

MICHAEL KOHLHAAS AND THE LIMITS OF KANTIAN REASON, MORALITY,
AND LAW

by

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THESIS ABSTRACT

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Title: *Michael Kohlhaas* and the Limits of Kantian Reason, Morality, and Law

Kleist's work is often read within the context of his Kant Crisis. My thesis will follow in that tradition and give a close reading of Kleist's novella *Michael Kohlhaas* within the context of Kantian morality in *Kritik der praktischen Vernunft* and Kantian legal theory in *Metaphysik der Sitten*. Kleist doubted that humans could really understand the world and use reason to find truth, as he indicated in one of his letters that he gave up on finding a "Schatz der Wahrheiten" or an ability to find truth in the world. *Michael Kohlhaas* is a novella by Kleist that deals with the question of justice in the positive law and forming moral decisions. Since Kant addressed morality within the context of Kantian practical principles or maxims in his *Kritik der praktischen Vernunft* and his philosophy of law in *Metaphysik der Sitten*, these two texts are particularly helpful in gaining further insight into Kleist's novella *Michael Kohlhaas*.

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CHAPTER I

INTRODUCTION

“Der Staat sichert uns unser Eigentum, unsre Ehre und unser Leben; wer sichert uns aber unser inneres Glück zu, wenn es die Vernunft nicht tut?” This question that Heinrich von Kleist (1777-1811) posed to his sister Ulrike von Kleist in a letter to her in May of 1779 demonstrates that Kleist was preoccupied with the role that reason played in our experience in the world around us and how it relates to our happiness and well-being. Kleist was a German author whose works were influenced by the ideas of the Enlightenment, which encouraged the developed of man’s ability to use reason and the importance of empirical experiences and how they are connected to well-being. Immanuel Kant (1724-1824), an important figure to post-Enlightenment philosophy, also thought that reason was central to man’s understanding of the world and himself, but by the same token considered empirical knowledge to have limits in facilitating one’s understanding of the world. Kleist is known to have been familiar with Kant’s ideas, and it is thought that Kleist suffered a “Kant Crisis” when exposed to his thought. Kleist’s response to reading Kant has been noted to be

[p]erhaps the most notorious emotional crisis in German literary history. [...] Kleist believed that he could no longer differentiate between appearances and reality. A life plan was worthless. The crisis left him, in the words of Michael Hamburger, ‘at the mercy of Energy divorced from Reason’ (Leiter 561-62).

Kleist's career as a writer at times led him to question the idea of reason and whether understanding is in fact still possible after reading Kant. Kant wrote extensively on morality in *Kritik der praktischen Vernunft*, *Grundlegung zur Metaphysik der Sitten*, and *Metaphysik der Sitten*. In these works, Kant develops his system of morality; in *Kritik der praktischen Vernunft* he explains how moral decisions can be reached through reason and forms his Categorical Imperative. In his work *Metaphysik der Sitten*, Kant discusses reason within the context of the positive law (*Rechtslehre*) and virtue (*Tugendlehre*).

Although evidence of Kleist's reception of Kant essentially is contained in a few short statements in letters written from 1800-1801, his crisis also influenced his literary works. Some scholars have asserted that Kleist in fact misread Kant. In Kant's *Kritik der reinen Vernunft*, he addresses transcendental structures of knowledge, and rejects the traditional metaphysical search for things as they are. Kant organized knowledge in terms of appearance and "universal conditions of appearance, instead of in terms of appearance and its particular essence" (Phillips 1). Kleist seems to have overly fixated on the Kantian notion of the *Ding in sich* and did not seem to fully understand Kant's epistemological theories within the *Kritik der reinen Vernunft* (Phillips 1).

Despite the suggestion that Kleist may have misunderstood Kant, Kleist's work is often read within the context of his Kant Crisis. This thesis will follow in that tradition and give a close reading of Kleist's novella "Michael Kohlhaas" within the context of Kantian morality in *Kritik der praktischen Vernunft* and Kantian legal theory in *Metaphysik der Sitten*. Kleist doubted that humans could really understand the world and use reason to find truth, as he indicated in one of his letters that he gave up on finding a

“Schatz der Wahrheiten” or an ability to find truth in the world (2:633). “Michael Kohlhaas” is a novella by Kleist that deals with the question of justice in the positive law and forming moral decisions. The heart of all legal disputes is essentially the question of what happened, or in other words, what is the truth of the matter? In Kleist’s correspondence with Wilhelmine, Kleist commented that one can never be certain that what one insists is true, actually is true (Phillips 22):

Testifying to the transformation of contingent truth in modernity into a demonic force, Kleist turns his back on the communicable truth of appearances (*Erscheinung*) to make a pact with the genius of error (*Schein*) in the thing in itself (Phillips 21).

One’s struggle with contingent truth, or understanding of the empirical world, is certainly apparent in Kleist’s novella “Michael Kohlhaas.” For example, the legal problems for the protagonist Kohlhaas begin with his failure to produce a *Schein*, which means “certificate” but it could also be a play on the verb *scheinen*, or “to seem.” This sort of ambiguity arises quite often in “Michael Kohlhaas” and reflects that Kleist was struggling with the notion of what one can really understand. Since Kant addressed morality within the context of Kantian practical principles or maxims in his *Kritik der praktischen Vernunft* and his philosophy of law in *Metaphysik der Sitten*, these two texts are particularly helpful in gaining further insight into Kleist’s novella “Michael Kohlhaas.”

CHAPTER II

MICHAEL KOHLHAAS AND THE POSITIVE LAW

Kleist based his novella *Michael Kohlhaas* on a historical figure Hans Kohlhase who lived in the 16th century (Burkhardt 7). Although the original Hans Kohlhase was not a *Roßhändler*, but rather a seller of honey, beer, and fish, he had his horses taken from him at a toll booth and refused to pay his fine eventually because a disturber of the peace in Saxony (Burkhardt 10). Kleist's novella is loosely based on this historical story, which like the historical Hans Kohlhase, demonstrates how legal and political circumstances can turn an otherwise *rechtschaffender* man who did not realize he needed a *Paßschein* to cross the border to Leipzig into a violent criminal. The circumstances in "Michael Kohlhaas" are what complicates things for his cause; so much so that at times it is ambiguous whether Kohlhaas really is guilty and that he deserves his eventual punishment. In the novella, it has been argued, empirical data cause the confusion surrounding Kohlhaas' lawsuit:

The stories are unsettling in part because they show people decisively affected by erroneous but plausible stories told about them when they were haled before the law. The empirical data, that everyone agrees on, can be put together this way or that way, and there is a disastrous tendency for the data to be put together erroneously, through malice, by accident, or just by application of normal assumptions about probability- „Wahrscheinlichkeit.“ [...] When we read one of Kleist's stories, we are reading a story about the

disastrous legal consequences of story-telling and story-reading (Miller 308).

The narrative of “Michael Kohlhaas“ questions the idea of human perception and empirical knowledge with regards to the positive law. After being exposed to Kant’s philosophical ideas, it is speculated that Kleist’s Kant Crisis caused him to question the certainty of morality originating in Enlightenment principles. Kant taught Kleist that incipient perspectivism attaches to all impressions received under terms of human experience of the world. For human perception does not involve any progressive melding of outer world with a subject’s inner experience of it on the assumption of a pre-established harmony. Rather, valid perceptions result only when conditions under which a circumstance can be experienced at all one scrupulously tested (Mehigan 23- 24). In other words, Kleist was considered to have a “profound skepticism about knowledge and reason” (Mehigan 33). For Kant, legality is created through reason, however for Kleist, the nature of legality “centers on how legal claims are justified for ordinary citizens” (Mehigan 70).

Kant published *Metaphysik der Sitten* in 1797, in which he explains his political and moral philosophy of justice. The work is divided into two parts: *the Rechtslehre* and the *Tugendlehre*. The *Rechtslehre* is Kant’s proposal of how political and civil rights should be organized within the context of the positive law. Because both the *Rechtslehre* and Kleist’s novella “Michael Kohlhaas” address the positive law and an individual’s relationship to it, this chapter will analyze Michael Kohlhaas’ legal struggle through the lens of Kant’s *Rechtslehre* to show how Kleist was struggling with Kantian reason.

Kleist shows in the character Michael Kohlhaas how even the most *rechtschaffende* person can be driven to become a lawbreaker, or as Kleist words it, “einer der [...] entsetzlichsten Menschen.” Kleist creates situations that confront Kant’s ideas regarding freedom and the positive law, and the consequences of rebellion; ultimately Kleist’s novella brings Kant’s views of political and civil rights into question. According to Mehigan, this opening description of Kohlhaas

is a conundrum not untypical of Kleist’s narratives as a whole. Contrasts are initially drawn in stark opposition to one another and propel the narrative to a conclusion that may or may not involve a resolution of such opposites. The story announces a psychological dimension, inviting the reader to investigate Kohlhaas’ character in search of an answer to the conundrum (Mehigan 72).

