

## The Time of Religion and Human Rights

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### Abstract

The Enlightenment's distinction between positive and natural religion furnishes a useful point of departure for thinking about the relationship, in today's world, between religion and human rights. According to eighteenth century rationalism, natural religion consists in the simplest form of those beliefs that reason can admit to without contradiction, such as the existence of God and the immortality of the soul (Voltaire); whereas positive religions are merely the multitude of diverging institutions, dogmas, ceremonies and beliefs that human beings have created for themselves during the course of history. In natural religion, consciousness finds divinity within itself, and thus is co-responsible for the laws that it constructs and obeys; in positive religion, God imposes His commands from without. Despite their differences, however, both forms of religion rely on the same conception of temporality to make their claims understood: they conceive of time as a pure linear sequence (t1, t2, t3, etc.) that is divided into the tripartite form of past, present, and future. For positive religion, this structure supports the existence of a well-formed past-time during which sacred grounds for respecting human rights were first revealed to a privileged founder; the record of this past-time, in the form of holy writ, then becomes a stable meaning which is thought to ground (and require) any subsequent action that aspires to be righteous. And while natural religion, for its part, attempts to avoid dogmatism by permitting practical reason to deduce right action from the God-given moral law within, the very concept of deduction in general entails the same tripartite structure of time: that is, rational people can lay down the law for themselves only in a past-time which, even if it is very recent, must always precede (and hence pre-authorize) the rightness of all right action. According to positive religion, God gives people moral laws; according to natural religion, God gives them a faculty (reason) that allows them to produce valid moral laws for themselves. Just like the conventional idea

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of positive law in general, both forms of religion display a kind of pre-rational "faith," so to speak, in what can and should happen after the moral law comes into being. That is, law, natural religion, and positive religion all adhere to the proposition that the past in general—and appropriately sanctioned human rights norms, in particular—can provide a secure foundation for right action, both in the present and in the future.

But of course philosophers are hardly ever univocal when it comes to this or any other topic. Against the foregoing conventional interpretation of time, Western thought has also delivered us an altogether different concept of temporality, one that supplants sequential time's staid historiography of dates, laws and eras with the notion of "historical" time (Heidegger). The latter is characterized by the sheer persistence of a unitary spatial-temporal milieu that ceaselessly reproduces itself. Although this unity supports all modes of becoming, it provides no stable pause, or platform, on which a secure foundation for action could ever be established definitively, once and for all (Nietzsche). To paraphrase Walter Benjamin, the concept of this sort of temporality holds that the true site of history is not homogeneous, empty time, but rather time filled by the presence of the now (Die Jetztzeit). From this point of view, time does not "pass"; rather, human beings are seen as living their entire lives in (or as) a now-time in which they are caught, inescapably, between the warring forces of past and future. Franz Kafka's extraordinary parable, *He*, paints an image that vividly illustrates this concept of time:

He has two antagonists: the first presses him from behind, from the origin. The second blocks the road ahead. He gives battle to both. To be sure, the first supports him in his fight with the second, for he wants to push him forward, and in the same way the second supports him in his fight with the first, since he drives him back. But it is only theoretically so. For it is not only the two antagonists who are there, but he himself as well, and who really knows his intentions? His dream, though, is that some time in an unguarded moment—and this would require a night darker than any night has ever been yet—he will jump out of the fighting line and be promoted, on account of his experience in fighting, to the position of umpire over his antagonists in their fight with each other.

Kafka's man is a figure for human freedom: the fateful "place," as it were, where the struggle between past and future eternally transpires. But this human freedom should not be confused with the kind in which reason lays down or acknowledges universal laws that then warrant the rightness of future actions (Kant), or even with the kind of Hegelian freedom that permits the individual to recognize and identify with the rational universal that is immanent within the institutions of his time and place. Nor is this a non-rational, religious, sort of freedom, founded on grace or revelation, by means of which one can let oneself become a vehicle for accomplishing God's will (Meister Eckhart). Rather, the kind of freedom that besets the man in Kafka's parable is tragic, in the precise Greek sense that it betrays itself as un-free and self-defeating whatever it

does. This is why the man dreams, impossibly, of escaping from the fighting line, for having to constantly experience oneself as the living site of a tragic confrontation between past and future is far less comforting than resting on the self-certain knowledge that one's actions are grounded on an absolute and indubitable foundation.

The difference between historiographical time and historical time corresponds to the differences between subservience and freedom, thought and action, and determinacy and indeterminacy. Linear time attempts to reconcile reason and history by giving human rights a proper ground; but as Goethe says, in the beginning was the deed, not the word. Unitary time is history by providing a site for the inherently groundless enactment of human rights; but as Kant says, intuitions without concepts are blind. This essay elucidates the rich contrast between these two modes of temporality, and meditates on their significance for the task of thinking about the relationship between religion and human rights.

**Keywords:** Religious; Human Rights; Rationalism; Natural Religion.



## 1. Introduction

We see only what we look at. Most people interested in religion and human rights look only at the contents of these institutions: the 'meanings' contained in God's commands, for instance, or in the Universal Declaration of Human Rights. They do not inquire into the temporal milieu, so to speak, that allows religious and legal norms to be cloaked with ostensible meanings in the first place, by providing them with the time (or time-space) they need to come into being. The point is simple, but far from obvious: time gives being. Of course, to say that time gives being is really only half the story. It is also possible to say that being gives time, in the sense of granting to the latter a manifold of entities ('the world') that is first capable of sustaining or enduring temporal existence.<sup>1</sup> Be that as it may, however, and regardless of how one answers the metaphysical question of time's logical priority *vis à vis* being, it must be conceded that the idea of a moral action or gesture of piety that occurs outside of history is just as incomprehensible as the idea of a human right that can only be exercised in heaven. Yet despite time's status as a fundamental condition of the possibility of all religious and human rights practices, conventional thinking on these themes rarely reflects upon the problem of temporality as such. Whatever its theory or intuition of time may be, convention remains notoriously untouched (or unburdened) by what Plato's *Theaetetus* calls<sup>2</sup> the philosopher's 'sense of wonder'. In brief, common opinion takes time for granted.

### 1.1. The Magical View of Meaning

The usual academic approach to determining the relationship between religion and human rights adopts or presupposes what Wittgenstein<sup>3</sup> calls a 'magical' view of language and meaning. This is the thesis that the linguistic signs which express sacred and secular norms refer, have referred, and will always refer to 'meanings' that are conceived of as shadowy objects somehow connected to

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1. As Heidegger remarks, 1972: 16-19, the word *es* ('it') in the ordinary German phrase *es gibt* ('it gives') - the grammatical equivalent of 'there is' in English - can be used to indicate *time* in the saying *Es gibt Sein* ('it gives [there is] being') and *being* in the saying *Es gibt Zeit* ('it gives [there is] time'). Notice that when read together, these two seemingly 'profound' metaphysical assertions actually leave the logical relationship between time and being completely undetermined and un-thought: they are analogous to solving the riddle of the chicken and the egg by asserting, rather unhelpfully, that the chicken came first *and* the egg came first. Hence Heidegger himself, after undergoing his famous 'turn', see: Inwood, 1999: 231-32, repudiated the language of traditional metaphysics in favour of the term *Ereignis* (often translated as 'the event of appropriation'), hoping thereby to think the unity of being and time in terms of something like an 'enabling power' which keeps on 'coming to the fore', Heidegger, 1999: xx-xxii.

2. See: Plato, 1961: 155d2-3.

3. See: Phillips and von der Ruhr, 2005: 173.

or contained in the signs themselves.<sup>1</sup> Locke's thesis<sup>2</sup> that words 'stand as outward marks of our internal ideas' is one variation on this theme, inasmuch as it presupposes a kind of mysterious link between (a) language and (b) well-formed, non-linguistic thought-entities located in our heads. In the first paragraph of the *Philosophical Investigations*, Wittgenstein<sup>3</sup> begins to analyse this and other forms of the magical view by quoting from St Augustine's description of how he learned to speak as a young child. Augustine<sup>4</sup> recounts in the *Confessions* that his elders used words to name objects, and that 'by hearing words arranged in various phrases and constantly repeated, I gradually pieced together what they stood for'. For Wittgenstein, Augustine's description offers 'a particular picture of the essence of human language', which he characterises as follows:

[T]he individual words in language name objects –sentences are combinations of such names. – In this picture of language we find roots of the following idea: Every word has a meaning. This meaning is correlated with the word. It is the object for which the word stands.

In other words, lying just beneath Augustine's primitive idea that a word's meaning is its *bearer* (a discrete person or physical object capable of being tagged with a name) are the roots of a somewhat more sophisticated idea: namely, that the object for which a word stands is not (or at least not necessarily) its bearer, but rather some other entity called its *meaning*. Distilled to its essence, the magical view of language can be represented symbolically as '**S' R □**', where (a) '**S**' signifies a linguistic sign, defined as that part of language which can be perceived by the senses (ink on paper, carvings on stone, the sounds made by speaking, etc.), (b) **□** signifies the meaning-body (*Bedeutungskörper*) which the sign 'contains' or to which it 'refers'<sup>5</sup>, and (c) **R** signifies the magical event of containing or referring itself, an event which can be expressed in any verb tense, depending on the speaker's purpose.<sup>6</sup>

The logic displayed in '**S' R □**' is at least somewhat comprehensible in the

1. 'Some words refer to things, so we create ghosts for other words to refer to', Wittgenstein, 2003: 384.

2. See: Locke, 1939: 281.

3. See: Wittgenstein, 1953: 2e.

4. See: Augustine, 1961: 29.

5. See: Wittgenstein, 1978: 54.

6. Some simple examples: 'Yesterday you ran a sign that said "Stop", which meant [*past tense*] that you should have come to a halt before driving on'; 'The sign "No Smoking Allowed" means [*present tense*] that you are not supposed to smoke'; and 'I intend to post a "No Trespassing" sign tomorrow that will mean [*future tense*] that you should not come on my property'.

context of a proposition such as "The word "Rover" means my dog". However, it begins to lose its grip on reality when applied to statements about norms, such as 'The commandment 'Thou shalt not kill' means exactly what it says: you shouldn't kill other people'. This is because it is possible to give an ostensive definition of the name 'Rover', but not of the norm 'Thou shalt not kill'. That is, one can literally point ( $\rightarrow$ ) at a particular being corresponding to  $\square$  in the first case, but not in the second. Since 'Thou shalt not kill' does not contain or refer to a meaning-body that is demonstrably 'present' at any particular moment, there is a curious sense in which it becomes inapplicable and incommensurable once a particular deed of killing is accomplished. Only blasphemers who claim to know all of God's judgments in advance could think that the linguistic sign which expresses the commandment always already 'refers to' its correct application in the myriad of concrete cases to which it is, was and will be relevant. Another way to put this is to say, along with H.L.A. Hart<sup>1</sup>, that no norm ever 'steps forward to claim its own instances' or 'provide for [its] own interpretation'. This insight, leavened by an utterly un-magical view of language, underlies Walter Benjamin's<sup>2</sup> radically antinomian claim that the religious commandment 'Thou shalt not kill' does not exist as a criterion of human judgment, but only 'as a guideline for the actions of persons or communities who have to wrestle with it in solitude and, in exceptional cases, to take on themselves the responsibility for ignoring it'. In other words, whatever meaning the norm may have is always presently *being given* to it rather than extracted from it. Meaning, on Benjamin's view of time, is never more than an ember *about* to billow.<sup>3</sup>

People reveal themselves as beholden to the magical view of language whenever they interpret a legal or religious norm in such a way as to believe or imagine that the sign comprising the interpretation itself (e.g. the sign *Y* in the proposition '*X* means *Y*') refers to or contains its own extra-linguistic 'meaning'.<sup>4</sup> Such people treat words as if they 'were labels of bottles with

1. See: Hart, 1961: 123.

2. See: Benjamin, 1978: 298.

3. Cf. 'Try to Remember', in *The Fantasticks*, lyrics by Tom Jones, music by Harvey Schmidt ('Try to remember when life was so tender / That love was an ember about to billow').

