

INTRODUCTION AND SUMMARY

Brief

We may call this a philosophy of Competitionism – people need names that encode thinking, so this name might serve as well to fill the need in this case. We could also use other names, such as Scientific Pragmatism, Philosophy of Infinite Variances, or why not Interpretationism, and even Expressionism (for we are really dealing with subjective feelings that are raised to the level of explanation of the objective observations). – Competitionism, although not a beautiful word, points most adequately on the very forming feature of the ideas I present; ‘competition’ more than anything is the decisive new insight to philosophy (something we have naturally known all the time, while rejected from the beau monde of philosophy and la science pour la science). The notion competition is like the long lost missing key that fits into the lock of scientific mysteries; we now turn the key and open the valve and we are faced with the truth: a whirlpool of feelings. We automatically police feelings by taking them into the ‘mind’ in form of more or less orderly perceptions of things and thinking; the perceptions are constantly affected and arranged by an endless social competition on each level of life (this human life cannot be but social life). Competition is what causes the idea of stability and yet it is also what brings the change. Each human act (even the infinitesimal) is an act of competition.

We are dealing with perceptions in competition; the perceptions stem from feelings, and to the external they come in form of expressions. Expressions are a result of interpretations of feelings, but we cannot separate expressions and interpretations into two, they are essentially aspects of the same, and have to be seen as the one forming the other. A human being is constantly engaged in interpretation; through the senses we interpret the outside world; the body in manifold processes constantly interpret what is going on in the organism (the homeostatic regulation system; hereby we can see that there is no such sharp distinction between a man’s external and internal world). – Most of the interpreting goes on unconsciously (we cannot draw a line between conscious and unconscious interpreting). – In social connection we interpret the language (language in broad sense), but most importantly we interpret *with the language*. I hope it is clear that there is not ‘a single atom’ which is not the object of our interpretations – all that we perceive with the senses becomes the object of interpreting. – The essence of interpretation is substituting one expression with another. And now it becomes evident that this interpretation must *be the truth*. - The truth is that all what we deal with are interpretations; there is never anything more fundamental to be found – in anything. – Now, we have unfolded the riddle of truth. – I can sense a deep disappointment among all the absolutists. They all wanted to privatize the truth – but now, how can one privatize an interpretation!

Notwithstanding some feeble attempts, the distinction between natural sciences and social sciences has never been properly made. The ideas expressed in this book are the result of coming to the insight that a radical and sharp demarcation between these types of sciences will have to be made. This is because the objects of study in these are totally different. Social sciences do not deal with things; words are not things. - This book introduces a new distinction with ‘things’ on the one hand, and ‘expressions and interpretations’ on the other hand. Language and social practices (among them philosophy and science, which are but aspects of the same) have up till now been conceived based on an analogy to things and their movements (both by a conscious effort, and just as an evident background assumption). Expressions and Interpretations expels all vestiges of the thingly worldview from philosophy and social sciences, and instead it is shown how language and social practices stem from feelings. Language is the expression of our interpretations of feelings – with this we see that there is no certainty, no philosophical and scientific truths nor facts – when all we start with is an interpretation, then we, naturally, cannot move further than to the next interpretation.

We are constantly interpreting language; sometimes interpretation is done as a concentrated effort, but most of all we just interpret by being – being consists of interpreting. – But, the fundamental philosophical question should not be about interpreting language, but the feelings that are behind language. Language as such is the tool for expressing interpretations (and fundamentally not the object of interpretations).

With the demolishing of the ‘mental thing’, and the thingly philosophy (and the thingly social sciences) enter perceptions and competition. It is shown that social life is about expressions and interpretations, of perceptions, in constant competition. The organizing idea of competition familiar to us from economics (especially from the correct understanding of [market] economy as Adam Smith taught us) becomes the new paradigm of philosophy and all social sciences.

The author talks with the words of Wittgenstein, who without any doubt represents the philosophical ideal. The book defends David Hume and the empiricists and uncovers the Copernican contra-revolution that Kant so successfully launched. The scientific part of Nietzsche’s work is shown to be extremely valuable, while his conceptual psychologism, such as the misconceived attack on the Christian religion is rejected. John Searle’s ideas serve here to illustrate the contemporary philosophical errors. - Law is in the role of a paradigm case-study especially with emphasis on Russian law emerging from underneath the Marxist ordeal. Building on Richard Posner’s argumentation the author shows that law is in fact best defined as a *competition of arguments* and that it is all about producing justice; justice which is best defined as *competitive justice* – which should replace the old political slogan ‘social justice.’

This book is born out of a frustration with the degeneration of liberal values in modern day Europe (as it turned out America seems to compete with Europe in the *normative hysteria* that has become a threat to life), and a need to voice a total rejection of all collectivist explanations of mind, anchoring all reality in the individual human being.

Mottos and Quotes

I want to put some mottos and quotes in the beginning of this book in order to guide the reader to some of the key philosophical insight I try to expose.

(The expressions were originally mine when other authors are not indicated.)

“The doctrine that we can discover facts, detect the hidden processes of nature, by an artful manipulation of language, is so contrary to common sense, that a person must have made some advances in philosophy to believe it.”

John Stuart Mill

“The results of philosophy are the uncovering of one or another piece of plain nonsense and bumps that the understanding has got by running its head against the limits of language.

Wittgenstein

“Philosophical problems are caused by posing the wrong questions and the problems disappear with turning the investigation around”

My resume of Wittgenstein's philosophy

It is philosophically correct to say that “In the beginning was the word.” – With the word entered humanity, and with the word came the misunderstanding.

Wittgenstein: “At death the world does not alter, but comes to an end” (Tractatus 6.431).

Russians are fond of repeating after Gogol with a certain self-irony that in Russia there are only two problems: The roads and the fools. - But, we shall remember that in Europe they have merely dealt with the roads.

The only a priori mode of thinking is forgetting.

Game Theory – Conjectures seem so much more exact in mathematical form!

Analyzing the brain to understand the mind is like analyzing the paper and the ink to understand a text

The feeling ‘I cannot find the words’ is due to the fact that there are no words to be found.

Wisdom is the capability of a person to recognize and discern one's own moral modes.

New improved double-bladed Occam's razor cuts superstitious belief even deeper.

The discovery that gives philosophy peace is the understanding of the essence of language and competition as the organizing idea of what ties all the parts together.

The truth admits but the everlasting interplay between expressions and interpretations.

Infinite interpretations of expressions, and expressions of interpretations wrapped in a moral mode exclude all ideas about truths.

Wisdom is to be able to recognize and to move between various levels of perceptions.

Words acquire a meaning not only in the context of a narrative, in the web of beliefs – the meaning is also inflicted by the moral sentiment, the way we relate to words and the feelings they arouse.

When all we start with is an interpretation, then we, naturally, cannot move further than to the next interpretation

Initial position (Rawls): the only initial position that there has been is the conception of a human being, and that is not a rational one, but a passionate.

It is egoistic to think that somebody else's suffering or death is meant as a punishment of yourself

Democracy is a function of the conditions for competition.

Moral is the mode of relating to norms and not a special set of norms

The scoreboard of truth is a function of the competitive process. – This revelation effectively removes the hat from the riddle of law.

Any meaningful use of the concept 'true' means that it depicts a relation – and since it is a relation then it is never absolute.

The myth of the enlightenment is caused by not seeing the competitive method in action.

Feelings are more complex than the language that expresses them.

Science is the perception of what is ranked highest (it is a kind of a market quotation of arguments).

The true holistic view is that all is a dimension of a word.

When people do not recognize that all knowledge is only perceptions, people, in fact, become hostages to the perceptions.

We continue searching for the hard core of expressions (and that must be the culmination of alchemy: looking where nothing can be found).

But what can be true about an interpretation (for all expressions are interpretations).

Feelings maybe true, there maybe true feelings, but the interpretations are not.

For truth, if anything is a state of being honest to oneself (expressions are interpretations of feelings, there is no deeper meaning or truth to be found, and this is the deep truth).

In law at the end of the day one of competing views is pronounced true.

The extreme left and extreme right are neighbors at noon, when you just do not present them on a line but on a circle.

Law is an activity where ritual masks reality.

The dilemma in life is that truth lies in the future, but love, hope and trust are in the past and we are in a continuous quest to reconnect with that feeling in the future.

Harmony is disrupted with the concept of two.

Language is used for expressing feelings – but as language is very underdeveloped for the task, the expressions are in fact only interpretations of the feelings: Feelings are more complex than the language that expresses them (even language in the broad sense). – This is what makes the task of interpretation of feelings an infinite endeavor.

The conservatives (and all our teachers are conservatives) do not understand that the official style of today is the deep-frozen radicalism of the past.

Maybe aspect-blindness partly is a protective device – helping us to endure this uncertainty – like sunglasses protecting against clarity.

Look out for nonsense...

The state is the actuality of the ethical Idea. It is the ethical mind qua the substantial will manifest and revealed to itself, knowing and thinking itself, accomplishing what it knows and in so far as it knows it. The state exists immediately in custom, mediately in individual self-consciousness, knowledge, and activity, while self-consciousness in virtue of its sentiment towards the state, finds in the state, as its essence and the end-product of its activity, its substantive freedom. ...

