

States of Violence and Infatuation in Politics: The Idea of Right at the Heart of Their Excesses

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Chaos and the realm of right

The task of thinking the place of right in the face of chaos, as participants in a round-table discussion proposed by the World Day of Philosophy organised by UNESCO in Palermo from 20 to 22 November 2008 were invited to do, can potentially be understood in two ways. In the first instance, one can represent the situation as an opposition, in which one expects of the instituting, ordering and regulating power associated with right that it will effectively balance out the powers of destruction revealed within the phenomena associated with chaos and eventually triumph over them. The opposition between chaos and right thereby (re)sets the primitive founding scene from which a realm of right is called forth. The idea of chaos serves to give a radical appearance to the environment supposedly found further back than the rule of law. It echoes those tales and fables around the state of nature which accompany political thinking on the social contract when that thinking tends to subtract from the environment prevailing prior to the politically structured society any capacity, or almost any, for social organisation, or for proportionately augmenting the institutive function that is essentially expected of any political power. The sense of this idea is derived from its location at some point along a sort of scale of chaos whose two opposite poles are the state of nature described by Thomas Hobbes (1651) as a place of random confrontation between brute forces and that conceived by John Locke (1690) as an initial prototype of social relations. The marker that chaos introduces in this regard reflects an observation from two different points. It can be understood as plotting the locus of a judgement on the state of things, a judgement which would appear darker when viewed from the Hobbes perspective than from that of Locke. But it also locates a difference in the ambition of the political power. Hobbes concedes more force to this latter than does Locke. And so this introduction of chaos into the reflection on right and politics leads quite readily back to one of philosophy's basic temptations. On one hand, it affirms philosophy in the idea that it is that discipline's darkest judgements, those via which it re-accesses the conditions of the chaos of origin, which allow it to touch the hard bedrock of reality. On another hand, this gives solid support to philosophy's self-attributed project of protecting the chances of the real in the face of chaos through

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the power that its strength of thought claims to exercise over being. And this temptation for philosophy also seems to be a temptation for right. That, on one hand, of overcoming, by the ways in which chaos is overcome and right is reaffirmed, the historical and ever threatening impurity of juridical constructions. On another, of opening up to the realm of right the whole range of innumerable chaotic phenomena so as to create within it new juridical phenomena. So that, in these various representations that are striving to conceive what a state of right might be in the face of chaos, there is also an excess of ambition lodged deep within the very idea of right that may be recognized. The alarmed observation that detects chaos lurking beneath various disparate configurations lends support to tendencies immanent within the idea of right itself that push the latter towards a greater assertion of power and towards a claim for its realm that all sorts of philosophies can quite easily be persuaded to go along with. The observation by which right experiences itself plunging into a chaos drives it back towards the thought that life must needs be organised, binds it closely to the forces of association that sustain the living world and leads it towards orienting the whole domain of life in the direction of submission to a structure of law. Responding to the disparity of phenomena with configurations for binding chaos, right reacts excessively through an inflated structure of juridical ties. By this process, the excesses of chaos remain, but pass across to and are transformed into an excess of legality. Hence, keeping the domain of right to measured tasks would seem to require a new way of thinking the relation between right and chaotic phenomena, as well no doubt as another way of representing the chaotic between them.

The acts of disassociation

Aspiring to a realm of right is in the final instance constrained by what is understood by a realm. For in the conventional contest that would see a realm of right pitted against the realms of force, it is the aspect of realm, and with the realm, force, which is going to triumph. That is why, in seeking to maintain within the context of the Second World War a process of coherent thought in the face of the frenzy of violence and myth-spreading which was flooding across Europe at the time, Alexandre Kojève did not fall back on right's supposed forces of association. For in reality, these had entirely fallen away. The effective processes of reason, the useful lessons of history, the thoroughly well-established and responsible systems of morality which the philosophy of right had elaborated over the centuries to sustain the realms of law were at that critical moment proving of no avail in averting the destruction brought about by the creation of a new order working to found a third empire within world history. Uniting the forces of vitality, where the legal structure might find consonance with social patterns of sensitivity, was proving, in the France of the collaborationist period in the midst of which Kojève was undertaking his reflections, to be thoroughly sidelined by the infatuations of an aged marshal for the notions of land, work and family. Thus it was in reality in opposition to processes of association, whether they sought a measure for chaos, ordinary life or a way to pass from one to the other, that Alexandre Kojève undertook to identify – in at least a minimal condition – the imperative for a system of right that would be differentiated from the simple play of interacting forces. His quest was to find an underpinning for a relation with the world that would be able to stand aside from the catastrophic saturation being brought about at that time by the chaotic phenomena of power. He set himself to seek out a position apart, at a remove from all calculation, compromise and involvement with contending powers, turning towards the state of non-attachment with the surrounding world which *authority* incorporates within its phenomenon (Kojève 1942). At first sight, the general phenomenon of authority seems itself quite impotent in the face of the multiple forces striving to bind the world together according to their own determinations. Authority acts from