4. Contrast Wittgenstein's, 1978: 45, un-magical view of the process of determining meaning through interpretation: 'An answer to the question "How is that meant?" [merely] exhibits the relationship between two linguistic expressions. So the question too is a question about that relationship'. As for Locke's thesis that words refer (and must refer) to meaning-bodies in the mind, Berkeley's, 1939: 516, tongue-in-cheek challenge to anyone who subscribes to this view should be sufficient to dispose of it: he asks his readers to actually try to imagine 'the general idea of a triangle, which is "neither oblique nor rectangle, equilateral, equicrural nor scalenon, but all and none of these at once"' (quoting Locke). Nevertheless, the primitive idea

particular contents, and if [they] take down the bottles [they] thereby have [their] hands on the stated fluid contents as well'.<sup>1</sup> When it comes to religion and human rights, an analyst caught in the spell of the magical view typically begins his or her research by selecting a given domain of social interaction (family life or public morals, for example) in which the language of a religious text seems to permit or require behaviours that the language of a human rights declaration seems to condemn (or vice versa). After identifying a significant tension, or conflict, between the canons of religion and those of human rights in this domain ( $\square_1$  versus  $\square_2$ ), this analyst endeavours to reconcile the two practices, or perhaps to decide between them, on the basis of some religious or secular meta-criterion that is itself conceived of as being full of present 'meaning' ( $\square_3$ ). The resulting political conflicts are almost inevitable: for every secular thinker of this sort who claims that religious values should give way to the (mostly) liberal values encoded in universal human rights declarations<sup>2</sup>, it would seem that there exists a religious thinker who rejects the ultimate authority of anything but God's word, and who just as vehemently opposes any human rights norms which he reads as contradicting what he takes to be the content of God's commands.<sup>3</sup> Either way, the question whether various presuppositions about temporality might differentially affect how people determine a norm's meaning and application is not even asked, let alone considered.

## 1.2. The Task Ahead

The thinking attempted in this paper follows a different path: we will try to look, as clearly and unblinkingly as possible, at the distinctly *temporal* dimension of religion and human rights. In doing this, we will be 'reanimating dissimulated questions' about time that most people ignore or take for granted.<sup>4</sup> However, this project requires an attitude that forbears from militantly staking a position on any *particular* meaning or value that appears to be 'present' in religious texts, human rights norms and/or the minds of those who apply them. To the extent possible, the magical view of language will not inform or underlie *these* investigations. Any other course would bypass a fundamental question that

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that the meanings of words such as 'triangle' (not to mention 'the', 'not' and 'or') reside in the head is very hard to root out of philosophical thinking, despite the fact that Wittgenstein's analyses (1953) of language-games and rule-following unequivocally demonstrate its many flaws.

1. See: Wittgenstein and Waismann, 2003: 35.

2. See: Dawkins, 2006: 309-74.

3. See: Ezzati 2001, 57-60.

4. See: Levinas, 2001b: 80.

logically precedes whatever conflict or harmony is said to subsist between the canons of religion and those of human rights. This question asks *how* the meaning or value of a religious proscription or human rights norm arises in the first place, and *what* the human activity called ‘finding meaning in secular or religious norms’ is in its own right, considered as a concrete phenomenon. I should say that none of this is intended as a reproach to the plethora of books and articles that do approach religion and human rights from the standpoint of their specific contents, for some of these efforts are works of great subtlety and provable practical importance. I only wish to observe that prior to determining the meanings of authoritative texts, and prior to assessing the semantic relationships among them, lies the problem of the distinctly temporal structure of ‘meaning’ itself, and that *this* problem is the one that concerns us here. In order to do justice to this problem, it will be necessary to sharpen our understanding of two competing conceptions of time that, in one way or another, have dominated Western thought since antiquity. I will call these conceptions *linear time* and *existential time*. However, merely elucidating their structures will not be enough; we must also be ready to uncover the ‘aporias’ to which they lead.

Given the casualness with which the word *aporia* is thrown around these days, I ought to make clear what it means in the context of these investigations. As used here, the term will denote all of its original Greek senses simultaneously: hence, *aporia* ( $\square B \equiv A. : \forall$ ) signifies at once an impasse, a lack of resources, puzzlement and embarrassment. Although the temporal aporias that we will encounter in these pages have a tendency to confound serious thinking on the subject of religion and human rights, they do not necessarily intrude on the actual practices of these institutions, which generally proceed in ways and directions that are largely impervious to philosophical questions. At one level, therefore, the distinction between theory and practice suggests that the fly of philosophical thought has simply allowed itself to be caught in one or another of the temporal fly-bottles that it has made for itself.<sup>1</sup> But there is another level –the level of ethics– at which it can and will be claimed in these pages that the aporias of linear and existential time *should* begin to confound religious and human rights practitioners a great deal more than they do now.

Considered from an ethical perspective which takes the concrete historical reality of inter-human violence as its primary theme<sup>2</sup>, the only thing that ever

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1. See: Wittgenstein, 1953: 103e; ‘What is your aim in philosophy? - To shew the fly the way out of the fly-bottle’.

2. See: Benjamin, 1978: 277.

really counts, or should count, is what human beings actually *do* to one another under the banners of religion and human rights. On this view, time is always inseparable from *all* of its content, and no future can ever repair what happens to the human beings who suffer and die so that a 'better' world can be made. Thus, it is not what people *have planned to do* (present perfect tense) that matters, as in Kant's concept of the 'good will'.<sup>1</sup> Nor is it the future consequences that they *will have produced* (future perfect tense), as in Bentham's<sup>2</sup> concept of 'utility'. Although Kant and Bentham are usually thought of as bitter competitors in the struggle to achieve the rational high ground of universal moral probity, Kant's deontological ethics and Bentham's teleological ethics actually find common ground at the level of their methods. That is, both thinkers acknowledge and support the use violence to achieve just ends. To paraphrase Hannah Arendt's wonderful essay *The Eggs Speak Up* (1950), each way of thinking and being conceives of its task as breaking eggs in order to make omelettes: either the omelette of a personal duty that ought to be discharged (Kant's duty principle) or the omelette of a net social welfare that ought to be maximised (Bentham's utility principle).<sup>3</sup>

There is always something vaguely suspicious about the project of justifying egg-breaking in these or any other ways, so much so that a thinker of Emmanuel Levinas's stature<sup>4</sup> is even prepared to claim that 'the justification of the neighbour's pain is certainly the source of all immorality'. But one need not go so far as Levinas does in order to notice that the avidest practitioners of most rigorous ethical theories are inclined to overlook or minimise the tragic spectacle of 'necessary' suffering in the now. Experience confirms that no form of dogmatism, however righteous and just, is ever more than a hair's breadth away from turning people into ethical monsters: horrible deeds such

1. See: Kant, 1993: 155.

2. See: Bentham, 1939: 852.

3. It was Benjamin who was astute enough, yet again, to notice the import of the little word 'merely' in the version of the categorical imperative which reads 'Act so as to treat man, in your own person and that of anyone else, always as an end, and never *merely* as a means' (Kant, 1993: 195) (emphasis added). Despite the imperative's lofty rhetoric, the word 'merely' actually presupposes the rightness of using people as means (i.e. breaking eggs to make omelettes) just so long as the egg-breaker *also* treats them as ends. Perhaps the apotheosis of this way of thinking is Hegel's, 1967: 70, notion that it is always just to punish a criminal because his punishment is 'self-chosen'. Troubled by the categorical imperative's approbation of violence, Benjamin, 1978: 285 n.\*. gives the following startling retort to Kant's (in)famous moral principle: 'One might, rather, doubt whether this famous demand does not contain too little, that is, whether it is permissible to use, or allow to be used, oneself or another in any respect as a means. Very good grounds for such doubt could be adduced'.

4. See: Levinas, 1998: 99.

as Agamemnon's sacrifice of Iphigenia, the bloody sack of Jerusalem during the First Crusade, the burning of heretics and apostates by the Catholic Inquisition, the cataclysmic murder-suicides committed on 9/11 – the list of ethical outrages committed in the service of dogmatic beliefs is well-nigh endless. To know that religious piety and deep spiritual convictions motivated people to participate in these abominations is almost enough to make one agree with Lucretius<sup>1</sup>: 'Religion's self, I ween, hath oftener proved / The mother of foul crime and impious deeds' than it has restrained humans from taking the 'road to sin'.<sup>2</sup>

Of course, it is well known that religion has no monopoly on fanaticism. Hitler, Stalin, Mao, Pol Pot, Idi Amin, Slobodan Milosevic – not to mention all of their willing minions: the list of people who have committed ethical atrocities in the service of worldly goals is just as long as any list of religious misdeeds could be. Georges Sorel's diagnosis<sup>3</sup> of the moral sensibilities of Robespierre and his colleagues aptly illustrates how deeply held secular beliefs can lead, almost naturally, to atrocities:

During the Terror the men who spilt the most blood were precisely those who had the strongest desire to let their equals enjoy the golden age of which they dreamt and who had the greatest sympathy for human misery: optimistic, idealistic and sensitive, they showed themselves to be the more unyielding the greater their desire for universal happiness.

Why does the kind of ethical tragedy that followed in the wake of the French Revolution keep on repeating itself? Is it because people are not principled enough? Or is it perhaps because they are *too* principled? From the perspective of the singular 'egg' that every human being's presently existing life always is, the only thing that ever really touches us is what people *keep on doing* (present progressive tense), whether or not they are conscious of it and whether or not they take it to be justified. Regrettably, one need not go very far to catch sight of the kind of ethical nightmare that can occur whenever politically powerful actors keep on justifying the infliction of present suffering on the basis of hoped-future gains in democracy and human rights: the wartime deaths

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1. See: Lucretius, 1946: 7.

2. Consider Richard Dawkins's latest book, *The God Delusion* (2006), which is one long diatribe against what he takes to be the pernicious effects of religious belief.

3. See: Sorel, 1999: 10.

of more than 34,000 Iraqis in 2006 alone,<sup>1</sup> not to mention the terrible killing that is happening in Iraq right now, are more than sufficient to indicate the bloody outlines of such an ethical nightmare.

What if we were to re-think temporality as a problem of force rather than a problem of time as such? What if the words 'past', 'present', and 'future' did not name abstract parts of time, but rather certain concrete vectors of force that we are constantly bringing to bear on ourselves and others *right now*, simply by virtue of being the kind of beings who must always be presently acting or reacting in some direction or other? And finally, what if the task of finding and applying the meaning of religious and human rights norms were conceived of in terms of violence and suffering instead of faith or reason? In that case, a reflection on the temporality of religion and human rights would ultimately be the same as a reflection on the ethically *tragic* dimension of these institutions. However enigmatic the foregoing questions and suggestions may seem to be at this stage of our thinking, they will have to suffice as preliminary indications of the path of thinking that this paper aspires to take.

## 2. Elucidating the Structures of Linear Time and Existential Time

### 2.1. A Note on Method

We will begin to think the relationship between religion and human rights by juxtaposing the idea of linear time with the idea of existential time. That there are many subtle and important philosophical variations on these two concepts is not denied. Begson's<sup>2</sup> *durée* ('duration'), which constitutes time as the subjective perception of a pure succession that is wholly lacking in distinctions; Husserl's<sup>3</sup> 'retention' and 'protention', which construe the present moment as always already containing more or less vivid elements of the past and future; Heidegger's 'ecstases' which unify the three parts of linear time on the basis of *Dasein*'s<sup>4</sup> present movement towards the future on the basis of the past; Derrida's<sup>5</sup> *l'indécidable* ('the undecidable'), which makes the 'moment' of

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1. 'Iraqi Death Toll Exceeded 34,000 in 2006, U.N. Says', *New York Times*, 17 Jan. 2007, sec. 1 p. A1 col. 6.

