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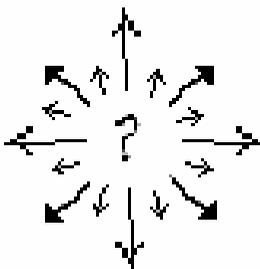
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I. ONGOING CONVERSATION ON LEVINAS' METAPHYSICS

Memory and the Immemorial in the Philosophy of Emmanuel Levinas

Jeffrey Andrew Barash (Université de Picardie-Jules-Verne)

In choosing to analyze Levinas' reflection on the theme of "memory and the immemorial", my purpose in the following pages will be less to engage in an exegesis of his thought than to examine, in its perspective, the theme of memory itself. Levinas elaborated his interpretation of memory in its relation to the immemorial above all in his work *Autrement qu'être ou au-delà de l'essence* (*Otherwise than Being: Or Beyond Essence*), first published in 1978 and translated into English twenty years later. It is on this work that my analysis will focus. Levinas proposes in this work to distinguish his interpretation of memory from the predominant conceptions of memory that had been elaborated in different ways by earlier philosophical traditions and my primary task will be to reflect on the sense and scope of memory - its place in the "domain of being", according to Levinas' formulation - by indicating in light of these traditions what appears to me to be the problematic implications of the idea of memory that Levinas develops.

What is remarkable in Levinas' idea of memory in the work *Autrement qu'être ou au-delà de l'essence* is the radicalism of the dichotomy he establishes between memory, on one hand, and the "immemorial" on the other. And, far from an isolated aspect of his thinking, this dichotomy is founded on a presupposition which reaches to the heart of his philosophy: the irreducible distinction he draws between immanence and transcendence, between "essence" and what is beyond essence. Given that for Levinas essence signifies "being, which is different from entities" (*l'être différent de*

l'étant)¹, the same radicalism which distinguishes essence and what is beyond essence separates being and what is “otherwise than being”.

This dichotomy between being and otherwise than being, corresponding to that between memory and the immemorial, is reaffirmed throughout the work *Autrement qu'être*, and its radicalism is continually reinforced. This dichotomy concerns, on one hand, the order of being, the domain of the ego with its mundane desires and needs, its “interests” through which, as multifarious expressions of effort, *conatus*, modern philosophers in the wake of Hobbes and of Spinoza have interpreted the human essence. From Levinas' perspective, as we will illustrate more closely, the ego's interest, plunged into the past by way of memory, orients the quest to retrieve elapsed time in the form of history and of historiography. The immemorial, on the other hand, extends its reach beyond essence and beyond the interests of this world: it is “otherwise than being”, rigorously distinguished from the worldly effort or *conatus* which, by all available means, seeks to persevere in its being. Incapable of being inscribed in memory and in history, the “immemorial” evokes for Levinas “a responsibility which comes from before and reaches beyond what is held in the suspense of an epoch”.² And, it is in terms of this responsibility, emanating from an immemorial commandment, from an injunction beyond essence and “sundered from being and its history”,³ that Levinas invokes “the Good” or “goodness”.

This *radicalism* in Levinas' distinction between the immemorial, on one hand, interpreted as a source of goodness beyond being or essence and, on the other hand, memory, like history, understood in terms of effort directed toward worldly interests, will orient my investigation of the theme of memory in the perspective of Levinas. I will first examine the relation between memory and of the immemorial in his thought and then turn to that between the immemorial and the historical. An analysis of the radicalism of the dichotomy which distinguishes memory and history from the immemo-

¹ Emmanuel Levinas, *Autrement qu'être ou au-delà de l'essence* (Kluwer/Livre de poche: Dordrecht/Paris, 1978), p. 9. Unless otherwise indicated, all translations are my own.

² “...qui vient d'en deçà et va au-delà de ce qui tient dans le suspens d'une époque”; *Ibid.*, p.154.

³ “...en rupture avec l'être et avec son histoire”; *Ibid.*, p.36.

rial will set up the framework for my concluding reflection on the theme of memory that Levinas' philosophy inspires.

I. Memory and the Immemorial

At the beginning of his book, *Autrement qu'être ou au-delà de l'essence*, Levinas introduces the dichotomy between essence and what is beyond essence, corresponding to that between memory and the immemorial, in relation to a passage in the sixth book of Plato's *Republic*. As Levinas writes, Plato was the philosopher who posited that the Good is beyond essence. And, in his analysis of Plato, Levinas takes up the task of rethinking this distinction between the Good and being or essence, in order to radicalize it. The significance of this radicalization comes to light, I believe, where Levinas doubts the possibility of grasping the Good - the "immemorial" Good - by way of memory, even if, in the Platonic tradition, the idea of the Good was retrievable through *reminiscence*. Let us examine the precise implications of Levinas' radicalization of the Platonic position, in which his profound ambivalence toward the ancient Greek author comes to expression.

We recall the passage in the sixth book of Plato's *Republic* which Levinas here interprets. In this passage, Socrates says to Glaucon:

“Admit also that intelligible things do not only depend upon the Good for their intelligibility but also depend upon it for their being and their essence, although the Good is not at all essence, but is high above it (ἐπέκεινα τῆς οὐσίας) in dignity and in power”.⁴

In the context of this Platonic dialogue, we recall Glaucon's response to Socrates upon hearing this unusual claim that the Good is “beyond essence in dignity and in power”. According to Plato, Glaucon replied to Socrates in a

⁴ Plato, *The Republic*, vol. II, 509b (Cambridge, Mass: Loeb Classical Library, Harvard, 1980), p. 106-107. Levinas had already interpreted this notion of the Good beyond essence in his earlier work, *Totalité et infini* (Kluwer: Dordrecht, 1988), p. 76. On the variety of 20th century Jewish philosophical commentaries on this passage in Plato's *Republic*, see my article “Après Davos. L'éthique à l'épreuve du politique chez Ernst Cassirer et Emmanuel Levinas”, *Philosophie et Judaïsme, Critique*, 728-729, January/February, 2008, p. 145-157.

“ridiculous” manner: “May the heavens save us, the hyperbole (‘υπερβολή’) could never go farther!” And Socrates, as Plato records, in introducing this suggestion of a hyperbole or exaggeration, *attenuates* the radicalism of this distinction when he responds: “The fault is yours [...] for compelling me to utter my thoughts about it”.⁵ Yet Levinas, far from moderating this radicalism, reinforces it. How are we to interpret this radicalization?

Plato, while situating the Good beyond being in dignity and power, made of it, as Levinas comments in critical perspective, an “idea”.⁶ Moreover, if in the context of *The Republic*, Plato posited the supremacy of this idea in relation to the True and the Beautiful, like these latter ideas it participates in “essence”, as the determining principle of essence. And, as Plato’s readers will readily recognize, this mediation between the idea of the Good and essence is accomplished, notably in the *Phaedo* and the *Meno*, through *memory* conceived as *reminiscence*. In this perspective, our ability to recognize the Good, the True and the Beautiful, even in their weak reflection in ordinary sense experience, depends upon a recollection of these ideas, embedded in the soul before all experience. Hence Levinas’ radicalization of the Platonic distinction between the Good and essence, by interpreting the Good as “otherwise than being”, calls for a dissociation of the Good from the objects of any possible reminiscence. The Good is identified, in other words, with the immemorial which no reminiscence is able to recall. “The Good which reigns in its goodness”, as Levinas writes, “cannot enter into the present of consciousness, even were it to be remembered”.⁷ In these terms, Levinas relates subjectivity to goodness, conceiving it to be a necessary source of meaningfulness of the subject, and he situates the subject, “in an im-

⁵ Plato, *The Republic*, vol. II, 509b, p. 107. In a footnote to this translation of the English edition of this dialogue, Paul Shorey aptly comments that, in the face of this hyperbole, “the dramatic humour of Glaucon’s surprise is Plato’s way of smiling at himself”; Plato, *The Republic*, p. 107n.

⁶ Emmanuel Levinas, *Autrement qu’être*, p. 36. In *Totalité et infini*, p. 43, Levinas had already raised the decisive question in regard to Plato: “The filiation between the Soul and the Ideas upon which the *Phaedo* insists is it but an idealist metaphor expressing the permeability of being to thought?”; “La parenté entre l’Âme et les Idées sur laquelle insiste le *Phédon*, n’est-elle qu’une métaphore idéaliste exprimant la perméabilité de l’être à la pensée?” Even more radically than *Totalité et infini*, *Autrement qu’être* leaves little doubt that the answer must be in the affirmative.

⁷ “Le Bien qui règne dans sa bonté ne peut entrer dans le présent de la conscience, fût-il remémoré”; *Autrement qu’être ou au-delà de l’essence*, p. 36.

memorial time which no reminiscence might retrieve as an a priori”.⁸ Then, in a different context, Levinas distinguishes the Platonic dialogue from the drama in which philosophers are engaged and from the intersubjective movement that they elicit since, according to him, the “Platonic dialogue is reminiscence of a drama rather than the drama itself”.⁹

These different references illustrate how radically Levinas places in question the traditional Platonic role of reminiscence in its recall of the idea of the Good, and participating in essence as the principle that determines it. We are faced, on one side, with immemorial goodness and, on the other, with essence which is an object of remembrance. Between memory and the immemorial, between being and what is beyond being, the unique point of contact which reveals itself is the drama of encounter with the other, eliciting the pure responsibility of the one for the other. What is significant here for us is less the fundamental role of this responsibility for Levinas' notion of ethics than its implications for the interpretation of memory. And, in the context of the work *Autrement qu'être*, these implications seem to me to be quite clear: once Levinas deflates the Platonic tradition of reminiscence to radicalize the Platonic doctrine of a Good beyond essence, memory must forfeit any fundamental status - above all in the sphere of ethics. In the very first pages of this work, memory is attributed to the domain of essence, in the service of effort, *conatus*, and of its interest in persevering in its being by all possible means. Memory is thus rooted in a *conatus* that finds its typical expression, as Levinas writes in another context, in the philosophy of Spinoza.¹⁰

What are the consequences of this dependence of memory on being for

⁸ “... dans un temps immémorial qu'une réminiscence ne saurait récupérer comme a priori”; *Ibid.*, p. 47.

⁹ “[le] dialogue platonicien est réminiscence d'un drame plutôt que ce drame même”; *Ibid.*, p. 39.

¹⁰ In the work *Noms propres* Levinas refers to a “still natural tension of pure being itself that we have termed above egoism, which is not a vile flaw in the subject, but its ontology, and which we find expressed in the sixth proposition of the third part of the *Ethics* of Spinoza: ‘each being expends all its efforts, as far as possible, toward persevering in its being’ [...]” (“tension encore naturelle de l'être pur lui-même que nous avons appelé plus haut égoïsme, lequel n'est pas un vilain défaut du sujet, mais son ontologie et que nous trouvons dans la sixième proposition de la 3ème partie de l'*Ethique* de Spinoza: ‘Chaque être fait tous ses efforts autant qu'il est en lui, pour persévérer dans son être[...]’”); Emmanuel Levinas, *Noms propres* (Paris: Fata Morgana, 1976), p. 82.

the theory of memory that Levinas proposes? We recall the theory of memory proposed by Spinoza, which reinterpreted a long tradition in the framework of the *Ethics* that, in its broad lines, may be traced back to Aristotle: far from drawing on the doctrine of reminiscence of eternal ideas, memory for this tradition records only the traces of images perceived by the senses. Like imagination, memory is capable of producing an image independently of the perceived object, but one which, unlike the caprices of fantasy, presupposes a faithful reproduction of the image. In view of this interpretation of memory derived from the perceptual image, it is perhaps not surprising to encounter, in one of the rare passages of the work *Autrement qu'être* dealing with this seminal interpretation of the reproduction of images in the framework of what Levinas terms animation or "psyche" (*psychisme*), and which for him, significantly, must be distinguished from concern for the other, from ethical responsibility. In this context, analysis focuses on a retrieval of the image of being as "presence" or "absence", where memory, like imagination, derives from sense objects once present to perception.¹¹ If we interpret "being" here, as Levinas does at other points in this work, in terms of the effort to persevere in being - of Spinoza's *conatus* - this notion of memory is entirely consistent with Levinas' overall interpretation: memory which, like perception and imagination, is oriented through the fundamental human effort to persevere in being, is characterized by its "interestedness" (*intéressement*). It is in this precise sense that the representations of memory can never attain the trace of the immemorial from which they are radically distinguished. In Levinas' telling words, the immemorial is "inconvertible into memory".¹²

II. History and the Immemorial

Levinas' depreciation of memory in favor of the immemorial calls at the same time for a parallel devaluation of history. Like memory, history corresponds to a time which is representable or "recoverable" (*récupérable*). A passage from *Autrement qu'être* eloquently states what he takes to be this correspondence between memory and history:

¹¹ *Autrement qu'être ou au-delà de l'essence*, p. 115.

¹² *Ibid.*, p. 165.

“The one nearby strikes me before striking me, as if I had heard him before he spoke. Anachronism which attests a temporality different from that in which consciousness is articulated. It undoes the *recoverable time* of history and of memory where representation is continuous. If, indeed, in all experience the account of fact precedes the present of experience, memory or history or the extra-temporality of the a priori recovers the gap and creates a correlation between this past and this present. In the proximity, a commandment is heard coming from an immemorial past: one which never was present, and which began aside from any liberty. This *way* of the one nearby is the face (*visage*).”¹³

In this key passage taken from the book *Autrement qu'être*, we find, in regard to history, the same radical distinction from the immemorial that separated the immemorial from memory. And the “history” to which Levinas refers here corresponds in his vocabulary to the two senses that the term history conveys: history as *res gestae*, comprising the experience of peoples – even where this history is only implicit or partially preserved – and as *historia rerum gestarum*, or the retrieval and narration of this historical experience.¹⁴ For Levinas, history, much like memory, operates in the sphere of essence or of the interest of being, which seeks by all possible means to persevere in its being. Like memory, history for Levinas can only prove resourceless before the immemorial.

It is this resourcelessness which leads me to my principal question: why does Levinas insist with such intransigence on this radical distinction

¹³ “Le prochain me frappe avant de me frapper comme si je l’avais entendu avant qu’il ne parle. Anachronisme qui atteste une temporalité différente de celle qui scande la conscience. Elle démonte le *temps récupérable* de l’histoire et de la mémoire où la représentation se continue. Si, en effet, dans toute expérience, la facture du fait précède le présent de l’expérience, la mémoire ou l’histoire ou l’extra-temporalité de l’a priori, récupère l’écart et crée une corrélation entre ce passé et ce présent. Dans la proximité s’entend un commandement venu comme d’un passé immémorial: qui ne fut jamais présent, qui n’a commencé dans aucune liberté. Cette *façon* du prochain est visage.”; *Ibid.*, p. 141.

¹⁴ Hence Levinas associates memory at times with history and at others with historiography, cf. *Ibid.*, p. 140-41.

between the immemorial and the time of memory, both personal and historical?

In order to comprehend this depreciation of memory, it might be tempting to invoke the terrible fact witnessed by a memory at once personal and historical, and recalled by Levinas in his dedication at the beginning of *Autrement qu'être*: “To the memory”, Levinas writes,

“of the closest among those of the six million who were murdered by the National-Socialists, beside the millions upon millions of human beings of all persuasions and of all nations, victims of the same hatred of the other human, of the same anti-Semitism”.¹⁵ Faced with the enormity of this crime and of the ethical perplexity it raises, it is evident that the representations of memory or of history can only manifest their helplessness.

And yet, to locate the principle source of Levinas' radicalism, we should not insist too exclusively on the role of memory or of history. The claim of Levinas' work, after all, concerns the *immemorial*, and it raises the challenge of *transcendence* in regard to memory and history, with their source in the effort of being which seeks to persevere in its being. If Levinas draws such a radical distinction between the immemorial and memory and history, it is to maintain the infinite uniqueness of the immemorial before the frailty of mnemonic or historical representations. Capable only of focusing on the concatenation of images or of facts, these representations for him necessarily pass by the non-phenomenal proximity of the Good before being, lying entirely outside their purview. This transcendence, expressed through the face of the other, underlies the most intimate identity of the self. And the presentiment of this transcendence underlying the self, evokes for Levinas the “enigma of the infinite” which distinguishes it, in calling on the name of God, from the phenomenality of essence.¹⁶

Levinas aims here to clear a way toward Divine transcendence, which

¹⁵ A la mémoire des êtres les plus proches parmi les six millions d'assassinés par les nationaux-socialistes, à côté des millions et des millions d'humains de toutes confessions et de toutes nations, victimes de la même haine de l'autre homme, du même antisémitisme.”; *Ibid.*, p. 5.

¹⁶ *Ibid.*, p. 243.

at the same time involves the injunction of the ethical. This accounts for his opposition to Kierkegaard's paradox which underlines, in the face of the divine commandment, the *limit* of all ethical commands. Indeed, according to Kierkegaard's interpretation, the divine command requiring Abraham to sacrifice his son clearly illustrated that an absolute injunction may require what ethics forbids.¹⁷ At the same time, Levinas' hostility is still more sharply directed against Kierkegaard's main adversary, whose ethical reflection proves even more formidable for Levinas than the paradoxical formulations of the Danish philosopher. This adversary is indeed Spinoza, for whom the possibility of an ethical interpretation of God may be elaborated only on the basis of a *negation* of any form of transcendence as such. We recognize here Spinoza's critique of the supernatural and the miraculous, as of all belief in occult powers. In the name of transcendence, such occult powers had often been invoked to fuel the credibility of the superstitious multitude, proving the best of means, as Spinoza had demonstrated in the *Theologico-Political Treatise*, of dominating the multitude for political purposes. This is why, in Spinoza's view, true ethics requires a radical critique of all supernatural or transcendent claims of religion.

Levinas was always prudent in his references to God and very much aware of the danger of instrumentalizing faith in function of the interests of this world. For him, Divine transcendence can in no way be separated from ethical proximity. But it is this emphasis on transcendence - on its exceptional, extra-vagant, and enigmatic otherness - which most directly accounts for his attitude toward history: in referring everything to the immanent representations of being, history, like memory, eliminates the enigma of a transcendence which can in no way be accounted for in terms of such representations. Hence the critique directed by Spinozist ethics against the miraculous and, above all, against its instrumentalization in the form of superstition, could only be made at the cost of relegating all human concern to the domain of immanence. Spinoza's thought, as Levinas recognizes, inspired a broad current of historical-critical study of the Bible, which played a promi-

¹⁷ Emmanuel Levinas, *Noms propres*, p. 86-87; Søren Kierkegaard, *Fear and Trembling and The Sickness unto Death*, trans. Walter Lowrie (Princeton: Princeton University Press, 1954), p. 64-77.

ment role in the development of the modern human sciences. As Levinas writes in commenting on the spirituality of Judaism in the book *Difficile liberté*:

“The exceptional essence of Judaism, inscribed in square-shaped letters and illuminating living faces, at once an ancient doctrine and contemporary history, does it not risk favoring a mythical vision of a spirituality which is nevertheless accessible to analysis? Objective science - sociology, history, philology - aims to reduce the exception to a rule. Western Jews were the promoters of this research. The *Theologico-Political Treatise* of Spinoza, already at the end of the 17th century, introduced the critical reading of scripture. At the beginning of the 19th century, in Germany, the founders of the famous *Wissenschaft des Judentums* transformed holy scripture into pure documents.”¹⁸

If Levinas aims in his writings toward a transcendence beyond the immanence of being which seeks to persevere in its being, it is above all in an effort to find an alternative to Spinozist immanence and to what Levinas names the interestedness of *conatus* (*intéressement du conatus*).

And this transcendence which for him is the necessary precondition of the ethical injunction, radically opposes the idea of memory and of history inherited from a tradition which, in its refusal of all that cannot be included in the sphere of immanence, found its fundamental expression in Spinoza's

¹⁸ “L'essence exceptionnelle du Judaïsme - déposée en des lettres carrées et éclairant des visages vivants, à la fois doctrine ancienne et histoire contemporaine, ne risque-t-elle pas de favoriser une vision mythique d'une spiritualité pourtant accessible à l'analyse? La science objective - sociologie, histoire, philologie - s'efforce à réduire l'exception à la règle. Les Juifs occidentaux furent les promoteurs de cette recherche. Le *Traité théologico-politique* de Spinoza, dès la fin du 17^{ème} siècle, instaure la lecture critique des Ecritures. Au début du 19^{ème} siècle, en Allemagne, les fondateurs de la fameuse *Wissenschaft des Judentums* transformèrent les Ecritures saintes en purs documents.”; Emmanuel Levinas, *Difficile liberté* (Paris: Albin Michel, 1963), p. 43.

philosophy.¹⁹

Must we limit our scope, however, to a choice between Spinozist immanence and a philosophy of transcendence as Levinas conceives of it? To my mind, the gap Levinas establishes between immanence and transcendence hardly permits us to place in perspective the essential character of memory - whether interpreted as personal memory or the historical memory of peoples. In relegating memory to the domain of being which seeks to persevere in its being, in making it a function of interests in the world, Levinas leaves little space for memory beyond a functionalized view of its operation in the elaboration of images derived from perception, once the perceptual object is absent. But then, how might historical experience corresponding to this theory of memory recall, at the level of collective existence, more than the mere concatenation of representations that memory provides? The insistence on transcendence, not as a source of faith - a theme which lies beyond what concerns me here - but as fundamentally constitutive of the self, does it not run the risk of forgetting the time of memory and of history in which the identity of the self finds a living source? Does Levinas' radicalism not risk obscuring the fact that the ethical sources upon which this identity draws flow from an age-old *ethos*, from a memory and a history which in their often implicit significance and their symbolic force are by no means equivalent to simple images or representations? My purpose here is certainly not to overturn Levinas' interpretation by attempting to derive the ethical norm from an historical source - an impossible task, as I conceive of it - but to retain an intermediary space between memory and history, on one side, and ethical goodness, on the other.²⁰

It would reach beyond the confines of my present argument to propose

¹⁹ In the words of the first sentences of Leo Strauss' study of this theme, first published in German in 1930: "In our time scholars generally study the Bible in the manner in which they study any other book. As is generally admitted, Spinoza more than any other man laid the foundation for this kind of Biblical study." Leo Strauss, *Spinoza's Critique of Religion* (New York: Schocken Books, 1965), p. 35.

²⁰ What seems particularly paradoxical to me in this respect is Levinas' insistence on a radical distinction between memory or history and ethics in *Autrement qu'être* which is particularly difficult to reconcile with the accent he himself places on the role of the Talmudic tradition in his volumes of *Leçons talmudiques*.

a full elaboration of this idea of memory and history, which is currently a topic of a work in progress on the symbolic dimension of collective memory.²¹ I readily acknowledge the importance, for me, of Levinas' renewal of ethical philosophy, in spite of this point of disagreement.

I will conclude my remarks with an example which will permit me to illustrate this broad interpretation of memorial time, also comprising that of history. It is taken from the narrative of the Jewish *Haggadah*, which Levinas knew so well. Repeated orally on the occasion of Passover, this narrative has become significant for Jews, Christians and Moslems alike:

“This is the bread of affliction which our ancestors ate in the Land of Egypt. Let anyone who is hungry come and eat. Let anyone who is in want come and celebrate the Passover.”

Constitutive of memory and of history, of multiple memories and multiple histories, such an injunction to remember and to relive an original historical event has nothing to fear from critical-historical analysis. And I also dare to believe that this injunction, beyond any question of the “authenticity” of its transcendent source, might provide firm support for ethical identity in its profoundest universal sense.

²¹ See in this regard my preliminary efforts in this direction in the essay “Analyzing Collective Memory”, in Doron Mendels, ed., *On Memory: An Interdisciplinary Approach* (Frankfurt am Main/New York: Peter Lang, 2007), p. 101-116.

In response to Jeffrey Andrew Barash: Memory and the Immemorial in the Philosophy of Emmanuel Levinas

Maria Dimitrova (University of Sofia)

Dear Jeffrey,

The question you are raising - "Why does Levinas so much insist on the radical division between the times of memory and the immemorial time?" - is really a central one. Your article is a good reason and, in a certain way, a challenge which gives me an opportunity to sort out the solution I myself have been looking for.

The dichotomy between the assembled into the whole of Being - either by individual or collective memory, on one hand, and the immemorial, on the other, which is not just what is forgotten, but is what has never been memorized, what is not memorized, and what could not be memorized, is correlative to all principle dichotomies that Levinas introduces. A huge gap separates:

1)		2)
Immanence	-	Transcendence
Essence	-	Beyond essence
Being	-	Otherwise than being
I	-	Other
Archē	-	An-archical
Ontology	-	Ethics
Cognition	-	Good
etc. ¹		

In the Levinasian construction, the terms in column 2 have acquired a double status. When inside the Totality they are opposed to their logical/dialectical oppositions (in column 1), they receive a meaning through

¹ This list of dichotomies is, of course, incomprehensive.

their place in the System of worldly interests. However, besides these meanings through the reference to the illuminating totality, they take on meanings in a dialogue. Then, all these contents are “*animated with metaphors, receiving an overloading through which they are born beyond the given.*”²

When beyond is involved in a metaphor, it leads to other contents which are simply absent from the limited field of the Ego-centered discourse totalizing from the perspective of the Self. The authentic dialogue is maintained not as a conversation of the soul with itself,³ that is, a monologue, but with that, which signifies of itself - the Other. The diversity of meanings that were united thanks to the *conatus essendi* of (my) being, are situated and orientated in another direction - toward the Other.

Levinas asks: “*Does not sense as orientation indicate a leap, an outside-of-oneself toward the other than oneself?*”⁴ Radicalism of dichotomy between memory and the immemorial is dictated by one’s desire or perhaps effort to leap beyond himself. In this leap, the sense of the entire being is at stake. What does it mean to leap beyond ourselves? In brief, this means expiring my time for the time of the Other. However, how is this possible, since the time of the Other is always its own and by this way: the immemorial for me?

The outside-of-oneself is the exteriority of the beyond. Its wonder is due to the elsewhere from which the Other comes and into which withdraws. The withdrawal does not coincide with the going toward the elsewhere as to a term but to the absolutely absence - the immemorial. The beyond is not “*another world behind the world*”; it is not “*a simple background from which a face solicits us*”; “*the beyond from which a face comes signifies as a trace.*”⁵

In comparison with Plato, Levinas understands dialogue in a different way. In Athens, the dialogue is a conversation among equal partners, free

² Emmanuel Levinas, “Meaning and Sense” in *Levinas: Collected Philosophical Papers*, translated by Alphonso Linges, (Pittsburg, PA: Duquesne University Press, 1999), p. 75.

³ For example, the conversation between memory and imagination, the Ego and the Self, the transcendental subject and the empirical one, etc.

⁴ *Ibid.*, p. 90.

⁵ *Ibid.*, p. 103.

citizens of the police, who dispute their arguments on a given topic and the truth of reason is at stake in their competition. For Levinas, a conversation of Plato's type is only seemingly a dialogue because Socrates only "accouches" the truth. Socrates hears in his collocutor only what it seems he has known for ever and what is contained in the question raised by him. What reaches the interrogator from the outside, actually, comes from inside and is rather reminiscent. The otherness of the other cannot be of any importance, cannot be heard and accepted there, where "know thyself!" is the prime order and any cognition is the knowing reason in me (Socrates' *daimon*). For Plato, the reasonable is *eidos*, i.e. idea, which is common, sharable, and rediscovered or imposed (due to its truth) on the collocutors. Plato's dialogue is not a conversation with the Other, who is part of the crowd, but is a conversation about the eternal ideas and reaches as far as God (Good) and finally means that this is a conversation of the soul with itself. According to Levinas, my relation with Good (God) is never a direct one, but always passes through my relation with the Other; however, this path is not dialectical as it cannot assimilate otherness and leave it behind for the sake of the teleology of the One. In Levinas' philosophy, a person cannot speak to the Supreme One otherwise than speaking to the lowest one, that is, the face of the other human being naked in front of death. God (Good) is not the mediator between the Other and myself; rather, the face of the Other is the mediator on my way to God. Face marks the border of my exit to God. Regarding the border, I am always on this side; I am always in this world. Face as a frontier features a double status: it is both local, like me, and a stranger coming from the outside. Face is a twofold entity: on the one hand, it is this form, this nose, forehead, lips, etc., but on the other hand, it is "*invisible in the visible*."⁶ On the road to God, the Self follows the trace read in the face of the other man. Like Kant, Levinas leaves God aside and does not allow reference to him in discussing and settling human issues.

The pioneer in considering human history and culture as dialogical is probably not Plato but Martin Buber. The tradition of monological philosophy assumes the I-It link, that is, a subject-object relationship, as a comprehensive model, while in the dialogical philosophy the I-You relationship is

⁶ The shortest definition of face given by Maurice Blanchot.

privileged. Classical German philosophy, the most developed form of monological philosophy, assumes that any thinking and movement of spirit moves around the Subject, being reflection and self-reflection. In Buber, however, the I-You relationship, which is the event of meeting, is incommensurable with the knowledge in the form of I-It word. The I-It word is the experience, i.e. the world of the Self - it is inside the Self because “*the world has no part in the experience. It permits itself to be experienced, but has no concern in the matter. For it does nothing to the experience, and the experience does nothing to it.*”⁷ In Buber’s philosophy I-Thou relationship both precedes and exceeds subject-object sphere. Levinas expresses this difference between I-You and I-It words stressing that “*man is the only being which I cannot meet without expressing the meeting itself. A meeting differs from cognition exactly in this.*”⁸

While monological philosophy deals with cognition and activity, dialogical philosophy pays attention to communication and its various forms. While earlier the very process of communication was considered as a kind of cognition and practice, now the very practice, cognition (and even pure thinking) are themselves considered to be a form of communication. Earlier, speaking was interpreted as one of the functions of the Self-subject; today, we witness how speaking leads on different roads directing us “outside.” When thinking about thinking, that is, “I think”, featuring evidence and certainty, is substituted with “I speak”, the Self’s attention is not concentrated anymore only on the object because the Self is not alone on the stage anymore, but yet another character of the drama appears - the Other. For a dialogue at least two persons are needed: the one who issues signs and the one who should receive them; an addressor of the word, on the one hand, and an addressee, on the other. In terms of its fundamentality, an activity (cognitive or practical) is incomparable with communication. Communication is primary in relation to the purposefulness and instrumentality of actions and interactions. In a conversation motives, meanings, and the directions of behav-

⁷ Martin Buber, *I and Thou*. Translated by Ronald Gregor Smith, Edinburg : T.& T. Clark, p. 5.

⁸ Emmanuel Levinas, “L’ontologie est-elle fondamentale? ” *Entre nous. Essais sur le pensee-à-l’autre* (Paris: Editions Grasset), p. 19.

ior are determined. "*I speak*" is implied in each "*I make*" and even in "*I think*" and "*I am*". Before one objectifies and transcends himself in his deeds, one learns about the transcendence, including the transcendence of the world of objects, thanks to the meeting with the otherness of the other, which is the source of any understanding.

Levinas differs from Buber because he believes that there is an original inequality between I and You and, quite likely, that the phrase "I and You" is misleading. Levinas proposes a more adequate phrase, "the Other and me", where difference and asymmetry are stressed: the Other, being a face, is the addressor of the appeal which I hears as the chosen one to respond to. We are not speaking about narrative forms of speech, including a historical narrative, where the Self occupies the position of storyteller and determines where the story begins and ends, what are facts, causes, and their interpretation as well as how events follow each other; we are speaking about a prescription where the Self plays the role of addressee. Responding to the appeal, the Self is not in the nominative but the accusative case. The question is not about the end of synchrony with its dialectically implied interdependent terms, but additionally a surplus of diachrony. Levinas understands diachronic temporalization as a contest against experience being a source of supreme meaning - that is, dethroning the Same and depriving it of its priority. It is about making to hesitate this sovereign Self, who identify himself with the universality of Reason. This Self can doubt anything but not itself and its right to exist. This imperialistic Self tries to assimilate the Other into its own world (even if the world is not understood as always the same cosmos but as moving history). However, this attempt to close the Other within the totality of the world always fails - the Other escapes and leaves behind himself only a trace. The Other goes where no thought can accompany him, he abandons the world's horizons.

In Levinas' philosophy the Other has the status of the Absolute, of an agency according to which all other meanings are organized. However, unlike the traditional interpretations where the Absolute is eternity (eternal duration, eternal being, etc.), for Levinas the Other is an Absolute due to its mortality, vulnerability, uniqueness, perishability and temporality of existence. The appeal of the Other as a "being toward death" is a supreme command. According to it, the contents of memory, knowledge, experience, and

history are organized once and again. This is a Commandment above all commandments, a Covenant above all covenants, a Prescription above all prescriptions, an Order above all orders. It is not a principle, archê, but anarchy. Precisely with this anarchy the Self has to comply and not by certain moral norms. Not because, as Sartre would probably say, in the concreteness, uniqueness, irreversibility of any human situation, “there is no sign either here on the earth, or there in the skies” to suggest my response, but because the face of the Other is an expression of an unavoidable and endless heteronomy. Here the Self is attached to the responsibility for what happens in the world in the very moment when it happens. The Self cannot avoid responsibility - it comes upon him. He takes it not because expects reciprocity or reversal of relations, but because he cannot hide or flee, even the refusal to respond is a kind of response. Communication implies not assembling of in-different, although similar to each other, elements in a certain totality, but non-in-difference of the one to the other exactly because in the event of the meeting they are not equal and tantamount partners. Levinas says that they are not even contemporaries. The said lags behind the saying.

This change in philosophy (a shift in priority from activity to communication) can be summarized in Levinas' words: “We” is not a plural of “I”. The Other is not a second I; we both are not particular cases of universal Reason - in communication we are not transcendental subjects each reduced to “I think, that accompanies all my representations.” The Self is “an individualized society” who here and now is responding to the presence of the Other, being in a position to use the whole resource of experience. In Modernity, the thought that the Other is the privileged one is not allowed because automatically, almost instinctively, it is identified with the postulate of domination and submission. While according to Levinas the freedom of the Other is a superior position to which my existence serves even in cases when I do not want and sometimes I even do not realize this. In the impossibility to escape from responsibility we see an interference of Good, and here the phrase “Good is in spite of us” becomes meaningful. This kind of relation is care for the Other and not enslavement by the Other; it is not my choice whether to respond to the Other; rather, I am the chosen one and the hostage because of the Other's freedom.

In order to be in accordance with Levinasian philosophy, Kant's definition of freedom has to be rethought to restore the rights of heteronomy. My behavior and relationship to things in the world achieves its meaning, that is, its direction, not according to the law which the Self assigns to itself but in the response to the Other in complying with its presence/absence. But the Self has nothing else to rely upon and use as a resource, except what is gathered in the totality of existence and what coincides with the memorable. On this account, there is no discord between my position and yours, Jeffrey. The ethical cannot be derived from a historical source, but we need to retain an intermediate space between the Other and me. This intermediate space is abided by the Third, by all third persons - he, she, they.

In Levinas, the question is not about responsibility, which thanks to reflection and verdicts, including the verdict of history, is determined after the deeds are done, but, rather, about my sensibility as a moral subject and about giving a preliminary consideration to what my actions would mean for the others. While Kant poses Self as the beginning, in Levinas, the beginning is posed in the Other. In Levinas' philosophy, human being is not defined anymore as a "rational animal," unlike in ancient Greece and in German Idealism, but as a "being that has heard the Word," that is man in the Biblical culture. However, universalism (e.g., as we see it in Greek and Christian philosophy) as the basic principle is refuted because, according to Levinas, there is no original equality between the Other and me; I always have one more responsibility than the Other - I am always responsible for him while his responsibility to me is his private business, as if I have made one more step towards him than he has toward me; as if man can walk passing over himself. Kant's imperative, laying the foundations of Modernity, launches the necessity of universalizing the maxim that I myself follow. According to Kant, this is possible when it is an expression of rationality of the human nature as such. From here follows that Self coincided with its will (he is the lawgiver and the executor) and, at the same time, he is judging this will. Besides, when it is universalized, the maxim of my own behavior claims to spread over others as being valid in the same degree for them. However, such a claim for imposing universal moral legislation on behalf of the Self on others could be associated with danger: ignoring the otherness of the other and exercising violence over him. Pascal pointed out that the con-

cern for the common more likely implies hate to the other and not love and respect for him. I love the Other because he is similar to me. If I love the Other because he is similar to me, I love not the otherness of the Other, but myself in the face of my own likeness. If the Other is reduced to a meaning ascribed by me according to a given categorization by its belonging to genera and classes, then, he is defined in the same way as we territorially define objects through their place in the whole. However, while the pure thing is, in Heidegger's words, "non-orientation-toward-nothingness," the Other is always a "being-toward-death." The true intrigue between the Other and myself is not place but time.

The appeal that can be read in the face of the Other, who is a mortal, finite, and vulnerable, being, authorizes me, in my capacity of rational being, to act and respond. The Other invests reason and freedom in me. This means that the Self takes autonomously the decision how to act, but his autonomy will be a reply of heteronomy springing from the otherness of the Other. Freedom is not a foolish spontaneity, caprice, arbitrariness, but is protection of the freedom of the Other and of his right to be Self; that is, of his right to be himself. In the position of responding, the Self is not going to take a decision as an autocrat or tyrant, but interrogate his own domination and justice. The face puts under question the righteousness of the world with which we naively identify ourselves in our natural attitude, taking it as Alfred Schutz says for the field and object of my actions. Taking the Other for a part of the given, obvious, doubtless, and self-understandable world as well as typifying it, I objectify and degrade him to the status of an object and allow instrumentalization, exploitation, and domination over him. If man is posed in a social category which he cannot accept as relevant for defining his private situation, he will feel that he is not being treated as a human being anymore with his intrinsic freedom. He will be degraded to an interchangeable exemplar of a typified class. He turns out to be alienated from himself - just a representative of his typified features and characteristics.

In order for the Other not to be faceless/depersonalized, I have to respond to his appeal not only in words but in deeds too. Only the divine word is an instant creation while human beings need time in order to transform words into deeds. Time, however, does not flow as a river flooding, as

Hegel believed, but always, as Heidegger stressed about the particular Self, time is wanting. Time streams not in spite of human resistance but as human resistance against nothingness and death. However, when we are speaking about the death, the immediate question is about the death of others because nobody could be a spectator or witness of his own death; for my own death I can judge only indirectly relating to others. Exactly because the Other is a being-toward-death he touches me not in indicative but in the imperative: *“In the direct vulnerability of the face, in the bottom of this weakness, a voice can be heard, which orders a commandment directed to me not to stay indifferent to that death.”* A commandment is truly understood when it is fulfilled. By the activity of the Self the word is carried out, the meaning of things are embodied, time gets space dimensions, upheaval comes, the links of the historical world are tied, untied, and re-tied over and again.

It might be a good idea to take a look at Hegel about activity and history as he is hailed as being the greatest connoisseur in this field: *“Activity presupposes a material already present on which it acts, and which it does not merely augment by the addition of new matter, but completely fashions and transforms. Thus that which each generation has produced ...is a heirloom to which all the past generations have added their savings ...To receive this inheritance is to enter upon its use. It constitutes the soul of each successive generation, the intellectual substance of the time; its principles, prejudices, and possessions; and this legacy is degraded to a material which becomes metamorphosed by Mind. In this manner that which is received is changed, and the material worked upon is both enriched and preserved at the same time. This is the function of our own and every age: to grasp the knowledge which is already existing, to make it our own, and so doing to develop it still further and to raise it to a higher level. In this appropriating it to ourselves we make it into something different from what it was before.”*⁹ In Hegel's philosophy of history the instrumentalization is my main attitude toward the historical Other. Levinas sarcastically notes that according to Hegel's pattern everyone is represented by the heritage he has left even before he dies.

⁹ G. W. F. Hegel. *Lectures on History of Philosophy*, “Introduction”, translated by E. S. Haldane, (Lincoln, NE: University of Nebraska Press, 1995), p. 3.

But the load of the heritage, which ceaselessly increases, threatens to overwhelm us with no chance to proceed further on. In Nietzsche's *On the Use and Harm of History* attention is paid to this danger. In Nietzsche's opinion any history, no matter if it is monumental, antiquarian, or critical, can be used against life in such a way as to prevent the new to germinate: the dead ones bury the living ones.

Actually, Levinas is led by the similar motive as Nietzsche: not to allow the Same, the already assimilated, that is, the experience, the memorized, to suffocate what is Other, to destruct alterity, transforming it into mine-ness, ascribing some sense to it in my system of coordinates, prejudices, intentions, goals, benefits, etc. When the Other is approached with the luggage (which is our stock of knowledge and all our possibilities) without being in a position (as Gadamer's hermeneutics suggests) to put it in front of us, the otherness would be neglected and the Other mortified. In order to obtain anything qua inheritance, the first condition is not to suffocate the heir in the constricted arm of history, personal or collective.

Entities exist in the human world according to their meanings. Meanings, however, emerge in the signification which is needed because of the Other. The Other by herself/himself is the first meaning, the supreme relevance and all other meanings are necessary in order to be transferred to it. Even when, as in a written text, the writer is the first reader, the discourse would be senseless without the roles of the addressee and the addressor. In a monologue, these two roles exist and are different, but they are played by the same actor. The monologue is derived from dialogue and not vice versa. Furthermore, a monologue, in fact, is an internalized dialogue. The dialogical meanings are the primordial ones and command the assembling of my experience. The contents of what has been experienced are deposited as something said-after-being-said. These deposited meanings start arising when the Self hears the call of the face of the Other even before he has understood the call. The abstractness of the face disturbs immanence without settling into the horizons of the world. Unlike the things, which by themselves are self-contained and move without orientation toward nothingness, causing effects, the face leaves a trace behind, withdrawing from the world and heading to what is beyond. The trace is not an intentionally produced

sign, which borrows its meaning from the world's order; the trace calls for opening, reconstruction, and reconstitution of meanings - in turning upside down the significance of causes and effects, of happenings and events. These operations of turning upside down, however, are the "trade mark" of memory and history. The trouble is that in memory and history, the Other is turned into a Third: she, he, it, they.

In practice, I have hospitably met the face of the Other if I have allowed a past which is not mine to put under question the righteousness of my world with its firm, self-apparent meanings. If I assume the Other only as my past, then I am modeling it according to the interests of my day, modernizing it and identifying myself with it. In my ignorance and forgetfulness, I have forgotten about the others and presume that my Self as the beginning of its actions, is the center of any past, present, and future. My imperialistic Self strives to eternalize itself, to persist "for ever and ever," to turn its world into an empire and as autocratic Lord to dominate over this past, in which the others abide. However, awareness of my transience that I can see in the eyes of the Other, dispelling the delusion that I am an infinite and imperishable being or the eternal origin as well as the foresight that I am a created being, looking for my origin outside me, premonition of the end, the acute experience of limits, being situated here and now unlike there and then, etc., does not allow me to identify retention with the past, protention with the future, and the moment now with the present, and even less with eternity. There is a future which does not belong to me and when other people will be living without me; there is past which is not my past and belongs to people who have lived once; there are passed epochs which cannot be understood in their meaning if interpreted as steps leading on the ladder of history upwards as far as the last step on which I have stepped or which are "we ourselves," our values, our ideals. What surrounds my finite world of a created and mortal being, no matter how and in what degree I am trying to extend its horizons, is the infinity of the beyond.

That which has never been, cannot be, and will not be memorized is the very withdrawal of the other beyond, his transcendence transcending all meanings and ideals, spaces, and boundaries. No matter what images I keep, what memories I recollect of it, the attempts for resurrection are always palliative and I cannot save him from his death as such. But walking in the

trace, reading it, and relying on it as if overhearing an appeal from the Beyond, I am led and guided and this changes meanings of things in the world. Does not the life of memory and history consist in this change of meanings? Are not they the only reservoir where meanings of things and happenings are preserved, interpreted, and turned upside down? But as a resource at my disposal, this reservoir is incommensurable with the size of the Beyond where the others have disappeared from my view. My view can accompany them only as far as the horizon of the world, but not beyond the resources of the world.

In view of limits of the world's resources, I am not in a position to invite "everyone" for dinner even for a single day in order that they all have sufficient food. "Everyone" is an impersonal collective noun which does not imply anyone in person. Universal justice is actually injustice. There is no chance for conversation when to the otherness of the others is refused admittance, if their difference is denied, and when a complete tolerance in the sense of indifference is practiced towards them. If we are all equal and in a state of in-difference to each other, what would be the reason to talk? Could we be together at all?

The Other is not free in the same way I am free. As Levinas emphasizes, his freedom is superiority. In front of him and for him I respond with responsibility from which it is impossible to escape. In my care for his otherness, the more I fulfill my duty the more I get in dept; the more responsible I am, the guiltier I feel; the more I give, the more I am surprised: look, how rich I have been and how much more I can offer on the table! The depth of my world coincides with the height on which the Other has been elevated.

For Levinas, this is the reason why passivity of the Self is more passive than any passivity that is opposed to activity; good is better than that good which I commit in response to evil; anarchy is a more original order than any other order, opposed to disorder; the Other does not slip away into another world behind this world but in what is beyond, which is no longer being but otherwise-than-being; the Transcendence of the Other is more transcendent than the transcendence of the world of objects and is never transformed into immanency; the immemorial is not what hasn't been

memorized or forgotten, but what has never been, neither is, nor could be in memory or history. There are meanings which are not determined by the logic of things inside the totality, but by their significance in time - in eschatological time, which does not coincide anew with constructed and re-constructed times of memory and history. It is the immemorial time, or maybe, a *liberation from my time*.¹⁰

¹⁰ Emmanuel Levinas, "Meaning and Sense" in *Levinas: Collected Philosophical Papers*, translated by Alphonso Linges, (Pittsburg, PA: Duquesne University Press, 1999), p. 92.

II. FOCAL POINTS IN THE HISTORY OF BULGARIAN PHILOSOPHY

The Resilience of Bulgarian Nelsonianism

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The Bulgarian scholars studying Leonard Nelson are few in number, but they are important for philosophy and culture. The main figures among them are Professor Tseko Torbov and Valentina Topuzova-Torbova, who have both exerted a very strong and heuristically important impact on the development of philosophical knowledge and especially on Kantian studies in Bulgaria. This was not only because they translated the major works of Kant into Bulgarian, but also because their scholarly efforts were ruled by the principles and logic of the philosophy of Leonard Nelson. The second period in the development of Kantian studies in Bulgaria was dominated by their works.

The first period began in the middle of the 19th century and spanned to 1925. The second period occurred between that year and the end of the 1970s and is connected with the appearance of Nelsonianism, personified by Prof. Tseko Torbov and Valentina Topuzova-Torbova as scholars and translators. The third period encompasses the development of Kantian studies since the 1980s and up to the beginning of the 21st century.

Characteristic for the first period was the gradual formation of a professional attitude to Kantian ideas and to their entry into the sphere of philosophy in Bulgaria. At that time no sustainable scheme of interpretation was formed, and between philosophers there were not even the rudiments of unity based on a connection with Kantian ideas or the modern interpretations of Kantianism. Most of the works devoted to Kant's philosophical system were fragmentary, episodic, and were usually written in connection with

other philosophical systems or problems.

Up to the 1920s, the influence of Kantian ideas remained eclectic, fragmentary, and without clearly expressed principles of interpretation. In the period between the two world wars a completely new phase began, marked by consistency, the quality of a system, numerous publications devoted to a single school but referring to various fields of philosophy, such as the theory of knowledge, ethics, law, politics, etc. All this was accomplished by Tseko Torbov.

He was born on April 15, 1899 in the town of Oryahovo. In 1920 he arrived in Berlin to study law. In Germany he established contact with Professor Leonard Nelson, who sent him some of his publications. Torbov translated two of them and thus laid the foundation for the series of books known as "Public Life". In this series the following books were published in Tseko Torbov's translation: Leonard Nelson's *Public Life* (1925) and *Ethical Realism* (1925); *Confucius* (1926); Victor Hugo's *Voltaire* (1926); and Fyodor Dostoyevsky's *The Grand Inquisitor* (1926). In later years Torbov worked in Göttingen as an associate of prof. Leonard Nelson.

In 1956 the Bulgarian Academy of Sciences assigned Torbov the task of translating Kant's main works. As a result, the following titles came out for the first time in Bulgarian: *Critique of Pure Reason* (1967); *Critique of Practical Reason* (1974); *On Eternal Peace* (1977); and *Critique of Judgment* (1980). Under his editorship were published the *Prolegomena to Any Future Metaphysics* (1968), and *Fundamental Principles of the Metaphysics of Morals* (1974), translated by V. Topusova-Torbova.

In 1970 Torbov was awarded the Herder Prize of Vienna University for his translation of the *Critique of Pure Reason*, and in 1973 he was elected honorary member of the Kant-Gesellschaft. He was also winner of a number of other international and national awards and distinctions. He died on June 8, 1987.

Tseko Torbov was impressively consistent in following the traditions of the Fries-Nelson critical school. After 1925 and up to his last publication ("Das Grundgesetz des Rechts bei Kant, Fries und Nelson, in *Kant-Studien*, 65. Jahrgang. Sonderheft, Akten des 4. Internationale Kant-Kongresses. Mainz, 6-10.IV.1974), all his studies were devoted to problems connected

with this school. He was the author of dozens of works, all based on the main principles of this school. The development of Nelsonian philosophy in Bulgaria is an excellent illustration that it is precisely in the philosophical “oddness” of the philosophers of small nations that the intellectual importance of these thinkers lies, for, owing to their specificity, they assimilate, preserve, and develop traditions and ideas that are not part of the mainstream of general philosophical knowledge.

In his works Torbov proceeds from the standpoint that philosophy must always stem from practice, from life, and should never “get involved in fictions”. That is why the fundamental scholarly activities of this Bulgarian Nelsonian thinker were aimed at practical philosophy. Torbov considered the basic problems of philosophy to be those of truth, virtue, justice, and religious faith. But he believed the study of these important topics could be fruitful only when a number of preliminary questions had been examined and clarified.

For Torbov practical philosophy deals with the commands of reason, with their place and role in human life. Ethics as a philosophical discipline must consist of synthetic a priori judgments, but, as we know, the system of ethics cannot begin with a dogmatic exposition of ethical principles, for these principles are not transparent or self-evident.

