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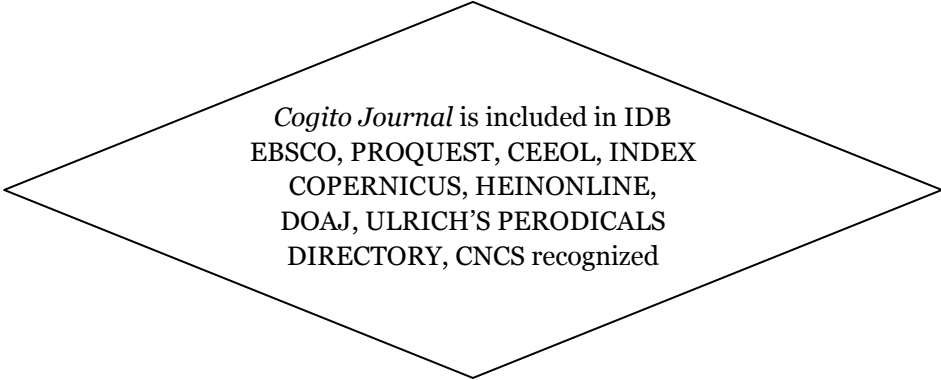
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# HEIDEGGERIAN INTERPRETATION TO THE KANTIAN PERSPECTIVE ON THE KNOWLEDGE. THE ISSUE OF METAPHYSICS

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**Abstract:** *This article advances a few considerations on the Heideggerian ontological interpretation of Immanuel Kant's Critique of Pure Reason. The famous philosopher initiated a constructive dialogue with Kant's work because he needed to clarify and explain his own philosophical conception. From the very beginning in conflict with exclusively epistemological neo-Kantian approaches, Martin Heidegger declares his intention of understanding Kant's Critique of Pure Reason as a "foundation for metaphysics" (understood as a "theory of categories, a doctrine of the being of beings"), as an attempt to develop a "fundamental ontology". It is well known that the question for which Kant seeks a rigorous answer all along his fundamental work on knowledge is: How is metaphysics possible as a science? In this article / study, we focus on Heidegger's interpretation of the phrase "founding metaphysics as a science", a level at which one can identify the meaning of the phrases: modern science, classical metaphysics, and "metaphysics of Dasein".*

**Keywords:** *metaphysics, founding, science, ontological knowledge, temporality, transcendental imagination.*

In his *Critique of Pure Reason*, Kant approaches the issue of metaphysics as a possible science: the guiding question of his famous work is, *How is metaphysics possible and which path should reason choose to reach it?* The philosopher had in mind metaphysics as a science, given that he rejected traditional, dogmatic metaphysics focused on a discourse on the super-sensible.

They say Immanuel Kant replaced metaphysics with the theory of possible knowledge of experience, that he substituted metaphysics with epistemology. To see neo-Kantians' position in this matter! In another approach, they say the philosopher did nothing but turn metaphysics from general ontology into a critical theory of *a priori* conditions of knowledge of experience. In other words, knowing the structures and conditions that make experience possible is metaphysical knowledge. In this case, this would be not about another construction of

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metaphysical work in a traditional sense, but about another way of understanding metaphysics. What other type of metaphysics did Kant have in mind? As stated by Viorel Colțescu, “certain formulations in the *Critique of Pure Reason* seem to say that legitimate metaphysics is a systematics of pure concepts of thinking for which critique would supply only the main joints and the <lead wire> (...). Some other times, metaphysics seems to identify with critique itself.”<sup>1</sup> In *Prolegomena to Any Future Metaphysics That Will Be Able to Present Itself as a Science*, Kant himself mentions, “As a natural tendency of reason, metaphysics is real; however, taken in itself, it is dialectic and misleading (...). For metaphysics to be able to found its claims as a science not on a simple misleading persuasion, but on understanding and conviction, a critique of reason itself should introduce the whole set of concepts *a priori*, their grouping depending on their sources: sensitivity, intellect, and reason. Then, a full picture of the same concepts and their analysis with everything deducible out of it. Moreover, in particular, the possibility of *a priori* synthetic knowledge of these concepts, the principles of using them, and eventually the limits of this usage, all this in a complete system.”<sup>2</sup> To also note the mentions made by Mircea Flonta in his work from 2005, *Kant in His World and in Today's World: Ten Kantian Studies*: “The legitimacy of metaphysics as a science was accomplished by Kant through his transcendental philosophy exposed in *Critique of Pure Reason* and *Prolegomena*, and the research on the metaphysical fundamentals of natural science was systematically done in his work *Metaphysical Foundations of Natural Science* from 1786 (...). In one of the final chapters of his *Critique of Pure Reason*, titled “Architecture of Reason”, Kant characterises metaphysics as an expose of philosophical knowledge – knowledge from concepts – in its systematic unity. Metaphysics is either the metaphysics of speculative use, or the metaphysics of practical use of pure reason.”<sup>3</sup>

Martin Heidegger embraces a different, original position that sees in *Critique of Pure Reason* a “founding of metaphysics”, a “fundamental ontology of the *Dasein*” (“metaphysics of *Dasein*”), an “ontological analytic of the finite nature of the man, which prepares the founding for a metaphysics in accordance with human nature”. The basic idea of this interpretation is that *a priori* forms of the human spirit targeted by Kant suggest a type of knowledge (ontological)

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<sup>1</sup> Colțescu, Viorel, *Filosofia și istoria ei / Philosophy and its history*. Timișoara: Vest Publishing House, 1996, p. 119.

<sup>2</sup> Kant, Immanuel, *Prolegomena zu einer jeden künftigen Metaphysik, die als wissenschaft wird auftreten können* (1783). Romanian translation by Mircea Flonta și Thomas Kleininger: *Prolegomene la orice metafizică viitoare care se va putea înfățișa drept știință / Prolegomena to Any Future Metaphysics That Will Be Able to Present Itself as a Science*. 1987. Bucharest: Scientific and Encyclopaedic Publishing House, p. 57.

<sup>3</sup> Flonta, Mircea, *Kant în lumea lui și în cea de azi. Zece studii kantiene / Kant in His World and in Today's World: Ten Kantian Studies*, Bucharest: Polirom Publishing House, 2005, p. 13.



preceding, conditioning, and guiding empirical, ontic knowledge of objects.

As for Heidegger's "ontological reading" of the *Critique of Pure Reason*, they usually have in mind such works as a course given by Heidegger in Marburg in 1927-1928, *Phänomenologische Interpretation von Kants Kritik der reinen Vernunft / Phenomenological Interpretation of Kant's Critique of Pure Reason*, as well as *Kant und das Problem der Metaphysik / Kant and the Problem of Metaphysics* (1929), *Die Frage nach dem Ding / What is a Thing* (1935/1936), and *Die Zeit des Weltbildes / The Age of the World Picture* (1938). The latter works are referred to below.

*Founding metaphysics as a science.* First, we need to define the three concepts involved in this Kantian phrase: "science", "founding" and "metaphysics".

In his main work, *Sein und Zeit / Being and Time* (1927), references to *modern science* are rather indirect. Here he states that ontological portions precede scientific thematisation and found science. A critique of traditional ontology will include, therefore, the critique of what it finds. In this regard, "Heidegger claimed that debates over science should not limit to defining science and circumscribing it within the sphere of knowledge, but advance towards the sense of Being in general and, eventually, towards the sense serving science."<sup>4</sup> All this because sciences participate in the way of being of the human being, but scientific research is not the only way of being that this human being can adopt, and not the first one the human Being would adopt in the first place. Heidegger will revisit this idea in his work from 1938, *The Age of the World Picture*.

In a conference held in 1927, *Phenomenology and Theology*, he approaches the topic of "founding sciences by Philosophy" not in the traditional sense of founding, but in a manner close to the Husserlian one. Sciences suppose – says Heidegger – cognitive linking with the aspects of being, their common "topic" being a certain domain of being. Any cognitive reference to being is ontic, positive. He says that "positive sciences are sciences on the domains of direct being, i.e. on something already revealed, in a way, before the scientific revelation occurred: they chose as a topic a being, as a prolongation of an already existing pre-scientific approach of this being."<sup>5</sup>

The philosopher then reminds the conditions of a "science positivity":

- The previous existence of a significant volume of beings, revealed one way or another as a possible topic of objectification;

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<sup>4</sup> Marga, Andrei, *Cunoaștere și sens / Knowledge and Meaning*. Bucharest: Politica Publishing House, 1984, p. 191.

<sup>5</sup> Heidegger, Martin, „Fenomenologie și teologie” / *Phenomenology and Theology*, în Martin Heidegger. *Wegmarken* (1970) / *Repere pe drumul gândirii*. 1988. Roumanien translation and introductory notes by Gabriel Liiceanu și Thomas Kleininger, Bucharest: Politica Publishing House, p. 406.

- This “positum” should be given previously within a pre-scientific way of accessing the beings (be it inexplicit or “unknown”);
- This pre-scientific approach of the direct beings should be “enlightened” and guided by an understanding of the being (be it non-conceptual).

It is our understanding that, for the German philosopher, any scientific approach involves a previous understanding of the being incumbent to any approach of beings, and that Heidegger calls “pre-ontological”, which means that any ontic approach is a pre-ontological one. From the moment a being becomes itself the object of a self-contained modality, this is no longer about ontic science but about ontology. Philosophy is born by getting aware of the difference not between different beings, but between being and beings. By acknowledging this “ontological difference”, philosophy defines itself as a “transcendent-critical science” (because it overcomes the beings to reach the being). In 1929, in *Kant and the Problem of Metaphysics*, Heidegger still claimed that “any science is latently and under it, philosophy”. And he adds, “the ontological thematisation through which is objectified the being has also a foundation. The original foundation of any regional ontology is produced through the objectification of the Being that understands the being and this privileged being is *Dasein*”<sup>6</sup>.

After 1930, the mainly critical approach of traditional ontology and of science makes room for a critical yet resigned attitude. He now claimed that *research* has become the essence itself of modern science. Far from ensuring of rendering at knowledge level the things as they are, research would turn them into knowledge objects. Modern science, in its mathematical essence, contains what nature should be as a preceding “project”. Somehow, facts are from the very beginning “pre-established”; they need to abide the rules of measurement and “theory decides on what is measurable”.

Two sections of the lecture *What is a Thing* (1935/1936) focus on the concept of *science* – in its modern acceptance common to Kant also. Trying to capture the essence of modern science, as opposed to Ancient and Medieval science, Heidegger points out three characteristics of the former:

- It starts from facts, not from sentences or speculative concepts;
- It experiments, it demonstrates experimentally;
- It is an investigation involving calculus and measurement, i.e. *mathematics*.

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<sup>6</sup> Heidegger, Martin, *Kant und das Problem der Metaphysik* [1929]. French translation by Alphonse de Waelhens and Walter Biemel: *Kant et le problème de la métaphysique / Kant and the Problem of Metaphysics*, 1953, Paris: Gallimard, p. 295.

It is only by revealing its “mathematical” character that modern natural science is revealed in its essence. Kant himself considered that “in each particular nature theory lies an authentic science since mathematics is also there”. What does “mathematics” mean here? Heidegger claims the answer lies not within mathematics, since it is a parameter of the *mathematical* itself. Etymologically, τα μαθηματα meant, for the Greeks, “(...) what can be learned and taught, what is learned through a theory about a thing”. Getting aware of the things always takes into account what we already know: the bodily in the body, the vegetal in the plants, etc. The *mathematical* is that fundamental attitude towards things through which we take over the things as they are already given; the mathematical thus becomes the fundamental presupposition of knowing things.

For Kant, science was the mathematical science of the nature as supplied by Newton. But, despite all this, Kant’s reflection on science proves to be more than just a reflection on Newtonian science. Heidegger claims that, in fact, ever since Galilei’s experiment on free fall of bodies, the essence of the *mathematical project* is determined. Below are the explanations of the German philosopher in his *Age of the World Picture*<sup>7</sup>. *The mathematical projectis*:

- A project on things from the perspective of their capacity of things opening, first, a field (horizon) of validity in which things, facts show up;
- An axiomatic project, which means that each knowledge brought into the mathematical project determines things previously;
- A project that makes possible the schematic anticipation of the way in which each thing and each approach occur thus allowing the circumscription of the field containing previously all the things belonging to this essence: the field of nature;
- The field of nature axiomatically determined in the project by its scheme, and that claim a proper access way to axiomatically predetermined objects: nature bodies are only in the way in which they occur in the project field, i.e. each time in the relationships, places, and time, in mass and effective force measurements. Based on these characteristics, the mathematical project produces a rigorously determined mathematics.

What is the *metaphysical sense* of this determination? How does the mathematical lead to a metaphysical determination of the man? In essence, the mathematical is *axiomatic* as a project, as principles on which rely what intelligibly follows, knowledge. If the mathematical needs to configure and found the entire knowledge, it then needs to produce a privileged axiom satisfying two conditions:

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<sup>7</sup> Heidegger, Martin. *Die Zeit des Weltbildes* (1938). *Timpul imaginii lumii / The Age of the World Picture* (1998). Roumanien translation and introductory notes by Andrei Timotin, Paideia Publishing House, Bucharest, pp. 134-140.

- To be the first in an absolute mode and absolutely certain;
- To firmly establish, previously, as a *mathematical* axiom, beings in its entirety, what we call “beings” and what we call “to be”, and how to determine what makes a thing a thing. Descartes will determine this supreme mathematical principle as the supreme certainty of *cogito sum*. It is on the grounds of the mathematical that is established the “ego” as privileged *subjectum*.

Coming from the Latin *subjectum*, this term should be understood as naming “what, as a foundation, gathers everything in itself”. As a subject, man becomes that beings on which rely all the beings in the mode of his being and truth, i.e. by relating to the rest of the things determined as such. But, just because mathematically they kept their quality of thing through this founding relationship with the supreme principle and to its subject (the ego), they are essentially what stands for *another* in relation to the subject to which they are opposed as *objectum*. The things, the beings, become objects. The being of the beings will now be looked for in this objecthood of the object through representation. For the first time, the beings was determined as objecthood / objectivity of representation, and the truth, as its certainty, in Descartes’ metaphysics. It is this interpretation of the beings and of the truth that the entire modern metaphysics will last, says Heidegger, until Nietzsche.

The fundamental feature of the mathematical character of modern science of the “axiomatic”. Heidegger redefines the notion of “axiomatic” by conferring it the sense of *reflectivity*. “Axiomatic” no longer means only postulating axioms and then deducing something out of them: axioms of rational thinking assert the nature of rational thinking itself, projecting the model of the world while exercising in its own demarches as thinking. This is the underlying meaning of the claim that the axiomatic method lays its own foundation.

The axiomatic method of the pure reason on which is based the mathematical character of modern science will be both accepted and limited by Kant. This, in the measure in which, says Heidegger, even God got to be subordinated to the axiomatic plan of thinking enforced by science. For Descartes, as well as for Leibniz, for instance, the logical character of nature meant that God’s thinking, the thinking creating nature, was axiomatic, logical.

Legislator pure reason decides regarding the being of all existing things starting from its fundamental principles and conceptions. As supreme instance of the “court of appeal” for the determining of the being of beings, it is on reason that Kant focuses in his *Critique of Pure Reason*. It is just the awareness of the necessity to establish the limits of pure reason that made Kant write *Critique of Pure Reason*. He aims at showing how thinking participates in experience based on reducing

axiomatic thinking to the level of man's finite knowledge. Moreover, being finite, man's specific axiomatic thinking is now limited to sensorial experience functions; it cannot constitute an object by itself. Mathematical aspects of nature will no longer be seen as a grid to apply on anything we reflect on: they are merely frameworks of approach and, therefore, of describing sensitive things. But what determines nature as such – movement, corporality, space, time – needs to be thought of as to make possible its *mathematical determination*.

Nature needs to be previously designed in its mathematical constitution. With this projection and based on it, the ontological constitution of the beings called “nature” acquires a first explicit conceptual determination. It is only after previous ontological clarification that the beings can be opposed to the subject, that it can become a themed object. We now need to explain another term in Kant's phrase “founding metaphysics as a science”.

*Founding.* This term also needs Heidegger's explanations from the first period of his writings. According to claims in *Sein und Zeit / Being and Time*, any science on beings relies on objectification, i.e. in the fundamental act of revealing the ontological constitution of the beings, i.e. of the field of beings of a determined science. However, at the same time, any science relieves the limits of its self-founding. The projection of this ontological constitution needs, in its turn, a founding, impossible to achieve by science itself. In other words, science itself cannot reflect on its own fundamental concepts, categories and notions that designate the ontological constitution of the beings and not the beings themselves, in the particular context of their existence. The issue of founding a science in general is thus stated by Heidegger in terms of turning the pre-ontological understanding of a being into an explicitly ontological understanding, one that thematically questions the concept of being. But it is this explicitly ontological understanding that defines the task of the science of being, ontology. As latent understanding present in any science, and having as an object a determined area of beings, it is defined as regional ontology and is, in its turn, it relies on what Heidegger calls *fundamental ontology* or *existential analytic ontology* of the *Dasein*.

*Metaphysics.* As stated by Heidegger in his *Kant and the Problem of Metaphysics*, understanding the Kantian founding of metaphysics supposes a research of the concept of *metaphysics* as defined by modern thinking. In fact, the concept of metaphysics referred to by Kant can be circumscribed by appealing to Baumgarten's definition: metaphysics is the science containing the first principles of human knowledge. However, warns Heidegger, “*cognitio humanae*” should not be taken here as designing the faculty of knowing man, but something that can be known by man's pure reason, and its fundamental principles are the main determinants of the being. This means that metaphysical interrogation goes

I three directions – the world, the man, and Divinity. The essence of what is each of them should be determined every time rationally, through concepts of pure reason. This means that we previously need to rely on guiding principles on what is as such to be able to define what *God*, *world*, or *man* are. All this depending on the fact that thinking is mathematical and mathematically founded, i.e. being its own foundation; the projection of what is as such will be made explicitly a foundation for anything. Thus, the current interrogation in determined fields should be preceded by a more original interrogation regarding what is in general, i.e. a “*metaphysica generalis*” (while *theology*, *cosmology* and *rational psychology* make up “*metaphysica specialis*”).

A foundation of metaphysics in the sense of determining its inner possibility aims at determining science designated as “*metaphysica specialis*”, which has as object super-sensitive Beings. Reaching this goal should be preceded by clarifying the essence of any approach of beings in general. A previous indication of that something making possible such an approach has already been possible ontically by the method of natural sciences by revealing its mathematical character that Kant considers the model of any ontic science. All this because, since Ancient times, beings is understood mainly as beings of nature and the science of beings, a science of nature. The mathematical science of nature plays, in Kant’s view, an exemplary role, decisive for the foundation of a science of beings in general. This is why, says Heidegger, Kant’s enterprise has nothing to do with the epistemology of the mathematical science of nature. Kant does not aim at modeling metaphysics as a science of a particular type of beings in relation to the mathematical science of nature, and at deciding afterwards the possibility of the former based on the reality of the latter. The mathematical science of nature has a meaning for Kant if it points to the fundamental issue of the *Critique of Pure Reason*: the problem of founding science, in general, the fact that any science should first determine the beings in their ontological constitution to then be able to (merely) thematise. The example of the mathematical science of nature shows that in his science something should be known *a priori*.

Kant’s main discovery was that he considered this pre-ontological understanding of the being of beings and our entire explicitly ontological knowledge as an extension of knowing the beings, materialized in *a priori* synthetic judgements. This is why Kant asks the fundamental question of the *Critique of Pure Reason* as an interrogation of the possibility of *a priori* synthetic judgements. For Heidegger, saying that objects should correspond to knowledge should be understood through this knowledge, knowledge through *a priori* synthetic judgements, i.e. the knowledge of the constitution of being of the beings. “Ontic” knowledge of the beings (achieved by departmental sciences) should be guided and founded, in its possibility, by

ontological knowledge. Far from reducing real beings to simple subjective representations, “Kant’s Copernican revolution clarifies for the first time the possibility of accessing objects themselves.”<sup>8</sup>

The negative result of the *Critique of Pure Reason* points to the impossibility of ontological knowledge to which correspond super-sensitive objects as in traditional metaphysics. *Metaphysics*, therefore, is not possible as an ontic science of the super-sensitive. The problem of traditional philosophy aimed at identifying the ontological determinations of a region or of all regions of beings. Kant named, at some point, traditional ontology, as “transcendental philosophy of the Ancients” (p. 113). In relation to this, the *Critique of Pure Reason* is not a system ready-made transcendental philosophy. It is rather a “treatise on method” and not the system of science itself. To Heidegger, it appears as “transcendental foundation of ontology as such”; in fact, it appears as “fundamental ontology” because:

1. Founding a science, in general, supposing *a priori* synthetic judgements, has for topic knowledge, i.e. a behavioural model of human *Dasein*;

2. The way this investigation is carried out should make possible the foundation of philosophy in general; it cannot be the method of a special ontic science because any science supposes philosophy as ontology. Moreover, Kant himself characterizes, at the end of his “Doctrine of Elements”, the *Critique of Pure Reason* as a “study of our inner nature” saying that this is the duty of any philosopher. Since the goal is knowing oneself through oneself (through the principles of pure reason), the goal of investigation is *a priori* pure. In other words, the ontological problem can be approached only ontologically.

As shown by Viorel Colțescu, “In Heidegger’s interpretation of the *Critique of Pure Reason*, Kant’s fundamental ad is that basic structures of the being can be revealed not by illusory speculations on the transcendental, but by researching the transcendental. Critical investigation of the transcendental thus acquires an ontological sense (metaphysics). The essential lies in this shift from transcendent to transcendental, which is, in fact, a new founding of ontology and, with it, of metaphysics on the whole.”<sup>9</sup>

We believe that the nucleus of Heidegger’s ontological enterprise on Kant’s *Critique of Pure Reason* is linked to the reading of “Transcendental Deduction of Categories” where the illustrious commentator reproaches Kant that, following

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<sup>8</sup> Heidegger, Martin, *Kant und das Problem der Metaphysik* [1929]. English translation by Richard Taft: *Kant and the Problem of Metaphysics*, 1990, Fifth Edition, Engerland, Indiana University Press, p. 89; Heidegger, Martin, *Kant und das Problem der Metaphysik* [1929]. French translation by Alphonse de Waelhens and Walter Biemel: *Kant et le problème de la métaphisique / Kant and the Problem of Metaphysics*, 1953, Paris: Gallimard, p. 71.

<sup>9</sup> Colțescu, Viorel, *Immanuel Kant. O introducere în filosofia critică / Immanuel Kant. An introduction to critical philosophy*. Timișoara: Vest Publishing House, 1999, p. 113.

the issue of objective validity of categories, he neglected their objective reality. In this respect, H. Allison's comments in *Kant's Transcendental Idealism*, that draw the line between the two concepts ("objective validity" and "objective reality") in terms of differentiating two levels of approach – logical and ontological – are welcome. *The objective validity* of a judgement is defined as its capacity of being true or false, i.e. to have the value of truth. When attributed to categories, objective validity needs to be explained in terms of their role in judgement. Saying that this belongs with them means saying that they make possible (legitimate) an objectively valid synthesis of representations, i.e. a judgement. Since we can represent objects only through judgements, we can say that the objective validity of categories lies in the fact that they are necessary conditions to represent objects. On the contrary, the phrase *objective reality* has an ontological meaning. Saying about a concept that it has an objective reality is stating that it is applicable to an existing (current) object. In the case of categories, stating their objective reality equals supporting their applicability in relation to any object given by intuition (any object of a possible experience). This is why proving their objective reality (unlike that of objective validity) needs establishing their connection with forms or conditions of human sensitivity. This will be the role of "transcendental deduction". Likewise, in "Transcendental deduction", objective validity and objective reality of categories is related to two different conceptions of things. Since it is related to judgement, *objective validity* supposes a logical concept of the object: this is the wider sense of the concept of object covering everything that can be the subject of a judgement. On the other hand, the phrase *objective reality* is related to the real sense of the object, i.e. to an object as entity or actual, existing state as an object of experience<sup>10</sup>.

Understanding the fundamental ontology of *Dasein* as an analytic of human nature, Heidegger states that it provides "the foundation of metaphysics": what was to be demonstrated is that the fundamental ontology of the *Dasein* took, for Kant, the form of a "critique of pure reason". But, because the *Dasein* is treated by Heidegger as "temporality" and since, for Kant, the transcendental ego is not understood as factic, temporal existence – time is but a condition of possibility of experience belonging to the *a priori* settlement of transcendental subjectivity – Heidegger was forced, in his interpretation, "to force" the Kantian text, "to find the un-spoken". To do so, the Kantian emphasis on the "synthetic unity of transcendental apperception" (the unity of consciousness, the "I think" making possible any categorial synthesis) will be moved towards transcendental schemes

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<sup>10</sup> Allison, Henry. E., *Kant's Transcendental Idealism: An Interpretation and Defense*. New Haven, CT: Yale University Press, 1983, p. 135.



of imagination understood a “transcendental time determinations”. In fact, Heidegger’s analysis aims at revealing transcendental subjectivity as original dimension of *a priori* knowledge. To him, this means showing that transcendental imagination is the “common root” of the two sources of knowledge: sensitivity and intellect. To consider imagination a “root” of subjectivity means. To Heidegger, to answer the guiding question of the *Critique of Pure Reason*: How are *a priori* synthetic judgements possible? Because it is just the unity between intuition and thinking that is *a priori* synthetic knowledge. Since imaginations schemes are time determinations, then synthetic-*a priori* knowledge is possible based on “temporality.” But temporality expresses the constitution itself of a being of beings called *Dasein* – the one based on which is generally possible something of the order of understanding a being. And revealing the temporality of understanding the being undermines the entire making up of a *metaphysica specialis*.

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# HUMEAN DESIRE AND ANTI-HUMEAN BELIEF: REVISITING THE DEBATE ON MORAL MOTIVATION

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**Abstract:** *The paper examines the two major theses defended by scholars on the question of the source/content of reasons for moral actions or moral motivation. The first position is desire-based thesis (DBT) or Humean thesis meanwhile the second is non-desire based thesis (NDBT) or Anti-Humean position. The main issue between them has to do with whether the constituent elements of motivating reason always include desire. The Humeans argued that appropriate desire with relevant belief are the constituent elements of motivating reason. Meanwhile, Anti-humeans argued that belief alone is sufficient to motivate. Thus, due to this controversy, scholars argue that the Humeans' and Anti-Humeans' views are antithetical. In fact, it is believed that the rivalry or tension between these two is a forceful one. However, this paper argues that contrary to the above views, Anti-Humean thesis could be made to accommodate Humean thesis at certain level of discussion. It further argues that the debate between these two sides have not paid adequate attention to the special role of belief, whereby we have desire-generating belief. Clarifying the role of belief as well as its various interpretations presents a better background for developing a plausible theory of moral motivation.*

**Keywords:** *Moral Motivation, Humeanism, Desire, Anti-Humean, Belief.*

## Introduction

The historical background/account to the fundamental old question “why be moral?” or “what reason does one have to be moral?” is arguably as old as philosophy itself. This idea stretches as far back as the ancient Greeks. For Fritz Oser, moral motivation starts with the famous *eudaimonia* of Socrates that tells humans what *not* to do and pulls them away from the wrong things that sometimes develop in their minds.<sup>1</sup> The *eudaimonia* does not however indicate what to do, but merely indicates the probable wrongness of the agent. Also, there is an appearance of moral motivation in Plato’s *Euthyphro*, where Plato addressed the question

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<sup>1</sup> Fritz Oser, “Models of Moral Motivation” in (ed.)Karin Heinrichs *Hand Book of Moral Motivation*, (Rotterdam: Sense Publisher, 2013) p. 7.

“Why be moral?” as what one must do because the gods command it or what the gods command because it is right. In the middle Ages, it was Thomas Aquinas who developed the concept of consciences, this he titled *synderesis* (inborn force), the other *conscientia* (learned rule sensibility) both motivate person to do the right, but sometimes contradicting each other.<sup>2</sup> As pointed out by Oser, a *Tractatus* on the foundations of morality stems from the philosopher, Schopenhauer, in which he describes “egoism” as the strongest moral motivational force including in its capacity for organizing a life of survival and happiness. This is why he conceives of a moral deed as moral if it is free from any self-centred needs fulfilment. The absence of egoistic motives makes an act in itself moral. In the elimination of self-centric motives, morality begins to develop a face.<sup>3</sup> Furthermore, the motivational concept of Tugendhat (1986) speaks about indignation as the motivating force for fighting for justice, care and truthfulness.<sup>4</sup> The above views show the traditional accounts of moral motivation by scholars with different temperaments.

For contemporary scholars, moral motivation is defined in various ways depending on their philosophical orientations. Samuel Freeman defines moral motivation as a desire to act only in ways and according to reasons that could be justified by this hypothetical procedure.<sup>5</sup> One may find it entirely intelligible that a moral requirement might correctly apply to a person even though that person had no reason of complying with it. As far as Scanlon is concerned, what an adequate moral philosophy must do is to make clearer to us the nature of the reasons that morality does provide, at least to those who are concerned with it. It must make it understandable why moral reasons are ones that people can take seriously, and why they strike those who are moved by them as reasons of a special kind of stringency and inescapability.<sup>6</sup> The point here is that the challenge of moral motivation is about how to explain reason in favour of a particular action.

The paper is in three sections. In the first, I critically examine and characterise Humeans thesis on the question of moral motivation. This will be done by considering the Desire-based Thesis (DBT)/Humean Theory of Motivation. The second section considers the Non-Desire Based Thesis (NDBT)/Anti-Humean Theory of Moral Motivation. Anti-Humeans theses by developing and defend mitigated. The third considers and develops mitigated argument arguments to

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<sup>2</sup> *Ibid.*, p. 7.

<sup>3</sup> See Fritz Oser, “Models of Moral Motivation” in (ed.) Karin Heinrichs *Hand Book of Moral Motivation*, (Rotterdam: Sense Publisher, 2013) p. 7 and Schopenhauer, A. (1956; 2005). *Über das Mitleid (On Compassion)*. München: Beck.

<sup>4</sup> *Ibidem* and Tugendhat, E., (1986) *Probleme der Ethik (ethical problems)*. Ditzingen: Reclam.

