

HOW WE RAISED A MONSTER: CONSTRUCTING THE IMAGE OF SOCIALISM DURING THE POST-SOCIALIST PERIOD IN BULGARIA

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Abstract: Drawing on Foucault's analyses of the legal category of "monstrosity" the paper's focus is the way in which socialism as part of Bulgarian history was largely constructed as a "monster". It appears that the key characteristics of the latter could be found in the ways we handle this period of history and collective memory. I argue that the concept of "monster" provides a useful entry point for considering the entity "communism", constructed after 1989 through different representational strategies and practices of assessment. It is revealing to observe some of the typical representational practices, performed during the transition, as practices raising a kind of historical or temporal monster.

The paper consists of two parts. The first one elaborates the conceptual network of the discourse of monstrosity and its key features. The monster represents the transgression of natural limits, it appears only when confusion comes up, for the monster combines the impossible and the forbidden. It is the casuistry that is introduced into law by the confusion of nature. The second part draws on these features and conveys them in the thinking of history, practices of historical representation, the strategies of shaping the collective past and memory. The analysis is led by the idea, which Slavoj Žižek vividly expressed in the following way: "Perhaps the best way of encapsulating the gist of an epoch is to focus not on the explicit features that define its social and ideological edifices but on the disavowed ghosts that haunt it, dwelling in a mysterious region of nonexistent entities which non the less persist, continue to exert their efficacy" (Žižek 2001: 3).

Keywords: monstrosity, Bulgarian socialism, historical representation, remembering

INTRODUCTION

The 1961 preface of Foucault's *History of Madness* declared it to be an archaeology of a silence. The silence in question is a silence about unreason, comments Ian Hacking¹. Adopting this stance of viewing history as a background, I set out to examine one of the dominating renderings of the socialist past in Bulgaria as a discourse, tangibly obsessed by the fear of silence about

¹ Ian HACKING, "Foreword", in Michel FOUCAULT, *History of Madness*, London: Routledge, 2006, pp. ix–xiii.

(historical) unreason. I hold that this way of staging our past actually unfolds as a story about the life of unreason inherent in disorder, its various manifestations and the history of the failing resistance to it. It is a story engaging with limits and liminal (historical) beings – unreasonable, monstrous, abnormal, criminal, deranged – who should be arraigned, should fall under scrutiny, be confined and institutionalized. This story invokes the urgent necessity of a “gigantic moral imprisonment”² to be performed, in order not to permit any longer the distribution of crime. Consequently, this is story about law, terror, guilt, denunciation and the impasse of all punitive measures.

In other words, the general goal of my text is to examine the phenomenon to which I shall refer to as “anti-communist post-socialism” as a discourse organized around the notions of crime, punishment and unreason. The “anti-communist post-socialism” is a bulk of transitional systems of qualifications, statements and representational practices, designed to assess the past, participating in this way in various distributions and redistributions of power. I contend that the performance of this assessment deploys itself through a curious set of juridical, medical and moral claims. They build up a figure, which although designed to settle an old controversy, i.e. to bring finally justice to the victims of the communist regime, unfortunately is characterized by an insurmountable intrinsic controversy. It has been a target of various rites of exclusion and formulas of purification as well as a source of obsessions, threats and fears. It is a discursive ensemble constituted in great resemblance to the juridico-medical discourse of “the pathological”; furthermore – the “sublime pathological”.

Drawing on Foucault’s analyses of the legal category of “monstrosity” it appears that its key characteristics could be found in the ways we handle this period of our history and collective memory. I argue that the concept of “monster” provides a useful entry point for considering the entity “communism”, constructed after 1989 through different representational strategies and practices of assessment. It is revealing to observe some of the typical representational practices, performed during the transition, as practices raising a kind of historical or temporal monster. I firstly aim at applying the “monster” category as technical notion for analysing particular features of our post-socialist narrative of socialism; and, second, at considering the question how we construct abnormal pasts and insist on having lived in them. I would like to add that the “monstrous communism” is not a distinct, organized, coherent narrative, told by a particular social author or a series of such. Rather, it is a special feature, a trait, characterizing different bodies of “anti-communist” descriptions of the past (and sometimes of the present). It may be typical of some of them (as in the years immediately after 1989) or it may emerge in one moment or another, depending on the concrete power configuration. I believe that it is employed to fulfill a task of distinguishing, of identification,

² Michel FOUCAULT, *History of Madness*, p. 507.

of “setting the parties”. But this question requires a more detailed historical study which falls outside the scope of the present paper.

