Filozofija i društvo, godište XXXIII, broj 3
izdaje / published by
Institut za filozofiju i društvenu teoriju
Kraljice Natalije 45, Beograd, telefon: +381112646242
Email: institut@instifdt.bg.ac.rs
www.instifdt.bg.ac.rs

Prilozi objavljeni u *Filozofiji i društvu* indeksirani su u Web of Science (ESCI), Scopus, ERIH PLUS, Philosopher's Index, EBSCO, PhilPapers, ResearchGate, Genamics JournalSeek, Google Scholar, J-Gate, ProQuest, ReadCube, Europeana Collections, Journal Index, Baidu Scholar

Dizajn: Milica Milojević

Lektura: Edvard Đorđević

Grafička obrada: Sanja Tasić

Štampa: Sajnos, Novi Sad

Tiraž: 300. Časopis izlazi četiri puta godišnje.

Cena 350 dinara; godišnja pretplata 1200 dinara.

Objavljivanje časopisa finansijski pomaže Ministarstvo prosvete, nauke i tehnološkog razvoja Republike Srbije.

Univerzitet u Beogradu
Institut za filozofiju i društvenu teoriju

FILOZOFIJA I DRUŠTVO
PHILOSOPHY AND SOCIETY

broj 3 2022.
godište XXXIII

Beograd 2022.
YU ISSN 0353-5738 UDK 1+316+32
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THE EVER-EMERGING MEMORY: HOLOCAUST AT THE CROSSROADS OF MEDIA, ETHICS, AND CONSUMERISM

IZNOVA POJAVLJUJUĆE SEĆANJE: HOLOKAUST NA RASKRSNICI IZMEĐU MEDIJA, ETIKE I KONZUMERIZMA

STUDIES AND ARTICLES

STUDIJE I ČLANCI

THE EVER-EMERGING MEMORY: HOLOCAUST AT THE CROSSROADS OF MEDIA, ETHICS, AND CONSUMERISM

IZNOVA POJAVLJUJUĆE SEĆANJE: HOLOKAUST NA RASKRSNICI IZMEĐU MEDIJA, ETIKE I KONZUMERIZMA

EDITOR'S NOTE

Dragana Stojanović

THE EVER-EMERGING MEMORY: HOLOCAUST AT THE CROSSROADS OF MEDIA, ETHICS, AND CONSUMERISM

The theoretical texts presented in this thematic issue communicate, each of them in different way, and yet, so interrelatedly, the possibilities of looking into the history and trauma of the Holocaust eighty years after it had happened. Already sliding into the postmemory complex and hauntingly witnessing the fourth generation after it, the Holocaust still presents itself as an ever-emerging memory, a traumatic nodus on its own. However, trauma uncovers itself through so many ways of expression, and we touch it through the witnessing of the survivors, but also through gaps, voids, questions yet to be asked, and through all the attemps to fill or inspect, or at least make peace with these empty spaces that the Holocaust left in history and our presence. Filling this map has been done through writing, filming, speaking, performing, through curatorial practices, and through the double-edged swords of contemporary technology and marketing strategies too. Also, the actual physical places of the Holocaust are coming more and more into the focus of researches and learners - so museums and archives are applying new technologies and new curatorial practices to accomodate that surge; memorial places are becoming new fields for those who search for the answers but also for educational tourism, and ethical issues are multiplying – so it seems that we will have to rethink the Holocaust at the crossroads of media, ethics, and consumerism. One thing is for sure: Holocaust memory arises ever-emerging, and new generations are discussing it within their new, technologically driven communities, which might very well give us a key for understanding, approaching, and preventing the antisemitism of a new age.

The four papers presented in this thematic issue search through contemporary places and spaces of the Holocaust memory, both physical and virtual, uncovering their importance for understanding both the past and future lessons that the Holocaust has left us with. All four papers, in their own way and

in different writing styles of their authors, decribe and analyse living spaces of learning about the Holocaust today. All these spaces, no matter how different in their physical or expressionable qualities they might be, are performative – be it a film, a social network activity, architecture, memorial site, and more. Also, all the texts concentrate not only on the past as a separate discursive baloon, but also on present challenges that we still experience in relation to the Holocaust – above all, recognizing and preventing contemporary forms of antisemitism and its overt or covert imprint onto the media, art, institutional knowledge, and leisure activities. In the paper *The Trauma of the Others!? (Yugoslav Holocaust Films of 1960s)* Nevena Daković is bringing up the three nearly forgotten Yugoslav films of the 1960s – *Killer on the Leave* (*Mörder auf Urlaub/Ubica na odsustvu/Ubica je došao iz prošlosti*, 1965, Boško Bošković), *Witness Out of Hell* (*Bittere Kräuter/Gorke trave*, 1966, Žika Mitrović) and *Smoke* (*Dim*, 1967, Slobodan Kosovalić) in order to offer a map of reconfigurations and displacements of the ever-emerging trauma of the Holocaust in the cinematic narratives of SFR Yugoslavia. This reconfigurations, Daković argues, are becoming through diversification of the roles of victims, perpetrators, witnesses, or bystanders, and through balancing the memory of the Holocaust within both classical anti-fascist and cosmopolitan, multidirectional dimensions. Marija Ratković's paper with the title *Testimony in Stone: Architecture of War from Kluge to Herscher and Weizman*, on the other side, asks the questions related to the role, purpose, and significance of architecture in war and war crimes, here specifically in relation to the Holocaust. Proposing different technocultural, anti-humanist and post-humanist approaches, Ratković uses the concepts such as *brutality in stone* (Kluge), *warchitecture* (Herscher) or *forensic architecture* (Weizman), and makes an active analytic shift between 'the era of the witness' (Felman) to the 'decade of evidence' (Weizman), pointing out to complex interpretational and theoretical tools that can open up the research field to the architecture as a societal practice. This could become a very central point in memory and knowledge production, especially in the cases of post-traumatic landscapes. Following similar line of analysing landscapes of memorial spaces and places of the Holocaust, but in the light of ethical and responsible post-Holocaust learning, Dragana Stojanović, in her paper *Holocaust and the Ethics of Tourism: Memorial Places in Narrations of Responsibility* tackles a quite sensitive issue of the Holocaust tourism. As tourism is often associated with light, leisure activities, it is quite challenging to put tourism into darker contexts of history and trauma, especially if we are speaking about the Holocaust. Consciously and responsibly discussing ethical approaches to the Holocaust memory in the beginning of the 21st century through the challenges of contemporary market and commodification processes, Stojanović argues for the touristic experience as a memorable and educational tool with an active transformational potential, which will turn the visitor into a witness that would further contribute to survival of the legacy of the Holocaust in the future. Finally, Aleksa Milanović's text *Antisemitism Online: History's Oldest Hatred and New Media Challenges* openly looks into the present technobehavioural

reality of the internet, social networks communication, and the encounter of the generations that are yet to come. Starting from the different theoretizations and discursive anchorments of the very term and practice of antisemitism, Milanović is connecting traditional forms of antisemitism with the online antisemitic activities of today. Offering rich and precise analyses of the antisemitic activities on numerous and very different online social networking platforms, in the same time explaining and discussing forms of both overt and covert antisemitism, Milanović calls for an urgent action towards preventing the antisemitism of contemporary age.

In the end, but not less important, these texts stemmed from the continuous work of *ShoahLab* – Holocaust Studies Laboratory of the *Institute for Philosophy and Social Theory* in Belgrade. ShoahLab gathers different academic and field researchers coming from various disciplines of theoretical, philosophical, pedagogical, historical, artistic, scientific, curratorial, humanist- or posthumanist-related approach. Many of these researchers work within contemporary inter- and transdisciplinary methodologies, while some, rightfully in their place, hold on to standard disciplines, leading them towards newer, responsible, or even response-able type of academic, always already performative, *doing*. It is the hope and the thesis of the researchers of *ShoahLab* that the Holocaust, alongside other noncomprehensible crimes, can never simply be "researched" and "done", but only continually and respectfully exposed and communicated, in continual attempt to comprehend its genesis, consequences and legacies. Let the sum of the texts here presented be just the example of these paths, and an invitation for more Holocaust-related academic *doing* in the future.

UDK 341.485(=411.16):791(497.1)
https://doi.org/10.2298/FID2203519D
Original Scientific Article
Received 05.06.2022. Accepted 29.08.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Daković, Nevena (2022), "The Trauma of the Others!? Yugoslav Holocaust Films of the 1960s", *Philosophy and Society* 33 (3): 519–534.

Nevena Daković

THE TRAUMA OF THE OTHERS!? YUGOSLAV HOLOCAUST FILMS OF THE 1960s

ABSTRACT
The aim of this paper is to map the reconfiguration and displacement of the emerging trauma of the Holocaust in the cinematic narratives of SFR Yugoslavia. The analysis of three nearly forgotten Yugoslav films of the 1960s – *Killer on Leave* (*Mörder auf Urlaub/Ubica na odsustvu/Ubica je došao iz prošlosti*, 1965, Boško Bošković), *Witness Out of Hell* (*Bittere Kräuter/Gorke trave*, 1966, Žika Mitrović) and *Smoke* (*Dim*, 1967, Slobodan Kosovalić) – follows Kansteiner's thesis about the changes of Holocaust memorial narratives in the films shown on German television in the 1970s. Accordingly, I claim that the analyzed films position the trauma of the Holocaust as a crime committed by others, over there, and then in the past. Further, they broaden the trauma to accommodate the diversified roles of victims, perpetrators, witnesses and bystanders, and help the Germans (and other Europeans as well) come to terms with the Nazi criminal legacy and their own role. The co-productional terms allow the films to balance the memory of the Holocaust as both anti-fascist (East Germany) and cosmopolitan, multidirectional (West Germany) within the real Yugoslav/German symbolic narrative space and its intrinsic poetics (e.g., memorialization and sacralization).

KEYWORDS
trauma, Holocaust, memory, Yugoslav films, other

Holocaust as the main theme of Yugoslav and post Yugoslav cinema(s) is limited to few frequently mentioned films but rarely analysed in depth – from theoretical and historical perspective. These liminal titles are, mainly, seen from the position of "grand theory" (Bordwell, Carroll 1998); as indicators of state defined politics of memory. Alongside well known titles such as *Ninth Circle* (*Deveti krug,* 1960, France Štiglic) or *Himmelkommando* (*Nebeski odred,* 1961, Boško Bošković, Ilija Nikolić), focused on victims and concentration camps, several other half forgotten coproductions of the 1960s stand on the margins of Yugoslav film history: *Killer on the Leave* (*Mörder auf Urlaub / Ubica na odsustvu / Ubica je došao iz prošlosti*, 1965, Boško Bošković), *Witness Out of*

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Hell (*Bittere Kräuter / Gorke trave*, 1966, Žika Mitrović) and *Smoke* (*Dim*, 1967, Slobodan Kosovalić). These films offer comparative and alternative views of the Holocaust that happened "there and then"; of the trauma of the others who are equally perpetrators, victims, bystanders, witnesses and survivors. Moreover, due to their co-productional character, these films managed to capture the moment of change of Holocaust memory from (hi)story of the anti-fascist struggle (East Germany and Eastern Europe) to cosmopolitan (multidirectional) memory (Kanstainer 2019). Along the way, indirectly (*Killer on the Leave*, *Witness Out of Hell*) and directly (*Smoke*) they deconstruct the dominant figure of a passive and innocent bystander who acted as the (neutral) cover for the roles that Europeans and especially Germans pretended to play in the Holocaust (Kanstainer 2019).

On the one side, in post-Yugoslav cinema(s) as well as in world media and fiction the wars of the break-up of Yugoslavia are seen as the Holocaust-like-events (Alexander 2004) that sustain further already recognised and increasingly direct connection between the Holocaust and the Soviet terror in the Eastern block. The memory, the symbols, and the imagery of the Holocaust are appropriated to represent the crimes of communism. These are also accompanied by a profound influence on memory politics and legislation – all with the aim of providing „ontological security" (Subotić 2019) to new states and nations. On the other side, the growing popularity and academic institutionalisation of Memory Studies – initiated, among other things, by the research of the Holocaust in the North-Atlantic cultural space – are reflected in the overall cinema production of the Holocaust and Yugoslav 1990s war films in post-Yugoslav and Balkan states.

Reshaping the Cinematic Holocaust Memory

The evolution of Holocaust memory in Yugoslav and Serbian cinema is seen in three phases: 1960-1978; 1978-2005; 2005-today. It begins in 1960[1] with the film *The Ninth Circle,* a Bulgarian-East Germany coproduction, that bears uncanny resemblances with the film *Stars* (*Sterne*, Konrad Wolf, 1959). The explanation of the similarities that go far beyond the theme and the plot oblige us to look into the production context of *Stars.* Wolf's film, is the first one in the Balkans and among the first in Eastern Europe – the space of intersecting, and frequently, opposed historical legacies – that introduced the Holocaust narrative as the one independent of mainstream heroic war stories of the

1 Of no less importance is the fact that these years (1959-1961) are the time of the appearance of key theories of the ethics and aesthetics of representation of the "civilizational trauma". The polemics begins with a famous text of Jacques Rivette *De l'abjaction* (*On Abjection,* 1961) – published in *Cahiers du cinéma* – about the film *Kapo* (Gillo Pontekrovo, 1960) and continues with the writings by Daney (1992), Didi Huberman (2003) and other theoreticians that define the film and the critical text as the axiom for judging the meanings and values of screen representations of the Shoah (Juillet, Leveratto 2016).

socialist block.[2] Furthermore, *Stars* spoke out courageously[3] about the delicate issue of the solution of the "Jewish question" in Greater Bulgaria and on the „new territories" (Ragaru 2020). The story follows a tragic and impossible love between a German soldier Walter (Jürgen Frohriep) and a beautiful Jewish girl Ruth (Sasha Krusharska) who is on the transport of death. Angel Wagenstein's screenplay, based upon true events from his family's and frinds' past, thus, established a model of fictionalisation of real events, history and documents.

At the same time, *Stars* is the key film that initiated coming to terms and confrontation of West Germans with the Nazi past through East European (especially East German) films. The micro-narratives of the Holocaust appeared from the shadow of the macro-narratives of the antifascist struggle. In that sense, excellent analysis of a famous Holocaust and Memory Studies scholar, Wulf Kansteiner, about the Holocaust on West German television, argues that in the 1970s in Germany, and broader in the world, television, has become "the main mean of research" of Nazism, totalitarianism and genocide because of broadcasting these early titles of the Holocaust cinema. With strong "self-critical" note, *Stars* remains a rather unusual place of memory in the Eastern European historical culture (Kansteiner 2019), talking less about the perpetrators and more questioning whether ordinary people could have done more to protect and save their neighbours and compatriots. Similarly, Nadege Ragaru (Ragaru 2020) concludes that the film leaves us with a feeling of deep sadness and painful awareness of what we could have done but did not.

> In our film, Fascism does not appear only as Kurt. Fascism is presented, also, as 8.000 Greek Jews deported to Auschwitz [...] and only one woman who returned [...]. That is Fascism. If, during the war, people like Walter did not succeed to influence the happenings no more than Walter managed to stop the train that was because they have realised too late that the train had to be stopped before it actually began to move. It is not enough to wish something, you have to do something. (Ragaru 2020: 133)

The importance of the film for our "Bulgarian friends", as Ragaru finds out, lies in the questions it raises about collaboration (embodied in the character of the Chief of police) and the principal responsibility for the Holocaust. [4]

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2 Well presented and documented story of the production – that went through real bureaucratic labyrinth – includes the transcripts of the debates about the script, political analysis etc. During one meeting about the screenplay, the participants debated why there were no Communists among the deported Jews and why the film dealt with Greek Jews? (Ragaru 2020: 143)

3 The fact that the director Konrad Wolf is the brother of Marcus Misha Wolf, legendary chief of STASI, largely explains the courage of tackling the subject of the Holocaust.

4 Wagenstein claims that the (re)education of the European and especially German audience began with the 1946 film *The Murders Are among Us* (*Die Mörder sind unter uns,* Wolfgang Staudte) as it "renewed our faith in a nation capable of self-reflection, of looking into the mirror and acknowledging its own guilt, of making a confession that very few nations would be able to make" (Brockmann 2010: 184–209).

The story of *The Ninth Circle* is also about a tragic and impossible love between a Jewish girl Ruth (Dušica Žegarac) and a Croatian young man Ivo (Boris Dvornik) in Zagreb – at the time capital of the fascist Independent State of Croatia. It is likewise based upon personal and family sufferings of the author of the novel and the screenplay, Zora Dirnbach. In a "biographical" key, *The Ninth Circle* shares the firstness with *Himmelkommando* – made after a brilliant, classic drama by Đorđe Lebović and Aleksandar Obrenović, above all recognised as a textual re-enactment of Lebović's traumatic survival of Auschwitz (due to his camp number A-12759 that is also the number of the narrator). Differing from the drama,[5] through a number of interventions in the narration, the film successfully solves the issue of the true, real and reliable witness – for whom Primo Levi (Levi 1996) argues that has to be the one suffocated, drowned and never the survivor. In the last scene of the film we see volunteering for the new Himmelkommando group and we hear a voice off reciting the verses from a famous poem by Branko Miljković *Eulogy to the Fire* (*Pohvala vatri*). Uttered by a well-known Zeleni (Ljuba Tadić), already executed member of the previous Sonderkommando, the poem suggests that the entire story is told in retrospective by the witness, a homodiegetic narrator who narrates from the Heaven and the other side of life. Dead and mute Zeleni is resurrected and, thus, given back his voice which makes him a perfect embodiment of Levi's (paradoxical) true witness.[6]

The second phase begins in 1978, with the world TV premiere of the mini series *Holocaust: The Story of the Family Weiss* (1978, Marvin Chomsky, NBC) as the turning point in the representation of "absolute evil". The regenrification of the Holocaust as cosmopolitan memory narrated as the family melodrama with the Hollywood immanent *happy end* and the triumph of the poetic justice was met with strong criticism. Elie Wiesel (Wiesel 1978) and others rightfully criticised the trivialisation/hollywoodisation that turned the Holocaust into something that it has never been in reality (imperative success story of the survivor).

Although the SFRY's geopolitical situation allowed JRT (Yugoslav Radio Television) to import and broadcast programs from the West with negligible delay, the mini series has never been officially shown in former Yugoslavia.

5 For more about narration in *Himmelkommando* see Daković 2014: 1–9 and Daković 2014: 169–185. Zeleni is both a witness and a frame-narrator, not seen in the act of narration and thus given more reliability as the voice of the inivisible (God like) authority.

6 To the films of the first phase also belongs *The Fed One* (*Hranjenik*,1970, Vatroslav Mimica), again, based upon the true story from Aushwitz and the drama of Milan Grgić. Further, if we are to acknowledge the great overlapping of the films about the camps – not necessarily death camps but also labour camps, camps of the Red Cross, or pow camps – and Holocaust films then to this group are to be the added titles like *Red Flower* (*Crveni cvet*, Gustav Gavrin, 1950), *Blodveien* (*Krvavi put*, Kåre Bergstrøm, Radoš Novaković, 1955), *Three Quarters of the Sun* (*Tri četvrtine sunca*, Jože Babič, 1959), Five Minutes of Paradise (*Pet minuta raja*, Igor Pretnar, 1959), *Black Birds* (*Crne ptice*, Eduard Galić, 1967), and decades later came *Lager Niš* (Miomir Stamenković, 1987).

Despite that, Yugoslav press closely followed and commented upon its reception and reactions worldwide, and especially those of German audience. The phrases used in this coverage revealed that the politics of levelling still ruled in the country of "brotherhood and unity" with the aim "to repress a problematic aspect of the country's recent history, namely the interethnic violence that occurred in Yugoslavia between 1941 and 1945" (Byford 2013: 526). In the democratic equating of the victims and the homogenisation of the war as the socialist revolution there was a place for the stories of the Jews as heroes of the antifascist struggle, but not for the stories about the passive and innocent Jewish victims accepting the destiny of being slaughtered in the concentration camps without any resistence.

A new impetus for the local narrativisation of the Holocaust came with the hugely popular war saga *The Winds of War* (1983, Dan Curtis, ABC) and *War and Remembrance*[7] (1988, Dan Curtis, ABC) – broadcasted in 1986 and 1990/1991 in primetime on the first channel of RTS. Only few months later, the world press and TV stations began to draw obvious and shattering parallels between the scenes pouring out from the war-torn Balkans and the archival footage of the Nazi persecutions. Holocaust memories and images, suppressed and reframed under communism, were carefully manipulated and instrumentalised during the 1990s for a variety of purposes – namely, boosting ethnic hatred and intolerance, offering (comparative) explanations for the ongoing conflicts to the ignorant world audience, and identifying the roles assigned to the warring parties. However, all TV titles are barely comparable with the impact of Spielberg's *Schindler's List* as a carefully made (hi)story of the moral conversion of the hero saviour and the survivors from his list; eulogy to life when it is easier to survive than to go on living; and honour to six million Jewish victims.

The standstill in the Yugoslav cinema is disrupted only by war time comedy drama *Balkan Express*[8] (*Balkan ekspres,* 1983, Branko Baletić) about a small group of conmen who turn from self interested bystanders into accidental and reluctant heroes of the war. Trying to survive the war, a small group of petty thieves pretending to be musicians are playing on the terrace of the *Bel Epoque* pub while looking for the chance to escape from friendly Germans and energetic partisans, as well as from being obliged to make a choice and suffer the consequences. Tense, comical and dramatic plot (light irony and distance being the merits of Gordan Mihić's screenplay) are accompanied by nostalgic music and popular chansons that hide the horrors of war. In the end, the Holocaust seen in few short scenes – rounding up of the Jews: the Jews who do not escape, although given the opportunity, from the train of death – become

7 The producer of the series, Branko Lustig – later awarded the Oscar for *Schindler's List* (Steven Spielberg, 1993), was born in Osijek and was a survivor from Auschwitz. The second part of the series was partially shot on locations in Croatia.

8 However in the broader context of the films tackling the issue of the Holocaust through the stories of the WW2, it is necessary to mention Zafranovic's masterpiece *Occupation in 26 Pictures* (*Okupacija u 26 slika*, 1978) or less than mediocre *Kraljevski voz* (Alekandar Đorđević, 1981).

a more central theme when the 'musicians' find the atonement in hiding and saving a little Jewish girl (Lea/Hajdana Baletić).[9]

The last phase, from 2005 until today is marked by the battle for the "true" (multimedia) memorialisation of the Holocaust in Serbia and was initiated by the placement of a memorial plaque Topovske Šupe in the right place or by polemics about the plans for the Old Fairground (the monument was erected in 1995). In post-Yugoslav cinema(s), the last phase brings a set of mainly hollywoodised films like *Third Half-Time* (*Treće poluvreme,* Darko Mitrevski, 2012, Macedonia), *Lea and Daria* (*Lea i Darja,* Branko Ivanda, 2011, Croatia) and *When the Day Breaks* (*Kad svane dan,* Goran Paskaljević, 2012, Serbia) with the addition of other Balkan titles like: *Bulgarian Rhapsody* (Ivan Ničev, 2014, Bulgaria), *Grubers Journey* (*Calatoria lui Gruber*, Radu Gabreu, 2008, Romania) and *Cloudy Sunday* (Manousos Manousakis, 2015, Greece). The brilliant Oscar awarded *Son of Saul* (Laszlo Nemes, 2015, Hungary) precedes excellent and ironic *I Do Not Care If We Go Down in History as Barbarians* (*Îmi este indiferent daca în istorie vom intra ca barbari,* Radu Jude, 2018). In the best tradition of the comedy of the absurd, the film presents the tragedy of the Holocaust of the past and the present, a (black) comedy of the nation unable and unwilling to come to terms with the guilt and assimilate it into its national memory. In post-Yugoslav space, films like post-traumatic and modernist *Diary of Diana Budisavljević* (*Dnevnik Diane Budisavljević,* Dana Budisavljević, 2109, Croatia); *Dara of Jasenovac* (*Dara iz Jasenovca,* 2020, Predrag Antonijević, Serbia) filmed in a predictable genre way; and, so far, only announced *Children of Kozara* (*Djeca Kozare,* Lordan Zafranović, screenplay Arsen Diklić) reflect rival memories and rewriting of history such that they support new identities of the nation states. Two excellent films *The Load* (*Teret,* Ognjen Glavonić, 2018, Serbia) and *Quo Vadis Aida?* (Jasmila Žbanić, 2020, Bosnia and Herzegovina), as well as *Košare* (Balša Đogo) and *Harvest* (*Žetva*, Paul Kampf) – in different stages of production – reveal that past resonates powerfully in the present and proves the persistence of cultural trauma in cinema through the Holocaust displaced and recognised in recent history happening in Kosovo, Bosnia and Herzegovina and Serbia.

Return from Oblivion

The neglected Holocaust films, although made successively in 1965, 1966 and 1967 – dealing with coming to terms with the crime and the trauma; bystanders becoming aware of having to accept the truth, responsibility and consequences and acknowledge their true identity in the past (Kanstainer 2019) – are rescued from oblivion only after being shown on Serbian television in the 2020s. The silver lining of the delayed premiere, comparable with the one of the German discovery of the Holocaust in the 1970s, confirm that in the new millennium

9 In the end, Popeye (Dragan Nikolić), the charming *gamin* with the comic book name, turns into a mythical hero through death and sacrifice for Lea.

the „commercialised, fragmented, digitalised and globalised" (Kansteiner 2019: 29) television persuasively speaks to the post-generations, decades removed from the historical events. Moreover, they reveal a change from "a predominant concern with a sense of control and distancing supported by the discursive aesthetics of 'why' to a persistent curiosity about sensing facets of trauma through simulative aesthetics of 'how'" (Kansteiner 2019: 29).

Killer on the Leave[10] is another joint project of the authors of the *Himmelkommando* – director Boško Bošković[11] and writer Đorđe Lebović, who together with Egon Günther signs the screenplay. The story – of symptomatic Yugoslav title *The Killer from the Past* – is set on, at the time, worldly popular Adriatic resort Sveti Stefan. After the discovery of the dead body of the guest (Max Scheffler/Jirí Vrstála) on the beach reserved for the rich and famous, the chief inspector Korać (Vjekoslav Afrić), survivor from the Nazi camp, and his younger colleague Zoran Radić (Slobodan Cica Perović) come to investigate the crime. Soon, they realise that behind, a seemingly simple crime of love and passion there is a hidden, more complex case whose roots reach back to the WW2. The chief suspects are family members of the deceased: Jasseline – Paul Jasseline (Harry Studt), *pater familias* and successful Swiss businessman; his much younger and rich wife Therese (Christine Laszar); a cheerful and naive daughter from the first marriage, Seline (Doris Abeßer); his son Jacques (Helmut Schreiber); and Jacques' unfaithful and debauched wife Valerie (Annekathrin Bürger) – full of secrets, lies and frustrations. Korać and Radić find the photos from the past (commanding German officers in a concentration camp) and the present (Valerie as a pin up girl) that lead them towards a number of suspects and hint at the possibility of new murders. The investigation emphasising modern forensic techniques employed by Yugoslav police and the deductive and lucid minds of the two inspectors reveals that the murder victim Scheffler was not only Valerie's lover but also a fellow officer of Paul Jasseline. The discovery that at the time of WW2, Paul – then known as Maier – was the commander of the Nazi camp in Norway introduces a new motive for the crime – fear of the past which if revealed could cost him his name, financial wealth, honour, family... The intertwining of the crimes from the past and the present defines the dynamic repositioning of well-connected characters. Paul, Jacques and Therese bear the drama of passion and greed; Jacques, Max and Valerie of the adultery and failing marriage; while the tragedy of the WW2 is told by Paul, Korać and Max as victims and perpetrators at the same time. The diversification of the roles they had at the time of the Holocaust could be represented in a Greimas semiotic square: the perpetrators (Maier/Jasseline,

10 Moreover the similar plot is to be found in Borislav Pekić's novel *How to Quiet a Vampire* (*Kako upokojiti vampira*, 1977) published ten years later. Pekić is also the author of the scenario for the film *Smoke*, analysed later in the text.

11 At the same time, for Bošković it is the beginning of the collaboration with DEFA – the serial of Winnetou and the film *White Wolf* (Weisse Wölfejer, 1969) co-directed with Konard Petzold and co-produced by Bosna film and DEFA.

Max),victims (Korać, Jaseline, Valerie, Max), bystanders (Radić, Jacques) and witnesses (Seline, Max) being on the corner tops.[12]

In the conflict escalating between Korać and Radić about the priority in the investigation – to arrest the notorious war criminal Maier or Paul Jasseline, charged for the banal murder of Scheffler who is also a war criminal and blackmailer – it is inspector Korać who wins. He sets a perfect trap by "internationalising" the crime and acquiring the time for the arrival of the extradition paper from Norway. The film ends with Maier's spectacular arrest while attempting to escape to Italy.

The film offers multiple and novel inscriptions and reflections of the Holocaust as memory, trauma and the bitemporal phenomenon (of the past and the present) – the point of divergence between generations and post-generations. Korać is haunted by the past; burdened by the trauma, atrocities and suffering he witnessed in the camp, while young Radić who – like post-war generations in Germany – is not concerned with and does not accept any links with the past. The outcome of the opposed attitudes is a certain, not yet tangibly present scepticism and a growing indifference towards the past, the truth and the responsibility. This is, maybe, best expressed in the words of a character in another Holocaust film and novel *Bittere Kräuter* (*Gorke trave* 2000)

> I want to say: you are doing your duty as if you believe that the world will change and be saved if you punish several more war criminals... And what we are to do with new Nazis, here and in the world? What about new wars, genocides and the ever and everywhere present insanity, growing and spreading unstoppably like weed? (Filipović 2000: 184)

The pan European remapping of the Holocaust in the story is the first step in the process of becoming cosmopolitan memory. The East German-Yugoslav film tells the tale about German camps in Norway; family Jasseline, under its new identity, leaves peacefully in idyllic and opulent Switzerland; Scheffler, as the embodiment of the rejected and erased Nazi past,[13] remains the eternal perpetrator – a mercenary who understood that one could live well from death and wars – wandering around from the Eastern front, a concentration camp in the Western Europe to the neocolonial wars in Korea and Congo (and new non-aligned countries). In the investigation, the photography of the Nazis camps circles from Yugoslavia to Norway, while on the sunny Adriatic coast,

12 Comp. Kansteiner 2019: 29–41 and the diversification of the roles of Germans in WW2 as not only perpetrators but also victims, bystanders and heroes. See also Vojnov 2021. https://www.facebook.com/search/top/?q=Ubica%20na%20odsustvu who criticises the extorted ethical diversification that leads to the disbalance of the plot due to the lack of the figure of the real and strong victim. I would like to thank, again, Dimitrije Vojnov for valuable insights and useful comments about the film.

13 Scheffler speaks about denazification either with the „witnesses" bribed with 20 DM in Dortmund or in more expensive option – organised by Paul – of the bought false obituary and new documents.

Korać in a dramatic and traumatically charged scene of the confrontation with Swiss/German Maier reveals the number tattooed on his arm.

SFR Yugoslavia is the ideal new setting for new Holocaust stories, being the country that has built its prestige, power and respect on its new place on the geopolitical map of the polarised world; on its role of the founder and leader of the Non-Aligned movement; and on the personal charisma of Tito.[14] Moreover, all the aforementioned make it a perfect mediator and modificator of the sensitive and traumatic past. Luxurious hotel-island, the beaches, the bars and the restaurants, reverberating with brilliant, modern music of Darko Kraljić are adequate decor for the Holocaust story, but this time told as a thriller, a murder mystery or East German detective story when the "colourless and without smell", (Pinkert 2010: 265) drab style of DEFA is enlivened by Yugoslav vivid scenery and landscape of political freedom – on the other side of the Iron curtain but also outside the Western block. The coproductional character brought modernist tones to the, otherwise, grey eastern design. Summer vacation atmosphere is portrayed in the Mediterenean *blases* tones; inspector Radić in his smart and elegant suits looks as from the front pages of the first Yugoslav fashion magazines or from the film *Love and Fashion* (*Ljubav i moda,* 1960, Ljubomir Radičević); scenes of leisure and entertainment portray the blooming consumer society. Amazingly, in this, as in other films, we find overt and recognisable reference to Hitchcock. It is the figure of spiral – like the one in the poster for *Vertigo* (1958) – appearing in the first and the last shot of the film; the trail of the boat driven by Scheffler with Valerie waterskiing behind and in Maier's attempted escape. The spiral shape emblematically stands for, both, the vertigo of crime that sucks in everyone and for the moral vertigo of the fall into the past on both sides of the screen – of the characters and of the audience.

The second title, *Witness Out of Hell*, directed by Žika Mitrović, a famous director of action, war and generally "male" genre films with, when needed, emphasised romantic plot line is also made as a co-production with DEFA. It relates with the Holocaust trauma from the actual perspective of the first court trials (Frankfurt trials 1963-1965), organised by Germans (and not by the international community like the Nuremberg trials) against the perpetrators discovered hiding under the identities of peaceful German clerks and officials, once upon a time innocent bystanders of the Nazi era. The author of the novel and of the screenplay is Frida Filipović, a well known journalist, awarded translator and "prose writer of impeccable style and great literary skills" (Omeragić 2014).[15] The film's direct thematisation of bitter memories of forced

14 Even more, Inspector Korać – played by Vjekoslav Afrić who in 1947 film *Živjeće ovaj narod* (Nikola Popović) already appeared in the role of Tito – really resembles the president of Yugoslavia (his hair, shape of the spectacles, rigid, uniform style of dressing).

15 There are many similarities between the family and personal (hi)stories of Zora Dirnbah and Frida Filipović. Also, in *The Ninth Circle* Ivo finds Ruth in the camp, in the group of women aimed for entertaining German officers.

prostitution and rape in a concentration camp is a Yugoslav response to first American films dealing with the theme – *The Prize* (Mark Robson, 1963) and *The Pawnbroker* (Sidney Lumet, 1965).

The film recounts the destiny of a woman survivor, (Irena Papas) who, after twenty years, has to testify in the court trial against a war criminal. The eponymous novel – being a unique case in Yugoslav history in which the novel published thirty three years (2000) later – came to life as a symbiosis of the film's screenplay and a short story "Villa *Hortensia*" ("Vila *Hortenzija*"). The added story of Sonia Hirsch – in the film renamed as Lea Weiss – written in lyrical, confessional tone with slight distance portrays Sonia's life before the Holocaust, her marriage and her hiding in the guest house in Vrnjačka Banja (Villa Hortensia) during the first months of the war. The film's screenplay – in which Bora Matić is, like Sonia/Lea, renamed as Bora Petrović (Daniel Gélin) – is made into the second chapter entitled "Witness Out of Hell",[16] almost entirely set in Germany. Thus, the film skips the life before the war and in *medias res* chronicles Lea's running away, hiding and refusal of appearing as the witness at the trial against Rudolf Berger (Hans Zesch-Ballot), her torturer and "protector" in the camp. Going after the trail of the published docu-fiction, newly appointed prosecutor (Heinz Drache) asks Bora to help him secure Lea's testimony. The reunion of former lovers, Lea and Bora, puts in motion the multiple trauma of memory, guilt, fear and responsibility that makes Lea commit suicide, an act of the only possible escape from the brutal past that keeps haunting her.

Witness Out of Hell is the second[17] joint project of the authorial – and at that moment matrimonial, too – couple Filipović-Mitrović, expert storytellers of modern, European sensibility and Hollywood film *ecriture*. While Frida Filipović goes for the psychological thriller with the investigators who connect strongly and deeply empathise with the victim, Mitrović through an array of focalisers – Lea, Bora, prosecutor and Berger/ victim, witness, bystander and perpetrator who could be set in a semantic square – moves beyond classical crime story.

Important, yet so far under-researched links with the genre of psychological thriller, identified in the scenes of Lea's nightmares and hallucinations of being taken to the concentration camp as well as in the shot of her dead body lying on the glass roof, create the homage to Hitchcock. Beside elegant citations, Mitrović refers effortlessly to his previous oeuvre of rather different themes. The opening credits panning over the desecrated monuments on the Jewish cemetery are a nod towards the shots of graves and the epitaphs in the

16 *Witness Out of Hell* is also the English title of the film and the title of the docu-fiction, documentary novel-within-the novel (and film). In the best manner of contemporary investigating journalism, the frame story puts together Sonia's/Lea's memories – written down by Bora in Belgrade, in the immediate aftermath of the war – documents, court notes and newly found data.

17 The first one is *Look for Vanda Kos* (*Potraži Vandu Kos*, 1957).

film *March on Drina* (*Marš na Drinu,* 1964); Lea and Ivka (Merima Eminović, *Look for Vanda Kos*) are sisters by guilt and betrayal both trying to resist retraumatisation; the war crimes haunt the post-times in the nocturnal urbanscapes[18] painted in the best tradition of *film noir*.

Smoke, the only "made in Yugoslavia" film is the story about Georg Anders (Milan Milošević) who returns to the unspecified, no name city somewhere in Germany (a provincial town that seems more like West Germany as the population goes to church without any inhibitions and prohibition). The day of his return is also the day of the early release of the convicted war criminal Siegfried Newermann (Janez Vrhovec), commander of the concentration camp in which the young man's family perished. Tragedy of revenge that would wake up all characters from the peaceful sleep and "fantasy of innocence" (Kansteiner 2019) of bystanders develops mostly after the rules of ancient tragedy. Unity of time (24h), place (town) and action (revenge) are disrupted in a modernist manner by the young man's traumatic flashbacks while he, as a bizarre flaneur, wonders through the streets waiting for the moment of revenge. The story begins and ends in a local restaurant/coffee shop owned by Gab/Gaben (Pavle Vuisić) – named after the famous French actor and in the spirit of poetic realism that envelops the town on a river bank. From the strands of fog and smoke – coming from the chimneys of the crematoriums in Georg's mind and memory – floating around boat sirens and humming of their engines are heard. At night, the young man returns to Gab's place where instead of a welcome and celebration party he finds Newermanǹs dead body. Gab, talking with a man released from prison (I turned him into smoke... And children? Them also... little Jews grow to become big Jews...) Gab understands the truth about the Holocaust and the Germans' responsibility. Gab, the bystander woken up from passivity, in an attempt of atonement and recuperation, kills Newermann with a poker (another thing related with fire). Yet, it is Georg who takes the guilt for the murder and phones the police. His false confession "I am the killer because he killed my family" announces the complexity of the guilt of (passive) survivors that is later to be found in literary master pieces by Aleksandar Tišma (*Knjiga o Blamu/The Book of Blam*, 1971) and Imre Kertesz (*Sorstalanság/Fatelessness*, 1975).

The memory potential of the cityscape is sustained by the symbolic switching between the present and the past since in the episodically structured story triggers for reliving the trauma are the places that Georg visits or the town streets he walks through; the encounters with the people whom he remembers but who do not recognise him. The places of associative topography (warehouses, the port, docs, construction sites, church, the apartment building in which Georg's family lived) are poetic signals mapping the memoryscape and define the film's editing cuts. The actual time-space (of the citizens, but metaphorically

18 The film was shot in Belgrade, modern socialistic capital and Mitrović explains that he used "modern edifices of Belgrade (hotel Metropol, Faculty of Sciences and Mathematics) as contrast to the shadows of the dark past embodied in the NeoNacism" (Mitrović 2004, interview by Nedeljko Kovačić).

of the Germans and Europeans) is under the threat – expressed by prof. Leder (Viktor Starčić) "They come suddenly [...]" – of becoming the hellish memory-scape of traumas, Nazi crimes, the Holocaust and concentration camps. Only deceivingly random, Georg's walk – accompanied by the wonderful contemplative music score by Branimir Sakač[19] – evokes the episodes from the life in the camp: torture (young Neo-Nazis harass an elderly couple in the restaurant, blowing a cigarette smoke in their faces, yelling at them), rape (*The Girl* / Milena Dravić is raped at the construction site above which rises a construction crane like the crematorium's chimney or the camp's watchtower), suicide and desperation (Girl climbs up the church tower in a suicide attempt), raids and arrests (a family being evicted from their home). These scenes would, otherwise, stay invisible and unrecognised by contemporary citizens and institutions of power – police, church, school... Georg, being the passive survivor and bystander in the present, is the only one who sees them and through these visions he comes to know that one has to do something and "cannot be only a bystander".

Indicatively, the ethical imperative that "We cannot be only bystanders" is delivered by Newermann's mother (Desa Dugalić), an old lady in a wheelchair on the doorstep of the town's cathedral. She goes to the church[20] to thank God for the release of her innocent son at the same time when the Girl goes to the top of the tower. The church attendant manages to prevent the suicide plan while the old lady points that out of respect for God, justice and moral we have to renounce the passivity of just watching and do something for the preservation of humanism and humanity. The church, as the place of moral epiphany, is also the space of the twofold sacralisation of the memory (past) and the ethics of memory of contemporary society (present).

The gestures, ordinary places and daily objects (mirror reflections, cigarette smoke, the game of dominoes, Alsatian dog sitting by Newermann's side, cider) – like in *poetic realism* – become the places of metaphysical longing and existential *angoisse,* their symbolism underlined by the modernist *mise en scene* – in a vein of new Yugoslav cinema of Puriša Đorđević or Saša Petrović – which places the emphasis on the mental state of characters, intimate interiors whose claustrophobia spills over into the exteriors. Unexpectedly, the film features excellent use of the acousmatic point that makes the music, words and noises of the present echo in Georg's head as Nazi hymns, humiliating orders in the camps or his mother's panicked cries to run away and save himself.

Deterritorialisation that stresses the creation of multidirectional, cosmopolitan memory arises from the elements of different national provenance: the town is in Germany, the war criminal was the commander of the camp in Poland, the owner of the restaurant has a French name, the restaurant and the town feature emphasised poetic realism atmosphere, young people and hoodlums resemble those of late Italian neorealism (Fellini or Antonioni), the family name

19 Sakač also is the author of the films score of *Himmelkommando*.
20 Also in *Killer on the Leave*, the final chase and the trap are set around the church and the graveyard on the island.

of the Jews sounds Danish. Finally, there is a discreet reference to Hitchcock (in the way of *Nouvelle Vague*). At the beginning of the episode "Rape" there is a poster of *Marnie* (1964) on the wall of the shabby storehouse in the port.

