

***THE “SOFT LAW” OF AUSTRIAN HISTORICAL LOGIC  
SINCE THE ENLIGHTENMENT IN THE ARTS AND SCIENCES***

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A “national historical logic” is a normative manner whereby the culture tracks time and ascribes cause and effect to the events of public and private life. One can call the nation’s historical logic the pattern for structuring the “what,” “how,” and “why” of events. A national historical logic begins in the conception of individuals whose vision speaks to the populace of a time. A national historical logic is not only the formal historiographical creations of those who practice the discipline of history. It is also the historical perspective of novelists, dramatists, journalists, and other professionals who contribute to the historical understanding of the nation’s populace. Nationally, the conventions of a historical logic are known both informally in everyday expressions and in the more formal genres that govern the historical aspects of inquiry and expression. The genres of literature, historical writing, and scientific explanation into event-structures are composed intuitively in emulation of what is the sense of “right order” of the authorities in the many spheres of the nation’s culture. This intuitive construction is generated by the private as well as public demand for forms of narration that communicate a succession of events comprehensible to all parties. The dissemination of a national historical logic is a combined effort of the many institutional expressions of the nation’s culture – the press and other communications media, the schools, and other private and public organs.

National historical logics are artful cognitive products that respond to national political-social experience. A national historical logic is the product of the contingencies of history. It is most often a manner of defending the populace and the state against the trials of time and event. A national historical logic becomes the support of tradition and continuity, although it can become a fecund influence upon the regeneration of cultural life when changed. A nation’s historical logic as an impetus for renewal occurs infrequently, mainly due to the difficulty and time required to reorient cultural norms. Indeed, historical-logical norms are most often hardly appreciated in their presence and meaning. Even when recognized, massive institutional response is required for changing a national historical logic. The outcome of this inertia is inadequate response to the emerging issues of a nation. As

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an artful defense and guide, a national historical logic can, as the Freudian superego, be mistaken in its normative guidance as times change within the nation. A national historical logic changes slowly, if at all, as its premises become embedded in the culture's educational and policy-making norms.

The "nation-state" is central to what its cultural-historical logic becomes. If we can accept the premises of Aristotle and Hegel, the human is a political animal. The *zoon politikon* is the creature of the polis. The polis since the Enlightenment, at least, is the nation. Austria developed its national historical logic under the influence of the structure of the Holy Roman Empire in its weaknesses and strengths. The Habsburg dynasty in particular gave form to the "what," "how," and "why" of the structure of historical events. Indeed, Austrian historical logic will have many elements that are analogous to how a family experiences time. Although I will comment upon Austrian historical logic since the Enlightenment, its structure as I present it began earlier with the emergence of Habsburg authority in Europe. Most prominent in its historical logic is the sense of an evolving form bridging times and places, like a family dynasty, which I will call a *morphological* logic. Historical cause within this morphological form will focus upon *the reciprocity of diverse historical agents*, as within a family milieu (and a multi-national state). In its best sense, Austrian historical logic promotes a vision of stability and equity among diverse voices. Its historical purview of an event is *non-dramatic* as an evolving form has neither radical breaks nor special emphases – every phase of maturation is equally important.

Adalbert Stifter's "das sanfte Gesetz," "the soft law,"<sup>1</sup> articulated in the introduction to his 1852 collection of novellas *Bunte Steine*,<sup>2</sup> is one of the more explicit descriptions of this historical logic as a "right order." While Stifter inherited these norms, his restatement of them with the profound humanism of his narratives is the best introduction to Austrian historical logic. In 1842, Stifter composed one of his many descriptions of natural events that earned him the Emperor's medal for art and science several years later. This particular description of a forest begins one of his tales of human existence, entitled *Der Hochwald*. Stifter's "soft law" of nature and humankind can be seen in the passage, and is an apt introduction for my discussion of Austrian historical logic in the arts and sciences since the Enlightenment:

On the midnight side (that is, north) of the Austrian land a forest stretches its dawning streaks westwards for thirty miles, beginning at the source of the river Thaja and strives forward until that borderknot where the Bohemian land collides with Austria and Bavaria. There, as often with crystallized pinnacles, a multitude of immense saddles and ridges sprang against each other and pushed up a rough massif, which now manifests its forest shadow over three lands and sends down undulating rolling land and rushing streams to each on all its sides. The forest bends, like its kind often does, along the course of the line of mountains, and it goes then toward the midnight side many days journey further. The place of this forest swing, now comparable to a secluded sea inlet, is in the self-correction it betook, is what we intend to narrate.<sup>3</sup>

