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## A DELEUZIAN INCURSION INTO KANTIAN CRITICISM. ABOUT THE DOCTRINE OF THE FACULTIES FROM THE PERSPECTIVE OF THEIR INTEREST

CLAUDIA MARTA\*

**ABSTRACT.** A Deleuzian incursion into Kantian Criticism. About the Doctrine of the Faculties from the Perspective of their Interest. Deleuze describes the doctrine of the faculties as a complete system of permutations. These faculties are analyzed in part according to their own interest: speculative or practical. Each faculty has a superior form through which it is *realized*. Deleuze's question is to what extent a faculty becomes able to achieve its own interest and bear the legislative burden for another. *Reflective judgment* generally makes it possible to move from the faculty of knowledge to that of desire, from speculative to practical. These are also questions concerning the free agreement of our faculties with the contingency of Nature's own accord with them.

**Keywords:** *reason, speculative, practical, transcendental reflection, reflective judgment*

### Introduction

In order to outline a wider picture of the Deleuzian approach towards Kantian criticism, perhaps one should start from the hardest kernel: the notion of 'intellectual intuition'. In Kant's view, this is something that we can never have – and any scholar of Kant is bothered by this impossibility. Although frequently understood as standing for the passive intuitive reception of Noumenal reality, which forever eludes us, 'intellectual intuition' might as well designate a kind of 'faculty' of its own, rooted in the active synthesis of transcendental imagination. The key to this deadlock is to conceptualize schematization starting from its limit: the exception of a free act. If we start from this point, we can see that Kant's main concern is to prescribe for

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each constitutive faculty its own specific interest, operating by limitation, so that one does not err, or at least to save oneself from transcendental illusions. This also describes the shift from a *Critique of Pure Reason* to *Critique of Practical Reason*. The two 'Critiques' are in fact descriptions of the same inner reality of a constitutive subject, but the two-folded approach is necessary because Kant is very well aware that *a free act simply cannot be schematized*. We cannot integrate a free act in our experience, and even if we try to do so, all we get are some misrecognitions.

This paper is trying to deploy an understanding of this shift from the speculative interest to the practical interest of Reason by considering the separation introduced by Kant between the phenomena, transcendent Noumena, and the transcendental object in general, as they are touched upon in Deleuze's incursions into the subject. This separation also circumscribes Reason's relation to sensibility: it is a pure critical decision to mediate this relation through intellect and imagination, which imposes limits on intuition. The topic of 'intellectual intuition' will soon appear as most problematic once we put in discussion the insolvable fracture of thinking and being, by posting a different conceptual synthesis of Reason and sensibility.

### **Understanding and illusion**

Kant begins with our cognitive capacity – a Self characterized by unity, synthetic activity and a constitutive emptiness. This Self is affected by the Noumenal, and through its active synthesis, organizes impressions into phenomenal reality. However, the result of this critique of knowledge is an ontological one: the distinction between phenomenal reality and the Noumenal world of things-in-themselves. Deleuze, in *Kant's Critical Philosophy. The Doctrine of the Faculties*<sup>1</sup> starts precisely from this development of the transcendental method.

This is an immanent critique of reason- the application of reason onto itself, in order to determine the true nature of its interests and ends. But is also a question about how this interest may come to be realized. Deleuze delimits the two ways in which Kant refers to the concept of 'faculty': different relations of representations in general, but also a specific source of representation in particular. These two are again doubled in compliance to reason's interests: speculative or practical. Between this two stays the hole problematic of a necessary determination of knowledge vs. freedom as that which is completely irrational.

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<sup>1</sup> Gilles Deleuze, *Kant's Critical Philosophy. The Doctrine of the Faculties*, trans. Hugh Tomlinson & Barbara Habberjam, The Athlone Press, 1984.

Thus, our constitution is in such a way that we have just one faculty for reception, that of sensibility, and three active faculties: imagination, intellect and reason. From the first sense of the world 'faculty', which is the relationship of the representations in general, we distinguish as many faculties as relations there are:

In the first place, a representation can be related to the object from the standpoint of its agreement to or conformity with it: this case, the simplest, defines the faculty of knowledge. Secondly, the representation may enter a causal relationship with its object. This is the faculty of desire: the faculty which, by virtue of its representation, becomes the cause of the reality of the objects of these representations. [...] Finally, the representation is related to the subject, in so far it affects the subject by intensifying or weakening its vital force. This third relationship defines the faculty of feeling of pleasure and pain.<sup>2</sup>

What concerns is not if these faculties can be deduced from one another, but if they are capable of having a *higher form*. We can say that if a faculty finds in itself the law of its own application, it is perfectly autonomous. Knowledge, first of all, is a synthesis of representations. We make a certain assertion about the represented object, but said assertion is not contained within it, in the way of an *a priori*, or a *posteriori* statement. As long as the synthesis remains empirical, it finds its law in experience and not in itself, so only the *a priori* synthesis defines a higher form of knowledge: 'the object itself must therefore be subjected to the synthesis of representation: it must be governed by our faculty of knowledge and not vice versa'.<sup>3</sup> This determination of the higher form also stands for the determination of an interest of reason.

Kant says that reason has a natural speculative interest for objects as they appear, or phenomena, because while *a priori* synthesis is independent of experience, it applies only to the objects of experience. Here Deleuze, as many others, must take in consideration that, if it were only for the speculative interest of reason, Kant would have never made a distinction between phenomena and the noumenal Thing-in-itself. So: is the higher faculty of desire a key to this deadlock? Deleuze's emphasis is on the fact that, although this faculty also has *a priori* representations, they are linked to objects which determine pleasure or pain. In order to arrive to a higher form, we must consider only the representation of a *pure form*: 'in the moral law, it is reason by itself (without the intervention of a feeling of pleasure or pain) which determines the will. There is thus an interest of reason

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<sup>2</sup> *Ibid.*, p. 4.

<sup>3</sup> *Ibid.*, p. 5.

corresponding to the higher faculty of desire: a practical interest.<sup>4</sup> So, what we see is that interest of the same reason may differ in nature. But we have no answer yet of what kind of objects are to be subjects for this practical synthesis.

Let us consider the second sense of the word ‘faculty’, that is of a specific source of representations. Here representation means more like appearance, an active taking up of that which is presented, as ‘from this standpoint we no longer need to define knowledge as a synthesis of representation. It is representation itself which is defined as knowledge, that is to say as the synthesis of that which is presented.’<sup>5</sup> Intuition, Concept and Idea are the faculties constitutive for our knowledge as Kant outlines them in the section of ‘Transcendental Dialectic’ of the *Critique of Pure Reason*. Here intuition means a particular representation which relates immediately to an object of experience, having its source in sensibility. Concept is a representation which also relates to an object of experience, but only through other representations. Its source resides in understanding. Idea is something that goes beyond the possibility of experience and is found in reason.

The main concern is how does an interest of reason realize itself taken in consideration all this demarcations: ‘we can see that once a faculty in the first sense has been defined so that an interest of reason corresponds to it, we still have to look for a faculty in the second sense, capable of realizing this interest, or of supporting the legislative task. In other words, there is no guarantee that reason itself undertakes to realize its *own* interest.’<sup>6</sup> For example, regarding knowledge, reason abandons everything to understanding. Nonetheless, this is in no way an obstacle for Kant to prescribe, in his ‘Critiques’, an original role for each faculty, orchestrating a complete system of their permutation. Deleuze calls this the transcendental method: systematic variations depending on which interest of reason we consider.

So, the first Critique first. Because it is not in the limit of this paper to expose all of Deleuze’s inquiries, let us consider the copernican revolution as consisting in

That which is presented to us in such a way to form a Nature must necessarily obey principles of the same kind (or rather, the same principle) as those which govern the course of our representation. The same principles must account for our subjective moves, and for the fact that the given submits itself to our moves. That is to say, the subjectivity of principles is not an empirical or psychological subjectivity, but a transcendental subjectivity. [...] Transcendental qualifies the principle of necessary subjection of what is given in experience to our *a priori* representations, and correlatively the principle of a necessary application of *a priori* representations to experience.<sup>7</sup>

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<sup>4</sup> *Ibid.*, p. 6.

<sup>5</sup> *Ibid.*, p. 8.

<sup>6</sup> *Ibid.*, p. 9.

<sup>7</sup> *Ibid.*, p.13.

We can see that this submission stands for the idea of a harmony between subject and object and the presupposition that Nature conforms, through its ends, with the ends of our Reason. Phenomena are not mere appearances, but a product of our activity, and they can be subject to us because they are not things in themselves. In a way, they are known only when internalized.

This brings us to the difficult question of understanding. 'All Reason can achieve is a kind of Kantian critical delimitation of the proper sphere of Understanding; in other words, it can only make us aware of how, in our daily lives, we are victims of necessary ('transcendental') illusions'.<sup>8</sup> This statement can be read against Deleuzian claims that see in the *Critique of Pure Reason* only the description of the good nature of our faculties.<sup>9</sup> All that Deleuze describes is a necessity of submissions, but the Hegelian approach of Žižek sees in understanding, that is – its analyzing aspect, the force of tearing the unity of a thing apart.<sup>10</sup> Undoubtedly, understanding is a synthesis too, but this is not all. We might consider both apprehension and reproduction such synthesis, but the fact is that Deleuze simply confuses the legislative use of understanding with the description of the intellect as a faculty. So, the transcendental inquiry into the construction of our knowledge is on the one hand the discovery of the faculty which gives us the possibility to understand *a priori* concepts – which is that of the intellect, and on the other, the simple application of this faculty in experience – which is understanding. In doing so, understanding may sometimes take into account objects that are not for him to synthesis, and against this 'transcendental' use Kant warns us again and again. Nonetheless, as again Žižek points out:

It is Kant himself who actually defuses the antinomies. One should always bear in mind Kant's result: there are no antinomies as such, they emerge simply out of the subject's epistemological confusion between phenomena and noumena. After the critique of Reason has done its work, we end up with a clear and unambiguous, non-antagonistic, ontological picture, with phenomena on one side and noumena on the other. The whole threat of the "euthanasia of Reason", the spectacle of Reason as forever caught in a fatal deadlock, is ultimately revealed as a mere theatrical trick, a staged performance designed to confer credibility on Kant's transcendental solution. This is the feature that Kant shares with pre-critical metaphysics: both positions remain in the domain of Understanding and its fixed determinations, and Kant's critique of metaphysics spells out the final result of metaphysics: as long as we move in the domain of Understanding, Things-in-themselves are out of reach, our knowledge is ultimately in vain.<sup>11</sup>

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<sup>8</sup> Slavoj Žižek, *Less than Nothing. Hegel and the Shadow of Dialectical Materialism*, Verso, 2012, p. 269.

<sup>9</sup> Cf. Deleuze, op. cit., p. 21.

<sup>10</sup> Cf. Žižek, op. cit., p. 276.

<sup>11</sup> *Ibid.*, p. 268.

Interesting enough, the ontological region that stand in the limit of our intuition and the intellect might offer a partial answer to what stands topologically between the same intellect and Reason. We are talking about the *transcendental reflection*, called upon to clarify the applicability of each of the faculties to its domain. This reflection stands for the fact that our affectivity, sensible intuition, returns to us as an *experience* and not as an ‘intellectual intuition’.<sup>12</sup> So it prevents the confusion of *appearance as phenomena* with a *transcendental appearance* that would constitute a mere illusion. If this was not difficult enough, we let open the question if we can submit to the Žižekian thesis that our knowledge is in vain, considering that:

Not so much the analytic of the forms of our knowledge is Kant interested in, but more of how for this ‘pure’ forms (of thinking, for example) nonetheless some content corresponds – even if its objective (namely, in terms of knowledge, and not simply as a formal thinking). Transcendental deduction can pass as a simple hypothesis that privileges pure thinking in relation to knowledge indeed – it can appear just as a ‘hypothesis’ (and not a thesis) of a *quid jury* in relation to a preceding *quid facti* – things are not so, Kant warns. Even though our forms of knowledge are ‘given’ only through experience – that is, *a posteriori* –, they become in this context, by retrofitting, an *a priori* condition for ... experience itself. The ambiguity of our experience – a *a posteriori* cause for the *a priori* of its own ... possibility – is, perhaps, the most difficult hermeneutical point of criticism because it appears to reveal a ‘vicious circle’, when in fact, it is a simple consequence of a quasi-reflexive amphiboly, meant to keep it away from (dogmatic) traps of transcendental realism – for which there is a perfect reflexivity (i.e. non-lacking) between the *a priori* of the experience and its (counterpart) *a posteriori*, but also from the narcissistic presumption of a subjective idealism – for which the issue of objectivity – the central theme of *Critique of Pure Reason*, as Kant himself emphasized – is not even put.<sup>13</sup>

So how are we to distinguish between phenomena and the thing in itself? Are they two separated worlds affecting each other, or a variation of the same object? This is a question only experience can answer Kant’s conclusion is that, given the distinction of thinking and understanding, the legitimate use is only empirical and immanent. The principles of the intellect cannot be used for *pure* intelligibility because this would apply to the thing itself. Thinking progresses through *categories* which relate only to *objects in general*, but this is still insufficient for us to have

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<sup>12</sup> cf. Virgil Ciomoș, *Conștiință și schimbare în Critica Rațiunii Pure. O perspectivă arhitectonică asupra kantianismului*, Humanitas, 2006, p. 136.

<sup>13</sup> *Ibid.*, pp. 154–155. (own translation).

knowledge. The logical possibility of a concept is not the same as the transcendental possibility of a thing, so we need the intermediate role of the object in general = X. The restriction is placed within immanence itself and also the Self:

In fact, knowledge implies two things which go beyond synthesis itself: it implies consciousness, or more precisely the belonging of representations to a single consciousness within which they must be linked. Now, the synthesis of the imagination, taken in itself, is not at all self-conscious (CPR A78/B103). On the other hand, knowledge implies a necessary relation to an object. That which constitutes knowledge is not simply the act by which the manifold is synthesized, but the act by which the represented manifold is related to an object (recognition: this is a table, this is an apple, this is such and such an object). These two determinations of knowledge are profoundly connected. My representations are mine in so far as they are linked in the unity of a consciousness, in such a way that the 'I think' accompanies them. Now, representations are not united in a consciousness in this way unless the manifold that they synthesize is thereby related to the object in general. Doubtless we know only qualified objects (qualified as this or that by a diversity). But the manifold would never be referred to an object if we did not have at our disposal objectivity as a form in general ('object in general', 'object = x'). Where does this form come from? The object in general is the correlate of the 'I think' or of the unity of consciousness; it is the expression of the *cogito*, its formal objectivation. Therefore, the real (synthetic) formula of the *cogito* is: *I think myself and in thinking myself, I think the object in general to which I relate a represented diversity.*<sup>14</sup>

This three perspectives account for the difference between *a priori* and transcendental, and also for the reality of the transcendental subject. Transcendental qualifies the principle of necessary subjection of what is given in experience to our *a priori* representations, and the necessary application of *a priori* representations to experience. Unlike space and time, which are the object of an 'exposition', the categories as concepts of understanding are objects of a 'transcendental deduction', deduction called upon to solve the special problem of subjection of phenomenon. What Kant understands through categories is 'both representations of the unity of consciousness and, as such, predicates of the object in general.'<sup>15</sup> And, furthermore, 'the category provides unity for the synthesis of imagination without which it would not procure for us any knowledge in the strict sense. In short, we can say what depends on understanding it is not synthesis itself, it is the unity of synthesis and

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<sup>14</sup> Deleuze, op. cit., pp. 15–16.

<sup>15</sup> *Idem.*

the expression of that unity.<sup>16</sup> Such strong correlation stands for the fact that the Noumen simply exceeds even the transcendental subject, so what we encounter are two different instances of indetermination. First there is the transcendent indetermination of the noumenal, second, a transcendental indetermination of the subject correlated with the object in general. More precisely, the transcendental object is something that indicates the noumenal indetermination that is exterior to the subject: the indeterminate form of an object that describes another indetermination: the indeterminate intelligible cause of a simple object.

For Kant, we internalize an exterior indetermination of the noumenal and formalize it. Understanding is, in a way, tormented by the fact that thing in themselves are not known to us. So, Kant constantly talks about internal illusions and illegitimate uses that occur when understanding abstracts itself from its relation to the imagination and neglects its own limits. 'All Critique can do is to exorcise the effects of illusion on knowledge itself, but it cannot prevent its formation.'<sup>17</sup> We have, indeed, two ways in which illusion appear 'naturally'. In the

transcendental use, understanding claims to know something in general (therefore independently of the conditions of sensibility). Consequently, this something can be the thing as it is in itself; and it can only be thought of as suprasensible ('noumenon'). But, in fact, it is impossible for such a noumenon to be a positive object for our understanding. Our understanding does indeed have as a correlate the form of the object in general; but this is an object of knowledge only precisely in so far as it is qualified by a diversity with which it is endowed under the conditions of sensibility. Knowledge of the object in general which would not be restricted to the conditions of our sensibility is simply an 'objectless knowledge'. 'The merely transcendental employment of the categories is therefore really no employment at all, and has no determinate object, not even one that is determinable in its mere form' (CPR A247-8/B304). The transcendent use consists in the following: that reason on its own claims to know something determinate. (It determines an object as corresponding to the Idea.) Despite having an apparently opposite formulation to the transcendental employment of the understanding, the transcendent employment of reason leads to the same result: we can determine the object of an Idea only by supposing that it exists in itself in conformity with the categories (CPR Dialectic, 'The Final Purpose of the Natural Dialectic of Human Reason'). Moreover, it is this supposition that draws the understanding itself into its illegitimate transcendental employment, inspiring in it the illusion of a knowledge of the object.<sup>18</sup>

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<sup>16</sup> *Idem.*

<sup>17</sup> *Ibid.*, p. 25.

<sup>18</sup> *Ibid.*, p. 26.

We are not affected only by the empirical objects, but also by the real of the Noumena, which makes our experience not just epistemological, but also ontological. Kant's explicit justification of why we need to introduce noumena is inscribed in a traditional ontology with its distinction between appearance and true reality, appearance simply cannot stand on its own, there must be something behind them which sustains them. The unavoidable illusion that haunts our knowledge comes from the fact that, in the speculative interest of Reason, he abandons everything to understanding: 'speculative reason would never have been interested in things in themselves if there were not, primarily and genuinely, the object of a different interest of reason.'<sup>19</sup>

### Freedom and intellectual intuition

Let us be said from the start that, for there is a practical interest of Reason, it still stands for a sort of failure. The discord between our knowledge and our practical engagement is irreducible. In the second 'Critique', that is of the 'Practical Reason', Kant again limits our access to the noumenal domain because that

would deprive us of the very 'spontaneity' which forms the kernel of transcendental freedom: it would turn us into lifeless automata, or, to put it in today's terms, 'thinking machines'. The implication of this passage is much more radical and paradoxical than it may appear. If we ignore its inconsistency (how could fear and lifeless gesticulation coexist?), the conclusion it imposes is that, at the level of phenomena as well as at the noumenal level, humans are a 'mere mechanism' with no autonomy and freedom: as phenomena, we are not free, we are a part of nature, a 'mere mechanism', totally subjugated by causal links, a part of the nexus of causes and effects; and as noumena, we are again not free, but reduced to a 'mere mechanism'. Our freedom persists only in a space *between* the phenomenal and the noumenal. It is therefore not that Kant simply limited causality to the phenomenal domain in order to be able to assert that, at the noumenal level, we are free autonomous agents: we are only free insofar as our horizon is that of the phenomenal, insofar as the noumenal domain remains inaccessible to us.<sup>20</sup>

The higher form of the faculty of desire, as we mentioned before, must be an *a priori* practical synthesis of the free will with a form - the moral Law, in order to not be contaminated by the *a posteriori* injunction of pleasure and pain. It is a

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<sup>19</sup> *Ibid.*, p. 27.

<sup>20</sup> Žižek, *op. cit.*, p. 148.



synthesis because the moral Law, that is an Idea of speculative reason, does not contain in itself the concept of freedom. Practical reason, in giving the concept of freedom an objective reality, legislates in fact over the object of this *concept*:

The moral law is the law of our intelligible existence, that is to say, of the spontaneity and the causality of the subject as thing in itself. This is why Kant distinguishes two kinds of legislation and two corresponding domains: 'legislation by natural concepts' is that in which the understanding, determining these concepts, legislates in the faculty of knowledge or in the speculative interest of reason; its domain is that of phenomena as objects of all possible experience, in so far as they form a sensible nature. 'Legislation by the concept of freedom' is that in which reason, determining this concept, legislates in the faculty of desire, that is to say, in its own practical interest; its domain is that of things in themselves thought as noumena, in so far as they form a suprasensible nature.<sup>21</sup>

Law gives intelligibility to our existence in two ways: as a legislation by natural concepts – that were outlined above in regard of our understanding, and secondly, as a legislation by the concept of freedom, concerning the noumenal as they form a suprasensible nature from the standpoint of the practical interest. Even more, the domain for freedom is, for Kant, the perfect coincidence of the already free subject and the agent giving itself the law of its own freedom<sup>22</sup> – that is in form of a necessary free causality. Reason determines practically a suprasensible object of causality, and determines causality itself as a free causality, able to form a nature of our own, by analogy. 'A free cause never has effect in itself, since in it nothing happens or begins; free causality only has sensible effects.'<sup>23</sup> There are indeed two types of legislation, but only one terrain, that is of experience: 'the paradox of method in a *Critique of practical reason*: a representation of an object can never determine the free will or precede the moral law; but by immediately determining the will, the moral law also determines objects as being in conformity with this free will.'<sup>24</sup> As in the speculative interest, Reason has, again, a special link with the sensible. But now it's not a

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<sup>21</sup> Deleuze, op. cit., p. 31.

<sup>22</sup> Cf. Žižek, op. cit.: 'The central tenet of Kant's transcendental idealism is that it is the subject's "spontaneous" (i.e., radically free) act of transcendental apperception that changes the confused flow of sensations into "reality:" which obeys necessary laws. The point is even clearer in moral philosophy: when Kant claims that moral Law is the ratio cognoscendi of our transcendental freedom, does he not literally say that necessity is conceived freedom? In other words, the only way for us to get to know (conceive of) our freedom is via the fact of the unbearable pressure of the moral Law, of its necessity, which enjoins us to act against the compulsion of our pathological impulses.', p 149.

<sup>23</sup> Deleuze, op. cit., p. 40.

<sup>24</sup> *Idem*.

delegation to understanding in order to know them – but *realize* them. Do so, it is necessary to *want* the action of realization of a good, and this ‘wanting’ is supplemented by faith in the Good Sovereign. It is made in the perspective of an infinite progress, through the intermediary of an intelligible author of sensible nature, God as the moral cause of the world. Through this, Kant clearly subordinates the speculative interest to the practical one:

But are the postulates the only conditions for a realization of the suprasensible in the sensible? There must still be conditions immanent to sensible Nature itself, which must establish in it the capacity to express or symbolize something suprasensible. They are presented under three aspects: natural finality in the content of phenomena; the form of the finality of nature in beautiful objects; the sublime in the formless in nature, by means of which sensible nature itself testifies to the existence of a higher finality. Now, in these last two cases, we see the imagination take on a fundamental role: whether it is freely exercised without depending on a determinate concept of the understanding; or whether it exceeds its own boundaries and feels itself to be unlimited, relating itself to the Ideas of reason. Thus, the consciousness of morality, that is to say the moral common sense, not only includes beliefs (convictions), but the acts of an imagination through which sensible Nature appears as fit to receive the effect of the suprasensible. Imagination itself is thus really part of moral common sense.<sup>25</sup>

Indeed, we now understand that there is a being that has free causality. Through faith it expresses the synthesis of the speculative and practical, but this synthesis is necessary only if we want to give a determination in the sensitive world. For Kant the existence of the world could not acquire a worth from the simple fact of its being known. Its worth comes from its *end*:

Final end, indeed, means two things: it is applied to beings which ought to be considered as ends-in-themselves, and which, on the other hand, should give sensible nature a last end to realize. The final end is thus necessarily the concept of practical reason, or of the faculty of desire in its higher form: only the moral law determines the rational being as end in itself, since it constitutes a final end in the employment of freedom, but at the same time determines it as the last end of sensible nature, since it commands us to realize the suprasensible by uniting universal happiness with morality. [...] The speculative interest finds ends only in sensible nature because, more profoundly, the practical interest implies the rational being as end in itself, and also as the last end of this sensible nature itself.

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<sup>25</sup> *Ibid.*, p. 43.

In this sense it may be said that 'every interest is practical, and the very interest of speculative reason is only conditioned and is only complete in the practical usage'.<sup>26</sup>

Kant makes it clear that antinomies result from the misapplication of categories, and that they disappear the moment we clarify this confusion and respect the gap that separates noumena from phenomena. He nonetheless has to insist that this misapplication is not a contingent mistake, but a kind of necessary illusion inscribed into the very functioning of our Reason. Therefore, the key to understanding the passage from the speculative interest to the practical one is to see the subject of moral law as something that was always already free, it just didn't realize it. This passage is discussed in detail by Žižek when he writes:

This is how one should read the key statement that understanding 'limits' sensibility by applying the term noumena to things in themselves (things not regarded as appearances). But in so doing, at the same time sets limits to itself, recognizing that it cannot know these noumena through any of the categories. Our understanding first posits noumena as the external limit of 'sensibility' (that is, of the phenomenal world, objects of possible experience): it posits another domain of objects, inaccessible to us. But in doing so, it 'limits itself': it admits that, since noumena are transcendent, never to be an object of possible experience, it cannot legitimately treat them as positive objects. That is to say, in order to distinguish noumena and phenomena as two positive domains, our understanding would have to adopt the position of a meta-language, exempt from the limitation of phenomena, dwelling somewhere above the division. Since, however, the subject dwells within phenomena, how can it perceive their limitation (as Wittgenstein also noted, we cannot see the limits of our world from within our world)? The only solution is that the limitation of phenomena is not external but internal, in other words that the field of phenomena is in itself never 'all' complete, a consistent Whole; this self-limitation of phenomena assumes in Kant the form of the antinomies of pure reason. There is no need for any positive transcendent domain of noumenal entities which limit phenomena from outside phenomena by their inconsistencies, their self-limitations, are 'all there is'. The key conclusion to be drawn from this self-limitation of phenomena is that it is strictly correlative to subjectivity: there is a (transcendental) subject only as correlative to the inconsistency, self-limitation, or, more radically, 'ontological incompleteness' of phenomenal reality. The moment we conceive the inconsistency and self-limitation of phenomenal reality as secondary, as the effect of the subject's inability to experience the transcendent In-itself the way it 'really is' the

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<sup>26</sup> *Ibid.*, p. 45.

subject (as autonomous-spontaneous) becomes a mere epi-phenomenon, its freedom becomes a 'mere appearance' conditioned by the fact that noumena are inaccessible to it (to put it in a somewhat simplified way: I experience myself as free insofar as the causality which effectively determines me is inaccessible to me). In other words, the subject's freedom can be ontologically grounded only in the ontological incompleteness of reality itself.<sup>27</sup>

So, in this regard, we might as well reverse the topology of Reason and understanding. If we have to want to realize an act of moral good, that which is in conformity to the Law, understanding might come first, and Reason, with its unconditioned deviation towards antinomies, simply does what it *doesn't know* as if there were a different truth that has to be announced. The speculative interest bears upon phenomena insofar they form a sensible nature. The practical one, upon rational beings as things in themselves and together acknowledge for a suprasensible nature that is, in this regard, the proof of the incompleteness of reality as such.

The faculty of feeling, the last we have to take account, has no proper domain, neither phenomena, nor things in themselves because they do not express the conditions under which a special kind of objects must be subject, but solely the subjective conditions for the exercise of all of our faculties. This faculty, as Kant understands it in the *Critique of Judgment* presuppose a pure subjective harmony where imagination and understanding are spontaneously exercised. It describes the conditions under which each faculty enter resonance - so they are free and also in accord with each other. Judgment cannot be even considered a proper 'faculty' because 'when we consider nature's material aptitude for producing beautiful forms we cannot deduce from this the necessary subjection of this nature to one or another of the faculties, but merely its contingent accord with all our faculties together.'<sup>28</sup>

The operation that intervenes in judgment consist in subsuming the particular under the general. Either general is already given and need an apodictic employment or determining judgment, or the general poses a problem and calls the need to *create a reflective judgment*:

A first mistake would be to believe that only reflective judgment involves inventiveness. Even when the general is given, 'judgement' is necessary to do the subsuming. Transcendental logic is undoubtedly distinct from formal logic in containing rules indicating the condition under which a given concept applies (CPR Analytic: 'Transcendental Judgment in General'). But these rules cannot be reduced to the concept itself: in order to apply a concept of the understanding

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<sup>27</sup> Žižek, op. cit., pp. 282–283.

<sup>28</sup> Deleuze, op. cit., p. 54.

we need the schema, which is an inventive act of the imagination, capable of indicating the condition under which individual cases are subsumed under the concept. The schematism itself is also an 'art', and the schema, one of 'cases which come under the law'.<sup>29</sup>

As we can see, in reflective judgment there is always a decision implicit. The exceptional status of this type of judgment resides in the fact that it makes visible how Nature imposed into itself something like a determinate judgment, that is from general to the particular, in order for us to be able to do the counter movement, of ascending from the particular to general, aesthetically or teleologically. Judgment can only reflect where nature already specified. This is an implicit character of Nature when we consider it as something with a final unity, with an end. An end implies the existence of something *as an end*, for which only *man* can grasp. Deleuze says that 'The only being which could be called a "last end" is one which has the end of its existence in itself: the idea of a last end therefore implies that of the final end, which exceeds all our possibilities of observation in sensible nature and all the resources of our reflection.'<sup>30</sup> But reflective judgment is something that mirrors<sup>31</sup> a process that only an archetypal understanding is capable of: seeing the individual in the general, as in an intellectual intuition:

Every law requires necessity. But the unity of empirical laws, from the standpoint of their particularity, should be conceived of as a unity which only an understanding other than our own could necessarily confer on phenomena. An 'end' is in fact defined by the representation of the effect as motive or foundation of the cause; the final unity of phenomena refers to an understanding which is capable of serving as its principle or substratum, in which the representation of the whole would be cause of the whole itself as effect (archetypal intuitive understanding defined as the supreme intelligent and intentional cause). But it would be an error to think that such an understanding exists in reality, or that

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<sup>29</sup> *Ibid.*, p. 58.

<sup>30</sup> *Ibid.*, p. 71.

<sup>31</sup> Cf. Constantin Noica, *Două introduceri și o trecere spre idealism*, Humanits, 2018: 'While the discursive intellect explains the whole through the parts (mechanically), the intuitive one delivers the parts through the whole (organic). But if, Kant says, we want to represent ourselves the possibility of the parties through everything, according to the intuitive intellect, then, given the discursive nature of our intellect, we cannot take everything as the cause of the parties, but we take the representation of everything as the cause of the possibility of their form, that means as a goal. Thus, the reflective judgment, because it is the one that puts the goal in play, still holds the structure of our intellect, but in the light of clarifications, that is, it is the echo of the intuitive intellect in our spirit. [...] Reason can have other "ideas"; but judgment will have to have the same game.' p. 118. (own translation).

phenomena are actually produced in this way: the archetypal understanding expresses a proper characteristic of our own understanding, namely our incapacity to determine the particular ourselves, our incapacity to conceive the final unity of phenomena according to any principle other than that of the intentional causality of a supreme cause (CJ parag. 77). It is in this sense that Kant subjects the dogmatic notion of infinite understanding to a profound transformation: the archetypal understanding now only expresses to infinity the proper limit of our understanding, the point at which it ceases to be legislative in our speculative interest itself and relative to phenomena.<sup>32</sup>

Deleuze's conclusion regarding this impossibility for man to possess an intuitive intellect is correct as he considers a general statement elaborate by Kant, namely that our finitude is constitutive for our understanding and freedom. He's last chapter deploy an understanding of nature as an insufficiency: 'it is not nature which realizes freedom, but the concept of freedom which is realized or accomplished in nature.'<sup>33</sup> The name of this realization is 'History':

Thus, whatever appears to be contingent in the accord of sensible nature with man's faculties is a supreme transcendental appearance, which hides a ruse of the suprasensible. But, when we speak of the effect of the suprasensible in the sensible, or of the realization of the concept of freedom, we must never think that sensible nature as phenomenon is subject to the law of freedom or of reason. Such a conception of history would imply that events are determined by reason, and by reason as it exists individually in man as noumenon; events would then manifest an 'individual rational purpose' of men themselves (IUH Introduction). But history, such as it appears in sensible nature, shows us the complete opposite: pure relations of forces, conflicts of tendencies, which weave a web of madness like childish vanity. Sensible nature always remains subject to laws which are its own. But if it is incapable of realizing its last end, it must none the less make possible the realization of this end, in conformity with its own laws. It is by the mechanism of forces and the conflict of tendencies (c.f. 'unsociable sociability') that sensible nature, in man himself, presides over the establishment of a Society, the only milieu in which the last end can be historically realized.<sup>34</sup>

The only way to counteract this collective judgment of 'human species' is to start over the Kantian project by eliminating one of its strongest cores: that of correlation as we indicated in this paper. This was put forward by a new understanding of

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<sup>32</sup> *Ibid.*, p. 63.

<sup>33</sup> *Ibid.*, p. 74.

<sup>34</sup> *Ibid.*, p. 75.

speculative realism, but we will not go further to discuss this. If we remain in the frame of Kantian criticism, the only thing that has to be better circumscribed more than ever the status of 'intuition', even more than that of the faculties. This is something that Deleuze does not take into account, at least in this short intervention that we analyzed.

## Conclusion

There is an 'objectivity' already presupposed by Kant, even before he sets out the doctrine of the faculties. It's a pure intuitive 'objectivity' that resides in the universal, necessary and a priori affection on us of space and time. This is something Deleuze does not elaborate here. The question regarding of how do we come to know what we know, of our constitution of the objective reality, is simply just human. For this stands the fact that something that is already fully consistent doesn't ask what is capable of. Our reading of Kant through the lenses of Deleuze's inquires can unfold these conclusions: there is no longer possible to talk about human nature, only about humans as a species that 'deliver' the true finality of nature through history. It is a finality that is in no way an *intention*, but a mere coincidence of two inconsistencies: that of the subject and that of reality itself. Secondly, if our knowing would be constituted by the direct intuition of an object, it's not that the experience would fall, nor that the illusion would be indistinguishable from the thing in itself, but that we would never be able to know something *a priori*.

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## WARRANT AND CONDITIONS FOR WARRANT IN ALVIN PLANTINGA'S PHILOSOPHY

GABRIEL MUSTAȚĂ\*

**ABSTRACT.** *Warrant and Conditions for Warrant in Alvin Plantinga's Philosophy.* Warrant is the central concept of Alvin Plantinga's epistemology. As Plantinga suggests it, warrant is that quantity or quality which together with belief and truth constitutes knowledge. This paper, intends to present broadly the concept of warrant and to analyze the conditions for warrant in order to see if the conditions proposed by Plantinga are necessary and sufficient for a belief to be considered knowledge.

**Keywords:** *warrant, belief, knowledge, justification, Alvin Plantinga*

### Introduction

Knowledge, as we know for centuries is justified true belief. Plato in *Theaetetus* raises the question: „What is that which must be added to mere belief to obtain knowledge?” He suggests that a belief is known by us only when it is both true and justified, so knowledge is justified true belief. But what is “justification”? According to Plantinga, “theologians of the Protestant Reformation had a clear conception of justification; justification, they held, is by faith.”<sup>1</sup>

This article deals with, the topic of Warrant, Alvin Plantinga's concept about justification. Its concern is to present how a belief is justified (warranted) and what are the conditions under which a belief is warranted. To do that, in the first place, it is curical to present some contemporary perspective about justification such as: internalism, coherentism, and reliabilism from Plantinga's point of view. As Plantinga suggests none of the conceptions mentioned above are correct so, this paper seeks to suggest an alternative. Secondly, is necessary to consider different definitions of warrant as they are presented in Plantinga's trilogy. Finally, the paper will examine the conditions for warrant.

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<sup>1</sup> Alvin Plantinga, “Positive Epistemic Status and Proper Function”, *Philosophical Perspective*, 2 (1988): p. 1.



In the first section, we shall introduce some of the contemporary perspectives on justification, without analyzing them individually, in a short survey of the arguments Plantinga holds in order to reject them. The second and final section, will introduce and analyze the definitions and conditions for warrant to see if they are sufficient for warrant as Plantinga suggests.

### **Contemporary perspective in epistemology**

According to Plantinga, the field of knowledge is flourishing as never before. One of the most interesting thing in the twentieth century regarding the theory of knowledge is the rejection of deontology and the reappearance of different forms of externalism. Externalism goes long way back to Thomas Reid and Thomas Aquinas, even back to Aristotle. With few exceptions like Augustine and the Platonic Academy, internalists are very rare prior to Descartes. In the words of Plantinga internalism is “recent interloper”.<sup>2</sup>

This chapter, will provide with a description of the major contemporary perspectives in the theory of knowledge, internalism, coherentism, and reliabilism. This inquiry shall concern only with the main points for each theory and the arguments for which Plantinga rejects them.

#### ***Internalism***

The basic idea of internalism is that justification is determined by factors that are internal to a person. Plantinga suggests that the term internalism is confusing because it is used differently from person to person. “It expresses different ideas loosely related by analogies and family resemblance.” An important aspect to observe is the fact that the notion of internalism is fundamentally epistemic; the subject is or must be aware of the states or conditions under which the knowledge is taking place. According to Plantinga, not just any access will do, it is required a kind of special access.<sup>3</sup>

In order to understand internalism Plantinga proposes to start with classical deontologism of Descartes and Locke and afterward, to continue with Roderich Chisholm’s internalism.

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<sup>2</sup> Alvin Plantinga, *Warrant: The Current Debate*, New York: Oxford University Press, 1993. p. v.

<sup>3</sup> *Idem*, p. 5.

### ***Classical deontologism***

Anthony Brueckner suggests that on a deontological conception of epistemic justification, S is justified in believing P if and only if S's belief that P is in conformity to S's epistemic duty.<sup>4</sup>

The notion of duty and obligation is central to the writings of Descartes and Locke. Plantinga cites from the forth *Meditation* of Descartes where he gives an account on the origin of errors. According to Descartes, the error is due to the misuse of my free will; when we choose to give judgment without perceiving it with sufficient clearness and distinctness we are worthy of blame. Our duty is to abstain from denying or affirming a proposition until we perceive it with sufficient clarity and distinctness, only this way we are blameless.

According to Locke, "faith is an asset of the mind: which if it be regulated, as is our duty..."<sup>5</sup> Again we have a clear affirmation that we have a doxastic duty not to affirm a proposition without good reason. In classical deontologism to act according to these duties or obligations, says Plantinga, means to be within one's rights, it is to be subject to no blame and disapprobation, it is to be deontologically approvable, it means to be justified.<sup>6</sup>

Plantinga argues that the internalist perspective is based on three "internalist motif". The first one is if the epistemic justification is deontological justification, and if Descartes and Locke are speaking about subjective duty or obligation, (subjective meaning guilt and innocence, blame and blamelessness) then it follows that epistemic justification is up to me and within my power. All that I have to do is my subjective duty. The problem Plantinga sees here is who can guarantee that I'm doing my duty correctly, maybe my "system of beliefs may be widely skewed and laughably far from the truth. I may be a brain in a vat or a victim of a malicious Cartesian demon."<sup>7</sup>

The second internalist motif stated by Plantinga regards the objective duty. To regulate my belief in order to fulfill my objective duty means that belief has to be supported by the believer's total evidence. But what happens if I affirm a belief without having the appropriate or no evidence at all. Then according to internalists, you are worthy of blame. This means according to Plantinga that objective duty coincides with subjective duty.

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<sup>4</sup> Anthony Brueckner, "Deontologism and Internalism in Epistemology", *Noûs*, 30, no. 4 (December 1996): p. 527.

<sup>5</sup> John Locke, *An Essay Concerning Human Understanding*, London: New York: Penguin Books, 1997, p. 421.

<sup>6</sup> Plantinga, *Warrant: The Current Debate*, pp. 12–14.

<sup>7</sup> *Ibidem*, p. 19.

The second internalist motif has three corollaries. First, if it is our duty to regulate our belief then you have to be aware of this duty. Plantinga suggests on Descartes and Locke's perspective, a person whose cognitive faculties are function properly will not make a mistake. On this perspective, a person will always know how to regulate his beliefs, "a properly functioning human being can simply see what objective duty requires".<sup>8</sup>

The second corollary: according to Descartes and Locke I can determine whether a given belief is justified for me by determining something else. This "something else", this property according to Plantinga is the medieval term *ratio cognoscedi*. We do not directly determine whether a proposition is justified for me, we do it by determining whether or not it is clear or distinct for me. The basic idea according to Descartes and Locke is that a properly functioning human being will be able to tell whether a given belief has this necessary property for justification. In other words, we have a means by which we can tell if a proposition is justified for me. But, according to Plantinga, the grounds of justification, the property which confers justifications for a belief is the same as the *ratio essendi*, property of being supported by the believer's total evidence (Locke), and being certain (Descartes) for the believer. So the *ratio cognoscendi* (the grounds of justification) is the same as the *ratio essendi* (the property of being supported by evidence or being certain).

The third corollary states that if we have guaranteed access to *ratio cognoscendi*, and if *ratio cognoscendi* coincide with *ratio essendi*, it means we have access to the latter as well. This means that a properly functioning human being can simply see if a proposition has the property that confers justification or not. In this case it seems clear that we have the requisite special access.<sup>9</sup>

The final internalist motif states that if we have this special access, a guarantee on which my beliefs are justified and if I non-culpably mistakenly believe then, that belief has the justification-making property. But Plantinga clearly affirms that we don't have this type of access, at least not in all cases, then the "justification-making property will have to attach to this states" and these states are the plausible ones to hold and I cannot make a nonculpable mistake. Hence, as Plantinga mentions, all these states are internal to me and it would be better to name this type of internalism "personal internalism".<sup>10</sup>

In other words, we don't have this special access in all cases, as Plantinga mentions we don't have access to the pH level of our blood, or to the size of my liver, etc., but we can have access to information like: you live in New York and

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<sup>8</sup> *Ibidem*, pp. 20–21.

<sup>9</sup> *Ibidem*, pp. 21–22.

<sup>10</sup> *Ibidem*, pp. 22–23.

others of the same kinde. A second remark here, if this interpretation is accurate, the justification-making property would have to be bound together with such states, which in the end are still internal to the subject, and the subject is the one who determines if a belief is in the correct status and has the justification-making property.

### *Chisholmian internalism*

Roderick Chisholm version of internalism is fairly similar to the classical internalism or deontological internalism. According to Plantinga, the difference between classical and Chisholmian internalism rests on the fact that Descartes and Locke limit knowledge to what is certain, while Chisholm does not. Another notable aspect is the fact that in his view warrant is actually, justification. For him warrant or positive epistemic status, as he calls it, is to be understood in terms of fulfillment of epistemic duty. And this idea according to Plantinga is a continuity of the thoughts of classical internalism.<sup>11</sup>

The most important detail to notice regarding Chisholmian internalism is that he added an "undefined technical locution: *p is more reasonable than q for S at t*". This means when someone believes or withholds something, according to Chisholm, there is indeed something one believes or withholds. Plantinga's example is: if I say that Venus is approximately the same size as the Earth, then it means I have a belief on which I made this affirmation.

Furthermore, a proposition "A is beyond reasonable doubt for a person... if it is more reasonable for her to accept that proposition than to withhold it."<sup>12</sup> This means that A must have some presupposition on which it is more reasonable to accept it than to withhold it. Plantinga is not satisfied with the locution "is more reasonable" he thinks that Chisholm should bring some light on this expression, whoever this reasonably as Chisholm sees it is a normative concept, therefore, it is deontological.<sup>13</sup>

Plantinga's rejection of Chisholm's perspective is based on two of the six principles that Chisholm presents in *The Foundation of Knowing*. The first principle states that:

"If the property of being F is self-presenting, then for every x, if x has the property of being F and if x considers his having that property, then it is certain for x then is for F."<sup>14</sup>

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<sup>11</sup> *Ibidem*, p. 30.

<sup>12</sup> *Ibidem*, p. 31.

<sup>13</sup> *Ibidem*, p. 32.

<sup>14</sup> Roderick M. Chisholm, *The Foundations of Knowing*, Minneapolis: University of Minnesota Press, 1982, p. 12.

According to Plantinga, to say *p* is certain for *S* mean that *p* is beyond the reasonable doubt, this means to have the maximal degree of warrant. In this case, there's no need for a *q* proposition to fulfill the epistemic requirements. If a belief really is self-presenting, in Chisholm's sense, then to hold that belief in a specific occasion is not up to me. In other words, the „self-presentation” is not depending on me, is not depending on my duty, on my responsibility to achieve epistemic excellence. The second problem regarding the first Chisholmian principle is how do I know that I can best satisfy this obligation? I have no certainty that I achieved the epistemic excellence.<sup>15</sup>

Another principle that Plantinga considers when rejecting Chisholm's perspective is the fifth principle form *The Foundation of Knowing*.

“For every *x*, if (i) *x* perceptually takes there to be something that is *F*, and if (ii) his perceiving an *F* is epistemically in the clear for *x*, then it is beyond reasonable doubt for *x* that he perceives something that is *F*. If, moreover, his perceiving something that is *F* is a member of a set of properties, which mutually support each other and each of which is beyond reasonable doubt for *x*, then it is evident for *x* that he perceives something that is *F*.”<sup>16</sup>

Plantinga divides this principle into two parts P5a and P5b. He rejects the first part (a) on the same basis as in the first principle.

“A person could satisfy the antecedent of P5a with respect to some proposition and nonetheless utterly fail to fulfill his epistemic obligation in believing that proposition, so that proposition would not be beyond reasonable doubt for him.”

