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SLAVOJ ŽIŽEK'S CONCEPT OF JUSTICE AND THE LAW

ABSTRACT

The dissertation aims at showing Žižekian perception of law and justice. To present it, it is necessary to show three sources of Žižek's thought – Lacanism, Heglism and, of course, Marxism. Žižek uses categories of psychoanalysis and Heglism – Marxism in their meaning. Man is a product of social, economic, cultural, and especially, ideological relations. Žižek postulates to add Marxist social solution to democratic and liberal discourse. In his opinion it will make this discourse free and enable people to choose right public solutions, especially in law. Justice, according to Žižek, is a state adequate to the picture of economic relations, like in Marxism, but people from democratic states can accept some Marxist category by vote. In the opinion of the author, it is methodologically inappropriate, according to Marx's thought, to join Marxism and democratic and liberal discourse, but Žižekian solutions and his perception of justice are very popular now, just in liberal discourse.

KEY WORDS: Žižek, marxism, lacan, law, justice, justice and law in marxism.

Slavoj Žižek (born in 1949) a Slovenian philosopher, politician and generally speaking – active participant of the public discourse – is undoubtedly an interesting thinker, whose activity joins, as he himself points out, psychoanalytical thought of Lacan as well as the Marxist thought.¹ Considering the present significance of his thought, it is worth, to my

¹ Which, figuratively, taking into consideration Žižek's numerous references to the Bolshevik thought, Lenin's among others, lets me juxtapose the sources of "Žižekism" and Marxism – c.f. W.I. Lenin, "Trzy źródła i trzy części składowe marksizmu [in:] *Idem, Dzieła wybrane*, t. I, KiW, Warszawa 1951, p. 56.

mind, spending some time reflecting on his views connected with the functioning of society, and undoubtedly such concepts as law or justice belong to regulative institutions.²

Slavoj Žižek is a thinker who, in the scope of some public institutions, law among them, uses the method of anaphase, which consists in creating (or leaving, depending on the ontological position taken) specific gaps in his statements concerning particular institutions. Translating it into the language of jurisprudence, they are, in my opinion, axiological gaps; they can be completed on the basis of the reconstruction of the Žižek's vision of society, taking into account his method and specific conceptual framework he uses, and which is the reflection of his fascination with the Lacanian psychoanalysis and Marxism. Therefore, when making an attempt to reconstruct the Žižekian vision of law and his understanding of justice, firstly I will present the sources of his political and legal thought, both arising from his direct references and possible to reconstruct on the basis of his statements about how the contemporary society functions in liberal and democratic model, as such is the topic of his deliberations.³ I will briefly show three sources of his inspiration, to refer to the nomenclature of V. I. Lenin, one of the most frequently quoted authors by Žižek, i.e. Lacanism, Heglism, and Marxism (bracketed altogether), in the scope, in which it is necessary to present his concept of justice in a synthetic way. Once I have presented these sources, I will make an attempt to work out methodologically correct presentation of the concept in the title. An issue of outlining the semantics of particular terms precisely is vital, similarly as in the reference to the research into the Marxist thought in general, since Žižek uses the terms taken from Lacan, Hegel, Marx or Lenin in the liberal discourse, with the inevitably different understanding of the state, law or justice by other participants of the discourse.

Lacanism

As it has been pointed out above, elements of the Lacanian analysis of the human structure and the way of his comprehending the reality are present in the works of Slavoj Žižek, as well as the Marxist interpre-

² M. Zirk-Sadowski, *Wprowadzenie do filozofii prawa*, Warszawa 2011, p. 9.

