

THE TRIAL OF DOCTOR FAUSTUS



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By Richard E. Rubin

ACT I - Scene 1

(As the curtain rises, Mephistopheles is seen bowed down before the throne of God. It is a low sweeping bow; His hat is off and low to the floor. God is in the center flanked by his Angels. A young man of handsome countenance is with Mephistopheles. The young man remains upright, but its head is bowed. The two angels extend their swords as if to bar Mephistopheles. God waves the, back. He has no need for their protection).

GOD (happily) : Mephistopheles! It's been so long since your last visit.

MEPHISTOPHELES (rising and facing God) : Lord, your brother, the dark prince, sent me to speak to you about a matter of grave import.

MEPHISTOPHELES: That's Christopher Marlowe.

GOD: The poet? Did I condemn him?

MEPHISTOPHELES: We like to think that he chose...To spend his time with us.

GOD (calling to Peter): Peter! Peter! (Peter comes running). Bring me the file on Marlowe. Good poets are so hard to find. How could I have condemned him?

PETER: But it will take me hours to find that file. Do you know how many souls we have to process?

GOD: Well, use the computer, but get me that file.

(Peter leaves in search of the file).

GOD (to Mephistopheles) : What is the matter that Lucifer deems of such grave import? (This is said with some sarcasm).

MEPHISTOPHELES: May I speak freely?

GOD: Have I ever been able to stop you?

MEPHISTOPHELES (over politely): Your majesty has always been kind to your brother's servants, but this matter is very delicate.

GOD (Losing patience): speak!

MEPHISTOPHELES: Lucifer feels that the world has gone too far in its - - uh - - (he stammers) lack of respect for you.

GOD (suspicious): My brother - - so solicitous of my welfare? to what do we owe this sudden concern?

MEPHISTOPHELES: To be honest with you, Lord, we have an extreme housing shortage down below. It seems we are constantly receiving more souls than we can handle. Lucifer feels that was such a overcrowding we can't possibly give each soul the rather special attention it deserves.

GOD (seeming concerned): I see.

MEPHISTOPHELES (warming to his task): As you know, Lord, there are even people on Earth who worship my master. Lucifer wants only to be served, not worshiped. (Slight pause). Lord, you are not receiving the respect that is due you from the media. (Confidently) Why, one playwright went so far as to say that your kingdom was positively dull, and that all the action was down below.

GOD (perturbed): He was very humorous. I'm sure he's up here with us.

MEPHISTOPHELES: Yes, Lord, but to the uneducated, such writing tends to upset the balance. We, of course know that we will always receive more cells in our kingdom but...(positively) things are out of hand.

(Peter's rushes in with the file.

Out of breath, he hands it to God, who studies it).

GOD: Marlowe - - let me see. Hmmm. Blasphemy. No, that can't be it. Atheism. No, we've admitted atheists. Oh! Wasting your God-given talent. Marlowe, That is an unforgivable sin. Do you know how hard it is to make a poet? Just when I get the right ingredients -- To throw it away on a tavern brawl! (Turns to Mephistopheles). The why did you bring him?

MEPHISTOPHELES: We were speaking about this problem.

GOD: Yes.

MEPHISTOPHELES: Lucifer feels that Marlowe can be part of the solution. If you will remember, about two hundred years ago - - maybe four - - I lose track of time... I came to see you.

GOD: Yes, I remember it had to do with the soul of Faust.

MEPHISTOPHELES: I felt that I could lead him astray. You let me try my wiles. Then, just when I had him in my grasp--or so I thought - - this German poet- - more like a lawyer than a poet - - intervened, spreading some kind of tale about a "condition precedent."

GOD: Condition precedent? You speak like a lawyer!

MEPHISTOPHELES: I am not without expertise in my field, especially contracts. Anyhow, this poet said that my agreement Faust included a condition that I should not have the soul of this sinner unless I could get him to say of the moment. "Hold, thou art fair. Hold, thou art fair."

GOD: And you couldn't do that, so you didn't get the soul of Faust.

MEPHISTOPHELES: That's why I brought Marlowe. It doesn't tell the tale that way. (Sarcastically) No "thou art fair"; But regardless, my master thinks that's where the trouble began. (Determined) Man must learn to say "Thou art fair" to the moment.

GOD: And what would my brother have me do?

MEPHISTOPHELES: Yield up the soul of this Faust. Discredit this German, this Goethe. Tell the tale as Marlowe does. Let Faust be condemned as an example to mankind That traffic with the devil results in hell, with no “Thou art fair -- thou art fait.”

GOD: But mankind knows nothing of our doings up here. how does my brother hope to use the story as an example to mankind.

MEPHISTOPHELES: He proposes that Faust be returned to Earth. There I will attempt to win the soul of Faust according to the contract.

I shall Sue Faust for specific performance of his contract. I will, I am sure, then when his soul as a mere chattel pursuant to contract.

GOD (Shocked): But does this law permit traffic in souls.

MEPHISTOPHELES: Oh, you would be surprise what the law permits. But as I said, I will seek his soul as a mere chattel.

GOD (resignedly) : I see - - That's why you brought Marlowe - - to represent you in the courts. (to Marlowe) How do you feel about this?

MARLOWE (after bowing): My Lord, I'm a trustee in the nether regions I cannot oppose....However, I feel that some power must fetter man. Is genius has become uncontrolled, endangering even himself.

GOD (sadly): My brother is not wrong in this matter, although I am very reluctant to do this. The only Souls ever expelled from Paradise were those of himself and his retinue. (Determinedly) Mephistopheles.

MEPHISTOPHELES: Yes, lord?

GOD: If I impose conditions on this trial of yours, will you consent.

MEPHISTOPHELES (obsequiously): As far as I can, I always try to do your bidding.

GOD: And you will not return in four hundred years, claiming that you were tricked?

MEPHISTOPHELES (proudly): Although we have selfish motives oh, we are trying to re-establish your authority. Surely, you will not trick us since the project is so beneficial to yourself.

GOD: So be it. Mankind is not fit to judge a matter of such import. Therefore, I must pick the judge!

MEPHISTOPHELES: If that is your wish.

GOD: Good. Everyone's mind will be brought up to the present, with the full range of human knowledge. Only you will keep your divinity. All the others will only have a shadow memory of their heavenly, (looks at Marlowe) or lack of heavenly status.

MEPHISTOPHELES: It always amazes me, the kindness you show me.

GOD: I am not convinced that your solution is best. However, I see no other way to satisfy you. Please leave me now, because I must prepare Faust for his ordeal. (Very sadly) Give my regards to my brother. Tell him that the contest goes on, though I sometimes wonder if Man is worth all this bickering between brothers.

(Mephistopheles and Marlowe bow. One of the Angels steps between them and God with a flaming sword, and escorts them out.)

GOD: Peter! Peter!

PETER: Yes, Lord.

GOD: Summon me the poet, Goethe. (Peter starts to go). Also, you'd better bring me Faust and the judge Cardozo. (Peter listens with one ear, and rushes out as if to avoid any anymore orders)

(God is alone on stage with only the three Angels).

GOD: My heart is uneasy in this matter. My authority has weakened, yet Man is my creation.

(Peter returns with Goethe, Faust and Cardozo.
They stand respectfully in front of God).

GOD: I have brought you here because of an agreement I've just made with Mephistopheles. (Points to Faust) He wishes your soul as a warning to men that they must check their evil genius.

FAUST: Why should he want that? I thought it was his business to collect soul.

GOD: It was once, but it seems that now they have some kind of a housing shortage down below.

FAUST: But I thought my fate was settled long ago.

GOD: I myself am confused in this matter, for I have never returned a human soul once I have opened my kingdom to it. Yet he is not without some right on his side.

FAUST: But if I am to be denied Paradise after having known it, then I will truly be like your brother.

GOD: The soul of Man is never settled. I do not wish this, but I could not refuse my brother in this matter. Faust – Mephistopheles will seek your soul pursuant to your contract. (To Goethe). Goethe – you are a poet and a lawyer. You will be given all human knowledge which you will use to defend Faust. On your shoulders alone will depend his defense, for I have agreed to take no part.

GOETHE: Do you think me worthy, Lord?

GOD: You were one of Man's great voices. I know that your efforts will further enhance your great name. (To Cardozo) To you will fall the most difficult task in this business. You will judge this case without a jury. Be liberal, for you will not easily be fooled by false evidence.

CARDAZO: But, Lord, do you have any special instructions?

GOD: I picked you because your opinions were not only scholarly, but concise. Not only accurate but poetic. You always had respect for the well-turned phrase. Above all else, remember that this is a battle between poets and philosophers, as well as lawyers. Let the rules of poetry guide you as much as the rule of law. (To all of them) when you return to earth, you will remember nothing of all this except my instructions. However, somewhere in your subconscious, you will know that you tasted heaven. You go with my blessings, all of you to return, except perhaps you, Faust. I hope that even you shall return, for I feel that you have become sacred. Yet even I do not know if you will. When next you see the light of day, all of you will be mortal.

(He makes them disappear as the curtain falls).

Act I – Scene Two

(The scene is an empty courtroom. Two elderly spectators are present – one white and one black).

WHITE SPECTATOR: What do ya get – social security?

BLACK SPECTATOR: Do a little bit better than that. Get a small pension beside. But still can't do much with it. By the time I pay my rent, not much left for food, let alone entertainment.

WHITE: Well, there's somethin' we got in common. That why you come to these trials?

BLACK (smiling): Yeah! Best free show in town. Since I lost my wife, it's all I have to do. But wait till you see this one. There's this dude all dressed up like he was from the Middle Ages. Feather in his cap – the whole bit – cape and everything.

WHITE: No kiddin' – picked a winner this time, huh?

BLACK: Then there's this other guy. Looks like he just come from a college graduation. The guy with the feather claims his name is Mephistopheles, and that he wants the soul of this clown in the college grab. It's like somethin' outa a opra. As if that ain't enough, the other guy answers to the name of Faust. The best part of all is that the judge is treatin' 'em both like they're serious.

WHITE: Wait till the press picks up on this one.

BLACK: That's why I came early. This can't go more than a day or two without this courtroom becomin' packed. This Mephistopheles character even has a bunch of

followers who chant “He comes, he comes” wherever he goes, and the more they chant, the angrier he gets. I think they’re nuts, and so does he.

(The court attendant enters).

ATTENDANT: Everyone rise. Court is now in session – Honorable Benjamin Cardozo presiding.

(Cardozo enters, followed by Mephistopheles and Marlowe. Goethe and Faust enter, as do more spectators, including the Devil worshippers. As Mephistopheles takes his place, the Devil worshippers begin their chant).

CHORIS: He comes! He comes!

MEPHISTOPHELES (Angrily): Fools – don’t you know that all I bring is pain?

CHORUS: Pain! Pain! Bring us pain!

CARDOZO: Let’s have a quiet in the court! Will the opposing counsel please approach the bench?

(Goethe and Marlowe, in the contemporary dress of their respective periods, approach the bench.)

CARDOZO (to Marlowe): You realize this is a very strange request you call upon this court to decide. To my knowledge, a soul has never been awarded in this state.

MARLOWE: Think not upon it as a soul. Think of it as a contract – a mere chattel recoverable for breach of this contract.

CARDOZO: When was this contract made?

MARLOWE: Four hundred years ago, in Germany.

CARDOZO: Four hundred years ago? But that creates many problems.

GOETHE: No, your Honor, for we have waived the statute of limitations.

CARDOZO: But what about witnesses?

MARLOWE: We will produce all the witnesses.

CARDOZO (to Marlowe): Have you affixed a copy of contract to the complaint?

MARLOWE: I have, Your Honor.

CARDOZO: And can you tell me in your own words what the terms of the contract are?

MARLOWE: That my client, Mephistopheles, would serve the learned doctor upon this earth, doing faithfully all of his bidding. In return, with the expiration of life, the tables would reverse and Faust would serve my client in the nether regions throughout eternity.

CHORUS: To serve! To serve!

CARDOZO (sternly): Silence!

MARLOWE: I assure you, your Honor, the contract is standard form. There are no tricks.

CARDOZO (to Goethe): Do you dispute the making of this contract?

GOETHE: No, your Honor.

CARDOZO: Then what do you dispute?

