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The *ex nihilo* creation in the work of Cornelius Castoriadis: The special case of legal rules ¹

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1. Introduction

1.1. The concept of social imaginary

The purpose of this paper is to address the problem of ontological genesis of social institutions in the work of Cornelius Castoriadis². To that end, law is taken up as a special case of social institutions that emerge as creation *ex nihilo*, despite that the author does not refer particularly to jurisprudence. Thus, inasmuch as social institutions are creations of society itself, Castoriadis' ontology raises questions regarding its origins and methodological coherence.

The first part aims to locate Castoriadis' position in the history of philosophy and define the terminology hereby adopted. The second part elaborates densely on the topic from Castoriadis' perspective. Finally, the third part expresses the personal thesis of this paper.

1.2. Castoriadis' background

Cornelius Castoriadis was born to a Greek family in Constantinople and spent most of his life in Paris. In terms of philosophical origins³, he began as a

¹ This paper is a revised version of the topic that was presented in the 9th International Conference of Applied Ethics and Comparative Thought in East Asia, held in Dalian University of Technology, China, in May 2019. Special thanks are owed to my supervisor professor, Dr. Matsuda Tsuyoshi, for the constant encouragement and guidance.

² To that end, critical will be mostly his major theoretical book, *The Imaginary Institution of Society*, 1987, Polity Press, Cambridge, translated by Kathleen Blarney. All references in the text to this book are designated "IIS", followed by the page number.

³ For this topic, see J. Habermas, Excursus on Cornelius Castoriadis: The Imaginary Institution, in *The Philosophical Discourse of Modernity*, 1987, Polity Press, Cambridge, p. 329-30; A. Honneth, 'Rescuing the Revolution with an Ontology: On Cornelius Castoriadis's Theory of Society', *Thesis Eleven*, vol. 14, 1986, p. 62-7; S. Adams, I. S. Straume, Castoriadis in dialogue, in *European Journal of Social Theory*, 15(3), 2012, p.

Marxist, but later on, influenced by praxis philosophy and French currents of phenomenological Marxism, he strongly criticized the orthodox, soviet version of communism and searched for theoretical models of the revolution project towards the concept of autonomy, which remained henceforth his primary social-political project. His focus on autonomy and creative imagination reveals two distinct sources of inspiration: on the one hand, ancient Greek philosophy, especially Aristotle, along with epic poetry and ancient drama; on the other hand, European philosophy, including Kant and early Romantics, and contemporary sociologists, such as Max Weber, Merleau-Ponty, Emile Durkheim and Levi-Strauss. A significant addition to his philosophical involvement was psychoanalysis, namely under the teachings of Freud and Lacan. Regarding the meaning of revolutionary praxis, similarities with Hannah Arendt have been ascertained, whereas in his theory of self-instituting society influences have been observed from late Heidegger and early Fichte. Despite spending his lifetime during Postmodernism, Castoriadis opposed the general spirit of his current era, associating his contemporary movements with the general dominating conformism of the post-war period⁴.

Regarding the theory of social imaginary, Castoriadis was most probably the first philosopher to address the topic in the form that is acknowledged today. Of course, the term ‘imaginary’ must be distinguished from the same term, as it was used in European philosophy (e.g. G. W. Leibniz⁵). In a similar, but not

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⁴ C. Castoriadis, *Done and To Be Done*, 1989, in *The Castoriadis reader / Cornelius Castoriadis*, 1997, translated and edited by David Ames Curtis, Blackwell Publishers Ltd, Oxford, p. 415, where it is stated that “*the population plunges into privatization (MCR), abandoning the public domain to bureaucratic, managerial, and financial oligarchies. A new anthropological type of individual emerges, defined by greediness, frustration, generalized conformism (which, in the sphere of culture, is pompously labelled postmodernism.*” See also C. Castoriadis, *The Retreat from Autonomy: Postmodernism as Generalized Conformism*, *Democracy & Nature*, 2001, Vol. 7, No. 1, pp. 17-26.

⁵ G. W. Leibniz, *On the method of distinguishing real from imaginary phenomena*, in *Philosophical Papers and Letters*, vol. II, 1956, translated and edited by L. E. Loemker, The University of Chicago Press, Illinois, pp. 602-607.

tautological, manner, imaginary had been earlier used by Jacques Lacan⁶, but was strictly given psychoanalytic meaning, as one of a triptych of terms in the psychoanalytic theory, along with the symbolic and the real. Following that, the same topic was earlier than Castoriadis addressed by Paul Ricoeur⁷ and later by Charles Taylor⁸, who both challenge the problematic of social imaginary, but in a different manner⁹.

1.3. Definitions of fundamental terms

Castoriadis' philosophical origins extend from the ancient Greek philosophy, namely Plato and Aristotle, to the traditional western philosophy, with special interest in Kant, Hegel, Marx and Freud. However, regarding the related terminology, the author frequently either uses the traditional terms in a way that demands explanation or introduces new terms for the need of his analysis. Therefore, the following clarifications are necessary.

⁶ J. Lacan, *The four fundamental concepts of psycho-analysis*, 1978, edited by Jacques-Alain Miller, translated from the French by Alan Sheridan, Norton, New York.

⁷ See among other Paul Ricoeur, *Time and Narrative*, 1984, vol. 1, trans. Kathleen McLaughlin and David Pellauer, Chicago, University of Chicago Press.

⁸ C. Taylor, *Modern social imaginaries*, 2004, Durham, Duke University Press. However, according to Taylor, social imaginary is developed under the scope of Catholicism, a concept directly opposing the core of Castoriadis' perspective. See also the comparative research between Castoriadis and Taylor by K.E. Smith, *Meaning, Subjectivity, Society – Making sense of Modernity*, 2010, Brill, Leiden.

⁹ In all fairness, an exception to this point lies with the Japanese philosopher Miki Kiyoshi (1897-1945), who had already addressed the concept of social imaginary in *Kōsōryoku no ronri dai-ichi* (『構想力の論理第一』 The Logic of the Imagination, Part One), in the journal *Shisō* (『思想』 Thought) 1939. For an introduction to his thought, see John W. M. Krummel, Introduction to Miki Kiyoshi and his *Logic of the Imagination* (emphasis on the original), *Social Imaginaries* 2.1, 2016, p. 13-24. For an elaboration of the historical sequence of imagination, tracing back from Aristotle and Kant to Ricoeur, Castoriadis, Taylor, Miki Kiyoshi and Nakamura Yujiro, see J. Krummel, Creative Imagination, Sensus Communis, and the Social Imaginary, in *The Bloomsbury Research Handbook Of Contemporary Japanese Philosophy*, 2017, Bloomsbury, pp. 255-284. However, apart from the fact that Miki died before Castoriadis' philosophical maturity, it is highly probable that he was not known by Castoriadis, because until today he has never been translated in English from Japanese.

Imaginary¹⁰, in general, is “*something invented – whether this refers to a ‘sheer’ invention [...] or a slippage, a shift of meaning in which available symbols are invested with other significations than their ‘normal’ or canonical significations*”; thus, the imaginary is separate from the real and uses the symbolic “*not only to ‘express’ itself [...], but also to ‘exist’*” (IIS, p. 127). At the same time, however, imaginary is distinguished from pure fantasy, an illusion; for due to the evolution of human societies, instituted imaginary possesses “*a greater reality than the real itself*” (IIS, p. 128). **Radical imaginary** or **radical imagination** is “*the originary faculty (of human being) of positing or presenting oneself with things and relations that do not exist, in the form of representation (things and relations that are not or have never been given in perception)*” and “*the elementary and irreducible capacity of evoking images*” (IIS, p. 127) of something which does not exist and never existed in the natural world, but derives from human unconscious (IIS, p. 142). In that sense, adhering to the role of ‘creative Einbildungskraft’, “*it makes a ‘first’ representation arise out of a nothingness of representation, that is to say, out of nothing*” (IIS, p. 283). Moreover, radical imagination “*pre-exists and presides over every organization of drives, even the most primitive one*” (IIS, p. 286-7). **Actual imaginary** or **social imaginary** is the system of significations, the function of which constitutes and articulates the social world (IIS, p. 146). To wit, this system is “*an imaginary creation; it cannot be accounted for by*

¹⁰ For the historical sequence of imagination see J. Krummel, *Creative Imagination, Sensus Communis, and the Social Imaginary*, pp. 255-284. The philosophical origins of imagination trace back to Greek antiquity through Aristotle, in *De Anima*, Book III, chapter 3, for whom “*the imagination (phantasia) is passive (pathos) vis-à-vis the faculty of sensation but is nonetheless a requirement for thought*” and, in that sense, “*reproduces the unified senses as mental images (phantasma), which remain even once the sensory object has departed*” (Krummel, p. 256). As for the modern European epistemology, I. Kant in the *Critique of Pure Reason* acknowledges productive imagination (*productive Einbildungskraft*) as a function of human mind that precedes all experience by synthesizing the sense, thus allowing for the empirical application of the categories of the understanding to the received sense impressions and representing “*that which is not itself present*” (Krummel, p. 257).

reality, by rationality, or by the laws of symbolism [...]; it is operative in the practice and in the doing of the society considered as a meaning that organizes human behavior and social relations, independently of its existence 'for the consciousness' of that society" (IIS, p. 141). In addition, these **social imaginary significations** "are like the final articulations the society in question has imposed on the world, on itself and on its needs"¹¹, whereas they can be grasped "as the invisible cement holding together this endless collection of real, rational and symbolic odds and ends that constitute every society, and as the principle that selects and shapes the bits and pieces that will be accepted there" (IIS, p. 143). Given that every society poses to itself fundamental questions regarding its identity, "the role of imaginary significations is to provide an answer to these questions, an answer that, obviously, neither 'reality', nor 'rationality' can provide" (IIS, p. 147); it is these answers that enable the emergence of human world, of society and culture. After all, the Being is perceivable by humans only through social significations, as it must be firstly instituted (IIS, p. 145, 146, 149). Given that, social imaginary is ascended to the ultimate prerequisite for any attempt towards any ontological analysis.

