LAW AND THE LEAP IN BEING IN VOEGELIN'S PHILOSOPHY

MIROSLAVA KLEČKOVÁ, Matej Bel University, Faculty of Law, Department of Constitutional Law and Theory of Law, Banská Bystrica, Slovak Republic

KLEČKOVÁ, M.: Law and the Leap in Being in Voegelin's Philosophy
FILOZOFIA, 78, 2023, No 10, pp. 865 – 878

The article presents Eric Voegelin's legal-philosophical thought in the context of his efforts to reflect on the transcendent dimension of being. According to Voegelin, the law provides a prospect for a symbolic expression of one's *attunement* to the transcendent. The experience with transcendence empowers man to discern the normative *Ought* and to create its representative model in the form of legal-political order. At the heart of this concept is the premise of the transformative conversion of the human soul, leading to insight into the true order of being. Finally, the paper reflects on Voegelin's unique interpretation of the relationship between law and Gnosticism, defined by the rejection of transcendent reality.

Introduction

Eric Voegelin was a 20th-century political thinker known for his effort to *restore* political theory by bringing the philosophical problems of transcendence back to the center of its attention (Voegelin 1999e, 89). He strove for *retheoretization*, a theoretical recovery from the destruction of science caused by positivism (Voegelin 1999e, 90).[1] According to Voegelin, this could be achieved by revealing historically relevant facts in which the *principles* of order may be sensed (Voegelin 1999e, 89).

I thank the reviewers for their insightful comments and valuable suggestions, which helped improve the manuscript's quality.

[1] In his early philosophical work, Voegelin drew on the positivist intellectual tradition, which, in the philosophy of law at the time, was primarily represented by Hans Kelsen, Voegelin's mentor and *Doktorvater* during his studies in Vienna (for further details, see Cooper 2009; Thomassen 2014). Soon, however, Voegelin began to oppose Kelsen's understanding of the *Staatslehre.* In his analysis of Kelsen's pure theory of law, *Reine Rechtslehre und Staatslehre*, he detected a deficiency epitomized as Kelsen's "giving up on knowledge of the essence of law" (Voegelin 2003, 59). Moreover, Voegelin started criticizing Kelsen's theoretical concept leading up to the Austrian constitution of 1920. He questioned its "conceptual vacuousness," supposedly stemming from the fact that Kelsen sought to limit the reach of politics in law (Voegelin 1927, 274).

This perspective has contributed to Voegelin's intriguing conclusions, with some constituting his philosophy of law.

Voegelin's ideas on law are elaborated mainly in his work *The Nature of Law* (1957), in which he explicitly criticized legal positivism. He rejected Kelsen's ideas built on the assumption that it is possible and even convenient to ensure the independence of theory from the social context, *in casu* legal theory from any external factor.[2] Quite the contrary, Voegelin perceived law as a part of a perplexing social existence and accentuated that it must be analyzed and interpreted in conjunction with a social framework in which it manifests itself.[3] Still, Voegelin does not approach the issue from a sociological perspective. His theoretical position is characterized by an effort to get insight into the world's substantive order, that is, to grasp the relationship between law and order of the world. He develops a concept of universalism that translates into a unique variation of natural law theory.[4] This paper seeks to address the distinctiveness of this approach by analyzing Voegelin's interpretation of the formation of legal consciousness. Therefore, I shall focus on Voegelin's concept of the conversion of the human soul, *periagoge*, inspired by Plato. Thanks to it, a novel sensitivity of the soul is supposedly formed, making it possible to discern the qualitative shortcomings of political and legal reality when confronting the insight into the mysterious *beyond*. Subsequently, the experience with the transcendent awakens the awareness of the normative structure of being, possibly initiating an effort to model a specific symbolic representation of that experience. Thus, the category of the purpose of law also comes

---

[2] Voegelin presented Kelsen's interpretation of the law as a disputable concept of reductionism, resulting in a purified image of normativity. Although a comprehensible system of propositions, it still exemplifies "a serious impoverishment of the total object" (Voegelin 1999c, 169). Voegelin held that neo-Kantianism in Kelsen's thinking is a methodological distortion of Kant's original ideas. He stated that Kant applied the epistemological limitations related to *das Ding an sich*, *the thing in itself*, only to the subject area of the natural sciences (Voegelin 1999c, 170). Juxtaposed to the neo-Kantian approach, the human being and society are accessible to knowledge as they are, not just as they appear (Voegelin 1999c, 170). He pointed out that if the object of the natural sciences was to be graspable to the human mind, it needs to be reconstructed as an abstract and relatively isolated phenomenon. Only in this form – as a reconstruction of perceived reality, is the object accessible to human cognition. Nevertheless, the sciences concerned with human beings may use immanent analysis, as the object of cognition reveals its essence in the act of cognition itself (Voegelin 1999c, 170). Thus, *noesis* concerned with human beings transcends into *noumenon*. This view supports Voegelin's confidence in the search for the nature of the law.