<sup>5</sup> Samuel Freeman, “Contractualism, Moral Motivation, and Practical Reason” in *The Journal of Philosophy*, Vol. 88, (1991):298.

<sup>6</sup> Scanlon T.M., *Contractualism and Utilitarianism*, p. 127.

defend a compatibility thesis in the debate. In other words, it argues that contrary to general belief in ethics, the Anti-Humeans thesis could be made to accommodate Humeans thesis. The paper engages the debate between the Humeans and anti-Humeans on the source, requirement or the content of reasons for moral action or motivating reasons. A critical assessment of the major arguments proposed in the debate reveals that the seemingly disagreement between the two parties to the debate is not a forceful one. The concern of this study is to make attempt to contribute to the controversy. The fact that morality faces a foundational crisis is a perennial issue for the moral philosophers. The reason is that in our day-to-day activities, we encounter issues that generate moral questions which call for making moral decisions. Thus, philosophers have made considerable effort to understand and explain the motivations or reasons that underlie our moral actions. Going by the controversial nature of the question, scholars have sharply differing views on this matter. Consequently, this made the scholars to develop various ethical and meta-ethical theories in order to address this fundamental phenomenon that touches the foundation of ethics both at normative and meta-ethical level. At the normative level, these theories are ethical deontologism, ethical consequentialism, and virtue ethics. At meta-ethical level, the theories are ethical externalism, ethical internalism and so on.

Our focus in this study is not to address “why be moral?” question or to discuss the kind of reasons one have to be moral the way John Hospers(1970), Kai Nielsen(1970), Thomas Scanlon(1998) and Arthur Prichard(1970) did. But our focus in this work is to examine the controversy that surrounds the answers to the question of the source or content of motivating reason for an intentional action. This is an attempt to raise the discussion on moral motivation from normative level to meta-ethical level.

Traditionally, the problem of moral motivation is the problem of explaining the reason-giving for the performance of an action as well as the motivating force of judgment of right and wrong<sup>7</sup>. Scanlon identified the agreement among scholars about moral motivation to be the question of determining reason for action. According to Scanlon, the question of reasons is primary (to moral motivation) and once relevant reasons are understood there is no separate problem for moral motivation.<sup>8</sup> In other words, the problem of moral motivation is the problem of explaining reasons for action. This is because moral motivation refers to motivations that explain moral actions. Also, John Hospers identified four main reasons why people are motivated to do what is morally right. These

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<sup>7</sup> T. M. Scanlon, *What We Owe to Each Other*, 1998, p. 147.

<sup>8</sup> *Ibidem*.

are; “self-interest”<sup>9</sup>, “common interest”<sup>10</sup>, “divine command”<sup>11</sup> and “because it is right”.<sup>12</sup> There are several other reasons why agents are motivated to perform moral actions as identified by scholars. Many of these reasons have generated debates and controversies among scholars and have been treated extensively.

In contemporary time, the main current dispute among scholars is on the source, requirement and the content of reasons. The paper engages the debate between the Humeans and anti-Humeans on this subject matter. What is the nature of the controversy? A critical analysis of the common dispute between Humeans and anti-Humeans has to do with whether or not a desire is required to motivate action or whether desire form the content of reason for action. Precisely, the division among scholars led to commitment to certain thesis about the subject matter. The first divide states that actions should be explained in terms of the agent’s psychological states such as beliefs and desires meanwhile the second is a position that actions should be explained in terms of facts of the world or beliefs alone. In other words, the first divide is desire-based thesis (DBT) or the Humeans. This position represents the view of scholars such as David Hume, Michael Smith, Bernard Williams and Travis Rieder. The argument of these scholars is that when considering moral motivation, desire is primary. For them, belief may be necessary but not sufficient. Relevant belief must be combined with suitable desire before producing reason for action. Meanwhile, the counterpart is non-desire-based thesis (NDBT) or Anti-Humeans which represents the view of scholars such as T.M. Scanlon, Jonathan Dancy, David Brink, Margret Little, John McDowell, and Thomas Nagel. The basic claims of these anti-humean theorists are that, when considering moral motivation, reason is primary, and that moral belief is sufficient to explain reason for action. In considering the elements of moral motivation, Scanlon and his ally are of the opinion that reason is primary while desire is secondary in the order of importance. Meanwhile, David Hume, Michael Smith and Bernard Williams held a contrary view. In fact, for the Humeans, reverse is the case. However, our aim in this paper is to show that there are versions of anti-Humeans that could be projected to agree with Humeans on the subject matter as against the view that presents them as two poles apart. The next thing now is to clarify what we mean by moral belief in order to better situate the context in which it is being used in this paper.

### **About Moral Belief**

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<sup>9</sup> Hospers John, “Why be Moral?” in *Readings In Ethical Theory*, (New Jersey: Prenticehall, 1912) p. 730.

<sup>10</sup> Hospers John, “Why be Moral?” in *Readings In Ethical Theory*, p. 741.

<sup>11</sup> *Ibidem*, p. 737.

<sup>12</sup> *Ibidem*, p. 743.

Michael Smith (2002) and Antti K. (2013) argue that moral judgments are just beliefs about moral facts. After all, they behave just like beliefs with respect to evidence, degrees of certainty, and the like.<sup>13</sup> T.M. Scanlon (1998) did not favour this interpretation. For him, Belief is not merely a matter of judgment but of the connections, over time, between this judgment and dispositions to feel conviction, to recall as relevant, to employ as a premise in further reasoning, and so on.<sup>14</sup> Meanwhile, for Jonathan Dancy (1988), moral beliefs are not disguised emotions because, to plausibly ground moral belief, our emotional judgments must be subject to criticism and correction.<sup>15</sup> Kernohan, A., (2010) in his *Moral Beliefs and Moral Motivation* provided an empiricists explanation. For him,

Moral empiricists suggest that we construe our system of moral beliefs as an empirical theory formed on the basis of its coherence with our considered emotional judgments. The challenge is to derive a testable hypothesis from a moral belief. Our belief that some action is morally reprehensible is a theoretical belief from which we derive the hypothesis that any observer would be angered by the act if he or she were free of the mistakes to which emotions are prone.<sup>16</sup>

What do we make out of all this views? This brings us to different theses in moral motivation for a better understanding. What are these different theses? Let us now consider them one after the other.

### **Desire-Based Thesis (DBT)/Humean Theory of Motivation**

In theory of motivation, Humean theory is a classic position. The basic claim made by the humeans is that intentional actions are to be explained by reference to the desires and beliefs of the agent. For an intentional action to take place, the agent must have a suitable combination of beliefs and desires. There must be something that the agent wants, an aim or goal which the proposed action subserves in some way.<sup>17</sup> This DBT is also known as psychologism. One of the historically most important versions of desire-based account of MM is called an *Actual State*<sup>18</sup>. Giving the close connection this idea has with David Hume's view of the dependence of morality on the passions, this view is often called the Humean Theory of Reasons or Humean Theory of Motivation. But did Hume himself hold

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<sup>13</sup> See Antti, K., "Intuition and Belief in Moral Motivation" in Bjornssen, G., et. Al (eds.) *Moral Internalism*, Oxford, OUP, 2013. P. 13. Smith, Michael. 2002. "Evaluation, Uncertainty and Motivation." *Ethical Theory and Moral Practice* 5: 305–20.

<sup>14</sup> T. M. Scanlon, *What we owe to each Other*. 1998, p. 36.

<sup>15</sup> See John McDowell, "Values and Secondary Qualities", in Geoffrey Sayre-McCord, ed., *Essays on Moral Realism* (Ithaca, N.Y.: Cornell University Press, 1988), p. 176.

<sup>16</sup> Kernohan, A., (2010) "Moral Beliefs and Moral Motivation" in *Value Inquiry* (2010) 44:447–459.

<sup>17</sup> Dancy Jonathan, *Practical Reality*, (Oxford: Oxford University Press, 2000) p.10.

<sup>18</sup> This is a view according to which the actual states that are connected to reasons are *desires*. See *Ibid*, p.10.

any such view? The answer is yes. According to Hume, “reason is the slave of the passions and can never pretend to any other office than to serve and obey them”<sup>19</sup>. What Hume did here was to give primacy to desire or passion over reason.

The desire-based thesis is defended by scholars such as David Hume, Michael Smith, and Bernard Williams. The argument of these scholars is that when considering moral motivation, desire is primary. For them, belief is necessary but not sufficient. In other words, belief is insufficient in providing reason for motivation. Belief also in addition requires the presence of a suitable desire or conative state. The argument is that moral motivation cannot arise from moral belief alone but it must depend as well upon a pre-existing desire or other conative or intrinsically motivating state. Relevant belief must be combined with suitable desire for there to be reason for action. In fact, going by the way Dancy puts it, Humeanism does not content itself with asserting the need for both beliefs and desires if there is to be intentional action, it also claims that desire is in some way the dominant partner in the belief-desire combination.<sup>20</sup> The import of this is that desire is basic and plays primary role while belief is secondary. I think this view is not far from Hume’s argument that reason is a slave of passion.

In fact, the contemporary Humeans also follow suit by giving primacy to desires. According to Zangwill, Humeans generally believed that desires play a role quite independent of beliefs in generating moral motivation<sup>21</sup>. This view was later contested by the Mitigated Anti-Humeans such as Margret Little (1997) and David Brink (1989). Little identified a misconception by the Humeans such as Michael Smith about the role of virtue in the connection between desire and belief. In Humeans conception, virtue theory states, in essence, that certain belief states are desire states, or alternatively, that possession of certain belief states entails possession of certain desire states. But the very natures of belief and desire, it is claimed, stand in the way of such connections. Beliefs and desires are so fundamentally different—designed to perform such different functions, governed by such disparate rules, assessed by such different standards—that they are simply unsuited as conceptual bedfellows.<sup>22</sup> This shall be discussed in the next section.

The Following example presented by Michael Smith best captured Humean theory of motivation, if (as Counterfactual Motivation versions of internalism claim) an agent has no reason to do *A* if there is no possibility of her being motivated to do *A*, and if (as Humean Theory of Motivation claims) there is no

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<sup>19</sup> Hume David, *A Treatise of Human Nature* Bk2, Pt3, Sec3. (THN, II.3.iii, 415/266).

<sup>20</sup> Dancy Jonathan, *Practical Reality*, (Oxford: Oxford University Press, 2000), p.11.

<sup>21</sup> Zangwill N., “Desire and the Motivation Debate” *Theoria*, vol. 74(2008):50-59.

<sup>22</sup> Margret Little, “Virtue as Knowledge: Objections from the Philosophy of Mind” in *NOUS* 31:1 (1997) 59.



possibility of an agent's being motivated to do *A* if she has no desire that could motivate her to do *A*, then it seems to follow that an agent has no reason to do *A* if she has no desire that could motivate her to do *A*.<sup>23</sup>

From the above view presented by Michael Smith, the basic assumption of Humean views is that, for each person *A*, there is a set of primary desires he has at any time *t*, which are given to him by his nature and circumstances, and which provide the necessary basis for his having any reasons for acting. It should be noted this same view was shared by other Humeans such as David Gauthier, Gilbert Harman, Bernard Williams also hold this view. Michael Smith also summarized The Humean Theory by in line with Davidson, in the following principle that he calls P1;

*R* at *t* constitutes a motivating reason of agent *A* to  $\phi$  iff there is some *psy* such that *R* at *t* consists of an appropriately related desire of *A* to *psy* and a belief that were she to  $\phi$  she would *psy*.<sup>24</sup>

In the same spirit, Davidson presents his own similar summary of Humean Theory in this version in a principle he calls C1;

*R* is a primary reason why an agent performed the action *A* under the description *d* only if *R* consists of a pro attitude of the agent towards actions with a certain property, and a belief of the agent that *A*, under the description *d*, has that property.<sup>25</sup>

A closer look at the contemporary interpretations of Hume's theory by Smith's and Davidson's as revealed in their respective principles reveals that they both interpreted Hume's theory of motivation to be a combination of appropriate desire or pro-attitude and belief. Where the problem lies is that it is not too clear whether Hume himself make allowance for belief in description of constituent of reason for action or not. Whether the contemporary scholars are right or not in their interpretations will be examined soon as we progresses.

In Smith's view, considering Hume's famous postulate that, "Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them"<sup>26</sup>, it could be argued that Hume is not claiming that reason has no role in human action, but rather that the role of reason is an auxiliary one; the motivating force behind an action must come from passion (desire). In *A Treatise of Human Nature* Hume's main arguments for the limited role of reason are well stated. I think Hume's view suffers interpretational

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<sup>23</sup> Smith, M., 1987, "The Humean Theory of Motivation," *Mind*, 96: 36–61.

<sup>24</sup> Smith, M., 1994, 92.

<sup>25</sup> Davidson, Donald, "Actions, Reasons and Causes" in his *Essays on Actions and Events* (Oxford, Oxford University Press, 1980) p. 5.

<sup>26</sup> Hume David, *A Treatise of Human Nature* Bk2, Pt3, Sec3. (THN, II.3.iii, 415/266).

problem among contemporary scholars. Michael Smith (1994) earlier noted this interpretational problem however, for me, he also contributed to the problem. There is debate among interpreters about whether Hume changed his position on reason and motivation between the *Treatise* and the second *Enquiry*, as well as precisely what Hume's understanding of the nature, extent, and significance of reason's contribution to action is. Notably, Hume argues that the source of morality, our means of discerning moral distinctions, and the spring of moral motivation, must be the passions. The word passion as it is used here is interpreted as desire. In other words, the source of moral motivation is desire.

### **Non-Desire Based Thesis (NDBT)/Anti-Humean Theory of Moral Motivation.**

Group of scholars such as Thomas Nagel (1970), John McDowell (1979), Mark Platts (1980), David McNaughton (1988), Jonathan Dancy (1993 and 2000), Thomas Scanlon (1998), Russ Shafer-Landau (2003), and David Brink(1997) that we could refer to as anti-humeans held a view that is contrary to the Humeans'. They rejected the Humean thesis with the argument that moral motivation does not depend on the existence of desire. Their priority thesis or main claim is that moral belief alone can itself give rise to motivation. The proponents of anti-humeanism are also referred to as anti-psychologism in philosophy. The reason for this appellation is that they maintain that we do not need mental states at all in the causation and explanation of rational action unlike their Humean counterpart. Thus, for any scholar to be classified as an Anti-Humean, such scholar must accept the above view.

However, the fact that Anti-Humeans are united on some issues does not mean that they do not disagree in some other respects. The fundamental questions that caused division among them could be put this way; can moral belief motivate an agent directly? This answer to this question is yes. The answer is in the affirmative because it is a thesis that every anti-humean must accept. The next question is, "how and under what conditions can moral belief itself motivate agent directly?" Essentially, we need to understand at this juncture that the proponents of Anti-Humeanism could be grouped into two based on their responses to this second question. My grouping of these scholars largely dependent on the thesis they defend. Let us classify the first group as Strong Anti-Humeans (SA) and the second as Mitigated Anti-Humeans (MA).

#### **Strong Anti-Humeans (SA)**

This variant of anti-humeans consists of scholars such as T.M. Scanlon, Jonathan Dancy and Shafer-Landau. The answer of the scholars in this group to

the question of “how *and under what conditions can moral belief itself motivate directly?*”<sup>27</sup> is an extreme one. For them, belief alone is sufficient to motivate. As Dancy rightly puts it in *Moral Reason*, this variant of Anti-Humean holds the view that belief alone is capable of motivating action.<sup>28</sup> This is a position defended by Dancy with the first three chapters of his *Moral Reason*. For instance, merely believing that it is right to be honest or to keep ones promise is enough to move the believer. Scanlon also joined Dancy in this claim. As far as Scanlon is concerned, When a rational person takes herself (believe) to have a reason for an action, I argued, this is motivationally sufficient to explain that action without any further appeal to desire.<sup>29</sup> In moral philosophy, Scanlon is best known for the development of the theory he calls *contractualism*<sup>30</sup>. Given that one of the aims of contractualism is to provide a reasonable persons with framework for reasoning about principles of right and wrong like any normative theory, the generic contractualist principles of right actions are constructed thus;

#### *Scanlon’s Formula: I*

An act is wrong if its performance under the circumstances would be disallowed by any set of principles for the general regulation of behaviour that no one could reasonably reject as a basis for informed, unforced, general agreement.<sup>31</sup>

In Scanlon’s view, we can explain how moral agents are motivated to avoid wrongful actions without any appeal to a particular end such as desire as against the position of the Humeans. This, for Scanlon, is done “by the fact that people have reason to want to act in ways that could be justified to others, together with the fact that when a rational person recognizes something as a reason, thus, we do not need a further explanation of how he or she could be moved to act on it.”<sup>32</sup> Thus, within the domain of morality of what we owe to each other, an action is morally wrong if it follows principles that similarly motivated people can reasonably reject. In other words, the intention for the reasonable agreement that accounts for moral motivation is a desire to act only in ways that can be justified

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<sup>27</sup> Rosati, C.S., “Moral Motivation” in *Stanford Encyclopaedia of Philosophy*, (winter 2016 Edition), Eward N. Zalta(ed.), URL=<https://plato.stanford.edu/archives/win2016/entries/moral-motivation/>.

<sup>28</sup> Jonathan Dancy, p. 13.

<sup>29</sup> T.M. Scanlon, *What We Owe to Each Other*, 1998, p. 77.

<sup>30</sup> Contractualism is an offshoot of contractarianism, but to some extent different from contractarianism. This view seeks to justify moral or political institutions by reference to rational agreement. Here, morality is a product of voluntary social agreement with a desire to justify ones action to others in such a way that they cannot reasonably reject. This is unlike contractarianism that aims at mutual advantage or benefit among rational, self-interested moral agents.

<sup>31</sup> T. M. Scanlon, *What We Owe to Each Other*, 1998, p. 153.

<sup>32</sup> T. M. Scanlon, *What We Owe to Each Other*, 1998, p. 154.

to others according to principles they cannot reasonably reject as a basis for general agreement. In Scanlon view.

Desires are commonly understood in philosophical discussion to be psychological states which play two fundamental roles. On the one hand, they are supposed to be motivationally efficacious: desires are usually, or perhaps always, what move us to act. On the other hand, they are supposed to be normatively significant: when someone has a reason (in the standard normative sense) to do something this is generally, perhaps even always, true because doing this would promote the fulfilment of some desire which the agent has. That there is a psychological state of “having a desire” that plays this dual role seems like common sense, at least philosophical common sense. But I have come to believe that this apparent truism is in fact false.<sup>33</sup>

Scanlon sees this as a wrong assumption. Scanlon as well as Nagel identified different senses in which the term desire is being used. That is, the broad sense and the narrow sense.

**The first:** ‘Desire’ is sometimes used in a broad sense in which the class of desires is taken to include any “pro-attitude” that an agent may have toward an action or outcome, whatever the content or basis of this attitude may be.<sup>34</sup> Desires in this sense include such things as a sense of duty, loyalty, or pride, as well as an interest in pleasure or enjoyment. It is uncontroversial that desires in this broad sense are capable of moving us to act, and it is plausible to claim that they are the only things capable of this, since anything that moves us (at least to intentional action) is likely to count as such a desire. Many elements of this class are what Nagel calls “motivated desires”; that is to say, they do not seem to be sources of motivation but rather the motivational consequences of something else, such as the agent’s recognition of something as a duty, or as supported by a reason of some other kind.<sup>35</sup>

Still, Jonathan Dancy is another strong Anti-Humean. In *Moral Reason*<sup>36</sup>, Dancy developed what he referred to as ‘cognitivist internalist theory’ with the sole aim of attacking the Humeans. He categorised his theory of motivation as the ‘*pure theory*’ developed from what he calls “pure cognitivism”, as against the hybrid theories proposed by Nagel and McDowell, which base some motivation on beliefs alone, while allowing other motivation to require an independent desire. Dancy argues that the purity of his theory is an advantage, because the hybrid theory seems committed to two kinds of beliefs, some of which can

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<sup>33</sup> *Ibidem*, p. 37.

<sup>34</sup> *Ibidem*, p. 37.

<sup>35</sup> Nagel Thomas, *The Possibility of Altruism*, (Oxford: OUP, 1970) pp. 29-30.

<sup>36</sup> Jonathan Dancy, *Moral Reasons*.(Oxford: Basil Blackwell, 1993) p. viii-263.

motivate on their own, while others need motivational help. ‘But in that case how is it that the extra provided by the desire can on other occasions be provided by belief?’<sup>37</sup> Even in Dancy’s later work, *Practical Reality* to be precise, he argues that belief alone is capable of motivating action... on my own view, a desire is never a necessary part of what motivates.<sup>38</sup> However, in Mark Van Roojen’s reply to Dancy, he was sympathetic with the hybrid theorists, Nagel and McDowell to be precise. In Van Roojen’s view,

Motivation requires both some state specifying ends for action, and means-end beliefs connected to those ends. The hybrid theorist merely allows the first component to come from either belief or desire, so long as they connect in the appropriate way with the means-end beliefs. Hybrid theorists, who may borrow Dancy’s nice response to objections from *accidie*, are at no disadvantage.<sup>39</sup>

The import of Van Roojen’s comment is that hybrid theorists may not be wrong after all because there is always this internal connection between belief and desire. Now, what do we make out of the hybrid theorists or mitigated anti-humeans? That is the primary concern of the next section.

### **Mitigated Anti-Humeans (MA): Defending a Compatibility Thesis**

Can an anti-humean accommodate Humean thesis? The mitigated anti-humeans supply a positive answer to this question. The scholars in this category consist of David Brink (1989), Little M. (1997), John McDowell, and Thomas Nagel. The response of the scholars in this category to the question “*how and under what conditions moral belief can itself motivate directly?*”<sup>40</sup> is not an extreme one. For them, beliefs can accommodate desires. As a matter of fact, beliefs produce desires which then motivate in conjunction with the moral beliefs that produced them. The important point here is that, the belief that one have a reason to perform an action generates the desire to perform the action in question.<sup>41</sup> In other words, desire or pro-attitude is not independent of the belief, instead it relies on the belief that the action should be performed. For instance, believing that it is right to be honest or to keep ones promise produces a desire to do so.

This notion is further illustrated in the conversation between Jane and Peter.

**Jane:** Peter what do you want to do with the five dollars in your pocket?

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<sup>37</sup> *Ibidem*, p. 21.

<sup>38</sup> *Ibidem*, p. 13.

<sup>39</sup> Mark Van Roojen, “Review of Dancy’s Moral Reason” *The Philosophical Quarterly* (1950-), Vol. 45, No. 178 (Jan., 1995), p. 118.

<sup>40</sup> Rosati, C.S., “Moral Motivation” in *Stanford Encyclopaedia of Philosophy*, (winter 2016 Edition), Edward N. Zalta(ed.), URL=<https://plato.stanford.edu/archives/win2016/entries/moral-motivation/>.

<sup>41</sup> David Brink, Moral Motivation, *Ethics*, Vol. 108, No. 1 (Oct., 1997), p. 15.

**Peter:** oh! I'm on my way to Paul's house to pay back the five dollars I borrowed from him which I promised to return today.

**Jane:** Why do you want to pay it back today, can't we use it to play casino and return it tomorrow?

**Peter:** No. I have the desire to pay it back today and my desire is caused by the belief that it is right to be honest and to keep ones promise.

Similar to this is an example derived from Dancy work, even though he is not a mitigated anti-humean. For Dancy, the belief that the action will be unjust could cause me a desire to have nothing to do with it.<sup>42</sup> The point we are making is that, these cognitive and conative states jointly move the believers to be honest and to also keep his promise. Mitigated anti-humeans simply defend what Nick Zangwill calls *Besire*<sup>43</sup> that is, belief-entailing desire<sup>44</sup>. Margret Little also defended this kind of hybrid view. According to Little,

Beliefs and desires are each intentional mental states in which a particular kind of attitude is directed toward a proposition. A believing-attitude, we might say, is an attitude of "regarding as true" some proposition, while a desiring-attitude is one of "regarding as to be brought about." Following G.E.M. Anscombe (1957), we can amplify what it means to direct each sort of attitude toward its content by speaking of the resultant mental state's "direction of fit" with the world: crudely put, beliefs are to be changed to fit the way the world is, while the world is to be changed to fit the content of desires. This rather metaphorical notion can be parced out more concretely in terms of the functional, normative, and counterfactual properties exemplified by the mental states.<sup>45</sup>

Can it be argued that Margret Little is in total agreement with Anscombe on this matter? The answer is a positive one. The point that Little is making in line with G.E.M. Anscombe is that desire could be derived from belief because it is the belief that will bring about desire given that beliefs are to be changed to fit the way the world is, while the world is to be changed to fit the content of desires. In other words, one cannot take desire to be independent of belief as against Humean view that desires play a role quite independent of beliefs in generating moral motivation. What do we make out of this? The argument is that clarifying the role of belief as well as its various interpretations pave way for a better background for building a plausible theory of moral motivation which show how

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<sup>42</sup> Jonathan Dancy, p. 14.

<sup>43</sup> Besire means belief plus desire or belief combined with desire.

<sup>44</sup> Zangwill Nick. "Besire and the Motivation Debate" *Theoria* vol. 74(2008):50-59.

<sup>45</sup> Margret Little, "Virtue as Knowledge: Objections from the Philosophy of Mind" in *NOUS* 31:1 (1997) 61.

Anti-Humean thesis could be made to accommodate Humean thesis at meta-ethical level.

### **Cognitivism versus Non-Cognitivism on Moral Motivation**

McDowell and Nagel also belong to the mitigated variance by defending what Jonathan Dancy calls hybrid position. McDowell denies that the motivating power of all reasons derives from their including desires<sup>46</sup>. The circumstances of action, as they are viewed by agents might be enough to explain motivation. Furthermore, McDowell's view is also in agreement with Nagel's on this subject matter. This is evident in the quotation he drawn from Nagel's work. That I have the appropriate desire simply follows from the fact that these considerations motivate me ... nothing follows about the role of the desire as a condition contributing to the motivational efficacy of [the] considerations<sup>47</sup>. The main import of this is that the primacy of desire could be challenged due to the fact that the role giving to it is over exaggerated. As far as David Brink is concerned, it is a common view and mere assumption on the part of the Humeans to think that motivation involves pro-attitudes such as desires and that no belief entails any particular desire.<sup>48</sup> The point here is to stress the important role of belief in moral motivation. These assumptions generated a tension between the cognitivists and non-cognitivists and created further assumption as summarised thus by Brink;

- i. Moral judgements express beliefs
- ii. Moral judgements entail motivation
- iii. Motivation involves a desire or pro-attitude
- iv. There is no necessary connection between any belief and any desire or pro-attitude.<sup>49</sup>

For Brink, Point 1 expresses cognitivists position. Point 2 projects the motivational internalists view. The point 3 and 4 express the non-cognitivists view.<sup>50</sup> The import of the points identified above by Brink is that the non-cognitivists appeal to points 2 and 4 to reject point 1 that cognitivists defend. Brink claimed to hold points 1, 2 and 3 alongside with Filippia Foot, to reject point 2. The problem I have with Brink's analysis is that, I do not know how Brink could accept point 4 and still escape being tagged strong Anti-Humean alongside

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<sup>46</sup> McDowell, 1978, 79.

<sup>47</sup> *Ibidem*.

<sup>48</sup> David Brink, "Moral Motivation", *Ethics*, Vol. 108, No. 1 (Oct., 1997), p. 5.

<sup>49</sup> *Ibidem*, p. 6.

<sup>50</sup> David Brink, "Moral Motivation", *Ethics*, Vol. 108, No. 1 (Oct., 1997), p. 6.

with Nagel and McDowell he criticised. It is like a proverbial statement that “you cannot eat your cake and still have it”.

The import of this mitigated approach is to defend a compatibility thesis in the debate. This is demonstrated by showing that not all Anti-Humeans agree on all issues on the question of moral motivation. Our claim is that MA is a particular variance of Anti-Humeans, the position of which is reconcilable with the Humeans thesis. The aim of this paper is to examine the Humeans and the Anti-Humeans theses on the question of moral motivation and defend a compatibility position. This is exactly what the paper is addressing. It is our view that the tension/gap which scholars claim to exist between these two schools is largely illusory and not as serious as it is widely claimed because mitigated anti-Humeans could be made to agree with the Humeans.

### **Conclusion**

Can the Anti-Humeans accommodate the Humeans over the roles of belief and desire in moral motivation? In this paper, it is our contention that Humeans and anti-Humeans theses on the question of moral motivation are reconcilable. We may have to conclude that the rivalry between them is not as serious as generally believed. That is, contrary to the popular opinion, Humeans and Anti-humeans have almost identical views on the role of desire in moral motivation. The outcome of this research helps to understand that the study of what motivates a moral agent to act is no less a worthy enterprise than the study of moral rightness or wrongness of human actions itself.

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# IS THERE LAW WITHOUT ETHICS?

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*"Out of a crooked piece of wood such as the one man is made of, it is not possible to carve something absolutely right. Nature only requires us to get closer to this idea."*  
Imm.Kant

**Abstract:** *The idea we start from in our approach raises the question of dissociating law from ethics, today, more radically than ever in history. The arguments in support of this idea start from the human nature precarious position, from the current man's moral degradation in his rush for money and power, the excessive politicization of society, and implicitly of law. Law does not contain those "formal rules" of universal validity; so the moral substance of law does not exist, which can lead to undesirable social inequities in a democratic state. From this perspective, the conclusion of the present research focuses on the idea that law cannot function without ethics in a rule of law state; moreover, law must be subordinated to ethics in order to fulfill its function of objectivity of justice. Therefore, justice is a moral virtue. The very idea of justice is first of all the privileged articulation of morality and "good morals," and also of the virtue of the individual as well as the virtue acquired by everybody in the social space.*

**Keywords:** *law, ethics, moral virtue, justice, law, rule of law.*

## Introduction

The idea of law is as old as philosophy itself. The study of law in general goes beyond the competences of any particular legal science and it is the domain of the philosophy of law or legal philosophy. The philosophy of law is older than the science of law for all the great ancient creators of philosophical systems had elements of the philosophy of law in their works which were related to their attempts to decipher relations between people, between man and society, between morality and law. In Plato's work, as well as in all Greek thought, justice is considered under its subjective aspect, as a virtue, even as the highest virtue.

