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Author

Tang, Chenxi

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Tang, Chenxi

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Papendiek 14

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Email: info@digizeitschriften.de

Re-imagining World Order: From International Law to Romantic Poetics

By CHENXI TANG (Berkeley)

ABSTRACT

This essay investigates the crisis of international law and the turn to poetry to re-imagine world order in early romanticism. Against the background of the crisis of international law from Hobbes to Kant (I), it discusses how the early romantics spurn natural jurisprudence as the foundation for international law and entrust poetry with the task of imagining world order. The invocation of poetry as a remedy for the inadequacy of international law leads to new paradigms of poetics, as exemplified, in widely differing ways, by Schlegel (II–III), Novalis (IV–V), and Hölderlin (VI–VIII).

Angesichts der sich zuspitzenden Krise des Völkerrechts wurde um 1800 die Poesie als Möglichkeit entdeckt, die Weltordnung neu zu imaginieren. Vor dem Hintergrund dieser von Hobbes bis Kant sich hinziehenden Krise (I) geht der vorliegende Aufsatz der Frage nach, wie die Frühromantik das dem Völkerrecht zugrunde liegende naturrechtliche Denkmodell verwirft, um der Poesie die Aufgabe anzuvertrauen, die Weltordnung zu imaginieren. Die Hinwendung zur Poesie als Heilmittel gegen das Ungenügen des Völkerrechts führt zu neuen Paradigmen der Poetik, wie dies bei Schlegel (II–III), Novalis (IV–V) und Hölderlin (VI–VIII) auf je unterschiedliche Weise zu beobachten ist.

Romantic poetics began with a treatise on international law, Immanuel Kant's *Zum ewigen Frieden* (1795). In his review of this treatise, published in 1796 under the title *Versuch über den Begriff des Republikanismus veranlaßt durch die Kantische Schrift zum ewigen Frieden*, Friedrich Schlegel developed a new conception of world order by breaking decisively with the natural-law model of civil order as well as world order – a model that was initiated by Thomas Hobbes, and from which Kant, despite much criticism and revision, failed fully to escape. This new conception of world order took the form of a universal republicanism elaborated mainly by means of the concepts of fiction and representation. It was in explicating universal republicanism that Schlegel found his way towards the romantic poetics, for which he has ever since been known. Especially his poetological writings published in the journal *Athenäum* make it clear that universal republicanism is to be realized by means of romantic universal poetry. Having read both Kant's treatise and Schlegel's review of it, Novalis contemplated the question of eternal peace in his own way. The key element of his approach was the radical rejection of natural jurisprudence. Under the motto »Jurisprudence itself must be put on trial (Man muss der Jurisprudenz selbst den Process machen),«¹ Novalis replaced

¹ Novalis, *Schriften. Die Werke Friedrich von Hardenbergs*, ed. Paul Kluckhohn, Richard Samuel, Stuttgart 1960–1999, III, 587. All the references to Novalis in the fol-

the natural-law model of civil order and world order with what can be called a sacramental-biopolitical conception of world order. Integral to this conception was the conviction that the figuration of political world order had to take the form of poetry. At the same time as Schlegel and Novalis, yet with an approach entirely his own, Friedrich Hölderlin redefined the basic concepts of modern natural-law theory such as the state of nature and positive law. At the core of his legal thought was the conception of peace as a primeval lawful order that could only be recuperated by poetry.

Schlegel's, Novalis's, and Hölderlin's pronouncements on world order represented three distinctive voices in the chorus of public debates about peace in the years around 1800.² Yet their significance far transcended the immediate political concerns of a time shaped by the French Revolution and the Napoleonic Wars. Rather, they were indicative of a deep jurisprudential and philosophical crisis of international law in this period of extraordinary intellectual upheaval. Natural jurisprudence, which had sustained it so far, was breathing its last gasp. At the same time, they bespoke a general tendency to turn to aesthetic experience as a way out of the crisis. The theoretical reflections and the poetic production of these three figures converged in locating the possibility of reconceiving world order in the imaginative capacity of poetry.

This essay investigates the crisis of international law and the turn to poetry to re-imagine world order in early romanticism. Against the background of the crisis of international law from Hobbes to Kant, it discusses the ways in which the early romantics spurn natural jurisprudence as the foundation for international law and entrust poetry with the task of imagining world order. The invocation of poetry as a remedy for the inadequacy of international law leads to new paradigms of poetics, as exemplified by Schlegel's poetological fragments and essays, by Novalis's political writings and poetological ruminations no less than his hymnic cycle *Hymnen an die Nacht*, and finally by Hölderlin's poetry, particularly his monumental Pindaric hymn *Friedensfeier*.

I.

International law as the law governing the relation between sovereign states is a successor to the *ius gentium* in Roman law. Justinian's *Corpus Iuris Civilis* distinguishes three sources of law: first, *ius naturale*, i.e. the law that nature

lowing are based on this edition and will be marked with a Roman numeral indicating the volume and an Arabic numeral indicating the page. To ensure readability, all quotations from German texts are translated into English. Exceptions are quotations from poems, including Novalis's prose poem *Hymnen an die Nacht*. Unless otherwise noted, translations are mine.

² See Anita Dietze, Walter Dietze (eds.), *Ewiger Friede? Dokumente einer deutschen Diskussion um 1800*, Munich 1989.

teaches all living beings, including both animals and humans; second, *ius gentium*, i.e. the law that natural reason establishes for all human beings, and that all peoples must follow; and finally *ius civile*, i.e. the law that each people makes for itself. According to the *Digest*, *ius gentium*, usually translated as »law of all peoples,« comprises a wide range of legal matters such as the worship of God, funerals, obedience to parents, the right to self-defense, slavery and manumission, commerce, and all kinds of contractual relationships, the recognition of property, the delimitation of farmland, the assignment of construction sites, the law of war, and so on. In the seventeenth century, *ius gentium* underwent a profound transformation from the »law of all peoples« to the law concerned with the dealings among sovereign states. It became international law.³ The crux of this transformation was Thomas Hobbes's theoretical construction of the state.

Hobbes's theory of the state is premised upon the fiction of the state of nature, in which everyone has the right to everything and thus inevitably comes into conflict with everyone else. In order to escape this war of all against all in the state of nature, individuals come together and, by mutual covenants one with another, transfer their right of governing themselves to one sovereign person. This sovereign person is the civil state. The civil state transforms the war of all against all into civil peace by imposing laws on its subjects, but by no means ends war as such. With its institution, the right of war is simply transferred from every particular man to the one person who represents all, i.e. to the sovereign person. The sovereign person is both entitled and obliged to make war and peace – entitled, because he is granted the authority by the contracting people, obliged, because the authority imposes on him the responsibility of defending the people. The transferal of the right of war from every particular man to the artificial sovereign person means that the sovereign henceforth finds himself in the state of nature vis-à-vis other sovereign persons. The institution of the civil state thus has the effect of drawing a distinction – the distinction between inside and outside. Inside the civil state there is peace, law, and order. Outside there is war and lawlessness, or simply the state of nature. The sovereign is located on

³ On this transformation of *ius gentium*, see especially Jan Schröder, »Die Entstehung des modernen Völkerrechtsbegriffs im Naturrecht der frühen Neuzeit,« *Jahrbuch für Recht und Ethik* 8 (2000), 47–71. The modern-language equivalents to *ius gentium* are *law of nations*, *droit des gens*, *Völkerrecht*, etc. Some other terms widely used from the sixteenth century onwards include *ius inter gentes* and *droit public de l'Europe*. The term »international law« was used for the first time by Jeremy Bentham in a manuscript dated between 1786 and 1789 and entitled *Principles of International Law*. See *The Works of Jeremy Bentham*, New York 1962, II, 535–571. On the development of these terms, see Heinhard Steiger, »Völkerrecht,« in: Otto Brunner, Werner Conze, Reinhart Koselleck (eds.), *Geschichtliche Grundbegriffe*, Stuttgart 1972–1997, VII, 97–140. In this essay, I employ the terms »*ius gentium*,« »law of nations,« and »international law« interchangeably.

the boundary between inside and outside, creating and enforcing peace and lawful order inside, while making war against other sovereign states outside. The »sword of war« is held in the same sovereign hands »wherein is the sword of justice: and consequently those two swords are but one.«⁴

One implication of this asymmetrical relationship between inside and outside is the denial of international law. With the inside identified with legal order, the outside figures as an extralegal space. The co-existence of civil states as sovereign persons in the state of nature is characterized by the lack of enforceable civil laws that govern the internal working of the state. Hobbes concludes *The Elements of Law*, the first exposition of his political philosophy, with a terse statement: »And thus much concerning the Elements and general grounds of Laws Natural and Politic. As for the law of nations, it is the same with the law of nature. For that which is the law of nature between man and man, before the constitution of commonwealth, is the law of nations between sovereign and sovereign, after.«⁵ Even though the law of nature is called law, it does not constitute a legal order. Since in the state of nature everyone has a right to everything, it is a general rule of reason, or the fundamental law of nature, that every man »ought to endeavour Peace, as farre as he has hope of obtaining it.« This law, however, comes with the basic natural right of man which is: »when he cannot obtain [peace], he may seek, and use, all helps, and advantages of Warre.«⁶ The second law of nature is that one should be willing to lay down his rights to everything by entering into a contract with the other in order to obtain peace. Yet without a civil authority ensuring that the contract be honored, it can be violated or revoked whenever a contracting party believes that doing so may be more advantageous. A state may well want to have peace, but must be prepared for war. It may be willing to sign a treaty with others, but can always terminate it. Without a higher authority, there can be no true legal order. As long as the state insists on its sovereignty, there can be no higher authority.⁷

Hobbes's chilling denial of the existence of binding legal norms in the international arena, which entailed the impossibility of world order, was neither palatable to those still reminiscing about the *respublica christiana*, nor acceptable to those who came to trust the unifying power of human reason. In the wake of

⁴ Thomas Hobbes, *The Elements of Law*, ed. John C. A. Gaskin, Oxford 1994, 112–113.

⁵ Hobbes (note 4), 182.

⁶ Hobbes, *Leviathan*, ed. Richard Tuck, Cambridge 1996, 92.

⁷ For recent accounts of Hobbes's conception of international relations, see David Armitage, »Hobbes and the Foundations of Modern International Thought,« in: Annabel Brett, James Tully (eds.), *Rethinking the Foundations of Modern Political Thought*, Cambridge 2006, 219–235; Dieter Hüning, »Inter arma silent leges: Naturrecht, Staat und Völkerrecht bei Thomas Hobbes,« in: Rüdiger Voigt (ed.), *Der Leviathan*, Baden-Baden 2000, 145–167; Noel Malcolm, *Aspects of Hobbes*, Oxford 2002, 432–456.

Hobbes, numerous attempts were made to establish an international legal order. Standard histories of international law distinguish three major approaches: first, there were the naturalists, who, at once in deference to and in defiance of Hobbes, claimed to derive binding norms from the state of nature itself; then there were the positivists, who insisted on the existence of positive laws between states; and finally, there were the syncretists, also referred to as Grotians, who, following Hugo Grotius, considered nature and voluntary agreements between states as the dual source of international law.⁸ All these approaches, however, are bedeviled by irresolvable theoretical difficulties – difficulties entailed by the rise of a dualistic concept of law in the age of Hobbes. Whereas jurists in the sixteenth and early seventeenth centuries still conceived of the entirety of law as a just or rational order, from the mid-seventeenth century onwards this appreciation of a consistent, unified judicial order gradually came to be abandoned. Even though natural, rational law continued to be recognized as valid, jurisprudence decoupled positive law from the universally binding norms of natural justice, viewing it instead as something value-free that issues from the will of the sovereign.⁹ This dualistic concept of law made the legal status of the relationship between sovereign states a moot point. Insofar as this relationship concerns the vital interests of the state, the sovereign understandably seeks to subject it to his will. Yet because it is a matter of more than one state, it extends beyond the reach of one single legislative will, and therefore seems to fall within the purview of natural reason. Such a paradoxical quality of falling under the sway of the sovereign will yet exceeding it at the same time, of being susceptible to both the legislative will and natural reason at once, makes neither the naturalist, nor the positivist, nor even the syncretistic approach appear to be adequate.

Kant proves to be more clear-sighted and more candid than all previous jurists when he states in *Zum ewigen Frieden*: »Although it is largely concealed by governmental constraints in law-governed civil society, the depravity of human nature is displayed without disguise in the unrestricted relations which obtain between the various nations. It is therefore to be wondered at that the word *right* has not been completely banished from military politics as superfluous pedantry, and that no state has been bold enough to declare itself publicly in favour of doing so.« Kant continues to call all the significant theorists of international law – »Hugo Grotius, Pufendorf, Vattel and the rest« – »sorry comforters« (*lauter leidige Tröster*), for they »are still dutifully quoted in *justification* of military aggression, although their philosophically and diploma-

⁸ See Wilhelm Grewe, *The Epochs of International Law*, translated and revised by Michael Byers, Berlin 2000, 351–360.

⁹ For a concise account of the rise of the dualistic concept of law in the seventeenth century, see Jan Schröder, *Recht als Wissenschaft. Geschichte der juristischen Methode vom Humanismus bis zur historischen Schule (1500–1850)*, Munich 2001, 97–117.

tically formulated codes do not and cannot have the slightest *legal* force, since states as such are not subject to a common external constraint.¹⁰ Clearly, Kant shares the basic Hobbesian position that individual states face each other in the state of nature, which is a condition of constant war. Thus international law can be nothing else but a law that governs the state of nature, a law that, lying outside civil authority as it does, lacks any binding power.

Yet Kant is reluctant to endorse the Hobbesian denial of the existence of a world legal order.¹¹ From Pufendorf onwards, natural jurisprudence seeks to affirm the existence and validity of world order by deriving it from obligation dictated by reason. In spite of the paramount importance attached to reason in his philosophy, Kant does not take this route. Doing so would have turned him into one of the »sorry comforters« whom he ridicules. Kant's certainty that a peaceful world order is a demand of reason is matched only by his uncertainty that reason itself can ensure its attainment. This is so simply because the world we inhabit is not an ideal »kingdom of ends,« but a real world of rival states ruthlessly pursuing their own interests. If we want to find out how to achieve the morally requisite goal of a peaceful world order in this real world, it is just insufficient, indeed misguided, to keep calling upon reason and the obligation it postulates. In contrast to all the »sorry comforters,« Kant adopts an entirely new approach to the vexing problem of world order. Rather than try to explain world order in terms of obligation, he considers it as an end or purpose posited by reason, which needs to be achieved in the empirical world or nature. This shift of attention means that he seeks the conditions of possibility of world order not so much in practical reason itself as in the power of judgment that makes sense of nature in light of the ends established by practical reason. Rather than a postulate of practical reason, the attainment of world order figures as a principle of the power of judgment, which is the purposiveness of nature. In *Zum ewigen Frieden*, Kant provides a full elaboration of this regulative principle. The peaceful world order based on the republican constitution of each state, the federation of individual states, and the cosmopolitan right of universal hospitality, Kant points out, is an end prescribed to us by reason, i.e. an end of morality. Even though we cannot observe a causal chain in nature that leads to this end with the necessity of natural laws, »we can and must supply mentally (*hinzudenken*)« a purposive plan that guides nature towards this end (109). That is, we can and must conceive of nature in such a way *as if* it strove towards the cosmopolitan order. Once we adopt the idea of cosmopolitan order as a regulative principle, nature appears as a teleological system in which the actual

¹⁰ Kant, »Perpetual Peace: A Philosophical Sketch,« in: *Political Writings*, ed. Hans Reiss and translated by H.B. Nisbet, Cambridge 1991, 93–130, here: 103.

¹¹ For a general overview of the Kantian critique of Hobbes, see Howard Williams, *Kant's Critique of Hobbes: Sovereignty and Cosmopolitanism*, Cardiff 2003.

mechanism of human inclinations assumes purposive functions. Such a teleological view, Kant argues, serves important practical purposes, as it »makes it our duty« to work our way towards the cosmopolitan order as our goal, »which is more than an empty chimera« (114). Since purposiveness is a principle that the power of judgment gives to itself in reflecting on nature rather than a law prescribed to nature or a universal moral law prescribed to every rational being, it is purely subjective. Kant's philosophical re-thinking of international law, therefore, implies above all the subjectivization of world order.

II.

The Kantian subjectivization of world order points a way out of the crisis of international law caused by the irresolvable problem of legal obligation in the international arena. Yet he still remains within the conceptual framework of natural jurisprudence in that his theory of the political proceeds from such basic notions as the state of nature and the natural right of the individual. In this review of Kant, *Versuch über den Begriff des Republikanismus veranlaßt durch die Kantische Schrift zum ewigen Frieden* (1796), Friedrich Schlegel moves beyond from Kant, and thereby also beyond the entire natural-law tradition.

In a radical departure from almost all political thinkers since Hobbes, Schlegel does not proceed from the concept of the individual person in his theorization of the political, but from sociability, i.e. from the relation between individuals. Apart from the capacity that the human being possesses as a pure isolated individual, Schlegel postulates that the human being also has a »capacity for communication [*das Vermögen der Mitteilung*] in relation to other individuals of its species,« that »human individuals actually do, or at least could, stand in a relation of reciprocal natural influence to one another.«¹² This transcendental postulate of human communication entails a specific modification of the practical imperative: the proposition of critical philosophy »the ego should be« [*das Ich soll sein*] is henceforth replaced by the proposition »the community of humanity should be« or »the ego should be communicated.« Such a modification of practical imperative, Schlegel argues, »is the foundation and subject matter of politics« – it turns the practical imperative into a political imperative (VII, 15).