What Plantinga suggests is that in normal conditions a person could train himself to form the belief that is not in accordance with the reality. I could see a red color and I train my self, and form the belief that the color is not red, is orange. In this way, the first part of Chisholm's principle is fulfilled, but according to Plantinga, such a person can not fulfill better his duty to the truth than to withhold from accepting that proposition.

Plantinga adds another example to sustain his argument. Let's say that a person who tries to fulfill his epistemic duty and that is the passion of his life, is born with some brain lesion, or is a victim of a Cartesian demon and all around him are manipulated by demons or Alpha Centaurian cognitive scientists. In this case, the person is doing his epistemic duty in excelsis, but the belief-forming this way have no positive epistemic status. He is deontologically justified but to his beliefs lacks warrant.<sup>17</sup>

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<sup>15</sup> Plantinga, *Warrant: The Current Debate*, pp. 39-40.

<sup>16</sup> Chisholm, *The Foundations of Knowing*, p. 21.

<sup>17</sup> Plantinga, *Warrant: The Current Debate*, p. 42.

### **Coherentism**

The central idea in coherentism, more specific in the coherence theory of justification is that a belief or a set of beliefs is justified only if that belief coheres with a set of beliefs and that set forms a coherent system. According to Plantinga the best way to understand coherentism is contrasting it with the foundationalism. The most common objection for which coherentism is rejected is circular reasoning.

“The fundamentalist finds fault with a system of beliefs in which a belief  $A_0$  is accepted on the evidential basis of a belief  $A_1$ , which is accepted on the basis of  $A_2$ , which is accepted on the basis of  $A_3, \dots$ , which is based on  $A_n$ , which is based on  $A_0$ .”<sup>18</sup>

For Plantinga, the circular reasoning cannot produce warrant. Warrant does not arise by way of warrant transfer. The basic relation between beliefs isn't the source of warrant, instead coherence is the only source of warrant. As Plantinga suggests, coherentism is pointing to a condition under which a belief is proper basic and under this condition, the belief has warrant without being accepted on the evidential basis of other beliefs. This means, as coherentist claim that each belief in a proper noetical structure are equal, and if one fails then all the other beliefs in the structure also fail.

According to Plantinga, coherentism is neither sufficient nor necessary for warrant. For the sufficiency, he appeals to a set of examples that involves some type of cognitive pathology or dysfunctions. In his example, Plantinga suggests that a person could have a coherent system of beliefs, but to his beliefs lack warrant. Coherence is neither necessary for warrant, for that he offers another set of examples that implies, that I could have a coherent system of beliefs but nobody could guarantee that this system is complete. Therefore, at any time, in my coherent system of belief could appear another belief (in Plantinga case a belief from memory) and in in this case my whole system of belief will be “called for its revisioning”. Plantinga believes that coherentism may be a source of warrant but is not the best one, we have better options, better source of warrant than coherentism.<sup>19</sup>

### *Laurence Bonjour's coherentism*

Another type of coherentism that Plantinga analyzes in his book *Warrant: The Current debate* is Laurence Bonjour's coherentism. As Plantinga mentions, Bonjourian coherentism has many fascinating topics, with many points of interest and for that, we shall resume to describe what Plantinga says about this perspective.

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<sup>18</sup> *Ibidem*, p. 68.

<sup>19</sup> *Ibidem*, pp. 77–83.

For BonJour justification is a matter of epistemic responsibility. As BonJour suggests we have the goal of achieving truth. For BonJour, “one’s cognitive endeavors are epistemically justified only if and to the extent that they are aimed at this goal...”<sup>20</sup> Plantinga’s question is “Do we all have this goal?” Maybe others have no goal at all, or maybe they have other goals as comfort, salvation or fame, etc. And let’s suppose we have the same goal, of achieving truth, what about responsibility. According to BonJour and classical deontologists, we act responsibly only when we believe on the basis of reason. But let’s suppose I cannot be responsible, that “I might be feckless, or I might be heedless or reckless” but would I be irresponsible? Or perhaps I think that the normal way to be responsible lies in accepting the truth not on the basis of reason, but on pure instinct. As Plantinga mentions, I could be perfectly responsible even if I accept a belief on the basis of reason, as well as one that I accept on faith or simply trusting my nature. Hence Plantinga observes BonJour is not preoccupied with such absurd and self-defeating problems, he starts “with the initial trust in reason,”. BonJour’s response to this objection is that, in some cases in which we have *a priori* and self-evident beliefs, responsibility doesn’t require to have a reason for the belief. Then, this is an incoherence, or, in Plantinga’s words, an arbitrary partiality, because initially BonJour writes as we need a reason for everything we believe, and now he writes that we don’t need a reason to believe a deliverance of reason.<sup>21</sup>

According to Plantinga coherence is not sufficient for warrant. A belief could be coherent in a system of beliefs and still have little warrant. Again Plantinga offers a series of examples with cognitive malfunctions in which the subject could build the whole system of beliefs on a single false belief, for him all the belief could be coherent, but they do not have warrant. They could be true by accident, but they do not constitute knowledge.

Coherence is neither necessary for warrant. As Plantinga affirms we don’t need to include a belief in a coherent system of beliefs in order to see if that belief has warrant. There are beliefs which could have warrant without the help of other beliefs. For example, I know what my name is, I do not need other beliefs for that. In the end, BonJourian coherence is neither necessary nor sufficient for warrant.<sup>22</sup>

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<sup>20</sup> Laurence Bonjour, *The Structure of Empirical Knowledge*, Cambridge, Mass: Harvard University Press, 1985, p. 8.

<sup>21</sup> Plantinga, *Warrant: The Current Debate*, Plantinga, pp. 97–100.

<sup>22</sup> *Ibidem*, pp. 110–13.

### **Reliabilism**

Reliabilism seems to be a new trend in contemporary epistemology. According to Plantinga, many epistemologists have shown their interest in various forms of externalism such as reliabilism and quasi-reliabilism. The term reliability is a new one, it can be tracked back to F. P. Ramsey (1926) in his essay *Truth and Probability*.<sup>23</sup> In his essay, Ramsey claims that knowledge is true belief that is certain and is obtained by a reliable process.<sup>24</sup> This section, will briefly discuss different types of reliabilism.

#### *William Alston*

Alstonian reliabilism, according to Plantinga seems to be a “bridge” between internalism and externalism. In Alston’s conception, a person is justified in holding a belief only if that person believes on the basis of reliable indicators. It is important to emphasize that Alston talk about justification, which implies duty, responsibility, etc., and not warrant. Alston claims that deontology is not sufficient for justification, so we need an evaluative concept. At this point, Plantinga asks: “What guides the search here? How do we determine which of all the many epistemic nondeontological values is the right one?” Otherwise, if a belief is justified in the base of reliable indicators, how do we determine the reliable indicators? Is it on the baseis of important topics, such as survival, good life, spiritual excellence, etc? How do we know that our belief-producing mechanism is a reliable one?

The idea of bridge that connects internalism with externalism is due to the fact that Alston does not reject deontologism, he adds to it the evaluative concept mentioned above. According to Plantinga, this seems to be a compromise Alstom makes in order to keep the deontological tradition, in which: “(a) justification is conceived deontological, (b) justification heavily involves evidence or grounds, and (c) justification is necessary and nearly sufficient for warrant.”

In the deontological tradition, justification is necessary and nearly sufficient for warrant, but alstonian justification is not necessary for knowledge and neither for warrant.<sup>25</sup> Alston thinks that beliefs that “just pop into” my mind would not count as justified because we do not have the required access, and deontology needs some sort of access. In this case, Alston is aware that his type of justification is not necessary for warrant, but he thinks that is sufficient for knowledge because they are produced by my reliable belief production mechanism.<sup>26</sup>

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<sup>23</sup> *Ibidem*, p. 183.

<sup>24</sup> F. P. Ramsey, “Truth and Probability,” in *The Foundations of Mathematics and Other Logial Essays*, ed. R. B. Braithwaite, Truber & Co., London, 1931, p. 197.

<sup>25</sup> Plantinga, *Warrant: The Current Debate*, p. 189.

<sup>26</sup> William P. Alston, “An Internalist Externalism,” *Synthese*, 74, no. 3 (1988): p. 281.



According to Plantinga this type of justification is neither sufficient for knowledge nor sufficient up to Gettier problems. To support this argument that Plantinga enumerates a series of examples in which he describes several types of cognitive dysfunctions. On the basis of these examples, Plantinga concludes that we could base our beliefs on the reliable indicators, but in some cases, those indicators could not function properly due to some diseases or dysfunction, or our beliefs formed in this way could be just accidentally true, thus will not have warrant.<sup>27</sup>

### *Fred Dretske*

For Fred Dretske warrant is first seen in terms of origin and provenance; a belief has warrant for me if it is produced and sustained by a reliable belief-producing mechanism, and second sees warrant as a matter of *probability*: a person is said to know a (true) proposition A if he believes it, and if the right probability relations hold between A and its significant others. Here Plantinga adds two comments: first, Dretske is writing about perceptual knowledge and this is not applying to a priori knowledge, and second, this account of warrant is “restricted” to what Dretske calls “de re content”.<sup>28</sup> Where “de re content” meaning the content of a belief or as the informational content of a signal.<sup>29</sup> Meaning that a piece of information could validate a belief to be true, or to cause or causally sustain a belief. Dretske does not provide the type of information that can sustain a belief, or as Plantinga correctly observes Dretske does not mention anything about the amount of information.

As Plantinga suggests, if we restrict knowledge as the sort of knowledge Dretske proposes, indeed “if a know that *s* is *F* there must be a signal *r*’s being *G* related to *s*’s being *F*”, still this is not sufficient for knowledge, although we have this relation this does not mean we have knowledge, because according to Plantinga we could obtain this relation just by cognitive accident. Again, Plantinga offers a series of examples of cognitive dysfunctions in which a subject could think he meets all conditions proposed by Dretske and still not have knowledge.<sup>30</sup>

### *Alvin Goldman*

As Plantinga writes goldmanian reliabilist comes in two versions. In the first version the older one, reliabilism is “the justification status of a belief”, “is a function of the reliability of the process or processes that cause it, where reliability

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<sup>27</sup> Plantinga, *Warrant: The Current Debate*, p. 192.

<sup>28</sup> *Ibidem*, p. 193.

<sup>29</sup> Fred I. Dretske, *Knowledge & the Flow of Information*, 1st MIT Press ed. Cambridge, Mass: MIT Press, 1981, p. 246.

<sup>30</sup> Plantinga, *Warrant: The Current Debate*, p. 196.

consists in the tendency of a process to produce beliefs that are true rather than false".<sup>31</sup>

The second version is more complex so it is worth to mention a short and simple version. For Goldman a belief is justified for a person "if it is permitted by a right rule of justification; a justification rule is right if it is an element of a right system of justification rules; and a system of rules is right if it is appropriately reliable – that is, has a high enough truth ration."<sup>32</sup>

How should these rules be understood? According to Goldman, these rules permit or authorize certain process, moreover, these rules do not apply to all the cognitive process or cognitive types.<sup>33</sup> Thus a belief, in order to be justified, must be approved by a set of justification rules and these rules must be part of a specific cognitive type. For example, the rules that apply for memory do not apply for perception because according to Goldman, only this cognitive process or type can be properly reliable or unreliable.

As suggested by Plantinga, is not enough to say that an output of a process is determined by the truth ratio of a set of rules that authorize that process, the output process must meet another condition, the cognizer must have cognitive equipment that is working propely.<sup>34</sup>

## Warrant

In his books, Plantinga offers four definitions to warrant. In *Warrant: The Current Debate* the first chapter defines warrant "whatever precisely it is, which together with truth makes the difference between knowledge and mere true belief."<sup>35</sup> At this point, for Plantinga warrant is the same thing as justification.

In *Warrant and Proper Function*, in the preface, we find another definition, warrant is "...elusive quality or quantity enough of which together with truth and belief, is sufficient for knowledge".<sup>36</sup> As Mark J. Boone observers the second definition is subtly different from the first one, this must not be a problem, the former must be seen as a general definition of warrant and the later more as a specific one.<sup>37</sup>

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<sup>31</sup> *Ibidem*, p. 197.

<sup>32</sup> *Ibidem*, p. 200.

<sup>33</sup> Alvin I. Goldman, *Epistemology and Cognition*, Reprint edition, Cambridge, Mass.: Harvard University Press, 1988, p. 85.

<sup>34</sup> Plantinga, *Warrant: The Current Debate*, p. 208.

<sup>35</sup> *Ibidem*, p. 3.

<sup>36</sup> Alvin Plantinga, *Warrant and Proper Function*, New York: Oxford University Press, 1993, p. v.

<sup>37</sup> Mark J. Boone and Evangelical Philosophical Society, "Proper Function and the Conditions for Warrant: What Plantinga's Notion of Warrant Shows about Different Kinds of Knowledge," *Philosophia Christi* 14, no. 2 (2012): p. 3.

James Taylor has two objections to this definition. The first would be “if the concept of proper function is analyzable in terms of an actually designing agent, (whether a conscious designer or impersonal process, such as evolution) then my account is subject to counterexample” and the second objection: If the concept of proper function is not analyzable in terms of an actually designing agent, then either my account reduces to a version of reliabilism or at any rate it is not a superior alternative to reliabilism.

To the first objection, Plantinga suggests that we don’t need an answer because there are thousand different ways in which we can analyze the concept of proper function in terms of the desingning agent. And for that, he enumerates a series of questions:

“Does the actually designing agent have to know what he is doing? Could he design something by accident? Couldn’t something be designed by a committee, or by a series of designers... and would that count?”.

To the second objection, Plantinga suggests that we could avoid the notion of proper function and adopt a form of reliabilism, but we have to say something about the cognitive environment, and second, even if the set of cognitive powers is reliable there is no guaranty that the belief produced are warranted.<sup>38</sup>

In “Warrant: A First Approximation” which is the first chapter of *Warrant and Proper Function*, Plantinga adds some details to his concept of warrant:

“a belief B has warrant for S if and only if the relevant segments (the segments involved in the production of B) are functioning properly in a cognitive environment sufficiently similar to that for which S’s faculties are designed; and the modules of the design plan governing the production of B are (1) aimed at truth, and (2) such that there is a high objective probability that a belief formed in accordance with the modules (in that sort of cognitive environment) is true; and the more firmly S believes B the more warrant B has for S.”<sup>39</sup>

What is striking at this definition is the expression „if and only if” which according to Bonne these conditions are sufficient and necessary for warrant.

In the second chapter entitled “Warrant: Objection and Refinements” we find the last definition or description of warrant:

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<sup>38</sup> Alvin Plantinga, “Warrant and Designing Agents: A Reply to James Taylor,” *Philosophical Studies*, no. 64 (1991): pp. 203–14.

<sup>39</sup> Plantinga, *Warrant and Proper Function*, p. 19.

“a belief has warrant for me only if (1) it has been produced in me by my cognitive faculties that are working properly (functioning as they ought to, subject to no cognitive dysfunction) in a cognitive environment that is appropriate for my kinds of cognitive faculties, (2) the segment of the design plan governing the production of that belief is aimed at the production of true belief, and (3) there is a high statistical probability that a belief produced under those conditions will be true.”<sup>40</sup>

This definition does not contain the same expression as the above definition, it contains just “only if”, which according to Boone suggests that the conditions mentioned by Plantinga are only necessary but not sufficient in all cases of knowledge. He suggests that in some cases these conditions are only necessary but not sufficient to have knowledge, and in some cases, justification may be needed for warrant.<sup>41</sup>

### Conditions for warrant

As mentioned in the definition there are three conditions Plantinga holds for a belief to have warrant.

The first: A belief has warrant for me if and only if, it is produced by my cognitive faculties functioning properly. According to Plantinga, this condition is necessary but alone is not nearly sufficient for warrant.<sup>42</sup> Before moving to the other conditions proposed by Plantinga, it is necessary to understand what proper function means. First of all, my cognitive belief-forming mechanism must be *free* of all cognitive malfunctions or dysfunction. Secondly, working properly means not just producing true belief but also *sustaining* that belief. Plantinga adds here that is not true that all my cognitive faculties have to work properly, for example, my memory can trick me, this does not mean the rest of my cognitive faculties are not functioning properly. Thirdly, we have to take into account the *environment*. Our cognitive faculties might work properly but, due to the environment in which we find ourselves at a given time, we could form beliefs that have little or no warrant at all. For example, a car is designed to run well on the road and it is running well but, if we change the environment, let's say to the bottom of the ocean, then it will not run as it was designed. Finally, proper function comes in *degree*. For example, my visual beliefs may constitute knowledge even if my vision is not perfect.

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<sup>40</sup> *Ibidem*, p. 46.

<sup>41</sup> Boone and Evangelical Philosophical Society, “Proper Function and the Conditions for Warrant,” p. 6.

<sup>42</sup> Plantinga, *Warrant and Proper Function*, p. 4.

As Richard Swinburne accurately observes, the definitions of proper functionality is not complete unless Plantinga makes a connection between the concept of proper functioning of faculty or organ and its functioning in the way God or evolution determines it. Plantinga does not mention who determines how my cognitive faculties should form beliefs. Maybe my beliefs forming mechanism, as Swinburne suggests, is functioning in the way normal to species and my belief are directed to survival or health or other similar things.<sup>43</sup> More specifically as William Alston formulate this objection is it the function of our cognitive to attain truth?<sup>44</sup> To answer this objection we have to move to the next condition.

The second condition is that my cognitive faculties or segments must function according to a design plan. Plantinga has in mind the same example with a car that is running according to a design plan that the manufacturer had in mind. In the same way, a human being is functioning properly if he functions in a specific or “*particular way*”, as God or evolution designed the plan. Plantinga uses the term “design” in the way Daniel Dennett uses it, even if Plantinga has other convictions. Another thing that Plantinga mentions on this topic is that the design plan must be aimed at producing true belief.<sup>45</sup> With this characteristic added in place he answers the objection mentioned earlier. The proper function if it is “running” according to the correct design plan then it will be aimed at producing true beliefs and not at survival, health, etc.

The third condition Plantinga offers is that the modules of the design plan not only must be aimed at truth, but they have to provide a high objective probability that a belief formed in accordance with those modules is true; “and the more firmly S believes B the more warrant B has for S.”<sup>46</sup> The final condition Plantinga offers is more or less the conclusion of his argument. So, according to Plantinga, a belief has warrant for me “just if”<sup>47</sup> it meets these conditions. He is aware that there are many unanswered questions and objections, but the best way to proceed further is not to rebuke the concept of warrant and proper function but to analyze in the main area of cognitive life.

## Conclusions

In conclusion, none of the contemporary perspectives in epistemology are sufficient for knowledge. As observed before, according to the internalists the

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<sup>43</sup> Richard Swinburne, “Plantinga on Warrant,” *Religious Studies* 37 (2001): p. 204.

<sup>44</sup> William Alston, “Epistemic Warrant as Proper Function,” ed. Alvin Plantinga, *Philosophy and Phenomenological Research* 55, no. 2 (1995): p. 397.

<sup>45</sup> Plantinga, *Warrant and Proper Function*, pp. 13–16.

<sup>46</sup> Plantinga, *Warrant: The Current Debate*, p. 19.

<sup>47</sup> Alvin Plantinga, *Warranted Christian Belief*, New York: Oxford University Press, 2000, p. xi.

characteristic that turns belief into knowledge is justification. According to the internalists, the main condition we have to satisfy is a deontological one, (Descartes and Locke), and to attain epistemological excellence (Chisholm). In the end, the fulfillment of the epistemic duty is neither necessary nor sufficient for warrant. Nor does coherentism offer a satisfactory account of warrant. Coherentism alongside with the concept of proper function does not seem to be coherent at all. And finally reliabilism, in which a belief has warrant if and only if it was produced by a reliable cognitive mechanism. Although this perspective is closer to the concept of proper function it is not complete.

The concept of warrant proposed by Plantinga is trying to offer another set of conditions under which a belief is justified, or warranted. The first condition implies the concept of the proper function of our cognitive faculties. Proper function means in the first place, that our cognitive faculties don't have any type of malfunction or dysfunction. Secondly, our cognitive faculties will work properly when they are in the appropriate environment. Another condition that must be satisfied for a belief to be warranted is that our cognitive faculties function after a design plan and this design plan must be aimed at truth, not to have other motivations. Only under these conditions, Plantinga concludes, a belief will be knowledge. He thinks that these conditions are necessary and sufficient for knowledge.

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## LA CONSCIENCE DU TEMPS CHEZ SPINOZA ET BOUTANG. L'OBJECTION DE BOUTANG CONTRE SPINOZA DANS LE DENOUEMENT DE L'ONTOLOGIE DU SECRET

PAUL MERCIER\*

**ABSTRACT.** *The Conscience of Time in Spinoza and Boutang. Boutang's Objection to Spinoza in the Resolution of the **Ontologie du secret**.* This article aims to compare the relation to time and eternity in Spinoza and Boutang. Why such an attempt? Boutang, in footnote nr. 442 of the last chapter of his book *Ontologie du secret*, objects to Spinoza, who rejects all ontological content of the future and therefore condemns substance to be an "eternal past". On the contrary, Boutang seeks an ontological participation via a subjective imitation of the Trinitarian person, who would act in the modal reality. This requires a change in the "consciousness of time" by understanding Time not as a thing, but as something related to Creation itself, in order to finally confer an ontological content to the future as a project. As a result, both conceptions are in opposition to the status of the substance and God to find the effective participation (called the "third kind of knowledge" in Spinoza). Nevertheless, they can get closer regarding the search of a subject's metamorphosis in the very duration via a specific participation to eternity which Boutang calls "other time", and more metaphorically "oblique corridor". Consequently, this "consciousness of an other time" fills an important gap that remains in the proposition 23, V of the *Ethic*, which divides consciousness between understanding and imagination at the expense of conscience itself.

**Keywords:** *Spinoza, Boutang, time, eternity, oblique, desire*

Pourquoi étudier le rapport entre deux philosophes qui semblent assez différents dans leur approche du temps, c'est-à-dire Spinoza et Boutang ? En effet, les deux auteurs ont une lecture opposée de la religion chrétienne, ce qui nous servira de

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base pour cette approche différenciée : le premier établit une lecture herméneutique du *Traité théologico-politique*, caractérisant la religion véhiculée par les théologiens comme puissance négative de la tristesse, alors que Boutang fait de la foi une puissance positive comme relation de l'être fini à l'esprit infini. Lecture opposée, donc, à propos de l'enchevêtrement de la foi et de la raison. Où trouver le point commun, dès lors ? Précisément sur la liberté de l'homme par rapport au « Temps ». Rappelons que le temps, c'est ce qui est créé, ce qui n'est pas la chose, alors qu'on essaye justement de le traduire comme une « chose » dans une succession causale. Spinoza, comme Boutang, essayent d'amener l'homme sur le chemin d'une « conscience » du Temps, c'est-à-dire en tentant de le délivrer d'une « saisie » de la durée. Est-ce à dire que le salut ne se trouve que dans l'éternité comme « cœur du temps », ce que philosophes grecs – tout comme saint Thomas – appelaient naguère « aion » ? Voici une hypothèse de recherche que l'on retrouvera à la fin de cet article, et à laquelle nous apporterons une réponse, si peu définitive sera-t-elle.

Si les deux auteurs essayent de trouver un salut en dehors de la durée, il ne faut pas oublier que l'*Ontologie du secret* se dénoue sur une objection fondamentale émise contre Spinoza sur la perception de la contingence et du futur, au regard d'une substance – d'après Boutang – laissée pour « éternelle définie au passé » dans l'*Ethique*, maintenant une séparation dans l'âme de l'homme, pour finalement menacer la subjectivité de ce dernier. Nous voulons souligner le fait que Boutang était lecteur de Spinoza et qu'il composa son mémoire de maîtrise sur la production des modes et des mixtes. Autrement dit, Boutang serait un lecteur de Spinoza passé inaperçu ou bien, reformulons : Spinoza aurait trouvé un commentateur valable et critique que l'histoire de la philosophie a oublié. Si Boutang reste catholique, cela ne l'interdit guère, en philosophie, d'avoir pu dialoguer avec l'ontologie, que ce soit l'Ontologie en majuscule (que Spinoza a voulue réformer) ou avec des ontologies plus spéciales comme celle du secret. Ainsi, au-delà de deux conceptions qui semblent opposées, peut-on trouver des rapprochements entre les deux auteurs ? Pourtant, la réponse risque de décevoir de prime abord le lecteur : en définissant tout d'abord la double logique de l'*Ethique* (I), l'objection de Boutang convoque des concepts si lointains de la pensée spinozienne, qu'il n'y aurait en vérité aucun rapprochement à faire entre les deux philosophes (II). Ce qui fonde l'importance du sujet, par conséquent, est la manière dont Boutang s'oppose à Spinoza, puis la façon par laquelle les deux philosophes conçoivent un salut en dehors de toute conception abstraite du Temps (III). Ainsi, le mythe de l'obliquité (*Ontologie du secret, Apocalypse du désir*) comblerait ce qui « manque » à la proposition 23, V, de l'*Ethique*, cet ouvrage laissant subsister une séparation dans l'être humain, où l'âme est divisée entre entendement et imagination.

## Présence de l'éternité et déduction logique de la durée dans l'*Ethique*

Nous proposons de suivre dans un premier temps la conception du temps chez Spinoza, bien que l'exposition puisse paraître succincte au lecteur.

Il est raisonnable de commencer avec les définitions de la durée et de l'éternité chez Spinoza. L'éternité est : « l'existence elle-même en tant qu'elle est conçue comme suivant nécessairement de la seule définition d'une chose éternelle ». <sup>1</sup> L'éternité est attribuée à Dieu, elle est l'existence nécessaire puis, rapportée à une chose singulière, elle en est son essence, c'est-à-dire un concept. Conséquence : l'éternité ne peut être expliquée ni par la durée ni par le temps. Mais la durée n'a pas non plus ni commencement ni fin : dans l'explication de la scolie 8, II, il est sûrement question de la durée modale, qui ne peut ne pas être conçue. La durée modale existe donc aussi nécessairement, elle se différencie de l'éternité de la substance étant donné que les modes sont des affections des attributs de Dieu. La durée en est leur déduction logique. Par conséquent, le temps devient une abstraction et une explication de la durée, scindée en passé-présent-futur.

Cependant, concevoir les choses comme passées et comme futures, c'est être pris dans les pièges du premier genre de connaissance : la mémoire s'efforce à faire des conjonctures sur les choses à venir à partir des expériences passées. Or, il est question d'affects inconstants en ce que ces conjectures donnent naissance au doute pour le mode que je suis. D'autre part, le premier genre de connaissance est toujours l'advenue d'une image considérée comme présente : l'idée qui lui est corrélative n'est pas un concept, mais une idée mutilée ou confuse, c'est-à-dire que Dieu a une idée qui exprime l'existence de deux choses à la fois, n'exprimant aucune essence particulière. Cet ordre de la durée que l'on instaure pour soi est la *concatenatio*, qui s'oppose à la *connexio*, <sup>2</sup> seul ordre véritable du point de vue de la substance.

Ainsi, Spinoza conserve la stricte démarcation de la philosophie scolastique entre un être fini et un être infini. Un être fini est défini comme mode singulier ; l'être infini est Dieu ou la Substance. Comme l'être fini est partie de l'être infini, le premier possède logiquement une part d'éternité. Partie finie de l'infinité de la substance, l'homme – en tant que mode – est expression de la substance. Tous les modes expriment ainsi, dans la logique de la durée, la substance *via* les attributs.

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<sup>1</sup> B. Spinoza, *Ethique*, I. déf. 8.

<sup>2</sup> *Ibidem*, II. déf. 7.

Lorsque je reconnais cette triade (où la substance s'exprime, les attributs sont des expressions, l'essence est l'exprimée) je reconnais d'un même mouvement que les attributs son éternels et que les modes sont les modifications des attributs auxquels ils appartiennent. Il faut donc rigoureusement distinguer le mode de l'attribut. L'attribut est ce que « l'intellect perçoit d'une substance comme constituant son essence ».<sup>3</sup> Le mode est ainsi une modification de l'attribut en ce que l'essence est actualisée dans la réalité modale.<sup>4</sup> Il y a donc une double logique au sein de l'ontologie spinoziste dans la définition de l'attribut et du mode.<sup>5</sup> S'il y a une infinité d'attributs au niveau de la substance, tout mode singulier n'en perçoit qu'un nombre limité. C'est alors le *conatus* qui entre en jeu comme force de perception. En effet, le *conatus* n'est pas qu'effort pour persévérer dans l'être, il est cette même force de perception qui établit le lien entre attributs et modes pour l'actualiser dans la réalité modale comme effort de conservation. Ne nous méprenons guère sur la nature de cette actualisation, elle n'a pas pour rôle de remplir un potentiel, mais de comprendre la nature de l'existence. Au sein de cette actualisation se logent les déterminations de la durée : nous avons besoin d'y vivre pour comprendre notre nature, c'est-à-dire la part éternelle inscrite dans l'âme. La durée n'est ni infinie, ni finie, mais peut être conçue abstraitement comme indéfinie. C'est cette possibilité d'abstraction qui permet de concevoir les parties de la réalité modale, alors qu'elles ne sont pas *réellement* des parties du point de vue de la substance.

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<sup>3</sup> *Ibidem*, I. déf. 4.

<sup>4</sup> « Le mode, dit Deleuze, est un existant fini est limité dans son essence comme déterminé dans son existence », déterminé comme négation, c'est-à-dire un rapport extrinsèque et limité par la puissance d'un autre effet. Cf. Deleuze, *Spinoza. Philosophie pratique*, « index des principaux concepts de l'*Ethique* », Minuit, Paris, 1981, p. 118.

<sup>5</sup> Notre hypothèse est celle-ci : c'est le mode médiat qui fait le lien entre essence et existence, sans quoi nous ne pourrions concevoir, en tant que mode singulier fini, les choses que comme périssables. Le mode médiat est textuellement absent de l'*Ethique* et il faut se rapporter à ces quelques lignes dans la lettre 64 à Schuller, c'est-à-dire que le mode infini médiat est l'aspect total de l'Univers, « qui ne reste toujours le même, même s'il varie en une infinité de mode ». Cette seule mention du mode infini médiat est à lier au concept d'Individu, explicité au Lemne 7, II de l'*Ethique*. L'individu est ainsi la forme qui peut être affectée en tant que ses propres parties ne peuvent se contredire et, par forme, nous entendons le fait que l'individu peut être l'objet d'une idée, soit qu'il peut être conçu comme essence formelle. On ne tentera pas, ici, de savoir si cette *totus facies universitatis* fait référence à la Pensée ou à l'Étendue. De manière heuristique, cette médiation pose les fondements de la durée. Le mode, rappelons, est une affection de la substance. – *Ethique*, I. dém. 28. Toute nouvelle affection de la substance ne s'explique pas en tant que Dieu est affecté d'une modification infinie, mais en tant qu'il est affecté d'une modification finie.

Par conséquent, l'éternité est attribuée à Dieu comme force de persévérer dans l'être, mais tout mode singulier, de par son *conatus*, n'a pas cette force, mais doit actualiser sa puissance dans la réalité modale. Dieu, en tant qu'être parfait, fait de son persévérer sa force, au contraire du mode, dont le persévérer traduit un écart en termes de puissance. Réduire cet écart et l'accomplir sera le rôle du deuxième, puis du troisième genre de connaissance. Le second genre de connaissance n'est pas seulement la connaissance des notions communes, mais des deux attributs de Dieu que l'homme peut percevoir : l'Âme et l'Étendue. Nous avons, ici, un premier aperçu de la saisie éternelle de la réalité. Le troisième genre de connaissance, quant à lui, procède de la connaissance de ces attributs à la connaissance immédiate de l'essence des choses singulières. L'immédiateté, ici, se réfère à l'intuition, encore que l'intuition ne permette pas de connaître l'ensemble de la réalité, l'homme en est incapable. C'est alors que (nous nous aidons ici du TRE), la connaissance du troisième genre allie la connaissance conceptuelle et l'intuition. Le concept est une méthode pour cette saisie immédiate, il se rapporte à l'essence d'une chose singulière en développant une définition qui lui convient, à laquelle on ajoute une activation par l'esprit de sa causalité formelle et efficiente. Idée de l'idée, elle peut être à son tour objet d'une idée. De ce fait, l'idée de l'idée est la véritable forme éternelle d'une chose singulière, car elle existe indépendamment du temps.<sup>6</sup> En conséquence, « la part éternelle de l'âme », qui a rendu perplexes nombre de lecteurs se penchant sur les propositions 23 et 24 du livre V, est l'idée formelle de l'âme, elle peut être appréhendée comme concept puisqu'elle est contenue dans l'idée de Dieu comme existant nécessairement.

Déduction logique : lorsque je conçois les choses sous un certain aspect d'éternité, je sais que je suis composé d'une partie éternelle (l'entendement, lorsque je conçois Dieu exprimant l'essence de mon corps) et d'une partie périssable (le corps et l'idée du corps lorsque je conçois l'existence actuelle de mon corps, mais lorsque « j'imagine » mon corps. Paradoxalement, l'*Ethique* propose une éthique du corps, mais ne peut répondre à la question « que peut le corps ? » ; ce faisant,

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<sup>6</sup> L'idée de l'idée est la forme de l'idée. Mais la forme de l'idée n'est pas encore l'idée vraie (au sens du TRE), ni l'idée adéquate (au sens de l'*Ethique*). La forme de l'idée, soit la réflexion sans égard à ce dont elle est l'objet, est la méthode donnée pour l'idée vraie. D'où il suit que l'idée vraie doit non pas s'accorder avec l'objet dont elle est l'idée, mais avec l'essence formelle de l'idée, ce qui revient à dire qu'elle s'accorde par une opération de l'esprit avec une définition qui peut ou ne peut pas exister en acte. Pour former une idée adéquate, il faut donc sortir de la linéarité d'idée à idée provenant de l'ordre premier des images, entrer dans ce qui compose le caractère intrinsèque d'une idée vraie, déployée dans ses caractéristiques propres.

la problématique du corps se métamorphose en la question : « que peut l'esprit », où le corps devient un concept, une idée de l'idée, où le corps n'est plus le corps). Cette part d'éternité pose problème, en ce que je ne peux vivre éternellement, puisque je suis soumis aux causes extérieures ; et d'autre part la durée indéterminée des choses peut conduire à l'ignorance de leur cause efficiente ; *in fine*, il n'y a aucune liberté laissée au sujet de métamorphoser l'éternité en durée, ou bien l'inverse. Pour répondre à ce problème, nous proposons de recourir au dénouement de *l'Ontologie du secret* de Pierre Boutang.

### **L'objection de Boutang : donner de l'être au futur**

Nous avons donc vu que chez Spinoza le temps a une réalité modale lorsqu'il est défini comme durée, et que l'éternité a une réalité ontologique. Le rôle du second, puis du troisième genre de connaissance, est de faire advenir la conscience de l'éternité au sein de la logique de la durée. La conception de ces deux logiques ne s'écarte pas des philosophies chrétiennes (surtout chez celle de Saint-Augustin), où le temps de la durée est le propre d'un être fini, et l'éternité le propre du divin et qu'il serait ensuite possible de faire advenir l'éternité au sein de la durée. Or, Spinoza récuse toute perception de la contingence puisqu'elle est une connaissance inadéquate, au contraire de la pensée de Saint-Augustin qui laisse une place pour le futur (que visite de nouveau, par ailleurs, la finitude heideggerienne) Par conséquent, comment redonner une consistance ontologique et gnoséologique sur ce qui peut m'advenir ?

L'objection de Boutang est très intéressante dans le dénouement de *l'Ontologie du secret*. Après avoir défini le présent vivant comme l'instant qui abolit les modalités du temps et de l'espace, pour former le couloir oblique entre la circularité divine et la linéarité quotidienne, il ajoute cette subtile remarque sur Spinoza :<sup>7</sup>

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<sup>7</sup> Résumons, autant que faire se peut, le dénouement de *l'Ontologie du secret* de P. Boutang : après être parvenu au secret de l'être en termes de participation, par où le manifeste et le caché s'inversent dans l'instant, l'auteur est conduit à définir un nouveau présent, le maintenant originel, où le passé et le futur se contractent. Ce maintenant originel est semblable au *sum qui sum*, c'est-à-dire cette répétition du chiffre vivant, le secret de Dieu connu de soi par où l'homme se fait *imitatio christi*. Cette répétition du chiffre éternel n'est ni éternelle, ni temporelle, et ne s'accède que *via* le couloir oblique. De ce point de vue, la substance spinoziste est bien un éternel défini au passé, interdisant l'accès à la répétition de manière subjective.

« Spinoza l'a bien connu et senti, si même il l'a masqué ou écrasé sous le système qui lui était le plus contraire : il ne ment pas, certes, quand il dit que nous sentons et expérimentons que nous sommes éternels ! »<sup>8</sup>

Il est vrai que d'une part, le « sentiment d'éternité » convoqué dans l'*Ethique* peut avoir des résonances avec la présence du présent vivant dans l'*Ontologie du secret*. De ce fait, examinons de plus près la note 442 : « ce que Spinoza rejette, avec tant de secrète violence, c'est l'être du possible, et tout « déjà-là » du futur ». Certes, la contingence est, pour Spinoza, une idée inadéquate, en ce que nous ne pouvons connaître la succession des causes extérieures dans la réalité modale ; y réfléchir, ce serait conduire mon entendement à une régression à l'infini. Mais que serait donc l'être-déjà-là du futur ? Regardons plus loin : « mais son réel, la substance, devient comme un plus-que-passé, un passé « éternel » ». Deux remarques : nous comprenons pourquoi Boutang rejette toute idée d'un passé « éternel », puisque l'éternité ne se définit jamais au passé ; de plus, il y aurait une contradiction à penser Dieu de telle manière : la Création deviendrait un évènement caduc, tout aussi bien que la production continue des modes par la substance. Qu'il y ait Création *ex nihilo* ne suppose pas qu'avant cette dernière il n'y aurait rien eu ; bien au contraire, il y a eu Dieu, qui a fait de Sa volonté une production continue des êtres. D'autre part, il est surprenant que Boutang comprenne l'être de la substance comme « passé éternel », puisque Spinoza s'interdit toute explication de l'éternité par le temps ; Dieu est cet être dont « l'essence implique l'existence », à comprendre comme : l'essence à même l'existence, dont la force est celle de produire des modes, et ce éternellement (qui s'apparente à la puissance divine de la Genèse de pouvoir créer un être). Et le troisième genre de connaissance, celui qui saisit les essences comme immédiatement et continuellement produites par la substance, interdit toute saisie immanente comme retour à l'origine. La critique de Boutang semble donc injustifiée. Bien plus, Boutang confondrait la théorie spinozienne avec le *Growing Back Theory (GUBT)*, juste milieu entre éternalisme et présentisme, donnant de l'être au passé tout en rejetant le futur.<sup>9</sup>

Revirement de situation : « il faudrait (...) nous demander en quoi, jusque dans les domaines qui ne sont pas biologiques, car l'être du potentiel est trop

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<sup>8</sup> P. Boutang, *Ontologie du secret*, p. 476.

<sup>9</sup> Sur le GBT : cf. « un autre ordre du temps. Pour une intensité variable du maintenant » in *Revue de Métaphysique et de Morale, Temps physique et temps métaphysique*, p. 473.

évident, nous demander en quoi, l'avenir (le futur) *est* ; il *est*, mais non point déjà là, d'une manière non temporelle ». <sup>10</sup> Première question : en quoi un être du potentiel est trop évident ? Comme première réponse, nous pouvons nous appuyer sur Tran-Duc-Thao – que Boutang a lu – pour qui l'évidence est un concept central dans la vie constituante, mais qui se renouvelle à chaque instant. <sup>11</sup> Comme il appartient à l'évidence de pouvoir se tromper, il ne peut appartenir à l'absolu ; il met donc en jeu la vérité au sein du devenir mais qui, une fois passé dans la conscience de la temporalité vécue, tombe dans le passé comme « signification » et « valeur » <sup>12, 13</sup>. Le potentiel relève encore du temps, son renouvellement apparaît déjà à nos sens et à notre conscience ; dépasser le potentiel évident, donner consistance à l'être du futur, voilà un premier objectif. Les domaines « non biologiques » pourraient dénoter ceux qui ne relèvent pas de la durée, de la vie telle qu'elle apparaît de prime abord pour notre sensation : faudrait-il chercher un futur ontologique ?

La deuxième contradiction est assez simple à résoudre : il y a de l'être du futur, car Dieu a la prescience. Mais le futur est aussi défini par le passé, il ne peut être conçu intemporellement si je conçois temporellement le passé.

Troisième contradiction, la plus difficile à résoudre : en quoi le futur est, mais non temporellement ? Comment aller au-delà de l'être potentiel de la vie biologique (à entendre : au-delà de la nature naturée ?). Non temporellement, c'est-à-dire : il relèverait de l'éternité. Comment est-ce possible ? Nous devons résoudre cette contradiction dans le fil de notre propos, c'est-à-dire en donnant de l'être au futur.

Il faut donc rechercher les fondements d'un autre futur, celui qui pourrait être « en quelque manière auteur ou fondateur du présent ou du passé ». Mais de quelle fondation est-il question ? Lisons ensemble l'interprétation que fait Boutang de Saint-Augustin : ce dernier définit le passé comme un étant qui n'est pas, et le présent comme un émiettement. <sup>14</sup> Certes, le présent permet de mesurer le temps, même s'il passe pendant que l'on parle. Mais le futur est aussi un étant qui n'est pas. Ce qu'il faut trouver, c'est la façon dont le futur puisse être

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<sup>10</sup> Pierre Boutang, *Ontologie du secret*, p.512.

<sup>11</sup> Tran-Duc-Thao, *Phénoménologie et matérialisme dialectique*, Paris, Éd. Min-Tan, 1950, p. 138 : « il appartient au sens de toute évidence de pouvoir se tromper. L'évidence n'existe comme telle que dans son vécu effectif, qui se renouvelle à chaque instant ; un tel mouvement implique un privilège absolu de l'actualité présente sur les résultats antérieurement acquis, et le droit de les rectifier constamment ». Plus généralement, voir le § 14 du chapitre « la méthode phénoménologique », pp. 132–141.

<sup>12</sup> *Ibid.*

<sup>13</sup> Tran-Duc-Thao, *Phénoménologie et matérialisme*, p. 138.

<sup>14</sup> Pierre Boutang, *Le temps. Essai sur l'origine*, Hatier, Paris, 2013.

de façon ontologique et gnoséologique ; c'est pourquoi il est nécessaire de renverser, en fait, les priorités du temps. C'est ainsi que « l'homme avance dans le temps, mais il avance dans la finitude et dans la mort, et c'est à partir de cette mort que se mesure le temps pour qu'il advienne et pour qu'il vive ». <sup>10</sup> Ce renversement s'opère car l'étant humain est défini en fonction du projet de l'existence. <sup>15</sup> La mort est donc l'immanence de ce projet ; l'esprit en est sa transcendance. Les deux conceptions du temps – linéaire et occulte – seront reprises dans *l'Ontologie du secret*. Le temps occulte n'est pas l'inconnaissable, mais recèle la possibilité d'une autre saisie possible du temps. Ainsi, il existerait autre chose que le devenir dans l'éternel et la procession du temps. Autre chose, c'est-à-dire une autre conception. Il s'agit bien de plonger dans le mystère de la création, de la linéarité du temps, pour pouvoir espérer en sortir.

De ce fait, nous parlerons bien d'aspect dans la perspective de Boutang. En effet, il ne faut non pas seulement comprendre la nature de l'éternel, mais aussi comprendre la nature du Temps. Si nous nous en tenons à la procession du Temps, c'est-à-dire à une linéarité, alors nous ne pouvons pas comprendre de quelle façon le futur peut se retenir dans le passé. Cette nouvelle perspective peut se traduire dans les sentiments métaphysiques de l'inquiétude et de l'espérance : toutes deux portent sur le futur proche, sur ce qui sera, mais ne s'attendent pas à ce que se réalise leurs souhaits (selon un sentiment d'imminence propre au veilleur qui apparaît, se consolide dans l'eschatologie). C'est que ce qui a manqué à Spinoza dans sa définition des affects : l'inquiétude et l'espérance sont définies comme crainte et espoir dans *l'Ethique*, c'est-à-dire un affect de tristesse ou de joie sur ce qui peut m'arriver au sein de l'ordre de la nature. Mais l'inquiétude et l'espérance dépassent les pronostics (on peut extrapoler chez Spinoza toute sentiment sur le futur en termes de pronostic, aussi bien dans l'idée de ma mort, puisque on ne peut que savoir par induction ce qui peut m'arriver dans les lois de la Nature Naturée), et sont « l'impulsion » de l'âme humaine par laquelle la Grâce peut advenir. Cette grâce est accueillie dans le voyage qui est une voie sans voie – suivant la conception du *viator* de Gabriel Marcel, reprise par Boutang dans le liminaire de *l'Ontologie du secret*. Plus précisément : la voie devient un itinéraire

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<sup>15</sup> On peut très bien voir, dans *l'Ontologie du secret*, un renversement de la priorité du temps similaire à l'entreprise de Saint-Augustin dans les *Confessions*, ch. XI. La référence est notoire dans *Le temps. Essai sur l'origine*. Ce que cherche à faire Saint-Augustin, c'est de comprendre la nature du temps. Cette nature nous fait comprendre que ce que nous appelons le passé, le présent et le futur sont en fait trois modalités du présent : le souvenir, l'attention et l'attente.



par lequel subsiste un viatique, retenant le temps côté-à-côté de l'espace, sans être subjugué par ce dernier, pour le contracter dans l'instant. On peut ainsi considérer que dans le voyage moderne, le délai est interrompu. Or, tout délai attend quelque chose du futur comme terme ou projet : c'est ainsi que le voyage moderne, en abolissant les épreuves de l'espace, perpétue un double meurtre du temps : « de la durée dans l'instant, et de l'instant lui-même dans le futur indéfini ». <sup>16</sup> Il nous faudra donc déceler l'entrelacement de la durée et de l'instant pour « former » le présent vivant venant effleurer la prestance de l'éternité.