Institutions are "a socially sanctioned, symbolic network in which a functional component and an imaginary component are combined in variable proportions and relations" (IIS, p. 132). In that sense, institutions are perceived under the widest possible meaning, ranging from religious notions and political principles to working habits and food preferences¹². Given that, Castoriadis

¹¹ IIS, p. 143

¹² IIS, p. 150. Especially concerning food preferences, the following is stated: "This cultural sampling among available foods and the corresponding hierarchization, structuring, etc. are leaning on natural givens, but they do not stem from them. It is social need that creates scarcity as social scarcity, and not the opposite [...]. One has only to draw up the catalogue of everything that humans can eat, and actually have eaten (not feeling any the worse for it) in different periods and in different societies, to see that what is edible for humans far exceeds what each culture has taken as its food, and that what has determined this choice has not been simply natural availability and technical possibilities." Hence, although natural circumstances are a decisive factor for what is

focuses on the symbolic role of the institution, insofar as they “*cannot be reduced to the symbolic but they can exist only in the symbolic*” (IIS, p. 117). Thus, “*the imaginary has to use the symbolic not only to 'express' itself (this is self-evident), but to 'exist', to pass from the virtual to anything more than this*” (IIS, p. 127). However, the conversed deduction, according to which the imaginary precedes the institution and is pre-required for its creation, is simultaneously valid; for “*symbolism too presupposes an imaginary capacity [...] to see in a thing what it is not, to see it other than it is*” (IIS, p. 127). As a result, whereas social institutions are the symbolic embodiment of social imaginary significations, their functional motive is surpassed (IIS, p. 129); and although the author accepts that “*institutions fill vital functions without which the existence of society is inconceivable*” (IIS, p. 116)¹³, he claims that “*a symbol never imposes itself with a natural necessity, but neither does it ever lack all reference to reality*” (IIS, p. 118). Hence, inasmuch as “*the 'choice' of a symbol is never either absolutely inevitable, or merely haphazard*” (IIS, p. 118), society creates its symbolical institutions not with total freedom, but “*bound up with nature [...] and with history (with what is already there)*” (IIS, p. 125). And instead of becoming at least somewhat determinable, on the contrary “*links emerge between signifiers, relations between signifiers and signified, connections and consequences emerge which were neither intended nor foreseen*” (IIS, p. 125); that is because “*by its virtually unlimited natural*

edible and available, it is not enough to determine the actual instituting of food preferences in a society. Given that, it is inexplicable, why *sushi* and *sashimi* in Japan are highly regarded as an exceptional delicacy, while in other parts of the world the image of eating raw fish is enough to provoke vomiting. Therefore, despite the common biological structure of human beings, biological behavior depends on the social imaginary and the corresponding social institutions, while standing in accordance to the limits of natural structure.

¹³See also IIS, p. 131, where the same concept arises from the connection of the imaginary with the symbolic and the functional: “*This imaginary must be interwoven with the symbolic, otherwise society could not have 'come together'; and have linked up with the economic-functional component, otherwise it could not have survived*”.

and historical connections, the signifier always goes beyond a strict attachment to a precise signified and can lead to completely unexpected realms" (IIS, p. 121).

Therefore, as neither dependent only from functionality, nor really or logically implied by functional rules, institutions are drawing their source from the social imaginary and are created autonomously in regard to the circumstances they aimed to symbolize (IIS, p. 121, 123, 129, 131). In that sense, Castoriadis denies the source and nature of institutions, as seen from the prevailing economical-functional point of view (IIS, p. 115-6)¹⁴; and actually, insofar as this supposition had been a constant parameter not only for capitalists, but also for Marxists (IIS, p. 386, n. 2), he categorically rejects one of the most common fundamental references of historical materialism.

Quite conveniently, Castoriadis chooses law to provide "*a fascinating example of the type of relations between the institution and the 'underlying social reality'*" (IIS, p. 120). For it is "*directly related to the 'substance' of society*", as "*in law, one should be able to show that symbolism is in the service of content and can be otherwise only to the extent that rationality forces it*" (IIS, p. 119). On the contrary, however, law had to evolve over ten centuries, in order to attain the functionality that initially was deprived of. From the intensive formality of *roman ius* to the extreme rationality of *Gemeines Recht* in the capitalistic Germany of 1900, law maintained its normative system, but recovered its functionality indeed only after a slow, grinding attempt (IIS, p. 120). Thus, inasmuch as the history of law does not comply to any economical-

¹⁴ For details on functionalism, see IIS, p. 386 (n. 1), where there is a quote from Bronislaw Malinowski, according to which "*the functional view of culture insists therefore upon the principle that in every type of civilisation, every custom, material object, idea and belief fulfils some initial function, has some task to accomplish, represents an indispensable part within a working whole*". See also B. Malinowski, 1944, *The Functional Theory*, in *A Scientific Theory of Culture*, University of North Carolina Press: Chapel Hill, p. 159, where is stated that "*functional always signifies the satisfaction of a need*".

functional motive, Castoriadis concludes that “*the lesson of Roman law, considered in its real historical evolution, is not the functional character of the law but the relative independence of formalism or of symbolism with respect to functionality at the outset, followed by the slow and never complete conquest of symbolism by functionality*” (IIS, p. 121).

Social-historical is “*the anonymous collective whole, the impersonal-human element that fills every given social formation but which also engulfs it, setting each society in the midst of others, inscribing them all within a continuity in which those who are no longer, those who are elsewhere and even those yet to be born are in certain sense present*” (IIS, p. 108). That said, it is impossible to separate society from history, because, if the social is self-altered, it can make itself only as history, as temporality; on the other hand, if the historical is emergence of institution, it is a specific mode of social co-existence (IIS, p. 215). In that sense, “*it is the union and the tension of instituting society and of instituted society, of history made and of history in the making*” (IIS, p. 108). Therefore, social-historical provides the scope to the social imaginary, but at the same time is differentiated from abstract terms, such as collective consciousness or collective unconscious (IIS, p. 179); for it does not incorporate a hyperorganism, independent from the social subjects, but it originates from the social subjects themselves and through their imaginary capacity.

Identitary-ensemblist logic¹⁵ is the methodological ‘core’ of traditional western ontological philosophy, originating from Plato and Aristotle, becoming universal by Hegel and systemically termed as physicalism (IIS, p. 170), functionalism (IIS, p. 115, 170, 386, n. 1), logicism (IIS, p. 171) or structuralism (IIS, p. 171-2). On the one hand, identitary logic approaches the being through natural or causal identities. In other words, as it is based namely on mathematics,

¹⁵ The alternative term that is commonly used is ‘logic of identity’ and is occasionally referred to as ‘Leibniz’s law’. See inter alia P. Bricker, 1996, in *Encyclopedia of Philosophy*, edited by D. M. Borchert, 2nd edition, vol. 4, Thomson Gale, p. 568.

rationalism and causality, “*identitary logic is the logic of determination, which particularizes itself, depending on the case, as a cause and effect relation, as means and end or as the logic of implication*” (IIS, p. 175). On the other hand, ensemblist logic, based on the rudiments of set-theory, posits the objects and the relations which are required for the function of identitary logic. Given that, arises an operational equivalence, according to which “*a set defines a property of its elements (belonging to this set)*” and “*a predicate defines a set (formed by the elements for which it is valid)*” (IIS, p. 223). Due to the criticism towards traditional ontology, Castoriadis refers to identitary-ensemblist logic usually in a negative sense, as being able to grasp only half of the ontological problem. Of course, the author does acknowledge it as absolutely essential, allowing social life to exist (IIS, p. 175, 223); nonetheless, it is proved inadequate to address social imaginary and social-historical, despite its internal exigency to cover every possible stratum (IIS, p. 175, 205-6).

First natural stratum consists of facts that are given in nature and result “*neither from the legislation of transcendental consciousness nor from the institution of society*” (IIS, p. 229). In that sense, the institution of society is always obliged – “*under penalty of death*” (IIS, p. 202) – to take into account the natural facts, because nature constitutes a given organization that “*puts stops or limits*” on the instituting society (IIS, p. 121, 229, 233). Therefore, social institutions are regarded as *leaning on* the first natural stratum, because “*a natural fact can provide support or stimulus for a particular institution or signification*” (IIS, p. 230), as a point of reference for the social imaginary significations; hence, society is not absolutely free due to the invariant of natural reality, which resists and cannot be manipulated (IIS, p. 234, 353-4). Nonetheless, in order for the natural facts to be taken into account, they are transformed into social imaginary significations; as a result, the content of them cannot be deduced or derived on the basis of the natural fact, despite them being always and everywhere the same (IIS, p. 205, 229, 234, 353). That said, a

passage from the natural to the social is deduced; for natural reality “*not only resists*”, but also “*lends itself to transformation*” (IIS, p. 354).