¹² Friedrich Schlegel, *Versuch über den Begriff des Republikanismus veranlaßt durch die Kantische Schrift zum ewigen Frieden*, in: *Kritische Friedrich-Schlegel-Ausgabe*, ed. Ernst Behler, Munich 1958f., VII, 11–25, here: 14. All the references to Schlegel in the following are based on this edition, and will be marked by a Roman numeral indicating the volume and an Arabic numeral indicating the page. The English translation of *Versuch über den Begriff des Republikanismus* is based on *Essay on the Concept of Republicanism occasioned by the Kantian tract »Perpetual Peace,«* in: *The Early Political Writings of the German Romantics*, ed. Frederick Beiser, Cambridge 1996, 93–112.

What Schlegel proposes here is nothing short of a complete reversal of perspective in modern European political thought. Whereas political theorists from Hobbes and Locke to Rousseau and Kant all presumed human nature to consist, first and foremost, in the natural rights and obligations of the individual person, thus trying to construct the political out of the individual, Schlegel considers human nature above all to consist in community, in the external relations of men to one another, in short, in the political, insisting that the individual person must be seen as a member of a community. Instead of constructing a theory of the political on the basis of the doctrine of natural right, a doctrine which revolves around the rights and obligations of the individual person, as had been the case since Hobbes, Schlegel reduces natural jurisprudence to the subordinate position, deriving it from the theory of the political. One of the *Athenäums-Fragmente* (1798) mercilessly discredits the validity of natural right: »There are people who, alongside their other rights that are often so unlawful (*unrechtlich*), also have a natural right that is more often than not even more unlawful. Such people also call themselves philosophical jurists« (II, 253, Nr. 442). In the practical section of his lectures on transcendental philosophy, delivered in Jena between 1800 and 1801, Schlegel warns the audience from the outset: »Here you should not expect to get a conventional doctrine of natural right« (XII, 44). Then he continues: »Here politics is posited as the principle, and jurisprudence becomes something applied, something derived. This is simply how the main concepts stand. There could be a society even if there were no right, namely a society that would be above right« (XII, 49). This reversal of the relationship between political theory and natural jurisprudence is repeatedly emphasized: »Conventionally jurisprudence is regarded as the positive, and politics is the subordinate; but here it is the other way round. Politics (namely as the science of society) is here the positive, and jurisprudence is subordinate« (XII, 84).

Schlegel's break with the natural-law tradition in thinking the political has the effect of obviating the difficulties of political and legal theory with conceiving world order. Assuming the natural right of the individual person to the preservation of his existence, political thinkers were used to constructing the state as a corporate person that most efficiently ensures the rights of individuals by enforcing law and order. Such a construction of the state forecloses the possibility of a lawful world order, because the state as a sovereign person cannot submit to a higher lawful order without forfeiting its sovereignty. Redefining the human in terms of communication or relations between individuals, Schlegel conceives of the state not as a corporate person, but as »a human society, whose goal is the community of mankind,« or in other words, as »an uninterrupted mass, a coexistent and successive continuum of human beings, the totality of which stand in a relation of physical influence to one another, for instance all inhabitants of a country, all descendants of a family« (VII, 15). In order truly to

realize the political imperative – the imperative that »the community of humanity should be« – the state must fulfill two conditions: first, it must have a republican constitution; second, it must join hands with other republican states to go beyond the partial republicanism of a single state and achieve a universal republicanism of the world. Whereas a particular republican state consists of »a coexistent and successive continuum of human beings,« the universal republic of the world is made up of a coexistent and successive continuum of individual republican states.¹³ World order is homologous to, and continuous with, the republican civil order of a single state. The asymmetry between the lawfulness of the civil order and the anomie of the international arena, which has bedeviled political theory so far, is thus overcome, so it becomes possible to speak of not merely civil peace of the state, but also perpetual peace of the world at large: »Only a universal and perfect republicanism would be valid, but also the only sufficient definite article for eternal peace« (VII, 22). Indeed, it becomes possible to speak of a world civil order that is founded on international law or *ius gentium*, just as the civil order of a single state is founded on state law or *ius civile*.

III.

Schlegel's vision of perpetual peace and a world civil order evidently hinges on the notion of republicanism. It is in explicating this notion that the first seeds of his gnomic pronouncements on poetics in the heady years of *Athenäum* are sown. In early romanticism, poetics replaces jurisprudence in imagining world order.

In a certain sense, republicanism is the corollary of the political imperative. The imperative that »the community of humanity should be« requires that the general will, rather than the particular will of an individual or a group, form the basis of all particular political activities. And »just this is the character of republicanism« (VII, 15). However, the absolute general will »does not occur in the realm of experience and exists only in the world of pure thought. [...] There is no solution here other than, by means of a *fiction*, to regard an empirical will as the *surrogate* of the a priori absolute general will« (VII, 16). Such a fiction, the highest *fictio juris*, is not random or fortuitous. Any attempt to inflate the private will of an individual person or of a group into the general will would amount to despotic arrogance. »The only valid political fiction is that based on the law of equality: *the will of the majority* should be the surrogate of the general will« (VII, 17). Yet in most cases it is impossible for the majority of the

¹³ Schlegel names four successive components of a universal republicanism: »1) Politicization of all nations; 2) Republicanism of everything politicized; 3) Fraternity of all republicans; 4) The autonomy of each individual state, and the isonomy of all.« *Versuch über den Begriff des Republikanismus*, VII, 22.

people to act in person, so deputies and commissars are almost always necessary: »Hence political representation is certainly an indispensable organ of republicanism« (VII, 17–18). The form of fiction and the form of representation make up the constitution, namely the »totality of all permanent relations of political power and its components« (VII, 18).

»Fiction« and »representation« are concepts native to poetics. Employing them as conceptual tools for elaborating the notion of republicanism, Schlegel initiates what can be called the poetological conceptualization of the political. This poetics of the political addresses, first, the form of fiction, i.e., the way in which the empirical will of the majority stands in for the absolute general will, and second, the form of representation, that is, the way in which particular elected individuals or deputies stand in for the majority of the people. Insofar as the constitution concerns the form of fiction and the form of representation, the explication of republicanism boils down to nothing else than a poetics of the constitution. »The technical perfection of the constitution,« Schlegel states, »is measured by the degree of approximation of its individual form of fiction and representation to the absolute (though impossible) adequacy of fiction to the fictionalized, the representation to the represented« (VII, 21). The poetics of the constitution, then, has basically two tasks: first, to analyze the degree to which the *actual* form of fiction and representation approximates to the absolute adequacy of fiction to the fictionalized, the representation to the represented; and second, to establish *how* to approximate to this absolute adequacy. The former is descriptive, and the latter prescriptive. The distinction between the two is fluid, as descriptive analysis of the form of fiction and representation ultimately serves the purpose of laying down the mode of approximating to the said absolute adequacy. Since the political imperative is categorical, absolute adequacy is by definition impossible, so the approximation is necessarily going to be infinite.

With republicanism being thus brought within the purview of poetics, it should come as no surprise that in the years following the publication of his *Versuch über den Begriff des Republikanismus*, especially during his work on the journal *Athenäum* during the years between 1798 and 1800, Schlegel turned to poetry itself. One of the *Lyceums-Fragmente* ascertains an intrinsic connection between poetry and republicanism: »Poetry is a republican speech; a speech that is its own law and its own end, in which all parts are free citizens and have an equal right to vote« (II, 155, Nr. 65). One of the *Athenäums-Fragmente* reformulates the same idea: »Just as a cultured man is not merely an end but also a means for himself and for others, so everything in a cultured poem should also be end and means at the same time. The constitution is republican, whilst it is always allowed that some parts are active and others passive« (II, 183, Nr. 118).

Indeed, nothing exhibits the »capacity for communication« better than poetry, and nothing does more justice to the political imperative than »the commu-

nity of humanity should be,« and that »the ego should be communicated,« because poetry figures as the most elaborate communication between individuals, the subject matter of which, in turn, is nothing but human communications. Not only does poetry connect the poet with the reader or listener, it also creates a community of readers or listeners, »[bringing] together all the minds who love it as friends, and [binding] them together with indissoluble bonds« (II, 284). In short, it epitomizes »the play of communication and mutual approximation« (*das Spiel der Mitteilung und der Annäherung*), which makes up »the occupation and the power of life« (II, 286). Theoretical examination of the nature of poetry, then, would be best suited to illuminating republicanism. Schlegel's scintillating observations on poetry, particularly those published in the journal *Athenäum*, represent the continuation and culmination of his reflections on republicanism as the principle underlying a world civil order.¹⁴

Schlegel's engagement with poetry can be roughly divided into two interrelated parts: first, critical descriptions of authors and poetic works, that is, literary criticism in the strict sense, which he referred to as *Charakteristiken*; and second, more or less prescriptive, apodictic pronouncements on what poetry is supposed to be, that is, literary theory. Both parts address the concerns of the republican constitution, i.e. forms of fiction and representation. The descriptive part, or Schlegel's literary criticism, scrutinizes the degree to which, to quote again the *Versuch über den Begriff des Republikanismus*, the specific forms of fiction and representation as realized by individual authors in individual works approximate to »the absolute (though impossible) adequacy of fiction to the fictionalized, the representation to the represented,« whereas the prescriptive part, or Schlegel's literary theory, develops a model of attaining the said absolute adequacy, a model which is generally known as romantic universal poetry or transcendental poetry.

In his essay *Über Goethes Meister*, an exemplary exercise in literary criticism, Schlegel seeks, in ever varying approaches, to demonstrate that individual characters in the novel, however idiosyncratically portrayed, represent general human types, providing an »excellent collection of examples for moral and

¹⁴ Franz-Josef Deiters also argues that Schlegel's reflections on poetry, particularly in *Gespräch über die Poesie*, represent a consistent extrapolation of the notion of republicanism. See his »Die Poesie ist eine republikanische Rede« – Friedrich Schlegels Konzept einer selbstreferentiellen Dichtung als Vollendung der Politischen Philosophie der europäischen Aufklärung«, *DVjs* 81 (2007), 3–20. However, without locating Schlegel's notion of republicanism within the context of debates about international law and world order, Deiters comes to a conclusion diametrically opposed to the one developed here. Whereas he regards Schlegel's theory of romantic universal poetry as representing the consummation of the political philosophy of the European Enlightenment, I argue that it responds to and resolves the crisis of Enlightenment political philosophy, which in justifying the civil order of a single state inexorably fails to account for the possibility of a lawful world order.

social investigations,« and that the fictional actions and lives come close to »a philosophy that is grounded in a higher meaning and spirit, and yet very much strives for strict abstraction and sublime generality of all human powers and arts« (II, 143–144). Goethe's novel, according to this reading, manages to reach that absolute adequacy of fiction (i. e. fictional actions and lives) to the fictionalized (i. e. spirit or human sociability as such), of representation (i. e. portrayal of individual characters) to the represented (i. e. general moral and social phenomena). This remarkable, almost impossible achievement, Schlegel suggests repeatedly, results from the fact that Goethe's novel realizes what poetry should be. In it »everything is actually poetry, pure, high poetry« (II, 132). The critic makes no secret of the key elements of this »pure, high poetry«: they include the poet's desire to »represent the representation anew,« »to form the already formed yet again« (II, 140).

In highlighting this reflexive quality, which he describes particularly in discussions about literature and theater throughout Goethe's novel, Schlegel the critic imperceptibly assumes the role of the theorist, as the activity of reflection and self-reflection constitutes the essence of what poetry should be according to his literary theory. In analogy to the Fichtean transcendental philosophy that explores the consciousness of what consciousness is doing, Schlegel envisions a kind of poetry that »would have to be called transcendental poetry«: along with the product (i. e. the poem), it also portrays the producer (i. e. the poet), thereby achieving »the artistic reflection and beautiful self-mirroring« which are to be found »in Pindar, the lyric fragments of the Greeks, the old elegy, and, among the moderns, in Goethe.« In all its representations, such poetry also represents itself, and »is always at once poetry and poetry of poetry« (II, 204, Nr. 238). The »poetic reflection« of transcendental poetry – a kind of poetry that he usually designates by the epithet »romantic« – unsettles any distinction between representation and the represented, fiction and the fictionalized, as it unceasingly turns representation itself into the object of representation, fiction itself into the fictionalized. In the most famous of the *Athenäum* fragments, he calls this kind of poetry »progressive universal poetry,« saying that »it can hover, on the wings of poetic reflection, in the middle between the portrayed and the portrayer, free from all real and ideal interests, then raise that reflection again and again to a higher power, and multiply it in an endless succession of mirrors« (II, 182–183, Nr. 116). In ceaselessly overriding the distinction between representation and the represented, the distinction between the real and the ideal, indeed all distinctions, romantic universal poetry approximates, in an infinite movement, to the absolute adequacy of the two sides of these distinctions, coming closer and closer to the realization of the political imperative that »the ego should be communicated,« that »the community of humanity should be.« It thus opens up the possibility of universal republicanism. In the words of a participant in the *Gespräch über die Poesie* (1800), in which Schlegel stages infinite

poetic reflection by presenting a series of fictional dialogues on poetry among a group of poetry lovers, it is through the animated, mutually enhancing interplay between various kinds of poetic reflections that »eternal peace« would become possible (II, 287). In his literary theory, then, Schlegel finally manages to formulate a model of universal republicanism or world civil order, bringing his engagement with the Kantian project of eternal peace to completion.

Schlegel elaborates his conception of romantic universal poetry as the model of universal republicanism by contrasting it to eighteenth-century neoclassical poetics that, concerned with rationally determined laws of poetry, provides a model for the absolutist state. Whereas Johann Christoph Gottsched, the most prominent representative of neoclassical poetics in Germany, derives great satisfaction from the fact that »the rules put forward in my poetics had served as the yardstick for [prospective poets],«¹⁵ Schlegel spurns any attempt »to preserve or reproduce poetry by such means as rational discourses and doctrines, or even to bring forth, invent, construct it, and to give it punitive laws, as the theory of the art of poetry liked so much to do« (II, 285). Instead of laying down rules for crafting a perfect poetic work, Schlegel warns the poet against »leaving behind the expression of his characteristic poetry [...] in lasting works,« urging him rather to »strive to expand perpetually his poetry and his view on poetry, and to approximate it to the highest that is possible on earth« (II, 286). The second, applied part of Gottsched's *Versuch einer critischen Dichtkunst* comprises a comprehensive and systematic statement of the laws differentiating some dozen genres from each other, as well as the laws governing their respective modes of functioning. Rather than set forth a code regulating the system of poetic genres, one participant in the *Gespräch über die Poesie* expresses horror at the classification of »fantasy and its works into various rubrics« (II, 305), while the other participant argues that »poetic genres are actually poetry itself« (II, 307), hinting at Schlegel's definition of the goal of romantic poetry as »not merely reuniting all separate genres of poetry, but also putting poetry in contact with philosophy and rhetoric« (II, 182, Nr. 116). In sum, instead of urging poets to comply with fixed laws, Schlegel declares that the »first law« of romantic poetry is that »the will of the artist does not suffer any law above himself« (II, 183, Nr. 116). By opposing his conception of romantic universal poetry so decisively to neoclassical poetics, Schlegel throws into sharp relief the most crucial difference between republicanism and the absolutist state of the eighteenth century. Whereas the absolutist state functions in accordance with a system of laws issuing from and enforced by the sovereign will, the republican state always strives to approximate to the general will by constantly mending differences, overcoming distinctions, joining separate parties, as no fixed laws could ever fully do

¹⁵ Johann Christoph Gottsched, *Versuch einer critischen Dichtkunst*, in: *Ausgewählte Werke*, ed. Joachim Birke, Brigitte Birke, Berlin, New York 1973, VI, 1, 11.

justice to the general will. The former is a static clockwork, and the latter a dynamic system »capable of the highest and the most diverse self-fashioning (*Bildung*),« a system always »in the process of becoming« that »can never be perfected« (II, 183, Nr. 116). Because of this capacity for self-fashioning, »not merely from the inside out but also the outside in« (II, 183, Nr. 116), the individual republican state could join hands with other republican states to form a world republic by applying the same principle of republicanism to the world as a whole. By contrast, because each absolutist state operates with the system of laws determined by its own sovereign, it finds itself permanently at odds with other states, susceptible of no lawful world order on par with its domestic order.

Schlegel's conception of romantic universal poetry as the realization of a republican world order did not remain a mere theoretical program, but also performed a practical function in the European politics of his time. The ever expanding, ever intensifying self-fashioning of romantic universal poetry, as well as its infinite self-reflection, imply a »strong yearning for recognizing [itself], for understanding the intention of its masters, for grasping the nature of the work, for finding out the origin of the school, the course of education« (II, 290). An integral dimension of poetic reflection and poetic self-fashioning is thus the knowledge of poetry from the past to the present and all over the world, i.e. the history of poetry as such. Schlegel's *Gespräch über die Poesie*, which stages the program of romantic universal poetry, features a brief literary history under the title *Epochen der Dichtkunst*. In the following years, this brief history soon blossomed into a full-blown history of European literature from the Greeks to his own time under the title *Geschichte der europäischen Literatur* (1803/1804). The study of European literature across the ages provides compelling evidence for the inner unity of European nations: »European literature forms an interconnected whole, in which all branches are inextricably interwoven. Every element is grounded in the other, and is explained and completed by the other. This goes through all the ages and nations until our times« (XI, 5). Such an inner unity of Europe, in the words of August Wilhelm Schlegel, differs from »the current predominance of this or that nation acquired through industry, commerce, political arts or weapons,« residing rather in »the significance of the contributions that were originally made to culture (*Bildung*).«¹⁶ As part of romantic universal poetry, the study of the history of poetry thus envisions a European order, a *respublica litteraria* of Europe, which stands in stark contrast, and provides an alternative, to the unending warmongering in the age of sovereign states. In so doing, it adds one unique voice to the political debates about the relations among European states, pointing to a possibility of interna-

¹⁶ August Wilhelm Schlegel, *Vorlesungen über schöne Literatur und Kunst* (1801–1804), *Kritische Ausgabe der Vorlesungen*, Paderborn 1989f., I, 179–781 and II, 1–194, here: II, 12.

tional order that lies beyond the imagination of the state-centered international law of the time.¹⁷

IV.

