

COMPARISON OF THE IDEA OF CRIME



In addition, and in the first place, laws are an expression of the idea of a “universal”, i.e. in Stirnerian, of a craze. He calls them, equivalent to Stirner, “Chimeras”. In the “Philosophie dans le Boudoir”, he explains: “Parce que les lois ne sont pas faites pour le particulier, mais pour le general, ce qui les met dans une perpétuelle contradiction avec l’intérêt personnel, attend que l’intérêt personnel l’est toujours avec l’intérêt général” (Sade, Philosophie dans le Boudoir, 470).

Laws cannot be individually aligned, but always have a universal claim to follow. They are above the individual – and cannot be removed by the individuals themselves. Thus, they are, in Stirner’s terms, holy. Stirner reflects on this in “The egoist and its own”: “Only against a sacred thing are there criminals; you against me can never be a criminal, but only an opponent”, (Stirner, The egoist and its own, 267). They are, in Stirner’s terms, something “sacred”. Stirner reflects on this in “The egoist and its own”:

“Sacred things exist only for the egoist who does not acknowledge himself, the involuntary egoist, for him who is always looking after his own and yet does not count himself as the highest being, who serves only himself and at the same time always thinks he is serving a higher being, who knows nothing higher than himself and yet is infatuated about something higher; in short, for the egoist who would like not to be an egoist, and abases himself (i.e. combats his egoism), but at the same time abases himself only for the sake of “being exalted,” and therefore of gratifying his egoism.”

(Stirner, The egoist and its own).

Both thinkers are united in the belief that the law per se includes a restriction of the individual. Hence, they see in the "breach of the law" a legitimate indignation of the individual, who, in this step, defends himself against the supremacy of the universal; i.e. concretely, that the "singularity" (Stirner) or the "nature of the individual" (Sade) is limited by a super-individual instance. The types of crimes that they take into consideration herein are irrelevant. To them, it is not about the phenomenology of the crimes, but about the concept itself. Crime as an act is in this sense of the conflict between the interests of the individual and those of the higher instance, however inclined. Here, equivalent to Stirner, he places emphasis on "revolt" instead of "revolution". The German playwright Peter Weiss picked up this idea in his play "Marat/Sade" in the comparison with Jean-Paul Marat. Sade explains to Marat: "these prisons of the interior are worse than the lowest stone dungeons; and as long as they are not opened, your rebellion is only a prison revolt" (Peter Weiss, Marat/Sade, 123).

Just as the two thinkers relativize crime and pull the rug from under the idea of universally applicable laws, so they do with morality. In Sade, this is done at different levels. On the one hand, he relativizes any claim to the universality of morality by comparing it with the moral values of other times and on other continents (cf. Nouvelle Justine, tome I, 98, 143; Histoire de Juliette, tome I, 70, 572); on the other hand, by negating the very foundation of religion in his deconstruction of it (cf. Schuhmann, Radikale Individualität, 232-242). Ultimately, he founded an individual ethics on the ruins of (Judaeo-Christian) morality. If he smashes the metaphysical basis, only the individual remains as the last basis. This atomized individual is constituted, in turn, in his early work – especially in "Les Cent vingt journées de Sodome" – by considerations emanating from an absolute determination of nature reminiscent of La Mettrie, as

explained by the Duc de Blangis at the beginning of Sade's novel fragment "Cent vingt journées de Sodome": "Je ne suis dans ses mains qu'une machine qu'elle meut à son gré, il n'est pas un de mes crimes qui ne la serve", (Sade, Cent vingt journées de Sodome, 9). Here, the aforementioned apathy of nature, which is also expressed in the confrontation of the life paths of the sisters Justine and Juliette, forms an important basis. Both sisters are in the same situation at the beginning of the story and opt for their respective life paths out of their inner nature. The negation of the distinction between "good" and "evil" also plays an essential part. In this aspect, Stirner is consistent with him. He illustrates this with the example of the Roman Emperor Nero, whom, instead of associating him with the category of evil, he merely writes off as "possessed". "A Nero is a ,bad' man only in the eyes of the ,good'; in mine he is nothing but a possessed man, as are the good too", (Stirner, The egoist and its own, 68). Sadean libertines share this view, because they reject this distinction as well. Sade's libertines reflect on this, however, and, with the exception of Juliette, yet also are largely obsessed with "evil". To them, the act of evil seems an expression of individual freedom.

