



The Specter of Michael Kohlhaas: The Nebula of Legality, Legitimacy and the Sense of Justice in Heinrich von Kleist's Novella and Antú Romero Nunes' Theater Play

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ABSTRACT

This article analyzes the dramaturgical perspective of Heinrich von Kleist's novella and General Art director of Thalia Theater Antú Romero Nunes' play Michael Kohlhaas in the sense of modern law and justice, the conflict between sovereignty and legitimacy, and the relationship between force and right. Both the novella and play of Michael Kohlhaas question the conflict of legality, legitimacy, and the sense of justice. Since the story of Kohlhaas has been a canonical work for both different artistic productions and sociology of law for two centuries, this article offers a conversation among Kleist's novella, Nunes' play, and the sociological analysis of modern law. From an interdisciplinary point of view, the article examines the construction and interpretation of the story of Michael Kohlhaas.

Keywords: Antú Romero Nunes, Heinrich Von Kleist, Legitimacy, Michael Kohlhaas, Sociology of Law



Introduction

*For who would bear the whips and scorns of time,
Th'oppressor's wrong, the proud man's contumely,
The pangs of dispriz'd love, the law's delay,
The insolence of office, and the spurns
That patient merit of th'unworthy takes,
When he himself might his quietus make
With a bare bodkin? Who would fardels bear,
To grunt and sweat under a weary life*

Hamlet, Act III, Scene I
William Shakespeare

A specter is haunting the modern world — the specter of Michael Kohlhaas. The concepts of legality, legitimacy, and sense of justice melt into the air when the story of Kohlhaas is heard. The Michael Kohlhaas' rebellion whispers to our hearts, minds, and consciousness. The world that suffers from injustice looks for a solution by dreaming Kohlhaas again and again. In a sense, *Michael Kohlhaas* became a milestone like Oedipus, Antigone, Hamlet and Faust.

In this article, I am going to analyze the dramaturgical perspective of Heinrich von Kleist's novella and General Art Director of Thalia Theater Antú Romero Nunes' adaptation play from the foci of modern law and justice, the monarchs' absolute and divine power on legislation, the conflict between sovereignty and legitimacy, the relationship between force and right. Put in different words, I am going to trace the echo of Kleist's novella in Nunes' play. My analysis is going to be based on an understanding of law and justice, and the conflicts of Michael Kohlhaas as a character. Since the story of Kohlhaas has been a kind of canonical work for both different artistic productions and the sociology of law for two centuries, I will articulate a conversation among Kleist's novella, Nunes' play, and sociological analysis of modern law. I aim to contribute to the interdisciplinary study of law, literature, and theater by focusing on the dramaturgical and sociological analysis of both Kleist's novella and Nunes' play.

A brief introduction to Kleist's novella and its interpretations

Heinrich von Kleist's novella *Michael Kohlhaas* was based on a 16th-century story of Hans Kohlase. The fragments of the work were published in the literary journal named *Phöbus* in June 1808, and the story was published as a book in 1810.¹

1 Wikipedia. 2020. "Hans Kohlase" Last modified September 28, 2020. https://en.wikipedia.org/wiki/Hans_Kohlase

The reason that Kleist's novella is one of the significant literary pieces of the 19th century is due to the ways in which it questions the relationships between the individual, society, state, and law. Regarding these concepts, Kleist makes readers think about justice, equity, legitimacy, and right and wrong. The book, *Michael Kohlhaas*, is one of the first examples of modern literature centered on the questions of the role of law in social and political structures. In the book, despite the character Kohlhaas living in the 16th century, we see the direct connections between Kleist's novella and the concept of modern law. Moreover, Kleist's references to Jean-Jacques Rousseau's *On the Social Contract; or Principles of Political Rights* are clear throughout the book. Kleist looks at Michael Kohlhaas' period from the perspective of the Enlightenment era. The historical period which the character Michael Kohlhaas lived in was the period of the emergence of Protestantism as a religious and political power. As a writer and public figure, Kleist's novella influenced the discussions of the Prussian Law reforms.