De ce fait, si on s'écarte quelque peu de la note 442, la nouvelle transmutation du temps que Boutang convoque est celui du voyageur (le viator se métamorphose alors en Ulysse), en quête du secret de l'être, dans l'instant qui ne relève ni de l'éternité, ni du temps. Il abolit les extrêmes du plus-que-passé et de l'outre-avenir, qui sont les mirages du dormeur, c'est-à-dire celui qui n'est pas en état de veille au sens d'Héraclite. Lorsque le futur est défini par le passé, ce dernier devient *passé prochain*, et inversement le passé devient *l'avenir immédiat*, <sup>17</sup> les deux se rejoignent dans le *maintenant originel*. Voici la trinité du présent vivant chez Boutang. On remarque à quel point la conscience du temps chez Boutang est en réalité plus compliquée que chez Spinoza. La double logique spinoziste se réduit à une ontologie de la simplicité : il n'y a de l'éternité que substantielle, il n'y a de durée que modale. L'instant, proprement dit, n'y existe pas ; <sup>18</sup> alors qu'il y a bien une connaissance du futur possible chez Boutang, qui se base sur deux nouveaux présupposés : 1) la prescience existe car 2) le temps est rationnel (il y a un être du temps). C'est alors qu'il faut se rapporter au chapitre Destin de *l'ontologie du secret* : c'est bien le destin qui garantit la rationalité du Temps. Mais comment est-ce possible ? Parce que la nature des choses est vue de deux manières : lumière et obscurité (qui répondent au manifeste et au caché). Comme lumière, lorsque les *fata* <sup>19</sup> existent

<sup>16</sup> Boutang, *Ontologie du Secret*, p.11.

<sup>17</sup> On peut donc parler d'une dyade passé-futur au sens où les deux termes peuvent rester face-à-face pour s'inverser dans l'instant.

<sup>18</sup> Ou bien l'instant, dans un vocabulaire non-spinozien, serait-il le 3ème genre de connaissance ? Car, s'il y a une saisie éternelle des choses singulières, elle n'interdit, ni n'annule le fait que je vive au sein de la durée modale. Par conséquent, le 3ème genre de connaissance est bien l'instant où l'éternité intervient, de façon gnoséologique, dans les modalités de la durée.

<sup>19</sup> Le Dire est lié à l'origine des choses, aux *fata*, c'est-à-dire premièrement les fées de ce monde, qui enveloppent d'une rationalité globale le destin tragique des individus, et les délivre ainsi du fardeau de leur apparence. Nous ne saurions toutefois être d'accord avec Clément Rosset dans *Logique du pire*, pour qui la conscience tragique est en quelque sorte le terme de toute entreprise comme renversement de la morale. Boutang note bien, dans son ouvrage *La Politique considérée comme souci*, que « ce n'est pas le conflit qui, par lui-même est tragique, et la tragédie n'est pas un conflit de valeur » Chez Pierre Boutang, le Destin est le premier pas vers l'Éternité, non le

dans les êtres humains, et garantissent la rationalité de leur existence ; comme obscurité, lorsque ce qui se cache derrière cette rationalité peut receler un secret, en tant que l'obscurité est le gardien palpable de l'origine et demande à être recueilli individuellement. Ce recueil s'effectue via un périple comme décision de retour de l'étant, tout en avançant dans le temps, en ce que l'origine n'est saisie qu'à la limite de la Transcendance.<sup>20</sup> Transcendance retrouvée et prête à être conquise, dans les soubassements secrets du cosmos... nous voilà à mille lieux de la doctrine spinoziste, qui fait de la métaphysique une ontologie de l'immanence.<sup>21</sup>

Ainsi, la structure passé-présent-futur est une série temporelle manifeste. Or, s'il existe une relation de créature à Créateur, la prescience de Dieu peut se « refléter » dans la prescience humaine au sein de ce présent vivant. L'aspect temporel est alors changé : le futur, comme le passé, n'est plus strictement temporel, mais représenté sous un tout autre aspect. Il est possible que cette relation entre Créateur et créature se fasse en premier lieu à l'aide de la prière. En effet, la prière permet de renverser l'ordre du temps, à l'instar de la prophétie, en parlant à Dieu dans le langage de la transcendance<sup>22</sup> en n'excluant pas « la désordination et permutation des figures du temps, passé, présent et avenir » : voici quelques fondements qui permettent de comprendre la note 442 du dénouement de *l'Ontologie du secret*. Cependant nous verrons que la prière comme la prophétie

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terme. S'il procède du futur au passé, c'est pour inverseur leurs priorités. Dans l'existence tragique, je suis séparé de et à moi-même : c'est la révélation de *l'a-peiron*, le pur devenir comme abîme de l'existence. D'un autre côté, sans le *peras*, aucun moyen de révéler ce qui pourrait mesurer cet abîme. Le Destin est donc le premier moment de la veille, où l'apparence et le manifeste s'inversent. La découverte de la profondeur du temps permet l'articulation de deux nouveaux temps dans l'optique du salut : le Temps-Destin, puis le Temps-Éternité. A noter que le terme d'*aion* peut dénoter ce dernier temps, est résoudre le paradoxe d'un sujet à la fois dans le temps et en dehors de ce dernier. Pour avoir un aperçu de la tragédie et du destin chez Pierre Boutang, c.f *La Politique considérée comme souci*, ch. « le tragique », Paris, Les Provinciales, 2014, pp.102–104 et *Ontologie du secret*.

<sup>20</sup> La Transcendance est voisine du *peras*. Tout instant est ainsi instant de passage. « Trans », c'est aller au-delà, mais tout en se constituant comme chemin entre l'en-deça –le fond de choses – et l'au-delà. La Transcendance fonde alors le mythe du couloir oblique, s'immiçant entre éternité et durée.

<sup>21</sup> Si nous ne sommes guère d'accord avec cette affirmation, nous pouvons néanmoins qualifier l'ontologie spinozienne comme celle de la causalité, puisque la substance reste à la définition de la cause de soi. Inverser les priorités du temps, c'est sortir du mécanisme causal qui risque d'assujettir mon esprit aux causes extérieures.

<sup>22</sup> Boutang, *Ontologie du secret*, p. 152.

ne sont que deux modalités bien particulières de ce nouvel aspect temporel, lequel doit être étudié dans la concrétude de l'existence.

C'est donc sur la conception de l'être humain que les deux philosophes se différencient radicalement ; dès lors, le mythe de l'obliquité – que nous verrons à la fin de notre article <sup>23</sup> – permet de dépasser l'aporie de la double logique spinozienne. Boutang garde une conception très traditionnelle de l'homme comme « créature », délimitée par le pêché et la Grâce, mais dans un monde où Histoire et Destin coexistent, temps tragique décliné sur un mode à la fois naturel et surnaturel où chaque homme est « un » (via une rupture existentielle où la « personne » renaît et quitte le berceau illusoire de sa subjectivité), cette unité lui permettant de prendre une décision, celle de la tentative du salut. Spinoza, de son côté, définit l'homme comme partie de l'infini, c'est-à-dire comme partie de la substance. En effet, l'homme est « un mode de l'Étendue existant en acte, et rien d'autre », <sup>24</sup> et c'est seulement ainsi qu'il perçoit les choses *sub specie duratione* en tant que mode, mais peut également les saisir dans leur essence, c'est-à-dire comme expression immédiate de la puissance infinie de Dieu, *sub specie aeternitatis*. C'est pourquoi le « je » de l'homme n'a pas d'expression subjective à proprement parler, puisqu'elle est soit l'expression d'une idée composée, traduite en deux idées données en Dieu ou plus, soit d'une idée claire et distincte, c'est-à-dire qu'elle est en nous comme elle est en Dieu. D'où la différence entre une ontologie de la transcendance, et une ontologie de l'immanence. On ne peut pas comprendre Spinoza si nous confondons éthique et morale. Mais nous ne pouvons pas non plus comprendre le revirement de Boutang qui, au lieu de placer la Transcendance dans un « au-delà », inscrit cette dernière dans la limite, *linea*, c'est-à-dire ce qui peut être transgressé entre l'en-deçà et l'au-delà. Ainsi, elle est produite par l'au-delà, mais pour constituer le *peras* de son chemin en-deçà. C'est, du point de vue de l'homme, « l'instant [se laissant] voir comme limite et comme secret, tant de l'appartenance que pour la participation ; comme limite du temps, non dans le temps, ni temporel ; par suite de tout ce qui, participant de l'être, devient eis ousian, vers l'être de l'étant ». <sup>25</sup> Ce qui nous paraissait de prime abord « au-delà » se convertit derechef en présence. L'être n'est donc nullement à l'origine : ce qui est l'origine, c'est un « je » secret que je dois retrouver en avançant

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<sup>23</sup> Si Pierre Boutang a construit le mythe de l'obliquité à la demande Jean Wahl, en réalité il emprunte cette composante à Thomas D'Aquin dans la contemplation : le mouvement uniforme de l'intellection est « circulaire » ; la circulation est « droite » ; enfin, cette uniformité procédant vers l'autre est « oblique ».

<sup>24</sup> Spinoza, *Éthique*, II. déf. 13.

<sup>25</sup> Boutang, *Ontologie du secret*, p. 392.

avec l'être ; il est donc question d'un retour, mais d'un retour comme nouveauté, comme reprise. Ainsi, l'homme doit suivre le chemin de la *linea*, où il est permis de reconfigurer l'éternité et la durée dans un autre du temps, afin de fonder l'obliquité de notre démarche : cet aspect du temps correspond à une nouvelle présence. De quelle nature serait-elle ?

### **Objections**

Avant de passer à la partie suivante, résumons les objections de Pierre Boutang :

1. Coïncider avec notre essence se lierait à une substance fixe dans *l'Ethique*, d'où il suit que nous ne pouvons pas avoir un souci de notre individualité.

2. Même si Boutang rejette lui aussi le futur abstrait, chez Spinoza le futur est toujours défini comme une connaissance inadéquate, ce qui peut se comprendre car nous ne pouvons pas saisir toutes les interactions causales *sub specie duratione* : il serait question de la régression à l'infini. Pour Boutang, le futur n'est pas seulement abstrait.

3. Conséquence des points 1,2 : si le contenu du futur est rejeté, la substance spinozienne devient un plus-que-passé, c'est-à-dire que l'horizon du futur serait contemporain d'un abîme créé entre le pur passé et le pur avenir.

### **Observations**

1. Nous ne pouvons pas comprendre pourquoi Boutang considère la substance spinozienne comme une essence fixe, puisque Spinoza s'interdit d'expliquer l'éternité par le temps.

2. Mais le futur qui n'est pas abstrait se mesure de façon gnoséologique et ontologique dans l'être-pour-la-mort, c'est-à-dire que l'homme se définit par la possibilité de mourir, d'où naît le souci de l'avenir comme projet de l'existence. Et c'est l'espérance transcende cet être pour la mort, alors que chez Spinoza l'espérance est un affect passif.

3. Purement et simplement, la substance spinoziste devient un plus-que-passé, car elle ne peut jamais être imitée dans le mouvement d'origination qui fonde le présent vivant (l'en-avant-de-l'étant correspondrait, chez Spinoza, à la merci du mode singulier aux causes extérieures).

### **Résolution**

Ainsi, le troisième genre de connaissance peut contenir une réalité, et en quelque sorte il est réel, c'est-à-dire caché, si nous prenons en compte que le l'être-du-secret (chez Boutang) se rencontre dans l'inversion du caché et du manifeste, mais la participation du mode singulier fini à la *causa per sui* abolit toute individualité proprement dit, et stérilise la sémantique de l'appartenance.

### **Vers le couloir oblique à limite du temps**

A présent, nous allons préciser ce nouvel aspect du tout qui permet de dépasser les apories de l'*Ethique* concernant la relation d'un esprit fini à une substance infinie.

Les deux conceptions peuvent être tout de même semblables en ce que l'épreuve suprême – la quête du secret chez Boutang, le troisième genre de connaissance chez Spinoza – se défait d'une conception du temps quotidien dans l'optique d'un salut.<sup>26</sup> Ce salut est bien défini en termes de conscience : la conscience du sage chez Spinoza, la conscience du voyageur chez Boutang (celui d'Ulysse, en avant de l'étant, mais vers l'origine, selon un mouvement que l'on peut nommer « origination ») qui rompent toutes deux avec la conscience ordinaire de la linéarité du temps. L'ennemi d'un aspect salvateur du temps est donc l'abstraction, et Boutang explique bien, à la note 442, qu'il s'écarte de la conception spinoziste, mais sans oublier « la défiance spinozienne à l'égard du possible abstrait ». Chez Boutang, il semble toutefois exister l'impossibilité de devenir éternel, d'avoir cette part d'éternité qu'on retrouve dans le troisième genre de connaissance chez Spinoza. Boutang recourt plutôt au mythe du couloir oblique, qui abolit le pur passé et le pur avenir (qui peut être apparenté, lorsqu'on tente de se le représenter, comme « possible abstrait »), où l'individu contracte le temps en un trois-en-un.<sup>27</sup> Cette avancée vers la patrie originelle, par où naît et le *viator* en devenir, serait le *hos mè* du voyage où il serait « aussi difficile d'avancer que de ralentir »<sup>28</sup> sans

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<sup>26</sup> Boutang, *Ontologie du secret*, p. 155.

<sup>27</sup> On a considéré Boutang comme un penseur des essences à l'instar de Spinoza. Mais l'essentialité n'est pas bien définie dans l'*Oontologie du secret*. L'attribution d'une telle pensée à Boutang ne vient-elle pas d'une lecture trop spinoziste, justement ? Au contraire, nous insistons sur le fait que Boutang serait un penseur de l'inversion au cœur des dyades. Cette inversion est le propre de l'instant. De ce point de vue, l'obliquité est bien ressentie *sub specie aeternitatis*, c'est-à-dire un sentiment de l'éternité, mais qui n'est pas strictement éternel.

<sup>28</sup> *Ibid*, p. 20.

que ce couloir « ne se resserre, ni s'ouvre ».<sup>29</sup> C'est cette ascension « en spirale » que nous étudierons plus loin.

Le lecteur aura donc compris qu'au-delà d'une stricte opposition entre transcendance et immanence (et donc opposition entre morale et éthique), il est question de la place à donner au futur au sein de la conscience. La conscience, chez Spinoza, est attribuée aux sages en comparaison avec les ignorants, qui se retrouvent qualifiés d'inconscient. Lorsque le sage est conscient de soi, de Dieu et des choses, il comprend dès lors que le futur est une représentation ; or, puisque la représentation est image, le rôle de l'entendement est de la supprimer. Boutang garde le concept de représentation dans *l'Ontologie du secret*, et il est intéressant de voir ce qu'il en fait. Tout d'abord, la représentation est fondée sur la présence d'une image à mon esprit ; or, Spinoza, mais aussi Marcel (ce dernier se rapproche beaucoup plus de Boutang) rejette toute conception d'un futur dont le support serait l'image. D'autre part, Boutang ne fait mention que d'une fois, dans la note 442 de *l'Ontologie*, d'un rapport entre temps et représentation ; d'où il suit qu'il nous faudrait plutôt parler d'image invisible pour Boutang (celle par laquelle le viator se fait *ad imaginem*, grâce à laquelle il tend vers l'image), une image qui institue son ordre entre Temps et Divinité, comme Création, Recréation et Ressemblance.<sup>30</sup> De ce point de vue, ce n'est pas l'entendement (d'après Kant, rappelons-le, l'entendement n'est autre que la Raison réduite à un pouvoir de calculer ses déterminations selon un ordre causal, autrement dit incapable de pouvoir saisir le temps comme jugement synthétique *a priori*, c'est-à-dire comme ce qui n'est ni une chose, ni une chose en soi) qui saisit le temps, mais quelque chose de « plus », qui n'est autre que la Raison (comme capable de prendre une décision au sens de la *krisis*). Mais si l'outre-avenir est irreprésentable, au-delà de la limite, et si le futur représenté s'apparente à une abstraction du possible, de quelle façon ce futur peut-il être fécond ? Et, comment faire passer le futur de la représentation à la conscience par l'image ?

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<sup>29</sup> *Ibid*, p. 473.

<sup>30</sup> Boutang, *Ontologie du secret*, p. 212. Ici, l'Image n'imité pas un « modèle » sensible, mais l'Amour de Dieu qu'a de lui-même. Ce vocabulaire est aussi repris par Spinoza pour qui, dans le livre V de *l'Éthique*, l'Amour que Dieu a de lui-même et l'Amour de l'homme pour Dieu sont une seule et même chose. C'est ici, et seulement ici, que Boutang et Spinoza définissent l'Amour de Dieu comme la véritable béatitude. Pour aller plus loin dans l'analyse de l'image, cf. *Ontologie du secret*, pp. 198–242. D'autre part, il y aurait donc une pensée analogique chez Spinoza que nous n'intégrons pas à notre problématique.

Rappelons que Boutang s'appuie sur Tran-Duc-Thao, lequel remarque que chaque moment présent devient rétentio dans le passé tandis que l'avenir s'actualise dans le vécu présent, par lequel le « soi » est identique à lui-même : voici une conscience qui pourrait être temporalisante, qui prend conscience du Temps comme ce qui n'est pas une « chose ». Le futur, ainsi, n'aurait de réalité qu'en tant qu'*avenir immédiat*, c'est-à-dire ce qui parvient immédiatement à la conscience : le futur de la promesse, de l'imminence ou de la menace, qui touche le présent « le constituant en demeurant autre que lui, jusqu'à l'heure dernière ». <sup>31</sup> Gabriel Marcel avait souligné, avant Boutang, la nécessité du rejet de toute présentation du futur comme pronostic ou comme souhait pour parvenir à l'être de l'espérance, à une « mémoire de l'avenir » (même si pour Boutang il n'existe pas de mémoire de l'avenir). Cependant, Boutang semble également rejeter l'identification entre conscience et ascension du présent vivant, tandis que chez Spinoza il y a bien des degrés de conscience en fonction de la part d'éternité dans l'âme. Le futur de l'imminence, néanmoins, peut être aussi appréhendé comme un futur plus probable que les autres, et nous retomberions dans la critique spinoziste ; de son côté, le temps prophétique place son savoir au-delà du futur, il est question du message divin. Or le message divin inhérent au délire prophétique n'est pas une capacité partagée par tous : la conscience et la connaissance du futur proche que l'on cherche doit pouvoir être partagés par tous, bien qu'elles partent d'un acte individuel. Et c'est dans cet « un » de l'homme que la liaison entre Image et Verbe permet une participation au temps, entre éternité et durée. <sup>32</sup> Disciple de Gabriel Marcel, Boutang semble donc placer l'éternité, à l'instar de Saint-Augustin, du côté du temps divin. En réalité, l'être fini ne peut qu'accueillir ce temps dans la limite de la Transcendance. L'instant de la présence, de manière simple – et dans vocabulaire qui n'est pas spécifique à Boutang – fait coexister

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<sup>31</sup> Boutang, *Le temps*, p. 16.

<sup>32</sup> Nous avons également synthétisé le rapport entre le *viator* et l'image dans « Sur le sentier de la veille avec Gabriel Marcel », *Studia UBB Theol. Cath.*, LXII, 1-2, 2017, 29 : « Or, si nous parlons de philosophie chrétienne, nous ne pouvons pas oublier la parole du Psaume 38 : *homo in imagine ambulat* qu'a bien sûr reprise Saint Augustin. Or n'est-ce pas parce que l'homme marche essentiellement vers le Christ qu'il est un veilleur, qu'il fait des tours de veille ? Pour préciser ce lien revenons donc à Saint Augustin (sur lequel s'est longuement penché Gabriel Marcel) qui réinsère l'image du point de vue de la participation. Avec la chute, l'homme perd à la fois l'image et la ressemblance, mais avec la grâce il retrouve peu à peu les deux : il y a une tension entre l'image divine et l'image « banale », qui trace le chemin pour l'homme, d'où le fait qu'il tende *ad imaginem*, vers l'archétype, le logos divin, pour enfin donner sa pleine puissance à l'expression *imitatio christi* (se faire de manière visible l'image du Dieu invisible). La reconfiguration boutangienne (ici, comme héritier de G. Marcel) de l'expérience fait donc équivaloir *imitatio christi* à l'*homo viator*.

l'éternité et la durée dans cet autre-du-temps que l'on pourrait nommer *éontique* (du grec *aion*, une éternité vécue et participative) Il semble, par conséquent, que le dénouement de l'*Ontologie du secret* s'annonce comme un  $\epsilon\mu\alpha\theta\epsilon\upsilon$  de l'origine, mais en avançant dans le couloir oblique, permettant de sentir la grâce d'un « j'ai appris », et celle d'un autre parcours à venir, afin de produire *un temps de l'espérance*. Un intervalle aoriste, en quelque sorte. Que signifie, concrètement, l'obliquité ? L'itinéraire qui lui y est présent n'est pas « un », et peut se décliner en plusieurs chemins ; ce que nous retenons pour l'instant, c'est que ce maintenant originel correspond au *topon* dans lequel s'inscrit mouvement de l'être de l'étant.<sup>33</sup>

Pour comprendre la façon dont le futur est, mais non temporellement, et de façon à fonder l'obliquité, suivons la lecture que Boutang fait du *Parménide*, exposant les trois hypothèses qui opposent, ou qui identifient l'Un et le temps. Or, il semble, suite à l'interprétation de Boutang, que cette participation n'est pas le seul fruit de l'étant, mais aussi de l'Un. L'arbre de la Transcendance comporterait en son sein une double kénose, celle de l'Un, et celle du sujet qui se reconnaît comme personne et image de Dieu. Rencontre de la kénose de l'Un, proche du temps sans être de lui, et de l'ascension de l'étant humain, en dehors du temps mais dans le temps. Le lecteur ne sera pas sans savoir qu'une entité qui est « dans » et « hors » des choses conduit à une contradiction. Une maîtrise de l'ontologie spéciale du secret permettrait néanmoins de comprendre cette « présence absente », mais ce n'est pas l'objet de cet article. On peut, pour l'instant, se contenter d'exposer la théorie d'*Apocalypse du Désir* : l'Un ne peut être dans le temps, il deviendrait plus vieux que soi-même. Mais si l'Un n'était pas dans le temps, on ne saurait pourquoi l'Un est ainsi, c'est-à-dire identique à lui-même. Ce qu'il faut trouver, c'est de quelle façon l'Un participe du temps. Pour trouver la bonne hypothèse de la participation, revenons au mot grec, *methexein*, « être avec ». Boutang cherche, à l'aide du *Parménide*, le lien qui unit la chose à l'idée, mais cette recherche aboutit à une impasse. Seul le *methexein* peut résoudre cette aporie Il y aurait tout de même un « secret de l'idée » hors et dans les choses. Entre la chose et l'idée, il existerait une autre série de choses, l'idée d'un autre modèle. Et ici recèle le secret de l'être, sans quoi ces deux séries seraient réciproquement inertes. Si la résolution tient au fait que « l'Un est », et non « il y a de l'Un », il est nécessaire d'obliger une intervention extérieure, c'est-à-dire

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<sup>33</sup> Par ailleurs, dans le *Dasein* il y a cette dimension ontologique du futur, c'est-à-dire que le futur est ; et, nous n'en doutons pas, il l'est dans l'être-pour-la-mort.



Dieu, garantissant la forme des deux contraires.<sup>34</sup> Par conséquent, si l'Un est, quel est l'être de l'étant qui se cache ? C'est : « la participation de l'être de l'étant, avec le Temps, qui est l'être auprès » ou bien, dans une traduction plus exacte : « participation de l'être avec le temps présent ».<sup>35</sup> Cette participation n'est pas possible en tout temps : non seulement au sein de l'ἔξαφνησ (l'instant), mais aussi dans le *nun*, le maintenant soudain et inattendu, sans quoi l'instant serait purement abstrait, et inefficace dans l'optique de cette nouvelle expérience. D'une part, l'instant au sens platonicien, c'est le sans-lieu (*atopon*) qui évite la contradiction précédente, c'est-à-dire de l'Un qui prend part au temps tout en étant un, mais aussi autre, ni mû, ni immobile. D'autre part, le « *nun* » indique aussi bien le « toute à l'heure » d'un proche avenir, appelé à être passé sans que la perception ne l'y découvre, il devient un « alors » du passé.<sup>36</sup> Le « *new* » indo-européen pourrait indiquer, lui aussi, ce futur proche. Mais le « *new* », nouveau, peut aussi correspondre au *modo* du latin, qui a donné le mot « modernité », ce qui se passe et se renouvelle sans fondation. Le futur fondateur du passé transcende le *new* et le *modo*, une transcendance qui contracte les deux extrémités du temps pour faire surgir leur forme, comme présent vivant ou comme maintenant originel. C'est ici qu'on peut faire une distinction entre nouveau et nouveauté : la nouveauté est le *modo* ; le nouveau n'est pas ce qui est inédit, ou bien l'émergence d'un devenir, mais ce qui me constitue tel que je suis maintenant, comme le fait remarquer Alexandru Dragomir.<sup>37</sup> Le nouveau est à venir, il nous rend présent à l'inconnu, reliant le présent au projet de l'avenir. Par conséquent, l'ἔξαφνησ et le *nun* dénoteraient respectivement la présence simultanée de la personne et de l'Un dans le lieu de la transcendance, en traduisant une soutenance mutuelle.<sup>38</sup>

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<sup>34</sup> Selon Pierre Boutang, cette intervention est obligée, car Dieu est le garant du savoir absolu ; c'est ainsi que nous sommes protégés de l'érection d'un système absolu et totalitaire. Par conséquent, c'est le Dieu thomiste, davantage que celui platonicien, qui est ici en jeu : un « être par essence » comme cause de la production des étants participés. Leur intermédiaire serait alors l'être, l'être comme *ousia* chez Platon. Boutang utilise donc l'être platonicien mais redoublé par la scolastique de saint Thomas, sous peine de tomber dans la critique de Heidegger sur l'impossibilité du questionner de l'être. Pour résoudre cette impasse, il serait nécessaire de rechercher ce qui sauvegarde le secret de l'étant afin de préserver le secret de l'être ; pour une telle analyse, *Ontologie du secret* reste un livre précieux et de première main.

<sup>35</sup> Boutang, *Apocalypse du désir*, p. 393.

<sup>36</sup> *Ibid.*

<sup>37</sup> Alexandru Dragomir, *Cahiers du temps, Vrin*, 2010, p. 43.

<sup>38</sup> Boutang n'expose pas exactement de cette manière la connivence de l'instant et du *nun*. L'instant, dans *Ontologie du secret*, est le moment où l'un passe à l'autre, sans s'altérer ; le *nun* est le moment où l'Un est ainsi, auprès du temps (*Apocalypse du désir*). Nous avançons comme hypothèse qu'au-delà de la ressemblance de l'instant et du *nun*, le premier est l'éon où l'homme

C'est ainsi que ce maintenant originel, le *ur-jetz*, se reflète dans le *sum qui sum*, la subjectivité absolue : le premier *sum* est l'analogue du passé prochain, le « qui » (*asher* en hébreux), manifeste le présent actif, et c'est enfin le second *sum*, entendu comme « *ero* », qui projette le futur dans l'Éternel tout en retenant le passé qui l'accompagne, ce qu'on peut nommer « répétition fondatrice ». C'est de cette manière que l'être fini participerait à l'être infini. Par conséquent, si Boutang accuse Spinoza d'avoir défini la substance comme un passé éternel, un plus-que-passé, c'est en identifiant le *sum qui sum* à une forme, à une essence « fixe ». Ce que reproche Boutang à Spinoza, c'est de ne pas comprendre l'homme comme l'être qui peut traverser ce *sum qui sum* dans son individualité propre, comme son propre secret, à travers la participation de l'idée hors et dans les choses. Rappelons que le « je » de l'homme est une partie de la substance pour Spinoza, autrement dit l'homme ne participe de l'infini qu'en tant qu'il conçoit son corps sous une espèce d'éternité, c'est-à-dire la part formelle de l'âme (l'essence formelle est équivalent, du TRE à l'*Ethique*, à un concept que je peux forger sans recours à l'expérience). Dès lors, il y a un pas supplémentaire chez Boutang, à savoir qu'on ne peut rester à la conception de l'éternité, mais qu'il faut passer à une nouvelle conception du temps : l'autre du temps. C'est bien de la durée linéaire dont il faut nous détacher (que ce soit chez Spinoza, Boutang), mais tout en comprenant le temps sous un autre aspect, saisissant d'un même mouvement le temps divin. Pour comprendre, enfin, comme l'individualité peut être sauvée dans ce nouvel aspect temporel, je propose de faire évoluer le concept de Désir.

Il est donc bien question de délivrance, à l'instar de Spinoza, puisqu'il chemine le « vrai désir de l'homme ».<sup>39</sup> Rappelons-nous que le désir est chez Spinoza l'essence de l'homme, désir toujours conservé au sein du troisième genre

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peut connaître l'ascension du présent vivant, et le *nun* le *metaxu* où l'Un peut passer à l'Autre tout en restant Un, et ainsi à l'autre-du-temps. Une autre piste, plus conforme à la tradition et sans révision de la part de l'auteur étudié, consisterait à affirmer que les deux termes pourraient se rapporter aux catégories du *Sophiste* : le premier, au Repos et au Mouvement ; le second, au Même et l'Autre. Piste confirmée par Luc Brisson dans une note de bas de page exceptionnelle au Parménide : « par opposition au « maintenant » (*nun*) où l'on cesse de devenir pour être (voir 151b-d) et qui se trouve dans le temps où il équivaut au présent, l'instant (*exaiphnes*), articulation qui permet de passer du mouvement au repos et inversement, est regardé ici comme hors du temps ». – Cf. Platon, *Œuvres complètes, Parménide*, Paris, Garnier Flammarion, 2008, p. 1153. Ce qu'ils ont en commun est donc une visée secrète de l'être, réalisée par le *methexin*, pour enfin se compléter.

<sup>39</sup> Terme emprunté à *Apocalypse du désir*, p. 395.

de connaissance. Dans *l'Apocalypse du désir* – dont la fin apporte quelques précisions au dénouement de *l'ontologie du secret* – il nous semble que le Désir soit aussi « l'essence » de l'homme. Le monde moderne, pour Boutang, provoque et avilit le Désir : c'est le « système de l'espérance mesuré ». Mais il existe aussi un désir surnaturel, via l'espérance, qui dépasse ce système (lequel demanderait une protention vers un « savoir absolu ») et permet l'ouverture à un autre-du-temps. Pour comprendre cette maîtrise du temps, Boutang propose de revisiter les concepts du Même et de l'Autre, qui ne se défont pas d'une genèse du langage. A l'origine de la parole, le même relie en présence absente l'un et l'autre (ce qu'on appelle « se garder sauf »). Ainsi, au-delà du concept, il nous faut nommer les choses, c'est-à-dire remonter vers l'être « en » son origine, dont le signe est l'adéquation à la vérité (du *numen*, signe donné par les dieux, au *nomen* gardé par l'homme, remontant à l'étymologie comme genèse du langage qui répète et fonde le mouvement de l'origination du voyageur).<sup>40</sup> Ce trois-en-un éontique que nous venons de visiter est donc le temps du désir espérant, par où le Même est sauvegardé dans l'altérité pour rester « Même ». L'espérance, conceptualisée plus clairement chez Gabriel Marcel, transcende la relation de l'Avoir, et fait advenir une relation à l'être dans le respect face à la Création. Le temps du désir espérant est donc une « mémoire de l'avenir » mais pas seulement, il est la délivrance propre de l'homme, et de la divinité. Ici nous avons trouvé le lien avec le *viator*, c'est-à-dire le voyageur temporel, accompagné du désir de Dieu comme perfection du cheminement.<sup>41</sup>

Par conséquent, l'ascension oblique est *un instant*, non l'unique, comme simple présence du présent, montant vers une autre. Se manifestant à l'intérieur du cercle imparfait de la temporalité humaine, cercle dont il a conscience, le rectiligne « rectifie » la trajectoire par le mouvement en spirale et permet de fonder un autre mouvement de cette présence, un autre moment du domaine oblique à la limite de la Transcendance, qui sera du même tenant, et progressant, toutefois, vers l'indicible *être autre* comme mouvement propre à la délivrance. Si notre propos semble encore trop abstrait pour le lecteur, ajoutons que le lien entre l'esprit fini et l'esprit infini tel qu'exposé traduit l'avancée de l'étant que je suis dans l'espace (par le temps) afin d'habiter d'une nouvelle manière le monde qui m'entoure : la répétition du *sum qui sum* s'effectue bien dans le monde sensible.

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<sup>40</sup>Nous avons résumé succinctement, peut-être trop, le passage d'*Apocalypse du désir* sur le Même, pp. 389–390.

<sup>41</sup>En lien avec Saint-Augustin, sermon 170, 15, 18.

Cependant, pour Boutang l'instant de la présence s'inscrit dans l'existence d'un juste-milieu : à trop sentir cette présence, nous serions aveuglés par la lumière s'inscrivant jusque dans l'obscurité la plus profonde, pour enfin perdre la modalité de notre *esse*. Peut-être faut-il conclure que le troisième genre de connaissance, chez Spinoza, fait perdre aussi la modalité individuelle qui coïncide avec notre *esse*, celle qui ne peut s'accomplir que dans le temps tragique, et jamais dans la logique de l'éternité. C'est ce qu'a aussi découvert Pierre Boutang, tentant de faire un rapprochement entre Spinoza et la composition des mixtes dans le *Philèbe* lorsqu'il était jeune : « j'imaginai alors en Spinoza un souci d'individualité singulière, et, pour l'homme, une importance de la médiation du corps propre, que la lecture ultérieure n'a pas confirmée ». <sup>42</sup> Ce qu'on appelle la personne, c'est-à-dire l'individualité de notre *esse*, est la part ineffable, non encore éternelle, de l'étant humain. Sentiment le plus profond de notre existence, le *sentimus experimurque, nos aeternos esse* s'épanouit dans l'entrelacement de l'Un et de l'étant suivant la ligne de la Transcendance, ce que dénote, il nous semble, le concept de *methexein*.

## Conclusion

En conclusion, Spinoza et Boutang se rejoignent dans la recherche d'un salut de l'être humain hors du temps conçu comme durée linéaire, mais leur ontologie respective se différencie de telle sorte que ce salut est conçu de deux manières différentes. Pour Spinoza, le salut de l'Homme se réalise dans le troisième genre de connaissance, lorsque l'Homme comprend la part d'éternité qui l'habite, changeant tout affect en joie intérieure, pour parvenir à la béatitude. Chez Boutang, la coexistence de l'éternité et de la durée ne relève ni de l'une, ni de l'autre, mais d'un *autre* du temps, préalablement établi par l'origine du péché, et par l'*à-venir* de la Grâce, actualisés au cours du présent vivant, délivrance du désir naturel confondu dans l'entendement technique par le désir surnaturel lequel vient oindre la nature raisonnable de la personne. On traiterait bien, avec Boutang, d'une « conscience du temps », car l'obliquité mesure le savoir de ma finitude ; ce que révèle ainsi ce secret, c'est la suffisance de l'être. Et ce, même si Boutang ne parle pas de « conscience ». Si nous rejetons le terme de « conscience », nous parlerions alors d'une Odyssée du Cœur, là où l'étant éprouve sa *vox carnae* en bordure d'éternité.

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<sup>42</sup>Boutang, *Ontologie du secret*, p. 441.

Le propos s'ouvre alors sur le temps collectif, puisque la conscience du temps, tel qu'étudié jusqu'alors, s'est restreint dans une perspective individuelle, sinon individualiste. Le souci de l'individualité singulière dont parle Boutang ne ferme pas la porte à autrui, et c'est ainsi qu'un autre sujet serait à écrire sur le rapport entre l'autre-du-temps individuel, et le rapport aux autres par cette conscience. L'autre risque est de perdre en vue la communauté (au sens restreint ou large) à laquelle appartient l'homme. Dans le dénouement de *l'Ontologie du secret*, l'accent n'est pas assez mis sur autrui. Cependant, *Le Purgatoire* donne des pistes pour comprendre les réels enjeux de l'obliquité. Ce roman, en effet, nous montre qu'elle n'est pas le seul fait d'une présence de Soi à Dieu mais, *via* le Toi absolu, de soi à autrui. Le chiffre intemporel du présent vivant est donc repris ici-bas, à travers le personnage de Montalte, lié à ses amis les plus proches – René Dorlinde et Jean Ruo – répétant le *trois-en-un éontique* : nous avons donc également trouvé les fondements intersubjectifs. L'obliquité éontique est donc concrète, et évite l'écueil d'une considération abstraite qui pourrait être portée au concept de « l'autre-du-temps ». L'épreuve la plus difficile qui nous resterait à surmonter serait de comprendre comment de *l'exaiphnes* peut naître une véritable conscience du temps : cette voie serait à rechercher du côté du *to ti en einai* d'Aristote, une nouvelle manière d'appréhender le temps dans la poétique de l'espace qui nous entoure.

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## CIORAN ET LA PHILOSOPHIE EXISTENTIELLE DE LEON CHESTOV

SÁNDOR SERES\*

**ABSTRACT.** *Cioran and the Existential Philosophy of Lev Shestov.* Cioran is said to have been influenced by Pascal, Kierkegaard and Nietzsche, the author of *La Chute dans le temps* thus enrolling in the line of existential philosophy. Much less - or not at all - is mentioned in this context Lev Shestov, who exerted a considerable influence on the intellectual environments in France, but also in Romania, in the period immediately following the First World War. Cioran considered Shestov as one of his spiritual masters, the influence of the Russian thinker being present both in his youthful writings and in those written later in France. We will try to highlight some of Shestov's ideas which have been creatively taken over by Cioran and that can be found constantly throughout his work.

**Keywords:** *Emil Cioran, Lev Shestov, Benjamin Fondane, existentialism, freedom*

Relativement peu connu de son vivant, presque oublié après sa mort, Léon Chestov n'a eu pratiquement qu'un seul disciple, le roumain Benjamin Fondane (Fundoianu). Son influence auprès des contemporains, en particulier de ceux qui le connaissaient personnellement, était pourtant considérable et ses idées ont été appréciées des penseurs les plus divers, de Gabriel Marcel et Albert Camus à Emmanuel Lévinas.

Interrogé par Fernando Savater sur sa formation philosophique, le premier nom mentionné par Cioran est celui de Léon Chestov.<sup>1</sup> Ce n'est pas par hasard. Bien que son œuvre, en particulier celle de sa jeunesse, ait des influences beaucoup plus importantes, comme Schopenhauer, Nietzsche, Kierkegaard ou même Pascal, avec Chestov, Cioran entretient une relation privilégiée qui s'avère déterminante pour l'évolution ultérieure de sa pensée philosophique.

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<sup>1</sup> Emil Cioran, *Entretiens*, Gallimard, 1995, p. 23.

On parle peu ou pas du tout de Léon Chestov en ce qui concerne l'existentialisme, dont il est, avec Kierkegaard et Nietzsche, l'un des précurseurs. On ne retrouve pas son nom trop souvent dans les dictionnaires de philosophie, comme on ne retrouve souvent celui de Cioran non plus.<sup>2</sup> Les deux font partie d'une catégorie particulière de penseurs, que la philosophie officielle du type académique ignore presque. Cherchant de trouver une voie philosophique au-delà des lois de la logique et de la raison, Chestov a estimé que « la philosophie doit abandonner la tentative de trouver des *veritates aeternae*. Le devoir de la philosophie est d'apprendre à l'homme à vivre dans l'incertitude (...) En bref, le devoir de la philosophie n'est pas de réconforter les hommes, mais de les déranger profondément. »<sup>3</sup> Cette idée, exprimée dans *L'Apothéose du déracinement* (1905), est à la base de la philosophie de Chestov; nous la retrouverons chez Cioran, sous différentes formes, comme dans l'entretien de Fernando Savater, réalisé en 1977, où Cioran insiste: « un livre doit être réellement une blessure », « Un livre doit tout bouleverser, tout remettre en question », « Mon idée quand j'écris un livre, est d'éveiller quelqu'un, de le fustiger. »<sup>4</sup> Cette pensée sera exprimée également par un aphorisme magistral dans son volume de 1977, *Ecartèlement*: « Un livre doit remuer des plaies, en provoquer même. Un livre doit être un danger. »<sup>5</sup>

Pour distinguer cette façon de philosopher de l'existentialisme proprement dit, certains auteurs ont préféré l'appeler philosophie existentielle, terme utilisé d'ailleurs par Chestov aussi pour se distancer de la philosophie spéculative. Cioran lui-même a affirmé à plusieurs reprises que c'est Chestov qui l'avait conduit à renoncer à la philosophie universitaire, qui traite des vérités abstraites et immuables et ignore la vérité de l'individu, sa vie intérieure, son affectivité. Dans ses livres roumains, aussi bien que ceux écrits plus tard en France, nous trouvons des références à sa décision d'abandonner la philosophie spéculative: « Les philosophes ont commencé de m'être indifférents du jour où je me suis rendu compte qu'on ne pouvait faire de philosophie qu'avec indifférence, c'est-à-dire en faisant preuve d'une indépendance inadmissible par rapport aux états d'âme. La neutralité psychique est le caractère essentiel du philosophe. Kant n'a jamais été triste », dit Cioran dans *Cartea amăgirilor* (*Le livre des leurres*),<sup>6</sup> pour réitérer, dans *Précis de décomposition*, avec une gravité encore plus grande sa pensée, signe qu'il ne s'agissait pas d'un caprice, mais d'un

<sup>2</sup> Par exemple, dans le prestigieux *The Cambridge Dictionary of Philosophy*, le nom de Cioran n'est pas mentionné une seule fois.

<sup>3</sup> Lev Şestov, *Apoteoza lipsei de temeieri. Eseu de gândire dogmatică*, Humanitas, Bucureşti, 1995, Partea I, 11.

<sup>4</sup> Emil Cioran, *Entretiens*, op. cit., p. 21.

<sup>5</sup> Emil Cioran, *Oeuvres*, Gallimard, Quarto, 1995, p. 1444.

<sup>6</sup> *Ibid.*, pp. 230–231.

vrai carrefour dans sa vie : « Je suis détourné de la philosophie au moment où il me devient impossible de découvrir chez Kant aucune faiblesse humaine, aucun accent véritable de tristesse; chez Kant et chez tous les philosophes (...) A peu près tous les philosophes ont fini *bien*: c'est l'argument suprême contre la philosophie. »<sup>7</sup>

Le moment où l'intérêt de Cioran pour la philosophie spéculative a commencé à diminuer – car, malgré ses affirmations alléchantes, il s'agit d'un processus dans le temps, et non d'une décision radicale – peut être situé avec précision pendant ses études universitaires bucarestaises, vers 1930, lorsque Cioran commence à souffrir d'insomnies. C'est un tournant pour lui, un renversement total des valeurs dans lesquelles il croyait.<sup>8</sup>

Selon ses propres aveux, à ce changement d'attitude a contribué de manière décisive la lecture d'un livre de Léon Chestov, *La Nuit de Gethsémani*, paru en 1923, où Cioran lit à propos de Pascal qu'à « dix-huit ans, il ne passa pas la journée sans douleur ».<sup>9</sup> Cette « révélation de la douleur » le marquera toute sa vie, se rappelant ce moment à plusieurs reprises. En octobre 1962, Cioran notera dans ses cahiers où Chestov est souvent mentionné: « On connaît le mot de Pascal à sa sœur qui lui reprochait de ne pas se faire soigner: 'Vous ne connaissez pas les inconvénients de la santé et les avantages de la maladie.' C'est dans un livre de Chestov que je suis tombé pour la première fois sur ce mot qui fit sur moi une impression extraordinaire. Je me rappelle que j'ai failli pousser un cri. J'avais dix-sept ans, c'était à la bibliothèque de la 'Fundăția Carol', à Bucarest. »<sup>10</sup> Cette histoire est également confirmée dans l'interview de Jean-François Duval en 1979: « (...) L'un des grands moments de ma vie, un moment bouleversant, c'est à Bucarest, quand j'avais dix-sept ans, et que j'ai lu dans une bibliothèque publique cette chose que Pascal avait écrite à sa sœur qui lui demandait de se soigner: vous ne connaissez pas les inconvénients de la santé, et les avantages de la maladie. Ça m'a bouleversé! »<sup>11</sup> Cioran se souvient presque à l'identique de toute cette scène vers la fin de sa vie, en *Aveux et Anathèmes*, à la seule différence qu'il se donne 18 ans. Comme dans tant d'autres cas où il raconte des moments de carrefour de sa vie, Cioran dramatise, avec l'intention expresse de souligner l'intensité du moment, comme sous le pouvoir d'une révélation. Et chaque fois, ce moment bouleversant est généralement suivi d'une décision radicale qui risque fort de changer le cours de sa vie.

<sup>7</sup> *Ibid.*, p. 622.

<sup>8</sup> Le rejet de la philosophie universitaire est présent déjà à Schopenhauer, mais aussi chez Nae Ionescu, dont Cioran suit les cours durant les années 1931-1932.

<sup>9</sup> Lev Șestov, *Noaptea din grădina Ghetsimani. Privilegiații și dezmoșteniții istoriei*, Polirom, 2013, Iași, p. 35.

<sup>10</sup> Emil Cioran, *Cahiers*, Gallimard, 1997, p. 114.

<sup>11</sup> Emil Cioran, *Entretiens*, op. cit., p. 40.