- *Hegel*

The state is absolutely rational inasmuch as it is the actuality of the substantial will which it possesses in the particular self-consciousness once that consciousness has been raised to consciousness of its universality. This substantial unity is an absolute unmoved end in itself, in which freedom comes into its supreme right. On the other hand this final end has supreme right against the individual, whose supreme duty is to be a member of the state.

-*Hegel*

From the understanding arise concepts.

- *Kant*

Emile Durkheim's first rule of sociological method: to consider social facts as things.

Science is about things, i.e. about being. - *Svendsen*

Popper on Marx – “His mistaken theories are a proof of his invincible humanitarianism and sense of justice.”

Summary

The above brief introduction is the concentrated summary of the book. This present section is a digest in condensed form of the main ideas of the book produced by basically copying and rearranging sections from the main text, a kind of a collage. The summary should therefore be read, not as a narrative as such, but a brief on the main themes, although some themes are independently developed in this section.

Building on Wittgenstein and Arriving at Expressions and Interpretations

Wittgenstein first said that ‘the world is the totality of facts, not of things’ – his later work was a refutation of this idea, but he never reformulated his conceptual stance as such. In much drawing on his later arguments I would readjust that statement and claim that:

‘The world is the totality of things. Life and understanding of the world and the things are determined by expressions and interpretations. The totality of expressions and interpretations determines whatever *seems* to be the case’.

The fundamental philosophical and scientific error is the failure to make a sharp demarcation between natural sciences and social sciences. Natural sciences study things and their movements, while social sciences (including philosophy) study expressions and interpretations. - Language is not a thing and the words are not things and the concepts are not things – language does not consist of any things – no atoms, no molecules and not even gaseous steam. – It is the delusion of the ‘language of things’ that converts words into things. And once the things and expressions both are assigned the same roles in language then all the other errant conclusions are drawn from that.

Some authors have hinted at this problem, there has been talk about reification and the anthropomorphic fallacy, but the analysis has never reached deep enough. Upon noticing that expressions (words, language) are not things we should inquire into what is their actual essence. But there has never been such a concentrated analysis, and most importantly, no positive result has been provided. In this book I provide a solution, I claim that expressions are interpretations of feelings (*note*: this expressly means that they are *not* mirror images of something more fundamental, because there is nothing more fundamental).

When we understand that expressions are only interpretations of feelings (which are subject to further interpretations), then we have all the knowledge needed to make the other philosophical conclusions. – And thus there is no form, there are no laws, there is no causality, and there are no truths (apart from the true feelings) – naturally formal logic will be relegated to the role of linguistic alchemy.

Philosophy

From now on all social sciences should simply mean a historic study of a particular theme from a chosen perspective and argumentation for an ideal in regards to that. – The time of attempting to perform an autopsy on concepts, on words, is over – now a critical examination and evaluation will be directed to social practices, and individual deeds. – All social science will be understood as philosophy, philosophy as an activity to look after language, and a philosopher as a gardener of language – and it should be understood, that in fact this is all but art. (There is a nonsense book called *Words and Things* on hundreds of pages containing one sensible statement - and even that was meant as an irony - that the word and the deed is one).

Philosophy, as the study of language use, has to be freed from the constraints imposed by 'the language of things' and the thinking it infects.

What emerges from my book is a very holistic picture where everything (all that is the case) can be seen as a dimension of a word. – And as this is so, then it follows that the usage of words, language, is what makes the social world go around – and then there cannot be anything more fundamental than looking after how language is used.

Philosophy and language are two aspects of the same issue. Philosophy should look after language and language is the basis for philosophy, while at the same time being the endless source for new philosophical problems (in this sense we indeed have philosophical problems: the endless practical problems caused by the weak thingly language). – These problems will never cease to exist – but we fight them in same way as we strive for health, we can get healthier, but there is never a cure.

In my work on jurisprudence I make use of these postulates: I am clearing up the ground on which language stands on [the misuse of legal language]; I am not saying anything else than propositions of natural sciences [words are not things; in law we can prove only the biological fact that the world ends at death]; I criticize all those philosophers, politicians and journalists that say something metaphysical [this is an endless task; we need a Foundation for criticism of everyday metaphysics]; I demonstrate how they fail to give a meaning to their propositions; Clarity is my method [I remove the metaphysical drapery of expressions and deal with what is left]; I am describing how language and hence social life functions [I am not promoting a view; I am not explaining how we came to this point – as Nietzsche does – because we simply do not know; we do not know how all evolved, but we now know the basics of how social life functions]; I promote the understanding that language is both the problem and the solution and philosophy should be the battleground [indeed *battleground*, not the forum for the bored book-learned self-proclaimed intelligentsia poking each other with sticks in between the eloquent praises for each other].

Concepts and other Words – seen as Things - even as Animated Things

Some of the words used to describe social relations have been grouped to form concepts. These concepts, which are merely the symbols for cumulated experience have created a lot of confusion in philosophy due to the fallacy to think that the concepts represent something independent (and to think that this 'independent' is a 'thing'). - And where the idea emerges that concepts represent cumulated experience, there they think that experience is faultless and clear; the possibility that the concept has captured faulty belief, superstition and nonsense is totally disregarded. - This confusion and erroneous philosophy was brought to new heights by Kant.

The analogy to things and their properties has always been used for justifying philosophical speculation. The examples philosophers refer to always concern physical objects in one or another form ranging from Moore's hands to tables and chairs. – I am saying that there is no philosophical value whatsoever on looking at a pair of hands, tables, and chairs, they do not bring any insight to expressions and interpretations.

There is e.g. talk about 'law being a unique social phenomenon'. – This statement is illustrative in showing how wrong it is to regard perceptions on past activity as 'phenomena', because thence they really give 'phenomena' a thingly role. – A 'phenomenon' is taken to be something, it is something with its own properties; I would even say that they take it to be a thing-in-itself. But, there are no such phenomena, there is just a lot of human activity going on, and 'law' is a certain type of perception on what happened.

Perceptions

All we see and feel are based on our perceptions. – People constantly, based on sensory experience, map the environment, the surrounding world (including one's own organism). The sensory data is constantly processed whereby signals are produced for regulating the body functions. The sensory data also produce ideas of the outside world whereby a person forms perceptions of the world. What there is are feelings and perceptions. – All we see and feel are based on our perceptions. Language (in the broadest sense) serves to produce and encode the perceptions, which develop in pace with the languages in general and a person's capacity to see through the established perceptions (for a glimpse of light).

There is no scientific justification for distinguishing aspects of life under such classifications as 'law', 'economy', 'politics' etc. All these categories are but perceptions of life; perceptions people have given labels to; and under these labels aspects of life have historically been piled and compiled in accordance with the traits perceived in various issues. The underlying human activity is in every case simultaneously law; economics; politics; moral – whatever – the spectator just chooses based on his perceptions his perspectives and his vocabulary.

Everything can affect anything and everything is but a perception of anything. When we regard issues like law, economy or politics what we see is solely governed by the mode of looking, the perspectives we choose, our point of view – the mind will work with the chosen perceptions (and language really is the 'operational language'). Economics, law, aesthetics, political sciences, theology, they do not exist as such. They are just descriptions to indicate from which point of view we are treating the subject matter.

Theories of law are almost exclusively based on the fallacy of not seeing that the whole endeavor is but based on a chosen perspective and the confused perceptions.

All our perceptions are better recognized being on a continuum or better yet on an infinite number of such and arranged in endless combinations, sometimes occupying the same spot.

Competition

This book is about competition, all in social life is about competition: feelings are in competition; competing interpretations emerge as expressions; the expressions compete with other expressions, and they are open to competing interpretations. – 'Moral' is one more aspect of competition of feelings; the norms (in all of the games) are in competition. – And as the perceptions compile to grosser and grosser perceptions we think about 'law', 'religion', 'morals', 'economy', 'politics' etc. – small perceptions pile up to big ones. – (It might be necessary to add that, naturally, individual, particular, people's activities in all being are in constant competition – the idea of will to power is not far fetched here.)

Let's consider some aspects of the big perceptions: 'law', 'economy' and 'politics.'

Law is a competition of arguments and the outcome is competitive justice.

There is only one 'kind' of economy; the classification only describes the level of competition in the economic practices: A more competitive economy is on the continuum of perceptions on the

side we could call 'market economy', and a 'socialist economy' is on the other side of the continuum, where the competition is more distorted.

Democracy is a function of the conditions for competition. Democracy exists on a continuum from good to bad. The extreme case of bad democracy is where a ruthless dictator is in charge – but even there she is in charge only as long as she can – until she is stopped by the people at whose mercy she is. We sometimes hear it said 'that democracy is the worst form of Government, except all those others that have been tried from time to time'. But, this is a gross misunderstanding - all systems are about democracy, there are no alternatives – it is only a question of the quality of the democracy – democracy is a competitive system, which has to be made ever more competitive. What should be said is: 'indeed, the more competition there is in the democratic system the better it is, we can see what failures non-competitive systems bring about.' - Parliamentarism does not meet the standards of competitive democracy, and cannot be the foundation for a competitive society. – Parliamentarism is the system of totalitarianism of the majority: the artificial majority (the majority of political players).

