Preface

Current thinking about history - the history of philosophy in particular - has become highly ambiguous. The prevailing argument is that as we inhabit a post-historical age we must learn to think post-historically. This is to mean, not that we have outgrown the historical standpoint and can set it aside, but the very converse: so inescapably confined are we by our own finite-historical condition it is quite impossible that there could be any other view of history but the one from inside it.

It follows that every pretense to a speculative overview of history must be summarily abandoned; and a good deal of post-modernist wisdom consists simply in trumpeting this banal inference. But another more devastating conclusion also follows: if there is no transgressing the limits of time and language then neither can we any longer expect to find reason even in the specifics of human history - in the arguments of books of philosophy for instance. If there is no 'text', and yet also nothing outside the text, we are bound to declare in the manner of Gorgias that there is no truth to be found in any work of philosophy, and even if there were, it would have to remain for us both unintelligible and inexpressible.

The currently preferred approach to philosophical texts is accordingly 'ironic'. They are to be forced to confess to a self-annihilating incommensurability of their principles with their project. We need only 'play' their language, 'tremble' it in Derrida's word, to see the whole inner structure of their arguments collapse. This procedure of attaining to a postmodern standpoint through 'deconstruction' of the classical philosophical works has encouraged the taking of exceptional license with the texts themselves - a license to select, misread and even rewrite them by way of enforcing interpretations that are deliberately alien to their original sense and intent.

The essays in this second issue of Animus are presented in three groups. "Restructuring Tradition" includes articles which explore and exemplify Derrida's deconstructive technique as applied to some traditional arguments. W.J. Hankey gives us a first-hand account of the various ways in which Derrida's counter-reading of the Augustinian Confessions has been appropriated by contemporary theologians on behalf of a 'postmodern Christianity'. D. Glowacka expressly adopts Kierkegaard's existential attack on philosophical ethics as a starting point and describes Derrida's refinement of it. K. Kierans offers an overview of what he believes deconstruction owes to the Hegelian and Husserlian legacies and how it might be thought in some ways to preserve and extend them.

The second set of essays, "Recovering the Text", examines the manner in which arguments from the tradition have been construed and misconstrued in defense of positions that are not as such to be found there but are uniquely contemporary; how premises and biases are in this way read back into the texts, thereby debasing and obscuring what they actually say. A.M. Stafford examines recent critical accounts of Hegel's views on woman and the family to bring out and clarify both the ambiguities and the insights of conventional feminist
approaches to philosophical history. Then F.E. Andrews looks back on the analytic movement which, though otherwise virtually defunct, continues to exercise an inhibiting effect on the present-day understanding of classical philosophical works, due partly to the influence of its own limited logic, partly to its legacy of specious appropriation of traditional arguments.

Finally featured are three essays on "North American Freedom" which adopt a frankly speculative approach to broad political themes. The centrepiece is a signal essay by James Doull. Taking current Canadian concerns over national unity as his point of departure, he enters upon a comprehensive narrative on the origin and career of the North American states, driven by a commitment to a principle of universal freedom beyond the limited freedom of the nation state. The salient outline of the interlocking histories of the United States, Canada and the European Union is reviewed in this light. Following it are two companion pieces. D. Peddle reviews the constitutional debates during two crucial eras of American history as a means of illustrating the equally one-sided character of the contrary accounts of Rawls and Sandel. Finally, F. L. Jackson reflects on the differing forms of the North American ideal of political freedom as viewed from a Mexican perspective.
Re-Christianizing Augustine Postmodern Style

Readings by Jacques Derrida, Robert Dodaro, Jean-Luc Marion, Rowan Williams, Lewis Ayres and John Milbank

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At the end of September, 1997, Robert Dodaro, Vice-President of the Pontifical Patristic Institute in Rome, the Augustinianum, and a member of the venerable Order of Saint Augustine, delivered a paper at a colloque held at Villanova University in Pennsylvania, an institution of the O.S.A. The colloque, on "Religion and Postmodernity", was organized in large part by John Caputo, David R. Cook Professor of Philosophy at Villanova, a leading figure in its doctoral programme in Contemporary Continental Philosophy, and authorized interpreter of Derrida on religion. Central participants were Jean-Luc Marion and Jacques Derrida. The paper, entitled "Loose canons: Augustine and Derrida on themselves," will appear, next year, in the proceedings of the colloque. The paper is a reflection on Augustine in the light of Derrida's Circumfession, fifty-nine periods and periphrases written in a sort of internal margin, between Geoffrey Bennington's book and work in preparation (January 1989-April 1990). Fr. Dodaro's paper received the enthusiastic approbation of Derrida -- though it is hard to know what that signifies in a philosophy which intends to deconstruct the priority of speech and presence over text and dissemination.

Professor Derrida's book imitates, mimics and intends to deconstruct Augustine's Confessions. Looking at the Confessions and other writings through Circumfession, Dr. Dodaro analyzed the self constructed by Augustine as confessing convert and bishop. The result can be called a deconstruction of the Augustinian self or, better, a deconstruction of the Augustinian self such as it has been constructed for the sake of postmodern Christian

1 See his Deconstruction in a Nutshell: A conversation with Jacques Derrida, edited with a commentary by John D. Caputo, (New York: Fordham University Press, 1997), based in a "Roundtable" centered on Derrida when the Ph.D. programme was inaugurated in 1994; also his The Prayers and Tears of Jacques Derrida: Religion without Religion, (Bloomington and Indianapolis: Indiana U. P., 1997) which has Derrida's approbation -- which it seems contradictory that he should give!
theology. My aim is to understand something of the strengths and limits of the Augustine now emerging.

I begin with an outline of how Augustine is viewed in *Circumfession*, and go on to sketch Fr. Dodaro's deconstruction. There follows a look at Jean-Luc Marion's representation of Augustine as a way into his treatment by postmodern Christian theologians. I come then to an examination of the theological purposes and philosophical character of the rereading of Augustine being undertaken by a group of Anglican theologians: Rowan Williams, John Milbank and Lewis Ayres. They bring us toward an understanding of the new role which is being fixed for Augustine in a postmodern Christian theology. I consider what of Augustine can be and cannot be seen from within this purpose, and from within the postmodern Christianity which is being created. I conclude by comparing their Augustine to Dodaro's Derridian one. I find that the latter, though proceeding in a way which makes God finite and excludes (as do Derrida and his theological fellows) the possibility of "ahistorical" philosophy, is open to more of the dialectic within Augustine's thought than is the postmodern Anglican Augustine.

1. Derrida And Augustine

*Circumfession* is, like the *Confessions*, an autobiography involving a declaration of a kind of religious faith, an attempt at a reconciliation with the past in which that faith, so far as it is Jewish, was received. Like the *Confessions*, it is part of a quest for "the great pardon." For these and other reasons, Derrida finds in his biography echoes of Augustine's which he takes up in this quasi-autobiography. At a Roundtable at Villanova in 1994, he said about the "marginal notes" which are *Circumfession*:

On the one hand, I play with some analogies, that he came from Algeria, that his mother died in Europe, the way my mother was dying in Nice when I was writing this, and so on. I am constantly playing, seriously playing, with this, and quoting sentences from the *Confessions* in Latin, all the while trying, through my love and admiration for St. Augustine -- I have enormous and immense admiration for him -- to ask questions about a number of axioms, not only in his *Confessions* but in his politics, too. So there is a love story and a deconstruction between us.5

Derrida's love for Augustine comes out in *Circumfession*. The personal connections are clearly felt: Algeria; Derrida's mother, Georgette, a kind of Jewish Monica; youthful rebellion; the compromises and troubles of a provincial aiming for success in the metropolis; etc. But there is more between Derrida and Augustine than the personal connections. The Augustinian theological tradition is the quintessence of the Logocentrism which makes Western culture. Derrida's postmodern "nothing outside text"

4 Derrida in Jacques Derrida, 55.
5 Deconstruction in a Nutshell, 20-1.
6 Though definitively not "Saint" Georgette, see Derrida in Jacques Derrida, 16.
is a deconstruction of that Logocentrism, along with the self which was born in, and is at home with, that reason above history and text. So Derrida is deconstructing what is at the heart of the Augustine who is at the center of the Western Christian tradition, religious and secular.

Augustine's fateful identification of God and being in his interpretation of Exodus 3.14 puts him at the origins of Western onto-theology. And, at least for our Anglican theologians, the Augustinian self as intellectual substance, constituted in relation to the divine as a mirror of the divine, and possessing thereby a self-relation which sets it above and over the historical, is the root of all which is to be overcome in modernity. For them, as we shall see, such an Augustinian self who would found the possibility of a knowledge of the logic of reality must be read out of existence, (and out of Augustine), in order to construct a postmodern Christianity. This carries them, (as they intend), beyond Derridan deconstruction, to something more radical, which they think to be harmony and peace.

But, with Derrida, his love of Augustine, as are his loves generally, is simultaneously hate. A duality is essential. His deconstruction centralizes what it depends upon, but determinedly gets around it. This is the method of *Circumfession*.

The form, the method and the message of *Circumfession*’ are one. The work as a whole was written as a "friendly bet" or "a contract" between friends in which Professor Geoffrey Bennington dared Derrida to let himself be exposed by an essay circumscribing his thought, an account so systematic that it would even anticipate whatever Derrida might write in the future. The wager called for Professor Derrida to read what Geoff Bennington had written, and then to write "something escaping the proposed systematization, surprising it."8 Bennington's *Derridabase*, circumscribing Derrida in this way, is published in large print, on the upper part of the page, and occupies about two-thirds of it. Derrida's circumfessing attempt to talk around *Derridabase*, is in smaller print below, as befits the position of the humble penitent who makes his confession.

The relation with Bennington is intended to mirror the relation between the self and God in the tradition to which Augustine is central. It is crucial to observe that this relation is approached only in this way. There is no treatment of the arguments at the heart of the *Confessions* about the substance of God and the tight interconnection between Augustine's coming to a knowledge of the divine substance, of his own metaphysical nature and of the nature of good and evil. Nor does Derrida pick up, in respect to his own journey, the necessity of Hellenistic philosophy for the knowledge of natures and substances9 without which -- Augustine is explicit -- his conversion and his Christian
religion are impossible. In general, a relation to philosophy which would allow Augustine to understand his experience by what is not within the historical is excluded by Derrida.

Only an echo of the result of the Hellenistic metaphysics at the heart of the Confessions is present in Derrida's play with the Confessions. There is no deconstruction of the theological philosophical center; it has not been entered. In fact, Derrida remains always on the historical side in that movement back and forth between himself and Derridabase in which he mimics the movement in the Confessions between Augustine's own words and those of Scripture. So far as the Confessions is used as map on which to draw Derrida's own journey, this may not be surprising. It is, however, more remarkable that, in this, Derrida is drawn upon by the postmodern Christian Augustinians we are considering. In any case, with whatever falsifications it involves, the friendly bet with Geoffrey Bennington carries, for the purposes of Circumfession, the import of Augustine's engagement with God.

In escaping Bennington, Derrida is trying again to "circumvent" the "circumference," "the one that has always been running after me, turning in circles around me." Partly, Derrida is referring to his relation to his Jewishness, his circumcision, which, since childhood, both his parents before him, and then he himself tried to hide as a secret. In addition, "Geoff remains very close to God, for he knows everything about the 'logic' of what I might have written in the past but also of what I might think or write in the future ..."). Thus, the capital "G." in the English translation also stands for God, and for Georgette, his mother, whom he partly compares to Monica, just as the capital "D." in Djef, the phoneme of Geoff, stands for "Dieu". The D. must also stand for Derrida so far as his God is self-projection, and the God in Derridabase evidently is Derrida's self-creation through another. G. is also the predestinating God of "SA," "Savoir Absolut," or Saint Augustine. Of this G., whom he is trying to circumvent, Derrida confesses, "I love him and from the depths of my admiration without memory"; it is he "I prefer".

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10 Confessions, 5.10 ff.; 7 passim. The solution which Augustine attributes to Platonism answers a multifaceted problematic built and deepened from the beginning of the Confessions. It includes the problem of the nearness and distance of God, the question of his motive in stealing the pears, his attraction to Manicheism, his refusal of responsibility for his evil acts etc. Platonism and its solutions, in terms of natures and substance, to questions about God, self and evil are central and essential.
11 Caputo, of The Prayers and Tears Jacques Derrida, 294 is clear about the difference of the "partition" in Derrida's self and Augustine's; but, ultimately, Caputo's Augustine is postmodern in the sense I am developing. Caputo, at 326. writes: "Derrida makes his own the Augustinian sentiment that truth is something you make or do, veritatem facere, not something in whose open clearing you stand, head bared, basking yourself in Truth's Er-agen." This doctrine is the center of postmodern Augustinianism.
12 Derrida in Jacques Derrida, 3.
13 Derrida in Jacques Derrida, 16.
14 Derrida in Jacques Derrida, 13 and 19.
15 Derrida in Jacques Derrida, 54, see also 73.
This love is mutual and, indeed, Derrida depends for his identity and motive force on it. All of Derrida's activity in *Circumfession* is related to the astonishing interest of G. in him, his desire to write about him, his circumcising or circumscribing him in an idea. But *Circumfession* with its relation to Geoff, is but a metaphor for Derrida's whole life. He seems to have a G. filled life. In *Circumfession*, he writes relative to "what G. will have written up there, beside or above me, on me, but also for me, in my favor, toward me and in my place ..." But, generally, this interest and love are presupposed, and also the need for them.

No philosophical justification is given for this presupposition. Either a contingency of his personal relation to Bennington and Georgette is transferred to reality absolutely -- I evidently write *hors-texte* -- or, Derrida assumes the religious revelation of God as good (in which case his theology is more than "nonknowledge") or, he even assumes the assimilation by Augustine of the Biblical revelation and the Neoplatonic teaching about the Good.

Derrida's form of discourse, "style as enactment" and endless assimilation of the given text to the free associations of its reader, permits this assumption at the heart of his life and work, as these are represented in *Circumfession*, to remain without philosophical or theological justification. And this assumption cannot be the content of Derrida's faith or of his religion as he describes them. Professor Marion's work, in contrast, is fundamentally concerned with the justification of this assumption. His revision of phenomenology in terms of the "gift" is designed to face philosophically the problem of the good or charity. From this residue of necessary reliance of theology on philosophy, arises the critical treatment of him by Dr. Milbank, the exclusive theologian par excellence.

The strength and weakness of Derrida's approach to philosophy is seen in his relation to G. He has a positive relation to the whole history because even its metaphysical center is so deeply assumed that his philosophical activity is entirely dependent on it. However, as assumption, Derrida's thought is already always outside the reason which constitutes it. This problematic haunts postmodernism generally.

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17 Derrida in Jacques Derrida, 26, see also 222 and 268.
18 Against which see the polemic of Caputo, *The Prayers and Tears of Jacques Derrida*, 12 and 344, n. 13. For Caputo, Derrida is a Jewish Augustine, 283-86, 312, and he wants to make Augustine's Christianity Jewish, not Platonic. Partly this has to do with Caputo's opposition to the Hellenic Heidegger (311 with note 25, 326). It would not be difficult to deconstruct this binary opposition.
Whatever the justice of G.'s assumed knowledge and love, Derrida's existence depends both upon assuming and then, crucially, circumfessing them. If he could not "surprise" G., write around him, his acts would be without purpose:

if G., as I believe he has a right to do and has done impeccably, has made this theologic program capable of the absolute knowledge of a nonfinite series of events properly, not only the enunciation of this law can ultimately do without me, without what I wrote in the past, or even what I seem to be writing here, but do without foreseeing or predicting what I could well write in the future, so that I am deprived of a future ... 20

Success will not only give him a future, it will restore a freedom to his past:

if I succeed in surprising him and surprising his reader, this success, success itself, will be valid not only for the future but also for the past for by showing that every writing to come cannot be engendered, anticipated preconstructed from this matrix, I would signify in return that something in the past might have been withdrawn ... 21

So the wager is serious. Derrida's doing anything both depends on a self which is defined by G.'s knowledge and love, and upon his escaping that. He does not, we may say, cannot, desire to break the machine, in which G. inscribes his Derridabase: "I love him too much." 22 It is not too much to say that this very serious play is the character of his entire work. In that jeu, Derrida, more conservatively than the postmodern Christian theologians we shall consider, moves back and forth, neither winning nor losing, 23 between the "theologic" which gives form to culture and the deconstruction of theology. He is waiting, he writes, for

the great pardon which has not yet happened ... which is why I am addressing myself here to God, the only one I take as a witness, without yet knowing what these sublime words mean, and this grammar, and to, and witness, and God, and take, take God, and yet not only do I pray, as I have never stopped doing all my life, and pray to him ... 24

By this means, by placing his life in the context of prayer and tears, in the end, Derrida produced the surprise that Bennington says he intended all along to "provoke and welcome." 25

The surprise is shown to us by Derrida in the narration of his relationship to Judaism. Derrida's readers have not known about his religious struggle, of his coming to terms

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21 Derrida in Jacques Derrida, 32
22 Derrida in Jacques Derrida, 36.
23 Derrida in Jacques Derrida, 44.
24 Derrida in Jacques Derrida, 55-56. That Derrida prays distinguishes him from Heidegger, and Caputo is right to regard it as of the greatest significance; see note 28 below.
25 Bennington in Jacques Derrida, 1.
with his broken covenant, of his 'religion' 'without religion and without religion's God'. By confessing his 'faith' in this way, Derrida surprised by writing a text which, while it remained consistent with his previously published thought, demonstrated the inadequacy of attempts, such as Bennington's, to circumscribe that thought, to imprison it within the confines of a predictable system or method.

Derrida's "surprising" religion -- in fact, for the 20th century, there is no surprise, since this is the least surprising religion for the sophisticated -- he partly likens to negative theology, though sharply distinguishing Différance from negative theology. His religion is ultimately a "nonknowledge" in which he is "having a great time."

... that's what my readers won't have known about me, the comma of my breathing henceforward, without continuity but without a break, the changed time of my writing, graphic writing, through having lost its interrupted verticality, almost with every letter, to be bound better and better but be read less and less well over almost twenty years, like my religion about which nobody understands anything any more than does my mother who asked other people a while ago, not daring to talk to me about it, if I still believed in God ... but she must have known that the constancy of God in my life is called by other names, so that I quite rightly pass for an atheist, the omnipresence to me of what I call God in my absolved, absolutely private language being neither that of an eyewitness nor that of a voice doing anything other than talking to me without saying anything, nor a transcendent law or an immanent schechina, that feminine figure of a Yahweh who remains so strange and so familiar to me ...

Augustine, as it seems is everything else important, is for Derrida both that from whom he must escape and that with whom he associates his own enterprise. Augustine is a special friend, a compatriot, and, evidently, an exemplar. Augustine is even an exemplar in his circumvention of G. For Derrida is clear that Augustine is genuine in his puzzlement as to Cur confitemur Deo scienti, his question as to why he confesses to someone who knows it already. Not only does he judge Augustine's question to be genuine, but he supposes that as an act of love, Augustine does what Derrida is undertaking, making something new, which will, so to speak, surprise God, and lead to that to which Derrida has also come, a "learned ignorance."

He knows everything in advance, which did not stop my compatriot from going beyond this Cur confitemur Deo scienti, not toward a verity, a


severity of avowal which never amounts merely to speaking the truth, to making anything known or to presenting oneself naked in one's truth, as though Augustine still wanted by force of love, to bring it about that in arriving at God, something would happen to God, and someone would happen to him who would transform the science of God into a learned ignorance ...

However, recruiting Augustine in support of this circumvention is deeply problematic.

Derrida assumes what we may call the Hellenic Augustine of the *gnothi seauton*, whose confession and gathering of his dispersed self depended upon a movement inward and upward both in and toward God (the Word as mediator is both in and above the human). In short, he assumes the Augustine who must be understood in a transmuting relation to Plotinus. The Augustine of the *Confessions* came to know God, himself, good and evil, and, by way of this knowledge, was converted. The autobiographical books are confession as praise because they show that the movement of his life is contained within the patterns God in his Word imposes on the creation. In the confession as self-examination and repentance of Book 10, he comes to judge himself by the Truth which turned him around. As the concluding books interpreting *Genesis* make evident, he understands his conversion in relation to the logic of the universal *logos*, a logic which is before history and determinative of it.

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28 Derrida in *Jacques Derrida*, 18. This is the Augustine of Caputo who would make truth (*The Prayers and Tears of Jacques Derrida*, 326). If Caputo turned Derrida into a Jewish Augustine and Augustine into a Jewish, as opposed to a Hellenic, Christian, he would seem to bind Derrida to a binary opposition. As I have indicated, this is for the sake of radically setting Derrida against Heidegger whose Hellenism and Nazism Caputo puts together. Caputo's book is correct in finding in Derrida a religion. Indeed, Derrida speaks of himself as capable "of founding another religion" (222). Its character is indicated in "How to avoid speaking: Denials." He explicitly does not speak, there, about "negativity or of apophatic movements in ... the Jewish or Islamic traditions" (31, 53). In his criticism of negative theology, he considers after the Greek, and the "Christian without yet ceasing to be Greek" paradigms for apophasis, Heidegger's paradigm which is "neither Greek nor Christian" (53). This paradigm proposes to speak of God without speaking of being and thus to be a theology as "science of faith or of divine speech, such as it manifests itself in revelation which is not onto-theology." Derrida does not judge Heidegger to have succeeded in this theology without Greek philosophy, but he seems to look for religion in this direction, a religion which prays as Heidegger does not (60).


30 So the *Confessions* begin with an account of his infancy in respect to that in which it is the same as all infancies, and go on, once he has enacted the Fall, to deal with the problem of sin as adolescent rebellion - in the story of the theft of the pears - and to treat his adult life as the movement through a series of positions which can be related in terms of moves from one philosophical and religious form after another.

31 See R.D. Crouse, "In Aenigmate Trinitas' (Confessions, XII,5,6): The Conversion of Philosophy in St. Augustine's Confessions," *Dionysius* 11 (1987), 61: "Existence, knowledge of the truth, and the voluntas which is their bond of union: that is the trinitarian paradigm which informs the thought of the Confessions. whether in the autobiography of Books I-IX, or in the doctrine of the soul's conversion in Book X. But it is in the final three books that the pattern is disclosed in its metaphysical dimensions, as grounded in, and dependent on, the triunal activity of God, in the descent and return of all creation from and to its principal. It is within that broader context of conversio that the conversion of the rational creature, in its knowing and its willing, has its deepest meaning." This view of the *Confessions* which would draw experience into a philosophical pattern is profoundly at odds with the postmodern Augustine.
Ultimately, Augustine places his becoming, and all becoming, within that universal logic, and, crucially, knows his relation to it. This knowledge is, for him, the condition of his being able to interpret Genesis. Augustine is drawn back into the creative knowledge by which he is known, the Savior Absolut; -- he knows now as he is known\(^{32}\) -- rather than contractually excluding this return. For Augustine, this return, the conversion to origin is everything. Augustine is not trying to circumvent the divine predestination and knowledge, but rather to demonstrate the divine logic which moves all things and to praise it, to confess it.

Derrida's *Circumfession* intends to have the opposite character. He takes up his writing from this assumed Augustine. Derrida endeavours to deconstruct this assumption by means of a *Circumfession*. But to understand the power in that deconstruction -- and equally what it lacks -- it is critical to notice that what constitutes the assumed is never considered. We are always already outside it. G. has already written, his text is fixed above the page, Derrida writes on the margin below and outside. In that respect Derrida's *Circumfession* goes nowhere, and does nothing, it ends where it already began. It cannot return, as Augustine wills to return, to the *Savoir Absolut*, which can never truly be, for Augustine, any more than for Boethius or his other successors, a finite temporal before or spatial outside.\(^{33}\)

The Derridan Augustine is in this external relation to a finite God. There he is condemned to a never ending search in an never ending examination of his experience. This would be an Augustine for whom the *exitus* which conversion assumes cannot be taken into the divine self-differentiation; but where, rather, the divine has passed into the historical. This is not only the Augustine of Derrida, but of postmodern Christian theologians, for whom the Christian mediation, as Patristic orthodoxy understood it, has been inverted.\(^{34}\) This Augustine, Fr. Dodaro deconstructs. Or rather, since deconstruction belongs properly to that which is deconstructed, Dodaro shows, correctly, that if we look at Augustine in his relation to God in the same way in which Derrida relates to the G. of *Derridabase*, the result is the same.

### 2. Dodaro's Derridan Augustine

Before embarking on a review of Fr. Dodaro's paper, it is important to give notice that it was not intended to be a exposition of Augustine in himself -- if such an enterprise were even conceivable in this company. It was rather an exercise fixed by the parameters of the *colloque* for which it was presented. It is answer to a question -- just as

\(^{32}\) *Confessions* 10, takes up the Hellenic "Know thyself," so that he judges himself by the truth by which he is judged, and shows that he has been moved by the Truth. The book is governed by I Cor. 13: 12 with which it begins.

\(^{33}\) *Confessions* 11 which mediates between the self knowledge of Book 10 and God's knowledge of creation in Books 12 and 13 shows this in respect to time.

\(^{34}\) Augustine comes to an understanding in which, as an historical individual, he discovers and so possesses, as well as being possessed by: his own objective foundation; or, in philosophical language, his principle; in theological language, God. This Christian knowledge is excluded for the postmodern Augustine.
Circumfession was the response to a friendly bet. What can be made of Augustine if we read him as Derrida reads? I report here just the part of the paper (about half of it) which deals with the Confessions.

Fr. Dodaro notes the similarity between the relations of G. and Jacques, on the one hand, and Augustine and God, on the other. The interconnection of love and knowledge are essential in both cases. Equally, just as Derrida takes into account the Derridabase, moving, as we the readers do, back and forth between it and his own text, so, in the Confessions, God's discourse, the text of Scripture, interpenetrates Augustine's own text. For Dodaro: "These intertextualities" as well as the interconnection of knowledge and love, "remind the reader of the structure of self-knowledge for Augustine."

For Augustine can only know God in as much as -- and in the manner that -- he can love God, and he can only know himself in so far as he knows God's knowledge and love for him. In the end, this is why Augustine must confess to a God who already knows everything about him. The pretense of the Confessions is that God doesn't need to know Augustine; Augustine needs to know himself. And he can only know himself by coming to know concretely how, in what manner, God knows him and loves him. Confession is thus Augustine's tried-and-true mode of self-discovery because it involves a minute and attentive recollection of his history, a recollection in which he is revealed to himself within the providential love of God which he gratefully and painfully recalls to have been present at each significant juncture of his past and present life.

There is much here which is evident from the Confessions: knowledge and love are indissolubly interconnected, to know ourselves as God knows us is required, such knowledge belongs to the self-examination which is essential to repentance. But something more is asserted (or, better, denied): self-knowledge is resolutely historical, never achievable as ideal result, nor given as philosophical content. As Dodaro puts it: "For Augustine, self-knowledge ... is also always provisional and contingent."

This side, present in the Confessions, Fr. Dodaro develops. There is a risk that the divine gift of self-knowledge will be a poison, a simulacrum of himself which passes away just as he abstracts or distills it, just at the precise instant in which he 'knows himself' through God's revelation of himself to himself within his memory. Even the experience of pardon, of divine acceptance and presence, which is enclosed in each grasp of himself painfully and gratefully attained through confession, becomes also an occasion of sin, of pride.

It is not hard for Fr. Dodaro to show from the text of the Confessions that this "provisional and contingent" self-knowledge is illusion, that it passes away the moment it seems to be achieved.
At the beginning of the tenth book, Augustine is confident that the God who reveals him to himself will enable truthful confession. But by the end of the book, Fr. Dodaro reports:

while discussing sins against the sense of smell, Augustine has already established the pattern of contradiction that characterizes the remainder of his confession. His admission that he could be self-deceived in his examination of conscience parallels his earlier assertion that his griefs (his sins) are at battle with his joys and that he does not know to which the victory will fall.

He finds the same pattern and "composite of claims in conflict" in Augustine's discussion of concupiscence of the eyes. By the time he examines himself on the sin of pride, all complacent confidence that he has been successful in his battle over sin or in his striving for true self-knowledge is gone.

So, while he confesses that God has 'crushed his pride' (10.36.58), he acknowledges that 'the temptation to want veneration and affection from others' may have some hold upon him (10.36.59).

What is in doubt here is self-knowledge at all. Dodaro quotes the Confessions:

I am sorely afraid about my hidden sins, which are plain to your eyes but not to mine. In other areas of temptation I have some shrewdness in self-examination (facultas explorandi me), but in this matter almost none.

He comes to the point where the whole enterprise of self-knowledge is threatened. He asks: "Is there nothing left to say, but that I am deluding myself and not acting truthfully with heart and tongue in your sight?" Augustine concludes:

... I have taken stock of the sickly state to which my sins have reduced me, and I have called upon your right hand for saving help. I have seen your blazing splendor, but with a wounded heart; I was beaten back, and I asked, "Can anyone reach that?" I was flung far out of your sight. You are the Truth, sovereign over all. I did not want to lose you, but in my greed I thought to possess falsehood along with you, just as no one wants to tell lies in such a way that he loses his own sense of what is true. That was why I lost you, for you did not consent to be possessed in consort with a lie.

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35 Confessions 10.1.1.
36 We are pointed to Confessions 10.32.48 and 10.28.39
37 10.36.60.
38 10.37.62.
39 10.40.65-41.66.
Fr. Dodaro draws this conclusion from Augustine's:

"You did not consent to be possessed in consort with a lie," he finally admits to God, thereby acknowledging a self-delusion that he could really ever be free from the sway of pride in its many, insidious varieties. The consequence of these last words of the bishop's confession at the close of Book 10 is the denial that the Augustinian self can ever be known in abstraction, that is, known in-itself, known apart from those fleeting moments of insight wherein a true taste of oneself occurs in the interpenetrating knowledge and love of God ... The more that the content of moral self-knowledge reveals itself to be instable on account of the necessarily on-going nature of conversion that this self-knowledge requires, the more instable the assurance of the metaphysical 'self' in Augustine. The 'self' that he can posit, situate, is both there and is not there. It exists in what he knows of himself in the revealing love of God which he has experienced in the moment of 'self'-revelation, in the act of loving and being loved, in a recollection which is also a presence, a real presence, a pardoning, reconciling presence. But it cannot exist as an abstraction of that experience, for it is an experience which, if clung to, reveals itself to be illusion, to be pride.

And so, writes Fr. Dodaro, there is a surprise at the conclusion of Augustine's Confessions making them into a circumfession also. "He knows himself and yet knows no 'self', understood as an abstract datum of knowledge."

The analysis of these texts given by Fr. Dodaro is not only correct, it is also profoundly revealing of a moment that remains within the movement of Augustine's introspection. However, there is another side of Augustine which disappears: the Augustine for whom self-certainty, the knowledge both that I am and what I am, is established in doubt, in being deceived.40 This Augustine lies at the foundation of Cartesian modernity. Charles Taylor puts it this way in his chapter on Augustine in Sources of the Self, "In Interiore homine": "On the way from Plato to Descartes stands Augustine."41

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40 However, there is a lot of this Augustine. Reason is established against the Skeptics in a step Augustine took early and which remained decisive. See Contra Academicos 3,9,19; De beata uita 2,7; Soliloquiorum 2,1,1; De immortalitate animae 1,1; De libero arbitrio 2,3,7; De trinitate 15,12,21; De ciuitate dei 11,26. It is important that the self-certainty of our existence as reasoning life remains essential to us, belonging to the nature of immortal mind, even when our being, understanding and loving are directed to God, and act in and by God's own trinitarian life (De trinitate 14,14,18; 14,19,26; 15,15,25). Augustine has a carefully worked out description of the self in philosophical categories. There is, for him, always a "metaphysical" self in these terms (anima, ratio, mens, ratiocinatio, scientia, sapientia, etc.) worked out in the most technical way, continually refined and qualified from the beginning of his writing until the Retractationum.

In opposition to Platonic - Augustinian - Cartesian interiority, postmodern historicising of Christian theology has now pushed from view the substantial self. The self which is for the pure self-relation of thought and will, a self there for us even in doubt, self-certainty established in response to ancient philosophy and by its tools, and which might found a Christian philosophy, but one independent of theology, is its enemy. By means of this careful forgetting, Augustine will no longer belong at the origins of modernity but of its postmodern deconstruction.

3. Jean-Luc Marion's Augustines

Jean-Luc Marion is a conservative (Communio) Catholic theologian, who was a pupil of Derrida at the École Normale Superior. He now teaches philosophy at the Sorbonne, having moved there two years ago, but like Derrida, he holds appointments at North American universities -- notably for Marion, the University of Chicago. In the "Preface to the English Edition" of his God without Being, he describes himself as postmodern with a qualification and tells us what he means. His philosophical decision concerning the names of God:

takes place within the framework, perhaps of what is conventionally called "postmodernity". If we understand by modernity the completed and therefore terminal figure of metaphysics, such as it develops from Descartes to Nietzsche, then "postmodernity begins when, among other things, the metaphysical determination of God is called into question.42

In his studies of Descartes,43 Marion raised such a question when he found that the metaphysical names imposed by Descartes on God "reflect purely metaphysical functions of "God" and hide the mystery of God as such." And so, he writes "my enterprise remains
'postmodern' in this sense, and, in this precise sense, I remain close to Derrida.\textsuperscript{44}

However, \textit{God without Being}, is, as against what Derrida would allow to be possible, "hors-texte." God as charity is neither pre-, nor post-, nor modern and so Marion's "enterprise does not remain 'postmodern' all the way through."\textsuperscript{45} Partly, this postmodernity means that he, and others, (e.g. the Anglican theologians we shall consider), turn again to the premodern to find what they judge modernity has forgotten.

Thus, there is Graham Ward's description of Professor Marion's work on Descartes: "It is in grasping the roots of modernity that Marion's postmodern thinking sees the possibility of returning to the premodern world which de Lubac, Daniélou and Gilson had reintroduced into early twentieth century French Catholicism."\textsuperscript{46} However, the thinkers we are treating do not judge that modernity can be, or should be, escaped or leapt over. Marion's study of Descartes aims to show the ambiguities at the origins of modernity; thus, what modernity became involves a choice rather than a necessity. In consequence, there is also a choosing for us in getting beyond the modern which equally involves staying with something present in it.\textsuperscript{47} What is made of Augustine is evidently at the heart of this choosing.

Marion seems to find in Greek negative theology his most direct way forward. His first efforts "to shoot for God according to his most theological name -- charity"\textsuperscript{48} are to be found in his \textit{L'idole et la distance}, where in the pseudo-Dionysius he discovered a genuinely theological relation to the divine names.\textsuperscript{49} His paper at the Villanova colloque on "Religion and Postmodernity" was a continuation of his theological reflections on Dionysius and Gregory of Nyssa and a continuation of his dialogue with Derrida on negative theology reflected in "Comment ne pas parler: Dénégations." The Villanova paper endeavours to find a "third way" in respect to negative theology, a way which takes into account Derrida's criticism of it as coming finally to the hyperessential. Nonetheless, because how Augustine is represented lies at the roots of the choices which found modernity, his representation of Augustine is equally, if not, in fact, more important.

I list then Marion's representations of Augustine.


\textsuperscript{45} \textit{God without being}, xxi.


\textsuperscript{47} . Ibid., 320-23, Graham Ward, \textit{Theology and Contemporary Critical Theory}, (New York: St. Martin's Press, 1996), 132. The same is true of John Milbank and arises out of his study of Vico. See \textit{Theology and Social Theory. Beyond Secular Reason}, (Oxford: Basil Blackwell, 1990), 3. His aim is to trace "the genesis of the main forms of secular reason, in such a fashion as to unearth the arbitrary moments in the construction of their logic."

\textsuperscript{48} \textit{God without being}, xxi.

First, and mostly, Augustine is placed with pseudo-Dionysius, Aquinas and the premodern (i.e. pre-Duns Scotus, Suarez and Descartes), as maintaining a reason which is always transcendent toward God. So reason is always simultaneously religious and properly theological, e.g. being is known in the *analogia entis*, there is no independent secular reasoning, indeed, really no reason apart from the *itinerarium mentis in deum*. Augustine is set definitively against Suarez, often Scotus, and usually, but not always, Descartes. Descartes may be represented more as the victim of what the theologians did rather than as the worst of the moderns. Augustine, then, belongs to the postmodern cure.

Second, Augustine is seen with Descartes on some matters. For example, they are treated together on voluntarism where neither is convicted of the usual offenses, and the Cartesian *cogito* is traced to Augustine. However, what Descartes is said to have done with it Marion maintains to be very different from what Augustine was about. Crucially, Marion points to Descartes' own recognition that Augustine is using the *cogito* as a way to the analogous knowledge of the divine Trinity, and that this is not at all his own purpose. Here, Augustine is placed at the origins of modernity, but exempt from its diseases.

Third, Augustine is at the source of the Latin interpretation of Exodus 3.14 which makes God into being. Here, the evaluation of Augustine may, in principle, if his theology is found to be Neoplatonic, subordinating being, go up and down with that of Aquinas. In *L'idole et la distance* and in *Dieu sans l'être*, but neither in the "Preface to the English Edition" of *God Without Being*, nor in "Saint Thomas d'Aquin et l'onto-théologie," Aquinas was placed with the onto-theologians because he made being the first of God's names. Thomas has now been Neoplatonised by Marion as a theo-ontologian, for whom God is before being which he gives even to himself. So Aquinas is shifted toward Dionysius. So far as Augustine is not also a theo-ontologian, he would be set against pseudo-Dionysius, and would need to be overcome.

50 Professor Marion, and many others, learned important aspects of their history of philosophy from Gilson, including their suspicion of the Scotistic Thomism of Suarez as corrupting modern thought by tending to a univocity of being which lies at the origin of theology as metaphysics and thus as onto-theology. See, for example, "The Essential Incoherence," 303-4, Ward, "Introducing Jean-Luc Marion," 318-21. This analysis is also picked up by Milbank, "Only Theology Overcomes Metaphysics," 330. This is a commonly accepted analysis and the citations could be vastly multiplied. See W.J. Hankey, "Denis and Aquinas: Antimodern Cold and Postmodern Hot," *Christian Origins: Theology, rhetoric and community*, edited by Lewis Ayres and Gareth Jones, Studies in Christian Origins (London: Routledge, 1998), 139-84.

51 See Marion, *Sur le prisme métaphysique de Descartes*, 231-33 and idem, "The Essential Incoherence," 303-4 where Augustine is with Damascene, Aquinas and Anselm against Suarez, Scotus and Descartes who are guilty of the "univocist drift that analogy undergoes" (306). Idem, *Sur la théologie blanche de Descartes*, 69ff., 162.

52 Marion, *Sur la théologie blanche de Descartes*, 282 on will and knowing in Augustine and Descartes, 384, note 22 on the *cogito*; as also, idem, *Sur le prisme métaphysique de Descartes*, 138-41, 147.

53 *Revue Thomiste* 95 (1995), #1, [Saint Thomas et l'onto-théologie], 31-66; for Marion's shift or "recantation" here, see Hankey, "Denis and Aquinas: Antimodern Cold," 150-52.

54 Augustine is placed with Thomas but the Greeks are absolved because being for them "returns to the Son, it could not in any way determine the triune divinity which therefore exceeds Being." *God without Being*, 73-74. At this point Marion, in a note (51, p. 215) quotes with approval the remark of Derrida: "as a
Finally, Augustine is placed with Bérulle and Pascal (on different issues) in the Christian reaction within modernity against its distortions.55

With Marion, the transcendence toward God is crucial. Marion, and our Anglican postmodern theologians, is above all opposed to the "univocist drift" in the Scotistic transformation of scholasticism by Suarez which leads in Descartes to "a rationality not theologically assured by Christian Revelation, but metaphysically founded on the humanity of 'men strictly men'."56 Thus, philosophy is to be transcendentally oriented to theology, (which is religious life rather than science), or separated altogether from theology. Theology's independence from philosophy is what all these post-Heideggerian thinkers demand above all -- in this sense, they all derive their programmes from father Heidegger.57

A possible route still remaining (when the sovereign independence of theology has been secured -- this theo-ontology attempts) will involve "correlating reason and revelation"58 in a Latin scholastic way. This is how David Tracy understands Marion's writing. For John Milbank, and his Anglican theological companions who suppose that their theological models come from Patristic -- rather than from scholastic Christian forms -- and who suppose that this prevents doing philosophy and theology at once, Marion's fundamental fault lies here.

Another possible way forward is that Marion might completely separate his theological and his philosophical work. This Graham Ward supposes him to have done.59

linguistic statement: 'I am he who am' is the admission of a mortal." At note 50, he subscribes to the argument of J.S. O'Leary who finds Augustinian thought at the origins of the onto-theological constitution of metaphysics.


56 Marion, "The Essential Incoherence," 297 and 306.

57 Derrida is right in seeing that Heidegger opposes "Christian philosophy" because it requires a mixing of Greek ontology with a theology which is revelation. A separation of these would avoid onto-theology. However, ultimately, avoiding this mixing requires that neither being nor God can be thought philosophically. Marion thus wants to keep theology from becoming science.. Milbank hopes to regain both science and being for God by eliminating the independence of philosophy. See Derrida, "How to Avoid Speaking: Denials," 55; W.J. Hankey, "Making Theology Practical: Thomas Aquinas and the Nineteenth Century Religious Revival," Dionysius, 9 (1985), 99-103, 107, 111-112. Note here how Karl Rahner anticipates our postmodern theologians in the turn to the historical as a way out of the emptiness of metaphysics which his following of Heidegger requires. See also Hankey, "Denis and Aquinas: Antimodern Cold," 151, J.-L. Marion, L'idole et la distance, 177-243, idem, God without Being, 44-52.

58 David Tracy's Foreword to Jean-Luc Marion, God without Being x. Milbank judges one side of Marion's position to be still correlational, see "Only Theology Overcomes Metaphysics," 325. For a comparison between the relations of theology and philosophy in Marion and Milbank and their premodern models see generally, Hankey, "Denis and Aquinas: Antimodern Cold."

I consider it premature to judge that there will not be a further integration of the philosophical and the theological work of this fecund scholar who is not afraid to allow his thought to develop even to the point of a recantation. We can conclude, however, that, in common with the Anglican theologians whom we shall consider next, Marion reads Augustine so that any horizontal self-completeness of the interpenetration of being, thinking and loving in *mens* which might be exploited for philosophy independent of revealed theology, is excised. This excision is for the sake of vertically oriented relations which are simultaneously toward history and toward God. For a reading of Augustine more radically pushed this way, we take the Chunnel from France to England.

4. Rowan Williams, Lewis Ayres And John Milbank

When we arrive at our group of Anglicans, we are dispersed immediately. The first of them has returned home to Wales as Bishop of Monmouth, after having occupied the Lady Margaret Professorship of Divinity at Oxford. The second, though English, is a Lecturer in Theology at Trinity College, Dublin, after having (like Robert Dodaro) written a D.Phil. thesis on Augustine under Williams when he occupied the Canon Professorship. Only the third, John Milbank, significantly as it turns out, remains in England, where he occupies a Fellowship at Peterhouse and is a Lecturer in Theology at Cambridge. Like Jean-Luc Marion, both Ayres and Milbank are laymen.

While these British scholars are all Anglicans so far as ecclesiastical affiliation is concerned, at least one of them has given up thinking of himself as an "Anglican theologian." Certainly, none of them is provincially English or Anglican in their intellectual or spiritual scope. But Milbank's refusal to give any substantiality to philosophy is absolutely essential to his theology and, indeed, may be thought to constitute it. He is thus prevented from being a Roman Catholic theologian and is, in fact, self-consciously Anglican. He may regard his supposed following of the Fathers in refusing to do both theology and philosophy as Anglican. For him, as against Marion, "the claim, which would have seemed so bizarre to the Fathers, to be doing philosophy as well as theology" must be given up.  

The wide range of Milbank's knowledge and interests is spectacular. His recent engagement with Marion's positions reveals a knowledge of French historical scholarship as it bears on theological and philosophical issues and a detailed engagement with

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60 John Milbank, "Only Theology Overcomes Metaphysics," 340. When his theology was criticized for being Anglican by Aidan Nichols, o.p., in "Non tali auxilio': John Milbank's Suasion to Orthodoxy," *New Blackfriars*, 73, No. 861 (June, 1992), 330-31, on account of its antiphilosophic " 'hermeticism' ... the enclosure of Christian discourse and practice within a wholly separate universe of thought and action" (327) and its 'theocracy' (331), Milbank replied that Nichol's "Englishness renders him more insular than my (never concealed!) Anglicanism." "Enclaves or Where is the Church?" *New Blackfriars*, 73, No. 861 (June, 1992), 352, note 2."
Structuralist, Poststructuralist (and Postmodern) thought which astonishes. His published study in the history of philosophy on Vico, (his doctoral dissertation), establishes his bona fides as a student of the origins of modernity. He has published an impressively encompassing theological statement, Theology and Social Theory: Beyond Secular Reason, which has already been the subject of special issues of Modern Theology and New Blackfriars. In it, he argues for his demand that theology no longer allow itself to be placed from outside by philosophy and by secular thought generally. He endeavours to persuade theologians to get over their "false humility" in the face of modern secular reason whose challenge, he announces, "is at an end, for it is seen that it was itself made in terms of metaphysics, and of a 'religion'." The book's learning and its engagement with the history of theology and philosophy, as well as with contemporary social theory and its origins, surely make it, at the least, as Aidan Nichols writes, "a publishing event of considerable magnitude" for "a British author writing at the end of the twentieth century." Theology and Social Theory includes, at least in part, most of his theological arguments and positions developed before or since.

A new collection of his essays, The Word Made Strange. Theology, Language, Culture, has just appeared. While only one of the chapters is newly written -- "The Force of Identity" treating Gregory of Nyssa -- they "have all been considerably revised, and can be taken to represent 'What I think now'." The essays have been ordered so that the whole looks like a systematic theology sounding what he calls "the English cadence". The twelve chapters are ordered, two by two, under six headings: Arche ("God and Creation"), Logos ("God the Son"), Christos ("the Incarnation"), Pneuma ("the Holy Spirit"), Ethos and Polis ("Christian life and society"). At the center of this incipient system is, appropriately, his addition to Trinitarian theology, "The Second Difference" which was subtitled "For a Trinitarianism Without Reserve" and, importantly, now appears under Pneuma. It is of the greatest significance that this doctrine of the Trinity makes inseparable our identification of God and the practical life of the Church.

The books, when taken together with many other articles in Modern Theology, New Blackfriars, and elsewhere, exhibit a directed reflection on and engagement with the whole Western philosophical and theological tradition from the Pre-Socratics to Hegel

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61 John Milbank, "Only Theology Overcomes Metaphysics," idem, "Can a Gift be Given? Prolegomena to a Future Trinitarian Metaphysic." See also idem, "Enclaves or Where is the Church?" 344, 345 and note 1 which is more positive than the two later articles.


63 Modern Theology, 8, No. 4 (October, 1992), New Blackfriars, 73, No. 861 (June, 1992). Milbank tells us ("Enclaves or Where is the Church?" 341) that Theology and Social Theory, is "accurately précised" by Fergus Kerr's "Simplicity Itself: Milbank's Thesis," New Blackfriars, 73, No. 861 (June, 1992), 306-10. David Burrell, "An Introduction to Theology and Social Theory," Modern Theology, 8, No. 4 (October, 1992), 319-29 provides a fine outline.

64 Milbank, Theology and Social Theory, 1, 260.

65 "'Non tali auxilio'," 326.


67 The Word Made Strange, 4.

68 The original is in Modern Theology 2:3 (1986), 213-34; my references are to the version in The Word Made Strange.
and beyond, with social and linguistic theory, with cultural anthropology generally, and with much else. Together they courageously propose a new Christianization of culture, explicitly designated as postmodern. This reChristianization is dependent on a criticism of and opposition to what it judges as the failed modern project, which project, with Hegel, notably, and others, it estimates to have been, partly, an earlier and now rival attempt to Christianize culture. For the problem is not philosophy, metaphysics and ontology absolutely but rather that philosophy which remained "inside the horizons projected by the Greek mythos, within which the Greek logos had to remain confined."69

Milbank envisages "another ontology" which is "another philosophy" and "another metaphysics" 71 which would be properly Christian, inscribed within the Christian rather than the Greek mythos. This other philosophy, which does not "position" Christian theology from some pretense to a self-sufficient reason, is prefigured by "the radical changes undergone by ontology at the hands of the neo-Platonists and the Church Fathers: in particular Augustine and Dionysius the Areopagite." It was "no longer exactly Greek." Because of the character of this transformed philosophy, Dr Milbank lays down, in contrast to Professor Marion, as proper to Christian Neoplatonism, "the Platonic Good, reinterpreted by Christianity as identical with Being."72

Before going on to say something more about the role Augustine serves in this reChristianization, and to raise a question about what of Augustine his servitude to a postmodernity opposed to modernity obscures, it is necessary to consider briefly the genre of Milbank's writings in order to ask whether my consideration of them is appropriate.

My method is the prosaic one of the historian who merely and miserably points to what is left out or obscured. "Style as enactment" is essential to John Milbank's postmodernity. Indeed, Christian life is for him primarily to be understood as a poesis, or more precisely as most like making music. After citing Augustine's De Musica, he requires that "Like nihilism, Christianity, should embrace the differential flux." He

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69 Milbank understands his "transformation of the Greek philosophical logos through encounter with the theological logos, so that thought itself becomes inescapably Christian, and one is 'beyond secular reason' as "the resuming of .. [an] Hegelian task". He conditions this by arguing that "the Christian transformation of the philosophical logos is actually subverted by .. [Hegel's] encyclopaedic, totalizing ambitions." Theology and Social Theory, 147. At 183 in "The Second Difference," in The Word Made Strange," Milbank writes: "Hegel (helas!) is the most profound modern meditator upon the identity of the Holy Spirit." In "A Critique of the Theology of the Right," The Word Made Strange, 28 he compares Hegel to Aquinas as "that other Christian Aristotelian." In fact, the criticism of postmodern thought brings a return to Hegel in the circle of English thinkers amongst whom Milbank moves; see, for example, Rowan Williams, "Between Politics and Metaphysics: Reflections in the wake of Gillian Rose," Modern Theology 11/1 (1995), 3-21 and idem, "Hegel and the gods of postmodernity," Shadow of Spirit: Postmodernity and Religion. edited by Philippa Berry and Andrew Wernick, (London: Routledge, 1992), 72-80, Ayres, "Theology, Social Science and Postmodernity," 178-79.
70 Milbank, Theology and Social Theory, 295.
72 Milbank, Theology and Social Theory, 295-96.
W. HANKEY: RE-CHRISTIANIZING AUGUSTINE POSTMODERN STYLE

describes his theological writing as "composing a new theoretical music". But theory belongs to composition and is not separable from it. The requirement that we join in the poesis means that there can be no theoretical distance or objectivity. Theory occurs as a necessarily incomplete moment within praxis.

[P]ractice cannot claim to 'know' the finality of what it treats as final. ... We know what we want to know, and although all desiring is an 'informed' desiring, desire shapes truth beyond the imminent implications of any logical order, so rendering the Christian logos a continuous product as well as a process of 'art'. ... Now desire, not Greek 'knowledge' mediates to us reality.

Does the historian's prosaic 'knowledge' have any place here? Or is his question an inappropriate refusal to move with the flux according to the rhythm he ought to discern as he joins in constructing it? Is his work just another form of the pagan, become modern, fearful search to find security in some external objectivity? This search for objective security, with its essential opposite, namely, the supposition of a subject above action and knowledge and providing their structure and foundations. Milbank has taken as his evangelical work as a Christian theologian to expose as anti-, or at least sub-, Christian.

I have written something above about the dependence of Derrida upon the given texts which he proposes to read closely enough so as to find their internal deconstruction. Though Milbank wants to remove what is negative in this (for him) nihilist postmodern return to the pagan agon, with its deconstructive 'immanent dialectic,' nonetheless, his works clearly have a like dependence on what is historically given. Yet, his theological writing must not be historical scholarship as modernity has developed that genre; this he calls a "finite idol." Our present is getting over this objectivity:

1. The end of modernity ... means the end of a single system of truth based on universal reason, which tells us what reality is like. 2. [T]heology .. no longer has to measure up to accepted secular standards of scientific truth

73 "Postmodern Critical Augustinianism': A Short Summa in Forty Two Responses to Unasked Questions," Modern Theology, 7, No. 3 (April, 1991), 227 & 237, The Word Made Strange, 4. For his development of the notion that Christian faithfulness will require a poetic surrender to the musical flow which, as against static spatialization, stresses "temporal occurrence through us" (The Word Made Strange, 44 and 142) Milbank relies upon Catherine Pickstock, especially her Ph.D. thesis for Cambridge Seraphic Voices, part of which will appear in her After Writing: On the Liturgical Consummation of Philosophy, (Oxford: Blackwell, 1997), in press. See especially "Pleonasm, Speech and Writing," The Word Made Strange, 83, note 62 for the interpretation of Augustine's De Musica which is required.

74 "Postmodern Critical Augustinianism," 231-35. See also "Pleonasm, Speech and Writing," 79-80.

75 This is his criticism of Marion and Hegel; see Milbank, "Only Theology Overcomes Metaphysics," 327ff., idem, "Can a Gift be Given?" 132 ff. In Theology and Social Theory, he writes that one of "Hegel's three great philosophical errors" is that he "retains the Cartesian subject" (154), see also 170-71.

76 "Postmodern Critical Augustinianism," 230: "there is a hidden connection between pre-modern pagan dualism and postmodern dualism. The latter's self-proclaimed paganism ..."

77 Theology and Social Theory, 1.
or normative rationality. ... 4. ... the point is not to 'represent' .. externality, but just to join in its occurrence, not to know, but to intervene, originate. 78

The theological composition of new theoretical music is a positive embracing metanarrative which only Christian trinitarianism makes possible, a narrative which persuades by what it can subsume and whose persuasive power will lie in its unmatched admission of "genuine positive difference." 79

Much criticism of Theology and Social Theory is a questioning of whether his narrative really embraces difference as it must, or is rather the latest form of powerful closure. In some cases this criticism includes doubts about whether Milbank's account of Augustine does not force out of him what is not there and conceal something of what is. 80 As we shall see, this is the question Robert Dodaro will put to Milbank. It would seem to be a question which he allows as genuine.

At least two of Milbank's essays are attempts to deal with the aspects of Gregory of Nyssa and of Augustine which do not fit into the use he makes of them, and, in one of these, he engages "the best and especially the most recent scholarship." 81 Further he accuses Derrida of that of which he is himself accused, namely, "reading into" a text what the narrative requires. 82 So, despite all, it seems that the prosaic question of the historian may be allowed to interrupt the symphony. Indeed, the composer is always interrupting himself. For, every one of Milbank's numerous footnotes is a stylistic enactment of the doublemindedness of postmodern metanarrative in respect to scientific history. This disturbing self-interruption has been evident ever since postmodernism's grandfather, the Professor of Classical Philology Friedrich Nietzsche, fiercely criticized scientific history in a work he called The Genealogy of Morals!

The first suspicion aroused in the prosaic historian by Milbank's style, is that poetic narrative has become an extraordinarily insightful pillage of history. It is a welcome pillage because it finds hidden and disused the very things it takes and restores for its purposes. 83 But it is often rapine because its opposition to modernity requires it to wrest what it takes from the pre-modern out of the contexts in which they contributed both to the making of modernity and to the postmodern reaction. This is not to say that Milbank is trying to restore the pre-modern.

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78 "'Postmodern Critical Augustinianism'," 225-26.
79 "The Second Difference," 189 and passim; also "'Postmodern Critical Augustinianism'," 227-29.
80 Graham Ward, "John Milbank's Divina Commedia;" Rowan Williams, "Saving Time: thoughts on practice, patience and vision," in the New Blackfriars Milbank special issue, and Romano Coles, "Storied Others and the Possibilities of Caritas: Milbank and Neo-Nietzschean Ethics," and Gerard Loughlin, "Christianity at the End of the Story or the Return of the Master Narrative," in the Modern Theology special issue are all largely concerned with whether the "metanarrative" of Milbank can or does in fact embrace difference as it must. His answer in "Enclaves or Where is the Church?" is largely a defence on this issue.
82 "Pleonasm, Speech and Writing," 62.
83 Perhaps most notable is his dusting off of William Warburton in "Pleonasm, Speech and Writing."
For him, there cannot be a "restoration of a pre-modern Christian position." Nor is he uncritical of patristic and mediaeval thought which "was unable to overcome entirely the ontology of substance in the direction of a view which sees reality as constituted by signs and their endless ramifications." From within "neo-platonic/Christian" systems of late antiquity some elements are to be selected, others left behind. Dr Milbank writes,

[The] notions ...[which] remain essential for a Christian theological ontology: these are those of transcendence, participation, analogy, hierarchy, teleology (these two in modified forms) and the absolute reality of the 'the Good' in roughly the Platonic sense. The strategy, therefore, which the theologian should adopt, is that of showing that the critique of presence, substance, the idea, the subject, causality, thought-before-expression, and realist representation do not necessarily entail the critique of transcendence, participation, analogy, hierarchy, teleology and the Platonic Good, reinterpreted by Christianity as identical with Being.

To be left behind are those notions which would found the secular reason and autonomous self which characterize modernity. The historian asks how this pillaging of the philosophical and theological past affects our understanding of what we take from it. How does such a poetic relation to the past blind us, and so in consequence limit the scope of our own creativity? I ask whether what in our past is genuinely different is being embraced.

I cannot here fully describe or assess Milbank's project. Nor can I even look at his whole treatment of Augustine, whom all agree to be central to it. Crucially for my consideration, in describing the project, Fergus Kerr writes that *Theology and Social Theory* "is essentially a creative retrieval of Augustine's *De Ciuitate Dei*". Dr. Milbank's own *summa* is an Augustinian one: "Postmodern Critical Augustinianism: A Short *Summa* in Forty Two Responses to Unasked Questions." Graham Ward judges that it begins a "clarification process" relative to *Theology and Social Theory*. It brings out the centrality of Augustine for him and, indeed, provides most of what our consideration of Milbank requires.

We begin assessing the project by noticing that the description already brings us to the problem. For, ironically, given Milbank's purpose, the Augustinian centrality depends upon the crucial role of Augustine in medieval, in modern, as well as, in a possible postmodern, Western Christianity. Marion's limited treatment of Augustine has already indicated the critical role of Augustine for the origins of modernity, and makes it surprising that this scholar of Descartes has not engaged Augustine as seriously as

84 Milbank, *Theology and Social Theory*, 2.
86 Milbank, *Theology and Social Theory*, 296.
88 Ward, "John Milbank's *Divina Commedia*," 315.
W. HANKEY: RE-CHRISTIANIZING AUGUSTINE POSTMODERN STYLE

Milbank has. It increases our respect for Milbank's undertaking that he sees this centrality, even if he seems not to take the irony seriously enough.

Before a word about what Milbank means by calling his project "postmodern," something should be said about the role I have given the other two players in my narrative. Because I am only describing Milbank's project, I am treating Lewis Ayres and Rowan Williams as if they merely serve it. While I think all would agree that Milbank has most prominently and strikingly set this new Augustinianism before the world, I neither understand nor intend to describe the workings of this school, its membership or hierarchy. I have already noted that it depends in part on Catherine Pickstock, and all acknowledge the essential critical contribution of the late and admirable Gillian Rose. It is more likely that the inseminating figure in my triad is Rowan Williams. In any case, Ayres and Williams are participants in the postmodern interpretation of Augustine which Milbank's project requires. Their work will be touched on here only so far as it illustrates the character of that interpretation.

The project as a whole is postmodern, and John Milbank uses that term to describe it. However, he sees also in "the 'new era' of postmodernism (which yet in some ways is but an 'exacerbation' of modernity)" another threat to Christian theology, so that he is strongly critical of Nietzsche, Heidegger, Deleuze, Lyotard, Foucault and Derrida whose writings he takes "as elaborations of a single nihilistic philosophy."

In general, this is because they have escaped neither from the warfare mentality of paganism to which he sees them partly returning, nor from modern foundational subjectivity. So, for example, he accuses Heidegger not only of the obvious paganism but also of having absorbed the metaphysical mentality of late medieval scholasticism, which he studied as a seminarian, and reading it back onto the prior history. In fact, the postmodernity of Milbank both

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89 Williams appropriately asks whether Milbank's peace is not "totalising and ahistorical" (among the worst faults in this intellectual world), and whether it really faces tragedy, "Saving Time," 323-25. While Milbank prefers looking at evil through absurdity rather than tragedy, it is essentially agreed between them that the tragic (or absurd) requires as its response a praxis, a "seeing' of the Cross, and through it of the world, ... concretely made possible through the existence of 'reconstructed relationships' - not an internal shift of attitudes but the coming into being of a community with distinctive forms of self-definition." This characterizes the Church and in this article Williams welcomes Milbank's "The Second Difference." See Rowan Williams, "Trinity and ontology," Christ, Ethics and Tragedy: Essays in Honour of Donald MacKinnon, edited Kenneth Surin, (Cambridge: Cambridge U.P., 1989), 87. Lewis Ayres finds Milbank's ecclesiology "extremely attractive" at "Representation, Theology and Faith," Modern Theology, 11:1 (1995), 28 and presents the Church in the same way in "Theology, Social Science and Postmodernity," 181 where he too refers positively to "The Second Difference."

90 For where Ayres moves with Milbank and where not, see Lewis Ayres, "Theology, Social Science and Postmodernity: Some Theological Considerations," Postmodernity, Sociology and Religion, edited Keiran Flanagan and Peter C. Jupp, (London: MacMillan, 1996), 174-189; idem, "Representation, Theology and Faith," 23-46. The last section of this paper deals with eros and beauty in the Symposium so as to suggest "an understanding of philosophical life that can be related to the phenomenology of faith" (41).