[3] Voegelin criticizes Kelsen for neglecting the relevance of the mind, or what he called *Geistwirklichkeit*, as a factor in the law creation process. Although Kelsen emphasizes that norms are essentially acts of will, he is not interested in deciphering why the cognizing subject is willing to create or internalize the law-abiding norms (Voegelin 1999c, 181). For Voegelin, the context infuses the perception of the subject constituting the norms, and the nature of this context is decisive in shaping the content of the norm and its effectiveness (Voegelin, 1999c, 168).

[4] See Henningsen 1998.

to the fore. Voegelin hints at the unique quality of law, enabling us to express our encounter with the transcendent in the legal structure of political order. This aspect suggests that law plays a particular role, the elucidation of which directs us to understand it properly. But the purposiveness thus indicated may also be considered in the context of Voegelin's philosophical motivation. The issue is considerably complex and requires further clarification, a task which exceeds the ambition of the present paper.[5] Therefore, this perspective of his thinking is addressed indirectly by pointing out the presented relationship between law and politics.

I. In Search of the Purpose of Law

Voegelin reminds us that the law is not a set of rules having a meaning of their own but a complex reality that acquires its meaning precisely because of its attachment to social existence. He elucidates how the purposefulness of law manifests itself in the context of social interactions. He claims that our everyday discourse leads us to the understanding of this matter, as it reveals "the profound insight … that the law is the substance of order in all realms of being" (Voegelin 1991b, 24). If viewed this way, the law symbolizes the formalization of social existence. As a constitutive element of social reality, it enables

---

[5] The thorough inquiry of how Voegelin understands purposiveness in law might require the analysis of some biographical and conceptual elements which arise against the backdrop of his theoretical dispute with Kelsen. Voegelin's outspoken criticism of Kelsen's pure theory of law in his 1936 text *Der autoritäre Staat: Ein Versuch über das österreichische Staatsproblem* received a relatively delayed reaction from Kelsen in 1954. The text Kelsen wrote and never published was highly critical towards not only Voegelin's recent text, *New Science of Politics* (1952) but also aimed to refute any criticism of the positivist understanding of science. The text was published only in 2004; see *Hans Kelsen: A New Science of Politics*. Yet, more importantly, Kelsen raised a relatively serious objection to Voegelin's demand to interpret the *Staatslehre* as a "science of order," the task of which, according to Kelsen, is to determine categorically valid values as criteria of normative order (Kelsen 2004, 24). Kelsen warns that Voegelin's pursuit of "value-based science" implies the requirement of political indoctrination, an essential ingredient of education in totalitarian regimes (Kelsen 2004, 25 – 26). Interestingly, this might be a reaction to Voegelin's claim that the constitutional foundations of the political power in Austria, outlined by Kelsen in the Austrian Federal Constitution of 1920, were not strong enough to protect democracy from the infiltration of totalitarian ideologies. Voegelin even insisted that the procedural understanding of democracy, as proposed by Kelsen, threatened its very idea (Voegelin 1999c, 211; Voegelin 1999d, 375). For him, the authoritarian regime of Chancellor Dollfuss, supposedly anchored in Catholic social beliefs, represented an alternative to the conceptual emptiness of Austrian parliamentary democracy. Voegelin believed that the authoritarian corporativism introduced in Austria in the 1930s could be an effective defense against the totalitarian ambitions of Nazi Germany (Voegelin 1999d, 376). His thoughts show some similarities to Loewenstein's theory of militant democracy (regarding their later correspondence, see Cooper 1999, 293 – 295). Nevertheless, due to his somewhat unrealistic expectations, or maybe naivete, Voegelin did not recognize what is already evident to us decades later: that there is an evolutionary and conceptual overlap between authoritarianism and totalitarianism.

the coexistence of human beings and guarantees that we will not get lost in the incomprehensible disarray of anomic communities.

Voegelin's interpretation follows the tradition of classical Greek thought, in which the law is perceived as *the ordering substance* of everyday reality (Voegelin 1991b, 24). Apart from this practical feature, which makes the law an indispensable component of politics, we should consider another aspect of Voegelin's theory: the axiological imperative of law. Voegelin argues: "No science of jurisprudence is possible unless it is possible to develop a science of the highest good" (Voegelin 1991a, 73). In this respect, he draws us to the Aristotelian interpretation of *politikè epistéme* and its constitutive theme – the idea of the *supreme good*.[6] Voegelin takes over the classical interpretation of the relatedness between law and politics in pursuing the highest good. It is also possible to point out several common assumptions in the conceptual frameworks of Aristotle and Voegelin. First, there is a close connection between the *political* and the *normative,* meaning that the law can be understood only when regarded as a part of the political.[7] Second, the *political* is teleological, in the sense of an obligation to realize the *telos* of man and society, which serves as the moral justification of politics. Finally, *the good* is intended to be performed by laying down the laws. Understandably, such conclusions raise further questions about Voegelin's comprehension of the *highest good*.

