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Forme del nichilismo contemporaneo
Patterns of Contemporary Nihilism
Formas del nihilismo contemporaneo
Gestalten des gegenwärtigen Nihilismus

Edizioni ETS

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Potentially, Relationality and the Problem of Actualisation

Andrew Benjamin

0. *Opening*

This lecture outlines elements central to the project of rethinking the concerns of political theology¹. The lecture seeks to integrate that thinking into the development of a philosophy of life; life defined by an already given relation to the law. The actuality of life is life, there, before the law. A fundamental element of this position is that there has always been a tradition within the history of philosophy and theology that has maintained, firstly, the centrality of the political by retaining the primacy of law, and secondly holding to the necessary reciprocity between life and law. Indeed, there is an important question here; can there be a thinking of the political that is not a concomitant thinking of the law? Clearly, of course, the refusal of the law's primacy becomes the attempt to found the political on the law's suspension. The project here however works in the other direction. Maintaining the law, which is the stance against nihilism, whilst complicating the way law is understood, involves a shift in how sovereignty would itself then be conceived.

The opening claim concerning the law, recalls the evocation of law occurring in Pindar *Fragment 169a* Νόμος ὁ πάντων βασιλεύς ἐναίων τε καὶ ἀθανάτων ("Law the king of all, of mortals and immortals"). It is, of course,

¹ This paper forms part of larger project funded by Australian Research Council (ARC DP160103644) entitled *Place, Commonality and the Human. Towards a New Philosophical Anthropology*. Specifically this lecture outlines a project that has been developed in great detail in my: *God and the Truth of Human Being*, in «*Journal for Continental Philosophy of Religion*», 2 (2019); *Listening to God and the Founding of the Law. Notes on Exodus 32:19-20*, in «*Journal of British Society of Phenomenology*», 2019 and *Who Were the Faithful?* *Nicholas of Cusa s De Pace Fidei*, in «*Theoria*», 159, Vol. 66, 2 (2019).

the presence of law as *nomos* that sets in play the always possible non-correspondence between law and justice such that it is their original difference that identifies the way in which the primacy of the law and thus the political need to be thought. There is an inescapable and ineliminable tension that writes into the law's primacy the possibility of both the identification and the separation of justice and law, where law is present as either statute or norm. Law occurs within, whilst constituting the founding anoriginal difference between, statutes, norms and conventions on the one side, and, a constant opening to justice on the other. The contention is that anoriginal difference has an ontological quality. *Nomoi* as either statutes or norms are always conditioned and inevitably historically specific. While justice attends the historical without being defined by it. The justice in question is unconditional in a twofold sense. Firstly, there cannot be a setting in which its presence did not obtain. However, this is not sufficient as pragmatic determinations are always present. Hence, the second sense of unconditionality is that it forms an essential part of the definition of human being. A philosophical anthropology inscribes justice within it. To be, therefore is to be before the possibility of the just life. Arguments for intrinsic human dignity or "the right to have rights" as that which precedes all rights claims evidence this set up². There is the constancy of an opening to justice. This latter position will be referred to as *law's constancy* in order to distinguish it from the all too quick identification or subsuming conflation of law with either statute or norm.

The consequence of Pindar *Fragment 169a*, once extended, is not just that the distinction between law and justice is a distinction that occurs within and for any attempt to take up the law's priority, it is also the case that this priority, positions the Gods – thus God – as subject to the law. This creates the definitional setting for a political theology. A political theology which affirms the *law's constancy* as the counter measure to any form of theocracy. Contrary to a tradition within political theology, best exemplified by Carl Schmitt, that posits the presence of a conception of sovereignty that is operable prior to any one law's promulgation, here justice, unconditional justice as the unconditioned, is seen as that to which any one law is open. There cannot be a position that is prior to the law or outside the law. The further consequence is that what is meant by being before the law has itself been radically reconfigured. Central to that reconfiguration is the anthropological position in which to be, the being of being human, is *being-before-the-law*.

² H. Arendt, *The Origins of Totalitarianism* (1951), rev. ed., Schocken Books, New York 2004, pp. 296-297.

