

# BEETHOVEN, ‘THE EMPEROR OF CLASSICAL MUSIC’, AND THE FALL OF EMPEROR NAPOLEON. HUMAN RIGHTS IN *FIDELIO*.

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## *Abstract*

In this contribution, law will be linked to opera, because many legal topics are discussed in operas. The opera *Fidelio* of Ludwig van Beethoven is a story of a woman who, in disguise, frees her husband from the prison of a corrupt despot. This opera can be seen as a representation of one of the ideals of the Enlightenment. Beethoven was (probably) born in Bonn in 1770 although it is also claimed that he was born in 1772 in Zutphen (The Netherlands). He alluded in *Fidelio* on human rights and criticized the law of his time. *Fidelio* is based on the themes of the French revolution: liberty, equality, fraternity. Beethoven adapted the opera twice and wrote four overtures, before deciding on May 23<sup>th</sup>, 1814, to have the work performed. The last version became known as *Fidelio* and was a success, quite possibly partly because of the fall of Emperor Napoleon. Many performances took place in Vienna, including one at the prestigious opening of the Congress of Vienna on September 26<sup>th</sup>, 1815.

## *Keywords*

Law and Opera; Beethoven; *Fidelio*; Human Rights.

## *Summary*

1. Overture. 2. Life and works of Ludwig van Beethoven. 3. Libretto. 4. Opera and Law: Beethoven and human rights in *Fidelio*. 5. Conclusion

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## 1. OUVERTURE.

Law is related to different types of art, like cinema, painting<sup>2</sup>, literature, but also music.<sup>3</sup> In this contribution, law will be linked to opera, because many legal topics are discussed in operas. For centuries, many opera *libretti* have been based on historical and legal themes. This contribution is an ‘Ode’ to Ludwig van Beethoven (1770-1827), who was born in Bonn over 250 years ago. It is also an *Ode an die Freude*, and *Alle Menschen werden Brüder*, taken from Beethoven's Ninth Symphony. The text Ode to Joy is by Friedrich von Schiller (1759-1805), which Beethoven used in the Ninth Symphony. Brotherhood, a theme also found in *Fidelio*, was not only important in Beethoven's time. It is still of great importance. That's why I would like to give an Ode to the great classical master who composed his opera *Fidelio* based on ‘human rights’ and on the themes of the French revolution: liberty, equality, fraternity. Also today, in the middle of the war in Ukraine, we see again the importance of brotherhood in Europe.

Two years ago, during the COVID pandemic, the classical grandmaster was commemorated mainly in the media, as sanitary measures made it impossible to have any concerts. The pandemic sometimes caused opposition between certain parts of the population. That is why it was important that Beethoven's Ninth Symphony was played during the Beethoven Year as an *Ode to Joy* with a message of brotherhood during a pandemic.<sup>4</sup>

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<sup>2</sup> E.g. GEPHART 2017.

<sup>3</sup> ANNUNZIATA & COLOMBO 2018.

<sup>4</sup> RESTA 2018, 361-377.

## 2. LIFE AND WORKS OF LUDWIG VAN BEETHOVEN

Beethoven was born on December 16, 1770, in the beautiful city of Bonn in Germany, where he performed for the *Kurfürst* (Prince Elector) in the palace which is now the ceremonial building of the Friedrich-Wilhelm-University. Here Beethoven gave concerts in his youth. Already in 1783, at the age of twelve, he composed his three *Kurfürsten Sonaten*, which he dedicated to Prince Elector Maximilian Friedrich (1708-1784).<sup>5</sup> At the age of fifteen, Ludwig was nominated by *Kurfürst* Max Franz (1756-1801) to be second organ player of the *Hofkapelle*.<sup>6</sup>

With a little bit of chauvinism, in The Netherlands, we believe there are traces in Zutphen that show that Beethoven was born in Zutphen in 1772.<sup>7</sup> Zutphen is a beautiful city in the province of Gelderland. Over the centuries, Beethoven's year (1770) and place of birth (Bonn) have often been questioned. In a letter by W. van Marsdijk to the mayor of the city of Bonn, containing proof of the Dutch origin of the famous composer, *Lettre à Monsieur le Bourgmestre de la ville de Bonn contenant les preuves de l'origine hollandaise du célèbre compositeur Louis van Beethoven* (Amsterdam 1836), it is written that Ludwig van Beethoven was born in 1772, that he was Dutch, and that he was born in Zutphen in the inn *De Fransche Tuin*.<sup>8</sup> There are

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<sup>5</sup> WETZSTEIN 2006, 76.