II. To the Source of Law through the Leap in Being

Voegelin's interpretation of the *supreme good* is derived from the analysis of Plato's *Republic*, Books VI and VII. According to Plato, the highest good, *Agathon*, has practical implications in real political life. The experience with the highest good, the glimpse of its *light*, enables the *souls* to learn how to measure and order things, which is the essential quality of a ruler (Plato, 540a).[8] Voegelin agrees with Plato that the *vision* of the *Agathon* shall be used "as a pattern for the right ordering of the state and the citizens and themselves" (Plato, 540a). However, *the Agathon* remains unknown, as its *transcendence* prevents our comprehension (Voegelin 1999a, 166). To explain the experience of the soul with the transcendent *Agathon*, Voegelin uses Plato's simile of the sun (Voegelin 1999a, 167). The sun bequeaths light so that visible structures might arise out of shapes,

---

[6] The pivotal role of *the good* is what, according to Aristotle, makes *politikè epistéme* "the highest master science" (Aristotle, 1094a). It also forms a common ground between the political and the legal. Aristotle states, "Knowledge of the good would seem to be a concern of the most authoritative science, the highest master science. And this is obviously the science of politics …. Since political science employs the other sciences, and also lays down laws about what we should do and refrain from, its end will include the ends of the others, and will therefore be the human good" (Aristotle, 1094b).

[7] Andreas Kinneging concludes, considering the parallels between Aristotle and Voegelin, that the legal and moral questions are essentially the political ones for both thinkers (Kinneging 2009, 16).

[8] See also Voegelin 1999a, 166.

colors, and dimensions. It unveils everything that would otherwise be trapped in the darkness and chaos (Plato, 508a – 508c). So is the human soul led by *Agathon* in apperception of the good, thus navigating it through the complexity of being. And yet, not just any human soul can encounter the *Agathon*. It requires a fundamental transformation in which the soul is freed from the prison of constraining corporeality and *raised* to a level where it can glimpse the supreme good. This transformation is a formative experience leading to man's *attunement* to the order of being. Voegelin believes this is the theme of Plato's Parable of the Cave (Voegelin 1999a, 168 – 169). Therefore, he turns his attention to Plato's concept of *periagoge*. Yet, he indicates a frequent misconception of *periagoge* as the Christian conversion and underlines that its original meaning is constituted by intellectual efforts and contemplative life (Voegelin 1999a, 169 – 170).[9] Voegelin considers *periagoge* a discovery of transcendent reality and calls it *the leap in being* (Voegelin 2001, 164 – 165).[10] Nevertheless, the discovery of transcendent reality does not have only anthropological implications. It fundamentally changes the nature of *politikè epistéme* as it becomes a historically relevant principle. As to this argument, Voegelin proposes a theory about the *ecumenic age*, a period in human history representing "an outbreak of the truth of the mystic-philosophers and prophets" (Voegelin 1999e, 136). This period, lasting from about 800 to 300 BC, was characterized by spontaneous and independent discoveries of the *transcendent horizon* leading to the *consciousness of the existential tension* between the immanent and the transcendent (Voegelin 2000, 50).[11] These *spiritual outbursts* have brought what Voegelin defined as "[the] understanding of the gulf that lies between immanent existence and the transcendent truth of being" (Voegelin 2001, 171). This understanding constitutes a *measure* that is both a tool for social critique and a *sine qua non* for

---

[9] According to Plato, *periagoge* is a moment of *conversion* of the soul, leading to the insight into the idea of the highest good and, thus, of reality itself (518c). It is a mysterious metamorphosis of the soul, the inception of the sensitiveness towards the transcendent being. Trepanier describes its effect as "a heightened awareness and openness to all aspects of reality that emanates truth" (Trepanier 2017b).

[10] For further details about Voegelin's inspiration by the concept of the existential transformation, see Sandoz (2000).

[11] Voegelin's interpretation of the ecumenic age resembles Jaspers' theory of the *Achsenzeit*, the Axial time. According to Brickey LeQuire, Jasper and Voegelin agreed on conceptual, geographical and time-related aspects of the abovementioned era; however, they did not agree, for example, on the political and historical relevance of Christianity (Brickey LeQuire 2014, 299 – 302). Voegelin highlighted that the axial events, which he considered historically relevant "leaps in being," caused the discovery of transcendence as the source of order (Voegelin 2000, 46). Consequently, they led to reflexiveness, thanks to which humans could critically ponder on reality. Therefore, as mentioned by Brickey LeQuire, the axial discoveries of transcendence had crucial normative implications. He also notes that for Voegelin, the *articulation* of the discovery of transcendence by the ancient Greeks laid the foundations of normative science (Brickey LeQuire 2013, 288).

realizing the proper social order (Voegelin 1999e, 141 – 142). The *measure* is a normative means for distinguishing right from wrong, good from evil, just from unjust, and vice from virtue.

For Voegelin, the possibility of experiencing transcendence implies "an affinity between the experiencing soul and the experienced reality" (Voegelin 1991a, 79). The affinity points to a unique attribute of human nature that Voegelin identifies as *consubstantiality* (Voegelin 1991a, 79).[12] *Consubstantiality* enables man to recognize discordance between the order of society and the substantive order of being. It is the fountainhead of our moral compass that helps us detect injustice or unlawfulness. Therefore, it is a precondition of normative and legal reasoning, a cradle of legal consciousness. Although we cannot examine it directly or specify its functioning completely, we understand the proximate voice of normative requirements it instigates.

