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## THE DÜRRENMATT COURTS

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**ABSTRACT:** This essay presents the pessimistic and skeptical view of justice by the Swiss author and playwright Friedrich Dürrenmatt (1921-1990). The analysis is made based on common aspects identified in his masterpiece *The Visit* (1956), and in another less known play, *A Dangerous Game* (1956). Firstly, the plays' plots are described, compared and contrasted. For a methodological approach, seven "points of inflection" were constructed between the texts, exploring: a) the role, in the plot, of the visits; b) whether Dürrenmatt describes justice as it is, or its deviations; c) the importance of the form of the courts for the characters; d) the justice of the accusations; e) the power of the characters; f) the humor of the plays; and, finally, g) the depiction of death. The conclusion is that despite differences in plot, Dürrenmatt's plays are an important testament to his disheartening view of institutions.

**KEYWORD:** Law and Literature; legal imaginary; conceptions of justice; European playwrighting.

### 1 INTRODUÇÃO

Probably Literature is the most disturbing instrument that is able to convey, outside the juridical environment, the uneasy sensation jurists experiment in their practice. Of course, such uneasy sensation might not

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even be felt by all jurists, but it is certainly experienced by those who can, one way or another, keep themselves above water, instead of simply drowning themselves into pure dogmatism, into the uneventful demands of a career in Law. *Antigone*, by Sophocles (2009)<sup>3</sup>, was probably the first legal drama ever staged, and already so thoroughly and directly eviscerated the confrontation between a positive and a natural legal order. The remaining question is whether all Law students, or even those who already finished this stage in their career, are able to develop empathy with the protagonist of the play and share her afflictions. Are the tragedy and the absence of order depicted in it really capable of touching the readers to think about such an intriguing problem in the theory of Law?

Theater, as the art of staged narrative, is probably even more powerful than novel-making to destabilize readers, making them face the drama and possibly discuss situations that are not part of their daily lives, but could come to be (Ost, 2017). Experiencing form and content of different experiences makes it possible to compose richer, more complex imaginaries (Ghirardi, 2016). Well, if the Law is narrative in context and deserves to be interpreted and filled with meaning, from where it is, theater can surely help reach this objective in a more straightforward and disturbing way. Play viewers suddenly end up realizing there is something deeper, stronger than a simple sequence of dialogues imitating reality, behind the theatrical text. Thus, the playwrights' talent, or their sheer affinity with the portrayed matters, has the potential to take the viewers from a passive, receptor position to a natural, disturbing moment.

Two plays written by Friedrich Dürrenmatt (1921-1990) in the 1950's have such disturbing potentiality. *A Dangerous Game* (originally, *Die Panne*) is classified by the author as comedy, and *The Visit* (originally, *Der Besuch der alten Dame*), a tragi-comedy. Both plays are of the same stylistic phase of the author, thus one can assume their themes were among

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<sup>3</sup> On the contrast between particular and universal norms in *Antigone*, see the very interesting analysis by Bankowski (2007).

Dürrenmatt's worries at the time. Both narratives have in common the presence of a court and have tragic endings: the death of one of the characters. Possible parallelism between both plays allow the supposition that Dürrenmatt conceived them as mirrors of each other: in the first one, *The Visit*, the justice system is manipulated in order to concretize a case of revenge, whereas in the second one, *A Dangerous Game*, the legal apparatus, hereby fictitious, is more important than the main character, and it manipulates and traps him. Friedrich Dürrenmatt was born on January 5, 1921 and lived his last 38 years in Neuchâtel, Switzerland, where he died in 1990. Dürrenmatt became famous, especially for *The visit* (1956) and *The Physicists* (1962). He is also known for writing police novels, some of which were adapted to cinema<sup>4</sup>. In Neuchâtel, nowadays is the Dürrenmatt Center, dedicated to the preservation of his work.

The radio version of *A Dangerous Game* was written in 1955 and broadcast by *Bayerischen Rundfunk* on January 17, 1956, winning the *Kriegsblinden-Preis* award. The stage version premiered on September 13, 1979, edited by *Gastspieltheater Egon Karter* at *Comödienhaus Wilhemsbad / Hanau*.