The mission of any correct politics or political leadership is to create conditions for the best possible competition. – This means the function to prevent all forms of monopolies and abuse of dominant market position in all aspects of life – again this has been best understood in the economic sphere with the anti-trust legislation – the US Sherman Act of 1890 is hereby a decisive milestone in development of humanity. – Now we only have to convince that monopolies and abuse of dominant market position are the cancers of all aspects of life: religion; media; democracy; morals; science...

Instead of the Scientific Method we have the Competitive Method

Science is a subsystem of arts (sometimes just an especially dull form of waste art merely reclassified as science) - this system of arts is itself a perception of knowledge (a lot of the social science we are treated with is best subsumed under the artistic movement *La Science pour La Science*). – When in fact all we have is a competition of arguments – and a bunch of doorkeepers exercising a face-control on arguments.

The so-called scientific method is in fact but a competitive method. Instead of a 'scientific method' the natural sciences benefited from competition. It was the growth of competition and freedom of competition which fueled scientific progress. Every scientific theory would have to prove itself in the market place of ideas. To prove his theory the scientist had to be well prepared: study as much as possible of the recent work relevant to his field and transparently argue his opinions.

In social sciences we should not hold the methods and results of natural sciences as something to imitate (things and their movements are no analogy for feelings); but instead the practice of natural sciences would gain a lot from understanding the kind of diversity that this new concept of social sciences has to offer.

The spread of information and the unfolding of communication was the enlightenment.

(Howard Caygill writes about 'the remarkable development in German philosophy that succeeded Kant, and the Enlightenment that preceded it.' – In fact approximately one and a half century of 'remarkable German philosophy' led to the horrors of the Second World War; Nazism and Communism, the mass-murder of people in the name of Ideas – the Absolute Ideas).

Exact Sciences

The natural sciences are often called the exact sciences (although more prudent people reserve that notion for mathematics – which in turn is misleading, as shall be discussed later). Even then when people do not talk about ‘the exact sciences’, they still muddle regarding the ‘exactness’ of natural sciences. There have been interruptions in the natural world; there has been construction (and certainly destruction) in the natural world, but there is no planning of the natural world. Whatever notion of planning there is in the natural world there is equally in the social world. - We simply do not possess any knowledge that comes near to merit the epithet exact in sciences. - The idea of the exactness comes from the measuring system, mathematics, which they have *pronounced* exact.

Sein, Sollen and Gewesen – What is, What Ought to Be, and What Has Been

One more of the fundamental misconceptions in all kind of philosophy, and social theories of all sorts, is the failure to correctly deal with the distinction between ‘is’ and ‘ought’ and especially the lack of the notion ‘has been’. - Modeling on famous misconceived sophistry we can also call these with the German words ‘Sein’ (for ‘is’); ‘Sollen’ for (‘ought to be’), and the point they have all omitted: the ‘Gewesen’ (for ‘has been’). The problem is that the Gewesen, what has been, is taken for the reality, and Sollen, the ‘ought to’ which is pure personal speculation of an author has been taken to represent the ‘is’ - i.e. the ‘is’ that the speculative author is trying to convince us to exchange our present reality for (some with remarkable success).

In this book I am promoting an understanding of the concept of law as being part of a scientific ‘is’ - the everyday reality.

Infinite Variances

The competitive method is the scientific method (if we want to call the result a ‘method’) - and the Infinite Variances is the scientific paradigm, the eternal theoretical framework within which theories, laws, and generalizations will find their test and support, if any. - It is the recognition that everything may depend on anything; that we cannot trace the dependence to any specific source; and that the degrees of dependence and interdependence vary. - As we can never know what exactly is dependent on what and to which degree, we can only give narratives, views, small lessons.

Empiricism, Intuition and A Priori

Intuition is a process where Infinite Variances act, react and interact. - Due to the Infinite Variances we are just not able to recognize the sources of knowing. - At the root of the ‘a priori’-error is the confusion between direct conscious contemplation and the continuous processing of experience gained from the Infinite Variances of situations we meet in life. - The anti-empiricists are perplexed with knowing something while not recognizing the instance of having learned it. This loosing of sight they call ‘a priori’ - it is a notion to fill the gap between the certainty they have been taught to expect and the eternal flux of life. I propose they substitute this idea with ‘intuition’, which in fact is very similar while being a healthier notion; it is when a person seems to know something, but cannot trace the knowledge back to the origins of continuous life experience.

The whole point is (similarly to what Adam Smith showed in the economy) that life is such that what goes on does not follow any kind of ‘natural laws’, or captured forms of logic, nor are there causes and effects following a set pattern. All in social life is merely governed by the constant

interplay between expressions and interpretations in the competitive system, as in a dance with Infinite Variances – some which seem more regular to us, some less.

Scientific Pragmatism

In science 'pragmatism' has been delegated to the role of 'just pragmatism' as it has not fit in the traditional moulds of creative imagination of philosophers. – I claim that when we strip philosophy and social sciences of the layers of illegitimate questions, and the masks of concepts, then there is nothing left but pragmatism, a scientific pragmatism, which really is the new paradigm. – Yet, if pragmatism would mean all that is in accordance with 'common sense' is correct, then we would be on thin ice again. For 'common sense' sounds as if it would be a brand of sense – and it is not. 'Common sense' is a 'tool' of argumentation, a better one than the imaginary systems enforced by the philosophers – but nothing more. - It is *scientific* pragmatism, because I have scientifically proven that expressions are not things, but interpretations of feelings, and these are arranged in the mind by perceptions in competition – which is a very practical matter.

Economics, the Ugly Duckling Turned the Beautiful Swan of Sciences

In social sciences there are no 'things' and so all the other considerations that follow (movements, laws, final descriptions) become meaningless. Lacking an understanding of this is the reason why the social sciences are some kind of quasi-sciences with one great exception: the science of economics. For economics is the social science least plagued by a search for metaphysical entities. – In economics there is much less of the quasi-scientific discussion about ontology and all the rest that goes with it.

What is great about economics is that the theories produced in it are relatively easy (compared with other social sciences) to put on test on the market – there is a kind of a huge laboratory consisting of the entire world and all the people that test every day the various hypotheses (and in fact the tangible products serve as empiric proofs). Economics is the paramount social science and it is the empiric science par excellence. Economics has over the years by the primitivist been depicted as the 'dismal science'. But in the test of time economics is like the ugly duckling turned the beautiful swan of sciences.

Common sense understanding (and even the scientific understanding to a certain degree) admits that the economy functions as a competitive (market) system. By this I understand basically a system where everything is dependent on everything; anything may or may not affect anything and everything, where an infinite multitude of variances (nuances) of aspects are involved in a manifold of phenomena: a system, which nobody can direct and where nothing follows necessarily from anything particular.

For me the fundamental principles of how a market economy functions had always been the guiding idea on how everything in life functions; a system, where there are no natural or scientific laws that would compel a certain outcome, nor a casual relation or anything like that; there are just a huge amount of individual people each which his own life and aspirations – and where there is freedom there people's aspirations combine to a better result – a system where nothing necessarily leads to something else, but where anything may affect anything else. – This is basically what Adam Smith wrote about in what must be one of the most remarkable philosophical tracts of all times – for *The Wealth of Nations* was the first and most comprehensive ever description on how social life functions – where no metaphysical laws act and react, and where the role of competition and individuals was recognized to form a holistic whole. It is impossible to estimate the immense effect that this work has had.

Language

Language itself is the purest competitive system of all – in fact all forms of life are but mere perceptions on the practice of language from a certain point of view. (The unity of manifold, is not a physical unity, it is rather the holistic web of perceptions that reduce all aspects of human life to language, to words, to aspects of feelings, to the binary mode of pain and pleasure.)

One has to move beyond language to see that the philosophical problems disappear – and beyond language we have feelings. Scientifically feelings are connected with psychological, and biological problems, or whatever we want to call them, but certainly not philosophical ones.

Language only delivers the expressions of feelings and the interpretations. Now we can realize that the ‘true workings of language’ consists of the interpretations of feelings, whereby there are no intrinsic rules, only an endless competition between all these different perceptions of the feelings. With language we can only roll from one interpretation to another, and there are no truths to be reached on the road; instead it is better to see language as a method. It is basically a market method or a competitive method, an open system where all language use affects all other use. In proper philosophy we can merely point out when words are arranged so that nonsense follows and confusion reigns.

The expressions of language are developed from people’s experience. Language depicts first and foremost what people have seen. The most basic words and expressions stem from the most elementary forms of life, the life connected with the physical nature, the thingly nature. Languages have not developed much past a description of the basic experiences of life. We are trying to express, and we have a need to express, complex, delicate, feelings with a language that merely fits for describing the world of things. The usage of the thingly concepts for describing feelings is what sets up traps in language. - In communication this fallacy has resulted in a disastrous failure - Meaning has been turned upside down: Protection has been converted to hatred; love to possession; faith to repression, knowledge to superstition; personality to exclusion; you to many; I to we; care to distance...

Whoever conceived the story of Adam and Eve eating from the tree of wisdom and being expelled from the paradise captured a very relevant notion. This is the insight on how language – for the fruit of knowledge is the language - when misused, out of context, becomes a corrupting force, the archreason for misery – the tool for intrigues; conceits; superstition; deception; fraud, mass-hatred; war. By combining words in a cunning way the bad have captured power from the innocent; privatized natural needs for explanations of eternity, the world and the skies under own private label religions.

