

# INTERFACE

— JOURNAL OF EUROPEAN LANGUAGES AND LITERATURES



**Memory, Pandemic,  
and  
Transculturality**

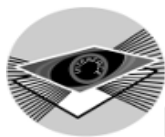
Dealing with the Past and the Future  
while Reaching for the  
Future in an Intercultural Context

18

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2022

**Guest Editor: Gallous Atabonwoung**





# INTERFACE

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(b08102158@ntu.edu.tw)

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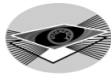
All correspondence should be addressed to the Department of Foreign Languages and Literatures, National Taiwan University, Roosevelt Rd., Section 4, No. 1, Taipei 106, Taiwan, R.O.C.

Phone: +886-2-33663215

Fax: +886-2-23645452

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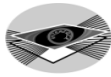
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**EDITORIAL:**

**Dealing with the Past, the Pandemic, and the Future in an  
Intercultural Context**

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GALLOUS ATABONGWOUNG

*University of Pretoria*

Societies of today's world are deeply connected to each other through 'smart' communication and transport networks. Everyone can access any information, learn anything, contact anyone, carry out business transactions and all from the comfort of their home anywhere in the world. Whereas, stepping back to the 1800s or early 1900s, such privileges were not there, and human mobility among civilians was much more limited than now. Hence, pandemics such as the influenza of 1918 that killed over 50 million people worldwide was mostly transmitted by the movement of soldiers in the first world war (Martini et al., 2019, p. E65).

However, over the years, the interconnectedness of societies in the world has amplified global disease transmission with significant implication on intercultural encounters. For example, the advent of the coronavirus pandemic has highlighted human mobility as essential mechanism of the transmission of infectious disease globally. This was assessed with the help of airline and seaport data and travel information which confirmed mobility as significant determinant of the spread of coronavirus. As a consequence, countries adopted different strategies to control the spread of the pandemic, each according to each one's means and resources. The strategies included flight restrictions or total shutdown of international travel. On the other hand, the efforts to counter the spread of the pandemic had negative side-effects as it created what the United Nations Secretary General described as [...] "a tsunami of hate and xe-

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nophobia” (Pleyers, 2020, p. 306), alongside worsened financial and economic downturn (Alabdullah et al., 2020, p. 89).

Arguably, the Covid-19 pandemic has very significant long-lasting effects on world interconnectedness. This is based on the fact that the pandemic increased inter- and intra-state inequalities, and reversed trends in poverty reduction which has the ability to intensify sentiments of anti-global interconnectedness in future (Ciravegna and Michailova, 2022, p. 172). This is a result of the fact that the pandemic has fuelled populism, nationalism and the return of “interventionist state” in the economy, thus paving the way for the rise of protectionism. Especially as the responses of various governments to the Covid-19 pandemic undermined multilateral institutions that have facilitated world interconnectedness (Ciravegna and Michailova, 2022, p. 173). This created uncertainty regarding the interconnectedness of societies in the future as the costs of international transactions among societies increased (Ciravegna and Michailova, 2022, p. 173).

Therefore, in order for the interconnectedness of societies to survive post-the pandemic and beyond (in future), there is need for more intercultural conversations. Hence the theme of Interface Issue 18; “Memory, Pandemic and Transculturality - Dealing with the Past and the Pandemic, while Reaching for the Future in an Intercultural Context”. This theme is important because of the ongoing debates concerning global interconnectedness and its impact on society and interpersonal relations in a time of increasing mobility and pandemics. There is therefore the need to understand how we represent the past to ourselves and to others; and how these representations may shape our actions, identities, and understandings; and the ways in which we are ethically and politically obligated to remember, as well as the consequences of meeting, or failing to meet, these obligations.

**INTERFACE** Issue 18 is a contribution to exploring how experiences of suffering and pain relate to empowering memories of resistance; nostalgia for old times, values and social relations; or restorative memories of healing, recovering agency and constructive processes. This is height-



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ened by the fact that the Covid-19 pandemic has had an indelible impact on the world's socio-political systems, transforming what was initially assumed as a public health crisis into a mechanism generating new architectures of social control. As the pandemic confirmed the primacy of life and biopolitics as structuring metanarratives of Western societies, metanarratives which transform bodies, movements, and molecularities into targets of a multiplicity of socio-political investments which include lockdowns, vaccines, PCR tests, and digital certifications.

**Duncan McColl Chesney** of National Taiwan University, opens our discussion with his paper “Saramago’s *Blindness* and Community”. The author explores what Saramago’s *Blindness* has to teach us, in a time of pandemic, about community and values. In order to do that the author includes in his/her analysis of the novel by Saramago, the film version by Fernando Meirelles of 2008, which is perhaps more popular than the novel itself. The author followed Saramago in his novelistic version of philosophical anthropology by looking to some key texts in precisely this discipline from the early- to mid-20th century (notably Max Scheler, Helmuth Plessner, and Arnold Gehlen) so as to elucidate Saramago’s view and contribution.

The next author, **Monika Leipelt-Tsai** of National Chengchi University, examines Franz Kafka’s parable *Before the law*, and the question of human rights in J. Bernlef’s novel *Out of mind*. The author argues that in the 21<sup>st</sup> century, one of the greatest health challenges “is a growing silent pandemic” (Project Alzheimer’s Value Europe [PAVE], 2021), i.e., the alarming rise of neurodegenerative dementing diseases of the elderly, including Alzheimer’s disease. The author claims this was formerly a tabooed topic in literature; one of the earliest modern literary novels that deals with dementia and implicitly touches the question of human rights is the bestseller *Hersenschimmen* by the Dutch author J. Bernlef, published in 1984 and translated into English as *Out of Mind*, which emphasizes just one side of the ambiguous Dutch title. The book provides one of the first narratives that describes the disease-related changes of a

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mentally ailing person connected to dementia from the point of view of an Alzheimer's sufferer himself. While experiencing states of delusion due to his illness, the protagonist misunderstands different situations and is confounded with former events from the time of the World War II. When he is finally transported to a nursing home, in his helplessness he suspects that he is being deported. This misjudgement opens up the interesting question of human rights in Bernlef. His novel problematizes the human rights for people with dementing diseases. In order to show the problematic position of people with dementing diseases, the text offers exemplarily analysed passages of Bernlef's novel concerning the issue of human rights.

**Dario Altobelli** of Università degli Studi "G. d'Annunzio" Chieti – Pescara, questions the time of a state of exception and its specific temporality in his paper "After the state of exception? Temporality and historicity in the pandemic era"? The contribution explores the hypothesis that the pandemic era is characterized by a particular "regime of historicity" which has found, (not just at the present time, but especially in the present time of the Coronavirus crisis), a generalized clarification on a political-judicial and socio-cultural level in the paradigm of the "state of exception". With particular reference to the Italian case, the author reflected, in a philosophical, political-legal and historical sociological key, on the concept of the state of exception, which emerged in the process of affirmation of Modernity as theorized by Carl Schmitt, Walter Benjamin and Giorgio Agamben, in the perspective of the temporality and historicity involved in it and of which it appears to be a symptomatic expression.

Our issue gets completed by **Yu Min (Claire) Chen** of National Taipei University of Technology, reflections on "Eros, Existence, and Art in the Pandemic: Thomas Mann's *Death in Venice*". The author argues that *Death in Venice* (1912), shows the predicament of a well-established and aged writer, similar to either Goethe's or Mann's *Dr Faust*. In one of Mann's later novels, *Doctor Faustus* (1947), the protagonist trades his soul and early death with the devil for artistic possibilities and achievement; in *Death in Venice* Aschenbach trades his life for the opportunity

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to continue his obsessive pursuit of Tadzio as he ignores the advice to leave from a Venice that was experiencing an epidemic of cholera. As Chen focuses in examining the intertextual relationship between Mann's novella, on the one hand, and Nietzsche's and Plato's writings, on the other hand, she brings into attention the fact that the construction of values is a dialogue between different times and cultures.

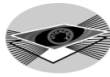
The papers published in this issue of *INTERFACE* collectively both advocate that a more intercultural context is needed when dealing with the past, the pandemic and the future; and they emphasize our obligation to improve our understanding on issues related to interculturality in a global context. This is because the interconnectedness of societies from different parts of the world has opened up the opportunity for a global intercultural context to emerge, as people move more frequently across-cultural borders, build closer relationships with individuals from other cultures, and they encounter and overcome (or, are overcome by) barriers.

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## **Saramago's *Blindness* and Community**

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DUNCAN MCCOLL CHESNEY  
*National Taiwan University*

### **Abstract**

Drawing on classic works of philosophical anthropology by Helmuth Plessner, Max Scheler, and Arnold Gehlen, the article looks back at José Saramago's *Blindness*, (and its film version of 2008 by Fernando Meirelles), to explore his experiment in thinking the foundation of human community by imagining the response to a sort of pandemic of white blindness. Positing a fundamental precarity of human co-existence, Saramago subtly develops a set of basic moral values, including trust, dignity, and a *sensus communis*, to show what binds us together as meaningful communities in the absence of a shared ethico-religious tradition. Paying close attention to the details of Saramago's famous and gripping thought experiment, the article shows how the novel, with help from the resources of the tradition of philosophical anthropology in thinking human being as naturally "deficient" and "eccentric" and human nature as consequently basically communal, can continue to teach us important lessons in community today in a time of pandemic.

**Keywords:** Saramago, community, Plessner, Gehlen

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## Saramago's *Blindness* and Community

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“One of the most shocking sights is when virtues, after the collapse of institutions in which they developed themselves in characteristic narrowness, fall back on the individual and are manifested as confusion and helplessness.”

(Arnold Gehlen, 1988, p. 71)

The celebrated novel *Blindness* by Nobel Prize winner José Saramago has proven increasingly relevant recently.<sup>1</sup> That novel depicts the unexplained occurrence of a white blindness epidemic (o mal-branco [Saramago, 2014, p. 47]) in an unspecified country that leads to the breakdown of all the institutions and norms of society. Amidst the subsequent war of all against all, one group manages to survive that forms around the one woman who, inexplicably, does not go blind. As the saying goes (more or less): in the kingdom of the blind, the one-eyed woman is queen, but our protagonist, or rather he (the eye doctor) and his still-seeing wife use this advantage not to lord over the afflicted, but rather to try to fight against the injustice and inhumanity that attends the breakdown of social norms. In fact the novel *Blindness*, published in English translation by Giovanni Pontiero in 1997, was originally titled, in Portuguese, *Ensaio sobre a cegueira* (1995) (*Essay on Blindness*) and the work is precisely *um ensaio*, an essay, not in the humanities sense of the word we associate with Michel de Montaigne, but in a scientific sense of the testing out of a hypothesis. Saramago uses the hypothesis of a blindness pandemic in order to think – via the breakdown of the social order – about the fundamental nature of man (and woman) – or rather, men and women because it turns out that this imaginative experiment in philosophical anthropology reveals definitively that man is by nature collective and communal and that there is essentially no such thing as

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1 This paper originates from a talk at INTERFACEing 2021 “Pandemics & Plagues, Languages & Literatures” Oct 1-3, 2021 at National Taiwan University and reflects that original context. The research was undertaken with support from the Taiwan Ministry of Science and Technology #108-2410-H-002-021-.

*the human* in the singular.

In this paper I want to explore what Saramago in *Blindness* has to teach us, in a time of pandemic, about community and value. To do this I want to include, in my analysis of the novel by Saramago, the film version by Fernando Meirelles of 2008, as perhaps being more popular and more widely known than the novel itself (however, I do not want to get side-tracked into the ever-problematic question of film adaptation, and will more or less take for granted the transposition of the novel to the screen). More importantly, I want to follow Saramago in his essay of philosophical anthropology by looking to some key texts in precisely that discipline from the early- to mid-20<sup>th</sup> Century (notably Max Scheler, Helmuth Plessner, and Arnold Gehlen) to see what these texts also still have to teach us about human nature and human value.

## 1 *Blindness* and values

The film, like the novel before it, is divided into three parts: the onset of the contagion and nascent social breakdown with political attempts at containment (or immunization), leading to the second part: the quarantine of the infected in an abandoned asylum; and finally the escape from the asylum into a general, apocalyptic “state of nature” scenario in which our group manages to survive until the pandemic passes and normal life, we presume, is to be re-established (this optimistic ending is accentuated in the film version, as day breaks and the first blind man regains his vision leading to a collective euphoria).<sup>2</sup> The first section is of interest here only for introducing the core group who will be important in the rest of the novel: the first blind man and his wife (who in the film are of Japanese origin), the doctor and his wife, the girl with sunglasses (a sometime prostitute), the little boy with the squint, the man with the eye patch (who in the film is black – thus the film makes a concerted effort to stress the diversity and heterogeneity of the group). None of the characters is named, just as the city and country in which the story takes place are withheld – obviously serving the purpose of an

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<sup>2</sup> On the overly optimistic ending of the film version, and other changes in the adaptation, see Donohue (2017), especially pp. 81-82. This optimism is of course belied by that companion novel, *Ensaio sobre a lucidez*.

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abstract generalization: Saramago's essay.<sup>3</sup>

Much of the pathos of the film is developed in the second section where, in a concentration-camp environment, the group is forced to develop basic ways of living together and coping with their new handicap. Residual values are on display, for instance shame and dignity: at one point the doctor speaks of “empathy and human decency” —these form the basis of the behavior of the group in the first ward centered around the doctor's wife. A fragile order is developed at first while the group is still being attended to (however harshly) by the authorities, but eventually the authorities more or less leave the blind to themselves, with minimal upkeep, and things get much worse as a violent order overtakes the asylum. Some of the new arrivals (newly afflicted blind aided by a “normally” blind man who is much more used to the affliction) have decided to take over the institutional distribution of food and begin running an extortion racket. In the absence of any police or military presence within the camp, their violence and might determines the law of the space (might makes right). At first they demand money and valuables, then later, in a ghastly scene, sexual access to the women. The degradation and rape of all of the women from the first ward of the hospital leads, on a second occasion, to retaliation, as the doctor's wife, who has kept behind a pair of scissors from her initial personal belongings (or the prostitute's in the film), takes justice into her own hands and kills the leader of the extortion gang. What follows is a miniature war or siege as the exploited members of the first ward rise in a collective revolt. The ensuing fire and destruction would probably lead to the death of everyone, but at the last dramatic moment the doors are forced open and the blind realize that their hospital-prison-camp has been abandoned by their military guard, and they are in fact free (which as Saramago points out, also means they are abandoned [Saramago, 2014, p.217; 1997, p. 233]). The values on display in this section, besides **dignity** and **shame**, include a sense of **fairness** or **justice**, **pity** or **care**, and **solidarity** (in struggle against counter-forces of selfishness, fear, and violence).

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3 A reader of the manuscript sees these generalizations as in fact stereotypes: the good doctor, the mama's boy, the hooker with the heart of gold, and so forth, suggesting on the one hand that Saramago is engaged in an (ironic) parable rather than any sort of realism, but also, I maintain, stressing that out of plurality some kind of unity can be formed in need.



The third part then treats of blindness in society at large: the complete breakdown of the social order and the fight of all for survival. The group makes their way through the chaotic city, like everyone else in search of food. The focal point of the group is, for obvious reasons, the doctor's wife, the one person inexplicably not stricken by the white blindness. Saramago makes a great deal out of her onus as seer and leader, speaking of her heavy responsibility (Saramago, 2014, p. 252; 1997, p. 267) which can also be seen as a curse, since she is the only one who has to witness the horror (Saramago, 2014, p. 276; 1997, p. 291). The group settles in the unoccupied apartment of the doctor and his wife, but – in the book – sets out periodically to the apartments of the others in search of family, food, and information.

In the midst of the failed state and the “natural” chaos of the city, it really is every man or group for him-/itself, and our band obviously manages to survive thanks not only to the eyes of the doctor's wife, but the *esprit de corps* they manage to develop. This is made more explicit in the novel than in the film (which has to cut material to meet a reasonable screen time): for instance, Saramago shows nascent populist stirrings in speechifying in the public square: in the one case, quasi-religious talk of apocalypse (Saramago, 2014, p. 298; 1997, p. 314), in another somewhat comical speculation about organization and politics (Saramago, 2014, p. 311; 1997, p. 327-8), as a way of showing dangerous potential forms of community (or mass stirrings) clearly in contrast to our privileged *bande à part*. At one point —also only in the novel— the group meets a woman at the building where the girl with dark glasses used to live. She manages to survive in a wild, individual primitivism – another marked contrast to our group – and when they come back to visit her a second time, she has succumbed to violent necessity and death, alone. (Cumulatively, the film is thus in some respects weaker in its presentation of the community theme.)<sup>4</sup> This raises the issue of **burial** and human decency (Saramago, 2014, p. 300; 1997, p. 316), which already arose in the asylum when the doctor had to lead groups in the burial of the dead, and with the women after the gang rape in the poignant

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<sup>4</sup> For a more detailed discussion of the novel itself, in a different theoretical frame, see Chesney, 2020.

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washing and burying of the body of the woman who suffered from insomnia (Saramago, 2014, pp. 183-5; 1997, pp. 198-9). With little details about maintaining human decency, Saramago subtly, over the course of the story, develops a set of fundamental, ethical values for his group: **generosity** and **altruism**, **dignity** and **self-respect**, **trust** and **responsibility**, **respect** for others and for the dead, **modesty**, and so forth, and on the basis of these values —to risk using a concept from Ferdinand Tönnies [1926, p.21; 2001, p. 7]— the development of a certain *concord* (*Eintracht*). *Blindness*, indeed, is precisely an exploration of what basic values could form the basis of community in the absence of traditions and normal institutional support. The novel and film ask, what does it mean to form a community in the face of basic human precarity?

Saramago stages a crisis situation – a pandemic – in order to reveal latent weaknesses undergirding social relations in this non-specified modern urban society, this *anyplace* of the modern world: the violent and callous institutional state response; the recourse to a Hobbesian state of war among some of the people who act with selfishness, violence, and a contempt for the collective values; but he does this to emphasize the ethical resilience of the band that finds in community strength to survive the extreme situation of the white blindness. The intention is to encourage the discovery and cultivation of such communities ourselves in “the real world,” our contemporary precarious societies, both in times of specific crisis – of which there are more and many (notably COVID19) – as in times of relative calm and peace. How can Saramago’s novel continue to teach us something about community? What is community?

## 2 Mängelwesen

Philosophical Anthropology has existed at least since Rousseau, Herder and Kant but was especially developed, after (and against) Nietzsche, primarily in Germany from the 1920s to the 40s, at the same time Heidegger was steering Husserlian phenomenology towards fundamen-

tal ontology, and even as Freud was extending his analytical model towards larger questions of culture and civilization. My contention is that this tradition can help us understand Saramago's essay on community by clarifying the fundamental qualities of human being. Biologically speaking, according to Arnold Gehlen (1988, p.13), humans are "deficient beings" (*Mängelwesen*): with respect to other animals (and plants) adapted to their particular environments, humans are characterized by "lack of adaptation, lack of specialization, primitivism, and immaturity" (Gehlen, 1988, p. 26, trans. modified). The emblem of this deficiency is the hopeless vulnerability of the human infant: sheer exposure, neediness and dependence [see Plessner, 2019, p. 289].

In coming to selfhood the infant passes through the care and interaction of the family (the primary habitus) and comes to self concomitantly with coming to language. So any eventual individual is who he or she is by virtue of this mediation of the other, of language and community; and incipiently formed in terms of gender, class, race, and so forth according to that initial community. There is, of course, nothing necessary or essential about which coordinates determine the community of a given child: irrespective of historical contingency, what IS essential about any given child is that it is exposed, precarious by nature, and requires community to *be* at all.<sup>5</sup> (This is an important aspect of the speculation of e.g. Plessner: the current ideas about community in National Socialist Germany, drawing on Tönnies' famous distinction between *Gemeinschaft* and *Gesellschaft*, and of course drawing as well on dodgy racial theories, were precisely NOT what the philosophical anthropologists were finding in their analysis of human nature and community. They speak of "natural" community – insofar as it is essentially human – as a negative aspect of human precarity rather than a positive fact of the family or primal horde leading to an essential tribal, communal life.)

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5 Obviously there is something like "natural" community in family, kinship, and blood, but not for any essential reasons: just the exposure of human being... (certainly for some natural reasons: maternal and paternal instincts, for example). But Plessner is keen to distance his conception from that of e.g. Ferdinand Tönnies. Against Tönnies and natural organic community or *Gemeinschaft*, Plessner asserts that we have a natural fear of the other but also an uncanny connection to the other: this leads to recognition of difference (of the other, but also in the self) and thus to a certain relativism, but also to cultural tolerance. (But still, it must be said, there are limits to community, explored in *The Limits of Community* of 1924).

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Now, according to Helmuth Plessner, the human –in contrast to animals and plants– is characterized by “eccentric positionality”: being centered in a world without being its center (without, like the animal, being captivated by and in that world). For this reason, the human is not closed within a world but is *Weltoffen* (in Scheler’s terms): world open (This has obvious resonance with contemporary speculations of Heidegger).<sup>6</sup> There is thus a gap of mediation between human and world – which is filled in by language and (rational) reflection (Gehlen) in anticipatory action (and thus a time dimension, a future): Hence the “natural artificiality” of the human (Plessner 2019, p. 287). The human is also characterized by Plessner as *both* being a body *and* having a body (in the Körper-Leib distinction): and this leads, as Scheler argues, to a specific human “detachment” with respect to bodily being –any given human is *both* his or her physical, affective, vulnerable body, *and* something else over and above that body which consciously reflects thereupon– thus *both* an individual, animal, physical being *and* a communal-cultural, reflective being.

Along with the human poverty of instinct, Gehlen notes the existence of numerous drives but also the dimension of delay or “hiatus” (Gehlen p. 47) in human gratification or satisfaction of impulse and drive (which Freud was exploring at that same time); thus: repression and sublimation – effectively the motors of human reflection and culture. Humans are remarkable for their “Natural artificiality” —(instinctual and physical) lack and (cultural) supplement. Culture then, as Gehlen has it (p. 30), is *second* nature; this is the space of *Geist*, but it is a necessarily collective space. As Plessner (2019, p. 282) writes:

We...is strictly speaking the only thing that can be called ‘spirit.’ Understood in the purest sense, spirit is different from the psyche and from consciousness. The psyche is real as the internal existence of the person. Consciousness is the way in which the world presents itself as determined by the eccentricity of personal existence. Spirit on the other hand is the sphere created and

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6 As in the famous discussion “What is World” in Part Two of *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*.

existing along with this particular form of positionality and thus does not constitute a reality but is realized in the shared world even if only one person exists.

Spirit is collective (like language). So, while Heidegger, in 1927 (in section 41 of *Sein & Zeit* on *Sorge* or Care), writes of *Mitsein* or *Mitdasein* (specifically with respect to *Sorge* and *Fürsorge* or solicitude),<sup>7</sup> he did not develop this concept extensively, but Plessner a year later speaks of *Mitwelt*, not so much a shared world as *the world as the shared*, the communal. There simply is no *Dasein* that is not *Mitdasein* for Plessner, and no *Welt* that is not *Mitwelt*. “The shared world is the form of the human’s own position, conceived by him as the sphere of other humans. We can thus say that the eccentric form of positionality generates the shared world and guarantees its reality” (Plessner, 2019, p. 280) Or rather, “The shared world, where relations-with not only exist but where the relation-with has become the constitutive form of a real world where the emphatic I and you merge into the we” (Plessner, 2019, p. 286).

The stress here, in contrast to the more individualist-existential thinking of Heidegger, is communal inter-relation as “naturally-artificially” marking human being or essence. By starting from human biological precarity, one realizes the essentially communal nature of human being.

### 3 Sensus communis

So, humans are essentially communal. What is the nature of the interrelation between them? Getting back to Saramago – what is the nature of the interrelation of the members of the *Verbindung* (as in Tönnies, 1926, p. 17; 2001, p. 4) or group in *Blindness*, and can this teach us anything in the light of philosophical anthropology? Saramago goes to some ef-

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7 “The Being of Dasein means ahead-of-itself-Being-already-in-(the-world) as Being-alongside (entities encountered within-the-world). This Being fills in the signification of the term ‘care’...” specified in the following paragraph as: “Being with the Dasein-with of Others as we encounter it within-the-world could be taken as solicitude” (Heidegger, 1962, p. 237); “Das Sein des Daseins besagt: Sich-vorweg-schon-sein-in-(der-Welt) als Sein-bei (innerweltlich begegnendem Seienden). Dieses Sein erfüllt die Bedeutung des Titels Sorge...” and in the next paragraph: “das Sein mit dem innerweltlich begegnenden Mitdasein Anderer als Fürsorge gefaßt werden” (Heidegger, 1984, pp. 192-3).