The novella *Michael Kohlhaas* has affected many scholars, writers, and directors in the respective fields of philosophy, history and sociology of law, literature, cinema and theater. Kleist's novella *Michael Kohlhaas* has always been a reference guide for academic studies from various perspectives such as the concept of justice, legitimacy, the rise of Protestantism, and the political history of Germany. In addition to that, in the literature field, the writers and directors are also inspired by the story of Michael Kohlhaas:

*Franz Kafka sees Kohlhaas' story as a tragedy of the modern individual. He says that he "could not even think of" this work "without being moved to tears and enthusiasm."*² John Maxwell Coetzee's book *Life and Times of Michael K* is an answer to *Kohlhaas*.³ The story of *Michael Kohlhaas* influenced E. L. Doctorow's 1975 novel *Ragtime*, which uses similar plot elements and has a protagonist named "Coalhouse Walker". Doctorow himself called his book "a quite deliberate homage" to Kleist's story.⁴ Andrey Zvyagintsev's movie *Leviathan* (2014)⁵ gives references to not only Thomas Hobbes' *Leviathan* but also Kleist's novella.⁶

The play *Kohlhaas* (1990) was an adaptation of the book by playwright and actor Marco Baliani.⁷ The novella was filmed by Volker Schlöndorff titled *Rebel* in 1969⁸ and by Arnaud

2 Richard Clark Sterne, *Dark Mirror: Sense of Injustice in Modern European and American Literature* (New York: Fordham University Press, 1994), 180.

3 Peter Horn, "Michael K.: Pastiche, Parody or the Inversion of Michael Kohlhaas" *Current Writing* 17/2 (2006), 56–73.

4 Neiman Reports, "Ragtime Revisited", in *Conversations with E.L. Doctorow*. Ed. Christopher D. Morris (University: University Press of Mississippi, 1999), 124.

5 Carmen Gray, "Breaking the waves: Andrey Zvyagintsev on his award-winning film *Leviathan*" *Calvert Journal*, Accessed 14.09.2020 <https://www.calvertjournal.com/articles/show/3315/russian-film-director-andrey-zvyagintsev-leviathan>

6 Wikipedia. 2020. "Michael Kohlhaas", Last modified September 29, 2019. https://en.wikipedia.org/wiki/Michael_Kohlhaas

7 Marco Baliani "Michael Kohlhaas" Marco Baliani, Accessed 14.09.2020, <http://www.marcoaliani.it/evento/kohlhaas-san-marino/>

8 IMDb, "Volker Schlöndorff", Accessed 15.09.2020, <https://www.imdb.com/name/nm0772522/>

des Pallières in 2013⁹. And in 2018, Antú Romero Nunes could not resist the inspiring call of Michael Kohlhaas and staged an interpretation in the Thalia Theater, Hamburg.

The story of the novella is based on the life of Hans Kohlhaas, “*a merchant whose grievance against a Saxon nobleman developed into a full-blown feud against the state of Saxony.*”¹⁰ Hans Kohlhaas was executed in 1540 for infringement of the Eternal Peace of 1495.¹¹ Kleist takes this real story as a basis and discusses concepts such as state authority, justice, law, and ethics in his book.

In the book, Michael Kohlhaas is a horse dealer who wants to cross a border to sell his horses. Lord Junker Wenzel von Tronka, who is a board guardian lord, asks for a permit from Kohlhaas despite there being no legal need for such permission. Kohlhaas leaves two horses and his servant Herse to take care of the horses. Martin Swales summarizes the rest of the story as:

When he returns, it is to discover that both the servant and the horses have been scandalously mistreated. From that point on Kohlhaas commits himself entirely to the quest for justice. His wife takes a petition to Berlin on his behalf, but, in her eagerness to press through the crowd she offends one of the guards who pushes her back with his lance. She returns home, gravely wounded and dies. Kohlhaas attacks the castle of the Junker and goes on brutally to sack a number of towns in order to find the Junker – but without success. He is discredited because his campaign is linked with the criminality of Nagelschmidt and his outlaws. When the two horses are discovered at a knacker’s yard, the disproportion between the obsessive fury of Kohlhaas’ campaign for justice and its immediate cause becomes clear. Finally, in part as the result of an intervention by Martin Luther, Kohlhaas is granted an amnesty, and his case is heard. He accepts the judgment that he must be executed for the destruction he has caused, but his complaint against the Junker is fully upheld, and the two horses, restored to their previous perfect condition, are returned to him.¹²

When Kohlhaas meets with Martin Luther, he sets out three conditions: first, his trial with Tronka must be repeated, his horses must be returned in the same condition as they were when captured by Tronka, and compensation must be paid to his servant Herse. While he is waiting for the trial, one of his former companions Nagelschmidt, who was fired by Kohlhaas because of his crimes, loots some towns for his own profit. Kohlhaas is linked with the criminality of Nagelschmidt and his outlaws. At the trial, Kohlhaas’ demands (the return of his two horses and compensation for his servant) are accepted but he is sentenced to death because of his rebellious actions. He accepts the judgment with all consequences. Just before the execution, Kohlhaas stages an act of revenge:

9 IMDb, “Arnaud des Pallières, Accessed 15.09.2020, https://www.imdb.com/name/nm0220774/?ref_=nv_sr_srsrg_0

10 Wikipedia. 2020. “Hans Kohlhaas” Last modified September 28, 2020. https://en.wikipedia.org/wiki/Hans_Kohlhaas

11 Ibid.

12 Martin Swales, “On Michael Kohlhaas” German Literature, Accessed 14.09.2020, <https://www.germanliterature.com/19th-century/kleist/michael-kohlhaas>

*One of his final acts involves revenge; a gypsy woman has given him a capsule containing a roll of paper that predicts the future destiny of the Elector of Saxony, one of Kohlhaas' chief adversaries. The Elector hopes to acquire the piece of paper, but Kohlhaas defiantly swallows it before going to his death.*¹³

Kleist's book ends with a paragraph about Kohlhaas' children and their lineage. Kleist describes the grandsons of Kohlhaas as happy and proud people who still live in Mecklenburg. Nunes' play starts four centuries after the original story of Hans Kohlhaas and two centuries after the publishing of Kleist's novella. The director summarizes the plot of the play as:

*The Kohlhaas brothers independently run an import-export business. During the celebration of the company anniversary, a message arrives that changes everything. The trade of the Kohlhaas brothers is at stake. What to do? You remember the old family story, Kohlhaas, the horse dealer. The history of Kohlhaas provides them with a justification and higher legitimacy for their actions.*¹⁴

At the beginning of the play, an external voice reads a quote from Kleist's book:

*On the banks of the Havel, about the middle of the sixteenth century, lived a horse-dealer, named Michael Kohlhaas. He was the son of a schoolmaster, and was one of the most honest, while at the same time he was one of the most terrible persons of his period.*¹⁵

After that, we see a guillotine execution. It is the same guillotine that killed Michael Kohlhaas four centuries ago. The end of Michael Kohlhaas' life became the beginning of his legend. Nilgün Firidinoğlu interprets the opening of the play as:

*"I'm going to tell the story you know in a different way," Nunes tells us. Suddenly falling guillotine blade cuts Kohlhaas' head. The execution imagines the opposite rather than a break and a solution: it is a historical continuity. The guillotine connects the stage to an office reminiscent of the new generation of Kohlhaas, the mid-1500s to the first half of the 1990s.*¹⁶

Nunes' play *Michael Kohlhaas* (its premiere is in 2018) is the story of three Kohlhaas brothers who run an import-export company in the 1990s. On stage, we see the Kohlhaas brothers' office with wooden walls. The place is like an over-worked machine in a cacophonous environment. Stefan Schmidt describes the office setting by referring to the Germany context:

13 Martin Swales, "On Michael Kohlhaas" German Literature, Accessed 14.09.2020, <https://www.germanliterature.com/19th-century/kleist/michael-kohlhaas>

14 Antú Romero Nunes, "Michael Kohlhaas" Thalia Theater, Accessed 14.09.2020, <https://www.thalia-theater.de/stueck/michael-kohlhaas-2017>

15 Henrich von Kleist, *Michael Kohlhaas*, trans. Martin Greenberg (New York: Melville House, 2005),1.

16 Nilgün Firidinoğlu, "Hukuk adaleti tesis eder mi?" Unlimited. Accessed 14.09. 2020, <https://www.unlimiteddrag.com/post/hukuk-adaleti-tesis-eder-mi>

Its features with a sweeping fax machine, vorsintflutlichem computer, gray-black binders, white coffee maker, and clock cuckoo clock strongly reminiscent of the ARD evening series "office, office", which until the early 1990s in the bureaucracy of the German working world was over.¹⁷

