant it. One more question. You knew Mrs. Heit. Do you think it was possible that Hanna Heit explicitly asked her husband to assist her with death?

BURKHARD. Yes.

PROSECUTOR. Do you know of any such request?

BURKHARD. I wasn't there, Sir.

[Burkhard is asked to sit down and Berta is called into the courtroom]

PRESIDENT. Witness Berta Link.

EDWARD. *[gets up from the witness seating area and approaches the bench]* Excuse me, but something just occurred to me.

PRESIDENT. Yes, go ahead.

EDWARD. When I visited my sister for the last time, one day before her death, she said, "Thomas will help me -- one way or another." That just occurred to me.

PRESIDENT. That is indeed very important, Mr. Stretter. Thank you.

2nd SPECTATOR. 1:1 for Heit!

PRESIDENT. Berta Link. 54 years old. Maid for Professor Heit. You know how much depends on your testimony. Speak the truth. Don't let sentimentalities interfere with the truth. You have known the deceased since early childhood?

BERTA. Yes.

PRESIDENT. Tell us about it.

BERTA. In those days, I worked in a hotel, as a cook. Actually, as kitchen help. I mean, I was an apprentice there.

PRESIDENT. When was this?

BERTA. 27 years ago.

PRESIDENT. You don't have to start that early. When did you begin to work for the Stretter family?

BERTA. Back in those days. The senior Mr. Stretter, he loved dumplings. So he asked at the hotel who had made them. And later, when he needed a cook, he took me on.

PRESIDENT. How old was Hanna then?

BERTA. She wasn't born yet. But Master Edward, he was 12.

PRESIDENT. And when was Hanna born?

BERTA. About one year later.

PRESIDENT. When did Mrs. Stretter die?

BERTA. Between Hanna's 5th and 6th birthday.

PRESIDENT. And then you...

BERTA. Yes...

PRESIDENT. After the death of Mrs. Stretter, you...

BERTA. Yes.

PRESIDENT. Well, what?

BERTA. I became something like a mother to Hanna.

PRESIDENT. Right! And when Hanna left home to go to Professor Heit, you...

BERTA. Yes.

PRESIDENT. You what?

BERTA. I went with the child. The senior Mr. Stretter was quite against it. The poor child, she didn't have anybody.

PRESIDENT. Now tell us...

BERTA. She coughed and couldn't breathe. And the Professor sent me into the kitchen. And Dr. Lang played the piano. Then the men came down the stairs and I heard them yelling. And the Doctor said, "You've murdered her." And the Professor said, "I did it."

PRESIDENT. How did he say it?

BERTA. I will never forget it. The Professor said, "I did it, because I loved her more."

PRESIDENT. More?

BERTA. Well, before that, Dr. Lang shouted, "Because I loved her, I didn't do it."

- DEFENSE. This proves clearly that the deceased asked both doctors to assist her.
- BERTA. Did she request it? No. You had to know her. She loved life. On the day she died, she said she would be dancing again in two months.
- PRESIDENT. Maybe she believed that Professor Heit had found a cure for her disease.
- BERTA. Maybe. No... She wasn't exactly church-going, but she was pious. She never asked for anything like that.
- PRESIDENT. *[to Thomas]* Would you care to elaborate on that? *[Thomas shakes his head]*
- PROSECUTOR. May I ask a question? Where did you stand when you heard the accused speak to Dr. Lang?
- BERTA. I heard them yelling. I ran out of the kitchen and stood directly behind the door. Bernhard spoke first. And then the Professor said, "I did it, because I loved her more." And he did it, too. *[breaking down]* She was as good as my child.
- PRESIDENT. Calm down. Sit down. Bring her a glass of water. *[speaking to others on the panel, and to clerk]* This is terrible, that the witness Dr. Lang can't be found anywhere. You haven't heard anything?
- CLERK. No.
- PRESIDENT. *[to Berta]* And you don't know anything?
- BERTA. Nobody knows anything. He went away, and left a note saying Dr. Klughof was to represent him.
- PRESIDENT. The testimony of Dr. Lang may be all important. The behaviour of the witness is most puzzling.
- [In his office, Bernhard opens a letter]*
- BERNHARD. *[reads]* Please come!
[letter from parents of child with meningitis]
- [Thomas is seen pacing in his cell. In the next scene, Bernhard visits the parents of the child]*
- BERNHARD. Where is she now?