In accordance to that supposition, legal rules take into account natural reality as a constant reference point, as they are also obliged to lean on the first natural stratum due to their institutional nature.

2. Ontological genesis in the social-historical field:

Institutions as creations *ex nihilo*

The ontological genesis in the social-historical field is the primary core of Castoriadis’ thought. Through a differentiated ontological viewpoint, contradicting to traditional ontology, the author claims that “*question of history is the question of the emergence of the radical otherness or of the absolutely new*” (IIS, p. 172), whereas elsewhere states that “*there is no articulation of social life that is given once and for all, neither on the surface nor at a greater depth, neither really nor abstractly. This articulation [...] is in every instance the creation of the society in question. And this creation is an ontological genesis, the positing of an eidos*” (IIS, p. 180). Therefore, the opinion, that every society is self-created and, hence, self-instituted and self-ruled, is dominant in the work of Castoriadis and critical to unveil his thoughts over jurisprudence and the emergence of legal rules.

Firstly, the criticism towards the traditional logic-ontology is displayed. Afterwards, the origins of ontological genesis follow. And, finally, this part concludes with the essence of ontological genesis.

2.1. Criticism towards the traditional logic-ontology

Primarily the author poses the fundamental triggering questions regarding the essence of society and history as follows: “*in what way and why are there many societies and not just one; in what way and why are there differences between societies?*”; and even if the differences can be referred as apparent –

or even virtual, as part of the identical common substance (*‘Ousia’*) – “*why then do we find this appearance, why does the identical appear as different*” (IIS, p. 170)? Thus addressed, the social-historical field is dominated by the concepts of *otherness* and *plurality*¹⁶.

According to Castoriadis, the answers of the inherited thought are not satisfactory. In general, the traditional ontology is criticized for believing that “*being must have a single meaning*” and, consequently, that “*this meaning, determined from the start to finish as determinacy[...], already in itself excluded the possibility of recognizing a type of being that essentially escapes determinacy, like the social-historical or the imaginary*” (IIS, p. 168). Thus, by applying the identitary-ensamblist logic, social doing is limited to the dipole between good and evil, as a strict dualistic viewpoint; consequently, imagination and imaginary cannot be anticipated for themselves, as autonomous ontological parameters, but “*always in relation to something else - to sensation, intellection, perception or reality - submitted to the normativity incorporated in the inherited ontology, brought within the viewpoint of true and false , instrumentalized within a function, means judged according to their possible contribution to the accomplishment of the end that is truth or access to true being*” (IIS, p. 168).

Given this as the starting point, the criticism focuses on the following points.

Firstly, the inherited ontology anticipates society as a determined unity. Specifically put, under the light of the traditional identitary logic, “*the question of unity and identity of society and of any particular society is carried back to the assertion of a given unity and identity of an ensemble of living organisms;*

¹⁶ The question becomes more complicated, when we consider that everything newly instituted, “*although it is always carried by the concrete materiality of acts and things, goes beyond this particular materiality*” (IIS, p. 180), whereas social imaginary significations “*lead to specific conclusions that go beyond any functional ‘motives’*” (IIS, p. 129). Thus, even if the primary natural circumstances are similar, the differences between social institutions remain inexplicable. Elucidating to that point is the example of raw fish, as mentioned above.

or if a hyper-organism containing its own needs and functions; or of a natural-logical group of elements; or of a system of rational determinations" (IIS, p. 172). As a result, social is said to derive from a sequence of causal relations, set outside of the social itself, from which social differences emerge. For causality is introduced as the method to or from an essential unifying order that serves as an exogenous stable point, based on which the ontological differences derive from the same substance through causal sequences, but thus depicting inevitably a heteronomous social structure. However, Castoriadis argues that *"causality is always the negation of otherness, the positing of a double identity: an identity in the repetition of the same causes producing the same effects; an ultimate identity of the cause and the effect since each necessarily belongs to the other, or both to the same"* (IIS, p. 172). That is because, if everything springs only from what already existed and exists, then it expresses mainly the essential possibilities of the beginning, without indicating any significant change. In all fairness, Castoriadis generally did not reject the existence of a natural system, based on laws of natural causality¹⁷; nonetheless, causality is considered unimportant to social ontology, as long as its relations are neither examinable, nor able to conceive the social imaginary. Hence, if social succession is regarded causal and determined, then *"cause and effect belong to the same"* and *"neither of these two sets can exist without the other, and they, therefore, both partake of the same, are the parts of a single set"* (IIS, p. 183). Consequently, radical otherness and plurality in society remain inexplicable.

Secondly, while identity ontology recognizes the succession of historical events as a causal identity, the question of history is also eliminated without concrete explanation. As a result, *"the new is, in every instance, constructed through identity operations [...] by means of what was already there"* (IIS, p.

¹⁷ See IIS, p. 121, where is stated that *"since nature is not chaos, since natural objects are connected to one another, certain consequences ensue"* and *"what is, is not and cannot be, absolutely disordered chaos"*.

173)¹⁸. In that sense, if causality points only to identity, historical differences remain apparent and part of the common unifying order. Therefore, history cannot be understood in its temporal unfolding and is limited to a relation of order among terms; and, “*to the extent that the terms are necessarily taken up in this order, they are no more than ‘parts’ of the One-Whole and co-exist as parts of One-Same*” (IIS, p. 184). Nonetheless, by reducing history to determinable repetition, creation as the emergence of the *other* is denied and, thus, social difference and plurality could be perceived only as the hidden potential in the whole causal historical sequence. But then we would ironically wonder “*where, then, was the piano hidden during the Neolithic age*” and would be forced to imply that “*it was inside the possibilities of Being*”, meaning that “*its essence was ‘already there’*” (IIS, p. 198-9) – a conclusion seriously extravagant and, in any case, impossible to prove. Therefore, the question of otherness remains unanswered, because “*historical time thus becomes a simple abstract medium of successive coexistence*” (IIS, p. 173).

Thirdly, the traditional perspective over time is ontologically related mainly to space. This claim is seen as essential to every identity system of thought (IIS, p. 194), in order to deduce the determinacy of the being. However, the special features of space are substantially different from time. Space is related to the determinable being, thus remaining unchanged in all time, while temporality is anticipated as static and, as such, is deprived of any sense of irreversible motion. Hence, if examined outside of its actual temporal dimension, the Being remains *forever* unchanged, still the same, in the atemporal repetition of spatiality (IIS, p. 194). In this sense, identity time refers only to the present and is limited only to the “*innumerable (and numbered) repetition of identity presents, always identical as such and*

¹⁸ Enlightening is the reference to Aristotle, *On generation and Corruption*, II, 336 a 27-8, according to whom “[...] it is a law of nature that the same cause, provided it remains in the same condition, always produces the same effect”.

different only by their place” (IIS, p. 201), thus sustaining the notion of determinacy through atemporality. Nevertheless, the *other* emerges only from the temporality of being, because the identitary present is unable to bring out social differences in the first place. From that viewpoint, Castoriadis argues that “*we cannot think of time if we do not rid ourselves of a certain way – the inherited way – of thinking of being, that is to say, of positing being as determinacy*” (IIS, p. 191); for, whereas determinacy is accomplished only through spatial dimensions, otherness is grounded on temporality. And, in order for determinacy to be preserved, “*true time, the time of radical otherness, an otherness that can neither be deduced nor produced, has to be abolished*” (IIS, p. 173). Under the light of that assumption, the author deduces that “*it is fatal to the inherited referential thinking that there is no real place for time or that time cannot really take place (=exist) precisely because we must look for a place for time, an ontologically determined place in the determinacy of what is, hence the time is but a model of place*” (IIS, p. 191). However, whereas these series of thoughts continue to exclude the possibility of otherness and plurality, the existing social differences cannot yet be adequately explained.

Finally, identitary-ensemblist ontology is traditionally regarded as sufficient method for analyzing the social-historical field. For, “*if the social-historical is conceivable by means of categories that are valid for other beings, then it cannot help but be homogeneous with them; its mode of being poses no particular question, and it allows itself to be absorbed within total being*” (IIS, p. 169). However, the radical otherness that Castoriadis observes in the social-historical questions the possibility for determinacy through causal identitary relations; and that is because social-historical appears through imaginary significations, which do not comply with causal identity and are not receptive to ensemblisation. According to this line of thoughts, it is argued that “*what the social is, and the way in which it is, has no analogue anywhere else*” (IIS, p. 182).

Based on that standpoint, Castoriadis observes that the social-historical demands an ontological scope beyond the traditional identitary-ensamblist logic. That is valid, inasmuch as “*society is not a thing, not a subject and not an idea – nor is it a collection or system of subjects, things and ideas*”, whereas every society is composed of “*individuals, who themselves would already have to be social, who would already contain the social within themselves*” (IIS, p. 178). In this sense, the special features of each and every society are not grounded on the individuals, but independently on the particular social-historical field itself; for “*the unity of a society, like its ecceity – the fact that it is this particular society and not some other one – cannot be analysed into relations between subjects mediated by things*” (IIS, p. 178). Therefore, society acquires properties, which are distinct from the properties of the constituting individuals – even as a collectivity.

Under the light of this conclusion, Castoriadis develops the concept of ontological genesis. For, if society is recognized as an autonomous entity over its members, then the concept of a self-instituting society arises. Subsequently, this equates to the ability for a society not only to radically alter the social-historical, but also to create – on itself and autogenously – institutions, such as legal rules.