The first 40-45 minutes of the play – its duration is 105 minutes – is silent. The Kohlhaas brothers are just part of a machine. From time to time, an order is given, and they deliver it. It is like a Taylorist/Fordist production system. During the silent part, all three actors act in a stylized and grotesque form. Their workplace and working mechanism, working period, and even break time are regulated in a sense. The Kohlhaas brothers are staged as docile bodies. They find their ancestor Michael Kohlhaas' head in one of the boxes and treat it as just a part of their work. When the Kohlhaas brothers get a fax message about their company, which we do not know the details of, they try to solve the problem by applying to several state institutions. They could not reach any solution to this seemingly unjust decision. At that point, the memory of their ancestor, the head in the box gains a meaning. They turn their office into a castle. They militarize themselves. Unlike Kleist's Kohlhaas, they do not attack but defend. The law order and the social contract is broken. We see that the arbitrariness of domination eliminates the legitimacy of the authority. The physical transformation of the Kohlhaas brothers, their living space, and the schedule is a rupture of the docile bodies. After that preparation, all reality vanishes. The play gains a surreal form. The past, now and future dreams come together and question the justice and legitimacy. Michael Kohlhaas' rebellion and the Kohlhaas brothers' unrest follows the same line despite all differences. The three actors portray themselves both as soldiers who are preparing themselves for resistance and the characters of Kleist's novel like Kohlhaas' wife and servant, the aristocrats in the book, and even Martin Luther. These transitions from character to character connect the stories of Kohlhaas' brothers and Michael Kohlhaas on a different level. The rebellious inspiration of their ancestral history is embodied. At the climax of the play, Martin Luther comes to the stage. However, his political power vanishes in the modern system and the character becomes a parody. As Stefan Schmidt states that:

The religious dimension, which plays a major role in the novel as a self-justification, has been taken as a point of reference for the notoriously dissatisfied, of whom the staging wants to tell today. Therefore, the figure of Martin Luther at Thalia Theater also (unlike Kleist) does not survive the encounter with the Kohlhaas partisans. The man is tied to a desk chair with packing tape, maltreated with a dead (cloth) mouse, and then tortured to the bitter end with a frighteningly living snake.¹⁸

17 Stefan Schmidt, "Rache im Remix" NachtKritik, Accessed 14.09.2020, https://www.nachtkritik.de/index.php?option=com_content&view=article&id=14898:michael-kohlhaas-antu-romero-nunes-brilliert-mit-einem-gesampelten-kleist-am-thalia-theater-hamburg&catid=37:thalia-theater-hamburg&Itemid=100190

18 "Rache im Remix"

At the end of the play, one of the Kohlhaas brothers gets killed by the police after he surrenders. His illegal execution happens because he attempted disobedience. As I mentioned above, in Kleist's novel, Michael Kohlhaas swallows the paper given by a gypsy woman as a passive resistance against the elector. However, the Kohlhaas brothers do not execute any similar action. Unlike Kleist, Nunes does not let the audience reach any kind of catharsis.

The Nebula of Legality, Legitimacy, and the Sense of Justice

Although Kleist's novella and Nunes' interpretation follow different storylines, they have highly similar dramaturgical lines. Therefore, I am going to refer to the name Michael Kohlhaas as both the character of Kleist and the representation of Nunes' Kohlhaas brothers. After this analysis, I will also look at Nunes' play from a theatrical point of view.

In the book, Kleist makes a direct reference to Rousseau's *On the Social Contract; or Principles of Political Rights* to describe the philosophical grounds of Kohlhaas' rebellion.¹⁹ The monarchs' absolute and divine power on legislation, the conflict between sovereignty and legitimacy is questioned by Rousseau. I take Rousseau's legitimated authority as the authority under the legal domination as David Trubek states in his article "Max Weber on Law and the Rise of Capitalism"²⁰. Whatever its legal basis is, a modern legitimated authority's power comes from legality. According to Trubek, under legal domination, "*Law legitimated by its origin in rational enactment. All law is consciously "made" through logical techniques by an authority which itself is established by law and which acts in accordance with legal rules.*"²¹ The question of legitimacy brings Max Weber's critique of modern state and law into the discussion. Weber's idea of violence when regarding the modern state law and state monopoly opens a sphere to analyze the state officers', princes', and the Kaizer's approaches to Kohlhaas' unrest. Moreover, as a character, Martin Luther's position in the book provokes the discussion of justice, order, legitimacy, and state. In addition to these analysis lines, according to Gabriel Kuhn, Michel Foucault finds in the Kleist's Michael Kohlhaas, which is based on the real story of Hans Kohlhaas, an example of *parrhesia*.²² Accordingly, Foucault developed the concept of *parrhesia* as a mode of discourse in which one speaks openly and truthfully about one's opinions and ideas without the use of rhetoric, manipulation, or generalization.²³ Hence, Kohlhaas' claims and testimonies in the court underpin a discussion on how the juridical system works and *parrhesia* is paradoxically excluded from modern law.