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fort to try to detail what community might involve. Developing trust through thoughtfulness and considerateness (and *authority*, it should be noted —the figure of the doctor) and upon that building a sort of moral *concord* involving **self-respect, patience, courage, honesty, fairness, conscientiousness, discretion, and perceptiveness...** to borrow a list from Annette Baier<sup>8</sup> who in Humean fashion reflects on a certain inherited moral tradition of Western societies. We might hazard here a further grounding virtue or indeed characteristic of man on display in the novel and film, a *sensus communis* or common sense, not in the normal understanding of that term as “sound practical judgment concerning everyday matters,” much less as it functions in Kant’s notion of aesthetic taste to unify otherwise merely subjective judgments (e.g. Deduction of Pure Aesthetic Judgments §40, [Kant, 1987, pp.293-6]), but as the Earl of Shaftesbury understands the notion, drawing on the classical tradition (citing Horace, Seneca, Cicero, and various commentators on the Greeks) of κοινονομοσύνη, a

“sense of public weal and of the common interest, love of the community or society, natural affection, humanity, obligingness, or that sort of civility which rises from a just sense of the common rights of mankind, of the natural equality there is among those of the same species”

(Shaftesbury, 1999, p. 48)

This idea of *koinonoēmosynē*, a common or shared sense precisely of the common, of the shared, is a neglected human characteristic (or virtue) in the moral philosophical tradition, but I think Saramago has an intuitive understanding that it is something we essentially share. (Shaftesbury, for his part – with very different social and class coordinates – could argue that “to have no sense or feeling of this kind, no love of ... community or anything in common, would be the same as to be insensible even of the plainest means of self-preservation and most necessary condition of self-enjoyment” [Shaftesbury, 1999, pp. 51-2]). Again it is around the doctor’s wife that Saramago develops this virtue :she takes it for granted that she is responsible for the whole group, but

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8 “Demoralization, Trust, and the Virtues” in Baier (2009, pp. 173-188).

eventually the other members show mutual concern for each other, thus suggesting a sense of the common even deeper than any kind of selfish (or possessive) individualism. It is the precarity, the undifferentiation, the dispossession that leads the individual members of the group to neglect their individuality, so to speak, in a collective spirit that Saramago posits here as more basic, more human: an undistorted *Mitsein* and *esprit de corps*.

Now, moral intuitionism of the sort Shaftesbury or Hume engage in suffers from some of the weaknesses of (Aristotelian) virtue ethics, presupposing a certain, thick tradition that is culturally specific. But the question is not what is *our* tradition, given the premise that *we* don't any longer have *one* (thus the diverse group in the film), but what could be a reasonable set of values going forward for a heterogeneous group of people that could thereby become a meaningful community. The doctor and his wife, through their own relationship, set the tone for the group. **Cooperative practice** (Baier, 1994, p. 242) and subsequent **trust** among the members of the group is the basis for the moral strength of the individuals in a mutually sustaining **concord**. In the terms Baier (1994, p. 133) uses: "trust is accepted vulnerability to another's power to harm one, a power inseparable from the power to look after some aspect of one's good". This gift of exposure or vulnerability is in Baier's understanding the foundation of moral community in trust. This isn't just an ontological fact, but ethical *acts* in Saramago's fleshing out of a conception of community.

The virtues or values we see developed in Saramago: Care, generosity, respect, modesty, cooperation, trust, concord, and dignity (that latter so important for Plessner in his conception of society). These are offered as (some) basic values that could anchor a notion of community not based in any sort of *Blut und Boden* essentialism or populist nationalism. Plessner, for one, was concerned with moving beyond immediate community to the public sphere, to institutions that minimize the work involved in peaceable cohabitation and *Mitsein*, politically conceived (as was Gehlen in his emphasis on the habituating, that is conservative, nature of institutions). Saramago reveals more of a pessimism about the

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shift from basic community to the larger political unit of the state in *Ensaio sobre a lucidez* [*Seeing*], the companion volume to *Blindness* (as well as in various other works). The topic of Saramago and politics falls outside of the current discussion, but certainly merits further exploration. Still, in his fictional speculation about what a pandemic and social crisis can reveal about “human nature” —that is, in his novelistic-philosophical anthropology— Saramago has given us much to think about as we face our own real-life crises now and in the near future, and as we think about who “we” are or could be.



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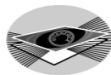
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## A problem of judging. The question of human rights in

### J. Bernlef's novel *Out of mind*

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MONIKA LEIPELT-TSAI  
*National Chengchi University*

#### Abstract

In this century, one of the greatest health challenges “is a growing silent pandemic” (Project Alzheimer’s Value Europe, 2021), i.e., the rise of neurodegenerative diseases of the elderly, including Alzheimer’s. In literary texts of the 19th century, “Morbus Alzheimer” could not have been used to characterize a person of old age (Seidler, 2010, p. 433), at least not labeled with this name. Around the turn of the millennium, literary fiction popularized the topic of “dementia”. Still, one of the earliest literary novels that deals with this formerly tabooed topic is the 1984 bestseller *Hersenschimmen* by the Dutch author J. Bernlef. Translated into English as *Out of Mind*, this unique book provides one of the first narratives that describes many disease-related changes from the point of view of an Alzheimer’s sufferer himself. Bernlef’s novel is put in a constellation with Kafka’s “Before the law”, another literary text that tells of a man who is confronted with the law as well. Kafka’s parable can shed light on the problem of judging, especially since the mental capacity of his “countryman” also declines in old age. This opens up the question of human rights for the elderly with ongoing mental disabilities in the literary discourse. How are the rights of people with dementing diseases narrated? What happens when ailing humans lose their ability to reason and to communicate? Both, Kafka and Bernlef, implicitly touch the ethical problem of human rights in different ways and point to the problematic position of persons with dementing diseases.

**Keywords:** Bernlef, *Out of mind*, dementing disease, human rights, Kafka

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## A problem of judging. The question of human rights in J. Bernlef's novel *Out of mind*

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Human rights can be seen as internationally recognized ethical principles. Among them are, for instance, the right to freedom of movement and residence, and the right to equal protection by the law. They may come into existence as fundamental norms of law that are created by customs and enactments of law. How are human rights formulated? The term “human rights” evokes conjunctions with organizations like the United Nations who on December 10th, 1948 formulated “The Universal Declaration of Human Rights” (United Nations, n.d.); together with other protocols it forms the “International Bill of Human Rights”. What knowledge does the mode of a declaration imply? The term “declaration” goes back to the Latin *dēclārātiō*, meaning enunciation and revelation (*Der kleine Stowasser*, 1979, p. 124). It describes, among others, “a statement made by a party to a legal transaction usually not under oath”. (Merriam-Webster, n.d.) It also signifies a document for various legal purposes, including a customs declaration, which announces the content of a shipment and could be read as “postal message”. According to John L. Austin, a declaration could also indicate a class of speech acts in which what is said also happens at the same time; this implies that a declaration does more than state a simple fact but performs actions (Buchanan, 2010, p. 31).

The norms of human rights are only concerned with humans (e.g., they are not applied to animals), which leads us to the question: what is a human being? A basic assumption can be found in Article 1 of “The International Bill of Human Rights”, which lays down the philosophy on which the declaration of human rights is based:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act

towards one another in a spirit of brotherhood.”

(*Universal Declaration of Human Rights [UDHR]*, art. 1, 1948)

Accordingly, humans are characterized as living beings that are equal in rights, and in its formulation two features are also emphasized, “reason and conscience”. The noun “reason” can be explained as “a statement offered in explanation or justification” (Merriam-Webster, n.d.), for example as something that makes some facts intelligible, supports a conclusion, or sufficiently explains a fact. Accordingly, another meaning of the term “reason” implies “the power of comprehending, inferring, or thinking especially in orderly rational ways,” as a synonym for the noun “intelligence” or “sanity” (e.g., as the cognitive abilities and amount of intellectual powers). The question thereby arises if it is possible to actually measure and judge the sanity of a human, since many situations can be seen from various perspectives, depending on the context and different norms of different cultures. The second term “conscience” that is mentioned also carries different meanings, e.g., “the sense [...] of the moral goodness or blameworthiness of one’s own conduct” and “the part of the superego in psychoanalysis that transmits commands and admonitions to the ego” (Merriam-Webster, n.d.). “[C]onscience” could be read as a synonym for the term “conscientiousness,” which describes being conscientious and conforming to social norms. The term “conscience” is linked to an archaic form of the noun “consciousness,” and there are different forms of consciousness (e.g., a state of consciousness due to sensory information in the body, or, being conscious in relation to an abstract concept). While later, the UN adopted the 2006 “Convention on the Rights of Persons with Disabilities,” which comprises in its Article 1 “[p]ersons with disabilities [...] who have long-term physical, mental, intellectual or sensory impairments” (*CRPD*, 2006, p. 3), its subsequent formulations target foremost persons with distinct bodily disabilities and do not specifically cover elderly persons with a dementing disease.

Cognitive abilities and intellectual powers are very difficult to describe, and they have been reformulated again and again. Although the biological discourse classifies human beings as *homo sapiens*, i.e., Linné’s

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term for “wise (hu)man,” not all humans act reasonable all the time. Some may not even be “endowed with reason” in connection to the ability of comprehending, inferring, and personal decision-making from birth, and others may lose former abilities due to a dementing disease. Still, one of the significant differences to most animals is that humans have self-awareness and are able to recognize themselves in a mirror, which means they are self-conscious. Hence in psychoanalysis we find the concept of the Lacanian “Mirror stage,” a permanent structure of subjectivity (for more about this, see below). Still, some people might not fully develop a superego, or they may suffer from a deterioration of the cognitive function (Platzek, 2014, p. 231) and gradually lose the ability to act with conscientiousness. This means that while they lose conscientiousness, they still have conscious experiences (as a result of their brain processes in connection to the perceiving body, but without cognition). This raises the question of how rights for persons are narrated who lost the gifts of “reason and conscience” in old age. What happens to their rights when they are not able to differentiate between the goodness and blameworthiness of their own conduct anymore? In the following, we will exemplarily analyze in Bernlef how the question of human rights is interlinked with the tale of a dementing disease. To begin with, we have a look at another literary figure whose “reason and conscience” also diminishes in age.

### **1 The inaccessible law: Kafka and the aporia of judging**

Writer and lawyer Franz Kafka’s works satirize impenetrable large bureaucracies and an oppressive legal system. His parable “Before the law” (“Vor dem Gesetz”), written in his typical allegorical writing style and published in 1915, touches the problem of access to the law and to rights. There is an extensive literary reception with numerous different interpretations of this enigmatic parable (Andringa, 1994, pp. 9-12), and they often emphasize the encounter with bureaucracy and totalitarianism (Ghosh, 2009, p. 4). Due to its polysemous openness, the parable can also provide a constellative frame to contemplate the problem of human rights for persons with dementing diseases. As will be seen,

Kafka's multilayered text can be seen in a new way, especially concerning the rights for the elderly with ongoing mental disabilities.

Kafka's parable "Before the Law" is as well included in the ninth chapter of his 1925 novel *The Trial (Der Prozess)*. In *The Trial*, the protagonist is drawn into a nightmarish labyrinth of a surreal bureaucracy until his death, a case which could be seen as a conviction before any crime was committed. While in the dark of the Prague minster, a priest starts telling the parable and discusses it with the protagonist: "You fool yourself in the court [...] it talks about this self-deceit in the opening paragraphs to the law" (Kafka, 2005). Fooling oneself implies directly that the narrative of the parable is a distorted version due to "self-deceit," while the access or gate "to the law is open as it always is" (Kafka, 2005). The parable's theatrical scene opens in a third-person narrative with two characters without naming them as individual:

"In front of the law there is a doorkeeper. A man from the countryside comes up to the door and asks for entry. But the doorkeeper says he can't let him in to the law right now. [...] The man from the country had not expected difficulties like this, the law was supposed to be accessible for anyone at any time."

(Kafka, 2005)

Due to their position, or time "before the law," both, the countryman and the doorkeeper, seemingly do not have access to the law (Derrida, 2018, p. 49). Signifying the doorkeeper Kafka used the outdated German compound word "Türhüter" (Kafka, 1962): the noun "Tür-" stands for a door, and "-hüter" denotes a person who guards something. Since he guards the law or "Gesetz," this can be read as metonymical deferral of the related noun "Gesetzeshüter," which could be translated as law enforcer and at the beginning of the 20th century, it was used as synonym for lawyer as well.<sup>1</sup> When a lawyer ironically only protects the entrance, Kafka takes the metaphor "Gesetzeshüter" literally to tell his story about the law's (seemingly non-existing) access as entry. Ensued

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1 See, e.g., the passage "[I]ch besuche selten die Kirche – vertrete aber als Jurist, als Gesetzeshüter, ganz entschieden die Ansicht, daß die Masse der Religion bedarf" (Conradi, 1889, p. 64).

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as a result of this metonymy, the story is narrated as if the abstract notion of the law would be spatial and excludes any historicity, which it is actually not. The law should rather be described as a system of rules, either handed down orally or written down on a formal script.

The naïve assumptions of the countryman about the law have been proven wrong, which implies he did not know how to judge the doorkeeper. Following the rejection of access, “[t]he doorkeeper gives him a stool and lets him sit down to one side of the gate. He sits there for days and years” (Kafka, 2005). The countryman’s expectation of free entry can therefore be read as a self-deceiving, an “unsophisticated view in which it does not foresee the exploitation of right by the might of the doorkeeper, [and] does not anticipate that a law supposedly governing all would be controlled by a few” (Foshay, 2009, p. 197). Obviously, he lacks life experience or cognitive abilities to think ahead, but this does not protect him from the consequences. The countryman appears to be successfully prevented from entering in a way that is a permanent deferral.

Deferrals also require time, and due to Kafka’s surrealist humor the countryman has to sit “[o]ver many years, [...] almost without a break” (Kafka, 2005). The doorkeeper is characterized by the attributes wealth (a “fur coat”) and cultural foreignness (his “long thin tartar-beard”). Any attempts at bribery fail, but he still takes the countryman’s property, which indicates his corruptibility. For Kafka, court officials are all corruptible and paradoxically, their “corruptibility is the only hope for humanity” (Benjamin 2012, p. 168). If this is the case, it means that the countryman’s situation is hopeless. While at the beginning, he had to bend over and look into the opened door—which indicates that he is tall—, later, his size has changed when seated and aged, and the doorkeeper has to bend down to reach his ears. Benjamin (2012) has stressed in Kafka a dissolution of what is happening into the gestural (pp. 175-176). Since gestures are of great importance, a change in the power relationship of the parable’s two characters can be assumed. Whereas the countryman ages, the doorkeeper does not age at all. This leads to the conclusion that the doorkeeper cannot be human but signifies an ambiguous metaphor (e.g., it could be an allegory of bureaucracy, or of



hermeneutical interpretation).

In the process of aging a forgetting sets in, and the countryman “becomes senile” (Kafka, 2005): he does not only cling to a childlike belief in authority but becomes childlike. His hearing fades, and he is not able to tell if his perception is correct anymore. In this delusional state he tries to talk to “fleas” (Kafka, 2005), which seems like absurd behavior. Open to question is whether his sensual perception plays a trick on him and any mystical “inextinguishable light” (Kafka, 2005) is imaginary and merely created by his declining cognition. When the countryman starts to lose his faculties and his consciousness, his understanding of what is going on mirrors the readers’ lack of understanding. He cannot be regarded as fully endowed with reason, and together with his conscience he seems to have lost his rights. In Kafka, meaning as such is undermined, and the countryman can as well be read as a representation of the readers (Jahraus, 2007, p. 258) in their perpetual quest for meaning.

Benjamin already concluded in his 1931 essay “Karl Kraus” that Kraus proved “justice and language remain founded in each other” (Hanssen, 2004, p. 62). With Derrida (2018), Kafka’s parable can also be read as demonstration of the paradigmatic relationship between law and narrative since the law as text of tradition needs to be interpreted and judged, as is the literary text. The correspondence between literature and law becomes means for his exploration of judgement, of naming, and of the (non-existing) origin of literature and of the law. Derrida traces the polysemous term “Préjugés” as prejudice, bias, and judgment before judgment. He describes the countryman as being “to infinity, but finitely, the prejudged (*le préjugé*). Not in the sense of being judged in advance, but of being in advance of a judgement that is always in preparation and always delayed” (Derrida, 2018, p. 55); accordingly, anybody has to judge before judging, and this process of judging never stops (p. 19). The question of how to judge can have a paradoxical effect on an accepted judgment since signifiers are always ambiguous, and this applies to any literary text as well as any legal text. While law can be seen as calculable and fixed, Derrida (2018, pp. 14-15) addresses the aporia

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of judging with these formulations:

“I interpret the absence of a criterion less as the absence of rules [...], than as the terrifying or exalting effect of that scene of judgment of which we just have caught a glimpse [...] the absence of criterion is, one might say, the law. If the criteria were simply available, if the law was present, there, in front of us, there would be no judgment. At best there would be knowledge, technique, application of a code [...]. There would be no reason to judge” .

Accordingly, the law is never present and must be negotiated, because otherwise there would be no judgment. While established rules of the law are applied (and thereby kept and conserved), at the same time new law is founded simultaneously at the moment of decision in a judgement. This reinterpretation results in conserving, destroying and founding law (i.e., a non-identity of the self). In this aporetic dilemma of conservation and destruction of the law, its legitimacy seems to be threatened because each case is different and should be treated as unique, but previously established rules should be consistently applied. According to Derrida, the law receives its significance not by its meaning but by the deferral of its meaning (Jahraus, 2007, p. 259). In other words, the uncertainty of the rules of law is a requirement of any judgement’s existence.<sup>2</sup>

“Before the Law” unfolded a hierarchy of public servants and lawyers over aged, ill people, and has drawn attention to the limits of under-

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2 Reading Heidegger, Derrida (2018) argues that the man is excluded from the law because the doorkeeper is a “guardian who guards nothing, since the gateway is open, and open on to nothing” (p. 55). This implies that the power of the law lays in the impossibility of the countryman to reach a place where he already is. A human being recognized by the law cannot step outside of it without obliterating and erasing itself. The law seems autonomous and has its goal in itself. Derrida (2018) reads this as “a consequence of the essential inaccessible nature of law” (p. 42). Kafka’s narrative “Before the law” can be read as the narrative of the inaccessibility to its narrative and the history of this impossible story. This actually resonates with Benjamin; with him we could say that the history of law is inaccessible due to the hidden violence of its establishment and continuous law-making violence (or “rechtsetzende Gewalt,” Benjamin, 1992, p. 116). In his famous essay “Critique of violence” Benjamin has discussed how violence and law relate to one another. He argued that after the establishment of an origin of the law, its dialectical fluctuating of law-making violence (“rechtsetzende Gewalt”) and law-preserving violence (“rechtserhaltende Gewalt”), back and forth, leads to oppression. Accordingly, law is always repressive, and at the same time, the recurrent violence of law-making is weakened by itself. This oscillating ambivalence is inscribed in the law (and challenges its legitimate power). Any background (hi)story of the law would subvert its normative character.

standing. Reading the doorkeeper with Derrida as a possible allegory of hermeneutical interpretation corresponds to the undecidability of the text's interpretation. Kafka's parable implicates that there is always an uncertainty of the law. The countryman is not able to enforce his rights, in particular when he develops senility and his perceptions are breaking down. He remains powerless as a senile human who has been left dying. Kafka's parable reveals there are no rules that determine that anyone is ever allowed before the law. This poses an ethical challenge because the law should be valid for anyone, including humans without "reason and conscience". Kafka questions the modern civil legal ideas of law that are built on the moral-political achievements of the Enlightenment. In other words, they are built on the fixation on an autonomous, mature subject as well as the guarantee of the social sphere of action of individual citizens through the social constitutional state which regulates the interpersonal life (Kilcher, 2013, p. 213). We may therefore say that the emancipatory ideal of the Enlightenment seems "most optimistic and perhaps most naïve" (McCormick, 2001, p. 404), and in Kafka the instability and uncertainty of the law is exemplified. Thus, the author/lawyer Kafka functions himself as "Gesetzeshüter": due to the ambivalent relationship between literature and law, literature stands literally "before the law" (i.e., outside of it) and opposes law as the injustice of the extraterritorial (Kilcher, 2013, p. 220). Interlinking Kafka with Bernlef, in the following, we exemplarily analyze passages of the novel *Out of mind* in order to discuss the deferral of the human rights.

## **2 The human being: J. Bernlef's novel *Out of mind***

Following on from a medieval blind Frisian poet, the Dutch author Hendrik Jan Marsman took on the pseudonym "Bernlef" (Krüger-Fürhoff, 2015, p. 102). Linking himself with the topos of the blind seer—a mask of the implicit author (Bruynooghe, 2007, p. 29)—also suggests a connection to Tiresias in Greek mythology, a figure of clairvoyance and wisdom. This discloses the typical shift in perception in Bernlef's texts, e.g., using the sense of hearing and touch instead of sight to capture different modes of observation and to demonstrate that we cannot know

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how humans perceive reality. After “several periods of Bernlef’s self-styled ‘cyclical’ development had passed” (Dull, 1989, pp. 33-34), he received great recognition with the publication of his 1984 novel *Hersenschimmen*. It was the first novel that is known to imagine the interior perspective of a person who is affected by a dementing illness (Hartung, 2016, p. 187). Its flashbacks and memories revolve around the major themes of remembering, forgetting, and disappearing of the self. The sophisticated original title *Hersenschimmen* consists of a compound noun. Its first part stems from Dutch “hersen-”, which could be translated to English as “brain” (Cambridge, n.d.). The second part “-schimmen” stems from the noun “schim” that could be translated as “shadow” (Dict.cc, n.d.), indicating an area of darkness, caused by light being blocked out. It alludes to the sudden change of the protagonist, an emigrated 71-year old Dutchman named Maarten Klein, who lives already for 15 years with his wife in a town near Boston. He becomes a shadow of his former self and morphs into a kind of specter to others who —due to the decrease of his powers of recall— have to be careful of what they say to not confuse him. The polyvalence of the title also alludes to imaginary ghostly phantasm, thereby insinuating illusionary perceptions of the protagonist, including, for example, his nightmarish encounter with people he wrongly believes would invent fictive stories to test his sanity. In addition, the Dutch title refers not only to the opaque traces of the past, including his childhood, which recur in Maartens’ head while his mind drifts away, but also to everything that happens around him. Because he is no longer able to think clearly, all kinds of events are merely specters to him. At the same time, the metaphor *Hersenschimmen* hints at the idea of a mind which does not work as clear as it should and which therefore cannot decide if anything is just a figment of the imagination.

The equivocal meaning of the novel’s English title *Out of mind* can imply an absentmindedness, or a person without a sound mind. It also hints to medical knowledge and to the term “dementia,” which can be traced to its Latin root *dēmēns*, meaning out of one’s mind, insane, nonsensical, and foolish (*Der kleine Stowasser*, 1979, p. 130), which are possible characteristic symptoms of mentally ailing people. In the *Dictionary of*

*Medieval Latin from British Sources* (1975), on the one hand, the noun “dementia” is translated as “madness” (p. 606), but on the other hand, it is also associated with the reference to heresy. Accordingly, already in the 13th century we find a connection to the law when it was noted that a “fool” or a foolish person who is a thief in prison is considered not guilty. It was important to judge whether an offense as unlawful culpable act is a delict (respectively a crime), or if the liability in torts is not given (*Carl Creifelds Rechtswörterbuch*, 2017, p. 293). This illustrates that the determination whether someone was “out of one’s mind” and/or a sufferer of a dementing disease touched the juridical discourse from early on. And as will be seen, although the protagonist of the novel *Hersenschimmen* is not a religious heretic, in everyday life he seems to behave strangely.

Bernlef focuses on the perspective of a man in transition between life and death. Following the inner view of the protagonist, the novel progressively deploys “incoherence” and dissemination of meaning to mimic the slow process of becoming helpless and losing grip on everyday life. Bernlef does not enumerate chapters, and his paragraphs are getting shorter and shorter until finally, the sentences are fragmented. The novel starts in italics with Bernlef’s enigmatic snow motif (“*Maybe it is because of the snow that I feel so tired,*” 1989, p. 1), that also refers to Hemingway’s *The snows of Kilimanjaro* (Leipelt-Tsai, 2021, p. 275). The fatigue of Bernlef’s protagonist is attributed to monotony due to a weather phenomenon instead of the commencing illness (i.e., his fast progressing Alzheimer’s disease). Bernlef combines the winter (1989, p. 24) as conventional topos of old age in relation to time, predicting the process of dying and the transience of man. The inner monologue describes the protagonist’s chaotic impressions and generates the feeling of spatial expansion:

“Flakes. Plural. There is only plural in the world, multiplication, the world expands more and more. [...] Shut your eyes! But it goes on snowing. It snows even inside me. No more defence anywhere.”