The unorthodox film is complemented by strange destinies of the film's authors that are the integral part of the story about the film. In 1967, Slobodan Kosovalić escaped to the USSR in search of a perfect communist state and continued his career in a modest way, directing the so called youth films about soviet patriotism and heroism in the WW2. Borislav Pekić emigrated to London as a famous dissident writer, in 1971. The same year, in Zagreb, Milan Milošević, well known because of the role of Sumenko in the famous TV series for children,[21] disappeared under mysterious circumstances never to be seen again. The film was entered in competition in Pula (Festival of Yugoslav cinema) but was withdrawn and never screened for unknown reasons. Perhaps, the producer, Avala film, decided that beside the Cannes laureate *I Have Even Met Happy Gypsies* (*Skupljači perja,* 1967, Saša Petrović) it did not need a small intimate film about almost invisible trauma. Since we do not know the exact time line of the events, we can only speculate that Kosovalić was, at the time, already on his way to the USSR and that the producer decided to prevent the scandal. Ultimately, the problem might have been something else – like state politics of Holocaust memory.

We Must Never Be Simply Bystanders!

The conclusions that follow from the argument are multifold. The new narrative vectors (discovered true identities, chronotope, music, externalised mental state and memories as narrative motivation, existential *angoisse* of the present and the trauma of the past) sustained by modernist *mise en scene* (psychological thriller, citations, iconography of consumer society...) turn three unusual and forgotten Yugoslav Holocaust films into a field of discursive exchange about trauma and memory where the detraumatisation of the characters (and of society) develops through narrative confrontation with the past. In their quest for justice, revenge and atonement, discovering true identities hidden under the facade of innocent bystanders, the heroes are supported by the recognised essence of their existence – "It all comes down to a memory. And I remember nothing. We are all here because the history does not happen in the past" (Sherwood 2017). The same thought resonates in the words of professor Leder "(You are mistaken, young man.) No one knows history well!" as the history keeps happening through our lives forcing us in the present to face the guilt from the past. The principle of the return to the place of primal trauma displaces the stories to Germany (*Witness Out of Hell, Smoke*) or to non-aligned Yugoslavia as the ideal place where to build Holocaust memory as cosmopolitan, pan-European and multidirectional (*Killer on the Leave*). Along these lines Georg and Gaben solve the trauma in the highly ethical act of revenge done by one and

21 Milan Milošević appeared as Janko in Bloodevein.

with the guilt accepted by the other (*Smoke*). Lea commits suicide while Bora is left to tell the story (*Witness out of Hell*). Jasselines return to Switzerland having lost family honour and history (*Killer on the Leave*). Eventually, the reshaped memory channelled in innovative genres, narratives and productions demands a new kind of complicity from the audience and induces a change in their concept of Holocaust memory.

In many ways Yugoslavia is a privileged place of different collective/European investments in memory: of (the production of) the Holocaust traumatic narrative confronting the (German) past; of the mediation between the anti-fascist narrative of the WW2 and the cosmopolitan memory; of the symbolic parallel of NAM and different memory paths. Along with other East European countries, non-aligned SFRY manages to reflect upon own Holocaust memory and contemporary politics of memory through displaced and covertly self-critical and introspective film narratives that testify about the turn of the concept of memory "from cultural to political". Eventually, the thing that is more important for East Germany and less for SFRY is that the deconstructed identity of the (German) passive and innocent bystander who – after long resistance and ignorance – has to accept all the roles he truly played in the political fabrics of time. Everyone has to emotionally, ethically and actively position him or herself in relation to the Holocaust and none must never be a simple bystander. Even contemporary bystanders/passive voyeurs, film and TV audience, (Kansteiner 2019: 24–25) do not have the privilege and do not enjoy the protection of being at safe distance, but rather must define their stance towards the past and the role their nations played at the time. The Serbian/Yugoslav audience is finally able to see the Holocaust from the new/old *optique* opposed to the hollywoodised *mainstream o*f the 2010s and, along the way, to re-evaluate the geopolitical position of SFRY from the point of view of a far smaller and rather insignificant Serbia of the post-time.

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Nevena Daković

Trauma drugih!? Jugoslovenski filmovi o holokaustu iz 1960-ih godina

Apstrakt

Cilj ovog rada je da mapira rekonfiguraciju i izmeštanje traume Holokausta u nastajanju u kinematografskim narativima SFR Jugoslavije. Analiza tri skoro zaboravljena jugoslovenska filma iz 1960-ih godina – *Ubica na odsustvu* (1965, Boško Bošković), *Svedok iz pakla* (1966, Mitrović) i *Dim* (1967, Slobodan Kosovalić) – prati Kanštajnerovu tezu o promenama memorijalnih narativa Holokausta u filmovima prikazivanim na nemačkoj televiziji 1970-ih godina. Shodno tome, tvrdim da analizirani filmovi traumu Holokausta pozicioniraju kao zločin koji su počinili drugi, negde, a zatim u prošlosti. Dalje, oni proširuju traumu da bi se prilagodili raznovrsnim ulogama žrtava, počinilaca, svedoka i posmatrača, i pomažu Nemcima (i drugim

Evropljanima) da se pomire sa nacističkim zločinačkim nasleđem i sopstvenom ulogom. Koprodukcijski termini omogućavaju filmovima da uravnoteže sećanje na Holokaust, kao i antifašističko (Istočna Nemačka) i kosmopolitsko, višesmerno (Zapadna Nemačka) u okviru stvarnog jugoslovenskog/nemačkog simboličkog narativnog prostora i njegove unutrašnje poetike (na primer, memorijalizacija i sakralizacija).

Ključne reči: trauma, holokaust, sećanje, jugoslovenski filmovi, drugo

UDK 726.8
https://doi.org/10.2298/FID2203535R
Original Scientific Article
Received 30.06.2022. Accepted 02.09.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Ratković, Marija (2022), "Testimony in Stone: Architecture of War from Kluge to Herscher and Weizman", *Philosophy and Society* 33 (3): 535–550.

Marija Ratković

TESTIMONY IN STONE: ARCHITECTURE OF WAR FROM KLUGE TO HERSCHER AND WEIZMAN

ABSTRACT
The article contributes to creating an outline of the significant postwar theoretical approaches that examine the role, purpose, and significance of architecture in war and war crimes. Starting from the Clausewitz thesis that "war is not autonomous", this paper attempts to reveal "the blood that has dried in the codes" (Foucault), politics hidden behind the four walls of architecture. From the concepts of Brutality in Stone (Kluge), Warchitecture (Herscher) or Forensic Architecture (Weizman), through the lenses of architecture, the article exposes war, politics, and ideologies that shape and drive architecture by reimagining and repurposing it both in its primary, functional and cultural, representative sense. A shift from "the era of the witness" (Felman) to the decade of evidence (Weizman) promotes architecture and its remains to the level of science, global governing, and law. The connection of timely-distanced emancipatory practices influenced by Holocaust studies establishes a discursive field for architecture as a performative rather than representative practice. The theoretical frame of the postwar landscape as second nature (Adorno) is crucial for discussing the role of architecture in the Holocaust. Furthermore, it stresses the work of Herscher and Weizman as a contribution to the critique of the depoliticized processes of resolution of the contemporary war crimes and post-conflict reconciliation. Architecture as a societal practice could potentially have a central position in memory and knowledge production, as well as the production of a counter-public sphere.

KEYWORDS
architecture, war, film, Holocaust studies, warchitecture, forensic architecture, performative, cultural memory, Alexander Kluge

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Introduction: Present of the Past

> *"War is only a branch of political activity... it is in no sense autonomous."*
>
> Carl von Clausewitz[1]

The first draft of this text in 2011, emerges from the author's artistic practice within the group Four Faces of Omarska, collaborations with Grupa Spomenik (Monument Group) and the project Living Death Camps, archive and research work led by Eyal Weizman, and Forensic Architecture project by the Centre for Research Architecture on Goldsmiths, University of London. From 2010 to 2012 we did a series of art projects and exhibitions (led by Milica Tomić), public events, collaborative translations, and reading groups (led by Branimir Stojanović[2] and Noa Treister under the concept of Ignorant Schoolmaster and his Committees Group) as well as architecture[3] and film theory workshops (led by Pavle Levi[4]) and co-authored projects (The Culture of Memory: Present of the Past[5]). There was a need to theorize and intertwine the interdisciplinary knowledge of the pasts and the presents we went through the research, a draft was named Architecture of War in film Brutality in Stone by Alexander Kluge. Since none of the group members was a historian, the interest in the

1 Clausewitz 1940: Book 8, Ch. 6.

2 Foucault 2003; Močnik 1999; Agamben 1998.
11 april 2011 the Working Group FFO had a workshop with Milan Radanović: Historical context of the crimes of Nazi German occupiers on the territory of Serbia and Belgrade 1941-1944. and Olga Manojlović Pintar: And After Camp – Camp!
13 April 2011 Discussion of the text: G. W. F. Hegel, Observation of selfconsciousness to its immediate actuality. Physiognomy and Phrenology. In The Phenomenology of Mind (1908) with Branimir Stojanović.
4-5 May 2011 Grupa Spomenik [Monument Group] and translation/discussion group What is the Name of War Today?, the Ph.D. dissertation written in 2004 by Catherinne Hass and entitled "Qu appelle t-on une guerre? Enquete sur le nom de guerre aujourd hui".

3 13 April 2011 the Working Group FFO had a Working Meeting (Working Group Four Faces of Omarska, Monument Group, Centre for Research Architecture, Goldsmiths University of London).
24 May 2011, the Working Group FFO had a workshop with Andrew Herscher.
13 July 2011, the Working Group FFO had a workshop with Eyal Weizman and Srđan Jovanović Weiss.

4 2-3 August 2011, the Working Group FFO and the newly formed Initiative for Contemporary Art and Theory had a workshop "Film, politics of memory and the production of a counter-public sphere" with Pavle Levi, film theorist, professor at Stanford University, and a member of the collective Grupa Spomenik [Monument Group]

5 The Culture of Memory: Present of the Past was the series of art exhibitions (work of Milica Tomić, Vladimir Miladinović, Andrea Palašti, Vahida Ramujkić...) and events (lectures and talks by Milan Radanović, Ana Vilenica, Milica Tomić, Andrea Palašti...) in Serbia and abroad (Pančevo, Šabac, Novi Sad, Zagreb, Ancona, Vienna...) initiated and curated by Marija Ratković and Dejan Vasić in 2012, read more in Ratković, Vasić 2014.

past we have seen as an archeological practice of *digging deeper*[6] to reveal politics and ideologies behind the well-known atrocities, such as the Holocaust or contemporary war crimes worldwide. As an architect, I was particularly interested in the role of architecture in war conflicts and particularly in war crimes. The *Testimony in Stone* is an attempt to connect timely and spatially distanced concepts of Kluge's intervention into the discourse of postwar Germany through his film Brutality in Stone (1961) and the works of contemporary theorists of architecture – Andrew Herscher with his concept of *warchitecture* and Eyal Weizman's series of multimedia projects under the name of Forensic Architecture, as the emancipatory practices influenced by the Holocaust and trauma studies but of vital significance for the understanding of the role of the architecture in war conflicts.

In 2011, along with collaborators, I was translating the introduction to Eyal Weizman's Belgrade talk on Forensic Architecture[7], which he held in CZKD, under the name „Forensic aesthetic: The Arhitecture of Skulls and Other Living Matter". Both as an architect and as a theorist, I was confused by his thesis the Trial of the Wall[8]. Such an essential turn in the domain of legal science and moving the concept of the trial of the accused man to the trial of the wall – object, architecture, required a more thorough theoretical study of the topic. Throughout the lecture, Weizman gives an introduction outlining this starting point in law, a whole previous shift from insisting on (human) testimony, through osteoanalysis[9] to forensic DNA research, which is the dominant form of today's jurisprudence around the world, when it comes to terms of war crimes[10]. Thus, from the "Decade of Witnesses" as Shoshana Felman and Dori Laub (Felman 1991) called the last decades of the 20th century in "The Crisis

6 With a clear reference to the Kluge's character (from both Germany in Autumn and The Patriot) Gabi Teichert. She is the history teacher who denies the state-provided misrepresentations of the history and digs deeper in her quest to reveal the buried truth about WWII.

7 Derived from the Latin *forensic,* The word forensics refers at root to "forum". Forensics is thus the art of the forum – the practice and skill of presenting an argument before a professional, political or legal gathering. Forensics is in this sense part of rhetoric, which concerns speech. However, it includes not only human speech but also that of things (Weizman 2012: 9).

8 The trial of the wall in Palestine, refers to the trial in which the pre-trial structure with the existence of defendants, prosecutors, and witnesses, the trial of only one actor – evidence, which is an inanimate object and an architectural object, a wall.

9 As the name suggests – *osteoanalysis* is an analysis of skeletal remains found at the atrocity locations

10 Weizman states "Within the field of war-crime investigation, a methodological shift has recently led to a certain blurring. The primacy accorded to the witness and the subjective and linguistic dimension of testimony, trauma, and memory / a primacy that has had such enormous cultural, aesthetic and political influence that it has reframed the end of the twentieth century as "the era of the witness" – is gradually being supplemented (not to say bypassed) by an emergent forensic sensibility, an object/oriented juridical culture immersed in matter and materialities, in code and form, and the presentation of scientific investigation by experts" (Weizman 2012: 5–6).

of Testimony", according to Weizman, a shift was made towards the decade of evidence[11], in which earthly remains, by the both (hu)man and architecture, become the basis of science, global governing and law.

The first attempt to theorize this process, of course, is anti-humanist[12] discourse, basically a set of poststructuralist theories, which question the perspectives of new technologies and their character. To what extent is the existence and use of new technologies, the anti-humanist process, which excludes (hu)man, and to what extent technoculture[13] represents only an extension of human action and practice, is one of the key questions of postmodern theory. This shift of focus from human speech and action to the speech of machines, objects, living matter[14], in this paper is seen not as a practice of desubjectification of (hu)man, nor a step in that direction, but as part of the process of political subjectivization (Rancière 2004) of (living) matter. Since its beginnings, architecture has been reduced to a mere technique, representative practice, and/or a way of presenting thoughts, by no means succeed in rising to the status of performative utterance, thought itself, or even performing politics, producing ideas, or knowledge through the production of space and visual production[15]. Through case studies of the radical practice, both Kluge's film Brutality in Stone and a series of multimedia projects on Forensic Architecture, I will try to contextualize the aspiration of architects, to seriously consider the rethinking of architecture and understand this area beyond the domain of technical science.

11 Weizman (Weizman 2013) created a timeline where the Decade of Witness is marked by the Nuremberg trials and the shift from the witness to the evidence is marked by the exhumation of Mengele in Brasil in the 1985.

12 "Poststructuralist theories and practices, in general, share an oppositional stance toward traditional intellectual categories. This has been especially pronounced in the refiguring of the subject. No longer depicted as unified or possessed of control or initiative, the subject is now often seen as a product of linguistic or discursive practices, without "essence" or an irreducible nature. This position has often been described as anti-humanism since it argues that the very concept of "man," in the sense of "humanity", is itself a linguistic construct, devoid of any meaning outside of the system of relationships in which it exists. This logic has been used by poststructuralists to attack and attempt to undermine any theoretical system that claims universal validity" (Childers, Hentzi 1995).

13 As seen by Frederic Jameson as culture in the "Postindustrial age" (Jameson 1991).

14 As Weizman stated in the name of his Belgrade talk – Forensic Aesthetic: Architecture of the Scull and Other Living Matter, held on 12 April 2012, in CZKD, Belgrade

15 Through twentieth-century architectural theory, a key shift in this direction was made in the 1960s with situational utopian practices, with the 1980s the developed deconstruction and practices that followed this aspiration were the dominant type of theoretical consideration of architecture. The thesis is supported by the fact that Eyal Weizman, and Andrew Herscher, whose concepts are mentioned in this paper, are in the leading positions of prestigious universities around the world Goldsmiths University of London, AA School of Architecture, Yale University, Harvard University, and others.

Urbicide: The Basis of Forensic Architecture

Unlike human life, the durability of architectural objects is often implied. From the first laws, such as The Code of Hammurabi an ancient Mesopotamian code (Handcock 1920), durability is the basic quality of the building for which the author, the architect, is responsible. Today's requirements/standards of safety, solidity, and durability of architectural structures are also dealt with by legislation, ie today as before, at the state level, but also by many private contractors, insurance companies, and non-governmental agencies. The durability of buildings largely goes beyond the field of architecture itself as a construction practice, because the buildings themselves are large and complex structures, which reflect the political and economic power of institutions and individuals. Therefore, when a crash occurs, the first step in solving that problem is the process of establishing responsibility. As for reminder, in The Code of Hammurabi[16] the punishment for a builder-architect, in case the building collapses, was death because the chain of responsibility began and ended in the work of one man-author. Today, thanks to the hypertrophied system of division of responsibilities, it is almost impossible to identify a person responsible, or the "culprit", so it is important to emphasize that the anti-humanist setting is present in the very set of legislation that deals with these issues. Impersonal liability of legal entities entails punitive measures in terms of monetary amounts and other sanctions compatible with this provision in which one or more persons cannot be directly responsible for the "death of the object", liability is usually legal or collective, and such is the disposition of jurisdical measure.

On the other hand, a significant percentage of buildings were destroyed in armed conflicts, because modern wars are also not waged (declaratively) against people, but for the acquisition and redistribution of economic and political power. Thus, the basic type of attack on one country is military interventions aimed at the destruction of industrial or military complexes, capital, and strategically valuable facilities. Such devastation of space necessarily leads to economic impoverishment which is reflected in the (co-)dependence of state entities and is the basis of future colonial relations, debts, and further, the basis and motive of future investments, and thus the space of power manipulation.

16 "229. If a builder builds a house for a man and does not make its construction firm, and the house which he has built collapses and causes the death of the owner of the house, that builder shall be put to death.
230. If it causes the death of the son of the owner of the house, they shall put to death a son of that builder.
231. If it causes the death of a slave of the owner of the house, he shall give to the owner of the house a slave of equal value.
232. If it destroys property, he shall restore whatever it destroyed, and because he did not make the house which he builds firm and it collapsed, he shall rebuild the house which collapsed at his own expense.
233. If a builder builds a house for a man and does not make its construction meet the requirements and a wall falls in, that builder shall strengthen the wall at his own expense" (Handcock 1920).

Therefore, it is not surprising that the current tendency to consider this type of urban destruction (urbicide[17]) within the legal framework dealing with international law and international war crimes tribunals.

The Death of Living Matter: Forensic Architecture and Warchitecture

Adorno, in his critique of the Adenauer era (Adorno 1967; Adorno 1986), systematized German oblivion of the recent past by (a) denying collective guilt for World War II and the Holocaust, (b) relativizing both the existence and significance of death camps, (c) bickering over exact statistics of the number of Jews killed[18], and finally (d) systematic repression of memory, which takes place more on a conscious than an unconscious level (Rentschler 1980: 3). This last claim indicates that oblivion or rather denial was the sign of conscious rather than unconscious processes of selective remembering and forgeting[19].

In such an atmosphere of denial and a collective oblivion, Kluge's 1961 short film is the first film to go beyond the commercial constraints of the film industry based on war structures of power. The political detachment from commercial film enabled what Kluge later called the "counter-public sphere", a community that emerges from the sphere of what is allowed and depoliticized/private, but acts in public, not with the intention of appropriating it, but to prevent its abuse by political elites. (Negt, Kluge 1993).

In 1961, Alexander Kluge's film Brutality in Stone, began the practice of film reckoning with the appropriation and monopoly of power over the public sphere by the state. This film is an introduction to the Oberhausen Manifesto[20], a charter of a New German Cinema[21], politically (and in every other sense) engaged

17 Andrew Herscher (Herscher 2007) uses Bevan's definition of urbicide as "violence against architecture and cities is described as the result of attempts to erase "the memories, history, and identity attached to architecture and place" (Bevan 2006: 8). But at the same time suggests further reading on „urbicide": Shaw 2004; Coward 2004; Bogdanović 1995; Bevan 2006.

18 Rentschler states altering between five and six millions (Rentschler 1980: 30).

19 Here is important to mention Rentschler's note of "public demonstration of philo-Semitism" in German postwar media production, and what he calls "half-hearted reeducation programs" (Rentschler 1990: 30).

20 Oberhausen Manifesto is a chapter signed by 26 German filmmakers at the International Short Film Festival Oberhausen, North Rhine-Westphalia on 28 February 1962, among the signatories are both Alexander Kluge, and Peter Schamoni, authors of Brutality in Stone.

21 New German Cinema (Neuer Deutscher Film) is the postwar period of German cinema (1962 to 1982), significantly influenced by Oberhausen Manifesto and left politics, intended to overcome inherited Nazi production models in German film with non-commercial, experimental and art house films. Authors of the period include Harun Farocki, Rainer Werner Fassbinder, Peter Fleischmann, Werner Herzog, Alexander Kluge, Ulli Lommel, Wolfgang Petersen, Volker Schlöndorff, Helma Sanders-Brahms, Werner Schroeter, Hans-Jürgen Syberberg, Margarethe von Trotta and Wim Wenders.

film, signed by 26 young filmmakers in 1962. According to Kluge, from the time of the Third Reich, in Germany, the state mechanisms of power continued the ideological process in the field of film, which began in the 1930s with Hitler's coming to power, until the 1960s. The state of financial dependence of the film industry on the state apparatus has led to a situation in which any fundamental critique of Hitler or his regime is impossible. In his analysis, Rentschler refers to statistical research of Hans-Peter Kochenrath (Kochenrath 1975: 289–290) and radically states "even as late as 1957 about 70 percent of all West German feature films employed either a director or a scriptwriter who had been active under Goebbels" (Rentschler 1990).

Warchitecture[22]: A Carrying Out of War by Architecture

Brutality in Stone is a film whose title refers to Hitler's thoughts on the didactic aspect of architecture as *Words in Stone*. Kluge's Brutality is as much a political as well as a stylistic determinant of the architecture of the Third Reich, which will be considered in this text under the term *Warchitecture* (Hercher 2010). According to Andrew Herscher, who writes about the concept of warchitecture, bearing in mind "architectural objects demolished, reconstructed or built-in war", he understands it as a performative act[23], a continuation of war by other means[24] – architecture. Therefore, Hitler's thesis, which was twice emphasized during the film, about the revolution that destroys and the Nazi understanding of the revolution as a constructive process, is the same – whether

22 The term "warchitecture" emerged in Sarajevo as a name for the catastrophic destruction of architecture during the 1992-1996 siege of the city. Blurring the conceptual border between "war" and "architecture," the term provides a tool to critique dominant accounts of wartime architectural destruction and to bring the interpretive protocols of architecture to bear upon that destruction.

23 "J. L. Austin (1976) defined the terms performative and performative utterance in a series of lectures at Harvard University in 1955 as the "utterance that acts" – that is, the utterance that performs a certain action. The performative utterance cannot be subordinated to cate- gories of true/false, as is possible with the constatives, which refer to facts of reality and establish a relationship with them. A performative utterance is an utterance that, besides communicating something by the very act of speaking, also performs (begins or finishes) the same action. One of the main examples of a performative utterance, which has become a synonym of the performative, is the statement of a promise. With the word "promise" itself, the speaker performs the act of promising, which may turn out to be "happy" or "unhappy" ("felicitous" or "infelicitous"). Thus, by identification with the act of promising, performative utterances, in the Austin theory of the performative, are divided into "felicitous" and "infelicitous" depending on whether or not they fulfil the "promise" given in the statement. An important characteristic of the performative is that a performative is a conventional action, which means that it is preceded by certain conventions – (necessary) "felicity conditions", which are required for its fulfilment" (Kobolt 2014)

24 For Clausewitz, "war is not merely a political act but a real political instrument, a continuation of political intercourse, a carrying out of the same by other means" (Clausewitz 1940: 280).

to build or destroy, war/revolution performs itself through materialization, ie through architecture. The legitimization of war/revolution cannot be found in the effect of these processes, whether they result in construction or demolition, as Hitler does, but like politics and political decisions that precede it, and which are made through architecture.

As Kluge pointed out in the film, it is only an apparent discord that arises from the simultaneous existence of the mega architecture of the Märzfeld (March Field/Fields of Mars) in Nuremberg, the idea of underground housing, concentration camps, and the process of renaming Berlin under the Third Reich. According to Herscher, these are all outcomes of the same politics, a programmatic outcome based on inequality with Nazism as its fundamental principle. Each of the social categories assumed by Nazism has forms in architecture, intended and deployed accordingly. So we have the Fields of Mars for the top management of the party and its admirers, those who are building history together in Nuremberg. It is the architecture of the future past[25], the (self-)consciousness of Germany within the Third Reich about itself as an empire, behind which stands a politics able to change the course of history and sees itself as a dawn of the new great civilization, following the ancient ones – Greece and Rome[26].

On the other hand, there are millions of war and the Holocaust victims, the population of the bombed areas, the collateral damage to the war/revolution process, whose victim status is temporary, so the architecture that corresponds to their role is subordinated to higher goals. Therefore, the state leadership does not care what type of housing are those, what their materialization is, as Hitler states "[he] can imagine mud huts or holes in the ground simply covered with planks"[27], his statement is just one of the problematic (architectural) program solutions that can be easily removed. The guards could remove suspicions of untrustworthy detainees of murders taking place, or by silent and discreet killings out of sight, the detainees themselves could be quietly removed.

The last textual example in Kluge's film is the decree renaming Berlin, the capital, to Germania. Unlike previous, material practices of carrying out war through architecture, this example represents the semantic practice of re-signification. Without considering here the very politics of Nazism or the particular reasons that led Hitler to this decision, dealing only with the formal aspect of this act, which is renaming (something into something else), we come again to Herscher's thesis, ie whether it is construction or destruction. new Germany name better or worse than the old-Berlin), the act of renaming is a demonstration of state power and ownership – over territory and over the

25 Concept of the future past is derived from the two concepts one of Svetlana Boym (Boym 2011) and Gilles Deleuze (Deleuze 2005).

26 "As world capital Berlin will only be comparable with Ancient Egypt, Babylon, and Rome! What is London, what is Paris compared to that!" Hitler vision of the empire according to Werner 1980: 318.

27 Brutality in Stone [Brutalität in Stein]. Directed by Alexander Kluge and Peter Schamoni, Alexander Kluge Filmproduktion, 1961.

population. Regardless of the construct of the name of the city (Germania and its significance directed toward the German unity[28]), this construct is not an end in itself, ie it is not a mere act done on architecture in the name of a certain politics, but a specific form of violence through architecture over previous politics that established the existing architecture of the city (Herscher 2010).

A radically inverted case, as an extension of the thesis on the warchitecture towards the architectural syntax of war, is a military action called "inverse geometry", carried out in Israel in 2002 under the leadership of General Aviv Kokhavi. Weizman sees this action as "the reorganization of urban syntax by means of micro-tactical action" (Weizman 2010). This practice is somewhere between waging war through architecture and rendering architectural concepts of space within the practice of war, that is, directly through war actions based on spatial concepts from the theory of architecture. Namely, in the mentioned action of the Israeli army inside the city of Nimbus, the soldiers were moving around the city inside a tunnel made of specially made material, fabric. Weizman states that on that occasion, several thousand Israeli soldiers and several thousand Palestinian guerrillas were moving around the city simultaneously, while the fabric protected them from visibility/recognition from the air. The soldiers moved not using the existing axes of space, streets, courtyards, nor did they use the existing openings on buildings, windows and doors, but completely contrary to the logic of the city, they moved through openings in the walls and floors they broke through. This concept of intervention relativized the concepts inside and outside, as well as all the given architectural characteristics of the city, partially destroying the geometric logic. Similar to a video game, the soldiers reduced the space to simplified three dimensions without obstacles, vertical up-down and horizontal left-right and forward-backward. According to Weizman, such an action emphasized the performative character of the urban space, its dissatisfaction, making the city a field, a "liquid medium" that is constantly changing in construction, especially the construction of meaning. Moreover, General Weaver answered Weizman's question about the nature of that intervention with almost philosophical views on urban space:

> When Kokhavi claims that "space is only an interpretation", and that his movement through and across the built fabric of the city reinterprets architectural elements (walls, windows, and doors) and thus the city itself, he uses theoretical language to suggest that one can "win" an urban battle, not by the destruction of a city, but by its "reorganization". If a wall is only the signifier of a "wall", un-walling also becomes a form of rewriting – a constant process of undoing fueled by theory. Could rewriting amount to killing? If moving through walls becomes the method for "reinterpreting space", and the nature of the city is "relative" to this form of interpretation, could "reinterpretation" murder? If

28 "The name Germania for the Reich capital would be very appropriate, for in spite of how far removed those belonging to the Germanic racial core will be, this capital will instill a sense of unity". Hitler explained the reasons according to Hillgruber, Picker 1968: 182.

> "yes", then the "inverse geometry" that turns the city "inside out", shuffling its private and public spaces, would imply consequences for urban operations that go beyond physical and social destruction and force us to reflect upon the "conceptual destruction" they bring. (Weizman 2006)

Film (after) War: Revolution by Film Means and Counter-politics

If we look further at Kluge's film through the thesis of architecture as a means of war that creates or alters – materially or semantically with the aim of destruction and "reinterpretation", we will come to the overthrow of Hitler's thesis on the Third Reich as an "architectural revolution" (Alexander Kluge and Peter Schamoni, *Brutality in Stone* [Brutalität in Stein], 1961). Through Brutality, Kluge spectacularizes the processes that the architect Hitler planned and/or carried out, as a material component of the aforementioned revolution. The construction and conversion, as well as the renaming of megastructures, whether intended for the party, the common man or the enemy, is a testimony to a politics that is by no means one-sided because Speer under the Theory of Ruined Value assumed the fall of the Reich. The "process of gigantic construction," as Hitler sees the "revolution", is a more far-reaching process than "carrying out the war" (Clausewitz 1940).

We can interpret it as a process of constituting the memory, because Hitler, in the moment of speech, views the present (in which it is built) as the future past (in which it will be demolished), and in the struggle with time, he tends to neutralize the damage to the inevitable disappearance processes. The constructiveness or destructiveness of this thinking consists in the vision that Hitler offers, which is not only discriminatory but also anti-humanistic. Namely, in the future past, which will occur after the overthrow of the Third Reich, some people will eventually live. What architecture in the didactic sense should convey to them is only the great, the subject content of the present embodied in architecture for the future, architecture as the materialization of the politics of the Third Reich. The future memory will omit those hidden temporary settlements for people and factories converted into settlements for "temporary people". From the parts of the speech related to the architecture of the Third Reich, we see only objects of public importance, the Märzfeld (March Field/Fields of Mars) and Hitler's drawings of Berlin/Germania, that is, what we do not see is everyday, private life, a life of people leaving the role of the party member and the of the rally, we do not see war survivors taken care of (in social housing) or a public enemy (in a prison, or a camp). In the present from which Kluge operates, in Brutality, we see nothing but infinitely long scenes, framed details of the Märzfeld (March Field), and Hitler's architectural designs. According to Eisenstein and Vertov, editing as a procedure corresponds to the dialectical, materialist conception of film text and scene (Komoli 1982). According to their theory of sound as a counterpoint (kontrapunkt) or opposition

of sound to the image, the sound is not dominant or subordinate to the image but builds a dialectical relationship with it. In Brutality, a long and static frame, Kluge dialectically contrasts the sound image, sound documentary recordings from the Reich era, and transcripts from the Nuremberg trials. Also, although there is no unity in the flow of visual and sound images, sound does not represent a voice from off, but along with the visual image forms the basis of Kluge's inner field of narrative film. The sound image deciphers the visual image, because the shots of the architecture of the Märzfeld (March Field), in the absence of the sound of the enthusiastic mass or the voice of the leader, failed to fulfill their supposed didactic role – "word in stone". To this signifying potential of the visual image, Kluge adds the time before and the postscript of the Third Reich, which consists of sound recordings from the Nuremberg Trials and the liberation songs of the Weimar Republic. In this way, Kluge inscribes on the stone not only the past that was intended for him in the Third Reich, but also the one that preceded, but also the one that followed. In this way, like Deleuze's thesis on three presents (Deleuze 2005) running simultaneously, and whose peaks meet at the same time, in Kluge we have during the same visual frame three pasts – past past, present past, and future past[29], which is not yet reached the moment of Kluge's present, the moment from which the narration unfolded. Therefore, the question posed by Eric Renschler in his text on Brutality remains:

> What does Brutality in Stone tell us about the past? More importantly, what does it tell us about the present that examines the past? And most crucially, what does this film, as a political intervention from the recent past that addresses a problematic cultural heritage, reveal about present-day issues and interests? (Rentschler 1990)

Provisional Conclusion

Fifteen years after the end of World War II, when Kluge made a film, *the counter-public sphere*, is the name for what eludes the eye and eludes public and private classifications, a term beyond state appropriation and monopoly over the field of power. The essence of the problem that Kluge opposes, first with film, and then through theoretical work, with the later Oberhausen Manifesto and the book *Public Sphere and Experience: Towards an Analysis of the Bourgeois and Proletarian Public Sphere* (Negt, Kluge 1993), is the topicality and urgency of opposing the hierarchy of power – because it assumes privacy as the only

29 A concept derived from Giles Deleuze's concepts of three presents – "Adopting St Augustine's fine formulation, there is a present of the future, a present of the present and a present of the. past, all implicated in the event, rolled up in the event, and thus simultaneous and inexplicable", earlier Deleuze states "If the present is actually distinguishable from the future and the past, it is because it is presence of something, which precisely stops being present when it is replaced by something else".

alternative to the public political sphere, even though it has been apolitical since ancient times, and modeled by the principles of Anthic[30].

Politics in the medium of film, which was one of the first appropriated as a means of propaganda of the Third Reich, on the topic of (architectural) heritage of the Nazi period that still serves as a means of war and testifies to the continuation of not only the three most important roles – theater, symbolic and didactic, but also political. Kluge forms the mentioned concept of the counter-public sphere_ which represents the political field of activity of subordinate social groups for which the war continues by other means (Foucault 2003). Transferred to the period of 1960, it would be a space where war victims and survivors as well as political opponents of the Third Reich have the political voice to oppose the continuation of the politics of the Third Reich, in which they are the subjects of speech, not the collateral victims of the war-revolution. For this reason, Kluge's film *Brutality in Stone* is an avant-garde, emancipatory practice and introduction to the transformation of German national film and a direct predecessor and basis for the first generation of German new filmmakers.

As we see architecture as a semantic practice in the previous parts of the text, we could conclude the concept of architecture as the *testimony in stone* – a form of a specific type of material practice, performative rather than representative. According to the analogy of inseparability of the thought and the language, we could also derive the definition of a landscape as a structure that does not only include architecture but refers primarily to the system in which the products of the architectural performatives exist both as felicitous or unfelicitous. According to Czepczynski, a theorist of anthropogeography, the landscape represents the social, economic, and spatial background of human activities, which consist of a network of institutions, rules, laws, social order, and representations. As a language-like structure – it is a specific, spatial, and grand scale signifying system, connecting both *the signifier* and *the signified* (Saussure 1974) and a representational system of signs, places, and icons that can be read and interpreted as *geosymbols*. The landscape is therefore visual and communicative a medium for (non) performative architecture as a cultural and political practice. Human thoughts, ideas, and feelings, as well as social and cultural constructions and distribution of power, exist in the landscape and through it. Thus, architecture is the central place of the landscape where processes of production of knowledge take place. Concerning the distribution of power, architectural objects are the very place where one group has to condition or control the behavior of others. In this way, the possibility that the architecture (sign) alongside the landscape (system, language) could belong to

30 According to Hanna Arendt political freedom was a feature of the public sphere, while the private space of an individual was the realm of (physical and physiological) necessity, in which inequality, force, and violence were the means of mastering the necessities. Arendt sees the urban spaces of polis or civitas as the places of political freedom for (hu)man (Arendt 1958: 38).

the field of nature besides the concept of second nature[31] (Adorno 1984) has been abandoned. Architecture as the testimony in stone is not, nor it could be (part of) the concept that exists independently from the human material practices. Furthermore, the architecture is a meaningful tool for interpreting but as we could see – constituting the testimony, building the history itself, displaying past and present depictions of power are „an integral part of landscape discourse, especially in post-traumatic landscapes" (Czepczynski 2008).

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31 "Nature itself is transitory. Thus it includes the element of history. Whenever an historical element appears it refers back to the natural element that passes away within it. Likewise the reverse: whenever 'second nature' appears, when the world of convention approaches, it can be deciphered in that its meaning is shown precisely in its transience" (Adorno 1984: 120).

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Marija Ratković

Svedočenje u kamenu: arhitektura rata od Klugea do Heršera i Vajcmana

Apstrakt

Svedočenje u kamenu mapira značajne posleratne teorijske pristupe koji ispituju ulogu, namenu i važnost istraživanja arhitekture rata i ratnih zločina. Polazeći od Klauseviceve teze da rat nije autonoman, tekst pokušava da otkrije „krv koja se osušila u kodeksima zakona" (Fuko), politike skrivene "u svoja četiri zida" arhitekture. Kroz koncepte „brutalnosti u kamenu" (Kluge), arhitekture rata (Heršer) i forenzičke arhitekture (Vajcman), kroz prizmu arhitekture – rad izlaže rat, politike i ideologije koje su oblikovale i usmerile arhitekturu preoblikujući i prenamenjujući je i u primarnom – funkcionalnom, ali i u kulturalnom, reprezentativnom smislu. Pomak od „dekade svedoka" (Felman) do dekade dokaza (Vajcman) arhitekturu i njene ostatke čini osnovom nauke, globalnog upravljanja i zakona. Povezivanjem vremenski udaljenih emancipatornih praksi nastalih pod uticajem studija Holokausta, formira se diskurzivno polje za mišljenje arhitekture i kao performativne, a ne isključivo reprezentativne prakse.

Teorijski okvir posleratnog pejzaža kao „druge prirode“ (Adorno) je ključni za razumevanje uloge arhitekture unutar Holokausta. Posebno se ističe i rad Heršera i Vajcmana u kritici depolitizovanih procesa rešavanja ratnih zločina i postkonfliktnih politika pomirenja. Arhitektura kao društvena praksa može imati centralno mesto u proizvodnji znanja i sećanja, kao i u stvaranju *kontrajavne sfere* (Kluge).

Ključne reči: arhitektura, rat, film, studije Holokausta, arhitektura rata, kultura sećanja, Aleksandar Kluge, teorija pejzaža

UDK 341.485(=411.16):338.48
https://doi.org/10.2298/FID2203551S
Original Scientific Article
Received 05.06.2022. Accepted 31.08.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Stojanović, Dragana (2022), "Holocaust and the Ethics of Tourism: Memorial Places in Narrations of Responsibility", *Philosophy and Society* 33 (3): 551–566.

Dragana Stojanović

HOLOCAUST AND THE ETHICS OF TOURISM: MEMORIAL PLACES IN NARRATIONS OF RESPONSIBILITY

ABSTRACT
The issue of Holocaust tourism might be a quite sensitive, but nevertheless very important topic in the domain of the Holocaust remembrance. As tourism is often associated with leisure activities, it is quite challenging to put tourism into darker contexts of history and death. Also, different people coming to the Holocaust-related places with different motives make the issue of designing educational tours even more complex. This paper will try to expose questions related to dark tourism, Holocaust tourism, auratic memorial places, and to discuss ethical approaches to the Holocaust memory in the beginning of the 21st century. The text argues for the tourist experience as a memorable and educational tool with an active transformational potential, which will turn the visitor into a witness who further contributes to survival of the legacy of the Holocaust in the future.

KEYWORDS
Holocaust, tourism, ethics, memorials, remembrance, education

Holocaust Spaces as Places of Postmemorial Voids

Holocaust spaces can, broadly speaking, be defined as all the areas or fields – material or immaterial – that communicate and (re)create narratives of the Holocaust history and contemporaneity. The material spaces speak through material remnants of the Holocaust that left us with the places of concentration camps, sites of suffering, death and executions, important historical landmarks, former places of Jewish life left empty, as well as subsequently built monuments, memorials, museums, and educational sites. However, the material places prominently communicate through the immaterial content – testimonies that have been giving us knowledge about the Holocaust times, and their specific *aura*, which can be translated as all the ways in which contemporary individuals react – emotionally, intellectually, and affectively – to sites of death, void and atrocity. Saying that these fields *communicate* stems

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from the basic inability of any space, place, or even a testimony to *represent* the Holocaust (Mevorah 2021). This, of course, doesn't mean that any of material or immaterial remnants of the Holocaust are not reliable or not sufficient to convey the history or memory about the Holocaust; this means that, even if we had hundreds or thousands of testimonies and artefacts from the Holocaust times, they still wouldn't *be* the direct representation of this complex trauma-intervowen node. Maybe it is precisely why Primo Levi has said that there are no true witnesses of the Holocaust, for all those who saw it in its full range perished in it (Levi 1988: 63). Similarly, Susan Sontag reminds us on the fact that a simple visit to a place, or looking at the document from the place (such as photograph), can never be a replacement or an immersion into an experience (Sontag 1993). However, it would not be fair, responsible, nor ethical to conclude that for this reason we can not know anything about the Holocaust, or that it should prevent us to speak about it and work on uncovering the remaining or upcoming narratives (Stojanović, Mevorah 2014). All these narratives, both those existing and those yet to be discussed, make Holocaust historical and ever-relevant factual and discursive complex in the same time, and lots of unanswered questions continually bring people back to the Holocaust places where they can visit them and learn about them in different, contemporary ways.

Learning about the Holocaust is not an easy task, even when standing at the very places of its historical manifestation, nor it is easy to think about the choice of proper educational methods around the sites of death, disaster and tragedy. It involves not only the *talk* about history or factual information, but also includes particular interpretations created around the site, as well as reactions and inner transformations of the people involved in process of learning (Sharpley, Stone 2009). In the other words, in the Holocaust-related sites we learn not only about the history or (im)possibility to know it, but about its echo in present times too. As James Young remarks, "Holocaust memorials are neither benign nor irrelevant, but suggest themselves as the basis for political and communal action" (Young 1993: 13). This might be the core of their importance, for even if we might not be able to fill the voids, silences, or devastation points left after the Holocaust, we can let them *speak*,[1] while we try to encourage visitors to take an active, responsible role towards history, present times and future.

1 As in: we can let ourselves read them as they are, instead of trying to overcome them, and we should include them into narrations about the Holocaust in an equal way as we would do with documented data. These places and points enable us to grasp the Holocaust as a complex, difficult knot as it is, instead of an illusion of a "complete story" that we might create by surpassing these voids. Or, as Alice Rayner says, "to hear both history and desire in the silence [...], to hear meaning in both the spoken and unspoken" (Rayner 2003: 249).