2. See: Begson, 1997: 128.

3. See: Husserl, 1991: 29,75.

4. See: Dasein, 1962: 379,80. Although the German word *Dasein* (literally 'being-there') denotes simple existence in traditional German philosophy, Heidegger, 1962: 7 famously appropriates it, in *Being and Time*, to signify the 'entity which each of us is himself and which includes inquiring as one of the possibilities of its being'.

5. See: Derrida, 2002: 252,55.

decision as such into a kind of impossibility; Walter Benjamin's<sup>1</sup> thesis that the past can only be seized in an image that 'flits by' in the present and is never seen again: every one of these conceptual *tours de force* would be worthy of attention if the purpose of these meditations were to give an intellectual history of the philosophy of time in Western thought. But our purpose here is different. To paraphrase Wittgenstein<sup>2</sup>, we are not looking to pick and choose amongst various theories of time – we only seek to understand how it is that certain *types* of theories exert, and continue to exert, a preternatural and disabling grip on both our intelligence and our ethical sensibilities.

The conceptions of linear time and existential time should therefore be seen as Weberian<sup>3</sup> ideal types, rather than as discrete brain children of any particular historical thinkers. The emphasis will be on the maximum degree of logical integration of these conceptions, so that each one can show itself as meaningful (i.e. as striking a familiar chord in the mind of the reader) beyond any possible 'intellectual' controversy. But while the method is quasi-sociological, it must always be remembered that the purpose of our peregrinations is ultimately ethical.

## 2.2. Is it the Future yet?

Steven Appleby's cartoon, which is reproduced at the beginning of this paper, felicitously displays an initial indication of the contrast between our two ideal-typical conceptions of time.<sup>4</sup> The character who asks 'Is it the future yet?' is thinking in terms of linear time. He imagines the future as a stream or set of thing-like 'moments' that will eventually arrive in the present, by which time the thing-like moment that he is experiencing now will have slipped into the past. For him, *this* time is related to *that* time as a plan is to its fulfilment (the present moment 'leads to' a future moment) or as an effect is to its historical cause (the present moment 'comes from' a past moment). Contrariwise, the man who answers 'No, it's still the present' is thinking in terms of existential time. For him, the only thing that ever really 'arrives' is what is going on right here and right now: the schoolmen's *nunc stans* (literally 'standing now'), within which space and time are unified in the form of an eternally abiding temporal present

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1. See: Benjamin, 1968: 255.

2. See: Wittgenstein, 1988: 142.

3. See: Weberian, 1978: i. 20.

4. The cartoon first appeared in the *New York Times* (30 December 1999, sec. 1 p. A25) just before the turn of the millennium. I am grateful to Steven Appleby for his permission to reproduce the cartoon here.

and spatial presence. Here is the image of a slate that is constantly being wiped clean the moment one acts, leaving one with the inescapable task of always creating or recreating something new within a moment that never ceases to renew itself.<sup>1</sup> Conceived of as the concentrated site of life as it *is being lived* (present progressive tense), this *hic et nunc* ('here-and-now') describes a circumference or horizon of present time-space within which all of our thoughts, impressions, memories and expectations are experienced and must be experienced, if ever they are to be experienced at all.

The idea that time is linear can be traced to Aristotle's<sup>2</sup> determination of time as number and enumerated movement. Linear time portrays its subject matter as an endless series of arithmetically distinct 'moments' – represented as  $t_1$ ,  $t_2$ ,  $t_3$ , and so on – in which each particular moment, though undeniably unique in its individual being, is never content merely to lie down inertly between the moment before and the moment after. Instead, each moment vitally *connects* (somehow) with its predecessor and successor in such a way as to create the causal nexus.<sup>3</sup> On the secular side of things, Kant<sup>4</sup> famously, if dryly, describes our intuition of this sort of time in terms of a sequence of metaphorical points that exist successively on 'a line progressing to infinity, in which the manifold constitutes a series that is only of one dimension'; while on the religious side, Augustine maintains<sup>5</sup>, to similar effect, that God created time in such a way that past, present and future really 'do exist', despite the embarrassing fact that only the present moment is ever really given to us in experience.<sup>6</sup> Considered from the point of view of linear time, human beings live their lives from moment to moment within a span of time lying on a universal timeline, where all 'events' have both a determinate temporal beginning and a determinate temporal end. Thus, in this conception of time can be glimpsed the origin of

1. See: Jankélévitch, 2005: xviii.

2. See: Aristotle, 1998: 219b1-5.

3. See: Hegel, 1975: 217-20, for example, provides a particularly interesting (as well as historically important) account of the causal connection that subsists between moments of time. Although he concedes that cause and effect have separate identities in one sense, these identities are nonetheless 'suspended' in the unity of reciprocal action, by means of which the abstract and endless succession of causes and effects (bad infinity) are remade into a self-contained relationship (the causal nexus) that is perspicuous and meaningful to human beings. The latter, in turn, are supposed to find 'freedom' in the awareness that they are determined by the absolute idea throughout all the stages of Spirit's historical becoming. Hence Hegel's seemingly paradoxical conclusion that the truth of necessity is freedom (220).

4. See: Kant, 1998: 163.

5. See: Augustine, 1961: 263-67.

6. See: Augustine, 1961: 276 foreshadows Kant's theory of time by arguing that '[i]t is in my own mind [*in te, animus meus*] that I measure time', and therefore 'I must not allow my mind to insist that time is something objective'.

calendars and clocks, as well as the plethora of human technologies for reckoning dates, eras, successions of events, and causal relations. Hence, the idea that time is linear is ultimately technological: as Jean-Luc Nancy<sup>1</sup> remarks, it serves to facilitate ‘the reign of process and the linking of time to the logic of process and procedure’.

The concept of existential time – linear time’s ‘other’, so to speak – also has ancient roots. It ultimately goes back to a premise that unites the otherwise conflicting philosophies of two of the West’s most important pre-Socratic thinkers, Parmenides and Heraclitus: namely, the idea that time and being are unified in the form of an eternal now. Parmenides famously thinks of existential time in terms of eternally stable being;<sup>2</sup> whereas Heraclitus describes it, equally famously, in terms of a ceaseless becoming in the now.<sup>3</sup> Despite their many differences, however, neither philosopher interprets true time in terms of duration. Instead, a quintessentially existential conception of time underlies both modes of thinking: a unified and abiding time-space determines its object *either* as the non-durational present existence of beings (Parmenides) *or* as the non-durational present autogenesis of beings (Heraclitus). In the figures of Parmenides’ ‘ungenerated and imperishable’ being and Heraclitus’ ‘everliving fire’ can be glimpsed the idea of the eternal ‘being of beings’ that the Greeks called *physis*.<sup>4</sup> According to Heidegger<sup>5</sup> *physis* originally denoted the ‘self-blossoming emergence (e.g. the blossoming of a rose), opening up, unfolding, [of] that which manifests itself in such unfolding and perseveres and endures in it’. Hence, *physis* can be (and has been) interpreted as a kind of ceaseless ‘revealing’ that lets beings come forth into visibility – a revealing that all the while manages to conceal itself from view.<sup>6</sup>

All theorising aside, the idea of existential time shows itself in the intuition that all of our works and days, without exception, do and must transpire in the tangible reality of the ‘now’. The awesome force of this intuition – which only explicitly strikes us as a theme very infrequently – underlies Nietzsche’s<sup>7</sup> argument that ‘the thought is one thing, the deed is another, and another yet is

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1. See: Nancy, 2003: 21.

2. See: ‘That-which-is is ungenerated and imperishable; / Whole, single limbed, steadfast and complete; / Nor was it once, nor will it be, since it is, now, all together’, Parmenides, 1984: 65.

3. ‘The ordered world [ $\bar{\Phi} \equiv A$ ], the same for all, no god or man made, but it always was, is, and will be, an everliving fire, being kindled in measures and being put out in measures’, Heraclitus, 1987: 25.

4. See: Heidegger, 1998: 183-230.

5. See: Heidegger, 1959: 14.

6. See: Heidegger, 2006: 326.

7. See: Nietzsche, 1969: 65.

the image of the deed: the wheel of causality does not roll between them'. Benjamin<sup>1</sup> describes existential time from a modern secular perspective when he says that '[h]istory is the subject of a structure whose site is not homogeneous, empty time, but time filled by the presence of the now [*Jetztzeit*]'; while Meister Eckhart's<sup>2</sup> thesis that God 'did' not create the world in the past, but rather keeps on ceaselessly creating it in the eternal present represents the concept of existential time from a religious point of view.<sup>3</sup> The idea of existential time delimits 'the space-time of the here and now: concrete finitude', as Nancy<sup>4</sup> puts it. In this conception can be glimpsed the origin of our intuitions of immediate experience, which sometimes slows down and other times speeds up in ways that are largely indifferent to clock time.<sup>5</sup> Here too is the origin of the many artistic, psychoanalytic and phenomenological practices and technologies that take immediate experience as their theme.

### 2.3. Noticing but not Deciding

This paper will not try to prove that one of these conceptions of time is true, and the other false. What would such a 'proof' look like, anyway, and who could it possibly convince who is not already intellectually or emotionally inclined towards what it recommends? In his undeservedly neglected book *The Gospel in Brief*, for example, Tolstoy<sup>6</sup> asserts (but does not 'demonstrate') that the past and the future are but 'illusions of life' that must be destroyed. He also announces (but does not 'prove') that the true message of the gospels is purely existential: 'he who lives by love now, in the present, becomes, through the common life of all men, at one with the Father'. To be sure, the thesis that Jesus's teachings ignore linear time in favour of existential time has managed to influence one or two like-minded intellectuals: Wittgenstein, for one, nurtured his predisposition towards mysticism by reading Tolstoy's book.<sup>7</sup> But it is also the case that Tolstoy's vociferous repudiation of traditional Christian dogma – including his denial that God has prepared some kind of spatio-temporal 'hereafter' for human beings – eventually got him excommunicated from the Russian Orthodox Church.<sup>8</sup>

1. See: Benjamin, 1968: 261.

2. See: Eckhart, 1994: 80-81.

3. So strongly does Eckhart, 1994: 81, maintain an existential view of time that he claims '[a]ll that belongs to the past and future is alien and remote from God'?

4. See: Nancy, 2003: 21.

5. E.P. Thompson's magisterial essay of the history of time-concepts in relation to the rise of industrial capitalism points out that Chaucer had already noticed and written about the difference between 'nature's time' and 'clock time' as early as the 14th century See: Chaucer, 1967: 56.

6. See: Tolstoy, 1997: 17.

7. See: Glock, 1996: 251.

8. See: Tolstoy, 1997: 9.

Tolstoy's arguments for the superior religious benefits provided by existential time, not to mention his disciple Wittgenstein's more strident critique of the soul's alleged 'temporal immortality' after death,<sup>1</sup> are not likely to convince ordinary, died-in-the-wool Christians and Muslims to relinquish their notably fervent belief in the proposition that the souls of the dead survive 'forever' along the same timeline that the living inhabit, albeit somewhere else (i.e. heaven or hell). For every famous dead secular philosopher who denies that the human soul is immortal, in the sense of enjoying a personal life of endless duration after death<sup>2</sup>, there is an equally famous dead religious philosopher who asserts that man's ultimate happiness does not lie in this life, but rather in the endless *post mortem* heavenly reward that God has promised to the faithful<sup>3</sup>. Instead of trying to decide who is right on this question, we would do better to analyse the contradictory conceptions of time that underlie these diverging positions. This would allow us to notice that Spinoza's disagreement with Aquinas is less about the nature of the human soul than it is about the nature of time. Thus, the idea of existential time that allows Spinoza<sup>4</sup> to claim that substance enjoys eternal existence without temporal duration is simply different from the idea of linear time that allows Aquinas<sup>5</sup> to claim that beings in the world have a temporal duration that necessarily began with a first cause. As a consequence, what counts as a soul for Spinoza is not the same as what counts as a soul for Aquinas: almost as if one had said that an apple is a computer (please forgive the anachronism) and the other had said that it is a piece of fruit.