If Friedrich Schlegel's conception of world order and romantic poetics grew out of an engagement with Kant's treatise on international law *Zum ewigen Frieden*, Novalis, the other key theoretical exponent as well as practitioner of romantic poetry, developed his against the background of both Kant's treatise and Schlegel's critical engagement with it.¹⁸ That Novalis should be interested in international law was no coincidence. As a law student, he spent his time mostly on »public law, statistics, international law (*Staatsrecht, Statistik, Völkerrecht*)« (IV, 136), i.e. those areas of jurisprudence that deal with the sovereign territorial state and its relation to other states. »Statistics« here refers to the eighteenth-century discipline concerned with the empirical description of the state. However, partly abetted by a personal distaste for jurisprudence – »I am not a juristic man at all, with neither a sense nor a need for law« (II, 591) – he soon came to be convinced of its inadequacy in conceiving civil order, as well as world order: »We must bring jurisprudence itself to trial. Jurisprudence contains the principle of its improvement, purification etc. within itself« (III, 587).

¹⁷ It is well known that Friedrich Schlegel moved away from republicanism soon after the dissolution of the circle of early romantics in Jena. This also means that the conception of romantic universal poetry as the model of universal republicanism was soon abandoned. *Die Entwicklung der Philosophie in zwölf Büchern*, originally delivered as a series of lectures in Cologne in 1804–1805, concludes with a discussion of the law of nations. There he emphatically spurns universal republicanism in international affairs. Along with this political about-face, romantic universal poetry gives way to imperialism as the realization of world order. See Schlegel, *Die Entwicklung der Philosophie in zwölf Büchern*, XII, 107–480 and XIII, 1–175, here: XIII, 165. Ernst Behler aptly sums up this development in Schlegel's political thought: »Eine andere Bewegungsrichtung des politischen Denkens Friedrich Schlegels besteht in der Wendung seines Interesses vom aufgeklärten Weltstaat ›polizierter Nationen‹ zum europäischen Staatenzusammenhang und von da weiter zum österreichischen Völkerstaat als Modell eines übernationalen Verbandes. ›Kaisertum‹ und ›Österreich‹, freilich in einem symbolischen, überhistorischen Sinne, werden in der Tat die zentralen Ideen der politischen Philosophie Friedrich Schlegels.« »Einleitung,« *Kritische Friedrich-Schlegel-Ausgabe*, VII, xv-clii, here: xviii. On Schlegel's views on the law of nations, particularly on the law of war, after the dissolution of the early romantic circle, see Albert Portmann-Tinguely, *Romantik und Krieg. Eine Untersuchung zum Bild des Krieges bei deutschen Romantikern und »Freiheitssängern«: Adam Müller, Joseph Görres, Friedrich Schlegel, Achim von Arnim, Max von Schenkendorf und Theodor Körner*, Freiburg, Switzerland 1989, 117–155.

¹⁸ Novalis' reading of Kant's treatise *Zum ewigen Frieden* is documented in a note dating from September 1796. See Novalis (note 1), IV, 691. His familiarity with Schlegel's *Versuch über den Begriff des Republikanismus* is documented in a letter to Schlegel on January 1, 1797. See Novalis (note 1), IV, 193.

The prosecution of jurisprudence itself involves, first and foremost, the »annihilation of the natural-law construction of the state (*Annihilation des natürlichen Staatsrechts*)« (III, 575). What should replace jurisprudence is poetry. Educated as a lawyer, but ending his career as a poet, Novalis bore witness in his own life to the movement away from jurisprudence and towards poetry. Indeed, within the brief time span between the completion of his law degree in 1794 and the peak of his poetic production shortly before his premature death in 1801, Novalis' thinking and writing displayed, in a highly condensed form, the momentous transition from jurisprudence to poetry in imagining world order around 1800. In the process, he elaborated a model of world order and romantic poetics markedly different from that of Schlegel. Whereas Schlegel conceived of world order in terms of world republicanism to be realized through progressive universal poetry, Novalis did so in terms of what can be called a sacramental biopolitics, something that likewise requires poetry for its articulation. Principles of this kind of poetry make up a sacramental poetics.

Novalis presented his vision of the political for the first time in a collection of fragments under the title *Glauben und Liebe*, published in the *Jahrbücher der Preussischen Monarchie* in July 1798. This piece, which was to become the foundational text of political romanticism, is in a certain sense framed by the Kantian question of eternal peace. Written on the occasion of the coronation of Friedrich Wilhelm III of Prussia and his wife Louise in November 1797, it opens with a number of poetic vignettes, one of which, entitled *Das Ende des Haders*, or *The End of Strife*, reads:

Lange währte der Zwist, es konnte keiner ihn schlichten;
Mancher schöne Krystall brach in dem feindlichen Stoß.
Nur die Liebe besitzt den Talisman ewigen Friedens –
Da nur, wo sie erscheint, fließen die Massen in Eins. (II, 483)

The issue of eternal peace returns towards the end of the text: »Whoever wants to see and grow fond of eternal peace should travel to Berlin and see the queen. There everyone can clearly convince themselves that eternal peace loves sincere justice above all, and that it can be possessed eternally only by this alone« (II, 498).¹⁹ In spite of the thematic as well as structural centrality of the question of eternal peace, Novalis' text makes no reference to international law. In fact, jurisprudence in general is conspicuous by its absence in this text. Clearly, Novalis managed to develop a non-juridical model of the state and of world order.²⁰

¹⁹ The English translation of *Glauben und Liebe* is based on *Faith and Love*, in: Beiser (note 12), 33–49.

²⁰ Among numerous readings of *Glauben und Liebe*, Hermann Kurzke's may be the only one that pays attention to the question of eternal peace, but it falls short of spelling out its significance in Novalis' overall vision of the political, as well as in the history of political and legal thought. See his *Romantik und Konservatismus. Das*

The first step towards understanding this model would be to consider the conception of the state against which Novalis polemicizes in *Glauben und Liebe*. Anticipating the advent of an entirely new era with Friedrich Wilhelm III's accession to the throne, Novalis metes out a damning judgment of the Prussian state that had existed so far:

No state has been run more like a factory than Prussia since the death of Friedrich I. As necessary as such a mechanical administration may be for physical health, strength, and efficiency in a state, a state goes to ruin when it is governed only in this manner. The principle of the old famous system is to bind everyone to the state by self-interest. The clever politician had the ideal of the state where the interests of the state were as self-centered as those of its subjects, yet where the interests of both are so artificially connected that they reciprocally promoted one another (II, 494).

After the death of Friedrich I in 1713, Prussia grew into a highly efficient bureaucratic and military state under the rule of Friedrich Wilhelm I (1713–1740) and that of Friedrich the Great (1740–1786). The political legacy of this period, which Novalis dismisses in terms of mechanical administration and heartless self-interest, is best summarized in Friedrich the Great's *Das politische Testament*. Concerned with the exercise of sovereign power through government rather than with the legal ramifications of sovereignty, Friedrich the Great identifies in his political testament four main areas in the business of government: the administration of justice, public finance, discipline in the army, and finally politics, with politics meaning the art of »taking appropriate measures for the preservation of the interests of the state.«²¹ Politics is further divided into domestic and foreign politics. Domestic politics, of which public finance actually forms an integral part, means nothing other than »internal administration,« the aim of which is to promote and coordinate the interests of the entire body of the subjects. Foreign politics, on the other hand, seeks to defend and magnify the interests of Prussia in its competition with other European states by diplomatic as well as military means.²² Friedrich the Great's *Politisches Testament* thus illustrates precisely what Michel Foucault terms governmentality. Governmentality refers to a complex of institutions, practices of power, and knowledge, which has population as its main object of concern, political economy as its main form of knowledge, and the security apparatus of public administration as its main technical instrument. Specifically, it involves two ensembles of techniques, aimed at governing the state's domestic and foreign affairs, respectively. On the one hand, there are the governmental techniques referred to as police or *Polizei* in the seventeenth and eighteenth centuries, i.e. techniques

„politische« *Werk Friedrich von Hardenbergs (Novalis) im Horizont seiner Wirkungsgeschichte*, Munich 1980, 182–193.

²¹ Friedrich der Große, *Das Politische Testament von 1752*, in: *Werke und Schriften*, ed. Albert Ritter, Augsburg 1998, 901.

²² Friedrich der Große (note 21), 925.

of internal administration dealing with the size of the population, with the physical needs and well-being of the population such as public health, with the economic production necessary for the satisfaction of the physical needs of the population such as agriculture, manufacture, and commerce, and with the spatial coexistence and communication of the population such as urban planning. On the other hand, there are the techniques needed to ensure the security and to augment the power of a population in the competition of European states, i.e. techniques of the diplomatic-military apparatus. Because all of these techniques ultimately concern the physical existence of the population as a biological mass, the politics underlying governmentality is quintessentially biopolitics.²³

In lambasting »a mechanical administration« necessary for »physical health, strength, and efficiency in a state,« Novalis is actually rejecting governmental reason and biopolitics as epitomized by the Prussian state since the death of Friedrich I.²⁴ In a fragment written at around the same time as *Glauben und Liebe*, Novalis associates »security« and »police« – key components of governmentality according to Foucault²⁵ – with »the negative principle of the state.« What is required, he suggests, is »the positive principle of the state,« or »security in the higher sense« (II, 542). But what is this »positive principle« or »security in the higher sense«? The answer to this question lies in the title of the collection of fragments under consideration – *Glauben und Liebe*.

This title is a quotation from the famous love chapter in Paul's first epistle to the Corinthians: »But now abide faith, hope, love, these three; and the greatest of these is love« (1 Corinthians, 13:13). This Pauline epistle revolves around the theological question of the body. Paul emphasizes that Christ's death and resurrection do not transport him into some sort of disembodied realm of the divine. His resurrected body is an actual body that could be seen and recognized, yet radically different from the mortal flesh of this world. It is a spiritual body. His entry into an exalted existence through death and resurrection involves the total transformation of his body from the physical into the spiritual. Since Christ was raised from the dead, there is going to be a time when all Chris-

²³ See Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–78*, translated by Graham Burchell, New York 2007, particularly 87–114 (lecture 4).

²⁴ The view that *Glauben und Liebe* represents a polemic against Enlightenment natural-law theory misses the point, because what is at stake here is governmental reason rather than the legal conception of the state. This view is held, for instance, by Klaus Peter. See his »Novalis, Fichte, Adam Müller. Zur Staatsphilosophie in Aufklärung und Romantik,« in: Herbert Uerlings (ed.), *Novalis und die Wissenschaften*, Tübingen 1997, 239–268.

²⁵ On security and police as key components of governmentality, see Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*, translated by Graham Burchell, New York 2008, especially 1–74 (lectures 1–3).

tians are raised into glorious immortal bodies and thereby participate in Christ's exalted status. »For since by man *came* death, by man *came* also the resurrection of the dead. For as in Adam all die, so also in Christ shall all be made alive. But each in his own order: Christ the firstfruits; then they that are Christ's, at his coming« (1 Corinthians 15:21-23). Because the resurrection will be bodily, believers in Christ must be careful about their bodies in the meantime. Not surprisingly, one major concern of Paul's is the sexual practices of the Corinthians. He warns them that »neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor abusers of themselves with men« will inherit the kingdom of God (1 Corinthians 6:9), admonishing particularly against visiting prostitutes. »Know ye not that your bodies are members of Christ? shall I then take away the members of Christ, and make them members of a harlot? God forbid« (1 Corinthians 6:15). All such sexual practices would impurify the spiritual body of Christ, in which all believers will be united. The proper way to deal with sexual urges is to enter into a marriage, in which a man and a woman entrust their bodies to each other: »The wife hath not power over her own body, but the husband: and likewise also the husband hath not power over his own body, but the wife« (1 Corinthians 7:4). The carnal nature of man not only leads to wayward sexual practices, but also to envy, strife, and divisions (1 Corinthians 3:3). The remedy to this problem is charity and love based on faith in Christ and hope of future salvation. Taken together, Paul's recommendations to the Corinthians amount, implicitly at least, to a eulogy of marital love as one of the best bodily practices in preparation for the participation in Christ's spiritual body.

Under the title of *Glauben und Liebe*, Novalis' vision of the political is explicitly modeled on Paul's epistle to the Corinthians. The poetic vignettes that introduce the text set the Pauline apocalyptic tone for the political theory that follows. In the same way as Paul prophesies a future resurrection of the dead when Christians come to be united in Christ's spiritual body, Novalis announces the arrival of »the earthly paradise,« of »the happy time,« and, as the title of the poetic vignette quoted above states programmatically, of »the end of strife« (II, 483). In this exalted state, the long-lasting discord is resolved, and »the masses flow into one.« It is the state of »eternal peace.« This exalted, blessed state, Novalis suggests, can be recognized in »the embrace« of the young royal couple (II, 483). The celebration of the conjugal love of the king and queen is combined with the invocation of general domestic bliss and universal charity. The queen is supposed to take care of »the education of her sex, the supervision of children in their early years and of morals at home, the care for the sick and poor, particularly those of her sex, the tasteful decoration of the home, the organization of family celebrations, and the arrangements of court life« (II, 491). At this juncture, Novalis offers a sharp rebuke of prostitution, just as Paul reprimands the Corinthians for their patronizing of harlots, as well as other extramarital sexual activities.

Yet Novalis goes a step further than Paul, which makes his conception of the political much more than merely a reiteration of biblical doctrines. Whereas Paul pleads for marital love as the requisite use of the mortal body in anticipation of the rise of the spiritual body, Novalis suggests that marital love, embodied by the royal couple and to be emulated by everyone else, actually figures as the spiritual body, with the spiritual body here understood as a universal political body, i.e. the state of eternal peace. Towards the end of *Glauben und Liebe*, he announces that

in our days true wonders of transubstantiation have taken place. Does not a court transform itself into a family, a throne into a shrine, a royal wedding into an eternal bond of the heart? [...] the golden age is dawning or already arrived, even if it is not publicly recognized and universally promulgated. / Whoever wants to see and grow fond of eternal peace should travel to Berlin and see the queen. There everyone can clearly convince themselves that eternal peace loves sincere justice above all, and that it can be possessed eternally only by this alone (II, 498).

A particular wedding transformed into marital love as such, marital love transformed into an eternal bond of the heart, the eternal bond of the heart transformed into the state of eternal peace: such is the logic of transubstantiation underlying Novalis' theory of the political, which is modeled on, yet at the same time goes beyond, the Pauline doctrine. In elaborating this logic, Novalis also makes amply clear what he thinks the »positive principle of the state« is or should be: it is this »transubstantiated« or, as it were, eucharistized marital love, a marital love that is physical, yet endowed with the mystic quality of constituting a spiritual collective body. In the *Teplitzer Fragmente*, written around the same time as *Glauben und Liebe*, Novalis explicitly analogizes marital love with the Eucharist: »Is embrace not something similar to the Lord's Supper?« (II, 596). The analogy of marital love and the Eucharist is also a topic in his encyclopedia project *Das allgemeine Brouillon* (1798/1799): »Synthesis of man and woman. [...] *The Lord's Supper* – Communal eating and drinking is a kind of *union* – an act of generation« (III, 273). This eucharistizing of marital love implies that it is divested of its biopolitical significance for the physical reproduction of the population, as much as bread and wine in the Eucharist are divested of their nutritional value. Instead, it becomes a physical union that mystically enables the union with a spiritual collective body. As such, it ultimately requires the death of the physical body. It is a revealing fact that the love marriage of Heinrich and Mathilde in Novalis' novel *Heinrich von Ofterdingen* culminates in the bride's death. The ecstatic love scene at the end of chapter eight of the novel circles obsessively around the importance of death for the consummation of love.²⁶ In any case, it is this eucharistized marital love that is supposed to replace »security,« »police,« »mechanical administration,« indeed

²⁶ The dialogue of Heinrich und Mathilde reads as follows: »Ich weiß nicht, was Liebe ist, aber das kann ich dir sagen, daß mir ist, als finge ich erst jetzt zu leben an,

all the apparatuses of governmental reason and biopolitics which for Novalis represent »the negative principle of the state.« It provides »security in the higher sense,« a security meant to ensure not so much the physical existence of the population as the spiritual collective body, a security that is nothing less than eternal peace.