Kohlhaas’ adherence to the laws of Brandenburg before he begins his rebellion does not bring him protection or what Kant takes to be freedom, but rather he determines that there is no order in Brandenburg and chooses to rebel against the unjust state. Kant would disagree with Kohlhaas’ rebellion; however the novella ends with Kohlhaas receiving the death penalty, which is according to Kant an appropriate punishment for individuals who revolt against the state. Kohlhaas receiving a Kantian punishment for his actions makes the *Rechtslehre* relevant to the events of the novella. Kohlhaas throughout the novella goes through a cycle of accepting, rejecting, and then reaffirming the institution of the positive law in Brandenburg; this raises important questions relating to Kant’s *Rechtslehre* by explaining how men come together to form societies with public

compulsory laws to protect them from the state of nature. Kohlhaas' rebellions cause him to leave society and he considers himself an outcast, yet he immediately accepts the social order once he is granted an amnesty. Kohlhaas reverts back to his lawless, rebellious state only to reaccept society's laws before his execution. Kohlhaas' circumstances cause him to at times live in a Kantian state of nature and at times to adhere to the Brandenburg laws. Kant explains that the state of nature for men outside of society is not one of absolute injustice or *Ungerechtigkeit*, but rather one where justice is not regulated, or *Rechtslosigkeit* (MS 151). The *Rechtslehre* focuses not on how people should ethically interact, but rather on "how they can be forced to interact as a matter of right" (Ripstein 162).

The novella introduces a situation that addresses Kant's ideas that a citizen's right to freedom does not mean that one can have the right to deal with issues as an active member of the state (such as reorganizing it or introducing certain laws on one's own), but rather that one may merely be involved in the process of enacting positive laws as long as the laws contribute to the freedom and equality of the people (MS 154). As Michael Kohlhaas makes his way into Saxony, he learns of a new law that he is forced to comply with as he tries to pass a tollbooth he had never seen before: "als er an die Elbe kam, und bei einer stattlichen Ritterburg, auf sächsischem Gebiete, einen Schlagbaum traf, den er sonst auf diesem Wege nicht gefunden hatte" (4). Perplexed by the sudden appearance of the tollbooth, Kohlhaas queries the man working there and learns that the tollbooth worker has *Landesherrliches Privilegium* on behalf of Junker Wenzel von Tronka (4). Kohlhaas is initially suspicious of complying and only after learning that the tollbooth has authority to operate under the existence of a sovereign power, does

Kohlhaas agree to pay the toll. At this point, a *Burgvoigt* suddenly appears that Kohlhaas will need a *Paßschein* if he would like to cross the border. Because Kohlhaas was a *rechtschaffender* and law abiding citizen, his lack of awareness of a new law in Brandenburg shocks and embarrasses him. Not only did he not have a *Paßschein* in his possession, but he had never needed to present one in the multiple times he has crossed the border into Saxony. The *Burgvoigt* explained to Kohlhaas that “die Verordnung deshalb erst neuerlich erschienen wäre” (5). Kohlhaas’ request to speak to the Junker von Wenzel personally about this matter shows a bit of suspicion and demand for justification with regards to the legislative process in this state. Kohlhaas’ reluctance to take the *Burgvoigt*’s demands at face value is analogous to Kant’s ideas regarding a citizen’s right in exercising freedom and equality in a sovereign nation (MS 154). Kant explains that freedom and equality do not mean that citizens have the right to deal with issues as an active member of the state (such as reorganizing it or introducing certain laws), but rather that they may merely be involved in the process of enacting positive laws as long as they contribute to the freedom and equality of the people (MS 154). Although the law supposedly already has been passed, Kohlhaas inquiring into its creation and verifying it with a higher authority is an example of a Kantian freedom that citizens may choose to practice.

At this point in Kleist’s novella, Kohlhaas is not trying to change or resist the *Burgvoigt*’s insistence that Michael Kohlhaas present him a *Paßschein*. As Kohlhaas explains his situation to the Junker Wenzel von Tronka, he immediately takes interest in Kohlhaas’s horses and searches for them through the window. The Junker completely ignores Kohlhaas’ concerns and instead demands to go down and have a look at the

horses. Although the Junker himself is not “the state,” he has authority from a sovereign power to exercise a certain amount of authority at Tronka Castle. Thus, the first interaction with a higher authority for Kohlhaas is a negative one and as we first get to know the Junker we learn that he has more interest in Kohlhaas’ horses than in listening to his concerns as a citizen.

Kohlhaas acknowledges that he must comply with this new law even if he is unhappy about it, which exemplifies Kant’s idea that citizens must give up certain freedoms to live in an orderly society (MS 151). Citizens gain the freedoms they gave up back under protection of the sovereign (MS 151). If all citizens lived how they wanted and did not give up basic freedoms, then everyone would live in a state of *Rechtslosigkeit*. Kohlhaas is able to cross the border one time without a *Paßschein*, as long as he is able to get one as he is returning from Dresden and leave behind his *Rappen* to ensure he will return (7). Although Kohlhaas is very unhappy about this arrangement, he understands that he has no choice and feels that he must endure the Junker’s abuse: “Der Roßkamm, der wohl sah, dass er hier der Gewalttätigkeit weichen musste, entschloß sich, die Forderung, weil doch nichts anders übrig blieb, zu erfüllen” (8). This passage of the story merely reiterates how Kohlhaas both understands and accepts how citizens of a state give up their lawless freedom for the freedom afforded by protection in a sovereign state. Kohlhaas grudgingly obeys the Junker’s wishes as he leaves his collateral behind until he can comply with the new law requiring him to have a passport. Kant calls the concept of men giving up their original freedom as they have it in the state of nature to form a society the Original Contract (MS 154). As soon as men form a society, they receive their freedom back through the protection of the sovereign. Kant sees in this

exchange of lawless freedom for freedom in a sovereign nation not a sacrifice, but rather a gain of order and dependence (MS 155). So, Kohlhaas at this moment feels that he is protected by the sovereign and thus should expect to feel dependent on an orderly society if we follow a Kantian perspective.

The situation with the *Paßschein* however shows that Kleist is not only concerned with Kant's idea that adhering to laws will result in bureaucratic order, but arguably also with Kant's views on prescriptive law-making. Kant explains that laws must represent an objectively necessary action, which would therefore make the action a duty, and it must also be subjectively connected to our choices (MS 218). If a law is objectively necessary, then one ought to do it, and if it is subjectively connected to us, then we have an incentive to follow the law. Incentives for following a law may be greater freedom or avoiding punishment. The *Paßschein* law raises the question as to whether the law is objectively necessary and whether one should be motivated to follow it. As soon as Kohlhaas gets to Dresden, he finds the *Geheimschreiberei* and learns "dass die Geschichte von dem Paßschein ein Märchen sei" (9). The secretaries however give Kohlhaas "einen schriftlichen Schein über den Ungrund derselben" (9). Kohlhaas' receipt of "einen schriftlichen Schein" instead of a *Paßschein* points out either the deceit of the officials at Tronka Castle or the bureaucratic inconsistencies and inefficiencies of the state. The mix-up with the various *Scheine* makes the law not only seem arbitrary, but also the mere existence of *Scheine* themselves. Kohlhaas ends up explaining that he could not obtain the *Paßschein*, and he gets his horses back anyway. Thus, the *Paßschein* law seems to be neither objectively necessary, nor is it subjectively connected to Kohlhaas, yet he follows

it anyway. Because there seems to be no real incentive to follow the *Paßschein* law, it would not withstand any sort of Kantian scrutiny.

Kleist also references Kant's ideas that citizens can improve government function by complaining to higher authorities (MS 154, 158). As Kohlhaas returns to retrieve his horses and present the Schein to Tronka Castle, he discovers that his horses are rail thin because they were used to help plow the fields due to a cattle shortage (10). Kohlhaas is enraged and exclaims to the *Burgvoigt*:

Wer hat dem Junker von Tronka und dessen Leuten die
Erlaubnis gegeben, sich meiner bei ihm zurückgelassenen
Rappen zur Feldarbeit zu bedienen? Er setzte zu, ob das
wohl menschlich wäre? (10)

Just as when he first saw the tollbooth, Kohlhaas queries the *Burgvoigt* again as to where the authority for the treatment originates. He is met with the response that Kohlhaas should be happy that at least the horses are still alive. This passage seems to show a tension between Kohlhaas' expectations of justice and the *Burgvoigt*'s reaction that Kohlhaas does not even have the right to ask that question, but rather should even thank God for forgiveness. Kohlhaas struggles, yet he is able to keep ahold of his righteousness:

Es drängte ihn, den nichtswürdigen Dickwanst in den Kot
zu werfen, und den Fuß auf sein kupfernes Antlitz zu
setzen. Doch, sein Rechtgefühl, das einer Goldwage glich,
wankte noch; er war, vor der Schranke seiner eigenen

Brust, noch nicht gewiß, ob eine Schuld seinen Gegner drückte (11).

Kohlhaas maintains his dignity as a righteous citizen, yet he questions authority. Kleist seems to be responding to the ambiguity between two Kantian ideas: 1) that citizens should on the one hand be able to complain about unjust conditions imposed by a sovereign, and 2) also respect authority and not reason too much regarding the origin of the supreme power of the land (MS 154, 158). Kant states that citizens should obey laws, regardless of their origin (MS 158). He believes that citizens inquiring too much into the origin of powers and therefore the origins of laws are engaged in aimless pursuits and are also a danger to the state, demanding of the citizen “der jetzt bestehenden gesetzgebenden Gewalt gehorchen zu sollen; ihr Ursprung mag sein, welcher er wolle” (MS 158).

As he returns home, Kohlhaas contemplates filing suit in court against the Junker von Wenzel. His continued participation in the justice system shows that he has faith in being heard as a citizen and that he takes the positive law to exist to serve him:

Hier verfasste er, mit Hülfe eines Rechtsgelehrten, den er kannte, eine Beschwerde, in welcher er, nach einer umständlichen Schilderung des Frevels, den der Junker Wenzel von Tronka, an ihm sowohl, als an seinem Knecht Herse, verübt hatte, auf gesetzmäßige Besrafung desselben, Wiederherstellung der Pferde in den vorigen Stand, und auf Erstatz des Schadens antrug, den er sowohl, als sein Knecht, dadurch erlitten haben. Die Rechtssache war in der Tat klar (19).