FATHER. Where? In an institution. She is blind, can't hear, is quite idiotic. That's how wonderfully you healed her -- instead of letting the poor creature die.

BERNHARD. Who am I, to decide over life and death?

MOTHER. The poor child, Doctor. If you had seen her. We always believed you would come and -- "help" her.

BERNHARD. Tomorrow I'll go and look at her.

[In the courtroom, two medical experts are giving testimony]

1st EXPERT. Contrary to my opinion at the preliminary hearing, I have now come to the conclusion that it is not certain, whether the deceased died of any assistance or of paralysis of the breathing centre. The sclerotic foci were already so advanced that it is possible that they could have caused a fatal paralysis of breathing.

PRESIDENT. It is of the greatest importance...

2nd EXPERT. At the death of one of my patients last week, the sclerosis was not as advanced.

PROSECUTION. You mean we must face the possibility that Mrs. Heit's death could have been caused, not by the action of the accused, but by the progress of the disease?

1st EXPERT. Yes. I have to affirm the possibility.

2nd EXPERT. That is my opinion as well.

PRESIDENT. I must inform the accused of the possibility he may be convicted on grounds of "attempted murder." I give him the opportunity to conduct his defense accordingly.

[At a mental institution, Bernhard visits the child he thought he had saved]

DOCTOR. You will have to wait a minute, until we are ready.

BERNHARD. Excuse my hurry, Professor. But for me, everything depends on this case.

DOCTOR. When did you see the child last?

BERNHARD. Several months ago. A rather long time.

DOCTOR. You will find that she has changed quite a bit.

BERNHARD. But I have to see her. It was a serious case, an only child. I gave everything to save her life. The mother donated

blood twice for her. And when the little creature wanted to give up, I forced her heart to go on beating with injections. You know what I'm talking about. And now the same mother tells me she had hoped I would come back to "help" the child. You know what she meant by that? *[Doctor acknowledges]* I'm about to quit the profession.

DOCTOR. No. Because of this?

BERNHARD. Not only because of this. I had another case at the same time. You know that I treated the wife of Professor Heit?

DOCTOR. Of course.

NURSE. We are ready.

DOCTOR. Come with me.

[They enter the ward, and after some time exit from it. Bernhard is visibly shaken]

BERNHARD. How can the nurse stand it?

DOCTOR. She is a woman. She loves everything that is helpless. Whether it's a baby or a patient, it's not important.

BERNHARD. Can I use your phone?

DOCTOR. Yes, of course.

[In the courtroom, Professor Schlueter is on the stand]

PRESIDENT. Do you think it is possible that the patient begged to be given death?

SCHLUETER. Yes, I think it's possible.

PRESIDENT. On the basis of what facts do you come to this conclusion?

SCHLUETER. Her life had become, physically and mentally, an intolerable torture. I saw it myself. You have to add to this her great worry for her beloved husband, seeing him suffer because of her disease. On her own, she couldn't deliver herself from her pain because she was paralysed. Otherwise she would have done it herself. She was an extremely vital, strong-willed, intelligent woman, of whom one could expect such a deed, for the love of her husband.

He, in turn, sacrificed what was most dear to him in order to help her. As a doctor, according to law, he went too far. But, let me freely express my opinion. A law that requires

an incurable patient to endure senselessly, without the hope of a benevolent deliverance -- such a law is unnatural and inhumane. Nature herself weeds out the unfit quickly. Medical science, with its medications, can delay the grace of a natural death again and again, although a cure is impossible. That is the reversal of professional ethics. It's what makes being a doctor such a burden at times.