the outside, within a temporality proper to itself, proceeding from quite another source, with its own distinct rules. It seeks to lack a solid situational basis to be really effective. It stands at the outer of the great soul, of utopia, of the imagined, of the arbitrary. Any coalition of forces at all ranged against it would seem quite capable of reducing it to a state of evanescence. All it would apparently need for it to be rendered inoperative is for the forces surrounding it to withdraw all recognition of it. Taking nevertheless the contrary stance to this apparent fragility in the face of the denial of recognition of the idea of authority that could be attributed in this regard to the chaotic frenzies of the phenomena of power, Alexandre Kojève drafted a philosophical programme of multiple analyses whose central feature was the recovery of authority and the standing apart from the field of forces which authority brings about as a fact of culture. This stance led Kojève to identify no fewer than 64 types of authority, even without their variants (Kojève 1942: 90), as well as to the conception of an operator that was in obedience with Aristotle's "four causes" (Kojève 1942: 129). It emerges from such analysis that it is only when constrained by a certain environment of forces that authority can find itself reduced to a minimal condition. In itself, as the impulse of the Aristotelian quadruple causality, it has the potentiality to configure a world. So, can a particular state of the world, and in the limiting case the one that Kojève was beholding at the time, be in reality apprehended through the prisms of two distinct powers of equal extension: as a world configured by a field of forces and as a world configured by an operator standing apart from it? This dual configuration seems able to be presented in the following terms. Of the world conceived as a field of forces one could say: (1) It is a world consisting of separate parts. It is incessantly forming the powerful and the subjected, rich and poor, citizens and outcasts, men and women ...; (2) It is a present world. The individual entity is identified through its present being and through the balance of forces that compose it at the moment when it is; (3) It is a world of interactions. It is a world that comes about from the actions of the one upon the other, and, in accordance with the relations which unite them, of the parts of which it is composed; (4) It is a continuous world. It provides the *continuum* within which all parts interact as forces and saturate the world with their present relations. Of the world laid open by the existence of an operator standing apart from the field of forces one could say on the other hand: (1) It is a world possessing a dimension of impartiality which refuses to yield to division into parts, such that it is imperceptibly upheld by justice; (2) It is a world possessing a temporality in superfluity which refuses to yield to the pressure of the present, such as is brought to bear by political invention; (3) It is a world determinable through an inherent causality which refuses to yield to the field of interactivity of parts, such as is universally presupposed by the constant new beginnings of previously ungenerated sequences; (4) It is a world which makes room for an emancipated element which refuses to engage in a set interaction of the parts, just as the experience of liberty unfailingly provides. In the chaotic world of 1942, Alexandre Kojève was thus seeking to achieve a return by the way of authority towards the powers of impartial being (sphere of right), to be free from dependence on the present (sphere of the political), to stand at the origin of the new (sphere of creation), and to give room to an emancipated subject (sphere of liberty). And, in the context in which he was developing this reflection, Kojève also invited recognition of these powers in symbolic figures, and to grasp them through historical reminiscence. Through the course of the history of Europe and the world, these figures would have been those of the *judge* (assuring impartiality), the *leader* (carrying beyond the present), the *father* (procreator of another) of the *master* (affirming his liberty).

