The Formal and the Societal

Explaining the negative climate around some mathematicians, mathematics teachers, historians of mathematics and researchers of mathematics education in Bielefeld in the 1970s¹

I am a mathematician, born in Germany and graduated from Bonn University. I have worked in Denmark for 40 years. I shall explain features of system control and political suppression that I experienced as a young scientist of Bielefeld University before I left the Faculty of Mathematics back in the 1970s after being subjected to the "Berufsverbot".

The difficult balance between the formal and the societal. I like the formal -- the "unshakable" -- that we can achieve by precise concepts and arguments. I admire Kurt Gödel, who as an emigrant from Nazi-Austria sought US-American citizenship and came close to being rejected. His failure was sticking to the formal when he pointed out to the immigration judge that the United States' Constitution – logically – did not rule out that a dictator or an anti-democratic party could (legally) win state power. Perhaps I have an even greater admiration for and sympathy with Gödel's friend Albert Einstein who had to smooth out.

Looking back I begin to understand my own failure as a young mathematician at the newly established research and mathematics oriented Bielefeld University. I insisted on the formal right of every citizen to run at state elections for a legal and oppositional political party. I felt safe since my superiors were satisfied with my work at the university and underestimated

¹ I elaborated my memories and considerations before in:

^{1.} a chronicle for the Danish daily newspaper "Politiken", published on 6 April, 2016 (Fig. 1),

^{2.} a follow-up interview with "Roskilde Dagbladet", published on 16 April, 2016 (Fig. 2), and

^{3.} another interview with the radio station "24-7", broadcast on 24 April, 2016,

all accessible at $\underline{\text{http://thiele.ruc.dk/~booss/PolitiskDisciplinering_Udstilling+Debat/}}$ and, some years earlier,

^{4.} a personal correspondence of 4 Nov., 1983 and 22 Feb, 1984 with Johannes Rau, at that time Prime Minister of the State of North Rhine-Westphalia (Fig. 3).

how much the old Nazi and SS brotherhoods still dominated in the interior departments and the security apparatus of the Federal Republic of Germany. I was numb to the hysterical fright of communist upheaval among leading social democrats and liberals and their declared will to interdict the entrance of system critical minds in the public service. At the time, we had no Albert Einsteins around to smooth that out. Therefore, I had to give up my ongoing work at Bielefeld University and seek new opportunities in neighbouring Denmark. My failure: I had trusted the formal and underestimated the societal. Indeed, even in mathematics the formal does not reach far if not acknowledging the social component of teaching, applications, and research.

I experienced it as an intellectual liberation when I moved to Denmark in 1977 and became acquainted with the Danish post-war debate between the mathematically sharp legal formalist Alf Ross and the preacher of democracy Hal Koch. While, on the one hand, Alf Ross said, "Forget about democracy if you do not first formalize the rule of law," Hal Koch maintained that "formalism is worthless, if it is not supported by and serves good common and commonly accepted goals."



Fig. 1 a) Politiken, 6.4.2016, front, clip

b) Roskilde Dagbladet, 16.4.2016, clip

Here, two wise Danish heads expressed the two core principles of all mathematical-scientific activity: uncompromising rigor and highest precision in daily work combined with lasting awareness of facts, problems, visions and opinions.

My feeling of liberation was also political: the political system in Denmark had an aura of decency and respect for the formal, no matter how people and state authorities evaluated my service for common goals.

The unfortunate German tradition of contempt for the formal. It was quite different in the country I came from with its particular culture of debate, called 'Streitkultur', which embraces both Goethe's, Schiller's and Kant's soberminded language and Hitler's and Goebbels' high-pitched rhetoric. In this culture - or misculture - the formal arguments, paragraphs, logic, numbers, are rarely the strongest. Instead, you ask the other: What do you really want? And you present your own goals and intentions. That contempt for the formal is disguised as pragmatic honesty and can be intellectually appealing, but in German history it has turned out to be politically problematic.

Even before 1933, the German law philosopher Carl Schmitt thus argued, before becoming the Crown jurist for the Nazi horror regime, for the priority of societal 'legitimacy' over formal 'legality'. Also parts of the German left, e.g., The Frankfurt School following Adorno, Benjamin and Horkheimer, was attracted to Schmitt's disdain for the formal.

In West Germany of the 1970s, I learned that contempt for the formal is not just an academic or historical phenomenon. I saw it in the form of Berufsverbot - this suppressed chapter on political repression of system criticism in Western Germany and West Berlin. Occupation ban came as a follow-up to a rather surprising flourishing of a socialist-oriented student movement and as a domestic political control measure in connection with Willy Brandt's New Eastern Policy.

Is there not always some degree of mind control, custody, surveillance and restrictions on freedom of expression in all modern states? Yes and no. The special thing about the West German occupational ban was that the attacks against system critics did not happen in isolation and in secret, but rather openly. German politicians and system affirming media were almost daily boasting about their illegalities. State authorities and courts held it against an applicant when she invoked constitutional rights, as evidence of a formal and non-democratic attitude to the West German constitution and thus as a

legitimate reason to exclude politically dissenting young people from public office positions. It did not matter how much the employing authority wanted them or how well-regarded they were by their superiors.



Fig. 2b, Rau

The occupational ban was an historically unique case: in the 20th century it was heard before that communists and other political dissenters were put in prison; or one accepted them as a fact and perhaps limited their influence with covert actions. This also happened before in West Germany, when the Communist Party and other system-critical parties were banned. But when it went no further, the social card was played in Germany: Intentions, not

formalities, should in future be the basis for the authorities' decisions. There are thousands of proven West German cases of this approach. Quite a few ended up rehabilitating the offended persons. Most cases probably resembled my own.