*The visit* was first staged in 1956 in Zurich, and its success made Dürrenmatt world famous; since then, the play was performed multiple times; in 1971, a three-act opera libretto composed by Gottfried von Einem was first staged in Vienna; In 1964, the movie *The Visit* with Ingrid Bergmann and Anthony Quinn hit theaters; in 1982, a Swiss production and, in 1992, a Senegalese production, used the plot of the play for new productions.

In this essay *A Dangerous Game* and *The Visit* are compared and contrasted in their similarities and differences in order to seek behind the

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<sup>4</sup> Regarding Friedrich Dürrenmatt's career, see the website of CENTRE DÜRRENMATT NEUCHÂTEL. *Friedrich Dürrenmatt*. Available on: <https://www.nb.admin.ch/snl/en/home/about-us/sla/estates-archives/focus/duerrenmatt.html>. Accessed in: July 14, 2018.

stories the author's critical view of justice. Of course, this essay contains revelations about the plot of the two plays.

## 2 THE PLOTS

### 2.1 *A Dangerous Game*

Alfredo Traps<sup>5</sup> is driving and his car breaks down near a small town. It is not possible to fix it immediately, and the inn is at full capacity. The only alternative is the house of Mr. Werge, where, according to the locals, it would be possible for him to rent a room. The plot starts, thus, with the breakdown (*die panne*).

Some retired men live in the house: a judge, a prosecutor, a lawyer, and a bailiff. Everything is being prepared for a great feast; All welcome the visitor warmly. Alfredo Traps is a commercial representative of fabrics and suddenly finds himself surrounded by the atmosphere of the residence. All hospitality has only one price: participating in the game. The game is a mock trial. And in the game, Alfredo is the defendant.

Perhaps touched by the amusement it would be for the old men to reproduce their past social roles, Alfredo joins the game entirely. Against him, at first, there is no charge. However, everyone has accounts to adjust with the past. The interrogation begins and gradually Alfredo finds himself entangled in an accusation forged by his own statements. What is he doing there? Replacing my former boss. What happened to him? Died of the heart. Cause? Heartbreak, betrayal. Participating in the betrayal of the ex-boss's wife? The defendant, Alfredo. Conclusion: Alfredo indirectly but decisively caused the death of his former boss. Sentence: death. In the following excerpt, Alfredo Traps accepts the court's decision and is sentenced:

TRAPS: Quietly I listened indignantly to the outrageous speech of my defender, and that of the prosecutor, with deepest shock. I don't want to comment on the defender's speech, it is a perfect slander, but there are some minor corrections in the prosecutor's speech, not that they are important, but I believe they could serve to clarify the truth. Mrs. Gygax did not receive me in a bathrobe, but in a dark red kimono, just like Mr. Gygax's heart attack did

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<sup>5</sup> Curiously, in *The Visit*, the defendant-protagonist is named Alfred.

not happen in the hallway, but in his warehouse, and then there was the hospitalization, and finally death in oxygen, however, this is not what's essential. I am a killer. I did not know, when I entered this house, I did not want to know, now I know that. I did not dare think about it, I was obviously too cowardly to be honest, now I have the courage to be such thing. I'm guilty, I recognize with horror, with amazement. Guilt has arisen in me, it seems like me, like a sun, it illuminates my insides, burns it. I have nothing more to say. I ask the court for the verdict.

JUDGE: Dear Alfredo Traps, you are facing a private court. So it is my duty, at this solemn moment, to ask you if you accept the judgment of our non-state but private court?

TRAPS: I accept the sentence.

JUDGE: Very well. He recognizes our court. I raise my cup of golden Cognac from the year 1983. You committed murder, Alfredo Traps, not with a weapon, no, but by carelessness in the world in which you live; because intentional acts, as the prosecutor wants us to believe, seem unproven to me. You acted recklessly, did what you wanted to do. In the world where you buzz with your Studebaker, nothing would happen, but now you have come to us in our quiet little white house, where four old men have illuminated their world with the pure light of justice. She has weird traits, our Justice, I know, I know, she smiles on four broken faces, reflected in the monocle of a gray-haired prosecutor, a poetic defender laughing at a drunken toothless mouth, a babbling red-faced judge, a bald executioner, it is a peculiar, retired, wicked and grotesque justice, in whose name I now, dear Alfredo, condemn you to death (Dürrenmatt, 1998, p. 50-51)<sup>6</sup>.