The creation of the void

Numerous indications would suggest, however, that these symbolic figures rediscovered by Kojève within the general phenomenon of authority are likely no longer to produce for us other

than certain very limited responses. Between the images passed down by history of the *judge*, the *leader*, the *father* and the *master*, and the spheres in which we reckon the need for conceiving the nature of right, politics, creation and liberty, many other elements have become visible. Rather than figures developed over time or even intermittently recreated, it is no doubt bases for discontinuous manifestations that it behoves us to conceive. And indeed it was in that very direction that Alexandre Kojève himself proposed to deepen philosophical investigation, towards a total metaphysical and ontological determination of the operator of non-association. His *Outline of a Phenomenology of Right* (1943), which extended further the essay on *The Notion of Authority* (1942), launches this task on the plane of right by undertaking to clarify the shape of every relationship established through law and to grasp it from the point of view of its aptitude for bringing into play the intervention of an impartial and disinterested third party, in the form of – as a deepening of this reflection established – a completely random person. One of the clearest effects of the re-engaged analysis was the removal of any lingering trace of transcendence which could have remained attached to figures like those of *judge*, *leader*, *father* and *master*, or any aspect that could have continued to present them as avatars or substitutes for the divine. Kojève (1943: 42) suspends the situation that may have led to the formation of a juridical relationship in the state of non-association created by the “primordial anthropogenic act”. Right, for Kojève, finds its source at the heart of “the act in and through which an animal, *Homo sapiens*, creates himself as a human being such that (this act) necessarily enables him to interact with another human being created in the same way so as to bring about (the juridical situation of) the intervention of a third similar (impartial, disinterested and random) human being” (*ibid.*). In the midst of the chaotic forces that were in the process of tearing the world apart, which, taken to its ultimate degree equated to the chaos of the elementary universal storm, Alexandre Kojève engaged upon a systematic re-examination of the idea of right which attempted to grasp this idea through a process of analysis starting with the nature of an act, then proceeding to the distinction by which this act, as a human action, differs from all other processes, to the difference which identifies this act as a juridical act among all other human acts, to the whole history that this act is shown to have accomplished within the history of human anthropogenesis, and to the realised system of law that the possibility of this act allows a glimpse of. This act is that of the manifestation of the human as a “void created within the natural world by the anthropogenic desire” (Kojève 1943: 238). In the midst of all the chaotic phenomena by which he was surrounded, Kojève revisited the higher principle which, several years before, had so impressed the audiences of his introductory lectures on Hegel’s *Phenomenology of Spirit* (Kojève 1933–39). The human is a “something where nature does not exist”. It is “the presence of an absence, of the absence within it of nature in general, of the animal [...] that it would be if it were not constituted as a human being.” It is the desire and realisation of itself as that void that it desires and realises by “filling a void with another void, an absence with another absence” (Kojève 1943: 238). In the face of chaos and its dark and deeply coloured disruptive frenzies, right creates a chain of blank pages. As neither a measure of, nor means of ordering, that chaos, right applies itself rather to measuring the empty spaces that the human succeeds in generating in itself.

The promotion of the anthropomorphic

It is thus in seeing humans as creators of voids that it seems possible to define an underpinning for the action of standing aside from engagement with the play of forces. The aspect which in particular seems to distinguish such creators of voids from the recollected figures of *judge*, *leader*, *father*

and *master* is that such creators are said to be potentially, under certain conditions of reality, anyone at all. That is, “random” individuals, or ones “thought to be able to be random” within any given situation (Kojève 1943: 79–94). Alexandre Kojève opens up this field of randomness very broadly. It is not apparently of any lesser extension than that of the phenomena of chaos. Kojève subjects to examination, from the point of view of their potentiality to create voids and of their aptitude to engender a juridical situation, a whole range of entities and beings that include animals, women, the insane, objects, children, slaves and social groups excluded under one category or another. He also considers gods, legal bodies, groups, collectives, institutions. In view of this random factor, it is in a certain way all demands on justice, including those made by the incompetent and those that are fictions, that require the opening up and construction of the field of law. Kojève thus submits this random and virtually chaotic factor to three determinations: (1) No juridical relation exists except between elements that underpin anthropogenic desires. This determination thereby excludes objects, animals, gods etc. as such, that is to say, to the extent that they are not bearers in some aspect of a human desire susceptible of entering into relation with another human desire; (2) The possibility for an incompetent or fictive random entity to claim to underpin an anthropogenic desire introduces into the field of right “juridical phenomena according to the letter” (Kojève 1943: 29). These phenomena cover “terminological errors” which consist of mistakes about the nature of the entity, and “anthropomorphic errors” which consist of mistakes about the nature of the anthropogenic desire. These latter certainly do, for their part, concern juridical relations. It is only the anthropomorphism that they initiate which leads to an “inadequate” understanding of the anthropogenic desire of which the entity is a bearer. The incompetent and the fictive as underpinnings of anthropomorphic projections may be associated with the supports for juridical relations by the link which attaches humanity to time. It is because under-age children will one day become adults, because women are born from men and will give life to men, because slavery can be abolished, because the insane can recover their sanity, because a legal body can act in the manner of a human and so on, that, for Alexandre Kojève, juridical subjects “according to the letter” can be accepted as opening up and constructing a field of law; (3) Such “inadequate” juridical phenomena, which become numerous when the random factor is admitted, and which are validated with regard to the juridical relationship by their belonging to the temporal wholeness of humanity, must be able to become the object of a comprehensive recapitulation within the historical juridical consciousness, such that philosophy can lay out its total movement up as far as a fully developed system of law. Their succession is required for the unfolding, stage by stage, of an “anthropomorphism” which will finally arrive at the true essence of the human. Thus Kojève retains an order, a rationality, a logic, hence quite the opposite of a chaos, in the anthropomorphic promotion by which creators of voids present themselves at the initiation of juridical relations. But it seems then that the gap is made even wider which had prevented reassuming without relaunching them the recollected figures of *judge*, *leader*, *father* and *master*. No more than the practices that right, politics, creation or liberty put into motion before us could be shown to be able to be sustained by these figures, no more can they be retrieved and comprehended within the visible realities which the work of recapitulation of a founding consciousness seems capable of reaching.

