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Freedom above the Law: Friedrich Schiller's *Die Räuber*

Abstract: The aim of this paper is to analyze one of the most problematic works of the German poet and philosopher, Friedrich Schiller: his first play, *Die Räuber* (*The Robbers*, 1782). Following Hammer and Hart's Gadamerian literary hermeneutics, I will focus on the subversive role that Schiller attaches to the figure of the criminal in this work.

Written seven years before the French Revolution, the play has traditionally been interpreted as a pre-revolutionary drama that stresses the emancipatory power of the Enlightenment and the Revolution. The way in which Schiller appears to use the dichotomy between criminal and society supports this view: the noble criminal opposes the Law as the incarnation of a severe and narrow rationalism. However, the shared tragic end of the Moor brothers, the protagonists of the play, proves the enlightened emancipation to be fallible and reveals its inner despotic potential. This is not due to the final retrograde meaning or because the play is not intimately concerned with freedom and individual autonomy. Instead, its ultimate aim is not to be propagandistic, or even constructive, but harshly critical, uncovering and bearing witness to the oppressive character of Schiller's contemporary society and its public (penal system) and private (family) institutions.

Subverting the traditional association between criminal-evil/compliant-good and virtue-recompense/vice-punishment, Schiller breaks up with the retributive logic on which he does not rely, as if it were a kind of unrecognized superstition that undermines autonomous thinking and action. Through this reversal, Schiller exposes the irrational bases of the retributive urge rooted in Christian humanism, which is not founded upon true justice but upon vengeance and the heteronomy of transcendent concepts that cannot support an autonomous moral.

The aim of this essay is to analyze one of the most controversial works of the German poet and philosopher, Friedrich Schiller: his first play, *The Robbers* (1782). Following Hammer and Hart's Gadamerian literary hermeneutics, I will focus on the subversive role that Schiller attaches to the figure of the criminal in this work. As Schillerian drama can be seen as a practice exploring the possibility of real freedom, this essay will also investigate crime and human suffering.

Almost every Schillerian protagonist could be interpreted as a criminal figure in a certain way: from a socio-political point of view, like the figures analyzed here, to a gender view, even in terms of the pre-Marxian class conflict. We are aware that none of Schiller's characters is finally punished despite their

criminality because, in his drama, the common link between crime and punishment, paradigmatically exemplified by the Kantian “He has murdered so he must die” (Kant 90), is just a ritual of retribution that oversimplifies the deeds of the criminal who, in his anti-social dimension, can be understood as a creative and free personality. In fact, and aesthetically speaking, the criminal role is the best portrayal of freedom. While Schiller did not develop this theory in his studies on tragedy and the idea of the sublime¹ until several years later, its roots could probably be found in the play’s explicit engagement with criminality. However, crime is not easy to distinguish here, inasmuch as particular deeds bear the label of recognizable crimes but they are committed by agents we are not aimed to identify as criminals. In that sense, we can define *The Robbers* as a complex critique of the dichotomy between criminality and compliance by means of a pair of false doubles: the two Moor brothers, which reverses the traditional linkage between compliance and goodness and between criminality and evilness (Hammer, *Sublime Crime* 80).

The play starts with a clash between those two brothers: Karl, the good elder brother, and Franz, the evil younger brother, who wants to rule over his father’s domain even if it means killing both his father and brother. Karl, who had left home in order to be released from social constraints, now wants to return as a prodigal son to his fatherland and to his beloved, Amalia. However, Franz deceives their father, making him think that Karl has become a bandit without honour. When Karl thinks he has been rejected by his father, also duped by Franz’s letter, he becomes a real robber, committing the most dreadful crimes that can be imagined, along with his gang to whom he swears total loyalty. Meanwhile, Franz has obtained the absolute power he had longed for by means of a ploy. He locks his father up but announces his death to everybody, becoming the father’s inheritor in the absence of his criminalized brother. Finally, horrified by his band’s and his own crimes, Karl decides to return home disguised as a count. Not only does he discover that his father is still alive but he also learns about Franz’s conspiracy and orders his comrades to capture his brother alive. Franz commits suicide before the robbers can find him. Although it seems that the lovers, Karl and Amalia, could finally be reunited, the robbers’ gang reminds their chief of the allegiance oath he had made. In order to remain loyal to his comrades, Karl kills Amalia, also rushing his father’s real death. The play ends tragically when Karl surrenders and turns himself in to the civil authorities.