Stifter articulates an Austrian narrative norm of sensitivity to the durational Gestalt of a changing state-of-affairs inherited from his predecessors in the arts and the sciences (Gestalt as a conceptual approach to human perception is credited to the Austrian psychologist, sociologist, and poet Christian von Ehrenfels). Stifter’s forest is depicted as a living, changing, even self-correcting being that nonetheless maintains a form, albeit accommodative toward its contingent milieus, over time. Such a logic of change over time is what I will term a morphological understanding of history. All change is towards the fulfillment of a form, albeit a form whose growth may continue without foreseeable end.

There is another unique aspect of this Gestalt recognition in Stifter and the Austrians that warrants Stifter’s term “the soft law”: the form is not a unity imposed upon particulars, rather it is a unity composed out of the aggregate of particulars. The form itself changes as the particulars meet immediate empirical challenges accommodatively, rather than the zero sum game of either/or (Oskar Morgenstern and John von Neumann, arguably stemming from lands with a deep Austrian heritage, have provided valuable insight into this aspect of game-theory). The forest does not pit its direction and being against an opposing force, such as the inhospitable ground of the massif or the “Grenzknoten” (a metaphor for “problem”) of the conjoining of the three lands. Rather, the trees are determined to find a way to grow that simultaneously preserves the parental form even as it borders on the inhospitable.

The method in this morphological accommodation to external challenge is an avoidance of, indeed scepticism, toward inflexible ideas. The forest bends tree by tree when necessary. The Austrian historian Oswald Redlich has noted that Austrian historiography shuns “Übergeschichte,” where metacognitive categories reshape known facts.<sup>4</sup> Rather, Austrian historiography is described by the majority of Austrian historians as “streng, exakt, objektiv” (Fellner, 1985, 93). History is the intersubjective movement of individuals toward each other and their environ, and the account focuses upon each particular relationship in depth and detail – like a Freudian case-study. The Austrian historian Ludo Moritz Hartmann emphasized in this tradition that whatever is individual belongs to a form generated by the intersubjective whole composed in that time by all individuals (Fellner, 1985, 168-69, 173). Austrian historiography is not conceptually impaired in the absence of the broad explanatory principles of the German historicist tradition from Herder through Hegel to Marx, from Ranke to Dilthey to Meinecke; rather, the conceptual organizer of events is the very form itself comprised by the historical facts, cohered as a total Gestalt by those facts. Stifter describes this Gestalt composed of the aggregate of many particulars in his “soft law,” as he argues for the integration of the many smaller laws that characterize the singularity of each event in humankind or nature participating in the summative form (*Vorrede/Bunte Steine* in *Stifters Werke*, 2: 15-17). If a unifying principle for the totality is to be sought, it is the “walten,” the proportionate “sway” of intersubjective integration from particular to particular (“Letter to Aurelius Buddeus [August, 1847],” in *Stifters Werke*, 1: 72). Is this good physics? Ernst Mach, the Austrian physicist, argued for what he called a physics, where rather than seeking the one explanatory law that generated all entailed

phenomena, the physicist restricted himself/herself to a rigorous description of the empirical facts and relationships of immediate phenomena.<sup>5</sup>

The Austrian philosopher Franz Brentano spoke of the aggregative form generated by many as the “one in the many.” He referred to this in his text on aesthetics, as he discussed the reciprocal causality of the many aspects and dimensions of any work of art.<sup>6</sup> Brentano’s parenting of modern phenomenology, the rigorous observation of how a thing or state-of-affairs presents itself, enabled him to see the differing Gestalts of the “one in the many.” Brentano, as he spoke of the principle of “the one in the many” understandably felt he had to address the seemingly self-evident proposition of science that there is a “one.”<sup>7</sup> His modest embarrassment in his discussion stemmed almost certainly from the weight of German thought that there is a “one” behind all entailed particulars. Indeed, that is the counter-example to Austrian-German thought, the normative historical logic of the northern German lands since the Enlightenment, which is “the many in the one.”