Language is hence all there is to philosophy. Elements that have earlier produced a lot of philosophical nutcracking simply disappear. We will see that metaphysics and logic turn out to be antiquated activities similar to alchemy - save the part of metaphysics which deals with the beginning of life, which is better to be left to the realm of religion

Language-Games

The concept of language-games is very helpful for understanding all other social practices, such as law, morals (that is the other perception of norms), economy, science, politics, aesthetics, mathematics, sociology, psychology etc. All the social practices are about language, all differing only in the chosen perspectives and the perceptions created - hence all the boundaries between

the various social practices are only artificial, and imposed by social conventions for the convenience of the spectator. – Language is simply the most general and fundamental of social practices – whereas the others deal with a special usage of language or language looked upon from a certain perspective.

The notion ‘competition’ fits very well with the idea of language-games – especially pointing out that there are no rigid rules and boundaries.

Logic

Logic is branded as a science, where the idea is that words are not only thought to be physical objects (some animated as we have seen), but that they also behave like physical things. - I refute formal logic on the insight that as all we deal with are interpretations of feelings, then certainly one future feeling can in no way be in any correlation in a set pattern to another future feeling – every feeling is unique and will never occur again. There is no logical pattern between one and another expression and there cannot be. Expressions relate to other expressions through interpretations and yet more expressions and they are always new, unique, and without any form of existence. I claim that this form of superstition is best compared to alchemy, and therefore I find it very suitable to call it linguistic alchemy.

The variables in logical formulae are the symbols for our expressions and interpretations. But so are common words; but not only words are symbols, but whole propositions, the whole depiction of a situation, the whole narrative is a symbol – and we have the moral mode of relating, which cannot even be *captured* by the symbols (*sometimes we put a cursive or other effects to try to penetrate there*). They are symbols in the meaning that they ‘stand in instead of something else’ – they stand instead of our thoughts, i.e. they stand instead of our feelings – but what we mean is that *we wish* them to stand instead of them, but we fail. – They have the meaning only in an ever changing context – and that context can never be captured in a special formula – life is the formula.

Stern tells that Wittgenstein earlier held the view that “A proposition is laid against reality like a measuring rod”, and that he changed this view to the idea that “that a system of propositions is laid against reality like a measuring rod”. – The earlier view is the one that comes from formal logic, and reminds me of the anecdotes of the Bembolians (villagers depicted in Swedish folklore in Finland, who are given the role of representing a lot of common foolishness, kind of a whole village of village fools). In one of the stories the Bembolians go fishing, they throw the net in the sea, and in order to find the net in the morning they have to mark the place where the net was dropped. And the Bembolians make a carving on the boat’s edge on the spot to mark the exact place where the fishing net was left. Then they rowed on with the sign corresponding to the meaning firmly in their boat, and the net, the meaning, was lost in the sea of life. This is the same what happens when we encode meaning in concepts; we carry the concepts with us, but lose sight of their place in life. - “The stream of life, or the stream of the world, flows on and our propositions are so to speak verified only at instants. Our propositions are only verified by present” (Wittgenstein in *Philosophical Remarks*).

Instead of ‘formal (symbolic) logic’ there is a real-life logic. This is the assessment whether we in the usage of language connect words in a fashion that corresponds with the ordinary usage of language (the ‘grammar’ of language) and what the common experience would allow (empirical or practical) logic. Claiming something to be or not to be ‘logical’ or ‘illogical’ is actually stating something of the interrelation between propositions. - Logic is therefore what confirms with life experience (and that is of course totally dependent on how we argue our views on life experience).

Reason

But then what is this 'reason'? - It cannot possibly be anything else than the substantive name for the process of reasoning. Reasoning in turn means a *conscious* weighing of various arguments in order to reach a conclusion. But, if someone speaks of reason in terms of 'by reason alone vs. by experience' – then he seems to be claiming that there is a 'reason' which sits there somewhere on the shelves of the brain – ready for use (*prêt-a-porter*). Then possibly they mean by reason a process resembling something like looking on the shelves to find the right one, maybe high up in the brain requiring to step on a ladder to reach it or searching all the shelves as if not remembering where the right one was left from previous use. – Maybe 'thinking in a specially orderly rational way' as opposed to 'just thinking' (or thinking in a lazy way, or being drunken, or just not paying attention, or lacking the capability to think that the logician considers himself to possess).

Mathematics

Mathematics is 'true' only in so far as the mathematical language deals with its own subject, namely the language of units. Mathematics deals with units; the basic notion of mathematics is a unit and the language is a technique to add and take units and their fractions (splitting, adding, and performing other kind of tricks with units and their perceived parts). One and one always make two - but only in mathematics. In mathematics we do not concern ourselves with the definition of what is to be called a unit – whatever is presented as a unit is one: one apple is a unit; three apples in a bag is a unit ('a bag of apples'); one kilometer of road is a unit. The bag of apples and the kilometer of road make two units. – This issue is in mathematics left to total arbitrary discretion: any area; any size, any amount of constituent particles may form a unit. – If you say so, then it is a unit. – And if this is something that deserves the epithet 'exact', then that just shows what is the force of conventions

Mathematics can be said to be a language, a special kind of language or a sub-language (one could even say that it is a language for a particular kind of game: the game of units). So the difference between ordinary language (language as a whole) and the mathematical sub-language is that ordinary language deals with all aspects of life and mathematical language has captured the notion of unit, but all other aspects ('the infinite multiples of millions') are left out. – The trust in the unit causes the illusions of mathematics.

Game theory is called applied mathematics – it is mathematics applied to measuring conjectures after the conjectures have first randomly been assigned mathematical values. Game theory is a modern form of nonsense – it is so to say the latest fad in nonsense. It is as if conjectures would have received new dresses and suits to wear – the royal dress of mathematics.

In mathematical form conjectures seem so exact (and that is the essence of the mathematical spell).

Now what is standing on one's head? It is using the grammar of mathematics to construct logic. In logic they change the infinitely inexact variables of ordinary language to the artificially exact variables of units. The formulas of the type depicting that the combination of five and seven apples yield twelve apples ($5 + 7 = 12$) are called to serve to prove anything of human knowledge while they cannot even say anything about roundness; goodness, execution, nor smell.

Truth

Truth is what they are looking for – that is the essence of science, religion, philosophy, law, and even personal relations. – Truth is the hard core of the thing, which is the object of their life-long endeavor. – But, when the thing is gone, then where is the hard core? – Feelings do not have hard cores! All we deal with are expressions and interpretations which are based on feelings – and now in the search of truth we can only emerge from one interpretation to another – ‘truth’ never gets further than to the next interpretation.

Hence ‘truth’ is a simile, one of the strongest of them all. And we need it, and it is all right – but we should not start believing in a simile, not take a metaphor as a real being.

Any meaningful use of the concept ‘true’ means that it depicts a relation – and since it is a relation then it is never absolute. – A ‘truth’ is never absolutely true under all conditions. – Maybe we can rest with this notion of truth. – But, even so there is not much we can do with it, because next enters all the human qualities that distort the picture: memory; taste, intentions etc.

There is no other truth than a truthful description of the how conscious life functions.

‘Fact’ is a concept that goes hand in hand with ‘truth’ – they kind of need each other like the spouses in a happy marriage. The etymology is derived from a grammatical form of the Latin for ‘to do’ or ‘to make’; literary it would mean ‘thing done’, the modern sense of the use being “thing known to be true” (www.etymonline.com). – Hence ‘facts’ are the circumstances that have with authority been pronounced to be true. – And today people go about regarding ‘facts’ as something more than other variables. – But maybe we should use the word ‘variable’ instead of ‘fact’ – would we lose something in certainty?

And now if we say that interpretation means that we exchange one expression for another – then this must be the truth.

And since expressions do not exist, people have the need to create the existence, and this is done by declaring expressions ‘true’ or ‘false’, ‘factual or not’. – We see that these notions are creations of the imagination in finding a need to keep together the language originally developed for dealing with ‘things.’

Law

Law is also a competitive system (*we would do better not to call it a system but rather an activity*); law is best defined as a competition of arguments. Law may also be described as a language within competitive justice – for justice being an ideal appears only as the competitive balance – and this is not a statement of whether we like it or not. – In philosophy, and science, the question should not be about our preferences but about reality - about what in fact is the case.

Notwithstanding the underlying dogmatic beliefs in the exactness of law, interpretation has always fascinated legal scholars – this is because in reality behind all the imaginary theories reality always kicks in – and in all human communication interpretation is all there is to it: Want it or not at the end of the day it is about interpretation. The closest they have come to a healthy understanding in legal theory is the emphasis on interpretation. All the legal language-games seem to admit some kind of uncertainty and in order to remedy it they admit a role for interpretation. In law interpretation is not an auxiliary technique – it is all there is to it. A text is

not a thing (even the individual words used are no things), therefore all we can do with a text is to interpret it; and the interpretation i.e. the result of it, is in turn an argument (a series of arguments).