Voegelin assumes that an imminent implication of *consubstantiality* is a human effort to create a symbolic expression of the impressions of the partnership with the all-encompassing order (Voegelin 2001, 425).[13] This leads us to Voegelin's original philosophical concept, in which the social order is considered an *analogon* of "the cosmos and its order" (Voegelin 2001, 43). Voegelin believes that the attempts to articulate the experience with the transcendent are revealed in history as the formations of political orders. According to him, the *articulations* manifest the human striving to create more or less adequate symbolic representations of the experience with a transcendent Beyond within the immanent reality (Voegelin 2001, 45).

III. Legal Order as an Existential Representation of Normative Ought

Voegelin's idea that the social order could be *an imprint* of the transcendent order shaped his theory of three civilizational types: *cosmological, anthropological*, and *soteriological* (Voegelin 1991a, 76). They may be understood as the historical polities in which the transcendent reality was experienced and expressed symbolically (Sandoz 2000, 117). Voegelin saw them as *representations of the truth*. Subsequently, he distinguishes three types of truth named after the civilizations in which they were articulated (Voegelin 1999e, 149 – 150).[14] Eventually, three corresponding legal cultures have been formed,

---

[12] Webb explains that Voegelin's theory was inspired by John A. Wilson. The latter used the term for "the sensed underlying unity of reality, the common participation of all levels of being in the tension (q.v.) of existence toward transcendental (q.v.) perfection" (Webb 2014, 279).

[13] The effort springs from the "existential anxiety of the fall from being" (Voegelin 2001, 425).

[14] Trepanier explains that Voegelin's typology of the truth depends on how humans comprehend and experience the transcendent order of being. He concludes: "Cosmological experience was the 'rhythmical repetition of cosmogony in the imperially organized humanity which existed at the center of the cosmos'; anthropological experience was the experience of human participation with the divine;

shaping many other legal systems in history (Voegelin 1991a, 77 – 78). Their distinctions are based on the mode of differentiation between the *true order* and its articulation in the *empirical* one (Voegelin 1991b, 68).[15] Voegelin points out that the transcendent is revealed to man through various forms of experience within a historical process.[16] Hence, a society is ordered through a legislator who translates his experience with the *truth* into a normative pattern of social order, a legal system. Therefore, we shall understand the law as an attempt to immanentize the normative Ought in a specific historical context,[17] which brings us to Voegelin's interpretation of natural law.

In his early work, *The Theory of Law*,[18] Voegelin suggests that "natural law may serve as the regulative idea for historical legislation" (Voegelin 2004b, 386), i.e., positive law. Voegelin later refines his theory, stating: "As natural law shall be understood all attempts at transforming a reaction toward injustice experienced in the concrete case into a body of fundamental, substantive rules that claim authority as expressing the true nature of man and society" (Voegelin 1991a, 80). Thus, we may recognize the prominence of the normative Ought in the whole spectrum of ideas and actions that have responded to injustices and wrongs and have called for respect for fundamental order and human nature.

However, one may ask for the justification of the validity of natural law. It is here that the category of truth enters into Voegelin's explanation. The validity of natural law seems to be derived from the *truthfulness* of representing the normativity of being. He maintains: "Natural law has theoretical justification insofar as it translates the

---

and soteriological experience reflected this same participation but permitted the possibility of friend-ship between God and humans due to Christ's Incarnation" (Trepanier 2017a, 217).

[15] Based on this, Voegelin identifies the following *principal types of law*: the law in a society *ordered* by cosmological myth; the law of societies governed according to *Revelation* or *Philosophy*; and finally, the law, in which both *reason* and *revelation* inspire order (Voegelin 1991b, 68).

[16] Concerning the possibilities of different forms of the experiences of transcendence, see Voegelin's correspondence with Alfred Schütz (Voegelin 2007). According to Voegelin, Christianity, providing a specific way of philosophizing, may help clarify the moment the conversion to the transcendent is initiated. Voegelin believes that until the spread of Christianity, the imagination of an ideal social order was linked only to the variations of secular political formations. The ground-breaking histori-cal realization that transcendence is incompatible with secular political utopianism has appeared only with Christianity. Yet, he remarks: "And now to your decisive question: is theory possible only within the framework of Christianity? Quite obviously not. Greek philosophy is pre-Christian, yet one can philosophize perfectly well as a Platonist or an Aristotelian. Philosophizing seems to me to be in essence the interpretation of experiences of transcendence; these experiences have, as a histor-ical fact, existed independently of Christianity, and there is no question that today too it is equally possible to philosophize without Christianity" (Voegelin 2007, 122 – 124).

[17] Voegelin adds: "Rules intend to convey a truth about order. They refer ultimately to the Ought in the ontological sense, that is to the experienced tension between the order of being and that part of the order that has to be established in society through human action" (Voegelin 1991b, 55).