GOETHE: The contract, as written, does not contain the fact that it was not to take effect unless Mephistopheles could provide Faust with one moment of truth, or one moment of beauty, so fair that Faust would exclaim, “Hold, thou art fair! Hold, thou art fair!”

CARDOZO (to Marlowe): Do you dispute this?

MARLOWE: My client does most vehemently dispute this. The contract was not subject to any conditions. Faust was not interested in truth or beauty, but only in power. Once having obtained that power, he misused it, like any petty conjurer or trickster.

GOETHE (forcefully): That is not true, your Honor. My client did not always use his power wisely – what man does? Yet in his life, he built great cities; he drained swamps, and through his union with Helen, he brought the child of poetry to his cities.

MARLOWE (superciliously): Helen was only one of his tricks.

CARDOZO: Stop! I think we have enough of an issue as to what exactly was contained in this contract. The writing evidently does not embody all the facts. We will try the case. That is, we will try it unless you gentlemen would like to step out in the hall and settle this matter amicably.

MARLOWE: Impossible. Settlement has already been discussed. Mephistopheles requires willing service.

CHORUS (supplicating): We are willing! We are willing!

GOETHE: My client could not serve this man, even for a day. He has gone through a certain enlightening process.

CARDOZO: No compromise being possible, prepare your opening motions, if you have any. I take it both of you realize that since I am to try this case without a jury, we will not adhere too strictly to the rules of evidence. I do not know of any trial in this state for the soul of a man, so we will not be bound by precedent. Are you both willing to abide by my rule?

GOETHE: I am.

MARLOWE: I am.

CARDOZO: And what of your respective clients?

MARLOWE: My client, Mr. Mephistopheles, has one small question.

CARDOZO: Well, speak up.

MARLOWE: You, sir, are a Jew, are you not?

CARDOZO: I am. Does MR. Mephistopheles find that relevant?

MARLOWE: No – except that, as you may know, I am the author of “The Jew of Malta.”

CARDOZO: I see. That was not a very flattering portrait of my people.

MARLOWE: Exactly, and Mr. Mephistopheles wishes to be sure that it will not prejudice his suit.

CARDOZO: Do you have any idea how many artists were prejudiced against my people? Wagner, Dostoyevsky, Pushkin. No, the “Jew” will not prejudice me.

MEPHISTOPHELES: Let us go on, then. You see, I have always had a great respect for the law. It has always served me well.

CARDOZO (to Goethe): And are you sure your client has no objections?

FAUST: I have none, your Honor.

CARDOZO: Then let us take a small recess before I hear opening motions and arguments.

(Faust and Goethe go to one side to confer – Mephistopheles and Marlowe to the other side. The reporter enters. He goes to the black and white Spectators, sitting among the spectators).

Reporter (to the Black spectator): Hey, pop, what's going on here? I go to a trip that a bunch of medieval characters are running around loose, with one of them claiming he owns the soul of the other.

They kidding me?

BLACK: If they are, they're kiddin' everyone else, too.

WHITE: We sent a that trip. Better phone up your editor.

REPORTER: Look, I know you guys been coming to these things for a long time. I've even treated you to lunch on my expense account when you came through with a good tip for me....But this is --

BLACK: OK! Just don't say we didn't warn ya

REPORTER (looks around): Geez! Just look at the way that cat's dressed. (Points to Mephistopheles). Christ, I'll bet Barney's ain't even got an outfit like that.

WHITE: We told yay a never seen nothin' like this.

REPORTER: And look at the lawyers! They look like something out of books.

BLACK (proudly): Think we earned a lunch?

REPORTER (points to the Devil chorus): Who are those creeps?

BLACK: We don't know for sure. They seem to follow this Mephistopheles, shoutin' "He comes! He comes!" wherever the poor bastard goes. Only he ain't too crazy about them.

CARDOZO (banging his gavel): Come to order! Come to order! Me. Marlowe, are you prepared to make your opening motions and arguments to the court?

MARLOWE: I am, your Honor.

CARDOZO: Are you, Mr. Goethe?

GOETHE: Prepared, your Honor.

CARDOZO: Any pre-trial motions?

GOETHE: I would like to make a motion to dismiss on the grounds that this court does not have the necessary monetary amount to hear this action. I believe that \$10,000 is required.

CARDOZO: What is the value of a human soul?

GOETHE: It is an unliquidated amount and therefore cannot be fixed by this court.

CARDOZO: I think, rather, that it is priceless. And even though we cannot fix exact value on it, unliquidated would be improper in this context. Motion dismissed! Have any motions, Mr. Marlowe?

MARLOWE: None, your Honor.

CARDOZO: Open, then!

MARLOWE (now occupies the center of the stage, with spotlight): Your Honor, Mephistopheles and Faust are in conflict as to a petty bargain, not worth the court's time at all – though, of course, court are expected to hear such matters every day. You do this for me, and I'll do that for you. You serve me hear, and I'll serve you there. You give me X, and I'll give you Y.

What makes this contract special? Surely it seems simple enough. (Pause). However, the issues in this agreement may well determine the future of mankind on this planet. Even after we have resolved all the clauses, the very law itself will have to be changed so that mankind will not be permitted to enter bargains of this kind.

On the one side, we have Faust. A man above men. A man more learned than this fellow. (Pause). Yet, for all his learning, Faust has not learned that some things man must merely learn to accept. (Powerfully). Some things are forbidden.

Oh! Faust realized his limitations – his mortality. How many times have we seen him portrayed in his laboratory, lamenting that with all his knowledge, he knows (slight pause) -- nothing.

Are we the product of divine creation – or a mere product of chance -- a coming together of the elements? Can life be formed from the elements? If so, might we still not be divine through God's creation of the elements?

I don't know. You don't know. More importantly to this case, Faust didn't know. But he could not accept not knowing, so he sought this knowledge from his evil genius – Mephistopheles.

CHORUS: He is good! He is divine!

MARLOWE (continuing): Mephistopheles, divine or mortal, is a power that must be forbidden to Ma. (Powerfully). Man must not consort with his evil genius. He must, instead, learn to accept his limitations. In short, man must die – and I know how hard that is to accept.

Look at the world. Can you doubt for one moment that Faust signed this agreement with his blood? The power that he sought to bring to himself and the world has resulted only in misery.

Mephistopheles claims the soul of Faust according to his bargain. But let not Mephistopheles have the soul of Faust pursuant only to bargain. Let him have it as a warning to Man that he must learn to say to the moment, “Hold, thou art fair!” For if Man will not fetter Man, who will do it? No more knowledge – Man cannot even digest that which he already has.

We will prove that Faust made the very bargain he now seeks to avoid. We seek the soul of Faust as a warning. (Pause).

CARDOZO: Mr. Marlowe, would you please approach the bench?

(Marlowe does so).

CARDOZO: Mr. Marlowe, are you a lawyer?

MARLOWE: No, sir, I am a poet.

CARDOZO: I see, Mr. Goethe, would you approach the bench?

(Goethe does so).

CARDOZO: Gentlemen, this whole trial is highly irregular. Are you sure your respective clients wish to retain you rather than members of the local bar?

GOETHE: Both Mr. Marlowe and I have a certain familiarity with the respective positions.

CARDOZO: Are you trained in the law, Mr. Goethe?

GOETHE: I was trained in the law a long time ago, in Germany. However, I am also a poet, and have never been noted for my legal accomplishments. But what is the problem? I thought that Mr. Marlowe made an eloquent opening.

CARDOZO: He made a partisan speech, but in legal terms, he never stated the issue.

MARLOWE (taken aback): Really? What is it?

CARDOZO: This is an adversary proceeding. It would be highly irregular for me to do it for you.

MARLOWE (turns to Goethe): I say, would you mind?

GOETHE: No, not at all. I'm sure the judge can help me, too.

MARLOWE (shaking hands with Goethe): Then it's agreed.

CARDOZO: Wait a minute – I don't know.

MARLOWE (hurt): It's our trial, you know.

CARDOZO: All right. The issue is: Was the contract subject to a condition precedent? Namely that Faust not only obtain the services of Mephistopheles, but that Mephistopheles must so satisfy Faust that he cannot bear his life to go on, but wishes that the moment would linger. (Becoming dramatic). Hold, thou art fair! Hold, thou art fair!

Marlowe: Very well done, your Honor.

CARDOZO: I must also instruct you that the law in this state is that where a contract is subject to one person being satisfied with the work of another, the test is one of reasonable satisfaction. Thus, Mr. Faust, you must prove that you were not arbitrary or capricious in refusing to say “Hold” to the moment.

GOETHE: But one man’s satisfaction is another man’s hell.

CARDOZO: True. That’s why we in the legal profession invented the fiction of the reasonable man. He is never arbitrary or capricious. He is never negligent. None of us could match him. However, as best we can discern what he would have done, that is the standard. Now, Mr. Goethe, you must open.

GOETHE (points to Faust): Here you see a good man. He lived the best part of his life at a time when witches were burned at the stake – when chemists were called necromancers because of their experiments. Faust was regarded as the foremost mind of his time. Yet he felt himself growing old with basically no more knowledge than he had when he was born.

He sought to improve the lot of his fellow man – but he knew nothing. Where was the knowledge? Who had the power? He had it himself, but it was hidden. Where? In his own brain. So he sought the key from someone whom, it must be admitted, he greatly feared.

MEPHISTOPHELES: Ha! He sought it from me!

CARDOZO: Mr. Mephistopheles, be patient. You shall have your chance. One more outburst and I will have you removed.

GOETHE (proceeding). So Faust imposed a condition on himself and his servant, which, in reality, was his own mind. (Mephistopheles makes silent gestures of contempt). If ever I end my striving, let me be less than a man. If ever I obtain perfect satisfaction.... Hold, thou art fair!... then, at such moment, I cease to be a man. Let the devil take me.

CHORUS: AMEN!

(Lights go out, signifying the end of the scene).

Act I – Scene Three

(Reporter is seen in the telephone booth)

REPORTER: Give me the features editor! (Pause) of course I know we never put features on the front page, but this is an exception. (Pause). What's so great? I'll tell you what's so great! I'm over at the supreme court, and there's these two guys. One guy says he's Mephistopheles, the devil's servant, and the other guy says he's Faust. (Pause). No, I'm not at the opera. I'm over at the court. (Pause). Boss! Please – I never even heard of Gounod. I'm over at the court. (Pause). Here's the story: Mephistopheles claims that Faust owes him his soul, pursuant to some kinda bargain. Faust claims that he ain't entitled to it because he never delivered a moment of bliss. (Pause) Yeah, the judge is lettin' it go because it seems they got some kinda contract, all legal like. Look – my angle is that with all this new interest in this crap, everyone's gonna dig our scoop. I mean Rosemary's Baby and The Exorcist – you know what Barnum said. (Pause). Barnum, the showman: "There's a sucker born every minute." We'll sell a lot of papers before the TV boys pick up on this. (Pause). OK – that's better. What do I want? Send me a stenographer. I want to get it all down. Also put another fifty on my expense account. I gotta take my sources out for dinner.

(Pause). Abe, that's unjust. My sources ain't a tomato. Believe me, you'll thank me.

(Pause). (Vehemently) All right, so I'm fired if I'm puttin' ya on. You'll see. (He hangs up).

CARDOZO: Gentlemen, you know that there are no surprises in a trial. Each of you is limited to the witnesses you said you would call.

GOETHE and MARLOWE: Yes, we know.

CARDOZO: Marlowe, whom do you wish to call?

MARLOWE: We have only four witnesses, your Honor. We wish to call Mr. Mephistopheles himself. Margaret. Valentine, and...Goethe.

CARDOZO: That is most irregular – to call your opposing counsel.

GOETHE: I have agreed to it.

CARDOZO: And your client?

GOETHE: He must be guided by my choices.

FAUST: I give my consent.

CARDOZO: Mr. Goethe, whom do you propose to call?

GOETHE: I would like to call Faust, Helen, and ...Marlowe. Oh, and I would like to call Faust's servant, Wagner, to testify to Faust's good character.

CARDOZO: This is a civil prosecution. Character is not in issue.

GOETHE: But I thought that if we waived a jury trial, you would be more liberal in allowing evidence.

CARDOZO: I assume that Faust is of good character, so I see no point in taking testimony on it.