Materiality that Lives: Memorial Places of the Holocaust

In all the sea of knowledge, it is the *experience* that shapes the way people use the facts they learn about. That is why memorial places of the Holocaust, as palpable spaces that, in a way, connect past with present, are often having a key role for perception and reception of the Holocaust as such (Morten, Stone, Jarratt 2018). That is, also, why these spaces stand out in the map of contemporary tourism and keep attracting people. Following this odd quality of *attractiveness* of the places of mass deaths, Emma Willis faces us with the thought that memorials might be accused "of not only paradoxically relieving us of the pain of confronting history, but also of soothing our 'fears and anxieties' by suggesting that our 'useless suffering' has moral purpose" (Willis 2014: 27). Seeking out what was left after the dead, we believe that we can somehow grasp something about the darkness, or "fill in" the voids that we hear in testimonies or see in the museums (Willis 2014: 19–20). Of course, a simplicist view of these theses might bring us to the point of dismissing memorial places as the sites that imbue people with false comfort, but they are far away from that. Memorial places, as well as responsible, guided tourism visits to them, are not just empty, blank spaces into which a visitor pours out their imagination (Reynolds 2018); they *can* and *should* be places of education, exchange of thought, places of discussion, raising awareness, and transformation. However, often this transformational potential of the Holocaust place lies exactly in its *auratic quality*, or at least it presents a firm starting point for learning-transforming, and meaning-making experience of the visitor.

The branch of study that tries to understand how people react to certain places, their physical qualities and discursive contexts can be identified as psychogeography. Psychogeographical approach might come useful in understanding how visitors react to the Holocaust-related places (especially concentration camps and death sites), because it tries to explain the effect of geographical environment on the emotions and behaviors of the individual (Morten, Stone, Jarratt 2018). If visitors tend to specifically value places where something "really happened" (as opposed to later designed and built monuments, learning places, or museums), which is often the case, and claim that they can "feel" them more directly,[2] it opens up the possibility to treat these places as *auratic spaces* (spaces with a certain "aura"), places that particularly strongly influence visitors and induce their emotions, reactions, and, later, thoughts and actions. Serving as the meeting point between physical representations and imagined meanings, these places are also heterotopic in a way,[3] which calls for even more attention when thinking about how to present and communicate them in the context of tourism of today.

2 Meaning, that they react more prominently on the places where they know the death(s) occured.

3 In the thought of Michel Foucault, heterotopia functions differently than a typical, ordinary space; it is a place or a location with particular meaning or significance attached, which interrupts and disturbs the usual continuity of physical and cultural

In case of Holocaust-related places, it is not only the present state of memorials and concentration camps that visitors and currators are dealing with, nor it is just visitors' imagination, but all the narrational, representational, interpretational and communicational layers built-in in the meantime, while camps and memorial places went through intensive changes, both material and political. Different countries, cultural areas, and political streams tried to communicate or suppress the Holocaust legacy, for different reasons (Frew, White 2013; Willis 2014; Sharpley 2018; Hartmann 2018; Reynolds 2018).[4] Typically, the difference could be tracked and observed through East:West division, as during the Cold War there was not much communication between the areas, and not much visitors crossed the pinpointed political boundary (Hartmann 2018; Reynolds 2018). However, situation greatly changed after Berlin wall fell in 1989, and more and more visitors from all around the world started coming to the Holocaust-related places, to former concentration camps and memorials, which even intensified with contemporary new media advertising techniques. Some of the places and camps, like Auschwitz, got to over two milion visitors per year (Reynolds 2018). Some of the visitors came to learn about history or heritage, some to find out more about human behavior in the times of crisis, and some of them were just visiting cities nearby, and it brought them to the Holocaust site. Such a diverse audience create a diverse body of tourists, which is challenging to work with, but it is not impossible. Contemporary tourism deals actively with the Holocaust-related tours, dealing in the same time with the risks of commercialisation or commodification of that part of the history (Sharpley 2009; Stone 2009; Seaton 2018; Stone 2018; Reynolds 2018; Morten, Stone, Jarratt 2018; Bird, Westcott, Thiesen 2018). Even bigger challenge might be how to conduct tours, so the visitors do not end up understanding the Holocaust in some simplified way. Tourism related to the Holocaust is often discussed under the term of *dark tourism*, which is, of course, a broader category, and it brings about more questions than answers both in academic and professional circles. As in the introduction, where I stressed out the need to speak about the Holocaust despite the challenges and voids, I will, similarly, argue for tourism that, despite commercialization and commodification challenges, *can* and *should* work with the topic of the Holocaust, following and implementing a highly responsible and educational aproach. But how do we think about tourism? Is it even appropriate to speak about *Holocaust tourism,* as a term and practice? How is it related to dark tourism and isn't it already a certain branding, or commodification of this delicate, hard part of the history? The following part of the text will try to examine these issues, and to offer paths for further thought on the problems mentioned.

space. Almost similarly to Eliade's sacred space (Eliade 1959), it is a liminal, contradictive space, imbued with a certain level of sacredness. This makes such a space very attractive to visitors, but it also poses a big challenge in the process of education, since this enchantment is not easy to deconstruct, and deconstruction of it is necessary for the visitors to start learning about it and re-questioning old or expected paths of thought.

4 More on this topic can be found in the mentioned bibliographical reference.

Holocaust Tourism as Part of Dark Tourism: Fascinations, Risks, and Potentials

The very term *dark tourism* might be quite new, and it might be debated in academic circles from very recently,[5] but the habit and tradition related to people being drawn to places connected with death, suffering and atrocities exists for a long time (Sharpley 2009a). As the interest in visiting such places grew drastically in the late 20th and early 21st century, there has been more and more talk about dark tourism and its variants both in academic, as well as professional and practical areas. In this view, dark tourism has been both a form of tourism and a promotional tool, which brings up the important questions of the risk of commodification, spectacularization, and commercialization of death, and these are the questions not to be taken lightly. In the same time, it is being more and more challenging to understand if dark tourism is a phenomenon which is tourist-demanded, or attraction-supply driven (Sharpley 2009a). Although not frequently discussed in the academic context, dark tourism continues to attract numbers of travelers, of which we can learn through online and non-academic sources.[6]

As Richard Sharpley puts it, the academy turned its attention to dark tourism for several reasons: to divide and define different niches of tourism, to understand manifestation of a wider social interest in death, and to respond to the media hype related to this phenomenon (Sharpley 2009a). Dark tourism involves interest in very different places – from the houses of horror and graveyards, to the places of murder, lethal accidents, war, and mass killings. All the places, however different they might be, share the same connection to the phenomenon of death. Following this logic, in the academic literature, not only *dark tourism*, as a term, has been used to explain similar fascination with mortality. The terminology is still far away from being fixed. Besides *dark tourism*, the term *thanatourism* was also used, as well as *morbid tourism*, *black spot tourism*, *grief tourism, fright tourism*, and even the expression *milking the macabre*, which directly points to a danger of commodification and exploitation of the dead, their families, and local communities connected to the site or marked event (Sharpley 2009a). As it was already said, dark tourism was not mentioned a lot in academic research, but some mentions of similar activities can be found in writings about public executions, or about the dark tourism in London and Paris in the 19th century (Seaton 2018). Also, it is important to mention that many writers see historical pilgrimage traveling as a predecessor of contemporary dark tourism (Seaton 2018; Willis 2014; Reynolds 2018). How can we, then, identify a dark tourist? Is it possible at all? Would they be contemporary pilgrims, spectacle seekers, academic researchers, accidental passers-by, or persons searching for the answers related to history, death, and life?

5 Richard Sharpley mentions that academic attention to dark tourism began from 1996 (Sharpley 2009a: 6).

6 One of such sources, for example, are websites such as https://www.dark-tourism.com/, retrieved 29.08.2022.

It is of a great importance to understand the diverse body of tourists, especially when the delicate topics such as Holocaust is, are included. It is important not only to understand the motives of the visitors, but also to prepare for their questions and dilemmas, and to guide them responsibly through the places that might induce strong emotions such as fright, rage, grief, numbness, or excitement. It is also important to remember that the visitor's travel does not stop at the dark tourism site, and that they are going to go back to their communities where they will continue to live and act accordingly to the impact that they brought from such a difficult and challenging site. The places of dark tourism, especially the places of the Holocaust, are particularly challenging for a visitor, since they highlight social issues of cruelty, violence, discrimination, extermination, war, dominance, class, race, gender, and so on – and these are the issues still active in present communities that the visitors live in. Besides that, if guided responsibly through these sites, visitors may be transformed and encouraged in such a way that would lead them to the constructive path of responsible social acting and/or activism, where they would be inspired to work on the present issues in the society. This might be a potential way to ensure that the phrase "Never again", so many times used in Holocaust-related speeches and writings to mark the importance of not letting the same or similar thing to happen to anyone, anywhere, to become true and enacted.

So who are these tourists that can be expected in the Holocaust-related sites, what do they seek, and how can a currator lead them through difficulties of understanding the Holocaust and its importance in contemporary society? The body of tourists that visit Holocaust-related places can not be described univocally; they all travel with(in) their cultural baloon, which means that each of them has their own reasons to come, and questions to be answered (Sharpley 2018). For some of them, the core of their visit lies in empathy towards human suffering; for others – voyerism and fascination with specific human behaviors such as war behaviors and torturing (Willis 2014). Most of them will come prepared and educated about the Holocaust, and they would possibly seek for the incorporation of a certain past *memory* in their knowledge, and they might be drawn to testimonies and experiences. Some would come for a family heritage, and some motivated with the feeling of responsibility towards past or future. Some would, although it is hard to imagine, seek a kind of an interestingly spent time, especially if they came to visit a nearby city, and they ended up visiting the Holocaust site.

Almost all of them will encounter the issue of death – some willingly, completely expecting the experience, and some consequently. There has been a lot of academic discussion around the relation of a human subject to the matter of death, or mortality, that might be able to explain the very interest of the tourists in visiting the sites of deaths, including the Holocaust sites. Emma Willis discusses two paradigms surrounding dark tourism, and the same can be applied to the Holocaust tourism: the ontological paradigm, which is highly contemplative, personal and even mystical (Willis 2014: 24), and the political

paradigm, concerned with how a particular issue is understood in relation to the narratives of power.

The ontological paradigm would include an almost universal drive of a human being to understand the phenomenon of death. This occurence is often found under the term of *thanatopsy*. Also, fascination with the sites of death can be explained through Julia Kristeva's views on *abject/abjection* (Kristeva 1982), where a subject actively seeks to meet its *Other* in order to confirm the idea of being safe on the other-from-the-Other (or on the proper, culturally or existentially recommended) side. In this case, subject seeks to peek into a site of death, or mass deaths, to reassure themselves that everything is under control, and that the death is far away, on the other side (the subject projects the *Other* side to the site they see). Also, cultural taboos have a similar effect and function – they work as a censored field to be desired, and the very dimension of desire keeps that field at a secure distance. In that constellation desire alone works as a potent buffer, meaning that it is continually culturally encouraged in order for taboo to stay firm. As one of the prominent taboos in different societies is death (and everything related to it, including spaces where it occured), it is not hard to understand how Holocaust-related places might prove attractive, or fascinating for some visitors who seek reassurance in their own safety. In a similar tone of explanation, Ernest Becker mentions a *terror management theory*, which stems from a constant living in terror of mortality and battling it, which is a thing in common for all human subjects (Becker 1971; Becker 1973). Biran and Buda (Biran, Buda 2018) observe an interesting occurence – that when reminded of death, individuals desire to behave in a manner that will reinforce and defend their cultural worldview (Biran, Buda 2018: 520). This might prove especially challenging in the Holocaust-related sites, since the goal of Holocaust education would be a constructive, informed transformation of an individual, and not withdrawal to the already known stereotypes/prejudices. Some researchers think that what draws visitors to the Holocaust-related sites, so dystopic in their presentation, is not dystopia in itself, but utopic thoughts; coming to the sites of atrocity, visitors want to face the ultimate defeat of humanity, so they could step away from it, in an active search for building a better society (Cave, Buda 2018). Last, but not the least, some authors stress the effect of a *century turn*, following the increased interest of tourists for the Holocaust sites in the end of the twentieth, and in the very beginning of the twenty first century (Sharpley 2009a).[7]

The political paradigm, on the other side, leads visitors to search for their interests related to (ir)responsible human behavior that echoes strongly in social and political realm. Among different types of political focuses that might appear at the Holocaust-related sites, the prominent ones would be the interest in human behavior, especially cruelty, the interest in questions of history

7 A *century turn* would be a phenomenon observed at the end of the centuries, when people turn to contemplative, often dystopic thoughts about social problems, technologically-induces challenges, alienation, and meaning of life.

related to personal, family, or community heritage, as well as the idea of political responsibility towards the future. In the end, when we speak about the Holocaust, we speak about the "past that will not pass away" (Kershaw, in Stone 2009), and it is important to remember that these traumascapes can offer individuals, here tourists/visitors, an opportunity to extract meaning from seamingly meaningless and devastating, which could become a new moral force of present times (Stone 2009). If implemented carefully and thoughtfully, tourism can be a massive vehicle for enhancing social and political responsibility in often perplexed contemporary subject, opening the subject not only to introspection as a form of self-indulgence, but to an active cultural productivity directed against aggresion, violence, discrimination and oppression, and towards new political and semiological choices (Seaton 2009; Stone 2009). Even if it happens that the main response of a visitor is simply grief, it can also be transformed, through the phenomenon of a shared experience, into a powerful bonding element of generations and geographies, producing the will to create a different world (Frew, White 2013).

Speaking of dark tourism again, different authors tried to place Holocaust places into different categories of dark tourism. Graham Dann (Dann 1994, in Sharpley 2009a) analyzes dark places categorizing them in 5 different groups: perilous places, houses of horror, fields of fatality, tours of torment and themed thanatos, and he places Holocaust-related sites into the fields of fatality, together with battlegrounds and cemeteries. Here the relation of the Holocaust to battlegrounds lies in the excessive torture, mass killings and murderous acts that happened precisely *at the site* that today can be visited, and its relation to the cemeteries is connected to the Holocaust places being turned into the memorial grounds *a posteriori*. Holocaust sites, thus, do represent "a past that will not pass away", and tie history to the present moment, tragedy and trauma with remembrance and grief, but also with hope. Thankfully to the Holocaust memorials, people still *do* talk about the Holocaust, and actively mention all the atrocities not to be forgotten and not to be repeated. In Tony Seaton's categorization (Seaton 1996, in Sharpley 2009a) there are also five categories of dark tourism: places of public enactments of death or execution, places of individual or mass deaths (where he puts Holocaust and the sites of genocide), memorials, graves and crypts, symbolic representation of death-museums, and traveling for re-enactment or simulation of death. Here the Holocaust is stressed as a collective tragedy and political lesson, together with other genocides, reminding of the importance of responsible attitude towards future political and social directions and acts.

Visiting a Holocaust place can have both performative and performance-like effect, depending on the characteristic of a visiting event. Speaking about the ethics of spectatorship, Emma Willis defines Holocaust places as shared ethical spaces of an almost theatrical quality, where we – "by our own emplacement – our appearance – we acknowledge our responsibility towards the disappeared, towards those who have exited" (Willis 2014: 8). By putting ourselves in the place of disappeared (not instead!), in the place as an actual site, we

understand our role in preventing any future excess similar to that. The visit then, through commemorative signs and practices, becomes a certain *memento mori* ritual (Seaton 2018),[8] and the visitors turn into one or a couple of the roles interchangeably, identifying with victims, survivors, their families, allies, pilgrims, witnesses, mourners, bystanders or observers (Willis 2014: 35). Of course, the full performative potential of Holocaust sites can be reached only if the visitors are guided through this process, so it can shift from superficial role-play into an educational, fully transformative experience, which is not without its challenges. In the end, one of the goals of such educational tour would be creating further witnesses of the Holocaust, since if witness is defined as someone who can give testimony of what had happened (Felman, Laub 1992; Wake 2009), then all the informed visitors to the Holocaust places can become secondary or tertiary witnesses who will pass the knowledge about the Holocaust, as well as tools for overcoming contemporary political challenges in their microsocial spheres, together with the lesson of *never again*. Here contrary to Levi's thought (Levi 1988), witnessing of the Holocaust does exist, and it passes from one generation to the other, through the act of *learning*. And that is what a responsibly organized touristic visit can do.

The sites related to the Holocaust, as well as Holocaust tourism strategies also function as integrative and transformative practices that work through embodiment of lived experience. Richard Sharpley provides an explanation for the integrative quality of dark places, and, consequently, of the Holocaust sites; according to Sharpley (Sharpley 2009), these sites lead the visitor into a process of integration – with the objects met at the site, with the context in which they meet the issue of death, and even with the death itself – so they can arise as survivors who can tell a tale (Sharpley 2009b). In this process visitors exchange experiences with the others at the site, and later on, with the communities they belong to and create. As a matter of fact, Sharpley insists on the importance of community creation *at the site*, amongst the visitors, and similarly enough, Morten, Stone and Jarrat mention the process of co-creation of interpretations and meaning-making between visitors themselves, which can also be seen as an integrating process of experience, knowledge, reactions and thoughts (Morten, Stone, Jarrat 2009). What is especially important is that vacuums, silences and voids also come into this process – in their own right, or transformed into a substitute – a culture of memorialization (Reynolds 2018). As for the transformative potential of Holocaust places and Holocaust tourism, besides concentrating on the danger of trivialization, exploatation, and commercialization of the Holocaust sites in the process of incorporating them into a touristic offer, we should think more actively about these spaces as morally

8 On the other hand, Rudi Hartmann warns that Holocaust remembrance practices should never be fully and mechanically ritualized, since this would carry a danger of encapsulation of the ritual in a form that is there "just to be done" (Hartmann 2018). Holocaust remembrance practices, in the other words, should always strive to adapt to new generations, new questions and new causes with the same or a similar message.

and emotionally transformative, and that potential might persuade us to think again about tourism not as a commercial, but as an educational tool (Stone 2009). Pleasure-oriented idea about tourism does often portray dark-themed places as bizzarre or spectacular, but if we conceive tourism in a completely different way and step out of our comfort zones in merging history, education, tourism and visitors' interest or even fascination, we might be surprised by the results we will get (Biran, Buda 2018). The experiential learning, so prominent in auratic spaces of the Holocaust, carries high interpretative and educational value, and brings intergenerational learning, transmission of history and identity narratives out. It shapes visitors' perceptions of Self and Other, increases overall cultural capital, and provides memorable sensory, emotional, cognitive, behavioural, and relational values that replace old preconceptions and expectations (Roberts 2018). These experiences can also empower community members to address social issues and human rights (Frew 2018). Of course, it is not all that simple; one can never know how an individual would react to the horrible scenes of the Holocaust. One can become more empathetic, or on the contrary, less sensitive. That is why a carefully guided tour and a responsible touristic guide – an educator or a currator, plays a key role (McKenzie 2018). Sometimes the most affecting monuments are those that are invisible – the empty spaces voided of people and their future, where something or someone has been but is not anymore, and those spaces turn out to be a linking point to visitors' thoughts, associations, experiences, and future actions (Willis 2014). As Willis claims, monuments and memorial places should stimulate visitors' inventiveness in the most productive way, not leaving them scared, mute, or helpless, but encouraging them to act according to the gained responsibility towards the future (Willis 2014). The center of tour's gravity should move from memory and remembrance to witnessing, learning and active transformation which will be present inside the visitor, and in the activities they will pursue after the visit. Or, as Daniel Reynolds would say, "the knowledge that tourists seek is embodied in space, and the fact of embodiment is, I argue, central to the experience of Holocaust tourism" (Reynolds 2018: 31).

Holocaust and the Ethics of Tourism: Challenges and Solutions

Often it is hard to even think about the Holocaust in the context of tourism, but reason might not lie in character of the Holocaust as a traumatic complex of events, but in the way we think about tourism. In the other words, it might not be that the Holocaust is somehow "inappropriate" subject for the matters of tourism, but that we see tourism as something that should deal only with cheerful and light topics, designed for an easy vacation (Seaton 2018). However, tourism has not always been interpreted this way – since modern times, there are materials, diaries, and notes of the travelers that surely exhibited their motivation for learning about history and culture while traveling (Towner 1984). If tourism, following this line of possibility, were to be seen as an educational tool (Biran, Buda 2018), then it might as well be well prepared and needed for

ethical, responsible introduction of a visitor to the topics, scenes, testimonies, and messages of the Holocaust. In the end, tourism provides interpretations of the seen/experienced to the visitors, and as Freeman Tilden says, interpretation can exactly be seen as "an educational activity which aims to reveal meanings and relationships [...] rather simply to communicate factual information" (Tilden 1977: 8). Hence, tourism can be understood as an educational interactive tool that gives chance to a visitor to understand what they have seen, to share their thoughts with the other visitors, with the guide, and later, with their own community, and to be transformed for the better of a future society.

Although this formula seems pretty much clear, in the case of Holocaust-related tourism there are still a lot of challenges to be mentioned, discussed, and overcome. First of all, fast-adapting industries of nowadays, among them tourism as well, are often concentrated on numbers, hoping that they would constantly grow. In tourism we speak about numbers of visitors, or numbers of places being opened and marketed. However, Holocaust tourism might be and should be different. With the Holocaust tourism, it should be important to take note on the quality of the tours, and on the effect that the tour makes on the visitor, and the quantitative element should ideally be put aside. Also, being an ethically and politically charged site of memory, every Holocaust site should be consciously, responsibly, and appropriately marketed, so not to become kitschified[9] or commercialized, which could easily happen if one applies simple marketing strategies superficially, aiming at quantity instead of quality. Bird, Westcott, and Thiesen (Bird, Westcott, Thiesen 2018), as well as Brent McKenzie (McKenzie 2018) and Daniel Reynolds (Reynolds 2018) also mention another issue with the Holocaust tourism, that has to do with the immaterial quality of the travel in contemporary culture imbued with material values. Intangible nature of travel experience are almost provoking selling material items on the site. Tourists do love memorabilia, and often they regard souvenir as an object that would help them remember or recall the past experience (Cave, Buda 2018). In case of some other tourist destination, not related to trauma and tragedies, it would be easy to think of postcards, magnets, mugs, or any other "pick and choose" souvenir solutions. In the case of the Holocaust, it is not that easy. In the case of Holocaust tourism, of course, a wish to remember would not be a problematic issue *per se*, but as for the souvenirs, there are at least two challenges present: trivialization and commercialization – of death, of the dead, of such a massive tragedy, and of the survivors and their families. However, some Holocaust places do offer souvenirs, but it would mostly be books, postcards, or, in case of applying multimedia technology, recorded lessons or other educational content related to the Holocaust, and the profit is often clearly connected to further educational investment in the working staff, or to another Holocaust remembrance cause (Reynolds 2018).

9 Sharpley and Stone (Sharpley, Stone 2009: 125) mention the term *kitschification* when describing the practice of shallow sentimentality and materiality as a "kitsch package of tragedy for mass consumption".

Another challenge of the Holocaust-related tourism would be in such a diverse body of visitors. As it was already said, different people come for different reasons, and it is often a challenging task for the currator or a guide to provide a transformational, emotional and informative tour for a visitor with or without a lot of previous knowledge, for an accidental visitor and a person who came to know more about their heritage, or for a person who came to face the issue of personal or collective responsibility for the historical events. In all the cases it is of an utmost importance to keep relating to all the visitors as human persons with all their/our flaws, and to provide a tour that would somehow relate to all of them. One of the techniques might be in shaping the tour in such a way that it stays personal and relevant to a visitor, focusing more on particular human lives, pathways, and responses to the Holocaust, in all the cases of victims, perpetrators, or bystanders (Hilberg 1993), keeping a close eye on the message provided. The goal would not, thus, be to "justify" the crimes that happened nor to generalize the perpetrator, neither to present victims as passive and objectified, or bystanders as cold and disinterested. The goal would be to lead visitors carefully into a world of trauma, uncertainties, and fear, both personal and collective (as it was the case in the years of the Holocaust), and to show them that it did happen, and it might happen again if we don't recognize that we could all over again end up in similar positions (of perpetrators, victims, bystanders), and possibly for any reason (Willis 2014; Lennon 2018).[10] What is important here is to direct visitors *from* the past *to* the present, in order for them to recognize their social circumstances, and to give their contribution in preventing, to the extent they can, any recognized tactic of discrimination, power imbalance or misuse, or any contemporary politics of exclusion.

There are also some logistic and security-related challenges that surround mostly huge Holocaust remembrance places, such as former concentration camps. For example, it is highly debatable if the numbers of visitors to the concentration camps should be tracked, or if the ticket should have a number on it, since it could remind to the strategies of numbering the prisoners during the Holocaust (Hartmann 2018). There is a similar issue with the crowds visiting former concentration camps; as Daniel Reynolds says, tourists are challenged to put the values of tolerance into practice as they share limited space with one another, and yet and unfortunately, crowds have been the usual part of concentration camp daily life (Reynolds 2018: 10). Another issue comes with the video monitoring, or any kind of monitoring at all; it can prove very necessary, for it ensures safety of the visitors, staff, and the site, and on the other hand monitoring is yet another technique used on victims and prisoners during the Holocaust, so it might be problematic in itself.

There are also quite some challenges with the issue of the gaze of visitors, and with guiding their interest in mass deaths, while ensuring dignity of the

10 Which might mean that the bystanders could become victims this time, or vice versa in any way in this perpetrator-victim-bystander triangle.

site and of the victims, and of the local communities too. Local communities are often concerned with how they, or their past, might be seen in the light of the Holocaust tours; that is why it is important to address this issue properly throughout the guiding, and to avoid any type of generalisation or misinterpretation (Sharpley 2009; Hartmann 2018). There is also a risk of a heritage dissonance (Bird, Westcott, Thiesen 2018). Heritage dissonance happens in a case when there is a discord or a conflict between history as heritage, and its interaction with the commercial and/or marketing tone of tourism. Another case might be if a conflict is rooted in the presented historical layer, meaning that with the Holocaust-related sites there is often the case of a layered narration. A typical example would be a concentration camp that was first a site of the organized extermination of the Jews, then for the other perceived enemies of Nazi regime, and then after the war it was labeled somewhat generally, as a martyrdom place of local or national heroes.[11] In case where only one of this story is presented during the tour, there would be a strong possibility of creating a heritage dissonance and offering an incomplete narrative, which should never be a case. It is for sure an uneasy terrain even today, but it should nevertheless be discussed and included in the Holocaust-related narration. As for the visitors' gaze, it can never be fully avoided, since visitors do come with their own fascinations, expectations, or interests (Sharpley 2009b; Seaton 2018; Reynolds 2018). However, it is important to take this interest as a starting point, and turn it together with the gaze, to the disillusioned, constructive view of the past, as well as of present social issues, problems, and solutions. In the end, it is important to weigh well between a "hot" approach, that would include focus on the emotional or affective response in the visitors, and the "cold" approach, which would give them a necessary knowledge for responsible intellectualization of the experienced (Roberts 2018). The excessive accentuation of either of them would lead to an imbalanced message, impossible to deliver further if the visitor is overwhelmed with emotions, or impossible to transfer emotionally, if the "cold" approach was too much accentuated. Only an informed *and* personally touched visitor would be able to pass that witnessing further, and to ensure the continuation of the [*never again*] Holocaust message to their community, or to the next generation.

Closing Remarks and Further Topics

The question of ethics of the Holocaust tourism, of course, doesn't end with the exhibited examples, challenges, and solutions; quite the contrary – they only open more topics to be thought through, analyzed, and written about. The extensive and sensitive Holocaust legacy certainly requires a responsible, educational approach led by different researchers, formal and informal educators, historians, and touristic specialists and guides, working interdisciplinary and

11 This was the case of quite a few concentration camps, such as Auschwitz, Buchenwald, and many more, especially in Eastern Bloc countries and regions (Hartmann 2018).

interrelatedly. It is important to bring together the contributions of the disciplines that traditionally carried the knowledge about the Holocaust in a mindful and appropriate way, in order to design the best ways of learning about the Holocaust in contemporary times. This does not, of course, mean that the disciplinary definitions and boundaries should be abandoned, but it does include an approach that would be less compartmentalized, and more teamwork/think tank oriented. It is especially important not to divide tourism from the academic and educational context nor to ignore it, since if successfully inspired with methodologies and research techniques stemming from the fields of history and education, Holocaust tourism can prove crucial for the future Holocaust-related learning.

Another important topic that exceeds the dimensions of this paper, and that should be addressed at one point is the change that the third and the fourth post-Holocaust generation brings, together with the new media and Web 2.0 oriented world they find themselves in. Informational, digital, and participatory turn already changed the face of everyday reality, and together with that, of the Holocaust-related tourism too. The issues of making selfies at the Holocaust-related sites is already a topic widely discussed, and VR tours, augmented reality, gamifications, and QR learning systems are already a part of the expected offer of Holocaust educational tours and sites. It is a matter of time when using contemporary technology at the Holocaust-related places will become a norm, and, in this light, it is important not to delay further academic and professional discussions about it. Hopefully this step would also bring a crossing and connection point between different generations, which could contribute to importance and survival of the legacy of the Holocaust in the future.

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Dragana Stojanović

Holokaust i etika turizma: memorijalna mesta u naracijama o odgovornosti

Apstrakt

Pitanje turizma Holokausta može biti prilično osetljiva, ali ipak veoma važna tema u domenu sećanja na Holokaust. Kako se turizam često povezuje sa aktivnostima u slobodno vreme, prilično je izazovno staviti turizam u mračnije kontekste istorije i smrti. Takođe, različiti ljudi koji dolaze na mesta vezana za Holokaust sa različitim motivima čine pitanje osmišljavanja edukativnih tura još složenijim. Ovaj rad će pokušati da razotkrije pitanja koja se odnose na mračni turizam, holokaust turizam, auratična memorijalna mesta, kao i da prodiskutuje etičke pristupe sećanju na Holokaust na početku 21. veka. U tekstu se zagovara turističko iskustvo kao nezaboravno i edukativno sredstvo sa aktivnim transformacionim potencijalom koje će posetioca pretvoriti u svedoka koji dodatno doprinosi opstanku nasleđa Holokausta u budućnosti.

Ključne reči: Holokaust, turizam, etika, memorijali, sećanje, obrazovanje

UDK 323.12(=411.16):077
https://doi.org/10.2298/FID2203567M
Original Scientific Article
Received 06.06.2022. Accepted 30.08.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Milanović, Aleksa (2022), "Antisemitism Online: History's Oldest Hatred and New Media Challenges", *Philosophy and Society* 33 (3): 567–582.

Aleksa Milanović

ANTISEMITISM ONLINE: HISTORY'S OLDEST HATRED AND NEW MEDIA CHALLENGES

ABSTRACT
In this text I examine the online presence of antisemitism and the ways it is spreading on a global level. I focus on different forms of antisemitism, distributed through numerous social network platforms. I also dwell on the possible causes of this phenomenon, with all its consequences. Antisemitism has always been present in public discourse, and thus its presence in online space is not new or unusual, but what surprises is certainly a significant failure of responsible institutions to prevent this phenomenon and punish perpetrators. In the last ten years, the level of online antisemitism has significantly risen. Covert and overt types of antisemitism on social networks represent a serious social problem, and a threat directed not only towards the Jewish community, but also towards every society that fosters the values of human rights, equality, peaceful communication and non-violence in all its forms.

KEYWORDS
hate speech, antisemitism, new media, social media platforms

Introduction: Defining Hate Speech

In the broadest sense and in common parlance, hate speech can be defined as any case of spreading, expressing, supporting, or defending intolerance, hatred, and aggression towards individuals and/or social groups or communities related to their racial, religious, ethnical, and national orientation, or their gender or sex identities, their sexual preferences, their ability, or any other personal characteristic of theirs. Hate speech can also be recognized through insults based on stereotypes and prejudices connected with different social groups. All that can influence further marginalization of these groups or individuals. This sort of hate speech also encourages and promotes different types of discrimination and oppression. However, when we speak about definitions of hate speech which are followed by international organizations, public institutions or private companies, they are not the same, and they might significantly differ, which is determined by the cultural context in which they are created, or

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by political climate in which they are applied. In the other words, there is no unitary or universal definition of hate speech. The 2019 United Nations Strategy and Plan of Action on Hate Speech determines the term hate speech "as any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colours, descent, gender or other identity factor" (United Nations 2019: 2). This document stresses all forms of hate speech as harmful, but not all of them are forbidden by international law. Also, it is stated in the same document that the international law applies the prohibition only in cases of certain hate speech defined as incitement. Incitement is a very dangerous form of speech that is enacted with the clear intention and goal to invoke discrimination and violence whose consequence can be atrocity crimes of terrorism. Following that and according to international law, each and every state should adopt legal regulations that prohibit all actions defined as very dangerous form of speech, or incitement. That actually means that all the other forms of hate speech which are seen as less dangerous according to the international law don't have to be legally banned on the level of individual countries. This fact largely complicates the process of problem solving when it comes to discrimination and hate speech.

Types of hate speech can be different, and they include verbal expression, but also written expression, image, sound, and video material designed and distributed into the public discourse. Hate speech can be present within public panel speeches, lectures, in print material such as books, brochures, pamphlets, or posters, in public spaces in the form of graffiti, or as an audio or video material presented through conventional media, or through new media channels. A very big problem today is also hate speech that occures on the internet, which is a public space in itself, but it is not always fully regulated by the laws applied in a certain country. This impossibility of application of the law comes from the internet's decentralized structure, as well as from the anonymity of people or groups that spread hate speech. Because of this, it is very important to create and develop different mechanisms of self-regulation which would go in line with the development of information technology. Premoderation or moderation of the comments left by internet users, especially those who follow internet portals of electronic media is one of the ways in which hate speech can be prevented and disabled. However, besides internet portals, huge problem lies in social networks too, where anyone, anonymous or not, can spread hatred through writing, images, audio or video messages. This is the reason why the European Commission took necessary steps, and opened cooperation with IT companies, so the online hate speech could be prevented and stopped. The Code of conduct on countering illegal hate speech online was signed on 31 May 2016 by the European Commission and Facebook, Twitter, YouTube and Microsoft-hosted consumer services. Instagram and Google+ have joined the Code of conduct in early 2018, and TikTok have joined in September 2020. The Code of conduct is binding IT companies, and ensuring the

standards and rules which their users have to follow, together with procedures applied in cases of breaking the established rules.

In this text I will focus on the specific antisemitic hate speech, or, more precisely, on antisemitism present in new media, particularly in online social media and social networking services such as Facebook, Instagram, Twitter and online video sharing and social media platform YouTube. The appearance of antisemitism in new media globally is nothing unexpected. However, what surprises is the absence of use of the established regulatory mechanisms, defined through the standards and rules which would ensure prevention of antisemitic context appearance on the internet portals and on social media platforms. This was the topic of research conducted in 2021 by the Center for Countering Digital Hate (CCDH). This research covered the process of locating antisemitic posts on Facebook, Instagram, Twitter, Youtube and TikTok through the time period of six weeks – from May 18th to June 21st 2021. All antisemitic posts that were collected could be defined as a content that explicitly breaks standards and rules previously defined by social networks. Further on, these posts were reported to the social media platforms, in the ways that those platforms themselves suggested. Afterwards there was another revision, with the goal of seeing if the reported content was deleted, or marked in an adequate way. The revision had the following result: "the platforms acted on fewer than 1 in 6 reported examples of antisemitism. The posts that we reported for this analysis received up to 7.3 million impressions. Facebook and Twitter showed the poorest rate of enforcement action" (CCDH 2021: 4). This situation is pretty much worrisome, because in absence of an adequate regulation of social media content, social media platforms start to be recognized as the safe places for spreading antisemitic messages and hate speech in general. Besides that, in this way, antisemitic content stays on social networks, and thus it collects more and more views and shares, which then reaches greater number of people.

Antisemitism and Antisemitic Discourse

In order to better understand the problem of antisemitic content in the online space and on social networks, it is necessary to define antisemitism as a term, and antisemitic discourse through which these prejudices, stereotypes, and hate speech directed towards Jews and Jewish communities are produced. In the direct translation, the word anti-semitism means intolerance and/or hatred towards all the semitic people, although in practice it is not actually the case. This term is being in use since 1879, and it was used from the beginning as a term designating intolerance and hatred towards Jews. After secularization of Europe which happened in the nineteenth century, in certain social circles it was no longer acceptable to understand religion as the base of hatred towards Jews, so the new term was needed to mark the old hatred. The new term was made by Wilhelm Marr, a German publicist who encouraged hatred towards Jews, with the intention to accentuate race as the base for conflicts between Jews and other nations. In this way the old term, "Jew-hatred", which was tied

to Christian intolerance towards Jews, was abandoned. In the same time the very word Jew was wiped out, and the newly established neologism, antisemitism, was made to sound more neutral (Chanes 2004; Laqueur, Tydor Baumel 2001). Moreover, the new term should have sounded as a term which signifies a concept supported by some kind of a scientific paradigm, and the truth was that behind the word and the concept it was nothing else than pseudo-scientific racist theories of those times that led to newly constructed hatred towards Jews, based on the concept of race (Ben-Rafael 2019). Historically speaking, the religious difference as the base for intolerance and persecution of Jews existed as early as in the Roman times, and later it was spread through spreading of Christianity, and soon it became the main argument for destruction and persecution of Jewish people. Later on, in the nineteenth century, the racial argument was added to the mixture, and it became the key platform for exercising hatred and dicrimination. In the other words, antisemitism is deeply rooted in intolerance towards religious, racial, ethnic, and cultural difference, and it stands for one of the forms of negative attitude towards the Other. The specific way of life, and a certain isolation of the Jewish community, wherever in the world, provoked and still provoke creation of stereotypes and myths related to it, defining Jewish community as a threatening Other that endangers everyone who is not a part of it (Milanović 2017).

Looking onto the stereotypes on which antisemitism was established, the antisemitism can be understood through three categories today; these categories are related to different time periods of further and closer history, but also to the occurances of antisemitism forms today. The mentioned categories are not essentially different; they mostly cover the same concept evolving and being layered and influenced by the current geopolitical dynamics. This phenomenon shows historical adaptability of antisemitism. The first category, the classical antisemitism, is related to the period until 1945, and it is based on the old classical stereotype about Jews as corrupted, evil, greedy cheaters, the killers of Christian and non-Jewish children, and as people obsessed with power. The second epoch starts after 1945, and it can be defined as the post-Holocaust phase of antisemitism, still tightly connected to the classical stereotypes, but with the new hatred added. The focus of this new layer of hatred is primarily expressed through negating the Holocaust as the horrendous crime which must not be forgotten. In this type of hatred the Holocaust is relativized and denied, together with denying the acceptance of responsibility for the genocide of Jewish people. The third epoch is related to the present times, and it is directly connected with so-called Israel-centered antisemitism (Schwarz-Friesel 2019: 313). Contemporary antisemitism, which is the antisemitism from the end of the twentieth century up until now, some authors also call *new antisemitism* or *neo-judeophobia*. These authors stress that this kind of antisemitism is largely based on the criticism towards Israel and Zionism. The specificity of the new antisemitism lays on the ability to globally unite three seemingly non-unitable sides: left, right, and radical Islam (Ben-Rafael 2019). Within the discussion that was started in the Institute for the Study of Global Antisemitism

and Policy (ISGAP) in New York, the member of Canadian Parliament Irwin Cotler offered analysis of contemporary antisemitism, and he compared it to traditional, or classical antisemitism. Cotler stressed that the essence of the old and the new antisemitism is the same – both are based on denial of the right to self-identification. He says that: "classical or traditional Antisemitism is the discrimination against, denial of, or assault upon, the rights of Jews to live as equal members of whatever host society they inhabit. The new antisemitism involves the discrimination against the right of the Jewish people to live as an equal member of the family of nations – the denial of, and assault upon, the Jewish people's right even to live – with Israel as the 'collective Jew among the nations'" (Cotler 2009: 5). In order to make a difference between legitimate criticism directed towards the state politics of Israel and antisemitism, Israeli politician Natan Sharansky exhibited a "three Ds test". This test was designed as a helpful tool, or criteria for detecting antisemitism in cases when it is covered by the criticism towards Israeli state politics. The three letters D stand for demonization, double standards and delegitimization. Demonization of Jewish state happens in cases of comparison of Israelis and Nazis, and/or Palestinian refugee camps and Auschwitz. Double standards appear with the criticism of Israel for the actions and politics also done by the other states which don't get criticized for similar and even much harsher actions. Delegitimization comes with perceiving the existing of the State of Israel as simply wrong, which actually leads to denial of the right for Jews to have their own country (Sharansky 2004).

The definition of antisemitism which is often in use today and can be seen in different reports and hate speech analyses in the public sphere was established in 2016 by the International Holocaust Remembrance Alliance (IHRA), and it is marked as non-binding working definition. The definition is following: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities" (IHRA 2016). As an additional explanation with this definition, IHRA gives a list of the examples of contemporary antisemitism which we may encounter in public sphere: calls on murdering or harming of Jews, or justification of such crimes; spreading the stereotypes, prejudices, false claims and accusations with the goal of dehumanization and demonization of Jews; reinforcing myths about Jews controlling the media, social institutions, even the world geopolitical order; accusing the Jews and Jewish people for the real or imagined crimes; denial of the Holocaust, as well as individual crimes done on Jewish people in the Second World War; accusing all Jews for loyalty to the Jewish community, or to the State of Israel if they are not its residents; accusing all Jews for the political moves of the State of Israel; using the known antisemitic symbols and illustrations to represent citizens of Israel, and comparing the politics of the State of Israel to the Nazi politics. All these examples of antisemitism expressions are present on social media in the form of textual posts, images, or audio/video materials.

Antisemitic Conspiracy Narratives

The results of numerous studies show that the amount of antisemitic posts on social networks grew more and more over the last decade, and especially since Covid-19 pandemic started (Hübscher, von Mering 2022; Comerford, Gerster 2021; Gunz, Schaller 2022; Cohen et al. 2021). Within the research of European Commision it was discovered that from the moment when pandemic started, there was a rapid multiplication of antisemitic conspiracy naratives in the online space. Practically, the global public health crisis was used for spreading the hatred and intolerance towards Jews. This practice is not new nor unexpected, and it is actually a very common phenomenon. The situations of crises, in combination with already existing stereotypes, produce the abuse and misinterpretation of facts, leading to the old image of supposedly evil and conspiracy-oriented Jews. As I already stressed in the previous parts of the text, stereotypes and prejudices towards Jewish people that have been around for centuries are just being developed and adapted so they could fulfill the same role in different times, world events and new situations. Because of religious difference, first of all, Jews are marked as the threatening Other with which all the other people (others-than-Other) should not and must not have anything in common. This attitude puts the Jews in the place of a dangerous Other that is to be isolated and persecuted. This kind of perception of Jewish people led not only to the institutional discrimination, but also served as a base for imagining different stories in which Jews were seen as pure evil during many centuries. False statements and fabrications about Jews were especially present and multiplied during Middle Ages, when they were used as a justification for different formal bans, controls, and for torturing and killing Jews throughout Europe. In the very beginning of bubonic plague epidemic in the fourteenth contury, which was also known under the name "The Black Death", it was not long before Europe witnessed another antisemitic story about "Jewish poisoners of the wells". This story mentioned the Jews that came from France to Southern Germany in 1348, allegedly with the intention to exterminate Christians. The fear of the unknown disease that quickly spread throughout Europe was followed by the typical example of conspiracy narrative that involved the story of Jews as the main cause of big number of deceased. Together with these rumours, there were whole lists and descriptions of Jews, the "accused poisoners", that served as the basis for torturing the members of Jewish communities for the acts that were never commited. The whole Jewish communities were persecuted and killed just on the ground of this horrendous idea (Grebner 2013: 64–65).