91 Milbank, Theology and Social Theory, 278.

92 They are "doomed to smuggle back into their philosophies an ahistorical Kantian subject," Theology and Social Theory, 279.

assumes the work of the neo-pagan nihilists and thinks to radicalize it by Christianizing it. "There can be no relapse towards pre-modernity; rather any retrieval must assume a post-modern, metacritical guise." Postmodern scepticism is the starting point.\(^\text{94}\)

Reality, including the reality of God, is linguistic. So,

The real cultural issue lies between [postmodern] nihilism and theology. Christian theology has been able, like sceptical postmodernism, to think unlimited semiosis. ... The contrast with postmodernism lies at the level of metasemiotics, where the nihilists seem only able to think of signified absence in terms of a necessary suppression, betrayal or subversion. ... For theology ... alone difference remains real difference since it is not subordinate to immanent univocal process or the fate of a necessary suppression.\(^\text{95}\)

By saving postmodern scepticism from the negativity which ruins it, Milbank is:

both with and against postmodernity, in the belief that the latter is confined by a gnostic myth which turns interpretative indeterminacy into an ahistorically determined fate of necessary arbitrariness and despotic concealment.

By denying, against Hegel, "determinate negation," and with faithful confidence opening oneself to indeterminate infinity, we can travel beyond the modern static subject without postmodern bitterness. We may accept that

the infinite deferment of self-identity through the mediation of a linguistic work which 'passes away from us' may be originally the mark, not of alienation ... but of our being rhetorically transported through history by the testimony of 'all of the others.'\(^\text{96}\)

So we come to art as "modernity's own antidote to modernity," to poesis.

For Milbank:

*poesis* may be the key to ... a postmodern theology. *Poesis* ... is an integral aspect of Christian practice and redemption. Its work is the ceaseless re-narrating and 'explaining' of human history under the sign of the cross.\(^\text{97}\)

The model for his Trinitarian logic is "aesthetic-hermeneutic." We arrive here by "dispensing with the Hegelian move beyond aesthetics." Postmodern Christian aesthetic must not be "too 'spiritual' or transcendental" and a sense for the beautiful acquired in a

\(^{95}\) "The Linguistic Turn as a Theological Turn," 113.
\(^{96}\) "The Second Difference," 189.
\(^{97}\) "A Critique of the Theology of the Right," 32.
dissoluble listening and composing, (to come back to the musical analogy), will give content to the good.98

This too is Augustinian and belongs to his getting beyond Neoplatonism:

For Augustine, Christianity goes beyond this by conjoining to 'the goal' also 'the way', which means a constant historical determining that desire is well-ordered, not just through its deference to infinite fruition, but also by a particular selective pattern of finite use. The appropriate preferences of eros, the 'right harmonies' within a musical sequence, alone ensure that this sequence 'progresses' towards the infinite goal. For every new act, every new word ... this [progress] can only be registered by the 'fine judgment' which recognizes an aesthetic distortion. (De Trinitate).

Part of the interpretation of the De Trinitate which would be required here is the work of Lewis Ayres.99

Getting beyond neopagan nihilist postmodernity to a postmodern Christianity, not afraid to embrace difference and to create itself and reality in the flux of an endless semiotic poesis, requires first of all a mythology, the opposite of the ones assumed by the old and the new paganism. Here Augustine makes his initial entry. With the new mythology comes a new politics. Augustine's decisive contribution to this made Theology and Social Theory Augustinian. As noted above, Milbank has also attempted to find aspects of his Christianity as poesis, his linguistic theory, his subordination of knowledge to desire and even parts of his deconstruction of the modern subject, in Augustine. An examination of his success at these attempts would be worth undertaking but surpasses the limits of this paper. It remains to it to look at the role Augustine plays in giving postmodernity a positive mythology, theology and politics, and then to look at the adequacy of this representation of Augustine.

The elements are all present in two pages of his Augustinian summa. The first reference there is to the De Musica. What Milbank makes of this is quickly linked to what is fundamental, namely, creation ex nihilo. The idea of Christianity now known to us, "the idea of a consistently beautiful continuously differential and open series, is of course the idea of 'music'." In this music the endings and displacements do not imply a necessary violence (as they do for neopagan postmodernity). Milbank speculates:

Perhaps this is partly why, in De Musica, Augustine -- who realised that creation ex nihilo implied the non-recognition of ontological violence, or of positive evil -- puts forward a 'musical' ontology.100

100 "Postmodern Critical Augustinianism," 228.
From here we pass to community, which, when understood through Christian myth, giving ontological priority to harmony and peace over anarchy, violence and war, provides the basis for the contrast between Christian and secular in *Theology and Social Theory*. Christian community is a *concentus musicus*. So we arrive at ecclesiology which is best done through "the second difference".

God involves not just the first difference of expressive articulation of content (inseparable from content), but also the second difference of interpretation of expression (inseparable from expression) ... God as Trinity is therefore himself community, and even 'community in process' ...

By the *kenosis* of the Holy Spirit, the "Church perpetuates or renews a Creation prior to all coercion and conflict" and is the divine community where all is external. In the community of reconciliation "'self-immediacy' is infinitely surpassed." And so too is *theoria*.

13. Unless it reflects upon the singularity of Christian norms of community, theology has really nothing to think about. ... [I]f Christians ask what is God like? then they can only point to our 'response' to God in the formation of community. The community is what God is like.

And here we come back to Augustine:

14. Augustine already put the idea of the peaceful community at the center of his theology; thought of God, of revelation from God, was for him inseparable from the thought of heaven, of words and 'musical laws' coming down from heaven.

For the reader who been lulled to sleep by the beautiful harmony of Christian community, the next section brings a violent awakening. For though he does not acknowledge it, Milbank passes abruptly to something most unAugustinian. The fifteenth response in Milbank's *summa* begins:

15. One way to try to secure peace is to draw boundaries around 'the same', and to exclude 'the other'; to promote some practices and disallow alternatives.

The Church, we are told, "misunderstood itself" when it behaved like this. It excludes nothing positive. Violence for it appears as

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101 Ibid.
102 Ibid., 233-34.
103 "The Second Difference," 184-86.
104 "Postmodern Critical Augustinianism," 228.
105 Ibid., 229.
any stunting of persons' capacity to love and conceive of the divine beauty ... But there is no real exclusion here; Christianity should not draw boundaries ...\(^{106}\)

The disturbing trouble is, of course, that Augustine is the Hammer of Heretics, who not only drew boundaries between orthodox Christianity and heresy, but even used Imperial coercion against Donatists and Pelagians. In *Theology and Social Theory*, Milbank attempts to explain away the coercion of Donatists. But Robert Dodaro, looking through a Derridian logic at the relation between self and other in Augustine, finds that Milbank has failed to understand the play between interiority and exteriority. This will not surprise us. For, if Dodaro's restless Augustinian self deconstructs, Milbank has been trying all along to make it disappear. In this Lewis Ayres and Rowan Williams are his allies, helping him deal with the relation of the divine and the psychological trinities.\(^{107}\)

5. Back To Dodaro And Derrida

John Milbank does try to explain away what would have to be for him Augustine's misunderstanding of the Church in apparently drawing boundaries between orthodox and heretic. And, as the purposes for which he employs Augustine require, he links this to a denial of Augustinian interiority -- an area where, as his treatment of Hegel shows, Milbank will use the excluding language of orthodoxy and heresy.\(^{108}\) Milbank writes of Augustine:

> His typological apologetic for accepting Donatist baptism ... shows an insistence on the Church as a historical community bound together by a historical transmission of signs, whose dissemination will necessarily be muddled ... Hence the suspicion in Augustine of drawing over-tight boundaries around orthodoxy (or perhaps 'orthopraxis') implies not at all that true belief is inscrutably locked within interiority, but something more like the very opposite.\(^{109}\)

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\(^{106}\) Ibid.

\(^{107}\) See *The Word Made Strange*, 190, note 4 and 204. In "Sacred Triads," he writes "What must be argued here against Charles Taylor [*Sources of the Self*] and others, is that Augustine's use of the vocabulary of inwardness is not at all a deepening of Platonic interiority, but something much more like its subversion." See Lewis Ayres, "Representation, Theology and Faith," 36; idem, "The Discipline of Self-Knowledge in Augustine's *De Trinitate* Book X," 261, and Rowan Williams, "Sapientia and the Trinity: Reflections on the *De Trinitate*," Collectanea Augustiana. Mélanges T.J. van Bavel, *Augustiana* 41,1 (1991), 317-332. More generally there is Williams "Interiority and Epiphany: A Reading in New Testament Ethics, *Modern Theology* 13/1 (1997), which is an endeavour to get beyond modern interiority to "an interiority that is not to be possessed" (47). Significantly, he finds the same problems about inside and outside in Matthew's gospel which Dodaro and Milbank are confronting (or not confronting) in Augustine.

\(^{108}\) *Theology and Social Theory*, 158: Hegel "is 'unorthodox' because he posits a prior 'moment' of relatively unrealized and merely abstract subjectivity in God. He is also 'heretical' because he conceives of creation as a negation which results in self-alienation ..."

\(^{109}\) *Theology and Social Theory*, 402.
On this Fr. Dodaro comments:

Milbank offers this position in the course of contrasting Augustine's theory of the church with that of the Donatists. .... In Augustine's view, according to Milbank, the Catholic Church differs from the Donatist church in as much as the latter attempts 'to base a community entirely on an "inward" purity of intention' which 'cuts them off from the main body of Christians who share the same basic beliefs and practices'. For Milbank's Augustine, the Donatists fail to see that 'the unity and inter-communion of Christians is not just a desirable appendage of Christian practice, but it is itself at the heart of the actuality of redemption'.

Dodaro discerns that for Milbank the real heresy is interiority: "So for Milbank, Augustine's cri de coeur for unity stands over against Donatist interiority and, hence, 'heresy' or privatization." And then he levels a criticism also made by others who found problematic the utopian harmony and peace which Milbank ascribed to Augustine's Christianity. Ontological peace is for Milbank the whole foundation for distinguishing true Christianity not only from old paganism, but from what modernity made of it and from postmodern paganism. Like others, Fr. Dodaro asks whether there is not, in fact, a violence at the heart of Augustinianism:

One may doubt, however, whether Milbank pays sufficient attention to the violence at the heart of what he terms Augustine's quest for 'the unity and inter-communion of Christians'. Milbank's treatment of 'Christianity and coercion' is limited to the religious coercion of the Donatists (Augustine's involvement in the coercion of the 'Pelagians' would, I suspect, have given Milbank even greater problems), and he examines even this case restrictively, under the rubrics of church/state relations and the ontology of punishment (on both of which counts his treatment is superb). As a result, his discussion never arrives at the question of the legitimacy of pluralism. His account of Donatist ecclesiology is largely dismissive and prejudicial; his account of the 'peace' at the center of Augustine's church is apologetic and optimistic.

And one might add that as well as "apologetic and optimistic", this peace is absolutely essential. For, without it. Milbank has no defence against what he regards as the nihilism of the neopagan postmodernity on which, in fact, his project altogether depends.

Fr. Dodaro's argument is that Augustine, as he reveals and constructs himself in Confessions, and as he lives out his episcopal office, does not transfer the fleetingness and insecurity of his own self-knowledge, or the divine forgiveness experienced in his penitence, to the others whom he confronts. There is an Augustinian dialectic between

110 Dodaro, "Loose canons: Augustine and Derrida on themselves," quoting Theology and Social Theory, 402-403.
111 See note 80 above.
112 Ibid.
interiority and exteriority, and its character often seems to involve establishing the self through drawing "boundaries around 'the same' and excluding 'the other'." Apparently Augustine's acceptance of the Christian myth of ontological peace, and his archetypal working out of this in terms of community and trinity, did not enable him to live in authentic openness and creativity to the indeterminate and infinite flux. Given the importance of Augustine in providing just the opposite understanding of Christian community for Milbank, this dialectic is obscured in his reading.

It is significant, in contrast, that Derrida's perspective established in *Circumfession*, used by Dodaro as an instrument of analysis in the *Confessions* and elsewhere, better brings the Augustinian dialectic of self and other to light. While a Derridan consideration cannot allow a full Neoplatonic or Augustinian return to self and God, nor a completed knowledge in philosophical language, nonetheless, just because Derrida can move back and forth from interior to exterior, with him we can see what is obscured when interiority is denied altogether. The ontological peace is the problem. It is precisely the positive Milbankian transformation of the postmodern deconstructive *agon* which blinds him to a feature of Augustine's dialectic. Milbank's critics are correct; his peace-making metanarrative excludes. But, there is a further irony: if Milbank is correct about a connection between a cosmic dualism and the positing of the interiority and substantiality of the self, there may be something else in Augustine being missed.

For Milbank, Augustine in *De Musica*, in *De Cittate Dei*, and elsewhere teaches what is essential to postmodern Augustinianism in virtue of working out implications of *creatio ex nihilo*. But a problem arises for Augustine just at this point. He found it very difficult, as his many attempts at it indicate, to interpret *Genesis* and its doctrine of creation. Part of that difficulty lay in the problems he had thinking the nothingness of matter and his success in this regard is owed, (as he acknowledges), to Platonism, and almost certainly, (though he does not tell us this), to Plotinus. And, although his Platonism is salvation from the dualism of the Manichees, he does not escape from that negative view of the sensible which goes with the Plotinian remedy -- a remedy Augustine prescribes for himself and others.

For Plotinus, as for Augustine, the remedy for the alienation of the self from its Principle is in a movement inward and upward essential to remembering its origin and its worth. But this turning inward is for both also a turning away, and involves the discipline of showing the inferiority of things which come into being and pass away. So far as the soul is ascending in this way, the material world is for it a negative presupposition, a presupposed flux. Escaping from this negative relation to the material requires the passage from an ascending to a descending logic.

Beginning from the First, what follows must be seen as manifestation of the Good, an establishment of the Good as the highest because the most extensive cause, effective at every level including, (and perhaps especially), the last. So far as the Plotinian ascending logic needs correction by a balancing descending one, which can be, must be, and is more

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113 See for example, *Confessions*, 7 and 12. 5. 5.
114 *Enneads* 5. 1. 1, *Confessions* 7. 7. 11, 7. 10. 16 for example.

The Platonic Augustine needs for creation a formless matter which is capable of forms, a nearly nothing (*illud autem totum prope nihil erat, quoniam adhuc omnino informe erat; iam tamen erat, quoniam formari poterat*).\footnote{Derrida, "How to Avoid Speaking: Denials," 34-35.} This begins as the *khora* of the *Timaeus*. On it Derrida has important reflections: "a third species ... this place 'in which', ... neither sensible nor intelligible, it seems to participate in the intelligible in an enigmatic way."\footnote{Ibid. 51.} Derrida tells us that "Saint Augustine once again assures its mediation" and quotes Meister Eckhart:

"Augustine says that the superior part of the soul, which is called *mens* .. God created, together with the soul's being, a potential .. which the masters call a receptacle .. or screen .. of spiritual forms, or of formal images." The creation of the place, which is also a potential, is the basis for the resemblance of the soul with the Father.\footnote{Confessions 12. 8. 8.}

The soul, the *mens*, and the formless substrate: are these also Augustinian? Can Derrida recognise in Augustine something else hidden from sight in the war of Milbank and his fellows against ahistorical subject?

A Derrida who can include more than Milbank is a real problem, for, as we have seen, Milbank depends upon Derrida but on a Derrida surpassed by something presented as more embracing. A Derrida who can include more of Augustine than Milbank can is even more problematic. And Augustine himself seems to show us that there is a difference.


\[117\] Derrida, "How to Avoid Speaking: Denials," 34-35.

\[118\] Ibid. 51.
which Milbank's postmodernity is less able to recognise and embrace than what the neopagan can.

Real difference in respect to Milbank's cosmos would be constituted by the ahistorical, by philosophy, as ancients, medievals and moderns understood it, and by a self understood in its terms. It would understand that the disrupting endeavour to establish the self in self-knowledge and self-will is a real beginning -- reality made evident by the way Augustine understands the self -- and a beginning necessary for all those who follow Plotinus and Augustine out of scepticism. Milbank recognizes that Descartes stands in relation to an "irreversible 'turn to the subject'." But his insistence that this turn be subjectivised, historicised. textualised and, in fact, remain a scepticism, becomes a self-contradictory dogmatism if it can embrace less of the Augustinian disruptive difference constituted by subjectivity than the postmodernism, which he regards as neopagan, can encompass. What can we conclude more generally about the postmodern readings of Augustine we have considered?

**Conclusion**

No reading of the overwhelmingly vast opus which Augustine bequeathed us is adequate to its diversity, complexity and contrariety. Partly this is an effect of the seriousness and playfulness of his multi- (almost omni-) faceted teasing, twisting and turning of the objects of his thought and of his own relations to these. His *Retractiones* do not prevent Augustine's writings having already become, even for him, text beyond the control of his logic well before he was dead. Both cause and effect apply to such a degree to both Jacques Derrida and to his ancient countryman that the reader of both sometimes experiences déja vu -- we have seen this play before. When to Augustine's text, his tradition is added, the comprehension becomes impossible. Most of the central and always opposing developments of western culture since the early Middle Ages can be depicted as Augustinianisms. Postmodernity increases the incomprehensibility, but only by addition. To imagine itself as belonging to the end game as a new kind of comprehensive metanarrative offends us by the sheer banality of this game and this assertion in the last two centuries. The pretension to finally Christianize culture by return to an exclusivity of theology falsely projected onto the Fathers is both hybristic and fails in the charity which is requisite to the communion with the past upon which all our authors depend.

The postmodern endeavour to equalize the center and the margin, the capital and the provinces, must, if Augustine's thoughts really do move us still, require that its readings will illuminate texts and meanings to which we have been blind. To demand of this endeavour, as if from outside it, a total and consistent reading of Augustine, or any other author, will exclude participation in the intellectual present. But to simultaneously conform readings to our desires and then willfully to refuse some is either cynicism or

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blindness.¹²¹ If the postmodern *jeu*, either Christian or not, is serious, in it we will leap from margin to center, as well as from center to margin. Movement back to the center, Augustine's center above, before and after history, that through which he achieves the stability he selfishly seeks, will be necessary for all who test the fluctuating margin which appears in the Derridian deconstruction. Derrida is, in this, our Socrates, plunging us into the Heraclitan flux from which we see the need of Parmenidian noetic stability. The search for footing brings us back to those texts of Augustine which medievals and moderns found central. If the rules of play are just, they will provide that we may and must move in both directions.¹²²

¹²¹ Milbank undertakes reading in this way in "The Name of Jesus," *The Word Made Strange*, 166, note 13. He proposes as "An important project for postmodern theology ... to 'Spinozize' Augustine ..."!

¹²² I thank James Doull, who provoked and inspired this essay, Ken Kierans, James Muir, and Robert Dodaro with whom and from whom I learned whatever I understand of Derrida, Lewis Ayres who has generously expanded my understanding of Augustinianism, and Ian Stewart without whose critical questions and editorial corrections this paper would be worse than it is.
Sacrificing The Text: The Philosopher/Poet At Mount Moriah

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Thus the journey is like a silent progress through the indeterminate and the contingent, a holding of the breath, a process which has no present, which is inserted, like a blank duration, between what has passed and what lies ahead, and which yet is measured: three days!...
........Erich Auerbach, "Odysseus' Scar".

But take another Abraham. One who wanted to perform the sacrifice altogether in the right way and had a correct sense in general of the whole affair, but could not believe that he was the one meant, he, an ugly old man, and the dirty youngster that was his child. He is afraid that after starting out as Abraham with his son he would change on his way into Don Quixote... An Abraham who should come unsummoned!
........Franz Kafka, "Mount Moriah".

The biblical story of Akedah, the binding of Isaac for the burnt offering by his father Abraham, has held a peculiar grip on both literary and philosophical imagination. In this paper, I will follow in the steps of several thinkers who have responded to the irrecusable summons of this narrative. By looking at passages from Søren Kierkegaard's *Fear and Trembling*, Emmanuel Levinas' "The Trace of the Other," and Jacques Derrida's *Gift of Death*, I will accompany the philosopher on his pilgrimage to the land of Moriah in the hope of uncovering a common imperative behind each of these hermeneutic quests.

Perhaps the reason for singling out Genesis 22, from many a blood-curdling biblical episode, lies in the unique nature of Abraham's plight. As Kierkegaard points out in *Fear and Trembling*, human imagination cannot possibly plumb the depths of Abraham's suffering when he had to sacrifice his long-awaited, beloved son, the only comfort of his and Sarah's old age. Both Abraham's love for his son and the pain of the imminent loss are absolutely great, beyond the pale of what an average human can bear. It is the pain that he has to suffer alone, and indeed Abraham is the Bible's most remarkable loner, self-banished from the human community. Abraham's solitude is unredeemable because it results from the terrible secret he harbors in his heart when he sets off on his journey to Mount Moriah. The secret cannot be shared: Abraham's readiness to obey his God and perform the dreadful duty thwarts human comprehension and silences speech. As
Kierkegaard confesses in exasperation, "No one was so great as Abraham and who is capable of understanding him?"

Kierkegaard, under the pseudonym of Johannes de Silentio, takes upon himself an onerous task: he will describe the agony of Abraham's trial. This means that by procuring a mimetic repetition of what transpired in Genesis 22 in the form of a book, he will become a witness to the biblical event. The poet who describes a heroic deed immort...
By writing about Abraham, Kierkegaard can perform a pantomime of walking along the patriarch's path, but he will remain incapable of the leap of faith that was necessary to accomplish the sacrifice. The poet can attain to the movement of infinite resignation, performed by tragic heroes such as Agamemnon who sacrificed his daughter to placate the gods, but this gesture will forever remain only a surrogate of Abraham's absolute faith. Abraham believed by virtue of the absurd, whereby the impossible will happen and all human calculation is abandoned. The commentator strains to approximate the knight's gesture of the absurd, yet lacking faith, he is forbidden to effectuate the transcendent leap. In his necessary reliance on the mediation of concepts to tell the story, the exegete cannot aspire to the uniqueness of Abraham's condition. Versions two and four of Kierkegaard's account state explicitly that, in contradistinction to the biblical model, the imagined Abraham returns home. The patriarch from the Book of Genesis does not even glimpse back towards home but moves on to live in a foreign land. When he settles in Beersheba and buys a burial plot there, he avows: "I am a stranger and a sojourner with you". (Genesis 23.4) He renounces all of his possessions, his family and neighbours, and, sustained by faith, he never mourns his loss. As Kierkegaard remarks, were he merely human, he would weep and long for what he had left behind.

It becomes apparent that faith requires exile from the domicile; it is the prerequisite of Abraham's chosenness, while all of his "merely human" imitators have to turn around and seek solace at home. Kierkegaard intimates that faith is, in a mysterious way, related to exile, although he never elucidates this necessary connection. No wonder: the imperative that impels Abraham to give up his world remains inscrutable for the philosopher/poet. Moreover, were Abraham to understand the nature of his absolute obligation to perform the sacrifice, he would have returned home, like his imagined counterparts. Kierkegaard speculates: "how different it would have been! For then his retreat would have been a flight, his salvation an accident, his reward a dishonour, his future perhaps a disaster!" (FT, 24) Like the imperfect clones in his biblical fictions, Kierkegaard cannot undertake the journey of no return: he is also home-bound, destined to dwell within the four walls of systemic knowledge. Since he is incapable of the leap of faith, his creative flights must abide by the dictates of reason, within the limits of his ken. Kierkegaard recognizes the paradoxical nature of his own attempt to give an account of Abraham's journey. He must rely on language to imitate the patriarch's movements; yet, since the poet is excluded from the covenant of faith, he can only travel the familiar path of universally shareable concepts and therefore fail to render Abraham's unique belief. This, again, stands in stark contrast to the poetic rendition of heroic deeds because the tragic hero himself is never silent. For example, Agamemnon has to reveal her fate to Iphigenia and although she laments her fate, she comprehends her father's noble motives. For the tragic hero, speech is a consolation and remuneration for his loss because it translates him into the universal. Kierkegaard is well aware that language has to pass through the medium of general concepts, and "as soon as I speak, I express the universal, and when I remain silent, no one can understand me." (FT, 85)

Abraham believes truly because he accepts the absurd and relinquishes the need to comprehend the condition to which he has been summoned. His offering of what is most precious to him to God is absolute because he obeys God prior to the knowledge of why
it has been asked of him; he respects the mystery and carries the burden of the dreadful secret obligingly. Therefore, unlike his eloquent imitator, Abraham cannot speak. Because his relation to God is private, Abraham bears the agony of the absolute impossibility of speech. Were he to produce a torrent of words, he would not be understood; the terror of the paradox of faith lies in this silence. However, Kierkegaard recognizes that within the bounds of human ethics, which is the function of eternal consciousness, his silence, towards Isaac in particular, is unjustified. Abraham is condemned by ethics; not only did he default on his family obligations required from him by a universal moral code, but he did not comply with the injunction that all secrets be divulged for the sake of the universal. The universal relies on the manifestation of the particular and excludes all hiddenness; therefore, it cannot accommodate Abraham's singular, inexpressible secret. As a result, if Kierkegaard turns to the universalism of the Hegelian system in order to sublate the paradox of faith into a story, he must fail to describe Abraham's ordeal accurately.

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Kierkegaard's reading of Abraham is contested by Emmanuel Levinas in two essays from the volume *Proper Names*.\(^2\) Ethics constitutes the foundation of Levinas' philosophical enquiry; however, the French thinker abandons the universalizing definitions of ethics in favor of the phenomenology of the Other, which regards a relation of obligation to the Other as the condition of possibility of any moral system.\(^3\) This ethics of the absolute renunciation of self for the sake of the Other puts in question both Kant's categorical imperative which decrees respect for the practical law and Hegel's *Sittlichkeit* whereby individual responsibility is reconciled with the demands of the community. According to Levinasian ethics, the I answers to the Other in his or her particularity as a human being, rather than to itself or before any collectivity such as family or state. The I is born into the ethical relation with the Other, always already responsible for his or her suffering; yet, the I egotistically tensed on itself may choose to look the other way and act irresponsibly.

Similarly to Kierkegaard, Levinas argument proceeds from a critique of Hegelianism, the system which leaves no room for the absolute alterity of the other.\(^4\) Since speculative thought can only conceive of the other within the I's epistemological horizon, it always reduces alterity to the measure of the same. In "Kierkegaard: Existence and Ethics," Levinas acknowledges that Kierkegaard's account of Abraham's suffering opens up the absolute dimension of subjectivity beyond Hegelian "speculative totalitarianism." This breech in the system's unity and self-coincidence allows the subject to stand absolutely

\(^2\) Emmanuel Levinas, *Proper Names*, tr. Michael B. Smith, Stanford U.P., Stanford, 1996. Further references to this text will be marked parenthetically as PN.


\(^4\) Levinas extends this critique of egotism to phenomenology: Husserl's transcendental subjectivity is incapable of truly accounting for the Other. Likewise, Heidegger's ontological conceptualization of Dasein, an entity that has its Being as an issue, excludes the Other in his or her radical difference.
separated in his or her proper being, unsublatable under the system's totalizing concepts. According to Kierkegaard, belief, which is linked to suffering and the lack of comprehension, remains in excess of the triumphant truth of absolute reason, unresolved in synthesis "like an open wound in a state of endless bleeding." (PN, 69-70) Further, Levinas commends Kierkegaard for noting that all discourse dissolves the I's uniqueness in the generality of concepts and betrays the secret of its private relation to the Other. Nevertheless, Kierkegaard's account pivots on the knight of faith's incomparable anguish, which is no more than a function of the I's egological orientation. In Levinas' view, Kierkegaard tells a story of extreme egotism and solitude which preclude cohabiting with others. Kierkegaard's achievement lies in the recognition of such egotism, and his superb portrayal of the I distressed over itself is a proper diagnosis of the human condition. Yet, the I preoccupied with its own suffering is incapable of acknowledging the separate existence of the Other. Were Kierkegaard's subject to relax its egotism, it would only collapse into the universal and reneg on faith. For Levinas, however, the surrender of individuality to generality is not the only option for relieving the spasm of interiority: one can also act upon one's ethical obligation and turn away from oneself in the direction of the Other. Not only does such an ethical relation with other not bring the I back under the authority of the universal system, but also, as Levinas argues extensively in Totality and Infinity, it harbours the potential of shattering that oppressive totality. The suffering that excludes the Other is irresponsible, while Levinas postulates the relation of non-indifference to the Other. The subject preoccupied with its own condition loses its primacy when it becomes receptive to the distress of the Other. Thus, in Kierkegaard's version, Abraham's secret through which he maintains a private relation to the divine only intensifies the subject's egoism and further obliterates the need to act responsibly. In the perspective of absolute ethics, Abraham's love for Isaac is egotistical, and so is Abraham's devotion to God as a condition of his own chosenness.

It is interesting to note that, in a different context, Levinas himself evokes the figure of Abraham. The French philosopher uses the symbolism of the patriarch's non-comprehending, immediate response to God's command to convey the sense of the subject's readiness to come to the Other's rescue prior to the calculation of loss and gain. Unlike Kierkegaard, Levinas focuses on the first moment of Abraham's drama, when he is called by name to perform the sacrifice. While Kierkegaard, as well as other commentators on Genesis 22 such as Erich Auerbach or Franz Kafka, are mostly interested in what might have occurred during the three agonizing days of the journey to Mount Moriah, Levinas passes in silence this hermeneutically promising passage. Instead, in order to execute God's command, Abraham becomes the ear for hearing God's voice. This ability to listen to the Other's voice is the mark of the ethical, as opposed to absorbing the Other in the egotism of the gaze. Such responsible turning of the ear in the

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6 In Quatre lectures talmudiques, Levinas speaks of this absolute obedience, anterior to comprehension and calculation of reward, as the fundamental tenet of Judaism: "The incomparable character of the event such as the giving of the Torah [is that] one accepts it before knowing it... The doing in question is not simply the praxis as opposed to theory, but a way of actualizing without beginning with the possible... They act before they harken!" (quoted. in Jean-François Lyotard, The Differend: Phrases in Dispute, [U. of Minneapolis Press, Minneapolis, 1983], p.111.)
direction of the Other does not leave the I the option of returning to itself by means of sweeping the Other into its system of knowledge.

In the essay "The Trace of the Other," Levinas draws an analogy between the adventure of Western philosophy, the philosophy of immanence that always equates thought and being, and the journey of Ulysses who "through all of his peregrinations is only on the way to his native island." This story, in which the Other emerges only as the transmutation of the same, is foiled by the Abrahamic journey, in which the promised destination is unknown. In the light of his own appropriation of Abraham's story, it is curious that Levinas overlooks the necessary connection between faith and exile established in Kierkegaard's account. If, as Levinas insists, Kierkegaard's Abraham was motivated by supreme egotism, why should he relinquish his domicile, his oikos, as readily as he has given up Isaac, whom he also "owns" through paternal law?

As a consequence of his efforts to understand Abraham, Kierkegaard ponders whether ethics must be suspended if Abraham is to obey God's voice. Kierkegaard defines ethics as the individual expression of what is valid for all: "it rests immanent in itself, having nothing outside of itself which is its telos, being itself the telos of everything outside itself." (FT, 34) In order to stand in an unmediated relation with God, Abraham has to situate himself above the universal. Therefore, in terms of ethics, which among others commands love for one's kin, Abraham's action is a double transgression: an intention to commit murder and a failure to perform the father's duty. Yet, the unmediated nature of Abraham's engagement to God indicates a relationship with otherness that cannot be recuperated by immanence, and it points to a constitution of subjectivity that, even in its prime moment of tensing up upon oneself in anguish and suffering, has always already obeyed the Other's voice. Kierkegaard notes that, while a hero becomes one by his own strength, he can "never, by his own strength, become a knight of faith." (FT, 34) Faith is not an appurtenance of volitional consciousness because the act of self-transcendence is heteronomous with respect to an exterior entity.

Despite Levinas' insistence on Abraham's paramount egotism in Kierkegaard's account, it is Kierkegaard who first recognized the unique passion that lifts an individual over and above "eternal consciousness." This passion, which in Abraham's case is called faith, presupposes the moment of turning away from oneself and toward the Other, anterior to the hope for remuneration: "for he who loves God without faith reflects upon himself, but he who loves God with faith reflects upon God." (FT, 45) Kierkegaard, guided by the paradigm of the autonomous and self-reliant subject, is unable to come to terms with this non-reflective moment in the encounter with the Other. However, the fact that he isolates the moment that does not figure in the economy of the subject brings him closer to Levinas' own thinking than the French philosopher would like to admit. Moreover, in Levinas' definition of ethics, my obligation to the other is never complete since I have never done enough. Likewise, the knight of faith, unlike the tragic hero, can never rest: his actions do not come to a dialectical resolution; his strife is never over and

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his journey continues as does his infinite obligation: "the leap of faith is never complete." (FT, 115) This is also why the story of Abraham is so oppressive for the commentator: it confers upon him or her the horror that cannot be alleviated through catharsis as in the case of the tragic hero. Kierkegaard's distrust of the universalizing tendency of language and a deep sense of its inadequacy to account for what cannot be absorbed by the system of knowledge, already lays the foundation for the 20th-century critique of representation, especially Levinas's own denouncement of Western representational practices as the betrayal of the Other.

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In The Gift of Death, Jacques Derrida stages an encounter between Kierkegaard and Levinas. Derrida, whose thought has been increasingly influenced by Levinas' heterology, proposes that ethics is a question of the secret. The secret ensures that my relation to the Other does not recapture the Other for the same; however, only because there is a secret, the Other is for the I. The Other persists as a secret harboured by the same, the secret of secret, since it is unbeknown to the bearer. In this sense, Abraham's predicament would be emblematic of the ethical relation: he must not know what the deity's reasons are, or we would not be faced with the Other as God or God as the Other. (GD, 57) The secretive, hidden deity demanded the most inexplicable gesture from Abraham who, therefore, had to keep it secret from Isaac. As Derrida points out, Kierkegaard also yields to a double necessity of the secret, and despite his repeated attempts, he cannot talk in truth about the mystery of Abraham's faith although he envelops it in words. In a gesture of imitation, Kierkegaard signs his book as Johannes de Silentio - he who has kept the secret. Moreover, his text hides another secret - a clandestine, unfulfilled love for Regina Olsen. Following Abraham's itinerary via Kierkegaard, Derrida concludes: "It is a strange contact - both paradoxical and terrifying - that binds infinite responsibility to silence and secrecy." (GD, 60) If I am in secret, I alone bear the responsibility of making a decision to act on an ethical obligation. I cannot disburden myself in the medium of the universal since no one can perform my duty in my place. By translating this decision into speech, however, the absolute singularity of my act is suspended and hence my capacity as a moral agent to make a decision. Yet, for ethics, if I do not speak, I cannot account for my actions before others or be taken to task for my decisions. The aporia of responsibility lies in the paradox that ethics also calls for irresponsibility: "one always risks not managing to accede to the concept of responsibility in the process of forming it." (GD, 61) The contradiction between responsibility in general and absolute responsibility to and for the Other cannot be overcome by appealing to a higher tribunal. In that case, can there be an instance of responsibility that resists sublation into the generality of the concept of responsibility? Even if I formulate it as responsibility before and for the Other, I have said too much and ruined the absolute singularity of an ethical decision by pronouncing a sentence that belongs to the class of ethical imperatives.

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8 Jacques Derrida, The Gift of Death, tr. David Wills, U. of Chicago Press, Chicago, 1995. Further references to this text will be marked parenthetically as GD.
If absolute responsibility cannot be derived from the concept of ethics, then it must remain unthinkable or persist as the very secret of thought. It cannot present itself, account for itself, be known in any manner, not even as a secret kept in the closet. It does not appear in the court of law or before the tribunal of individual conscience. Derrida agrees with Kierkegaard that secrecy is intolerable for general ethics; consequently, the story of Abraham harbors the secret that will undermine the integrity of any totalizing ethical system. For instance, if Abraham were to act out of duty in the Kantian sense, his wish to sacrifice Isaac would be incompatible with his double function of the author and the addressee of the categorical imperative. The sacrifice to the Other interrupts the economy of the autonomous, self-legislating subject. In this sense, the absolute duty "implies a sort of gift or sacrifice that functions beyond debt and duty, beyond duty as a form of debt." (GD, 63)

Abraham sacrifices Isaac in absolute contradiction to his feelings. The 'now' of the decision to perform the sacrifice belongs to the secret: it is not reflected in the temporal continuum where rational choices in the purview of general ethics are being weighed. Since the instant of the ethical decision never appears in consciousness; it requires a different notion of time, which does not constitute a present. This skip in temporality, incommensurable with presence, cannot be grasped or apprehended, meditated upon or conceived. It cannot be reclaimed by dialectics, i.e., put to work by the travail of the negative. In the moment of decision, the two duties, of the general and the absolute ethics must contradict each other: Abraham sacrifices ethics by responding to the call of absolute duty, but the general ethics has to be maintained in order for there to be sacrifice. For Levinas this means that ethics in general presupposes general ethics. Derrida argues, however, that this is true only insofar as there is general ethics; otherwise we would not have been able to sacrifice our world to the Other or it would not be a sacrifice: "the order of human duty must continue to insist on its rights." (GD, 67)

Although absolute duty calls for a betrayal of everything that manifests itself in the realm of the universal, I am asked to do the impossible and heed my duties "at home" while responding to the call of the Other.

Thus, Derrida points to the obvious: the paradox of Abraham, the impossible contradiction which he lives through is indeed the most common and everyday experience of responsibility. Insofar as I am placed in the ethical relation to the Other, I am always ready to perform my duty toward the Other, to sacrifice the comfort of my home for the sake of the Other in the absolute singularity of my responsibility. Yet, I cannot respond to the Other's plea for help without at the same time sacrificing or failing to respond to the plea from another Other. Before the generality of others, I always fail to perform my duty: "day and night, at every instant, on all the Mount Moriahs of this world, I am doing that, raising my knife over what I love and must love, over those to whom I owe absolute fidelity, incommensurably." (GD, 69) At every moment I am failing in my duty to numerous others - I will never do enough for them. Every decision I make on behalf of the Other means that at the same time I fail in my duty: "every one being sacrificed to every one else in this land of Moriah that is our habitat every second of every day." (GD, 69) If I respond to the call of the Other, I choose to be deaf to the call of all the others, and I can never justify that sacrifice. What binds me to a particular other
will then remain ultimately unjustifiable since there is no higher instance that would legitimate my decision.

Derrida recognizes that this antinomy of ethical duty cannot be reconciled in any medium that would justify or comprehend the absolute sacrifice, because it is the sacrifice of the most imperative duty, which binds me to a particular other, in favor of another absolutely imperative duty obligating me to every other Other. Because every other is every concrete Other, in the instant of ethical decision, "every one else asks us at every moment to behave like knights of faith." (GD, 79) The apparent tautology of the phrase 'tout autre est tout autre' (every other [one] is every [bit] other) is at the same time a radical heterology.

As ethical beings, we 'share' a secret, yet not in the sense of being privy to hidden knowledge and thus privileged as knowers but as the bearers of the irreducible mystery of 'not knowing'. This secret is mine at every instant of incomprehension, and I struggle with it, always anew, whenever I make a decision to act. Yet, because I do not know it, it does not belong to me, and I will never experience it, reflect upon it, or be able to pass it on. The closest to my heart and hearth, it is also at the farthest remove, and I experience it as unheimlich.

The encounter between Kierkegaard and Levinas orchestrated by Derrida allows us to recognize a confluence between Kierkegaard's and Levinas' thought that the latter would be reluctant to admit. Derrida recognizes that Levinas' own reformulation of ethics cannot be articulated without resorting to the symbolism of the Jewish absent God. Since he cannot distinguish between the infinite alterity of God and the infinite alterity of every human, Levinas' own ethics is already a religious one. (GD, 84) In this context, the border between the ethical and the religious becomes problematic, as do the borders with other adjacent discourses. This points to the instability of the concept of responsibility: it is not only fluid but actually nowhere to be found. It functions as 'a secret' of every totalizing system of discourse; however, due to its non-ontological nature, it allows for the distribution of meanings within the respective domains of these disciplines. In this context, Kierkegaard anticipates Levinas' project of questioning ethics: although, on one hand he is an advocate of a suspension of ethics in the name of supreme individualism, he also interrogates self-reflective subjectivity in view of something that stands in relation of absolute alterity to it: the passion of fear and trembling which lifts an individual from the universal. Therefore, he paves the way for Levinas to question the self-closure and egotism of traditional ethics. Kierkegaard noted himself that his apology on behalf of the knight of faith does not call for the abolition of ethics, but it is a search for "an entirely different expression" of ethics. (FT, 100)

Derrida emphasizes that the ethical decision remains in a paradoxical relation to knowledge. Insofar as it breaches knowledge, it cannot appear in discourse or be submitted to an expert judgement about its successful completion. On the other hand, if it were to be decided on the basis of knowledge, it would be merely the implementation of knowledge rather than an ethical act. This irresolvable contradiction inherent in the 'concept' of responsibility as it relates to the possibility of knowledge leads me back to
my initial question: What is at stake for the philosopher/poet in his passion for the story of Abraham? Why is it important that faith, sacrifice, and finally ethics are related to the condition of not having a home? What does the journey of no return mean to thinkers such as Kierkegaard, Levinas, and Derrida? As I have demonstrated on the example of Kierkegaard's text, Abraham's plight becomes a paradigmatic exile from the episteme. The incomprehensible has always taunted thought as that which necessarily slips out of its conceptual grasp. The thought recommences its ordeal from the moment of "not knowing," the secret that it will never seize in its speculative grid. Kierkegaard seems to be astutely aware and infinitely perplexed by these murky origins of writing. The dreadful paradox of Abraham's deed arouses in him an uncanny feeling: "this thought terrifies me, it arouses something strange within me, and so I refuse to think it." (FT, 35) What the self refuses to think, however, reiterates as a powerful sensation of the unheimlich, of not being quite at home (Heim) within its own cognitive structures and compels it to recommence the task of thinking.

This intuitive insight that thought perpetuates itself as thought because it stems from the "outside of thought" which is at the same time its deepest, mysterious "interior," traverses the entire project of modernity. It is worth recalling that the acclaimed father of this tradition, René Descartes, wrote, in The Passions of the Soul: "When the first encounter with some object surprises us, and we judge it to be new or very different from what we formerly knew, or from what we supposed that it ought to be, that causes us to wonder and be surprised; and because that may happen before we in any way knew whether this object is agreeable to us or is not so, it appears to me that wonder is the first of all passions." This passionate "wonder" is inseparable from the essential human need to continue thinking, and it precedes the distinction between the active cognizing agent and the object of its insatiable epistemological pursuit. The story of Abraham marks a textual site where philosophical commentary stands in fear and trembling, and, as it did for Kierkegaard who resented the complacency of thought in what he called a self-reflective age, it calls itself a non-philosophy so it can persevere in its task of thinking.

As the story of Abraham reappears in the texts of various thinkers, it also raises the question of whether a philosophical commentary itself can heed the ethical imperative with regard to the Other or if it inevitably breaks off in the encounter with the Other and cancels itself out as a genre, including Levinas' own writings. For Levinas, the mediating, representational character of language transforms every written text into an accomplice of appropriative totality. However, as Derrida points out, breaking into inscription is an inevitable betrayal of the Other, also due to the aporetic nature of the phrase 'tout autre est tout autre.' Even a text conceived to ponder the nature of the ethical relation, or to argue on the Other's behalf, is dragged into the abstraction of the appellation 'the Other'. If, in writing, I render my responsibility to a concrete Other, I have chosen to forget what I owe to another Other. Thus, the ethical thrust of Levinas' own writings is beheaded at its very inception.

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I would postulate that the poet/philosopher's fascination with the Abrahamic adventure is symptomatic of a desire to write a philosophical commentary that makes a soaring exit from the generality of the word. Commentary, grounded in speculative thought, sets off to travel beyond itself, towards the outside of thought, which, paradoxically, coincides with the deepest, unfathomable interiority of Abraham's untellable secret. The commentary begins with a discomfort, a moment of epistemological impasse in face of a situation I cannot think myself into. It sets off to probe a paradox which, as Kierkegaard remarked, "no thought can encompass because faith begins where thought leaves off." (FT, 74) The interpretive imperative operates in the silences, springing from the well of the secret which it grazes yet can never accommodate. Derrida writes, in his essay on Edmond Jabès, "Between the fragments of the broken Tablets the poem grows and the right to speech takes root... The necessity of commentary, like poetic necessity, is the very form of exiled speech."[10] [emphasis mine] The condition of exile, self-banishment from home, a certain nomadism which leaves everything behind, is such commentary's condition of possibility. Yet, does it necessarily have to be a solitary, egotistic passion, which precludes being attentive to the Other's needs? Is it possible to release the voice from the text so it gestures to the other side and incessantly shatters its own mirrors? In another remarkable passage, strangely overlooked by Levinas who is preoccupied with exactly this question, Kierkegaard relates Abraham's unconditional obedience to God's voice to the possibility of ethical reading: "and God did tempt Abraham and said unto him, Abraham, Abraham, where art thou? And he said, Behold, here I am.' And you, to whom I address my words, did you do likewise?" (FT, 22)

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Beyond Deconstruction

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Deconstruction is usually and rightly linked to the philosophical and literary writings of Jacques Derrida and Paul de Man. These writings have come under sharp attack in recent years. I would refer you, for example, to David Lehman's discussion of Paul de Man. Deconstruction, it is argued, stands outside of reason and affirms only an endless, undisciplined, even wild freedom of commentary.¹ Now there is much to be said for this assessment of deconstruction. Geoffrey Hartman's *Criticism in the Wilderness* is a good indication (I think) of just how arbitrary deconstruction can be. Here, at the extreme point of interpretation, the critic is certain of himself alone and so determined to undermine every specific claim to truth which a text may make.²

But there is another and more interesting side to deconstruction, and this has to do with its continuing relation to traditional philosophical ideas of truth. I want in what follows to bring out this other side - the beyond of deconstruction - particularly as it can be found in the thought of Derrida. I see in Derrida's free play of interpretation not only criticism of older forms and a longing for the new, but insight into the substantial truth of philosophy and a talent for speculative thought. To be sure, Derrida believes that the traditional metaphysical hierarchies between idealism and realism, good and evil, beauty and ugliness, substance and subject, and so on, are one-sided and must be overturned. But he also argues that the undervalued terms of these hierarchies can only be affirmed in relation to, or as another form of, the 'higher' ones. Thus, for example, the notion of reality as something given and independent of the ideal world is dogmatic and, like all reversals, a prisoner of the metaphysical hierarchy it seeks to overthrow. In this perspective, metaphysical forms can be seen in even the most naturalistic attempts to escape the constraints of Western thought.³

¹ David Lehman, *Signs of the Times: Deconstruction and the Fall of Paul de Man* (Poseidon, 1991), pp. 41, 69, 99, and throughout
³ Cf. Jürgen Habermas, *Postmetaphysical Thinking* (MIT Press, 1992), pp. 115 ff. Habermas sees a connection between "metaphysics" and Derrida's "critique of reason", but wants to develop a concept of reason that is neither metaphysical nor deconstructionist. In pursuing this "third" position Habermas has important things to say, but underestimates the real philosophical significance of deconstruction.
I want to argue that deconstruction in this sense amounts to a rediscovery of traditional philosophical ideas, and a reaffirmation of their truth, even if in one respect in a distorted way. In fact, Derrida from an early date was inspired to consider Western thought in Hegelian fashion; he learned from Hegel to see in the tradition an overarching demand for reconciliation, and thereby to distinguish himself from that kind of superficial criticism which sees the idea of metaphysics as something one-sided and abstract, cut off from reality and hostile to all sense and existence. For Hegel always and everywhere attacked the view that the 'Idea' is a mere logical form: "It is ... false to imagine the Idea to be mere abstraction. It is abstract certainly, insofar as everything untrue is consumed in it: but in its own self it is essentially concrete, because it is the free concept [Begriff] giving character to itself, and that character, reality." The Idea is not the idea of some external thing, or the concept held by this or that individual person. The Idea is the concept which gives itself the form of external existence, comprehends this form ideally, and establishes itself in it. "Every individual being is some one aspect of the Idea." 4

Hegel's concept of philosophy is determined according to an idea of which all reality is the expression. In grasping this idea, Hegel's consciousness of himself and others necessarily becomes "absolute knowledge", that is, the knowledge of "all essentiality and all existence", the knowledge of the unity of "subject" and its "substance". 5 Now Derrida wants very much to speak from outside Hegel's concept of philosophy, and everyone else's for that matter. Yet despite his critical intent, he has, with great energy and insight, put himself near the standpoint of Hegel's absolute knowledge. For it is relative to Hegel that he has been able to run through the history of philosophy, set forth the various dimensions of the whole - essence and existence, substance and subject - and relate them to one another. And it is relative to Hegel that he has tried to bring this history to a close, and introduce a new standard of judgement and new points of view. Derrida states: "we believe, quite simply and literally, in absolute knowledge as the closure if not the end of history...As for what 'begins' then - 'beyond' absolute knowledge - unheard of thoughts are required, sought for across the memory of old signs." 6 Derrida then seeks a new beginning beyond the absolute knowledge of Hegel, beyond the metaphysical determinations of substance and subject, of thought and being, and yet looks for this new beginning in these determinations, "across the memory of old signs". He leads us from Hegel to something new and then back again.

Derrida's relation to Hegel - and through him to the whole of the Western metaphysical tradition - is ambiguous. He maintains that his position is beyond Hegel's, but still insists that he is working within the Hegelian philosophy. This would not be the result if anything in Hegel allowed us to separate what we know about the world from

6 Jacques Derrida, Speech and Phenomena, trans. David B. Allison (Northwestern U.P., 1973), p. 102. The original is at La voix et le phénomène (P.U.F., 1967), p. 115. (Henceforth called SP. I shall give page numbers from the both the translation and the original, with that of the translation first.)
what we know about ourselves. But Derrida argues that Hegel makes any such separation impossible. He is no less insistent than Hegel himself that the order of reason is absolute. It is absolute not only because it can affirm everything existing in the world, but because it can endure every possible protest and criticism. Derrida says: "The unsurpassable, unique, and imperial grandeur of the order of reason...is that one cannot speak out against it except by being for it, that one can protest it only from within it; and within its domain, Reason leaves us only the recourse to stratagems and strategies." All appeals and protests against reason can only use the language of reason. From this point of view there is no chance of defeating Hegel on his own ground. Derrida confirms this in what he has to say about Emmanuel Levinas, a French theologian and important commentator on Hegel: "as soon as he speaks against Hegel, Levinas can only confirm Hegel, has confirmed him already." Hence Derrida's strategy: he adopts the language of metaphysics, of reason and critique, and works within it, but does so in order to renounce that language over and over again.

Derrida's connection with Hegel and the language of metaphysics is conditioned by the completeness of his critical attitude. On the one hand, he denies that philosophy can gather everything up into one point of view. This is a theme which surfaces again and again in his writings. As a critic of metaphysics, Derrida sees only deception in talk about a pure idea, a thought wholly clear to itself, a being fully present. On the other hand, he does not resist the language of metaphysics by somehow standing outside of it; he is certain that there can be no such standpoint. This explains why he is so critical of empiricism. Empiricism, he says, "destroys itself"; it lives in and from "the opposition of philosophy and nonphilosophy", but cannot sustain the opposition or make its own discourse intelligible. "The thought of this historical opposition between philosophy and empiricism is not simply empirical and it cannot be thus qualified without abuse and misunderstanding."

Derrida would have the empirical world disappear into the language of metaphysics, even though this language in his view is utterly lacking in content. Here he draws on the Hegelian philosophy, or at least that part of it which reveals the naivety of any attempt to distinguish between existence (whether external or internal) and consciousness. Hegelian philosophy arises from the conviction that it is only in consciousness that 'the object' can appear to us, no matter how intuitive a sense we give to this expression. Any thought we may have of transcending consciousness is therefore futile. Even the object in its most limited and finite shape is existent for us only as something of which we are conscious. "Consciousness ... is something that goes beyond limits, and since these limits are its own, it is something that goes beyond itself. With the positing of a single particular the beyond is also established for consciousness, even if it is only alongside the limited

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7 Jacques Derrida, Writing and Difference, trans. Alan Bass (Chicago U.P., 1978), p. 36. The original is in L'écriture et la différence (Seuil, 1967). (Henceforth called WD. I shall only give page numbers from the translation, since I do not have access to the original.)
8 WD, p. 120
9 Jacques Derrida, Of Grammatology, trans. Gayatri C. Spivak (Johns Hopkins U.P., 1976), p. 162. The original is at De la grammatologie (Minuit, 1967), p. 232. (Henceforth called G. I shall give page numbers first from the translation and then from the original.)
object as in the case of spatial intuition." Derrida agrees completely with Hegel on this point. Nevertheless, he says that Hegelian philosophy must be purged of that tendency which still holds it within the confines of metaphysics, the metaphysics of presence.

The connection between Derrida and Hegel emerges out of this reduction of all given phenomena to identity with consciousness. Of course, Derrida takes the appearance of pure consciousness in its abstraction to be a merely negative result. He moves from one thing to another, one way of thinking to the next, with a view to finding something new, and only ever sees nothingness or emptiness in what he encounters. Hegel thought that there was truth in the realm of appearances, of phenomena, and so did not collapse it all into a sceptical consciousness. And yet it is just this scepticism which binds deconstruction and Hegelian philosophy so closely together. "The scepticism that is directed against the whole range of phenomenal consciousness," Hegel writes, "renders the Spirit for the first time competent to examine what truth is." When Derrida finds nothing true or stable in the way things appear to us he comes to the genuinely speculative moment in deconstruction. He comes to the point which Hegel called "absolute negativity", to the dissolution of all content in the abstract 'I' and the reconstitution of the content in a form made stable by knowledge of the substantial 'self' at work within it. Derrida no doubt wants both truth and content to vanish, but the negation of everything existing is itself an element, an altogether necessary element, of the 'spirit' which Hegel wanted to capture whole and entire. This connection between Derrida and Hegel helps us to see the implications of Derrida's position more clearly. Deconstruction assumes that every claim to truth is null and void, but it also presupposes the nullity of its own standpoint and thus remains bound to the substantial content it is so determined to compromise.

II

To begin with the immediate intellectual background to the theory of deconstruction, the early Derrida, as is well known, worked out a detailed critique of the philosophy of Edmund Husserl. Derrida, like others of his generation, started from Husserl's standpoint and developed it, but then went beyond it altogether. From the perspective of a radical critique of reason, he showed that Husserl's philosophy contradicted its own

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10 PhG, p. 51/74.
11 PhG, p. 50/73.
12 PhG, p. 489/587.
13 See the exchange between Richard Rorty and Christopher Norris on the question of whether there are philosophical foundations for Derrida's deconstruction in *Redrawing the Lines: Analytical Philosophy, Deconstruction and Literary Theory*, ed. Reed W. Dassenbrock (Minnesota U.P., 1989). Norris argues that Derrida gives philosophical foundations for deconstructive literary criticism (pp. 189-203), while Rorty insists that Derrida does no such thing (pp. 204-16). I am on both sides on this debate. While Derrida's 'playful' critique is completely non-philosophical in intent, it keeps him under the influence of philosophy and its 'serious' claim to reason.
presuppositions and could not be sustained. The way in which he did this will help us to clarify the connection between his position and Hegel's.\textsuperscript{14}

Now so far as Derrida's critique of Husserl's philosophy is concerned, we need stress only the following points. First, Husserl aimed to found a science - a "rigorous science" - called "phenomenology", and with that to satisfy the highest theoretical and practical needs of philosophy. To this end, and in conformity with the whole movement of modern philosophy, he made the ego the fundament of all knowledge and consciousness. This ego, as he understands it, is utterly abstract and formal, and every object, every content, is freely constituted by it and rendered transparent.\textsuperscript{15} Second, the ego is not only this conscious freedom and activity, but an existing, living individual, and its life presupposes a world that is prior to consciousness and its reflective operations. Phenomenology, in this sense, seeks the origin of truth and consciousness, and finds it in the immediacy of feeling or intuition. According to Husserl, "whatever presents itself in 'intuition' in primordial form (as it were in its bodily reality) is simply to be accepted as it gives itself out to be, though only within the limits in which it then presents itself". The origin of the judgement of a thing is to be found in the intuition of the thing as it is present in bodily experience. This "principle of principles" is for Husserl in every instance "a source of authority (Rechtsquelle) for knowledge."\textsuperscript{16}

One element in Husserl's philosophy is his vision of an absolute science, of a transcendental knowledge or consciousness. A second element is his insistence that the origin of truth is to be found in intuition, in the simple certainty that there is being and life - that is, a world by virtue of which every particular experience is experienced. But then there is no logical priority of consciousness, or of the categories by which the thinking subject posits its objects; on the contrary, since the origin of truth lies in intuition, we exist before we think.\textsuperscript{17} Thus, as Husserl argues in \textit{Experience and Judgement}, it is necessary to return to this origin of truth, to make contact with the world that lies behind our judgements and the categories they embody, to seek the primal experience where reflective distinctions have yet to be made. Husserl speaks here of a "simple believing consciousness", and notes that this involves the perception of a "preliminary presence", a "passive pregivenness", which is "always already there" before


\textsuperscript{17} See Jean-Luc Marion, "A Relief for Theology", \textit{Critical Inquiry} (Summer, 1994), 580-3. I agree with Marion that Husserl's phenomenology prepared the way for Heidegger insofar as it "no longer limits itself to sensible intuition but admits all originarily donating intuition". I do not agree that Husserl ever "finally" gave up "metaphysics" and "the transcendental project" (582). Husserl remained tied to the idea of a transcendental (a priori) consciousness even as he developed the notion of an (a posteriori) intuition. See too the discussion of Husserl and Heidegger in Jean-Luc Marion, \textit{God Without Being} (Chicago U.P., 1991), passim. (I am grateful to my colleague, Dr. W.J. Hankey, for giving me these references.)
any discovery of meaning or "awakening of interest". He explores this perception in a discussion of the preliminary and pregiven experience which grounds all our articulate and explicit knowledge of things. Such experience includes the apprehension of an "original present", a present which contains both past and future, an eternal now, a fully explicit and present object.

This inquiry into the origin of truth which points us to the fulness of experience inspired Derrida to write his first major published essay, his Introduction to Husserl's Origin of Geometry. But already in this early essay one can see a difference between Husserl and Derrida which is of considerable importance for Derrida's later work. For, as Husserl himself had pointed out, the present is never merely present, but always already past and still to come. This is the chief lesson of the famous lectures on the internal time-consciousness which Husserl gave between 1904 and 1910. The present in its immediacy, the 'now', appears as unstable, ever changing, continually 'running-off' into the past. "Since a new now is always presenting itself, each now is changed into a past, and thus the entire continuity of the running-off of the pasts of the preceding points moves uniformly 'downward' into the depths of the past." The present is the immanently negative and destructive moment which vanishes as quickly as it arises. Every purely intellectual or speculative science, according to Husserl, has as its origin this difference or non-coincidence of the present with itself. But then there arises a question the full force of which Derrida thinks Husserl failed to appreciate: is anything ever altogether present, or does the present itself actually take place?

Husserl's history of European science and philosophy, his vision of the past and the future, hangs on this question. His answer, as Derrida shows, falls in the opposition between fact and reason. In fact, we can be confronted by something from the past, a past way of life, a past way of thinking, the significance of which escapes us. It can mean nothing to us. This is clearly a consideration of some importance for historians or for anybody presented with an artifact or a cultural object of some sort which no longer makes any sense. But by right, according to Husserl, the recovery of an object, the recollection of it, is always possible. We know a priori that a past object is not merely past, but also ideally present. It exists as much in our present consciousness of it, in the 'Living Present', as in material that is constantly changing or passing away: "the absolute primordiality of the Living Present permits the reduction, without negation, of all alterity. The Living Present constitutes the other as other in itself and the same as the same in the

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19 Experience and Judgment, p. 383; Erfahrung und Urteil, p. 463
22 OG, p. 82.
23 OG, p. 47.
In this way, in raising ourselves to the level of consciousness, we can attain the highest degree of certainty. By an act of consciousness we can make meaningless objects meaningful, and continue to think what we think despite the radical alterity of other moments and acts.

Derrida observes that for Husserl history is always a "pure history" of "meaning". History is never just haphazard, or violent, or treacherous. It is a series of conscious acts, a succession of meaningful forms, an intelligible pattern of beliefs established across time, from generation to generation. History - the only history that counts - is orderly, peaceful and rational. Behind all of this, of course, there lies Husserl's primary assumption, his most deeply-felt conviction, that being is identifiable with meaning, that the way of the world is no different from an act of consciousness. Still, as Derrida notes, the identity of being and meaning is never given here and now but must be thought within a present that includes past and future, i.e., "the world's infinite horizon". Indeed, it is only because Husserl denies the actuality of reason that he can celebrate the "infinite tasks" of science.

Husserl embraces an ideal, a truth, which is both identical with the world and disproportionate to it. Naturally, he is aware of the contradiction implied within this conception of truth and tries to remove it. He holds that the origin of truth is to be found in the intuition of something absolute which is given and present and that this is to be grasped and made meaningful by the ego in a free act of consciousness. The ego determines what is true and meaningful, but for this very reason is directed to an end which is infinitely remote. There can be no apprehension of this end in what is "factual and worldly", in the here and now, but by right only. The idea of truth or meaning is therefore for Husserl bound up with the idea in a Kantian sense of infinite historical progress.