<sup>6</sup> Originally: "TRAPS Leise Ich habe die ungeheuerliche Rede meines Verteidigers mit Entrüstung vernommen, diejenige des Staatsanwalts mit tiefster Erschütterung. Zur Rede des Verteidigers möchte ich nicht äußern, sie stellt eine einzige Verleumdung dar, zur Rede des Staatsanwalts sind jedoch einige leise Berichtigungen am Platz, nicht, dass sie wichtigen wären, doch, glaube ich, könnten sie dienen, der Wahrheit ganz zum Durchbruch zu verhelfen. So hat mich Frau Gyax nicht in einem Bademantel empfangen, sondern in einem dunkelroten Kimono, auch hat der Infarkt Herrn Gyax nicht im Korridor getroffen, sondern in seinem Lagerhaus, noch eine Einlieferung ins Spital, dann Tod unter dem Sauerstoffzelt, doch dies ist, wie gesagt, unwesentlich. Ich bin ein Mörder. Ich wusste es nicht, als ich dieses Haus betrat, wollte es wohl nicht wissen, nun weiß ich es. Ich wagte nicht daran zu denken, ich war offenbar zu feige, ehrlich zu sein, nun habe ich den Mut dazu. Ich bin schuldig. Ich erkenne es mit Entsetzen, mit Staunen. Die Schuld ist in mir aufgegangen, kommt es mir vor, wie eine Sonne, erhellt mein Inneres, verbrennt es. Mehr habe ich nicht zu sagen. Ich bitte das Gericht um das Urteil. RICHTER Lieber Alfredo Traps. Sie stehen vor einem Privatgericht. Es ist daher in diesem feierlichen Moment meine Pflicht, an Sie die Frage zu richten, ob Sie das Urteil unseres nicht staatlichen, sondern privaten Gerichts auch anerkennen? TRAPS Ich nehme dieses Urteil an. RICHTER Sehr schön. Sie anerkennen unser Gericht. Ich erhebe mein Glas, gefüllt mit braungoldenem Cognac aus dem Jahre 1983. Du hast gemordet, Alfredo Traps, nicht mit einer Waffe, nein, allein durch die Gedankenlosigkeit der Welt, in der du lebst; denn dass alles Absicht war, wie der Staatsanwalt uns glauben machen will, scheint mir nicht so ganz bewiesen. Du hast getötet, allein dadurch, dass es dir Nützlichste war, jemand an die Wand zu drücken, rücksichtslos vorzugehen, geschehe, was du wolle. In der Welt, die du mit deinem Studebaker durchbrausest, wäre dir nichts geschehen, aber nun bist du zu uns gekommen, in unsere stille weisse kleine Villa, zu vier alten Männern, die



The play was first released in two versions, one for the radio, one for the stage. In the radio version, after the trial, Alfredo falls asleep, drunk, convinced of the justice of the verdict, and wakes up only the next day with his car ready. In the stage version, Alfredo Traps, convinced of the accusation, takes his own life.

## 2.2 *The Visit*

*The Visit* is acclaimed as the masterpiece by Dürrenmatt. Claire Zachanassian returns to her hometown decades after infamously having run away. After running away, Claire married an Armenian multimillionaire of the petroleum business and soon became a widow, having had a sequence of new husbands. Now she announced that she was back to her home village. Her arrival is expected with great anticipation and anxiety. The population gathers at the train station to welcome her. On arrival, what stands out most is the contrast between her wealth and the poverty of her hometown. Among the hosts, her long lost teenage love, Alfred Ill (in the movie *The Visit*, his name is Serge Müller), currently the owner of a small store in Gullen.