³ S. Žižek, *Paralaksa*, Krytyka Polityczna, no 23, p. 246.

tation of social phenomena. Jacques Lacan (1901–1981) was a French psychoanalyst and a founder of the new school of psychoanalysis. Its research methods were to give the basis for the analysis of the entirety of the human activity, the legal and social sphere too. According to Lacan's assumptions, a human being functions in three dimensions: imaginary, symbolic and real. Each of them is connected with the element of self-identification in the society. As long as the imaginary dimension concerns the process of individual's self-identification on the stage of creating their identity, the symbolic dimension actually forms the space in which an individual and the society function – from language to law. In fact, a human being remains a prisoner of conventions connected with the symbolic dimension – within its framework people are given names, qualities of their professions are determined,⁴ finally, in symbolic dimension, a kind of adaptation to the real comes, i.e. to the unknown elements of social life, which from its essence introduce fear, reducible in symbolic dimension thanks to establishing institutions and procedures.⁵ To my mind, the vision of the tension between the real and the symbolic brings Lacan closer to the Young Hegelians' vision of universality of public institutions. Thanks to this universality, alienation of the individual ceases and in this universality the individual's singular position and views may be risen to the degree of abstraction.⁶

Heglim and Marxism

Taking into consideration, close, according to Žižek, relationship between Marxism and Hegel's philosophy and treating Hegel's philosophy as a source, which provides appropriate tool for learning the world, and

4 Lacan uses the linguistic formula of the signifier and the signified emphasizing the hermeneutic character of word signs, cf. T. Myers, *Žižek*, Warszawa, 2009, pp. 42–44.

5 In fear of the real class conflict, the system creates a range of political and legal barriers, etc., cf. P. Dybel, *Urwane ścieżki. Przybyszewski – Freud – Lacan*, Kraków 2000, P. Dybel, *Okruchy psychoanalizy*, Kraków 2009.

6 *By way of the state, a human frees himself from the definite shackles because (...), he shakes off these shackles in an abstract way*; In: K. Marks, *W kwestii żydowskiej*, Warszawa 1938, p. 22; R. Panasiuk, *Filozofia i państwo. Studium myśli polityczno-społecznej lewicy heglowskiej i młodego Marksa 1838–1843*, KiW, Warszawa 1967, pp. 327–328.

accepting Marxist assumptions as a material basis of the leftist thought in the contemporary social discourse, both these sources should be discussed together. Žižek recognizes Hegel's method as adequate for the holistic analysis of the condition of a contemporary man and society, and ideology produced by these societies⁷. With the use of dialectic method, Žižek points at e.g. relationships between film production and social situation⁸. In his analysis, he seems to disregard class background, focusing on the analysis of widely understood ideology. The format of the disquisition may make an impression that Žižek has taken a concept of ideology understood as a form of false self-consciousness from Marxism.⁹ However, his, though trite, statements on the nature of the source of social tensions, explicitly point out that, as Marxists did, he also looks for the sources of antagonisms in the economic sphere by writing:

In fact it seems that the gap between my fascination with the character from the screen and the pathetic body... translates into a direct experience of the gap between the Real speculative circulation of the capital and the grim reality of the masses brought to poverty.¹⁰

It is essential then, to present the Marxist concept of law and justice to show this perspective in Žižek's thought, as undoubtedly the point of reference in his perception of social institutions.

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- 7 With the reservation that Žižek seems to be closer in materialistic expression of Marx's dialectic, as a method of describing and researching social reality, while Engels, who put more emphasis on natural history, treated dialectic as an element of reality, cf. R. Panasiuk, *Przyroda, Człowiek, Polityka*, Warszawa 2002, p. 92, L. Kołakowski, *Główne nurty marksizmu*, t. I, *Powstanie*, Poznań 2000, p. 469, F. Engels, *Dialektyka przyrody*, Warszawa 1953.
- 8 S. Žižek, *Kruchy absolut*, Warszawa 2009, p. 46.
- 9 One has to remember about the characteristic understanding of the word ideology in Marxism. The concept was introduced in the 18th century – Destutt de Tracy used this term to name the science, which deals with the origin and the rules of how the idea works in the sense of all psychological facts. Marx and Engels used this concept with pejorative connotation, ideology was to be a form of false self-consciousness, in the sense that a human does not know the forces or, in social context, mechanisms ruling the rhythmicity of social life, thanks to which, he assumes that they can result from, not economic conflicts, but pure mental form. In the course of development of Marxism the idea lost its negative overtone, while being used in the materialistic analysis of social reality, L. Kołakowski, *Główne nurty marksizmu...*, p. 314.
- 10 S. Žižek, *Rewolucja u bram*, Warszawa 2006, p. 556.