The passages in Husserl which mention God are equally concerned with this contradiction in human existence, the contradiction between the idea or the ideal of truth and meaning and the reality of meaninglessness. If being is identical with my meaning then I must be one with God and share in eternal truth. Derrida makes this point in a discussion of the traditional metaphysical path which starts from the world and the human consciousness of it and leads to knowledge of God. If the world and my consciousness of truth are to be the same, then I must be one with God. I must acquire, or

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24 OG, p. 86.
26 OG, p. 102.
27 OG, p. 106.
28 OG, p. 128.
29 OG, p. 72 n.
30 On the difference between Kant's idealistic view of progress and Husserl's investigations into a "more profound" history, see OG, p. 42. See too the famous article approved by Husserl and cited by Derrida (OG, p. 42 n.): Eugen Fink, "The Phenomenological Philosophy of Edmund Husserl and Contemporary Criticism", in The Phenomenology of Husserl, ed. R.O. Elvelton (Quadrangle, 1970), pp. 73-147. Fink draws a distinction between the psychological nature of the Kantian critique and Husserl's inquiry into the "origin of the world" (p. 95).
31 OG, p. 45 n.
rather already possess, the divine standpoint of a speculative metaphysics or an absolute idealism. Otherwise, my concept of truth would be no more than "the indefinite openness to truth and to phenomenality".32

But for both Husserl and Derrida our divinity is an illusion. We know in advance that right and fact will never coincide. This is what Derrida calls, even at this early stage in his career, the "primordial Difference" between fact and right, between being and meaning, between humanity and divinity.33 We cannot pass from human consciousness ("I am conscious of being") to divine consciousness ("being is conscious of itself"). There can be no deification of humanity, no humanization of God.34 But then we cannot say how being and meaning are related to one another. Being is given as it is, and consciousness is something separate and apart.

Phenomenology as we see it through Husserl has a positive though subordinate role to play within Derrida's thinking. This is clear from what Derrida himself has to say about "the hidden historical field" of phenomenology.35 Husserl makes meaning into an infinite principle which for Derrida means that it is undermined by its opposition to the finite.36 The problem in Husserl is that of a pure consciousness, an empty ego, which presupposes being but can neither overcome it nor make it intelligible. Husserl sets himself the task of rendering being intelligible, but this task can never be realized, is there simply in the form of "an infinite Idea", the content of which "can never immediately and as such present itself in an intuition".37

Derrida goes beyond this opposition in his meditation on language (langage). Language is the place in which Husserl's demand for absolute truth can appear. It is "the indispensable medium and condition of possibility for absolute ideal Objectivity, for truth itself". Language in the form of speech dissolves the immediate givenness of things and continually shapes and reshapes our vision of the world. "Speech (parole) is no longer simply the expression (Aüsserung) of what, without it, would already be an object: caught again in its primordial purity: speech constitutes the object, and is a concrete juridical condition of truth."38 Speech is the pure nullification of the antithesis between object and subject, of finite being in its opposition to truth.

But speech is connected to writing which opens up the field of transcendental experience. In writing Derrida encounters the meaninglessness of the past, the stubborn lack of intelligibility in history. He refers to the "silence of prehistoric arcana and buried civilizations" as well as to "the entombment of lost intentions" and "the illegibility of the lapidary inscription". These things, he says, reveal not only that the "transcendental

32 OG, p. 148.
33 OG, p. 153.
34 The conclusion of Jean-Paul Sartre's Being and Nothingness highlights, and radicalizes, the problem: "It is as if the world, man, and man-in-the-world were only able to produce an abortive God." Cited by Vincent Descombes in Modern French Philosophy, p. 53.
35 OG, p. 51.
36 OG, p. 138.
37 OG, p. 106.
38 OG, pp. 76-7.
subject" is a failure but that at work within it is a "transcendental sense of death".\textsuperscript{39} In other words, the quest for absolute truth is subverted by the very act of writing it depends upon. Writing both institutes and undermines truth and meaning.

All language tends towards meaninglessness, but writing sums up and completes the process. "The field of writing has its originality in its ability to dispense with, \textit{due to its sense}, every present reading in general."\textsuperscript{40} Here Derrida is being deliberately paradoxical. He is not just saying that both meaning and the lack of meaning are intrinsic to writing. He is saying that writing, as the place of truth and meaning, makes meaninglessness possible. Indeed, one could say that, for Derrida, writing is never more meaningful than when one fails to make any sense of it at all!

The activity of uncovering such systematic incoherence within a text or an object, a work of art, for example, is what the later Derrida calls 'deconstruction.' The term has a passive as well as an active sense. Derrida wants to undermine all fixed conceptions of truth, but operates entirely from within the language of truth that is given to him. The simple 'destruction' of truth and meaning is out of the question. "The movements of deconstruction do not destroy structures from the outside. They are not possible and effective, nor can they take accurate aim, except by inhabiting those structures."\textsuperscript{41} The same spirit of resignation, of passive acceptance, can be found in another one of Derrida's terms of art, 'differance', which is not quite 'difference' (with an 'e'). It is purposely misspelt (with an 'a') in Derrida's text and refers to the 'deferral' of meaning in language. Any given structure of truth can be undermined not only because the critic can refer to different interpretive contexts, but because language 'defers itself'. Language refers us to "the entire configuration of its meanings", but the coherent and definitive truth of these meanings is always out of reach, i.e. deferred.\textsuperscript{42}

Differance or deferral is at the same time a purely intellectual movement, the movement of that finite which turns out to be infinite, because it is forever negating itself. This is the most important result of Derrida's critique of Husserl's phenomenology. We find ourselves in a situation in which truth can arise only out of the negation of all things finite, as out of pure nothingness. "Certainly nothing has preceded this situation. Assuredly nothing will suspend it...And contrary to what phenomenology - which is always phenomenology of perception - has tried to make us believe, contrary to what our desire cannot fail to be tempted into believing, the thing itself always escapes."\textsuperscript{43}

\textsuperscript{39} OG, p. 88.
\textsuperscript{40} Ibid.
\textsuperscript{41} Ibid.
\textsuperscript{42} Jacques Derrida, \textit{Margins of Philosophy}, trans. Alan Bass (Chicago U.P., 1982) pp 8-9. The original is at \textit{Marges de la philosophie} (Minuit, 1972) pp, 8-9. (Henceforth called Margins. I shall give page numbers from both the translation and the originals, with that of the translation first.)
\textsuperscript{43} SP, p. 104/117. On this point, Derrida is especially critical of Merleau-Ponty's attempt to read into Husserl a form of "historical relativism", that is, an enthusiasm for "factual experimental inquiry" and for "lived experiences" of diverse sorts. See Maurice Merleau-Ponty, "Phenomenology and the Sciences of Man", in Primacy of Perception(Northwestern U.P., 1964), pp. 83-4. Quoted by Derrida in OG, pp. 111-12.
We can perhaps now see more clearly why Derrida was drawn to Husserl's phenomenology. Derrida finds that Husserl not only opposes finite being to consciousness, but points the way to a sceptical dissolution of the opposition. Husserl's great achievement on this view was to show that there is in fact endless discrepancy between our original intuition of reality and the intentions of consciousness, that there can be no reconciliation between our intuition and the free act of consciousness. There is an unbridgeable gulf between them, a gulf which takes the form of an infinite distance, a remote end, an abysmal task.

Derrida maintains that the division of an abstract ego from its content cannot be sustained, that from Husserl's own standpoint the finite is not grounded in reason and consequently cannot be justified. "Husserl describes, and in one and the same movement effaces, the emancipation of speech as nonknowing." It is a small step from Husserl's position to Derrida's view that all the finite is simple nullity. All Derrida has to do is to eliminate the actual content of phenomenology. And he does so as soon as he makes language logically anterior to the conscious ego and to its intuition of existence.

In this way Derrida annuls the distinction between what is original and what is derived, between what is simply present to one and what is there by virtue of an act of consciousness. There is no doubt a certain arbitrariness in this view. Yet it gives us an insight into a whole theory of language. Derrida says, "the system of signs is constituted solely by the difference in terms, and not by their plenitude. The elements of signification function due not to the compact force of their nuclei but rather to the network of oppositions that distinguish them, and then relates them one to another." Language has as its central feature the relation of words to one another, never the relationship of words to things, but always the relationship of words to one another, of discourse to other discourse, signs to other signs. No doubt the influence of Saussure's theory of linguistics can be discerned here. There is, as Derrida indicates, no connection in consciousness or in sensation between a sign and what it signifies. A 'signifier' relates only to other signifiers never to a 'signified.' This is what Derrida emphasizes in his study of Husserl's phenomenology, and he intends thereby to go beyond all limits, to dissolve the apparent givenness of the finite world, and to move directly from this encounter with nothingness into a world of infinite interrelationships and substitutions among words.

III

Husserl had elevated all questions of truth and meaning to the consciousness of the free ego, referring us at the same time to the intuition of a world, to a power independent of rational cognition which makes itself felt in sensible reality. In a manner reminiscent

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44 SP, p. 97/109.
45 Margins, p. 10/11
of Hegel's critique of Kant and Fichte, the early Derrida discovered a discrepancy between this intuited world and the endless investigations which Husserl conducted into the ego and the inward reflection that characterizes it. The conjunction of intuition and consciousness in Husserl's philosophy implies, as Derrida says, "an immediate eidetic", a purely formal activity of thought which inevitably tends to annihilate the content of intuition. This dialectic, which challenges all given beliefs and convictions, unsettling everything that is external to it, works so that nothing remains at the end but the action of the ego itself, the bare abstraction of thought - consciousness without an object.

In Hegel's philosophy the endlessly critical and destructive aspect of the dialectic is conditioned by "absolute" truth, the "positive Idea that being is strictly nothing outside of the infinite, or apart from ego and thought. Both being and thought are one". The actual content of the world, the substantial totality of things, is not separate and distinct from thought, but absolutely present to it. This is not Derrida's view. He denies that the unity of thought with its object can be clearly or even implicitly present, that the ego can penetrate into and beyond diverse forms of being and calmly contemplate them, that the 'Idea' can be the basis at once of the ego and the external and natural. For this reason Derrida remains tied to the transcendental standpoint he finds so empty of content. He cannot escape the discrepancy he discovers at every stage of Husserl's philosophical development: that which is distinct from the ego still presents itself as an other, an alien and unintelligible affair. Still, there is the other perspective in which Derrida's infinitely critical thinking is closer to Hegel's absolute philosophy than Husserl's finite philosophy is.

Derrida recognizes that Hegel's philosophy brings together opposite tendencies in philosophy. Both objectivity and consciousness, being and thought, tradition and critique, have a place in his system. Hegel's philosophy is profoundly traditional, for it is only the "presence or presentation" of what is already known - i.e., the "truth of man" as it appears to him in his consciousness of the "past". At the same time Hegel's philosophy is essentially critical, for it announces the "death" of the "finite man", the disappearance of "man past". Hegel wants to affirm all past philosophy and religion, but makes no effort to limit modern freedom and self-consciousness. His aim is not only to relate these forces to each other, but to demonstrate their fundamental unity and coherence.

Derrida seems to grasp the unity of Hegel's work and to avoid any one-sided interpretation of his thought. He acknowledges that tradition and critique, positivity and negativity, come together as one in Hegel's philosophy to form a "profound, systematic truth". Yet he does not at all believe that the opposed directions or tendencies of Hegel's thought can be fused in one system. On the contrary, he holds that Hegel's critical self-consciousness, his "very necessary" preoccupation with "negativity", can be separated

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47 OG, p. 45 n.
48 OG, p. 67.
51 Margins, pp. 120-1/142-4
KIERANS: BEYOND DECONSTRUCTION

from the metaphysical notion of "presence".\footnote{Margins, pp. 38-9/41-2.} He looks back on Hegel's philosophy as the final truth of its tradition, and thus as the first indication of a new kind of thinking. This thinking overcomes the traditional categories of Western thought precisely because it is free of the "dialectics of truth and negativity".\footnote{Margins, p. 121/144.}

Derrida portrays Hegel's philosophy as a monumental - and successful - effort to bring together metaphysical thought and modern freedom, traditional belief and critical reflection. Hegel's driving ambition was to enter into the thought of the past and appropriate it, to understand the tradition and make it his own. In realizing this ambition, however, his philosophy inevitably points beyond itself. Derrida agrees with Georges Bataille: "He [Hegel] did not know to what extent he was right".\footnote{Georges Bataille, "Hegel, la mort et le sacrifice", Deucalion, 5 (1955), 35-6. Quoted by Derrida in WD, pp. 251, 260.} To the extent that Hegel knows the totality of tradition he knows the openness and indeterminacy of the future. This relation of past and future to each other allows Hegel both to recognize and to transcend the "passage" of time, the "vanishing" of the present.\footnote{Margins, p. 46 n/51 n.} It also allows Derrida to explore the possibility of something new and different, that is, a "rigorous critical" questioning which cannot be subordinated to any traditional "law" or philosophical "tribunal".\footnote{Margins, p. 39/42.}

Derrida develops his position out of a close reading of Hegel's philosophy. In a very fine example of textual analysis, he shows how Hegel distinguishes 'eternity' from the succession of moments presenting itself to consciousness as the process of 'time'. Insofar as the single moment, the "now" (Jetzt), comes and goes, arises and vanishes, it is limited and thus a "finite" expression of the "present" (Gegenwart).\footnote{Margins, p. 46 n/51-2 n.} Hegel, as a traditional philosopher, makes this point in order to criticize the limited and finite aspect of the "temporal form" of consciousness. He moves from one moment of consciousness to another with a view to arriving at an "eternal" present, but there is a difficulty: every expression of "infinite" presence is as much in time as outside of it. The concept of eternity necessarily manifests itself in time, and in so doing "loses in difference the unity of its beginning and its end".\footnote{Margins, p. 52 n/60 n.} This is really Derrida's last word on Hegel. What he finds acceptable is not the result but the process of Hegel's philosophy. He is certain that Hegel's method yields no real result, that his argument reveals no final truth, because the law under which it operates requires that every concept be turned by an immanent critique into its own opposite. The critique is utterly destructive: everything both true and untrue is consumed in it.\footnote{On this point, I found it useful to consult Jacob Loewenberg, Hegel's Phenomenology (Open Court, 1965), pp. 20-2, 93-6, 371. See too James Doull, review of Hegel's Phenomenology, by Jacob Loewenberg, in Dialogue, 5 (1966-7), 96-8. I have drawn much from Doull's penetrating review.}

\footnote{52 Margins, pp. 38-9/41-2.} \footnote{53 Margins, p. 121/144.} \footnote{54 Georges Bataille, "Hegel, la mort et le sacrifice", Deucalion, 5 (1955), 35-6. Quoted by Derrida in WD, pp. 251, 260.} \footnote{55 Margins, p. 46 n/51-2 n.} \footnote{56 Margins, p. 39/42.} \footnote{57 Margins, p. 46 n/51 n.} \footnote{58 Margins, p. 52 n/60 n.} \footnote{59 On this point, I found it useful to consult Jacob Loewenberg, Hegel's Phenomenology (Open Court, 1965), pp. 20-2, 93-6, 371. See too James Doull, review of Hegel's Phenomenology, by Jacob Loewenberg, in Dialogue, 5 (1966-7), 96-8. I have drawn much from Doull's penetrating review.}
Derrida therefore pits the negative side of Hegel's thought against the positive side. Hegel's concept of **Aufhebung**, the surpassing and conserving of one form of consciousness after another, is seen not as the point at which negativity is overcome, but the point from which negativity proceeds to undermine every possible system of truth. The **Aufhebung** is known not as the appearance of the spirit, of the substantial self, but rather as the "empty form" of its own restless movement. "This displacement is paradigmatic: within a form of writing, an intraphilosophical concept, the speculative concept par excellence, is forced to designate a movement which properly constitutes the excess of every possible philosopheme."60 This movement of thought subordinates Hegel to a position for which he had harsh words in his *Encyclopaedia*: "If the result - the realized Spirit in which all mediation has superseded itself - is taken in a merely formal, contentless sense, so that the spirit is not also at the same time known as implicitly existent and objectively self-unfolding; - then that infinite subjectivity is the merely formal self-consciousness, knowing itself in itself as absolute - Irony." The ironic self-consciousness declares that it has superseded all previous religion and philosophy, but in Hegel's view "falls back rather into the vanity of willfulness". It can make everything "objective" empty and vain but is itself "emptiness and vanity", for it is only by "chance" and "its own good pleasure" that it gives itself content and direction.61 This is how Hegel understands the "irony" of Fichte and Schlegel. Derrida would collapse Hegel into the ironical self-consciousness of Fichte and Schlegel.62

Derrida interprets Hegel against Hegel, but does not propose to offer a more coherent or more meaningful philosophy. Rather he affirms the negativity of time, the ambiguity of everything present, in a way which challenges all past religion and philosophy. We can see this in his account of the history of writing. Derrida finds that there is an entire tradition which subordinates the written to the spoken word. This tradition takes the oral sign to be the sign of something immediately and directly present: an individual's original gesture or action. Writing arises when one takes the oral sign to be insufficient, when one needs to reach others who are absent or incapable of seeing or hearing what has originally happened. The written sign is the sign of the oral sign, the sign of a sign. Writing in this sense fulfills a supplementary function. Indeed, for Derrida, "writing is the supplement par excellence since it marks the point where the supplement proposes itself as supplement of supplement, sign of sign, taking the place of a speech already significant".63 But this formulation implies that the function of the written sign is really the function of every sign. Every sign is a 'signifier' whose 'signified' is always another signifier, never the object, the thing itself, present before us, in our field of vision.

At the origin of speech and writing there is no origin, no real presence at all, but only a supplement in the place of an origin that is always absent. This explains why, for

60 WD, p. 275.
Derrida, the metaphysical and theological idea of an "originary presence" is so deeply flawed. No system of thought can eliminate the ambiguity of the present, that is, its complicated relation to past and future (both of which are absent). What Derrida calls the "trace" is the present sign of something absent, an absent past or an absent future. Every sign is surrounded by this strange trace of something we can neither fully remember nor make absolutely manifest. It is therefore necessary to conceive of a past which never was present, and never will appear, a past which is no longer bound up with our sense of ourselves - an "absolute past". It is also necessary to speak of a "future", of a "cosmic time", which cannot be anticipated or envisaged within any "metaphysical" or "dialectical" system of thought.\textsuperscript{64}

But there is an affinity between Derrida's 'trace' - the proposition that there is no origin which founds knowledge - and Hegel's 'absolute'. Derrida knows well enough that Hegel's philosophy incorporates into itself the 'infinite' movement, the 'negative' attitude which excludes everything that is, but which for that very reason stands in relation to 'totality' and is determined by it.\textsuperscript{65} Hegel's philosophy is a vision of the whole that is active and eternally present to itself in everything that can be differentiated from it. There is for Hegel no consciousness without an object, but equally no object without a consciousness. Nothing is absolutely and immediately present from the beginning, everything is derived, to the point where the whole system of 'metaphysical' or 'dialectical' mediations is known as the only reality.\textsuperscript{66} Derrida insists that his reflection on time and the present "differs" profoundly from Hegel's vision of these things. Yet he does not want us to see his position as a "break" with Hegel's standpoint.\textsuperscript{67}

Derrida's position is a "displacement" of Hegelian discourse as "infinitesimal" as it is "radical".\textsuperscript{68} This displacement demands a certain playfulness which is foreign to Hegelian philosophy, but does no more than betray the discourse within discourse, the truth within truth. The displacement is not the experience of a full and present meaning establishing itself at the limit of difference, of negativity, of death. The experience of displacement is rather the experience of "absolute difference".\textsuperscript{69} And yet there is a link between Hegel's thinking of difference - which is always in aid of truth and meaning - and Derrida's thinking of difference, which is beyond all identifying thought. Derrida's thinking is not opposed to Hegel's; nor is it a meditation on the negative absence of truth and meaning, a 'negative theology'.\textsuperscript{70} Derrida presupposes truth in the Hegelian sense, truth which is active and fully present in the world, for without such truth he would never actually arrive at the point of non-presence, never really experience the displacement of truth and meaning. This is why he is always looking to subvert philosophical discourse, but admits

\textsuperscript{64} G, pp. 66-7/97-8.
\textsuperscript{65} Margins, pp. 13-4/14.
\textsuperscript{66} Margins, p. 20/21.
\textsuperscript{67} Margins, p. 14/15.
\textsuperscript{68} Ibid.
\textsuperscript{69} WD, p. 263.
\textsuperscript{70} Jacques Derrida, "How to Avoid Speaking: Denials", in Derrida and Negative Theology, eds. Harold Coward and Tobie Foshay (SUNY, 1992), pp. 77 ff.
that "philosophy, Hegelian speculation, absolute knowledge and everything that they govern...will govern endlessly in their closure".\textsuperscript{71}

From Derrida's point of view both Hegel and the history of philosophy offer no more than a history of ordinary discourse about the external world, reason, and goodness. Philosophy is a speculative discourse, which sets out from a certain experience of thinking, and becomes at length a thinking of experience. Experience and thinking are continuously related to one another in this way through the more or less 'vulgar' concept of 'presence'. This presence is the basis on which 'absence' has traditionally been understood and interpreted. But Derrida does not propose that we now think this absence, make it our foundation, or bring it to light, as if it were some forgotten reality. Rather, we must accept that the history of philosophy cannot be replaced, that metaphysics is destined to govern our thinking. Only then, he says, will we be free of the ordinary or vulgar tendency to see things speculatively, to look around for a still 'hidden' truth: "it is the tie between truth and presence that must be thought, in a thought that henceforth may no longer need to be either true or present".\textsuperscript{72}

Derrida's meditation on truth and presence is and is not compatible with the history of philosophy. His meditation is another thinking of truth, another experience of presence. It is a thinking that goes beyond the metaphysical moment toward a less restricted, more general experience of truth and presence. But this more general experience offers itself both in the texts of metaphysics and in Derrida's reading of these texts. Hence the ambiguity of his whole approach. Derrida will limit himself to an interpretation of a given metaphysical text, even as he seeks to uncover traces of "an entirely other text". He says that every text can be divided into two, but denies that there is any real opposition between them: "Two texts, two hands, two visions, two ways of listening. Together simultaneously and separately".\textsuperscript{73} It is the metaphysical text which allows the other text to be deciphered, albeit in ways which the metaphysical mind can never grasp.

Derrida's thinking is always both philosophical and anti-philosophical, both inside and outside the truth of a text. Every metaphysical text from the beginning is compromised, fractured, divided into two. Between the text by Hegel and itself there passes in Derrida's words "a barely perceptible veil" separating Hegel's thought from itself.\textsuperscript{74} A reading of Hegel's text, as of any metaphysical text, requires a double perspective in order to do justice to this inherent duplicity. This double perspective splits the metaphysical text into two. A slight displacement, a slight play on the meaning of the text, is enough to move from the first to the second. But it is always the duplicity of the first text which enables one to exceed or transgress in the direction of the second text. It is Hegel's text itself which makes Derrida's double reading of Hegel possible.\textsuperscript{75}

\textsuperscript{71} WD, p. 276.
\textsuperscript{72} Margins, p. 38/42.
\textsuperscript{73} Margins, p. 65/75-6.
\textsuperscript{75} The most compelling of Derrida's 'double' readings involve Hegel and Bataille - in \textit{Writing and Difference} (1967) - and Hegel and Genet, in \textit{Glas} (Gailée, 1974). See too the doubling of Hegel and
This brings us back to Derrida's belief that Hegel's absolute knowledge marks the "closure", if not the "end", of history. Derrida distinguishes in Hegel a timeless system of thought, as "servile" as it is "full of meaning", and a critique of tradition, which points the way to something new. This critique of tradition, the "passage" from one form of "past" consciousness to the next, is what he thinks is promising in Hegel - the critique itself and the "play" of meaning and non-meaning it brings into view. Between this arbitrary play and Hegelian speculation there is obvious tension and difference. Derrida's absolute knowledge is not what Hegel thought it was, that is, the consciousness that continuously and forever completes the "circle" of meaning, "which is always where it comes from, and where it is going to". Derrida speaks rather of discontinuity, of the desire to emerge from the "tissue" of absolute knowledge, to break out in an "absolute rending". Such violent Nietzschean desire could not be farther from Hegelian speculation. At the same time, however, Derrida refers to an absolute knowledge "once more become 'solid' and servile in once more having been read". Thus there is continuity between the desire to go beyond absolute knowledge and the need to affirm it. Absolute knowledge, in Derrida's view, is a two-way process of interaction between absolute meaning and absolute non-meaning, between absolute necessity and absolute contingency. Absolute knowledge is the constant oscillation between the timeless and the historical, reason and its other, which is nothing but the work of deconstruction itself.

Derrida could not be more ironical: what he finds admirable in Hegel is the idea of history as a succession of diverse and disconnected forms of life. By contrast Hegel emphasized the idea that history is a connected series of forms, a progressive realization of a universal human freedom. Much could be said about this difference. At the very least it is clear that Derrida has absorbed the Nietzschean and Heideggerian critique of humanism. His animus against Hegel (and Marx) is such that he will not allow the successive forms of spirit from ancient Greece to the present day to embody an uninterrupted history of humanity. What he takes from Hegel is the notion of "ruptures" and "discontinuities" in the continuum of history, "displacements" in the movement of concepts from period to period. "In order to mark effectively the displacements of the sites of conceptual inscription, one must articulate the systematic chains of the movement according to their proper generality and their proper period, according to their unevennesses, their inequalities of development, the complex figures of their inclusions, implications, exclusions, etc." But Hegel says: "These forms of spirit are distinguished from the previous forms in that they are real spirits, proper actualities, and instead of being forms of consciousness only, are forms of a world". Derrida so empties historical

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76 WD, pp. 275-7.
77 See, for example, Manfred Frank, What is Neostructuralism?, trans. Sabine Wilke and Richard Gray (Minnesota U.P., 1989), lecture 17.
78 Margins, p. 72/83.
79 PhG, p. 265/326 (translation modified).
forms of worldly content that Hegel's concept of spirit appears to fade away into nothing, to lose all actuality. The identification with 'spirit' or with the history of 'humanity' seems impossible - a more or less naive attempt to secularize the idea of becoming one with God.

And yet what Derrida says about history is linked to a discussion of Plato and Christianity in which he appears to side with Hegel against Heidegger. I am thinking of his attempt to connect philosophy and religion with the development of freedom and self-consciousness in his little book on spirit. Like Heidegger, he finds in the "Platonic-Christian" tradition the origin of that "rational" and "intellectual" freedom which was fully realized only in "modern Idealism". Unlike Heidegger, he does not imagine that the unity of the divine subject and the human subject which underlies this history can be forgotten or overcome. In fact, he argues that Heidegger was insufficiently aware of the continuing "power" of the Christian interpretation of history. "We have here a program and combinatorial whose power remains abyssal." But then Derrida at least implicitly acknowledges the integration of the divine and human in his view of history in that human subjectivity, aware in its purity of its own emptiness, is identical with the self-unfolding of the divine throughout the ages. Hegel takes a similar view when he insists that the identity of the divine with the human - abstractly realized in the "Fate" of ancient Greece - is the basis and goal of the entire history of humanity.

Derrida brings out the negative or restless aspect of Hegel's philosophical thought. In this light, the history of philosophy can be nothing but a contest between divergent philosophical positions, a struggle between irreconcilable aspects of the same intellectual tradition. Derrida's "double writing" is intended to reflect this endless shifting of emphasis between the "higher" and "lower" terms of the classical philosophical hierarchies that are forever re-establishing themselves. Certainly, Derrida also wants to be beyond the oppositions: "By means of this double, and precisely stratified, dislodged and dislodging, writing, we must also mark the interval between inversion, which brings low what was high, and the irruptive emergence of a new 'concept', a concept that can no longer be, and never could be, included in the previous regime." But the desire for a "new" concept in this sense is driven by the kind of scepticism with which Hegel was familiar: "The scepticism that ends up with the bare abstraction of nothingness or

82 For Derrida's specifically Jewish background, and for details on the heretical tradition of rabbinic interpretation from which he springs, see Susan Handelman, The Slayers of Moses (New York U.P., 1982), pp. 163-78.
83 PhG, pp. 410 ff./495 ff.
emptiness cannot get any further from there, but must wait to see whether something new comes along and what it is, in order to throw it too into the same empty abyss."\textsuperscript{85}

Derrida resists any suggestion that his position can be reduced to 'scepticism'.\textsuperscript{86} He says of his critical standpoint that it is with "all the risks, but without the metaphysical or romantic pathos of negativity".\textsuperscript{87} I take it that this is because he regards the critical consciousness as the point at which traditional forms of thought and life continuously come into view. But for this reason he tends to underestimate the risks in his debate with Hegel. Derrida warns us again and again that the opposition in Hegel between timeless thought and historical change, between traditional wisdom and radical critique, cannot be "immediately" overcome. He himself concedes that the opposition of philosophical and historical forms has a certain "necessity", and therefore that the debate with the traditional metaphysical account of history is "interminable".\textsuperscript{88} The unbroken connection of the critical deconstructive consciousness with Hegel's account of philosophy and history is in fact everywhere assumed in Derrida's writings.

It would take a longer and more detailed argument to make such a connection clear. Here it is enough to say that it is the nature of Derrida's position to have its opposite within it, i.e. the metaphysical thought which grasps the fundamental unity and coherence of the tradition. Since deconstruction requires that its thinking shall be open and indeterminate it does not understand itself in conformity with its implicit nature. It tries to deny what is in it implicitly and to posit itself as a new and independent standpoint. But the truth is that deconstruction has never really stood on its own ground. Indeed, it has always acknowledged in itself the presence of the metaphysical idea it would refuse. I would argue that this has been the greatness of deconstruction from the beginning. What deconstruction helps us to do - its own intention notwithstanding - is to rediscover the continuity of history, to reaffirm the truth of our almost forgotten philosophical tradition. It does not do this by following feeling or intuition, or by looking to some truth beyond consciousness. It does this - in however tortured a way - by allowing itself to think in conformity with the structures of traditional metaphysical thought. The movement 'beyond deconstruction' can mean nothing other than this reduction of deconstruction to a moment in the history of philosophy. It is necessary only that we recognize deconstruction as the implicit essence of the very tradition it loves to despise.

\textsuperscript{85} PhG, p. 51/74.
\textsuperscript{86} Margins, p. 38/42.
\textsuperscript{87} Positions, p. 121/86.
\textsuperscript{88} Positions, p. 57/42. On Derrida's refusal to commit himself to any definite position, see Sarah Kofman, "Un philosophe 'unheimlich'", in Ecarts: Quatre Essais à propos de Jacques Derrida (Fayard, 1973).
The Feminist Critique Of Hegel On Women And The Family

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I will describe her as shortly as I can. She was intensely sympathetic. She was immensely charming. She excelled in the difficult arts of family life. She sacrificed herself daily. If there was chicken, she took the leg, if there was a draft she sat in it -- in short, she was so constituted that she never had a mind or a wish of her own, but preferred to sympathize always with the minds and wishes of others.¹

For many contemporary feminist writers, Virginia Woolf's portrait of her own alter-ego, the "angel in the house" whose self-sacrificial impulses she routinely had to suppress before beginning her day of writing, offers a fair description of woman's disposition and virtue, as seen through the prism of traditional culture. Feminists condemn the lack of autonomy possible for women thus confined to domestic and familial roles, and argue that women's potential for a fully rational, fully human life has been systematically sabotaged by oppressive social relations -- a patriarchal structure sustained in being historically as a means of preserving the power and dominance of men. That even in our own liberated times women themselves frequently accept, seek out and even defend such confinement to the private sphere is readily viewed as a reactionary, 'man-identified' response,² rooted in social conditioning which must be drastically revolutionized before all women will be empowered to recognize and seize their rightful places as fully equal participants in human affairs.

But while feminist thinkers widely share the conviction that women have been unjustly and illegitimately consigned to a subordinate condition, there is substantial disagreement about the historical and conceptual roots of this unacceptable state of affairs, and about how best to remedy it. There have been a number of phases in the development of feminist thought, so that while the Women's Liberation Movement was a phenomenon of the late 1960's, the intellectual, social and political ideals it embodied have a considerably more lengthy history.

² Mary Daly *Gyn/Ecology: The Metaethics of Radical Feminism* (Beacon Press, Boston, 1978). Daly speaks of women who accept the roles assigned them in patriarchal culture as "fembots"-robotised, moronised, lobotomised "puppets of Papa" who do not realise the depths of their own degradation.
I. Varieties Of Feminist Critique

In *A Vindication of the Rights of Woman*, the eighteenth century thinker Mary Wollstonecraft, writing in the light of the libertarian and egalitarian principles of Enlightenment thought, argued that there could be no logical ground for regarding women as lacking in rationality, nor therefore for preventing their participation in public, political life. She particularly criticised J.-J. Rousseau's romantic account of women's education and proper role in his treatise on education, *Émile*. While Rousseau envisions for the boy Émile an education aimed at fostering independence of mind and spirit, autonomy and self-sufficiency, his companion-to-be, Sophie, is to be educated to please Émile and so fulfill her feminine potential.

She is to be compliant and obedient, modest and chaste. Her rational faculty is to be developed only insofar as it helps her to realize these uniquely womanly excellences. Wollstonecraft rejects this distinction between manly and womanly virtue. Though Rousseau stresses that woman's faculties are not inferior to man's, only different and complementary, Wollstonecraft argues that his setting up of a separate standard of excellence for woman undermines the universality of rational freedom. If women are in fact often frivolous, swayed by emotion and lacking in "the manly virtues of moral courage and disinterestedness" as Wollstonecraft herself acknowledges, then this is not their natural character. Rather it arises solely because of educational practices and social expectations which prevent them from perfecting their latent rational capacities. If education were the same for both sexes, then these cultural variants would be eliminated.

Wollstonecraft initiated a lengthy tradition of liberal feminist thinkers who argued that female biology is accidental to woman's true humanity, rooted as this must be in her equal capacity for rational thought and action. Political freedom and equality, they insist, follow from this premise of a universal human nature. Certainly these views were reflected in the suffragist movement of the nineteenth century, and have led to significant political and social transformation, so that in western democracies today it is no light matter to question the status of women as persons, as free, rational individuals, as fully responsible moral agents and as bearers of full political rights. Despite their divergent assessments of how best to realize feminine equality, liberal, existential and Marxist feminists alike concur that underlying woman's apparent passivity, immanence,
or lack of class solidarity, is a potential for free subjective action and thought, waiting to be liberated through some form of progressive revolutionary struggle.

For these thinkers, then, the notion that for woman 'biology is destiny' must be resisted. According to Simone de Beauvoir, and in subsequent generations, Kate Millett and Betty Friedan⁶, lives circumscribed by domesticity and child-rearing are not fully human, and women who accept the socially-constructed belief in a pre-given female nature, and hence in a determinate female destiny, are accomplices in their own enslavement. The only means beyond this self-imposed oppression is actively to seek a reversal of roles, accepting and identifying oneself with the male model of transcendence, which is traditionally presented as a neutral ideal, available universally to all human beings. Women who achieve self-liberation will do so by leaving the home to find a place in the labour market and by fully exploiting all technological means available to ensure their full transcendence of the physical and cultural exigencies of conception, reproduction and family responsibilities. Following through on this logic, the radical feminism of Shulamith Firestone⁷ envisions an androgynous utopia, in which reproduction has been entirely given over to technology, thus finally freeing woman to be the equal of man.

Yet alongside this deep focus upon the concept of woman as free individual, whose difference from man is entirely incidental, and whose authentic selfhood depends on emulating universal (male?) standards of rationality, has flowed another strong current of feminist discourse. From this perspective it is argued that women have been insidiously encouraged by much mainstream feminist thought to accept a masculine ideal of human excellence as paradigmatic, with the consequence that their own uniquely feminine characteristics and capacities have been judged inferior. It is argued that by accepting the Enlightenment notion of a common human nature or presenting female "immanence" as merely a privative "lack of transcendence"⁸--by seeing female biological determinants as nothing but an impediment to full human dignity--women unwittingly acquiesce in the standards of patriarchal thought, and in so doing lose all potential to achieve dignity precisely as women.

This strand of feminist thought is far from advocating return to a traditional ethos, however, but suggests rather that the struggle for equality has been misconceived as a struggle for liberation from feminine nature. What is required is that women self-consciously celebrate themselves as women⁹ and work toward recovering an authentically

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⁶ See Beauvoir, Simone de The Second Sex translated by H.M. Parshley (Bantam Books New York 1968); Friedan, Betty The Feminine Mystique(W.W. Norton, New York, 1963); Millet, Kate Sexual Politics (Virago, London, 1971)
⁸ This dichotomy of transcendence/immanence is Simone de Beauvoir's; for whom woman's characteristic "immanence" is identified with her animal nature, her biological functions as child-bearer and mother, which must be subdued and transcended if she is to assume the status of a free, rational human individual, the equal of her male counterpart.
⁹ One can note in this feminist turn from the quest for abstract human equality to a demand that feminine difference be acknowledged and respected a parallel with other 20th century movements. Thus, there came a stage in the American civil rights movement when 'Negro' activists, who had sought simple racial
feminine identity, free of dependency on norms and expectations generated by male-dominated culture. Woman's unique reality must be retrieved and revalorized, such that her genuine difference from man will no longer be articulated in terms of its 'otherness', inferiority, or lack (eg. of logic, of emotional maturity, of philosophical or scientific aptitude).

But what is it to be 'truly feminine'? Where should one locate woman's significant difference from man, and how might that female nature be retrieved from beneath layers of historical and social conditioning? For a significant group of feminist thinkers, the answer is to be found in biology. Interestingly, here they share a common ground with traditional opponents of women's liberation who claim that both male and female have a natural destiny such that traditional gender roles, rooted in irreducible biological differences, must be respected. Such feminists agree that important male and female potentialities can be traced to biology, but contrast the violence and aggression resulting from male biological features with the gentle, life-affirming, nurturant qualities they see as dependent on female physiology. Thus, for example Susan Brownmiller's thesis that all men, by nature, are rapists, and that even though all do not rape, all benefit from the power relations arising from their shared biological capacity. Others postulate a trans-historical, but not explicitly biological set of needs and desires, characteristic of men in all ages, which has lead to the systematic suppression of authentically feminine nature. The pseudo-historical concept of 'patriarchy' has been widely employed in this context to signify the universal domination of women by men. Via a complex 'genealogy' of women's oppression, such thinkers as Andrea Dworkin, Adrienne Rich, and Mary Daly, point out how, in cultural phenomena ranging from pornography and prostitution to religion, marriage, motherhood and heterosexuality, the patriarchal culture has imposed male power on its female victims.

For those such as Mary Daly who see woman's spirituality itself as compromised by patriarchy -- which Daly describes as "the prevailing religion of the entire planet" -- there is no hope of achieving freedom or dignity for women within its parameters. Thus, for women who reject the patriarchy's proffered invitation to either mimic male aspirations as "token women", (working in philosophy departments or Women's Studies Programs) or to remain in the ranks of submissive, domesticated "fembots", the only avenue of escape is to retreat into a primordial, separate female sphere where, freed of the strictures of masculinist thinking, they can encounter an independent, authentic feminine identity in which women can "cease to play the role of complement and struggle to stand alone as free human beings". Daly portrays this quintessentially female sphere as

equality, began to see themselves as having been 'co-opted by white culture' and in defiance recast themselves as 'black'. Homosexual activists similarly have appropriated the title 'gay', and promoted 'gay pride', as an antidote to patronizing heterosexual gestures of abstract equality.

12 Daly, Gyn/Ecology, p.39.
13 Daly, Mary Beyond God the Father: Toward a Philosophy of Women's Liberation (Beacon Press, Boston, 1973) p.26.
embodies a style of individualism aligned with life, dedicated to opposing "...men who have sapped the life-force from women."\textsuperscript{14} In a remarkably Nietzschean, prophetic tone, she proclaims that women must take back the power stolen from them by men: "The source of the energy is women's participation in the power of being as we hear and speak forth our own new word."\textsuperscript{15} Daly's vision is of a redeemed individuality, rooted in nature, in life and in the immediacy of a pre-reflective feminine spiritual harmony.

One sees in this perspective the mirror image of Simone De Beauvoir's existential stress on the free, rational transcendence of womanly immanence, or embeddedness in nature -- yet each presupposes as her starting-point the ideal of woman as a (potentially) autonomous, self-sufficient individual, whose identity is to be forged in independence of prevailing socio-political expectations and institutions. These opposed visions of what constitutes woman's authentic freedom in turn grow out of competing contemporary dogmas regarding what it is to be an individual: on the one hand, the Enlightenment, liberal-revolutionary view that abstract rational equality among persons, and the capacity progressively to transcend natural limits, are universal features of the human condition which override all differences of race, class, or sex; on the other, the claim that certain natural differences are essential to individual worth, that genuine freedom is realizable only through negating the life-denying principles of abstract human equality and a common rationality, putting in their place a 'concretely lived' subjectivity, rooted in precisely those natural distinctions and capacities so devalued by the prevailing 'humanist' ideologies.

What is striking about this standoff is that both sides formulate their analyses of woman's current situation, and their recommendations for achieving her true freedom, in terms of post-speculative philosophical positions which themselves stand in extreme opposition both to one another, and to traditional accounts of the individual's proper relation to social and political institutions. They are dependent for their vitality upon other philosophical movements -- socialist/Marxist humanism, existentialism, liberal democratic individualism, Nietzschean anti-liberal individualism -- which are themselves critical responses to nineteenth century speculative metaphysics, reactions against prevailing intellectual, cultural and ethical norms in the name of a fully actualized, free humanity. It is from within one or other of these counter-metaphysical frames of reference that feminist thinkers and activists formulate their own response to the tradition. Much contemporary feminist critique of traditional philosophy must be seen, not as an unprecedented, direct confrontation with the limits of such philosophy's patriarchal understanding of woman, but as mediated through its reliance on categories forged in earlier, non-feminist critical assaults on the foundations of traditional thought. The standpoint of a radically free, finite subject, an individual fully at home in a world of his/her own making -- which is the starting-point and goal of post-speculative, post-metaphysical thought -- is thus a recurring feature in feminist discourse, further mediated however by the feminist concern that this ideal should be exhibited in its full generality, and not simply as another male prerogative.

\textsuperscript{14} Daly, \textit{Beyond God the Father}, p.173.
\textsuperscript{15} Ibid.
II Feminist Views Of Hegel

With these remarks in mind, I turn now to some feminist assessments of G.W.F. Hegel's account of woman, since here one finds clearly exemplified the polarities which emerged in the previous discussion. Within current feminist literature there is a considerable body of commentary both on Hegel's account in the *Phenomenology of Spirit* of woman's function as guardian of the "sacred claims of the family"\(^{16}\) and on his analysis in the *Philosophy of Right* of the relation between the family, civil society and the state.\(^{17}\) Among many writers, there is a concern to expose the limits of the Hegelian analysis of female virtue and potential as being grounded in a discredited biological essentialism. Hegel, it is argued, understands woman as by nature destined to fulfill the role of passive embodiment and nurturer of family values, while her male counterpart assumes the challenge of progressively transcending natural immediacy, creating a cultural sphere of free moral action, of politics, art, science, religion and philosophy.

Citations from both texts have been appealed to by feminist authors in support of this general thesis:

...the difference in the physical characteristics of the two sexes has a rational basis and consequently acquires an intellectual and ethical significance ... man has his actual and substantive life in the state, in learning and so forth, as well as in labour and struggle with the external world ...Woman, on the other hand, has her substantive destiny in the family and to be imbued with family piety is her ethical frame of mind.\(^{18}\)

Women are capable of education, but they are not made for activities which demand a universal faculty such as the more advanced sciences, philosophy and certain forms of artistic production. Women may have happy ideas, taste and elegance, but they cannot attain to the ideal.\(^{19}\)

Womankind -- the everlasting irony in the life of the community -- changes by intrigue the universal end of the government into a private end, transforms its universal activity into the work of some particular individual, and perverts the universal property of the state into a possession and ornament for the Family.\(^{20}\)

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18 *Philos. Of Right*, #166.
19 *Philos. of Right*, #166 Addition.
20 *Phenomenology*, #475, p.288
When women hold the helm of government, the state is at once in jeopardy, because women regulate their actions not by the demands of universality but by arbitrary inclinations and opinions. Women are educated -- who knows how? -- as it were by breathing in ideas, by living rather than by acquiring knowledge. The status of manhood, on the other hand is attained only by the stress of thought and much technical exertion.  

In today's social and intellectual climate, it would seem that the proponent of such "quaintly repugnant" views could only be condemned as among the worst of misogynists. Yet, many feminist thinkers mine Hegel's work not simply to unearth ammunition for the war against the patriarchy, but also to help shed light on present day philosophical debates. Typical of much current feminist interest in Hegel's thought is Seyla Benhabib who remarks:

Hegel's philosophy is significant because the Hegelian problem of the relation between identity and difference that is central to his phenomenology is at the heart of the feminist project to create a free and equal society. That is, Hegel articulates the fundamental problem of contemporary society with which feminists are concerned even though his analysis fails when sexual difference is 'essentialized' and all that woman represents is confined to the family and 'overreached'.

From this perspective, the division of labour between the private (female) and public (male) spheres, central to Hegel's account of women, seems asymmetrical, illegitimately consigning women to a degraded, subordinate status inadequate to their true human worth as free, fully rational individuals. Nevertheless, Hegel's focus on logical relations between identity and difference, together with his emphasis upon the importance of the principle of subjective, individual freedom in modern society, offer contemporary feminists ample grounds for renewed reflection on his thought.

Accordingly a number of recent thinkers have addressed Hegel's account of women's function in the ancient Greek polis. Of particular interest is his portrayal of Sophocles' play Antigone as embodying an ideal of feminine ethical virtue, which is reiterated in his later account of woman's role in the modern state. They argue that Hegel's speculative

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21 Philos. of Right, #166 Addition.
vision of Antigone (who defies the decree of the king, Creon, to leave her dead brother unburied as a symbol of his treasonous actions toward the polis) as nobly yet tragically representing the 'divine law of the family' in opposition to Creon's '[human] law of the polis', fails to capture Antigone's radical otherness, her significance as "a woman liberated from the bonds of paternal and political obedience...", a rebel who represents the "revolt of the particular against subsumption into a universal schema."26

Such commentators view Hegel's speculative account of the tensions within ethical life in the ancient world through the prism of a contemporary emphasis upon the absolute value and primacy of the morally free, subjective individual. On this basis, Hegel's analysis is praised by some,27 who contend that despite his conservative prejudices in favour of the nuclear family and female confinement within it, one can find solid Hegelian grounds for woman's emancipation from such destructive, natural limitations. Others however28 insist that the dialectical movement from family life to civil society and thence to the state is unavoidably predicated upon a transhistorical assumption of woman's irreducible 'otherness', as evidenced by Hegel's reference to Antigone as a model even for modern womanhood. Thus Patricia Mills, for example, who says of Hegel that he "systematically misrepresents ... [Antigone] ...as a transhistorical ideal of woman as wife and mother, confined to the family as the sphere of animal life and inaction"29 Therefore, unlike even the slave of the Phenomenology of Spirit who can become a free subject, the equal of his master through work and risk of life, woman appears as simply a "victim of the dialectic" whose unconscious, inarticulate, natural immediacy must be suppressed as the price of male transcendence and freedom. She is the ghost destined forever to haunt the margins of Hegel's supposedly complete speculative system, the sacrificial Other whose static condition, her restriction to the passive life of the family, makes possible the development of civil society, and so the dialectical progress of modern culture.30

a) Irigary on Woman as the 'Irony of the Community'.

For the post-modern French feminist, Luce Irigary, it is precisely woman's status as outsider, neither master nor slave, which gives her power to "upset the order of the dialectic", to threaten the progress toward self-conscious freedom of the male members of

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27 See Heidi Ravven, Susan Easton.
28 See Benhabib, Oliver, Irigary
29 Mills, op. cit. p.43.
30 Oliver, op cit, "... the dialectical movement in Hegel's Phenomenology of Spirit that leads to the possibility of the properly political, social and ethical realm is dependent on the suppression of women and the feminine." (p.69).see also Irigary, Speculum of the Other Woman, pp223-4; Again, Patricia Mills: "Modern man leaves the family to move into the realm of civil society, where he emerges as a particular, but the sphere of undifferentiated universality or immediacy must be maintained. Therefore, modern woman is forced to do the family 'maintenance work' required by the Hegelian dialectic: woman is kept at home in the name of love to create and preserve the family" (pp.38-9).
the community through her unconscious, inarticulate presence. From this perspective, the only legitimate response to Hegel's negation of feminine freedom and dignity is to 'negate the negation' -- to recover Antigone, the lost feminine, from her silent, shadowy place "on the edge of the city", liberating her from her ambivalent, degraded role as support for and threat to the patriarchy. Woman, Hegel's "everlasting irony of the community", must affirm herself precisely as the contemporary, ironic voice of radical otherness, and so create a cultural space in which genuine difference will not simply be "overreached".

For Irigary, such restoration of irony demands nothing less than the radical subversion of Hegel's dialectic, and indeed of all western, "phallogocentric" philosophies. When modernist feminism tries to salvage a place for woman within the logical confines of traditional philosophies, Irigary argues, it capitulates to terms laid down by the patriarchy -- for example, the Hegelian concept of a sovereign, transcendent subject who becomes fully self-conscious through the struggle with all that is deemed Other. Thus, for example, Simone de Beauvoir's analysis of woman as the 'second sex' constructed by male consciousness as the 'objectified Other', presupposes that the ideal for all human subjects, male and female, is to move out of immanence, and so enjoy the status of universal free subjectivity. Irigary, however, while she shares de Beauvoir's view that woman has been 'exiled from subjectivity', and so must recover her own genuine subjectness, adopts a radical stance toward the identity logic she sees at the heart of

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31 Irigary, Luce "Love of same, love of other" in An Ethics of Sexual Difference trans. Carolyn Burke and Gillian Gill (Ithaca: Cornell,1993) "Antigone is silenced in her action. Locked up--paralyzed, on the edge of the city. . Because she is neither master nor slave. And this upsets the order of the dialectic." pg. 119
32 Irigaray, Speculum of the Other Woman . Referring to Hegel's treatment of Sophocles' Antigone : "...the Hegelian dream outlined above is already the effect of a dialectic produced by the discourse of patriarchy." (p. 217) and further: "Woman is the guardian of the blood. But as both she and it have had to use their substance to nourish the universal consciousness of self, it is in the form of bloodless shadows -- of unconscious fantasies -- that they maintain an underground subsistence. Powerless on earth, she remains the very ground in which manifest mind secretly sets its roots and draws its strength." (p. 225).
33 Seyla Benhabib puts this point very clearly when she says: "Hegel's Antigone is one without a future; her tragedy is also the grave of utopian, revolutionary thinking about gender relations... Repeatedly the Hegelian system expunges the irony of the dialectic, ... [yet, ironically] ... what remains of the dialectic is what Hegel precisely thought he could dispense with: irony, tragedy, and contingency... The vision of Hegelian reconciliation has long ceased to convince: the otherness of the other is that moment of irony, reversal and inversion with which we must live. What women can do today is to restore irony to the dialectic, by deflating the pompous march of historical necessity ... by giving back to the victims of the dialectic ... their otherness ... their selfhood." ("On Hegel, Women and Irony", p. 142-3).
34 Irigary, Speculum of the Other Woman. Following Jacques Derrida, Irigary views the history of Western culture as "phallogocentric". Western thought displays a distinctive form and a characteristic logic: the form of hierarchical opposition, whereby reality is divided into two opposing elements, one of which is positively valued, while the other is conceived negatively as Other.( eg. reason/emotion; mind/body; active/passive; subject/object). This form is not the self-conscious product of particular philosophical methodologies, but an unconscious and implicit structuring which underlies virtually all western intellectual positions. Derrida calls this dualist structure "the metaphysical exigency", and further holds that the binary, hierarchical structure is gender-coded: that there is a primary dichotomy such that the positive side of any metaphysical dualism is symbolised as 'male' while the negative side is 'female'. Masculine power and authority (the patriarchy) is thus constituted through maintaining these oppositions, which become manifest in a cultural order centred around the male focus on pure, abstract reason as the vehicle for achieving self-present, self-evident Truth. Derrida refers to this cultural nexus as "logocentric", but also, because of the equation between reason and masculinity as 'phallocentric' or 'phallogocentric' -- the phallus being a key symbol for male dominance.
modern thought. If woman is to achieve subjectivity, she must reject completely the tradition's characterization of the female as 'secondary' in any sense. It is language, not metaphysics, which determines what it is to be a subject -- and for Irigary, therefore, woman becomes authentically herself when she begins to "parler-femme" -- to "speak woman" -- a language specific to the feminine, which therefore challenges at its roots the Hegelian concept of a universal, rational subjectivity. Irigary contends that in the feminist critiques of deBeauvoir and her many contemporary legatees, woman remains merely a creature of the process of 'saming', whereby she is grasped not as genuine Other, but merely as one side of a metaphysical dualism in which she occupies the place of lack, inferiority, the "desexualized Other of the same." Her otherness is thus overreached, contained as a "semblance of difference" within the patriarchal hierarchy which continues to function unassailed.

Irigary demands that what is specific to woman should be spoken, symbolized -- not in the language of the phallogocentric, dualist tradition, but rather through an "écriture de la femme"\(^{35}\), a woman's writing which would be "excessive", a "derangement" of the male logic in which woman is always conceptualized as the negation of masculine reason and independence. If feminist critique persists in its effort to use the binary categories of logocentric thought, she asserts, then it cannot free itself from the valuation imposed on woman by that mode of discourse. What is needed is a thoroughgoing Derridean deconstruction of phallogocentric language, which would involve a re-reading of the texts of the patriarchy from a standpoint of "jouissance". In this mode of playful "feminine operation"\(^{36}\) the reader adopts an attitude of independence from phallogocentric categories, does not seek to engage with or criticize metaphysical dualism, or even traditional thought's implicit sexism, but instead de-centres the conceptual order, revealing it as having no intrinsic authority, a shelter for a multiplicity of meanings awaiting release from their confines within the patriarchal system. The deconstructionist, post-modernist ideal of the liberation of language thus appears as a veritable metaphor for the liberation of woman, who is conceived by such writers as Irigary as being trapped by the phallogocentric language -- the science, the philosophy -- of patriarchy.

In her exegesis of Hegel's account of Antigone Irigary uses deconstructionist/psychoanalytic techniques to reveal ways in which its surface logic

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35 Irigary, Luce Ce sexe qii n'en est pas un (Les Editions de Minuit, Paris, 1977) p. 76
36 Ibid. pg. 74. This feminine operation is needed in order to "jam theoretical machinery itself, to suspend its extension to the production of truth, and to a univocal sense." p. 75. Irigary here again follows Derrida, who describes his style of deconstructive discourse as a "feminine operation". He aligns himself with Nietzsche (cf. Spurs: Nietzsche's Styles trans. B. Harlow, University of Chicago Press,Chicago, 1978) who says he is an early feminine operator, precisely because he derides (!!) the feminists of his day. Liberal-revolutionary feminist opposition to the tradition is, for Derrida, simply another dimension of logocentrism, its negative shadow. By contrast Nietzsche's celebrated misogyny appears to Derrida as part of a "feminine operation" through which he subverts the binary structure of metaphysics, substituting the cryptic aphorism "truth is a woman" (ambiguous, dissimulating, elusive?) for the ascetic ideal of absolute, rational truth. Derrida sees women as rejecting phallogocentric truth; according to the binary values of the tradition their position is therefore 'false'. But this does not mean that there should be a feminist reversal of power; this would only be to preserve the phallogocentric duality. The techniques of 'feminine operators' (whether they be male or female) are rather, like Nietzsche's, designed to deflate the pretensions of traditional ideals, while offering no substitute 'truths' in their place.
obscures hidden complexities and resonances. She suggests that Antigone represents the "maternal/feminine/fluid" which has been repressed and which must be reclaimed from its merely negative role in Hegel's phallogocentric metaphysics. She construes woman as enjoying, through her biological nature, a unique relationship to fluids and fluidity -- to all that is non-identical, in flux. Emphasis upon the female body therefore permeates her analysis of what it would be to 'parler femme', so that she sees Antigone as the "guardian of the matriarchal blood-tie," and her sentence of death as the sacrifice of woman's "life-blood" in the interest of preserving the integrity of the male community. Yet male subjectivity, bought at the price of woman's bloodletting, becomes "bloodless", the process of "saming" generating only a weakened, abstractly universal masculinity which continues to be threatened by repressed feminine difference, "the eternal irony of the community". Irigaray's re-interpretation of Hegel's Antigone is a call to affirm and freely articulate precisely what she sees Hegel -- and all patriarchal, logocentric philosophies-- as necessarily suppressing: woman's deep roots in nature, in unconscious, pre-conceptual being, her difference which, in the figure of Antigone, bravely resists reduction to a mere shadow of masculine self-consciousness.

b) Mills' Opposition to Hegel's Restriction of Woman to 'First Nature'.

Irigary's insistence that to speak woman, to recover woman's freedom, requires an "excessive" matriarchal identification with generations of females -- an affirmation of the plenitude of their fluid relationships -- seems to many critics, however, to evoke precisely the same biological essentialism of which feminists often accuse Hegel. In the work of Patricia J. Mills, for instance, one finds a sustained opposition to any naturalistic, reductionist basis for female difference, and an argument that condemns Hegel's conception of woman's necessary absorption in family life -- both ancient and modern -- as an example of just such a biologically grounded identification of sex and gender:

The process of mutual recognition in the Hegelian schema necessarily excludes woman. Hegel believes nature has assigned woman to the family, the sphere of first nature, and he keeps her imprisoned there on nature's behalf. Whereas man finds a self-conscious reality or second nature in community, woman remains in the sphere of immediate biological life.37

By means of an "immanent critique of Hegel's philosophy", conducted from the perspective of critical theory, and particularly Adorno's negative dialectics38, she discovers that despite his express intention to confine woman to the sphere of first nature, or animal existence, in the figure of Antigone Hegel unwittingly portrays woman as a free, ethical agent whose actions move her beyond her limited function in the Hegelian system into the realm of "second nature or self-conscious political life."39 She contends

37 Mills, Patricia Woman, Nature and Psyche (New Haven: Yale University Press, 1987) p.12, However, see Philos.of Right #151, where Hegel clearly refers to family life (the ethical) as second nature.
38 Mills, pp.10-11.
39 Mills, p. xiii; also p.35.
that Hegel's dialectic in the *Phenomenology* therefore harbours an unacknowledged contradiction:

Woman has no contradiction to negate between herself and first nature -- she lacks negativity because she is confined within the sphere of 'mere animal life'...But Antigone becomes like a man, a participant in both spheres...By acting in the public sphere on behalf of the private sphere, Antigone becomes the precursor of the women who, in the recent past, proclaimed the personal as political.\(^{40}\)

In Hegel's schema, Mills argues, woman remains at the level of pre-reflective animal life; she merely "intuits" her role as the protector of the "natural ethical law of the family,"\(^{41}\) and cannot therefore achieve even the self-consciousness of the slave, because she is not someone capable of genuinely human action. Confined as she is within the family, "... she can never know herself as a particular self: she remains one of the walking dead, an 'unreal, insubstantial shadow'."\(^{42}\)

Yet, Antigone, says Mills, confounds this Hegelian straitjacket, by moving from the private "sphere of inaction" to challenge Creon's law of the *polis*. In so doing she "transcends Hegel's analysis of the 'law of woman' as 'natural ethical life' and becomes a particular self."\(^{43}\) Following Adorno, Mills sees Hegelian philosophy as limited by its transformation of the particular into the abstract category of particularity. When Hegel substitutes an empty concept (particularity) for the concrete forms of actual human experience (the particular), he proclaims a philosophy of identity, dominated by the universal. For Mills, this refusal of the dialectics of non-identity, of the particular, of difference, is especially relevant to the case of Antigone, who symbolizes for her the excluded forms of female experience.\(^{44}\)

Mills' analysis, then, criticises Hegel's account of woman *both* because she thinks it restricts her to a biologically determined destiny as a dweller in first nature, *and* because he fails to acknowledge her concrete individuality -- her capacity for a particular, free response to the confining circumstances of natural ethical life. In opposition to thinkers such as Irigary, for whom woman's freedom -- her particularity *qua* difference, or otherness -- are manifest precisely in a deep-seated participation in primordial natural rhythms, Mills reasserts the demand for female liberation from the bonds of nature. She does so, however, not through recourse to the principle of abstract universal equality, but rather through seeking validation for the concrete individual experience of female life.

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40 Mills, p.36.
41 Mills, p.35.
42 Mills, p.31
43 Mills, p.27.
44 Soren Kierkegaard, the nineteenth century existentialist (1813-1855) pursued an analogous critique of Hegel's failure to take account of the particular existing subject, and offered his own existential dialectic to counter the refusal of speculative thought to acknowledge the irreducible concreteness of finite existence. Of course, Kierkegaard made no distinction between woman and man in this regard -- for him, the chief thing was to oppose Hegel's view that human thought has a speculative dimension at all, and not to complain, as does some contemporary feminism, that only men can aspire to thinking.
Thus, for instance, she characterises Antigone as an authentically existential agent, for whom 'the personal is political'. She resolutely moves beyond the family into the public sphere, and by risking her life there, in a confrontation with male authority, accomplishes that very transition from nature to free self-consciousness which Hegel denies her.

c) Starrett: The Hegelian Family as Source of Feminist 'Empowerment'.

Some feminist writers, however, take issue with both these interpretations, arguing that Antigone's status as ethical representative of the family cannot be so summarily revised, as Irigary and Mills each from their divergent standpoints attempt to do. It is argued that Hegel's account is rooted in a complex appreciation of the significance of family life, which is distorted if the family, and woman's identification with it, is construed negatively, as simply a limit to be transcended on the journey to authentic individual selfhood.

