Schiller's *Demetrius* Project: Questions of Legitimacy for the Twentieth Century

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Abstract, This essay explores the way in which Schiller problematizes power legitimation in his dramatic fragment *Demetrius*, and demonstrates how relevant this unfinished text was to early twentieth-century political thinking on legitimacy in Germany. This is not a matter of mere speculation: there is evidence, both direct and indirect, of the influence of Schiller, and in particular of his *Demetrius*, on three important intellectuals: Ferdinand Tönnies, Max Weber, and Carl Schmitt. Rather than discuss the reception of Schiller's text by legal philosophers, this essay shows, via a close reading of the play, how Schiller's theater around 1800 reveals the problematic nature of various aspects of power legitimation and how these emerged with particular force during the early twentieth century, when they intersected with the legal and political reflections of the time.

Keywords, Friedrich Schiller, Ferdinand Tönnies, Max Weber, Carl Schmitt, legitimacy, German theater, German literature, German philosophy, law and literature, law in literature

Schiller's theater meets, head on, some of the central themes of modern European political philosophy, including freedom of thought (*Don Carlos*); the death penalty (*Maria Stuart*); the right to resist and the genealogy of human rights (*Wilhelm Tell*). From Hobbes to Rousseau, doctrines of natural law were elaborated on the basis of a hypothesis that accentuated the rational faculty of human beings and that saw civilization as a force that could neutralize hostility and violence.[1] The ultimate aim was to substitute for the dynamics of power and conflict the logic of right and exchange or, to quote Kant, the attainment of "a civil society which can administer justice universally."[2]

In many ways Schiller shared this view, but he was also quick to recognize its inherent contradictions. For example, in a posthumous fragment that may have emerged from his letters *Über die ästhetische Erziehung des Menschen* (On the Aesthetic Education of Man, 1795) and, thereby, from his close examination of the results of the French Revolution, Schiller questioned the efficacy of the doctrine of natural law.[3] That doctrine presupposes that there exists *a priori* in man a rational capacity that could only be the result of an ongoing process—fruit

of a quest for liberty that could be experienced by means of the arts. The *Aesthetic Education* is the programmatic text of Weimar Classicism. However, neither it nor the 1794 announcement of the periodical *Die Horen* (The Horae)—which aimed at tightening "in the midst of the tumult of politics an intimate and restricted circle around the Muses and the Graces that would exclude all that is stained by an impure party spirit" (22, 105) necessarily imply an evasive, idealistic and ultimately impolitic outcome. Indeed, Weimar Classicism established a peculiar tension between the autonomy of art and the political reality of the time. After the French Revolution, Schiller continued his critical reexamination of the project of modernity by means of the encoded allusions[4] he makes use of in his plays. From this perspective, his great classical dramas could be read as political plays that, in a complex interplay of refractions and estrangement effects, reflect the central themes of European legal thought. Schiller uses the language of drama to reveal ambiguities and moments of friction in legal thought that sometimes go unnoticed in the public and academic discourse of his time.

Even in his later works, Schiller continued to assert and exercise the "jurisdiction of the stage"[5] that he had theorized in his early writings. In his 1784 lecture *Was kann eine gute stehende Schaubühne eigentlich wirken?* (What Can a Good Resident Repertory Theater Really Achieve?), the young playwright defined theater as a *moralische Anstalt* (moral institution), with the task of intervening "at the point where the domain of worldly laws ends,"[6] which was needed because, "if the leaders and tutors of the State were capable of understanding it, the stage could contribute to correcting public opinion about the government and those in power."[7] Even though the mature Schiller had put behind him the Enlightenment topos of theater-as-tribunal, during his collaboration with the Weimar court theater in his later years he did not renounce the notion that a public dimension was necessary in theatrical practice. Firm in his conviction that aesthetic autonomy requires the exclusion of the everyday as well as of a representation of reality that is too direct, Schiller wrote plays that proceed by means of dislocation, shifts and camouflage as regards the political realities of his time. This is a tactic that has significant consequences for understanding the connection of his plays with law.[8]

By articulating indirectly through the medium of drama so many questions that are crucial to modern politics and law, Schiller brings to light meanings that transcend the historical horizon in which the plays were written. This is particularly true of the problem of the legitimation of power, which I will discuss in relation to Schiller's last great theatrical experiment, the *Demetrius* project, of which we possess an unpublished manuscript comprising the first act and several scenes from the second, together with the *Szenar* (scenario) and a substantial number of notes.

With *Demetrius*, Schiller once again drew his subject from the history of the formation of modern European states, as he had done with *Die Verschwörung des Fiesko zu Genua* (Fiesco's Conspiracy at Genoa, 1783), *Don Carlos* (1787), *Wallenstein* (1800), *Maria Stuart* (1800), *Die Jungfrau von Orleans* (The Maid of Orleans, 1801), and *Wilhelm Tell* (1804). This new project re-elaborates the story of the false pretender to the throne of the Tsar in the Time of Troubles, introducing the invented element of a protagonist who believes he is acting honestly. In Schiller's play, Demetrius turns out to be a swindled swindler: he genuinely believes that he is the *tsarevich* and convinces the Poles to help him take his legitimate throne. Just before he succeeds in his venture, however, he discovers that he has been the victim of fraud. Nevertheless, he decides to continue in his endeavor, now pretending to be who he had (falsely) believed he was. In reality, he is heading towards his own destruction.

The most recent studies on this drama fragment are focused on applying, retrospectively, the typology of power formulated by Max Weber. Most scholars would argue that Schiller makes evident the dangers of all "subjective-charismatic" legitimization. The charisma that enables Demetrius to ascend to the throne is generated by his conviction that he is the true *tsarevich*. When he discovers, however, that his charisma is not founded on a legitimate right and that in fact his claim stems from deceit, the power that accrues to him from his (now proven false) conviction is, even in the eyes of the protagonist himself, clearly unjustified. According to this interpretation and to the logic of the character and the dramatic action, the only plausible form of legitimacy is dynasticism.[9] The solution offered by Schiller is, according to this interpretation, inherently restorative, as it recognizes only the power of traditional monarchies as legitimate. But this is not a fully satisfactory conclusion either on a literary critical level, since it too drastically reduces the text to its presumed ideological-political message, nor on a historical level, since in defining the position of Schiller within the legal and political context of his time, it applies what are essentially twentieth-century concepts to an earlier era without any critical mediation.