According to Karl Marx “in the social production of their existence, people enter into some definite, necessary, independent of their will relationships, namely relations of production, which refer to a particular stage of their material productive forces. Entirety of these relations constitutes the economic structure of society, the real foundation, on which a legal and political superstructure arises and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political and intellectual process of life in general. On a particular stage of its development material productive forces of society fall into a conflict with the existing relations of production or – this merely expresses the same thing in legal terms – with the property relations within the framework of which they have operated hitherto. Then the era of social revolution begins. The changes in the economic foundation lead sooner or later to the transformation of the whole immense superstructure. Broadly speaking, there are Asian, antique, feudal, and modern, bourgeois modes of production, as progressive epochs of socioeconomic system.”¹¹

Law is an element of superstructure, it constitutes a reflection of economic relations, and at the same time, it is a promulgator of the interests of the ruling class. The identity of nomenclature of legal institutions, and the fact that the whole society are bound to obey legal norms do not mean that these institutions have the same content for all the citizens. Protection of property means that only the owners of means of production are subject to legal protection, monogamy of the family is to legalise prostitution and the law of succession – petrificate the existing ownership conditions.¹² As Engels wrote: “middle class and property rule, a poor man does not have any rights, is oppressed and tyrannised, constitution renounces him, law maltreats him.”¹³

From the Marxist point of view, which relies on materialistic vision of the history, the most important discord in the history of the world, between the superstructure and the base, signifies the evaluation of the private ownership of means of labour over the centuries.

11 K. Marks, *Przyczynek do krytyki ekonomii politycznej*, Warszawa 1951, pp. 5–6.

12 K. Marks, F. Engels, *Dzieła*, t. XIII, Warszawa 1966, p. 708; F. Engels, *Pochodzenie rodziny, własności prywatnej i państwa. Na zasadzie i jako uzupełnienie badań L.H. Morgana*, Paryż 1907, p. 55.

13 F. Engels, *Sytuacja Anglii – konstytucja angielska* [in:] K. Marks, F. Engels, *Dzieła*, t. I, Warszawa 1976, p. 863.

Property is a social relationship, which, on the one hand, constitutes a necessary condition of production, on the other hand, decides on the relations of production, and as a consequence, to whom the value of the commodity falls, an individual, a definite group or the whole society.¹⁴

A progressive character of private property at the beginning of capitalist system and development of the rules of economic freedom after the guild compulsion had been abolished at that time, was undoubtedly, according to Marxists, a progressive step, fulfilling the content of the law of the ownership of the means of production by handing it down to its holders, i.e. the bourgeoisie. Inevitability of the history and development of productive forces,¹⁵ led to mass nationalization of the process of production understood as the process of human's (labourer's) interaction with nature (in different picture of its processing). A development of capitalism, including a mass production with the participation of working masses, resulted in the system of values to date being inadequate to the changes going on, in particular the fact that labourers became the holders of means of production. Appropriately to the axioms of Marxism, such a state of things must lead to a verification¹⁶ of current system of owner-

14 K. Marks, F. Engels, *Dziela*, t. XIII, Warszawa 1966, p. 708.

15 Understood as the land, capital, and workforce, cf. K. Marks, *Rękopisy ekonomiczno-filozoficzne z 1844 roku* [in:] *Idem, Pisma wybrane. Człowiek i socjalizm*, Warszawa 1978, p. 128ff.