2. 2. The origins of ontological genesis

Ontological genesis derives from the properties of natural temporality and how they are socially instituted; for “*of the world and of society by society, the institution of time is always an essential component*” (IIS, p. 186).

In the beginning, Castoriadis claims that the irreversibility of the succession of events or phenomena is a natural fact. That is, “*the irreversibility of time belongs to the first natural stratum of which every institution of society must (under penalty of death) take account*”, but thus “*in a certain way and not ‘absolutely’*” (IIS, p. 202). In this sense, based on the function of the first

natural stratum, arises the following fundamental supposition: time has properties that exist independent from the social-historical, but affect the social being and doing; simultaneously, there is no obligation to institute time with its natural properties, but critical is the “*manner in which this local irreversibility is instituted and taken into consideration in the representation and the activity of society*” (IIS, p. 203).

In general, the author accepts that, on the one hand, “*the social-historical emerges in what is not social or historical – in the pre-social, or the natural*” (IIS, p. 204). That said, social instituting is leaning on the first natural stratum, because natural facts and identities demonstrate actual and practical impacts on any social-historical. On the other hand, for a society every natural identity is brought into being only when it is instituted “*as the rule and norm of identity*” (IIS, p. 205). Hence, the natural identity not only cannot be repeated by the social institution, but it can be elaborated only “*up to a certain point*” (IIS, p. 202) – even taken over arbitrarily. Therefore, natural identities do transcend to social institutions; yet, regardless that the natural cannot be ignored by the social-historical, the manner in which it is instituted is not affected and, consequently, cannot be pre-determined.

Such instance is inferred between natural temporality and social-historical temporality, to which Castoriadis claims that “*the emergence of otherness is already inscribed in pre-social, or natural, temporality*” (IIS, p. 204). Specifically put, time is regarded under the light of general relativity, as is depicted on contemporary physics. In other words, “*energy-matter ‘is’ the local curvature of space-time and, moreover, the global properties of space-time ‘depend’ on the quantity of the energy-matter that it ‘contains’*” (IIS, p. 188-9). Hence, natural temporality is established as the fourth dimension of the natural beings and obtains an independent position along with the spatial dimensions.

Furthermore, Castoriadis points out that, due to the irreversibility, “*time is the emergence of other figures*” and that “*the pure schema of time is the schema*

of the essential alteration of a figure, the schema that presentifies the breaking up and the suppression of one figure through the emergence of a(nother) figure” (IIS, p. 193). Under that light, the otherness and plurality of the natural and historical reality are elucidated, for “‘time’ as the order of succession seems to be required [...] in order to permit the identical to differ from itself: the ‘same’ thing is never exactly the same, even when it has suffered no ‘alteration’, for the very reason that it is in another time” (IIS, p. 191); as a result, “true time, the time of otherness-alteration is a time of bursting, emerging, creating” and “this present exists as originating, as immanent transcendence, as source, as the surging forth of ontological genesis” (IIS, p. 201).

Towards a different ontological perspective, Castoriadis, observing the impact of natural temporality on the social-historical field, distinguishes between natural temporality and imaginary temporality. Inasmuch as the abovementioned natural identity belongs to the first natural stratum, “any society can never be absolutely separated-distinguished-abstracted” from the emergence of otherness (IIS, p. 205); for natural temporality as self-alteration affects society either way. At the same time, “the social-historical institution of temporality is not, and cannot be, a repetition or an extension of natural temporality” (IIS, p. 205); for imaginary temporality is not obliged to embody every natural property. In that sense, “each society is also a way of making time and of bringing it into existence, [...] a way of making itself be, of bringing itself into existence as society” (IIS, p. 206). Thus, despite the fact that social-historical temporality originates strictly from a natural identity, it is embodied by an institution, the formulation and effect of which remains conventional.

Indeed, regarding social representing, time is instituted as the time of mark-makings. Inasmuch as the explicit institution of time is essential, then every society institutes its own temporality and the description and analysis of the social institutions is based on the identitary time (IIS, p. 205-6). In other words, “the social historical is perpetual flux of self-alteration – and can only exist by

providing itself with 'stable' figures by which it makes itself visible [...]; the primordial 'stable' figure is here the institution" (IIS, p. 204). Thus, the time of signification can be conceived only through the time of mark-making. Otherwise, significations without identitary time *"would be undefinable, impossible to situate, ungraspable – it would be nothing"* (IIS, p. 210). Consequently, the needs of social representing indicate, that the manner through which society institutes social-historical temporality is identitary – which leads to atemporality, not natural temporality.

However, in the field of social doing *"society in general, and each society in particular is 'first' the institution of an 'implicit' temporality"* (IIS, p. 206). In other words, it is claimed that, should the social institution of time lean on the emergence of radical otherness, temporality as self-alteration cannot be ignored; for *"the time of doing would not be a time of doing and would not even be a time at all, if it did not contain the critical moment, the singularity"* (IIS, p. 212). To wit, radical otherness as a natural property is deeply engulfed in the first natural stratum and manifests such dominance that imposed itself implicitly, even if it is denied by the explicit instituting of social-historical time. That said, without self-alteration imaginary temporality would cease to be a temporality entirely, as it would be deprived of the very essence of the first natural stratum. To that end, Castoriadis specifies that *"the time of doing **must** thus be instituted so as to contain singularities that are not determinable in advance, as the possibility of the appearing of what is irregular, of accidents, of events, of the rupture of repetition"*; *"it **must**, in its institution, preserve or make room for the emergence of otherness as intrinsically possible"*, because *"the time of doing is necessarily much closer to true temporality than the time of social representation is or it can be"* (IIS, p. 212, emphasis not in the original).

Regarding the boldness of that statement, it is alone quite iconic the fact that, despite usually avoiding any prospect of social evaluation, Castoriadis stresses the point hereto with unusual deontological tones. That is because, apart

from demonstrating a milestone for his ontological perspective, that same point addresses simultaneously the existential problem in the context of social instituting. That is to say, the instituted denial of time is mainly regarded as an instituted imaginary compensation against mortality; for “*society offers subjects [...] the means by which to defend themselves by neutralizing time, representing it as flowing always along the same banks, carrying along the same forms, taking with it what was and prefiguring what is to come*” (IIS, p. 213). As a result, the primary cause for the instituted negation of time lies with the fear of death; subsequently, the aim constantly pursued is the avoidance of acknowledging death as a part of life. Thus, by denying self-alteration as a property of natural temporality, the alteration of human entity towards its self-decadence is also denied. Upon this observation, the deontological remarks are understood, because “*everything occurs as if society had to negate itself as society, conceal its being as society by negating the temporality that is first and foremost its own temporality, the time of otherness-alteration that it brings into existence and that, in turn, makes it exist as society*” (IIS, p. 213).

Consequently, Castoriadis concludes that, while traditional ontology nullifies the essence of natural temporality, social institutions fail to incorporate self-alteration and radical otherness. Practically speaking, this denial “*is unceasingly translated into the continuous self-destruction of creativity in society and in human beings themselves*” (IIS, p. 214)¹⁹.

On the contrary of the traditional perspective, Castoriadis acknowledges social-historical field as subject to continuous self-alteration, from which – deliberately or not – new social institutions and significations are created.

¹⁹ In his late works, Castoriadis, based on the abovementioned conclusions, was reflecting deeply on the symptoms of his contemporary western world, such as the decline of original work of arts, the academic repetition of the same philosophical thoughts, the general political conformity etc (see C. Castoriadis, *The Retreat from Autonomy: Postmodernism as Generalized Conformism*, pp. 23-4). Besides, without accepting consciously natural temporality as radical otherness, the accomplishment of social autonomy is inevitably excluded.

Hence, instead of everything happening “*as if society were unable to recognize itself as making itself, as instituting itself, as self-instituting*” (IIS, p. 213), temporality leads to ontological genesis with the form of creation *ex nihilo*, depicting the emergence of self-instituting and self-instituted society.

2.3. Creation *ex nihilo* as the essence of ontological genesis

In order to define ontological genesis, Castoriadis makes a distinction between difference and otherness.

On the one hand, difference describes the ontological situation, in which a figure derives from another figure, as a product in different arrangement, based on identity laws. That is the case under the light of the inherited ontology, by which, due to atemporality, creation is impossible; thus, any ontological change is grounded on the derivation from another being (IIS, p. 195-6).

On the other hand, otherness describes the ontological situation, in which a figure cannot derive only from another previous figure and no identity laws are sufficient to explain it. In other words, creation *ex nihilo*²⁰ is addressed when a new figure is not produced from a past figure, but “*comes from nothing and out of nowhere, it does not have a provenance but is an advent*” (IIS, p. 195). That is to say, there cannot be an identifiable rational connection between the ontological sequences, because every time the emerging figures cannot be fully related to the past instances, even if they originated from them. Therefore, inside radical otherness – and not plain difference – exists the potential of creation *ex nihilo*.

Furthermore, Castoriadis claims that the rudiments of ontological genesis lie with creative imagination (‘creative *Einbildungskraft*’), which derives from radical imaginary (IIS, p. 146). Methodologically, creative imagination (‘creative *Einbildungskraft*’) opposes productive imagination (‘productive

²⁰ In the related literature, the term “*demiourge*” – a derivative from the Greek word ‘δημιουργία’ – is often used.