19 Henrich von Kleist, *Michael Kohlhaas*, trans. Bilge Uğurlar and Türkis Noyan (İstanbul: Can Yayınları, 2015), 24.

20 David Trubek, "Max Weber on Law and the Rise of Capitalism" *Wisconsin Law Review* 3 (1972), 735.

21 Ibid. 735

22 Gabriel Kuhn, "Anarchism, postmodernity, and poststructuralism", in *Contemporary Anarchist Studies, An Introductory Anthology of Anarchy in the Academy*. Eds. Amster, R., DeLeon, A., Fernandez, L. A., Nocella, A. J. II, Shannon, D. (London: New Routledge, 2009), 21.

23 Michel Foucault, *Discourse and Truth: the Problematization of Parrhesia* (six lectures) in the University of California at Berkeley, Foucault, Accessed 12.11.2018, <https://foucault.info/parrhesia/>

In general, Rousseau in his book *On the Social Contract; or, Principles of Political Right* argued against the idea that monarchs were divinely empowered to legislate. Rousseau asserts that only the sovereign people have that all-powerful right. In this desired social contract, everyone will be free because they all forfeit the same number of rights and impose the same duties on all. Kleist through his omnipresent narration states that Tronka's manipulation of the court breaks the social contract. Therefore, the natural law, which is the more powerful and right one, comes onto the stage. On the other hand, during the book, Kohlhaas demands only three things that I mentioned above even though he has moral and military superiority and the support of the common people. In a sense, his aim is the construction of the social contract based on Rousseau's description. Kleist's Kohlhaas is neither just a victim of state authority nor a glorious hero of justice. Kohlhaas burns the different towns to force the authorities to reach Lord Tronka. Kleist repeatedly emphasizes Kohlhaas' dualistic position. The beginning of the book describes Kohlhaas as "*one of the most honorable simultaneously the most terrible man*"²⁴. This statement refers to Martin Luther's approach to the rebellion of Kohlhaas. In the book, Luther publicly disgraces Kohlhaas. Kohlhaas meets with Luther, tells his case, and asks for forgiveness. Luther does not accept, but he writes a letter to the king to defend the right of Kohlhaas. He takes a position as a referee. According to Wolfgang Wittkowski:

*The depiction of Luther leading the public defamation of the rebel fits well with his role in history textbooks. Most scholars have overlooked the fact that Kleist has Luther perform a total turn-about after meeting the "rebel". This, however, conforms well with Luther's historical role, if not in the historic Kohlhaas case. Indeed, before the execution, Luther grants Kohlhaas' the Holy Communion he had previously denied him. Since the hero still does not fulfill the condition of forgiving, the Reformer's gesture can only indicate his strongest disapproval of the verdict, which erases the amnesty he had negotiated regarding the very acts for which Kohlhaas is to die.*²⁵

Luther's reformism against the Catholic Church's authority changed the power balance in the case of Germany. Just like in Tudor Britain, the political authorities gained power against the religious authority. Therefore, a new basis for justice and legitimacy was required in the relationships between state, aristocrats, and common people. Even though Lutheran orthodoxy is not revolutionist in the face of state authority, the abolishment of the Catholic Church's power required a new legal system and redefinition of authority. Wolfgang Wittkowski claims that: "*In fact, his treatise *Von weltlicher Obrigkeit, wie weit man ihr Gehorsam schuldig sei* (On Secular Government, how much Obedience we owe to it; 1523) helped ignite the Peasant War the following year in 1524 and the Kohlhaas case in 1532-40 on which Kleist's story-based.*"²⁶

24 Kleist, *Michael Kohlhaas*, 1.

25 Wolfgang Wittkowski, "Is Kleist's Michael Kohlhaas a Terrorist? Luther, Prussian Law Reforms and the Accountability of Government Historical Reflections", *Réflexions Historiques The End of the Enlightenment* 26/ 3, (2000), 473.