PROSECUTOR. Do you think that the accused acted out of such a conviction?

SCHLUETER. The great German physician, Paracelsus, said "medicine is love." I know that Professor Heit acted only out of love.

PRESIDENT. Does the Prosecution have any more questions? -- The Defense? -- That ends the taking of the evidence. The Prosecutor may now commence his argument.

PROSECUTOR. Gentlemen, to seek justice is sometimes a difficult and almost intolerable problem. When I have the duty today to seek the conviction of a man whose contributions are above reproach, I am reminded of the words of Richard Wagner: "Heavy is the weight of my weapons."

My weapons are the stipulations of current law. They force a conviction, even when the act appears, to a high degree, to be ethical. But we cannot accord the actions of Professor Heit legal recognition, especially because, as Professor Schlueter has said, it would make him a model for those doctors who would violate the law and their professional ethics.

The law says the following about the act of Professor Heit. We cannot apply Paragraph 216 of the Criminal Code because this requires an explicit request of the deceased.

PRESIDENT. May I interrupt? I have just received word that Dr. Lang is on his way here to testify.

CLERK. We will interrupt the trial for half an hour until Dr. Lang arrives.

DEFENSE. *[leans over to ask Thomas]* What's the meaning of this?

THOMAS. I don't know. Anything is possible.

[In the jury room, the President and jurors discuss the case]

1st JUROR. What if Dr. Lang testifies that Mrs. Heit wanted to die?

PRESIDENT. He would have to testify that she requested help explicitly and seriously.

1st JUROR. And then?

PRESIDENT. Then it isn't murder. Then Paragraph 216 does apply.

1st JUROR. Would he then be convicted?

2nd JUROR. But the expert has just said it can't be determined if she died of her nerves, or if he killed her.

PRESIDENT. If Dr. Lang confirms this, we can acquit. Otherwise, we have to convict him of assault with intent to harm.

1st JUROR. That would be unfortunate.

3rd JUROR. I feel sorry for him, but he went too far.

4th JUROR. But it was a good deed. Just to shorten the agony of that poor woman.

3rd JUROR. You would acquit?

PRESIDENT. Certainly.

3rd JUROR. The case has stirred up too much dust. Many a doctor will see Heit as a model.

5th JUROR. That would be a heavy sin.

6th JUROR. If you ask me, Professor Heit has to be acquitted because he is a model to all doctors.

4th JUROR. But if we start to deliver all people from their suffering, won't they themselves say "no"? Wouldn't they rather suffer the most awful pain, rather than die?

6th JUROR. But I ask you. Everyone knows what doctors have done for us. They have invented X-rays and Gamma-rays and become so much more informed about death. When somebody is incurably ill, let him live. But he should be allowed to ask a doctor for assistance.

7th JUROR. That's all very well, but can you leave it up to the doctor?

6th JUROR. Naturally not.

PRESIDENT. If the teacher [previous juror] is right -- if the right to give assistance is not to be the individual doctor's but the state's, as is commonly the case in matters of life and death -- then we will have to make laws for the medical courts.

2nd JUROR. But then, we should do it as soon as possible. I'm an old soldier, gentlemen. As a soldier, I accept the fact that the state can demand my life. But then the state would also have to give us a right to die.

PRESIDENT. Very well, Major. But right now, the law is different.

2nd JUROR. Yes, as a Juror, I will judge according to the law. But laws shouldn't keep people from acting decently and with dignity. When laws do this, then they have to be changed.

CLERK. The witness Dr. Lang is here.

PRESIDENT. That was magnificent. We touched upon the most difficult areas of criminal law. We have seldom had such a stimulating jury. *[The court reconvenes]* We will start again with the taking of the evidence. Call witness Dr. Lang.