Even after Kohlhaas's suit gets thrown out, he still has faith in the positive law by appealing his case.

“Am Abend, da sich der Roßkamm, seinem Befehl gemäß, zu ihm aufs Schloß begeben hatte, sagte er ihm, dass er nur eine Supplik, mit einer kurzen Darstellung des Vorfalls, an den Kurfürsten von Brandenburg aufsetzen, den Brief des Advokaten beilegen, und wegen den Gewalttätigkeit, die man sich, auf sächsischem Gebiet, gegen ihn erlaubt, den landesherrlichen Schutz aufrufen möchte (22).

Kohlhaas' outlook on being able to resolve his case appears ambiguous. The passage dealing with Kohlhaas and his wife, for example, demonstrates how citizens who are upset with an unjust sovereign (or his agents) can struggle with this idea. At first, Kohlhaas finds that his country is uninhabitable for him, because thus far for his case the fictitious *Paßschein* law has proved that the positive law is not only unreliable, but the dismissal of his suit has demonstrated that the justice system is unavailable to Kohlhaas. Feeling betrayed by his nation, his first reaction is to leave Brandenburg because he does not feel protected by the state. Kohlhaas' idea to leave his country for a different one is similar to the fundamental idea behind man's motivation to form a society that Kant discusses at the beginning of the *Rechtslehre*. Kohlhaas even tries to sell his house because he does not want to live in a society that does not protect his rights and even comments that he would rather be a dog than a man forced to live under such conditions (27). Kohlhaas' wish to be a dog means that he does not feel that he is living amongst rational beings as according to Kant. For Kant, all justice and laws are applicable to

rational beings that are capable of acting from purely moral motives, which means that one has moral freedom. Kohlhaas' comment that he may as well be a dog indicates that he feels he cannot act with moral freedom because the law in Brandenburg is not responsive to his claims. Despite Kohlhaas' *rechtschaffende* qualities and adherence to Brandenburg's laws, the *Rechtlosigkeit* that Kohlhaas experiences makes him feel like he is living in a Kantian state of nature. Kohlhaas' attitude is a slight foreshadowing that he will ultimately reject the state he lives in due to his inability to have fair access to the positive law rights available to him as a citizen of Brandenburg, however for now he keeps his faith in the legal system of the state he lives in and believes in the righteousness of his nation and the outcome of his case.

With the encouragement of his wife, Kohlhaas' optimism shows that he understands at this point in the novella the importance of the necessity to navigate the framework of justice already present in his society:

Der Herr selbst, weiß ich, ist gerecht; und wenn es mir nur
gelingt, durch die, die ihn umringen, bis an seine Person zu
kommen, so zweifle ich nicht, ich verschaffe mir Recht,
und kehre fröhlich, noch ehe die Woche verstreicht, zu dir
und meinen alten Geschäften zurück (28).

Lisbeth insists that Kohlhaas try one more time to settle the matter with the Elector; she even suggests that she deliver the *Bittschrift* personally. She attempts to deliver her husband's *Bittschrift* for him and at first Kohlhaas refuses because "der Landesherr ist vielfach umringt, mancherlei Verdrießlichkeiten ist der ausgesetzt, der ihm naht." (29) Kohlhaas' response shows that he doubts that she will get through to the sovereign

because of the great many people that surround him. However, he eventually agrees because Kohlhaas believes that the Elector himself is just, even if the people surrounding him are not (29). Lisbeth's idea to deliver the *Bittschrift* personally ultimately results in her death as she is struck by a lance because a guard thought she was too bold. "Es schien, sie hatte sich zu driest an die Person des Landesherrn vorgedrängt [...] die Bittschrift war ihr nachher durch einen Ritter abgenommen worden (30). Although Lisbeth was able to deliver Kohlhaas' Bittschrift, it was only at the expense of a fatal injury. At this point, Kleist further complicates Kohlhaas' legal situation by causing him to suffer personal loss in order to access the bureaucratic systems in place which are there to protect Kohlhaas' freedoms. Kleist seems to be bringing into question Kant's ideas regarding a citizen's right to exercise freedom in a sovereign nation (MS 155). Lisbeth approached the sovereign with the *Bittschrift* because they are both dependent on the state, yet Lisbeth's fatal blow to her chest with a lance shows a lack of justice and order provided to them. Lisbeth's eventual death shows how just because a citizen gives up certain freedoms in order to live in a Kantian state of freedom and equality does not mean that citizens will actually live in an orderly or free society. The personal loss for Michael Kohlhaas further adds to the legal injuries he has already suffered with the abuse of his personal property in the form of the horses.

On Lisbeth's death bed, she takes the Bible from a minister of the Lutheran faith and reads to Kohlhaas, "Vergib deinen Feinden; tue wohl auch denen, die dich hassen" (31). Kohlhaas then thought, "so möge mir Gott nie vergeben, wie ich dem Junker vergebe!" (31) The passage that Lisbeth reads to Kohlhaas suggests that it is not worth obtaining revenge in order to achieve justice, which would also be what Kant would

argue. Kant does not condone violent rebellion, even if the sovereign is unjust. As an alternative to rebellion, Kant explains that citizens may make complaints or objections to the sovereign's injustices (MS 158-159).

Wider das gesetzgebende Oberhaupt des Staats giebt es
also keinen rechtmässigen Widerstand des Volks; denn nur
durch Unterwerfung unter seinen allgemein
gesetzgebenden Willen ist ein rechtlicher Zustand möglich;
also kein Recht des Aufstandes (seditio), noch weniger des
Aufruhrs (rebellio), am allerwenigsten gegen ihn, als
einzelne Person (Monarch), unter dem Vorwande des
Missbrauchs seiner Gewalt (tyrannis), Vergreifung an
seiner Person, ja an seinem Leben (monarchornachismiis
sub specie tyrannicidii). Der geringste Versuch hierzu ist
Hochverrath (proditio eminens), und der Verräther dieser
Art kann als einer, der sein Vaterland umzubringen
versucht (parri- cida), nicht minder, als mit dem Tode
bestraft werden (MS 160).

Kant says that a nation's citizens must tolerate any abuse of the sovereign, even if it unbearable because resisting the highest legislative authority will always be in violation of the law, which then in turn destroys the legal foundation of a nation (MS 160).

Resistance is only allowed if public law allows it; however, Kant points out that this is unlikely because issues between the sovereign and a citizen can in essence never be mediated: "Wer denn in diesem Streit zwischen Volk und Souverain Richter sein sollte?"

(MS 160). Kleist creates numerous unjust obstacles for Kohlhaas, which, beginning with the arbitrary *Paßschein* law and leading to his wife's death, cause Kohlhaas to lose faith in the legal foundation of his country, and thus he no longer wants to tolerate any more abuse than what he has already suffered. Kohlhaas' rejection of the Bible passage foreshadows that he will seek revenge and also reject the laws of the land, which Kleist clearly indicates after Kohlhaas buries his wife. Kohlhaas "übernahm sodann das Geschäft der Rache," which is the start of his threatening decrees that he sends directly to the Junker Wenzel von Tronka (32). Kohlhaas sidesteps the higher authorities because not only have they already denied him, but Kohlhaas seems to think of himself in a higher class as well and therefore feels entitled to make strong demands for his legal case in whatever way he sees fit. Kohlhaas' sense of entitlement begins after Lisbeth's death, since for her funeral he orders an elaborate coffin for her that "weniger für sie, als für eine Fürstin schien" (31). His insistence and determination to get his case to reach the authorities subsequently gets only stronger.

Kohlhaas is able to achieve some victories in his rebellion; this is an example of Kleist demonstrating how if the sovereign fails to protect the masses, the masses may lose faith in the state. During Michael Kohlhaas' rebellion, the Sheriff tries to protect the town, however it was managed so poorly that the state's resistance only managed to strengthen Kohlhaas (39). This is because the Sheriff's failure to defeat the *entsetzlichen Wüterich* gave Kohlhaas a stronger militant presence in Brandenburg and exposed weakness in an entire police force against Kohlhaas and the small band of men that he was able to gather to help him in his cause. The Sheriff tried to assure the people that 500 men under Prince Friedrich of Meissen were already on their way to guard Wittenberg

from any further harm from Kohlhaas, yet he acknowledged that a decree like this would never pacify the people (39). The failure of the police force to protect Wittenberg demonstrates the Kantian idea that rebellion interrupts the order of society and government and thus should be avoided at all costs. However, Kleist's novella challenges Kant's ideas about rebellion to the extent that the novella demonstrates a situation where the rebellion seemed to start because the government already seemed disorderly and therefore the citizens did not feel protected under the sovereign. While Kant acknowledges in *Metaphysik der Sitten* that such a situation calls for change, he does not envision that change to be of revolutionary character.

None other than Martin Luther tries to persuade Kohlhaas to reenter the order of society (46). Luther's presence in a discussion regarding positive law is interesting within the context of the 16th century when the novella takes place because at this time there was a transition going on from religious, church ruled communities into a more secularized form of laws. Luther takes the position of Kant and condemns his rebellion. Luther argues that the state officials who originally suppressed Kohlhaas' petition are not the supreme authority, so Kohlhaas cannot validly claim that he has been denied protection of the law or any sort of due process:

Wie kannst du sagen, dass die dein Recht verweigert
worden ist, du, dessen grimmige Brust, vom Kitzel
schnöden Selbstrache gereizt, nach den ersten,
leichtfertigen Versuchen, die dir gescheitert, die Bemühung
gänzlich aufgegeben hat, es dir zu verschaffen? (47)

Luther's point is that the sovereign does not even know Kohlhaas' name, so he cannot say that he was unjustly treated (47). The scene with Luther demonstrates Kohlhaas' willingness to embrace the positive law, yet he refuses to give up his maxim. Kohlhaas' faith in the positive law is temporarily restored as he is promised amnesty by Luther, yet when he asks Luther for a blessing, Luther will only do so on the condition that Kohlhaas forgive the Junker Wenzel to which Kohlhaas refuses (50). Kohlhaas even tries to back his position with scripture, which is consistent with Kohlhaas feeling that he is above society as a sort of *Erzengel*.