In his state-theoretical digression "Français encore un effort si vous voulez être républicains" Sade illustrates the incompatibility of a universal morality with the specificity of the individual with the example of (military) uniforms:

"Que l'humanité, la fraternité, la bienfaisance nous prescrivent d'après cela nos devoirs que d'autres y rencontrent réciproques, et remplissons-les individuellement avec le simple degré d'énergie que nous a sur ce point donné la nature, sans blâmer et surtout sans punir ceux qui, plus froids ou plus atrabilaires, n'éprouvent pas dans ces liens, néanmoins si touchants, toutes les douceurs que d'autres y rencontrent; car, on en conviendra, ce serait ici une absurdité palpable que de vouloir prescrire des lois universelles; ce procédé serait aussi ridicule que celui d'un

général d'armée qui voudrait que tous ses soldats fussent vêtus d'un habit fait sur la même mesure; c'est un injustice effrayante que d'exiger que des hommes de caractères inégaux se plient à des lois égales: ce qui va à l'un ne va point à l'autre" (Sade, Philosophie dans le Boudoir, 492).

Conscious of this, Sade justifies the need for an individual ethics. This appears to be based on a caricatural appropriation of the "law of the strongest" at first glance, restricted only to the absolute desire to maximize the pleasure of the individual coupled with a total disregard to his or her environment. Such a reading in my opinion contradicts the Sadean impetus and the character of his libertine work. In the representation of such an ethics of action, Sade is less a propagandist than an analyst and, at times, also its critic, when it comes to its reversion to a despotic system. This is his legacy, which makes him the "enlightener of the Enlightenment" in the sense of both Theodor W. Adorno's and Max Horkheimer's thought. His political writings, as well – "Français encore un effort si vous voulez être républicains" and "Aline et Valcour" – suggest that he wants a social framework in which there is room for such an ethics of the individual. With regard to the justification of ethics he is however far less radical and consistent than Stirner. It is also in this facet that he is less radical and consistent than Stirner. If the concrete individual is the measure of all things, it does not need any such legitimizing pattern as Sade provides to justify his behaviour. The Sadean libertines follow their own nature, i.e. they act according to their "natural" installations and needs. Herein, the beginnings of his concept of individuality, based on the nature-related peculiarity of the individual, can be found. Similar to Stirner, Sade joins this idea with the idea of egoism. The egoism is for the two thinkers the base of their philosophy which is in an opposition to the concept of morality. In this context, the libertine Moldane denigrates the concept of morality to Justine: "Voilà, me dit Moldane,

comme tu saisis mal le véritable sens du mot morale. La vraie morale, mon ami, ne saurait s'écarter de la nature; c'est dans la nature qu'est le seul principe de tous les préceptes moraux: or, comme c'est elle qui nous inspire tous nos écarts, il ne saurait y en avoir un seul d'immoral" (Sade, Nouvelle Justine, tome I, 445).

This is particularly evident in the rules of a Sadean secret society, in which it is said: "Les principes de la simple nature remplaceront ceux de la morale et de la religion dans les écoles publiques" (Sade, Nouvelle Justine, tome II, 309).

The concept of nature used by Sade here may also be grasped by means of Stirner's notion of ownness. The libertines – like Stirner's "owner" – declare themselves the measure of all things – and accept no collective instance. To both writers, the individual's power (power in the term of potential) is sufficient legitimization for their actions (see above). Also to the owner, there is no other level of legitimization than individual power.

In this, like Stirner, Sade writes off morality as a chimera (Cf. Nouvelle Justine, tome II, 109). However, according to both thinkers, this idea is the basis for the creation of a social order that does not suppress the individual. Sade relies, in this respect, on a transformation, as postulated by himself, of the state of natural man on a social level – and, therein, distinguishes himself very clearly from the classical contract theorists (see also Timo Airaksinen, Of glamour, sex and Sade).