Consequently, if human reason is not capable of producing ethical synthetic a priori propositions out of pure concepts, then ethics cannot be a science. Torbov believed the fundamental point was that Kant had set the critique of practical reason before the system of ethics and thus defined the task of this critique: to discover the principles of ethics and to indicate deductively the conditions for the validity of these principles. According to Torbov, Kant did not proceed with enough logical precision when presenting the basic principle of duty and law and illustrating it with a “classical” example for this school: Kant passes from the notion of duty to the law of duty through a syllogism, whereas, according to the requirements of the critical method, this must be done by a regressive breaking down of our ethical judgments through abstraction. That is why Kant did not see the principle of law as constituting the contents of the critical imperative, and did not indicate judicial law as being the content of moral law. Hence in his doctrine of law he was obliged to use the familiar definition, whereby the

principle of this doctrine is that the freedom of individuals is limited by the condition that they must accord their freedom with the freedom of all others on the basis of a common law.

But this formal definition of law fails to provide criteria for the requirements that daily social needs impose. What is necessary for providing such criteria is knowledge about this law of freedom. Consequently, according to Torbov, one of Kant's basic errors is connected with his fundamental principle. Kant defined this principle only formally and did not succeed in giving content to it. This is how Torbov defines his attitude to Kant's procedure and outlines the general direction of his own theoretical search.

This is precisely what necessitates a more extensive explanation of the method of critical philosophy, a method that, according to Tseko Torbov, draws to the light of consciousness the immediate non-intuitional or a priori knowledge in order to use it as a foundation for our thought and activity. The essential point is that the critical school of Fries renews Platonism. All philosophizing is a remembering! This is likewise a guiding principle of critical philosophy as developed and elaborated by Kant, Fries, Apelt, and Nelson through the method of the critique of reason. The Socratic method is in fact nothing but the regressive method of abstraction that the critique of reason uses. Plato also used this method. That is precisely why the entire critical school Fries-Nelson-Torbov devotes such attention to Socrates. Torbov regards this method as a detailed elaboration of the Socratic method.

Ethics comprises the doctrine of virtues (pedagogy is the practical applied part of this science) and the doctrine of law (politics is the practical field of application of this doctrine). The moral law is a principle of the "doctrine on virtues" (ethics in a narrower sense), in other words, it is the doctrine about the ethical requirements regarding society. Here is where the philosophical foundations are developed and the aim of "pedagogy" is defined, thus providing systematic guidance for the upbringing of individuals. The applied field of law is politics as a systematic guidance for achieving a society ruled by law.

Particularly important for Torbov was the rule that he who neglects fulfilling his duty and lives only according to esthetic and cultural ideals has no right to existence. This proposition demonstrates the restrictive character

of the moral principle or the fulfillment of duty, and it gives a rigorous scientific foundation for Kant's famous statement that, if justice perishes, the life of humankind in this world has no value. This argument of Torbov's indicates the place of morality in the social world. Good is not "external" to the world but is its constitutive principle. This is yet another theoretical application of familiar Platonic formulations.

The deduction of the judicial law as the contents of the moral law is the culmination of ethical studies after Kant. This law states: Act justly or observe the equality of personal dignity! As a law of measurement it is capable, where there is a conflict of interests, to serve as a methodological guide for resolving the conflict. Equality in this case signifies that it is of no importance whose interests are at stake when measuring right in a conflict. Torbov's defense of equality expresses the demand of justice, which excludes preference based on affiliation; this does not imply that we must treat all people in formally the same manner, or that all interests are equally significant. Torbov is categorical on this point: "The factual interests are to be assessed according to their value and intensity, which may vary in different cases; justice consists in keeping a blind eye to the difference between interests, and, without asking whose they are, giving the advantage to the more intense and more valuable interest. At that we are obliged to observe not only the factual but also the true interests of people."

In thus deducing the contents of judicial law from moral law, Torbov brings to completion a very significant tendency in the development of practical philosophy, which had begun with Kant and Fries. This grounding of the moral law eliminates ethical skepticism. After this preliminary task, there followed the building of a philosophical doctrine of virtues and pedagogy, and of a doctrine on law and politics. The practical importance of ethics is grounded on the fact that ethics presents the norms of reasonable action and, thus, is actually based on will. Although ethics, the doctrine of virtues, and pedagogy do not reveal to us the specifics of concrete actions whereby social injustices may be overcome, they nevertheless play an important role for law and politics because "the need for political work is a practical necessity and, as such, can be deduced only from ethics". Ethics provides politics with a theory of true interest that permits measuring the interests of social members not only by their intensity but also by their value.

Moreover, it is in the interest of political activity that children be educated in a way that guarantees the security of politics. Such an upbringing can be possible only if based on a philosophical pedagogy that sets the general practical conditions for realizing the freedom of human reason as an “a priori grounded moral ontologeme”.

Torbov sets the concept of state at the core of the philosophy of law and politics. He is interested in the question of the character of the social order and that is the issue that leads him to the need for some organization that will limit the activities of given social forces at a given point in time, subordinating them to the requirements of law. In this sense the state is not a creator of law but its servant; it's not the cult but the critique of the state is the true subject of science.

Critical ethics defines the ideal as a goal that is objectively prescribed to us, not spontaneously determined by us. When the goal that the ethical command obliges us to pursue refers to the external form of society, then this goal may be called a political ideal.

Whereas the political ideal, as all things political, refers directly to the external form of society, regardless of the internal attitude and the mental disposition of the people that make up society, the pedagogical ideal refers to the internal attitude and mental disposition. This ideal is defined by ethics in the narrow sense of the word or by the doctrine of virtues. The latter doctrine deals with the internal development of humans, whereas the doctrine of law determines the goals of external development of society. The former instructs us as to the requirements we must fulfill in order for human life to have value; the latter teaches us about the requirements, the fulfillment of which gives social life its value.

Torbov was an active participant in the struggle for a new moral world. His early political involvement imparts fullness and harmony between his ideas and life, and this was determined not only by the fact that politics is an applied field of law, but also by his existential conditions. His theoretical interest was aimed at large-scale ethical interrelations between people as a relationship between law and society, state and citizens, idealists and realists, the topic of the Balkan Union, etc. There is something particularly interesting and specific in the approach of analysis. Torbov discovered

specific epistemes, to use Foucault's term, through which he examined social life. These epistemes are a particular synthesis of cognitive and social materiality, and thus they represent particular forms in which historical processes run their course. In the works of Tseko Torbov there are several such epistemes of heuristic importance. The traditional ones for which he seeks "alternatives" are those of mysticism and sophism. The mystic ones emphasize authority according to the assumption that humans cannot discover truths and are in need of a revelation coming from a higher authority. This theme introduces into ethics a law imposed from outside and above. The other alternative is the proud and willful use of human understanding whereby all authority is eliminated. The understanding alone is called upon, through experience and logic, to solve all problems. But the application of the understanding is only goal-oriented understanding and is the best "Protestant agent"; it is without value reference and refers only to instrumental goals. Max Weber clearly showed this instrumental aspect of rationalization and the role of Protestantism in it. But this second episteme leads to ethical relativism, anarchism, and to the nihilism of modern times.

These two epistemes define two extremes in social life which are specific syntheses of irrational historical forces and clearly defined logical "schematisms". In history these two alternative epistemes are expressed in modified forms: they are not given once and for all, but are manifest in a cascade of embodiments. The alternative of these two extremes appeared in the philosophy of Socrates. The importance of this Greek thinker, as Torbov points out, is that he indicated the existence of "unwritten laws" which man must obey by virtue of the reason man finds within himself and without depending on any random situation. These laws are at times denied or challenged, but only because they are not given to people with self-evident clarity. Moral knowledge, Socrates stated, lies within us in darkness, but everyone possesses it. That is why Plato said that all knowledge is only a remembering. If we take this as a third episteme, it is one that opposes the other two and thus the ideas of Socrates and Plato demonstrate that neither heteronymous ethics nor ethical anarchy are justified. The true alternative is ethical autonomy, i.e. the autonomy of human reason. This tendency was further developed by Kant-Fries-Nelson. Tseko Torbov uses the correlation between these three epistemes in order to explain the processes that arose dur-

ing the Enlightenment, the age when authorities were pushed out of social life and emphasis was set on the understanding, on trust in reason. Kant's philosophy made a significant contribution to this process. But this was the time when reason was not yet clearly distinguished from understanding and an attempt was made to base cultural norms on understanding, on reflection, which, however, is in itself empty and gives no new knowledge. This led to the useless attempt to build the norms of science, religion, ethics, and aesthetics upon reflectivity, which lies in the sphere of analytical knowledge alone. Even Kant's philosophy does not make this distinction clearly, as the analyses carried out by Fries' school showed. According to Torbov, it was only Fries who clearly differentiated reason and understanding. But Fries' philosophy has remained unassimilated and thus, after the general elation with reason, when it failed to fulfill its promise to provide clarity regarding the potential of metaphysics, there followed despair, evident in the so-called Romantic Movement, and a reverse swing back towards authority. There ensued, according to Torbov, a general contempt for reflection and an escape into the realm of illusions, dreams, mysticism, and other occult temptations. This technique of analysis used by Torbov can be applied to the "spirituality" of our time as well. A testimony to the efficacy of this Nelsonian approach are the following lines by Torbov, which seem to have been written for our times: "Thus, once again in place of the desired natural religion, came the reverence for the positive church. The patronage for superstitious rites and empty piety returned... A cult began for the autocratic personality... It was the same in philosophy. Original and clever formulations were sought, rather than a scientific investigation of the truth. Philosophy turned away from reality and life and towards what was merely a dialectical play with concepts, devoid of seriousness and a sound basis, or limited itself to the simple study of the history of philosophy." These reflections are a precise diagnosis of the contemporary situation.

According to Torbov, the ethical realist is the true idealist: he knows how to free himself of all fantastic notions in pursuing ideal aims and neither gives himself up to dreams nor to despair, but looks upon the world as it is, using experience as a realist; from this realism stems his experience and courage. Being a realist, he knows that, in nature, the outcome of things

according to the expectations of justice is only a matter of chance. He knows, however, that the right outcome will happen only when good puts strength behind itself. Realism indicates to the idealist the means necessary for achieving his ideal goals. Realism teaches us that a wishful attitude of love of peace has no motive force in the real world, and that humans must renounce their placidity in order to achieve their ideals. Torbov proposes one other alternative. A reconciliation can be made in politics: it may, on the one hand, take into consideration that every goal of government must be in harmony with law, and, on the other, meet the requirements of political realism.

The adherent to the strict demands of the law will reject a policy of compromises, because it swerves from the legal goal and is made to fit in with other goals that have nothing to do with the basic and obligatory principles of law. The politics of compromise must be rejected as incompatible with the principle of strict application of law. Hence this stance is not that of a fantasist. For a politician who sacrifices the so-called immediate demands of life is only sacrificing the non-lawful. But what does political realism demand? The fulfillment of the ideal of law depends on a number of conditions, and this dependency is of a direct kind. The fulfillment of law depends on the disposition of actual forces in society. The realistic politician is hence obliged to fit the means at his disposition to the obstacles that arise due to the power relations, which may be helpful to him or impede him. At times, perhaps very often, this means giving up unlimited fulfillment of the law. If the politician insists on complete fulfillment, he will risk never achieving the ideal of justice and will not even have taken the possible steps for at least approaching this goal. The politics of compromise implies a retreat from the goal of law. This retreat, however, must not be carried out for the benefit of some other goal, alien to justice, but only in adjustment to circumstances.

The inauthentic realists are concerned only about the ratio of factual forces in society at a given moment, and their desire is to achieve results at all costs, without regard for the strict requirements of law. In philosophical terms, these political opportunists believe they must forsake the practical non-limitation of the juridical ideal so they will not have to forsake its physical limitations. However, the strict requirements of juridical impera-

tives are against this opportunist attitude; although these imperatives allow for compromises regarding the means of realizing justice, they decidedly reject any compromise with the requirements of justice.

Torbov is particularly sensitive regarding the qualities of actual politicians, of those who decide the destinies of the people they govern. He clearly stresses that two things have always impeded the normal functioning of a healthy public life: the lack of clarity in society and in the governing politicians regarding public goals, and the lack of willingness to pursue these goals. The former stems from misapprehensions about the basic issues of public life, and the second comes from self-interest in public functionaries.

In order to overcome this state of error regarding public matters and cut short the presence of self-interest, which leads to political despotism and personal self-seeking, it is necessary that all, and especially public leaders, be bearers of an enlightened philosophy that sheds ample light on the goals of a healthy public life and on the courses and means for attaining them. This philosophy, which puts reason to the fore, will indicate the true goals of a healthy public life and trace the ways and best means for achieving it.

This requires following a definite policy unswervingly, and the taking possession of public or state power must be a means for making power serve public goals, not self-interest.

Tseko Torbov, in keeping with the philosophy of his teacher, stated that the use of power for socially important goals, not private aims, required the united efforts of all people who uphold an enlightened philosophy. The most natural form in which these efforts can find expression is the struggle for public goals, which in the consciousness of the masses becomes an ideal of their life in general. Thus Torbov expresses his preference for a combative attitude to life, not passive contemplation. In this perspective the most reasonable way to achieve common human ideals is through organized struggle against ignorance and self-interest in society and its leaders. All reasonable people can be worthy members of society only if they participate in the struggle against all tendencies that aim to make society serve private goals. Torbov's reasoning is exceptionally topical for our times, for it impells readers to an active position against resignation (an inclination to ex-

pect that society will of itself remedy its injustices and troubles, social inequality, the distance between rich and poor, manipulators and manipulated, etc.)

In this perspective, Torbov states that general toleration and resignation with respect to the events that damage the common ideals must be condemned. They always lead to unjustifiable indifference and passivity. All attitudes of indifference in public life, all passivity regarding the common task of achieving greater justice and greater truth, would amount to encouraging self-seeking, selfish arbitrary action, and despotism, as well as toleration of error. Universal toleration leads to the erroneous ideal of an attitude of universal indifference. Only people who are indifferent to truth and justice can tolerate error and injustice. All idealists in public life strive to use the forces of society for the sake of public goals. All realists strive to put the greater social force at the service of these goals. Does this imply that taking possession of power is indicated as an ideal? Not at all. The reference here is to the intention of acquiring power only as a necessary condition for any ideal striving in public life. He who fights violence and wants to put the public force at the service of public goals, must set the task of obtaining the greatest possible force in society, wresting it from those who abuse force for selfish purposes.

Tseko Torbov opposes setting toleration as an ideal; he believes this is not an ethical stance but mere prudence rooted in the weakness of one's own positions. Every person who lacks favorable outlooks for victory in a struggle is being reasonable in preaching toleration, thus he avoids the danger of being defeated. Such toleration, however, is not a moral ideal, but simply a rule of prudence for the weak. It is a seeming virtue by which the weak hide their weakness and give it the appearance of a moral value.

The erroneous ideal of toleration should not be confused with the ideal of love of peace, nor should the ideal of struggle be confused with the belligerent ideal. We should distinguish toleration from love of peace, just as we distinguish struggle from war. If this difference is ignored, one falls into a misconceived dispute, which, on one hand, transforms the ideal of a combative attitude into an erroneous belligerent ideal contradictory to the well conceived ideal of love of peace; on the other hand it leads turns the in-itself truthful ideal of love of peace into the erroneous ideal of general tol-

eration and lack of party alignment. Only by having a correct conception of the difference between struggle and war, between love of peace and lack of party alignment, can the peace-loving ideal be harmonized with the ideal of a combative attitude to life.

At the end of this survey, it would be well to consider the role of the philosophy of reason, as Torbov called it, in today's post-modern times. For Torbov the philosophy of reason is a specific remedy:

“We live in a time when lack of faith has killed almost everything in us and made us the pitiful toys of so many theories, so many books, mostly written only to gather dust in libraries. The single, eternal truth is no longer sought. Books are not being written for the sake of truth, but only in order to display to generations the power and might of the author. In them the eternal necessary truth is usually undermined for the sake of building an original system of this or that author or only in order to present a snapshot view of reality in its historical course. Our time is the heir of the ethical-philosophical anarchy of the 19th century. We find ourselves at a historical moment when faith in human reason has been completely shaken. In philosophy, as in politics and pedagogy, there is a fateful relativism that threatens to destroy the values of an enlightened philosophy.”

Torbov's diagnosis, though referring to the 1930s, is entirely valid today. Most emblematic for the spirit of our times is post-modernism, combined with neo-pragmatic “praxis”. The post-modern, pragmatic spirit accompanies the culture of multi-national contemporary information societies, and although Bulgarian society is far from such a development, its vapors are penetrating into our spiritual atmosphere as well. In post-modern forms, surfaces interact with other surfaces, forming a new human nature, which accepts as quite normal the inhospitable world of economic horizons, the imposition of motley styles, the deconstruction of totalities, collage of differing principles, language games, and the breakdown of integral wholes. Historical continuity is violated by the “permanent revolution” of capital, which unites different cultural models and thereby destroys them separately. Rootless juxtapositions correspond to the life of people torn from the soil,

peasants who have migrated to giant cities where de-contextualized patterns abound; they correspond to the viewers of American-style fragmented television, viewers with a mentality that perfectly suits the world financial managers that are shifting around information and capital.

It is correct to associate the activity of Tseko Torbov and Valentina Topuzova-Torbova with a stable tendency in Bulgarian philosophy. After they translated Kant's major works in the 1960s and 1970s, a strong professional interest in the philosophy of criticism was formed, a trend that has not diminished regardless of external social-political events. In the early 1990s the Kant Society was created, whose first chairman was Professor Ivan Stefanov, with Valentina Topuzova-Torbova as honorary chairman; this society became a collective member of the Kant-Gesellschaft. It served as an institutional framework for the efforts of its members. Intense translating of additional works by Kant began. Together with translations, various aspects of the critical trend were studied: post-neo-Kantianism (I. Stefanov, V. Kanavrov, D. Ginev); logic (D. Denkov); transcendental philosophy as ontology (I. Stefanov, V. Kanavrov, G. Donev); aesthetics (I. Pasi, I. Tsoneva); Kantian ideas in modern physics (A. Stefanov); practical philosophy (K. Neshev); the pre-critical period (V. Miteva); philosophy of politics (K. Shopov); the history of Kantianism and Nelsonianism (D. Tsatsov), etc. In the journal *Philosophical Forum*, which began publication in the late-1990s, the articles on transcendental philosophy have been constantly growing in number. In May 2002 a conference was held in Southwest University Neofit Rilski, jointly with the Bulgarian Kant Society, on the topic *Kant and Metaphysics*, and the conference papers were published in the collection *Kant and Metaphysics* (Blagoevgrad, 2003).

In the 1990s interest in the ideas of Leonard Nelson grew, as indicated by the new editions of a number of works by Tseko Torbov or the first publications of some of his manuscripts: *Natural Law and the Philosophy of Law* (Sofia, 1991); *Philosophy of Law and Jurisprudence* (S., 1992); *Basic Principle of Law. Law and Justice* (S., 1992); *Studies on Critical Philosophy* (S., 1993); *History and Theory of Law* (S., 1993); *Doctrine on the State* (S., 1995), *Memoirs* (S., 1996), and others.

During the same period an intense study of the ideas of Leonard Nelson and Tseko Torbov began. The first monograph on this topic was *The*

Fries-Nelson-Torbov Critical School (S., 1999) by D. Tsatsov. In that same year an international conference was held on *Kant and the Kantian Tradition in Bulgaria*, dedicated to the 100th anniversary of Professor Tseko Torbov. A considerable number of the papers presented at this conference were on Nelsonianism and its reception in Bulgaria.

In 2001 Vesela Lyahova published her study *A Life that Was a Mission: Professor Tseko Torbov*, which was the first attempt at a comprehensive biographical account of the life and scholarly activity of the Bulgarian Nelsonian philosopher, enriched with archive and documentary materials. The dynamics of publication in the decades of the 20th and 21st centuries clearly shows the exponential growth of their numbers, for which Prof. Torbov and V. Topuzova-Torbova had a decisive influence.

Period	Number of publications
1900-1909	13
1910-1919	5
1920-1929	22
1930-1939	39
1940-1949	15
1950-1959	2
1960-1969	9
1970-1979	50
1980-1989	52
1990-1999	81
2000-2003	72

The growth trend is obvious. It permits the hypotheses that perhaps many of the leading ideas in the area of philosophy in Bulgaria will some day be induced by transcendental philosophy, in which the ideas of the critical school of Fries-Nelson-Torbov hold an essential place.

III. ELEMENTS OF PHILOSOPHY OF LAW

The Soviet Recourse to the Death Penalty for Crimes Against Socialist Property (1961-1986)*

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This paper focuses attention on a little-noticed and even less-discussed chapter in the history of Soviet criminal law, namely, the introduction in 1961 of the death penalty for certain large-scale crimes against “socialist” (i.e., state and public) property. The Soviet recourse to the death penalty for economic crimes raises important moral, ideological, and philosophical questions. But the topic was inadequately examined during the Soviet period, both inside and outside the Soviet Union. Now, unfortunately, it is in danger of being either forgotten or casually justified, as is evidenced by three significant publications of the past two decades: (1) William Taubman’s Pulitzer Prize-winning political biography of Khrushchev, admirable in other respects, makes absolutely *no* mention of Khrushchev’s unprecedented introduction of the death penalty for crimes against property¹; (2) Aleksei Adzhubei’s memoirs, pointedly entitled “Those Ten Years” (i.e., the decade 1954-1964 when his father-in-law

* An earlier version of this paper was presented at the conference “Ideas and Power in Modern Europe: A Conference in Honor of Andrzej Walicki” held at Notre Dame University on January 20-21, 2006. My sincere thanks to the National Council for Soviet [now Eurasian] and East European Research for their generous support, which gave me an opportunity to look closely at Soviet law journals, legal textbooks, and monographs on this topic. In completing this study I have profited greatly from the helpful comments of Donald D. Barry, William E. Butler, George Ginsburgs, Peter Juviler, Steven G. Marks, and James P. Scanlan.

¹ William Taubman, *Khrushchev: The Man and His Era* (New York, 2003)

Khrushchev was in power); although it discusses the famous Secret Speech (1956) and the Cuban missile crisis (1962), it is equally silent about this key element of Khrushchev's rule²; (3) A Russian author who expresses nostalgia for the "socialist" Soviet Union, including its Stalinist period, makes casual mention (without mentioning Khrushchev) of the recourse in the 1960s to the death penalty for economic crimes, but goes on to offer an equally casual, and quite general, justification of this policy. He sees it as an example of the "traditionally Russian humane attitude toward the criminal", representing a "reasonable approach, elicited by the need to defend society and the state from criminal elements".³

I

Although Soviet policy-makers and ideologists had quietly abandoned other key elements of Marxist-Leninist ideology (e.g., Marx's egalitarianism and his principled opposition to the death penalty), they remained faithful to both Marx and Lenin in their continuing powerful orientation, both theoretical and practical, toward the long-term historical *future*. With this came a willingness, in many cases an eagerness, to reduce living persons to the status of (present) *means* serving the (future) *end* of achieved communism. Large-scale economic crime came to be seen, in 1961, as massively obstructing the building of an ideal future society. It is no accident that in the period just prior to the issuance of Khrushchev's *ukaz* of May 5, 1961, which for the first time introduced the death penalty for the *khishchenie* ('plundering, embezzling, theft') of socialist property, the Soviet media were saturated with the May Day slogan "Long live Communism – the *radiant future* of all mankind!"⁴

² Aleksei Adzhubei, *Te desiat' let* (Moscow, 1989).

³ E. A. Klimchuk, *Problema smertnoi kazni v obychnae i v ugovnom prave Rossii: Sravnitel'ny istoricheskii analiz* (Moscow, 2000), p. 111, 112. He also claims that the "Russian" method of execution by shooting is "more humane" than the methods used in other countries, such as hanging and electrocution (p. 133-135).

⁴ This slogan "Da zdravstvuet kommunizm - svetloe budushchee vsego chelovechestva!" - appears both as a banner headline and as the final (99th) May Day slogan on the front page of *Izvestia* for April 9 1961, italics added. It is also the title of the lead editorial in *Sovetskaiia iustitsiia* [hereafter *SJu*], No. 20 (Oct. 1961), p. 1.

Two brief comments about the expression *svetloe budushchee*: (1) It appears to be a translation of the French *avenir radieux*, an expression that is redolent of the ideology and rhetoric of the French Revolution. But I have not been able to find it in late 18th-century texts. And the data base of French literature traces it back only as far as Flaubert (1845) and Victor Hugo (1853). The first occurrence I've found in Russian - in the expression "the future is radiant and beautiful" (*budushchee svetlo i prekrasno*) - is in Chernyshevsky's novel *What's to be Done* (1863). (2) The Russian term *svetlyi* also means "blessed" as in the expression *svetloi pamiaty* (of blessed memory). One Russian philosopher with an excellent command of English standardly translates *svetloe budushchee* as 'blessed future'.

My central point is nicely made by a political joke (*anekdot*) that surfaced during the period of high glasnost: "Comrades, what is time?" - "Time, comrades, is the mysterious force that somehow transforms our *radiant future* into our *accursed past*." I take "time" here in the sense of the historical present, namely, the time in which Soviet leaders made the fateful decisions that instrumentalized living persons, treating them as *means* (positive or negative, facilitating or obstructive) for the realization of world communism as a remotely future *end*. It was by treating certain persons as negative and obstructive, hence as subject to the most severe forms of repression, including the death penalty, that decisions made in the historical *present*, decisions intended to bring about the desired historical *future*, actually produced the *accursed* historical *past*.

Like Marx, Soviet policy makers tacitly committed what I have called "the fallacy of the actual future" and the related "fallacy of deferred, or historically displaced, value"⁵. Holding that the projected "Communist future of all mankind" was, in some queer sense, "already there"; they regarded *future* communities, cultures, and especially persons as of infinitely greater value than anything in the historical *present*, since they will have been perfected and purged of the "birthmarks" (Marx) and other flaws that still marred everything in the present.

The much discussed "humanism" of the young Marx was not a pre-

⁵ See my essays, "'Present', 'Past', and 'Future' as Categorical Terms, and the 'Fallacy of the Actual Future,'" *Review of Metaphysics*, Vol. 40 (1986-1987), especially p. 219-220, 223-225, and 229-230, and "The Use and Abuse of Hegel by Nietzsche and Marx" in *Hegel and His Critics: Philosophy in the Aftermath of Hegel*, ed. William Desmond (Albany, NY, 1989), p. 1-34.

sent-oriented “humanism of *principles*” which treats the rights of persons as inviolable (Marx was scornful of all talk about human rights), but rather a future-oriented “humanism of *ideals*” which - in the historical interim, lasting centuries or even millennia - is quite compatible with what I have called “transitional totalitarianism”.⁶ One commentator, using figurative language, finds it “strange” that Marxists

habitually regard the Present as merely the mean entrance-hall to the spacious palace of the Future. For the entrance-hall seems to stretch out interminably; it may or may not lead to a palace; meanwhile, it is all the palace we have, and we must live in it. I think we shall live in it better...if we try living in the present instead of in the future.⁷

II

Capital punishment, except for such state crimes as treason, assassination, and espionage, was abolished in Russia in 1812. The death penalty “applied for some military crimes, but not for common crimes like murder or rape”.⁸ And the death penalty had a checkered career in the Soviet Union between 1917 and 1961, its final brief suspension lasting only from 1947 to 1950.⁹

⁶ See my essay, “Was Marx an Ethical Humanist?” *Studies in Soviet Thought*, Vol. 9 (1969), p. 91-103. In another place I have quoted both Marxists and their commentators to make the point that Marx’s “whole work serves the future” (Ernst Bloch) and that Marxism is the “most future-oriented of doctrines,” one that holds the “promise of a future millennium” (Baruch Knei-Paz). See “The Defence of Terrorism: Trotsky and His Major Critics” in *The Trotsky Appraisal*, ed. T. Brotherstone and P. Dukes (Edinburgh, 1992), p. 156-157.

⁷ Dwight Macdonald, “The Root is Man,” *Politics*, Vol. 2 (1946), p. 98, italics added.

⁸ Peter H. Juviler, *Revolutionary Law and Order: Politics and Social Change in the USSR* (New York, 1976), p. 24.

⁹ The definitive history and analysis of capital punishment in imperial Russia and the Soviet Union is A. S. Mikhlin, *The Death Penalty in Russia*, trans. by W. E. Butler (London, 1999). See also Will Adams’ two (only partly overlapping) papers: “Capital Punishment in Imperial and Soviet Criminal Law,” *American Journal of Comparative Law*, 18 (1970): 575-94, and “Capital Punishment in Soviet Criminal Legislation, 1922-1965” in E. E. Kanet and I. Volgyes, eds., *On the Road to Communism:*

Nikita Khrushchev, in his more than six years as Premier and Party First Secretary (1958-1964), not only made no move to abolish the death penalty; he steadily enlarged the class of capital crimes and, in 1961, for the first time in modern Russian history, made a broad range of crimes against *property* punishable by death. There were only three partial Soviet precedents for this in the period 1917-1961:¹⁰ (1) Lenin's 1918 *ukaz* specifying the death penalty for bribery, something that remained in effect until 1927¹¹; (2) Stalin's *ukaz* of August 1932 specifying the death penalty for the hoarding of grain and the theft of socialist property. This measure, which was in effect only until May 1933, was applied primarily as a component of the massive and cruel program of forced collectivization of agriculture¹²; (3) Khrushchev, as First Secretary of the Ukrainian Communist Party, arranged in 1952 to have the economic crimes of certain defendants (most of them Jews) identified as "counterrevolutionary acts in the area of trade", thus assimilating their crimes against property to treason, by crude analogy with counterrevolutionary acts of a purely political kind.¹³

The reputation which Khrushchev enjoyed (and to a considerable extent still enjoys as a reformer and "liberalizer") is, in my judgment, quite undeserved. In fact, he continued the "lawlessness" of the Stalin period, in Evel'son's words, when he "established the death penalty for economic

Essays on Soviet Domestic and Foreign Politics (Lawrence, KS, 1972), p. 78-121. Further bibliography in Donald 'D. Barry and Eric J. Williams, "Russia's Death Penalty Dilemma," *Criminal Law Forum*, Vol. 8 (1997), p. 231n.1. See also the two recent books by A. B. Meziaev: *Smertnaia kazn' v Rossiiskoi Federatsii: Vzaimodeistvie mezhdunarodnogo i natsional'nogo prava* (Kazan', 2002) and *Smertnaia kazn' i sovremennoe mezhdunarodnoe pravo* (Moscow, 2006).

¹⁰ Mikhlin notes that the Divna Charter (1397) and Russkaia Pravda (11th century) allowed the death penalty for theft committed three times, and the *Sobornoe Ulozhenie* (1649) allowed the death penalty for counterfeiting, and for bribe-taking by nobles to release people from military service (p. 9-11).

¹¹ As emphasized, after 1961, by such Soviet commentators as M. P. Karpushin and P. S. Dmitriev in *Vziatochestvo –pozornyi perezhitok proshlogo* (Moscow, 1964), p. 20.

¹² See Juviler, *Revolutionary Law and Order*, p. 49-51.

¹³ See Evgeniia Evel'son, *Sudebnye protsessy po ekonomicheskim delam v SSSR (sheshtidesiatye gody)* (London, 1986), p. 49-50.

crimes".¹⁴ To be sure, he "de-Stalinized" the surface of Soviet society but only in order to "re-Leninize" it in its depths.

In his magisterial study Walicki has given us a balanced and nuanced account of the contradictory nature of Khrushchev's initiatives.¹⁵ Instead of speaking of Khrushchev as either a "reformer" or a "liberalizer," Walicki refers to the "detotalitarization process" that Khrushchev initiated with his secret speech to the Twentieth Party Congress in February 1956, and continues:

The cultural "thaw" that this bold move produced represented "the beginning of a spiritual renewal" for Soviet society. [The speech dealt] a powerful blow to the cult of Stalin and to his reign of terror, it was [a major] contribution to the delegitimation of the whole structure of communist totalitarianism, as a result of which the role of the terrorist features of the system was greatly reduced. The use of slave labor in concentration camps was partially dismantled, and most political prisoners were rehabilitated and freed.¹⁶

A significant aspect of Khrushchev's "thaw" was that the previously "submissive and silent press of the Stalin period" began, within limits, to "criticize authority." Adzhubei insisted, according to an authoritative account, that *Izvestia* carry regular reporting on court cases involving the de-

¹⁴ Ibid., p. 11.

¹⁵ See Andrzej Walicki, *Marxism and the Leap to the Kingdom of Freedom: The Rise and Fall of the Communist Utopia* (Stanford, CA, 1995), especially p. 512-516.

¹⁶ Ibid., p. 512. After toppling Khrushchev from power in 1964 the Brezhnev regime treated him as an Orwellian unperson for the rest of his life. But, at Khrushchev's unpublicized funeral in 1971 an elderly woman paid him a heartfelt tribute. She had known and worked with Khrushchev since 1926 but in 1937 had been arrested, imprisoned, and sent to the gulag, being released only in 1956. She declared "In the name of the millions of innocent people who were tormented in the camps and prisons to whom you, Nikita Sergeevich, restored their reputations, in the name of their friends and loved ones, the hundreds of thousands whom you freed from their dreadful places of confinement, accept our profound gratitude." Quoted in Adzhubei, *Te desiat' let*, p. 332.

fense of human rights.¹⁷ The limits on such reporting will become clearer in our further discussion.

In foreign affairs Khrushchev's harsh response to the 1956 uprising in Hungary, his close 1961 involvement with the infamous Berlin Wall, and his installing in 1962 of nuclear-tipped missiles in Castro's Cuba are well known, yet often conveniently overlooked. A Russian historian, coauthor with an American historian, has made two relevant points: (1) Khrushchev "was the most provocative, the most daring, and, ironically, the most desirous of a lasting agreement with the American people" of any Soviet ruler¹⁸ and (2) "Kennedy's choice of covert action [against Castro] and Khrushchev's missile gambit proved not only costly failures but catalysts for the single most dangerous moment of the cold war".¹⁹ As an Italian commentator recalled:

I vividly remember when Nikita S. Khrushchev was extolled here as one of a trio of harbingers of hope for mankind (the other two were John F. Kennedy and Pope John XXIII) by "experts" who somehow forgot the crushing of the Hungarian Revolution, the building of the Berlin Wall, and the Cuban missiles.²⁰

Khrushchev was no less an extremist and "hard-liner", no less prone to violent and repressive measures, in domestic affairs. His introduction of the death penalty for crimes against socialist property was only one aspect - although clearly the most striking and shocking - of what I would call "social Leninism" or, in a more accurate, if more colloquial formulation, "busybody

¹⁷ Yuri Feofanov (law correspondent of *Izvestia*) and Donald D. Barry, *Politics and Justice in Russia: Major Trials of the Post-Stalin Era* (Armonk, NY, and London, 1996), p.10.

¹⁸ Aleksandr Fursenko and Timothy Naftali, *Khrushchev's Cold War: The Inside Story of an American Adversary* (New York, 2006), p. 7.

¹⁹ Fursenko and Naftali, "One Hell of a Gamble": *Khrushchev, Castro, and Kennedy, 1958-1964* (New York, 1997), p. 355.

²⁰ Silvio F. Senigallia, "Italy's Reaction to *Glasnost*," *New Leader*, Vol. 70, No. 4 (March 23, 1987), p. 7.

Leninism”.²¹ Social Leninism, as distinguished from “classical” or police-state Leninism, was formulated in a series of drastic, largely unprecedented, measures introduced by Khrushchev between 1958 and 1964. They included the massive mobilization of “volunteers” whose task was to “check and report on” their fellow citizens’ errors of commission and omission. As he declared in November 1962, if all Party, Komsomol, and trade-union members were put to work “checking and reporting on” what is happening in Soviet society, not even a mosquito could take wing without being detected!²²

Social Leninism crystallized into recognizable institutional forms, all of which continued to function for more than two decades, among them the Comrades’ Courts, the People’s Voluntary Militia (*Narodnye druzhiny*), and the home-and-family-life detachments (*Bytovye otriady*) of the Komsomol. Leading positions in the *druzhiny* were often held by former KGB officers. Strong pressure - applied by means of both carrots and sticks - was exerted on the “volunteers” to get them to undertake their unsalaried duties. The resulting mobilization was massive: there were, in 1967, six million *druzhiniki* and an equal number of people involved in checking and reporting on the activities of trade and service workers, as well as two hundred thousand Comrades’ Courts and twenty-three million Party activists, along with a huge army of volunteers engaged in helping the police, the prosecutors, and the courts.²³ One commentator noted the “continuous interaction” between the *druzhiniki* and the regular Soviet police.²⁴

²¹ I once ventured to label Khrushchev’s position ‘social Stalinism’ (see my article “Philosophy, Ideology, and Policy in the Soviet Union,” *Review of Politics*, Vol. 26 (1964), p. 174-190, especially p.185-188. Steven Marks has convinced me that ‘social *Leninism*’ is, for several reasons, a more accurate expression. The most important of these reasons is that Khrushchev’s position, like classical Leninism, though both were authoritarian and committed to one-party rule, did not share the megalomania, forced hero-worship, or paranoia that were central to Stalinism and that resulted in the sheer arbitrariness of many repressive measures. Khrushchev himself might have been quite willing to describe his position as “social Leninism” though he would doubtless have bristled at the label “*busybody Leninism*”.

²² See *Izvestia*, Nov. 20, 1962, p. 7.

²³ Ninel’ F. Kuznetsova, *Ugolovnoe pravo i moral’* (Moscow, 1972), p. 86.

²⁴ Galina L. Kriger, *Bor’ba s poshiagatel’stvami na sotsialisticheskuiu sobstvennost’ i interesy narodnogo khoziaistva* (Moscow, 1971), p. 4, 125. Cf. also V. M. Safronov,

Walicki refers to “the gradual replacement or supplementing of existing state laws by nonjuridical social norms and ideological relationships.” He continues:

The enforcement of these norms, essentially a policing function, was entrusted to different public organizations, such as the so-called *druzhiny*..., comradely courts, and so forth. All these became instruments for denunciation, blackmail, or even (in the case of the overzealous *druzhiny*) physical intimidation and harassment of fellow citizens considered to be not adequately socialist or Soviet in their private morality and life-style. For example, the people’s guards were used to force people to denounce one another, to exercise unscrupulous control over the private lives of their neighbors, and even to forcibly remove unauthorized exhibitions of paintings. The comradely courts had the power to sentence people for violating socialist morality...Most important, they were used to implement the infamous law against so-called parasites...²⁵

The *aim* of social Leninism, like that of classical Leninism (and classical Stalinism), was to channel all the energies of Soviet society into “socially-useful work” - where usefulness was of course defined by the ideological and political leadership of the day. Its *means* were largely public and social, in contrast to the bureaucratic and terroristic means employed by classical Leninism, and - more massively and arbitrarily - by classical Stalinism. But, while the agencies engaged in “checking and reporting” were to a significant extent non-professionals - groups of unpaid “volunteer,” as contrasted to Lenin’s, and especially Stalin’s, salaried police agents - the actual sanctions, under Khrushchev and his successors, down to and including

Sotsialisticheskaja sobstvennost', gosudarstvo, grazhdanin (Moscow, 1975), p. 73, 77-78; V. Tanasevich and K. Skvortsov, “V. I. Lenin ob okhrane sotsialisticheskoi sobstvennosti,” *Sotsialisticheskaja zakonnost'* [hereafter ‘SZ’], No. 2 (1971), p. 30; G. A. Kriger and M. M. Babaev, *Sotsialisticheskaja sobstvennost' – neprikosnovenna* (Moscow, 1976), p. 72.

²⁵ Walicki, *Marxism and the Leap to the Kingdom of Freedom*, p. 516.

Gorbachev, were applied, as under both Lenin and Stalin, by instrumentalities of the state and the Party.

Anyone who still tends to view Khrushchev as a “liberalizer” should recall, on the one hand, his 1962 “donkey-tail” speech condemning modernist tendencies in Soviet painting,²⁶ and, on the other, the fact that the first (post-Stalin) trial of a writer simply for the “crime” of writing, not for any alleged political offense, was carried out in Leningrad in February-March 1964 against the twenty-three-year-old poet Joseph Brodsky (who was to receive the Nobel Prize for Literature in 1987). Brodsky would, in all probability, have served out his entire five-year term for *tuneiadstvo* (“social parasitism”) in the tiny, isolated Northern village of Norenskaia, despite support from certain prominent Soviet intellectuals and an outcry in Western literary and intellectual circles, if Khrushchev had not been toppled in October 1964. Brodsky was in fact released after only twenty months in November 1965.

The heart of social Leninism, the laws against social parasitism,²⁷ and the edicts against large-scale economic crime represented a response to what the post-Stalin leadership had come to regard as the intolerable persistence in a significant sector of the Soviet population of self-interested and anti-collectivistic motives. But anti-social self-interestedness was in fact *encouraged* by various Leninist policies and practices. And the stress upon acquisitive motivation, implemented by a complicated network of incentive payments, bonuses, and piece-work wages, continued and, in some respects, was expanded, e.g., under Gorbachev in the 1980s, when bonuses were awarded for exceeding the norm, not just in quantity but also in *quality* of production.

III

According to Konstantin Simis, a Soviet émigré with many years of experience as a lawyer and legal researcher, Khrushchev’s son-in-law

²⁶ See *Izvestia*, Dec. 4, 1962, p. 1.

²⁷ See, for example, A. S. Shliapochnikov, “Voprosy usilenia gosudarstvennopravovogo i obshchestvennogo vozdeistviia v bor’be s paraziticheskimi elementami,” *Sovetskoe gosudarstvo i pravo* [hereafter ‘SGP’], No. 9 (1963) and the same author’s *Tuneiadstvo k otvetu* (Moscow, 1964).

Alexei Adzhubei, then editor of *Izvestia*, played a significant role in persuading his powerful father-in-law to introduce the death penalty for crimes against socialist property.²⁸ Evel'son, four years later, gave a somewhat different account of Adzhubei's role. She reported that *Izvestia*, like the rest of the Soviet media, simply featured stories supporting, and attempting to arouse public sympathy for, decisions already taken by the political leadership. The truth may lie somewhere between these two accounts. Supporting Simis' claim is the fact that Adzhubei published a number of "letters to the editor" which prominently featured the outrage of ordinary Soviet citizens, many of whom demanded the death penalty for major economic criminals. Supporting Evel'son's claim is the fact that editorials in such Soviet law journals as *Sovetskaiia iustitsiia* confidently asserted that Soviet citizens had greeted the May 5th ukaz "with approval".²⁹

Before 1956 there were hardly any tourists or other foreign visitors in the Soviet Union. Scholars and other tourists came for the first time, in modest numbers, in that year, and crowds of young people from many countries attended the Soviet "Youth Festival" in 1957. This gave many Soviet citizens the opportunity to meet, and buy foreign currency from, some of these visitors for profitable resale. Such speculation was purely economic and in no way political. It was Khrushchev, according to Feofanov, who made the activities and subsequent trial of the *valiutchiki* ("speculators in foreign currencies") political "and in doing so he once again confirmed that all of his liberalization [had] changed nothing of the totalitarian nature of the regime, where the law and the administration of justice were subordinated to the party and [the] personality [of] its leader".³⁰

During May and June 1961 the activities of a group of *valiutchiki* headed by Ian Rokotov and Vladik Faibishenko were discussed in lurid de-

²⁸ Konstantin M. Simis, *USSR: The Corrupt Society - The Secret World of Soviet Capitalism*, trans. by J. Edwards and M. Schneider (New York, 1982), p. 29-30. As noted above (p. 1n.2), Adzhubei's 1989 memoirs say *nothing* about Khrushchev's introduction of the death penalty for crimes against property.

²⁹ Cf. *Slu*, No. 13 (1961), p. 3.

³⁰ *Politics and Justice in Russia*, p. 22.

tail in the pages of *Izvestia*.³¹ There was more than a hint of xenophobia in the report that the avaricious Rokotov spiced his Russian conversation with such English words as “sir”, “okay”, and “good-bye”. And the detailed catalogue of the Rokotov-Faibishenko loot, totaling twenty million rubles in the “old” currency, in effect until early 1961 (the equivalent of two million rubles in the “new” currency), was at pains to note that it included 19,000 dollars as well as smaller amounts in pounds sterling, French francs, and other Western currencies. The message for the Soviet public was hammered home by Feofanov, writing on May 19th, the day on which the May 5th *ukaz* was published in his newspaper: “All honest people demand that they [viz., Rokotov, Faibishenko, and their accomplices] be brought to justice with all the severity [and] strictness of the just Soviet laws” - i.e., those set forth in Khrushchev’s *ukaz*.³² However, we should note that, forty-five years later, Feofanov insisted that he was so upset by the *retroactive* application of the death penalty that he asked Adzhubei to excuse him from reporting further on the Rokotov-Faibishenko trial. His request was granted.³³

As the trials were drawing to a close (in June), Khrushchev summoned the Soviet Prosecutor General, Roman Rudenko, and demanded to know why Rokotov and Faibishenko could not be put to death. Rudenko is said to have replied that there were two decisive reasons: (1) speculation in foreign currencies, however brazenly carried out, and on however large a scale, is not a capital crime under Soviet law, and (2) even if the law were to be changed tomorrow, *these* defendants could not be retroactively charged under an *ukaz* that had not yet been issued at the time their crimes were committed. Khrushchev, in a rage, reportedly shouted: “Who’s the boss here, we

³¹ For a detailed account of the Rokotov-Faibishenko trial, with extensive excerpts from the Soviet press coverage, see Evel’son, *Sudebnye protsessy*, p. 268-280. Simis adds the sensational claim that for several years Rokotov had worked as an undercover KGB agent, luring foreigners into illegal currency exchanges. When the KGB no longer needed him, it caused him to be charged with just those economic crimes that he had previously carried out under their direction. (See Simis, *USSR: The Corrupt Society*, p. 197-203.)

³² It had been published in the *Vedomosti Verkhovnogo Soveta* on May 11, 1961.

³³ *Politics and Justice in Russia*, p. 27.

or the law?”³⁴ He promptly gave orders to extend the death penalty in include large-scale *khishchenie* (stealing, plundering, embezzlement), counterfeiting, speculation, currency violations, and bribery; and to devise some stratagem for applying the new law with *obratnaia sila* (retroactively) to the case of Rokotov and Faibishenko. Both of these orders were expeditiously carried out, beginning with the *ukaz* of May 5th even though the carrying out of the second order (by means of a second trial, one that began after May 5th) involved a clear violation of Soviet law since it “applied new legislation retroactively”³⁵. Sakharov made the same point a bit later, noting that “Rokotov and Faibishenko were retried and sentenced to death in violation of the fundamental legal principle barring retroactive application of criminal sanctions”³⁶.

Some commentators have suggested that Khrushchev’s draconian edicts were uniquely a product of his personal impetuousness, rashness, and extremism in matters of public policy. However, if Khrushchev’s successors had viewed the edicts of 1961-1962 as an integral part of the “hare-brained scheming” with which they charged him when they toppled him from power in October 1964, they would presumably have revoked his *ukazy*, or, at the very least, would have allowed them to lapse quietly, uninvoked. They did neither: Brezhnev, Andropov, Chernenko, and Gorbachev all retained the death penalty for crimes against socialist property until 1986. Brezhnev, to

³⁴ Simis, *USSR: The Corrupt Society*, p. 30. Evel’son’s account of this conversation agrees in substance with that given by Simis, although it differs in certain minor details (*Sudebnye protsessy*, p. 274).

³⁵ Juviler, *Revolutionary Law and Order*, p. 241n.74. The texts of the *ukazy* establishing the death penalty for crimes against socialist property *v osobo krupnykh razmerakh* are given by Evel’son: that on counterfeiting and *khishchenie* of May 5; that on speculation and currency violations of July 6; and that on bribery of Feb. 20, 1962 (cf. *Sudebnye protsessy*, p. 57-63). All of these *ukazy* pay lip service to the Marxist goal of eventually eliminating the death penalty: “The application of the death penalty – by shooting – is admitted as an exceptional punitive measure until such time as it is completely abolished” (ibid., p. 58). The same language appears in the May 5 *ukaz*, the RSFSR Criminal Code, Art. 93¹, and Soviet textbooks of criminal law published in the 1960s and 1970s.

³⁶ Andrei Sakharov, *Alarm and Hope*, ed. E. Yankelevich and F. Friendly, Jr., (New York, 1978), p. 121-122.

be sure, had been in a sense a co-issuer with Khrushchev of the three edicts (those of May 5 and July 6, 1961, and February 20, 1962), since, as Chairman of the Presidium of the Supreme Soviet he had co-signed all three of them. There was obviously institutional as well as personal momentum behind the twenty-six-year retention of Khrushchev's innovation.

The draft revision of the Soviet criminal code was actively discussed during 1987-1988 and published on December 17, 1988. This revision retained many capital crimes - state crimes, such as treason, espionage, and terrorism; and crimes against persons, such as murder under certain special circumstances and rape of a minor. However, crimes against socialist *property*, on however large a scale, no longer merited the death penalty. Rather, they were punished by the more usual penalties: prison terms up to fifteen years, substantial fines, and confiscation of property.³⁷

American specialists who were present during Soviet discussions of this major reform reported both strong support for it and strong resistance to it among Soviet lawyers, judges, and law-enforcement officials. However, the support among this group must have been stronger than the resistance. At least, Butler asserts that: "*Professional* opinion...was opposed to the death penalty, whereas *public* opinion by a rather impressive majority" favored its retention.³⁸ In the period of high glasnost a book of essays appeared in Moscow with the previously impossible title: "The Death Penalty: Pro and Con." One of the essays, by O. F. Shishkov, entitled "The Death Penalty in the History of the Soviet State", makes a strong case against the death penalty.³⁹

But there was disagreement, even among "professionals". In June 1988, two months before the trial of Brezhnev's son-in-law, Yuri Churbanov, who had been Deputy Minister of Internal Affairs from 1980 to 1984, on charges of massive bribe-taking, a Soviet philosopher who stood squarely on the side of democracy and human rights told me with emphasis that, since Churbanov had stolen from "the Soviet people" the equivalent of

³⁷ Cf. *Izvestia*, Dec. 18, 1988, p. 2.

³⁸ W. E. Butler, "Foreword" to Mikhlin, *The Death Penalty in Russia*, p. v, italics added.

³⁹ O. F. Shishkov, "Smertnaia kazn' v istorii Sovetskogo gosudarstva," in *Smertnaia kazn: za i protiv* (Moscow, 1989).

two hundred tons of gold (valued at between two and three billion rubles), he deserved to die. In fact, Churbanov was sentenced on December 30, 1988 - well after the beginning of the moratorium on capital punishment for economic crimes - not to death, but to a twelve-year prison term.