The text unfolds as follows: first, it takes a closer look at the landscape of the transitional period, determined by the irreconcilability of the two main competing discourses on the Bulgarian socialism, figuratively put “the acquittal” and “the indictment”. The transition as a period of telling these incommensurable stories about Bulgarian socialist past and as a struggle over the legitimate body of knowledge about this past definitely is not over. The public space of history still is a battlefield of these irreconcilable narratives, which are stakes in the continuing battles for symbolic power. I introduce the story about the socialist past, which I claim to “raise a monster”, against the background of the “official” comparison between Bulgarian transition and the transitions in the other post-socialist countries. A short outline of the insignia of the “monstrous” public narrative and the representational strategy follows. It builds on notions such as violation, crime and arraignment and invokes the idea of fundamental order, coupled with the idea of justice.

In the second part I introduce the Foucauldian reading of the monster category and compare its key features to the temporal monster, which was reared during Bulgarian transition. I argue that as a monster, i.e. an “absolute” breach in or violation of, at least, two regimes of order – the (societal) history and the law, the wished and necessary moral imprisonment appeared impossible. In other words, since this period gets constructed as a fundamentally exceptional, i.e. illegitimate in all possible respects, its verdict and real punishment (sought in the appeal to condemn it) could not be performed, because “normal” measures could not be applied. The sublimely unreasonable could not be overcome through subsequently applying juridical and institutional frameworks.

1. CONFINEMENT OF TERROR AND THE TERRORS OF CONFINEMENT

A peculiar feature has characterised the Bulgarian transition since its very opening: it is not a design of the future which sets the political elites against each other and in that sense, brings them into existence; it is the past. In other words, it is not the prospect but the image of the past. The future described by the political elites is quite similar – the projects differ only in small details – and this consensus about the future is the condition of possibility of their legitimation. But the controversy is overwhelming with regard to the past: the battle over history deploys itself during the whole last decade of the 20th century³ and, strangely enough, continues to these days. The conversation does not break off, because it is not possible to act upon the object and transform

³ Andrej RAYCHEV, Kancho STOYCHEV, *What Happened? A Story about the Transition in Bulgaria 1989–2004*, Sofia: East-West Publ., 2004, pp. 12–13.

the rival corpora of collective memories⁴. It is true indeed that we are caught in it, but I try to offer an explanation, based on an internal rupture which could be found in the post-socialist image of communism.

The story of socialism which I am to examine is generally structured around the complex interplay between what I am going to refer to as confinement of terror and terror of confinement. This is one of the most crucial demarcation lines inscribed in the Bulgarian transitional public consciousness and amounts to the claim that all other former socialist countries have always resisted the Soviet regime and after the collapse of socialism managed to pass a verdict on the abnormal past. Or, in other words, the gigantic moral imprisonment of their criminal legacy is accomplished: they managed to confine the terror without being oblivious about it.

Conversely, in Bulgaria, we have never resisted: we had no events such as in Hungary in 1956 or the Prague Spring of 1968, we had neither a real dissident movement nor a key figure, symbolizing our non-compliance. On the contrary, we have an abundance of traces and signs of compliance, which remained visible during the transition: the lack of radical lustration laws, or of radical trials of representatives and top-level officials of the Communist Party, the delay in the enactment of the laws, permitting the public access to the state archives and the “memorial laws”, condemning socialism (as the “Law on declaring the Criminal nature of the Communist Regime in Bulgaria”, promulgated in State Gazette, Issue No 37 of 5 May 2000 to which I will return later). Even the European “advice”, embodied in official documents as PACE Resolution 1096 (1996) on measures to dismantle the heritage of former communist totalitarian systems⁵, the Resolution adopted by the XVIth EPP Congress condemning totalitarian Communism⁶, PACE Measures to dismantle the heritage of former communist totalitarian systems⁷, PACE or Resolution 1481 (2006). Need for international condemnation of crimes of totalitarian communist regimes⁸, regarded as the culmination of the efforts to condemn communism⁹, could not change the submissive Bulgarian attitude.

⁴ *Ibidem*.

⁵ Council of Europe web site, “RESOLUTION 1096 (1996). On measures to dismantle the heritage of former communist totalitarian systems”, Council of Europe, <http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta96/ERES1096.htm> (accessed June 21st, 2010)

⁶ EPP-ED Group in the European Parliament web site, “Condemning totalitarian Communism”, EPP-ED Group on the European Parliament web site, http://www.epp-ed.eu/Press/peve04/eve01/res-communism_en.asp (accessed June 21st, 2010)

⁷ Council of Europe web site, “Measures to dismantle the heritage of former communist totalitarian systems”, Council of Europe, <http://assembly.coe.int/Main.asp?link=http%3A//assembly.coe.int/Documents/WorkingDocs/doc96/EDOC7568.htm> (accessed June 21st, 2010)

⁸ Council Of Europe web site, “Resolution 1481 (2006). Need for international condemnation of crimes of totalitarian communist regimes”, Council of Europe, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta06/Eres1481.htm> (accessed June 21st, 2010)

⁹ Lilyana DEYANOVA, “Resolutions on Memory and Historians on the Resolutions”, in *Objective*, 2006, vol. 136, pp. 30–31.