[18] *The Theory of Law* is Voegelin's unfinished manuscript written between 1930 and 1932.

insights gained by a theory of the nature of man into the language of obligatory purposes" (Voegelin 1991a, 81).

The truth plays a vital role in Voegelin's explanation of the essence of normativity. He distances himself from the imperative concept of law accepted by certain positivists. For him, it is not the command that constitutes normativity (Voegelin 1991b, 56). However, as a normativity principle, the truth shall not be understood as proposed by prevailing modern truth theories, for it does not have *cognitive intention* as in science (Voegelin 1991b, 65). Voegelin's view might be approached as a correspondence truth theory that draws on whether a normative statement resembles what is intended by the ontological Ought. He notes: "In order to bring out its complete meaning, we always must translate the language of normativity into the fuller 'It is true that you should do this or that'" (Voegelin 1991b, 65). According to Voegelin, the criterium must be derived from thorough exploration through *reason* and *revelation* (Voegelin 1991b, 66).

Nonetheless, reading Voegelin, several questions emerge: What if we reject the assumption that we might be guided by *reason* and *revelation* when framing our answer to the "normativity question"? What if we doubt that transcendent experience could have a formative effect on our legal consciousness or sense of normativity? And, what if we dismiss the very idea of law as the symbolic representation of substantive Ought? Voegelin scrutinizes those "what if" scenarios in his original concept of *Gnosticism*.

IV. Gnosticism and Law

Gnosticism is a critical theme in Voegelin's philosophy. In some of his essential texts, he elaborated on Gnosticism as a defining phenomenon of modernity, which causes pathological political thought distortion.[19] Since its detailed treatment would render this paper too diffuse, I shall only focus on how Gnosticism concerns the law.

In law, Gnosticism manifests itself in the ostentatious rejection of fundamental sources of normativity: *reason* and *revelation*. Seen as irrelevant, they are substituted

---

[19] Voegelin worked on Gnosticism mainly in the texts *The New Science of Politics* (1952), *Wissenschaft, Politik und Gnostic* (1959), and *Religionsersatz* (1960). At the time, Gnosticism was, for Voegelin, the conceptual tool enabling a grasp of the underlying rationale of modernity. However, the view that Gnosticism was the fundamental disruptive phenomenon of a mainly historical-political character was later revised (see *The Ecumenic Age* (1974); *Reason: The Classic Experience* (1974)). Over time, Voegelin foregrounded an onto-anthropological view on Gnosticism as a factor of the human condition that manifests man's inner tension with transcendence and is not necessarily constrained within political definitions (see Franz 1998). He conceived Gnosticism as "a dead end inasmuch as it rejects the life of spirit and reason under the conditions of the cosmos in which reality becomes luminous in pneumatic and noetic consciousness" (Voegelin 2000, 74). However, Wiser, for example, believes that this interpretation of Gnosticism is already implicitly present in Voegelin's earlier texts (Wiser 1980, 101). Indeed, in 1952, Voegelin stated that the Gnostics aimed to terminate the soul's openness to divine truth (Voegelin 1999e, 163). Voegelin's

with a new formula for order, the authority of power (Voegelin 1991b, 68). Voegelin explains that as humans engage in the de-divinized concept of the world, their faith to install righteousness and order by themselves ultimately excludes the understanding of the normative implications of divine partnership. The faith is encouraged by *gnosis*, believed to mediate an adequate comprehension of the world and heal its ailments and misery. In parallel, gnosis is supposed to be a path to the eschatological fulfilment of history that should be brought about through man's vim and vigor and realized within immanent reality. Gnosticism is thus graspable as a concept of secular utopianism inspired by the idea of earthly salvation through political activity (Voegelin 1999e, 193).[20]

In rejecting the transcendent nature of being and order, man establishes himself as the determining principle of reality and the source of authority. This ultimately results in the assumption captured by Protagoras' relativist declaration that man is the measure and standard of all things and their meaning. As this happens to be a sworn principle of modernity, *Gnosticism*, according to Voegelin, gains momentum with the growing optimism of modern humans who worship their self-sufficiency and self-centeredness. However, this relativist feature is a pervasive element that allows a promiscuous interpretation of *gnosis* and its validity. Therefore, many types of gnostic worldviews often oppose each other. Yet, whether it is an ancient or modern type of Gnosticism, they bear the same essential feature – metaphysical revolt. Voegelin claims: "The revolt against God is revealed to be its motive and purpose" (Voegelin 1999b, 268). The apostasy is a consequence of the deliberate effort of the Gnostic to seize control over the world, for he refuses to recognize the true order of being, in which man is a participant, not the master or maker (Voegelin 1999b, 273). Consequently, this will to power, *libido dominandi*, as in Nietzsche's speculation, constructs a gnostic order in which the principle of normativity relies solely on the power of authority (Voegelin 1999b, 265 – 268). Voegelin concedes that the Gnostics "attempt the ordering of society by fusing the normative authority into the authority of power, as it is done for instance in the organization of a Communist or National Socialist empire" (Voegelin 1991b, 68).