Polls of People's Deputies of the Russian Republic and of the delegates to a miners' convention in June 1990 found that 31% of the Deputies and 44% of the delegates favored the death penalty for large-scale "corruption," presumably what I call (see p. 66 below) red-collar crime. The corresponding figures for first-degree murder were significantly higher: 87% and 75%, respectively.⁴⁰

The arguments pro and con as to whether the death penalty should be retained for large-scale economic crimes continued until at least April 1991⁴¹. But it appears that a compromise had been reached: to suspend actual executions for crimes against socialist property in 1986, but to postpone for more than a decade the judicial elimination of the death penalty for such crimes, which finally went into effect only on January 1, 1997.

IV

There is a certain historical irony in the fact that, at just the time when the Sino-Soviet conflict had come to a boil (1960-1961), Khrushchev should have made two dramatic policy changes, both of which had a distinctly "Chinese" cast. First he consolidated a pervasive "social Leninism," which - as I have indicated - might be described both more accurately and more colloquially as "busybody Leninism"; second, he, perhaps unknowingly, followed the lead of the only major country in the world that a decade earlier, under Mao, had already made certain large-scale crimes against state and public property punishable by death.

As it happens, the *technical* mode of execution is the same in China as in the Soviet Union. It is not the gallows, the electric chair, lethal injection, or even the firing squad. Rather, it is a single bullet to the base of the skull -

⁴⁰ See *Argumenty i fakty*, No. 46 (1990), p. 7. (My thanks to Donald Barry for calling this report to my attention.)

⁴¹ See the article by Z. Iakovleva, Chief of the Section of Legal Statistics of the Soviet Ministry of Justice, "O smertnoi kazni v SSSR," SZ, No. 4 (1991), p. 44. (My thanks to George Ginsburgs for bringing this article to my attention.)

what the Soviets called *deviat' grammov v zatyllok*." But the *social* mode is entirely different. Soviet executions were regularly carried out behind the walls of the Lubyanka and in similar non-public places, whereas in China those convicted of major crimes against property were, and continue to be, executed *publicly*, in the company of murderers, rapists, traitors, and saboteurs. This happens in groups of several dozen, typically in town squares or open fields. For some weeks prior to the executions large posters with portraits of the criminals and descriptions of their crimes surround the places of execution. On the appointed day a policeman with a rifle stands behind each convict and, at a signal, shoots him in the back of the head. Anyone who survives the first shot is given the *coup de grâce* by an officer. For several weeks after the public execution the posters are left standing, but each pictured criminal is "checked off" in red paint.⁴²

How many Soviet citizens have in fact paid with their *lives* for taking or abusing the *property* of the state? For three decades no one, except a few members of the Soviet elite, had any idea of the total number of people executed for crimes against socialist property. However, it seemed obvious that the number was greater, perhaps much greater, than the handful of cases made public in the Soviet press. In the mid 1970s Sakharov estimated that the annual number of Soviet executions for crimes of all kinds was between seven hundred and one thousand. However, he made no effort to estimate what percentage of these were for crimes against property.⁴³

No actual statistics from the Soviet secret archives were made public until 1991, when one source confirmed Sakharov's estimate, putting the annual average number of executions for the period 1962-1986 at 800.⁴⁴ Another source gives specific annual figures for a later period (1985-1986):

⁴² For a graphic firsthand account of such a public execution, see Liu Fong Da, with John Creger, "Execution Day at Zhengzhou," *American Spectator*, Vol. 19, No. 12 (Dec. 1986), p. 19-20. I have supplemented this published account with information provided by Chinese émigrés and an American sociologist who has done field work in China.

⁴³ Andrei Sakharov, *My Country and the World*, trans. by Guy Daniels (New York, 1975), p. 43.

⁴⁴ See *Argumenty i fakty*, No. 28 (1991), p. 8. (My thanks to Donald Barry for bringing this item to my attention.)

770 in 1985, 526 in 1986.⁴⁵ As it turned out, the later, and more complete as well as more accurate, statistics published by Mikhlin in 1997⁴⁶ showed all of these earlier figures to have been somewhat too high. Mikhlin provides annual figures for the total number of executions, 1961-1996, broken down into four categories: (1) crimes involving murder under certain special circumstances, (2) other violent crimes, (3) other [i.e., economic] crimes, and (4) state crimes.⁴⁷ For the period that interests us, 1961-1986, we find the following figures: Total executions ranged from an annual high of 2,159 (in 1962) to a low of 222 (in 1977), averaging 548 per year, for a grand total of 14,258. Executions for *economic* crimes ranged from a high of 43 in 1962 to a low of just one per year in 1979, 1981, and 1982, averaging 8 per year, for a total of 316. The *percentage* of executions for crimes against property given by Iakovleva in 1991, namely, “between 2% and 3%,” was very close to the mark.⁴⁸ The actual figure turned out to be 2.2%.

In any case, the total figure of 316 Soviet citizens whose *lives* were taken only because they had taken or abused the *property* of the state over a 26-year period is shocking enough. The comparable figures for China are mind-boggling. According to one plausible estimate, the number of public executions in a typical year (1983) was over a hundred thousand. To this one would need to add an unknown, but presumably significant number of *non-public* executions.⁴⁹ As of 1986 the Chinese law specifying the death penalty for certain crimes against state and public property had been in effect for thirty-six years, a decade longer than the Soviet law. The total number of Chinese citizens executed during this period for crimes of all categories may well have exceeded three million, assuming that something close to

⁴⁵ Iakovleva, “O smertnoi kazni v SSSR,” p. 45.

⁴⁶ In the Russian edition of his book: *Smertnaia kazn': Vchera, Segodnia, Zavtra*.

⁴⁷ *The Death Penalty in Russia*, Table 2, p. 62-63. Mikhlin notes that his statistics have been obtained “directly from the Ministry of Justice, Supreme Court, and Ministry of Internal Affairs,” and adds: “In our view, they can be used with confidence” (p. 57n.24).

⁴⁸ “O smertnoi kazni v SSSR,” p. 44.

⁴⁹ “Execution Day at Zhengzhou,” p. 19-20.

the estimated rate for 1983 was maintained throughout this period.⁵⁰ (There is no evidence that the Chinese followed the Soviet lead in suspending executions for crimes against property in, or after, 1986.)

Using the same proportion as in the Soviet case (2.2% of the total) one would get the staggering total of some sixty thousand Chinese citizens executed for crimes against property. This is more than two hundred times as great as the Soviet total. Allowing for the more than four-to-one ratio by which the Chinese population exceeded the Soviet population in the period 1961-1986, one still gets a total number of Chinese executions more than fifty times greater than the Soviet total. And of course in China executions for both economic and other major crimes still continue, to say nothing of the widely reported “harvesting” and highly profitable sale of the organs of those executed - something which, to my knowledge, had no counterpart in the Soviet case.

V

What I have been referring to as “major or large-scale crimes against socialist property” have been characterized in Soviet legal jargon since 1961 as *khoziaistvennye* [or *ekonomicheskie*] *prestupleniia v osobo krupnykh razmerakh*, literally, “economic crimes on an especially large scale” and include *khishchenie*, counterfeiting, speculating in foreign and domestic goods and currencies, giving and taking bribes, and short-changing the public. Parallel crimes against *private* property, on however large a scale, e.g., automobile theft or grand larceny, were never capital offences under Soviet law. They were, and are, punished in the normal way, by prison terms, fines, and the confiscation of property - the same penalties that applied to crimes against state and public (i.e., socialist) property on a less than “especially large scale”.

Although the Soviet criminal code did not specify ruble amounts, So-

⁵⁰ Meziaev points out that in 2005 94% of all executions took place in four countries, which he lists in (Cyrillic) alphabetical order as Iran, China, Saudi Arabia, and the United States. He fails to mention that China accounted for the overwhelming majority of these executions. His principal motivation appears to be to show that Russia accounted for fewer than 6% of all executions world wide. (See *Smertnaia kazn' i sovremennoe mezhdunarodnoe pravo*, p. 4.)

viet juridical practice in the period 1961-1986 established 2,500 rubles as the threshold for “large-scale” (*krupnye*) economic crimes, and 10,000 rubles as that for “especially large-scale” (*osobo krupnye*) economic crimes.⁵¹ And it appears that about 200,000 rubles was the de facto threshold for the application of the death penalty. The existence of this threshold leads to such grisly pedantry as the distinction, stressed by Soviet legal scholars, between the *wholesale* and *retail* price of the plundered goods. Since the latter could be more than twice as much as the former, an economic crime that stood safely *below* the threshold in wholesale terms could stand ominously *above* that threshold in retail terms.⁵²

I have no explanation why the two-hundred-thousand-ruble figure was chosen, rather than, say, a threshold twice as high, or half as high. This figure may bear a very rough relation to the lifetime earnings of an average Soviet industrial or clerical worker, which in 1961 was about 50,000 “new” rubles, and by 1986 had risen to almost 150,000 rubles. It might be calculated that, in depriving the state economy of 200,000 rubles worth of goods (and/or services) an economic criminal would in a sense be destroying more than the equivalent of an average worker’s lifetime earnings, thus entirely removing a worker’s lifetime productivity and, in a sense, “killing” that worker. This, in turn, would make “especially large-scale” economic crimes roughly analogous to murder.⁵³

A common-sense, morally-based objection to the quantification of capital crime was aptly formulated in the bitter comment of a Polish citizen concerning the execution in 1965 of a Polish official convicted of large-scale meat distribution fraud: “What is the price of human life now in Poland? Is it a ton of meat or is it only half a ton?”⁵⁴ Soviet citizens, during the twenty-six-year period, 1961-1986, must have wondered whether the price of a human life in the Soviet Union was 250,000, 200,000, or only 150,000 rubles.

⁵¹ See A. A. Pinaev, *Ugolovno-pravovaia bor'ba s khishcheniami* (Kharkov, 1975), p. 78.

⁵² Cf. Iu. Liapunov, “Kriterii i poriadok opredeleniia razmera khishcheniia,” *Slu*, No. 8 (1986), p. 6-8.

⁵³ I owe this ingenious suggestion to William C. Fletcher.

⁵⁴ As reported in the *New York Times*, March 28, 1965.

After briefly following the Soviet lead, the Polish government - perhaps under the influence of the Catholic Church - quietly abandoned its resort to the death penalty for crimes against socialist property, having in the meantime - to the best of my knowledge - carried out *no* further executions for such crimes. Since 1986 China remains the only major power to continue this practice, although the “Islamic Republic of Iran” under Ayatollah Khomeini and his successors, Iraq under Saddam Hussein, and Nigeria under one of the recent “revolutionary” regimes have all applied the death penalty for economic crimes.⁵⁵

The particular threshold for the application of the death penalty is not, of course, as important as the fact that there is some quantitative threshold. Even if the threshold were ten times, or a hundred times, higher than it appears to have been, there would still be a morally unacceptable conversion of quantitative into qualitative differences. A relative difference, a difference of degree, between two crimes - say, the embezzling of n rubles and the embezzling of $n+m$ rubles, where m might be arbitrarily small - resulted in an absolute difference, a difference of kind, between the respective punishments: a prison term, a fine, or loss of property in the one case, death by shooting in the other.⁵⁶

All economic crimes are quantifiable; they result in the loss of so-and-so many rubles (or dollars) worth of goods or services. The normal punishments for such crimes are also quantifiable: the greater the loss the longer the prison term, the heftier the fine, the more extensive the confiscation of property. But where certain economic crimes are punishable by death, an incommensurable element is introduced: a crime which is a matter of more-or-less is punished by something which is a matter of all-or-none.

As late as the 1980s Soviet commentators continued to complain about the increase in large-scale economic crimes. This makes it clear, if only by implication, that the death penalty for such crimes, in effect for more than

⁵⁵ Mikhlín lists fifteen countries, including South Korea, Saudi Arabia, and Sudan, that have in recent years introduced the death penalty for certain economic crimes (*The Death Penalty in Russia*, p. 55).

⁵⁶ For an earlier formulation of this point, see my article “Economic Crime and Punishment,” *Survey*, No. 57 (Oct. 1965), p. 67-72, especially p. 67-68.

twenty years, had not proved to be an effective deterrent.⁵⁷ Apart from the more general question of the effectiveness of the death penalty as a deterrent for any sort of crime, there is the specific question of whether, and to what extent, executions were made public.⁵⁸ In the Soviet case - in clear contrast to the Chinese case discussed above - there was a curious ambivalence. Not only were the executions themselves carried out behind closed prison doors, but only a few of them were even announced in the press. According to Sakharov, most executions remained unannounced. And the few announcements that did appear were typically sketchy and schematic.

In any case, as economic crime continued, and even increased, it became almost impossible, by the 1980s, for Soviet commentators to repeat their standard claims, now seen as hollow, that crimes against socialist property resulted not from any feature of Soviet society or the Soviet economy, but from the *perezhitki* (survivals) of the capitalist past, together with the pernicious influence of contemporary "bourgeois ideology" emanating from beyond the borders of the Soviet Union.⁵⁹

VI

Although Soviet commentators seldom made the distinction clear or even explicit, there are in fact three distinct, and only partly overlapping, categories of crimes against socialist property: (1) Grand larceny, speculation in goods and in both domestic and foreign currencies, counterfeiting, and the giving of bribes by "private" citizens, i.e., those whose occupation was not the primary source of their criminal opportunities. (2) Abuse of of-

⁵⁷ See V. Bolysov, "Usilit' bor'bu so spekulatsiei," SZ, No. 12 (1984), p. 9, and R. Brize, "Primenenie zakonodatel'stva ob otvetstvennosti za spekulatsiiu," SZ, No. 3 (1982), p. 13.

⁵⁸ See Mikhlin, *The Death Penalty in Russia*, p. 146f for descriptions of public executions in Russia from the 16th to the 18th century. Of course, during those centuries executions were public in Western Europe as well, e.g., beheadings and later hangings in England, hangings and later guillotinations in France.

⁵⁹ See, for example, V. G. Vittenberg, *Otvetstvennost' za spekulatsiiu* (Moscow, 1962), p. 10; A. Zhukov, "Usilit' bor'bu s khishcheniami gosudarstvennogo imushchestva," SZ, No. 7 (1963), p. 10; V. G. Tanasevich, I. L. Shraga, and V. B. Iastrebov, "Zadachi bor'by s khishcheniami na sovremennom etape," SGP, No. 8 (1983), p. 81.

fice or “red-collar” crime,⁶⁰ where the office in question was typically of at least mid-level political or economic importance. This included not just *khishchenie*, the taking of bribes and kick-backs, but also short-changing the public. Note that the capacious term *khishchenie* covers some of the forms of theft or plundering included under both (1) and (2). (3) Private enterprise.

In connection with (1) and (2) it is interesting that it was not until 1986 that a Soviet commentator ventured to suggest that the prevailing practice of punishing the bribe-giver (*vziatkodatel'*) much more harshly than the bribe-taker (*vziatkopoluchatel'*) needed to be reversed: bribe-takers, who generally stood on a higher socio-economic rung than bribe-givers, should be punished much more harshly than they had been to date.⁶¹ Since during the 1960s and 1970s a majority of Soviet bribe-givers were Jewish and a majority of bribe-takers non-Jewish (Russian, Ukrainian, Georgian, Kirgiz, etc.), the belatedly admitted judicial bias against bribe-givers clearly had anti-Semitic consequences and may have been anti-Semitic in its intention.

In connection with (3) it needs to be emphasized that, having no legitimate outlet in Soviet society, private managerial and commercial initiative, energy, and skill tended to be deflected into activities which in other societies were and are regarded as quite legitimate and respectable, but in the Soviet Union were viewed, until the late 1980s, not only as morally reprehensible but also as criminal. In the blunt words of one Soviet commenta-

⁶⁰ This expression was introduced by the distinguished Polish-Canadian sociologist of law Maria Łoś in ch. 6: “Crimes of the Political Elite: ‘Red-Collar Crime,’” p. 147-166, in her book *Communist Ideology, Law and Crime: A Comparative View of the USSR and Poland* (London and New York, 1988). The contrast, of course, is with “blue-collar crime,” on the one hand, and “white-collar crime,” on the other. The Russian term for criminal abuse of office – *dolzhnostnoe prestuplenie* – is somewhat broader than “red-collar crime,” since not all Soviet abusers of office were members of the Communist Party, although most of them were. According to Party rules, no Party member could be indicted on criminal charges; therefore, the many abusers of office who *were* Party members had to be expelled from the Party before such indictments could be brought.

⁶¹ See A. Iakimenko, “Kak usilit' bor'bu so vziatochnichestvom?” SZ, No. 8 (1986), pp. 11-12. The accurate but unwieldy terms *vziatkodatel'* and *vziatkopoluchatel'* had been used at least as early as 1961. See M. Kovalev and G. Shel'kovin, “Vziatochnichestvo – tiagchaishee prestuplenie,” SIu, No. 24 (1961), p. 11.

tor: "Private-entrepreneurial activity is a mercenary crime, carried out with the plain intention, and pursuing the goal, of receiving unearned income, i.e., illegal enrichment."⁶² On this point, of course, Soviet legal theorists are simply applying to the organization and management of production the severely negative judgment that Marx himself applied to all economic services. He denied that they were "productive" in any of the three relevant senses of that term: they were neither goods-producing, nor capital-enhancing, nor socially useful.⁶³ If he had been candid, Marx would have had to admit that his own life work was "productive" only in the third, and weakest sense of the term. With similar candor, Liapunov would have had to admit that his own work, like that of the entire "Soviet intelligentsia" and Soviet bureaucracy, could be called "productive" only in the weak sense of (being possibly) socially useful, and that therefore his, and their salaries, no less than the profits of the despised Soviet entrepreneurs, represented "un-earned income".

Consider the following quite typical case of private enterprise in the Soviet "second economy." Nikolai Kotliar and D. Begelman went into business for themselves in Riga, in the early 1960s, manufacturing and selling lipstick. To start their basement "factory" they of course needed machinery and raw materials. To get both they had to bribe officials of a state-owned lipstick factory. Their enterprise flourished, but under the 1961 edicts they were arrested, tried, and sentenced to death.⁶⁴ The International Commission of Jurists lists several other cases of private enterprise from the early 1960s, involving illegal factories that produced knitwear, silk, and other textiles, as well as lace. In all of these cases at least some of the organizers and "administrators" of these factories were sentenced to death.⁶⁵

Evel'son claims that the primary motivation for many kinds of eco-

⁶² Iu. Liapunov, "Khishchenie sotsialisticheskogo imushchestva i chastnopredprinimatel'skaia deiatel'nost'," *SIu*, No. 15 (1974), p. 10.

⁶³ See my essay, "The Myth of Marx's Materialism" in *Philosophical Sovietology: The Pursuit of a Science*, H. Dahm, T. J. Blakeley, and G. L. Kline, eds. (Dordrecht, 1988), p. 158-203, especially Sec. III (p. 169-173).

⁶⁴ See "Economic Crimes in the Soviet Union," a staff study, in *Journal of the International Commission of Jurists* (Geneva), Vol 5, No. 1 (summer 1964), p. 25f.

⁶⁵ *Ibid.*, p. 16-26.

conomic crime, at least during the period 1961-1967, was the attempt to make a reasonable profit by meeting, through “private enterprise” in the “second” or underground economy, consumer needs that were not being met by the official “first” economy, in part at least because of the first economy’s heavy stress on military production.. This would presumably apply in the Kotliar-Begelman case, and it is an important corrective to standard Soviet accounts.⁶⁶ But it strikes me as overstated, because it neglects two other significant kinds of motivation (which differ from the first as well as from each other), namely (1) the efforts of factory managers working within the first economy to obtain scarce and desperately needed raw materials, machinery, and spare parts, efforts which often involved the bribing of officials of various government ministries; and (2) the striving of the greedy rich to get even richer, although admittedly this was more clearly the case with speculators in goods and currencies than with most private entrepreneurs.

At the very end of the twenty-six year period during which the death penalty was being systematically invoked for crimes against socialist property, there was a significant change in the law that, since 1930, had criminalized private enterprise. In November 1986 small-scale enterprises - those employing only family members - were decriminalized.⁶⁷ But there was no change in the law respecting larger private enterprises, those that employed persons other than family members. Such enterprises remained illegal until the post-1986 changes in the Soviet law governing such activities.

VII

All of the people executed for crimes against socialist property during the early 1960s whom I have named - Rokotov, Faibishenko, Kotliar, and Begelman - were Jewish. In my earlier study I raised the question of the “anti-Semitism” of the 1961 edicts and concluded that, although they had clearly anti-Semitic consequences, they appeared not to be anti-Semitic in their intention. Evel’son, however, makes a persuasive case that the intention as well as the consequences of Khrushchev’s edicts was explicitly anti-

⁶⁶ *Sudebnye protsessy*, p. 28-29.

⁶⁷ See T. A. Abakarov, “Ugolovnaia otvetstvennost’ za chastnopredprinimatel’skuui deiatel’nost’,” SGP, No. 8 (1986), p. 137-38.

Semitic.⁶⁸ She summarizes four hundred trials for economic crimes (1961-1967), mentioning several cases in which Jewish defendants were sentenced to death or given very long prison terms, while equally guilty non-Jewish defendants were given short prison terms, or no prison terms at all.⁶⁹

During the 1980s the proportion of Soviet Jews among those sentenced to death for crimes against property, which had been high in the 1960s, fell significantly as the number of ethnic Russians, Georgians, Latvians, Tadzhiks, Uzbeks, and Kirgiz sentenced to death for such crimes increased. (The ancillary crime of demanding bribes of up to 100,000 rubles to commute death sentences was presumably committed by members of all ethnic groups.) The reasons for this shift are complex, but I suspect that an important reason was the increase in the number of “red-collar” economic criminals, a group among which Jews were a relatively small minority. This in turn is no doubt a result of anti-Semitism of a more pervasive but less lethal kind - a form of discrimination that limited the number of Jews who held mid-level and upper-level economic and political positions.⁷⁰

In the Soviet juridical literature there was much trumpeting of the justice and “humanism” of the recourse to the death penalty for large-scale economic crimes, but hardly any attempt at justification. The nearest thing to a theoretical justification that I have found is an unargued and controversial assimilation of such crimes against property to treason, espionage, and sabotage, by simply classifying them as “state” (*gosudarstvennye*) crimes.⁷¹ That such an assimilation of economic crimes to state crimes was initiated by Lenin made it easier for Soviet commentators to assert it, without argument, under Lenin’s authoritative ideological patronage. In November 1919 Lenin had identified the peasants’ “free trade in grain” as a state crime.⁷²

⁶⁸ *Sudebnye protsessy*, especially p. 10, 11, 15, and 29.

⁶⁹ *Ibid.*, p. 102, 125.

⁷⁰ Simis, *USSR: The Corrupt Society*, p. 13, 18, 149, 153f.

⁷¹ Compare the title of vol. 4 of a standard “Soviet textbook of criminal law: “Gosudarstvennye prestupleniia i prestupleniia protiv sotsialisticheskoi sobstvennosti” in *Kurs sovetskogo ugovornogo prava, Chast’ osobennaia*, ed. A. A. Piontkovsky, P. S. Romashkin, and V. M. Chkhikvadze (Moscow, 1970).

⁷² V. I. Lenin, *Sochineniia*, vol. 30, p. 128, quoted in *Otvetsvennost’ za gosudarstvennye prestupleniia*, ed. V. I. Kurliandskii and M. P. Karpushin (Moscow, 1965), Pt. 2, p. 20.

One can see a certain justification for classifying smuggling, counterfeiting, and currency violations as state crimes. But *khishchenie* (in both category [1] and category [2] above), as well as the giving and taking of bribes, and short-changing the public are also regularly classified as crimes against not only state property but also public (*obshchestvennyi*) property. The key question is how the latter can be assimilated to the former. A corollary is the implicit admission by Soviet authorities of what had been evident to most observers of the Soviet scene for some time, namely, that the distinction between state and public institutions, and hence between state and public property, was specious. Otherwise, it would not have been possible to define crimes against the public property of a university, a collective farm, a trade union, or a research institute, as state crimes.

Certain Soviet statements, particularly those made immediately after the 1961 edicts were issued, attempted without any argument to assimilate large-scale but nonviolent crimes against property to violent crimes against persons. Thus Prosecutor General Rudenko lumped together “plunderers (*raskhittiteli*) of socialist property, murders, [and] rapists.”⁷³ This list was repeated, with additions, by a Soviet commentator who spoke of “Plunderers of socialist property, counterfeiters, armed robbers, murderers, rapists, [and] those who make a profession of speculation on a large scale”.⁷⁴ In another list the same author added bribe-takers and *kaznokrady*, literally, “persons who steal official funds” - in other words, red-collar criminals.⁷⁵

What is perhaps most chilling about such rhetorical assimilations is the expression they have received in literary works, e.g., the sardonic comment by the narrator of a short story by Soviet émigré author Yuri Miloslavsky, that “the state...was insisting on the supreme measure of punishment [viz., the death penalty] for rapists, as though they were...large-scale speculators in foreign currencies”.⁷⁶ In other words, violent crimes against *persons* were now to be assimilated to major but non-violent crimes against socialist

⁷³ See *Izvestia*, May 7, 1961, p. 5.

⁷⁴ Baksheev, “Zlostnye prestupniki dolzhny nesti nakazanie po vsej strogosti zakona,” *Slu*, No. 11 (June 1961), p. 20.

⁷⁵ *Ibid.*, p. 21.

⁷⁶ “Syn Liudmily Ivanovny” in *Ot shuma vsadnikov i strelkov* (Ann Arbor, Michigan, 1984), p. 10.

property when it came to justifying the death penalty!

The Soviet attempt to assimilate the crime of massively short-changing the public to treason and espionage would be much more convincing if, say, a Soviet restaurant manager or food-distribution official had been charged with substituting a much cheaper but toxic ingredient for a much more expensive but nourishing one, and pocketing the considerable savings - like the Moroccan merchants, who, in the 1950s, mixed motor oil with cooking oil, or the Austrian and Italian winegrowers who, in 1985 and 1986, adulterated their wine with an inexpensive but poisonous kind of alcohol. In both cases, disabling illness and death were the result.

China provides two recent examples, both of which date from 2008. (1) The introduction of a cheap but toxic ingredient into baby formula, something that sickened thousands of babies and killed dozens of them; and (2) the collapse of the “tofu” school buildings (as a result of substandard materials and shoddy construction, which, in turn, issued from corrupt builders and government officials) during the earthquakes that struck Sichuan Province in May, killing thousands of the children of ordinary Chinese citizens, while hardly any children of the Party and business elite died, because their school buildings were sturdily constructed. At this writing, a few of those guilty in the adulterated baby-formula case, but none of those guilty in the “tofu” school-building case, have been punished.

The crimes listed in the last two paragraphs, although in an obvious sense “economic”, and clearly motivated by greed, are in their consequences more like assault and murder, even mass murder, something for which the death penalty might be an appropriate punishment. But, to my knowledge, Soviet restaurant managers and food-distribution officials were condemned to death only for massively short-changing the public, e.g., for putting only 75 grams instead of the required (and announced) 150 grams of meat in their institutional stews, and pocketing the difference. The very small difference in the case of a single meal grew quickly to major proportions when multiplied by ten thousand, a hundred thousand, or a million.

VIII

It is perhaps unsurprising that Soviet ethical theorists, in the period 1961-1986, should have been silent about the justification for invoking the

death penalty for crimes against socialist property, and that they should have made no effort to classify this practice as a justified element of the “Soviet humanism” they regularly celebrated.

What is surprising is the near-silence of Soviet human-rights activists, among whom only Sakharov, to my knowledge, protested this practice. In both 1975 and 1978 he made some mention of the Soviet recourse to the death penalty for crimes against property. But Sakharov’s most explicit condemnation came in the statement that he prepared in 1977 for a conference on capital punishment convened in Stockholm (which he was not permitted to attend) and even this was quite restrained: “[I]n the USSR the death penalty is a possible punishment for many crimes which have no relation to crimes threatening human life”.⁷⁷ In this connection he made specific mention of Rokotov and Faibishenko. However, since, like the official position of Amnesty International, Sakharov’s position was unequivocally opposed to capital punishment as such, he, like Amnesty International, tended to draw what seems to me an insufficiently sharp distinction between the death penalty for crimes against persons and the death penalty for crimes against property.

The relative silence of another group is harder to understand. I refer to Western specialists on Soviet affairs generally and on Soviet criminal law in particular. Peter Juviler, already referred to, is an honorable exception.⁷⁸ But many standard works on Soviet law published after 1961 barely mention the edicts of that year, and those which do mention them tend to treat them as (1) a development of no special importance and (2) a practice likely to be abandoned in the fairly near future (as of the 1960s or 1970s). The first of these claims strikes me as egregiously false; the second one was, at the very least, premature at any time before the 1980s.

One reason for the relative lack of attention to this topic among both Soviet human-rights activists and Western specialists was perhaps the general impression that many of the Soviet citizens executed for large-scale crimes against socialist property were rich, powerful, arrogant, corrupt in

⁷⁷ Andrei Sakharov, *Alarm and Hope*, p. 121.

⁷⁸ See in particular his *Revolutionary Law and Order*, p. 83-84, 172, and nn. 72-74 (on p. 212-214).

themselves, and corrupters of others. I dispute none of these charges. I do not claim that any of them were blameless. I agree that most of them were indeed criminals and deserved to be punished. However, two relatively small but significant categories of “economic criminals” should be exempted from the charge of criminality as well as that of arrogance and corruption. I refer to (1) the hard-pressed factory managers mentioned above (p. 67) and (2) at least some of those who were engaged in private enterprise in the “second” economy. Such a manager and such an entrepreneur might better be called “an economic criminal *malgré lui*”. - My only point is that the punishment for economic crimes of all kinds and all degrees of seriousness should have been limited to prison terms, fines, and confiscation of property, or some combination of all three, rather than execution.

Groups like Amnesty International, which did a great service in compiling statistics on executions in the Soviet Union,⁷⁹ and people like Sakharov, whose efforts on behalf of human rights were legendary, proved insufficiently sensitive to the difference between the (sometimes justifiable) recourse to the death penalty for such crimes as terrorism and serial murder, on the one hand, and the (never justifiable) recourse to that penalty for crimes against (state and public) property, on the other. This distinction, which I find clear and compelling, is also obscured by those both inside and outside Russia who have in recent years been waging a campaign to raise Russia to full eligibility for membership in the Council of Europe by accepting that Council’s total ban on capital punishment.⁸⁰

A late-Soviet and an early post-Soviet development marking the period since 1986 are worth noting in conclusion.

(1) The long and deafening silence among Soviet ethical theorists as well as social and legal theorists with respect to the application of the death penalty for crimes against property was finally broken, first and tentatively, by legal scholars,⁸¹ then, more decisively, by public intellectuals, and finally by ethical and social theorists.

⁷⁹ See *The Death Penalty: Amnesty International Report* (London, 1979), p. 130-139.

⁸⁰ See Donald D. Barry and Eric J. Williams, “Russia’s Death Penalty Dilemma,” especially p. 243-248.

⁸¹ For a list of the articles that began appearing in 1987, see *ibid.*, p. 234nn. 9 and 11.

(2) The powerful, even obsessive, Marxist-Leninist orientation toward the remote historical future and the corollary instrumentalizing of living persons was belatedly subjected to acute criticism by philosopher Yuri N. Davydov and a few others. In a “Diaolog” on the question “Love of One’s Neighbor or [Love of] the Distant [Future]?” Davydov placed much of the blame for the inhumanities of the Soviet period on an all-devouring “love of the distant future” with its concomitant implicit rejection of “love of one’s neighbor”.⁸² And public intellectual Gelian Prokhorov blamed the related focus on attaining the “radiant future of Communism” and its corollary denial of ordinary human decency in the historical present for the worst of those inhumanities.⁸³

⁸² “Liubov’ k blizhnemu ili dal’nemu?” Dialog nedeli, *Literaturnaia gazeta*, Feb. 22, 1989.

⁸³ “Rossiia mezhdru budushchem i nastoiashchem” [Russia Between the Future and the Present], *Moskovskii zhurnal*, No. 3 (1992), p. 10.

On Authority's Primacy over Power: Putting Authority into Perspective

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Nomography as the science of authority

Foucault was often praised because he understood that the exercise of power was not only vertical, as in the case of political sovereignty but also horizontal and that it permeated all spheres of civil society. Supposing this was a discovery he made about power, the same remark could not be applied to authority, for the issue of authority was quite early torn apart between very diverse registers, even when it was studied from the point of view of political philosophy. Thus, when Hobbes explained the political contract as being the transmission of a right to a sovereign in Book I, Chapter XVI of *Leviathan*, he analysed authority in terms that largely extended beyond the political sphere: "Of persons artificial, some have their words and actions *owned* by those whom they represent. And then the person is the *actor*; and he that owneth his words and actions, is the author: in which case the actor acteth by authority." Authority is not a quality but the designation of a being, which does not necessarily have any empirical existence, but which is supposed to have done or said something that binds all those it represents. It is easy to conceive the legal and political interest of such a notion that makes it possible to act in the name of others, but it is clear as well that that notion extends far beyond the legal and political spheres. The fact that authority is collected in one subject, or even a subject of subjects, that is a community, is not its only basis. As Hobbes said, "There are few things, that are incapable of being represented by fiction. Inanimate things, as a church, an hospital, a bridge, may be personated by a rector, master, or overseer". He at once added that "things inanimate, cannot be authors ... such things cannot be personated, before there be some state of civil government". Very soon, though, philosophers who had read Hobbes - British ones in particular - strove to show that he was wrong and used the term "authority" about texts in an extra political sense and not only because they were sacred, as well as

about images, paintings,¹ sometimes about objects that were quite trivial,² about ideas, representations,³ sentiments, and even animals. Hasn't such an incredible generalisation of *authority* relegated the concept to the rank of a simple metaphor? Or has such an extension, on the contrary, allowed the legal and political use of the concept to be specified to the point that, as Foucault's analysis of micro-powers forcefully shows, the Moderns were sometimes able to open it onto the classical problem of its opposition to freedom?⁴

I. Contradictions and extension of the notion of *authority*.

At the precise moment of the XVIIth century when the notion of *authority* seemed to tighten to those of *mask* and *delegation* through that of *person* stood the very principle of the extension of that notion. Hobbes established authority as a substitute for the non-existence and unreality of the person and the subject. Acts, words, thoughts and sentiments may be said to exist, but the being they are attributed to does not necessarily exist. The fiction of the *author* takes the place of the lack of reality of the *person*. The philosophers who, after Hobbes, analysed authority in terms that were close to his, always at the same time questioned the reality of the subject, that is of the psychic unity that one cannot but suppose if one wants to organise the

¹ *Of the standard of taste*, in: *Essays and Treatises*, Thoemmes Press, Bristol, 2002, vol. I, pp. 247-248.

² *Treatise of Human Nature*. In that treatise, Hume talked of a compound object being called one thing in different ways (I, IV, III, Selby-Bigge, Oxford, Clarendon Press, 1978, p. 221).

³ *Treatise of Human Nature*, Selby-Bigge, I, III, IV, p. 83. Hume mentioned "the authority either of the memory or senses".

⁴ This is the case, for example, of D. Deleule, in his interview with F.P. Adorno, *L'héritage intellectuel de Foucault*, ("Foucault's intellectual heritage") in: *Cités*, PUF, Paris, 2000, nb 2, p.102: "[...] when he radicalizes the issue of power, Foucault seems to go beyond the framework of the classical political thought and resort to a sort of social anthropology, but this is to better come back to the political sphere afterwards and, in his own way, to the traditional issue of relations between authority and freedom, under new conceptual forms". How could one not think of the discourse "On the Origin of Government" written by Hume when listening to or reading those two excerpts by D. Deleule? (See Hume, *Quatre discours politiques*, Centre de Philosophie politique et juridique, Université de Caen, 1986, p.145).

social, legal and political world. The person does not exist, but one may allow it some reality by way of a play of fictions. Such a tearing apart, which is present in the works of almost all the authors who do not admit the substantiality of the subject, though they may strongly oppose one another in some other way as Hobbes, Hume, Kant, Bentham, and Stuart Mill did, is the source of a multiplicity of contradictions. The question now is whether such contradictions may be solved. There are mainly three of them, and we will study the last one more particularly.

The *first* one of them consists in exposing, under the mode of a fiction that is still to be realized, what is condemned on the level of facts and reality. Though the subject is endowed with no reality, it is still possible to *pretend* it is and to demand that some aggregates of acts, thoughts, words, or sentiments be structured into units in order for the law to be enforceable and the political organisation to be constituted. This raises the problem of the point up to which the tearing apart of things as they are and of things as they are supposed or wished to be may be bearable. Can the impossibility for each individual position to coincide with its empirical being be transformed into a play of rights and duties? Authority is given the strange task of registering such a difference and reducing it at the same time, while the individual or some other being is supposed to become that sort of entity that it was before demonstrated did not and could not have any existence. Is there any sense in asking beings to become what one knows is impossible? The Kantian trick which consists in projecting a concept that at present contains contradictions, as though it were a regulating idea, does not have any other consequence than that of deferring their resolution. But is it possible to solve a difficulty by indefinitely postponing it? Deontology may not solve all the aporias of ontology.

The *second* contradiction still better reveals the structure of authority. Though indeed deontology may sometimes be established as a sort of authority that would solve the contradictions of ontology, this is not done through a continuous movement that would conjure away the difference that exists between *being* and *the obligation to be, to be and ought to be*, but rather by invoking values that are different from those that led to the conflict in question. That there are persons may not be *true*, but *order* or *social organization*, that is, justice, which is worth truth, demands that there be and

that they be imposed, so that the author of an act or the possessor of some good be known. Resorting to authority always implies the balancing of two types of values, one of which is supposed to solve the difficulties of the other, or overcome the conflict.

Authority, which, it is easy to see, extends, through the previous contradictions, to all sorts of domains, still further extends when applied to objects. How indeed could the conditions of unity, identity and substantiality, which are never but ideal, or even verbal, be different for the object when they are applied to the subject? It is necessary now to study the tension (I point as the third contradiction) that exists between *symbol* and *thing* within authority more thoroughly.

II. What does the authority of a thing such as an image, a text, or some even more trivial object, consist in?

It is not physically that a thing exerts some authority. An image may exert some authority on someone who agrees to submit to its law or who is at least ready to do so. Authority is a symbolical force. This does not mean it may not produce some intense effect on our intelligence, affectivity, or sensitivity. It may even move us much more violently than some force that produces its effect without it being possible to escape it. A certain passivity lies in the submission to authority. While one accepts it in a way, it is not possible though not to submit oneself to it. Conversely, reality does not exert any force without leaving some kind of room to manoeuvre. In their own way and on their level of reality, things exert some authority too. One is submitted to them as to a sort of rule. More precisely, authority and reality work together as two rules that are at the same time different and dependent on one another. One can always take risks or give oneself some room to manoeuvre as regards reality, but one does not then master the sanction of being in the right or in the wrong by incurring those risks. Authority is the combination of initiative that the object (the situation) lets me have or that I take and the necessity I meet from the moment I have taken it. Authority is the couple made of the hold I have on the object and the obligations it then confers on me. An object exercises some authority on me when it is separated from me according to rules or laws that ensure its own autonomy. It plays its own part in a whole in which I have had and have a role to play.

Imagine that I want to draw a figure in perspective. I am free to present any side of it, free to decide how I want to highlight it by putting some distance between it and the surface of the painting, free to choose the point of view, the vanishing point, the source of light, but once those are determined, some implacable necessity comes into play. The sides that apparently vanish away from the surface of the painting do so regularly. If I do not follow those rules of presentation, which are not the rules of things themselves, the sides lose all vanishing quality. I am not painting a figure anymore, but doing some inlay work. According to those laws I cannot decide upon, colours must change on the sides of a thing that vanishes away towards the horizon. I could not possibly prevent things from becoming increasingly evanescent on a painting as they recede in the distance. From the simple freedom of some "desire to represent" one has gradually moved to rules that are more and more insistent and compel me to abide by some definite kind of practice without which what I am doing or intended to do would lose all plausible coherence. For the work to be detached from me and live its own and universal life, I have to observe rules which I have not decided upon. This is the condition for it to escape from me and to exert some authority on me. A series of intricate plays to which I have given life by wanting to present some story, as one used to say in the XVIIth century, are triggered one after the other on the side of the image, the multiple planes of which recede and melt into one another, thereby giving intricate freedom and necessity in a play in which each decision has determined implications it does not control, as well as on the other side of the image, since my decision is taken into a system of rules that are increasingly constraining. For the image that is authoritative to live its own life and to stand out as such, some rules are needed to ensure its separation from the will which has decided it.

We have now come to the point where it is possible to analogically implement the idea of nomography.

III. The idea of nomography.

There is a comparable relation between, on the one hand, laws and those who decide them and above all those who write them, who are not necessarily the same people, and, on the other hand, engravings and those who make them. Those who are submitted to the laws are also related to

them in a way that is similar to that which exists between spectators and the engraving they look at.

Indeed, as rules limit the drawer's creation, the writer of laws, which may or may not have been asked for by a democratically elected assembly, meets the limits of existing rules and principles. Just as someone looking at a drawing is at the same time submitted to the will of its creator and to the rules that govern it, whoever considers laws is sensitive to the impact of a will which imposes something on them and to the limitation, by the rules, of its representation or of its writing.

Here is the moment to indicate the place and function Bentham gave to nomography,⁵ for it allows a criticism of authority and of its permeating character more interesting than the questioning of micro-powers, which, with some reason, still implies that some punctilious will is minutely working in each of our actions. The most interesting part of Bentham's philosophy is not that in which he conformed to that bureaucratic delirium that exerts its power on bodies to better straighten them up. It lies more in the displaying of a sort of unconscious law, which sometimes makes them express the contrary of or something different from what they intended. It is clear that authority lies in that unconscious, that it is as much in the concealed part of the will of the legislator as in what it seems to explicitly express, that the concealed part is much less chaotic than one would think, and that it is made of symbolical elements which are extremely regulated. To decipher such a symbolic system in order to know what we bury without knowing it, that is without wanting to know, such is the task of nomography, which is today too easily assimilated to linguistics,⁶ though it is, much more generally, the taking into account of the unconscious of laws.

Understanding what laws would be good for the people is completely different from beginning to have an idea about them, from wanting them and knowing how to write them. The legislator certainly understands things themselves. He knows the reasons for having laws, can and must explain the

⁵ Today it is sometimes called *legistic*, which refers to the art of writing laws that positively govern societies.

⁶ The very few works in that field today, such as Frederick Bowers', are essentially linguistic. See in particular his work *Linguistic Aspects of Legislative Expression* (Vancouver: University of British Columbia Press, 1989).

necessity of them, as Bentham insisted, but it is a completely different task to give them the appearance that will make them produce the effect he wants.⁷ He is as powerless in that matter as whomever he imposes laws upon. The art of the legislator is to the nomographer as the knowledge of the anatomist is to the drawer who knows the appearance of bodies. The nomographer is good at writing. This does not mean however that his art is essentially intuitive and must remain without rules.

Let us try to formulate some hypotheses on a nomography that would be a science of horizontal authority, by which I mean of the least illusory kind of authority, the authority the assertion of which is the most real, for the other one, the vertical one, that of sovereignty, may well be some phantasm perched on stilts. Discipline is still the most obvious aspect of such authority, since it is stated through regulations. There exist some aspects of authority which are not expressed with the same minute clarity. The real Panopticon is not some picturesque outgrowth of the social sphere. It is a well that is “working within the law”⁸ for the effective mastering of things and men but only aims at becoming invisible in doing so. Now is the time to

⁷ *Nomography*, Bowring, III, p. 242: “The legislator, and not the individual, is indeed the person by whose feet the dust is raised; but when it once raised, and all the time it is raising, his own eyes are not less effectually prevented from enabling him to see his way through it, than the eyes of those upon whose back his commands and prohibitions, burdens and restraints and punishments, and all his snares and entanglements, are rained down. Hence, not only is the individual prevented from knowing and understanding what on this and that occasion the meaning of the legislator is, or was when he wrote, -but in a certain sense the legislator is himself prevented from understanding what he himself is doing while he writes. What may or may not have happened to him is, to know what is own meaning, wish and intention is at the time: but that which is sure to happen to him is, not to know what his own wish and intention would have been, if throughout the whole field of action of which he has taken possession, his conception of his subject had been at the same time correct and complete to the degree in which it ought to have been so, -and might have been, and perhaps would have been, if the obstructions which the accustomed system of disorder raised up before him as he advanced had been removed, and his intellectual faculties had received the comfort of those helps, which, on every other part of the field of mental action, are framed, communicated, received, and employed in such salutary abundance”.

⁸ As Bentham so well says.

analyse how authority is inscribed at the heart of the symbolical system.

IV. Nomography as the science of authority.

Nomography is to laws as ichnography is to images. Mistakes in nomography are as serious, and their consequences even more so, as mistakes in ichnography, for laws are then disassociated from one another and stand against one another, as paintings are dislocated when the rules for their making are disregarded.

Nomography stands at the meeting point between three spheres. *First*, there is the law the legislator wants to establish. It is not because one wants to write a law that that law will be written as one wishes it to be.⁹ This point is well known. Rousseau underlined it in *The Social Contract* (Book II, Chapter VII). One may want one's good and we may grant Rousseau that one always wants it, but we also have to grant him that one does not always see it, that one does not always know how to give it the best form. Rousseau assigned that place of the legislator to that man who stood, if not above the other men, at least above the laws, precisely because he gave men their laws. *Then* comes the situation that is to be regulated and organized. No situation is at once legal. It has to be qualified or determined, as well as its objects and its anchoring points, which are always fluctuating, and which are made of our morals, our sciences and our ideals - which lead to contradictory attitudes that have to be held together and made as coherent as possible. The ontology of laws is of course relative in that sense. Such a relativity is reduced only by means of the illusion produced by the inertia of laws that are already established, the consequence of which is that new situations are thought on the basis of older ones, because we don't know how to, cannot and don't want to constantly reform whole parts of the legal system. There exist no more rules to enforce those rules than to invent them.

Last stands language, which, because of its double chaining of signifiers that are stable and of signified that are impossible to fasten, is to be found in all the previous contradictions, while adding some of its own. The

⁹ In that sense, the *common law* detects a problem that did not exist only in England up to modern times. Written law may be full of surprises because of the distance it stands at from the desired law.

passing of time creates all sorts of distortions between a signifier and its signified. Unavoidable ambiguities develop because the constituent parts of signs do not share the same history. It is interesting to note on that point how, to take a contemporary example that anyone will be familiar with, the 1994 French laws on bioethics use the notion of *person* in all sorts of meanings, thus constantly playing the one against the other and making room for the most diverse forms of hypocrisy. The different modifications they have undergone have not changed anything much as far as the stability and precision of their expression is concerned. Thus the notion of *person* seems to be valued as a principle and is in fact used to cover all sorts of actions that go against it. It may indeed be that the forces and desires that lead to hypocrisy are more important than the apparent check some Kantian sense of the notion keep them in. Then, why cannot they be expressed in less covert a manner?

One may indeed dream of some legal system which would exactly express what the legislator desires, which would mask nothing of reality, which would clear up all ambiguity, all obscurity, and prevent all drifting apart of signifiers and signified. However, one can only tend towards such a result, from which one is distracted by the simple agitation of grand principles which, though presented as guidelines, only add to the existing confusion. To impose such a legal system, the transcendence of gods that Rousseau mentions in the famous Book II, Chapter VII of *The Social Contract* is needed. But by definition gods are not subject, as men are, to a particular point of view on things. Instead of the Rousseauistic phantasm of a legislator who invents the law, challenging all perspective and all finiteness of point of view, the stress must be laid on language and on the finiteness of whoever must write it and in so doing let the totality the legislator dreams of escape. There is not only one way of writing laws apart from which all the others would be bad ones. Each way presents advantages and drawbacks, and it may not always be possible to establish a hierarchy among them. Not one of them gives the key to nor the plane of all the points of view. As perspective gives the illusion that it is possible to have a multiplicity of points of view, and not only the one we seem to be strictly attached to, the written law seems to give to whoever reads it or discovers it the illusion of myriad situs (observation posts) from which one could have a regulated totality at one's disposal. But such a totality is some

unavoidable phantasm that rises from the writing of laws. In fact, we do not have it. Though that writing gives the impression that there exists some sort of universal sovereignty, it could never realize it, and anyway it only aims at it as some illusion for the reader.

Rousseau is once again obsessed by the vertical play of the forces of command. He does not see the forces that are at play horizontally and which support the writing of laws. For the rules that are concealed in order for the law to escape those who use it and whom it dominates, as Rousseau asked for,¹⁰ are still more complicated than the laws on perspective which regulate the separation between images and their spectators and even their maker. They are always expressed in a particular language which makes some points of view possible while forbidding others, thanks to the syntax and semantics that inform each one of them.¹¹ The idiosyncrasies of their language are particularly difficult to detect for those who speak it. Here is the reason why it is so difficult to translate laws into another language than the one they were first enunciated in.¹² Authority may easily stand and be con-

¹⁰ Everybody knows the famous sentence Rousseau wrote in a letter to Marquis de Mirabeau: “Here is, in my old ideas, the great problem in politics, which I compare to that of the squaring of the circle in geometry and to that of longitudes in astronomy, that is, finding a form of government that would put laws above mankind” (*Complete Works*, Anguis, Paris, 1827, T. XXVI, p.181).

¹¹ Bentham noticed it in Chapter VII, Paragraph 5 of *Nomography*.

¹² This is a point Stuart Mill noted on the subject of the British colonization of India and which, very early, he saw was a source of violence. “The first English conquerors of Bengal, for example, carried with them the phrase *landed proprietor* into a country where the rights of individuals over the soil were extremely different in degree, and even in nature, from those recognised in England. Applying the term with all its English associations in such a state of things; to one who had a limited right they gave an absolute right, from another because he had not an absolute right they took away all right, drove all classes of people to ruin and despair, filled the country with banditti, created a feeling that nothing was secure, and produced with the best intentions, a disorganization of society which had not been produced in that country by the most ruthless of its barbarian invaders.” (*A System of Logic Ratiocinative and Inductive*, University of Toronto Press, Routledge & Kegan Paul, 1974, II, p. 692-3). One will find it surprising that the emphasis was not put on the question of language in criticisms of colonialism with as much insistence as one would have expected. In any case, any confederacy of States has to face the problem in all its harshness.

cealed within the idiosyncrasies of languages which impose themselves upon those who speak them without their knowing it.