GOETHE: But when Mr. Mephistopheles takes the stand, can we attack his character?

CARDOZO: You may show hostility or bias. However, if Mephistopheles is who he says he is, I don't think I could allow an all-out attack on his character, because, for all practical purposes, that would deny him the use of our courts. In our adversary system – if you will pardon the pun – even the devil must have his due.

(Mephistopheles smiles, laughs, and cavorts – but all silently).

CARDOZO: Are you ready, Mr. Marlowe?

MARLOWE: I am, your Honor.

CARDOZO: Proceed, then.

MARLOWE: If it please the court, call Mr. Mephistopheles to the witness stand.

(Mephistopheles rises, acknowledge his followers, and takes the stand).

MEMBER OF CHORUS: How handsome he is! Just behold his countenance.

COURT BAILIFF: Mr. Mephistopheles, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MEPHISTOPHELES (looks at Cardozo, in some pain): I believe, your Honor, that the law provides that I can merely swear or affirm to tell the truth.

CARDOZO: The witness is correct. Bailiff, administer the substitute oath.

COURT BAILIFF: Do you swear or affirm that the testimony you are about to give is the truth?

MEPHISTOPHELES: Most solemnly.

COURT BAILIFF: Be seated.

MARLOWE: Will you tell the court, in your own words, who you are?

MEPPHISTOPHELES: I, sir, am Mephistopheles, servant of the Dark Prince. And, I might add, a minor functionary of that kingdom in my own right.

MARLOWE: The Dark Prince?

MEPHISTOPHELES: Lucifer – Lord of the nether regions, who fell from grace. I believe your poet, Milton, speaks of it. Dante touches upon it. The subject, I'm sure, is not without greatness.

MARLOWE: Do you mean the – eh um – Devil?

MEPHISTOPHELES: My master has so many names – but quite frankly, that is not his favorite. It has come to have so many nuances in vulgar parlance that just don't fit a man of his stature. The Dark Prince is his favorite title.

BLACK SPECTATOR (to his white friend): He's a racist bastard, too. I shoulda known that. Lucky there ain't no NAACP lawyer here.

WHITE SPECTATOR: You oughta get one. There ain't a black guy in the crowd, and he calls himself the Dark Prince. That's nerve!

BLACK SPECTATOR: Right on, brother! (He slaps the white Spectator's hand).

CARDOZO: Silence!

MARLOWE: Did you know Faust?

MEPHISTOPHELES: I had heard of his reputation.

MARLOWE: But I take it you never attempted in any way to make his acquaintance?

MEPHISTOPHELES: Contrary to popular belief, it is not our policy to proselytize.

MARLOWE: Then how comes it that you were able to conclude a bargain with him?

MEPHISTOPHELES: Well, I first met him about four hundred years ago. I must admit that it was rather an inauspicious meeting. Never did I dream that of all my encounters on earth, this one would become the glory of poets and composers. In this respect, I owe Faust a certain debt of gratitude, because he has spread my fame and inspired some of the greatest art this world has ever known. You realize, of course, that we in the nether region are not without a sensitivity to art.

MARLOWE (becoming exasperated): Please! Just answer the question.

MEPHISTOPHELES: What was it?

MARLOWE: How did you come to your bargain?

MEPHISTOPHELES: Oh, yes. In those days, men had more respect for me. (Points to his Chorus). Although I appear to be making a comeback. Why, I'll have you know that....

MARLOWE (really exasperated): The bargain – how did you make the bargain?

MEPHISTOPHELES: When men couldn't get what they wanted out of life, they would call on me.

MARLOWE: Did Faust call on you?

MEPHISTOPHELES: Like the seventh son of the seventh son. Never have I heard my Incantation in more perfect German.

MARLOWE: But you didn't make the first move?

MEPHISTOPHELES: I told you, I never do!

MARLOWE: You are aware that certain people don't tell the tale that way. Isn't it possible that you went to God concerning some matter of a contest for the soul of Faust?

MEPHISTOPHELES: Yes, but only after Faust had almost succeeded in raising me from my master's kingdom.

MARLOWE: In other words, whatever bargain was struck, it was struck pursuant to Faust's summoning you from your master's kingdom?

MEPHISTOPHELES: That is correct.

MARLOWE: So that there can be no issue if duress.

MEPHISTOPHELES (incensed): Duress? My master requires that I give the prospect as much time as he needs to forswear the bargain. Faust would have none of it.

MARLOWE: What was your bargain?

MEPHISTOPHELES: It was exactly as you described it in your play, "Dr. Faustus."

MARLOWE: Tell the court in your own words.

MEPHISTOPHELES: That I should serve him on this earth for a fixed term of years. We put that one in to prevent him wishing himself young over and over, and thus

cheating us. But when the term would end, Faust was to serve my master throughout eternity.

MARLOWE: That's all?

MEPHISTOPHELES: That's all.

MARLOWE: No condition that you satisfy Faust's craving for one moment of bliss? No condition that he could not bear to see his life go on?

MEPHISTOPHELES (heatedly): He didn't want bliss. He wanted power. Power and sensuality. Faust is an old lecher.

GOETHE: Objection!

CARDOZO: Sustained. The witness will confine himself to answering the questions. The court will decide what interference to make from the conduct described without the help of the witness.

MARLOWE: Did you faithfully perform your part of the bargain?

MEPHISTOPHELES: Did I? Leporello never did for Giovanni – Sancho Panza never did for Don Quixote – Figaro never did for Almaviva....

MARLOWE (to Cardozo): Thus, the bargain was freely struck. My client performed faithfully, and most important, the bargain was not subject to one moment of bliss, or, as you say in the law, a "condition precedent." Your witness, Mr. Goethe.

(Goethe gets up and approaches the witness).

GOETHE: Did Faust ever ask you to drain a swamp?

MEPHISTOPHELES: I tend to have a better memory of his pranks and amatory adventures.

GOETHE: I see. Perhaps it is you that has the evil mind.

MARLOWE: Objection!

GOETHE: I'm trying to show that the witness doesn't wish to remember the good that Faust did.

CARDOZO: Objection sustained. You may show the witness's bias, but not by badgering him or make fun of him. Do it by questioning.

GOETHE: Did Faust produce a child by Helen, his tribute to poetry?

MEPHISTOPHELES: He produced a bastard by Margaret.

GOETHE: You deny child of poetry?

MEPHISTOPHELES: I produced Helen for him. What he did with her or for her is not my concern.

GOETHE: But you don't deny the child.

MEPHISTOPHELES: No.

GOETHE: Then you admit that power and lust were not his only craving?

MEPHISTOPHELES: Admit? I admit the child.

GOETHE: But then, isn't it true that a man who had such concern for beauty and truth may have imposed a condition on his bargain?

MARLOWE: Objection! The question calls for an opinion on the part of the witness.

GOETHE: Your Honor, this is a hostile witness.

CARDOZO: Please rephrase the question if you can.

GOETHE: Isn't it possible that Faust had pure motives at heart?

MARLOWE: Objection! Now the question is leading.

CARDOZO: Overruled. You can lead a hostile witness.

MEPHISTOPHELES: It is possible, but I don't believe it.

GOETHE: That's an opinion, Mr. Marlowe. Why don't you object?

MARLOWE: Objection!

CARDOZO: Sustained. Mr. Goethe, I shall have to ask you to have respect for your adversary counsel. Remember that you are an officer of the court while you are trying this case.

GOETHE (to Marlowe): I apologize -- but questioning the devil's advocate is not easy.

(Marlowe makes to object again – but Goethe smiles and waves him down).

GOETHE: Did Faust require you to help him in his studies?

MEPHISTOPHELES: Help him? I'm surprised it took men so long to walk on the moon after what I taught him.

GOETHE: So he was interested in poetry and learning?

MEPHISTOPHELES: Yes.

GOETHE: So that even after he obtained your services, Faust remained to a great extent the man he had been before.

MEPHISTOPHELES: Men who deal with me do not necessarily change their personalities, although some, of course, do.

GOETHE: Would you call Faust sensitive?

MEPHISTOPHELES (bragging): He sought to live with us, didn't he?

GOETHE: Do you like Faust?

MEPHISTOPHELES: Would I work for him, or let him work for me, if I didn't?

GOETHE: Yet you say there was no possibility of a condition precedent?

MEPHISTOPHELES: I say there was no condition precedent. (With pride) Faust forswore Heaven for me.

CHORUS: Forswear Heaven! Gaze on his countenance!

GOETHE: No more question.

CARDOZO (to Marlowe): Do you wish to redirect the witness?

MARLOWE (rising and approaching Mephistopheles): Are you sure the child proves that Faust had noble motives?

MEPHISTOPHELES: I'm sure the child proves that Helen is the most beautiful woman this world has ever known.

(A lady stand up in the gallery).

LADY FROM NOW: I object, your Honor.

CARDOZO (puzzled): But...who are you?

LADY FROM NOW: My name is Ms. Roberts. I am a lawyer for the NOW Legal Defense Fund.

CARDOZO: Now?

LADY: NOW – the National Organization of Women. I was told that Margaret might be slandered at this trial, but now I see that there's a good possibility that Helen will be portrayed as a beautiful but dumb blonde. These stereotypes hurt all women, and I must appeal, as a friend of the court, that you protect the rights of Margaret and Helen.

CARDOZO (exasperated): But they are not on trial!

LADY: Women are always on trial, and, I might add, usually before men.

CARDOZO: This whole proceeding is highly irregular, but I'll tell you what I'll do. You can sit with either of the contestants, and when anything demeaning to women is said, you can object. I may have to ask the witnesses to testify anyway, but I will try to consider your wishes. At least, I take it you are a member of the local bar, which is more than I can say for opposing counsel.

LADY: If it please your Honor, I'll sit up front in the gallery. I do not wish to sit with either party, since all four of them, including the poets, have committed offenses against women.

CARDOZO: Suit yourself. Now, Mr. Marlowe, will you please continue?

MARLOWE: Your Honor, there are many accounts that say that Helen really was a dumb blonde.

LADY: You see, your Honor. I object.

CARDOZO: Young lady, you place me in an awkward position. Goethe is trying to prove that Helen was an ideal of classical beauty. He wants to draw an inference that a man such as Faust, interested in the spiritual side of beauty, may well have imposed the condition in question to his bargain.

GOETHE: Exactly, your Honor.

CARDOZO: And Mr. Marlowe is trying to show that Helen would prove nothing, since she was not sought by Faust for her spiritual beauty, but rather for her physical beauty.

MARLOWE: The fact that launched a thousand ships to burn the topless towers of Ilium had air between the ears. (He laughs).

LADY: You see, first it's topless – then it will be bottomless.

CARDOZO: Mr. Goethe, do you plan to call Helen?

GOETHE: I do.

CARDOZO: All right, let's hold this in abeyance. The court will judge Helen by her demeanor.

MARLOWE: The court could be swayed, just as Paris was.

CARDOZO (angrily): Mr. Marlowe, I admit I am not averse to feminine charms, but I shall not be swayed.

MARLOWE: Forgive the inference, your Honor. I shall await Helen.

CARDOZO: That is one of the reasons we have no jury.

MARLOWE: I have no more questions.

CARDOZO: Mr. Goethe, do you wish redirect?

GOETHE: NO. Mr. Mephistopheles may leave the stand.

MEPHISTOPHELES (tauntingly, to Goethe): Don't you want to hear about the time he made me throw stink bombs at the pope?

CARDOZO (sternly): You're excused, Mr. Mephistopheles. Call your next witness, Mr. Marlowe.

(Mephistopheles leaves the stand).

BAILIFF: Mr. Valentine, please take the stand.

(Valentine take the stand)

GOETHE: Objection!

CARDOZO (curious): But we didn't even swear him in yet.

GOETHE: Objection overruled. Your creation the better to testify against you.

BAILIFF (to Valentine): Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

VALENTINE: I do.

MARLOWE: What is your profession?

VALENTINE: I am a soldier, sir.

MARLOWE: Who is Faust to you?

VALENTINE: My murderer.

MARLOWE (to Cardozo): Poetic license. I can't exactly resolve it all myself.

CARDOZO: Get on with it. (He looks up to Heaven). Lord you ask too much of me!