(Bernlef, 1989, p. 118)

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These linguistic expressions of an impossibility can be interpreted as reference to the protagonist's deluged perception: he produces distressing images even with closed eyes. When trying to explain his situation, he is so bewildered that he has given up on reasoning but poetically describes the infringement with a kind of synesthesia. Bernlef's ambiguous motif of snow functions as well as a metaphor for solitude and refers to the confusion of the aged protagonist's perceptions. Because the snow covers anything and displays a blank surface, its color reminds us of void and emptiness. Instead of white as a color that is traditionally read as a symbol for innocence, the whiteness of the snowflakes in Bernlef rather recalls the disturbing static white noise of an analogue TV with its characteristic effect of electromagnetic patterns. The torpor of the winter insinuates not only a gleaming whiteness and coldness, but a stiffness and numbness that are connected to the protagonist's body and mind. In retrospect, it can be interpreted as reference to Maarten's surrender to the onset of his thought-disturbing disease.

### **3 Misjudgements. Bernlef's mirror scenarios**

Bernlef's novel gradually circumscribes the onset of the protagonist's illness and the following months. The pensioner Maarten starts to get lost on walks with his dog "Robert". He forgets what he wanted to do before he starts something (Bernlef, 1989, p. 23), and his mental faculties deteriorate as the story progresses. While at the beginning, the protagonist is able to emotionally connect with his wife and can play the piano by heart (Bernlef, 1989, p. 29), later, he has lost these abilities (Bernlef, 1989, p. 94). He feels "entrapment in conversations with others" (Hartung, 2016, p. 61), and his mental deterioration is marked by disrupted language while "he experiences idiomatic language, set phrases and proverbs as easier" (Hartung, 2016, p. 190). It becomes increasingly difficult for him to come up with the words with which he wants to express himself: "I can think this with words, but they do not cover what happens" (Bernlef, 1989, p. 111). This problem with language and communication indicates that he still has some cognitive abilities but loses a certain amount of intellectual powers. In his blurred perception, he confuses and mistakes the people around him for someone else,

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e.g., among others, he is no longer able to recognize his family members and wrongly takes his wife Vera for his mother (Bernlef, 1989, p. 74). In other words, his judgements can be seen as foolish misinterpretations of other people and his surroundings. At clear moments, the protagonist is uncertain about what happens to him and he is ashamed of his behavior and inabilities. For example, in one scene he seems to be tied down to the bed and has lost control of his emunctories:

“Terrible stink here. [...] Jesus, have I befouled the matrimonial bed? How do you like that! It’s not my fault. If you tie a man down to his bed. [...] I wish I could bear the smell of my own shit as well as Robert. ‘Robert! Robert!’

No one. Perhaps they’ve all gone. [...] Feel how hands strip the pyjamas from my body. They want me to move forward. Must open my eyes now and see an old man in the mirror, an old man with a slack wrinkly belly streaked with shit. I smile with relief. At least that isn’t me!”

(Bernlef, 1989, p. 96)

This passage demonstrates the abject misery of a person with a progressed dementing disease, who is not able to uphold the necessary cleanliness anymore. Although suffering from memory-loss, Maarten is still capable of thinking in a certain way and can reason with himself, but he does not recognize himself in the mirror, mistaking himself for another person. The episode proves that Maarten is misjudging, and Bernlef’s novel signals, e.g., via counter-narratives (Bruynooghe, 2007, pp. 22-23), that the narrator is partially unreliable.

The psychoanalyst Jacques Lacan described in his famous lecture about the Mirror stage a structure of misjudgment, when he outlined how the permanent structure of subjectivity is formed, starting “from the age of six month” (1977, p. 1) in what can be called the imaginary order. According to Lacan’s draft of the human ego formation, the instance of the ego, or “I” (i.e., the phantasm of the *moi*), is bound up with the function of a misrecognition. In the Mirror stage, the reflected other is seen as a mirror image of the ego, but the other is actually different. In

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Lacan, the mirror reflection conveys a coveted ideal self (with an actually no yet fully developed body coordination), upon which the subject develops. According to Lacan, the initial confluence of the two plunges into an aggressive competition. Bernlef's narrative can be compared with the Mirror stage. There is no time-paradoxical recognition of the ego as in Lacan's Mirror stage, and it is not a young child but an elderly grown-up, which means there is a time difference. Instead of evolving, a regression takes place in the subject, and the key function of the ego as structure of human subjectivity is in danger. In place of the creation of the illusion of a new (paradoxically false) self, the ego of Bernlef's protagonist shows a significant difference in that he loses his sense of self-identity. While Bernlef describes the structure of a misjudgment to represent the dissolving identity of the ego, his novel shows an inversion of Lacan's narrative. If the Lacanian Mirror stage is indeed a permanent structure of subjectivity, Maarten is losing his subjectivity.

Due to the dementing disease, Maarten's contemporary time frame is mixed up with past times, and he forgets repeatedly that his father has died (Bernlef, 1989, p. 104). In his mind, he continues to return to earlier times in his life, his childhood and youth, and the Nazi occupation of the Netherlands ("You've got the wrong man. [...] Maybe I was no hero, but I wasn't on the wrong side," Bernlef, 1989, p. 110). Talking to an American in a jeep who picks him up after getting lost, the protagonist notices that his (former second) language is suddenly foreign to him. Due to his strangely different form of reasoning and his historical knowledge of the Second World War, he mistakes this encounter—including the following consultation by a medical doctor—as the liberation of the Netherlands by the American army (Bernlef, 1989, p. 109). This misjudgment and the misinterpretation lead hereinafter to him guessing that instead of a liberation an occupation occurs, and that a war has broken out. His inner state and the phantasms of his perception start to become frightening. This demonstrates again that he is an unreliable narrator:

"It thumps somewhere in my head. (Or is it this house that is making that noise?) I cautiously push the curtain aside, take a



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few steps back. In the black glass hangs a room, a piano, a desk. An old man in pyjamas looks at me, imitates a live man with his hollow black eyes and his long white thin hands which he now raises, defensively, palms turned outward, to breast level. Quick, close the curtains!

Good God. A man is hovering above the snow out there! A man, a piano, a desk, a whole room floating above the snow out there in the night.”

(Bernlef, 1989, pp. 111-112)

In this ostensibly absurd scene, he does not recognize himself in the mirroring window again. The situation in its chaotic juxtaposition seems strange and funny at the same time. This scene with a repetition of the snow motif indicates again that the protagonist has lost his ability to recognize his own mirror image. When a ghostly silhouette on window glass is perceived distorted by the protagonist, he mistakes his mirror image as another man floating in the air. He can no longer grasp its physical background since he has seemingly lost his intellectual power to comprehend. Bernlef’s writing combines impossible things and conditions that exceed reality. His protagonist can still think but without grasping the situation. The protagonist’s spontaneity and loss of control is expressed, while reason seems redundant, as in the tradition of Surrealism.

To showcase the shattering of the ego formation, Bernlef uses multiple mirror scenarios. In his novel, these repetitive narrative pattern of the protagonist’s self-loss accumulates in form of non-recognition. In other words, Maarten’s misinterpretation demonstrates his many erroneous judgements. Analogous to Lacan’s Mirror stage, an aggressive competition can also be found in Bernlef. When the protagonist does not recognize himself on old photos anymore (“Nothing but photographs [...a]nd there is that man in the snow again, only younger,” Bernlef, 1989, p. 112), he destroys them. This abolition of his personal images can be read as aggressive competition with his younger other, which is a parallel to the ego of the Lacanian Mirror stage. This can be seen as the underlying cause why the protagonist reacts fiercely (“hatred in those eyes,”

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Bernlef, 1989, p. 112) and burns the photos. Already Heike Hartung highlighted Bernlef's metaphor of the camera: while the protagonist at first compares his own perception with a "neutral, detached camera" (Hartung, 2016, p. 191), later, as his Alzheimer's disease progresses he "experiences the destruction of [... his personal] photographs, which he no longer relate to emotional memories or reminiscences, as liberating" (Hartung, 2016, p. 190). After the protagonist Maarten has lost his ability "of comprehending, inferring, or thinking especially in orderly rational ways" (Merriam-Webster, n.d.), his misrecognition indicates a split of his self-perception. Now, a dissociation shattered the false sense of self (that created the illusion of being a self via the Mirror stage). Subsequently, the protagonist can neither adjust nor create a seemingly coherent world anymore, i.e., he is not able to act in a (supposedly) "normal" way to follow the social norms that are required.

In his essay about the Mirror stage Lacan uses another form of division in grammar that distinguishes two forms of the pronoun "I": *je* and *moi*, a synthesis of inside and outside (as self and own reflection) divides the subject's ego. At the very end of Bernlef's novel, signifying a split as well, the first-person narrator subsequently no longer refers to himself only as "I" but alternates the "I" with the personal pronoun "he". Lastly, just the pronoun "you" (Bernlef, 1989, p. 130) is used in the function of a shifter when Maarten dialogues with himself in his thoughts, and the pronoun "it" (Bernlef, 1989, p. 129) becomes a representation of his split-off outer bodily entity, marking the total divergence of the protagonist while his identity vanishes. By using the position of the narrator in this experimental form to tell about the misjudgment and confusion of the protagonist, the text leads to a deconstruction of the opposition of narrator and protagonist. Bernlef tries to poetically depict the experience of persons with a dementing disease from an inner point of view by way of revealing an otherness as foreignness, especially in the process of losing their sense of self-identity (as the illusion of a self). Their impossibility to judge the situation undermines the dichotomy of reality and imaginary world.

#### 4 Insinuations. Foreignness as self, language, and foreign country

In addition to the narrative of a progressing bodily disintegration of the elderly protagonist, the linguistic form also proves significant in Bernlef's novel. Employing the techniques of modern literature, e.g., snippets in the mode of a stream of consciousness and several ellipses, Bernlef forces the readers to guess how the text could be deciphered. Through its obviously missing linguistic parts and grammatical faults, he performatively demonstrates that the narrator is in a progressed state of mental disarray while producing the text. Finally, the psychological and physical stress for Maarten's deeply saddened wife proves overbearing and homecare is no longer possible, so he has to leave home:

“They carry me out of the door and I call out to her, ‘Vera!’, but I no longer see her and am again tilted through a doorway and lie crying in the snow, flakes land on my lips, on my cheeks, and I see her once more, [...] and then the white doors of the ambulance close and driving begins in this rocking car which is also a ship Vera and also a snowflake in which I lie tied down and which skims past tree tops where other snowflakes chase along with us, accompanying us like falling stars and so we fall through space Vera [...] until we fade away or burn out, become white flakes, or black specks, what's the difference? *Question of mistake or exchange?* ... a tall bare space with concrete flower troughs full of pitch black earth [...] men and women in mouse-grey overalls ... sometimes distant, sometimes frightening near.

SUDDENLY THEY ARE STANDING BEFORE ME  
deportation? ... only English is spoken here ...” [*capitalization and periods are in the original*].

(Bernlef, 1989, pp. 118-119)

In the mode of a stream of consciousness fragmented verbal snippets without periods describe the thoughts of the protagonist which cannot fully be reflected but are dominated by impressions of shadows and the gleaming white. It does not become clear who is signified by the

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ambiguous plural pronoun “we”: is it Maarten and an unknown group (“they”), is it Maarten and his wife, or is it Maarten’s splitted self as a plurality? In this way the question how to judge touches the readers as well. This passage indicates that when the extremely confused protagonist is being taken to a nursing home, he cannot find any reasonable explanation for it. While being transported, in Maarten’s dubious thoughts the ambulance (“car”) is equated with a ship and a snowflake. At first glance, these poetic metaphors seem to be contingent. Still, Bernlef makes use of equivocal allusions from other works; e.g., “flakes land on my lips” can be read as an insinuation to Heiner Müller’s 1977 play *Hamletmaschine*, where a (formerly suicidal) Ophelia says in the second section “The woman with the overdose ON THE LIPS SNOW The woman with the head in the gas-oven. Yesterday, I stopped killing myself.” (Müller, 2001, p. 547, translated by the author). With this intertextual hint to an overdose of cocaine, the ambiguous metaphor of the snow in Bernlef not only refers to a blurred perception and the impossibility to verbally communicate (“lips”) due to Maarten’s illness, but also to possible thoughts of suicide. Read with Müller, the motif indicates that Maarten contemplated but rejected suicide, and denies the victim role as well, similar to Müller’s protagonist. Both texts are very dense, and although they are different and belong to distinct genres, parallels can be found in the narrative: just as Müller’s Ophelia in the play destroyed her home, tore photos and set fire (Müller, 2001, p. 548), Bernlef’s protagonist tears photos and sets fire. And while at the very end of Müller’s play Ophelia was bound by men in doctor’s coats, Maarten is also finally tied up in bandages by such men. Both characters remain subjected and oppressed. Lost and buried in thought, Maarten is neither able to interpret nor to judge his situation (“mistake or exchange?”) anymore. He therefore is startled by the apparent suddenness of movement by “men and women in [...] overalls.” Dots of an ellipsis and majuscule letters are used to emphasize the big impact this has on the frightened protagonist. The poetic description of his traumatic experience demonstrates the ambiguity of human perception and memory. The situation becomes so threatening to him that, in his delusions, he construes the transportation to the nursing home as a possible deportation.

An especially unsettling feeling is produced in Bernlef by the fact that the protagonist simultaneously feels foreign not only in his own body and mind, but also in his surroundings. By recognizing that the spoken language is foreign, Bernlef deploys an additional alterity that functions as alienation, although the “full isolation” (Dull, 1989, p. 36) of the protagonist is lost in the English translation due to its missing code switching. Still, the motif of the foreign other is repeated when it is emphasized that the protagonist in residential care is the only one who speaks Dutch (“I come from the Netherlands, the only one here... vom-it,” Bernlef, 1989, p. 119). Eventually, the sentences in Bernlef’s novel become more fragmented and missing more and more words. Sometimes they are reduced to singular words; for example, when describing the courtyard of his nursing home:

“In the snow-covered courtyard stands a birch, spindly branches end in fine, motionless twigs, dark patches on the thin twisted trunk, a

BIRCH

He still has that word and therefore I still see you beloved... [...] A birch surrounded by snow ... if only I could be where that birch is ...

YOU'RE MR KLEIN?

the birch in the snow ... it can't help me either ... I am led away ... wave one last time... shall never see her again.” [*Capitalization and periods are in the original*].

(Bernlef, 1989, pp. 119-120)

Often broken by dots which form an ellipsis, the fragmentary sentences produce a strong ambiguity. It seems as if the first-person narrator is split in two and produces two alternating views: one outside of himself using the pronoun “he,” and one with an inner view, using the pronoun “I”. To communicate has become almost impossible for him. Again, the motif of snow is utilized and marks the protagonist’s final isolation (Bernlef, 1989, pp. 118-120). Instead of asking other people for help, the thoughts of Bernlef’s protagonist are seemingly engaged with a linguistic sign that is linked to a tree silhouette and supposedly connects

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him socially, the word “BIRCH”. In context with the earlier insinuations about a “deportation,” the mentioning of the tree name “BIRCH” reminisces the trees of Auschwitz-Birkenau, because the name includes the name “birch meadow” in German language. The birch trees stood and still stand in this extermination camp (Teßmann, 2013, p. 3). Although his biological life in the retirement home is not actually threatened, the tree name implicitly indicates that the protagonist interprets the situation differently. His ill-stricken, limited mental capacity restricts his thinking ability, and in his view, he has seemingly lost his human rights. In the time of World War II, to talk about a person with a dementing disease was taboo because it also meant that (s)he would be in danger of being deported and killed by the Nazis. Analogous to the historical victims in the intermediate mental homes that served the killing facilities of the so-called ‘euthanasia’ program by the Nazis (Death camps, n.d.), Maarten is taken and displaced against his will. While he experiences multiple losses, including his personal identity and his social connections, he has to bear a multiple form of exile: he is seemingly situated in a foreign country (or, possibly among foreigners who occupy the Netherlands) and has to live together with completely unknown people in a kind of camp.

Bernlef’s novel reflects the problem that the fundamental norms of human rights are seemingly not applied to humans who suffer from a dementing disease: they are classified as not sound, or *Out of mind*, and excluded from society. Like Kafka’s countryman, the suffering protagonist in Bernlef obviously expected that the principles of law (as rights) should be accessible to anyone, including himself. Therefore, we may ask: is he correctly treated according to his rights? Or did he lose his human rights? On the border between life and death, Maarten is judged and designated as “confused” (Bernlef, 1989, p. 59) and loses his personal identity; the capacity to be a subject of legal rights and duties is taken from him. When he ends up in a nursing home against his will, his rights to be free and to freely choose his whereabouts are permanently delayed. From his perspective, the declaration of human rights seems to remain an empty promise. However, the problem remains how to judge his situation: letting him stay at home could be

called a negligence, because he might set fire again and hurt himself and others. Would the human rights be uphold when the protagonist is moved to a nursing home against his will, or are they uphold when he stays at home? Should he feel free, or should he be protected from physical harm? This is an irresolvable conflict and demonstrates that human rights are ambiguous. Maarten owns rights and loses rights at the same time. This undecidability in the human rights is a tension that cannot be resolved. Maarten's claim and the expectation of legal certainty stand in conflict with the protection against physical injury. So it becomes crucial that a decision is made about him and in his place: it seems necessary to protect him from physical harm by moving him to a guarded place, even against his will. As a result, we can say that it remains problematic to decide what the human rights actually imply. The "Declaration of Human Rights" seems to carry rather an idea of future laws-to-come and their execution remains impossible.

## 5 A problem of judging

Kafka's and Bernlef's narratives correspond in that both could be read as a demise of aging men who are deceived and misjudge their situation. Both protagonists encounter an uncertainty of the rules of law. In "Before the Law," the countryman mistakes the situation and decides to wait (seemingly making a wrong judgement). The "senile" dying man in Kafka becomes an age-worn person who, at the last stage of life, is not able to trust his perceptions and cannot differentiate them from his imagination. Bernlef's protagonist also misinterprets and misjudges his surroundings (e.g., he takes his family members for somebody else). When memory deteriorates and becomes unreliable, the mind shatters and drifts away. Both, the protagonists in Kafka and in Bernlef, lose the ability to understand, judge and explain their situation. Whereas the countryman is confused by the foreign and strange appearance of the doorkeeper, Bernlef's protagonist is caught between the foreignness as foreign country, a foreign language, and as splitted other of the self. In his desperation, he experiences not only the outer world as strange (e.g., when foreign men take him away), but also his inner world as

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strange (e.g., when his perception encounters non-existing snow). They both are hovering between delusional reasoning and the power to form judgements.

While the doorkeeper's groundless interdiction can be seen as a principle of law and a judgement that permanently delays the access to the law, the rights of Bernlef's protagonist are as well suspended. These delaying tactics can be read with Derrida as always belonging to the inaccessible nature of law. It is impossible not to judge before judging: even if one is not aware of it (or, applying the priest's words in Kafka, when one fools oneself in "self-deceit"), any human being is always pre-judged and subjected to the law. This corresponds to the human rights, which are abstract and empty principles. In other words, the human rights are valid, but at the same time, they mean nothing: human rights actually are only effective norms and not laws in the real sense. Although declared by the United Nations, the declarative mode does not performatively bring the human rights into existence. The UN's declaration as "postal message" of values is a dispatch supposedly addressed to any human worldwide; yet, as has been shown, it can only reach the ones who are "endowed with reason and conscience".

Our reading has illustrated that while human rights should be valid for anyone, certain rights may be denied and stay delayed. The question stays where to set the limits for interference with the fundamental rights. While Maarten's human rights seemed to be violated through paternalism and an incapacitation of his rights by the health care system, at the same time, paradoxically by way of this transgression he is protected (e.g., from harming himself by fire). This suggests that human rights are not independent from the social-political context. Accordingly, when people lose their nationality, there remains no authority to guarantee their human rights (Arendt, 1962, pp. 267-302). Similar to the invoked situation of stateless people, a person with a severe dementing disease becomes bodily and mentally disabled and loses his/her social-political context as well., i.e., (s)he will face a breakdown of the legal relationship between the state and the subject since (s)he is not able to reason and/or is not fully conscious of anything. Considering Arendt's claim that



the dignity of the human rests on his/her politico-linguistic existence, namely the “capacities of speaking, judging, and acting” (Azar, 2019, p. 3), for an elderly person with a dementing disease such precondition decreases day by day.

While the human rights may introduce “a compulsory a priori recognition of a sovereign *position of uttering* (*position d’énonciation*) to every individual” (Močnik, 1999, p. 122), for a person with a dementing disease who is not capable to judge anymore, this uttering position stays in question. As a result, the human rights discourse loses its significance for persons with a dementing disease. The state does not seem to be able to ensure their inclusion in the domain of citizenship anymore, so eventually they will lose their political life of a citizen (*bios politikos*) and only own the non-political life of the human (*zoē*). The particularity of the human rights is that they presuppose the human being to be a member of an ordered political community, a relation that a person with a severely dementing disease cannot maintain since (s)he is not able to act as a political and linguistic being anymore.

## **6 Ambiguous human rights. The promise of universality**

Literary texts can be the door to start thinking about the interrelation of narratives of illnesses and human rights. In this essay, we put Bernlef’s novel *Out of mind* in a constellation with Kafka’s parable “Before the law” to discuss the question of human rights for people with dementing diseases. Revisiting Kafka’s “Before the law,” the interplay between reading and judging became obvious. Literature is connected with the question of the law and human rights. Firm and flexible at the same time, the law can be read like a literary text by the judging readers and needs to be interpreted on a case-by-case basis. The framework of age and dementing disease can be used to question the human rights. We re-read Kafka’s doorkeeper parable as ironic metonymic deferral of the term “Gesetzeshüter” (as law enforcer and lawyer), a figurative principle that stands before the non-existing access to the law. Corresponding to Kafka’s parable that brought the notion of law into shifting, we

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also found the idea of human rights in Bernlef unstable and ambiguous. Reminiscent of Heiner Müller, Bernlef writes in a logic of association and produces a poetic text that stays open to interpretation. His enigmatic snow motif tells, among others, of a cognitive void and predicts the protagonist's illness and death. The attraction of the senile figure in Bernlef lies in the entanglement of an apparent return to the past and the ongoing state of emergency through social control. Literary illness in Bernlef poetically demonstrates isolation and permanent social exclusion, and thereby produces an emblematic figure in-between owning and losing human rights. Bernlef's broad hint to the Holocaust's extermination camp which was preceded by pseudo-euthanasia programs points to the catastrophe that lies behind this: the historical event of a systematic murder of ill and disabled people. His literary figure not only refers back to the tabooed exclusion in the totalitarian state of historical Germany, but interestingly also turns out to be significant for today. Bernlef's novel invites us to re-examine history, thereby demonstrating that what (just) seems to be a law always contains the possibility of suspension. Furthermore, our question could be extended to today's situation in the Covid-19 crisis, which requires a new perspective on the protection of the elderly in nursing homes by suspending certain rights (e.g., the right to visit, and the right to move freely).

Our constellation has shown that the belatedness of the human rights corresponds to the belatedness of the law in Kafka. The "Declaration of Human Rights" is primarily about formulating rights so that no human should be excluded as "unworthy life," which had previously happened under the Nazis in a purely technocratic way. While unlike in historical times, today, there is no despotic power in democratic European countries that decides about the bare life, however, it appears to be symptomatic of the structure of modern societies that the fundamental right to self-assertion of persons with dementing diseases is violated when they start to lose their cognitive health. It becomes especially problematic to judge and determine if they are actually disenfranchised in their alterity, which demonstrates the ambiguity and limits of the human rights. Our reading suggests that humanity and the human rights cannot be based only on positive definitions of who or what a person is, but they require

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a firm stance before all existing laws. In order to uphold humanness (as the quality of being human), laws must never violate humanity but should protect against displacing humanness, and they must be negotiated in ethical responsibility. In its Article 1, the “International Bill of Human Rights” implicitly excludes persons who are not “endowed with reason and conscience” in the positivistic formulation of the human being. Accordingly, the knowledge of human rights that are thought of as law emerges just as a promise of rights that cannot be enforced via speech act but stay opaque. While literary texts are intertwined with ethical issues, the declaration of any universality of human rights turns out to be a promise that promises too much.