The realization that there are only expressions and interpretations ultimately leads to the revelation that there is no correct interpretation. What seems like the legal truths are the perceptions created by the competition-like activity. The scoreboard of truth is a function of the competitive process. – This revelation effectively removes the hat from the riddle of law. - What the positivists call ‘laws’ could equally well be called ‘interpretations’, i.e. when they are busy promulgating laws they are in fact issuing interpretations, or even ‘normative proposals’ (I later call them ‘strong arguments’).

Law cannot even be about anything else than a competition of arguments, because there is nothing to prove in law: Opinions cannot be proven; feelings cannot be proven – they can just be promoted and defended – and this is what happens in law. There is one issue, though, that can both be proven and equally does not need to be proven (it goes without saying): This is right to life – but this is not an argument as such, it is a biological fact: life ends at death. From this follows the foundation of justice, which is the respect of life. Life belongs to the individual, when the individual dies life ends; Wittgenstein: “At death the world does not alter, but comes to an end” (Tractatus 6.431). – At death with the individual life all that counts dies – and no social justice will remedy that. – Apart from the life of an individual there is only one utilitarian good that can be recognized as a criterion for justice and this is the protection of the environment, the preservation of nature: the conditions for life.

In my view law is:

1. A Quest for Justice: An activity in the quest for justice (individual justice)
2. Arguments: The activity of law is advancing arguments to promote one or another view of desired behavior
3. History of Law: The set of arguments that have a special function in law are those that have earlier been promoted as specific legal arguments: These are e.g. law texts as such (statutes, enactments); precedents and other court cases (reports on arguments earlier recognized in courts); scholarly work on law (research and opinions on how normative arguments have been treated and how they should be treated in the future). In law these arguments are studied. We just need to broaden the scope of the study to include all normative expressions.
4. Competition: The continuous flow of arguments can best be described as a competition between normative expressions (arguments); but do not confuse this with ‘fair competition’, which is the aim, and which could someday emerge when the individual is the king.

Law cannot be studied as a natural science, as an attempt to reach some final understanding of the norms, all the norms are just expressions and interpretations, opinions; they do not have any truth value, any underlying scientific meaning or any hard core

Language-Games of Law

I use Wittgenstein’s idea of language-games to illustrate how thinking and the perceptions we create of reality are confined to the mental need of creating self-explanatory and closed systems of knowledge. By comparing traditional jurisprudence to games we gain *two insights*: *first insight*, the analogy to a game (e.g. a ball game) helps us to see what kind of an idea we have formed; *second insight*, we should come to appreciate the essence of a game itself, understanding

that even the game-like conception (i.e. the contemporary view) would require opening the mind to a broader and flexible understanding of what law (the normative interaction) is all about; after all not even the concept of game is restricted; the concept of game offers us a very elastic world-view, we can discern 'complicated networks of similarities overlapping and criss-crossing; sometimes overall similarities, sometimes similarities of details' (PI 66).

We see that legal positivism provides the setting for language-games – the problem is that they are not only describing a language-game, but fabricating them (artificial language-games) and partially the fabricated game takes root in reality: this happens when lawyers (and the public) start to believe in the animated concepts.

There is no possibility, no base (no support in reality) to claim that certain kind of behaviour or social relations would fall under the notion of law and other kind of behaviour would not (e.g. the claim that there are separate legal norms and moral norms). Law is not a system that would be separate from other appearances of normative systems. Any kind of behaviour which yesterday seemed like a 'private moral matter' may today be seen as a legal matter (e.g. yesterday it was showing affection, today it is sexual harassment). There is no border between legal norms and other norms – there is a border drawn in the language-games but not in reality

It is naïve to make a philosophical distinction between punishments sanctioned in accordance with a state penal system and all the other penal systems: Both 'official' and 'non-official' punishments produce death.

Legal philosophy and the prevailing theories of jurisprudence do not account for any change in the system; the doctrines portray a static system confined in the language-games and do not cope with the obvious and constantly occurring changes in perceptions on justice. This is because law is defined as a system of (hypothetical) rules; (hypothetically) promulgated by a sovereign; with (hypothetical) validity – But all that counts i.e. justice is ignored. – All that can come out of such theories are nonsense and suffering. We have to reintroduce justice to the normative theories: because in practice it is there anyway: justice is the change for the better. – In reality the normative arguments are and have always been in constant competition in the system of law.

Competitive Justice

I argue that any theory of law, in order to be meaningful, has to deal with the idea of justice (discuss the nature of justice, the shortcomings of justice, and how to develop justice).

When a society is not sufficiently competitively democratic and free, and when all the other competitive constituents in society are not functioning properly then the outcome of justice is unsatisfactory (which is the situation more or less all over the world – any perception of superior justice in the West is only owing to comparisons with places where it is worse). Only individual human beings can lay a claim on justice (naturally animals have to be guaranteed a just treatment).

Whatever is called law deals with the normative expressions and interpretations which interact in producing justice. A comparison of law and justice with medicine and health could be illustrative. Now, I argue that law should be about promoting justice, in the same way as medicine should be about promoting health. The prevalent theories of law can be compared with a notion whereby we would think that health is produced (exclusively) on the surgeons operation desk (i.e. in courts).

Competitive justice is a continuous process going on in all aspects of life all the time between all people. In law proper the two most important constituents of competitive justice are the competition between normative arguments in a court and between normative arguments in politics; the latter resulting in strong normative arguments called statutes (or laws). Both these particular competitive processes function far from perfectly. The basic problem is that there is so little knowledge of the nature of law – the prevailing primitive anthropomorphic conception of law (which I criticize in this book) constitutes an obstacle for freeing the normative competition.

The courts and the ‘lawmaker’ (parliaments and other ‘sovereigns’) are in a constant competition about the right to issue strong normative arguments (or ‘make laws’ as they say). In the United States this is admitted in legal theory and in practice, while in Europe they want to pretend that this is not the case. This very competition between courts and ‘lawmakers’ is the basis for a well-functioning society and this is the state of affairs any society should aim for. – An honest recognition of this would advance the cause of justice

There is no real separation of powers in the systems of European parliamentarism. – In Europe the legislative and executive branch are in fact one and the same. In the United States, on the contrary, these branches are separated: The President is elected by the people and the government is appointed by the President. – The European brand of parliamentarism leads to a situation which could be called if not monopoly then at least ‘abuse of dominant market position’, and hence it is a distortion of justice – and a challenge to the fundamental conditions of life, a challenge to life itself. – What we have to do is break up this monopoly.

More important than the division between the executive and the legislative is the separation of powers between the legislative and the judiciary. The normative squeeze caused by the non-competitiveness of parliamentary democracy can be broken only by guaranteeing a truly independent judiciary. The judiciary should be independent to challenge any strong normative arguments issued by the parliament – the fact of the matter is that in many countries even the positive law recognizes this right on the level of constitutions (but the judges are not brave enough to oppose the parliament and the media and render themselves into the service of justice). In the United States the judiciary and the legislator are placed in an open competition.

The true solution is to make the judiciary in reality independent and receiving its mandate from the people, but without any direct elections of the individual judges. A solution of the dilemma between the democratic control and the independency of the judiciary could be accomplished by instituting an elected public judiciary chamber which would not be subordinated to any other authority than the people.

Legal Practices

Legal practices: As law can be defined only as competition between arguments on each level of life, we also have to understand that the activity involving law does not happen only in the court rooms or in the parliaments; law takes place in all human interactions. Therefore we have to make use of the notion legal practices, and with the help of this insight study which are the typical situations where normative expressions combine to an activity which could be perceived to fall within a specialized notion of law (where law is understood broadly to involve the competition of normative expressions, arguments).

My aim is to show that law is not a thing, but social practices through and through. In Western societies there is a comparatively high degree of certainty and predictability (which does not mean the same as the systems being just – here a different perception is involved). – This predictability, to a larger or smaller extent, is something that may be perceived in many features

of life – when focusing on law we may identify the aspects that create predictability within the notion legal practices.

It should be noticed that while law theories make the distinction between legal norms and other norms, legal practices (or social practices) do not.

Understanding that law is about legal practices is especially important to notice when we analyze and opine on the Russian reforms and the state of society. In the West it has taken more or less an uninterrupted historic evolution to reach the notions of law and justice we have today (I stress that I do not regard this as necessarily an evolution going to an ever higher level – but there could be this kind of trend in very broad terms). With the introduction of Marx's worldview to Russia by the Soviet dictatorship Russia entered a period which aimed at, and succeeded in, a total break with past traditions: throwing society into an abyss, where the patterns for interaction between people were interrupted by violent force; where all was turned upside down and inside up in whirlwinds. All elements that make for orderly social life were disrupted. - There could be no law and justice in such a setting, and there was none.

Norms and Rules

A legal rule is a condensed perception on how various arguments relate to each other in situations which resemble each other. - In reality 'existence' of a legal norm means the extent to which people interpret themselves to be compelled to a certain activity in accordance with their interpretation of the message contained in the norm - i.e. an interpretation of somebody else's (singular or plural) norm statements (expressions), or perceived norm statements. The 'existence' could then be a question of to what extent the expression and interpretation match, and to which extent various people agree on the content of the norm expression.