WHITE SPECTATOR: There gonna put that judge in the looney bin!

BLACK SPECTATORS: Yeah, with the Dark Prince.

WHITE SPECTATOR: When this trial is over, I don't think he's gonna want any of 'em.

MARLOWE: Did Faust kill you in a fair fight?

VALENTINE (pointing to Mephistopheles): If you call two against one a fair fight.

MARLOWE: Do you think Faust was an honorable man?

VALENTINE (angrily): He conspired with the Devil to seduce my sister and murder me. I see no honor in that.

MARLOWE: Your motives were pure?

VALENTINE: I sought to protect my honor and that of my poor sister.

LADY: Objection! Valentine was a meddling fool. His sister's sex life was none of his business. He'd have done better to give her the pill. And I might add that an abortion could have prevented this tragedy.

ANOTHER LADY: I object, your Honor.

CARDOZO (completely losing patience): Order! Order! (To second lady): Who are you, Madam?

SECOND LADY: I represent the right to life Movement, and the League of Catholic Decency. We were told that she (points to Now lady) would be here. I want you to know that she has no more right to speak for all women than.... (she hesitates, in a huff).

CARDOZO: Than you have!

SECOND LADY: Yes – mean, no. Abortion is a crime against God.

CARDOZO: But it is the law of this state.

SECOND LADY: Laws can be changed.

CARDOZO: Yes, but I must remind you that a soul is being sought here, and neither of you is making it easy for me to determine the merits of this case.

NOW LADY: Soul? You mean rapist!

FAUST: I do most humbly object to that, madam.

NOW LADY: Call it what you will, then. But think of it – a poor, uneducated girl against your knowledge and all the forces of the Dark Prince!

BLACK SPECTATOR: If everybody is getting to object, then I most humbly object to all you whities calling the Devil the “Dark Prince.”

MEPHISTOPHELES: The “dark” refers to his kingdom, not his color. Actually, my master is green. Like the salamander, he changes color for the occasion.

BLACK SPECTATOR: Well, you whities ought to make things like that clear.

CARDOZO (banging his gavel): I shall have to clear the court if this misconduct continues. (To the NOW lady): I gave you permission to intervene as to legal issues

that affect women, not moral issues. If you interrupt again with your opinion, I shall bar you from my courtroom and ask the State to disbar you from any other. (To Second Lady): You may observe this trial, but if you interrupt again, I'll hold you in contempt. (To the Black Spectator). You have been a spectator from the beginning – make sure you stay that way from now on....Mr. Marlowe, please continue.

MARLOWE: So Faust most foully murdered you? Was there nothing noble about his fight with you?

VALENTINE: He brought ruination on my family. He was nothing but a vile seducer.

MARLOWE: Your witness, Mr. Goethe.

GOETHE: Did you forgive your sister?

VALENTINE: No.

GOETHE: What were your dying words to her?

VALENTINE: I cursed her for my death.

GOETHE: Did you make any attempt to understand her plight?

VALENTINE: No.

GOETHE: Isn't it possible that your heartless attitude had something to do with tragedy?

VALENTINE: For my sins, I have suffered – but he was the cause of my troubles. We were a happy home before he came.

FAUST (rises – to Goethe): Please, no more questions. I accept the blame for Margaret's demise. All my life I tried to expiate that guilty. I'm sure my maker will forgive me. I only hope she will.

GOETHE (moved): No more questions.

MARLOWE: I now wish to call Margaret to the stand.

(Margaret takes the stand).

COURT BAILIFF: DO you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MARGARET: I do.

MARLOWE: Did you love Faust?

MARGARET: I have suffered much. At times my reason is unsteady.

MARLOWE: Can you tell the court if you loved him?

MARGARET: I did.

MARLOWE: Do you love him now?

MARGARET: I love the memory of happier times.

MARLOWE: Did Faust do the things your brother said he did?

MARGARET: Yes, but he did not know he would cause me such harm.

MARLOWE: But he did cause you that harm?

MARGARET: The child -- I lost everything....The child...(her mind wanders).

MARLOWE: Could you bear all else?

MARGARET (points to Mephistopheles): I tried to pray, but he mocked me. I was a simple girl. He was the evil one, not Faust.

CHORUS: No, he is good! He is good!

MARLOWE (guiltily realizing he is working for Mephistopheles): Yes, but the injury --

MARGARET (excitedly): He would not have done it, except for him (pointing to Mephistopheles).

MARLOWE: Did he desert you?

MARGARET: He left me -- but he came to me in prison.

MARLOWE: But he brought him with him? (points to Mephistopheles).

MARGARET (now completely disoriented): I couldn't go. I could never go with him. Better the hangman.

FAUST (rising): Stop this torture. I accept the guilt. Please, whatever relates to Margaret, judge me as base. If I am to succeed, it must be on the basis of my learning from this tragedy.

MARLOWE: If it please the court, he cannot stop my evidence.

CARDOZO (to Faust): You do hurt your own case by this. She still has a tender regard for you. Perhaps your counsel can prove your adversary was equally to blame.

FAUST: No! Whatever he did, he did in my name. No matter how foul the deed, I accept the blame.

CARDOZO: Then you wish to leave me with this testimony as it is?

FAUST: If my life is to be judged only in terms of Margaret, then he has earned my soul. Even though it never brought me bliss, the deeds were most foul, and no technicality could save my soul.

MEPHISTOPHELES (triumphantly)” Aha! He admits it! It was a mere technicality.

CARDOZO (to Goethe): Do you accept this state of affairs?

GOETHE: He is client. His is the punishment. Yet it makes me angry to see my creations so foully used against me.

MARLOWE: Next, I shall call you to the stand. Perhaps then you can expound on your creation!

GOETHE (to Marlowe): It seems we should be limited to the tale we told. You have no Margaret and no Valentine.

MARLOWE (thoughtfully): Is the contest between us then? I was under the impression that we were not real parties in interest.

GOETHE: This not be permitted to become a mere test of who is the greater genius.

MARLOWE: I do assure you that the legend of Faust has occupied much of my life. I have never changed my belief that Man must be held accountable for his use of knowledge.

GOETHE: The you would condemn Prometheus?

CARDOZO: Stop this! Each of you has agreed to be a witness for your client. Save it for the witness stand!

MARLOWE (to Goethe): Are you ready to take the stand?

GOETHE (sadly): I am.

(He takes the stand).

COURT BAILIFF: Do you swear to tell the truth, the whole truth, and nothing but truth, so help you God?

GOETHE: I do. (To Marlowe). I accept you as a man of good will, but I am unhappy nonetheless.

MARLOWE: I am only trying to establish the law. It must be done for mankind -- even if it is done in the evil's name. How long has the legend of Faust occupied your life?

GOETHE: Thirty years, earth time.

MARLOWE: Wasn't this so-called moment of bliss a mere plot device? A literary trick to prove that if ever Man becomes satisfied, then he is lost?

GOETHE: Get right to point! Strike deep!

CARDOZO: Please Mr. Goethe! I understand how you feel. I have read the work several times -- but this is a court. Please answer the questions.

GOETHE: A literally device -- no. I would say, rather, my philosophy of life.

MARLOWE: Look at the world -- surely you know what has happened since you wrote your great drama. Haven't you ever lost faith?

GOETHE: Heart -- but not faith.

MARLOWE: Then you can honestly tell this court that you can look at the world and not see that it has been brought to its knees through man's quest for knowledge?

GOETHE: You can't interchange knowledge with abuse of knowledge.

MARLOWE: Why not, Mr. Goethe? Isn't it conceivable that there has been no progress since the dawn of time, with all knowledge?

GOETHE (heatedly): Would you undergo an operation without anesthetic?

MARLOWE: It is my turn to ask question. However, I think it is important to understand that each individual will have to forego pleasure and accept much pain if Man is to survive. I'm interested here, not in the things you are sure of, but in the doubts you have -- the thoughts that creep into your head at night, when you evaluate and reevaluate your philosophy.

GOETHE: I am thinking man. I have doubts.

MARLOWE: Would you just tell the court of your doubts?

GOETHE: As to what?

MARLOWE: As to your use of the Faust Legend.

GOETHE: I have seen the mushroom cloud.

MARLOWE: Now we're getting somewhere! Don't you feel that striving for knowledge should have ended at least ten yes before that?

GOETHE: Yes!

MARLOWE: Then Faust is a dangerous lunatic!

GOETHE (with quiet power): No -- you cannot judge a man of one age by the result of another.

MARLOWE: How else judge him? Isn't all knowledge cumulative?

GOETHE: In Faust's time, they burned witches.

MARLOWE: Have you ever heard of napalm?

GOETHE: What would you do with the mind of man? Fetter it?

MARLOWE: Precisely.

CARDOZO: Mr. Goethe, please stop asking the questions.

GOETHE (to CARDOZO): I am a poet, a scientist. It is impossible for me to stop asking the questions -- even the very ones he now asks me.

MARLOWE: Let us go on with your doubts. When you wrote your Faust, you omitted the part of the legend dealing with the great conqueror. Why?

GOETHE: I have seen the face of war.

MARLOWE: And would you not say that knowledge has increased the brutality of war?

GOETHE: It was always brutal.

MARLOWE: But you must admit that technological refinements have been given it a certain efficient character.

GOETHE (exasperated): I admit it.

MARLOWE (pressing): Just that, and nothing more?

GOETHE: I don't wish to make war the measure of man's genius.

MARLOWE: Nor do I. That is why Faust must be punished for consorting with his evil genius. If man makes a contract for the knowledge of Hell, then he must be prepared to pay with his soul.

(The Chorus of Devil worshippers applaud. Cardozo bangs his gavel for order).

MARLOWE: Why did you include the Margaret legend? It isn't grandiose, like the overall scheme of your Faust.

GOETHE: I wanted to show that Faust was human. Your Faust isn't human until he faces death. I wanted to show that Faust could love. (Points to Mephistopheles) In contrast to Mephistopheles, who cannot love.

MARLOWE (curiously): You think that Faust's treatment of Margaret show that he could love?

GOETHE: Love, like knowledge, is sometimes destructive, but surely when we forego knowledge, we will not have to forego love.

MARLOWE: Don't you feel that in Faust's case, knowledge destroyed love?

GOETHE? Sometimes knowledge makes love unequal. But it does not destroy love.

MARLOWE: Do you believe in the soul of man?

GOETHE: Yes.

MARLOWE: A real soul, or a symbolic soul?

GOETHE: I don't know -- but at least a symbolic soul.

MARLOWE: Both of us have used one soul -- Faust -- to represent all kind of mankind.

GOETHE (not seeing the point – half-heartedly): True.

MARLOWE: Do you think that in this world, one soul matters?

GOETHE (getting the point): Yes.

MARLOWE: Do you know how many lives were lost in the last great war?

GOETHE: Thirty million, I am told.

MARLOWE: An each had a soul?

GOETHE: Yes.

MARLOWE: Come now, surely, then, Faust's one soul can't really make that much difference.

GOETHE: It can if it teaches us a lesson.

MARLOWE (self-satisfied): Exactly. (To Cardozo) I have no more questions, your Honor.

CARDOZO: Since you cannot very well cross-examine yourself, the court will exercise that prerogative. Mr. Goethe (points to the Now Lady) in your drama, did you not portray the love of a powerful wise man for an uneducated girl?

GOETHE: I did, but uneducated does not mean unwise. Margaret chose Heaven over Hell.

CARDOZO: Doesn't that argue for the punishment of those who would have us seek too much knowledge?

GOETHE: It shows that knowledge, concededly can be ill-used, even by those who are brilliant.

CARDOZO: Shouldn't Faust then be required to live up to his bargain?

GOETHE: The condition is still important, because as long as Man struggles, there is a chance that he will succeed.

CARDOZO: In the face of all of Man's recent disasters, you still hold to the belief that Man's struggles are a positive act?

GOETHE: I do.

CARDOZO: Marlowe made the point about numbers. Can you still hold to an artist's conception of the soul, in the face of such devastating numbers?

GOETHE: Your Honor, mankind can never deal with the murder is so many people, That is why it is more important than ever to put the soul of Faust into terms that man will be able to deal with. How many times have we seen a small boy fall unto a well, and an entire nation will pause to contemplate his rescue? Yet let there be a famine, and no one will lift a hand to stop millions from starving to death. We must learn once again to see every one of those millions with a soul.