26 Ibid. 476.

Before analyzing Kleist's story regarding Weber's understanding of the law, I need to provide historical detail to connect the effects of the book Michael Kohlhaas in legal reform in Germany (i.e., in Prussia). The Prussian monarch Frederick the Great, seven years before the French Revolution, published in a Berlin newspaper an assessment which appears to give the most cogent commentary on Kleist's novella:

Be all judicial boards aware that the lowest peasant (and even) the beggar are human beings just like the king. Before the judiciary, all people are equal, whether a prince is suing a peasant or vice versa. A judicial board that commits injustices is more dangerous and worse than a gang of thieves. From these, you can protect yourself. But from rogues who use the cloak of justice in order to serve their ugly passions, from those nobody can protect himself. They are worse than the greatest rascals in the world and deserve a double punishment.²⁷

This political declaration can be counted as an application of Weberian principles even before Max Weber was born. Kleist's novella discusses the role of legality and legitimacy before the rise and domination of classical legal thought between 1850-1914. The attack on Kohlhaas' individual and property rights, his demand for formal equality, defending the normative ideas such as right, will, fault are the signifiers of the parallels with Kleist ideas and the "norms of the classical legal thought"²⁸. On the other hand, Kleist's ideas on legality and justice do not match the German legal thought which was hegemonic in the transnational legal field between 1850 and 1900. In Kohlhaas' case, Kleist's concept, the reason for Kohlhaas' rebellion, and the sense of justice do not correspond to German legal thought. For instance, Kurt Riezler traces the concept of the sense of justice's first appearance to a 1796 book on jurisprudence by the young P.J.A. Feuerbach, the father of modern German criminal law and author of the influential Bavarian Penal Code of 1813. Feuerbach, however, did not make much of the term and certainly did not accord it any great theoretical significance.²⁹ According to Mark Dirk Dubber:

The term – sense of justice – entered public discourse after Heinrich Kleist's popular novella "Michael Kohlhaas" appeared in 1810. The duped subject Kohlhaas is led by his somewhat overdeveloped sense of justice to commit a series of increasingly destructive acts in an effort to force a local potentate to give him his due. In Kleist's words, "his sense of justice made him a robber and a murderer" in order to right the injustice of having his horses seized pursuant to an arbitrary comes only when he learns, on his way to gallows, that the local lord whose mistreatment he had to endure has been sentenced to a two-year prison term by the highest court in Saxony.³⁰

27 Marlon Grafın Dönhoff, *Preussen: Mass und Masslosigkeit*, trans. Wolfgang Wittkowski (Berlin: Btb Bei Goldmann, 1987), 482.

28 Duncan Kennedy. "Three Globalizations of Law and Legal Thought: 1850-2000", *The New Law and Economic Development: A Critical Appraisal*, Ed. Trubek, David and Alvaro Santos, (Cambridge: Cambridge University Press, 2006), 21.

29 Markus Dirk Dubber, *The Sense of Justice Empathy in Law and Punishment* (New York: NYU Press, 2006), 33.

30 Ibid. p. 34.

In the book, the final decision is declared as: *The Elector then called out: "So, Kohlhaas the horsedealer, you have thus been given satisfaction; prepare now to take satisfaction in your turn to His Imperial Majesty, whose representative stands here, for your violation to His Majesty's public peace!"*³¹

Although the Kaiser Friedrich approved of the main argument of the book Michael Kohlhaas, the conflict between Kleist's term of sense of justice and German legal thought was not solved. As Dubber states that:

*The jurisprudential career of the sense of justice began in earnest with the work of Friedrich Carl von Savigny, first professor in Berlin, then Prussian minister of justice, and, most important, founder of the Historical School of Jurisprudence, which would later claim adherents in many countries, including the United States. In contrast to Kleist, Savigny showed little interest in an individual's aspirational sense of justice that many conflicts with existing legal norms, or at any rate with those in power.*³²

From the dramaturgical point of view, the end of the book – except for the swallowing the paper part – is as if it was edited by Weber. At the end of the story, Kohlhaas got a trial and achieved his aims. At the same time, he was executed because of his rebellion. I think it is a textbook definition of Weber's understanding of the law. In addition, Kleist adds the story of the Gypsy woman's paper as an act of cathartic revenge. Except for that gesture, the final part of the story is a gesture of a "systematic analysis of the role of law in securing political legitimacy"³³ as Weber states. In the introduction part, I provided several examples of how Kleist's novella affects different writers and directors. Hence, all of them emphasize the conflict between the legal conclusion and fair conclusion. However, Weber's understanding of law focuses on the pure rationalization of the legal system rather than exceptional cases or experiences. As Cotterrell states that:

*Like all Weber's other fundamental concepts for social analysis, legal domination is an ideal type; in other words, a conceptualization that is not a generalization from experience but a logically formulated idea intended as a useful basis for constructing models in social life, their analytical separation is a consequence of the conceptual framework of Weber's sociology.*³⁴