Within traditional jurisprudence we could think in lines of there being finer and finer normative statements, and this would bring to the notion of atomic norms. Legal philosophy has not reached even this point of sophistication, though. Legal philosophy deals with complex normative statements of the kind of 'rules' (coarse entities). In Tractatus Wittgenstein reached the notion of logical atomism, which really is very similar to normative atomism. This notion brought him to realize that if the logical entities are so small and fine and manifold, then certainly there can be no logical system to cope with all the variations (in legal theory this problem has not even come up). Hence the notion of logical atomism led Wittgenstein to realize that it meant the same as if there would be no entities and no system at all. – If we submerge in the idea of logical atomism, and reach the comprehension that it is as if the constituent particles did not exist (which in fact is the case) – then what comes instead is the endless interplay between interpretations and expressions. - The only system there is, and can be, to cope with the infinitesimally small norm particles is the ordinary language. - (This contradiction was the object of Wittgenstein's later work).

Yet to really grasp the picture of atomic norms one more hint is useful: Add to your imagination the picture of Brownian motion – imagine that the movement of the atomic norms would be that of Brownian motion (and this is also a hint for the crosswords logicians). - In at least Russia and Poland, so I have been told, it has long been common to compare human relations in society to the Brownian motion. The Brownian motion is an incessant, irregular and random swarming movement of microscopic particles suspended in liquids or gases. – So if we would be dealing with atomically small norms (for if anything at least they are not bigger), then certainly these atomic norms would be behaving in the same random irregular fashion as the molecules in Brownian motion. And if norms function like that, then we understand that there is no orderly

pattern whereby they are arranged, and only an endless competition that arranges the perceptions.

Of course ‘any action according to a rule is an interpretation’; this because we simply do not have anything else to go by. A ‘rule’ is not a thing; there do not *exist* any rules, all we deal with are expressions and interpretations.

Rule-by-Justice

Once the true nature of law is understood, then one will be ready to replace the archaic and backward looking notion of rule-of-law by the forward looking notion of rule-by-*justice*. It is not enough in a righteous state (or rule-of-law state as it is sometimes called) that there is rule-of-law, but what is needed is a rule of just laws and justice. I call it rule-by-justice. This because no injustice can be motivated by the fact that a ruler or a ruling body has posited something as law, which in fact is the claim of rule-of-law.

It becomes clear from Finnis discussion that rule-of-law is really a description of an orderly system, where all the elements interact and therefore actually is the description of an established legal culture. It is also evident that the rule-of-law is not a ‘thing’ that can be implemented by an act of wishing. This is something that the superficial critics of Russian reforms should keep in mind: they look at Russia through their distorted perspectives (with varying degrees of neutrality), and can grasp only the thinnest surface manifestations of social life, and these only projected against the background and conditions of their own upbringing. - Finnis gives a fairly adequate characterization of what ‘rule-of-law’ could mean. He calls it ‘a state of affairs in which a legal system is in good shape’. – Being in ‘good shape’ i.e. healthy, is not something one declares to be, but something one can endeavor towards.

In a state like Russia, which started without any real fundamentals for law – actually from a state of deep-rooted institutionalized lawlessness and injustice - it has only been with a lot of courage and vision of the leaders that change has come about. - The balancing act of the Russian leaders is to make rule-by-justice in a state where there does not even exist the conditions for rule-of-law. Finnis describes adequately the task of a leader of a democratic revolution: “Sometimes, moreover, the values to be secured by the genuine Rule of Law and authentic constitutional government are best served by temporarily but perhaps drastically departing, from the law and the constitution. Since such occasions call for that awesome responsibility and most measured practical reasonableness which we call statesmanship, one should say nothing that might appear to be a key to identifying the occasion or a guide to acting in it...A written constitution is not a suicide pact...”

Rule-by-justice is bringing about the balance that society at any given stage of development is ready for. The political leadership can work only with such building blocks that are of the caliber that the society is ready for. At the same time a good political leadership takes measures to promote the refinement of the building blocks, the arguments, the expressions and their interactions. And this way there will emerge hope for a system that could be called rule-by-justice.

Moral

Few concepts of philosophy have been so misunderstood as moral. - The ‘moral’ that figures in philosophy, in law, in ethics, and ‘morality’ is a grossly flawed concept (‘concept’ indeed and nothing more). – In reality moral is the mode of relating to things and expressions; moral is ever

part of being alive; moral is present as an aspect of all thoughts and expressions. - It is the mode of emotion or feeling present in every action or activity, conscious or unconscious - it is the difference between life and death.

The body is engaged in a continuous process of mapping its internal states and the external environment. I think about a radar, maybe such that human-kind of robots have in films like Star Wars – in those films the robots seem to activate the sensory system for special purpose tasks – but we could consider the real human collecting sense data in a similar fashion, but in a continuous process – a process which then produces feelings, the moral feelings, which are functions of the sense data supplied by the constantly activated moral radar.

The moral is all over the place – there is no human existence without a moral feeling – any feeling is a moral one. - Any content in the human mind is packed in a moral wrapper. It is only the package that gives it a meaning. The package is our moral sentiment – penetrating each most subtle aspect of living.

Ordinarily morals and morality are consciously perceived only in extremes. Macromorals are those issues that people in everyday life (and e.g. in the theory of law) conceive as being ‘moral’.

Legal philosophy always deals with the distinction between law and morality (morals). I claim that there is no distinction to be made in the first place as the moral is only the mode of relating to norms and not a special set of norms.

Rawls macromoral theories are very much criticized in this book especially the misconceptions that come packed as: “the Kantian interpretation of justice as fairness” according to which “the moral principles are the object of rational choice” defining “the moral law that men can rationally will to govern their conduct in an ethical commonwealth.”

Hume and Smith (and especially Smith) showed that moral, too, is a market conception - now, ‘market’ does not mean ‘for sale’, but something that is the result ,intermediary result, of people’s constant on-going activities, their expressions and interpretations – this cannot be constructed: it has to be shown; (described; told).

I shall point out that this insight to the idea of moral being the mode of relating, and coupled with understanding that expressions are not things, but interpretations of feelings is all we need to know in order to dismiss the idea that there could be any artificial intelligence that could match the human mind.

The biological feeling

This understanding of the moral as the mode of relating finds support in the modern scientific study of neurobiology. The neurobiological research should thus serve to fully disintegrate the traditional philosophical notions of moral (and the accompanying nonsense of free will, consciousness etc). The neurobiological researcher Antonio Damasio says: “As far as I can fathom, few if any perceptions of any object or event, actually present or recalled in memory, are ever neutral in emotional terms. Through either innate design or by learning, we react to most, perhaps all, objects with emotions, however weak, and subsequent feelings, however feeble” (Damasio, p. 93).

The emotions and feelings can be presented as forming an automated homeostatic regulation system ranging from simple to complex, through *base level* immune response (basic reflexes, metabolic regulation); *2nd level*: pain and pleasure behaviors; *3rd level*: drives and motivations;

4th level: emotions-proper. – On top of the system Damasio places feelings ('being a mental expression of all other levels of homeostatic regulation'). I claim that language (expressions) represents the next level after feelings; language is the expression (or the expression for the tentative interpretation of feelings and the communicating of them to the external). - "Everyday language is part of the human organism and is no less complicated than it" (Wittgenstein, Tractatus 4.002). - Wittgenstein was looking for the same philosophical insight without finding the final way of saying it. - Wittgenstein was digging in to the biological explanation and at one point comes as close as saying: "Here is one possibility: words are connected with the primitive, the natural, expressions of the sensations and used in their place" (In Philosophical Investigations 244).

Mind processes

Human mind (that is the process of thinking and producing expressions) is involved in a continuous dance with four kinds of movements: the reception of impressions; the production of thoughts; the expressions of thoughts, where the expressions are more like incomplete interpretations of the thoughts; and interpretations, the process of contemplating over the expressions and even the previous impressions.

The limits of thinking are in language; and the limits of language are in thinking; and the reception of impressions is limited by thinking; and interpretations are limited by all the other elements.

Consciousness

Thinking and the whole dance is only partially (and do not ask how much) a conscious process - most of the interactions are unconscious.

In philosophy we shall only be concerned with understanding that there is this problem with consciousness vs. unconsciousness. It is totally futile and foreign to philosophical investigations to try to establish the biological nature of consciousness or to try to invent various sorts of consciousness (as Searle does).

Dreaming is a state where the unconscious has almost fully taken over. This is why dreams are so much like art. In dreams we are producing an artistic interpretation of our feelings, where the conscious control is totally removed.

Searle, Intentionality, Mental Phenomena

Nothing serves better than 'intentionality' (as Searle puts it 'the astonishment that we can think about Bush, although he is far away in Washington') to demonstrate the philosophical problems caused by asking the wrong questions. Searle connects the discussion of 'intentionality' with 'mental states' – and we can see that both relate to the same trouble of imagining that mental states are thingly entities having an existence or a being (like thinking that the face we see in the mirror would exist). – Searle kind of proceeds from the idea that 'the thoughts' are something physical and that they 'are' located inside a place called mind. The *mental state is not the actor*, but the appearance of the acting. *Mental states are not things – they (the mental states) do not act; they do not refer to anything; people think and refer*; particular individual people refer (and there are no collective brains doing the referring either). - Now the solution to this 'problem' is to understand that what they call intentionality is just one way (a misconceived one) to define (or talk about) 'thinking'. - So therefore instead of bemusing over 'intentionality' we should bring the idea back to ordinary life and talk about thinking, and now instead of asking 'why is there

intentionality' the question should be 'How is it that we can think?' – And that is subject for a biological or religious inquiry – and not a philosophical question!