Thus for example Shari Neller Starrett's reading of the Sittlichkeit section of the Phenomenology leads her to the view that "Hegel has a radical and potentially empowering notion of women in the realm of the family." Starrett applauds Hegel for his view of the family as a 'natural ethical community', recommending it as a valuable antidote for the sterile, male-dominated visions of societal order characteristic of contemporary culture. She interprets Antigone's courageous resolve to bury her brother, and so reclaim him from nature, as suggesting a transgenerational vision of family bonds "implicitly opening up onto those, living or dead, with whom we feel real (but not necessarily genetic) sisterhood, brotherhood, parent-child ties, or a 'marriage' of minds, bodies, spirits, wills or desires." Certainly this is in accord with much current social sentiment to the effect that 'family' can no longer be defined as the nuclear, biologically-based unit of traditional culture, but must widen its bounds to incorporate an infinite variety of possible human affiliations. But Starrett wishes further to argue that Hegel's analysis in the Phenomenology can be interpreted as illustrating how women, because of their confinement to immediate family connections, can offer an alternative model of human relation, thus posing "a critical challenge to men who have become historically and socially bound to the creation and protection of abstract rights or laws applicable to hypothetical individuals who they assume are singularly like themselves." Starrett thus positions herself among those feminists who, following Carol Gilligan, argue that

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46 Starrett p. 257.
47 For Hegel, however, this amorphous contemporary concept of family would undermine rather than enhance the family's function as a vehicle for spiritual life: "In essence marriage is monogamy because it is personality -- immediate exclusive individuality -- which enters into this tie and surrenders itself to it....Marriage, and especially monogamy, is one of the absolute principles on which the ethical life of a community depends." (Philosophy of Right #167)
48 Starrett, p. 257.
49 Gilligan, Carol, In a Different Voice (Cambridge, Harvard University Press, 1982)
contemporary 'rights-based', Kantian-type theories of morality, which focus upon the abstract equality of all human individuals, and derive moral positions on the basis of principles of universal equality, fail to recognize that women generally do not approach moral questions from this perspective. Whether the reason is biological or social, Starrett asserts that woman's way of moral thinking is in terms of "co-active, connective (and spiritual) being-with-others as opposed to individual being-for-self."\(^50\), and she contends that Hegel's account of Antigone as critic of the law of the polis in favour of the law of the family supports this contemporary feminist perspective.

She further notes that efforts by feminists such as Mary Daly to develop and enhance "woman-identified spirituality" could also benefit from Hegel's vision. Although she says that "the 'spiritual entity' of the family and women's embodiment of that spiritual presence meet a tragic end in Hegel's Sittlichkeit"\(^51\), nevertheless Starrett thinks that modern eco-feminists can draw on Hegel's understanding of woman's spiritual difference, her trans-generational bond with the living and the dead, to resurrect an empowering "goddess spirituality". Thus Hegel serves here as forerunner of a remarkably Nietzschean vision of spiritual life, which stresses the immanence of the divine, the "empowerment experienced by people as they come to grasp their heritage and presence," and the perceptual shift which such a retrieval would evoke from the "death-based sense of existence that underlies patriarchal culture to a regeneration-based awareness, an embrace of life as a cycle of creative rebirths."\(^52\) Starrett claims that all three aspects of feminist eco-spirituality are manifest in Hegel, for whom women "embody the divine", are "empowered through their genealogical connections", and whose "being-toward-life...makes them powerful instruments of relational rebirth as they provide a critical alternative to the being-toward-death that is associated with men."\(^53\)

Starrett's interpretation therefore opposes Mills' critique of Hegel's reduction of woman and family to the sphere of 'first nature'; she celebrates woman's rootedness in nature and the family as her greatest source of freedom and empowerment. However, in clear contrast to post-modernist thinkers such as Irigary, for whom feminine difference can be articulated only through the dissolution of all phallogocentric social/intellectual structures, she sees in Hegel's account of woman in classical antiquity positive support for a brand of 'difference feminism' which would enable women to emerge as authoritative spiritual guides amidst the confusions of contemporary life. However, Starrett makes no comment on Hegel's argument in the Philosophy of Right, which clearly affirms the monogamous, nuclear family as the appropriate model of modern

\(^{50}\) Starrett, p. 257.

\(^{51}\) Ibid., p.263.

\(^{52}\) Starrett, p. 264. She is quoting here in part from an article by Charlene Spretnak in MS magazine, (March-April 1993), pp136-137.

\(^{53}\) Starrett, p. 264 Starrett here interprets the Hegelian family as the focus for a kind of romantic "nature mysticism" in which the spiritual collapses into an immediate, all-embracing harmony with nature. Its concrete manifestation is an amorphous 'extended' family which incorporates individuals living and dead, blood-related and otherwise, and is presided over by the life-affirming presence of women. But this surely is to obscure the dialectical distinction-in-relation between nature and spiritual freedom which for Hegel is at the heart of human cultural development, and which motivates his account of the tension between family and polis in Greek society.
ethical life, and which further insists that in modern culture the function of woman and
the family is to facilitate the education of free individuals and citizens of the state, not to
adopt the position of intellectual and spiritual leadership Starrett envisages. Thus, while
Starrett enthusiastically embraces Hegel as a source of feminist insight, her account
conveys scant recognition of the complex logic and nuanced analyses presupposed
throughout Hegel's own texts.

d) Ravven: The Hegelian Family as Necessary Ethical Actuality.

By contrast Heidi Ravven argues that while one cannot deny the vital role of family
life in Hegel's dialectic, neither is it possible simply to import a revised 'Hegelian' view
on the family's place in classical culture into contemporary contexts, as does Starrett. A
sympathetic assessment of Hegel's position can show, she maintains, that

Although a clear advocate of the traditional bourgeois family Hegel,
perhaps paradoxically, also took a critical posture toward the family [in
general], identifying and formulating theoretically the nature of its
oppressiveness and the -- or at least a -- route toward its transcendence.

Ravven seeks insight into contemporary woman's condition, based upon Hegel's theory of
(male) human liberation as the transcendence of the 'unindividuated' harmonious
communities of the family and the Greek city. Her stance, however, unlike that of Mills
or Irigary, is not simply critical or deconstructionist. While she shares the general
feminist view that family life is oppressive to women, she is concerned to expose both its
cultural and spiritual value, along with what she contends are its inevitable weaknesses as
a modern institution.

Ravven points out that in the Phenomenology of Spirit, far from defending a vision of
male superiority based in an exclusive capacity to transcend nature by means of political
action ( cf. Mills' interpretation) Hegel sees the two realms of the Greek polis and the
family as representing the same ethical phenomenon. "Each is an immediate social
whole, an 'immaculate world unsullied by internal dissension',"; in both, the principle of
individuality, so fundamental to modern self-consciousness, is as yet undeveloped, so that
whether s/he is identified with the family or the polis, "the particular person is 'merely a
shadowy unreality'."

The law of the family, embodied in woman, and the law of the city,
embodied in man, are equally necessary, mutually implicatory moments in the ethical
substance, such that "neither power has any advantage over the other that would make it a

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54 Ravven, Heidi M., "Has Hegel Anything to Say to Feminists?" in Owl of Minerva, vol.19, no.2 (Spring, 1988), pp. 149-68.
55 Ravven, p.149.
56 Ibid.
57 Ravven, p. 150. Here Ravven is citing Phenomenology of Spirit (Miller tr.), paras. 463 and 464. Mills
uses the same citation, but to suggest the subordinate status of woman. Unlike the male citizen of the polis,
who is a particular individual, Mills argues that woman remains lacking in particularity or concrete
individuality.
more essential moment of that substance." These moments, then, stand and fall together: "Only in the downfall of both sides alike is absolute right accomplished, and the ethical substance as the negative power which engulfs both sides, that is, omnipotent and righteous Destiny, steps on the scene."

In classical Athenian society, which Ravven, following Jacob Loewenberg, calls an example of "the ingenuous society", the individual's ethical personality is identified completely with membership in the social whole: s/he assumes no critical posture with respect to the institutions of the society, either familial or political, and ethical action is rooted in custom. Such a condition may be termed one of 'natural freedom', provided one does not misconstrue this to mean that the members of such a society are immersed simply in a biological, immediate form of life. Ravven stresses that Hegel uses the term 'natural' in two distinct senses in this part of the Phenomenology: firstly, there is a literal sense, referring simply to biological, physiological states or characteristics; but secondly, there is a 'figurative' sense, which among other meanings refers to an uncritical acceptance of a given state of affairs. These meanings overlap throughout the text, but Ravven's chief concern is to make clear that, for Hegel, membership in neither the polis nor the family is reducible to immersion in mere biological nature.

On this matter she takes issue with Patricia Mills, who, she argues, glosses over these two senses, and therefore systematically misreads Hegel's account of the relation between the family and the polis. While Mills characterises woman's life in the family as primarily aligned with 'animal nature', contrasting it with the public, political male sphere as a realm of freedom, Ravven notes that both family and polis are natural in the figurative sense. The fact that the family is also a natural, biological unity of members who are blood-relations is significant, but cannot fully determine the function of the family as a moment within the ethical substance. The human law embodied in the polis is still largely unexamined custom, and the relationship of the (male) citizen to it is thus 'natural' i.e. habitual and immediate. Further, the fact that the family is the repository of divine law indicates how far beyond the merely biological woman's familial duties take her. The family is an ethical being, and as such is concerned precisely with the activity of spiritualising the merely natural relations among its members:

However, although the Family is immediately determined as an ethical being, it is within itself an ethical entity only so far as it is not the natural relationship of its members, or so far as their connection is an immediate connection of separate acting individuals; for the ethical principle is intrinsically universal, and this natural relationship is just as much a spiritual one, and it is only as a spiritual entity that it is ethical.
Family members do not relate to one another therefore simply as atomic individuals, nor is family feeling simply a matter of the arbitrary, personal love of one particular individual for another. As an immediate ethical whole, the family is a unity of purpose, and each family member has as his end the spiritual purpose of the whole family. Part of that purpose Hegel identifies as the symbolic transcendence of death: through rituals of burial the family takes upon itself the final duties of consigning the dead individual to the sphere of abstract negativity, thus preventing him from falling prey to the unconscious forces of mere nature:

This universality which the individual as such attains is pure being, death; it is a state which has been reached immediately, in the course of nature, not the result of an action consciously done. The duty of a member of a Family is on that account to add this aspect, in order that the individual's ultimate being, too, shall not belong solely to Nature and remain something irrational, but shall be something done, and the right of consciousness be asserted in it.  

Clearly, as an ethical being, the woman who assumes this duty of thrusting back the unconscious forces of nature cannot simply be characterised as herself merely unconscious, or natural. In fact, in the figure of Antigone, Hegel clearly presents

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Philosophy of Right the family is understood as a means of transcending mere subjectivism, or the state of nature, through an institutional commitment to an ethical universalism. Marriage is thus an ethical bond, not reducible to a means of procreation or satisfaction of individuals' sexual passions. Hegel's justification of monogamy, his opposition to arranged marriage, his rejection of the Kantian model of marriage as a civil contract between persons are all predicated on his view of marriage as an ethical institution.

62 Phenomenology, para. 452.

63 This view is taken however by numerous feminist interpreters of Hegel, e.g. Kelly Oliver, who notes: "Antigone's ethical act of burying her brother reclaims him for the properly ethical world of the community, yet she is not conscious of the ethical imperative upon which she acts...At the same time, Hegel maintains that Antigone suffers because she necessarily acknowledges the civil law and her guilt before it." (Antigone's Ghost, Oliver, p. 78). Oliver joins Irigary (see Speculum of the Other Woman, pp. 223-4) in seeing this as a telling paradox in Hegel's position -- but this is so only if one falsely assumes, as do these thinkers, that when Hegel refers to the ethical law of the family as 'unconscious' he means that the individuals who embody this immediate knowledge are themselves merely natural, unconscious beings, immersed in inarticulate, passive animal life. Antigone is a tragic figure for Hegel precisely because her actions elevate her above unconscious nature, and above even a merely subjective, contingent mode of consciousness to a self-reflective ethical condition of mind -- she is no mere particular subject, but the spiritual locus of a universal principle in defense of which she is willing to assume responsibility, guilt and suffering.

In Hegel's view, tragedy presents heroes who are "self-conscious human beings who know their rights and purposes, the power and the will of their specific nature and how to assert them; they are artists who do not express with unconscious naturalness and naivety the external aspects of their resolves and enterprises... they give utterance to the inner essence, they prove the rightness of their action, and the 'pathos' which moves them is soberly asserted and definitely expressed in its universal individuality, free from the accidents of circumstance and personal idiosyncrasies." (Phenomenology, para. 733).

Of course, for those feminists who criticise Hegel for refusing to acknowledge the radical freedom, individuality, particularity and difference of women, his elevation of Antigone to the status of tragic heroine is only further evidence of his failure to grant her the fulness of particular subjectivity. For them, the real 'tragedy' in Antigone's plight is her paralysis at the level of mere ethical universality, and her resultant lack of concrete existential freedom.
someone who quite consciously and deliberately defies the human law of the city, and assumes responsibility and guilt for so doing in the name of the universal sway of divine law which she sees must be acknowledged and upheld in all circumstances.

Ravven calls attention to the fact that there is clear symmetry between the family and polis in ancient Greek culture -- both are ethical institutions, in both there occurs a mediation of the merely natural; yet in both, there is also an element of the habitual, the customary and (figuratively) natural, such that man and woman, each in their particular spheres, exist in unreflective identification with the good of that sphere, be it family or city. This equality of the male and female perspectives is exemplified for Ravven in Hegel's analysis of the Antigone, where he argues that it is precisely because the ethical claims of the two opposing realms do not override each other that the spontaneous but precarious harmony of Greek life is threatened profoundly when the divine and human laws are brought into explicit conflict, as they are by Antigone and Creon. There can be no reconciliation, no higher synthesis of the two however, because while they are interdependent, at the same time they are mutually exclusive. This is why, Ravven argues, Hegel speaks of woman as a potential corrupting force, an 'eternal irony' within the community:

Since the community only gets its existence through its interference with the happiness of the Family, and by dissolving (individual) self-consciousness in the universal, it creates for itself in what it suppresses and what is at the same time essential to it an internal enemy -- womankind in general. Womankind -- the everlasting irony [in the life] of the community -- changes by intrigue the universal end of the government into a private end; transforms its universal activity into a work of some particular individual and perverts the universal property of the state into a possession and ornament of the Family. Woman in this way turns to ridicule the earnest wisdom of mature age.\(^{64}\)

This passage is frequently cited by feminists as evidence that Hegel views woman "as a sort of societal Lilith"\(^{65}\), so that the female side of this dualism must be suppressed in the interest of preserving the communal freedom of the male citizenry. Ravven disagrees, pointing out how vital family life is to this community, both as an ethical educator and religious institution. If woman and family are a corruptive force in Greek culture, this is not because of any inherent evil, or because woman is the source of merely natural, biologically-based desires which threaten male rationality, but because the very structure of the rigid dualism of family/polis is itself problematic. Woman, as representative of divine law, becomes a threatening force because of the latter's necessary suppression by the unmediated universality of the human law of the state. Lacking the modern bourgeois state's mediating principle (civil society) government and family confront one another in a tragic conflict in which neither side can be victorious. But the failure of reconciliation Hegel finds in the Antigone does not rest simply on an antagonism between male freedom and female animal passivity, (Mills' interpretation) or between the unconscious

\(^{64}\) Phenomenology, para. 475.
\(^{65}\) Ravven p.157.
particularity of woman and the rational universality of man (Irigray's view). Each side in
the duality embodies a moment in the ethical substance, each has an equal claim to right,
and each side ultimately becomes conscious of the necessity both of its own and the
other's claim, because both are grounded in a prior spiritual unity.

Ravven's approach here has been to emphasise the opposing but co-equal roles of
male and female ethical principles in the institutional life of classical Greek society. She
vigourously defends Hegel against the common feminist charge that he is a biological
reductionist who elevates male free rationality at the expense of female natural passivity,
and argues that neither man nor woman in this context manifests the capacity for free
personality and subjectivity which characterises modern culture. However, when she
turns to Hegel's view of modern bourgeois woman, Ravven finds her role severely
restricted: for while man emerges from classical culture as the potential bearer of full
individual self-consciousness and freedom, woman remains confined to family life,
where she functions at a level markedly inferior to her bourgeois male counterpart:\n
Women may have happy ideas, taste and elegance, but they cannot attain
to the ideal. The difference between men and women is like the difference
between animals and plants. Men correspond to animals, while women
correspond to plants because their development is more placid and the
principle that underlies it is rather the vague unity of feeling.\n
Here Ravven holds that by characterising feminine consciousness as physiologically
'plant-like' -- displaying an undeveloped unity of feeling, in contrast to the more active,
articulated 'male' existence of animals -- Hegel denies woman access to full rationality:

Women are capable of education but they are not made for activities
which demand a universal faculty such as the more advanced sciences,
philosophy and certain forms of artistic production.\n
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66 Certainly Hegel himself nowhere characterises woman's embodiment of the immediate unity of ethical
life in the family as 'inferior' to man's role in civil society. In that sphere of extreme particularity and
difference, the individual's radical self-diremption from the substantive unity of ethical life is both
necessary but also abstract and in need of further development. That we today so readily conceive of this
stage in spirit's progress as 'superior' to family life perhaps says more about contemporary culture's
'absolutisation' of the moment of subjective individuality than about Hegel's assessment of women's
spiritual capacity. For contemporary individuals there appears to be no higher life than that of a multiplicity
of 'free agents' competing and interacting in wholly contingent ways within an 'open society'. From this
perspective, Hegel's insistence on the re-unification of the opposed moments of extreme individualism
(civil society) and ethical immediacy (represented by the family) in the fuller life of the ethical-political
community appears as a misplaced idealism which must be eradicated if all persons, male and female, are
to take their places as equal members of a free society.

67 *Philos. of Right*, #166 Addition.

68 Ibid. Ravven here compares Hegel to Aristotle in the *Politics*, where both "slavery and patriarchal
domination of women [are justified] on allegedly natural grounds." (p. 158) She finds it amazing that while
Hegel views such a defense of slavery as pre-Christian and scandalous -- a product of a state of mind not
yet aware of the potentially infinite subjectivity and therefore equality of all men -- he would adopt
precisely this naturalistic explanation of woman's inferiority. In response to this criticism, however, one
should recall that Hegel himself sees Aristotle's view as a limited Greek one, displaying the same
Why should woman fare so much better in Hellenic society than in modern culture? Is the difference simply because the Hegel of the Philosophy of Right is older, more conservative? Or is there a systematic ground for the distinction? Ravven point outs that the Phenomenology compares the man and woman of the Greek world, neither of whom "have a developed sense and embodiment of their own individuality along with their unity with the social whole". In the later work he contrasts the male bourgeois citizen, who has undergone "self-diremption into explicit personal self-subistence and the knowledge and volition of free universality, i.e. the self-consciousness of conceptual thought ..." with a modern version of Antigone, whose antique virtues as guardian of family piety and immediate ethical harmony remain the model for modern womanly virtue. But why would Hegel retain the classical paradigm in one case, while seeing it as something which must necessarily be transcended in the other?

Hegel characterises woman as representing "[Spirit] maintaining itself in unity as knowledge and volition of the substantive" -- a description which Ravven notes could as well apply to the Greek man of the polis as to 'timeless' woman. The immediate and undifferentiated reconciliation of self and other in feeling that characterised the Hellenic family is "precisely similar to the customary harmonious political life of the ancients as Hegel describes it in the Philosophy of History. There, Hegel writes approvingly of the reconciliation of individual and group to be seen in the political life of the ancients; he further reminds us however that that harmony was partial, one-sidedly subjective. The freedom made possible in the modern state, by contrast, is not manifest in the mere feeling of justice or the perception of harmony; it necessitates the full and actual development of individuality and differences and their subsequent mediation and channelling toward common purposes. This end is achieved through the institutions of modern society, "which embody the principle of equality, the coincidence of rights and duties. The rational articulation of freedom in both its universal and particular aspects is possible only in modernity." Thus, while the ancient polis was, at its best, analogous to the family, in its uncritical harmony between individual and group, in modern society the development of self-conscious individual freedom occurs precisely by means of an institutional base which allows, indeed requires, transcendence of family harmony and entrance into the specifically modern arena of civil society. In the ancient world it was the attempted expression of individual self-determination which lead to its eventual disintegration, to difficulties which are the subject of Sophocles' Antigone. One might also wonder whether Ravven's insistence that Hegel offers here a merely 'naturalistic' interpretation of male-female difference, based on the plant-animal analogy, can be squared with his clear assertion that the Christian principle of human equality before God is fundamental to modern society.

69 Ravven, p.159.  
70 Philos. of Right, #166.  
71 Ibid. Knox's preferred translation of Geist as 'mind' is distracting; the more commonly accepted term 'spirit' is accordingly substituted.  
72 "The subjective will is a merely formal determination -- a carte blanche -- not including what it is that is willed. Only the rational will is that universal principle which independently determines and unfolds its own being, and develops its successive phases as organic members. Of this Gothic-cathedral architecture the ancients knew nothing." (Philosophy of History, trans. J. Sibree (Dover, New York, 1965), p.48.  
73 Ravven, p.160.
the falling apart of its two moments in unreconcilable disharmony. The importance of the modern emergence of civil society as the mediating vehicle for the proper development and containment within the state of the potentially destructive moment of individuality thus cannot be overestimated.

Yet it is in this context that Hegel's account of modern woman becomes deeply problematic for Ravven. She argues that for Hegel "the modern state is, in principle, if not yet in fact, a reconciliation of the fully manifested purposes and conflicts of (male) individuals and subgroups." This means that while women remain essentially rooted in the peaceful, immediate harmony of family life, men must negate this initial unexamined harmony, moving beyond it into a public sphere of conflict where, "by submitting [themselves] to physical needs and the chain of these external necessities and so imposing upon [themselves] this barrier and this finitude" (Philos. of Right,. #187), they can qualify themselves for entrance into a world of fuller ethical relationships, the state. Within the natural ethical harmony of the family, such true freedom is impossible. Freedom is accessible only to those who have experienced the process of self-alienation, conflict and reconciliation -- yet the condition of possibility of that process is life within the family. The family is the very ethical foundation of civil society and state, but for those destined to tend the familial hearth -- women -- it is also the foundation for their exclusion from the tumultuous sphere of individual spiritual development:

Natural, at the same time religious morality, is the piety of the family. In this social relation morality consists in the members behaving toward each other not as individuals -- possessing an independent will, not as persons. The Family therefore is excluded from that process of development in which History takes its rise.75

The modern family Hegel describes as a realm of "mutual surrender of individual personality"76 -- yet only woman persists in this altruistic state of ethical immediacy, while man's further duty is to enter civil society, forge there an individuated self and so realize the explicit, self-conscious unity of membership in the state. Through education, first in the family and then in civil society, the male sheds his passivity and immediacy to become a mature adult. However nostalgic he may be for the harmony and intimacy of family relations,

[the] final purpose of education [Bildung] therefore is liberation and the struggle for a higher liberation still: education is the absolute transition

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74 Ravven, p.161.
75 Hegel, Philosophy of History, p.59. Does Hegel perhaps mean that the family principle of ethical substantiality is driven into abeyance by the rule of the bourgeois principle of individual, subjective freedom which underlies and drives the historical development of the state, to re-emerge at the end of this history in the demand for a more comprehensive articulation of their essential unity? Is the rise of the women's movement (among other things) a harbinger of this post-historical mentality, which precisely because the principle of freedom is now actual in the world, demands a fuller acknowledgment and integration of that a-historical, substantive ethical principle which this very historical development presupposes?
76 Ibid. p. 42.
from an ethical substantiality which is immediate and natural to the one which is intellectual and so both infinitely subjective and lofty enough to have attained universality of form.  

Ravven claims that it is thus woman and the family -- the sphere of ethical substantiality - - from which the male citizen needs liberation. She thinks Hegel himself saw family life, considered as an end-in-itself, as oppressive -- a danger if it prevented men from achieving self-conscious individual freedom; nevertheless, the family retains an absolutely vital function in relation to bourgeois society. The educative role of the modern family is to nurture bourgeois citizenship by offering the (male) child an immediate formative experience, a model, of what it is to live as a member within a community in which his individuality is not independent, but is grasped as subordinate to the whole. When the young man moves out into the marketplace of conflicting desires and personal choices which is civil society, he can look back to the harmonies of family life as he strives to reconcile this egoistic life with the demands of political citizenship.

Ravven maintains that for Hegel both the Hellenic cultural world (family and polis) and the modern family are moments to be superseded, as spirit moves from an immanent to an explicit recognition of its essential freedom. But the transcendence of Greek society "is (logically) possible and necessitated, from a developmental standpoint by the male universal rational capacity." It is man, not woman, who achieves full self-conscious freedom, as by reflection and critical assent he shapes the social forms, the legal system, government, religion and moral values in relation to which he will live in more than merely customary submission. Thus, while Antigone is the female ideal for bourgeois and ancient Greek womankind alike, Hegel would think it utterly inappropriate for the bourgeois male citizen to aspire to be a modern Creon: "...nothing is so absurd as to look to Greeks, Romans or Orientals for models for the political arrangements of our time." The stability of bourgeois society is founded not simply on its allowance for the full exercise of individuality in civil society; it is also due to its balancing of two potentially rival principles, embodied for Hegel in male and female natures: "The history of consciousness is exclusively the history of the male transcendence of Creon but the female perpetuation of Antigone." 

Responding to Hegel's assignment of woman to perpetual ethical immediacy Ravven insists that "in Hegel's analysis lie the seeds of a more honest and liberating vision 

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77 Philos. of Right, #187.
78 Ravven, p.163.
79 Ravven, p.164; here she cites Philosophy of History, p. 47.
80 Ravven, p.163. Although Ravven does not place strong emphasis on Hegel's view of the state as the self-conscious reconciliation of the moments of family and civil society in an explicitly ethical community, she does present the bourgeois state as balancing the male and female principles in a way classical culture was unable to achieve. Yet she argues that Hegel cannot defend the state as resolving this classical conflict, unless he also maintains that since women do not have the same rational potential as men, they can and should always find their appropriate satisfaction within the confines of family life. If, however, he acknowledges woman's full rational equality, it would seem that perennial confinement in the family for the good of the state is simply a form of unwarranted exploitation, inconsistent with Hegel's own recognition of the universal sway of the Chrsitan principle of absolute equality of all persons in the sight of God.
81 Ravven, p.164.
women's potential than Hegel was prepared or able to accept. Hegel rationalizes the subordination of women's selves to the family and the state because such a subordination is essential to his project of a full reconciliation of the principles of ethical immediacy and free subjectivity. Yet Ravven says that Hegel's own insistence on the universality of freedom in the modern state should have alerted him to the contradiction of both recognizing women as ethical selves, while yet insisting upon their permanent "instrumentalization" for the alleged good of others. She wonders whether such acknowledgment of women's suppression by the family would have altered Hegel's assessment of the modern state. Perhaps he would have concluded that both male and female social structures were inadequate -- civil society because it so abstractly focuses upon atomistic, isolated individual freedom, family because it provides only for a self-destructive, de-individuating communalism. She asks "Would he have advocated the entrance of women into civil society and government? Would Hegel have even conceived of the family as capable of development as a social system?" Certainly the contemporary family, along with woman's relation to it, is in a state of profound disorder such as could not be conceived in Hegel's time. In addressing the significance of this disintegrative process, Ravven thinks that feminists can usefully appeal to Hegelian principles to illuminate "our present situation as a moment in the dialectical process toward freedom and just community", and to appreciate the possibility of critically reworking, not simply abandoning past social ideals and forms, in the light of present-day conditions and perennial rational considerations.

Conclusion

However divergent their varying assessments of Hegel's view on women and family, these four feminist commentators are united by a common concern with the question of what it means to be a female subject in the contemporary world. All approach the reading of Hegel from the standpoint of the self-evident validity and primacy of the principle of universal subjective freedom. Their competing usages of Hegel stem not from any disagreement as to woman's status as a free subject, but rather derive from divergent views as to how that essential principle might genuinely be shown to pertain to woman. Thus, some feminists who equate the liberation of women with recognition that gender is accidental to one's humanity find in Hegel severe resistance to that Enlightenment ideal, since he seems to emphasise women's difference from men, and to exclude them from precisely those domains where rational thought and action are most fully explicit. Others hold that in spite of his conservative views on women and family, there are grounds in Hegel for a more positive estimate of woman, based on the deeply liberal tendencies they discern in his thought. On the other side, those 'difference' feminists who wish to locate woman's true subjectivity in her uniquely feminine traits and potentialities -- her powers of intuition and emotion, her deeper connection with nature, her capacity for a 'caring' rather than an abstractly rational response to ethical difficulties -- find in Hegel support for this vision, by claiming that his emphasis upon significant gender distinctions offers a

82 Ravven, p.165.
83 Ravven, p.166.
means to a genuine liberation of woman compatible with her traditional role as the centre of family life. Again, however, this view is opposed by those who find the particular feminine differences Hegel emphasises to be nothing but proof that for him women are but the inferior 'other' of free, male subjectivity.

What is one to make of this wide-ranging interest in Hegel's thought, coupled as it is with such diametrically opposed assessments of its significance for the feminist project? Perhaps the answer is to be found by locating that project within the general problematic of contemporary culture. The intellectual and practical demand throughout western societies today is for the full recognition of all individuals as equal, free subjects. Yet it is increasingly clear that this goal is an ambivalent one, since genuine freedom can mean the attainment of fully universal rational equality irrespective of natural/cultural differences among persons, but can equally mean the acknowledgment of such natural/cultural differences as worthy of preservation and respect. Debates rage as to how -- or whether -- these opposed accounts of human freedom can both be accommodated, but the result of most dialogue is the further polarisation of perspectives, such that each side asserts its right, but neither can find argument sufficient to vanquish the other position.

In the case of feminism, one finds such polarisation in numerous contexts: between 'pro-choice'ers who argue that access to legal abortion for all women is the only position consistent with woman's status as a free, rational individual, and increasingly militant 'pro-life'ers who maintain that such universal access devalues the concrete human existence of both fetus and mother; between those who promote the use of all available technologies to help any woman -- married or single, straight or gay, adolescent or post-menopausal -- to conceive if she so desires, and those who argue that the use of such technologies, far from freeing women, is part of the patriarchy's effort to keep women in the socially-approved role of mother, while also degrading the natural beauty, suffering and challenges associated with motherhood and conception; between those who argue for universal daycare programs to free all women to enter the workforce, and those who insist that such wholesale abandonment of the mother's traditional responsibility for childcare is the sure road to a dysfunctional family and society. In all such contexts, the tension between two compelling visions of human freedom and dignity is evident, yet the resolution of these competing standpoints in some higher principle eludes us.

Feminist interest in Hegel can be interpreted in the light of this on-going dilemma. Faced with the sterility of contemporary discussions, some feminists have been attracted by the richness of his analysis of woman and family. In Hegel's philosophy the relation between feminine gender-specificity and universal human freedom is subtly developed, both in the context of classical Greek culture and in the modern Christian state. What one does not encounter in Hegel, however, is that abstract isolation of the principle of subjective freedom, nor of each moment within that concept, which afflicts contemporary discussions. The difficulty for the feminist wishing to draw insight from Hegel is that precisely because s/he approaches his work from within one or the other current definition of feminine identity, the same abstractions and dichotomies, the same difficulties for a consistent account of feminine freedom are 'discovered' there, as pervade
the wider contemporary culture. Accordingly one finds feminists who applaud Hegel for his liberalism, others who condemn him for his lack of it; feminists who welcome the emphasis upon the significance of gender distinctions in his account of the development of freedom, others who condemn him for precisely the same reason.

But if Hegel's thought is to shed any useful light upon current feminist reflection, what is needed is an approach which respects the dialectical integrity of the speculative project, rather than interpretations which begin from the assumption that such a project has long been discredited. A dialogue between such an open-minded feminism and the Hegelian account of women and family could well be fruitful, if one bore in mind that feminist concerns have analogues in many features of contemporary society, and that Hegel's remarks on women's identity and role occur always in contexts where he is seeking to clarify wider issues of the nature and limits of ethical life in its relation to civil society and the state.

From our contemporary perspective, it is by now abundantly clear that no simplistic deification of radical individual freedom, in whatever context, can resolve the intellectual, ethical and political aporia to which its pursuit has led; nevertheless, it is no less obvious that this principle is the spiritual foundation upon which modern -- and perhaps even post-modern! -- culture is based. What is needed therefore is a re-contextualising of this principle by means of a thinking which acknowledges its centrality to our contemporary self-understanding, while offering a means of considering its proper limits and appropriate relation to other essential moments of human reality. In the context of feminist thought, this would mean seriously raising the question as to whether the unrestricted pursuit of personal, individual freedom and rights for women, or for any other category of humanity, is sustainable as an isolated ideal, given the evident contradictions into which the general principle of subjective freedom has in practice fallen. On the other side, questions of woman's relation to family life, her legitimate aspirations to be a full member of civil society and active citizen of a state would require consideration in the light of this critique.

Current social phenomena already speak to these matters, as individuals seek solutions within their own lives to the irresolvable tensions which an uncritical adherence to the twin values of family life and individual freedom generates. Thus one finds politicians and 'REAL Women' calling for a return to 'family values', while also demanding that single mothers get off welfare and out into the workforce. Alternately, feminists agitate for financial remuneration for homemakers, trying thus to reconcile the contradiction between women's desire to be recognized as contributing members of civil society with their intuition that family life is just such a contribution. Recent mass rallies of the 'Promise Keepers' -- an evangelical Christian-based men's organization dedicated to revitalizing the husband/father's role within family life while criticising traditional male devaluation of private as opposed to public institutions -- have been looked upon with suspicion by women's groups and religious liberals who fear that such movements are harbingers of a renewed assault on women's hard-won equality.
We now find ourselves at a stage of culture where the principle of subjective freedom is fully explicit -- where 'history' as Hegel understands it has ended -- and where, as a paradoxical consequence, both life within the family and relations and institutions in the public sphere are deeply compromised. Hegel's insistence that both substantive ethical life (for him represented by woman in the family) and the sphere of free individual expression (represented by man in civil society) must be preserved if a genuinely ethical political community is to be sustained, finds scant support among feminist thinkers. Yet feminists who criticise Hegel for failing to accord women a place in the dialectical progress toward freedom, or who argue that because women are identified primarily with the family sphere they are not free, could well find grounds for a penetrating critique of contemporary values in Hegel's insistence on the dialectical interdependency of the sphere of 'natural' ethical life (the family) and those spheres (civil society and the state) where 'historical' progress toward self-conscious freedom has been enacted. Precisely because of our present post-historical condition -- where post-modern skeptics confidently deconstruct all speculative categories and where notions of feminine liberation, or significant gender difference, are themselves called into question as remnants of the history of logocentric thought -- there may be opportunities for fresh insight. Perhaps within 'post-history' alone can what Hegel saw as the 'a-historical', ethically immediate moments of modern culture achieve full recognition and integration within the historical dialectic from which women complain they have been excluded.

Hegel's outrageous remarks regarding women's lack of capacity for education or political involvement, his determination to maintain her at the dialectical level of Greek womanhood (cf. Antigone) must be seen in the context of his overall project. It would be entirely misleading to attribute these (to contemporary minds) offensive features of his thought to mere conservative prejudice, or to a sexist determination to maintain patriarchal power over womankind. Hegel was clear that women are indeed legal persons possessing abstract rights, and ethical beings capable of moral choice; they are in no way comparable to the slave, who occupies a place in the dialectic which is 'transitional' between nature and freedom, and for whom the risk of life in the struggle for recognition is deterministic of his identity as free self-consciousness. Nevertheless, he argues that the concepts 'person' and 'moral subject' are abstractions, which receive their concrete actuality only when they are given real embodiment in the social institutions of modern life -- i.e. the family and civil society.

Hegel was deeply critical of the tendency to 'atomistic' individualism prevalent in his time, and eschewed any vision of a free society as a mere aggregate of private persons, all functioning as economic producers/consumers of resources: desire-fulfillers motivated by subjective considerations alone. If freedom is to be actualised the state must harmonise the demands of individual freedom and private self-interest with the notion of a common good. Thus in the fully actual state, individuals would experience themselves, not as restrained by social institutions from the realisation of their full freedom, but as sustained through those institutions in the proper exercise of that freedom.

Hegel does not deny woman the status of free spirituality, but he insists that in modern ethical life there are reconciled the equally essential principles of ethical substantiality --
embodied in social institutions emphasising habit, feeling, trust and tradition -- and modern subjective freedom -- embodied in institutions which support the pursuit of private interest and economic autonomy. Free spiritual beings must therefore fulfill two essential, different yet complementary functions, as spirit moves towards its fullest self-expression. To woman -- "spirituality that maintains itself in unity as knowledge and volition of the substantial ..."\(^8^4\) -- he allots the function of guardian of the ethically substantial as it appears in family life. In the interests of the well-being of the state as the highest ethical community, the proper vehicle of freedom, woman is required to occupy a position outside the struggles of spirit in its historical development toward that freedom. He justifies this spiritual division of labour by insisting that there are natural differences between men and women such that each by nature is suited, indeed has a vocation grounded in reason itself, for the part they play.\(^8^5\) Hegel's intention is not then to degrade women, to offer them nothing but 'bit parts' in spirit's great drama. His concern is never with mere individuality, or particular personalities, but rather with how individuals might best give expression to the actuality of spirit in the world. These sound ethical considerations validate, in Hegel's estimation, the customary exclusion of woman from the sphere of intellectual and political developments.

Nevertheless, from our present perspective, with the emancipation of women from all familial restrictions and the dismantling of many traditional social and political institutions well advanced, it may seem that Hegel's vision has nothing to contribute to contemporary debates. After all, despite his insistence upon the rational necessity for women to remain devoted to family matters, women today occupy increasing numbers of public positions, even as traditional feminine roles come under severe attack. At the same time, however, as we have seen, there is an uneasy recognition in many quarters, including among feminist thinkers, that contemporary society cannot adequately function if everyone assumes a place in civil society, entirely abandoning the realm of family life to individual caprice and contingent personal preference. The question remains as to the underlying intellectual roots of these contemporary concerns. I would argue that balanced reflection on Hegel's thought does offer the possibility of addressing such fundamentals.

Hegel's account of ethical life affirms the equal importance of both the 'substantive' and the 'reflective' ethical principles, and defends a necessary differentiation of social roles to accommodate that duality, but he further maintains that the 'reflective' principle of subjective individual freedom is the characteristic principle of the modern world, and that the realization of such freedom for modern individuals is achieved through involvement in civil society. Finally, it is important to note that Hegel fully embraces the Christian principle of the equality of all persons before God as a formative principle of the modern ethical state.

Given these three factors, one can perhaps begin to discern Hegelian grounds for contemporary woman's view that her traditional estate is oppressive. For if indeed subjective freedom is the guiding principle and actuality of present-day culture, and if the Christian teaching of the equality of all persons does still inform our post-Christian

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\(^8^4\) Philos. of Right, #166.
\(^8^5\) See Philos. of Right, #165.
value-system, then the intellectual foundation is laid for those who are excluded from the unrestricted expression of individual freedom to conceive of themselves as unequal victims of injustice and oppression. Feminists often characterise their cultural experiences as analogous to 'slavery', and advocate a revolutionary appropriation of the power of their male oppressors as a means toward liberation. Yet clearly such an understanding of oppression can arise only on the basis of a prior certainty that women are already in actuality free, equal beings. Our present preoccupation with individual liberation -- and its obverse, oppression -- would be inconceivable, in the absence of the principles and conditions first fully enunciated in Hegel's speculative thought.

The situation for modern women is greatly complicated however by the fact that in their capacity as ethical beings who are already intrinsically free, they have traditionally functioned to create and sustain that sphere of 'ethical substantiality' without which life in civil society and the state would crumble. It is recognised still today that, the universal demand for equal access to the arena of subjective freedom notwithstanding, the political order cannot dispense with the vital ethical functions contributed by the family. Hegel was anxious to make a connection between woman's actual (in the nineteenth century) absorption in family life, and her apparently natural suitability to that 'selfless' role. Still, he was well aware of the cultural mediation of gender distinctions -- his historical writings offer numerous examples of women's involvement in supposedly 'male' roles in non-western cultures. Why then does he insist on fundamental gender differences in this particular context? The argument can be made that what Hegel wishes to preserve at all cost is the dialectical 'distinct-yet-interrelated-ness' of the principles of ethical substantiality and subjective freedom in modern society, not the categorical confinement of women to family contexts. In practice, someone has to occupy the station of guardian of ethical substantiality, and it should be someone whom nature best fits for that responsibility. To Hegel in his time, woman's potential appeared to have long developed in that direction; but that this someone must be woman is surely not essential to the overriding logic of his position.

In contemporary society, with its emphasis on the primacy of subjective freedom, any social role which limits or restricts the individual's potential for self-actualisation seems incompatible with a full human identity. Thus the function of 'housewife' or 'homemaker', which necessarily demands a focus on the well-being of others, and consequent diminution of personal freedom, is defined as 'oppressive', and accordingly devalued by the general society -- except insofar as, for some individuals, it may be regarded as a chosen instrument for creative self-expression. For Hegel, however, this essential principle of subjective freedom is abstract and destructive unless anchored in a substantive ethical life. This immediate ethical life -- the life of personal relationships, customary practices, trust and habitual virtue -- is the ground which sustains the abstract principle of individual (moral) autonomy and permits the fulfillment of ethical life in the state:

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Ethical life is not abstract, but is intensely actual. [Spirit] has actuality, and individuals are accidents of this actuality. Thus, in dealing with ethical life, only two views are possible: either we start from the substantiality of the ethical order, or else we proceed atomistically and build on the basis of single individuals. This second point of view excludes [spirit] because it leads only to a juxtaposition. [Spirit], however, is not something single, but is the unity of the single and the universal.\(^87\)

In Hegelian terms, then, the challenge for contemporary society -- and perhaps particularly for feminism -- is to reconcile the radically explicit articulation of the principle of atomic, individual freedom with the intuition that this principle cannot stand alone as the foundation for political community.

\(^{87}\) *Philos. of Right*, #156 Addition.
On Reading Philosophy After Analytic Philosophy

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It is already some years since I was struck by the multitude of falsehoods that I had accepted as true from my childhood, and how doubtful was the whole edifice I had afterward built on them. Descartes, Meditation I.

We have grown accustomed to the censure and abuse of the philosophic sages of former times, especially from our contemporaries in Anglo-American philosophy. It is no longer shocking to read of Kant's achievement, "Like all great pioneering works in philosophy the Critique is full of mistakes and confusions...the Critique still has much to teach us, but it is wrong on nearly every page"¹; or of Aristotle, "[he], like Adam, began right, but soon wandered into a wrong path, with disastrous consequences for his posterity."² Such judgments about pre-twentieth century philosophy are the results of the success of logical positivism of the early part of the century and its transformation into the linguistic philosophy of more recent times. In this decade linguistic philosophy has itself been described as "that now distant philosophical style³." Richard Rorty finds his 1965 essay "Metaphilosophical Difficulties of Linguistic Philosophy" partly embarrassing, partly amusing, saying of it, "The controversies which I discussed with such earnestness in 1965 already seemed quaint in 1975. By now they seem positively antique,"⁴ But this does not signal that earlier philosophy has been somehow redeemed or enjoyed any renaissance. It is rather that there is despair in the ranks of those former linguistic philosophers: they no longer believe they can save even that tenuous link with the past which their linguistic reinterpretation of Plato, Descartes, Hume, Kant etc. attempted. Philosophy as a discipline with a method of its own, philosophy as "anything unified, continuous or structured" does not for them exist.⁵

What is the legacy which remains after this century of overthrow? For those with an unrepentant devotion to the study of the works and arguments of the Western philosophical tradition, it would be premature to regard what has happened in the ranks of analytic philosophers as corresponding to, say, the destruction of the Berlin wall. For decades, philosophy in the English-speaking world has had to conform to external standards of "intellectual correctness"; several generations of philosophers in our

² Peter Geach, Logic Matters, Berkeley, 1972, 44.
³ Bernard Williams, "The Need to be Sceptical", Times Literary Supplement, Feb. 16-22, 1990, 163.
⁵ Ibid., 374.
universities have molded their institutions and formed their students to think that philosophy was analytic philosophy. If now it appears we may think otherwise, it would be rash to conclude that we are able to do so, that our minds are unfettered and free after all those years of conformity to an essentially alien logic and a distorting reductionism. Before we turn again to the texts of our tradition, it would be wise to reflect on what has been endured, and what we might do to overcome the lingering effects of our ordeal.

The early history of analytic philosophy is well enough known, its rise at the beginning of the century⁶, then the production of its logic and accompanying ontology⁷, and as a further development the emergence of logical positivism.⁸ The subsequent history is of the division in the movement itself, principally the difference between Ideal Language philosophy and Ordinary Language Philosophy.⁹ If the earlier history of linguistic philosophy simply dismissed most philosophy prior to itself as meaningless, the later history appropriated what it could of earlier thought to itself. Whether from the side of Ideal Language, where traditional philosophical theses are viewed as inchoate attempts at the formulation of an ideal language, or from the perspective of Ordinary Language philosophy, where as with Strawson one might glean a "descriptive metaphysics" from Leibniz or Kant, the intention was no longer to commit all of past philosophy to the fire, but to give to linguistic philosophy a way of appropriating that whole history to itself.¹⁰

How shall we approach, even modestly, the task of identifying the consequences of this history for those who have been its victims? It is perhaps too early to be systematic; certainly it would be overly long and arduous in this instance to try. Here I will draw attention to two sources of deception that the history suggests: deceptions arising from its logic and deceptions from its appropriation of older philosophy to itself. There are important reasons for drawing attention to these two sources. The logic of Principia Mathematica, wholly inappropriate to a philosophical text, is still with us and rules the intellectual world; and the commentary that fills our journals and philosophy book shelves, if it was published in the twentieth century, is quite likely a reduction of rich text to the limited vision of what conforms to linguistic philosophy. Through examples of the

⁶ Anthony Quinton in the first of a series of BBC radio broadcasts on modern British philosophy in 1971: "I think everyone would agree that there is a genuine continuity in British philosophy since the great year of 1903 when Russell's and Moore's first vitally important works came out." These conversations have been published in Bryan Magee, Modern British Philosophy, London, 1971. I quote from p. 1
⁷ Its logic is given in Principia Mathematica (1910-14); its ontology, Russell's "logical atomism" given precision in Wittgenstein's Tractatus, where the logic together with its theory of meaning and ontological commitments form one system.
⁸ "Now the logical positivism which developed to a very large extent out of Wittgenstein's Tractatus arose from taking this abstract structure [that for a proposition to have meaning it must picture a fact]..., and giving it a particular application. The essential step is the idea that the elementary or basic propositions of language describe sense experiences, immediate experiences - the occurrence of colour patches in the visual fields of observers, the hearing of sound, the smelling of smells. And when you make this application of Wittgenstein's fundamental doctrine about meaning, what you get is something that is well-known as the central thesis of logical positivism - the verificationist doctrine that for a form of words to have meaning is for it to be correlated with some type of experience which makes it true, and whose failure to occur would falsify it." Anthony Quinton again, Magee, 6-7.
⁹ The former centered at Cambridge, although the later Wittgenstein is exceptional; the latter at Oxford.
¹⁰ The history of linguistic philosophy is presented in a most readable form in Richard Rorty's 1965 essay, the introduction to his Linguistic Turn, 1-39.
misunderstanding of older things that results from either the application of an alien logic or the reduction of texts to alien forms, the work will have begun of heightening our awareness of such deceptions. It is remarkable how frequently they occur, how easy to identify and convict them, and how essential for our philosophical health that we root them out and be done with them.

A. Philosophy In An Alien Logic

Modern logic presented most lucidly is developed as a *formal system*, where 'validity' can be defined either syntactically in terms of the axioms and rules of the system or semantically in terms of its interpretation. What follows is an account of modern logic as a syntactic formal system, that is, as a rigorous syntax or grammar using a small number of symbols to which is added an apparatus of axioms and transformation rules, as well as a method for deriving other elements expressible in the grammar from the axioms and rules, 'theorems', say, which follow rigorously from the axioms by the rule(s) of inference. As soon as we ask, "But are the theorems true?" we must recognize that the system is not equal to the question. No claim is made for the truth of the axioms. We might want to say that the theorems 'follow from' the axioms, but even that must be understood as an abstraction, there being no justification for assuming that what 'follows from' is the same as what is logically implied.

'Validity', a concept which arises in making objective appraisals of logical inference, can be given an analogous sense when transformed to a property of a formal system. In the axiomatic system of *Principia Mathematica* (PM) or *Begriffsschrift* (B), we can say that a certain formula is 'valid-in-the-system-of-PM (or B)' if and only if it is a line in a sequence derived from lines which precede it by means of the axioms, already established theorems and the rule of inference of the system. A 'theorem' in such a system can also be usefully described as a line valid-in-the-system-of PM (or B). But we should always remember that we are not saying anything objective ("extra-systematic" in Haack's account) about the relation of axioms to theorems, or conclusion to premises, but something laid down in the system itself. What is deducible-in-the-system-of-PM is not *prima facie* objectively deducible, but only what is counted as deducible, taken as deducible, laid down as deducible, within and only within that system. If we should change the axioms or rule(s) of inference, if we should change the derivation procedure, what was formerly deducible would perhaps no longer be so. The employment of an axiomatic formal system removes from discussion all questions of objective criteria of validity and deducibility, all objective logical appraisal, and replaces it with a more or less arbitrary criterion of its own, appropriate only to that formal system itself.

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11 Susan Haack notes, "Frege confidently supposed that the principles of his logical system were self-evident until Russell showed that they were inconsistent!" *Philosophy of Logics*, Cambridge, 1978, 153.
What has been said about logical appraisal in syntactic formal systems can be extended, *mutatis mutandis*, to semantic formal systems. In both cases, the conceptions of 'validity', 'deducibility' are strictly system-relative.\(^{12}\)

In spite of these well-known, unimpeachable characteristics of the system of PM (or B), now called "classical logic", it is not uncommon to find in commentary on the arguments of past philosophers an analysis of such arguments by the methods of "classical logic", most often to show the invalidity of the arguments in question. Without reservation or so much as a "by your leave", the argument is symbolized, its invalidity duly noted, and it is summarily dismissed, not as invalid-in-the-system-of-PM, but as objectively invalid. Textbooks on logic, especially those that carry such titles as *A Logical Introduction to Philosophy*\(^{13}\) provide notable examples. But so does the world of scholarship. For example, G.E.M. Anscombe in her *An Introduction to Wittgenstein's Tractatus*:

Frege also gave us the modern conception of `quantification', which is so useful and in such general use in logic that we regard it as we regard the wheel, forgetting its inventor. Quantification essentially consists in reformulating 'Everything is heavy' as: 'For all x, x is heavy; and 'Something is heavy' as: 'For some x, x is heavy' or 'There is an x such that x is heavy'. These are written in a symbolic notation.

The general reader may wonder at first whether the interest of such a device is not purely technical. It is easy to bring out that this is not so; it is of great general interest in philosophy.

For example, this formulation supplies us with a perspicuous refutation of the celebrated Ontological Argument of Descartes: people have been generally agreed that, but not how, it is to be refuted. According to the Ontological Argument the notion of God involves that of existence, as that of a triangle involves the various properties of a triangle; therefore, God exists. Let us concede the premise. (There is even good ground for it in that fact that e.g. 'There used to be a God, but isn't any more' seems to conflict with the concept 'God'.) The premise should be stated as follows: Just as, if anything is a triangle, it has those properties, so if anything is God, it must possess eternal existence. This is fair; we must be permitted to take seriously the argument about triangles which Descartes relies on. But in the sense in which the conclusion 'God exists' is intended, it means that *there is* a God. And that by no means follows from the premise. For, quite generally, from 'For all x, if Fx, then Gx, we cannot infer: 'There is

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\(^{12}\) Ibid., 13-14. She remarks further, "...formal logical systems aim to formalise informal arguments, to represent them in precise, rigorous and generalisable terms; and an acceptable formal logical system ought to be such that, if a given informal argument is represented in it by a certain formal argument, then that formal argument should be valid in the system just in case the informal argument is valid in the extra-systematic sense. ... In fact, there is like to be a quite complex process of adjustment."

\(^{13}\) By Richard Purtill, New Jersey, 1989.
an x such that Fx.' That is, interpreting 'Fx' as 'x is God' and 'Gx' as 'x has eternal existence', we cannot infer 'There is a God' from 'For all x, if x is God, x has eternal existence' ...

Again, the following fallacious piece of reasoning is found in Aristotle: 'All chains of means to ends must terminate in a final end. This final end will be the supreme good.' The first statement is reasonable; the second assumes that the first has shewn that there is some one end, the same for all chains of means to ends, in which they all terminate: the fallacy is immediately avoided by writing:

For all x, if x is a chain of means to ends, there is a y such that y is the final end and x terminates in y, which is very different from:

There is a y such that y is a final end, and for all x, if x is a chain of means to ends, x terminates in y.

Here I do not enter into the validity of the two arguments, although I will consider the content of the latter argument below. What is to be noted is simply the tacit assumption that what is invalid-in-the-formal-system-of -B (in this case) is objectively invalid. The assumption is unwarranted but commonly made. Considerable stubbornness must be exercised, in fact, to resist it, especially after almost a century of submission to this logical system. Susan Haack notes:

One may begin to develop a formal system on the basis of intuitive judgments of the extra-systematic validity of informal arguments, representing those arguments in a symbolic notation, and devising rules of inference in such a way that the formal representations of informal arguments judged (in)valid would be (in)valid in the system. Given these rules, though, other formal arguments will turn out to be valid in the system, perhaps formal arguments which represent informal arguments intuitively judged invalid; and then one may revise the rules of the system, or one may, instead, especially if the rule is agreeably simple and plausible and the intuition of informal invalidity not strong, revise one's opinion of the appropriateness of representing that informal argument in this particular way. And once a formal logical system becomes well-established, of course, it is likely that it will in turn tutor one's intuitions about the validity and invalidity of informal arguments.14

Lest the undeniable success of "classical logic", its universal acceptance in the English-speaking world15, should deceive us into thinking there is no harm in presuming

14 Haack, 16; italics mine.
15. Peter Geach in his "History of the Corruptions of Logic", Logic Matters, 61, rhapsodizes: "But in spite of all enemies modern logic grows and flourishes; we have reaped such a harvest of discoveries that in the words of the hymn we may 'boast More blessings than our fathers lost'. And thanks to Russell and Frege, most of the logical insights that were lost by Aristotle's Fall have been recovered."
it is sound, it is required that we show the price that has been paid in taking the formal system of PM as authoritative, the given orthodoxy. This will also shed more light on the impropriety of Anscombe's remarks above. Henry Veatch put the inadequacy of "classical logic" rather dramatically thirty years ago:

Has it never struck anyone as passing strange that the logic of *Principia Mathematica*, for all its elaboration, provides no means either for saying or thinking what anything is? And if we not only cannot claim to know what things are, but if our very logic debars us from even stating or formulating propositions as to what this, that, or the other thing is, then the very idea of what a thing is, or the very conviction that each thing is what it is, that things are what they are, or indeed that anything is anything becomes simply impossible, or at least logically improper.

So what? Why worry about what things are? Will computers, or deficit financing, or atomic explosions, or whatever else this present age esteems be any the less effective merely because people no longer ask the question "What is it?" ... Perhaps, though, this is just the point, that modern culture is not merely despairing of ever answering the question "What?" but that it no longer even wants the question to be asked, or at least not seriously.\(^\text{16}\)

To understand the ramifications of this deficiency we must go to the heart of the Fregean/Russellian system. Frege held that the syntax of natural language was hopelessly muddled, misleading and inconsistent; and therefore that one must construct an artificial language (as sketched above) which would be a more accurate and reliable representation of the structure of thoughts than natural language.\(^\text{17}\) Such a language and the logical

\[^{16}\text{Two Logics, Evanston, Ill., 1967, 26-7.}\]
\[^{17}\text{"I started out from mathematics ... The logical imperfections of language stood in the way of such investigations. I tried to overcome these obstacles with my concept-script. In this way I was led from mathematics to logic." "Notes for Ludwig Darmstaedter" in Gottlob Frege, *Posthumous Writings*, trans. Peter Long and Roger White, Oxford, 1979, 253. Alfred Tarski argues further in his "Concept of Truth in*}
system which incorporates it (where the formal system is the formal language and the
deductive apparatus) is a purely syntactical structure devoid of content (for Tarski, this is
required to avoid the paradoxes of natural language), language in which the sense of
every expression is uniquely determined by its form.\textsuperscript{18} Where in an older philosophy one
might conclude that "Every living thing will die" and mean by that statement that in the
biological world there is necessarily the germ of death in every living thing, in a Fregean
logic the statement expresses no necessary connection of subject and predicate at all:
\((\forall x)(Mx > Cx)\) asserts indiscriminately that there are possibly non-living things which die
just as there are possibly living things which die.\textsuperscript{19} Necessity, causal relations,
universality simply cannot be expressed. And the stated dogma is that what cannot be
expressed in this logic cannot be expressed at all.\textsuperscript{20}

To effect the abstraction from all content, hence from the necessity of content, this
logic limits itself to truth-functional propositions and quantificational formulae, where
the truth and falsity of a truth-functional proposition is entirely determined simply by the
truth and falsity of its constituents and the truth and falsity of a quantificational formula
by its extension:

If statements are compounded by truth-functions to form a longer
statement, the truth value of the compound will depend, we know, on no
features of the compound statements beyond their truth values. Thus, two
propositions which are true are equivalent regardless of content, and two
"interpretations" of a quantificational formula collapse into each other if
they have the same extension: "Whether we interpret `Fx' as `x has a
backbone' or as `x has a heart' will matter none to the resulting truth value
of any quantificational schema in which `Fx' occurs, unless there be in fact
some vertebrates without hearts or some hearted creatures without
backbones."\textsuperscript{21}

Such eccentricities of this logic are required if it is to exclude all content, therefore all
real connections, necessary relations and causality, none of which are truth-functional or
revealed by `class membership'. We have lived under the restrictions of this logical
system for several decades now and it takes considerable effort to see through the
purported corrections and refutations when the logic is imposed on philosophical
arguments of the past.

\textsuperscript{18} Tarski, 166.
\textsuperscript{19} As Brand Blanchard observes, "Strictly speaking `p>q' does not assert any relation at all. What it asserts
is simply that p is never in fact true while q is false." \textit{Reason and Analysis}, Lasalle, Ill., 1964, 158.
\textsuperscript{20} \textit{Tractatus}, 6.53 and 7.
\textsuperscript{21} \textit{Ibid.}
As a case in point, consider Peter Geach's identification of what he takes to be a common fallacy in passages from Aristotle, Plato, Berkeley and Spinoza. He argues informally but it is clear that his thought is thoroughly informed by the "classical logic" analysis of quantification and modal logic. The first critique is:

At the beginning of the *Nicomachean Ethics* Aristotle passes from "We do not choose everything for the sake of something else, for that way one would go on *ad infinitum*, and the pursuit would be empty and vain" to "There is some end of actions which we make an object of will for its own sake, and everything else for its sake... this would be the good and the best" (1094a18-22). It is clear that he thinks himself entitled to pass from: "Every series whose successive terms stand in the relation chosen for the sake of has a last term" to "There is something that is the last term of every series whose successive terms stand in the relation chosen for the sake of".  

This is presumably the same passage to which Anscombe refers above - she gives no reference. It is abundantly clear to this reader of the passage, what precedes it, what follows it, that Anscombe and Geach misconstrue it entirely. The passage in question reads, not as Geach has given it, but as follows:

If then there is some end of the things we do which we desire for its own sake (everything else being desired for the sake of this), and if we do not choose everything for the sake of something else (for at that rate the process would go on to infinity, so that our desire would be empty and vain) clearly this must be the good and the chief good.

Geach takes what is in fact the premise as Aristotle's conclusion. The whole paragraph which precedes this passage (1094a1-17) is the explanation and justification for that premise. It begins, "Every art and every inquiry, and similarly every action and pursuit, is thought to aim at some good." Aristotle observes that some arts fall under others, and where this occurs the master art is preferred, is the higher good, to the subordinate ends. Then he continues with the passage in question, concluding that whatever is the end desired for its own sake, for the sake of which everything else is desired, must be the highest good. Of the minor, that there is not an endless subordination of means to ends, John Burnet says, "In other words, we should never desire anything at all, unless there were something we desire for its own sake and not for the sake of anything else."

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22 He gives as his reason, "But the application of formal logic to statements made in the vernacular has lately been rather blown upon [sic]...", that is, by ordinary language philosophers. "History of a Fallacy" in *Logic Matters*, 1.
25 St. Thomas Aquinas calls it the major: "Quarum principalis talis est. Quicumque finis est talis, quod alia volumus propter ipsum ..." *In Ethicorum Aristotelis ad Nicomachum Expositio*, Rome, 1949, 6.
How does such a misreading occur? The most benign interpretation is that the method and limitations of his logic constrain the understanding. If we examine the passage on Berkeley, we find the same incapacity to see the point of the argument:

Berkeley argues as follows (Second Dialogue between Hylas and Philonous): "...sensible things cannot exist otherwise than in a finite mind or spirit ... seeing they depend not on my thought and have an existence distinct from being perceived by me, there must be some other mind wherein they exist ...I ...immediately and necessarily conclude the being of a God, because all sensible things must be perceived by him." Let us notice the way Berkeley tells us that his inference follows immediately and necessarily; when a philosopher talks like this, always suspect a fallacy; when something really does follow immediately and necessarily, there's no need to say so.  

His analysis of the argument is as follows:

(a) Every sensible thing depends for its existence upon being perceived by some mind.

(b) Of no finite mind is it true that any sensible thing depends for its existence on being perceived just by that mind;

Ergo (c) Every sensible thing depends for its existence upon being perceived by some non-finite mind. - If we add to (c) the premise, which was almost certainly in Berkeley's thought,

(d) There cannot be more than one non-finite mind, we may then infer:

(e) There is some non-finite mind upon whose perception every sensible thing depends for its existence.

