

ABSTRACTS

Virgil CIOMOȘ, *Introduction. La « révolution » du concept de révolution*, pp. 7-14.

Les textes qui composent ce numéro essaient de restituer le sens, sou-vent chiffré, de la fin d'une époque, celle « post-moderne », selon des perspectives historiques et critiques différentes mais convergentes. Une époque pour laquelle l'état d'exception risque de devenir une « règle » et la personne humaine, un simple « reste » des statistiques. De ce point de vue, nous vivons non pas la « fin de l'histoire et du temps », mais « l'histoire et le temps de la fin ».

Une partie des études ont fait l'objet des conférences plénières soutenues à l'occasion d'un colloque dédié à l'état d'exception, à la personne et à la « personnalité des lois », organisé par la Fondation « Le Collège européen », à Cluj-Napoca. D'autres sont des nouvelles contri-butions aux débats de ces thèmes conjugués. Nous remercions donc chaleureusement tous les auteurs pour la générosité et le courage de les avoir abordés, pour les perspectives inédites qu'ils ouvrent.

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Nadia SAVA, *The State of Exception Between Decision and Norm*, pp. 15-29.

Abstract: The following article aims to analyse the concept of the state of exception in the context of the contemporary rule of law. Therefore, we discuss the potential phenomenizations and functions of a state of exception in a present-day democracy, as well as the effects that it could have on the political system.

We believe that this topic is important and deserves a detailed analysis because, subsequent to the two World Wars, the rapport between the state of affairs and the proclaimed rule of law has suffered drastic changes. If the exception is truly becoming the rule, we have to question and to redefine our political system's entitle-ment.

The article follows the perspectives of two authors, namely Carl Schmitt and Hans Kelsen, as well as the contribution of Giorgio Agamben, who summarizes the two views. Schmitt associates the state of exception with sovereignty and with the open possibility for a decision, while Kelsen's viewpoint revolves around the concept of norm and therefore excludes any possibility of an exception. The norm-decision duality serves as a guideline throughout this article and proves its usefulness for understanding the state of exception.

Keywords: state of exception, decision, norm, Carl Schmitt, Hans Kelsen, Giorgio Agamben, sovereign, constitution, contemporary democracy, rule of law, state of affairs, totalitarian state.

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Jean-Claude BOURDIN, *Démocratie et état d'exception*, pp. 31-49.

Abstract: Democracy and state of exception. The author tries to clarify the complex and dialectical relations between democracy and the state, starting from the different circumstances and reasons in which the state of exception is declared as the only solution for overcoming social and political deadlocks. In the context of modern societies, which have assumed the imperative of perpetual change, the fundamental problem has become not just to regulate the changes themselves by establishing an exceptional state but to ensure a perpetual political availability for change. Therefore, the power of a democracy resides precisely in this living and creative capacity of its everyday adaptation to change.

Starting from a few concrete political and legal cases, the study demonstrates the relationship between sovereignty and the state as well as the latter's ability to reduce the lives of its citizens only to the biological one. However, the constant risk is to turn the state of exception into a new political regime, whose essence thus becomes an entirely antidemocratic one. A strong argument to deprive the state itself of its right to declare the state of exception and to prepare democratic regimes for the production in their very own state of exceptional status.

Keywords: state of exception, sovereignty, state, democracy.

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Horia LAZĂR, *Le Souverain et le Camp. De l'état d'exception à la biopolitique*, pp. 51-77.

Abstract: Sovereign and Camp. From State of Exception to Biopolitics. Carl Schmitt's political theology defines sovereignty as an expansion of the state of exception (the suspension of the constitutional order norms and the extension of executive power competency, governing having the upper hand over the rule of law). Giorgio Agamben, in his turn, refers to sovereignty as 'a production of genuine life' and emphasizes the biopolitical aspect of state power expressed in the phrase 'life politicization', already signalled by Michel Foucault. After the concentration camps of the 20th century the refugees' condition in the globalization era materializes the passage from political-military state of exception to biopolitical and bioethical technologies, the refugee thus becoming nowadays the pattern of our humanity.

Keywords: state of exception, law, political system, theory of sovereignty, the king's body(ies), authority, power, legal norm, sovereign decision, biopolitics, biotechnology, concentration.

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Ion COPOERU, *Urgence et quotidienneté, Une approche phénoménologique*, pp. 79-95.

Abstract: Urgency and everyday life. A Phenomenological Approach. The notion of urgency has lost in the last time its unusual character; it has become "chronic emergency". The exceptional has become routine and the daily urgency tends to become a way of governing, a form of domination, a (political) lifestyle. We try to understand the current use of the term in law by showing how the world of everyday life is the pivot of the phenomenological

understanding of normativity. Our focal point was the conception that Husserl had elaborated in texts related to two of his major works: *Ideas II* and *Krisis*. The ultimate goal of the essay is to answer the question: how can one insert in a already constituted typicality a differentiation and thus a mastery in such a way that the space of the ethics is opened and that means for a criticism and for a permanent adjustment of it.