Claire stays at the city's most important hotel, which is little more than a hostel. She is welcomed at dinners and parties, by the mayor and other authorities, until finally announcing the reason for her visit: Claire has an offer to make. She wants to save the city of its poverty, by offering a big amount of money for the government, and an extra amount for each one of the citizens. The money is considerable and can change the history of the village. However, in exchange, Claire demands justice. More than that, she wants to buy her justice. In this excerpt, she makes her intention clear:

CLAIRE ZACHANASSIAN: Mayor, inhabitants of Gullen.  
Your selfless joy at my visit touches me. I was a little  
different child than what seemed in the mayor's speech; I

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in deine Welt hineingeleuchtet haben mit dem reinen Strahl der Gerechtigkeit. Sie trägt seltsame Züge, unsere Gerechtigkeit, ich weiss, ich weiss, sie grinst aus vier verwitterten Gesichtern, spiegelt sich im Monokel eines greisen Staatsanwalts, im Zwicker eines dichterischen Verteidigers, kichert aus dem zahnlosen Munde eines betrunkenen, schon etwas lallenden Richters, leuchtet rot auf der Glatze eines dicken, abgedankten Henkers, es ist eine verkehrte, groteske, schrullige, pensionierte Gerechtigkeit, in deren Namen ich nun, lieber Alfredo, dich zum Tode verurteile".

was beaten at school; I stole, along with Ill, potatoes for the widow Boll, not to save the old woman from starvation, but to go to bed with Ill at least once, not in Peter's woods or a barn. However, to make my contribution to your joy, I immediately declare that I am ready to give Gullen a billion. Five hundred million for the city and five hundred million distributed among all families.

*Deadly silence.*

Mayor: *Stuttering.* One billion.

*All still stunned.*

CLAIRE ZACHANASSIAN: With one condition.

*Everyone erupts in indescribable joy. They dance around, standing on chairs, gymnasts do pirouettes, etc. Alfred Ill pats his chest enthusiastically.*

ILL: To Clair! Great! Wonderful! Let's play big game! My magic witch! *He kisses her.*

Mayor: On one condition, said the gracious lady. Could we know what this condition would be?

CLAIRE ZACHANASSIAN: I'll tell you the condition. I give you a billion and buy myself justice.

*Deadly silence.*

Mayor: What does that mean, gracious lady?

CLAIRE ZACHANASSIAN: What I said

Mayor: But justice can't be bought!

CLAIRE ZACHANASSIAN: You can buy anything<sup>7</sup> (Dürrenmatt, 1998, p. 44-45)<sup>8</sup>.

<sup>7</sup> Can one, really? Can anything be brought into the field of commoditization? An interesting approach is proposed by Margaret Jane Radin (1996) in *Contested Commodities*. According to Radin, legal systems set pragmatic limits on commoditization, composing a gradient between the scenario of complete commoditization and, at the other extreme, market sealing. Another interesting approach for *The Visit* is the essay by Bruno S. Frey, Felix Oberholzer and Reiner Eichenberger (2001), entitled "The Old Lady Visits Your Backyard: A Tale of Morals and Markets".

<sup>8</sup> Originally: "CLAIRE ZACHANASSIAN: Bürgermeister, Gullener. Eure selbstlose Freude über meinen Besuch rührt mich. Ich war zwar ein etwas anderes Kind, als ich nun in der Rede des Bürgermeisters vorkomme, in der Schule wurde ich geprügelt, und die Kartoffeln für die Witwe Boll habe ich gestohlen, gemeinsam mit Ill, nicht um die alte Kupplerin vor dem Hungertode zu bewahren, sondern um mit Ill einmal in einem Bett zu liegen, wo es bequemer war als im Konradweilerwald oder in der Peterschen Scheune. Um jedoch meinem Beitrag an eure Freude zu leisten, will ich gleich erklären, dass ich bereit bin, Gullen eine Milliarde zu schenken. Fünfhundert Millionen der Stadt und fünfhundert Millionen verteilt auf alle Familien. *Totenstille.* DER BÜRGERMEISTER: *stotternd* Eine Milliarde. *Alle immer noch in Erstarrung.* CLAIRE ZACHANASSIAN: Unter einer Bedingung. *Alle brechen in einen unbeschreiblichen Jubel aus. Tanzen herum, stehen auf die Stühle, der Turner turnt usw. Ill trommelte sich begeistert auf die Brust.* ILL Die Clara! Goldig! Wunderbar! Zum Kugeln! Voll und ganz mein Zauberhexchen! *Er küsst sie.* DER BÜRGERMEISTER: Unter einer Bedingung, haben gnädige Frau gesagt. Darf ich diese Bedingung wissen? CLAIRE ZACHANASSIAN: Ich will die Bedingungen nennen. Ich gebe euch eine Miliarde und kaufe mir dafür die Gerechtigkeit. *Totenstille.* DER BÜRGERMEISTER: Wie ist dies zu verstehen, gnädige Frau? CLAIRE ZACHANASSIAN Wie ich es sagte. DER BÜRGERMEISTER: Die Gerechtigkeit kann man doch nicht kaufen! CLAIRE ZACHANASSIAN: Man kann alles kaufen".