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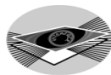
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## **Dopo lo stato di eccezione? Temporalità e storicità nell'epoca pandemica.**

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DARIO ALTOBELLI

*Università degli Studi "G. d'Annunzio" Chieti–Pescara*

### **Abstract**

Il contributo esplora l'ipotesi secondo cui l'epoca pandemica è caratterizzata da un particolare "regime di storicità" che, pur operante dalla fine del Settecento, ha trovato nella crisi del Coronavirus un'esplicitazione sul piano politico-giuridico nell'applicazione generalizzata del paradigma dello stato di eccezione.

Nella prima parte si delimita l'ambito concettuale e storico dello stato di eccezione, con particolare riferimento alla questione della temporalità e della storicità, nel pensiero di Carl Schmitt, Walter Benjamin e Giorgio Agamben, anche osservando alcune declinazioni nelle forme dello "stato d'emergenza" e altre simili disposizioni. Nella seconda, si perimetra il tema dello stato di emergenza sul caso italiano considerando le basi dell'architettura politico-giuridica su cui è stata gestita la crisi socio-sanitaria e introducendo il tema dei mutamenti nell'organizzazione statale democratica determinati, non secondariamente, dal ruolo, inedito per estensione e diffusione, della tecnoscienza. Nella terza parte si amplia al livello globale la riflessione in prospettiva politico-giuridica e macrosociologica e si prendono in particolare in esame le dinamiche delle "società del rischio". Nell'ultima parte, dopo una ripresa sintetica delle tesi esposte, si discute il problema della temporalità e della storicità dello stato di eccezione indicandolo come un'espressione strutturale e omologa dell'attuale "regime presentista" di trans-contemporaneità nel quale produce effetti di un falso movimento nel continuum storico bloccato. Schemi illustrano le diverse teorizzazioni discusse.

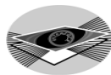
*Parole chiave:* stato di eccezione, pandemia, tempo, storia, regime di storicità

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## **After the state of exception? Temporality and historicity in the pandemic era.**

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DARIO ALTOBELLI

*“G. D’Annunzio” University of Chieti–Pescara*

### **Abstract**

This contribution explores the hypothesis according to which the pandemic era is characterized by a particular “regime of historicity” which, although operating since the end of the eighteenth century, found in the Coronavirus crisis an explication on a political-juridical level in the generalized application of the paradigm of the state of exception.

The first part delimits the conceptual and historical sphere of the state of exception, with particular reference to the question of temporality and historicity, in the thought of Carl Schmitt, Walter Benjamin and Giorgio Agamben, also observing some declinations in the forms of the “state of emergency” and other similar provisions. In the second, the theme of the state of emergency on the Italian case is delimited by considering the foundations of the political-legal architecture on which the socio-health crisis was managed and introducing the theme of changes in the democratic state organization determined, not secondarily, by the role, unprecedented by extension and diffusion, of technoscience. In the third part the reflection, in a political-juridical and macro-sociological perspective, is extended to the global level and the dynamics of the “risk society” are examined in particular. In the last part, after a synthetic resumption of the exposed theses, the problem of the temporality and historicity of the state of exception is discussed, indicating it as a structural and homologous expression of the current “presentist regime” of trans-contemporaneity in which it produces effects of a false movement in the blocked historical continuum. Schemes illustrate the different theories discussed.

**Keywords:** state of exception, pandemic, time, history, historicity regime

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## Dopo lo stato di eccezione? Temporalità e storicità

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### nell'epoca pandemica.

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Aussitôt après que l'idée du Déluge se fut rassise,  
Un lièvre s'arrêta dans les sainfoins et les clochettes mouvantes  
et dit sa prière à l'arc-en-ciel à travers la toile de l'araignée.

A. Rimbaud, *Après le déluge*, 1873

Our problem is to make that power effective and responsible, to  
make any future dictatorship a constitutional one. No sacrifice  
is too great for our democracy, least of all the temporary sacri-  
fice of democracy itself.

(C.L. Rossiter, 1948, p. 314).

Come ha mostrato Paul Ricoeur (2003), la fenomenologia della memoria – articolabile almeno nelle due domande fondamentali: *di che cosa c'è ricordo?* *di chi è la memoria?* – si modula su un registro epistemico e affettivo definito dalle più generali concezioni del tempo e della storia presenti in una determinata società. Tempo e storia, che trovano nel concetto di “regimi di storicità” (Hartog, 2003) una declinazione sul piano dell'esperienza e della conoscenza di un individuo situato in un determinato spazio/tempo sociale, costituiscono le pre-condizioni di qualsiasi manifestazione della memoria individuale e collettiva. In tale prospettiva, un'indagine sulle forme, sul significato e sulla dinamica della memoria nell'epoca pandemica deve misurarsi preliminarmente con la concezione del tempo e della storia in essa operante. L'ipotesi da cui muove questo contributo è che l'epoca pandemica sia caratterizzata da un particolare “regime di storicità” che trova esplicitazione sul piano politico-giuridico e socio-culturale nel paradigma dello “stato di eccezione”. Si intende, pertanto, riflettere – nel senso di procedere a una preliminare perimetrazione del problema – sul concetto dello stato di eccezione nella prospettiva della temporalità e della storicità da esso implicate.

## INTERFACE

Qual è il tempo di uno stato di eccezione? Qual è la sua temporalità specifica? Esiste una temporalità dello stato di eccezione rispetto a cui possa esistere un “dopo”? In che modo e con quali conseguenze lo stato di eccezione investe la dimensione temporale e in che termini entra in relazione con la storia e la storicità, determinando quindi anche lo statuto e la fenomenologia della memoria individuale e collettiva?

Per provare a rispondere a queste domande si procederà secondo il seguente ordine argomentativo:

delimitare il perimetro concettuale e storico dello stato di eccezione, con particolare riferimento alla questione della temporalità e della storicità, nel pensiero di Carl Schmitt, Walter Benjamin, Giorgio Agamben; e osservarne alcune declinazioni nelle forme dello “stato d'emergenza” e di altre simili disposizioni;

1. considerare lo stato di emergenza connesso alla crisi pandemica con specifico riferimento al caso italiano, rilevandone i principali profili politico-giuridici e operativi e collocandolo sullo sfondo di mutamenti istituzionali nell'organizzazione statale democratica;
2. presentare il concetto di stato di eccezione in una prospettiva macrosociologica e generale;
3. concludere situando il problema della temporalità e della storicità dello stato di eccezione sullo sfondo dell'epoca moderna e contemporanea come sua espressione strutturale ed espressione della attuale regime di *trans-contemporaneità*.

Resterà non adeguatamente problematizzata la relazione tra tempo e storia, temporalità e storicità: un'analisi della questione, che dovrebbe essere in senso logico preliminare a questo studio, richiederebbe un necessario spazio dedicato. Tuttavia, di questa relazione si sono cercati di chiarire i nessi e le implicazioni principali rispetto alle tesi presentate e, per illustrare alcune concettualizzazioni della temporalità e della storicità evocate, sono proposti degli schemi che rendano visualizzabile un certo ordine del discorso lasciandolo aperto ad approfondimenti e sviluppi possibili.

## 1 Il perimetro concettuale e storico dello stato di eccezione

### 1.1 Carl Schmitt

Il concetto di stato di eccezione (*Ausnahmezustand*) risale nella sua forma più nota e teoreticamente più profonda a Carl Schmitt. In due testi, *Die Diktature* (1921) e soprattutto *Politische Theologie* (1922),<sup>1</sup> Schmitt ha teorizzato il concetto di stato di eccezione come un dispositivo consistente nella sospensione dell'ordinamento giuridico riguardo a situazioni considerate gravi e minacciose per l'integrità di uno Stato-nazione, con la finalità di conferire al governo poteri di carattere straordinario.

Questa teorizzazione presuppone la distinzione della coppia concettuale *amico/nemico* che costituisce l'essenza del *politico* nella sua filosofia politico-giuridica (Schmitt, 1932/1963). Il presupposto consiste propriamente nel fatto che l'ordinamento giuridico di uno Stato – che si incarna in età moderna e contemporanea in particolare nelle Costituzioni – grazie al quale una comunità assume una definita forma giuridico-legale, non deve mai essere considerato solo secondo la *lettera*, ma soprattutto secondo lo *spirito*, giacché esso richiede o riconosce, in ogni caso presuppone, una *polarizzazione* comunitaria, collettiva, sociale tra un “noi” e gli “altri”.

La questione dello stato di eccezione riguarda quindi che cosa succeda quando sono messe in pericolo la vita stessa della comunità dei cittadini e l'integrità dello Stato. In che modo uno Stato può reagire dinanzi al profilarsi o al realizzarsi di minacce, rischi e catastrofi che possono dissolverlo?

Per rispondere a questa domanda, Schmitt formulava un nuovo concetto di sovranità in base al quale «sovrano è chi decide sullo stato di eccezione» (Schmitt, 1922, p. 33). Rispetto a tale espressione molto nota e commentata, rileva sottolineare che, assunto nella rilevanza più

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<sup>1</sup> Nelle citazioni si riporterà l'anno di edizione originale del testo seguito dal numero di pagina dell'edizione italiana o in altra lingua consultata.

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profonda, lo stato di eccezione mette a nudo le radici di ogni ordinamento statale, e in primis di quello fondato sulle carte costituzionali, mostrando che esso poggia, in ultima istanza, sempre su una *decisione* politica fondamentale che risponde, non secondariamente, all'imperativo di proteggere gli *amici* e combattere i *nemici* ovvero di difendere la società che lo Stato rappresenta e incarna. Tale decisione è a un tempo originaria e fondativa quanto continuamente rinnovabile e riattualizzabile. Per assolvere lo scopo, la sovranità *in quanto* decisione può, anzi, deve ricorrere alla sospensione dell'ordinamento giuridico ordinario collocando l'attività di governo in un'area concettuale e operativa i cui caratteri, profilo e perimetro sono ampiamente problematici.

Dalla considerazione che non si tratta di una mera discussione intorno a un concetto, ma del suo «concreto impiego, cioè su chi in caso di conflitto decida dove consiste l'interesse pubblico o statale, la sicurezza e l'ordine pubblico, *le salut public* e così via» (Schmitt, 1922, p. 34), il giurista rilevava una serie di questioni che discendono proprio dal problema della definizione del caso d'eccezione che, in senso logico, «non può essere descritto con riferimento alla situazione di fatto» (Schmitt, 1922, p. 34).

“Non si può affermare con chiarezza incontrovertibile quando sussista un caso d'emergenza, né si può descrivere dal punto di vista del contenuto che cosa possa accadere quando realmente si tratta del caso estremo di emergenza e del suo superamento. Tanto il presupposto quanto il contenuto della competenza sono qui necessariamente illimitati. Anzi dal punto di vista dello Stato di diritto non sussiste qui nessuna competenza. La costituzione può al più indicare chi deve agire in un caso siffatto»

(Schmitt, 1922, p. 34).

La decisione sullo stato di eccezione segue o presuppone una decisione sulla *realtà* della situazione che ne rende necessaria l'attuazione. Sovrano, in tal senso, è chi «decide tanto sul fatto se sussista il caso estremo di emergenza, quanto sul fatto di che cosa si debba fare per superarlo» (Schmitt, 1922, p. 34).

Da ciò discendono almeno tre conseguenze. La prima è l'evidenza della subordinazione del diritto allo Stato. «Lo Stato continua a sussistere, mentre il diritto viene meno», osserva Schmitt, e aggiunge:

L'esistenza dello Stato dimostra qui un'indubbia superiorità sulla validità della norma giuridica. La decisione si rende libera da ogni vincolo normativo e diventa assoluta in senso proprio. Nel caso di eccezione, lo stato sospende il diritto, in virtù, come si dice, di un diritto di autoconservazione.”

(Schmitt, 1922, p. 39).

Per questo, in modo solo apparentemente paradossale, il sovrano «sta al di fuori dell'ordinamento giuridico normalmente vigente e tuttavia appartiene a esso poiché a lui tocca la competenza per decidere se la costituzione *in toto* possa essere sospesa» (Schmitt, 1922, p. 34).

La seconda conseguenza, dirimente per la presente riflessione, è che lo stato di eccezione è concetto che trova declinazione empirica rispetto a *eventi* non predeterminabili né sul piano del tempo (*quando*) né sul piano dei contenuti (*cosa*). La decisione sullo stato di eccezione è, in tale prospettiva, decisione abissale che concerne il potere di definizione delle situazioni sociali riguardo alla loro eccezionalità mostrando come illimitati «tanto il presupposto quanto il contenuto della competenza». In un estremo limite di ragionamento, la decisione sullo stato di eccezione coincide con una *decisione definitiva e creatrice* di una realtà *eccezionale*: il sovrano «decide tanto sul fatto se sussista il caso estremo di emergenza, quanto sul fatto di che cosa si debba fare per superarlo». Non c'è alcun limite ipotetico all'esercizio di tale potere – ritenere che ciò possa trovarne sul piano dell'empirica verifica fattuale appare posizione infinitamente ingenua – ed è qui che risiede lo statuto fondamentale per la definizione della sovranità.

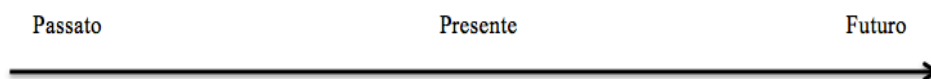
Lo stato di eccezione non è la risposta del sovrano all'eccezionalità di una situazione come se questa fosse in sé stessa autodefinita, ma è la definizione di una situazione come eccezionale da parte del sovrano in accordo o meno con la percezione sociale di tale eccezionalità e, al

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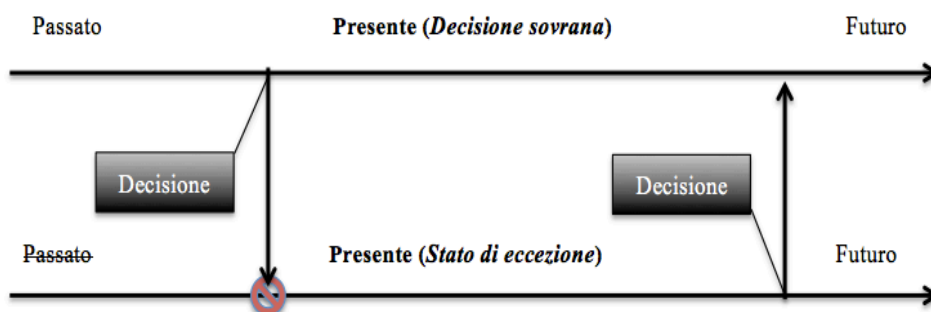
limite, con la realtà effettuale della cosa: si tornerà successivamente su questo tema sociologicamente rilevante.

Terza conseguenza: lo stato di eccezione ha una dimensione temporale *contingente*. Esso può essere “attivato” al presentarsi di un pericolo, di una minaccia, di un rischio e di una catastrofe – cioè di ciò che il sovrano può decidere che sia – al quale rimane inevitabilmente legato. La temporalità dello stato di eccezione è la temporalità della minaccia, del rischio e della catastrofe, ma lascia necessariamente imprecisato e imprecisabile il momento del *superamento* della situazione eccezionale. Anche questo è in ogni caso *deciso dal sovrano*: esattamente come per l’inizio, parimenti per la conclusione non si danno elementi di certezza e di ancoraggio fattuale che possano, nemmeno sul piano del ragionamento ipotetico, delimitare l’estensione a carattere costitutivamente *illimitato* dello stato di eccezione. La decisione sullo stato di eccezione come prerogativa della sovranità va intesa in tutta la sua estensione temporale dall’inizio alla fine e su entrambi i limiti temporali vige con un portato di volontà, discrezionalità e opportunità.

### Temporalità 1: “Stato normale”



### Temporalità 2: “Stato di eccezione” (Schmitt)



*Schema 1:* Temporalità dello “Stato di eccezione” (Schmitt)

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**Spiegazione dello Schema 1.** Temporalità dello “stato normale” indica il procedere del tempo secondo l’immagine classica della freccia dal passato al futuro. Essa è la condizione di “normalità” nella quale possono darsi e dispiegarsi un ordinamento giuridico e uno Stato.

Temporalità dello “stato di eccezione” indica l’intervento della decisione sovrana come inserzione di una seconda linea temporale, parallela o sovrapposta a quella ordinaria o normale. Sul piano della temporalità, la decisione sullo stato di eccezione costituisce un termine *post quem*: il passato come tale è sbarrato. La decisione costituisce un’interruzione, una sospensione e un nuovo inizio: inaugura la temporalità propria dello “stato di eccezione” rispetto alla quale il passato può presentarsi come un tempo inaccessibile, irrecuperabile o superato. Rispetto al futuro, la temporalità dello “stato di eccezione” può prolungarsi indefinitamente come un presente che rimanda continuamente il suo compimento e il suo senso, se non intervenga una seconda decisione sovrana che ne interrompa la vigenza e riconduca alla temporalità dello “stato normale”.

In questo schema la dimensione temporale e quella storica tendono a coincidere.

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## 1.2 Walter Benjamin

Il concetto è stato ripreso, rielaborato, approfondito in vario modo da diversi studiosi e in particolare, secondo una linea riflessiva che ha contribuito alla sua straordinaria problematizzazione, da due filosofi che si sono riferiti alla teorizzazione di Schmitt: il primo implicitamente: Walter Benjamin; il secondo esplicitamente: Giorgio Agamben.

Non è questa la sede per una ripresa dell’uso dell’espressione “stato di eccezione” nel pensiero di Benjamin. Si deve però ricordare almeno un passo fondamentale in cui essa ricorre: l’VIII tesi *Über den Begriff der Geschichte* (1942).

“La tradizione degli oppressi ci insegna che lo “stato d’eccezi-



## INTERFACE

one” in cui viviamo è la regola. Dobbiamo giungere a un concetto di storia che corrisponda a questo. Allora ci starà davanti, come nostro compito, di suscitare il vero [nda: *wirklichen*: effettivo, reale] stato d’eccezione; migliorando così la nostra posizione nella lotta contro il fascismo. La cui chance sta, non da ultimo, nel fatto che gli oppositori lo affrontano in nome del progresso, come se questo fosse una norma della storia. – Lo stupore perché le cose che noi viviamo sono “ancora” possibili nel ventesimo secolo *non* è filosofico. Non sta all’inizio di alcuna conoscenza, se non di questa: che l’idea di storia da cui deriva è insostenibile.”

(Benjamin, 1942, p. 33)

Che cosa significa che dobbiamo giungere a un concetto di storia che corrisponda al fatto che lo stato di eccezione in cui viviamo è la regola?

Il brano di Benjamin rovescia la logica temporale descritta da Schmitt e introduce il concetto di storia: la questione gnoseologica si riflette in una questione politica, la storia diviene il terreno di uno scontro intemporale, e ciò richiede l’impiego originale di un armamentario di concetti del materialismo storico e della teologia di tradizione ebraica.

Nello stato di eccezione non si tratta di una decisione su un evento avveniente o a venire; al contrario, si tratta di prendere coscienza di una permanenza temporale illimitata dell’eccezione come forma ordinaria di governo. Per Schmitt eccezione e norma si riflettono in un gioco di specchi in cui la prima si manifesta come sospensione dell’ordinario e normale ordinamento giuridico, la seconda come il presupposto della sovranità come decisione e dello Stato in quanto sovraordinato al diritto. In ogni caso, però, «il caso d’eccezione resta accessibile alla conoscenza giuridica, poiché entrambi gli elementi, la norma come la decisione, permangono nell’ambito del dato giuridico» (Schmitt, 1922, p. 39).

Per Benjamin, invece, non si dà più – e forse non si è mai data – alcuna reale distinzione tra eccezione e norma: esse coincidono com’è dimostrato nella *storia* dalla «tradizione degli oppressi» ed è da qui che

occorre produrre uno stato di eccezione *wirklichen*.

Pertanto, per Schmitt la dimensione temporale dello stato di eccezione osserva un duplice statuto: sul piano concettuale, esso è possibile in ogni momento, ma sul piano empirico solo la decisione lo *presentifica* e può farlo *terminare* per un “ritorno” al regime ordinario. Per Benjamin, invece, lo stato di eccezione è la condizione di normalità: occorre quindi «scardinare il *continuum* della storia» (Benjamin, 1942, p. 47) spezzando il vincolo tra norma ed eccezione insediato nel cuore di ogni ordinamento politico-giuridico ordinario per arrivare a *redimere* il passato nel senso che «solo a una umanità redenta il passato è divenuto citabile in ciascuno dei suoi momenti» (Benjamin, 1942, p. 23). Non è lo stato di eccezione a essere *possibile* in ogni momento, bensì la *chance* rivoluzionaria che si cela in ogni attimo nel «tempo omogeneo e vuoto» (ivi: 55): la storicità penetra nella temporalità.

Così nell'importante tesi XVIIa, presente solo in un esemplare dattiloscritto dell'opera, ritrovato da Agamben, recante numerose correzioni a mano e la dicitura *Handexemplar* di Benjamin (1942, pp. 18-19), si legge

“In realtà non vi è un solo attimo che non rechi con sé la *propria chance* rivoluzionaria – essa richiede soltanto di essere intesa come una *chance* specifica, ossia come *chance* di una soluzione del tutto nuova, prescritta da un compito del tutto nuovo. Per il pensatore rivoluzionario la peculiare *chance* rivoluzionaria non trae minor conferma dal potere delle chiavi che un attimo possiede su di una ben determinata stanza del passato, fino ad allora chiusa. L'ingresso in questa stanza coincide del tutto con l'azione politica; ed è ciò per cui essa, per quanto distruttiva possa essere, si dà a riconoscere come un'azione messianica.”

(Benjamin, 1942, p. 55)

Centrale è la categoria temporale dell'*adesso* (*Jetztzeit*) nel quale «una *debole* forza messianica» [eine *schwache* messianische Kraft], che ogni generazione riceve da quelle che l'hanno preceduta, potrà manifestarsi

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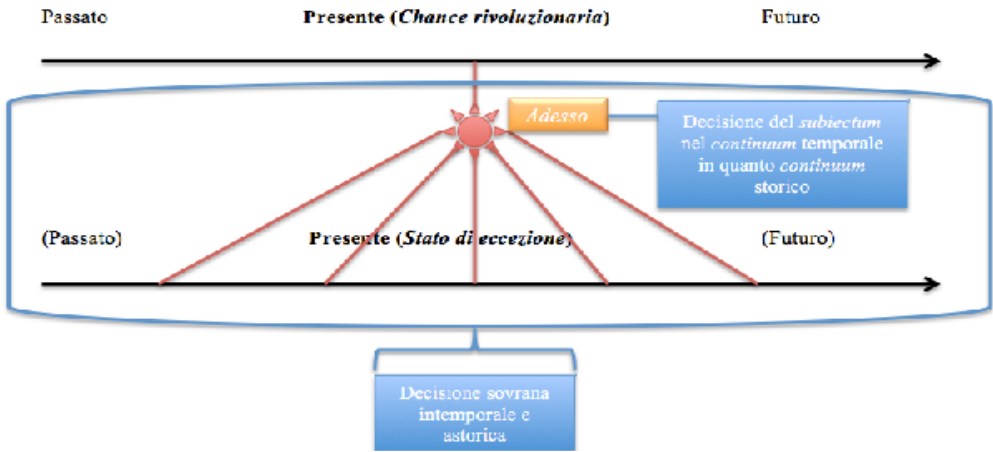
come ripresa di possesso di tutto il passato strappandolo al *racconto* dei vincitori. Il compito dello storico, più precisamente del materialista storico, è compito conoscitivo perché politico, e politico perché conoscitivo. Giacché se si riconosce il «potere delle chiavi che un attimo possiede su di una ben determinata stanza del passato, fino ad allora chiusa. L'ingresso in questa stanza coincide del tutto con l'azione politica», allora

“In ogni epoca bisogna tentare di strappare nuovamente la trasmissione del passato al conformismo che è sul punto di soggiogarla. Il messia infatti viene non solo come il redentore, ma anche come colui che sconfigge l'Anticristo. Il dono di riattizzare nel passato la scintilla della speranza è presente solo in *quello* storico che è compenetrato dall'idea che neppure i morti saranno al sicuro dal nemico, se vince. E questo nemico non ha smesso di vincere.”