My personal humiliation by societal predominance over formal liberal rights. As a young mathematician, I had become director of an interdisciplinary research centre for 'mathematization' at the new Bielefeld University in the state of North Rhine-Westphalia.

I was a 'civil servant subject to revocation (Beamter auf Widerruf)', i.e., an official in a fixed-term position, but the university was interested in converting my position to a permanent position and had been allowed to do so by the Ministry of Science.

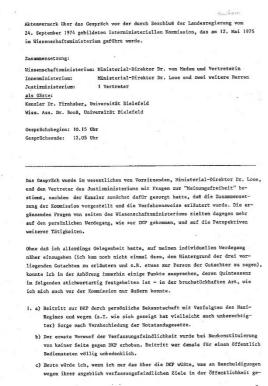


Fig. 3 Aktenvermerk Anhörung, clip

I was called to the state capital, Düsseldorf, for an official interview (see Fig. 3 for my notes written for Rector Grotemeyer). The university president (Rector) had sent the university director to assist me. The Minister of Science, Johannes Rau, later President of the Federal Republic of Germany, had sent his head of department and his deputy to assist me (see also my later correspondence with Rau in Fig. 3 and Fig. 4). The Department of Justice

was represented. Along with his deputy, the head of the Department of the Interior was there as well, and he led the interrogation.

The conversation was solely about my relation to a legal West German political party. Today, more than 40 years later, I still do not understand why none of my supporters intervened and why I did not refuse to answer the questions. After the Nazi dictatorship and World War II, the West German Constitution had stated in Article 3 that: 'No one should be discriminated against or favoured because of his political views'. Regarding the public service, Article 33 is even clearer: 'Access to any public office is equal in terms of ability, qualification and professional service. Belonging or not belonging to a confession or worldview must never lead to discrimination'.

I did not invoke these two articles because then the conversation would have been over and all my own and the university's plans with 'my' mathematization centre would be futile. I was sure that I was the right person for the job, that the government could trust in me and my office, and I wanted to convince the commission. After all, I did understand that it was something new for the ministry when new forces came into the apparatus: people that did not belong to the old Nazi Parteigenossen who were rehabilitated shortly after the war, and their offspring. Everyone could understand that. It was terrible. Everyone knew that in West Germany there was no tradition of allowing communists and other radical system critics to run around free and least of all as officials on state payroll. In fact, the same Article 33 states in paragraph 5, not as a restriction, but as a clarification: 'The legal basis for civil servants must be organized and further developed in accordance with the traditional principles of the official position'.

When the Constitution was passed in May 1949, just four years after the Allies' victory over the Nazi dictatorship, paragraph 5 addressed lifetime employment, pension eligibility and special discretion and impartiality and definitely not a conscious continuation of the anti-socialist and anti-communist traditions among Prussian-German officials.

Thus, the high officials who doubted my ability to run the Bielefeld Mathematization Centre were right that a system critic hardly fit into their own social and political circle. But because of the role of the socially critical students in the 68 student movement and for developing a new credible Eastern policy, it was not considered suitable to let the courts prosecute all system critics with new criminal laws and get them barred in prison.

Everyone in the meeting room knew (though withhold in the official state parliament biography, see Fig. 4) that the former minister of the interior of the state, Willi Weyer, in power from July 1962 until June 1975, as a young lawyer had served the Nazi 'Deutsche Akademie für Recht' under Reichsjustizkommissar Hans Frank from 1942 to 1945, and had helped to put persecution and killing of Jews, socialists, Romas, scared teenagers of Nazi-Germany's last ditch defence and other 'deviators' and 'dissenters' in system, that he was trained in his master's voice "Wir bekennen uns offen dazu, dass die nationalsozialistischen Juristen in jedem Recht nur das Mittel zu dem Zweck sehen, einer Nation die heldische Kraft zum Wettstreit auf dieser Erde sicherzustellen." (Frank, 30 September, 1933) Thus, we all knew that it was pointless to plead formal liberal rights, and that my only chance was to show that I was a nice guy. But I was not allowed to show that either.

www.landtag.nrw.de:
Geboren am 16. Februar 1917 in Hagen. Volksschule, Reformgymnasium, Abitur. Studium der Rechtswissenschaften; Referendarexamen.
1946 Mitbegründer und Mitglied der Deutschen Jungdemokraten, Landesvorsitzender, ...
https://de.wikipedia.org/wiki/Willi_Weyer:
"Weyer war seit 1937 bis 1945 Mitglied der NSDAP."
"Ab 1942 bis 1945 arbeitete er an der nationalsozialistischen Akademie für Deutsches Recht unter Hans Frank."

Fig. 4 Weyer's criminal Nazi past officially concealed

The conversation ended after exactly 110 minutes. In German you say 'Ordnung muss sein' - and I was actually reimbursed for my first class return train ticket from Bielefeld to Düsseldorf, paid diets and should be grateful that six busy top officials had spent so much time on my case. But I wasn't. I was downcast and began that same evening to apply for a suitable position outside of West Germany. It was too devastating to witness the blatant offenses based on a broad consensus.

Lessons to learn? West German Berufsverbot of the 1970s is way back and halfway forgotten. Is there anything we can learn from these remote events? In some way nothing. Today, there are by far more pervasive means of mind control than the old professional ban: Employee's freedom of expression can be limited very effectively. It affects hundreds of thousands of people and not just a few hundred or a few thousand like back then in West Germany.

This applies to both private and public employees. It is very easy through electronic monitoring at work and by time-limited employment. The modern

version of the Berufsverbot is possible because of the highly praised flexicurity (mobility at work accompanied by some social security) with flexploitation and flexism as a result. In other words, we are in the process of creating a large precariat.

In hindsight, the occupational prohibition was a precursor of more general contemporary systems of control measures with their contempt of formal rights and questionable priorities of societal intentions over democratic rules.