Franz Stuckert, in an essay on the North German writer and poet Theodor Storm, articulates quite clearly the converse historiographical idea of the German, the “many in the one.” Stuckert points out how an overarching principle subsumes all particular examples in Storm’s poetry into a “übergeordnete Einheit.”<sup>8</sup> A Zeitgeist of that time and place, as it were, is created that all phenomena of that time share. He offers the following poem as illustration:

Es ist so still; die Heide liegt  
Im warmen Mittagssonnenstrahle,  
Ein rosenroter Schimmer fliegt  
Um ihre alten Gräbermale;  
Die Kräuter blühen; der Heideduft  
Steigt in die blaue Sommerluft.  
(1966, 72)

The stillness is the time all have. There is an overarching principle that, when changing, confers total change to everything subject to it. The “alten Gräbermale” is a trace of this dialectical movement. The next poem Stuckert quotes relates to how the presence and absence of wind that marks certain seasons so radically affects the particulars of reality:

Am grauen Strand, am grauen Meer  
Und seitab liegt die Stadt;  
Der Nebel drückt die Dächer schwer,  
Und durch die Stille braust das Meer  
Eintönig um die Stadt.

Es rauscht kein Wald, es schlägt im Mai  
Kein Vogel ohne Unterlass;  
Die Wandergans mit hartem Schrei  
Nur fliegt in Herbstesnacht vorbei,  
Am Strande weht das Gras.  
(1966, 74)

Stuckert shows in Storm's vision of seasonal change the dialectical time of the German, the sharp contrasts of thesis and antithesis, so different from the gradual evolution of Austrian time.

The Austrian does not depict sharp changes of reality in a quantum change of *Zeitgeist*; rather the entire past contributes to what becomes in the present. Franz Brentano, for example, speaks in his reflections on time and history of the importance of those who have come before, lending their gains to the present inquirer:

The investigations of conic sections begun in ancient times by Archimedes and Apollonius were at first of purely theoretical, mathematical interest. Centuries later Kepler made their work applicable to astronomy, but again only because of a theoretical interest. Yet as a result the investigations became of practical use, inasmuch as the progress made in astronomy did a great deal to forward navigation. The seaman who avoids a shipwreck by observing with precision the geographical latitude and longitude owes the fact that he is alive to theories which originated solely from a yearning for knowledge twenty centuries earlier.<sup>9</sup>

In an essay on his conception of genius, Brentano writes in the same vein: "In science, the greatest discoverer is only differentiated from the imitator and apprentice by (a non-specific) degree" (*Grundzüge der Ästhetik*, 92). In short, he testifies to the morphology of knowledge over time through the efforts of an intergenerational extended family; the development of knowledge is seen as a constant problem-solving through reflective appreciation of what has been as one goes forward. Sigmund Freud developed a therapy for the mentally ill and the slightly neurotic founded upon this appreciation of the *duration* of the past in the present. As an inquirer, Freud followed Brentano's advice to the letter, albeit one that was sustained by the Austrian normative style of inquiry even without Brentano's emphasis upon exhaustive exploration of the single phenomenon to unfold its complex origins.

The root causes of the differences between the German and the Austrian historical logic are to be found in the separate histories of the seat of the Holy Roman Imperial throne for half a millenium and the German kingdoms, principalities, bishoprics, and free cities. There was a cleft between German and Austrian political history, before and after the Enlightenment, a cleft that had an influence on how citizens of each nation perceived the nature of their historical experience. The half-millenium of the Habsburg dynasty gave a paternalistic pattern to Austrian political life. The strength of this "family-oriented" norm was in the highly interpersonal tone of political life. A dynasty never dies, although one measures life within it by the generations that are born and die. It is a constant, yet changing form, whose character is fulfilled again and again. A dynasty is a protean form, porous in its expression as differing persons manifest it. A morphological historical vision includes birth, maturation, and death, yet continuance of the form as seeds of the old are reborn as the new. Franz Grillparzer gives evidence of his

awareness of the pivotal role of the life and death of the rulers as the standard for duration and change in political life in his drama *Kaiser Ottokars Glück und Ende*. Merenberg sends his son Seyfried to the Archbishop of Mainz, an elector of the Emperor-to-be, with a letter that will warn the Archbishop of the poor character of Ottokar. If the letter does not arrive on time, Merenberg reflects, Germans will be under the influence of the wrong man for a lifetime: “One day too late is thirty years too early!”<sup>10</sup>