This is the grounding move. To which the crucial rider needs to be added that the law, thus law within political theology, always refers to the tension created by the constitutive, thus anoriginal difference between law and justice. As has been intimated, to be is to be before the possibility of the just life; a position as much theological as it is philosophical.

Standing opposed to the conception of the political that affirms the *law's constancy* is the position that concentrates on the primacy and centrality of the individual. Within the domain of religion this becomes the relationship between the individual and God. The relationship is understood however in personalised terms. It is, of course, re-expressed as the structure of either belief or faith. While this conception of the individual allows for forms of generalization, the sense of plurality that would then be constructed would be of a community defined by the sharing of an individualizable faith. The latter comprises a sense of plurality that is understood as the generalization of the individual; a generalization that can move in both directions, hence the individuals become the “brethren” (ἀδελφοί) e.g. *Matthew*. 23.8.

Viewed historically within the setting in which the individual predominates God can still figure. However, the figure is of one whose emulation or imitation is defined in anthropomorphic terms and whose presence is maintained by its posited radical separation from justice as the unconditioned. Whether this is the personalised God of religion or its correlate within the philosophical, e.g. the Stoic sage or the Nietzschean *Übermensch*, the relation that structures questions pertaining both to the identity and quality of the human is a version of human being. The structure of definition here – the definition of a human being – is set in play by that conception of another being whose emulation or imitation comes to define human being. (Sage, *Übermensch* and Christ while not identical are the Same.) Therefore the *imitatio dei* is positioned in relation to an economy sanctioned both by a specific set of already delimited anthropological terms and the posited refusal of *law's constancy*. Within this setting there is the straightforward obviation of possible appeals to justice other than the reduction of justice to another pragmatic determination. Justice would be no more than a show of strength. Callicles and Nietzsche combine. As the latter writes:

The best that can be said is that the most powerful emotions (affective states) are the most valuable (*Höchstens könnte man sagen, daß die mächtigsten Affekte die wertvollsten sind*)³.

³ F. Nietzsche, *Werke. Kritische Gesamtausgabe*, Walter de Gruyter, Berlin 1973, VIII/2,

To turn away from the affective, understood as that which is delimited by no more than the interplay of power and value, is turn towards the tension within which the law figures. If there is a counter measure to such a set up (i.e. to nihilism), then it involves a twofold move. Firstly, the displacing of the centrality of the body by rethinking the structure of a philosophical anthropology in which being, incorporating being's inherent corporeality, is always already *being-before-the-law* (where law (statute, norm) remains open to the unconditioned presence of justice, *law's constancy*); secondly, maintaining such a position is the undoing of religion in the name of political theology. The dramatic claim here is that this is the only choice. Being –before as already thrown into the world – an instance of which is Heidegger's conception of *Geworfenheit* – remains abstract because of the failure to think the ubiquity of *law's constancy*. Equally, atheism remains a purely putative counter claim. Atheism confuses epistemology and ontology. It is simply the assertion of a dubious form of negativity within the domain of religion.

The possibility of justice inhering in *law's constancy* – justice there as the continual presence of an unactualized potentiality – has a constancy which attends every instance of the law's manifestation. What the formulation *law's constancy* identifies in this context therefore is the form of immanence that locates the presence of a potentiality. *Attending* is a quality that brings the question of actualization into play. In regard to the term “immanence” the clear referent, at least at the outset, is Kant.

In the *Critique of Practical Reason* human being has a twofold determination. While it is concerned with pragmatic and conditioned acts and events, there is another aspect. Kant's formulation is decisive. With the conditioned “at the same time”(zugleich) human being also “belongs to the intelligible world”. The term “at the same time” (*zugleich*) is fundamental. It marks the presence of an ontological doubling that constitutes human being. It is maintained within the singular temporality of *at-the-same-timeness*. The latter is the condition of possibility for human being's pragmatic and normative determination that is equally, and at the same time, an openness to the “intelligible world”. The “intelligible world” for Kant is the domain of the “unconditioned”. This is the affirmation of human being as always already before *law's constancy*. (Present here is a doubling that repeats the already noted tension there in the relation between law and justice.) Once this doubling is established Kant is then able to argue that «the reality of the intelligible world is