Everyone gains with this pact. All the inhabitants have been poor, since the closing of the mine that used to bring some wealth to Gullen. The reason for the deal is an old grudge; in teenagerhood, before running away, Claire became pregnant of Alfred Ill; Claire then appealed for his support, and he forged witnesses of her having had sexual relations with other men. Considered a promiscuous girl by the small village, she had no other choice but to flee; Little did she know her action would start a sequence of events that would lead her to incomparable wealth and, now, to her reckoning with the village.

At first, the authorities hesitate. Claire demands the capital death penalty for Ill, who was responsible for her downfall. Without apparent explanation, the financial situation of the village starts to improve. Everyone has new shoes, former debtors pay their debts, people drink more, and don't ask to pay the next day. Like puppets, the inhabitants of Gullen are seduced by the money of Claire, who thereafter controls all their actions. Ill realizes there is something behind all those novelties. The City Council meets and, at Claire's request, modifies local legislation and allows the death penalty for the crime imputed to Ill. Considerations about the retroactivity of criminal law are not in debate: the important thing is to meet the wishes of the benefactor. Ill begs for mercy, but no one supports him, not even his wife. He is finally brought to trial and sentenced. On the way to execution, he has a heart attack and suddenly dies. His body is thrown to the feet of Claire's, who then hands the promised check to the mayor. After that, Claire leaves the city to Capri.

In the script of the 1964 movie, *The Visit*, directed by Bernhard Wicki, with Ingrid Bergmann as Claire and Anthony Quinn as Ill (Serge Müller, in the movie version), the ending scene is slightly different. Ill does not die in the end. When he is about to face his execution, Claire orders the whole thing to stop and delivers a final speech. Claire exposes the venality and immorality of all those people; For money, they delivered one of their own to death without hesitation. They are all morally condemned inhabitants, incomparably viler than herself, accused of promiscuity in her youth. The whole trial, and the buying of her personal justice, therefore, were a means of bringing out the worst in each of Gullen's inhabitants.



### 3 DÜRRENMATT AND HIS COURTS

The analysis of Dürrenmatt's plays goes through seven inflection points that allow them to be understood in greater depth: a) the role, in the plots, of the visits; b) whether Dürrenmatt portrays Justice as it is, or its deviations; c) the importance of the form of courts to the characters; d) the justice of the accusation; e) the potency of the characters; f) the humor of the plays; and, finally, g) death.

a) *the visits*. Both plays have a visit as the starting point. On the one hand, there is an announced visit, expected by the dwellers of Gullen. Without revealing the true intentions, the millionaire Claire visits her hometown. On the other hand, an unplanned visit: Alfredo Traps' Studebaker breaks down and he has to find a bed to sleep, which leads him to a booby traps of a fake court. It seems that this was not the first time the retired-men court had judged anyone, probably others had knocked on the door of the white house. Visitors determine a break from routine: appointments and schedules have to change, whether they are longed for or rejected visitors. A visit represents the link between two diverging spirals, the one of the visitor and the one of the host. As for the old lady's visit, the main character, Claire, comes to the village with a clear, unannounced objective: to rule and submit the justice system to her will. Claire seeks revenge; Thus, she offers her billion in return for justice. On the contrary, the unexpected visit of Alfredo Traps has a different logic: Traps does not think that, by crossing the threshold of the white house and enter the game, he is submitting himself to a justice so cruel as that of Claire Zachanassian.

b) *Justice as it is?* Dürrenmatt portrays two clearly vicious courts. In *The visit*, the justice system becomes an instrument to serve Claire's interests. Of course, Claire wants the punishment of a crime and her revenge against Alfred Ill; yet, nevertheless, justice is taken from its natural order to meet Claire's whims, regardless of the proportionality between the seriousness of the crime and the punishment, or even the principle of the non-retroactivity of criminal laws. Claire wants not only justice, she demands the excess of justice, since she wishes to see Alfred Ill dead. In *A Dangerous Game*, the structure of that fictitious justice is different. It is not possible to identify, behind the bizarre actions of the judges, someone like