The dynastic administration of the people through bureaucracies became known in the Enlightenment as *cameralism*, a governance by chambers designed in their separate purviews to embrace the many aspects of the nation’s life. Austrian cameralism, especially in the age of Maria Theresa and her son Joseph, gave evidence of the goodwill of the parental authorities. As a family, each member was perceived as a distinct life with individual interests. The notion of the “the one in the many” differentiated Austrian cameralism from the Prussian or Saxon form in this respect. Joseph von Sonnenfels, the Austrian cameralist, speaks of the “aggregate will” of the diverse population of the Austrian state that is the whole. Even the ruler has no more rights than those equated with their stewardship of this “aggregate will.”<sup>11</sup> The German cameralists, on the other hand, stressed the state as having its own reasons in the interest of the people, but not in the sense of being its aggregate will. Samuel Pufendorf’s cameralist ideas were the touchstone of this vision of the “many in the one.”<sup>12</sup>

Louise Sommer points out the most significant difference between the German and Austrian cameralists is the former’s penchant for abstract principle governing the particular, while the Austrian sees the state and its political/economic life from the point of view of the diversity of empirical practice (1920/1967, 6, 12). Austrian cameralism at its best was a benign outreach by bureaucratic officials into the daily lives of its charges, in a face-to-face encounter that governance at a distance could not so equitably match. As conditions changed, Austrian cameralism treated the shifting values of agriculture, trade, and manufacture with proactive oversight that constantly engaged the populace in intersubjective dealings with government officials. Sonnenfels was proud of this interpersonal concern, evidenced by an article he wrote in 1784 discussing the proper style of conduct for the Austrian bureaucratic official.<sup>13</sup> The German cameralism was more distant and directed by statute law, more *laissez-faire*, but thereby more impersonal (Sommer, 1920/67, 12).<sup>14</sup> The dichotomy of the Austrian interpersonal concerns and the German legal-rights-based concerns was also reflected in criminal law. Sonnenfels used his influence to “soften” criminal justice and its punishments. Albion Small writes of this “softness” in relation to the written law:

A favorite idea of his was that in criminal cases the penalty of ascertained guilt should be determined by the vote of the majority of judges; the question of guilt or innocence however, as well as of the mitigating or aggravating circumstances, should be settled only by a unanimous vote. In practice this proposition would in most cases simply lead to the release of the accused. (Small, 1909, 484)

Reinhard Merkel has pointed out that this “soft” attitude toward a rigorous application of civil or criminal law persisted in Austrian society, differentiating it from the German.<sup>15</sup> Paragraph 48 of the 1803 legal code and paragraph 54 of the 1852 legal code, called “*ausserordentliches Milderungsrecht*,” were designed to regulate the parameters of exceptional circumstances and the accordingly softened penalties (Merkel, 1994, 90). Increasingly, this “mildness” became a self-evident norm in Austrian justice. In 1911 a German jurist referred to the “anarchical condition of Austrian legal practice” in this regard (Merkel, 1994, 91).

The profound contributions in interpersonal understanding that arose in the forms of practice in Austrian psychiatry, law, drama, literature, and the fine arts in nineteenth- and early twentieth-century *fin-de-siècle* culture can be linked to this stress on the intersubjective nature of human reality and its ancillary ethic of reaching cooperative, empathic, common practices that was the hallmark of the Enlightened absolutism of Maria Theresa and Joseph II. The single-minded individuality, indeed ruthlessness of Faust had no place in Austrian culture then or afterwards.

The problem of “family-oriented,” empathic, cooperative norms in governance lay in the inevitable weakening of a self-directed, assertive political will among the members of the society who were not governors. Kant’s recognition that one cannot be “given” freedom perhaps stemmed from his observation of the discontent of many freed serfs in Joseph II’s Austria, as well as the discomfort of religious minorities with the new public schools of Joseph II. The Austrian will to assertive independence was “co-opted” one might say by the “soft law.” The self-concept of individual Austrians never freed itself from the presence of others for whom one must care or whose care one must recognize. The strengths of this interpersonal world were in its cultivation of an accurate recognition in the arts and the sciences of interdependence and its facilitating forms of empathy. From the Enlightenment Momus of Gottfried Prehauser through Kafka’s Momus in *The Castle*, the barbed humor penetrating private aims and a too self-absorbed project will bring the Austrian individual back to the gravity of an interdependent world. The weakness of this embeddedness among others was in a discomfort with the final responsibility and aloneness of selfhood that bred for the German the Faustian paradigm. The Austrian political horizon will never leave its past behind to start fresh, no more than the prodigal son could ever fully distance himself from his parents. The Austrian selection of a morphological logic as the dominant form of national historical norm contributes both to the collective (i.e., interdependent) and conservative quality of its historical thought. In a morphological logic, all facts contribute to the form, each individual action plays its role in the mutually shared form to which all contribute. While a morphological thinker need not be a political conservative, there is a “conserving” aspect to all morphological thinkers in that historical forms never completely disappear, and for the most part are always in a phase of becoming.