Nor is it likely that a committed stoic or phenomenologist will lose his confidence in the ultimate truth of existential time by being confronted with the obvious fact that science and technology have produced many important discoveries and spectacular practical successes by assuming that time is linear.<sup>6</sup>

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1. In the *Tractatus*, Wittgenstein, 1974: 72, argues that '[i]f we take eternity to mean not infinite temporal duration but timelessness, then eternal life belongs to those who live in the present'; he then throws down the following gauntlet before conventional religion: 'Not only is there no guarantee of the temporal immortality of the human soul, that is to say of its eternal survival after death; but, in any case, this assumption completely fails to accomplish the purpose for which it has always been intended. Or is some riddle solved by my surviving forever? Is not this eternal life itself as much as a riddle as our present life? The solution of the riddle of life in space and time lies outside space and time'.

2. See: Spinoza, 1930: 89-93.

3. See: e.g. Aquinas 1948, *Summa contra Gentiles* lib. 3 d. 48.

4. See: Spinoza, 1955: 41-42.

5. See: Aquinas, 1948: I, q. 46 a. 2.

6. See: Bell and Bell, 1963: 141-57. A note to the scientifically-minded: the modern assumption that time is relative to the state of motion of the observer's coordinate system does not abolish the concept of linear time but rather presupposes it. Einstein's Special Theory of Relativity (see Einstein, 1954: 227-32) disproves

Such a person will simply reply that the only thing that is ever really and concretely given to human beings (including scientists) is the experience of sensations, perceptions, memories and expectations that show themselves to consciousness in the ‘actual now’ of ‘phenomenological time’.<sup>1</sup> Anything more is an abstraction or regulative idea that is doubtlessly useful for certain purposes, but that, strictly speaking, goes beyond any facts actually available to us in experience. As Seneca puts it, no matter how far you go, and how many different things you see, ‘you sail on a point, you wage war on a point, and you dispose of tiny kingdoms on a point’,<sup>2</sup> and never on more than a point.<sup>3</sup>

From the standpoint of ethics, it is of special relevance to religion and human rights that the proponents of existential time can also support their claims by mentioning what Levinas<sup>4</sup> calls ‘cruelties which are terrible because they proceed from the necessity of a reasonable order’. As Levinas puts it, these cruelties show themselves in the ‘tears that a civil servant cannot see’, because the latter’s world depends so completely on the calculations made possible by the concept of linear time (i.e. ‘the proper functioning of reason itself’) that the civil servant is rendered insensible or indifferent to the brutal phenomenal reality of other people’s *present* suffering. Here may be glimpsed the striking idea of an ethics that is ‘troubled at the prospect of committing violence ... [even if it is] necessary for the logical unfolding of history’.<sup>5</sup> At a minimum, the possibility of such an ethics suggests that it is an open question which conception of time is more congenial to thinking about our ethical responsibilities to others, even if it is also true that science needs to presuppose linear time in order to perform its calculations. To imagine otherwise is to fall prey to one of humanity’s most pernicious illusions: as Michael Löwy<sup>6</sup> describes it, this is ‘the illusion that scientific, industrial and technical progress [are completely] incompatible with social and political barbarism’.

Once again, for every famous dead philosopher who claims that science, morality and law would be impossible without the assumption that linear time

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Newton’s claim that there is only *one* true time, which runs at a uniform rate, by showing that there are in fact a *plethora of linear times*, each one generated by the state of motion of its particular coordinate system relative to the states of motion of other such systems.

1. See: Husserl, 1962: 215-18.

2. The sentence quoted in text is my own translation of the original Latin, which reads: ‘*Punctum est istud in quo navigatis, in quo bellatis, in quo regna disponitis minima*’, See: Seneca, 1971: 8.

3. See: Foucault, 2005: 277.

4. See: Levinas, 1996: 23.

5. See: Levinas, 1996: 164.

6. See: Löwy, 2005: 58.

is objectively true, or at least that it is a universal feature of the human mind,<sup>1</sup> there is an equally famous dead philosopher who claims that it is bad faith, if not ethically moribund, to live in denial of the radical freedom and responsibility that exist, and can only exist, within the temporal structure of existential time.<sup>2</sup> Among other things, these arguments ought to be sufficient to demonstrate that the ancient conceptual competition between linear time and existential time occurs beneath the level at which the magical view of language believes the so-called ‘contents’ of religion and human rights come into contact. For example, Augustine<sup>3</sup> refutes the concept of existential time without regard for any given thought-content when he argues that people would not be able to remember or predict anything if time were not linear, and the present were not in fact ‘preceded’ by the past and ‘followed’ by the future. Likewise, when Levinas<sup>4</sup> employs the resources of existential time against the claims of linear time by arguing that speech is a present event of ‘saying’ (*le dire*) rather than a mere vehicle for what has been ‘said’ (*le dit*), he does so without regard for any particular sense or meaning in words: ‘Saying as testimony precedes all the said’, he writes, and ‘does not testify to a prior experience’.<sup>5</sup>

Unlike the befuddled character of Father Time appearing in the following cartoon by R.O. Blechman,<sup>6</sup> there is no imperative that *we* select a ‘correct’ theory of time from a menu of possibilities:

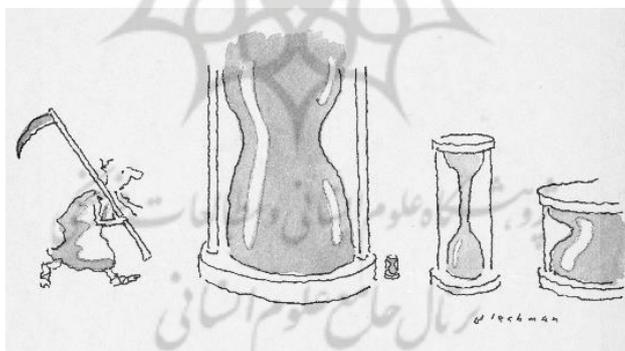


Figure 1.2 ‘Hourglasses’

1. See: Kant, 1998: 162-7.

2. See: Sartre, 1956: 47-70.

3. See: Augustine, 1961: 267.

4. See: Levinas, 1996: 145.

5. See: Levinas, 1996: 145, argument implicitly invokes Occam’s razor: ‘Language understood in this way [as a ‘saying’ in existential time] loses its superfluous and strange function of doubling up thought and being’.

6. The cartoon first appeared in the *New York Times*, 23 Jan. 2007, Sec. D p. 3 cols. 2-4. I am grateful to R.O. Blechman for his permission to reproduce the cartoon here.

Instead of trying to choose sides in the conceptual war between linear time and existential time, a better course would be to think and re-think the *contrast* between them. It is obvious that linear time is the more 'popular' of the two conceptions, at least in the polls-show-that-people-believe-in-the-reality-of-the-timeline sense of the word popular. The question is, why? At one level, conventional faith in the truth of linear time reveals a deep and abiding similarity between traditional religious and human rights practices when it comes to the project of grounding action in authoritative texts. But at a different level, thinking the contrast between linear time and existential time allows us to notice that there is a peculiar inconsistency or paradox in Western thought: our most authentic conception of how authoritative religious and legal norms produce meaning and provide support for the rightness of right action is grounded in the idea of linear time, whereas our most authentic conception of human freedom is grounded in the idea of existential time.

Language works at a distance in linear time: religious and human rights norms are seen as having earlier acquired (past perfect tense) an authoritative meaning that somehow continues to operate in the present. Thus, for example, Lucretius<sup>1</sup> accounted for the growth and alterations of 'mortal substance' by appealing to the category of linear time, thereby assuring substance a definite sequence of moments within which it could be born, grow old and die. The concept of linear time does the same thing for the human practice of following norms: it transposes Lucretius's axiom that 'naught from naught can be begot' from mortal to moral substance. Thus, the past of linear time is seen as having mysteriously deposited a 'moral law within', as Kant<sup>2</sup> puts it, on the basis of which subsequent action can be launched. In contrast, the past never works at a distance in existential time: the phrase 'past authority' names only what Heidegger<sup>3</sup> calls a (present) 'trace left in the clearing of being'. According to the idea of existential time, the word 'past' refers to what humans keep on choosing, right now, to create and accept *as* authoritative in a constellation made up of a present situation and the present memory of a past event. As we shall see, the 'solution' to this antinomy is not to paper it over with distinctions such as metaphysical freedom versus practical freedom<sup>4</sup>, but rather to understand what it reveals about the human tendency to evade ethical responsibility for the violence and suffering that regrettably attend most, if not all, serious efforts to make what people call a 'better' world.

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1. See: Lucretius, 1946: 12-14.

2. See: Kant, 1996: 269.

3. See: Heidegger, 2006: 146.

4. See: Kant, 1998: 533-7.

### 3. The Temporal Structure of Grounding Action in a Norm

#### 3.1. Uneasiness and its Solution

The common nucleus of all religions, however much they may differ in other respects, consists of two basic elements: the feeling that there is something currently wrong with us or the world, and a solution to this wrongness that relies on a 'higher power'.<sup>1</sup> The nucleus of most theories of human rights is identical, albeit with one small difference: obedience to the textual authority of a human rights norm replaces the word of God as the solution. In short, when the practices of religion and human rights are considered as concrete human phenomena, both exhibit a kind of two-fold structure or movement, which William James succinctly describes as (a) '[a]n uneasiness', and (b) 'its solution'. Expressed in logical terms, the 'solution' is the ground or reason that is supposed to lead to *salvation* in the religious sphere or *justice* in the sphere of human rights. Just like the related idea of cause and effect, the conventional idea of a 'ground' or 'reason' for acting presupposes linear time as the condition of its possibility. Although the concepts of cause and ground are both dependent on the idea that time is linear, the proponents of linear time take pains to distinguish them. The quality of necessity that pertains to the relation between cause and effect in nature has always been conceived of as categorically inapplicable to the free and rational grounding of human action in a norm or reason. Aristotle<sup>2</sup> for instance, revealingly describes necessity as 'something that cannot be persuaded [*ametapeistos anagkē*] ... for it is contrary to the movement which accords with choice and with reasoning'. This view corresponds to the general Western notion, rooted in Aristotelian thought and subsequent Christian theology, that man is created superior to nature. It defines a natural cause as occupying a lesser status than that of a ground: even if both require a timeline on which to bring their consequences into being, a ground is subject to the persuasive power of the *logos*, whereas a cause is but a brute and inarticulate force.

In conventional discourse, the concept of ground is usually expressed in terms of will-governed obedience to a norm, and as such it presupposes a span of linear time during which the norm's commands can *first* be ascertained or legislated, and *then* acted upon. Kant's<sup>3</sup> secular account of morality as self-legislation according to the categorical imperative is one variation on this theme, as is

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1. See: James, 1994: 551-52.

2. See: Aristotle, 1984: ii 1015a31-33.

3. See: Kant, 1993:187.

Aquinas's<sup>1</sup> religious argument that 'there is nothing just and lawful but what man has drawn from the eternal law'. By common consensus, grounds and reasons must *precede* action on the universal timeline, for otherwise they could not determine what a 'principled' person chooses to do, or allow us to hold an 'unprincipled' person accountable for having transgressed them. So powerful is this conception of grounding that common opinion tends to measure the worth or value of a thinker's ideas solely by the images of things-to-come that they project and assure; whereas any thinking that dares to question the idea of well-grounded action in general is usually condemned as useless or worse.