Insofar as marital love involves carnal embrace, what Novalis considers to be »the positive principle of the state« is also a kind of biopolitics. Yet in contrast to the biopolitics of the modern state as exemplified by Prussia, which is concerned with the physical well-being of the population, the biopolitics envisioned by Novalis is concerned with precisely what points beyond physical well-being, i. e. with the mystic, Eucharistic power of marital love in forging the spiritual bond of a collective body. It actually involves the abnegation of »physical health, strength, and efficiency in a state,« of wealth that ensures the satisfaction of sensuous needs, indeed of all that governmental reason promotes: »What good do all riches do me when they stay only so long as to take fresh horses and more quickly complete their journey around the world? Selfless love in the heart and its maxims in the head – that is the eternal bliss of all true, indissoluble union. What is political union but a marriage?« (II, 495). It is a biopolitics that prefers loving union with the spiritual body of the state to »a chicken with rice on the table every Sunday« (II, 486). By analogy with the theological doctrine of the Eucharist, one can say that if the biopolitics of the modern territorial state is primarily interested in the nutritional value of bread and wine for the physical health of the population, and in marriage as the optimal means for the physical reproduction of the population, Novalis' biopolitics is interested in their sacramental value for the union with the spiritual body. This biopolitics that endues the marital union of physical bodies with the sacramental power of constituting the spiritual body of the state can be called sacramental biopolitics.²⁷

und daß ich dir so gut bin, daß ich gleich für dich sterben wollte.« – »Meine Mathilde, erst jetzt fühle ich, was es heißt unsterblich zu sein. [...] Ach! Mathilde, auch der Tod wird uns nicht trennen.« – »Nein, Heinrich, wo ich bin, wirst du sein.« – »Ja, wo du bist, Mathilde, werd' ich ewig sein.« (I, 287–288).

²⁷ In her *Der verfaßte Körper. Zum Projekt einer organischen Gemeinschaft in der Politischen Romantik*, Freiburg i. Br. 1999, Ethel Matala de Mazza offers a reading of Novalis' celebration of the marital love of the royal couple that is diametrically opposed to my reading. She sees in *Glauben und Liebe* »die Naturalisierung des christlichen Kollektivleib-Modells« (161). Accordingly, marital love as extolled by Novalis figures as the naturalization of Christian love. This leads her to interpret Novalis' notion of the royal family life in terms of the biopolitics that characterizes the territorial state from the eighteenth century onwards (161–172). This interpretation neglects the ways in which Novalis at once draws on and moves beyond the Pauline doctrine of the relationship between marital love and bodily resurrection. More importantly, it attributes to Novalis a conception of the political which he actually polemicalizes against and tries to overcome, namely the biopolitical concern with the »physical health, strength, and efficiency in a state.« By contrasting Novalis' sacra-

This sacramental biopolitics that Novalis expects to be realized through the love marriage of Friedrich Wilhelm III to Queen Luise is supposed to supersede the »mechanical administration« characteristic of the Prussian state since the death of Friedrich I. Such »mechanical administration,« part and parcel of the governmental reason and biopolitics of the modern state, exists side by side with the juridical principle of sovereignty, as Foucault emphasizes: »So sovereignty is absolutely not eliminated by the emergence of a new art of government that has crossed the threshold of political science. The problem of sovereignty is not eliminated; on the contrary, it is made more acute than ever.«²⁸ Novalis' sacramental biopolitics, however, entirely dissolves the legal notion of the state. This has, first of all, a theological basis. The state that looms large through the marital love of the young royal couple marks a radical rupture with the state that has existed so far. Novalis parallels this rupture with the transition from the Old to the New Covenant, as indicated allegorically in the last of the poetic vignettes at the beginning of *Glauben und Liebe*, which likens the royal couple to Noah's Ark swimming high on the Flood.²⁹ The gospel of love preached by the New Covenant makes the Old Covenant based on the Law obsolete. In keeping with the Pauline injunction to subordinate the letter of the Law to the Spirit, Novalis declares that »the paper paste that now sticks humanity together will dissolve into dust, and the spirit will scare off all the ghosts that now appear in dead letters and go forth dismembered from pens and presses. All humanity will melt together like a pair of lovers« (II, 488). Indeed, love absorbs the Law, as in being totally committed to each other in love believers in Christ actually fulfill the Law. »For the whole law is fulfilled in one word, *even* in this: Thou shalt love thy neighbor as thyself« (Galatians 5:14).

The theological appreciation of love at the expense of the Law leads to a »polemic against jurisprudence« and against the legal notion of the state in general (III, 564).³⁰ Underlying the Hobbesian construction of the state is a juri-

mental biopolitics with the biopolitics of the modern territorial state, I argue that Novalis' conception of the state is modeled on the Christian notion of the spiritual collective body, but that he develops this conception by means of the eucharistizing of marital love – a theoretical move beyond the Pauline doctrine. This argument does not contradict the fact that in Novalis the spiritual body of the state is subsequently naturalized and analyzed in terms of an organic body. In this respect, Matala de Mazza's analysis of Novalis' physiological approach to the state (144–161) complements what I present here.

²⁸ Foucault (note 23), 107.

²⁹ »Jenes himmlische Paar schwimmt hoch auf der Flut, wie die Taube / Und der Ölweig; es bringt Hoffnung des Landes, wie dort« (II, 484). These two verses refer to Genesis 8:1–12.

³⁰ On Novalis' »polemic against jurisprudence,« see Hans Wolfgang Kuhn, *Der Apokalyptiker und die Politik. Studien zur Staatsphilosophie des Novalis*, Freiburg i. Br. 1961, 193–197.

dical principle, as the sovereign person to whom individuals entrust their natural rights through the original covenant exercises his power by prescribing and enforcing laws binding on each and every subject, thereby instituting and maintaining the state as a lawful order. As the expression of the will of the sovereign person or the commonwealth, laws are by definition general, independent of the private inclinations of any particular individual. In conceiving of the state as a lawful order, Hobbes applies the belief of modern physical science in the general lawfulness of nature to the political realm.³¹ In Kant the general law rises to the transcendental field, within which the will constitutes itself. At the core of Kantian practical philosophy is the construction of general moral laws. The categorical imperative commands the subject to act in such way that the maxims of his will can always serve as the principle of a general legislation. His doctrine of right complements the moral law that appeals to the internal imperative of one's own will with the juristic law that asserts its general validity through state power. In flagrant opposition to all of political thought from Hobbes to Kant and beyond, which grounds the state on its laws and grounds the validity of laws on their generality, Novalis locates laws in the feelings of a private individual, thereby depriving them of their generality: »When Solon and Lycurgus gave humanity laws, true and universal laws, where did they get them? It is to be hoped, from their feeling for humanity and their observation of it. If I am a human like them, where do I get my laws? Probably from the same source.« Once personal feelings are considered the source of laws, they also become the principle of interpretation of laws: »And am I, if I then live according to Solon's and Lycurgus' laws, disloyal to reason? Every true law is my law, whoever proclaims and establishes it« (II, 501). The inevitable consequence of this personalization and privatization of laws is their complete dissolution in affection and sentiment. »What is a law if it is not the expression of the will of a loved and respected person?« Novalis asks rhetorically in *Glauben und Liebe* (II, 487). By means of such a radical reconceptualization of the source and interpretation of law, Novalis manages to rephrase the displacement of the Law by Love preached by the New Testament in the language of jurisprudence. The effect, indeed the purpose, of this jurisprudence is its self-effacement, as it gives up its own right to exist by disposing of its own subject matter. With jurisprudence deconstructing itself, laws and the juridical principle as such are banished from the state. If a law is nothing but the expression of the will of a loved person, then the state ceases to be a Hobbesian body politic constituted through laws, and becomes a collective body constituted through affective bonds. The state as an affectively constituted collective body, as discussed above, follows the Eucharistic principle: it is a collective body arising mystically from the transubstantia-

³¹ See Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes*, Cambridge 1997, 294–326, 334–343.

tion of the physical union epitomized by marital love. Such a collective body needs no laws. As Novalis puts it in *Das Allgemeine Brouillon*, »a perfect constitution [...] makes all express laws superfluous« (III, 284).

The excision of the law from the political body and the absorption of the juridical principle within a sacramental biopolitics fundamentally redefine the meaning of peace. In the Hobbesian construction of the state, peace means first and foremost civil peace predicated upon the rule of law established and enforced by the sovereign. Because there is neither a legislatorial nor a jurisdictional authority in the international arena, there cannot be a world peace comparable to civil peace. In Novalis, with the state reconceived as a collective body by analogy with the spiritual body of Christ, civil peace sheds its juridical character and assumes a salvational significance. Since salvation or the partaking of Christ's spiritual body recognizes no political borders, there is no difference between the peace realized within the state and that outside of the state. Therefore, the political order that Novalis sees emerging from the marital love of the Prussian royal couple figures as civil peace and world peace at once. It refers to civil peace, insofar as it is associated with the Prussian state. Yet designating it emphatically as »eternal peace,« thereby consciously joining in a dialogue with Kant and Schlegel, Novalis unequivocally places it on par with world order. The Hobbesian asymmetry between the civil order of the state and the world order among states no longer applies.

The obviation of this asymmetry is closely bound up with the fact that the break with the juridical principle in the conception of the state deals it the *coup de grâce* in conceiving world order as well. The attempt to imagine world order in accordance with the juridical principle was a paradoxical undertaking from the outset: the legal construction of the state made jurisprudence such a paramount principle that it also laid claim to making sense of world order, yet at the same time it made jurisprudence so state-centered that it was incapacitated for making sense of international relations. For this reason, international law was caught up in a permanent crisis. In *Christenheit oder Europa*, an essay dealing with world order – in a certain sense a sequel to *Glauben und Liebe*, which deals with the political order of the state – Novalis follows Kant in declaring outright the impossibility of international order within a legal framework: »No peace can be concluded among the conflicting powers. All peace is only an illusion, only a temporary truce. From the standpoint of the cabinets, no unity is conceivable« (III, 522).³² Whereas Kant regards world peace as an ought demanded by reason and regards its attainment in terms of the subjective principle of the power of judgment, Novalis sees its possibility in the Christian reli-

³² The English translation of *Christenheit und Europa* is based on *Christianity or Europe: A Fragment*, in: Beiser (note 12), 59–79.

gion. World peace represents »a new golden age with dark infinite eyes, a prophetic, miraculous, healing, consoling time that generates eternal life. It will be a great age of reconciliation, of a redeemer who, like a true genius, will be at home with men, believed but not seen. He will be visible to the believer in countless forms: consumed as bread and wine, embraced as a lover, breathed as air, heard as word and song, and as death received into the heart of the departing body with heavenly joy and the highest pain of love.« (III, 519–520) Just like civil peace, and in an even more explicit manner, world peace is conceived in terms of the spiritual body of Christ rising from the death of the physical body – a spiritual body that, throughout *Christenheit oder Europa*, is equated with the Catholic Church, albeit an idealized rather than the really existing Catholic Church. It rests likewise on the twin pillars of love and faith. On the battlefields where the blood and tears of the nations flow together, »a great banquet of love« brings, eucharistically, the eternal peace of the world into being (III, 523). True faith that sees the peacemaking redeemer »in countless forms« infuses »everything earthly« with the Eucharistic quality of being »the wine and bread of eternal life« (III, 523). Thus it is not any juridical principle, but the »divine gospel« of love and faith that heralds the coming of »the sacred age of eternal peace,« as the essay concludes (III, 524).

V.

What Novalis elaborates in his political writings is a non-juridical model of civil order and world order, a model that, following the Eucharistic principle, derives the cohesiveness of both the state and the world of states, of both civil order and world order, from the sacramental transubstantiation of the sensuous and the earthly. In such a model that does away with the Hobbesian asymmetry between civil order and world order, jurisprudence gives way to sacramental biopolitics. This sacramental-biopolitical conception of world order is amalgamated with the conception of it as the new golden age, and both conceptions are, in turn, bound up with the conviction that the figuration of the political world order takes the form of poetry.³³ As a collective spiritual body or a golden age, world order is characterized by the complete merging of the individual into the whole, and this is possible only through poetry. »Poetry,« Novalis notes in a fragment, »suspends the singular through a peculiar concatenation with the rest of the whole. [...] Poetry fashions the beautiful society – world family – the beautiful housekeeping of the universe. [...] The individual lives in the whole

³³ On the idea of golden age in Novalis, see Hans-Joachim Mähl, *Die Idee des goldenen Zeitalters im Werk des Novalis. Studien zur Wesensbestimmung der frühromantischen Utopie und zu ihren ideengeschichtlichen Voraussetzungen*, Heidelberg 1965. On the poetic figuration of the golden age in *Die Lehrlinge zu Sais* and in *Heinrich von Ofterdingen*, 354–362, 397–423.

and the whole in the individual. Through poetry there emerges the highest sympathy and coactivity, the most *intimate* community of the finite and the infinite« (II, 533).

This capacity of poetry for the figuration of the political world order follows from their structural affinity. In a certain sense, the death of the physical body is inscribed in both of them. In keeping with the Eucharistic principle, Novalis' conception of world order in terms of a spiritual collective body implies death in a dual sense. First, it implies the death of the individual, as it is through the death of the individual physical body that »I enter into a higher corporation« (II, 416), and that »our life becomes a part – a member of something larger, of a communal life« (II, 607). Second, it implies the deadening of the physical needs of the population or, as discussed above, the abnegation of »physical health, strength, and efficiency in a state,« as it is through this abnegation that »the eternal bliss of all true, indissoluble union« becomes possible. Poetry as envisioned by Novalis consists likewise in the evocation of a spiritual world through the deadening of the sensuous. In the second half of the eighteenth century, with widespread literacy, written communication rapidly prevailed over face-to-face communication involving the presence of the physical body, effecting »the overcoming of physis,« and creating the phantasm of the merging of souls as the ideal of communication.³⁴ Novalis' poetics represents, in many ways, the apotheosis of this ideal of communication, as he ascribes to poetry – something written – the miraculous capability of generating a spiritual meaning that bonds all souls. The faculty sustaining this capability is imagination. »Imagination is the wonderful sense that can *replace* all our senses – and that to so great an extent already stands at our disposal. Whereas the external senses appear to abide entirely by mechanical laws, imagination is obviously not bound to the present and to the contact with external stimuli« (II, 650). The physical senses (*Sinne*) have access to spatially and temporally limited segments of the physical world governed by mechanical laws. By contrast, the imagination, conceived by Novalis as a disembodied, universal sense, transcends all spatio-temporal limitations, capturing the meaning (*Sinn*) of the whole world.³⁵ As the sense proper to the poet and the sense for poetry, the imagination overcomes and sublimates the physical senses. Animated by the imagination, the poet leaves behind the physical world and opens up a spiritual world, thereby distin-

³⁴ Albrecht Koschorke, *Körperströme und Schriftverkehr. Mediologie des 18. Jahrhunderts*, Munich 1999, 211.

³⁵ In the context of the present essay, it is not possible to spell out the complex philosophical filiations of the concept of imagination that Novalis developed in the wake of Kant and Fichte. For a recent analysis of the philosophical context and poetological implications of this crucial concept in Novalis, see Herbert Uerlings, »Einbildungskraft und Poesie bei Novalis,« in: Uerlings (ed.), *Novalis: Poesie und Poetik*, Tübingen 2004, 21–62.

guishing himself from artists who rely on the physical senses. As Novalis puts it in *Heinrich von Ofterdingen*: »Whereas those artists fill the external senses with pleasant sensations, the poet fills the inward sanctum of the mind with new, wonderful and pleasing thoughts. He knows how to stimulate the secret forces in us at his will, and acquaints us, by means of words, with a magnificent unknown world« (I, 210). Poetry enables access to the spiritual world by keeping the physical senses at bay, and by employing written words, i.e. a material vehicle that in its function of transporting meaning overrides its proper material quality, the quality of being ink on paper. Poetic production, therefore, follows a similar logic to the Eucharist. The death of the physical makes it possible to partake of the spiritual by means of the host. What serves as the host here is writing. In light of this correlation, Christ's death and resurrection appears to be poetic: »The history of Christ is as surely a *poem* as it is a history (Die Geschichte Xsti ist eben so gewiss ein *Gedicht*, wie eine Geschichte)« (III, 566). Conversely, poetry assumes a mystic, sacramental character:

The sense for poetry has much in common with the sense for mysticism. It is the sense for the peculiar, the personal, the unknown, the mysterious, that which is to be revealed, the necessary-accidental (*das Nothwendigzufällige*). It represents that which is unrepresentable. It sees the invisible, feels that which cannot be felt, etc. [...] The poet is veritably out of his mind (*sinnberaubt*) – instead everything is to be found in him. He presents in the most proper sense *subject|object* – *mind and world* (*Er stellt im eigentlichsten Sinn Subject|Object vor – Gemüth und Welt*). Hence the infinity of a good poem, the eternity (III, 685–686).

Novalis' is a sacramental poetics. In the form of written words on paper, poetry reveals the unrepresentable, the insensible, the infinite, the eternal. This mystic character makes it the perfect medium for representing eternal peace or the political world order conceived as a collective spiritual body. Poetic representation consists in »the making present of the non-present.« By means of poetry, Novalis exclaims in *Das allgemeine Brouillon*, »eternal peace is already there – God is among us – here is America or nowhere – the golden age is here [...]« (III, 421). Indeed, his poetic texts invariably culminate in the evocation of eternal peace, as exemplified by the concluding verses of Klingsohr's fairy tale in *Heinrich von Ofterdingen*, a fairy tale that mirrors the novel as a whole:

Gegründet ist das Reich der Ewigkeit,
In Lieb und Frieden endigt sich der Streit,
Vorüber ging der lange Traum der Schmerzen,
Sophie ist ewig Priesterin der Herzen (I, 315).