Cioran doit donc à Chestov cette révélation, qui lui a permis de découvrir la futilité de la philosophie pour celui qui a fait face à des épreuves existentielles. Pour cela, il restera reconnaissant au philosophe russe jusqu'à ce qu'il l'appelle « mon philosophe » dans une interview de 1984.<sup>12</sup> Ce fait témoigne de son appréciation constante de lui, même à un âge avancé, par opposition à d'autres idoles de sa jeunesse, comme Nietzsche, qu'il a abandonnées. Le rôle prépondérant joué par Chestov dans sa formation intellectuelle est souligné aussi dans ses *Cahiers*, où Cioran affirme sans équivoque: « Chestov m'a libéré de la philosophie. C'est une dette de reconnaissance que j'ai à son égard. »<sup>13</sup> Plus tard, dans une lettre de 1989 adressée à une nièce de Sofia Balsovskaia, la sœur de Chestov, Cioran affirmera de nouveau: « Léon Chestov m'a rendu un service considérable: il m'a libéré de l'idolâtrie de la philosophie. Je devrais ajouter: de toutes les idolâtries. »<sup>14</sup>

*La nuit Gethsémani* n'a certainement pas été le seul livre de Léon Chestov lu par Cioran au cours de cette période. Il connaissait au moins *Les Révélations de la mort*, également paru en 1923, traduit en français par Boris de Schloezer, un livre que Cioran republiera en France dans les années 1950, lorsqu'il sera nommé directeur de la collection *Cheminements* de la maison d'édition Plon. Et bien sûr, il a lu l'un des livres les plus importants de Chestov, *L'Apothéose du déracinement*, traduit en allemand depuis 1925. De plus, Cioran rappelle dans ses interviews Chestov en tant que philosophe à la mode en Roumanie dans les années '20 - '30, beaucoup lu dans les milieux intellectuels. En ce sens, il est significatif que Benjamin Fondane, avec lequel Cioran aura une relation privilégiée dans les années 1940, avait publié en 1923, avant de partir pour la France, pas moins de six articles sur *Les Révélations de la mort*.<sup>15</sup> C'est précisément son intérêt pour Chestov que fait Cioran rechercher Fondane à Paris: lors de leur première rencontre, il est tellement emballé qu'il préfère exposer à Fondane les motifs de sa faiblesse pour le philosophe russe, bien qu'il soit venu l'interroger à ce sujet.<sup>16</sup> Cioran a également déclaré à une autre occasion que Fondane lui aurait fait aimer Chestov encore plus.<sup>17</sup>

<sup>12</sup> „Mon philosophe était Chestov, un Juif russe qui eut une certaine influence en France dans l'après-guerre” – Emil Cioran, *Entretiens*, op. cit., p. 134.

<sup>13</sup> Emil Cioran, *Cahiers*, op. cit., p. 479.

<sup>14</sup> Lettre du 2 avril 1989, écrite à Alice Laurent, citée par Ingrid Astier dans *Cahiers de l'Herne no 90: Cioran*, pp. 181–182.

<sup>15</sup> Concernant la réception de Chestov dans la Roumanie d'entre deux guerres, voir Michael Finkenthal, *Lev Șestov – Filosof existențial, gânditor religios*, Ed. Tracus Arte, 2014, pp. 285–298.

<sup>16</sup> « (...) c'est moi qui fus intarissable lors de ma première visite, que je lui fis avec l'intention de lui poser des questions sur Chestov. Or, par besoin de parader sans doute, je ne lui en posai aucune, préférant lui exposer les raisons de mon faible pour le philosophe russe (...) » – *Exercices d'admiration*, in Cioran, *Oeuvres*, op. cit., p. 1601.

<sup>17</sup> Entretien avec Arta Lucescu-Boutcher, in Emil Cioran, *Opere*, vol. III, Academia Română, Fundația Națională pentru Știință și Artă, Muzeul Național al Literaturii Române, București, 2017, p. 389.

Avec toute l'admiration déclarée pour Chestov, les traces de son influence sont assez difficiles à préciser dans l'œuvre de Cioran. Ceci parce que, dans le cas de l'auteur de *L'Apothéose du déracinement*, nous avons affaire à une œuvre fragmentaire et non systématique, foisonnant de paradoxes, dont l'issue est souvent entourée d'obscurité et d'équivoque.<sup>18</sup> Chestov a souvent eu de vives disputes avec certains de ses contemporains, tels que Berdiaev ou Husserl, précisément parce qu'il était le disciple d'une nouvelle façon de faire de la philosophie, qui cherche à libérer l'esprit des contraintes de la raison. Gabriel Marcel, un représentant éminent de l'existentialisme chrétien, était d'abord un passionné de Chestov, persuadé qu'il trouverait dans son travail des portes ouvrant de nouvelles perspectives, mais il fut finalement déçu de constater que, à son avis, dans les constructions de Chestov il n'y a pas de porte. En outre, à l'exception de Benjamin Fondane, qui l'a suivi dans la méthode de « pérégrination à travers les âmes », Chestov n'a pas eu de disciples et il a été presque oublié après sa mort. Bien que l'on puisse parler d'une influence de Chestov sur Cioran dans son œuvre de jeunesse, ceci est moins évident dans ses écrits, où les idées chestoviennes sont plus difficiles à distinguer dans l'amalgame d'influences nietzschéennes ou kierkegaardiennes; cependant, il est possible de déterminer cette influence avec assez de certitude dans ses attitudes existentielles.

Cioran suit Chestov sur l'idée d'abandonner les prétentions de la philosophie de science fondée sur les outils de la raison, séduit par ses tentatives de dépasser la sphère de la pensée rationnelle à un moment où il avait lui-même connu une crise mystique. Une phrase de *Lacrimi și sfinți (Des larmes et des saints)*, livre écrit au plus fort de cette crise, est significative en ce sens: « Un philosophe n'est sauvé de la médiocrité que par le scepticisme ou le mysticisme, ces deux formes de désespoir face au *savoir*. Le mysticisme est une évasion de la connaissance et le scepticisme une connaissance sans espoir. »<sup>19</sup> L'idée du péché originel en tant que point de départ du déploiement de l'histoire et du scellement de la destinée humaine demeurera un thème central de l'œuvre de Cioran et peut être retrouvée dans ses livres de maturité, tels *La Chute dans le temps* ou *Le Mauvais démiurge*.

Pour Cioran, tout comme pour Chestov, le savoir/la connaissance a une nature tragique. Savoir c'est souffrir, et le bonheur signifie ne pas penser – ou comme il le dit dans l'un de ses aphorismes de *De l'Inconvénient d'être né*: « Regarder sans comprendre, c'est cela le paradis. L'enfer serait donc le lieu où l'on comprend, où l'on comprend trop ... »<sup>20</sup> Chez Chestov, on retrouve la même idée, exprimée sous

<sup>18</sup> On peut ajouter à cela que l'œuvre de Chestov est parfois contaminée elle-même d'idées nietzschéennes, ce qui rend difficile d'établir avec précision la provenance de certaines idées de Cioran.

<sup>19</sup> Emil Cioran, *Lacrimi și sfinți*, Humanitas, București, 1991, pp. 51–52.

<sup>20</sup> Emil Cioran, *Oeuvres*, op. cit., p. 1287.

la forme de la « pensée participative », de l'homme en dialogue direct avec Dieu, avant de goûter aux fruits de l'arbre de la connaissance et de tomber sous la tyrannie de la raison, c'est-à-dire avant que l'homme ne perde sa liberté, devenant prisonnier du logos et de la nécessité: « Au moment où l'homme a mangé du fruit de la connaissance il a gagné le Savoir, il a perdu la liberté. L'homme n'a pas besoin de connaître. Demander, poser des questions, exiger des preuves, des réponses, signifie justement qu'on n'est pas libre. Connaître, c'est connaître la nécessité. Savoir et Liberté s'opposent irréductiblement. »<sup>21</sup>

Pour Chestov, la liberté commence là où finit la connaissance. Si on regarde de près le parcours biographique de Cioran, on remarquera que toute sa vie il a tenté d'échapper à la nécessité: en réussissant à recevoir une bourse à Paris, il n'a entrepris aucune démarche pour concrétiser le thèse auquel il s'était engagé; il a assumé le statut de paria, n'ayant jamais essayé de trouver de travail, à l'exception de l'année passée à une école de Braşov; après son épisode légionnaire, il a évité toute forme d'engagement politique; en outre, il a refusé la citoyenneté française, préférant rester apatride jusqu'à la fin de ses jours. Il a refusé toute contrainte, même en ce qui concerne ses livres, affirmant que, loin de rechercher le succès ou la gloire, il les écrivait à des fins thérapeutiques, pour échapper à « des pensées avec lesquelles on ne peut pas vivre ». « La seule religion de ma vie a été la liberté », confie Cioran à Gabriel Liiceanu,<sup>22</sup> déclaration soutenue aussi à l'occasion d'autres interviews (« Pour être libre il faut supporter n'importe quelle humiliation et c'était presque le programme de ma vie », dit-il à Michael Jakob )<sup>23</sup> – mais aussi dans certaines pages de *Cahiers* (« Je ne crois à rien sauf à la *liberté*. J'avoue cette grande faiblesse. Pour tout le reste, je manque de convictions ; je n'ai que des opinions. »,<sup>24</sup> « La seule valeur à laquelle je crois est la liberté. » )<sup>25</sup>

S'il est certain que Chestov a exercé une influence majeure sur le jeune Cioran, lui faisant dire adieu à la philosophie académique, il n'en est pas moins vrai que des traces de cette influence peuvent être trouvées aussi dans son œuvre de maturité. Il suffit de rappeler ici l'un de ses livres les plus « chestoviens », *La Chute dans le temps*, dans lequel l'essai « Sur la maladie » a des liens avec l'analyse que Chestov fait à Pascal, et l'essai intitulé « La plus ancienne des peurs » trouve un correspondant dans les textes de Chestov sur Tolstoï. Cependant, contrairement à

<sup>21</sup> Chestov, cité par B. Fondane, dans *Rencontres avec Leon Chestov*, Paris, Ed. Pasma, 1982, p. 73.

<sup>22</sup> Gabriel Liiceanu, *Itinerariile unei vieţi: E. M. Cioran; Apocalipsa după Cioran*, Humanitas, Bucureşti, 2011, p. 111.

<sup>23</sup> Emil Cioran, *Entretiens*, op. cit., p. 305.

<sup>24</sup> Emil Cioran, *Cahiers*, op. cit., p. 550.

<sup>25</sup> *Ibid.*, p. 585.

Benjamin Fondane, aucun de ces essais ne fait de Cioran un continuateur de Chestov, et encore moins son disciple. Comme dans tant d'autres cas, Cioran s'est tout simplement retrouvé dans certaines des idées de Chestov; si la méthode herméneutique de ce dernier était celle des « pérégrinations à travers les âmes », dans le cas de Cioran on ne peut pas parler d'une méthode appropriée, mais seulement d'une vérification, d'une mise à l'épreuve de ses propres expériences et obsessions à la lumière des expériences des autres. Cela explique son intérêt pour la vie des saints, qu'il lisait pour mieux comprendre sa propre expérience de l'extase, mais aussi pour les personnalités les plus diverses, comme Joseph de Maistre, Samuel Beckett, Paul Valéry ou Scott Fitzgerald, qui sont décrites dans *Exercices d'admiration* de telle manière qu'on peut deviner en palimpseste son propre visage. Certains contemporains ont reproché à Chestov de « chestoviser » les écrivains à propos desquels il écrit, en ce sens qu'il leur attribue des intentions qu'ils n'auraient pas eues. Cioran procède de manière légèrement différente: il essaye de se retrouver dans les autres, pour dissiper ses propres incertitudes et doutes. La véracité de cette affirmation est confirmée par son dernier livre, *Aveux et Anathèmes*, dans lequel, outre ses éternels malédictions, Cioran expose sa propre méthode critique, pratiquée pendant sa vie entière: « Il faut lire, non pour comprendre autrui, mais pour se comprendre soi-même. »<sup>26</sup> Cela est vrai dans une large mesure pour sa lecture de Chestov aussi.

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<sup>26</sup> Emil Cioran, *Oeuvres*, op. cit., p. 1665.



## LEFTIST CRITIQUE OR FIGHT FOR DEMOCRACY? *CONTIMPORANUL* COVERING THE TRIAL FROM DEALUL SPIRII

EMILIA FAUR\*

**ABSTRACT.** *Leftist Critique or Fight for Democracy? Contimporanul Covering the Trial from Dealul Spirii.* The general knowledge about the political dimension of the Romanian historical avant-garde places the groups on the left of the political spectrum. However, there is little work on what this means precisely when it comes to the concrete historical situations. It may well be that *Contimporanul*, the main press organ of the avant-garde “supported a political agenda of socialist origin”, but what does it mean specifically? In order to give a complete historical-intellectual picture of the Romanian avant-garde, specifically of *Contimporanul*, one must also account for the first couple of years of its appearance, when it published a large number of political opinion articles, written mainly by the same authors that would become central for the artistic movement as well. We aim to fill this gap in the scholarship by giving a detailed account of the reactions from *Contimporanul*’s pages to the political events of the time, notably those that involved the socialist movement. The case in point is the Trial from Dealul Spirii and the alleged political assassinations against socialist leaders committed or condoned by the state authorities. The overall image of the political ‘ideology’ of *Contimporanul* from those years shows rather a marked democratic attitude towards the events, and a great deal of journalistic objectivity behind the attacks against the liberal establishment.

**Keywords:** *Contimporanul*, “The Trial from Dealul Spirii”, Romanian Socialist Party, Romanian National Liberal Party, democracy

### Introduction

The Trial from Dealul Spirii – also known as “The Communists’ Trial” – begun on the 23<sup>rd</sup> of January 1922 and it is considered to be a turning point in the interwar history of the Romanian Socialist Party and also a landmark in the

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evolution of Romania's left wing movements. A political trial of such a magnitude was followed avidly by the public, and the press covered the proceedings extensively, while the partisan newspapers used the occasion to push their respective political ideologies and agendas.

In its first couple of years, before taking a markedly 'artistic turn', in 1924, that would eventually establish its name as the chief organ of the Romanian avant-garde, *Contimporanul* presented its public with a mixed bag of literature, arts, and political opinion articles. The latter are openly critical towards the liberal political establishment, and call for wider democratic and political reforms. The trial gets a lot of space and attention in its columns as well, with some 15 articles published, with a generally sympathetic attitude towards the accused, again in line with the left-leaning press.

This general attitude, as well as the subsequent evolution of the magazine and of its collaborators was used in scholarship to describe *Contimporanul* as "supporting a political agenda of socialist origin".<sup>1</sup> However, the political dimension of *Contimporanul*, was described only in broad strokes – providing at best short descriptions on the political subject matter found in the magazine's articles.<sup>2</sup> Otherwise, the historians and literary critics analyzed *Contimporanul* either from an aesthetic perspective, or in that of cultural politics,<sup>3</sup> while the political opinions and options, the political 'ideology' of *Contimporanul* was left untackled.

However, we maintain that the concrete political ideology of *Contimporanul*, and its dynamics, must be taken into account in any historical-intellectual description of the Romanian avant-gardes, be it only in order to shed more light onto the ways in which the avant-gardes reacted to the local context. After all, the avant-garde was a national as much as it was an international phenomenon.

We consider it to be of critical importance to undertake a more rigorous enquiry into the political 'material' from the pages of *Contimporanul* and, at last, to indicate, as accurately as possible, what were the political ideas advanced by

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<sup>1</sup> Dan Gulea, *Domni, tovarăși, camarazi. O evoluție a avangardei române* [Gentlemen, comrades, companions. An evolution of the Romanian avant-garde], Editura Paralela 45, 2007, p. 75.

<sup>2</sup> Paul Cernat, *Contimporanul. Istoria unei reviste de avangardă* [Contimporanul. The history of a Romanian avant-garde magazine], Ed. Institutul Cultural Român, București, 2007.

<sup>3</sup> See: Marin Mincu, *Avangarda literară românească, Volumul I. De la Urmuz la Eugen Ionescu și Volumul II: De la Gellu Naum la Paul Celan* [The Romanian literary avant-garde. Volume I. From Urmuz to Eugen Ionescu and Volume II. From Gellu Naum to Paul Cernat], Ed. Minerva, București, 1999; Ion Pop, *Avangarda în literatura română* [The avant-garde in the Romanian literature], Ed. Atlas, București, 2000; Ion Pop, „Din avangardă în ariergardă (I)” [„From avant-garde to rearguard”], în *Tribuna*, anul IX, No. 179, 16-28 februarie 2010; Paul Cernat, *Avangarda românească și complexul periferiei* [The Romanian avant-garde and the complex of periphery], Ed. Cartea Românească, București, 2007, etc.

*Contimporanul*, that is to answer the question: how can we best describe the avant-garde magazines' "ideology"? For this matter, we consider the manner in which *Contimporanul* addresses The Trial from Dealul Spirii serves as a worthwhile material.

### The Trial from Dealul Spirii: a Political Manoeuvre?

In 1920, a delegation of the Romanian Socialist Party leaders attended the Second Congress of the Komintern, in Petrograd and Moscow. Upon their return, they organized the First Congress of the Romanian Socialist Party with the purpose of deciding the affiliation to the Komintern. On the 12th of May 1921, when the final vote came – with 428 votes in favor and 111 against –, the law enforcement intervened, arresting and detaining all those who voted for the affiliation. At Trial from Dealul Spirii the prosecutors accused of treason the socialists that attended the Communist International and those who voted the affiliation to Komintern. Also “the prosecutors tried to establish a connection between the social-communist with radical views and the bomb attack launched by the anarchist Max Goldstein, from December 1920.”<sup>4</sup> Overall, at the Trial from Dealul Spirii were prosecuted “271 activists, arrested on different occasions, in 1920-1921”.<sup>5</sup> In the first Issue of *Contimporanul*, Dem. Theodorescu recounts:

In Dealul Spirii, five officers execute the order «to bring to justice» about two hundred Romanian citizens, accused of «affiliation to the III-rd International». This is one of the most shameful spectacles in a history of abuse and stupidity. [...] The indictment document signed by the Major [n. Cernat] is a masterpiece of reflexive and flaunted foolishness. Such a trial could not exist without such an accusation; the mocked misery of the 250 citizens is by that accusation already avenged.<sup>6</sup>

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<sup>4</sup> Adrian Cioroianu, *op. cit.*, p. 29. On 8 december 1920, Max Goldstein placed a bomb in the Senat. The Senats' president was badly injured and some of those located in the front row (the Minister of Justice, Dimitrie Greceanu, the Bishop Radu Dimitrie and a senator) died; Adrian Cioroianu, *op. cit.*, p. 14.

<sup>5</sup> Adrian Cioroianu, *Pe umerii lui Marx. O introducere în istoria comunismului românesc [On Marx's shoulders. An introduction to the history of the Romanian communism]*, Ediția a II-a, Curtea Veche, București, 2007, p. 29.

<sup>6</sup> Dem. Theodorescu, „Rușinea de a fi român” [“The shame of being a Romanian”], *Contimporanul*, Year I, No. 1, June 3 1922, p. 4.



*Contimporanul* disapproves the idea of prosecuting together the socialist party members and the anarchist Goldstein. Though not explicitly, *Contimporanul's* contributors deliberately delineate the violent acts carried by the anarchists, such as Goldsteins', from that of the Romanian socialists:

Tremendous, majestic, fatal is the way the juridical method by which the Major managed to put in the same pen<sup>7</sup> both Dobrogeanu-Gherea and the deranged Goldstein: «For those who, either as main authors, or as accomplices, their activity was a mass action and also relating to others, they will make a common ground and will be treated as a «single body».<sup>8</sup>

*Contimporanul* placed Goldstein among all those who took action only on part of their own interests. In *Contimporanul's* perspective, these groups did not represent a class and had no understanding for “the national life”. For instance, Ion Vinea, signing under the pseudonym Aladin, argues:

On the one side, there's Goldstein and his small group of no-names, standing apart from the national life and the class which they claim they represent. On the other side, the types of Bratianu, Filipescu, Agetoianu and all other *ciocoi* [n. upstarts], as strange to the national interests as the first ones [...] without a root in any of the social classes.<sup>9</sup>

In its effort to confine Goldstein to a separate, disparaged group, *Contimporanul* depicted Goldstein's features by using strong words: “the hysteric and half-learned assassin, Max Goldstein, a worthy opponent of the royal commissioner when it comes to raising controversies”.<sup>10</sup>

In *Contimporanul's* opinion, a separation of Max Goldstein from the socialists was essential. Max Golstein was part of a group that acted in its own behalf, as did not represent the interests of the Romanian workers, neither that of the peasants – they were “declassed”. For *Contimporanul*, Goldstein and also groups formed of clandestine and “crooks”, financed from Moscow, were equally guilty of misunderstanding and “befuddlement” among the public sphere.

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<sup>7</sup> The contributor uses the term “pen” because the bench of the accused was enclosed by fences.

<sup>8</sup> Dem. Theodorescu, „Rușinea de a fi român” [„The shame of being a Romanian”], *Contimporanul*, Year I, No. 1, June 3 1922, p. 5.

<sup>9</sup> Aladin, „Comedia declasaților” [„The comedy of the morally discredited”], *Contimporanul*, Year I, No. 5, July 1 1922, p. 7.

<sup>10</sup> *Idem.*

Regrettably, their only achievements were those of breaking the unity of the Romanian Socialist Party and derailing its program:

Face to face: the hysteria of the upstart and that of the vagabond. To what end? The murders committed by Max and the conspiracy of a few clandestines, crooks who received Moscow's money, rabble raisers in the unions, spies of the Romanian and Russian Secret police, all those who terrorized the leaders of the organized working class, throwing them into befuddlement, leaders who cave under their pressure and ruined the party, once they decided to undertake the general strike.<sup>11</sup>

*Contimporanul* decried the interference of Moscow in the Romanian party's affairs. St. Streitman sums it up:

Ah, the extremists! Forever meddling and creating havoc, they (exaggerate) the teachings, aspirations and goals of the new movements and parties. Worse still: they spoil the leaders plans... Not from yesterday, the poor leaders fall victim to the hard-liners. True martyrs, these ones!<sup>12</sup>

Even though *Contimporanul* held the leaders of the Romanian Socialist Party accountable for the downfall of their party, they considered the decision to affiliate to Komintern as part of a different – unfortunate – scenario. Ideally, the Romanian Socialist Party did not act under the influence of Moscow, but guided solely by its desire to answer the interests of the class it represented. Hence, its goal was to deliver a program that spoke to the Romanian working class. *Contimporanul* felt that, at the time, a program that answered the workers needs did not exist. On the other hand, in *Contimporanul's* viewpoint, The National Liberal Party, led by Ionel I. C. Brătianu, Romania's prime-minister, represented only the interests of the bourgeoisie – a minority in Romania. In addition, the National Liberal Party had in *Contimporanul's* viewpoint benefited from too greater power, since it met no opposition on the Romanian political scene. On numerous occasions *Contimporanul* declares the current social and political establishment as "oligarchic". *Contimporanul* hoped that, since the citizens had the opportunity for the first time in the state's history to exert their universal vote, one might have a chance to base a democratic political scene. After all, by representing the populations interests,

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<sup>11</sup> *Idem.*

<sup>12</sup> H. St. Streitman, „Revizuirii” [„Revisions”], *Contimporanul*, Year I, No. 4, June 24 1922, p. 12.

the Romanian Socialist Party – as well as the People’s Party – stood a chance in the future election. Regrettably, the Romanian Socialist Party missed the opportunity to convince its electorate at the upcoming election once it decided its affiliation to Komintern. Needless to say, to top it all, the affiliation to Moscow came against the state’s interests – The Komintern named Romania “an imperialist state” and did not recognize Romania’s Great Union. And as unhappy as they were with their living conditions, the Romanian citizens were thrilled with the idea of finally coming together as a nation.

However, *Contimporanul* disapproves the manner in which the authorities decided to take action against the socialists. The intervention of the authorities and the arrests at that particular occasion amounted to a breach of the fundamental democratic right to free, political, assembly. And if that did not count for anything, *Contimporanul* disapproved the act of holding a public trial just to smear the opposition parties’ image or for the purpose of intimidation. For, as serious as the accusations were, *Contimporanul* saw the trial as merely

a savage hunt carried out by the fearful politician, an incitement to maim and murder, a race in organized cruelty and bestiality, with mockery and bonuses given in encouragement, all in broad daylight and in front of the judiciary praetorium, just to intimidate.<sup>13</sup>

But the plan of the National Liberal Party backfires. As Gheorghe Neacșu and Ioan Scurtu recount, eventually: “the communists transformed the trial into a platform of propaganda, in support of the Communist Party”.<sup>14</sup> Not only did the defendants have respectable public figures as advocates for their cause, but the local left-wing media also created a “martyrized” image of the accused. As Stelian Tănase narrates: “The scenes are melodramatic, the press, impressed. The defendants [...] [b]ereft of voice, lay on benches, lean on each other etc. A few vials of ether are open and immediately the room starts resembling a hospital hall.”<sup>15</sup> Apparently aware of the fact that the socialists were about to gain the sympathy of the electorate, Ionel Brătianu convinced King Ferdinand I to issue an amnesty decree. The amnesty was given on the 3<sup>rd</sup> of June 1922 leading to the release of 213 individuals condemned in the trial. Again, *Contimporanul* considered the

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<sup>13</sup> Aladin, „Comedia declasaților” [„The comedy of the morally discredited”], *Contimporanul*, Year I, No. 5, July 1 1922, p. 7.

<sup>14</sup> Gheorghe Neacșu, Ioan Scurtu, *Leonte Filipescu*, Editura Politică, București, 1973, p. 34.

<sup>15</sup> Stelian Tănase, *Clienții lui Tanti Varvara [Mam’s Varvara clients]*, The Second Edition, Humanitas, București, 2008, p. 47.

amnesty as a means of the National Liberal Party to ensure its own popularity: “The newspapers assure us the Council of Ministers decided for the amnesty. That is, the Government decided to make use of one of its great means of becoming popular”.<sup>16</sup>

For *Contimporanul*, the National Liberal Party tried once again to impede the ascendance of the socialists on the political scene: “Fierce was the oligarchy against the socialist movement. [...] After three years of atrocities, finally, came the amnesty.” [“Înverșunată a fost însă oligarhia față de mișcarea socialistă. [...] După trei ani de atrocități, intervine, în sfârșit și aici, amnistia”].<sup>17</sup> Also, the context in which the amnesty was granted, gave way to endless ridicule. In articles such as “Amnistia” [“The Amnesty”],<sup>18</sup> “Recunoștința unui amnistiat” [“The gratitude of an amnestiated”]<sup>19</sup> or “Povestea vorbeii” [“The Tale of the Talk”]<sup>20</sup>, *Contimporanul* sarcastically gives its thanks to the royal family, praising the princely wedding that so graciously made way to the King’s act of clemency. For instance, Dem. Theodorescu’s expression of gratitude is but a double edge remark:

I respectfully thank the royal marriage, who provides me with the forgiveness for some deeds I do not retract and have no guilty consciousness for! I thank the marriage for the people that are no longer beaten in the military prison by the royal beasts over there [...] For the end or just the half-end [sic!] of a spectacle that was taking the country of such a happy king [...] out of the ranks of humanity and the European regime. [...] Long live the bride!<sup>21</sup>

*Contimporanul* also suspected the King would not give the amnesty unless Ionel Brătinu convinced him of its necessity: “The bestow [n. of the clemency] comes only when the two conditions are met: a royal wedding and the presence of a certain party to power!”<sup>22</sup>

*Contimporanul* underlines hereby the powerful role played by the Romanian National Liberal Party, through its leader, who reinforces the parties’ position on the Romanian political scene.

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<sup>16</sup> V., „Amnistia” [„The Amnesty”], *Contimporanul*, Year I, No. 1, June 3 1922, p. 7.

<sup>17</sup> *Idem*.

<sup>18</sup> V., „Amnistia” [„The Amnesty”], *Contimporanul*, Year I, No. 1, June 3 1922, p. 7.

<sup>19</sup> Dem. Theodorescu, „Recunoștința unui amnistiat” [„The gratitude of an amnestied”], in *Contimporanul*, Year I, No. 2, June 10 1922, p. 7.

<sup>20</sup> P. V. F., „Povestea vorbeii” [„The Tale of the Talk”], *Contimporanul*, Year I, No. 2, June 10 1922, p. 15.

<sup>21</sup> Dem. Theodorescu, „Recunoștința unui amnistiat” [„The gratitude of an amnestied”], *Contimporanul*, Year I, No. 2, 10 Iunie 1922, p. 7.

<sup>22</sup> P. V. F., „Povestea vorbeii” [„The Tale of the Talk”], *Contimporanul*, Year I, No. 2, June 10 1922, p. 15.

Was *Contimporanul* taking sides? Was it advocating for the socialists? What conveys their reaction to the Trial from Dealul Spirii? We consider that *Contimporanul* kept a neutral stand, criticizing all parties' decisions. On one side, *Contimporanul* disapproves the authorities decision to arrest the socialists members and to hold a public trial involving hundreds of Romanian citizens. Not only did the trial seem a witch-hunt, but it was considered by *Contimporanul* just an action taken by the Romanian National Liberal Party as means of intimidate and crush the opposition. On the other hand, the collaborators were displeased with the action taken by the Romanian Socialist Party leaders. By deciding to follow the Komintern line, the socialist leaders had not only broken the unity of the party, but also derailed from the parties' initial program. The radical wing of the socialists and the instigators of Kominter's propaganda machine ("the crooks", Max Goldstein and others) were in *Contimporanul's* perspective equally guilty of compromising the Romanian socialist movement. That did not mean the socialist party members and the anarchists had to be taken as "a single body". On contrary, the socialists still acted within the law, meaning in the name of a political organization, while the anarchists acted not only outside the law, but also against it. The Socialist Party was guilty only of taking disastrous political decisions, the affiliation to Komintern being just one of them. With all the sympathy towards the socialist movement and the hope in a strong popular opposition to the old parties – notably the liberals –, *Contimporanul* did not encourage it, nor did it found this approach suitable for the chances of the opposition. With the end of the Trial came also the end of a dream: that of having a vigorous Socialist Party capable of standing its ground on the Romanian political scene. The National Liberal Party had yet again no opposition and was free to govern by its whims and interests.

### **Political Assassinations**

In its coverage of the Trial from Dealul Spirii, *Contimporanul* criticized the arrests and the staged-up trial as abusive and calumnious. In *Contimporanul's* perspective the Trial from Dealul Spirii was nothing short of a defamatory action taken against a political opponent. But the critique against the Romanian authorities' unscrupulous political actions did not stop with the resolution of the trial. In the aftermath of the trial, *Contimporanul* revealed also a number of cases in which the authorities may have silently ordered, consented, or failed to react to acts of murderous violence carried against 'suspect' or 'dangerous' individuals by the law enforcement. Denouncing a spree of "political assassinations" committed

against communists, *Contimporanul* decries this time the fail of the government to again act according to the democratic laws and the unwillingness of the state to bring to justice those, from their own apparatus, guilty of committing political crimes. Once again, alarmed by the undemocratic practices of the authorities, *Contimporanul* reacts by bringing to the public attention these cases of “official crimes”. The most prominent are the murder of Leonte Filipescu (1895-1922) and the political assassinations condoned by General Popovici, the Governor of Bessarabia.

### ***Leonte Filipescu***

Leonte Filipescu was an important figure of the Romanian interwar left wing movement. Arrested and incarcerated on 16 November 1921, Filipescu was assassinated just days before he was due to appear as witness in the Trial from Dealul Spirii. The story goes that he was murdered by one of the guards that were supposed to supervise the prisoner while he was being transferred to the Jilava prison. The official report read that the prisoner tried to flee; hence two fires were shot, one in the head, and the other in his heart.<sup>23</sup> His death made the news of many left wing newspapers. The strange circumstances in which the event occurred were widely discussed. For instance, it was argued that the prisoner was held in custody wearing handcuffs even during his hospitalization, but on this occasion, was marched 14 km. to Jilava with no handcuffs.<sup>24</sup>

Such cases and official explanations were not exceptional, apparently, on the contrary. Already in its first issue, *Contimporanul* contested the argument by which the communists try to flee under escort:

Oh, yes! We have, once in a while, the amusement of a gunfire discharged without savant preparations in the back of the head of a communist that wants to flee. What a thrill of a too stressed up system. It is like, suddenly, in one piece, you jump on a box spring...<sup>25</sup>

When Filipescu’s death made the news, *Contimporanul* emphasized the prolixity of the assassination cases, as to suggest that this was a quite common practice against presumed or known communists. Filipescu’s death was listed as one among many others:

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<sup>23</sup> *Apud.* „Un asasinat misterios” [„A mysterious crime”, *Aurora*, No. 145, April 16 1922, in Neacșu, Scurtu: *op. cit.*, p. 72.

<sup>24</sup> Neacșu, Scurtu: *op. cit.*, p. 75.

<sup>25</sup> Nesemnat [without author], „Povestea Vorbei” [„The Tale of the Talk”, *Contimporanul*, Year I, No. 1, June 3 1922, p. 16.

A worker, Leonte Filipescu, is shot on order on the margins of Bucharest. A carpenter, whom the sleepy brightness of a night patrol policeman had found <suspect> is killed without much talk on Vântului Street. Another worker, known communist, finds his death in exactly the same circumstances, on a street in Chişinău.<sup>26</sup>

In an article titled “Asasinatul politic ca omagiu” [“The political assassination as tribute”], T. Bobeş declared: “The political assassination [...] is becoming embedded [...] in the arsenal of public opinion, replacing the prostitution of words”.<sup>27</sup> The use of the strong term “political assassination” is deliberate. Discontented with the lack of attention the authorities show in regard to the assassinations, *Contimporanul* accuses the officials of having consented to such dealings. In his article T. Bobeş refers to the political assassination in Germany – the case of Erzberger and Rathenau – and questions their ‘success’, since

In many occasions, death turns the adversary into a martyr and, through the violent tremble it produces in the hearts of those who remain, opens up the opportunity to produce fateful consequences in the plans of its moral perpetrators.<sup>28</sup>

In the case of Leonte Filipescu such prediction seemed accurate. According to Neacşu and Scurtu, the communist party turned this case as an epitome of the violent repression against the movement and called for national and international protests.<sup>29</sup> Apparently, the fear that Leonte Filipescu might be turned into a “martyr” became so real in the eyes of the officials that, after his funeral, the law enforcement tried to hide the place of his burial and kept surveying the area.<sup>30</sup> Furthermore, the assassination of Leonte Filipescu gave way to a strong wave of protests in Ploieşti, Cluj, Braşov, Reşiţa and other Romanian cities.<sup>31</sup> All things considered, one may assume that the amnesty was given not only to prevent the spread of the positive image the socialists’ had created for themselves at the Trial from Dealul Spirii, but also to die down the rumor caused by the assassinations.

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<sup>26</sup> Andrei Branişte, „În jurul câtorva fapte diverse” [„About some various facts”], *Contimporanul*, Year I, No. 1, June 3 1922, p. 2.

<sup>27</sup> T. Bobeş, „Asasinatul politic considerat ca omagiu” [„The political assassination as homage”], *Contimporanul*, Year I, No. 6, July 8 1922, pp. 3–4.

<sup>28</sup> *Ibid.*, p. 4.

<sup>29</sup> Neacşu, Scurtu, *op. cit.*, p. 77, pp. 79–80.

<sup>30</sup> *Ibid.*, p. 72.

<sup>31</sup> *Ibid.*, p. 80.

### ***General Popovici, the Governor of Bessarabia***

*Contimporanul* brought in the public's attention the case of the governor from Bessarabia in the effort to unmask the lack of response on part of the authorities with regard to alleged political assassinations of communists committed by law enforcement under his authority. *Contimporanul* considered that as long as the crimes were overlooked, the situation could get out of hand, leading potentially even to a military regime; the lack of reaction and oversight of central government would only prove criminal consent, which would confirm the deeds as a use of state means for political purposes.

*Contimporanul* speaks of "an atmosphere of provocation",<sup>32</sup> wherein "The Minister of the Interior does not know how to control and prevent the murderous mishaps of the governor of Bessarabia".<sup>33</sup> In the article "Popovici asasinul" ["Popovici the assassin"], Ion Vinea lists the governors' crimes: "General Popovici [...] has committed five new assassinations. Five communists already set free in the amnesty were chopped up and thrown outside the forest Vadul Vodei".<sup>34</sup> *Contimporanul* deplores once more the lack of action from the part of the authorities. In its perspective, an inquiry would have been of absolute necessity. However, even if an inquiry did commence, *Contimporanul* doubted its outcome would be of any relevance. As Vinea claims: "The government will order, for sure, at least a fruitless inquiry; since a rigorous inquiry would denunciate, in the first place, its moral perpetrators, the highly placed instigators and accomplices to the serial murders".<sup>35</sup>

When a formal inquiry did commence, at the governments' request, Ion Vinea adds with reproach:

This investigation is no different from any of the other official comedies, improvised with the occasion of the other countless homicides ordered from above. Its purpose is to gain time until the disappearance of the evidences and the appeasement of the apathetic spirit [...] of the Romanian citizen.<sup>36</sup>

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<sup>32</sup> Aladin, „Comedia declasaților” [„The comedy of the morally discredited”], *Contimporanul*, Year I, No. 5, July 1 1922, pp. 7–8.

<sup>33</sup> *Idem*.

<sup>34</sup> Iova, „Popovici asasinul” [„Popovici, the assassin”], *Contimporanul*, Year I, No. 5, July 1 1922, p. 9.

<sup>35</sup> *Idem*.

<sup>36</sup> Aladin, „Avocații generalului Popovici” [„The lawyers of General Popovici”], *Contimporanul*, Year I, No. 7, July 15 1922, p. 3.



Sarcastic, Vinea comes up with a “solution” to the issue:

General Popovici should be promoted and decorated [...] The murder should be openly encouraged [...] We should have an annual celebration of the unpunished massacre of all the condemned, amnestied or absolved prisoners, in the whole country, in the arenas, in the presence of the royal commissioners, of the authorities and of the garrison. And, in the capital, the government and the King himself to cheer from the stands [...] That way our people from everywhere would get used in such a way with the idea that the murder is something permitted and merry, that <the celebration of blood> [...] would call for shrines and raising idols.<sup>37</sup>

The news of the exoneration of General Popovici was treated by *Contimporanul* as a last proof of the government’s complicity. *Contimporanul* saw in the governments’ non-interference a clear sign of encouragement and approval of the crimes. In this respect, *Contimporanul* considered the government as criminally liable. This is the reason why the assassinations are eventually called “official crimes”, acts placed under command.

For Vinea, there were two possible threats that the government faced at the time. On one hand, the existence of the “official crimes” and “lawlessness of the State” could have tarnished the reputation of the administration and could have worked as “the best propaganda against our bureaucratic oligarchy [...] The current establishment, much defended, is faltering in sheer derision and mockery”.<sup>38</sup>

On the other hand, in turning a blind eye, Vinea sees an inattentive gesture of the administration that could set the stage for a “military dictatorship”:

It is a sure sign that along with the failing regime, another regime, of another caste, endures and asserts itself. [...] The tools of oppression are coming to life, they gain consciousness, and one day they take the place of those who employed them irresponsibly.<sup>39</sup>

And if other nations took measures against the danger imposed by the military order, in Romania, Vinea argues, “the Romanian Governments, with their lack of experience, are coming to the same end [n. military dictatorship]. For now,

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<sup>37</sup> Iova, „Popovici asasinul” [“Popovici, the assassin”], *Contimporanul*, Year I, No. 5, July 1 1922, p. 9.

<sup>38</sup> I. Vinea, „Sabia și vremile” [“The swords and the times”], in *Contimporanul*, Year I, No. 10, August 19 1922, p. 2.

<sup>39</sup> *Idem*.

they carry out the dictatorship through militaries”.<sup>40</sup> Henceforth, *Contimporanul* disapproves of “the diligence with which the parties are searching its adherents among the starry collars”.<sup>41</sup> But most of all, *Contimporanul* criticizes “the timidity of the government that had to take action against a proven assassin such as General Popovici...”.<sup>42</sup> In the light of the foresaw events, Vinea advises Ionel Brătianu, satirically: “There comes the day when the civilian rule is too weak to be bearable – Mr. Brătianu beware: replace the viceroys from the frontier much more often!”<sup>43</sup>

Both cases – that of Leonte Filipescu and that of General Popovici from Bessarabia – are, as suggested, examples of *Contimporanul*'s protest against the abusive acts of the authorities and the complicity of the central government. However “dangerous” some of the “communist elements” might have appeared, *Contimporanul* sees no justice in shooting them on the street, with no trial or, worse, after being amnestied. Such actions were considered beyond any democratic regulation. Furthermore, to overlook the abuses of the members of the law enforcements, was to have detrimental consequences for a newly democratic state: its conversion into a military, dictatorial state.

## Conclusion

One can conclude that *Contimporanul* had sympathies for the socialist movements. Nonetheless, that does not mean its ‘ideology’ was essentially “of socialist origin”. Our analysis on the articles published by *Contimporanul* in regard to the Trial of Dealul Spirii proved that *Contimporanul* criticized both the action taken by the socialists as well as those carried out by the Romanian authorities. The fundamental interest of *Contimporanul* was to discuss the possibilities of creating a democratic political scene in the interwar Romania. This is the reason why on each occasion *Contimporanul* decries the lack of political opposition against the old political parties, such as the National Liberal Party. The Trial from Dealul Spirii was so avidly discussed because, in *Contimporanul*'s view, it contributed to the failure of the Socialist Party to ascend on the Romanian political scene and to become a viable opponent to the National Liberal Party. On one hand, *Contimporanul* disapproved, among others, the decision of the socialist leaders to affiliate to Komintern, for it did not answer the local social and political context. On the other

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<sup>40</sup> *Idem.*

<sup>41</sup> *Idem.*

<sup>42</sup> *Idem.*

<sup>43</sup> *Idem.*, p. 3.

hand, *Contimporanul* disapproved the authorities' decision to arrest and take into court such a large number of Romanian citizens. The Trial from Dealul Spirii seemed at the time undemocratic – for it breached the right to free assembly –, and also a means to intimidate and stamp out the political opposition. Actually, *Contimporanul* questions in most part the undemocratic means the National Liberal Party employed in order to eliminate its opposition. For this reason *Contimporanul* did not cease its enquiry, nor its critique, as the Trial from Dealul Spirii finally came to its end. For, in *Contimporanul's* opinion, the Trial from Dealul Spirii was just the beginning of the political actions carried by the authorities with the purpose of discouraging its political opponents. In this regard, *Contimporanul* brings into the public's attention the cases of "political assassinations" that occurred with an alarming frequency. Famous at the time were the assassination of Leonte Filipescu and the political assassinations condoned by the Governor from Bessarabia, General Popovici. Hereby, *Contimporanul* covers the crimes with the purpose of pinpointing the moral instigators: the central government and those in the states' apparatus that turned a blind eye from the misdeeds. *Contimporanul* held the inaction of the central government as a violation of the democratic principles and a danger for the preservation of the democratic regime of the young Romanian state. Yet again, *Contimporanul's* concern was that the National Liberal Party fostered such crimes, since it did not meet any opposition and, therefore, it was encouraged to engage further in undemocratic actions.

Though discouraged in the wake of the recent events, *Contimporanul* hoped that, at some point, the Romanian political scene would reflect its electorate's options and become a place of political dialogue and deliberation. For, in *Contimporanul's* view, that was the first step towards a truly democratic regime.

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## „COUPER LE SIEGE”. SUR LA REORGANISATION SYMBOLIQUE DE LA SALLE D’AUDIENCE

SOLANGE INGRID MARINA DUMITRACHE\*

**ABSTRACT.** “Breaking the chair”. About the Symbolic Reorganisation of the Trial. On July 23, 2018, the article 7 of the Law no. 304/2004 about the judicial organisation was completed as follows: „the configuration of the court room must reflect the principle of the equality of arms concerning the position of the judge, the prosecutor and the lawyers”. This paper aims to treat about the symbolic connotations of the rearrangement of the position of the main procedural actors in the space destined to the act of judging, meaning the relocation of the prosecutor in line with the lawyer, with his back on the audience – as a visual sign of the equidistance of the judge regarding both of them.

**Keywords:** equality of arms, fair trial, symbolic order, prosecutor, judge

*« Dites, je vous prie, cette tirade comme je l’ai prononcée devant vous, d’une voix naturelle ; mais si vous la braillez, comme font beaucoup de nos acteurs, j’aimerais autant faire dire mes vers par le crieur de la ville. Ne sciez pas trop l’air ainsi, avec votre bras ; mais usez de tout sobrement ; car, au milieu même du torrent, de la tempête, et, je pourrais dire, du tourbillon de la passion, vous devez avoir et conserver assez de modération pour pouvoir la calmer. (...)*

*Ne soyez pas non plus trop apprivoisé ; mais que votre propre discernement soit votre guide ! Mettez l’action d’accord avec la parole, la parole d’accord avec l’action, en vous appliquant spécialement à ne jamais violer la nature ; car toute exagération s’écarte du but du théâtre qui, dès l’origine comme aujourd’hui, a eu et a encore pour objet d’être le miroir de la nature, de montrer à la vertu ses propres traits, à l’infamie sa propre image, et au temps même sa forme et ses traits dans la personnification du passé ».*

W. Shakespeare, *Hamlet* (Traduit par Victor Hugo). Scène II. La grand-salle du château

L’article traite le sujet des „apparences” du mécanisme de jugement des Cours de Justice nationales. Cette exigence, née de manière prétorienne, à la base des arrêts de la Cour Européenne des Droits de l’Homme (« CEDH ») concernant le

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principe de l' « *égalité des armes* », a été récemment introduite au champ des règles procédurales roumaines par la Loi no.304/2004 sur l'organisation judiciaire.

Ainsi, à mon avis, aller au delà des „*apparences*” dans le processus de jugement (ré) ouvre la question sur la nécessité du rituel judiciaire, c'est à dire de sa *condition d'existence*.

Également, le thème choisi nous rappelle la condition particulière de la vérité judiciaire et son caractère conventionnel et, en même temps, la vocation pacificatrice de la pratique du droit, telle que (par exemple) P. Ricœur évoque dans « *Le juste* », Paris, Esprit, 1995.

Comme l'arrêt *Borgers* l'avait retenu, la garantie d'un procès équitable se fonde sur : „*l'importance accordée aux apparences et à la sensibilité accrue du public aux garanties d'une bonne justice*”.