The deep difference between Bentham's nomograph and Rousseau's legislator lies precisely in the utilitarian's relinquishing the religious discourse on the legislator's art which Rousseau resorted to in a conditional mode and without apparently believing in it himself. The question is obviously not for men to have gods make laws. Laws are at once a relation of domination between men. The function of legislator gets its meaning from that relation of command between superior and inferior.¹³ Rousseau was right in the sense that whoever makes the law is himself subject to no law. This does not mean that he does not belong to mankind anymore and stands above it, but it implies a sort of vertigo, of relation to the void which has to be filled without it being completely possible. The transcendental point of view is only represented by the laws as their imaginary consequence. The formulation of the law is always partial and its universality can never be but feigned. The nomograph, far from starting from religious chimeras, works in the space that separates the phantasms of universality and the particular finite reality which characterizes legal writing, as any kind of writing. He comes to terms with that unavoidable partiality. What gives the impression that only a god could write laws is the space of the values the laws deal with, which is a space that may be called "Zenonian"; that is, lacking any common denominator quite ascribable to them. Between one value and another, there is not always some link, some meeting point, or some relation. Is not the play of laws to make believe there is one? Thus one sees that our analogy with perspective was not much more than approximate, for, because of some of its qualities, the Zenonian space is the exact opposite of the perspective space. The latter is irenic, continuous, without rift, generously offering myriad points of view. The former is atomic, allows some void and crossings, and is unable to record where they happened. The space of the law is probably not "Zenonian", but it has to do with that of values, which is.

¹³ *Pannomial Fragments*, Bowring, III, 223: "A command is a discourse, expressive of the wish of a certain person, who, supposing his power independent of that of any other person, and to a certain extent sufficiently ample in respect of the subject-matters - to wit, persons, things moveable and immoveable, and acts of persons, and times - is a legislator".

V. Authority of persons. Authority of things.

It is time to come back to what our detour by objects enabled us to gain on the notion of *authority*. We have suggested that the rules of perspective should be looked for in things -texts, institutions, constitutions, etc. Authority is indeed the art of imposing rules by putting oneself between them and men, or the art of using those rules to slightly modify them, to make mankind reach another stage or to change political and social configurations. It can have that role, however, only by presenting itself, at least partially, as authority of the thing. The mask of the thing is what best allows the symbolic sphere to hide and ensure the movement of reversal which seems to be necessary to whoever considers it. However, if, under the figure of the thing and benefiting from its stability, authority manages to impose itself upon us, it is certainly because, in a way, any symbol is a thing. More deeply, it is also because the thing can be constituted as such - whether it be felt, perceived, or recollected, whether it be directed at our understanding or at our will - only through the symbolical dimension of the expression and because that expression is itself hidden, as a whole line of audacious thinkers have shown after Hobbes and Locke.¹⁴ If the constitution of things, which hides the really hierarchical relations that exist between the actors in human affairs, is mainly symbolical, it is because a symbol can be opposed to itself, turned against itself, can produce the screens and separations the authority needs, while hiding it does so.

It was no accident that in the XVIIth century the analysis of *authority* became decisively centred on the notion of *author* with Hobbes. It was for formal reasons and for reasons belonging to language that the attention focused on what seems to be a particular “content”. Authority is the power of the symbolic under disguise which offers itself through the still deceived figure of the author. Undoubtedly, to Bentham, the notion of *author* appeared as a critical gain when compared to such a notion as *causality*,¹⁵ but

¹⁴ As Berkeley, Hume, Bentham and Stuart Mill. It is no hazard that it was the same philosopher who taught the deeply symbolical character of perception and reflected on authority in *Passive Obedience*. See Berkeley, *An Essay Towards a New Theory of Vision*, Paragraphs 46, 47, 49, 50, 51.

¹⁵ See below, note 29.

the criticism of authority must include the examination of the strategy of “the war of words” in the political field on the one hand, and on the other hand, of nomography in the legal field. On that point, as on the other, the story is only beginning.

Some thirty years ago, M. Troper declared, “The different authorities are subject more to what one may call constraints, that is impossibilities of actions, which are correlative to their insertion into a complex system, than to obligations”.¹⁶ We must think now that those “physical impossibilities” which authorities sometimes seem to come up against are more symbolical than they may seem, and that true authority rather lies in those symbolical constraints. It is true that values or their authorities are ignorant of one another, as Pascal showed in *Provincial Letters* by making only the values of force and truth play, thereby leaving some space which, because of its anonymity, seems to be that of things. It is necessary though that, under the authority of things, one should learn how to detect the authority of men, or, more precisely, the mask of authority that men, in an endless struggle, impose on one another. The problem then becomes that of the working of the Zenonian space of the intertwining of values or of their authority.

VI. On the notion of law changing according to whether it is thought of as what the *sovereign power* produces, or whether, as we recommend, it is considered from the angle of *authority*.

We would like to finish by more generally answering the question which prompted that research on nomography and the necessity of asking legal and political questions in terms of *authority* rather than *power*. Why should one start with the issue of authority? The simplest way is to study how law is defined and to consider what advantage there is to start from the authority of law rather than from the power that is supposed to establish it. Through such an amplification we will see that nomography is a piece of a much larger whole.

Hobbes, who has been so helpful to us in determining what has force of law, is of no use to us anymore in the political reflection we intend to have now. When defining law and what its authority consisted in, what

¹⁶ *Pouvoirs*, nb 4, 1978, p. 62.

really had force of law, Hobbes tightly linked the authority of the law to the power of sovereignty. Closer to Bentham's conception, the enlarged conception of authority now allows us to loosen the links between law and sovereignty, or, more precisely, to show that the links between sovereignty and law are much less simple than what contractarianists imagine, or want us to believe, in their ideology of the promotion of the state, of a state that focalizes and concentrates all aspects, not only of politics, but also of society. Whatever the reasons which led to such promotion of the state, and which were probably due to the fear of civil war,¹⁷ it is a fact that such a promotion prevented Hobbes from drawing all the political consequences from his remarkable analysis of authority. The law is not only and exclusively the matter of sovereignty, though the latter is obviously and essentially linked to the definition of it. Undoubtedly, Bentham's contribution was to see very early how far Hobbes' analysis could be used to present a new meaning of the law.

Though his analyses were not as rigorous and systematic as Bentham's, Hume had already adopted the enlargement of the notion of *authority* on the one hand, and criticized of contractualism on the other. Concerning *authority*, Hume had already seen that all that could appear as a relatively stable structure and could impose itself on the subject(s) as having in its own consistency to order their behaviour was susceptible of having some authority. *Authority* has no homogeneous nature. It implies a great heterogeneity of ingredients, even if such heterogeneity is forgotten in the effect that is produced and even if the subject submits to it without much considering what it is made of. The Humean result that all authority is intertwined, interwoven - be it that of the object of a perception, of a sentiment, of a discourse or a fragment of discourse, or of an institution - which was up to now in keeping with the analysis made in *Leviathan*, is less in line with it as it extends to the political sphere, and shows that one does not have to believe in the impression of unity created by the political authority or the law. On that point, Bentham followed Hume's extension, as well as, with even more

¹⁷ The worst of evils is civil war, Pascal said (*Thoughts*, Br. 313), as if the essential of politics consisted in an apagogical deduction from that maxim. In any case, he deduced from it that the choice of governors by merit must be avoided at all costs.

reason if it be possible, on the second one. It is impossible to represent the link that unites a people to sovereignty, or a member of a people to another, as a contract, in other words, as some balance that may simply be struck between freedom, equality, interest and utility. The historian of England had noticed, or at least believed he had, the effects of such a simplistic conception of politics among the English Revolutionaries of the middle of the XVIIth century. Bentham saw the effect of such abstractions among French Revolutionaries, who wanted their simple procrustean ideas to shape the whole civil society. He saw a direct link between the different versions of the human rights, a legal system written as a metaphysical treatise, and the guillotine's severing of heads.

Deliberately breaking with Hobbes', Rousseau's or the French Revolutionaries' theories on sovereignist contractualism, Bentham started to analyse the law without prejudices, that is without presupposing any knowledge of it that would have obstructed its study from the beginning. Most authors, British ones (Hume excepted, for he had at once denounced the pernicious character of contractualism) as well as continental ones, as Rousseau, though they differed on other points, analysed law as the direct expression of sovereignty, the latter being or not being identified to the people. What they said was not wrong, but their discourses contained the knowledge of what they were looking for from the beginning, and only feigned science, which was quite a drawback. From then on, their alleged knowledge became some sort of ideological funnel.

Hobbes' definition of the civil law in *Leviathan* (Chapter XXVI, 2^d part)¹⁸ is well known. It "is to every subject, those rules, which the commonwealth hath commanded him, by word, writing, or other sufficient sign of the will, to make use of, for the distinction of right, and wrong".¹⁹ In Hobbes' eyes, it was clear that *legislatorem in omni civitate eum esse, sive homo sive coetus sit, qui summam habet potestatem*.²⁰ The whole chapter

¹⁸ It is clear that Bentham read that chapter of *Leviathan* before he wrote his own chapter *Of Laws* on the definition of laws.

¹⁹ Or, in Chapter XIV in *De Cive: Lex est mandatum ejus personae, sive hominis sive curiae, cujus praeceptum continet obedientiae rationem* (*Opera Philosophica Omnia*, (Bristol, England and Sterling, USA: Thoemmes Press, 1999), p. 313).

²⁰ *Opera Philosophica Omnia, Leviathan*, p. 197.

was written to show that there is no other source to the authority of the law than sovereignty. For example, if one thought that the force of law is linked to its length of time, one would be quite mistaken. In reality, it is linked to the silence of the supreme power of the time, who has let that law be and can repeal it at any time by means of another law. No value, not even that of truth,²¹ can be established above civil law to dominate it or judge it.

Rousseau, who did not follow Hobbes' thought on all points, however considered law to be the vivid expression and movement of sovereignty, but he thought that it was the general will which was sovereign and imposed itself to all the citizens because it concerned them all. Law is the act by which the people rules the whole people, in such a way that *la matière sur laquelle on statue est générale comme la volonté qui statue*. Legislative power is the supreme power, but though the people, who are subject to the laws, must make them, they do not always see the good they desire, and their judgment is not always enlightened. That is why they need some guide who is the legislator. There appeared the discrepancy, though Rousseau tried to minimize it as much as possible, which Bentham particularly theorized.

Wondering on what transformed a text into law, on what made force of law, Bentham deliberately turned away from those fictions, which, in this case, were all fallacies. Without fearing to discover the mixed character of what gave law its authority - his reading of Hume encouraged him to do so - he explored the false unity of the notion and examined its structure, as Hume studied that of a sentiment or of the structure of a mental mode of operation, be it an individual or collective one, in *Treatise*. As early as in *An Introduction to the Principles of Morals and Legislation*, which was written and printed at the beginning of the years 1780, but only published in 1789, he insisted on the fragmented structure of the law, which notion he closed his work on.²² *Of Laws* only confirmed such a fragmentation and it extended

²¹ *Doctrinae quidem verae esse possunt; sed autoritas, non veritas, facit legem* (*Leviathan*, in *Opera Philosophica Omnia*, III, p. 202).

²² Chapter XVII, Paragraph 23 of *An Introduction to the Principles of Morals and Legislation*, Bentham wrote, "The circumstances that have given rise to the principal branches of the jurisprudence we are wont to hear of, seems to be as follows: 1. The *extent* of the laws in question in point of dominion. 2. The *political quality* of the persons whose conduct they undertake to regulate. 3. The *time* of their being in force.

it even more, as four points of analysis were added to the already existing four.²³ First of all, however, we need to make a few remarks on the definition which is at the beginning of the study of what Bentham, in a very Humean way, called *relations*.

Here is the definition: “A law may be defined as an assemblage of signs declarative of a volition conceived or adopted by the *sovereign* in a state, concerning the conduct to be observed in a certain case by a certain

4. The manner in which they are *expressed* [here can be seen that nomography is ready in situation], 5. The concern which they have with the article of punishment”.

²³ *Of laws*, Chapter I, Paragraph 2: “According to this definition, a law may be considered in eight different respects.

- (1) In respect to its *source*: that is in respect to the person or persons of whose will it is the expression.
- (2) In respect to the quality of its *subjects*: by which I mean the persons and things to which it may apply.
- (3) In respect to its *objects*: by which I mean the *acts*, as characterized by the *circumstances*, to which it may apply.
- (4) In respect to its *extent*, the generality or the amplitude of its application: that is in respect to the determinateness of the persons whose conduct it may seek to regulate
- (5) In respect to its *aspects*: that is in respect to the various manners in which the will thereof it is the expression may apply itself to the acts and circumstances which are its objects..
- (6) In respect to its *force*: that is in respect to the motive it relies on for enabling it to produce the effect it aims at, and the laws or other means which it relies on for bringing those motives into play: such laws may be styled its *corroborative appendages*.
- (7) In respect to its *expression*; that is in respect to the nature of the *signs* by which the will thereof it is the expression may be made known. [This is what we called, as Bentham did in another writing, *nomography*.]
- (8) In respect to its *remedial appendages*, where it has any: by which I mean certain other laws which may occasionally come to be subjoined to the principal law in question; and of which the design is to obviate the mischief that stands connected with any individual act of the number of those which are made offences by it, in a more perfect manner than can be done by the sole efficacy of the subsidiary appendages to which it stands, indebted for its force ». (*Of Laws in General*, ed. by H. L. A. Hart (University of London, The Athlone Press, 1970), p. 1-2)

person or class of persons, who in the case in question are or are supposed to be subject to his power ; such volition trusting for its accomplishment to the expectation of certain events which it is intended such declaration should upon occasion be a means of bringing to pass, and the prospect of which it is intended should act as a motive upon those conduct is in question.” (*Of Laws*, Chapter I, Paragraph 1).

Bentham at once emphasized several aspects of the law. *First* he laid the emphasis on the linguistic or verbal aspect of the law. The law is a text, and that text expresses a will. Whose will does it express? Bentham was careful not to say, contrary to his contractualist predecessors, that it is the will of the sovereign, that it is concentrated in one person, in one or several assemblies, or even in the whole people. The will the reading of the law makes us perceive is only conceived or adopted by the *sovereign* in a state. Far from being immediate, the identification of the sovereign with the law, which seems to be directly issued from it or to be its most vivid activity, is in reality linked to indirect acts of assimilation or appropriation. For the law to appear as being issued by the sovereign, the latter must operate a certain number of acts of assimilation or incorporation, which he may conceal behind a fiction.²⁴ It is not law at once. It has to become law. This means that, successful as such assimilation may be, or complete as it may appear to be, there will always be some discrepancy between the law, or the will it apparently stages, and the sovereign who presents it as his expression. It is essential that Bentham should place that void at the heart of the mechanism of the sovereign’s apparent production of the law and of the latter’s protection by means of the judicial and executive powers. Bentham’s detailed analysis consists in all sorts of variations on that void and shows that, on the one hand, the law is not the matter of the sovereign only, and that, on the other hand, what comes from the sovereign does not always have force of law.

²⁴ For example, one may read in *Pannomial Fragments* (Bowring, III, 223) that “To be what it is, a command, general or individual, must be the command of some person. Who in this case is the person? Answer: Not any legislator; for if it were, the law would be a statute law. A person being necessary, and no real one to be found, hence comes the necessity of a fictitious one. The fictitious one, the fictitious person, is called the *common law* -or, more generally, that he may be confounded with the real person in whose image he is made, *the law*”.

The question of knowing who writes the law, who wants it, who can impose it and who captures that will to confer it its “force” does not at once show a simple and well-organized group of orientations.

Then, the question of knowing whom (be it only one or several persons) the law is intended for is not better determined either. More exactly, it is problematic, and one must not hurry to reply that the answer is that the law, issued from the people or from some authority speaking in the name of the people, is directed at the people. Only some analysis will reveal whom, what system of persons, what part of the community, what part of the individual the law may address,²⁵ without any answer being automatic. When Bentham declares that the text of law concerns “the conduct to be observed in a certain case by a certain person or class of persons, who is in the case in question are or are supposed to be subject to his power”, he does it in a heuristic manner. The very “casuist” nature of the legal system which is here expressed and which links Bentham’s research to Hume’s on ethical questions is quite noticeable. In addition, the law does not directly point to what persons it concerns and on what points of articulation. It is at once obvious that it always and unavoidably leaves some play in such an appreciation, which may be discussed during a trial, but which above all allows social partners some latitude.

Last, and this third group of remarks perfects the modulations on the discrepancy, shortcomings and void that are characteristic of the law, comes the issue of the utilitarian foundation of the law, which is precisely expressed through hope, to be understood in the sense of mathematical probabilities that are current since Pascal and Bernoulli and in the sense of desire. Hope is produced by the probability of some event and the advantage attached to its happening. It is at once obvious that the existence of the law is always accompanied by the possibility that it might not be applied, despite the benefit it may offer a given community. As to desire, it cannot take any other form than that of want. The efficiency of the law cannot but be linked to the desire that it be efficient. Writing a law always implies some taking of risks. It can never be certain that it will be really efficient and it has often to be changed. Bentham does not take offence of it overmuch,

²⁵ Nomography particularly deals with that separation (Chapter VI, Paragraph 3).

unlike Rousseau, who, making the law sacred, and even sanctifying it, consequently recommends that it should be stable. From that point of view Bentham takes away the law's sacred aura, and does not conform to the perverse dialectic according to which one's submission to the law makes one freer.

The following paragraph is an explanation of the relations which constitute the three previous points. Without dwelling on each relation, we will take a closer look at the notion of the *extension* of the law, which is the object of the fourth remark, and which makes it possible to modulate the quite differentiated circles or the organization of the people that are concerned by the text of a law. When Bentham studies the "*aspects*" of the law, he gives them a content which is related to the modes of the exertion of the will. This triggers the observation that the different applications of the law are less quantitative than modal, or rather that they are translated in quantity though they are deeply modal. This Plato was well aware of, who, in *Laws*, saw that for the lawman to understand the working of the unavoidable legal voids, he must be deeply initiated to the discrepancies that exist between numbers, be they whole, fractional, irrational, transcendental, etc. His reflection on the *force* of law is interesting for our purpose because it does not exclusively put forward the relation between the citizen and the sovereign, though, of course, it does not exclude it. It refers to the *motives*, in all their variety which is not at once detailed but becomes so through a very thorough analysis. Force is not only a relation of the law to the conscious or unconscious motives that are behind it, but also a relation between the law and other laws, which have different motives. The law has some force only in a system and not only because some sovereign has wanted it. Not only does the law derive strength from its relation to other laws, but it must contain the knowledge that it does, and not ignore that by entering the system of laws, it may change the relation of a certain number of people to those former laws. It must include possible corrections to its action so that its introduction does not wrong those who have not transgressed the laws in force. It is quite clear that Bentham's conception of the legal system was dynamic. The law cannot be derived from some principles as would be the case in a relatively static system of logical or mathematical propositions. Motivations change all the time and the laws must answer to a whole group of motivations which are

not always conscious, and even less organized. Last, the place of the *nomography* is perfectly indicated in *Of Laws* (as it already was in *An Introduction to the Principles of Morals and Legislation*, though that word did not exist yet) when, concerning the seventh relation, Bentham mentions the expression of the law. Here again, the written form of the law reveals other forms of void. For, though one may know what one wants when writing the text of a law, one has to choose the manner in which to write it, which is not without consequence on the object, the subject and the people who are to be tried. It is necessary that some angle be chosen, some hierarchy of values be decided upon, to which must be added the fact that then appear other values which were not expected. The law, through the great variety of its statuses, of its actions, of its effects, is thus linked to an extensive play of voids. Laws are extraordinarily heterogeneous, and do not correspond to the image that some rather strictly rational conception would confer on them, that is that of a well-unified system which would be derived from some clearly identifiable sovereignty.

There results a certain number of consequences differing in scopes, by which I mean going from the most to the least important, as well as of heterogeneous importance.

First of all, it is not because an order is not directly given by the sovereign power that it is without legal value. As examples, Bentham lists the order an office gives on the battlefield, a master gives to his servant, a parent gives to a child, a husband to his wife - these do not come, of course, from sovereignty, nor from the organs which specifically represent it. Nevertheless, they are, and must be, very efficient. They will be said to be so because they are supposed to be given in the name of that sovereignty, though the expression "in the name of" conceals the whole difficulty. What appears still more clearly is that the legal system is based on a pyramid of capacities such that the superior level gives less the content of actions than the authorization to actors, each one in their role and sphere, to make the decisions they deem good, at least from the point of view of the utility principle. For the transgression of that principle at once gives rise to a principle of protest which may go as far as affecting sovereignty itself. That is why Bentham clearly indicates that all the orders which are issued or seem to be issued from the sovereign do not *ipso facto* have the value of laws: "The term *law* would ac-

ording to the definition applicable to any order whatsoever coming directly from the sovereign. But it is not in all cases that the issuing of any such order is looked upon as an act of legislature”: Bentham takes the examples of the *lettres de cachet*, which could lead to someone’s imprisonment, and of the obligation to give someone money by king’s order. This does not go against one of Rousseau’s assertions in *The Social Contract*, for the sovereign makes a decision which concerns only one individual.²⁶ A chamber of representatives could make that decision which would have force of law. In those last cases, it is the arbitrary, and not the fact that it is against one particular man, which results in the power’s decisions not having *force of law*.

One will notice that Bentham’s flexibility of experience is great when he is looking for the circumstances in which men, depending on the situation, depending on the state they live in, speak of *law* or prefer to give it some other name. His way of proceeding on the subject of heterogeneity and on the different degrees of authority of the norms is Humean, though Hume himself would never have tried to progress in that specific and precise sphere of the authority of laws.

If a Continental finds Bentham’s attitude quite surprising, it may be that he is more prone than a British islander to think of the legal system as deriving from an immense axiomatic pyramid, whereas the *common law*, which is jurisprudential, does not aim at giving an impression of unity and does not make one want to unify the English law from the point of view of the authority of its laws. Thus one cannot criticize Blackstone exactly in the same way as the French or continental supporters of the contract or the human rights. Bentham’s attitude, however, is not free from the risk of deepening the ambiguity of the notion of law. The utilitarian attitude appears not to be able to choose between the delicate and penetrating casuistry which examines the frontier of cases and the normativity that results from it, on the one hand, and a more normative point of view which would take the risk of pointing to what one must call a *law*.

²⁶ *The Social Contract*, Book II, Chapter VI: “When I say that the object of laws is always general, I am saying that the law considers the subjects *en corps* and the actions as being abstract, never as individuals nor as particular actions.”

VII. Final remarks about the ambiguity of the notion of *law*, particularly when the law is pretended *law of nature*.

Apparently, Bentham met the same difficulty about the idea of *law* as Hobbes about *authority*. Hobbes generalised *authority* to the point that one could wonder whether, in his writings, it was reduced to a simple metaphor, though, in reality, it was conceptual. Bentham, after taking the example of domestic orders, wonders, not without worrying about it, whether he is not giving too large a sense to the term of *law*. “It would seem a strange catachresis to speak of the issuing of any such order as an act of legislation, or as an exercise of legislative power. Not but that in cases like these the word *law* is frequently enough employed, but it is in the way of figure.” Bentham kept such an objection, since he refused the possibility to use the word *law*, as he considered was unwisely done in physics, as if it were possible to legislate on and in material phenomena, which is properly meaningless.²⁷ The *Rationale of Judicial Evidence* is quite clear on that point in an important note of Book V (Chapter XVI, Paragraph 4): “The expression *law of nature* is figurative, metaphorical; it is a metaphor taken from the use given to the same word *law* in the case of the *political law*: it is to that source, consequently, that we must resort to an explanation of it. When a political law, the expression of an act of human will, is issued, that law emanating from recognized authority, and backed with the usual sanctions, a correspondent degree of conformity in human actions, in the conduct of such individuals as are subject to the law, is the customary and manifest consequence: and (human actions being events) a political law is thus a case of conformity among events. In regard to events of a physical nature, the grand and constant ob-

²⁷ In *Chrestomathia*, he clearly declares that the only admissible and not purely fictitious meaning of the word *law* is the following one, which is close to that found in *Of Laws*, though he lays the emphasis on some different aspects: “A law is a discourse - conceived mostly in general, and always in determinate, words - expressive of the will of some person or persons, to whom, on the occasion, and in relation to the subject in question, whether by habit or express engagement, the members of the community to which it is addressed are disposed to pay obedience. This is the only plain and proper sense of the word: in this sense the object of which it is designative is a real entity. In every other sense, it is figurative and improper; the object of which it is designative is a mere fictitious entity; and every discourse, in which the reality of it is assumed delusory” (Bowring, VIII, 94).

subject of curiosity and inquiry, is that which respects the cause: and, on a subject so interesting, when men cannot come at facts, rather than have nothing, they are eager to catch, and content themselves with, words. Between that group of facts, a certain conformity is observed: what is the cause of that conformity? None at all: the conformity is itself nothing: it is nothing but a word expressive of the state our minds are put into by the contemplation of those facts. There are the facts: they do exist: but the conformity, as taken for a fact distinct from the facts themselves, has no existence. The conformity being (like every other fact, real or supposed) susceptible of denomination of an effect, this proves the existence of a cause: what name, then, shall be given to that cause? What name? What word? For when men have got words, they have got that with which (on this, as on so many other occasions) they are content to pay themselves. What cause? *A law of nature*. Here are the events: these events are conformable to one another: here we have conformity among events. But, for that sort of thing which is a cause of conformity among events, we have known a name: it is a law. The sorts of events, the conformity among which this term has been hitherto employed to designate, are human actions. The sort of events of which we are now looking out for the cause, are not human actions, but natural events. Law in this sense must, therefore, have something to distinguish it from law in the other sense. In that sense it is termed *law* simply, without an adjunct: to distinguish this from that, let us give the word *law* an adjunct, and say *law of nature*. If it were fully understood, that a law of nature signifies not an occult cause of conformity among facts, but merely the conformity itself, the phrase might be employed in this sense without danger of confusion". At the very most could one speak of the laws of the physicist who decides to tidy up things and expects to find some order in conformity with his will. However, just as Hobbes or Hume did not back up in front of such an objection, Bentham was not frightened by the objection he raised himself, and found even more reason to carry out a Humean investigation of the limits and ordinary ways of calling them.

The reader of this quotation was undoubtedly sensitive to the reversal of what was expected, and which, assuredly, was the most conventional. What could prevent one from considering the physical law as the real entity

and the political law as the fictitious one? That reversal is the mirror image of another one, which is quite surprising and which is in *Ontology*. The cause is the fictitious entity of the author²⁸ who is the real entity. The theory of fictions is a priceless tool to deal with opposite problems in that it stands at the very point of reversal²⁹ which is its special characteristic.

²⁸ *La causalité est une entité fictive de l'autorité* (*De l'ontologie*, ed. P. Schofield, C. Laval, J. P. Cléro, Le Seuil, Paris, 1997, p. 40). *Chrestomathia* presented the same positions: "Cause, when the word is used in its proper signification, is perhaps in every instance the name of a fictitious entity; if you want, the name of the correspondent real entity, substitute the word *author*, to the word *cause*" (*Chrestomathia*, ed. M. J. Smith et W. H. Burston, Clarendon Press, Oxford, p. 280).

²⁹ It must have become so quite recently, as in the XVIIth century, and we find it in Descartes' writings for example, physicists understood the word of law in that sense, having borrowed it from the moral and ethic sphere. At the moment when the physical meaning tended to be the real one, Bentham wanted to recall that reversal. The future, strangely enough, proved him right, as the epistemologists of the XXth century (as Heisenberg or I. Hacking) questioned the fact that physics was the law of nature, and would rather present it as the legislative activity of the physicist.

Global Distributive Justice and Political Responsibility

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This article considers some issues concerning the responsibility of people to global distribution of wealth and resources. Skeptics of global redistribution argue that there is no obligation of distributive justice across boundaries. This is because, they say, the poor of developing countries are responsible for their plight, which is induced by misguided economic policies of the governors they elected. Brian Barry is among those who argue against the legitimacy of global obligations of distributive justice on the ground of the political responsibility of the poor.¹ I argue that Barry's arguments against duties of global distributive justice are far from convincing. Before denying assistance to the poor, we should have a clear conception of electoral processes of developing countries and the implications of economic punishment within the context of global distributive justice.

Introduction

The claim that there is no global duty of distributive justice is commonplace among some political philosophers.² They contend that poor people of developing countries might be held accountable for their bad eco-

¹ Brian Barry, "International Society from a Cosmopolitan Perspective", David R. Mopel and Terry Nardin (eds.) *International Society: Diverse Ethical Perspectives* (Princeton: Princeton University Press, 1998).

² John Rawls suggests that well-ordered peoples have an obligation to assist heavily burdened societies only if the latter have no political or cultural responsibility for their poverty. (See *The Law of Peoples*, Cambridge UP, 1999.) David Miller ("In Defense of Nationality", *Journal of Applied Philosophy*, 10 (1993) p. 3-16) also maintains that there are no duties of justice outside national borders due not only to the special character of relationships arising from common nationality but also to the fact that rich nations can rarely be held causally responsible for the poverty of poor countries. Recently, Thomas Nagel advanced the same argument though on a slightly different ground ("The Problem of Global Justice", *Philosophy and Public Affairs*, 33 (2005): 113-47).

conomic conditions because these conditions are a result of wrong economic policies of the politicians they elected as their representatives. Brian Barry is among those who hold the poor of developing countries responsible for their plight. In “International Society from a Cosmopolitan Perspective”, Barry argues that there is no profound moral significance of being a member of a society.³ He advocates what he calls “moral cosmopolitanism,” according to which members of a political society might have special obligations to each other but the special treatment to fellow citizens must be justified “on grounds that can in principle be accepted by those excluded.”⁴ That is to say, outsiders may benefit by having the same privileges in their own society legitimately on the same grounds.

Moral cosmopolitanism aims at the welfare of individuals, and its demands can be best fulfilled by taxing rich people for the benefit of poor people, according to Barry.⁵ His argument for taxation according to income per head is “ability to pay.” Rich countries can collect money without jeopardizing vital interests of any one of their citizens. As a practical matter, he notes, charges must be levied against governments.⁶ Nevertheless, in a poor country, if the internal distribution of income is unjust, and it is highly likely that additional income from rich countries would be appropriated by the ruling class of the poor country, then there is no morally compelling reason for the rich countries to make transfers to the poor countries, according to him.⁷

One could argue, however, that if it is a duty of the rich to aid the poor - and Barry agrees that it is - the mere possibility or even actuality of appropriation of transfers by the local ruling elite does not eliminate this duty. On

³ In a similar fashion, Jan Narveson believes that assisting the needy should not stop at national borders on humanitarian grounds, but on the grounds of justice, rich countries do not have such duty of assistance. This is because, he says, “our distant sufferers aren’t so because we made them so” (“We Don’t Owe Them a Thing! A Tough-Minded but Soft-Hearted View of Aid to the Faraway Needy”, *The Monist* 86 (2003): 419-33, p. 420).

⁴ Brian Barry, “International Society from a Cosmopolitan Perspective”, in David R. Mopel and Terry Nardin (eds.) *International Society: Diverse Ethical Perspectives* (Princeton University Press, 1998), p.145.

⁵ *Ibid.*, p.153.

⁶ *Ibid.*, p.154-55.

⁷ *Ibid.*, p.159-60.

the contrary, the possibility of appropriation of transfers engenders a further duty. Countries that make transfers should find an alternative way of distributing money to the poor. Instead of submitting money to the hands of the ruling class or corrupt governors of a poor country, an international organization can reach poor people directly and actualize distribution through its domestic agencies.

Barry might accept such a solution to the problem of appropriation of money by the domestic ruling class of a poor country though he favors military intervention to replace corrupt governments.⁸ But still, he says, there are conditions in which the rich may justifiably not make any transfer payment to the poor. Even if all the benefit of the transfers goes to those who need it, still the rich countries may not make any transfer payments to the poor countries on morally legitimate grounds if it is feasible to meet the vital interests of the poor by an internal redistribution of income: "It could be said then that justice begins at home: why should people elsewhere make sacrifices that would not be called for if the rich in the poor country were to behave justly?"⁹

Barry's argument can be challenged from the cosmopolitan viewpoint that he himself endorses. One could ask why it should matter whether people at home or elsewhere have an obligation to make transfer payments to the poor. Recall that national boundaries have no deep moral significance, according to cosmopolitans? If we follow Barry's reasoning based on the claim that justice begins at home, then we may maintain that even in our home country we should not take care of those children left on the streets by their families. If their parents do not worry about them, why should the rest of the society look after these children? Barry's way of reasoning is, in fact, incongruent with many programs actualized for needy children in most welfare and even relatively poor countries. Moreover, from the fact that leaders

⁸ Ibid., p.160. I think that military intervention can be justified only under the condition of severe violations of basic human rights. Any military intervention without such a qualification might itself cause serious violations of human rights. For a lively and persuasive argument against intervention see Michael Walzer, "The Moral Standing of States: A Response to Four Critics", *Philosophy and Public Affairs* 9 (1980): p. 209-29.

⁹ Barry, p. 160.

do not fulfill their obligations to the poor in poor countries, it does not follow that others do not have any obligation of making transfer payments, given that it is prima facie justified to make transfer payments to the poor. By doing their bit, those who make transfer payments could contribute a lot to the advancement of justice, as Barry himself comes to ascertain.¹⁰ Besides, in many poor countries per capita income is so low¹¹ that even after an internal redistribution of income and wealth, there remains a need for transfer payment to meet vital interests of the poor. As Charles Beitz puts forward:

The fact that local change is a necessary condition for sustainable improvement in well-being does not imply that international contributions are not also necessary or would not accelerate the process if suitably deployed. So, even if we concede what should be conceded on the empirical point, we are still left with an objection to global inequality.¹²

The validity of these arguments does not, however, engender a compelling case for the fulfillment of the obligation of transferring resources to internally unjust poor countries, according to Barry. In a society in which the poor approve of internal inequalities by their voting preferences or have no complaint against internal injustices, transfers from outside to improve their material conditions cannot reasonably be expected.¹³

When we investigate electoral processes in many poor countries, we see that the actual political preferences of the poor are barely decisive in the outcome of a typical election. In most cases, their deprived conditions make it difficult for them to act freely and consciously in using their votes. Barry's claim that rich countries have no duty of distributive justice across borders is far from convincing. Even if the poor of developing countries are

¹⁰ Ibid.

¹¹ According to the World Bank's statistics, in 2004 per capita income in many less-developed countries varies between \$ 90-250 per year. Available at <<http://www.worldbank.org/data/databytopic/GNIPC.pdf>>

¹² Charles Beitz, "Does Global Inequality Matter?" *Metaphilosophy* 32 (2001): 95-112, p.102.

¹³ Barry, p.161.

responsible for their deprivation due to their voting preferences, this hardly justifies Barry's position.

Collective Responsibility and Elections in Developing Countries

As noted above, Barry rejects any requirement for helping the poor of developing countries on the ground of justice. This is because he thinks the poor might legitimately be held accountable for their deprivation. Political preferences of the poor are determinant in their bad economic circumstances as they are a consequence of the economic policies of the governors they chose. India, in which the majority persistently voted for parties that did little or nothing on the way of diminishing inequalities of income, is, he says, a case in point: "The electoral success in India since independence of either the Congress Party or parties economically to its right might be advanced as a case in point, given that neither has done anything significant to tackle the mal-distribution of wealth and income that the new state inherited".¹⁴

Barry's argument would perhaps be acceptable in case voters consciously and voluntarily voted for those parties that did nothing on the way of correcting inequalities, and that the outcome of a typical election results from sheer common will of the poor without any internal or external interference or corruption. When we look closely at the electoral practices of many poor countries, however, we see that neither of these conditions holds. First of all, the level of literacy, the possibility of benefiting from telecommunication technologies for access to information about political issues and candidates, and so on are very low in many poor countries. If the poor irrationally vote for politicians who defend the status quo, this is generally because the poor are uneducated, misinformed, etc. Secondly, voters in a country do not merely consist of the poor; the members of upper and middle classes not only have their votes to influence the outcome of an election but also have financial, bureaucratic and political powers, which have an important impact on who will be elected. These powers determine advertisement of the candidates and political programs, bribing the poor or even corruption in counting votes. Furthermore, in any country there are dissenters who did not vote for the politicians who pursue wrongheaded economic policies. To

¹⁴ Ibid.

say that no member of a poor nation deserves help due to their preferences of bad politicians is to put both the partisans and the dissenters in the same footing. Even if we accept the view that those who are responsible for their plight should not get any assistance, we cannot refuse to help the poor who did not support the politicians who applied bad economic policies after being elected. Even if none of these happen, and the outcome of an election reflects the common will of the poor, in some cases corruption of a government or the establishment of a dictatorship stems directly from outside, as is the case with the decline of Chile's Allende.¹⁵ Under these circumstances, it seems difficult to hold the poor responsible for electing incompetent or corrupt governors.

Barry might concede that he himself does not count such extreme cases as legitimate grounds for not helping the poor. True, he might say, many poor people may be illiterate and this makes it difficult for them to reach correct information about their governors before voting for them. If the main television channels and newspapers are controlled by the ruling elite, for instance, their representatives, who are displayed as the best of the candidates by the media, will likely win the election due to the large influence of the media upon not only the illiterate but also the literate. It may be unfair to hold people responsible for choosing politicians who follow bad economic policies also because it is not always so easy to estimate the policies and actions of politicians beforehand. If people in a country were not expecting their governors to adopt economic policies that rendered them helpless and hungry in the end, it might be wrong to blame them for their needy situation and thus not to aid them. However, what makes not helping poor foreigners morally legitimate is their persistent voting for the same people who do nothing for developing their well-being. If the poor make a mistake in choosing the correct candidate for themselves only once, then no one may justifiably blame them for their wrong choice. But if they repeatedly vote for the same politicians who do nothing for them, then there is a legitimate ground for not helping them. A person is a rational being who takes lessons from experience and is able to evaluate the consequences of

¹⁵ Rawls adds Arbenz in Guatemala and Mossadegh in Iran to the list. In *The Law of Peoples*, p. 53.

his/her past actions. To vote permanently for the wrong people suggests that the poor is either irrational or unwilling to ponder on what they did in the past. As they are rational beings, it is hard to think of them as acting irrationally against their self-interests continuously. So what we have for the explanation of their voting behavior is that they are negligent or too lazy to evaluate the policies of the politicians they elected. And this makes, Barry might note, the poor morally culpable and justifies not aiding them.

Before blaming the poor for their ignorance, one must be sure of its being a clear-cut case of ignorance. It may be that they simply undertake a risk by voting for the same politicians or that they misunderstand the program of the party. Alternatively, they may adopt the policies of the politicians on the paper and attribute the failure of their application to some external causes beyond the politicians' control. Or they may vote for the same party and hope that the new candidates would not repeat the mistakes of the old politicians. In brief, the poor may predict that the political party representing them would make an improvement in correcting injustices on the basis of the party program, qualities of the candidates, and so forth. Yet, they cannot determine each and every action of their governors after election. It may turn out that some governors are corrupt or that they are under severe internal and external economic and political constraints that prevent them from keeping their promises.¹⁶

¹⁶ Thomas Pogge's observation on current global institutional order reveals how dubious, if not mistaken, the idea that the poverty in developing countries is their people's own fault. International recognition of a corrupt government of a developing country by giving it privileges of borrowing freely in the country's name (international borrowing privilege) and freely disposing the country's natural resources (international resource privilege) is the main source of poverty in developing countries for him: "The international borrowing privilege includes the power to impose internationally valid legal obligations upon the country at large. Any successor government that refuses to honor debts incurred by a corrupt, brutal, undemocratic, unconstitutional, repressive, unpopular predecessor will be severely punished by the banks and governments of other countries; at minimum it will lose its own borrowing privilege by being excluded from the international financial markets". Countries, which have a share of capital in international financial institutions, indirectly interfere with developing countries' economies not only by recognizing borrowing privileges of corrupt governments and forcing their successors to have their people pay debts of

Even if the poor are rightly accused of being ignorant, this is not enough to justify punishing them collectively. In each election, there are, for instance, young people who vote for the first time and have no past experience on the basis of which they evaluate and compare merits and demerits of alternative political parties. Their votes would certainly affect the result of an election and they could make a mistake in determining their voting preferences.

It may be insisted that the young have more opportunity to investigate the programs of parties and their policies than their parents due to new technological, economic and social developments. If they ignore to do research about the party they would vote before voting for its candidates, then they should bear the consequences of their wrong choice. Besides, even if they do not have any past experience of voting, their parents definitely do have. The young may lack advanced research opportunities to investigate about the political parties but they may ask about the parties to their parents. If poor adults are too lazy to share their experiences with the young, they should accept the consequences of their ignorance or laziness.

Nonetheless, the question of the legitimacy of not aiding may still be raised even if there are clear cases of ignorance with vicious motivations. For instance, those who are well aware of the bad consequences of the application of the policies and the program of the party for themselves may still vote for the same party - they may even try to influence people in the direction of their choice - just for the sake of a small benefit promised them by the relevant party as a purchasing price of their votes. The poor may think that their personal choice would not change the result of the election anyway; but if they vote for

the corrupt governments but also by recognizing privileges of disposing natural resources and compelling developing countries to privatize their publicly owned natural resources through conditionality attachments to loans given for repayment of debts. He says: "The international resource privilege enjoyed by a group in power is much more than our mere acquiescence in its effective control over the natural resources of the country in question. This privilege includes the power to affect legally valid transfers of ownership rights in such resources. Thus a corporation that has purchased resources from the Saudi or Suharto families, or from Mobuto or Sani Abacha, has thereby become entitled to be - and actually *is* - recognized anywhere in the world as the legitimate owner of these resource. This is a remarkable feature of our global institutional order" (Thomas Pogge, "Priorities of Global Justice" *Metaphilosophy* 32 (2001), p.19-20).

the candidates of the party, they would surely get, let us say, a certain amount of coal, clothes or money as promised by the party. Such a choice and action in that direction may be condemned morally because they not only forfeit their own long-run interests but also the interests of the poor who do not accept to sell their votes for a small benefit in the short-run. However, given that they are in dire need of some amount of coal or money or any other goods important for their survival, we may not blame them for their wrongful action.

Some Concluding Remarks

I have tried to show that Barry's argument against helping the poor of developing countries on the ground of their political responsibility is untenable. When we look at elections in developing countries closely, we see that the elected officials in most cases scarcely represent the real political choices of the poor. This is, I stated, primarily because of lack of information, low level of literacy among the poor, and their impoverished situation. I also argued that even if their poverty is a direct consequence of their deliberate political preferences, this hardly makes it a sufficient reason for denying assistance to them.

Indeed, Barry does not object to helping the poor on humanitarian grounds even if they might justly be held accountable for their deprivation. He distinguishes aiding the poor on humanitarian grounds from helping them on the grounds of justice. In one of his earlier writings, he contends that the obligation to help the poor on humanitarian grounds must be valid even if it were the case that the poor themselves are responsible for their miserable situation:

...even if it were true that the death by disease and /or starvation of somebody in a poor country were to some degree the result of past acts or omissions by the entire population, that scarcely makes it morally decent to hold the individual responsible for his plight; nor, similarly, if his predicament could have been avoided had the policies of his government been different.¹⁷

¹⁷ Brian Barry, "Humanity and Justice in Global Perspective", in J. Roland Pennock and John W. Chapman (eds.) *Nomos XXIV: Ethics, Economics, and the Law* (New York: New York University Press, 1982), p. 221.

He thinks, however, that withdrawal of aid from the poor foreigners might morally be defensible on the ground of justice. After mentioning several notions of justice, he focuses on the concept of justice as equal rights. Based on H. Hart's distinction between special rights and general rights,¹⁸ Barry propounds that there is no legitimate ground for discriminating people in respect of general rights and that the basis of the state sovereignty over natural resources, which is a reinforced convention by international declarations, is everyone's equal right to enjoy their benefits. That is, it is the notion of autonomy of states that constitutes the primary "dividing line between humanity and justice at the international level".¹⁹ He goes on to argue that:

It inevitably, as the price of autonomy, permits countries to use their resources in wasteful ways ('theirs', on my interpretation, being of course those in their own territories plus or minus transfers required by justice) and does not insist that a country that allows some to live in luxury while others have basic needs unfulfilled should lose income to which it is entitled as a matter of justice.²⁰

¹⁸ H. L. A. Hart distinguishes general rights from special rights on three counts: 1) General rights do not emerge as a result of a special transaction between men. 2) All men capable of choice have general rights except special circumstances which lead to special rights. 3) Everyone - not only the parties to a special relationship - is subject to the correlative obligation of non-interference in the case of general rights. In a nutshell, "to assert a general right is to claim in relation to some particular action the equal right of all men to be free in the absence of any of those special conditions which constitute a special right to limit another's freedom; to assert a special right is to assert in relation to some particular action a right constituted by such special conditions to limit another's freedom" ("Are There Natural Rights?" *The Philosophical Review* 64 (1955), p.188).

¹⁹ Barry depicts the distinction between humanity and justice as follows: "Humanity, understood as a principle that directs us not to cause suffering and to relieve it where it occurs, is a leading member of a family of principles concerned with what happens to people (and other sentient creatures) - with what I shall call their well-being, intending to include in this such notions as welfare, happiness, self-fulfillment, freedom from malnutrition and disease, and satisfaction of basic needs. Justice, by contrast, is not directly concerned with such matters at all. As well as principles that tell us what are good and bad states of affairs and what responsibilities we have to foster the one and to overt the other, we also have principles that tell us how control over resources should be allocated" ("Humanity and Justice in Global Perspective", p. 244).

²⁰ *Ibid.*, p. 248.

Accordingly, if all countries, poor and rich, are in the same foot with respect to their sovereignty over a certain territory, a poor nation cannot legitimately claim for redistribution of wealth and resources over another nation's territory. Such a claim is to be self-contradictory while insisting on the sovereignty of the poor over their own territory and holding that others have the same rights over their territories. So whether the poor of a nation are responsible for their predicament or not, they cannot justifiably demand redistribution of wealth and resources of another nation, everything else being equal. If the people of a rich nation have observed the rules of justice in trade with other nations and in other matters concerning justice, then whatever they have obtained by dint of great effort and work on their territory is justly their own property. No foreigner can make a legitimate claim for the redistribution of this property whether the amount of it is too much for them to consume or whether the poor of another nation are trying to survive with an income below subsistence level or not. In short, rich nations have no duty to aid the poor under these circumstances.

This argument indeed rests on a disguised form of omission and commission distinction. Members of a rich nation, the argument presupposes, cannot be held accountable neither for voting preferences of the poor of another nation nor for the miserable situation they are in. This is because they are not responsible for any one of these negative consequences. If some are to be blamed for their plight, it is the poor themselves who must be accused of acting imprudently. Whether they are individually responsible for their predicament or not, however, one thing is clear enough. A rich nation has no obligation to aid the poor of another nation on the ground of justice, given that aforementioned conditions - e.g. fair trade among nations - are fulfilled.

The trouble with the omission and commission distinction is that it wrongly confines moral responsibility to acts of crime or inflicting harm on others only. Especially in the case of duties emanating from the right to life, avoiding helping the poor might be morally condemned. As Alan Gewirth acutely points out:

... the duties bearing on the right to life include not only that one not kill innocent persons but also that one not let them die when one can prevent their dying at no comparable cost. If,

for example, one can rescue a drowning man by throwing him a rope, one has a moral duty to throw him the rope. Failure to do so is morally culpable.²¹

To avoid aiding the poor would jeopardize their vital interests. No matter whether the rich are responsible for the predicament of the poor, the rich owe a duty of helping the poor because in this way they could save lives of millions of people probably at no comparable cost to themselves.

Barry might accept such an argument on humanitarian grounds—as he objects to its viability on the ground of justice. I think, however, that to view helping the poor on humanitarian grounds merely understates the justifying grounds of the duty of aiding them. The requirement to aid the poor in order for them to meet their basic needs is stronger than the one Barry estimates.²² This is so even if we put aside the profound exploitative historical relations among nations, which engender duties of compensation on the ground of justice. Affluent societies control global capital and transaction of commodities and have great advantage over the rest of the world in terms of bargaining power, information, and expertise, which in the end determine, to a large extent, the fate of the global poor. That is, rich nations might not directly intend to inflict harm on poor nations; but through various mechanisms arranging socio-economic relations among nations, the rich might obliquely make a negative contribution to their impoverished life circumstances, and this falls within the scope of justice, contrary to Barry's argument. In conclusion, the arguments Barry adduced against transferring resources from rich countries to the poor of foreign countries are unconvincing.

²¹ Alan Gewirth, "Are There Any Absolute Rights?" *Philosophical Quarterly* 31 (1981), p. 11-12.

²² Pablo Gilabert raises a similar argument against Narveson's libertarian claim for not helping the poor in "Basic Positive Duties of Justice and Narveson's Libertarian Challenge", *The Southern Journal of Philosophy* 44 (2006), p. 193-216. For the enforceability of global duties of distributive justice, see also Sylvie Loriaux, "Beneficence and Distributive Justice in a Globalizing World" in *Global Society* 20 (2006), p. 251-65.

IV. CLARIFYING THE CONTEMPORARY POLITICAL DISCOURSE

Giving Politics an Edge: Rancière and the Anarchic Principle of Democracy¹

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In recent years, as French philosopher Jacques Rancière highlights, democracy has come to be identified with democratic *society*, from a range of political perspectives, and has been heavily critiqued in virtue of the latter's "unlimited individualism" - an individualism, which is taken to undermine both society and government through its excessive, escalating demands and its insouciance to the public good.² At the same time, efforts on the "left" to restore radicality to democracy as a political form remain significantly contested. Critical questions persist as to whether seminal conceptions of a contemporary democratic politics, such as those of Claude Lefort and Ernesto Laclau/Chantal Mouffe, achieve a sufficiently critical distance from prevailing liberalisms, or can effectively resist the growing economic determination of the sphere of politics.³ In this context, Rancière has offered a novel analysis, which resists reducing democracy either to a form of social

¹ This article has been prepared with the support of funding by the Irish Jesuits through Milltown Institute, Dublin.

² Jacques Rancière, *Hatred of Democracy*. Trans. Steve Corcoran (London and New York: Verso, 2006), p.8. Originally published as Jacques Rancière, *La haine de la démocratie* (Paris: La Fabrique, 2005).