Through the history, there were lots of conspiracy narratives in which Jews were accused for all the misfortunes that happened to the humankind. The big portion of these stories and myths live even today – they just reappear in new variations of the story that is refabricated, so they could be related to contemporary crises and times we live in. Today we call these theories conspiracy theories or conspiracy myths, although some authors think that they should be called conspiracy fantasies, because of the nature of their content

(Allington, Joshi 2020; Allington et al. 2020). Jews were always a part of narratives in the majority of actual conspiracy fantasies in which they are presented individually, or joined with some other groups of people (Berlet 2009; Önnerfors 2021). Antisemitic narrations regarding Covid-19 pandemic were placed as the series of conspiracy fantasies, and lots of them were contradictory, pointing to completely different ideas about the alleged "guilt" of the Jews. The Jews were accused for creating the virus, for intentionally spreading the virus in order to kill all those who are not Jews, and then they were also accused that they were, with the help of media, fabricating the pandemic to invoke fear and panic among people. With the appearance of vaccines, new fantasies emerged, especially the one that sees all the vaccine programs as being under control of the Jews which wanted to, as it is said, sterilize, control, and/or kill all the non-Jews, all of it with the help of the vaccines they invested in, and the money harvested from that protocol. (Comerford, Gerster 2021; Gunz, Schaller 2022; Cohen et al. 2021). Parallelly to this, fantasies that were already present before the pandemic such as a "secret chipping of the people" or "5G technology" were automatically connected to the narratives of pandemic, and they led to another layer of the same old hatred. The most famous example of such ideas is the thought that "people will be secretly microchipped through the vaccination process, so they could be controlled through 5G technology" (Önnerfors 2021; Mulhall 2021).

Antisemitism in Online Space

The placement of conspiracy fantasies in online space enables the content to be very available to very large amount of people in a very short time. Often unidentified as hate speech, such content escapes censorship, and circulates even in the online spaces with good moderation and strong rules for a long time. One of the tactics that are used in order to escape censorship is applying coded language, or association terminology such as elite, globalists, bankers, and so on. These words are not classified as insults by themselves, but in a certain context they can turn into antisemitic messages. It is believed that precisely because of this mimicry, the antisemitic conspiracy fantasies are considered to be one of the most often used form of antisemitism which can be seen on mainstream platforms of social networks, despite strong regulations and community standards (Mulhall 2021). As a reaction to multiplication of hate speech, disinformational speech, and conspiracy fantasies on social networks during the first month of pandemic, coalition Stop Hate for Profit (SHFP) started the campaign for preventing antisemitism in 2020. Campaign was supported by great number of non-governmental organizations, citizen groups, equality groups, celebrities, USA Congres, but also by thousands of businesses that ceased to invest in Facebook and Instagram advertisements. The results of this campaign and its pressure led to certain positive changes, but soon it was clear that these changes are not enough, and a lot more effort is needed, especially with antisemitism on Facebook (SHFP 2021). All this information is pretty

much worrisome, if we have the reach of internet and social networks in mind. The specific challenge here lies in social media role in informing people about the pandemic, which was never done too well by formal institutions – neither by the state or through science. Besides pandemic and the issues of safety measures, there is an issue of infodemic too. Infodemic stands for an excessive quantity of information spreading through digital and physical channels, making it hard to recognize and divide true from false news (WHO 2021). In search for information, people turn to social networks and alternative media, in which they can find overabundance of information, of which most are not true, or they are based on conspiracy theories.

One of the important influences on a trend of multiplication of antisemitic messages in online space during the previous 10 years is certainly an expansive social network development, which brought the increase of number of their users globally. According to the information given by DataReportal in the end of 2011, there was a little bit more than two billion internet users all over the world, while the decade later, in the end of 2021, this number peaked to 4.9 billion users. Current trend shows the possibility of the users number going as high as five billion by the middle of 2022. If we look only at the numbers of social media users, in the end of 2011 it was a little bit less than 1.5 billion active users globally (22% of the total global population at that time), and it grew to more than 4.5 billion by the end of 2021 (57,6 % of the total global population). At the end of 2021 the number of active Facebook users multiplied 3.5 times, and it reached 2.9 billion, compared to 2011, when it was counting a little bit more than 800 million active users globally. Moreover, at the moment, 7 different social media platforms have more than 1 billion active users monthly, and it is estimated that a typical social media user visits 6.7 different platforms every month. The overall time that a typical user invests in social networks daily also significantly increased during the last decade (Kemp 2021). These numbers show that communication through internet and social networks on the global level became significant part of social life, so hate speech and antisemitism took their own online space together with the newly created mechanisms of spreading hatred, intimidation, and discrimination of Jews. Also, the problem is not just the online antisemitism, for online hate speech usually corresponds to non-online hate crimes. In this case, with the rise of online antisemitism, antisemitism incidents occur more and more in the non-online space too.

Hate speech and violent rhetoric present on social media often spill out of it too, and they can serve as an incentive to hate crimes, and as a serious threat to targeted community and individuals belonging to it. For example, crimes done by Robert Bowers and John Earnest in USA were motivated by antisemitism, and they were announced on the social networks. Before killing one person and before he wounded three more in the synagogue Chabad of Poway in San Diego, John Earnest had published his antisemitic manifest on the 8chan platform. This crime happened in 2019. Six months earlier, immediately before he killed eleven persons and wounded six of them in the synagogue of Pittsburgh, Robert Bowers announced it on the social network Gab (Barak-Cheney,

Saltiel 2022). Because of this mass murder, the social platform Gab attracted new users, and inspite of it all, it survived as a place in which far-right extremists groups recruit new members. The especially problematic fact is escaping safety and security policies of the networks, as well as escaping stronger policies of moderation and deleting of hate speech. This directly leads to social networks becoming safe spaces for extremists which use the networks not only for their antisemitic moves, but also as a firm base for gathering like-minded people. Also, social networks became a base for organizing live gatherings in form of "hate camps" and training camps outside online space. What is particularly troublesome is that there is always a possibility that the ultra-right groups will create a parallel structure of social networks which would not be easily identifiable, traceable, controlled or regulated (Miller 2022). In support of that, we can exhibit the antisemitic announcement from October 2021, posted through the account of social network Gab, which states the following: "We're building a parallel Christian society because we are fed up and done with the Judeo-Bolshevik one" (Anti-Defamation League 2021a).

Today numerous researches and analyses of media content turn their focus onto the presence of antisemitism on social networks. These analyses are usually being done by different governmental and non-governmental institutions and organizations. According to the reserach done by Swedish Defence Research Agency (FOI) in October 2021, during three months, there was more than 4000 separate usages of terminology connected to Holocaust denial on the big social networks such as Twitter and Reddit, and also on the platforms with minimal moderation such as Gab, 4chan and 8kun, and on internet forums Stormfront and VNN Forum which are already established as racist and xenophobic online spaces. Results of the research showed that of all the analysed content in which the Jews are mentioned, almost 35% is related to the content containing negative attitudes towards them, while 25% of the content which mentions Jews are in the same time directly antisemitic, using different antisemitic stereotypes. All monitored platforms use English language as a language of communication and all of them are public, which means that they can be found by anyone (Cohen et al. 2021). According to the report given by Community Security Trust (CST) in Great Britain, in 2021 there was an increase of anti-Jewish hate incidents by 34%, comparing to the year 2020. The report states that this is the biggest number of yearly antisemitic incidents in the UK which was recorded by CST ever (CST 2021: 16). CST is dedicated to monitoring and recording the cases of antisemitic presence and appearance in the UK from 1984. This organization published their research results together with the Antisemitism Policy Trust in the end of 2021, and it was estimated that there are 495 000 explicitly antisemitic tweets in English language yearly. These tweets are available to all the online users in Great Britain (CST et al. 2021). One study that the European Commission published in 2021 shows that during Covid-19 pandemic there was a significant rise of the number of antisemitic posts in French and German language on the social networks such as Twitter, Facebook and Telegram. This data was collected from January 2020

to March 2021, monitoring 272 French language and 276 German language accounts and channels that served as platforms for spreading antisemitic content related to pandemic. It was the number of over 4 million posts that was collected on that occasion, and 180 000 of them contained antisemitic references. Most of the antisemitic posts with the antisemitic keywords were collected on Telegram (38 000) and Facebook (17 000). Keywords lists consisted of French and German words, and some English terms were included. The data obtained by comparing the first two months of 2020 (pre-pandemic period) with the first two months of 2021 (during the pandemic) show a seven-fold increase in antisemitic posting on the French language accounts, and over a thirteen-fold increase in antisemitic posting within the German channels. This study also showed that a very small number of accounts can create a very large amount of antisemitic content. For example, only 5% monitored accounts in German language created 50% of all the antisemitic content (Comerford, Gerster 2021).

These numbers point to a serious presence of antisemitism on the internet, and on the social networks. It seems that the online space has established itself as a fruitful and safe space for spreading hate speech, and placing the antisemitic propaganda often completely surpasses moderators and security standards. The most problematic content is certainly the one which IHRA defines as antisemitism, but the individual state laws do not see it as such. The state laws often see these crimes not as a hate crime, and thus they can not be prohibited or deleted. In that way this content stays on social networks, although it can fully be defined as harmful. Antisemitic content is often exhibited through coded language or through implicit, allusive, disguised or subtle ways, so it can not be easily detected and reported, or later analyzed through statistics. The way in which social networks work enables antisemitic messages to spread to a big number of users very quickly, which produces huge damage even if they are later deleted. However, political scientist and social media researcher Michael Bossetta shows that it might not be so important to focus on the quantity of antisemitic content on social networks, since it is not an all-pervasive practice of majority of the users. According to Bosetta, it would be more important to notice the potential of such a content in radicalizing individuals or groups, and to determine why certain people are more prone to radicalization (Bossetta 2022). In any case, here it is important to stress that, inspite of a small percent of antisemitic posts in comparison to a total number of posts on certain social network, the presence of antisemitism in online space is not a benign phenomenon at all. Lots of researches and analyses which focus on personal experiences of members of Jewish communities all around the world show that there is already a serious worry, and a feeling of personal endangerment, and that it is completely connected to the exposure to online antisemitism. Negative experiences on social networks in the forms of insults, threats, and other types of harassments negatively impact psychosocial wellbeing of the individuals towards whom the assaults were directed. Even if the assault happened in an online space, people can still feel insecure, frightened, upset, or they can even fear for their own life – especially in cases where we

do not deal with a lonely incident, but with a long-term process directed from one or several accounts (Czymmek 2022).

The results of the study which was conducted by European Union Agency for Fundamental Rights showed that 89% of interviewees think that there has been much more antisemitism in the last five years than in the years before. "They assess antisemitism as being most problematic on the internet and on social media (89 %), followed by public spaces (73%), media (71%) and in political life (70%)." This study was dealing with experiences and perceptions of antisemitism in twelve countries belonging to European Union, and reached almost 16,500 individuals who identify as being Jewish. Also, according to the research of American Jewish Committee (AJC) that was published in 2020, 37% American Jews confirmed that they have been victims of antisemitism in the last five years. Of these 37%, 22% were directly targeted by antisemitic remarks online, or through social networks. "Of the 22% of American Jews who were the targets of antisemitism on a social media platform, a clear majority of 62% encountered it on Facebook, 33% on Twitter, 12% on Instagram, 10% on YouTube, 5% on Snapchat, 2% on TikTok, and 10% elsewhere. Slightly more than half of respondents (53%) said the social media company or online service to which they reported having encountered antisemitism took action in response to their complaint, while 46% said it did not." (American Jewish Committee 2020: 3). The data that AJC published in 2021 related to the exposure to antisemitism from September 2020 to September 2021 showed that during that time 24% of American Jews have been victims of antisemitism, while 12% said that they had been the targets of antisemitism online, or on social media. "Of American Jews who have been the targets of antisemitism online or on social media, nearly one in five (18%) said it made them feel physically threatened." (American Jewish Committee 2021: 5). What these studies don't stricly define is the way in which online exposure to antismitism was happening – meaning, if it was done through public posts, or through threats sent by direct messages, instant messaging services, or dating apps. Lots of these platforms are non-traceable because of encryption, so we can not collect data, except if the survey or the interview explicitly ask respondents to precisely locate the exact part of online space where they faced antisemitism personally.

When it comes to the forms of antisemitism in online space and on social networks, they can be divided into different categories. One of the criteria can be severity or intensity of seriousness of hate speech, following the level of direct danger that these messages carry and imply. In that kind of sense, antisemitism can be graded from the extreme, defined as very dangerous form of speech, to the more covert forms of antisemitism often camouflaged as anti-Zionism, or as some sort of political criticism directed towards the State of Israel. The extreme forms of antisemitism would include direct death threats, violent threats, or threats that involve destruction of one's property. The extreme forms of antisemitism also include direct calls for violence towards Jewish people, or even indirect threats that encourage or justify killing or harassing Jews. A little bit less extreme form of online antisemitism includes different

forms of toxic language such as spreading stereotypes and prejudices, insults, belittling, villification, humiliation, swearing or other forms of vulgar speech, as well as dehumanization and demonization of Jewish people and individuals. This form of antisemitism is especially harmful and it can mobilize larger number of people, while in the same time directly endangering individuals or groups. Covert antisemitism, as a separate category of hate speech directed towards Jews can be divided into two groups. The first group covers antisemitic expressions known as practice of dog whistling, which is being done through coded language, associations, through using of specific symbols, or through combination of all the mentioned above. Some of the examples would be, for example, putting the word Hollywood into triple parentheses – (((Hollywood))), or the word media – (((media))), so it would point to a belief that both Hollywood and mainstream media are under Jewish control, or used for Jewish propaganda. During Covid-19 pandemic triple parentheses was being added to the word virus too – virus – (((virus))), so it would signify the belief that coronavirus was artificially made by the Jews, leading to a thought that pandemics too is under Jewish control (Cohen et al. 2021; European Commision 2021). This form of expression is used so the real meaning of the message would be hidden, and the author would escape criticism or punishment. In the same time, the meaning of triple parentheses is quite direct if a person knows how to read it, and the message is successfully communicated

The second version of covert antisemitism would include specific excessive criticism of the State of Israel, and of its politics. This criticism is often placed under a so-defined "care for human rights", but it is actually closer to antisemitism than to a genuine care. Antisemitism researcher Monika Schwarz-Friesel states that this type of antisemitism is particularly present in online space, and that the empirical data show that what is in question is "Israelization of antisemitism, the most dominant manifestation of Judeophobia today" (Schwarz-Friesel 2019: 311). Findings from a long term study *Antisemitism in the World Wide Web* which Monika Schwarz-Friesel led from 2007 to 2017 and published in 2018, reveals that more than 33 percent of antisemitic online comments are implicitly or explicitly connected to Israel (Schwarz-Friesel 2018: 8). Of course, not all of the criticism towards the State of Israel is antisemitic; but if it is disproportionately big or harsh comparing to criticism aimed at other states for doing the same or similar policies, an if it accuses all Jews for the political decisions of the State of Israel, if it uses all the existing stereotypes and prejudices about Jews, it can definitely be defined not as criticism, but as antisemitism. Practically seen, these findings proved to be true, since during or after the conflict in which Israel is being included, there was always an increase of the number of verbal or physical incidents and attacks on Jews all around the world. These incidents show that anti-Israel and anti-Zionist rhetoric and campaigns influence promotion and spreading of antisemitism, while in the same time endangering Jews living on all the continents (Anti-Defamation League 2021b). In the other words, being overt or covert, antisemitism is always harmful, and it can lead to the escalation of violence.

Instead of a Conclusion

In order for this serious problem to be taken care of, it is necessary to go through a couple of different steps which first invoke the activities related to legal frameworks, both on the international and national levels. Then, it is necessary to continually monitor the implementation of these laws. Also, because the prohibition of hate speech is directly related to the social network popularity, profit might as well be the exact cause of ignoring the online antisemitism by moderation policies of the networks. That is why legal prohibitions such as financial fines might be necessary, so escaping the law would be less profitable than it is now. Besides that, it would be necessary to introduce harsher rules and bans on hate speech from the side of social networks themselves, and they should be moderated and monitored by educated moderator teams which would know how to recognize all sorts of covert antisemitism. In that way all the problematic content could be deleted, no matter if it is a text, image, or video material. In order to adequately introduce and retain these measures, it is important to invest in quantitative, but also in qualitative transdisciplinary research. This would ensure that this phenomenon would be seen from different angles and perspectives, so it could lead to understanding all the mechanisms of its functioning and consequences. Currently the research on antisemitism in the social networks is mostly done within the projects of non-governmental organizations, and certain research institutes. Here we see mostly reports and quantitative research which focus on collecting data about the amount of antisemitic content, the way of its distribution, and its dynamic of appearance on the internet. However, besides this all, it should be necessary to develop academic programs within universities, which could offer all the necessary resources for education and conducting international research projects covering this topic. Establishing of these programs should create conditions for planning different research projects which would focus on social networks users, those who post antisemitic content, and those who react on it in different ways. These projects should also focus on bystanders and Jewish community, in order to understand the impact of this phenomenon to the Jewish and wider community. Moreover, what is needed is also a deeper analysis of the relation of online and non-online antisemitism, together with demographic characteristics and roles of all the actors of these phenomena. Besides this, it is important to develop strategies of resistance to online antisemitism and counter-narratives, and to track and analyze their efficacy and advancement. Education on this topic should be included in school programs from the early age on, so all the levels of education could contribute to further strategies of opposing and preventing hate speech and extremist narratives.

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Aleksa Milanović

Antisemitizam onlajn: najstarija mržnja u istoriji i novi medijski izazovi

Apstrakt

U ovom tekstu baviću se pojavom i širenjem antisemitizma u onlajn prostoru na globalnom nivou. Fokusiraću se na različite oblike antisemitizma koji se plasiraju i šire putem mnogobrojnih platformi društvenih mreža kao i na moguće uzroke ove pojave, ali i na posledice koje ona može proizvesti. Antisemitizam je u javnom diskursu oduvek bio prisutan i zato ne čudi njegova pojava i u onlajn prostoru. Međutim, ono što iznenađuje je neuspeh nadležnih institucija da tu pojavu spreče i adekvatno sankcionišu uprkos tome što je usled naglog razvoja društvenih mreža u poslednjih deset godina došlo i do naglog porasta antisemitskih sadržaja na internetu. Prikriveni i otvoreni antisemitizam na društvenim mrežama predstavljaju ozbiljan društveni problem i pretnju koja nije usmerena samo ka jevrejskoj zajednici već i generalno ka svakom društvu koje neguje vrednosti poput poštovanja ljudskih prava, ravnopravnosti, nenasilne komunikacije i nenasilja u širem smislu.

Ključne reči: govor mržnje, antisemitizam, novi mediji, društvene mreže

II

STUDIES AND ARTICLES

STUDIJE I ČLANCI

UDK 177.72:17.023
https://doi.org/10.2298/FID2203585R
Original Scientific Article
Received 09.06.2022. Accepted 01.09.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Radovanović, Bojana (2022), "Kant's Moral Theory as a Guide in Philanthropy", *Philosophy and Society* 33 (3): 585–600.

Bojana Radovanović

KANT'S MORAL THEORY AS A GUIDE IN PHILANTHROPY[1]

ABSTRACT
This paper focuses on Kant's moral theory and how it can guide our actions in philanthropy. Philanthropy is usually defined as a voluntary action aimed at relieving suffering and improving the quality of lives of others. It has been argued that, within the framework of Kant's theory, it is our duty to be beneficent, sacrificing a part of our welfare for others. The duty of beneficence is a wide one. Interpreters of Kant disagree on what the wide duty of beneficence requires. While a few argue that it only requires that we provide help sometimes, others hold that the duty of beneficence should be seen as more demanding, particularly in cases of emergency when help is urgently required. We are morally obliged to promote the happiness of others, but the duty of beneficence does not tell us whose happiness and how much of our resources to give. Other than emergency cases, in fulfilling the duty of beneficence, we can prioritize the ends of those near and dear to us who concern us more. Moreover, on condition that we are not indifferent to others, it is morally permissible to prioritize our ends. Finally, the paper argues that it is not always straightforward what kind of action is required in helping someone in need, and that beneficence in Kantian terms is not limited to the philanthropic sector.

KEYWORDS
Kant's moral theory, duty of beneficence, philanthropy

Introduction

The term philanthropy derives from the Greek word philanthrôpia, which means "the love of mankind" (Sulek 2010b). The meaning of the term "philanthropy" has changed through history. This term was in use in ancient times, then forgotten through the medieval period and reborn in the 17th century (Sulek 2010a; Sulek 2010b). Philanthropy in its contemporary usage has several meanings. Sulek synthesises seven frameworks for understanding the modern usage

1 This article was realized with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia, according to the Agreement on the realization and financing of scientific research.

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of the term philanthropy (Sulek 2010a). Philanthropy refers to: 1) the love of mankind; 2) god's love of humankind, 3) meeting needs or advancing human wellbeing; 4) a certain aspect of human nature that compels people to want to help others; 5) one's readiness to voluntarily help others, 6) a relationship, movement, organisation, or other such social entity that seeks to meet a certain charitable or public cause; 7) an act, such as the giving of money or time to a charitable cause or public purpose (ibid.).

There has been a growing scholarly interest in research in philanthropy since the 1980s, and a separate field of "philanthropic studies" has emerged (Bekkers 2014). In this academic field, philanthropy is the most often defined as a "voluntary action for the public good" (Payton and Moody 2008: xi), where the objectives of the public good are "(1) to relieve the suffering of others for whom one has no formal or legal responsibility, and (2) to improve the quality of life in the community, however one defines that idea" (ibid: 28). Philanthropy entails dedication of material and non-material resources to address the needs of others or to resolve certain problem. People can dedicate their material and non-material resources through organisations, usually referred to as philanthropic, charitable, third-sector organisation, but also directly to individuals or groups. Thus, philanthropy encompasses "both the spontaneous, individual acts of kindness and the planned, organized efforts that ensure acts of kindness are not ineffective or short-lived" (Payton, Moody 2008: 20)

Being a voluntary action means that philanthropy is uncoerced. It is not required by law (as is the case with the payment of taxes) or done in response to threats, blackmail or other forms of coercion (Payton, Moody 2008), neither it is done out of a professional obligation (Bierhoff 2002). While there is no legal obligation to perform philanthropic acts, the question is whether there is a *moral* obligation to relieve the suffering and/or improve the quality of lives of others. Almost all major ethical theories discuss the principle or a rule of beneficence – a normative statement of a moral obligation to act for the others' benefit (Beauchamp 2019). However, the source of this moral claim differs across moral theories and there is little consensus on the scope and content of the obligation to act beneficently (ibid.).

This paper focuses on Kant's moral theory and how it can guide our actions in philanthropy. Firstly, the main tenets of Kant's theory will be outlined, being aware that a brief account of Kant's theory cannot do justice to the details of his arguments. Then, the scope and content of the duty of beneficence will be analysed addressing the following questions: *Are we morally obliged to relieve the suffering and/or improve the quality of lives of others? To whom do we owe our support? Should we be impartial when deciding how to split resources for the benefit of others or should greater stress be placed on those near and dear to us? What is the place for our own projects? In what terms to define the need and the benefit of the other? Are motives ethically relevant? What are the appropriate means of help?* I will provide a summary of Kant's moral philosophy based on his three works *The Groundwork of the Metaphysics of Morals* (1785), *The*

Critique of Practical Reason (1788) and *The Metaphysics of Morals*, and I will also rely on the interpreters of Kant.

Morality and Freedom

Kant argues that we, humans, are part of both – *sensible* world, where everything is *determined* by the laws of nature, and *intelligible (rational)* world, where the possibility of *freedom* lies. Our behaviour is determined by the laws of nature, but it can also be based on the free will. In other words, our behaviour is influenced, and often governed, by our desires, passions and inclinations. However, our *reason* is capable of controlling natural impulses. Even more so, our behaviour can be motivated by reason itself.

While in nature everything is determined by natural laws, humans have *will*, humans act for reasons. Kant defines *will* as *practical reason*, which means a reason applied to govern our actions. Willing to do something is not merely wishing to do it or thinking about doing it. It means having a reason for doing it and setting oneself to do it. Human action is determined by certain *subjective principles* Kant calls *maxims*. Only when an agent has a maxim can we talk about his *motive* for action (Herman 1993). The maxim one acts upon can be based on one's desires or interest, but also on the moral law.

According to Kant, the will of a *moral agent* is *autonomous*. Will is autonomous in two ways. On the one hand, the will gives itself a *moral law* (it is *self-legislating*). On the other, it can motivate itself to follow the law which is often against desires, inclinations, passions or self-interest. In other words, our will is autonomous when it *respects* the *moral law* which it *prescribes* itself. Moral law has the causal power of natural law – it determines the will as natural law determines the physical world. The difference is that moral law resides in our reason and we act *in representation of the law*. This means that we think of ourselves as following the law, while objects in the physical world are necessarily determined by the law.

Hypothetical and Categorical Imperative

According to Kant, morality is about: "What *ought* I to do?". Something ought to be done either because it is *good as a means* of achieving a certain end, or because it is *good in itself*. Thus, there are two possible answers to this question. One is of the following form: "If I will A I ought to do B." In order to achieve a certain end, I ought to use a certain means. This is what Kant calls a *hypothetical imperative.* It is an imperative because it commands, and it is hypothetical because it commands conditionally, it depends on whether I *will* a certain end Kant argues that one who wills the end she also wills the means towards that end. If one wills the end, then it is *irrational* for her not to will the means for reaching this end. Being conditional on our end, hypothetical imperative is not the form of the moral law.

The second answer to the question: "What *ought* I to do?" takes the form of the *categorical imperative*, which is *the form of moral law*. The moral law requires the following:

> I ought never to act except in such a way that I could also will that my maxim should become a universal law. (G4:02)

This formulation of the Categorical Imperative is known as the *Formula of Universal Law*. Kant argues that all normal adults can understand the moral law, as it is derived from the *common use of our practical reason*. In our ordinary thinking, we approve of an action when we can will that everyone behaves according to the same principle (maxim) under the same circumstances. As rational agents willing certain actions we must accept specific normative principles as action-guiding (Cummiskey 1990).

Apart from the Formula of Universal Law, there are two additional formulas of the categorical imperative known as the *Autonomy Formula* and the *Humanity Formula* (known also as *End-in-itself Formula*).[2]

The categorical imperative in the Autonomy Formula requires the following:

> All maxims that proceed from our own making of law ought to harmonise with a possible kingdom of ends as a kingdom of nature. (G4:436)

Thus, our own maxims need to come into harmony with the maxims of all others, creating a union of rational beings through common laws.

The categorical imperative in the Humanity Formula requires the following:

> So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means. (G4:429)

We ought never to use other people – more precisely the *rational nature* or *humanity* in other people – only as a means to our ends, but we ought at the same time to use them as the ends in themselves. Humanity refers to a person's rational capacities (Hill 2018). It regards one's ability to set oneself ends, to think consistently, to understand facts, to coordinate one's ends and means, and to acknowledge, respect, and follow rational moral requirements (ibid.).We use a shopkeeper as a means of getting necessary groceries. However, we should treat him with respect and not merely as a means of getting what we need. Moreover, we should treat humanity in our own person with respect. Thus, Kant puts humanity in one's person (the rational nature) at the centre of moral philosophy. Humanity is an end that already exists. It is worthy independently of any desire we may have. It has *dignity*, which is the value that cannot be compared or exchanged. In short, only humanity is an end in itself and has absolute worth (Wood 1999). As it cannot be used as mere means

2 Kant claims that the three formulas of moral law are equivalent, but here is a disagreement among contemporary interpreters on Kant regarding the status of each formula (see for example O'Neill 2013; Wood 1999; Herman 1993).

to our personal goals, the rational nature is the basis for a constraint on our actions. In other words, "the pursuit of subjective ends is constrained by the moral principle of respect for rational beings" (Cummiskey 1990).

Duty

An act that comes from the respect of moral law Kant calls a *duty*. In Kant's words, "duty is necessity of an action from respect of law" (G4:400). Since us, humans, belong to the sensible world, a moral law is perceived as a constraint. At the same time, this constraint allows us to be free from the dictates of our impulsive nature or the authority of others. Moral agents are legislators of moral law and subject to it. In this way, morality and freedom are bound together.

When we act in respect of moral law, our will is a *good will*. Kant argues that the only thing that is *good without limitation* is will under the moral law. It is our *rational nature*. Only good will has an intrinsic value – it is good in itself. All other things, such as *talents of mind* (wit, good judgement), *qualities of temperament* (courage, calmness) and *gifts of fortune* (wealth, power), have only a conditional value – they are valuable if they are chose by rational beings (Cummiskey 1990; Korsgaard 1983). Our goals are objectively good when they are chosen *rationally*. The questions that arise are: How do we know what our duties are? What does choosing rationally requires? In other words: How do we know what we morally ought to do in any particular situation?

When we consider whether an act that we want to undertake is morally right or wrong, we should test our principle of action, our maxim, against the categorical imperative. We should try to imagine a world in which our maxim is a universal law and seek out any contradictions that may arise. If a maxim passes the categorical imperative test (if we can universalise our maxim without contradictions) the action is permissible, if it fails the action is forbidden, and in this case, an opposite action (or omission) is required. Whenever the maxim cannot be universalised, when we cannot imagine a world in which our maxim is a universal law, then the *contradiction in conception* arises (O'Neill 2013) and we are facing a *perfect (strict or narrow) duty*. It is a perfect duty towards other refrain from making false promises. Besides perfect duty towards others, there are also perfect duties towards oneself, such as to refrain from committing a suicide no matter how horrible our life may be. Kant argues that we are always able to and required to act in accordance with the perfect duty. Regardless of any consequences, one has to do what moral law commands.

Apart from perfect duties, there are also *imperfect (wide) duties*. The examples of imperfect duties, as outlined in the *Groundwork,* are the duty to help others and the duty to develop our talents. When we think about whether we should help someone in need, then we again should go through the thought experiment of testing the maxim against the categorical imperative. Although we can universalise our maxim of not helping anyone – we can imagine a world in which no one helps anyone, we cannot *rationally will* such a world. In this case, a *contradiction in will* arises (O'Neill 2013). Kant argues that, in order to

achieve our valuable ends, we necessarily need the help of others – their help is the means towards our ends. We cannot rationally will the end without willing the means towards that end, which has already been pointed out in relation to the hypothetical imperative. Whenever we can imagine a world in which our maxim can be a universal law, but when we cannot rationally will such a world, it is the case of *imperfect (wide) duties*. Thus, beneficence is an imperfect duty towards others. Based on the same logics, Kant argues that we have an imperfect duty towards ourselves to develop our talents.

The difference between perfect and imperfect duties is in the respective maxims. While perfect duties require us to adopt *maxims of actions* – we must perform or omit specific actions, imperfect duties require us to adopt *maxims of ends*. A perfect duty is a duty not to do, or not to omit, an action of a certain kind, while an imperfect duty is a duty to promote a certain end (Donagan 1977). Kant defines ends as objects of choice of a rational being (DV 6: 381). When we set an end, there are usually many possible means to promote that end (Cumminsky 1990).

Virtue, Philanthropy and Duty of Beneficence

It was already argued that a human being is under obligation to regard herself, as well as every other human being, as an end. Moreover, a condition for internal freedom of human beings is that there are ends which are obligatory (Herman 2007). In *The Metaphysics of Morals*, Kant argues that the ends that are also duties are *one's own perfection* and the *happiness of others* (DV 6: 385). These two ends must be ends of all rational action (Herman 2007). Perfection means the cultivation of one's natural and moral capacities, which are necessary for setting and reaching one's ends and for pursuing virtue, while happiness concerns the set of objects which realisation leads to a life that pleases us (Herman 2001).

Our natural self-love, argues Kant, cannot be separated from our need to be loved and helped by others when we are in need. Therefore, we make ourselves an end for others. The only way this maxim can be biding is that it is qualified as a universal law – through our willing to make others our ends as well. Thus, the happiness of others is an end and it is also a duty (DV 6: 394). An end that is also a duty Kant calls a *duty of virtue*. He defines a virtue as "the strength of a human being's maxims in fulfilling his duty" (DV 6: 394). It is an ideal and thus always in progress, Kant stresses.

Kant makes distinction between *benevolence* and *beneficence*, where the former is the "satisfaction in the happiness (well-being) of others", and the former is "the maxim of making others' happiness one's end, and the duty to it consists in the subject's being constrained by his reason to adopt this maxim as a universal law" (DV 6: 452). Beneficence is therefore practical, active benevolence.[3]

3 It should be noted that Kant is not always consistent in the usage of these terms, but the equivalency of practical benevolence and beneficence makes conceptual sense (Formosa, Sticker 2019).

Kant uses the term philanthropy in a sense of "love of human beings" (DV 6:450), where love is not seen as a feeling, but as "the maxim of benevolence (practical love), which results in beneficence" (DV 6: 449). Although Kant calls a philanthropist someone who finds satisfaction in the well-being of others – thus it depends on an inclination, he conceives philanthropy as a love of human beings – as an *active benevolence*.

While benevolence can be unlimited, beneficence has *the latitude* for doing more or less so (DV 6: 393). We ought to *sacrifice a part of our welfare to the others*, without hope of return, while the extent of this sacrifice cannot be determined in advance. In other words, Kant argues that: "To be beneficent *where one can* is one's duty;" (G4:398, emphases added).

Kant argues that the beneficence towards those in need is a universal duty because we are rational beings with needs united in one dwelling place so that we can help one another (DV 6: 453). We are vulnerable and dependent on each other, but we are also capable to help one another. Duty of beneficence is thus a general moral principle meant to be applicable to all rational beings in all circumstance. What does it require in any concrete situation? How can it guide our actions in philanthropy?

The duty of beneficence is the most often seen as rather undemanding, requiring that we help others sometimes and to some extent. We ought to be beneficent, but it is up to us to decide "*how*, *when* and *how much* to help others" (Schneewind 1992: 324, emphases added). We are morally required to adopt the principle of beneficence, but "it is not possible to lay down in advance which other should be helped in which ways, to what extent, or at what cost" (O'Neill 2013: 19). While the agents are obliged to adopt the maxim of beneficence, "they have considerable latitude in choosing the individual actions that manifest their commitment to the maxim" (Stohr 2011: 46). This implies that being, to some extent, negligent about others, neglacting some opportunities to help, does not make someone a vicious person, as long as one remains sincerely committed to the principle of beneficence as a maxim (Hill 2018; Pinheiro Walla 2015). However, as Herman (2001) holds, to "do something sometimes" is not enough. She argues that "to have an obligatory end is to be committed to a set of considerations as always deliberatively salient; [...] The "latitude" for choice that comes with an imperfect duty is not about frequency of acting for the end, but a space for judgment as to how (and how much), in appropriate circumstances, the end might be promoted" (ibid: 240).

True Needs and Rational Agency

The "space for judgement" in regard to wide duties is in a close relation to the *person's true needs,* in view of her sensibilities (DV 6: 393), and also to *means* someone has at her disposal (DV 6: 453). These are important guides in deciding how and toward whom to direct our beneficence.

True needs are ends that must be realised if a person is to act as a rational, end-setting agent (Herman 1984). They are conditions of our power to set ends

and a failure to meet such needs makes rational agency impossible. Kantians agree that there is a special case of beneficence referred to as an *obligatory aid* (Stohr 2011) or giving aid to people in distress (Hill 2018). When someone needs immediate help to meet basic needs for survival (Stohr 2011), but also for tolerable existence (Hill 2018), a *duty to aid* becomes a strict one.[4] As according to Kant, the humanity in one's person is an end in itself, which has unconditional and incomparable value, it is contrary to the dignity of humanity, "to let a person starve to death or live in mind-numbing squalor when one can easily prevent this by giving up relatively trivial things that have mere 'price'" (Hill 2018: 23). In other words, by refusing to provide aid to people in distress one shows the insufficient regard for the humanity of these individuals. Hill argues that such act "must be judged wrong by direct appeal to the Categorical Imperative" (ibid.).

Herman also agrees that a duty to provide assistance in such cases is a strict one and she calls it a *duty of mutual aid* (Herman 1984). She argues that duty of mutual aid arises from the acknowledgment that human beings are vulnerable and dependent on each other and that a failure to meet true needs is an impediment to rational agency. True needs has a claim on one's help – as our rational agency depends on the true needs being met, we must will that others provide for our true needs, thus we cannot rationally will to disregard the true needs of others (ibid.). In short, when somebody's true needs are endangered and someone can meet them without sacrificing any true needs of her own, refraining from providing help is not permissible.

Kant points out that the duty of beneficence requires sacrifices, but he does not explicitly discusses how much sacrifice is required. As we have a duty to preserve conditions for pursuit of our rational ends, it can be inferred that our duty to aid is limited by our ability to continue to supply for our own true needs. Moreover, duty of beneficence cannot require from us to perform morally impermissible acts, for example to lie or to kill in order to promote ends of others.[5] We have thus an obligation to aid others when doing so does not involve 1) acting immorally and 2) sacrifice of our true needs (Cumminsky 1990).

Herman makes a distinction between the duty of mutual aid and the *duty of kindness or general helpfulness*, both being duties of beneficence (Herman 1984). She argues that a helpful person views the other as a "fellow pursuer of happiness" and she is willing to set aside or delay her own pursuits to provide for someone else's. While the true needs of another have a claim on one's help, which is independent of any interest one may have, the helpful person has an interest in the wellbeing of others and because of it she provides assistance (ibid.). However, it is appropriate that the helpful person weighs the costs of help, taking into account both the demands of others and her own goals (ibid.).

4 Kant himself does not explicitly distinguish the duty of aid from beneficence in general (Pinheiro Walla 2015).

5 Though there are arguments that Kantian normative theory does not rule out the sacrifice of one person to a greater good – to save many (see Cumminsky 1990).

Thus, "the nature of the need to be met determines whether it is an occasion where helping is required from us" (ibid: 601).

In the similar vein, Stohr (2011) argues that the Kantian duty of beneficence has two components: 1) a wide duty to perform helping actions on occasion and 2) a narrow duty to avoid an attitude of indifference toward others as end-setters (ibid: 50). However, there are certain differences in justification for the strict duty of aid. While for Herman a distinction between a strict duty of mutual aid and a duty of general helpfulness is based on the kind of needs, Stohr points out that what makes certain helping actions strictly required is "that refusing to perform them constitutes a failure with respect to the obligatory end of beneficence itself" (ibid: 57). She interprets beneficence as implying a narrow duty to avoid indifference to others as ends or as setters of ends, where the indifference toward someone implies the attitude that other's permissible ends are not accounted for into our plans in any way (ibid). She further argues that to acknowledge a status of a person as an end-setter, we have to adopt the attitude that her ends carry moral significance insofar as they are her ends. Such an attitude is always required, even when we are not actively helping a person pursue those ends. Helping actions are obligatory because refusing to help would express indifference. In short, "although we are not always required to help, we are always required not to be indifferent. When helping someone is the only way not to be indifferent to her, we are required to help." (ibid: 62).

We are thus obliged not to be indifferent to others' as end-setters and to provide aid to those whose true needs are endangered. For example, when I drive a car and see someone injured in the accident I am obliged to provide aid to this person (Stohr 2011). However, it can happen that we cannot help everyone who needs a rescue. Seeing that ten people fall from a boat and there are only three lifeboats, the only thing we can do to help is to throw the three available life preservers to three of the ten and use discretion in deciding which three to aid (Cumminsky 1990). Nevertheless, the fact that I have just saved somebody's life does not mean that I can forgo the easy rescue even if it occurs the very next moment (Stohr 2011).

We are well aware that there are emergency cases all over the world. There is always someone who cannot meet her true needs. The modern technology allows us to get familiarised with the suffering of people in distant places. Charitable organisations seeking for donations and soliciting help bring the life stories of individuals who lack resources to satisfy the very basic needs. Are we morally required to provide help to all those individuals? Does distance matter? Kantians argue that the emergencies in our vicinity have a different moral status from emergencies that occur far away (Herman 2001). As we are required to treat the other people with respect and to avoid paternalism, providing a tailored help to someone at distance is difficult (Herman 2007). The distance between the agent and the person who cannot meet her true needs change the type of duty we are dealing with (Formosa, Sticker 2019).[6] While we

6 Such a conclusion is in opposition to the more demanding consequentialist theories of beneficence, such as effective altruism, which holds that people from affluent

have a strict duty to provide aid to those in our vicinity, and not only to those who are spatially close to us, but also who are close to us in terms of relationships, such as family and friends, providing help to people who are away from us seems as not strictly required within Kant's framework.

Latitude in Beneficence

Apart from discussed emergency cases, we have a latitude in choosing whose happiness to promote (Hill 2018). Kant gives an important guidance when it comes to what to be considered as the happiness of others. He argues that we need to promote the happiness of the other person "in accordance with *his* concept of happiness" (DV 6: 454). Moreover, the beneficiary should be treated with dignity – not as a passive receiver, but as an agent. In other words, our beneficent act should be directed towards the other person's successful pursuit of her self-defined goals (Herman 1984).

How much of our resources should be dedicated to others through the beneficent acts? "Surely not to the extent that he himself would finally come to need the beneficence of others" (DV 6: 454), argues Kant. Are we required to actively seek for situations and people who need help and perform as much beneficent acts as possible? We should never act contrary to duty, but the function of the motive of duty is not to press constantly for more dutiful actions (Herman 1993). Searching for situations where we make more and more promises and refraining from false promises does not make our will extremely good (ibid.). By analogy, seeking out more and more situations where we can help someone in need and thus helping more people is not strictly required within Kant's framework. However, such behaviour is more virtuous (Formosa, Sticker 2019). In other words, while it is more virtuous to help more, it is not vicious – it is not morally wrong to fail to reach the maximum amount of helping one possibly can (ibid.).