(Benjamin, 1942, p. 27)

Temporalità e storia in Benjamin sono evocate in una relazione nella quale l'azione dello storico, del pensatore, del filosofo è intesa come azione conoscitiva e politica dentro il *continuum* temporale con la finalità di riaffermarne il valore sul piano della storicità. Che tale intervento del materialista storico, forte della teologia, nel *continuum* temporale letto come *continuum* storico possa poi rientrare in una sorta di *attività decisoria* specularmente opposta a quella del sovrano è questione che qui non può essere che accennata. Si configurerebbe un'ipotesi di lettura Schmitt-Benjamin in cui l'*azione politica* si troverebbe sdoppiata dal lato del sovrano nella decisione sullo stato di eccezione e dal lato del soggetto (*subiectum*) al potere sovrano nel cogliere la *chance* rivoluzionaria che rovescerebbe l'ordine esistente.

Indubbiamente è nella questione della relazione tra tempo e storia che Benjamin collocava il riferimento allo stato di eccezione come stato normale, così come è in una peculiare dimensione temporale che si esplicava la decisione sovrana di Schmitt.



**Schema 2:** Temporalità e storicità dello “Stato di eccezione” come “Stato normale” (Benjamin)

**Spiegazione dello Schema 2.** In questo schema temporalità e storicità dello “stato di eccezione” come “stato normale” si dispiegano entrambe sulla freccia del tempo.

La decisione sovrana è da sempre già data: essa è intemporale e astorica e come tale definisce la temporalità storicizzata come un «tempo omogeneo e vuoto»: un presente perenne. La dimensione temporale e quella storica entrano così in una relazione polarizzata: la storia è la rappresentazione del tempo passato come “storia dei vincitori” e del tempo futuro come “progresso”, ma essa è altresì la posta in palio della chance rivoluzionaria e il luogo dove tutto il tempo si manifesta alla coscienza del subiectum come apertura sul possibile nell’adesso. Dal punto di vista del materialista storico, quindi, il passato e il futuro sono accessibili soltanto in forma ideologica, mediata e pre-orientata, egli sa che sul passato grava l’ipoteca del “conformismo” e che il futuro, agli occhi dell’Angelus Novus, non è altro che «un’unica catastrofe» (Benjamin, 1942, p. 37). La sua azione nell’adesso è pertanto un termine a quo dentro il continuum temporale come continuum storico e il suo obiettivo è la dissoluzione dello “stato di eccezione” come “stato normale” a favore di uno stato di eccezione “effettivo” in cui il passato e il futuro possano esporsi redenti all’umano.

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### 1.3 Giorgio Agamben

Infine, si prende in esame la densa riflessione di Giorgio Agamben sul punto. Intanto, va ricordato che è stato lui a ricostruire il “dossier” esoterico ed esoterico del dibattito sul concetto di stato di eccezione fra Benjamin e Schmitt attraverso un’attenta lettura, filologicamente puntuale, delle occorrenze della relazione e della tematica tra i due filosofi, definendola una «gigantomachia intorno a un vuoto» in un testo che, unitamente ad altri suoi lavori, ha ripreso e introdotto questo concetto nel dibattito scientifico e accademico nel mondo (Agamben, 2003).<sup>2</sup>

Sul piano concettuale per Agamben lo stato di eccezione è

“*l’arcanum imperii* per eccellenza del nostro tempo. Ciò che l’“arca” del potere contiene al suo centro è lo stato di eccezione – ma questo è essenzialmente uno spazio vuoto, in cui un’azione umana senza rapporto col diritto ha di fronte una norma senza rapporto con la vita.”

(Agamben, 2003, p. 110)

Agamben accoglie e sviluppa la posizione di Benjamin e la colloca nel cuore dei processi politico-giuridici e sociali della contemporaneità. Poiché «lo stato di eccezione ha anzi raggiunto oggi il suo massimo dispiegamento planetario» – cioè, esattamente nel senso benjaminiano, esso è la *norma* – occorre trarne le dovute conseguenze sul piano del pensiero critico e dell’azione politica. La prima di esse è la fine del diritto e dello stato di diritto:

“Non si tratta, naturalmente, di riportare lo stato di eccezione nei suoi limiti temporalmente e spazialmente definiti, per riaffermare il primato di una norma e di diritti che, in ultima istanza, hanno in esso il proprio fondamento. Dallo stato di eccezione effettivo in cui viviamo non è possibile il ritorno allo stato di

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2 Sulla relazione Schmitt-Benjamin e le questioni qui evocate è di notevole interesse la riflessione di G. Galli discussa con lo stesso Agamben, presso l’Istituto Italiano per gli Studi Filosofici, in occasione della pubblicazione dell’edizione integrale di *Homo sacer* (2018), con G. Preterossi, il 29 novembre 2018: <https://www.youtube.com/watch?v=9QLSMptn2MU>.

diritto, poiché in questione ora sono i concetti stessi di ‘stato’ e di ‘diritto’.”

(Agamben, 2003, p. 111)

A parere del filosofo il problema più generale che pone il paradigma dello stato di eccezione come dispositivo di governo è che mette in luce il luogo di articolazione tra norma e vita, fra violenza e diritto, o diversamente detto tra *nomos* e anomia, e fra *auctoritas* e *potestas*. La questione va posta quindi in senso radicale – etimologicamente: risalendo alle radici storiche e concettuali di essa – riconoscendo in tali forme di articolazione il prodotto della «macchina biopolitica».

“Esibire il diritto nella sua non-relazione alla vita e la vita nella sua non-relazione al diritto significa aprire fra di essi uno spazio per l’azione umana, che un tempo rivendicava per sé il nome di ‘politica’. La politica ha subito una durevole eclisse perché si è contaminata col diritto, concependo sé stessa nel migliore dei casi come potere costituente (cioè violenza che pone il diritto), quando non si riduce semplicemente a potere di negoziare col diritto. Veramente politica è, invece, soltanto quell’azione che recide il nesso fra violenza e diritto.”

(Agamben, 2003, p. 112)

Lo spazio di un’azione politica può così darsi solo nella recisione del nesso fra violenza e diritto che possa risolversi in una disattivazione del diritto applicato alla vita e di una liberazione dell’azione rispetto allo scopo per riaffermare «tra le due, non un perduto stato originario, ma soltanto l’uso e la prassi umana che le potenze del diritto e del mito avevano cercato di catturare nello stato di eccezione» (Agamben, 2003, p. 113).

Sul piano della temporalità, lo stato di eccezione è ricondotto da Agamben, mediante gli esempi storici e antropologici presentati, e fra di essi in particolare l’istituto del diritto romano dello *iustitium* come importante precedente, a una categoria di “sospensione” o “interruzione” o “arresto” del *continuum* temporale. Questo “arresto” potrà anche as-

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sumere un carattere ricorrente come nel caso delle feste e delle cerimonie funebri che lo studioso prende in esame per tracciare il profilo fenomenico a carattere comparativo della *struttura* del *dispositivo* “stato di eccezione”.

Sul piano storico, infine, pur individuabile in una molteplicità di casi, Agamben sostiene che lo stato di eccezione è propriamente un paradigma di governo ed è costitutivo dell’ordine giuridico soprattutto in età moderna e contemporanea (Agamben, 2003, p. 16). Esso è attestato con continuità dalla Rivoluzione francese, in cui la sospensione dell’ordinamento giuridico era stata prevista come *état du siège fictif* o *politique*, subito ripreso e impiegato da Napoleone, e quindi presente in molti paesi europei, fra cui l’Italia dopo l’Unità, e negli Stati Uniti. Lo stato di eccezione, quindi, come concetto che trova declinazione in “stati di emergenza”, “stati d’assedio”, etc. è ampiamente attestato nel XIX e XX secolo come un dispositivo al quale governi di varia natura e tradizione fanno ricorso anche con frequenza.

Nella rassegna storica presentata, Agamben ricorda il ben noto caso della Costituzione di Weimar che nel famoso articolo 48 recitava:

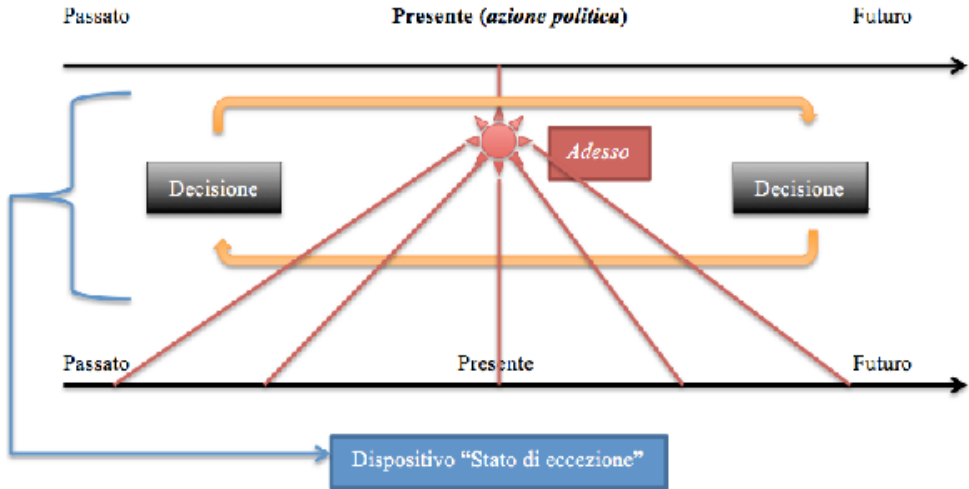
“Se nel Reich tedesco la sicurezza e l’ordine pubblico sono seriamente (*erheblich*) disturbati o minacciati, il presidente del Reich può prendere le misure necessarie al ristabilimento della sicurezza e dell’ordine pubblico, eventualmente con l’aiuto delle forze armate. A questo scopo egli può sospendere in tutto o in parte i diritti fondamentali (*Grundrechte*) [...]”

Sul punto osserva lo studioso:

“I governi della Repubblica, a cominciare da quello di Brüning, fecero uso continuativamente – con una relativa pausa tra il 1925 e il 1929 – dell’art. 48, proclamando lo stato di eccezione ed emanando decreti di urgenza in più di 250 occasioni; essi se ne servirono, tra l’altro, per imprigionare migliaia di militanti comunisti e per istituire tribunali speciali abilitati a pronunciare

condanne alla pena capitale. In più occasioni e, in particolare nell'ottobre 1923, il governo fece ricorso all'art. 48 per fronteggiare la caduta del marco, confermando la tendenza moderna a far convergere emergenza politico-militare e crisi economica.”

(Agamben, 2003, pp. 24-25)



**Schema 3:** Temporalità e storicità dello “Stato di eccezione” (Agamben)

**Spiegazione dello Schema 3.** In questo schema temporalità e storicità dello “stato di eccezione” tendono a coincidere.

La decisione sovrana si dà nel continuum storico sia come decisione a volta a volta presa, contestualizzata e situata, sia come temporalizzazione di eventi a carattere rituale ripetuti nella storia che inseriscono periodicamente la dimensione anomica nell'ordine sociale. Le due decisioni di avvio e di fine dello “stato di eccezione” hanno carattere in tal senso ricorsivo ovvero possono restare solo possibili. La linea temporale e quella storica sembrano accessibili in tutta la loro estensione, ma il dispositivo dello “stato di eccezione” tende a solidificare la dinamica storico-sociale in tutti i tempi storici in forme rigidamente configurate



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dei nessi norma e vita, violenza e diritto, nomos e anomia, e auctoritas e potestas. Proprio perché dispositivo attivabile o (già da sempre) attivato, lo “stato di eccezione” opera nel senso di un’omogeneizzazione della dimensione sociale quanto di un irrigidimento della dinamica temporale. L’azione politica può darsi propriamente solo come recisione nell’adesso dei nessi citati per aprire l’esperienza a un presente disteso su un tempo aperto.

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Da quanto sommariamente presentato rispetto al pensiero di Schmitt, Benjamin e Agamben, emerge in tutta evidenza un fatto: il tema dello stato di eccezione pone di fronte a una prospettiva storico-sociale di lunga durata che ha una profonda stratificazione e innumerevoli diramazioni dentro e fuori del campo politico-giuridico. Lo si osserva esattamente con la questione della temporalità e storicità dello stato di eccezione: essa non investe soltanto la sua propria dimensione temporale, cioè la relazione che lo stato di eccezione intrattiene ontologicamente con la durata e la struttura del tempo storico nel quale si colloca come una forza deformante l’asse storico-temporale del *continuum* passato-presente-futuro, ma concerne anche – si introduce qui una seconda linea di riflessione che sarà discussa nell’ultima parte – una struttura di temporalità più ampia, cioè la dimensione propriamente sociologica del tempo sociale come orizzonte di senso condiviso e cornice epistemica all’interno dei quali si svolge la vita sociale e si determinano le connesse forme di vita negli ambiti politico, giuridico, economico e così via.

Alla domanda circa la dimensione temporale e storica intraspecifica dello stato di eccezione, quale *sospensione dell’ordinamento giuridico / arresto del continuum / contingenza della decisione / indeterminatezza della durata* che trova esplicazione nella connessione obbligata con la dimensione temporale di un *evento* al quale si riconosce – *decidendone la definizione* cioè *costruendone la realtà* – il carattere di minaccia, rischio e catastrofe per la popolazione di uno Stato e per lo Stato stesso, va affiancata un’altra domanda circa le caratteristiche della *sfera storico-temporale di un’epoca moderna* iniziata con la Rivoluzione francese, cioè con la rottura definitiva dell’ordine sociale di antico regime, e le connesse forme di governo, di diritto e di società da essa, direttamente

o indirettamente, promananti, e in ogni caso da essa determinatesi, di cui il tempo contemporaneo reca tracce, testimonianze ed eredità.

## 2 Lo stato di emergenza per la pandemia da Sars-CoV-2 in Italia

Come richiamato dagli esempi storici citati, l'espressione "stato di emergenza" rappresenta la contingente concretazione del concetto di stato di eccezione e di fatto coincide con esso sul piano storico-sociale. Si mostra in tutta evidenza che tra le due espressioni sussiste una relazione logica paragonabile a quella tra un ente astratto e uno concreto o fra un disposto generale e il dispositivo particolare nel quale trova applicazione.

Con riferimento al tempo presente, nello specifico del caso italiano durante la pandemia, esso è il *locus* politico-giuridico e temporale nel quale si è dispiegata la gestione della crisi pandemica. Deliberato il 31 gennaio 2020 dal Governo Conte per la durata di sei mesi fino al 31 luglio 2020, lo stato di emergenza nazionale è stato prolungato, a volta a volta, fino al 31 marzo 2022.

Se si cerca l'esatto profilo giuridico dello stato di emergenza concernente la crisi pandemica, consultando le leggi se ne trova solo una cui fare riferimento. È il decreto legislativo numero 1 del 2008: formalmente si tratta del *Codice della Protezione civile*, citato infatti all'avvio della prima misura: «Il Consiglio dei ministri delibera ai sensi dell'art. 7, comma 1, lettera c), e l'articolo 24, comma 1, del decreto legislativo 2 gennaio 2018, n. 1 (Codice della Protezione Civile) [...]».<sup>3</sup> Il *Codice* citato è pertanto l'unico testo normativo che definisce come ci si debba comportare con lo stato di emergenza in Italia: di seguito si considerano i due articoli più importanti per l'analisi.

L'art. 7. *Tipologia degli eventi emergenziali di protezione civile classi-*

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3 Delibera del Consiglio dei ministri del 31 gennaio 2020. Dichiarazione dello stato di emergenza in conseguenza del rischio sanitario connesso all'insorgenza di patologie derivanti da agenti virali trasmissibili (<https://www.osservatoriosullefonti.it/emergenza-covid-19/fonti-governative/delibere-del-consiglio-dei-ministri/3008-emcov-deliberacdm1>).

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fica le tre tipologie di «eventi emergenziali», secondo una gradazione della gravità e dell'estensione dal *locale* al *nazionale*, dall'*ordinario* allo *straordinario*, in

“a) emergenze connesse con eventi calamitosi di origine naturale o derivanti dall'attività dell'uomo che possono essere fronteggiati mediante interventi attuabili, dai singoli enti e amministrazioni competenti in via ordinaria;

b) emergenze connesse con eventi calamitosi di origine naturale o derivanti dall'attività dell'uomo che per loro natura o estensione comportano l'intervento coordinato di più enti o amministrazioni e debbono essere fronteggiati con mezzi e poteri straordinari da impiegare durante limitati e predefiniti periodi di tempo, disciplinati dalle Regioni e dalle Province autonome di Trento e di Bolzano nell'esercizio della rispettiva potestà legislativa;

c) emergenze di rilievo nazionale connesse con eventi calamitosi di origine naturale o derivanti dall'attività dell'uomo che in ragione della loro intensità o estensione debbono, con immediatezza d'intervento, essere fronteggiate con mezzi e poteri straordinari da impiegare durante limitati e predefiniti periodi di tempo ai sensi dell'articolo 24.”

L'art. 24. *Deliberazione dello stato di emergenza di rilievo nazionale* [...] definisce invece le procedure richieste dal livello massimo di «emergenza di rilievo nazionale»:

1. Al verificarsi degli eventi che, a seguito di una valutazione speditiva svolta dal Dipartimento della protezione civile sulla base dei dati e delle informazioni disponibili e in raccordo con le Regioni e Province autonome interessate, presentano i requisiti di cui all'articolo 7, comma 1, lettera c), ovvero nella loro imminenza, il Consiglio dei ministri, su proposta del Presidente del Consiglio dei ministri, formulata anche su richiesta del Presidente della Regione o Provincia autonoma interessata e comunque acquisitane l'intesa, delibera lo stato d'emergenza di rilievo

nazionale, fissandone la durata e determinandone l'estensione territoriale con riferimento alla natura e alla qualità degli eventi e autorizza l'emanazione delle ordinanze di protezione civile di cui all'articolo 25 [...].

3. La durata dello stato di emergenza di rilievo nazionale non può superare i 12 mesi, ed è prorogabile per non più di ulteriori 12 mesi.”

Si rifletta con attenzione sulla dinamica temporale disposta: «al verificarsi degli eventi [...] ovvero nella loro imminenza [...] il Consiglio dei ministri [...] delibera lo stato d'emergenza di rilievo nazionale, fissandone la durata e determinandone l'estensione territoriale con riferimento alla natura e alla qualità degli eventi».

Sul piano temporale, quindi, può scattare “lo stato di emergenza” non solo quando effettivamente si verificano eventi calamitosi, si penserà come esempio classico ai terremoti, ma anche in quella che si definisce la «loro imminenza». La dimensione predittiva dell'evento emergenziale è evocata con termine generico – “imminenza” – che può voler dire un tempo breve, brevissimo, ma anche più lungo, propriamente indeterminato e indeterminabile. Indubbiamente questo dispositivo temporale è coerente con la *logica emergenziale*: il punto è poter agire sia tempestivamente che con largo anticipo. Tuttavia, lo spazio temporale di agibilità dettato dalla minaccia, dal rischio e dalla catastrofe si trova a essere per sua natura esposto a un'arbitrarietà e a un'indefinibilità su cui occorre portare attenzione.

L'azione del governo sembra trovare un limite solo nella discrezionalità della *definizione dei rischi* su cui si dispone l'azione stessa così che entra in vigore una *logica operativa* che può arrivare a confliggere con criteri di prudenza, proporzionalità e temporalità circoscritta. Il sopracitato comma 3 dell'art. 24 appare essere, come nei fatti poi si è dimostrato, soltanto il velo formale di una delimitazione temporale dello stato di emergenza che *in re ipsa* non appare poter essere contenuto in un perimetro preventivo quale esso sia. Da questo punto di vista, la norma, prevedendo un massimo di 12 mesi prolungabile per altri 12, pone

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solo il termine di una soglia formale, estesa fino a un massimo di due anni consecutivi, che, seppur apparentemente ragionevole, sembra destinata a naufragare sotto il peso di eventi catastrofici o della semplice loro minaccia nella misura in cui possano prolungarsi o reiterarsi indefinitamente secondo le definizioni che se ne potranno dare.

Sempre sul piano strettamente giuridico, quindi, vi è da considerare la conseguente velleità di poter contenere l'azione governativa secondo il disposto dell'art. 7, c. 1, lett. c per il quale le emergenze sarebbero da fronteggiare con «mezzi e poteri straordinari da impiegare durante limitati e predefiniti periodi di tempo ai sensi dell'articolo 24». È con tutta evidenza un assurdo rispetto alla *logica temporale* propria dello stato di eccezione, come vista in Schmitt, il disporre una “predefinizione” del tempo di emergenza.

La questione è, soprattutto, da porsi sulla definizione dell'emergenza stessa cioè sui processi decisionali e sull'attendibilità delle analisi e dei discorsi che, secondo la norma, sono in capo alla Protezione civile. Si tratta di un fatto rilevante perché introduce nella riflessione il ruolo della tecnoscienza e delle agenzie tecnoscientifiche nella definizione e nella gestione degli stati di emergenza contemporanei.

La Protezione civile è

“è il sistema che esercita la funzione di protezione civile costituita dall'insieme delle competenze e delle attività volte a tutelare la vita, l'integrità fisica, i beni, gli insediamenti, gli animali e l'ambiente dai danni o dal pericolo di danni derivanti da eventi calamitosi di origine naturale o derivanti dall'attività dell'uomo.”

(Codice della Protezione Civile, art. 1)

Nella sua sfera di competenza rientrano attività «volte alla previsione, prevenzione e mitigazione dei rischi, alla gestione delle emergenze e al loro superamento»; ove pre previsione si intende l'insieme

“delle attività, svolte anche con il concorso di soggetti dota-

ti di competenza scientifica, tecnica e amministrativa, dirette all'identificazione e allo studio, anche dinamico, degli scenari di rischio possibili, per le esigenze di allertamento del Servizio nazionale, ove possibile, e di pianificazione di protezione civile.”

*(Codice della Protezione Civile, art. 2, c. 1-2)*

Si apre qui il grande tema, che non è possibile affrontare in tutte le sue implicazioni, dell'estensione fattuale del potere esecutivo in età contemporanea per il tramite di enti tecnoscientifici. Osservata alla latitudine delle procedure di governo in paesi democratici, l'autorità decisionale e operativa riconosciuta a un ente come la Protezione civile, e si potrebbero citare parimenti il Comitato Tecnico Scientifico (CTS) e l'Istituto Superiore di Sanità (ISS) per l'Italia come, al livello internazionale, per esempio la World Health Organization (WHO) o l'European Centre for Disease Prevention and Control (ECDC), dovrebbe suscitare più di un dubbio sulle modalità di funzionamento dello stato di emergenza e sui rischi che esso, come si vedrà anche per preesistenti ragioni strutturali sul piano politico e giuridico, possa autonomizzarsi e indeterminarsi temporalmente in accordo a criteri di legittimazione interna non soggetti a controlli esterni e terzi. Se nella contemporaneità lo stato di eccezione diviene sempre più un dispositivo politico-giuridico ordinario del governo, ciò sembra poter avvenire con particolare e drammatica evidenza ove non si intendano prevedere e ammettere, nemmeno formalmente, modalità di controllo e verifica scientifici sulle cause dichiarate dell'emergenza stessa e sulle misure adottate per la sua soluzione.<sup>4</sup> Lo stato di eccezione si autoalimenterebbe in tal modo nella definizione tecnoscientifica dell'“evento eccezionale” che lo genera e lo legittima in termini di decisione politica.

### **3 Profili sociologici dello “stato di eccezione”**

Accanto al fronte della riflessione politico-giuridica è necessario intro-

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<sup>4</sup> In tale prospettiva va segnalato il fatto che né CTS, né Ministero della Salute, né ISS hanno sinora accolto le molte e ripetute richieste di confronto scientifico pubblico avanzate da comitati di scienziati, ricercatori, medici in merito alle decisioni e alle politiche promosse e assunte nella gestione della crisi pandemica. Si veda, ad esempio, De Luca, 2021.

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durre la prospettiva sociologica allargando lo sguardo nel tempo e nello spazio. Infatti, già da quel poco che si è detto, la situazione attuale non sembra essere qualcosa che appartenga soltanto alla contingenza degli ultimi due anni. Essa è piuttosto l'esito accelerato di un processo che filosofi, politologi, giuristi e non ultimi i sociologi hanno nel tempo variamente osservato.

