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Der Tatbestand Der Luge

Max Rheinstein

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Der Tatbestand der Lüge [The Operative Facts of Lying]. By Walter Gustav Becker. Tübingen: J. C. B. Mohr, 1948. Pp. 63.

In this little book, the author, a former judge and now professor of law at the recently established University of Mayence, gives expression to his deeply felt pain at what Kierkegaard once called "the dishonesty of modern times." While it may be doubted whether other periods have been marked by any greater degree of truthfulness, it is undoubtedly correct that untruthfulness has rarely had at its disposal any tools as powerful as those of the modern instruments of mass communication, and whether it has ever been able to indulge in such orgies as those presented by the propaganda of modern totalitarian states. The author had to live through the experience of Nazi propaganda in which every kind of untruthfulness was used in the most unscrupulous ways and with an unprecedented degree of systematization and technical perfection. In his present book he has tried to analyze these methods and to show how, in the final accounting, the entire system of National Socialist appeal to the masses was deceitful and dishonest. Significant attempts at developing a science of propaganda analysis have been made in this country in recent years. A different and somewhat devious method is being used by Doctor Becker, who is neither a psychologist nor a sociologist. As a legal scholar he uses a legal method. How, so he asks himself, would a law maker have to define the concept of "lie" if he would try to establish it as a criminal offense. This statement of the problem remains a purely theoretical one, however. Doctor Becker disavows any intention to advocate the enactment of an amendment to the criminal code, and he can thus omit any discussion of its social desirability. As a consequence his attempt at defining in legalistic terms a purely ethical concept appears somewhat artificial and unreal. However, his typology of the lie as based upon illustrative examples taken from the propaganda practice of the Third Reich, and a special instance of sophisticated untruthfulness as presented by one of the accused of the Nuremberg trials,¹ reveals insights into the complex forms behind which untruthfulness can try to hide. His concepts of the patent and latent lies of evaluation (*Wertungslüge*) and of the "life lie" (*Lebenslüge*) as basic discrepancy between a man's real and professed ethical ideals may well be useful for a science of propaganda analysis. However, the essay form of presentation, the frequent references to philosophical thought (the relevancy of which is not always obvious), and the peculiar method of inquiry, will not facilitate such utilization.

MAX RHEINSTEIN*

¹ Within the framework of the book, this instance plays but a minor role. Whether or not a particular statement made by the person in question had some basis in fact, is irrelevant for the author's purposes. In a review of the book in *2 German Books 125* (1949), Professor von Hentig blames the author for not having investigated the objective correctness of that statement. Such an investigation would not seem to have been called for by the purpose of Doctor Becker's book.

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