“Hochwürdiger Herr,” sagte Kohlhaas errötend, indem er seine Hand ergriff, “nun?” “der Herr auch vergab allen seinen Feinden nicht. Laßt mich den Kurfürsten, meinen beiden Herren, dem Schloßvoigt und Verwalter, den Herren Hinz und Kunz, und wer mich sonst in dieser Sache gekränkt haben mag, vergeben: den Junker aber, wenn es sein kann, nötigen, dass er mir die Rappen wieder dick füttere (54).

Although Luther is a religious figure, his position is the position of the state. Like Kant, Luther argues against breaking the law because the law affirms itself, even if it is arbitrary. Kohlhaas' refusal to forgive the Junker Wenzel demonstrates that he is still obsessed with his maxim to the point that he refuses to give up. Interestingly Kohlhaas would agree to forgive the other state officials for mishandling his case; however his refusal to forgive the Junker shows that Kohlhaas finds the Junker Wenzel responsible for Kohlhaas' feeling that he has been cast out of society. Kohlhaas believes that his

rebellion is not a crime because he has been cast out of society, so he cannot be subject to the laws of that same society. Luther again takes the position of Kant, claiming it is impossible to be cast out of society, however Kohlhaas disagrees:

“Verstoßen,“ antwortete Kohlhaas, indem er die Hand zusammendrückte, „nenne ich den, dem der Schutz der Gesetzt versagt ist! Denn dieses Schutzes, zum Gedeihen meines friedlichen Gewerbes, bedarf ich, ja, er ist es, dessenhalb ich mich, mit dem Kreis dessen, was ich erworben, in diese Gemeinschaft flüchte, und wer mir ihn versagt, der stößt mich zu den hilden der Einöde hinaus, er gibt mir, wie wollt Ihr das leugnen, die Keule, die mich selbst schützt, in die Hand“ (50-51).

So, Luther’s position that Kohlhaas cannot be cast out of society because the sovereign never received his complaint reinforces the idea found in Kant’s *Rechtslehre* that members of society can be forced to interact as a matter of right. Immediately after he does so, Kohlhaas puts down his weapons and disbands his men, however Luther shows doubt that he will be taken seriously. With this situation, Kleist once again seems to be referencing the notion in the *Rechtslehre* that men come together to form a society to protect them from a Kantian state of nature, however if one leaves society and wishes to come back, it is unclear whether this is even possible. According to Kant, one cannot leave and then reenter society. Luther ultimately grants him an amnesty not because he personally sympathizes with Kohlhaas, but because the public opinion was on his side as well (55). According to Kant, a people may not participate in organizing or running the

government, however Kleist shows here that sometimes the people do influence the government, or at least those who speak on its behalf.

With the subsequent events surrounding the Elector's receipt of the letter, Kleist demonstrates the extent to which the state's decision-making process is arbitrary and flawed. The different opinions of the various officials demonstrate that there is no clear standard to which Kohlhaas must be judged. For example, *Der Kämmerer* Herr Kunz gives the excuse that he was misled by Junker Wenzel, which is why he threw out the case (56). "Wenn er sie nicht, durch falsche Angabe verführt, für eine völlig grundlose und nichts nutzige Plackerei gehalten hätte, kam er auf die gegenwärtige Lage der Dinge (56). Despite this, Herr Kunz points out that this mistake did not justify Kohlhaas' actions. Herr Kunz wanted to punish Kohlhaas and that Junker Wenzel should fatten his horses. Herr Kunz's insistence to push the blame on someone else emphasizes the idea that the state does not have clear responsibilities delegated to its members, since Herr Kunz did not feel the need to examine the matter any further and simply took Junker Wenzel's words at face value. Kleist seems to be casting doubt on Kant's idea that a system of government must divide up certain responsibilities into a judiciary, legislative and executive power. In Brandenburg, it is unclear as to where the separation lies, if there even is one. *Der Großkanzler des Tribunals*, Graf Wrede thought that the only way to deal with Kohlhaas was to respect him and to make good the mistake the state made (56-57). Thus, Graf Wrede is advocating for a restoration of the due process owed to Kohlhaas. And finally, Prinz Christian von Meissen feels that since state order has been so disrupted, the state needs to move beyond the institution of the courts and instead create a band of men to crush him.

Die Ordnung des Staats sei, in Beziehung auf diesen Mann, so verrückt, dass man sich sie schwerlich durch einen Grundsatz aus der Wissenschaft des Rechts entlehnt, werde einrenken können (57).

Meißen also suggests that Herr Kunz, along with various other officials, be arrested and tried for his mistake for mishandling Kohlhaas' case. As Herr Hinz von Tronka wonders how this issue could be so poorly handled by all the intelligent individuals in the room, he only receives “ungewisse[] Blicke[]” (58). Kleist demonstrates the confusion that the positive law can bring through empirical experience or interpretation. In any case, it is at least clear that there are two separate legal matters: the first one being Kohlhaas and his horses, and the second being Kohlhaas and his rebellion. If Kohlhaas's matter regarding the black horses is to be reconsidered, there is nothing stopping the state from still arresting and prosecuting him for taking justice into his own hands and causing violence and vandalism. The Elector approves of Graf Wrede's ideas and decides to restore due process to Kohlhaas (59). This incident is an example of how state institutions can be insufficient in resolving disputes. Another example occurs later in the narrative after Junker Wenzel is released from his temporary jail sentence and he is shamed publicly by his family. Junker Wenzel expressed remorse for the way he treated Kohlhaas and claimed that he did not really understand Kohlhaas' situation with his horses (63). Junker Wenzel's reaction further exemplifies the uncertainty of whether the state is competent enough to handle its citizens' complaints. Junker Wenzel's remorse could also be interpreted as superficial; he only shows remorse

because he knows that he will be held accountable, which is a stark contrast to his dismissive attitude toward Kohlhaas at Tronka Castle.

Kohlhaas re-embraces the positive law after having deemed himself an outcast earlier; this demonstrates that he is struggling with Kant's idea that people must come together to form a lawful society to protect them from the state of nature, or *Rechtlosigkeit* (MS 151). As soon as Kohlhaas is informed that he may attempt his case again against Junker Wenzel, he immediately disbands the gang of men that helped him with his rebellion and gives away various weapons and items he accumulated during his revenge (60). Kohlhaas' sudden shift from his personal maxim to again restoring his faith in the positive law seems almost as arbitrary as the state's mishandling of his case and amnesty that was granted to him. Perhaps this almost comical shift from a *Mordbrenner* to a dutiful citizen who is petitioning the government expecting his case to be heard demonstrates the unlikelihood that Kohlhaas will be taken seriously by the state. As Kohlhaas rejected the state of Brandenburg, he revolted against society by doing harm to it. According to Kant, once one leaves society, one cannot come back. However, Kleist's narrative seems to suggest that once one leaves society, one might possibly be able to return. For example, Kohlhaas' suit is considered even after he views himself as an outcast. Kohlhaas is even delivered a punishment as per the recommendation of the law at the time in Brandenburg- execution. Kohlhaas is also acknowledged by his fellow townsfolk as well, for as Kohlhaas returns to his farm at Kohlhaasenbrück a throng of people follow him so they can get a glimpse of the celebrity like Robin Hood that he has become:

Die Nachricht, dass der Würgengel da sei, der die
Volksbedrucker mit Feuer und Schwert verfolge, hatte ganz
Dresden, Stadt und Vorstadt, auf die Beine gebracht; man
musste die Haustür vor dem Andrang des neugierigen
Haufens verriegeln, und die Jungen kletterten an den
Fenstern heran, um den Mordbrenner, der darin frühstückte,
in Augenschein zu sehen” (61).

Kohlhaas is struggling with the Kantian notion of *Ungerechtigkeit*. In Kohlhaas’ case, he once considered himself a part of society, felt that he was cast out, and as soon as he is acknowledged by the state (his dealings with Luther and his amnesty) he is willing to restore his faith in the positive law and function within the framework of the justice system of Brandenburg. The likelihood that the state will also punish him for rebelling against society (even though Kohlhaas claimed he was cast out of society) indicates that if one leaves society, one will still be accountable for past actions. The public opinion also influences the attempt of the state to resolve Kohlhaas’ issues. For example, the state’s effort to locate Kohlhaas’ horses is a long drawn out process with many rumors surrounding it (65-66). After the pair of *Rappen* thought to be Kohlhaas’ is located, Kohlhaas himself is contacted to verify with his own eyes in a public forum that they are his (70). Unfortunately this proceeding results in a riot, as the townspeople assault the Chamberlain and rip off his uniform, essentially robbing him of his identity and undermining the integrity of the state proceeding. The riots are inspired because a Meister Himbolt resisted the Chamberlain’s orders to his cousin to lead Kohlhaas’ horses away to be restored to their original condition. The public expressed their disapproval with

violence, which as previously discussed, Kant would consider illegitimate. With this scene, Kleist seems to suggest that the state is incompetent of maintaining order even when it puts forth a good faith effort. Additionally, a cynical public opinion about Michael Kohlhaas' case develops in the wake of the riots, thus making the success of his case ever slimmer:

Dieser Vorfall, so wenig der Roßhändler ihn in der Tat verschuldet hatte, erweckte gleichwohl, auch bei den Gemäßigtern und Besseren, eine, dem Ausgang seiner Streitsache höchst gefährliche Stimmung im Lande. Man fand das Verhältnis desselben zum Staat ganz unerträglich, und in Privathäusern und auf öffentlichen Plätzen erhob sich die Meinung, dass es besser sei, ein offenbares Unrecht an ihm zu verüben, und die ganze Sache von neuem niederzuschlagen, als ihm Gerechtigkeit, durch Gewalttaten ertrotzt, in einer so nichtigen Sache, zur bloßen Befriedigung seines rasenden Starrsinns, zukommen zu lassen (73).