The Germanies, on the other hand, had norms for historical life that for each individual stimulated more public assertion. The ceaseless competition that existed among the Princes in the hundreds of principalities, a competition that was dynastic

and religious, set a conflict-oriented model of public life. Moreover, the patriciate of the towns had been in conflict with the princes since the late Middle Ages. The suburban artisans and peasants represented milieus that gravitated between alliances or conflict with the urban patriciate and the lower aristocratic landowners of the surrounding country. Every social class knew that only self-assertion could protect its rights. Thus arose an active citizenship in the Germanies, even against the aristocracy's attempts to frustrate the sharing of public power. The individual as an isolate will who found community only through common principle made law more salient than in the patrimonial state of Austria. In the years between 1200 and 1500 when citizen rights flourished in the German cities, the constant, often conflicting claims of autonomy, rights, and responsibilities between the city and the aristocratic ruler became normative. In that same time, citizen rights ended in Austria. The burghers of the Austrian cities from the rule of Emperors Rudolf I through Maximilian gradually lost all the medieval privileges they had gained under the Hohenstaufens.<sup>16</sup> Justice was increasingly a product of the Emperor's goodwill, rather than as became the Germanic bourgeois norm, justice wrought by the fair application of an impersonal law.

While the period between 1500 and the Enlightenment in Austria brought increasing control of every facet of public life by the Habsburg Emperors, in the Germanies Calvin's vision of "natural law," which bound ruler and ruled by contractual clarity, grew in its influence. Frederick William, the Great Elector of Brandenburg-Prussia, became a Calvinist, and his attention to the highly differentiated rights and responsibilities that already existed in the Hohenzollern domains was underscored by the Calvinist emphasis upon natural law.<sup>17</sup> The educated commoners of Brandenburg-Prussia and the other Germanies gravitated toward a natural-rights-conception of membership in the state that even more radically conceived the distribution of political authority than had Frederick William's circumspect understanding of the rights and responsibilities of ruler to ruled. Johannes Althusius articulated a natural rights individualism that enhanced the already existing norms where each social group asserted its traditional autonomy and rights.<sup>18</sup> Kant's fourth thesis in his essay on an *Idea for Universal History* restated this natural law emphasis for the bourgeois classes in its stress on individuality and law: "the means employed by Nature to bring about the development of all the capacities of men is their antagonism in society, so far as this is, in the end, the cause of a lawful order among man."<sup>19</sup> Individuals kept their own counsel, and acted as a rule with great self-direction. Ideas were more of a helpmate than other people. Ideas gave justification for going it alone, publicly and privately. Principles were the best company. Where Germans formed associations so that common, collective action could be made, these associations were organized in their means and ends with clear role and scope so that an individual knew his or her place within them and could differentiate this engagement from the other aspects of their private and public commitments.<sup>20</sup>

The weakness of the German norms lay in the very strengths of their individual self-direction that was justified by idea, for this self-direction led to an overweening individualism taken to extremes of imbalance. One might compare Kleist's *Michael*

*Kohlhaas* or Goethe's *Faust* to Austrian heroes such as the civil servant in Grillparzer's *Ein treuer Diener seiner Herrn* or Kafka's counter-example to the Kleistian or Faustian heroes in his *Karl Rossman of Amerika* or *K. of Das Schloss*, all individuals who learn difficult but necessary lessons of interdependence. A healthy democratic society requires cooperative models as well as individualistic models. Individualistic self-assertion is reinforced for the Germans by a historicism whose expression sharpens individual encounter, contrast, and contradiction.