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Justice is the virtue of all virtues, the first principle of the Platonic ethics.<sup>1</sup> And for Aristotle<sup>2</sup>, justice was the perfect virtue, but not regarded in absolute terms, but in comparison with other virtues. Norms emanating from the State, that is, the positive law, are still regarded as more than a kind of advice for a righteous way of life, with a view to achieving happiness, rules closely linked to moral standards. Thus, according to Aristotle, the constitution of the city, that is, the law, is in pursuit of virtue, of the the citizens' well-being and the happiness. Moreover, in ancient Greek thinking, law was dissolved in ethics, in other words in practical philosophy. Thus, we can distinguish from the beginning close relationships between the philosophy of law and the practical or ethical philosophy, which broadly encompasses the philosophy of law: ethics studies the principles of action, of morality, such as the ideas of freedom, duty, happiness, well-being, the meaning of life.<sup>3</sup> As a matter of fact, law itself is a practical idea, a regulating principle of conduct. In the study of law, we are always in contact with morality, which is the object of ethics. Thus, in order to define law, it is necessary to distinguish it from morality, because there are two similar and often confused notions. Studying the historical evolution of law, we will discover that moral ideas and legal institutions are developing in the same way, in parallel: every positive system of law corresponds to an analogous system of positive morality. Studying the ideal of the law, we find out that it is nothing more than an aspect of the ideal of Good. However, it must be stated from the outset that the object of morality is the appreciation of internal deeds of consciousness<sup>4</sup>, whereas the law refers to alterity, that is the appreciation of people's external facts in relation to other persons. Law is an objectification of justice in society. And justice is a moral virtue. Thus, the notions of law and justice emerged from moral philosophy. Hence, the close link between right and morality, respectively, ethics. In establishing the concept of law in his *Metaphysics of Morals*<sup>5</sup>, Kant draws the attention to the fact that law does not concern the subjective reasons of actions, such as desires, needs, intentions, but only the way in which the achievements of the freedom of subjects can be matched with a general law, "Therefore, law is the embodiment of the conditions in which the will of a person can be united with the will of another person, following a universal law of freedom. The universal principle of law is "Every action is right if, due to it or to its maximum, everyone's

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<sup>1</sup> Plato, *The Republic*, Bucharest, The Scientific and Encyclopedic Publishing House, 1986.

<sup>2</sup> Aristotle, *Politics*, Bucharest, IRI Publishing House, 2001.

<sup>3</sup> G. Pohoată, *Studies of Moral Philosophy*, chapter *The Need for Ethics*, Bucharest, Prouniversitaria Publishing House, bilingual edition, 2015.

<sup>4</sup> M. Djuvara, *The General Theory of Law*, Bucharest, All Publishing House, 1995, p. 13.

<sup>5</sup> Imm. Kant, apud. Maria Furst, Jungen Trinks, Philosophie, Wien, 1992, *Philosophy Textbook*, translated from German by Ioana Constantin, Humanitas, 1997, p. 248.

freedom will coexist with everyone's liberty under a universal law."<sup>6</sup> Law cannot penetrate into the "the individual's personality but it can protect it. The system of values guiding law contains both perennial and variable elements, it has a certain dynamics connected to the isothoric time it is going through, it can gain new values, for which human dignity can be an initial standard. That is why M. Djuvara stated: "The fundamental idea underlying law is (...) the respect of human dignity, the respect of man towards man, his sympathy with his fellow-men, therefore the observance of all his legitimate rights, that is, of those which do not represent the violation of other people's freedom".<sup>7</sup>

### 1. The relationship between law and morality in philosophy

The problem of the relationship between morality and law is one of the most important issues of the *Philosophy of Law* and, therefore, it has been one of the theoreticians' steady concern, being also a compative feature among different systems. Jhering said he was the Cape Horn of Legal Science, that is a dangerous rock that many systems collided with and wrecked.<sup>8</sup>

The difficulty in understanding the relationship between law and morality is related to the fact that there is a necessary coherence between the two types of ethical determinations – the subjective or moral one, and the objective or legal one. In other words, between law and morality there are steady relationships, which can be determined a priori, because they are logical necessities. The fundamental relationship is expressed by this saying: **What is a duty is always right, and what is not right cannot be a duty.** This reveals the idea that morality and law, as rules of conduct, must have a common ground. Human behavior is unique, therefore the rules that determine it must be coherent, not contradictory. Between law and morality there will be a difference, but not a separation and even less an opposition. It is true that law allows many things that morality forbids, which is why man has the moral right not to obey a law that contravenes human nature. However, there are legal issues that may appear as morally neutral, for they simply derive from the rules of social and political organization. Nevertheless, both ethical categories embrace man in his integrity, which is both physical and spiritual.

Law is a "minimal ethic", that is, it has only as much Ethics as it is indispensable to social life. It is not by chance that law represents the objective

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<sup>6</sup> *Ibidem*, 249.

<sup>7</sup> M. Djuvara, cited works. 2nd vol., p. 78, apud. Ana Rodica Stăiculescu, Alexandru Manafu, *Elements of Philosophy and Legal Philosophy*, Constanța, Ex-Ponto, 2001, p. 351.

<sup>8</sup> Giorgio Del Vecchio, *Lessons of Legal Philosophy*, Bucharest, Europa Nova Publishing House, 1995, p. 200.

Ethics and morality the subjective one.<sup>9</sup> All the other differential characters emerge from this diverse position. First of all, in the appreciation of actions, law starts from the external (physical) aspect, while morality starts from considering the inner (psychic) element. The moral criterion carried on in the opposite direction to the legal one, because in the subjective consciousness there is a meeting or an interference between the various possibilities of action, out of which the subject has to choose one. On the contrary, law tends to establish an objective order of coexistence, it must first consider the external aspect of actions, because in the external or physical field there is the interference, the encounter of the attitudes of several beings takes place in the external or physical field and, hence, here appears the limitation requirement. From this perspective, one can say that law is the part of ethics that establishes the grounds for coexistence among several individuals. *Because people are not moral, though they should be, law is a necessity.* If we could abandon ourselves to the care of subjective feeling and to everyone's rationality as to the application of righteous rules to social life, the theory of justice itself would be useless, but we should live in a society of gods and saints, not in a human society. The idea of law first arises as an objective existence, apart from individuals, of those principles that reason can rediscover by itself. Ethics refers exclusively to the subject's consciousness, tends to find inner peace. Instead, law regulates the relationships with others, establishes internal peace, therefore establishes a coexistence regime and has as a fundamental principle the obligation not to harm the others. We agree to Giorgio Del Vecchio's position regarding the unacceptability of the absolute distinction between internal and external actions, because all actions are both internal and external, that is, they have a mental and a physical element. Therefore, it cannot be admitted that internal actions are regulated only by Morality and the external ones only by Law. The truth is that both, Law and Morality, are universal norms, embracing all the natural actions; Morality begins to consider the internal moment of action, but ends up with its external consideration. Law, on the contrary, first moves to the physical or external aspect of the action, but then goes to the intent, at the psychic or internal moment, which also has a great importance in the field of law. Law is not a merely mechanical organization of actions. The principle of coercion of law is true, but it is inferred differently, starting from the concept of bilaterality, which is essential to law. Calling the moral duties imperfect is not accurate either, because they are not coercive. Coercion is only a particular form of sanction of law. Moral duties also have a sanction, that of the conscience and public opinion and are, therefore, perfect by

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<sup>9</sup> *Ibidem*, p. 204.

themselves.<sup>10</sup> The merit of systematically addressing the issue of distinguishing law from morality belongs to Christian Thomasius (1655-1728)<sup>11</sup>, although the elements of his doctrine can be found in the works of some previous writers such as Marsilio from Padua, and, partly, even in Aristotle's works. In essence, Thomasius's thinking is essentially the same - this Ethics refers exclusively to the subject's consciousness, tends to find inner peace, while law tends to external peace, seeking to prevent conflicts that can arise from social life. The outrightness of law is marked by the fact that it is text, broadly speaking, a collection of laws, codes, conventions, contracts, not only written text, but also tradition, which has the "force of law". Its actual existence implies an institution charged with applying the law –the Court of Law. It is not possible to shift from law to justice without mediation. Justice is the intermediary through which law becomes reality. Thus, justice and law cannot be separated either from the subjective feeling or from knowing the concrete human reality in which they develop. The life of law resides in this interaction between social and legal. In other words, law can not resist alive and effective unless it is based on an understanding of the social reality and may itself be produced through jurisprudence. The fundamental principle of practical philosophy, that is of morality and law, is in Wolf's view the idea of improvement. Man has the duty to improve himself and promote the others' improvement; this duty is also a right. Resuming the principles of Leibniz, who understood law as "potentia moralis" and duty as "necesisitas moralis", Wolf asserts that law is nothing but the faculty of fulfilling our own duty, therefore law allows and morality orders. Law is *lex permisiva*, morality is *lex praeceptiva*. But this conception is susceptible to criticism because it mistakes moral duty for legal duty and many things which morality forbids are allowed by law. On the other hand, law has an imperative character, not only a permissive one. However, the true distinction between law and morality was neglected by Wolf, as well as by his predecessor Leibniz. It is common knowledge that the relationship between law and morality has been a main theme of research for the theoreticians of contractualism, as well as for the Enlightenment thinkers. Kant, for example, was influenced by Rousseau, as can be inferred from the very substance of his philosophical system and even from an explicit confession of his. He wrote, "It was a time when I thought that the greatest value lies in intelligence and that the ultimate goal of life is consciousness. Rousseau clarified me and convinced me

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<sup>10</sup> Giorgio Del Vecchio, *cited works*, p. 96.

<sup>11</sup> Christian Thomasius has a notable importance in the history of culture, as a representative of the Enlightenment (*Aufklärung*), that is of that movement which tended to spread science so that his people could benefit from it, and the condemnation of prejudices benefitted society, *apud idem.*, p. 94.

that there is something more: freedom and morality”.<sup>12</sup> Hence, the Kantian doctrine of the primacy of practical reason over the theoretical one. We can therefore understand why law must remain under the control of a principle of justice, an idea of Kantian origin. For this reason, the doctrine of law is only a subdivision of the doctrine of morals. The definite imperative: “Act so that the maximum of your action can serve as maximum of a general action” underlies the Kantian philosophy of law. By distinguishing between the sphere of law and the sphere of morality, Kant considers that morality lies in the compliance of our intentions with the requirements of the categorical definite imperative, and legality lies in the compliance of our actions with the requirements of the definite imperative. Law allows the coexistence of free wills, being “a totality of conditions in which every person’s free will can coexist with everybody’s free will, in accordance with a universal law of freedom.”<sup>13</sup> The German philosophy of the 18th and 19th centuries exerted a strong influence on legal thinking. The most prominent representatives were Kant, Fichte, and Hegel. The common defining note for all three is the understanding of man as a rational being, enjoying the free will - distinct from the nature that he can illuminate by means of reason.

## **2. Law and human nature. How is law positioned to ethics today?!**

The idea of a natural foundation of law is old. Law is not the product of a convention, of an arbitrary decision, it derives from the nature of man as a political animal.<sup>14</sup>

Being right means consenting to order, generally speaking. No one has the freedom to behave as if order did not exist. Man has the duty to participate in the universal order, and his consciousness increases his inner freedom. When the man who is on his way is turned away by those who are not aware of the universal necessity, the universal balance is broken. This deviation from morality, even if not punished by law, does not remain unpunished by the theodics.<sup>15</sup>

Man has an aspiration to order similar to his desire for the Absolute. Hence, the close link between law and morality. In fact, man is ambivalent, a combination of entropy and negentropy, of chaos and order. Through reason, man can turn his interior to cosmos. Through a beautiful image, Kant distinguishes the starry sky

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<sup>12</sup> Imm. Kant, apud. *cited works*, p. 240.

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

<sup>14</sup> Aristotle *Politics*, Bucharest, IRI Publishing House, 2001.

<sup>15</sup> G.W. Leibniz, *Theodicy*, Iași, Polirom Publishing House, 1997. Theodicy means the justice of divinity. God postpones, but does not forget. Everyone receives sooner or later what they deserve! So, do not worry and continue to understand and participate in the universal order, which will give you the power to convert evil into good and to position yourself above the evil (s.n.).

above our heads and the moral law as an order of necessity and freedom in ourselves. The specific of human nature is to be free to contradict its nature. Doing your duty already means no longer being as you are, fighting against what represents the mark of naturalness (inclinations or desires) inside ourselves.<sup>16</sup> It is precisely this duplicity of man to be both sensitive and intelligible that makes him capable of morality. And, “actually, ethics is nothing but the effort to find the normative rigor of the human act, under the circumstances of a chronic *lack of absolute*. The ethical norm can have no other legitimate criterion than the Absolute. And then ethics is the heroic attempt to recompose the absolute out of the fragments of its silence, to find the law in whose name one can live with dignity the avoidance of true law. Ethics is the discipline born through breaking away from the absolute, it is a way to handle this moving away”<sup>17</sup>. Kant wrote that people are unsociably sociable: they want to live in society because they know it is necessary (sociability), but none is willing to impose himself the exigencies that this collective existence (unsociability) triggers. Allowed to unfold freely, human relations would be therefore passionate, with conflicts and lack of security, and would lead to a situation contrary to the objective pursued through association. Hence the need to establish an impartial arbitration that should equally apply to everyone. Born from the individuals’ inability to spontaneously regulate their relationships, law is naturally constraining. A society of righteous people would be a perfect society. But social existence cannot be based on the virtues of the individuals that make up it. He who does not recognize the moral law himself must nevertheless observe it as an external constraint. Hence, the need for law, rules, etc. For Kant, law is the rational expression, a definite imperative and a goal in itself, like the moral law itself, like the Absolute and God; this rightfulness exists conceptually in the conscience of each of us and it is based on the positive juridical order. “The greatest problem that nature requires the human race to solve is the establishment of a civil society meant to administer law in general. It is only in society and, namely, in a society where the greatest freedom reigns, that is, a general antagonism of its members, and yet, the most precise determination and assurance of the limits of this freedom so that it may exist with the freedom of others, in order to achieve in humanity the supreme intention of nature, that is, the development of all its resources; so, the ultimate task that nature imposes on man must be a society in which freedom is combined, by external laws, to the highest degree with the abstract force, that is, a perfectly right civil constitution.”<sup>18</sup>

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<sup>16</sup> Christine Le Bihan, *The Great Problems of Ethics*, Iași, European Institute, 1999, p. 23.

<sup>17</sup> Andrei Pleșu, *Minima Moralia*, Bucharest, Humanitas, 2002, p. 18.

<sup>18</sup> Imm. Kant, apud. Maria Furst, Jungen Trinks, Philosophie, Wien, 1992, *Philosophy Textbook*, translated from German by Ioana Constantin, Humanitas, 1997, p. 233.



Kant believed in the progress of humanity, at a time when others claimed that only the individual could progress, but not the human race. To this view, Kant opposes a characteristic reasoning. If we, he argues, have the duty to cooperate for the greatest good of humanity, we must have the belief that our efforts are not in vain. Thus, like a corollary of our duty, we must accept the belief in human race's improvement. And, indeed, it would make no sense to feel bound to a duty unless we believe in the effectiveness of its fulfillment, even if it is remote. Somehow, it might be understood that the requirement of a legal order derives from human nature. Previous to the positive law, there is a law that provides its validity and which allows us to recognize in everyone, "a just and lawful order". Indeed, "for man, the fact of being the only one who has the consciousness of what order is, of what is convenient in his actions and in his speech, of what balance is, is an important property due to nature and reason".<sup>19</sup> Law stems from human nature, as does the need for the Absolute. There is a close connection between man's need for the Absolute, for perfection and order. Hence, the evidence of the indissoluble relationship between law and morality, law and ethics.

Today's man, in his pursuit of power and money, has distanced himself from the Absolute, and that is why law has dissociated itself from ethics. The current man, too hurried, guides his actions only according to external landmarks, which he absolutises, eluding "the voice of his own consciousness". The moral, spiritual, self-knowledge crisis that man is going through today leaves his mark on the relationship between ethics and law. Man has grown apart from his own original nature, which implicitly means his growing apart from ethics, from God. This ontological precarity, materialized in a great lack of rationality and morality of the current man, has led to the dissociation of law from ethics. Born out man's imperfection, law is always imperfect. As Kant wrote, "Out of a crooked piece of wood such as the one man is made of, it is not possible to carve something absolutely right. Nature only requires us to get closer to this idea."<sup>20</sup> Hence the ambiguity of the notion of justice, humanity making out of law, according to Kant's expression, "an idea that must be carried out in an infinite universe," that is an idea that cannot be regarded as fully fulfilled. It can be understood that law cannot function without ethics, because we cannot speak about law without justice as a social virtue. Moreover, law must be subordinated to ethics in order to fulfill its goals, because these are also the ends of human condition and society.

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<sup>19</sup> *Ibidem*, p. 41.

<sup>20</sup> Imm. Kant, apud., *Encyclopedic Dictionary of Philosophy. Philosophy from A to Z*, Elisabeth Clement, Chantal Demoque, All Publishing House, 1999, p. 141.

### 3. Instead of conclusion

Man cannot justify his status of a rational being unless living within society he attains that minimum morality threshold. In fact, man can live only in society and every society has a set of rules of conduct and values, but they need organization, order and discipline in order to be observed. Hence, the indissoluble link between law and ethics. **We support the idea that law is justified to the extent that the aims it pursues are just. If law is not in the service of justice, in other words, in the service of righteousness, it can be a threat to the morality of a community, affecting social harmony.**

The contemporary understanding of law's reason of being, of the sense of its evolution, implies, as stated in the *Universal Declaration of Human Rights*<sup>21</sup>, "the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family, which is the foundation of freedom, justice and peace in the world". If the theories about justice and the philosophy of law undoubtedly constitute an autonomous field of work, this autonomy can be only very relative. Not only a theory of justice and a philosophy of law cannot be thought of separately, but they cannot be thought of without reference, on the one hand, to a moral conception, and, on the other hand, to a political philosophy. The interrogation on the righteous fortress, which marks the true beginnings of philosophy, is the background of any reflection on justice and law.

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<sup>21</sup> *The Universal Declaration of Human Rights*, adopted by the UN General Assembly on 10 December 1948.

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# THE '48 GENERATION OF YOUNG WALLACHIANS - THE PROMOTER OF LIBERAL IDEAS AFTER THE FOUNDING OF THE PARIS SOCIETY -

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## Moto:

„Depuis cette époque... les  
opérations de l'un se font  
sentir à tous les autres....”<sup>1</sup>

**Abstract:** *In the first half of the 19th century, as a result of an important demographic increase in the Romanian rural area, the phenomenon of the establishment of new villages emerged, while the craft guilds began to develop in the urban space, leading elements of industry and commerce that generated to a process of detachment of agriculture. However, one of the biggest problems that instigated to the emergence of the 1848 revolution was what derived from the modern acquisitions of democracy, respectively, the emancipation of the individual in relation to the mass on the background of changing his legal status, from obedient to citizen. We can say that the Romanian Revolution of 1848 was an integral part of the great revolution that shook the whole Europe.*

**Keywords:** 1848 generation, revolution, feudalism, peasants, freedom, liberalism, ownership, union.

## Introduction

After the year 1000, the European society experienced gradual changes that brought to the disclosure of different realities within itself, more precisely

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<sup>1</sup> Denis de Rougemont, *Vingt-huit siècles d'Europe, La conscience européenne, à travers les textes. D' Hesiodé à nos jours*, Paris, Payot, 1961, pp. 129-132.

between eastern and western spaces, but also in relation to other known places, particularly the East.

The first rupture within the European political and religious space was the Great Schism of 1054. The tensions accumulated between the two branches of Christendom, the Western (Latin) and the Eastern (Greek), created the appearance of two visions of how the Church reported to state authority. In the Eastern part of Christendom, the Church continued to promote the classical vision of reporting to the central authority of the state, namely the Byzantine one. Thus, the Orthodox Church continued to be an ally of the Emperor, maintaining relations of collaboration with the state. The clergy and hierarchical structures of the church supported the internal and external policy of the central authority until the dissolution of the empire with the occupation of Constantinople by the Turks in 1453.

In the Western world the situation was different. Beginning as a form of preserving the power of the church in the Western space of the former Roman empire, western Christendom, known since 1054 as Catholicism, began an accelerated process of internal centralization of structures and an aggressive foreign policy of Christianizing all pagan peoples. Due to the fragmentary nature of the former imperial territory, which resulted from the great invasions of the migratory peoples and the establishment of the medieval states, the relationship between the sacred and the profane between power and state authorities was tense. If, in the first period of the creation of medieval states, the role of the administrative structures of the church played an important role in maintaining state viability, with the beginning of the process of political and administrative centralization, there was tension between the authority of the two powers. The challenge of those tensions was the exercise of control over the subjects, both politically and financially. That stake grew with the shaping of the medieval states, the internal structures and the societal model based on the pyramidal principle that had at the forefront of the pyramid of power the king, and at its basis the peasantry and the guilds of the urban communes. Through those tensions reflected from England to Italy had resulted reform movements that gave rise to some fecund periods in the cultural history of Europe known as humanism (14th century). Already in the eleventh century (1059, the bull of Pope Nicholas II), the struggle between the Popes and the Emperors unleashed, struggle in which the papal authority decreed that the election of the Pontiff sovereign was to be made only after the internal elections and not as a result of pressures from the secular authority. That politics of the papacy culminated in the moment when the sovereign Pontiff Gregory VII issued the papal supremacy papers in 1075 known as *DICTATUS PAPAE* and the pontificate of Innocent III

(1196-1216), in which the supreme ruler of the Catholic Church was declared the holder of supreme power (*plenitudo potestas*) within the Christian world. Those internal struggles produced the activation of Western society, to the emergence of successions of events that led to the construction of new visions concerning the relationship between the Church and the state, between the Church and the Christian community, between the layman and the profane, etc. The result of those internal struggles was the appearance of the second great schism, that time within the Western Christianity known as the Protestant Reform, promoted by Martin Luther with the publication of the "95 Theses on Indulgence Practice" in 1517 at the beginning of the 16th century and until the revolution of 1789 in France we had a period when authority and the prestige of the Catholic Church began to fall, reform and antireformation causing major conflicts within the feudal states and the Papacy.

If we were to pursue as a red thread the evolution of the space of Western Christendom, which produced during seven centuries of history important transformations that were singular in relation to other parts of the world known, we could see that the struggle between the sacred and the profane allowed development of the world of unique ideas. For the first time in the history of humanity, the concept of citizen translated the limited space offered by the patrimonial and ethnic elements to a superior, more open form in which respect for the principles and obligations founded in the Declaration of Human and Citizen Rights (26 August 1789) provided the necessary framework for respecting human dignity.

On the cultural side, Enlightenment (the eighteenth century) was the natural consequence of humanism. Enlightenment militated ideologically for destroying the feudal system, status society, creating a rational society, removing religious dogmas by spreading culture among the masses.

The 1848 Revolution in Europe was the natural consequence of this ideological phenomenon that spanned the entire nineteenth century and consecrated the definitive victory of liberalism, an ideological-political expression of capitalism, which in turn was the expression of the interests of bourgeois groups in society.

In the eastern space, after 1054, the Orthodox Church remained frozen in the original Byzantine project. The fall of Constantinople in 1453 was a new impetus for a return to the inner self by strengthening the connection between sacred and profane between secular and religious authorities. In Christian Orthodox Europe occupied by the Turks, the main objective of the church was to maintain existence and identity, without having the necessary space to ask and reflect on the relations with the profane. In the Orthodox Christian space unoccupied by the Ottomans, or the Orthodox Slav, respectively, the relationship between the state

and the church was the classic one of collaboration and even subordination to the Tsar's interests at certain times.

That major difference between the two branches of European Christianity produced different views on the relationship between the Church and the state. In the West, that perennial conflict that we found in the second millennium produced a movement of ideas that crystallized into a model of society founded on the concept of citizen. In the eastern space, the concept of citizen penetrated through the phenomenon of imitation, ideological influence and aculturation.

The fundamental event that created the premises for the development of a social-political model in which the relationship between the state and the individual was reestablished had undoubtedly been the French Revolution of 1789. The social actors who participated in this revolutionary movement stood up against tyranny of any kind. From this struggle of ideas a new concept was born, that is, a citizen who, for the first time in the history of humanity, was not only a bearer of obligations but also of rights. This ambivalence between rights and obligations was created on the contractual model (the social contract)<sup>2</sup>.

The area of Romanian culture and civilization in the middle of the nineteenth century was not prepared to develop a revolutionary movement meant to provoke and impose another civilization model. The Romanian space and time were immersed in the Balkan feudal model that had not produced any element on which to base a revolutionary movement. For this reason, the emergence of the concept of freedom in the native space was due to the imitation and borrowing phenomenon that part of the modernizing elites assumed<sup>3</sup>.

The model was imported by representatives of a progressive noble elite who in the 1940s were present in Paris, Vienna and Berlin to study. Influenced by the values of the Enlightenment and the revolutionary variant as a political practice, this new elite returned to the Romanian space, promoting from top to bottom, from the level of the elites to the people, ideas aimed at changing the secular realities and opening up to a new type of society, a modern type.

The Revolution of 1848 in the Romanian countries was the moment of putting into practice a political project that crystallized in the years to come and which was promoted and followed step by step by the next generations of politicians until the moment of the achievement of the unitary Romanian State (the peace treaties from Paris, concluded between 1919 and 1920). We can

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<sup>2</sup> Sabin Daniel, Dragulin, *History of Romanian Political Thought (1848-1948)*, Pro Universitaria Publishing House, Bucharest, 2010, pp. 9-10.

<sup>3</sup> Drăgulin, Sabin, (2017), "Freedom as a fundamental value of liberalism as the main political actor of the modernization phenomenon of the Romanian state", in Sorin Adam Matei, Caius Dobrescu, Emanuel Copilaș (coordinators), *Liberalism: Pro and Contra. An idea that refuses to die, although it is not known what keeps it alive*, Adenium Publishing House, Iasi, 2017, p. 121.

therefore think that the representatives of the generation are the "founding fathers" of the Romanian nation.

### **Bălcescu, Rosetti, Brătienii, Ghica, Tell, Rădulescu, Goleștii – the founding fathers of the Romanian nation**

After the active participation in the Paris insurrection in February 1848, the brothers Bratianu, Ion and Dumitru, together with Nicolae Bălcescu, N. Ionescu, Mihail Kogălniceanu, C.A. Rosetti and Scarlat Varnav, returned in April 1848 to the country, hoping to apply and create the tools necessary for the outbreak of the revolution in Wallachia.

Their return was preceded by Ion Ghica, who returned to the country at the end of 1847, and established together with CA Rosetti a revolutionary committee, which included Christian Tell, Nicolae Bălcescu, the four brothers Goleștii, brothers Bratianu, who recently came from France. During the revolution of 1848, Ion Ghica was sent by the provisional government and their revolutionary representative committee to Constantinople. The purpose of his mission was to negotiate with the Turkish government in order to prevent the Tsarist army's intervention in the Principalities.

C.A. Rosetti, who in his speech personifies the image of the country through highly expressive semantic constructions such as: "Come, Romania, to get your first rank, your old gloss... and Romania is getting up... its face started again to take the colors of life"<sup>4</sup>, organized in his house several meetings where preparations were being made before the revolution broke out. Those meetings were attended by N. Bălcescu, I. Ghica, N. Crețulescu, Dumitru and Ion Bratianu.

Bratianu family played a major role in the modernization of the Romanian society and state. For two generations, the family members were active actors of the Revolution of 1848, at the election of Alexandru Ioana Cuza as the prince of Romania, bringing the young prince Carol I to the throne of the country, the declaration of the war of independence, the creation of Liberal Party, Romania's participation in World War I and the achievement of the Great Union in 1918. Ion C. Bratianu, Firicu, as he was known by his friends in the epoch, had been a soldier but he was kicked out of the army on April 20 1848, by Prince Bibescu because of his revolutionary ideas. His approach was to contribute to the revival of Romanian space with the aim of enrolling it on the road of modernization with the other European states.

Dumitru Bratianu had an intense diplomatic activity. The first steps he took in diplomacy starting with June 11, 1848 when he was accredited as a diplomatic

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<sup>4</sup> \*\*\*, *to C.A. Rosetti. 100 years since its birth*, a commemorative volume dedicated by "Democracy", Bucharest, 1916, p. 98.



agent to the Austrian and Hungarian governments, continuing with September 12, 1848, besides many other "friendly governments", and in November 1848, he deployed a strong diplomatic activity in support of the national cause.

Another young revolutionary animated by progressive feelings was Nicolae Balcescu. He advocated solving the agrarian problem, in his opinion the Revolution of 1848 had to give freedom to peasants and trigger ownership. At national level, he promoted the idea of the unity of the Romanian nation by affirming nationality: "until a people will exist as a nation, it has nothing to do with freedom. Freedom can easily be regained when lost, but nationality not."<sup>5</sup> He promoted civil and political rights as a fundamental principle of democratization of the political system using the expression "a democratic and social revolution"<sup>6</sup>, the common good of the people was the main goal of all efforts considering that "the 1848 Revolution wanted Romania to be not only free, but also owner, without whom freedom and equality is a lie "<sup>7</sup>. It is interesting that Balcescu, asserting that the 1848 revolution was "the occasion, not the cause", advanced the idea that the Romanian society was ready to introduce the reforms necessary for the modernization.

Christian Tell was another personality of the history of the Romanians being one of the leaders of the revolutionary society Brotherhood<sup>8</sup>, a remarkable member of the Revolutionary Movement, the Provisional Government and the Lord's Lieutenant.

Working closely with Ion Heliade Rădulescu, who allegedly represented "the spirit that conceived the revolution of 1848, and Tell was the heart who understood and the arm that executed,"<sup>9</sup> Major Tell, had a major influence on the Wallachian army. As a result of his active participation in the preparation of the revolution, he was replaced by Wallachian prince Gheorghe Bibescu with Odobescu as head of the army and as leader of the "ministry of war"<sup>10</sup>. After the victory of the revolutionary movements and the taking over of the executive power by the Provisional Government by decree number 51 of June 20, 1848, he

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<sup>5</sup> V., Hanes, *Nicolae Bălcescu, Revolutionary Movements*, United Romanian Printing Houses S.A., Bucharest, 1942, p. 12.