Prince Meissen even acknowledges that the sovereign's reputation was likely damaged by this riot, which indicates that the state is aware that the people are losing faith in the law. Due to the various officials involved in Kohlhaas' case, the state's position is inconsistent towards him. On one hand, Prince Meissen wants to make sure that Kohlhaas has a fair trial and ensure that his amnesty will not be violated, and on the other hand the

Junker Wenzel's family attempts to change the story to make the Junker seem innocent. The attempt at keeping the amnesty intact would still not guarantee Kohlhaas' safety:

Der Großkanzler, der gleichwohl die Gefahr, die über den Roßhändler schwebte, erkannte, tat sein Äußerstes, um die Sache desselben, bevor sie durch neue Ereignisse verwickelt und verworren würde, zu Ende zu bringen; dass aber wünschten und bezweckten die staatsklugen Ritter eben, und statt, wie zuvor, mit stillschweigendem Eingeständnis der Schuld, ihren Widerstand auf ein bloß gemildertes Rechterkenntnis einzuschränken, fingen sie jetzt an, in Wendungen arglistiger und rabulistischen Art, diese Schuld selbst gänzlich zu leugnen (79).

The state's inconsistencies demonstrate the problem that Kant discusses of an unjust government. Even the Prince of Meissen who wanted to make sure that Kohlhaas' amnesty was not violated does not have a consistent presence. As Kohlhaas addressed his permission to travel to his home in Kohlhaasenbrück for a week to the Prince of Meissen, he instead receives a response from the Baron Siegfried von Wenk (80). Eventually, Kohlhaas is in fact able to return home and finds that his house has more guards than usual surrounding it. Kohlhaas feels that this is merely a show of justice by the state (81), a hunch that turns out to be accurate as the state eventually breaks his amnesty (82).

As soon as Kohlhaas' amnesty is broken, he finds that he has become a prisoner of the state:

Kohlhaas fragte: ob er ein Gefangener wäre, und ob er glauben sollte, dass die ihm feierlich, vor den Augen der ganzen Welt angelobte Amnestie gebrochen sei? Worauf der Freiherr sich plötzlich glotzt im Gesichte zu ihm wandte, und indem er dicht vor ihn trat, und ihm in das Auge sah, antwortete, “ja! ja! ja!” – ihm den Rücken zukehrte, ihn stehen ließ, und wieder zu den Nagelschmidtschen Knechten ging (85).

This passage is significant because although the state official is able to confirm Kohlhaas' status as a prisoner, the *Freiherr* does not offer any other explanation to Kohlhaas' state and immediately turns his back to him. As the *Freiherr* turns his back to Kohlhaas, it further complicates Kohlhaas' situation since it seems meaningless, thus emphasizing how the state is acting in an arbitrary fashion. Because the state revoked Kohlhaas amnesty, Kohlhaas is actually relieved that he does not have to obey the restrictions of the amnesty (85). The revocation of his amnesty reawakens Kohlhaas' drive for justice through his inner maxims, which is further discussed in the second chapter.

With regards to punishment, Kant takes a retributivist position in his justification of punishment under criminal law (Potter 179). Kant thinks that one should be punished with the same harm that one has committed; this is also known as the *lex talionis*, which is like the Biblical “an eye for an eye,” a tooth for a tooth” (Potter 179). Kohlhaas' insistence on receiving his horses back in the same condition they were left is analogous

to Kant's ideas regarding punishment and compensation for crimes. Kant's take on punishment is the *Prinzip der Gleichheit*, or that the punishment must fit the crime:

Also: was für unverschuldetes Übel du einem Anderen im Volke zu fügst, das thust du dir selbst an. Beschimpfst du ihn, so beschimpfst du dich selbst; bestiehlst du ihn, so bestiehlst du dich selbst; schlägst du ihn, so schlägst du dich selbst; tödtest du ihn, so tödtest du dich selbst (MS 174).

Although Kohlhaas clearly disagrees with Kant with regards to rebellion, he clearly agrees to Kant's *Prinzip der Gleichheit*. An example of this is when Kohlhaas exclaims: "das sind die Pferde nicht, die dreißig Goldgülden wert waren! Ich will meine wohlgenährten und gesunden Pferde wieder haben!" is an extreme example of Kant's *Prinzip der Gleichheit* (12). Kohlhaas does not just want any healthy horses back, but wants his horses back in exactly the same condition in which he left them. Kohlhaas, being denied his request by the Junker, leaves two of his horses and rides the third home.

Er ließ die Gaule, ohne sich um sie zu bekümmern, auf dem Platz stehen, schwang sich, indem er versicherte, dass er sich Recht zu verschaffen wissen würde, auf seinen Braunen, und ritt davon (12).

For Kant, the types of incentives one has to follow a law are directly related to the type of law it is and therefore will also dictate its punishment. An externally imposed law is one that deals with *Recht*, and exists only as a rule of *Recht*. For example, the *Paßschein* law does not carry with it any sort of pre-existing moral duty, but rather exists externally from our moral consciousness (Any ethical duties surrounding this sort of law

merely originate from the duty to follow laws of *Recht*). On the other hand, another law that Michael Kohlhaas violates is one prohibiting violent public disturbance, which would in fact codify a moral duty according to Kant. This is because even before a law prohibiting violent public disturbance was in place, one would still have the duty to follow this principle. The *Rechtslehre*, however, does not consider any inner moral motivation within an individual, but rather it considers only the external or coercive motivations like punishment (Potter 180):

Kant, following in the social contract tradition of Hobbes, Locke, and Rousseau (and with differences from each), claims that we have an obligation to leave the state of nature, and enter into a political commonwealth. The purpose of this transition is so that the state can protect the rights to property and person that we already possess in the state of nature, but that are “provisional” and undefended so long as we remain in that state. That is, we are obliged to seek to create a commonwealth so that our rights and those of all others can be protected. The basic mechanism by which the state will protect these rights is the institution of criminal law, which forbids the broad range of acts that are violations of external rights, and which provides negative incentives through criminal punishment for violating those laws (Potter 183).

When Kohlhaas is charged with a breach of peace, he would eventually be sentenced to death by beheading, instead of his prior death sentence, which involved him being tortured before being burned. Dying by the sword was considered to be a more merciful death, which according to Kant would be the appropriate form of punishment for Kohlhaas. Kohlhaas does not object to his death sentence at the end of the novella since the state finally meets Kohlhaas' original goal of the Junker restoring his horses and being punished. It is as if Kohlhaas shares Kant's retributivist position on punishment; since his public disturbance has resulted in the death of others and destruction of personal property, it is only fair that he should die. Kant states that a criminal cannot complain that he is unfairly punished if his crime is merely brought back upon himself (MS 363). Kohlhaas does not complain, and Kleist's narrator even comments that his last days in jail were some of the most peaceful and content days of his life: "Demnach glich nichts der Ruhe und Zufriedenheit seiner letzten Tage" (117). Additionally, it would make Kohlhaas seem a more honorable figure according to Kant, because a man of honor would rather die than live in shame (MS 333-334). Kohlhaas also receives the blessing of the Holy Communion from Luther; however, Kleist's narrator indicates that the letter to this effect is "verloren gegangen" (117-118). Kohlhaas even follows typical legal matters one might do in preparation for death: he draws up a will and appoints a guardian for his children. Kohlhaas' reacceptance of the positive law after achieving his maxim seems to show that Kleist suggests that the distinction between the positive law and moral principles are not always so clear, for even Kohlhaas himself, who is so focused on his own view of justice, cannot seem to tell the difference.

Kleist also appears to question the accessibility or transparency of the positive law. According to Kant, laws should be formed with *a priori* reason rather than being determined by statute and the state should also be divided into the legislative, executive, and judiciary powers (MS 151). The legislative branch is the law-maker (*Gesetzgeber*), the executive power administers the law, and the judicial power acts as a judge of the law (MS 151). However, in Michael Kohlhaas, the appearance of the mysterious amulet brings this organization of government and law-making into question, as it is unexplainable due to its mysterious origin and holds the secrets to the Saxon lineage. The *Kurfürst* tries to obtain the amulet because he receives word that it is of significance, yet Kohlhaas keeps it from him even though he has never bothered to open the amulet and read the contents. Kohlhaas keeps up the struggle to protect the amulet until his death, when he consumes the paper just before he dies:

Kohlhaas löste sich, indem er, mit einem plötzlichen, die Wache, die ihn umringte, befremdenden Schritt, dicht vor ihn trat, die Kapsel von der Brust; er nahm den Zettel heraus, entsiegelte ihn, und überlas ihn [...] steckte er ihn in den Mund und verschlang ihn (121).