I propose, therefore, a different approach: to examine how Schiller's dramaturgy in *Demetrius* handles the question of power legitimization, and to show how *his* treatment of legitimacy emerges in some aspects of early twentieth-century reflection on the subject. This is not a matter of mere speculation: there is actual evidence, both direct and indirect, of the influence of Schiller—and, in particular, of his *Demetrius*—on three great social and legal theorists of the time: Ferdinand Tönnies, Max Weber, and Carl Schmitt. I shall not discuss the reception by legal philosophers of Schiller's text, but shall instead demonstrate how theatrical language around 1800 contributed to a more nuanced differentiation

between legitimation and legality,[10] and to a problematization of certain aspects of power legitimation that had not been elaborated yet in the juridical theory of the time. By doing so, I shall demonstrate how Schiller's dramaturgical suggestions concerning legitimacy could only emerge clearly in the early twentieth century, when they intersected with the legal and political reflections of the time.

THE TYRANNY OF THE MAJORITY: FERDINAND TÖNNIES AND PARLIAMENTARY DEMOCRACY

In the complex history of the development of the *Demetrius* project, one decisive turning-point in the structural composition of the dramatic action stands out in March 1805. It is during this month that Schiller set aside the so-called *Samborfassung* version, which presented the protagonist in an innocent and private state, and chose instead to start the drama not only *in medias res* but also with a remarkable public scene. In the version known as the *Reichstagsfassung*, the hero, who has already discovered his apparent identity as *tsarevich*, reclaims his legitimate title in front of the Krakow parliament and asks for the support of the Polish army to re-conquer his throne.

This is, in fact, the staging of a political ritual; in this case, the session of a representative assembly. The use of similar rituals is nothing new in Schiller's drama; they often appear as the result of intentional falsifications, in particular those related to absolutism and the court. In *Don Carlos*, the king bursts into tears, incapable of ruling either the private or public sphere; the auditory teichoscopy of the Earl of Leicester in *Maria Stuart* turns the divestiture of the condemned queen upside down, transforming it into a higher moral investiture; in *The Maid of Orleans*, the crowning of the king—the ultimate act of reinstated legitimacy—also occurs off stage. In Schiller's plays, the autonomy of artistic representation is interwoven with the political-social symbolism inscribed in court rituals, revealing traces of the eroded credibility of the *ancien régime*'s legal system.[11]

In France after 1789, the Republican constitution created new symbols and sought novel forms of public representation. While the coronation ceremony operated according to the logic of the dual body of the king—the king is dead, long live the king—[12] revolutionary festivities tended to make visible the logic of popular sovereignty and of the nation as an abstract community of equals. In 1790, for example, the great celebration on the Champ de Mars culminated in an oath of allegiance taken by all in attendance at the altar of the motherland, so representing the ancient ritual of a founding pact.[13] We might recall the Rütli night scene in *Wilhelm Tell* with its analogous founding pact in order to see that Schiller's play contains similar public manifestations of a new power characterized by republican values.

In *Demetrius*, the parliament scene can be seen, on closer inspection, to move in this same direction. In order to understand this, one must read the notes from the *Nachlass*, where it appears evident that Schiller intended to compare various forms of government and legitimation. Polish republicanism, for instance, is contrasted with Russian despotism: "The enormous divide between the Poles and the Russians, the former free and independent, the latter servile and oppressed, must be represented."[14] The freedom of the Poles, as can be read in Schiller's notes, is republican: the sovereign is merely a figurehead and the nobles enjoy equal rights.[15] The Polish parliament scene thus implies aspects of republican ritual.

The outcome of the public debate in this scene is crucial to our understanding of the importance of this scene from the point of view of legitimacy. In the Krakow parliament, the debate unfolds in accordance with constitutional rules and established legal procedures, including the right of veto to which the magnate Sapieha resorts. Anticipating the development of the dramatic action as a whole, Sapieha denounces factional interests as well as the intrigues of Demetrius' supporters. But the final result of his intervention will prove to be fatal:

> The majority?
> What is the majority? Majority is stupidity;
> intelligence has always been possessed by the few. [...]
> Votes need to be weighed and not counted;
> sooner or later the State will be destroyed,
> if the majority wins and stupidity makes the decisions.[16]

Sapieha's tirade sanctions a radical de-legitimization of the parliament. The assembly that Demetrius had entrusted with recognition of his right to rule thus becomes completely discredited; conformity to established rules and respect for legality are revealed as mere formalism. In the history of European political institutions critique of the majority principle is nothing new, but after 1789—and into the nineteenth century and beyond—it would be formulated differently. The importance of Sapieah's outburst within the republican context in which it is positioned in Schiller's text as well as in the historical context of the fragment, is evident: it comes across as a critique of the illusions and degeneration of representative democracy. In this light, the Polish magnate's protest might well sound like a surprising *ante litteram* denunciation of the limits of parliamentarianism and its procedures.

This denunciation was highlighted by Ferdinand Tönnies, the great German sociologist who theorized the opposition between community and society. The small but significant corpus of his essays dedicated to Schiller has never been

properly addressed. In these writings, Tönnies reconstructs the two phases of Schiller's political evolution—prerevolutionary and postrevolutionary—within the the wider context of Rousseau-inspired European Enlightenment. The position that Tönnies adopts is in direct oppostion to the bourgeois-nationalistic cult of the poet in Germany under Wilhelm II, instead highlighting the proximity of Schiller's work as a whole to socialist and democratic ideals. The sociologist's short essay *Schillers politisches Vermächtnis* (Schiller's Political Legacy) appeared in 1905, during the first centinary celebrations of the death of the playwright, and it is not by chance that it centers precisely on an interpretation of Sapieha's invective in *Demetrius*. Tőnnies calls it a

> fiery accusation launched against democracy! A condemnation of universal suffrage! The vindication of a form of aristocratic government! Schiller, otherwise praised or upbraided as the poet of liberty and revolution, at the end of his life becomes the guarantor of decidedly conservative, indeed reactionary ideas![17]