In particular, Novalis' six-part hymnic cycle *Hymnen an die Nacht* (1800) clearly stages the *modus operandi* of the poetic figuration of eternal peace. The title indicates the uniqueness of Novalis' hymnic poetry, as the addressee of the hymnic apostrophe, the night, is not a divine entity representing an integrative

symbolic order, as is the case in both the classical and the modern hymn,³⁶ but a numinous sphere which seems to dissolve all difference and order. The cycle begins with the antagonism between light and night. Light is likened, among other things, to a sovereign who imposes civil order on the world, who builds and undoes alliances: »Wie ein König der irdischen Natur ruft es jede Kraft zu zahllosen Verwandlungen, knüpft und löst unendliche Bündnisse, hängt ein himmlisches Bild jedem irdischen Wesen um. – Seine Gegenwart allein offenbart die Wunderherrlichkeit der Reiche der Welt.« (I, 131) In the fourth hymn, in which the antagonism between light and night is taken up again, light appears as a realm governed by mechanical laws: »Gern will ich die fleißigen Hände rühren, überall umschauen, wo du mich brauchst – rühmen deines Glanzes volle Pracht – unverdroßen verfolgen deines künstlichen Werks schönen Zusammenhang – gern betrachten deiner gewaltigen, leuchtenden Uhr sinnvollen Gang – ergründen der Kräfte Ebenmaß und die Regeln des Wunderspiels unzähliger Räume und ihrer Zeiten.« (I, 137) Taken together, the characterization of the realm of light bears a striking resemblance to that of the Prussian state in *Glauben und Liebe*. Light, the »king of earthly nature,« almost seems to be an allegory of the great Prussian king, whereas the mechanically precise functioning of the realm of light is hardly distinguishable from the »mechanical administration« of the Prussian state. And this realm of light is dismissed no less categorically than the Prussian state that was »run like a factory.«

Turning away from light, the lyrical subject submerges himself in the darkness of night: »Abwärts wend ich mich zu der heiligen, unaussprechlichen, geheimnißvollen Nacht.« (I, 131) With its sanctity, ineffability, and secrecy, the night figures as a mystic realm. Presenting himself as someone endowed with the special organ for mystic knowledge, the poet makes it clear from the outset what the purpose of the hymnic invocation and praise of the night is: to initiate the reader into a mystery. This initiatory purpose refers the *Hymnen an die Nacht* once again to *Glauben und Liebe*.³⁷ The preface to this political treatise informs

³⁶ The main formal characteristics of the classical and Christian hymn are ceremonial invocation of the divine, proclamation of gratitude and praise, and often also insistent supplication. See »Hymnos, Hymnus,« in: *Der neue Pauly: Enzyklopädie der Antike*, Stuttgart 1998, V, 788–797. Pioneered by Friedrich Gottlieb Klopstock, the modern hymn emerging in German literature from the mid-eighteenth century onwards retains many of the formal characteristics of the classical and Christian hymn, while »der Übergang von der religiösen Lehre zur Verkündigung allgemeinverbindlicher Aussagen als Preis Gottes« takes place. Norbert Gabriel, *Studien zur Geschichte der deutschen Hymne*, Munich 1992, 12.

³⁷ The initiatory character of this hymnic cycle has been widely recognized at least since 1942, when Max Kommerell argued that »Was nun das Gedicht des Novalis möglich macht, ist eine neue Verbindung des Dichterseins mit dem Wissen.« Dirk von Petersdorff refers to it bluntly as »Initiationstext einer romantischen Religion.« Kommerell, »Novalis: »Hymnen an die Nacht,« in: *Novalis: Beiträge zu Werk und*

the reader that what follows is written in a »tropical and cryptic language,« meant for »an initiate« (II, 485). The arcanum revealed by the treatise, as discussed above in detail, is a sacramental-biopolitical conception of world order that is opposed to, and meant to supersede, the »mechanical administration« of the absolutist state. The mystery hidden in the innermost sanctum of the night proves to be much the same. The first hymn ends with the identification of the night with sexual love, with »bridal night« (I, 133). The second hymn turns, in a rhetorical gesture of negation, to the profane »fools« who have no sense for the mystery of the night (I, 133). Changing to the past tense, the third hymn narrates an epiphanic experience of the poet at the tomb of his beloved. Bemoaning the death of the beloved, he suddenly sees the tomb scatter into clouds, and through the clouds there appears the transfigured face of the beloved. Time is transcended, and a new life descends upon him – the life of eternity. After these two rhetorically effective maneuvers – negation of the profane and narration of a personal experience of epiphany – having now reached the midpoint of the poem, the poet is ready to utter the mystic knowledge. Beginning with an emphatic declaration of esoteric knowingness, »Nun weiß ich« – »Now I know« – the fourth hymn brings to light the mystery buried in the womb of the night. Death, embodied by the tomb, marks a border where one could »[look] over into the new land,« i.e. the land promised by God, as indicated by the explicit biblical reference (Exodus 3:8). In anticipation of entry into this new land, one builds »huts of peace« to eschew the »perpetual disquietude« of light, and to dedicate oneself to longing and love. In the eighteenth century, the notion of »hut« referred to a pietistic ideal community that, in an attempt to return to the origins of the Christian church, values heart and love as its integrative force.³⁸ Love in this earthly world transubstantiates into a collective spiritual body, in which all loved ones are united: »aber was heilig durch der Liebe Berührung ward, rinnt aufgelöst in verborgenen Gängen auf das jenseitige Gebiet, wo es, wie Düfte, sich mit entschlummerten Lieben mischt.« (I, 137)

The mystical knowledge that the *Hymnen an die Nacht* seek to articulate is thus quintessentially the same as that formulated in *Glauben und Liebe*. Yet its articulation involves elaborate poetic procedures. In addition to what has been sketched above, as well as other rhetorical maneuvers on the micro-level of the

Persönlichkeit Friedrich von Hardenbergs, ed. Gerhard Schulz, Darmstadt 1986, 174–202, here: 174; Petersdorff, *Mysterienrede. Zum Selbstverständnis romantischer Intellektueller*, Tübingen 1996, 354. However, it has rarely been remarked that this poem shares its initiatory character with the political treatise *Glauben und Liebe*, and consequently its significance for Novalis' conception of world order has never been worked out.

³⁸ See Gerhard Schulz, *Commentary on Novalis, Werke*, Munich 1969, 630.

text,³⁹ some of the most effective poetic procedures can be observed in the fifth hymn. Up to the latter part of the fourth hymn, the revelation of the mystery of the night takes place on the level of the lyrical subject's individual experience. The personal pronouns are consistently in the first-person singular. This creates a tension with the content of the mystery itself, which concerns the condition of possibility of the collective body. The end of the fourth hymn, however, marks the transition from individual to collective experience: »In wilden Schmerzen erkenn ich deine Entfernung von unsrer Heymath.« (I, 139) The lyrical subject still speaks in the first person, but on behalf of »us,« i.e. humanity at large. He realizes that the realm of light is far removed from »our« true »home,« namely that »otherworldly territory« (jenseitiges Gebiet) where the bodies touched by love merge into one collective body. An account of the making of this collective body from a collective rather than individual perspective, or the enunciation of the mystic knowledge on the basis of collective-exoteric rather than personal-esoteric experience, takes the form of a Christ-centered narrative of the history of mankind. Introduced by the last sentence of the fourth hymn – »Unverbrennlich steht das Kreutz – eine Siegesfahne unsers Geschlechts« (I, 139) – this narrative is presented in the fifth hymn.

The longest und the most complex of the hymnic cycle, the fifth hymn recounts, in the voice of an auctorial narrator, what has been pronounced in the first four hymns in the emphatically personal voice of the lyrical subject: the mystery of the rise of the collective spiritual body from earthly love. A number of poetic procedures contribute to the enunciation of this mystery. First, there is the grand narrative construction of the universal history of humankind from its primeval, mythic beginning to the Christian future. The ancient world is depicted as a Hesiodic golden age, in which nature, mankind, and gods are harmoniously at one with each other. Yet this golden age comes to an end with the discovery of death, of the inexorable finitude of life. It is with Christ that the horror of death is finally overcome, as Christ's resurrection opens up the prospect of a higher, eternal life. However one might prefer to interpret this grand narrative,⁴⁰ it is obvious that it reconfigures the key conceptual elements of Novalis' sacramental-biopolitical conception of world order – physical love, the experience of death, and the transubstantiation of physical love into the spiritual body – into a narrative sequence. Sensuous love, the union of the physical body, is illustrated by the ancient world, enrapt with »a perpetually colorful festival of the children of the heaven and the inhabitants of the earth.« The narrator cha-

³⁹ Petersdorff offers a detailed analysis of the textual movements of the first four hymns on the micro-level. See his *Mysterienrede* (note 37), 356–368.

⁴⁰ As it is impossible to comment on the enormous body of Novalis scholarship at this juncture, I refer to Herbert Uerlings' summary of scholarly literature on this text, *Friedrich von Hardenberg, genannt Novalis: Werk und Forschung*, Stuttgart 1991, 277–302.

characterizes it unambiguously in terms of »the sacred ecstasy of love« (I, 143). The experience of death now performs the function of a crucial narrative link that brings about the decisive turn of events, whereas the transubstantiation of physical love into a collective spiritual body – the mystic core of Novalis' conception of political world order – is now narrativized as Christ's life, death, and resurrection.

It is in the narrativization of Christ's life, death, and resurrection that another significant poetic procedure can be best observed. The characterization of the ancient world as »the sacred ecstasy of love« already bears a pronounced poetic character, as it is the product of a free poetic imagination laced with only vague references to Greek mythology. The Christ narrative is even more of a product of the poetic imagination, with the gospels serving merely as a thesaurus of motives and themes at the poet's disposal. Some of the indispensable elements of the biblical narrative of Christ, such as the Passion, are simply left out, whereas some alien material, such as the figure of the singer, is unaccountably woven into the narrative.⁴¹ Indeed, the Christ figure is associated with poetry throughout the narrative. He is born in »the poetic hut of poverty (der Armuth dichterischer Hütte)« (I, 145) instead of a stable, and he is surrounded by the imagery of flower and blossom, which figuratively stands for poetry. Just as the narrative of the universal history of mankind does on the macro-level of the fifth hymn, the Christ narrative rearranges, on the local level, the conceptual elements of Novalis' sacramental-biopolitical conception of world order according to the logic of narration. It is under the auspices of love that Christ's life unfolds: as the »infinite fruit of a mysterious embrace,« he has a heart that opens up like a »calyx of almighty love« and an eye that looks at »his beloved folk.« The hearts and minds of his followers are »wondrously gripped by profound love« (I, 146–147). Death, evoked as a cataclysmic cosmic event, figures again as the crux of narration, which draws a distinction between a before and an after, and which thereby endows both previous and subsequent events with meaning. The notion of the transubstantiation of love into the spiritual body is now literalized by the miraculous event of resurrection, an event marking the birth of a new world, in which the finite physical life gives way to the infinite spiritual life of humankind. The description of the resurrection in particular attests once more to the poetic license that is at work throughout the Christ narrative: »Erwacht in neuer Göttlichkeit erstieg er die Höhe der neugebornen Welt – begrub mit eigener Hand der Alten Leichnam in die verlaßne Höhle, und legte

⁴¹ The fact that the Christ narrative in the fifth hymn is more a product of the poetic imagination than a recapitulation of the gospels is too evident to escape the attention of any reader. See for example, Gerhard Schulz, »Mit den Menschen ändert die Welt sich. Zu Friedrich von Hardenbergs ›5. Hymne an die Nacht,« in: *Gedichte und Interpretationen, Band 3: Klassik und Romantik*, ed. Wulf Segebrecht, Stuttgart 1984, 202–215; Uerlings (note 40), 311–319.

mit allmächtiger Hand den Stein, den keine Macht erhebt, darauf« (I, 149). One would look in vain for such actions in the gospels. Evidently, the poet is concerned neither with the historical Jesus nor with religious dogmas, but with the poetic figuration of the coming-into-being of a new world, in which humankind coheres into one spiritual body. The Christ figure is employed because it stands paradigmatically as the mediator between the physical and the spiritual, the finite and the infinite, the temporal and the eternal.

That the Christ narrative in the fifth hymn is not meant to replicate the gospel but issues from the poetic imagination is made amply clear by the figure of the singer that the narrator introduces into the biblical story of Christ. If the invention of such an unabashedly apocryphal figure illustrates yet again the poetic nature of the Christ narrative, its portrayal within the narrative reflects prismatically the function that the Christ narrative and, by extension, poetry in general perform. The singer, born in Greece, coming to Palestine to dedicate his heart to Christ, and then moving on to the Orient to disseminate the gospel, appears in the narrative after the decline of the ancient world but before the death of Christ, which heralds the birth of a new world. This era is characterized by the reign of mechanical calculation: »Einsam und leblos stand die Natur. Mit eiserener Kette band die dürre Zahl und das strenge Maß« (I, 145). In this era, the soul has fled from the exterior world and entered into the interiority of the mind. Clearly, it is the age in which Novalis found himself. The singer, as an insightful Novalis scholar puts it, »is thus the symbolic presence of Novalis in his vision, just as a painter paints himself into a painting.«⁴² Not surprisingly, the poetic product of this singer reveals precisely what Novalis' own poetry was supposed to be. The metric form is, as another Novalis scholar has observed, the eight-line stanza, »the verse form of Tasso and Ariosto,« which the romantic generation appropriated as its own.⁴³ And its content – that Christ marks the »joyous beginning of the higher humanity« – corresponds exactly to that of the fifth hymn as a whole. The self-reflection of poetry through the figure of the singer – this is the third and perhaps the most important poetic procedure in the fifth hymn – leaves no doubt as to the relationship between the sacramental-biopolitical conception of world order and poetry: the former requires the latter for its articulation, or to put it the other way round, the purpose of the latter is to articulate the former. The corollary of this relationship is the correlation of world order with the product of poetry: eternal peace is nothing else than »an eternal poem« (I, 153).

At this point, at the end of the fifth hymn, *Hymnen an die Nacht* as a text of initiation reaches its climax, with the mystery that was adumbrated at the beginning now being completely revealed. The fifth hymn concludes with the

⁴² Kommerell (note 37), 197.

⁴³ Schulze (note 41), 207.

identification of eternal peace with »an eternal poem.« The sixth and final part of Novalis' hymnic cycle, entitled »Sehnsucht nach dem Tode,« written entirely in verse in contrast to the previous hymns written mostly in prose, displays such an »eternal poem« at work.⁴⁴ Presented in the form of a church song, it implies a community that constitutes itself through singing. The collective voice of the communal »us« stands in stark contrast to the individual voice of the lyrical subject in the first four hymns. That which is sung, »Yearning for Death,« hints at the dynamic structure of this community. It lives in the present earthly world, the realm of light. Otherwise there would be no need for yearning. Death, for which it yearns, makes it possible to merge with the »sweet bride,« with »Jesus, the beloved,« to sink into »the Father's bosom,« (I, 157) in short, to partake in the collective spiritual body. It is, therefore, not a community existing in the afterlife, but one that holds its own through the permanent oscillation between the finite physical world and the infinite spiritual world. Such an oscillation is characterized by Novalis in one of his poetological fragments as »romanticization« (II, 545). Since death is the condition of possibility of this oscillation, Novalis could say that »death is the romanticizing principle of our life« (III, 559). If one now regards romanticization as the operation of poetry, the final part of *Hymnen an die Nacht* demonstrates once more the structural correlation, indeed equivalence between poetry and the community of mankind in the state of eternal peace.

VI.

For all their differences in conceptual design, Schlegel and Novalis converge in ascribing to poetry the role as the warrant for world order. Perhaps no single poem embodies this new role more impressively than Friedrich Hölderlin's monumental Pindaric hymn *Friedensfeier* (ca. 1801–1803). The historical occasion for the conception of *Friedensfeier* is well documented. The news of the Peace of Lunéville, which reached Hölderlin in the Alpine village Hauptwil in February 1801, filled the overjoyed poet with the hope that »from now on everything will really go well in the world.«⁴⁵ Yet it would be simplistic to read this

⁴⁴ Lothar Pikulik speaks of the sixth hymn as the »vollkommensten Gebilde der ganzen Dichtung. Vollkommen soll heißen, daß das, was in den vorhergehenden Hymnen zum Teil noch in Prosa ausgesprochen wird, hier gänzlich in Gesang aufgelöst ist.« »Sehnsucht nach dem Tode.« Novalis' sechste »Hymne an die Nacht« im kontextuellen Zusammenhang,« in: *Signatur einer Zeitenwende. Studien zur Literatur der frühen Moderne von Lessing bis Eichendorff*, Göttingen 2001, 140–151, here: 140.

⁴⁵ Friedrich Hölderlin's letter to his sister on February 23, 1801, in: *Sämtliche Werke und Briefe*, ed. Michael Knaupp, Munich 1992, II, 892. All Hölderlin quotations in the following are from this edition, marked by a Roman numeral indicating the volume and an Arabic numeral indicating the page. Quotations from poems are

poem as merely a vehicle for conveying the idea of eternal peace inspired by a historical event. It is rather a text that executes a bold act of imagining world order, an act that accomplishes at once the displacement of law by poetry and the realization of the poetological program required by this new role of poetry. Radically reinterpreting natural-law theory on the basis of a concept of nature growing out of his philosophy of absolute being, Hölderlin disengages the issue of world order from jurisprudence, and entrusts it to poetry. The poetological program that would do justice to such a function of poetry, theoretically formulated in his essays and put to the test in numerous poetic works, finds its consummation in the poem *Friedensfeier*.

The key to an adequate understanding of *Friedensfeier* lies in its title. The celebration of peace, or peace festival, was a spectacle in the age of the territorial state, gaining wide currency after the Peace of Westphalia.⁴⁶ The signing of peace treaties in Osnabrück and Münster in 1648 unleashed hundreds of peace celebrations across Europe, particularly in Germany.⁴⁷ Because these treaties by no means put an end to warfare as such in Europe, many more peace treaties, hence also many more peace festivals, were to come in the course of the following centuries.⁴⁸ The celebration of peace is a celebration of the signing of a peace treaty. Its significance, therefore, can be best captured by contrast with the latter.