Le 23 Juillet 2017, l'article 7 de la Loi no.304/2004 sur l'organisation judiciaire a été complété comme suit :

« (3) *La configuration de la salle d'audience doit refléter le principe de l'égalité des armes en ce qui concerne la position du juge, des procureurs et des avocats* ».

Même si on peut la considérer comme un supplément frivole dans le contexte actuel de la justice roumaine, cette nouvelle configuration de l'espace de la salle d'audience n'est ni une création purement arbitraire, ni d'inspiration autochtone.

Le Conseil consultatif de juges européens<sup>1</sup> (CCJE) et le Conseil consultatif des procureurs européens (CCPE), à la demande du Comité des Ministres du Conseil de l'Europe ont fourni un avis sur les relations entre les juges et les procureurs, qui porte le nom « *Déclaration de Bordeaux – Juges et procureurs dans une société démocratique* », adoptée officiellement par le CCJE et le CCPE à Brdo (Slovénie) le 18 novembre 2009.

Cet avis a été élaboré par des juges et des procureurs qui vient des systèmes juridiques différentes (les systèmes de « *common law* » où il existe une séparation nette entre les juges et les procureurs et les systèmes de droit continental où les

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<sup>1</sup> Le CCJE est une instance consultative du Conseil de l'Europe sur les questions relatives à l'indépendance, l'impartialité et la compétence des juges. Il est la seule instance au sein d'une organisation internationale composée exclusivement de juges, et de ce fait est unique en Europe, voire dans le monde. En créant le CCJE, le Conseil de l'Europe montre un attachement particulier au statut des juges et à la qualité du système judiciaire, le principe de la prééminence du droit, la promotion et la protection des droits de l'Homme et des libertés fondamentales ne peuvent se concrétiser qu'à travers un pouvoir judiciaire fort et indépendant, le respect mutuel des pouvoirs législatif, exécutif et judiciaire et le renforcement de la confiance des Européens dans leur système de justice.

juges et les procureurs font partie ou pas du même « corps judiciaire »), mes qui cohabitent au sein de l’Union Européen.

Dans le préambule de la Déclaration est statué comme principe le fait « *qu’une justice équitable exige le respect de l’égalité des armes entre le ministère public et la défense. Elle implique également le respect de l’indépendance du tribunal, du principe de la séparation des pouvoirs ainsi que de la force contraignante des jugements définitif* ».

Afin de marquer le rôle distinct mais complémentaire des juges et des procureurs, la Déclaration insiste sur le fait non seulement « *qu’ils doivent être indépendants, mais qu’il faut apparaître ainsi également les uns vis-à-vis des autres* ».

Ainsi, le point 36 de la Déclaration prévoit les suivantes :

*« L’intervention et l’attitude du ministère public et du juge ne doivent laisser planer aucun doute sur leur impartialité objective. Si les juges et les procureurs doivent être indépendants dans l’exercice de leurs fonctions, ils doivent l’être et apparaître ainsi également les uns vis-à-vis des autres. Il ne faut pas qu’aux yeux du justiciable et de la société en général, il puisse exister ne fût-ce qu’une impression de connivence entre eux ou de confusion entre les deux fonctions ».*

Cette demande expresse (valable non seulement pour les affaires pénales, mais aussi pour les affaires civiles où le procureur exerce des fonctions) est fondée, entre autre, sur la jurisprudence de la Cour Européenne des Droits de l’Homme (« CEDH ») concernant le principe de l’« **égalité des armes** » reflété par la « **théorie des apparences** » et, en même temps, sur des documents élaborés par le Conseil de l’Europe.<sup>2</sup>

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<sup>2</sup> la Recommandation [Rec\(94\)12](#) du Comité des Ministres sur l’indépendance, l’efficacité et le rôle des juges, qui est applicable à toutes les personnes exerçant des fonctions judiciaires, reconnaît l’existence de rapports entre les juges et le ministère public, au moins dans les pays où ce dernier a une dimension d’autorité judiciaire au sens qui est accordé à cette expression par la Cour ;

- la Recommandation [Rec\(2000\)19](#) du Comité des Ministres sur le rôle du ministère public dans le système de justice pénale souligne explicitement les rapports entre les juges et le ministère public, tout en mettant en avant les principes généraux essentiels pour garantir que ces rapports contribuent à l’accomplissement des missions des juges et du ministère public. La Recommandation met en particulier l’accent sur l’obligation positive qui incombe aux Etats de prendre « toutes mesures afin que le statut légal, la compétence et le rôle procédural des membres du ministère public soient définis par la loi de sorte qu’il ne soit possible de nourrir aucun doute légitime quant à l’indépendance et à l’impartialité des juges ».

- La Recommandation [Rec\(87\)18](#) du Comité des Ministres concernant la simplification de la justice pénale, contient divers exemples de tâches qui étaient précédemment dévolues aux seuls juges et qui sont aujourd’hui confiées au ministère public (dont la mission première consiste toujours à engager et diriger les poursuites). Ces nouvelles tâches créent des exigences supplémentaires quant à la manière d’organiser le ministère public et au choix des personnes appelées à assumer ces fonctions.



Quand même, la doctrine européenne et les ouvrages universitaires n'ont pas suffisamment développé une théorie des "apparences" nourrie par cette jurisprudence et destinée à la systématiser et en tirer des règles ayant un caractère de principe.

« *L'apparence* », au singulier, n'est pas le sujet la jurisprudence européenne. La Cour européenne des droits de l'homme a toujours évoqué les « **apparences** », au pluriel, ce qui peut entraîner, pour ceux qui ne sont pas des juristes, la confusion avec la « *théorie de l'apparence* ».<sup>3</sup>

Quant à l'idée d'« *égalité des armes procédurales* »,<sup>4</sup> sans être expressément énoncée au cadre de l'article 6 de la Convention Européenne des Droits de l'Homme, elle est importante parce qu'elle assure l'équilibre entre le principe de la prééminence de droits et l'intérêt public dans un état démocratique, d'une part, et le droit à un procès équitable, de l'autre partie. Elle offre la garantie implicite d'un procès équitable, en tant que réflexion du principe plus vaste de l'égalité des citoyens et celui de quête de la vérité.

Ainsi, CEDH s'est prononcée, à plusieurs reprises, sur des questions relatives aux rapports institutionnels entre les juges et le ministère public sous cette perspective des « *apparences* » (et) du respect du principe d'« *égalité des armes procédurales* ».

C'est dans son arrêt *Delcourt c/Belgique*, du 17 janvier 1970, où, pour la première fois, elle en fait mention, après avoir cité le célèbre aphorisme de Lord Chief Justice Hewart – « **Justice must not only be done, it must be seen to be done** » (§ 31).

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<sup>3</sup> La **théorie de l'apparence** est une théorie juridique, adoptée par la jurisprudence tant en France qu'en Belgique, qui permet de produire des effets de droit à une situation contraire à la réalité. Appliquée principalement en matière de mandat, l'apparence vise à assurer la sécurité des transactions et la protection des tiers de bonne foi, trompés par une apparence

<sup>4</sup> Le terme « *égalité des armes* » proprement dit ne se retrouve pas dans les instruments ou traités internationaux.

La notion « *égalité des armes* » ou sa portée sont toutefois comprises dans certaines déclarations internationales ou dans des textes conventionnels.

Ainsi, l'article 10 de la Déclaration universelle des droits de l'homme du 10 décembre 1948 dispose que :

« *Toute personne a droit, en pleine égalité, à ce que sa cause soit entendue équitablement et publiquement par un tribunal indépendant et impartial, qui décidera, soit de ses droits et obligations, soit du bien-fondé de toute accusation en matière pénale dirigée contre elle* ».

Aussi, l'article 11.1 de cette Déclaration dispose que :

« *Toute personne accusée d'un acte délictueux est présumée innocente jusqu'à ce que sa culpabilité ait été légalement établie au cours d'un procès public où toutes les garanties nécessaires à sa défense lui auront été assurées* ».

La même question de la présence du ministère public aux délibérés des juridictions suprêmes a fait l’objet de l’Arrêt du 30 octobre 1991 dans l’affaire *Borgers c. Belgique*, renversant la jurisprudence *Delcourt*.

Le problème qui a été posé à la Commission était celui de savoir si, dans les circonstances de l’espèce, l’assistance d’un membre du ministère public près de la Cour de cassation au délibéré de la Cour avait ou non enfreint l’article 6 par. 1 de la Convention.<sup>5</sup>

Au cours de sa plaidoirie, le requérant (*André Borgers*, avocat au barreau de Hasselt, accusé de chef de faux en écriture et usage de faux) « *estime qu’aucune raison, ni même celle tenant au fait que la Cour de cassation ne connaît que du droit, ne justifie la présence du ministère public au délibéré de celle-ci. Il estime que les conseillers de la Cour de cassation sont compétents et juridiquement préparés pour rédiger les arrêts sans l’aide d’un auxiliaire. Par contre, cette participation au délibéré fait naître dans le chef de l’accusé une impression de mystère et de partialité* ». (§35 de l’arrêt)

En examinant la question, la Cour a retenu dans sa motivation le fait que : « *certaines justiciables aient assez naturellement tendance à considérer comme un adversaire un procureur ou avocat général qui se prononce pour le rejet de leur pourvoi* » et qu’il se concevait « *qu’ils puissent éprouver une impression d’inégalité si, après avoir entendu un membre du parquet conclure dans un sens défavorable à leur thèse à l’issue de l’audience publique, ils le voient se retirer avec les magistrats du siège afin d’assister au délibéré dans le secret de la chambre du conseil* ». (§ 35 de l’arrêt)

D’après le raisonnement de la Cour, « *l’appréciation objective consiste à se demander si certains faits vérifiables autorisent à suspecter, sous certains aspects, l’impartialité de la Cour de cassation* ». Et la conclusion a été celle que : « ***En la matière, même les apparences peuvent revêtir de l’importance. Il y va de la confiance que les tribunaux d’une société démocratique se doivent d’inspirer aux justiciables, à commencer par les prévenus. Doit donc être évitée toute situation pouvant susciter dans le chef des justiciables des doutes objectifs quant à l’impartialité*** ». (§48 de l’arrêt)

Dans ce cas-là, « *le requérant, même informé du fonctionnement de la Cour de cassation, était en droit de craindre que la Cour de cassation, suite au „déplacement*

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<sup>5</sup> L’article 6 par. 1 (art. 6-1) de la Convention, invoqué par le requérant, est ainsi libellé : « *Toute personne a droit à ce que sa cause soit entendue équitablement, publiquement et dans un délai raisonnable, par un tribunal indépendant et impartial, établi par la loi, qui décidera, soit des contestations sur ses droits et obligations de caractère civil, soit du bien-fondé de toute accusation en matière pénale dirigée contre elle (...)* ».

vers le siège” du membre du ministère public, n’offrait pas assez de garanties d’impartialité ». (§54 de l’arrêt)

Au dehors de la sphère pénale (dans les affaires civiles qui exige la participation du procureur) la Cour a développé aussi une jurisprudence sur la « *théorie des apparences* », selon laquelle la présence du ministère public aux délibérés des juridictions est contraire à l’article 6 § 1 de la CEDH (Arrêt du 20 février 1996, affaire Lobo Machado c. Portugal, §§ 28–32, et Arrêt du 12 avril 2006, affaire Martinie c. France [GC], §§ 50–55).

En plus, et moins controversée que la position des procureurs vs. les juges, les relations entre avocats et juges on fat l’objet de l’Avis n 16 (2013) de CCJE.

Dans tout ce cadre européen, la transposition formelle du concept d’« *égalité des armes* » dans notre législation concernant l’organisation judiciaire nous provoquent a ré-ouvrir la discussion sur l’actualité et la nécessité du rituel et des symboles judiciaires.

C’est parce-que l’adoption du principe consacré par la jurisprudence européenne et sa nécessité de répondre aux exigences « *des apparences* » se réalise d’une manière purement scénographique, comme une réorganisation de la configuration de la salle d’audience par le changement de la position du procureur.

Pour ceux qui n’ont jamais entré dans une salle d’audience, on peut leur proposer le suivant exercice d’imagination:

Penser **un espace**, en principe imposant, austère et clos – la Salle d’audience (ou, génériquement, le Tribunal) en – réalité, des salles improvisées, dans des endroits souvent bizarres (des anciennes espaces commerciaux ou industrielles, rez-de-chaussée des immeubles civiles, ne disposant pas de grilles pour marquer la traditionnelle surélévation graduelle des différents lieux qui mènent au juge). Même improvisée, comme dans le theatre contemporain nonconventionel, la scène judiciaire reste toujours **séparée du public**. Imaginer le juge (ou plusieurs), entrer par **une porte** au fond de scène judiciaire. La même porte était destinée a l’entrée du procureur. Les deux, comme des acteurs privilégiés par la de mise en scène, ne sauraient entrer et sortir en empruntant les mêmes voies que le public. Derrière cette porte se situe la salle du délibéré, qui, comme les coulisses, échappe aux regards du public, puisque le délibéré est protégé par la règle du secret. En face, d’une part et d’autre du juge (ou du panel des juges / « *magistrats du siège*» <sup>6</sup>), dont le(s) **siège(s)** est (sont) légèrement surélevé(s), se trouve le

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<sup>6</sup> Dans l’ordre judiciaire français, la « *magistrature du siège* », dite « *assise* », est composée de magistrats dont le Conseil supérieur de la magistrature est censé garantir l’indépendance vis-à-vis des autres pouvoirs publics.

C’est l’ensemble des magistrats chargés de rendre la justice et bénéficiant de l’inamovibilité. Elle est ainsi nommée parce que ces magistrats exercent leurs fonctions en restant assis.

greffier est le procureur, assis sur des **sièges** en général à la même hauteur que le **tribunal**. Au milieu de la scène judiciaire, se trouve la **barre** où viennent plaider les avocats et déposer les témoins. Derrière la barre, (dans les salles d’audience en matière pénale), d’une part et d’autre, se distribuent les bancs réservés au prévenu et à son avocat, et ceux réservés à la victime et son avocat. Toujours séparé de la scène, (même de façon purement symbolique,) on a le publique.<sup>7</sup>

L’arrivée des magistrats est annoncée, de même que les trois coups qui précèdent l’entrée des acteurs et le début de la pièce, par le greffier « *Soulevez-vous, entre la Cour !* ». Le public alors se lève, et le président (suivi du panel), fait son entrée en scène. De même, au cours de l’audience, quand le procureur entre, par la même porte réservée aux juges, il est annoncé par le greffier et le publique se lève.

Les acteurs de la scène judiciaire - le juge, le procureur et l’avocat portent des costumes: des robes noires avec des étoles et des bavettes blanches, rouges ou violettes, comme marque de leur profession. Mais au delà, ils contribuent à faire disparaître la personne derrière le personnage comme le dit très justement Antoine Garapon : « *la robe permet, pour celui qui la revêt l’identification à son personnage – contrairement au proverbe, dans le procès, c’est l’habit qui fait le juge, l’avocat et le procureur* ». <sup>8</sup>

Le président joue un « *rôle de composition* », <sup>9</sup> exigé par son garantie d’impartialité, en même temps objective que subjective. En principe, le procureur dispose, en tant que défenseur du corpus social et promoteur de l’intérêt public, d’une marge de liberté d’expression plus large que l’avocat.

Telle étant la scène classique d’une salle d’audience, organisée comme « *un théâtre judiciaire* » (à « *judicial theatre* » <sup>10</sup>), la mise en scène du concept d’ « *égalité des armes* », ayant comme but de consacrer le juge comme unique facteur de décision, impartial et équidistant, nous propose un équilibre des places

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<sup>7</sup> Il faut ainsi nous rappeler le livre de Hannah Arendt sur le procès de A. Eichmann qui débuté comme suite : « *La Cour. Ces mots nous firent lever d’un bond. Prononcés par l’huissier du palais de justice, ils annonçaient l’entrée des trois juges qui, tête nue, en robes noires, pénétrèrent dans la salle par une porte latérale et prirent place sur la partie supérieure de l’estrade. [...] Juste en dessous des magistrats se tenaient les traducteurs. [...] Sur le gradin inférieur à celui des traducteurs se trouvait l’accusé dans sa cabine de verre. Il faisait face à la barre des témoins. De la salle on ne le voyait, de même que les témoins, que de profil. Au bas de l’estrade siégeaient enfin, le dos au public, le procureur [...] et la défense* » – H. Arendt, *Eichmann à Jérusalem*, Paris, Gallimard, 1966, pp. 11–12.

<sup>8</sup> A. Garapon, *Bien juger. Essai sur le rituel judiciaire*, Paris, Odile Jacob, 1997.

<sup>9</sup> *La théâtralité du procès pénal: entre archaïsme et modernité*, Sandrine Zientara-Logeay, Criminocorpus. Revue Hypermédia.

<sup>10</sup> Jeremy Bentham, *Rationale of Judicial Evidence*, in *Works of Jeremy Bentham*, VI. Ed. J. Bowring, 1838-1843.

du procureur et de l'avocat : les deux debout, le visage orientée vers le juge, ayant le publique en arrière, entrant et sortant par la même entrée ; la porte au fond de scène judiciaire étant destinée exclusivement au juge.

Le changement proposé des positions des acteurs entraîne ainsi le changement même du rituel judiciaire.

Cette liaison entre l'espace et le rituel est reflétée par le mot grec „agôn”, qui a d'abord désigné « *une assemblée de dieux, puis l'endroit où sont réunies les statues des dieux, puis l'endroit où l'on s'assemble pour célébrer les dieux. Il sera utilisé ensuite pour désigner une assemblée pour des jeux publics, puis un emplacement pour des jeux, puis les jeux eux-mêmes, les concours, notamment les joutes oratoires. Eschyle emploie ce terme dans Les Euménides pour désigner le débat judiciaire ; Plutarque va l'utiliser pour évoquer une pièce de théâtre* »<sup>11</sup>.

En ce qui concerne l'idée de rituel se manifestant dans l'exercice de la justice, Antoine Garapon soutient dans son ouvrage « *Bien juger. Essai sur le rituel judiciaire* » qu'il n'est pas un accident de la pratique judiciaire, mais en déterminerait au contraire l'essence. C'est pourquoi le spectateur profane qui entre pour la première fois dans un tribunal pour assister à un procès n'est pas frappé par le droit, la procédure ou la discussion juridique, mais par le spectacle en soit.

D'après lui, le rituel judiciaire, usant d'un espace magique et d'un temps hors de l'ordinaire, exerce simultanément au moins trois fonctions indissociables les unes des autres : « *rompre avec l'expérience ordinaire, purifier cette expérience des crimes qui s'y sont accomplis et représenter et commémorer l'autorité légitime* ».

Par ce rituel sont revécus les étapes qui jalonnent l'instauration progressive du droit : le chaos, l'affrontement du bien et du mal, et le retour à la paix. Les crimes ou les délits sont racontés. Actualisés symboliquement, ils sont à la fois commémorés et exorcisés par une confrontation figurée entre la victime et le coupable, devenus parties, obtenant ce que Garapon désigne comme « *l'effet cathartique du procès* »<sup>12</sup> (Le mot grec catharsis signifie « *purification, purgation* ». Aristote utilise ce terme dans La Poétique pour désigner l'effet produit chez les spectateurs par la tragédie). Finalement, par cette « *catharsis* » on aboutisse à la sublimation de la violence inhérente au groupe social.

Revenant aux nouveaux arrangements de la salle d'audience, elles opèrent avec des notions profondément symboliques, comme celles de « *porte* » ou de « *siège* » :<sup>13</sup>

<sup>11</sup> A. Bailly, *Dictionnaire grec-français*, Paris, Hachette, 1950.

<sup>12</sup> A. Garapon, op. cit., p. 65.

<sup>13</sup> Les interprétations des mots « *porte* » et « *siège* » sont brièvement cités du *Dictionnaire des symboles. Mythes, rêves, coutumes, gestes, formes, figures, couleurs, nombres*. Sous la direction de Jean Chevalier, avec la collaboration de Alain Gheerbrant, Edition Robert Laffont and Edition Jupiter, 1969, France, p 623–626, 704.

« **La porte** » symbolise le lieu de passage entre deux états, entre deux mondes, entre le connu et l’inconnu, la lumière et les ténèbres. La porte ouvre sur un mystère. La porte est l’ouverture qui permet d’entrer et de sortir, donc le passage possible – encore qu’unique – d’un domaine à un autre : le plus souvent, dans l’acception symbolique, du domaine profane au domaine sacré. Ainsi du portail des cathédrales, des « torana » hindous, des portes des temples ou des cités khmers, des « torii » japonais, etc. Les portes des temples sont souvent pourvues de gardiens féroces (animaux fabuleux) destinés d’interdire l’entrée de l’enceinte sacrée aux forces impures, maléfiques, et de protéger l’accès des aspirants qui en sont dignes.

Janus, dieu latin de l’initiation aux mystères, détenait les clefs des portes solsticiales, c’est-à-dire des phases ascendante et descendante du cycle annuel. Il s’agit respectivement de la porte des dieux et de la porte des hommes, donnant accès aux deux voies dont Janus (comme ’est Ganesha en Inde) est le « maître ».

Ovide, dans son ouvrage « *Fastes* » parle de Janus comme gardien de la Justice :

*« Ma citadelle était la colline que le peuple désigne par mon nom  
et que notre époque nomme Janicule.*

*Moi, je régnais au temps où la terre tolérait la présence des dieux,  
et où des divinités se mêlaient aux lieux où vivaient les hommes.*

*La scélérateuse des mortels n’avait pas encore mis la Justice en fuite :  
elle fut la dernière des divinités célestes à quitter la terre ;*

*la pudeur sans violence, plutôt que la crainte, gouvernait le peuple :  
nul effort n’était requis pour rendre justice à des justes.*

*Je n’avais rien à voir avec la guerre : „je veillais à la paix et aux portes’,  
et, montrant sa clef, il dit : „voici les armes que je porte” ».*

Dans les traditions juives et chrétiennes l’importance de la porte est immense, puisque c’est elle qui donne accès à la révélation; sur elle viennent se refléter les harmonies de l’univers.

Le Christ, écrit saint Clément d’Alexandrie citant un texte gnostique, est la porte de la justice, car il est dit au Psaume 118 (19-20) : Ouvrez-moi les portes de la justice, j’entrerai, je rendrai grâce à Yahvé ! C’est ici la porte de Yahvé, les justes entreront.

La porte se prête aussi à de nombreuses interprétations ésotériques. Pour les Francs-Maçons, la Porte du Temple est placée entre les deux Colonnes et s’ouvre dans une façade murée surmontée d’un fronton triangulaire ; au-dessus du fronton, un compas, pointes en haut, se dirige vers le Ciel.

Concernant le rôle symbolique de la porte dans la civilisation roumaine, M. Eliade écrivait<sup>14</sup> :

*« La porte accomplie dans la vie du peuple roumain le rôle d'une créature magique, qui veille auprès tous les actes essentiels de la vie de l'être. Le premier passage sous la porte marque une entrée dans la vie, dans la vie réelle du dehors. La porte veille au mariage et sous la porte le mort est porté, solennellement, vers son lieu de repos éternel. C'est alors un retour au monde primordial, le cycle est fermé et la porte demeure toujours, avec un homme du moins, pour veiller sur d'autres naissances, d'autres mariages, d'autres morts ».*

On peut, donc, concevoir que le changement de la configuration de la salle d'audience, dans le sens de permettre seulement au juge d'y entrer par la porte qui mène dans la salle de délibération, a des raisons symboliques très fortes.

D'une manière similaire, la reconsidération de la position scénique du procureur, qui perd son siège et se voit placé au même niveau que l'avocat, peut être vue comme un désir de refaire la géométrie triangulaire du temple originaire de la justice, où le juge occupait le point central.

Car « **le siège** » est universellement reconnu comme un symbole d'autorité. Recevoir assis c'est manifester une supériorité ; offrir un siège, c'est reconnaître une autorité, une valeur ou personnelle ou représentative. Le Saint Siège symbole de l'autorité divine, dont le Pape est investi en tant que Souverain Pontife, Un siège surélevé affirme une supériorité.

En Angleterre, dans la Chambre des Lords, qui est en essence, même aujourd'hui, une cour de justice, la chaise du Lord chancelier « *the woolsack* » (« *la chaise de laine* ») qui, en principe il ne faut pas être là, compte comme « *technically outside the precincts of the House* ». <sup>15</sup>

Rappelons-nous qu'en France, comme évoqué auparavant, la magistrature s'appelle « *magistrature du siège* », dite « *assise* » et le Parquet est encore appelé « *magistrature debout* » parce que, aux audiences, le procureur se lève lorsqu'il développe sa demande devant le juge.

« *Couper son siège* » est une expression chinoise qui signifie symboliquement rompre l'amitié. Dans l'esprit chinois, elle a une grande valeur du fait de l'importance que les Chinois attachent à l'amitié et à la sincérité entre amis ». <sup>16</sup>

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<sup>14</sup> M. Eliade, *L'Île de Euthanasius*, Edition Humanitas, Bucharest, 2004, p 335–336.

<sup>15</sup> Johan Huizinga, *Homo ludens*, Edition Universe Bucharest, 1977, p. 139.

<sup>16</sup> *Dictionnaire des symboles. Mythes, rêves, coutumes, gestes, formes, figures, couleurs, nombres.* Sous la direction de Jean Chevalier, avec la collaboration de Alain Gheerbrant, Edition Robert Laffont and Edition Jupiter, 1969, France.

Ainsi, on peut admettre, au moins du point de vue rituel, qu’imposer une distance entre le juge et le procureur c’est prêter l’importance souhaitée aux apparences discernées par les justiciables (qui soupçonnent l’existence d’un lien entre les deux formes d’autorité étatique, une sorte « *d’amitié* » basée sur l’appartenance au même corpus des magistrats), et raffermir la confiance prêtée par ceux-ci aux tribunaux d’une société démocratique.

Cette nouvelle image de la scène juridique reflète, donc, matériellement, comme un miroir, « *les apparences* » d’une « *égalité des armes* » clamée par la jurisprudence de la CEDH.

Néanmoins, on ne doit pas oublier ou s’éloigner du cœur même, tant objectif que subjectif, de cette jurisprudence sur l’impartialité, qui, dans son évolution a restée centrée sur des sujets concernant des faits vérifiables, des liens hiérarchiques ou d’autres liens étroits entre le juge et d’autres acteurs de la procédure, le cumul de fonctions successives par un magistrat ou sur le mode d’administration des preuves.

Même dans son arrêt *Delcourt c/Belgique* (préc.), la Cour affirme la nécessité de regarder « *au-delà des apparences* » afin de vérifier si « *aucune réalité* » n’est contraire au droit garanti – en l’espèce le droit à un procès équitable.

Il faut aussi se souvenir du fait que La Cour européenne a condamné pour violation de l’égalité des armes la participation (et la présence) commissaire du Gouvernement <sup>17</sup> au délibéré sur le fondement d’une analyse matérielle qui s’attache « au rôle réellement assumé dans la procédure par le commissaire du Gouvernement et plus particulièrement au contenu et aux effets de ses conclusions » (*Kress*, § 71).

Dès lors que les informations sur la réalité du fonctionnement du délibéré sont « *invérifiables* », le critère matériel été celui qui a été utilisé par la Cour pour apprécier la participation du ministère public ou du commissaire du gouvernement au délibéré.

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<sup>17</sup> *L’institution du commissaire du gouvernement date d’une ordonnance du 12 mars 1831. A l’origine, comme son nom l’indique, elle était conçue pour représenter le point de vue du gouvernement mais, très rapidement, cette fonction disparut (au plus tard en 1852). Le titre est resté, mais il est trompeur. L’institution est devenue depuis lors l’une des originalités extérieurement les plus marquantes de la juridiction administrative française, notamment parce que le commissaire du gouvernement s’est rapidement affirmé comme un magistrat totalement indépendant des parties.*

*Le commissaire du gouvernement joue un rôle traditionnellement très important dans la formation de la jurisprudence administrative : la plupart des grandes innovations jurisprudentielles sont intervenues à la suite de conclusions célèbres du commissaire du gouvernement. En outre, compte tenu du fait que les arrêts du Conseil d’Etat sont toujours rédigés de manière très elliptique, souvent seule la lecture des conclusions du commissaire du gouvernement permet, lorsqu’elles sont publiées, de comprendre la ratio decidendi des arrêts rendus.* (*Kress*, § 41)



Dans ce sens-là, il faut observer aussi dans un Arrêt très récent, qui date de 6 novembre 2018, prononcé dans l’Affaire Ramos Nunes de Carvalho e Sa c. Portugal, la nécessité d’un examen conjoint sur l’impartialité objective et subjective du juge :

« 1. La Cour rappelle que **l’impartialité se définit d’ordinaire par l’absence de préjugé ou de parti pris et peut s’apprécier de diverses manières. Selon la jurisprudence constante de la Cour, aux fins de l’article 6 § 1, l’impartialité doit s’apprécier selon une démarche subjective, en tenant compte de la conviction personnelle et du comportement du juge, c’est-à-dire en recherchant si celui-ci a fait preuve de parti pris ou préjugé personnel dans le cas d’espèce, ainsi que selon une démarche objective consistant à déterminer si le tribunal offrait, notamment à travers sa composition, des garanties suffisantes pour exclure tout doute légitime quant à son impartialité** (voir, par exemple, Kyprianou c. Chypre [GC], no 73797/01, § 118, CEDH 2005-XIII, et Micallef c. Malte [GC], no 17056/06, § 93, CEDH 2009).

2. Dans la très grande majorité des affaires soulevant des questions relatives à l’impartialité, la Cour a eu recours à la démarche objective (Micallef, précité, § 95, et Morice c. France [GC], no 29369/10, § 75, 23 avril 2015). **La frontière entre l’impartialité subjective et l’impartialité objective n’est cependant pas hermétique car non seulement la conduite même d’un juge peut, du point de vue d’un observateur extérieur, entraîner des doutes objectivement justifiés quant à son impartialité (démarche objective), mais elle peut également toucher à la question de sa conviction personnelle (démarche subjective)** (Kyprianou, précité, § 119). **Ainsi, dans des cas où il peut être difficile de fournir des preuves permettant de réfuter la présomption d’impartialité subjective du juge, la condition d’impartialité objective fournit une garantie importante supplémentaire** (Pullar c. Royaume-Uni, 10 juin 1996, § 32, Recueil 1996-III).

3. **Pour ce qui est de l’appréciation objective, elle consiste à se demander si, indépendamment de la conduite personnelle du juge, certains faits vérifiables autorisent à suspecter l’impartialité de ce dernier.** Il en résulte que, pour se prononcer sur l’existence, dans une affaire donnée, d’une raison légitime de redouter d’un juge ou d’une juridiction collégiale un défaut d’impartialité, l’optique de la personne concernée entre en ligne de compte mais ne joue pas un rôle décisif. **L’élément déterminant consiste à savoir si l’on peut considérer les appréhensions de l’intéressé comme objectivement justifiées** (Micallef, précité, § 96, et Morice, précité, § 76).

4. **L’appréciation objective porte essentiellement sur les liens hiérarchiques ou autres entre le juge et d’autres acteurs de la procédure** (Micallef, précité, § 97). Il faut en conséquence décider dans chaque cas d’espèce si la nature et le degré du lien en question sont tels qu’ils dénotent un manque d’impartialité de la part du tribunal (Pullar, précité, § 38).

5. En la matière, même les apparences peuvent revêtir de l’importance ou, comme le dit un adage anglais, « justice must not only be done, it must also be seen to be done » (il faut non seulement que justice soit faite, mais aussi qu’elle le soit au

*vu et au su de tous) (De Cubber c. Belgique, 26 octobre 1984, § 26, série A no 86). Il y va de la confiance que les tribunaux d’une société démocratique se doivent d’inspirer aux justiciables. Tout juge dont on peut légitimement craindre un manque d’impartialité doit donc se déporter (Castillo Algar c. Espagne, 28 octobre 1998, § 45, Recueil 1998-VIII, et Micallef, précité, § 98).*

**6. Les concepts d’indépendance et d’impartialité objective sont étroitement liés et, selon les circonstances, peuvent appeler un examen conjoint (Sacilor-Lormines c. France, no 65411/01, § 62, CEDH 2006-XIII) ».**

En conséquence, on doit observer que la théorie des apparences ne fait pas prévaloir, contrairement à une opinion superficielle, « *la subjectivité des individus sur la règle de droit telle qu’elle est écrite et mise en œuvre* », mais prend soin de pondérer l’impression subjective du justiciable par des « *faits vérifiables* » qui autorisent à suspecter l’indépendance ou l’impartialité du juge.<sup>18</sup>

Car, si on reste seulement dans le champ des représentations procédurales, sans démarrer une réelle réforme du système judiciaire, on risque de tomber dans le vieux péché des « *formes sans fond* », que Titu Maiorescu accusé dans son article-manifeste publié en 1868 « *Contre la direction actuelle de la culture roumaine* ».

Il faut faire, donc, une lecture à double sens du célèbre aphorisme de Lord Chief Justice Hewart des années ’70 et s’assurer du fait que : « ***Justice must not only be seen to be done, but it has to be done*** ». Et cet impératif est également valable pour ceux qui font partie du système juridique, que pour les justiciables – électeurs et aussi pour les « *les sages qui exsudent sur les cimes pointues de la philosophie* »,<sup>19</sup> comme l’aurait dit même aujourd’hui Maiorescu.

## Conclusions

Le choix du sujet s’est imposé, d’une part, par son sérieux (cachée sur l’apparence de futilité) et, en même temps, par l’absence de doctrine juridique européenne sur la question des „*apparences*”.

En plus, étant donnée sa nouveauté au contexte de la Loi sur l’organisation judiciaire (une loi assez débattue au milieu publique à cause de ses modifications contestables), cette nouvelle réglementation repose aussi sur un vide de doctrine

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<sup>18</sup> Frédéric Sudre, *Apparences et Convention Européenne des Droits de l’Homme*, Presses de l’Université Toulouse 1 Capitole, § 21, <https://books.openedition.org/putc/283>

<sup>19</sup> « *înțelepții care asudă pe culmile țepeșe ale filosofiei* », Titu Maiorescu, « *Contre la direction actuelle de la culture roumaine* », 1868, paru dans la gazette « *Convorbiri literare* ».

interne. Cette situation peut conduire soit à une manque totale d'intérêt sur la question par rapport à d'autres sujets ardents (et, peut-être, à sa caducité), soit à une interprétation altérée.

En ce contexte, le travail présent tente de proposer une interrogation sur « *le noyau* » du sujet, à la base des seuls moyens existants actuellement, c'est-à-dire la jurisprudence de la Cour Européenne des Droits de l'Homme, tout en espérant d'ouvrir la voie d'une interprétation élargie sur le thème.

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## THE LIMITS OF THE FORMAL TREATMENT OF LANGUAGE\*

P. ALPÁR GERGELY\*\*

**ABSTRACT.** *The Limits of the Formal Treatment of Language.* Within the philosophy of language there is a distinction between the natural language philosophers and the ideal language philosophers. The distinction is drawn based on the way these philosophers reflect on language and the world. Natural language philosophers stress the context-based feature of meaning, while the ideal language philosophers emphasize the context-free feature of meaning. In my study I want to show that that even within the formal study of language, in the apparent absence of any context, the notions of valuation and interpretation help us to understand the meaning of sentences.

**Keywords:** *natural language, formal language, context, valuation, interpretation*

In one of his articles about semantics and pragmatics François Recanati stresses the fact, that when we speak of semantics, we think of literal meaning and truth functions, and when we speak of pragmatics, we think of speech acts and speaker meaning.<sup>1</sup>

At the end of his article Recanati draws the conclusion that although we tend to think that we are dealing with a homogenous concept of meaning, this is in fact not the case. The difference itself between literal meaning and speaker meaning suggests that we have at least two concepts of meaning. This differentiation is rooted in the artificial separation of semantics from pragmatics. For when we speak of the literal meaning we are on the ground of semantics, and in the case of the speaker meaning we are on the ground of pragmatics. Recanati's presentation

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<sup>1</sup> François Recanati, *Pragmatics and Semantics*, in Laurence R. Horn–Gregory Ward (eds.), *The Handbook of Pragmatics*, Blackwell Publishing, 2006, p. 452.

of the concept of semantic meaning is based on Rudolf Carnap's concept of semantics, and the syntax–semantics–pragmatics differentiation made by Charles W. Morris. Carnap has borrowed the Morrisian tripartite division of semiotics, and arrived at the following conclusion: if we consider the speaker to be relevant during an analysis of language, we analyze language from a pragmatic point of view; in the case we make an abstraction from the speaker and we only consider the expressions of language and the things that they refer to, we analyze language from a semantic point of view; and finally if we just consider the symbols and their relations to one another, we analyze language from a syntactic point of view.<sup>2</sup>

Recanati divides philosophers of language into two camps. Gottlob Frege, Bertrand Russell and Rudolf Carnap belong to the first camp, the camp of the ideal language philosophers. These philosophers consider language from a formal perspective, and their central questions are about the logic and formal semantics of language. The other camp includes ordinary language philosophers, the likes of J. L. Austin, J. R. Searle, and H. P. Grice. These philosophers don't think that the logical analysis of language is suited for explaining many of the linguistic phenomena, hence they are not in favour of the logical and formal analysis of language. They have analyzed language through everyday examples, and developed their conception of language based on those examples.

Carnapian pure semantics studies the word–world relation not considering the context of utterances. Here the word 'context' is used in a wide sense including the speaker and the listener, their background knowledge, the intentions of the speaker, and the listener's ability to decode the whole cultural and institutional environment. Pragmatics, unlike semantics, studies the problem of meaning considering context as well. And thus we have arrived at a fundamental difference between semantics and pragmatics. Of course, not taking context into consideration is an abstraction, for it is not possible in everyday life to make an utterance without any context. Making an utterance presupposes that the utterance is made by a speaker, who is already part of the world, speaks a certain language, tries to deliver a message, has a certain linguistic, cultural and institutional background. Pure semantical investigation is made impossible by the fact that there are no utterances without a context. Communication without context is impossible.

It seems that the line between semantics and pragmatics is fluid. The more an investigation disregards the context of an utterance, and focuses on the conventional meaning of words and expressions, the more semantic it is; at the same time the more it recognizes that the meaning of an utterance is influenced by its context,

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<sup>2</sup> *Ibid.* p. 444.

the more pragmatic it is. We can probably separate semantics from pragmatics in case of a Carnapian artificial language (although even in this case I have serious doubts), but the closer we get to natural languages, the more such a differentiation seems unnatural.<sup>3</sup>

As I have said, in his article Recanati speaks about two camps of language philosophers: the ideal language philosophers, and the ordinary language philosophers. The divide between these two camps is based on the way these philosophers reflect on the interrelation of language and world, the way they approach this problem.

Ordinary language philosophers are convinced that a formal analysis of language doesn't help us better understand the nature of language and meaning. According to them a formal approach is reductive and unnatural. It is enough if we reflect on the fact that a formal approach doesn't take into consideration the context of an utterance. As a result of this the formal approach can only account for situations where an ideal speaker makes an utterance in an ideal situation, and in an ideal language. But this is hardly ever the case because there are no ideal situations.

Ideal language philosophers on the other hand think that their analysis of the nature of language and the nature of the world helps insofar as it considers the interrelation of the language and the world from a formal point of view. According to them the formal approach gives us a clear and explicit image of the language–world relation.

As representatives of logical atomism both Bertrand Russell and Ludwig Wittgenstein accepted the correspondence theory of truth.<sup>4</sup> The reason for accepting the correspondence theory of truth was that they have both presupposed a structural isomorphism between the elements of language and that of the world. According to them the main function of language is to represent reality. Thus they have stressed the descriptive function of language. The statement that ideal language philosophers accepted a kind of picture theory of language, as did Wittgenstein in his *Tractatus*, doesn't seem to be an exaggeration. According to this theory language is a picture of reality, and whenever we make a statement we in fact create an image of the world. Thus we can say that language creates a model of reality, and there is a one to one correspondence between the elements of language and the elements of reality.

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<sup>3</sup> *Ibid.* p. 461.

<sup>4</sup> Susan Haack, *Philosophy of Logics*, Cambridge University Press, 1978, p. 91.; Cf. Ludwig Wittgenstein, *Tractatus Logico-Philosophicus*, Routledge & Kegan Paul, 2002, pp. 9–11.; Bertrand Russell, *The Problems of Philosophy*, Oxford University Press, 2001, pp. 71–75; Richard L. Kirkham, *Theories of Truth. A Critical Introduction*, MIT Press, 2001, p. 124.

In the background of the thinking of the ideal language philosophers there lies the conception of meaning as truth-conditions. Thus to know the meaning of a sentence is to know the truth-conditions of the sentence.<sup>5</sup> To know the meaning of the sentence 'the apple on the table is red' is to know the conditions under which the sentence is considered to be true: if there is a table (and only one table), and on the top of the table there is an apple (and only one apple), and that apple is red. But in order to be able to say that this sentence is true, we have to be able to identify that specific table, that specific apple, and the quality of being red, and establish a certain relation between these entities in such a way so they correspond to the facts.

Formal logic and formal semantics is a good theoretical framework for the analysis of sentence meaning. Because ideal language philosophers think that formal semantics – by creating models for languages and by applying the method of idealization – has a relevant say about the meaning of sentences in natural languages, they are more than happy to apply the methods of formal sciences.

Michael Dummett claims that there is a divide between semantics and logic. The core concept of semantics is the concept of truth, and the problem of meaning is understood as the correct or intended interpretation. The main concept of logic on the other hand is the concept of validity, and truth is understood as truth under a certain interpretation, and thus it is taken for granted.<sup>6</sup>

In what follows I will try and present those parts of formal logic and semantics that we can use in the analysis of sentence meaning. I hope that I will be able to show that there is a link between formal logic and formal semantics. This link exists because the working methods of formal semantics presuppose the use of the methods used in formal logic (in this sense I have already succeeded in showing the connection between these two areas of science), and also because the link is established by the operations of logical interpretation and that of logical valuation. The operations of logical interpretation and logical valuation are the operations that lead us from all possible interpretations (studied by logic) to the correct or intended interpretation (presupposed by semantics).

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<sup>5</sup> Michael Dummett, *The Logical Basis of Metaphysics*, Harvard University Press, 1994, p. 21.; François Recanati, *Pragmatics and Semantics*, in Laurence R. Horn–Gregory Ward (eds.), *The Handbook of Pragmatics*, Blackwell Publishing, 2006, p. 442.

<sup>6</sup> Michael Dummett, *The Logical Basis of Metaphysics*, Harvard University Press, 1994, p. 20.

### The Example of Logic<sup>7</sup>

The basic categories of the grammar of logic are sentences and names. By sentences we always mean declarative sentences, and by names we always mean individual names. The characteristic feature of the individual names is that they denote entities, be they persons or objects, the declarative sentence says something about; and the characteristic feature of the sentences is that they have a truth value, that is they are either true or false. Sentences have truth values even in the cases when in the moment of speech we don't know their truth value. And here we also have to introduce the notion of statement. Logical discourse separates the notion of statement from the notion of sentence. A sentence can be defined as a string of characters with a full stop at the end. Unlike sentences, statements are seen as the bearers of explicit information. If a statement doesn't contain explicit information it is only considered a sentence, not a statement; in contrast: if it contains explicit information a sentence is considered a statement.

Let us consider the following two sentences:

(1) I saw him there yesterday.

(2) I, Alpár Gergely, saw Péter Nagy in front of the UBB main building yesterday, 29 February 2016.

In the first case the lack of context prevents us from understanding the sentence. The circumstances that the sentence was uttered in are not clear. We can ask the following questions: who uttered it?, when?, who did the speaker see?, and where?. So in the case of (1) we have a sentence that is not considered a statement. In contrast, in the case of (2) everything is made explicit. (2) is a statement if we suppose that there is only one person whose name is Alpár Gergely, another person (and only one) whose name is Péter Nagy, and a (only one) main building of UBB.

The notion of a statement differs from that of the notion of a sentence based on the fact that a statement is not dependent of a particular language. We can easily formulate our sentences in different languages and still make the same statement, as we did in the following two examples:

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<sup>7</sup> In what follows I made use of the examples and explanations presented in the following books: Madarász Tiborné–Pólos László–Ruzsa Imre, *A logika elemei*, Osiris Publishing House, 1999.; Ruzsa Imre, *Logikai szintaxis és szemantika, Vol. I.*, Akadémiai Publishing House, 1988.; Ruzsa Imre, *Bevezetés a modern logikába*, Osiris Publishing House, 2001.



(3) The die is cast.

(4) Alea iacta est.

After he crossed the Rubicon river Julius Caesar allegedly uttered (3). But most probably he uttered (4), for we suppose he didn't speak English.

And finally we can express the same statement in the same language using two different sentences, as in:

(5) Ann is Bella's daughter.

(6) Bella is Ann's mother.

Names denote individual entities. There is a double requirement when it comes to names. The first requirement is that a name has to name an entity, the second requirement is that a name has to name one and only one entity.

In (6) we have said that Bella is Ann's mother. It seems that the use of the name 'Bella' meets both requirements that we have listed above. Let us suppose that Bella is a real person, and we know that every person has only one mother. In the case of (5) and (6) we are dealing with an interesting situation. According to the grammar of logic both 'Ann' and 'Bella's daughter', and both 'Bella' and 'Ann's mother' are names. This is because according to the grammar of logic not only names (in the grammatical sense) are considered names, but also descriptions and pronouns. So in the following sentence the pronoun is also considered a name, if it refers to Bella:

(7) She is Ann's mother.

But if we suppose that Bella has at least one more daughter, other than Ann, whose name is Cecilia, then the description 'Bella's daughter' is not considered a name according to the grammar of logic. The expression is not considered a name (in the logical sense), because by hearing the description, we can't decide whether we are supposed to think of Ann or Cecilia. In case of a formal analysis we could use the method of indexing the name 'Bella's daughter' depending on how many daughters Bella has, and as a result we would get 'Bella's daughter<sub>1</sub>', 'Bella's daughter<sub>2</sub>', 'Bella's daughter<sub>3</sub>', etc.