<sup>6</sup> *Ibidem*.

<sup>7</sup> "Interview René Seghers" 2022.

<sup>8</sup> VAN MARSDIJK 1836, 3-4.

advertisements for Van Marsdijk's booklet in the newspapers *Oprechte Haarlemsche Courant* and *Journal de la Haye* (1836).<sup>9</sup>

Unfortunately, nothing more can be found about *De Fransche Tuin* of Zutphen. In 1836, it seems to have disappeared. According to Franz Gerhard Wegeler (1765-1848), a childhood friend of Beethoven's and later medical doctor, professor and rector of the university of Bonn, the exact situation is described in his book *Biographische Notizen über Ludwig van Beethoven* (Erste Abtheilung, Koblenz 1838, p. 6).<sup>10</sup>

In 1792, Beethoven left Bonn for Vienna because of the French occupation. The Rhine embankment was occupied by the French. The situation in Beethoven's native region had become desperate and it was quite dangerous for Beethoven to go to Vienna by stagecoach. Beethoven was 22 years old at the time. Unfortunately, he never returned to Bonn. Especially in the last years of his life, the need to return to his hometown became very strong. In 1820 (seven years before his death), he wrote to his publisher Simrock in Bonn that he hoped to visit his birthplace and visit the grave of his parents in Bonn. He was fifty years old when he wrote this letter. He died at the age of 57 in Vienna without having had the opportunity to return to his birthplace.

Beethoven, like Mozart, was a genius of classical music. We still enjoy his musical works. The only opera by Ludwig van Beethoven is *Fidelio*. The libretto of *Fidelio* was originally written as *Leonore* after the French Revolution in 1790 by Jean Nicholas Bouilly (1763-1842). Bouilly had

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<sup>9</sup> *Oprechte Haarlemsche Courant* and *Journal de la Haye* (1836), cited in OLDENBURGER 2020.

<sup>10</sup> Part II (Zweite Abtheilung) of the *Biographische Notizen über Ludwig van Beethoven* is written by composer Ferdinand Ries (1784-1838) (Koblenz, 1838).

been governor of the French department of Tours during the *Terreur* (1793-94). During his tenure as governor, an event as described in the libretto occurred in reality.

Beethoven was not the first to set this libretto to music. It was the French composer Pierre Gaveaux (1760-1825). The opera *Leonore* premiered in Paris in 1798 and was later translated into Italian by Ferdinando Paer (1771-1839), an opera composer from northern Italy. Paer's *Leonore* eventually caught the attention of Beethoven. Beethoven, however, also composed a *Leonore*. His *Leonore* is named after his student Eleonor, the daughter of the widow Helene Breuning (1750-1838), whom he considered his adoptive mother and with whom he came to live after his mother's death in 1787. Later, he considered Eleonor to be his ideal heroine. For Eleonor, Beethoven kept a special place in his heart. He wrote her several letters in which he asked for understanding and tried to preserve her friendship. He also wrote several compositions for Eleonor and carried a portrait of her with him all his life. The first version of Beethoven's *Fidelio* alias *Leonore* was premiered on November 20, 1805, under the title *Fidelio oder die eheliche Liebe* at the Theater an der Wien, conducted by the composer himself.<sup>11</sup> Already in 1790, before the death of Emperor Joseph II (1741-1790), Beethoven composed at the age of twenty the aria for soprano and choir *Da stiegen die Menschen ans Licht* from the Cantata of Joseph II. This aria was the direct basis for the finale of *Fidelio*.<sup>12</sup> The libretto of *Leonore* had been translated into German for

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<sup>11</sup> It was Beethoven's wish to call the opera *Leonore*, CAEYERS 2009, 628, note 95.

<sup>12</sup> *Ibidem*, 85 and 613, note 45.