And yet Tönnies demonstrates with great insight that this is only the functional, surface significance of the text—and here he is in opposition to conservative readings by many of his contemporaries—which does not necessarily represent Schiller's ideas. The same hermeneutic subtlety leads Tönnies, in another essay, to affirm—very much ahead of his time—that although Schiller gave up writing "directly" about his political vision in his later plays, his political vision can, with a little effort, still be "deciphered."[18] It is with such careful reading that Tönnies identifies a nodal point in the dramatic action of *Demetrius* to which sufficient attention has not yet been paid, but is fundamental to the problem of legitimation in the play. Sapieha's tirade marks a point of no return for the republican ritual and its total dissolution: "wholesale insurrection, the king descends from the throne, the barriers are torn down, a thunderous roar is raised up. The delegates take their sabres in hand and wave them to the right and left of Sapieha."[19] The debate in parliament degenerates into the attempted lynching of one of its members. It is not the rational reasoning and regulated debate of legal procedure that decides the credibility of Demetrius' claims. Therefore, if the republican ritual is discounted, what is left to decide his legitimacy?

BELIEVING IN ORDER TO OBEY, SEEING IN ORDER TO BELIEVE: MAX WEBER

In his notes on the strengths and weaknesses of his work, Schiller places particular emphasis on one of its strengths as follows: "The effect of belief in oneself and of the belief of others. Demetrius believes he is the Tsar and so he becomes the Tsar. The Russians believe him and so they raise him to the throne."[20] "Belief in

oneself" characterizes the subjective condition of the protagonist—*Glauben* (belief) is a key term throughout the fragment,[21] appearing over thirty times—and moreover concerns the belief of others. In other words, what Schiller dramatized was not only the effect of Demetrius' belief in himself but also the effect that belief has on others.

As the outcome of the parliament scene demonstrates, Schiller's last experiment dispenses with all forms of state and of government, as well as with all categories that informed the political debate of his time. This was possible because the play does not hinge on what specific form of power is more or less justifiable. On the contrary, *Demetrius* focuses on the effect of belief within the field of political agency as an element that is constitutive of and unavoidable in power legitimation.

In the twentieth century, Max Weber theorized this concept very clearly. His famous essay *Politik als Beruf* (Politics as a Vocation, 1919) contains the results of his reflections on various forms of power legitimacy. The typology proposed by Weber does not situate the fundamentals of legitimacy in external relationships, binding them to universal forms of social life such as the family, war, or exchange. On the contrary, he locates them in a subjective belief in the validity of a power that one must obey. From his sociological and descriptive perspective, the concept of legitimacy includes mechanisms for the justification of power that are present in essentially every organized community. Weber asks how power can be justified in a plausible and effective way for those who rule and for those who are ruled. Belief in the legitimacy of any given power manifests in three different ways, to which correspond three ideal types of power: traditional, charismatic, and legal. Describing the traditional type, Weber explains that its legitimation resides in the authority "of an eternal yesterday"[22] (I/17, 37)—an unattributed citation of Wallenstein's famous monologue. A general in the Thirty Years' War and the protagonist of Schiller's dramatic trilogy, Wallenstein delights in toying with the idea of betraying his emperor, replacing him to become a sovereign who would rule over a new era of peace in Europe. He then questions himself regarding the ultimate basis for the power he would like to subvert, which seems to him based only on an "eternal yesterday" and made legitimate by the mere habit of feeling reverence for its existence in the past. Evidently this is a reference that Weber did not need to make explicit, certain as he was of being understood by the cultured circle of his supporters in 1919 Munich.

Here, however, my intention is not simply to apply Weber's ideal types to an interpretation of Schiller's last unfinished *pièce*. It is true that the false Russian pretender is not mentioned in *Politik als Beruf*, but one cannot ignore the interesting convergence between Schiller and Weber on the vital importance of the effect of belief on political agency. In *Demetrius*, one can catch a glimpse of a

theatrical representation of this conceptual element of twentieth-century thought on legitimacy wherein every form of power must not only legitimize itself but also show itself to be believable.[23] There is no explicit theoretical exposition of this notion in any specific passage in the play, but we should nevertheless notice how Schiller presented on stage the fundamental advantage of what he referred to as "the effect of believing."

In *Demetrius*, this effect is achieved by means of experimental dramaturgy centered on public scenes and visual impact. Schiller's last completed plays also contain traces of this approach,[24] and other late incomplete sketches prefigure "scenes for the eyes, full of action and movement."[25] By now, Schiller's dramaturgy has become a theater for the eyes that focuses on public scenes and the masses—or, in other words, on spectacles of power. The great parliament scene in *Demetrius* is not an isolated example: the notes mention "sumptuous scenes [...] acts of brutal sovereign violence, slaughter, murders, victories, ceremonies, etc."[26] In *Demetrius*, it is almost as if this new dramaturgy seeks to outdo itself in its tendency towards the grandiose and colossal—towards that which has never been seen before. Indeed, one of the greatest merits of the project lies in the fact that it is "all action" and offers "much for the eyes."[27] Schiller's notes envision an almost programmatic reduction of the verbal in favor of the visual: "above all it can be noted that everything is apparent in the action itself because there are as few actual speeches as possible."[28] And yet this hypertrophy of the spectacular, which Schiller's chosen type of staging makes possible, is not a simple reduction to the decorative. On the contrary, the dramaturgy of visual impact in *Demetrius* unfolds according to a plan that is related to its author's intention and to the content and strategy of visual effects. It is within the execution of this strategy that we encounter power legitimation that must, as noted above, demonstrate its own believability.