Einbildungskraft'), as acknowledged by *I. Kant*²¹, who albeit a truly pioneering spirit still denied creation. The antithesis stands on the assertion that productive imagination explains social difference by producing only the same forms, waiting to be disclosed; nevertheless, such claim would reduce history not to creation, but to repetition, presented "*as a physical, logical or ontological 'elsewhere'*" (IIS, p. 198-9).

However, even if creation *ex nihilo* arises indeed as the only ontological means, based on which social-historical otherness is justified, the concept itself needs clarification. To that end, when addressing creation *ex nihilo*, Castoriadis rejects the similar, but troublesome, notions of creation *cum nihilo* or *in nihilo*. That is because it is not claimed that social institutions emerge freely, bound to nothing except for the imaginary capacity; on the contrary, they are creations under constraints, the most important of which are natural and historical. On the one hand, natural constraints are imposed by the first natural stratum, as defined above. On the other hand, historical constraints constitute the pre-existing tradition, from which every creation comes forth and which every institution partially incorporates. After all, "*the relation to this past is itself a part of the institution of society*", while "*the 'reception' of past and tradition [...] is, in fact, re-creation*"²². In that sense, nothing can happen "*just anywhere, just any time and just anyhow*"²³, meaning unbound to natural necessities and, foremost, free from past historical sequences; that would only lead to creation *cum nihilo* or *in nihilo*, which would result in an ontology of 'revelation', as adopted by religious texts²⁴.

²¹ I. Kant, 1987, *Critique of Judgement*, trans. by Werner s. Pluhar, Hackett Publishing Company, Indianapolis/Cambridge, p. 94, 182.

²² C. Castoriadis, Radical Imagination and the Social Instituting Imaginary, 1994, In: Curtis D.A., *The Castoriadis reader*, Oxford: Blackwell Publishers Ltd, 1997, p. 333.

²³ C. Castoriadis, Done and To Be Done, 1989, In: Curtis D.A., *The Castoriadis reader*, Oxford: Blackwell Publishers Ltd, 1997, p. 370.

²⁴ After all, according to Castoriadis, "*creation in theology is obviously merely a pseudo-creation; it is producing or manufacturing*" (IIS, p. 196).

Therefore, creation *ex nihilo* stresses the claim that institutions do emerge from what was already there, but do not bear any identity connection with their sources. That said, apart from the fact that they relate to and spring from an already existing tradition, their final content is other, distinct from its sources and, only to that point, freely created. And even if the case of some kind of causal connection does exist, creation *ex nihilo* lies with the fact that this connection is neither determinable, nor explicable by any causal law and, as such, its strictly rational analysis remains meaningless²⁵.

Under the light of these thoughts, creation of institutions approaches *mutandis mutandis* the aesthetic experience, similarly to the moment when a work of art is created. Elucidating is the example of the sculptor and the statue: “Now bronze is bronze regardless of its form. But the statue is a statue only due to its form; its being-a-statue, its essence, is its *eidos*. So, to say that someone creates the statue (ontologically) is meaningful only if we say (which is true, at least for the sculptor who is not copying any other sculptor) that someone creates the *eidos* of the statue, that what is created is the *eidos*. The statue is brought into being as a statue and as this particular statue only if its *eidos* is invented, imagined, posited out of nothing” (IIS, p. 197). Hence, despite the fact that every artistic creation derives from the already existing material with specific, unchanging properties (e.g. quantity, quality etc.), nevertheless imagination intervenes and, as a result, the final creation exceeds its material sources in terms of intellectual content and social meaning – in a word, is other²⁶.

²⁵ In all fairness, although no identity law is able to determine the cases of radical otherness, Castoriadis introduces the concept of *essential indetermination* (IIS, p. 199). That said, the inability to determine the ontological difference is not absolute, because certain properties of the past figures would persist in existing. However, this supposition does not lead to founding the succession of events only on determinable causal relations; “for, if time is truly otherness-alteration, it is out of the question that, at any given moment, the group of essential determinations of what exists can be considered as closed” (IIS, p. 200). Therefore, any causal justification of the ontological genesis is still rejected.

²⁶ However, otherness in the abovementioned example can be questioned in accordance to the following line of thoughts. The statue, as any work of art, is born from the capacity

Accordingly, the impact of human creative imagination on the social-historical field results in the emergence of social institutions; however, instead of material prerequisite, institutions require a pre-existing tradition, from which they emerge as other and, thus, obtain concrete and independent ontological weight. Therefore, as either a work of art or an institution, when a product of the human imagination exceeds the current limits of being, it constitutes a creation²⁷.

Given that, society is revealed simultaneously as self-instituted and self-instituting, is the maker and the subject of social life, never ceasing to alter itself (IIS, p. 201, 373). To that end, Castoriadis observes that “*each time instituting society erupts within society as instituting, each time society as instituting is self-destructed by society as instituting, that is to say each time another instituted society is self-created*” (IIS, p. 201). Thus, “*structures [...] wear themselves away by being used*”, as time is powerful enough to erode any

of human imagination and, hence, it constitutes an aesthetic creation, the origins of which reside in the imaginary field of its creator; correspondently, the creation of an institution, depicting a social imaginary signification, resides in the social imaginary field of every society. Thus, whereas the material has the same quality and quantity, its social significance is changed by human imagination – that is, by a thought, a nonmaterial factor. Given that, creation is depicted as a material result that originate from an immaterial cause; and precisely, within this distinction, imagination is founded as creative, not just productive. Nevertheless, this conclusion is based on the ontological presupposition that human thought and imagination is immaterial. But the truth is that we actually do not know trustworthily the essence of imagination. Besides, we never refer to its ontological substance, but only to its results; even if the products of human thought are obvious, its origins remain unknown. After all, the immaterial nature of human imagination is only an assumption. Consequently, if it was ever proven that even human thought had material essence, we could then speak only of productive imagination. For the material of human thought would have transformed into a product of social significance, such as a work of art or an institution, under the rule of an identity law. Thus, the possibility of creation would have been excluded, because there would be a natural identity that correlates the material of human imagination with its products; there would not be *otherness*, but only *difference*.

²⁷ Of course, contrary to aesthetics, the ontology of society is *in abstracto* morally indistinct. To wit, the concept that institutions are emerging *ex nihilo* leads in advance to neither positive, nor negative reception. For, as Athenian democracy and the assembly of People (*‘Ecclesia tou Dimou’*) are created, so are Nazism and concentration camps, such as Auschwitz.

institution (IIS, p. 216). But simultaneously, this erosion – possibly originating from some source of entropy – is the prerequisite of creation. That is the reason, why the most iconic examples of creation in the social-historical field are a catastrophe or a revolution (IIS, p. 201), in which cases the irruptive creation of other institutions is consciously observable²⁸.

In accordance to the abovementioned standpoints, law is created *ex nihilo*, as its content is only based on, but not determined by, the past ontological sequences. That is because, despite that law originates from the respective social needs and shapes a means for accomplishing correspondent social-political goals, its actual normative essence emerges as a creation of human imagination. Besides, this conclusion justifies not only historical deviations in the same society, but also the deviations among societies during the same historical era; thus, it is revealed that, although the most recognized and always acknowledged regulatory institution, law bears a conventional and inconsistent nature, broadly approachable though positivism. However, in agreement to that deduction, the content embodied by legal rules is still susceptible to criticism. That is because creation *ex nihilo* ensures only that a rational sequence cannot be ascertained between the social imaginary significations and the final formation of the legal rules that symbolize them; nonetheless, social imaginary significations themselves, along with the manner of embodiment, remain receptive to evaluation.

3. Personal thesis

3.1. Overall review

In general, this paper adopts Castoriadis' ontological system as depicting validly the social reality through the concepts of social imaginary and creation *ex nihilo*. Specifically put, it is coherent to acknowledge the following: that

²⁸ It goes without saying that self-alteration through creation *ex nihilo* proceeds, regardless of its conscious perception by human beings.

social institutions do not stand upon strict causal relations; that social imaginary renders the ontological sequence indeterminable; that social differences reveal radical otherness and self-alteration as the essence of temporality against traditional logic; that social imaginary can even affect our biological behavior without changing the biological structure; that social-historical leans on the first natural stratum; that the negation of temporality rests on the existential problem as a defense against the fear of death; and, finally, that institutions are created *ex nihilo*, resulting in the self-instituting and self-instituted society.

Indeed, the effects of temporality on the social-historical field had not received enough attention from the philosophical thought despite the unprecedented scientific questions and achievements of the 20th century. Henceforth, time becomes an integral invariant of any ontological analysis, without which the image of reality remains incomplete. Under the light of this statement, ontological genesis in social-historical is the outcome of Castoriadis' ontological perspective, when temporality is anticipated in its true nature. And this problematic provides seemingly explanation to the primary problem of radical otherness among different societies.

Nonetheless, in terms of the mechanics of this theory, the fundamental prerequisites concerning the correlation between natural reality and social instituting remain abstract or missing. Main supposition is that there are social imaginary significations which 'lean on' nature, making their institution unavoidable; and, due to the essentiality of the 'leaning on', they are regarded as crucial in terms of social doing. For the first natural stratum, upon which social institutions lean on, must be taken into account by any social structure, regardless of the institutional outcome.