A peace treaty is a legal document fixed in the medium of writing, or *pax* in the strictly legal sense of a pact. Among the many effects of writing as a medium of communication, three are especially relevant to the present context. First,

also followed by verse numbers as provided in this edition. Repeated quotations from the same poem, as far as the context is clear, are marked by verse numbers only.

⁴⁶ The celebration of peace belonged to the many ceremonies marking the signing of peace treaties, which were common in the age of the sovereign state. See, for example, Johann Christian Lünig's description of the celebrations of the Peace of Westphalia in Stockholm and Nuremberg, *Theatrum Ceremoniale Historico-Politicum, oder Historisch- und Politischer Schau-Platz aller Ceremonien*, Leipzig 1719–1720, I, 818–821; for a systematic account of the ceremonial pertaining to peace treaties, see Julius Bernhard von Rohr, *Einleitung zur Ceremoniel-Wissenschaft der großen Herren*, Berlin 1733, 505–536. Peace festivals became widespread after the Peace of Westphalia, but there had been peace celebrations during the previous century as well. See Marie Noelle Filipic, *Les Représentations de la paix dans les fêtes européennes de 1550 à 1600*. Dissertation, Paris 1998.

⁴⁷ See Heinz Duchhardt, *Das Feiern des Friedens. Der Westfälische Frieden im kollektiven Gedächtnis der Friedensstadt Münster*, Münster 1997; Claire Gantet, *La paix de Westphalie (1648). Une histoire sociale, XVII^e–XVIII^e siècles*, Paris 2001, 173–275: »La célébration de la paix, 1648–1660.«

⁴⁸ On the tradition of the peace festival, with a focus on its musical dimension, see Dietz-Rüdiger Moser, »Friedensfeiern – Friedensfeste,« in: *Erfahrung und Deutung von Krieg und Frieden. Religion – Geschlechter – Natur und Kultur*, ed. Klaus Garber et al., Munich 2001, 1133–1147.

writing leads to the objectivization of time. Written communication »must be able to refer to time, as if one had it in front of oneself like a thing or a movement,« thereby placing any point of time in relation to absent times, namely the past and the future.⁴⁹ Second, writing makes it possible to discuss an issue in a matter-of-fact manner, disregarding when and by whom this issue is being talked about. The focus on the issue at hand at once presupposes and necessitates logical argumentation. Third, writing frees communication from the presence of the persons involved in it, making it possible to reflect on the particular viewpoints of the participants in the communication process.⁵⁰ As a written text, the peace treaty is characterized by the objective notion of time, logical argumentation, and reflexive judgment. It places the present agreement in the perspectives of the past and the future, on the one hand specifying what in the past should be remembered or forgotten, and on the other hand stipulating the duration of the agreement in the future. It contains a reflexive judgment on the status of the present agreement in comparison to past agreements, and lastly it gives the reasons for its own stipulations.⁵¹

By contrast, a peace festival, as exemplified by large-scale celebrations in Nuremberg and Augsburg after the Peace of Westphalia, is a multimedia event engaging all the senses, offering simultaneously a spectacle for the eye, musical and cacophonous sounds for the ear, food and drink for the tongue, festive odors for the nose, and last but not least an overload of tactile stimuli that evoke an ecstatic collective body. Writing is brought into play, if at all, as part of the spectacle. As a festival, it happens in the present, in which the ordinary flow of time from the past to the future is broken, ordinary life comes to a halt, and order itself is symbolically overturned. Like ritualized festivities in general, the peace festival marks a boundary or transition – in this case a transition from the state of war to the state of peace. As such, it is a happening outside of time, which

⁴⁹ Niklas Luhmann, *Die Gesellschaft der Gesellschaft*, Frankfurt a. M. 1997, 265.

⁵⁰ See Luhmann: »Schrift führt zu einer stärkeren Differenzierung und Ausarbeitung der verschiedenen Sinndimensionen mit Hilfe jeweils eigener Unterscheidungen, nämlich zur Objektivierung der Zeitdimension, zur Versachlichung der Kommunikationsthemen unabhängig davon, von wem und wann darüber gesprochen wird, und zur Absonderung einer Sozialdimension, in der die Ansichten und Stellungnahmen der Beteiligten in einem Kommunikationsprozeß reflektiert werden können.« Luhmann (note 49), 290.

⁵¹ The characterization of the peace treaty provided here is based on Jörg Fisch, *Krieg und Frieden im Friedensvertrag. Eine universalgeschichtliche Studie über Grundlagen und Formelemente des Friedensschlusses*, Stuttgart 1979. Fisch discusses the peace treaty under four main headings: 1. Die Auswirkungen des Krieges auf das Handeln im Frieden: Erinnern und Vergessen (Schuld und Amnestie); 2. Die Beurteilung des neuen Friedens im Vergleich mit dem vorangegangenen: Wiederherstellung und Neuartigkeit; 3. Die Dauer des geschaffenen Friedens: Ewigkeit und Begrenzung; and 4. Die Präsentation des Vertrages und seiner Bestimmungen: Statuierung und Begründung.

lends a symbolic structure to the ordinary flow of time. Usually oscillating between spontaneity and elaborate programming, the festival demands and demonstrates inclusiveness and universal participation, thereby performing an important integrative, community-building function. In the case of a peace festival, this integrative function concerns not only a particular community, but also the relationship between communities, as it often stages public gestures of reconciliation between previously warring parties. In this regard, a peace festival represents a founding event, an event that bonds society together and institutes a peaceful world order. The bonding of community and communities is mediated through the common reference to God. In speeches, poems, and sermons that form integral parts of a peace festival, peaceful existence and co-existence are always praised as the blessing of God. The peace festival, therefore, effects the reconciliation of humanity, as well as that between humanity and God.⁵²

If the peace festival turns a written document – the peace treaty – into a spectacle, Hölderlin's *Friedensfeier* imagines a spectacle through writing. Poetry often figured prominently in peace celebrations.⁵³ But Hölderlin's poem is not meant to be part of any particular peace festival. In fact, its free rhythm and bold Pindaric construction mean that it could not serve as a singable interlude within a festival. It is not a song, but a poem to be read, as is made clear by the very first sentence of the preface to the poem: »Ich bitte dieses Blatt nur gutmüthig zu lesen« (I, 361). Instead of being an interlude within a peace festival, *Friedensfeier* represents a peace festival, and this in a double sense: it has a celebration of peace as its subject matter, and at the same time it is meant to be a celebration of peace itself. Conspicuously lacking an article, the title of the poem defines its performative, event-like character.⁵⁴ The poem takes upon itself the

⁵² The above characterization of the peace festival summarizes Bernd Roeck's analysis of peace celebrations in the wake of the Peace of Westphalia, particularly the celebrations in Nuremberg. See his »Die Feier des Friedens,« in: *Der Westfälische Frieden. Diplomatie – politische Zäsur – kulturelles Umfeld – Rezeptionsgeschichte*, ed. Heinz Duchhardt, Munich 1998, 633–659.

⁵³ On the role of poetry in celebrations after the Peace of Westphalia, see Klaus Garber, »Sprachspiel und Friedensfeier. Die deutsche Literatur des 17. Jahrhunderts auf ihrem Zenit im festlichen Nürnberg,« in: Duchhardt (note 52), 679–713. On the role of poetry in Napoleonic peace celebrations, see Karlheinz Stierle, »Die Friedensfeier – Sprache und Fest im revolutionären und nachrevolutionären Frankreich und bei Hölderlin,« in: *Das Fest*, ed. Walter Haug, Rainer Warning, Munich 1989, 481–525, here: 486–496.

⁵⁴ The performative, event-like character of the poem has been consistently noted by interpreters. In his interpretation of the poem, first published in 1956 and belonging to the first wave of intense interest in the poem since its discovery in 1954, Wolfgang Binder remarks on the absence of the article in its title and then continues: »Die Feier des Friedens ist Gegenstand und Zweck des Gedichts. Es feiert den Frieden, indem es seine Feier darstellt, der dichterische Vorgang ist in den gedichteten Vorgang

impossible task of carrying out a festival in the medium of writing. This involves, first of all, conjuring up imaginatively the multimedia space within which the festival takes place. The first strophe delineates such a space, resonating with sounds (»Der ruhigwandelnden Töne voll«), redolent with pleasant fragrances (»um grüne Teppiche duftet / Die Freudenwolke«), replete with all that appeals to the palate (»Gereifter Früchte voll und goldbekrönter Kelche«), and last but not least radiating with visual splendor (»Wohllanggeordnet, eine prächtige Reihe«) (v. 1–9). The sense of time evoked by the poem is the ecstatic present of the festival, the point of transition from day to night, from the tumult of history to eternal peace, as figured throughout the poem by temporal adverbs marking the present point of time: »jezt« (v. 27), »jezt erst« (v. 30), »heute« (v. 35), »nun...nun« (v. 74–75), »schon...noch« (v. 119–120). As befits a festival, the poem seeks to effect the bonding of humanity or the making of »us,« the bonding of »us« to God through collective singing, and the bonding of various manifestations of the divine. In short, it envisions a universal reconciliation that lies at the heart of the peace festival: »[...] jezt, / Da Herrschaft nirgend ist zu sehn bei Geistern und Menschen« (v. 27–28), and »[...] nur der Liebe Gesetz, / Das schönausgleichende gilt von hier an bis zum Himmel« (v. 89–90).

However much *Friedensfeier* struggles to simulate a peace festival, be it by imagining a multimedia space, be it by evoking the ecstatic present, be it by envisioning a universal reconciliation of humanity in the presence of the divine, it is inexorably caught up in the medium of writing. Writing, here in the form of carefully composed verses, is not a festival. Only by means of the imagination can it create the spectacular presence of the festival. In mobilizing the imagination to create presence, however, *Friedensfeier* as a written text simultaneously turns presence into absence by placing presence in the temporal and discursive perspectives opened up by the medium of writing. As mentioned above, writing leads to the objectivization of time, reflexive judgment, and logical argumentation. No sooner is the present »now« evoked than it is already submerged in the flow of time:

einbezogen. Mit ihm ist aber auch der Dichter einbezogen.« *Hölderlin-Aufsätze*, Frankfurt a.M. 1970, 296. Recently Alexander Honold wrote of »a virtual performance situation« and »event-like character« of the poem. *Hölderlins Kalender. Astronomie und Revolution um 1800*, Berlin 2005, 420. Yet neither of them relates the poem to the institution of the peace festival. The only interpreter who does so is Stierle (note 53). However, Stierle draws attention only to the festivals of the French Revolution, particularly to the Napoleonic peace festivals. This is inadequate, not only because the Napoleonic festivals make up merely one short episode in the long history of peace festivals, but also because they are atypical cases, celebrating more the Revolutionary ideology and the victorious person of Napoleon than the end of war and universal reconciliation under the auspices of God.

[...] Jetzt,
 Da Herrschaft nirgend ist zu sehn bei Geistern und
 Menschen.
 Das ist, sie hören das Werk,
 Längst vorbereitend, von Morgen nach Abend, jetzt erst,
 Denn unermesslich braußt, in der Tiefe verhallend,
 Des Donnerers Echo, das tausendjährige Wetter,
 Zu schlafen, übertönt von Friedenslauten, hinunter
 (v. 27–33).

The present, the »now,« figures merely as a moment in the flow of time that precisely in its immeasurability proves to be an overwhelmingly objective force. It soon becomes clear that the festive present is actually not the present at all, but an imagined present in the future. Significantly, the poem ends with a verse that highlights the natural course of time rather than the festive present: »Bis daß es reift« (v. 156).⁵⁵ The festive present will become the present only when time is ripe for it. While the ecstatic present of the festival is subordinated to objective time, the communal bond of men as well as the bond between man and God, which are simultaneously constituted through the festival, are broken up by subjective reflection. The agent of reflection is the lyrical subject. He addresses alternately the divine and the human community, often assuming the role of a mediator between them, at times advising the human to put on a festival in honor of the divine, at times inviting the divine on behalf of the human. In so doing, the lyrical subject develops a complicated structure of consciousness layered with humility over against the divine (»Nur Eines weiß ich, Sterbliches bist du nicht,« v. 21) and concern for the human (»Und rathen muß ich, und wäre silbergrau / die Loke,« v. 37–38), with volitional uncertainty (»Und manchen möchte ich laden, aber o du,« v. 40) and rational conviction (»So dünkt mir jetzt das Beste,« v. 86; »denn darum rief ich / Zum Gastmahl,« v. 109–110). This last layer of subjective consciousness – rational conviction – is indicative of yet another dimension of *Friedensfeier* that is associated with the medium of writing, namely logical argumentation. Nothing perhaps attests more to the intense argumentation running through the poem than the strikingly frequent use of the conjunction »denn,« which gives reasons for observations, decisions, opinions, and assertions.⁵⁶ Adverbs and conjunctions such as »doch« and »aber« further accentuate the work of reasoning that the poem endeavors to

⁵⁵ On the structure of time, particularly the »relativization of the present,« in *Friedensfeier*, see Fabian Stoermer, *Hermeneutik und Dekonstruktion der Erinnerung: Über Gadamer, Derrida und Hölderlin*, Munich 2002, 292–314. Jochen Schmidt interprets the structure of time in *Friedensfeier* in terms of a »chiliastic conception of history.« See his *Hölderlins geschichtsphilosophische Hymnen »Friedensfeier« – »Der Einzige« – »Patmos«*, Darmstadt 1990, 75–105: »Friedensidee und chiliastisches Geschichtsdenken in der »Friedensfeier.«

⁵⁶ Stierle also notes the frequent use of »denn« in *Friedensfeier* (note 53), 523.

carry out. Rather than simply being performed, the peace festival becomes the subject matter of complex arguments about the human world and its relation to the divine.

The subordination of the festive present to the inexorable course of time, the reflexive relation of the lyrical subject to the human participants in the festival and its divine addressee, the continuous argumentation about the various components and processes of the festival: all of these dimensions of the poem testify to the working of the medium of writing. *Friedensfeier* is a written text just as a peace treaty is. But it is doubly removed from a peace treaty. The celebration of peace turns the peace treaty, a legal pact fixed in writing – *pax* – into a festival. *Friedensfeier* turns the festival back into writing and becomes thereby a poem. In this sense, it embodies the supersession of law by poetry.

As the embodiment of the supersession of law by poetry, *Friedensfeier* marks the culmination of two distinct lines of development in Hölderlin's thinking and writing: first, the displacement of law by poetry as the symbolic medium for figuring world order, and second, the formulation of a poetological program that would enable poetry to fulfill its new function.

VII.

Early on in his life, Hölderlin contemplated choosing law as his subject of study.⁵⁷ Even though this plan did not materialize, his fascination with jurisprudence continued unabated, convinced as he was of the »scientific perfection of natural law« (II, 645). Fichte's *Grundlage des Naturrechts nach Principien der Wissenschaftslehre* (1796) served as an important point of orientation for his engagement with jurisprudence.⁵⁸ Yet in working through Fichte, Hölderlin redefined the basic concepts of modern natural-law theory such as the state of nature and positive law. In his *Fragment philosophischer Briefe* (1796), which contains what are most likely those reflections on natural jurisprudence mentioned in a letter to his brother on January 10, 1797 (II, 645), Hölderlin offers a highly idiosyncratic characterization of lawful order:

lawful relations (*Rechtsverhältnisse*) become positive only through their disturbance. This disturbance is not omission, but an act of violence, and accordingly is again deterred and limited by violence and coercion. The laws (*Gesetze*) of those relations, therefore, are also negative in themselves and are positive only under the condition of their transgression. (II, 56)

⁵⁷ In a letter to Neuffer dated December 1789, Hölderlin expressed the intention to follow the lawyer Stäudlin as his role model in choosing a subject of study (II, 454). His interest in jurisprudence may have been stimulated by one of his teachers at the *Tübingen Stift* by the name of Friedrich Flatt, the author of *Ideen zur Revision des Naturrechts* (1785).

⁵⁸ On Hölderlin's occupation with Fichte's natural-law theory, see Violetta Waibel, *Hölderlin und Fichte, 1794–1800*, Paderborn 2000, 233–285.

Fundamental to the modern natural-law theory inaugurated by Hobbes is the distinction between the laws of nature governing the natural state and the positive laws governing the civil state. Ordained by the sovereign will, positive laws are enforceable, whereas laws of nature are devoid of legal force without the recognition of the civil sovereign. The state of nature is thus strictly speaking lawless, riven by the war of all against all. Legal order exists only in the civil state, ensured by positive laws. Hölderlin replaces the Hobbesian state of nature with a concept of nature, of which the notion of lawfulness is an integral part.⁵⁹ This concept of nature follows from that of absolute being, which Hölderlin develops in the fragment *Seyn, Urtheil, Modalität* (1795), the result of his critical engagement with Fichtean philosophy. Being, or absolute being, precedes the separation between subject and object, allowing for »no separation at all« (II, 49). Judgment (*Urteil*) would be »the original separation« (*Ur-Teilung*) of absolute being (II, 50). Absolute being is later mostly referred to as nature, or in a Spinozistic vein, as God.⁶⁰ Nature in the sense of absolute being or God is characterized, above all, by its primeval oneness and perpetual lawfulness. Nature is lawful order itself.⁶¹ Positive laws arise from the disturbance or violation of this primeval lawful order. Laws of nature are »negative in themselves,« i.e. not yet formally laid down as statutes, decrees, ordinances, or some other expressions of the sovereign will. Only if the natural lawful order is transgressed will positive laws be formally imposed as a means of deterring and limiting the transgression. Positive laws are, as it were, supplements to the »negative« laws of nature. In any case, the natural lawful order is primary, and holds its own in spite of all possible violence and in spite of all the laws posited to contain violence. »The secret spirit of disturbance,« as Hölderlin puts it in the hexameter poem *Die Muße* (1797), may storm Olympus, shake the earth, and instigate wars,

[...] doch in der ewigen Ordnung
Niemals irre dich macht, auf der Tafel deiner Geseze
Keine Sylbe verwischt, der auch dein Sohn, o Natur, ist
Mit dem Geiste der Ruh' aus Einem Schoose geboren.
(I, 170, v. 34–37)

⁵⁹ On the concept of nature in Hölderlin, see Stefan Büttner, »Natur – ein Grundwort Hölderlins,« *Hölderlin-Jahrbuch* 26 (1988–1989), 224–247.