³ See Slavoj Žižek, "Afterward: The Lessons of Rancière" in Jacques Rancière, *The Politics of Aesthetics*. Trans. Gabriel Rockhill (London and New York: Continuum, 2004), pp.73-75; Thomas Brockleman, "The Failure of the Radical Democratic Imaginary: Žižek Versus Laclau and Mouffe on Vestigial Utopia", *Philosophy and Social Criticism* 29.2 (2003): p.183-208.

life or to a political form as such. Instead, returning to Plato and Aristotle, he seeks to discover in democracy the gesture of the “beginning of politics”, which leads to a permanent practice of contestation of the political by what he terms the “part who have no part” within society.

The analysis that follows examines how, in Rancière’s treatment, democracy thus cannot be guaranteed by any institutional form. Moreover, it will be argued that, at a distance from Lefort’s “empty space” of modern politics and neo-Gramscian “radical democracy”, Rancière’s becomes a practice which politically challenges efforts to monopolise public life, and its political forms, while simultaneously resisting the encroachment of the public sphere upon private life, via the operation of capitalism. Between these two impulses, a complex political space opens where the generation, against political appropriation, of new spaces of possible experience, paradoxically becomes the condition of genuinely new political forms of contestation. As such, it is argued that Rancière’s democracy continually gives to politics an edge, in the two-fold sense of creating new spaces of experience at the limit of prevailing political forms and their structuring of the social, as well as construing political action as the invention of new spaces of political contestation.

The beginning of politics

In *Disagreement (La Mésentente)*, through a reading of Plato and Aristotle, Rancière posits that politics begins in ancient Greece with the “wrong” or “torsion” (*tort*) caused by the “part that has no part” within society claiming an “empty freedom” and equality with those who possess such a part.⁴ That is, with the advent of democracy, the *demos* makes a claim to freedom which is not correlated with usefulness to society and thus disrupts both the prevailing “arithmetic of equality” based upon useful contribution as such and the “geometry” of rank based upon quality brought to the affairs of the *polis*.⁵ Consequently, the usefulness of oligarchic wealth and the excellence

⁴ Rancière, *Disagreement: Politics and Philosophy*. Trans. Julie Rose (Minneapolis and London University of Minnesota Press, 1999), p.19. Originally published as *La Mésentente: Politique et Philosophie* (Paris: Éditions Galilée, 1995).

⁵ *Ibid.*, p.10.

of aristocratic quality are scandalously placed in an impossible equation of equality with the asserted, yet contentless, freedom of the people. Even more scandalously, insofar as the freedom of the *demos* rests on no part that accrues to them beyond this equation, but only arises through it, they claim in a certain sense to be the whole of the community. The community is thus constituted through the torsion introduced by this impossible equation, this incommensurable, with the consequent impossibility of establishing an *arkhê* of community; that is, a shared, secure basis for its common life. Hence, what is common to community is defined, not in terms of citizens' "common usefulness" to one another or the "confrontation or the forming of interests" among equals, but precisely as a "political community", a community constituted in division by this incommensurable, where politics is concerned precisely with the very constitution and impossible relation of these incommensurables.⁶

Nevertheless, in practice, the "war of politics" is itself a war over the existence of politics, and so systems of legitimating and distributing roles, places and parts - what Rancière, following Foucault, terms "policing" (*la police*) - are typically established which obscure or, at best, seek to minimise this foundational "political" problem.⁷ Indeed, with his elaboration of Platonic "archipolitics", Aristotelian "parapolitics", and Marxist "metapolitics", Rancière argues that the principle figures of political philosophy in the Western tradition each pursue a paradoxical reduction of politics to policing. That is, they each seek to reduce politics to a simple problem of the distribution and relation of parts, with no remainder, i.e. with no paradoxical "part having no part". Rancière highlights how, in his founding narrative of the three races and the three metals in Book III of the *Republic*, Plato erases the torsion that would be introduced by the *demos* by positing a proportionality of roles and places, which causes *phusis* to coincide perfectly with *nomos*. That is, not only does Plato's narrative found a hierarchy whereby the superior - those with gold in their souls - rule over the artisans characterised by baser metals, but this order is not a form of domination. Rather, by virtue of an "inverse proportionality", those with gold in their souls, cannot possess any material gold,

⁶ Ibid., p. 6, 12, 19.

⁷ Ibid., p. 14.

their participation being constituted only in sharing in the common of the community. Meanwhile, the artisans possess only what they own (their houses and material wealth), their participation in the community depending on the condition that they do not interfere in its affairs in any way, a condition that is taken to reflect, in any case, their lack of time for such participation. As such, Plato can avoid having to posit any (dis)torsion within the political order.⁸

Rancière highlights how, by contrast, Aristotle rejects Plato's city as fundamentally apolitical. He places the political conflict generated by the tension between the pursuit of justice and the claims of the *demos* to equality at the heart of governance. Aristotle holds that good government can be achieved when each part of the city (whether *demos*, aristocracy or oligarchy) acts against the grain of its own interests. Nonetheless, Rancière argues that Aristotle's alternative proposal depends upon a conception of a political and literal "centre" of the city defined fundamentally by absence. In particular, his valorising of peasant democracy as the highest form of democracy, insofar as it signifies a *demos* at a decisive distance from the centre, points to a merely "parapolitical" solution, which posits the political problem of the part that have no part only to dissolve it via a subtle spatial distribution, which removes the *demos* from the "centre" of things.⁹

Finally, Rancière proposes that, rejecting the inadequacy of all formulations of the political, metapolitics is "the discourse on the falseness of politics that splits every political manifestation of dispute in order to prove its ignorance of its own truth by marking, every time, the gap between names and things."¹⁰ Elaborated most fundamentally by Marx, this formulation of politics has the problematic quality that every possible truth can be displaced by the truth of that truth's lie. Dangerously this leaves politics subject to a trajectory, upon which every critique can be denounced as a further lie, leading to the radical cancelation of any accountable politics. Less dramatically, but no less seriously, metapolitics can equally lead, Rancière argues, to the "dizzy limit" approached within our liberal democracies wherein the lie of politics is displaced by the real of the social, bringing

⁸ Ibid., p. 64-70.

⁹ Ibid., p. 70ff.

¹⁰ Ibid., p. 82.

about the end of politics.¹¹ This dissolution of the contestations of politics as such leaves the way open for the essentially oligarchic business of politics by experts, unobstructed by the distorting demands of the *demos*.

As such, for Rancière, a contemporary democratic politics must grapple with the weight of a tradition of “political philosophy”, whose more promising, enlightened and liberal impulses remain fundamentally anti-political. Even more problematical, such reductions of politics to policing additionally involve, Rancière argues, the institution of a certain corresponding “partition of the perceptible” - a certain *aesthêsis* and regime of “the sayable and the visible” - which determines that the speech of the “part who have no part” is of no “ac/count”.¹² Democratic action must not only struggle against the weight of a tradition of anti-politics, but against the insidious effects of such regimes of anti-politics themselves, which seek to erase even awareness of the possibility of politics.

Hence, for instance, Rancière cites the workers who as workers typically have no other “part” vis-à-vis the capitalist system in which they participate apart from remuneration. Speech on the part of the workers that would bear upon the capitalist system itself (beyond that invited in certain forms of late capitalist “immaterial labour”)¹³ remains mere noise. As such, a two-fold problem is overlaid upon the problems generated by specific, reductive forms of politics: not only is there a profound difficulty in making those of no “ac/count” heard, but it may be even more difficult for those of no “ac/count” to discover their voice as a voice that ought to be heard. In other words, as members of society, we may not recognise the multifarious ways in which our speech has been rendered of no “ac/count”. We may ourselves take as noise and of no political account our own speech. Hence, if what usually passes for politics is merely concerned with the smooth functioning of society within a particular order - with what Foucault speaks of as police-generated “happiness”¹⁴ - then, politics is the activity which makes

¹¹ Ibid., p. 82ff.

¹² Ibid., p. 24, 26.

¹³ See, for example, Michael Hardt and Antonio Negri, *Empire* (Harvard University Press, 2000), p. 30, 280ff.

¹⁴ See Michel Foucault, “Omnes et Singulatim”, in *Essential Works of Foucault: 1954-1984. Volume 3, Power* (New York: The New Press, 2000), p. 314-323.

perceptible the irreducible incommensurability of community as well as the policing that obscures it.

Politics makes “visible and sayable” the gap between the freedom of the people and their having no part within society. More crucially, it is an act which, in naming the inequality that characterises society, performatively realises and instantiates the equality which it demands.¹⁵ For Rancière, this point is crucial. A statement of the fact of inequality and a call for equality, without the staging or performance of that equality, merely serves to reinforce the existing police order; it affirms the counting of parts that generates inequality, as the reality of our contemporary situation. By contrast, instantiating equality in the naming of inequality - an act that is always a “performance ... the reproduction of the pure trace of its confirmation”¹⁶ - articulates precisely the torsion that permeates the socio-political sphere. It makes visible an equality which is the condition of our democratic community, yet whose suppression, whose remaining empty, is the condition for the untroubled imposition of a social order without problematic remainder. The naming of inequality cannot be heard in this instance without an implicit acknowledgement of the existence of the equality demanded.¹⁷

Democracy’s an-archic principle

In *Hatred of Democracy (La haine de la démocratie)*, Rancière builds significantly upon and nuances this analysis. He begins from Plato’s *Republic* where he finds nostalgia for the “solicitude” of the shepherd-king, whose governance is “adapted to each particular case - to each particular sheep”. By contrast, democracy is critiqued for its abstract prescriptions, like those a “doctor away on a voyage would have left once and for all, regardless of the illness or treatment required”. Moreover, democracy is also critiqued insofar as its abstractions are considered not to reflect a love of universalism, but to offer people a guise under which to pursue their own selfish pleasures.¹⁸

¹⁵ For a sustained analysis of the centrality and functioning of equality, see Todd May, *The Political Thought of Jacques Rancière: Creating Equality* (Edinburgh: Edinburgh University Press, 2008).

¹⁶ Rancière, *Disagreement*, p. 34.

¹⁷ *Ibid.*, p. 35.

¹⁸ Rancière, *Hatred of Democracy*, p. 34-35.

Nevertheless, if Plato, in Rancière's view, thus anticipates the modern hatred of democracy as destructive of the common good, he nonetheless also recognises that democracy is not so easily dismissed.

In the *Laws*, Plato delineates seven titles to political authority. Four of these derive from differences relating to birth: "the power of parents over children, the old over the young, masters over their slaves, and highborn people over men of no account", and two to nature: the law of the strong over the weak and the law of those who bear knowledge over those who are ignorant.¹⁹ Each of these six titles defines a hierarchy of positions in direct or indirect continuity with nature. However, where the former are based on laws of kinship, the latter relate to those who through strength or knowledge are "the best", and thereby introduce a superior principle of government.²⁰ Politics, Rancière argues, begins with the emergence of the latter titles, but these pose immediate problems: how is one to adjudge strength if strength in governance cannot be brute domination? And how is one to determine what constitutes knowledge without knowledge merely asserting its own truth? Here the space opens for a seventh strange title, which reveals the scandal of this transcending of the law of kinship: the title that defines itself by "the absence of title", the title that is governed by the law of chance.²¹ This title is self-refuting, effectively positing that chance may well provide the greatest likelihood of the "best" attaining to positions of governance.

While this title undesirably opens the way for democracy, Rancière argues that Plato cannot help but realise that his philosopher-king depends on chance in attaining to power no less than a people-king. Indeed, this "anarchic" principle, this principle that allows for no sure guiding principle of the community, is not merely intrinsic to democratic politics but to politics itself. Plato's nostalgia for the shepherd-king notwithstanding, this anarchy does not emerge with a democracy which has killed the shepherd-king and does not define an empty space constituted by the shepherd-king lacking from it. Rather, it is this anarchy which generates the "heterotopy", the differentiated space which does not assimilate the differences of "parts" (as

¹⁹ Ibid., p. 39.

²⁰ Ibid., p. 40.

²¹ Ibid., p. 41.

well as the differences between parts and non-parts), necessary to politics.²² That is, it is this anarchy which refuses the confusion and assimilation of distinct titles to authority into a single, hierarchical natural order.

This deeper analysis of the “beginning of politics” advances Rancière’s earlier argument in a number of important respects. First, in that earlier analysis, democracy, although it constituted the beginning of politics, was in a certain sense nonetheless itself “the wrong” which intruded upon good governance, generating unfortunate resonances with the contemporary critiques of democracy, Rancière’s rhetorical play on the notion of “wrong” notwithstanding. Instead, in his later analysis, democracy can be seen to follow from and represent the fullness of the “beginning of politics” defined by the title that is the absence of title.

Second, Ernesto Laclau has argued that Rancière’s earlier formulation retains problematic traces of his early Marxist commitments.²³ Certainly, in these earlier analyses, Rancière does depend to a significant extent upon the proletariat, or at least upon the poor conceived in terms redolent of the proletariat, as an instance of the “part that has no part”. In *Disagreement*, he places considerable emphasis upon Aristotle’s acknowledgement that, “almost everywhere the wellborn and the well-off are coextensive”.²⁴ On this basis, he argues that the torsion is effectively between the rich and poor, and that politics does not emerge from the poor opposing the rich, but rather the poor are constituted by this torsion itself. Indeed, not only does this formulation recall Marxist analysis, but at times, the proletariat is itself explicitly an instance of this poor, for Rancière, constituting the class which is no class, and the radical self-differing exception which is the universality of politics.²⁵ The problem, already a problem for Marxist analysis, concerns how the proletariat can be identified as both a clearly delineated social body and constituted as the privileged instance of the “part that has no part”.

To be fair to Rancière, his appeal to the proletariat is precisely as an *example*, if an important one, of “the part that has no part” within society.

²² Ibid., p. 43-45.

²³ Ernesto Laclau, *On Populist Reason* (London: Verso, 2005), p. 246ff.

²⁴ Rancière, *Disagreement*, p. 11. See Aristotle’s *The Constitution of Athens*.

²⁵ Rancière, *Disagreement*, p. 18, 38.

Moreover, his concern is to rethink the proletariat as a critical element of the political thought of the past one hundred and fifty years, beyond the terms of Marxism as such.²⁶ Nonetheless, in his earlier work, the difficulty remains for him that he lacks a means of conceptualising the “part that has no part” in more general terms. *Hatred of Democracy* offers precisely such a more general conceptual framework, less identifying specific candidates for the “part that has no part” than offering the negative criterion that no authentic title to governance exists which could order the community without paradoxical remainder - suggesting a complex multiplicity of parts that haven no part within society. As such, Rancière can now state that the “power of the people ... is not the working class”. It is rather “simply the power peculiar to those who have no more entitlements to govern than to submit.”²⁷ Their particular struggles are capable of bearing a “universal power”, in something like Slavoj Žižek’s sense of the Hegelian concrete universal, insofar as they reveal fundamental “disagreements” that constitute the community as political.²⁸

Third, his later analysis reinforces Rancière’s challenge to the notion that modern democratic social life is a highly negative phenomenon to be countered by strong ‘democratic’ government. While he does not naively assume that every difference within democratic social life will necessarily have political efficacy, Rancière can argue that denunciations of “populism” belong in a line of oligarchic efforts, stretching back to Plato, which seek to be rid of the people and to be rid, not only of democratic politics, but of the anarchy of

²⁶ See Rancière, *La nuit des prolétaires: Archives du rêve ouvrier* (Paris: Fayard, 1981) Also see Rancière, *Short Voyages to the Land of the People*. Trans. James B. Swenson (Stanford, California: Stanford University Press, 2003). Originally published as *Courts voyages au pays du peuple* (Paris: Édition du Seuil, 1990). In this work, Rancière similarly revisits the notion of “the people” as it emerges in the work of a range of historical figures from William Wordsworth to Georg Büchner, in order to gain a new perspective on the problems of politics.

²⁷ Rancière, *Hatred of Democracy*, p. 46-47.

²⁸ Slavoj Žižek, *The Parallax View* (Cambridge, Masss., and London: MIT Press, 2006), 30: “Universality is not the neutral container of particular formations, their common measure, the passive (back)ground on which the particulars fight their battles, but this battle itself, the struggle leading from one particular formation to another”. Concrete universality, rather, is “universality based in an exception”.

politics itself, in order to restore government by the superior.²⁹ Moreover, he can forcefully argue that democracy, no less than politics itself, cannot be realised through any particular political form. That which passes for democracy today is typically oligarchy - government of the most “useful”, the “best”, which in Rancière’s analysis is bound up with “wealth”, that is, with capitalist interests. Certainly, it is an oligarchy which can give more or less room to democracy, but which nonetheless circumscribes the democratic impulse at what it perceives to be certain crucial junctures.³⁰

From democratic institutions to democratic practice

It is beyond the scope of the current analysis to examine Rancière’s detailed analysis of contemporary republicanism and liberalism in support of his claim concerning the oligarchic nature of contemporary “democracies”. It will be useful, however, to examine what they share in common in the contemporary context of global capitalism - that is, how they put their oligarchic powers to work - in order to grasp Rancière’s conception of a contemporary democratic practice. Rancière argues that the modern state is not in retreat before capitalism but has seen a certain redistribution of powers. If it cedes certain of its privileges to the exigencies of freely circulating capital, it regains them anew and transformed in terms of the need both to have social life assume the form of a consumerist society and to protect the state’s economy from threats such as immigration, global warming, scarcity, monopoly of energy, and so on.³¹ In gaining justification for exerting ever greater control over the form of social life and for increasingly centralising policy decisions, the notion gains legitimacy that both dimensions of government need to be dictated by expert rather than popular opinion, thereby restoring the ancient oligarchic prerogative of government by “the best”.

In this capitalistic-oligarchic context, the democratic threat to good governance lies in “the existence of forms of organization of the material life of society that escape the logic of profit; and the existence of places for

²⁹ A similar point is made in Paul Bowman, “This Disagreement is Not One: The Populisms of Laclau, Rancière and Arditì”, *Research Papers from the School of Arts, Roehampton University*, 2007, p. 6-7. Available online.

³⁰ Rancière, *Hatred of Democracy*, p. 72.

³¹ *Ibid.*, p. 82-83.

discussing collective interests that escape the monopoly of the expert government.”³² And inversely, democracy is, then, “the action that constantly wrests the monopoly of public life from oligarchic governments, and the omnipotence over lives from the power of wealth”. Moreover, it especially “has to struggle today against the confusion of these powers.”³³ In other words, Rancière conceives of democratic action today as two-fold, and holds that maintaining these two dimensions of democratic action distinct from one another is crucial to its efficacy. Democratic critical practice thus, on the one hand, involves refusing oligarchic government a monopoly upon public collective action. It calls for the continual construction of new public sites which seek to bring to articulation (“speech”) the situation of the “part having no part” within society, thereby staging the “impossible equation” upon which society rests and contesting the refusal of politics by those in power. Or rather more precisely, in light of Rancière’s nuancing of his notion of the poor, one should properly speak of multiple parts having no part, and multiple democratic actions emerging from a spectrum of individuals and groupings. Hence, we arrive at public sites, activities and organisations, which both contest the political, in the sense of the police, and are truly political, in Rancière’s sense. On the other hand, however, democratic action involves a second movement which enables people to resist and undo the omnipotence of capitalism over their lives. This second movement, or rather the distinction Rancière draws between it and the first movement, does not simply reflect his analysis of a two-fold oligarchic-capitalistic reality but conceals key nuances of his very conception of political action - specifically, as he defines it in dialogue with the work of Michel Foucault, with whom he acknowledges several points of resonance. Something of a detour to explore Rancière’s relation to Foucault is in order, therefore, to grasp the full significance of the former’s proposal concerning democratic action.

Rancière and Foucault

Foucault defined biopower as techniques of power directed at whole populations, “capable of optimizing forces, aptitudes and life in general

³² Ibid., p. 83.

³³ Ibid., p. 96.

without at the same time making them more difficult to govern”, techniques which were of considerable importance to the development of capitalism.³⁴ In an interview in 2000, Rancière made clear that, while he could accept Foucault’s concept of biopower as a descriptor of elements of the functioning of policing, he rejects the notion of a biopolitics, suggesting that Foucault himself was never concerned with the question of politics as such, only with that of power.³⁵ Insofar as Foucault himself would have understood biopolitics to be the correlate of biopower and more or less synonymous with what might be termed “bio-policing”, Rancière’s primary concern here would appear not to be with Foucault himself, but with the rejection of the various forms of “life politics” that have emerged in recent years that might gain support from the notion of a biopolitics. Not least he will reject Giorgio Agamben’s Heidegger- and Bataille-inspired politics of “bare life”, which, despite Agamben’s disavowals, he believes bears a sense of the sacred.³⁶ He will equally reject Deleuzian vitalism as well as operaism’s quasi-vitalistic appropriation of the anthropology underpinning the *Grundrisse*, which has most recently issued in a “grammar of the multitude”.³⁷ If he is concerned with the manner in which these philosophies fail (naively) to engage the founding “wrongs” of politics, and if he believes that Foucault ultimately does not pursue such a “life” politics, nevertheless Rancière also wishes to protect political action against a more subtle danger generated by Foucault’s thought. That is, Rancière argues that Foucault tends to conflate the level of

³⁴ Foucault, *The Will to Knowledge: The History of Sexuality*. Volume 1. Trans. Robert Hurley (London: Penguin, 1990), p.141.

³⁵ Jacques Rancière, “Biopolitique ou politique? Entretien recueilli par Eric Alliez”, *Multitudes: Revue politique, artistique, philosophique* 1: (March 2000). Available online.

³⁶ A tension runs through Agamben’s analysis of “bare life” between his notion that the figure *homo sacer*, as it informs our contemporary conceptions of sovereignty, is fully excised from its original sacrificial context and the quasi-sacral overtones of the redemptive value he ascribes to “bare life” in the resistance to sovereign power. See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. Trans. Daniel Heller-Roazen (Stanford, California: Stanford University Press, 1998), p.181ff.

³⁷ See Paolo Virno, *A Grammar of the Multitude* (New York: Semiotext(e): 2004); also, Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (London: Penguin, 2004).

subjective action, made possible by the constitution of subjectivity by the modern deployment of techniques of biopower, with political action as such. Insofar as he lacks a fully developed conception of the political, he tends to conceive of political action as a moment of biopolitical subjectivity.

To grasp the significance of Rancière's criticism, it is important to point out, in the first instance, how Foucault's later ethics of the self bears considerable resonances with Rancière's conception of political action. Foucault's later ethics reprises and crystallises his own earlier notion that all of his work contains a crucial moment of autobiography, that his work gains its force from specific experiences of exclusion and disciplining (his own or those of others around him), and that what he termed his "fictions" expose the possible underlying order of exclusion and discipline, becoming true in the new relations to the regime of power-knowledge and truth which they make possible.³⁸ That is, certain experiences suggest something of the dominant regime of the "visible and the sayable", which his endeavours then seek to make more generally perceptible others, contesting the orders of power and knowledge by enabling people to free their experience from those networks.³⁹ His later work thematises and enriches this practice as an aesthetic mode of subjectivation - a freeing oneself from the self constituted by power-knowledge, mediated by reflection on dimensions of one's experience in its intersection with the social and one's inherited traditions.⁴⁰ With his final conception of the ethics of the self, in terms of cynic *parrhesia*, Foucault explicates the political potential of this "care of the self". A fearless public speech or action, constitutes a political contestation of power, even as it arises out of an experience of the cynic of the absurdity of a given

³⁸ Michel Foucault, "Truth, Power, Self", in Rux Martin et al, eds., *Technologies of the Self: A Seminar with Michel Foucault* (London: Tavistock, 1988), p.11; idem, "Interview with Michel Foucault", *Essential Works of Foucault: 1954-1984 . Volume 3, Power* (New York: The New Press, 2000), p. 244.

³⁹ See Foucault, "Speaking and Seeing in Raymond Rousset", in *Essential Works of Foucault: 1954-1984. Volume 2, Aesthetics* (London: Penguin, 2000), p. 21-32.

⁴⁰ See, for example, Foucault, *The Hermeneutics of the Subject, Lectures at the Collège de France, 1981-82*. Trans. Graham Burchell (New York: Palgrave Macmillan, 2005).

societal law, principle, or maxim.⁴¹

Nevertheless, Rancière considers that the practice which Foucault describes remains conceptually a subjective intervention in the field of politics, against its dominant forms, rather than fully a political action. In other words, for Rancière, Foucault's care of the self remains self-consciously entangled in, and significantly subject to, the techniques of biopower; it is an exercise of a subjectivity emerging from within and constituted to a significant degree by biopower rather than conceiving of itself as a fundamentally political engagement with the founding torsions of the political that are more basic than the deployment of biopower as a subsequent mode of policing.

Rancière and Biopower

In a first respect, then, the importance of not confusing the two elements of contemporary democratic action lies, for Rancière, in not reducing the sphere of politics as such to the realm of biopower. It is not only that the contemporary context is defined by a two-fold oligarchic-capitalist conjunction calling for two distinct modes of action, but that contemporary practice must refuse the "end of politics" which this conjunction posits, refusing the reduction of politics to the mere business of expert management of a state oriented to capitalism and avoiding an appeal to a biopolitics that might, via its introduction of "life" into the heart of politics, be thought to restore vitality and density to the political against such a reduction.

Nevertheless, this first concern scarcely exhausts the significance of Rancière's proposal. For, if he does not wish to see the contestation of public spaces and resistance to capitalism's shaping of material life reduced to one another, he does not simply pursue a naive rejection of the sphere of biopower. Rather, he holds that each element of democratic action is a crucial moment of democratic practice. Each is essential to politics as Rancière defines it, enriching his earlier less differentiated formulations. If politics

⁴¹ See Foucault, *Le gouvernement de soi et des autres. Cours au Collège de France 1982-83*. Frédéric Gros ed. (Paris: Seuil/Gallimard, 2008). Foucault's final course at the *Collège de France*, *Le gouvernement de soi et des autres: le courage de la vérité*, in which these themes are most fully developed, has yet to be published.

cannot be reduced to biopolitics, capitalism and oligarchic governance stand in a close interrelation: oligarchic government directs public, collective decision-making to support and extend capitalist domination of material life, while capitalism, in turn, generates the complexities and crises of material life, which render “necessary” the specific expertise of contemporary, oligarchic governance. Hence, the temptation should be avoided to consider Rancière’s call for resistance to capitalism’s assimilation of material life to the logic of profit as merely a negative moment of preparation for the properly political contestation of the public and political. If the false solution of the transformation of politics into biopolitics is to be avoided, the existence and impact of a regime of biopower operating in concert with formal political institutions is not to be underestimated.

In *Hatred of Democracy*, Rancière does not elaborate further upon this two-fold nature of democratic action. One of his earlier works offers a useful indicator of the possibilities to which his dense formulations point, however. In *Short Voyages to the Land of the People*, Rancière maintains a sustained interrogation of the concept of “the people” as bearer of modern revolutionary utopian hopes. The critical point for the current discussion is Rancière’s constant theme of the ephemeral quality of the effort not merely to name “the people”, but through this naming to realise and instantiate the equality and emancipation which this figure embodied. Insofar as this naming mirrors his own construal of the political act, Rancière draws the lesson from history that a political making “visible and sayable” can only succeed temporarily and fragmentarily, but no less really and effectively for that. However, to succeed it must involve a constant attention to this ephemeral quality of political contestation. Unlike the Saint-Simonians, it must repeatedly recognise when a “journey” has come to end, that is, when a specific contestation of the socio-political order has run its course.⁴² In view of the complexities of the tensions between Michelet’s life and practice, it must notice when gaps begin to open once more between its naming and the situation which it would name, that is, when its specific realisation of equality, in the naming of inequality, begins to fall back upon the very order

⁴² See Rancière, *Short Voyages*, 25ff, esp. at 38-39.

whose wrongs it would articulate.⁴³ With Claude Genoux, it must recognise the moment when one simply must start over and begin again, at that point where every truly political contestation becomes entangled, in practice, in the sphere of police.⁴⁴ In other words, as Rancière himself does in the final chapter of *Short Voyages* in relation to his earlier work, political contestation must repeatedly free itself from its previous political contestations as they lose their vital force.⁴⁵ For political contestation to continue effectively, it must in a sense undo the politics it constructs as this politics decays and is assimilated back into, or is actively appropriated by, the police order.

Against this backdrop, Rancière's two-fold conception of democratic action appears to suggest that not only is public contestation of formal and informal political spaces required, but that, somewhat paradoxically, so too is an action that reverses the manner in which life is increasingly rendered "public". In light of Rancière's analysis of the limits of political action, a democratic action is certainly required that cyclically will refute itself and thus refuse the risk of itself becoming oligarchic, by rejecting the notion that its own public action can escape the "impossible equation" of society. But beyond this, the emergence of the capitalist assimilation of material life to the logic of profit, as a counterpoint to oligarchic 'expert' government, raises the challenge of a material life that is ever more policed. Even those spaces within daily life that might be the inspiration for contestation of politics, or at least constitute sites where such contestation might be fostered, are increasingly shaped by the logic of profit. Democratic action must, therefore, generalise its self-critical moment to take account of this more complex situation. In addition to public contestation of politics-as-policing, a public action is additionally required that paradoxically restores the private quality to life. Without such a second moment of democratic action, the first would remain entangled in "biopolitics"; one could never be certain whether one's actions were genuinely political or inadvertently a reinforcing modulation of the power of wealth over life.

As such, democratic action must explicitly and self-consciously be-

⁴³ See *ibid.*, p. 69ff.

⁴⁴ See *ibid.*, p. 56-66.

⁴⁵ See *ibid.*, p. 107.

come a two-fold movement of making and unmaking the public space in which politics contests policing. Rancière thus accepts that alongside politics-as-police one equally finds today a biopolitics-as-police that is no less integral to *la police*. At the same time, however, he insists on a clear distinction of what constitutes a genuinely political gesture in this context, even if at best the effectiveness of this gesture has a limited temporal duration, and may more properly be characterised as ephemeral. For Rancière, however, even a genuinely political contestation that lasts no more than a day performs the task of making visible the obscured “partition of the visible” and the “incommensurable” of the “part that has no part” within society. However temporarily it opens new spaces at the edge of politics, it vitally invents the equality that alone can constitute the overcoming of inequality. Creating the spaces at the edge of the prevailing police order, which sustain further inventions and performances, and thereby generating the conditions of possibility of a chain of resistances - a veritable history of resistance.

Giving politics an edge

With significant echoes of Rancière, Benjamin Arditì has recently posited that populism “can flourish as a fellow traveller of democratic reform movements” as a “symptom” of “turbulent modes of participation and political exchange lurking behind the normality of democratic practices”, while also positing that it can constitute an “underside” which threatens democracy. He argues that such that such populism constitutes an “internal periphery” of democracy, the expression pointing to a “relation of interiority with democracy” but also conveying “the idea of an edge”.⁴⁶ In a not dissimilar manner, Rancière’s notion of democratic action may equally be considered to give to democratic politics an edge.

Already in *On The Shores of Politics*, Rancière had imagined the democratic space within ancient Greek cities to have been constituted par excellence by the *seashore*, with philosophy always trying to ground politics more securely and less threateningly upon dry land, far from the dangers of the sea. The democratic spirit is represented especially by “the maritime

⁴⁶ Benjamin Arditì, “Populism as an Internal Periphery of Democratic Politics” in Francisco Panizza, ed., *Populism and the Mirror of Democracy*, p. 77, 98.

sovereignty of the lust for possessions” and the “great beast of the populace” by a “trireme of drunken sailors.”⁴⁷ In more positive terms, the seashore is that limit-space, the “one boundary” from which politics begins and which, in its liminality, continually subverts the efforts to ground politics upon a *terra firma* insusceptible to the disruptions of the *demos*.⁴⁸ Now more conceptually, his later notion of democratic action constitutes a political space of contestation at the edge of contemporary politics, while his two-fold conception of democratic action ensures that the farthest line of that edge is continually extended through the repeated undoing of political power - a line, which like the seashore, is constantly redrawn by that which traverses it arriving from its far edge, the sea. Where Arditì considers that populist action must either fall inside or outside of democratic action, Rancière with his distinction between politics and police, can instead posit an edge that is simultaneously outside politics usually conceived, yet equally internal to it insofar as it is a contestation of that politics. The edge he grants to politics is not a static space, but a “liminal” one always between the inside and outside, with even this liminal status itself being continuously made and unmade by the second gesture of Rancière’s democratic action.

An important consequence of Rancière’s approach, reflecting a second sense of the edge that it grants to political practice, is that it thereby side-steps key criticisms of Lefort’s notion of the “empty space” of modern politics and the neo-Gramscian radical democracy of Laclau and Mouffe - two conceptions of democracy which share similarities with his own. As Žižek highlights, these two theories share a tendency, however subtly, to formalise and, hence, to transcendentalise the space of contemporary politics.⁴⁹ For Lefort, modern politics is defined by the empty space left by the removal of the figure of the body of the king, such that in Carol C. Gould’s terms, “power has no canonical location and where the legitimation of authority or

⁴⁷ Rancière, *On The Shores of Politics*. Trans. Liz Heron (London and New York: Verso Books, 2007), p.1. Originally published as *Aux bords du politique* (Paris: Édition Osiris, 1992).

⁴⁸ Ibid.

⁴⁹ Slavoj Žižek, “Afterword: The Lesson of Rancière”, in Jacques Rancière, *The Politics of Aesthetics*. Trans. Gabriel Rockhill (New York: Continuum, 2004), p. 73-76.

the use of power is always in question”.⁵⁰ Nevertheless, for Lefort, the “exercise of power is subject to the procedures of periodical redistribution”, such that it is a “controlled conflict with permanent rules [which] implies an institutionalization of conflict.”⁵¹ The problem, for Lefort, is that this empty space left by the body of the king is therefore not entirely empty, but presupposes at least the formal structure of any possible politics. Moreover, it may merely constitute one possible, contingent political form, rather than constituting an ideal, or even, more basically, a valuable political form. Even if he is correct that the empty space of contemporary politics is that which has been bequeathed to modernity by the politics of the middle ages, his position is problematic insofar as this empty space is taken as the condition (and limit) of a contemporary politics.

Not entirely dissimilarly, Laclau and Mouffe make the subtle assumption that politics emerges out of social antagonisms and their contestation - that the fight for socio-political “hegemony” constitutes a form of politics. Their work is susceptible to the criticism that the working out of antagonisms may not constitute a space of genuinely democratic contestation. If Rancière is correct, then, our democratic spaces are already oligarchic and ‘policed’ with limited democratic potential. Hence, social antagonisms may not constitute genuine spaces of political contestation, but merely the functioning of police techniques. That is to say, the danger as Iain Hamilton Grant has recently suggested, is that such formulations risk being “ontologically parochial”,⁵² constituting no more than “a contingent description of a contingent state of affairs”.⁵³ As such, they risk assimilation to the very politics, which they would seek to contest.

By contrast, Rancière does not assume any defined space of democratic politics or politics as such, which is prior to the contestation of the

⁵⁰ Carol C. Gould, “Claude Lefort on Modern Democracy”, *Praxis International* 3-4 (1991): p. 337-345.

⁵¹ Claude Lefort, *Democracy and Political Theory* (Minneapolis: University of Minneapolis Press, 1988), p. 17.

⁵² Iain Hamilton Grant, “The Insufficiency of Ground: On Žižek’s Schellingianism” in Paul Bowman and Richard Stamp, eds., *The Truth of Žižek* (London: Continuum, 2007), p. 89.

⁵³ Paul Bowman, “This Disagreement is Not One”, p. 6.

“impossible equation” of “parts” and the “part having no part”. Implicit to his position is that there is no guaranteed political space that can be assured prior to such contestation, with the implication that not all ‘contestations’ necessarily succeed in constituting truly political contestations as such. As has been seen, a genuinely political gesture is realised only when the naming of an inequality itself instantiates and realises the equality which it seeks. The liminal edge of politics that he defines is one that retains the provisional, evolving status of an edge, which must be repeatedly constituted anew in its performance. In other words, his description of the “beginning of politics” is thoroughly *immanent* to the contemporary situation and thoroughly immanent to the site of his political practice. If his contestations are not subtly to become “ontologically parochial”, then, even his theoretical descriptions must themselves be considered to constitute specific performative contestations, whose validity can only be determined in relation to the manner in which they rupture the prevailing “partition of the sensible”. They prove true only insofar as they achieve the genuinely political task of making “visible and sayable” the torsion of the part that has no part within the socio-political order. Indeed, the evolution of Rancière’s work confirms such a thoroughly immanent practice. While his work often circulates about certain key texts and problematics, Rancière’s successive works appear more as specific interventions, each shaped by a particular context, and exhibiting theoretical frameworks which do not build upon those constructed in earlier works as such, but which constitute a singular rethinking of the fundamental question of a contemporary politics. They stand in what Deleuze would term a relation of “pure difference” to one another.

A pure politics?

It is important, at the same time, to take seriously Žižek’s charge that Rancière remains within the recent French post-Althusserian move toward a “pure politics”, and that as such he fails to take account of the extent to which capitalism is the form of contemporary society and politics.⁵⁴ In other words, Žižek’s criticism is that Rancière himself subtly retains, as essential, a “contingent description” of politics. Specifically, he argues that Rancière’s

⁵⁴ Žižek, “Afterword”, p. 75-76.

conception of politics in aesthetic terms points to this difficulty, for capitalism all too readily appropriates and deploys aesthetic difference. In other words, Žižek detects in Rancière's "politics of aesthetics", a notion of politics which is ontologically antecedent to the sphere of capitalism. He effectively argues that Rancière's attempt to distinguish, against Foucault, between the political and the biopolitical is the precise moment where he succumbs problematically to a pure politics.

It is helpful, in this regard, to draw attention to the fact that Rancière's "politics of aesthetics" is not a simply a form of modern aestheticism. Rather, as has been noted, *aesthēsis* for him concerns a fundamental partition of the perceptible, of the "visible and the sayable"⁵⁵ corresponding to a politics-suppressing police effort to count the parts of the community without remainder. Moreover, if Rancière deploys elements of contemporary aesthetics (such as the aesthetics of literary fiction) to this end, it is in something like Foucault's notion of an "aesthetics of existence".⁵⁶ Timothy O'Leary points out that for Foucault it is not a matter of reducing existence to an aesthetics of beauty, art, pleasures and so forth but of expanding and qualifying the notion of aesthetics until it is adequate to the full scope of "existence".⁵⁷ It is a matter certainly of exploiting the potentials of contemporary aesthetics as Rancière does, for instance, in relation to modern literary aesthetics.⁵⁸ However, such a "politics of aesthetics" is grounded upon the more fundamental political partition of the "visible and the sayable."

More deeply, as has been seen, Rancière, at least in *Hatred of Democracy*, begins to formulate the complex intersection between politics (i.e. as policing) and capital, building upon his earlier insights into the ephemeral quality of genuinely political gestures. Hence, Žižek's argument that Rancière holds to a "pure politics" must be nuanced. At issue between Žižek and Rancière - at least the Rancière of *Hatred of Democracy* - is the extent to which a genuinely political gesture is possible within a capitalist context

⁵⁵ Rancière, *Disagreement*, p. 29.

⁵⁶ Foucault, "An Aesthetics of Existence", in *Foucault Live: Interviews, 1961-1984*. Ed. S. Lotringer. Multiple translators (New York: Semiotext(e), 1996), pp.450-454.

⁵⁷ Timothy O'Leary, *Foucault and the Art of Ethics* (London and New York: Continuum, 2002), p. 86.

⁵⁸ See, for example, Rancière, *Politics of Aesthetics*, p. 35ff.

and, more subtly, the extent to which such a gesture can or must escape capitalist appropriation in order to be properly political. Inversely, it is a question of the extent to which a genuine political gesture must, no less, remain a gesture textured by the fabric of capitalism, if it is not to succumb to idealisation. Insofar as Žižek's project can be said to be oriented precisely to the task of articulating such a politics,⁵⁹ it is arguable that what is at stake between them, in their opposing emphases, is two opposing problematisations of the task of politics, with each taking up one of the alternatives of an impossible choice: prioritising the articulation of either the political gesture or the hegemony of capital, when justice cannot be done to both simultaneously within a single theoretical framework.

Against this backdrop, Rancière's pursuit of a properly political act beyond the realm of capitalistic biopower and its biopolitics, can be interpreted as offering a counterargument to Žižek. If capitalism profoundly conditions our contemporary world, its operation has not been to the exclusion of the operation of politics as "policing". As such, although Rancière's work does not respond to Žižek's precise problem, his political contestation of this policing reveals to us the oligarchic investments within capitalism that significantly shape our encounter with it. It opens the way to discerning possible capitalisms, or, at least, it makes possible a more thoroughgoing grasp of the nature of capitalism and the specific ways it determines the political. Hence, Rancière's analysis calls for a caution on Žižek's part. While the latter speaks of capitalism today as the transcendental, which determines the conditions of possibility of the social and political, and does so in order to refuse any facile political transcendence of the economic, Rancière points to the possibility that such an apparently radical view can itself facilitate oligarchy in obscuring its erasure of politics.

⁵⁹ See Adrian Johnston, *Žižek's Ontology: A Transcendental Materialist Theory of Subjectivity* (Evanston, Ill.: Northwestern University Press, 2008), p. 212-227. Johnston argues that Žižek's ultimate goal, toward which he doggedly and repetitively works, is to develop a fully materialist transcendental subjectivity.

By way of conclusion

Rancière's later two-fold conception of democratic action, thus, does not avoid the fact that capitalism continues to function, even when oligarchy is contested. Nor does it suppose that capitalism is distinct from politics and that the assimilative power of its logic of profit, therefore, does not bear upon the possibility of political contestation. Rather, articulating the form of a democratic political gesture, Rancière refuses the reduction of the political to the economic (or to its concomitant biopolitical sphere), while recognising that the space of the genuinely political can only exist as an edge that must be repeatedly performed anew, in an ongoing making and unmaking of both its own politics and of the policing of governance. It must remain a space liminal not only in relation to *la police* but to its own politics. It must risk returning again and again to the uncontrolled space that is the 'sea-shore'. Rancière gives to politics an edge - the possibility for effecting real change - by refusing the security of an institutionalised democratic practice, and even a formalised space of politics, in favour of constituting politics as the contestation of the founding wrongs or torsions by which society is riven, and by which certain of its "parts" are, in fact, left with no part.

Nevertheless, Žižek's critique, although it emerges from a differing solution to the contemporary politics-capitalism problem, does ring true with respect to Rancière's underlying confidence in the possibility of politics. For Rancière's practice is grounded by his confidence that there exists a specifically political founding level of torsion or wrong. In other words, even though he acknowledges that a particular political gesture may fail to achieve its properly political task of making "visible and sayable" the "wrongs" (*torts*) of society, he tends to assume that the political task has this form. He assumes that a political level exists which is for instance distinguishable from the biopolitical level of capitalism. Here, perhaps, Rancière might do well to deepen further his engagement with Foucault. As Gilles Deleuze suggests, Foucault's work "proceeded by crises".⁶⁰ That is to say, Foucault does not simply pursue a thought which must be performed anew in each new context. Neither is his practice characterised only by the invention of the modality of those performances. Rather, it is additionally marked

⁶⁰ Gilles Deleuze, *Pourparlers, 1972-1990* (Paris: Editions de Minuit, 1990), p. 142.

by a radical crisis of the possibility of a performance that would effectively engage the fundamental wrongs of our society. For this crisis is generated by Foucault's refusal to assume that the complexities of our society are anticipated by any of our analyses, in a way that fundamentally orients future thought. A significant gap remains between concept and reality, which means that we must even place in question the very possibility of those notions within our tradition most cherished by emancipator thought, notions such as freedom, equality, ethics, and politics. If we remain committed to their pursuit, the fundamental question will have to be asked as to what, if any, enduring significance these notions bear. For Foucault, we must remain radically open to unanticipated, and indeed unwelcome, discoveries about the specific order of our present and its potentially unsettling genealogies.⁶¹

If this is so however, Rancière's thought is not to be dismissed as too pure a politics. Rather, his giving to politics an edge must be intensified, becoming liminal even in respect of his own practice. That is to say, it is not that Rancière's analyses are in themselves problematic, or that their political force is false. It is rather that the ongoing task is to realise ever more consistently and radically the edge of politics which his work elaborates.

⁶¹ See Judith Butler, "What Is Critique? An Essay on Foucault's Virtue," in *The Political: Readings in Continental Philosophy* ed. David Imgram (London: Basil Blackwell, 2002), p. 212-227. Butler highlights the freedom exercised by the later Foucault in relation to key elements of his earlier work, in particular how he opened his work to the possibility that human freedom is secured only by an ordinary conception of the will.

Charles Taylor and a Hermeneutical Understanding of Meaningfulness

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Summary

Meaningfulness is generally considered essential to human life. What meaningfulness implies, however, is difficult to delineate. In this paper, we focus on the philosophy of Charles Taylor and his account of hermeneutics. We discern important components of meaningfulness: situatedness, orientatedness and articulacy are necessary to understand the world as horizontal rather than flattened. Meaningfulness is also related to our capacity to take a step back and look at our lives from a distance.

Introduction

It is not easy to articulate thoughts on the meaning of life because its significance is largely ramified into broader terms such as spirituality, atheism, or religion, having different meanings for different people. Yet most people acknowledge that there is a something in there - some meaning - that is crucial for everyday life. Without a broader sense of meaning, a nihilist turn seems all too close. In this paper we want to indicate what is decisive about meaning. We will not discuss the so-called Meaning of Life but rather explore what may contribute to making life more meaningful. It is not possible to provide ready-made formulas, but only general principles that can serve as guidance. The philosophy of Charles Taylor works with this point. We start from his ideas to articulate our phenomenological background in a way that allows us to perceive some of the key components of meaningfulness. We believe that Taylor's conception of the self and of meaning not only criticises the modern-day understanding of self and world, but also opens up the possibility for questioning meaning and identity. Furthermore, we think Taylor's hermeneutical approach is indispensable when talking

about meaning.

Most people raised in Western culture will be inclined to agree that meaningfulness in human life is essential, desirable and possible, even when no universally valid answers can be given to the question of what kind of human life is truly meaningful or valuable. It generally follows from this that in order to pursue a life that corresponds best to one's own personal tastes and preferences, as much freedom as possible should be granted. This is one of the strong points in Western thought, a heritage from the Enlightenment project. Along with it came the malaise of modern times as a consequence of a perverted focus on this personal freedom and the rise of a ubiquitous instrumental reason that overshadowed other moral options like common values and norms stemming from the belief in a good community. The maximisation of personal freedom has now become problematic and the individual is blamed for being greedy. It is an unintended outcome of the once praised ideals of the Enlightenment. These same dynamics have the profound impact of narrowing down the range of our moral understandings of the self and, by extension, the world. However, Taylor argues, modernity brings at the same time a very potent and crucial evolution in modern society. People nowadays not only have the right to live their lives the way they want, but they can also make conscious decisions based on their own judgments and convictions. Furthermore, there is an increasing drive to lay down these rights in national and international legislation. Although Taylor does not deny that modern society is in crisis, he above all sees the potential which modernity still has to offer.

In his various writings, Taylor analyses this condition, pointing out that although it is problematic, it offers moral possibilities on a more fundamental level. His works offer an extensive discussion of the historical context of the modern moral of authenticity, but they also criticise the ubiquitous and individualist liberal ideology. In *Sources of the Self*, still his main work in this regard, Taylor starts off describing an implicit moral framework from which we cannot escape. He wishes to explore this background of our moral and spiritual intuitions. This is no easy task because of "a lack of fit between what people as it were officially and consciously believe, even pride themselves on believing, on one hand, and what they need to make

sense of some of their moral reactions, on the other”¹. This gap represents a contemporary view, in which moral ontology is considered irrelevant.

It is Taylor’s claim, however, that there is a great deal of suppression of morality in modern-day society. He wants to retrieve this moral ontology and indicates that life is always already immersed in meaning: “doing without frameworks is utterly impossible for us”². Even the naturalist³ attempt to sideline these frameworks finds its starting point in a specific meaningful horizon. As such, they are not at all optional or subjective, but rather constitutive of human agency.

Morality according to Taylor is thus not only defined in terms of respect for others, as has traditionally been the case. It necessarily involves *issues of strong evaluation* that bring about a crucial set of *qualitative distinctions*. This is why Taylor, with a sense of respect for and obligation to others, incorporates two other axioms inherent in morality: our understanding of what makes a full life and notions concerned with our own dignity, our sense of ourselves. That way, morality for Taylor is linked with meaningfulness and the way we perceive ourselves, our self-understanding. It has thorough implications for the way we identify ourselves.

What concerns us most is the view that these frameworks inspire or orientate and that they have a horizontal nature. We follow Taylor when he argues that moral orientation is closely linked with our understanding of ourselves. “To know who you are is to be oriented in moral space, a space in which questions arise about what is good or bad, what is worth doing and what not, what has meaning and importance for you and what is trivial and secondary”⁴. Taylor’s answer to the question “Who am I / Who are we?” resembles the Socratic “Know thyself” in as much as it refers to the webs of strong evaluation we are always already immersed in.

Discussions of identity and self-understanding are firmly rooted in to-

¹ Charles Taylor, *Sources of the Self. The Making of Modern Identity* (Cambridge: Cambridge University Press, 1989), p. 9.

² Ibid, p. 27.

³ According to Taylor, naturalism and utilitarianism try to reject all qualitative distinctions in favour of an objectivist point of view. It should be clear that Taylor opposes to this thesis.

⁴ Ibid, p. 28.

day's hegemonic discourse, which largely ignores the depth of our embeddedness in a web of meaning. It is important therefore, to indicate how it is that a "self" is understood. We believe a hermeneutical approach is indispensable here, without making ontological claims. We concur with Taylor when he describes the condition of human existence in terms of *changing* and *becoming* rather than being. He understands life as an unfolding story: "we grasp our lives in a narrative".⁵ According to Taylor, a narrative does not merely structure our present. It presupposes understanding ourselves in an inescapable temporal structure. Indeed, this is the only way it is possible for us to know ourselves. Only through the history of our maturations and regressions, victories, and defeats can we understand ourselves. It is a structural feature of a self to see its life by means of a narrative, existing in an orientated space of meanings. Thus, the society one lives in, brings forth a specific set of meanings. As already stated, however, we think modern-day society brings about a limited conception of meanings. Marcuse's description of the *one-dimensional man* still seems to give a good account of how modern-day thought and behaviour is set in a limited web of meanings.⁶ A common picture of the self is largely based on ignoring our embeddedness in webs of narrativity. Hence, Taylor correctly suggests that from a modern discourse we cannot know the self. "To ask what a person is, in abstraction from his or her self-interpretations, is to ask a fundamentally misguided question, one to which there couldn't in principle be an answer".⁷ We agree with Taylor that the self is defined by the way the self interprets itself in a space and regards life as meaningful. It is not possible to escape the socio-cultural interpretative dimension that determines our thinking, acting and feeling.