Beethoven by Joseph Sonnleithner (1766-1835), who was the secretary of the imperial theater and was known both as a lawyer and as a musician. However, Beethoven's *Leonore* was not a success in November 1805. This was mainly due to the fact that Napoleon's army had invaded Vienna. The audience of the first performance was composed of mainly French soldiers.<sup>13</sup> The hall was half empty. The audience that normally came to Beethoven concerts had fled to their country homes and the citizens who remained had other things to do than go to the theater. Free tickets were distributed to the French soldiers who had occupied Vienna. The French soldiers understood nothing of the German text, let alone the music. The situation was tragicomic: Beethoven had chosen a French libretto in the hope of forcing his way from Vienna to Paris with the *Eroica*. Beethoven wrote this symphony in 1803 in honor of Napoleon Bonaparte. Beethoven also toyed with the idea of calling this symphony the *Bonaparte Symphony*. When Napoleon proclaimed himself Emperor of the French in May 1804, Beethoven struck Napoleon's name from the title page so violently that a hole remained in the original score. Beethoven changed the dedication to *Sinfonia Eroica*.

Two years later, the cards had been turned. *Leonore* was written for the Viennese, but at the premiere in 1805 they were absent and there were almost only disinterested French spectators.<sup>14</sup> Beethoven adapted the opera twice and wrote four overtures, before deciding on May 23<sup>th</sup>, 1814, to have the work performed in a new arrangement by Georg Friedrich Treitschke (1776-1842). The last version became known as *Fidelio* and was

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<sup>13</sup> *Ibidem*, 302.

<sup>14</sup> *Ibidem*, 302.

a success. The piece costed Beethoven more work and effort than any other composition.<sup>15</sup> It is quite possible that the 1814 version of *Fidelio* was so successful because of the fall of the Emperor Napoleon. The audience could easily identify with the theme of the ideals of the French Revolution. People no longer risked being imprisoned without trial by the secret police, which had been introduced under Napoleon.<sup>16</sup>

Beethoven's choice to work with Treischke was strategically well-considered. Treischke was not only an experienced man of the theater, but he also held a management position at the *Hofopera*.<sup>17</sup> With Treischke, Beethoven gave a new interpretation of his old opera *Leonore* from 1804. In the finale of the opera, we hear no longer an ode on domestic happiness regained, but a hymn to Freedom.<sup>18</sup> By 1814, Beethoven had lost much of his optimism about the possibility of a society free from the tyranny of the Emperor Napoleon, and where liberty and fraternity reign.<sup>19</sup> The opera thus turned into a great sung manifesto, similar to the end of Beethoven's Ninth Symphony, *Ode an die Freude*. *Fidelio* became a triumph for Beethoven. Many performances took place in Vienna, including one at the prestigious opening of the Congress of Vienna on September 26<sup>th</sup>, 1815.

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<sup>15</sup> LOCKWOOD 2003, 258.

<sup>16</sup> Emperor Napoleon also tried to introduce the secret police in Holland, but Minister of Justice Cornelis Felix Van Maanen (1769-1846) refused and abdicated his position, VON BÓNÉ 2006, 269-279.

<sup>17</sup> CAEYERS 2009, 422.

<sup>18</sup> *Ibidem*, 424.

<sup>19</sup> *Ibidem*, 432.

### 3. LIBRETTO

The opera *Fidelio* begins in the courtyard of a State prison near Seville around 1800. Don Florestan, a high-ranking official of the Spanish government, has been confronted with serious abuses by the governor, Don Pizarro. Don Pizarro therefore had Florestan secretly locked up in the deepest of dungeons, without any trial. Leonore, Florestan's wife, went in search of her missing husband and her search led her to the prison. She manages, disguised as a man and under the name of Fidelio, to get a job as an assistant to Rocco, the prison guard. Thanks to her great zeal, she is favored more and more by Rocco.

When governor Pizarro learns that his misdeeds are known, he wants to erase all traces of them. Pizarro has learned that the minister, Don Fernando, wants to inspect the prison and that the prisoners will be brought before him. He wants to prevent the minister from finding Florestan. Pizarro decides to kill and bury Florestan in the underground dungeon, as his name is not on the list of prisoners. Florestan's stay in the underground dungeon is the result of the '*Eigenmächtigkeit des Gouverneurs*', according to the libretto. Florestan is thus kept in the dungeon of the State prison without a fair trial, due to a discretionary decision of the governor himself. Meanwhile, Leonore and Rocco dig a grave for Florestan in the underground dungeon. Leonore, at first, does not recognize her husband, but wants to save the prisoner, whoever he is. When Pizarro comes to inspect the tomb and wants to kill the prisoner, she throws herself between Florestan and Pizarro. She identifies herself as Leonore. Pizarro, however, is not impressed by marital love and also wants to kill Leonore. When Leonore points her gun at Pizarro, the trumpet sounds. It is



precisely this musical part in the opera that causes the turning point of the opera.