EDUCATING THE SPECTATOR

We can now productively re-read the passage cited above—"The effect of belief in oneself and of the belief of others. Demetrius believes he is the Tsar and so he becomes the Tsar. The Russians believe him and so they raise him to the throne"—alongside the brief note that Schiller later added in the margins of the manuscript: "The way of acting upon the people."[29] In *Demetrius*, the ancient Christian and early-modern Machiavellian motif whereby people believe more in their eyes than in their ears[30] becomes fundamental to both dramaturgical intention and the content of the action: "The people do not analyze for long; they are moved by sensory perception and notions, they even believe in what is most incredible."[31] In the outline for another scene, a proclamation by Demetrius is read out in a Russian village: "There is no doubting for an instant his veracity—

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it is a symbol of the ease with which one can work on the people in the coarsest of ways."[32] Subsequently, while reworking the same scene, Schiller becomes more explicit: "The intention of this scene is to show [...] how quickly what is incredible is embraced by the simple populace and the ways in which this comes about."[33]

Schiller has, after all, a kind of pedagogical project in mind: while the people on stage might trust their eyes without understanding, the people in the theater—that is, the public that constitutes the real addressee of the stage performance—must in the end understand. In a masterly dramaturgical move, Schiller here assigns a central role to the spectator both in the constitution and significance of the effect of belief. This Russian-Polish piece, unlike any other play by Schiller, thus establishes a very specific relationship between stage and audience; actors and spectators; public (the people) on and off the stage. It is not enough, in fact, that 'the crowd'—as a collective actor—gives credence to what it sees and believes in the legitimacy of the pretender. The same experience must also hold true, at least initially, for the spectators who attend the theatrical performance. When Demetrius makes his appearance in the parliament scene, the stage directions read: "Then he places himself in such a way that he is able to keep his eye on a large part of the assembly and [on] the audience who suppose that they too are sitting in parliament."[34] At that moment, the gaze of the spectators in the theater must also be complicit in legitimating Demetrius as the Tsar's heir. Indeed, as we read in the *Nachlass*, at that moment spectators must exercise "the willing suspension of disbelief" and actually forget that Demetrius cannot be the real pretender to the throne.[35]

But then—and this is how the pedagogical project develops—the spectator must return to being the recipient of an aesthetic education, of a political pedagogy in a broad sense; the spectator must, in short, come to understand how power legitimation works. In the *Szenar*, the stage directions on Demetrius' triumphant entry into Moscow yet again suggest the constitutive effect of the belief of others:

> one makes out in the distance [...] a sprawling jumble of houses and towers and [...] at the wings [...] there can be seen spectators at the windows and on the roofs and scaffolding. [...] Since the spectators in this scene must also play a role, they can be given more room.[36]

Here the separation between the public within the scene and in the audience outside it could not be more marked: unlike the people on the stage, who credulously pay tribute to the man they believe is the new Tsar, the audience in the theater now knows better and cannot ignore that the protagonist is an impostor. This is,

according to Schiller, "the most important scene in the play from the point of view of the content."[37]

Schiller's theatrical staging, therefore, demonstrates how politics is itself also a form of staging—a machine of deceit, artifice, and pretence. By putting pressure on the relationship between the public on stage and the audience, he also stages the effect of belief as the aesthetic game of the play within the play. In the end, the theatrical representation could collapse in on itself. The final monologue of the Cossack as a new pretender "could end the tragedy, by pointing to a new series of impending storms, as if what has happened is being repeated all over again."[38] The drama of the usurper in good faith could be resolved via a *mise en abyme*, revealing this same aesthetic technique as a generator of fiction, deceit and illusion.

NAPOLEON AND THE INTRUSION OF TIME IN THE PLAY: CARL SCHMITT

The critical potential of this last of Schiller's experiments, however, does not end here. In order to pinpoint the historical-political context of *Demetrius*, one must look to Paris and then to Weimar. We must recall the syncretic combination of different forms of power legitimation that Napoleon employed for his coronation in 1804: divine grace, guaranteed by the presence of the pope; political autonomy, made manifest in the imperial gesture of the self-placed crown; and popular sovereignty, expressed through the plebiscite. The coronation became a media event of pan-European relevance and was, in Weimar, the subject of various articles in the most widely-read journals, including the *Weimarisches Wochenblatt*, *London and Paris*, and *Minerva*. Johann Wilhelm Archenholz, the editor of *Minerva* whom Schiller knew very well, presented the Parisian celebrations to his readers as a gigantic farce, a ridiculous spectacle.[39]

While Schiller was writing *Maria Stuart*, he confessed to Goethe that he had knowingly introduced motifs into the plot that "could be of interest to readers who were well-informed and accustomed to thinking."[40] The motifs he was alluding to concerned the trial of the king of France and a discussion on the death penalty in the territories of the Habsburg Empire.[41] For such a reader—or rather, such a spectator—Schiller could also have composed his *Demetrius*, with its references to Napoleon's vertiginous rise to power and to the methods he employed to legitimize his coronation.

Regarding references in theater of the kind that implicitly address the playwright's contemporaries, Carl Schmitt introduced the notion of "the intrusion of the time into the play" in his acclaimed essay *Hamlet oder Hekuba* (Hamlet or Hecuba, 1956).[42] Deliberately leaving aside the enormous number of specialist studies on Shakespeare's *Hamlet*, Schmitt, a jurist, adopted a hands on approach to explain the apparent incongruities in the unique relationship Shakespeare

had with contemporary politics. For instance, taboo figures like the queen and the avenger remain unchanged in *Hamlet* because they serve to highlight *ex negativo* the most burning historical and political issues of the reign of James I, King of England. It is precisely their presence/absence in the play that, according to Schmitt, allows Shakespeare to carry out an "intrusion of the time" over the course of the play. This is how Hamlet has risen, in modern times, to the rank of a true *Tragödie*: by drawing on the strength of myth.[43]

To confirm his unequivocal praise of Shakespeare's genius, Schmitt has no hesitation in calling Schiller into play. It is to the detriment of the German playwright that the allusions to and mirrorings of time in his plays allowed him to write only historical dramas or *Trauerspiele*.[44] This is not the place to discuss how Schmitt has recourse here to Walter Benjamin's terminology (and judgments of Schiller) in the critic's *Ursprung des deutschen Trauerspiels* (The Origin of German Tragic Drama, 1928).[45] Instead, it is vital to understand that Schmitt's critique of Schiller's dramas in *Hamlet or Hecuba* conceals but also reveals a fundamental factor in the understanding both of the genesis of Schmitt's essay on Shakespeare and—more importantly—of the role that *Demetrius* played in his intellectual itinerary.