The image of a well-grounded beneficial change in the conditions of existence portrays human beings and their ideas as responsible co-creators of a world that is 'moving' in linear time. Thus, people's dissatisfaction with existing arrangements (at  $t_1$ ) leads them to imagine a better world (at  $t_2$ ). Sometimes this idea takes the form of what Hegel<sup>2</sup> calls a 'pictorial conception'; other times it shows itself as a compelling 'notion' that is 'free from all sensuous admixture'. Either way, eventually it comes to pass (at  $t_3$ ) that the expressions of our ideas start to take on a life of their own: their so-called 'meanings' ( $\square$ s) blossom into the motive for, and ground of, purposive action aimed at producing change. As *motive* they induce people to perform actions aimed at realising them. As *ground* they become what actors offer as the ultimate meaning of their efforts, and what they come back to by way of justification once their ideas become reality. The theory is that the dream of 'X' can become the reality X on the basis of the ground 'X'. Our actions move in linear time towards a pre-imagined state of righteousness or respect for universal human rights in the way that the work of builders moves towards the completion of a building on the basis of a blueprint.

This interpretation of grounding is deeply rooted in a linear conception of time. It construes freedom as the decision to construct or accept, and then follow or reject, an imagistic or textual ground of right action; and it construes logical necessity as the relation between a ground and the projects of those who 'correctly' follow it.<sup>3</sup> The idea seems to be that human beings freely decide to

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1. See: Aquinas, 1948: q. 93 a. 3.

2. See: Hegel, 1975:130.

3. Any differences between mental images and texts are inconsequential in the present context: to the extent that a mental image or belief is offered as the allegedly stable ground of an action, it is both possible and necessary for us to replace it with an external picture or verbal description that would allow the ground to be compared with the deed that purports to implement it. See: Wittgenstein and Waismann, 2003: 47, If this is not possible

subordinate themselves to an object – whether a sacred text such as the Torah or the Qur’an, or a secular text such as the Universal Declaration of Human Rights – and that this strange inversion of freedom into submission is the very definition of being righteous, principled and just. As Nancy<sup>1</sup> observes, this conception of grounding makes ‘being principled’ look like the very antithesis of the freedom whereby we define and assert ourselves. Thus construed, the project of grounding in linear time *seems* to be opposed to Marx’s<sup>2</sup> famous thesis that ‘[r]eligion is only the illusory sun about which man revolves so long as he does not revolve about himself’. The reality, however, is otherwise. This is because the image of a human being revolving about himself presupposes the very same conception of grounding that religion and human rights do. That is, Marx’s anthropocentric notion of freedom unwittingly introduces yet another freedom-depriving ground: namely, whatever congealed idea of ‘himself’ a person happens to submit to. In place of being radically free of all positive conceptions of himself, as in Sartre’s<sup>3</sup> notion of Being-for-itself’ (*être-pour-soi*), even the most emancipated Marxian man winds up binding himself to *some* idealisation of his ‘species being’.<sup>4</sup>

### 3.2. Positive and Natural Religion

The Enlightenment’s distinction between positive and natural religion furnishes a useful point of departure for thinking about the Jamesean linkage between religion and reason that is accomplished by linear time. According to eighteenth century rationalism, natural religion consists in the simplest form of those beliefs that reason can admit to without contradiction, such as the existence of God and the immortality of the soul, whereas positive religions are merely the multitude of diverging institutions, dogmas, ceremonies and beliefs that human beings have created for themselves during the course of history.<sup>5</sup> In natural religion, consciousness finds divinity within itself, and thus becomes co-responsible for the laws that it constructs and obeys; in positive religion, God imposes His commands from without.<sup>6</sup> For positive religion, the structure of linear time

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in any particular case, then the image or belief in question simply would not be what is generally called a ‘ground’ in the first place.

1. See: Nancy, 2003: 134.

2. See: Marx, 1964: v.

3. See: Sartre, 1956: 629.

4. See: Marx, 1964: 13 n.2.

5. See: Voltaire, 1949: 53-228.

6. See: Kant, 1993: 403-54.

supports the existence of a well-formed past-time during which sacred grounds for respecting these rights were first revealed to a privileged founder. The record of this past-time – in the form of a *verbum dei* that was spoken, once and for all, into holy writ – then becomes a stable meaning-body (□) that is thought to ground (and require) any subsequent action that aspires to be righteous.<sup>1</sup> And while natural religion, for its part, attempts to avoid dogmatism by permitting practical reason to deduce right action from the God-given moral law within,<sup>2</sup> the very concept of a deduction in general depends on the same temporal structure. That is, rational people can lay down the law for themselves only in a past-time which, even if it is very recent, must always precede (and hence pre-authorise) the rightness of all right action. According to positive religion, God gives people moral laws in the form of holy books; according to natural religion, God gives them a faculty (reason) that allows them to produce valid moral laws for themselves.<sup>3</sup>

The aforementioned differences between positive religion and natural religion mirror the existence of identical differences between human rights and religion in general. Thus, the West's predominantly secular conception of people's 'universal human rights' interprets them as historical products created by rational human processes (law-making, treaties, etc.), whereas most religious conceptions of human rights see them as coming, one way or another, from God. Nevertheless, noticing this difference is less important, at least for present purposes, than noticing the fact that religion and human rights share the same temporal premise: *the idea of norm-governed actions that can come to pass in linear time*. In the moment of deriving action from a norm, the latter, whatever its original source may be, shows itself as possessed of a kind of productive power: that is, the norm appears in the guise of an already-established ground from the *past*, on the basis of which a *future* action can be launched according to a *present* act of derivation that makes the passage between the authority given by the norm and the action that aspires to conform to it. By the same token, the moment of normatively evaluating an action that has already been committed interprets a *past* action as having been (past perfect

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1. To give but one of many possible illustrations: in his comprehensive analysis of the Islamic jurisprudence of Sayf al-Din al-Amidi, Bernard Weiss, 1992: 16. States that 'Islamic law is based upon texts which are considered to be sacred and therefore absolutely final and not subject to change'.

2. See: Kant's, 1993: 452, way of putting it is typical: in attempting to perform right action, man must 'proceed as though everything depended on him; only on this condition dare he hope that higher wisdom will grant the completion of his well-intentioned endeavours'.

3. See: Kan, 1993: 434 n.14.

tense) in compliance or non-compliance with the norm in a *present* act of judgment that will produce *future* consequences (e.g. praise or punishment). Either way, the practice of following-the-law in linear time establishes (and relies upon) a fundamental distinction or category difference between a norm as such and its present application.

### 3.3. Thales' Sacrifice

Perhaps the first philosopher to understand and appreciate this point was Thales. According to Diogenes Laertius<sup>1</sup> 'having learnt geometry from the Egyptians, Thales was the first [Greek] to inscribe a right-angled triangle, whereupon he sacrificed an ox'. Given the striking, if not scandalous, connection that this story draws between reason (in the form of pure geometry) and religion (in the form of animal sacrifice), one feels compelled to ask why Thales, who by tradition is counted as the West's first philosopher and scientist, performed a sacrifice to the gods on account of having successfully constructed a simple geometric figure?<sup>2</sup> Although nothing is known about Thales' actual motivations, it is more than a little noteworthy that the word 'whereupon' in Laertius's account strongly implies that Thales sacrificed the ox *after* having successfully constructed the triangle, almost as if he was surprised that a mere mathematical idea could actually be made to *do* something tangible in the world. It would appear that the merely immaterial 'existence' of the beautiful geometrical ideas that he learned from the Egyptians constituted an insufficient trigger for his expression of piety. Any thinking that 'remains distanced from the truth of passage', as Nancy<sup>3</sup> puts it, is almost never worth the cost of the paper it is written on. It would seem that Thales was the first Western thinker to realise this fundamental truth.

Probably without knowing it, Kant<sup>4</sup> lends respectability to the idea of Thales' gesture to the gods when he concedes that reason simply cannot comprehend the peculiar and 'inexplicable' transition, by means of the faculty of judgment,

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1. See: Laertius, 1942: 25-27.

2. According to Sallust, 1951: 207, there were three reasons why the ancients sacrificed animals to the gods: first, to show the gods gratitude for what they had already given or allowed, by returning to them a tithe of their gifts; second, to 'animate' the words of prayers for the future with the life of the sacrificed animal, so as make the prayers more effective than 'mere words'; and third, to offer the sacrificed animal's life as a 'mean term' that would bridge the vast span between human life and divine life, thereby permitting mortals to seek happiness and perfection through communion with the gods. It is possible to view Thales' sacrifice as manifesting all three purposes: he was thanking the gods for having allowed him to make a past construction, he was asking them to guarantee the success of future constructions, and he was seeking to commune with the gods on account of his miraculous discovery that pure geometry actually works in practice.

3. See: Nancy, 2002: 59.

4. See: Kant, 2000: 39.

from the moment of legislation according to our super-sensible practical freedom (at  $t_1$ ) and the moment in which we apply the law within sensible nature (at  $t_2$ ). Kant's admission highlights yet another important point of contact between religion and human rights. Just like the conventional idea of positive law in general, each of these institutions displays a kind of pre-rational 'faith', so to speak, in what can and should happen *after* the moral law comes into being. Perhaps the 'hair-line which separates science from faith', as Max Weber<sup>1</sup> puts it, is not a line at all. For law, justice and religion *all* seem to 'have faith' in the proposition that the past in general – and appropriately sanctioned religious and human rights norms, in particular – can and do provide a secure foundation for right action in the now. But if the integrity of the passage from norm to action is demonstrably insecure, then where would this leave faith in the holiness of religious norms and the justness of human rights declarations? To restate this question even more primordially, where would this insecurity leave faith in the possibility of stable meaning?

#### 4. The Aporias of Linear Time and Existential Time

##### 4.1. First Aporia: The Failed Kantian Synthesis

'None can ever perceive time by itself', says Lucretius<sup>2</sup> and he is right. Look as we might, nowhere do we find what the word 'time' names in the form of an object, or, still less, the thing-like container or medium that the concepts of linear and existential time both imply that it is. Here is our first aporia: how can religious and human rights norms 'contain' meanings if time itself (or at least a time-conditioning subject) does not contain *them*? Of course, the most influential and elaborate attempt to solve this problem is Kant's. Eager to provide a secure ground for the objectivity of knowledge and moral action, Kant<sup>3</sup> famously demotes time and space from the status of things-in-themselves *that contain* everything else to the status of things that *are contained*. He does this by installing them in the mental architecture of the subject as conditions of the possibility of all experience. But while the intellectual audacity and importance of Kant's well-known 'Copernican revolution' in philosophy must be conceded,<sup>4</sup>

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1. See: Weber, 1949: 110.

2. See: Lucretius, 1946: 24.

3. See: Kant, 1998: 155-71.

4. See: Kant, 1998: 110, succinct explanation of his revolution amply repays the effort to reread it and re-think its implications: 'Up to now it has been assumed that all our cognition must conform to the objects; but all attempts to find out something about them *a priori* through concepts that would extend our cognition have, on this presupposition, come to nothing. Hence let us once try whether we do not get farther with the problems of metaphysics by assuming that the objects must conform to our cognition, which would agree better with

it is difficult to understand how time located *inside* subjects who intuit and conceive objects is any less thing-like than time conceived as a container *for* subjects and objects. To express this puzzlement in the form of a question: if time is not an 'it' that contains objects, how can it be an 'it' that conditions them?