MEPHISTOPHELES (rising agitatedly): Aha! So it's numbers you want. I'll give you numbers. My servant, Hitler. (A puff of smoke) Adolf Hitler...Adolf Hitler

(Hitler appears).

HITLER: What is this trial before a Jew? (Points to Cardozo, then to Mephistopheles). You call yourself a devil! A petty princeling, that's all you are. In ten years, I condemned more souls than you di throughout the ages. Numbers -- I destroyed

numbers. What good are numbers to study human misery? In Biafra, three million people perished. They all had souls, yet that's only half a number of Jew I killed. Three million doubled -- those are my numbers. In Indonesia, the rivers literally ran with blood -- but only one hundred thousand died. What is that, compared to all those who died through me? Bangladesh, Vietnam -- after me, numbers have no meaning.

You fools think that I am dead. I can never die. My spirit lives among you. Brutality is my legacy to you. After me, it will come to you easily, beautifully, lovingly.

I leave you murder. I leave you murder. The only reality -- murder. Murder most fair.

CHORUS: Beauty is murder! Beauty is murder! Sing the praises of his servant, Hitler! Beauty is pain! Beauty is murder!

(A minor Walpurgis night ensues)

CHORUS: Praise Mephistopheles! Praise his servant!

HITLER: No -- praise me. Praise only "Sieg Heil."

CARDOZO: Clear the court! Clear the Court!

(Cops rush in and attempt to restore order. Cardozo bangs his gavel. Chaos ensues).

CARDOZO (over the riot): Clear the court! Clear the court!

(CURTAIN -- END OF ACT I)

ACT II – Scene One

(The scene is in front of courthouse)

REPORTER (beckoning Marlowe to him): Marlowe! Marlowe!

MARLOWE: Yes?

REPORTER: I'm from the "Daily News." Are you Christopher Marlowe, the poet?

MARLOWE (beginning to wonder himself): Don't you think so?

REPORTER: But Marlowe died four hundred years ago/

MARLOWE: That's true. Really, I don't know how I got mixed up in this whole business, but I am Marlowe.

REPORTER: Was that really Hitler in court yesterday?

MARLOWE: Have you read my play?

REPORTER: Sure! It was required reading I college.

MARLOWE: Well, don't you think that both Faust and Mephistopheles are capable of producing such an illusion?

REPORTER: Aha! Then it was an illusion!

MARLOWE: I didn't say that. I only said if you read my play, you would know that an illusion is possible.

REPORTER: But your play was symbolic.

MARLOWE: Of course. Isn't it possible that you, too, are a symbol?

REPORTER: Me a symbol? Of what?

MARLOWE: Inquiry, skepticism -- Man's need to know.

REPORTER: Know? Know what?

MARLOWE: I don't know What is it you want to know?

REPORTER (without hesitating): Everything!

MARLOWE (as if winning a point): See -- you're just like Faust!

REPORTER: That's why Faust is so popular. But why, then, do you condemn your own character?

MARLOWE: I'm curious, too, but man must learn to accept.

REPORTER: Can you accept?

MARLOWE: As an individual -- no. That's why we must preserve Hell in order to have a Heaven.

REPORTER: Let's get off the philosophy. If you're Marlowe, how come you don't speak like him?

MARLOWE: How would you have me speak -- in blank verse?

REPORTER: Not exactly, but at least....

MARLOWE (interrupting): People don't speak like that ant more, not even in the theater. My stuff would never sell.

REPORTER: Then you've been to our theater?

MARLOWE: Yes, but it's so different. It doesn't have the same role as in my day -
- what with TV, the movies and all.

REPORTER: Excuse me -- here comes Mr. Goethe. (Calling to Goethe) Goethe,
Goethe! (Goethe comes over). How do you feel the trial is going?

Goethe: Well, I think that strange behavior of Mephistopheles' part can help our
cause.

REPORTER: Then it was Mephistopheles who conjured up Hitler?

GOETHE: I was sitting right near Faust when it happened. He didn't do it. Faust has
no dark powers without Mephistopheles.

REPORTER: What do you think his purpose was?

GOETHE (indicating Marlowe): You'll have to ask Mr. Marlowe. However, I would
be willing to say that power is not easily controlled -- even by the gods.

REPORTER: Mr. Marlowe seems to think that Faust may have done it.

GOETHE: He didn't.

REPORTER: Mr. Goethe, do you realize that there is a great deal of skepticism as
to your identity?

GOETHE: I can well understand that.

REPORTER: If you're German, how come you speak English so well?

GOETHE: Did you ever see a war movie and wonder how comw both armies speak
the same language?

REPORTER: Is this a war then? Between whom -- you and Marlowe, or Faust and Mephistopheles?

GOETHE: It is the only war Man believes in -- the war between good and evil.

REPORTER: I don't think that Man believes that any more.

GOETHE (with mock curiosity): Oh! Really, the, how do you get hum to fight them?

REPORTER: This is the same as in court! All you do is ask questions. Don't you ever answer them?

GOETHE: Did you ever see play, "Faust"?

REPORTER: Yes -- in college.

GOETHE: Those were the only answers I had.

REPORTER: Then you don't believe that Man can learn to accept?

GOETHE: No.

REPORTER: All right, then. Tell me this -- do you understand about our bomb and all our modern weapons?

GOERHE: I am very well acquainted with your civilization.

REPORTER: Even in the face of all that, you don't believe that perhaps -- just perhaps -- Marlowe is correct?

GOETHE: My friend, will it satisfy you if I say that of course there is a chance that perhaps Marlowe is correct? I am not a dogmatic man. On the other hand, perhaps

he is wrong. Then man must strive, even in the presence of the fearful uses to which his genius has been put.

REPORTER (to Marlowe): Can we get a response from you? A quote -- any quote?

MARLOWE (bored): Hasn't he just framed the issue as thoroughly as possible?

REPORTER (persisting): But it was always said of you that your life style lent credence to the fact that you were very sympathetic to Faust.

MARLOWE: What author ever created a character to whom he was unsympathetic? Isn't Goethe sympathetic to Mephistopheles?

REPORTER: Let me change the subject again. This question is directed to both of you: I think there are at least six operas, and a ridiculous number of symphonies and poem on Faust. What do you think of them?

GOETHE: The subject seems to pose all the great questions of life. (To Marlowe) Don't you think so?

MARLOWE (to the Reporter): If Faust never got all the answers, at least he asked all the questions!

REPORTER (to Goethe): It's your turn to call the witnesses. What can we look for you?

GOETHE: I want to emphasize Faust's later use of power, I want to show that Man does not always have to despair of the use of power.

REPORTER: Do you think that you'll win?

Goethe: I don't know. I'm not the author.

REPORTER (to Marlowe): How about you? Do you feel confident?

MARLOWE: I feel that for the good of mankind, we must win.

REPORTER (to Goethe): Do you have any last words for our readers?

GOETHE: Only those with which I began: Keep in striving!

REPORTER: And that's a quote -- not a question?

GOETHE: Only those with which I began: keep on striving!

REPORTER: And that's a quote -- not a question?

Goethe: Yes! Striving is Man's nature, and he must trust it.

REPORTER: Any response, Marlowe?

MARLOWE (smiling): Hold, thou art fair! Come to rest, mankind! Hold, thou art fair! Come to rest!...

(The trio exits, as the scene ends)

ACT II – Scene Two

(We are back in the courtroom).

CARDOZO (banging his gavel): Come to order! Come to order! Mr. Mephistopheles, I warned you that you would be removed if you continue to show lack of respect for my authority. If you persist, I will remove not only you, but your suit as well, from my court.

MEPHISTOPHELES: How can you be sure I did it? Faust's power to conjure is well known.

CARDOZO: I am satisfied that the apparition arose by your hand.

MEPHISTOPHELES (indignant): But it denounced me.

CARDOZO: Many a creation has denounced his creator. Did you not tell us of Milton's "Paradise Lost"? Let's have no more of this. I find as a fact that the apparition arose by your hand. As to that Walpurgis night by your followers, one more outburst and I will clear the visitors; gallery.

BLACKK SPECTATOR (whispering to the White Spectator): Christ, and there ain't even anything decent on television!

CARDOZO (to Goethe): Are you ready with your case?

GOETHE: If Mr. Marlowe is through with his. It was he whom we interrupted.

MARLOWE: We are finished with our case. Mr. Goethe can proceed.

CARDOZO: Good! Proceed, Mr. Goethe!

GOETHE: All right, then I wish to call Mr. Faust to the stand.

BAILIFF: Faust, please take the stand. (Faust does so). Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

FAUST: I do.

GOETHE: Will you tell the court, in your own words, who you are?

FAUST: I am a man of science from Wittenberg, Germany.

GOETHE: Is that all?

FAUST: Of learning. Beyond that, I cannot go.

GOETHE: Aren't you everyman?

(Faust grimaces -- but before he can answer --)

MARLOWE: Objection!

CARDOZO: Sustained. It is all right to lead the witness as to preliminary matters, but such a conclusion is too much for counsel to put into the mouth of the witness.

GOETHE: What did you feel you had learned from your years of study?

FAUST (despairingly): Absolutely nothing....nothing....nothing....

GOETHE: Then with all your learning, you knew nothing -- and yet you sought more learning to counter the feeling of nothingness that learning had always given you....Why?

FAUST: Learning was all I knew.

GOETHE: Did you feel that Mephistopheles could give you the answers?

FASUT: I needed a key to reveal the secrets of my mind.

GOETHE: Was Mephistopheles could give you the answers?

FAUSTS: I needed a key to reveal the secrets of mind.

GOETHE: Was Mephistopheles that key?

FAUST: No. (Mephistopheles rages -- but silently).

GOETHE: How did Mephistopheles fail you?

FAUST: As I lay dying, I still felt that I KNEW NOTHING.

GOETHE: Did your contract call for answers from Mephistopheles?

FAUST: Only by implication.

GOETHE: Could you explain that to the court?

FAUST: For me, no moment of bliss is possible unless I know the answers.

GOETHE: But what if that is forbidden?

FAUST: I speak for myself, remember... such a blow would be too cruel.

GOETHE: But can't you just enjoy?

FAUST: What?

GOETHE: Your work – your children -- the seasons.

FAUST: No, I always want more.

GOETHE: Always?

FAUST: The seasons go by so fast, and still I know nothing. Please don't speak to me of the seasons.

GOETHE: But your contract with Mephistopheles included one moment of bliss?

FAUST: Why else would I contract?

GOETHE: Your adversary says you contracted for power -- for wealth -- for women.

FAUST: In my day, knowledge was thought of as power.

GOETHE: is it power now?

MARLOWE: Objection!

CARDOZO: Overruled. As a trier of the facts, I want to hear what Faust thinks about power.

MARLOWE: But, your Honor, that is irrelevant to the disputed clause.

CARDOZO: We said that we would be liberal in the evidence. Go on, Faust.

FAUST: It really isn't worth your fighting over, because Faust no longer thinks of either power or knowledge.

GOETHE: What do you think of?

FAUST: Peace of mind.

GOETHE: Can you obtain it?

Faust: Not here.

GOETHE: So you have come full circle. Now you long for death.

FAUST (resignedly): Isn't that how you and Gounod portray me? I get so tired of being a symbol.

CARDOZO: Please answer the question.

FAUST: I fear s=death. I long for death. Who knows? Can a man ever resolve that question? But surely I would never ask for power without bliss. What would it mean to me?

GOETHE: Don't you wish to tell the court anything about Margaret? Will you allow yourself to be slandered in this matter?

FAUST: What man is without guilt? In this, I am guilty, I will not expiate that sin before this court.

GOETHE: Then you believe in sin?

FAUST (eyeing Mephistopheles): I believe in evil.

GOETHE: Was your contract with Mephistopheles evil?

FAUST: I did not think so at the time. Yet who can say it wasn't the cause of Margaret's anguish?

GOETHE: Did you try to make up for your sins with Helen?

FAUST: I tried to make up for my sins all my life.

GOETHE: Have you read Marlowe's play?

FAUST: Yes.

GOETHE: Is it true?

FAUST: Parts of it are true.

GOETHE: Which parts?