<sup>6</sup> *Ibidem*, p. 35.

<sup>7</sup> *Ibidem*, p. 40.

<sup>8</sup> "Brotherhood" was a secret society set up in autumn 1843 by the '48 revolutionary Ion Ghica, Nicolae Balcescu and Christian Tell. The subversive organization was based on the Italian carbonate model. It worked under the slogan: "justice, brotherhood". In 1845 it was founded a Paris branch called the "Romanian Students' Society", whose secretary was C.A. Rosetti. It had close conexions to the Patriotic Association in Iasi. Through its actions, the Brotherhood was the nucleus around which all the secret patriotic organizations in the Principalities would group and together prepared and triggered the revolution of 1848, <http://enciclopediaromaniei.ro/wiki/Fr%C4%83%C5%A3ia> (accessed on 24.04.2018).

<sup>9</sup> Anastasie, Iordache, Constantin Vladuț), *Christian Tell, 1808-1884*, Notes by O.Boitos, Romanian Writing, Craiova, 1976, p. 34.

<sup>10</sup> *Ibidem*, p. 27.

was raised to the rank of general, being one of the "people who have earned the honor"<sup>11</sup>, taking over as the head of the regular army. He was a fervent supporter of the abolition of feudal privileges and national liberation, signed the decree that proposed the dissolution of the peasants (June 26), the establishment of the commission for landowning July 9, urged peasants to actively participate in the revolution. Unfortunately, the draft law on the application of Article 13 of the Islaz Proclamation concerning landowning would not be finalized due to the resistance of the boyars. That made him the object of the radical liberal attacks.

Tell's colleague, friend and ally in the Romanian army, Ion Heliade Rădulescu became a member of the Brotherhood, emerging as a member of its leadership committee. Heliade participated in the drafting of the Islaz Proclamation<sup>12</sup> together with Nicolae Balcescu. The proclamation contained fierce words: "Romanian brothers, the time of our salvation came; the Romanian people are awake at the voice of the angel of salvation and realise its sovereign right"<sup>13</sup>, the style approached by the orator explicitly claiming from the tradition of religious oratory. Through the proclamation program, Wallachia proclaimed its full "administrative and legislative immunity"<sup>14</sup>, its autonomy. Interestingly, Heliade Rădulescu was a moderate revolutionary, which triggered the accusation of representing the conservative interests and rejecting the liberal French ideas promoted by C. A. Rosetti, I.C. Bratianu, Balcescu and others. Practically I. H. Rădulescu was against the landowning and therefore, through the decree, the commission for the property was abolished.

Golescu family was another representation of the role that a Romanian nobility had in the Bucharest revolution. However, compared to the Bratians, the four Golesti brothers: Stephen, Nicholas, Radu, and Alexander, although they did not participate in the revolution, had different visions.

Stephen Golescu was serious and philosophical, and all his thoughts were directed at the unhappiness of his homeland. Maria C.A. Rosetti called him "the first of the Romanians"<sup>15</sup>. Although he held a great revolutionary momentum, he remained in the field of ideas not being a practitioner. His nickname was "Stefan Voda"<sup>16</sup> and enjoyed the confidence of Lamartine and of the French ambassador.

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<sup>11</sup> \*\*\* (1902-1910), *Year one thousand eight hundred and forty-eight in the Romanian Principalities. Documents and papers published with the help of the document for raising the monument Ion C. Bratianu*, vol. I-VI, Bucharest, Inst. Graphic Arts Carol Göbl, 1902-1910, p. 687.

<sup>12</sup> The programming document of the 1848 Revolution in Wallachia.

<sup>13</sup> \*\*\*, *Year one thousand eight hundred and forty-eight in the Romanian Principalities*, p. 490.

<sup>14</sup> *Ibidem*, p. 496.

<sup>15</sup> George, Fotino, *Boiars Golești*, Official Monitor and State Imprints, National Printing House, Bucharest, 1939, p. 183.

<sup>16</sup> *Ibidem*, nickname.

Nicolae Golescu, military, was different and inclined to parties, nicknamed "Little red one"<sup>17</sup>.

Radu Golescu was open and cheerful "le bon enfant"<sup>18</sup> of the family, nicknamed "Pupu"<sup>19</sup>.

Al. C. Golescu Albu "loved his country, his family, and mankind."<sup>20</sup> On his tombstone it is written "The first of the Romanians"<sup>21</sup> "in politics, besides justice, you have to have force too."<sup>22</sup>

Although they belonged to the Romanian aristocracy, they receive the following advice from their mother: "... avoir toujours devant les yeux l'idee et l'espoire de rendre quelque a la patrie"<sup>23</sup>, Golescu brothers taking part in and leading the 1848 revolution determined by love of the country and people. They became the opponents of the conservative boyars, supported the liberal doctrine promoted by the new liberal groups, yet they were mistrusted by other leaders of the revolution due to the noble descendancy. However, during the course of revolutionary activities, "the differences and the contradictions of principles have been harmonized, people have twinned for a moment in the social ideal."<sup>24</sup>

Scarlat Vârnav was a reputable physician, being the main initiator of the Romanian Students' Society in Paris and founder of the Romanian Library in Paris, supporting the adoption of the Latin alphabet, the generalization of elementary education and phonetic writing in Romanian, and on his return to the country he would set up schools in Moldavia. During his stay in Paris, he acquired a collection of paintings which he donated to the country in 1847 in the hope of setting up a national painting gallery in the capital of Moldavia, gallery that would not be founded until October 26, 1860."Life, wealth, honor, the Romanian homeland"<sup>25</sup>, was the fundamental devotee of his life, sacrificing his entire fortune in the service of his homeland, wealth which was not negligible. In 1848 he was a member of the French national guard and participated in the revolution in Moldova being a member of the committee for the release of Gypsy slaves alongside Cezar Bolliac and Petrarhe Poenaru.

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<sup>17</sup> *Ibidem*, nickname.

<sup>18</sup> *Ibidem*, p. 187.

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

<sup>20</sup> *Ibidem*, epitaph on the tombstone.

<sup>21</sup> *Ibidem*.

<sup>22</sup> *Ibidem*, p. 183.

<sup>23</sup> *Ibidem*, p. 192.

<sup>24</sup> *Ibidem*, p. 81.

<sup>25</sup> Claudiu, Paradais, *A Forgotten Founder-Scarlat Varnav*, Junimea Publishing House, Iași, 1984, p.

## '48 revolution in Wallachia

Although in Wallachia gloomed the rebellion, and the discontentment was boiling constantly, the members of the Brotherhood were acting with caution. At night, manifests were stiked in which was demanded the abolishment of the boyars' privileges, were presented the memories for the prince in which were asked the abolishment of the building, elimination of personal servitude, agrarian reform, and abrogation of the noble ranks. Meetings between the leaders of the movement took place at Rosetti's home. The presence of the brothers Bratianu, Ion and Dumitru at the committee meeting held around 9 noon on which the revolution was to be decided was admitted because the others knew "their patriotic feelings"<sup>26</sup>, although Bălcescu and Al. C. Golescu Albu Golescu "Were not good with them"<sup>27</sup>.

From the way in which the discussions took place, it was clear that there was no common vision of all the objectives that the Romanian Revolution had to achieve, members of the Brotherhood, although they had a common purpose, the one of changing the political regime in the country, the rhythm and the level of depth of the reforms was seen differently.

As an example, Tell claimed that Heliade would be co-opted in the revolutionary committee that would trigger the revolutionary movement, while Balcescu did not initially agree with him saying that "Eliad was a man without ideas and without revolutionary conviction."<sup>28</sup> Tell insisted with his request stating that although Heliade had a moderate vision, his prestige in the army would have helped break the revolution. However, it would be seen later that Balcescu's circumspect attitude was correct because Heliade Rădulescu's spirit and conceptions transformed the last not into a continuator of the revolution but in a brake on it. Another meeting took place in the Golescu family house to decide if the movement should be done on Easter or another day. There was no agreement in this meeting, with many divergences. While Bălcescu, Ghica and Rosetti were preparing for the start of the revolution in Bucharest, Eliade and Golescu brothers hesitated. One of the reasons was that Stephen Golescu had been convinced by Prince Bibescu that he would make the revolution that would strengthen the country, which made him have some restraint in the beginning of the revolution, hoping in the ruler's words. Subsequently, the Revolutionary Committee met for the last time in the house of the brothers Golescu, setting the date of the revolution as the 9-11 June 1848 following the meeting.

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<sup>26</sup> Apostol, Stan, *Ion C. Bratianu - his role in the revolution of 1848 and in exile*, the Society of Friends of Balcescu Museum, Balcesti on Topolog, 1979, p.55.

<sup>27</sup> *Ibidem*.

<sup>28</sup> Dumitru, Almaş, *Revolutionary Nicolae Bălcescu*, Society for spreading of science and culture, Bucharesti, 1959, p. 30.

After the victory of the revolutionary movement and the dethroning of Prince Bibescu, the executive power was taken over by the Provisional Government, which had in its structure officers Gheorghe Magheru and Nicolae Pleșoianu, priest Radu Șapcă, members Stephan Golescu, Ioan Maiorescu, Costache Romanescu, Ion Heliade Rădulescu and Christian Tell. Interestingly, divergences within the movement were also found within the government, such as the radical Rosetti and Bratianu, and moderates Balcescu and A.G. Golescu, the first not accepting the rapid rise to the revolution leadership of Heliade and Tell's. That together with St. Golescu proposed the abolition of the building, which I.H. Rădulescu disagreed, being a follower of social harmony, a moderate. In order not to create a break in the movement, the radicals agreed to sign with the others to take measures that would make the peasants perform their duties to the boyars, as they did before. The only one who strongly refused to sign was Tell. The radicals Rosetti and Bratianu, anti-Ottomans, had zero tolerance in relation to the relations of subordination with the Gate. The Radicals wanted to take advantage of the revolutionary state to overthrow the Turkish rule and the Russian protectorate, along with the Hungarians, to proclaim the Republic, this being the most democratic state to which the Golescu also aspired.

The Provisional Government has signed decrees for the establishment of the tricolor flag, the abolition of civilian ranks, censorship, death penalty and beating, the establishment of the national guard. Due to the pressures exerted by the Ottoman Empire and the Tsarist Revolution, they accepted a governmental reform by which a larger number of moderates would be brought to power, and that group would be led by Metropolitan Neofit and would have as members: I.H. Radulescu, N. Golescu, Șt. Golescu, Ch. Tell, Gh. Magheru, C.A. Rosetti, N. Balcescu and I.C. Bratianu.

Although the desire for negotiation existed by all groups in order to maintain revolutionary governance, many years later, some of the protagonists of the moment criticized it. Rosetti said that the provisional government was "a weak government,"<sup>29</sup> "the people who made up the government with the capacity «détruire, mais non pas celle de construire»,"<sup>30</sup> and proved honesty when he admitted that "... I have never been so stupid not to know that I do not have the capacity to rule"<sup>31</sup>, "Turkey is like Eliad, coward, imbecile, and rapacious"<sup>32</sup> and Barițiu as Metropolitan Neofit is

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<sup>29</sup> Ion, Ghica, *Remembrance from 1848*, Notes by O. Boitoș, Romanian Writing Publishing House, Craiova, 1941, p. 47.

<sup>30</sup> *Ibidem*.

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

<sup>32</sup> *Ibidem*, p. 72

nothing more than a "dog pig"<sup>33</sup> following betrayal. An interested witness who was still outside the group of revolutionaries was the French consul in Bucharest, Hory. From his point of view, the split of the government was due to personal ambitions that threatened the country with anarchy.<sup>34</sup> The first attempt of the counter-revolutionary groups to defeat the revolution materialized on June 19, 1848, when attempting to arrest the Provisional Government, but N. Golescu wrapped himself with the national flag and started the carriage through Bucharest while I.C. Bratianu with another flag in his arms ran on the floor, shouting "Arms! On arms! On arms! For the government is arrested."<sup>35</sup> The failure of the arrest had, however, provoked an internal crisis. On 20 June 1848 the Provisional Government members withdrew to the mountains, seeking partisans to raise the people to battle. On September 13, 1848, the revolution was defeated by the intervention of the Ottoman army in Bucharest with all the opposition of the Romanian troops. In a letter to Tell, St. Golescu said that the mistakes made during the revolution were strictly due to the fact that the promoters of the revolt did not know enough each other, showing a lack of mutual experience and mistrust.

### **Defeated vs winners or instead of conclusions**

In order to understand how the Revolution of 1848 was lived by combatants, many of whom managed to save themselves and then return to the country, becoming active members of the creation of the Romanian state and its independence, it is necessary to quote from these memoirs. For Nicolae Balcescu "The 1848 Revolution was not an irregular, ephemeral phenomenon, without the past and the future, except for the will of a minority or the European general movement."<sup>36</sup> For Ion Ghica "The Revolution of 11 was the most beautiful it happened to a people."<sup>37</sup> "The general revolution was the occasion, not the cause of the Romanian revolution. Her cause is lost in the days of the ages. Her makers are eighteen centuries of labor, suffering and work of the Romanian people over itself."<sup>38</sup>

Though defeated, the 1848 revolution in Romania was a part of the great European revolution and was the representation of the process of asserting

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<sup>33</sup> Dumitru, Almaş, *Revolutionary Nicolae Bălcescu*, Society for spreading of science and culture, Bucharest, 1959, p. 38.

<sup>34</sup> Anastasie, Iordache, Constantin Vladuţ, *Christian Tell, 1808-1884*, ed. The Romanian Writing, Craiova, 1976, p. 67.

<sup>35</sup> \*\*\*, *Year one thousand eight hundred and forty-eight in the Romanian Principalities*. Documents and papers published with the help of the document for raising the monument Ion C. Bratianu, vol. I-VI, Bucharest, Inst. Graphic Arts Carol Göbl, 1902-1910. pp. 97-98.

<sup>36</sup> N., Bălcescu, „The Revolution in the History of Romanians”, in *Opera*, G. Zane, I, Part II, Bucharest, 1940, p. 57.

<sup>37</sup> Ion, Ghica, *Remembrance from 1848*, Notes by O. Boitoş, Romanian Writing Publishing House, Craiova, 1941, p. 39.

<sup>38</sup> *Ibidem*, p. 40.

national consciousness. If at the basis were the French revolutionary ideas, in Romania those ideas suffered the inevitable influence of the space in which they had to be applied. From this point of view, it is obvious that the emphasis was mainly on national and social claims, and less on political ones, given that the Wallachian principality was part of the Ottoman Empire, even if it enjoyed an important autonomy. However, we can generally consider that the revolutionary movement of 1848 demonstrated that the level of understanding of the liberal values of that part of the elite that was in full development phase, according to the bourgeois-liberal model, was high.

Internally, the revolution had given a heavy blow to the feudal system, imposing a reform program that would go on for eight decades, more precisely until the 1923 constitution was voted.

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# DEMOCRACY AND SUBSIDIARITY<sup>1</sup>

- I -

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**Abstract:** *I see in the subsidiarity as a functional principle the criterion to distinguish between a democratic and a dictatorial regime. This article is dedicated to a comprehensive discussion of the subsidiarity starting with its roots in the ancient philosophy, continuing with its medieval developments until the contemporary theological standardization of the concept. A future article will discuss the modern philosophical contribution to the understanding of the subsidiarity. For the moment I practice a thoroughly analysis of the genesis of the concept highlighting the important moments in the history of the polis and church shaped through the subsidiarity.*

**Keywords:** *subsidiarity, democracy, decision, organization, dictatorship.*

## **Introductory chapter**

In the context of the increase in critical stances on democracy over the past decade – from the paternalistic standpoint the recent Nobel prize winner, Richard Thaler<sup>2</sup>, expressed in 2008 to the downright antidemocratic one of Jason Brennan<sup>3</sup> in 2016 – it seems appropriate to reiterate, by cognitive means, our attachment to values such as human rights, democracy or the rule of the law, which stand not only as a background of the progress the Western society underwent over the past few centuries, but also as *sine quibus non* elements of the mental representations and expectations individuals hold in regards to both themselves and the society. One way of strengthening this attachment would imply the analysis of the complex ensemble comprising the free market and the pluralism of ideas and values in addition to human rights, democracy, and the rule of the law. Given that such an analysis needs to go into the depth of the components of this ensemble in order to

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<sup>1</sup> This article can be regarded independently as a historical examination on the beginnings of the theorisation of subsidiarity and on the theoretical valorisation of this concept; at the same time, however, it is designed along with a sequel that will be featured in the following issue of this journal, which will cover the modern theories on subsidiarity in the fields of philosophy, political science and law.

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<sup>2</sup> Richard H. Thaler, Cass R. Sunstein, *Nudge. Improving Decisions About Health, Wealth, and Happiness*, Yale University Press, New Haven & London, 2008.

<sup>3</sup> Jason Brennan, *Against Democracy*, Princeton University Press, Princeton and Oxford, 2016.

be deemed adequate, this study as well as its sequel will cover one aspect that is essential to democratic societies, i.e. the principle of subsidiarity.

Upon an elementary, yet fair examination of social arrangements in democracies (in which the citizens decide for themselves) and of the dictatorial ones (in which a limited number of individuals make the decisions regardless of the citizens' will), we are able to notice that the nature of the dictatorship allows for decisions to be made at only the highest level by the ones in power.

Subsidiarity appears – given that in its simplest definition subsidiarity means that issues are solved at the level of social organisation at which they appear and the intervention of the higher levels only if the lower levels fail – as a congeneric and important mechanism of democracy.

This article examines the genesis of the idea of subsidiarity and its sequel will analyse the modern theories on subsidiarity. Our method is not focused on a merely historical perspective as it aims to show how intellectual effort has distinguished over time and in different social and political contexts the characteristics of subsidiarity which make it one of the functional unities of democracy. Thus the method employed is rather analytical than historical, and its desired end result goes beyond the mere rigorous definition of the concept – although it is particularly important –, aiming at facilitating the understanding of the influence that the historical phases of the formation of the principle of subsidiarity and the subsequent modern theories on this matter had on the very functioning of democracy.

We equally strived to avoid the pursuit of novelty at any cost, respectively the knocking at open doors, thus our two studies are designed in the same manner: we discuss several important contributions made by approved specialists and develop our own opinions therefrom.

### **The Encyclical *Quadragesimo Anno* and the Concept of Subsidiarity**

The phrase *the principle of the subsidiary (auxiliary<sup>4</sup>) function*, “«subsidiarii officii principii<sup>5</sup>” appeared for the first time in 1931 in the Encyclical *Quadragesimo Anno*, with the intention of distancing from liberalism, which rejects the interference of the state, as well as from collectivism, which obstructs individual

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<sup>4</sup> The etymon of this term is the Latin adjective *subsidiarius*, derived from the noun *subsidium* which holds, among others, the meanings of assistance, aid, support; cf. s.v. *subsidiarius* and *subsidium* in the A. Souter, J.M. Wyllie (eds.), *Oxford Latin Dictionary*, Clarendon Press, Oxford, 1968, p. 1849.

<sup>5</sup> Pius PP. XI, *Litterae Encyclicae Quadragesimo Anno* (1931) in [http://w2.vatican.va/content/pius-xi/la/encyclicals/documents/hf\\_p-xi\\_enc\\_19310515\\_quadragesimo-anno.html](http://w2.vatican.va/content/pius-xi/la/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html); it is interesting to notice that although the term in a central one in the Catholic social doctrine, it only appears as such in the official translations to English and Spanish and not in the translations to Italian or Portuguese, where only the definition of this principle appears, thus lacking the denomination in Latin and in the other two official translations.

initiative<sup>6</sup>, hence the catholic social doctrine invokes the existence of an inherent order in which on the one hand the individuals and inferior organism are not only able but also obliged to decide on the issues concerning them at their level, and on the other hand the higher form of organisation, the state, must play the role of aiding the individuals and inferior organisations by solving the issues occurring at a central level and concern the society in its entirety. Generally, we may state that “in light of this definition, the principle applies to all the spheres of social life in which this issue of assigning competencies arises; it does not revolve around the role of the state alone, but concerns the role of each authority”<sup>7</sup>. In the context of our research there are two aspects that are worth mentioning regarding this generalisation of the application of the principle: a. the fact that the principle is applicable not only when it comes to the relationship between the state and its administrative unities, but also to the field of international relations, for instance when states or their national authorities are dealing with international organisations such as the ECHR; b. the fact that as far as the principle of subsidiarity is concerned, the focal point is the attribution of competencies, which can be explicitly managed through treaties in the case of international organisations, or through customs.

The theologian to whom the formulation of the expression of the principle of *the subsidiary function* is attributed, the German Jesuitical monk Gustav Gundlach, professor of ethics, implied by his use of this expression a certain interest of the catholic church in defending the rights of individuals and subordinated communities that found themselves under threat by a state which did not limit itself to interfering only when the circumstances truly required its interference<sup>8</sup>; it is only thus that the social order leading to happiness and prosperity is attained: “the ones in power need to know that if they do so while respecting the principle of the auxiliary function, the order of the various associations is consolidated, social authority and efficacy increase, and the nation will find itself in a happier and more prosperous state”<sup>9</sup>. From this perspective, subsidiarity means that “the higher-level societies need to support the lower-level societies without absorbing them or

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<sup>6</sup> cf. Luigi Lorenzetti, *Sussidiarietà* in *Dizionario delle idee politiche*, ed Enrico Berti, Giorgio Campanin, Editrice Ave, Roma, 1993, p. 884.

<sup>7</sup> Chantal Millon-Delsol, *L'état subsidiaire. Ingérence et non-ingérence de l'Etat le principe de subsidiarité aux fondements de l'histoire européenne*, Presses Universitaires de France, Paris, 1992, p. 209.

<sup>8</sup> Luigi Lorenzetti, *Sussidiarietà*, *op.cit.*, p. 885.

<sup>9</sup> Pius PP XI, *op.cit.* in [http://w2.vatican.va/content/pius-xi/la/encyclicals/documents/hf\\_p-xi\\_enc\\_19310515\\_quadagesimo-anno.html](http://w2.vatican.va/content/pius-xi/la/encyclicals/documents/hf_p-xi_enc_19310515_quadagesimo-anno.html) The text in Latin is designed so that it highlights the fact that the relation of order based on subsidiarity operates at various levels, as it does not only apply to the concerned level and to the ones inferior to it: *Quare sibi animo persuasum habeant, qui rerum potiuntur: quo perfectius, servato hoc «subsidiarii» officii principio, hierarchicus inter diversas consociationes ordo viquerit, eo praestantior fore socialem et auctoritatem et efficientiam, eoque feliciorum laetiorum rei publicae statum.*

replacing them with entities of a higher level”<sup>10</sup>. Defined in this manner, the principle of subsidiarity overrides any ambiguity that might have been used to justify a centralisation-oriented, totalitarian attitude whereby the central organisation could have tried to become the only problem-solving authority, leaving the inferior organisations with nothing more than an “auxiliary” role, i.e. a residual role they could manifest only in case the central authority would have lost sight of the issues at hand. The statements in the Encyclical *Quadragesimo Anno* are clear and do not allow the principle of subsidiarity to be overturned by centralisation enthusiasts; and its nowadays interpretations are clear evidence of this, as we outlined. It is clear – and from a political point of view this was repeatedly highlighted, in various forms<sup>11</sup> – that the principle of subsidiarity is employed in the attribution of competencies among various organisations with hierarchical structures designed in such a manner that a high degree of autonomy is ensured for organisations of an inferior level without the risk of endangering the order and good functioning of the *ensemble* of organisations<sup>12</sup>.

This discussion on the expression of the principle of subsidiarity and on the etymology of the term *subsidiarity* adequately established the concept of this term: a relation of order among organisations/institutions at various levels so that a distribution of competencies among them can be compliant with the criteria of issues being solved and decisions being made at the level at which they appear, respectively the beneficial interference of superior organisations only in the case in which the inferior organisations are not able to come up with solutions; the order is as follows: the inferior organisations are the first that are expected to take action, then, only if applicable, the superior organisations play their part. This definition of the concept of subsidiarity – its principle being nothing else than the imperative of ensuring that

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<sup>10</sup> Michelle Evans, Augusto Zimmermann, *The Global Relevance of Subsidiarity: An Overview* in *Global Perspectives on Subsidiarity*, Springer, Dordrecht, 2014, p. 2, It is relevant that the authors adopt almost *ad litteram* this idea from the Encyclical *Quadragesimo Anno*: „cum socialis quaevis opera vi naturae sua subsidium afferre membris corporis socialis debeat, numquam vero eadem destruere et absorbere”.

<sup>11</sup> For example, Loren King, *Cities, Subsidiarity and Federalism* in *Federalism and Subsidiarity* eds. James Flaming, Jacob Levy, New York University Press, New York, 2014, p. 291: „Subsidiarity, when applied to politics, counsels that decisions be made at the lowest feasible scale of organization” or, a more restrictive definition, e.g. in Pamela Camerra-Rowe, *Subsidiarity in The Encyclopedia of Political Science* ed. by George Thomas Kurian, CQ Press, Washington, 2011, p. 1630: „subsidiarity is the principle according to which the implementation of public policy should take place at the lowest competent level of government”.

<sup>12</sup> In the institutionalist tradition, institutions are understood as having stable rules, for instance in *The Rules of the Court*, and organisations are referred to as groups of people acting according to a set of rules, e.g. by the ECHR.

the relation whereby subsidiarity is defined is respected – as we shall see, covers all its spheres of application mentioned in the above<sup>13</sup>.

From a methodological perspective, in all the discussions on subsidiarity we can notice a method which is frequently used in sciences, especially in social sciences: a researcher or a group of researchers establish a concept, usually creating a specific term to define it, then the researchers or others make a double endeavour, they search for the roots of the concept from a historical perspective, finding that without having been given a name the idea had been presented by various predecessors<sup>14</sup>; they distinguish between various theories from the past in which the concerned concept is included, so that although the notes of the concept remain the same, as it is only logic, there are however different connotations given by the theoretical context. These two endeavours are oftentimes followed by a third one, the generation, based on what is already known, of various theories on the concerned concept after it has already been defined by a name (i.e. mature contemporary theories). We may discover this structure when it comes to almost any concept in contemporary social sciences: public policy-making cycle, rational choice, realism in international relations etc. In what interests us herein, the recent paper *Global Perspectives on Subsidiarity*<sup>15</sup> is significantly relevant, as it includes historical references to Aristotle, Thomas Aquinas etc., the presentation of various theories from the past, but also of some contemporary ones; moreover, there are some references to particular cases such as the one of Brazil, Germany, the European Union; the base order of the methodology is as described.

We mentioned these aspects not only to outline a common method of social science researchers, but rather to warn about the potential risk of *petitio principii*, on the risk of postulating what one pretends to have discovered, thus thinking in a vicious circle. The truth is, however, that even though the vicious circle does not appear in all cases, i.e. the hermeneutic circle – caused by the fact that at the moment when one manages to theorize a thinking scheme, one may discover that it had already been present in previous theories -, in some cases we can actually notice

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<sup>13</sup> Based on the definition we propose, it is understandable why Edwald Link (Edwald Link, *Das Subsidiaritätsprinzip: Sein Wesen und Bedeutung für die Sozialethik*, Herder, Freiburg, 1955) begins his analysis of the fields in which the principle of subsidiarity is applied with the one of order, as subsidiarity in fact brings order to any given field, in that it stands as a relation of order among the actions of various hierarchical organisations; by referring to the application of subsidiarity in matters of order, Link actually highlights its logical aspect of being a relation of order: first the actions of inferior organisations, and only then the superior organisations may act (as an aid in the matters that cannot be solved by the inferior levels).

<sup>14</sup> Analogous to the subsidiarity as the ECHR understands it; once established in the preamble, its search in the previous jurisprudence becomes all the more relevant; however, we should mention that in this case subsidiarity had been discussed in the jurisprudence of the ECHR even before the principle was stipulated in the preamble of the Convention.

<sup>15</sup> Michelle Evans, Augusto Zimmermann (eds.), *Global Perspectives on Subsidiarity*, op.cit.

the interpretation of certain theories from the past being made in such a manner that what is actually present in the concerned theories is highlighted without falling into the trap of *petitio principii*. We will try to show that this is also the case with the concept of subsidiarity, which was discovered to have been present in previous theories even though the term *per se* was not used to designate it. This will also allow us to understand how the concept cleared up over time and the manner in which it appeared in various theories. By doing so, we will notice there is a difference between the logical notes of this concept and their enunciation in various theories over time. It is also interesting to notice that once the term of *subsidiarity* had been formulated and its concept was subsequently clarified *ne varietur*<sup>16</sup>, the mature theories in which this concept appears cannot strive for more than adding connotations to it depending on the context, as Moens and Trone did, for instance, in the above-mentioned study in which they approached the subject of subsidiarity in the legislative and judicial context of the European Union.<sup>17</sup>

### **Aristotelian Foundations?**

In the contemporary papers on subsidiarity the concept is used as it was defined in the above, as a priority given to decisions and actions at the inferior levels where the issues appear, followed by a beneficial intervention of the superior levels only when the issues cannot be solved at the inferior levels of organisation; these papers are dedicated firstly to the study of the manner in which the principle of subsidiarity is applied in international organisations, in domestic politics and administration, and in the judiciary field. The formulation of the principle of subsidiarity appears in all studies, the interest of the Catholic Church and the social doctrine in particular being highlighted in the Encyclical *Quadragesimo Anno*, referring both to the ensuring of order in the entire social body and to the maintaining of the autonomy of individuals and organisations inferior to the state, as shown in the above. It is important to notice that the Encyclical *Quadragesimo Anno* is an attempt to consolidate the catholic social thinking which had been introduced 40 years back (wherefrom its name), in 1891, in the Encyclical *Rerum Novarum*<sup>18</sup> by Pope Leo XIII; this shows that in fact the way of perceiving the society, its structure and its functioning, and even subsidiarity (although the term does not appear) had been present in the catholic doctrine long before the year the

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<sup>16</sup> That a concept is *ne varietur*, this is a truth referring to logic; that its nuances were discovered, it is a matter of epistemology; all authors pretend – as we here in do as well – that they satisfied the epistemological considerations and discovered the *ne varietur* nuances of the concept; in this case, on the topic of subsidiarity.