Claire, who determines the meaning of justice. On the contrary, in *A Dangerous Game*, justice seems to have a life of its own, a purpose in itself, to provide a stage for the retired men: the judge, the defender, the accuser, and the executioner. This justice is self-satisfied, protected in protecting its actors, regardless of whether or not their judgments are fair. So much so that, due to the lack of an accusation or fact to be judged, this justice itself creates the accusation, scrutinizing the former life of the defendant Alfredo Traps, until it finds a tiny sin of the flesh, magnified by the lens of the court to become a cause of death. Here justice is self-sufficient, autopoietic, fatal and infallible.

It is wise to question: Did Dürrenmatt refer to justice as it is, or did he use his fiction to describe justice as it should not be? According to his critic and biographer Ernst Pawel, in an essay published in 1989 in *The New York Times*, in Dürrenmatt's universe, "God is not dead, but has given up on humanity, and His supreme indifference is manifest in the universal absence of justice" (Pace, 1990, online). Does he point to real justice flaws or to risks? Is justice for Dürrenmatt indeed ruled by external factors (*The Visit*) or self-indulgent traits (*A Dangerous Game*)? In an interview, Dürrenmatt himself stated that the purpose of the modern playwright is to educate the viewer: "to show on the stage his stupidity, blindness, lack of judgment. The viewer must see in the hero of the play that his own behavior is often wrong" (Pace, 1990, online). There is no telling for sure; However, one aspect seems to point to the cynical alternative: the empire of form.

c) *The form of the courts*. In both courts, surprisingly, justice does not change its original form. In *The Visit*, Claire wants to pay one billion to convince a court to sentence Alfred Ill to death. To do so, she submits to the effort of convincing the city's legislators to change the sentence of Alfred's crime, whose sentence is fair. With much less effort, Claire could have hired a killer and reach the very same result, faster and por effectively; and, if well planned, she would probably not have to face any consequence of her crime. However, for some reason, it is important to Claire that Alfred is indeed sentenced by a judge. Why does Claire consider the trial so indispensable? To preserve appearances or to produce her revenge mirroring what had happened to her as a teenager, when Alfred Ill forged witnesses to accuse

her of being promiscuous? In a sense, in this original trial, years ago, justice had already been manipulated by Alfred Ill, who could not throw the first stone at Claire. Claire apparently wants to seek revenge on the same ground: the judiciary. If Alfred, a poor man, was able to do it, then why would she be morally condemned for manipulating the same system now, but by different means: the abuse of economic power? Suddenly, the proposal to buy justice, which, at the inflexion point, seemed a brutality of Claire's, gradually begins to be morally justified, partially at least. Had the system not been manipulated back then, Claire would not have been so harmed by it and would never have been expelled from the village. It may be suggested that the respect for the trial, for form, gives to the play's conclusion a certain moral legitimacy, as sought by Claire.

In *A Dangerous Game*, criminal justice is strictly preserved. Accusation, defense and judging are separate instances, granted to each of the retired men. There is, of course, to the prestige of the fictitious court, the need for an accusation, which is not present at the beginning. To this end, all members of the court collaborate, especially in the interrogation of Alfredo Traps; his sins are insistently scrutinized to the point of forging a murder guilt that he had not even imagined before. The remaining question, for both plays, is whether the accusations against Traps and Ill were fair or not.<sup>9</sup>

d) *The justice of the accusation.* In *The Visit*, Alfred Ill is really charged due to a past wrongdoing. Ill forged witnesses to escape the responsibility of fatherhood. What's more, to do so, he bullied a young woman, accusing her of promiscuous behavior, which forced her to leave her hometown for good. Alfred Ill, years before, thus, manipulated himself the system of justice. What does not seem fair in the case of Ill is, in the first place, the disproportionality of the penalty. Claire asks him to be sentenced

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<sup>9</sup> On procedural justice, Höffe (2003, p. 54-44) distinguishes three models: the purely procedural one, where justice is inherent in the procedure itself; the perfectly procedural one, in which there is an independent criterion for measuring the fair outcome and a procedure to reach an outcome with approximate safety; and, finally, the imperfect procedural one, where there is also a criterion of justice external to the procedure, but there is no procedure that excludes the possibility of error. In the case of Claire Zachanassian's court, there is the assumption that the form would legitimize the outcome, as in the retired court. However, in neither case can it be stated that the result is fair, based on moral criteria. On the permeability of morality in the concept of procedural justice, see Habermas (1997).