16 Inevitability of the indicated verification was controversial in the Marxist movement from the very beginning because it created a dispute between Revisionism and orthodox Marxism. This dilemma concludes, on the one hand, in questioning the necessity of economic determinant in "the final resort", as Engels wanted – E. Bernstein pointed out: *there is a significant number of factors (it is no easy to indicate the ultimate one) (...) pure economic reasons create, first of all, only the ground for establishing some ideas, and who rejects emphasizing non-economic factors as eclectic, he rather brings damage to materialistic understanding of history – eclecticism is the voice of reason* (E. Bernstein, *Zasady socjalizmu i zadania socjalnej demokracji*, Lwów 1901, p. 14). On the other hand, within Marxist circles – revolutionists, a possible dichotomy, which was nebulously outlined by Engels in the slogan: "socialism or barbarity", was indicated. A literal interpretation of this, propagated by Rosa Luxemburg, slogan leads to a conclusion that it allows, in its vision of historical process, a moment, in which, in spite of objective economic development in capitalist countries justifying, according to Marxist assumptions, a transition to another socioeconomic system, a transition, which does not come. Rosa Luxemburg indicates that in this case, in view of exhaustion of "natural" possibilities to develop capitalism, it will pass on to the phase of imperialism, which, in conse-

ship by means of revolution understood both as basic and political phenomenon – in the framework of superstructure. The difference between previous changes within socioeconomic systems – from slavery to feudalism and from feudalism to capitalism – lies in the fact that the transition from capitalism to communism (socialism) will be characterized by abolition of private ownership of means of production as it is. Means of production will be owned by working class and its nationalization will make it possible to break both the alienation and the previous system of individual embezzlement of surplus value by individual capitalists-employers.

In Marxism, the existence of all legal norms, or contractual (taking into account material understanding of subjects' equality), or statutory results from equivalence of interchange of goods, understood as omnipresent social process. As a result of surplus value, employment undergoes reification, work is no longer an act of self-affirmation in communing with nature but it becomes existential necessity. For an employer, an employee is a tool, "an addition to a machine"¹⁷ multiplying the owner's capital, and in consequence, enabling the process of constant increase and expansion of capitalism, both in geographical dimension¹⁸ and internal, in the scope of social relations¹⁹ and alienation of an individual connected with it, as well as social division into capitalists and labourers (wage labourers). Law is a tool for accomplishing interests of working class and it is only in communistic times, and earlier, at its early stage, i.e. socialism, that law will cease to exist because of disappearance of its reasons – i.e. equivalence of exchange and the state of permanent tension

quence, will lead to a conflict between capitalistic countries and destruction of the existing civilization. A labour revolution is to be an antidote for this. A revolution becomes not only a way of expressing social conflict, but in fact, an ethical obligation of working class. *"A definite historical moment must result from deep and far reaching objective reasons. But these reasons can also rely on the proletariat leader's mistakes – social democracy, on failing to add our will to fight, our courage, our faithfulness to the beliefs..."*, R. Luksemburg, *Kryzys socjaldemokracji*, KiP, Warszawa 2006, p. 134; *Eadem, Akumulacja kapitału*, KiP, Warszawa 2011.

17 As Marx and Engels want in Communist Manifesto, cf. K. Marks, F. Engels, *Manifest Komunistyczny*, Warszawa 1956, p. 56.

18 Hence the forecasts that capitalism may use up its historical developmental powers as a result of exhausting possibilities of territorial expansion – cf. R. Luksemburg, *Akumulacja...*

19 In the scope of presence of capitalist-hireling relations in family and marital life, cf. F. Engels, *Pochodzenie...*, p. 81.

between the capitalistic and exploited classes. Communism as a period which is classless (in view of nationalization of means of production), without commodity (in view of breaking the alienation and basing organization of economic life on a rule: from each according to his ability, to each according to his needs), finally, stateless, since no class division will mean the end of the basis of its existence as a tool of ruling the classes. Communism will be a “lawless” period in the sense that no kind of normative order will exist, and human relationships will be based on rules, other than those supported by legal constraints.

Justice of the law in Marxism

An outline of Marxist juristic basis, which I have briefly presented above, must make us ask a question about the possibilities of indicating, appropriately to the assumptions of materialism, the rules, which would be accomplished by the law, regardless of the historical period. It has been pointed out that the social analysis of individual legal institutions was to bring Marx, and cooperating closely with him Engels, to a conclusion that they do not have the same legal content for a capitalist and a labourer. Regardless of the semi-semantics of terms like ownership, marriage, parental rights – functioning of these institutions in the legal sphere defined also by the way of realization of these institutions²⁰ is to be different, with reference to representatives of different social classes. Therefore, can the law, understood in such a way, each time being an outcome of socioeconomic interests of moneyed class, realize any kind of consistent model of justice? At first sight, we can indicate that there is no such system – the law is unjust until it realizes redistribution model, in which the differences in circumstances, job, and needs of each and every individual would be taken into consideration.²¹ From the Marxist point of view, a just, especially socially, model was to be realized in real socialist countries, which directly referred to Marxism as the dominant ideology, in legal acts as well, regardless to what the founders of Marxism