In consequence, Sade also demands in his state-theoretical discourse "Français encore un effort si vous voulez être républicains", that the French introduce, after the freedom of thought, also the freedom of action. (cf. Sade, Philosophie dans le Boudoir, 490). Herein, it becomes clear that he is seeking a regulative framework within which one may live in this natural state. A similar thought is perceptible in Stirner, when he declares: "But am I not still unrestrained from declaring myself the 'entitler', the mediator, and the own self?" Then it runs thus:

“My power is my property.

My power gives me property.

*My power am I myself, and through it am I my property”
(Stirner, The Egoist and its own).*

Sade does not take the step – taken so consequentially by Stirner – of thinking the consequences of his own considerations through to the end, i.e., in this case, to an absolute annihilation of anything higher existing above the individual. Here, Sade is fully aware of the risk of this philosophy threatening to degenerate into immorality. The two libertins Ferdinand and Charlotte thematize this in their discussion *of atheism.*

“-Un homme sans moeurs est dangereux, dit Ferdinand.

– Oui, quand il a quelque autorité, parce qu’il sent alors le besoin d’en abuser; jamais quand il est esclave. Qu’importe qu’un homme croie ou non qu’il y ait du mal à me tuer, lorsque je l’entraverai au point de lui en ôter tous les moyens? Et quand la dépravation de ses moeurs l’amollira, il rampera bien mieux encore sous les fers dont je l’accablerai”, (Sade, Histoire de Juliette, tome II).

Even if that passage is not very deep and meaningful, it shows that Sade has reflected this aspect also. The embodiment of such immorality is found, among others, in the character Bressac, in the “Nouvelle Justine”. He explains to Justine: “O Justine! Mon unique moral consiste à faire absolument tout ce qui me plaît, à ne jamais rien refuser à mes desirs”, (Sade, Nouvelle Justine, tome I, 195).

To Stirner, this question of immorality is, however, irrelevant. He thinks through egocentrism more consistently than Sade and thus does not risk the predicament of having to worry about it. His consummate egocentrism renders any

justification obsolete. Moreover, his underlying idea of man is much less pessimistic than Sade's, which was of course influenced by the impression of the bloodshed and the infighting during the French Revolution. For him, the feeling of love does not preclude egocentricity, provided that it is based on the selfish interests of the individual. His considerations show a reflected individual who, in the terms of the guiding principle of the Oracle of Delphi knows itself, i.e. also limits itself. Colossal violations of the rules of society in the sense of Sade do not appear with him. Sade's Libertines may appear in this aspect, as already noted by the German scientist Albert Eulenburg, as Baroque-style caricatures of Stirner's "Eigner".

The idea of the concrete individual is a problem immanent in the philosophy of the two thinkers. To Stirner, the individual is ineffable. When utilizing the religious metaphor of names not being fit to designate God, in consequence, the individual is not nameable, either. In contrast, in Sade, the individual is a mechanically active being determined by nature partially in the tradition of La Mettrie's materialism. His protagonist Madame Delbène reflect about it in "Histoire de Juliette" (cf: Sade, Histoire de Juliette, tome I, 55), but only the protagonist Juliette overcome this materialism. The Sadean libertines express their individuality by actually performing evil.

Thus, the construction of the individual also differentiates both thinkers. Stirner's egoist, or owner, displays a "cold", reflected personality, while the "usual" Sadean libertine possesses a rational, but still passionate character determined by nature. With regard to Stirner most of the Sadean libertines are only possessed, because they are slaves of their pure impulses. With the depiction of Juliette, who breaks out from this pattern and whom researchers often connect to the Nietzschean concept of the superman (see for example Carter, The Sadean woman; Hermans, Das sadistische Universum), Sade already approaches to some extent that reflected individuality, as represented in Stirner in the form

of the owner. Juliette is no longer subsumable under the metaphor of "l'homme machine". She comes closer than the other libertines to the ideal of Stirner, which is expressed in the words: "I receive with thanks what the centuries of culture have acquired for me; I am not willing to throw away and give up anything of it: I have not lived in vain. The experience that I have power over my nature, and need not be the slave of my appetites, shall not be lost to me; the experience that I can subdue the world by culture's means is too dear- bought for me to be able to forget it. But I want still more." (Stirner, *The egoist and its own*, 445-446).