⁶⁰ On Hölderlin's Spinozism, see Margarethe Wegenast, *Hölderlins Spinoza-Rezeption und ihre Bedeutung für die Konzeption des ›Hyperion‹*, Tübingen 1990.

⁶¹ That Hölderlin conceived of lawful order in terms of nature is first recognized by Erik Wolf. He speaks of »the law of being« or *Seinsrecht* in Hölderlin: »[Hölderlin] erkennt das Wesentliche am Recht als ›Natur.‹ [...] Deshalb ist auch das natürliche Recht für Hölderlin weder ein Recht der physischen, psychischen, intelligiblen Natur, es ist weder Stärkstenrecht, noch Menschenrecht, noch Vernunftrecht, sondern Seinsrecht.« *Vom Wesen des Rechts in deutscher Dichtung: Hölderlin, Stifter, Hebel, Droste*, Frankfurt a. M. 1946, 31.

Hölderlin illustrates, in mythological terms, the distinction between the primeval lawful order of nature and positive law as its disturbance and supplement in the ode *Natur und Kunst oder Saturn und Jupiter* (1800).⁶² Jupiter is the god of positive laws and the arts of ruling:

Du waltest hoch am Tag' und es blühet dein
Gesez, du hältst die Waage, Saturnus Sohn!
Und theilst die Loos' und ruhest froh im
Ruhm der unsterblichen Herrscherkünste. (I, 285, v. 1–4)

However, Jupiter asserts his status as the god of law and justice by banishing his father Saturn, the god of the golden age, associated with nature as such:

Doch in den Abgrund, sagen die Sänger sich,
Habst du den alten Vater, den eignen, einst
Verwiesen und es jammre darunten,
[...]
Schuldlos der Gott der goldenen Zeit schon längst:
Einst mühelos und größer, wie du, wenn schon
Er kein Gebot aussprach und ihn der
Sterblichen keiner mit Nahmen nannte. (v. 5–12)

At the beginning is the golden-age harmony, the effortless reign of nature, which establishes order without pronouncing any ordinances or laws. It is through an act of violence – the overthrowing of the father by the son – that positive laws are instituted. This act of violence, however, cannot undo the precedence of natural order over positive law, Saturn over Jupiter.

Hölderlin's conception of positive law as the transgression of, and supplement to, the original natural order has a number of political and legal implications that, taken together, revolutionize the natural-law model of civil order and world order. If positive law is nothing more than the result of the violation of an original natural order, then the civil state built upon positive laws appears to be an institution of compulsion, which goes against nature. »We must therefore go beyond the state,« as Hölderlin and his friends Hegel and Schelling conclude in the *Ältestes Systemprogramm des deutschen Idealismus* (1796/1797).⁶³ This revolutionary call is echoed in the first volume of *Hyperion* (1797). The state, exclaims the protagonist of the novel, must leave the human life imbued with love and spirit untouched, »or one should take its law and put it in a pillory. [...] The state is the coarse husk around the kernel of life and nothing more«

⁶² The following legal-theoretical reading of *Natur und Kunst* goes beyond the standard interpretation of this ode by Emil Staiger, *Meisterwerke deutscher Sprache aus dem neunzehnten Jahrhundert*, Zurich ³1957, 25–39.

⁶³ »The Oldest Systematic Programme of German Idealism« in: Beiser (note 12), 1–5, here: 4.

(I, 636).⁶⁴ What should replace the state is »enthusiasm« (I, 637). This enthusiastic anarchism, however, is doomed to failure already in the narrated world of the novel. It was not until some years later that Hölderlin managed to formulate the reason for the necessary failure of the enthusiastic subversion of the positive laws of the state in an adequate theoretical language. In his remarks on the Pindar fragment *Das Höchste* (around 1803), Hölderlin argues that it is impossible for mortals to gain direct, unmediated access to the lawful order of God, or »the most just law (das gerechteste Recht).« »Man, as a knowledge-pursuing being, must also distinguish different worlds, because knowledge is possible only through opposition« (II, 381). Only by making distinctions, by opposing the knowing subject to the world, i.e. by violating the primeval, undivided divine order, can the human gain knowledge of, and partake in, this order. Human access to the divine order is necessarily mediated. »Yet the strict mediation is the positive law (Die strenge Mittelbarkeit ist aber das Gesez)« (II, 381). It is thus only by means of positive law – the violation of, and the supplement to, the divine order – that the divine order itself, i.e. the »most just law,« can be recognized. Positive law, to borrow the formula employed by Hölderlin in the letter to his brother on June 4, 1799, is actually »a real service that human beings pay to nature« (II, 769–770). Insisting on the primacy of natural lawful order on the one hand, and on the other hand recognizing the necessity of positive law, Hölderlin seeks to harmonize positive law with natural order by embedding it within, and deriving it from, the latter. In *Natur und Kunst*, the poet demands that the god of positive law enter into an economy of gift with the god of nature:

Herab denn oder schäme des Danks dich nicht!
Und willst du bleiben, diene dem Aelteren. (v. 13–14)

Jupiter must acknowledge Saturn as his father and pay tribute to him out of a sense of gratitude. Through such an economy of gift, Jupiter, i.e. positive law, re-creates itself as the product of nature. The civil state that Hölderlin envisions is one that derives its positive laws from nature itself. His tragic fragment *Tod des Empedokles* (1798–1800) dramatizes the act of constituting such a civil state. It is a creative act carried out by »a confidant of nature« (I, 770, v. 47), who, by virtue of a faculty belonging to nature, i.e. genius in the Kantian sense, produces laws that would fashion an amorphous mass of people into a civil state.⁶⁵

Hölderlin's model of civil order represents a double reversal of that of Hobbes. Whereas for Hobbes the founding of the civil state replaces the lawlessness

⁶⁴ On the problem of law and the state in *Hyperion*, see Friedrich Vollhardt, »Natur, Recht, Staat. Problemkonstellationen in Hölderlins *Hyperion*,« in: *Die Literatur und die Wissenschaften, 1770–1930*, ed. Karl Richter, Stuttgart 1997, 71–106.

⁶⁵ See Chenxi Tang, »The Tragedy of Popular Sovereignty: Hölderlin's *Der Tod des Empedokles*,« *DVjs* 81 (2007), 346–368.

of universal warfare in the state of nature with a peaceful civil order warranted by positive laws, Hölderlin regards the civil state with its positive laws, first and foremost, as a violation of the primeval lawful order of nature. Whereas for Hobbes the survival of the civil state depends on suppressing the recrudescence of the state of nature by dint of continual imposition of positive laws, for Hölderlin it is necessary to return the positive law back to nature and re-create it out of nature, in order to bring about a civil state whose positive laws conform with the lawful order of nature. This double reversal of the Hobbesian model of civil order implies a double reversal of the model of world order as well. The theoretical premise of Hobbes is the lawlessness of the world in the state of nature, which is channeled into civil peace by the founding of the civil state governed by positive laws. Hölderlin's theoretical premise, by contrast, is the natural lawfulness of the world, which is disturbed by the positive laws of the state. In one version of *Natur und Kunst*, the poet speaks of the »peace of Saturn,« which gives rise to power and positive laws: »[...] und aus Saturnus / Frieden ist jegliche Macht erwachsen« (III, 159). For Hobbes, the transition from the state of nature to the civil state means that henceforth the state of nature reigns in the relation among civil states, so that there cannot be a veritable world legal order. Hölderlin, by contrast, believes in the possibility of restituting the lawful order of nature under the condition of positive laws.

This possibility resides in poetry. After demanding that Jupiter express gratitude and pay tribute to Saturn, the poet continues in *Natur und Kunst*:

Und gönn' es ihm, daß ihn vor Allen,
Göttern und Menschen, der Sänger nenne! (v. 15–16)

The request that Jupiter permit Saturn to be honored by the singer is a recognition of the supreme authority of positive law, yet in the same breath goes beyond this authority by ceding to poetry the capacity for bringing to the fore the natural lawful order that precedes and transcends positive law. Whereas the unconditional insistence on the supreme authority of positive law in Hobbesian natural-law theory leads to the permanent crisis of world order because there can be no positive law between civil states, Hölderlin's vision of overcoming this authority through poetry points a way out of this crisis, as poetry would reconstitute the natural lawful order of the world beyond and above the reign of positive law. On the other hand, however, the poet unequivocally acknowledges the sovereignty of positive law, since he asks Jupiter, the god of positive law, to grant permission that Saturn, the god of nature, may be named. Poetry performs the function of revealing the natural lawful order of the world only under the condition of positive law. This seeming contradiction is resolved in the two strophes that follow, which conclude the ode:

Und hab' ich erst am Herzen Lebendiges
Gefühlt und dämmert, was du gestaltetest,

Und war in ihrer Wiege mir, in
 Wonne die wandelnde Zeit entschlafen,
 Dann hör' ich dich, Kronion! Und kenne dich,
 Den weisen Meister, welcher, wie wir, ein Sohn
 Der Zeit, Geseze giebt und, was die
 Heilige Dämmerung birgt, verkündet. (v. 17–24)

The poet first affirms his affinity with the sphere of Saturn. It is a timeless sphere of vitality pregnant with feelings of the heart and half-conscious presentiments. In short, it is the sphere of poetic creativity. The delivery of the poetic product, however, requires the knowledge of the sphere of Jupiter, i.e. of positive laws that transform stirring feelings and vague presentiments into well articulated words. The poetic figuration of the sphere of Saturn is possible only with the help of Jupiter, the »wise master« who posits laws. That is to say, poetry can realize its capacity for going beyond positive law and restituting the natural lawful order of the world only by subjecting itself to positive law. This positive law to which poetry itself is subjected is a poetological program. The last two strophes of *Natur und Kunst* suggest a conception of poetic production as a symbolic act that abides by poetological principles.⁶⁶ At the end of the ode – a philosophical poem *par excellence* – two interrelated arguments suggest themselves: first, there is a natural lawful order of the world beyond positive law, and it is accessible only to poetry; and second, only poetry composed according to positive laws, i.e. poetological principles, is capable of restituting this natural order of the world. In other words, poetry displaces law as the symbolic medium for figuring world order, and this becomes possible through the legalization of poetry itself.

VIII.

Indeed, Hölderlin's exploration of the poetic figuration of world order goes hand in hand with the elaboration of a poetological program. *Dichtermuth* (second version, 1800) ascribes to poetry the ability to make peace: »[...] seitdem der Gesang sterblichen Lippen sich / Friedenatmend entwand, [...]« (I, 284, v. 9–10). The hymnic fragment *Wie wenn am Feiertage...* (1800) asserts the affinity of the poet with »the powerful, the divine-beautiful nature,« whose lawful order governs the heavens, the earth, and especially the peoples (I, 262, v. 10–18). These attempts to link poetry and the poet to the natural order of the world culminate in *Friedensfeier*, the poem that pursues no other purpose than representing and performing peace. At the same time, in *Wenn der Dichter einmal des Geistes mächtig...* (1800) and other theoretical fragments, Hölderlin undertakes to formulate a poetological program, or what he later terms »the

⁶⁶ For a reading of these two strophes as a formulation of poetological principles, see Jochen Schmidt, »Stellungnahme,« *DVjs* 63 (1989), 679–711, here: 696–701.

legal calculus« (*der gesetzliche Kalkul*) of poetic production (II, 309). This program is put into execution, with extraordinary consistency, in the hymn *Friedensfeier* as well.

Hölderlin's exceedingly complex theoretical poetics has, first of all, a philosophical layer that reaches back to his initial engagement with Fichte, an engagement which finds its first expression in the fragment *Seyn, Urtheil, Modalität*. The vexing question is how absolute being can be captured, known, represented. As the primeval ground underlying any distinction between subject and object, being eludes subjective consciousness and reflection. In fact, every act of reflection necessarily separates, distorts, and thereby misses being. In *Wenn der Dichter einmal des Geistes mächtig...*, Hölderlin offers an answer to this question, which is encapsulated by the notion of »creative reflection« (*schöpferische Reflexion*) (II, 98). In the first step, the subject goes out of his own being, placing himself, »by free choice, in harmonious opposition to an external sphere« (II, 91). This act of reflection, which actually moves away from being by opposing the subject to an external world, is, however, followed by a second act of reflection. By observing himself placing himself in harmonious opposition to an external sphere, the subject comes to see »the harmonious-opposedness (*das Harmoniscentgegensetzte*) in him, in his unity and individuality,« while realizing »his identity, his unity and individuality in harmonious-opposedness« (II, 92). Being proves to be nothing but harmonious-opposedness, i.e. a dynamic unity of oppositions, or as Hölderlin puts it in reference to Heraclitus, the one opposed in itself.⁶⁷ As little as being allows for any separation, it is always already marked by an »original separation« (*Ur-Teilung*), to quote the neologism used by Hölderlin in *Seyn, Urtheil, Modalität* (II, 50).

A theory of poetic production results from this philosophical speculation about reflection and being. »The course and purpose of the human being,« for Hölderlin, is one and the same as the »course and purpose of all and every poetry« (II, 98). In fact, it is in discussing poetic production that the notion of »creative reflection« is fully developed. What has been said about reflection and being can be mapped directly to the relation between the signifier and the signified, between representation and the represented. A signifier or representation relates the spirit to something outside of itself, something other than itself, thereby compromising its fullness and its purity. Yet in a second act of reflection, the poet moves beyond this representation – this »initial sensation« (*ursprüngliche Empfindung*) – locating it in his world that comprises »all his experiences, his knowledge, his intuitions, his thinking, art and nature as it appears in himself and outside of himself« (II, 98–99). That is to say, this new reflection – or second-order observation – withdraws representation within the represented. In so doing, it »gives back to the heart everything that has been

⁶⁷ For Hölderlin's reference to Heraclitus, see *Hyperion*, I, 685.

taken away from it, « enlivening » the spirit of the poet and of his future poem. « »The product of this creative reflection,« Hölderlin states, »is language« (II, 98). The spirit that comes to the fore through poetic language turns out to consist in nothing else than the act of representing, i. e. the unity of the opposing poles of representation and the represented. As such, it is not something preexisting, something already shaped, which the poet merely reproduces, but something that emerges from the creative acts of representing, something that is being continuously produced by means of »infinite beautiful reflection« (II, 100).⁶⁸ The Aristotelian poetics of mimesis gives way to a theory of poetic production.

This theory of poetic production leads to a model of the poetic text that takes the form of a highly schematic doctrine of the alternation of tones (*Wechsel der Töne*). In keeping with his notion of the unity of oppositions, Hölderlin conceives of the poetic text in terms of a »necessary conflict between the most original demand of the spirit, which aims at community and the united simultaneity of all parts, and the other demand, which enjoins it to go out of itself and to reproduce itself in itself and in others through a beautiful progress and change« (II, 77). It is a conflict between unity and change, identity and freedom. The poetic text constitutes itself through this conflict, asserting its identity precisely through the progressive configuration and re-configuration of three tones: naïve, heroic, and ideal. Each text has one tone as its basic tone (*Grundton*), and another tone as its artistic character (*Kunstcharakter*). The unity or spirit of the text consists in the opposition between the basic tone and the artistic character, which finds expression in the third tone. Regardless of the combinatorial possibilities of the three tones in the three poetic genres, as well as their attribution to three mental faculties – feeling, striving, and intellectual intuition – Hölderlin's doctrine of the alternation of tones implies a poetological model that defines the unity and identity of a poetic text not in terms of static structures, but as the effect of agonistic oppositions between various tones.⁶⁹

Friedensfeier executes this poetological program in a variety of ways. Composed in accordance with the formal principle of a Pindaric ode, consisting of four triads, each of which has two twelve-verse strophes and one fifteen-verse strophe, this poem realizes Hölderlin's doctrine of the alternation of tones in an exemplary manner. This fact has already been carefully spelled out and need not be repeated.⁷⁰ More important is the intrinsic connection between the figura-

⁶⁸ For a detailed explication of Hölderlin's poetics in this respect, see Winfried Menninghaus, *Unendliche Verdopplung. Die frühromantische Grundlegung der Kunsttheorie im Begriff absoluter Selbstreflexion*, Frankfurt a.M. 1987, 99–114, especially 109–114.

⁶⁹ On this dynamic, non-structuralist model of the poetic text, see Karlheinz Stierle, »Die Identität des Gedichts – Hölderlin als Paradigma,« in: *Identität*, ed. Odo Marquard, Karlheinz Stierle, Munich 1979, 505–552, here: 524–535.