²⁰ K. Kautsky, *Pochodzenie chrześcijaństwa*, KiW, Warszawa 1950, p. 387, where different understanding of Roman (pagan) courts by Christians was indicated (on account of different realization of class politics).

²¹ Z. Ziemiński, *O pojmowaniu sprawiedliwości*, Lublin 1992;

themselves could think about it. This is not the subject of our discourse, however, from the point of view of historical experience of Yugoslavian Marxists, especially those connected with *praxis* assessment as initial in assessing Marxist legitimization of a given system, it has some meaning, which I will refer to in the next part of my work.

Through their postulate: from each according to his ability, to each according to his needs, Marx and Engels outlined a kind of universal model of justice, which may seem transcendent regardless of existing socioeconomic system. One may say, transcendent from the legal and natural point of view, because as a rule which lasts in the experience of labour movement (of manufacturers) in particular periods, it will become the organisational basis of the social life in communism, i.e. in the period of concordance between the base and the superstructure. What is necessary for the communism to come into existence is, however, that the mankind goes through subsequent systems, but the transition, as I have pointed out, is a result of the correction of superstructure because of its inadequacy to baseline relations. Thereby, the moment of correction itself means realizing some kind of assumption of just, i.e. agreeable with baseline relations, system of expropriating the created value. The fact that from the point of view of the Marxist dialectics of history, these moments were supposed to be really short, in view of the forthwith creation of germs of the next forms of the socioeconomic system, does not change the possibility of presenting the above thesis. This thesis is additionally justified by the fact that both Marx and Engels were not egalitarians in the understanding of the Khmer Rouge's creators of the phalanstery. They explicitly pointed out that the source of injustice was the fact of the private ownership of the means of production in itself and the capitalistic system of production and redistribution based on it. Nationalisation of the ownership of means of production was to be the means to break this injustice. They both assumed that communism can be achieved in highly developed countries with the production level allowing to fulfil the social consumption needs without resort to repressive work and payment system, however, they did not include this thought in their discussion on the philosophy of history²². Therefore, from such a perspective, just is such a legal system, which reflects economic relations based on nationalising of means of production and such a system is

22 L. Kołakowski, *op. cit.*

to be the last in the history of mankind, and in fact, it is to be dialectically abolished as soon as the rule mentioned above will have been realized.

The rise of real socialism engendered a dilemma in the Marxist circles over the concordance of nomenclature terms used on these countries and the Marxist conceptual network.²³ Therefore, communism was to triumph in backward countries of low level of production and consequently, the countries which cannot fulfil even basic social needs. At the same time, the means of production in these countries were nationalised. The state was making a redistribution of produced goods according to the egalitarian concept of assessing these needs, taking into consideration the necessity to maintain the bureaucracy as the section of working class, essential for governing the real socialist countries efficiently, and organizing the production process and redistribution as well as creating the economic foundations of the future victory, including economic, over capitalism.²⁴ The fall of the regimes mentioned brought the interest in Marxism in the Western European countries back, and among other things, resulted in the interest in Slavoj Žižek's thought.