At least, I shall not dispute the inferability of (e) from (c) and (d). To infer (e) from (c) alone would be, of course, an instance of our fallacy, and I once thought Berkeley was here guilty of it; but Strawson has convinced me that this was probably an injustice.

There is, however, still an instance of our fallacy in inferring (c) from (a) and (b). To show this I construct a parallel argument in which the fallacy is patent.

(a') Every game depends for its actual existence on being played by some person.

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27 Logic Matters, 3.
(b') Of no finite person is it true that any game depends for its actual existence on being played just by him;

Ergo (c') Every game depends for its actual existence upon being played by some non-finite person. 28

Geach again does not see or refuses to grant that where Berkeley says "seeing they depend not on my thought and have an existence distinct from being perceived by me, there must be some other mind wherein they exist..." he means that sensible beings depend on the thought of no finite mind, not as he would have it "of any particular finite mind". The so-called "parallel argument" is not parallel to Berkeley's at all but to Geach's misinterpretation of it. It is difficult to account for Geach's obtuseness except as a blindness to argument which goes beyond the capacity of "classical logic". 29

What do these arguments which he criticizes share? In each case, the premise is given a finite interpretation which is not supported in the text. Why this finite interpretation? Why must an "end" be only a finite end? Why must a mind in which perceived things have their being be a finite mind? Why must "everything" in Spinoza be interpreted, not universally, but as the finite "anything", some particular thing? What exercises Geach is a movement from (x)(Ey)Fxy to (Ey)(x)Fxy, which clearly in "classical logic" is unwarranted as one can see by counter-example or by an expansion of those two formulae. 30 If each of the texts is given the finitist interpretation, then there would be the illicit movement Geach identifies. But if the texts are read as embodying universal principles of ethics, of metaphysics, then in each case (x)(Ey)Fxy is an improper formulation of the premise. Indeed there is no proper formulation of these matters in the formal system of PM. Why? Because arguments where connections between premises and conclusion are not simply external but depend on necessary relations between subject and predicate, between premises and conclusions, cannot be stated in this logic; because arguments of strict universality, which imply, in the words of Aristotle, "not only that such and such is the case, but why it is the case and it couldn't be otherwise", cannot be formulated or adjudicated in this logic; because arguments which depend on content for their power and weight cannot find a place here. The formal system of PM is a logic alien to philosophy and therefore it is a wholly inappropriate standard for appraising philosophical argument.

28 Ibid., 4.
29 His distortion of Spinoza, Ethics I.17, "Nothing can be imagined more absurd or more contrary to the Divine omnipotence" than to deny that God "can effect everything that is within the scope of his power" again misses the point. [Geach interprets it as meaning that God can effect anything within his power.] Spinoza speaks there of God's omnipotence, and where he says "everything" he means it: everything that is possible exists for Spinoza. It was precisely this that turned Leibniz from Spinozism. Cf. "Two notations for Discussion with Spinoza", Dec. 2, 1676, in Louis Couturat, Opuscules et fragments inédits de Leibniz, Paris, 1903, 529-30.
30 Geach gives this counter-example: interpret (x)(Ey)Fxy as "For every boy there is some girl such that he love her; with the same substitutions (Ey)(x)Fxy would then be "There is some girl (say, Sally) whom every boy loves. These are clearly different, and the second cannot be derived from the first.
B. Philosophy In An Alien Form

Bertrand Russell in his Introduction to Wittgenstein's *Tractatus* expresses clearly what that work says about philosophy:

Mr. Wittgenstein maintains that everything properly philosophical belongs to what can only be shown, to what is in common between a fact and its logical picture. It results from this view that nothing correct can be said in philosophy. Every philosophical proposition is bad grammar, and the best that we can hope to achieve by philosophical discussion is to lead people to see that philosophical discussion is a mistake. ...The object of philosophy is the logical clarification of thoughts. Philosophy is not a theory but an activity. A philosophical work consists essentially of elucidations. The result of philosophy is not a number of 'philosophical propositions', but to make propositions clear.\(^{31}\)

The logical positivists of the Vienna Circle read the *Tractatus* to the same effect. From the tautological character of valid inference, Carnap is persuaded that the conclusion says no more than the premises, saying it only in a different linguistic form. Thus, "One fact can never be inferred from another. From this follows the impossibility of any metaphysics which tries to draw inferences from experience to something transcendent which lies beyond experience and is not itself experiencible; e.g. the 'thing in itself' lying behind the things of experience, the 'Absolute' behind the totality of the relative, the 'essence' and 'meaning' of events behind the events themselves."\(^{32}\) If this sounds Kantian it is not, for "experience" here is not as in Kant any imposition of our minds on the data of sense perception.

Logical positivists, as Wittgenstein before them, could find no place for the synthetic *a priori*. First of all, truth-functional logic could not express it: there is no difference among propositions true in every line of a truth-table. They are one and all tautological, say nothing about the world (the proposition is true for every possible state of affairs), are therefore uninformative and have no empirical content.\(^{33}\) More significantly, the epistemological commitments bound up with the logic of PM and expressed in the *Tractatus* cannot tolerate necessity and universality except in the empty category of the tautological. "There is no compulsion making one thing happen because another has happened. The only necessity that exists is logical necessity."\(^{34}\)

The radical conclusion of the logical positivist that all previous philosophy was untenable and meaningless gave way in the 'forties and 'fifties to the proposal for a different relation to older philosophy. Rather than laying aside philosophy, it being

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\(^{33}\) "Tautologies and contradictions lack sense ... (For example, I know nothing about the weather when I know it is either raining or not raining.)" *Tractatus*, 4.46

\(^{34}\) *Tractatus*, 6.3
meaningless, for methodological interests in the hard sciences, or as Wittgenstein after writing the *Tractatus* abandoning it for a life as a village schoolteacher\(^35\), linguistic philosophy took up the older texts again to dissect and dissolve with their new techniques of linguistic analysis. Peter Strawson describes those heady days at Oxford:

...in the face of this refined examination of actual linguistic practice, a lot of traditional philosophical theorizing began to look extraordinarily crude, like an assemblage of huge, crude mistakes. And it was, of course, extremely exhilarating to see these huge and imposing edifices of thought just crumbling away, or tumbling down, to the tune of this fairly modest sort of piping.\(^36\)

Older philosophy was not ignored, but all was grist for the mill. Subsequently, some of the Ordinary Language analysts reread those older texts and can be described as expropriating older philosophy, putting it under the knife to cut and pare, transforming Spinoza or Kant and whoever else fell into their hands into unrecognizable forms of themselves. But let us let Strawson speak for himself:

You might say that what I was trying to do there [in *The Bounds of Sense*] was to perform the intellectual equivalent of a surgical operation on the body of a great philosopher's greatest work Of course that involved a risk that one needn't name. *The Critique of Pure Reason* is a very complex work with many interconnected doctrines in it, but there is I think a central distinction we can draw. There is in the work a body of doctrine about the necessary structure of experience; and this really means, as I said before, a body of doctrine about the limits of what we make truly intelligible to ourselves as a possible structure for our own experience. Now this body of doctrine, though not acceptable in all respects, is in its general outline and in many substantial points, I think, correct. But it is surrounded by, and in Kant's own view it's dependent on, another, second body of doctrine, probably that by which he's best known. And this is the doctrine that the nature of things as they really are, or as they are in themselves, is necessarily completely unknown to us ... Now all this second body of doctrine I take to be a kind of nonsense, though it has a certain appealingly dramatic and exciting quality, like most metaphysical nonsense. So I conceived my task to be that of extracting as it were ... the first body of doctrine from ... the second body of doctrine ... But Kant of course conceived of this second body of doctrine as intimately and, indeed, vitally connected with the first body of doctrine; so these connections had

\(^{35}\) He believed that the problems of philosophy had been solved in the *Tractatus*. See the Preface, 5. True to this conviction he turned away from the promise of a prominent position in Cambridge for a life of service to school children.

\(^{36}\) Magee, 116.
to be severed, and I had to show they could be harmlessly severed, without killing the patient ...  

The operation of expropriation and mutilation gave to linguistic philosophy that vital connection to the former history of philosophy, creating for them one continuous development where they were just the latest and best in that history, of course at the expense of interpreting former philosophy as unwittingly engaged in linguistic analysis. Whatever would not fit such an interpretation was therefore expurgated. Let us continue with Strawson's *The Bounds of Sense* to illustrate the enterprise.

Strawson reconstructs the *Critique* for his own purposes, excising synthetic *a priori* propositions and all other elements of the extramundane. What is his argument for rejecting that central Kantian novelty, and the central question of the *Critique*, "How are synthetic *a priori* judgments possible?" Strawson acknowledges that he has taken no account of the distinction of analytic and synthetic *a priori* propositions, and for this reason:

We can enumerate, as belonging to this intended class, truths of geometry and arithmetic and supposed *a priori* presuppositions of empirical science. But we can really form no general conception really of the intended class except in terms of Kant's answer to his epitomizing question. What Kant means in general by synthetic *a priori* propositions is really just that class of propositions our knowledge of the necessity of which could, he supposed, be explained only by mobilizing the entire Copernican resources of the *Critique*, by appealing to the model of "objects conforming to our modes of representation", i.e. to our sensibility's constitution and the understanding's rules. Since, as I have already argued, nothing whatever really is, or could be, explained by this model - for it is incoherent - it must be concluded that Kant really has no clear and general conception of the synthetic *a priori* at all.

Concerning the enumeration of judgments belonging to the class of synthetic *a priori* propositions, Strawson has the ready answer that the truths of arithmetic are one and all analytic, deducible from *Principia Mathematica*. So far as the "truths" of geometry are concerned Strawson agrees "to a very great extent" with the view that "insofar as there are necessary geometrical propositions they are really truths of logic, only incidentally geometrical; while those propositions which are both synthetic and essentially geometrical are not necessary truths at all, but empirical hypotheses concerning the structure of physical space, subject to empirical confirmation or disconfirmation."

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37 Magee, 123-4.
38 Rorty, 4: "The linguistic philosopher's claim of continuity with the Great Tradition can be substantiated only by saying that insofar as the philosophers of the past attempted to find out the nature of X by doing something other than investigating the uses of words (postulating unfamiliar entities, for example), they were misguided."
39 *Bounds of Sense*, 43.
40 *Ibid.*, 278
If not in mathematics, then how about in natural science? Kant turned to the traditional categorical logic, to the Table of Judgments, for the clue to the discovery of the categories. But Strawson says if we are to take the clue from formal logic seriously, we must recognize there are different logics and so must make a choice. He suggests we will not go far astray if we take "current" logic "in which economy of primitive concepts has been so assiduously pursued as our guide."\footnote{Ibid., 81.} It is, of course, the logic of truth-functional composition and quantification. Not surprisingly therefore,

The results of the appeal to formal logic [the logic of PM] are not merely meagre. Their meagerness is such as to render almost pointless any critical consideration of the detail of Kant's derivation of the categories from the Table of Judgments.\footnote{Ibid., 82.}

But the results do have their use. When Strawson turns to the question "What in general must be true of a world of objects in which we make empirical judgements, determined as true or false, in which we predicate concepts of identifiable objects of reference?" he answers

...we are left with something; if not with proof, yet with reason for entertaining favourably an exceedingly general conclusion: *viz.* that any course of experience of which we can form a coherent conception, must be, potentially, the experience of a self-conscious subject and, as such, must have such internal, concept-carried connectedness as to constitute it (at least in part) a course of experience of an objective world, conceived of as determining the course of that experience itself.\footnote{Ibid., 117.}

It is more than coincidence that Strawson should have found in his work on Kant, after the mutilation he preform, that posing a question in imitation of Kant on what is there in the "current logic", he finds no synthetic *a priori* judgments but rather the opposite, the naive realism he himself expounded in his previous book *Individuals*. He comments to Magee: "... one obvious connection ... is, I suppose, that the actual structure of our conceptual scheme, as described in *Individuals*, turns out really to have rather a lot in common with the necessary structure as revealed in *The Bounds of Sense*." We need go no further. What is acceptable in the *Critique*, after extraordinary cutting and straining, is what Strawson has himself written elsewhere! The analysis of Kant turns out to be an analysis and commentary on Strawson's own work and its quite direct relation to contemporary logic. Nothing could be farther removed from Kant's achievement in the *Critique* than the 'realism' of Strawson's position. This is a most remarkable illustration of the results of putting the works of older philosophy into the hands of linguistic analysts for their sort of reconstruction.
The Bounds of Sense is, of course, only one example of this sort of "critical" commentary. Mention can be made of Jonathan Bennett's two books on Kant, where predictably there is also the denial of synthetic a priori judgments, Kant's categories, and the elements of Kant's transcendental idealism. There is also Bennett's book on Spinoza, on which one reviewer has commented: "It assumes a formalist bias and a notion of logic that Spinoza unquestionably rejects, and it leads Bennett into gross error on fundamental points throughout his book. As a result ... Bennett tends far more to distort and dismiss Spinoza's philosophy than to explain and enlarge it." Another notes: "To stick with the logical assumptions and methods of analytical philosophy as Bennett does, is to condemn Spinoza from the start." Philosophical journals, especially in the 'fifties, 'sixties and 'seventies, provide a rich array of articles dressing up the "Great Tradition" in the garb of linguistic philosophy. It would be hard to pick up a volume of Mind, The Philosophical Review, The Journal of Philosophy and countless other journals which flourished in those years that did not publish articles reinterpreting older philosophy in linguistic forms. All these articles, all these books are commentary not on older philosophy but on linguistic philosophy itself.

Conclusion

Analytic philosophy still survives in only certain pockets of the Anglo-American philosophical world. It is entirely possible that it will continue to fade away. But certain elements of that movement will still remain as impediments to the understanding of the works and arguments of the western philosophical tradition unless we are forewarned against their influence. The argument of this paper, and in imitation of the well remembered admonitions of David Hume, suggests these:

If we take in our hand any volume of twentieth century Anglo-American philosophy, let us ask ourselves, "Does it use in its argument either formally or informally the formulary of Principia Mathematica or its equivalent?" Yes. Then insofar as it does it possesses universality and necessity only as empty tautology. "Does it dissect and unravel the argument of a great philosophical text of the past, extracting certain elements and rejecting other parts? Does it reconstruct the text after some other image?" Yes. Then it is wholly unreliable on the text it would explain. If I do not say with Hume, "Commit it to the flames!" it is simply because such volumes are themselves now part of the history of philosophy, a moment in the tradition of Western thought, to be comprehended and understood in that history.

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The present constitutional crisis in Canada resembles that of the United States in the interval between gaining its independence and the discovery and ratification of the constitution which was to give stability to its revolution. The 'patriation' of the Canadian constitution did away with the last remnant of colonial dependence on Great Britain. We have not yet on our own discovered an acceptable formulation of our most difficult constitutional problem - how communities of a British and a French culture can constitute one political community without subordination or assimilation. The thirteen former colonies would have sunk into impotence had they not found a constitution expressive of a common political loyalty stronger than all divisive interests, a common loyalty which could accommodate loyalties to particular sovereign communities. Canada likewise will not long survive as one state unless we can define constitutionally the common loyalty and attachment of both historic peoples and cultures - a loyalty which can coincide with an undiminished loyalty to particular sovereignties.

The differences are of course very great between our crisis and that of Americans after the War of Independence. We do not have to replace with a new sovereignty a former sovereignty which we have rejected. For us, after 'patriation', the question is whether Canada is capable of an internal political unity, on its own and without reference to a third party. We have a federation which works better and more to the satisfaction of its citizens than most states. Quebec and other Canadians have had a common political formation in which as we passed from colonial dependence to complete independence we made our own the developing democratic freedom of the most advanced states.

Thus the patriation of the Canadian constitution might seem little more than a formality. Or the 1982 amendment with the charter and an amending formula might be thought sufficient to give Canadians a sense that the constitution was their own. The 'bilingualism' of an elite would allow a common Canadian spirit to break through the isolation of the two linguistic communities. The experience of the following fifteen years has shown that Trudeau's reforms are no more than the beginning of a true patriation, that is, the discovering of an internal unity and common loyalty adequate even to sovereign differences. The 1995 referendum makes evident the limits of Trudeauism.
To discover the basis of a unified Canadian sovereignty is more difficult in two respects than the formidable task of the American founders. The member states of the American union had all a common culture and political tradition. We have to find a constitution and political loyalty freely acceptable to peoples of two of the great European cultures, at home ever more or less antagonistic to each other. Secondly, Americans had in the British constitution of the time a model which with certain modifications served to define their freedom. The European Union is often seen by Canadians as a model in one way or another for a new federation. How the model might apply to Canadians who, European in culture, are also North Americans has not been explained.

Those who designed the institutions of the American republic were often well acquainted with the French culture of the time. Americans in their subsequent development have drawn also on other European cultures and can with reason regard themselves as heirs to the whole European tradition, however much they continue to be regarded by some Europeans as barbarians. But their borrowings have been of a primarily British and empirical orientation. They have not had to accommodate on its own the more intellectual spirit of French culture. In the European Union the British and French with other peoples have submitted partially to common institutions. But in this relation they also maintain the illusion that they are as before independent nation states. Such a relation of the two peoples as exists imperfectly in Canada, and threatens to dissolve, is without precedent.

The European Union is an unlikely model for Canadians looking to find an internal unity or an actual sovereignty, in which there can be substantial agreement about amendments to our primary political institutions. Both separatists and federalists in Canada tend to a rather superficial view of the union. To the one party it appears to confirm a conviction that a small Francophone community in Quebec could on its own do quite well in a world of continental and global economic associations. The other party learns from the union that closed national communities are an impediment to success in the new economic order and must give way to a culture of equal individuals having common rights and freedoms - among which is the right to be part of a linguistic community. Both parties derive from that model an aversion to the authoritarian structure of the nation state in the time of its independence. The model draws Canadians into the disintegration of the European nation states and the uncertain emergence of a common state. In no way does it illustrate how Canada in North America might understand and define institutionally its difference from the United States which has not, as the European states, lost a confidence that it can order its own affairs and maintain a dominant role in world politics. Separatists assume in an independent Quebec a unified political will, not to be derived from the European model.

The true implication of patriation is that we have to give up looking to Europe as a model and guide to the independence whether of Canada or Quebec. It is still a species of colonialism when now the European Union takes the place of the British Empire or a Catholic France. Like the former American colonies we have to modify and make our own the political formation we have received in the course of a long colonial dependence.
It is possible in the manner of nationalist historians to regard the history of Quebec as essentially the development of New France to its destined completion as an independent French nation state in North America. The Conquest and the two centuries and a half of English domination can appear as an episode which the Quebec people lived through, intact in its inner core and able since the Quiet Revolution to prove its inner strength in economic, political and cultural achievements. If the English power assured to the Quebec nation its survival, that power was ever also a threat against which it must find security in itself. The time has evidently come in this view when the English relation is no longer necessary to Quebec, virtually irrelevant unless for common economic advantages.

A parallel narration of Canadian history from the side of the other 'nation' has often been told. From colony Canada has developed to the point where it is an independent replica of post-imperial Britain. Part of the story is also of the weakness of this Anglo-Canadian nationalism; confronted by the forces of a continental or global economy it laments impotently its passing. There is not the confidence of separatists in Quebec that a balance can be found between national particularity and economic union with the United States.

It is hard to bring down to earth the idea of Canada as 'two nations', to envisage them as actually existing. They are abstractions which have no existence unless in European conditions. Were the history of the 'two nations' such as nationalists recount, they would already have separated painlessly enough, seeing mutual benefit and little loss in their separation. But it is inexplicable on that view that a majority of Quebecers remain attached to Canada. Of this the recent referendum is the most obvious proof. A deceptive question and a campaign of historical distortions were not enough. It was enough that the federalists presented only an abstract choice between Canada and independence. And Canada in that choice was defined in the manner of Trudeau as the economic individualistic antithesis to nationalism; a choice so defined makes nationalists of many who know its dangers.

That Canada after patriation should be more than a contest between antithetical aspects of the European Union has a certain recognition in the argument often made by Lucien Bouchard, an argument which reflects his own experience and perhaps a continuing difficulty with fiercer and more abstract nationalists. The first choice of Quebecers, the argument runs, would be to remain in a Canada where there was an equality and mutual recognition of the two peoples. Successive attempts to obtain such recognition have been rejected by English Canadians, who appear to have no understanding of what is sought. Independence is the only remaining option.

The weakness of this argument is obvious enough. Strictly speaking there has been but one serious attempt to accommodate Quebec in the patriated constitution - that of the Meech Lake Accord. That Accord might be said to be post-colonial in that it sought a reconciliation in a deepened understanding of the relation of sovereign provinces to one another and to the federal sovereignty. It was the beginning at least of such an understanding. That the Accord looked in the right direction for a reconciliation of the
two peoples is amply proven by the vehement reaction of Quebecers at its rejection and by the consistent finding of repeated opinion polls that a strong majority would support a solution along these lines. The defeat of the Meech Lake Accord only proves that no other course than separation remains if one can assume that English Canadians are incorrigibly wedded to the Trudeauite liberalism that destroyed the Accord from within and then externally by the agency of Clyde Wells. It was destroyed from within when Brian Mulroney, more skilled as a mediator than in his grasp of what was mediated, allowed to be associated with the Accord a concoction of demands of another inspiration proposed by Frank McKenna. The Accord in itself was no doubt ambiguous, read differently by many in Quebec and English Canada. Trudeauites, seeing disguised nationalism in it, opposed it consistently from their standpoint. What the other Canada is capable of towards Quebec is not evident in its defeat.

Joe Clark’s subsequent attempt at a reconciliation was a mishmash of discordant elements in which neither community could recognize itself. The basic structure of the Charlottetown Accord, if it can be said to have a structure, conceived Canada as a plurality of cultures within a common economy. The two historic peoples receded into the background; what was said of their relation made no sense in that context. The proposed Accord is not, however, without value in that it spelled out rather fully for Canadians the implications of the European model. For the latter’s representation of the elements of such a union - of many communities united in one economy - is fictitious when applied to Canada. So far as anything is proven by the defeat of this proposal, it is that such a juxtaposition of nationalism and economic individualism appeared alien to most Canadians.

What is true in the assertion that all attempts at reconciliation have failed is at most this, that a reconciliation on the basis of the European model is not possible, that we have to move beyond the residual colonialism which to this point has largely controlled the constitutional argument since patriation. Lévesque and Trudeau deserve to be honoured by all Canadians, not exactly for what they directly intended, but for bringing the argument to this provisional conclusion. René Lévesque, though as a nationalist he advanced arguments pertinent to a European context, was, as well as a citizen of a free Quebec, a North American. As such he could take le beau risque, he could collaborate with the premiers of other provinces in their opposition to a unilateral patriation. He could also be seduced from that alliance because of the instability of his relation to it.

Mr. Bouchard, taking a like risk, found himself deeply distressed at its apparent failure; so with others whom Mulroney persuaded to give federalism a chance. The conclusion that separation is the only course remaining rests on personal feeling and a misreading of certain events. It has no general cogency. The well-founded conclusion from recent Canadian history is rather, as indicated, that the reconciliation of the two peoples, implied and demanded in patriation, is to be found neither in nationalism nor in economic individualism, as conceived in the European model. There is not only a separate history of Quebec and another of a British 'nation'; there is also a common Canadian history more basic than either of these abstractions. Quebec is not externally related to the Canadian federation, from which it might extract itself at will on the
assumption that it is the replica of a European nation state. The vitality and survival of a French people in North America require that through its culture it be engaged in the history and the problems of the continent, and not be at home save in economic relations only within the confines of a linguistic community. So long as the two peoples were in a colonial relation to Europe, they might be federated but their common relations to the federation could not but be distorted and more or less concealed. Superimposed on it was a divergent relation to a European center. In recent years the British Empire in the one case, Catholic France in the other, have given way to a common relation to the European Union, as that in which the British and French peoples would find a stability they no longer have in themselves. This mode of dependency too must break down before the two peoples can find a common center which is their own in their North American setting.

This post-colonial colonialism, so to speak, continues to inform the relation of Ottawa to the separatist government in Quebec. The antithetical positions in which this ultimate dependence is expressed are perhaps in both cases in course of revision. The federal government after the 1995 referendum can no long adhere to a pure Trudeauism. The referendum has also made evident that the pure separatism of Parizeau cannot prevail. In neither case is more than the semblance of revision possible without going beyond the European model from which they are derived. We are at a point of uncommon difficulty, where, as the Americans two centuries ago, we have to define our independence constitutionally, in our case in conformity with the sense the two peoples have of their own freedom.

There is need to be clear why neither an independent nation state in Quebec - or in other parts of Canada - nor the antithetical form of a basically economic union is a real possibility for Canadians. Against these opposed positions and their application to Canada there are two fatal objections: the first is that there are no longer in Europe nation states such as the separatist supposes; the second that in North America there are not, and never have been nation states. The Trudeauite position succumbs to the same argument.

I. The European Union

The Quiet Revolution in Quebec was contemporaneous with a shift in Canada generally as to the ends of government and the rights and reasonable expectations of individuals in relation to the state. Largely through the agency of the federal government the network of social programs was established which are an important element in the attachment of Canadians to their common government. Canada became a social democratic state in line with the more enlightened European states and distinct in new ways from the United States. For English Canadians also there was a Quiet Revolution, which remains even if some give in too much to an American conservatism or to the pressures of a global economy.

In Quebec the revolution began at a different point than in the other Canada, out of the aversion of a church-oriented society to the seductions of a modern industrial economy.
The result was generally the same in both cases, if one allows for cultural differences in the attitude of individuals to government.

The revolution from older and more limited concepts of individual rights to the idea that the general well-being of individuals is the direct concern of governments is not in itself nationalistic. The revolutions of the seventeenth and eighteenth centuries had obtained the right of individuals to pursue their reasonable interests freely and rights to legal and political equality. The European states as reconstituted after the ruin of the French Revolution had implicit in them a deeper revolution in which the state in collaboration with the democratic will of its members undertakes also to correct the abuses of a free economy and to secure to individuals essential human goods to a tolerable level.

The states so humanized in the course of the last and the present centuries were particular peoples. Universal rights were realized and understood variously according to the characteristic temper and mentality of the European peoples. States so constituted are appropriately called nation states, a designation which suits less well earlier forms of the European state.

Quebec nationalists equate the Quebec which has resulted from the Quiet Revolution with such a nation state, Quebec as part of the Canadian federation appears as an incomplete or improper state. It has not a full sovereignty of its own. But the Europe to which they look for a model is also part of an economic and political union. In those relations it is no longer a sovereign nation simply but has imparted something of its sovereignty to these larger associations. There thus would recur apparently for Quebec something of the same contraction of sovereignty as it suffers in the Canadian federation.

There is a difficulty in the concept of a nation state. It is at the same time a particular national community having its own language, customs, animation, exclusive of other such communities, and is founded on universal human rights which are not abstract but pervade the whole range of its interests. The difficulty of this relation, long felt by those who live in the French or British state, may escape the eye of an external observer who sees only the ordered freedom of a particular people, a model to which his own people tend as the fulfilment of their history. A young Lucien Bouchard, as many another, admired the heroic figures of Churchill and de Gaulle who in a critical time drew their peoples from deep divisions to receive for a little the spirit of their institutions.

During the nineteenth century and until the First World War the political division of the universal and the natural and particular elements of the European state was in general held in check. In the French state, to say of it what may be said mutatis mutandis of the British or German state, there were radical divisions, but submerged in the attachment of the people to their sovereign state, which asserted the universality of French culture in an empire comprising many peoples and regimes. The collision of the European imperial states in the First World War made evident the human cost of greatness. Individuals fell back on themselves; the union of nationality and universal rights was shattered. In its place emerged a divided and antagonistic relation to nation and to universal humanity.
The political life of all the nation states was dominated by an opposition of nationalistic and socialist parties. In the one part individuals sought an intuitive relation of their national particularity to the state through a supposedly inspired leader. In the other the inspired leader would guide them to the satisfaction of their desires in a perfected economy which took the place of the state. In both forms the universality of an older European world was pulled down to earth and centered in the individual, as worker or as member of a national community.

The Second World War made evident what was in these opposed forms and the tenuous relation they provided of individuals to the rational freedom of culture and tradition. The reaction of individuals from the ruin these forms had brought upon them was a still deeper flight from the authority of political and other institutions. In the medium of language was sought a community anterior to the tyranny of thought and the universal. Language might be taken in a fragmented and empirical form (Wittgenstein) or as inspired and unified poetical utterance (Heidegger). But the pre-rational community sought in language was before long subject to its own 'deconstruction'. The community of individuals in the medium of language was found illusory. In truth, endless division or difference stood in the way of community.

A pleiad of writers in France have drawn out these ultimate consequences of founding the universality of a people and culture on its exclusive particularity. Thus, 'deconstruction' makes evident, if not to themselves, to an observer why the European states had need of a political union, if individuals were to have a basis of community beyond endless diversity in relation to themselves and others.

The constitutions of European states as revised after the Second World War are normally prefaced by such a charter of individual rights as was added to the Canadian Constitution in the 1982 amendment. The experience of the European states as sketched makes evident that these rights, if they be regarded as predicated of the members of a particular linguistic and cultural community as such, are contingent only - not 'inalienable', as in the older American or French declarations. Rights were predicated formerly of individuals in virtue of their common rationality. According to the latest European thought such individuals do not exist. Rather, one should say, they only exist so far as a common state and community is given priority over particular national communities.

Europeans, for all anyone can know, may continue indefinitely in an ambiguity where now the Union, now the member states appear prior. So the Union through its institutions appears empowered to act as a state. But its actions only take effect so far as the particular states can bargain their way to agreement. A Thatcher or Chirac can gratify national sentiment by acting as though their countries were still nation states - sovereign in a strict and older sense. One knows how to take such shows of independence.

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1 The opposition was characteristically more muted in Britain; at its extreme in Germany; qualified variously by national differences in France, Italy, Spain, etc; the one side suppressed in the Soviet Union.
2 Foucault, Deleuze, Derrida, etc. These writers, situated in a national culture, would one way or another be free in that particularity by sheltering it under an endless otherness.
The Union allows to Europeans a sense of the freedom they do not have in their national communities. It provides at least an abstract relation to a common culture. The Union is necessary to contemporary Europeans, but not much loved by them. In all member states there is a nationalist element that would be free of Union. What part of Quebec separatists, situated in a like Union, would be of that party? Is there a right of separation from the Union? Countries joined often by the vote of a small majority. They are only bound to the Union by treaty. A like small majority would seem adequate ground for terminating the treaty. But it is an abuse of language to call the power to revert to an independence no longer possible a right. To encourage such a reversion can only be the work of a faction, not of a unified people.

The argument given is more easily grasped when one has considered the difference of North American from European states: as not founded on nationality they need not succumb to the logic which has made the nation state obsolete as the primary form of political community. The conclusion stands: the European nation state no longer exists. It continues only as subordinated to a common European state.

II. The North American States

There are no nation states in North America. By the time of the discovery and occupation of the Americas the political institutions which had taken shape in Europe on the ruins of the Roman Empire and beyond its boundaries had in some cases attained the unity and stability of a state. The several European peoples who took part in this great work of discovery and occupation might be called nation states, though they were still far from that fusion of sovereignty and nationality which they would come to after the French Revolution. They had reached or were approaching a point where feudal divisions were brought firmly under the unified sovereignty of monarchs. In their common relation to a monarch, individuals were not nobles or commoners first but Englishmen, Frenchmen, or of whatever nation - even though the dynastic and other interests of the monarch might diverge from and be destructive of the interests of his subjects. There was not yet room within that sovereignty for a civic and economic freedom and the right to participate on equal terms in the various goods of society.

The political institutions which these nation states built in the New World were not simply a replica of those they lived in at home. Immigrants might indeed take themselves to be exiles condemned to live in savage and unformed lands. But if they would have for themselves in America the ordered life they knew at home, they and their descendants had to build this order on a new ground. They had to subdue the wilderness, so that it would serve their needs and desires, and at length beyond these works of necessity to fashion a cultivated life not borrowed but their own. They brought with them the

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3 The same may be said of South America but for simplicity the present argument has primarily in view North America (Canada, United States, Mexico).
4 They might, as in New England, also think themselves delivered from religious oppression and free to build a world better conformed to their beliefs.
religions, institutions, culture of a particular European people. This model was receptive of further developments in the original but what they built in the light of this model was another and freer relation to it than was possible for those who had remained in Europe.

Those who had migrated to America could not revert to the state of a Germanic tribe which knew its culture in the medium of language and custom, not also in the common medium of thought. They had behind them the long formation by which they had brought together the inner world of belief and thought and their relation to nature. The humanistic and afterwards the rational-scientific culture of the modern age addressed itself to individuals as human and only secondarily as of a particular nation and language. That culture, as modified by the particular bent and character of the several European peoples who had part in the occupation was the model for the new beginning in the Americas.

First in this construction is not to build a particular nation but to establish in America the Spanish or French or British version of this common culture. There was room for many Spains, Britains, Frances in the New World. New Spain, New France, New England (with the other English colonies) are not names of particular nations but, potentially at least, of continental empires. The home countries fought one another over the domination and division of the New World. As the political powers passed from European nations to their colonists this general relation to a common culture remained. Colonial empires tended to pass into federations - not as alliances of nations, but as a twofold relation of individuals to the federation and to a particular state. In that division of sovereignty and of individual loyalty, the more general relation to the union gave stability also to the parts.

This transition of empire to a type of federation previously unknown is no doubt most evident in the case of the United States. Colonies which had gained but were in imminent danger of losing this independence found stability in a union which expressed more distinctly their common culture and institutions. They remain sovereign states, giving in common a part of their sovereignty to the Union. Individuals are subject to two coincident sovereignties. Inseparable from the Union is a sense that to it belongs all North America, at least between certain latitudes. However unjust it might appear to aboriginal peoples, to Mexicans or Canadians, the Union expanded as by a certain destiny into a continental empire. Virginia, New York or any State can be likened to a European nation state. But to Americans their relation to the Union was also essential.

The United States was founded explicitly not on race or language but on universal humanity. A common language, the descent of a large proportion of its population from British immigrants, the continuing British quality of its culture, do not make the United States a nation state. Universal rights, so far as they do not derive from the universal culture of the Roman Empire, became known through the revolutions of the seventeenth and eighteenth centuries in certain European nation states. It became evident in the present century how insecure is the relation of universal right to race, language and

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5 The class structures which in an older world kept their hold tended to dissolve in the New World
cultural particularity in the nation state, where at least these differences are taken to be primary. The European union tends to purge the nation states of this ambiguity. The United States was built on this modern freedom; there are racial divisions and hatreds, but the impulse also to overcome them. Hence the capacity of the United States to absorb and convert to Americans in a generation or two immigrants from all nations.

It is less evident perhaps that the independent states of Latin American may not be equated more or less to European nation states. They are fragments, however, of former empires which imposed a common Spanish or Portuguese culture on native peoples, into which they have gradually been drawn while retaining something of their origins. The mixed populations of Mexico or Brazil are not nation states like Spain or Portugal but participate in a common European culture of a particular type. However much the mixture of European and aboriginal peoples varies among Latin American states, the pattern remains that they are fragments of an imperial culture or cultures and, without political unity, define themselves readily as distinct from the radically individualized culture of the United States. In their internal structure the principal Latin American states are federations, borrowing in their institutions from the American model. Even where there are unitary states these also by the general argument given should not be accounted nation states.

Is Quebec an exception to the rule that there are no nations states in the Americas? As New France it had become a continental empire. If after the Conquest the Quebec people retreated into themselves for survival and were largely excluded from the western expansion of Canada, they thought themselves at times to have a spiritual role in Canada and North America as against a British culture devoted to economic interests. What is called separatism at the present time is rather a demand for recognition as an essential and equal part with the British element in Canada.

The modern scientific and technical culture, detached from the conditions of its origin, has of course spread to all peoples and becomes a world culture. The free subjective spirit moving in this culture from its beginnings and the democratic institutions and concern for individual rights which developed from it have been received with more difficulty. The reception of this culture by most peoples has been on the basis of a native culture which continues with the new, the one side variously modifying the other. With the Japanese and some other peoples of the Far East the solidity and social cohesion of the old culture have aided greatly in their rise to near supremacy in the 'global economy'. In other cases, notably with Islamic peoples, a deep antagonism between the old and the borrowed culture simmers and is easily awakened to violent reactions. In general it is not yet evident how far the free subjective spirit of the western culture will invade the old and how far it will stagnate under the weight of rigid customs and immovable institutional structures.

In the United States and Canada this culture has room to unfold, neither enclosed within national communities nor modified by the alien spirit of other cultures. With modifications the same may be said of Latin America. There the Spanish invaders encountered splendid empires in Mexico and Peru. But the bonds attaching individuals to
these empires were weak and gave way almost on contact with the free resolute will of a few conquistadors. European culture in its Iberian form gradually took root in a passive enslaved multitude. In Canada and the United States the aboriginal people were largely thrust aside and those formed to a more general and freer relation to European culture were European immigrants and their descendants. With the end of the independent states in Europe people so formed have come into their own.

The European culture which has had its own unique growth in the New World has several variants according to the particular culture of the occupying powers. These variants differ primarily in the way in which they have integrated into an older state the subjective freedom of the modern age:

(A) Latin American states after two centuries of independence have not found a stable relation of free individuals to the state.

(B) In the United States the society of free individuals is taken to be primary, but is stabilized in relation to a state limited by the division of legislative and executive powers. The state sustains but does not dominate the society of free individuals. An unresolved tension occurs between individual freedom and a recognized obligation of the state to correct and complement the competitive economic society.

(C) In Canada the society of free individuals exists within the state. There is not the aversion of Americans to the state when it is felt to impinge on individual freedom. Canadians expect the state to provide for their general well-being through social programs etc. Unique to the Canadian federation is that it is composed at the same time of provinces, sovereign and equal to one another, and of two great European cultures in which the relation of individual freedom to the state is understood in different but complementary ways.

The interest of the present argument is to clarify the Canadian form of political freedom by drawing out its difference from the American - a comparison far more pertinent than the analogy of the European Union.

A. Latin American Polities

Of the Latin American form it is enough to ask why it has not settled into the stability of the American and Canadian structures. Spanish and Portuguese conquerors brought to the New World their version of a Renaissance Catholicism which had in it the ideal of a humane government of aboriginal peoples converted to their religion. The reality of the conquest was rather the enslavement of the aborigines to a landed aristocracy. Two centuries of liberal ideas and institutions have not eradicated an assumption that political power belongs primarily to an aristocratic military class.
Liberal ideas are the leaven of recurrent revolutions. Revolutions fail in that the enlightened concepts of individual freedom and equality and of democratic government do not inwardly transform an older feudal structure. There is not a strong society of free individuals, as in the United States, in which feudal distinctions pass into a general equality and differences of wealth and power are thought to be within that primary equality.

Political power may pass from those of pure European descent to wider sections of the mixed population. An underlying resistance of Iberian culture to the individual freedom of the American and French revolutions remains. In Britain and France the emergence of the free rational individual, and the society of such individuals out of an older communal solidarity was a native growth. These countries were the seat of the revolutions which transformed the substantial absolute state into the democratic state. In Spain and Portugal this revolutionary spirit was an alien force. In their colonies it was easily received by those who would be independent of a home country, or after independence, would overthrow oppressive regimes, only in its victory, to revert to another form of the old order. That in turn awakens discontent and new revolution.

The most successful of Latin American governments has been that of the PRI in Mexico - the government of institutionalized revolution, where popular government, or the appearance of it, rests on an antecedent agreement among the powerful elements of society and is not permitted to fall into extreme divisions. Presidents name their successors. A continuing revolutionary ferment falls within an underlying Catholic culture, accepting of authority, into which the aboriginal and mixed populations have been drawn. Resurgent democratic forces and NAFTA may destroy this arrangement. For good? Or only after a time to renew the former cycle?

**B. The United States**

In the United States democratic government does not need a unified authority outside the process proper - a *deus ex machina* - to save it from its own divisiveness. The revolution does not need to be 'institutionalized', as in Mexico, but has an intrinsic stability. The political institutions settled upon in 1787 have been found adequate in essentials to the profound changes of two centuries in the mentality and interests of the American people.

Americans are deeply attached to their political institutions, which they always regard as a model for all peoples. At the same time they dislike government as ever tending to encroach on the freedom of individuals to pursue the good as they like. There is demanded at the same time a maximum of private freedom and, as required, a unified and

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6 The Mexican polity is treated here in a few words simply to complete the structure of the argument. For a more extended treatment see F.L. Jackson, "Mexican Freedom; The Ideal of the Indigenous State" in this volume of *Animus*, to whom the writer is much indebted.
effective political will. A strongly competitive divisive spirit is contained within a unified political community. How this relation of seemingly discordant elements is possible is a difficult matter.  

Derived principally from the institutions of a particular European people, of mixed Germanic and Celtic stock, American institutions are dissociated from that national particularity and able to attract to the idea of individual freedom moving in them people from many nations. American political history is not a national history but the working out on a larger playing field of those ideas of individual freedom and a democratic state which occupied Europeans in their national communities in the seventeenth and eighteenth centuries. Not that Americans, as Europeans, have not moved on to a later age. But Americans have not left behind them as something done with and of cultural interest only the problems of their origins and older formation: individual freedom as then understood and its changing relations to the state. The problem is not dissolved, as for Europeans, into an antithetical relation of linguistic communities to an individual freedom without intrinsic limit and direction.

The constitution of the American Union modified the British constitution of the time in that it divided the powers of government more radically, limited the executive powers temporally and derived it by election by the people. These and related modifications were agreed upon by representatives of the now independent colonies and ratified by their legislatures, representative in turn of their peoples. The constitution thus adopted might in a common language of the time be regarded as a 'social contract'. In a strict consideration this, as other forms of a 'social contract', does not found a state, which exists already, but defines the terms of assent of free individuals to its authority and builds this assent into its structure. The union of the thirteen independent colonies replaced their former common relation to Great Britain, removing from it the 'tyranny' of royal power which had been imposed provocatively without due assent of the governed.

The states of the Union, which had already existed for as long as a century and a half, modified their institutions similarly. The formation of the federal constitution is of peculiar interest as revealing distinctly what is in these modifications, in particular limits of a contract theory of the state. The 'social contract', however variously understood, assumes a voluntary association of individuals in a system of cooperation. It overlooks that the individuals who thus choose to cooperate are already in a political community which the 'contract' qualifies but has not invented: before as after the 'contract' the state had power to make and enforce laws, for the good or detriment of the people, to override the particular ends individuals or subordinate communities might set for themselves. The state is not a voluntary association, but, if a state of a free people, protects the rights and

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7 The constant problem of the older modern political philosophy which would find place for private freedom within the state. Without, as with Marx, Mill, etc. making the state a function of private freedom.
8 For this relation to be evident the construction of society from an antecedent state of nature must be seen to belong to a subjective reflection without historical objectivity. So far as his standpoint permitted, Hume already had a sense that this was so in calling the contract a 'fiction' (Treatise, Bk III, Part II, Sect. 1: Of Justice). But it is a rational construction (Rousseau, Kant, recently Rawls).
freedoms of its members, and inclines them to prefer when necessary the good of the whole political community to their private ends and interests.\textsuperscript{9}

The American people both during the War of Independence and in their first attempt at a union in the Articles of Confederation experienced fully the limits of a cooperative federalism. The Union was not on its own a state capable of carrying out what was expected of it - to consolidate the independence won in a difficult war, internally and in relation to foreign powers. Individuals and communities closer to them had reason, as ever, to prefer those nearer to a more remote interest on which their freedom principally depended. The War however and the imminent dissolution of the federation awakened a sufficient sense of their common good in the American people to devise and accept a federal state in which sovereignty and coercive power and the assent of free individuals - an effective state and private freedom - found a firm and stable balance.

The American Union is not derivative from particular communities in the manner of the European Union, but is directly the common state of all Americans.\textsuperscript{10} In this relation the founders of the Union agreed in fact to a political relation beyond the scope of a contract, in which a priority of the contracting parties, in this case the States, is assumed. For individuals this relation was equal to that which bound them to a particular state. States and the Union had a shared sovereignty. The Union as the common state of all Americans and that which defined their relations with other states, had a priority over the particular states. As the States were not prior to the Union, once founded, so were they not subordinate but shared a coincident sovereignty distinguished by the powers appropriated to each.

The Union has also another primacy. In its first invention it was the product of a profound reflection: Americans in that relation came to know what their freedom was, not as a fact only, but in its general form. The tension between the free movement of private interest and the common good is most evident in that relation. At that level conflicts can be brought back to the principles of the Constitution and the American idea of freedom. It falls likewise to the federal state to resolve the conflicting interests of States according to commonly accepted principles.\textsuperscript{11}

European states in the time of their full sovereignty when their interests and ambitions collided beyond negotiation resorted to war as the final arbitration. In the American Union, with one great exception, divisions among sovereign bodies have been resolved peacefully. There is present effectively, as not in that Europe, a common political state and a common political will, to which such differences give way short of war. It only

\textsuperscript{9} That the state is not a voluntary association of individuals Aristotle showed against the subjective philosophy of his time: man is by nature a 'political animal', who has only as much of individual freedom as the state can contain. Contemporary Aristotelians (A. MacIntyre, etc.) revive that teaching in some form. The enlightened modern, however, can only tolerate a state in which there is room for a society of free individuals. The priority to society of such a state is both proved and resisted in the course of American history.

\textsuperscript{10} The Federalist, XLV (Madison).

\textsuperscript{11} The Federalist, IX, X (Hamilton).
extended its own experience at home when twice in the present century the United States persuaded the great powers to initiate a world government in the interests of peace.

The American federation is a relation of sovereign States to a sovereign Union, but that as ordinarily viewed from the standpoint of free individuals. The Union is the ultimate support of 'government of the people, by the people and for the people'. Political power derives from the people who made and can amend their institutions. But the constitution on which the self-government of free individuals depends, so far as it expresses and gives objective form to their freedom, is in a proper consideration only amendable in its essentials if the amendment is thought to be more adequate to that freedom. The individuals who constitute for themselves a state are 'created equal' and have rights in virtue of that equality, among others, to 'life, liberty and the pursuit of happiness'. Government exists to support and make room for these 'inalienable rights' and has thus a corresponding stability in its primary structure not subject to arbitrary amendment.

The equal individuals having a common end in their individual and mutual well-being or 'happiness' are assumed to be already a 'society' before they have instituted a political order. The free individuals of that society may, with Hobbes, be regarded as in a state of war as soon as they compete for the necessities of human life. So regarded, they are actually free only through the state. They may also be regarded as having through their rationality power over the conditions of their needs and well-being and thus be accounted free prior to the state. So variously Locke, Rousseau, Kant and others. The history of the American republic illustrates amply that neither the idealistic view of the free individual nor that which sees him enslaved in a struggle to survive and advance himself in competition with others is true by itself, that both are abstractions from a comprehensive view. Abundant resources and an open frontier invited individuals to seek their good with the least reliance on the state. Urban life and an industrial economy at length contracted or nullified that individual freedom, unless the state intervened to provide a tolerable equality of opportunity and support for those whom fluctuations of the economy made destitute. The dependence of 'society' on the state thus became less formal, and the assumption that 'society' was antecedent to the state more dubious.

The political history of the United States, considered in its essentials, is of the development and clarification of the relation of individual freedom, and the society of free individuals, to an underlying political community. This development remains incomplete. The tension between a liberal state which took on itself to assist individuals directly according to their need and the conservatism which would leave the maximum possible to the competitive society is now at a certain extreme. There is to be an end to 'big government', at the same time as more is expected and required of government to regulate environmental and other basic conditions of human well-being.

The development is not to a European socialism which at the extreme in Marxism obliterates the distinction of state from society. Nor is it the chaotic capitalism following on the breakdown of Marxist regulation which is not a 'civil society', that is a society of free and rational individuals. Nor again is its terminus a 'global economy' beyond the
DOULL: THE PHILOSOPHICAL BASIS OF CONSTITUTIONAL DISCUSSION IN CANADA

scope of regulation by nation states. The developing relation of society to state in the
United States holds firmly to this difference: as the well-being of individuals becomes
more fully the interest of the state, the demand remains that these individuals pursue and
find their 'happiness' by their own talents and exertions, and that they have a fair
opportunity to do so. The competition of 'civil society' is for individuals the way to their
good, the political community the end, but an end partially concealed. The way to the
community sought is not broken by an endless regress as in the European Union and the
necessity thus imposed of choosing between cultural community and individual
freedom.\(^\text{12}\)

What is the 'free individual' of the American republic and of the eighteenth century
'enlightenment' which is its origin? Hume in his analysis of the free individual discovers a
moral sentiment whose object is the 'useful' and the 'good', his own and that of others.
The individual who has in himself this unified relation to what serves his needs and
desires and to himself as their end, and a like interest in realizing the need and the good
of others, is the 'free individual', and the community of individuals so moved is 'civil
society'. Community and individual freedom belong together. The many arts by which
individuals satisfy their needs and desires are, as beyond the capacity of each for efficient
production, divided among them. They thus create an economic society in which they
compete for its goods. But underlying the competition is the original moral structure,
according to which ideally in seeking one's own good one seeks also the good of all.\(^\text{13}\)

The general structure of this society can perhaps be made evident most directly if one
considers its origin in the socio-political structure immediately antecedent to it.
Montesquieu defines the moving principle in individuals in relation to the consolidated
monarchies of the early modern age as 'honour'. By 'honour' he meant a relation in which
particular needs, desires and interests of individuals were centred in service to the
monarch and in virtue of that interest given up as required. 'Honour' is the relation of
individuals to the unified state in which feudal privileges have been subordinated to the
political community. 'Honour' Montesquieu distinguishes from 'virtue' as the prime
motive which can hold together a democratic state. Through 'virtue' the individual takes
to himself that unity of needs, desires, interests, which in a monarchy he received from
above by his complete loyalty.\(^\text{14}\)

The 'liberty' of the 'virtuous' man is to be able to do what he ought to do, what agrees
with that rational spirit he has in common with others.\(^\text{15}\) It is the principle of 'civil
society', and the polity of a monarchic state, to become democratic, has to be so modified
as not to impede the society of free individuals. The 'political virtue' of the free

\(^{12}\) The difference of society from the state does not collapse as for Marxists into either anarchic freedom or
the rigid domination of a party. From the side of the existential individual even so acute a philosopher as
Heidegger did not distinguish American liberalism from Soviet Marxism.

\(^{13}\) Hume, Treatise, Book III, Part III, Sect.1.

\(^{14}\) De l'esprit des lois, III,iii; III, vii.

\(^{15}\) Ibid. XI, iii; "...la liberté [sc. politique] ne peut consister qu'a pouvoir faire ce que l'on doit faire, et à
n'être point contraint de faire ce que l'on ne doit pas vouloir." This universal relation of individuals to the
constitution is the basis of their confidence in the laws and the expectation that they will generally be
obeyed. Cf XII, ii.
individual was this same rational freedom as operating in the legislative power of the state. By itself in that relation political virtue would be subject to corruption through the intrusion of special interests. For those who represent society in the legislative branch, as those who chose them, are not only moral or rational but serve as well many interests, their own as well as others. The executive on its own easily passed from the will of the people, as embodied in laws to which they had assented, to an arbitrary and tyrannical personal will. The correction of this twofold tendency of the state to corruption and tyranny was that it be controlled through their representation by that part of society which had imbibed the spirit of the modern age and were certain they could regulate their affairs in their own and the general interest. But they had to be bound to that intention by an executive power, itself obliged to act lawfully. The moral virtue of this class, transferred to the state as political virtue, made possible a common rational freedom. On the ground of their common rationality individuals had rights to their freedom as against arbitrary intrusion from the side of the state.\textsuperscript{16}

In England this beginning of modern democratic government was confined to a propertied class and coexisted with an aristocracy of birth and class gradations inconsistent with the universal equality and freedom contained in its principle. The monarchic unity which the state had attained in subordinating feudal freedoms to itself continued in the new division of powers. Government was not so far in the possession of a society of free and equal individuals as to be "of the people, by the people and for the people". In the United States the idea that government was instituted by free individuals for their good had much less to oppose it. The religious freedom of a largely Protestant people had passed into the inner rational freedom of `enlightened' individuals in their worldly relations. And in America it was incomparably more open to free and equal individuals to seek their good independently. The community or society of such individuals appeared primary, a unified sovereign state the source of tyranny. The divided power of the state might be unified against an external enemy in the President as Commander-in-Chief, but the Presidential office was itself limited temporally and derived from the people.

The American federation appeared to early observers to be a weak state which could hardly survive deep divisions among its constituent parts, should these become actual. The society of free individuals was minimally dependent on the federal state.\textsuperscript{17} Its members had established loyalties to their particular states. In what did a stronger loyalty to the federation consist, which could sustain whatever centrifugal forces might work against it? In this, that the federal state expressed most purely that `virtue' which was the moving principle of democracies, the sense of freedom as against particular and divisive

\textsuperscript{16} Americans, regarding the state more from the rational self-relation of the individual (Jefferson) or of individuals in their economic relations (Hamilton) than from their common rationality conceived the division of powers, which made political liberty possible, more loosely than Montesquieu. They attended less to the primary unity of the legislative and executive powers, on which Montesquieu is not far from Rousseau's doctrine of a primary indivisibility (\textit{Du contrat social}, II, II), and did not concur in his consequent reflection: "Des trois puissances don nous avons parlé, celle de juger est en quelque façon nulle." (\textit{De l'esprit}, XI, vi): the judicial power is that part of the executive which interprets the laws in relation of particular cases.

\textsuperscript{17} Notes 10 and 11 \textit{supra}. 

124
interests in the individual and the society of free individuals. The following stages may be discerned in the development of the recognition of this fact:

(1). The society of free individuals is unable short of war to maintain their common relation to the federal sovereignty when centrifugal interests take the form of a division between a slave and a free economy, of a different social order and understanding of the principles of the Revolution. Through the Civil War is awakened in Americans the sense that they are one people, that the free society has its ultimate support in the Union, which as able to sustain the deepest divisions is henceforth regarded as indivisible. For individuals in this relation natural interests are subsumed under virtue or the inalienable rights of the Revolution.

(2). On the basis of this final unification, the society of free individuals can in the second stage react to the negation of its freedom in the inequality and dependence of an industrial economy. The political relation of society is so far strengthened that the state gives support to the independence of individuals against the power of wealth and would restrict the influence of private interests in the election of representatives of the people. The individuals of society are to be moral and their state is the proponent of morality at home and abroad. In compensation to this strengthened universality of the individual, pragmatists would found the relations of individuals in society on their experience as natural and embodied. Neither morality nor pragmatism sufficed to save the real freedom of individuals against fluctuations of the economy. To stabilize the freedom of its members a new relation of society to the state was demanded.

(3). The state which would secure the freedom of individuals both as rational agents and in their natural needs threatened the independence and assumed priority of society. At the same time society could not do without a state to save it from its divided freedom. It might be proposed from the side of the state to eliminate or reduce to a minimum poverty and other natural ills. The bureaucratic apparatus which would accomplish these works was oppressive to the free society. Individuals in relation to 'big government' might forget the rational virtue of the free society and, while they became consumers' of its bounty, rebel against its authority and that of the state, against the inequalities of an ordered freedom.

The 'conservative' society, which would diminish the state to find stability against the 'liberated' individual for whom everything is as he chooses, falls back on an objective good and makes contact thus with the state it rejects. The 'liberated' individual ambiguously destroys the distinctions of society which extended its equality to those excluded from it. Unknowingly he also in this way does away with what distinguishes society from state, and at the same time with his own arbitrary freedom.
In the first decades after the adoption of the Constitution there were a number of secessionist movements in the United States. The rights of States as sovereign entities in relation to the federal sovereignty were indeterminate. Not that the Constitution was in fact unclear on this relation. The Union was not an association of States which their citizens had fully consented to join, from which they might also freely secede if that was the will of their people. The Union was the common state of all Americans individually, over whom it exercised sovereign authority directly in the powers given it by the Constitution. This common sovereignty it plainly did not fall within the particular sovereignty of a State to nullify. Madison commented on one such attempt: "For this preposterous and anarchical pretension there is not a shadow of countenance in the Constitution."

The Constitution was clear that States had no right of secession but only over time did the adopted constitution become established in the thought and habits of Americans. The original States of the Union had been in existence as long as a century and a half, and to them their citizens were accustomed to look for the protection of their interests and as the basis of their political freedom. That in the powers assigned to it the Union was a state, and that its legislation was directly binding on all individuals, was only to be known actually and fixed in the political habits of Americans through the conflicting interests of States and regions and their containment and resolution by the federal state. The constitution of a free people, if well designed, is a structure which permits a resolution of even the most difficult divisions acceptably. The habit of accepting its authority and of recognizing in it the objective expression of their freedom one should expect to be difficult, a federal constitution, such as the American and the Canadian, is only well established when the loyalties of individuals to the whole and to a sovereign part coincide and are articulated according to the division of powers.

At that point it can also become evident that the relation of individuals to the federation has a precedence over that to the partial sovereignty. For in that relation conflicts among sovereign parts have the ground of their resolution, and the relation of the principles of the constitution to individual freedom is there most evident. The nation states of Europe in the time of their independence when they could settle on no agreement to their differences sought a resolution by war. A federation which is not an association merely of sovereign parts, such as the European Union, but a common sovereignty having particular sovereignties within it, has the great virtue that every difference among the parts can be resolved peacefully. The Civil War as the great exception to the strength of the Union to sustain differences, belongs to and completed the formation of the American federation accordingly. In foreign relations, while economically aggressive, the United States has been mostly free of the tendency of the former European nations to universalize in empires their particular sense of themselves. Instead it has promoted a structure of world government to make wars unnecessary.

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It was at first not evident to Americans, whether they should understand the Constitution as giving to individuals the right to pursue their good independently with the least intrusion possible of the state into their freedom or as unifying and protecting the general interests of society. The formation of ordered government under the President might seem to followers of Jefferson hardly less than a return to the tyranny of a king. To followers of Alexander Hamilton, Jefferson appeared an anarchic Jacobin. That the free individual having in large measure power over the conditions of his well-being and the state as supporting a society of such individuals, who in the means to their good were dependent and competitive, as well as free, were abstractions became clear as Republicans in the realities of office were found to differ little from Federalists. The sense of the division of powers in the Constitution was at the same time to check the arbitrary power of a sovereign and to ground the rational freedom of the individual. The independent individual and the monarch, thus constrained by the legislative power, were complementary not exclusive.

This unstable relation of individual freedom to the federal state on the occasion of the Sedition Act of 1798, which in restricting seditious speech was taken to exceed the power of Congress, gave rise at least to the beginning of a states' rights theory of the Constitution. A claim was made in the "Virginia and Kentucky Resolves" that States might interpose their authority between individuals and the federal state to declare void and demand the repeal of federal acts they judged to be unconstitutional. These documents, one the work of Madison, the other of Jefferson, did not assign a right of nullification to the people of a single state. But if the peoples of a number of states concerted in their demand, might this not be taken as equivalent to the will of the people as the ultimate source of political authority? But there was in this doctrine an assumption that the Union was a contract among states which they might revoke.

Stronger formulations of doctrine were to follow, not as defending individual freedom against the federal state but in defense of some regional interest. The war of 1812-14 was of particular interest to the states bordering on Upper Canada. To New England it was of no interest and the ruin of its commerce. A proposal to draft a new constitution protecting New England interests, to submit it to the original thirteen states, to go their own way if it were not accepted, did not prevail at the New England Convention of 1814. The disaffection on that occasion subsided with the termination of the war.¹⁹

The original Republican and Federalist parties - the parties of Jefferson and Hamilton - passed into Democrats and Whigs, both committed to maintain the Union. But the division of interests became more intractable as North and South diverged farther from each other with a rapid growth of manufacturing in the one, while the other drew its wealth in great part from the export of cotton grown by slave labour. The interests of the new States of the Northwest diverged from both. The North required tariffs for the protection of its industries; tariffs against British goods threatened the export market for Southern cotton. Other underlying differences gradually emerged that between free and slave states. The South, to retain its political power in Congress, would extend slavery to

the new states of the West; the North if it could not abolish slavery, would keep it within existing limits.

If the South could not maintain its interest politically within the Constitution, the only line of defense remaining appeared to be the states' rights doctrine: the Union is a compact among the sovereign States and within the Union they retain fully their former sovereignty. The federal government is only the agent of the States, which are therefore competent to annul on their territory any legislation they judge to exceed its powers. Against a tariff act, South Carolina in 1832 sought to give effect to this doctrine: a convention called by the government declared in the name of the sovereign people that the tariff act was not authorized by the Constitution of the United States, was null and void on its territory and not binding on its agents.

The counter position was thus formulated by President Jackson, though a southerner and friend of states' rights: "whether it be formed by compact between the States, or in any other manner, it is a government in which all the people are represented, which operates directly on the people individually, not upon the States. Each State having parted with so many powers as to constitute jointly with the other States, a single nation, cannot possess any right to secede, because such secession does not break a league but destroys the unity of a nation." Both sides made preparations for war, but a compromise on the tariff act averted the crisis for the moment.

Underlying the divergent economic interests of North and South was a different concept of liberty. The free individual of the Declaration of Independence - the enlightened individual - had potentially in his self-relation the means to his to own and others' well-being. His freedom was compatible with the Union which in its relation to the divided powers of state was ideally capable of resolving all conflicting interests of the society of free individuals without the imposition of an extraneous tyrannical will. The type of the free individual had been for Jefferson the independent farmer who in great part had in his power the means to his well-being. This 'enlightened' freedom belonged essentially to all men as expressive of their common rationality. Jefferson and others of his clan might incidentally have owned slaves. In the subsequent development of the Republic, in which the whole relation of society with its conflicting regional interests came into view, it was made evident that the particular freedom of a slave-owning class was incompatible with the Union.