¹ Cf. Schiller’s “Über den Grund des Vergnügens an tragischen Gegenständen” (1792), “Vom Erhabenen (Zur western Ausführung einiger kantischen Ideen)” (1793–1794) and “Über das Erhabene” (1801).

Metaphysics versus Politics

Despite the complexity of the play, which includes several different plots, the focus on criminality provides a concrete perspective that takes account of a possible rebellion against social order, autonomous thinking and action. The rupture between crime and penal punishment in the social and institutional linkage also implies a new understanding of Christianity as an object of derision. Firstly, it is because the practices of Christian morality and the effective personal action are totally inimical to each other within fictional societies. Secondly, the insistence on the practical efficacy of criminal against compliant deeds reverses the traditional connection between metaphysics and politics, a reversal which is fundamental in Schiller's general thought. The first must not only cede to politics but also admit its essentially political groundings (Hammer, *Sublime Crime* 80). By doing this, Schiller exposes his doubts concerning the moral foundation grounded in the metaphysical and heavenly. He also establishes a relationship between doubts surrounding the theoretical context of man's self-determination and destination.

We can possibly find the roots of these doubts in Schiller's Karlsschule years. Despite his desire to become a theologian, Schiller was forced by Duke Karl Eugen to study medicine. The despotism of this educational institution is one of the most important fields of the subsequent Schillerian aesthetic, social and political theory, and of his drama practice. His characters always defy the prevailing order: an order that criminalizes, imposes exile and makes self-realization impossible.

In fact, once Schiller had written *The Robbers*, he was compelled by the Duke not to write anymore under the penalty of exile: "If you dare to write any more plays, you shall be broke," the Duke said to him (qtd. in Dewhurst and Reeves 73). However, it was not the corrosive and rebellious content of the play that provoked Schiller's punishment but the mere fact of writing. In this sense, Schiller's preference for criminal protagonists is obviously related to his theory of the tragedy and the sublime but also to his own criminalization as an author. In biographical terms, we could describe this feature as a symptomatic response to the harsh discipline the young Schiller suffered in the Karlsschule, planned almost like a modern penal institution (Hart 18–21).

As an Enlightened despot, Karl Eugen saw himself as a father to his people. His condemnation stamped Schiller's writing as an act of transgression against the Father and Fatherland, making Schiller not a revolutionary but a traitor (Hammer, *Schiller's Wound* 48). Schiller himself declares so in his report of the play: "The play cost me the family and the fatherland" ("Ankündigung" 77). In this sense, the daily and deep experience of absolutism probably inspired Schiller's notion of freedom as a supreme spiritual, intellectual and moral value

(Beiser 14–15). In fact, freedom is also a supreme aesthetic value and the main aim of tragedy is nothing but the self-awareness of freedom as a power to act as responsible agents, regardless of any external motive (Beiser 239). This means that the tragic hero must not be good to gain our admiration, because what we admire is his or her *freedom*; in tragedy, freedom prevails over morals. Hence, what Schiller sought to produce in the audience with *The Robbers* was to horrify as well as to enrapture them, forcing them to identify with its outlaw characters: a shattering of enthusiasm that could produce in the public the revolutionary dissolution of all the petrified certainties of civil life. Buchwald quotes an eye-witness's testimony of the rapture of the audience in the first performance of the play in January 1782:

The theatre was like bedlam, with rolling eyes, shaking fists and hoarse cries in the auditorium. Strangers embraced one another in tears, women staggered towards the exit on the point of swooning. There was a universal commotion like in Chaos, and from its mists was born a new Creation. (qtd. in Dewhurst and Reeves 69–70)

Revolution and Self-criticism

Written seven years before the French Revolution, the play has usually been interpreted as a pre-revolutionary drama seeking to stress the emancipatory power of the Enlightenment and the Revolution. The way in which Schiller appears to use the dichotomy between criminal and society supports this view: the noble criminal who opposes himself to the Law as the incarnation of a severe and narrow rationalism (Reinhold 193). From this perspective, the main aim of Schiller's play would be to provide a proof that the fight of the free criminal against the feudal society and the church would remake our socio-political world following the enlightened precepts of freedom, goodness, perfection, truth and justice.