to death. Of course, the consequences of infamy were dramatic: Claire found herself in need of abandoning Güllen; however, in a sense, this fact unexpectedly began a causal sequence that today puts her in the position of one of the richest women in the world. True, the wealth was earned by marriage to the Armenian millionaire; but had the expulsion not occurred, Claire would not have known the Armenian man and would not have become a multimillionaire. Perhaps Claire is not so unhappy by the expulsion itself, but by its circumstances: a sexual infamy. Claire could be satisfied, in her revenge, with the clarification of the facts, with an explosion of Ill's manipulation of justice years ago. Even today, Claire seems to have fond feelings for Ill; however, her will is relentless, and she wants the death of her former lover. This may also suggest that the feeling of passion is incompatible with the serenity of justice. In the case of Ill, it would be fair to punish him for manipulation, if there was still any interest in the criminal prosecution of this fact, which might be covered by prescription (which nonetheless reflects an aspect of justice: the need for legal certainty, of *moving on*, or even forgiveness).

In *A Dangerous Game*, on the contrary, the accusation is clearly unfair. The court members seem to challenge each other, and consider that every person has a minor sin, some mystery, some secret that could turn out to be considered as a crime. The court needs this charge, for its own justification and survival, so that the game is not frustrated. The defendant is led to believe, and indeed is convinced, that his action, the visit to the chief's wife, who had received him in casual attire, is the cause of Gyax's death; he is led to believe, persuaded by court members, that an innocent (or at least unintentional) action caused Gyax's death. The court rejoices: the prosecution was made possible after a brief interrogation of a defendant who did not even know he was being interrogated.

e) *The potency of the characters.* Both leading characters, Zachanassian (*The Visit*), and Alfredo Traps (*A Dangerous Game*), could not be more different. Claire manipulates the whole scenario in her favor; she does buy justice, and her capacity for domination is infinite; She is above the average mortal. Claire has no extra-human powers, but acts as if she had them. In Northrop Frye's (1973) classification, Claire fits into the

high imitative mode. Frye, starting from Aristotle's *Poetics*, classifies literary modes from the strength of the characters: either the character is a super-powered god above all human beings; or is just above the others, but does not reach divinity; or is on the same power plane as the others; or, finally, is below the average of people in understanding power and potency. Claire is not a goddess, but manipulates all the reality around her and could fall into the second category, the high imitative way. According to Frye, in high imitative mode:

If superior in rank to other men but not to his natural surroundings, the hero is a leader. He has far greater authority, passions, and powers of expression than ours, but what he does subjects him to both social criticism and the order of nature. This is the hero of the high imitative mode of most epic and tragedy works, and is fundamentally the kind of hero that Aristotle had in mind. (Frey, 1973, p. 38, translated).

If Claire has potency, Alfredo Traps is below the average intelligence and power capacity. He is almost on the level of imbecility; He lets an accusation against him go unnoticed and finds himself convinced of his guilt. In his own words, "I am a killer. I did not know, when I entered this house, I did not want to know, now I know that. I did not dare think about it, I was obviously too cowardly to be honest, now I have the courage to be such thing."<sup>10</sup> In the same rank of Northrop Frye's, Traps is the ironic character:

If inferior in power or intelligence to ourselves, so that we have the sensation of looking from above, a scene of slavery, failure or absurdity, the hero belongs in the ironic mode. This is true even when the reader feels that he is or could be in the same situation, but the situation is being judged more independently. (Frey, 1973, p. 38, translated).

Alfredo Traps is, in a way, an ironic character, who takes part in a tragedy: his own<sup>11</sup>.

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<sup>10</sup> From *A Dangerous Game*, see it in its original language in note 6, above.