The adventures of the being apart

For no doubt it is necessary to reflect outside of anthropomorphic forms. One such form open to contestation is for example apparent today in our cities in a renewed figure of the misanthrope. Two psychopathologists, Anthony N. Clark and Ganesh D. Mankikar, reformulated this figure in

1975 in the context of a clinical case for which they proposed to reserve the appellation of the *Diogenes Syndrome* (Clark and Mankikar 1975, quoted by Goureau 2007). The case concerned the behaviour demonstrated by certain aged subjects, urban dwellers, who, in complete indifference to any sense of social shame, chose to neglect personal hygiene and to live in an aggressive isolation marked by material poverty amid a mass of discarded objects which they accumulate. At the heart of our orderly world, these subjects project various images of chaos. At the same time, refusing all help and hostile to any social and medical support, they appear to raise some specific and contemporary legal problems. Is it permissible to administer them medical care when they refuse to recognize that they are ill? Can a right to interference on humanitarian grounds be invoked in their regard? Showing an attachment for the things that normal society has thrown away rather than for other human beings, seeking to live like a thing among other things rather than retain any human aspect, these subjects manifest exactly the opposite of a belonging to humanity, a belonging which, according to Kojève's construction, allowed for their orderly inclusion among the creators of voids who are generators of structured legal relations. What they are revealing in regard to this is rather a refusal of humanity itself, and more effectively an adoption of a chaos as a substitute for humanity. Thus it is in reality nothing less than certain that the acknowledgement of the chaotic phenomenon that they represent, in the manner of other present-day phenomena, should require that the field of right be oriented today towards emergency intervention, humanitarian assistance and the responsibility of protection, as the general context would seem to push for. Throughout its long history in literature, the figure of the misanthrope has indeed generally taken two directions. It produces the catastrophic collapse of the appearances to which the world clings. But it also keeps count of the series of collapsed components that any operation of reconstruction will have to pick up again. It is probably right to retain both aspects. In the analysis to which the question of human rights is submitted in his collection of interviews with Dominique-Antoine Grisoni, published under the title of *La peau des mots* (Desanti 2004), Jean-Toussaint Desanti turns for a symbolic image to the sculptures of Giacometti. The human form that these continue to reveal – he recalls – never ceases to grow ever more empty. That is how in themselves they create man as emptiness. They cause to fall away from his meagre silhouette the appearance of a solid grounding on which humans affect to stand in the world. They reduce towards a vanishing point the supports which still might seem to attach them to their surroundings. Giacometti's sculptures are nothing more than figures in movement. In furtive motion, they advance from a point of extreme fragility. But it is precisely in this aspect that they find their identity. That they confront the chaos. That they outline the void in which a space is retained that is capable of welding together by a gesture or sign bodies that are living in separation. The surrounding chaos does not in reality constrain either of the two temptations which are present alongside it: that of inflating to its own measure institutions, subjects, philosophies: or that of cementing in its path the rock of a refusal. It just as readily allows the opening up of a path of separations for ever able to be taken up again and charted in a uniquely new fashion.

Translated from the French by Colin Anderson

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