Closeness, Partiality and Own Projects

The duty of beneficence does not tell us whose ends exactly to further and how much of our resources to give to promote the happiness of others. Should we be impartial when deciding how to split resources for the benefit of others or should greater stress be placed on those near and dear to us? What is the place for our own projects?

Kant argues that "[...] the law cannot specify precisely in what way one is to act and how much one is to do by the action for an end that is also a duty. But

societies are morally obliged to donate to charities that provide aid to people living in extreme poverty in developing countries (MacAskill 2015; Singer 1972, 2009, 2015). It would be wrong not to donate to aid agencies when by doing so one can prevent death and suffering without sacrificing anything nearly as important (Singer 2009), donating to aid agencies may result in a great amount of overall good, much greater than if one spends on herself (MacAskill 2015).

a wide duty is not to be taken as permission to make exceptions to the maxim of actions, but only as permission to limit one maxim of duty by another (e.g., love of one's neighbour in general by love of one's parents), by which in fact the field for the practice of virtue is widened" (DV 6: 390). Kant further holds that "[...] in wishing I can be equally benevolent to everyone, whereas in acting I can, without violating the universality of the maxim, vary the degree greatly in accordance with the different objects of my love (one of whom concerns me more than another)" (DV 6: 452). Therefore, in fulfilling the duty of benevolence, we can prioritise the ends of those near and dear to us who concern us more.

Not only is it permissible to us to prioritise the benefit of our friend over that of a stranger, but we have "much more demanding duties to help those whose happiness is enmeshed with our own" (Herman 2007: 273). It was already pointed out that we should promote other's happiness as she conceives it, not in the way we define the well-being of a particular person. Knowing someone well is thus an important prerequisite for understanding what she needs and what her concept of well-being entails. We should strive to reach what Herman calls "engaged benefaction" – to develop a relationship with the other person fostering understanding and trust, and accepting the judgment of others about what they need (ibid.).

The ends of all rational agents, including of those who are our family members and our friends, as well as our own personal ends, have "deliberative salience" in moral decision-making (Formosa, Sticker 2019; Hill 2018). Moreover, since no one's happiness is intrinsically more important than anyone else's (Hill 2018), under the condition that we are not indifferent to others, it is morally permissible to prioritise our needs and non-moral interests (Formosa, Sticker 2019). Kantian morality does not require that we structure our whole life in a way that we perform dutiful actions all the time. In other words, we do not have to be developing our talents and/or helping others all the time. We are allowed to undertake (permissible) actions that make us happy. Of course, promoting one's own happiness is not a matter of duty, as it is our inclination, something we strive for by our nature.[7]

Motives and the Moral Worth

Kant argues that we ought to sacrifice a part of our welfare to the others, without hope of return. Thus, beneficence must be *without a personal interest*. Moreover, helping others has *moral worth* only if it is done *out of duty*. Within the framework of Kant's ethics, duty is the only moral motive. Someone may feel compassion when confronted with a beggar in the street, and this may prompt him to give money to the beggar. Kant argues that though *praise worthy*, such

7 It should be stressed that some interpreters of Kant argue that it is never morally permissible to pursue some other ends when we could be pursuing obligatory ends instead (see for example Timmermann 2005). Such interpretation, usually referred to as a rigorist, makes Kant's concept of beneficence overdemanding (Formosa, Sticker 2019).

act lacks moral worth and does not deserve *esteem* because it is undertaken from an inclination. Such act is *in conformity with moral law*, but it is not undertaken *in respect of moral law*. Someone else may be experiencing deep sorrow and, preoccupied with his own unfortunate situation, he is unable to feel compassion for others. Passing a beggar, he no longer feels compassion, but he finds the strength to help the person in need because moral law requires him to do so. Such an act, since it is done *out of duty* and not just in conformity with duty, deserves moral worth.

It should be noted that Kant differentiates compassion as an emotional contagion from sympathy based on practical reason and argues for duty to cultivate the last one, albeit a conditional duty (DV 6: 456). He refers to this duty as the *duty of humanity*. Our humanity can be free and unfree, argues Kant. When it is located in sympathy – the capacity and the will to share in others' feelings, it is free, when located in compassion – the receptivity to the feelings of joy and sadness of others, it is considered unfree, as it "spreads naturally among human beings living near one another" (DV 6: 457). Kant stresses that it cannot be our duty to suffer along the others, and thus to increase the ills in the world. However, it is our duty to sympathize actively in the fate of those who suffer, and "to this end it is therefore an indirect duty to cultivate the compassionate natural (aestetic) feelings in us, and to make use of them as so many means to sympathy based on moral principles and the feeling appropriate to them" (ibid.). We therefore, further argues Kant, should not avoid places where we can meet with or see people in need, in order to protect ourselves from suffering alongside them, but we should rather seek out for them.

Kant did not eliminate emotions from his theory, though his theory has been criticised being cold and unemotional.[8] He gave emotions a subordinate position in relation to reason, and there are many arguments in favour of this approach. To begin with, we cannot feel compassion for every needy person we encounter. Thus, helping another out of compassion makes the act itself unstable and dependent on inclination of each person.[9] Most often, our emotions prompt us to favour our group's members (Green 2013). Moreover, some people are by their very nature more compassionate than others. Their motivation is the product of a "fortunate temperament". When we act from a moral motive, out of duty, we are acting as any actor is required to do when he can help a person in need regardless of his emotional capacities. Thus, unlike compassionate action, dutiful action may be commanded.

When we have both moral and non-moral motives to perform an action such action is called *overdetermined action.* Interpreters of Kant have different

8 For example, Michael Stocker argues that this leads to the strange conclusion that a person who visits her friend in the hospital out of a sense of duty deserves moral esteem rather than a person who visit her friend because the friend is someone whom she loves and cares for (Stocker 1976).

9 Some scholars question the notion that compassionate behavior is unstable (see for example Blum 1980).

opinions on the moral status of an overdetermined action. While some authors argue that only action which is performed out of duty in the presence of an opposing inclination deserves moral worth, others argue that an action can have moral worth when it is performed out of duty no matter whether and what kind of non-moral motives are present as well (see Herman 1981; Herman 1993; Henson 1979; Stocker 1976).

Beneficence and Organised Philanthropy

It has been argued that actions aimed at relieving the suffering and improving the quality of lives of others can take many different forms. Philanthropy can be organised, managed and coordinated through organisations, but it can also be carried out through loosely organised groups, often spontaneously gathered to address certain problem, or through ad-hoc initiatives of individuals. Usually, organisations are intermediary between the donors and receivers, but they can also be the final recipients of individuals' contributions. The philanthropic organisations make up a sector – referred to as a voluntary, philanthropic, non-profit, non-governmental or the third sector, which is distinguished from the government and business sectors. In modern societies, societal problems are addressed through government programmes or through private initiatives of individuals and organisations.

While within Kant's moral theory beneficence and philanthropy are closely related, it should be noted that Kant's beneficence is a broader concept than organised philanthropy. The means one can be beneficent to others are not limited to the philanthropic sector. In some cases, beneficence might require the work towards establishing government institutions and programmes. While it is quite obvious what a person injured in a car accident needs and what concrete action is required from someone who is in the vicinity (if the agent is a doctor and capable of dealing with the injuries, to provide medical help, if not than to call an ambulance), the appropriate means of beneficence might not be that straightforward in some other cases. For example, in order to address the issue of extreme poverty in developing countries, someone could donate money or volunteer at the relief agencies, but she could also advocate for the introduction of government programs, or protest against the current political and economic order she believes is the root cause of the problem. All of these actions could be seen as required by the duty of beneficence. Moreover, when we estimate that philanthropy, neither formal nor informal, isn't an appropriate means to address certain social problem, "public institutions can do the work of beneficence for us, and that part of our general duty is met by contributing a fair share of support" (Herman 2007: 23).[10] In short, philanthropy is not the only means to fulfil our duty of beneficence.

10 It should be noted that Kantians disagree on the role of the state when it comes to the issue of redistribution, whether or not it should introduce taxation and to what extent. Discussion on the role of the state and that of private initiatives when it comes

Conclusion

In this paper, I endeavoured to sketch a guidance in philanthropy based on Kant's moral theory. It has been argued that, under the framework of Kant's theory, we are morally obliged to relieve the suffering and/or improve the happiness of others. Kant defines philanthropy as love of human beings, which is a practical love, resulting in beneficence. It is our duty be beneficent sacrificing a part of our welfare to the others. The duty of beneficence is a wide one. Interprets of Kant disagree on what the wide duty of beneficence requires. While a few argue that it only requires that we provide help sometimes, others hold that the duty of beneficence should be seen as more demanding and having two aspects. On the one hand, there is a strict duty to provide aid in case of emergencies, when someone's true needs are at stake. However, the distance between the agent and the person who cannot meet her true needs matter ethically. While we have a strict duty to provide aid to those in our vicinity, and not only to those who are spatially close to us, but also who are close to us in terms of relationships, such as family and friends, providing help to people who are away from us is not strictly required within Kant's framework. On the other hand, we have a duty of general helpfulness, which requires that we are not indifferent to other people, that their permissible ends are always deliberately salient in our decision making. The duty of beneficence does not tell us whose ends exactly to further and how much of our resources to give to promote the happiness of others. It was argued that, in fulfilling the duty of benevolence, we can prioritise the ends of those near and dear to us who concern us more. Moreover, under the condition that we are not indifferent to others, it is morally permissible to prioritise our own ends. Kant's moral theory thus does not require that we structure the whole life in a way that we perform dutiful actions all the time. It was also argued that motives of acting for the others' benefit are ethically relevant within Kant's framework. We are required to be beneficence without a personal interest. When we help others because we feel compassion with them such an action is prise worthy, but it does not deserve esteem because it is undertaken from an inclination. Helping others has moral worth only if it is done out of duty. However, Kant differentiates compassion as an emotional contagion from sympathy based on practical reason and argues for duty to cultivate the latter one. It is our duty to sympathize actively in the fate of those who suffer, and to this end we have an indirect duty to cultivate the compassionate natural feelings. Finally, it was argued that what kind of action, what type of means, are require in order to provide help to someone in need are not always straightforward, and that beneficence in Kantian terms is not limited to the philanthropic sector.

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to relieving the poverty is beyond the scope of this paper. For some current debate on the topic see for example Shell S.M. (2016) "Kant on Citizenship, Society and Redistributive Justice", in A. Fagion, A. Pinzani, N. Sanchez Madrid, *Kant and Social Policies*.

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Bojana Radovanović

Kantova moralna teorija kao vodilja u filantropiji

Apstrakt

U fokusu ovog rada je Kantova moralna teorija i na koji način ona može da usmerava naše odluke u domenu filantropije. Filantropija se obično definiše kao dobrovoljna radnja koja ima za cilj ublažavanje patnje i poboljšanje kvaliteta života drugih. Dobročinstvo je u okviru Kantove teorije dužnost. Kantovi interpretatori se ne slažu oko toga šta zahteva dužnost dobročinstva. Dok neki tvrde da je dovoljno da samo ponekad pružimo pomoć, drugi smatraju da bi dužnost dobročinstva trebalo posmatrati kao zahtevniju, posebno u hitnim slučajevima kada se pružanje pomoći smatra striktno obaveznom. Moralno smo dužni da unapređujemo sreću drugih, ali nam dužnost dobročinstva ne govori čiju sreću i koliko svojih sredstava u te svrhe treba da posvetimo. Osim kada su hitni slučajevi u pitanju, u ispunjavanju dužnosti dobročinstva, možemo dati prednost onima koji su nam bliski i dragi. Štaviše, pod uslovom da nismo ravnodušni prema drugima, moralno je dozvoljeno da dajemo prioritet sopstvenim ciljevima. Konačno, u radu se tvrdi da nije uvek nedvosmisleno koju konkretno radnju treba preduzeti da bismo postupali u skladu sa dužnošću dobročinstva, te da dobročinstvo u kantovskim terminima nije ograničeno na filantropski sektor.

Ključne reči: Kantova moralna teorija, dužnost dobročinstva, filantropija

UDK 340.122
https://doi.org/10.2298/FID2203601V
Original Scientific Article
Received 30.03.2021. Accepted 30.07.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Vacura, Miroslav (2022), "Three Concepts of Natural Law", *Philosophy and Society* 33 (3): 601–620.

Miroslav Vacura

THREE CONCEPTS OF NATURAL LAW

ABSTRACT
The concept of natural law is fundamental to political philosophy, ethics, and legal thought. The present article shows that as early as the ancient Greek philosophical tradition, three main ideas of natural law existed, which run in parallel through the philosophical works of many authors in the course of history. The first two approaches are based on the understanding that although equipped with reason, humans are nevertheless still essentially animals subject to biological instincts. The first approach defines natural law as the law of the strongest, which can be observed to hold among all members of the animal kingdom. The second conception presents natural law as the principle of self-preservation, inherent as an instinct in all living beings. The third approach, also developed in antiquity, shifts the focus to our rationality and develops the idea of natural law as the law of reason within us. Some Christian thinkers who consider the origin of reason in us to be divine, identify the law of reason inherent in us with God's will. This paper gives a brief exposition of the development of these three concepts of natural law in philosophy, with emphasis on the intertwining of these three concepts, which we, however, understand as primarily and essentially independent. The paper concludes with an overview of twentieth-century authors who exclusively focus on only one of the three concepts. The aim of this article is to argue against these one-sided interpretations and to uphold the independence and distinctness of the three historical conceptions of natural law.

KEYWORDS
natural law, right of the strongest, self-preservation

Introduction

It can be demonstrated that as early as the ancient Greek philosophical tradition, three main ideas of natural law existed, which run in parallel through philosophical thinking to the present day.[1] The first is the idea of natural law in the sense of the law of the animal world, of which we humans, as rational animals, are still members. This form of natural law is colloquially described as the law of the strongest or summarized in the expression, "might makes

1 This article extends my research published in Czech language in Vacura 2011.

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right". The second approach is also based on our animal nature and draws on the omnipresent tendency to maintain one's own life; it defines natural law as the principle of self-preservation. This law is based on our most basic, innate, and instinctual biological inclinations, shared with every living being. The third concept already present in antiquity is the idea of natural law as the law of reason that we innately possess, which is at the same time identical with God's will.

In this article, we show that the above concepts of natural law can be understood as isolated, parallel, or opposing philosophical concepts and that in those forms, they can be identified in numerous historical works by prominent thinkers. Some of the thinkers treat these different concepts of natural law as opposites, and some of them present one of them as a foundation for another. Some of them put these concepts side by side, often not under the name "natural law" but under various other designations, which has led to frequent conceptual ambiguities and confusions among interpreters.

The aim of this article is therefore to argue against current one-sided interpretations of the concept of natural law that are mostly based on Thomistic tradition. The usual approach of historians of philosophical thought is to consider one of the concepts of natural law as the main one (usually the third one mentioned) and to focus only on the development of this concept and ignore the others (Adams 1945; Weinreb 1987). Some older philosophers even believed that the idea of natural law has a "perfectly continuous history" (Pollock 1900), and d'Entrèves (D'Entrèves 1951: 8) believed that "[t]his view was accepted and emphasized by almost all modern historians of political thought". Other contemporary authors mention other conceptions of natural law but understand them only as imperfect forms of what they regard as the main concept. For example, when Kainz (Kainz 2004: 3) mentions in his historical overview the concept of natural law as "the law of the strongest", he describes it as a mere "perversion" of real natural law as described by current natural law theory, which is based on the third concept of natural law mentioned above.

Similarly, when referring to Finnis (Finnis 2011) and Grisez (Grisez 1969), Westerman (Westerman 1998: 2) says that the "pure and fertile concept of natural law" can be regained from Aquinas (who developed mostly the third form of natural law) by removing the distorting influences of almost all philosophers who followed him. The primary problem of these contemporary interpretations is the uniformity of the neo-Thomistic readings and the scholars' exclusive focus on Aquinas' account of natural law.

In the following, we first provide a more detailed introduction to the three concepts of natural law introduced above. The second part of the paper therefore focuses on the first conception of natural law, i.e., the law of strongest; the third part deals with the natural law as the principle of self-preservation; and the fourth section deals with the concept of natural law as the law of reason. This section is followed by a brief fifth section that addresses contemporary conceptions of natural law, demonstrating that current discourse deals for the most part with the third concept of natural law. The concluding section makes case that these three concepts should be understood as primary

and essentially independent and offers closing remarks in defense of acknowledging their distinctness.

Natural Law as the Law of the Strongest

The first form of natural law is the "law of the strongest". According to this conception, we humans, although equipped with reason, are still part of the animal world, and the basic natural law in the animal world is the right of the strongest to impose their will on the weaker ones. At the same time, this concept affirms the right of the strongest to identify their will with the terms law or justice.

One of the first works to formulate the law of the strongest is the *History of the Peloponnesian War* by the historian Thucydides, a contemporary of Socrates. This work vividly depicts the conflict between Athens and Sparta, which took place from 431 to 404 BC. One of the central themes for Thucydides, as well as for other ancient Greek playwrights and philosophers, is the conflict between *nomos* and *physis* (understood in this case as the conflict between ideal justice and political expediency). Of particular interest for us is the way this conflict manifests itself in the so-called *Melian dialogue* (Wassermann 1947: 28). The army of Athens, which has a significant numerical advantage, has besieged the inhabitants of the small neutral island of Melos. Against this backdrop, negotiations between the besiegers and the defenders are dramatically depicted, and the situation unfolds before the reader (see also Plutarch 1936: 347A). The people of Melos want to remain neutral and claim that if they do not take hostile action against any of the opposing parties, they have the right not to be drawn into the war. However, the generals of the besieging army demand unconditional surrender and submission to Athenian rule, offering this famous justification:

> [...] since you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must. (Thucydides 1919: ch. XVII)

This is probably the first occurrence of the principle of the right of the strongest, sometimes colloquially summed up in the words, "might makes right".

Another author who describes the concept of natural law as the "law of the strongest" is Plato. We find one discussion of natural law in his dialogue *Gorgias*. Here one of the discussants, Callicles, presents the concept of natural law in the spirit of Thucydides, namely as the "advantage of the stronger over the weaker".[2]

2 "[...] but nature, in my opinion, herself proclaims the fact that it is right for the better to have advantage of the worse, and the abler of the feebler. It is obvious in many cases that this is so, not only in the animal world, but in the states and races, collectively, of men – *that right has been decided to consist in the sway and advantage of the stronger over the weaker.* [...] Why, surely these men follow nature – the nature of right – in acting thus; yes, on my soul, and follow the law of nature – though not that, I dare

In Callicles' view, this concept of the natural law, that is, the law of the strongest, is opposed by human "artificial" laws. These artificial laws claim that justice (*dikaion*) and beauty (*kalon*) lie in equality between people, but to Callicles, these laws are intended only as "incantations" to moderate the strongest individuals.

Another discussion of a similar question can be found in the dialogue *Republic* (Plato 1966c), where a similar opinion is presented in Book I by the sophist Thrasymachus.[3] Klosko (Klosko 1984: 8) believes that Plato deliberately gives him only weak arguments to support his position; however, many other authors have tried to reconstruct this position in a more consistent form (e.g., Henderson 1970). In this dialogue, Thrasymachus (Klosko 1984: 5) describes his position in several speeches, the first of which says that justice is "the advantage of the stronger" (Plato 1966c: 338c). In the second, he specifies that the stronger in the political sphere is the one who rules, and the ruler also calls obedience to the laws he gives "justice" and disobedience "injustice" (Plato 1966c: 338d–339a).

Plato returns to this subject in one of his late texts, the dialogue *Laws* (Plato 1966b), where he explicitly mentions in a critical context the similar thesis that "the height of justice is to succeed by force" (Plato 1966b: 890a). Against this claim, he advances the idea of a divine law, which is independent of the written law and relates to justice; he says that those who follow this divine law are happy (Plato 1966b: 715e). This opposing concept of law may be linked to the third concept of natural law discussed in this paper—the concept that connects it with reason and God, which will be discussed in the fourth section.

We now turn to a more recent author, Nietzsche, who was also an enthusiastic admirer of Thucydides. In *Twilight of the Idols*, Nietzsche (Nietzsche 2021) [1889] describes Thucydides' work as his recreation and cure from Platonism (Zumbrunnen 2002: 237). Nietzsche also sided with Plato's Thrasymachus (Polansky 2015). Thucydides' text was probably also Nietzsche's inspiration for writing *On the Genealogy of Morality* (Nietzsche 2007) [1887], where he introduces the concept of Master-slave morality (*Herren- und Sklavenmoral*). Here master morality is understood as the morality of the strong-willed person. The strong-willed person identifies the "good" with the strong, powerful, and noble, while identifying the "bad" with the weak, cowardly, petty, and timid. In this book, Nietzsche (Nietzsche 2007: 6) also explicitly refers to Thucydides' definition of law: "In particular, compare what I say [...] on the descent of justice as a balance between two roughly equal powers". Similar references can be found in his other texts dealing with this topic (Nietzsche 1996; Nietzsche

say, which is made by us; we mold the best and strongest amongst us, taking them from their infancy like young lions, and utterly enthral them by our spells and witchcraft, telling them the while that they must have but their equal share, and that this is what is fair and just." (Plato 1966a: 483e, emphasis author).

3 Thrasymachus was probably a real person. Aristophanes mentions him in his lost work *Daitales*. See the fragment quoted by Galen, Gloss. *Hippokr.* 29, p. 66k, fragment 205 of Kassel, Austin 1984. See also Storey 1988.

1997). However, Nietzsche never identifies his perspective with "natural law" in so many words.

In the field of contemporary political philosophy, a similar definition can be found in Montague (Montague 1950: 108), who uses the term *kratocracy* or sometimes *krateracy*, from the Greek *krateros*, meaning "strong", to describe a government by the stronger or a government based purely on military or police force. However, he does not analyze in detail the kind of government denoted by this term.[4]

Natural Law as the Law of Self-preservation

The concept of self-preservation first appears as an awareness of the innate tendency to preserve one's own life, observed in both animals and humans. However, only in later historical philosophical thought has there emerged an understanding of this instinctive tendency as a certain form of natural law.

The notion of self-preservation appears as early as ancient Greek philosophy. For example, Aristotle regards self-preservation as an elementary good and a precondition for other goods. Although the formulations in the surviving Aristotelian texts – e.g., the *Nicomachean Ethics* (Aristotle 1926a) – refer only indirectly to self-preservation,[5] Cicero unequivocally attributes this position to Aristotle.

When Cicero recapitulates the views of previous philosophers in *De finibus* (Cicero 2001) [45 BC], he attributes this position not only to Aristotle but also and especially to Xenocrates. According to Xenocrates, the goal of every organism is its own preservation along with the preservation of its species. This applies not only to animals, but also to humans, who, however, also use their intellectual abilities and their ability to create artificial products for this purpose.[6] Again in *De finibus,* Cicero both asserts the innateness of self-preservation as his own position[7] and has Cato the Younger explain that the innate impulse to preserve oneself is present immediately upon birth,[8] although he

4 Algernon Charles Swinburne's (1837–1909) poem, "Word for The Country", captures a similar impression: "Where might is, the right is: Long purses make strong swords. Let weakness learn meekness: God save the House of Lords."

5 "[...] he desires his own life and security, and especially that of his rational part. For existence is good for the virtuous man; and everyone wishes his own good [...]" (Aristotle, *Eth. Nic.*: 1166a10-20). We use edition Aristotle 1926a.

6 "Every natural organism aims at being its own preserver, so as to secure its safety and also its preservation true to its specific type. With this object, they declare, man has called in the aid of the arts also to assist nature" (Cicero 2001: 4.16).

7 "Every living creature loves itself, and from the moment of birth strives to secure its own preservation; because the earliest impulse bestowed on it by nature for its lifelong protection is the instinct for self-preservation and for the maintenance of itself in the best condition possible to it in accordance with its nature" (Cicero 2001: 5.24).

8 "It is the view of those whose system I adopt, that immediately upon birth (for that is the proper point to start from) a living creature feels an attachment for itself, and an impulse to preserve itself [...]" (Cicero 2001: 3.16).

does not mention the principle of self-preservation in his best-known passages about the natural law (which we will discuss in the next section). Further, Plutarch (Plutarch 1936) testifies that even earlier stoics, such as Chrysippus, emphasized the innateness of the principle of self-preservation.[9]

Many Christian thinkers also accept the principle of self-preservation, but as only one of the components of a differently conceived natural law. For example, Thomas Aquinas (Aquinas 1920: I-II. Q94, a2) says, "whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law". For Aquinas, self-preservation is indeed part of the natural law, but natural law as a whole is understood differently, as we will see in the next section.

One of the first mentions of self-preservation in the works of later thinkers can be found in Hugo Grotius, who discusses natural law in his work *De iure belli ac pacis* (Grotius 1625). In this text, he aims at coherent integration of two opposing characteristics of human nature—firstly *prima naturæ*, which consists of human instincts, including the instinct for self-preservation, and secondly human reason and the linked concept of *honestum*, "the honorable", which is understood as consistency with reason. Human reason is also the foundation he later chooses for further elaboration of the concept of natural law (which will be explored below in the section on natural law based on reason). Most interpreters focus on this second concept, and some, such as Kainz (Kainz 2004), do not mention *prima naturæ* at all.

Grotius' discussion of *prima naturæ* follows the above-mentioned remarks by Greek and Roman thinkers. Grotius says there are certain principles common to all animals from birth, the most important of which is the principle of self-preservation.[10]

Like Grotius, his successor Pufendorf (Pufendorf 1934) [1688] incorporates the principle of self-preservation into a foundation for his conception of natural law. He says that human nature includes the need for self-preservation, basic sociability (associated with the knowledge that self-preservation is not possible outside of society), and the recognition of these characteristics as valid for others. However, like Grotius, he ultimately arrives at a concept of natural law as based on reason, while integrating the principle of self-preservation, as we will discuss in the next main section.

Hobbes' conception historically follows Grotius' *prima naturæ* but changes the focus of natural law and builds it explicitly on the principle of self-preservation. According to Hobbes, it is the natural right of every person to strive for self-preservation and to use all one's strength and all the possibilities at

9 "As soon as they are born animals have an urge to preserve themselves, their parts, and their off-spring" (Plutarch, *Sto. rep.*, 1038b.). We use edition Plutarch 2000.

10 "The first Impressions of Nature, is that Instinct whereby every Animal seeks its own Preservation, and loves its Condition, and whatever tends to maintain it; but on the other Hand, avoids its Destruction, and every Thing that seems to threaten it [...]. And that 'tis the first Duty of every one to preserve himself in his natural State, to seek after those Things which are agreeable to Nature, and to avert those which are repugnant" (Grotius 2005: 180).

one's disposal.[11] Natural law further forbids people to do anything that may harm their lives.[12]

In the natural state (i.e., in a state of society without a central government), the natural law is then the right and the duty (because omission may harm one's life) to use any means necessary, including harming other people, to ensure one's self-preservation. The consequences of direct application of this right are destructive to the quality of human life and the safety of one's livelihood in the natural state, which according to Hobbes is permeated with violence. Since this situation is contrary to the principle of self-preservation, certain rules are derived from this principle, effectively allowing the constitution of civilized political society (a state), which primarily serves as a guarantee of the safety of the lives of its members.

We can therefore say that for Hobbes, the natural law consists in the right and duty to use any means necessary to secure self-preservation. Reason in this case plays only an instrumental role; that is, it provides reasoning power and knowledge of the means by which one can most effectively secure self-preservation in the long run. While in the case of Grotius, Pufendorf, and their predecessors, self-preservation was ultimately subordinate to principles of reason, in the philosophy of Hobbes the relationship is reversed. Hobbes gives the concept of natural law as the law of self-preservation one of its clearest elaborations.

Mandeville, who is regarded as a popularizer of Hobbes (e.g., by Young 1959), although this may be disputed (Vacura 2020: 261), specifically calls the principle of self-preservation the "Law of Nature".[13] The principle of self-preservation produces the fundamental passion of self-love,[14] which serves as the foundation of all the other passions.[15] These passions – fear, anger, pity, and

11 "The RIGHT OF NATURE, which Writers commonly call Jus Naturale, is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto" (Hobbes 1994: XIV.1).

12 "A LAW OF NATURE, (Lex Naturalis,) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved" (Hobbes 1994: XIV.3).

13 "There is nothing so universally sincere upon Earth, as the Love which all Creatures, that are capable of any, bear to themselves; and as there is no Love but what implies a Care to preserve the thing beloved, so there is nothing more sincere in any Creature than his Will, Wishes, and Endeavours to preserve himself. This is the Law of Nature, by which no Creature is endued with any Apetite or Passion but what either directly or indirectly tends to the Preservation either of himself or his Species" (Mandeville 1988: 1:200).

14 The concept of self-love and the associated, but not equivalent, concept of self-liking receive substantial analysis in contemporary Mandevillian research (Colman 1972). The clear differentiation between self-love and self-liking is the main component of Mandeville's move from the purely Hobbesian first part of the Fable, which relies heavily on the principle of self-preservation, to the more independent and developed second part (Tolonen 2013: 40).

15 "All Passions center in Self-Love" (Mandeville 1988: 1:75).

pride – are reactive in their nature, and they largely control human behavior; they also play a constitutive role in relation to political society. The most important in this regard is pride, which, manipulated by flattery, plays the premier role in the constitution of civilized community (Vacura 2020: 270).

If we turn to another English philosopher, Locke, in search of a discussion of natural law in the form of self-preservation, we must first look at his *Essay Concerning Human Understanding* (Locke 1979) [1689]. The existence of moral laws in this work is firmly linked to the existence of a legislator,[16] who in the case of laws that transcend the conventional laws of society is God. In his *Second Treatise on Government,* Locke (Locke 2012: XI.134) [1689] first speaks of the natural state (i.e., the state before the emergence of a political society, in which there is no common political power or government), and says that in this state only the natural law is applied.[17] Although in the definition of this law we find echoes of the Stoic concept of natural law (see below), specifically a reference to reason, this law is primarily associated with the requirement of self-preservation, and only secondarily with other requirements, such as the preservation of others.[18]

When Locke moves from describing the natural state to describing a political society that is constituted by a social contract, the emphasis on ensuring the self-preservation of individuals and society as a whole is even stronger, and this principle is called "the first and fundamental natural law".[19]

The concept of self-preservation as a natural law also appears in works by contemporary authors. This concept provides a basis for the concept of value in, for example, the philosophy of Ayn Rand (Rand 1964). Her starting point is the belief that the basic set of alternatives for every living being is life or death (see Gotthelf 2000: 81). Life is defined as a process of self-preservation and self-creation; if an organism fails to perform this process properly, it will die. Rand thus bases the concept of value on the principle of self-preservation and claims that the concept of value is derived from the concept of life.[20]

16 "[...] what duty is, cannot be understood without a law; nor a law be known, or supposed, without a lawmaker, or without reward and punishment" (Locke 1979: I.3.12).

17 "To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the *law of nature*, without asking leave, or depending upon the will of any other man." (Locke 2012: II.4, emphasis author).

18 "Every one, as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he, as much as he can, to preserve the rest of mankind [...]" (Locke 2012: II.6).

19 "[...] *the first and fundamental natural law*, which is to govern even the legislative itself, is the preservation of the society, and (as far as will consist with the public good) of every person in it" (Locke 2012: XI.134, emphasis author).

20 "An *ultimate* value is that final goal or end to which all lesser goals are the means—and it sets the standard by which all lesser goals are *evaluated*. An organism's life is its *standard of value*: that which furthers its life is the *good*, that which threatens it is the *evil*" (Rand 1964: 17).

Thus, the normative standard determining all other values for any mortal being is self-preservation.[21]

Rand (Rand 1964: 16) believes that the concept of self-preservation and the concept of value are analytically connected. To prove this, she gives the example of an immortal, indestructible, and invulnerable robot that moves and acts but cannot be harmed in any way. She argues that it will have no values, being unable to gain or lose anything, and therefore will lack any interests or goals. Mortality is thus a condition for the meaningfulness of the principle of self-preservation. The law of self-preservation is then the basis of all other moral and political values for Rand.

Natural Law as the Law of Reason

In this section, we turn our attention to the concept of natural law that is the most widespread in the current literature – natural law as the law of reason. This conception of natural law is sometimes also associated with the conception of natural law as the law of God. In that case, however, it is not represented as a pure theological voluntarism, but usually as a law that is at the same time reasonable and divine in its origin; or as a law of reason, while reason itself is of divine provenance.

We have already mentioned Anaximander, the forerunner of this concept,[22] who believed that nature itself not only includes a certain order of balance and justice (*díkē*) but also actively tends to realize it (Kahn 1974). Jaeger (Jaeger 1939: I. 159) interprets Anaximander as contributing to the moralization of *physis*, which had earlier been considered neutral – see also Adams (Adams 1945: 99 f.).

Moving even further in this direction is Heraclitus, who speaks of the divine law from which all human laws are derived.[23] This idea is linked to his conception of the principle of the *logos*, which creates tension between opposites in nature. Also significant in this context are the works of the playwrights Aeschylus and Sophocles – see Barker (Barker 2011: 312).[24] In his play *Eumenides*, Aeschylus examines the correct punishments according to nature for murder, matricide, and adultery. Sophocles' play *King Oedipus* deals with

21 "An organism's life depends on two factors: the material or fuel which it needs from the outside, from its physical background, and the action of its own body, the action of using that fuel properly. What standard determines what is proper in this context? The standard is the organism's life, or: that which is required for the organism's survival" (Rand 1964: 17).

22 "Out of those things whence is the generation of existing things, into them also does their destruction take place, as is right and due; for they make retribution and pay the penalty to one another for their injustice, according to the ordering of time", quote referring to Anaximander by Simplicius, *Phys*., 24.13.

23 "Those who speak with sense must rely on what is common to all, as a city must rely on its law, and with much greater reliance. For all the laws of men are nourished by one law, the divine law; for it has as much power as it wishes and is sufficient for all and is still left over" (Stobaeus, *Anth.* iii, i, 179, DK 114). We use edition Freeman 1983.

24 E.g., Aeschylus in *Eumenides* and Sophocles in *Oedipus the King* and *Antigone*.

incest and paternal murder, and his play *Antigone* contains the theme of obedience to divine laws regarding the family. These issues are then addressed in greater detail by the Stoics.

Empedocles, as reported by Aristotle, was a vegetarian and believed that universal law prohibits killing living beings.[25] However, we have no further detailed information on his teachings or his justification for this principle.

This brings us again to Aristotle, who speaks of natural law primarily in his *Rhetoric*. Here he speaks of a common (*koinon*) law that has its basis in nature (*physis*).[26]

As Kainz (Kainz 2004: 7) points out, the problem with interpreting this as expressing his own view is that it must be understood in the context of its purpose. In the 15th chapter of the first book, where the quoted texts are found, Aristotle does not appear to be a staunch supporter of natural (common) law; instead, resorting to this law is understood here as a means for achieving victory in litigation. In the *Rhetoric,* Aristotle is advising prosecutors and advocates on how to proceed in legal disputes so that they can succeed (see *Rhetoric* 1374a26).

In the *Nicomachean Ethics*, Aristotle also speaks of natural law, and here he seems genuinely to express his own philosophical position. Here he argues that a distinction must be made between natural law and conventional law. Natural law is that which applies everywhere, regardless of cultural or political differences. Conventional law may be different in each place, but once established, it is also valid.[27] However, Aristotle does not give any examples in the *Ethics*. And the examples given for illustration in *Rhetoric* cannot be used because, as Kainz (Kainz 2004: 7) shows, it can be said with certainty that these did not express views held by Aristotle himself, who only used the arguments of other philosophers to illustrate the recommended procedure for argumentation.

Let us turn again to Stoic philosophy. A full elaboration of the concept of natural law as a law of reason, capturing all the essential characteristics that were later developed in the legal tradition, can be found in the Stoics, specifically in Cicero's text *On the commonwealth* (Cicero 1999) [54-51 BC].

Natural law is characterized there as follows: a) it is in accordance with reason (or it is even directly identified with reason); b) it is in accordance with

25 "Nay, but, an all-embracing law, through the realms of the sky; Unbroken it stretcheth, and over the earths immensity" (Aristotle, *Rhet.* 1373b). We use edition Aristotle 1926b.

26 "Now there are two kinds of laws, particular and general. By particular laws I mean those established by each people in reference to themselves, which again are divided into written and unwritten; by general laws I mean those based upon nature. In fact, there is a general idea of just and unjust in accordance with nature, as all men in a manner divine, even if there is neither communication nor agreement between them" (Aristotle, *Rhet*. 1373b).

27 "Political Justice is of two kinds, one natural, the other conventional. A rule of justice is natural that has the same validity everywhere, and does not depend on our accepting it or not. A rule is conventional that in the first instance may be settled in one way or the other indifferently, though having once been settled it is not indifferent" (Aristotle 1926a: 1134b).

nature (it is the law of nature); c) it is a morally relevant law (it is related to the distinction between virtue and sin), so that d) to act against it is morally wrong; e) it is subject neither to human legislation, nor to the will of individuals, nor to decision by voting; f) it is comprehensible to common sense (it does not need interpretation by a legal specialist); g) it is applicable regardless of the local customs of individual cultures (it applies everywhere); h) it has been and will be valid for all time (it is eternal); i) it is immutable; j) its violation in itself involves punishment (violation is beyond the pale of human nature); h) its originator is God.[28] Each of these points is, of course, a simplification and would require a more detailed interpretation. Cicero himself, however, does not provide any substantial justification for the characteristics that are listed above, creating a challenging research program for subsequent philosophers. These characteristics are provided as cornerstones of the philosophical position to which Cicero subscribes. Some see these statements as a summary of what Cicero received from earlier philosophers and suggest that he feels no need to argue for them because those previous philosophers supplied plenty of supporting arguments. Those previous works, however, have not been preserved for us. Over time, Cicero's list of profound characteristics has become a paradigmatic formulation of the theory of natural law as a law of reason for many subsequent thinkers.

The Stoics were soon followed by Christian philosophers, who integrated some Stoic ideas into early Christian thought. A particularly significant impetus for incorporating the concept of natural law into Christian philosophy was the text of Paul's letter to the Romans, which states that even nations unfamiliar with any positive law given by a legislator respect another kind of law, which is innate and inscribed in their hearts (the heart was considered by some the seat of the soul and of reason).[29]

To what extent Paul of Tarsus really was influenced by Stoicism (or took over their ideas from other sources) is the subject of extensive discussions; however, the ancient authors already considered this connection to be a fact. There were even a few forged letters between Paul and Seneca, the purpose

28 "True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions...It is a sin to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times, and there will one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst punishment" (Cicero 1999: III.xxii.33).

29 "For when the Gentiles, which have not the law, do by nature the things contained in the law, these, having not the law, are a law unto themselves: Which shew the work of the law written in their hearts, their conscience also bearing witness, and their thoughts the mean while accusing or else excusing one another" (*Romans*, 2:14–15, KJB).

of which was to prove the opposite dependence, namely that Seneca took his best ideas from Christian authors (Grant 1915).

The full development of the Christian conception of the idea of natural law takes place in medieval scholastic philosophy, culminating in the conceptions of natural law of Aquinas and Suárez. Their philosophical approach defines the basic structure of all subsequent Christian-oriented philosophical theories of natural law (Lisska 2002).

At the heart of Aquinas' philosophy of natural law, described in his *Summa theologiae* (Aquinas 1920) [1265–1273] (henceforth quoted as *ST*), is the concept of *eternal law*, which is based on the concept of God as being independent or outside of time itself.[30] The eternal law defines what is proper for "all things" because "from its [the eternal law's] being imprinted on them, they derive their respective inclinations to their proper acts and ends" (Aquinas 1920: Q91,a2).

The concept of *natural law*, which applies only to rational beings, is derived from the concept of eternal law. Aquinas says that the "[p]articipation of the eternal law in the rational creature is called the natural law" (Aquinas 1920: Q91, a2). In addition to the eternal and natural law, Aquinas also defines the *divine law* – that is, the law as proclaimed directly by God to humanity in Scripture – and *human law*, a provision determined by human reason, in some cases based on the application of natural law to specific conditions, in other cases a codification of principles that are useful for the functioning of the human community (Aquinas 1920: Q91, a3).

Aquinas then concretizes the natural law according to a list with several points. The first principle of natural law is that "good is to be done and pursued, and evil is to be avoided" (Aquinas 1920: Q94, a2). The good is understood as what the intellect recognizes as that toward which one is naturally inclined. Natural human inclinations have several levels; at the most basic level, shared with all substances, is the tendency to maintain one's own being, the tendency to self-preservation, which we discussed in the previous section. Next, as inclinations declared by Aquinas to be common to all animals and therefore also to humans, are the attraction of man and woman, the tendency to raise children, and so on. Third, and this is specific to humans as beings endowed with reason, are the desires to increase knowledge and to live in an ordered society (Aquinas 1920: Q94, a2).

Thus, although Aquinas' conception of natural law includes the principle of self-preservation as a starting point, it is dominated by the role of reason, implanted in humanity by the Creator.

Aquinas's conception is followed by Suárez's interpretation of natural law in his work *De legibus, ac Deo legislatore* (Suárez 1872) [1612], which offers a synthesis of previous positions and medieval disputations, especially among

30 "Wherefore the very Idea of the government of things in God the Ruler of the universe, has the nature of a law. And since the Divine Reason's conception of things is not subject to time but is eternal, [...], therefore it is that this kind of law must be called eternal" (Aquinas 1920: I-II. Q91, a1).

Dominicans and Jesuits. Like Aquinas, Suárez divides the law into eternal law, natural law, divine positive law and human positive law. Unlike Aquinas, however, Suárez places a much greater emphasis on the will of the legislator as a precondition for the obligatory nature of the law, thus paving the way for later legal positivism. The eternal law is thus a law only in a specific sense: as a law that is identified with divine nature (Suárez 1872: II.1.11), it is the law that God imposes on himself (Suárez 1872: II.2.8), and it is knowable only if it manifests itself in the form of one of the other three types of law (Suárez 1872: II.4.9). Therefore, strictly speaking, in the case of eternal law, the legislator and his will are absent. Since natural law is the way the eternal law inheres in human moral nature, the same is true of natural law.[31]

According to Suárez, it follows from the natural law and human nature that people must live in certain social groups (families and some higher structures), which are organized for the common good and include some form of sovereign authority and legislative power as well as a system of ownership relations. However, the specific nature of these arrangements may vary from community to community (Haakonssen 1996: 17).