FAUST: I fear damnation, whether it be in this world or next. I could very well see myself watching the clock and waiting for Mephistopheles to take my soul.

GOETHE: What about the parts in which you abused the Pope?

FAUST: Marlowe lived in the time of the great religious wars. I think he used my life for his own purpose there, I told you – I get so tired of being a symbol. (agitated)
I'm a man!

GOETHE (before he can get too excited): If this court finds that Mephistopheles is entitled to your soul, will you feel the loss?

FAUST: How can you ask me that?

GOETHE (defensive): Well, in the face of your world weariness!

FAUST: My world weariness caused me to seek bliss -- not damnation.

GOETHE (shifting gears): If you won't tell us about Margaret, will you tell us about Helen?

FAUST: Helen, like myself, is a symbol; of many things.

GOETHE: Go on!

FAUST (wearily): Beauty, both spiritual and physical. Truth. Classicism. In those days, a man of education always had the classics at his fingertips -- The Iliad, The Odyssey, Euripedes, Surely you know.

GOETHE: Do you think the classics are still important?

FAUST: Only symbolically. They are Man's past, his heritage. If you will condemn Man for his destructive urges, at least credit him with his creative ones.

GOETHE: Don't you think man will have to break with his past if he is to survive?

FAUST: I think "break" is a poor choice of words. Learn, perhaps.

MARLOWE (rising): Your Honor, I must object! This conversation is quite irrelevant.

CARDOZO: Perhaps. Yet as trier of the facts, I must take the measure of this man. (indicating Faust).

MARLOWE: but you yourself said that many a good man has made some evil contracts.

CARDOZO: True! But I do not know what kind of man Faust is. The existence of the condition is nebulous. I need all the impressions I can get in order to tell if it was part of the bargain. Besides, I need to know whether Faust should have been satisfied with Mephistopheles' performance.

MARLOWE (sarcastically): It still seems devious by the laws of evidence.

CARDOZO: Well, then, we will be liberal with the law. Overruled. I must comment, however, to Mr. Marlowe that poets seem quick to become lawyers. Perhaps that is to your credit. Continue, Mr. Goethe.

GOETHE: Mr. Marlowe has intimated that your feelings toward Helen were lecherous and that you had no interest in classicism at all.

FAUST: I ask him to remember that I had already spent two youths -- the one that God gave me and the one that Mephistopheles gave me. No -- I quite knew my feelings at the time.

GOETHE: Please tell the court why Mephistopheles' service failed to satisfy you.

FAUST: His service was always faithful and efficient, except....

GOETHE: Yes! Yes! Except?

FAUST: Sometimes he would take me farther than I wanted to go.

GOETHE (seizing at this): Was that the root of your dissatisfaction?

FAUST: Partly. I would not have killed Valentine if there were any way I could have avoided it.

GOETHE: But didn't you intimate to the court that Mephistopheles is your other self? Didn't you speak of secrets unlocking your own brain.

FAUST: I think that mankind knows when it is base.

GOETHE: But what of Faust?

FAUST: The deed was done. I told you I would undo much if I could.

GOETHE: Then you are aware of the evil that you did?

FAUST (getting angry): I told you there were reasons I couldn't find satisfaction.

GOETHE: If you had been one hundred percent virtuous, would you have found satisfaction?

FAUST (calmed down): I'm afraid it wouldn't have been an easy as all that.

GOETHE: How do you know?

FAUST (resignedly): I was virtuous before the contract, yet I was at the point of suicide when I signed it with my blood.

GOETHE (frightened): Do you realize that that is very damaging testimony?

FAUST (nobly): I must tell the truth even if Heaven be the price.

GOETHE (as if fighting a losing battle): Then what you are saying is that except for the fact that you felt Mephistopheles took you places you wouldn't have gone to, his service was satisfactory?

FAUST: Satisfactory as to performance, but a complete failure as to bringing me happiness.

GOETHE: Your witness, Mr. Marlowe.

MARLOWE: Do you think it would be fair for me to ask you whose conception of FAUST you prefer -- Goethe's or mine?

FAUST: I'm very eager to answer that question.

MARLOWE: Please!

FAUST: I think that my conception of Faust is more accurate than either of yours.

MARLOWE: And what is your conception of Faust?

FAUST (angry again): I'm a man.

MARLOWE: Come, come -- don't you think that's too modest?

FAUST: Why modest? What did I do?

MARLOWE: You defied the Gods.

FAUST: By seeking knowledge? Then the lowest of men is guilty.

MARLOWE: That is sophistry. You sought forbidden knowledge.

FAUST: What is forbidden? Eve ate of the apple.

MARLOWE: It is forbidden to know the secret of life.

FAUST (resignedly): Then Man will always be a criminal!

LADY FROM NOW (rising): Objection!

CARDOZO (exasperated): Yes, madam?

LADY FROM NOW (self-satisfied): Did he not say that Eve ate of the apple?

CARDOZO: Yes.

LADY FROM NOW: Aha! And then he said that Man will always be a criminal.

CARDOZO: Please get to the point!

LADY FROM NOW: Eve is a tragic hero, worthy of standing with Prometheus and Faust. But in this world, dominated by men, you won't even give her status as a criminal alongside men. Women ate of the tree of knowledge, and men take the credit.

CARDOZO (disgusted): Let the record show that a woman ate of the tree of knowledge first. Let the record further show that if man is a criminal for searching for knowledge, then woman is every inch worthy of being a criminal alongside him....Now are you satisfied, madam?

LADY FROM NOW: But surely your Honor must see the service I am doing this court in preventing it from falling into sexist errors.

CARDOZO (sarcastically): Yes! In freeing women from sex roles, you free us, too.

LADY FROM NOW: We're only doing it for your own good.

CARDOZO: Of course; but just about now, could you please sit down so that I can return to my role as a judge?

LADY FROM NOW: Now that you mention it -- why didn't they decide to have this trial before a woman?

CARDOZO: Please, madam, I don't know. (Points up) perhaps it was God's wish. Mr. Marlowe, will you continue?

MARLOWE: Faust, you know perfectly well that Man can differentiate between knowledge and forbidden knowledge.

FAUST: No, I plead ignorance on that. I cannot tell which knowledge you will deem good and which bad.

MARLOWE: Are you aware of the new experiments in genetics, where they duplicate people? Or the ones where they fix the sex of a child? Are these experiments not evil?

FAUST: I feel that they are, but am I the judge?

MARLOWE: Didn't Goethe paint you as Everyman?

GOETHE: Objection! You would not allow it.

CARDOZO: Sustained. You must distinguish between Faust the symbol and Faust the man.

MARLOWE: I am trying to show that each man instinctively know what is evil.

CARDOZO: That's all well and good, but you'll have to do it another way.

MARLOWE: You say that you feel that these experiments are evil?

FAUST: I do.

MARLOWE: Didn't you ever feel that some of your experiments were evil?

FAUST: We knew less in those days.

MARLOWE: Is that a justification?

FAUST: Do you judge me by this time?

MARLOWE: Not I! I judged you four hundred years ago.

GOETHE: Objection! Counsel is here to ask questions, not to make summation.

CARDOZO: Sustained.

MARLOWE: Even though you find particular experiments evil, you do not believe that knowledge itself is criminal?

FAUST: What is criminal is the use to which knowledge is put.

MARLOWE: Then in spite of a personal belief that certain knowledge is evil, you would not deny Man knowledge even if it will destroy him?

FAUST: I would not, although I think it is much too late to even debate that subject. Let me just add that if you would damn me, then, as the lady said (points to Lady from NOW) you must go back to the first man -- uh, person -- and prevent him -- uh, them -- from building the wheel.

MARLOWE (realizing he has gone up a blind alley): You have already told this court that Mephistopheles served you faithfully?

FAUST: I put qualification on that. But go ahead.

MARLOWE: Can you tell the court what else you would have had him do?

FAUST: In the way of projects?

MARLOWE: No -- to satisfy you.

FAUST: I know now that there was nothing he could do to satisfy me.

MARLOWE: Then you admit it?

FAUST: I admit it.

MARLOWE: Didn't you know that Margaret couldn't satisfy you?

FAUST: If woman is not to satisfy man, should man therefore avoid women? No man must obtain as much satisfaction from women as he can.

LADY FROM NOW: Objection!

FAUST (realizing his error): And vice versa. No man can ever completely satisfy a woman. People must not look for complete satisfaction from their relations -- but from life.

MARLOWE: Then it can be obtained?

FAUST: I never said that!

MARLOWE: All right -- can it be obtained?

FAUST: Not completely -- no. I was just looking in the wrong places, but even in the right places, I would not have obtained it.

MARLOWE: But some can?

FAUST: I don't know.

MARLOWE: Then it seems that you made Mephistopheles labor in vain.

FAUST: Yes.

MARLOWE: Was that fair?

FAUST: At the time of the contract, I couldn't know this.

MARLOWE (repeats): Was it fair?

CHORUS OF DEVIL WORSHIPPERS: Faust is unfair! Faust is unfair!

CARDOZO (banging gavel): Silence!

FAUST: Mephistopheles was a man of the world. He knew more about me than I knew about myself.

MARLOWE: But was it fair?

GOETHE: Objection! This is just badgering the witness. Marlowe has made his point.

CARDOZO: As trier of the facts, I understand that Mephistopheles labored after an impossible end in Faust's behalf. Is that your point, Mr. Marlowe?

MARLOWE: Yes.

CARDOZO: I think a short recess is in order, if you have no further questions.

MARLOWE: No further questions.

GOETHE (rising): I would like to make one point, your Honor. Although the end was impossible, Mephistopheles, with his worldly knowledge, should have been aware of it.

CARDOZO: I note your point. Can we agree to recess?

MARLOWE: Agreed.

GOETHE: Agreed.

(End of scene).

ACT II -Scene Three

(The scene takes place in a café across the street from the courthouse. The Black Spectator and the White Spectator are with the Reporter).

BLACK SPECTATOR: How can you take us out to lunch now? You oughtta be out tryin' to get a story from Marlow or Faust!

REPORTER: Are you kidding? CBS and NBC are all over the place. They'll never let a story develop. They'll be on top of Faust for his every word. Christ, I remember the night Senator Kennedy got shot. I thought they'd push a mike right up to him. "How does your brain feel now, Senator? Got a few words for our audience?" A man can't have no privacy at all today.

WHITE SPECTATOR: So they jumped your story, huh?

REPORTER: Yeah! Hey, bartender, give me a drink, will ya? I couldn't even get near Faust. What are you guys drinkin'? I still got the old expense account. Anyway, we did scoop 'em. Can't blame 'em for being vulture, though.

BLACK SPECTATOR: Yeah! But I seen this Doris Day movie once, with Clark Gable. He was a reporter, sorta like you. Well, anyhow, she taught him -- she was some kinda journalism teacher -- that newspapers gotta bring an angle into it. You see, TV grabs off that "You are There" stuff, but ya still need reporters to explain "Why?"

REPORTER: Ok, Pop. What d'ya figure is the "Why"?

BLACK SPECTATOR: You're the reporter -- but my angle on it is -- Marlowe's right. Man's gotta learn to make the best of what he's got. I mean, look at the three of us. We probably ain't got a pot to piss in, yet we're having a good time, ain't we?

REPORTER: Yeah! But Geez, that would mean that that creep, Mephistopheles would come up with the poor bastard's soul.

WHITE SPECTATOR: Then you think that Mephistopheles is a creep?

REPORTER: Yeah, he's a creep. Wears fancy duds and talks real fine. He's kinda cynical, like, and he thinks that makes him a real genius. Underneath, though, he's a prick; loves his own ass and doesn't give a flying fuck for anyone.

BLACK SPECTATOR: It's funny – he's supposed to be the friggin' devil, yet you gotta admit he's got a lotta right on his side.

REPORTER: All right. Let's take it from the other angle.

WHITE SPECTATOR: What other angle?

REPORTER: Well, Faust was trying to do a service for his fellow man.

BLACK SPECTATOR: Stopped off for piece of ass, though.

REPORTER: All that proves is what Goethe said. He's only human, ain't he? I mean, we all love a good peace of ass every once in a while, don't we?