Si prenda il caso, molto noto e dibattuto, della decretazione d'urgenza: essa è ormai in Italia una consolidata modalità ordinaria di azione dell'esecutivo. Ben prima della pandemia, i "casi straordinari di necessità e d'urgenza" previsti dall'art. 77 della Costituzione, quale norma attributiva di potestà legislativa primaria al Governo in deroga all'ordinaria attribuzione della stessa al Parlamento, sono stati diffusamente invocati dai governi negli ultimi decenni. Come si legge, per esempio, in uno studio della Corte Costituzionale, dalla metà degli anni Novanta e poi, specificamente, dal 2005, con l'introduzione di un sistema elettorale proporzionale corretto da un sensibile premio di maggioranza

“la stessa forma di governo si è assestata in direzione di un accresciuto ruolo del Consiglio dei ministri (e del suo Presidente) che, divenuto organo propulsivo del circuito dell'indirizzo politico, ha nei fatti assunto la titolarità della funzione legislativa non solo e non tanto secondo l'ordinario canale della presentazione di disegni di legge, ma con un intenso ricorso alla decretazione d'urgenza che ha acquisito un peso preponderante nella complessiva produzione del diritto di rango primario”.

(Nevola, 2017)

Sul piano del merito si osserva, ed è facile ripensare alle analisi di Schmitt, che «la straordinarietà del caso, tale da imporre la necessità di dettare con urgenza una disciplina, può derivare da una pluralità di situazioni (eventi naturali, comportamenti umani, atti e provvedimenti di pubblici poteri) in relazione alle quali non sono configurabili rigidi parametri, valevoli per ogni ipotesi». Da ciò discende che i «requisiti ineriscono non alle norme introdotte dal Parlamento in sede di conversione, ma esclusiva-

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mente al complessivo provvedimento adottato dal Governo [...] inteso come atto unitario fornito di intrinseca coerenza, cioè come insieme di disposizioni omogenee per la materia o per lo scopo [...]"

(Nevola, 2017).

L'adozione di misure prese per ragioni emergenziali è qualche cosa di ben presente nell'ordinamento giuridico italiano ed è un fenomeno accresciutosi soprattutto negli ultimi 20 anni. Emergenza, urgenza e necessità sono termini a tal punto ricorrenti nella dimensione politica nazionale, e non solo, da aver ormai perduto una chiara referenza obbiettiva.

La questione va intesa, sul piano storico e sociologico, nel modo più ampio possibile e va ricondotta, almeno come passaggio decisivo di cui non si smettono di misurare le gravi conseguenze, all'*11 settembre 2001*. Le misure contro il terrorismo dagli Stati Uniti e poi nel resto del mondo suscitavano un ampio dibattito sulla loro natura e sullo spostamento del perimetro dell'agibilità democratica negli Stati-nazione contemporanei. Già presente, sottotraccia o in modo più evidente, nella riflessione e nella prassi politico-giuridica, il paradigma della sicurezza che si contrappone alla libertà ha trovato da quel momento in poi una configurazione inedita per estensione, intensità e problematicità. Si pensi solo che un fenomeno eccezionale e statisticamente irrilevante come gli attentati suicidi contro le popolazioni delle città occidentali è stato considerato, nei presupposti e nei disposti di leggi *monstre* come l'*USA Patriot Act* (26 ottobre 2001), come un fenomeno normale, ordinario, ricorrente in ragione del quale si sono potute compiere inaudite violazioni dei diritti umani a partire dall'istituzione del campo di Guantánamo Bay. Non per caso si è parlato, senza mezzi termini, di «regressione istituzionale compiutasi dopo l'11 settembre», e di gravi e profonde derive politiche e giuridiche (Barberis, 2017).

Ma appunto nel 2001, come si potrebbe osservare per altri e medesimi versi rispetto all'attuale pandemia, sono giunti a piena evidenza processi già in atto da tempo. Molti studiosi hanno osservato come, da



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prima dell'11 settembre, si registrasse nei paesi occidentali un'evidente curvatura verso modalità di governo delle popolazioni che facevano sempre più ricorso a tecniche e a strumenti proprie delle situazioni di emergenza e di pericolo, di minacce e di rischi. Tali dinamiche rinviano a processi paralleli di trasformazione della forma dello Stato democratico in una condizione che è stata definita di *post-democrazia*: espressione che indica un tipo di governo che sembra rispettare formalmente le regole democratiche, ma con una progressiva diminuzione della partecipazione dei cittadini e un parallelo aumento di controllo, influenza e potere da parte di élite interne a istituzioni e organismi pubblici e privati come burocrazie, tecnocrazie, lobby finanziarie, economiche e politiche, mass e social media e, si aggiungano, apparati e organismi tecnoscientifici (Crouch, 2004).

Le conseguenze sul piano politico e sociale sono importanti: che ne è di uno Stato democratico quando esso inizia a funzionare soltanto sulla scorta di una gestione permanente di infinite emergenze?

A questa domanda si può tentare di rispondere entrando sul terreno della riflessione sociologica con il pensiero di Ulrich Beck che introdusse il concetto di stato di eccezione nelle note tesi sulla società del rischio. In particolare nella quinta di esse:

“i rischi socialmente riconosciuti contengono una peculiare esplosività politica: ciò che finora *non era considerato politico (come l'eliminazione delle 'cause' nel processo stesso di industrializzazione) diventa politico*. [...] Così, con spinte grandi e piccole (dagli allarmi da smog alle nuvole tossiche) nasce nella società del rischio il *potenziale politico delle catastrofi*. La necessità di proteggersi da esse e di gestirle può comportare una *riorganizzazione di poteri e competenze*. La società del rischio è una società *catastrofica*. In essa lo stato di emergenza minaccia di diventare la norma.”

(Beck, 1986, p. 31, corsivi nel testo)

Successivamente, soprattutto negli anni 2000, Beck pose sempre mag-

giore attenzione alla questione sostenendo che «la società mondiale del rischio è una società (palesemente) rivoluzionaria, nella quale si sovrappongono lo stato normale e lo stato di eccezione» (Beck, 2007, p. 125) e più precisamente che

“la necessità di fare i conti con i rischi catastrofici induce a confrontarsi sul presente del futuro stato di eccezione planetario, che non può più essere limitato e gestito a livello nazionale. Lo stato d’eccezione non vale più all’interno di una nazione, ma a livello ‘cosmopolitico’ – dove dà luogo a nuovi conflitti, a nuove comunanze e a nuove opportunità di azione per gruppi di attori del tutto diversi.”

(Beck, 2007, p. 125-126)

In particolare, il sociologo osservava che

“le catastrofi da effetti collaterali [nda: quelle legate allo sviluppo tecnoscientifico e capitalistico, per esempio la catastrofe climatica] comportano l’aspettativa di un *pericoloso* stato d’eccezione che mette in questione l’autorità statale, scientifica ed economica, cioè favorisce un depotenziamento dello Stato e un potenziamento dei movimenti sociali. Corrispondentemente, può verificarsi un’implosione del potere e della legittimità statale, scientifica e tecnica.”

(Beck, 2007, p. 126-127, corsivo nel testo)

Di là dal riferimento al «depotenziamento dello Stato e un potenziamento dei movimenti sociali», che è posizione propria degli anni in cui scriveva e che è dato ritrovare in altri sociologi come Anthony Giddens (1990), è di assoluto rilievo l’insistenza sulla generalizzazione e diffusione dello stato di eccezione connesso al rischio in quel momento più pressante, il terrorismo, al punto da sostenere che «forse l’aspetto più rilevante della società del rischio terroristico è che al posto della chiara delimitazione dello stato d’eccezione subentra la *caduta dei limiti* di tale stato, sia dal punto di vista sociale sia da quello spaziale e temporale». Limiti superati sotto il profilo *sociale* per l’attribuzione o auto-attribuzi-

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one del potere di decisione sullo stato di eccezione da parte di attori non statali; sotto il profilo *spaziale* perché ormai esteso a tutto il pianeta; infine sotto il profilo *temporale* perché, come per la guerra al terrorismo così si è visto per le molte altre emergenze fra cui quella pandemica, non si vede una loro fine (Beck, 2007, p. 127-128, corsivi nel testo). Nella società globale del rischio, che è una società dei rischi globali, la forma di governo democratica è inevitabilmente sottoposta a uno stress che tende a modificarla strutturalmente.

Il punto di vista sociologico è, quindi, fondamentale per conferire alla riflessione sullo stato di eccezione nell'*adesso* quella profondità di sguardo che lo riconosca come un dispositivo strutturante l'intera realtà sociale e perfettamente coerente con la particolare struttura spazio-temporale nel quale trova vigenza generalizzata sino all'ordinarietà. Determinato dalle dinamiche della "modernità riflessiva" o "tarda modernità", nella quale la dimensione dei rischi diviene parte costitutiva della vita sociale e di tutte le sue articolazioni individuali e collettive, lo stato di eccezione acquisisce uno statuto di *inevitabilità sistemica* che consente di leggerlo come *dispositivo destinale* della storia occidentale e mondiale. Quando si installa un regime ordinario di proliferazione di rischi, minacce e catastrofi continui, evitandosi in ogni modo di arrestare il *continuum* temporale capitalistico che solo autentiche e coraggiose *decisioni politiche* che ripensassero completamente l'ordine dominante potrebbero ambire di realizzare, gli Stati mostrano un'accentuazione dirigistica dei poteri in capo ai governi mediante l'esercizio di misure straordinarie ed eccezionali di normazione, giurisdizione e operatività, di estensione e durata indelimitabili, in senso proprio tendenzialmente prive di alcun limite.

Tutto questo meccanismo è reso possibile, però, anche grazie al ruolo e all'immenso potere detenuto nel presente dalla tecnoscienza. Come lo stesso Beck ha ampiamente discusso e dimostrato e, con lui, molti altri studiosi di area sociologica e non solo, all'impresa tecnoscientifica contemporanea, in particolare dopo la Seconda Guerra mondiale, vanno attribuiti due elementi decisivi per la configurazione del mondo attuale. Il primo è che i rischi sono un prodotto diretto dello sviluppo tecnosci-

entifico. Come effetti diretti o collaterali, prevedibili o ignoti, misurabili o no, la società del rischio è una società nella quale i rischi si generalizzano in ragione della pervasività della tecnoscienza e dei suoi prodotti che andranno interpretati all'interno del capitalismo e delle sue strutturali e irredimibili disfunzioni. Il secondo è che la tecnoscienza si pone correlativamente anche come un insieme di *agenzie*, tanto in concorrenza quanto in dinamica cooperazione tra loro, che pretendono di avere il *monopolio nella definizione dei rischi* oltre che di porsi come il mezzo principale per la loro soluzione in termini di una "industrializzazione secondaria" finalizzata allo sviluppo di soluzioni tecnoscientifiche per problemi di origine e natura tecnoscientifici: ed è esattamente quanto si è visto in Italia con i riferimenti alla Protezione civile, al CTS etc.

Ora, proprio Beck ha sottolineato che i rischi, poiché riferentesi a eventi che possono verificarsi, ma anche no, non esistono se non come *costruzioni e definizioni sociali* a carattere probabilistico sulle quali l'ultima parola spetta alla tecnoscienza.

"Di conseguenza, la loro "realtà" può essere drammatizzata o minimizzata, trasformata o semplicemente negata in conformità delle norme in base alle quali si decide del sapere o del non-sapere. Sono prodotti di lotte e conflitti per le definizioni nel quadro di determinati rapporti di definizione, cioè risultati di messe in scena (più o meno riuscite)." (Beck, 2007, p. 52, corsivi nel testo)

È esattamente il tema della decisione sullo stato di eccezione connesso alla pandemia prima evocato in questa specifica e decisiva prospettiva. Si rende evidente un'aporia fondamentale: la percezione sociale dei rischi è costruita, in prima istanza, sulla definizione che di essi fanno *agenzie* che partecipano attivamente a un sistema tecnico promotore di uno sviluppo tecnologico e scientifico che si rivela latore di rischi continui e sistemici nella forma di eventi imprevedibili, inattesi, collaterali o direttamente prodotti. Il fatto che oggi si riconosca politicamente, forse ancor prima che socialmente, il monopolio nella definizione dei rischi agli apparati tecnoscientifici ufficiali locali e globali, lascia im-

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pregiudicata la profonda contraddizione su cui l'intera produzione e gestione dei rischi si basa e le profonde conseguenze sulla tenuta degli stati di diritto. Non è superfluo ricordare a tal proposito il concetto di "stato tecnologico" che, secondo Helmuth Schelsky, in profonde riflessioni assai risalenti da riprendere criticamente, descriveva l'esautoramento della forma stato per opera della tecnoscienza.

“Le decisioni tecnico-scientifiche non possono essere determinate da un'opinione democratica consapevole, altrimenti sarebbero inefficaci. Se il governo basa le proprie decisioni politiche su leggi oggettive scientificamente determinate, esso diventa automaticamente un organo di amministrazione della necessità oggettiva e il parlamento si trasforma nell'organo deputato a verificare che l'opinione degli esperti sia corretta.”

(Schelsky, 1965, p. 459, in Beck, 1999, p. 97)

Pur risalenti a decenni fa, sono parole che sembrano attagliarsi perfettamente al caso della pandemia e trovano un riscontro in riflessioni recenti. Se per esempio ci si chiede quando propriamente “finisce” la pandemia, e correlativamente lo “stato di eccezione” che le è formalmente e informalmente corrispondente, la risposta può essere meno ovvia del previsto o non essere nemmeno formulabile. È stato correttamente osservato, proprio in un articolo di area biomedica, che «there is no universal definition of the epidemiological parameters of the end of a pandemic. By what metric, then, will we know that it is actually over? The World Health Organization declared the covid-19 pandemic, but who will tell us when it's over?» (Robertson, Doshi, 2021). La questione appare essere “politica” e non “naturale”, “sociologica” e non “biologica”, sostengono Robertson e Doshi al punto che nel finale, la cosa non deve sorprendere, sembrano rinviare implicitamente anche a pensatori come Guy Debord e Jean Baudrillard, cioè alla critica radicale alla “società dello spettacolo” e all'ordine dei simulacri e della simulazione:

“As an extraordinary period in which social life was upturned, the covid-19 pandemic will be over when we turn off our screens and decide that other issues are once again worthy of our atten-

tion. Unlike its beginning, the end of the pandemic will not be televised.”

(Robertson, Doshi, 2021)

L'idea di uno stato di eccezione come “stato normale” sembra trovare in riflessioni recenti e meno recenti ben più di un colto riferimento argomentativo: essa vi trova un saldo ancoraggio sul piano sociologico in cui sviluppare in modo deciso e profondo una critica severa della relazione sempre più problematica tra tecnoscienza, politica e società intesa come una delle condizioni predisponenti all'impiego generalizzato di questo dispositivo politico-giuridico.

#### 4 Stato di eccezione e *trans-contemporaneità*

Il problema di una più ampia contestualizzazione storico-sociale dello stato di eccezione pone delle conclusive domande che definiscono il terreno di una riflessione in itinere. Sono le domande da cui si è partiti e alle quali occorre tornare: qual è il tempo di uno stato di eccezione? Quali sono la sua temporalità e la sua storicità specifiche? Esiste una temporalità dello stato di eccezione rispetto a cui possa esistere un “dopo”? In che modo e con quali conseguenze lo stato di eccezione investe la dimensione temporale nella relazione con la storia?

L'analisi basata sul pensiero di Schmitt, Benjamin e Agamben e verificata sul caso della pandemia in Italia e sullo sfondo di teorizzazioni sociologiche di più ampio raggio, ha consentito di individuare una specifica dimensione temporale nello stato di eccezione. Esso si esplica in relazione a un fenomeno contingente, annunciato, imminente o avvenuto, quindi secondo una temporalità condizionale (*al verificarsi di...*). Una volta *deciso* e messo in atto, lo stato di eccezione funziona come una forza gravitazionale verso cui collassa la dimensione temporale e con essa quella storica. Lo stato di eccezione mostra una temporalità sua propria capace di convogliare in sé stessa tutte le altre temporalità e di dare un indirizzo alla dimensione storica come effetto della sospensione del regime normale della vita sociale nella forma di una sospen-

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sione dell'ordinamento giuridico e politico ordinari. Per questo motivo, lo stato di eccezione, nelle sue concretazioni di "stati di emergenza", "stati di assedio" etc., è o dovrebbe avere una durata limitata. Il rischio, ben compreso da giuristi e politologi, è che il regime eccezionale o straordinario possa imporsi e generalizzarsi nei termini di una nuova o differente "normalità" rispetto a quella precedente. Non da ultimo, lo stato di eccezione è un dispositivo che si attiva e si disattiva attraverso l'atto politico sovrano consistente in una *decisione sulla realtà*. Tale decisione di inizio e di fine assume in epoca contemporanea sempre più i contorni della decisione prodotta dal dominio tecnoscientifico quale "definizione del rischio". Con ciò si apre il terreno a riflessioni sulla complessa relazione tra tecnoscienza, potere e società giunta, nella pandemia, a un'evidente quanto sovente negata criticità.

Lo stato di eccezione, quindi, da un punto di vista storico-temporale costituisce un'anomalia: punto di interruzione del *continuum* e instaurazione di un tempo *altro* per così dire sospeso tra un *prima* che potrebbe non essere più ripristinato e un *dopo* che potrebbe non arrivare mai. In questo senso le parole di Benjamin più volte richiamate affermano che se lo stato di eccezione è (già da sempre) la regola, allora solo una decisione opposta e contraria a quella sovrana può interrompere il *continuum* temporale dell'eccezione "normalizzata" in un momento qualsiasi, *l'adesso* (*Jetztzeit*), spezzando, seguendo Agamben, il vincolo che lega violenza, diritto e vita nella macchina biopolitica.

La questione ha raggiunto con la pandemia un'evidenza e una centralità che non sono più ignorabili. Non solo sono frequenti le affermazioni, provenienti dagli ambienti politici e tecnoscientifici, di nuove, inevitabili pandemie, ma si inizia ormai a parlare apertamente anche di "emergenza climatica", di "razionamenti energetici", anche in relazione alla più recente crisi globale innescata dal conflitto russo-ucraino, e di catastrofi annunciate alle quali si intende rispondere mediante uno stravolgimento integrale delle forme di vita sociale globali secondo agende sottratte ai processi decisionali democratici. Sono questioni importanti che meritano tutta l'attenzione possibile; vi è però una questione più ampia alla quale volgere un ultimo approfondimento: il tema al quale si è fatto

riferimento della temporalità dell'epoca moderna e contemporanea e dei "regimi di storicità".

Con questa espressione François Hartog indicava le modalità mediante le quali gli umani esperiscono e concepiscono la relazione con il tempo in una società. Elaborando il concetto dal pensiero e dalle proposte teoretiche di Marshall Sahlins, Reinhart Koselleck, Marcel Detienne e Claude Lévi-Strauss, Hartog propose di definire con l'antropologo Gérard Lenclud i regimi di storicità in due accezioni. Una, più ristretta, indicante i «termini in cui una società tratta il suo passato e ne parla»; l'altra, più ampia, «per designare "la modalità di coscienza di sé di una comunità umana", vale a dire, [...] come essa "reagisce" a un "grado di storicità" identico per tutte le società». Oltre a uno scopo comparativistico, la nozione deve consentire di «mettere in luce i modi di relazionarsi al tempo: le forme dell'esperienza del tempo, qui e altrove, ieri e oggi: le maniere di essere nel tempo» (Hartog, 2003, pp. 49-50).

Inteso come strumento euristico, il concetto di regime di storicità permette il dispiegarsi dell'interrogazione storica intorno al «nostro rapporto con il tempo» e «principalmente i suoi momenti di crisi, qui e là, nel momento in cui le articolazioni del passato, del presente e del futuro vengono proprio a perdere la loro evidenza» (Hartog, 2003, pp. 56-57).

“L'attenzione, bisogna ripeterlo, si indirizza innanzitutto alle categorie che organizzano queste esperienze e permettono di dirle, ancora più precisamente alle forme o ai modi di articolazione di queste categorie o forme universali: il passato, il presente e il futuro. Come queste categorie di pensiero e d'azione, secondo i luoghi, i tempi e le società, sono messe in opera e finiscono con il rendere possibile e percettibili il dispiegamento di un ordine del tempo? Di quale presente, rivolto verso quale passato e quale futuro, si tratta qui o là, ieri o oggi?”

(Hartog, 2003, p. 58)

In questo importante studio vi è l'introduzione della categoria di "presentismo": la specifica esperienza del tempo propria della contempora-



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neità. Riprendendo il pensiero di Koselleck, secondo il quale il tempo storico si determina nella tensione tra il campo di esperienza e l'orizzonte di attesa, e sviluppandone la tesi che «la struttura temporale dei tempi moderni, segnata dall'apertura al futuro e al progresso, è caratterizzata dall'asimmetria tra l'esperienza e l'attesa» che, dalla fine del XVIII secolo, procede nel senso di un disequilibrio crescente «sotto l'effetto dell'accelerazione» (*ibidem*), Hartog si chiede se, diversamente da quanto auspicato da Koselleck, si sia imposta invece la configurazione

“di una distanza diventata massima tra il campo di esperienza e l'orizzonte di attesa, al limite della rottura, di modo che la produzione del tempo storico sembra come sospesa. Di qui forse questa esperienza contemporanea di un presente perpetuo, impercettibile e quasi immobile che cerca, nonostante tutto, di produrre per se stesso il proprio tempo storico. Tutto avviene come se non vi fosse che il presente, sorta di vasta estensione d'acqua che agita un incessante sciabordio. È più opportuno allora parlare di fine o di uscita dai tempi moderni, vale a dire di questa struttura temporale particolare, o del regime moderno di storicità? Non ne sappiamo nulla; di sicuro si può parlare di crisi. Sono appunto questo momento e questa esperienza contemporanea del tempo che designo come presentismo.”

(Hartog, 2003, p. 58)

Le riflessioni di Hartog sono chiare e rinviano, indirettamente, al pensiero condiviso, secondo sguardi e prospettive diverse, di una serie di filosofi e sociologi contemporanei fra cui, oltre ai già citati Beck e Giddens, sono da ricordare Paul Virilio (1977), Jean-François Lyotard (1979), David Harvey (1990), Zygmunt Bauman (2000, 2017) e molti altri, sulle trasformazioni delle categorie dello spazio e del tempo nella contemporaneità sottoposte a processi di collasso, accelerazione, contrazione, uniformazione, compressione etc. nella loro espressione di tempo e spazio sociali.

Interessante è porre quelle riflessioni, sovente sviluppate in un fervente

dibattito sulla *post-modernità* e sulle concettualizzazioni della modernità come *multipla, riflessiva, incompiuta* e così via, in dialogo con la tesi di Hartog. Oggi appare del tutto evidente che con *post-modernità* si intendeva propriamente un “territorio temporale di nessuno” indicato come un *dopo ignoto* di un qualche cosa di (presuntamente) noto come la modernità. Infatti un tempo concettualizzato, nel momento in cui lo si vive, come successivo a un altro pone di per sé più problemi di quanti intenderebbe risolverne. Eravamo e forse siamo ancora “dopo” un qualcosa definito come la modernità, che è categoria storico-temporale, filosofica, socio-politica attraversata da molteplici dimensioni di senso, ma non capiamo e non siamo in grado di dire in cosa *ora* ci troviamo se non appunto indicandolo con il “post”, il “dopo”, il “successivo a”.

In tal senso sono da riprendere e sviluppare alcune riflessioni di Jean Baudrillard (1990, 2000) per il quale il “post-moderno” sarebbe effettivamente il tempo della ripetizione e della simulazione, più che quello della fine delle grandi narrazioni e della storia. Baudrillard parlava della “ex-sterminazione” del tempo e della storia, e non tanto della loro *terminazione*, intendendo esprimere una sorta di processo di esaurimento delle forze e dell’esperienza della temporalità vissuta dagli umani, un meccanismo di esaurimento dall’interno e dall’esterno delle riserve progettuali, programmatiche, vitali nei confronti del futuro e di un avvitamento nevrotico, autocelebrativo e inerte nei confronti di un passato musealizzato, archiviato, catalogato come “patrimonio culturale”, un punto quest’ultimo ampiamente discusso anche da Hartog.

Si tratta di un tema molto ampio che va posto sullo sfondo di una riflessione sociologica intorno alla relazione tra concezioni della storicità e struttura della società moderna. Com’è stato puntualmente osservato, se la dimensione storica è un prodotto delle società, allora

“nel momento in cui dovessimo perdere la speranza in un superamento nella direzione di una costante successione, ci ritroveremmo inevitabilmente attratti verso l’ascolto non dell’avvento di un altro tempo, ma del germogliare di quello che già ci definisce, ci troveremmo intenti a sospendere lo scorrere degli attimi per

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concentrarci sull'innovarsi di una sempre medesima temporalità.”