In other words, we have been unable to accomplish neither condemnation and denunciation nor penitence. Consequently, trapped by our inability to cope with the history, we are doomed to suffer again and again the terrors of confinement in communism.

In this confinement exactly as in the asylums of Pinel and Tuke silence reigns but a silence which has nothing to do with liberation. Here it is an example of this typical technique, serving as a ground for the establishment and existence of one of the recently founded Bulgarian research institutes – The Institute for Studies of the Recent Past:

[...] since the fall of Communism, Bulgarian society has failed to make an adequate assessment of its recent past. Communism has passed behind, but it has not been cast off. There are still networks and links between the old Communist regime and the present-day political or public figures it spawned. Our society has no clear consciousness of what is right and what is wrong; what is the constitution of the authentic values of democracy and what is inconsistent with them. Every day we encounter signs in different areas of life, aimed at the tacit rehabilitation of events, people, or cultural traits of the Communist regime. Of course, one can say that these are isolated cases that cannot change the direction of our social/political development, but the accumulation of such exceptions has led to considerable confusion in Bulgarian public life and especially in the education of the younger generation. Bulgarians face the danger of bypassing history or, more accurately, of history bypassing them [...]

The lack of condemnation is embodied in the fact that Bulgarians did not found state research institutes, dealing with the communist legacy, have no museums, exhibiting the crimes and keeping the memories alive, no “reservations for memory” as the Hungarian House of Terror or the Park “Memento”, which put communism under public scrutiny.

The rendering of the confinement, performed by these countries, resemble the way the asylum of Pinel and Tuke was structured:

[...] In fact Tuke created an asylum where he substituted for the free terror of madness the stifling anguish of responsibility; fear no longer reigned on the other side of the prison gates, it now raged under the seals of conscience... The asylum no longer punished the madman’s guilt, it is true; but it did more, it organized that guilt; it organized it for the madman as a consciousness of himself, and as a non-reciprocal relation to the keeper; it organized it for the man of reason as an awareness of the Other, a therapeutic intervention in the madman’s existence. In other words, by this guilt the madman became an object of punishment always vulnerable to himself and to the Other; and, from the acknowledgment of his status as object, from the awareness of his guilt, the madman was to return to his awareness of himself as a free and responsible subject, and consequently to reason. This movement by which,

objectifying himself for the Other, the madman thus returned to his liberty, was to be found... in Observation [...]¹⁰

The lack of radical resistance could allow, the anti-communist narrative says, the communism to attain a more dispersed, network-ish, rhizome-like texture, which would strengthen and enhance its ability to survive. This shift would lead not just to a topological variation, but to a variation of the types of engagement. As a consequence, a constant anticipation of new signs and traces of socialism was typical for the Bulgarian transition period and still participates in the moulding of the political language. In such a sense, one of the most typical techniques of constructing the “Communism” is through “security politics”, giving rise to different “securitization” practices, which would avert any communist spillover.

The goal of securitization is to constitute a political unity by means of placing it in an existentially hostile environment and asserting an obligation to free it from threat¹¹. The idea of securitization describes processes “in which the socially and politically successful ‘speech act’ of labelling an issue a ‘security issue’ removes it from the realm of normal day-to-day politics, casting it as an ‘existential threat’ calling for and justifying extreme measures”¹². However, no such measures were ever exercised towards the remnants of the communist regime. The great abundance of ways of speaking about communism is announced insufficient, the condemnation inevitably misses the point, the countermeasures are never enough, and whatever happens in the public space remains as silence.

So, the undertaking of the gigantic imprisonment appeared to be futile. Somehow the socialism/communism slips out of condemnation and appears inviolable. I hold that the reason could be found in the essential ambiguity of the narrative, originating from its key motive: the theme of the fundamentally exceptional nature of socialism. Since this narrative constructed the period as an exceptional one, i.e. illegitimate in all possible respects, by definition there could not be measures, adequate to it and at the same time remaining in the field of legitimacy. The impossibility to apply “normal” measures – measures, generated within a regime of order – to something, which is principally beyond all recognized orders, is engendered. This is where we are already in a position to detect its monstrous silhouette: the Communism is being denied existence, according to certain criteria of historical recognition. It does not fit any reasonably projected trajectory of History. The crucial point here is that in this case “non-existence” does not amount to “death” or total oblivion: the ontological status of socialism remains dubious: it must exist illegitimately.