The amulet brings to question the accessibility of law and man's ability to tell the future. The contents of the paper remain a mystery not only to everyone in the novella, but also to the reader. It is quite possible that nothing was written on the paper. In any case, the paper is an inaccessible document. Kleist is making a reference to the core of the law as being inaccessible. Since the paper inside the amulet supposedly predicted the Saxon lineage, Kleist may also have been suggesting with the paper's inaccessibility that

although it is unlikely that anyone can accurately predict the future, humans have a fascination with prophecies. Kant disagreed with the ability to foretell the future, as he comments in *Der Streit der Fakultäten* that predicting future events can only be done with a priori reasoning and that this is only possible “wenn der Wahrsager die Begebenheiten selber macht und veranstaltet, die er zum Voraus verkündigt” (SdF 132). Kant’s idea of foreseeing the future in an *a priori* way would certainly leave out fortunetelling. However the amulet’s importance in the story emphasizes the fascination with just such fortunetelling. At one point in the story, the *Kurfürst* consults with two well-respected astrologists to help him get the amulet (116). Kleist seems to suggest that irrational concepts like prophecy or fortunetelling may influence a government’s actions or law-creation. Another example is when the Gypsy woman is trying to get Kohlhaas to give up the amulet to save his life, she hears the police coming and runs away with “plötzlicher Besorgnis” so she would not be caught (116). The narrative suggests that although humans may be influenced by prophecy, it cannot be openly mixed together in a government body.

Because Kohlhaas is not using his reason, his experience of the world is acted out in an arbitrary and capricious manner. The state’s lack of reason manifests itself in the arbitrary forming, and execution, of laws. The consequences of Kohlhaas’ rebellion, the arbitrary way his legal case was handled, and Kohlhaas’ eventual punishment and Kohlhaas entering and leaving the state of *Rechtlosigkeit* all confronts Kant’s ideas regarding freedom and the positive law.

CHAPTER III

MICHAEL KOHLHAAS AND THE INNER MORAL LAW

In his *Kritik der praktischen Vernunft* Kant seeks to outline a formula for morality and a theory of freedom. Kant asserts that it is possible for reason to guide one's behavior without relying on empirical evidence or experience when making moral decisions. Kant explains that one can solely rely on reason in order to form a moral judgment, and the practicality of applying reason to our decision making process would explain not only the title, but the focus of the *Kritik der praktischen Vernunft*:

Denn wenn sie als reine Vernunft wirklich praktisch ist, so
beweist sie ihre und ihrer Begriffe Realität durch die Tat,
und alles Vernünfteln wider die Möglichkeit, es zu sein, ist
vergeblich (KpV 3).

From the time Michael Kohlhaas discovers that his horses have been abused up until the time of his death, he seems to be following some sort of moral framework or principle. Kohlhaas develops a wild obsession not only with attaining justice for himself, but also for his community. Kohlhaas is aware of the “Ungerechtigkeiten [...] die täglich auf der Tronkenburg gegen die Reisenden verübt wurden” and therefore he decides to dedicate himself to the project, “Genugtuung für die erlittene Kränkung, und Sicherheit für zukünftige seinen Mitbürgern zu verschaffen” (12-13). The rest of the novella demonstrates that *Sicherheit* for Kohlhaas means his fellow citizens not having to suffer from arbitrary judgments, and the certainty that the legal institutions are fair. An ethical

standpoint for Kant dictates what one absolutely ought to do, which is determined through reason alone.

The heart of Kant's moral philosophy is found within a principle he formulates regarding pure practical reason, which is the Categorical Imperative: "Handle so, dass die Maxime deines Willens jederzeit zugleich als Prinzip einer allgemeinen Gesetzgebung gelten könne" (KpV 39). This rule seeks out to determine what one ought absolutely to do. Kant explains that "man soll schlechthin auf gewisse Weise verfahren" (KpV 40). Because the rule is unconditional, it is *a priori* and objective; therefore it is independent of empirical circumstances. The Categorical Imperative is not a method to decide on a set of actions to achieve a certain result (because this would be based on empirical circumstances), but rather it is a rule to be determined only through *a priori* reasoning. Laws developed through *a priori* reasoning are facts of reason, because they do not rely on empirical intuition.

Man kann das Bewusstsein dieses Grundgesetzes ein Faktum der Vernunft nennen, weil man es nicht aus vorhergehenden Datis der Vernunft, z.B. dem Bewusstsein der Freiheit (denn dieses ist uns nicht vorher gegeben) herausvernünfteln kann, sondern weil es sich für sich selbst uns aufdringt als synthetischer Satz *a priori*, der auf keiner, weder reinen noch empirischen, Anschauung gegründet ist, ob er gleich analytisch sein würde, wenn man die Freiheit des Willens voraussetze, wozu aber, als positivem Begriffe,

eine intellektuelle Anschauung erfordert werden würde, die man hier gar nicht annehmen darf (KpV 41).

If we apply Kant's Categorical Imperative to Kohlhaas' actions to see if his actions would be fit for universal law, it is immediately apparent that they are not suitable for practical law. This is because of the obvious realization that one should not be able to burn down towns because one has been treated unfairly. Thus, Kohlhaas lives on principle, or maxim. For Kant, a maxim is different from a practical law, since a maxim is a rule that has a particular result in view in order to achieve a specific end that one stays true to. For Kant, maxims do not have an ethical content to them, so Kohlhaas' fixation on his principle of "Genugtuung für die erlittene Kränkung, und Sicherheit für zukünftige seinen Mitbürgern zu verschaffen" does not necessarily make him ethical (12-13). Since both Kohlhaas' actions and the motivational force driving Kohlhaas (or the fact that he lives by maxims) is a Kantian maxim, it seems as if Kleist wants to show us a world where Kantian motivation for the categorical imperative is not always readily apparent. The complexity and particularity of Michael Kohlhaas' situation exemplifies how Kant's system of ethics is too abstract to serve as a reliable way to make a moral choice and demonstrates limitations to reason. Kleist's novella achieves this in various ways. Through the character of Michael Kohlhaas, Kleist tells the story of an educated man who is capable of thinking rationally and believes he does so throughout the entire novella; however, the extremist nature of his actions show that he is incapable of removing himself from his personal circumstances and therefore unable to separate himself from rational thought. This demonstrates a discrepancy between the moral character and empirical experience, which is introduced at the beginning of the novella as Michael

Kohlhaas is described as “einer der rechtschaffensten zugleich und entsetzlichsten Menschen seiner Zeit”. Kleist even explains the consequences of Kohlhaas’s extremist sense of justice: “sein “Rechtgefühl aber machte ihn zum Räuber und Mörder” (3). This opening description of Kohlhaas

[...] is a conundrum not untypical of Kleist’s narratives as a whole. Contrasts are initially drawn in stark opposition to one another and propel the narrative to a conclusion that may or may not involve a resolution of such opposites. This is certainly so in the case of the character of Kohlhaas, where it is at first not obvious how innate “rectitude” (Rechtschaffenheit) could at all connect with “loathsomeness” (Entsetzlichkeit). The story announces a psychological dimension, inviting the reader to investigate Kohlhaas’ character in search of an answer to the conundrum, even if the exact nature of the loathsome rectitude or the upright loathsomeness still has to emerge in the course of the narrative (Mehigan 72).

Kleist shows in the character Michael Kohlhaas that even the most *rechtschaffende* person is not necessarily moral, but rather can at the same time be the most loathsome. In Michael Kohlhaas, Kleist creates a world in which there is no room for Kantian motivation; Kleist’s and Kant’s views of human nature are ultimately at odds. Kohlhaas following the maxims he develops throughout the novella results in him resolving his original complaint about his horses, however he achieves this at the expense of his own

life. The significance of Kohlhaas losing his life at the end raises important questions relating to the maxims by which Kohlhaas himself had lived and also the justice system that tried him. Kohlhaas develops his maxim to avenge those at Tronka Castle who wrongfully abused his horses only after he had a bad encounter with the Tronka Castle guards. In other words, Kohlhaas creates his ideals through an earth-shattering experience and he keeps creating new maxims throughout the novella as his situation changes; Kleist seems to be making a commentary on Kohlhaas' confrontation with his own reality and moral code as a result of the empirical world:

All [of Kleist's] Novellen are expressions of metaphysical problems - not psychological problems primarily, though psychology plays a part in them. In all of the Novellen the characters are confronted with a situation, which shatters their belief in the world order and produces in them a state of mind which may be described as an agonized questioning in respect of the sum total of things. (Bennett)

Kant explains that the difference between a subjective maxim and an objective practical law is one of subjectivity and objectivity. A maxim for Kant is subjective because its formation takes into account an individual's perspective and personal circumstances, whereas a practical law is considered objective because it is formed considering the will of every rational being:

Praktische Grundsätze sind Sätze, welche eine allgemeine Bestimmung des Willens enthalten, die mehrere praktische Regeln unter sich hat. Sie sind subjektiv oder Maximen,

wenn die Bedingung nur als für den Willen des Subjekts gültig von ihm angesehen wird; objektiv aber oder praktische Gesetze, wenn jene als objektiv, d.i. für den Willen jedes vernünftigen Wesens gültig erkannt wird (KpV 24).

As Michael Kohlhaas tries to redress the wrong he suffered by having his horses abused and being fooled into thinking he needed a passport to cross the Brandenburg border, he vows to ensure that the atrocities at Tronka castle stop happening to both himself and others in his community. Kohlhaas' desire to not only seek justice for himself, but also for others would make him appear to be acting within the scope of a Kantian practical, and thus universal, principle. However, for Kant, a practical principle can only come from reason, which is why it applies to everyone, in contrast to principles formed through experience, like a religious moral code (KpV 24). Throughout the novella, whenever Kohlhaas confronts divinely inspired morality (for example, the piece of scripture his wife reads on her death bed or the figure of Martin Luther) he resists it and instead attempts to use his own reason to determine what he ought to do in his particular situation.