Nietzsche is unable to grasp the multiplicity of other lives in their separate integrities because of this German convention of integrating multiplicity into a common, transcendent medium. When he connotes the nature of experience with Austrian wisdom, as he does in his respect for Franz Grillparzer and Adalbert Stifter, he inevitably distorts the Austrian comprehension of multiple integrities. For example, in his *On the Advantage and Disadvantage of History for Life* he quotes Grillparzer on the multiple causes in any historical experience:

Grillparzer goes so far as to say: "what else is history, after all, than the way in which the spirit of man apprehends what for him are *impenetrable events*; unites elements of which God only knows whether they belong together; replaces the unintelligible with something intelligible; introduces its concepts of externally oriented purpose into a whole which surely admits only purposes with an inner orientation; and again assumes chance where a thousand little causes were at work. Every person at the same time has his individual necessity so that millions run in directions parallel to each other in crooked and straight lines, cross, support and restrict each other, strive forward and backward and in this assume the character of chance for each other, and so, leaving out of account the influences of natural events, make it impossible to demonstrate a penetrating all-inclusive necessity of events."<sup>21</sup>

Nietzsche uses this observation to point to the lazy generalizations of most historians in determining propositions about events. However, his own solution also departs from Grillparzer's multiplicity; Nietzsche sums up his deliberations by saying: "to describe with insight a known, perhaps common theme, an everyday melody, to elevate it, raise to a comprehensive symbol and so let a whole world of depth of meaning, power and beauty be guessed in it" (36). Thus, again the lifting of differing causes, differing integrities, into one common, transcendental medium. Nietzsche's reading of Adalbert Stifter is similarly warped to a German historical-logical viewpoint. Adalbert Schmidt asserts that, in *Thus Spoke Zarathustra*, Nietzsche's conception of "The stillest Hour" is derived from Stifter. Nietzsche states: "Die stillsten Worte sind es, welche den Sturm bringen. Gedanken, die mit Taubenfüßen kommen, lenken die Welt" ("It is the stillest words that bring on the storm. Thoughts that come on doves' feet guide the world").<sup>22</sup> Stifter, of course, does not see any one event, especially a dramatic one, as the most significant moment of human episodes. He is the last to wish to bring on a storm with a still word. He writes on his "soft law" in *Bunte Steine*:

The force which causes the milk in the poor woman's crock to rise up and overflow is like that which drives forth the lava from the volcano, and leaves it on the surface of the mountain to flow down. Only the latter

appearance is more obvious, compelling the glance of the uninformed and the inattentive [...] And as it is in outer nature, so it is in the inner of humankind. An entire life full of justice, simplicity, self-control, understanding, effectiveness in one's circle, admiration of the beautiful, united with a calm, resigned dying, I hold as great: powerful movements of dispositions, frightful manifestations of anger, the desire for revenge, the inflamed spirit that strives for activity, and in its excitement, compels, disturbs, and even throws away its own life, I hold not as great, rather as less significant, since these things are only manifestations of the single and one-sided forces as the occurrence of storms, fire-spilling mountains, and earthquakes.<sup>23</sup>

Stifter's "soft law" is the unity realized by the interrelation of all small interconnected cause-effect moments. The "law" is that complex, interconnected form. Stifter does not speak of the most salient principle or the one cause, but always the sequence of small moments that develop the whole. Thus, he as an Austrian eschews any transcending (or reduction) of differing individual moments to a univocal and abstract leaven. The irony is that the Austrian was and, I contend, still is caught in the web of morphological form, thus the personalism and interpersonalism has an inherent univocality, nonetheless. Stifter, in his essay-report of the solar eclipse on July 8, 1842 surprises the twentieth century reader by predicting a kind of painting where color escapes from the forms of material content – a prediction of abstract expressionism, as well as a prediction of atonal music free of traditional structure. Actually this is not formulated as prediction, but rather a yearning to escape morphological form. The eclipse is tracked through its several phases until it is complete. In the heart of darkness of the two minutes when the solar orb is completely eclipsed, the flames of the sun's penumbra shoot colors outward and a silence becomes the background of the slight sounds of animal and human restlessness. Stifter writes:

Couldn't one invent a music for the eye by the simultaneity and succession of light and color as well as a tonality for the ear? Until now light and color have not been independently applied, rather fixed in designs; for fireworks, transparencies, and illuminations are only the raw beginnings of a light music [...] Wouldn't a whole composed only of light accords and melodies, and similarly (aural) tones engender power and shock? In any case, I can't name one symphony, oratorio or anything in that vein that is so exalted as the two minutes of light and color in the heavens [...] (*Stifters Werke*, 2: 950-51)