⁷⁰ See Binder (note 54), especially 324.

tion of peace and poetic production, which makes this poem, meant to represent peace as it is, into an illustration of poetological principles. »Peace,« along with its cognates, is one of the keywords in Hölderlin's works. Despite its varying figurations, it usually serves as a shorthand for the notions of being, nature, or simply God.⁷¹ In the preface to the penultimate version of *Hyperion*, for instance, he equates peace with »the blissful unity, being in the only sense of the word« and speaks of the »peaceful *hen kai pan* of the world,« concluding that »the goal of all our striving« is »to put an end to that eternal conflict between our self and the world, to restitute the peace of all peace that is higher than all reason, to unite us with nature into one infinite whole« (I, 558). Since peace means nothing else than the divine, eternal being, nature, or the »blissful unity« that is the primeval order of the world, its figuration necessarily takes the form of that operation characterized in his theoretical poetics as »creative reflection,« an operation, that is, that also informs poetic production. In *Friedensfeier*, the figuration of peace is one and the same process as the making of the poetic text itself.

The first triad of strophes centers on the epiphany of the god of peace:

Und dämmernden Auges denk' ich schon,
Vom ernsten Tagwerk lächelnd,
Ihn selbst zu sehn, den Fürsten des Fests. (v. 13–15)

Creative reflection, by which being comes to be represented, is already evident in this first evocation of peace. Remarkable, first of all, is the work of consciousness and reflection that the subject invests in representation. Both the sensory organ, i.e. the eye, and the higher mental faculty, i.e. thinking, are engaged. Subjective investment alone, however, is inadequate. »Dämmernden Auges« suggests the lack of clarity, while »denk' ich schon« implies uncertainty and tentativeness. Subjective consciousness is incapable of revealing wholly the eternal being. What it brings about is at most a vision, a mirage of it. Yet in a second act of reflection, the subject switches positions in his relation to what he seeks to represent:

[...] Nichts vor dir,
Nur eines weiß ich, Sterbliches bist du nicht.
Ein Weiser mag mir manches erhellen; wo aber
Ein Gott noch auch erscheint,
Da ist doch andere Klarheit. (v. 20–24)

What is initially a vision of the subject – and a vague and uncertain one to boot – comes to be objectified as a figure that overpowers the subject. The self-effacement of the subject in front of his own vision (»Nichts vor dir«) actually

⁷¹ On the figurations of peace in Hölderlin's works, see Kerstin Keller-Loibl, »...gib ein Bleiben im Leben, ein Herz uns wieder.« *Der Frieden in Hölderlins Werk*, Tübingen 1995.

effaces the initial work of consciousness and reflection that has turned the eternal being into a subjective vision, thereby restoring the eternal being to its true status (»Sterbliches bist du nicht«). The dim vision of torpid eyes takes on an exceptional clarity (»andere Klarheit«). This exceptional clarity, however, is deceptive, couched as it is in a conditional sentence (»wo aber..., Da ist doch«). Underneath the radiant image of the god of peace there is a palpable fissure, i. e. the division between subjective consciousness and being, between representation and the represented. Nonetheless this division is constitutive of the image, as without subjective consciousness the eternal being would not appear and there would be no image of it at all. This becomes even clearer at the end of the first triad:

Und rathen muß ich, und wäre silbergrau
Die Loke, o ihr Freunde!
Für Kränze zu sorgen und Mahl, jezt ewigen Jünglingen
ähnlich. (v. 37–39)

As it turns out, the festival at which the poet thinks that he sees the god of peace has not taken place at all. He just believes that it must take place, and advises that arrangements be made for it. The epiphany of the god of peace is conjured up by the poetic subject, an image fashioned by him of the eternal being, indeed the product of his imagination. The god of peace does not exist in and of itself as the eternal being prior to or outside of representation, but only as a representation or image of the eternal being. As an image loaded with the creative labor of the poetic subject, the god of peace is not only ontologically opposed to the eternal being that it represents. It is also spatially and temporally removed from the eternal being. Spatially, it is a finite and definite shape carved out of an infinite being: it disavows its vast outer area (*Ausland*) and assumes »the shape of a friend« (v. 16–19).⁷² Temporally, it comes towards the end of time, at the cusp where time is about to retreat into the eternity of being, after »the millennial storm« (*das tausendjährige Wetter*) rolls down to sleep (v. 25–33). Peace, addressed here as a divine figure, proves to be a unity consisting in multiple divisions – between subject and being, representation and the represented, the definite and the infinite, time and eternity.

The first triad of strophes thus provides the first glimpse of the representational logic informing the figuration of peace. The first three triads of strophes – the triad of triads, as it were – exhibit this representational logic more explicitly, on a greater scale, and at higher levels.

⁷² As Peter Szondi points out, the term »Ausland« is to be understood as »outer area« (*Außengebiet*) rather than in today's sense of »foreign country.« »Er selbst, der Fürst des Fests. Die Hymne *Friedensfeier*,« in: Szondi, *Hölderlin-Studien*, Frankfurt a.M. 1967, 55–81, here: 78.

Whereas the first triad of strophes presents the god of peace as a unity, albeit one that is harmonious-opposed, the second triad revolves around divisions. The first verse of this triad, with which Christ is invoked (v. 40: »Und manchen möcht' ich laden, aber o du«), indicates first that there are many manifestations of the divine, and second that among this multiplicity of manifestations there is no perfect harmony, as accentuated by the ambivalent »aber« expressive of contrast. The main interest of this triad, however, is the alienation between the divine and the human. Christ's earthly journey, on which the protective shield formed by his loyal followers (v. 46–47: »das treue Gewölk, / Umschatteten dich auch«) seems to have just brought on his deadly doom (v. 49–50: »aber dunkler umschattete, mitten im Wort, dich / Furchtbarenscheidend ein tödtlich Verhängniß«), illustrates starkly this alienation. The poet's account of this journey also prepares the ground for a general observation on the disturbed relation between the human and the divine: »aber Dank, / Nie folgt der gleich hernach dem gottgegebenen Geschenke« (v. 58–59). In observing human beings in their relation to the divine, the poet also marks himself out from others, thus accentuating the discordance between the individual and humanity at large.

The third triad of strophes turns to unify these divisions – between various manifestations of the divine, between the divine and the human, and between the individual and the collective. The unity of divisions or universal peace comes about by virtue of representation. With a striking density of words such as »sign,« »picture,« »language,« and »song,« this triad illuminates, from various perspectives, the representational operations involved in the making of this unity. The first strophe of this triad – the seventh strophe of the poem – elaborates the insight reached in the first triad of strophes, the insight namely that the god of peace comes into its own only by becoming an image:

Denn längst war der zum Herrn der Zeit zu groß
Und weit aus reichte sein Feld, wann hats ihn aber
erschöpft?
Einmal mag aber ein Gott auch Tagewerk erwählen,
Gleich Sterblichen und theilen alles Schicksaal. (v. 79–82)

The pronoun »der« in the opening verse refers to »the exalted, the spirit of the world« (*der hohe, der Geist der Welt*, v. 77–78) spoken of in the previous strophe. There it means the Christian God-Father, who reigns far beyond the human realm and the vicissitudes of history. Here it first assumes the quality of Saturn, the quiet, eternal, infinite god of peace. He is far greater than the lord of time or Jupiter, because eternity far exceeds time, and nothing finite can exhaust his infiniteness. Yet he had chosen »day-labor« (*Tagwerk*) and become the lord of time. Now that the day-labor has been completed, he returns to his original state, yet still remains the one that he has been in the meantime. He becomes the unity of two opposed traits: »the quiet god of time« (*der stille Gott der Zeit*,

v. 89).⁷³ Out of the unification of oppositions emerges a representation or image. The »quiet god of time« is a »time-image« (*Zeitbild*, v. 94). While »the spirit of the world« is portrayed as Saturn, it still retains its Christian meaning. As God-Father it had chosen »day-labor,« »like mortals,« and become Christ. After having shared »all manner of fate« that could befall a mortal, Christ returned to the God-Father. The spirit of the world, therefore, is both God-Father and God-Son. The unification of the peculiar opposition between Father and Son gives rise to a peculiar representation, i.e. written records of the Bible: »Schicksaalsgesetz ist diß, daß Alle sich erfahren, /Daß, wenn die Stille kehrt, auch eine Sprache sei.« (v. 83–84) After Christ completed his earthly journey, »the silence returns,« yet at the same time »a language,« i.e. the biblical record, comes into being through which everyone can learn what has happened. The portrayal of the spirit of the world as Saturn and as the Christian God is immediately followed by a third one, namely as the Platonic demiurge: »Wenn nun vollendet sein Bild und fertig ist der Meister, /Und selbst verklärt davon aus seiner Werkstatt tritt.« (v. 87–88) In reference to the demiurge myth in Plato's *Timaios*, the poet implicitly describes the spirit of the world as a master who performs his »day-labor« in his workshop. After finishing this labor, he »steps out of his workshop,« transfigured by his own creation. The creator and creation at once, he becomes an image that is our world.⁷⁴

Combining Saturn, the Christian God, and the Platonic demiurge, the seventh strophe offers a syncretistic conception of the eternal being. Underlying this conception is the poetological principle of harmonious opposition, which governs the symbolic operation of representation. The eternal being, in whatever mythological context it happens to be placed, always already appears as a representation that comes about through the unification of oppositions. This syncretistic conception creates a further opposition – the opposition between the eternal being and its various representations, as well as among these various representations. The strophe that follows – the eighth strophe of the poem – turns to the unification of this opposition:

Und das Zeitbild, das der große Geist entfaltet,
Ein Zeichen liegts vor uns, daß zwischen ihm und andern
Ein Bündniß zwischen ihm und andern Mächten ist.
(v. 94–96)

»The time-image« – this unique unity of Saturn and Jupiter, eternity and time – is something revealed by the spirit of the world. Having brought this image into being, the spirit of the world splits into two opposites: itself and an image of itself. Unifying these two opposites, it becomes another image – a token indicating that between itself and its images or representations there is a certain affi-

⁷³ This interpretation of »der stille Gott der Zeit« follows Szondi (note 72), 61.

⁷⁴ On the demiurge myth in these two verses, see Schmidt (note 55), 45–47.

nity or »alliance« (Bündniß). It should come as no surprise that the unity between the eternal being and its image is characterized by a legal term »alliance,« since what connects them, as shown above, is the poetological law of harmonious opposition. This affinity between the eternal being and its images implies that all these images are connected to each other by the bond of kinship, i.e. a fraternal alliance, a pact of peace, as it were. The striking apokoinou with the word »alliance« connecting its two parts redoubles on the figurative level the universal alliance that is being figured.

Now the token of the universal alliance of the divine lies »in front of us.« Another opposition opens up – the opposition between »us« the human and the token of the alliance of all manifestations of the divine. The unity of this opposition is the festival:

Zuletzt ist aber doch, ihr heiligen Mächte, für euch
Das Liebeszeichen, das Zeugniß
Daß ihrs noch seiet, der Festtag, (v. 100–102)

The festival connects the human to the divine. Since the centerpiece of the festival is choral singing, it also merges individuals into one communal voice. The humans hold a festival in recognition of a token of the peaceful alliance of all the manifestations of the divine. The festival is thus, first of all, a celebration of peace. In contrast to a token of alliance, the festival is a »token of love« (*Liebeszeichen*).⁷⁵ Festive celebration, however, dissolves this contrast. Celebrating the peaceful alliance of the manifestations of the divine, the festival transforms this legal arrangement into festive singing as well:

Der Allversammelnde, wo Himmlische nicht
Im Wunder offenbar, noch ungesehen im Wetter,
Wo aber bei Gesang, gastfreundlich untereinander
In Chören gegenwärtig, (v. 103–106)

Christ is revealed in wonder, and Jupiter in weather. In being celebrated, the various manifestations of the divine overcome their differences, joining together as choruses, and thereby becoming part of the festive celebration. Through the festival, then, all the divisions addressed in the second triad of strophes – between different manifestations of the divine, between the human and the divine, and between the individual and the community – merge into one affective bond of love. One main symptom of the alienation between the divine and the human, as observed in the second triad, is the ingratitude of the human to the divine: »aber Dank, / Nie folgt der gleich hernach dem gottgegebenen Geschenke« (v. 58–59). As a token of love, the festival remedies this ingratitude. It offers thanks for what the human receives from the divine. In this sense, it is

⁷⁵ Honold draws attention to the contrast between the pact and the festival in *Friedensfeier*. See Honold (note 54), 421, 431.

a sacrifice of gratitude. At the end of the third triad of strophes, *Friedensfeier* resumes the Christian theme introduced in the second triad, presenting retrospectively the festival envisioned at the beginning of the poem as a Eucharistic sacrifice that praises and commemorates Christ's sacrifice:

[...] denn darum rief ich
Zum Gastmahl, das bereitet ist,
Dich, Unvergesslicher, dich, zum Abend der Zeit,
O Jüngling, dich zum Fürsten des Festes; (v. 109–112)

As both celebration of peace and Eucharistic sacrifice, the festival consists, first and foremost, in choral singing (*Gesang*). As such, it stands in opposition to conversation (*Gespräch*):

Viel hat von Morgen an,
Seit ein Gespräch wir sind und hören voneinander,
Erfahren der Mensch; bald sind wir aber Gesang. (v. 91–93)

Conversation takes place between individuals, contributing to the experience of the human, whereas festive singing unites the voices of all humans in praise of the divine. The festival is associated with »Abend,« the meaning of which progresses in the course of the poem from »evening time« (v. 12: »Abendstunde«) through »vesperal time« (v. 35–36: »es blüht / Rings abendlich der Geist in dieser Stille«) to »the end of time« (v. 111: »Abend der Zeit«). It also has, of course, the connotation of »the Occident.« Conversation precedes festive singing in time, starting from »Morgen,« i. e. the morning time, the beginning of time, or the Orient where both Grecian antiquity and Christianity originated. It thus comprises all of human history that unfolds »von Morgen nach Abend« (v. 30), i. e. from morning to evening, from the beginning to the end of time, from the Orient to the Occident. The unity of the opposition between conversation and festive singing is the poem entitled *Friedensfeier*. Presented to a reading public by an individual poet, the poem still belongs to conversation. Yet written in the Occident, at a juncture of time when the »millennial storm« of history is coming to an end, it eagerly anticipates and passionately invokes festive singing: »bald sind wir aber Gesang« – *soon we shall be song*. *Friedensfeier* is not yet a song. It speaks to its reader about the imminent advent of festive singing. As such, it represents at once a conversation on the verge of becoming a song, and a song just about to come into being. It is the cusp between conversation and song.⁷⁶

⁷⁶ It is in reference to the song just about to come into being that the poet speaks of »mode of song« (*Sangart*) in the preface to the poem. Hölderlin scholarship has persistently characterized *Friedensfeier* as song (*Gesang*), despite the obvious fact that it is a text written by an individual for a reading public, and despite the poet's emphasis on this fact in the preface to the poem. Stierle's reading of the poem is an exception,

To sum up the vertiginous progression of creative reflection sketched above, one can distinguish four levels of representation: the eternal being manifests itself only through images of itself; the opposition between the eternal being and its image is unified in a token of alliance between them; humans celebrate this token of divine alliance by festive singing; festive singing stands in opposition to conversation, and this opposition is unified through the execution of the poem *Friedensfeier*. The primeval peace of the world, be it termed being, god, nature, or spirit, is restituted through representation, and the highest level of representation is the poem *Friedensfeier*. The representation of peace and the constituting of this poem are thus one and the same process – a process with the unification of opposition as its guiding principle and driving force. Consequently, once peace takes shape, the poem also comes to an end. In the fourth and final triad of strophes, peace finally makes its appearance:

Und vor der Thüre des Haußes
Sitzt Mutter und Kind,
Und schauet den Frieden. (v. 123–125)

Mother and child, united grammatically into a singular subject and thus figured as an image of peace, »looks upon peace.« Accompanied by »the golden light« (v. 128), metaphorized as »the golden fruit« fallen down from an age-old bough in the storm of history (v. 136–138), the appearance of peace is identified with the return of the golden age. The final strophe returns peace that has taken shape – »Die Gestalt der Himmlischen ist es« (v. 141) – to the bosom of mother nature. Peace is always the peace of nature, the natural lawful order. With this concluding strophe, the poem also returns itself to nature: »An einem schönen Tag läßt sich ja fast jede Sangart hören, und die Natur, wovon es her ist, nimmts auch wieder« (Preface).

The peace celebration turns the peace treaty as a legal text into a festival. *Friedensfeier* turns the festival back into a poetic text. In so doing, it embodies the transition from law to poetry in imagining world order. The poetic imagination of world order, in turn, takes recourse to law – the law of poetic production.

IX.

This essay has traced the crisis of international law and the turn to poetry to imagine world order in early romanticism. Two conclusions need to be emphasized. First, in the face of the crisis of international law, Schlegel, Novalis, and

pointing out that this poem should not be regarded as a song (note 53), 500. More recently, Ulrich Gaier convincingly argues that Hölderlin's late hymns, including *Friedensfeier*, call for the advent of song, but are themselves not yet songs. See his »Bald sind wir aber Gesang« – Vom Sinn des Hymnischen nach 1800,« in: Christoph Jamme, Anja Lemke (eds.), »Es bleibt aber eine Spur / Doch eines Wortes«. *Zur späten Hymnik und Tragödien-theorie Friedrich Hölderlins*, Munich 2004, 177–195.

Hölderlin questioned and rejected, in different ways, the natural-law theory that had sustained it so far. In so doing, they entered legal history as key figures in the radical re-orientation of jurisprudence that took place at the turn from the eighteenth to the nineteenth century – a re-orientation involving primarily the end of natural jurisprudence. Second, all of them envisioned poetry as the successor to international law in imagining world order. The assumption of this new function incited poetry to redefine its own nature and invent new modes of operation. Such a rethinking of poetry resulted in new paradigms of poetics. The poetological reflections and poetic production of early romanticism and Hölderlin proved to be intertwined with the European enterprise of creating a lawful world order in the age of sovereign states.