Heidegger<sup>1</sup> correctly observes that Kant attempts to assure the purity and universality of the transcendental subject by conceiving of its categories,<sup>2</sup> which are conditions of the possibility of all knowledge whatsoever, as being cut off from any relation to time. But since Kant wants to establish the unity of objects of experience (including the 'meanings' of norms) on the basis of categories that lie *outside* of time, it is unclear how the time-forming subjective 'act' of synthesis, accomplished by the faculty of imagination, could ever take place unless it is always already preformed *by* time and experience. The power of imagination is defined as the faculty of representing an object without its immediate presence in intuition.<sup>3</sup> Since intuitions are perpetually running off into the past (where they are no longer 'present' to us), it becomes necessary for the faculty of imagination, or something like it, to unify and preserve intuitions in the form of objects that can be presented to cognition. Expressing the same point privatively, were it not for the faculty of imagination, the manifold of impressions, intuitions and images that are continually flowing through the mind could never achieve the unity they require to become objects of thought. Thus, the imagination appears to be *third* source of the mind (the faculties of sensibility and understanding are the other two): it complements sensibility by forming unities out of the stream of impressions received by the latter, and it delivers to the understanding objects capable of being understood.<sup>4</sup>

Consistent with the foregoing interpretation of the relations that subsist among the faculties of sensibility, understanding and imagination, Kant<sup>5</sup> states unequivocally that '[s]ynthesis in general is ... the mere effect of the

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the requested possibility of an *a priori* cognition of them, which is to establish something about objects before they are given to us. This would be just like Copernicus, who, when he did not make good progress in the explanation of the celestial motions if he assumed that the entire celestial host revolves around the observer, tried to see if he might not have greater success if he made the observer revolve and left the stars at rest'.

1. See: Heidegger, 1997b: 212.

2. According to Kant, 1998: 212, the categories, or 'pure concepts of the understanding', are *a priori* features of the mind that permit us to apprehend and make sense of the objects of consciousness. They include (a) *quantity* (unity, plurality, totality), (b) *quality* (reality, negation, limitation), (c) *relation* (inherence and subsistence, causality and dependence, community), and (d) *modality* (possibility or impossibility, existence or non-existence, necessity or contingency).

3. See: Kant, 1998: 256.

4. See: Heidegger, 1997a: 94-96.

5. See: Kant, 1998: 211.

imagination, of a blind though indispensable function of the soul, without which we would have no cognition at all'. However, he elsewhere alleges that there are only 'two stems of human cognition', sensibility and understanding, and furthermore, that the imagination's synthesis of intuitions necessarily proceeds 'in accordance with the categories'. What do these latter two remarks imply for the status of the faculty of imagination, without which Kant says 'we would have no cognition at all'? On his own copy of the first edition of *Critique of Pure Reason*, Kant<sup>1</sup> attempted to resolve this ambiguity by crossing out the clause which describes the faculty of imagination as 'a blind thought indispensable function of the soul' and replacing it with the words 'a function of the understanding'.<sup>2</sup> This move demotes the imagination to the status of a mere lieutenant in the service of the understanding and its timeless categories, thereby 'saving' the purity of pure reason. But Kant apparently failed to notice that this sort of salvation comes at a huge cost, for his solution begs what now becomes the most important and pressing question of all, one on which his entire system depends: *how and from what source do the pure concepts of understanding themselves acquire their unity?*

On the one hand, Kant knows full well that 'without unity, the manifold is nothing but chaos and vertiginous danger', as Nancy<sup>3</sup> puts it. But on the other hand, he insists on maintaining an inflexible distinction between *intelligible action*, which is 'known by pure reason alone, apart from every temporal condition' and *sensible action*, which is 'empirical, given in time'.<sup>4</sup> Only by arbitrarily legislating an absolute separation between the faculty of intuition and the concepts of pure reason is Kant able to paper over a fundamental inconsistency in his philosophy. Although the imagination is supposed to synthesise intuitions in accordance with the categories, at the same time the categories themselves cannot be unified except by means of a faculty of imagination that 'precedes' them in the only medium in which it *could* precede them – namely, time. Thus, it would appear that the categories precede time (*p*) and they come into existence only after time first enables them (*not-p*). The existence of this latent contradiction in Kant's system implies either that time is a thing-in-itself that 'infects' pure reason from its very birth by providing it

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1. See: Kant, 1998: 211 n.b.

2. See: Heidegger, 1997b: 191. According to Heidegger this change shows 'how fundamentally uncertain Kant was, not only with regard to the power of imagination but also with respect to the basic relationship between intuition and thinking'.

3. See: Nancy, 2003: 218.

4. See: Kant, 1993: 417.

with concepts that are always contingent on messy historical forces, or that pure reason cannot exist in the form Kant needs it to in order to secure the possibility of objective knowledge and morality. If we transpose this argument to Kant's earlier-described general theory of grounds and grounding, it becomes obvious that the *Critique of Pure Reason* leaves the idea that human beings can give themselves rational grounds for acting hanging in the air, so to speak, without any 'rational' support. For as Kant<sup>1</sup> himself notes, 'if appearances are things in themselves, then freedom cannot be saved'; and if freedom cannot be saved, neither can the idea that we freely and rationally choose the moral grounds of our actions. Instead, nature would be 'the completely determining cause, sufficient in itself, of every occurrence', including our behaviour, and any pretence that we possess practical moral freedom<sup>2</sup> would be little more than a cruel joke.

In the end, Kant's account of cognition delivers us yet another version of the old metaphysical chicken or egg problem that was discussed at the beginning of this paper. On the one hand, being (in the form of the Kantian subject) gives time and history. But on the other hand, time and history also give being by first gifting the faculty of imagination with its power to synthesise intuitions, including intuitions of the so-called 'pure' concepts of reason.<sup>3</sup> The puzzlement that results from this paradoxical situation merely reinforces the urgency, as well as the poignancy, of the fundamental conflict between linear time and existential time.

#### **4.2. Second Aporia: Wittgenstein on Following Orders and Rules**

Wittgenstein's savage critique of the magical view of language<sup>4</sup> will never banish the first aporia of linear time so long as human beings continue to crave pre-existing textual justifications for their actions. So long as they do this, there will always be partisans of linear time who reproach the concept of existential time for providing no stable ground or reason for advancing religious objectives or protecting human rights, as well as partisans of existential time who criticise the concept of linear time for its tendency to promote a false and dogmatic sense of certainty about the 'contents' and determinacy of sacred texts and human rights norms. Either way, the problem of temporality comes

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1. See: Kant, 1998: 535.

2. See: Kant, 1996: 166.

3. See: Heidegger, 1997b: 236, 288-90.

4. See: Wolcher, 1997.

down to being a problem of how one can deploy the resources of one's theory of time to securely authorise and legitimise action.

No thinker has dealt a stronger blow to the conventional idea that reason (as opposed to historically-conditioned intuition) can span the gap between a norm and its application than Wittgenstein. His analysis of following orders is a case in point. In the following passage from *The Blue Book*, for example, Wittgenstein<sup>1</sup> skilfully employs what others might call the phenomenological method<sup>2</sup> to uncover the utter *absence* of any 'act' of understanding the meaning of an order in the cases he discusses:

If I give someone the order 'fetch me a red flower from that meadow', how is he to know what sort of flower to bring, as I have only given him a word? Now the answer one might suggest first is that he went to look for a red flower carrying a red image in his mind, and comparing it with the flowers to see which of them had the colour of the image. Now there is such a way of searching, and it is not at all essential that the image we use be a mental one. In fact the process may be this: I carry a chart coordinating names and coloured squares. When I hear the order 'fetch me etc'. I draw my finger across the chart from the word 'red' to a certain square, and I go and look for a flower that has the same colour as the square. But this is not the only way of searching and it isn't the usual way. We go, look about us, walk up to a flower and pick it, without comparing it to anything. To see that the process of obeying the order can be of this kind, consider the order 'imagine a red patch'. You are not tempted in this case to think that before obeying you must have imagined a red patch to serve you as a pattern for the red patch which you were ordered to imagine. Now you might ask: do we interpret the words before we obey the order? And in some cases you will find that you do something which might be called interpreting before obeying, in some cases not.

This passage invites readers to prove to themselves, by means of a simple act of introspection, that there is such a thing as the 'automatic' execution of

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1. See: Wittgenstein, 1960: 3.

2. Although others might do this, Wittgenstein himself probably would not have done so. Consider his scornful dismissal of Husserl's phenomenological investigations: 'To [him] I would reply that it is indeed possible to make up words, but I cannot associate a thought with them'. See: Waissman, 1979: 68.

an order, and by implication, a legal or moral norm.<sup>1</sup> In such cases, we may notice *that* an order or norm applies to us, but we do not also *take notice* of anything explicit about it, such as what it ‘means’. In other words, there is no discernable event or act of meaning-recognition that precedes action: we simply react to the linguistic sign that comprises the order or norm without question or hesitation, almost as if we were Pavlov’s dogs salivating at the sound of a bell. Metaphysically speaking, there is no room ‘in’ a linguistic sign such as ‘fetch me a red flower’ for anything other than the sign itself.<sup>2</sup> If this sign is taken to symbolise something in a clear (or even very clear) manner, this is only because the one who receives it *does not doubt* the way he receives it. A linguistic sign which shows itself as clear is ‘ready-to-hand’ (*zuhanden*), to use Heidegger’s<sup>3</sup> terminology, in the manner of a hammer being unselfconsciously wielded by a skilled carpenter; it is not ‘present-at-hand’ (*vorhanden*) in the form of a mere object, like an Egyptian hieroglyph that is shown to someone who cannot decipher it.

Despite the evidence provided by our own experiences of following orders and norms, the idea of linear time forces us to believe that there is a temporal gap between a norm and its application that must be filled with something: if not an act of reason, then at least an event of not-doubting.<sup>4</sup> But it is very important to understand that the phrase ‘does not doubt’ in the previous paragraph does not indicate the *presence* of something like an ‘event’ of not doubting. It only means that, no matter how hard we look, no event that we could rightly call ‘not-doubting’ can be found in our consciousness. To think that there actually is or must be a gap between a rule and its application is but a ‘mental cramp’, as Wittgenstein<sup>5</sup> puts it, born of the dogma that the spaces on the timeline must all be filled with *something*. It is the equivalent in moral and legal theory of the mathematical stipulation that ‘rational points are dense on the line’: that is, ‘within each interval [on a line], no matter how small, there are rational points’.<sup>6</sup> Among other things, Wittgenstein’s analysis of order- and

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1. In the *Philosophical Investigations*, Wittgenstein, 1953: 81e, makes this implication explicit: ‘there is a way of grasping a rule which is *not* an *interpretation*, but which is exhibited in what we call “obeying the rule” and “going against it” in actual cases’. See: H.L.A. Hart, 1994: 123.

2. ‘No proposition can make a statement about itself, because a propositional sign cannot be contained in itself’. See: Wittgenstein, 1974: 16.

3. See: Heidegger, 1962: 104.

4. ‘It is felt to be a difficulty that a rule should be given in signs which do not themselves contain their use, so that a gap exists between a rule and its application’. See: Wittgenstein, 1979: 90.