<sup>17</sup> Gabriël, A., Moens, John, Trone, *Subsidiarity as Judicial and Legislative Review Principles in the European Union* in Michelle Evans, Augusto Zimmermann (eds.), *op.cit.*, pp. 157 -183.

<sup>18</sup> It is not by chance that they were issued within a 40-year interval, on the same date, May 15<sup>th</sup>.

principle of subsidiarity was formulated for the first time. The same Leo XIII had issued the Encyclical *Aeterni Patris* in 1879, whereby he placed the theology of most important catholic thinker of the Middle Ages, Thomas Aquinas, at the foundation of the attempt to modernize the social catholic doctrine. Or, the huge influence the philosophy of Aristotle had on Thomas' thinking is well-known; the latter not only wrote impressive comments to the Aristotelian works, but he also tried – and many would say he even succeeded – to adopt, to “christen” the Aristotelian philosophy of act and potency, of form and matter, of the material, formal, efficient and final causes<sup>19</sup>. Due to this major influence on the theologian who was regarded as the official voice of Catholicism from the First Vatican Council (1869-1870) until the Second Vatican Council (1962-1965), Aristotle came to be regarded as the first theoretical source of the principle and doctrine of subsidiarity.

In our opinion, even if this line of thinking did actually exist as a general influence, trying to introduce Aristotelian philosophy, his perspective on society in particular, in the originating position of the theories on subsidiarity would be excessive and even distorting to Aristotelianism and ruinous to the way in which subsidiarity is understood in the Encyclical *Quadragesimo Anno* and in its subsequent theories. Thus, not long after the issue of the Encyclical, a commentator of the tradition of social Catholicism, the German philosopher Hengstenberg, wrote that “subsidiarity is a principle of the order of society... [whose] entity, the one our research focuses on, is the social entity of total social reality”<sup>20</sup>. By stating this, the author admitted that the philosophical ground of subsidiarity is first and foremost related to social totality, to the interest for its well-functioning. This phrase, as we will see, may be in agreement with the manner in which Aristotle perceived the society, to a much higher degree than other statements made by more recent authors. At the same time, it is worth noticing that Hengstenberg is particularly interested in that aspect from the Encyclical *Quadragesimo Anno* that outlined the importance of order within the state, rather than in the correlated one that outlined the importance of individual autonomy. The fact that the more recent authors

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<sup>19</sup> An attentive examination of this relation would go beyond the necessities of our study, however these are a few of the works in which it is carefully covered: Armand A. Maurer (ed.), *St. Thomas Aquinas 1274-1974 Commemorative Studies*, vol. I, II, Pontifical Institute of Mediaeval Studies, Toronto, 1974, especially vol. I, pp. 213-238; Etienne Gilson, *Thomism The Philosophy of Thomas Aquinas*, Pontifical Institute of Mediaeval Studies, Toronto, 2002 especially pp. 1-38; Norman Kretzmann, Eleonore Stump, *The Cambridge Companion to Aquinas*, Cambridge University Press, Cambridge, 1993, especially pp. 38-59; Eleonore Stump, *Aquinas*, Routledge, London, 2003 especially p. 35-60 și Brian Davies, *The Thought of Thomas Aquinas*, Clarendon Press, Oxford, 1992, especially pp. 1-20, where secondary influences of Plato and Neoplatonism are also mentioned.

<sup>20</sup> H.E. Hengstenberg, *Philosophische Begründung des Subsidiaritätsprinzips*, in *Das Subsidiaritätsprinzip*, A.F. Utz, F.H. Kerle Verlag, Heidelberg, 1953, p. 19.

emphasize the latter is mostly due to the evolution of increasingly individualistic mentalities.

One of those recent authors is Nicholas Aroney, who after briefly yet correctly describing the fact that for Aristotle individuals exist in families, families in cities, and cities in city-states, each of the superior ones representing a finality to the inferior ones, i.e. their reason to be, that which completely defines what they are<sup>21</sup> – for instance, a man is fully a man only in the city(-state) as only therein can a man fully evolve – ends up stating that “compared to that of Plato, Aristotle’s opinion on the ideal city(-state) is obviously closer to the «subsidiary state»”<sup>22</sup>. In other words, after leaving the impression of having understood the manner in which Aristotle perceives the relation among the city-state, city, family and individual, i.e. “each city-state exist by nature since the formation of the first communities, as the city-state is their finality... that for which one exists is one’s purpose, as it is better”<sup>23</sup>, meaning that by giving the city-state absolute priority, Aroney tries to reverse the relation and to leave some room for subsidiarity, for the autonomy of the levels inferior to the city-state. The manner in which he phrases it, by making a comparison to Plato, is an attempt to reconcile the irreconcilable: to respect the view of Aristotle, to whom there is no autonomy of the inferior levels, the city-state being primordial, of course, yet not on the absolute note specific to Plato, yet at the same time – as in literature – to present Aristotle as the originator of the theory of subsidiarity. However, as a better connoisseur than other authors, Aroney states that the one who formulated the principle was Thomas, through his theological interpretation of Aristotle’s political philosophy<sup>24</sup>. In fact, as it is known in literature, Greek thinking, with the notable exception of sophists, rendered priority to the city-state rather than to the individual or to the organisations inferior to the state; it is only when the concept of person appeared in Christianity that the individual and the associations of individuals inferior to the state began to be regarded if not as autonomous from the state, at least as important on their level of existence in relation to the state<sup>25</sup>.

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<sup>21</sup> cf. Nicholas Aroney, *Subsidiarity in the Writings of Aristotle and Aquinas in Global Perspectives on Subsidiarity, cited works*, pp. 13-17.

<sup>22</sup> *Ibidem*, p. 18.

<sup>23</sup> Aristotle, *Politics*, Hackett Publishing Company, Indianapolis, 1998, pp. 3-4.

<sup>24</sup> cf. *Ibidem*, p. 9.

<sup>25</sup> Although these aspects are important in order to show why it is exaggerated to consider Aristotle at the origin of the discussions on subsidiarity, what we herein discussed is enough; a synthetically-oriented view and a bibliography of the manner in which the Greeks, respectively the Christians used to understand the relation between the individual and the city-state can be seen in Marian Panait, *Three Paradigms of Western Thinking in Studies on Epistemology and on the Theory of Values*, editors Marius Drăghici, Gabriel Nagâț, The Romanian Academy, Bucharest, 2015, pp. 97-121.



A relevant example of the extreme misinterpretation of Aristotle's view on the relation among city-state and individual, respectively family and city, would be the position of Chantal Millon-Delsol, who states nothing more or less than a pure untruth: "to Aristotle the city-state is a means allowing oneself to attain one's purposes"<sup>26</sup>. The entire Aristotelian ontology is built on the finalist idea according to which the ultimate purpose, good, pure actuality, prime mover, active intellect (all these four causes referring to the same metaphysical entity) is pursued in an hierarchical manner by all beings, standing as what keeps them together and fulfils them, their hierarchy depending on it. The situation at the social level of the relation among the individual, family and society is nothing but an individual part of general ontology, meaning a part repeating the relations at the level of general ontology at the social level<sup>27</sup>.

To conclude our reference to Aristotle, we summarize the error being unfortunately made quite often in literature, that of pushing the origins of subsidiarity to as far back as Aristotle; to Stragirit, the world is in order, there is a relation of order, yet always in favour of the superior ontological level, i.e. of the city state in relation to which the inferior levels represent only matter, only potentiality; of course one cannot exist without the other, but to Aristotle, in this relation, the city-state is by no means limited to helping with that which cannot be solved at inferior levels; on the contrary, the inferior levels do not truly exist as what they are in the absence of the superior level. To make it easier to understand, let us discuss subsidiarity in the ECHR. There is nothing opposing the situation in which the verdicts issued by national courts are fully fulfilled, in that they be fully compliant with the European Convention of Human Rights, the aid of the ECHR being necessary only when this does not occur; and it should be mentioned that in general, national courts are able to act on each and every occasion in compliance with the Convention, so that the aid of the ECHR can never be required. In the relational scheme of the general Aristotelian ontology and in the social one in particular, the individual, family or city can never be *sui generis* fulfilled as what they are, but they can attain it only through their place in and within the city-state which they hold as finality. In other words, it does not refer to an occasional aid to a level which has in and of itself the capacity to solve

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<sup>26</sup> Chantal Millon-Delsol, *op.cit.*, p. 16.

<sup>27</sup> We should remind that Chantal Millon-Delsol, using the distinction he proposes between the substitutional negative of the city-state and its positive one, states that it does not represent only a means for the attainment of particular purposes, but also a means for the perfecting of the individual, family and state, cf. *Ibidem.*, p. 16. Even though through this addition in the study the author also enunciates an Aristotelian truth – i.e. only in the city-state do the inferior entities become fulfilled, the author still falls into the poor error of regarding the city-state as a means, when in fact it is the supreme purpose within the social order.

certain issues, it refers to the need that the superior level always interferes in order for the inferior ones to adequately solve the issues. Even the term *adequate* suggests how things are, as the inferior levels are never adequate in and of themselves, but only in relation to the superior level of the city-state. It is indeed a weaker statement than that of Plato, where the king philosopher exercised dictatorship over the city-state and its parts; however, it is in the same line of thinking in which there is no salvation outside the city-state. The error in which the specialised literature persists is obvious in this example.

### **The Reasoning of Doctor Angelicus**

We can state that Thomas Aquinas adopts theoretical Aristotelian foundations, for natural philosophy as well as for that referring to the individual and society, while for the supernatural philosophy, metaphysics, the sphere of divine grace – including for those parts which go beyond the nature of and community – the position of Christian religion. For the latter, the focus is on the personal character of human individuals and of the divinity, the fact that based on this character they are endowed with free will and are thus able to consider themselves as persons from the perspective of the freedom to choose – and not due to other factors – as entitled to enter in dialogue even with God as autonomous entities. This assumption of Christian origins on the natural fulfilled character of man and on man's natural freedom – including to reject the dialog with divinity and the divine gifts – is not only the basis on which the principle of subsidiarity lies, “one of the fundamental principles of Catholic faith”<sup>28</sup>, but it also stands as a necessary determination of the adoption of subsidiarity. The person, the family and the other communities can solve at their level the issues on their level, at the natural level in particular. The Church, however, as a *theanthropic* community, also has a supernatural aspect which does not come above the others or interweave with each on its level; by nature man is free to choose, but man continuously receives the aid of divine gifts, especially through the sacraments, for instance through the sacrament of baptism; similarly, the family represents a natural bond between man and woman in the service of procreation, but it is under the sacrament of marriage; the head of the village can be hailed or elected naturally be citizens, but he is also sacramentally invested through the anointing as ruler.

We can easily notice that there is an important difference by comparison with Aristotle, to whom each of the inferior, social levels could be fully fulfilled only in the city-state, whereas in Cristian faith each level is fulfilled *through* supernatural grace,

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<sup>28</sup> Gregory Maria Pine, O.P., *Grounded on Love: St. Thomas and the Logic of Subsidiarity* in <http://www.dominicanajournal.org/grounded-on-love-st-thomas-and-the-logic-of-subsidiarity/>.

in church par excellence, but each at its level as well. Thus, to Aristotle a man is not fulfilled outside the city-state, while to Thomas a man is fulfilled even in the wilderness by pertaining to the church in a mystic way not requiring physical presence. This conception that the aid (*subsidiium*) given by the supreme level does not come from a natural, but from a supernatural level lies at the origin of a long evolution which led to the manner in which subsidiarity is nowadays understood. Hence, both the laic specialists who for instance examine the concept of subsidiarity at the ECHR or at the European Court of Justice and the theologians who write about the social Christian doctrine acknowledge the above-mentioned definition of subsidiarity: in the natural order, each issue must be solved at the level at which it appears and only when needed, when such solutions are not close at hand, does the social superior level need to interfere. But let us not deceive ourselves, the Encyclical *Quadragesimo Anno* makes the above-mentioned recommendations on subsidiarity with reference to individuals and natural communities; in the Christian view, however, none of those is only natural. In Christian thinking, things are as follows: each inferior level decides for itself in natural order and when necessary it receives, in natural order as well, the aid of the superior levels, but in parallel with this evolution, and even overriding it *inside* the Church, *through* the sacraments there is always, at each level, the possibility of divine grace which, as a last resort, can make man turn to the ultimate purpose, God. This component of fulfilment through the supernatural and of ultimate finality in the Church is analogous to the Aristotelian view. Yet in it underlies the relation of subsidiarity, acknowledged by social Catholic doctrine and highlighted in the *Quadragesimo Anno*, referring to the natural order of communities, the one carried on by laic thinkers; but the theologians never forget the supernatural aspect; it is only that in that context from *Quadragesimo Anno*, it was not mentioned.

Once these aspects that are essential to the understanding of the manner in which the theory on subsidiarity evolved inside the Catholic doctrine are presented, it becomes understandable why we stated that Aroney was more entitled to search the origins of the principle of subsidiarity in Thomas than in Aristotle. At the same time, however, we clearly state that we do not share the same optimism regarding the formulation of the principle of subsidiarity by Thomas. That this is just a pretence introduced so as to conform with the habit of searching the ancient and medieval past for the sources of the theory of subsidiarity can also be noticed from the fact that – in the few pages dedicated to Thomas from the cited work – Aroney uses the term of *subsidiarity* only once, just to state that “Aquinas seems to have anticipated the contemporary principle of subsidiarity in many aspects”<sup>29</sup>. The

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<sup>29</sup> Aroney Nicholas, *cited works*, p. 25.

phrase *per se*, the principle of subsidiarity, does not appear in Thomas' work, neither was the term *subsidiarius* employed in a manner that directly refers to subsidiarity as we nowadays understand it. Interpreters are thus compelled to exemplify using texts that would allow for the identification of a relation of subsidiarity. Unfortunately, the text in the *Summa Theologica* II – II 47.11 on the various levels of finality, of good and virtue, *prudencia*, associated, invoked by Aroney<sup>30</sup>, is not the best example, as it can be easily noticed. In exactly the same context of the identification of a text whereby the idea of subsidiarity can be extracted, Finnis, the author – otherwise cited by Aroney – of a paper on Aristotle's legal political and moral view, makes a statement that is rather reserved by comparison to the statement of the latter on this topic, referring to “the partial anticipation of Aquinas of the principle of subsidiarity”<sup>31</sup> and making a significantly more adequate choice of the text on which to support his reserved statement<sup>32</sup>: “it is contrary to the character of the government of the state {contra rationem gubernationis[civitatis]} to hinder the people from acting in accordance with their responsibilities {officia} – with the exception of emergencies”<sup>33</sup>. We reproduced in the translation of Finnis this excerpt from *Summa contra Gentiles*, but the original text in Latin is richer and more comprehensive. Finnis does not cite the immediately previous phrase: “it is optimum, in any government, that each thing be governed in a manner inherent to it: here lies the righteousness of the government”<sup>34</sup>, nor does he cite the subsequent phrase: “it would be against the reason of divine government to allow that the things created act in the manner inherent to their nature”<sup>35</sup>, but he particularly does not mention that “because of the fact that creatures act in this manner, there are the subsequent corruption (destruction) and the evil in things...the weight of excluding any and all evil does not lie on the shoulders of

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<sup>30</sup> see Aroney Nicholas, *cited works*, p. 24.

<sup>31</sup> John Finnis, *Aquinas. Moral, Political, and Legal Theory*, Oxford University Press, Oxford, 1998, p. 237.

<sup>32</sup> It is hard to understand why Aroney does not discuss this text; maybe because he is not directly acquainted with Finnis, but far more probably because of the fact that had he referred to the invoked text, he would have found that Finnis was using it only partially, as he deemed it as more convenient and safer, as a basis of his affirmation on Tomas' anticipation of subsidiarity. In fact, as we highlighted, things are more complicated; however Tomas is at the origin of the theorisation of the relation of subsidiarity.

<sup>33</sup> John Finnis, *cited works*, p. 237.

<sup>34</sup> The entire paragraph in Latin is as follows: *Optimum in gubernatione qualibet est ut rebus gubernatis secundum modum suum provideatur: in hoc enim regiminis iustitia consistit. Sicut igitur esset contra rationem humani regiminis si impedirentur a gubernatore civitatis homines agere secundum sua officia - nisi forte quandoque ad horam, propter aliquam necessitatem,- ita esset contra rationem divini regiminis si non sineret res creatas agere secundum modum propriae naturae. Ex hoc autem quod creaturae sic agunt, sequitur corruptio et malum in rebus: cum, propter contrarietatem et repugnantiam quae est in rebus, una res sit alterius corruptiva. Non est igitur ad divinam providentiam pertinens malum omnino a rebus gubernatis excludere.* Sancti Thomae de Aquino, *Summa contra Gentiles*, liber III, caput 71, n. 4 in <http://www.corpusthomicum.org/scg3064.html>.

<sup>35</sup> Vide nota 33.

divine providence”<sup>36</sup>. If Finnis had cited the entire paragraph from Thomas, he would have attained the following results: 1. a better understanding of the reason why subsidiarity operates at the level of the government of natural things; 2. a better outline of the relation of subsidiarity; 3. the fact that the supernatural respects the way of existence of the natural levels, which means an extension of the application of subsidiarity to the relation between the natural and the supernatural; 4. this means that given the third observation, although the supernatural aids the natural, it does not eliminate that which from a theological perspective is characteristic to the natural, the evil, in its various forms, and death in particular. Out of these four observations, Finnis only refers to the second one, imperfectly; all the other observations that arise from this text confirm our above-mentioned interpretation of subsidiarity in Christianity and especially in Thomas’ view.

It is easily noticeable that the definition we proposed for the concept of subsidiarity is formulated based on a multitude of perspectives (laic and religious, political, social economic etc.) as a minimum selection of traits necessary and sufficient for the establishment of the concept of subsidiarity. This concept is the one whose prehistory is aimed at being examined in the specialised literature and whose history will be analysed in the following based on several theories from modern times. We have already shown that while the concept of subsidiarity is unique, the discussed theories may or may not satisfy its notes, respectively add nuances, yet as a logical object, the concept remains the same as we defined it. It is not uninteresting to show that this concept gains connotations, as we just discussed, even from a theological perspective (we will soon bring other additional comments on the principle of subsidiarity within the social Catholic doctrine), but it is far more important to highlight that not only the term of *subsidiarity* but also a prime nucleus of its definition were formulated in the Encyclical *Quadragesimo Anno*, as a continuation and clarification of the ideas from the Encyclical *Rerum Novarum* (already discussed in the above). These aspects are quite frequently discussed in the specialised literature, unfortunately too swift many times, as we have seen. There are less mentions in the literature about another important moment, the mentioning of the use of the principle of subsidiarity in the social Catholic doctrine, namely in the Encyclical *Centesimus Annus*. There are a few exceptions in the volume *Global Perspectives on Subsidiarity*<sup>37</sup>; Aroney even cites the most relevant fragment: “the principle of subsidiarity needs to be respected: a community of a higher level must not interfere in the domestic affairs of a community of an inferior level, thus depriving the latter of its functions, but it should rather support it when the need

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<sup>36</sup> Vide nota 33.

<sup>37</sup> For instance, Nicholas Aroney, *op.cit.*, p. 10 or Jonathan Chaplin, *Subsidiarity and Social Pluralism*, also in *Global Perspective on Subsidiarity, cited works*, p. 70.

comes”<sup>38</sup>. This unfortunately brings the text in a comparison to provisions from the treaties of the European Union, without underlining the theoretical importance of the Pope’s phrasing<sup>39</sup>. It is important to notice that in *Centesimus Annus* the reference to the principle of subsidiarity appears two times, in addition to the already mentioned one, the second mention referring to the economy, in that the state must act “in accordance with the principle of subsidiarity, creating favourable conditions for the free exercise of economic activities”<sup>40</sup>.

### **A Contemporary Catholic Synthesis**<sup>41</sup>

It is surprising to find the obstinacy wherewith various specialists on the topic of subsidiarity, despite of correctly starting from the first formulation of the principle from the Encyclical *Quadragesimo Anno*, turn their attention rather to the past, especially to Aristotle and Thomas, instead of taking a closer look at the modern contributions to the Catholic social doctrine on the topic of subsidiarity. We are especially referring to *The Compendium of the Social Doctrine of the Church*, published in 2004 by the Pontifical Council for Justice and Peace<sup>42</sup>, at the request of Pope John Paul II, where one of the best, if not the best, definitions of the concept of subsidiarity is formulated, and, moreover, where the practical aspects of the application of the principle in various contexts are also indicated. With the exception of several swift references made by Patrick McKinley Brennan<sup>43</sup>, there is no reference to the Compendium in the tens of titles specifically dedicated to subsidiarity (inclusively in the field of international relations, but also in the judiciary field) by reputed authors such as Føllesdal<sup>44</sup>, Craig<sup>45</sup>, Barber<sup>46</sup>, Lugato<sup>47</sup>, and even by authors

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<sup>38</sup> John Paul II, *Centesimus Annus*, 48 in [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_01051991\\_centesimus-annus.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html).

<sup>39</sup> *Nota bene*, we cite the entire relevant phrase directly from the Encyclical, which Arroney had not done, introducing only an incident in the citation.

<sup>40</sup> *Ibidem*, p. 15 in [http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf\\_jp-ii\\_enc\\_01051991\\_centesimus-annus.html](http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html).

<sup>41</sup> In this analysis of the Compendium we did not follow the chronological line, but that of the sources and theoretical developments: from the Angelic Doctor to *Quadragesimo Anno*, and then to the *Compendium*. It is however obvious that the latter does benefit from the modern developments of the theory of subsidiarity as they are viewed by philosophers and jurists mostly; theories covered in the second part of this article.

<sup>42</sup> Pontifical Council for Justice and Peace, (2 april 2004) *Compendium of the Social Doctrine of the Church* in

[http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html).

<sup>43</sup> Patrick McKinley Brennan, *Subsidiarity in the Tradition of Catholic Social Doctrine*, Villanova, University School of Law, Public Law and Legal Theory Working Paper No. 2013-3008, November, 2012, reiterated *ne varietur* in *Global Perspectives on Subsidiarity, cited works*, pp. 29-48.

<sup>44</sup> Andreas Føllesdal, *The Principle of Subsidiarity as a Constitutional Principle in International Law* in *Global Constitutionalism*, Volume 2, Cambridge University Press, Cambridge,

who discuss the topic of subsidiarity in the social doctrine of the Church such as Ballor<sup>48</sup>. The only thing mentioned by Brennan from the *Compendium* is the fact that the principle of subsidiarity is important to the social doctrine of the Church<sup>49</sup>, after which he focuses on discovering the historical roots of the theorisation of the principle in various theological works from the XIX century<sup>50</sup> and on analysing the philosophical aspects of Christian solidarity, without making the slightest reference to the manner in which subsidiarity is defined in the *Compendium* or to its proposed contextual application. As far as we are concerned, we will insist on this work, given that beyond its religious orientation, it offers one of the best contemporary understandings of subsidiarity.

In the *Compendium* the principle of subsidiarity is covered based on the logic governing the religious view of the paper – in the first part (which interests us), the first chapter shows that the social doctrine of the Church is founded upon the divine love for humans (theocentrism), the second chapter outlines the role of the Church in the plan of divine charity (the theandric Church), the third one refers to persons and rights (anthropocentrism), the fourth to the principles governing the social doctrine of the Church; then there are the other two parts covering various issues of a social nature and the view the Church has on them -, that is from concepts like God and the Church, but placing the principles of the social doctrine – including, or firstly, the one of subsidiarity – in the service of defending the rights of humans and of the communities they are part of.

In the theoretical part dedicated to the principle of subsidiarity it is firstly stated that it contributes to the promoting of personal dignity, “showing preoccupation for family, groups, associations, local territorial realities...[for] the sphere of civil society understood as the sum of the relations among individuals and intermediary social groups”<sup>51</sup>, thus pointing out to the reason why it is then

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Issue 01, March, 2013, pp. 37-62; Andreas Føllesdal, *Competing Conceptions of Subsidiarity*, University of Oslo, Faculty of Law Legal Studies, Research Paper Series, No. 2012-35, pp. 1-12.

<sup>45</sup> Paul Craig, *Subsidiarity: A Political and Legal Analysis* in *Legal Research Paper Series*, Paper No 15/2012, April 2012, pp. 1-30.

<sup>46</sup> N.W.Barber, *The Limited Modesty of Subsidiarity* in *European Law Journal*, Vol. 11, No. 3, May 2005, pp. 308–325.

<sup>47</sup> Monica Lugato, *Sulla sussidiarietà in diritto internazionale* in *Archivio giuridico*, volume CCXXXI, Fascicolo 2, 2011, pp. 129-160.

<sup>48</sup> Jordan J. Ballor, *State, Church, and the Reformational Roots of Subsidiarity* in *The Myth of the Reformation*, Peter Opitz Publishing House, Vandenhoeck & Ruprecht, Göttingen, 2013, pp. 148-159.

<sup>49</sup> cf. Patrick McKinley Brennan, *Subsidiarity in the Tradition of Catholic Social Doctrine* in *Global Perspectives on Subsidiarity*, cited works, p. 31.

<sup>50</sup> cf. *Ibidem*, pp. 31-34.

<sup>51</sup> Pontifical Council for Justice and Peace, *Compendium...*, *op.cit.* I, IV, IV, a, 185 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Origin and meaning](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Origin%20and%20meaning).

shown that “the principle of subsidiarity is indicated as the most important principle of social philosophy”<sup>52</sup>. Once the finality and importance of this principle are indicated, its definition is mentioned; “based on this principle all the societies of a superior order need to adopt attitudes of aid (*subsidium*) – meaning support, promotion and development – towards the societies of an inferior order”<sup>53</sup>. We can notice that the proposed definition coincides with the one we proposed, as a relation of order in the functioning and activity of various organisations, communities, layers. It is remarkably shown that “the state is required to refrain itself from anything that would constrain *de facto* the existential space of the smaller cells that are essential to society; the initiative, freedom and responsibility cannot be replaced”<sup>54</sup>. In a time of complete control over individuals and of free associations among them, exercised first and foremost electronically, even in the so-called free societies the importance of the latter statement assumed at the highest level of the Catholic Church cannot be overemphasized.

The second part of the chapter, called the one of *concrete indications*, is dedicated to the mentioning of the manner in which the principle should be understood and applied in various contexts so that it cannot be deterred from its fundamental role, that of contributing to the insurance of the freedom of individuals and of the associations among them, including of those associations that are not related to civil society, but to local forms of political organisations (here the term local can be understood even as a state or as an entity of the state’s power in relation to international organisations). Firstly, it cautions against potential erroneous interpretations of the principle: “the principle of subsidiarity protects the people from abuse on the part of the superior social authority...the denial of subsidiarity or its limitation...destroys the spirit of freedom and initiative”<sup>55</sup>. Then it is clearly shown that “the principle of subsidiarity opposes ...the excessive interference of the state in public mechanisms”<sup>56</sup> for it leads to centralism, bureaucracy, destroying private initiative in a monopolistic manner.

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<sup>52</sup> *Ibidem*, I, IV, IV, a, 186 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html# Origin and meaning](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Origin%20and%20meaning)

<sup>53</sup> *Ibidem*, I, IV, IV, a, 186 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Origin and meaning](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Origin%20and%20meaning)

<sup>54</sup> *Ibidem*, I, IV, IV, a, 186 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Origin and meaning](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Origin%20and%20meaning)

<sup>55</sup> *Ibidem*, I, IV, IV, b, 187 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Concrete indications](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Concrete%20indications)

<sup>56</sup> *Ibidem*, I, IV, IV, b, 187 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Concrete indications](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Concrete%20indications)



The positive aspects implied by the application of the principle of subsidiarity is also emphasized in the Compendium: “the presence of pluralism in society... defending human rights and the rights of minorities...maintaining an equilibrium between the public and private spheres... citizens taking more responsibility in being an active part of the political and social reality”<sup>57</sup>. At the end of the paragraph on the application of the principle of subsidiarity, the authors of the *Compendium* cover a specific topic, that of the special circumstances invoked by the state in order to derogate from the principle of subsidiarity, thus trying to prevent abuses of the state: “the common good, whose demands will never in any way be contrary to the defending and promotion of human beings and of the manner in which they express themselves in society, must be maintained as criteria for the decisions on the application of the principle of subsidiarity”<sup>58</sup>. In this elaborated form, the text implies a simple idea: the state must not violate the principle of subsidiarity by invoking state matters if it thereby violates human rights. In the context of the present state of the political scene – not only in Romania, but in the entire Western world as well – speaking of the so-called *free world* -, this phrase is truly revolutionary. In a world in which politicians with national and international attributions tend to regard human rights as a whim, the “backward” catholic hierarchy reminds us of ideals for which many died over hundreds of years that we risk forgetting in 10-20 years.

### **The Lesson of the Beginnings**

Noica once referred to a sort of *epilogue* that should lie at the end of each paper for, as Hegel states, the evolution of spirit does not end with the paper. In our case, as we announced from the beginning, this study whereby we propose a definition of subsidiarity but moreover we examine the history of the concept and the manner in which it was established in the discipline that introduced it, is followed by another study in which modern philosophical, political and judicial theories on subsidiarity are analysed. Given this, these conclusive words actually leave the door open for a sequel we announced from the very beginning. Yet beyond the form of it being divided into two parts, there is a lesson of the beginnings. Firstly, it tells us that each reality that can today be regarded as systemic, a structural part of society with its own function such as subsidiarity, is at the same time the bearer of a history making it be what it is. Hence, even though

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<sup>57</sup> *Ibidem*, I, IV, IV, b, 187 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Concrete indications](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Concrete%20indications)

<sup>58</sup> *Ibidem*, I, IV, IV, b, 188 in [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Concrete indications](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Concrete%20indications)

our opinion expressed herein is that Aristotle and Thomas did not directly theorize the concept of subsidiarity, the ideas were assumed in the synthetisation of subsidiarity, beyond any doubt, especially in the Catholic theology. Another lesson of the beginnings is that in parallel with the medieval theological line of thinking that continued to this day, the philosophical interpretation of both the Aristotelian tradition and the medieval tradition of Thomas were developed in modern times, as we shall see in our sequel. Finally, the last important lesson of the beginnings that will become clearer in our following paper is that subsidiarity represents not only a subject matter to various disciplines – political science, law, philosophy, theology, but also a functional principle operating at the level of all communities – from family to the international society of states, and also to the church -, where each level of organisation is attributed a specific extent of autonomy.