However, it is precisely the stress of this kind of precepts or high values that gives us the key to the real issues of the play: the limits of these ideals. What Schiller exposes in *The Robbers* is the impossible application of the ideal to reality without the suffering or even destruction of the latter and the corruption of the former. Therefore the play proves the enlightened emancipation to be fallible and reveals its inner despotic potential.

We bear witness to the failure of the initially good and free criminal Karl Moor, who not only destroys his dreams of social perfection and freedom but also kills his fiancée, Amalia. But we must notice that, finally, it is the antagonist of the play, Karl's evil but compliant brother Franz, who, despite all his cynicism and cruel failed ambition, proves to be more consistent and loyal to himself and to the decisions he has made than the formerly noble Karl.

This tragic end does not mean a final impugnation of freedom or individual autonomy. Schiller did not try to overcome the enlightened project but to radicalize it. Even so, at this early stage of his thought, this radicalization may have been unconscious, or at least not systematic. As Faustino Oncina says:

The Enlightenment not only underestimated men's violence but also its own. Why did a space of freedom turn into a bloodthirsty settling of scores? Schiller surmises the scandal of authoritarian freedom; the fact that the same freedom lodges a moment of violence as soon as, provided with power, it goes straight through life and carries out its ideals. Schiller's idealism would be tragic in a certain manner. The hero creates, in the name of his ideals, a reality that finally devours him. (71; my translation)

Thus, this is a play about individual autonomy. It depicts the collision between an individual seeking his autonomy and society and its institutional figures, represented here by the Father and the world of the family. The play exposes the collision of such autonomy with heteronymous instances like the prevailing moral or metaphysical system. The freedom of choice must triumph even over such ideals as the Good, the Justice or the Freedom itself as an ideal. Karl fails to be totally free precisely because he is not independent of those ideals that here work not as mere heuristic values but as dogmatic devices that short-circuit the autonomy of the character. Laura Anna Macor wittingly notes that, in the final scene of *The Robbers*, the supposedly virtuous deed of doing honour to the robber's oath means to Karl not only the loss of his beloved, but also the absolute loss of the possibility to behave autonomously (84). As Karl himself recognizes: "Should I, then, carry on hiding, as if it were a robbery, a life that according to the celestial judges, does not belong to me anymore?" (5.2.153).

This emphasis on individual autonomy and the possibility of its loss is precisely what breaks up with any social, political or moral conception founded upon retributive justice. In a 1786 poem, "Resignation," Schiller insisted on this idea:

Let him enjoy, who has no faith; eterne
As earth, this truth!-Abstain, who faith can learn!
The world's long history is the world's own doom.

Hope thou hast felt,-thy wages, then, are paid;
Thy faith 'twas formed the rapture pledged to thee.
Thou might'st have of the wise inquiry made,-
The minutes thou neglectest, as they fade,
Are given back by no eternity! (Schiller, *Poesía* 158)²

² The original version of this poem was published in the second volume of the *Thalia* review in 1786.

This means that neither a celestial recompense nor an infernal punishment could be understood as the ultimate incentive of action because they constitute a heteronymous purpose for the virtuous behaviour. Our temporal existence can be judged only from temporal values, not imposing over it transcendental standards. Schiller's main worry at this moment is to guarantee and protect the autonomy of virtue from any external reference, whether worldly or celestial, that could be detrimental to its purity (Macor 69). This means that, in a way, it is better to behave in a morally reprehensible way but because of an autonomous choice than to be virtuous in order to obtain a further recompense of any kind or because of the threat of a terrible (moral or religious) punishment.