5. See: Wittgenstein, 1979: 90.

6. See: Courant and Robbins, 1996: 58.

rule-following in 'easy' cases reminds us that the timeline is, after all, merely a *metaphor*, and that thinking in metaphors can be a dangerous practice.<sup>1</sup>

Thought from the point of view of existential time, norm-following is a socially-conditioned present disposition or ability; it is most definitely not a matter of rationally determining the meaning of a rule, at  $t_1$ , and then binding ourselves to that meaning, at  $t_2$ , by an act of will. Those who find traditional religious beliefs rationally indefensible, but who nonetheless support religious doctrines for the beneficial effects they produce in believers, have already assimilated one aspect of this argument: their 'belief in belief' abandons the metaphysical problem of grounding in favour of the practical task of controlling people's antisocial instincts.<sup>2</sup> This is not rule-scepticism; it is rule realism, in the sense of simply paying attention to what the process of following orders and norms actually looks and feels like.<sup>3</sup> S.G. Shanker's<sup>4</sup> trenchant remark about the determinacy of the 'meanings' that seem to be expressed by mathematical rule-signs distils Wittgenstein's argument to its essence: 'The impression of necessity [in a rule] is an illusion; the apparent inexorability of a rule reflects our inexorability in applying it'. (Nancy, 2003: 93).<sup>5</sup>

On the other hand, it must be stressed that nowhere does Wittgenstein mythologize the transition from a norm to its application. Unlike Derrida<sup>6</sup>, Levinas<sup>7</sup>, and Nancy<sup>8</sup>, he does not use the occasion of existential time's triumph over linear time (in the particular context of rule-following) to transform the norm-regarding moments of justice and righteousness into some mysterious and ineffable ethical challenge and duty. Nor does he claim that there is no difference between the external and internal points of view on law and morality.<sup>9</sup> Quite the contrary: he merely describes *how* the moment of

1. See: Consider Wittgenstein, 2003: 59, response to the perplexity that Augustine, 1961: 269-70, expresses about the difficulty of measuring time: 'this difficulty is overcome once we appreciate that measurement of time and measurement of space are not measurements in the same sense of the word'.

2. De Tocqueville, for one, thought that belief in Catholic dogma was rationally indefensible, but nonetheless supported it on the ground that it performed the useful function of providing social stability.

3. See: Kripke, 1982: 7-54.

4. See: Shanker, 1987: 17.

5. Jean-Luc Nancy: 'Sense is not given; it is the demand that it be given'.

6. See: Derrida, 2000: 257.

7. See: Levinas, 1999: 103.

8. See: Nancy, 2003: 13.

9. See: Hart, 1961: 10, famously describes this distinction as follows: '[I]f we look closely at the activity of the judge or official who punishes deviations from legal rules (or those private persons who reprove or criticise deviations from non-legal rules), we see that rules are involved in this activity in a way which [the external] account leaves quite unexplained. For the judge, in punishing, takes the rule as his *guide* and the breach of the rule as his *reason* and *justification* for punishing the offender [i.e. he takes the internal point of view]. He

following an order or norm shows itself, and hence what, concretely, we *call* 'following a rule'.<sup>1</sup> In doing all of this, Wittgenstein simply lets the chips fall where they may.<sup>2</sup> Indeed, one could argue that his very hostility or indifference to philosophical theories of rule-following makes his assault on the conventional view of time and grounding all the more effective.

Belief in the existence of a secure rational ground for action fares no better when Wittgenstein turns his attention from cases in which we react to orders or rules in an automatic way to cases in which we actually do try to 'interpret' the language of an order or rule. Imagining a case in which we try to get someone to walk in a certain direction by showing him an arrow ( $\rightarrow$ ), Wittgenstein makes the obvious point that such an order *could* be interpreted by someone to mean that he is to walk in the opposite direction to that of the arrow.<sup>3</sup> It should never be forgotten that although an acorn is not a poodle, nothing is stopping us from deciding to use the *word* 'acorn' to refer to a poodle. Now in the case of the arrow-sign, Wittgenstein correctly observes that '[w]henever we interpret a symbol in one way or another, interpretation is a new symbol added to the old one'. Hence, if someone wanted to interpret Wittgenstein's hypothetical arrow-order in a non-standard way, he could add a new symbol to the original one in the form of an interpretation: for example, he could place the sign ' $\leftarrow$ ' underneath the sign ' $\rightarrow$ ' to indicate that the bottom arrow-sign shows what the order 'means'.

So far Wittgenstein has merely described, in a non-controversial and commonsensical sort of way, what the process of interpretation might look like in this particular case. But since the 'integrity' of the process of interpretation in general is what is at stake, his final observation about interpretation and meaning must seem particularly devastating to those who, like Kant, claim that reason actively finds 'meanings' ( $\square$ s) in moral and legal norm-signs which then serve as secure foundations for right action:

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does not look upon the rule as a statement that he and others are likely to punish deviations, though an [external] spectator might look upon the rule in just this way. The predictive aspect of the rule (though real enough) is irrelevant to his purposes, whereas its status as a guide and justification is essential. The same is true of informal reproofs administered for the breach of non-legal rules'.

1. 'Reason and cause correspond to the two meaning of the expression "to follow a rule". The cause of an action is established by observation, namely *hypothetically*, i.e., such that further experience can confirm or contradict it. The reason is what has been *specified* as such'. See: Wittgenstein and Waismann, 2003: 107.
2. 'Philosophy may in no way interfere with the actual use of language; it can in the end only describe it. For it cannot give it any foundation either. It leaves everything as it is'. See: Wittgenstein, 1953: 49e.
3. See: Wittgenstein, 1960: 33.

[I]f this scheme [of interpretation] is to serve our purpose at all, it must show us which of the ... levels [of arrows] is the level of meaning. I can, e.g., make a scheme with three levels, the bottom level always being the level of meaning. But adopt whatever model or scheme you may, it will have a bottom level, and there will be no such thing as an interpretation of that. To say in this case that every arrow can still be interpreted would only mean that I could always make a different model of saying and meaning which had one more level than the one I am using. (Kant, 1960: 34)

For present purposes, the ultimate significance of Wittgenstein's demonstration is almost too obvious to miss: everyone, without exception, eventually becomes a kind of dogmatist when it comes to interpreting and following norms, including the norms of religion and human rights. No matter how much interpretive work one puts into a particular norm-governed case or situation, at the *end* of the process of interpreting one will always be free of doubt about the very statements that make up one's own interpretation of the norm. To quote Shanker <sup>1</sup> again, 'it is not the rule which compels me, but rather, I who compel myself to use the rule in a certain way'. This is not meaning; it is doing. Of course, there is obviously such a thing as doubting whether one's interpretation of a norm is correct; but in the end, no one who thinks he is following a norm doubts the import of the very interpretive signs that he himself has produced.

According to the poet Wallace Stevens,<sup>2</sup> 'It is a world of words to the end of it / In which nothing solid is its solid self'. This is good poetry, but bad philosophy. Despite appearances to the contrary, there is no genuine problem of an infinite regress in interpreting norms. It is a misunderstanding born of the illusion that the 'points' on the timeline are infinite in number to believe that no course of action can be determined by a norm, inasmuch as *every* course of action can be made out to accord with some possible interpretation.<sup>3</sup> To be sure, the question 'If "X" means Y, what does "Y" mean?' *can* be asked, and we *can* keep on giving one interpretation after another if we want to spend our time that way. But eventually there will come a moment when the very last interpretive sign we give before acting is not itself interpreted. *It is simply acted upon without any further conscious reflection.* Hence, Wittgenstein's phenomenological

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1. See: Shanker, 1987: 17.

2. See: Stevens, 1990: 345.

3. See: Wittgenstein, 1953: 81e.

descriptions of following orders and rules show that in every case of hearing and reading norm-signs there eventually comes a point at which no fact 'in' the world (including mental facts 'inside' the subject) constitutes the *meaning* of the signs. Please understand that this is not a denial that people think as they produce language, or that they believe things about the language they have produced, or that a wide variety of mental phenomena accompany the production, understanding, and learning of normative texts. It is merely an observation that whatever role is played by these psychological phenomena, that role does not consist in the psychological phenomena being the same as what the norms 'mean'.<sup>1</sup>

Our everyday unawareness of, and indifference to, the underlying nature of our *final* responses to the linguistic expressions of norms can be profitably compared to the phenomenon of seeing only one aspect of an ambiguous figure. In the context of a well-known gestalt drawing called the duck-rabbit, for example, it is possible to see what the picture represents in at least two different aspects. If you look at it one way, it appears to be a rabbit; but if you look at it another way, it appears to be a duck:

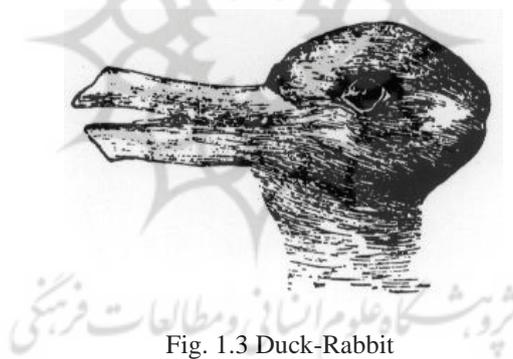


Fig. 1.3 Duck-Rabbit

In the *Philosophical Investigations*, Wittgenstein<sup>2</sup> notes that there may be certain people who have always seen this figure as, say, a rabbit, and have never seen it in any other way. For them the figure would “clearly” represent a rabbit and only a rabbit. Indeed, Wittgenstein<sup>3</sup> also observes that there might even be people who are ‘blind’ to the possibility of seeing a figure such as the duck-rabbit in different aspects, even if they had the figure’s ambiguity pointed out to them in no uncertain terms. The twin phenomena of ‘seeing-as’ and

<sup>1</sup>. See: Wittgenstein and Waismann, 2003: 437.

<sup>2</sup>. See: Wittgenstein, 1953: 194e.

<sup>3</sup>. See: Wittgenstein, 1953: 213e-214e.

‘aspect blindness’ are perfect metaphors for the political dimension of linear time’s aspiration to ground actions in the meaning-bodies of norms.

The most doctrinaire proponents of linear time think literally in a very precise sense of the word ‘literally’: they take the linguistic signs that comprise norms to ‘literally mean’ what they unquestioningly receive them to mean. Indeed, that is how the phrase ‘literal meaning’ is often used in law and religion: it elevates a particular historical reception of a norm-sign – one that the receiver and others who are like-minded do not doubt – to the status of unquestioned and unquestionable dogma. A dogmatist of this type is like someone who is capable of seeing the figure of the duck-rabbit in only one of its aspects, and who goes on to insist that it ‘clearly means’ just this one thing. Such a person would suffer from a failure of imagination that is analogous to aspect blindness. He would tend to judge non-standard interpretations of what he calls ‘clear’ norm-signs as metaphysically wrong and irrational rather than as rational expressions of different points of view. To borrow Catherine MacKinnon’s artful phraseology<sup>1</sup>, the most extreme advocates of linear time are inclined to transform their own point of view into the standard for point-of-viewlessness. Is this not how God’s voice comes to be ‘heard’ in most theocracies? Is this not how the criteria of law and justice come to be ‘seen’ in most secular courtrooms?

But whatever political consequences may be enabled (or disabled) by the concept of linear time, the fact remains that the perspective of phenomenological (existential) time uncovers a second aporia in linear time’s aspiration to provide indubitable grounds for human action. Wittgenstein’s analysis shows that whatever else they may refer to, the words ‘correct interpretation’ and ‘rightly following orders or rules’ do *not* refer to the event of finding some mysterious meaning-body (□) in a norm-sign, on the basis of which righteous and just action is thereafter constructed. On the contrary: when viewed *before* the fact, the expression of a ‘reason’ or ‘ground’ for a legal or moral judgment operates grammatically as a full stop that marks the end of *reasoning* and the beginning of action. And when a reason or ground is viewed *after* the fact, it is never the equivalent of a marble pedestal on which the noble statue of a just or righteous action rests for all to see. This is because we call a ‘reason’ or ‘ground’ what people say or write when they are asked to state their reasons for doing what they have done; and what they say or write is always delivered

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1. See: MacKinnon, 1983: 635.

to us in the form of linguistic signs. Assuming we can understand these signs at all, either we understand them right away, in the manner of the order 'fetch me a red flower', or else we keep on interpreting them until we come to understand our own interpretive signs 'right away'. Either way, justifications and interpretations of justifications show themselves as but little threads of language woven into the historically conditioned human activity of legitimating behaviour by appealing to norms. In the disappointment that comes from knowing that this, and only this, is what we call 'rationally grounding an action' can be glimpsed the discomfiting appearance of linear time's second aporia.