Despite Kohlhaas' dire situation, the decisions and principles he forms could not be considered Kantian universal principles because not only are these principles formed by empirical circumstances, but they cannot be considered as acceptable for everyone under all circumstances to repeat. In his *Kritik der praktischen Vernunft* Kant gives the example of someone adopting the maxim to not tolerate any unavenged offense to exemplify how this concept cannot be considered an objective practical law that can be

adopted for the will of every rational being because it would be inconsistent (KpV 24). This is because the circumstances of not tolerating any unavenged offense would differ from person to person and thus not be based on a universal principle. Kant describes practical rules as a product of reason because actions are always thought out to achieve a certain result: “Die praktische Regel ist jederzeit ein Produkt der Vernunft, weil sie Handlung als Mittel zur Wirkung als Absicht vorschreibt” (KpV 24). This example is very relevant to Kohlhaas’ legal problem, and in its light we could assume Kant to argue that Kohlhaas is living by maxims, and not by a practical universal law. Kohlhaas does, however, experience a desire to be moral:

Denn ein richtiges, mit der gebrechlichen Einrichtung der Welt schon bekanntes Gefühl machte ihn, trotz der erlittenen Beleidigungen, geneigt, falls nur wirklich dem Knecht, wie der Schloßvoigt behauptete, eine Art von Schuld beizumessen sei, den Verlust der Pferde, als eine gerechte Folge davon, zu verschmerzen. Dagegen sagte ihm ein ebenso vortreffliches Gefühl, und dies Gefühl fasste tiefere Wurzeln, in dem Maße, als er weiter ritt, und überall, wo er einkehrte, von den Ungerechtigkeiten hörte, die täglich auf der Tronkenburg gegen den Ungerechtigkeiten hörte, die täglich auf der Tronkenburg gegen die Reisenden verübt wurden: dass, wenn der ganze Vorfall, wie es allen Anschein habe, bloß abgekartet sein sollte, er mit seinen Kräften der Welt in der Pflicht

verfallen sei, sich Genugtuung für die erlittene Kränkung,
und Sicherheit für zukünftige seinen Mitbürgern zu
verschaffen (13).

Experiencing a universal vision justice does not however mean that one is in a position to enact practical laws with this type of reasoning. When Kohlhaas learns about the injuries his servant Herse suffered while looking after the horses, Kohlhaas does not react emotionally but instead seems to attempt to operate from an objective point of view. Instead of immediately believing the story he was told by his wife that Herse was abused, Kohlhaas instead investigates the matter for himself, even after seeing Herse's injuries. Kohlhaas asks Herse a series of questions about what happened, which almost seems to be like putting Herse through a tribunal. Only after he has reconfirmed what happened to Herse, Kohlhaas decides to write a letter to the Junker Wenzel von Tronka to settle the matter:

Hier verfasste er, mit Hülfe eines Rechtsgelehrten, den er kannte, eine Beschwerde, in welcher er, nach einer umständlichen Schilderung des Frevels, den der Junker Wenzel von Tronka, an ihm sowohl, als an seinem Knecht Herse, verübt hatte, auf gesetzmäßige Bestrafung desselben, Wiederherstellung der Pferde in den vorigen Stand, und auf Ersatz des Schadens antrug, den er sowohl, als sein Knecht, dadurch erlitten hatten. Die Rechtssache war in der Tat klar (19).

Kohlhaas however doesn't just seek justice for those closest to him like Herse but also for all the people who have been wronged at Tronka Castle. At this point in the novella, it appears that Kohlhaas is in fact adopting a Kantian universal perspective. The way in which Kleist words this passage seems to indicate that Kohlhaas isn't just personally motivated. The ambiguity of Kohlhaas' motivations seems to be a commentary by Kleist regarding the ambiguity of Kantian morality.

As the revenge of Michael Kohlhaas begins to unfold, Kleist inserts commentary that emphasizes Kohlhaas' shift in his concept of justice in Brandenburg as it has revealed itself in his legal case. As Kohlhaas and Herse return to Tronka Castle to search for the Junker Wenzel, Kleist's narrator writes: "Der Engel des Gerichts fährt also vom Himmel herab" (33). Kleist calling Kohlhaas an angel of judgment before he terrorizes Tronka castle and kills some of the people in it makes it clear Kohlhaas is seeking righteousness outside of a system that failed him, which Kant would disagree with as he argues against rebellion in *Metaphysik der Sitten*. Kohlhaas feels that the complications he experienced in filing his legal case have taken away any sense of freedom he might experience under protection of the sovereign in the Kantian sense, which causes him to take matters into his own hands. Perhaps Kleist describing Kohlhaas as an angel descending from heaven is a mockery of his self-righteousness or boldness. It nevertheless represents that Kohlhaas has turned inward to his own personal values and his desire to resolve his legal issue through his personal principles and maxims.

Kohlhaas' perceived unreliability of the positive laws of Brandenburg and his subsequent violent reaction emphasizes the Kantian connection between justice and order. When Kohlhaas' petition is rejected he feels that he was unjustly treated and that

therefore the state of Brandenburg lacks any sort of order, making his violent actions justifiable: “Mitten durch den Schmerz, die Welt in einer so ungeheueren Unordnung zu erblicken, zuckte die innerliche Zufriedenheit empor, seine eigne Brust nunmehr in Ordnung zu sehen” (24). As previously mentioned, the Rechtslehre addresses how societies form laws to protect men from an unregulated state of nature; Kohlhaas’ reaction to the rejection his petition and the crimes he subsequently commits in order to gain justice indicate that he has shifted his focus from the positive laws of Brandenburg to his own moral motivations. At this point for Kohlhaas, he does not just want his horses back, but rather he wants the right to get his horses back (Mehigan 77). He becomes someone, “dem es nicht um die Pferde zu tun war – er hätte gleichen Schmerz empfunden, wenn es ein Paar Hunde gegolten hätte” (23). Another example of Kohlhaas becoming obsessed with his principle is after Tronka Castle is burned down and Kohlhaas violently forces a stable boy to rescue the Rappen from the burning shed.

Gleichwohl, als der Knecht schreckenblaß, wenige Momente bevor der Schuppen hinter ihm zusammenstürzte, mit den Pferden, die er an der Hand hielt, daraus hervortrat, fand er den Kohlhaas nicht mehr; und da er sich zu den Knechten auf den Schloßplatz begab, und den Roßhändler, der ihm mehreremal den Rücken zuehrte, fragte: was er mit den Tieren nun anfangen solle? – hob dieser plötzlich, mit einer fürchterlichen Gebärde, den Fuß, dass der Tritt, wenn er ihn getan hätte, sein Tod gewesen wäre: bestieg, ohne ihm zu antworten, seinen Braunen, setzte sich unter

das Tor der Burg, und erharrte, inzwischen die Knechte ihr
Wesen forttrieben, schweigend den Tag (34-35).

Kohlhaas' behavior in this passage indicates that he has become obsessed with his principle of living in an orderly and just Brandenburg; for Kohlhaas this means having the right to have his horses back. Even though he already has them, he is still not satisfied because he still wants to see the Junker von Wenzel punished. So, because Kohlhaas does not feel that the positive laws of Brandenburg offer protection to its citizens, which he has the right to reject all of the laws of Brandenburg by causing a public disturbance in order to get what he wants. This even drives him to publish his first *Kohlhaasisches Mandat* which constitutes an attempt by Kohlhaas to draft his own legislation for his own purpose, stating that the Junker Wenzel von Tronka must be turned over to Kohlhaas and anyone hiding him will be punished on pain of death (35). Kohlhaas releases several more *Mandats* after his first, using different ways to address the people in order to get their attention. One was addressed to "jeden guten Christen" and another he described himself as "einen Reichs – und Weltfreien, Gott allein unterworfenen Herrn" which Kleist describes Kohlhaas' behavior as "eine Schwärmerei krankhafter und mißgeschaffener Art" (38). Despite Kohlhaas' fanaticism, Kohlhaas had gained a group of about 30 men who supported him (38).

As previously stated, Kohlhaas' motivations for his quest for justice would be considered a Kantian maxim because they are based on material circumstances and not universal accepted principles. Kant emphasizes that material circumstance (Begehrungsvermögen) is empirical, so it cannot be considered a practical law. When the conception of a particular outcome or "Begehrungsvermögen" precedes the practical rule,

then this must be empirical according to Kant because it was not derived from *a priori* thought (KpV 26). Michael Kohlhaas creates another manifesto that is based on his desire to not only achieve justice, but to punish the Junker Wenzel von Tronka. Kleist emphasizes how obsessed with his cause Kohlhaas has become at this point because he presents himself as

einen Statthalter Michaels des Erzengels, der gekommen sei, an allen, die in dieser Streitsache des Junkers Partei ergreifen würden, mit Feuer und Schwert, die Arglist, in welcher die ganze Welt versunken sei, zu bestrafen (45).