Turning again to Grotius, we see him reformulate Aquinas' conception of natural law and integrate it into the context of Protestant thought. While the development from Aquinas' to Grotius' conception of natural law is currently regarded as essentially continuous, historically, for a relatively long time the Thomistic and Protestant schools of natural law were considered substantially different. As mentioned above, Grotius describes his theory of natural law in his seminal work *De iure belli ac pacis* [1625], which explains opposing characteristics of human nature: on the one hand, the above-mentioned *prima natur*æ, connected with self-preservation, and on the other hand, human reason, which makes social life with others possible (Haakonssen 1996: 27). Grotius' resulting theory is based primarily on human reason and serves to refute two main theoretical opponents – skepticism (Grotius here explicitly refers to the tradition beginning with Carneades) and theological voluntarism (Grotius 2005: prol. 5). Although Grotius uses Stoic concepts and quotes *De Finibus* 3.16 almost literally in his book, and therefore may seem a close follower of the Stoic conception of natural law,[32] Brower (Brower 2008: 18) shows that

31 "[...] there is no proper and preceptive law without an act of will on the part of some lawgiver; but the natural law does not depend on the will of any lawgiver; therefore, it is not properly speaking a law. [...] So there is no doubt that God is the efficient cause and, as it were, the teacher of the natural law. But it does not follow from this that he is the lawgiver. For the natural law does not involve God as lawgiver, but rather indicates what is good or bad in itself, just as an act of vision directed at a given object indicates that it is white or black, and just as an effect of God's points to God as its author, though not as its lawgiver. This is the way, then, that one should think of the natural law" (Suárez 1872: II.6.1-2.).

32 Probably via Lipsius, a contemporary whom he personally met, author of summaries of Stoic teachings *Physiologiae stoicorum libri* and *Manuductio ad stoicam philosophiam* (Brower 2008: 10).

Grotius transforms the Stoic conception and follows what he calls an "Antiochean" interpretation of natural law, diverging from the Stoic conception in some details (which are, however, not important for our purposes).

After considering Grotius, it is appropriate to return to his contemporary Pufendorf. Pufendorf's work constitutes a Lutheran reaction to Grotius' philosophy. Pufendorf shares with Grotius the ambition of building a legal system based on natural law in the form of a deductive system modeled on Euclidean geometry. In his work *Elementa* (Pufendorf 2009) [1660], he presents an elaborate formal system composed of definitions, axioms, and observations. His most important work of legal philosophy, *De iure* (Pufendorf 1934) [1672], is based on this formal system and explains his theory of natural law, but without the burden of a complicated formal apparatus. According to Pufendorf, human nature is immutable, created by God. The moral world, which exists in parallel with the physical world, is constituted on the basis of human nature; both worlds are created by God.

As explained in the previous section, the starting point for Pufendorf is the principle of self-preservation, but Pufendorf understands this principle only as the basis for human sociability. Human beings are equipped by reason, which teaches us that self-preservation is not possible outside of society. As rational beings, we then understand that the same statements that are valid for us are valid for others. The basic medium of reason and sociability is human language, through which rules for common life and social institutions are created. This then implies the fundamental natural law that humans must "cultivate and maintain toward others a peaceable sociality that is consistent with the native character and end of humankind in general" (Pufendorf 1994).

From an epistemological point of view, Pufendorf's conception is thus a precursor to Locke's rejection of innate ideas. Although God forms the basis of our knowledge by constituting our nature in some concrete and immutable way, our active process of obtaining new knowledge then takes place independently, in a deductive way based purely on reason (Haakonssen 1996: 38).

Returning to Locke in this way, we recall that we saw above that he finds any law unthinkable without a legislator, so he also defines natural law with reference to the divine will.[33] However, similarly to previous thinkers, Locke is inspired by Stoic doctrine, so his natural law is at the same time the law of reason; or reason itself is considered to be the natural law.[34]

33 Natural law is "the command of the divine will, knowable by the light of nature, indicating what is and is not consonant with a rational nature, and by that very fact commanding or prohibiting" (Locke 2008: 101).

34 "The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions [...]" (Locke 2012: II.6).

Contemporary Conceptions of Natural Law

Many contemporary philosophical conceptions of natural law are inspired primarily by the Christian reception of the Stoic conception of natural law as based on reason in accordance with God's will.

Jacques Maritain (1882–1973) and Etienne Gilson (1884–1978) represent probably the most important members of the 20th-century neo-Thomist tradition in legal philosophy. Their program is a return to early Christian philosophy, to the basic principle "*natura, id est Deus*", building on the work of Aquinas, whom they consider one of the greatest Christian philosophers.

In Maritain's conception, the foundation and guarantor of natural law is God, and the Church has the privileged role of interpreting this law, which is open to rational examination but not to study by minds that are not properly educated and trained. The interpretation of the natural law (i.e., God's law) is thus to be entrusted to individuals with appropriate education, skill, abilities, and also spiritual training, who can then assess and critique proposed or existing state legislation with regard to its compliance with natural law (Nederman 2017: xiii).

The development of neo-Thomist legal philosophy was stimulated by the behavior of institutions and individuals during World War II, when there were many situations in France that were subsequently interpreted as collaborations, yet were in line with a literal reading of the law and therefore not prosecutable by positivist legal approaches. Neo-Thomistic legal philosophy was thus developed mainly in post-war French academic institutions, as well as in some parts of North America (Nederman 2017: xiv).

In the 1960s, interest in neo-Thomist approaches to natural law was further stimulated by Pope Paul VI's encyclical *Humanae Vitae*, which invoked the Thomistic conception of natural law in its opposition to artificial forms of contraception. Catholic philosophers Germain Grisez, John C. Ford, and John Finnis defended the pope's position. Grisez and Ford published an important article on the relationship between contraception and infallibility in the Catholic Church (Grisez, Ford 1978). In response to the also important article (Grisez 1969),[35] Finnis published the influential *Natural Law and Natural Rights* (Finnis 2011).

The approach Finnis proposed there is the basis for the direction in philosophy of law that is now called the "New Natural-Law Theory". This position was later joined by Robert George (George 2001) and Joseph Boyle (Boyle 2020); in contrast, some authors who have espoused the Thomistic tradition and the theory of natural law have criticized this approach, including Henry Veatch (Veatch 1990), Ralph McInerny (McInerny 1997; McInerny 2012), and Russell Hittinger (Hittinger 2008).

35 Let us note that this article also contains an allusion to the *categorical imperative*, which is introduced by Kant as an a priori moral principle of practical reason. Kant, however, uses the term law of nature primarily in his moral theory, not in his political theory (Sensen 2013; Chotaš 2019).

Finnis (Finnis 2011) seeks to rehabilitate the theory of natural law based on the teachings of Aquinas, believing that its main problem lies not in the theory itself but in its misunderstanding (or misinterpretation) by later natural law theorists. At the same time, he pays great attention to the Humean distinction between "is" and "ought", aware that this is widely considered the main argument against natural law theories.

Finnis' work has also attracted criticism. For example, in her historical study *The Disintegration of the Theory of Natural Law: From Aquinas to Finnis*, Westerman (1998) makes the case that a thorough examination of the works of Suarez, Grotius, and Pufendorf demonstrates that these works do not misinterpret Aquinas's theory but seek to resolve its incoherencies and internal contradictions. In her eyes, the retreat of natural law theories from a prominent place in the philosophy of law is the result of the failure of these attempts. She further argues that Finnis' interpretation eventually encounters the same problems and internal contradictions as these earlier works and that, like his predecessors, Finnis fails to resolve them satisfactorily.[36]

From this brief overview, it is clear why at present, especially in the field of philosophy of law, the topic of natural law is associated primarily with neo-Thomist Christian philosophy (see Kainz 2004: xiv). No one, or few people, nowadays seriously promote other conceptions of natural law.

Conclusion

We have seen that the distinctness of the three conceptions we have been disentangling is not universally or explicitly recognized in contemporary philosophy. The most authors favor the conception of natural law as law of reason or will of God and rarely seek to integrate more than one conception into their philosophy. Almost no philosopher today seriously discusses or promotes other theories of natural law. We have demonstrated that this omission is a serious flaw of current natural law debate and more heterogenous approach is needed. It is necessary to provide a more balanced account of the concept of natural law, which is far from monolithic view promoted by most contemporary scholars.

We have shown that in the past different authors favored different conceptions of natural law, and some authors sought to integrate more than one conception into their conception of natural law.

Among those who favor a single conception, Thucydides and Plato's Thrasymachus acknowledge the law of the strongest as the only natural law. Likewise,

36 Some other current conceptions of natural law are responses to positivist approaches to the philosophy of law. For example, H. L. A. Hart's positivist legal study *The Concept of Law* (1961) drew two important responses – Lon Fuller's in *Morality of Law* (1964) (along with several articles) and Ronald Dworkin's with *When Rights Are Taken Seriously* (1977). Both believe that it is necessary to go beyond Hart's *minimum content* and defend the need for some form of natural law. Fuller offers the idea that natural law demands "maintaining communication" and specifies eight types of failures that should be addressed in the field of legislation. (Himma 1998; Kainz 2004: 45).

although Cicero mentions the principle of self-preservation, he does not integrate either of the two other concepts into his theory of natural law as the law of reason. Hobbes and Mandeville (and, with some reservations, Rand) consider the principle of self-preservation to be a basic natural law, and for them reason merely serves as a means of finding the most appropriate way to achieve self-preservation.

In contrast, Aquinas integrates the law of self-preservation into a broader concept of natural law, which as a whole is more influenced by the Stoic theory of natural law as the law of reason. Similarly, Grotius speaks of *prima naturæ*, which is associated with self-preservation, but his fully developed theory of natural law is again inspired by Stoic theory and based on human reason, which allows for social life with others. Pufendorf and Locke proceed in a similar way.

Some may argue that the basic conception of natural law should entail both self-preservation and reason, because many authors discuss natural law as of the law of self-preservation connected to natural law as the law of reason. However, there are important exceptions. E.g., for Mandeville reason has only instrumental function, law of nature is identified just with law of self-preservation and also Hobbes takes a similar position.

Acknowledgement of all three parallel traditions and the historical and conceptual relationships among them may generate better-rounded understanding of the concept of natural law. It may help us to consider also different traditions than Thomistic and to develop more comprehensive theory of natural law.

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Miroslav Vacura

Tri poimanja prirodnog prava

Apstrakt

Pojam prirodnog prava je od suštinskog značaja za političku filozofiju, etiku i pravnu misao. Ovaj rad protivi se redukcijskom pogledu na prirodno pravo i pokazuje da postoje tri glavne ideje prirodnog prava koje se mogu pronaći već u antičkoj grčkoj filozofskoj tradiciji i koje su se paralelno koristile u filozofskim delima mnogih autora u toku istorije. Prva dva pristupa zasnovana su na razumevanju da iako su opremljena razumom, ljudi su ipak u suštini životinje koje podležu biološkim instinktima. Prvi pristup definiše prirodno pravo kao zakon najjačeg kao što se može primetiti da je slučaj među svim članovima životinjskog carstva. Druga koncepcija predstavlja prirodno pravo kao princip samoodržavanja koji je svojstven svim živim bićima kao instinkt. Treći pristup, koji se takođe razvio u antičko doba, usredsređuje se na našu racionalnost i razvija ideju o prirodnom pravu kao pravu razuma u nama. Neki hrišćanski mislioci koji smatraju da je razum dat od boga, identifikuju pravo razuma kao znak božje volje. Ovaj rad ukratko predstavlja razvoj ova tri poimanja prirodnog prava u filozofskoj tradiciji sa naglaskom na njihovo isprepleteno shvatanje, a koja mi razumemo kao nezavisna. Rad zaključuje sa pregledom autora iz 20. veka koji se isključivo fokusiraju na samo jedno od tri moguća poimanja. Cilj ovog rada je da se usprotivi jednostranim interpretacijama, koje su uglavnom zasnovane na tomističkoj tradiciji, te da podrži nezavisnost i izrazitost tri istorijska poimanja prirodnog prava.

Ključne reči: prirodno pravo, pravo najjačeg, samoodržanje

UDK 14 Bašlar G.
https://doi.org/10.2298/FID2203621R
Original Scientific Article
Received 14.05.2022. Accepted 30.08.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Ristić, Marko (2022), "Bachelard *en vacances*: The Subject of Surrationalism and Its Functional Value", *Philosophy and Society* 33 (3): 621–631.

Marko Ristić

BACHELARD *EN VACANCES*: THE SUBJECT OF SURRATIONALISM AND ITS FUNCTIONAL VALUE[1]

ABSTRACT
This paper deals with the problem of the subject in Bachelard's concept of surrationalism. Focusing on the epistemological character of surrational creativity, the issue of the subject is approached through the analysis of the relationship between subjectivity and objectivity in the surrational act. Comparing the character of novelty in surrealism and surrationalism, the paper introduces Bachelard's distinction between formal and material imagination, with the latter further discussed through the prepositions "against" [*contre*] and "in" [*dans*]. Bachelard's theory of the internal dialectic – the theory of subdivision of the subject – is analyzed through his concept of reverie. The last chapter deals with the dialectic between the apodictic and the assertoric subject, aiming to reconsider the idea of interiority and *repose*.

KEYWORDS
Gaston Bachelard, surrationalism, the subject, subdivision of the subject, rational naivety, invention, epistemology, objectivity

1. Introduction

In the writings of Gaston Bachelard, there is little use of the word "vacation" [*vacances*]. One of those rare places to encounter it could be found in the first chapter of *L'eau et les rêves*. Dealing with "the objective conditions for narcissism"[2], Bachelard writes: "Real life becomes better if we give it its rightful *vacation* of unreality."[3] Since he almost everywhere else uses the word "repose"

1 This article was realized with the support of the Ministry of Education, Science and Technological Development of the Republic of Serbia, according to the Agreement on the realization and financing of scientific research.
2 This is the middle part of the chapter title "*Les eaux claires, les eaux printanières et les eaux courantes. Les conditions objectives du narcissisme. Les eaux amoureuses*". Bachelard 1942: 29.
3 *La vie réelle se porte mieux si on lui donne ses justes* vacances *d'irréalité*. Bachelard 1942: 35; emphasis added.

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[*repos*] to name such a state of relaxation in reveries, one could ask whether the word choice has something to do here with the figure of Narcissus. Does not Narcissus repose? To find the answer, we should first take into account the attitude of the narcissist towards his countenance. On the one hand, he could admire his *real* image sighted on the water's surface. He would then want to preserve it by making no gestures. However, this real reflection could, on the other hand, inspire the narcissist to *idealize* the image he *sees*. Such idealization would soon make him want to *perfect* his image. Bachelard formulates this ambivalence as the narcissist dialectic between *seeing* [*voir*] and *showing oneself* [*se montrer*] (Bachelard 1942: 31). The self is thus endowed with being aware of its incompleteness. To love oneself in this way would be called "active", or better, "idealizing narcissism" (Bachelard 1942: 34), since it entails repeatedly going beyond one's real image. But it remains unclear whether this "going beyond" has a negative or positive value. Namely, under which sign does this iconoclastic act of the active narcissist relate to his own subject: *contre* or *dans*?[4]

When it comes to this problem of narcissistic self-rectification, it appears that the dialectic between these two prepositions – one relating to *extroversion* and the other to *introversion* – cannot be substituted with the dialectic between the "reveries of will" and "reveries of repose". And Bachelard's introduction of *vacances* could be considered a symptom of this problem.

2. The Misery of *Extra*

Regarding the concept of surrationalism, there were two reasons to begin with the figure of the dynamic narcissist. First, its dynamics are analogous to those of surrationalism. They reside in the subjective quality of the act of transcendence, implied by the prefix *sur-*. The second reason for employing the problem of active narcissism is related to the *paradox of the subject* which, unlike in the case of the surrationalist act, here becomes evident. But before explaining this in detail, I will to outline the problem of objectivity and the "objective conditions" for surrationalism.

"The decisive action [*l'action décisive*] of reason [*raison*] is almost always confused with monotonous recourse [*recours*] to the certitudes of memory [*aux certitudes de la mémoire*]" (Bachelard 1936: 186; 1972c: 7). This sentence is situated at the beginning of Bachelard's essay "Le surrationalisme"[5]. After stating such misapprehension about reason, he introduces the concept of surrationalism, aiming to emphasize the need to redirect reason toward the "future of the mind". The futurism of this kind contrasts with the idea of recourse, or *return*. In Bachelard's view, what gives reason future is its inclination toward perpetual change. And the prefix *sur-* represents an operator of this change. It implies a

4 These two prepositions – 'against' [*contre*] and 'in' [*dans*] – epitomize Bachelard's two studies of earthen imagination – *reveries of will* and *reveries of repose* (Bachelard 1982: 2).
5 The essay "Le surrationalisme" was published in 1936 in the inaugural issue of *Inquisitions*, the periodical edited by Louis Aragon, Roger Caillois, Jules M. Monnerot, and Tristan Tzara (Chimisso 2013: 190).

specific alteration of rationalist thought. The need for an alteration suggests the task of the revolution of mind [*révolution spirituelle*] (Bachelard 1972c: 7). According to Bachelard, the surrationalist revolution consists of two different actions:

> By subtle endeavour reason must be brought to the point of not only doubting its own works, but also of systematically subdividing itself in all of its activities [*se diviser systématiquement dans chacune de ses activités*]. *Briefly, human reason must be restored to its function of turbulent aggression* [*il faut* rendre à la raison humaine sa fonction de turbulence et d'agressivité]. One contributes in this way to the founding of a *surrationalism* which will multiply the occasions for thought [*qui multipliera les occasions de penser*]. When this surrationalism will have established its doctrine, it can be allied with surrealism; both sensibility and reason will then mutually be restored to their fluidity [*fluidité*]. (Bachelard 1936:186; 1972c: 7; emphasis in original)

The analogy with surrealism could be traced along many lines. But probably the most significant one relates to the issue of *objectivity*. Breton writes his *Crise de l'objet* in the same year that the essay on surrationalism was published.[6] Both the surreal and surrational thought, he states, go against commonsense reduction and seek an object which, "instead of being situated once for all below itself, is recreated beyond the limits of sight"[7] (Breton 2002: 355). Bachelard explains the process of objectification in terms of determinism, based on the authority of first intuitions and their inherent geometrical simplification (Bachelard 1968: 80–81). What destabilizes the idea of the object is, therefore, the state of uncertainty, or indeterminism, in which the object is not deprived of those of its qualities that evade rational habits. In the citation from *Le nouvel esprit scientifique*, Breton underscores the idea of the indeterminate as the 'hidden real':

> 'What, writes M. Bachelard, is belief in reality, what is the idea of reality, what is the primordial metaphysical function of the real? It is essentially the conviction that an entity exceeds its immediate datum, or, to put it more clearly, it is the conviction that (this is my emphasis) *more will be found in the hidden real* [réel caché] *than in the immediate datum*'. Such an affirmation is sufficient to justify in a brilliant way the surrealist approach aimed at provoking a total revolution of the object. (Breton 2002: 359; translated by the author)

At this point, I would say, all the analogies between the two "sur-philosophies" end. The similarity between surrealism and surrationalism was primarily found in the prefix *sur-*, which embodies the revolutionary forces directed against the conformist objectification. But it is in this very prefix that we find the difference between Breton and Bachelard. In fact, we may even be facing

6 Breton acknowledges the importance of Bachelard's concept of surrationalism for the surrealist movement, stating that "each term serves to vindicate the other" (Breton 1968: 13).

7 "*au lieu de se situer une fois pour toutes en deçà d'elle-même, se recrée à perte de vue au delà*" (Breton 2002: 355). Translated by the author.

two different prefixes, two different prepositions, or, *positions* – positions toward what they call 'the hidden real'. The possible difference is indicated by Breton's expression "the revolution of the object". It implies a strategy of de-objectification which seems to be radically different from that of surrationalism. To illustrate this problem, I will use Bachelard's metaphor of fluidity, which seems suitable for expounding the divergence between these two approaches. In Breton, fluidity would represent openness in terms of overcoming the inclination toward retention. In other words, surrealist fluidity would mean *flux*. Surrealism de-objectifies as long as it produces *new objects*.[8] These new objects are aimed at suppressing the objects' *conventional* value in favor of the *representational* value, which makes the observer perceive them "more in terms of picturesqueness, of evocative capacity" (Breton 1968: 14).[9] According to Bachelard, focusing on sensory values in this way gives rise only to *formal imagination*. He describes this type of imagination using the image of blooming flowers, since it arises from novelty and is constituted by "the picturesque, variety, the unexpected event [*du pittoresque, de la variété, de l'événement inattendu*]" (Bachelard 1942: 1). Unlike Breton, he sees this kind of exteriority as superficial. Being concentrated exclusively on sensory values [*les valeurs sensibles*], formal imagination does not give correspondences, but mere translations (Bachelard 1942: 31).

For Bachelard, the alternative to this simplifying formal imagination could be found in the realm of matter. His extensive writings on *material imagination* provide an approach to the issue of objectivity totally different from that of Breton's. To use the metaphor of fluidity once again, the powers of material imagination to de-objectify could not be described in terms of flow, but *dissolution*. To dissolve a solid – that is, to take away its form – results in the

8 In *Crise de l'objet*, Breton *enumerates* the objects from the 1936 surrealist exhibition: *objets mathématiques*, *objets naturels*, *objets sauvages*, *objets trouvés*, *objets irrationels*, *objets ready made*, *objets interprétés*, *objets incorporés*, *objets mobiles*. Speaking of these objects, he says they "are well conceived to break the spell that lies upon us – a spell imposed by objects that obtrude with numbing iteration on our senses every day and lure us into the belief that whatever might *exist* outside our senses must be an illusion" [*sont avant tout de nature à* lever l'interdit *résultant de la répetition accablante de ceux qui tombent journellement sous nos sens et nous engagent à tenir tout ce qui pourrait* être *en dehors d'eux pour illusoire*] (Breton 1968: 14; 2002: 358); emphasis in original.

9 Although not stated, this formulation is an obvious reference to Bachelard: "It is in science, perhaps, that one sees most clearly the two meanings of the ideal of objectivity, the social as well as the concrete value of objectification. [...] Faced with the most complex reality, we would, left to our own devices, seek knowledge of a pictoresque kind, calling upon our evocative powers: *The world would be our representation*. If, on the other hand, we were entirely given over to society, we would seek knowledge in the realm of the general, the useful, the conventional: *The world would be our convention*. In fact, however, scientific truth is a prediction or, better still, a predication. By announcing the scientific truth we call for a meeting of minds; together we convey both an idea [*une pensée*] and an experience [*une expérience*], we link thought [*la pensée*] to experience [*l'expérience*] in an act of verification: *The scientific world is therefore that which we verify*" (Bachelard 1984: 11; 1972b: 11).

annulment of its objective values, due to the loss of determinacy found in perceptual precision. Additionally, in contrast to formal imagination and its inherent sensory values, matter gives rise to sensual values [*valeurs sensuelles*], which are reached by entering the "depths of being" (Bachelard 1942: 1). In this sense, object and form are categories concerned only with the *exteriority* of matter (Bachelard 1972a: 16). This *extra* of matter – that is, its outer quality – implies absolute suspension of the subject.[10] In this sense, *extra* is the radical otherness. Being absolutely detached from the subject, *extra* is an attribute of the authentic real. Hence, we could say that *extra* is the end of surrealism. It is the horizon of the real which negates the idea of novelty. There is a possibility of *new* objects as long as surrealism does not come to its end – which is, the exteriority of matter, devoid of subjectivity. If surrealism succeeded in eliminating the subject, then the notions of objectivity and object would become obsolete. There would be no hidden real.

3. *L'intelligence est création*[11]

In Bachelard, the hidden real has a rather different role, which is to dialectize rational thought instead of challenging one to aspire to radical exteriority. The complexity of this dialectical relation to the material as the outer could be discerned in the prepositions Bachelard uses for thematizing extrovert and introvert imagination – the prepositions *against* [*contre*] and *in* [*dans*]. The first thing we would notice is that they are not antonyms. They are different in kind. Unlike the latter, which is an entirely spatial determinant, *against* has both spatial and material value. "In" suggests a *position*, while "against" suggests an *opposition*, induced by the *resistance* of matter: "One wants to work matter, to transform it. A person then is no longer just a simple philosopher *before* the universe, but an indefatigable force *in opposition to* the universe, against the *substance* of matter itself" (Bachelard 2002: 22; emphasis in original). Only in experiencing opposition does one begin to understand "the engagement of subject and object" (Bachelard 2002: 60). And only within this dialectic could one think surrational novelty beyond the notion of *event*. In the case of surrealism, the hidden object – that is, the *unknown* – is itself the new. It is the new *discovered* by going beyond the objectifying structure of mind that makes the subject disengaged from seeing it. Because such a new arises regardless of the subject, it is a pure *event*. It is an *objet trouvé*. By contrast,

10 We could find traces of this problem in the meaning of the Latin *extrā*. Among many nuances in meaning, I will mention some which seem to best illustrate the relation to the problem of the subject. Used as an adverb, *extrā* could mean "without connexion with the matter in hand" (in rhetorics), or "away from one's subject" (used with verbs of motion). As a preposition, it has the meaning of being outside as "beyond the scope of, not subject to; without relevance to, outside the field of; free from; not in accordance with". Glare 2004, s.v. "extrā".

11 This is the opening sentence of Jean Hyppolite's essay "Gaston Bachelard ou le romantisme de l'intelligence" (Hyppolite 1954: 85).

the surrational novelty cannot be equated with the unknown. The unknown emerges here as an epistemological obstacle *directed against a specific rational structure*. This means that such an unknown "is not total. This unknown [*inconnu*] is not absolute. As total and absolute, it would cause the inactivity of the scientific thought. In fact, the unknown is 'situated' in front of it" (Bachelard 1972a: 25; translated by the author). As an epistemological obstacle, the unknown becomes *contre*, the opposition to a rational system which excludes it. The unknown is the hidden real which discloses the imperfection of a specific rational structure, the lack of its universality. It resists "the function of whichever [*quelconque*]", which introduces the principle of identity – the principle of denying the "difference between objects of one class" (Bachelard 1972d: 30). The unknown thus provokes reason to rectify itself by *inventing* a new function of identity whereby what previously appeared as an exception now becomes explained. In this sense, the surrational invention is always total in its character. Being total means that it always carries in itself a new function, or a *new method*, upon which rationalism could experience a *new founding*. "So, paradoxically, what is new is fundamental" [*ce qui est noveau est fondamental*] (Bachelard 1972a: 7; translated by the author). The capability of "incessant founding" is the essence of reason, and the state of surrationalism is the prerequisite of such change. The *sur-* of surrationalism epitomizes its transcendental character and creative potential.

"*La raison travaillera contre elle-même*" (Bachelard 1966: 15). The preposition *contre* is transcendence itself. It represents the opposition to the function of *quelconque*, which proves to be wrong in front of an epistemological obstacle. In order to explain the cause of such incomprehensiveness, Bachelard introduces the notion of *axiom*. Axiomatic reduction, he says, originates from treating particular prepositions, which are often based on first experiences and common sense, as apodictic truths (Bachelard 1972d: 32). And this kind of reduction, which serves to overcome the differences between the rational and the real, represents objectification caused by limiting oneself exclusively to the formal imagination. The way to overcome this limitation is to reindividualize reason through the polemic of two different dialectics: the internal one, which belongs to reason, and the external one, which belongs to experience (Bachelard 1972c: 8). By the polemic of these two dialectics, reason will start to subdivide, thereby reaching the state of a specific *naivety*, where one freely puts basic axioms into question and starts playing with them: "*If, in any experience, one does not play with one's reason, that experience is not worth while attempting*. The risk of reason must, moreover, be total. It is its specific character to be total. All or nothing" (Bachelard 1972c: 11; emphasis in original; translated by the author). In this way, rational thought becomes active. Reason then enters the sphere of *imagination*, reaching the state of "rational naivety". This is what Jean Hyppolite names the "romanticism of intelligence" of Gaston Bachelard, pointing out the ambivalence found in these expressions: "But this romanticism, this power that denies all limits to a creative imagination [...] is not in opposition with rationalism and all that this term implies of

earthly solidity and even of a mischievous and generous mistrust at the same time with regard to the possible impulses of mysticism."[12]

4. The Unattainable *Intra*

How could 'rational naivety' not be an oxymoron? The ambiguity of this expression outlines Bachelard's attempts to theorize the relationship between the surrational subject and imagination, which is given the key role in the act of surrationalist transcendence: "The imagination is not, as its etymology suggests, the faculty for forming images of reality; it is the faculty for forming images which exceed [*dépassent*] reality, which *sing* reality [*qui* chantent *la réalité*]" (Bachelard 1942: 23; translated by the author). The question is, how could this poetic excess be ordered epistemologically? That is, how could poetic imagination result in *invention* rather than the event, as is the case with surreal exteriority? Unlike the surrealist creation, which is characterized by the production of new objects beyond objectivity, surrationalism is, conversely, aimed at "objectless objectivity" (Poulet 1965: 5). The imagination, which makes it possible to reach objectivity beyond the objectified, does, as already said, require the existence of the subject. Here we face the *paradox of the subject*, which I have mentioned at the beginning in the context of active narcissism. Being the cause of objectifying (we could say formal) simplification, subjectivity is what should be opposed to in order to achieve objectivity. But at the same time, the presence of the subject is a prerequisite for objective thought. Having this in mind, 'rational naivety' would represent the elusive state between the desubjectivized subject and the subject of objectification, which Bachelard's theory of reveries tries to grasp.

When talking about the reverie [*rêverie*], Bachelard opposes it to the dream [*rêve*]. The basic difference between these two states is related to whether the subject is present or not: "The night dreamer cannot articulate a *cogito*. The night dream is a dream without a dreamer. On the contrary, the dreamer of reverie remains conscious enough to say: it is I who dream the reverie" (Bachelard 1969: 22). "Remains conscious enough to [...]" implies that reveries can vary in degree. For that reason, reverie and dream are not opposite concepts. Reverie is a state between two extremes – dream and the state of full attention. As completely deprived of the *cogito*, nocturnal dreams embody the idea of Nothingness[13] (Bachelard 1969: 146). Reverie is, therefore, the state of the subject

12 "*Mais ce romantisme, cette puissance déniant toute limite à une imagination créatrice* [...] *n'est pas en opposition avec le rationalisme et tout ce que ce terme implique de solidité terrienne et même de défiance malicieuse et généreuse à la fois à l'égard des entraînements possibles du mysticisme*" (Hyppolite 1954: 85). Translated by the author.

13 The idea of Nothingness could be implied in the disappearance of the function of *quelconque* in the nocturnal dream. "Night grammar is not the same as the grammar of the day. In the night dream, the function of the *whatever* does not exist. There is no ordinary dream; there are no ordinary oneiric images. All the adjectives in a nocturnal dream are qualifiers. The philosopher who believes he can include the dream in thought

exposing itself to the dialectics between its being and the nothingness of its being. But there is another distinction between dream and reverie suggested by Bachelard. Namely, he assumes a gender difference between dream and reverie, where the former has a masculine character and the latter feminine.[14] Reverie means inaction: "Reverie without drama, without event or history gives us true repose, the repose of the feminine. There we gain gentleness of living. Gentleness, slowness, peace [...]" (Bachelard 1969: 19). By contrast, the dream has dynamic quality, it is characterized by "incessant movement."[15] The nocturnal dynamics, however, could not be equated with those in the daytime, since they are not conditioned by will. We have then two different types of action. But which one really bears the sign of the masculine? To be more specific, how could the undirected activity – the activity beyond the preposition *contre* – of the night dream be masculine? Bachelard justifies his thesis by referring to the material–formal distinction:

> The man of reverie is always in space which has volume. Truly inhabiting the whole volume of his space, the man of reverie is from anywhere *in* [*dans*] his world, in an *inside* [*dedans*] which has no *outside* [*dehors*]. It is not without reason that people commonly say that the dreamer is *plunged* in his reverie. The world no longer poses any opposition to him [*Le monde ne lui fait plus vis-à-vis*]. The I no longer opposes itself to the world. In reverie there is no more non-I. In reverie, the *no* no longer has any function: everything is welcome.
>
> A philosopher enamored of the history of philosophy could say that the space in which the dreamer is plunged is a "plastic mediator" between man and the universe. It seems that in the intermediary world where reverie and reality mingle, a plasticity of man and his world is realized [...]. Contrary to reverie, the nocturnal dream hardly knows this soft plasticity. Its space is encumbered with solids—and solids always have a reserve of sure hostility. They keep their forms and when a form appears, it is necessary to *think*, it is necessary to name. In the nocturnal dream, the dreamer suffers from a hard geometry. (Bachelard 1969: 167; 1968: 144–145)

Beyond the idea of the androgynous, it becomes difficult to understand the relationship between involution and plasticity. The phenomenology of the plastic would necessarily break the sphere of absolute interiority by dynamizing the

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would have a great deal of difficulty, while remaining in the world of dream, passing, as he does so easily in his lucid meditations, from the *whatever* [*quelconque*] to the *someone* [*quelqu'un*]" (Bachelard 1969: 148–149; 1968: 127).

14 Bachelard derives this assumption from the difference in grammatical gender between *le rêve* and *la rêverie*: "Dreams (*rêve*, m.) and reveries (*rêverie*, f.), dreams (*songe*, m.) and daydreams (*songerie*, f.), memories (*souvenir*, m.) and remembrance (*souvenance*, f.) are all indications of a need to make everything feminine which is enveloping and soft above and beyond the too simply masculine designations for our states of mind" (Bachelard 1969: 29).

15 "*Dans quel espace vivent nos rêves? Quel est le dynamisme de notre vie nocturne? L'espace de notre sommeil est-il vraiment un espace de repos? N'a-t-il pas plutôt un mouvement incessant et confus?*" (Bachelard 1970: 195).

subject of repose. If there is a "plastic mediator" between the enfolded subject and the universe, then this subject will transpose the volume inside which it is located. It will internalize the *dans*. It will divide itself into the "masculine" and the "feminine", the active and the passive. It will restore the dialectical function *inside* itself. This subdivision of the subject is what Bachelard considers a condition of the "poetic reverie". The poetic reverie arises from the internal dialectic of the two I's[16], by which it is transformed into a "positive reverie, a reverie which produces, a reverie which, however weak its product, can well be named poetic reverie. In its products and in its producer, reverie can well take on the etymological sense of the word "poetic". Reverie assembles being around its dreamer. It gives him illusions of being more than he is. Thus, upon this less-than-being (*moins-être*) which is the relaxed state where the reverie takes form, there emerges an outline in relief—a relief which the poet will know how to swell into a more-than-being [*plus-être*]" (Bachelard 1969: 152; 1968: 131).

5. The Idea of *Dehors*

"Real life becomes better if we give it its rightful *vacation* of unreality". The function of unreality is "the function which dynamizes the psychism", unlike the function of the real which inhibits it (Hyppolite 1954: 94). The element of unreality is fiction, the fictional thought [*pensée fictive*], which leads the subject to subdivision (Bachelard 1966: 67). In the state of the subdivided subject, one enters the realm of the internal dialectic – between existence and surexistence, control and supposition, the apodictic subject and the assertoric subject, reduction and ideationism[17], the *sujet valorisant* and the *sujet valorisée* (Bachelard 1966: 60–67; 1972c: 28). Or, in Derridian terms, the dialectic between the *constative* and the *performative*:

> The infinitely rapid oscillation between the performative and the constative, between language and metalanguage, fiction and nonfiction, autoreference and heteroreference, and so on, does not just produce an essential instability. This instability constitutes that very event—let us say, the work [*l'œuvre*]—whose invention normally disturbs, as it were, the norms, the statutes, and the rules. It calls for a new theory and for the constitution of new statutes and conventions that, capable of recording the possibility of such events, would be able to account for them. (Derrida 2007: 13)

16 In *Le rationalisme appliqué* Bachelard proposes this idea of the division of the subject into the *subject of existence* and the *subject of surexistence*. These two subjects coexist in the form of a *cogitamus* (Bachelard 1966: 60).

17 Bachelard introduces the dialectic between reduction and ideationism in the essay "La psychologie de la raison". He names this dialectic the *psychologized logic* [*logique psychologisée*], which he considers inherent in the new scientific spirit. He describes reduction as the "pure logic" [*logique pure*], and ideationism as "mathematizing logic" [*logique mathématisante*]. "These functions are the systole and the diastole which have to endlessly follow one another if we want the reason to have, as it should, an action of surveillance and an action of invention, a defensive action and an offensive action" (Bachelard 1972d: 28–29); translated by the author.

The figure of the active narcissist – who repeatedly, in "the infinitely rapid oscillation", invents and structures his self – becomes the paradigm of "the inventive event", "the quotation and the narrative" (Derrida 2007: 12). These ceaseless shifts are experienced as simultaneity, resulting in all the oppositions between extroversion and introversion being destabilized. In front of his image in the mirror, the narcissist indulges in both the formal and material imagination: he watches himself touching his own body. The matter of his body becomes the object of his dreams about perfect plasticity. He thus experiences a twofold immediacy. But there could be no repose. The idea of enfolding oneself is negated here by inverting the very idea of interiority. With the image of Narcissus standing in front of the mirror, the acts of extroversion and introversion take different directions. Will is not more pointed toward the world, but the self. However, it retains the quality of *contre*. On the other hand, the narcissist's subject of surexistence negates the idea of repose, of pause. Any cessation and, consequently, any possibility of a *return* to the "subject of existence", becomes impossible in front of the perpetual self-centered action. If the narcissist's interiority is being turned outwards, then one might ask whether the preposition *dans* should be replaced with its opposite, *dehors*? If yes, what would provide relaxation of being, required to reach the poetic state of *moins-être*? As opposed to any recollection, would it be an act of *vacation*[18]?

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18 lat. *uacāre* (v.) "(of a space, surface, etc.) to be vacant, empty, or unfilled; (of places) to be without inmates or occupants; to be destitute or devoid (of), free (from)." Glare 2004, s.v. "*uacō*."

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Marko Ristić

Bašlar *en vacances*: subjekt nadracionalizma i njegova funkcionalna vrednost

Apstrakt

Rad se bavi problemom subjekta unutar Bašlarovog koncepta nadracionalizma. Fokusirajući se na epistemološki karakter nadracionalne kreativnosti, pitanju subjekta se pristupa kroz analizu odnosa subjektivnosti i objektivnosti u činu nadracionalizma. Sa ciljem poređenja karaktera novog u nadrealizmu i nadracionalizmu, pristupljeno je analizi Bašlarove distinkcije između formalne i materijalne imaginacije, čiji se dijalektički karakter dalje razmatra kroz predloge „protiv" [*contre*] i „u" [*dans*]. Takođe, Bašlarova teorija unutrašnje dijalektike – teorija podele subjekta – analizira se kroz njegov koncept *sanjarije*. U poslednjem poglavlju se ovaj problem analizira unutar dijalektike između apodiktičkog i asertoričkog subjekta, sa namerom da se preispita ideja unutrašnjosti i *počinka*.

Ključne reči: Gaston Bašlar, nadracionalizam, subjekt, podela subjekta, racionalna naivnost, invencija, epistemologija, objektivnost

UDK 82:17
https://doi.org/10.2298/FID2203632M
Original Scientific Article
Received 15.05.2022. Accepted 14.08.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Mitrović, Nemanja (2022), "Ethics and Literature: Levinas and Literary Criticism", *Philosophy and Society* 33 (3): 632–647.

Nemanja Mitrović

ETHICS AND LITERATURE: LEVINAS AND LITERARY CRITICISM

ABSTRACT
The question posed by this text is: can we use Levinasian ethics in the field of literary studies? In order to provide the answer, Levinas's attitude toward art will need to be analyzed. His work contains numerous scattered remarks about literature and other arts, but the most explicit statement on the relationship between art and ethics can be found in his essay "Reality and Its Shadow". Since Levinas's view on art in this essay is predominantly negative, it poses a significant problem for the application of his theory in the field of literary studies. In order to overcome this difficulty, I use Blanchot's reworking of Levinasian ethics, and open the possibility of a different relation between literature and ethics than the one originally suggested by Levinas.

KEYWORDS
Levinas, ethics, art, literature, Blanchot

Introduction

In the very first chapter of *The Location of Culture*, in a crucial place where he explains the aim of his project, Homi Bhabha invokes Levinas's famous text "Reality and Its Shadow" (Bhabha 1994: 13–16). He focuses on a portrait of Aila from Nadine Gordimer's *My Son's Story* and claims that in it we can glimpse at that which Levinas described as the essential feature of art – a creation of an aesthetic image. Bhabha writes: "For Levinas, the 'art-magic' of the contemporary novel lies in its way of 'seeing inwardness from the outside' and it is this ethical-aesthetic positioning that returns us, finally, to the community of the unhomely [...]" (Bhabha 1994: 16)

However, the attempt to think about the relation between Levinas's ethics and art (especially relation to literature) would require a much more careful and nuanced reading of Levinas. In his text, Bhabha not only decontextualizes Levinas's claims from "Reality and Its Shadow" but also loses sight of Levinas's philosophical project which contains deep distrust toward art. This brings us

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to the main topic of this work: is it possible to apply Levinas's ethics to literary criticism? Or, in Levinasian terms, is art capable of signifying transcendence?

In order to answer these fundamental questions, we need to examine Levinas's hostility toward art and the already mentioned deep distrust of the aesthetical realm. If ethics and literature are incommensurable and if art, in general, occupies a negative place within Levinas's project of ethics as first philosophy, how can we use Levinas's notions in the interpretation of literary artworks?[1]

"Reality and Its Shadow" and Levinas's View on Literature

The work of Emmanuel Levinas does not offer a coherent and unambiguous aesthetic theory and understanding of art.[2] However, there are numerous and scattered references to various artworks in Levinas's oeuvre and several texts in *Proper Names* are devoted to interpretations of literary works (Levinas 1996). "Reality and Its Shadow" is an essay that directly speaks about the relationship between art and ethics and shows Levinas's deep hostility toward art.

Levinas begins this essay by seemingly agreeing with Heidegger: "An artist – even a painter, even a musician – tells. He tells of the ineffable" (Levinas 1989: 130). Art's power lies in its capability to tell us the truth about reality: art is capable of unveiling the essence of beings. After this supposed initial agreement with Heidegger, Levinas poses the following question: if art really unveils the essence of beings, how can we explain the existence of criticism? According to Levinas, the public is not satisfied by the unveiling provided by aesthetic enjoyment. Therefore, the existence of criticism proves that art is not (and that it cannot become) a form of knowledge. The very existence of criticism proves that something is wrong with art:

> If art originally were neither language nor knowledge, if it were therefore situated outside of 'being in the world' which is coextensive with truth, criticism would be rehabilitated. It would represent the intervention of the understanding necessary for integrating the inhumanity and inversion of art into human life and into the mind. (Levinas 1989: 131)

Levinas also states that art is essentially disengaged: "a work would not belong to art if it did not have this formal structure of completion if at least in this way it were not disengaged" (Levinas 1989: 131). It is self-sufficient and complete in itself and therefore disengaged from the world. Literary criticism functions as a bridge between art and reality. As something self-sufficient and complete in itself art refuses a dialogue with reality and it cannot be the unveiling of truth. In "Reality and Its Shadow", Levinas writes:

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1 Homi Bhabha is not alone in attempting to join Levinasian ethics and literary criticism. For example, a similar and more elaborated project can be found in Andrew Gibson's *Postmodernity, Ethics, and the Novel: From Leavis to Levinas* (Gibson 1999).