In no way can we attain an objective account of the self, for this self is inherently bound by the interpretational space it moves in. Language then, becomes of utmost importance. And because language can exist only within a community, a self always already presupposes the other and an awareness

⁵ Ibid, p. 48.

⁶ Herbert Marcuse, *One-Dimensional Man. Studies in the Ideology of Advanced Industrial Society* (Boston: Beacon, 1964).

⁷ Charles Taylor, *Sources of the Self*, p. 34.

of common meaning. It is through others, through a common space, that a self can learn what is meaningful and what is not. To indicate that a self can never be without any reference to what surrounds it, Taylor speaks of *webs of interlocution*. The thesis of interlocution refers to the idea that the definition of an identity not only involves a personal stand on moral matters, but also a stand of the community the person lives in. To know what is meaningful is to acknowledge the shared nature of it. A self can never be without any reference to what surrounds it.

Modern-day society, however, has “developed conceptions of individualism which picture the human person as, at least potentially, finding his or her own bearings within, declaring independence from the webs of interlocution which have originally formed him/her, or at least neutralizing them”.⁸ From such a standpoint, the only way the web can be thought of is as being “at our disposal” with people conceiving themselves as able to choose from a range of frameworks. More generally, it forms part of a larger idea that implicitly presumes that it is people who assign importance to words, concepts and acts. Hence, the self has become “too large” and the world “too small”.

We believe it is here that we have to situate the experience of loss of meaning. Perceiving ourselves as detached from the web of interlocution results in an overwhelming ubiquity of the first assumption and the narrowing down or the covering up of possible meanings of the second. In the following we will articulate this web in another way, making it possible to emphasise other aspects.

Situatedness and orientatedness in the horizons

As mentioned, along with Taylor we depart from the standpoint that the world has conceptually become flattened. This refers to the world as conceived in terms of the here-and-now level of action and thought, in terms of the visible and the knowable and, in a sense, of something that is well-delineated and graspable. Taylor therefore retrieves this existing but neglected and ignored moral background, or moral horizon, as part of our *social imaginaries* that is the “largely unstructured and inarticulate under-

⁸ Ibid, p. 36.

standing of our whole situation, within which particular features of our world show up for us in the sense they have”.⁹ As he continually demonstrates, retrieving this horizon is inherently related with self-understanding and meaningfulness. Again, for the sake of meaningfulness, to know who you are means being oriented in moral space and being able to distinguish between what is relevant and what is trivial. There is a thorough mutual relation between our self-understanding and our background-understanding. They render each other possible.

Taylor emphasises the importance of the webs of interlocation as a starting point while his main discourse concerns the ethical horizon or background. From the perspective of meaningfulness we reframe this web of interlocation, not only focusing on the ethical horizon, but articulating this social embeddedness also in terms of a social horizon. Moreover, we think there is scope for considering a third horizon, which is nature. It should be understood, however, that these three horizons are thoroughly interlaced and together constitute what should be regarded as a phenomenological background. Although this three-fold distinction should rather be seen as purely theoretical, it can help to make us aware of their specific meanings and scope. Furthermore, it opens the possibility to criticise the modern naturalist discourse, which no longer conceives the ethical, social and natural elements as horizons or backgrounds. They have come to be perceived as flattened, as non-dimensional, as environments which are “out there”, at a distance beyond our reach. For individuals to find meaningfulness, however, it is more fruitful to acknowledge their “horizontal” nature and give it a place in our social imaginaries. The possibility of perceiving a horizontal aspect is linked with the possibility of experiencing situatedness and orientatedness within these environments, which is an important factor in generating meaning. Again, this is not an optional matter; we are already embedded and cannot get out of this common space. We need to be aware of our place in it, and what this place means to us. Taylor compares it with finding our way on a map; we are lost in a place if we are ignorant of the land around us, not knowing its important locations or their relation to each other. But we are

⁹ Charles Taylor, *Modern Social Imagineries* (Durham, London: Duke University Press: Public Planet Books, 2004).

also lost if we do not know how to place ourselves on that map. If we see the moral horizon, the social horizon, and the natural horizon as flat, we may be ignoring our place on that map. We will therefore focus on the potential of these frameworks to inspire and orient, without ignoring how people continuously reshape this framework.

Stating that the horizons in which we are embedded are important for meaningfulness needs some clarification. The common-sense perspective of our world as knowable and controllable, or flattened and one-dimensional, is generally accompanied by the idea that it is we who introduce meaning to the world since the world, in its objectified and disenchanting form, has no longer meaning in itself. However, once our eyes are opened to the horizontal reality of nature, the social world and the moral world will make us aware, against mainstream thinking, that meaning is not just a unilateral process. It breaks up the singularity of one-dimensionalism. The key aspect of this whole process is the change of direction: instead of supposedly being “at our disposal”, the world, through forms of inescapable horizons, can *touch* us. Being touched and touching are two sides of the same coin, in the sense that it is not just we who unilaterally relate to the world. The possibility of being touched refers to the mutuality of our relation with the world. We are not independent of the world but interrelate with it. Being touched then, means to be open towards what is outside of us. It is exactly this which Taylor means by retrieving the moral frameworks in which we are situated. A good example can be found in strong feelings about things that we feel merit respect. According to Taylor, our moral reactions spring not only from a *gut feeling*,¹⁰ but also from the implicit acknowledgment of moral claims. It is not us who claim this, it is something that escapes us. It is something we cannot obtain any objective knowledge about. In rejecting the naturalist and utilitarian point of view, Taylor criticises the possibility of an objective account of meaningfulness. Although he does not go that far, other authors such as Arnold Burms and Herman Dedijn¹¹ describe this escaping element to be crucial for meaningfulness: in order for something to be experienced

¹⁰ Charles Taylor, *Sources of the Self*, p. 7.

¹¹ Arnold Burms and Herman Dedijn, *De Rationaliteit en haar Grenzen. Kritiek en Deconstructie*. (Leuven: Leuven, Universitaire Pers, Assen: Van Gorcum, 1986).

as meaningful, a part of what makes it qualify as meaningfulness must escape our objectifying capacity.

Burms and Dedijn describe the different structures of what they call a cognitive interest and a meaningful interest. In an ideal situation, knowledge consists of an *aedequatio* between the act of knowing and the object of knowing, between consciousness and that which we want to grasp using our consciousness. By contrast, in the structure of meaningfulness this *aedequatio* is ideally never reached, the object touching us necessarily escapes our cognition, making the distance between both consciousness and the object unbridgeable. The experience of meaningfulness resides in a tense relationship between the objectively knowable and the aspects which by nature escape us. Hence, and Taylor would concur, it is impossible to understand meaningfulness in objective, cognitive terms. However, modern-day society perceives man as independent of the inescapable framework Taylor speaks of. This fosters the one-dimensionality of the contemporary western worldview. There seems to be no horizontal awareness. Society, in its form of a depersonalised institution, seems very much representable by the mind, creating the impression that we have control over ourselves and our world. As Burms and Dedijn would state it, and Taylor as well, such a view of society is based on a cognitive and objective interest and results in a detached stance.

To sense the multi-dimensional nature of reality, we need to become aware of our social situatedness. Such kind of experiences can be reinforced in different ways. In Belgium and other countries they are actively stimulated, for instance through community activities. It comes down to understanding or grasping in one way or another the larger frameworks we live in. Once we have achieved this community embeddedness it is no longer a unilateral affair but rather an experience of being touched by the things that surround us. In a subtle way, this realisation of the social horizon, this “discovery” of the social horizon, will create a feeling of belonging, of being part of, of being situated. On a modest scale, it may also start us changing our perspectives of society and its meaningfulness. In a very literal sense, the social horizon can make us aware of an additional part of reality we had not noticed before. We find that there is a more meaningful world.

Taylor provides a comparable example of this (re-)discovery¹² of the social background and its inherent meaningfulness when differentiating the respect we feel for a deceased person from things that we consider are at our disposal: the question of death or dying is always embedded in what Taylor calls an ontological discourse. These discourses attempt to articulate why we feel it is a natural thing to respect a deceased person. The concern here is not whether the narrative is true. The issue is rather that these narratives seek to conceptually underpin certain moral issues that are felt as having an ontological status. Peoples and cultures have tried to articulate this moral experience time and again, which is, needless to say, a profoundly human source of inspiration.

In this respect, Taylor emphasises yet another point: the fact that being touched by something refers to a *pre-articulate understanding*¹³ in the first place, an experience we try to articulate only afterwards. Taylor characterises this hermeneutical power with regard to the qualitative distinctions of our moral framework as follows: “They function as an orienting sense of what is important, valuable, or commanding, which emerges in our particular intuitions about how we should act, feel, and respond on different occasions, and on which we draw when we deliberate about ethical matters”.¹⁴ Articulation also is a very important aspect regarding morality and meaningfulness. According to Taylor it is through articulating that we find the sense of life: articulating our qualitative distinctions is articulating what underlies our ethical choices. In articulation we set out the point of our moral actions and explain their meaning in a fuller and richer way. The experience and articulation of the social background may result in what Taylor describes as feeling this “mode of life as incomparably higher than the others which are

¹² Burms explains being touched in terms of discovering: once we are touched, we sense a proximity of the object, but we likewise experience that it is escaping us. This is what makes up meaningfulness. The proximity Burms speaks of could be described as follows: being touched probably occurred because a person recognised implicitly that the horizontal nature of society provoked respect. Once a person (re-)discovers that he provokes respect, he can become meaningful.

¹³ This is the core of what we have been calling hermeneutics.

¹⁴ Charles Taylor, *Sources of the Self*, p. 78.

more readily available to us".¹⁵

To argue that this phenomenological background, represented in this article as ethical, social and natural horizons, can be discovered and is meaningful to us, is one thing. But the question arises: how we can know, when attempting to articulate this background, what is meaningful or makes most sense? According to Taylor, the requirements we need will not be "met if we have some theoretical language which purports to explain behaviour from the observer's standpoint but is of no use to the agent in making sense of his own thinking, feeling, and acting".¹⁶ The language in which we express ourselves has to be meaningful as well. Language in that sense is not only explanatory. Moreover, Taylor is convinced that it is the possibility to articulate that gives meaning and makes sense. What makes sense then, refers to a search for narratives and questions that give the *best account*. It would seem that Taylor here takes a rather pragmatist approach in so far as he integrates this making sense into the personal narrative as a kind of personal resonance. It has to do with arguing and establishing that one view is *better* than another. To define what better means, he evidently does not refer to a naturalist epistemology. For Taylor, the best account has nothing to do with neutralising our anthropocentric reactions. Rather, it is some kind of pragmatic reasoning on transitions. It is not related with any model of practical reasoning rooted in the epistemological tradition that constantly pushes us towards mistrust of transitions. In Taylor's pragmatic reasoning, we do not have to look for criteria or considerations that are decisive. He refers to a perspective that is defined by our moral intuitions, by which we are *touched*. The best account is connected with our being touched by something in a complex way. It has to do with seeing things as infinitely valuable.

Refusing senselessness

In Section 1 above we first emphasised the need for broader self-understanding based on a changed awareness of the world around us, a horizontal world instead of a one-dimensional world, the need to be touched

¹⁵ Ibid, p. 19.

¹⁶ Ibid, p. 57.

again and hence to become aware of our embeddedness so as to achieve a broadened view of ourselves. We are convinced that Taylor's philosophy opens up the possibility to consider this broadening. We then focused on the importance of articulating this experience, and on the question how to legitimate that these horizons make sense. We had to take a step back to allow proper reflection. Now we turn to the possibilities and constraints of taking a step back, and what this implies for meaningfulness.

As Taylor states, modern-day society has enabled us as individuals to enjoy genuine personal freedom. In addition to our embeddedness, we have our own aspirations. We wish to make particular choices that are an integral part of larger activities; we have our priorities in the broadest sense and strive towards becoming certain beings. Yet there is another peculiar characteristic that cannot be separated from meaningfulness. As Taylor indicates, it is the very possibility for people to actually *doubt* whether there is meaning to life.¹⁷ This doubt, however, does not involve a negation of meaning but rather its confirmation. On this point, we can find an answer in the works of authors such as Thomas Nagel. He provides a more in-depth elucidation of the possibility of regarding as arbitrary everything that we take seriously, and makes pertinent suggestions on how to cope with this internal mechanism of creating absurdity or meaninglessness. The point, he says, is not to eradicate the factors that provoke meaninglessness but to decrease their legitimating quality to more modest proportions.

So, what then could be absurdity or meaninglessness? According to Nagel, it is the fact that we are faced with two inescapable and mutually conflicting points of view, one from within and another from without. As mentioned before, people have the particularity of taking their own life quite seriously, whether or not this is justified, and putting enormous amounts of time and energy into the important and irrelevant alike, which range from self-knowledge enhancement, emotional honesty, reflection on family ties and other relationships, to haircuts, clothing, and football. Yet, next to this, humans have that "special capacity to step back and survey themselves"¹⁸

¹⁷ Ibid, p. 16.

¹⁸ Thomas Nagel, *Mortal Questions* (Cambridge Cambridge University Press, 1979), p. 15.

and to become spectators of their own lives, seeing themselves as one of countless possible forms of life. For Nagel, however, it is not the fact that we are capable of this that makes life absurd but the fact that we do so while continuing to take our concerns seriously. This detachment, which undermines our commitment without actually destroying it, makes us feel divided. The sense of absurdity or division is a consequence of this collision within our selves, not of any collision between our expectations and the world. But, as Nagel argues, since it is a collision within ourselves, there may also be a possibility to adjust it, albeit not to overcome it. We have to know where to stop objectifying. To stop objectifying could be understood as trying to leave behind altogether the objective view, which requires justifications. Yet, this is not feasible. We just cannot do so, for in observing we never take a new vantage point that allows us to discern the significant; quite the contrary, the detached view is an essential part of the self, situated within a phenomenological horizon.

This stance evokes a parallel with Taylor. Both authors, influenced by Heidegger, know that an objectifying stance cannot lead to a God's-eye view, or total abstraction of the context. This is precisely what Taylor criticises in naturalist and utilitarian discourse. Objectification of our own life and life in general may run the risk of leaving value behind altogether and bordering on indifference with regard to our own life and that of others, or nihilism. This is why Taylor argues it is so important to acknowledge the framework we are embedded in. It is only in this way, he argues, that life's phenomena can retain their specific value.

Hence, in suggesting that we have to know where to stop, Nagel, following Williams, refers to giving this outer perspective less importance, for we can wonder if it makes sense at all to seek justifications outside our own life. We can put this view in proportion by starting and ending in the middle of things.¹⁹ Nagel might be right when claiming that the internal view should resist "the reduction to a subjective interpretation of its contents which the external view tries to force on it".²⁰ Both have merit and should be put into balance. Hence, this possibility to create senselessness and our

¹⁹ Thomas Nagel, *The View From Nowhere* (Oxford University Press, 1989), p. 214.

²⁰ Thomas Nagel, *Ibid*, p. 218.

determination to refuse its outcome in its larger form should be seen as important components of meaningfulness and self-understanding.

This possibility to objectify to a certain extent our own lives while likewise being in it also has implications for a renewed awareness of our phenomenological background, which we have articulated and made graspable in this article in the form of horizons such as the natural horizon, the social, cultural and historical horizon, and the ethical horizon. This inherent dividedness along inner and outer lines reveals that we are not obliged to follow the detached view (as one part of ourselves) making the world one-dimensional and our relations unilateral. We do not have to take this outer view and its justification to be the one and only right and legitimate answer. Instead, we can seriously consider our subjective experience of being touched, our inner view that is disclosing a multi-dimensionality, a depth in nature and in our social environment. As Taylor also states, much that is of value can be understood only from an internal perspective. We have to understand this as well when taking the external perspective.

V. THE UNEVEN PATH OF RUSSIAN SPIRITUALITY

THE PHILOSOPHER OF “THE SILVER CENTURY”: 155TH ANNIVERSARY OF VLADIMIR SOLOVYOV (1853 - 1900)

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Vladimir Solovyov discerns three types of Being: phenomena, the world of ideas, and the absolute. Three basic kinds of cognition are hence discerned in his gnoseologic system: empiric, reasonable, and mystic. The ontologism of Solovyov’s philosophy shows the essential task of cognition, which consists in transferring the centre of the human being from his nature to the absolutely transcendental world, thus connecting it internally to true Being. The mystic or religious experience plays a particular role in this transfer.

Solovyov will have it that the bases of true cognition contain the mystic or the religious perception which gives our logical thinking its incontestable sense, and our experience the meaning of incontestable truth. The fact of faith is more essential and more immediate than scientific knowledge or philosophical debates. The experience of faith can and should always be submitted to the judgment of critical and philosophical reason. Philosophical is the mind which is never contented even with the strongest belief in truth; it perceives only the incontestable truth which answers all the questions of thinking.

The recognition of the exclusive meaning of philosophical (metaphysical) cognition has always been characteristic of Solovyov. Still in his uncompleted treatise *Sofia* (started in French in 1876 and translated in Rus-

sian 120 years later) he wrote that one of the most important and distinguishing characteristics of the human among live beings is the striving for truth and the aspiration for metaphysical knowledge. We could consider as abnormal those who lack this aspiration. Therefore the destiny of philosophy is inseparably linked to the destiny of the human race; philosophy is one of the human race's achievements. Vladimir Solovyov insists on the impossibility of becoming a personality out of the striving for absolute truth and that a cognitive subject who does not follow the way of the philosophical (metaphysical) ascent towards truth is nobody!

Solovyov considers the problems of morals in many of his works but he presents it most systematically in *Justification of Good* (1894 - 1899). The original faith of Solovyov in the absolute meaning of moral norms is "Good determines my choice in its favor of the entire eternity of positive content". In the unity of Goodness, Truth, and Beauty it becomes the basis for rationalizing morals and it also acquires its philosophical substantiation or justification. The philosopher distinguishes three types of moral attitude or feeling: the feelings of shame, pity, and veneration. Shame proves the over-natural status of the human being: "The human being can not be equal to the animal; the human being is always situated over it or under it..."; pity means solidarity with live beings; veneration means voluntary submission to the supreme, divine origin. All the other moral qualities in the *Justification of Good* are only different forms of the manifestation of basic origins. In determining the moral sense of love as the founding commandment of Christianity, Solovyov confirms that the commandment of love is not connected to any specific virtue but is the accomplished expression of all the basic requirements of virtue.

The aesthetic views of Vladimir Solovyov are an inherent part of his metaphysics, and they are determined to a high extent by the idea of the God-human transformation of reality. Art has to become a real force for enlightening and rebirth of the entire human world. Solovyov confirms the reality of the aesthetic origin already in the natural cosmic process in his article "Beauty in Nature" (1889) taking for an epigraph Dostoyevsky's thought "Beauty will save the world"; he writes there about the complex and great body of our universe. The aim of art is not the repetition but the con-

tinuation of that act of art started by nature. Solovyov determines the high theological task of the artist as an act of communication with the Supreme World through internal artistic activity.

Vladimir Solovyov carries deep inside a combination of irreconcilable contradictions which have equally impressed his contemporaries as well as his adherents. His idea-mate E. Radlov has good reasons to share that this is inherent to every talented person: while it's possible to bring the average human type under certain categories, it's difficult to describe a gifted person with the abstract categories of reflection so we have to apply in transforming them in the way to be able to understand this person.¹ His first biographer and researcher continues with the reflection that different writers could work out some very contradictory principles on the bases of his doctrine, and this makes him similar to Socrates. Indeed, haven't some people seen in Solovyov the Catholic theologian while others thought he was truly Orthodox? Haven't some seen in Solovyov a mystic while others took him for a rationalist? For some Solovyov the politician was a renegade of true Russian origin while others thought he was a representative of true Russian spirit. Some see in him the liberal while others directly state he was conservative. And finally, some try to see in Solovyov a decadent poet while others see a champion of art for art's sake.²

Vladimir Solovyov attached considerable importance to the fact that people live hard because they don't distinguish the big from the small. People easily distinguish the Creator from the creation, the supreme from the ignoble, the eternal from the limited in time, but can hardly tell their place among these limits, and the hardest of things is to find this place. One can be and has to be able to see the separation but also to unite what has been separated. But man doesn't see the true: he prefers not to unite but to dis-unite even what has been united. Men suffer and wonder why they suffer: they look for the reason of this suffering everywhere but in themselves.

The philosopher has made explicit enough his vision on the world and the universe as he constantly applied a three-part scheme: God is eternal, the

¹ Радлов, Э., *Вл. С., Соловьев., Биографический очерк*, в: *Собр. соч. В.С. Соловьева*, IX, СПб., 1907, с. XVII, XVIII and following.

² *Ibid.*, p. XVIII.

material is limited, the human being is endless: he exists as well after death as before birth.³ Solovyov does not prove it: for him this is an axiom, a dogma of belief. That's why he is the first Russian philosopher of his time who himself believed and endured and who didn't just search in other people's experience and belief. He applied various classifications in order to express the main point, and these three principles are alive and intermittent at every classification as they influence the human being. God is unconditional and supreme, but this is a supremacy Who not only contemplates humans from above but who also calls them to Him and who descends over them. This is the human's basic Godly origin which makes humans more than humans. According to the principle of symmetry, the natural and the material turn humans into less than humans.⁴

Humans are not indifferent to God and to the "natural" elements all the same: these principles work on humans all the time. It's maybe not very nice to be indifferent and passive towards Eternity but most people feel differently anyway at the thought that God exists. The faith is weak, superstitions predominate: believing that we are not indifferent to the material world is symptomatic and it does not impose big requirements on humans. But Vladimir Solovyov does. God is not simply God: God is an *ideal*, a task for humans, while the matter is *the means* to accomplishing this task.⁵ Man becomes a creator when he uses the material means for achieving the Divine ideal: "The endlessness of the human soul revealed through Christ is able to fit in itself the entire endlessness of the Divinity: this idea is the greatest Good, the greatest Truth, and the greatest Beauty".⁶ If matter is limited and God is eternal then the matter changes and develops accidentally so that the human being is unlimited and even more: he has been called to transform what is limited and give it sense as well as to unite it with the unlimited. In other words, the thesis, the antithesis, and the synthesis of Vladimir So-

³ Соловьев, В. С., *Чтения о Богочеловечестве*, III, 1877, p. 128. All further references (unless others have been suggested) are after: Соловьев, В. С., *Собрание сочинений в X томах. Edition «Жизнь с Богом»*, Bruxelles, 1960.

⁴ Соловьев, В. С., *Письма*, p. 98.

⁵ The Divine origin requires another for its realization: this Other was given in the natural field also called material Being. Соловьев, В. С., *Письма*, II, p. 98.

⁶ Соловьев, В. С., *Чтения*, p. 202.

lovyov would look like this: God is constant, matter changes and develops accidentally, so when it changes and develops in the right way the human being is not an animal (the human kind by itself) but a Man (God-manhood). If the Divinity in itself is absolutely constant then the God-manhood develops in the right way; it grows not only externally by volume but also in its inner completeness and the perfection of its manifestations.⁷

Man is capable of perfection and to lead the material world to perfection. Every earthly material thing is earth-born: the fear Solovyov describes this limitation with is similar to the existential philosophers taking the tragic sense of life as a departure point of thinking:

The essential illusion of every natural life consists in destroying the other's existence without being able to preserve its own, ... in eating up its past and being eaten by its future, and so it represents an endless transition from one worthlessness to another. We find the explicit expression of this property in the constant change of the generations of live beings. The old generation, representatives of the past according to the law of nature give their lives to the new generation entirely, who are equally unable to preserve it in themselves but are only pushed away by the new generation by becoming actual, and so on to eternity. Such an endless transmission of Death under the appearance of life is obviously an illusory existence, and the endlessness of this process is an evil endlessness.⁸

Evil then is endlessness, the termination which eternally reproduces itself. This is a moment between the past and the future denying both the past and the future and pretending to be called Life.

Many of Solovyov's adherents as well as opponents take exactly the present as a mainstay opposing the non-existing fictions: to those existing only in the minds of the "actual" and of the "future" human. The point is about the extreme past and the extreme future: about such understanding of the future and the past which sacrifices the present. In this case it's possible

⁷ Соловьев, В. С., *История и будущность теократии*, IV, p. 332.

⁸ *Ibid.*, p. 258.

to murder the one who presently lives in order not to break the legacy of the past and to live a better life in the future. The present is existential to Solovyov which is why it's been lived as self-significant, free of the hegemony of the past and the future and so is integrated with them.

The life is real which preserves the past in its present without depriving itself of its future restoring itself and its past through its future. The life is real and really eternal when the initial (the beginning, the past) is neither deprived nor substituted by its "other" (the continuation, the present), and the "third" (the end, the future) is only the perfect union of the initial and the "other".⁹

The trinity form of assuming time by the human reminds Solovyov about the Christian assumption of God: The Father is the past, The Son is the present, and The Holy Ghost is the future. These three dimensions are united and non-contradictory only in God: the future is *given* in Him while it is always *just a matter of aspiration*.¹⁰ In this sense, it would be possible to transform the trinity "future-past-present" into "eternal-earthborn-endless". The matter, the object, the present are earthborn having an inner goal which achievement would mean either death or repetition at best. The human is endless because he is able to turn the earthborn into a part of the achievement of a goal beyond which a new supreme goal is in sight. The endless human soul exists.¹¹

The term God-manhood, which Solovyov often uses, seems Christian at first sight but neither *The Holy Bible* nor the work of the great Christian philosophers contains this term. To Solovyov God-manhood means perfect manhood. Manhood in contrast with God-manhood is a contrast between the human and the animal; the matter and the object opposed to the Spirit, the past aspiring to swallow both the present and the future.

God is super-human. Solovyov uses this term before Nietzsche: the super-human is Godlike. What Nietzsche calls super-human is rather God-

⁹ Соловьев, В. С., *История и будущность теократии*, p. 258.

¹⁰ Соловьев, В. С., *Собр. соч.*, XI, p. 314.

¹¹ Соловьев, В. С., *Чтения*, p. 204.

manhood. The material world is inhuman. The inhuman material predominates in the human himself. All the things we are able to describe in humans and which humans are so proud of - physical qualities, intelligence, knowledge, career, and so on - are only superficial and material occasions.

It is a disadvantage that Solovyov uses his image about God to prove that the human is unique. We can take it as a feebleness of Solovyov's humanism that nothing in it proves that the human is unique. In 1898, Vladimir Solovyov wrote with affection about the accomplished non-religious apologist of manhood, August Comte as his adherent in his fight against the inhuman in the God-manhood's body of the Church:

When some authorized representatives of Christianity concentrate their attention on the fact that our religion is first a God-manhood's religion, and that manhood is not an annex but an essential which forms half of God-manhood, they dare to exclude something inhuman from their historic Pantheon fallen accidentally there through the centuries, and to introduce something more human.¹²

Vladimir Solovyov preferred to systematize everything existing according to the Trinity "truth-good-beauty". God is truth and creation is good and comprehensible. Not only is the human beautiful but only he can make the material world beautiful.

The Cosmic Mind [creates] the complex and wonderful body of our Universe. This creation is a process aiming at two goals strongly bound together: a General goal and a Specific goal. The General goal is the incarnation of the Real goal, i.e. of the Life light into the various forms of natural beauty; the Specific goal is the creation of the Human being, i.e. of the form which represents along with the most physical beauty the highest inner potential of Light and of Life called self-conscience.¹³

What's inhuman in human history is often a general good in the form

¹² Соловьев, В. С., *Идея человечества у А. Конта*, IX, p. 193.

¹³ Соловьев, В. С., *Красота в природе*, V, p. 73.

of law, order, or security. But it is an extreme anyway: it is neither human beauty nor truth of God.

There are many Trinity-classifications possible but one would hardly prefer an outside classification. What makes Solovyov attractive in this regard is the fact that every analyses or typology he makes inspires us to creation. "Creation" becomes one of the characteristics of Nikolay Berdyaev belonging to the next generation of philosophers who write about creation much more and with a stronger energy than Solovyov does. But Vladimir Solovyov is the first in this regard, applying it with much more variation with his enlightened and optimistic view of human beings. He sometimes even legislates: "The human being exists in dignity when he makes his life and his deeds answer the moral law and directs them to incontestably moral goals".¹⁴

Generally speaking, the philosophical and theological views of Solovyov are the following: the entire world is plunged in evil, sin, and death. It rules the Earth since before the fall of Adam and Eve. The universe is a whole live organism. The Universal Soul eternally existing in God is the source of the universe and the centre of Life. It is free so it can chose either to submit to the all-unity of God's world and become a part of it or to withdraw from this all-unity and to exist by itself. The Universal Soul has chosen the second option through a pre-universal and irrational act. In this way it falls out of God's all-unity and materializes in forms of time, space, and mechanic causality because they are the only ones it can exist through outside of God. But the nostalgia for reunification with Divine all-unity has been kept in the universe which was separated from God. The attempt of its returning lies at the bases of the universal process. This process in nature goes subconsciously. Humankind has come to a level of development high enough for it to take completely conscious part in the ongoing process. Christ has come over the sinful segmentation and tearing of the world. Being absolutely sinless, He won victory over death in the Resurrection. The meaning and the contents of human history after Christ consists in spreading the news of His individual victory over sin and death and in the universe: mankind aspires to universal theocracy and to a complete realization of God

¹⁴ Соловьев, В. С., *Национальный вопрос в России*, V, p. 3.

in the universe. This vision of God and of the universe as the source and goal of every being has been in Vladimir Solovyov since his earliest works. He describes his intellectual and spiritual efforts as the “general purpose of Christian philosophy” aspiring to fit the eternal contents of Christianity into a new and reasonably incontestable form. The philosopher thought that Russia and the Slavonic world should be the natural centre and reference point for a universal theocracy and insisted that it is the exact place where spiritual, cultural, social, and political life have to be devoted to the Spirit of Christ.

It’s obvious that from Solovyov’s point of view the moral goals belonging to the field of law are too conditional. Solovyov has in mind the morals not as a style of a decent life in an indecent world but the morals as the creative task of mankind, the achievement of which the future of the universe depends:

The moral status of the mankind as well as of all spiritual beings does not depend on their being here on the Earth or not but on the contrary: the very situation of the Earth and its approach towards the invisible world is determined by the moral status of the spiritual beings.¹⁵

The understanding of a philosopher of creation is less directed to the process of creation than it is towards the creation of new realities in different spheres of life. Creation for Solovyov is the overcoming of the impossible. “Substance has become ossified and has turned into opacity”,¹⁶ meaning that the world is darkness, the world is inertness. Who would be longing and grieving that “two objects, two parts of everything would not be able to occupy the same position and that one object or one part of everything would not be able to be at two different places at the same time?”¹⁷ Solovyov grieves strongly about space being a nightmarish obstacle to be everywhere at the same time and everything to be united in everything.

Time is for the philosopher another form of non-freedom. “Two inner

¹⁵ Соловьев, В. С., *Третья речь в память Достоевского*, III, p. 223.

¹⁶ Соловьев, В. С., *Собр. соч.*, V, p. 46.

¹⁷ Соловьев, В. С., *Собр. соч.*, XI, p. 295.

states of the subject (in modern terminology, states of mind) not to be able to coincide at a specific moment, the specific state of mind not to be able to subsist as actual equality during two different moments of existence”.¹⁸ The subject struggles against the “more or less oppressing nightmare of the outside reality endlessly spread and impenetrable”.¹⁹ Non-freedom is a final impossibility for anything to happen without a reason, “just like this”. Other people would be glad if they found the explanation, the reason for their excitement but this is not what Solovyov wants: “Not even one act or phenomenon happens at random or by itself but they are completely determined by another act or phenomenon, which is the result of a third one, etc”.²⁰

Most people conceive space as a way for moving from one point to another. Time is respectively an option for change, and causality is an option for making choices among the multitude of impulses of the one which we are keen on. Vladimir Solovyov does not accept such freedom: this is a freedom to choose among a limited set of choices: the only aim of such freedom is to support human egoism. And not only: There are three laws reflecting only the general aspiration for the fragmentation and decomposition of the universal body, for its deprivation of whatever inner relation could hold them and for the deprivation of its parts of every part of solidarity. This effort, or tendency, is the very self of the non-Divine nature, of chaos.²¹

So, the opacity of space is the main reason for the disunity among people, everyone strengthening their positions on the other’s account. The opacity of time is the reason for cycles of generations striving to usurp history. The opacity of being is slavery under the chain of causes and effects turning life into a vain rebellion or a deplorable resignation. “The endless fragmentation of the material parts in space when the human race is concerned manifests itself in a vague and anarchistic multitude of co-existing individuals; the never-ending fragmentation of moments in time corresponds to the undetermined change of the generations disputing the present among themselves and taking over one-another; finally the material mechanism of

¹⁸ Ibid.

¹⁹ Соловьев, В. С., *Разбор книги кн. Сергея Трубецкого*, V, p. 297.

²⁰ Соловьев, В. С., *Собр. соч.*, XI, p. 295.

²¹ Ibid.

the physical world passes for the humans under the form of a heteronomy or fatality of the destiny subjugating the human will to the force of objects and things as well as temporary circumstances.²²

Like August Comte and Karl Marx, Vladimir Solovyov conceived the meaning of science in changing society and not so much in explaining it. But as far as he aspired for change in the sphere of mind rather than in economic or material spheres, he chose the tools accordingly.

We are all still children and this is why we need the advice of the outside religion. We are for positive religion and Church in possession not only of the origin and of the image of Resurrection and of the future Realm of God: we are also in possession of the true (the practical) way and of the true means to the achievement of this goal. This is why our actions have to be of a religious character rather than of a scientific one and it has to lean on believers rather than intellectuals.²³

Solovyov built his scientific approach in a religious way and he assigned himself in confession the following task:

Idea and Fact, Utopia and Reality are only relative terms constantly transgressing into one-another. If we have to neglect some utopias it's not just because they are utopias ... every ideal can be called utopia before it comes to its realization. But society representing a mobile existence can adopt something tomorrow which it has not adopted today ... We could certainly say that utopias and utopists have always directed the manhood and the so-called practical people have always been their unconscious tools.²⁴

The Victorians in religion were Victorians also in science: it was their tool to progress, their will to change the world. A science locked in a cabinet is to Solovyov vague and lifeless: an egoistic start to narrow minded charac-

²² Соловьев, В. С., *Собр. соч.*, XI, p. 312.

²³ Соловьев, В. С., *Собрание сочинений. Письма и приложения*. Edition „Жизнь с Богом”, II, Bruxelles, 1970, p. 347.

²⁴ Соловьев, В. С., *Критика отвлеченных начал*, II, p. 119.

ters. Only the harmonious syntheses between the religious, the philosophical and the experimental scientific knowledge is the normal condition of our mental life.²⁵

A science limited to studying nature, to formulating its laws and to manipulating them is a way of overpowering nature, it is a thus profanation against true science. Solovyov proposes that as we make new discoveries about nature we should behave towards her as a live body and not like an inert object. Positivistic science stands against science which knows the Supreme, knows blessing, and knows meaning - much as the Towers of Babylon stood against Creation in the field of beauty, and the scribes and Pharisees against the blessing of Christ.

Vladimir Solovyov divides all qualities related to humanity into: intelligence, will, and feeling. He classifies the fruits of humanity as: truth, good, and beauty. This is a conditional division: some of the before-said predominate in every human being; with Solovyov it certainly was the feature of intelligence. By his time, it was already becoming fashionable for "intelligent" men to be un-religious. But he himself was a religious philosopher and a mystic at the same time. Little was necessary in a time of industrialized state religion for someone to be called a mystic. It was (and is still) enough that you only pray sporadically even though in church. Did Solovyov pray? Scholars do not have any conclusive answer to this question: it is possible that he did but not by following the canonical prescriptions regarding observation. It is known that he had visions, the credibility of which he never once doubted.

Sofia is before all a character to Solovyov with whom he had talks; only later does she become a theological and philosophical notion. Solovyov doesn't look though these like the sofialogists of the next generation (Florensky, Bulgakov) or like the American admirers of the goddess Sofia in feminist circles. Solovyov is closer to those people of the past, and even today, who don't go to church and who don't imitate the clerics but who live through the Divine in the manner of their work and creative endeavors. Most of the mystics usually ignore the church; the characteristic of those representing should be fighting for its renewal. Solovyov's idea about a

²⁵ Ibid., p. 13.

United Universal Church not as an institution but a God-manhood, as will be discussed.

* * *

Vladimir Solovyov became a Christian after a juvenile period of atheism, materialism, and belief in the exclusivity of science. However, his new belief did not liquidate his previous enthusiasm; instead, it combined with them. He made a declaration of his demonstratively confessional life-schedule in a letter to E. Romanova in 1873:

What would be the reason ... for the contemporary mind to lose touch with Christianity ... Although unconditionally true in itself, Christianity has been quite unilaterally and insufficiently expressed ... For most people Christianity was just a common half-realized belief and a vague feeling which didn't talk to reason and didn't get into reason. This is the reason why it was locked in an ill-assorted irrational form and blocked with all kind of waste. If human reason has grown up in freedom out of the medieval monasteries it has the full rights to stand against such Christianity and reject it. But today, when the false form of Christianity has been destroyed, time has come to re-establish the true one. The task at hand is to introduce the eternal content of Christianity in a new, corresponding, i.e. reasonably unconditional form. We need to use for the purpose all that has been created by the human intellect during the last centuries; we need to adopt the general results of scientific development; we need to learn ... all the great developments of Western philosophy and science [which] look indifferent and often hostile to Christianity but which have indeed only made a new form fitting its merits.²⁶

Vladimir Solovyov has put the aim to introduce the eternal content of Christianity into a new and reasonable form on the bases of his entire activity.

The preaching of the Testament all around the World ... cannot be limited to such an outside action like spreading the

²⁶ Соловьев, В. С., *Собр. соч.*, III, p. 88-89.

Holy Bible or the prayer books among the black or the Papuans. It is only a means to the real goal which is to put the manhood before the choice to accept the Truth or to reject it, to recognize it when it is correctly formulated and well intelligible. It is about removing not only the material ignorance of a past revelation but also the formal ignorance about eternal truths, i.e. about the elimination of every intellectual delusion being actually an obstacle to people's correct understanding of the truth we have discovered ... It is about a general recognition of Christian philosophy which the preaching of the Testament cannot be realized without.²⁷

Solovyov uses the notion of *religion* where *belief* was used centuries ago: a personal experience and a personal effort made in communicating with God, a "live state having its roots deep down the spirit".²⁸ The most important issue at his time was not the contrast between formal religion (what Solovyov calls "blind belief" or "traditional authority") and personal belief but the opposition between religion and science, belief and disbelief.

Vladimir Solovyov was introduced to philosophy and literature at the time when Russian society was governed by two ideas: the movement of the Slavophiles and that of the positivists. The former was beginning to wane while the latter was attracting more attention, particularly from the young who moved the centre of discussions from religious grounds to political and historical bases. Solovyov shared the basic ideas of the traditionalists and he remained steady and demanding of it while submitting the younger schools to severe criticism.²⁹

The central Slavonic idea³⁰ to the history of Russian philosophy is to

²⁷ Соловьёв, В. С., *Собр. соч.*, IV, p. 220-221.

²⁸ Соловьёв, В. С., *Вера, разум и опыт*. „Гражданин”, 1877, декабрь.

²⁹ Радлов, Э., *Вл. С. Соловьёв., Биографический очерк*, p. V-VI.

³⁰ The Slavophilism appeared as an ideological movement in Russia in the 30-ies of the XIX century. The lead was taken by Ivan Kireevski (1806-1856), the brothers Konstantin (1817-1860) and Ivan (1823-1886) Aksakov, and Aleksey Homyakov (1804-1860). The Slavophiles found the destination and the mission of the Slavs in the European culture and the European social and spiritual life based on the history of the philosophy of Hegel and on the interest of Herder for the Slav peoples.

build a complete vision of the world on the bases of the clerical-religious self-conscience, just as in the Orthodox canon. Orthodoxy comprises another understanding of Christianity compared to that of the West regarding cultural development generally and this has given rise to vastly different outlook in the Russian mentality on history and meaning in life.

I would in general underline the following ideas of the Slavophiles to which Vladimir Solovyov demonstrates a critical approach and which he gradually reevaluates in his philosophical anthropology. The Slavophiles find in the Orthodoxy the eternal image of the spiritual entity and harmony of the inner strength of man. It leads to their critical approach to the West as a tragic world deprived of spirituality. The views of the Slavophiles on human personality are essential for penetrating into the doctrine of Solovyov. From a theoretical point of view the Slavophiles were adherents of the freedom of personality in life: they stood for the spiritual entity against the fragmentation of what they saw around them as a loss of humanity's spiritual component. The second fundamental idea of the Slavophiles belongs to the sphere of social philosophy and the philosophy of history. Solovyov continued his evaluations of the Orthodox spirit and the task which the Church had missed to unify (*sobornost*) atomized manhood and to rebuild the spiritual and intellectual hierarchy of values. An important field was open to Solovyov to rationalize and discover its measures in practice.

The decline of the inner creative productivity of the European soul is the following characteristic Solovyov adopted from the Slavophiles more specifically with regards to positivism as a theoretical system born in the West. Russian intellectuals (philosophers, historians, writers, politics and representatives of the spiritual elite since the middle of the nineteenth century on) saw very clearly the capacities of the purely technical progress in Europe and they felt at the same time the progressing destruction of the creative spirit; they saw in depth its spiritual sterility and the crises of its soul. These problems, the crises of values of the European mind and society, were also at the centre of the so-called Western philosophical schools. According to Alexander Herten, the ascertainment of moral collapse and the general frustrations of Western society were followed by the belief in the spiritual potential of Russia.

As regards the views of Vladimir Solovyov on Slavophiles, it is neces-

sary to specify that the philosopher didn't conceive it in its narrow sense only as an elevating socio-cultural idea about Russia and the West but he also introduced different approaches in his evaluations and his attitude is quite differentiated. If we adopt the terminology of A.F. Kony, who discerns at least three stages in Slavophilism, it would be possible to define the attitude of Solovyov in its depth. During the first historical stage of the Slavonic movement and ideas, Solovyov gives expression to critical evaluations and his attitude is negative although he recognizes being close to them. A phase of sharpened criticism of the philosopher follows during the second stage of the movement when Solovyov accuses the Slavophiles of being idolaters of the Russian people instead of being followers of the doctrine of the God's Justice incarnated by the Russians. During the third development phase of the Slavophilism the ideas of Solovyov finally come to the brake up with the movement: his evaluations concerning the scriptures of his contemporary Slavophiles sound quite severe.³¹ The views of Vladimir Solovyov on the entire Western system of philosophy are a necessary historical stage of the development of human thinking and are his own assessment and not the ones of the Slavophiles. This position already appears in *Lectures about God-manhood* (1877-1881). The historic-philosophical orientation of Solovyov from this and other of his early critical writings like *Criticism of Vague Grounds, The Crises of Western Philosophy* (1874) is also as far away from the Slavophiles as from the Westerns. Vladimir Solovyov created his own philosophical symbolism which was not compatible with the positivistic-nationalist or with the anti-nationalist methodology of thinking.³² This gave him the opportunity to avoid the unilateral attitude and to adopt the position of the entity of the human knowledge. If we observe with the Slavophiles the beginnings or the "hints" at different levels of a completed philosophical synthesis but not of a steady philosophical system regarding the entire knowledge or the existence, Solovyov created a completely finished system of this knowledge.

³¹ Кони, А. Ф., *Очерки и воспоминания*. СПб., 1906, с. 212-215. Quotation after А. Лосев. *Вл. Соловьев и его время*. М., 1990, p. 298 and following.

³² А. Лосев, quotation of work, page 134, and follows: Н. О. Лосский, *История русской философии*. М., 1991, p. 73-92.

The historiosophical strivings of Solovyov motivated him to develop specific political problems in his treatise *The Great Discussion and Christian Politics* (1883-1887) and also in his research *National Problems in Russia* (1883-1891). We must keep in mind that the Russian censure on spiritual matters took offense at Solovyov's loyal attitude toward Catholicism and expressly forbade him to touch to ecclesiastic matters.

The main subject of research in Solovyov's basic treatises is the moral-metaphysical grounds of true existence in harmony with God: *The Meaning of Love* (1892-1894) and *Justification of Good* (1894-1899). His doctrine of the all-unity and of the undivided knowledge is exposed there after having found its creative reproduction in the doctrine of the Universal Soul - Sofia. Solovyov's artistic insight regarding the truth about the Universe, i.e. about the religious revelation is the focal point of Solovyov's aesthetic doctrine. At the end of his life in a new period full of revolutionary spirit he obviously had the misgiving about his principally optimistic view of life. He had the misgiving of the great social collision which found its reflection in his dramatic dialogues *Three Talks about The War, The Progress and The End of the Global History, A Short Novel about the Antichrist* (1899-1900), and in his late essays in the research *The Drama of Plato's Life* (1898).

Vladimir Solovyov came gradually to the persuasion of the high level of discrepancy between Russian reality and his spiritual demands. He was disappointed with the Russian Orthodox Church which missed the opportunity to help the civil state by prophetic exhortations because of its speechless subordination to civil power; so he adopted a new attitude toward the "Roman foundation" which he had previously accused. The Rome of the time of Popes Pius IX and Leo XIII gave an example of energy and inflexibility. The Church which was at first sight deprived of power stood against "the delusions of our time" enumerated in *The Syllabus* by Pope Pius IX³³ against the claims of the secularization of the states. In Vladimir Solovyov's project Russia was a theocracy which all his thoughts and dreams have been dedicated to. According to his views the Emperor-holder of the supreme

³³ *Syllabus Errorium*, the Apostolic Constitution stated by Pope Pius IX (8 December 1864) specifying the mistakes of Modernism and Liberalism.

civil power had to bow to the supreme representative of spiritual power: at the successor of Peter to the Roman throne. Solovyov saw himself as a representative of the third guiding estate in that theocracy composed of prophets whose task was to show the manhood the way of the future. According to the philosopher he is the first to accomplish what had to be accomplished by the Russian people and its emperor: as a member of the Eastern Orthodox Church to recognize the first successor of Peter supreme judge on matters of belief and Church reunification. The calls of Vladimir Solovyov were sympathetic to both the Roman Pope and to the Russian Emperor, to all the peoples of Western Europe and to the entire Slavonic community: he demands from the entire Christian world the realization of a global theocracy.

The problem of man is the focal point in the philosophical system of Vladimir Solovyov. The awareness of the questions: who is man, where did he come from, where is he going and what is he destined for are related to the spiritual crises of the European mind and with the dangers threatening the “supreme creation”. In the second half of the nineteenth century a line of remarkable intellectuals introduced the principle of tragedy into European culture: Fyodor Dostoyevsky, Friedrich Nietzsche, and Soren Kirkegaard. Nevertheless, according to the observations of Nikolay Berdyaev, and of Max Scheller before him, a complete anthropology was not created.³⁴ In his late writing *Man and History*, Scheller substantiated his philosophical doctrine on man as the solution of creating a philosophical anthropology: a science about human nature. This would be a science studying the main tendencies and laws of the biological, psychic, spiritual-historical and social development.³⁵

When we stay in front of the enigma of man it is necessary to specify that man is divorced from the natural world and that he cannot be explained by the natural world.³⁶ Man is a great miracle: he is, in the words of Picco della Mirandola, the link between the skies and the Earth; man is a great miracle because he overpowers and outclasses the natural world by his rea-

³⁴ Бердяев, Н., *Проблема человека (К построению христианской антропологии)*. Изд.: “Вехи”, 2000, first published in “Путь”, 1936, № 50; Scheller, M. *Mensch und Geschichte*, (Zürich, 1929).

³⁵ Scheller, M., *Mensch und Geschichte*, p. 7-8.

³⁶ Бердяев, Н., quotation of work, page 2 and following.

son - a rational animal according to Aristotle.

Vladimir Solovyov applied his ideas of the Universal Soul to one of the leading representatives of Neo-Platonism, Plotinus.³⁷ The dialectical trinity of unity, mind, and soul was in the centre of Plotinus's philosophy. The positive moment Solovyov adopted from the philosophical system of Plotinus is the dialectical interpretation of separate categories and the image of the general relation between phenomena. The variety in the universe is to Plotinus a specific book where we read the worldwide connection of the plurality within the unity. Solovyov introduced the category "positive all-unity" in the spirit of the Neo-Platonic tradition. Dialectic is to both Plotinus and Solovyov a knowledge given in opposite notions: in dialectic of notions through which the unity was re-created and vivified. Both Plotinus and Solovyov approach dialectic as an art of categorical rationalization of absolute first unity. Besides, the dialectic in their philosophy is a notional self-substantiation of the first-unity, i.e. every category is by necessity deduced from the previous one.

What is manhood as an organized entity? What are Solovyov's grounds for seeing history as a continuous process heading to a specific goal? I would answer these questions through the analyses of the transformation Solovyov makes of the idea of the Universal Will in the matter of history. Although he acknowledged the theory of the unconscious, Solovyov did not accept the postulate about the unconscious character of Will and conceived it as a denial of the poly-semantic character of the global process.³⁸ The global process couldn't be understood if the Will is only over-conscious. We come in this case to two important questions: What does it mean for the will to be over-conscious? and By what means does Solovyov found his conclusion that the Universal Spirit is more over-conscious than unconscious? Solovyov characterizes the over-conscious nature of the spirit through the following expression of Heraclites: "The polar combinations form the whole and the particular, the similarity and the difference, the

³⁷ Plotinus wrote 54 treatises which his disciple Porfirius had gathered in six groups called "Eneades" ("nines"). The "Eneades" are in a way the logical end of the philosophy of Plato.

³⁸ Соловьев, В. С., *Кризис западной философии*, p. 142.

symphony and the dissonance; the particular comes out of the whole, and everything comes out of the particular.”³⁹ It’s clear that the over-conscious mental acts go beyond the formal logic in the sense of synthesizing polarities while on the contrary: the simple denial of the opposition characterizes the unconscious. Solovyov bases his arguments to support his conclusion about the over-conscious character of the Universal Spirit of Edward von Hartmann first. The theses about the over-conscious nature of the Universal Spirit are the exact differentiation point between Solovyov and Hartmann. This is why Solovyov’s use of such bases can be understood only in the way that seeing the Universal Spirit as over-conscious leads to the solution of the problem Hartmann tried but didn’t failed to solve.