With his theorization of the intrusion of time, Schmitt finally succeeds in the complex operation he had attempted earlier, when reading for the first time Schiller's last unfinished play. The notion of the intrusion of time in *Hamlet* is, in fact, the result of a close comparison with *Demetrius*. It is worthwhile to dwell a little on the circumstances and outcome of this intensive reading of *Hamlet* alongside *Demetrius*. We know that Schmitt was forced to withdraw into private life after 1945 due to his public involvement with the Hitler regime; he tried more than once to come to terms with his and the German people's connection with National Socialism, to which end he often makes use of literary mirrorings and historical parallels. In his very private personal musings on the twelve years of the regime, Schmitt recounts how he came across Schiller's hero. The event appears in notes written between 1947 and 1951 that were published posthumously under the title *Glossarium* nearly half a century later, in 1991. They sound, to a certain extent, like a last, esoteric word on Schmitt's earlier reflections on Hitler and the history of National Socialism.[46]

In these notes, Schmitt does not even raise the question of the legitimacy (or lack thereof) of the Russian pretender to the throne in Schiller's *pièce*. What strikes him instead about the play is that "Schiller's formulation once again hits the mark: what he wants to deal with in *Demetrius* is 'the effect of belief in oneself and the belief of others'."[47] This is the fundamental point that induces the legal philosopher to attempt an immediate and existential interpretation of Schiller's fragment. The crucial question he asks of *Demetrius* is aimed at understanding how the German people and Schmitt himself could have believed in

Hitler and in the promise of the National Socialist party. [48] In Hitler, Schmitt sees a false Demetrius, an adventurer, a man who came from nothing and to whom the German people entrusted the task of avenging the humiliation they had suffered for their defeat in the First World War and the Treaty of Versailles. In Schiller's unfinished play, Marfa, the ex-Tsarina and mother of the young Demetrius, had initially believed she could adopt the false pretender as vengeance against Boris Godunov, the usurper who, many years before, had made her kill her baby boy, the legitimate heir to the throne. Schmitt thus suggests a parallel between Marfa's behavior in the face of the triumphant ascent to power of the false Demetrius and that of Germany and its bourgeois and military élites in the face of Hitler's triumph. The latter, as we read in a note dated 1 May 1949,

> had to become the offspring of their revenge for defeat in the First World War. This Kaspar Hause, unkown soldier, was adopted as a false Demetrius by Mother Germany who had, between 1933 and 1945, continued to repeat to herself:
> "Even though he is not the son of my heart
> He will have to be the son of my vengeance."
> But faithless Mother Germany, when she saw the abyss that was opening up before her, could not sustain her role to the end.[49]

Schmitt juggles analogies and parallels between the literary text on the one hand and historical events on the other; we cannot ignore that, just as Marfa, at the end of Schiller's fragment, renounces the false Demetrius, "faithless Mother Germany" is an allusion to the failed attempt on Hitler's life organized in July 1944 by Stauffenberg and his circle.[50] There are further explicit parallels in Schmitt's papers between the events narrated in Schiller's play and the history of National Socialism in the years 1933–1945; other convincing parallels are not explicit but can be reconstructed hypothetically.[51]

It is impossibile to obtain from Schmitt's posthumous notes a straightforward reading of *Demetrius* as an allegorical figuration of Hitler and his regime. In fact, Schmitt allows for the "intrusion" of the Nazi period in the play, which he interrogates by means of autobiographical identification. The experiment with *Demetrius* that had failed in the *Glossarium* later succeeds in the essay on *Hamlet*, where Schmitt confines himself to uncovering how Shakespeare's historical references to the reign of James I actually function. These considerations, however, do not undermine in the slightest the importance of Schmitt's encounter with Demetrius. Indeed, the most important retrospective stands against Nazism on the part of Schmitt are in fact stimulated by his encounter with Schiller's work.[52] As Schmitt himself recognizes in *Glossarium*, this encounter in turn

owes much to Max Kommerell's interpretation of the tragic dialectic of idea and action in Schiller, according to which action perforce leads in its historical execution to a betrayal of the idea.[53] For Schmitt, therefore, following in the wake of Kommerell, Demetrius/Hitler—the adventurer adopted by Mother Germany to avenge the humiliation of Versailles—is, tragically, a mere instrument for carrying out an ideal, the fomenter of an action that must inevitably betray the inspiring idea. This is not the place to discuss the historical interpretation proposed by Schmitt but is rather, at the conclusion of this investigation, the occasion to observe once again how the force of belief—so central to the dramatic effect of *Demetrius* and so rich in inspiration for legal and political reflections on legitimacy in the twentieth century—should also touch on what was for that century one of the most devasting and tragic of historical experiences.

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1. For an introduction to the enormous body of studies on modern natural law see Karl-Heinz Hilting, "Naturrecht," in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze and Reinhardt Koselleck, vol. 2 (Stuttgart: Metzler, 1975), 245–307; Wolfgang Pross, "'Natur', Naturrecht und Geschichte. Zur Entwicklung der Naturwissenschaften und der sozialen Selbstinterpretation im Zeitalter des Naturrechts (1600-1800)," *Internationales Archiv für Sozialgeschichte der deutschen Literatur* 3 (1978): 39–63; Diethelm Klippel, *Politische Freiheit und Freiheitsrechte im deutschen Naturrecht des 18. Jahrhunderts* (Padeborn: Schöningh, 1976), 244. For a bibliography on the subject, see Angela Stender, "Bibliographie," in *Naturrecht-Spätaufklärung-Revolution*, ed. Otto Dann and Diethelm Klippel (Hamburg: Meiner, 1995), 293–9; Diethelm Klippel, *Naturrecht und Rechtsphilosophie im 19. Jahrhundert. Eine Bibliographie 1780–1850* (Tübingen: Mohr Siebeck, 2012). A rethinking of the categories of natural law can be found in Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977). On contracts see: Jörg Fisch and Wolfgang Kersting, "Vertrag, Gesellschaftsvertrag, Herrschaftsvertrag," in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze and Reinhardt Koselleck, vol. 6 (Stuttgart: Metzler, 1990), 901–45.
2. Immanuel Kant, "Idea for a Universal History with a Cosmopolitan Purpose," in *Political Writings*, ed. Hans Reiss, transl. Hugh Barr Nisbet (Cambridge: Cambridge University Press), 41–53: 45. ("die Erreichung einer allgemein das Recht verwaltenden bürgerlichen Gesellschaft." Immanuel Kant, *Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht*, in *Werke in sechs Bänden*, ed. Wilhelm Windscheid, vol. 6 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 39).
3. The fragment is entitled *Methode*. Cf. Friedrich Schiller, *Philosophische Schriften. Zweiter Teil*, ed. Benno von Wiese and Helmut Koopmann, in *Werke. Nationalausgabe*, begr. v. Julius Petersen, fortgef. v. Liselotte Blumenthal, Benno von Wiese u. Siegfried Seidel; seit 1992 hrsg. im Auftrag der Stiftung Weimarer Klassik und des Schiller-Nationalmuseums in Marbach von Norbert Oellers (Weimar: Böhlau, since 1943), vol. 21, 90. This edition is hereafter cited as NA with volume and page number. All translations are mine, unless otherwise indicated.
4. This was first revealed convincingly by Peter-André Alt, "'Arbeit für mehr als ein Jahrhundert.' Schillers Verständnis von Ästhetik und Politik in