[...] for practical purposes immanent»⁴. Immanent presence does not condition. On the contrary the immanent presence of the unconditioned needs to be understood as providing the continuity of a ground of judgment. There is a relation of indetermination. Again, what is central would be the immanent possibility of justice; a conception of justice whose constancy attends the now necessarily conditioned presence of *nomoi*. Again, *at-the-same-timeness*, delimits the presence of an attendant possibility which means that every moment is potentially other than it is. Were it to be argued that the world can be changed, then what allows the argument to have validity is, firstly, that the world can be changed, nature can be denatured in the name of justice and thus equally in the name of another nature and, secondly, that the world's possible othering must have a constancy attending every moment.

1. *Towards Life*

If there were a philosophical understanding of life, philosophical because it cannot coerce activity but allows events and actions to be understood and judged, then central to its development, is the concept of potentiality. Or at least this is the conjecture to be advanced in this lecture. The necessity of potentiality can be located in the straightforward distinction between life and the good life. The distinction is already clear in Aristotle's description of the *polis*. Of the *polis* he argues that «while it comes into existence for the sake of life (τοῦ ζῆν), it exists for the good life (τοῦ εὖ ζῆν)»⁵. What matters philosophically here has two elements. The first is the assumption on Aristotle's part that what counts as the good life occurs within the *polis*. The ineliminability of that relation is given in advance. The good life is a life in place and thus only possible because of place. The position here has to be noted. Placedness, or that which can be described more generally as *being-in-place*, is not for Aristotle a contingent aspect of life. There is not life and then place as though it were possible to hold them, apart. To be is to be in place. This position can be recast such it comes to accord with Arendt's formulation that to be is to appear. Appearing, therefore, is always already placed.

The second element is that what has to be understood here is not just the fact of the move from life to the good life but how that movement is itself to

⁴ I. Kant, *Critique of Practical Reason*, in M.J. Gregor (ed.), *Practical Philosophy. The Cambridge Edition of the Works of Immanuel Kant*, Cambridge University Press, Cambridge 1996, p. 224.

⁵ Aristotle, *Politics* 1252b 29.

be conceived and thus how it is to be effected. Aristotle was aware that the move from one to the other was not automatic. Hence his recognition that certain familiar conditions or predicaments might stand in the way of the realization of what he designates as the “good life”. This evocation of life has its negative correlate in Aristotle. From the other direction there is the claim that the slave is excluded from life. The excision is not from physical life – the state of being alive. The life in question is identified by Aristotle with great precision. He argues that the slave «does not participate in the good life or a deliberative life τὸ μὴ μετέχειν εὐδαιμονίας μηδὲ τοῦ ζῆν κατὰ προαίρεσιν]»⁶. Προαίρεσις marks the presence of choices that are the result of deliberation. The positioning of deliberation needs to be set in the context of the claim also advanced in the *Nicomachean Ethics*, that «choice involves reasoning and some process of thought (προαίρεσις μετὰ λόγου καὶ διανοίας)»⁷. The slave lacks a free life to the extent that freedom is not just the capacity to make informed rational decisions but resides in the possibility of the actualization of that capacity in concert with others. The assumption again is that the “deliberative life” is premised on a philosophical anthropology as implicated within relationality. Deliberation assumes, not just the presence of *being-in-relation* as constitutive of human being, also the continually attendant possibility of its actualization. What the slave is denied therefore is the actualization of relationality (understood both as a continuing series of pragmatic act as well as that which is constitutive of human being). Again there is the centrality of potentiality.

What is significant here is the presence of a constellation of terms. *Eudaimonia* names the good life. The good life however cannot be separated in this context from προαίρεσις and thus the use of reason and the exercise of decision making in a context that is always defined by a relation to others. The claim made in the *Nicomachean Ethics* that the good life is that which all actions have as their telos is true as much for the individual who flourishes within the *polis* as it is for the *polis* itself⁸. The slave therefore while alive is excluded from that sense of life that involves relation with others which has as its end *eudaimonia*. At work is an identification of life with *being-in-relation* where the latter is an immanent condition whose actualization lacks necessity. (Slavery and poverty – equally racism and sexism, etc. – could be cited

⁶ Aristotle, *Politics* 1280a 32.