BLACK SPECTATOR: Up in Harlem, where I live there's a sign up in the barber shop near my house. It says that freedom is more important than pussy. I read in Malcolm's autobiography that he went eleven years without a piece of ass while he was devoting himself to the cause of black people..

REPORTER: So you condemn Faust over the Margaret business?

BLACK SPECTATOR: Well, I didn't say that. But he was using knowledge for selfish ends, not just for the good of mankind.

WHITE SPECTATOR: Look -- they wouldn't find as a fact that Faust was Everyman, but fact -- schmact -- that's all-legal mumbo jumbo. The way I see it, Faust is you and me. Burn his ass, and we're all gonna feel the flame.

REPORTER: Hey, that's a good line, pop! I'll have to remember that.

WHITE SPECTATOR: So Goethe -- he sees the problem same as we do and he don't care for this Mephistopheles creep any more than we do. So lets him off.

REPORTER: I don't know. Did you ever read "Faust"? Goethe gives Mephistopheles the best lines.

WHITE SPECTATOR: Yeah, I read it. Sure he gives him all the best lines, but that's only because he's the cynic. The cynic always gets the best lines. He don't have to make things better, like the idealist.

REPORTER: Then Faust is the idealist?

WHITE SPECTATOR: Of course!

REPORTER (to the Black Spectator): What da ya say -- can we draw you in?

BLACK SOEctorator: Look, I never said that you guys was wrong. I only said that it's a friggin' shame that the devil has to have so much right on his side.

REPORTER: Well, how would you end it, then?

WHITE SPECTATOR: Me or Cardozo?

REPORTER: I gotta get an angle. Give me both.

WHITE SPECTATOR: I'd just go with the condition. Fuck Mephistopheles!

REPORTER: That ain't legal like.

WHITE SPECTATOR: That's why I ain't a judge.

REPORTER: Neither was Solomon. Give me somethin' better than that.

WHITE SPECTATOR: I ain't got nothin' better than that. A man still got to bust his ass to get all he can outa this life. No way I'm gonna fry 'em for that. Let Mephistopheles not come down here wavin' contracts if he ain't prepared to lose a few. Christ, even Chase Manhattan gets some bad debts.

REPORTER (to bartender): Give us another round. (To the two spectators) What's left of the trial?

BLACK SPECTATOR: Well, there's Helen and Marlowe.

WHITE SPECTATOR: I can hardly wait to see Helen. Think she's the ultimate piece of ass?

BLACK SPECTATOR: White broads don't turn me on that much.

WHITE SPECTATOR: At my age, very few broads turn me on.

BLACK SPECTATOR: That's too bad.

WHITE SPECTATOR: I didn't say none.

REPORTER: How do you like that lady lawyer, with all the sexism?

WHITE SPECTATOR: You must admit she's gotta point. I mean, listen to us.

BLACK SPECTATOR: Are you kiddin'? Do you know what girls talk about? Christ -- everything I know I've learned from some broad or other. I read a magazine article where it says that they talk about sex more than we do.

WHITE SPECTATOR: Just like my old wife -- may she rest in peace. All she ever did was talk about it.

REPORTER: Well, I think we got an excuse. After all, Helen is supposed to be one helluva woman.

BLACK SPECTATOR: But do ya think she's a dodo? I mean, I don't care how great a broad is in bed -- sooner or latter, you gotta talk to her.

REPORTER: Drink up. At least we got something to look forward to.

BLACK SPECTATOR: Tell you the truth -- I can hardly wait to see the confrontation between Goethe and Marlowe.

Reporter: Well, you saw some it.

BLACK SPECTATOR: Yeah! But that Hitler shit got in the way.

REPORTER: Ever read about Marlowe? Christ -- he never even made it to thirty. Killed in a tavern brawl. He was hell on wheels while he lived, though. That's probably why he represents the devil.

WHITE SPECTATOR: Come on -- let's get back. I don't want to miss nothin'.

(End of scene).

ACT II – Scene Four

(We are back in the courtroom).

BAILIFF: Will Helen take the stand?

(Helen comes forward. She is somewhere between a star and a starlet -- between Greta Garbo and “My Friend Irma.” She is an unrealizable character -- but this shouldn’t prevent someone from trying. She strolls up to the stand, swinging her ass characteristically. It is immediately obvious that Goethe is going to have a difficult time of it).

YOUNG WOMAN FROM THE CHORUS (running up to Helen): May I have your autograph?

(Helen stops to sign it. She is obviously enjoying all the hoopla).

CARDOZO: Please, madam, this is a trial, not a three-ring circus.

(Helen finishes signing and takes the stand. She is wearing a low-cut skirt, and does the “show-your-legs-to-the-judge” bit. Cardozo looks and does the “I-couldn’t-care-less-but-let’s-see” bit).

GOETHE (worried): Are you Helen, the symbol of beauty of the ancient world?

HELEN (Mae West style): I’m not so bad in this one, am I?

GOETHE (sweating): Did you marry Faust?

HELEN: Yeah. He was either my second or third, depending on how you look at it. I mean my divorce from Menelaus, my first husband, was kind of the suitcase variety. I cut out with Paris, my second.

GOETHE (really scared now): Please, madam! Just answer the question.

HELEN: Well, I thought you wanted to know about my husbands. After all, nowadays, three ain't so many for a girl. I mean, look at those movie stars -- they have anywhere from five to seven.

GOETHE: Can we confine ourselves to your third -- Faust?

HELEN: He was kind of a nice old Geezer -- mighta not been so bad if I had gotten him about the time he had the hots for Margaret, but by the time I got him, he was almost seventy-five. Christ, he could hardly...

GOETHE (interrupting): Yes, but wasn't he interested in your mind?

HELEN (sarcastically): I don't think he could be interested anything else.

GOETHE: What about the child, Euphorion? Wasn't he the symbol of classical and medieval poetry?

HELEN: He must have been, because he couldn't even learn his ABC's.

GOETHE: Did you feel flattered that Faust had Mephistopheles raise you as the symbol of unity of Man's thought from the ancient world to the medieval?

HELEN: Actually, I had a pretty good deal on old Olympus. I'm kind of a God myself, you know. Why, according to some books, all Troy got was an illusion. I never could have caused nor war. To tell you the truth, I wasn't too crazy about the whole idea, since things were pretty good for me up there.

GOETHE: But think of all the poetry you inspired!

HELEN: Listen, it ain't no big thing that I turn men on, but let 'em get their own inspiration. I gotta think about me. After all, it's what I want to do, not what men want me to do.

LADY FROM NOW: Right on, sister!

HELEN: Who the hell is that? All my sisters are dead!

CARDOZO: She's a women's liberationist. They believe that all women are sisters -- sought of symbolically.

HELEN: I'm tired of being a symbol. Actually (swings her body), I'm just a woman.

CHORUS OF DEVIL WORSHIPERS: (Lets out a collective wolf-call).

HELEN: Hi, boys! (To Goethe) You know what I'd like to do? I'd like to go to Hollywood and make some skin flicks. (Dramatically) The Devil in Helen.

CHORUS: The Devil is love! The Devil is love!

HELEN (Back to them): Ah, I don't know. Look at the trouble he had in "Rosemary's Baby." I mean, if he was such a great lover, he wouldn't have had to make no deals with the husband. Why, my Paris wasn't much in battle -- but what a lover!

BLACK SPECTATOR (to the White Spectator): Christ! Paris musta had one down to here! (points to his knee).

HELEN: I mean, Achilles, he was all right in a war, but he was always locked up in his tent with Patroclus. Actually, I think he was a bloomin' fag!

GOETHE (disgusted and crushed): No more questions, your Honor.

CARDOZO: Your witness, Mr. Marlowe.

MARLOWE (gets up, rubbing his hands): Ms. Helen, would you tell....

HELEN: oh, come on, honey! I been married three times. You don't have to call me "Miss."

MARLOWE: No, I said "Ms."

HELEN: Mzzz? What's a "Mzzz"?

CARDOZO: Well, you see, it's like "Mr." It doesn't tell whether a lady is married or not.

HELEN: But what if a lady wants men to know?

CARDOZO: Well, the form is not required. You can still be a "Miss" or a "Mrs." It's just to give women a chance to have their own equivalent of "Mr."

HELEN (with a flash of understanding): Oh, I get it! Like when my Paris first came to me. If I wanted to have a little fun with him, I coulda told him I wasn't Mrs. Menelaus, but Ms. Helen, and then he wouldn't have known I was married.

MARLOWE: Exactly.

HELEN (really impressed): Boy, modern women are certainly progressive! What will they think of next?

MARLOWE: You said you were sort a God. Would you tell us about your divine birth?

HELEN (showing some smarts -- to Cardozo): Isn't that hearsay? After all, all I know about it is what my mother told me.

CARDOZO: Perhaps, but Marlowe just wants to know just what you were told about your origins.

LADY FROM NOW: Objection! Helen isn't on trial here!

CARDOZO (smiling satisfiedly): Madam, all women on trial. Usually before men, I might add. (To Helen) Answer the question.

HELEN: All right. My mother was playing with this swan, see?

MARLOWE (with mock interest): A swan?

HELEN (agitated): That's what I said -- a swan. Anyway, this swan was really Zeus. You know, Zeus, the God -- and one thing led to another, and here I am!

MARLOWE: I see. And your father believed this?

HELEN: Well, it really was quite in those days. I mean it happened to Europa, but with a bull.

BLACK SPECTATOR: I'll say it's bull!

MARLOWE: But then your origin was divine?

HELEN: Of course. Haven't you ever heard me referred to as the "Divine Helen"?

MARLOWE: Yes, but I didn't realize it was literally true. Tell me -- did it ever cause you grief that so many good men died because of you?

HELEN: Look, honey, I know what you're gettin' at. Well, I already told you I didn't cause no war. You're gonna try to make me out for a heartless bitch. Well, I'll have you know those guys were determined to get their arrows off. I was just the excuse -- not the cause. I mean, Greece had to have it's day in the sun.

LADY FROM NOW: Right on! Men cause war – not women. War is just an excuse for men to rape women. Women are the victims of war.

CARDOZO: Please, madam! This isn't even an election year!

LADY FROM NOW (calming down): Sorry, your Honor.

MARLOWE (picking up): You had a child by Faust. Surely you must have felt something for him.

HELEN: Faust was a nice old geezer, but he kept puttin' me on a pedestal. I wanted to be loved for myself. Not as some symbol of the classical world. After all, to you it may be the classical world, but to me, It's only the everyday humdrum. I had to endure the jealousies of other women. (to the crowd) Could I help it if I was so beautiful?

LADY FROM NOW: Men make us compete with one another. (Very dyke-ey) We'd love you. Sappho was a "right-on" woman.

HELEN: Actually, she was a bore. She thought I was more beautiful than Paris did.

MARLOWE: But are you telling this court that Faust was really too old to be much good as a lover, and that's why he kept babbling about poetry?

WHITE SPECTATOR: I'd show you who's too old!

HELEN: That's the impression I got.

MARLOWE: Your witness, Mr. Goethe.

GOETHE: But then Faust certainly was not lecherous in his department to you.

HELEN: Lecherous? It was all very symbolic, except for the one time with the child.
Jjust my luck!

GOETHE: No more questions.

(Helen leaves the stand and grinds out Devil Chorus and the White Spectator all stare, etc., with maybe a wolf-whistle or two).

WHITE SPECTATOR (to the Reporter): It's like everything else in life. You always expect a little more than you get.

REPORTER: yeah, old timer, but wouldn't you like to be young just one more time to go a round with that?

WHITE SPECTATOR: Sonny, I'd like to be young once more to go a round with the village whore! (He gives a hideous laugh).

LADY FROM NOW: Sexist pig!

BAILIFF: Christopher Marlowe to the stand!

(Marlowe takes the stand).

BAILIFF: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

MARLOWE: I do.

GOETHE: You are Christopher Marlowe, the great lyric poet of Elizabethan England?

MARLOWE: I am Marlowe. I wrote poetry.

GOETHE: Come, now, you were never noted for modesty.

MARLOWE: I'm much older now.

GOETHE: Did you write "Dr. Faustus"?

MARLOWE: Yes.

GOETHE: Why?

MARLOWE: You should ask me that?

GOETHE: You see, Marlowe, you develop the habit too quickly of answering a question with a question.