In defense of slavery the argument of the ancients was advanced that a free and cultivated society was not possible without the labour of an enslaved class. The dependent employees of Northern factories were virtual slaves. In this defense the 'enlightenment' concept of freedom was forgotten, that the free relation of individuals to themselves and others did not abstract from but was realized in the useful labour which had formerly been thought servile. An aristocratic freedom resting on slavery retreated from the principles of the Revolution and could only live with a modified Union.

20 Calhoun's Exposition of 1828, Morrison, 432.
While the South by this doctrine was only conditionally attached to the Union, a fanatical spirit in the North began to demand the emancipation of the slaves as the fulfilment of the Revolution. To this demand was opposed the attachment of Southerners to their sovereign States. The war between these immovable forces made evident what lay in the doctrine that there was not right of secession from the Union as directly the state of all Americans. In that relation the society of free individuals had the objective constitutional structure in which democratic government - government of the people by their own agency and for the common well-being and the reality of their freedom - was possible. Through the primary concurrence of individual freedom with the operation of the federal state the Union was indivisible. Individuals might again find themselves unfree in the free society, but from that time with the sense of themselves as one nation - not as an association only of sovereign communities.

Through a development which had its completion in the Civil War the United States, from being a union of sovereign parts, became a nation.21 'Nation' is used of course in an extended sense, in which it refers not to a linguistic or racial community but to a unified democratic community to which individuals of whatever origin may belong as adhering to the rational principles on which it was founded. Particular sovereign states continue within the common state but without a temporal or other primacy on which a right of secession might be based, if one assumed that the union rested on a contract of some kind among them.

Separatists in Quebec argue on the same assumptions with only the difference that the contracting parties - the 'two nations' - are said to be nation states - linguistic and racial communities naturally separate and thus incapable of constituting together a 'proper' state, nation or people. These assumptions apply no more to the Canadian than they did a century and a half ago to the American federation. But in neither case is the formal constitutional argument sufficient to preserve the federation unless the common sovereignty is known and felt by individuals to be congruent with and the foundation of their attachment to a particular sovereignty. How Americans came to recognize the federal state as the object and support of their democratic freedom is exemplary for Canadians, who in this regard are still at the first stage of constitutional development.

The relation of the American state to the society of free individuals who are said to found it is somewhat clarified in the first stage of its development. By the separation of powers and by the Bill of Rights individuals are at the same time to have stable government and protection against the tyranny - the arbitrary will - of a king. The Republic once founded was threatened much less by a tyranny of the executive power than by the conflicting interests of society which at the extreme government found impossible to resolve and contain. The Union could not be saved without civil war and in the direction of that war a virtual unification of the powers of the state and the President as Commander-in-Chief. To that unification corresponds on the side of free individuals a sovereign popular will supposedly free from the special interests of the same individuals.

21 "Before 1861 the two words 'United States' were generally used as a plural noun ... After 1865 the United States became a singular noun." J. M. McPherson, *Abraham Lincoln and the Second American Revolution*, Oxford, 1991, viii.
in the competition of society. The popular will and the unified will of the political community coincide. In that coincidence a priority one to the other of the will of the people and the unified political expression of it vanishes. But the relation of the one side to the other is not fully clarified so long as the particular divided interests of society fall outside that point of coincidence. It is a striking aspect of American political life that in a long series of presidents, many pedestrian enough in character indeed, a few heroic figures continue to hold the affection and respect of the people. In these heroes who stand at the beginning of the Republic and the principle points of transition in its history the American people appear to find a political embodiment of the popular will, thus a precedence of state to the divided will and interests of society. Eminent among these heroes is Abraham Lincoln with whom the Republic passes from problems about its unity and survival to divisions within an established and unquestioned unity.

(B-2)

In the decades following the Civil War the rapid growth of an industrial society tended to make obsolete the concept of the independent individual as the bearer of American freedom. The means to his happiness or the reality of his freedom was a system of economic relations controlled by the rich and powerful. One might go West and begin anew a more independent life, until the same confining structures followed - and eventually there was no more open West. The inequalities, the poverty and uncertainty of life for many might seem to demand some form of European socialism where the state would attempt to equalize the effects of an unregulated capitalism. Americans, although the Union had become a nation or people, would maintain on that basis a freedom of the individual in society. A socialist assimilation of society to the state was intolerable. How could the sense of individuals that this 'happiness' or success in society depended principally on themselves, was the realization of their freedom, be sustained in the dependent situation of workers in a capitalist economy? Defenders of slavery in the South had argued that the condition of factory workers in the North was hardly different, and might be worse, than that of slaves. The response of reforming presidents in what is called the 'Progressive Age' was partly to restrict the tendency of corporations to combine and eliminate competition, saving thus something of an equality of opportunity. For the 'enlightened' freedom of the Revolution demands that the individual, potentially free in his rational self-relation, have in society conditions which permit a tolerable realization of that inner freedom.

Some part again of a solution was to restore to individuals the sense that the state was not, as appeared, the instrument of powerful interests but served the popular will, that is, all individuals as equal. To that end the election of federal senators was taken from State legislators, subject to corruption by powerful interests, and given directly to the people. The introduction of 'primaries' again was expected to weaken the control of parties and the special interests they commonly served over the choice of candidates for election to Congress.

These and like reforms reflect an altered relation of society to the state. The virtue of the independent individual pursuing his good had become a common morality, and the
relation of individuals to the state was on the basis of this morality. The state in this way imparted at least an inward and formal freedom to individuals in the capitalist society. Americans thus abstractly unified knew themselves as among the great powers of the day. They took part with the European nation states in the work of dividing the world among them. But they also distinguished themselves as moved, not to dominate, but to promote among others their unique freedom. When the European powers from the competition for empire turned on themselves in the First World War, the United States in this moral temper determined the victory. President Wilson would establish a moral world order. But for this flight neither Europeans nor his countrymen were prepared. The Europeans knew only their national interests; the real interests of Americans prevailed over their moral elevation.

The division in this moral politics was nowhere more conspicuous than in the relation of the United States to Latin America which it began to dominate at this time. Partly Americans intended to bring to Cuba and other Latin states democracy and the application of modern reason to their affairs. But of the goods flowing from this 'enlightened' reason Hispanic culture is not easily receptive. They brought also an economic domination which developed and used the resources of Latin countries in American interests. And for the protection of these interests they preferred compliant and dependent dictators to democratic forces better attuned to American political ideals.

To American culture of the time belongs also a correction of this universalized individual freedom. The true subject of American freedom was rather to be thought the 'pragmatic' individual: the living individual who shaped his world not in the light of universal ideas and ends but empirically in structures found to serve his needs and desires. A realization and concretion of the individual as moral or universal, the 'pragmatic' individual could not on his own find his way back to that universality. The inalienable rights of the Revolution and the principles of the constitution were not to be discovered from that standpoint but only shifting, evolving social structures.

For James or Dewey, who were formed and lived in the universality of a scientific culture, the consequences of Pragmatism for that culture might not be evident. One can look for the discovery of freer social forms in the light of growing experience. But going over themselves to the standpoint of their discovery they could not but agree with Richard Rorty that the 'pragmatic' individual is cut off by an ever recurrent negativity from and ascent to the universal. The 'enlightened' freedom of the American political tradition would have to be thought illusory.

In this second state the Republic appears to founder, as for different causes, it came near to ruin in the first. What is lacking here is a relation of the 'pragmatic' individual to the universal principles of the Revolution. The resolution in this case also is through a clarified relation of the free society, taken in its dividedness, to the state.

The conversion of Americans at that time to another concept of the state and its relation to the society of free individuals had first a negative side. The moral optimism which had carried them through the First World War showed itself in the war and its
aftermath to be inadequate to the reality of life. From the universality of institutions individuals turned to relations seemingly truer to life. If the 'liberation' from an abstract morality was them only at its beginning, a rebellious and dissatisfied sentiment pervaded the general culture.

This cultural shift was played against the background of the old order - of a capitalism confirmed by morality. The break between this order and real life was imposed by the Great Depression. If the relation of the state to society be that which came into being in this second stage, President Hoover rightly concluded that nothing could be done politically about the unemployment and misery of a large part of the American people who were displaced from the free economy. State intervention would be immoral. If the state were to respond to the need of the impoverished, there would lie in this response an assumption that its concern extended to the conditions of life, which, not attended to, made meaningless the rational pursuit of their 'happiness' by individuals. Corresponding to this obligation on the side of the state would be a new dimension in the rights or rational expectations of individuals - a new concept of their freedom.

The American state in thus overreaching the free society and setting conditions to its operation, in sustaining the whole interest of individuals, may be said to have bridged in principle the division between the pragmatic individual and the free rational individual of the Revolution. The intention was not, as in Marxism, to annul the difference or assimilate society and state to each other, but, what is more difficult, to save the free society through a new relation to the state.

(F-3)

Franklin Roosevelt initiated a change in the understanding by Americans of the ends of government and of their freedom such as has given him a place among the heroes of the republic - even if this third revolution remains incomplete and of uncertain issue. There are still those after fifty years who propose to undo the New Deal, but only if somehow its benefits can continue on their own without 'big government'. That the whole material interests of its citizens was the proper concern of government had in a gradual process since the mid nineteenth century become accepted doctrine in the more advanced European states. This revolution had other impediments and took another course in the United States than in Europe. Conceivably in the end it may be better established there than in Europe, where its causes have long been obscured in a dichotomy between nationalism and the economic society.

In the United States the argument has not been as in Europe within nation states which had appropriated or supposed they had appropriated the revolutions of the seventeenth and eighteenth centuries, and thus had the affairs of civil society within their scope. The argument has been instead between the society of free individuals, which would maintain its priority, and the tendency of a state whose object was the concrete and unified interest of its citizens to assume a primacy over society. It is not that Roosevelt or Americans since his time have ceased to take their stand on the side of society and to regard the revolution from that point of view. But the logic of the revolution has itself tended to
undermine the ground on which they stand. Thus what seemed stable in society has become unstable: the institutional relations of individuals have fallen into an extreme turmoil, and many ask whether the Republic can long survive.

In the present argument the essential difference between society and the state which encroaches on it is that in society, although the individual in his rational freedom and in his divided relations to a natural world is taken to be one individual, this unity is only partially explicit. A multitude of individuals as rational make up a society, but they are also competitive and divided. The state is called a complete community in the sense that it has room for the divisions of society with a unity of ends. The New Deal brought into the free society a unity of ends, in that it proposed to complement its independent operation when this does not extend to the whole range of human needs, to regulate ab extra in various ways its natural fluctuations, to conform the justice of the courts to the needs and economic rights of individuals and so on. So far as these interventions were like a deus ex machina and did not take into them the order of society they must be disturbing to that order and the sense individuals had of their freedom through that order.

The social reforms initiated by the New Deal can appear to be only an addendum to the society of free individuals when it fails of itself to meet the needs of its members. The right of individuals to what belongs to their general well-being and development may appear to have its realization ordinarily through participation in the free society. But the seeds were sown for a revolution in the relation of society to state and of individuals to both. A society, John Rawls observes, having in mind the American society, is neither an association nor a community having a unified end. An association one joins from an interest in its purposes, and may leave if it no longer interests. The state, according to a long tradition, is thought to be a 'complete society' uniting in relation to itself the diverse ends of its members. A society is a community continuous over generations, into which individuals are born and in it pass their lives, in which individuals pursue a plurality of goods but not one unified political good.22

But in the New Deal is implicit such a unified relation of the state to individuals having in themselves relation to a comprehensive good. The pragmatic individual, in whom abstract morality and that from which it abstracts are united, is potentially a political animal, regarded from the side of life and nature. There is in him a sense or intuition of a unified end underlying the process of his development. The experience of the limits of the pluralistic competitive society in the Great Depression awakened this political dimension and made individuals so constituted receptive of the New Deal, just as this has as the subjects of its reform individuals having in themselves an intrinsic principle of development of whatever is in them.

This incipient relation of the individual to a state, in which he overreaches his relation to society, has in part a negative aspect. Institutions shaped on the assumptions of the competitive society can be felt unfree. The family, as nurturing the independent individual of society and as reflecting this relation in its discipline, gave way to a family

unified by a more immediate affection. This weaker bond was then less able to contain
the divisive ambitions of society. A radical subjective freedom, indifferent to natural
distinctions, promoted as alternate families a number of socially destructive relations.

The division of parties in society tended to extremes. To 'conservatives' in the time of
Joseph McCarthy 'liberals' might seem virtual Marxists - destroyers of the free society. In
the 'political correctness' of the present time it is hardly safe to be a conservative. Only by
moderating extreme positions within themselves do parties win support enough from the
people to govern. Those who hold, or would hold, office are subject to a negative
criticism by journalists who expose every deviation from a political virtue they would
destroy.

Society itself has become more intensely competitive, as institutional loyalties have
dissolved and success or survival depends on abstract criteria. With a weakening of social
bonds individuals become more easily an end to themselves for criminal and other
antisocial works. The noble work of those who liberated blacks from a submissive and
subordinate place in American society or the attempt of liberals to create a 'great society'
in which there would be no more poverty or urban slums - these and similar works ended
otherwise than intended. The freedom of those liberated had not in it generally an
intrinsic order and direction. The ghettos became more violent and drug-ridden, cities
dangerous to live in.

The freedom which a liberal state has brought to individuals is widely the banality of
the consumer society with its endless satisfactions and nothing for the rational spirit. In
the 'consumer society' and the technological apparatus which caters to its needs and
passions, the rich grow richer and the poorer find it hard or impossible to hold their
ground. Where are the equality and rational independence to which all at last are to have
been liberated? The end in which that equality and their natural goods might fall
together?

The economic society which the state was to regulate for the good of individuals is to
be deregulated and have a life of its own as a 'global economy' ever expanding in an
inexhaustible market. But it is not the former society which has as its mover the free
rational individual. Its god is change and those flourish who produce and keep up with
the change. Neither in the individual nor in society is there a centre which can dominate
change and bring order into it.

Such most briefly is the negative side of this third stage in the Revolution, which is not
accidental to it but the consequence of its pragmatism. The pragmatic individual, who has
implicit in him relation to a comprehensive good, is at first the interest of a beneficent
liberal state in its external and material relation and not in its inward rational direction.
The individual is in this way freed from the moral or rational society, but to a freedom
which knows neither that order nor a new integration of it with the state.
DOULL: THE PHILOSOPHICAL BASIS OF CONSTITUTIONAL DISCUSSION IN CANADA

Americans might - Richard Rorty tells them they must\(^{23}\) - remain with this result and abandon the ideas of the Revolution: that all men have inalienable rights - rights pertaining to them not accidentally but in consequence of their rationality; that as rational they are not simply involved in or enslaved by the great economic system by which together they undertake to satisfy their needs and multiple desires, but in and through it they have the right to seek their happiness, that is, the sense that this system is for them, that they are free in it. The 'enlightened' freedom of Americans has always had in it this unification of ends, whereby free individuals are not simply a multitude but have with others a common end and are a society. The logic of this unification has become more evident from one stage to another of the 'enlightened' freedom. The primary sense of the development indeed has been that this freedom has become clearer and more stable, as belonging to a rational self-consciousness.

When the free individual gave body to his morality as the pragmatic individual, he had hold virtually of the connection and transition between his involvement in the many ends serving his needs and transient or more stable desires and his universality. The many ends were for him as an endless but seemingly progressive process. Rorty, imbued with contemporary European thought, attends to the ever unsurmounted negativity in this process and pronounces a comprehension of that recurrent division, and thus a referring of the many ends to one end or the good, to be impossible. In that he is the victim of an alien logic and has forgotten that 'Enlightenment' even in its less developed forms knows this unified relation to self-conscious freedom of what is other than itself, and which appears to be only a disparate multitude.

The positive side of this third stage in the American revolution is that society is drawn farther into this unity of ends or the state, to the point where the assumed priority of society loses all stability. For the free individuals of society this movement can appear anything but positive - a recurrence of the old tyranny of the state against which Americans gained their independence. But the movement here is from the side of society, and the state which threatens to emerge from it is a more unified democratic state, which does not detract from but gives stability to the society of free individuals. In the various forms of 'enlightened' society the animation is from individuals who seek their good through particular ends. The competition of individuals in the advancement of their particular ends is within a society or community which it divides. Individuals in the 'enlightened' society know themselves as free so far as this division does not alienate but is known as their own. But the community, and thus the recognition by individuals of their freedom, is incomplete so long as the division and the competition are taken as primary and not comprehended in the community. That this is true Americans before 'Enlightenment' knew in the medium of their reformed Christianity, and the moving spirit of 'Enlightenment' from the first was to give universality and historical existence to the freedom of the 'elect'.\(^{24}\)


\(^{24}\) Infra.
The present perplexities of the Republic have awakened a great deal of reflection among Americans. Within the perspective of a society engrossed with the goods which an ever more sophisticated technical economy provides for the satisfaction and anticipation of every need and desire the 'enlightened' tradition of a rational and practical freedom is lost from sight. But that tradition also remains alive among Americans, for whom the Constitution and their democratic freedom have an almost sacred quality. The need, practically and for political thought, is to bring together that rational tradition and the irrational culture of the present time. How is contemporary individual freedom, in which rights are detached from their universal and rational basis, to be thought continuous with that tradition?

In regard to these and like questions the writings of John Rawls are of particular interest. Rawls would revive in a contemporary context an old doctrine that the state rests on a 'social contract', and has in view the whole 'enlightened' tradition and the origin of 'Enlightenment' in pre-revolutionary America. His interest is to save the society of free individuals by finding in it for the developed individual freedom of the present time a justice or confirmation of their freedom. This justice as political would define the relation of individuals to the state, and would maintain the difference and priority of society in relation to the state.

Especially in his Political Liberalism, Rawls, although the 'enlightened' concepts of his thought are universal, writes of their embodiment in the political history of the United States. Since the United States was founded on 'enlightened' principles and not on national particularity, the course of its political development, considered in essentials, exemplifies the development and clarification of these principles. Thus it is not an extraneous imposition when Rawls situates himself in the Kantian philosophy, the last and most developed expression of 'enlightened' thought. Pragmatism had its source in that philosophy, and in this development is brought back to its source.

Rawls' use of the Kantian philosophy is novel and pertinent to his time. Various answers were given to the question, what is the good or unity of ends? These answers, whether utilitarian, intuitional or pragmatic, related the good too directly to the finite ends of society, confusing thus the difference of society from state. Rawls has in mind, and would have his readers assume, a well-ordered society. The general conditions of such a society are "that everyone accepts, and knows that everyone accepts, the very same principles of justice"; that "its basic structure - its main political and social institutions and how they fit together as one system of cooperation - is publicly known, or with good reason believed, to satisfy these principles"; that "its citizens have a normally effective sense of justice, and so they generally comply with society's basic institutions, which they regard as just."\(^{25}\) What principles of justice sustain in Americans such a confidence in their basic institutions and their normal functioning? In what context are these principles voluntarily accepted and preferred to other principles?

\(^{25}\) Political Liberalism, 35.
This 'well-ordered society' Rawls knows is a highly idealized concept of the society in which he lives, where many have lost confidence in their institutions, their just operation and that their fellow citizens normally act justly. But the Republic since its founding has rested on such an idea, free individuals realizing tolerably their own and the general good under institutions adapted to that end. When the working of their institutions was felt not to be just, the resilient spirit of Americans, as the present argument has shown, was able so to revise them as to restore a general confidence in them. Rawls' question is how such a restoration is possible in present circumstances.

Rawls supposes that his readers have from their tradition concepts of justice and the good - of ends and a just ordering of them. He supposes also that they recognize the common good of the free society. These primary social goods are: (a) basic rights and liberties, (b) freedom of movement and free choice of occupation, (c) powers and prerogatives of office and positions of responsibility in the political and economic institutions of the basic structure, (d) income and wealth, (e) the social bases of self-respect. Not that for Rawls these are the only or the highest human goods. His interest is that in the light of comprehensive ideas of the good, individuals discern a just order in the pursuit of these goods, to know themselves as free in finite and limiting ends.

This is pure 'Enlightenment' doctrine: from the contemplation of ultimate ends one is to turn to the world, to what falls within the human understanding and is useful for the improvement of human life. But this confinement of humans for their good is only free if held in relation to the infinite good from which they have turned. The Kantian philosophy of the understanding rests on a higher standpoint of practical reason, and this on a comprehensive religious standpoint. These levels are not to be conflated. Rawls' inquiry has for its object to articulate the relation of the comprehensive good to the goods of society by discovering a concept of justice such as persons situated in that higher standpoint would prefer to other concepts which tended to obliterate the difference.

Rawls invites the reader by "a device of representation" to place himself behind a "veil of ignorance" where he knows nothing of society explicitly. He retreats, that is, to the universal good which is without the division and determinations belonging to the society of free individuals. The object he has before him through this construction is the same concept of the good as that in which the contentious religious sects of an earlier America consented to tolerate their differences and work together for worldly ends. Or it is the principle of 'Enlightenment', in whose light people in the eighteenth century were moved to bring reason and justice into human affairs.

The situation of the reader who has placed himself under the "veil of ignorance" is analogous to that of the representatives to whom initially Americans entrusted the work of designing their political institutions. The demand then was to find institutions which supported and did not oppress the freedom individuals knew in society. With the likeness there are great differences between the one situation and the other. The good which the

26 Political Liberalism, 181.
27 Kant, Kritik der Reinen Vernunft, Vorrede.
28 Political Liberalism, 24.
'enlightened' were to bring into the world through determinate political and social structures was not a representation which a self-conscious thought knew as its own, but the abstraction of a highest being - inaccessible, through presupposed, to a Humean scepticism, variously knowable to other philosophies of the time. More like Hume than like Kant, the founders lived in the world of that older modern philosophy. And the tolerance of religious diversity which 'Enlightenment' brought was of religion so far as reasonable by the measure of that abstraction.  

For Rawls' Kantian standpoint this comprehensive idea has more explicitly the form of the good, not beyond but inclusive of finite ends. Theoretically 'regulative' for that philosophy, it is for practical reason the assumed but unattainable end of its striving. Rawls' "device of representation" can serve as a measure in choosing the appropriate concept of justice for society because it is not, as in the earlier 'enlightened' thought of the Founders, a being concealed behind finite ends, but that in which they are centered. The preferable concept of justice is that which, allowing the dispersion and multiplicity of goods in society, also draws it into unity progressively more apparent.

In the light of this measure Rawls finds two principles of justice. One is the equality of individuals as rational and their rights or particular forms of this rational equality. The other is the 'difference principle', that through which in pursuing the common particular goods of society individuals have relation to the concealed unity of ends, and thus that perception of their freedom which belongs to a 'well-ordered society'. The 'difference principle' is succinctly stated as follows:

Social and economic inequalities are to satisfy two conditions: first they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least advantaged members of society.  

Equality of opportunity maximized approximates as far as possible a realized or concrete equality. Differences in natural capacity and interest cannot be wholly eliminated and ignored, as by lot in ancient Athens or as in Andrew Jackson's belief that government offices were such that everyone was capable of them. The other clause reduces farther this disparity: economic competition reaches beyond its divisive tendency and is made the servant of all according to their need. The ambitious pursuit of wealth and power is voluntarily converted into the common end of giving to all the benefits of economic and technical progress and thus the sense of a real and improving freedom.

To the participation of individuals in this 'just society' there is the condition that they be members of society, that is, moral and rational agents who freely chose a particular work among those offered in society; that in pursuing their individual good in that way, with and against others, they come to recognize that society is not competitive only, but beyond competition a system of cooperation. Many in the indulgent, debauched and, it

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29 Political Liberalism, 195ff.
30 Political Liberalism, 6.
may be, rebellious society of the present time define their freedom by negating that condition. The 'justice' of Rawls well-ordered society does not respond to this deeper dissatisfaction but defines only a 'should be' or a moral and voluntary restraint on the aggressive pursuit by individuals and economic associations of their particular good.

The moral restraint of this social and political justice is grounded and stabilized in the good to which individuals represent themselves as subordinated. In this representation the many ends through which individuals in society would attain their good and a realization of their freedom are not opposed to their common end or community but drawn into it. In society itself the communal relation which is the basis of justice has priority over the good which there exists in the multiple ends through which individuals freely pursue their good. So long as the good in which this division is unified is a representation only, it is of no effect towards bringing into society more than an indefinite approach to a realized community - a community, that is, whose primary end is not the particular goods of the competitive society but the inclusive good of individuals as living and rational beings.

The 'represented' good further is only supportive of a voluntary and moral justice if it is not a construction only, to which the free individuals of society who construct it are prior, but is the 'prius' for them. This transposition is the central interest of contemporary American culture. It appears most distinctly in a deepened opposition of 'right' and 'left' in society. The 'right' no longer simply defends economic freedom against the state of the New Deal or virtue against permissiveness, but has need to find a relation underlying reflection and choice, which it finds in family and the 'right to life'. This attitude may assume many forms: care for the environment, idealization of primitive society, hostility to reason and 'technology'. Taken in its American context, it is rather a recognition of life as created and of the relation of the rational creature to an absolute good. A 'religious right' so understood has no quarrel with the free economy or with 'technology' so far as this respects life. The primary opposition to a 'right' so founded is an unlimited 'freedom of choice'.

The 'left' in this opposition is a subjectivity which is not the moral and rational subject of the free society nor simply the subject 'liberated' from that morality, but has for its interest to surmount that division. This freedom animates what is called 'political correctness'. It pervades the popular arts. There is in it the contradiction that one would destroy reason and morality and in so doing exceed the morality of those one exposes and destroys. This negation and restoration is practiced not only on others but by the individual on himself, especially in the destructive aesthetic frenzy of the arts, which in its negativity turns also to morality and the universal. This freedom has of course nihilistic Nietzschean forms, but, taken in its opposition to the good in which the 'right' would find stability, its object likewise may be seen to be a unity before, but capable of, division - the attempt of the individual to make the good his own.

'Enlightenment' in its development and various forms would realize freedom through the knowledge of nature and its application to the improvement of human life. The society of free individuals who pursue this work know their freedom through the common relation of their particular good to the common good. So far as this relation to
the universal is inward and concealed from them in their relations to a world confronting them, as e.g. in Hume's account of the structure of 'enlightened' reason, their freedom is abstract and divided: there is a community and a multitude of individuals pursuing competitively diverse ends. As the present study has brought out in relation to the United States, whose institutions were founded on this concept of a society of free individuals, a development of this society has the meaning of drawing together and articulating the relation of its inner end or common good, the many useful arts and their competitive application, and the individuals who have their freedom in relating the two. The term of this development is that the system of particular ends should be known as realizing the common end, and the freedom of individuals in their particular ends as within their common end. There is a point in this movement where the freedom of individuals in society conflicts with the common end and the attempt to realize it directly. The state since the New Deal takes for its object the whole good of individuals. In society that work is the prerogative of free individuals, who would have also their particular good. Essential to free individuals is that the good be effected by them, not simply that it be done.

Rawls' concept of justice has the great interest that it shows the limit of this accommodation to each other of the state and the free society. Beyond this point either the free moral subject recedes into a relation to the good prior to its divided moral relation to society or the 'liberal' who was the agent and advocate of a direct political realization of the good finds that he can maintain his freedom only as an absolute freedom of choice, as beyond the division of moral and immoral. In the one case the division of society as primary is given up, in the other as meaningless it is virtually given up.

That the positivity of 'Enlightenment' when it has the form of a relation of a would-be concrete moral will to the good passes into a radical opposition of good and evil, or the individual will absolutized, has its classical exposition in Kant's treatise on religion\textsuperscript{31} considered from the side of 'enlightened' reason. The aversion of 'Enlightenment' to the Christian doctrine of a radical propensity to evil in man rested on an abstract concept of the good which the intrinsic development of the position has corrected. The idea of a concrete good to be freely realized, which is implicit in 'Enlightenment', is derived from that part of the Christian community which admitted a free subjective movement in the reception of grace. What in early New England and the other colonies was known in the various Protestant communities the 'enlightened' proposed as a universal human work to be realized historically by a society of free individuals turned to their finite interests. The condition of such a work, known in the Augustinian-Calvinist theology of American sects, namely a unification of the divided good and evil propensities of the human soul, was forgotten in the structure of the society of free individuals. Protestant Christianity remained in general the belief of enlightened America, moralized more or less and recalled to its concrete doctrine by degrees through experience of the limits of enlightened freedom at its several stages. The term of this development would be to grasp

\textsuperscript{31} Religion \textit{innerhalb der Grenzen der blossen Vernunft}. 
what 'Enlightenment' is and to retract the assumptions of the society of free individuals and its apparent priority to the state.

In Europe the revolutions of the eighteenth century had their result in the formation of the democratic state which has place for society and individual freedom within it. On this basis the universal social programs, which in the United States are felt to impinge on individuals, are more easily accepted. In relation to the state, individuals can feel themselves not less but more free than in society. As predicated of particular national communities this distinction survives in cultured habits and tends to be negated in relation to the common economic community.

At such time as out of the present disposition of forces in the United States the state might emerge more clearly as the basis and support of the society of free individuals, both sustaining the goods and interests of society and bringing them under more universal human ends, that state, as resting on universal principles, would have a far greater stability than the one-time independent nation states of Europe. If the present tendency to give over to the states a greater part of what the central government has taken to itself since the New Deal were to continue, the federation would have more life. For the sense of individuals that in the central state and the Constitution they have the ultimate security of their liberties is best maintained by strong differences among the particular sovereignties and between them and the federal state, with the more developed concept now of individual freedom.

The separation of powers in the Constitution suited better the relation of private interests to the incipient state of the early republic. In place of a fear of tyranny there is now a sense that the state is beholden to special interests and cannot respond to the recognized needs of the people. Montesquieu having before him the unified state of the early modern age would correct through the division of powers both the arbitrary will of the sovereign and the capricious will of the people. A primary unity of the powers remained and the idea of the judiciary as a third power, which occurred to him, he quickly corrected, seeing its function in the interpretation of laws and their application to particular cases as part of the executive power. Rousseau discerning the unity of the rational and the sensuous will and that the state is occupied with the relation of the two denied that the powers were primarily separate. Still less from the Kantian standpoint of Rawls should one allow such a separation of the popular will as determined by the representatives in Congress from the Presidential power. And the Supreme Court which on its own declares the content of individual rights, thus taking on itself to legislate for the people, shows the worst consequences of the tripartite division. Domestically and in foreign relations there are two competing powers, of which each would be the state, and law and policy in consequence proceed rather from compromise than a unified view of the common interest. In a recognition of the priority of state to society the relation of powers would be seen differently.

These and like institutional changes are implied if Americans are to respond to the deepest division of society at the present time. When and in what ways they might find an acceptable response in continuity with their political traditions is for the future to
disclose. One who attends to American freedom and the spirit moving in their institutions can hardly doubt that, whenever it might be, they will resolve appropriately also this most difficult of divisions. It is sufficient for the present inquiry to have shown that the whole movement of American political history is towards the reversal of an assumed priority of society to state. What lies in the opposite assumption of Canadian history, that the state underlies the free society, has been given precision by this inquiry.

The United States is the first post-national state, the first state based not on national particularity but on rational principles, whose history is essentially the development of those principles. Americans were from the first conscious that they attempted something new, and of consequence for the human race: there began with their independence a "novus ordo saeclorum".

C. Canada

What is Canada? Not a 'proper' state, some would reply, taking for their model the now obsolete European nation state. Not like the United States, most would agree whether of the Anglophone or Francophone community. This difference, which shows itself in many forms, is rooted in a different perception of the relation of the state to the private freedom of society. Canadians in all parts of the country accept and are strongly attached to universal social programs, which are less felt to be an affront to private freedom.

Provinces in Canada because of this difference have a stronger sense of their sovereignty than is usual in the United States. They can on this account more easily take themselves to be independent, and thus like nation states. In Quebec, which lives in another language than the English-speaking provinces and in another form of the common European culture, a developed provincial sovereignty easily passes into a movement to separate from a redundant federation. The only adequate response is that Canada is a federation of sovereignties which on the basis of a common European culture can contain different national forms of that culture. Not just any difference, but that of the two peoples who in the seventeenth and eighteenth centuries discovered and brought into being the rational democratic freedom of the modern age. The peculiar spirit of this federation is that neither culture should dominate nor suppress the other, but, as complementary, the tension between the two should enliven the whole and make evident to both their common freedom.

That Canada is either a federation so defined or an historical blunder at the point of dissolution can be judged objectively by an argument structured as follows:

(1). The common history of the British and French peoples in Canada during a long colonial dependence is essentially of the formation of a federation so conceived.
(2). Canadian history since the 'patriation' of the Constitution is essentially a continuing attempt to make our own what we had become in the course of that dependent development. This second stage has two movements in it: in this our Canadian revolution, as in all successful revolutions, there is need first to be 'liberated' from the authority of received institutions, then to review and appropriate from the standpoint of that freedom what was before found oppressive.

Since, unlike Americans, we suspended our revolution until the complete development of democratic institutions in one federation, in its positive development we have less need to amend than to understand the principles of our freedom.

(C-1)

The English and the French occupation and colonization of North America both began in the first years of the seventeenth century. The political institutions and government of the two peoples at that time were both divergent and founded on common principles. In a parallel but also different development, both had subjected the feudal estates to a monarchy which as beyond this division is called 'absolute'. This reduction was carried out more radically by the French kings, who soon ceased to summon the estates. In England, after an apparent accommodation of king and parliament to each other rival claims to sovereignty were fought out in the Civil War and at length adjusted to each other. In France only the Revolution made room for popular freedom within the unified state.

There is a different development of common political principles. The subjective freedom of the modern age required a radical revision of the medieval state, where finally the would-be independence of the estates was stabilized under an absolute monarchy. In this revision the English maintained better a continuity of the old with the new, glossing over in their empirical temper the deep divisions latent in the process. The French held logically to the implications of absolute monarchy, restraining the subjective freedom which moved strongly in them, until this, assuming a radical form, destroyed the monarchic state.

In the philosophy, the science, the arts of the time, there was a reciprocity where what might be discovered on one side of the Channel was taken up and carried farther on the other. The movement began in many matters with the British; what they had done the French genius would then raise to a more rational form. In political matters to carry divisions to extremes can be destructive, as French history illustrates. To live with a constitution which is not grasped in its principles, given conceptual and written form, is however unworthy of a cultivated people. In such federations as the American and Canadian an unclarity about the principles of the constitution is dangerous.

For a century and a half France and Great Britain contested which would dominate North America beyond Mexico. The British conquest of New France was followed shortly by the independence of their American colonies. In Canada conqueror and
conquered came under one monarch. The subsequent political history of Canada is the common development of that, at first formal, relation.

That peoples should pass from one monarch to another was a frequent occurrence at the time. Alsace and afterward Corsica were, for example, taken into the French state. Such transitions became more difficult when government in the nineteenth century had passed from kings to peoples and their elected representatives. When the basis of government in European states passed from rational principles to race, language and cultural particularity, these transitions must appear impossible. If one would follow the political development of Canada the initial relation of the two peoples should not be taken anachronistically.

Religion, language and the civil law distinguished the conquered people from their conquerors. In a political relation these differences were tolerable to an 'enlightened' age. That the subjects of a Christian king had to belong uniformly to one part of the Church, as Louis XIV had been persuaded to think in the previous century, had ceased to appear a necessary basis of political cohesion. Still less to those who had some part in the common European culture of the time need language and the conventions of another law seem radical impediments to a common polity.

The conquered also from their own culture could not be without inclination to the freer form of government the Conquest had brought within their reach. New France had appeared a model of conformity to the absolute monarchy and to a monarchical church. But the realities of life in North America awakened also incipiently an independence and equality of individuals which tended to make of feudal forms of land tenure merely formal distinctions. The religious beginnings of subjective freedom in Jansenism and Calvinism might be suppressed but not the response to life in the New World. Peculiar to the French among European peoples is an adherence at the same time to a unified authority in king or pope, which will have no individual freedom unless as subordinated to it, and to the Cartesian freedom of the modern age which is its own centre of authority. A common government and common loyalties between this people and a British people in whom the same division occurred in a more moderate and subdued form might be a difficulty, but, given favourable conditions, in no way impossible.

To know how the common polity of these peoples which now exists, if imperfectly, came to be, one must attend not only to the events of their common and special histories but to the spirit moving in them. The moving principle of the French monarchy, which ruled in New France until the Conquest, was the quality Montesquieu calls 'honour'. 'Honour' he distinguishes from 'virtue', the animating principle and source of loyalty in democratic constitutions. The latter quality he observes particularly in the English state of his time. The 'virtuous' man is the free moral individual of the American revolution, but considered as in relation to the English monarchical state. The difference of these subjective principles and of the constitutions they sustain is the best beginning, if one would grasp the initial relation of the two peoples. In 'honour' there is not yet the subjective freedom of the modern age but a striving towards it, in that the individual discovers his highest secular good in loyal service, it may be at the cost of his possessions
and his life, to the monarch. In this he has brought into one relation his various interests and passions. The object of that unified relation is called in political discourse 'the good'. For the particular goods which he is thus ready to sacrifice he can ordinarily expect benefits to be conferred on him emanating from the monarch. The 'virtuous' man has in his self-relation, and not from above, his relation to the many particular goods he needs or desires.

' Honour', so understood, is the virtue first of an aristocratic class, then derivatively of a bourgeoisie who would be something in the world. The one class tends to an excess of independence and finds submission hard. The monarchical government operates through a relation of this to the more compliant middle class. The peasantry fall outside this direct relation to the monarch. Thus in New France the will of the monarch is executed by the divided authority of the military Governor and the Intendant. But the relation of the country people to this system is different almost from the first in New France. There is not a half-servile peasantry, but the 'habitant' with a strengthened sense of his independence and equality. One reads with admiration of the heroic characters who made New France - Champlain, Frontenac and many another - of the wars with the Indians and the English enemy; of the great explorations which extended the French Empire to the western plains and the Gulf of Mexico; of the heroic missions of the Jesuits, in a like service of 'honour' to the Papal monarch. The formation of a Quebec people has in it also the beginning of a 'virtue' which could survive the termination of this ordered relation of individuals to their political centre in the absolute monarch.

The disappearance of the old order can appear in a nationalist perspective as an immense shock from which to this day French Quebecers have hardly recovered. It is also said that they were already a 'people' or a 'nation', in which case they would have in themselves a political order to replace that from which they were severed. It would be better said that the Conquest stabilized their relation to the culture earlier imposed from above, that French culture from that point took root in North America and was capable of an intrinsic development. The conquered were not in a later nationalist sense a 'nation' or 'people', but the bearers of French culture of the 'old regime', towards which they must find a freer relation.

The British community which came into being in Canada after the Conquest and would soon consist in great part of royalist refugees from the American Revolution, had in common with the French community a devotion to the monarchical state as the source of its freedom. It differed from the French community in that it had in it also the 'enlightened' subjective freedom to which Church and State were alike inimical in New France. The conquered people, in the sense of themselves as now on their own, were readily receptive of that freedom.

Towards the conquered people the British government followed an ambiguous and shifting policy. Were that possible, it would assimilate the French to the British community. But the Quebec Act of 1774, in recognizing the right of the French community to its religion and law, envisaged a coexistence of the two communities. And the Constitutional Act of 1791 granted equally to both the beginnings at least of
representative institutions. Lord Durham hoped that the union of the two Canadas in 1840 would lead to the assimilation of the French to the English community. But with the 'responsible government' which he also recommended, coexistence was found to be irreversible.

Two communities existed side by side under a common government, to one its proper government, alien to the other. But the relation of the French community to the conqueror was far from defensive only. Holding simply to the authoritarian structures of the old regime, it would have generated from itself that revolutionary reaction which thirty years after the Conquest was to destroy the French monarchy. In Canada the nearest equivalent to the American and French revolutions, in which the society of free individuals took possession of the state, was the rebellion of 1837 in both Canadas against governments which excluded the popular will from their councils. Had those rebellions prevailed, both communities would have been absorbed quickly into the United States.

However well in the old and the new France monarchy and Church might suppress the emergence of a subjective spirit in religion, when this subjectivity took on secular forms and became the spirit of a free society they were impotent against it. The limited and ineffective participation of both communities in government since 1791 provoked them to rebellion. The 'responsible' government then granted to the Canadas and to the Atlantic colonies was capable of uniting with the monarchy the individual freedom of society.

How monarchy and individual freedom could be mutually supportive Burke in reaction to the French Revolution best explained to English readers. So far as the freedom of society in relation to the state is not abstract and equalizing only, but through the resolved opposition of parliamentary houses contains acceptably the whole public interest, it is not at odds with a monarchic will which intends the same general interest. The right of rebellion from the side of society lies with its representatives, as those who know most definitely the essential interests of the state, if, as on the occasion of the expulsion of James II, the monarch has undertaken to destroy the liberties of the people and reverts to an absolute monarch. However badly this doctrine is articulated in British or Canadian institutions at the present time, it expresses accurately what lies in the transition from the revolutions of the seventeenth and eighteenth centuries to the democratic states of the following century, where society is taken one way or another to be contained in the state.

It could easily appear to Lord Durham, a liberal of the time when the British state was passing to a democratic form, that the two Canadas could live under a common government responsible to the popular will, and that in that relation the particular cultural and religious attachments of the French community would lose their hold. The deeper sense of particular freedom in both communities nullified so direct a union. The attempted union rather gave form to their difference as democratic communities.

The difficulties of a union whose components would not unite one knows were among the causes of the Canadian federation. Why would not a wider union inclusive of the Atlantic colonies have the same and further difficulties? Some might think that finally in that federation the French community would be assimilated to the British. But having
their own government in the federation the French community might just as well consolidate its difference. Apart from reasons of security and the pressures of the British government on the colonies to unite, why an interest in the federation? As North Americans neither the British nor the French in Canada can make of themselves nation states only but, as the Americans, through a federation would know the common principles of their particular states. From a like impulse the British and French in Europe gave universality to their culture through their nineteenth century empires. What they attempted then to do severally by the domination of others they now began to do together through their relation to a still abstract community.

The French and British communities in Canada, though their first union failed, had advanced a long way since the Conquest towards a common polity. The opposition of the English people to an absolute monarch and to the absolute authority of the Roman Church had been a large part of their history in the seventeenth and eighteenth centuries. Since the Conquest the former subjects of the French kings had taken from the conqueror the principles of an ordered popular government on a British model and not that of the successive constitutions of an attempted restoration in France. Both the Protestant and the Roman parts of the Christian church, as the religion of 'enlightened' peoples, had lost much of the ground of their implacable hostility towards each other. What then were the obstacles to a federation in which both communities with others could find a common expression of their freedom? The answer is given by the history of Canada since Confederation.

The debates among the political leaders of the several colonies, in which they devised and agreed to the constitution of a federation very much as the British parliament would enact, show little understanding of the principal questions, how provincial and federal sovereignty would be related to each other, and how the difference of provinces, especially of Quebec, would be saved in their federal relation. As themselves colonies and not sovereign states they could not but assume the British constitution as it was, and then ask with what distribution of powers it could be applied to a federation. As the federation would have a sovereignty subordinate to that of Great Britain, so the provincial would be subordinate to the federal sovereignty. Canada would be a dependent unitary state, containing dependent sovereignties in it. But the idea was also expressed that Canada would form a new 'political nationality' - a society in which British and French Canadians alike could appreciate and understand their position relative to each other. Only as this idea has come to be partially realized is Canada a proper federation.

In concept the provinces have the structure of a complete state according to the Burkean model, where popular sovereignty and the unified sovereignty of the monarch coalesce, where the powers of government are at once divided and unified in the collaboration of king and parliament. Provinces, so conceived, are equally sovereign with the federal state in the matters assigned them. The priority of the federal state is only that it acts for all the people domestically and 'ad extra', and that in its operation it should be capable of resolving acceptably the most difficult division of interests among provinces.

The history of the federation in its first century is essentially a movement towards the realization of this concept.

The British constitution of the time was in important aspects a bad model for the Canadian federation. Burke's idea of a state which in its sovereignty would hold together the potentially destructive forces of a free society was lost in the nineteenth century state, where the monarchical or unitive power came to be largely ceremonial, the 'upper house' more or less redundant and parliament virtually the 'Commons', and where actual sovereignty was concentrated in the Prime Minister. This model suited badly a federation of particular sovereignties which in its central government had need to represent not only Canadians individually but also the substantial interest of provinces. A Senate in the patronage of the Prime Minister could not fulfill that function. Again, the collapsed parliamentary structure adopted must give weight too directly to the populous central provinces, whose difference when they were united, had made evident the need of a larger federation. A Canada of 'two nations' was unworkable. This duality of the Canadas, if it would not be disruptive but beneficent, had to be situated within the primary equality of a number of provinces.

The French people, as they sought to reconstitute the state after the Revolution, could not be satisfied with the British solution. The presidency, as representing people in their fundamental equality and solidarity, could not be confined within the parliamentary structure which represented them in their various interests. If unstable, it expresses better than the British structure the rational equality of individuals, and thus the French mentality and tradition. But the centralizing tendency of this structure, as reductive of differences, is also inadequate to a federation of sovereign provinces.

That Canada was founded by 'two nations' is not without truth, if it is taken to mean that within a colonial context the political leaders of the united Canada recognized that their common and particular sovereignties had to be separated and ordered to each other on that basis, and that with others they found and proposed to the imperial power a constitution tolerably adapted to that end. How the common sovereignty would secure the opposed ends of the 'two nations' was to say the least unclear. The one 'nation' saw itself as part of, and perhaps nearly equivalent to, a British North America extending from sea to sea. The other supported the union as permitting a more independent growth of the French and Catholic culture centred in Lower Canada.

There was thus in both 'nations' the beginning of a common but differently qualified loyalty to the federation. For both that qualified loyalty was subordinate to a higher loyalty - to the Empire for the one, to the Roman Church for the other. The Maritime Provinces in joining the federation exchanged their former colonial independence for a chronic dependence. Their attachment to the federation was and remains at once disinterested and servile. They never doubt their equality with the central provinces, and in this are complete Canadians, but in an economy not favourable to their interests they have learned to expect external assistance. Contrariwise, the western Provinces, which knew little or nothing of a prior independence, having become economically self-sufficient, have need that their sovereign equality be recognized by the central provinces.
Newfoundland which alone of the provinces joined the federation from an independent status can less than any doubt its equality with the rest.

It is evident that while Canada was in a colonial relation to Great Britain, even if it were latterly only for constitutional amendment, provinces could have no right of secession from the federation, this resting on an act of the British Parliament. It is mythical to think of the federation as a compact between 'two nations'. The question of secession arises however in an interesting form at the point where the provinces have attained fully that sovereignty which belonged to them in concept from the beginning. As sovereign, why can a province not choose to exercise that sovereignty independently, if it so chooses? That is in truth the constitutional basis of Quebec separatism, and to answer the claim requires great clarity about the nature of the Canadian federation.

The process is well known by which the Judicial Committee of the Privy Council in a series of cases gradually corrected the initial assumption of the federal government that the Parliament of Canada through its power of disallowance and its general power to provide for 'peace, order and good government' could overrule provincial legislation. "What the Judicial Committee did was to give official legal sanction to a theory of federalism congenial to those who, at the time of Confederation and afterwards, could not accept federalism." Rather than a theory one should say that it is of the essence of North American federalism that states or provinces be sovereign in their assigned powers. On the view of John A. MacDonald that "the true principle of a Confederation lay in giving the General Government all the principles and powers of sovereignty," Canada could not long have survived. The effect of that principle must be to impose the will of the one 'nation', centred in Ontario, not only on the Quebec 'nation' but on the diverse interests of the other sovereign provinces.

The interest of the present study, however, is not so much the step by step attrition of insufficient views of the Constitution through court decisions, as in its principles and the spirit moving in them. So long as the centralized federalism of the beginning prevails, the sovereign provinces are not secure in the exercise of their powers. But if the federal invasions of their particular powers were stayed, a more difficult problem would remain. The difference of provinces, conspicuously of Quebec but also of the others, is not confined to their particular constitutional powers but extends to their whole culture and its linguistic medium as well as to their religion. The sovereignty of a province which would care for and secure its difference in this comprehensive sense cannot be formal or ceremonial only, as that invested in a Lieutenant Governor, but that which imparts to the divisive interests of society the unity of a political community - of a particular political community.

The movement here has an opposite direction to that of the United States, where the individuals of a free society are drawn by degrees more fully into a political community. In the Canadian federation the political community is assumed, and a relation of

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33 Russell, 43.
34 Quoted in Russell, 43.
individuals to it, at first abstract, has to take into it the divided freedom of society. The correction of a federal power which as general can dominate the particular provincial sovereignties is thus through a development and clarification of the ends of government. The relation of individuals to the state which Canada became in adopting "a Constitution similar in Principle to that of the United Kingdom"35 is implicitly that in which the development of the American state, as given above, terminates. That is, it is implicitly what it actually became after the Second World War - a state having the general well-being of its members for its end. Initially both federal and provincial sovereignties in Canada were far from this ideal. The federal state concerned itself with the general conditions (tariffs, railways, etc.) of a free economic development and touched little the ordinary lives of individuals.

The development of post-revolutionary states in Europe had a very different structure from that of the same states when they were in course of being revolutionized during the seventeenth and eighteenth centuries. The society of free individuals, which both endangered the absolute state and transformed it into an ordered democratic state, was in that new relation both inwardly integrated into the state and drew the state into its interests. Hence the separation in the British state between a royal sovereignty and the sovereignty in the House of Commons of the leader of the majority party - a separation which gradually took place in the nineteenth century there and analogously in other European states. To a radical thought which abstracted from the inner unity it could appear that the old difference of state and society had vanished. But the history of the time reveals much more a need and desire to hold together the relation of free individuals to the inner substantial unity and their life in the state which collaborated with private interests in creating an earlier version of the 'global economy'. A unity of the two aspects was sought in the competing world empires which the nation states made for themselves. The empires held the loyalty of their citizens by drawing together their dispersed interests and ambitions with their inner communal relation, which, far from ceremonial only, confirmed the assumption that society was contained in the state or political community. The ordering of the economy to the good of individuals is an imparting to it of this concrete relation.

These considerations are essential to an understanding of the long protracted colonial dependence of Canadians. So long as Canadians of British stock or formed by that culture knew an integration of the elements of the nineteenth century state in relation to the Empire and not at home, their political loyalty was centred in that relation and not in their own federation.

The way to independence is thus the appropriation of that unity of the elements of the state which was the source of attraction to the Empire and a hardly questioning loyalty to it. That appropriation is at the same time a development of the Canadian state towards a concrete unity of ends - a capacity to use the goods of society for the common good and the needs of individuals. With this is formed a stronger attachment of individuals to the

federal state, and through a parallel formation to their provinces. As there is greater clarity about the ends of government and both the general and the particular sovereignties deepen, the abstract relation of the beginning, where power descends from the federal to the provincial level, passes more into an equal and shared sovereignty.

In this more developed relation it is thought appropriate for example to transfer revenues from the federal to provincial governments, to permit them to fulfill their recognized obligations to the people with a tolerable equality. Through tariffs and various natural conditions the economic development of the country was concentrated in the central provinces. The tension between a unitary economy and the right of sovereign provinces to provide for the particular needs and interests of their people had far greater recognition in Canada than in the American federation, as follows from their different principles. Canadians are receptive of such measures provided that the federal state supplies the provinces with the means to a reasonable equality. Through the strength of that relation they are able to moderate the tendency of the sovereign provinces to maximize their wealth. One may observe that were Canada still Quebec and Ontario only and their common sovereignty not strongly separated from their particular sovereignties this equalization would not occur.

The most difficult division in Canada is between the primarily French culture of Quebec and the primarily British culture of the other provinces. But towards the resolution of that division in a common sovereignty the differences among the English-speaking provinces are of the greatest importance. Through their resolution to federate provincial states have come to be related not as hierarchic but as primarily equal sovereignties, the provinces as particular sovereignties and sovereign over their particularity. Quebecers require something more if they are to recognize federal sovereignty as fully their own. The federal state has to reflect also a different sense of the elements of the same concrete sovereignty, that is, not only economic but cultural equality. But the Canadian federation, like the American, is a realization in North America of a common European culture and can contain on the same principle the difference of French and English cultures.

The liberation of Canadians of British culture from dependence on the Empire was effected historically by their participation in the two great European wars of this century. They were in this way required to find in themselves that unified relation to the state which hitherto they had through the Empire. After the First World War their dependent relation came to be recognized as a relation of equals.36 Domestically that integration of the state was the ground of the deepened relation of federal to provincial sovereignty spoken of above, and of the better understanding of the ends of government. But that unification was British still and in relation to the Empire. It pertained differently to French Canada.

The Second World War was the external cause of a more complete independence and of a relation not primarily to Great Britain but to Europe. For Europeans that war was the

point of transition from nation states to the European Community which began to take shape shortly afterwards. The nature of that war has already been considered, but not the somewhat complex relation of Canadians to it. The opposed fascist and socialist positions, which fought out their differences in the war were not national only but occurred variously in all the European nation states. In Canada they were borrowed and hardly felt except in certain circles. Some favoured and even fought for the government side in the Spanish Civil War; some in Quebec felt an affinity with the Vichy regime in France. These forces were pertinent however to a post-national independence in Canada. The Commonwealth in which Canada was equal to the British nation state was not a national community but gave to its members only a formal unity. The relation of nation states in the European Union which would emerge from the war is very different: the constituent parts are there taken into the union to the extent that the union is a state. The Canadian federation is only a community having states within it when its unity is at least that of the European Union. It is only altogether on its own and independent when it no longer looks to the European Union, but turning to itself finds a relation of sovereign parts to the federal state which is no longer ambiguous.

In the war Canada had part in a process by which the independent nation states were subsumed at least in principle under a common state. The opposed fascistic and socialist forms which are drawn into that union are already in a manner post-national. The Nietzschean nationalism of the one has in it a temporalized universality, and in the universal economic process of Marxism national communities have only an accidental being. In these forms the inner universality to which in the previous war the nation states sacrificed their particularity is externalized and temporalized. What is then sought is to regain the universality lost in this externality, and that is to bring to light the common state which underlies the particular national states and their mutual relations.

For Canadians the reflection into their own state of this dispersion and collection of the particularity of the European nation states provided the basis on which we could 'patriate' the Constitution, confident that we could resolve without reference to an external authority even the most difficult of differences - those between Quebec and the British culture of the other provinces. We appeared to have found a common sovereignty in which the two peoples were equal and their difference stabilized.

The route by which Quebec moved from a French and Catholic to a European colonialism, finally to a recognition of North American independence, can appear very different, but is essentially the same as for Canadians of British culture. The differences, as always, are those of the two cultures - of that which draws back from radical divisions and that which lets them appear. Having attempted briefly in 1837 a revolution of the American or French type, Quebec came under the authority of the restored Roman Church, which set itself against the more radical secularity of the nineteenth century. The Church could not undo this new revolution or the structure of the nineteenth century state already described, but held to one element of that state against the rest - to its substantial unity. On this account in Quebec it gave its blessing to a rural and family-oriented life, and was averse to the industrial society forming in the cities and controlled by Anglo-
Canadian or American enterprise. Clerical power was not contested as in France by a liberal society no less French than itself - the other aspect of the nineteenth century state.

The Church carried to an extreme the division there in another form in New France between absolute authority and subjective freedom - a division always at some point intolerable to the free spirit of the French people. In the nineteenth century form the division is unstable in that the subjective freedom of the modern age is implicit in the substantial aspect of the restored state. The Second World War provided the turning point to a unification of the divided state. France succumbed to the opposed existential and Marxist forces of the time. The Church, thinking it had affinity with the former, aggravated the division and made way for a mediated return to the substantial basis of the state through the heroic work of deGaulle. The reflection on this restoration on Quebec facilitated the 'quiet revolution' and the end of an abstract clerical power.

Through the historical development of Canada to independence all that divided the French and British communities following the Conquest has passed into the difference of two forms of a common European culture within a post-national state. Initially different in religion and the form of their freedom, when both attained self-government under the same parliamentary institutions, their relation to each other was no longer external and imposed only. The conditions of a common polity and a common political loyalty began to be present. The first attempted union of the two peoples failed, not having room for their difference. In the federation of these with other North American colonies, the difference of Quebec from the other provinces, and of these from one another and Quebec, had the form of particular sovereignties within a common sovereignty. That relation was implied in the Constitution and gradually realized. The two peoples were still divided in their political loyalties by their different response to the revolutions of the previous century. Catholic Quebec and a British Canada centred on the Empire were deeply divided until this division was taken into the common structure of the nineteenth century state, and through the unification of its elements to a post-national state.

(C-2)

In the difficult transition - in Canada to independence, in Europe to the beginning of a post-national state - there are two essential considerations: (i) the point of transition is the nineteenth century state restored to the unity of its elements; (ii) the common state as initially discerned in this relation is not an abstraction, nor the particular state in a recurrent division between nationalism and a society of equal individuals. The common post-national state came into view through the hard conditions of war. That this external mediation be replaced by a stable relation to the post-national state as primary in time of peace requires of individuals that they appropriate what was more done to them by the course of history than is their own work.

37 On the French spirit, see De l’esprit des lois, XIX, ch.5.
38 The Quebec people might turn inward from an un-Catholic secularity. The Church might attempt to give a Christian direction to that secularity through neo-Thomism and other forms antecedent to the subjective freedom of the modern age. But the division could only be bridged by the subjective freedom latent in that post-revolutionary Catholicism, which must appear.
(i)

Canadians for a little after the Second World War appeared to have a sense of what they were as a people. As uncommonly free from the hatreds which set nation states against one another, Canada seemed to have a particular role in the new world order. Domestically we were capable of the enlightened social programs of a state which knew the true ends of government. In Quebec the authors of the 'quiet revolution' not only released the economic talents of their people but appeared to know what the state is. Then this initial clarity faded. Canadians seemed to lose all sense of what they had become. Institutions through which their freedom was able to develop were felt oppressive. Authority in all forms was felt alien by an anarchic freedom. Then also on the basis of this 'liberation' the desire awakened to have in some form or other the lost direction and universality, but as yet hardly that in which their freedom was formed and which underlies their free rejection of it.

In Quebec the 'quiet revolution' was soon fragmented. Some adopted Lévesque's interpretation that the state of Quebec was primarily a linguistic and cultural community which could only be itself as separate from Canada. Some, following Trudeau, took the state of Quebec to be the common centralizing relation of a multitude of equal individuals. Support for both interpretations was sought in analogies with the European Union - colonialism after its time. Trudeau's position permitted a federalism only superficially related to the Constitution and to the common Canadian loyalty formed by our history.

While these opposed interpretations of the revolution animated political life in Quebec for a time, the same - or a more radical - collapse of institutions occurred in the Canada of British culture. To an anarchic individualism neither nationalism nor democratic centralism has much attraction; still less, it might seem, the rational freedom of a common post-national state to which our history has led us.

A like collapse has befallen the state of Quebec and all parts of the federation. At the same time the true federalism to which historically we have come remains strongly attractive and is sought in Quebec and the rest of Canada. The Canada in which Quebec and the provinces of a British culture are equal and their differences secured eludes contemporary political discourse. An attempt to discover it at Meech Lake foundered: there was no sufficient consideration of principles and of the relation of what was proposed to nationalism and to the democratic centralism of Trudeau. By themselves in their opposition these positions beget recurrent referenda - or until, a multitude of accidental forces conspiring some day in that direction, the nationalists prevail. We are at an impasse, and do not know how to move beyond it.

(ii)

The current impasse, where everyone is weary of the recurrent contests between nationalists and democratic centralists but discovers no new positions in their place, where the interest of the general culture is to dissipate institutional structures and live the
Heraclitean freedom of incessant change, these phenomena need not be thought negative only. In every successful revolution and for Canadians their independence is a revolution against a long colonial dependence - it is necessary first to loosen the hold of former things, to give oneself a distance from them. This destructive retreat in this as in other cases will then be found to be a 'reculer pour mieux sauter'. The question occurs at that point: what then are Canadians moved to put in the place of the old? The answer is evident in many ways.

In Quebec there was an expectation that a renewed federalism would follow 'patriation'. This expectation explains the vehement reaction there to the defeat of the Meech Lake Accord, in which there was seen to be at least the beginning of such a renewal. It explains the continuing attachment of Quebeckers to federalism, and the refusal to accept separation simply. The exasperating immobility of Canadians of British culture in the face of an impending ruin to their country has in part a like explanation: somehow Canada will remain together; the constitutional problem is not as bad as it appears to be, that is, an undefined solution is assumed.

The positive impulse is to make our own what we have become through our history, to know our constitution as the basis of our freedom. As with Americans when they had to give form and stability to their independence, our history was a series of episodes received from colonial powers, assented to but never taken wholly upon ourselves. To make it our own we have to dwell again with its stages, know the limits and the causes of our dissatisfaction with them. The objective measure in this renewed experience is the last stage, in which our dependence ended and consequently we had need to know our institutions and the freedom formed in them.

The difference of North American from European nation states has already been examined. At the beginning of a Canadian reflection on our independence this difference is not wholly apparent. We see the incipient structure of our independence not as it properly is for us as Canadians but by reference to the analogous transition of the European nation states into the post-national state of the Union. This reference is necessary and useful, but also misleading. In the model, nation states, understood as linguistic and cultural communities, are there, and with them the common economy in which individuals are equal. The political union can appear as added to these communities, a 'superstate', not a proper state. In the Canadian, as in the American federation, the particular states and the economic relations of individuals fall within the union. The nationalist and the democratic centralist in Canada, relying on the model, give priority, the one to the nation, the other to the economic community; or as combining them, treat their unity as derivative. The contortions by which in post-modern European thought the difference of these communities in relation to each other and to the political union is both maintained and undermined have already been noticed. These difficulties point to but never reach the North American comprehension of particular states in the post-national state. The model for us is thus properly a device serving to bring this unified relation into view.