⁷ Aristotle, *Nicomachean Ethics*, 1112a 15.

⁸ Aristotle, *Nicomachean Ethics*, 1098a 8. The good life, therefore, appearing as something final and self-sufficient, is the end to which all actions aim [τέλειον δὴ τι φαίνεται καὶ αὐτάρκες ἡ εὐδαιμονία, τῶν πρακτῶν οὐσα τέλος].

as instances that involve the non-actualization of immanent potentialities.)

Here life has a twofold quality. Firstly, it can be held apart from its reduction to mere life, to evoke Walter Benjamin's conception of *blosses Leben*, which is fated life, – this would be the life of the slave. In the second instance life is defined as an activity. Life is what it is in its being lived out. *Being-in-relation* defines, ontologically, human being and thus is descriptive of a philosophical anthropology. Equally, the ontology in question is itself dynamic. Relationality involves activity. If Aristotle's lead is followed it necessitates, as suggested, placed relational activity. Understanding this complex predicament is possible by having recourse, again, to the slave. The important point here is that slavery needs to be enforced. What that enforcing entails is the refusal of entry into relationality – which in Aristotelian terms would be the participation in life – and thus the continual suppression of the possibility of *eudaimonia*; this its actualization Enforcing needs to be understood as marking the presence of modalities of policing. The further suggestion is therefore that modes of relationality are always interarticulated within relations of power. What is not addressed by Aristotle – though it is clear that it is a problem or question for which an account would have to be given – is that the slave, while alive, does not participate in life, and if, moreover, it can be assumed that this non-participation is enforced, then how is the non-participation to be understood philosophically? More generally why is policing an essential aspect of any philosophy of life.

The human being is able to participate in life until he/she is enslaved. The human being can be located in the move from "life" to the "good life". And yet, of course, that location and thus the ensuing movement is stilled and thus becomes impossible as a direct result of having been enslaved. The slave's identity as a slave is predicated on the impossibility of that movement. A movement that on the abstract level of human being is always already possible. Slavery is the undoing of that possibility. It is, of course, not its mere undoing. Slavery as noted above is enforced. Enforcing can be understood as the suppression or refusal of that which was always already possible. In other words, it is the suppression of the actualization of a potentiality. If *eudaimonia* is the telos of the interplay of life and the *polis* then life is the continuity of its own actualization. To which it should be added immediately that this actualization is therefore relational. As noted, relationality has a twofold determination. Firstly, it is staged with others. Secondly, it is placed in the precise sense that it can only be thought as occurring in the polis. Relations to/with others that are always already related to the place that defines and delimits human being. Aristotle did not view the move in question – from life to the good

life – as the actualization of a potentiality since he saw the move from one to the other, at least as pertains to abstract human being, as more or less axiomatic. The way the slave is characterized makes it clear that the possibility of this movement far from being axiomatic is only ever there as a potentiality – a potentiality which is a necessary condition of human being yet, equally, one whose actualization is far from necessary. The question of the political, thought philosophically, has to be understood in terms of the possible actualization of an intrinsic quality. There is therefore a *potentiality-to-be*.

There are still a great many elements of these opening points that need clarification. Rather than attempting to engage all of them a different tack will be taken. What draws them all together however is the claim that what defines human being – and thus that which delimits the being of being human – is what can be described as the *potentiality-to-be*. That which is proper to human being therefore is an intrinsic quality (or set of intrinsic qualities) rather than any quality ground in normativity. (The latter is always historically specific.) What gives this position force is the connection between intrinsic qualities, activity and the description of the relation between the two in terms of the actualization (or not) of a potentiality. And yet, what has to be clarified is how the term “intrinsic property” is to be understood.

2. *Intrinsic Qualities*

Consequently, taking these notes, a stage further necessitates thinking through the relationship between intrinsic qualities and immanence. The claim is going to be that intrinsic qualities are immanent. What is the least problematic here is the evocation of immanence. The problematic aspect is the claim that there are intrinsic qualities. And yet, of course, they cannot be thought other than as already implicated in each other. Indeed, it cannot be argued that norms are immanent to life – life as a single activity is already the locus of the normative. Immanence stands both within and apart from the normative. Immanence allows for a relation that is not conditioned by normativity. Nor can immanence condition normativity. This is the only setting that can stand against nihilism.