der Periode der französischen Revolution (1790–1800)", *Jahrbuch der deutschen Schillergesellschaft* 46 (2002): 102–33: 112–15.

5. "Gerichtsbarkeit der Bühne" (NA 20, 92).
6. "wo das Gebiet der weltlichen Gesteze sich endigt" (NA 20, 92).
7. "Nicht weniger ließen sich – verstünden es die Oberhäupter und Vormünder des Staates – von der Schaubuhne aus die Meinungen der Nation über Regierung und Regenten zurechtweisen" (NA 20, 98).
8. The two most recent and comprehensive studies on Schiller and the law are by a jurist and a German scholar, respectively: Karl Lüderssen,"*Daß nicht der Nutzen des Staats Euch als Gerechtigkeit erscheine." Schiller und das Recht* (Frankfurt am Main: Insel, 2005); Yvonne Nilges, *Schiller und das Recht* (Göttingen: Wallstein, 2013).
9. This is the influential interpretation of Jochen Schmidt, "'Subjektive Prinzen.' Der politische Reflex des Genie-Gedankens in der nachrevolutionären Legitimationsproblematik," in *Geschichte des Genie-Gedankens in der deutschen Literatur, Philosophie und Politik 1750–1945*, ed. Jochen Schmidt, vol. 1 (Heidelberg: Winter, 2004), 451–66: 460. As regards Schmitt's and Weber's vocabulary, see the recent study by Alioune Sow, "Die Frage nach der Legitimität der Macht in Schillers Dramen-Fragment *Demetrius*," in *Germanistik in und zwischen den Kulturen. Festschrift für David Simo*, ed. Esaïe Djomo and Albert Gouaffo (Leipzig: Leipziger Universitätsverlag, 2004), 30–44: 36–7; Mirjam Springer, "Endlose Geschichte: – Schillers letztes Drama 'Demetrius'," in *Schiller und die Geschichte*, ed. Michael Hofmann, Jorn Rüsen and Mirjam Springer (München: Fink, 2006), 226–38: 231–32; Jörg Robert, "'Selbstbetrug und Selbstbewußtsein': 'Demetrius' oder das Spiel der Identitäten," in *Würzburger Schiller-Vorträge 2005*, ed. Jörg Robert (Würzburg: Königshausen & Neumann, 2007), 113–41: 127. For a different perspective that combines law, morals, and justice in a theory of recognition see the pages on *Demetrius* in: Claudia Nitschke, *Anerkennung und Kalkül. Literarische Gerechtigkeitsentwürfe im gesellschaftlichen Umbruch (1773–1819)* (München: Fink, 2020).
10. While legality concerns the conformity to established or accepted laws, legitimacy concerns the conformity to the law on the part of sovereign powers. Legality is invoked in the case of the exercise of power; legitimacy as regards its titularity. A legitimate power is one that is considered worthy of being recognized on the basis of legal and moral arguments; a legal power is one that is exercized according to the law. For an introduction to the topic, see Hasso Hofmann, "Legalität, Legitimität," in *Historisches Wörterbuch der Philosophie*, ed. Joachim Ritter, vol. 5 (Darmstadt: Wissenschaftliche Buchgesellschaft, 1980), Sp. 161–66; Thomas Würtenberger, *Die Legitimität staatlicher Herrschaft. Eine staatsrechtlich-politische Begriffsgeschichte* (Berlin: Duncker & Humblot, 1973), 329; Thomas Würtenberger, "Legitimität, Legalität," in *Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. Otto Brunner, Werner Conze and Reinhardt Koselleck, vol. 3 (Stuttgart: Metzler, 1982), 677–740. In German, the meaning of "political-juridical" in the semantic field of "legitimacy" is attested only after the beginning of the nineteenth century (see Würtenberger, *Die Legitimität*, 24–6).
11. Cf. Peter-André Alt, "Der Zeremonienmeister.Schilliers politisches Theater und die Kontrakfaktur des höfischen Rituals," in *Schiller, der Spieler*, ed. Peter-André Alt, Ulrich Raulff and Marcel Lepper (Göttingen: Wallstein, 2013), 161–87: 169–79; 177; 185.
12. Cf. Ernst H. Kantorowicz, *The King's Two Bodies. A Study in Medieval Political Theology* (Princeton: Princeton University Press, 1957).
13. Cf. Hans-Ulrich Thamer, "Rituale in der Moderne," in *Spektakel der Macht. Rituale im Alten Europa 800-1800*, ed. Gerd Althoff and Barbara Stollberg-Rilinger (Darmstadt: Wissenschaftliche Buchgesellschaft, 2008), 63–4; Christina Schröer, "Spektakel des Umbruchs. Politische Inszenierungen in der Französischen Revolution zwischen Tradition und Moderne," in *Spektakel der Macht*, ed. Althoff and Stollberg-Rilinger, 216–22: 220.
14. "Ungeheurer Abstand der Pohlen und Rußen ist darzustellen, jene frei, unabhängig, diese knechtisch, unterwürfig" (NA 11, 99).
15. "Absolute Gleichheit aller Polnischer Edelleute" (NA 11, 68; 38).
16. "Die Mehrheit? / Was ist die Mehrheit? Mehrheit ist der Unsinn, / Verstand ist stets bei wengen nur gewesen. […] Man soll die Stimmen wägen und nicht zählen, / Der Staat

muß untergehn, früh oder spät, / Wo Mehrheit siegt, und Unverstand entscheidet" (NA 11, 23).