#### **4.3. Third Aporia: The Nonsensical Passage from Freedom to Ground**

Thought from the standpoint of existential time, the conventional belief in the possibility of freely deriving right action from the meaning of a norm is the Achilles heel of linear time, and there are certain proponents of existential time who never seem to tire of attacking it. Jacques Derrida's monumental and justly famous essay *Force of Law* (2002) is a case in point. Although Derrida uses the phenomenon of legal judgment to illustrate the contradiction between freedom and obedience to law, his description of the aporia of justice applies in principle to *any* situation in which one seeks to initiate action on the basis of a linguistic sign, religious or secular, that seems to state what people 'ought' or 'ought not' do. The following extract from *Force of Law*,<sup>1</sup> although vigorously edited and elided for clarity and convenience, will be sufficient to bring out the difficulties that the stipulations of linear time entail for the project of grounding religious righteousness and secular justice in the phenomenon of human freedom:

Our most common axiom is that to be just or unjust, to exercise justice or to transgress it, I must be free and responsible for my action, my behaviour, my thought, my decision. One will not say of a being without freedom, or at least of one who is not free in a given act, that its decision is just or unjust. But this freedom or this decision of the just, if it is ... to be recognized as such, must follow a law [*loi*] or a prescription, a rule. ... [Thus, t]o be just, the decision of a judge, for example, must not only follow a rule of law of a general law [*loi*] but must also assume it, approve it, confirm its value, by a reinstating act of interpretation, as if, at the limit, the law [*loi*] did not exist previously – as if the judge himself invented

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1. See: Derrida, 2002: 251-52.

it in each case. ... In short, for a decision to be just and responsible, it must [*il faut*], in its proper moment, if there is one, be both regulated and without regulation, it must preserve the law [*loi*] and also destroy or suspend it enough to have [*pour devoir*] to reinvent it in each case, rejustify it, reinvent it at least as the reaffirmation and the new and free confirmation of its principle. ... [O]ne will not say of [a] judge who [acts like a 'calculating machine'] that he is purely just, free, and responsible. But one will also not say this if he does not refer to any law, to any rule ... or [if he] improvises outside of all rules, all principles. It follows from this paradox that at no time can one *presently* say that a decision is just (that is to say, free *and* responsible), or that someone *is* just, and even less, 'I *am* just'.

Derrida's analysis of justice turns linear time against itself by using its own presuppositions to create a logical-formal paradox. However, the entire discussion, including especially the idea that there can never be a present moment in which a person is simultaneously just *and* responsible, is motivated by Derrida's commitment to the truth of his own particular variation on the theme of existential time. To be sure, when he claims that there is 'no time' at which one can 'presently' say that a decision is just, he is saying that such a present moment cannot be demonstrated *on the timeline*. But in the essay's idea of 'undecidability' it becomes possible to notice the spectral presence of the existential conception of time. Roughly speaking, the undecidable is the radical indeterminacy that 'remains caught, lodged, as a ghost at least, but an essential ghost, in every decision, in every event of decision' It would seem that the idea of existential time, in the form of the undecidable, is determined (or fated) to keep on haunting the naïve certainties of those who believe in the absolute truth of linear time.

The political motive for this determination to haunt shows itself plainly in Derrida's impassioned critique of what he calls 'today's dominant juridical discourse'. Not content merely to say that this discourse 'of responsibility, of conscience, of intentionality, of property and propriety ... is fragile and theoretically crude', Derrida also asserts that judicial 'decisionism (naïve or sophisticated)' produces baleful *effects* that 'are concrete and massive enough to dispense here with examples'. In other words, Derrida seems to believe that the conventional legal project of attempting to ground decisions in the pre-existing meanings of norms is an engine (or at least a possible engine) of cruel

injustice. Vladimir Jankélévitch's sarcastic account<sup>1</sup> of the sense of self-satisfaction that is enjoyed by the dogmatic moralist illustrates why this might be so:

The satisfaction of having done one's duty that is supposedly 'accomplished', in the passive past tenses, is a testament for which dogmatism actively claims responsibility. Indeed, many moral automata and virtuous parrots believe that they possess a heart that is habitually pure, boast of their purity in the manner of a chronic habit, profess purism, and claim to enjoy the fruits of their merit.

Elsewhere Jankélévitch<sup>2</sup> speaks ill of the kind of Leibnizian theodicy that always seems to serve as 'a justification for apparent injustice', just as Derrida condemns those who cannot bring themselves to be 'dutiful beyond duty'.<sup>3</sup> Even Levinas<sup>4</sup> refers to the 'strange failure of justice' that is visible 'behind the rational administration of pain in the penalties meted out by human courts'. What all three thinkers abhor is the macabre mixture of disgusting hubris and abject suffering that is produced by the very attitude towards justice and morality that the conception of linear time proudly holds up as its most important achievement. I am referring, of course, to the idea that a just or righteous action can be predicated on, and assured by, the meaning-full authority of a legal or moral ground.

Hence Derrida's essay *Force of Law* will invoke the idea of a 'justice' that is capable of confronting and challenging the authority of the law by virtue of its very *absence* from linear time. This justice is never 'here', never 'done', but always to come (*à-venir*). Un-presentable and un-re-presentable in principle, this justice 'remains by coming' (*la justice reste à venir*), and it takes the form (if that is the right word) of an 'event [that] exceeds calculation, rules, programs [and] anticipations' (256-7). It is not difficult to trace the intellectual parentage of Derrida's claim that justice, if such a thing exists, is 'the experience of absolute alterity' or his related claim that the infinite deconstructability of law *is*, in some sense, justice itself. The idea of existential time, like a strong beacon, floods the sentence '*Deconstruction is justice*' with light, just as it continues to illuminate Heraclitus' intimately related thesis<sup>5</sup> that it is not possible to step into the same river twice.

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1. See: Jankélévitch, 2005: 3.

2. See: Jankélévitch, 2005: 3.

3. See: Borradori, 2003: 133.

4. See: Levinas, 1998: 95.

5. See: Heraclitus, 1987: 55.

The third aporia of linear time therefore consists in the utter incomprehensibility of the idea of a passage, in freedom, from a present moment of freedom to a future moment of freedom-and-responsibility. The idea of existential time resolves this enigma by doing away with the timeline and its allegedly determinate moments, thereby also doing away with any need for a well-grounded passage from norm to action. However, the existential conception of time manages to produce its own aporia, for it delivers us the troubling image of an eternal now in which literally nothing stands still long enough to count as a stable ground. Thus, it is all well and good for someone like Derrida<sup>1</sup> to assert that '[d]econstruction is not *neutral*; it *intervenes*'. But in what direction should this breathless intervention intervene if, as a matter of principle, the concept of existential time *never* allows us to rely on a workable compass?

#### 4.4. Fourth Aporia: the Motivational Poverty of Existential Time

The previous question shows why philosophies predicated on the concept of existential time generally come across as deeply unsatisfying to people who yearn to be righteous and just *on the basis of something*. As one of postmodernism's many critics might put it, the idea of existential time might be good at tearing things down, but it does a poor job of building them up again. This is because the thought of existential time, by its very definition, leaves no platform, so to speak, on which anything stable and enduring could ever be conceived or constructed. *Nothing* endures in existential time. Each moment is a new day: a 'day one' on a calendar that renews itself the way the French Revolution counted the year 1793 as the first year ('year one') of a new era of the republic. Even Nietzsche's notion<sup>2</sup> that '[t]o impose upon becoming the character of being ... is the supreme will to power' cannot withstand criticism from the standpoint of the only interpretation of existential time that makes any sense. Why should the humanly stamped 'meanings' of institutions such as religion and human rights, or even the will to power itself, remain any more securely 'themselves' than anything else? And if it is possible for them to remain themselves, if only for a while, then there would be nothing but rhetoric to distinguish existential time from linear time after all: for there is no reason to think that the stable illusion of stability cannot serve the project of grounding just as well as stability itself.

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1. See: Derrida, 1981: 93.

2. See: Nietzsche, 1968: 330.

Benjamin's brief for existential time, in his essay *The Life of Students*<sup>1</sup>, unknowingly demonstrates why common sense finds the radical concept of existential time so enigmatic and troubling. Here Benjamin portrays history as 'concentrated in a single focal point', rejecting as inadequate the conventional 'view of history that puts its faith in the infinite extent of time and thus concerns itself only with the speed, or lack of it, with which people and epochs advance along the path of progress'. And why is the latter idea inadequate? Benjamin answers this question by stating, fairly enough, that the linear conception of time and progress 'corresponds to a certain absence of coherence and rigour in the demands it makes on the present' But if that is so, how can the idea of history concentrated at a single point (existential time) cure this defect? The categories of coherence and rigour pertain to the concept of grounds and the derivation of action from grounds. The concept of linear time attempts to resolve the paradoxes created by the presupposition that everything is in flux by letting the moments of time *settle down* into stable receptacles that contain meaning-full grounds. Only the being of a ground (or a ground-like being) can transform the action of making 'demands' on the present from an inarticulate snarl into a purpose-driven plan that allows one's actions to show themselves as 'coherent' and 'rigorous'.

The previous paragraph begins to show why even Derrida was so troubled by Benjamin's theory of history, and especially the cataclysmic notion of 'divine violence' that Benjamin introduces in his 1920 essay, *Critique of Violence*.<sup>2</sup> The concept of divine violence is supposed to break the tragic cycle of historical, man-made violence by appealing to the possibility – stipulated to be unknowable in any particular case – that God has given His sanction for a present irruption of revolutionary force. Benjamin's apocalyptic interpretation of history is based in the pure concept of a concentrated moment of existential time that cannot permit knowable grounds or credible acts of grounding to emerge without betraying its own essence – that is, without betraying its own fiercely maintained difference from the concept of linear time, with all of its biases in favour of 'progress' towards knowable goals. Although he was hardly a fan of the concept of linear time, Derrida's brutally direct response<sup>3</sup> to Benjamin's line of thinking might easily serve as the West's quintessential observation on the aporetic nature of existential time: 'One is terrified at the

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1. See: Benjamin, 1996: 37-47.

2. See: Benjamin, 1978: 277-300.

3. See: Derrida, 2002: 298.

idea of an interpretation that would make of the holocaust an expiation and an indecipherable signature of the just and violent anger of God'. In other words, an unknowable ground of action can 'lead' anywhere one wants to take it, and certain people might want to take in very horrifying directions indeed.

*This* is the aporia of existential time: this concept collapses the distinction between grounds and grounded so completely that there is no longer any difference between them. Since no light can escape from this particular black hole, neither can any answer to the question 'What is to be done?' Existential time's only possible response to this question is to say that each of us can only ever hope to be alone and on his own in what Nancy<sup>1</sup> calls a 'primitive and final fact of a thinking secured by nothing outside its own freedom'. Inasmuch as Nancy defines freedom itself 'as the infinite absencing of the appropriation of sense' one cannot help wondering what better worlds can be imagined or constructed by means of an absence of sense. In Nancy's remarks, which are not untypical of the genre of radical existential thinking, as well as in Sartre's more famous thesis<sup>2</sup> that we are 'condemned to be free' no matter how many earthly chains weigh us down, it is possible to catch sight of existential time's most disquieting aporia. Properly thought, this aporia is only a slightly distorted reflection of the logical flaws that make linear time itself aporetic. Despite all of its claims to the contrary, the existential conception of time is a motivational 'downer' that can offer human beings no help in deciding *what* to do.

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1. See: Nancy, 2003: 34.

2. See: Sartre, 1956: 553.

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