In an early text Walter Benjamin argued that «justice is the striving to make the world into the highest good» («Gerechtigkeit ist das Streben, die Welt zum höchsten Gut zu machen»)⁹. Striving is linked to the actualization

⁹ W. Benjamin, *Notes to a Study on the Category of Justice*, trans. by E. Jacobson, in E.

therefore of a potentiality. The world as the “highest good” is the constancy of the possible actualization of justice. What is this “striving”? In order to address this question it is essential to locate another central reference to striving. A reference which, for this project, is of pivotal importance. In the *Critique of Practical Reason* Kant wrote the following:

[...] to love one’s neighbor means to practice all duties toward him *gladly*. But the command that makes this a rule cannot command us to *have* this disposition in dutiful actions but only to *strive* (*zu streben*) or it¹⁰.

While the passage warrants detailed elaboration, the force of its position can be located in two elements that are implicit in it. The first is that duty inheres in the striving to be dutiful and not in any one act as a finality. Here, the structure of this position can be extended such that it pertains equally, to responsibility, justice, hospitality, etc. The second is that striving can be redescribed as the continuity of the attempts to act in relation to that which exerts an unconditional demand. Such acts delimit and define human finitude – the awkwardness and difficulty of the life of a finite being. Finitude is not just given in relation to the unconditioned (this is human’s being necessary differentiation from the infinite; differentiation, again, as a mode of relationality, a position already noted by the use of the formulation *being-before-the-law* and given both spatial and temporal location in term of *at-the-same-timeness*). Finitude, whilst continually delimited, escapes the equation with normative claims precisely because it is itself a locus of potentiality. To which it should be added that the potential to act is removed from a structure of coercion once finitude, striving and potentiality are thought together.

Walter Benjamin refers to the world¹¹. The world here is the domain of human being. If being is *being-in-relation*, then what is meant by the world involves modes of relationality. Those modes can be adumbrated to involve both the other than human as well as the earth itself. The question of what it means to make the world the “highest good” – though this is not Benjamin’s actual argument – can be understood as the release of that which attends the world which is to act in relation to the continual actualization of a potenti-

Jacobson, *Metaphysics of the Profane: The Political Theology of Walter Benjamin and Gershom Scholem*, Columbia University Press, New York 2003, pp. 166-167. Emphasis added.

¹⁰ I. Kant, *Critique of Practical Reason*, in M.J. Gregor (ed.), *Practical Philosophy. The Cambridge Edition of the Works of Immanuel Kant*, cit., p. 307.

¹¹ This discussion of Benjamin draws on my: *World of Striving Walter Benjamin’s ‘Notes to a Study on the Category of Justice’*, in «Anthropology & Materialism. A Journal of Social Research», 4 (2017).

ality; i.e. the potentiality of the world to be the highest good. Again there is the interplay of finitude, striving and potentiality. That interplay however pertains both to the world as that which can be other than it is, the possibility of acts that strive to be just and finitude as a site of necessary contingency. (This, it might be argued, is the current predicament of human being.) Once finitude, however, is continually delimited by the insistence of the infinite or the unconditioned – and in a sense the name is not central as what is at work here is the presence of a relational ontology in which the infinite figures of necessity – then finite being is given with a series of relations. However, the infinite or the unconditioned is immanent. But what is immanent is a quality of the finite insofar as it marks that which finite being is. Finite being is both itself – “my” body stands before you – and yet finite being is at the same time there within a delimiting structure that holds the being of being human as given both within a relation to others and to that which allows for life’s propriety, i.e. the good life which is life lived as always already *before-the-law*. Political theology becomes, as a result, a philosophy of life.

Abstract

This lecture outlines elements central to the project of rethinking the concerns of political theology. The lecture seeks to integrate that thinking into the development of a philosophy of life; life defined by an already given relation to the law. Maintaining the law, which is the stance against nihilism, whilst complicating the way law is understood, involves a shift in how sovereignty would itself then be conceived.

Keywords: political theology; law; life; sovereignty; nihilism.

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