Justice of the law according to Slavoj Žižek

Above, I have tried to present the views or assumptions of the schools Slavoj Žižek have referred to. Undoubtedly, when outlining his picture of the society at the beginning of 21st century, he combines the alienation present in the Marxist thought with Lacan's concepts. When creating *the imagined* or formulating *the symbolic*, a man makes an attempt at rationalizing his attitude towards *the real*. In Marxism analogically, the measures taken by an individual to create the symbolic sphere can constitute a kind of attempt at rationalizing the reification of human relations. In the view of Žižek's broad interest in culture in itself, i.e. the sphere traditionally recognized as a part of superstructure in Marxism, one has to ponder over his statements on justice in itself. In particular, if Žižek also shares the

²³ K. Kautsky, *Od demokracji do niewolnictwa państwowego. Odprawa Trockiemu*, Lwów 1922, R. Luksemburg, *Rewolucja 1905, 1917*, Warszawa 2010; L. Trocki, *Prawda o Rosji Sowieckiej*, Warszawa 1929; J. Bocheński, *The dogmatic principles of soviet philosophy*, Dordrecht 1958.

²⁴ Of course the problem of bureaucracy, its position in the class structure of society, as well as its subjectivity were widely disputed in the period of real socialism, cf. L. Dubel, *Problem biurokracji w tradycji myśli socjalistycznej*, Lublin 1988.

materialistic vision of history when referring to Marxist concepts²⁵ with communism as a point of destination or uses this conceptual network to outline the structuralistic vision of social relations going on. When drawing a picture of conflicts within the society, Žižek indicates that:

All this frenetically humanistic, politically correct – and so on – activity matches the formula like: “let’s constantly change something so that generally everything will stay as it is!”, if capitalism is criticized on an average department of cultural studies, it is made with a special code, which perfectly renders the liberal paranoia of Hollywood: “system” is an enemy, secret “organization”, antidemocratic plot, and not simply capitalistic and state apparatus. The problem of this critical stance is not only that it replaces a tangible social analysis for the fight with abstract and paranoid fantasies but rather that it doubles the social reality in a useless way. As if there was a secret organisation at the back of the visible state and capital authorities. We should accept it that there is no secret organization within an organization. The plot exists in visible organizations, in capitalistic system, in the way the state apparatus and political sphere work.²⁶

Situating the picture of social conflict in the sphere of social discourse, political, cultural, ethical among other things, does not eliminate, as it results from the excerpt quoted above, the fact that Žižek looks for the source of social antagonism in the economic sphere. It is the system based on private ownership of means of production and the state system founded by it, as Žižek describes: “the late capitalistic social state,”²⁷ that is the plot. It is the plot because it prevents creating the new system model, which will correspond to the degree of nationalization of means of production. The conjunction of “state and capital apparatus” used by Žižek is to emphasise the Marxist unity of political basis and superstructure. A plane to suppress potential opposition or attempts to question the existing status quo is ideological plane. According to Žižek, liberal discourse in modern democracies conforms with *Denkverbot* rule:²⁸

25 As the two most popular Marxist theoreticians of the superstructure used to do – A. Gramsci and G. Lukacs (cf. Śpiewak, P., *Gramsci* (Wiedza Powszechna, Warszawa 1977); B. Jasiński, *Lukacs* (Wiedza Powszechna, Warszawa 1985).

26 S. Žižek, *Rewolucja u bram*, p. 311–312.

27 *Idem*, *First as tragedy, then as farce* (London–New York 2009).

28 With this term Žižek refers to anticommunist politics of the authorities of Federal Republic of Germany in the 60’s of 20th century. According to this rule, they avoided employing workers with radically leftist views in educational institutions – author’s note.

Ideological function of references to Holocaust, Gulag... is to remind us all the time that it could be much worse... Present freedom of thought means freedom to challenge the dominating liberal-democratic post-ideological consensus or it means nothing.²⁹

In this discourse political parties, associations, individuals can present extremely critical views on the existing state of things, on condition that they do not question its basis. Lack of ability to refer to the concepts of e.g. Bolsheviks of the October Revolution during the political discourse is, according to Žižek, exactly the element of ideological oppression. Oppression all the more sophisticated “since it is neither ideology as directly expressed doctrine, articulated conviction on the nature of humans, society and universe nor ideology in its material aspect, but vague network of indirectly expressed quasi-spontaneous assumptions and attitudes, which create an inherent element of reproduction of non-ideological practice (economic, legal, political, sexual...)”.³⁰