2 I wrote more extensively about this in *The (Im)Possibility of Literature as the Possibility of Ethics* (Mitrović 2017: 213–250).

> Art does not know a particular type of reality; it contrasts with knowledge. It is the very event of obscuring, a descent of the night, an invasion of shadow. To put it in theological terms, which will enable us to delimit however roughly our ideas by comparison with contemporary notions: art does not belong to the order of revelation. Nor does it belong to that of creation, which moves in just the opposite direction. (Levinas 1989: 132)

Art is disengaged from the world because the basic procedure of art "consists in substituting for the object its image" (Levinas 1989: 132). Since the object is substituted by its image and not by its concept the relationship with the real object is neutralized. The best description of this artistic disengagement and disinterestedness is blindness to concepts.

Chapter 4 of *Existence and Existents* further explores the already mentioned disengagement. First, Levinas repeats his description of disengagement but also claims:

> What is called the disinterestedness of art does not only refer to the neutralization of the possibilities of action. Exoticism modifies the contemplation itself. The "objects" are outside, but this outside does not relate to an "interior"; they are not already naturally "possessed". A painting, a statue, a book are objects of our world, but through them the things represented are extracted from our world.
>
> Even the most realistic art gives this character of alterity to the objects represented which are nonetheless part of our world. It presents them to us in their nakedness, that real nakedness which is not absence of clothing, but we might say the absence of forms, that is, the non-transmutation of our exteriority into inwardness, which forms realize. The forms and colors of a painting do not cover over but uncover the things in themselves, precisely because they preserve the exteriority of those things. (Levinas 1995: 52–53)

According to Levinas, the relationship between literature and the real world is never straightforward. He makes a covert reference to Mallarméan poetics by claiming that, in literature, a word "detaches itself from its objective meaning and reverts to the element of the sensible [...]" (Levinas 1995: 54). In literary work, a word acquires the power of ambiguity and the multiplicity of meanings. Precisely that loss of connection between a word and its objective meaning is the basis for what Levinas names the exoticism of art. He claims that the already mentioned materialization of words is a defining feature of literature. Or, more precisely, literature is a language that became its own image.

Images possess a power of fascination. They are capable to enchant us and "images impose themselves on us without our assuming them" (Levinas 1989: 132). In his fascination with images, the subject loses the connection with himself; he ceases to experience himself as himself. An artist is someone who is fascinated by images and he experiences the events in his life in the third person. For him, even the events from his own life look like the adventures from a book. An artist, even before he can be called an artist, is always already in the realm of the imaginary where he experiences himself as another and where

he cannot speak in the first person. Basic experience of literature is the experience of passage from *he* (*je*) to *it* (*il*).

Is it possible to perceive this passage as a sign of alterity that comes from the inside? In *Totality and Infinity*, Levinas explicitly rejects this possibility and describes this passage that happens in literature as spurious or finite alterity. He writes:

> The I is identical in its very alterations in yet another sense. The I that thinks hearkens to itself thinking or takes fright before its depths and is to itself an other. It thus discovers the famous naïvete of its thought, which thinks "straight on" as one's "follows ones's nose" [...qui pense "devant elle", comme on marche "devant soi"]. It hearkens to itself thinking and surprises itself being dogmatic, foreign to itself. But faced with this alterity the I is the same, merges with itself, is incapable of apostasy with regard to this surprising "self". Hegelian phenomenology, where self-consciousness is the distinguishing of what is not distinct, expresses the universality of the same identifying itself in the alterity of objects thought and despite the opposition of self to self. "I distinguish myself from myself; and therein I am immediately aware that this factor distinguished from me is not distinguished. I, the selfsame being, thrust myself away from myself; but this which is distinguished, which is set up unlike me, is immediately on its being distinguished not distinction for me". The Difference is not a difference; the I, as other, is not an "other". [....] The alterity of the I that takes itself for another may strike the imagination of the poet precisely because it is but the play of the same: the negation of the I by the self is precisely one of the modes of identification of the I. (Levinas 1979: 36–37)

In "Reality and Its Shadow", Levinas insists upon the distinction between image and concept. In the concept, the object is comprehended and the relationship between the concept and the real object is maintained. On the other hand, the image neutralizes this relationship and creates an imaginary world of art that is entirely unreal. Of course, although unreal, it can resemble the real world, but this resemblance is not a product of a comparison between the object and its image. The thing is, at the same time, what it is and its own image; the thing is, simultaneously, something disclosed in truth and something that resembles itself (image of itself). Levinas writes:

> Being is not – only itself, it escapes itself. Here is a person who is what he is; but he does not make us forget, does not absorb, cover over entirely the objects he holds and the way he holds them, his gestures, limbs, gaze, thought, skin, which escape from under the identity of his substance, which like a torn sack is unable to contain them. Thus a person bears on his face, alongside of its being with which he coincides, its own caricature, its picturesqueness. The picturesque is always to some extent a caricature. Here is a familiar everyday thing, perfectly adapted to the hand which is accustomed to it, but its qualities, color, form, and position at the same time remain as it were behind its being, like the 'old garments' of a soul which had withdrawn from that thing, like a 'still life.' And yet all this is the person and is the thing. There is then a duality in this person, this thing, a duality in its being. It is what it is and it is a stranger

> to itself, and there is a relationship between these two moments. We will say the thing is itself and is its image. And that this relationship between the thing and its image is resemblance. (Levinas 1989: 135)

When we are looking at the image, we know that this is not a real thing. We are aware that an image represents the absent object and that this absence is a constitutive feature of the work of art. However, image is problematic for Levinas because it is not a simple absence. If we want to describe it in the most accurate way, the image would be a presence of absence. Precisely this presence sheltered in absence opens up that imaginary and neutral space in which the incessant murmur of *il y a* can be heard.

After the exploration of this relationship between art and images, Levinas attempts to describe the temporality of artwork. He claims that every artwork is essentially a statue because it freezes time:

> Within the life, or rather the death, of a statue, an instant endures infinitely: eternally Laocoon will be caught up in the grip of serpents; the Mona Lisa will smile eternally. Eternally, the future announced in the strained muscles of Laocoon will be unable to become present. Eternally, the smile of the Mona Lisa about to broaden will not broaden. An eternally suspended future floats around the congealed position of a statue like a future forever to come. The imminence of the future lasts before an instant stripped of the essential characteristic of the present, its evanescence. It will never have completed its task as a present, as though reality withdrew from its own reality and left it powerless. In this situation the present can assume nothing, can take on nothing, and thus is an impersonal and anonymous instant. (Levinas 1989: 138)

This is a crucial part of Levinas's essay where he explicitly states why art cannot be ethical. Temporality created by the work of art is the one of eternal present. Basic feature of this eternal present is radical passivity without even a possibility of agency. The most adequate name for this eternal present is *fate*. This is how Levinas describes the temporality of artwork:

> In the instant of a statue, in its eternally suspended future the tragic simultaneity of necessity and liberty can come to pass: the power of freedom congeals into impotence. And here too we should compare art with dreams: the instant of a statue is a nightmare. It is not that an artwork reproduces a time that has stopped: in the general economy of being, art is the falling movement on the hither side of time, into fate. (Levinas 1989: 138–139)

Art stops the flow of time and revels in the eternal present that is immune to the future. It is disengaged from the world, foreign to any kind of initiative or agency, and therefore fundamentally irresponsible. Eternal present prevents the emergence and assumption of responsibility and fate excludes freedom. The time of artwork is a time of time's absence which is not our time and lies outside of time. Therefore, art is the evasion of responsibility and because of that Levinas claims: "There is something wicked and egoist and cowardly in

artistic enjoyment. There are times when one can be ashamed of it, as of feasting during a plague" (Levinas 1989: 142).

Since art is shown to be fundamentally irresponsible, the role of criticism consists in bringing the artwork back to the world.[3] The role of criticism is precisely to save the art from itself. Levinas insists that even "the most lucid writer finds himself in the world bewitched by its images. He speaks in enigmas, by allusions, by suggestion, in equivocations, as though he moved in a world of shadows, as though he lacked the force to arouse realities, as though he could not go to them without wavering, as though, bloodless and awkward, he always committed himself further than he had decided to do, as though he spills half the water he is bringing us. The most forewarned, the most lucid writer nonetheless plays the fool. The interpretation of criticism speaks in full self-possession, frankly, through concepts, which are like the muscles of the mind" (Levinas 1989: 142–143).[4]

If we follow Levinas's advice, literary criticism certainly cannot take the form of Homi Bhabha's reading of *My Son's Story*. The role of criticism in relation to art can only be a corrective one. Literary artwork can never signify an encounter with fundamental alterity. Applying Levinas's work to literary criticism without taking into account his deep antipathy toward art can only

3 In his text, Levinas makes a clear distinction between *the eternal duration of the interval* (art) and *the eternity of a concept* (philosophy). The temporality of artwork is captivating in a sense that it cannot come to pass, one remains trapped in it forever. However, is philosophical interpretation something that reintroduces the initiative and responsibility into this dimension of evasion? The final part of Levinas's essay that is entitled "For Philosophical Criticism" states that interpretation/philosophical exegesis saves art from itself. Criticism makes choices and by doing this "it reintroduces that world into the intelligible world in which it stands, and which is the true homeland of the mind" (Levinas 1989: 142). In his article, "Emmanuel Levinas: Hermeneutics, Ethics, and Art", Hanoch Ben-Pazi examines various hermeneutical approaches toward art and their relation to Levinas's theory of interpretation (Ben-Pazi 2015: 588–600).

4 "Reality and Its Shadow" is usually read as a response to Sartre's theory of *committed literature*. However, various key terms and statements about art that can be found in Levinas's essay are clear references to Heidegger. For Heidegger, especially in the second phase of his work (e.g. *On the Way to Language*), art has a privilege position in relation to truth/disclosure of Being. For Levinas, this relation is non-existent. Levinas's understanding of temporality of artwork can be perceived as a subtle critique of some main points of Heidegger's project of fundamental ontology. Levinas describes the impersonal and eternal duration of the interval that is a main characteristic of artwork as a *time of dying* (Levinas 1989: 140–141). The anonymity and impersonality of dying mentioned in this essay are in clear opposition with Heidegger's understanding of Being-toward Death in *Being and Time* (Heidegger 1996: 219–246). Also, for Levinas, *the meanwhile* is not only the temporality of artwork but also a feature of *there is* (*il y a*) (Levinas 1995: 57–64). *Il y a* is not only a French translation of German *es gibt* that Heidegger mentions in "Letter on 'Humanism'" (Heidegger 1998: 254–257) but one of the main points of disagreement between Levinas and Heidegger which Levinas uses to deconstruct the whole project of fundamental ontology. The problem of Levinas's critique of Heidegger's understanding of art is very nuanced and therefore a topic for a separate essay.

result in gross oversimplification of his philosophical project. However, a more nuanced approach does not exclude the possibility of thinking art with the help of Levinasian ethics.[5]

Levinas and Literary Criticism: A Possibility?

Levinas's work contains numerous literary references to Shakespeare, Dostoyevsky, Proust, Blanchot, Poe, etc. What is the status of these references? According to Robert Eaglestone, they are not an integral part of Levinas's philosophical argument; only convenient examples (Eaglestone 1997: 120). However, is it possible to use at least one of these references to construct a counter-argument? Namely, to argue that art is capable to provide an ethical encounter in the Levinasian sense? In order to attempt this, I will use Maurice Blanchot's reading of Duras's short story *The Malady of Death*.[6] This reading does not only shows us how Blanchot reformulated some of Levinas's key notions but also provides a reading of a literary work with the help of these reformulated notions.[7]

5 Robert Eaglestone, in his book *Ethical Criticism: Reading After Levinas*, devotes two chapters to Levinas's relationship with art. In the first one, "'Cold Splendour': Levinas's Suspicion of Art", he explores Levinas's negative understanding of art in texts that were written before *Otherwise than Being, or Beyond Essence* (Eaglestone 1997: 98–128). In the other one, "'What is Hecuba to me': Language Beyond Being and the Task of Criticism", he claims that Levinas's thought in *Otherwise than Being* can become a foundation for a different ethics of art and criticism (Eaglestone 1997: 129–171). Jill Robbins, in her *Altered Reading: Levinas and Literature,* offers an intriguing thesis that the temporality of *the meanwhile* (temporality of artwork) is actually a temporality of an ethical encounter. In both cases, we are dealing with meta-criticism and with attempts of deconstructing Levinas from within. Both Robbins and Eaglestone are reading literary works that Levinas already read and try to offer a new perspective on these readings and artworks. Robbins refers to Blanchot but only via Levinas's texts gathered in "On Maurice Blanchot" (Levinas 1996: 127–169). None of them takes into account Blanchot's reworking of Levinas that happens in *The Infinite Conversation*, *The Writing of the Disaster*, and *The Unavowable Community*.

6 Blanchot's reading of Duras's story, "The Community of Lovers", comprises the second part of his work entitled *The Unavowable Community*. However, early in 1983, the first version of Blanchot's reading of *The Malady of Death* was published in the journal *Le Nouveau Commerce*.

7 Of course, one needs to point out that Blanchot's *The Unavowable Community* consists of two parts: "The Negative Community" and "The Community of Lovers". "The Negative Community" is a direct response to Jean-Luc Nancy's "The Inoperative Community". Discussion between Blanchot and Nancy revolves around two different readings of Bataille's work (and around two different understandings of Bataille's *Acéphale* project). Nancy reads Bataille through the lens of Heidegger and his understanding of *Mitsein* while Blanchot does that with the help of Levinas. More precisely, in his reading, Blanchot uses his reinterpretation of Levinas that he already formulated in *The Infinite Conversation*, *The Step not Beyond*, and *The Writing of the Disaster*. It is a well-known fact that Levinas and Blanchot met during their student days and remained friends until the end of their lives. One of the few photos of Blanchot that is available

Told in the form of a second-person address, *The Malady of Death* is a story about a man who has never known love and who has never been with a woman. He hires the services of an unnamed young woman (who is not a prostitute) to spend several days with him. What does he want? Duras writes:

> You say you want to try, try it, try to know, to get used to that body, this breasts, that scent. To beauty, to the risk of having children implicit in that body, to that hairless unmuscular body, that face, that naked skin and the life it contains.
>
> You say you want to try, for several days perhaps.
>
> Perhaps for several weeks.
>
> Perhaps even for your whole life.
>
> Try what? she asks.
>
> Loving, you answer. (Duras 1986: 2–3)

Therefore, he wants to spend several days with her not only to satisfy his need for knowledge, but also to feel love. The role of a woman is to be completely subjugated and to fulfil his every desire. One possible interpretation of this story consists in reading it as a critique of male dominance that prevails in our society. This dominance actually hides the inherent impotence and Duras's story can be interpreted as a critique of our usual understanding of love relationships and testimony that true community is impossible in our contemporary society.

However, what is the meaning of *the malady of death* and why did the unnamed woman accept to spend this time with a man?

> You ask her why she accepted the deal and the paid nights.
>
> She answers in a voice still drowsy, almost inaudible: Because as soon as you spoke to me I saw you were suffering from the malady of death...
>
> You ask: Why is the malady of death fatal? She answers: Because whoever has it doesn't know he's a carrier, of death. And also because he's like to die without any life to die to, and without even knowing that's what he's doing. (Duras 1986: 18–19)

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to the general public shows him in the company of Levinas. However, a close reading of their works enables us to track their dialogue and mutual influences. For example, in order to describe *il y a* in *Existence and Existents,* Levinas refers to Blanchot's novel *Thomas l'Obscur*. In turn, Blanchot reworks Levinas's notion of *il y a* in his famous essay "Literature and the Right to Death". Various essays in Blanchot's *Infinite Conversation* can be perceived as a direct response to Levinas's *Totality and Infinity*. Blanchot's understanding of *le neutre* in this work and in *The Step Not Beyond* is a direct reference to Levinas's negative description of this notion in *Totality and Infinity*. *Otherwise than Being, or Beyond Essence* can be seen as Levinas's answer to Blanchot's critique in *The Infinite Conversation* and to the one from Derrida's essay "Violence and Metaphysics". Blanchot's fragmentary work *The Writing of the Disaster* can be read as his answer to *Otherwise than Being, or Beyond Essence*.

Is it possible to describe the malady of death as the inability to love; as some inherent lack of feeling of love? How are love and death connected in the malady of death? One way to approach this question is with the help of Denis de Rougemont's examination of the legend about Tristan and Isolde in his book *Love in the Western World*. De Rougemont writes that Tristan and Isolde feel a certain desire that they cannot understand which is stronger than a simple desire for happiness. Obstacles that they encounter are not insurmountable but they use them, first, to break off their relationship and, second, to start searching for each other with renewed vigour. Each separation happens in the name of love and each goodbye actually fuels their love and transforms it into something much more important not only than their happiness but than their life itself. De Rougemont claims that this is the case of *love toward love*: Tristan and Isolde do not love each other but love the idea of love and what binds them together is some external force that they can neither control nor comprehend. Is Duras saying something similar in her work?

> You ask how loving can happen – the emotion of loving. She answers: Perhaps a sudden lapse in the logic of the universe. She says: Through a mistake, for instance. She says: Never through an act of will. You ask: could the emotion of loving come from other things too? You beg her to say. She says: It can come from anything, from the flight of the night bird, from a sleep, from a dream of sleep, from the approach of death, from a word, from a crime, of itself, from oneself, often without knowing how. (Duras 1986: 49–50)

Can we use Tristan's words to describe this malady of death which, like some kind of obstacle, separates the unnamed protagonists of Duras's story?

> Old tune so full of sadness
>
> That sing'st thy sad complaint.
>
> Through evening breezes came that strain,
>
> as once my father's death I learned in childhood;
>
> through morning twilight, sadder sounding,
>
> as to me my mother's fate was told.
>
> He who begot me died, she dying gave me birth.
>
> The olden ditty's mournful plaint,
>
> E'en so to them its numbers came,
>
> that strain that asked, that asks me still.
>
> what fate for me was chosen.
>
> when there my mother bore me,
>
> what fate for me?
>
> The olden ditty once more tells me:

'tis yearning and dying!...

Yearning now calls.

for death's repose. (de Rougemont 1983: 49–50)

This interpretation contains a paradoxical moment: yes, death is perceived as the ultimate obstacle but also as a shared goal of Tristan and Isolde. Therefore, on the one hand, the malady of death prevents the fusion of two lovers (it is described as the impossibility of loving or, in de Rougemont's terms, as egotistical love toward love). On the other hand, it causes the relationship of a man and an unnamed woman to begin. A woman accepts a deal offered to her only when she notices that a man suffers from the malady of death and "dying for a loved one" is the ultimate proof of love. The malady of death possesses ambivalent nature; it can be described, at the same time, both as the possibility and the impossibility of love. Can we claim that the malady of death testifies about the undecidability of *The Malady of Death*?

In Duras's work, a young woman proclaims that a man suffers from the malady of death. This sickness is his fate. It is not the actual death that will arrive at some point but death as the abandonment of life that was never really present. However, how can we describe the presence of a young woman? She accepts the deal and every day she is with a man, "present" in a strange way. Yes, she is there but almost always sleeps; she is present as absent. This strange presence reminds Maurice Blanchot of Proust's Albertine:

> To be sure, at times one thinks of Proust's Albertine to whom the narrator – scrutinising her slumber – was closest when she was asleep, because then the distance preserving her from the lies and vulgarity of life, permitted an ideal communication – only ideal, it is true, and thus reduced to the vain beauty, the pointless purity of the idea.
>
> But unlike Albertine, and yet perhaps also like her, if one thinks of Proust's not unveiled fate, this young woman is forever separate because of her suspect closeness with which she offers herself, her difference which is that of another species, of another type, or that of the absolutely other. (Blanchot 1988: 38)

Blanchot's obvious reference to *Remembrance of Things Past* hides another important reference. It is the one to Levinas's essay "The Other in Proust". In the context of this work, Levinas's essay is important because it presents a completely different view on art than the one elaborated in "Reality and Its Shadow". According to Levinas, the mystery in Proust's work is the mystery of total alterity.[8] This alterity is revealed in two ways. Firstly, through the fig-

8 Jill Robbins claims that Levinas's distrust toward art is present even in "The Other in Proust". It only seems that the work of art is capable of teaching us about radical alterity. Robbins writes: "Teaching is an ethical relation, a paradigm of the ethical relation in Totality and Infinity – and this teaching that Proust's work is said to accomplish involves no less than an (impossible) break with Parmenides, philosopher of the unity of being which suppresses the beyond, namely, a break with the governing conceptuality

ure of Albertine whose only reality lies in her eternal evanescence. Even as a prisoner, she has always already disappeared because she possesses a dimension of secrecy that can never be resolved or exhausted. Even when she dies and various shreds of evidence come to light, her mystery remains. Secondly, in this essay Levinas allows the possibility that was previously explicitly excluded. Namely, a possibility of alterity that will come from the inside and not from the outside:

> Proustian reflection, dominated by a separation between the *I* and its state, imparts its own accent to the inner life by a kind of refraction. It is as if I were constantly accompanied by another self, in unparealled friendship, but also in a cold strangeness that life attempts to overcome...
>
> It is not the inner event that counts but the way in which the *I* grasps it and is overcome by it, as if encountering it in someone else. It is this way of taking hold of the event that constitutes the event itself. Hence the life of the psyche takes on an imitable vibrancy. Behind the moving forces of the soul, it is the quiver in which the *I* grasps itself, the dialogue with the other within the self, the soul of the soul. (Levinas 1996: 102)

The narrator in *Remembrance of Things Past* does not love Albertine and man does not love the unnamed woman. They never loved each other if we understand love as a desire toward fusion and ideal unity. However, that non-love is a relation without relation and, as such, a relation with something that remains eternally ungraspable and incomprehensible; a relationship with something that we can never possess: presence of absence.

While the unnamed woman sleeps, a man is constantly doing something: he comes and goes, tells her about things that are happening outside, and narrates about the sea and about his childhood. But is this tireless activity actually a search for love and an attempt at loving? The search for love that man finds only by never finding it. This is how the story ends:

> She'd never come back.
>
> The evening after she goes, you tell the story of the affair in a bar. At first, you tell it as if it were possible to do so, then you give up. Then you tell it laughing, as if it were impossible for it to have happened or possible for you to have invented it.
>
> The next day, suddenly, perhaps you'd notice her absence in the room. The next day, you'd perhaps feel a desire to see her there again, in the strangeness of your solitude, as a stranger herself.

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of philosophy in the West. Levinas says that Proust teaches the ethical – *if poetry can teach* – but we know that he knows that it cannot, or we know that he has grave doubt about this possibility, because magic and ethics are incompatible, or in the terms of *Totality and Infinity*, poetic rapture interferes with the straightforwardness of ethical discourse. In short, in the Proust essay, Levinas seems to want to have it both ways. Poetry does and does not give access to the ethical" (Robbins 1999: 82).

> Perhaps you'd look for her outside your room, on the beaches, outside cafés, in the streets. But you wouldn't be able to find her, because in the light of day you can't recognize anyone. You wouldn't recognize her. All you know of her is her sleeping body beneath her shut or half-shut eyes. The penetration of one body by another – that you can't recognize, ever. You couldn't ever.
>
> When you wept it was just over yourself and not because of the marvelous impossibility of reaching her through the difference that separates you.
>
> *
>
> All you remember of the whole affair are certain words she said in her sleep, the ones that tell you what's wrong with you: the malady of death. Soon you give up, don't look for her anymore, either in the town or at night or in the daytime.
>
> Even so you have managed to live that love in the only way possible for you. Losing it before it happened. (Duras 1986: 53–55)

In his *The Unavowable Community*, Blanchot writes how one character in Duras's story searches for a love that is refused to him while the other is made for love and allows to be loved (but only under contract) without even offering a glimpse of hope that she can pass from passivity into a limitless passion. Two characters in *The Malady of Death* are essentially unequal and maybe we can claim that this inequality or dissymmetry of an ethical relation is the mystery behind Duras's and Proust's work?

How is dissymmetry connected with the malady of death? The malady of death is something that draws two lovers toward each other while keeping them eternally apart. It can be understood in these two opposite ways because its carrier is only a man but the unnamed woman as well:

> You look at the malady of your life, the malady of death. It's on her, on her sleeping body, that you look at it. You look at the different places on the body, at the face, the breasts, the mingled site of the sex.
>
> You realize it's here, in her, that the malady of death is fomenting, that it's this shape stretched out before you that decrees the malady of death. (Duras 1986: 32–34).

Therefore, the malady of death signifies a relation that goes from one to the other (and from the other toward one). However, this relation is not reciprocal but dissymmetrical.

In order to illuminate this notion of *dissymmetry*, we have to turn to *Totality and Infinity*. The possibility of a relation between the Same and the Other is the main problem of Levinas's ethics. He is interested in a possibility of an ethical encounter where Other will not be subsumed under the Same; in a possibility of a relation that does not destroy Other's fundamental alterity but which preserves it. Levinasian ethics grants a special privilege to language and considers language as a nontotalizing relation with the other. Since language

is essentially conversation and since the essence of language is a relation with the other, this also means that a face is faced (*as present*) in language.

In language, the Other speaks to me and shows itself as the Other but this is not a dialogue of two equals. Language establishes a relation without relation that cannot be reduced to subject-object relation. The revelation of the Other happens in language because language presupposes response and plurality. Language enables a relation with the Other's transcendence. Precisely this transcendence of Other's fundamental alterity implies that in ethical relations exists an interruption that prevents the formation of totality. Therefore, ethical relation is always *asymmetrical*:

> The presence of the face coming from beyond the world, but committing me to human fraternity, does not overwhelm me as a numinous essence arousing fear and trembling. To be in relationship while absolving oneself from this relation is to speak. The Other does not only *appear* in his face, as a phenomenon subject to the action and domination of a freedom; infinitely distant from the very relation he enters, he presents himself there from the first as an absolute. The I disengages itself from the relationship, but does so within relationship with a being absolutely separated. The face with which the Other turns to me is not reabsorbed in a representation of the face. To hear his destitution which cries out for justice is not to represent an image to oneself, but is to posit oneself as responsible, both as more and as less than the being that presents itself in the face. Less, for the face summons me to my obligations and judges me. The being that presents himself in the face comes from a dimension of height, a dimension of transcendence whereby he can present himself as a stranger without opposing me as obstacle or enemy. More, for my position as *I* consists in being able to respond to this essential destitution of the Other, finding resources for myself. The Other who dominates me in his transcendence is thus the stranger, the widow, and the orphan, to whom I am obligated. (Levinas 1979: 215)

What is the meaning of this essential inequality? The Other can be on a higher or on a lower level than me but always Other, Distant, and Stranger never someone similar to me (another myself).

In his essay "The Relation of the Third Kind", Blanchot reformulates Levinas's asymmetrical relation into a relation of the one to the Other that is doubly dissymmetrical. This relation is characterised by the strangeness and this strangeness is neither separation nor distance but interruption. It does not relate me to another myself and it cannot be described in terms of power. It is a relation with something that is radically out of my reach; a relation of impossibility, strangeness, and a presence of absence. In his work, Blanchot reconfigures Levinas's *asymmetry* into *double dissymmetry*. This reconfiguration enables a possibility of ethics of writing/literature:

> *(1) Language, the experience of language – writing – is what leads us to sense a relation entirely other, a relation of the third kind. We will have to ask ourselves in what manner we enter into this experience, assuming that it does not repel us, and ask ourselves if it does not speak to us as the enigma of all speech.*

(2) In this relation that we are isolating in a manner that is not necessarily abstract, the one is never comprehended by the other, does not form with him an ensemble, a duality, or a possible unity; the one is foreign to the other, without this strangeness privileging either one of them. We call this relation neutral, indicating already in this manner that it cannot be recaptured, either when one affirms or when one negates, demanding of language in this way not an indecision between these two modes, but rather a possibility of saying that would say without saying being and without denying it either. And herein we characterise, perhaps, one of the essential traits of the "literary" act: the very fact of writing.

(3) The neutral relation, a relation without relation, can be indicated in yet another manner: the relation of the one to the other is doubly dissymmetrical. We have recognised this several times. We know – at least we sense – that the absence between the one and the other is such that the relations, if they could be unfolded, would be those of a non-isomorphic field in which point A would be distant from point B by a distance other than point B's distance from point A; a distance excluding reciprocity and presenting a curvature whose irregularity extends to the point of discontinuity. (Blanchot 1993: 73)

Blanchot insists that the relation between the Same and the Other is actually doubled by another relation without relation that goes from Other toward the Same. Or, to put it differently, the Same "*I*", for the Other, is nothing else but the Other: the Other's Other. Blanchot's relation without relation always goes simultaneously into two different directions but this doubling is by no means reciprocity. By reworking Levinas's *asymmetry* into *double dissymmetry* Blanchot does not only want to reconnect ethics and writing but also to remove himself from the religious aspect of Levinas's thought and transfer ethical transcendence into the social and political realm. Blanchot's double dissymmetry is the answer to Other's radical namelessness and not to his closeness to God. This relation without relation produces a surplus that points to the other side of language; a surplus that effaces all possible determinations and names of the Other. His reworking of Levinas connects ethics and literature because double dissymmetry becomes the experience of the presence of absence.

"Even so you have managed to live that love in the only way possible for you. Losing it before it happened" (Duras 1986: 53–55) – this is how the story ends. One day the unnamed woman simply disappears. However, this ending is not a testimony to a failure of love. Bearing in mind that ethical relation excludes possession, the ending of Duras's story speaks about the fulfilment that only happens as a perceived loss. A man did not lose something that he once possessed but something foreign to any possession because the I and the other do not live in the same temporality. They can never be contemporaneous. Even when it seems that they are connected in a love that binds them together, they are apart in the intimacy that makes them foreign to one another. They remain infinitely absent and inaccessible to each other and, as such, in an eternal relation without relation with each other.

Levinas's attitude toward art in "Reality and Its Shadow" and in his other works makes a direct application of his theory and notions in the field of

literary studies practically impossible. In this text, I attempted to open a path toward a productive relationship between Levinasian ethics and literature with the analysis of Blanchot's *The Unavowable Community*. More precisely, I suggested that this relationship becomes possible only by Blanchot's reworking of Levinas's key notions. In this essay, the focus was on Blanchot reinterpretation of Levinas's *asymmetry* which, in his work, becomes double *dissymmetry*. The possibility of a completely new relationship between literature and ethics is opened up if we notice a constant dialogue between Blanchot and Levinas that is present throughout their works.

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Nemanja Mitrović

Etika i književnost: Levinas i književna kritika

Apstrakt

Ovaj tekst postavlja sledeće pitanje: možemo li koristiti Levinasovu etiku u polju studija književnosti? Prvi korak u odgovoru na pomenuto pitanje biće analiza odnosa Emanulela Levinasa prema umetnosti. Njegovo celokupno delo sadrži mnogobrojne reference na književna i druga umetnička dela, ali najeksplicitnije teze o odnosu između umetnosti i etike nalaze se u njegovom eseju „Realnost i njena senka". Levinasov pogled na književnost i umetnost je u ovom eseju u potpunosti negativan i zato automatska primena njegove teorije u studijama književnosti predstavlja ozbiljan problem. Kako bi prevazišli ovaj problem i otvorili mogućnost za jedan drugačiji odnos između etike i književnosti ovaj rad će predstaviti reinterpretaciju Levinasove etike od strane Morisa Blanšoa.

Ključne reči: Levinas, etika, umetnost, književnost, Blanšo.

UDK 122/129
https://doi.org/10.2298/FID2203648J
Original Scientific Article
Received 03.06.2021. Accepted 01.06.2022.

PHILOSOPHY AND SOCIETY
VOL. 33, NO. 3, 513–670

To cite text:
Jovićević, Andrej (2022), "Simondon and Bohm between Determinism and Indeterminism", *Philosophy and Society* 33 (3): 648–670.

Andrej Jovićević

SIMONDON AND BOHM BETWEEN DETERMINISM AND INDETERMINISM

ABSTRACT
The radical redefinition of the landscape of physics that followed the contributions of Niels Bohr and Werner Heisenberg at the start of the 20th century led to plethora [of] new perspectives on age-old metaphysical questions on determinism and the nature of reality. The main contention of this article is that the work of Gilbert Simondon – whose magnum opus possesses a scope uniting the most basic philosophical concerns with the (then) most recent breakthroughs in natural sciences – is highly relevant for an adequate understanding of the split between determinism and indeterminism, as well as the underlying presuppositions which have driven some influential contributions to this topic. To this end, the article shows that the more deterministic interpretation of quantum mechanics offered by David Bohm and Louis de Broglie proves to be a valuable reference point for a more precise use and understanding of Simondon's transductive logic – especially when its philosophical lapses are considered closely. Finally, following the considerations of both thinkers, we aim at a more precise reconsideration of the stakes of indeterminism in modern physics, as well as a restructuration of what is often understood as a polarization.

KEYWORDS
Simondon, Bohm, quantum mechanics, determinism, indeterminism, substance, relation, transduction

1. Introduction

The perplexity with which *A Thousand Plateaus* was met in France upon its publication in 1980 will hardly go on to perplex us today – a text of such density or, even better, of such an erratic interdisciplinary approach exhibited on almost every page was bound to hit a stonewall with the readers. The fact that we are now in possession of thousands of pages of scholarly inquiry into the subject matter(s) of the book and that the range of its sources is much clearer to us – namely: biology, psychoanalysis, geology, linguistics, literature, sociology, chemistry, etc. – cannot possibly produce a feeling of being-at-home or even familiarity; what we rather feel is a profound sense of being dislodged

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or simply lost within the invisible, meandering roads Gilles Deleuze and Félix Guattari have pointed to. However, incorporating a variety of (scientific) disciplines into a single book of philosophy was not new at the time; a similar book, albeit more combed-through, had already been published more than fifteen years before, Gilbert Simondon's *Individuation in the Light of Notions of Form and Individuation*. The reasons for an even slower reception of this work (which is still sluggish in comparison to our first example) are numerous: a long-overdue translation, an ancient and deeply metaphysical concern at its heart, the highly technical elaboration of seemingly tangential aspects which takes up a large chunk of the book are only the first which come to mind. This should not put us off, however, since there is no reason to belittle the importance of this work – which takes into consideration both primarily ancient concerns (the critique of hylomorphism, substantialism, and atomism, among others) *and* questions about emergence, life, the human-animal difference and technology from the point of view of physics, chemistry and biology with rarely matched erudition – in comparison with the work which is often hailed as a product of creative genius, or praised for its rhizomatic implications and lines of flight. From the biological line of flight, which meticulously tracks the individuation of living organisms from inert matter and observes how colonies formed by the most primitive forms of life can be juxtaposed with the collective individuation of humans (Simondon 2020: *276*, *357*, *395*), to mineralogical considerations on the development of crystals which offer insights into how pre-individual reality effects further individuation and how the latter is fueled by energetic changes and structural shifts (Simondon 2020: 70), *Individuation* lets us get a glimpse of how life and things become and how they are related to what is exterior to us.

All of the abovementioned problems have certain kinds of solutions (or, at least, attempted ones) in their corresponding scientific disciplines, and underlining the import Simondon's analyses have for grasping the ontological-problematic ground upon which these particular scientific questions are developed strikes us to be of exceeding importance at a point where he could well be mistaken to be a philosopher of technology. This is why we are going to consider the paradigm with the largest ontological potential in *Individuation* – that of physical theories and, more specifically, quantum mechanics (QM). Namely, we are interested primarily in the crossroads at which Simondon found himself in the mid-1950s: between Niels Bohr's "orthodox" interpretation and the pilot-wave interpretation represented by Louis de Broglie and David Bohm. To this end, we will examine Bohm's philosophical work on wholeness, qualitative infinities, and determinism and how this might help us understand Simondon's philosophical work outside the scope of the chapter dealing with QM. Finally (but also throughout the text) we are going to look into the two main philosophical implications which arise from the previous two points – both of which are ontological: the question of (anti)substantialism and (in)determinism – and how Simondon himself reasons through the complex relation between them. After establishing this solid comparative basis which is supposed to help

us understand the stakes of the debate between determinism and indeterminism in QM, we will turn to Léon Rosenfeld – one of Bohr's closest pupils – in hope of clearing up Simondon's philosophical choice and proposing a slightly reformed view of the debate at hand and its relation to the initial rejection of the substantialist position. The very nature of our initial remarks should have pointed the reader in the preferred direction when it comes to the object of our concern: it should be clear that we are not trying to make judgments regarding the validity of the abovementioned renderings of quantum phenomena, but rather that we are trying to unearth the philosophical impasses that might occur when one fails to pay close attention to the concepts one is employing to hastily get the desired outcome. As Rosenfeld succinctly put it, "the crucial issue is one of logic, not of physics" (Rosenfeld 1979: 476). This is why Bohm's propositions inside the domain of theoretical physics deserve to be immediately put under a spotlight that might just be strong enough to enable us to discern their *philosophical* presuppositions; it is precisely this initial pointer that we see as the *implicit* kernel to grasping the reasoning behind many of Simondon's conclusions.

2. Bohm's Double Solution

The "atypical" character of Bohm's earliest general presentation of the leading interpretation of quantum mechanics (as given in his first book, *Quantum Theory* [1951]), which took seriously the importance of a historical approach to the problematic that would forever go on to be associated with Bohr, has not been noted in vain (Jacobsen 2012: 272). Indeed, even if this approach, which favors adding historical context to the theory at hand, is dissociated from pure mathematical formalism that is commonplace in textbooks, the value of adding the former to the latter when dealing with QM is hard to overestimate. Half a decade later, in his *Causality and Chance in Modern Physics* (1957), Bohm did not fail to remember the weight of the history of ideas and philosophical presuppositions that threatens to undermine any physical, epistemic, or ontological inquiry if left unaccounted for. It is no surprise, then, that he spends the better part of the book establishing the arguments behind a predominantly philosophical disagreement – that between determinism and indeterminism. Before we recount the opposition (as seen from the point of view of Bohm), it is worth mentioning that the determinism which interests us tends to favor Spinoza's initial concern, rather than that of Leibniz.[1] Even though the work

1 It should be noted that our (perhaps facile) opposition is at odds with certain influential interpretations of Spinoza's work that appeared in the second half of the 20th century in France (Matheron 1988, among those we mention below). Whether the passage from the strictly ontological concern of the first part of the *Ethics* to the ethical/political concern of parts three to five is seen as a "conversion" or a "reorientation of its objectives" (cf. Macherey 1997: 8–9) or as showing no discontinuity (Balibar 2020: 3ff), it is certain that the overarching concern of the first part needs to be explored in order to pass onto other, social concerns. Although a discussion of the relation between

of both thinkers can be said to carry the implications of their position in (what we now know as) the determinist/indeterminist debate, their concerns are significantly different; in order to juxtapose them, we will borrow a quote from Leibniz and use it to differentiate between "*metaphysical* necessity, which leaves no place for any choice, presenting only one possible object, and *moral* necessity, which obliges the wisest to choose the best" (Adams 2004: 22). Thus, the question of contingency and necessity in the pages that follow does not pretend to address the problems of compatibilism, free will, God's choice, etc. On the contrary, we maintain that these questions cannot be sufficiently dealt with if we have somehow managed to abstract them from their fundamental problem – that of contingency and necessity (that is, causality and chance) of physical phenomena.

Notwithstanding Bohm's curious attempt to account for the intricacies of the path of determinism from Laplace's mythical formulation – mythical, not only because of its content but also because of its importance for the generations of physicists to come – to what is commonly seen as its overturning in Heisenberg's uncertainty principle and Bohr's complementarity, his position seems to be precarious enough to warrant its own stepping away from mathematical formalism. In fact, Bohm's dissatisfaction with the state of theoretical physics at the time of writing his first textbook can largely be explained by the conceptual rift caused by the accepted probabilistic rendering of quantum phenomena (to which he refers as the "*usual* interpretation") on the one hand, and the relativistic theories that consider the former to be incomplete (at first presented by the famous Einstein-Podolsky-Rosen paradox) and offer a hidden-variable solution to "resolve" this incompleteness, on the other. However, the latter part of this 20th-century split can largely be understood as

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ontology and politics – a discussion which Balibar flattens, as it were, despite his efforts to make the two coextensive and mutually implicative – goes beyond the scope of this article, it is doubtful that the problematic can be done away with easily, especially in light of Balibar's comments regarding Simondon's transindividuality and its relation to Spinoza and political thinking (Balibar 2020: 45, 139). In these comments, we see again (the only difference being that the work at hand is now Simondon's), an intersection of ontological and political efforts being turned into a single road. The result, however, is a patent criticism of Simondon and his supposed unwillingness to integrate politics within ontology and to think the two as if they were one. In a recent enquiry, Daniela Voss (2018) has shown that such a move is impossible for Simondon in that it misappropriates the tenets of latter's ontology: namely, non-linear and problematic differentiation which, in fact, "*can* accommodate politics", albeit without reducing the import of ontology. A similar conclusion, more aligned with our implicit understanding of the Simondon/Spinoza convergence, was presented by David Scott who argues that Simondon completes Spinoza's project qua "*ontologisation* of ethics, where ethics is expressive of the constitutive ontology of individuation" (Scott 2017: 569). As such, parts of this essay can be seen as seeking to rectify an all-too primarily political image of Spinoza through the mediation of Simondon's work and its ability to institute the New in an immanent, ontological way, that is, without having recourse to historical/political events. Criticizing Bohm's understanding of qualitative infinity and showing that its completion is to be found in indeterminism is only one way of doing this.

a reemergence of a previously well-established effort: in other words, the deterministic endeavor of EPR that tends to favor an understanding which sees reality as fundamentally complete and which envisions the possibility of at least a hypothetical "final theory" (whether or not it thinks this final theory as *actually* obtainable should not concern us, according to them [Bohm 2016: 68, 91]), is a modern-day call for a reality which is devoid of any frames of reference, a "nostalgia for that blissful situation where reality itself seems to dictate the categories of its definition" (Stengers 2012: 42). It is no secret that Bohm was, at least in the early days of his theoretical work, one of the most promising additions to the theoretical conjunction which wanted to oppose the "orthodox" interpretation by offering a "causal [and deterministic] reinterpretation of quantum mechanics," as de Broglie put it in his preface to Bohm's *Causality and Chance* (Bohm 2016: xi). Should we see Bohm as a simple advocate of a determinist view, then? The image is not so clear, however, because the interest in Bohm's work and its dual aspect (that will become clear as we consider his mature work) would not be nearly as strong if his position were reducible to a simple binary choice between Bohr and Einstein.