Although the unconscious character of the Will in Hartmann’s system is in my assessment the result of the dualism of the active Will of the passive Idea, the Solovyov’s rejection of this dualism as such does not solve the main problem. He posits the over-conscious status of the Universal Spirit but fails to demonstrate its logical necessity. Solovyov realized this in his later work *Criticism of the Abstract Origins* (1877-1880). The difference between the two notions is that the Unconscious Spirit lacks reflection while the Over-conscious one is reflexive.

What would be then the role of the Unconscious in the Global Process? In *The Crises of the Western Philosophy*, Solovyov more postulated than proved his answer by alluding to the Unconscious as a temporary condition of individuals and that the All-United Spirit is over-consciousness. The problem Solovyov did not succeed in solving was the one about the difference between the pure metaphysics and empirical reality. The unity of the pure metaphysics and the Universal Will is on the metaphysical level of an Over-conscious character to the extent of reflexivity of the Will. The World gave him no proof on the empiric level about a harmonic and full incarnation of the Absolute Idea: the World was full of evil and was not perfect. Besides, Hartmann made demonstrated that some mental processes are of an unconscious character.

From this we may ask what are the metaphysical reasons for any empirical examination of the individual unconscious? Solovyov made this ef-

³⁹ Ibid., p. 151.

fort in his *Criticism of the Abstract Origins*: his doctrine about the second Absolute. He postulated the true existence of the Absolute as a necessary pre-condition without which Existence can not be thought about.⁴⁰ At the same time the Absolute requires its Other as the logical condition for existing. The Absolute can exist only in relation to the non-absolute - or the Abstract. This was the logical requirement about its own Other, about its second polarity, i.e., about the Original Matter.⁴¹ The result is the difference between the Actual and the Potential: between the Absolute as such in its actual Being and the eventual Absolute. The difference between the Absolute and its Other is the difference between the Eternal and the Temporary, between the absolute Unity and the multitude of the forms. N. Loski noted this difference: the first Pole, the Absolute in itself transcends the existing and hence positive potential of Being; the second Pole struggles for existence against the lack of existence experienced and it turns hence into the negative potential of Being.⁴²

The second principle is the direct potential of Being, Original Matter, coming from Plato. The Unconscious Will of Hartmann, which was rejected in its role of final reality, enters into Solovyov's theory as Original Matter representing the dynamic principle in History. The Second Absolute is associated with the Cosmic Soul in the spirit of Plato. This is the Second Absolute which incarnates the initially unconscious principle and which is at the same time the subject of the Global process. The First Absolute is Over-conscious while the Second Absolute evolves from unconscious to conscious and then to Over-conscious. The Second Absolute is in the process of becoming Over-conscious starting from the unconscious through the synthesis of the Original Matter with the Divinity.

So Vladimir Solovyov solved the opposition of the Unconscious Will of Hartmann in the following way:

A. He recognized that the Universal Will understood as the First Absolute was Over-conscious and independent of the Universal Process;

⁴⁰ Соловьев, В. С., *Критика отвлеченных начал*. p. 308.

⁴¹ *Ibid.*, p. 314.

⁴² Лосский, Н., *История русской философии*. Москва, 1991, p. 114, 115, etc.

B. He introduced the Second Absolute which develops from unconscious to the conscious status in the process of the Universal history.

It was exactly the development of the Second Absolute which was at the centre of Solovyov's doctrine about God-manhood. The earliest definition of God-manhood is given in *Criticism of the Abstract Origins* because it is only in the human Being where the Second Absolute, the Cosmic Soul, is realized in both principles. The doctrine about God-manhood was also introduced through dialectical logic as well as through direct intuition, i.e., as a perfect metaphysical postulate. This postulate was at the same time influenced by Christianity. Solovyov realized the direct relation with Christian theology in *Lectures about God-manhood*.⁴³ Solovyov was interpreted as pantheist⁴⁴ by certain authors like G. Florovsky because of his introduction of the developing Absolute. I am willing to agree with Semyon Frank that the position of Solovyov is rather pantheistic than pantheism as far as pantheism was taking the Absolute as reflexive and therefore different from the World.⁴⁵ This understanding about the Absolute is not without reason because the postulating of its irrational character goes beyond rationality. There is no gap in this concept between the Human Being and the Absolute. This approach to the Divine differs from the usual one in the sense of the rejection of the prescribed limits of human evolution.⁴⁶

In Solovyov, the transformation of the idea of the Universal Will overcomes the opposition between this Will and the image through the postulating of the over-conscious character of the Universal Spirit. While Arthur

⁴³ M. Meerson noted that the Trinity synthesis of Solovyov had embraced the tradition of Christian Neo-Platonism by supplying the theological synthesis of the fourth century, one which continued its development through the Middle Ages and the Renaissance and resurfaced with German Idealism. See: Meerson, M. *The retrieval of Neoplatonism in Solov'jov's Trinitarian Synthesis*. In: *Vladimir Solov'jov: Reconciler and Polemicist*, p. 249.

⁴⁴ Флоровский, Г., *Пути русского богословия*. YMCA-Press, Paris, p. 308.

⁴⁵ Франк, С. Л., *Непостижимое*. В: *Сочинения*. «Правда», Москва, 1990, p. 126.

⁴⁶ The attitude of Solovyov was strongly supported by Berdyaev who assessed his overcoming of the common sense as a great achievement of Solovyov which he had shared in the spirit of the real mysticism: *The limited common sense has to differ from the Divine reason of the mystics in the World*. See: Бердяев, Н. А., *Философия свободы*, в: *Сочинения*. Москва, 1994, p. 52.

Schopenhauer and Edward von Hartmann conceived the Universal Will as essentially unconscious, Vladimir Solovyov postulated that the Universal Will was the Second Absolute developing into the perfect status of Universal Harmony. In contrast with the two German philosophers, consciousness about the Universal Will does not lead to its rejection but to its conscious expression. This is why while the messages of both Schopenhauer and Hartmann were pessimistic in terms of the instinctive wishes, incorrect views of intuition, and the wills of the heart having to be stifled, Solovyov optimistically supported intuitive human belief in Being as essentially good and beautiful. The key to the transformation of the Universal Will lies in the dynamic interpretation of History as evolution from Unconscious to Over-conscious Spirit through Consciousness. The transcendental reason for this evolution is the God-manhood.

According to Solovyov's concept, only human nature is dynamic and the Unity of the natural world leads to an immediate process of creation striving to achieve the Divine idea of the Universe. Man plays in this process the role of mediator between the natural (the Cosmos) and the Divine world. The final goal of God-manhood is not to leave the imperfect material world but to realize there and then endless perfection and to conceal the two different dimensions of reality into one whole entity. This task did not require the ascetic suppression of human will and passion but rather their re-directing and sublimation. The idea of God-manhood was initially developed with metaphysical arguments instead of theological admissions. At the same time this idea was also conceived under the influence of Christian theology and it fitted the Christian canon as far as it could be interpreted as the incarnation of the Logos and the unification of the human and the Divine natures in Christ.⁴⁷ In *Lectures about God-manhood* the task of Christ is de-

⁴⁷ According to J. Sutton, Solovyov aspired to expose in a different manner the Christian doctrine in a form based on the educated person of his time including his God-manhood as a part of this project. See: Sutton, J. *The Religious Philosophy of Vladimir Solov'jov*, (New York: St. Martin's Press, 1988), p. 39. This thesis is controversial: it wasn't clear what the Slavist from Leeds understood as "educated person" - a person with qualification or a person of natural intellect. See another opinion on the matter in: Kochetkova, T., Vladimir Solov'jov's Theory of Divine Humanity. (diss.) Ch. V., Nijmegen, 2001; Кравченко, В., Владимир Соловьёв и СОФИЯ. М., 2006.

scribed to be spreading over all. The Biblical foundation of this idea was that the perfection of God should be reflected through the perfection of His manhood.⁴⁸ The perfection comprised all human capacities: physical qualities, intellect, will, and feelings. The God-manhood couldn't be limited to only moral perfection, which is specifically the perfection of the will. In this sense, God-manhood comprised the transcendental Christian ideal as well as the realization of the earthly ideal about *καλός, αγαθός*: the balance and the harmony of all human capacities.⁴⁹ The heart of God-manhood is the sacred relation (all-unity) between human nature and the Divinity.⁵⁰

The anthropology of Solovyov and in particular his theory about Love and about God-manhood put human individuality into the absolute source and re-connected (all-unified) it with the General and the Particular. Man as an essence is necessarily eternal and all-embracing. To be true, this ideal man has to be entire and multiple: this is an ideal and also an individual creature. Every one of us, every human being has his roots and is essentially and truly involved in Universal and Absolute Human Being. Individuality and personality are central notions in Solovyov's philosophy.

Vladimir Solovyov put the personality in the Absolute: this is the centre of his ethics and philosophy of law. A. Valitsky underlined the following main reason of the philosophical anthropology of Solovyov. Such a concept of the Human is in the manner of Kant and a principle of the importance of human dignity. The presence of the Human in the Absolute, in God-manhood, was to Solovyov a way of development from the negative concepts of the liberalism supported by natural law to a more positive concept where a new right of a worthy human existence appears as a minimal moral guarantee for the individual. This is already another way of concordance

⁴⁸ So be perfect as your Heavenly Father is perfect (Matthew, 5:48)

⁴⁹ The negative Negative as a characteristic of being human consists in the capacity of overcoming all limited content as well in the capacity of striving for further development. Соловьев, В. С. Чтения о Богочеловечестве, р. 19.

⁵⁰ This connection was the topic not only of the classical or Christian tradition but also of the Vedanta School as the unity between Atman and Brahman. If the First Absolute of V. Solovyov relates to Brahman the Second one, i.e. the unconscious capacity for perfection relates to Atman. In this sense, the idea of God-manhood could be the source for further dialogue between the religions.

with the orientation which is general with Solovyov to positive Christian freedom.⁵¹

The key problem of the philosophy of the nineteenth century concerned human nature. Kant had attempted to define “human” through another three questions: What can I know? What is obligatory for me to do? What can I hope for? The culmination came with the fourth question: What is the Human? Different answers to these questions have been given throughout the nineteenth century. So, the representatives of German classical idealism were willing to see human essence in terms of reason or in intellectual capacities: Nietzsche, in the will to power; Marx, in material practices. The God-manhood of Solovyov is also another attempt to find the real and the true essence of the Human. The version of the Russian religious philosopher about understanding human nature has one important advantage. This version is synthetic and anti-reductionist. In contrast to the philosophers of the nineteenth century, Vladimir Solovyov does not give privilege to some particular human quality or intellectual activity but he unifies the efforts of his predecessors and his final explanation of human nature is that it is an all-unity of reality. The specificity of this approach is in its dynamism: human nature is based on the endless opposition between the empiric and the transcendental, which determines the free, the open, and the creative character of the position of the Human in the Universe.

Vladimir Solovyov’s theoretical search is inevitably also after some practical goals. His notional philosophy is marked by a pronounced sense of history where none of the “doctrines” is an end in itself but has its own place and particularity. The inclination of the Russian philosopher for notional philosophy as well as for history lies in the bases of his systematic works. He was a gifted person and his gift for logic along with his artistic talent brought him closer to the most imminent European philosophers and intellectuals of the end of the nineteenth century and the beginning of the twentieth century.

⁵¹ See: Walicki, A. *Legal Philosophies of Russian Liberalism* (Oxford, 1987), p. 195ff.

The Brothers Karamazov in the Prism of Hesychast Anthropology

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Introduction: The Brothers Karamazov, The Elders and Hesychasm

It might seem that everything that can be written on Feodor Dostoevsky's *The Brothers Karamazov* has already been written long ago, but nevertheless everywhere in the world this novel continues to be studied and discussed again and again. There is no contradiction in this. We know that people will always turn to *The Karamazovs* and similar cultural phenomena, not so much for making great new discoveries about these works, as for getting help in discovering and understanding themselves. Such is the role or maybe even definition of truly *classical* phenomena: they are landmarks in the world of culture, which people of any time use in order to determine their own location in this world.

Any time and any cultural community address classical phenomena in their own way. They put their own questions to these phenomena, the questions that are most essential for them and for their self-determination. Choosing my subject, I would like to choose it among these essential questions: *What is important in The Karamazovs for our time, for present-day people?* The present-day situation, both Russian and global, social and cultural, tells us that the focus of these problems is concentrated in what is happening to the human person: in anthropology. Cardinal changes are taking place, which diverge sharply from classical anthropology. Man shows strong will and irresistible drive to extreme experiences of all kinds, including dangerous, asocial and transgressive ones. In such a situation, anthropological reflection is activated most intensively, hence it is the *anthropology of The Karamazovs* that comes to the foreground in the relation of modernity to Dostoevsky's main novel. In no way was it always like this. The Russian Silver Age, plunging into Dostoevsky deeply and enthusiastically, looked in his works for metaphysics and theology, for prophecies and social and religious projects. Now such interest belongs to the past. Today we are interested, in the first place, in

Man's image or anthropological model embodied in the novel.

But how can one extract an anthropological model out of a novel? We cannot draw any conclusions about personages of *The Karamazovs* and their anthropological meaning by means of a naïve reading that turns directly the contents of the text. It is necessary to turn to its poetics and understand the principles of its writing. The main characteristic of the discourse in Dostoevsky's novels is its personalized nature. Dostoevsky's texts are made up of many sub-discourses, each of which is the voice of a definite person, of a definite human consciousness:

Personage (person) = consciousness = voice = personal discourse,

The cosmos of the novel consists of personal discourses, which are its only and universal building element. Each personal voice-discourse develops freely and autonomously of all the others, although not in isolation from them, but interacting and communicating with them. The world of Dostoevsky's novels has the nature and structure of Mikhail Bakhtin's famous concept of "polyphony", or many-voiced dialogue of free and equal persons-voices, a concept perfectly adequate to Dostoevsky's novels.

One important observation needs to be made explicit: the novel itself gives us a guiding thread for the work of reconstructing and interpreting its anthropology. It is directly evident that there is an instance in the world of the novel which is endowed with special authority and special ethical and axiological prerogatives. It enters the novel already in its introductory exposition entitled "The Story of a Certain Little Family". Its chapters are devoted, in consecutive order, to the father Karamazov and his three sons; but after these chapters there follows unexpectedly one more chapter, "The Elders". It contains a description of a monastery and its highly revered ascetics, The Elders, who practice monastic labors, and "see and listen to whom the pilgrims thronged in their multitudes... from all across the land" (14,26; 41).¹ But why are "The Elders" included in "The Story of a Certain Little

¹ I quote *The Brothers Karamazov* in the English translation by David McDuff (Penguin Classics, 2003). The bracketed figures give the location of the quotation first in the Russian original (in the *Complete Works* edition, the first figure being the volume and the second the page number), and then in the translation.

Family”, a special part of the book in which voices-persons have not yet entered and only the Story-Teller depicts a starting panorama, giving also a moral estimation of it? As the Story-Teller stresses, the Elders possess higher spiritual and moral authority; hence their presence *inside* “The Story of a Certain Little Family” shows clearly that there is an instance of spiritual and moral judgment included in this history, and this instance is embodied in the Elders. It is worth noting that the location of this instance corresponds exactly to the Bakhtinian concept of outsideness (*vnenakhodimost'*): the monastery and the Elders are outside the city, but not far from it, at the distance of direct communication and influence. This is how the novel starts, and then its composition demonstrates once more the special role of the Elders: Book VI, “The Russian Monk”, which ends the first half of the novel, is devoted to them entirely. This key book, situated in the very center of the novel,² is almost entirely withdrawn from the action of the novel and devoted to ascetical texts, the life and homilies of the Elder Zosima. This compositional device establishes the status of the Elders as the status of a higher spiritual, evaluative, and moral authority.

In a quite straightforward way the novel describes in what Elderhood consists and what the root of the special status of Elders is. The Elders are endowed with the gift of seeing into the inner reality of everybody who comes to them, they are wise and experienced representatives of the Orthodox ascetic tradition of *Hesychasm*. In Dostoevsky’s time this tradition was flourishing in Russia (although its Greek name was not widely used at the time), and Russian Elderhood, which meant that well-trying and usually old hesychast monks served as spiritual counselors and teachers to the laity. This was a new phenomenon.

However, there is another side of the hesychast tradition. This is the tradition of a community united on the basis of a certain practice: starting from the 4th century and up to now, the hesychast tradition is occupied exclusively with creating and then keeping and reproducing identically the

² This book has a key place not only in the compositional, but also in the ideological structure of the novel: sending “The Russian Monk” to the editors, Dostoevsky wrote: “I consider this Book VI as the culminating point of the novel!” (Letter to N. A. Lyubimov, Aug. 7th, 1879).

practice or the spiritual art of “Noetic Practice” (*praxis noera*, in Greek), a holistic practice of man’s complete self-transformation, in which an adept of the practice, advancing step-by-step, ascends to *theosis*, the union with God in His energies. For reaching its goal, this anthropological practice should have a precise plan and method, which means that it should be based on reliable anthropological knowledge. The knowledge needed should embrace all levels of human constitution, thus forming the main body of a certain full-dimensional (though not philosophical) anthropology. What is more, since the goal of the practice, *theosis*, represents the “surpassing of the natural” (a formula used by Orthodox ascetics), i.e. the actual transcendence of the human being, this anthropology should in some part go beyond the usual anthropological discourse restricted to empiric man, in order to become *meta*-anthropology. Thus we see that the hesychast tradition must have its own anthropology, which includes elements of a meta-anthropology.

Coming back to Dostoevsky, we draw from this fact our next conclusion or better, working hypothesis. As we have seen, the hesychast tradition has a special place and status in the world of *The Karamazovs*; the spiritual and ethical positions of the novel are hesychast-influenced and hesychast-oriented. Among other readings, and not excluding them, the anthropology of *The Brothers Karamazov* must admit a hesychast reading. This is the main idea of the article but now it must be substantiated.

Hesychast anthropology in brief

Hesychast anthropology conceives Man not as some constant and static nature, but as a being which changes itself and its nature radically, striving towards a union with Christ. It describes the self-realization of (hesychast) mankind as a process of his successive self-transformation. This transformation involves not the essence of mankind (Hesychasm does not use this concept at all), but his energies. Man is treated as an energetic formation, an ensemble of energies of all kinds, somatic, psychic, and intellectual, and hesychast practice is the process of a special, guided transformation of this ensemble. It is directed to the union with Divine energy. The main tool for this transformation is the art of noetic practice, the core of which is the unceasing repetition of the Jesus prayer. The entire spiritual-anthropological process has a specific energetic and personal character; its

course is always open to the possibility of breakdown, stopping, falling back to preceding stages, etc.

As for the structure of the process, its principal feature is its division into well-defined steps. The first text describing systematically all the steps of the practice had the title “The Ladder of Paradise” (7th century). Each step of the hesychast Ladder corresponds to a certain type of man’s energetic configuration. An ascetic in the course of the practice must: achieve a configuration needed, secure its maintenance, and carry out its transformation into the next, higher configuration.

Although the essence and goal of hesychasm (as of any other spiritual practice) is the self-transformation performed by an individual (the ascetic who concentrates completely on his own inner reality) this individual transformation cannot be achieved in isolation, exclusively by means of an isolated individual consciousness. The goal can be achieved only if the practice follows certain strict and intricate rules, a rigorous method (in Byzantium one of the names for the hesychast practice was exactly “The Method”). The creation of the method, instruction in it, and checking-up on the correct following of the ascetic experience cannot be carried out individually, they can only be produced by the community of all those who cultivate this practice. A community that elaborates the hesychast method preserves and translates it identically from generation to generation and it checks the true nature of any experience obtained in the course of the practice. This community constitutes the *hesychast tradition* and thus the hesychast practice (as well as spiritual practice as such) can live and be carried out only in the bosom of an ascetic community of a spiritual tradition and hence its experience is not just individual but also communal and conciliatory (*soborny*, in Russian). These conciliatory aspects of Hesychasm are important for Dostoevsky, as we shall see.

The principal building blocks of the spiritual-anthropological process are several and we will address them in turn:

Spiritual Gate (*metanoia*, conversion and repentance). Entering the ascetic way is a unique spiritual-anthropological act. It implies a “change of mind”, a sharp change of the inner reality of a person and of the orientation of its strivings from the “world” towards God. This act initiates spiritual as-

cent. Hesychasm considers the participation of Divine grace a necessary component of this step and develops a vast economy of repentance. In Dostoevsky's world the role of repentance is very important too. The economy of repentance is one of the principal points of hesychast influence on his work and his anthropology.

Unseen warfare (the struggle with the passions). From the hesychast anthropological viewpoint, passions follow cyclic patterns, reproducing themselves, and they serve as traps for man, making him incapable of changing himself and ascending the Ladder. Thus the very first task of the ascetic practice includes the uprooting and removal of the passions. The hesychast seeks to drive out the passions and arrive at *dispassion*: freedom of passions, complete rejection of them into the one's inner reality. But hesychast dispassion, in contrast to the same concept in the Stoics, does not mean the suppression and extinguishing of the world of human emotions. On the contrary, as Maximus the Confessor taught, the energies of passions should be "converted from evil to good", transformed into energies of love. When passions are defeated, the hesychast reaches *hesychia*: the state, which gave its name to all the tradition and practice, one of "sacred silence", tranquility, quiet concentration and integration. Now the vector of the hesychast's principal attention changes its direction: main efforts can now be devoted not to struggling worldly forces, but to the acquisition of Divine grace and union with Christ in the Spirit.

Approaching the final goal, the meta-anthropological *telos* of hesychast practice brings forth first elements of actual changes of fundamental attributes and predicates of man's mode of being. Empirical data show that the changes starting at higher stages of the practice involve, first of all, man's perception. In this phenomenon, called the "opening of feelings", a radically different sense perception begins to be formed, which is called "noetic feelings" (*noera aisthesis*) and it is thought to be capable of perceiving man's meeting with the Divine being. "Noetic sight" enables the practitioner to contemplate the Taboric Light, an experience thought to be identical to that of the Apostles in the event of Christ's Transfiguration on Mount Tabor. But even this experience of the higher stages of ascesis is only the approach to *theosis*, the fullness of which is made accessible for men in an eschatological horizon.

If one accepts hesychasm as valid paradigm of human constitution, then the question arises about the limits of this anthropology, the sphere of its validity. At first sight, in describing human beings in reference to the steps of the practice, connecting even the human constitution with this practice, hesychast anthropology is restricted to a small community of adepts cultivating this practice; this implies that it is a very narrow and specialized anthropological conception of limited interest to mainstream anthropology. However, it turns out to be of much more widespread and of greater importance. The hesychast tradition plays a special role in the life of Orthodoxy, representing an instance of higher spiritual and moral authority. This role includes also what could be called the *function of an anthropological model and reference point*. In every Orthodox society some circle of people is likely to emerge, for whom the integral way of life created by the tradition (*bios hesychastos*, the “hesychast life”) becomes the model and reference point for their lives. They do not become “full-time adepts” of Hesychasm and members of the hesychast tradition, but nevertheless they adhere to the “hesychast life” in various degrees and forms: they adopt its attitudes and values, learn some elements of its school of prayer, assimilate some of its behavioral patterns, etc. In short, they conform to the tradition and are orientated towards it in their way of life, both inner and outer. Thus one can say that they *realize anthropological strategies*, that they *adhere* to hesychast anthropology. In this way, a community or stratum adhering to the hesychast tradition is formed.

On the ground of this “adhering stratum”, the sphere of hesychast anthropology and its social and cultural validity may expand. But how big is this stratum? Its scale depends on a multitude of factors, religious and historical, cultural and social, and in different periods and domains of Orthodox civilization, it has changed in the extreme. For us it is important to note that there were exceptional situations, when the “adhering stratum” grew up so much that it included a considerable part of society, with contributions of all social layers. In these situations the tradition experienced vigorous development, accumulated powerful creative energy and acquired wide and strong influence in society, it “went out into the world”. We could call such special periods “hesychast renaissances”. The most important of them were

two, in Byzantium in the 14th century and in Russia around the end of the 19th and the beginning of the 20th centuries.

Thus the time of Dostoevsky, as well as the time of his main novel, is a period of hesychast renaissance in Russia. The “hesychast life” was then an important spiritual and cultural factor in the life of Russian society, and *The Brothers Karamazov* can be read as one of the principal cultural facts which proves this. As we shall see, the *anthropokosmos* of the novel belongs to the adhering stratum of the hesychast tradition.

The anthropokosmos of the novel in a hesychast perspective

According to the hesychast vision of man, each of the persons-voices is constituted through actualizing its relation to God in synergy, through the ontological unlocking of itself. Such unlocking is reached through the process described as “the Ladder”, a spiritual-anthropological process. Thus, in order to interpret the anthropokosmos of *The Karamazovs* in the light of hesychast anthropology, we should consider each of its voices “against the back-cloth of the Ladder”, i.e. in its relation to the stages of spiritual (and holistic) self-transformation. In the hesychast perspective the structure of the anthropokosmos as a whole is seen in its own way. The view in this perspective is contrary to the view of the Story-Teller and structures the anthropokosmos not by the narrative (syntagmatic), but semantic (paradigmatic) principle, which implies that its description must not start from the plot-center, “the family”, but from the meaning-center, “the Elders”. However, the entire anthropokosmos is presented to the reader by the voice of the Story-Teller, whose mediation can in no way be avoided.

The Story-Teller. This voice cannot have a constitution in our sense: the Story-Teller is not acting, he does not implement any anthropological strategies or practices. But he can and does have his own position and views, which means that our problem is not withdrawn, but only somewhat reduced: we have to describe the relation to the hesychast world not of his full-dimensional personality, but only of his views.

His connection with this world is seen already in the composition of his narration: after all, it is to him that the above-mentioned compositional device belongs and which affords the hesychast tradition the status of spiritual and moral authority. He presents the reader with a concise and compe-

tent exposition of the phenomenon of Elderhood, both in its history and spiritual essence. Undoubtedly, he is not just an expert on Elderhood, he also believes firmly in its spiritual truth and force: “the Elderhood is... tried and tested, thousand-year-old implement for the moral regeneration of mankind from slavery into freedom” (14,27; 43). His unshakable devotion to the Elderhood and its values is very clearly witnessed by the manner in which he tells the episode about “a putrid smell” from the body of deceased Zosima: all his account (14,295-305; 423-437) is dotted with emotional expressions of indignation and disgust to the address of the monks, who started to abuse and calumniate the deceased Elder. This devotion is in no way blind and unreasoned. In connection with the same episode, he shows spiritual maturity and discernment in his attitude towards Hesychasm: unhesitatingly, he calls a “fanatic” the zealous ascetic Ferapont, the opponent of Zosima, representing the typical figure of a monk cursing furiously all worldly life. The scrupulous attention paid by him to this “seductive” episode proves that he sees the Elderhood and Hesychasm in their real character, being far from idealizing them uncritically. After this episode the narrative comes back to Alyosha, and a special digression gives a penetrating analysis of his state of mind and the crisis in his consciousness (14,305-307; 438-440). Here the spiritual portrait of the Story-Teller becomes even more well-defined. He possesses knowledge and understanding of the human soul and personality and the laws of spiritual life are open to him; these qualities make him an ally of the Hesychasts, who develop a keen vision of inner reality.

All this said, we have sufficient grounds for the conclusion: the positions of the Story-Teller, his views and assessments, his spiritual world are oriented towards Hesychasm. In our terms, we surely can place him in the “adhering stratum” of the hesychast tradition.

The Elder Zosima. The service of the Russian Elder combines two sides and two works, inner and outer. He is a far-sighted counselor and spiritual teacher for everyone. He carries this mission tirelessly for hosts of people of all states and strata. But this outer service is based on a well-defined inner fundament or source. The Elder is an experienced Hesychast, who reached the higher steps of the spiritual Ladder and never ceases the

Noetic Practice.

As for the Elder Zosima, he reveals himself not only in his mission of an Elder, in counseling and teaching communion with his visitors, but also in the communion with the closest, inner circle of his fellow-monks, in his parting conversations with them. And the first thing that this vast discourse of Zosima tells us is the following: in all the narrative, including the part addressed to the monks, there is no trace of the fact that the Elder is a practicing Hesychast, cultivating *Praxis Noera*. His homilies say nothing about the hesychast Method, the steps of the Ladder, etc.; the only paragraph on prayer (14,288-289; 412) is not connected at all with the hesychast school of prayer. In the entire section dedicated to Zosima, “The Russian Monk”, commentators have unearthed only two connotations to the corpus of hesychast literature, both to Isaac the Syrian and both of not a specifically hesychast character. The main affinities for Zosima’s discourse in spiritual literature are provided by works of St. Tikhon of Zadonsk (1724-1783) and materials from his life.³ But all this is rather “not far from” and “partly in tune with” Hesychasm than belonging directly and unambiguously to the hesychast tradition. This obvious hesychast “non-canoncity” of Zosima was immediately noticed by Leontiev, and could be called the “Zosima problem”: *Can one say that Zosima represents truly and fully the hesychast ascesis?* As if in conformation of the thesis that Dostoevsky’s text is essentially an “unfinalizable” dispute, this problem has not been resolved up to today. It is therefore quite natural to resume its principal arguments in the style of the novel itself, as just another “pro and contra”.

Contra. The principal doubts with regard to Zosima’s Hesychasm I described above. As for the above-mentioned criticism by Leontiev, it comes down to few short passages in his works:

1) “In ‘The Brothers Karamazov’ the monks say... completely not the same things as are said in reality by *very good monks* both in Russia and on Mount Athos... there one speaks very little about Divine Office and monas-

³ The connection of “some homilies of Tikhon of Zadonsk” with the “Life” of Zosima was pointed out by Dostoevsky himself in the letter to Lyubimov quoted above. K. Mochulsky found quite a number of other correlations with St. Tikhon (see K. Mochulsky, *Dostoevskii* (Paris, 1980), p. 520-523).

tic duties; not a single church service, no public prayers at all... *Not in such way...* one had to write about all this... It would be much better to combine *stronger mystical feeling with more faithful real depicting*".⁴

2) "The teaching of Zosima is erroneous, and all the style of his conversations is false"; "In Optina 'The Brothers Karamazov' *are not accepted as a "correct Orthodox book" and the Elder Zosima does not resemble Father Amvrosy at all, neither in his teaching nor in his character. Dostoevsky has described only his appearance, but made him speak absolutely not what he speaks, and not in the style, in which Amvrosy expresses himself. In Fr. Amvrosy the rigorous ecclesiastic mysticism is in the first place, and only after this do applied moral goals appear. In Fr Zosima... moral, "love", etc. is in the first place, while mystics is very feeble*".⁵

Pro. Objections to the second, more concrete passage of Leontiev's criticism came immediately; they were joined to the publication of Leontiev's letter by its addressee V. V. Rozanov. Rozanov rejected the criticism resolutely, bringing forward two counterarguments. The first of them is decisive for the destiny of the novel: Rozanov points out that "*All Russia read 'The Brothers Karamazov' and believed the representation of the Elder Zosima*"⁶ - and due to this - the character of Zosima started to exercise real influence on Russian society in its attitude to monasticism, and also to the monastic community itself, in which a "new school of monasticism, a new type of it" started to emerge: the type inspired by the character and preaching of Zosima. But for our subject the second of Rozanov's arguments is more important, since it treats directly the relation of Zosima's type of monasticism to Hesychasm: "If it didn't correspond to the type of the Russian monasticism of the 18-19th centuries (Leontiev's words), then, possibly and even surely, it did correspond to the type of monasticism of the 4-9th centuries".⁷ Rozanov was not an expert on the history of monasticism, but his

⁴ K. N. Leontiev. "*Nashi novye khristiane. F.M.Dostoevskii i gr. Lev Tolstoy*", Id. *Collected Works*, vol. 8, (Moscow, 1912), p. 198 (author's italics).

⁵ Letters to Vassily Rozanov from April 13th and May 8th 1891, Id. *Pis'ma k Vasiliyu Rozanovu* (London, 1981), p. 46 (author's italics).

⁶ V. V. Rozanov. Note 11 to the letter of K. N. Leontiev of May 8th 1891. Loc. Cit., p. 51 (author's italics).

⁷ Ibid.

opinions have been confirmed and approved by such an authority on the subject as Fr. George Florovsky. In *The Ways of Russian Theology* he called this opinion “quite right”, adding that “Dostoevsky guessed and recognized... a seraphic stream in Russian piety, and prophetically continued the outlined trend”.⁸

There are also some other points that should be added to this apology of Zosima. To start with, in the scant discussion of the hesychast Method and all concrete matters of hesychast practice, Zosima is not alone, such being a feature of Russian Hesychasm as such.⁹ This general rule has some very important exceptions, like the works by St. Nilus of Sora and St. Theophan the Recluse, but in Dostoevsky’s time they were known only to a small circle.

Next, it is necessary to note that the discourse of Zosima displays one special characteristic, which creates a bond between the world of Hesychasm and the world of Dostoevsky: the pivotal role of repentance. As said above, the world of hesychast asceticism is penetrated and colored by the atmosphere of repentance, which represents not only the beginning of and gate to spiritual ascent, but also the permanent attitude of Orthodox consciousness. This atmosphere of repentance can be felt in Zosima’s ministry. The most intimate connection of Dostoevsky with the element of repentance can be found in the discourse of Mitya, and describing it we shall come back to the subject of repentance.

Finally, there is one more aspect in the subject “Zosima and Hesychasm” pointed out by many authors: the character of this Elder is addressed to the future, and some important trends of the spiritual development of Orthodoxy are anticipated in it.¹⁰ Any appellation to the future is always to some extent ambiguous and ambivalent, and we shall still have to discuss Dostoevsky’s prophecies; but in this case there is at least one moment of a genuine anticipation. The voice of Zosima and his spiritual style responded to trends of the development of Russian Hesychasm, and even, perhaps, of

⁸ Prot. Georgii Florovskii. *Puti russkogo bogosloviya*. 3rd ed., (Paris, 1983), p. 302.

⁹ S. S. Khoruzhii, “Russkii isihazm: cherty oblika i problemy izucheniya” // *Hesychasm. An annotated Bibliography*, ed. by Sergey S. Khoruzhii, (Moscow, 2004), p. 555.

¹⁰ “Zosima... is addressed to the future, as a proclaimer of the new spiritual consciousness of the Russian people”, K. Mochulski, *Loc.cit.*, p. 522-523.

all the Orthodox Hesychasm of the 20th century. What is more important, they not only responded to trends, but were to some extent creating and forming them: as Rozanov justly noted, at the end of the 19th century, Elder Zosima, Alyosha, and the novel as a whole became well-known in Russian monasticism and turned into real participants of its life, who affected the ways of its development. First and foremost, their influence stimulated the connection and rapprochement between the monastery and the world.

As it appeared gradually, the theme of the going-out of the ascetic tradition into the world, seen as the creation of the “monastery in the world” embodied in the dyad of Zosima and Alyosha, became a strong connecting thread between *The Brothers Karamazov* and the destiny of Hesychasm in 20th century Russia. The next stage of Russian Elderhood, connected with the “Elder in the world” as represented by Fr. Alexiy Mechev and his son Fr. Sergiy Mechev, relied strongly on the ideas of the “monastery in the world; the issue of belonging to the catacomb communities of hesychast orientation in the period of Bolshevik persecution” was an example of this.¹¹

But still, like all the *Pro and contra* in Dostoevsky, the dispute on Zosima cannot be closed once and for all. Notwithstanding the arguments listed here, voices of opponents still have a good deal to say, even if passing over in silence the subject of hesychast practice - in Zosima’s case the actual underestimation of this practice is much more probable. In his case we can see a real shortage of attention to what is most necessary to a hesychast: the permanent self-absorption into Noetic Practice, the minute and methodical work of the ascending self-transformation in unceasing prayer. Indeed, all of Zosima’s discourse contains no slight allusion to this work, but instead it contains calls to “ecstasy and frenzy”, states which are extremely dangerous for an ascetic and very far removed from the key hesychast attitude of “sobriety” (*nepsis*, in Greek). A similar underestimation is noticeable with respect to the ascetic tradition, the community, which keeps and translates, through ages and lands, the undistorted experience of the ascent to *theosis*. It is only in the firm standing in this tradition and permanent communion with

¹¹ See on this: S. S. Khoruzhii, “Russkoe starchestvo v ego dukhovnykh i antropologicheskikh osnovaniyakh”, Id. *Opyty iz russkoi dukhovnoi traditsii* (Moscow, 2005), p. 41-46.

its teachers and their works that the hesychast experience is acquired; but in Zosima we see practically no traces of this communion. We noted this already, but now we have to add that the underestimation of the role of the ascetic community (constitutive for an ascetic) is connected in Zosima with the overestimation and utopian idealization of another community, the national one. Unfortunately, Dostoevsky made the Elder's voice the spokesman of his own Slavophile utopia, which proclaimed that there can be found the steadfast devotion to Orthodox faith in the Russian people and which predicted a radiant future to this people: "Russia is great in her humility... I clearly see our future: ...even the most depraved of our wealthy people will end by being ashamed of his wealth before the poor, and the poor man, seeing this humility, will understand and yield to him with joy... I have faith that it will take place and the appointed season is drawing nigh... The people believe in our way, and the unbelieving activist will achieve nothing among us here in Russia... The people will go to meet the atheist and will conquer him, and there will arise a united Orthodox Russia... this people is a Bearer of God" (14,285-287; 407-409). What can one say today to this vision of the Russian future? Such enthusiastic false prophecies are not found in historical Russian hesychast Elders. Here the fictitious Elder's voice is expropriated by a partisan of the Slavophile party. The un-Christian, and surely un-hesychast utopia of "the people, a Bearer of God" (*narod-bogonosets*) played and still continues to play a bad role in our history, stimulating enthusiastic, and sometimes aggressive and xenophobic religious dreaminess.

Alyosha. He is directly included in the hesychast world, taking part in a basic cell of this world, the dyad Elder-Disciple. Like in Zosima's case, his voice provides no grounds to suppose that he is involved in the hesychast practice, but now it does not generate a problem: so far he is only a novice and the fact that he is the *beloved* disciple of a *far-sighted* Elder removes all possible doubts: we are sure that he is integrated into the ascetic world in full measure, corresponding to his age and status. What is more, in all the course of the novel Alyosha is demonstrating a rare wealth of spiritual gifts, including even some elements of spiritual vision akin to the far-sightedness of his Elder. But his principal gift is love. The very first sentences about him by the Story-Teller present him as "a lover of mankind",

whose soul was “straining unto the light of love”. A kind of a special atmosphere of love surrounds him and is radiated by him.

As already said, Zosima and his beloved disciple embody and realize together one of the leading ideas of *The Brothers Karamazov*, the idea of going-out of the “monastery” into the “world”, for service to the world on the paths of love enlightened by ascetic experience. Zosima is the initiator of this spiritual movement, but Alyosha is not his tool: the Elder was able to see deeply in him that this is exactly the vocation of this youth, and the way for building-up his true self. Alyosha’s way leads into the world, exactly because in his nature he is a born monk, the monastic vows (temperance, chastity, obedience) are completely natural to him. Thus, even being in the world, he cannot avoid to be *other to the world*,¹² and thus: “I think of you like this: you will go out beyond these walls, but in the world you will abide as a monk” (14,259; 370). The ministry of the monk-in-the-world had to be represented in Dostoevsky’s next, unwritten novel. However, how it happens in the epilogue of a classic novel, the final part of *The Karamazovs* opens the future a little, showing to us a prototype or, if you wish, rehearsal of this ministry. Alyosha represents here an instructor, a spiritual guide, so to speak, a mini-Elder for a circle of boys on the verge of childhood and adolescence.

Mitya. This is the richest character and the profound hesychast connections in his constitution comes out immediately. Mitya’s voice-consciousness enters the polyphony of the novel in Book 3, “Voluptuaries”. Characterized in advance as “an ardent heart” by the Story-Teller, Mitya is ceaselessly torn apart and tormented by passions. Throughout all the novel he is not just in captivity of passions, but always at their peak, and never is it only one passion, but many conflicting ones: the new great passion for Grushenka, the old, no longer loving passion to Katerina Ivanovna, the hatred towards his father etc. Mitya’s world is the world of human passions, in all variations and bends, nooks, and blind alleys: “I went to give her a whipping and stayed. The tempest raged, the pestilence struck, I succumbed to the taint” (14,109; 159). “A monster of cruelty... Even though he’s been en-

¹² The original Russian word for “monk”, *inok*, derives etymologically from *inoi*, “the other” (to all the worldly).

gaged to be married... has been unable to contain his debauchery" (14,108; 156). "If I throw myself into the abyss I do it straight, head first and heels last" (14,99; 143).

And nevertheless the world of passions is not all of Mitya's world, but only one half of it. One half exactly. When Mitya makes his appearance, there is an incense-bag on his neck (though we do not know about it), and it stays on his neck all throughout the first part of the action, till the "delirium" in Mokroye. The incense-bag contains fifteen hundred rubles, exactly one half of the money appropriated from Katya. Out of three thousand rubles taken from Katya, one half is thrown into the maelstrom of passion, but the other one is sewn up in an incense-bag and carried around his neck, it is with him, right on his chest, permanently, and it does not let him forget about the committed sin of vile action. Thus the incense bag is the repentance of the sinner, the material sign and pledge of his repentance. Having sewn the money into this little bag and having put it around his neck, the sinner effects an act of repentance, and as far as the incense-bag is with him, so is his repentance, he lives with it, in its presence. But even when the incense-bag is torn off and emptied, this presence does not end; in fact, it only intensifies, as the novel tells us: in Mokroye, in all the hours given to the passion, "only one fixed and burning emotion affected him every moment, 'like a burning coal in my soul', as he remembered it later" (14.396; 565). This burning emotion takes the place of the incense-bag. Hence *the repentance is the second inalienable half of Mitya's world*, the ceaseless and relentless inner tune of his existence.

In the finale, preparing to go to penal servitude, he is more than ever in the mood of repentance, he considers his future work in the mines as "a tragic hymn to God" sung "out of the bowels of the earth by the subterranean folks"; and after the verdict Alyosha tells him: "You wanted to regenerate another man within yourself by means of suffering" (15,185; 969), thus expressing Mitya's emotions by one of the classical formulas of Christian repentance. Thus all the discourse of Mitya has a double structure: it is a combination, parallel presence, and parallel development of the discourse of passion and discourse of repentance. Clearly, both of these components of the constitution of Mitya, his voice and discourse, are elements of hesychast anthropology: the two initial steps of the hesychast Ladder are Repen-

tance and Struggle with passions. Mitya dwells exactly in these two domains of spiritual life; and hence he is, in general, a “hesychast personality”, he enters easily into the perspective of hesychast anthropology.

But Mitya is also a Dostoevskian personality! It is exactly on his example that we see clearly that Dostoevsky has his own vision of man, his original anthropology. It is based on anthropological paradigms discovered by the writer himself; and as a result, the “Dostoevskian personality” turns out to be a very specific version of the “hesychast personality”. The most important of these paradigms, which gives the key to the constitution of both Mitya and Ivan (as we shall see below), stands out clearly from our description of the double world of Mitya’s self-consciousness. As Hesychasm says, the world of repentance and the world of passions stand in opposition to each other, and a man must build a path through them, rejecting one of them and moving further and higher with the help of the other. Mitya does not argue at all with this assessment, on the contrary, he accentuates the polarity of these two worlds even more, contrasting them as the “ideal of the Madonna” and the “ideal of Sodom”. At the same time, however, he does not want to leave either of them, keeping a relationship with both poles throughout all twelve books of the novel. *Mitya’s state exemplifies the specific structure of consciousness of the “Dostoevskian personality”: a dragged-on, suspended stay in two mutually excluding realms.* Man is conscious that he is in a situation of vital decisive choice between two totally incompatible opposing poles, but the moment of the choice, as if in slow-motion, is dragged on for all the time of artistic action. This situation is paradigmatic for Dostoevsky’s world. The permanent stay “at the threshold of the decisive choice” appears as a specific mode of human existence, an anthropological paradigm. The threshold, according to Bakhtin, is always connected with crisis, and hence we can add that Mitya’s constitution and mode of existence are characterized by a permanent state of crisis.

Ivan. The basic structure of Ivan’s voice is again the paradigm of consciousness-on-the-threshold. The main collision, main inner conflict in Ivan’s world is recognized by the Elder clearly in the very beginning of the novel, and his diagnosis corresponds directly to our paradigm:

...That idea [the idea of immortality] has not yet been resolved within your heart and is tormenting it... This question has not been resolved within you, and therein lies your great unhappiness, for it insistently demands resolution... But can it be resolved in me? Resolved in a positive direction? Ivan Fyodorovich continued to inquire, strangely...

If it cannot be resolved in a positive direction, it will never be resolved in a negative one...(14,65; 95-96).

This is a classical example of a “threshold dialogue”. The two incompatible worlds in Ivan’s consciousness are atheism and faith. Atheism and faith (the state or feeling of faith) mean, in the first place, the absence or presence of the *fundamental relation* to Other Being, and hence they relate to each other as ontological closedness vs. openness of the Self. Ivan’s distinguishing trait is his extremely profound and heightened awareness of both positions.

The leaning towards closedness was rooted in him since childhood: “he grew up a rather gloomy lad, closed off in himself” (14,15; 26). But he has also an active leaning towards openness, to life, “the sticky leaf-buds of spring”, he is capable of love and by all this he makes a certain initial, starting motion of unlocking himself, or at least “towards unlocking himself”. However, reflecting painstakingly upon this second position, he finds it impossible for him to accept it! There arises an ambivalent situation: “acceptance of God -unacceptance of the world”, which is very aptly rendered by the formula “return of the ticket”. This formula means, as we see it now, that Ivan stays exactly on the threshold: on the threshold of unlocking himself, on the threshold between the two *ontologically* (for the question is about God) different modes and strategies of human existence. Being suspended on the threshold, he looks for arguments in favor of openness, and he expects support from Alyosha (“I should, perhaps, like to be healed by you” (14,215; 309): here Ivan turns towards the “adhering stratum” of hesychast tradition). Alyosha advances an argument, decisive for Christian consciousness, *argumentum ad Christo*, but it turns out that there is a counterargument in Ivan’s possession prepared long ago: *The Grand Inquisitor*. The sense of the famous “legend” is simple to the extreme: yes, if only this

world were Christ's world, there would be no need to return the ticket! But there is no place for Christ in this world - and so Ivan stays on the threshold. The crises, which the *ontological* threshold implies, are much more dangerous than all the crises of Mitya's passions.

Thus the constitution of Ivan is the constitution of being-on-the-threshold, and, as distinct from the anthropological threshold, determining Mitya's constitution, it is a meta-anthropological and ontological threshold. The two worlds of Mitya's consciousness are within the area of the hesychast Ladder, but those of Ivan's consciousness are without this area, they precede its start, the Spiritual Gate. Hence repentance is inaccessible to Ivan. The inner motion, which would turn into repentance in the unlocking consciousness, cannot find vent in him, thus producing breakdown. The collisions of Ivan's voice-consciousness are close not so much to ascetic anthropology, as to European philosophy, which in modern times implies making a choice between religious and secularized consciousness. All thinkers in whom the reflection of this choice was complemented with existential and emotional modalities (such as Pascal, Kierkegaard, Nietzsche) turn out to be close relatives of Ivan, whose philosophical discourse is immensely rich.

Postscript: An epileptic coefficient?

Not claiming to exhaust all the hesychast correlations in the anthropology of the novel, it is useful instead to discuss in conclusion a quite different aspect of this anthropology. It is one of those aspects on which so many ignorant and absurd things have been said in former times that we have started to consider the subject banal and somewhat indecent for discussion. I mean the so-called "psychopathologies" in Dostoevsky's world: the impregnation of his artistic reality, its characters and events, all the texture of its discourse, with variegated manifestations of psychic anomalies; In the first place is that of epilepsy, from which Dostoevsky suffered himself. This old theme is vast and ramified and a thorough discussion would need to go into biographical issues, the writer's personal world, and the worlds of his heroes. Now, I do not plan at all to follow this risky route. I want to make only a few short remarks, drawing attention to rather interesting correlations of poetics, psychopathology, and Hesychasm.

In a short article by Vladimir Weidle, the following observation can be found: “very striking in Dostoevsky... is a strange, unimpeded character of action and free of hindrance. The laws of gravity are forgotten, everything became weightless: to make a step means to fly for a whole mile forward... a new lightness, the liberation unheard of... we fly, being beside ourselves...”¹³ The author himself draws from this subtle observation rather disputable conclusions about the “pure spirituality” of Dostoevsky’s world; but for an anthropologically oriented view a different association arises here. Weidle’s description presents a splendid characteristic of a certain psychological phenomenon, connected both with Dostoevsky’s personality and work: the *world of the aura*, or a specific state of consciousness before an attack of epilepsy. Its most famous description belongs to Prince Myshkin in *The Idiot*. In the last moment before an attack, man is visited and overwhelmed by an extraordinary vision: he sees all the world in a state of the highest beauty and harmony, fullness of being, absolute peace and bliss, and he becomes one with this world of bliss, experiencing exactly those sensations which Weidle describes.

First of all, the image of the perfect, paradisiacal being - the image, originating surely in the world of the aura - became paradigmatic in Dostoevsky, appearing regularly in his text. Restricting ourselves to the last novel, we find such a vision of the world in a paradisiacal state in the dying youth Markel, who transmits it to his younger brother; and this brother, becoming a spiritual teacher and Elder, in turn, conveys in his homilies the essence of this vision. In *The Idiot*, where the vision of paradisiacal being is connected directly and unambiguously with epilepsy, the question arises naturally about its spiritual truth and value, and the Prince comes out with a whole-hearted apology: “Yes, it’s a sickness, but so what?!...”. In *The Brothers Karamazov* this vision is free of any explicit relation to epilepsy, so that there is no visible need for its defense or apology. However, it cannot lose its undoubted inner connection with epilepsy, its origin in the world of the aura and its epileptic nature: indisputably, it is *the same* vision as in *The Id-*

¹³ V. V. Weidle, “Chetvertoe izmerenie. Iz tetradi o Dostoevskom”, *Vozrozhdenie* (Paris, 1931), 12.02.1931. Quoted by: *Russkie emigranty o Dostoevskom* (St.-Petersburg, 1994), p. 192.

iot, and in all the discourse of the aura in Dostoevsky. And because of this, its estimation from a hesychast perspective can in no way coincide with its unconditional adoption by Zosima. Spiritual tradition denies categorically that visions obtained in states of mental disorder are genuine appearances of Divine reality. The theme of false appearances of Christ, Mother of God, angels and saints or the world of Paradise, the theme of doubtful and dangerous nature of religious exaltation, “ecstasies” and “frenzies” of all kinds (which abound in Dostoevsky’s world) is one of the time-honored themes of ascetical practice. But the subject of necessary and rigorous checking of spiritual experience, extremely characteristic of hesychast spirituality, is simply not present in Zosima’s discourse.