With the arrival of the minister, an unspeakable joy seizes the freed couple. The minister greets the prisoners as brothers among brothers. Rocco, the guard of the prison, escorts Florestan and Fidelio alias Leonore, heavily handcuffed in the light of the day. Rocco says to Florestan: *‘Diese Felsen bleiben und sollen Euch Mitleid erleben.’*<sup>20</sup> *‘Behalte diese Ketten bei dir, desto größer wird das Mitleid sein, das du erweckst.’*<sup>21</sup> The minister is accompanied by Pizarro and officers. On one side, people flock, and on the other, the State prisoners kneel before the minister. In the finale of the opera, minister Don Fernando sings: *‘Des besten Königs Wink und Wille führt mich zu euch, ihr Armen, her, dass ich der Frevel Nacht enthülle, die all umfangen schwarz und schwer. Nein nicht länger kneet sklavisch nieder. Der tyrannische Wahnsinn überfordert mich. Es sucht der Bruder seine Brüder, und kann er helfen hilft er gern.’*<sup>22</sup> The Minister greets Florestan as if he were a friend. Leonore unties the chains. All unite to praise the conjugal love.<sup>23</sup>

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<sup>20</sup> These rocks remain and shall beseech you for pity. [http://www.lvbeethoven.com/Oeuvres\\_Presentation/Presentation-Fidelio\\_TheText.html#206](http://www.lvbeethoven.com/Oeuvres_Presentation/Presentation-Fidelio_TheText.html#206)

<sup>21</sup> Keep these chains with you, the greater will be the pity you will arouse.

<sup>22</sup> Our gracious Majesty's will and pleasure has sent me here to you poor men, that I disclose the crimes of darkness which, has enveloped all of you. No longer kneel like slaves before me. Tyrant's grimness I detest. A brother's come to seek his brethren, and can he help, he gladly helps.

<sup>23</sup> ROBINSON 1996, 68. See also CANDONI 1995, 100-103.

#### 4. OPERA AND LAW: BEETHOVEN AND HUMAN RIGHTS IN *FIDELIO*

The story of a woman who, in disguise, frees her husband from the prison of a corrupt despot can be seen as a representation of one of the ideals of the Enlightenment. The Enlightenment, the political and philosophical movement that developed in Europe in the late seventeenth and eighteenth centuries profoundly changed views on politics, philosophy, science and religion. The Enlightenment brought with it new ideas about the State, such as the separation of powers described by Montesquieu in his *The Spirit of the Laws*,<sup>24</sup> but also about fundamental rights, such as equality between men and women, freedom of speech and the humanization of punishment by the State.

Friedrich von Schiller was also a man of the Enlightenment, fighting for freedom and equality, rejecting arbitrariness and injustice. Schiller is known, among other things, for the *Ode to Joy* (1785), which he wrote for the Masonic Lodge and which was partially used by his contemporary Beethoven in the last movement of his Ninth Symphony. Beethoven's opera *Fidelio* is also about freedom.

According to the libretto, the opera also criticizes in a certain way the prison-life of the time and the discretionary power. A glimpse of prison-life appears in the Aria of Rocco (Act 2, scene 6), the guardian of the prison in which Florestan is kept as a prisoner: '*Diese Felsen bleiben und sollen Euch Mitleid erleben.*' '*Behalte diese Ketten bei dir, desto größer wird das Mitleid sein,*

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<sup>24</sup> *L'Esprit des lois* had also influence on the first Dutch Constitution of 1798, see VON BÓNÉ 2019.