However, it is difficult to perceive, exactly on what and how social-historical leans on the first natural stratum. On the one hand, the first point criticizes the definition of the first natural stratum, which is inadequate from any viewpoint. On the other hand, the second point criticizes the method

through which natural facts transcend to social imaginary significations and acknowledged through institutions, which not only is missing, but is often regarded as self-evident. These two weak points summarize the personal thesis of this paper, by addressing the logical fallacies that question the concept of creation *ex nihilo*. For we seek answers on whether irreversibility is indeed a property of natural temporality and, subsequently, how it is supposed to be instituted.

Moreover, it is fruitful to underline that the aforementioned points of criticism had not yet been addressed expressively by the related discussion. It is true that Castoriadis has received intense criticism by distinguished thinkers of the respective field, such as J. Habermas²⁹ and A. Honneth³⁰, but was focused mainly on the defense of traditional ontology, especially regarding the relation between society and individual and among the individuals themselves³¹.

²⁹ J. Habermas, Excursus on Cornelius Castoriadis: The Imaginary Institution, p. 327. To this dispute, J.M. Bernstein, 'Praxis and Aporia: Habermas' Critique of Castoriadis', 1989, *Revue européenne des sciences sociales*, T. 27, No. 86, p. 111, attempted a contribution in favour of Castoriadis.

³⁰ A. Honneth, Rescuing the Revolution with an Ontology, p. 62

³¹ According to Habermas, Castoriadis excludes intersubjective praxis from his ontological perspective due to the decisive effect of the imaginary dimension. That is to say, Castoriadis addresses "*the problem of conceiving the world-disclosing function of language in such a way that it can connect up with a concept of praxis with normative content*"; however, to that problem "*Castoriadis lacks solution, because his concept of society in terms of fundamental ontology leaves no room for an intersubjective praxis for which socialized individuals are accountable*" (p. 330). In that sense, whereas "*social praxis disappears in the anonymous hurly-burly of the institutionalization of ever new worlds from the imaginary dimension*", the traits of human actions originate not from social, but from social creative institution (p. 332). Nevertheless, Castoriadis actually accepts that, under the scope of social autonomy, "*an intersubjective action is actually possible*" and "*is not condemned to remain useless or to violate by its very existence what it posits as its principle*" (IIS, p. 107). That is because the concept of autonomy among the social subjects is favored in comparison with "*the old philosophical idea of abstract freedom*"; as such, the autonomy of the other is regarded "*not the pure and simple elimination of the discourse of the other but the elaboration of this discourse, in which the other is not an indifferent material but counts for the content of what is said*" (IIS, p. 107). Thus, intersubjective praxis between individuals is neither omitted nor ignored in Castoriadis' ontological system and, consequently, the social subjects are held responsible for their actions or omissions – especially when social institutions favor

That said, the disagreeing opinions do not take in account natural temporality as the newborn additional parameter with independent ontological weight. To that end, criticism should not focus on the results of natural temporality, but on the question, why and how natural temporality affects the social-historical. That would point to the general problematic concerning the leaning of social-historical on the first natural stratum. Therefore, whereas natural temporality is the critical feature, from which social creation springs, the correlation between natural and social is the critical topic that demands attention.

Regarding the first point, the content of the first natural stratum is being traced. Regarding the second point, the hereby proposed method is named the ‘leap of metaphysics’.

3.2. Definition of first natural stratum: Hierarchizing the instituted natural laws

Firstly, the concept of the ‘first natural stratum’ requires elucidation. The analysis is concentrating mainly on the function of natural reality, in order to ascertain that the social institution leans on it. Thus, Castoriadis distinguishes social imaginary significations, along with their correspondent institutions, between these that lean on the first natural stratum and those that do not. In that sense, a criterion of importance in favor of the former is implied, for, in comparison to the latter, they are essentially instituted and bound with the sustenance of social life.

However, the first natural stratum affects the social-historical outside from the self-instituting society. Even if Castoriadis avoids that statement, the natural

autonomy. Moreover, according to Honneth, idealistic origins are implied in Castoriadis’ ontology, as “*fleeing from its own radicalism, his theory of society leads in the end into a metaphysical cosmology which today can scarcely be discussed with scientific arguments*” (p. 77). Nonetheless, this argument addresses an obsolete distinction between materialism and idealism. The whole structure of social imaginary is founded namely on psychoanalysis, which according to *Freud* originates from the biological status of human being. That said, imaginary refers indeed to metaphysical, but not to supernatural.

takes the place of the common unifying order, from which, according to the inherited ontology, the social institution originates. That is, inasmuch as the first natural stratum is described as a “*given organization*”, it provides the stable reference point, upon which the instituting of the society leans on and develops. Besides, natural necessities remain critical not only for the existence, but also for the evolvement of any society. In that sense, despite his criticism against traditional ontology, Castoriadis also places an outer – albeit weaker – source concerning the emergence of radical otherness in the social-historical.

Moreover, it is true that natural identities cannot determine the content of social imaginary significations and, hence, social institutions. Nature needs to be instituted in order to transform into social significations, but the manner for which is not dependent on itself. Given that supposition, any natural property indeed differs due to its instituting. However, these thoughts do not deny the conclusion that nature remains the absolute substance (*‘ousia’*) outside from social-historical and serves as the fundamental of every social structure. Even if the natural is subject to instituting, it limits – or, perhaps, directs? – the capacity of every society towards self-instituting and self-creation.

Certainly, this ascertainment goes with consequences. Whereas nature is recognized as an organized system, we must accept natural causality as the internal function of that system. Besides, it is natural causality that provides nature with the adequate stability, in order to be regarded as a reference point. Subsequently, inasmuch as nature is the systemic basis of any social structure, we cannot deny that the ‘leaning on’ the first natural stratum by the social-historical must be analyzed through causality – not to achieve determination, but to consolidate the essentially stable order. Indeed, Castoriadis never rejects causality as an order of the natural reality (IIS, p. 121); on the contrary, causality is rejected only when it is regarded as a method towards determining social difference and social instituting. From that scope, it is essential to focus on the extent, according to which natural causality affects social instituting.

Nevertheless, a precise definition of the first natural stratum is not attempted. Apart from the statement that it consists of an ensemble of natural facts, the actual content of the term is displayed mainly through examples. Consequently, it is vague to understand, which ontological sequences of each natural law are undoubtedly taken into account by each social institution.

From a linguistic aspect³², the use of the term “natural facts”, meaning ‘natural phenomena’, creates of itself more questions than it solves. For facts usually depict the superficial reality, which is subject to eternal change – that is, to constant generation and deterioration. In another quote, the phrase “natural given” is used (IIS, p. 355), but the meaning still remains abstract. Natural reality of itself, changeable and moving as it is, cannot constitute alone the abovementioned natural order.

In addition, the social-historical itself is depicted on natural facts. Depending on each instituting structure, every society is transforming natural reality according to its norms – even if the instituting manner cannot fully reflect on natural facts. For instance, due to the prohibition of thievery under the criminal law, in the attempt of committing a crime a thief must beforehand surpass the guilt for breaking the rules³³. That is, criminal law accepts that it is always possible for a thief to withdraw from a crime due to fear and guilt, provoked due to the prohibition: even though the prohibitive rule is ‘only’ socially instituted, it has the potential to restrain the body of the thief, hence changing the natural reality. As a result, it is evident that natural facts are

³² It must be underlined that the same problems are observed not only in the English, but also in the Greek version of the book. Therefore, that does not seem as a fault due to translation.

³³ After all, according to criminal law theory, the attributability of criminal liability to a perpetrator depends on his/her consciousness of wrong-doing (Jerome Hall, *General Principles of Criminal Law*, 1960, The Bobbs-Merrill Company, Indianapolis, p. 99-100). From this supposition originates also the reason, why habitual or professional perpetration deserves heavier punishment; the easier the guilt is surpassed, the heavier the criminal liability becomes.

superseded by social institutions and, as such, do not provide the essential stability for the social-historical to lean on. And that is also implied by Castoriadis, asserting that natural reality “*allows itself to be altered*” (IIS, p. 354). Therefore, through natural facts alone the content of the first natural stratum cannot be approached.

On the other hand, if the term ‘natural facts’ reflects on the indissoluble laws that govern our Cosmos, then the first natural stratum signifies the concept of ‘mind-independent World’ in the sense that is acknowledged by scientific realism³⁴. Given that variation, any attempt towards definition requires a deep scientific approach, under the scope of Physics and the other natural sciences. That said, as long as natural mechanisms are perceivable, they can be embodied in the instituted natural laws; hence the facts that happen due to natural necessity are indeed an adequately stable reference point for the social-historical.

Of course, in accordance to social imaginary, even the acknowledged natural laws themselves constitute social institutions. That is, the logic of natural laws is the logic that the respective social-historical associated with natural function. Nevertheless, according to *H. Poincaré*, although natural laws are conventions introduced by scientists, they are not arbitrary, as they emerge from empirical facts³⁵. Therefore, natural laws, despite being instituted, are distinguished from the rest of the social institutions, because they emerge not arbitrarily, but based on scientific experience. In that sense, natural laws are institutions that lean on the ‘first natural stratum’, striving to depict the way natural phenomena emerge and function. And, despite that this attempt depends on human experience, the validity of which is questionable, the trustworthy

³⁴ Regarding an introduction on scientific realism, along with the opposing concepts, see S. Psillos, *Scientific Realism – How science tracks truth*, 1999, Routledge, London.

³⁵ H. Poincaré, *Science and Hypothesis*, 1905, The Walter Scott Publishing CO., New York, p. 152. See also S. Psillos, *Conventions and Relations in Poincaré’s Philosophy of Science*, in *Method-Analytic Perspectives*, 2014, Issue 4, pp. 98-140.

technological means used for scientific procedures enhance the senses and reveal less questionable experimental findings.