17. "Eine flammende Anklage gegen die Demokratie! Eine Verurteilung des allgemeinen Stimmrechtes! Eine Vindikation aristoktratischer Regierungsform! Schiller, der sonst wohl als Dichter der Freiheit und der Revolution gepriesene oder gescholtene, am Ziele seiner Laufbahn der Eideshelfer streng konservativer, ja reaktionären Anschauungen!" Ferdinand Tönnies, "Schillers politisches Vermächtnis," in *Schriften zu Friedrich von Schiller*, ed. Rolf Fechner (Klagenfurt: Profil Verlag, 2009), 76–80: 76–7.
18. "Unmittelbar"; "zu entziffern." Ferdinand Tönnies, "Schiller und der Genius seiner Zeit," in *Ferdinand Tönnies Gesamtausgabe*, vol. 7, ed. Arno Bammé and Rolf Fechner (Berlin and New York: de Gruyter, 2009), 294–321: 297.
19. "*Allgemeiner Aufstand, der König steigt vom Thron, die Schranken werden eingestürzt, es entsteht ein tumultuarisches Getöse. Landboten greifen zu den Säbeln*" (NA 11, 23).
20. "Der Effekt des Glaubens an sich selbst und des Glaubens anderer. Demetrius hält sich für den Czar und dadurch wird ers.—Die Rußen glauben an ihn und so wird er zu dem Throne emporgetragen" (NA 11, 109).
21. With a different approach from the analysis proposed here, Binder has highlighted the recurrence of the term in the text. Cf. Wolfgang Binder, "Schillers *Demetrius*," *Euphorion* 53, no. 3 (1959), 252–80: 271.
22. "d[e]s ewig Gestrige[n]." Max Weber, "Politik als Beruf 1919," in *Max Weber Gesamtausgabe. Studienausgabe*, Abt. I/17, ed. Wolfgang. J. Mommsen and Wolfgang Schluchter (Tübingen: Mohr Siebeck, 1992), 35–88: 37. It should be noted that Weber does not explicitly mention Schiller and *Wallenstein* (see the quotation in NA 8/NII, 17).
23. On the modality by which power is revealed and concealed, see Herfried Münkler, "Die Visibilität der Macht und die Strategien der Machtvisualisierung," in *Macht der Öffentlichkeit – Öffentlichkeit der Macht*, ed. Gerhard Göhler (Baden-Baden: Nomos, 1995), 213–30.
24. Werner Frick, "Trilogie der Kühnheit. Die Jungfrau von Orleans, Die Braut von Messina, Wilhelm Tell," in *Schiller. Werkinterpretationen*, ed. Günter Sasse (Heidelberg: Winter, 2005), 136–74: 137.
25. "Scenen für die Augen, voll Handlung und Bewegung" (NA 12, 319).
26. "sinnlichen und zum Theil prächtigen Darstellungen"; "Züge brutaler Zargewalt […], Siege, Ceremonien us. f" (NA 11, 109).
27. "ganz Handlung ist"; "[v]iel für die Augen hat" (NA 11, 179).
28. "Vorzüglich ist das zu beobachten, daß alles in Handlung erscheint, und […] von bloßen Reden so wenig als möglich vorkommt" (NA 11, 117).
29. "Art auf das Volk zu wirken" (NA 11, 109).
30. The motif appears in Heraclitus and is attested to in Cicero, Seneca, Philo of Alexandria, and the Church Fathers (Ambrose, Jerome, Gregory the Great). See *Dizionario delle sentenze latine e greche,* ed. Renzo Tosi, (Milano: Rizzoli, 2017). It is proposed centuries later by Niccolò Machiavelli in chapter XVIII of his *Il Principe* (The Prince), and machiavellianism is indeed present in Schiller, even though there is no direct proof that he read Machiavelli. See Kurt Wölfel, "Machiavellische Spuren in Schillers Dramatik," in *Schiller und die höfische Welt*, ed. Achim Aurnhammer, Friedrich Strack, and Klaus Manger (Tübingen: Niemeyer, 1990), 318–40: 318. After Fredrick II's harsh criticism of Machiavelli in his *Anti-Machiavel*, there was a reappraisal around 1800. See Annette Meyer, "Machiavellilektüre um 1800. Zur marginalisierten Rezeption in der Popularphilosophie," in *Machiavellismus in Deutschland. Chiffre von Kontingenz, Herrschaft und Empirismus in der Neuzeit*, ed. Annette Meyer and Cornelius Zwierlein (München: Oldenbourg, 2010), 191–214: 195–97.
31. "Das Volk prüft nicht lange, es wird durch die Sinne und durch Ideen bewegt, selbst das abentheuerlichste findet bei ihm Glauben" (NA 11, 87).
32. "Das Manifest des Demetrius wird in einem rußischen Dorf vorgelesen. […] Man zweifelt keinen Augenblick an der Wahrheit – Symbol der Leichtigkeit womit man auf das Volk wirken kann, durch die gröbsten Mittel" (NA 11, 132).
33. "Die […] Absicht dieser Scene ist, darzustellen, wie schnell das abentheuerliche bei dem gemeinen Volk Eingang findet […] und durch welche Wege es wirkt" (NA 11, 206).
34. "Alsdann stellt er sich so, daß er einen großen Theil der Versammlung und des Publikums, von welchem angenommen wird daß es im Reichtstag mit sitze, im Auge behält" (NA 11, 8).