[Bernhard takes his place on the stand]

BERNHARD. It was originally not my intention to appear here.

PRESIDENT. We will have to take you into custody.

BERNHARD. Pardon?

PRESIDENT. You are Dr. Bernhard Lang?

BERNHARD. Yes.

PRESIDENT. Your age?

BERNHARD. 42.

PRESIDENT. You are a family physician?

BERNHARD. Yes.

PRESIDENT. Was the accused related by law or blood?

BERNHARD. No.

PRESIDENT. You know the meaning of the oath?

BERNHARD. Yes.

PRESIDENT. You have known Professor Heit a long time?

BERNHARD. Since childhood.

- PRESIDENT. You are friends?
- BERNHARD. I was.
- PRESIDENT. He met his wife through you?
- BERNHARD. Yes. For the second time. After the Stretters moved to North Germany, I finished my studies in Innsbruck with him and opened up a practice here.
- PRESIDENT. Were your relations with the Stretter family responsible for this?
- BERNHARD. Yes.
- PRESIDENT. You later supported Dr. Heit. You treated Mrs. Heit during her last illness. -- How did the patient endure her condition?
- BERNHARD. Very patiently. She was euphoric, optimistic, most of the time. She was a person who loved life.
- PRESIDENT. Did her view of life change during the course of her disease?
- BERNHARD. Yes. To be sure... She feared, sometimes...
- PRESIDENT. She feared death?
- BERNHARD. No. Not death. Dying.
- PRESIDENT. Were these "moods"? Was she aware of these moods?
- BERNHARD. Yes. She even asked me once, if -- when things got worse, when her life ceased to be human -- if I would assist her with death.
- PRESIDENT. And you?
- BERNHARD. At that time, I believed it was in conflict with my professional ethics to give in to her wish.
- DEFENSE. May I ask a question? Dr. Lang, you said, "at that time"
- BERNHARD. Yes, at that time.
- PRESIDENT. And today?
- BERNHARD. Today, perhaps not anymore.
- PRESIDENT. Do you think it is possible that the deceased asked her husband to assist her?

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- BERNHARD. She did. I know it.
- PRESIDENT. Dr. Lang, what do you believe Mrs. Heit died of?
- DEFENSE. May I make a remark? The affidavit of the experts stated clearly...
- PRESIDENT. Doctor, would you answer my question?
- BERNHARD. I don't understand the question.
- PRESIDENT. Really?
- BERNHARD. I learned of the death of Hanna Heit through her husband. I have not seen either of them since. -- The court's expert must have stated the cause of death?
- PRESIDENT. Dr. Becker stated that the sclerotic foci of the patient may have caused death before the toxic dosage administered by Professor Heit. Do you think this is possible?
- PROSECUTOR. Doctor, remember you are under oath!
- THOMAS. Bernhard, you said to me, "you have murdered her."
- BERNHARD. Yes, Thomas, but today I say to you, you are not a murderer.
- THOMAS. Thank you, Bernhard.
- PRESIDENT. Based on your knowledge of the course of the patient's disease, is death possible due to both stated causes?
- THOMAS. "It will take two more months," he said, just an hour before her death. He cannot have changed his medical opinion based on facts.
- DEFENSE. *[leaning over, cautioning Thomas to be quiet]* That can cost you your acquittal!
- THOMAS. I know. But I can no longer remain silent. At stake is not just myself, but every man. I am not afraid. He who wants followers must lead the way.
- I no longer feel that I am the "accused," because after all, I have suffered the biggest loss. No, *I accuse now.*
- I accuse a Paragraph in the law that hinders doctors and judges from serving the people. That's why I don't want my case to remain undecided. I want a judgment. Because however it turns out, it will be a signal, an awakening.

Therefore, I confess. At her request, I delivered my wife, who was incurably ill, of her suffering. On your judgment rests my life and that of all those who may in future share the fate of my wife.

And now go and make your judgement!