For Weber, modern law is rational. In this way, it functions in terms of general rules instead of individual cases. Thus, Weber offers a total system based on 'ideal types'. When regarding the extension of Weberian analysis in the case of Kleist novella we see that it lacks two significant elements: economic rationality and the relationship between authority and legitimacy. However, Kohlhaas' action can be considered as social as Weber defines. From this perspective, one question can be asked: What were the social motivations that led Kohlhaas' actions in pursuit of

31 Kleist, *Michael Kohlhaas*, 143.

32 Dubber, *The Sense of Justice Empathy in Law and Punishment*, 34.

33 Roger Cotterrell, *Law's Community: Legal Theory in Sociological Perspective* (Oxford: Clarendon, 1995), 134.

34 Ibid. 135

Justice in a Weberian sense? As it is known, Weber classifies social actions as four ideal types: traditional, affective, value rational and instrumental-rational social actions.³⁵ Even though Kohlhaas lost his wife he never mentions that loss in his legal cases. Moreover, he also does not refer to his belief in justice as a principle. His desire for justice is a subtext motivation from the dramaturgical perspective. His actions triggered by authoritarian injustice can be classified as instrumental-rational social action. However, although Kohlhaas' actions have a rational ground from Weber's perspective, the consequences of his actions are conflicted with the state authority which is sustained by law. Even though his rebellion is caused by unlawful decisions of the political authority, his justice-seeking is also out of the law. At this point, the existence of state law becomes superior to the sense of justice. As seen, Kleist's book opens a space to understand the historical and political background of the question of legality, legitimacy, and justice.

Under the lights of the dramaturgical discussions that I state above, Nunes' story of the Kohlhaas brothers is seen as an echo of Kleist's novella. The success of Nunes' interpretation lies in a staging that is both structurally unique and dramaturgically similar with Kleist. In other words, Nunes shows that the specter of Michael Kohlhaas is still with us and reminds us of the unresolved conflict of legality, legitimacy, and the sense of justice. The director emphasizes that the story of Kohlhaas is still the polar star in this nebula.

Nunes' play is designed in an epic form. Since Germany has an outstanding history of epic theater, it is important to understand the sociological and dramaturgical basis of this form. Nunes takes a well-known story and looks at its traces in the contemporary world. He deconstructs Kleist's story and builds a new one, which states that the conflict of law and justice is still unresolved. Moreover, today's world lacks grey areas to sustain an individual's claim against the juridical system. The 18th and 19th centuries were the periods of construction for the modern state systems under the shadow of enlightenment ideas, however; Nunes shows that the system is stable for now and it is coming for the Kohlhaas brothers, and potentially, for the audience themselves. The confrontation of the audience in front of the Kohlhaas brothers' story forces them to question their ideological positions. In this sense, I think that Nunes' interpretation of Kohlhaas is a performative version of what Louis Althusser states in his article "The 'Piccolo Teatro': Bertolazzi and Brecht Notes on a Materialist Theater":

35 Weber believes that there are four ideal types of social actions. Ideal types are used as a tool to look at real cases and compare them to the ideal types to see where they fall. No social action is purely just one of the four types. Traditional Social Action: actions controlled by traditions, "the way it has always been done" Affective Social Action: actions determined by one's specific affections and emotional state, you do not think about the consequences Value Rational Social Action: actions that are determined by a conscious belief in the inherent value of a type of behavior (ex: religion) Instrumental-Rational Social Action: actions that are carried out to achieve a certain goal, you do something because it leads to a result.
Karl Thomson, "Max Weber's Social Action Theory", *ReviseSociology*, Accessed 15.09.2020, <https://revisesociology.com/2017/01/26/max-webers-social-action-theory/>

I mean that the material, or the themes, of the classical theatre (politics, morality, religion, honour, 'glory', 'passion', etc.) are precisely ideological themes, and they remain so, without their ideological nature ever being questioned, that is, criticized ('passion' itself, opposed to 'duty' or 'glory' is no more than an ideological counterpoint never the effective dissolution of the ideology).³⁶

Director Nunes can only break with these formal understandings because he has already broken with their material conditions. His principal aim is to produce a critique of the spontaneous ideology in which humans live. That is why he is inevitably forced to exclude from his plays this formal condition of the ideology's aesthetics, the consciousness of self (and its classical derivations: the rules of Aristotelian unity). The question of the director is what happens when an individual uses of violence against the state authority, then who is to be blamed? The individual, or the authority, which arbitrarily used its power to sustain its dominance without referring to the concept of legitimacy. Nunes' dramaturgy wishes to alienate audiences from their internalized legitimacy of the state authority, by showing the structural elements of the construction of their ideological perception.