The common nature of Dostoevsky’s poetics, the qualities originating in the world of the aura, can be rendered by the term *hyper-harmony*. Unreal, perfect harmony of the world of the aura manifests itself in magic conformity and coherence, an ideal matching and coordination of all its things and events; it is these qualities that generate miraculous lightness and unimpeded character of action. In the world of Dostoevsky’s novels, the texture of human existence includes lots of conflicts, sufferings, and evils but it does not include any gaps, holes, flaws, lacunae, or odd pieces. Here, all ends meet and all people still more so, they meet and enter immediately into a conversation, a dialogue. If we agree with Bakhtin that Dostoevsky’s novel is a dialogical novel, an anthropocosmos of voices-consciousnesses, then the main manifestation of the hyper-harmony of this anthropocosmos is its *hyper-dialogism*. The “unimpeded character” of action in this dialogical anthropocosmos means, first and foremost, the unimpeded character of dialogue, which does not know impossibility or failure. This property has a certain anthropological premise, so to say, *hyper-contactness* of Dostoevsky’s personages: at any moment, if it is needed for a dialogue, they notice each other and are oriented to each other. Thus the dialogue establishes itself over all barriers and turns eventually into the dialogue of everybody with everybody, the dialogue which knows no measure, no limits, no restraint.

From our small remarks one can see that the discourse of the aura as well as all the “discourse of psychopathologies” in *The Brothers of Karamazov* finds some reflections in the poetics of the novel. One can guess also

that it is these “epileptic” features of Dostoevsky’s poetics that are the source of that aversion to Dostoevsky which is characteristic of a number of prosaists with an acute sense for poetics, like Joyce, Nabokov, and others. For Joyce I can answer confidently: Joyce’s world and poetics are polar to the world of hyper-harmony, they represent, if you wish, the *world of hyper-disharmony*, a total lack of conformity and coherence: the texture of his work is formed entirely by un-matching and uncoordinated things and events, by gaps and holes, and, of course, by the permanent hopelessness of communication and the failure of dialogue.¹⁴

Coming back to our main subject, we can ascertain that the anthropology of *The Brothers Karamazov*, like its poetics (both dimensions of the artistic work being inseparable), includes the “epileptic coefficient”. It means, of course, not the plain plot fact that “there are too many of the insane” in the great novel. It is the anthropocosmos of the novel, the polyphony of its voices that carry the epileptic coefficient and assume epileptic complexion. And this coefficient cannot avoid somewhat reducing the dominating orientation of the world of *The Karamazovs* to hesychasm. This is the concluding *Contra* to our central thesis about the hesychast character of the anthropology of the novel.

(The text, dated 2008, is has been shortened with respect to the original article, accessible at: http://synergia-isa.ru/?page_id=1402)

¹⁴ The comparison of the systems of poetics of Dostoevsky and Joyce is made in my book: S. S. Khoruzhii, *Uliss v russkom serkale* (Moscow, 1994). The English translation of this episode: *Joyce Studies Annual*, 1998.

VI. BOOK REVIEWS

***Kant's Ethics of Virtue*, ed. Monika Betzler,
Berlin: Walter de Gruyter, 2008. 302 pp., \$88.**

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As its title suggests, this volume is to serve a double purpose. It is to explore the role virtue plays within the framework of Kant's practical philosophy. It is also to explore possible points of contact between a Kantian ethics (including Kant's own) and an ethics of virtue. The volume thus easily fits into some recent trends in scholarship. Increasingly, more attention has been given to the *Metaphysics of Morals*, in which Kant develops his substantive, or "doctrinal," position in the field of ethics and which thus constitutes the completion of the project begun in the more familiar *Groundwork* and *Critique of Practical Reason*. In the second part of the *Metaphysics of Morals* – "The Doctrine of Virtue" – Kant fleshes out his account of the specific duties of a genuine moral agent, sometimes subtly modifying some prior positions. This of course involves an account of the significance of virtues and the possible moral merit of feeling – topics that provoke interest in light of their potential to provide a picture of Kant's moral theory beyond the "rigorist" guise in which it is often viewed. In addition to this scholarly exercise, there has also been interest in formulating a contemporary Kantian ethics sensitive to the objections of virtue ethics. The collection thus contributes to an interesting development in the understanding of Kant's moral philosophy: both Kant's earliest critics and recent virtue ethicists have directed their attacks at the apparent neglect of the role of natural dispositions to act well and of the importance of feeling and emotion in moral life.

The volume consists of twelve contributions looking at this field from different angles and, for the most part, addressing concrete problems within

it. The first essay, by editor Monika Betzler, serves as an introduction and overview of the remaining eleven entries, which are the main object of this review.

The second entry, by Thomas Hill, Jr., continues the stage-setting by presenting a broad picture of the possible points of convergence between Kant's ethics and virtue ethics, taking as a point of departure Kant's notion of the good will. The good will is not just a will determined by a certain general principle: it is also "a *back-up* motivational commitment."¹ Virtue is understood as the strength of the good will or as an ideal regarding the moral character of actions.² Moreover, as the author mentions, but does not discuss in detail, Kant's view, at least in the *Metaphysics of Morals*, is that virtue can be cultivated and that feelings connected with virtue *do* possess moral significance. Though not sufficient, virtue turns out to be essential to a moral life for Kant. For its part, virtue ethics could move closer to Kantian ethics if it were to formulate a general criterion for moral rightness.

Addressing similar issues, Robert Johnson's contribution takes its starting point from that which makes virtue ethics distinctive: its centeredness on human flourishing understood as an activity. Virtue ethics thus starts from an ideal of the moral person prior to any understanding of right action or good consequences. The notion of the good will cannot really be an equivalent to a rule-independent ideal of the agent – for it is dependent on the concept of duty. One cannot even claim, as Barbara Herman has done, that rational agency is the ultimate value on which morality is based – because of Kant's firm position that no value whatsoever can be prior to the law on pain of heteronomy.³ In the end, on this account, any theory that supposes the moral agent as determined not by the moral law, but by something else, dooms her to heteronomy. Thus, while Hill stresses the indubitable role that virtues play in Kant, Johnson puts considerable weight on a major divergence that Hill acknowledges himself – the primacy of the notion of a moral law in Kant and its secondary position in virtue ethics.

The notion of primacy in the foundation of ethics is thoroughly exam-

¹ p. 35.

² p. 44 ff.

³ p. 66-71, 74-75.

ined in the fourth article, by Jörg Schroth. Schroth begins with the question of whether the primacy of the right over the good proclaimed in the *Groundwork* has been reversed in the *Metaphysics*, but from there goes to the broader issue concerning the very meaning and function of “primacy” at work. This last is explored in a sophisticated comparison of deontology and consequentialism, the latter of which has often been regarded as attributing primacy to the good over the right. This comparison takes up the bulk of the article and its result is its chief merit. The result is twofold.⁴ First, it cannot be maintained that in either deontology or consequentialism the right has priority over the good or vice versa, if the relation of priority is understood as involving the definition (or understanding) of the posterior *only* on the basis of the prior. Kant’s own ethics and many forms of consequentialism maintain that the good and the right can be defined *independently* of each other. Thus, the second result: on this account, consequentialism and Kantianism are not as radically divergent as is often thought. Yet it is precisely on this account that both consequentialism and Kantianism radically differ from any virtue ethics. For a central tenet of virtue ethics is that a conception of the good is always prior to a conception of the right, in the sense that what is right can be understood *only* by reference to a notion of the good.

The next six articles pursue topics more directly relating to Kant’s texts. Phillip Stratton-Lake explores the relationship between the virtues and the quality of being virtuous. He claims that any successful theory of the virtues should provide a strong link between the two and then finds that Kant’s theory is not successful in this respect.⁵ The reason: being virtuous for Kant means being motivated by duty and thus adopting a certain maxim; on the other hand, exercising specific virtues means performing certain actions with respect to oneself or others. Thus, exercising specific virtues cannot, according to Stratton-Lake’s argument, be a “realization” of the general condition of being virtuous, which has to do with maxims and not actions. A solution is proposed by integrating the idea of disjunctive duties into the Kantian framework.

Elizabeth Anderson’s article gives the reader a broader historical per-

⁴ p. 88-99.

⁵ p. 101, 115.

spective by focusing on the moral status of emotions in Kant's ethics. Anderson's reconstruction of these matters paints an intriguing picture of Kant's moral philosophy as an heir to the "ethics of honor." Traces of the ethics of honor can be seen in Kant's unusual emphasis on the theme of human dignity, leading him to place dignity above even life, which in turn is uneasily manifest in some of Kant's most controversial examples: the approval of honor-killing and the apparent condemnation of rape victims.⁶ According to Anderson, for all its revolutionary egalitarianism, these features situate Kant's ethics as a transitional stage on the movement away from honor ethics. Apart from these considerations, Anderson also provides some interesting discussion of the increased moral relevance that Kant accords to moral emotions in his mature ethics.

Christoph Horn, in his turn, explores the moral relevance of love in Kant, focusing on what Kant calls "practical love." The apparent paradox the article tackles is the fact that love apparently is an emotion, yet at the same time Kant claims that it can (and must) be commanded and become one's duty. The article does not so much explore the obscure process of generating or cultivating emotions from reason as argue that, in the end, within the Kantian framework, no emotion or feeling can have moral relevance unless it is generated by duty.

Stephen Darwall examines another tension in Kant's ethics – the basis for attribution of dignity and the ensuing duty to respect. Sometimes, Kant expressly writes that all rational beings, all beings capable of setting ends to themselves, are to be unconditionally respected as ends in themselves. But at other places, he also states that an immoral agent is to be despised, condemned and denied all respect.⁷ This seems to imply that Kant (at least sometimes) confuses respect for rationality with moral esteem. Darwall's thesis is that in the second *Critique* and especially the *Metaphysics of Morals* Kant corrects this unclarity – in the *Metaphysics* by the innovation of an express requirement for a "second-personal acknowledgement" of rational agents.⁸

⁶ p. 136 ff.

⁷ p. 176-183.

⁸ p. 188 ff.

In his contribution, Samuel Kerstein takes up an issue somewhat tangentially related to the problems of virtues and virtue ethics: Kant's notion of using oneself as a means in the three paradigmatic cases of suicide, masturbation and lying. Moral condemnation of such acts seemingly cannot be explained on the model requiring that the patient of the act be able to consent. Thus Kerstein considers precisely what Kant's requirement that the patient be regarded as "containing" the end of the action in herself means. On Kerstein's reconstruction, it implies that it must be possible for the patient of the act to pursue that end "without practical irrationality."⁹ For various reasons, this requirement is violated in cases of suicide, masturbation and lying, for they either destroy, impair or deny one's capacity to act rationally. Nevertheless, Kerstein sees some further difficulties in store in view of Kant's commitment that sometimes (e.g. self-defense, capital punishment) it seems permissible to actually destroy rationality.

Katja Vogt turns the reader's attention back to issues of relevance to contemporary ethics, more specifically to the familiar criticism that some forms of ethics are too demanding and do not give any actual limits to the requirements of morality, thus impairing the agent's capacity to pursue goals and relationships of her own. Not surprisingly, it turns out that Kant does not have a good counterargument against this criticism, but the criticism is somewhat irrelevant with respect to him. For Kant, only another duty can limit a duty and so morality is not limited by something external. In accordance with this, Vogt proposes to explore limits to duties to others by means of inquiring how Kant (especially in the *Metaphysics*) constructs a *system* of interrelating and mutually limiting duties.¹⁰ Moreover, since Kant writes about *duties* to oneself, this kind of limit on duties to others makes morality *even more*, not less, demanding. Vogt then points out one option for settling the contemporary worry about Kant's sketched but undeveloped view: the agent herself is the one who best knows her own needs and notions of happiness. As a side effect, this essay throws some light on the sometimes fundamental difference between a Kantian ethics and Kant's own ethics.

⁹ p. 210, 216.

¹⁰ p. 219, 237 ff.

The following article, by Marcia Baron, takes up another familiar worry about Kantian ethics – “the one thought too many” argument. Baron gives a valuable survey of important statements of this objection, generally staying far from Kant’s texts. The main conclusion of her argument seems to boil down to the thought that the “one thought too many” criticism is misguided, for if taken seriously, it means that in some *moral* cases there is really *no need* for rational justification of one’s actions. Moreover, giving rational justification is mistakenly seen as somehow weakening important emotional attachments. Baron is careful to point out the manifold ways in which Kant’s ethics and Kantian ethics actually do allow for partiality and special relationships – provided they *are* morally permitted. Another valuable feature of this article is the introductory systematic and retrospective reconstruction of the emergence of virtue ethics out of dissatisfactions with “impartialist,” specifically Kantian, ethics. In the light of the “one thought too many” considerations, Baron concludes that a claim for strong convergence between Kantian and virtue ethics can only be a forced one.

The final article of the volume, by Andrea Esser, addresses a third classic argument against Kantianism from the virtue ethics camp. Apparently there exist moral problems, or dilemmas, and Kant’s claim to be able to resolve all cases of moral deliberation by means of an abstract principle means that Kant’s ethics is incapable of acknowledging the significance of this moral phenomenon. Here the situation is similar to the one with the problem of the “overdemandingness” of morality: for Kant’s considered position turns out to be that there simply *can be no* conflict of duties, and thus *no* moral dilemma.¹¹ Thus, the cases of tragic choices or deep regret that virtue ethicists put forward turn out not to be of moral relevance. Ethics cannot help us avoid tragedy or regret.¹² Among the merits of this insightful article is also a careful interpretation of Kant’s notorious article “On a Supposed Right to Lie,” which convincingly shows why it can be maintained that there is *never* a right to lie, though in some cases one might be legally or morally permitted not to tell the truth.¹³ Another highlight is the emphasis

¹¹ p. 282-283, 297 ff.

¹² p. 300-302.

¹³ p. 291-296.

on the oft-neglected and difficult to reconstruct intrinsic connection between adopting a maxim and acting on it within the framework of Kant's ethics.

Unfortunately, the volume lacks an index. A bibliography on Kant and the virtues or Kant and virtue ethics would also have been helpful. Outside of these purely technical remarks, this undoubtedly is a valuable book, both in its timeliness and in the plurality of views it presents. The articles assembled are bound to add both to the understanding of Kant's ethical work and to the contemporary ethics debate.

**Albena Bakratcheva, *The Call of the Green: Thoreau and Place – Sense in American Writing*,
Veliko Tarnovo: Faber Publishers, 2009.
212 pp., BGN 18.**

Richard J. Schneider (Wartburg College)

Albena Bakratcheva's new book, *The Call of the Green: Thoreau and Place Sense in American Writing*, reaffirms both the depth and breadth of her knowledge. In this book she probes further depths of Emerson and Thoreau and the Transcendentalist group of American writers as they attempt to connect to a sense of America as a unique physical, psychological, and cultural space. She also extends the scope of her argument to other cultural spaces: to Britain in her discussion of Thoreau's essay on Thomas Carlyle and to Bulgaria in an interesting and important essay on connections between American and Bulgarian writers. The scope of her book also extends in time to contemporary American writers such as the cultural critic Thomas Friedman and poets Adrienne Rich, Denise Levertov, and Susan Howe.

Her linking of Thoreau to the British writer Thomas Carlyle was of special interest to me, because there has been relatively little written about Thoreau's interest in Carlyle, and Bakratcheva offers many fresh insights into the topic. The chapters on the significance of naming, both Thoreau's changing of his own name and his concern with the names of places such as Cape Cod, are also fresh and original. In some ways, however, her chapter on the history and significance of Thoreau's reputation and availability in Bulgaria and the connection of his writing to the "velvet revolution" might be the most significant one in the book, because most readers of Thoreau do not fully understand the global reach of Thoreau's writing.

This new book demonstrates Bakratcheva's complete mastery not only of the full range of primary American literature texts, but also of literary scholarship about specific writers such as Emerson and Thoreau and about American literature and culture in general. There are important insights in this book, and the fact that it is being published in English will make Bak-

ratcheva's insights more accessible to American readers and literary critics, who will be very interested in what she has to say. I have sometimes thought that a writer can be fully understood only by a reader from his or her own culture; however, Bakratcheva's writings about American literature have convinced me that I am wrong. She fully understands what is uniquely American about the writers whom she discusses, and her European perspective proves to be a genuine asset.

Both of her most recent books - *Visibility Beyond the Visible. The Artistic Discourse of American Transcendentalism* (2007) and *The Call of the Green. Thoreau and Place-Sense in American Writing* (2009) - connect her to the mainstream of current American literary criticism. Ecocriticism, the relation of literature to place, has become increasingly important in literary scholarship in the last two decades, and the bibliography of her new book demonstrates that she is well read in the most recent ecocriticism. She agrees with ecocritic Lawrence Buell that Thoreau's late writings shift to an "ecocentric" perspective (that is, one focused empirically on nature itself more than on its uses for humanity) while never abandoning his earlier Transcendentalist principles. Her books are a significant contribution to this branch of literary criticism.

Alexander Gungov (University of Sofia)

Albena Bakratcheva has chosen the specific American sense of place as the lens through which to view the artistic achievement as well as the philosophical and religious ideas of the New England Transcendentalists, to reconsider the heritage of several contemporary American literary figures, and to follow the reception of Transcendentalist works in Bulgaria; the same approach is taken in her reflections on the literary and social dimensions of postmodernism and contemporary globalization.

The author pays due attention to the specificity of the term “transcendental” in its American context, emphasizing the significance of the prefix “trans-” as a link between the New England thinkers’ inspirations and the dreams and intentions of the first settlers in the New World and of the Founding Fathers.¹ At the same time, Bakratcheva aptly supports the claim that the transcendental be regarded as transatlantic. Finally, she discovers in the Transcendentalists’ general attitude, especially in Thoreau, the original Kantian notion of transcendental synthesis as organizing and comprehending totalities.²

The unique sense of *genius loci* is seen as decisive for the world outlook and artistic horizon of the New England writers. Perceived by them intuitively and even mystically, *genius loci* provides the Transcendentalists with an essential advantage over the worldliness of their British counterparts in terms of their scope of intellectual and artistic sensitivity.³ The specificity of Transcendentalist ideas is further supported by juxtaposing the Transcendentalists with those American contemporaries following the impulses of Romanticism, Poe in particular. This is accomplished by contrasting the Platonic flavor of the Transcendentalist synthetic idea of beauty with Poe’s

¹ Albena Bakratcheva, *The Call of the Green. Thoreau and Place-Sense in American Writing*, p. 26.

² *Ibid.*, p. 78.

³ *Ibid.*, p. 28-32, p. 65.

conviction regarding the self-sufficiency of beauty.⁴ Another difference between the two trends is identified in the primary role of principles in Poe's views of artistic creativity versus Emerson's reliance on poetic inspiration.⁵

Bakratcheva's interpretation of Thoreau's name change is a good example of her exceptional hermeneutical flair. In her opinion, this transformation is linked with the beginning of a new life, one of whose expressions is the keeping of a diary.⁶ The beginning of a new life, in which art is indispensable and the mark of character, encourages Thoreau to change his name, not in order to adopt a pseudonym, but to create his authentic name.⁷ This self-naming is not a contingent act, if we bear in mind the significance which the Transcendentalists ascribe to the personality and, at the same time, their reluctance to make their personal world public.⁸ In this way, a paradox of self-concentration as opposed to self-transcendence emerges. This paradox makes possible the unification of entirely different artists and thinkers whose only common trait is their difference and non-conformism.⁹

Bakratcheva's book devotes appropriate consideration to the reception of Transcendentalist ideas in Bulgaria. The author touches on a number of moments in the history of post-Liberation Bulgarian literature which have contributed to the adoption of Transcendentalism. In her view, the ground for the penetration of Transcendentalism was prepared by the intellectual circle around the journal *Misal*; nevertheless, Bakratcheva also offers solid arguments in support of the hypothesis that Thoreau became popular in Bulgaria thanks to Russian translations of *Walden* and *Civil Disobedience*.¹⁰ Against this background, the prominent Bulgarian spiritual leader Petar Danov makes an appearance. Danov's ideas seem to be consonant with those of the New England writers,¹¹ and it is possible that he might have studied their work while getting his medical training in Boston. Special attention is

⁴ Ibid., p. 110.

⁵ Ibid., p. 115-118.

⁶ Ibid., p. 44.

⁷ Ibid., p. 57.

⁸ Ibid., p. 39.

⁹ Ibid., p. 40.

¹⁰ Ibid., p. 124-130.

¹¹ Ibid., p. 132-133.

devoted to the role that *Civil Disobedience* played in shaping the Bulgarian dissident movement and in mobilizing the civil protests in Bulgaria after the 1989 regime change.¹²

An appropriate parallel is made between the *genius loci* as experienced by the Transcendentalists and another New England writer, Susan Howe, who unfolds a new “frontier mythology.” Bakratcheva points out that Howe has to be perceived first of all through the person-place relation, which is fundamental for her writing.¹³ It is along these lines that the typical post-modernism of this poet is analyzed. Bakratcheva draws the well-founded conclusion that Howe, together with several other American authors, makes a significant contribution to overcoming the feeling of a paralyzed perpetual present, and provides an opportunity to leave behind the crisis of historical perception intrinsic to the postmodern sensibility as described by Fredric Jameson.¹⁴

The topic of postmodern poetics is connected with the issue of glocalization. Bakratcheva considers this neologism to be typical of the American mentality.¹⁵ As long as the dialectic of the general and the one is presumed in the concept, this interpretation suggests the motto “E Pluribus Unum”¹⁶ and in this mode naturally gives an American connotation to the socio-political and cultural transformation known as glocalization.

One cannot help but admire the philosophical intuitions contained in Bakratcheva’s analysis: the existential interpretation of Thoreau alluding to Heidegger’s thesis that in its very existence Dasein is thematizing the meaning of its being;¹⁷ the Socratic call to meditation for the sake of self-knowledge;¹⁸ as well as the Hegelian motives regarding the Transcendentalist interest in the poet’s personality, not as something arbitrarily subjective, but as an expression of what surpasses any individual subjectivity in the burst of mystical ecstasy.

¹² Ibid., p. 133-138.

¹³ Ibid., p. 191.

¹⁴ Ibid., p. 174-175.

¹⁵ Ibid., p. 169.

¹⁶ Ibid., p. 8.

¹⁷ Ibid., p.10.

¹⁸ Ibid., p. 15.

The Call of the Green manages in a unique way to delineate one of the most typical characteristics of the American world outlook and of American literature—the identification with the *genius loci*. In this treatise, a European approach can very easily be perceived, one which not only allows it to stand out from the “native” American research in the field, but also to bridge a gap in Bulgarian and European American studies. Bakratcheva’s work combines in a harmonious way elegant literary criticism with profound philosophical analysis. It contributes to a further rapprochement and mutual understanding between literature and philosophy. Last but not least, the brilliant English of this text not only assures it access to worldwide American studies, but makes it an example for any scholar in the field of the humanities.

**Sergey Gerdjikov, *Philosophy of Relativity*,
Sofia: Extrem, 2008. 749 pp.**

Maria Dimitrova (Sofa University)

This book, as the author himself points out, brings together two topics: 1) the virtual and 2) relativity. Adding the virtual to the study of relativity gives a different perspective to philosophical analysis. It extends the classical range of issues under research and, at the same time, provides a new direction and a new interpretation.

The category of relativity has been giving a hard time to philosophical absolutism since antiquity. In the age of post-modernity, this category has been neither neglected nor underestimated, but rather occupies a prominent place on the scene and has even stepped into the limelight. This book draws a strict distinction between the sober approach to relativity and a relativism incapable of seeing the limits of relativity.

The virtual is defined in relation to the real and is said to include all artifacts. The virtual does not live—it is not born and does not die; like Plato's ideas, it is a pure form with no matter; the virtual determines the life form—the real is formless and senseless without the virtual. The real is the life process within which we are born, live, and die. We cannot be born, live, and die in a computer simulation, but always “here-and-now.” This is the moment of speaking from where we can only virtually return to the past or travel into the future. This is one of the main characteristics of the real—its time is irreversible unlike virtual time. On the screen, we can see how a broken glass, whose parts are dispersed, is restored to its original state and the spilled liquid pours back into it; but this is possible only as a computer simulation, by reversing the reel, etc., and not as a process developing in real time where past and future are not interchangeable. The link between the real and the virtual is not symmetrical and reciprocal. The virtual itself is an aspect—a very important aspect—of the real life process. It is imaginative, conceptualizable, ideological. The book argues that the sense of life is always a certain ideology. But although life overcomes any sense, it cannot

be lived without sense. Let me quote in this context Ortega-y-Gasset who claims that we think in the world of ideas while in the world of reality, we abide. Gerdjikov stresses that we cannot live without thinking nor can we think without living, but these are not two independent, although interpenetrating, worlds because the virtual itself is a moment of the real life process. It is true that we have to pay attention to the fact that being a part of a process is especially important here. If we continue to follow Ortega, he will unfold for us this not simple connection between the world of ideas, of our thoughts, on the one hand, and the world of belief, on the other, where we abide being convinced of its real existence—beliefs are old ideas transformed into reality. If we translate Gerdjikov's book into the language of Ortega, this would mean that when people start to credit the virtual they can begin to want to embody it in something.

If not transposed in time, the relations between the virtual and the real escape the clarity and strictness of philosophical analysis. Sergey Gerdjikov warns us in his book that if we take images, projections, words, concepts for reality itself, this is precisely the state of non-freedom. In order to be free we need to take into consideration that the virtual relates to the real as to its referent but cannot oust or replace it. According to Gerdjikov, life is what we experience as qualia, which we denote by signs. People live bodily in a real world, such is the human life process, not in a fictitious language world and its merely thought-bound signs. To virtual relations correspond real connected qualia. They are experienced personally; what others experience we understand thanks to what they have said and shown. Reality is not a certain world that exists outside and independently of the I. Nobody has ever perceived, thought or expressed an independently objective world. The world is not an object in front of us to which we relate, but rather is identical with our life, with our experience of the world. The human form of life is based on the fact that we all, though belonging to different languages and cultures, are human beings; bearing in mind the current education and awareness of our own regional differences, it would be better to speak about a global life process.

In order to survive on the planet, humankind has so far used local cultures and local ways of expressing life. People have received orientation and survived through different world descriptions. According Gerdjikov, what

we need in the situation of globalization is to attain a human form that shows itself in spite of the relativity of the created artifacts, perspectives, and language systems. When the authentic human form of the life process is reached, things are shown independently of the universes created by us. Exactly this form we have to look for and learn to correlate with it. Correlation itself is identical with the humanness of the human mode of life. In order for them to be determined really and not only in our thoughts, the one and the other are correlated, but there is an instance which correlates them and this is the Third in relation to them. Seemingly, there is no pillar, but, actually, this state itself is the pillar. In the end, all possible language systems are correlated to the gravitational center of the human form, which itself is not a certain constant reality, but is virtually experienced as a process of fluxion. Life flows not as an indistinguishable current but as out-streaming forms, which are inter-determined and thus determine the living form that is the human world. The living form does not reflect like in a mirror the current of words; speech is not a process parallel to real life; it is only a shared moment within it as the virtual in general is. In our present moment, it is important to find a global sense for a future common life—including all cultures and forms of life. This sense goes beyond the thousand-year-old forms of Western and Eastern thought. Historically, different modes of the relationship virtual-real are registered as well as various descriptions of the world. However, a new form of becoming aware of these ethnocentric and absolutist-dogmatic forms of expression is necessary.

Within the framework of classical philosophy, this new culture of awareness could not develop. In the same way, quantum mechanics could not develop within the limits of classical physics. Similar processes of discovering relativity can be witnessed in the fields of linguistics, anthropology, and other sciences. The author emphasizes a significant deficiency: real relativity very often is not taken into account.

The first part of this voluminous text deals with the virtual and real relativity. The other four parts focus respectively on linguistic, logical, conceptual, and descriptive relativity.

Briefly speaking, the author sees a danger in the fact that the virtual world is fictitious, but taken for the real one. Only if one gives up taking the

virtual for the real, that is, gives up covering reality with images, projections, simulations, words, concepts, descriptions, and schemes, will it be possible to speak about freedom. An optical illusion prevents us from seeing the interference of the virtual in life such as we experience it. The world is not in front of us but is identical with life itself. The virtual is not set against the world or above the world, but is in it; it is not an independent world, but exists as a virtual region of the real world. The whole difficulty faced by a sober attitude to these contradictions springs from the fact that the virtual-real relation is itself something virtual.

When the virtual and the real are not distinguished, a point of view is reached known from the history of philosophy as relativism. This position, according to Sergey Gerdjikov, is elevated to the rank of an all-embracing theory of post-modernity. The trouble is that the relativistic way of thinking not only eliminates science, that is, true knowledge, but does not value life either. Like the thrust, so the logic of this book defends the absolute value of life and we could define it as a new attempt to think in the tradition of the philosophy of life. Names traditionally associated with this paradigm like Nietzsche, Schopenhauer, the above-mentioned Ortega-y-Gasset, and so on are not the focus of the author; he prefers other philosophers and theoreticians such as Quine, Wittgenstein, Popper, Hempel, etc., who worked rather in the area of the philosophy of science and positivism. Yet Sergey Gerdjikov is driven to show that the narrow positivist frame can and should be overcome in looking for the global dimensions of the correlation between the real and the virtual.

**Kristina Stoeckl, *Community After
Totalitarianism: The Russian Orthodox
Intellectual Tradition and the Philosophical
Discourse of Political Modernity, Frankfurt am
Main: Peter Lang, 2008. 200 pp.,
\$56.95, €36.40.***

Alexander Gungov (University of Sofia)

Written almost twenty years after the beginning of the dismantling of the last version of totalitarianism in Europe, Kristina Stoeckl's topic has lost none of its timeliness. In the author's view, this period of recent European history, as well as fascism and Nazism earlier on, has eventuated in the paradoxical situation of "*simultaneous absolute communization of society and absolute atomization of individuals.*"¹ Reflections on this paradox are responsible for the current status of the three major political discourses in contemporary Western thought—liberalism, communitarianism, and post-modernism—each offering a different interpretation of the individual-community relationship. This book presents as an alternative and, at the same time, a complement, the Eastern Orthodox theological and philosophical thought represented mainly by post-1917 Russian and Greek Orthodox scholars. For Stoeckl, the October Revolution plays the role of a watershed in the development of Orthodox thinking, making it modern. This justifies her comparison of the political offspring of the Enlightenment with the teachings (and sometimes deviations) of the Eastern Church. Orthodox ideas do not fit under the umbrella of Western philosophical discourse because they approach totalitarianism from the perspective of the Orthodox version of Christianity. Their origins are to be sought centuries before the Enlightenment; their development has taken place outside of what usually is believed to be the space of Western Philosophy.²

¹ *Community After Totalitarianism*, p. 12.

² *Ibid.*, p. 15.

Drawing upon the above-mentioned fundamental paradox, Stoeckl ponders the questions “How to conceptualize the relationship between the individual and community?” and “How to conceptualize the freedom of the human subject and its being part of a community?”³ Working toward the answers she does not pledge allegiance to any of the doctrines considered or to any individual philosopher, but concentrates on three focal points that shed light on community after totalitarianism: “*the quality of freedom, the role of practices, and the meaning of tradition.*”⁴ The author identifies the kernel of each of these categories and their interaction through an elaborate and erudite comparative analysis of contemporary liberalism, communitarianism, postmodernism, and Orthodox Christian thinking. The conclusion she reaches is that a tradition based on a religious approach can provide a different and viable response to totalitarianism,⁵ following from the view that “the relationship between the human subject and community need not be understood as broken, like liberal theory would have it, nor need it be considered as natural, like communitarianism argues, nor need it be taken to entirely escape determination, like postmodern thinkers present it. Relatedness is a human potentiality for the Orthodox thinkers, and they are concerned with modes of realizing this potentiality.”⁶

The author uses a very efficient and well-grounded methodology allowing her to present a thorough description and profound interpretation⁷ of the theories scrutinized in her book. Her methodology consists of three levels: “socio-historical theory,” “political philosophy” and the “meta-theory of

³ Ibid., p. 177.

⁴ Ibid., p. 177.

⁵ Ibid., p. 179.

⁶ Ibid., p. 160.

⁷ Of the liberals, she discusses Isaiah Berlin, John Rawls, and Jürgen Habermas; among the communitarians, her attention is attracted by Charles Taylor, Michael Sandel, Michael Walzer, Amitai Etzioni, and, most of all, by Alasdair MacIntyre; the postmodernists are represented mainly by Jean-Luc Nancy and to a lesser degree by Nietzsche, Heidegger, Maurice Blanchot, Hannah Arendt, Giorgio Agamben, and Roberto Esposito; while among the Orthodox theologians and philosophers, the views of Vladimir Lossky, Aleksej Losev, Sergej, Averencev, Sergej Khoruzhij, and Christos Yannaras are analyzed—all of them belonging or being sympathetic to Neo-Patristics and Neo-Palamism.

political philosophy.”⁸ The point of departure of Stoeckl’s analysis is Cornelius Castoriadis’ understanding of any society as a product of “the radical imaginary.” All political philosophy trends she studies belong in this sense to the modern consciousness: when facing “the self-institution of society, it recognizes [...] the contingency of its beginnings, and understands itself as autonomous.”⁹ Neither post-revolutionary Russian/Greek Orthodox thinking nor the liberal account are an exception to this pattern, in spite of the fact that the latter (if not in its main proponents, at least in their ardent followers) tend, according to Stoeckl, to take liberal political theory for granted as something necessarily emerging out of historical and/or economic laws. This might be the principal reason why all the intellectual traditions in this treatise are examined from the perspective of self-reflexivity, which is assumed to be part and parcel of the reflection on the post-totalitarian and post-cold war political situation.¹⁰ Stoeckl, however, does not confine herself to the optic of modernity or, more especially, of Enlightenment optimism, but evidently appreciates the critical stance of Hegel, for whom “modernity had become a problem”; and who, in her opinion, “can be considered the founding father of any critical theorizing of modernity.”¹¹ This is, no doubt, an admirable position; the only regrettable lapse (not so much for this book as for contemporary political philosophy in general) is that Giambattista Vico’s groundbreaking contribution to reconsidering modernity, made almost a century before Hegel, is not given its due.

Kristina Stoeckl’s book is an exemplary work of scholarship, one which extends far beyond the limits of a regular Ph.D. dissertation. It provides a clear and convincing interpretation of some of the most vexed issues of contemporary political thought, issues demanding special attention both in Western and Eastern Europe. This study succeeds in elucidating the depths of the allegedly mystical Eastern Orthodox intellectual tradition in an accessible form, thus allowing for comparison with the major trends in political philosophy. Furthermore, it aptly emphasizes those specific insights

⁸ Ibid., p. 33.

⁹ Ibid., p. 41.

¹⁰ Ibid., p. 35.

¹¹ Ibid., p. 39.

of Orthodox thought which offer productive solutions not yet explored by Western philosophy. The bibliography lists the most relevant and significant titles in the field, spread over five languages: English, Russian, German, Italian, and French; most of the Russian expressions given in Cyrillic contain no typos or spelling errors. Stoeckl's study is an indispensable manual both for students of contemporary political philosophy and of Christian Orthodox religion, philosophy and culture. It promises future substantial achievements both in the subjects under discussion and in related areas.

***Intercultural Aesthetics: A Worldview Perspective*, eds., Antoon Van den Braembussche, Heinz Kimmerle & Nicole Note, London: Springer, 2009. 218 pp., €104.99.**

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Intercultural Aesthetics: A Worldview Perspective is the ninth volume of a series of publications collected under the title “Einstein meets Magritte: An Interdisciplinary Reflection on Science, Nature, Art, Human Action and Society” edited by the Leo Apostel Centre for Interdisciplinary Studies of Brussels Free University (Belgium). It contains thirteen articles written by a number of specialists in the field of aesthetics, all of which attempt to expand their views by crossing cultural barriers.

As part of a series of publications focusing on the human construction of *worldviews*, the philosophical relevance of this volume exceeds the limits of purely aesthetic theory. And it does so thanks to its intercultural approach. Indeed, in a world where we increasingly begin words with prefixes such as *multi-*, *trans-*, *poly-*, *cross-* and *inter-*, the field of aesthetics could not stay behind. Beyond that, however, the intercultural vantage point adopted by this volume enables the field of aesthetics to exceed the limits of its own discipline. The majority of contributors indeed emphasize that a cross-fertilization between Western and Eastern views (such as Japanese, Chinese and Indian) in particular – but also African perspectives (cf. Heinz Kimmerle’s contribution) – can elevate aesthetics to a discipline dealing with the encounter of human beings with the world as a whole, rather than with the reception of works of art solely. “Aestheticism” then would cease to be bound up with “high” culture and art would be regarded as intermingled with life.

This broad definition of what is to be called “aesthetic” is, as it happens, fairly foreign to traditional Western modes of both aesthetic and philosophical thought. The Eastern estrangement from our spontaneously adopted Western views, then, has a demythologizing power, and opens up

new horizons for our thinking about both the sphere of art and our construction of being in the world. In challenging Western modes of worldview construction (including the place assigned to art within it), the different contributions to this book seek to create a picture of the world enhanced by new perspectives. As such, the volume engages in an endeavor which has been at the heart of philosophical – and especially hermeneutical – efforts throughout the ages. Aesthetics then turns into philosophy, into a consideration of the human experience of the world and its mental construction of it. Such an aesthetic approach to the world, common in Eastern lines of thought, is present throughout the volume. It brings us to reconsider a number of traits common to traditional Western philosophy.

More specifically, the typically Western barrier between subject and object is problematized. Eastern modes of thought tend to erase this boundary by focusing on the human *experience* of the world, that is to say, on the very intertwining of what we tend to label distinctively as subject and object. Whereas Western philosophy customarily focuses on a consciously reasoning and conceptualizing subject giving a *post factum* rationalized account of the world and its objects, Eastern thought tends to approach the world in an aesthetic way. From a distant rational *representation* of the world (where the subject distances itself from the object), the focus then shifts to the intimate aesthetic *experience* of the world, the intertwining of subject and object. From the head, we move to the heart; from an isolated subject to an immersed being; from conceptualization to sensibility; from thinking to feeling; from language to the ineffable. In this view, the elaboration of a picture of the world should not be ascribed solely to a well-reasoned conceptual disposition of phenomena *after* having experienced them, for the very pre-conscious and pre-conceptual experience *itself* plays an equally important role.

In other words, if the subtitle of the book promises to provide us with “a worldview perspective,” we should not understand the notion of worldview in the way we may conceive of it spontaneously in our Western minds. The introduction indeed emphasizes the importance of pre-conceptual experiences – that is, properly “aesthetic” experiences – in the elaboration of a worldview. Such themes as the (im)possibility of representation, trauma, dispossession, the irrational, the sublime, the ineffable, dislocation and exile

pervade all the essays of the volume, and can all be traced back to the common denominator of the pre-conscious aspect of the aesthetic experience.

This willingness to enrich the theoretico-conceptual approach, standard to the academic discipline of aesthetics, with a focus on the actual pre-conceptual aesthetic *experience*, is equally reflected in the composition of the book. The volume has a two-part structure. It contains, after an introductory article, twelve essays – the first six contributing to working out a theoretical framework for an intercultural aesthetics, the next six presenting a series of concrete applications to certain developments in the visual art scene dealing with trauma. So, theory is complemented by practice, the conceptual by the pre-conceptual, academic rationalization by aesthetic experience. As the editors mention in their introduction, they “want to highlight that intercultural aesthetics not only needs theoretical reflections on its foundations and its possibilities, *but also*, and *at the same time*, critical and sustained assessments of relevant art practices.”¹

The volume furthermore wishes to demonstrate that it is precisely this focus on pre-conceptual aesthetic experiences unconsciously shaping our worldviews that facilitates a trans-cultural approach. It is repeatedly put forward that it is this outlook on the pre-conceptual, properly aesthetic facet which permits us to cross cultural boundaries and to look into what binds us all in our aesthetic experiences, because it precedes all cultural-specific conceptualization. One of the main claims of the book is indeed that aesthetic judgment should not solely be considered in its subjective aspect, but equally in its universal dimension. That being the case, the edition primarily focuses on impersonal or transpersonal aspects of the aesthetic experience transcending culturally determined traits – that is to say, on the universal element rather than Western particulars. This transcendental level, so states the introduction, can possibly be found in the pre-conscious and pre-conceptual domain.

In this framework, the Western notion of Kant’s *sensus communis*, for example, is linked up with the Eastern concept of *rasa* as advanced by the Indian thinker Abhinavagupta. Both are thought to describe a transcendental

¹ *Intercultural Aesthetics: A Worldview Perspective*, eds. Antoon Van den Braembussche, Heinz Kimmerle & Nicole Note. London: Springer, 2009, p. 8.

realization of unity, a kind of *con-sensus* in the etymological sense of the word brought about by a purely aesthetic experience preceding any conscious conceptualization. Although experience as such is highly subjective, it is thought of as a *shared* feeling, an agreement which raises the individual to an impersonal level, to the point where he reaches a truly *transpersonal* stage. Whereas it is left up to the individual reader whether to accept the existence of such a transpersonal connection or not, one can in either case not deny the importance of a cross-cultural approach to aesthetic experience in its world-structuring quality. All too often Western perspectives fail to take into account this pre-conceptual building blocks of worldviews.

Not only, then, is the purely aesthetic experience by definition difficult to speak of since it is of the order of the ineffable, but Western philosophy does not have the habit of trying to do so. Thus, our philosophical tradition is burdened with a history of world construction centered around precisely that aspect of human subjectivity which an aesthetic approach to the world wishes to push into the background. Our philosophical lingo is indeed more adjusted to carry out a ratio-centric than an aesthetic point of view. In this context, complementing our Western perspective with Eastern points of view may prove to be fruitful, and a volume such as *Intercultural Aesthetics* may well turn out to be highly desirable.

Nevertheless, the difficulty of expressing the ineffable is noticeable throughout the book. It is a difficulty that a lot of readers being introduced to the subject may experience, but should not be deterred by. For if there is one task anyone faced with unknown ways of seeing the world is charged with, it is to regard them as a challenge rather than an insurmountable obstacle, at least so the history of philosophy has taught us. In this struggle, as is evident, an intercultural aesthetics can constitute a welcome counterweight to Western philosophical thought in general, a way to overcome the limitations imposed on us by the burden of our history. Overcoming these limitations may then serve as a point of departure for the working out of aesthetic-oriented worldviews grounded in our sensible experience of the world rather than our distant schematization of it.

VII. ANNOUNCEMENTS

Master's and Doctoral Studies in Philosophy Taught in English at Sofia University

Sofia University was founded in 1888 following the best patterns of the European higher education. Sofia is the capital city of the Republic of Bulgaria. Bulgaria is a Member of the European Union (EU).

MASTER'S PROGRAM IN PHILOSOPHY TAUGHT IN ENGLISH

The MA Program in Philosophy taught in English provides instruction in all major areas of Western Philosophy; besides, the master's thesis can be written on a topic from Eastern Philosophy as well - an expert in this field will be appointed as the supervisor. This program secures guidelines by faculty and leaves enough room for student's own preferences. The degree is recognized worldwide including the EU/EEA and Switzerland, the US, Canada, Russia, Turkey, China, Indian Sub-Continent, Latin America, and the Middle East.

Courses offered: Philosophical Anthropology, Ethics, Axiology, Philosophical Method, Truth and Meaning, Philosophy of Intercultural Relations, Social Philosophy, Continental Philosophy, Philosophy for Children, Philosophy of Culture, Logic in the Continental Tradition, Theories of Truth, Existential Dialectics, Philosophy of the Subjective Action, Phenomenology, Renaissance Philosophy

Faculty Members: All faculty teaching at the program are approved by the Bulgarian State Highest Assessment Commission. They feature successful teaching experience in this country and abroad and are well published in Bulgarian and English.

Duration of Studies: two semesters of course attendance plus a third semester for writing the master's thesis; opportunities for distance learning.

Admission Requirements: Bachelor's degree in any field of humanities, social science, science, or professional disciplines. No tests or application fee are required (for citizens of EU/EEA and Switzerland applying for a state scholarship 10.¹⁵ € fee is charged and an interview is held). No previous degree in philosophy is needed.

Tuition fee:

- 1) citizens of EU/EEA and Switzerland – 612 € per school year
- 2) international students - 3 850 € per school year

Financial aid:

A) *The citizens of EU/EEA and Switzerland* are eligible for state scholarships carrying 70% tuition waiver plus a monthly stipend beginning from the second semester.

B) The Fulbright Graduate Grants are offered to *American citizens* as a form of a very competitive financial aid; for more information see www.fulbright.bg. Furthermore, the American applicants are eligible for Federal Loans; please check for more details at the Education Department web site, <http://www.ed.gov/offices/OSFAP/DirectLoan/index.html>; at Sallie Mae, <http://www.salliemae.com/>, and at Student Loan Network, <http://www.privatestudentloans.com> and <https://www.discoverstudentloans.com>. It is possible to use some other sources of government financial assistance by the American citizens (please contact the Program Director for details).

C) Financial aid to *Canadian nationals* is provided in the form of Government Student Loans by the Province where they permanently reside.

D) *The Western Balkans citizens* are welcome to apply for Erasmus Mundus/BASELEUS Project scholarship carrying full tuition waiver and monthly stipend, <http://www.basileus.ugent.be/index.asp?p=111&a=111>.

E) *Students from Turkey* can receive financial aid within the Erasmus Student Exchange Program.

F) Financial aid for *Chinese students* is available within the bilateral Chinese-Bulgarian Cultural Agreement. Please contact the Chinese Ministry of Education for more information.

H) *Students from Russia* (Financial aid for *Russian students* is available within the bilateral Russian-Bulgarian Cultural Agreement. Please con-

tact the Russian Ministry of Education for more information), *Ukraine, Belarus, and the other CIS countries, Indian Sub-Continent, Latin America, and the Middle East* receive financial aid in the form of inexpensive dormitory accommodation (about 40 € per month including most of the utilities) plus a discount on public transportation and at the University cafeterias. The same type of financial aid is available for *the citizens of EU/EEA and Switzerland, American citizens, Canadian nationals, Western Balkans citizens, students from Turkey, and Chinese students.*

Application deadline: September 30, to start in November; January 31, to start in March.

Student Visa Matters: The Sofia University in cooperation with the Bulgarian Ministry of Education and Science provides the necessary documents for student visa application to all **eligible** candidates outside the *EU/EEA and Switzerland.*

Cultural Life and Recreation: Being the capital of Bulgaria, Sofia features a rich cultural life. In most of the cinemas, English language films can be seen. There are a number of concert halls, dozens of art galleries, and many national and international cultural centers. Streets of Sofia are populated by cozy cafés and high quality inexpensive restaurants offering Bulgarian, European, and international cuisine. Sofia is a favorable place for summer and winter sports including skiing in the nearby mountain of Vitosha. More about Sofia and can be found at <http://www.sofia-life.com/culture/culture.php>. You can follow Sofia and Bulgarian news at <http://www.novinite.com/lastx.php>.

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DOCTORAL PROGRAM IN PHILOSOPHY TAUGHT IN ENGLISH

The Ph.D. Program in Philosophy taught in English, besides studies in residence, offers an opportunity for extramural studies (extramural studies is a Bulgarian version of distance learning). This Program provides instruction in all major areas of Western Philosophy; besides, the doctoral dissertation can be written on a topic from Eastern Philosophy as well - an expert in this field will be appointed as the supervisor. This program secures guidelines by faculty and leaves enough room for student's own preferences. The degree is recognized worldwide including the EU/EEA and Switzerland, the US, Canada, Russia, Turkey, China, Indian Sub-Continent, Latin America, and the Middle East.

Courses offered: Psychoanalysis and Philosophy, Philosophical Anthropology, Applied Ethics, Epistemology, Philosophy of Science, Social Philosophy, Philosophy of Intercultural Relations, Philosophical Method, Continental Philosophy, Philosophy for Children, Philosophy of Language, Philosophy of Culture, Time and History.

Eligibility Requirement: Master's degree in any field. No previous degree in philosophy is needed.

Checklist: CV, two letters of recommendation, standardized tests scores are NOT required. No application fee (for citizens of EU/EEA and Switzerland a 20.30 € fee is charged and an entrance exam is held).

Tuition fee:

1) citizens of EU/EEA and Switzerland – in residence: 940 € per school year; extramural: 600 € per school year

2) international students - in residence: 6 400 € per school year; extramural: 2 600 € per school year

Dissertation defense fee: 1 400 €

Duration of studies: in residence – 3 years; extramural – 4 years; opportunities for distance learning.

Financial aid:

A) *The citizens of EU/EEA and Switzerland* studying in residence are eligible for state scholarships carrying full tuition waiver and waiver of the dissertation defense fee plus a significant (for the Bulgarian standard) monthly stipend. For extramural studies only tuition waiver and the dissertation defense fee waiver are available.

B) The Fulbright Graduate Grants are offered to *American citizens* as a form of a very competitive financial aid; for more information see www.fulbright.bg. Furthermore, they are eligible for Federal Loans; please check for more details at the Education Department web site, <http://www.ed.gov/offices/OSFAP/DirectLoan/index.html>; at Sallie Mae, <http://www.salliemae.com/>, and at Student Loan Network, <http://www.privatestudentloans.com> and <https://www.discoverstudentloans.com>. It is possible to use some other sources of government financial assistance by the American citizens (please contact the Program Director for details).

C) Financial aid to *Canadian nationals* is provided in the form of Government Student Loans by the Province where they permanently reside. This type of aid is usually unavailable for extramural studies.

D) *The Western Balkans citizens* are welcome to apply for Erasmus Mundus/BASELEUS Project scholarship carrying full tuition waiver and monthly stipend, <http://www.basileus.ugent.be/index.asp?p=111&a=111>.

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- Submit articles with any font, 12-point size
- Line spacing: single spaced
- Do not justify the margins ; Use "align left"
- Do not insert page numbers or "headers"
- Include your name below the title as you want it to appear published
- Please use double speech marks for citations - either straight
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- Footnotes are preferred. Do not use in-text citation. Documentation used is Chicago Manual of Style.

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