Given that standpoint, this paper claims that natural laws are hierarchically differentiated from the rest social institutions due to their much closer leaning on nature. Whereas generally social institutions emerge regardless any rational origins, specifically the instituting of natural laws faces immense and prevailing natural constraints and necessities, due to which their formulation follows strict scientific deontology and depends decisively on the empirical data. That is to say, natural laws originate more from scientific data and less from imaginary parameters. Therefore, the freedom of the scientific community is limited only to accumulating experimental findings and making predictions – actually, “guesses” (R. Feynman, *The Character of Physical Law*, 1967, The MIT Press, Paperback Edition, Massachusetts, p. 156) –, the validity of which is based on these same findings. Consequently, this domination of natural constraints achieves such magnitude, that the image depicted by natural laws is the closest possible approach to natural reality humans may hope to accomplish. Simultaneously, natural laws as institutions are the least affected from the social imaginary. Even though scientific deductions change according to new contradicting observations³⁶, instituted natural laws still hold the most reliable method for understanding natural reality.

Under the light of these thoughts, the hereto thesis acknowledges the fundamental natural laws as the content of the first natural stratum. In that sense, an additional hierarchy among the already instituted scientific theories is suggested, in order to locate the rudiments of natural reality. To that end, this selection from the wide variety of scientific theories is based on hierarchical criteria that have been so far addressed by supporters of scientific realism³⁷.

³⁶ After all, the progressiveness of scientific deductions is in harmony with the self-alteration of social institutions, excluding absoluteness by all means.

³⁷ According to S. Psillos, *Scientific Realism*, p. 105-8, the scientific theories that are

Among these, *maturity* is herein regarded as the milestone: inasmuch as a scientific theory has gone through repetitive empirical verification, it depicts natural function in the most reliable manner and, as such, constitutes the utmost possible distance from arbitrary human perception.

It is intriguing that *R. Feynman*, the famous physicist, holder of the Nobel Prize in 1965, also shared this concept of hierarchical selection by acknowledging that “*across the variety of the detailed laws there sweep great general principles which all the laws seem to follow*” (Feynman, p. 59). In favor of this argument he provided examples, such as the principles of Conservation (charge, energy, angular momentum etc.), certain qualities of symmetry, the general form of quantum mechanical principles and the mathematical nature of all the laws. To that end, rudimental scientific theories can be extracted even beyond theoretical Physics, with characteristic examples being the Entropy Law in Thermodynamics, the Darwinian theory of evolution and natural selection in Biology, the theory of Relativity by Einstein in Cosmology, the Uncertainty Principle by Heisenberg in Quantum mechanics etc.

Therefore, these fundamental natural rudiments signify the mind-independent logic, through which natural causality structures natural reality. Given this assumption, whereas natural causality is independent from human intellect or imagination, the logic of Nature is independent from human logic, thus providing an exogenous reference point for social instituting.

approximate to truth must comply with the following prerequisites: a. maturity, indications of which are the well-established nature on the field developed, the duration without empirical rejection, the survival despite intensive testing etc, b. non-adhoc-ness, which depicts the condition, under which a scientific theory is created in order to guard against theories to which empirical facts are forced. Furthermore, B. Ellis in *Scientific Essentialism*, 2001, Cambridge University Press, Cambridge, claims that natural properties are themselves the truth makers of their ontology (p. 217). That is to say, causal processes are driven by intrinsic natures of things that are directly involved with them (p. 223-4). Therefore, since intrinsic properties are regarded as essential properties, then natural logic could lie with the intrinsic nature of natural processes.

As a result, fundamental natural laws provide the stability that Castoriadis seeks in the first natural stratum without excluding the emergence of otherness. That is because they posit only the ontological prerequisites, according to which nature functions; the other vital factors depend on the specific circumstances of natural and social being (e.g. time, space etc.). That being said, if there was an equation that would shape the ontology of Cosmos, the scientific rudiments would provide only the invariants and the typology of that equation. Thus, from the common natural invariants arise a variety of ontological aspects, as differentiated expressions of the same natural source.

In any case, to that problematic Castoriadis himself offers solution. Whereas social imaginary significations are regarded neither as a dictated nor as a reproduced copy, not even as a reflection, of the first natural stratum (IIS, p. 205, 234, 353), the 'leaning on' the natural, as the common order, does not deny social otherness. For, when the natural is transformed into social imaginary signification, "*this formation-transformation is actual, figured and presentified in and through modifications of the 'sensible world'*" (IIS, p. 354). Besides, in favor of the same point, the author adds that "*'natural reality' is not only what resists and cannot be manipulated; it is just as much what lends itself to transformation, what allows itself to be altered 'conditionally' depending at once on its 'open interstices' and on its 'regularity'*" (IIS, p. 354). Therefore, even without hierarchizing the already instituted scientific theoris, the natural is combined harmoniously with social otherness.

Ultimately, the hereto paper is asserting that the rudimental scientific theories define the concept of 'first natural stratum'. It is clear that this opinion does not question, why society leans on nature. However, Castoriadis does not clarify, on what exactly human society leans on; and while that point remains abstract, the series of thoughts do not lead to the sought out conclusion.

Specifically concerning natural temporality towards social ontological genesis, we do not doubt the effect of natural temporality on instituting society,

resulting in the ontological genesis in the social-historical. Nonetheless, prerequisite should have been the claim that irreversibility of time is acknowledged as a natural rudiment; only then the leaning on the properties of natural temporality would be made possible in order to produce the self-instituting and self-instituted society. The absence of this stage renders the logical sequence abstract.

3.3. ‘Leap of metaphysics’: From Physics to Metaphysics

Secondly, the transformation of the first natural stratum into social imaginary significations must be based on a concrete methodical procedure. However, Castoriadis analyzes this procedure only superficially; the answer to the question, how precisely nature transcends to social institution, is elusive³⁸. And despite that the ontology of nature is understood through the instituted natural sciences, the actual effect on the social-historical ontology remains incomplete.

Given the abovementioned content of the first natural stratum, this paper introduces the term ‘leap of metaphysics’ as the method, through which rudimentary scientific theories affect the instituting of social structure³⁹. That

³⁸ In all fairness, Castoriadis does give some clues concerning the method of the transformation (IIS, p. 232, 354-5), nonetheless they are inadequate in comparison with the importance of the problematic.

³⁹ Regarding the historical analysis of that idea, findings trace back to Greek antiquity. The principal problematic resides with the search for the limits of human personal and social behavior from the viewpoint of natural need. Already from the epic poetry of *Homer*, the pivot of the western culture through *Iliad* (9th century BC) and *Odyssey* (8th century BC), the concept of *ivris* (‘ὕβρις’) was deeply rooted and prevailing as the exceedance by humans of the limits imposed by nature – or gods, who were mostly accustomed to natural powers. Besides, *ivris* is followed by *nemesis* (‘νέμεσις’), the service of justice, and *tisis* (‘τίσις’), the punishment. The same element is found in the fragment DK No. B 94 by *Heraclitus* (c. 535 – c. 475 BC), according to which “ἥλιος γὰρ οὐχ ὑπερβήσεται μέτρα· εἰ δὲ μή, Ἐρινύες μιν Δίκης ἐπίκουροι ἐξευρήσουσιν” (Eng. “The sun will not exceed his measures; if he does, the Erinyes, the handmaids of Justice, will find him out”). In addition, on the wall of the Oracle in Delphi were inscribed two of the most famous aphorisms, “μηδὲν ἄγαν” (“nothing excessive”) and “γνώθι σαυτόν” (“know yourself”); the former signifies again the refrainment from the surpassing of the

is, it aims to locate the social aspects of natural laws, which are appropriate to become social imaginary significations and be symbolized by institutions; upon these specific aspects social-historical has the potential – or the necessity – to lean on. Thus, the purpose of the Leap of metaphysics is to extract the socially critical content of fundamental scientific theories and, afterwards, to distinguish how these ontological sequences are actually taken into account by societies – that is, “*under penalty of death*” (IIS, p. 202).

Subsequently, inasmuch as the social-historical leans on the first natural stratum, the instituted laws of nature can be processed in a way that lead to the fundamentals of every social structure. Therefore, in order to conceive the procedure of the transition, Castoriadis’ ontological perspective presupposes that potential for social instituting is traceable in every widely acknowledged natural law. Indeed, without introducing expressly a specific method, Castoriadis himself adopts this standpoint, as he occasionally begins his logical process from a scientific identity that derives from natural sciences. For example, the author understands the relation between space and time through thermodynamics, where determinacy is abandoned (IIS, p. 395, n. 23); elsewhere, according to the Mach principle, the properties of each body are different from the properties of the surrounding field and, thus, society cannot be reduced to its individuals (IIS, p. 144); elsewhere, possibly due to implied entropy, the institutional structures erode of themselves (IIS, p. 216); and, of course, under general relativity, time is conceived as the “*unalterable cyclicity of becoming*” and, thus, time and space are treated as equals, making the ‘space-

limits, the latter the advice for anticipating the personal characteristics, according to which the limits should be self-imposed. Besides, to *Thales of Miletus* (c. 624/623 – c. 548/545 BC) is attributed the phrase “*ισχυρότατον ανάγκη· κρατεί γὰρ πάντων*”, translated as “the strongest is Need, for it dominates everything”. In addition, on the field of ancient drama, the opposition between human authority and divine or natural law is clearly depicted by *Sophocles* (c. 497/6 – c. 406/5 BC) in *Antigone* (c. 441 BC). As a result, it is hereto deduced that the principles of justice were regarded as an extension of the natural limits, originating from the harmony of Cosmos.

time' (IIS, p. 188-9). But apart from just ascending from the first natural stratum, there should begin an additional process, aiming to identify the natural invariants that are common for every social-historical field. Otherwise, how generally society leans on nature and how specifically natural temporality affects the instituting of social temporality remain obscure.