Keywords: emergency, everyday, world of life, ethics, Edmund Husserl.

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Ghislain OTIS, *Résilience et résurgence du principe de personnalité dans la gouvernance autochtone au Canada*, pp. 97-109.

Abstract: Resilience and Resurgence of Personal Laws in Indigenous Governance in Canada. Western post-wesphalian territoriality was gradually transplanted in British North-American colonies thanks to the massive arrival of settlers, the unilateral assertion of European sovereignty and the ensuing marginalisation of Indigenous peoples' legal systems. However, recent developments regarding indigenous self-government in Canada show that the hegemony of western territoriality is not complete and that the personality of laws may play an important part in establishing a more just and equal relationship between the state and indigenous peoples. This paper shows in particular how recent self-government treaties combine territoriality and personality in order to reconcile indigenous autonomy, demographic changes and democracy.

Keywords : Canada, colonialism, territoriality, indigenous peoples, personality of laws, self-government, modern treaties.

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Adrian-Paul ILIESCU, *La condition tragique de l'acte de s'excepter du point de vue normatif*, pp. 111-122.

Abstract: The Tragic Condition of Self-excepting Act in a Normative Point of View. The paper explores the contrast between justifying rationally excepting and self-excepting, in order to show that, in normative matters, self-excepting in itself can never be justified rationally entirely. Not being susceptible of universalization, self-excepting is bound to remain unreasonable *per se*. On the other hand, through a short analysis of the main reasons supporting the private possession of firearms, it is shown that self-excepting can be, in special circumstances, individually unavoidable (for instance, in circumstances where the risk of infinite loss is looming). The mixture of universalization failure and overwhelming individual need, a particular case of the contradiction between the objective and the subjective point of view invoked by he Thomas Nagel, points out the tragism of self-excepting, a possible illustration of an essential aspect of human solitude.

Keywords: self-excepting, normativity, universalization, firearms possession, solitude, Carl Schmitt, Thomas Nagel, infinite loss.

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Maria GYEMANT, *Le Nom-du-Père comme institution. La valeur philosophique de la psychanalyse lacanienne*, pp. 123-137.

Abstract: The Name of the Father as an institution. On the philosophical value of Lacan's psychoanalysis. It is generally accepted that psychoanalysis is concerned with exception, since its object is constituted by dreams, *lapsus linguae* and other symptoms. I will show in this paper that the theory behind psychoanalysis has a universal value because it can be applied to every singular instance of human singular experience. In order to show this I will first introduce Merleau-Ponty's concept of institution, and then I will apply it to Lacan's concept of the Name of the Father. I will thus show that the Name of the Father is an institution, namely the institution of language in a singular human being, and why this singularity is also universal. This will allow me to defend the idea that Lacan's psychoanalysis is not only a therapeutical technique, but also a precious contribution to philosophy.

Keywords: Lacan, name of the Father, Merleau-Ponty, institution, language, Oedipus complex.

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Marcel HOSU, *Fleisch der Ikone*, pp. 139-160.

Abstract: The flesh of the icon. A phenomenological investigation of the gaze and corporality of the icon and how they relate to the theological concept of personhood.

The paper examines Jean-Luc Marion's stance on the problem of the icon in his work *Dieu sans l'être* and uncovers the patristic roots of some of his thoughts. He defines the icon primarily as an inversion of intentionality and speculates the existence of a secondary phenomenology based not on one's own but on the other's ›gaze‹, grounded in the phenomenon of being watched. The idol is in contrast defined as the saturation of one's own gaze through the uncovering of the visible as such. The main phenomenological focus of the icon is thus directed towards the eyes and the face of the person, which are the only entities capable of offering the aforementioned inversion. The eyes, as a ›visible-invisible‹ entity, offer the main crossing point of the visible and the invisible. Their unity is not to be understood in representative terms but as an essential identity as the one found in the Trinitarian doctrine of Athanasius of Alexandria. The visible of the icon is not simply an image – the initial sense of the word εἰκών – of the invisible, but is the invisible itself. Marion's second point of focus is the concept of the face. Following the problems that arise from the overlapping of human and divine nature we then arrive with the help of the theological concept of the flesh to question the problem of the ›concrete‹ person. One of the main points in Marion's analysis is the capacity of ›every face‹ to offer itself as an icon. The text thus offers a way to simultaneously problematize the essence of the icon and that of the person and reveals the impossibility, at least from a historical point of view, of their separation.

The article thus supposes that Marion does not undertake a strict phenomenological analysis of the subject and tries to reveal the theological background on which Marion develops his thoughts.

Keywords: Icon, Idol, Phenomenology, Person, Gaze, Eyes, Face, Jean-Luc Marion, Patristics, Trinity, Christology, Seen, Unseen.

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REVIEWS

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