Consequently, Nunes aims to make the audience realize certain socio-political conditions of the characters and the story of the play, in other words, he aims to "keep a social drama free of the effects which empathy produces and which the audience was accustomed to."³⁷ I conceive Nunes' position as a director by following Althusser's critique on dialectic epic theater:

Brecht was right: if the theatre's sole object were to be even a 'dialectical' commentary on this eternal self-recognition and non-recognition – then the spectator would already know the tune, it is his own. If, on the contrary, the theatre's object is to destroy this intangible image, to set in motion the immobile, the eternal sphere of the illusory consciousness's mythical world, then the play is really the development, the production of a new consciousness in the spectator – incomplete, like any other consciousness, but moved by this incompleteness itself, this distance achieved, this inexhaustible work of criticism in action; the play is really the production of a new spectator, an actor who starts where the performance ends, who only starts so as to complete it, but in life.³⁸

Hence, Nunes questions the audiences' perception of justice and the legal system. He aims to make the audience face the discourse of terror, legitimacy, and state power. The position of Kleist's readers in front of Kohlhaas' parrhesia and the audiences' position in front of Nunes' play is a very similar way. In addition to that, the director's dramaturgical choices have parallels with Foucault's description of the truth regime. As Alan Hunt and Gary Wickham state that:

36 Louis Althusser, "The 'Piccolo Teatro': Bertolazzi and Brecht Notes on a Materialist Theatre", Marxists. Accessed 13.09.2020, <https://www.marxists.org/reference/archive/althusser/1962/materialist-theatre.htm>

37 Walter Benjamin, "What is Epic Theater?" *Illuminations*. Ed. Hannah Arendt (New York: Schocken, 1969), 16.

38 "The 'Piccolo Teatro': Bertolazzi and Brecht Notes on a Materialist Theatre".

Discourses generate truths, or to be more precise truth-claims. Truth is produced, but it is not produced dispassionately or impartially, it is produced with a passion, with what Foucault calls a 'will to truth' or 'will to knowledge' and gives rise to a regime of truth: Each society has its regime of truth, its 'general politics' of truth: that is, the type of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, how each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.³⁹

In short, Nunes confronts the audience with Kleist's discussion on the sense of justice through a contemporary interpretation. Despite that, the main discussion of the play has a universal characteristic, the director's staging choices and references to the historical and social structures of Germany provokes a challenging confrontation for audiences.

Conclusion

All in all, this article analyzes the two art productions of Kleist's novella and Nunes' theater play through the basic sociological discussions about the concepts of modern law, state authority, sense of justice, and legitimacy. In the multi-disciplinary conversation between the fields of dramaturgy and sociology above, I demonstrated how the specter of Kohlhaas is still traveling in the skies of the contemporary world. As we saw, the era of Kleist was a foundational epoch in the sense of the establishment of a modern state system in Europe. Therefore, the rebellion of Kohlhaas had a more powerful impact on the discussions of what defines modern law and justice in the fields of academia and theatrical art. The path the world chose as a legal system has never accepted the way of Michael Kohlhaas and Kohlhaas brothers.

However, this story has always been the stage for questioning the nature of concepts such as modern law, state authority, sense of justice, and legitimacy for academicians, artists, people, Antú Romero Nunes being one of them. In his play, Nunes unveils the contemporariness state of this unresolved conflict. Wherefore, the director calls the audience to face this cold reality by subverting this well-known story. Undoubtedly, as Nunes illustrates we are in the depths of the world where the Kohlhaas brothers were murdered without any inquisition.

Thereupon, I contend that starting a dialogue between art and sociology opens new modes of thinking on the socio-political implications that Kleist did by questioning the conflict between law and justice in his novella Michael Kohlhaas. Therefore, multidisciplinary approaches like this one offer the opportunity to scholars in the field of dramaturgy and sociology to think conjointly about social, cultural, and political issues without limiting themselves within academic boundaries or purely aesthetic concerns. My aim is with such a multi-disciplinary discussion to make connections with our lives, art, and sociology. I end my article with Nunes' ironic description of Kohlhaas' story:

39 Alan Hunt and Gary Wickham, *Foucault and Law*, (London: Pluto, 1994), 11.

*The world is a complicated place and Kohlhaas must stand up to it. He fights back and shakes things up. In order to get justice, he must commit injustice. Kohlhaas goes on his way, loses everything, and finds himself. He fails and he wins. Both! That's the funny thing.*⁴⁰

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