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# UNDER RULE OF THE FATHER: A SHORT INQUIRY UPON TOTEMIZATION OF ROMANIAN POLITICS IN CYBER TIMES

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**Abstract:** *If “textualization of form is always re-representation” as John Borneman assumes in his influential essay “Theorizing regime ends”, what would it be the future of contemporary politics, evolving towards an image dominated formula and relapsing in its very own textual equations. Cyber age of politics ended Guttenberg’s version of modernity and inaugurated a nexus of phenomena as: deconstruction and de-territorialisation of democracy, decline of historical memory, emergence of fluid collective imageries, genesis of new virtual communities and most important, recovery of paternalist affinities and totemization of politics. This short essay aims to highlight the constitutive clauses of present tendency towards personalization and paternalization of politics in former socialist realm, with a focus on the recent Romanian civil uprisings and vernacular patricentric responses.*

**Keywords:** *totemization, personalization, Romanian politics, transition cultures, iconography of power.*

## 1. Birds of a feather: Totems, Fathers and Leaders

Contemporary history of East European space remains yet inextricably linked by founding events of 1989, when “patricentric” and “totalizing” authoritarian regimes collapsed, closing previous traditions and representations of political authority and proclaiming a symbolic “death of the father”<sup>1</sup>. Theories of rupture and political change established multiple explanatory traditions, opposing structural arguments to vernacular theses, adjourning however the formulation of a final response for the critical interrogation – How a regime truly ends?<sup>2</sup> Some perspectives claim that no symbolic bodies and narrations of authority really vanish, the afterlife<sup>3</sup> of these artefacts proving to be more vivid than the historical existence itself. Local affinities for providential figures and

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<sup>1</sup> John Borneman, *Death of the Father: An Anthropology of the End in Political Authority*, New York & Oxford: Berghon Books, 2004, p. 6.

<sup>2</sup> *Idem*, p. 6.

<sup>3</sup> Katherine Verdery, *The Political Lives of Dead Bodies: Reburial and Postsocialist Change*, NY: Columbia University Press, 1999, p. 35.

cryptic survival of ideological elites were considered to be posthumous symptoms of communism. Nonetheless, shadows of the father continued to exert a resistant magnetism, resilience of paternalistic politics generating multiple concerns about true substance of East European cultural heritage. Overpassing the Oedipal-complex of parricide<sup>4</sup>, many new emerged transitional experiments glided amid instable landmarks. Experiencing a large variety of adaptive mutations, including everything from belated *perestroika* and rediscovered environmental identities<sup>5</sup> to resurrections of traditionalism and westernization's mimesis, Eastern Europe tried to build a path on its own towards modernity. In this very context, the processes of transition and democratisation were deciphered through the lens of five constitutive clauses: urbanization, industrialization, political mobilization, secularization<sup>6</sup> and not at least, ascent of public sphere. Through the agency of modernization's analytical mechanism, new democracies were classified in three main categories: progressionist cases, situated in the vicinity of western liberal heartland, moderated scenarios, trapped at the intersection of reformed communist countries with edge cases of patrimonialism, and special context of Romanian *sultanism*<sup>7</sup>.

The patterns of democratisation and change employed by former socialist countries made the subject of prolific theoretical inquiries, for the most part tending to bias the influence of communist era in assessing the transitional trajectories. By highlighting the gradual changes occurred within the bounds of soft communisms, early transition theories tried to establish a civilizational map for the development and future accountability of local democratic endeavours. In the light of these considerations, amid the exemplary case of Polish civic effervescence and the Romanian violent and mediatized revolution persisted major dissimilarities, meant to be reflected and conserved during democratic adaptation. This fragmentation thesis was almost confirmed by the passage of first two post-communist decades, until a silent revolution shattered once again the cultural and political map of Europe. Forecasted by coloured revolution waves started in the early 2000, the civic activism of grassroots blazed after 2010 dissolved the borders and internal limits of Eastern and Central Europe, disclosing a modernity paradox. Even if many of the grassroots initiatives were revolving around miscellaneous

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<sup>4</sup> *Ibidem*, p. 7.

<sup>5</sup> Laurent Coumel, Marc Elie, "A Belated and Tragic Ecological Revolution: Nature, Disasters, and Green Activists in the Soviet Union and the Post-Soviet States, 1960s-2010s" in *The Soviet and Post-Soviet Review*, 40(2), 2013, p. 157.

<sup>6</sup> Samuel P. Huntington, "The Change to Change: Modernization, Development, and Politics" in *Comparative Politics*, Vol. 3, No. 3, 1971, p. 285.

<sup>7</sup> Juan J. Linz, Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore: JHU Press, 1996, p. 357.

agendas, colligating environmentalist claims with judicial reform requests and unexpected nativist and national reactions<sup>8</sup>, this sudden change putted under scrutiny the hypothesis of multi-layered convergence towards democratic consolidation. The Romanian environmentalist and pro justice movements and their counterparts from Poland and Hungary (exposing a dual symptomatology, a modern oriented approach, demanding the grant of minority rights and gender equality, followed by virulent traditionalist and anti-globalist reactions) were sharing the same constitutive grounds. New arisen public spheres of progressionist cases and anterior “weak civil societies”<sup>9</sup> diminish their difference, shadowing the cleavages and fragmentation inherited from their communist past. However, the grassroots mutation, labelled initially as a maturation sign for local democracies, overpassing their structural gaps in their road to modernity, was hosting a subsidiary cultural and communicational reform.

Virtualization of politics induced a major cultural turn into the representations and functionality of both democracy and authority. The increasing relevance and power of digital politics created the presuppositions for a post-Guttenberg historical phase. The new configurations of communication and politics generated a nexus of inter-correlated effects, the most influential being considered: de-territorialisation of democracy and genesis of tensional identities, presence of post-nation and post-sovereignty discourses, multiplication of social cleavages, decline of partitocracy<sup>10</sup>, and recrudescence of leaders monopoly upon politics, remarketed as a permanent electoral game. Beyond all, totemization of European politics concerned a reopen of the succession rites abandoned at the exit from communism and the rebound with genealogy of previous abjured fathers. The ground breaking civil events inaugurated after 2010 under auspices of reinvention of politics promoted a social agenda which reinforced social and cultural claims that already were circulated in the public spaces for a long time span: severance from communist past, social justice and fairness, inclusion of marginal and pauperized groups, modernization of institutions, practices and social pacts. The novelty of this civil alchemy referred to the activation of a tensional line amid the traditional leaders’ oriented politics and the new emerged grassroots entities, with fluid forms and apparently escaping a unique coagulation vector or a patronizing figure.

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<sup>8</sup> Clash of millennial enthusiasm of 1989 opened the road to “conservative utopias” and glocal syntheses, eds. P. Hayden, C. el-Ojeili, *Globalization and Utopia: Critical Essays*, NY: Palgrave Macmillan, 2009, p. 110.

<sup>9</sup> Lila Leontidu, “Urban Social Movements in ‘Weak’ Civil Societies: The Right to the City and Cosmopolitan Activism in Southern Europe” in *Urban Studies*, 47(6), 2010, p. 1179.

<sup>10</sup> *Op.cit.* John Borneman, *Death of the Father: An Anthropology of the End in Political Authority*, p. 9.

In this very context, “death of the father”, to use J. Borneman metaphor, was followed by a resurrection’s of paternal totems. This double movement fuelled two divergent symbolic pantheons: a new cyber realm, expelling ostensibly the presence of authority and calling for a post-paternal and post-authority logic (valuing the power of group as main legitimacy tool) and a reshaped traditional imaginary, recovering the semiotics and rhetoric of pre-modern political authority models. Thus, present reconversion of patricentric politics in former communist countries are linked to the persistence of an unsettled historical legacy. Reluctance of the rural problem may be considered a key element for the Eastern Europe cultural and political memory. The legacy of the rural could surmount other fundamental political axes, due to its historical resistance. Assertion of communist rule concealed for more than five decades the adjournment of political modernity within the agrarian encapsulated communities situated beyond the Eastern border. Their permeability in front of the communist version of modernity was selective, paradoxically, the less influenced dimension being the iconography of rulers<sup>11</sup>. The digital revolution opened thus new encounters with modernity for these parallel communities, the virtualization of politics bridging the gaps amid previous distinct equations and orders of democracy.

Herein, contemporary tendency towards totemization of politics, divided in two antagonistically perspectives, refusal of paternal image and reinforcement of patricentric figures, reveal a provocative hypothesis. True legacy of transitional space is not linked to its communist passage rites, but rather is rooted in an extended historical course and has as pivotal theme the awakening of the green peripheries. Symbiosis of the communist imageries with religious pantheon and genesis of visual totemism of the Father was made possible through the agency of a spatially segregated modernity. Yet, reconciliation of the two modernities during digital age and transgression of leaders into symbolic parents or totems divulged a silent filiation.

The grassroots, by definition urban<sup>12</sup> and refusing the rule of the Father and the rural, losing its attachment to classical ideologies and seeking the unifying panacea of a providential ruler, constitute the same expression of an unfinished burial ceremony. For the non-democratic memory of post-communist Europe, the

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<sup>11</sup> Communist propaganda successfully exploited the appetency to image of traditional culture, translating its own authority pantheon into the visual frames of old regimes pageantry. Victoria E. Bonnell, *Iconography of Power: Soviet Political Posters Under Lenin and Stalin*, Berkeley: University of California Press, 1997, p. 4.

<sup>12</sup> Ed. Kerstin Jacobsson, *Urban Grassroots Movements in Central and Eastern Europe*, London: Routledge, 2016. p. 221.



displacement of the *Father* through “ritualized elections”<sup>13</sup>, did not function as curative and restorative measure, as cyclic civil convulsions had demonstrated. Decline of binary temporality of Govern - Opposition formula<sup>14</sup> and the resacralisation of politics, recalls for a totalizing, patricentric and harmonizing leader figure. This personalization shift instituted within mentalities, representation and practices or early democracies calls for reflection, as populist, authoritarian and nativist distortions throw their shadows over recently pacified European space.

## **2. Under rule of the Father: Totemization of Romanian politics after 2010**

Analysing Romanian politics after 2010 civic awakening proves to be a difficult task, under the light of several considerations: the multiplication of communication channels and voices engaged into the process, range variety of phenomena which assumed political stakes (street demonstrations, riots, civil disobedience acts and on-line activism) and mostly, the overlying and hybridization of the movements and public events. The extended phase of civil unrest inaugurated after 2010 had complex sources and employed both local and global motivations as: social costs triggered by austerity policies of the late 2000, ingravescence of social cleavages amid the urban clusters and the marginal communities, the emergence of a second stage of westernization<sup>15</sup> and rediscovery of the national identities. Although the political background of nowadays Romania is profoundly engraved by the presence of chronically political turmoil, three major events could be utilized as referential landmarks for the changes supervened with substance, language and definition of politics: the environmentalist protests against Roşia Montana project from 2013, the 2014 presidential elections and the 2017 pro-justice marches and their 2018 evolutions.

The environmentalist movement against Roşia Montana mining project started in September 2013 and colligated concerns such as protection of natural habitats and local communities against pollution by cyanidation and the safeguard of national interest in exploitation of strategic resources. It is important to accentuate that the environmentalist activism started with Roşia Montana topic was grafted on an extended debate upon local and nativist resistance in front of globalization and especially against land alienation<sup>16</sup>, seen

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<sup>13</sup> *Op.cit.* John Borneman, *Death of the Father: An Anthropology of the End in Political Authority*, p. 10.

<sup>14</sup> *Ibidem*, p. 10.

<sup>15</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, NY: Simon & Schuster, 2007, p. 53.

<sup>16</sup> Irina Velicu, “To Sell or Not to Sell: Landscapes of Resistance to Neoliberal Globalization in Transylvania”, in *Globalizations*, 9(2), 2012, p. 307.

as an identity breaking symbolic operation. The waves of protests mobilized thousands of participants in all major Romanian cities and also in overseas communities and were perceived as an inception stage for a new civic modernity. Major mobilisation of heterogeneous civic groups, militating for protection of national patrimony, ecology, sustainable development and environmentalist justice was deciphered as unification procedure for previous tensional territories of modernity. Brought together by a resistance act, urban and rural dimensions were manifesting apparently the same commitment to an inclusive civil sphere, where the organizational and structural chains were replaced by virtual spaces of communion. Labelled as Romanian Autumn, local environmentalist activism was reiterating the global trends of civic renewal and state reform, but in the same time assumed alternative functions in reconfiguration of political sphere. In defiance to the prolific inquiries dedicated to the social and structural dimensions of the movement, one of the larger mobilisation exercises of the post-socialist era, the rhetoric of the image associated to Roşia Montana case was less discussed.

One of the first elements that tend to individualize the environmental mobilization dynamic built around Roşia Montana case refers to the absence of a patronizing figure. The symbolic Father metaphor, which accompanied Romanian politics during the transitional decades, was for the first time fading into the background, while a new and disruptive semiotics was ascending. Still, Roşia Montana manifesto covered concentrated panoply of messages, revolving around key concepts of unity (“United we save”), revolution (The revolution of our generation”), and reformation of politics (“State treason is measured in gold”). The movement reached a zenith point during last months of 2013 and after that gradually decomposed. Its main legacy concerns the establishment of a contestation culture grounded on a heterogeneous conscience of civic duty. Surprisingly, this ground breaking civic maturation process, aiming to unify the city with the village, in a temerarious attempt to promote social justice and a new age of participative democracy, was paying a significant tribute to pre-modern nostalgia.

Starting with the iconic leaf logo and ending with the digital posters, combining Romanian folk motifs with visual narratives of homeland as mountain landscapes and bucolic and pastoral frames, the Roşia Montana movement utilized an agrarian symbolism. Moreover, this subsidiary message of the environmentalist movement disclosed the tale of two villages, the imaginary one, idealized and recovered as a founding corner stone for new emerged national identity and the real village, ironically excluded from this civic intercession. The Roşia Montana topic is relevant for further totemization of Romanian politics by intervention of two essential arguments: **the inauguration of image oriented politics and the interruption of narrative memory of politics**. This

vibrant civic phenomenon consummated directly after political decision makers officially rejected the implementation of the mining project, leaving almost no material traces. The movement had only a few founding texts, did not embrace a unique patronizing leader or a functional gallery of protective Fathers and most important, did not left behind any ideological or social dogma. Later attempts to seizure the civic move in favour of a classical political entity were unsuccessful. Thus, subsequent ascent of a successor environmentalist and reformist party was meteoric. However, taking into account the main features of the Roşia Montana scenario, it could be considered that its evolution marked the inception stage of totemization process of Romanian politics.

Totemization of politics could be defined in this context as a symbolic operation which implies the transfer of values, representations and functions of authority from classical collective bodies as political parties, institutions and organisations towards leaders. Transformation of leaders into Totemic figures engage subsidiary processes as rise of personalist politics, decline of ideological identities, electoral volatility and downfall of rational and values based political affiliation. The environmentalist awakening of the 2013 acted as prodromal stage for totemization of Romanian politics because it contributed to the deconstruction of previous political identities and fragmentations. Even in absence of a patricentric figure, the movement prepared this future conjugation trough instrumentality of its millennial panoply. Exploiting the resilient imaginary of the nation and pleading for a drastic reformation of post-communist politics, civic move endorsed a hidden recovery of the pre-modern legacy of paternalist leadership. Moreover, the forged reunion of the village with the city's grassroots conscience did not remain without consequences.

The presidential elections of 2014 will be strongly influenced by a proximity condition with the civic dynamic of the previous years. Decline of ideological identities and presence of freshly recreated identity frames pressed political actors to assume virtual symbolic genealogies in order to solve the dilemma of the absent Father. The presidential election game was placed under omen of restorative politics, both candidates qualified in the final round employing reunification and "totalizing" messages. If the left-wing candidate used a great union message and ran his campaign under slogan of "Proud to be Romanians", trying to exploit the national arguments of togetherness, the centre-right candidate utilized a mobilization strategy, calling for the profound change of politics under terms of "Romania of the things well done". The left-wing candidate remained connected to a traditional campaign style, using multiple thematic layers and highlighting the role of social justice and economic fairness in consolidation of democracy, while the technocrat style right-wing candidate assumed a total transformation of classical

politics and promised strong judicial reforms and anti-corruption measures. Despite the natural personalization tendency of presidential ballots, the 2014 electoral moment singularized into the history of local elective rituals by presence of several reconfiguration moments. Starting the race as favourite, left-wing candidate utilized a traditional imagistic panoply, blending countrified semiotics with conservative messages. Assuming the party's ideological genealogy and previous leadership filiation, the left failed however in exploiting the radical renewal aspirations of the dormant civil communities resulted after 2013 environmentalist burst. Beyond the manifest stake of the moment, the 2013 dynamic fostered new equations of collective identity governed by an Oedipal condition – resolution of burial rites of local patrimonialism. The center-right coalition candidate exploited an interrupted political filiation, which allowed him to embody the image of the providential leader. By campaigning against corruption and tackling political elite' monopoly upon public sphere, the right-wing candidate reactivate the vindictive togetherness discovered during prolonged civil unrest of the early 2010. The presidential victory of a leader without a political history and avoiding a manifest ideological frame sanctified the advent of totemization phase. The presidential ballot of 2014 also inaugurated the digital confrontations of leaders, the aggregation force of social networks shadowing conventional mobilisation tactics. It was a clash of leaders seen as Totems and fundamental authority models, and not a confrontation of parties, doctrines or political projects. The defeat of the left-wing candidate, serving as Prime Minister at that time, was attributed initially to a difficult political heritage, doubled by several rampant political crises. More profoundly, the presidential final result could be linked to the presence of tardive parentage pact. The center-right candidate responded better to the fluid identitary frame established during civic reconstruction of Romanian political culture. His ability to reconnect even for a moment the two divergent territories of modernity, the urban age of political community and the marginal spaces engaged in a primary mobilisation, proved to be a contextual resolution of the absent Father dilemma.

Further evolutions of Romanian totemization casuistry concern the second wave of popular risings from 2017 and 2018. The revival of civic participation actions and the recovery of the initial renewal and reformation quests were made possible through a contamination operation. #Rezist movement, connecting various protest groups and civic agendas had once again as focal point the anti-corruption struggle<sup>17</sup>. In the same time, the sparkles which brought protesters back to streets were connected to several attempts of parliamentary majority to

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<sup>17</sup> Ana Adi, Darren Lilleker, "Romania's resistance" in *The World Today*, London: Chatham House, August & September, 2017, p. 42.

soften anti-corruption legislation and to decriminalize misconduct offences. This time, message spectrum narrowed and followed predominantly reformist and pro justice claims. Even if the Father figure was missing again, the new popular grassroots activism could serve only an interlude stage in recovery of a new political Totem. An interesting plea in favour of this scenario regards the re-emergence of anti-communist and leadership lustration argumentation, more provocative as the material end of the regime occurred more than three decades ago. Could it be a refusal of contemporary memory or a perceptive shift induced by visual imageries? Digitalisation of politics offered a simultaneity condition, due to all the relevant events for the identity and representations of a certain group are making the subject of perpetual rehearsal. Following this hypothesis, the patricentric identification with a certain leader or patronizing figure could be an ambivalent operation, the continuous transfer of Totemic functions opening the way for anti-democratic distortions and decline of institutional and behavioural clauses of liberal democracy.

Pacification of the centre-peripheries cleavage and resolution of the rural marginality may offer the grounds for a limitation of totemization of public sphere, as assuming modernity with its various local and global nuances will reduce the velocity of new virtual crowds. Totemization of Romanian politics unlocks uncertain legacies, but further developments of democracy in the vernaculars will depend on integration of new and disruptive versions of digital modernization. The more so as an image governed civilization faces the constant threat of losing its authentic memory.

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# HUMAN SECURITY: FROM HUMANITARIAN INTERVENTION TO RESPONSIBILITY TO PROTECT

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**Abstract:** *The topic of interest in the present work is the **Responsibility to Protect (R2P)**. I chose this theme by trying to define the concept and to offer a theoretical and comparative approach, making the correlation with the Humanitarian Intervention, in the framework of Human Security. In this respect, **R2P** becomes an important milestone in understanding sovereignty, intervention, and human rights. The doctrine addresses the responsibilities an individual state has to protect its populations from genocide, war and crimes against humanity, and also concerns the responsibility the international community has to intervene – even militarily – when a state neglects its duty. My goal is to consider the origins and likely trajectory of **R2P**, within the Human Security framework, from the narrow view, focusing on issues of human rights and the persecution of civilians during armed conflict, and the broad notion, maintaining the individual's protection during natural disasters.*

**Keywords:** *Human Security, Responsibility to Protect (R2P), Humanitarian Intervention, Sovereignty, Human Rights.*

## Human Security – Theoretical Background

The new threats in today's world have generated a shift from the militaristic approaches, which dominated during the Cold War<sup>1</sup> (a traditional view of security, focused on using the military to ensure the territorial integrity of sovereign states), to a more expanded framework. In this context, the concept of *human security* (HS) appeared in the 1980's as a counterpoint to the idea of *state security*. However, HS did not emerge until the 1990's as a systematized concept, when it began to develop institutionally. The maturation process has taken nearly twenty years; yet, the world still finds that HS implementation is difficult and fraught with problems.

An early document in 1992, *Agenda for Peace*, proposed by Boutros Boutros Ghali, introduced the dichotomy of individual security versus state security.

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<sup>1</sup> Security studies and security-based organizations have long been focused on foreign and defense policy mechanisms to avoid, prevent, and if need be win interstate military disputes (Baldwin 1995).

Subsequently, the HS concept was recognized internationally in 1994 when the *United Nations Development Programme* (UNDP) constructed its *Human Development Report*, the core idea delineating human *insecurity* as *vulnerability*. From the 1994 Report – where HS was first articulated – to the establishment of the UN Commission on Human Security (2000) and its subsequent activities, the concept has not only become a buzzword within the UN, but it has also been intrinsically linked to the organization’s basic mission<sup>2</sup>.

Other later contributions completed the HS framework – from *Human Security Now* report elaborated by the UN Commission of Human Security (2000) to the International Commission on Intervention and State Sovereignty document, *The Responsibility to Protect* (2001), which basically promoted a new level in the development of human security.

A brief and clear **outline of the HS framework** is offered by Alexandra Amouyel<sup>3</sup>, as a result of the mixture of the answers to four fundamental questions:

*Human Security for whom? **For individuals**, both citizens and persons and, of course, **for communities**, because, as Kofi Annan underlined, “once synonymous with the defense of territory from external attack, the requirements of security today have come to embrace the protection of communities and individuals from internal violence”<sup>4</sup>.*

*Human Security from what? **From threats to individual’s survival, safety and dignity.***

The **main threats** to consider remain of **military and physical nature**, but HS could also embrace “*far more than the absence of violent conflict*”, encompassing “*human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfill his or her potential*”<sup>5</sup>.

*Human Security from whom? **From state** and national / transnational **non-state actors**<sup>6</sup>.*

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<sup>2</sup>[http://www.allacademic.com/meta/p\\_mla\\_apa\\_research\\_citation/0/9/8/0/9/p98097\\_index.html](http://www.allacademic.com/meta/p_mla_apa_research_citation/0/9/8/0/9/p98097_index.html).

<sup>3</sup>Alexandra Amouyel, What is Human Security? *Revue de Sécurité Humaine/Human Security Journal* - Issue 1 - April 2006, pp. 10 – 23.

<sup>4</sup> UN Secretary General, Kofi Annan. *Millennium Report*, Chapter 3, p. 43-44 in Harvard University list of definitions

[http://www.hsph.harvard.edu/hpcr/events/hsworkshop/list\\_definitions.pdf](http://www.hsph.harvard.edu/hpcr/events/hsworkshop/list_definitions.pdf).

<sup>5</sup> Kofi Annan. «Secretary General Salutes International Workshop on Human Security in Mongolia». Two day session in Ulaanbatar, May 8-10, 2000 in Harvard University list of definitions.

<sup>6</sup> I see the media and NGO’s as playing important roles as non-state actors, bringing the world’s attention to these tragedies and offering support and assistance in resolving them. In this respect, *the CNN effect* transforms simple people, watching comfortable TV news in own living room, witnessing the events; witnesses who are starting to ask themselves what they can do to



*Human Security by what means?* **By actors** (trans-national network) and **by policies, intervention**, and in the very extreme case, when all other multilateral actions have failed, **by acting** to assist victimized populations.

Due to these considerations, within the human security paradigm **the individual becomes the primary referent of security**, broadening the focus from *security of borders* to the *protection of individuals* inside and across borders.

A distinction can be also made between **two approaches in defining the area of human security**. The first is a **broad notion**, which holds that human welfare is the best indicator of security: “*It means, as United Nations Human Development Report mentioned in 1994: safety from such chronic threats as hunger, disease and repression as they kill far more people than war, genocide and terrorism combined.*”<sup>7</sup> The **narrow view** of human security focuses on issues of human rights and the persecution of civilians during armed conflict. In a narrow sense, human security can be viewed as dealing with violent threats to individuals, such as civil war, genocide, terrorism, torture, weapons of mass destruction, violent crime, use of child soldiers, displacement of populations, ethnic cleansings, rape and so forth. The two approaches are complementary rather than contradictory. However, for both pragmatic and methodological reasons, **the Human Security Report uses the narrow concept for the implementation of its mandate**.

Moreover, **in terms of actors there are two main contemporary approaches** on human security: one of them emphasizes **the primacy of the state** with a broadened conceptualization of human security, while the other attempts to place grater **emphasis on a network of multiple actors**, including the UN, states, NGOs and the empowered individual.

### **HS 1.0 – Humanitarian Intervention (HI)**

The first attempt to make HS operational was based on the sudden revival of the concept of humanitarian intervention during the 1990s. This is what made me to refer to HI as HS version 1.0, in line with the current trends of “cybernetizing” the international relations language.

However, the modern concept of “humanitarian intervention” is not quite brand new, its essential ideas dating back, at least, to the Spanish legal thinking

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decrease the terror and are wondering why their government doesn't react in order to find a solution. This awareness of the simple people is the necessary step for an inverse of the typical response: the usually action – reaction becomes, in this specific situation, reaction (watching the events) – action (by militating against violence and injustice, individual or in civil societies and by asking the government to be more responsible).

<sup>7</sup> United Nations Human Development Report, New York, Oxford, Oxford University Press, 1994, [http://hdr.undp.org/sites/default/files/reports/255/hdr\\_1994\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf).

of the early 17<sup>th</sup> century. Shortly thereafter, Alberico Gentili<sup>8</sup> and Hugo Grotius<sup>9</sup> provided a framework European state system that time. Thus, beginning with the seventeenth century, jurists considered that humanitarian considerations were included in justifying war and since then, it has never disappeared from international law and state practice.

Even though HI did boldly re-emerge at the end of the Cold War, the characteristics of the concept weren't clearly defined, and politicians, soldiers and legal or political thinkers using the term with very different aims.

The first cases for practical application of the HI concept involved Somalia and Bosnia (1992), both events emphasizing the complexity of a collective intervention against a failed or failing state and the inability of the UN to stop the violence and effectively protect civilians. The intervention in Somalia failed in and unabated massacres took place in ex Yugoslavia, in Srebrenica, and in Rwanda.

The ineffectiveness of the UN provided the grounds for increasing permissiveness toward individual interventions by powerful states, or regional organizations, which were perceived as more effective. Examples of such interventions include NATO actions in Bosnia in 1995 and Kosovo in 1999 (despite the illegitimate nature of the latter), Australian intervention in East Timor, and British intervention in Sierra Leone in 2000.

Moreover, the 1999 NATO intervention in Kosovo, undertaken without Security Council authorization, revived fears of the re-emergence of “imperial” / “colonial” dominance by world powers in their traditional spheres of influence and it became clear that the concept of HI has no future, at least as a simple concept or customary law.

Even though the HI “experiment” collected many detractors, **it still had raised three fundamental issues in analyzing the intervention in the name of the human rights** – its “antitheticity” to the principle of sovereignty, the authorization for the use of force and the operational issues associated to its implementation (motivation, means and ends).

The principles of refraining from the threat or use of force against states, other than in self-defense or when authorized by the Security Council, and of nonintervention in matters that are essentially within the domestic jurisdiction of

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<sup>8</sup> As early as 1598, Alberico Gentili established the “*honorable reasons for waging war*”. He recognized the importance of humanitarian considerations in war and concluded that “*the subjects of others do not seem to me to be outside that kinship of nature and society formed by the whole world*”. (*De jure belli libri tres*, 1598)

<sup>9</sup> Hugo Grotius, the seventeenth-century Dutch jurist, often credited as “*the father of international law*”, did not have a doctrine of humanitarian intervention in the contemporary sense. What he did have, however, was an ethical theory of intervention, which incorporated many of the concerns found in the modern literature. (*The Rights of War and Peace, in three books*, 1625).

any state are enshrined in the UN Charter. Moreover, nonintervention also acts to strengthen the rule of law, and to create the international environment for the realization of the ideals of the UN Charter. On the other hand, the idea of intervention for the purpose of safeguarding one of the core “pieces” of the contemporary international law – individual human rights – is a landmark of human moral development and is also strengthening the system of international legal rules and norms.

In both cases there is room for dangers – the doctrine of nonintervention carries with it the **perils of omission** – atrocities protected by the barrier of state sovereignty – while humanitarian intervention carries with it the **perils of commission** – either that it is used as a cover for other motives, or that the intervention is well-intentioned but results in more harm than good<sup>10</sup>.

The second issue, the legitimacy here rests on what is done, who does it, and under what authority. The experiences of the 1990s unveiled **three types of bodies** that have claimed the authority to intervene: **the United Nations**, particularly the U.N. Security Council; **regional organizations**, including the Economic Community of West African States (ECOWAS), NATO, and the Organization of American States (OAS); **ad hoc individual states / groups of states**<sup>11</sup>.