Stifter asks not only for a release from form, but also for the excitement of the monumental moment – for shock. The German way may be the Austrian antidote if Austria's intersubjective strengths can be preserved and reformulated to include a more individualistic public practice. Franz Brentano, Sigmund Freud, Ernst Mach, Christian von Ehrenfels, Edmund Husserl, Anton Marty, Franz Kafka, Ludwig von Wittgenstein, John von Neumann, and other Austrians of the late nineteenth and twentieth centuries gave their culture and ours the tools to deconstruct form and liberate being human for new constellations of intersubjectivity. Austria today has a rich heritage for liberating itself from its still morphological historical logic.

<sup>1</sup> I translate the word “sanft” as “soft” – rather than “gentle,” as it has been translated by some critics – because Stifter means the English equivalent of soft as “unobtrusive, quiet.” Stifter sees the “sanftes Gesetz” as that law of natural processes that underlies the more striking symptoms of its presence. The most exact term of the “sanftes Gesetz” would be the Germanic use of “sanft” as an inhering process that is natural to persons and things. See Jakob and Wilhelm Grimm’s definition of “sanft” as “von zuständen und verhältnissen, die ihrer entwicklung und beschaffenheit nach in der natur ihres trägers selbst begründet oder mit ihr eng verbunden sind, hinsichtlich ihrer rückwirkung auf körperliches befinden, aber auch auf das innerliche leben”; *Deutsches Wörterbuch*, Volume 8 (Leipzig: S. Hirzel, 1893), 1779.

Stifter’s description of the process of the “sanftes Gesetz” as a “Walten” substantiates my translation. He wrote of the lawful regulating of natural and human processes in this sense to Aurelius Buddeus as a “Walten,” a “regulating action,” “a way of connecting things” (*Stifters Werke*, 1: 72). The Grimms write of “walten” in these senses: “eine regelnde, bestimmende thätigkeit bezeichnen” and “anknüpfung durch”; *Deutsches Wörterbuch*, Volume 13 (Leipzig: S. Hirzel, 1922), 1384 and 1385.

<sup>2</sup> Adalbert Stifter, *Bunte Steine in Stifters Werke in Zwei Bänden* (Salzburg/Stuttgart: Das ‘Bergland Buch’, N.D.), vol. 2, 13-17.

<sup>3</sup> Adalbert Stifter, *Der Hochwald in Stifters Werke in Zwei Bänden* (Salzburg/Stuttgart: Das ‘Bergland Buch’, N.D.), 1: 212.

<sup>4</sup> Günter Fellner, *Ludo Moritz Hartmann und die Österreichische Geschichtswissenschaft, Grundzüge eines paradigmatischen Konfliktes* (Vienna-Salzburg: Geyer, 1985), 92.

<sup>5</sup> Robert Musil, *Beitrag zur Beurteilung der Lehren Machs* (Reinbeck bei Hamburg: Rowohlt, 1980), 43. See also Mark E. Blum, *The Austro-Marxists 1890-1918: A Psychobiographical Study* (Lexington, KY: UP of Kentucky, 1985), 157-158.

<sup>6</sup> Franz Brentano, *Grundzüge der Ästhetik* (Bern: Francke Verlag, 1959), 133-134.

<sup>7</sup> Brentano writes in this regard: “Gewiss ist, dass die Welt von einheitlichen Gesetzen durchdrungen und zu einem Ziele zusammengeordnet ist, den Stempel eines einheitlichen Werkmeisters an sich hat. Ohne solche Einheit wäre kein Kunstwerk eine kleine Welt. Gewiss auch, dass, wie die Welt nur durch jene Gesetze wissenschaftlich erfassbar ist, so auch das Kunstwerk durch solche Einheit fasslicher wird. Aber hätte die Welt überhaupt einen Wert, ohne Psychisches in sich zu begreifen? Und hätten Symmetrie und Wiederholung in der Mannigfaltigkeit?” (*Grundzüge der Ästhetik*, 134).

<sup>8</sup> Franz Stuckert, *Theodor Storm. Der Dichter in seinem Werk* (Tübingen: Max Niemeyer, 1966), 72.

<sup>9</sup> Franz Brentano, *The Foundation and Construction of Ethics*, trans. Elizabeth Hughes Schneewind (New York: Humanities Press, 1973), 2.