39 Not like the Russian revolution which has failed to transform the character of the old Russian society.
When this difference is grasped the appropriation of our independence and developed freedom can be seen to have a definite logical form. We must ask first what we have when the dispersed elements of the European Union - the national communities and the multitude of equal economic individuals - are taken into the common state, which in this relation would no longer be a 'superstate' but the central state of a federation of the North American type. Then of this realized union we must ask what form of freedom is in it - whether that which we have come to in our history or another and less complete freedom.

Perhaps with little clarity as to method, this construction was offered to the Canadian people in the Charlottetown Accord. Canadians in all parts of the country with an uncommon unanimity rejected the Accord. The people, being sometimes clearer than their leaders about their ultimate political interests, one can reasonably suppose, did not find in it an adequate and acceptable definition of their freedom.

Absent from the arguments of separatists and federalists, which look from the one side to the European Union, from the other to the Charlottetown Accord, is anything more than a trivial consideration of our difference from the United States. That we are different, Canadians whether of British or of French culture, have commonly assumed. Assumed also has been that in some way our freedom and our political institutions are to be preferred to the American form. This difference, if one would determine methodically and not by some prejudice or arbitrary opinion what it is, must be considered as the difference of one type of North American polity from another.

Historically Canadians retreated from the revolutions of the eighteenth century and were barely touched by them in the 1837 rebellions. But the nineteenth century state which in one form we received in responsible government and in the 1867 Constitution is a response to those revolutions and contains them in it. Only with NAFTA and the growing integration of the Canadian with the American economy are the conditions present in which we can experience fully that enlightened freedom and measure it by our sense of ourselves and our freedom. If as with the definition of our freedom in the Charlottetown Accord we find dissatisfaction also with the American model we could then attend to the measure by which we made those judgments, namely the freedom contained in our type of post-national federation.

The interest of a reflection on the history of the Canadian federation would then be to make our own that correction and unification of the elements of the nineteenth century state which was imposed on us externally by the wars of the European nation states and their consequent transition to a post-national state.

This threefold reflection through which our independence would not be immediate and abstract but of what we had become in the course of our history needs to be set forth more precisely:

(ii-a)
The first attempt to grasp our new found Canadian independence and the polity appropriate to it broke down into an opposition of nationalist and democratic centralist positions, and the pursuit of these positions has weakened for a new generation either into indifference or into an aesthetic rather than a political relation to them. The logic of this division, and the changing relations to this division and to an underlying unity is a matter of great interest: it has been the object in Europe of a 'post-modern' culture. This culture is beyond the contest of fascists and Marxists in the inter-war and war years, in that a unity of the opposed positions is recognized and they are on that account pacified. The elements of the political structure are a plurality of linguistic and cultural communities, a common economic society in which cultural differences are predicated of equal individuals, and the common state.

In any political community there is an initial solidarity, the separation from it of a multitude of competing and cooperating interests and a unified relation of these interests. In the European Community the several linguistic and cultural communities take themselves to be sovereign states, that is, to have their relations to the common economic society and the common state centered in them. They enter these larger communities by treaties and with the consent of their peoples, and to secede from them is likewise within their power and their affair only. But this conviction is belied by the fact that they do not singly have power to regulate the economic relations of their citizens and the fact that the common state is essential both to their internal unity and to prevent a recurrence of wars among them. It is thus equally true to say that the economic society and the common state are prior to the linguistic and cultural communities, and that sovereignty is situated rather in economic society and eminently in the common state. In this consideration the supposed power of the nation states, which these linguistic communities take themselves to be, to join or secede as they like from the larger community appears more illusory than real.

But if the order of priority is reversed and the common state taken to be first, there is the difficulty that the members of the linguistic and cultural communities do not find the multitude of habits, traditions, familiar ways in which they live and are a particular community preserved in that relation, but rather an abstract bureaucracy for which they feel no affection. The common economy, while offering a field for the expression of particular interests and talents, and satisfying needs and desires more abundantly, also levels and subjects individuals to blind economic forces in which they feel themselves unfree. There occurs thus a dialectic which instates and destabilizes one element and then another in a recurrent circle.

These linguistic and cultural communities are not states in an older and common sense, in that there is not in them a unity of ends. Or, better, a unified end exists in them in the medium of language and imagination and in cultural habits, not in thought and thought realized in action. Thus the post-modern culture of these communities is averse to thought and assigns a primacy to language as the seat of a cultural content formerly taken to be founded on the universality of thought.
The members of these confined communities as equal in their common economic community touch on the universal, and are uncomfortable with language and the fixity of cultural habits. It belongs also to 'post-modern' culture to expose the instability of language and the life enclosed within it. It is easily shown that there is an 'otherness' or negativity which ever eludes linguistic expression, so that what is said and accepted in the discourse of cultural communities is no more true than untrue.

The society of equal individuals, if its members thus free themselves from the tedious confines of a particular cultural community, is itself exposed to a like criticism. It is at home in an abstract equality, and thus in turn oblivious of 'otherness' or difference. Here too an apparent stability is exposed to doubt and instability, incorrigible from its standpoint.

Thus the relation of individuals to the common state recurs as that on which both the linguistic and the economic community rest. But how from the recurrent 'otherness' and thus unfreedom of these communities can one enter the common political community in which this negativity is circumvented, if indeed there is in that community what formerly one expected of a state - a unity of ends? If there is to be experience of that common state, it must be encountered first as other, as externalized and temporalized. One is attracted to the image of aboriginal peoples living not far from a 'state of nature' where there are no longer a multitude of tribes but they have begun to think of themselves as a people. Those whom we formerly thought barbarous and unfree are thus made our guides to freedom: from the rational order we imposed on them, thinking ourselves free in it, we must be saved by their example. But then the beginning of experience is not its end and when we have made that temporalized state our own, that preference for the primitive and immediate is reversed: we know the common state for what it is - as that on which the other communities depend. The movement of these divided communities to the unity of a state is analogous to the unification of the nation state before Enlightenment and the formation of civil society within it.

Thus we have in the transition of the European nation states to a post-national state, in a first reflection on their consequent dependence, a relation like that of their original formation into sovereign states. Here this relation is not of a particular state but of a common state. The particular states, considered in that dependence, are not primarily linguistic and cultural communities, nor the multitude of equal individuals in their particular interest, but themselves sovereign in the same sense as the common state, particularized sovereignties.

In the European Community this dialectic of 'post-modern' culture is not carried through to its conclusion. The cultural and linguistic habits, the former independence of the nation states as embodied have too strong a hold. The common economy and common state which are perforce accepted are also resisted. But the dialectic which allows a sceptical freedom from the national and economic communities is a no less necessary element of this culture. In a North American situation there is not the same resistance to the argument which here only discovers a form of the 'post-national' state in which in fact we live.
On the stages of this dialectical drama as played in Canada not much need be added. An attempt was made in the Charlottetown Accord to draw together the elements of the argument. Canada, it was said there, is composed of linguistic and cultural communities and a common economy. There is an enveloping political community best perceived through the spirituality of the native peoples. To serve this role the content of this spirituality had to be extended from the particularity of tribes and a particular way of life. The many tribes are seen as a people and constituting thereby an immediately existing state, which serves as a model or symbol of the unified political community which the Canadian state would be. The further step of referring this externalized polity to the actual Canadian state is not taken. If this first reflection were completed, one would know the Canadian state as unified, not the further development of individual freedom within it.

When we bring before us the whole articulation of the argument some consequences of great interest become evident. The first is that the assumed democratic right of national communities to secede from the Canadian federation rests on an incomplete reflection on the European model which is assumed to confirm it. Secondly the acceptance by the democratic centralist that such a right exists, though requiring perhaps a stronger proof than 'fifty percent plus one', rests on equally unstable assumptions. Thirdly, since the linguistic and cultural communities in the light of the whole argument have only such sovereignty as the common state imparts to them, they have on their own no right of secession.

It is also evident that the freedom individuals have in relation to the common state, so far as this is defined by the present argument, is not adequate to that which they acquired in the course of our history. It is rather the concept of freedom with which our history began. Likewise federal and provincial sovereignties, as defined by the whole argument of the European model, are not what we know from our history. There is lacking to it both the subjective freedom of Enlightenment and the incorporation of that freedom into the post-revolutionary state. How in our independence do we make our own this further development of our freedom and our political institutions? Not certainly from the European model.

(ii-b)

The further development of an independent Canada towards an appropriation of its history and political freedom is in relation to the United States. We have both to be open to the 'enlightened' freedom which opposes the state unless as the servant of free rational individuals and to hold to our historic differences from the United States - to a state which has that freedom in it but can draw particular interests into the whole interest of its citizens. Western Canadians and their governments tend to fluctuate between a conservatism of the American right and a socialistic liberalism. This conservatism has a political instrument in the Reform Party, which would replace a traditional conservatism more attached to the state. Ontario, which in the time of the Empire, was sure of its

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40 There is the memorable image of the prayerful chanting and drumming of the native chief at the hearings on the Charlottetown Accord conducted by Joe Clark.
difference from the United States, has seen the disintegration of a British conservatism and its replacement, at least for the moment, by an American conservatism like that of the Reform Party. Ontarians feared NAFTA. But the conjoint opposition of socialism, and an older conservatism, which might define a distinct Canadian position, hardly appears. Quebecers, having in them an 'enlightened' freedom akin to the American, are commonly at home more easily in the United States than in Ontario. So far as Quebecers retain something of the sense of a state they had in the first bloom of the 'quiet revolution', and thus of the difference of Canada from the United States, they could with reason accept NAFTA more confidently than Ontarians. The nationalist and centralist fragments of that revolution, which look to the European model, have no ground for that security. The people of the Maritimes have in common with Quebecers that they feel an affinity with New Englanders especially more easily than with Ontarians, and with that an inarticulate sense of a Canadian difference. Newfoundlanders, basically in a pre-enlightened society until recent years, received Americans enthusiastically during the Second World War, and that attraction continues along with an indifference to Ontarian culture.

In what way these diverse relations will develop and out of them a clear perception take shape of a common difference of Canada from the United States, that for the present is unclear. The reaction to the pressures of a common economy should however tend to make the difference more distinct. At the same time, as the argument has shown, there is great need in the United States that the relation of society to state approach more nearly the Canadian model.

(ii-c)

As the centre of constitutional interest in Canada shifts from the abstractions of linguistic and cultural communities and democratic centralism, and from the first form of a post-national state on which they depend, to the deeper problem of the difference of our post-national federation from the American, the answer to current questions about a right of secession will be evident. The question will be asked in relation to the Constitution and not in terms of 'democratic rights' in abstraction from a context giving meaning to 'rights' and to 'democracy', or of loose analogies with other peoples of a very different history and political experience. The beginning of an appropriate answer is to recognize what a post-national federation, ours or the American, is, and what it means to say that it is indivisible. The present study of American institutions has shown not only that it does not belong to a particular sovereignty within the federation to dissolve for its own citizens or those of other particular sovereignties the integrity of their common state, it was also shown that the freedom of a particular sovereignty and the knowledge of its freedom are dependent on the federation. From which it followed that only if there is a democratic right to destroy and debase one's freedom is there a right of secession from such a federation. What was said of the American case applies by the same logic to the Canadian.

41 F.L Jackson, Newfoundland in Canada: a People in Search of a Polity, St. John's, 1984, pp. 7-29, esp. 17ff.
But there is more to the appropriation of what we became through our history than to
distinguish generally our concept of freedom and the relation of society to the state from
the American. There is also the divided colonial relation of French and British in Canada
from Confederation until the point of independence, when we thought ourselves capable
of regulating this difference internally. It has been shown in the historical part of this
inquiry on what this capacity rests, namely, that our federation, like the American, is
based not on the culture of a particular nation state but on a common European culture.
Within that common culture the two national cultures can have free play, and by their
reciprocal relation bring to light their common basis.

A comparison with the United States can illustrate the essential operation of such a
federation. Occasionally the debates of the American Congress carry the argument back
to the principles of the Constitution on which ultimately political decisions depend. Such
debates are a continuing education to the American people, who are both loyal as no
other to the Constitution, whose principles are written and known, and who ordinarily
regard government as a matter of deals, capitulation to special interests, etc. In the first
spectacle their loyalty is confirmed, and respect for the state and those in political office
can outweigh an everyday cynicism. The debates of the Parliament of Canada are
uniformly confined to particularities, to partisan retorts and the like. The relation of
decisions to their constitutional basis does not appear. The loyalty of Canadians and a
stronger than American tendency to respect government are not informed and
strengthened by the actual operation of government. How many Canadians know or have
any definite sense of their Constitution?

The relation of peoples of French and British culture in Canada is in good part
controlled by prejudices, ignorance, old hostilities, etc. of which politicians sometimes
take advantage for their own ends, which as recorded in public opinion polls they
sometimes regard as defining the limits of the politically possible. The primary condition
of a more principled consideration of this and other deeply divisive matters is that the
Constitution be known and its operation become conspicuous as need be. Public opinion
can in this way be brought into contact with the stable and reasonable loyalties of the
people, and the limits of the possible greatly extended: "Les bornes du possible dans les
choses morales sont moins étroites que nous ne pensons."42

The Constitutional correction which could assure the minority of French culture in
Canada of their equality and of a protection of their particularity not subject to the
fluctuating opinions and prejudices of the majority and their elected representatives is
first that state sovereignty be removed from the now meaningless symbolism for most of
an all but defunct British monarchy and attached to the office of a president as protector
of the Constitution. Canadians might then know what their Constitution is and relate thus
political loyalty to a visible and present head of state. Secondly the effective sovereignty
of the state should not rest in the Prime Minister all but exclusively, but as well in the
twofold representation of the people individually and as sovereign provinces. Canadian
sovereignty, which is properly neither French nor British but inclusive of both, can let

42 Du contrat social, III, ch.12.
this difference have its place in the structure of the senatorial representation of the sovereign provinces. Fundamental questions about the relation of the two cultures could then be brought back to Constitutional principles and the common and equal loyalty of the peoples of both cultures.

The security of Quebec and as well of the other provinces in their particularity is to be obtained partly and primarily in an articulated relation to the federal sovereignty. The further and also essential protection is in the recognition of provincial sovereignty, within the powers assigned, as an unqualified sovereignty. For to particular sovereignties within the federation belong not only powers which might in altered circumstances be divided differently, but primarily their difference itself. In the case of Quebec that difference is the French language and culture. Others might care to protect lesser qualitative differences.

Canadians after Meech Lake and Charlottetown know the difficulty of amending constitutional principles. Neither an unstable consensus among Premiers and the Prime Minister nor the consultation of experts and special interests is an appropriate method. Because the Constitution defines the primary conditions of political agreement in Canada it cannot fall to any particular interest or collection of interests to amend its principles. Those who would with some clarity amend it must abstract from these particularities, discern the simple operation of the principles, and ask by what changes in continuity with their history the Constitution would better reflect the fundamental loyalties and sense of their freedom of the people. Once in this manner we have brought our independence into agreement with our history, we should be as reluctant to amend constitutional principles as the Americans. May Quebecers and others long be spared the partisan constitutional aggressions of recent years!

One might reasonably think that our independence was complete if we could regard the operation of a federation in which different partial sovereignties could subsist, even the difference of national cultures, where difficult conflicts among the parts could occur and be resolved without oppressing the differences. In the particular sovereignties as in nation states, individuals do not know their rights and freedoms immediately, but as distinctions which emerge and show their primacy in the resolution and clarification of differences. And the clarity a particular sovereign community has about its ends and the order pertinent to their realization it maintains not within itself simply, but through its sometimes difficult relation with other sovereign communities of the federation and their resolution through the common principles of the Constitution. Our independence is complete if the differences, for example of Ontario and the West - centralization and the sovereignty of provinces - are seen as in the course of their resolution realizing the federation and making possible a knowledge of our freedom. The different spirit of French and British culture and the consequent collisions and misunderstandings of the two not only sharpen in each the sense of its difference but permit a recognition of the
common European freedom which our federation and the American would variously realize.\textsuperscript{43}

\section*{Conclusion}

The present argument has shown that questions about the democratic right of a linguistic and cultural community in Canada to secede from the federation belong to a preliminary stage in the definition of our independence. It has shown that the counter-position which takes Canada to be a centralized community of equal individuals belongs to the same stage. The two positions have in common that they recognize a democratic right of secession.

This democratic 'right' has two distinct meanings, as one may learn from the European model from which these positions derive. One is the right of linguistic and cultural communities to self-determination. Pure examples of that right are the demands of Basques, Irish nationalists and many other ethnic and linguistic communities within European nation states that they be given independence. An equivalent in Canada is the claim of native tribes to self-government. Whatever else may be said of this 'right', it is not democratic but communal, and exercised by leaders who think themselves authorized to realize it by whatever means.

The other meaning is the right of nation states to decide by simple majority whether or not to apply to join the European Community. Considered in its content, this is the right of members of a nation state, who no longer have the political will to maintain an internal unity or sovereignty, to choose whether by joining to acquiesce in their historical situation or at an unmanageable economic cost to remain on their own.

Nationalists in Quebec use the word ambiguously in both senses. Partly the leaders of an ethnic community have the right to obtain the independence of their people by a coup. Partly the whole Quebec community is said to have a right to choose democratically whether or not to be part of a Canadian or North American economic and political association. The content of this right is not so clear as in Europe, since Quebec is not in transition from the status of a nation state to that of a universal or post-national state. Nor is Canada or the United States in such a transition. Nor does the ethnic right to self-determination apply well to old stock Quebeckers who are neither a politically undeveloped tribe nor a linguistic and cultural community absorbed into a nation state in the process of its formation; and now that the unity has slackened, demanding to be free from it.

Quebec independence and Canadian unity have thus to the present been discussed largely in borrowed and unreal concepts, in which no solution is to be found. The

\textsuperscript{43} In France the older culture of the people enters contemporary life as refracted by the assumptions of the post-modern culture; similarly in Britain. The spirit of each can move more freely in Canada.
unreality of current arguments would become evident were Quebec to become independent. First the ethnic and economic meanings of the ‘right’ to independence would collide: who belongs to the state of Quebec? Secondly, an economic and political association with the United States and/or Canada would not be with former nation states but with post-national states in which the political freedoms of the older modern age had not collapsed into cultural habits giving way to the leveling pressures of the common economy and state. In these relations an independent Quebec if it would not be absorbed, would have to define its political freedom through the constitutions of those federations. In this process it would discover that the constitution in which uniquely its language and culture would be secure and could flourish was that which already belonged to it though its common history with those of British culture in Canada. What concealed this reality from Quebeckers would be seen to be the unreal abstraction of a first reflection on a common Canadian independence.

The same abstractions have their hold on Canadians of British culture. But having slight contact with political realities in Canada and the United States these abstractions are certain to fade and lose their attraction. A sign that we are moving from this first formulation of Canadian independence is the decision of the Government of Canada to ask the Supreme Court to define the so called democratic right of secession in terms of the Constitution. While the opposed abstractions of nationalists and federalists held the field the Constitution from which governments received their powers appeared to have no bearing on these constitutional differences!

One does not know whether the Supreme Court will answer the questions submitted to it directly according to the principles of the Constitution or will interpose concepts limiting their application to contemporary conditions. At the least the Court cannot but declare that there is no unilateral democratic right of secession; that a legal secession is only possible with the agreement of the federal and the other provincial sovereignties. It might not add that agreement could not be about economic and financial matters only but also and principally about federal and provincial sovereignty. At that level it must become evident that no agreement was possible, and that the Canadian, like the American, federation was indivisible, and for the same reasons. True separatists such as Mr. Parizeau knew well that discussions towards agreement must be futile. To semi-separatists that may not be so clear.

By what arguments could the federal and the provincial governments, if they were true to their primary constitutional obligations, be persuaded to give up the territorial integrity of Canada, the common country of all Canadians? What could persuade them to a course ruinous to all Canadians? To Quebec even more, if possible, than to others, since they would lose the only security possible for their distinct language and culture? So long as federalism could be equated with the democratic centralism of Pierre Trudeau the illusion might stand that these primary political questions need not enter the argument, that the real interests of Canadians were economic and not rather the freedom they had through their history and federal institutions.
Until Canadians have gone farther in the understanding of their common history and institutions it must be uncertain whether in some referendum a majority of Quebec might choose to secede. Public opinion as evoked in referendum campaigns is unstable and fluctuates in response to changing circumstances. Mr. Bouchard or another may seize an opportune moment and persuade a majority to vote 'Yes'. A de facto Quebec may be there and the Government of Canada required to take account of the fact. If that government had become clearer than in the past about the Constitution, about the desire of most Quebeckers to be equal and distinct under it, and in the only true and possible sense sovereign at home, its appropriate response is evident enough and of no great difficulty. Its response would be to carry on as usual in Quebec according to its constitutional obligations, and to leave it to the illegal government in Quebec to realize its independence. Since no coup can do without an army, the Government of Canada would be less negligent than before and make certain that the Canadian military knew whom they were obliged to serve. The federal government would only respond to force clearly initiated by the secessionist government, and then only to the minimum degree. So far as its services to the Quebec people, and their federal obligations, were disturbed, that would be unmistakably the work of the secessionists.

The Government of Canada would await the internal collapse of the coup from the opposition of a near majority of federalists; from the division of true separatists from semi-separatists who were led to think that independence was an easy matter; through the repressive methods the leaders of the coup must use to control disaffections and criticisms; through a general repugnance from the methods necessary to dislodge the federal presence; through economic confusion and hardship. The coup would not survive many months if at the same time the Government of Canada had the will at last to implement, it might be at first on its own, those reforms which would assure the Quebec people that they had their full recognition and their sovereignty in the Canadian federation. Since by the same reforms Canadians in the other provinces would come to a clarity about their freedom and its appropriate institutional structure, and thus have common cause with Quebeckers, it would not be a great matter in those circumstances for political leaders, if they were tolerably adequate to their offices, to awaken in their people a sense of their fundamental interest as Canadians and as citizens of a particular province.

And not only in those circumstances...
Liberalism, Republicanism And The Spirit Of American Politics: A Critique Of Sandel

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Introduction

The spirit of the political life of the United States has been portrayed as a hegemonic liberal consensus. In turn, criticism of this consensualist thesis high-lighted the importance of republicanism in American political history. Debate among contemporary political philosophers is still caught in this to and fro of liberal assertion and republican counter. Since 1971, the prime mover of debate among North American political philosophers has been John Rawls. His most recent work Political Liberalism attempts to apply the liberal doctrine of toleration to philosophy itself. His radically constructivist theory attempts to develop a 'political' conception of justice with minimal dependence on moral and metaphysical presuppositions. It is Rawls's hope that, thus politicized, the conception of justice will be acceptable to citizens of diverse and conflicting moral, religious and philosophical views, in his terms, will become the focus of an overlapping consensus of comprehensive doctrines. Conceived as acceptable to a plurality of comprehensive doctrines but grounded in no specific doctrine, Rawls's political conception of justice is thus an interpretation of liberal neutrality and promises a glorious synthesis of social cooperation and individual freedom.

Michael Sandel, in his fascinating Democracy's Discontent, presents the republican antiphon to Rawls's liberal canticle. Sandel portrays an anxious America whose politicians cannot respond to the two most prominent fears of the age, fears over the erosion of community and the loss of self-government. His purpose in writing Democracy's Discontent is to show "how the inability of the reigning political agenda to

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address the erosion of the community reflects the impoverished conception of citizenship and freedom implicit in our public life." 4

Sandel argues that the root of the problem lies in America's Rawlsian public philosophy. On his view public philosophy is: "the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life." 5 According to Sandel, America's public philosophy is rooted in its conception of freedom. With extensive historical detail and some broad brush strokes, he portrays American political history as the gradual transition from a public political philosophy grounded in a republican conception of freedom, to contemporary practice which is grounded in a Rawlsian liberal view.

Whereas republicans conceive freedom in terms of self-government, liberals conceive freedom in terms of voluntarism. The republican holds that individual freedom must be achieved through communal political activity; through deliberation on the common good and concern for public affairs. On this view an individual receives the content of his freedom, the range of choices available to him and his hierarchy of goals, through participation in the community. By contrast, on Sandel's account, the liberal conceives freedom as the capacity to choose one's ends. A quotation from Rawls gives clear expression to this conception. He states that individuals: "do not think of themselves as inevitably bound to, or as identical with, the pursuit of any particular complex of fundamental interests that they may have at any given time, although they want the right to advance such interests (provided they are admissible). Rather, free persons conceive of themselves as beings who can revise and alter their final ends and who give first priority to preserving their liberty in those matters." 6

These conceptions of freedom have significant implications for republican and liberal accounts of the role of government in individuals' pursuits of the good life. Republican politics has a distinctively formative component. It wishes to educate citizens in the civic virtues required for self-government. It wishes to inform and reform the character of citizens to enable them to participate more fully in the good life as defined by communal political deliberation. 7 Sandel promotes the dispersal of political sovereignty to the localized communities in which citizens are embedded and through which they learn to participate in a common public life. Liberal politics, by contrast, focusses on the capacity of individuals to form and revise their conception of the good. According to Sandel, it thus remains neutral as to the goods which individuals pursue. The liberal state does not support any one comprehensive conception of the good life but allows individuals to choose their own conceptions provided these are just. Sandel contends that this view of politics is embodied in the Supreme Court whose interest in the protection of individual rights is destructive of particular communities.

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Taken together, voluntarism and its implication for the public conception of the good, that is, neutrality, are the fundamental tenets of what Sandel calls the procedural republic. He argues that the liberal public philosophy holds that: "government should not affirm in law any particular vision of the good life. Instead it should provide a framework of rights that respects persons as free and independent selves capable of choosing their own values and ends." Further he states: "Since this liberalism asserts the priority of fair procedures over particular ends, the public life it informs might be called the procedural republic."

According to Sandel, John Rawls has articulated the most explicit contemporary defense of the procedural republic. Rawls argues that the free exercise of public reason in a liberal democracy has as its result a plurality of reasonable comprehensive doctrines of the good life. Rawls accepts the importance these doctrines have in the lives of individuals, indeed he sees them as crucial to individual identity. Nevertheless, he argues that individuals are not bound to any particular comprehensive view and must have the freedom to revise their views. Further, because citizens recognize that it is reasonable to disagree on moral and religious views, they will not expect the state to enforce their own preferred view.

On Rawls's view, the state must be neutral among comprehensive views in at least two ways: (1) The state's legitimacy is grounded in a political conception which is the focus of an overlapping consensus. The political conception is thus neutral in that it can be the basis of agreement among even conflicting reasonable comprehensive doctrines; it is agreeable to all. (2) The basic institutions and public policy grounded in the political conception are not designed to further any particular comprehensive view; public agreement is not based on, for example, a conception of the common good.

According to Rawls, it follows that for citizens to engage in just public deliberation about constitutional essentials, they must be able to argue on the basis of what he calls public reason: common political presuppositions, uncontroversial evidence, and common forms of argument acceptable within the political conception. Thus, as Sandel contends, the Rawlsian view: "depends on the plausibility of separating politics from philosophy, of bracketing moral and religious questions where politics is concerned."

Sandel's historical investigations intend to demonstrate that: "a political conception of justice must sometimes presuppose an answer to the moral and religious question it purports to bracket. At least where grave moral questions are at stake, it is not possible to detach politics from substantive moral judgment." Further he wishes to indicate that the historical predominance of the liberal attempt to create a public political realm exclusive of moral and religious argument impoverishes political discourse and erodes civic virtue.

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and the capacity for self-government. Sandel offers his version of civic republicanism as a correction and enrichment of the malaise of liberal public culture.

This essay investigates Sandel's account of two crucial events in American history, the Lincoln-Douglas debates during the 1858 senate campaign in Illinois (which set out the theoretical bases of the war against slavery) and the New Deal. The Lincoln-Douglas debates give historical support to Sandel's criticism of neutrality. A more thorough analysis than he provides suggests both the pervasiveness of Lincoln's moral interpretation of the evil of slavery and the substantive interests served by Douglas's apparent neutrality. However, Sandel's account of the Civil War and his criticism of neutrality is weakened by his failure adequately to recognize the important role played by William Lloyd Garrison as the moral gadfly of abolitionism. Further, Sandel's neglect of significant republican elements in the New Deal weakens his overall account of American history and of the ethical unity of individual and community which is its base.

Sandel's account of American history is thus one-sided. While he recognizes that both liberal and republican conceptions of freedom have been present throughout American history, he nevertheless focuses on the displacement of republicanism by liberalism: "Broadly speaking, republicanism predominated earlier in American history, liberalism later." This abstract focus on the progressive ascendancy of liberalism has two significant results. First, Sandel's account of the Civil Rights movement, what he calls, "the finest expression of republican politics in our time," is weakened. Without recognition of the republican elements in the New Deal, a serious lacuna is present in any account of the development of Black civic-engagement. The national interest in civil rights did not suddenly emerge in 1954 with Brown v. the Board of Education of Topeka or in the 1960's with the moral eloquence of Martin Luther King. The New Deal of the 1930's helped politicize Blacks and involved them in government on a national scale.

Second, Sandel's criticism of Rawls is weakened. Sandel's history exhibits a profound republican moment in the constitution and public culture of the United States which gives force to his criticism of Rawls's conception of public reason, by indicating the inadequacy of the Rawlsian conception to give a comprehensive account of the public culture of the United States. However, so far as this republican element is portrayed as thoroughly supplanted by liberalism, its relevance to contemporary public culture is obscured. Sandel's attempt to demonstrate the inadequacy of Rawls's conception of public reason to comprehend the political culture of the United States would be greatly

14 Sandel's account would be strengthened by further examination of the civil rights movement. But the criticism I make here is not that he does not provide an adequate account of the civil rights movement but that he cannot because he neglects the republican origins of this movement in the New Deal.
15 Brown v. the Board of Education consolidated under one name a group of cases, all of which challenged the `separate-but-equal doctrine of Plessy v. Ferguson. In the decision Chief Justice Earl Warren stated: "Segregation of white and coloured children in public schools has a detrimental effect upon the coloured children" for it 'generates a feeling of inferiority as to their status in the community that may effect their hearts and their minds in a way unlikely ever to be undone." Oliver Brown v. Board of Education of Topeka, Kansas 347 U.S. 483 (1954)
strengthened if he more fully indicated the presence of civic republicanism in contemporary public life and political institutions.

Third, Sandel thus only partially represents both the ethical core of the American spirit and the malaise of contemporary American society. This malaise is more precisely described as an overemphasis of the liberal moment of its public culture. Its correction is to be found not simply in the reassertion of republican values but in a theoretical and practical recognition of the mutual integrity of its liberal and republican moments. This fundamental reciprocity and unity, and the political struggle to recognize and instantiate this, is the lesson of the epochal events of American history. The Civil War indicates that the ethical community in its totality, the Union, is prior to and authoritative over the more particular interests of states (in succession) and individuals (in ‘property’, i.e., slaves). However, the authoritative power of the Union flies the banner of freedom, its activity instantiates subjective freedom and is its objective ground.

The post-Civil War growth of capitalism creates a civil society opposed in part to the agrarian ethical order of Jeffersonian America. Whereas the ethical life of the country rests on nature and family, civil society replaces these bonds with an order constituted by the aggregation of individual interests. The institutions characteristic of civil society, corporations and the ‘night-watchman’ state, presuppose a universal moral principle common to agrarian life, generally the Protestant work ethic. However, this principle does not receive clear institutional expression as in the case of an established religion; the principle of the sanctity of the individual conscience prohibits the establishment of religion. Rather the individual is now the locus of this ethic and the institutions of civil society have as their end the security and protection of property and personal freedom.

Implicit in the New Deal, however, is a recognition of the limits of an order founded on mere self-interest, and the assertion of a common good with authority over the divisions of individual and of class. Though American political thought still wrestles with the form which this common good can take in a pluralist society, the presence of a common good appears in such developments as the increased participation of Blacks in political life - in the increase among Blacks of what Hegel calls "self-determining action on laws and principles".16


1. The Limits of Bracketing Moral Controversies

Sandel's account of the Lincoln-Douglas debates focuses on whether it was proper to bracket the dispute over slavery in order to preserve the stability of the Union. He states: "The debate between Lincoln and Douglas was primarily about whether to bracket a

moral controversy for the sake of political agreement."\(^{17}\) The central thrust of Sandel's interpretation of the debate shows how the type of neutrality embodied in the procedural republic is inadequate to important moral issues. Sandel draws on the ethical and symbolic position which Lincoln occupies in the public culture of the United States. He points to Lincoln as an archetypal political figure whose greatness consists precisely in his moral argument, in his criticism of neutrality. Time after time in his debates with Douglas, Lincoln attacks the presuppositions of neutrality. For example: [Of Douglas's indifference] "I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world..."\(^{18}\) Also: "Is it not a false statesmanship that undertakes to build up a system of policy upon the basis of caring nothing about the very thing that everybody does care the most about?"\(^{19}\)

Lincoln, however, was not an abolitionist. He thought that the immediate emancipation of all slaves would cause untold suffering and instability. Nor did he support radical integration of the races. He argued, for example, that just because he believed in freedom and equality for the Negro, this didn't mean he would like to marry one.\(^{20}\) George Fredrickson offers a judicious reading of Lincoln's view of Black people: "For Lincoln the Negro was a man - to alter the abolitionist battle cry - but not a brother."\(^{21}\) Yet Lincoln fought for the ultimate extinction of slavery, believing that the Union could not maintain a balance between the two positions and that slavery was a grave moral evil. In his famous 'house-divided' speech he states: "Either the opponents of slavery,[sic] will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in course of ultimate extinction; or its advocates will push it forward, till it shall become alike lawful in all the states, old as well as new -- North as well as South."\(^{22}\)

Sandel's argument is strengthened upon recognition of the pervasiveness of Lincoln's moral commitment in the climate of the time. Not only did Lincoln quote Scripture and assert Christian principles, but his assertions in the context of the 1850's represent a controversial interpretation of Christianity. As Saul Sigelschiffer contends, in 1844: "Southern clergy men could not accept the position that slavery was evil and un-Christian.... The Southern Methodists now withdrew from the national church and formed their own Methodist Episcopal Church South. A similar schism soon followed in the Baptist and Presbyterian Churches."\(^{23}\) This bolsters Sandel's general portrayal of the interrelationship between morality and politics. Lincoln's assertions went two ways, so to speak. On the one hand, he drew on Christian principles to support his 'political' argument against slavery; on the other hand, his political position implicitly took sides on

\(^{17}\) Sandel 1996: 22.
\(^{19}\) Quoted in Sandel 1996: 23.
\(^{22}\) Basler 1981: 372-3.
the substantive 'theological' question of whether or not Christian doctrine legitimized slavery.

A broader account of the debate than Sandel himself gives provides even further evidence for his claims about the limits of neutrality. First, Douglas's belief in neutrality presupposes a moral commitment. Though Douglas wished to bracket moral beliefs at the federal level, this was based on his prior allegiance to popular sovereignty, at the level of state or territory. Moreover, implicit in Douglas's position are two conflicting notions of what it means to "bracket". On the first interpretation the federal government allows each territory to decide for itself whether to enter the Union slave or free. This is indicated by Douglas's support for the Kansas-Nebraska Act. On the second interpretation, the federal government respects the right of each individual to decide whether or not to own slaves. This is indicated by his support of Dred Scott. Thus Douglas's substantive adherence to popular sovereignty supports not only his concept of neutrality but also his interpretation of bracketing.

Second, in context, neutrality can be used by political interests to further their own non-neutral agendas. As Lincoln observed, bracketing moral concerns and accepting the judgment of the court in Dred Scott implied the extension of slavery, which was the stated desire of the slave-owners. He accused Douglas of this subterfuge: "This declared indifference, but, as I must think, covert real zeal for the spread of slavery, I can not but hate." But this does not seem entirely fair to Douglas. While on Lincoln's view Dred Scott enshrined the individual right to slavery as against both federal and state government, Douglas, in fact, interpreted Dred Scott in terms of territorial sovereignty. In a letter to a friend, J.B. Dorr, he states that he would not accept the Democratic nomination for president if the policy of the party: "either establishes or prohibits slavery in the Territory beyond the power of the people legally to control it, as other property."

Moreover, this is the interpretation the Southern wing of the Democratic Party gave to Douglas's view. In a speech which presaged a split in the Democratic Party and in which the radical South denounced Douglas, Senator Judah P. Benjamin from Louisiana stated: "We accuse him of this, to wit: that having bargained with us upon a point upon which we were at issue, that it should be considered a judicial point; that he would abide the decision; that he would act under the decision, and consider it a doctrine of the party; that having said that to us here in the Senate, he went home, and under the stress of a local

24 Sandel misses this point and recognizes only the first alternative. For further discussion of the need for substantive doctrines in determining the mode of bracketing cf. Sandel's discussion of Thornburgh v. American College of Obstetricians. Sandel 1996: 102.
25 The notorious Dred Scott decision, as Sandel notes, was the only time prior to the Civil War that the Supreme Court enforced the Bill of Rights against an act of Congress (Sandel 1996: 38-9). Dred Scott was a slave who sued in court for his freedom. Three cases in Missouri upheld the rights of Scott's owner. In February of 1856 the case of Dred Scott v. Sanford was argued before the Supreme Court of the United States. The Supreme Court likewise upheld the property rights of Scott's owner. Dred Scott v. Sanford 60 U.S. 393 (1856). Cf. below for further discussion.
Though Douglas's own views can be distinguished from those of Benjamin, Lincoln convincingly demonstrated that Douglas served the interest of the slave-owners. Lincoln considered the Kansas-Nebraska Act and the *Dred Scott* decision as an "almost complete legal combination" as a "piece of machinery so to speak". He states: "The working points of that machinery are: First that no negro slave, imported as such from Africa, and no descendant of such slave can ever be a citizen of any State, in the sense of that term used in the Constitution of the United States.... Secondly that 'subject to the Constitution of the United States' neither Congress nor a Territorial Legislature can exclude slavery from any United States Territory.... Thirdly, that whether the holding a negro in actual slavery in a free State,[sic] makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the Negro may be forced into by the master.... Auxiliary to all this and working hand in hand with it, the Nebraska doctrine or what is left of it, is to educate and mould public opinion, at least Northern public opinion, to not care whether slavery is voted down or voted up."

Douglas did not see the conflict between his concept of territorial sovereignty and *Dred Scott*'s instantiation of a universal individual right to own slaves. But Lincoln clearly realized that if the implications of *Dred Scott* were played out, the only role territorial sovereignty could play was democratically to support the slave trade. If citizens voted against the slave trade they would be contradicting the rights of the individual which, under *Dred Scott*, were protected by the Supreme Court.

Third, the relation of the constitution to the slave trade supports Sandel's claim that a neutralist republic cannot contain the moral energies of the people and cannot engage them in debate and criticism. A look at how the South overturned the intentions of the framers of the Constitution is instructive. It can be argued that the framers of the Constitution intended that slavery die out. Nevertheless, in spite of this opposition to slavery, within the confines of constitutional neutrality, a vociferous minority in the south stretched the boundaries of slavery on all fronts.

It can be argued moreover that with *Dred Scott*, the Constitution had been hijacked by southern interests. Five of the judges hailed from the South and a "heavy correspondence
passed between leaders and judges". As Sigelschiffer indicates, there was an exchange of letters between President-elect Buchanan and Justice Grier. In fact, two weeks before his inauguration, Grier wrote Buchanan: "I will give you in confidence the history of the case before us with the probable result ... there will therefore be six, if not seven (perhaps Nelson will remain neutral) who will decide the Compromise law of 1820 to be of non-effect." Further, on March 4, in his inaugural address, Buchanan stated that he would "cheerfully submit" to whatever the Court decided. On March 6 the Court rendered its judgment by a vote of 7-2, Justice Taney arguing: (1) that Negroes were not citizens, (2) that the Constitution didn't include them as citizens; and (3) that the Missouri Compromise was void. The Dred Scott decision effectively eliminated the constitutional and political bulwarks against the spread of slavery, and this on the basis of the individual rights of the slave-holder.

The official doctrine of neutrality thus left the slave owners outside the corrective influence of democratic debate and provided the moral space for more nefarious activities in the support of their own interests. This form of toleration leaves prejudices intact and allows them to fester in private life, ultimately spilling over into the political arena.

Historical interrogation of the Lincoln-Douglas debates thus supports Sandel's criticism of the political conception of neutrality in a number of ways: the historical stature of Lincoln indicates the political pedigree of reference to comprehensive doctrines; Douglas's view shows how neutrality presupposes moral commitment; and the growth of slavery shows that a politics of neutrality cannot correct the perverse moral energies of its citizens.

2. Rawlsian Public Reason and the Lincoln-Douglas Debate

In light of his analysis of the Lincoln-Douglas debates and the moral critique of slavery, Sandel criticizes Rawls's suggestion that his political conception of public reason is compatible with the moral critique and actions which ended slavery. Rawls argues that his view of public reason permits citizens to present the comprehensive basis of their political values provided that there is division in the society about constitutional essentials or about the application of principles of justice, and provided that they do this in ways that strengthen the idea of public reason. He points to the abolitionist movement as a paradigm for reference to comprehensive doctrines. He argues that, although they referred to their comprehensive doctrines, "they could have seen their actions as the best way to bring about a well-ordered and just society in which the ideal of public reason could eventually be honoured." So, for Rawls, because they "could" have thought that

33 Sigelschiffer 1973: 49.
34 (Sigelschiffer 1973: 49).
35 Sigelschiffer 1973: 49.
36 Sigelschiffer 1973: 50.
the reasons they referred to, though comprehensive, were required to strengthen the political conception to be subsequently realized, they did not contravene public reason.

Sandel rightly argues, however, that in the absence of extraordinary assumptions, it is difficult to interpret the abolitionist argument as consistent with the ideal of public reason advanced by political liberalism. What is more likely, he contends, is that abolitionists were hoping to get Americans to extend religious and moral reasoning to other issues. Sandel concludes that Rawls cannot account for why Lincoln was right and Douglas wrong in 1858.

Sandel's account of Rawls's attempted appropriation of Lincoln and the abolitionists is persuasive. Rawls underestimates the significance of the fact that neither Lincoln nor the abolitionists were motivated by the intention of strengthening public reason. Moreover, in like circumstances it would be impossible to judge whether one's actions will, in the end, strengthen public reason. On what grounds could it have been predicted that the bloodshed and division of war would lead to an harmonious consensus on public reason, from what standpoint could it be reasonably suggested that resentment and disharmony would not be the result? The complexity of the calculations required makes them prohibitive from the standpoint of public reason. The conceptual point which Rawls wishes to make, presumably, that comprehensive doctrines can strengthen public reason, is muddied by his historical example.

Moreover, from a Rawlsian standpoint it is difficult to see how a legitimate conception of public reason could even have existed. According to Rawls, public reason is based on certain substantive conceptions of the person implicit in the public culture of a liberal democracy. On his view we accept his account of public reason in part because we share his intuitions about the nature of moral persons. However, in its broadest sense the Civil War was fought over the meaning of the word "person". Because the meaning of "person" was controversial there could have been no sense in which a legitimate conception of public reason could have been appealed to.

Further, in this context, the position which won the day had its origin in the extremist views of abolitionist William Garrison. Neither Rawls nor Sandel gives an adequate account of the relative roles of Garrison and Lincoln. While Sandel is right to note that the free labour movement found Garrison's views too radical, he underplays Garrison's contribution. George Fredrickson offers a more judicious appraisal. Noting that Garrison's extremism isolated him on the far left of the anti-slavery movement, and that, therefore, he did not lead the political assault, Fredrickson states: "Nevertheless, he remains, and deservedly so, the central figure in the crusade against slavery." Though Sandel is correct that Garrison's extremism alienated many, Fredrickson states: "his primacy as instigator of the movement was unchallenged, and he continued, up to the

40 Rawls 1993: 18-19,192.
time of emancipation, to play an indispensable role as a moral gadfly, keeping the ideal ever in the sight of those engaged in confronting, the actual."\(^{42}\) Likewise, C. Vann Woodward, indicates Garrison's importance: "History supports Garrisonian dogma ... that to be effective the eradication of slavery had to be root-and-branch, that the racist ideology supporting it permeated the country, and that abolishing slavery in alliance with racists and without eradicating their ideology would be largely an empty victory."\(^{43}\) Garrison's zealous refusal to compromise with the "practical realities" of his time distinguishes his position from that of Lincoln.\(^{44}\)

Further, while Sandel's characterization of Lincoln's "non-neutrality" is convincing, he neglects the implicit neutrality of Lincoln's position on the issue of White supremacy. On Lincoln's view, the state did not have a role in correcting the moral views of White supremists. While Garrison attacked colonization, Lincoln favoured colonization, bracketing the problem of racism, so to speak, by separating the races.\(^{45}\) Thus, Lincoln's view, by contrast with Garrison's, did not permit Blacks to participate in American political life and allows no fundamental correction of racism.

Moreover, Sandel underplays the inconsistency and fundamental danger of Lincoln's position. In his 1854 Peoria speech, for example, Lincoln is caught in a dilemma between his moral position and his practical position.\(^{46}\) According to Lincoln, slavery is opposed to the Declaration of Independence because it permits men to be governed without consent. However, he is willing to compromise this position because he cannot admit the practical possibility of social and political equality between Blacks and Whites.

Harry Jaffa argues that Lincoln accepted the political inequality of Blacks because his fellow countrymen judged it necessary to the security of their rights, and the Declaration of Independence granted them the right to judge of this security.\(^{47}\) But if slavery itself can be judged practically necessary to the security of White rights, it remains possible that the extension of slavery can likewise be judged necessary. While Lincoln argues against the moral basis for the extension of slavery, he leaves room for an argument for extension based on necessity.\(^{48}\) In certain respects then, Garrison's outlook was more republican than Lincoln's in that he demanded equal participation for Blacks and argued for the correction of racist attitudes.

\(^{42}\) Fredrickson 1988: 75.
\(^{44}\) It should be noted however, that while Garrison's zealotry can be distinguished from Lincoln's cautious practicality, he praised Lincoln's refusal to compromise on slavery in the Territories and also urged support of Lincoln's war effort. Cf. James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton: Princeton University Press, 1995) pp. 31,55.
\(^{45}\) In George Fredrickson's characterization, Lincoln was: "a pragmatic White supremacist in his concept of domestic race relations but indulged a principled egalitarianism in his world outlook." Fredrickson 1988: 66.
\(^{48}\) Cf. also Fredrickson 1988: 67.
Garrison's moralism makes a particularly unhappy companion for Rawls. As Sandel notes, the abolitionists wanted to extend the reach of religious reasoning to other political-moral issues. This is inadmissible according to Rawlsian strictures on public reasoning - Garrison's radical Protestantism would conflict with other comprehensive views. Rawls, then, can claim neither Garrison nor Lincoln as a supporter of public reason: Garrison's extreme comprehensive view cannot be the basis for consensus and Lincoln's view excludes Blacks from political participation.49 Hence, Rawls must deny that his political conception can account for the justness of abolitionist actions or must broaden his conception of public reason.

This indicates a further weakness in Rawls's conception of public reason. Rawls's reference to the Civil War points to a deeper historical relationship between comprehensive doctrines and public reason than he can account for. The form of public reason current in the United States has its genesis in the zealous assertion of comprehensive doctrines in the public realm. But as we have seen these assertions are not compatible with the Rawlsian conception of public reason. The difficulty is that Rawls's view cannot account for the conditions in the public culture required to ensure the existence of public reason. In the United States public reason is parasitic on comprehensive views of equality and freedom. While Sandel draws attention to the importance of comprehensive doctrines in American history, his one-sided focus on republicanism distorts the complex dialectic of the public political culture of the United States.

II. The Republican Vision And The New Deal

The Lincoln-Douglas debates are thus an instructive example of the limits of neutralist dogma. Still the twin defeat of voluntarism and neutrality in the Civil War was not final. As noted above, the free labour criticism of slavery shares with republicanism an opposition to the dependence slavery creates. Further, both conceive the wage system characteristic of capitalism as similarly destructive of independence. However, the revolutionary republicanism of the Civil War, based in part on a conception of freedom as self-government, cleared the way for a capitalist revolution whose voluntarist ideology was antithetical to republicanism. As Sandel states: "Abraham Lincoln turned the aspirations of the labourer into a critique of the South ... But the Union victory in the war put to rest the threat to free labour posed by slave power, only to revive and intensify the threat posed by the wage system of industrial capitalism."50

49 It should be noted that abolitionism came in many forms. James M. McPherson identifies three major groups: Garrisonians, evangelicals, and political abolitionists. It is arguable that Garrisonians had the most effect of these three. Cf. James M. McPherson 1975, The Abolitionist Legacy: From Reconstruction to the NAACP (New Jersey: Princeton University Press, 1975) p. 4. Also cf. Fredrickson 1988: 73-80.
However, Sandel does not attend sufficiently to the complex dialectic evinced by these events. The victory of republicanism in the constitutional sphere opened the door to the victory of liberal capitalism in the economic sphere. Further, with the withdrawal of the Union army in 1877 and the decision in the Civil Rights Cases (1883), many of the advances made in terms of Black independence were destroyed. And yet, one of the results of federal non-intervention and neutrality in terms of the problems of race has a distinctively republican cast: an increase in national civic participation by southern Whites. The importance of this result for national unity should not be underestimated, though in the absence of state and federal commitment to Black rights, this dispersal to the states of power over race relations was in many ways disastrous for Blacks.

This section gives a brief and highly selective account of how capitalism which flourished with the destruction of slavery was appropriated as justification for racist ideology. On the one hand, it supports Sandel's claims about the limits of voluntarism and a 'neutralist marketplace' vis-à-vis the civic morality of citizens; on the other, contra Sandel, it provides a context which helps situate the republican elements of the New Deal.

1. Background to the New Deal: Capitalism and Racism

Though the growth of capitalism has substantial roots in the elimination of slavery it was not itself inimical to racism.\(^{51}\) Herbert Spencer's intellectual legitimation of laissez-faire, voluntarist capitalism dealt a severe blow to Black participation in American civil life. In the thirty years after the Civil War it was impossible to be involved in the intellectual world without coming to terms with Spencer's views which, prior to Darwinism, applied the concepts of survival of the fittest and natural selection to the social-economic realm. Richard Hofstadter states: "Herbert Spencer whose evolutionary philosophy glorified automatic progress, who threw all his authority into support of the thesis that natural economic processes must be allowed to go on without hindrance from reforms was idolized in the United States."\(^{52}\) Spencer sanctioned only those state functions acceptable to classical liberals, basically those of the nightwatchman state. As Young states, Spencer was opposed to: "poor" laws, state support for education, tariffs, state banking, sanitary supervision, government postal systems, and even protection against medical quacks.\(^{53}\) This prototypical Darwinism legitimized not only the

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51 There are at least four reasons why the destruction of slavery removed a major bulwark against industry. (1) Because slaves were not compensated for their labours, slavery generated relatively low consumer demand, as slaves could not be consumers. (2) Slavery, obviously, lacked capitalism's means for engendering a work ethic in labourers Cf. James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York: Alfred A. Knopf, 1990)p. 102. (3) As James Young states: "The defining characteristic of capitalism was the separation of the labourers from the means of production and the attendant transformation of labour into a commodity" (Young 1996: 112). In the absence of this separation there was no market for free labour in the south. (4) As land grew scarce, it became explicit that wage labour was more consistent with liberalism than was the free labour ideal which depended on the availability of land. 
52 Hofstadter 1948: 168.
53 Spencer's views were widely disseminated by his most important American disciple among the intelligentsia, William Graham Sumner. Young 1996: 130-1.
accumulation of wealth by those at the top of the economic order and its resultant privilege but also the appropriateness of the status of those on the bottom: the Blacks. With this "scientific" doctrine of White supremacy the ideology of the South had, in a sense, become the ideology of the nation.

This shared racist ideology was an important aspect of the reintegration of the South into the Union. Reintegration was furthered by the non-interventionist stance of the federal government. The Civil War had been fought primarily to secure the stability of the United States, to unify diverse states under one federal constitution. Northern victory saved the Union but only through the use of force, with the result that although the states were unified, southerners resented the destruction of their wealth and institutions. Ralph Henry Gabriel captures the post-war spirit: "After Appomattox, however, the North and South had different traditions, personified by different heroes. Chancellorsville and Gettysburg had opposite meanings in Wisconsin and Alabama. Wartime emotionalism persisted, moreover, in a hatred that was slow to die."54 Resentment was heightened by Reconstruction which asserted the federal government's power to determine the legal framework of race relations: southern intransigence was inevitable in the face of the measures enforced by the United States. Gabriel makes the interesting point that the federal government's retreat from intervention was crucial to the re-emergence of southern loyalty to the Union. In 1877 the army was withdrawn. Further, the decision in the Civil Rights cases of 1883 limited the power of congress to interfere in state matters, and in consequence gave the states power over race relations, subject only to the limitation that slavery not be reestablished. Gabriel states: "In 1883, only eighteen years after the surrender of Lee, the Court accepted Calhoun's principle that the disposition of the race problem should be denied to the central government and be left to the local community."55 This sense of sovereignty over the issue of race restored the relationship of the South as a sovereign state to the Constitution and contributed greatly to national unity.

The obvious limit of reunification and the reemergence of Southern loyalty, however, was that it rendered Blacks second class citizens. While reunification helped reestablish the patriotic unity among states, it infringed the universality of the rights of the citizen. But the federal government's retreat from intervention was markedly different from its initial neutrality on the slavery issue. Though the federal government withdrew from interference in race matters, slavery was abolished and the supremacy of the Union had been demonstrated by victory in the Civil War. Whereas secession, which attempted to prevent federal intervention, originated with the southern states, the removal of the Union Army in 1877 originated with a victorious federal government which had proven its authority. The sense of sovereignty over race matters thus drew the South back into the Union and though the race problem still existed, there had been progress in the lives of Black citizens and secession was no longer a viable answer.

55 Gabriel 1956: 142.
This brief sketch indicates the difficulty in radically separating the republican and liberal moments in American history. The interventionist policy characteristic of Reconstruction politics usurped the sovereignty of states and thus seems problematic in republican terms. While on the one hand, its substantive commitment to the dignity and humanity of Blacks secures the integrity of Black communities, on the other, its focus on civil rights infringes the republican interest in localized power. The federal neutrality on the question of race, characteristic of Redemption policy, and supported by Spencerian laissez faire ideology, permits state control of matters of race and is consistent with the republican interest in the dispersal of sites of sovereignty. Yet, in this context, neutrality is destructive of the civil rights of Blacks and of the strength of Black communities. A linear account of American history is thus inadequate to the complexities of concrete events. Further, this practical and theoretical nexus of capitalism and racism is a crucial background condition without which one's understanding of the New Deal remains incomplete.

The late nineteenth and early twentieth centuries thus saw the perpetuation of the doctrine of White supremacy in the United States and in its highest office. But Franklin Delano Roosevelt's second New Deal marked a significant transformation of Black participation in the public political culture of the United States. Contrary to Sandel's portrayal, the New Deal is, in principle and in practice, consistent with the republican interest in a politics of the common good, institutional reform, the correction of voluntarism and civic participation. Recognition of the continuing presence of both liberal and republican moments in the history of the United States allows for a more comprehensive account of its public culture and strengthens the basis on which Sandel can refer to republicanism as a possible enrichment of American political life.

2. Keynes and the New Deal

Sandel focuses on the Keynesianism of the New Deal. He argues that there are three essential aspects to the economic philosophy which underlies the New Deal: (1) the acceptance of consumption as the basis of political identity and economic policy; (2) the rejection of any attempt on the part of government to form or educate individual desires and; (3) the "embrace of the voluntarist conception of freedom and the conception of persons as free and independent selves, capable of choosing their ends for themselves." Moreover, he states: "From the late 1930s to the early 1960s, Keynesian fiscal policy appealed to policy makers as a way of avoiding the intractable controversies among

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57 C. Vann Woodward notes this as the foundation of what he calls the second reconstruction. Gunnar Myrdal contends: "this changed the whole configuration of the Negro problem." Sitkoff 1978, 58.

advocate of various reforms and spokesmen for various sectors of the economy."\(^{59}\) Thus for Sandel, the New Deal is a decisive phase in the development of the procedural republic.

However, Sandel's account of the New Deal is one-sided. There are explicit republican elements in the New Deal which he ignores. A consideration of Keynes's social-political philosophy indicates its compatibility with civic republicanism. First it is not clear that for Keynes "consumption is the sole end of economic activity".\(^{60}\) Keynes argues, for example, that once humans are securely employed in the economic realm, they will be freer to pursue what he called the highest objects of life: love, beauty, truth, timeless contemplation, and the pursuit of knowledge.\(^{61}\) We shall have, he states: "most sure and certain principles of religion and traditional virtue. We shall value ends above means."\(^{62}\) In fact, Keynes conceived the whole economy as directed to a common good. He states: "The state is a sovereign body of which the purpose is to promote the greatest good of the whole."\(^{63}\) On this basis, Keynes wanted to prevent market forces from interfering with what is fit and proper in the interests of social stability and social justice.\(^{64}\) And he argues, for example, that savings and loans should not: "be left entirely to the chances of private judgments and private profits."\(^{65}\) Therefore, it is arguable that Keynes conceived distinct limits to individualism and voluntarism. Second, while a self-proclaimed conservative on certain matters, there are, contrary to Sandel's suggestion, important institutional reforms which Keynes believed necessary. Principally he argued for: (1) a central institution to control currency and credit; (2) the regulation of savings and investment and; (3) the control of population size. Finally, Keynes thought that the economy required communal and moral direction. He states: "What we need is the restoration of right moral thinking, a return to proper moral values in our social philosophy."\(^{66}\) He envisioned the control of investment by a group of public spirited disinterested individuals.\(^{67}\) Further, he thought that: "Planning should take place as much as possible in a community in which as many people as possible share your own moral position."\(^{68}\) Thus Keynesianism is, in principle, more conducive to a republican sense of community than Sandel allows.\(^{69}\)

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59 Sandel 1996: 263.
60 Sandel 1996: 268.
61 Allan Meltzer, Keynes's Monetary Theory: A Different Interpretation (New York: Cambridge University Press, 1988) p. 34.
62 Quoted in Meltzer 1990: 36.
63 Quoted in Meltzer 1990: 59.
64 Meltzer 1990: 36-7.
65 Quoted in Meltzer 1990: 38.
66 Quoted in Meltzer 1990: 37.
68 Quoted in Meltzer 1990: 38.
69 Further, Sandel and Keynes have a similar conception of the role of ideas. Early in Democracy's Discontent Sandel states: "Political institutions are not simply instruments that implement ideas independently conceived; they are themselves embodiments of ideas." (Sandel 1996: ix) Compare Keynes's suggestion at the end of The General Theory of Employment. Interest and Money: "the ideas of economists and political philosophers, both when they are right and when they are wrong are more powerful than is
3. *The New Deal and the Regulation of Choice*

By contrast with Sandel's portrayal, Roosevelt's New Deal is in certain ways a correction of voluntarism. Government and politics were seen to play an essential role in the economy, to be a correction of laissez-faire. In 1941 Roosevelt states: "The liberal party is a party which believes that as new conditions and problems arise beyond the power of men and women to meet as individuals it becomes the duty of government to find new remedies with which to meet them." While Sandel is correct that one of the goals of the New Deal was to secure freedom of choice for consumers, there was likewise a clear sense of the limits of mere choice. As James Young states: "By the time the reform impulse was exhausted in the early days of Roosevelt's second term, the relation of the U.S. government to the society and the economy had been transformed. A welfare program that emphasized work over the dole was established. There were extensive new regulations covering the banking and securities industries. In one way or another, industry was also widely regulated. Unemployment and wages-and-hours legislation were passed, and the social security system was established." Though the reform phase of the New Deal ended, it is thus arguable that it accomplished lasting and important changes and a context in which voluntarism and self-interest can be regulated. Ralph Henry Gabriel makes a similar point, arguing that Roosevelt emphasized both a new and an older conception of the free individual. Gabriel contends that the Wagner Act vastly strengthened unions giving protection to collective bargaining. Collective action is sanctioned for the protection of worker-consumers. However, he also indicates that in the New Deal agricultural policy, the Jeffersonian theory of individualism prevailed. Gabriel notes two specific measures in support of his view: "(1) the limiting of benefits going to any one enterprise and (2) the upholding of the established limitation of farms in irrigated areas to one hundred sixty acres." These measures gave preference to small farms, as opposed to corporate farms and they supported the independence of the individual farmer. This interest in independent farmers cannot adequately be described in voluntarist terms. For the voluntarist it makes no difference whether one is employed by a corporation or on one's own farm.

4. *The New Deal and Black Civic Engagement*

In terms of Black rights, the New Deal was anything but neutral. Its economic interventionism was extremely controversial in the South. Moreover, it marked a significant improvement in the lives of Black citizens. Sandel contends that the Civil Rights movement of the mid-fifties to the mid-sixties was in essence a republican movement. He states: "To assimilate the Civil Rights movement to the liberalism of the commonly understood. Indeed the world is ruled by little else." John Maynard Keynes, *The General Theory of Employment Interest and Money* (New York: Harcourt, Brace and World Inc., 1935) p. 383.

70 Quoted in Young 1996: 170-71.
72 Gabriel 1956: 433.
73 Against the Central Valley Reclamation Project which wanted the removal of this limit. Gabriel 1956: 433.
procedural republic is to miss its most important lessons for our time. More than a means to equal rights, the movement itself was a moment of empowerment, an instance of the civic strand of freedom." By contrast with Sandel's account, however, the civic strand of the Civil Rights movement was profoundly influenced by the civic strand of the New Deal. To accept the republican nature of the struggle of Martin Luther King and the SCLC is to accept the republican influence of Franklin Roosevelt and the New Deal. The New Deal opened the door to the Civil Rights movement. By contrast with Sandel's focus on the neutrality of the second New Deal and its preference for the spending solution over "drastic institutional reforms", the second New Deal was more controversial than the first, with regard both to institutional reform and to civil rights. Initially the New Deal had little to do with race and did little to change the status of Black citizens. FDR did not want to jeopardize economic bills required for national recovery and thus, in order to placate Southern interests, he could not defy the southern dominated congress on racial matters and capitulated to their resistance to programs which would jeopardize their control of southern political and economic policy. Sitkoff states: "The leadership elites in Dixie looked askance at new federal programs that reduced dependency and paternalism in their domains, raised wages, aided the labour movement, skirted local government, and extended the New Deal to those indigents previously unassisted."