(Bixio, 2013, p. 104)

La categoria temporale che si potrebbe presentare e su cui riflettere è, quindi, quella di una *trans-temporalità* di un tempo presente che ha inglobato qualsiasi ipotetica fine della storia e assimila incessantemente ogni idea di futuro, al netto delle ideologie sempre all'opera: un eterno presente che si dilata – è il *presentismo* proposto da Hartog (2003, p. 239): «si “parte” dal presente e non se ne “esce”» –, nel quale la società globale è immersa, in cui si definisce tutta la serie di categorizzazioni principali e prevalenti del passato, della storia, della memoria e delle idee di futuro e tempo a venire, e all'interno del quale si danno le forme dell'esperienza e dell'agire sociali.

*Trans-temporalità* indicherebbe sia la natura trasversale e *crossover* dei fenomeni culturali e simbolici (indistinzione o commistione dei criteri valoriali generali, etici, intellettuali, estetici e così via) sia l'effetto di sospensione storica e di assenza di profondità se non nelle forme offerte dalla prospettiva storico-cronologica – *antiquaria* nei noti termini di Nietzsche – che ordina la storia nei quadri di un'esposizione universale accessibile e predeterminata.

Nella sfera materiale e simbolica, oltrepassata la logica della creatività (opera d'arte) e della produzione (oggetto-merce), nella *trans-contemporaneità* non vi sarebbe più solo la riproduzione seriale di modelli (come i *format*) né soltanto gli effetti della simulazione sistemica per opera delle matrici (come i *brand*), ma una replicazione seriale di serie che saturano il campo del possibile nella forma di un catalogo senza fine, pure interamente accessibile quindi tendenzialmente *finito*, di tutta la storia umana *presente passata e futura*.

Il termine indicherebbe, inoltre, la condizione di *scivolamento* nel reale in assenza di qualsiasi possibilità, anche illusoria, di un punto privilegiato di osservazione e di un solido ancoraggio all'esperienza da parte di un soggetto destinato a mancare costitutivamente il *locus* dell'agire

politico e la connessa comprensione della totalità sociale e quindi indotto a tentare di decentrare metodicamente e il punto di azione e il centro della conoscenza riflessiva.

E da ciò discenderebbero le condizioni predisponenti all'equivalenza generalizzata di tutti i punti di vista come posizioni universali relativizzate sul piano logico e valoriale. La differenziazione tra di essi sarebbe così unicamente riconducibile al mero piano contestuale, alle diverse situazioni a volta a volta definite, secondo criteri variabili e contingenti; e quindi anche mediante l'attivazione dell'autorità e della violenza nel latente conflitto politico e sociale quanto culturale e simbolico determinato da uno stallo dentro il sistema delle ideologie dominanti ricondotte al diktat del discorso pubblico nel capitalismo: *there is no alternative*.

Ora questo problema trova una particolare coerenza ed evidenza sociale e politico-giuridica proprio con lo stato di eccezione. La domanda che bisogna porsi è: gli stati di eccezione declinati come stati di emergenza, divenuti stati *normali* di governo, anche per le ragioni sistemiche della società globale dei rischi, non sono forse la forma politico-giuridica *propria* di questo *tempo storico*? In altri termini: la base delle democrazie parlamentari e degli stati di diritto che si sono affermati nel processo della modernità, e quindi della modernizzazione in ogni settore sociale come sviluppo ed esito della razionalizzazione, allargando lo sguardo dal periodo di fine dell'«ancien régime» con la Rivoluzione francese all'industrializzazione e allo sviluppo del capitalismo nei secoli XIX e XX, non è stata erosa proprio dalla dimensione storico-temporale affermatasi con la modernità e dal connesso regime di storicità, denominabile come «ascesa del presentismo» (Hartog, 2003, pp.145 sgg.), in condizioni di «stato normale»?

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### Temporalità 1: "Stato normale"

Passato

Presente

Futuro



### Regime di storicità: presentismo e trans-contemporaneità

Passato

Presente esteso

Futuro

(= Patrimonio culturale e Archivio/Museo)



### Temporalità 1: "Stato normale" + Regime di storicità: presentismo e trans-contemporaneità

Passato

Presente esteso

Futuro

(= Patrimonio culturale e Archivio/Museo)



**Schema 4:** Regime storico-temporale presentista e trans-contemporaneo in condizioni di "Stato normale"

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*Spiegazione dello Schema 4.* In questo schema la temporalità dello “stato normale” segue la classica linea orientata dal passato al futuro.

Il regime di storicità del presentismo e della trans-contemporaneità presenta tre caratteristiche: 1) il passato è accessibile, ma solo nella forma del Patrimonio culturale e dell’Archivio/Museo; 2) il presente è esteso indefinitamente; 3) il futuro è di fatto sbarrato, inaccessibile, al limite nemmeno pensabile perché gravato dal peso di un passato che ritorna continuamente e di un presente che non cessa di essere presente. La relazione tra la temporalità e il regime di storicità descritti si traduce in una linea temporale aperta, in ipotesi, su entrambi i fronti del passato e del futuro, ma nei fatti vincolata per il primo alle forme di un’esperienza mediata collettivamente e per il secondo impedita dalla realizzazione di una vera e propria visione progettuale degli scopi dell’agire su una prospettiva più ampia del solo sguardo presentista.

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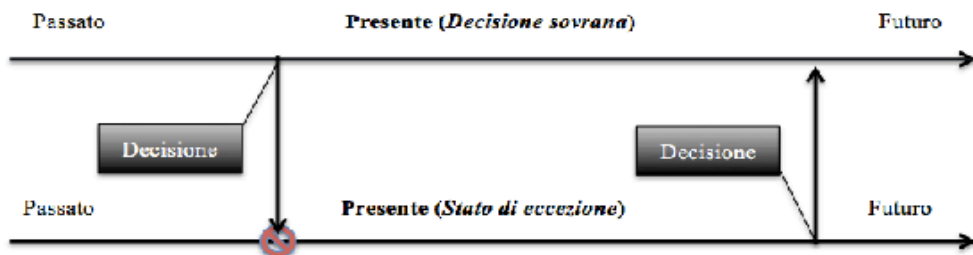
In tale prospettiva si può sostenere che la “fine della storia” – nei termini qui presentati: il futuro *sbarrato* – «è il segno dell’insuperabilità dell’orizzonte sociale. L’insuperabilità dell’orizzonte sociale a sua volta implica la “fine della società”. La società, infatti, finisce nel momento in cui cessa essa stessa di essere portatrice di un proprio superamento verso un assetto sociale totalmente altro» (Bixio, 2013, p. 105).

Allora l’espressione “dopo lo stato di eccezione” è problematica non soltanto perché lo stato di eccezione può non prevedere, nella teoria e nei fatti, alcun “dopo”. Essa lo è per un motivo fondamentale: è nello stallo storico-temporale del presentismo e della *trans-contemporaneità* che diviene necessario *decidere ogni volta* sul senso della società e della storia, sulla loro direzione, sulla loro configurazione. La sospensione dell’ordine sociale per il tramite della sospensione dell’ordinamento giuridico da un lato non è altro che un processo di riflessione, socialmente mediato in forme politico-giuridiche, della temporalità sospesa propria della *trans-contemporaneità*; dall’altro costituisce l’*evento* mediante il quale ripristinare, nella temporalità eccezionale instaurata, il flusso temporale ordinario come dominio della storicità e dell’azione politica come progetto e processo storici.

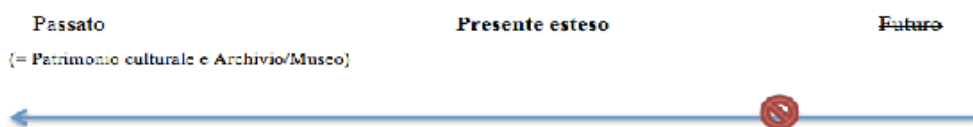
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C'è una relazione di omologia che non è possibile ignorare tra la temporalità dello stato di eccezione e quella della *trans-contemporaneità*: in entrambe vige un principio di sospensione e arresto del *continuum* temporale, ma con la *decisione* sullo stato di eccezione si conferisce un impulso decisivo al movimento del *continuum storico sbarrato*. Lo stato di eccezione è, in tale prospettiva, il dispositivo mediante il quale sembra si possa dare un moto a una situazione strutturalmente inerziale, immobile, congelata; questo avviene nella contraddittorietà di una temporalità artificialmente stabilita – *decisa* – a sua volta sospesa, indeterminata e indeterminabile, e capace, apparentemente, di tradursi in una disposizione efficace sul piano storico. Dalla relazione di omologia si produce così un *falso movimento* perché da una parte non si modifica il generale regime di storicità nel quale si svolge la vita sociale e dall'altra si determina una sorta di “bolla” storico-temporale artatamente sospesa in una temporalità indeterminata in cui la vita rimane catturata ed esposta a decisioni dirette sul perimetro e sull'area dell'ordine sociale, del normale e del consentito, e della vita biologica e sociale.

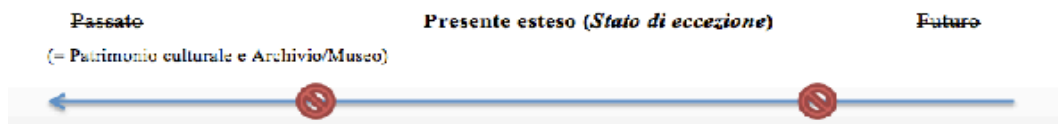
**Temporalità 2: “Stato di eccezione” (Schmitt)**



**Regime di storicità: presentismo e trans-contemporaneità**



**Temporalità 2: “Stato di eccezione” (Schmitt) + Regime di storicità: presentismo e trans-contemporaneità**



**Schema 5:** Regime storico-temporale presentista e trans-contemporaneo in condizioni di “Stato di eccezione” (Schmitt)

**Spiegazione dello Schema 5.** In questo schema la temporalità dello “stato di eccezione” riprende la formulazione vista in Carl Schmitt.

Il regime di storicità del presentismo e della trans-contemporaneità assume una configurazione nella quale: 1) il passato non è di fatto accessibile per l’azione politica, eccetto che nella forma del Patrimonio culturale e dell’Archivio/Museo che si rivela così nella sua reale natura illusoria e di costruzione ideologicamente orientata; 2) il presente è esteso indefinitamente; 3) il futuro è sbarrato, inaccessibile e al limite nemmeno pensabile eccetto che nella forma di una (eventuale) decisione di fine dello “stato di eccezione” che ricondurrebbe, però, al futuro



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negato della trans-contemporaneità. La relazione tra la temporalità e il regime di storicità si traduce in una linea temporale chiusa su entrambi i fronti del passato e del futuro. Lo stato di eccezione si mostra come un dispositivo omologo sul piano della temporalità e della storia alla contrazione presentista del connesso regime di storicità.

Questo dispositivo, per il quale tanto più risaltano le teorizzazioni di Benjamin e Agamben come fonti di un pensiero critico che cerca una via d'uscita da una condizione opprimente oltre la soglia della preoccupazione, sembra infine aver trovato una dimensione globale e una forma totalitaria, che è pacifico riconoscere nelle attuali trasformazioni in tutto il mondo determinate dalle misure contro la pandemia, grazie all'estensione smisurata del potere della tecnoscienza: una questione su cui occorrerà proseguire e approfondire la riflessione.

Car depuis qu'ils se sont dissipés, — oh! les pierres précieuses s'enfouissant, et les fleurs ouvertes! — c'est un ennui! et la Reine, la Sorcière qui allume sa braise dans le pot de terre, ne voudra jamais nous raconter ce qu'elle sait, et que nous ignorons.

(Arthur Rimbaud, *Après le déluge*)

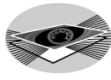
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## **Eros, Existence, and Art in the Pandemic:**

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### **Thomas Mann's *Death in Venice***

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YU MIN (CLAIRE) CHEN

*National Taipei University of Technology*

#### **Abstract**

*Death in Venice*, hailed as one of Thomas Mann's best works, relates the plight and demise of a well-established aging writer, Aschenbach, similar to Dr Faust. The senile Aschenbach is dissatisfied with his life in seclusion, which formerly made him feel tranquil and peaceful. He now simply feels smothered by the bleak, chilly environment as well as his dwindling inspiration and vitality. He suddenly feels compelled to escape and seek something vivid, creative, and vibrant. The gorgeous tourist beach in Venice serves as a haven for the weary writer, providing a paradise-like retreat from his hard work. On the beach, he notices Tadzio, a Polish adolescent who embodies youth and beauty. Tadzio rekindles Aschenbach's passion, enthusiasm, and inventiveness. Unfortunately, the emergence of cholera in Venice necessitates large evacuations for public safety and disease control. Aschenbach's initial admiration and craving for Tadzio's youth and beauty gradually develop into obsession. Ignoring the rapid spread of the disease, his own poor condition, and the evacuation order, Aschenbach refuses to leave Venice. He continues to stalk and observe Tadzio. His love and obsession eventually lead to moral depravity and death. Plato's *Symposium* defines many varieties of love. This paper examines how Aschenbach's yearning for Tadzio descends from the love ladder in Plato's *Symposium*. How has Aschenbach's feelings for Tadzio changed? What does Tadzio represent for the aging author? Is Aschenbach lamenting the loss of his youth? Is it his desire to be young and beautiful? Does Tadzio's youth and beauty symbolize a creative state of being or a lifetime pursuit of art for Aschenbach? The paper contends that Aschenbach deviates from the pursuit of artistic Ideals to the desires of corporeal youth, eventually losing his dignity and succumbing to the pandemic's rampage.

**Keywords:** *The Symposium*, the Dionysian to the Apollonian, bourgeois art, modernism, *the Birth of Tragedy*

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## Eros, Existence, and Art in the Pandemic:

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### Thomas Mann's *Death in Venice*

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*Solitude produces originality, bold and astonishing beauty, poetry. But solitude also produces perverseness, the disproportionate, the absurd, and the forbidden.*

(Thomas Mann, *Death in Venice*)

*Death in Venice* (1912), regarded as one of Nobel laureate Thomas Mann's best works, shows the predicament of a well-established and aged writer, similar to Goethe's or Mann's Dr Faust. In one of Mann's later novels, *Doctor Faustus* (1947), the protagonist trades his soul and an early death with the devil for artistic possibilities and achievement. Heinz Kohut demonstrates that Aschenbach's ultimate demise is inevitable. "Aschenbach in *Death in Venice* and Adrian Leverkiihn in *Doctor Faustus* allowed Mann to spare himself, to live and to work, because they suffer in his stead" (Kohut, 1957, p. 227). At the novella's outset, a sense of malaise, immobility, and alienation pervades the life and surroundings of turn-of-the-century German writer Gustav von Aschenbach. Aschenbach laments the transformation of his once serene and isolated life into a gloomy, cold, oppressive world. He is anxious about his dwindling inspiration and life. Overwhelmed by a desire for anything innovative, creative, and lively, Aschenbach plans to flee his suffocating town and takes a holiday to the south. Struggling to continue his work, he takes a walk; on his way home, he spots a storm gathering and decides to wait for the tram near the Northern Cemetery (Mann, 2005, 2). Then, he notices a figure appear:

[...] a man in the portico above the two apocalyptic beasts guarding the staircase [...] Whether the man had emerged from the chapel's inner sanctum through the bronze gate or mounted the steps unobtrusively from outside was uncertain. Without giving the matter much thought, Aschenbach inclined towards the

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first hypothesis. The man—of medium height, thin, beardless, and strikingly snub-nosed—was the red-haired type and had its milky, freckled pigmentation. He was clearly not of Bavarian stock and, if nothing else, the broad, straight-brimmed bast hat covering his head lent him a distinctly foreign, exotic air.

(Mann, 2005, p. 4)

The apparition, accompanied by two apocalyptic monsters, is revealed to be a red-haired, pale-skinned man at the mortuary's entry stairs. The foreboding mood, the death visions, and the man's hostile look make Aschenbach uneasy. Aschenbach flees swiftly. Following this encounter, he develops an overwhelming desire to travel. In an almost trance-like state, he sees a "landscape, a tropical quagmire beneath a steamy sky—sultry, luxuriant, and monstrous—a kind of primordial wilderness of islands, marshes, and alluvial channels [...] the eyes of a crouching tiger" (Mann, 2005, p. 6). The encounter with the devil-like man at the mortuary's entrance serves as a reminder to readers of the devil in *Dr Faustus* while symbolizing the start of his downfall. In Aschenbach's hallucination dream, a tiger foresees an approaching lurking danger, not from the outside world but from the unleashing of his own animalistic needs. Despite these foreboding signs, Aschenbach's desire for freedom grows stronger.

He initially travels to and stays on a small Adriatic island but inclement weather forces him to modify his plan and visit Venice. On his trip to Venice, he passes an elderly gentleman wearing make-up and an elaborate costume in an attempt to conceal his age (Mann, 2005, p. 29). In Venice, the dark gondolas resemble coffins. Despite the ominous surroundings, he encounters a Polish adolescent boy named Tadzio on Venice's lovely tourist beach. Tadzio, who embodies youth, beauty, nature, and art, immediately strikes Aschenbach as breathtaking. Aschenbach's initial awe and desire for Tadzio's youth and beauty rapidly transform into love and obsession. Mann juxtaposes the cholera epidemic with Aschenbach's moral degradation. Despite the disease's rapid spread and the mass evacuation order for safety and disease control, Aschenbach refuses to leave Venice and pursues Tadzio. Aschenbach's physical con-

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dition deteriorates as the disease spreads throughout Venice.

The novella shows not just the dread associated with aging and mortality but also the frustration linked with unsatisfied desire. The writer's initial search for aesthetic beauty develops into an erotic longing that violates morals and jeopardizes his dignity. This paper compares Aschenbach's struggle between intellect and passion. Additionally, this paper uses Plato's *Symposium* on love to analyze Aschenbach's gradual transformation from love to perverse obsession for Tadzio. How does Aschenbach's love for Tadzio differ from other types of love? What does Tadzio represent for the senile writer? Is it a lament for lost youth? Is it a desire for youth and beauty? Is it a vibrant and creative state of existence, or a lifelong pursuit of art?

Albert Braverman argues that Gustave von Aschenbach embodies pure reason and is an entirely fulfilled individual. His achievement is not the result of natural ability; rather, it is the culmination of his meticulous, self-disciplined labor, which, like the "neurotic heroes of the earlier period, the Hannos and the Detlev Spinnels, was free to realize itself, and was finally consummated in his work" (Braverman, 1972, p. 289). According to Richard White (1990), Aschenbach exemplifies supreme self-discipline and self-denial, which contribute to his artistic accomplishments. He controls his work, as well as his life and existence, with tremendous discipline and reason. "The mature writer is the champion of bourgeois decency who deliberately turns his back on the realm of knowledge lest it paralyze his action. He is preoccupied with form. His refined style is regarded as exemplary, and his work is excerpted in school textbooks" (White, 1990, p. 56). White also notes that *Death in Venice* is about how Aschenbach, as he ages, loses all reason and succumbs to desire, which ultimately results in his moral degradation (White, 1990, p. 56). White continues by stating that Aschenbach is the "consummate 'bourgeois' artist, who valorizes the bourgeois ideas of hard work and accomplishment, and who rejects any kind of moral ambivalence as decadent and corrupt" (Mann, 2005, p. 56). Hayes & Quinby (1989, p. 159) write in their commentary on the significance of *Death in Venice* that:

*Death in Venice* is undoubtedly a central text in Thomas Mann's oeuvre and in contemporary literary criticism. It is also, and this is not exactly the same thing, an extremely text of 'high' modernism, one that questions the moral and aesthetic 'certainties' of bourgeois culture [...] the novella has been read as a cautionary tale, an apologue showing that even the most Apollonian artist may give way to Dionysian excess and sink into a slough of despond.

Along with tracing Aschenbach's physical decline as his Freudian id swallows his reason and intellect, *Death in Venice* portrays aging as a universal plague of the human condition. Because aging cannot be halted, it is more harmful than the spread of cholera. People grow from birth, and, as time passes, their physical condition deteriorates and leads to death. Thomas Mann's *Death in Venice* sparks a debate about the fixation with the pursuit of beauty, creativity, and art. This debate contributes to one's aesthetic immortality and raises existential problems. Thomas Mann examines cholera and aging as an epidemic disease. Additionally, Mann delves into the writer's anxiety about the exhaustion of artistic inspiration, self-identity, and the meaning of existence as well as his ambition to achieve immortality via art. Even though the pandemic is spreading, Aschenbach ignores it and decides to stay, even if it means risking his own life. Like Dr Faust, Aschenbach's quest for youth and beauty spirals out of control into a deranged fixation that ultimately leads him to his doom. *Death in Venice*, symbolically, represents anxiety about finding a new form of artistic expression at the turn of the century.

## **1 Background and Autobiographical References in *Death in Venice***

*Death in Venice* was written by Thomas Mann in 1911, when he was 36 years old. He had been married for 6 years at the time, and his sister had committed suicide the previous year (p. 217). It had such a profound effect on him that, years later, Mann expressed his tempestuous feelings in *Doctor Faustus*, his 1947 novel. Mann's other sister Julia



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committed suicide 5 years after his mother's death in 1927. Thomas Mann mentioned the similar depression that he and his sister Carla had experienced. Mann, according to his biographers, had a tendency to resign, a kind of mental laziness, whenever he was under stress. Mann concluded his autobiography with a bleak outlook: "I assume that I shall die in 1945, when I shall have reached the age of my mother" (p. 9). Kohut claims that Mann wrote *Death in Venice* during a stressful phase of his life to "trace in part how the emerging profound conflicts of the author were sublimated in the creation of an artistic masterpiece" (Kohut, 1957, p. 207).

*Death in Venice*, while not an autobiography in the same way as *The Magic Mountain*, contains certain autobiographical references. Written between 1911 and 1912, *Death in Venice* was inspired by a few incidents in Thomas Mann's personal life. Graham Good translated Mann's 1940 Princeton speech "On Myself," suggesting that the novella was inspired by Mann's 1911 trip to Venice: "not a single feature was invention: the suspicious gondolier, the boy Tadzio and his family—everything was real, needed only to be put in the story [...]." Tadzio was "an extremely attractive boy of about thirteen ... whose appearance captivated my husband," commented Mann's wife Katia (p. 148, trans. Good; de Mendelssohn, p. 871, trans. Good). The voyage to Venice, the outbreak of the cholera epidemic, and the cover-up of the disease by government officials were all real events. In 1911, Thomas Mann's wife contracted tuberculosis and was treated at a sanatorium while Mann and his children remained in Tolz (Kohut, 1957, p. 217).

Thomas Mann based his novel *The Magic Mountain* on some of his life events. He wrote *Death in Venice*, the year after Gustav Mahler's death in 1911. Mann mentioned that his protagonist Aschenbach was modeled after Gustav Mahler in his talk, and incorporates a sub-theme of artistic regeneration. Aschenbach's infatuation with Tadzio was also inspired by Goethe's tragic attachment to a 17-year-old girl. Venice's nighttime atmosphere echoes Goethe's *Italian Journey*: "I have often sighed longingly for solitude, and now I can really enjoy it ... Perhaps there is only one person in Venice that knows me, and we shall not soon

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meet. ... Toward evening, again without a guide, I lost my way ... I tried to find my way out of this labyrinth without asking anyone. ... Finally, one does disentangle oneself, but it is an incredible maze ..." (Good, 1972, pp. 56–60). Although there are several biographical references, *Death in Venice* is primarily concerned with the anxiety associated with the disintegration of an individual as well as a culture and civilization.

As the novella begins, Gustav Aschenbach is alone at his home in Munich on his 50th birthday.

Especially now that his life was on the decline and his fear of failing to achieve his artistic goals—the concern that his time might run out before he had accomplished what he needed to accomplish and given fully of himself—could no longer be dismissed as a caprice, he had confined his external existence almost exclusively to the beautiful city that had become his home and the rustic cottage he had built for himself in the mountains and where he spent the rainy summers.

(Mann, 2005, p. 7)

Throughout his life, Aschenbach has been meticulous and systematic in his work, despite his prominence and renown. Losing the enthusiasm that he once had, he is now dissatisfied with his own work. He becomes keenly conscious of aging and fears not accomplishing his artistic goal within his limited time. Aschenbach lives in seclusion, confined to his cottage. While he is immersed in nature, the humid summer, the rustic cottage, and his anxieties about losing inspiration all point to his world coming to a halt. He has spent the majority of his life in solitude and isolation, exercising severe self-discipline. Thomas Mann attributes Aschenbach's eventual moral degeneration to his prior extreme state of austerity and solitude.