MARLOWE: Some questions have no answer.

GOETHE: That one does.

MARLOWE: I wrote "Dr. Faustus" because I was concerned with power.

GOETHE: I see. Can you be a little more specific? What aspects of power?

MARLOWE: I saw, in my time, that it would not be long before man lost his fear of God. Then what would stop him?

GOETHE: And your answer was to restore the fear of Hell?

MARLOWE: There are all kinds of Hell.

GOETHE: Then your Hell was symbolic?

MARLOWE: Symbolic for some -- literal for others.

GOETHE: Do you believe that Faust was evil?

MARLOWE: He brought evil, and that is all that matters. Besides, this is a civil action – we don't have to concern ourselves with motive.

GOETHE: Were you killed in a tavern brawl?

MARLOWE: I object, your Honor! What have I to do with Faust?

CARDOZO: There are many similarities. Please answer the question.

MARLOWE: Yes.

GOETHE: Then in sense, you wasted your powers.

MARLOWE: I am not on trial.

CARDOZO: Didn't you hear the lady? We are all on trial every day of our lives.

MARLOWE: Because the lady said it, are we bound by it?

CARDOZO: No -- we are bound by it because it is true.

MARLOWE: I wasted my powers.

GOETHE: Did Faust waste his?

MARLOWE: He misused them. That is entirely different.

GOETHE: But you were very sympathetic to Faust.

MARLOWE: Weren't you?

GOETHE: I did not condemn him. You did!

MARLOWE: I condemned him as a warning to others like him. Control your pride. Control your arrogance. Respect your God.

GOETHE: But you never did these things?

MARLOWE: I have paid for my errors.

GOETHE: Errors -- not sins?

MARLOWE: Sins -- errors -- it's all the same.

GOETHE: No, it isn't the same.

MARLOWE (heatedly): Why not?

GOETHE: To keep on trying is not a sin.

MARLOWE: You say that, but would you tell that to a man burned by napalm or incinerated by the atomic bomb?

GOETHE: Would you tell it to a man who is alive today because of new techniques in surgery?

MARLOWE: I would. Death is God's way. It is God's game of chance -- his lottery. Man must accept it.

GOETHE: Did you accept it?

MARLOWE: Why do you keep on plaguing me?

GOETHE: I am only trying to show you that Man cannot pass laws against his own nature.

MARLOWE: Is it Man's nature to seek more knowledge than he can digest? That will kill him.

GOETHE: Then so be it!

MARLOWE: No! Man must not die. Man must not seek answers from the evil one.

GOETHE: Oh, come now! There is no way that man can recognize the evil one, and you know it.

CHORUS OF DEVIL WORSHIPERS: Goethe lies! Goethe lies! We can always recognize! Goethe lies!

CARDOZO (banging gavel): Order! Order!

MARLOWE: They are right. Man has an instinctive knowledge of what is good and what is bad.

GOETHE: Mephistopheles has told this court that he is price of Hell. Is that so?

MARLOWE: Yes.

GOETHE: Yet you serve him?

MARLOWE: He is good for the world, and bad only for individuals.

GOETHE He is evil!

MARLOWE: What he is doesn't matter. Man must not contract with him.

GOETHE: Then can man contract with God for knowledge?

MARLOWE: God does not contract!

GOETHE: I see. Then all knowledge comes from the evil one?

MARLOWE: At his creation, God gave Man all the knowledge that he wanted him to have.

GOETHE: How can that be? Mephistopheles gave man more, and he, too, is a creation of God.

MARLOWE: He broke with God to sow chaos in the world.

CHORUS OF DEVIL WORSHIPPERS: Chaos is a child of God! Chaos is a child of God!

MARLOWE (to Cardozo): We go in circles. Stop this.

CARDOZO (to Goethe): I think that you have made your point with Marlowe. Have you questions on any other aspect?

GOETHE: In your drama, you included a Helen, but not a Margaret. Why?

MARLOWE: Helen to me was just another aspect of power.

GOETHE: But Helen could have been knowledge -- continuity of thought -- anything. Why power?

MARLOWE: Possessing the most beautiful woman in the world is a form of power. Look at "The Iliad." Paris chose the most beautiful woman over glory in battle.

GOETHE: Then power was always your subject?

MARLOWE: Always. Even love is a form of power. Love makes you vulnerable.

GOETHE: Your Faust avoids love.

MARLOWE: He wants to have power.

GOETHE: Then your Faust cannot love?

MARLOWE: He has no time for it.

GOETHE: Surely you must see that you cannot win this case!

MARLOWE: How does that follow?

GOETHE: Man must love.

MARLOWE: Not if his love brings forth the engines of destruction.

GOETHE (pointing to Mephistopheles): He alone cannot love. He is not human. Faust can love.

MEPHISTOPHELES (to Cardozo, hypocritically): Your Honor, my lawyer is on the stand. He cannot defend me. Allow me at least to tell the court I can love.

CHORUS: He loves us! Goethe is evil!

CARDOZO (not impressed): Sit down. We have your testimony, Mr. Mephistopheles.

MEPHISTOPHELES: But I want the record to show that I can love.

CARDOZO: The record will not show it, because I will not take your testimony on it.

MEPHISTOPHELES (pretending to be crushed): I love -- I love. Please let me say I love.

CHORUS: We accept your love! We know your love!

CARDOZO: Please continue, Mr. Goethe.

GOETHE: I have made my point. Marlowe's way is impossible. I have no more to say.

CARDOZO: Then will you and Mr. Marlowe prepare for summation?

(The lights fade out. The Reporter is seen in the telephone booth again.)

REPORTER: Today they hit all the big things in life. What a trial! Power, Love....(Pause) (Sadly) You're not interested in power – in love? But chief...(Pause) The TV boys got that out? Oh! (Pause) You want an interview with Mephistopheles on what he thinks of “The Exorcist” and “Rosemary’s Baby”? (Pause) But don’t you care about the fate of Faust? (Pause) You do, but our readers don’t? All they care about is what Mephistopheles thinks? (Pause) Of course, how often do you have a real devil? Yeah, I agree, but...(Pause) Yeah, I’m a reporter. (Pause) Ok, I’ll give the public what it wants, but I don’t know if I can get near Mephistopheles. He’s something of a celebrity, you know. (Hangs up the phone). Christ! It was such a good story when I had it to myself. Oh, well!

(The lights go back on, and the courtroom is dominant again)

CARDOZO: Are you ready, Mr. Marlowe?

MARLOWE: I am.

CARDOZO: Being then.

MARLOWE: Mephistopheles here claims the soul of Faust pursuant to his contract with Faust. Faust defends on the spurious claim that he did not receive satisfaction from contract. The test, you have told us, your Honor, is reasonable satisfaction. By the testimony brought out here in open court, we have shown that Mephistopheles provided Faust with Love, with Beauty, with Power. He built cities for Faust. He

drained swamps for Faust. He did whatever Faust asked of him. If Faust wasn't satisfied, what right did he have not to be satisfied? Who is Faust? Men are born -- some exist, some starve, some fail -- but Faust had everything -- power, love, beauty, wealth. By his own words, he has them all.

Still Faust refuses to cry "Hold -- enough!" Still Faust refuses to smile on the moment. (Angrily, loudly) What right has Faust to trouble this court. He got from Mephistopheles everything a man could ask for. Now, how does Faust show his gratitude? He denounces his benefactor. He spreads lawyer tales about a "condition precedent." He denies that with all that he received; he has ever known a moment of happiness. Not one lousy moment of happiness! Or so he says. Surely you will not believe this. Faust does not wish to pay. That is the only explanation. His soul should be awarded to Mephistopheles and he should be made to render the services he promised.

More important, Man must learn that he cannot go to his evil genius just because life becomes too much for him. Life is tough. Man must accept life, and death is part of life. Man's search for the Fountain of Youth, for the answers, for God's secrets, can only lead to his rapid destruction. Some things are forbidden. Award Mephistopheles the soul of Faust, not pursuant to contract, but pursuant to reason and justice. That is the way only way Man can be saved.

(Pause)

CARDOZO: Mr. Goethe, are you ready?

(Goethe approaches the bench as Marlowe sits down).

GOETHE: What man can deny that Marlowe, speaking for his client, has been most eloquent? Truthful, as he sees the truth! Faust did obtain much from Mephistopheles.

But the things Faust obtained were always of a material nature. Faust was not a materialist. Faust was a man of the spirit -- the spirit of Man. We will concede that Faust should have been happy with what he received. Yes, we will concede that. But as a divine creation, we must take Faust -- man, if you will -- as we find him.

(Excitedly) How do we find man? His spirit can never be satisfied. No matter how much he receives, he will want more. Let Marlowe rant and rave against this. What good is it? Man is a divine creation and he will not be satisfied with life as he finds it. He wants more -- more love, more power, more beauty, more truth. Marlowe argues that this will kill him. And I do not say that Marlowe is wrong. I repeat, I do not say that Marlowe is wrong. I only say that Marlowe asks flies in the face of Man's nature. Marlowe asks the impossible.

I say even if it kills him, Man must be true to his nature. Even if Man is insane -- even if he is rushing headlong to his destruction, we cannot ask the impossible of him. If Man is to survive, he must survive according to the way he was created. He cannot survive by a fear of an artificial Hell. I say that Faust never obtained satisfaction, pursuant to contract -- but do not deny Mephistopheles pursuant to contract. Deny him because you cannot make Man into something he is not.

(Pause)

CARDOZO: Now it is for me to decide. (Pause, as he shuffles papers and goes over notes). The weight of the evidence is with Mephistopheles. (Mephistopheles lets out a hideous laugh, indicating that he expects to win).

MEPHISTOPHELES: I win!

CARDOZO: Even without the weight of the evidence, Marlowe has made the point, and I quite agree, that no reasonable man in Faust's position could have failed to

have at least one moment of bliss. Perhaps it was when he first possessed Margaret -- or when he recovered his youth -- or when Helen bore him the child. No matter whether it was these, or the city Mephistopheles built, or the knowledge he gave him. No reasonable man could have failed to have one moment of bliss.

MEPHISTOPHELES: Oh, learned judge!

CARDOZO: Yet I must declare for Faust.

MEPHISTOPHELES: Impossible! You said -- no, I win.

CARDOZO: No, you must lose. I am not satisfied with my decision, but then, what case is ever without right on both sides? By all the laws of reason, you should win. Yet I say you lose -- not because I have great faith in Man. Not because I believe that Man will survive, but because, as Goethe says, I must take Man as I find him. If it be true that Man's flaws will be his downfall -- then so be it. If the law is to be changed so that Man cannot bring forth evil, it cannot be by judge-made law. A higher law will have to change Man before I can find for Marlowe and Mephistopheles.

Let Faust feel no glory in his victory. In my heart, I am not sure that I have not perhaps passed Man's death sentence.

MEPHISTOPHELES: Jew, you stick a knife in the heart of a Devil.

CHORUS: Devil killer! Devil killer!

CARDOZO: The laws of nature are immutable even though they may be destructive. Go free, Faust! Return from whence you came. Do not gloat, mankind, you have won no victory today -- only a reprieve in the struggle with yourself. Case Closed!

(TV cameras rush in on Faust and Mephistopheles)

TV MEN: How does it feel? What do you think of the decision? (etc.)

(Faust breaks away. Cardozo leaves the bench. The lights dim; when they go on again, Faust, Cardozo and Goethe are walking toward God, resplendent in his finest robes).

GOD (to Goethe): You were eloquent. Your creation makes me proud.

(Goethe bows and exits).

CARDOZO (to God): I did the best I could, Lord I am only human.

GOD: I gave you an impossible task -- a riddle to which I was forbidden to give the answer. You tried to find an answer.

CARDOZO: But did I, Lord?

GOD: No.

CARDOZO: Then what good did I do?

GOD: The only good a man can do. You did your best. I cannot ask more.

CARDOZO: Will the world be any better?

GOD: I doubt it. But it won't be any worse.

CARDOZO: Did I cheat Mephistopheles?

GOD: No. Your decision was the only possible one.

CARDOZO: Then you are satisfied with your servant?

GOD: As long as Man shall strive, he shall err. But perhaps, one day....perhaps....perhaps... (proudly) After all, he is my creation.

CURTAIN