Initially unproblematic freedom is one of the reasons for Schiller's preference for criminal characters. In fact, in one of his Philosophy of History writings, Schiller reminds us that the original crime of man against God was the first manifestation of freedom (Schiller, *Escritos* 64). Even God is absent in this play – God as a father who judges, rewards and punishes, as his existence may be used as an alibi for any action, restricting and compromising autonomous will and freedom.

Both Karl and Franz are rebels against such God and his manifestations through civil institutions, although not in the same manner. On the one hand, Karl breaks up with the Law in order to be free. On the other hand, through his evil thirst of destruction and power, Franz exposes the emotional emptiness of father-love under patriarchy. However, despite Franz's invocation of the materialistic ethics of self-interest, he does not act out the desire to do evil per se but rather from a feeling of personal injustice: "She [his mother] gave me nothing. What I become is my own task. We [he and his brother] have the same rights" (1.1.42). Franz claims his recognition as a full person by the father, who seems to love only Karl. In Hammer's view, Franz's lonely rebellion against his father represents an attempt to reject and circumvent patriarchy and the contradictory values it incarnates (*Sublime Crime* 91).

As already suggested, Franz proves to be more subversive than Karl does. He represents all that has been deeply repressed within authoritarian society. Franz wants to be recognized. Deprived of mother and ignored by father, he is never acknowledged as a full person in the play. In contrast, Karl stands to be both the literal and figurative inheritor of patriarchal power (Hammer, *Schiller's Wound* 41) and virtue begins to melt into vice. Karl is both the ultimate hero as well as the ultimate murderer. In the same manner, Franz is the ultimate villain and the ultimate victim. In the case of Karl, evil is produced by virtue itself, by the most beautiful, pure and innocent: the same desire for perfection (Villacañas 189). However, Karl can neither love nor tolerate the destruction he has produced, and he cannot assume responsibility for it. In his view, the hero Karl has forged a pure world that inexorably crashes with his own real world, where he finds both what he loves and what he despises. This movement forces Karl

both to confine himself in his own identity and to spurn a great part of it (Villacañas 196). Franz, on the other hand, is fully consistent with himself and with his decisions until his own end. He commits suicide but surrenders neither to God nor to the Devil. He never regrets the evil he has done because it was his evil, a decision he has made in order to achieve an end he has consciously elaborated.

Franz avoids his final condemnation when he denies the father's judgement as providential and affirms his own existence as fortuitous. Erasing all teleology, he grounds civilian morality not in metaphysical terms but in political, social and temporal ones. Franz is also capable of exceptional acts: he thinks he is guilty of patricide and fratricide, which, according to the Christian law, are the greatest of sins. In this sense, he is warned by his confessor: the crime that he thinks he has perpetrated is one that "men neither commit nor forgive it" (5.1.141). However, Franz still keeps on claiming the uniqueness of his crime precisely because he is seeking true recognition: "I have not been a vulgar murderer" (5.1.143). It does not matter to him whether he is distinguished as the worst of murderers as long as he is finally recognized. Karl, however, loses all he has been, his great criminality, when he denies all he has previously done surrendering to the civil order, unable to maintain justice and social equilibrium.

Schiller needed the charisma of crime to explore the kinds of great deeds that challenge order and define great man. According to Hart:

The Robbers completely undermines the ideal symmetry or economy of crime and punishment by obfuscating crime and excluding the appropriate penal agencies. Even where minor figures are apprehended and held for legal punishment, this punishment is not applied in an adequately retributive or deterrent manner. (65)

This means that, to Schiller, penal law is not valid as a social regulator. A terrible injustice is done by killing an innocent man instead of the real bandit at the only moment of the play when penal law is at work (2.3.76). The retributive apparatus betrays its own aim, namely, to defend social justice and equilibrium, as soon as it starts to work according to Schiller

We find that the greatness of individual autonomy finally prevails over all punishing power through indifference to punishment in Schiller's play. There are no "great punishments" that could measure up to these great crimes. In the case of the tortured Karl, greatness is his own punishment (Hart 68). In the case of Franz, he is a victim of himself: a victim of the coherence of his cynicism and wickedness. As Hart says:

In practice, Schiller treated crime as a fascinating intervention into social symmetry that was not to be diminished by a rebalancing punishment. The fiction and the drama resist the restoration of (bourgeois) equilibrium, and tend to establish the exceptional disruption as a

manifestation of the courage, strategic intelligence or “greatness” that humans are capable of. (119)

Schiller does not acknowledge punishment as inherently linked to crime or to its prevention. In fact, penal practices can be understood as a residue of a corrupt system, and to be faithful to them remains a kind of unrecognized superstition (Hart 67). However, in a certain sense, the dogmatic belief in the feasibility of absolute perfection exemplified by Karl implies another kind of superstition. Thus, the Karl-Franz pair is a set of false doubles and the dogmatism of enlightened ideals is a kind of false antagonism of the impositions of the corrupt system.

This is one of the reasons why neither brother succeeds in being free. Karl and Franz undertake the process of their emancipation from a wrong base. Karl swears his allegiance to the robbers’ band (1.2.57), which implies total alienation of the capacity of his emancipation (Macor 84) as it represents the dogmatism of idealism. On the other hand, the process of Franz’s emancipation and recognition fails because it is not founded upon his will for freedom but upon his megalomaniac and selfish desire for control over all.

Schiller depicts a very powerful critique – in fact, an auto-critique – of potential degenerations of the Enlightenment. It exposes the crash of the materialistic philosophy personified by Franz Moor which cannot produce the liberation of anyone, even of its portrayer, who loses himself in a labyrinth of loneliness. It also shows the collapse of idealism in the sense embodied by Karl: political excesses of abstraction as well as the coldness and emptiness of universality, prefiguring fatal mistakes caused seven years later by similar dogmatism of the French Revolution. Schiller’s aim is to stress the impossibility of obtaining freedom by means of the mere empire of the Law, because it confuses the conflict with the concrete.

Through the dual fates of the Moor brothers Schiller exposes the insidious power of an authoritarian regime that perpetuates its injustice through individuals. He shows a society locked up in a process of self-destruction, a society itself that is criminal. Thus, we are presented with another pair of false doubles: a compliant society is as hazardous as a criminal one. The home and the family, that is, the private sphere of life, are as dangerous as the robbers’ allegiance in the public sphere as they both replicate oppressive mechanisms of the other. They are both traps that allow Franz and Karl nowhere to go but to death (Hammer, *Schiller’s Wound* 31). As Hammer highlights, this unrelenting grimness of the fictional world of *The Robbers* implicitly demands that we reinvent ourselves ethically, politically and generically despite the fact that such a reinvention proves possible for none of the characters (*Schiller’s Wound* 108).

Although Hart believes that if *The Robbers* does not propose an alternative to the system it criticizes, it is, first and foremost, because the play does not recognize punishment (that is to say, the state's penal arsenal) as being inherently related to crime or its prevention (67). We think that it is due to its essentially critical character that does not intend to construct anything but to criticize harshly and expose the irrationality and injustice of the socio-political order. Schiller develops a strong critique of the difficulties involved in the application of the enlightened educative project to reality: its destructive potential and the possibility of becoming a fanatic of the freedom.

While Schiller's work poses a very powerful and radically concrete critique of the socio-political system of his age and of civil evil, it is, at the same time, unable to propose a feasible solution. The problem is the inherent idealism of the play, an idealism that, according to Terry Eagleton, is symptomatic of aesthetic critique:

Aesthetics are not only incipiently materialist, they also provide, at the very heart of the Enlightenment, the most powerful available critique of bourgeois possessive individualism and appetitive egoism. . . . The aesthetic may be the language of political hegemony and an imaginary consolation for a bourgeoisie bereft of a home but it is also, in however idealist a vein, the discourse of utopian critique of the bourgeois social order. (337)

The play's final evocation of humanity is as abstract and intangible as the slogans of the revolution, unable to become historically real (Villacañas 195). Finally, only morals could have saved the world from being a banal fortune game but the moral Karl eventually claims is completely abstract and unable to reconstitute order.

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