35. As regards the role of the spectator in Schiller's legacy, Springer was the first to underline the importance of this stage direction. Cf. Springer, Mirjam: "'Und plötzlich mittendrin'. Der Zuschauer in Schillers 'Seestücken'," in *"Das Theater glich einem Irrenhause." Das Publikum im Theater des 18. und 19. Jahrhunderts*, ed. Hermann Korte and Hans-Joachim Jakob (Heidelberg: Winter, 2012), 133–58: 152–53. On the possibility of manipulating the spectator by means of visual stimuli see Peter Utz, "Auge, Ohr und Herz. Schillers Dramaturgie der Sinne," *Jahrbuch der Deutschen Schillergesellschaft* 28 (1985): 62–97: 94–5.
36. "[M]an blickt […] in ein unermeßliches Gewühl von Häusern und Thürmen […] in den Coulißenstücken unterscheidet man Zuschauer aus Fenstern und Dächern und Gerüsten. […] Da die Zuschauer in dieser Scene eine Rolle mitspielen, so kann ihnen auch mehr Raum gegeben werden" (NA 11, 219). Unlike the opening scene of the first act, here it is not a question of the theater audience but of the on stage spectators at Demetrius' arrival in Moscow (see Springer: "Und plötzlich mittendrin," 152).
37. "die Hauptscene des Stücks in Rücksicht auf stoffartiges Interesse" (NA 11, 219).
38. "kann die Tragödie schließen indem er in eine neue Reihe von Stürmen hinein blicken läßt und gleichsam das […] Alte von neuem beginnt" (NA 11, 226).
39. Mahlmann-Bauer, Barbara: Die Psychopathologie des Herrschers: Demetrius, ein Tyrann aus verlorener Selbstachtung," in *Schillers Natur. Leben, Denken und literarisches Schaffen*, ed. Georg Braungart and Bernard Greiner (Hamburg: Meiner, 2005), 107–37: 129, 134–37. Mahlmann-Bauer interprets Schiller's choice of the subject of a false pretender to the throne as an implicit critical position on Napoleon's politics, in line with a number of articles in historical-political periodicals known to Schiller, for instance "Schilderungen der Feierlichkeiten bei der Kaiserkrönung in Paris," *London und Paris* 13 (1804): 349–76, and Johann Wilhelm Archenholz, "Noch etwas über die Kayserwürde in Frankreich," *Minerva* 2 (1804): 529–36.
40. "In historischer Hinsicht […] etwas reicher behandelt und Motive aufgenommen [hat], die den nachdenkenden und instruierten Leser freuen können" (NA 30, 85).
41. On allusions to the execution of the French queen in 1791 in *Maria Stuart*, see Maria Carolina Foi, "Recht, Macht und Legitimation in Schillers Dramen. Am Beispiel von 'Maria Stuart'," in *Friedrich Schiller und der Weg in die Moderne*, ed. Walter Hinderer (Würzburg: Königshausen & Neumann, 2006), 227–43; Alt, Peter-André: "Die teuren Toten. Geöpferte Königinnen in Schillers Tragödie," in *Klassische Endspiele. Das Theater Goethes und Schillers*, München 2008, 136–55: 149–50. On capital executions after the Jacobite trials in 1794 in Vienna, see Maria Carolina Foi, "Schiller und Erhard. Literatur und Politik in der Weimarer Klassik," *Jahrbuch der Deutschen Schillergesellschaft* 49 (2005), 193–223.
42. Cf. Carl Schmitt, *Hamlet oder Hekuba. Der Einbruch der Zeit in das Spiel*, Düsseldorf-Köln 1956.
43. Ibid., 51.
44. Ibid., 49.
45. For an attentive philological reconstruction of the connection between Benjamin and Schmitt, see Reinhard Mehring, "'Geist ist das Vermögen, Diktatur auszüben'. Carl Schmitts Marginalien zu Walter Benjamin," in *Kriegstechniker der Begriffe. Biographische Studien zu Carl Schmitt*, Tübingen 2014, 137–52; Horst Bredekamp, "From Walter Benjamin to Carl Schmitt, via Thomas Hobbes," *Critical Inquiy* 25, no. 2 (1999): 247–66: 247–51.
46. Cf. Reinhard Mehring, "Friedrich Schillers *Demetrius* – ein später Baustein zu Carls Schmitts Hitler-Bild," *Weimarer Beitrage* 53, no. 4 (2007): 559–75. The article is re-presented with the same title and some modifications in Mehring, *Kriegstechniker der Begriffe*, 11–136.
47. Carl Schmitt, *Glossarium. Aufzeichnungen der Jahre 1947–1951*, ed. Eberhard Freiherr von Medem (Berlin: Duncker & Humblot, 1991), 240.
48. On the Nazi party as a *Glaubengemeinschaft*, see Hans-Ulrich Thamer, *Die NSDAP. Von der Gründung bis zum Ende des Dritten Reiches* (München: Beck, 2020), 46; on the theme of belief, see the chapter on the *Organisation einer Glaubens- und Kampfbewegung*, in ibid., 40–6.
49. "Er sollte der Sohn ihrer Rache für den verlorenen ersten Weltkrieg sein. Dieser Kaspar Hause und Soldat inconnu wurde als falscher Demetrius von der Mutter Germania adoptiert, die sich 1933–1945 immer wieder sagte: Doch ist er auch nicht meines Herzens Sohn, / er soll der Sohn doch meiner Rache sein. Aber die

treulose Mutter Germania hielt ihre Rolle nicht durch, als sie sah, dass es zum Abgrund ging" (Schmitt, *Glossarium*, 239).

50. Given Schmitt's failure after 1945 to express contrition for his Nazism and anti-semitism, it is not surprising that in the 1950s he blames the Germans, not for believing in Hitler in the first place, but for falling away from this belief.
51. Some are reconstructed by Mehring, "Friedrich Schillers *Demetrius*," 565–66; 568.
52. Ibid., 559.
53. The debt to Kommerell is explicit in *Glossarium*, 238; 240; 242. On Kommerell and Schmitt, see Reinhard Mehring, "Hitler-Schiller: Carl Schmitts nachegelassene Hitler-Reflexionen im Licht von Max Kommerells Schiller-Deutung," *Leviathan* 33, no. 2 (2005), 216–39; on Kommerell's reading of Schiller and the dialectics of idea and action see Walter Müller-Seidel, "Schiller im Verständnis Max Kommerells. Nachtrag zum Thema' Klassiker in finsteren Zeiten'," in *Prägnanter Moment. Studien zur deutschen Literaratur und Klassik. Festschrift für Hans-Jürgen Schings,* ed. Peter-André Alt, Alexander Košenina, Hartmut Reinhardt and Wolfgang Riedel (Würzburg: Königshausen & Neumann, 2002), 275–94.

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