The Gnostic turns away from a possible encounter with the transcendent, for he rejects the order of being and denies its worthiness. Voegelin states that Gnostic

---

understanding of Gnosticism does not correspond to later conclusions of historical research on the Nag Hammadi texts (see Webb 2005). Yet, he never intended his elaboration of Gnosticism as a contribution to the history of political thought (see Hollweck – Sandoz 1997, 17).

[20] Leo Trepanier concludes that Voegelin identifies Gnosticism in the following standpoints: "1) man was not responsible for the evil he finds in himself, 2) he has a right to blame someone or something else, and 3) his salvation depends upon his own efforts to correct the flaws in reality" (Trepanier 2006, 349).

dogmatism precludes a conscious reflexive attitude towards being. The Gnostic is trapped in his relentless belief that he has access to a particular knowledge that conveys the meaning of existence. He avoids questioning his perspective, in which he seeks comfort and certitude. The Gnostic chooses the *contraction of the self* over the *openness toward reality*, two possible attitudes one can take towards the world and being (Voegelin 2000, 404). Voegelin claims: "This gnostic turning back on itself corresponds spiritually, as we have said, to the philosophic conversion, the *periagoge* in the Platonic sense. However, the gnostic movement of the spirit does not lead to the erotic opening of the soul, but rather to the deepest reach of persistence in the deception" (Voegelin 1999b, 267).

As a consequence, the Gnostic has no access to the two foremost principles of the normativity of law, *reason* and *revelation*. Therefore, he does not recognize any moral or normative authority outside himself. The distortion of the perception of reality that follows is a foundation of disorder, the embodiment of the *ignorance within the soul* trapped in what Voegelin calls the Platonic *arch-lie*, *alethos pseudos* (Voegelin 1999e, 143). He states that the possibility of this spiritual disposition is contained in the very essence of the relationship between man and transcendence: "when participating in the creation of order, man experiences his consubstantiality with the being of which he is a creaturely part. Hence, in his creative endeavor man is a partner in the double sense of a creature and a rival of God" (Voegelin 2001, 55). According to Voegelin, the trajectory of this relationship depends on one's ability to recognize the prominence of the transcendent. This ability can be cultivated through "the love of the divine sophon" (Voegelin 1999e, 138). Voegelin points to Aristotle's concept of *spoudaios*, a mature man capable of comprehending theoretical truth, for he has *actualized* his human nature.[21] Only *spoudaios* is capable of the discovery of the truth (Voegelin 1999e, 139). Therefore, philosophy is preponderant for politics and law, for it inspires the noetic consciousness of the ontological Ought, thus eliminating the arbitrariness in setting norms or values. However, the Gnostic is subject to deception, in law demonstrated as the belief that the authority of power entitles a man to create norms *ad libitum* as if no higher source of normativity can be considered relevant. The deception even allows for creating concepts in which norms are understood as the acts of will of a sovereign (*de facto* or *de iure*) or as the normative elements whose validity is linked only to the systematic relatedness within a set of legal norms. Voegelin also draws attention to the Gnostic tendency to create

---

[21] Aristotle's term *spoudaios* might also be interpreted as *an earnest* or *serious man* (see Lu 2013). However, Voegelin's interpretation is not unique; the normative role of *spoudaios* as a mature man is also highlighted in Finnis' natural law theory (see Finnis 2011, 111; Duke 2013).

deceptive theoretical systems in which the truth is ascertained only on the basis of self-referential propositions.[22]

V. Concluding Remarks

When dealing with Voegelin's philosophy, one should remember his intention to reform how we see and understand the reality around us. Voegelin feared the influence of the modern *spiritual disorder* and contemptuously criticized modernity as "a violent phase of the madness" (Voegelin 1967, 239). He hoped to restore the dignity of knowledge about being, morality, and law through the theory of human participation in the transcendent. His intriguing approach rests on the premise that our moral commitment is to reflect upon the idea of the divine ground of being when constructing the legal system. As a result, Chernillo interprets Voegelin's concept as an alternative to the *immanentist* orientation in law, attempting to reconstitute the relationship between man and transcendence (Chernillo 2013, 61). After all, Voegelin himself saw natural law as "one among many variants symbolizing the return to the ground of being" (Voegelin 2004a, 125).

In Voegelin's interpretation, the law appears related to the disposition of the human soul reaching towards divinity. Due to his *metaxic* nature, man can experience the human-divine partnership and understand the implications of the *Ought* in the ontological sense. This understanding is a noetic precondition for the awareness of qualitative inconsistencies within our world and, therefore, serves as a means for the normative assessment of reality. Hence, the law can integrate the truth about the *ontological Ought* into our legal systems.

For Voegelin, the interpretation of *ought to be* cannot be reduced to a conditional category of utility but needs to be derived from the encounter with the transcendent, unveiling truth, justice, and the good as universal categories. *Normativity* thus appears as the principle interwoven into the very essence of being. Access to this principle depends on the openness of the human soul towards the world and its divine nature. Voegelin believes that human beings can translate the *normative Ought* into the legal foundations of societies and project the experiences with the transcendent in the echoes of the order of being. Consequently, the *Ought* will *be heard* and *obeyed* within the political community, thus creating an existential representation of true order. According to Voegelin, this is how the individual and the social dimensions interact and communicate the value preferences or normative frameworks across societies and history.