Images and perceptions that might easily be dismissed with a glance, a laugh, an exchange of opinions occupy him unduly; they are heightened in the silence, gain in significance, turn into experience, adventure, emotion. Solitude begets originality, bold

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and disconcerting beauty, poetry. But solitude can also beget perversity, disparity, the absurd and the forbidden.

(Mann, 2005, p. 43)

The dismal and foreboding winter in Munich, Germany suffocates Aschenbach and compels him to flee.

It was an urge to flee—he fully admitted it, this yearning for freedom, release, oblivion—an urge to flee his work, the humdrum routine of a rigid, cold, passionate duty. Granted, he loved that duty and even almost loved the enervating daily struggle between his proud, tenacious, much-tested will and the growing fatigue, which no one must suspect or the finished product betray by the slightest sign of foundering or neglect.

(Mann, 2005, p. 8)

Venice offers a different type of scenery in contrast to dreary and depressing Munich. Graham Good asserts that Mann's choice of Venice as a backdrop appears to be influenced by Goethe's depiction of his journey in Venice:

I have often sighed longingly for solitude, and now I can really enjoy it. ... Perhaps there is only one person in Venice that knows me, and we shall not soon meet. ... Toward evening, again without a guide, I lost my way. ... I tried to find my way out of this labyrinth without asking anyone. ... Finally, one does disentangle oneself, but it is an incredible maze.

(Good, 1972, pp. 56–60)

Venice is portrayed as a fascinating labyrinth and mesmerizing city, where one can quickly become disoriented. Munich symbolizes absolute rationality and shackled emotions that contributes to the ennobled Aschenbach's self-discipline to attain perfection at any cost. In contrast, Venice is entirely beguiling, changing Aschenbach's mood from self-restraint to unrestrained desire. To illustrate how Venice is seducing Aschenbach into self-abandonment, Richard White (1990, p. 56) of-

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fers the example of the enigmatic gondolier in Venice and Aschenbach experiencing “reckless joy” about the alluring misdirection. The city has fully enchanted Aschenbach, causing him to lose his self-discipline, control, and restraint. A passionate amour-like death drive replaces his rationality. Aschenbach is overwhelmed by toxic emotions. He gradually grows more reckless with each passing day in pursuit of the enervated, handsome, teenage Tadzio. This reckless pursuit eventually leads to his demise and loss of dignity. The apparent pedophilia or gay love story plots frequently conceal the actual topic of the story. *Death in Venice* exemplifies the anxiety about depleted inspiration, a deep dread of not achieving artistic immortality, and the creation of new art forms at the turn of the century. What then does Tadzio symbolize for Aschenbach or a larger audience?

## 2 The Embodiment of Nature, Youth, Beauty, and Art

The Italian director Luchino Visconti’s adaptation of *Death in Venice* recasts Thomas Mann’s elderly writer as an aging musician. Visconti’s aged musician, like Mann’s elderly writer, suffers from a lack of inspiration and a lonely existence. Both the novel and the film depict modernity’s concerns and anxieties. Literature and the arts require new expression for the new century. Apart from his youth, vitality, and attractiveness, Tadzio serves as Aschenbach’s mythological inspiration.

Back he came, running through the waves, his legs beating the resistant water into foam, his head flung back, and to see vibrant a figure, with the grace and austerity of early manhood, locks dripping fair as a gentle god, emerging from the depths of sea and sky, escaping the watery element – it was enough to inspire mythical associations, like the lay of a bard about times primeval, about the origin of form and the birth of gods.

(Mann, 2005, p. 60)

Throughout the novel, the narrative maintains a conflict between reason and emotion, mortality and eternity, and life and art. Gary Chase John-

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son draws parallels between Tadzio and Greek mythology, classical tradition, birth, and the Olympic gods, all of which are considered to be the roots of artistic form. Aschenbach worships and idolizes the youngster for his embodiment of beauty. These analogies have cultural precedents as well as some philosophical credibility, as recognized by 18th-century aesthetic critics (Johnson, 2004, p. 89). Tadzio embodies an Ideal. The youthful and gorgeous youngster is tempting to the writer. The portrayed image of the youngster is chaste and almost godlike. The image enlightens Aschenbach's lonesome and drab world. Fascinated by what he sees, Aschenbach begins a daily routine of waiting for and following the young boy on the beach. Physical attractiveness arouses eros, which prompts cravings not only for youth and beauty but also for life, inspiration, creativity, and the pursuit of artistic immortality.

Today the boy was wearing a lightweight, washable outfit with a blue-and-white-striped middie blouse that had a red silk bow at the chest and a plain white stand-up collar. The collar, though none too elegant a match for the rest of the outfit, showed off the boy's fair blossoming head in its consummate charm, the head of an Eros with the creamy glaze of Parian marble, eyebrows serious and finely traced, temples and ear covered darkly and softly at right angles by encroaching ringlets.

(Mann, 2005, p. 52)

Tadzio is compared to a Greek statue and is described as the Greek god Eros. Aschenbach portrays the boy's mortal beauty with literary and artistic narrative, Aschenbach's attempt to immortalize the boy's beauty is unattainable.

What discipline, what precision of thought was conveyed by that tall, youthfully perfect physique! Yet the austere and pure will laboring in obscurity to bring the godlike statue to light—was it not known to him, familiar to him as an artist? Was it not at work in him when, chiseling with sober passion at the marble block of language, he released the slender form he had beheld in his mind and would present to the world as an effigy and mirror

of spiritual beauty?

(Mann, 2005, p. 81)

His desires are entwined with those of love, obsession, and the pursuit of the Ideal. It is noteworthy that Aschenbach only observes and follows the youngster, never approaching him.

Aschenbach is driven by youth and beauty to pursue fresh innovation with the aim of achieving immortality for his work. According to Braverman & Nachmann (1972, p. 292), in Tadzio, Aschenbach initially discovers “a stimulus to his emotions which satisfied that refined appreciation of the beautiful [...], and he is surprised to find the embodiment of the ideal.” Braverman and Nachmann further demystify this Ideal, arguing that, while this sensuous and handsome youngster embodies “Nietzsche’s Apollonian mode” and stimulates Aschenbach’s creativity, Aschenbach’s work was not about Tadzio but rather about the structure modeled by his perfect physicality (Braverman & Nachmann, 1972, p. 292).

Along with Nietzsche’s Apollonian–Dionysian dichotomy in *The Birth of Tragedy*, Thomas Mann makes numerous allusions to Plato’s *Symposium*. Socrates employs Diotima’s ladder of love to illustrate the various sorts of love in Plato’s *Symposium* (c. 385–370 bc). The ladder represents the ascent or descent of love, from sheer physical desire to youth and beauty and finally to the attainment of good, virtues, morals, and self-sacrifice. Socrates explains the nature of longing and virtue to Phaedrus, implying that, when various men see a depiction of timeless beauty, each reacts differently. When an impious and base man sees it, he does not acknowledge or honor it; nevertheless, when a noble man sees it, he respects it and is willing to make sacrifices. Because beauty “alone is at once desirable and visible: it is, mark my words, the only form of the spiritual we can receive through our senses and tolerate thereby. [...] Should we not perish in the flames of love, as did Semele beholding Zeus? Hence beauty is the path the man of feeling takes to the spiritual, though merely the path, dear young Phaedrus, a means and no more” (Mann, 2005, p. 84). Aschenbach recognizes the Ideal

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personified by beauty, and he respects it, despite his original longing for it. Tadzio restores his exhausted creativity. Aschenbach writes frantically in Luchino Visconti's film while watching Tadzio at the beach. In Thomas Mann's novella, Aschenbach's joyful sentiments for Tadzio also inspire him to write:

He suddenly desired to write. Eros, we are told, loves indolence, and for indolence was he created. But at this point in his crisis the stricken man was aroused to production. The stimulus scarcely mattered. [...] What is more, he longed to work in Tadzio's presence, to model his writing on the boy's physique, to let his style follow the lines of that body, which he saw as godlike, and bear its beauty to the realm of the intellect, as the eagle had once borne the Trojan shepherd to the ether.

(Mann, 2005, pp. 85–86)

He develops an obsession with writing in front of Tadzio as well as joy. During those perilous and delightful hours of writing, eros manifests itself. The debate between Apollonian and Dionysian reason emerges at this pinnacle of creative activity. Aschenbach transforms from a laborious and rational writer into one who is entirely subjected to unrestrained emotions. He sees Tadzio as his idol, muse, and deity to write “that little essay—a page and a half of sublime prose based on Tadzio's beauty—the purity, nobility, and quivering emotional tension of which would soon win the admiration of many” (Mann, 2005, pp. 85–86).

### **3 Descending the Ladder of Love in Plato's *Symposium***

Based on the ladder of love in Plato's *Symposium*, Aschenbach's love for Tadzio or the Ideal has never reached the bottom until the following moment. His desire for the Ideal grows to the point at which it transgresses the barrier of rationality. Aschenbach becomes reckless. His pursuit of the Ideal is progressively replaced by excitement about rejuvenating the aging physical body and a desperate longing to become the Ideal itself. Aschenbach's love becomes so intense that he loses track of time and

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becomes disoriented. “He had ceased keeping track of the time he allotted” (Mann, 2005, p. 89). He continues by describing Tadzio as godlike, adding “It was the goddess approaching, the seductress of youths, who had carried off Cleitus and Cephalus and, defying the envy of all Olympus, enjoyed the love of the beautiful Orion” (Mann, 2005, p. 90). He allows himself to be consumed by overwhelming emotions.

[...] Illuminated by the god’s splendor, Eschenbach, alone and awake, would shut his eyes and let his eyelids be kissed by the aura. Emotions from the past, early, delightful colors of the heart swallowed up by the strict discipline of his life were now reappearing in the strangest of permutations—he recognized them with a perplexed and puzzled smile. He mused, he dreamed, his lips slowly shaping a name, and still smiling, his face uplifted, his hands folded in his lap, he would doze off again in his armchair.

(Mann, 2005, p. 91)

Aschenbach’s mind is profoundly intoxicated with passion during the fourth week, to the point at which he abandons reason and dignity and succumbs to the devil.

What Aschenbach objects to and disagrees with is the limitation of one’s time and life. Aschenbach, like Dr Faust, desires ultimate power, magic, and knowledge. His degradation starts when he intends to revert time and return to youth. Apparently, appreciating the object of desire and taking pleasure in the inspiration that it provides no longer satisfies the aged writer. The pivotal point that leads to his demise occurs when he rejects nature and God’s rules to obtain immortality and desire to become the Ideal. According to Gary Johnson (2004, p. 92), Aschenbach loses control, forgets who he is, and has an irrational need to exert control over existence. He proceeds to extol Tadzio’s beauty, imagining Tadzio returning his compliments with “an effusive, intimate, charming, unabashed smile” (Johnson, 2004, p. 85). Aschenbach compares Tadzio’s smile to the smile of Narcissus, implying:



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It was the smile of Narcissus bending over the water mirror, the deep, enchanted, protracted smile with which he stretched out his arms to the reflection of his own beauty, an ever so slightly contorted smile—contorted by the hopelessness of his endeavor to kiss the lovely lips of his shadow—and coquettish, inquisitive and mildly pained, beguiled and beguiling.

(Mann, 2005, p. 95)

He continues, “you mustn’t smile like that! [...] I love you!” (Mann, 2005, p. 96). Aschenbach’s narrative elevates the young boy to mythological status while also indicating a vital turning moment. Aschenbach’s hopeless yearning to kiss the lovely image demonstrates how the original desire for beauty and youth starts to go astray. This devotion to physical beauty descends from the ladder of love in Plato’s *Symposium*. Additionally, the mirror symbol serves a dual meaning. Aschenbach’s actual desire is to be transformed into the object of his desire, as evidenced by his lust for Tadzio. The yearning to seek inspiration has given way to the desire to restore physical youth. Braverman & Nachman (1972) begin their analysis of Aschenbach’s degeneration by focusing on his own physical beauty. They argue that Aschenbach’s deteriorating physical condition is no longer capable of equating and representing his spirit, explaining that “The body is the vessel of the soul, not its mirror” (Braverman & Nachman, 1972, p. 259). When a person’s personality is distinct and fully developed, does it make a difference how old they are to be loved? According to Braverman & Nachman (1972, p. 259), “the highly developed individual is extremely susceptible to narcissistic love” because “When one man sees another man, he looks at a body. But when he considers himself, he sees only that which is within.” Aschenbach hopes that his physical appearance resembles his object of desire, Tadzio. Despite the fact that aging is a natural process, Aschenbach’s wish to reverse time and reclaim youth becomes a perverse obsession and a mental illness.

Aschenbach’s obsession is set against the backdrop of Venice’s cholera outbreak. The spread of the disease and the government’s attempt to conceal it expose the disparity between the actual substance and

its disguised appearance. Aschenbach's quest for spiritual fulfillment through beauty and art spirals out of control into sensual addiction. His excessive focus on physical beauty becomes degenerate when he refuses to accept aging and neglects the search for inner beauty. Both the cholera outbreak in Venice and the writer's pathological obsession are concealed to preserve the writer's dignity. Aschenbach's views on his new transformation are ambiguous. On the one hand, he is concerned about concealing his innermost yearning to keep his dignity; on the other hand, he is ecstatic about initiating his journey into the outside world. "For passion, like crime, is antithetical to the smooth operation and prosperity of day-to-day existence and can only welcome every loosening of the fabric of society, every upheaval and disaster in the world, since it can vaguely hope to profit thereby" (Mann, 2005, p. 100). The novella once again demonstrates the disjunction between reason (Apollonian) and emotion (Dionysian). Aschenbach exemplifies the dialectical battle between reason and emotion. He evolves from an austere, logical, scholarly writer into a passionate admirer and finally into an obsessive stalker fixated with physical beauty. He forgets his own identity in the process. When Aschenbach unleashes his unbridled passion and excessive wanderlust in Venice, he sets the stage for his ultimate downfall. His intellect has been absorbed by his infatuation; his passion has taken precedence over logic. Aschenbach saunters around the rotting Venice, oblivious to the abhorrent events taking place, which mirrors his exploration of the darkest side of his mind. By pursuing Tadzio, he feeds his addiction, providing "his passion with vague, illicit hopes" (Mann, 2005, p. 107).

Aschenbach proceeds to make a dubious parallel between Tadzio and himself and to Socrates and Phaedrus. The dubiousness is as follows: first, Socrates and Phaedrus have a long-standing mentor-mentee relationship, characterized by platonic love and affection, despite their age difference. Second, while Aschenbach initially admires Tadzio's beauty and wishes to elevate it to a higher level of art, he ultimately degrades himself by transgressing moral codes. According to Albert Braverman and Larry Nachman, the case of Socrates and Phaedros and that of Aschenbach and Tadzio share only one similarity: both relationships

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involve an elderly man desiring a young man. Nonetheless, while Socrates finds his young students endearing, he instructs his male students for their own benefit. He acts as a teacher, and the sensual urge is “partially transmuted into the energy for a highly civilized activity which perpetuates and improves life. ([...] The Greeks, with their characteristic shrewdness, understood that a good dose of eros was an excellent way of preventing pedagogy from turning into an attack on the young by their jealous elders.)” (Braverman & Nachman, 1972, p. 297).

In contrast to Socrates, Aschenbach’s goal is more personal for he desires rejuvenation of his own physical body and resurgence of creativity. Near the end of the novel, Aschenbach consumes toxic strawberries while suffering from fever and being in a trance. Aschenbach, hallucinatory and poisoned, re-imagines Socrates’ statements to Phaedrus in Plato’s *Symposium*:

For beauty, Phaedrus, mark thou well, beauty and beauty alone is at once divine and visible; it is hence the path of the man of the senses, little Phaedrus, the path of the artist to the intellect. But dost thou believe, dear boy, that the man for whom the path to the intellect leads through the senses can ever find wisdom and the true dignity of man? Or dost thou rather believe (I leave it to thee to decide) that it is a perilously alluring path, indeed, a path of sin and delusion that must needs lead one astray? For surly though knowest that we poets cannot follow the path of beauty lest Eros should join forces with us and take the lead; yes, though heroes we may be after our fashion and chaste warriors, we are as women, for passion in our exultation and our longing must ever be love—such is our bliss and our shame. Now dost thou see that we poets can be neither wise nor dignified? That we must needs go astray, ever be wanton and adventurers of the emotions? [...] But form and innocence, Phaedrus, lead to intoxication and desire; they may even lead a noble man to horrifying crimes of passion that his own beautiful rigor reprehends as infamous; they lead to the abyss; they too lead to the

abyss.

(Mann, 2005, p. 137)

Albert Braverman and Larry Nachman refer to Nietzsche's *The Birth of Tragedy* (2003) when analyzing the relationship between the Apollonian and the Dionysian, stating that "the synthesis of the Apollonian and the Dionysian is possible and has a positive value" and "the union of the two produces tragedy, the highest art form. Nietzsche, towards the end of the book, describes the historical death, or more precisely the deliberate destruction, of tragedy" (Braverman & Nachman, 1972, p. 297). However, according to Socrates, human beings possess intellect and are not tragic. In a trance, Aschenbach misinterprets Socrates' beliefs, hearing Socrates' voice inform him that intellect is attainable only through the senses and that beauty can be experienced through eros. Having intellect does not lead to dignity; rather, it leads to depravity. Thus, poets select beauty to conceal their fundamental desire for love, but it is illusory. The binary conflict between intelligence and beauty is evident here, with each extreme leading to downfall.

Several days following his imaginative reworking of Socrates' statements, Aschenbach sits down by the beach as an observer once more. Aschenbach sees Tadzio smiling back at him in his half-hallucinated state. Aschenbach tries to get up and continue to follow him. He is unable to rise again from his chair due to exhaustion, and later collapses and dies. "Minutes passed before people rushed to the aid of the man, who had slumped sideways in his chair. He was carried to his room. And that very day a respectfully stunned world received word of his death (Mann, 2005, p. 142).

Richard White (1990) thinks that *Death in Venice* provides an argument against Plato's belief in the redeeming power of art. According to Plato, artistic beauty, such as an ancient statue, leads us to the Absolute. The *Symposium* aspires to the ultimate love through the use of beauty to persuade others to do good. The love of a beautiful individual, and all physical beauty, is inextricably linked to the adoration of moral and intellectual beauty as well as the adoration of the Good itself. One's

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intense passion is guarded and controlled, allowing the individual to acquire a higher level of knowledge and being. Beauty and the pursuit of the Good are closely intertwined from this perspective (White, 1990, pp. 58–59). White contends that, in *Death in Venice*, Mann parallels Aschenbach's infatuation with the disease in the city and demonstrates how Aschenbach's obsession with beauty only leads to moral degradation and death, rejecting Plato's idea (White, 1990, pp. 54; 61).

### 4 Decadence and the Aesthetic Crisis at the Turn of the Century

Aschenbach suffers from a physical as well as a spiritual illness. Additionally, his deteriorating physical condition, coupled with a lifetime of intense self-restraint, drains his creativity. His life's stagnation and ennui make him feel imprisoned, and ignites his yearning to escape. Graham Good observes that, from the start, there is “an unrelenting tension between the expectation of physical and spiritual renewal and a present which is obliquely threatening. Venice is itself an agent of Aschenbach's impending metamorphosis, both as context for and accomplice to his hopeless infatuation with the Polish youth Tadzio” (Good, 1972, p. 38). Venice, for him, is “the labyrinth ... this fair frailty that fawned and betrayed, half fairy tale, half snare ...” (Good, 1972, pp. 55–56). His relentless pursuit of Tadzio around the city's “labyrinthine little streets, squares, canals, and bridges, each one so like the next, at length made him quite lose his bearings. ... All his care was not to lose sight of the figure after which he thirsted” (Good, 1972, p. 70). Soon afterwards, Aschenbach succumbs to his co-conspirators, the adolescent Tadzio, and the deadly maze known as Venice (Good, 1972, p. 40). In *Death in Venice*, Thomas Mann portrays dialectical debates, progressing from the Apollonian extreme of pure reason and logic to the Dionysian extreme of emotion and unbridled desire. The chasm between the decaying body and the nurtured individual spirit widens over time. Aschenbach's physical state no longer corresponds to his desire for eternity, either physically or artistically. The general tone of the novel is depressing. The ending is tragic not only because time is irreversible but also because Aschenbach exploits his limited time for perverse purposes.

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According to Heinz Kohut (1957), Aschenbach is “influenced by the progress-negating philosophy of Schopenhauer and Nietzsche and subscribes to the creed of the German romanticists that there is a close affinity between beauty and death” (Kohut, 1957, p. 8). Kohut contends that, in the Romantic tradition, the hero must die, either physically or metaphorically, for the work of art to be completed (Kohut, 1957, p. 219). The novel *Death in Venice* is characterized by anxiety over aging, death, disease in the city, and the senile artist’s insanity in stalking the adolescent boy despite the spread of the pandemic. The novella is reminiscent of other 19th-century romances in which the artist’s search for beauty results in tragedy. The literary phenomenon is a reflection of apprehension about cultural depletion and decline. Nietzsche’s death most likely contributed to Mann’s novella’s aesthetic meditation on the purpose of existence. Aschenbach ponders the legacy left to him by his forefathers and the potential for preserving, transcending, or degenerating it.

Like any man whose natural gifts aroused an aristocratic interest in his ancestry, he habitually called to mind his forebears during his periods of achievement and success, assuring himself of their approval, gratification, and ineluctable esteem. [...] What would they say? But what for that matter would they have said about his life as a whole, a life diverging from theirs to the point of degeneracy, lived under the spell of art, a life about which he himself, in line with the bourgeois disposition of those forefathers, had made mocking pronouncements as a young man, yet which basically so resembled their own! He too had served; he too, like so many of them, had been soldier and warrior, for art was war, a grueling struggle that people these days were not up to for long.

(Kohut, 1957, pp. 105–106)

In Luchino Visconti’s *Death in Venice*, Thomas Mann’s novella’s aged writer is substituted by a dejected musician. Luchino Visconti’s selection of Gustav Mahler’s symphony no. 5 as the film’s background music is unmistakably suggestive. Gustav Mahler was a prominent composer who aided in the transition of 19th-century Austro-German music tra-

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dition to early 20th-century modernism (Hayes & Quinby, 1989, pp. 159–177). Hayes further explicates the transition in literature and arts, applying Nietzschean terms of the “Dionysian to the Apollonian, impulse to repression, transgression to conventionality” (Hayes & Quinby, 1989, p. 159). He contends that “Classical art privileges the Apollonian; Romantic art privileges the Dionysian. Post-Romantic, ‘high’-modernist art reaches an impasse in which the Apollonian and the Dionysian are both privileged and denigrated—hence its overwhelming sense of irony” (Hayes & Quinby, 1989, p. 159). Aschenbach’s dilemma is that he does not adhere to “bourgeois standards” and yet follows his emotions, which are outside of mainstream values. “The artist figure is thus caught in a situation where immediacy, which is always transgressive, must be sacrificed in order to create art, the monumentalization of self. This art always yearns for its other, always longs to recapture Dionysian exuberance. Yet to do this is to forsake classical Apollonian form, to accept death in dissolution” (Hayes & Quinby, 1989, p. 159). Aschenbach is perplexed by his lack of time to create a new milestone for his art, which is embodied entirely by Tadzio at this moment. Gary Chase Johnson examines *Death in Venice* from an aesthetic standpoint, claiming that Aschenbach’s obsession with Tadzio is “predominately aesthetic” in the sense that Tadzio is viewed as an object of beauty capable of eliciting a sensual response from the subject who sees him. However, the subject and the object are inseparable (Hayes & Quinby, 1989, pp. 84–85). Initially, Aschenbach attempts to create something out of the beloved object. He endeavors to transform a desired love object into an allegory that will finally give inspiration and meaning on a spiritual, aesthetic, and everlasting level. In other words, Aschenbach’s ultimate goal is to create an “allegory, one that will therefore acquire a meaning that transcends the literal, the immediate, and the mundane” (Hayes & Quinby, 1989, p. 85). The novella exemplifies the dispute and dialectic reasoning between the dying bourgeois cultures and the serious desire to establish a new form of artistic expression. In other words, immortality must be attained by the revitalization of a new form of literature and arts within the confines of the human finite life span. The ending retains the sentiments of the 19th-century novelistic tradition of persistent tragedy. The hero must die at the end of his quest for an Ideal or beauty.

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