Furthermore, 'leap of metaphysics' as a term demands clarification. In general, it signifies the transition from physics to metaphysics. On the one hand, instituted natural laws constitute the deductions of Physics and other natural sciences. Because of the trustworthy methods from which they derive, these deductions provide adequate stability to form points of reference for social instituting. Besides, natural laws themselves are socially and morally neutral; that means, unless it affects human society and interacts with human imagination, nature on itself does not provide social aspects.

On the other hand, social imaginary significations and institutions are excluded from the scope of natural laws. Inasmuch as social imaginary significations do not constitute natural phenomena, social-historical does not apply directly to natural laws, but only 'leans' on them. From that point of view, social-historical constitutes a field of metaphysics: despite that social imaginary affects and is affected decisively by natural reality, it is not widely constraint by natural laws and, to some extent, can even ignore them⁴⁰. In that sense, metaphysics do not signify anything supernatural or non-natural, but everything

⁴⁰ By way of a characteristic example, on the field of natural phenomena the ultimate future of every human is common: everyone and everything dies. Death, as the ultimate natural phenomenon of every existence, is dominant in every living substance. And to cover even a possible post-mortem existence, death as a physical phenomenon needs to be perceived as the alteration of the constitution upon the definite abolition of the biological substance, both in relation to its form, as well as to its physical function. However, on the field of social significations, human civilization, almost from its birth and onwards, abounds with stories of cosmic or non-cosmic immortality. Despite the reflection of an inevitable natural reality, human being has the ability to imagine that it shall live forever, without having to die – a conclusion to be rejected, as highly non-expectable, but still with a great impact on social-historical.

that affects social being and doing, outside the direct scope of natural laws. Therefore, the 'leaning on the first natural stratum' establishes the correlation between social-historical and natural; the 'leap of metaphysics' explains how social historical and natural are correlating.

Moreover, the 'leap of metaphysics' is not a simple analogy, but an analogy *mutandis mutandis*. In other words, while natural rudiments are the reference point, to which social imaginary also applies, the essence of natural must differentiate in order to become instituted. To that problematic Castoriadis accepts that the transformation alters the essence of the first natural stratum, because "the very thing *which is leaned on* is altered *by society by the very fact of this leaning on* – which has strictly no equivalent in the physical world" (IIS, p. 354). This thought implies the existence of a middle stage, a meeting point, between natural and social: that is the point, where natural is conditionally adjusted to such analogies that obtains social significance; and, simultaneously, social ceases to remain autonomous towards natural and is obliged to take it into account. Whereas these two elements alter each other on this middle stage, the result of this interaction is the emergence of social imaginary significations that lean on the first natural stratum. This medium for interaction between natural and social forms an analogy *mutandis mutandis*, what we hereby name 'leap of metaphysics'.

It is necessary to specify that this stage systemically precedes the final institution of the first natural stratum. As mentioned above, the manner in which natural is in the end instituted remains unconstrained and, in any case, not pre-determinable. Through the 'leap of metaphysics' arise only the social aspects of the natural invariants, which must be instituted; however, how these would be actually instituted is still unknown in advance. That is, although social instituting of nature is existentially essential, its precise impact on social-historical is indeterminable; even if the natural invariant cannot be ignored, it

can be instituted in such way that is either accepted or denied in social-historical field.

To this topic, the most iconic example is the institution of sexual relationships. *Libido* as a person's overall sexual drive, firstly addressed by *S. Freud*⁴¹, is regarded as an inextricable part of human physiology and, as such, a significant invariant for human nature. In that sense, the first natural stratum includes *libido*, upon which social imaginary significations lean on. As a result, every society is obliged to take it into account and, thus, institute sexual relationships. However, examples among societies in human history prove that the instituting of sexual relationships has differed tremendously. On the one hand, the Christian puritanical states forced mandatory monogamy as the social adaptation of *libido*. On the other hand, the hardcore version of Islam, despite springing from the same monotheistic origins of Christianity, introduced polygamy for men and strict monogamy for women. Not to mention that in the classical era of the 5th century B.C., during the era of the Athenian democracy sexual interaction among citizens of the same gender was morally accepted. Under the light of these historical given, it is obvious that, despite the common natural invariant, from which the correspondent institutions derive, the actual content of each social signification is *other*. Of course, this does not mean that the institution of *libido* is not essential; on the contrary, *libido* is indeed highlighted as a crucial point of reference towards any possible instituting direction.

Therefore, even if we would be able to locate natural invariants as the starting point of the instituting procedure, the final direction remains indeterminable. The most that we can expect from the leap of metaphysics is to ascertain the essential content that stands as a reference point for social instituting. But from then on, the possible results are limitless; every society is

⁴¹ See, among others, *The Interpretation of Dreams*, 1950, translated by A. A. Brill, Modern Library, New York.

potentially able to adopt a different institution, especially according to its customized circumstances and needs. In that sense, what seems as absoluteness by scientific fundamentals becomes relative via the transformation into social imaginary significations. Thus, natural invariants are restricted only in forming critical viewpoints; the social application of them depends henceforth on the respective social-historical.

Particularly for the problematic of social creation, given that irreversibility of time could be regarded as a rudimental natural invariant, it must be afterwards applied to the Leap of metaphysics, which would locate the social significance of irreversibility of time. Then, it is vital to answer, how irreversibility of time becomes a point of reference for social-historical, in order to affect the institution of social temporality. Only when these two questions are dealt with, natural temporality would be understood as a social imaginary signification and, thus, would lead to radical otherness and social creation. Beforehand, it remains yet inexplicable, how from the irreversibility of natural temporality social creation originates.

3.4. Law under the scope of the ‘Leap of metaphysics’

Regarding the special case of legal rules, the extracted natural invariants constitute some of the judicial fundamentals for every social-historical. Given that, law is obliged to take into account natural reality and, through the ‘leap of metaphysics’, form itself by leaning also on the first natural stratum.

In addition, from the standpoint of natural reality it may be decided, whether a legal rule is practically applicable or not. For example, a positive rule that prohibits its subjects from dying is contradictory to rudimental natural laws and, as such, is doomed to infeasibility. Nonetheless, except for such evident examples, it is difficult to ascertain, to which extent the application of law is dependent on the first natural stratum. Concerning the aforementioned example, even if *libido* can be suppressed – as historically it has been and still is in some

societies –, it is albeit difficult to draw a line, beyond which excessive suppression surpasses the limits indicated by nature; but what can be said is that there are natural limits not only to social behavior, but also to legislating freedom. In that sense, it is hereto claimed that positive law can neither ignore natural reality, nor maintain a pure essence, as was demonstrated by *Hans Kelsen*⁴².

Of course, in accordance to the abovementioned distinction, every legal rule is not necessarily instituted as a reflection of natural reality⁴³. However, a legal system is not limited only to its normative nature, but provides also general principles for its legal interpretation, in the attempt to coordinate itself and avoid internal contradictions as much as possible. Hence, reference points extracted by the ‘leap of metaphysics’ acquire an autonomous position in legal thought, according to which the teleological and systematic interpretative methods correspond. For, on the one hand, the extracted natural invariants would validate the goal of a legal rule, the normative content of which could then be applied accordingly; on the other hand, the systemic position of a legal rule would reflect an analogous correspondence with the natural invariants, through which coordination of the legal rule with the whole legal system would be achieved. Therefore, the court of law would obtain an interpretative tool regardless of the existing normative rules, the use of which is not necessary to be officially enacted. After all, the already applied interpretative methods would be still available to use, to the extent that they do not contradict with the extracted natural invariants.

⁴² H. Kelsen, *Pure Theory of Law*, 1967, translated by M. Knight, University of California Press, Berkeley. Kelsen claimed that law is a hierarchy of binding norms, which are not subject to evaluation, thus separating 'legal science' from 'legal politics'.

⁴³ For example, law of contracts, labour law, commercial transactions etc. are strongly connected with the respective social circumstances, albeit very loosely – if at all – with nature.

4. Concluding remarks

Ultimately, Castoriadis not only succeeds in positing again traditional philosophical questions under new terms, but also manages to provide groundbreaking answers, many of which are still inspiring, but not yet fully adopted by academic communities. Nonetheless, in every great theoretical work, precisely due to its greatness, original thoughts are often susceptible to logical fallacies or abstractness. That is the point, where criticism is summoned.

After all, criticism is a sign of admiration. Whatever is worthy of respect, is also worthy criticizing; whatever does not deserve criticism, should be lost in the flow of history. That is especially the case under the light of the Greek-western tradition, offspring of which was Castoriadis himself. For the criticism he deserves must shed new light to the unwritten paths of the philosophical thought and trigger the spark for uncharted ventures. In that sense, it is hereby projected that Castoriadis' work will be fully fertilized, when the correlation between natural and social has been elucidated.

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