Kleist also describes how Kohlhaas signed his manifesto with a certain fury: “Gegeben auf dem Sitz unserer provisorischen Weltregierung, dem Erzschlosse zu Lützen (45). The way that Kohlhaas signed his manifesto is an attempt to raise his authority as originating outside and above the state. He thinks his authority is outside the realm of the sovereign as he mentions a “world order”. This demonstrates how Kohlhaas has rejected state authority to embrace his inner maxims, which he not only holds himself to, but he also projects them onto the world. His inner maxims are also directly connected to his happiness and well-being, which according to Kant, cannot serve as a practical principle. Seeking happiness or positive experiences, according to Kant, is founded in self-love (KpV 27). Seeking happiness depends on prior experiences and not someone’s understanding of an object or concept (KpV 27):

Die Lust aus der Vorstellung der Existenz einer Sache, sofern sie ein Bestimmungsgrund des Begehrens dieser Sache sein soll, gründet sich auf der Empfänglichkeit des

Subjekts, weil sie von dem Dasein eines Gegenstandes abhängt; mithin gehört sie dem Sinne (Gefühl) und nicht dem Verstande an, der eine Beziehung der Vorstellung auf ein Objekt nach Begriffen, aber nicht auf das Subjekt nach Gefühlen ausdrückt (KpV 22).

Kohlhaas' failures in pursuit of his legal case cause him to focus on his own maxims to achieve justice, which seems to be linked to Kohlhaas' happiness as well. After the state revokes Kohlhaas' amnesty, Kohlhaas receives correspondence from Nagelschmidt and he reverts back to relying on his inner maxims. However, Kohlhaas has begun to lose hope and is no longer obsessed with acting as a Robin Hood-like figure against the state of Brandenburg and Tronka Castle, but rather wishes to flee and search for his own personal happiness:

Seine Absicht war, mit seinen fünf Kindern nach Hamburg zu gehen, und sich von dort nach der Levante oder nach Ostindien, oder so weit der Himmel über andere Menschen, als die er kannte, blau war, einzuschiffen: denn die Dickfütterung der Rappen hatte seine, von Gram sehr geleugte Seele auch unabhängig von dem Widerwillen, mit dem Nagelschmidt deshalb gemeinschaftliche Sache zu machen, aufgegeben (89).

According to Kant, Kohlhaas' desire for personal happiness could not become the basis for a practical law. To explain this concept, Kant gives the example of the man who wants to spend money; the man does not care where the gold was mined as long as he can

spend the gold anywhere and everywhere it has the same value. This metaphor relates to Kohlhaas, because like Kohlhaas, the man spending the money is not interested in sense or understanding (“Verstandes- oder Sinnesvorstellungen”), but instead focused on how much pleasure he can find (KpV 29). Likewise, Kohlhaas is not necessarily focused on making sense of his legal problem anymore, but rather is seeking a place where he can find personal happiness. Kant argues that a desire or even demand of happiness cannot be a law, because achieving happiness does not have the same determining ground for the will of all rational beings in all situations (KpV 31-32). Kant explains:

Denn obgleich der Begriff der Glückseligkeit der praktischen Beziehung der Objekte aufs Begehrungsvermögen allerwärts zum Grunde liegt, so ist er doch nur der allgemeine Titel der subjektiven Bestimmungsgründe und bestimmt nichts spezifisch, darum es doch in dieser praktischen Aufgabe allein zu tun ist, und ohne welche Bestimmung sie gar nicht aufgelöst werden kann (KpV 32).

Thus, practical precepts based on happiness or achieving happiness can never be universal because they cannot be considered to be based on universal principles (KpV 32). Kant explains that principles of self-love or desire may contain a universal rule of skill (*Geschicklichkeit*), but are merely theoretical. So, Kohlhaas’ search for happiness may be considered a theoretical principle or rule. Kohlhaas wanting justice through rebellion is not a practical principle based on will, but rather a possible action that may bring about a certain outcome (KpV 32-33). Even if Kohlhaas can show the others

engaging in a sort of vigilante justice along with him are unanimous in their desires for happiness, according to Kant they still cannot form the basis for practical law because their unanimity is contingent on something, which in this case would be unfair execution of the laws and denying citizens due process in Brandenburg (KpV 33). Kant maintains therefore that there may be no practical laws based on desires, but merely advice on how to achieve our desires; one cannot elevate a subjective principle to a practical law: So würde das Prinzip der Selbstliebe dennoch von ihnen durchaus für kein praktisches Gesetz ausgegeben werden können; denn diese Einhelligkeit wäre selbst doch nur zufällig (KpV 33).

Kohlhaas is not the only one in Kleist's novella who is driven by maxims in an attempt to gain happiness and protection of the law. The *Kurfürst* along with Lady Heloise encounters Kohlhaas one day after a hunting trip as he is lodging outside of Dresden. As Lady Heloise inquires about the amulet around his neck, he recounts the story of a gypsy woman who gave the amulet to him. Never having seen the mysterious gypsy woman before, he learned from her that the object was „Ein Amulet, Kohlhaas, der Roßhändler; verwahr es wohl, es wird dir dereinst das Leben retten!“ (97) The narrative at this point reveals that Kohlhaas throughout the entire novella has been safeguarding this mysterious amulet that contained a prophecy indicating the identity of the last ruler of the Saxon lineage, yet he never even bothered to read this prophecy even out of curiosity. This moves the *Kurfürst* to the point of unconsciousness:

Er müsse ihm nur gestehen, dass der Anblick eines
nichtigen Zettels, den der Mann in einer bleiernen Kapsel

mit sich führe, schuld an dem ganzen unangenehmen Zufall sei, der ihm zugestoßen (98).

At this point, the *Kurfürst* develops the intention, or maxim, to uncover the content of the paper inside Kohlhaas' amulet. The *Kurfürst* is so obsessed with this goal that he is willing to take advantage of his power to do this. He tries to influence Kohlhaas' case in a positive way so Kohlhaas will not be sentenced to death; the *Kurfürst* even tries to pardon Kohlhaas for his crimes in exchange for the amulet (101). Once Kohlhaas learns that a man of high rank like the *Kurfürst* wants to get his amulet, Kohlhaas develops a new maxim to guard it further and refuses to give in to any bargain from the *Kurfürst*:

Der Roßhändler sagte, eingedenk der unedelmütigen und unfürstlichen Behandlung, die er in Dresden, bei seiner gänzlichen Bereitwilligkeit, alle nur möglichen Opfer zu bringen, hatte erfahren müssen: dass er den Zettel behalten wolle (101).

It is significant that Kohlhaas develops this maxim purely out of a reaction to counter the *Kurfürst*'s desire to have the amulet. Kohlhaas is so blinded by his maxim that he loses sight of the amulet's intended purpose. The mysterious gypsy woman appears again and advises him to give up the amulet not just for his own sake, but the sake of his children, as she had prophesied that it would one day "[sein] Leben retten" (97). He insists that he is in fact staying true to his principle of not giving up the amulet for his children, as even they would approve of his decision when they were older (115). He then shares another maxim:

“Wer mir sein Wort einmal gebrochen,” sprach er, “mit dem wechsele ich keins mehr, und nur deine Forderung, bestimmt und unzweideutig, trennt mich, gutes Mütterchen, von dem Blatt, durch welches mir für alles, was ich erlitten, auf so wunderbare Weise Genugtuung geworden ist” (115).

If one thinks of a maxim as a practical universal law, it can really only be because of the form of the maxim, and not the content of the maxim, as Kant explains:

Also kann ein vernünftiges Wesen sich seine subjektiv-praktischen Prinzipien d. i. Maximen entweder gar nicht zugleich als allgemeine Gesetze denken, oder es muß annehmen, dass die bloße Form derselben, nach der jene sich zur allgemeinen Gesetzgebung schicken, sie für sich allein zum praktischen Gesetze mache (KpV 34).

Kohlhaas' above maxim is a principle formed by a will based on empirical circumstances (his lack of success to have his lawsuit dealt with in a serious manner) so his principle cannot be universal. Additionally, Kohlhaas keeps developing new maxims that progress along with this empirical experience in the novella. According to Kant, Kohlhaas' maxim could never serve as a universal principle. Kohlhaas' maxim also causes him to lose sight of the intended life-saving purpose of the amulet. Kohlhaas now is motivated by two maxims: the return of his healthy horses and protecting his amulet. Kleist seems to be giving a cynical example though the character of Kohlhaas that justice and moral principles are only available to mankind on pain of death, and even when they are achieved they do not necessarily bring one happiness or moral freedom. Mehigan writes:

There is a deep sense of irony in the outcome to this story in which Kohlhaas, to whom respect for his person and the conduct of his lawsuit are supremely important, is obliged to consent to his own beheading. In a scene of primal violence, Kohlhaas literally achieves – that is precisely his destiny as a rational man – both the status of the lifeless marionette, and the “infinite” (but also disembodied) consciousness of a god (Kohlhaas is given foreknowledge of the future lineage of the Saxon dynasty). The final outcome of rational self-consciousness, for all its benefits for Kohlhaas personally, thus cannot be construed as beneficial for the rest of human kind (Mehigan 28-29).

Michael Kohlhaas’ situation shows how Kant’s system of ethics is too abstract to serve as a reliable way to make a moral choice and demonstrates limitations to reason. Although Kohlhaas has attempted to use his reason throughout the entire novella, in order to obtain justice he must die at the end. The inability of Michael Kohlhaas to remove himself from his personal circumstances prevents him from separating himself from his rational thought. Since the lack of universality of Kohlhaas’ actions and the motivational force driving Kohlhaas does not make his actions fit to be universal laws, it seems as if Kleist is questioning the circumstances for creating both positive laws and moral practical principles with Kant’s method, which is exclusively using a priori reasoning. Kohlhaas is an educated man, yet his inability to remove himself from his personal circumstances escalates to the point where Kleist’s novella questions whether one can possibly separate

oneself from one's circumstances to not only make rational moral decisions, but also to enable the state to make rational laws. The discrepancy between the moral character and empirical experience, or between a piece of legislation on paper and how it will be enforced, demonstrates a limit to reason in the Kantian moral system.

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