---

[22] It seems understandable that Voegelin would regard modern iuspositivist theories as connected to the Gnostic perverted perception of reality. Yet, in his correspondence with Kelsen, Voegelin explicitly wrote that he did not consider him a Gnostic (see Thomassen 2014, 442). On the other hand, Kelsen suggests that Voegelin's interpretation of Gnosticism is purposively created so that it can ideologically discredit his opponents (Kelsen 2004, 107).

Bibliography

ARISTOTLE (2000): *Nicomachean Ethics*. Cambridge: Cambridge University Press.

BRICKEY LEQUIRE, P. (2014): The Axial Age Debate as Political Discourse: Karl Jaspers and Eric Voegelin. *Clio: Histoire, Femmes et Sociétés*, 43 (3), 295 – 316.

BRICKEY LEQUIRE, P., SILVER, D. (2013). Critical Naïveté?: Religion, Science and Action in the Parsons – Voegelin Correspondence. *European Journal of Sociology / Archives Européennes de Sociologie*, 54 (2), 265 – 293. DOI: https://doi.org/10.1017/S0003975613000143

COOPER, B. (1999): *Eric Voegelin and the Foundations of Modern Political Science*, vol. 1. Columbia, Missouri and London: University of Missouri Press.

COOPER, B. (2009): *Beginning the Quest: Law and Politics in the Early Work of Eric Voegelin*, vol. 1. Columbia, Missouri and London: University of Missouri Press.

DUKE, G. (2013): The Aristotelian Spoudaios as Ethical Exemplar in Finnis's Natural Law Theory. *The American Journal of Jurisprudence*, 58 (2), 183 – 204. DOI: https://doi.org/10.1093/ajj/aut010

FINNIS, J. (2011): Reason, Authority, and Friendship. In: Finnis, J. (ed.): *Reason in Action. Collected Essays*, vol. 1. New York: Oxford University Press, 104 – 124.

FRANZ, M. (1998). Gnosticism and Spiritual Disorder in The Ecumenic Age. *Political Science Reviewer*, 27, 17 – 43.

HENNINGSEN, M. (1998): The Emerging Universalism of Eric Voegelin. *The Political Science Reviewer*, 27, 97 – 115.

HOLLWECK, T. A., SANDOZ, E. (1997) General Introduction to the Series: In: Moulakis, A. (ed.): *History of Political Ideas. Volume 1: Hellenism, Rome, and Early Christianity. Collected Works of Eric Voegelin*, vol. 19. Columbia, Missouri and London: University of Missouri Press, 1 – 48.

CHERNILO, D. (2013): *The Natural Law Foundations of Modern Social Theory: A Quest for Universalism*. Cambridge: Cambridge University Press.

KELSEN, H. (2004): *A New Science of Politics. Hans Kelsen's Reply to Eric Voegelin's "New Science of Politics." A Contribution to the Critique of Ideology*. Frankfurt and Lancaster: Ontos Verlag. DOI: https://doi.org/10.1515/9783110327717

KINNEGING, A. A. M. (2009): Eric Voegelin's Philosophy of Law And Ethics: A Critique. In: Labuschagne, B. – Sonnenschmidt, R. (eds.): *Religion, Politics and Law Philosophical Reflections on the Sources of Normative Order in Society.* Leiden and Boston: Brill, 15 – 30.

LU, M. (2013): Getting Serious about Seriousness: On the Meaning of Spoudaios in Aristotle's Ethics. *Proceedings of the American Catholic Philosophical Association*, 87, 285 – 293. DOI: https://doi.org/10.5840/acpaproc201441412

PLATO (1980): *Republic*. In: Shorey, P. (trans.): *Plato in Twelve Volumes*, vol. 6. London: W. Heinemann; Cambridge, Massachusetts: Harvard University Press.

SANDOZ, E. (2000): *The Voegelinian Revolution: A Biographical Introduction*. New Brunswick and London: Transaction Publishers.

THOMASSEN, B. (2014): Debating Modernity as Secular Religion: Hans Kelsen's Futile Exchange with Eric Voegelin. *History and Theory*, 53 (3), 435 – 450. DOI: https://doi.org/10.1111/hith.10723

TREPANIER, L. (2006): Gnosticism. In: Frohnen, B. – Beer, J. – Jeffrey, N. O. (eds.): *American Conservatism: An Encyclopedia*. Wilmington, Delaware: ISI Books, 348 – 351.

TREPANIER, L. (2017a): Culture and History in Eric Voegelin and Christopher Dawson, *The Political Science Reviewer*, 41 (2), 211 – 242.