To justify their resistance to the New Deal, southern politicians criticized its interference in race matters. The New Deal's support for Blacks was intolerable to southern prejudice. Southerners argued that the New Deal was an attempt to overturn White supremacy, and in the North White supremacy thus became explicitly aligned with conservative economic policies which were now out of vogue. This relationship between economic reform and civil rights reform was made explicit with the result that Southern Democrats supportive of the New Deal were edged towards concern with Black issues. Further, federal intervention which began as economic reform turned back judicial precedents such as Slaughterhouse and Cruikshank, as the Roosevelt-stacked Court broadened the regulatory powers of the national government. As Sitkoff states:

75 The SCLC refers to the Southern Christian Leadership Conference.
76 It is important to keep in mind the extraordinary influence of Eleanor Roosevelt. Long before the Roosevelt administration adopted serious policies for the improvement of the lives of black citizens, she kept the black voice alive in the halls of government and in the press. Cf. Sitkoff 1978: 59-62.
77 Sitkoff 1978: 102.
78 This mirrors the alignment of White supremacy and laissez-faire capitalism found in Spencerian views.
80 In the Slaughterhouse Cases some butchers claimed that a Louisiana law which granted a monopoly on the slaughtering business violated their Fourteenth Amendment Rights. The Supreme Court rejected their claim because such a precedent would "fetter and degrade State governments ... in the exercise of powers heretofore universally conceded to them." (Slaughterhouse Cases 83 U.S. 36,78 (1873). In Cruikshank the Supreme Court dismissed nearly 100 indictments against Whites involved in the Colfax Massacre arguing that the Fourteenth Amendment authorized no power for Congress to enact: "laws for the suppression of ordinary crime within the States.... That duty was originally assumed by the States; and it still remains there." United States v. Cruikshank 23 U.S. 710 (1876).
"The growing acceptance of the idea that the federal government had the right and the duty to intervene on behalf of the economic well-being of its citizens led to the corollary that the federal government had the obligation to protect the lives and constitutional rights of the Afro-Americans.\(^81\)

Crucial to this reform and to the advancement of Black rights was what Sitkoff calls the federalization of the Bill of Rights. Whereas the Slaughterhouse cases in 1879 had relegated the protection of civil rights to the states and the Civil Rights Acts of 1883 had ended federal enforcement of the 14th Amendment, the decision in the Scottsboro case marked the first time in the twentieth century that the Supreme Court asserted its power to supervise the enforcement of justice to Blacks in the states by investigating the evidence of discrimination itself.\(^82\) Likewise, in a footnote to the 1938 opinion in *Carolene Products*, Harlan Stone highlighted the Court's direction by asserting that laws involving the bill of rights required more exacting judicial scrutiny.\(^83\) Further, in *Lane v. Wilson* 1939, the Court invalidated Oklahoma's attempt to keep the grandfather clause. Judge Frankfurter states that the Fifteenth Amendment: "nullified sophisticated as well as simpleninded modes of discrimination. It hits onerous procedural requirements which effectively handicap exercise of the franchise by the coloured race although the abstract right to vote may remain unrestricted as to race."\(^84\) As Sitkoff notes, this asserted that: "the Court would look beyond the letter of the law to ferret out discrimination."\(^85\) Whereas the separate but equal doctrine was consistent with the Bill of Rights in theory, in practice it was the basis of racial oppression. The interventionist, non-proceduralist approach of the Roosevelt Court signalled the demise of *Plessy v. Ferguson* and its separate but equal philosophy.\(^86\) Thus by contrast with Sandel's view, dramatic institutional reform was an important facet of the New Deal, as the federal government asserted its authority in both the economic and racial jurisdiction of the South. Moreover, the New Deal was concerned not just with fairness of procedure but with the practical outcomes for citizens.

The reform of the laissez-faire economy likewise reveals a substantive interest, especially in relation to the status of Black citizens. The New Deal originated, of course, in response to the massive unemployment and financial chaos brought on by the collapse

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81 Sitkoff 1978: 272.
82 Nevertheless as Sitkoff points out the distance to be travelled was apparent in that on the same day the Court unanimously upheld the right of a political party to White-only primaries. Sitkoff 1978: 328.
83 Here the Supreme Court upheld a federal law which banned interstate commerce in adulterated milk declaring that regulations affecting ordinary commercial transactions would be presumed constitutional as long as it had a rational foundation. In his famous footnote he indicated grounds for expanding judicial review. *Carolene Products Company v. United States*, 304 U.S. 144, 152 n.4 (1938) Cf. also Sandel 1996: 47.
85 Sitkoff 1978: 237.
86 In *Plessy v. Ferguson*, Homer Plessy sued a New Orleans railroad which forced him to leave a Whites-only car. He argued that segregation was illegal under the Fourteenth Amendment. The Supreme Court decision established the separate-but-equal doctrine ruling that separation of the races is within the bounds of the Constitution so long as equal accommodations are made for Blacks. *Plessy v. Ferguson* 163 U.S. 537 (1896)
of industry and the economic system during the Great Depression. Left to itself, the free play of individual interest produced an inherently unstable economy with dramatic effects on the political and socio-economic lives of all citizens. One could no longer have faith in the combination of laissez-faire and survival of the fittest to provide a workable social order. Both rich and poor were devastated by the economic collapse. The depression marked a practical demonstration that laissez-faire capitalism was not a natural order, success in which was a measure of the virtue of citizens; even those who were successful and were judged to be the fittest suffered during the depression. By contrast with the Spencerian laissez-faire hierarchy of race, the New Deal implicitly recognized a universality of suffering; all humans, black and white, were thought to have the same needs. Sandel characterizes the Civil Rights movement as a moment of self-government and civic engagement; the active participation of Blacks in their own political fate. It is undeniable, however, that the New Deal saw significant advances in Black participation in government. Sitkoff contends that the Works Progress Administration, for example, made Blacks feel included. He quotes a Black respondent in an interview with Studs Terkel: "It made us feel like there was something we could do in the scheme of things." Not only did the WPA empower individual Blacks but it was central to the survival of Black communities, rivalling agriculture and domestic labour as the main source of income for Blacks. Moreover the WPA Education Program taught almost two hundred and fifty thousand Blacks to read and write. The Federal Music Project and the Federal Theatre Project conserved and enhanced Black culture by recording and publishing Black folk music, holding music classes for Blacks and employing Blacks in the production of dramas which portrayed the lives of Nat Turner, Harriet Tubman, Pierre Toussaint. Further, as Gunnar Myrdal argues, the tripling of Blacks in the civil service (mostly in the lower ranks) and the appointment of over one hundred Blacks to administrative positions were "the first significant step toward the participation of Negroes in federal government activity." The Black Cabinet also raised the level of Black participation and interest in government by initiating Blacks into the maze of civil service organizations and by initiating an end to discriminatory hiring by civil agencies.

Increased political participation significantly strengthened the power of the Black vote. In 1934, the vision among the Black leadership of the Black vote as a "balance of power" was becoming a reality as a majority of Blacks voted Democrat for the first time, thus switching allegiance from the GOP. No longer hamstrung by devotion to the Republican party, Black voters would now be courted by both parties. A quotation from a Time article of 1936 is indicative of growing Black influence: "In no national election

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87 This sense of inclusion grew when Roosevelt issued Executive Order 7046 which stipulated that there shall be no discrimination between otherwise qualified workers in the WPA. Discrimination persisted, but the number of Blacks on relief and the money they earned increased. Sitkoff 1978: 69.
88 Sitkoff 1978: 70.
89 Sitkoff 1978: 71.
90 Sitkoff 1978: 76.
91 The Black Cabinet is the name the press gave to The Federal Council of Negro Affairs. It was composed of many young college educated Blacks and veterans of the civil rights movement. They focussed government interest in civil rights. Cf. Sitkoff 1978: 78-9.
92 Sitkoff 1978: 89.
since 1860 have politicians been so Negro minded as in 1936." 93 Further, grassroots protest indicates the growing activity of Blacks in American public political life. 94 Perhaps the most significant protest march, however, was one that didn't take place: the proposed March-on-Washington. 95 Sitkoff states: "More than any other single leader, organization, or event, Randolph's electrifying effort in behalf of the March-on-Washington catalyzed the supporters of civil rights into a mass movement that could not be ignored." 96 Randolph's militancy brought a radical edge to the Black Civil Rights movement which mobilized Blacks to a greater degree than the gradualism of the NAACP. His efforts legitimized a more combative approach to civil rights matters and gave rise to a more aggressive Black leadership. 97

By contrast to Sandel's view, then, the voluntarism of the New Deal did not exclude a republican interest in civic engagement and the common good. The republican moment of American politics thus extends well into the twentieth century and the New Deal cannot be adequately characterized as a decisive moment in "the victory of the procedural republic".

**Conclusion**

By contrast to the one-sided approaches of Sandel and Rawls, recognition of the dual moments of American public political life is important both historically and normatively. Sandel has an almost Whiggish conception of American history. He portrays this history as a decline from first principles, the gradual subordination of republicanism to liberalism as the official public political doctrine. The result of this decline, on his view, is a public life devoid of the civic virtues required to maintain an adequate sense of community. He looks to the redemption of this fragmented and discontented public life in a retrieval of republican-communitarian first principles. Rawls, by contrast, has an almost "Progressive" view, according to which the key to the stability of American public life consists not in a return to a republican notion of civic virtue but rather in the continuance of liberal tradition. Implicit in Rawls's sketchy account of liberal history is the view that this history is the development of a common public life made possible by the overcoming

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94 Protests against decisions in the Scottsboro and Herndon cases, and against the eviction of Blacks in Chicago unified Whites and Blacks under the aegis of the communist party. A banner at a funeral procession for Blacks killed in a protest over the evictions read: "NEGRO AND WHITE WORKERS UNITE TOGETHER". Sitkoff 1978: 154.
95 In response to the exclusion of Blacks from the defence program, the idea of a march on Washington was raised at a meeting of various civil rights groups in Chicago. From the early estimates of between five and ten thousand marchers, by June, A. Philip Randolph was predicting one hundred thousand protesters. In the face of this threatened march, Roosevelt signed Executive Order 8802 which put into effect an end to discrimination in defence agencies. In return the march was cancelled. But the result of the political force which secured Roosevelt's capitulation went far beyond the executive order. Sitkoff 1978: 316.
96 Sitkoff 1978: 316.
97 Sitkoff 1978: 333.
of sectarian comprehensive differences. All that is required, then, to secure the stability of the liberal state is for citizens to accept common non-comprehensive criteria for public political discussion. On his view, citizens must agree to use public reason in their political debates, to accept political criteria for the solution of political disputes.

Both of these accounts are inadequate to the public political culture of America. First, American history cannot adequately be described as the progressive victory of neutrality. Secondly, its public life can be invigorated neither by a return to a republican sense of participation through the dispersal of sites of sovereignty nor by the acceptance of an overlapping consensus on a political conception of the state. American history suggests instead that republicanism and liberalism exist in a continuous dialectic with each other. The Lincoln-Douglas debates and the Civil War exhibit a conflicting mixture of these moments. Civil conflict was engendered by a division between the constitutional assertion of the universal rights of the citizen and sovereign southern states whose culture, founded on slavery, denied this universality on the basis of race. The public culture was torn between respect for the cultural integrity of the south, instantiated in the Constitution, and a sense of the inadequacy of slavery to the concept of freedom underlying the Constitution. Post Civil-War America attempted to reconstruct southern culture in terms of the new reality of emancipation. But the protection of individual rights could not transform the racism of southern communities. Federal intervention in the protection of Black rights was anathema to southern interests which traditionally had authority over race relations. The dispersal of power in the removal of troops and the reemergence of southern sovereignty over race, while respectful of southern communities, was disastrous for Black rights: Jim Crow laws everywhere infringed the spirit if not the letter of the Constitution.

The federalization of the Bill of Rights, which begins with the New Deal and culminates in the Civil Rights movement of the sixties, represents a very determinate unification of the liberal and republican moments of the American polis. Beginning with a concern with the universal reality of need, with the vast human suffering caused by the Great Depression, the New Deal moved to a concern with universal rights. To satisfy needs and rights it adopted a consumerist ideology and upheld the rights of Black individuals, for example, against southern states but it also bolstered communities and encouraged participation in self-government. The New Deal promoted a role for government beyond the protection of individual interest as expressed in a laissez-faire economy. Over and against the proceduralism and contractualism of the Lochner court, it looked to transform the conditions of the working lives of citizens, recognizing that real freedom is more than the choice to sign a contract. The New Deal promoted a sense of the national American community inclusive of Blacks and Whites and asserted the role of this national community in regulating and correcting the choices of consumers in the market-place.

Sandel thus misses an opportunity to draw on the substantive moment of the New Deal, because he adheres to a one-sided account of American history. As a result, his suggestion that the malaise in self-government can be rectified by the dispersal of power
to smaller sites of sovereignty is only a partial solution. What is further required is the education of particular communities to a sense of their basis in human freedom. Unless particular communities recognize the universal right of human freedom, the dispersal of power will result in prejudiced exclusion of minority groups. Moreover, Sandel is unclear as to how exactly a sense of national community will be created from this dispersal. He recalls the Tocquevillean view that: "Practising self-government in small spheres impels citizens to larger spheres of political activity as well" (Sandel 1996: 347). Exactly how this occurs Sandel never elucidates. What needs to be recognized and further explored is the way in which the national community already underlies the particular sites of sovereignty, and protects them from illegitimate intrusion; how the Black community, for example is supported by the liberal interest in the Bill of Rights. Together with the recognition of the role of federalism in the lives of particular communities, one must acknowledge that legal restraints and protections cannot educate and correct the comprehensive moral ideals and prejudices of particular citizens and communities. The full enactment of Black civil rights in the south demanded the moral conversion of the nation, a response in part to the dignity of Black protest, and Martin Luther King's insistent interpretation of the necessary social manifestation of Christianity. So far as citizens and communities are racist in their souls, civil rights remains a partial accomplishment and the public reason of a Rawlsian overlapping consensus will fail to correct their prejudiced comprehensive presuppositions.

The union of community and individual, of rights and participation, is already implicitly accomplished in the United States, in the public institutions which hold together the moments of republican and liberal thought, for example, in a Congress which unifies and differentiates the principles of individual and community (in the House of Representatives and the Senate). To overcome the contemporary discontent is not to adhere to one side or the other but more clearly to spell out and adhere to their relation. An attempt to conceptualize the ethical spirit which animates the public political culture of the United States must articulate both moments: respect for individual rights and the integrity of community; respect for the freedom to revise and to participate in self-government.
Mexican Freedom: The Ideal Of The Indigenous State

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I. New World Idealism

In spite of differing histories, Canada, Mexico and the U.S. share a common North American spirit whose instinct is profoundly post-European. Defining this spirit is no easy task if for no other reason than that the political formation of North America must still be regarded a work in progress.¹ What unites its three principal societies philosophically is the legacy of the political idealism which originally inspired European settlement in the Americas. This idealism was not, of course, sketched against an historical tabula rasa; colonization took place in a time of profound division and confrontation: the 16th century European struggle between an emergent modernism and the forces of conservative Christian institutionalism - `Catholicism'.

Settlement in the New World was in large measure in response to this struggle. The inspiration that fired the imagination of the early colonists was not merely materialistic - the lure of new wealth or a desire to escape the persecutions of the time. It was also distinctly political: the prospect of beginning anew in pristine territories as providing the site and opportunity for a radical overcoming of the crisis brought on by the Reformation; the founding of an entirely new kind of polity specifically conceived as transcending the old order of a decaying Europe.

How the various colonial powers conceived and pursued this hope of the New World were accordingly profoundly different. Chiefly schooled in the Reformation, the English colonists saw America as an opportunity for religious freedom and the reinvention of society on individualist principles of moral and practical self-making. The Spanish arrived with an utterly contrary intent: America was to provide the site for a New Spain, a reconstruction of Roman Christendom on a grander, more permanent scale. French settlement would straddle these extremes; partly there is devotion to a New World independence, partly also a lingering loyalty to monarchial traditions.

¹ The 'twilight' of European political culture in his own time and the emigration of the Weltgeist to America and elsewhere, is the pivotal event animating Hegel's account of modern history: see Lectures on the Philosophy of World History, Pt. IV, 'The German World'; and Philosophy of Right Ss.358-360.
In these differing motifs can be discerned the germ of North America's three main political societies, the United State, Mexico and Canada. While the English arrived lightly clad in a thoroughly internalized protestant-Christian heritage, the Spanish would transport the whole bag and baggage of renaissance Catholicism bodily across the ocean with a view to perfecting there what irreconcilable divisions had prevented in Europe. In barely a century they managed to transubstantiated the whole world of Counter-Reformation Spain, tenet by tenet, institution by institution, stone by stone, to the Americas, imposing an aggressively neo-mediaeval culture, deliberately frozen in time, on the indigenous population. They thereby transfigured a whole diverse continent of peoples, bringing it under a single cultural regime: a 'Spanish America' which in essential ways was to endure virtually unaltered for three hundred years. Even today, visitors with a conventional view of early America as peopled by pioneers paddling canoes and living in hand-hewn houses are astounded to discover everywhere in Spanish America renaissance cities and towns, intact and entire, dating from the era of Guy, Cartier and the Mayflower.

This profound diversity of colonial legacies has made the experience of what it means to be North American something very different for Mexicans than for Americans or Canadians. In those latter countries, liberal individualism and pluralism have become second nature whereas, in spite of an equally strong sense of themselves as a New World people, three centuries of Spanish contra-modernism have fixed a decidedly anti-liberal bias in the Mexican soul. If citizens of the U.S. are notoriously unable to imagine there could be any other version of the American Dream than their own - how anyone else, indeed, is properly to be called `an American' - the truth is a Mexican version of that dream does exist, and, though less distinctly, a Canadian one too.²

Consideration of these differences in the forms of New World idealism as they have worked themselves out constitutionally in the histories of the three countries, might foster fuller insight into what North American freedom itself is, and in a sense wider than the typical U.S. stereotype allows. What follows is a brief and speculative attempt to compare the sense that political freedom has in the three principal cultures with the chief focus on the constitutional legacy of Mexico. As that legacy only begins, with NAFTA, to be somewhat appreciated in the rest of North America, a very brief sketch of it is herewith undertaken before returning to the main discussion.

II. A Brief Constitutional History

To observe with historians that Mexico was conquered rather than colonized is more than to note that the Spanish, unlike the settlers farther north, encountered a vast

² The now more common term 'Latin' America was the 19th century brainchild of Louis-Napoléon who sought to promote a French-dominated world-imperial alliance of the French and Spanish ('Latin') peoples

³ As the formal name of the Mexican state is 'United States of Mexico', any reference to 'the United States' is rendered technically ambiguous. Hence the American habit of using 'Americans' and 'America' to refer exclusively to themselves and their country has been acquiesced in throughout.
indigenous empire in their path. Beyond that contingency is the fact that their ruling ambition was not at all fueled by philosophical notions of founding a new kind of society but of extending and consolidating an already existing one. The ideal of a 'New Spain' was directly and explicitly inspired by the anti-modernist politics of the Counter-Reformation, and this meant that the whole approach of the Spanish to the new lands was from the first conquistadorial, not colonial.

The temptation to view the history of Mexico as following a pattern similar to the rest of North America must thus be resisted. Not only was the pre-colonial situation very different - 'Mexico' as a highly organized aboriginal empire already existed - but early European settlement had a very different thrust and result, as did the subsequent drive to independence and revolution. Before Cortés, the Aztecs or Mexicas had established their violent militaristic hegemony over an immense cluster of Indian city-states. At a single stroke the Conquistadors brought this vast empire to ruin, imposing upon it another no less violent, the Vice-Royalty of New Spain. The 19th century movement to independence, in turn, sought to graft a modern state on the unyielding remnant of New Spain.

This succession of regimes followed a fatal logic of superimposition whereby one regime, though overmastering its predecessor, proves unable to assimilate it. Its political spirit broken, the vanquished culture survives nonetheless as a moribund fossil-bed into which the newly dominant one attempts to put down roots in vain. A dynamic of unsublimated repression has ensured that every Spanish attempt to quash the native cultures of Mexico has failed, as have revolutionary-modern attempts to exorcize the spectre of Spanish colonialism. Never able to draw upon a pre-existing popular spirit, government in Mexico has ever been possible only through a policy of sustained domination - the 'institutionalization' of authoritarian power - and the history of Mexico has thus been a series of convulsions rather than a continuous unfolding. The Mexico of today is the product of three successive, discontinuous political cultures, Mexican, Spanish and Modern, grafted upon one another.

As Mexico's pre-eminent political philosopher, Octavio Paz, has put it, the ruling principle of the Mexican polity is pyramidal, not historical: a crude layering of distinct legacies upon one another. Basal political instincts remain native, not only in that the main population remains mostly indio and a substantial residue of material aboriginal

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4 This is consistent with the views of Mexico's preeminent cultural historian, Octavio Paz, to be discussed later. Hegel also makes the point in Philosophy of World History p.166ff.
5 The notorious proclivity for and acceptance of authoritarian power is no 'genetic' Mexican trait, as some would claim, but belongs to a distinctive political legacy. Even later liberal and revolutionary governments, contrary to their express ideologies, could maintain themselves only as authoritarian regimes.
7 Paz finds in the pyramid a universal metaphor for Mexico: at once topographical, cultural, psychological, theological and political. The county rises up from the sea, plateau by plateau. Nature's pyramids (the ubiquitous mesas) are match by man-made ones everywhere dotting the plains. The pyramid also symbolizes the hierarchical divine-earthly order of indigenous nature-theology, mirrored in a political culture and everyday mentality equally rigid and hierarchical. See Octavio Paz, "Critique of the Pyramid" in The Other Mexico (New York, 1972).
culture survives, but in that the authoritarian mentality of the old Aztec order still dominates in public and private life. Contrary to a romanticism which depicts pre-Columbian societies as instinctively harmonious and democratic, free of the aggressiveness which European invaders are supposed to have introduced, the actual temper of the Mayan and Mexican regimes was in fact extremely fierce. Order, security and prosperity were maintained through state-instituted violence and fear, including a commitment to constant warfare, ceremonial sacrifice and the cannibalizing of victims. Paz contrasts the theo-political outlook of the old Aztec nature-state with modern notions of polity:

The Aztec theocratic dictum is: 'the god is us', not the democratic 'we the people are god'. Divinity is incarnate in society and imposes upon it inhuman tasks, such as human sacrifice. The 'Aztec peace' is the absolute converse of democracy.

Such a cosmo-theological view of the foundations of community is, Paz believes, the distinctive trait, not only of the ancient Nahuaas and Mexicas, but of all American Indians. Its fundamental metaphor is autocracy, not democracy; hierarchy, not community; the pyramid, not the level playing field. From it springs a fascination with power in all its forms still current and strong among Mexicans, who generally accept its abuses as the inevitable price of maintaining public unity, security and prosperity. Contemporary Mexican pundits regularly cite this persistent national obsession with power, and passive acquiescence before it, as the most formidable of obstacles to the emergence of true democratic culture in that country.

In the great Counter-Reformational struggle against nascent modernity, Spain had become the principal defender of the old order, perceiving as its sacred mission the rejuvenation of Roman Christendom, to be led by a coalition of monarchy and clergy. In 1521, the year Luther was called to account before the Diet of Worms, Hernandez Cortés with but a few hundred soldiers defeated a Mexican standing army among the largest in existence at the time. Confronting him was no mere tribal coalition, but the legions of a vast, unified and centrally administered empire considerably larger than most European states at the time and whose fabulous capital, Tenochtitlan, was the fourth largest city in the world. Upon the carcass of this vanquished empire Cortés erected a regime no less fiercely aristocratic, reenforced by an ascetic religiosity no less fanatical than that of the blood-soaked Aztec priests.

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8 A weakness for rule by caudillo, the authoritarian strongman, seems indelible in the Mexican character. 'Caciqueism' is a term routinely employed by Mexican pundits to describe this notorious Mexican susceptibility, the 'caciques' being the elite class of warrior chiefs who formed the Aztec emperor's mainstay.
9 Other Mexico, p. 305. The Aztecs thought the survival of their state depended on ensuring the continuation of the current cosmic era, the rule of the 'fifth sun'. Success or failure of their military enterprises demanded daily ritual feeding, by human sacrifice, of "the insatiable appetite of this solar-political divinity".
10 The classical account is that of a contemporary chronicler, Bernal Diaz, an officer in Cortés' tiny army: The Conquest of New Spain (London, Penguin, 1963).
Carried out with brutal resolve and in astonishingly short order, the Hispanification of Mexico was an abrupt displacement of a pagan nature-theocracy by a Christian feudalism no less implacably authoritarian, hierarchical and superstitious. Far from seeking to redeem the culture they had overwhelmed, the Spanish set out to suppress it with an infamous zealous cruelty. Reduced to spiritual and political serfdom,¹¹ the Mexicans and their culture were eclipsed; shedding no light on each other, the two cultures endured in a mutually calamitous master-slave relationship for almost four centuries.

The ideals which created New England and New Spain were thus more than different; they were in some ways antithetical. Each sought to incarnate and complete in the Americas a new kind of political society that would embody the ideal outcome of the great conflict dividing Europe, as seen from one side or the other. Thus the one would seek to found a brave new world of enlightened individualism, the other a renewed Christendom based on neo-medieval orthodoxy. Stretching from Florida to California and Nevada to Guatemala, the empire of New Spain dwarfed the northern colonies in every respect. Within decades Spain was literally reconstituted in America; its art, its architecture, its feudalism, its monarchy, its holy orders, its ecclesiastical hierarchy, its theology-dominated universities, its inquisition. An imperial viceregal government pursued policies intent upon nullifying every tendency toward moral, social or intellectual change - toward 'modernity'. It would instead deliberately establish a rigid Christian-theocratic order of life perpetuated with a thoroughness consistent with the declared belief that the Christian millennium had already arrived and had rendered all further history superfluous.

This is how Paz describes the spiritual standpoint of this remarkable project:

Criticism hardly existed in this closed and satisfied world. The principles that ruled society were immutable and untouchable. Spain no longer invented or discovered; she extended her rule, defended herself, enjoyed herself. She did not want to change; she wanted to endure... The colonial world was a projection of society that had already grown mature and stable in Europe. New Spain did not seek or invent; it applied and adapted...the 'grandeur of Mexico' was that of an immobile sun, a premature noonday that no longer had anything to conquer except its own decay...

Religious speculation had ended centuries before. Doctrine had been established and an attempt was made to live up to it.... The decadence of European Catholicism coincided with its apogee in Spanish America: it spread out over new lands at the very moment it had ceased to be creative. The fervour...of Mexican religious feeling contrasts with the poverty of its creations... We [Mexicans] do not have a great religious poetry, just as we

¹¹ Only later did the Jesuits pursue a policy of reconciliation of sorts, by forcing upon native mythology the interpretation of it as a form of primitive or pre-Christian Christianity. They were thus largely responsible for the peculiar amalgam which is conventional Mexican Catholicism.
do not have an original philosophy nor a single important mystic or reformer.\textsuperscript{12}

For three hundred years a colonial priesthood fastidiously maintained total censorship of the scientific, philosophical and political literature of modernity. Sor Juana Inez de la Cruz, the most celebrated Spanish-American poet and scholar at the close of the 17th century, betrays in her own writings or in the records of her vast library not a sign of even the most cursory acquaintance with the ideas of Descartes, Newton or Gassendi, much less of her actual contemporaries, Locke and Leibniz. For her and for her generation, intellectual history was brought to an abrupt halt with Aquinas and Suárez. In Paz' account:

New Spain was a society oriented toward opposing modernity, not achieving it... The Counter-Reformation presented itself as an answer to Protestantism and as a moral and intellectual renewal of the Catholic Church. Its not inconsiderable first fruits were sublime works of poetry, painting, music, sculpture, architecture... but based on its very suppositions, the movement was destined to ossify.

If any society has merited the designation 'closed society'...[it] was the Spanish empire. Defensive by nature, the monarchy and clergy constructed walls, sealed windows, and closed all doors with a double chain and padlock... The intellectual history of orthodoxies -- whether of the Counter-Reformation in Spain or of Marxism-Leninism in Russia -- is the history of the mummification of learning.\textsuperscript{13}

This New-Spanish legacy has left its indelible mark upon Mexico's cultural and political personality. The magnificent architectural, ethical and linguistic residue of that regime is still what chiefly charms and amazes the visitor to Mexico. The same legacy has also bred a fixed and abiding distrust of modernity, its intellectual outlook and its social principles. Wholly drawn to modernity in one way, the strongest prejudice nonetheless remains among Mexicans that there is something fundamentally corrupt, perhaps too 'protestant', in the individualistic opportunism of American society. Nor did their own revolution do much to alter the traditional Aztec-Spanish taste for autocracy and hierarchy; "there is a bridge" writes Paz, "that reaches from tlatoani [chief] to viceroy and from viceroy to president".\textsuperscript{14}

Independence from Spain in 1821 did little to alter the old semi-feudal order. The criolli - the Spanish-descended but local-born landowners and priests - simply wrested the role of ruling class from the peninsular governors. The Vice-Royalty of New Spain became the new Empire of Mexico, ruled by a series of creole generals, Santa Anna perhaps the most notorious. But continuing infiltration of American settlers into the Empire's northern provinces in the 1840's led to war and an invasion of Mexico City (the

\textsuperscript{12} Octavio Paz, \textit{Labyrinth of Solitude} (New York, Grove, 1985) p.104.
\textsuperscript{13} Paz, \textit{Sor Juana Inez de la Cruz} p.259.
\textsuperscript{14} \textit{Other Mexico}, p. 324.
`halls of Montezuma') by U.S. Marines. The Americans subsequently annexed almost half of Mexico's territories, an episode Mexicans still consider the most heinous and humiliating in the whole of their history.

A reform movement under Benito Juárez eventually sought to supplant the imperial order with an American-style constitutional state, but in the absence of a substantial indigenous middle class the liberal regime proved unstable and by the 1880's it degenerated into a dictatorship of the capitalist elite under Porfirio Diaz. The country languished for thirty years under a capitalist feudalism dominated by foreign interests and sustained by tyrannical state police. Thus even liberalism, paradoxically, wanting for popular support, had ultimately to be imposed and sustained by force - to be institutionalized. The revolutionary overthrow of Diaz in 1910 is conventionally seen as the true commencement of the modern Mexican state. The country was plunged into another twenty years of continuous violence and chaos as military and guerrilla strongmen - Carranza, Zapata, Pancho Villa -- fought for dominance. Marxism and Fascism also wrestled to capture the popular imagination, but what eventually prevailed was a military dictatorship of generally socialist cast which, in 1929, established the one-party system that is still in power. For almost 70 years now this system has maintained exclusive, uninterrupted power through a Mussolini-style incorporation of social institutions into a monolithic, all-powerful party organization, ruling by graft, intimidation and favoritism, headed up by a president-dictator who after six years gets to choose his own successor.

The party's name, 'Party of the Institutional Revolution' (PRI), is instructive. It signifies that in Mexico even government by the people still cannot count on any pre-existing political sentiment and thus can only maintain power through state coercion. Though other parties are permitted, and of late have gained much ground, they have been traditionally obliged to play the role of mere window-dressing in a parody on democracy. The collective memory of twenty years of general civil mayhem and revolutionary war early in the century, together with a deep-rooted belief in the inevitability of authoritarian power, sustains public toleration of the system. The current Mexican state thus runs true to form: if the Aztec caciques ruled by ritual public violence, the colonial masters by spiritual and political repression and liberalism by corruption into capitalist dictatorship, so too the Mexican revolution has been institutionalized as the rule of an all-powerful political class maintaining absolute power through systematic intimidation and rigged elections.

This culture of institutionalized revolution everywhere prevails. A distinctly propagandistic revolutionary history of Mexico is standard fare in the schools. The divinized names and images of the main heroes and events of independence and revolution dominate squares, buildings, streets and the everyday calendar of public festivals. This wholesale romanticization of Mexican history typically tells how Spanish

15 Diaz declared 'Positivism' - a mélange of Compte, Mill, Spencer and Darwin - official state philosophy, seeking thereby to satisfy the Mexican penchant for fusing spiritual with political categories. The Aztec cosmopolitical mythology passes through Spanish-Christian theocracy into liberal-secularist ideology.

16 See note 5, above.
atrocity had wrested from the people their ancient polity, frequently depicted as a sort of humanized Aztec or pre-Aztec Eden; how independence was finally achieved but immediately corrupted again by the Americans and other foreign capitalists; how the people's revolution has begun the process of winning it back. The main perpetrator of this nationalist mythology, as critics like Castañeda, Fuente and Paz have pointed out, is the PRI itself, whose typical rhetoric is openly aimed at justifying an exclusive hold on power in the name of its sacred mission of completing the revolution and restoring the authentic Mexican popular polity as so depicted. The most compelling fact of contemporary political life in Mexico is precisely a mounting awareness that this revolutionary mission itself, and the party which represents itself as its agent and guardian, have in turn been corrupted, and that the time has come to move beyond it, though in which direction remains unclear.

III. Three Political Cultures

America

The political cultures of the three North American states express historically differing forms of a common North American commitment to a free society. Americans ever have Individuality in view: in their political language, 'universality' means the uniform opportunity for self-made, self-active individuals collectively to seek emancipation from nature through technical enterprise and from history through a melt-down of differences in an all-leveling competition. Mexican idealism lies at the other extreme; more communalist than individualist, nationalistic than democratic, it is aesthetically attached to the vision of authentic, indigenous popular culture; universality in the sense of rootedness in a common immediacy of earth, place, family and tradition. The Canadian ideal lies somewhere between these extremes: a post-colonial confederacy, it clings to the forms of the old nation-state. Part America and part Europe, it counts itself a modern democracy but such as would be tolerant of and conserve the diverse cultural traditions of its constituent peoples, whether aboriginal, French-English, or new-immigrant. Such respect for cultural distinctness Canadians deem essential to what properly defines a universal, humane community.

This differing stress on individuality, indigenity or history should not however cloud the fact that each is nonetheless a variation on the one supreme North American political theme: the state seen as the foundation and mainstay of a universal human freedom. In this is entailed a commitment to the principle that the legitimacy of the state can no longer be founded on a merely national principle, that is, on the appeal to a political identity based on contingencies of nature, i.e. race, tribe or clan, or on vicissitudes of history, i.e. conquests, treaties or extant cultural legacies. In their origin, thrust and character, and in spite of a residual deference to the older language of nation and nationhood, the North American states are both in origin and in essence post-national states.
To this notion of the state as legitimate only where founded in a universal freedom the Americans alone might well claim to be true; their founding declaration explicitly invokes enlightenment language to proclaim the inauguration of just such an polity. Americans interpret their freedom, however, in entirely pragmatic terms of individual initiative. The world is the universe of possible action; of opportunities for uninhibited individual enterprise and innovation, the meaning of this activity lying, not in some predetermined objective end, but just in action itself as the means by which individuality makes its truth manifest, by which freedom is made flesh. For Americans freedom is doing, not being; the right to self-redemptive self-making, not the expression of some communal identity or existential condition; in this sense again American freedom is profoundly post-European. The cardinal American sin: to accept the world as one finds it; the cardinal virtue: to transform it and make it one's own. 'America' is not a collective national ideal for Americans but a reality enacted and reinvented each moment in the self-initiated dreams of individuals.

The characteristic ingenuity, confidence and inexhaustible productivity of Americans stem from a commonly-held belief that reality and value have their source nowhere else than in the individual consciousness and will. It is a certainty that determines their view of the essential human relation to nature and to history. The former is profoundly technocratic, for the certainty of freedom demands that nature no longer be viewed as an alien reality posing an immutable limit but as an infinite resource, open and available to all manner of constructive human enterprise: a frontier endlessly to be conquered and crossed. And the relation to history is profoundly revolutionary in the sense that freedom implies that the values of culture and history are subordinate to those of conscience; that time and habit are in any case constantly transformed and renewed through the present initiatives of individuals. The notion that some given of nature or history could provide a sufficient principle upon which to base ethical and political life is, to most Americans, anathema; a superstition that denies freedom itself and which only a resolute commitment to radical individuality can cleanse away.

Americans are accordingly never in doubt but that their own contractual democracy, determining all relations as relations among free individuals, is the standard by which all others are to be measured. Constrained by attachment to their national cultures, thus to a finite, existential view of their freedom, Europeans have trouble appreciating what

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17 American freedom expresses itself in a boundless enthusiasm for 'busyness' for its own sake. "The American Will inhabits the sky-scraper...[its] ruling passion joy in business...making it greater and better organized, a mightier engine in the general life" (Santayana. in Rorty, Consequences of Pragmatism, 1982, p.60). The logic of pragmatism is associated with James, Dewey and others but quite another account of it appears in Hegel (Phenomenology of Spirit, C.[AA],c) under the heading: "Individuality that takes itself to be real in and for itself".

Americans generally understand the 'universality' of freedom as the unrestricted availability to all of the opportunities for individual self-making; a view which is correspondingly weak on the metaphysical and political dimensions of freedom: freedom as elemental human nature and as an objective political condition.

18 American political philosophy has long been devoted, almost exclusively, to the defense of individualism in some form. Even what is now called communitarianism is really a variation on the liberal theme: its argument that reasonable individuals will voluntarily set limits to their freedom in the interest of a common welfare and culture does not really go much beyond the older moralistic liberalism of a Kant or a Mill.
appears to them as the uncultured egoism and crass materialism of Americans. As unfair as this caricature may be (Europeans being no strangers to either vulgarity or greed) American individualism does foster an extravagant delight with the externals of freedom; with individual fame and individual wealth, with the novel, the unusual, the uniquely venturesome, with showy displays of disdain for everything conventional.

But this powerfully practical, outward-turned orientation of American freedom has, over the long run, eaten away at its own inner, spiritual underpinnings. Detached from the puritan faith and enlightenment moralism which originally both inspired and disciplined it, the American pragmatic conscience has already lost much of its former capacity to discriminate between true autonomy and mere caprice. Correspondingly, the principal thrust of American democracy, the commitment to the unlimited creation of leisure, now finds itself increasingly challenged by the revolt of nature itself against the insults visited upon it by a rampant technocracy. The engines of their national dream thus somewhat faltering, Americans are being forced to come to terms with what is intrinsically self-conflictual in it: the idea of an ultimate human conquest of nature, of an economy expanding \textit{ad infinitum}, and of a post-historical culture that literally steps beyond time.\footnote{Richard Rorty (e.g. \textit{Consequences of Pragmatism}, 1982) articulates this ironic or sceptical turn in American idealism with great clarity; he attempts a post-pragmatic pragmatism such as would both transcend the American Dream and at the same time conserve and continue it.} 

\section*{Canada}

Mexico and Canada have long sustained a characteristically ambiguous relation to American freedom with its commitment to the universal sway of private interest and the assimilation of every difference under the one rubric of individual right. Like Europeans, they are forever damning this view of freedom while at the same time, as North Americans, drawn inexorably to it.\footnote{A Canadian example of the horror of American pragmatism may be found in the works of George Grant, e.g., \textit{Lament for a Nation} (1965) or \textit{Technology and Empire} (1978).} They have long sought to define and develop different visions of what a free society requires though with much less sensational success. Technically independent since 1917 and 1982 respectively,\footnote{Canada gained limited self-government only in 1867, legislative autonomy in 1927 and gained full control of its constitution as late as 1982. Colonial dependency has thus been shed only gradually and its shadow still remains. As for Mexico, it is questionable how far its revolutionary-democratic constitution of 1917 can be said to have succeeded; twenty years of chaotic civil strife was resolved in 1929 only by recourse to a military junta which unilaterally established the present virtual one-party regime.} both countries have struggled, and struggle still, toward a political stability which seeks in some other way to reconcile their respective aboriginal, colonial and revolutionary legacies. Canada did not follow the revolutionary route of constitutional contract; its founding resolve was defined precisely by the refusal to do so. Instead it was quite literally conferenced into existence through a series of treaties, resolutions and compacts, creating a `parliamentary' democracy intended to sublimate, but not disavow, the country's monarchical constitution, so to hold together various conflicting colonial traditions. However, the ambivalence inherent in this uncertain wedding of democratic monism with cultural pluralism has fueled endless, inconclusive wrangling over national unity, attempts to resolve which
have ever been frustrated by the recalcitrance of various regions and groups, principally the Aboriginal- and French-Canadians, concerned about safeguarding and advancing what is unique in their cultural life.

Recourse has been made more recently to the fashionable idea of Canada as a 'multi-cultural' state, in theory, one which would seek to empower any number of political subcultures under a single liberal-democratic roof. But this has only resulted in a proliferation of 'minorities', real or self-appointed, each claiming exclusive political rights within and against the state. The idea is a typically Canadian hybrid: liberalism fettered by nationalism, democracy circumscribed by history. Attempts in recent times to conference these ambiguities into submission in turn have failed; the repeated call for a truly universal polity, otherwise felt strongly by Canadians, is drowned out by the clamour of nations, clans, cults and genders all seeking special recognition like so many upstart tribes in a colonial empire. The Canadian system is indeed just this: a system of internalized colonialism, issuing in chronic national uncertainty and a residual colonial sense of an independence possessed only second-hand. On the fence between revolution and history, a Charter of Rights appended to a monarchical constitution, able to sustain its communitarian (read: post-colonial) values only by dint of its dependency on a very non-communitarian American prosperity, Canadians continue to nurture a notion of themselves as a 'kinder and gentler' people.

Canada's lingering colonial constitution has produced a stock national persona at once defensive and defiant, imitative and paranoiac. Canadians like to flatter themselves the good life they enjoy is directly the product of their own virtue and avoid giving credit to the heavy role American culture and enterprise play in their fortunes. Without a clear national thrust of their own, Canadians tend to languish in a kind of political impotence giving rise to a tendency to compensatory euphemism: indecision becomes a unique talent for compromise, reticent sovereignty an aptitude for peace-making, cultural indistinctness a tolerance for multi-cultural values etc. If therapeutic in its local application, this timorous rhetoric has little or no currency abroad, where Canadians tend generally to be viewed as a rather mild-mannered, less consequential sub-species of American. The image is one also shared by its near neighbours; not a few Americans and Mexicans are quite unsure where exactly Canada is, or what sort of people live there. The ruling impression is of an American satellite culture on the fringe of a mostly vacant northern wilderness.

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22 In practice in Canada 'multi-culturalism' focuses chiefly on aboriginal and to some extent immigrant claims to rights of cultural identity within the mainstream 'Eurogenic' society. In its more enthusiastic expressions lies the irony that the very English and French legacies through which the concept of universal right was established and developed in North America are typically refused like recognition as 'legitimate' political cultures; indeed are denounced for an alleged dismal record of overt repression and expected to apologize for past sins of racism, ethnic discrimination and the cruel enforcement of alien 'western' values such as scientific medicine, court justice, Christian education, modernization and so forth.

23 A recent painting in the Mexican tradition of political allegory expresses the common view in that country of North America under NAFTA. Central is a dominant President Clinton enthroned as master of the continent against a backdrop of American industrial opulence. At his feet in the lower foreground is former President Salinas, represented as an ant (his nickname), heading up the great ant-invasion of the
But however idealistically inconsequential it may appear to the cynical, the belief that the state is humane only to the extent it respects and conserves the historical traditions of its constitutive peoples is nonetheless a profound one, sincerely ascribed to by Canadians as definitive of who they are as a people. The foundation of the state in freedom can be secure only where it attempts to incorporate and redeem the manifold expressions of freedom itself throughout the course of human experience, rather than simply override these differences as is the manner of radical democracies.24 This notion of the state as a liberal, comprehensive good order had all along found expression in Canada in its attachment to older European-monarchial institutions, though a strengthening will to a more authentic North American autonomy now renders this traditional colonial nationalism no longer acceptable. Canadians urgently seek a new way of reconciling Reason and History, of uniting many historical legacies in one universal life.

Mexico

Mexicans have no less difficulty than Canadians articulating what it is that moves them politically. Their relation to their own history is a distinctly negative one, typically represented in tales of endless conquest and oppression and unrequited yearning for liberation. Paradoxically, they are far more profoundly attached than are other North Americans to their pre-liberal traditions; even their view of their own revolution fails to conform to conventional 20th century notions of what a post-historical, revolutionary millennium is supposed to be about. Neither individualist nor even socialist its thrust was somewhat to restore an original, popular community, perceived as ancient and lost but still latent.25

Mexican resistance to democracy is not at all due to an innate incapacity for it, as Americans often suppose; rather their very notion of popular polity is simply not Lockean or Rousseauesque at all - not a metaphysical contract between abstractly free individuals - but a vision of a timeless, Mexican peoplehood predating the tyrannies and vicissitudes of history, and as reluctant now in adapting to the politics of modernity as resistant earlier to the impositions of Aztecs or Spaniards. The yearning to return to an indigenous, tangible, communal life, to the earthy ethos of the pueblo,26 is a constant in the Mexican working poor. On the distant north horizon, posing before a pristine background of woods, water and other resources and stripped naked except for little boy's short pants and a fatuous smile, is the Canadian prime minister.

24 The ultra-liberal disrespect for tradition may be seen as limiting true democracy. Chesterton, for one, speaks of tradition as "the democracy of the dead", which he describes as a much wider constituency than "the arrogant oligarchy of people who just happen at the moment to be walking around".

25 Paz (Labyrinth of Solitude, pp.146-49, 175) distinguishes two main forms of the revolutionary ideal: one (the American, French and Communist revolutions are examples) would attempt to found an entirely new kind of humanist order beyond both nature and history; the other rather would seek to rehabilitate an 'original' political condition which history is seen as having corrupted. Mexico's revolution entailed elements of both, but the latter version certainly predominated, an outlook clearly manifest in the well-known revolutionary art from that era.

26 The ordinary word means both 'town' and 'people', expressing an essentially populist vision which directly identifies the state with a particular people (Volk, peuple, pueblo), defined according to some characteristic of race, language, culture etc., in other words, a tribal principle. In modern times it has been
imagination, a nostalgia heard in every poem or song. It is Mexico's unique version of the American dream and it has bred a very different complex of political values and habits of mind. A profoundly aesthetic vision of community, it contrasts sharply with the liberal perspective of its northern neighbours.

Due to roots set in an ancient, once-flourishing indio society whose descendants still form the vast majority of the population and whose symbols, customs and outlook still form the baseline of everyday culture, attachment to the idea of an aboriginal, indigenous political community is far more entrenched in Mexico than in Canada, for example, where native peoples were originally more scattered and politically disunited and still today form only a small minority. As an essentially aesthetic notion, this appeal to aboriginality does not lend itself to conceptual or pragmatic articulation; Mexicans indeed tend to disdain such modes of comprehension. There is, as Paz points out, virtually no tradition of political philosophy in Mexico; its political visionaries and critics, even today, are not philosophers or economists so much as poets, novelists, muralists, sculptors, painters. The sources and symbols of Mexican patriotism are emotive, not intellectual; artistic, not doctrinal. To the extent political ideologies have currency in Mexican history they have always had the appearance of foreign growths, as if grafted artificially on a communal sentiment which itself is profoundly and sensuously self-absorbed and thus not easily modified.

Nor is this sentiment to be confused with the more intellectual and ideological 'political anthropologism' promoted by academic defenders of native rights in Canada and elsewhere, who conjure idyllic images of uncorrupted native communities harmonious and complete in themselves. Upon peoples living in a pre-technical, pre-political condition (though the fact is none ever do, or rarely wish to, or could for long) 'aboriginal rights' are conferred and assigned absolute priority over all other rights that are based on history or reason, on the grounds they are immediate and intuitive, thus conferred directly by nature, as it were. It is the romance, as old as Plato's Republic, of those who, seeking a wholly uninhibited autonomy, flee civil society into a fiction of pristine, pre-political community. That it is a pure romance is clear on grounds both of reason and fact. If to be human is to be free and the impulse to freedom is thus universal, then society is and must be always and everywhere political, not natural, institutional, not associated with fascism and various milder forms of 'ethnic nationalism' such as inspires the Quebec separatists.

27 "We [Mexicans] have had no age of critical philosophy, no bourgeois revolution, no political democracy, no Kant, no Robespierre, no Hume, no Jefferson" Sor Juana, p.16.

28 A world-recognized authority on pre-Columbian culture in his own right, Paz is warmly critical of the 'cult of anthropology' in his own country whose shrine is Mexico City's famous Museum of Anthropology (Other Mexico, p.321ff). Its tendency to worshipful veneration of the ancient native cultures, with its incongruous Nietzschean vision of the natural freedom of the earth-community, has more to do with a contemporary desire to escape modernity than with historical fact. As for the actual violence, terror and general paucity associated with tribal life, the typical response is to deny such conditions ever existed, or where facts become undeniable (as in the recently exploded myth that the Mayans were an entirely peaceful people) to mark them as vices introduced by interlopers, particularly the Europeans. Paz, on the other hand, sees Mexican populism as having far more tragic roots.
spontaneous. Secondly, what is known about actual pre-historic societies suggests a scenario quite other than one of pristine social harmony. Far from promoting liberty, equality or the pursuit of happiness, aboriginal regimes in fact typically maintained a fastidious authority over every aspect and detail of common life. The Mayan and Aztec regimes were exemplary incarnations of this severe, elemental will to power; they sustained the civil order of the state with a notorious ferocity through elaborate, merciless public rituals whose specific aim was the conspicuous, symbolic ripping out the heart of rebellious individuality.

The appeal to the idea of an aboriginal, indigenous polity has really little to do with any actual craving to revert to a stone-age, hunting-and-gathering culture, a proposal absurd on its face. Its lies rather in the deeper intuition that the objective ethical order, the state, is no arbitrary contrivance, whether of power or contract, but something permanent and substantial, the real, ever-present embodiment of a people's will to community. It does no justice to this intuition of the 'originality' of the state to represent it as a 'state of nature', for on the contrary, the communal will has its source precisely in human freedom, not human nature. But if the very notion of a 'natural' freedom (Nietzsche speaks of will-to-power as the 'instinct to freedom') is a gross contradiction in terms, it is perfectly plausible nonetheless to refer to indigenous right if by that is meant the right of every people to a political life that is their own; the right to live in a state. So understood, indigenous right may indeed be said to take precedence over all others, not in a legal or historical sense, but so far as political community as such forms the unconditioned condition, the aboriginal context, within which alone rights and freedoms first become possible and can gain recognition.

Finally, indigenous right has little to do with questions of 'who was here first', who is or isn't 'native', or the rights of this or that tribe to this or that piece of geography. It is in limiting their arguments to this kind of literalism that native activists in Canada and the U.S. weaken their case and betray a certain philosophical naivety. Understood more essentially - that is to say conceptually, in terms of freedom - aboriginal right refers to the apprehension of the state, the political community, as primordial and permanent; a common ethical-cultural context always and already there and given, a life existentially lived and which grounds and encompasses all human doings; a mundane reality as tangible and as real as one's immediate family ties, the field one ploughs, the cycles of the sun and the seasons. From the typical perspective of the older tribal peoples political community is not a conjured contingency but an eternal power both grounding and comprehending all the petty actions and fortunes of individuals. In the old Aztec

29 Hegel, for one, is adamant on this point (see Encyclopedia, s.482) as was Aristotle: man is a 'political animal', that is, is defined in and by active participation in the institutional life of the ethical community, the state.
30 The aesthetic ideal of indigenous community is 'pre-historic' in the sense it entails, as Paz points out, "a distinctively pre-linear view of time merging yesterday, today and tomorrow, as if every event were, like the rising of the sun, an eternal return of the same". The hierarchical and cyclical movement of Nature, not the linear course of History, provides the basic paradigm, which may somewhat explain why a progressive, future-oriented outlook does not come easily to the Mexican psyche, nor for that matter, does the everyday expectation of good government.
symbolism, the state is the sun in whose orbit all things come to life and pass away, and in whose rising and falling is the beginning and end of time itself.31

If America is in some sense the apotheosis of contractual society, Mexico is in many ways its antithesis. From Juárez to Zedillo, Mexicans have flirted with American-style liberal democracy even while declaring it repellent on its moral and metaphysical side. A sense of indigenous populism has ever inclined them to resist liberalism even while adapting it to their own ends. Americans have perennially misinterpreted this recalcitrance as a kind of genetic incapacity for freedom, a view Mexicans intensely resent as the epitome of gringo arrogance. If from an American-pragmatic perspective there is much that is airily romantic in the Mexican yearning for a utopia of their own, it is nonetheless just this tenacious national spirit that survived centuries of Aztec, Spanish and American domination and still resists today the new regime of globalizing neo-liberals.32

The Mexican distrust of political individualism is not, as Americans suppose, rooted in socialism or backwardness. The spirit of the Mexican revolution was fueled, not so much by modernist doctrines as by the vision of rescuing a Mexican communal legacy from its usurpers, an outlook to which the much revered, ubiquitous murals of Mexico's celebrated revolutionary artists vividly attest. The antagonism of a Rivera or an Orozco to their country's perceived oppressors was directed, not just against the evil empires of history, but equally against the purveyors of 20th century capitalism, fascism, liberalism and socialism. Their heroes were not social technocrats like Lenin or Henry Ford but early independentists like Father Hidalgo or agrarian-pastoral reformers like Emilio Zapata or Pancho Villa. For Mexican intellectuals it is the Americans who are politically retrograde, their free-enterprise rhetoric seen as a mere mask for a constitutionalized greed. Raised to a view of themselves as of all things open and fair-minded, Americans are often taken aback to find themselves assimilated to an unflattering stereotype of the gringo as a duplicitous hypocrite, waving pretentious banners of freedom and virtue while robbing you blind.

Mexicans cultivate this suspicion of American freedom to an extreme bordering on paranoia. Their otherwise strong resolve to become active participants in a broader North American economic society is frequently inhibited by a habit of invoking a litany of past conflicts and disputes with the U.S. in which the latter is inevitably revealed as a

31 The abrupt collapse of the formidable empire of the Aztecs before a handful of Europeans is one of history's great enigmas. Yet the record is clear that Montezuma and his priests were convinced the matter was quite out of their hands, the solar-political divinities having already forsaken their state and foreboded its doom. As its 'time' was quite literally up, there was no longer any will to defend it. Cortés only provided the catalyst for a defeat which is as attributable to the fatalistic passivity with which the Aztecs viewed the fortunes of their state as it is to Spanish arms. The sudden, catastrophic collapse of other pre-Columbian civilizations, e.g. the Mayan, may be susceptible to a similar explanation.

32 Political assassinations, regional rebellions and massive economic failures attest to spreading scepticism in Mexico concerning the neo-liberal policies of the 'perfumados' - the clique of American-educated economists currently running the PRI. The popular issue is never what is the right or wrong way to Americanize, but how modernization might be carried out in a manner more consistent with Mexican rather than American ideals of community.
scheming, untrustworthy enemy. Like Canada, Mexico's post-independence struggle toward statehood did in fact take place in a context of confrontation with the Americans, from the expropriation of California and Texas and invasions of Veracruz and Mexico City in the mid-19th century to latter-day American collusion in assorted plots to assassinate presidents, support dictators and thwart reform. Mexican paranoia concerning 'American intervention' is profound - Mexico City even boasts a state-run Museum of Intervention to document it - and a good deal of everyday patriotic lore centres around national figures whose claim to fame lies in acts of heroic defense of the Mexican state against the American invaders. American free enterprise has long been popularly viewed in Mexico as a renewed form of conquistadorial tyranny, threatening the destruction of their national sovereignty.33

In spite of the ascendency of an industrial elite who now control the ruling party, the popular spirit in Mexico remains strongly anti-liberal. What has sustained the PRI's seven decade-long hold on power is not its once socialist and now liberal rhetoric so much as its ability effectively to collaborate with American capitalism in practice while continuing to exploit popular anti-American paranoia at home. This has done little to 'democratize' Mexico; instead, increased Americanization under NAFTA has produced new extremes of wealth and poverty, widespread technological devastation, and perpetuation of chronic Mexican political vices of bossism, violence, and corruption, turning much of contemporary Mexico into an ugly mélange of the worst elements of both cultures. Far from restoring and rejuvenating a uniquely indigenous Mexican community, government by PRI has for the most part only exploited this dream to reinstitute, in yet another form, an unfortunate legacy of political exploitation on the part of violent elites.

IV. North American Freedom

The three North America states share a common development. There is first a continent inhabited by primeval peoples alternately warring and confederating under more or less developed tribal, cosmo-theocratic forms of political culture. This culture reaches its highest sophistication in the 15th century Aztec Empire. The Europeans then arrive on the scene, bringing North America into world history. They decisively wrest the political initiative from the aboriginal cultures, which suffer eclipse, subordination or decay, and establish their own New World experiments in revitalized Christian-monarchic society. Finally in the 18th and 19th centuries there is the move toward independence from Europe, marking the foundation of the three present-day democratic federations.

For an extensive summary of the manifold mutual biases which infect Mexican-American relations, see Pastor, R.A. and Castañeda, J. The Limits of Friendship, New York, 1969. An example of the extreme sensitivity of Mexicans to American intentions was the furor created in the '60's by a single U.S. light plane conducting cloud-seeding experiments over the Gulf in a year of massive crop failures due to drought. A huge national outcry was raised by both press and government seriously alleging a U.S. conspiracy to 'steal Mexico's rain'.
Each has passed, in a relatively brief time-span, through similar transformations from an aboriginal to a colonial to a revolutionary form of political culture, though in such a manner that one or the other of these forms tends to predominate or remain residual. The Americans embraced their revolutionary constitution with a fervour that entailed a corresponding summary repudiation of native and colonial roots. In Canada, where there has never been a revolution as such, a gradual shedding of colonial institutions has tended to conserve the residue of a number of somewhat disparate histories, so that what predominates is a democratic amalgam of regional and national traditions. What makes itself most strongly felt in Mexico, however, is the ever-present reality of an aboriginal heredity and popular culture. This powerful legacy has sustained a notorious ambivalence concerning both the Spanish-colonial past and the revolutionary passage into modernity, transitions that were both violent and notoriously inconclusive. The effects of this long legacy of instability alternating with authoritarian rule still dominates all aspects of political life in contemporary Mexico.

These differences in constitutional history help account not only for the peculiar flavour of public life in the three countries but also for their inability severally to realize fully all that may be contained in the concept of a free, universal polity, to which ideal all nonetheless severally subscribe. There is a certain incompleteness, a residual ideality, preventing them from actually becoming the kind of state they already purport to be. The political spirit in Mexico remains fettered to a *tribal-aristocratic* prejudice which tends to identify freedom with power, typically translated into the aggressive, autocratic power of an elite upon whom the welfare of the vast mass of the people is forced to depend - the Aztec tlatoani, the peninsular Spanish nobles, the revolutionary generals, and now the corrupt plutocrats of the PRI. Canada's *colonial-monarchic* constitution has long predisposed its citizenry to a passive relation to their state, a reliance on it as the benign and benevolent patron of their social and economic welfare which in fact has always depended on the energy and initiative of other dominant peoples, first the British, now the Americans. Finally, the American *revolutionary-democratic* view of society would enlist state institutions wholly and solely in the service of private enterprise on the assumption that what is necessary for the realization of a universal, productive polity is already there in the inexhaustible potential and inward moral sense of the individual; for Americans, accordingly, their state is a subjective affair, a shared pragmatic ideal, never attaining to stable, objective form.

There is no attempt here, of course, simplistically to suggest that the constitutions of the three North American states embody three quite distinct views of freedom or that each espouses and articulates one as exclusive against the others. The suggestion rather is that they represent differing, developing facets of one and the same New World vision.

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34 In Canada the debate over 'distinct society' suffers from the ambiguity that while Quebec nationalists view political rights as primarily cultural-historical, native peoples regard them as indigenous and most other Canadians as rights of individuality as incorporated in the 1982 Charter.

35 As it has been waggishly put, Canada was intended as a blend of French culture, American know-how and British talent for politics; instead it became a muddle of French politics, American culture and British know-how.
of the free society. Each incorporates a principle coequal to the others as essential to that vision, their respective constitutions roughly distinguished according to which of these principles has the ascendancy: freedom as primordial communal condition, as the historical project of states, or as rooted in the moral will of self-conscious individuals.

There is no doubt each tendency, so far as it goes, represents a major truth about political freedom. The intrinsic right of peoples to political order, to a state that grounds and is comprehensive of the whole of their common life, is certainly fundamental to freedom, and the yearning to see this requirement satisfied might well describe the basic political passion of Mexicans. Yet freedom also requires that a merely instinctive sense of community be educated and disciplined through popular allegiance to objectively represented national ideals, to which historical sense of their community Canadians seem bound to cling. But for individuals to acquiesce fully, freely and self-consciously in the life of the state, it is above all required that they explicitly know the infinity of freedom as their very own essence, and then know the state as the reality of that freedom, a reality created and sustained by nothing else but their own actions.

It is not easy to imagine how these ideological nuances could be recognized - much less reconciled - in the course of everyday political and trade relations as they clearly entail fundamental political-philosophical differences upon which economic and such differences are merely consequential. But as one might expect closer relations in a post-NAFTA era almost certainly to exacerbate these political differences themselves and increase general awareness of them, there is room for optimism that the internal logic obtaining among these constitutional tendencies might be brought more evidently to light, perhaps to disclose an essential interdependence that might indicate what the spirit of freedom that shaped North America has yet to accomplish here.