*das du erweckst.*' In the middle of the 18th century, reforms of the prison system were discussed but not really undertaken, as also shows the libretto of *Leonore* alias *Fidelio*. The reforms were not yet playing a role.<sup>25</sup> In 1715 the natural law doctrine of Samuel Pufendorf appeared in his famous work *De iure naturae et gentium* in which Pufendorf refers in paragraph 3,1,3 (*Ut nemo laedatur, et si quod damnum fuit datum reparatur*) that no one can be harmed and if damage is done it should be compensated. Pufendorf broadens the term damage to any form of damage, especially to the body.<sup>26</sup> In 1764 Cesare Beccaria's described in *Dei delitti e delle pene* (*On Crimes and Punishments*), the necessary reforms in the field of prison administration. The aim of *On Crimes and Punishments* is to modernise penal law by establishing it on clear, secular, moderate foundations, so as to fight against the abuses of justice: torture, the scaffold, extreme corporal punishment, the confusion between crime and sin, the arbitrariness of the judiciary, the slowness and secrecy of trials. Penal law is to be brought in line with a sense of legality as defined by the social contract, liberty and the equality of man. This revolution, which established the foundations of the constitutional state, causes a shock wave in Europe of unseen proportions.<sup>27</sup> Beccaria was an advocate of reform.<sup>28</sup> The prison where

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<sup>25</sup> <https://www.geriwalton.com/prisoner-in-the-bastille-in-the-18th-century/>

<sup>26</sup> FEENSTRA, 2016, 17, 45.

<sup>27</sup> <https://voltairefoundation.wordpress.com/2018/09/18/the-beccaria-moment-revisiting-the-origins-of-the-modern-penal-system/>

In England it was John Howard who made prison reforms in 1773, see ROBERTS 'John Howard, 'England's Great Prison reformer: His glimps into hell', *Journal of Correctional Education*, Volume 36, Issue 4, December 1985, 136-139. See more on John Howard: Tom Vander BEKEN, *The role of prison in Europe*, 2016.

<sup>28</sup> MARTINAGE 2002, 44; SPIERENBURG 1991.

Florestan was locked up was composed of three floors: on the first floor was the world where the ordinary daylight entered and where the prisoners were ventilated. One floor below, the prisoners were kept in the cells and another floor below were the political prisoners.<sup>29</sup> It was there that Florestan was chained for two years, in the cold, with little food. The location of the action in the opera *Fidelio* is Seville, not Vienna or Paris. In Austria, Spielberg's famous State prison (Spilberk Castle)<sup>30</sup> was still in use at the time of the performance of Beethoven's *Fidelio*. During the coalition wars French revolutionaries were locked up in the Spilberk Casle. The most famous among them was Jean Baptiste Drouet, who was responsible of the arrest of king Louis XVI on his flight to Varenne. The Spielberg State Prison had been also used in the Austrian Empire for political prisoners who opposed the Habsburg regime.<sup>31</sup> The translator had to avoid as much as possible the revolutionary ideas of his time, which probably explains why *Fidelio* is set in Spain. Beethoven had to revise his original version for the new production in Vienna.

## 5. CONCLUSION

*Fidelio* is, in my opinion, a timeless opera. At the heart of this opera are the three ideals of the French Revolution: liberty, equality and fraternity. They are represented in the final scene of the opera, in which all the oppressed

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<sup>29</sup> Such as for example the 'Carceri' (prisons) of Giovanni Battista Piranesi.

<sup>30</sup> <https://www.jsmezbrna.cz/placedetail.aspx?id=6649>.

<sup>31</sup> *Ibidem*.

are liberated in the guise of Florestan, Leonore and Don Fernando. Pizarro is the symbol of hatred and oppression.

*Fidelio* was therefore not only an opera about freedom, equality and brotherhood, but also a manifesto<sup>32</sup> against State prisons during the regime of emperor Joseph II, also called an enlightened despot,<sup>33</sup> although Joseph II sought to introduce administrative, legal, economic, and ecclesiastic reforms—with only measured success. He was succeeded by his brother Leopold II (1747-1792), for whom Mozart (1756-1791) wrote *La Clemenza di Tito* in 1791, for his coronation as King of Bohemia.<sup>34</sup> Under his rule the death penalty was abolished, which is the subject of Mozart's opera *La Clemenza di Tito*. He also reformed the criminal law. Leopold II was apparently influenced by the natural law doctrine of the age of Enlightenment. After a short reign, Leopold II was succeeded by Emperor Franz II (1768-1835), who, after the fall of the Holy Roman Empire in 1806, called himself Emperor Franz I of Austria. This was the time when Beethoven, the Emperor of classical music, composed his opera *Fidelio*, a manifesto for human rights.

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<sup>32</sup> LOCKWOOD 2003, 258.

<sup>33</sup> SCHREVER 2019.

<sup>34</sup> VON BÓNÉ 2013, 8-10.

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