We can ask ourselves what happens in the case a certain name doesn't meet the requirements a name should meet, and it either refers to more than one entity, or it doesn't have a reference at all, as is the case in the following examples:

(8) The even number less than 10 is divisible by 2.

(9) The largest natural number is an odd number.

(10) The present king of France is bald.

Formal logic and formal semantics have a very simple and categorical answer to this problem. According to them such a problem cannot occur.

Let us now consider another example:

(11) Ann is learning.

Based on the things we know thus far, we can assert the following things about the example: (11) is a sentence; in the sentence the name 'Ann' refers to Ann; the sentence contains explicit information, so it is a statement; and the statement is either true or false. We know a lot about (11), but we still didn't say anything about the expression 'is learning'. The reason for this is because we can't label the expression as a name or a sentence. The grammar of logic defines the expressions that are neither names, nor sentences – but are a building block of these two latter expressions – functors. There are different types of functors based on the category of expression that these functors are a part of: so there are name-functors, predicates, and sentence-functors. By definition name-functors are a type of functor that create names from names; predicates are functors that create sentences from names; and sentence-functors are functors that create sentences from sentences. Functors are expressions that contain a blank place, and if we fill out these blank places with the appropriate expressions of the logical grammar, that is with names or sentences, as a result we get certain other expressions of the logical grammar: names or sentences, of course. Thus if we take out the name 'Ann' from (11) we will get an expression that is a predicate:

(12) ... is learning

But the following expressions are also functors:

(13) mother of ... / ...'s mother

(14) ... is reading

(15) ... is taller than ...

(16) It is false that ... / It is not the case that ...

(17) ... and/or ...

(18) If ..., then ...

(19) If, and only if ..., then ...

The dots represent the places that can be filled out with the appropriate expressions. These are called places of arguments; the expressions that are put in these places of arguments are called arguments; and based on the number of arguments a functor requires we have unary (one-place), binary (two-place), n-ary (n-place) functors. Thus (12) is a one-place functor, as is (13); (12) is a predicate, (13) is a name-functor; (15) a two-place predicate; (16) a one-place sentence-functor; (17), (18), and (19) are two-place sentence-functors.

In case of the sentences the main question is whether they are true or false. But in order to be able to decide their truth value we have to go beyond the formal framework, for sentences are considered to be true or false based on their correspondence with the facts. Logic presupposes the acceptance of the correspondence theory of truth, and thus it links the language with the world. To express the link between language and the world we say that linguistic expressions have semantic value.

In order to determine the truth value of a sentence (although we have said that logic doesn't decide that, but presupposes it) we have to make the expressions that build up the sentence explicit. So in the case of (1) we have to determine who the speaker is, who did she see, when, and where. If we consider (1) and (2), we say that in the case of (2) we are dealing with the interpretation of (1). The notion of valuation is closely connected to the notion of interpretation. Defining the meaning of a vague expression by making it explicit is called valuation. In the case of (1) by assigning the value Alpár Gergely to the expression 'I', the value 29 February 2016 to the expression 'yesterday', and the value the square in front of the main building of UBB to the expression 'there', we give the valuation of the

expressions, and by doing so we also give the interpretation of the sentence, thus transforming it into a statement. So from now on whenever we use the notion of sentence, by that we mean statement.

In formal sciences (logic and formal semantics) the notions of valuation and interpretation play a key role. Seeing how these two operations work, ordinary language philosophers might say to the ideal language philosophers, that it is quite easy for them to analyze language. All they do is to create a complex system which deals with examples that lack any context, and then claim that their system works brilliantly. Ordinary language philosophers, in contrast, have to come up with solutions while in the process of analyzing language, and they are constantly reminded that the ordinary use of language is without regard to any system analyzing the language.

In the case of the analysis of everyday sentences the process of valuation and interpretation is the most difficult to sort out.

According to the grammar of logic the semantic value of a sentence is its truth values, in the case of a name the semantic value is its denotation. So, whenever we inquire for the semantic value of a sentence, we want to know whether that particular sentence is true or false; and respectively, when we want to define the semantic value of a name, we are curious about the entity in the real world that the name denotes. Although we have said that according to the grammar of logic every sentence must have a truth value, and every name must have a reference (an entity that exists in the real world), there are cases when the semantic values of these expressions are absent. In these cases we speak of a value gap. The best example for a value gap is (10). In a certain sense (10) doesn't have a truth value, because the expression 'the present king of France' doesn't have a reference, it doesn't denote anything. A similar situation occurs whenever a sentence contains an expression that doesn't denote an existing entity.

All we have to do now is to define the semantic value of a functor. The semantic value of a functor is a function, that is a rule that based on the arguments of a functor gives us the value of the expression according to the grammar of logic: the reference in case of a name-functor, and the truth value in case of a predicate or a sentence-functor. In the case of (13) if we fill out the blank space with the name 'Ann', we will get the expression 'Ann's mother' as a result, and if in the real world Bella is Ann's mother, then we successfully refer to Bella with the expression; and similarly, in the case of (12): if we fill out the blank space of the one-place predicate with the name 'Ann', we will get the sentence 'Ann is learning' as a result, and if in the real world Ann is indeed learning, (12) will be true, otherwise false, and so on, and so forth.

We have arrived at a crucial point in this article: to the essence of propositional calculus, the truth functions. Truth functions are expressions that contain a blank space, that if filled out with sentences, give us sentences as a result. The semantic values of these expressions calculate the truth value of more complex sentences from the truth value of simple sentences, those that are the building blocks of the more complex ones.

Let us now consider the classic connectives (sentence-functors) of the propositional calculus: negation, conjunction, disjunction, conditional, and biconditional. If we think of the truth table of the aforementioned connectives, we can remark the following: by looking at the truth table of the connectives we are able to formulate the rules according to which these truth functions work; logic being unable to decide about the truth value of a certain sentence, assigns truth values to the propositional variables in such a way that it exhausts every possible situation; after which the rule of the connective calculates the truth value of the compound sentence from the truth value of the sentences that the compound sentence is composed of. The truth value of the output of the negation will be true, if and only if the input is false, false if the input is true. As a result, the truth function of the conjunction will give us the truth value true, if and only if the truth value of both input sentences is true, false otherwise. In contrary, the truth function of the disjunction will be false, if and only if both input sentences are false, true otherwise. The truth function of the conditional will be false, if and only if the antecedent of the conditional is true, and the consequent false, true otherwise. And finally, the truth function of the biconditional will give us the truth value true, if and only if the truth values of the two input sentences are the same, false otherwise.

I only have one more task at the end of this article: to show that ideal language philosophers make use of a trick when analyzing language.

This trick is the self-evident use of the operations of valuation and interpretation mentioned at the beginning of the article. We have defined interpretation as the operation that makes the ambiguous expressions of sentences explicit. This procedure of making expressions explicit supposes the valuation of these expressions. It should be obvious, that during the analysis of language the ideal language philosophers use expressions such as 'let us suppose that ...', 'given the following ...', 'let symbol  $x$  mean thus-and-thus', etc. These formulations suggest that the ideal language philosophers analyze language within the framework of a well-elaborated, and well-functioning system, in which every expression is clearly defined. And this is the case indeed. We can think here either of the system of the propositional calculus or the system of the predicate calculus. Every possible interpretation is outlined in these systems (e.g.: the rows in a truth table for one

of the truth functions in propositional calculus). This is what logic deals with. And the main concept of semantics is the correct and intended interpretation. The link between these two areas is established by the concept of interpretation, which is a result of the operation of valuation. The fact that from every possible interpretation we point out just one interpretation, which we then name the correct or intended interpretation, means that we make a step that leads from formal logic to formal semantics.

If it is true that the formal analysis of language is based on a clearly defined system, we are entitled to think that all the problems that the ordinary language philosophers face during their study of language can easily be solved. As far as the operations of valuation and interpretation are well-regulated, they by themselves solve these problems by presenting us the context of the utterances. By assigning values to variables and expressions, we in fact make the context of the sentences clear. A problem occurs though: with such an approach it is feared that the issues and questions concerning language never arise in their full complexity.

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## SELF-REFERENCE AND THE LIMITS OF THOUGHT

LUCIAN CONSTANTIN PETRAȘ\*

**ABSTRACT. Self-reference and the Limits of Thought.** This paper explores the connection between the natural language and a formal language from a particular point of view: *self-referential constructions*. Such constructions lead to some kind of *limits of thought*, either in the form of paradoxical constructions (Liar-type or Grelling-type), or in the form of the so called limitative theorems in mathematical logic (e.g. Gödel's theorem). By deriving Gödel's significant results from paradoxical constructions the limitative character of such self-referential constructions is preserved, but they open the ways for a new representation of a great variety of arguments in the field of logic, mathematics and philosophy.

**Keywords:** *self-reference, paradox, incompleteness theorems, Gödel, Grelling*

### Preliminary

In his celebrated paper [1931]<sup>1</sup> K. Gödel showed how to construct a sentence in the language of an appropriate formal system  $\mathcal{S}$  such that this sentence is undecidable in  $\mathcal{S}$  and, moreover, we can argue that it is true. As Gödel himself says, “[t]he analogy of this argument with the Richard antinomy leaps to the eye. It is closely related to the «Liar» too [...]”<sup>2</sup> and that “[a]ny epistemological antinomy could be used for a similar proof of the existence of undecidable propositions”.<sup>3</sup> The following paper explores this Gödel's suggestion, that of deriving his main result from other two paradoxes: Liar Paradox (or Epimenides Paradox) and Grelling Paradox. The whole analysis is based on the idea of self-reference and its aim is to make explicit the idea of some limits of thought.

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<sup>1</sup> K. Gödel, “Über formal unentscheidbare Sätze der Principia Mathematica und verwandter Systeme”, *Monatshefte für Mathematik und Physik*, 38, 1931, 173–198; a germ.-engl. ed., cf. K. Gödel, *Collected Works*, vol. I, Oxford University Press, 1986, 144–195 (cited here).

<sup>2</sup> K. Gödel, “Über [...]”, 140.

<sup>3</sup> K. Gödel, “Über [...]”, footnote 14.



## 1. An absolute limit generated by paradoxes

### *Self-reference and semantic paradoxes*

In its usual sense, a sentence is called self-referential if it asserts something about itself. Let us give the following examples:

- (a) This sentence has only six words.
- (b) This sentence is the second example in the list.
- (c) This sentence has ten words.

If the pronoun “this” refers to the sentence containing it, then all the sentences in the list are self-referential, (a) and (b) true and (c) a false sentence. Then, as can be seen, by itself a self-referential construction is not necessarily paradoxical. When becomes it a paradox? An answer can be given by a simple inspection of two semantic paradoxes: *Liar Paradox* and *Grelling Paradox*.

**Liar Paradox (LP):** *This sentence is not true.*

Why is LP paradoxical? Suppose LP is true. Then it is true what LP asserts. Hence it is not true. It follows that LP is not true. But being not true, it is not true what it asserts, hence it is true. Therefore, LP is true iff<sup>4</sup> LP is not true. And then LP is paradoxical. Shortly, a sentence *S* is a (semantic) paradox if it is impossible to assign it a truth value.

### **Grelling Paradox (GP)**

This paradox, also known as “heterological paradox”, can be derived in the following way. An adjective is called *autological* if it has the property it denotes or, equivalently, it is true of itself, or it does satisfy the property it expresses, respectively; e.g. “short”, “polysyllabic”, “English”. And an adjective is called *heterological* if it has not the property it denotes/ expresses or, equivalently, it is not true of itself; e.g. “long”, “monosyllabic”, “Romanian”. Now, is the adjective “heterological” (abbrev. “Het”) heterological? We have:

“Het” is heterological iff “Het” has not the property it denotes (by definition of “Het”) iff it is not heterological. Again, as in the preceding case, we easily derive a paradox:

G.P. “Het” is heterological iff “Het” is not heterological.

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<sup>4</sup> “iff”, an abbreviation for “if and only if”.

Therefore, in both cases, LP and GP, we have a limit of thought: the suspension of reason. By impossibility to assign them a truth value, this limit, in semantical frame they were constructed, has an absolute character. And as can be observed, the means for constructing such semantic paradoxes are: a semantical term, like: “true”, “true of”, “satisfy”, a notion of negation and the idea of self-reference.

Are these paradoxical constructions relevant in any way? As we argue, they are relevant both mathematical and philosophical.

## 2. Paradoxes and the incompleteness theorem

### 2.1. The derivation of Gödel’s theorem via LP

#### 2.1.1. A heuristic argument

As Gödel remarks, his celebrated result can be derived from Liar Paradox. A simple heuristic argument shows us how to proceed. Let us consider the following items:

- (a) LP. This sentence is not *true*.
- (b) G. This sentence is not *provable*.
- (c)  $S$  is a *sound* formal system, i.e. a system for which the following holds: If  $\vdash \alpha$ , then  $\alpha$  is true, where “ $\vdash$ ” means “is provable in  $S$ ” and  $\alpha$  is a sentence in the language of  $S$ .

An abstract form of Gödel’s result is the following.

**Gödel’s theorem.** *If  $S$  is sound, then  $G$  is true but not provable in  $S$ .*

*Argument.* Suppose that  $G$  is provable. Then  $G$  is false (by (b)), hence  $G$  is not provable (by (c)). Therefore,  $G$  is not provable (by *reductio*). But the non provability of  $G$  is exactly what  $G$  itself asserts. Then  $G$  is *true*.

As we saw, the limit imposed by LP is just the nonrationality of the sentence itself. Then,  $G$  is simply obtained from LP by replacing the semantic term “true” with the syntactic one, “provable”. By this move the paradoxical character of LP becomes a rational construction, a scientific result in mathematical logic: a *limiting result* regarding some formal systems. Therefore, by passing from a LP to Gödel’s theorem, the limit of thought imposed by LP is converted in a limit of thought as an incompleteness phenomenon (under assumption of soundness of  $S$ ).

### 2.1.2. A formal derivation of Gödel's Theorem

As we saw, the Gödel's sentence  $G$  is self-referential, i.e. it is a sentence asserting its own unprovability. However, a *formal* derivation of Gödel's result supposes a *formal* construction of the sentence  $G$ . To do that the following means are necessary:

(a) The *coding* of expressions,<sup>5</sup> a way by which our metamathematical assertions turn into recursive functions and relations. For example, let  $Pf(y, x)$  be the following metamathematical assertion: "y is (the code of) a proof of the formula (with the code) x". Its arithmetical counterpart is the following expression:

$$Pf(y, x) : Prf(y) \wedge x = (y)_{lh(y)},$$

where  $Prf(y)$  is the primitive recursive relation "y is (the code of) a proof",  $lh(y)$  is the primitive recursive function "the number of nonvanishing exponents in the factorization of y", and  $(y)_i$  is the primitive recursive function "the exponent  $k_i$  of the prime factor  $p_i$  (for  $i = 1, 2, \dots$ ) in the factorization of y". Since "=" is a primitive recursive relation and the recursiveness of relations is closed under conjunction ( $\wedge$ ), it follows that  $Pf(y, x)$  is a primitive recursive relation.

(b) The *representability* of recursive functions and the *formal expressibility* of recursive relations within a formal system  $S$ .<sup>6</sup> Let us suppose that  $Pf(y, x)$  is expressed in  $S$  by the formula  $\Pi(y, x)$ .<sup>7</sup>

(c) The *diagonalization* of an expression. If  $\alpha(x)$  is a formula of  $S$ , containing  $x$  free, and  $n$  is its Gödel number, then  $\alpha(\bar{n})$  is called its diagonalization; where  $\bar{n}$  is the numeral (or canonical name) for  $n$ . Intuitively,  $\alpha(\bar{n})$  says that  $\alpha$  is satisfied by its own code. The following important result concerning the diagonalization, allows us the formal construction of  $G$ :

**Diagonal Lemma (DL).** *For any formula  $\alpha(x)$ , with  $x$  free, there is a sentence  $G$  such that*

$$S \vdash G \equiv \alpha(\bar{g}),$$

where  $\bar{g}$  is the numeral for  $g$ .<sup>8</sup>

<sup>5</sup> The *code* of an expression is also called its *Gödel number*.

<sup>6</sup> In what follows we consider that  $S$  is a formal system extending Peano Arithmetic (PA).

<sup>7</sup> In order to distinguish between *intuitive* and *formal* symbols, we render the intuitive symbols using *italics*.

<sup>8</sup> For the proof of DL, comp. Boolos, Burgess and Jeffrey, *Computability and Logic*, Ch. 17, and G. Boolos, *The Logic of Provability*, Ch. 3.

Now, the formal construction of  $G$  proceeds as follows: we take  $\Pi(y,x)$  the formula expressing formally in  $\mathcal{S}$  the primitive recursive relation  $Pf(y,x)$ , construct the formula  $\alpha(x)$ :  $\forall y \neg \Pi(y,x)$ , equivalently,  $\neg \exists y \Pi(y,x)$ , whose intuitive meaning is that there is no proof of the formula whose Gödel number is  $x$ ", and apply DL, i.e.:

$$\mathcal{S} \vdash G \equiv \neg \exists y \Pi(y, \bar{g}).$$

Here  $G$  is a sentence *equivalent* to a sentence asserting the nonprovability of  $G$ !<sup>9</sup>

Now, the famous Gödel's first incompleteness theorem is as follows.

**Gödel's Theorem.**

(1) If  $\mathcal{S}$  is consistent, then  $\not\vdash G$ .

(2) If  $\mathcal{S}$  is  $\omega$ -consistent, then  $\not\vdash \neg G$ .

*Proof.* (1) *Reductio.* Assume hypothesis and that  $\vdash G$ . Hence there is a proof of  $G$  with, say, the Gödel number  $k$ , i.e.  $Pf(k, g)$  is true. By formal expressibility of  $Pf(y,x)$  it follows that  $\vdash \Pi(\bar{k}, \bar{g})$ . On the other hand, from  $\vdash G$  and the result of DL, it follows that  $\vdash \forall y \neg \Pi(y, \bar{g})$ , from which by predicate calculus and *modus ponens* it follows that  $\vdash \neg \Pi(\bar{k}, \bar{g})$ , destroying the assumed consistency of  $\mathcal{S}$ .

(2) *Reductio.* Assume hypothesis and that  $\vdash \neg G$ , i.e., by result of DL,  $\vdash \exists y \Pi(y, \bar{g})$ . Since  $\omega$ -consistency does imply consistency, from  $\vdash \neg G$  follows that  $\not\vdash G$ , i.e., for any  $n$ ,  $Pf(n, g)$  is false. And then, by formal expressibility, it follows that for any  $n$ ,  $\vdash \neg \Pi(\bar{n}, \bar{g})$ , i.e.  $\vdash \neg \Pi(0, \bar{g})$ ,  $\vdash \neg \Pi(1, \bar{g})$ ,  $\vdash \neg \Pi(2, \bar{g})$ , ..., destroying the assumed  $\omega$ -consistency.

Therefore, if  $\mathcal{S}$  is  $\omega$ -consistent, then the sentence  $G$  is undecidable in  $\mathcal{S}$ ; and since  $G$  is equivalent to a sentence asserting the nonprovability of  $G$ , it follows that the sentence  $G$  is true. Shortly, "true" and "provable" with reference to  $\mathcal{S}$  do not coincide!

**2.2. The derivation of Gödel's theorem via GP**

**2.2.1. A formal reconstruction of GP**

As we saw above (sect. 1), "Het" means "is not true of itself" or "it does not satisfy the property it denotes". Let HET(x) be the formula expressing in the

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<sup>9</sup> If  $\alpha(x)$  is the formula  $\neg \text{Tr}(x)$  (where  $\text{Tr}(x)$  is the truth predicate), then, as can be seen, we obtain the Formal Liar.

language of  $\mathcal{S}$ ,  $\mathcal{L}_{\mathcal{S}}$ , the intuitive predicate  $Het(x)$  (i.e.  $x$  is heterological) and  $SAT(x,x)$  be the formula expressing in  $\mathcal{L}_{\mathcal{S}}$  the intuitive predicate  $Sat(x,x)$  (i.e.  $x$  does not satisfy  $x$ ). Then we have the definition

**Def.**  $HET(x) = \neg SAT(x,x)$ .

Now, the formal derivation of GP is as follows. Let  $k$  be the Gödel number of the formula  $HET(x)$ . Then  $HET(\bar{k})$  is the diagonalization of  $HET(x)$ , and it means “ $k$  is heterological”, or “ $HET(x)$  is heterological”. So, we have:

$HET(\bar{k})$  iff  $Sat(k,k)$  iff  $SAT(\bar{k},\bar{k})$  iff  $\neg HET(\bar{k})$  (by **Def**), i.e.  $HET(\bar{k})$  iff  $\neg HET(\bar{k})$ , and this is the formal GP.

### 2.2.2. A formal derivation of Gödel's theorem

As in the preceding derivation of  $G$  from LP, now we replace the semantic notion  $Sat(x,x)$  with a syntactic one:  $Prov(x,x)$ : “ $x$  is provable of  $x$ ”.<sup>10</sup> Let  $PROV(x,x)$  be the formula expressing it in  $\mathcal{L}_{\mathcal{S}}$ .

**Def.**  $GHET(x) = \neg PROV(x,x)$ ,

where  $GHET(x)$  means “ $x$  is Gödel-heterological, that is the formula with Gödel number  $x$  is *not* provable of itself. Let  $k$  be the Gödel number of  $GHET(x)$  and  $GHET(\bar{k})$  be its diagonalization.

Now, Gödel's result, via GP, runs as follows:

**Gödel's Theorem.** *If  $\mathcal{S}$  is consistent, then  $GHET(x)$  is Gödel-heterological.*

*A heuristic argument (Reductio).* Assume hypothesis and suppose that  $GHET(x)$  is not Gödel-heterological, that is  $GHET(x)$  is provable of itself and this means that

(\*)  $\mathcal{S} \vdash GHET(\bar{k})$ .

From (\*) it follows that:

(a)  $\mathcal{S} \vdash PROV(\bar{k},\bar{k})$  (by Def), and

(b)  $\mathcal{S} \vdash \neg PROV(\bar{k},\bar{k})$ , since “ $GHET(x)$  is provable of itself” is the *negation* of  $\neg PROV(\bar{k},\bar{k})$ .

But (a) and (b) contradict the assumed consistency of  $\mathcal{S}$ . And since  $\not\vdash GHET(\bar{k})$ , it follows that  $GHET(\bar{k})$  is true.

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<sup>10</sup>Some authors derive Gödel's result via GP using Gödel-Grelling formula  $GG(x)$ : “ $x$  is not self-applicable”; comp. Boolos, Burgess and Jeffrey, *Computability and Logic*, 228.

*Remark.* From this heuristic argument the *standard* form of Gödel's Theorem can be derived, by considering the fact that since  $\text{PROV}(x,x)$  is a  $\Sigma_1$ -formula, then it has the form  $\exists z\text{PRV}(x,x,z)$ , where  $\text{PRV}(x,x,z)$  is a  $\Sigma_0$ -formula (and then decidable). Now, if  $\text{GHET}(x)$  is the formula  $\neg\exists z\text{PRV}(x,x,z)$  and  $k$  is its Gödel number, then  $\text{GHET}(\bar{k})$ , i.e.  $\neg\exists z\text{PRV}(\bar{k},\bar{k},z)$ , is the famous Gödel's undecidable sentence. And then the standard form of Gödel's theorem is the following:

- (1) If  $S$  is consistent, then  $\not\vdash G$  (i.e.  $\not\vdash \text{GHET}(\bar{k})$ ), and
- (2) If  $S$  is  $\omega$ -consistent, then  $\not\vdash \neg G$  (i.e.  $\not\vdash \neg \text{GHET}(\bar{k})$ ).<sup>11</sup>

## Conclusions

1. The self-referential constructions represent a remarkable tool for exploring the idea of the limit of thought, either in its absolute form of paradoxes in usual languages (e.g. Liar Paradox and Grelling Paradox), or in its logical and mathematical sense of limitative theorems, with reference to formalized languages. The derivation of Gödel's theorem by reconstructing and reinterpreting some semantic paradoxes makes also explicit the way in which a limitative result generated by paradoxical constructions preserve the limitative character by its rational conversion in an undecidability result.

2. By using the diagonalization lemma we get the means for constructing *formal* self-referential structures, expressing thus a great variety of limits of thought in the form of fixed-point sentences.

3. The existence of such limits of thought has a great impact on contemporary philosophical theorizing, either in the form of the sophisticated Lucas/Penrose Argument and its associated topic of the realism-antirealism controversy, or in the form of destruction of the far-reaching metamathematical and philosophical programs (e.g. Hilbert's, Frege's, Wittgenstein's and Heidegger's).

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<sup>11</sup>For proof and details, comp. V. Drăghici, "The reflexivity of a language", *Cultural and Linguistic Communication*, Vol. 8, Issue 3, 2018, 218–223.

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## GENIUS STATE OF MIND – DETERMINATION OR EFFECT?

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**ABSTRACT. Genius State of Mind – Determination or Effect?** Through this paper I put together philosophical aspects and also medical ones regarding Nietzsche's mental disorders. The analyze is based on three different discussions on modeling or creative suffering, bipolar disorder and altered states of consciousness – extended consciousness and will show us some interesting findings, one of them is that the bipolar disorder II that Nietzsche was suffering of, could be the trigger point for it's genius state of mind. Also in the discussions chapter some questions regarding genius are raised.

**Keywords:** *genius, creative suffering, bipolar disorder, extended consciousness, Nietzsche*

We are starting a discussion on which we apply inevitably a medical print. Although we could be accused of laicization an demythisation of genius, it is a challenge for thorough philosophical understanding of possible sources for genius.

Regarding this subject, in order to be able to generate an answer towards the origin of genius, it will be taken into consideration a triad of elements. Taken individually or mixed together, each of these elements could lead us to the origin of genius: pain, bipolar disorder and modified state of consciousness.

During this study I propose a physiology approach of genius. Where physiology express a medical term used to describe possible causes and trigger mechanisms of an entity that we suppose to be a normal state, in other words, physiological state of being.

The elements of the triad taken into consideration, interrelated, could lead us to an answer regarding the origin of genius or, at least, to an augmentation of this state of mind: pain, bipolar disorder and modified state of consciousness. The

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study proposes to discuss whether there is an interrelated link between these constituents of the triad or one is the consequence of the other and also some hypotheses that are meant to offer another point of view, possible solutions or just new trigger points in this field.

Through the medical point of view, the discussion over intra-familial genius (cross-generational linked genius) is intentionally omitted. This alone could be a field of study, taking into consideration also psycho-genealogical aspects or educational ones. Also, transcendental knowledge is taken for granted, while aspects on extended consciousness or intuitive knowledge cannot be denied.

The analyse of the origin of genius and genius is a part of the holistic understanding of man and philosopher Friedrich Nietzsche, the subject of my research. This is the reason why reference, motivations, explanations will come to sustain his genius. By taking into consideration the theme of the genius, also from a medical point of view through neuroscience or evolution of the nature sciences in the last decades, I do not want to change the sacred status of the writings of great geniuses of the world but I hereby sustain a better understanding of the mechanisms that leads us to genius and the genius as a creator. Although, Otto Weininger made a good observation on those who analyse others: *to understand a man one must have his nature in oneself. One must be like the mind one tries to grasp. It takes a thief to know a thief, and only an innocent man can understand another innocent man. The poseur only understands other poseurs, and sees nothing but pose in the actions of others; whilst the simple-minded fails to understand the most flagrant pose. To understand a man is really to be that man.*<sup>1</sup>

If we are about to accept the definition of the genius given by A. Schopenhauer: *the essence of genius will result in the perfection and in the energy of intuitive knowledge. [Genius] searches more profound the world in front, the world that appear more objective in his mind, therefore more pure and more clear,*<sup>2</sup> then we accept also the transcendental knowledge of things as a way of knowing, as it flows out of this definition. Also, we do accept the possibility of opening more fields for studying the hypotheses of origins for genius and creativity including here modern techniques such as quantum physics or genomics (interdisciplinary field that focuses on the study of human genome).

Again A. Schopenhauer says that *genius consists of the fact that the faculty of knowing developed considerable stronger than the service of the will requests.*<sup>3</sup>

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<sup>1</sup> Otto Weininger, *Sex and character*, A. L. Burt Company Publishers, New York–Chicago, p. 105.

<sup>2</sup> Arthur Schopenhauer, *Die Welt als Wille und Vorstellung*, Hauptwerke Bd. I, Köln, Parkland Verlag 2000, Kap. 31 Von Genie, p. 953–976.

<sup>3</sup> *Idem*, p. 953–954.

If the genius consists of considerable development of the faculty of knowing, then we put on debate three possible trigger points for this development or three pathways that one man is capable of knowing, other than formal education. Objective understanding of things and phenomena through superior development of faculty of knowing could lead us to knowing through revelation. What is the source of these revelations?

Speaking of revelations, synchronicities (as seen by C.G. Jung as a coincidence of physical and psychological phenomena apparently without causal link between them), experiences beyond physical barrier, then there are some landmarks regarding also Friedrich Nietzsche.

The presence in one man's life of turning moments could lead to several questions but also could make him claim his origins of life and, of course, of knowledge. Lifelong turning moments can have a very large spectrum of trigger points: from an shared experience after reading a book up to an accident that can threaten your life and taking you to the limits of consciousness or even an out-of-body experience. *[Nietzsche] once writes his sister that still during childhood period Zarathustra's image revealed. Other time he wrote: when I was 12 years old I saw God in all his splendour,*<sup>4</sup> notes Ernst Bertram in his work *Nietzsche, Attempt at a Mythology*. Also E. Bertram captures another characteristic of Nietzsche's intuition: *There is no hazard. If I'm thinking of somebody, politely I receive at my door a letter from that person... In my life there are now curious facts that rely on some hidden meaning of chance, that have no equal.*<sup>5</sup>

Nietzsche appreciates immaterial intra-familial, transgenerational acquisitions from his father. These have the same purpose of superior stimulation of sensory organs corroborated with his fine tuning on observing intra-familial environment. Nowadays these aspects are studied through a branch of psychology, the psychogenealogy. *I regard it as a great privilege to have had such a father: it even seems to me that this embraces all that I can claim in the matter of privileges—life, the great yea to life, excepted. What I owe to him above all is this, that I do not need any special intention, but merely a little patience, in order involuntarily to enter a world of higher and more delicate things. There I am at home, there alone does my inmost passion become free.*<sup>6</sup>

The experiences beyond physical barrier don't stop here. As E. Bertram notices that *crucial meeting with the capital work of Schopenhauer happened not without the shadow of a demonic work [...] in an book store in Leipzig he finds a*

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<sup>4</sup> Ernst Bertram, *Nietzsche – Versuch einer Mythologie*, Bei Georg Bondi, Berlin, 1920.

<sup>5</sup> *Idem.*

<sup>6</sup> Friedrich Nietzsche, *Ecce Homo*, T. N. Foulis Edinburgh, 1911, p. 16.

book totally unknown to him: “I don’t know what daemon whispered: take this book at home. This happened, however, despite my old habit not to rush into buying books”. Synchronicities theory, issued later by C. G. Jung, theory that links two or more psycho-material facts or events leading to the development of positive aspects or, on the contrary, negative ones, presented as “happenings” in Nietzsche’s life and noticed by himself or by those who are analyzing his works. Also, T. Vianu captures Nietzsche’s inclination towards the issue of chance: *the analyst of the human soul continues his work guided by the new ideals of the affirmation of life, of the cruel and dominant instincts that support it even in the souls who have come to understand the dire necessity of how events are linked in the world.*<sup>7</sup> Within the theory of synchronicities we can also fit relational reciprocity regarding affinities or, on the contrary, mutual scorn: *The one I despise guesses that he will be despised by me; through my simple existence, I become annoying for all those who have impure blood in their veins.*<sup>8</sup>

As Tudor Vianu also notes the practice of transcendental meditation is not unknown to Nietzsche as meditation is also the trigger point of some productive revelations: *tot cum meditația este și cauza unor revelații productive: The days of intense meditation in the strong air of the peaks were alternated with reading Spinoza. During one of these days [...] Nietzsche’s revelation of eternal return of all things and events in the world came, but not as a theory, but as a shaking concrete intuition.*<sup>9</sup>

### **Modeling or creative suffering**

First source of these revelations creating superior knowledge could be suffering. Modeling suffering, fertile, germinating, culminating in the installation of the results in the next moment, the moment of convalescence. Convalescence in this context must be understood as a period of recovery after the traumatic experience of suffering. Therefore I have chosen as the first of the criteria applied to possible sources of genius. Nietzsche was exposed to severe suffering since his childhood, *his father died when he was only 5 years old. Then, another death preceded by a premonitory dream marked him: his brother, only two years old.*<sup>10</sup>

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<sup>7</sup> Tudor Vianu, *Opere 9*, Ed. Minerva, 1980, p. 123.

<sup>8</sup> Friedrich Nietzsche, *Ecce Homo*, Ed. Humanitas, 2012.

<sup>9</sup> Tudor Vianu, op. cit. p. 122.

<sup>10</sup> Safranski Ruediger, *Nietzsche – Biografie seines Denkens*, Spiegel Verlag, 2000.

When we speak of suffering, we mean deep suffering, which produces a *constant shaking of the entire being*<sup>11</sup>, not the aesthetic superficial suffering that is only meant to attract attention to yourself, as defined by Cioran: *all those who think small dissatisfactions of life as suffering, giving proportions to some contradictions and spiritual anxieties about instability and uncertainties of ages, claiming to be tortured without haunting perspective of death, all of them suffer aesthetically.*<sup>12</sup>

Instead, *the intense experience of pain cannot be achieved without favorable conditions from outside*,<sup>13</sup> from human interactions (such as the relation of Nietzsche and Wagner, Lou Salome etc.) up to weather conditions. Knowing also the change of his disposition depending on the weather conditions, Nietzsche, otherwise a fine observer – *finds that genius is conditioned by dry air, clear sky – that is, fast metabolism, the possibility to create, again and again, for himself, large quantities, even huge ones, of force.*<sup>14</sup>

An external role, also important in triggering suffering, is represented by the treatments or the consumption of substances with psychotropism (even without the existence of chronic poisoning). Substances that have psychotropism are: tobacco, alcohol, depressants of the nervous system, stimulants, hallucinogens etc. These may be legal in nature (alcohol, tobacco, various drugs such as chloral, tramadol, morphine, etc.) or illegal. Andrei Oişteanu states that *not knowing its psychotropic properties, the chloral was incorrectly prescribed, especially for long-term uses. It causes a lot of addiction and has negative effects on the mental state. Friedrich Nietzsche was one of the known victims of the chloral but not the only one. [...] Freud treated his own depression with cocaine.*<sup>15</sup>

Invoking the experience of life even when it is negative or, especially when it is negative, has a creative, revealing role. *All the complete formulas and reading of ten libraries do not equate to an intense experience of pain*,<sup>16</sup> states Cioran. If we go further in what it means to invoke the experience of life in order to develop certain capacities to what it means mystics or shamans in different areas of the world, *even when the vocation is inherited, Siberian shamans must go through an individual initiation, in order to gain knowledge and supernatural help. Visited by spirits, the shaman initially goes through a period of profound mental depression and illness, before gaining shamanic powers, the Inuits go through a severe depression and a shocking experience on the verge of death.*<sup>17</sup>

<sup>11</sup> Emil Cioran, *Revelațiile durerii*, Ed. Echinox, Cluj-Napoca, 1990, p. 91.

<sup>12</sup> *Idem*.

<sup>13</sup> *Ibidem*, p. 88.

<sup>14</sup> Friedrich Nietzsche, op. cit. p. 38.

<sup>15</sup> Andrei Oişteanu, *Narcotice în cultura română*, Ed. Polirom, 2014. p. 192–193.

<sup>16</sup> *Ibidem*, p. 91.

<sup>17</sup> Ioan Petru Culianu, *Otherworldly Journeys from Gilgamesh to Albert Einstein*, Boston, Shambhala, 1991, p. 82–83.

## Bipolar disorder

From the general picture of suffering, it turns out that depression and suffering through depression are sine-qua-non criteria for increasing inner feelings. The release of creative flows, in contrast, occurs at a stage other than that of deep disarticulation, but in which the role of the first is essential. It is like as you were sowing (during the time of suffering) and then, in the next stage, you reap the fruits.

*From a scientific point of view,*<sup>18</sup> what we call the generic term of madness (which is no longer used since the beginning of the 20th century in the medical field), corresponds to a classification in the Diagnostic and Statistical Manual of Mental Disorders. The limits of normality, defined in human medicine, are quite lax, a definite diagnosis being based on the sum of several objective or differential criteria observed over a certain period of time, so that the categorization is certain.

Two of the philosophers' observations on how the disposition of the creators is modified have been taken into account and are also relevant for the definition of bipolar disorder: one of them is O. Weininger who asserted that *results from the periodicity the fact that, in genius people, the sterile years preceded the productive years, they were again followed by sterility, the barren period being marked by psychological self-deprecation, by the feeling that they are inferior to any other human being;*<sup>19</sup> and also the observation of E. Cioran, according to which there is *no authentic lyricism without a grain of inner madness. It is characteristic that the onset of psychoses is characterized by a lyrical phase in which all the usual barriers and boundaries disappear to give rise to a most fruitful inner drunkenness. This explains the productivity of the early stages of psychoses. Madness could be a paroxysm of lyricism.*<sup>20</sup>

Where is the connection with suffering, then? Well, the inner disarticulation, the self-depreciation, reaching the meaninglessness of life, during the depressive periods, that is, the barren ones as Weininger asserts, represents the period of deep, unesthetic suffering. *From the multiplicity of organically rooted soul states, the depressive ones have the highest capacity for revelation, because in them is included the progressive division of the ego of the world.*<sup>21</sup> The lack of meaning of life, coupled with deep suffering, during this period, however, determines the autolytic tendencies, which in many have been manifest and even, cynically, effective. *Then, however, when man is burned to the very substance of his being by the flame of pain, when consciousness acquires a great capacity for selflessness because it is released from the vital*

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<sup>18</sup> *DSM of Mental Disorders*, Vth Ed, American Psychiatric Association, Washington / London, 2013.

<sup>19</sup> Otto Weininger, op. cit. p. 107.

<sup>20</sup> Emil Cioran, op. cit.

<sup>21</sup> *Ibidem*, p. 89.

*connections, when the vision acquires a purity that captures the essence, the understanding for the vital phenomena of life it reaches the purest expression.*<sup>22</sup> Gaining this awareness of the capacity for selflessness as Cioran calls it, if not necessarily accompanied by vision and understanding, will induce in a “weak” autolytic tendencies.

Related to the subject of our analysis, namely Nietzsche, *his illness undoubtedly evolved for almost fifteen years in a unipolar depressive manner, then a bipolar alternation and a terminal manic-delirious decompensation,*<sup>23</sup> remarks Dr. Philippe Brenot, psychiatrist, author of several medical studies, including in the work *Bipolarity and creativity* the pathognomonic cases of several personalities of world culture. This includes Friedrich Nietzsche. For Nietzsche, we could talk today about a bipolar disorder II with a family predisposition on the maternal side. Nietzsche’s bipolarity certainly participated in his prodigious creative energy.<sup>24</sup>

### **Altered states of consciousness – extended consciousness**

In George Berkeley’s vision, *there could be no pain that no one feels, a sound that no one hears, a taste that no one enjoys, a color that no one sees. Perceptions make up the external world. There is no other world than that of the perceiving beings.*<sup>25</sup> Nothing more wrong. I believe that we have mechanisms through which we can perceive much more than through the basic senses. Of course, it depends on how well and fine this mechanism is tuned to the surrounding nature. If there is no other world than the one lived by the perceiving beings, then the scientific discoveries have no meaning, have no relevance. Logical deduction or revelation or intuition as a way of perceiving and knowing the world would not fit here. And then where can we place them?

Research in recent years in particular, has shown the existence of completely new worlds, with laws other than the perceived Newtonian world. This is the world of quantum, and according to Stephen Hawking, *there are questions for philosophers, but philosophy is dead. Philosophy has not kept pace with the development of modern science, especially with physics: How can we understand the world we are in? How does the universe behave? What is the nature of reality? Where did all this come from? Does the universe need a creator?*<sup>26</sup> We do not perceive the quantum world. We perceive its effects on us and on the perceptible world.

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<sup>22</sup> *Ibidem*, p. 90.

<sup>23</sup> Philippe Brenot, *Bipolarité et créativité*, Editura L’Esprit du Temps, 2008, p. 48.

<sup>24</sup> *Ibidem*, p. 48.

<sup>25</sup> George Berkeley, *Essay Towards a New Theory of Vision*, p. 29.

<sup>26</sup> Stephen Hawking, *Marele plan*, Ed. Humanitas, 2012, p. 1.

Regardless of which process we use to expand consciousness (prayer, meditation, holotropic breathing, psychotropic substances etc), said Cioran about *those oriented toward Dionysian exaltation, erotic living or htonic assimilation, they instinctively tend to eliminate everything that is in the sphere of pain.*<sup>27</sup>

Regarding the connection between psychotropic substances and bipolar disorder and suffering, Dr. Philippe Brenot stated that *before any beginning of alcoholism, it is imperative to look for a possible bipolar disorder available. We can say that many other toxins such as drugs and cocaine, widely used in the creative world for their stimulant effects, and among them bipolar to appeal to the manic phase, to activate hypomania or to avoid diminishing the disposition.*<sup>28</sup>

As we have shown before, shamans and mystics to reach knowledge go through a deep suffering, this aided not infrequently by psychotropic substances, specific to the area.

An experimental way of extending consciousness, among others through holotropic breathing, was also refined by Stanislav Grof,<sup>29</sup> one of the founders of the field of transpersonal psychology. He has conducted experimental studies that, according to his own statements, have helped to cure many pathological states of the human psyche. Unlike psychotropic substances that induce depression, the working methods developed by St. Grof come to help, from improvement, to healing.

## Discussions

1. Nietzsche's sensitivity is clearly influenced, according to him, by various external factors, the seasonal ones being predominant. *Within the group of bipolar disorders, however, the seasonal pattern seems to be more likely in type II bipolar disorder. For some individuals, the onset of manic or hypomaniacal episodes may also be related to a particular season. Age is a strong predictor of seasonality, with younger people being at higher risk for winter depressive episodes.*<sup>30</sup>

Any small change in the external environment can produce a huge change in sensitivity and disposition. Let's imagine the trays of a balance: if we suddenly leave a sufficiently heavy elastic ball on one of the trays of the balance, the ball falls and then due to the elastic force it will jump out of the balance; the action was short and intense enough to produce a change. This action will cause a balance imbalance, which, until balanced, the indicator will oscillate from one extreme to

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<sup>27</sup> *Ibidem*, p. 89.

<sup>28</sup> Philippe Brenot, op. cit., p. 19.

<sup>29</sup> Stanislav Grof, *Psychology of the Future*. Albany, NY: State University of New York Press, 2000.

<sup>30</sup> *DSM of Mental Disorders*, p. 426.

the other. If, instead, the tray had a shock absorber, then the oscillation of the indicator needle from one end to the other would no longer occur.

So on the hypersensitivity of certain people, on whom if the intervention of an external factor is applied, can produce huge changes of disposition or on the contrary, to those that according to social customs we call balanced (similar to balance trays with shock absorber), slight changes. The hypersensitivity Nietzsche invokes denotes a high emotional intelligence quotient.

In this context, what would the treatment of all the depressive periods of a man imply? If by this treatment we no longer have depressive states, then we no longer allow the altered states of consciousness? If the suffering is revealing, through it the higher knowledge state of mind is produced, then by treatment do we stop the knowledge or, on the contrary, do we stimulate it in a healthy way?

2. *The Newtonian laws of physics are not applicable in quantum physics. If the theory of relativity shows us that time is different depending on the observer and energy can be transformed into mass, at the quantum level the atomic or subatomic particles have a different behavior enough to generate other theories. Knowing, for example, the disposition of a human being can be modified by electromagnetic waves of a certain frequency*<sup>31</sup> (taking into account, for example, as we have shown, the weather conditions or listening to a special piece of music), does not the dawn of another philosophy, a new paradigm, open up the conditions of the discoveries of the natural sciences of the last period? For example, if we have an Internet reception device (personal computer, smart phone, smart watch, etc.), it plays on the screen, visibly, and you can access any information you want, information that is around us, information that without this device, decoder, we can not see it. Do we, as humans, have not – in fact similar to these reception devices – a receiver for phenomena that happen and which otherwise take the expression of genius?

The applicability of quantum physics in knowing the functionality of the human brain, for example, is revealed by a model specially designed to explain the interference of a “soul” or an “consciousness” external to the material medium. *Thus, we have two neurons interconnected. Either neuron can transmit impulses to the other. The effects would be: if transmitting from A to B the left hand will be raised and if the nerve impulse is transmitted from B to A the right hand will be raised. In this case, however, the situation is critical, because either neuron could generate impulses. And yet, it is assumed that there is a “soul” in another immaterial world, which will effectively determine which state will be obtained and therefore which hand will be raised. The “soul” is not part of this world then, but it can influence it.*<sup>32</sup>

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<sup>31</sup> Preliminary opinion on possible effects of electromagnetic fields on human health, European Commission, adopted by SCENIHR July 2006.

<sup>32</sup> Cristian Presura, *Fizica povestită*, Ed. Humanitas, 2014, p. 264.



3. If the theory that the three aspects of suffering, bipolar disorder and extended consciousness were not the cause but the effect of genius? Then, surely, *the principle of error of confusion of cause and consequence would apply*<sup>33</sup> as Nietzsche stated. This confusion, he calls it a perversion of reason itself. If genius, by nature, does attract what we call “suffering”? If intuitive, brilliant knowledge requires the model of bipolar disorder to explain the creative periods, then bipolar disorder is the consequence of genius and not a cause of it. An unwritten principle of psychiatry says: where it does not exist, it has nothing to ruin. Who determines who? Genius – disorder or disorder – genius?