The dichotomy physical phenomena and mental phenomena is wrong to start with. Physical phenomena must be about how things interact, and therefore by analogy they take 'mental phenomena' i.e. the interaction of expressions and interpretations to function similarly. But this very analogy is wrong, there is nothing to compare – there are no mental phenomena; there is the physical world and mental interpretations.

Searle promotes a so-called philosophy of mind, and claims that in this activity they will find the answer to the question: "What does it mean to be human?" – Although this is the supposed advantage of 'philosophy of mind', no reply followed! – (We ask if this thing 'philosophy of mind' is broken or why does it not spit out the answer?).

Searle regards philosophy of mind as more fundamental than philosophy of language (p.7), this because "our use of language is an expression of our more fundamental mental capacities, and we will not fully understand the functioning of language until we see how it is grounded in our mental abilities." The latter part of the statement is true, but again that is a biological question – there is no room for philosophical bewilderment there. - Searle had correctly identified "The psychological" as "just the neurobiological described at a higher level" (Searle, p. 159). But this leads to the problem we could state as 'asserting that an article in a newspaper, or a book, is just the computer technology described at a higher level', i.e. we are here dealing with the fundamental misconceptions of philosophy and science. Neurobiology may well give an insight to some of the aspects of how the organism functions; through this study we receive knowledge about the human as well as the animal organisms. And the insight is that we are dealing with interpretations of feelings; that we have feelings and that they are expressed in manifold of ways; and that these can be seen as having a purpose for the overall functioning of the body. – But that is it! This is as far as they can take us with biology. It is at this point that the connection between biology and philosophy is interrupted.

We are clear with the body/mind dilemma, but now we have the thing/expression dilemma Being 'part of nature' does not mean that all in nature are 'things' – it is wrong to characterize mental phenomena as being part of nature – because it does not tell anything about what mental phenomena are all about, but wrongfully convenes the idea that they are things-in-themselves.

Hume and empiricism

I note that I am very much in agreement with Hume's philosophy. I think that the most important postulates of Hume's philosophy are correct and coincide with those of Wittgenstein. However Hume was not in the position to perfect his style and arguments – he was so much in the vanguard of pragmatic philosophy that he did not have the luxury to build on a tradition of healthy arguments – it is so much easier to perfect good arguments, than first come up with them (although it is a mystery why the good arguments are picked up so slowly and by so few). – Hume was still not completely free from the mental restraints imposed by the language of things and the conceptual philosophy – although his main postulates de facto repudiated those ideas.

Hume and the ones adhering to the pragmatic tradition have always been in minority in comparison to the metaphysicians. –The main reason for this rather strange situation is that it is so much easier to convince with the language of things that words (the concepts) have a same kind of being as things proper. – It is much more difficult to convince that there are no such things (the proof is beyond the grammar). – And it is much easier to distribute a teaching of something purported to be, than refuting the being – it seems so natural that something has to be

– (The burden of proof has been transferred to the healthy mind). – The British empiricists seemed dull to the majority involved in the spiritual tradition. The words of the language of things bends more beautifully for a description of things and anything put in the same role. – The language of pragmatic philosophy - the tools of common sense – inevitably loses in art appeal. For a person coming from a certain background and living in a certain time Hegel's linguistic acrobatics will score more points than Hume's mundane rebuttal of metaphysical nonsense.

A Critique of Pure Nonsense

Kant is said to have caused a Copernican revolution in philosophy – I argue that at best we can call it a Copernican contra-revolution (one of the most successful of its kind), where Kant has sided with the primitivist speculative forces against honest contemplation and a search for truth.

As a resume of Kant's brand of 'philosophy' I would like to point out these issues which demonstrate his errors:

1. There is no a priori
2. There is no formal logic
3. Expressions are not things, not in-themselves and not in any other respect either
4. There are no laws of thought
5. There are no causes and effects (in social life, i.e. in language)
6. Whatever is claimed to be 'the transcendental' cannot be known (by Kant's very own definition of transcendental – therefore in philosophy we must remain silent thereof).

Kant's philosophy is in essence a conceptual philosophy. A correct philosophy should be based on the opposite notion: an understanding that the only way to gain new knowledge and to improve it is to, as far as possible, free one's thinking from the particular concepts, and move beyond them

Nietzsche

I wanted to write more about Nietzsche, but due to my constraints to finish this work I will just confine myself to a few general comments. Nietzsche was the first scientific philosopher and rightly understood the mind as a dimension of the organic bodily needs. Nietzsche correctly wrote about consciousness; perceptions; logic; things; Kant; the life-aversive and corruptive force of the philosophy of antics, Socrates, Plato and all those warriors against the true world, the unveiling of this philosophy and subversion of the idols from the pedestals...But, it is an irony that the discoverer of the dimension of unconsciousness left his most valuable teachings in *The Will to Power*, i.e. in the writings he did not have published himself, - i.e. the scientific insight he knew but did not consciously stress in his published works – (apart from scattered remarks in the published works only in parts of *The Twilight of Idols* did he persuasively demonstrate his scientific insight). - Unfortunately he is on the contrary most famous for his angry masspsychologism and his misconceived attack on the Christian religion. The spiritual trap kept Nietzsche from standing out as a great teacher of humanity. Indirectly he has, of course, done it and he will certainly rise to take his place among the biggest philosophers.

Nietzsche was very good at hammering on the concept of 'thing'. – But he was too hammer-happy and went so far as to crush the thing we call the human self. – For me that is where the philosophers shall draw the line of defense; the biologist may work on the molecular details of the body, but the philosophers may only stay as the defenders of the human one, in his right to live in peace and justice with the human many.

Russia

In this work the development of law in post-Marxist Russia is in the role of a big case-study. - The Western spectators, critics, totally miss the depth of the social distortion caused by the implementation of the Marxist ideology and hence the challenge of the transformations in Russia (I hope that I may hereby with a new philosophical and scientific approach advance a deeper understanding of the issues at hand).

Understanding the fundamental notions of law, justice, democracy and economy, and their interaction (and even more correctly: them being different perceptions of one) helps to understand how fortunate Russia and the whole world were with having had Boris Yeltsin manage the transformation of Russia back into life, and having Vladimir Putin steering Russian society in life.- Their leadership has been a gradual creation of the framework for equal competition: the fundament of a functioning society; creating the economic conditions for more people to participate in social life on equal basis; reducing the influence of criminal inference in politics (often happening under the thin cover of ballot-box procedures); Creating conditions for free press to develop (by removing the monopolies of the impudent).

When one ventures to understand the legal culture of today's Russia, then it is especially important to comprehend that law texts (statutes and cases) are merely strong arguments in the practice of law, and that law is essentially about social practices (or depending on the perspective 'legal practices'). The legal practices are the legal culture and the legal culture is the totality of all the perceptions that add up to what we call law. The dilemma is that a legal culture cannot be imposed (because it is not a thing), it can only emerge in an evolutionary way – hereby what political leaders (and opinion leaders) can do is to be instrumental in developing a healthy legal culture (and this is exactly what has been and is being done by the Russian presidents Yeltsin and Putin).

The Marxist law philosophy led to a total destruction of all legal practices – the meaning of 'law' lost all the distinctive characters that this notion had had from the beginning of history. 'Law' ceased to be law. - In the Soviet Union, in meticulous implementation of the Marxist program, any socially organized activity properly called law was prohibited. Nevertheless, soon after the early revolutionary years there developed a Soviet legal theory and jurisprudence was studied in universities. Inasmuch doctrines propagating the Marxist view were the only ones allowed in social sciences all legal scholars could do was to practice a game with concepts: a form of conceptual jurisprudence void of any content, and therefore not socially dangerous to the regime.

The study of law became an activity totally detached from the practices of life. – I stress the role of these wronged traditions of jurisprudence as a very key impediment on the road to restoring real life legal practices in post-Marxist Russia; the Marxist way of thinking – the distorted thinking - lives on in the concepts and in the ideas that concepts arranged in a certain fashion yield knowledge and solutions for life. - The problem is compounded by the poor level of teaching of law in Russian universities.

As the Soviet normative system lacked all the essential elements that merit the name 'law'; I prefer to call it a no-law system. I want to attract attention to some of the fundamental conditions meriting the Soviet system to be characterized as no-law. I refer to these conditions as 'no-law actual premises' (i.e. such features that objectively were lacking in the Soviet Union), and 'no-law formal premises' (i.e. such policies, and formal circumstances that made up the normative framework, and hence restrained the activity of law).

Behind the Superficial Perceptions is another Russia

There is a persistent perception that the Russians are collectivist and submissive, while in reality it is totally the other way around. Russians are probably the most individualistic people in Europe, which makes it so much more difficult to implant any collectivist ideologies by mere authority, instead Russian people need to be convinced by practical arguments. Only a pragmatic and competitive social environment sustained by long social and legal practices creates a suitable form of government in Russia. This also explains the relative difficulties in the transition.