<sup>11</sup> Tragic irony then simply becomes the study of tragic isolation itself and thus highlights the element of the particular case, which to some extent exists in all other modes. Its hero does not necessarily have any tragic *hamartia* or pathetic obsession: he / she is just someone who is isolated from his society. Thus, the fundamental principle of tragic irony is that anything exceptional that happens to the hero should be causally out of character. Tragedy is intelligible, not in the sense of having any moral intention accompanying it, but in the sense that Aristotle had in mind when he spoke of discovery or recognition as essential to the tragic plot. Tragedy is intelligible because its catastrophe is plausibly



f) *The humor of the plays.* Where does the comedy of both plays dwell? In fact, the two stories, interpreted in one way or another, with different backgrounds, montages, songs, or lights, can lead to the most complete tragedy, or to uninhibited comedy. In *A Dangerous Game*, the humor is in the retired men's attachment to their past social roles. Justice is an old people's game; neither of them is seriously concerned with the outcome, but only with the perpetuation of the game and, comically, with the continued supply of food and drink in the supper. Even after retirement, the court characters replicate their past behaviors, which throws the viewer into the discomfort of wondering if justice is actually conducted in this way. This strong attachment to social roles casts another doubt on the viewer: is there anything beyond, something human beyond titles and positions? Perhaps is this not the reason why these old men continue to meet? Is the only meaning of their lives the mechanical reproduction of their past deeds?

Another comical aspect of *A Dangerous Game* is the cult of form, mainly regarding the division of function, which contrasts to the clear commitment of all the men, including the defender, with the viability and justification of the accusation, regardless of any variable factor for justice. Besides, the banality of the trial contrasts with the tragic ending of the leading character: in the staged version, Traps tragically kills himself, convinced he was truly a criminal. The play certainly feels less cruel in the radio version, whose ending shows Traps waking up the next day, as if he had simply had a nightmare.

As for the humor in *The Visit*, it is more obviously apparent: the flattery around Claire, who years ago was a nobody, and today is the focal point of all citizens' interests; The economic benefits that Claire spreads among the city dwellers and that appear gradually (a new outfit, a new yellow shoe...); And the shift of position of the local authorities regarding

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related to the situation. Irony isolates from the tragic situation the sense of arbitrariness, of having the victim been unhappy, chosen randomly or by fate, and not deserving what happens to him / her more than anyone else. If there is a reason to choose him / her for disaster, it is an inappropriate reason and raises more objections than answers (1973, p. 47).

Claire's proposal as soon as such benefits begin to emerge. What is tragic about *The Visit* is, among other things, the fragility of the system, which can be so easily bought; and, finally, the death of a leading character, as in *A Dangerous Game*.

*g) Death.* Both plays start with visits and end with death: Alfred Ill's in *The Visit*, and Alfredo Traps' in *A Dangerous Game*. It represents, in both plays, the reach of justice both Claire and the court of retired men crave for. Neither Ill or Traps are aware of the mechanism that acts upon them, although in the case of *The Visit* Claire Zachanassian's action is perfectly identified as the originating force. Against Traps, however, it is only pure irrationality, or the rationality of institutional self-protection, that sets the institutional cogwheels in motion. Death represents the irreversible end point of the tragedies, a spotlight on the vices and consequences of a deviated justice.

#### 4 CONCLUSIONS

The pessimist and skeptical view on justice by the Swiss author and playwright Friedrich Dürrenmatt (1921-1990), based on the analysis of two of his works, his masterpiece *The visit* (1956) and a less know play, *A Dangerous Game* (1956), emerges in his work.

Dürrenmatt cannot, and certainly had no intention to, hide his view of the viability of justice; As his aforementioned biographer mentioned, in Dürrenmatt's universe, "God is not dead, but has given up on humanity, and His supreme indifference is manifest in the universal absence of justice" (Pace, 1990, online).

The helplessness of Alfredo Traps and Alfred Ill, in the face of the institutional plot, distresses the viewer and leaves them in an area of total discomfort; The same is done by the fragility of justice bought by Claire Zachanassian.

Written at the same time, the two plays share the scrutiny of justice. After describing the plots of each of them, we proceeded to an examination of their parallels and contrasts, exploring the meaning of the *visits*; if

Dürrenmatt refers to justice as it is, or to its deviations; the importance of the form of the courts for the characters; the justice of the accusations; the potency of the characters; the humor of the plays, and finally, death. The conclusion is that despite the differences in storylines and the potency of the leading characters, Dürrenmatt's plays are an important reflection of his disheartening view of institutions.

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