4. The deep suffering followed by the creative period, defined in the medical literature as bipolar disorder, produces higher knowledge through mechanisms that produce altered states of consciousness; also, the consumption of psychotropic substances produces altered states of consciousness; also, the experimental methods that holotropic breathing produce altered states of consciousness. If these altered states of consciousness are to some extent responsible for higher knowledge, then genius could in fact be a physiological state, that is, normal. To what extent could a fundamental human right be then? The right to genius?

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#### GENIUS STATE OF MIND – DETERMINATION OR EFFECT?

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# EXISTENTIAL-PHENOMENOLOGICAL SUPPORT GROUPS ADDRESSED TO PARENTS OF CHILDRENS WITH VARIOUS NEURODEVELOPMENTAL DISORDERS: PRINCIPLES, MODELS, IMPLEMENTATION AND FUNCTIONING FEATURES

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**ABSTRACT.** *Existential-Phenomenological Support Groups Addressed to Parents of Childrens with Various Neurodevelopmental Disorders: Principles, Models, Implementation and Functioning Features.* This article aims to present the principles, techniques and models of existential-phenomenological philosophical counseling, as well as the way in which philosophical practice can be used to support discussions within support groups addressed to parents of children with disabilities. A model of philosophical existential-phenomenological group counseling will also be proposed, addressing the parents of children diagnosed with autistic spectrum disorder. The phases of the group counseling process as well as individual counseling through phenomenology will be reproduced in this article, which will also propose possible themes that discussions in workshops with parents of children with disabilities can be based on.

**Keywords:** *philosophical counseling, existentialism, phenomenology, support groups, psychopathology*

## I. The existential-phenomenological philosophical counseling – principles, themes and models

### *a. What is existential-phenomenological therapy?*

(A) Existential therapy in particular or philosophical counseling of existential origin is a type of intervention that “seeks to help people confront themselves and find themselves through the foundation of their own existence”. Based on the premise that “existence precedes the essence”, the existential approach addresses

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topics such as “freedom”, “responsibility”, “meaning”, and “authenticity”. “The perception of others, of objects and self”, but also the relations between them, are aspects exploited in existential counseling sessions, where the individual can know and analyze the self, can identify the values and determine the alternatives he has at its current problems, on the basis of setting goals and determining the meaning of the actions in which he can invest. Of course, ethical codes or personal beliefs that support individuals' value systems must not be omitted, since they largely influence how individuals give meaning to their existence and their world.

Existential therapy is based on five principles: a) purpose and meaning guide the actions of every human being; b) to every human being is characteristic of his freedom, responsibility and ability to update his potential; c) human beings know both limitations and challenges throughout their existence, and develop according to confrontation (not abandoning or avoiding) with the experiences from which these data arise; d) The “subjective, phenomenological flow of human experiences”, involving the particular subjective experiences and senses that result from them and which each human being assumes, is “a key aspect of human existence” and one of the main objectives that psychotherapeutic intervention targets them; (e) “The human being is interconnected with – rather than separate – the” experiences “that the other participants in existence live with and the worlds they have”.

There are four large schools that are based on existentialist principles: existential analysis logotherapy, British school of existential therapy, and existential-humanistic approach.

Emotions, which guide and lead us to “actions, responsibilities and choices”, occupy an important place in existential therapy. We are talking emotions such as “shame”, “envy”, “hope”, “love”, “joy”, in the ascension to “happiness” in the order described above, which can also cause “anxiety, enthusiasm or commitment” such as “pride, jealousy, anger, fear, alienation”, which can lead to “depression, despair, disengagement”, if we consider the “compass of emotions” proposed by Duerzen and Adams (2011). It is to be noted that “any emotion indicates value and signals the nature of the anxiety or despair associated with it”.

(B) Phenomenology refers to “the study of human experience and the way things are presented to us in the experience”, but also “the study of consciousness from the perception of the world to the first person”.

Existential phenomenology is “a paradigm that contemplates the conceptualization and study of experiences” of the human being. The contribution of philosophers such as Kierkegaard, Heidegger, Husserl, Sartre, etc., as well as some existential inspirational theoreticians / psychotherapists, such as Ludwing Binswanger, Irvin Yalom, or Rallo May, should be alerted to the conceptual and paradigmatic development of the field.

### ***b. Theories and models used in existential-phenomenological philosophical counseling sessions***

With the development of the field of existential psychotherapy, a number of theories have emerged that have come to guide the therapeutic process within this field. They are presented below.

Irvin Yalom points out the existence of “four fundamental worries” that arise from “confronting the individual with the date of existence”: (a) “Death” – as “tension” imposed on the “desire” of the individual’s life; (b) “Freedom” – which implies full responsibility, that is, unedited in one or some validated external theme, of the individual “as author, for his own world”; (c) “Isolation”, which, in the existential terms, refers to depriving the individual of “some parts of himself” but also of the others, given that he lives the existential conflict between “the awareness of absolute loneliness and the desire to contact (with others and with oneself); (d) “Lack of meaning”, a fundamental concern born of the “dilemma of a creature seeking meaning, but which is thrown into a senseless universe”. In the view of the American psychiatrist, these existential worries give rise to a “conflict” that calls for insubordination on the part of the person living it to be resolved.

The structural model proposed by Ernesto Spinelli includes three phases: a). co-creation of the therapeutic world; b). exploring the therapeutic world; c). closing the therapeutic world.

The Vocational Career Decision Making Model proposed by Cohen N. Benjamin (2003) involves four stages: (a) responsibility and freedom of decision, the assessment of the career alternatives, (b) the action (“to implement the decisions taken”), (c) re-evaluating “meanings and opportunities for a genuine existence” in relation to the decisions taken. This model aims at empowering clients with respect to the meaning of meaning and the opportunity of authentic existence.

### ***c. The process of existential-phenomenological counseling***

The existential-phenomenological counseling involves two sequences, (a) epoché, that is, “suspending judgment”, “placing in brackets” what is to be reconsidered, “consciousness and (...) confrontation of assumptions” and (c) “impressions and inquiries”, “identified in the previous phase, which also involves” exploring the meanings and (...) the link “between them, as well as the interpretation of the” meanings and meanings “of the experiences and prerequisites developed, with the aim of” acquiring “customer experience”.

Between the epoché (referring to the clarification of the experiences and premises of the client) and the verification (considering their interpretation) lies (b) the horizontalisation, ie “placing (...) the experience in a context” or within a framework reference, to facilitate the construction of a new or at least analyzed perspective on the life and existence of the individual entering the interpretative process.

In the existential counseling sessions, the emphasis is on the description (and not the identification of the causes or the “problem solving” of the client according to a predetermined pattern, type), and on equalization (consideration of “content, process and (all) experiences” and beliefs personal, described by the client as being of equal importance and relevance). According to Deurzen and Adams, description and equalization are sources of assumptions that may affect the therapeutic process if their importance is not taken into account by the therapist

#### ***d. The existential-phenomenological group philosophical counseling***

The structure of group counseling, when speaking of the existential paradigm, involves two phases: a). individual interpretation of a text or a problem (also called “idiographic level”) in an “interview”; and b). identifying “common patterns that relate to the big issue”. This second phase can take place given that interpretations associated with a “different situation (...) can be experienced in the same way” based on a common pattern, as “experimentation of the restriction” can refer to both money and on time. The importance of personal experience in starting the interpretative process is signaled by various research,.

## **II. Methods of application of existential-phenomenological philosophical counseling within the support groups addressed to parents of children with disabilities**

### ***a. The existential condition of the parents of children diagnosed with Autistic Spectrum Disorder***

Autistic Spectrum Disorder is a pervasive developmental disorder that affects 1 in 56 children, which occurs more frequently in boys than in girls (in a 4: 1 ratio), and is manifested, according to DSM-V, by: (a) “Deficits of communication and social interaction”; (b) “Stereotyped and repetitive behaviors”.

Although intervention models based on applied behavioral analysis, addressed directly to children diagnosed with Autistic Spectrum Disorder, have developed very rapidly and have proven their effectiveness, little attention has been paid to the

development of programs aimed at counseling parents in such a way of children. Breetton and Tonge wrote: "(...) parents and caregivers of autistic children can easily be forgotten" in favor of intervention programs for children with autism.

The high number of parents / guardians of children with disabilities experiencing "existential distress" (considering that they "live in a world of their own", that they lost the chance of a "normal life", that "society does not understand them" interpersonal and isolation from herself, her life partner, her child, or her extended family, having the belief of a "child-centered life and two lives as one" and seeing the world "turned backwards", feeling "depression, anger and hostility" and guilt "and stress) and who need to find" meaning and meaning "during the pre-post diagnosis period is reported in the literature, given the increase in the number of children born with neurodevelopment deficiencies in particular with autistic spectrum disorders) or with chronic diseases".

### ***b. Support sources for parents of children diagnosed with Autistic Spectrum Disorder***

"Acceptance and support from others" seems to be the promising need of families with a newly diagnosed child with autistic spectrum disorder. The importance and effectiveness of parent support groups has been shown in the literature.

Following the qualitative (phenomenological) analysis of 3637 "postings and comments" of parents of children diagnosed with Autistic Spectrum Disorder on two on-line support groups, Illias et al. (2017) indicated that (a) "information support" (ie information on disorder and modalities of intervention) in 30.7%, followed by (b) emotional support (27.8%) I choose these parents to socialize in order to alleviate the pain caused by the diagnosis of their children. Other research shows that family support increases the personal satisfaction and effectiveness of parents, particularly mothers, in managing their own emotions related to the condition that a child with autistic spectrum disorder implies. (c) Support from friends (68%) or (d) other families or persons (98%) who have a child with a similar clinical situation (ie a similar diagnosis) seem to be other ways that parents of children with autism I choose them to find understanding and support. Even though there is no public organization in the Romanian native environment to offer (e) emergency support through social workers, this source of support should be mentioned among the others already mentioned.



***c. What helps support groups for parents of children with autism?***

The depressive and anxious parenting can be deployed to the parents of children with Autistic Spectrum Disorder on the background of a „low level of social support”. Thus, support groups can prove their effectiveness in preventing or resolving “internal conflicts” experienced by the parent of a child diagnosed with autistic spectrum disorder.

Research shows that “existential themes play an important role” in reporting people to life and their “reactions to particular situations”.

***d. Existential-phenomenological philosophical counseling groups addressed to the parents of children with Autistic Spectrum Disorder***

Up to now there is very little research that has studied the applicability of existential and phenomenological therapy for specific problems; in particular, its effectiveness in support groups has not been tested. We want to continue to present our proposal on the structure of existential-phenomenological philosophical counseling groups addressed to parents of children diagnosed with Autistic Spectrum Disorder.

We start our exposition by mentioning that the existential-phenomenological program proposed by this research project will include the following components: (a) individual expositions of existential-phenomenological philosophical counseling, on the basis of which (following the content analysis) the themes to be dealt with in (b) will be created. of the existential-phenomenological group philosophical counseling sessions. In fact, in parallel, we will carry out (c) philosophical education sessions of basic existential-phenomenological origin or, in other words, lectures adapted to the intellectual, age and gender level of the participants / participants in the group, in which the main concepts of this existential and phenomenological approach are presented and discussed. Last but not least, parents will be able to participate in 10 workshops on existential and phenomenological themes.

The phenomenological analysis models that will guide discussions within the existential phenomenological support groups by “pre-filtering” the experiences / information collected in the individual therapy sessions are presented below.

Van Kamm’s model (1969) involves the following phases: (a) classification of data into categories; (b) reducing and linguistically transforming selected items into more precise descriptive terms; (c) removing or reducing claims that are not inherent to experience; (d) first identification and hypothetical description of the experience; (e) descriptions of descriptions in randomly selected protocols to verify the necessity and sufficiency of the statements; (f) valid identification and description of the experience.

The Colazzi (1978) model envisages (i) the extraction of sentences and sentences relevant to the experience; (ii) transforming the phrases into their own words, resulting in a list of significant meanings and assertions; (iii) grouping individual themes to make a further reduction of them; (iv) the compilation of a hypothetical exhaustive list; (v) “forward and backward” movement between the meaning of assertions and successive hypothetical lists until the themes are reflected in clusters; (vi) structural descriptions of the essence; (vii) return to subject description. Revision of their description, if necessary.

Moustakas (1990) proposes the heuristic method to analyze the phenomenological discourse. Thus, he suggests the following phases: immersion - centering all life on experience; incubation: withdrawal and expectation of “new meanings”; enlightenment - emerging themes and patterns, cluster formation; explain - adding other dimensions of significance; sanding emerging patterns; writing – the experience and portrayal of the individual in the study; creative synthesis – “bringing together” the pieces together, finding the relationships between them.

As regards the existential-phenomenological philosophical counseling groups addressed to the parents of children with physical and / or mental deficiencies, they will present some particularities: (a) the duration of each group will be 2 hours; (b) a number of 6-8 parents will attend the group / session meetings, given that the effectiveness of this format has already been established in the literature when it comes to the phenomenological approach; (c) the structure of the discussions will be guided by a phenomenological analysis model.

The themes we propose in the workshops where parents of children with Autistic Spectrum Disorder are invited to attend will have the following headings: (a) Identity and personal responsibility; (b) Anxiety and parental and social guilt; (c) Family Conflicts, Service Problems, and Their Relationship to Child Diagnosed With Autistic Spectrum Disorder; (d) Looking for meaning, meaning, and purpose; (e) Modes of existence of the world (my world, of myself and of others) and my place in them; (f) Existential sadness and loss potential; (g) The origin of the internal conflict; (h) The feeling of self; (g) The issue of sacrifice in the context of personal liberty.

These themes come to address, in an open and, at the same time, particular experience of group participants, common problems that arise in the parents of children with autism and which are mentioned in the literature.

## General Conclusions

This paper aimed at presenting the principles, methods and models of existential-phenomenological philosophical counseling and conceiving a program by which the parents of children diagnosed with autistic spectrum disorder benefit from group counseling sessions using the existential-phenomenological approach.

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## BIOART – A NEW CHALLENGE IN CONTEMPORARY ART

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**ABSTRACT. Bioart – a New Challenge in Contemporary Art.** Lately, in contemporary art one can find, more and more often, live animals with the status of artwork. Although animal rights activists consider this a flagrant violation of their most elementary rights, contemporary artists with a wide range of motivation often incorporate the live animal into their work and give it the title of artistic work. Another challenge in contemporary art is biotech art that provides the public with another field of representation that has as main themes its living tissues, cells and nucleus, DNA, bacteria, grafts, patches of tattooed skin, guinea pigs, phosphorescent rabbits, and a wide floral palette. To this trend, several art galleries rallied, that consider the living animal and certain aspects of biotechnological research, artwork, and their exposure as being a natural thing. Moreover, in recent decades, to this new current of bioart, groups of specialists from different fields also joined: biologists, psychologists, anthropologists, sociologists, historians, jurists, philosophers, and heterogeneous groups of art lovers. The questions addressed to all those who accept and consider this original work of art are the following: “Why is the live animal in an exhibition, more aesthetically valuable than when it lives in its natural life or in a zoo, and why is the representation of DNA more relevant in the art gallery than in the laboratory?”. Lastly, has BioArt any transformative capabilities on the general public?”

**Keywords:** *bioart, animal, exhibition, phenomenology, ethics*

### Introduction

The natural need of artists to broaden the thematic field and the diversity of how art is represented reflects the paradigm that “nature determines art”.<sup>2</sup> The

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<sup>2</sup> Hope-Sailer, R., *Organism/Art. Les recines histoques de l'art biotech. In L'art biotech.* Ed. Filigranes. France 2003.

representation of animals in artworks has been, and will remain, a perennial topic, starting from over 600 cave paintings that decorate the interior walls and ceilings of the Lascaux cave, to Picasso's modern painting, who depicted the horns of a bicycle in the shape of a bull's head. However, what is new in contemporary art is defined by the appearance over the last decades of bioart<sup>3</sup> and some top scientific achievements in biotechnology,<sup>4</sup> both of which consider the live animal to be a work of art. Biotech art merely represents another facet of bioart, but is equally fascinating and offers the public another field of representation making use of the following major themes: living tissues, cells and their nucleus, DNA, bacteria, grafts, patches of tattooed skin, guinea pigs, phosphorescent rabbits and a wide range of flowers that have benefitted from the contribution of modern biotechnologies and whose shape, color and texture oscillate between artificial and wild. In biotech art, creative tools come in the shape of bioreactors, sterile hoods, high precision microscopes, the artists' commitment being a complete one, being fully immersed in their original creations.

### **The problem of using live animals in contemporary art**

The appearance of this new trend in contemporary art, that of involving live animals in the work of the artist and that of being regarded as artworks in exhibitions, is highly controversial. The question is rightly asked, "By what right does the artist use the live animal in an exhibition and attribute to it the status of work of art?". A first answer would be given by the artist's deontology, but not understood as the meaning given by the etymology of the word which derives from the combination of two Greek terms: *deon* = bond, bind, chain and *telos* = fulfillment, completion, and leads to the idea of purpose<sup>5</sup>, linking the practitioner with rigor, restricting the autonomy of making decisions by placing them in a secondary plan of action.<sup>6</sup>

The term should rather be understood in the sense offered by its most common conception when used in art, that of the social quality of the artist resulting in absolute freedom<sup>7</sup>. The artist's entire deontology is that his duty is to be free, absolutely free. The modern artist, in an attempt to somewhat depart

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<sup>3</sup> Cross, A., *The animal is present, The ethics of animal use in contemporary Art*. The Journal of Aesthetics and Art Criticism, 2018, pp 520–528.

<sup>4</sup> Solini, P. et. al., *L'Art biotech. Le lieu unique*. Éd. Filigranes. Trézéan, France, 2003.

<sup>5</sup> Bailly, A., *Dictionnaire grec-français*, Hâchette, Paris, 1985.

<sup>6</sup> Copoeru, I., Szabo, N., (coord.), *Etică și cultură profesională*, Ed. Casa de Știință, Cluj-Napoca, 2008.

from the religious authority he inspired for centuries, tries to regain his influence over people, and falls into the fantasy of omnipotence, of having infinite freedom.<sup>7</sup> With the emergence of cubism in art, many painters believed that the artist must dominate, lead, excite, and not necessarily be understood by the crowd, through his art pieces. There is only one truth, the artist's truth, and it must be imposed over all.<sup>8</sup>

However, towards the end of the 18th century, liberalism brought into discussion the social idea of unlimited freedom in art, and implicitly, of the artist, "Art must be free and free in the most unlimited manner"<sup>9</sup>. Philosophical radicalism announced the death of God,<sup>10</sup> and if God is dead, then everything is allowed. Thus, the artist has the duty to eliminate human anxiety, to relieve its suffering,<sup>11</sup> to offer humanity a cerebral sedative,<sup>12</sup> to eliminate violence from society<sup>13</sup> and to establish "paradise on earth".<sup>14</sup> Artistic activity must be freed from any authority, spiritual or political, and the artist must become a prophet who has the duty of teaching and educating the masses.

The disorder of the world can only be controlled by the artist who, through his work and the way in which it is exposed, offers physical, psychological and social equilibrium to the art consumer, "space relations, proportions and colors control psychological functions".<sup>15</sup>

Seduced by these theories, the contemporary artist will think that everything is allowed in art. But one must inevitably ask oneself the question: "does the contemporary artist have no responsibility?". If the artist is legally or

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<sup>7</sup> Michaud, Y., *Notes sur la dèontologie de l'artiste à l'âge modernein Gilbert V. Responsabilitès professionnelles et dèontologie. Les limites èthiques de l'efficacitè.* L'Harmattan. Paris, 2002, pp. 245–259.

<sup>8</sup> Gleizes, A., Metzinger, J., *Du cubism.* Èditions Prisence. Sisterom, 1980, 1912, pp. 74–75.

<sup>9</sup> Thiers, A., *Le salon de peinture.* Le Globe. 1824, p. 80.

<sup>10</sup> Nietzsche, F., *Amurgul idolilor.* Ed. ETA. Cluj-Napoca, 1993.

<sup>11</sup> Bentham, J., *An Introduction to the Principles of Morals and Legislation,* The Athlone Press, University of London, 1970.

<sup>12</sup> Matisse, H., *Ècrits et propos sus l'art.* E. D. Fourcade. Herman, Paris, 1974, pp. 50–51.

<sup>13</sup> Tolstoj, L., *Qu'est-ce que l'art?. Ècrits sur l'art.* Gallimard. Paris, 1971, p. 270.

<sup>14</sup> Saint-Simon, *Doctrine.* Exposition, première année. 1828-1829. Troisième édition revue et augmentée. Paris. Au bureau de l'Oragnisateur, 1931, p. 94.

<sup>15</sup> Gropius, W., *Radition et continuite dans l'architecture in Apollon dans la dèmoqratie,* 1964.

<sup>16</sup> Rațiu, E. D., *Lumea artei: imunitate sau responsabilitat? Problema responsabilității și a angajamentului în arta contemporană,* în Rațiu, E. D., Mihaliuc, C. (coord.). *Artă, comunitate și spațiu public,* Ed. Casa cărții de Știință, Cluj-Napoca, 2003.\

<sup>17</sup> Heinich, M., *Se triple jeu de l'art contemporain. Sociologie des arts plastiques.* Les Èditions du Minuit, Paris, 1998.

<sup>18</sup> Merryman, J. H.; Elsen, A., *Law. Ethics and the Visual Arts.* New York. M. Brender, 1979.



morally responsible for his work, then this requirement no longer satisfies the urgency of the freedom of expression, which was conquered with such great difficulty.<sup>16</sup> Contemporary art has two divergent tendencies: one militates for total autonomy, and the other claims unlimited freedom<sup>16</sup>, meaning the right to transgress any frontier.<sup>17</sup> Today, in contemporary art, the concept of a “triple game”, defined in terms of transgressions, reactions, integrations<sup>17</sup> is being discussed. This is the space where systematic transgressions are aimed not only at artistic criteria, but at the moral and legal frameworks in which social life unfolds as well, artists placing themselves at the boundary between art and non-art, between good and evil, justice and injustice, the legal and illegal.<sup>16</sup> These transgressions are understood as exemptions that provide the artist with complete freedom and protection against judicial action. Therefore, the artist is considered a cultural hero, a player in the symbolic order, so he deserves to have a special status in front of the law. Having the status of creator, both society and the artist him/herself, call for “artistic exception”,<sup>18</sup> for a field of manifestation in which artistic representations can not be constrained by anyone or anything. Modern art, since its inception, has claimed aesthetic immunity and even a moral impunity under the guise of total autonomy of the art and of the artist.<sup>19</sup>

The idea of a “criminal autonomy” and the appearance in the social space of the phrase that art can also be criminally irresponsible was advocated and supported. Art and its artist must escape that “constraining authority”.<sup>19</sup>

Those who react to these transgressions of art are primarily the public, and more specifically, associations, communities, NGOs, in a word, civil society, and secondly, the state, through its institutions. Most of the time, the state reacts in a rather tardy manner and with some containment. When discussing the artist's responsibility, one does not refer to his/her responsibility as a citizen, but to the artist's responsibility as an artist, meaning in the practise of his profession.<sup>20</sup> There are voices who believe that art can be judged only from the inside and not from an outside position. Any work of art must be seen as a whole and not as disparate elements, which can be interpreted and judged piece by piece.<sup>21 22</sup> Art belongs to non-reality, it has a self-referential language, and the work of art does not have to necessarily make any references to something specific, this way of thinking originating in communist and religious thinking.<sup>23</sup> Adorno<sup>24</sup> considered art to be “ambiguous and heterogeneous, free in its construction and can not be judged in a linear way: author-era-art”. “Art is a mystery, and the work of art both expresses and hides the same breath”.<sup>24</sup>

At times, the question of whether the artist who uses a live animal in an exhibition and calls it a work of art, seeks to provoke, scandalize, or is he/she a

person so vain to the extent that he/she might see themselves as depositors of a special kind of knowledge, to which they feel are privileged to, owing to do education to the masses.<sup>4</sup>

Perhaps the artist thinks he/she has understood the mysteries of the world, and so, art being a mystery the artist feels that it is expected of him/her to share these mysteries with others, or may even think one has a special relationship with the thorny problem of existence felt as understood, so it is the artist's rightful place to explain it to all.

At other times, perhaps out of honesty, living under infernal regimes,<sup>25</sup> the artist offers to show people that art can also be found in everyday life, that there is also a practical side to aesthetics, one that might be overlooked by man, on a daily basis.<sup>26</sup> The modern and postmodern man have rejected nature from their physical, emotional, and mental universe and live in a world of false impressions of all kinds, bioartists doing nothing but in essence to reconnect, to reconcile man with nature. Moreover, the modern man has threatened the existence of his own senses, living in an artificial paradise where no wind blows, where no rose is scented, and in which no bird sings and no angel sweats. The modern man is an idle man, tired of so many conveniences due to an inflation of possibilities, his/her aesthetic taste is atrophied.<sup>25</sup> So, bioart serves as a reaction to these conveniences and wishes to provoke the artist, to awaken him/her from the spiritual numbness in which he/she fell.

Freedom often produces fear because it automatically claims responsibility too. Contemporary art is a responsible art, and artists assume the full responsibility of the work. BioArt, biotech art is an assumed art, though sometimes it is not well received or well understood, but it is always challenging. Art, in general, and bioart, in particular, offer themselves first and foremost to the realm of the visual. It is our vision that defines our place in the surrounding world,<sup>27</sup> and between what we see and what we know there is no fixed relationship. The way we see things is influenced by what we know or what we believe.<sup>27</sup> Images, photographs, paintings in general, evoke an appearance of something that is absent. The live animal, as a work of art, is present and the way to see it depends on the

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<sup>19</sup> Soulillau, J., *L'impunité de l'art. Paris, Seuil, Introduction générale*. 1995, pp. 11–19.

<sup>20</sup> *Idem*<sup>16</sup>

<sup>21</sup> Breton, A., In Soulillau, J., *L'impunité de l'art. Paris, Seuil, Introduction générale*, 1995.

<sup>22</sup> Barrie, D., In Soulillau, J., *L'impunité de l'art. Paris, Seuil, Introduction générale*, 1995, pp. 11'19. 23

<sup>23</sup> Lessing, D., Articol în ziarul The New York Times, citat In Soulillau, J., *L'impunité de l'art. Paris, Seuil, Introduction générale*, 1995.

<sup>24</sup> Adorno, T. W., *Thesis upon Art and Religion Today*, în *Gesammelte Schiften II*. Notes zur Literatur, Frankfurt, Suhrkramp. 1970, p. 648.

onlooker's particular way of viewing and not only the particular look of the artist. Art is not a simple documentary proof, it is expressive, imaginative, and allows the viewer to share with the artist the experience of the visible.<sup>27 5</sup>

When we see a landscape, we place ourselves inside it, but in the case of bioart we are part of the work, we look at the work and the work looks back at us, thus creating incomprehensible interpretations and meanings.

Aesthetic emotions are transferred, the presence of the viewer contributes to the force of the work of art. The live work influences the viewer, acts directly on it, and forces it to adopt a certain attitude. The attitude of the art consumer is influenced by his own knowledge, his own system of values, his own opinions about people and animals, about art and one's role in it, about relationships and nature. Bioart forces the viewer to come out of reflexive contemplation and incorporate the pleasures of touch, taste or smell into his experiences. These types of reactions due to the viewer's participation in an exhibition in which a living animal is a work of art, incorporate the field of bioart in the broader sphere of the aesthetics of everyday life.<sup>28 29 30</sup> Of course, we are talking about aesthetics from the viewpoint of experienced events, from the most ordinary to the extraordinary, resulting from the continuity and dynamic interaction between the aesthetics of everyday life and the aesthetics of art and nature.<sup>31</sup> Another argument to integrate bioart into the aesthetics of everyday life is offered by the aesthetics of design, which focuses mainly on objects rather than daily activities.<sup>32</sup> Thus, the art gallery becomes a structured space, organized by the artist. Through bioart, both the artist and the viewer are touched, the daily experience being not a simple repetition of the same event, but having transformative capabilities.<sup>33</sup> The viewer, the art consumer, is a social and moral being at the same time, who is also the receiver of aesthetic experiences<sup>34</sup> and is subjected to an aesthetic

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<sup>25</sup> Bădăliță, C., *Văzutele și nevăzutele*. Ed. Curtea Veche. București, 2004.

<sup>26</sup> Rațiu, E. D., *Experianța estetică a cotidianului. Exploatări pentru o estetică practică în Arta și viața cotidiană. Exploatări actuale în estetică*, Ed. Casa Cărții de Știință, Cluj-Napoca, 2016.

<sup>27</sup> Berger, J., *Feluri de a vedea*. Ed. Velant, București, 2018.

<sup>28</sup> Saito, Y., *Everyday Aesthetics*. Oxford, Oxford University Press, 2007.

<sup>29</sup> Irvin, S., *The pervasiveness of the aesthetic in ordinary experience*. *British Journal of Aesthetics*, 48(1) 2008, 22–94.

<sup>30</sup> Melchionne, K., *The definition of everyday aesthetics*. *Contemporary Aesthetics*, 11, 2013, pp.16–19.

<sup>31</sup> Leddy, T., *The extraordinary in the ordinary*. Peterborough, Canada: Broadview Press, 2012.

<sup>32</sup> Forsey, J., *The Aesthetics of Design*, Oxford: Oxford University Press, 2013.

<sup>33</sup> Gadamer, H.-G., *Adevar și metoda*. Ed. Teora. București, 2001.

<sup>34</sup> *Idem*<sup>26</sup>

judgment. This quality, considered,<sup>33</sup> can not be taught or guided, but operates in concrete situations, on a case-by-case basis.

The aesthetic judgment is based on human experiences that have both a subjective dimension and an objective one as well,<sup>35</sup> also influencing the aesthetic experience of daily life. The aesthetics of everyday life, as a practical aesthetics, integrate everyday aesthetic practices and experiences, with their ethical consequences.<sup>36</sup>

In the current crisis of defining art and aesthetics, the idea of “de-definition” of art appears as well. In the writings of,<sup>37</sup> who considered that “nothing in art is no longer obvious on its own”, as well as in Rosenberg’s writings,<sup>38</sup> who believes that “the nature of art has become insecure, it is at least ambiguous and no one can say for certain what is a work of art or, more importantly, what is not a work of art”. Moreover, there are authors who define art as “a notion invented by a cultural group which declares the existence or non-existence of an artistic object”.<sup>39</sup> From the great theories that define art as an imitation, as a representation of the sacred, as geometric perfection or as an expression of the self, it has become to the point that, in contemporary times, art feels rootless from a philosophical point of view.<sup>40</sup> According to his philosophy,<sup>41</sup> claims that the artwork has an intimate relationship with the lived life of a determined historical community. A work of art has this status if it is defined by its work status<sup>42</sup>, and if the work can be defined as that which is perceived by the senses, that it is a material that takes shape. Through the vision of Heidegger, art is reintroduced into everyday life, and its role and influence in a community of people is reaffirmed.<sup>40</sup> BioArt provokes the viewer, and it is focused on events and life experiences. The aesthetic experience of man is nothing but “an active and alert trade” with the world.<sup>43</sup> Dewey’s pragmatism and Heidegger’s hermeneutics attempted to bring together artwork and cultural production in general, with everyday life.<sup>40 6</sup>

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<sup>35</sup> Shusterman, R., *Estetica pragmatică. Artă în stare vie*, traducere de Ana Maria Pascal, Institutul European, Iași, 2004.

<sup>36</sup> *Idem*<sup>26</sup>

<sup>37</sup> *Idem*<sup>24</sup>

<sup>38</sup> Rosenberg, H., *The American Action Painters*, The Tradition of the New. Erdetileg in: Art News 51/8, 1959.

<sup>39</sup> Dickie, G., *Art and Value*. Ed. Blackwell, 2001.

<sup>40</sup> Hainic, C., „*Early Theoretical Models for the Aesthetic Analysis of Non-Art Objects*”, *Rivista di Estetica*, vol. 63, nr. 3, 2016, pp. 188–202.

<sup>41</sup> Heidegger, M., *Introduction à la métaphysique*, Paris. Gallimard, 1980, p. 161.

Other authors consider that the realm of aesthetics far exceeds what we call fine arts, and art arises from a series of non-artistic activities and experiences.<sup>44</sup> If aesthetic experience is imprinted directly on the senses and imagination, it gives art an undeniable normative justification,<sup>45</sup> so that the live animal exposed in a gallery can receive the status of artwork.

### **Animal phenomenon. Beastliness in phenomenology**

The issue of animality has been and remains a thorny and controversial issue. There is still no unifying theory of beastliness that analyzes the main mutations and differences of perspective, as well as its problematic ramifications manifesting through an approach to and attempt to explain this phenomenon. The topic of animality is a transdisciplinary subject and crosses a variety of disciplines, from biology to philosophy.<sup>46</sup> The major question that is asked, without a trace of disagreement is that of attempting to find “which is the border between man and animal”.<sup>47</sup> There are approaches that highlight the difference between man and animal, and approaches that highlight the similarity between the two species; philosophies that emphasize the ontological, structural and constitutive differences between man and animal highlight the special character of man and show his uniqueness and singularity. Those who dispute this special character of the man, believe that this gives the opportunity for any form of cruelty, injustice and discrimination to come to surface and to which animals fall victim. From this point of view, man is an agent of exploitation and violence, the massacre of animals through his gastronomic, clothing and occupational culture.<sup>47</sup>

The ways of thought and action that speak about animal ethics militate for the abolition of human tyranny over animals and for the extension of the concept of rights, from the human sphere to the animal sphere.

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<sup>42</sup> Heidegger, M., *Poetry, Language, Thought*. New York: Harper Modern Perennial Classics, 2001, p. 8.

<sup>43</sup> Dewey, J., *El arte como experiencia*. Barcelona, España: Paidós, 2008.

<sup>44</sup> Sartwell, C., *The art of living: aesthetics of the ordinary in world spiritual traditions*. Albany, NY: State University of New York Press, 1995.

<sup>45</sup> Shusterman, R., *Analytic Aesthetics*, Basil Blackwell, 2009.

<sup>46</sup> Kistler, J. M., *Animal Rights. A Subject Guide, Bibliography, and Internet Companion*, London, Greenwood Press, 2000.

<sup>47</sup> Ciocan, C., *Note privind problematica animalității în fenomenologie*, Studii de istorie a filosofiei universale, 2014, pp. 234–244.

The animal must be included in the moral community within human society, not to have the status of human property, and to be given the status of a person, from which all legal rights derive: justice, dignity, protection, respect, values in their own right.<sup>48</sup> The issue of animality, on the one hand, relativises the “exceptional human” and blames man as a villain in relation to animals and nature and, on the other hand, still grants man a privileged status in relation to the environment, nature and animal species. This phenomenological issue is approached from different angles: from the viewpoint of transcendental phenomenology (Husserl), to the ontological hermeneutics (Heidegger and Merleau-Ponty), to the ethical dimension of otherness (Lévinas) and to aporetic deconstructivism (Derrida). Certain phenomenological approaches explain and reveal the beastly, living and organic aspects, specific to both the human being and the animal being, a dimension that manifests itself in the register of corporeality, while other approaches focus exclusively on the animality of the animal.<sup>49</sup> To fully understand the phenomenon of animality, there is a need for a perspective that embraces both philosophical approaches. According to Husserl, the issue of the construction of animal nature must be placed in relation to the constitution of physical nature and the constitution of the spiritual world. Here, the essential role is the phenomenon of corporeality, a body animated by a soul, a living body that belongs both to man and animal.<sup>50 7</sup>

From this perspective, the phenomenological distinction between body and soma is clearly visible. The question is how can one differentiate between human-specific embodied experience in relation to the animal's body.

Heidegger firmly rejects any tendency to humanize the animal's being or to animate the human being, starting from a supposed body-frame similarity “the body of the man is essentially something else than an animal organism”.<sup>53</sup> In the analysis of animality other questions arise: Does the animal have an ego? Is it a constituent subject? Does the animal have consciousness? If so, how do we get to it? How do we have access to animal psychism? How can we differentiate our own consciousness from the consciousness of an animal?<sup>51</sup> Believes that the animal also contains a “structure of a ‘me’”, but in man it is “me” in a privileged sense to the extent that it is a person, “personally”, a one who as a person references the totality of humanity, to an “us together consciously”. Man is the subject of a

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<sup>48</sup> Singer, P., *Practical Ethics*. Cambridge University Press, 2011.

<sup>49</sup> *Idem*<sup>47</sup>

<sup>50</sup> Husserl, E. *Ideen zu einer reinen Phänomenologie und phänomenologischen Philosophie. Erstes Buch. Allgemeine Einführung in die reine Phänomenologie*. Husserliana III/1. The Hague: Martinus Nijhoff, 1976.

cultural world, but at the same time, Husserl also speaks of “an animal consciousness”, but this must be understood as “an analogue, something more general than the human ego”.<sup>51</sup> <sup>52</sup> Human empathy towards the animal is only made as “an assimilation of empathy among people”.<sup>51</sup> Do man and animal understand each other? A man is supposed to understand his pet, but does the animal understand his master? And does that understanding have the same meaning? The relationship between man and animal is structurally altered if it differentiates between a domestic and wild animal, be it a peaceful or threatening one. The animal does not produce a “spiritual system of purchase”, which does not produce change in its world, so animals do not have real, intuitive, repeatable memories.<sup>51</sup> <sup>8</sup>

Animals are “abnormal variants of our humanity”.<sup>54</sup> Instead,<sup>53</sup> considers that the animal does not really have a world, but an “ambient world”, navigated through with the help of impulse. This makes the animal have a “poor access” to being, which means that “being as a being” remains inaccessible.<sup>55</sup>

This way of describing the animal, according to,<sup>56</sup> comes as a response to the work of,<sup>57</sup> who postulates that an animal can not relate to an object as such, but uses those stimuli bearing significance according to his own constitution. This analysis clearly highlights the differences between man and animal, between human and animal behavior. Starting from these phenomenological considerations of animality, in addition to the violence of man towards the animal, these aspects can be considered to contribute to the rigorous foundation of the debate on animal ethics.<sup>58</sup>

In his work on describing beastliness,<sup>59</sup> does not use terms such as ego, consciousness, subject, empathy. For Heidegger what is essential is the explanation of those ‘a priori’ constitutive elements of being in relation to the animal.<sup>60</sup> States that “only man is subject, because he is provided with reason, while the animal is nothing more than a machine that moves, nourishes and reproduces. There is an ontological abyss between man and animal”.

This way of thinking has its multiple sources, beginning with the encounter between the absolutist Judaic monotheism that only man poses before God, and

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<sup>51</sup> *Idem* <sup>0</sup>

<sup>52</sup> Husserl, E., *Zur Phänomenologie der Intersubjektivität*. Texte aus dem Nachlass. Dritter Teil: 1929–1935 (Hrsg. von Iso Kern), Den Haag, Martinus Nijhoff, [Hua XV], 1973, p. 184.

<sup>53</sup> Heidegger, M., *Originea operei de artă*, traducere și note Thomas Kleinginger și Gabriel Liiceanu, studiu introductiv de Constantin Noica, Editura Humanitas, București, 1995.

<sup>54</sup> Husserl, E., *On the Phenomenology of the Consciousness of Internal Time(1893–1914)*, J. B. Brough (trans.), Kluwer, Dordrecht, 1991.

<sup>55</sup> Heidegger, M., *Ființă și timp*, Ed. Humanitas, București, 2003.

an optimistic Hellenism on the anthropological plan, which reveals the centrality of man and humanity, and which leaves behind all other creatures.<sup>61</sup> In the Judeo-Christian tradition, there is an exasperating anthropocentrism in which man is the absolute master of the planet, convinced that his vocation is to enslave it and dominate it. In the first pages of the Bible, in The Genesis, The First Book of Moses, there are references that legitimize the crimes against nature that were committed by man who continues to do so: “So God created man in His own image; in the image of God He created him; male and female He created them.”<sup>9</sup>

God blessed them and said to them, “Be fruitful and multiply, and fill the earth and subdue it; rule over the fish of the sea and the birds of the air and every creature that crawls upon the earth...”<sup>62</sup> Attention, in this case, is directed only to man, because only his vocation matters, his destiny, his salvation. However, it has been forgotten that this possibility and legitimacy must always manifest in the harmony and logic of the cosmic covenant that men are responsible for, which must be established and maintained with all the earthly beings.<sup>63</sup> The biblical message must be reinterpreted with great care and rigor. In the Epistle to the Romans, the apostle Paul gives us an important revelation “Temper—that is, the animals, the plants, the minerals, the whole universe, is willingly awaiting the discovery of the Son of God in the hope that it will also be delivered from the bondage of corruption” (Rom. 8, 19-20). The very first pages of the Bible clearly show the co-creation of man, animals, plants and things. Man gives names to animals, distinguishes them, identifies them. They are an important aid to man, and by receiving the name, they also form relationships with him. By naming the animal, the man enters into a relationship and dialogue with the animal, recognizes it as a living being in front of him, the man calls the animal “you”. The man, the animal, and all the things created on earth are destined to live together. Man is called to be a shepherd, the good shepherd among all animals, and also a

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<sup>56</sup> Heidegger, M., *Qu'est-ce que la métaphysique?* in Questions I. Paris. Gallimard, 1976, p. 56.

<sup>57</sup> Von Uexküll, J., *La théorie de la signification*, in Mondes animaux et mondes humains. Paris. Denoël, 2004, p. 166.

<sup>58</sup> *Idem*<sup>47</sup>

<sup>59</sup> *Idem*<sup>55</sup>

<sup>60</sup> Descartes, R., *L'uomo*. in Opere scientifiche. I. Laterza. Roma–Bari, 1966, p. 57.

<sup>61</sup> Bianchi, E.; Michan, A. L.; Chiaranz, P., *Oameni și animale. O perspectivă teologică și etică*. Ed. Ratio et revelation, Oradea, 2013.

<sup>62</sup> *Biblia sau Sfânta Scriptură*. Ed. Institutului Biblic și de Misiune al Bisericii Ortodoxe Române, București, 2001, sub coordonarea Mitropolitului Bartolomeu V. A.

<sup>63</sup> *Idem*<sup>61</sup>

<sup>64</sup> Beauchamp, P., *Parler d'Écritures saines*. Seuil. Paris, 1987, p. 84.



shepherd of his own beastliness.<sup>64</sup> Man is not in the center, isolated and alone, but has a in the Second Millennium, Western Christianity cultivated a profoundly anthropocentric a- particular place

In a large community of creatures: in the center there is God, through communion and love.<sup>65</sup>

In the Second Millennium, Western Christianity cultivated a profoundly anthropocentric a-cosmic belief. According to this belief, nature, that is animals and plants, have been forgotten, marginalized, they have secured the context in which man who is master, has asserted himself as the highest form of creation. Although there were exceptions in this period as to the place of man in the world, they were rare, as was the holy Francisc of Assisi, who showed great care for all creatures, including animals. Another representative of this trend of empathy and care for animals was Dr. Toma d'Aquino, who believed that man was responsible for animal and plant life.<sup>66</sup> States that "a fundamental and inexplicable error of Christianity was to separate man from the world of the animals to which he belongs, giving value to man alone, only to consider animals as objects". In the "Introduction to The Phenomenology of Religion",<sup>67</sup> made a comment in relation to the Epistle of Paul to the Romans, and considers that "decisive are neither the dogma, nor the theory, but the effective experience, the way in which mundane relations are lived". Relationships with the world take their meaning not from the importance of their originating content, but on the contrary, the relationship and meaning of lived experiences are originally determined by the way they are lived". The authentic is not something that floats above everyday life doomed to failure, but from an existential point of view, is just another way of capturing it".<sup>69</sup> Human existence is not determined by worldly relationships and their essence, but by the way they are lived, and only in this way, become closer to their impropriety.<sup>68</sup> In this context, we believe that ethics do not amount to a theory, but it can be used to place the human being on an even plane with its ontological status. There are people who believe that ethics and religion consist in acting as if God, the Kingdom, the truth exists.<sup>68</sup> <sup>10</sup> Strong ethical concerns about the moral status of animals have emerged since the 1970s,<sup>70</sup> a period marked by a general revival of

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<sup>65</sup> *Idem* Bianchi<sup>61</sup>

<sup>66</sup> Schopenhauer, A., *Parerga e paralimpomena*. Adelphi. Milano, 1998, p. 489.

<sup>67</sup> *Idem*<sup>53</sup>

<sup>68</sup> Agamben, G., *Timpul care rămâne. Un comentariu al Epistolei către romani*. Ed. Tact, Cluj-Napoca, 2000.

<sup>69</sup> *Idem*<sup>55</sup>

<sup>70</sup> De Grazia, D., *The Moral Status of Animals and Their Use in Research: A Philosophical Review*. in Kennedy Institute of Ethics journal 1(1), 1991, pp. 48–70.

human rights concerns, the right to opinion, the liberation movement, the rights of children. In this context, a small group of philosophers came to the scene, and brought the relationship between humans and animals into the field of debate. In his book on the freedom of the animal,<sup>71</sup> claims that the animal is an entity capable of feeling pain, feeling certain forms of pleasure, of suffering, aspects to be included in the umbrella concept of ethical considerations. The author argues that when an entity is able to feel pain in response to our interactions with it, then this aspect should be included in the calculation of positive justifications in cases of intervention. The animal counts, from an ethical point of view, because pain matters. According to this thesis,<sup>71</sup> rallied to the utilitarian philosophical stream of the 18th and 19th century, supported by Jeremy Bentham and John Mill Stuart, and considered that the use of animals in research or any other field should be done only when it maximizes the benefits. That is, the benefits expected to be used must exceed the cost of the animal, and that these benefits can not be achieved in any other way.<sup>72</sup> Argues that animals should not suffer by virtue of being “subjects of a life”. That is, the animal is an entity that has inherent, intrinsic and non-conditioned value, its value is not gained<sup>73</sup> and<sup>74</sup> have advanced the idea that animals have a moral status. Although our tendencies are to give priority to people, especially in social connections, based on many ethical considerations, animal status can not be rejected.<sup>73</sup> Although man has the right to study animal anatomy and behavior, he has no right to deny the reality of the suffering that the animal feels.<sup>75</sup> <sup>11</sup> In his work,<sup>76</sup> emphasizes the idea that “if common morality agrees that animals should be exposed to a minimum of discomfort when used for various purposes, then alternatives to their use must be found and reduced in number when there is no other way”.<sup>77</sup>

Other researchers question the theory which posits that only members with a given set of cognitive abilities have the right to ethical protection.<sup>78</sup> Thus, the question is whether the animal “has consciousness or not, has an inner life or not?”. Many psychologists and ethologists have confirmed that animals have a

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<sup>71</sup> Singer, P., *Animal Liberation: The Definitive Classic of the Animal Movement* (P.S.) Reissue Edition, 1975.