<sup>10</sup> Franz Grillparzer, *King Ottocar, His Rise and Fall*, trans. Henry H. Stevens (Yarmouth Port, MA: The Register Press, 1938), 8.

<sup>11</sup> Albion W. Small, *The Cameralists, The Pioneers of German Social Polity* (Chicago: University of Chicago Press, 1909), 484.

<sup>12</sup> See Erhard Dittrich, *Die Deutschen und Österreichischen Kameralisten* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1974), 52-54; see also Louise Sommer, *Die Österreichischen Kameralisten in dogmengeschichtlicher Darstellung* (Vienna: Carl Konegen, 1920; Aalen: Scientia Verlag, 1967), 162-164.

<sup>13</sup> See Joseph von Sonnenfels, *Über den Geschäftsstyl; die erste Grundlage für angehende österreichische Canzleybeamte* (Vienna: Kürzbock, 1784/1820).

<sup>14</sup> See Louise Sommer on the late-eighteenth-century German cameralist theorists Jakob, Soden, and Hufeland who were influenced by Adam Smith, albeit preserving their statist

bias; Sommer, "Cameratism," in *Encyclopedia of the Social Sciences*, vol.3 (New York: Macmillan, 1951), 160.

<sup>15</sup> Reinhard Merkel, *Strafrecht und Satire im Werk von Karl Kraus* (Baden-Baden: Nomos Verlagsgesellschaft, 1994), 90-92.

<sup>16</sup> See Heinrich Schuster's discussion of the Austrian bourgeois loss of public authority to the Emperor between 1273 and 1512 in "Die Entwicklung des Rechtslebens, Verfassung und Verwaltung," in *Geschichte der Stadt Wien*, (Vienna: Adolf Holzhausen, 1897), vol. 1, 368-376.

<sup>17</sup> See Ferdinand Schevill, *The Great Elector* (Chicago: University of Chicago Press, 1947), esp. 96-97 for the traditional awareness of legal limits to authority in the Hohenzollern lands, as well as 249 and 409ff for the impact of Calvinism on Frederick William.

<sup>18</sup> See Otto von Gierke, *Natural Law and the Theory of Society, 1500-1800*. Trans. Ernest Barker (Boston: Beacon Press, 1957), 70ff.

<sup>19</sup> Immanuel Kant, "Idea for a Universal History from a Cosmopolitan Point of View," *On History*. Trans. Lewis White Beck (Indianapolis: The Bobbs-Merrill Company, 1963), 15.

<sup>20</sup> See Otto von Gierke's description of the early German cooperative community whose means of coherence were the specific public functions that were a right of the person. Public life as a collective was the integration of these individual, separate functions: "Das Recht löste sich im Rechte auf, bis es nur noch in der Idee ein gleiches ungemeines Recht, in Wirklichkeit nur die zahllosen individuellen Rechte, Freiheiten, Privilegien und Sonderbefugnisse der Stände, Herren und Genossenschaften, der Marken und der Höfe gab"; *Das deutsche Genossenschaftsrecht*, 2 vols. (Graz: Akademische Druck u. Verlagsanstalt, 1954), vol 2, 128.

<sup>21</sup> Friedrich Nietzsche, *On the Advantage and Disadvantage of History for Life*. Trans. Peter Preuss (Indianapolis: Hackett, 1980), 35.

<sup>22</sup> Nietzsche, "Die stillste Stunde," *Also Sprach Zarathustra in Friedrich Nietzsche. Werke in Zwei Bänden* (Munich: Carl Hanser, 1967), vol. 1, 645ff; translation taken from Walter Kaufmann, *The Portable Nietzsche* (New York: Viking Press), 258. See Adalbert Schmidt's observations on Nietzsche's indebtedness to Stifter for this thought in *Das sanfte Gesetz. Vom dichterischen Vermächtnis Adalbert Stifters*. Antrittsvorlesung gehalten am 14. März 1967 an der Universität Salzburg (Salzburg/Munich: Anton Pustet, 1969), 12; Schmidt refers to Ernst Bertram, "Nietzsche, die Briefe Adalbert Stifters lesend," in *Möglichkeiten. Ein Vermächtnis* (Pfullingen: Neske, 1958), 201-222.

<sup>23</sup> Adalbert Stifter, *Bunte Steine*, 15 [see endnote 2].