In Marxism law is the reflection of existing social relations, which in turn are the reflection of baseline relations. In the situation of inadequacy of relations of production (based on ownership, among all) to the existing baseline relations, it is necessary to correct these relations. On the plane of superstructure, this correction means the qualitative change of the former political, legal, etc. forms. Law is just as long as it responds, in the scope of both content and uniformity of judicature, to the level of development of productive forces and the interaction of this level with the existing relations of production. Žižek thinks that the objective level of development of productive forces can justify resigning from capitalist methods of distribution and redistribution of produced goods. At the same time, in the political and legal dimension, he casts doubt on inability to add to the political discourse such items, which by no means fall into the current formula of parliamentary democracy, by writing:

...anti-capitalism without dealing with the problem of political form of capitalism (liberal parliamentary democracy) is insufficient, regardless of how much “radical” it will be. Perhaps fundamental contemporary illusion consists in the belief that we can question capitalism without actually problematising the heritage of liberal democracy.³¹

²⁹ S. Žižek., *Rewolucja...*, p. 305.

³⁰ S. Žižek, *Widmo...*, p. 346.

³¹ S. Žižek, *Rewolucja...*, p. 544.

In his view, questioning the existing economic order must also mean questioning political formula, in which this economic order is clothed in, i.e. parliamentary democracy in itself. This, in actual fact, Marxist formula, Žižek refers not only to the existing political and legal formation, but also to the entirety of culture and social relations as resulting from economic relations. Žižek considers current social order as post-ownership, in which individual's membership of particular social classes does not only depend on whether he is an owner of means of production or not, but on how he participates in the entirety of social hierarchy, hierarchy of the ways of classifying the needs and ways of fulfilling them, one could say, participation in the creation of the symbolic. Žižek, therefore, widens the base of conflict as well as the number of the fronts of social confrontation. In his view, one of the possible and equal ways of social development is a leftist movement connected with projects of organizing production and distribution worked out by left-wing politics. As a Marxist he shares the Hegelian principle of inability to project the future or the necessity to determine it positively.

Taking into consideration his principle of apophasis, the only just legal system allows to realize the above needs to widen the discourse and to assure the rights to labourers as well as to all kinds of social minorities. Only such a system will reflect the existing baseline relations in the understanding of S. Žižek. In the scope of assessment of superficiality of democratic country, he represents the views analogical to those presented by Marx and Engels, concerning the necessity to perceive legal relations from their social perspective.

STRESZCZENIE

Paweł Sydor

SPRAWIEDLIWOŚĆ PRAWA W KONCEPCJI SLAVOJA ŽIŽKA

Slavoj Žižek jest niewątpliwie jednym z kluczowych uczestników współczesnego lewicowego dyskursu publicznego, do którego to tradycji sam nawiązuje. Jego myśl filozoficzna, w tym polityczno – prawna, opiera się na lacanowskiej psychoanalizie oraz heglowskiej i marksistowskiej wizji społeczeństwa i założeniu adekwatności metody dialektycznej w ocenie zachodzących w nim zjawisk, w tym prawa. Žižek

posługuje się, w kreśleniu swej wizji społeczeństwa, kategoriami zaczerpniętymi z tychże trzech źródeł. W zakresie prawa – jest ono, za Marksem, obrazem rozwoju stosunków ekonomicznych. Współczesne społeczeństwa demokratyczne odrzucać jednakże mają dopuszczalność rozważania w ramach dyskursu politycznego rozwiązań marksistowskich, co w ocenie Žižka jest mistyfikacją ideologiczną rzeczywistości – w imię utrzymania kapitalistycznego status quo oraz zaprzeczeniem idei społeczeństwa prawdziwie wolnego. Niezależnie od możliwości przyjęcia, stosownie do założeń marksowskich, metodologicznej zasadności postulatu dopuszczenia wyboru tegoż systemu w ramach dyskursu liberalnego, popularność i nośność eklektycznej w swej istocie myśl Žižka, nakazuje podjęcie próby analizy jego min. poglądu na temat sprawiedliwości i odpowiedzi na pytanie czy ta idea, w jego ujęciu, odbiega od klasycznych rozwiązań lewicowych – to jest stanu adekwatności do stosunków bazowych.