Even though the United Nations is the central institution to provide legal legitimacy, since the principle of nonintervention under international law is primarily enshrined through the provisions of the UN Charter, the dilemma can be summed up in the following three propositions: to respect sovereignty all the time is to be complicit in human rights violations some of the time; to insist that the Security Council must always consent is to hand over power to the most obstructionist of its members; and to use force unilaterally is to violate international law<sup>12</sup>.

Since intra-state conflicts frequently present a *mélange* of security, political, economic, and humanitarian problems, all interconnected, **the HI implementation was problematic**. It is particularly hard to distinguish from undesirable types of intervention, taking into account the fact that, for example political tools, such as sanctions, and humanitarian tools, such as food aid, can undermine each other's effectiveness.

In light of the previous criticisms, the HI concept did not reach the level of an international law norm and it also did not cover both notions of human security (a HI action in case of natural disaster, even in a case similar to the

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<sup>10</sup> Shashi Tharoor, Sam Daws, „Humanitarian Intervention: Getting Past the Reefs”, *World Policy Journal*, Summer, 2001.

<sup>11</sup> *Ibidem*.

<sup>12</sup> "Humanitarian Intervention? How Can We Do It Better?" conference held at Wilton Park, Sussex, U.K., February 19-22, 2001.

Burmese crisis from 2008<sup>13</sup>, would not have done anything but undermining concept's coherence). Nonetheless, **the attempts to overcome HI's inherent flaws gave birth to a new emerging norm** – the responsibility to protect.

### **HS 2.0 – Responsibility to Protect (R2P)**

The repetitive protection failure by the international community (in former Yugoslavia, Rwanda, the Democratic Republic of Congo, and Sudan) on the one hand, and the fear of intervention without authorization (such as in Kosovo) on the other hand, led the then UN Secretary-General, Kofi Annan, to call for the elaboration and normalization of some basic principles that would balance at the effective prevention of future atrocities against civilians at the same time in keeping with the respect for international principles of sovereignty and non-intervention in the domestic affairs of other states.

In response to the U.N. Secretary-General's call, an independent International Commission on Intervention and State Sovereignty (ICISS) was founded and, in 2001, it issued the report that created the ground for R2P development.

The main goal of the ICISS report was to replace the compromised idea of HI by shifting the debate away from the legal right to intervene to the victims of a humanitarian crisis, and implicitly from “sovereignty as control” to “sovereignty as responsibility”<sup>14</sup>. Also by shifting the debate toward the victims of a humanitarian crisis, R2P envisages a larger purpose than that of a military intervention becoming strongly connected to the issues of human rights and development and thereby winning more legitimacy than HI. Thus, in our approach, R2P represents the 2.0 “version” of HS.

Along with the shift of the debate, there are other two main differences between HI and R2P, namely – while **the scope of HI has never been clearly defined, the application of R2P is restricted to four crimes** (genocide, war crimes, ethnic cleansing, and crimes against humanity) and unlike HI, **R2P was also officially endorsed within the UN documents** (the basis of R2P were spelled out in the UN General Assembly's *2005 World Summit Outcome* and further on in the *UNSC Resolution 1674 on the Protection of Civilians in Armed Conflict*). However, initially R2P generated a “revolt” within the UN, due to its association with the humanitarian intervention. In this light, there are two

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<sup>13</sup> In May 2008, the ruling military regime of Burma/Myanmar initially refused in responding to offers of international aid following the catastrophic Cyclone Nargis with its tidal surge that devastated the Irrawaddy delta, directly killing over 130,000 people and putting scores of thousands more at risk from disease, starvation, and exposure.

<sup>14</sup> Report of the International Commission on Intervention and State Sovereignty - The Responsibility to Protect, Published by the International Development Research Centre, 2001, <http://responsibilitytoprotect.org/ICISS%20Report.pdf>.

important aspects to be taken into account – the reasons of associating R2P and HI and the “composition” / concerns of the group of states opposing R2P.

**The first reason** is external to R2P and stems from the tendency of many commentators and some prominent figures to misrepresent R2P as a way of “legalizing” humanitarian intervention. Although the World Summit Outcome Document specifically identified the Security Council as the source of authority for coercive R2P measures, Alicia Bannon argued that “*the [2005 World] Summit agreement strengthens the legal justification for limited forms of unilateral and regional action – including military action – if the United Nations fails to act to protect populations from genocide and other atrocities*”<sup>15</sup>. The following year, Stephen John Stedman, a senior advisor to Kofi Annan, argued that Annan’s agenda included “*a new norm, the responsibility to protect, to legalize humanitarian intervention*” and then claimed that the Summit had succeeded in establishing “*a new norm to legalize humanitarian intervention*”<sup>16</sup>. Thus, it is hard to see where the World Summit Outcome Document does anything other than reaffirm the Security Council’s primacy on use of force decision making, but commentaries such as this help reinforce the belief that R2P could be used as a “Trojan horse” by unilateral interventionist governments.

**The second reason** for the persistence of the association of R2P with humanitarian intervention is that the original ICISS report was indeed primarily concerned with re-conceptualizing humanitarian intervention in the wake of the Kosovo crisis. Charged with reconciling sovereignty and the need to halt genocide and mass atrocities, the ICISS introduced new language and concepts, but did not lose its emphasis on the problem of humanitarian intervention.

It is also important to distinguish between the two groups of states that expressed skepticism or outright opposition to R2P. For **traditional opponents of R2P**, such as Cuba, Pakistan, Algeria, Iran, Zimbabwe and Venezuela, the issue was one of forestalling any moves to improve the capacity of international institutions to interfere in the domestic affairs of states. These concerns are different from those raised by **more influential states** such as India, the Philippines, China, and Russia, where the skepticism did not necessarily translate into a rejection of the underlying purpose of R2P, which is the prevention and halting of genocide and mass atrocities. Therefore, for the latter states the problem is that it opens the door to potential abuse by states that might use R2P arguments to justify unilateral and self-interested interventions.

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<sup>15</sup> Bannon, Alicia L., *The Responsibility to Protect: The UN World Summit and the Question of Unilateralism*, *The Yale Law Journal* 115: 1156–1165, 2006.

<sup>16</sup> Stephen J., Stedman, „UN Transformation in an Era of Soft Balancing”, *International Affairs* 83(5): pp. 933–944, 2007.

In the specialized literature, Alex Bellamy made some interesting comments on three understandings of R2P – *concept, principle, norm*<sup>17</sup> – implicitly associated with three levels of analysis – political, ethical and legal. The three facets of R2P are also charting its development from an abstract idea toward a legally binding rule of conduct.

**As a concept**, R2P represented just an abstract idea, a suggestion about a possible norm or course of action, a proposal requiring further development, elaboration or agreement before it can be turned into shared expectations of appropriate behavior or into a plan of action for institutional reform. This state can be associated with the incipient stage of R2P development – ICISS report.

**As a principle**, R2P embodies a fundamental truth or proposition which serves as the basis for belief leading to action. In its development from concept to principle, R2P has acquired a status of shared understanding and emphasized that there is sufficient consensus to allow it to function as a foundation for action. The importance of the difference between R2P as concept and R2P as a principle rests with the fact that, conceptually, it determines whether as a concept, it is subordinate to the traditional principles of sovereignty and non intervention, or whether as a principle, it has the effect of altering the meaning of sovereignty itself.

**As a norm**, R2P is best understood as a collective understanding of the proper behavior of actors<sup>18</sup>. In this case, the academic debate centered around the question whether R2P is a norm and, furthermore, whether it is an emergent or an embedded norm. The UN High-Level Panel endorsed R2P as an emerging norm that there is a responsibility to protect and confirmed the developing consensus that this norm was exercisable by the Security Council<sup>19</sup>.

In summary, R2P is a radically unfinished program. However, by re-conceptualizing sovereignty as responsibility and situating intervention within a broader continuum of measures designed to protect individuals from genocide and mass atrocities, the UN succeeded in reframing the debate.

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<sup>18</sup> Josef Legro, Which norms matter? Revisiting the failure of the internationalism, *International Organization*, 51(1) 1997, p. 33.

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# THE IMPORTANCE OF THE QUALITY OF LIFE IN ACHIEVING HAPPINESS

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**Abstract:** *The economic development of a state is closely linked to the quality of life that that state offers to its population. The most profitable investment a country can make is the investment in education, health and living conditions of its citizens. This investment will generate a huge economic profit in the future. An educated, healthy and happy with its living conditions population generates well-trained and competent human resources that will generate growth and economic development. When the citizens of a state have a high quality of life, they are happier and more productive at work. But a high standard of quality of life and a happy population do not only generate a country's economic development, but also political and social development.*

**Keywords:** *Quality of Life, Happiness, Economic Development, Social Welfare, Sustainable Development.*

## The Quality of Life

The quality of life is a global qualitative concept that can be used to assess many concrete aspects of a person's life, a group of people, or a nation in its whole.<sup>1</sup>

The definitions found in the literature converge to emphasize the complexity of the quality of life. Thus, in one of the first large-scale works devoted to social indicators and quality of life (published in 1966, R. Bauer - Social Indicators), the pragmatic character of the information acquisition process is highlighted to know whether things are going well or badly, from the social point of view, in the life of the population, and the many elements to be considered: participation, affection, status, respect, power, security, freedom, self-reliance, beauty, creativity.<sup>2</sup>

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<sup>1</sup> Bădescu Ilie, Cucu-Oancea Ozana, (Eds.), *Rural Sociology Dictionary*, Bucharest, Mica Valahie Publishing House, 2004, p. 70.

<sup>2</sup> Bauer Raymond A., (Ed.), *Social Indicators*, Cambridge, Mass.: M.I.T. Press, 1966, pp. 57-82.



In a synthetic expression, the area of the quality of life is defined as the value for man of his life, the extent to which living conditions give man the possibility of meeting his multiple needs, the degree to which his life is satisfactory to man.<sup>3</sup>

Having a political end, in the sense that it indicates what a person (collectivity) can do to change and improve living conditions, the concept has a strong evaluative character. It includes not only the natural living conditions (habitat, household facilities, social facilities, health care, education, leisure time, economic resources, working conditions, participation opportunities, quality of administration) corresponding to different areas of life (biological, work, family, social group, etc.), but also indicators - evaluation criteria, of the perception of objective and satisfaction states.

We believe that the field of quality of life can be defined by all the physical, economic, social, cultural, political, health, etc. conditions in which people live, the content and nature of their activities, the characteristics of the relationships and the social processes in which they are involved, the goods and services to which they have access, the patterns of consumption adopted, the style and the way of life, the assessment where the circumstances and outcomes meet the expectations of the population, the subjective states of satisfaction / dissatisfaction, happiness, frustration, etc. Setting up a set of relevant and operational indicators of quality of life that reflects the whole issue, but not very numerous, is a difficult task to achieve.

In fact, „the quality of life is a concept that is systematically circulated in post-war social sciences.” It essentially expresses three aspects of human life:

- a) the degree of satisfaction of the basic and derived needs (the „economic” aspect);
- b) the degree of adaptation to the social environment and the relations between people (the „social” relational aspect itself);
- c) the way in which man conceives life, its meaning, but also the way he perceives the concrete situations of his life and those of his close ones (the „spiritual” aspect).

The quality of life is therefore a form of individualized social existence; each person is characterized by the quality of his life.

Through the quality-of-life indicators we can find data about an individual or a group such as: the degree of satisfaction of food requirements, clothing, dwelling, work, environmental quality, the quality of human relationships, the

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<sup>3</sup> Zamfir Cătălin, (Eds.), *Indicators and sources of variation in quality of life*, Bucharest: Academia RSR Publishing House, 1984, pp. 66-67.

perception of the individual or a group on the issues listed above. The notion of quality of life cumulates all the particular aspects that make up the life of a person or group of people.<sup>4</sup>

The term quality of life refers to the more or less good or satisfactory character of people's lives. Having a "quality life" is very desirable for an individual or for a group of individuals due to the emphasis that today's society puts on the immediate life experience, associating good living with vitality and dynamism, but also with quality (products, services, etc.), the latter being one of the most important criteria for the evaluation of the organized activity.<sup>5</sup>

Due to the fact that the public evaluates living conditions through satisfaction or dissatisfaction, being the main beneficiary of programs and policies, ensuring the quality of life as high as possible has become the goal of social development.<sup>6</sup>

The concept we study in this paper, the quality of life, appears in the twentieth century, being a sociological one, but the basis on which it was built has its origins in much older writings in fields such as philosophy, social sciences and politics.<sup>7</sup>

In Plato and Aristotle we find critical considerations to the ideas of Aristip of Cirene and other representatives of hedonism. The hedonists argued that a good life is the one that gives the most pleasure. However, Plato believes that people can only achieve happiness in a well-organized city, underlining the importance of the state's role in creating individual well-being.<sup>8</sup> Plato also urges us to think that it is not possible to make a people happy if that people does not want to. In the "Republic"<sup>9</sup> dialogue, Plato does not wonder what the ideal political regime is, but how to live properly? The Platonic answer deserves to be brought into context: it is proper to live right. To live right in Plato's sense is to be happy. Justice is the virtue of all virtues in the Greek philosopher's view, having moral and political connotations, being a social virtue. Not by accident, Plato devotes a mature dialogue to the Ideas of Justice.

Aristotle, who was Plato's disciple for 20 years, took over his master's theory and builds a theory of justice in both "Politics"<sup>10</sup> and "Nicomahic Ethics"<sup>11</sup> which

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<sup>4</sup> Bădescu Ilie, Cucu-Oancea Ozana, *cited works*, p. 70.

<sup>5</sup> Zamfir Cătălin, Stănescu Simona, (Eds.), *Social Development Encyclopedia*, Iasi, Polirom, 2007, pp. 81-82.

<sup>6</sup> *Ibidem.*, p. 82.

<sup>7</sup> *Ibidem.*

<sup>8</sup> *Ibidem.*

<sup>9</sup> Plato, *Works*, Vol. V, Scientific and Encyclopedic Publishing House, Bucharest, 1986, pp. 55-68.

<sup>10</sup> Aristotle, *Politics*, Paideia Publishing House, Bucharest, 2001, pp. 105-124.

<sup>11</sup> Aristotle, *Nicomahic Ethics*, Antet Publishing House, Bucharest, 2007, pp. 94-150.

was not even equaled by the most read American philosopher in the field of political philosophy. It's John Rawls with his "Theory of Justice" with which he has revolutionized the field of philosophy of law in the middle of the 20th century.

The great philosopher Aristotle analyzes in depth the concept of good living. Justice is the perfect virtue, but not viewed in absolute terms, but in comparison to other virtues. Both Plato and Aristotle can not talk about happiness in the city or about good life without respect for justice as equity, in the sense of giving everyone what they deserve. It raises happiness to the highest human value, not a psychological state, but an action taken by the individual in order to live in accordance with his own self in order to realize his own potential. For Aristotle, the phrase "good life" implies the existence of sufficient external goods: material welfare, health, friends, good luck, to such an extent that the person allows itself the practice of moral and intellectual virtues.<sup>12</sup> Both thinkers let us understand that a community of virtuous people is a happy community. Hence, the emphasis on education.

With the Enlightenment also returns the hedonistic paradigm that is synthesized in utilitarianism. Jeremy Bentham believes that the goal of society's action must be to provide the greatest happiness for as many people as possible. Utility is the universal normative criterion in judging justice and happiness in the view of utilitarians.<sup>13</sup> This way of thinking will influence the development of contemporary economic theory of happiness as a utility and will inspire contemporary social policies.<sup>14</sup>

In the 20th century, the study of the concept of "good life" is taken over by many other fields such as sociology, urbanism, social geography, social assistance, environmental sciences and medical sciences. Sociology evaluates social change by taking into account factors such as social cohesion, education, culture, crime, etc. In the sciences that study the environment have emerged numerous indicators that measure the environmental quality, and also the ability of society to carry out economic activities that do not endanger the well-being or even the lives of future generations. These indicators are gathered under the generic term of sustainable development indicators. In the medical sciences, the quality of life is understood in relation to the physical, psychological and social benefits or damage caused by both the illness and the medical act.<sup>15</sup>

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<sup>12</sup> Zamfir Cătălin, Stănescu Simona, *cited works*, p. 82.

<sup>13</sup> Mill, J.S., *Utilitarianism*, All Publishing House, Bucharest, 2014, pp. 34-55.

<sup>14</sup> Zamfir Cătălin, Stănescu Simona, *cited works*, p. 82.

<sup>15</sup> *Ibidem*.

Civic actions taking place in the public space give rise to the idea that government institutions must respond to citizens for the way they have dealt with public interests. Now, in the public consciousness is born the belief that politics has a profound involvement in creating people's welfare. The right to happiness is mentioned in the American Revolution Program, and the most influential political ideologies - Liberalism and Socialism – are offering to citizens different ways to achieve happiness.<sup>16</sup>

In the political discourse in civilized countries, the concept of quality of life emerges only in the second half of the 20th century, when development cannot be approached only from an economic perspective, and sciences such as sociology and environmental sciences bring concrete evidence showing the devastating effects of accelerated development such as the destruction of the environment and social relations.<sup>17</sup>

Since the 1970s there have been numerous studies and scientific papers showing the quality of life in the United States of America. A Society is being established across the ocean - the International Society for Quality of Life Studies - composed of the best specialists in the field, and the prestigious Social Indicators Research journal is published.<sup>18</sup>

This new model of scientific research is then taken over by Western European countries. In Germany, Sweden and the Netherlands appear the first social reports based on quality of life indicators; they are published in volumes that include comparative analysis of the levels and trends which are made by sociologists and statisticians, the development monitoring effort taking into account both objective and subjective aspects. In Eastern Europe, these concerns about the quality of life research receive due attention only in the late 1970s.<sup>19</sup>

The concept of quality of life has nowadays a complex and multidimensional character, and it is recognized that improving the quality of life at both social and personal level requires progress in all areas. In such research it is necessary to consider not only components such as the physical and economic environment (living standards), but also aspects related to social, cultural, political life, etc. Therefore, it is important to design systems of indicators that cover the full range of life dimensions.<sup>20</sup>

In the quality of life research, the system of indicators which is used comprises several dimensions, the most important ones being the following:

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<sup>16</sup> *Ibidem.*

<sup>17</sup> *Ibidem.*, p. 83.

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

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

<sup>20</sup> *Ibidem.*

person, population, natural environment, human settlements, housing, social environment, family, employment, quality of working life, macroeconomic resources for living standards, income, consumption, services for the population, household, education, health care, culture, insurance and social assistance, leisure time, quality of the political environment, state institutions and public order.<sup>21</sup>

Some dimensions mentioned above are measured by indicators that are calculated at the level of society as a whole (for example: unemployment rate), and others by indicators measured at the individual level through surveys (for example, trust in institutions). The personal domains that the individual is responsible for - personal well-being, family life - are generally better rated than the social (public) ones, the latter being the result of people's interaction or institutional action: political life, human relations, social well-being, safety in public places, etc.<sup>22</sup>

The quantification of the quality of life is done both through objective and subjective approaches. The objective conditions in which the individual lives compose what in sociology is called the living standards, which are measurable by status indicators at the individual level, or, on an aggregate level, by objective indicators. The subjective dimension is how these aspects of life are reflected in individual consciousness. The person answering questions in the questionnaire evaluates the relevant areas of life in terms of good or bad - unsatisfactory.<sup>23</sup>

The notion of quality of life has emerged as a critical reaction to the consumer society, to the theories of uncontrolled economic growth, to waste and imbalances of any kind.<sup>24</sup>

The area of quality of life includes the following aspects: material living conditions related to people's incomes, their needs, living conditions, etc., statistically measured by specific indicators.<sup>25</sup>

The quality of a man's life influences his happiness. Generally, the people that have a higher quality of life are happier than others. People who have higher wages, a good job, higher education, adequate living conditions, and a very good health have a greater degree of happiness than people with a modest situation.

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<sup>21</sup> Mărginean Ioan, Bălașa Ana, (Eds.), *Quality of Life in Romania, Revised and Completed Edition*, Bucharest, Expert Publishing House, 2005, pp. 38-43.

<sup>22</sup> Zamfir Cătălin, Stănescu Simona, *cited works*, p. 84.

<sup>23</sup> *Ibidem*.

<sup>24</sup> Roman Monica, *Human Resources in Romania. Evaluation and Efficiency*, Bucharest, ASE Publishing House, 2003, p. 66.

<sup>25</sup> Mărginean Ioan in Roman Monica, *cited works*, 1991, p. 67.

## **Happiness in Europe**

World Happiness Report 2017 presents a happiness ranking for 2014-2016. The top 10 positions of the Ranking of Happiness are occupied by the following states:

1. Norway (7.537)
2. Denmark (7.522)
3. Iceland (7.504)
4. Switzerland (7.494)
5. Finland (7.469)
6. The Netherlands (7.377)
7. Canada (7.316)
8. New Zealand (7.314)
9. Australia (7.284)
10. Sweden (7.284)<sup>26</sup>

The variables that contributed in making this ranking of happiness are: GDP per capita, social support, healthy life expectancy, freedom to make life choices, generosity and perceptions of corruption.<sup>27</sup>

As we can see, the top 10 positions in this ranking are occupied in an overwhelming majority by European countries, the only exceptions, being three in number, are placed at the end of the ranking.

In the top 6 there are only Nordic countries, with the only exception being Switzerland on the 4th place. Norway (7,537) is ranked first in the Rankings of Happiness, followed by Denmark (7,522), Iceland (7,504), Switzerland (7,494), Finland (7.469) and the Netherlands (7.377).

Starting with the 7th place we find non-European countries: Canada (7.316), New Zealand (7.314) and Australia (7.284), followed again by a Nordic country - Sweden (7.284).

The whole Happiness Ranking encompasses a total of 155 states around the globe, but we have decided to take into consideration only the top 10 positions.

## **Conclusions**

Finally, it must be stressed that there is a very close relationship between happiness and quality of life. Public policies are necessary, but not sufficient to increase the quality of life, the latter also having spiritual connotations, going up to the meaning of life. So, the quality of life is a sociological concept, while

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<sup>26</sup> Helliwell, J., Layard, R., & Sachs, J., *World Happiness Report 2017*, New York: Sustainable Development Solutions Network, 2017. p. 20.

<sup>27</sup> *Ibidem*.

happiness is a metaphysical concept (eminently philosophical) because it involves the spirit of man. Happiness is the fundamental purpose of life toward which all other virtues converge.

The dominance of the Nordic countries in the Top 10 of the Ranking of Happiness is predictable, as the quality of life in Norway, Denmark, Iceland, Switzerland, Finland, the Netherlands and Sweden is very high.

The northerners are employed in a labour market where wages are high, and these above-average incomes enable them to enjoy the best living conditions and benefit from an efficient healthcare system. Also, the purchasing power of the citizens in Northern Europe is very high, they can buy all the goods and services needed for a decent living.

If the citizens of these countries face problems, they receive important social support, both from relatives and friends, and also from the Church, NGOs or state authorities.

The countries of Northern Europe are very developed from an economic point of view, with significant human, financial and natural resources. This economic development has increased the quality of life and the level of happiness of the peoples of those countries.

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# A BAKHTINIAN READING OF CARYL CHURCHILL'S FEMINIST DISCOURSE IN *TOP GIRLS*

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**Abstract:** *Caryl Churchill is one of the most distinguished contemporary British women playwrights to emerge in the post-war era. She is a playwright who has managed to enter successfully the male canon and gain wide recognition among theatre audiences and critics. Caryl Churchill's Top Girls, first performed at London's Royal Court Theatre on 28 August 1982 and directed by Max Stafford-Clark, is one of the most important plays of feminism to date. The play examines the status of women in the world especially in the workplace through the life stories of five important women characters of history. In this regard Top Girls relates itself to the Bakhtinian concept of carnival through the scenes of banquet. This paper aims at reading Churchill's Top Girls with a close reference to the theory of carnivalesque depicted by Michael Bakhtin in his critical work on Rabelais, Rabelais and his World.*

**Keywords:** *Women, feminism, Bakhtinian, carnivalesque, patriarchy.*

## Introduction

Caryl Churchill is one of the most distinguished contemporary British women playwrights to emerge in the post-war era. She is a playwright who has managed to enter successfully the male canon and gain wide recognition among theatre audiences and critics. "At the beginning of the decade, she was a writer beginning to attract attention. By the end, there was no doubt about her international status"<sup>1</sup>(Roberts 2008: 44). Churchill is by all means a feminist playwright and her plays echo that. She achieved prominence with her socially critical and feminist plays challenging issues such as violence, sexual repression and oppressive images of woman. Her work shows a marked concern with the issues of patriarchal gender relations, class, race and power. As Elaine Aston points out throughout her theatrical career Caryl Churchill has mainly concerned with "theatricalising a socialist and feminist critique of the injustices and inequalities produced by late 20<sup>th</sup> century western capitalism and patriarchy"<sup>2</sup> (18).

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<sup>1</sup> Roberts, Philip. *About Churchill: the Playwright and the Work*. London: Faber and Faber, 2008.

<sup>2</sup> *Ibidem*, p. 18.

Churchill is a playwright that very clearly has a message to be communicated. Her success as a playwright depends on the ability to capture the attention of her audience, to rock their complacency and to engage their intellect and emotions in such a way that the impact of her message will be a lasting and effective. In this regard she chooses feminist topics intermingled with politics.

Churchill is a political writer. Her goal is to lead society through a process of recognition and understanding and to thereby indicate a necessity for change. Her vision is that the world can be a humane, moral and equal place for women. She is conscious of and critical about the social and political climate around her. Churchill lives in an age of late capitalism in which public life has changed a lot under the reign of Margaret Thatcher. Churchill's plays written in the Thatcher period can be seen as a conscious challenge to the discourses of Thatcherism as they call for the audience's consciousness of the socio-political atmosphere of their time.

### **Top Girls**

*Top Girls*, set in Thatcherite Britain in the 1980s was first performed at the Royal Court Theatre on 28 August 1982. The play "examines the place of women in the world, specifically in the workplace, at the beginning of the 1980s through the character of Marlene, a woman who embodies the Thatcherite values of individual ambition at the expense of others"<sup>3</sup> (Dorney 2008:7). In an interview Caryl Churchill frames the birth of the play here. We shall quote this at length:

*"The ideas for Top Girls came from all kinds of things. A lot of it went back a really long way. The idea of Dull Gret as character I found in some old notebook from 1977 or 78. There'd been the idea of a play about a lot of dead women having coffee with someone from the present. And an idea about women doing all kinds of jobs. It was also that Thatcher had just become P.M.; and also I had been to America... and had been talking to women vice-presidents and so on. And that was such a different attitude from anything I'd met here, where feminism tends to be much more connected with socialism and not so much to do with women succeeding on the sort of capitalist ladder. All those ideas fed into Top Girls. I wanted to set off, with all those historical women celebrating Marlene's achievement, to look as if it were going to be a celebration of women achieving things, and then to put the other perspectives on it, to show that just to achieve the same things that men had achieved in capitalist society wouldn't be a good object"*<sup>4</sup> (Naismith 2012: 22).

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<sup>3</sup> Dorney, Kate. *Top Girls* York Notes. Edinburgh: Pearson Education Limited, 2008, p.7.

<sup>4</sup> Naismith, Bill and Nick Worrall. "Commentary" in Caryl Churchill *Top Girls*. London: Methuen Drama Student Editions, 2012, p.22.

The play is divided into three acts. In the first act, in order to show the long survival history of women in man's world, Marlene gives a transhistorical and transnational dinner party to celebrate her achievement. Since she becomes a manager in Top Girls Employment Agency, Marlene sees herself as the last outstanding figure of women which achieves success. She invites five women guests from history, painting and literature. In this act women share their experiences; their achievements, their losses and pains.

In the second act, Marlene interviews Jeanie at the agency. In this scene spectators see the women as workers, mothers and daughters. And they also experience Marlene's golden comments to Jeanie of becoming a successful woman in the workplace. She advises Jeanine not to tell the employers that she wants to marry and wants a child. Because single women is a safer candidate for employers than a married one.

The third act of the play takes place a year earlier in Joyce's kitchen before Marlene takes her promotion. In this act audience learns that Marlene is Angie's natural mother and Joyce's husband left her three years ago. Joyce condemns Marlene about abandoning her baby in order to be a manager. They discuss about politics. Marlene becomes the supporter of Margaret Thatcher and believes that there will be good improvements for future under Thatcher, but Joyce disagrees with Marlene. At the end of the play Angie walks in the house and says "frightening"<sup>5</sup> (Churchill 2012: 97). It seems that she just has had a nightmare.

The plot focuses on Marlene, who has recently been appointed Managing Director of Top Girls employment agency. In a contemporary setting Marlene introduces the historical characters she hosts from the past:

*"Marlene: Now who do you know? This is Joan who was Pope in the ninth century, and Isabella Bird, the Victorian traveler, and Lady Nijo from Japan, Emperor's concubine and Buddhist nun, thirteenth century, nearer your own time, and Gret who was painted by Brueghel. Griselda's in Boccaccio and Petrarch and Chaucer because of her extraordinary marriage"*<sup>6</sup> (Churchill 2012: 22).

Through the stories of different individuals of the history Churchill clearly indicates the systematic oppression that women suffered in different centuries. According to Churchill whatever may be the conditions of the society some realities such as oppression of men, denial of the existence of women, inequalities between genders are the same. These are common grounds of male-oriented societies throughout the centuries.

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<sup>5</sup> Churchill, Caryl. *Top Girls*. London: Methuen Drama, 2012, p97.

<sup>6</sup> *Ibidem*, p.22.

Since *Top Girls* is a critical response to the process of privatization, individualism and bourgeois feminism of the Thatcherism, Churchill points out that individual success which excludes a large amount of women workers in the late capitalist societies has no meaning. Women in *Top Girls* have all achieved independence but paid a high price for it. To overcome the socio-cultural norms of their own societies some of them denied her sexual identity and body, some refused motherhood and some rejected sisterhood but all of them had emotional suffering.

Rejecting the liberal feminism in *Top Girls*, Churchill develops a socialist-feminist approach to theatre intermingled with her political thoughts. Because, as Michelene Wandor expresses, Churchill believes that:

Basically bourgeois feminism “*simply seeks a larger share of social power for a small number of women- the ‘women at the top’ syndrome. It often takes the apparently liberal line of ‘men and women are different, but can be equal; but in practice this usually means that the real basis of power relations between the sexes (personal and political) is concealed. Bourgeois feminism accepts the world as it is, and sees the main challenge of ‘equaling up’ with men; in other words what men already do is seen as the norm*”<sup>7</sup> (134).