TREPANIER, L. (2017b): From the Multiversity Cave: Plato and Periagoge. *VoegelinView*. September 8, 2017. [Online]. Available at: https://voegelinview.com/multiversity-cave-plato-periagoge/

VOEGELIN, E. (1927): Kelsen's Pure Theory of Law. *Political Science Quarterly*, 42, (2), 268 – 276. DOI: https://doi.org/10.2307/2142789

VOEGELIN, E. (1967): Immortality: Experience and Symbol. *The Harvard Theological Review*, 60 (3), 235 – 279.

VOEGELIN, E. (1991a): Supplementary Notes for Students in Jurisprudence Course. In: Pascal, R. A. – Babin, J. L. – Corrington, J. W. (eds.): *The Nature of the Law and Related Legal Writings. Collected Works of Eric Voegelin*, vol. 27. Baton Rouge, Louisiana and London: Louisiana State University Press, 73 – 83.

VOEGELIN, E. (1991b): The Nature of the Law. In: Pascal, R. A. – Babin, J. L. – Corrington, J. W. (eds.): *The Nature of the Law and Related Legal Writings. Collected Works of Eric Voegelin*, vol. 27. Baton Rouge, Louisiana and London: Louisiana State University Press, 1 – 69.

VOEGELIN, E. (1999a): *Order and History (Volume 3): Plato and Aristotle.* Collected Works of Eric Voegelin, vol. 16. Columbia, Missouri and London: University of Missouri Press.

VOEGELIN, E. (1999b): Science, Politics, and Gnosticism. In: Henningsen, M. (ed.): *Modernity Without Restraint: Political Religions; The New Science of Politics; And Science, Politics and Gnosticism.* The Collected Works of Eric Voegelin, vol. 5. Columbia and London: University of Missouri Press, 242 – 313.

VOEGELIN, E. (1999c): The Authoritarian State: An Essay on the Problem of the Austrian State. In: Weiss, G. (ed.): *The Authoritarian State: An Essay on the Problem of the Austrian State.* The Collected Works of Eric Voegelin, vol. 4. Columbia, Missouri and London: University of Missouri Press, 33 – 366.

VOEGELIN, E. (1999d): The Change in the Ideas on Government and Constitution in Austria since 1918. Appendix. In: Weiss, G. (ed.) *The Authoritarian State: An Essay on the Problem of the Austrian State.* The Collected Works of Eric Voegelin, vol. 4. Columbia, Missouri and London: University of Missouri Press, 367 – 379.

VOEGELIN, E. (1999e): The New Science of Politics. In: Henningsen, M. (ed.): *Modernity Without Restraint: Political Religions; The New Science of Politics; And Science, Politics and Gnosticism.* The Collected Works of Eric Voegelin, vol. 5. Columbia, Missouri and London: University of Missouri Press, 75 – 241.

VOEGELIN, E. (2000): *Order and History (Volume 4): The Ecumenic Age.* Collected Works of Eric Voegelin, vol. 17. Columbia, Missouri and London: University of Missouri Press.

VOEGELIN, E. (2001): *Order and History (Volume 1): Israel and Revelation.* Collected Works of Eric Voegelin, vol. 14. Columbia, Missouri and London: University of Missouri Press.

VOEGELIN, E. (2003): The Pure Theory of Law and of State. In: Heilke, T. W. – Heyking, V. J. (eds.): *Published Essays: 1922 – 1928.* Collected Works of Eric Voegelin, vol. 7. Columbia, Missouri: University of Missouri Press, 49 – 99.

VOEGELIN, E. (2004a): Natural Law in Political Theory: Excerpts from the Discussion. In: Petropulos, W. –Weiss, G. (eds.): *The Drama of Humanity and Other Miscellaneous Papers: 1939-1985.* Collected Works of Eric Voegelin, vol. 33. Columbia, Missouri and London: University of Missouri Press, 112 – 149.

VOEGELIN, E. (2004b): The Theory of Law. In: Petropulos, W. – Weiss, G. (eds.): *The Theory of Governance and Other Miscellaneous Papers: 1921 – 1938.* The Collected Works of Eric Voegelin, vol. 32. Columbia, Missouri and London: University of Missouri Press, 379 – 419.

VOEGELIN, E. (2007): To Alfred Schütz. January I, 1953. In: Hollweck, T. (ed.): *Selected Correspondence: 1950 – 1984.* Collected Works of Eric Voegelin, vol. 30. Columbia and London: University of Missouri Press, 122 – 132.

WEBB, E. (2005). Voegelin's "Gnosticism" Reconsidered. *The Political Science Reviewer*, 34, 48 – 76.

WEBB, E. (2014). *Eric Voegelin. Philosopher of History*. Seattle and London: University of Washington Press.

WISER, J. L. (1980). From Cultural Analysis to Philosophical Anthropology: An Examination of Voegelin's Concept of Gnosticism. *The Review of Politics*, 42 (1), 92 – 104.

––––––––––––––––––––––

––––––––––––––––––––––

Miroslava Klečková
Matej Bel University
Faculty of Law
Department of Constitutional Law and Theory of Law
Komenského 20
974 01 Banská Bystrica
Slovak Republic
e-mail: miroslava.kleckova@umb.sk
ORCID ID: https://orcid.org/0000-0003-2265-2563