A closer reading of the debate that he positions at the heart of 18th and 19th-century physics shows that this debate is no more binary than that which we saw unfold in more recent times: reducing every attempt at a causally deterministic conception of the world to a mythical elaboration which is grounded in a supposed metalinguistic intellect (à la Laplace), as well as reducing every attempt at privileging chance over "hard", causal necessity to an "absolute arbitrariness and lawlessness in the detailed behavior of individual phenomena" (Bohm 2016: 42) is certainly an irresponsible philosophical reading which borders on reductionism. It is in the sense of constantly trying to move away from both of these options – he equally rejects "*perfect* one-to-one causal relationships that could in principle make possible predictions of *unlimited* precision" (Bohm 2016: 13) as well as absolute contingencies with no possibility of prediction – that Bohm falls into an analogous reductionist trap necessitated by making possible a delineation of his own position. In order to nuance his own contribution, he makes a rigid opposition between *deterministic mechanism* – pertaining to classical physics from Laplace to Bohr – and *indeterministic mechanism* which is simply the former's reverse and which remains caught in the trap of mechanism. Bohm then argues that the usual interpretation of QM makes virtually no progress in relation to its mechanistic predecessor: "The assumption of the absolute and final validity of the *indeterminacy principle, which implies that the details of quantum fluctuations have no causes at all*, evidently resembles very much that [assumption] underlying the philosophy of indeterministic mechanism" (Bohm 2016: 68). It is at the cost of the reduction of the former to the latter that Bohm manages to revive de Broglie's envisioned alternative to QM which was rejected at the Solvay conference (Simondon 2020: 140) and which supposedly lay dormant under the boot of the oppressor – the so-called indeterministic mechanism.

Even though Bohm never refers to de Broglie's theory as the "double solution" (which is the name de Broglie uses for his reinterpretation), it is clear that a proposal of this kind fuels both his own position regarding the determinist/indeterminist debate – he warns that "the causal laws and the laws of chance *together* are what bring about the actual development of things, so that *either of them alone is at best a partial* and approximate representation of reality, which eventually has to be corrected with the aid of the other" (Bohm 2016: 19) – and his rejection of the principle of complementarity – "it is evidently possible that in any given process, *both wave and particle could be present together in some kind of interconnection*" (Bohm 2016: 76). Thus, Bohm is primarily attacking the (epistemo)logical tenets of Bohr's idea of complementarity in hope of striking at the roots of the usual interpretation itself and allowing himself to introduce two concepts which are supposed to persuade anyone out of still thinking in terms of probabilistic calculations and their absoluteness. These two ideas include (1) the supposition of a sub-quantum level (which is the most profound expression of EPR's idea of hidden variables in Bohm's theory) and, as a direct correlate of the principle which allows Bohm to even propose such a level, (2) the conception of reality as a product of a *qualitative infinity* of phenomena and potentials. The former of the two, the supposition of a sub-quantum level, is a modification of the hidden variable supposition which had been presented as a solution to the incompleteness of the Copenhagen interpretation: Bohm contends that we might be able to escape thinking reality as incomplete if we put forward a hypothesis which would allow a furthering of our physical inquiries into the nature of reality, a hypothesis which would postulate the existence of a further layer that is accessible to us, probably below the dimensional order of 10^{-13}. Discussing whether or not this idea is "defensible" or simply impossible (de Broglie 1958) will be left for later, since we are now primarily interested in the philosophical implications and causes of such a postulation: namely, the rejection of any kind of finality and absoluteness when it comes to definable theories and a self-perpetuating infinity of qualitative phenomena observable (or thinkable)[2] in nature. As we said earlier, an openness to infinity which is always able to find and think

2 Bohm writes that the "thesis [that we should not postulate the existence of entities which cannot be observed by methods that are already available] stems from a general philosophical point of view containing various branches such as 'positivism', 'operationalism', 'empiricism', and others, which began to attain a widespread popularity among physicists during the twentieth century. Since we do not yet know how to detect the new entities that might exist in the sub-quantum mechanical level, the point of described above leads us to refrain from even raising the question as to whether such a level exists. [...] As an alternative to the positivist procedure of assigning reality only to that which we now know how to observe, we are adopting in this book a point of view [...] which we believe corresponds more closely to the conclusions that can be drawn from general experience in actual scientific research. In this point of view, we assume that the world as a whole is objectively real, and that, as far as we know, it has a precisely describable and analyzable structure of unlimited complexity" (Bohm 2016: 66–67, added emphasis).

phenomena that are unaccounted for in the current theory, as well as change the context or the conditions under which certain phenomena can be found (thereby causing a chain-reaction of possible reformulation of our theories given even the slightest change of conditions) seems to be the leitmotiv of Bohm's early work on his own interpretation of QM. To be sure, he is not speaking of complementarity between a qualitative infinity and the sub-quantum level; rather, he is offering a double solution that hinges on both of these *existing harmoniously at the same time*, and which presupposes a mutual dependency of the two: *there is no sub-quantum level without the possibility of thinking a physical infinity, and the physical infinity does not exist if we do not envision going further and further*.

To say that this reinterpretation is final goes against both the methodological imperative of avoiding absolutization and Bohm's explicit proclamations regarding the possible downsides that the reinterpretation brings; however, the fact that Bohm is quick to disregard even the criticism which belongs to physics since he considers "these theories [only] as something definite *from which it may be helpful to start*" (Bohm 2016: 87, added emphasis) shows a deep-seated disregard even for the philosophical contentions that could be raised against his theory. Saving the obvious criticism of the sub-quantum level being only a "seductive construction" (Rosenfeld 1979: 475) for later, and further disregarding the equally possible outcome that the sub-quantum level could lead to even more indeterminism if left in this insufficiently defined state, we find it urgent to raise the question of infinite regress that is almost guaranteed when a nostalgic search for more rigidly deterministic laws is charged by a qualitative infinity – and a qualitative infinity which is supposed to function only in the bounds which suit our objective, at that. Such a question is urgent not only because of the fact that it is the only one that Bohm explicitly raises in considering the possible reproaches to his theory, but also because it seems to us that the possibility of infinite regress follows Bohm into a major (albeit silent) reconsideration of the double solution which has the power to completely change his current thoughts on the determinist/indeterminist debate. Indeed, as we have stated, Bohm explicitly rejects any criticism of his system of scientific inquiry being infinitely regressive (Bohm 2016: 95), but even his rejection is built on either an arbitrary reduction – infinite regress only functions if the same pattern is identifiable on every level – or a further hypothetical which bets on the possibility that the general pattern which was observable in nature (that of layers which are found beneath other layers) would be exchanged for some other pattern at some point. The obvious vagueness of the latter point is similar to the one which can be observed when the existence of the pre-quantum domain is supposed, and the former simply invents the condition of following the same pattern which does not apply to the general definition of what regress is – "a series of appropriately related elements with a first member but no last member, where each element leads to or generates the next in some sense" (Cameron 2018). Thus, whether or not the same pattern is followed from the 1st to the nth layer and whether the general pattern of

layering is followed is irrelevant for arguing against the reproach that Bohm mounted against himself.

His arguments notwithstanding, it seems that the necessity of establishing a more deterministic outlook which called for contriving two interconnected concepts – the sub-quantum layer and qualitative infinity – brought Bohm to an internal impasse: on the one hand, conceiving of reality as a qualitative infinity was the only way of establishing a sub-quantum level, while, on the other hand, this same qualitative infinity proved infinitely regressive and dangerous for the very concept it helped introduce (dangerous both logically and substantially). The statistical game (played by Laplace) which proved to be one step closer to seeing its downfall with every further fragmentation of knowledge (in science generally and physics particularly) is once again accepted by Bohm's infinitely regressive method, and finds itself once again on the wrong side of history. If the double solution, which saw itself somewhere in between determinism and indeterminism, has been tolerable, it now proves unbearable in so far as the full implication of the notion of qualitative infinity has been understood. Something in Bohm's theory needed to change – it was either going back to indeterminism or conceptually renouncing qualitative infinity.

3. Bohm's Substantialist Spinozism

The concept which takes center stage in *Wholeness and the Implicate Order* (which can be seen as Bohm's anthology) is that of wholeness. As this holistic approach has been assimilated to the philosophies of Spinoza (cf. Rocha, Ponczek 2018) and Deleuze (cf. Gualandi 2017; Murphy 1998) in quite a similar way, we will proceed towards finding an answer to our last problem by questioning the validity of both comparisons. The main thesis Bohm presents in relation to his holistic rendering of reality is apparently simple: divisions, categories, and dichotomies – whether social or scientific – which are ever-present in our day-to-day reality are false representations of this same reality in so far as it equates *categories that are necessary for thinking* with *the nature of the world itself*. In other words, Bohm distinguishes epistemic categories from ontological ones by distinguishing "the content of our thought [from] 'a description of the world as it is'". Rather than making this mistake, he continues, we should make an effort to understand the world as "an undivided whole in flowing movement", a whole which is "real, and that fragmentation is the response of this whole to man's action, guided by illusory perception, which is shaped by fragmentary thought" (Bohm 2013: 9, 14). Mapping such a conception of the world to Spinoza's unique and indivisible substance presents no problem, if the whole is immediately understood as Spinoza's substance, the infinite possible fragmentations as infinite attributes (cf. D6 of the first part of *Ethics*, which also matches Bohm's later conception of the implicate order) and Bohm's earlier "return of the lost determinism to the microscopic world" finds its correlate in Spinoza, "for whom there is no contingency in nature" (Rocha, Ponczek 2018: 15–16). However, curiously enough, Spinoza seems to think that determinism

is ultimately compatible with a qualitative infinity *of one substance*. To us, this seems like an untenable position given our discussion of the fundamental impasse that one arrives at when one takes the route of qualitative infinity in order to get to determinism. To be sure, we have emphasized that Spinoza's qualitative infinity is that of (one) substance due to the fact that one of the tenets of Spinoza's philosophy is precisely this infinite explication of *the* substance, and not an infinite qualitative explication in general, which would imply a pluralism with a Spinozist/expressionist twist. As Deleuze puts it: "*The One remains involved in what expresses it*, imprinted in what unfolds it, immanent in whatever manifests it: expression is in this respect an involvement" (Deleuze 2013: 16). The involvement of the One in the infinity of its expressions is nowhere to be found in *Causality and Chance* since the double solution (which nonetheless renounced complementarity) gives no pointers to what its underlying ontological structure is like – what's more, it could probably be postulated that it is much closer to a (wave-particle) *dualism* than a dual-aspect monism of the later work. An attentive reader of Bohm would have noticed that his *Causality and Chance* mentions wholeness only in the preface which was written with a delay of almost thirty years, while his supposed anthology makes abundant use of the concept *even when it speaks of incorporating newness in the existing, all-encompassing whole*, i.e. when it speaks of veritable qualitative infinity (Bohm 2013: 198). The difference between the two Bohms is, of course, the fact that the previously utilized concept of qualitative infinity cannot be grasped in its full implication (which, we remember, involved the very real danger of infinite regress) when it is subjected to the Spinozist undivided whole. Thus, Bohm reduces the infinite potential of a veritably boundless infinity – which had threatened to undermine determinism through its flirtations with infinite regress – to an infinite potential under the surveillance of One substance or wholeness. The fact that this wholeness is still labeled as boundless and infinite is only a ruse, in so far as a primarily determinist and substantialist conception of the world precludes a veritable infinity or multiplicity.

In light of these convincing parallels between Bohm's holistic approach and Spinoza's philosophy *and* Spinoza's profound influence on Deleuze, one could naturally wonder – and some did – what possible parallels would arise when the works of Bohm and Deleuze were to be juxtaposed. Following this line of inquiry, Alberto Gualandi writes that "with Bohm, as well as with Deleuze, the privileged metaphor is the Heraclitean one of an incessant flux of being, where *everything that is* becomes" (Gualandi 2017: 298); moreover, earlier in the same paper, he equates the previously mentioned *undivided whole in flowing movement* with *univocal being in becoming* (Gualandi 2017: 284). However, these two parallels are by no means the same, and the fact that Heraclitus serves as a conceptual stepping stone for both thinkers' conceptions of reality as fundamentally becoming (Bohm 2013: 61)[3] cannot lead to eschewing the

3 Also cf. Gilles Deleuze, *Leibniz and the Baroque*, lectures 12–15 (March 10 – April 28, 1987).

pains Deleuze took to differentiate univocity from simple holistic monism that is found in Bohm. It is our contention that this opposition underlies the one we pointed to above: namely, between an expressionist view that subordinates the substance to the modes and the Bohmian account that privileges the unity of substance. This differentiation points to the fact that, as Daniel W. Smith notes, "it is precisely the 'immanence' of the concept of Being (univocity) that prevents any conception of Being as a totality" (Smith 2012: 305). In fact, if we are to follow Deleuze's reading of Spinoza that undoubtedly informed his concept of difference in *Difference and Repetition*, we quickly realize that the short quote from *Expressionism in Philosophy* takes on a double sense: the one we have given above, the one which informed the perhaps facile connection Ponczek and Rocha established, is the reading that pays no attention to the conceptual shifts inherent in Deleuze's account, while the one we are about to give follows Deleuze's own formulation of Spinoza and grasps the One in a univocal *manner*.

With these distinctions in mind, whether or not we accept Deleuze's reading of univocity – "not that Being is said in a single and same sense, but that it is said, in a single and same sense, *of* all its individuating differences or intrinsic modalities [, that B]eing is the same for all these modalities, *but* [*that*] *these modalities are not the same*." (Deleuze 1994: 36, emphasis added) – has the power to determine completely whether or not Bohm is a Spinozist or, even better, whether or not Deleuze can be taken to be one. Even though it might seem that Deleuze's definition of univocity is dependent on the result of the expression of Being – i.e. that the only difference is in the finite modalities which result from this expression – this reading only serves to bring the abjured reading of difference through the back door; rather than focusing strictly on the finite modes, Deleuze's univocity considers the very sense of expression and goes toward reformulating the presupposition – the question of what the One really *is* (or, to be more precise, *that* it *is not*). Thus, Deleuze ends up formulating a "Spinozism minus substance", as Smith masterfully called it: the One loses the substantiality it had in the commonsensical reading and "the single *sense* of Being frees *a charge of difference* throughout all that is [i.e. throughout all the finite modes and their intensive variations – AJ]" (Smith and Protevi 2020). The sketch for a threefold history of the concept of univocity given in *Difference and Repetition* (Deleuze 1994: 39–42) shows this in that the modification effectuated between the second and the third moment (i.e. between Spinoza and Nietzsche) concerns turning substance around the modes, and solely around the modes – a procedure that brings an undoing of substance in its usual sense and the advent of a differential substance, an accidental namesake of the former. It is precisely because of this change whose importance cannot be overstated that Deleuze could go on to remark, twenty years after the publication of *Expressionism in Philosophy*, that "what interested [him] most in Spinoza wasn't his Substance, but the [process of] *composition* of finite modes" (Deleuze 2013: 11).

There now seem to be two contradictory Spinozas: one whose One is a substance that is expressed (and, as Bohm would say, implicated) in each finite

mode (but that does *not* around these modes), and the other whose One is a *sense* (or manner) of Being, an expression which can only be understood as a self-differentiating process whose (un)folding does not imply (substantial) wholeness, as it is understood in Bohm (Bohm 2013: 186). In short, it is a question of a more traditional and an upside-down Spinoza; however, the difference between them is not reducible to mere reversal (it is not simply a matter of seeing what comes first, and what second: the substance or the modes), but implies a broader theoretical choice between substantialism and an outlook that seeks to pull the carpet under substantialism and see what is beneath it. Evaluating the validity of both of these readings (for the sake of Spinoza himself) is beyond the scope of this article which is only now beginning to reach its real concern: namely, the relation of Simondon's radical anti-substantialism (which does not claim to be Spinozist) to his choice in the debate regarding the nature of physical reality with which we started. Additionally, it is crucial to keep Simondon's philosophical context in mind and present the debate as it would have appeared to him. In order to do this, we are going to need to consider our initial question from the reverse side, that is, see how Simondon opposes substance first in order to arrive at his own conclusions regarding the determinist/indeterminist debate.

4. Simondon's Theoretical Choice

The fact that we purposefully chose to emphasize that Simondon chooses to go on an anti-substantialist path *without* Spinoza (something which might seem very hard to do when we have fully understood the importance of univocity for thinking difference) has a double significance: first, it wants to show that Simondon's concern – establishing a philosophy which manages to think the process of individuation, rather than an already constituted individual, that is, ontogenesis and not being which is static and stable – is initially different from that of Deleuze;[4] secondly, it allows us to immediately enter into the heart of Simondon's problematic precisely by using as an example that which he opposes. Although Spinoza is not one of the philosophers with which Simondon is in constant conversation in *Individuation*, the latter is sure to denounce the former's "substantialist monism" because it "comes against a great difficulty when it is a question of accounting for the individual being" (Simondon 2020: 368). For Simondon, thinking the ontogenesis of an individual being and avoiding conceiving of the individual as already constituted means "*to know the individual through individuation rather than individuation starting from*

4 Deleuze, for his part, appropriates Simondon's path and method during his discussions of individuation and dramatization (cf. Deleuze 1994: 246; Deleuze 1990: 104, 344), the two processes which prefigure the advent of actually constituted terms (Deleuze 1994: 251) and which are wholly dependent on modal and formal distinctions (Deleuze 1994: 39) introduced by univocal thinking (the constellation of Duns Scotus, Spinoza and Nietzsche).

the individual [... For him,] it is necessary to reverse the search for the principle of individuation by considering the operation of individuation as primordial, on the basis of which the individual comes to exist" (Simondon 2020: 3). In providing an alternative to substantialist atomism as well as Aristotelian hylomorphism, Simondon refers to the logic of transduction in hope of successfully thinking without the constraints of stability, eternity, unneeded abstractions and, most of all, loaded ontological notions which fail to consider ontological processes. Transductive logic – "a process whereby a disparity or a difference is topologically and temporally restructured across some interface" (Mackenzie 2002: 25) *without its inherent antinomy being diminished through this restructuration* – which can also be understood as Simondon's own way of reformulating what a *synthesis* should be (Simondon 2020: 111), introduces a veritable alternative to every concept which has plagued philosophy since its ancient beginnings. This alternative concept is that of *relation*. Indeed, since no being which is necessarily becoming has a static presence, it must exist both through relating to things in its milieu (or its exteriority) and its own self; this is how Simondon postulates that relation has "the value of being" (Simondon 2020: 76).

Although Simondon's concern is almost entirely philosophical when its initial postulates and goals are set in this way, it is no secret that the implications of such ideas are both carried from and applicable to various endeavors of modern science. For example, an anti-substantialist position such as Simondon's would have certainly been (physically) untenable and, what's more, philosophically idealistic for a long time; when Simondon reproaches substantialist materialisms such as those represented by the hylomorphic schema and *atomism*, he is not going against the still-predominant materialist grain and opting for an idealism of sorts.[5] Rather, as we have tried to show by highlighting his trans-disciplinary approach in the introduction, his ideas are heavily informed by the most recent breakthroughs in science (at the time) and especially by physics. Simondon himself was perfectly aware of the debt he had towards physics and the paradigm shift which allowed him to definitively move away from substantialist systems by proposing a positive alternative (that of relation); he writes that "the notion of discontinuity [which came with nineteenth-century physics and which enriched the particle with relations] must become essential to the representation of phenomena in order for a theory of relation to be possible" (Simondon 2020: 98). Indeed, now it is the atomist conceptions that are idealist, in so far as they, as Jacques Garelli put it in his foreword, fail to consider the "caveats of Bohr and Heisenberg" when they "continue to conceive of quantum particles as infinitesimal first substances with an autonomous reality" (Simondon 2020: xix). Furthermore, Garelli's astounding perceptiveness which led him to posit the quantum problematic as one of the few leading concerns in Simondon's entire oeuvre – something

5 We are here referring to idealism as it might have been conceived by a positivist or an empiricist.

which other commentators (e.g. Scott 2014; Combes 2013) have failed to do,[6] causing damage to our understanding of Simondon's work – reassures our initial postulation that examining the physical paradigm might be more beneficial than examining the others. As such, we can identify that the concern which we deemed "entirely philosophical" might also be able to give its fair share of contributions to the realm of theoretical physics and the subversive logic which fuels its 20th-century postulations. In light of this renewed bond between philosophy and physics, we could postulate that the principle of complementarity should be extended even to this bond, in so far as complementarity is not to be understood as only a borrowed analogy, but rather as a "more flexible framework which [it] offers for possible syntheses" (Rosenfeld 1979: 481). Thus, we have arrived at a point that can be seen as the central mediator between QM and Simondon's own philosophy: the methodological commensurability between the synthetic logic of transduction and the equally synthetic view which is able to see complementarity where up to then only discordance was found. It is in this sense that Simondon is led to write that "only a transductive logic has made the development of the physical sciences possible [...]. [There, wave and particle are] not truly synthesized, like those of thesis and antithesis at the end of dialectical movement, but instead are put into relation due to a transductive moment of thought" (Simondon 2020: 111). At this point, Simondon is still sticking to the "orthodox" interpretation of QM, since the interconnectedness of the double solution of de Broglie and Bohm does not adhere to the relational aspect of Bohr's transductive complementarity.

Staying faithful to his own transductive methodology carries with it an exigency of considering the other breakthrough which also fundamentally changed the horizon of modern physics – relativity theory (RT). For Simondon, the theory of relativity seems to come from the same paradigm shift which allowed physics to think in non-atomistic, anti-substantial terms we mentioned above, but he also states that relativity theory manages to – apart from "merely" introducing discontinuity – "find this *beginning* of a discovery of compatibility between [...] the representation of the continuous *and that of the discontinuous*" (Simondon 2020: 128). This leads him, once again, to express the impossibility

6 In their remarkable article that seems to be the rare exception to this trend in scholarship, De Ronde and Bontems investigate the affinity between the Simondonian metaphysical schema of potentiality and one possible interpretation of QM (De Ronde, Bontems 2019). As they argue, Simondon's transductive hypothesis, in its aim to consider the process of individuation as being irreducible to well-constituted, formed individuals, must abandon the ontology of substantialism and move toward a different schema of potentiality that is irreducible to entities. They claim, in confluence with our conclusions, that Simondon's intuition regarding his realistic non-substantialist interpretation of QM was basically correct, but that his presentation is misguided in so far as it analyzes de Broglie and Bohr the most. In the remainder of our article, we intend to show that Simondon's conclusions are correct *despite* his misguided presentation and that it is the misguided presentation that helps us see its own insufficiency compared to Simondon's metaphysical schema.

of isolating an atom from the effects of other atoms, as well as further proof for the essentially relational existence of an individual:

> The mutual isolation of atoms, which for ancient atomists was a guarantee of substantiality, cannot be considered absolute [...]. In this substantialist atomism, shock can modify the state of an atom's movement or rest but not its own characteristics, like mass; however, if mass varies with speed, a shock can modify the mass of a particle by modifying its speed; *the accidental, totally fortuitous encounter affects substance*. (Simondon 2020: 131)

It is in this difference between QM and RT – which Simondon identifies by a slight conceptual change between complementarity and compatibility (the latter of which, as we will see, leads to a double solution, à la de Broglie) and by introducing the repressed continuity in the same breath as discontinuity – that Simondon finds a way of making plausible (at least for now) *anti-substantialism and determinism* in a single theory. The subtlety of the argument (and its goal) presented in this chapter of the work is certainly bound to confuse the reader, not least of all because of the unusual chronology that is employed throughout the presentation; the importance of reintroducing continuity – which we identified as hitherto repressed in QM – becomes clear, however, when Simondon states (only a few pages later), that "this relativistic doctrine [...] is realist without being substantialist" (Simondon 2020: 133). Thus, even though he categorically goes against Bohm's later prohibition of fragmentation (or, at least, against its "relegation" from ontological categories to those of epistemology) by affirming discontinuity, Simondon is found by and large to be in front of a similar rift between Bohr's probabilistic interpretation of QM and EPR's impetus to find a more deterministic explanation (the difference being, of course, that Bohm is thinking from a standpoint which is more prone to determinism and EPR's suggestion, and Simondon's concern is primarily that of not giving up anti-substantialism, that is, of not giving up relational ontogenesis). The return to quantum mechanics (Simondon 2020: 149) that Simondon makes after considering both the "orthodox" interpretation and relativistic theory is led strictly by a wish to conceive of reality more "realistically" – while maintaining anti-substantialism, no less – and his path is lit solely by the rift described above – a rift between an insufficient quantum theory and an example given by relativity (that thinking can be done both in terms of anti-substantialism and determinism). This return is not necessarily envisioned as an excavation of a sub-quantum level, but a consideration of de Broglie's double solution.

The unusual speed with which Simondon passes *from* praising the transductive properties of Bohr's complementarity and the remarkable conception of discontinuity in the Copenhagen interpretation *to* a general disdain for theories of Bohr and Heisenberg must be noted; the fleeting appearance of particles, which he identifies as the main upshot of complementarity and Heisenberg's uncertainty principle, is dismissed along with what is now *explicitly* labeled

"an indeterministic and probabilistic theory" (Simondon 2020: 150).[7] The reversal through which complementarity loses the fruitfulness needed to maintain its "fidelity to the real" is only the beginning of a chain-reaction that soon follows: the (relational) dependence of the measured object on the measuring instrument is dismissed, and so is the anti-substantialism of the "orthodox" interpretation ("*In the indeterministic and probabilistic theory, a certain static substantialism of the physical individual remains in the subject*"); finally, relation is understood to *lack* the value of being in so far as it is "independent of terms" (Simondon 2020: 151). The strict dichotomization that Simondon's careful and subtle reading of (at the time very recent) 20th-century physics avoided up to this point is brought back despite its previous prohibitions (which were implemented following the logic of transduction): the fundamentally relational property of atoms that was fostered by both QM and RT is only one of the several joined characteristics which now suddenly found itself in need of picking sides. Due to an addition made by de Broglie that consisted of denying claims to objectivity to any theory which found its (probabilistic) results contingent on measurement and the measuring device itself, the relational property (following the need for staying objective, realistic, etc.) "chose" (in Simondon's eyes) determinism, thereby also bringing with itself anti-substantialism. It is our contention to prove, however, that beyond the obvious criticism that can be erected here – that Simondon's (or de Broglie's) rigid dichotomy is a grand injustice to the methodological principle underlining the entire book – Simondon's approach can also be criticized for failing to take into account the true *relational* nature of the measurement process in quantum mechanics, as well as the underlying supposition of every scientific anti-substantialism. Furthermore, in addition to explaining this second criticism in the third section of the text, we are also going to try to show how Simondon implicitly stays loyal to his method in that he does not accept the strict dichotomy as the final solution, while also showing that both Bohm's detrimental choice and Simondon's non-confrontational choice were needed for understanding the full extent of the application of complementarity to ontological questions of indeterminism and determinism.

As we noted at the end of the previous paragraph, the conclusion that followed a complete reversal of Simondon's views on the split between indeterminism and determinism (which he mapped on the one between QM and RT almost point-by-point) hardly reflected these views themselves; this is why we chose to be careful when ascribing them to him, rather than to de Broglie himself. Nevertheless, as with many borderline cases [*cas limites*] throughout the book – interiority and exteriority, stability and instability, etc. – Simondon chose to apply the logic of transduction in affirming that these borderline cases are untenable in actuality precisely in so far as they are found on the utmost

7 We are quoting Simondon not because these theories should not be considered indeterministic or probabilistic, but rather due to the fact that he has avoided labeling them in this way until this point

points of a pole, that is, precisely in so far as they are idealizations of how far a pole can possibly extend itself. Thus, "determinism and indeterminism [are only] borderline cases", and place should be made for "a new representation of the real that encompasses these two as particular cases [which] should be called the theory of transductive time or the theory of the phases of being" (Simondon 2020: 154). No matter the name, it should be absolutely clear that reflexive transduction calls for a polarization of these terms that is ultimately supposed to lead to a new solution through abstaining from immediate, premature choice. In sum, when confronted with the choice between a substantialist position which promised to lead to a more controllable, predictable outcome in physical calculations, *and* qualitative infinity which precludes the possibility of substantialism, Bohm chose the former; when, led by his anti-substantialist presupposition and a flawed equivalence between this position and determinism (that is, substantialist anti-relationism and probabilism), Simondon had to make a similar choice, he chose *neither*. Our main contention is that a third choice exists and that this choice is precisely that of the transductive method when carried to its conclusions.

5. Relations, Complementarity and the Absence of Polarization

Hardly has there been a concept in the "orthodox" interpretation of QM which caused more strife than that of measurement. The pains that classical physics took to dissociate the observer from the observed in trying to reach objectiveness and definiteness at the same time is almost completely thrown out of the window with the advent of quantum considerations: "a disparity arises between the atomic system we want to observe and the means of observation". Rosenfeld further explains the problematic in this way:

> Now, at this point the human observer, whom we have been at pains to keep out of the picture, seems irresistibly to intrude into it, since after all the macroscopic character of the measuring apparatus is imposed by the macroscopic structure of the sense organs and the brain. It thus looks as if the mode of description of quantum theory would indeed fall short of ideal perfection to the extent that it is cut to the measure of man. (Rosenfeld 1979: 539)

It is on this same stumbling block that Simondon tries to raise his criticism of the "orthodox" interpretation, which can neither be reduced to a Bohmian perspective – the subject-object distinction essential to the process is only a false and fragmentary epistemic category – nor to a mechanistic determinism – measurement only introduces confusion and subjectivism in scientific calculations. His criticism encapsulates both, in a way, and goes further still in that it purports to find a deep-seated connection between the formalism of quantum mechanics and its lifeless, non-relational substantialism. As we have stated above, in Simondon's eyes de Broglie's double solution stays veritably anti-substantial and realist at the same time, affirming once again that it is for *his* conception that "relation has the value of being", and not for probabilism

which must maintain that "the relation is independent of the terms". For Simondon, the fact that the result of measurement in QM is contingent on the very act of measurement is the prime expression of the non-essentiality of relation; in other words, if the relation of measurement is what *externally* determines the probability which is the outcome, the different probabilities which can be obtained in different instances of measuring do not reflect the "thing in-itself", but rather only these *external* relations, and only in formal ways. Thus, no matter how many instances of measurement are numbered, none of them manage to get at the "relationality" which is "essential" to what is being measured. Such a reading which manages to equate the externality of a relation – a relation of measurement or any other for that matter – with pure independence and dissociation is the same mistaken reading which is employed by Arjen Kleinherenbrink in his *Against Continuity*; if we stick to it, we will easily be able to conclude that "entities must therefore have a private, internal reality [... and that they] never fully touch" (Kleinherenbrink 2019: 51).[8] Is this not precisely the definition of metaphysical atomism that disregards every physical breakthrough of the 19th century?

If, for Simondon, the relational properties of being are the ultimate philosophical goal that enables individuation, equating externality and dissociation is a categorically untenable position. But Kleinherenbrink's philosophical rejection of continuity which draped itself in Deleuzian cloth was not essential for grasping the inadequacy of Simondon's reading which, we remember, stems from a rigid dichotomization that necessitated choosing sides. In fact, this inadequacy can also be grasped if we consider the real implications that the revolution of measurement in QM has on questions of objectivity, the externality of relations and formalism in general. Thus, we are first of all led to rectify the situation when it comes to external relations of measurement: the fact that this relation appears unnecessarily external, formalist and artificial to the classical position which accustomed itself to claiming complete dissociation is neither an expression of subjectivity – which would entail the subject/measuring object being the *sole influence* on the properties of the measured object – nor of complete abstraction from the realist position – which is often seen as an exercise of mathematical formalism with no bearing on reality. Slavoj Žižek is quite right in claiming that "whenever we repeat the same act of measurement under the same conditions (the same entanglement of object and apparatus), we will obtain the same result" (Žižek 2013: 932). This claim to objectivity that is often mistakenly denied to quantum mechanics is corroborated by Rosenfeld's seminal essay *Strife about Complementarity*. The realization – quite deadly for a classical conception – that *objectivity* is not the same as *invariance* is essential here: "the two [or *n*] possible interventions of the observer define two [or *n*] different phenomena; to each of these phenomena there

8 It is also worth mentioning that Simondon himself is one of the only thinkers that Graham Harman mentions in the foreword to Kleinherenbrink's book, of course in order to draw a sharp distinction between their thought.

corresponds a well-defined and perfectly objective set of possible predictions" (Rosenfeld 1979: 479). The mythical reading which wanted to claim that no realism or objectivity is possible from a probabilistic perspective is therefore shaken at its most fundamental, classical presupposition; the postulation that a (measurement based on) relation – that is, the linchpin of every anti-substantialist position – bore no significance for the supposed isolated object which is being observed falls with the previous error. If contrary to Simondon (or de Broglie), we understand Rosenfeld's postulate fully, it will become clear to us that quantum mechanics in its "orthodox" interpretation offers the more anti-substantialist interpretation of the two we have been considering in this text.

This becomes painfully clear when we look at one of the discussions in which J.P. Vigier – another proponent of the deterministic interpretation – and Rosenfeld return to their "old quarrel again: does the scientific statement have a meaning outside observers?" In short, the position defended by the former – that which Rosenfeld calls classical (in its beliefs, primarily) – corresponds to that which cannot accept speaking about probabilism and objectivity in the same breath, while the position of the latter understands the importance of a reference point for which the observed object has *meaning*. As Rosenfeld states later: "All the statements we make about the world are necessarily *descriptions of a state of affairs, of mind, of material, that an observer might perceive* if he were placed in those particular circumstances" (Feyerabend, Gattei, Agassi 2016: 289, 293). The implications of this are, as we have been trying to show, *nothing short of anti-substantialist* in so far as the position privileges relations (which are now a *veritable*, objective part of the measured object) as fundamental for calculations, rather than seeing them as static parts of *being*s understood in the abjured ontological sense. Without stating the affair, there is no *meaningful objectivity* (Stengers 2011: 55).

The short-lived disregard for the principles of transduction and a lack of understanding of what Bohr's reformulation of measurement truly entails (something which is apparent now, but must have been less clear for many years, thereby resulting in a necessity of both popular and field-specific rectification we saw in Žižek and Rosenfeld) led to both a dichotomy which from the beginning favored determinism and to a mistaken categorization of notions associated with determinism/indeterminism.[9] From the previous two paragraphs, one can easily conclude that Simondon's main failure in his conceptual recounting of modern physics consisted of failing to think *the correlation between anti-substantialism and indeterminacy*, that is, between substantialism and determinism. The reason for distinguishing Deleuze's ontological concern in *Difference and Repetition* from Simondon's in *Individuation* receives its broader significance at this point: whereas Deleuze virtually based his inquiry towards *difference-in-itself* on a rereading of Spinoza in the key of

9 The dichotomy established by Simondon follows these lines: indeterminism, substantialism and staticity on the one hand, and determinism, anti-substantialism and relationality on the other.

desubstantialization, thereby managing to arrive at both an anti-substantialist position *and* one of relational indeterminism, Simondon meandered through modern physics and ultimately erected a false dichotomy. The more deterministic interpretation he seemed to privilege hit a brick wall at around the same time that he defended his thesis (1957–1958), and it only managed to find its way out (through opting for a substantialist determinism) in a long period of 25 years that followed. Understanding where Bohm failed and went against Simondon's starting thesis was essential for grasping the latter's mistake; however, Simondon's conclusion of integrating both determinism and indeterminism in an ontogenetic "topology" (which still retains traces of *compatibility*) is a felicitous leftover of his general methodology and not due to a closer consideration of the complementarity between the two. This complementarity, however, arises only if we have successfully managed to think the correlation between anti-substantialism and the inclusion of indeterminacy – Simondon's failure is to be measured against this pivotal exigency that is as crucial for our thesis as much as the exigency of anti-substantialism is for Simondon. Only a veritable transductive synthesis, which takes into account both the takeaways of correctly understanding the role of measurement and the notion of complementarity, will be able to show how indeterminism and determinism are really *complementary* notions that flow above the undercurrent of a disparity between substantialism and relationism.

The strict distinction between complementarity – i.e. a coexistence of two things which emphasizes mutual relation, but retains every contradiction between them – and compatibility – i.e. a coexistence which leads to an interpenetration of entities that seeks to overcome and integrate the difference between them – may seem tedious and unnecessary if it were not for the emphasis we previously put on a transductive dialectic which retains the antinomies and uses them in the entities' further becoming. Having broadened Bohr's definition of complementarity from its application to waves and particles to a dialectical relation between the two major currents in the history of physics – the classical and the quantum – Rosenfeld confirms "the *logical* feature common to [...] the occurrence of a relation of complementarity [that is] intimately associated with an essential use of the idea of probability" (Rosenfeld 1979: 470). Indeed, from his point of view, the one cannot occur or continue to exist without the other: the principle of complementarity could not have been envisioned if some of the earlier principles of probabilistic physics were missing, but, similarly, probabilistic calculations of the quantum of action could not have posed such a valuable addition to physics were it not for the intuition about the complementarity of certain phenomena. Thus, being able to suddenly think in terms of complementary relations is not only a formalist addition to a scientific discipline but *a* veritable *shock to thought*, an event that has the power to change our entire perception of phenomena. This shock is exactly what is transmitted through our minds: what was previously a non-essential relation between isolated atoms becomes a possibility of thinking in probabilistic terms and, therefore, a chance to consider complementarity as a

veritable expression of reality; we move from a substantialist determinism of classical physics to a relational probabilism.

However, whereas the critics of the orthodox interpretation of QM usually stop here in order to accuse this interpretation of an absolutization of its own principles (Bohm 2016: 47, 57), we must understand – once and for all – that probabilism envisions itself as being applicable only to a certain physical domain. It is only because of this that Rosenfeld can write that "in generalizing determinism, complementarity does not destroy it; it rather makes it more fruitful and firmer by assigning it its proper limits. Likewise the future theory will *reinforce complementarity by fixing its place within a still wider synthesis*" (Rosenfeld 1979: 481–482). Vigier's ideal of going beyond Laplace and extending him to a physics that manages to think qualitative infinity is mistaken precisely in so far as it does not understand that one can only extend determinism by seeing to what additional ideas it leads. Complementarity which arises from probabilistic relationism, and relationism which occurs due to complementarity, are only worthy of their names if they dare to curb the applicability of their own radicalism, both in relation to classical ideas and those ideas which are yet to come. This method would be worth nothing, and would really be reducible to Bohm's criticism of indeterministic mechanism if it confined itself to thinking *only* indeterminism, in the same way that substantialism confined itself to thinking *only* determinism; on the other hand, when it applies determinism and indeterminism to *different layers of reality* and thinks of them as complementary – that is, *as informing one another and seeking to devour the other at the same time* – then we truly find ourselves to be embracing the shock and letting it lead us to even more shocking findings in the future. As we hinted at earlier, this insight which was brought to us through probabilism is not the same as Simondon's topology, in that he does not seem to have grasped how exactly determinism and indeterminism are related: *not as borderline cases of one pole, but rather as middle points of their respective planes which invite a coalescing of determinist and indeterminist calculations of varying intensity*. As we said above, and as we tried to insist throughout the article, the phenomena interpreted as determinist or indeterminist have their respective conditioning bases in substantialism and relationist anti-substantialism (or, as Deleuze would have written it, ?-substantialism). To be sure, Simondon *did* understand transduction, but he failed when it came to fully putting to use the transductive properties probabilism facilitated in physics; the topology he intuitively proposed at the end becomes fully probabilistic in so far as it is understood with the help of a reformed triad consisting of relation, complementarity and anti-substantialism.

6. Conclusion

Recent inquiries (cf. Torza 2020) into the nature of metaphysical indeterminacy continue to show the complexity of the issue even if we disregard the determinist/indeterminist debate. The facile distinction – erected by Bohm – between

those who consider probabilistic incompleteness to be final and those who are able to imagine a sub-quantum layer is artificial; rather, the horizon of the question of indeterminism and determinism and their respective positions in physical considerations bring with them a complexity which must not be circumvented in philosophy. It is in light of this necessity – and also that which is posed by a lack of scholarly interest in Simondon and especially his work in the philosophy of physics – that we tried to find the intersections between his main inquiry (and its transductive methodology) and a debate which has lost none of its importance. It is our contention, after moving through both Simondon and Bohm, that this debate cannot be understood if indeterminism is strictly opposed to determinism, i.e., if we fail to understand the philosophical suppositions of an indeterminist position. Such are the stakes of understanding complementarity and anti-substantialism, something which – at least according to us – could not have been done were it not for transduction (or, the hypothesis of individuation) and Rosenfeld's trans-disciplinary perspective on the most intimate questions of physics. The growth of scientific thought is complementary to that of philosophy – understanding the principles of the former necessitates considering the depth which the latter adds, while the very depth that is added by the latter is often facilitated by the former.

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Andrej Jovićević

Simondon i Bom između determinizma i indeterminizma

Apstrakt

Temeljno redefinisanje polja fizike usled doprinosa Nilsa Bora i Vernera Hajzenberga na početku 20. veka dovelo je do mnoštva novih pogleda na vekovna metafizička pitanja u vezi sa determinizmom i prirodom stvarnosti. Glavna tvrdnja ovog članka je da je rad Žilbera Simondona, čiji magnum opus objedinjuje najosnovnija filozofska pitanja sa (tada) najnovijim otkrićima u prirodnim naukama, relevantan za adekvatno razumevanje podele između determinizma i indeterminizma, kao i osnovnih pretpostavki koje su značajno uticale na ovu temu. U okviru ovog cilja, tvrdimo da je tumačenje kvantne mehanike naklonjeno determinizmu,

koje nude Dejvid Bom i Luj de Broj, vredna referentna tačka za precizniju upotrebu Simondonove transduktivne logike — posebno kada se pažljivo razmotre njeni filozofski propusti. Konačno, prateći razmatranja oba mislioca, ciljamo na preciznije preispitivanje uloge indeterminizma u savremenoj fizici, kao i na ponovno strukturiranje onoga što je često shvaćeno kao polarizacija.

Ključne reči: Simondon, Bom, kvantna mehanika, determinizam, indeterminizam, supstanca, relacija, transdukcija

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