<sup>72</sup> Regan, T., *Animal Rights, Human Wrongs*, New York, Rowman and Little field Publishers, 1983.

<sup>73</sup> Midgley, M., *Wickedness*. Routledge, 1984.

<sup>74</sup> Sapontzis, S., *Morals, Reason and Animals*. Temple University Press, Pbiladelphia, PA, 1987.

<sup>75</sup> Rollin, B. E., *Animal welfare, animal rights and agriculture*. Journal of Animal Science, 68(10), 1990, pp. 3456–3461.

<sup>76</sup> Beauchamp, in Soullillau, J., *L'impunité de l'art. Paris, Seuil, Introduction générale*, 1995, pp. 11–19.

<sup>77</sup> Carruthers, P., *The animals issue: moral theory in practice*. Cambridge, Cambridge University Press, 1992.

level of perceptual awareness and are capable of feeling simple pleasures and pains.<sup>79</sup> Certain animal species are even capable of intentional activities: they make basic plans and follow a decision-making process to implement a proposed plan.<sup>79</sup> When the question arises whether non-human living creatures have a mind or not, we must start by asking ourselves whether they have a similar mind, at least in some respects, with the human mind, because that is the only one of which some is understood.<sup>80</sup> This is very important because only those who have the thought can show interest in something, only they can care about what is happening, and this is the guarantee of a certain moral position. Surely there are non-human animals that have mental life.<sup>80</sup> When talking about consciousness in animals, we have to be very careful when answering so as not to confuse ontological problems (that which discusses the issue of what exists) with epistemological issues (that which discusses the process of knowing).<sup>80</sup> When discussing animal ethics or any other moral calculations, the ability to suffer is more important than the ability to react in a sophisticated or profound manner,<sup>80</sup> and the fact that animals resist pain and suffering is well known.<sup>12</sup>

Griffin<sup>81</sup> asked scientists to recalibrate research on animal consciousness through a more in-depth examination, both on-site, and in the laboratory. Dangers occur when we use animals and underestimate their suffering due to our interactions with them.

### **Bioethics – a new paradigm of humanity**

The appearance of a new paradigm of human bioethics is relatively recent. The term paradigm was launched in 1962 by Thomas Kuhn<sup>82</sup> in the context of the theories of science and attempted to answer the question: when and under what conditions can a discovery or an invention be considered epochal? Or when does a scientific vision become paradigmatic? The term bioethics was introduced by American doctor Van Rensselaer Potter<sup>83</sup> in *Bioethics: Bridge to the Future* (1971). Blackburn<sup>84</sup> considers bioethics a branch of applied ethics that “studies the ethical

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<sup>78</sup> Cohen, C., *The case for the use of animals in biomedical research*, The New England Journal of Medicine, Vol. 315, No. 14, 1986.

<sup>79</sup> Gluck, J. P.; DiPasquale, T.; Orlans, F. B., *Applied ethics in animal research: Philosophy, regulation, and laboratory applications*. Purdue University Press, e-books OLD. Paper 16., 2002.

<sup>80</sup> Dennett, D. C., *Tipuri mentale. O încercare de înțelegere a conștiinței*. Ed. Humanitas, București, 1996.

<sup>81</sup> Griffin, D. R., *Animal thinking*. London, Harvard University Press, 1984.

issues resulting from medical and advances in biology”. The need for the urgency of an ethical reflection on the problems of medicine, biology and health was amplified in 1966, with the recognition that in the 1950s, after the Nuremberg trial, human experiments took place in equally frightening conditions.<sup>85</sup> <sup>86</sup> Le Petit Larousse Illustré (1995) defines bioethics as “the set of problems posed by the moral responsibility of doctors and biologists in their research and applications”. The common meaning of these definitions is that of the universal vocation of ethical exigencies: norms, principles, values, that must provide adequate and effective regulation for all people in biology and medicine. At the beginning of the seventeenth century, in Jonsen’s *Bioethics Birth* (1998) it is discussed about the birth of the term and the discipline of bioethics. The widening and enrichment of the semantic field of bioethics can also be found in Ach and Runtenberg’s *Bioethics: discipline and discourse* (2002), as well as<sup>87</sup> and<sup>88</sup> in the paper titled *Biotechnics*.<sup>13</sup>

Bioethics is the meeting point and the battlefield between different conceptualizations of humanity. As diverse as the different fields in bioethics are, so are their criteria and evaluation principles.

Bioethical challenges have forced theology to re-enter into dialogue with science. To discuss bioethics in theology, two major aspects must be debated and those are: spiritual bioethics and secular bioethics. Spiritual bioethics can be defined as the reaffirmation of the “old” truths of the “novelties” in the epoch.<sup>89</sup> Spiritual bioethics rely on a few basic assertions: man is created in the image and likeness of God; man is not an accident of nature but the expression of a conscious act of interpersonal love; man has a spiritual vocation. Synthesizing the

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<sup>82</sup> Kuhn, S. T., *The Structure of Scientific Revolutions*, University of Chicago Press, Chicago, 1962.

<sup>83</sup> Van Rensselaer, Potter, *Bioethics: bridge to the future*, Englewood Cliffs (NJ), Prentice Hall, p.1; Darryl Macer, *Eubios Journal of Asian and International Bioethics*, nr.5/1995, 1971, p. 146.

<sup>84</sup> Blackburn, S., *Dicționar de filosofie Oxford*, Ed. Univers Enciclopedic, București, 1999.

<sup>85</sup> Beecher, K. H., *Ethics and clinical research*, *The New England Journal of Medicine*, 274, 1966, pp. 1354–1360.

<sup>86</sup> Zanc, I., Lupu, I., *Bioetica Medicala. Principii, dileme, solutii.*, Editura Medicala Universitara „Iuliu Hatieganu”, Cluj-Napoca, 2001.

<sup>87</sup> Hubner, J., *Bioethic în Martin Honecker et al. Evangelisches Soziallexicon*, Neausgabe, Stuttgart, 2001.

<sup>88</sup> Gutmann, M., *Biotechik*, în Wilhem Korff et al. *Lexicon der Biotechnik*, Gutersloher Verlagshaus, 2000.

<sup>89</sup> Breck, J., *The Sacred Gift of Life: Orthodox Christianity and Bioethics*. St. Vladimir’s Seminary Press, Crestwood, New York, 1998.

<sup>90</sup> Preda, R., *Tradiție și modernitate în dezbateră bioetică actuală. Considerații social-teologice*, *Studia Universitas Babes-Bolyai, Bioethica*, Liv, 2, 2009, pp. 19–49.

three major statements of Christian bioethics, it can be said that, given the sacredness or holiness of life, any form of abusive intervention on human life is considered an affront to the definition of man as an illustration of the holy mysteries of personhood, somatic and spiritual alike.<sup>90</sup> Spiritual bioethics or the sacredness of life sees the gift of life as a given and a desideratum, a gift and a goal at the same time.<sup>90</sup> The sacredness or holiness of life has its foundation in the data provided through holy revelation, interpreted and highlighted by tradition. This definition of bioethics is not limited to humans, but includes all creation, which is why its agenda includes topics related to ecology, economic growth, natural resources, needs and possibilities. In essence, spiritual bioethics is given a conservative function, that is, it opposes in principle the excessive cultivation of the definition of man, the so-called medieval, supposedly sober in attitudes, to the postmodern one, free and liberated from any constraints.<sup>90</sup>

The human individual is seen in Orthodox anthropology as a mystery: man is a mystery for himself and others.<sup>91</sup>

The mystery of personhood confirms the sacredness or holiness of life and highlights the particular place of man in the order of creation, but at the same time establishes a censorship.<sup>92</sup>

Secular bioethics or in other words that which refers to the quality of life, or the opposite of spiritual bioethics, is articulated around the concept of quality of life.<sup>93</sup> This particular strand in bioethics derives from the secularization that founded the so-called "European way" and militates for secular bioethics. Representatives of this type of bioethics understand their mission, following the founding model of secularization through suppression, by making use of a plea for the separation of religious from the non-religious criteria they describe as being neutral. Life must be seen in its spiritual and practical complexity. Bioethics is not a principled-theoretical approach exclusively reserved for specialists in different fields, but is rather seen as a themed agenda resulting in directly affecting man's life and man's definition at the beginning of the third millennium. Autonomy, dignity, integrity and vulnerability are the basic principles of bioethics. Immediately after the outline of the concept of bioethics, within its confines, the phrase of *bioethical animal* comes to the surface, a phrase that refers to the human relationship with the animal world and the moral responsibility of the man in the process of animal breeding and exploitation, in man's experimentation with the aid of animals, in preserving the biodiversity of species, all of which are discussed in *Animal Bioethics*.<sup>94 14</sup>

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<sup>91</sup> Beaufils, D., Bobrinskoy, B., Breck, J. și col., *Bioetica și taina persoanei. Perspective ortodoxe*, Ed. Bizantină, București, 2006, p. 274.

Internationally, Bentham, the philosopher, moralist and English lawyer, as well as the founder of *utilitarianism* in ethics, has been discussing, as early as 1978, the ethical motivation of animal welfare and protection.<sup>95</sup>

From the multitude of existing definitions on the concept of autonomy alone, the only one that could be extrapolated to the animal world is that which states: “an autonomous being is one who has the power of self-direction, possessing the ability to act in accordance with its decisions, independent of the will of others and other internal or external factors.”

Autonomy in the animal world presupposes the development of life in natural conditions according to the requirements of the species, i.e. the attempt to accommodate to the environment, the ability to prioritize and to use available energy, according to its needs. Removing animals from their living environment compels man to protect them and ensure their wellbeing, but it reduces their autonomy. One’s moral attitude towards animals has changed considerably over time. Until the second half of the twentieth century, the use of animals for various purposes was regulated by prohibiting those activities that were considered offensive to humans, on the basis of the so-called Principle of Offense, or in contravention to human dignity. These laws, however, were anthropocentric because their objective was to protect the moral feelings and values of human beings, not animals. Beginning with the second half of the twentieth century, the increase in cattle growth and the use of laboratory animals have provoked heated debate concerning animals’ suffering. It was especially during the 1960s and 1970s that there appeared groups who militated for the welfare of laboratory animals. New forms of legislation emerged that sought to protect animals from a non-anthropocentric point of view. Two key issues were considered in these discussions.

The moral foundation for animal protection has taken from man the so-called Principle of Indignation and has transformed it into the Injury Principle that forbids the wounding of animals in their breeding and in research activities.<sup>15</sup>

Due to some scientists’s skepticism in relation to the existence of consciousness of the self and consciousness in animals, they were subjected to

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<sup>92</sup> Chirilă, I., *Comunicare/comuniune în discursul bioeticii europene*, Bioethica, nr. 2/2009, Ed. Studia Universitas Babeş-Bolyai, Anul LIV, 2009.

<sup>93</sup> Engelhardt H. T. jr, *Fundamentele bioeticii creştine. Perspectiva ortodoxă*, Ed. Deisis, Sibiu 2005, p. 507.

<sup>94</sup> Marie, M., Edwards, S., Gandini, G., Reiss, M., Von Borell, E. (editori), *Animal Bioethics. Principles and Teaching Methods*. Wageningen Academic Publishers, 2005.

<sup>95</sup> *Idem*<sup>11</sup>

the “presumption of innocence”, adopting the so-called postulate of the human-animal analogy. Since the 1980s, criticism of animal life in farms and laboratories has begun to interfere with other social debates, especially those related to environmental protection and the development of new breeding techniques.

Thus, the term of the “intrinsic” value of animals, which is a good that belongs to only them, and is of great interest to their welfare,<sup>96</sup> has begun to circulate. Of course current philosophy poses major problems to human nature, and philosophers still wonder if human nature really exists and ponder about its nature. However, there are many comparative studies in ethology, while analogies between humans and animals have become extremely popular. People use data and behavioral evidence taken from animals to find out whether a person is naturally aggressive or naturally territorial. On the other hand, many sociologists and psychologists consider behaviorism to be correct, a theory according to which man is a creature of no instincts, a theory accepted by numerous existentialist philosophers, such as Jean Paul Sartre, who stated that “there is no human nature ...”. If this theory is indeed correct, any comparison between humans and animals is completely irrelevant. Thus, according to this theory, man is the product of his own culture.<sup>97</sup> There is also the opposite to take into account, one of the most controversial books at the time of its appearance in the late 1960s, being *The Naked Monkey*, written by the ethologist and zoologist Desmond Morris,<sup>98</sup> and still remains a shocking read by supporting the premise that man is no more special than animals and that just as animals, man is governed by instinct, by the need to feed, reproduce or survive, Morris' main concern being the domination of man by sexuality. According to Morris,<sup>98</sup> there are 193 different species of primates, out of which 192 are covered in hair and only one, the man, is devoid of general hairiness.<sup>16</sup>

Studied from the point of view of the zoologist and not of the anthropologist, the primate of the forest has become a land primate, which in turn became a hunter-primate. Later it became a territorial primate then a cultural one, this being the precise moment at which the researcher claimed to have found the end of evolution and brought forth the man. There is a striking discrepancy between the manner in which human life is treated and how other life forms are treated. Western legislation, sustained by ethics and Western ethics, mentions that human beings have morality, whether they are still unborn, comatosed, sentenced to death or devoid of any brain activity. Even when a

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<sup>96</sup> Van der Tuurk, E., *Recognising the Intrinsic Value of Animals*, Editura Van Gorcum, Assen, 1999.

<sup>97</sup> *Idem* <sup>3</sup>

<sup>98</sup> Morris, D., *The Naked Ape*, Jonathan Cape Édition, Canada, 1967.

detainee is condemned to death in the United States, he/she must be dealt with according to strict standards and regulations concerning the period before the execution and even post-mortem. People are not allowed to treat other people in a way that would hurt the latter. These rules prove morality: the detainee must be treated in some way before execution, killed in a certain way and respected afterwards. In contrast to this Western mode of thinking, animals are denied their right to morality. Some animals are protected as human property or by being given special status, as we do in hunting, or when we protect them against becoming extinct; although we are not given permission to kill any other humans for any reason, it is perfectly acceptable for us to kill a mouse that invaded our pantry or kill a mink for its coat. We are destroying animals because we believe we are allowed to do so, due to the fact that we do not give animals any moral power.<sup>99</sup> In this light, the question of whether animals can be taken into consideration, morally speaking, remains. From a utilitarian perspective, the answer is yes. Any conscious being, whether human or not, can be taken into account from a moral point of view. Supporters of utilitarianism, such as Jeremy Bentham<sup>100</sup> or Peter Singer,<sup>101</sup> thought of being the pioneers of utilitarianism and the movement for animal rights, focus on the abilities of suffering and feeling, as being morally relevant criteria to establish morality.<sup>99 17</sup>

From this point of view, there is no good reason, whether scientific or philosophical to deny that animals can feel pain. If we do not doubt that people can feel pain, then we must not even doubt that animals can feel it.<sup>101</sup> Others, however, believe that only those who have a “sense of justice” can be endowed with a sense of morality.<sup>102</sup> The study of animals and human mediated interaction are also subject to severe animal protection legislation, both for reasons concerning animal compassion and due to the fact that abusing animals could lead to a compromise of the scientific act itself. As key terms, it is necessary to understand that for the sake of science, but also for the sake of better understanding, there are certain definitions to be taken into account when discussing animal ethics. In philosophy, used terms must be as precise as possible. Since human beings are mammals, it is incorrect to make any reference to animals as being any other creatures devoid of consciousness apart from ourselves. Although humans separate themselves from animals by using the term animal, we

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<sup>99</sup> Kemmerer, L., *In Search of Consistency: Ethics and Animals*. Brill Academic Publishers, 2006.

<sup>100</sup> *Idem*<sup>11</sup>

<sup>101</sup> Singer, P., *Animal Liberation*, Thorsons, London, 1991.

<sup>102</sup> Steeves, P. H., *Animal Others: On Ethics, Ontology and Animal Life*, SUNY Series in Contemporary Continental Philosophy, 1999.



are making a mistake, from a scientific point of view. Thus, the word *animalis* came into being, referring to animals, but excluding *Homo Sapiens*. The terms “non-human animals” or “other animals than the human” can be used, emphasizing the concept that people are different, that there is a hierarchy.<sup>103</sup> Key fields in animal biology are behavioral and population ecology, the biology of conservation, veterinary medicine and wellbeing. Understanding these areas can not only be done by observing animals in nature, but it also requires experimental manipulation that at times becomes invasive. Thus, evolutionary welfare must be primarily taken into account. The traditional concepts for measuring wellbeing are: comfort (to the extent that the animal has adequate space and its basic subsistence needs met), health (hygiene and maintenance of animal health, devoid of any traumatic stress or behavioral problems), normal opportunities (to ensure the satisfaction of a wide range of natural, social or sexual behaviors), but also certain philosophical concepts related to ethics and animal rights, including arguments for respecting “animal dignity”.<sup>104 18</sup>

These concepts form the basis of the recognized five animal rights and contained in the Universal Declaration on Animal Welfare. There also exists the issue of the three ‘R’: Replacement, Refinement, Reduction, a concept introduced in the scientific community for the first time by Russell and Burch.<sup>105</sup> Replacement involves either exchanging conscious species (mammals, more advanced vertebrates), with some less conscious ones in certain experiments (highly problematic replacement), or involves giving up the use of experimental animals completely when alternatives that can replace animals (experiences for students virtual holdings, virtual models, etc.) are available. The use of animals in their natural environment at the expense of animals raised for laboratory experiments is another form of replacement. Reduction translates to keeping the number of animals used in the experiment at an absolute minimum, provided that the researcher does not reduce the number so that the results become invalid. The purpose of improving experimental conditions is to minimize pain, stress and suffering on each animal used in the experiment.

As a conclusion, we must highlight that the activity of one species (man) who causes pain, suffering, or even the death of another species only to benefit from it, is questionable. The three Rs should always be followed. In a meta-

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<sup>103</sup> *Idem*<sup>99</sup>

<sup>104</sup> Barnard, C., *Ethical Regulation and Animal Science: Why Animal Behaviour is special*, Animal Behaviour, 74, 2007, 5–13.

<sup>105</sup> Russell, W. M. S.; Burch, R. L., *The Principles of Humane Experimental Technique*, London, UK: Methuen. vol. XIV, 1959, p. 238.

analysis,<sup>106</sup> identifies four sources of ethical concerns about the use of animals in various fields: welfare and suffering; preservation; considering life itself; extrapolations of human rights to animals. Human beings are an integral part of the biosphere and have an important role to play by protecting one another and protecting other life forms, especially animals. Animal welfare designates the quality of animal life. The notion of animal welfare, accepted by most specialists with concerns in the field, includes health, productive comfort and animal protection. The Universal Declaration on Animal Welfare defines wellbeing as: the extent to which the animal's physical, behavioral and psychological requirements are met.<sup>19</sup>

In the same statement, the five rights are also mentioned, which must be ensured simultaneously: providing access to fresh water and specific food, providing comfortable shelter and rest; prevention of pain and wounds, quick diagnosis and treatment of diseases; ensuring a life free of fear and mental suffering; ensuring space, facilities and the companionship to help facilitate normal behavior.<sup>107</sup> Improving genetic engineering techniques: cloning, obtaining transgenic organisms, and extending animal and human organ transplants to humans have made people more interested in the quality of animal life, people being more susceptible to their suffering, more responsive to actions of cruelty. However, one thing is certain, namely that ways of limiting and reducing animal suffering will have to be identified so as not to contradict at least one of the principles of human and animal medicine: *primum non nocere*.

### **The most famous exhibitions that used live animals as works of art**

The ways in which artists used live animals in contemporary art are extremely various. For a better understanding of the ethical aspects of the incorporation of live animals into artistic work, I have chosen to describe the cases presented by Cross<sup>108</sup> in a scientific work that is relevant to this case. One of the most well-known exhibitions in which live animals were used is that of Jannis Kounellis' (1969), titled *Without a Title (12 horses)*, in which the artist bound 12 horses to the wall of a gallery for as long as it was opened and presented them as works of art. This exhibition was regarded as a triumph of the movement called

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<sup>106</sup> Cuthill, I., *Field experiments in animal behaviour: methods and ethics*. *Animal Behaviour*, 42, 1991, pp. 1007–1014.

<sup>107</sup> Verhoog, H., *Diversity of Livestock Systems and Definition of Animal Welfare*. *Proceedings of the Second NAHWOA Workshop, Cordoba*, edit. M. Hovi si R. Garcia Trujillo, 2000, p. 108–119.

Arte Povera. When this exhibition was reorganized at Gavin Brown's Entreprise Gallery in New York in 2015, some activists in the field of animal rights protested against the artwork, seeing as how binding the horses to the gallery wall was made without taking into account these rights and provoked unjustified suffering to the horses.<sup>109 20</sup>

Another case is that of Kim Jones, who in 1976 exhibited the artwork titled *Rat Piece*, consisting of 3 live rats held in a metal cage. He set the rats on fire in front of the public, thus inducing their death. The audience was terrified, but the artist pointed out that the exhibition is a profoundly personal exhibition and reflects his traumatic experiences in the Vietnam War. Although the artist was charged with animal cruelty and fined, the director of the gallery being fired as well, the artist argued that the public could intervene at any time to stop him from setting the rats on fire, but that they did not do it.<sup>110</sup> Another equally controversial exhibition was that of the artist Marco Evaristi, who in 2000 presented an art work titled *Helena* consisting of showcasing 10 small mixers in which he put water and live fish. The blenders were plugged in, they were functional, and visitors had the option to turn them on, with predictable results. More than one visitor turned the mixers on, killing the fish inside, garnering complaints from animal lovers and animal rights activists. The artist, the exhibition manager, and the people who pressed on the blenders' start button were accused of animal cruelty. The artist then claimed that piece was a social experiment aimed at drawing attention to choices made by animal lovers.<sup>111</sup> Another equally publicized case was artist Eduard Kac's exhibition, who in 2003 presented the artwork *GFP Bunny*, a transgenic rabbit whose DNA was modified by introducing genes from a phosphorescent jellyfish into its genome. The rabbit with the modified genome, named Alba, underwent a change in the coloring of its fur, so that under a light blue its body gave off a green, phosphorescent glow. The artist wished to take the phosphorescent rabbit home but was not allowed to do so, the transgenic animal not being allowed to leave the laboratory. It is believed that Alba would have died in captivity. Kac thought that besides the created work of

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<sup>108</sup> *Idem*<sup>3</sup>

<sup>109</sup> Kinsella, E., "Animal Rights Activists Protest 'Untitled (12 Horses)' at Gavin Brown's Entreprise." *Artnet News*, June 26, 2015.

<sup>110</sup> Harries, M., "Regarding the Pain of Rats: Kim Jones's *Rat Piece*." *TDR: The Drama Review*, 51, 2007, pp. 160–165.

<sup>111</sup> Boxer, S., "Animals Have Taken Over Art, and Art Wonders Why; Metaphors Run Wild, but Sometimes a Cow Is Just a Cow." *The New York Times*, June 24: B9, B11, 2000.

art, what was also important was challenging people's relationships with animals and plants whose genome was modified.<sup>112 21</sup>

Equally interesting was the exhibition organized by Peng Yu and Sun Yuan in 2003 entitled *Dogs That Cannot Touch Each Other* in which Mastiff dogs faced each other while they were tied to moving treadmills but were not able to reach one another, to touch. Another artist, Huang Yong Ping, organized in 1993, in Stuttgart, an exhibition titled *Theater of the World* consisting of a wooden piece tortoise and a metal cage filled with live reptiles and insects. The animals were free to interact, often struggling with each other, insects being at times consumed by the reptiles. As some of the animals died, they were replaced by others. In this case as well, there were virulent critics from animal rights activists about the organization and presentation of such an exhibition.<sup>113</sup>

In recent years, a new form of art has emerged that manipulates “the mechanisms of life” and which, in turn, inspired a new wave of writers. The Alba rabbit was the beginning of an far-reaching artistic movement that dominated almost all domains of contemporary biology, from transgenesis, cell and tissue culturing, plant selection and propagation, human grafts, artificial synthesis of DNA sequences, neurophysiology, and visualization techniques in molecular biology.<sup>114</sup> This type of art produces discomfort, more precisely, it scares because it strikes at the center of our fears and reflects the contradictions of the “biotechnological revolution”.

In this context, we can better understand the approaches of the artistic current proposed by *Symbiotic A*, a lab that combines art with science, where artists like Jens Hauser, Vilem Flusser, Eduardo Kac, George Gessert, Joe Davis and Marta de Menezes have found a stable ground to present their work. In this type of art, “philosophers and bioethics experts always meditate, subtly and a priori, on what we should or should not do, but we may need to reconsider a priori judgments formed a posteriori on the mistakes of man and of the world”.<sup>115 22</sup>

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<sup>112</sup> Kac, E., “*GFP Bunny*.” *Leonardo* 36, 2003, pp. 97–102.

<sup>113</sup> Goldstein, A., “*The Guggenheim’s Alexandra Munroe on Why ‘The Theater of the World’ Was Intended to Be Brutal*.” *Artnet News*, September 26, 2017.

<sup>114</sup> Hauser, J., *L’art Biotech*. Le lieu unique. Filigranes Editions, Nantes, 2003.

<sup>115</sup> *Idem*<sup>7</sup>

<sup>116</sup> Ryder, O. A.; Feistner, A. T. C., *Research in zoos: A growth area in conservation*. *Biodiversit, and Conservation* 4 (6): 1995, pp. 671–677.

<sup>117</sup> O’Connell M., *Threats to water birds and wetlands: implications for conservation, inventory and research*. *Wildfowe* 51, 2000, pp. 1–15.

<sup>118</sup> Rusu, A. S., *Principii moderne de amenajare a grădinilor zoologice*. Ed. Presa Universitară Clujană. Cluj-Napoca, 2008.

## Alternatives to bioart

As alternatives to the presence of live animals in art galleries, gardens, zoos and the natural environment still exist, of course, with the exception of pet ownership or the existence of zootechnical farms for breeding livestock. Zoos and parks are mini-ecosystems that are totally dependent on humans. They can not stand alone. Historically, many zoos have sheltered and presented animals strictly for the joy of visitors, few taking into account their wellbeing. Today, the role of gardens and zoos has changed dramatically. Thus, these entities have the role of preserving biodiversity, doing research and ecological education, and last but not least, making tourism and recreation. Often, the controlled environment, represented by zoos, is the only survival solution for endangered species.<sup>116</sup> Zoos have an active role in preserving biodiversity by informing, sensitizing and promoting interest in nature,<sup>117</sup> and must engage in ecological education and cultivate respect for animals, both for those working in the field and for visitors, even if this nature is rebuilt in a controlled environment, based on the model offered by wilderness conditions observed in species held captive.<sup>118</sup>

The presentation of habitats and animals' natural living quarters aim to facilitate human interaction with them. People are invited to meet the animals in their natural environment to learn and understand their needs and interests, to learn to protect and to respect them. Sometimes zoos invite the public to give names to animals, celebrate their birthday, encourage interactions with them, present them in social environments, all in order to understand that the animals are special beings, that they are our friends.<sup>119 23</sup>

Some zoos encourage visitors to participate in animal care so that they develop feelings of worry and protection for them. Often, zoos, by extracting animals from their natural habitat, have changed their behavior, they are no longer in contact with their natural behavior, often being an infantile one. At times, animals in zoos are not seen as wild animals in captivity, but as toys, as fantastic creatures,<sup>120</sup> but captivity also brings much suffering to wildlife.<sup>121</sup> The use of live animals in various activities must take into account the moral principle that suffering must be provoked only if it has a well-founded reason and maximizes the benefits it could bring. Pets, animals, those grown for consumption, due to the domestication process

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<sup>119</sup> Levin, A., *Zoo Animals as Specimens, Zoo Animals as Friends*. Environmental Philosophy 12, 2015, pp. 21–44.

<sup>120</sup> Tafalla, M., *The Aesthetic Appreciation of Animals in Zoological Parks*. Contemporary Aesthetics 15, 2017, pp. 32–34.

<sup>121</sup> Jamieson, D. *Against Zoos*, in *In Defense of Animals: The Second Wave*, edited by Peter Singer, 132–143.

do not seem to suffer so much in contact with humans, if they are well cared for and if their wellbeing is taken into account, according to the species' requirements.

## Conclusions

The use of live animals in art galleries has at least two explanations. One would be that the presence of a living animal in a space structured by the gallery environment and the art show obliges the visitor to interact with it, to focus on its relationship with that animal and to pay more attention to it than having come in contact with the animal outside the gallery. The gallery becomes a place where man can rethink and restructure his/her relationships with animals in particular, and with the world in general.

The presence of live animals in an art gallery creates other meanings, while animal representations do not do so in the same way<sup>122</sup>. The live animal in an art gallery can facilitate relationships of concern, protection and respect from visitors. The agreement of artistic engagement offered by the art gallery certainly contributes to this.<sup>24</sup>

A second explanation for the use of live animals in contemporary art galleries is given by the fact that many artists consider that "the work becomes a matter of reaction",<sup>123</sup> but this aspect must be very well judged, since transgressive behavior tends to settle in other spaces as well, and at times, young artists take considerable risks on their own,<sup>124</sup> and often violate human dignity.<sup>125</sup>

Bioethics requires of the artist who incorporates the live animal into his work, only to do so when it does not cause suffering and produce concern for the visitor, but also promotes protection of and respect for the animal.

In conclusion, I would quote Flusser<sup>126</sup> who rhetorically and somewhat naively asks: "Why are there no red spotted blue dogs? And why do rabbits have no phosphorescent colors to radiate in the landscape of the night?" I believe that bioartists succeed, at times, through their work, to fulfill our preoccupations, hopes and fantasies.<sup>25</sup>

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<sup>122</sup> *Idem*<sup>3</sup>

<sup>123</sup> Boustean, F., *Le vent se lève*. Beaux Arts magazine, nr. 225, 2003, p. 5.

<sup>124</sup> Conte, R., *L'art a-t-il tous les droits?*. Revue Plastik nr. 2. Université Paris, 2002.

<sup>125</sup> Fleck, R., *L'actionnisme viennois*. In *Hors limites. L'art et la vie*. Paris Musée National d'Art Moderne, 1994, pp. 206–207.

<sup>126</sup> Flusser, V., *Eine Korrigierte Greschichtsschreibung*, in *Artforum and Schriften*, Band 2, Nachgeschichte, 1988.

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## THE ADVENTURE OF THE IMAGE THROUGH THE CONFLICT OF INTERPRETATIONS

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**ABSTRACT. The Adventure of the Image Through the Conflict of Interpretations.**

Starting from the self-image, through the image adventure landscape seen as an ensemble of conflict of interpretation, not only from a single glance or direction, whether it is evasive or complex, we follow our decipherment and transformation, be it process or state. Through multiple hypostases, whether isolated or open, I will focus on certain details that will be addressed as a dimension by means of text or material reproduction, or through the passage of the same image we face each time through the filter of our own existence. We stop the other or ourselves against the other, thus removing the observer or viewer, thus providing not only distinct perspectives on the same subject or the same situation or even the same consequences, but also giving him the opportunity to choose how to relate to the internal and external environment, thus convincing that, to a lesser extent, or greater, he is the one who drives everything. This approach is based not only on the adventure of self-image in the archive of own experiences but also from the outside, from the archive of common experiences perceived by other people.

*Keywords: image, hermeneutics, life, perception, self-knowledge*

### The certainty and beyond it

Scientists support the existence of an infinite number of dimensions besides their own. Einstein said, "Past, present and future are just a continuous illusion". We are in a continuous flow. A person does not live twice the same thing in the exact same form, just as he does not see an image twice, exactly the same way. Something is always changing, whether we are talking about exterior or interior elements. It's all about perspective and reason. "The experience of human beings

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encountering themselves in history, this form of dialogue, this way of coming to understand one another – all of this is fundamentally different from the study of nature and from an examination of the world and *Homo sapiens* based on a theory of evolution.”<sup>1</sup> Everything happens for a reason even if we do not know it when it happens. What we do know is the fact that eventually we will find out what was the reason behind everything, in one way or another. The fact and the paradox at the same time is the following: only the uncertainty is certain.

As to the reality, the breadth and the variety of a profound meaning of a work or a philosophical text, who can capture or unleash the content of limited existence, without content or without diversification in the depth and in the opposite direction? Certain dimensions of our lives go beyond any understanding. This creates an abyss or a null need for the soul and self-knowledge, the discovery of the self and the boundaries between perception and our way in life. “For it is humanity’s mark of distinction to raise problems and to open up the dimension of diverse possibilities. This is why the capacity for truth and falsehood both in our will to know and in our being-with-one-another is a peculiarity of the human being.”<sup>2</sup> A very interesting aspect is the way in which our soul can find peace and how it manages this entire thing. We might expect it to behave in one way or another but usually, it behaves in such ways that we could have never imagined. Yes, we need to let everything fall into place, yes, we need to be patience and we need to take our time to absorb all but at the same time we need to put in a little effort in order to understand, at least a few pieces of this puzzle called life.

As Gadamer tells us – there is no greater error anywhere than in self-knowledge, but nothing means more to the human being than when it is fulfilled – so a conflict develops character, own feelings, own experience, and that can be perceived in different forms, and reality can be seen as perceived reality or imaginary reality.<sup>3</sup> They will at one point create a paradox that will attain an inner spiritual evolution. An evolution requires a revolution regardless of its status or its typology. It can be a social, individual or inner revolution. Time is supposed to move in one direction towards self-knowledge and fulfillment. And that is the certainty. What lies beyond it is the mystery. What we are trying to figure out, to comprehend and be fully aware of. But it is a very long and tough road and not everyone is able to fulfill it. Those who do, on one hand have obtained some answers, are more aware of their surroundings, how they affect even the smallest particle and how they are being affected, but on the other hand, they might be on a different level

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<sup>1</sup> Hans-Georg Gadamer, *The Beginning of Philosophy*, Continuum Publishing Group, 2001, p. 29.

<sup>2</sup> *Ibidem*, p. 108.

<sup>3</sup> Cf. Hans-Georg Gadamer, *Truth and Method*, Continuum Publishing Group, 2004, p. 346.

of needing to obtain answers. And I say this because after their journey, they are, mentally speaking, in a point defined by both certainty and uncertainty: they know where is the starting point, an aspect that was missing when they started, but they are also wondering where everything is going to end. Which places them on a whole different level.

What remains undiscovered, even in this everyday environment in which everything is available, where the danger is no longer the lack of information but rather the multitude of them, is precisely the foundation, the primordial point that gave birth to this image and which triggered the chain reaction namely its adventure and its countless attempts to unravel it. "We are not observers who look at history from a distance; rather, insofar as we are historical creatures, we are always on the inside of the history that we are striving to comprehend. Herein lies the peculiarity of this kind of consciousness – an irreducible peculiarity."<sup>4</sup> We wonder how we could define this adventure, this chain of events embedded under the dome of self-discovery, the discovery of the surrounding world, and the discovery of the person next to us. We wonder how this affection affects us and if at the time of the discovery we could have done things in a different way and what the consequences would have been in that case.

I believe that we can agree on one aspect: both the journey and the destination are important. What differs is the perspective from the person who goes through it all. Life is an adventure filled with uncertainties. Even this is something uncertain or even beyond that point. As far as I am concerned, what defines this adventure is not something that we can express using words. It is most likely a feeling. We need to be there, to be present in the moment, in that moment, in order to be able to fully take everything into account. And what is even more interesting, for me at least, is simply the fact that some people, even though they are present in that precise moment are not capable of understanding and therefore are not able to figure out their own answers. They do not reach the level of comprehension needed in order to overcome the observing point.

But they might be able to reach another level of their own personality which might be just what they needed but did not know. After all, the journey is composed of images that are obtained through the eye of the traveler. The situation might be a little bit different if we are talking about the destination. Many times we do know where we would like to end up and we tend to give it a form, a design, something that vibrates with us, with our minds, hearts and souls. It might even be a way of escaping the current reality in order to reach different dimensions or to try and

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<sup>4</sup> *Ibidem*, p. 28.

avoid all the negative aspects that are happening here. Still where is the conflict situated one might ask. My answer to that question is: the conflict is everywhere. But in the scenario portrayed before, I believe that the conflict is situated at the meeting point between the journey and the destination. It is the moment when all the images gathered along the way are faced with what the traveler pictured the destination to be like.

As Gadamer said in *Truth and Method*:

What is an adventure? Adventure is not just an episode. Episodes are in-line details without an inner coherence, and are therefore devoid of any lasting significance, precisely because they are simple episodes. Adventure, on the contrary, although it interrupts the natural course of things, has a positive and meaningful relationship to the intercourse it interrupts. Adventure makes us perceive life as a whole, in its vastness and strength. This is the seductive force of the adventure. It dispenses with the conditions and regulations of ordinary life. He dares to get into the unknown.<sup>5</sup>

If we approach without illustrating our self or inner image, we find that everything we do expresses suddenly the adventure of the image through a conflict of interpretations by which the notion imitates philosophy and art in its depth and its content as “the soul of world”. We are talking here about a psychology of the universe, a living organism that cannot be explained without supposing our existence, yours, mine, the existence of a soul of the world. “Is it the case that mind plays an essential role in defining the state of the universe in the process of measurement and apprehension? In this scenario, the system has no definite state until a conscious mind (or some other object of measurement and apprehension) brings it into being.”<sup>6</sup> We are talking about a moment of authentic self-reflection, about feelings and feelings, about how it affects us and shapes us. (namely: Platonic representation, designating the principle of life and unity of the universe, reputed by the Stoics and reached through Plato until the philosophy of nature in the eighteenth century).

And if we return to Gadamer, we will discover that in one form or another he has anticipated these dilemmas, rediscovered by humans and brought back to the spotlight. Every experience is extracted from the continuity of life and, at the same time, connected with the totality of one’s own life. Not only because she is alive as

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<sup>5</sup> *Ibidem*, p. 176.

<sup>6</sup>James Evans, Alan S. Thorndike, *Quantum Mechanics at the Crossroads. New Perspectives from History, Philosophy and Physics*, Springer, 2017, p. 9.

a living only as long as she is not totally assimilated to the coherence of her own life consciousness. Even the way it is “canceled” by the labor of assimilation in the whole consciousness of life goes beyond any “significance” we believe we are aware of. Being within the whole of life, the whole is present in it.<sup>7</sup>

### **The invisible touch**

Darkness and light, symbol and pure expression of authentic lucidity, regardless of the degree of love, essence or representation, possible mystical variants or simply the object of self-knowledge, of our own self, a journey initiated by us consciously or unconsciously, demoted manifestation without ideas or simply traveling in real time! “Two wants cannot be satisfied at once. One must either change the logical space in which the decision is made by expanding the time frame or range of resources, for example, involved in the decision. Or, as economists more typically advise, hold the space constant and make tradeoffs between the conflicting demands.”<sup>8</sup>

Perhaps only the intellect separates us, without mysteries and absolute things by which we transpose or transform ourselves! Abstraction seems to me somewhat ephemeral...an exaggerated intellectual preciousness. And yet, we cannot always raise ourselves according to simple desires to a rank of philosophy or art. Does the adventure of the image and this conflict of interpretations become a cliché and nothing else? As Gadamer said in the *Truth and Method*:

The artwork itself is what presents itself differently under different circumstances. The observer of today does not just see it differently, he sees something different. Let us only think about how our representation of the pale marble of antiquity dominates from the renaissance taste, but also our preserving behavior, or the way in which the purist spirituality of the Gothic cathedrals in the romantic north reflects a classical sensibility.<sup>9</sup>

We probably think that what we did or what we do is saves us. Looking in our own mirror, we only recognize what we have chosen. You can only explain your own freedom between good and evil, between truth and beauty. And if we neglect the perspective of this situation, are we in danger of endangering the essence of

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<sup>7</sup> Cf. Hans-Georg Gadamer, *Truth and Method*, p. 195.

<sup>8</sup> Steve Fuller, James H. Collier, *Philosophy, Rhetoric, and the End of Knowledge. A New Beginning for Science and Technology Studies*, Lawrence Erlbaum Associates, Publishers, 2004, p. 109.

<sup>9</sup> Hans-Georg Gadamer, *Truth and Method*, p. 83.



existence? Karl Jaspers said: living out of love implies at the same time the truth of his deed. This is essentially an element that derives from the conflict of interpretations. It is something that derives from us and helps us to discover, to reach a level of comprehension that allows us to overcome the limits of the real and to try to turn to what seems unreal. Thus, any moment in which we find ourselves actually slip in our love. We continue without restrictions, with or without impurities, with or without imperfections, but with some fear, not to the unknown, but to the limitations we could hit. "That is why we could not blindly trust our love at any moment, but we must constantly enlighten it" – Karl Jaspers said. Probably, in everything we try to reproduce, there is actually a profound transformation of our own, historical consciousness and not only. We are changing according to the context we are in, as much as we try to modify it, so that we can provide a support element at least outside. We tend to the great conquests of historical and scientific research, which can be revealed in various forms, no matter what field they have reached, knowledge, consciousness of life, or questions of life.

"Why don't research priorities change more often and more radically? Why do problems arise in certain contexts and not others? Why is there more competition for resources within a discipline than between disciplines? A sensitivity to latent incommensurabilities turns out to help, not hinder, this sort of critical knowledge policy."<sup>10</sup>

These are all very good and important questions which are often neglected and lead to unexpected finishes or conflicts. In a world filled with violence another conflict is far away from what we actually need, not to say deserve.

"For the ever-successive succession of the changes and transformations that our world embraces has, in relation to the durable realities of our lives, something ghostly and unreal" – says Gadamer. This is what we have said before. The adventure of the image through the conflict of interpretations can be transposed in another form and using other language in self-discovery through philosophy, historicity and intercultural elements. The gadamerian hermeneutical experience of historicity reveals a connection, a reference unprecedented by tradition, and implicitly with its heritage and the heritage left by it. It is not a mere occurrence, it is not something that we only learn, decide or dominate, but it is communication, it is a language between being and time, a communication on which is formed a unitary, singular, individual, profound and sensual.

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<sup>10</sup>Steve Fuller, James H. Collier, *Philosophy, Rhetoric, and the End of Knowledge*. p. 23.

In this respect, philosophical hermeneutics seems rather partisan in its opposition to method. It trumps an epistemological claim (a methodological claim to universality or completeness) with an ontological claim concerning either the finitude of understanding or the inability of propositional language to capture the full nature of a subject matter. Philosophical hermeneutics is indeed committed to an ontology of becoming but that commitment is used somewhat bluntly in its quarrel with method. The point against method is surely subtler.<sup>11</sup>

The scope of meaning underlying any scientific conceptuality, knowledge in general, is called by Gadamer “the hermeneutical aspect”. And philosophical hermeneutics is based on the statement that scientific knowledge is not actually authoritic (it does not isolate). For him, this concept is fundamental and underlies central issues related to the structure of cognitive situations, the way in which certain decisions and the actions that cause them are explained. From Gadamer’s perspective:

Philosophical hermeneutics does not present itself as a new method of interpretation and decipherment. In essence, it only describes what always happens when the interpretation convinces and succeeds. It is by no means a teaching that prescribes how to be comprehension. But comprehension is far more than the skillful application of a capacity. It is always a gain in self-understanding and deeper. But this means that hermeneutics is philosophy and that philosophy is practical philosophy.<sup>12</sup>

And if we were to believe in evolution and return, we are going back to the hermeneutics and what Gadamer was saying. At certain moments, we are perfectly aware or constrained by situations that only make us or divide ourselves to oneself or something more. After all, it is just everything regarding everything. It is about the journey and the destination, it is about one single person and everyone who is living this life, it is about you as much as it is about me, it is about us as much as it is about them. It is a life described by adventures, by images, by conflict, by perspectives and perceptions because after all this is what we are composed of.

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<sup>11</sup>Nicholas Davey, *Unquiet Understanding Gadamer’s Philosophical Hermeneutics*, State University of New York Press, 2006, p. 20.

<sup>12</sup>H.G. Gadamer, G. Boehm, *Philosophische Hermeneutik*, Suhrkamp, 1976, p. 38.

## Conclusion

If we abstain, contrary to the tendencies, in order to generalize the perspective and to make us understand, we will seek to make something more vivid and more detailed, as an entity that always lives under the sign of change, which is decomposed and recomposed. Thus, we come to the conclusion that any active and perceived component under the influence of the employing environment leads again to knowledge and hermeneutics. Whether we want it or not, we are living through a conflict of interpretation, no matter how decisive or minimalist it may be. We are trying to get the concept clear. Of course, they (the components) can be characterized by a much longer process that only gives the impression that our nature of human beings and perceptions in contrast to us can also be controlled.

And yet, change will occur in a manner either unborn or accidental, independent of our will and our own self. Thus, the whole landscape that includes the adventure of self-image through the conflict of interpretations offers a way to think and create not only the state of a person or moment, but also images that go beyond the individual but also its perspectives on the opening of the intersections of human and non-human life. Why the adventure of the image through the conflict of interpretations? Because it is a world that we constantly have, in which we find and find ourselves, where reality is at a finite and infinite distance at the same time, because we strike for certainty and last but not least we constantly have the feeling of an invisible touch, or we constantly live under the perfect illusion of invisible touch.

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