Another perception is that Russians have not wanted to adopt the 'rational' Western philosophical traditions. In principle this is true, as long as one keeps in mind that they have been correct in opposing those metaphysical primitive traditions from Kant to Hegel and the anti-democratic and anti-individual Rousseauian traditions (Walicki, p. 327). - Instead pre-revolutionary Russia demonstrates some very healthy philosophical traditions (among them the formidable work of the philosopher of law Petrazycki). - There was nothing inevitable with the Marxist seizure of power; if this had not happened Russia could as well have developed as an orderly democratically competitive country, but instead with the Marxist ideology Russia entered a long-period of social and economic decline.

The distortion of legal practices has a lot to do with the fact that in the Soviet Union all official life was overtaken by rituals that mask reality. Hence all that was real had to be dressed in forms that met the requirements of the surreal planned society. In contemporary Russia this distortion lives on firmly anchored in the social practices of highest order i.e. in the language. - (The business of a Russian lawyer is to dress up documents for a stage show). - The legal-administrative language is not only life-estranged it is the creator of hocus-pocus concepts that people accept as rulers over their lives.

I note that President Putin, actively and correctly addresses these problems. He stresses the need to enforce civil society and the role of the legal community in this against the background of a state administration, which is in dire need of improvement. He calls for an emphasis on improving the legal education. Against the failure of the legal profession, scholarly and practical (Russian domestic and foreign), to understand the essence of the problems with Russian law (i.e. the failings of jurisprudence, legal practices and the life-estranged bureaucratic language) what really strikes is how Putin penetrates the very philosophical essence of the problem by urging lawyers to open to life and broaden their horizons beyond the narrow-minded mechanical twisting of the legal lexicon. Putin defines a "real lawyer" as "a person who is philosophically inclined and at the same time endowed with a vast amount of practical knowledge in the field of his specialization." - This is really hitting the mark, and a thorough demonstration of the essence of the problem connected with the prevailing superficial notion of law and the awkward legal-bureaucratic language.

Putin's leadership is driven by the insight that conditions for a functioning society have to be created - they do not exist just like that. Conditions have to be created for free non-monopolistic competition at all levels of social life. Today Russia is much closer to a competitive democratic society than ever. - Democracy - conversely to Marxism - cannot be enforced: only conditions for democracy can be created

It is futile to try to understand today's reality in Russia without considering the Marxist heritage. But, the aspect-blind critics do not understand how totally opposite to democracy, market economy and a free society the Soviet Union was and that it could not be reformed; an altogether new social path had to be chosen. - Gorbachev undertook the impossible task to reform the

Soviet Union and as he did not understand that it indeed was impossible he was bound to fail. – It was only under the leadership of Yeltsin that Russia was quickly pulled out from the enormous social chaos. - We can see that element by element all the fundamentals for a functioning system of law were missing in Russia when Boris Yeltsin began to breathe fresh life into Russia. It was against the background of the Soviet no-law system that Yeltsin in year 1990 commenced to provide for a normative stability anchored in freedom and democratic competition. The historical importance of Yeltsin is in fact a combination of his visionary leadership, a superior practical reason and intelligence, a well developed sense for intuitive knowledge, and a willingness to sacrifice all - including himself – for the cause of a better future.

President Yeltsin's role was that of taking care of the bankruptcy estate left over from the Marxists – but at the same time he was the engineer for a new society and the protector of peace. He had to ensure peace in Russia and peace in the world while building the fundamentals of a free Russia. - History knows many conquerors by force and blood; many conquerors imprisoning people and peoples; and history knows many prisons; - But, before Yeltsin history knows no conqueror whose conquest was peace and freedom to this unheard of extent. - By sweat and tears- with words only. No single person, no political leader or regime, has ever in history freed so many, so many people, so many peoples, so many countries. Nobody has fought such a huge enemy of evil employing only his words, not swords and bombs.

With words Yeltsin created the strategic weapon called the oligarchs. – Never has so much peace and future been brought with so little sacrifice. What a small price for liberation! – The Marxist regime came into being through terror and repression with countless lives lost and taken.

Having won the peace, with great personal sacrifices, Yeltsin was able to secure the transfer of power to Vladimir Putin. - Putin had a chance to bring the society to the next stage from the platform Yeltsin had secured. – And Putin used this chance with remarkable precision and success. He managed an unprecedented transformation of Russia further to equality, and prosperity, setting the foundations for law and justice.

European Union

It is the prevailing opinion in Europe to think that the European cultures would have achieved something in particular, some unprecedented heights of thinking, philosophical and religious supremacy. Yet, looking back at history we see that there is not much to praise in those aspects of life. – Any success there has been has been entirely owing to competition (not 'thinking', not philosophies, not 'ideas').

Europe's success in the past can be explained by one notion, competition. But, distorted perceptions on life, history, philosophy and science, have always caused other (superstitious) explanations to emerge. – And therefore Europeans of today are building society on the wrong building blocks, a construction where the fundament, i.e. competition, is ignored.

Today the European Union is the antipode of competition in all functions of life: accelerating reduction of democracy; dominance of monopolistic press; conscious abolition of competition in all forms of economy: single currency; normative squeeze, directives (commands), standards, standardization (standardization is the official European religion everybody in power believes in); reduction of scientific competition; non-competitive justice; unification of values. – Europe should be juxtaposed with the United States of America, which is a democratic superpower and therein lays its strength. The Congress consisting of the Senate and the House of representatives is elected by the people of the respective states. The senators and congressman are in all their actions accountable directly to specific people with a real electorate. The President of the United

States is elected by the people; there is direct competition between the states; and direct control of the representatives. The success of American democracy is not due to any extraordinary insight of the 'founding fathers', but a result of natural democratic competition then and now. – Nothing is more revealing than the 'mission' of the European Court: The policies of the European Court according to Hartley (p. 80) are to (1.) strengthen the Community; (2.) increase the scope and effectiveness of Community law; (3.) and enlarge the powers of Community institutions. – This is in blatant contrast to the United States, where the courts are put in the service of protecting individual freedom and liberty (*even these words sound so old-fashioned*) against the very state.

In the EU democracy is a grass-root phenomenon only. By the Byzantine system of undemocratic appointments and representation in the Commission and Council there is but a memory left of European democracy by the time spheres of decision making are reached, but this seems to be sufficient for creating the effect. – From the elections at the level of national states a mere faint reverberation is transmitted up to the Commission – this is the dilution and delusion of European democracy. – The European Commission soberly prefers to call this diluted democracy "Democratic Supervision."

The elected representatives in the European Parliament have very limited power, the Commission consists of appointed, non-elected bureaucrats; the Council consists of *rotating* delegates of national governments. These delegates may or may not be elected representatives in a national parliament, but they are certainly not elected to represent the people in the Council. - But the national governments are elected? – It is fair to say that the national governments are more or less democratic institutions appointed by the national parliaments, but the reverberations of the democratic elections do not carry to the EU decision making.

Normative Suffocation

An analysis of the draft constitution, the adaptation of which was put off by a lucky outcome of ordinary political intrigues, is very telling about the actual character of the EU and where it is aiming. It reveals the collectivist and metaphysical superstition on which the EU is based: In the EU the actors are 'the Union' and 'the Member States'. States have political rights and duties in the EU, but people do not. The 'EU' (*this animated thing*) is even supposed to have 'values', thus the draft Constitution (article I-1.2) says: "The Union shall be open to all European States that respect *its values* and are committed to promote them together". - This obligation is not laid on the people, but on the 'States' (and how about the people?). The EU also aims at 'respecting the identity of the 'States' (EUC Art. I – 5a). - In the US they strive to respect the identity of humans. - Common sense tells that individual people have values and that these values can be measured by the millions. - Who identifies these values of the EU? It seems that it is the unelected Commission and the European Court, which itself has the mission to "strengthen the Community and enlarging the powers of Community institutions" (so how can there be any impartial justice if the courts have a very political mission?). - In fact all the political institutions in the EU exist for the sole purpose of promoting the Union and its values: "The Union shall be served by an institutional framework which shall aim to promote its values" (EUC Art I-19). – In the US and Russia the institutions are placed in the service of the people – but in the EU it is the other way around.

These 'values' themselves are most revealing in the field of the EU's common foreign and security policy: "Member States shall actively and *unreservedly* support the Union's common foreign and security policy in a *spirit of loyalty and mutual solidarity* and shall comply with the Union's action in this area. They shall refrain from action contrary to *the Union's interests* or likely to impair its effectiveness" (EUC Art I-16). – When the metaphysical veil called state is

lifted it will emerge that the obligation is assigned to the *people* of these States – and this cannot mean that it is assigned to ‘a part of the people’ or ‘the majority of people’. It follows that the European Constitution would impose a constitutional obligation to all the people to ‘unreservedly support’ EU’s military policy. – I.e. if the EU declares a war each and every citizen has an obligation to support the war effort, and not only: they have to do it ‘in a spirit of loyalty and mutual solidarity’ (there is no wavering here! – Why not add ‘and with a smile on their face till the last breath’?). - By putting this obligation on the ‘Member States’ it means that the issue is withdrawn from the democratic process. - This ideological art prop goes, of course, hand in hand with the hardware: “Member States shall undertake progressively to improve their military capabilities”; “the performance of these tasks shall be undertaken using capabilities provided by the Member States...” (EUC Art I-41).