The women in the play have all exploited the oppressive patriarchal structures of their diverse societies to achieve success. As Marlene declares: “We’ve all come a long way. To our courage and the way we changed our lives and our extraordinary achievements”<sup>8</sup> (Churchill 2012:14). Marlene’s words indicate a bourgeois feminist perspective which Churchill is against.

### **Mikhail Bakhtin, Carnival and Carnavalesque Elements in *Top Girls***

In the history of modern literary theory Russian linguist Mikhail Bakhtin has a unique place. Clark and Holquist describe Bakhtin in their biography as “a man who gave chief importance to being ‘unfinalized’ and becoming”<sup>9</sup> (2). Bakhtin’s work on language, literature and culture at large aroused great critical enthusiasm. His terminological innovations to the field are dialogism, heteroglossia, choronotope and carnival<sup>10</sup> (Foresti, 2006). Bakhtin’s one of the most important contributions to literary theory is the concept of ‘carnival’ which is a great obsession for him. Bakhtin’s concept of carnival is a wide-ranging “sum

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<sup>7</sup> Wandor, Michelene. *Carry On*, Understudies: Theatre and Sexual Politics. Routledge and Kegan Paul, 1981, p. 134.

<sup>8</sup> Churchill, Caryl. *Top Girls*. London: Methuen Drama, 2012, p. 14.

<sup>9</sup> Clark, K. and M. Holquist. *Mikhail Bakhtin*. Cambridge and London: Harvard University Press, 1984, p. 2.

<sup>10</sup> Foresti, M. (2006). *Bakhtinian Theory And Modernist Theatre? Carnival And Dialogism In Shaw's Arms And The Man, Jarry's Ub U Roi, And Pirandello's Sei Persona Ggi In Cer Ca Da Utoe And Ennco IV*. Unpublished Dissertation. University College London.

total of diverse festivities, rituals and forms of a carnival type”<sup>11</sup> (Bakhtin 1984b: 122), with its roots in folk culture opposed to official ritual. One of the advantages of this concept is, as Dentith observes, that “it gives a name [...] to a range of otherwise dispersed activities and cultural forms which can now be seen to have real and historical connections”<sup>12</sup> (70). Then the spirit of carnival consists in the celebration of sensual life, laughter and freedom from socially imposed values and taboos<sup>13</sup> (Foresti, 2006).

Opposed to the stable and unchanging features of the existing norms of the official feasts carnival is characterized by elements that promote change and freedom, and emphasize the relativity categories in the cultural structure<sup>14</sup> (Foresti, 2006). As Bakhtin underlines:

Carnival celebrated the temporary liberation from the prevailing truth and form the established order [...]. All the symbols of the carnival idiom are filled with this pathos of change and renewal [...], the peculiar logic of the “inside out” [...] of a continual shifting from top to bottom, from front to rear, of numerous parodies and travesties, humiliations, profanations, comic crownings and uncrownings<sup>15</sup>. (1984a: 9-11)

Carnival then means for a strong potential for social disorder, even if within specific time-boundaries: it is “the people’s second life, organized on the basis of laughter. It is a festive life which “is outside of and contrary to all existing forms of coercive socio-economic and political organization, which is suspended for the time of the festivity”<sup>16</sup> (Bakhtin 1984a: 255). Thus carnival acts as a sort of balancing medium for social tensions. It questions the ideology of oppressive systems and aims at finding alternative truths and organizations. As Michael Gardiner also observes it exposes “the arbitrariness [...] of a whole range of institutional arrangements and social roles right down to our conceptions of history, of individuality and sexuality, and even of time itself. It demonstrates that other, less rigid and hierarchical social relations are possible and indeed desirable”<sup>17</sup> (94).

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<sup>11</sup> Bakhtin, Mikhail, *Problems of Dostoyevsky's Poetics*. Minneapolis: University of Minnesota Press, 1984b, p. 122.

<sup>12</sup> Dentith, Simon. *Bakhtinian Thought*. London and New York: Routledge, 1995, p. 70.

<sup>13</sup> Foresti, M., *Bakhtinian Theory And Modernist Theatre? Carnival And Dialogism In Shaw's Arms And The Man, Jarry's Ub U Roi, And Pirandello's Sei Persona Ggi In Cer Ca Da Utoe And Enrico IV*. Unpublished Dissertation. University College London, 2006.

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

<sup>15</sup> Bakhtin, Mikhail, *Rebels and His World*, translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, pp. 9-11.

<sup>16</sup> *Ibidem*, p. 255.

<sup>17</sup> Gardiner, Michael, *The Dialogics of Critique*. London and New York: Routledge, 1992, p. 94.

Bakhtin regards carnival as the “sense of the world”<sup>18</sup> (1984a: 7) which is associated with the creation of a utopic world and defines it as “a linguistic market-place, the site of linguistic exchange” where “everyone communicates and communes”<sup>19</sup> (Iris 1990: 83-84). In *Rabelais and His World*, Bakhtin presents the theory of carnival. In Bakhtin’s theory:

Carnival and carnivalesque suggest redeployment or counter production of culture, knowledge and pleasure. In its multivalent oppositional play, carnival refuses to surrender the critical and cultural tools of the dominant class, and in this sense, carnival can be seen, above all, as a site of insurgency<sup>20</sup> (Bakhtin 1984a: 17).

In Bakhtin’s account carnivalesque thought comes from street affairs of the medieval culture and then it finds its literary expression in works such as Rabelais’ *Gargantua and Pantagruel* and Shakespeare’s plays. Bakhtin, in *Rabelais and His World* also examines Shakespeare’s theatre in the light of carnivalesque theory. He argues that the examination he practiced “to Rabelais would also help us to discover the essential carnival element in the organization of Shakespeare’s drama”<sup>21</sup> (1984a: 275). More precisely, Bakhtin goes on to declare that “Shakespeare’s drama has many outward carnivalesque aspects: images of the material bodily lower stratum, of ambivalent obscenities, and of popular banquet scenes”<sup>22</sup> (1984: 275). The notion of carnivalesque which Bakhtin applied to Rabelais’ and Shakespeare’s works is also applicable to Caryl Churchill’s *Top Girls*. So we can establish a link between Bakhtin and Churchill. As feminist critic Helene Keyssar boldly pinpoints, *Top Girls* is “among the most striking examples of [...] a feminist/Bakhtinian world view in modern dramas”<sup>23</sup>. (122).

In *Rabelais and His World* Bakhtin devotes an entire chapter to the function of the banquet in Rabelais, as well as giving a historical account of various instances of utilisation of the banquet image in Medieval and Renaissance literature. Thus the banquet image becomes one of the most striking images of carnivalesque. In Bakhtin’s account eating and food seems always festal:

The banquet always celebrates a victory and this is part of its very nature. Further, the triumphal banquet is always universal. It is the triumph of life over

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<sup>18</sup> Bakhtin, Mikhail, *Rabelais and His World*. translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, p. 7.

<sup>19</sup> Iris, M. Zavala, *Bakhtin and Otherness: Social Heterogeneity*, in, Mikhail Bakhtin and the Epistemology of Discourse, ed. By Clive Thomson, Critical Studies, Vol. 2, No. 1/2, 1990, pp. 83-84.

<sup>20</sup> Bakhtin, Mikhail, *Rabelais and His World*. translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, p. 17.

<sup>21</sup> *Ibidem*, p. 275.

<sup>22</sup> *Ibidem*, p. 275.

<sup>23</sup> Keyssar, Helene, *Drama and Dialogic*, in, Keyssar, H., *Feminist Theatre and Theory* Publishing House, London: MacMillan, 1996, p. 122.

death. In this respect it is equivalent to conception and birth. The victorious body receives the defeated world and is renewed<sup>24</sup>. (Bakhtin 1984a: 283)

According to Bakhtin banquet has its deep roots in the medieval and Renaissance ages and grotesque is another important part of the carnival and banqueting is associated with the spirit of grotesque figure:

Eating and drinking are one of the most significant manifestations of the grotesque body. The distinctive character of this body is its open unfinished nature, its interaction with the world. These traits are most fully and concretely revealed in the act of eating; the body transgresses here its own limits: it swallows, devours, rends the world apart, is enriched and grows at the world expense<sup>25</sup>. (1984a: 281)

Through the act of eating, therefore, the body blurs the boundaries of definition between itself and the world. The banquet image becomes a powerful image of overthrowing, a carnivalesque image par excellence. This image of banqueting is closely related to popular festive forms, it is different, as Bakhtin is careful to underline, from private forms of unrestrained gluttony. The banqueting which Bakhtin analyses in Rabelais' novel is an expression of a collective force; it "has nothing in common with static private life and individual well-being"<sup>26</sup>. (Bakhtin 1984a: 302) The description of the banquet image is probably one of the points in which Bakhtin's theory of the carnivalesque reaches its most optimistic stance. The banquet blurs the social boundaries, it promotes the collective as opposed to the individual, and it is the "occasion for wise discourse, for the gay truth"<sup>27</sup>. (Bakhtin 1984a: 285)

Bakhtin's idea of carnivalesque is a wide-ranging concept. It includes "the sum of all diverse festivals, rituals and forms of carnival type"<sup>28</sup> (Bakhtin 1984b: 122), with its roots in folk culture. In this regard individual celebrations can be seen as modern version of carnival. Caryl Churchill's *Top Girls* opens with a banquet scene that reminds the Bakhtinian theory of carnivalesque. In the first act of the play Marlene hosts a dinner party. Women from different centuries, countries and cultures gather together to celebrate Marlene's promotion to managing director of *Top Girls* employment agency. Marlene orders a bottle of wine and ask waitress to serve it to the guests. Ordering a bottle of wine for a celebration is a Bakhtinian banquet. Because in Bakhtin's account "bread and

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<sup>24</sup> Bakhtin, Mikhail, *Rebelais and His World*. translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, p. 283.

<sup>25</sup> *Ibidem*, p. 281.

<sup>26</sup> *Ibidem*, p. 302.

<sup>27</sup> *Ibidem*, p. 285.

<sup>28</sup> Bakhtin, Mikhail, *Problems of Dostoyevsky's Poetics*. Minneapolis: University of Minnesota Press, 1984b, p. 122.

wine (the world defeated through work and struggle) disperse fear and liberate the world”<sup>29</sup> (1984a: 285).

At this supernatural meal Isabella Bird, a Victorian traveler, Lady Nijo, a thirteenth century Japanese courtesan, Joan, who became Pope at the age of fifteen, Patient Griselda, from Chaucer’s “The Clerk’s Tale”, Dull Gret from Bruegel’s painting and a contemporary business woman, Marlene, meet together to celebrate her new success in the workplace. Susan Carlson defines this scene as a “comic feminist banquet” that aims to show an “anarchic disregard for chronology”<sup>30</sup> (1991: 193). This scene is like a platform of group therapy in which depressed, isolated, and abused clients share their diverse life experiences as women.

Characters of the *Top Girls* do not communicate with each other. They interrupt the speech of other women and they rarely listen to each other. They just talk at cross in their own languages. In *Top Girls*, “overlapping dialogues is a brilliant technical feature of the play, and emerging from precisely organized cross babble we hear competitive stories of rape, childbirth, transsexual disguise...”<sup>31</sup> (Fitzsimmons 1989: 59). With this technique Churchill criticizes the liberal feminist politics in the play defended by Marlene. Because the writer believes that achieving freedom women have to unite among themselves. This reality is the only way for them to overcome the negative circumstances they have in a man’s world. So, Churchill strongly criticises woman’s quest for individual success, discarding motherhood, leaving child, leaving class relations and accepting capitalist values. She aims at showing the inadequacy of liberal feminism to the needs of most women and offers female solidarity to make the change possible.

With this supernatural and surrealist banquet scene, Churchill wants the audience to make links between not only past and present but also the women’s public and private individual experiences. Since “Bakhtin presents carnival as primary source of liberation, destruction and renewal in all societies”<sup>32</sup>, (Davis 1971: 49) Churchill presents a carnivalisation of battle between men and women and offers a carnivalesque vision of society. In a contemporary setting with diversities such as dresses, dialect and their individual stories, Churchill encourages the audience to think the relationship between past and present to make change possible by means of gender relations. Because as Bakhtin asserts,

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<sup>29</sup> Bakhtin, Mikhail, *Rebelais and His World*. translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, p. 285.

<sup>30</sup> Carlson, Susan. *Women and Comedy*. Ann Arbor: University of Michigan Press, 1991, p. 193.

<sup>31</sup> Fitzsimmons, Linda, *File on Churchill*. London: Methuen Drama, 1989, p. 59.

<sup>32</sup> Davis, Natalie Zemon, “The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth Century France”, in *Past and Present*, No: 50 February, 1971 p. 49.



“carnival celebrates the destruction of the old and the birth of the new world-the new year, the new spring, the new kingdom”<sup>33</sup> (1984a: 410).

Apart from the banquet image in the first act, Bakhtin’s concept of carnival shows itself in different levels. For instance, analyzing the impact of consumerism on women in the late capitalist society the play has many characters from the ninth to the twentieth century. Although the play takes place in a contemporary setting, each character wears their costume, reflecting their own cultures and personalities. Churchill here consciously or unconsciously composes a carnival which introduces each woman in their cultural and historical context.

Besides the carnivalesque representation of costumes there is also a linguistic carnival in *Top Girls*. This linguistic carnival is seen in Churchill’s construction of communication. Because each character of the play speaks in their own dialect and they speak as they are alone. They cut the ongoing speech of other characters. With its overlapping dialogue *Top Girls* experiments the boundaries of traditional/classical theatre in terms of speech.

*Top Girls* also “challenges traditional concepts of logic and identity”<sup>34</sup> (Hirschkop 1989: 113) with its use of time and structure. Churchill, in the play, offers audience a repeated time rather than a lined time. There is no beginning and similarly no end in the play. They are only stories, experiences, pains and questions waiting for satisfactory answers. Thus *Top Girls* doesn’t offer any solutions for women to the problems of male-oriented world. It just calls for sisterhood, solidarity and complete reaction to oppressive systems.

## Conclusion

*Top Girls* concentrates on the banquet scene, which is analyzed in the light of Bakhtinian theory and since *Top Girls* has a collective voice we can regard it as a carnivalesque text. Using the Bakhtinian concept of carnival and the image of banquet *Top Girls* has two clear aims: To remind women the importance of sisterhood and solidarity in the struggle for creating equal living conditions with man and the absurdity of individual success in the capitalist world. Because carnival, as Bakhtin confirms, “is a way of breaking down barriers, of overcoming power inequities and hierarchies, of reforming and renewing relationships both personal and institutional” (Shields 2007: 97). In *Top Girls* Caryl Churchill connects carnival with freedom and change and tries to subvert the existing hierarchic structure in the society against women. As Bakhtin asserts, “... carnival

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<sup>33</sup> Bakhtin, Mikhail, *Rebels and His World*. Translated Helene Iswolsky, Bloomington: Indiana University Press, 1984a, p. 410.

<sup>34</sup> Hirschkop, Ken and David Shepherd, *Bakhtin and Cultural Theory*. Manchester: Manchester UP, 1989, p. 113.

refuses to surrender the critical and cultural tools of the dominant class, and in this sense, carnival can be seen, above all, as a site of insurgency” (Bakhtin 1984a: 17).

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# FORMATION OF ENGLISH BIOTECHNOLOGICAL TERMS ON THE BASIS OF GREC AND LATIN PREFIXES

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**Abstract:** *The article is devoted to the study of prefixal method English term creation of the professional language of biotechnology. Based on the analysis of existing forms of single-component terms, the most productive methods and models for their formation by an affix method using a large number of Latin and Greek elements are established.*

*The prefixes of Greek and Latin origin, their influence on the formation of English biotechnological terms and the most productive international terminological word components, which are included to the structure of compound words of English biotechnological terminology are being analysed in the article.*

**Keywords:** *Latin, Greek, biotechnological terminology, term creation, Latin and Greek prefixes.*

## Introduction

Modern terminology of biotechnology is a huge complex macro-terminological system, which includes numerous terminological systems, since in the early 21-st century the very science of biotechnology was transformed into a complex integration science. It united several dozen sections and directions. Science of biotechnology is characterized by the use of terms borrowed from the terminology of related disciplines – biology, genetics, ecology, bioethics, philosophy, sociology, psychology, jurisprudence.

Biotechnological terminology is at the stage of formation, which makes relevant linguistic studies related to the study of the new terminology system, since they allow us to disclose the essence of process of terminology creation and show the patterns of the formation of special vocabulary. It may be interesting to both a linguist and a translator working in this field.

Biotechnology science is served exclusively by English terminology, but the study of the terminology of the biotechnology sublanguage has shown that in the process of its term formation the word-forming elements of Latin and Greek

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origin play an important role. The spectrum of their meanings is very wide. This determines interest from the linguistic point of view and makes it necessary to trace the process of term formation by using a "no man's", by the definition of A. Reformatskiy<sup>1</sup>, the ancient heritage, words and word-building models and elements of Greek and Latin languages.

### **The analysis of the scientific literature**

The research of the terminology of biotechnology in the English language was carried out by such scientists: O. Myshak carried out a structural and derivative analysis of English biotechnological terminology<sup>2</sup>, L. Rytikova conducted the study of the terminology of biotechnology and general trends of its development in English<sup>3</sup>, morphological features of one-component terms in the sphere of biotechnology in Russian and English were the subject of the study of S. Vasilieva<sup>4</sup>, multi-component terms in the sublanguage of biotechnology (based on Russian and English languages) were studied by T. Kudinova<sup>5</sup>.

The analyzed scientific literature on the problem gave the reason to suggest that the analysis of English biotechnological terminology is a growing interest of scientists as it is a young terminology system that is at the stage of formation in connection with the high level of innovation and dynamism of biotechnology. Therefore, the study of trends in the development of the English terminology of the biotechnology sublanguage and the influence on its formation of Greek and Latin terminological elements is interesting in our opinion, both from the theoretical and practical points of view.

The volume of the article does not allow to analyze all terminological elements of Greek and Latin origin, their influence on the formation of English biotechnological terms, therefore the subject of our study is the terminology of the sublanguage of biotechnology, one of the characteristic features of which, in our opinion, is the presence of a large number of terms formed by prefixes of Greek and Latin origin.

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<sup>1</sup> Reformatskiy, A.A., Tatarinov, V.A., *Vvedeniye v yazykoznaniye Istoriya otechestvennogo terminovedeniya*, 1955, p. 295.

<sup>2</sup> Myshak, E., *Structural and derivational analysis of English biotechnology terminology*, *Cogito*, 2016, 8(4).

<sup>3</sup> Rytikova, L.L., *Osoblyvosti formuvannya biotekhnolohichnoyi terminolohiyi anhliys'koyi movy*, *Ahrarna nauka i osvita*, 9, (3-4), 2008, pp. 122-126.

<sup>4</sup> Vasil'yeva, S.L., *Morfologicheskkiye osobennosti odnokomponentnykh terminov sfery biotekhnologiy v russkom i angliyskom yazykakh*, *Filologicheskkiye nauki, Voprosy teorii i praktiki*, 2015, 2 (44).

<sup>5</sup> Kudinova, T.A., *Strukturno-semanticheskkiye osobennosti mnogokomponentnykh terminov v pod'yazyka biotekhnologiy (na materiale russkogo i angliyskogo yazykov)*: Avtoref. diss. ... k. filol. n. Orel, 2006, 21.

### **The purpose of the article**

The purpose of the study is the analysis of the formation of terms in modern English terminology of the biotechnology sublanguage, namely the use of Latin and Greek prefixes, the identification among them the most productive.

### **Materials and methods of research**

In the preparation of work the method of continuous sampling of biotechnological terms from scientific literature in English (publication of scientific journals, monographs, Internet materials) and biotechnological dictionaries, as well as their morphological analysis was used.

### **Definition of the term in the scientific literature**

Before the analysis of the formation of one-component biotechnological terms by using the Latin and Greek prefixes we investigated the definitions of the term in the scientific literature.

In modern linguistics "term" is presented as "a word or word combination that expresses clearly defined concept of a certain science, technology, arts, social and political life, etc<sup>6</sup>."

B. Golovin defines the term as "a word or subordinate combination of words that has special meaning, expressing and forming professional concepts and knowledge used in the research and development and vocational objects and relations between them"<sup>7</sup>. O. Selivanova qualifies the term as a word or a compound of words denoting specific areas of communication in a particular area of knowledge and emphasizes the dynamic consideration of the term as a functional, textual phenomenon that materialized in discourse and is "verbalized concept that provides terminological research cognitive orientation"<sup>8</sup>. The term, in her view, should be marked consistency, availability of classification definitions, brevity, relevance signified concept, uniqueness, high information. E. Skorohod'ko understands the term as a word or a word combination that is a member of such a lexical and semantic system, which represents a professional system concepts. This interpretation excludes general scientific lexical units from the cycle of terms<sup>9</sup>.

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<sup>6</sup> Hanych, D.I., Oliynyk I. S., *Slovník lingvistických terminů*, 1985, p. 306.

<sup>7</sup> Golovin, B.N., Kobrin, R.Yu., *Lingvisticheskiye osnovy ucheniya o terminakh: Ucheb. posobiye dlya filol. spets. Vuzov*, 1987, p. 5.

<sup>8</sup> Selivanova, O.O., *Suchasna lingvistyka: napryamy ta problemy*, 2008, p. 66.

<sup>9</sup> Skorohod'ko, E.F., *Termin u naukovomu teksti*, 2006, pp. 47-51.

Consequently, all scientists emphasize on the specificity of the terms, their monosemy and in relation to the concepts of a certain field of knowledge. Concepts have a linguistic expression and can not exist without it.

Thus, in the article the term is understood as "a special word or word combination accepted in professional activities, which is used in special conditions"<sup>10</sup>.

Under the one-component terms, following T. Kudinova, we understand the terms, containing besides the root morphemes, also affixal morphemes, terms are complex words with a merged or hyphenated spelling<sup>11</sup>.

### **Definition of the biotechnological term**

Terminology of Biotechnology is a complex phenomenon. We define the biotechnological terminological system as a collection of lexical units that are related to the concept of "biotechnology" and express its conceptual content, revealing an appreciable or pragmatic meaning.

An element of the biotechnological terminology is the biotechnological term. We define the biotechnological term as a word or lexical unit that verbalizes knowledge about the use of living organisms and biological processes in production and serves biotechnology, a branch of science combining the features of both biology and technology. The biotechnological term, like any term, is characterized by certain requirements: motivated, monosemy, semantic and structural relationships. At the basis of referencing the word to the biotechnological term is the allocation of its content and conceptual features that allow the word to be included in the scientific sphere or the field of "biotechnology", which is considered by us as a branch of science that studies the possibilities of using living organisms, their systems or products of their life for the solution of technological problems, as well as the possibility of creating living organisms with the necessary properties by genetic engineering.

The very word "biotechnology" was formed by the use of widely known roots of Greek and Latin origin, for example: (bios - life, techne - art, skill, logos - teaching) - a set of industrial methods that use living organisms and biological processes for the production of valuable products.

The formation of terms based on word formation elements of Greek and Latin origin is the leading method of terminology, since the lexical fund of ancient

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<sup>10</sup> Superanskaya, A.V., Podol'skaya, N.V., Vasil'yeva, N.V., *Obshchaya terminologiya: Voprosy teorii*. Nauka, Moskva, 1989, p. 14.

<sup>11</sup> Myshak, E., *The main means of formation of biotechnological terms*, European Journal of Research, Austria, 2017, 3(3).

languages is a universal reserve of elements used to encode new concepts in English biotechnology terminology.

"Greek-Latin terminological elements constitute a special neutral terminological fund. Indeed, not belonging now to any living language, they thereby equally belong to all (at least to all languages belonging to the European linguistic culture area)<sup>12</sup>".

### **The most productive suffixes of Greek and Latin origin of English biotechnology terminology**

The analysis of existing forms of terms allows us to establish the most productive ways and models of their creation, which makes it possible to further predict the development of the system. The main ways of creating the terms of English biotechnology terminology are affixation (prefixation, suffixation, prefix-suffixal method), conversion and word formation.

At the present stage the tendency of enrichment of English biotechnological terminology can be traced through the use of new word-making elements based on the Latin and Greek word-formation elements.

The use of a large number of Greek and Latin elements is associated with the trend of internationalization of knowledge, characteristic of the modern period of development of science and technology in the information society.

Biotechnological terms are often formed by the use of widely known roots, prefixes and suffixes of Greek and Latin origin.

Greek prefixes play a major role in enriching English biotechnological terminology due to the high frequency of use and a wide range of prefix values.

Among the most productive prefixes with which biotechnological terms (nouns) are formed are as follows: de- (decomposition), di- (dialysis, diffusion), im-, in- (inbreeding, inhibitor, intragenic, inorganic, immunity, immunosensor), inter- (interference, intermolecular, interaction), co- (co-factor, co-transfection, co-enzyme, co-linearity), re- (recombination, regeneration, remark, replicase, recombinant), sub- (sub-clone, sub-species, sub-strain, substrate), super- (supergene, supercoil, superbug, supernatant, superstructure), trans- (transgenic, transposase, transposon, transcription, transformation, translation), ultra (ultrasonication), ex- (excinuclease, excision, explantation, explant, express).

The Greek prefixes are represented by the following elements: anti- (antibody, antibiotic, anticodon, antigen, antisense RNA, anti-oncogene), a- (abiotic, acellular), hyper- (hyperploic, hypertonic, hyperthermia), dia- (dialysis, diabetic, diazotroph),

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<sup>12</sup> Superanskaya, A.V., Podol'skaya, N.V., Vasil'yeva, N.V., *Obshchaya terminologiya: Voprosy teorii*. Nauka, Moskva, 1989, p. 208.



epic (epizome, epistaxis, epitope, epicotyl, epigenesis), hypo- (hypomorph, hypopotomy, hypotonic, hypocotyl), para (parahormone, paralogous, paratope, parasite), poly- (polymerase, polygene, polycistronic, polyadenylation, polymorphism, polypeptide), endo- (endocytosis, endoderm, endoderm, endomitosis, endonuclease, endopyloid).

In accordance with the semantic features and functions of the prefixes, as well as the relative derivatives of them, all the prefixes can be divided into three groups: prefixes for the definition of opposite concepts, for determining the intensity of the sign or incompleteness of the sign. The prefix mode of creating new terms is characterized by the addition of prefixes bearing a different semantic load. The main semantic role in this type of term derivation is played by prefixes, the main feature of which semantic structure is functional and semantic specialization.

These prefixes are also used to create adjective terms derived from nouns with this prefix to denote discrepancy for some reason because of the absence of something, for instance: acellular, antibiotic, antifungal, antimicrobial, anti-transpirant, antisense.

On the denotation of the absence of something in the derivation of terms prefix de-is used. It has the opposite variable meanings and applies: a) on the designation of elimination, destruction: denature, detergent, dehalogenation; b) on the designation of disturbance, disorder: decomposition, degeneration, deceleration.

The analysis of biotechnological terms suggests that the exo-, epi-prefixes refer to the methods of spreading, placing on the surface of what is called the basis: exogenous, exogamy, exotoxin, epistaxis, epidermis, epiphyte, epicotyl, episome, and the like.

The prefix endo- indicates an extension of something that is motivated by the derivative basis, for instance: endoderm, endoderm, endomitosis, endocytosis, endonuclease, endopyloid, etc. This group of prefixes expresses antonymic relations based on internal and external signs of concepts. A characteristic feature of the above prefixes is that they merge exclusively with the basics of Latin or Greek origin.

The prefix extra- in biotechnological terminology in contrast to the commonly used language, where it expresses the highest quality of someone or something, in the process of terminating it is used to define the existence outside of what is called the generative basis: extranuclear, extrachromosomes, extrachromosomal, and the like.

The most common prefixes of the terms of biotechnology are the prefix trans-, which expresses "action through something", changes, transmission, transition from one state to another for instance: transcript, transformant, transfer, transgenic, transgene, transplant, transposon.

The prefix *inter-* means "between something", "between certain groups", indicates the connection between certain groups, the terms: *intercalary*, *internode*, *interphase*, *interference*, *intermolecular*, *interleukin*, *intersex*.

To indicate the location or introduction of something within what is called the derivative, the prefix *intra-* is used, for instance: *intragenic*, *intracellular*, *intrageneric*, *intracytoplasmic*, *intraspecific*.

The prefixes *inter-*, *intra-* can be synonymous by value, which can be illustrated by the following examples: *intermolecular*, *intracellular*.

The prefix *hypo-* in the terminology of the biotechnology's terms is multi-valued and used in the notation: a) placement, finding in relation to what is called the generative basis: *nypomorph*, etc.; b) disturbance, disorder, reduction of what is called the causative basis: *hypoploid*, *hypobiosis*, *hypochlorite*, *hypomorph*, *hypothesis*, *hypoplasia*.

The prefix *hyper-*, in biotechnological terminology, is used to denote the highest degree of detection of a quantitative and qualitative sign called the motivational basis: *hyperploid*, *hypertonic*, *hyperthermia*, etc.

Consequently, the analysis of the use of the above-mentioned derivative components suggests that the *hyper-* and *hypo-*prefixes enter into one of the types of systemic connections in the speech system, namely, the antonymic link that can be illustrated by the following examples: *hyperploid* - *hypoploid*, *hypertonic* - *hypotonic* etc.

The prefix *co-* gives the words the value of the union, the action community: *co-factor*, *co-transfection*, *co-enzyme*, *co-generation*, *co-linearity*.

## **Conclusions**

As a result of our study we can conclude that the basic vocabulary of the biotechnology sphere is a mixture of terms derived from such related sciences as biology, genetics, ecology, bioethics, sociology. Therefore at the present stage, the terminology of biotechnology has a heterogeneous composition. Ways of creating new terms in the studied terminology system are quite varied. Analysis of existing forms of one-component terms allowed to establish the most productive ways and models of their formation in a prefixal way using a large number of Latin and Greek elements.

The prospect of further research is the study of the structural-semantic and connotative-pragmatic characteristics of the biotechnological terms in English-professional texts and the peculiarities of their translation into the Ukrainian.

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