¹⁰ Michel FOUCAULT, *op. cit.*, p. 246.

¹¹ Jef HUYSMANS, *The Politics of Insecurity. Fear, Migration and Asylum in the EU*, London: Routledge, 2006, p. 50.

¹² C.A.S.E. Collective, “Critical Approaches to Security in Europe: A Networked Manifesto”, in *Security Dialogue*, 2006, vol. 37, pp. 443–487.

This historical period was declared a flaw in the “normal” flow of history, an experiment, a crime and something, which should not be, something which fundamentally violates the order and all reasonable historical taxonomies. Actually, it is staged as a “camp”: Carl Schmitt argued that the “nomos of the earth” is constituted through linking localization (Ortung) and order (Ordnung) to each other: order is conceptualized in spatial terms, as homes, towns and nations; on the outside, disorder reigns¹³. In our case, a peculiar inversion takes place: the order is conceptualized in temporal terms and the disorder in fact reigns “inside”. This corresponds indeed to the model of the camp in Agamben’s reading: the concentration camp emerged when the unlocalizable (the state of exception) was granted a permanent and visible localization¹⁴. He insists on an ambiguity: in the “state of exception” the link between localization and order breaks down. The location of the “unlaw” (state of exception) within law transforms society into an unbounded and dislocated biopolitical space.

The camp signals that the state of exception has become the rule, illuminating how sovereignty works and how a political space is constructed and delimited¹⁵.

In fact, the exceptional nature of the socialist period is the key point of disagreement between the two competing bodies of narratives. The representatives of the “state socialism” narrative (or “the acquittal” as I referred to it above) depict it as a “normal”, predictable and expected outcome from a type of historical development, which could be characterized as forcing the countries which had been developing more slowly to catch up and gradually deploy the structures of the modern industrial state. The state under socialism is expected to contain a set of measures, typically applied by countries from the world’s semi-periphery, characterized by economic and political backwardness. It could be called “exceptional” merely as an exaggeration of the justified exceptional measures, taken during a historical stage, which objectively has no alternative. In other words, it could be called “exceptional” just as far as the “normal” happened to be more condensed. The processes of early modernization are accompanied everywhere by higher rates of violence and this is a typical feature of each society, engaged in speeding up the development. Consequently, the main social actor, who should boost up the societal development, is the state, which leads to etatization of the modernization process. In such a sense, the “state socialism” narrative uses the concept of exception just to show that there is objective frame of reference in which it should be rendered as no exception but as a rule.

Conversely, the “anti-communist” narrative focuses exclusively on the exceptional nature of the past: the communism is an experiment and a violation

¹³ Bülent DIKEN, Carsten B. LAUSTEN, *The Culture of Exception. Sociology facing the Camp*, London and New York: Routledge, 2005.

¹⁴ Giorgio AGAMBEN, *Homo Sacer: Sovereign Power and Bare Life*, Stanford: Stanford University Press, 1998, p. 20.

¹⁵ Bülent DIKEN, Carsten B. Lausten, *op. cit.*

of a series of fundamental types of orders: social, economical, moral, juridical, historical, aesthetic etc. In such a sense we are faced with an interesting phenomenon: entities, which are kept existing as a breach in the “normal” flow of history and societal development. Now the monster itself comes to light.

2. THE MONSTER: VIOLATION OF TAXONOMY

In this part I want to clarify the claim that a principal paradox emerges, when we try to apply measures, generated within a given regime of order, to an entity, regarded as fundamentally belonging to another realm – that of unreason, disorder, breach.

I hold that this liminal situation could be revealed using the figure of the monster. There is a growing body of analyses, leaning on the concepts of monstrous and monstrosity, as well as some seminal works as Canguilhem’s for example¹⁶. Here I will draw on the reconstruction, offered by Foucault since it is the most appropriate theoretical model for representing the rendering of the socialist past, which is in the spotlight here. The reason is that for Foucault the monster’s existence “poses a challenge to legal certitude and taxonomy” and “presents a problem of classification”¹⁷.

Before focusing in a more detailed manner on the monster category, originating from the Roman Law, I will skip ahead to some of the consequences of its political embodiment and the impasse which it generated. The problems and conundrums it invokes, strikingly resemble the difficulties we experience in handling (juridically) socialism/communism:

[...] The discussion on the king’s trial which took place between the end of 1792 and the beginning of 1793, is very important not only because of the emergence of the great judicial monster – the political enemy, the king – but also because the arguments will be transposed and applied in a different domain in the nineteenth century... From then on, the monstrous criminal gives rise to the following questions: Should we really apply the laws to him? As a being of a monstrous nature and the enemy of the whole society, should not the society get rid of him without calling upon the might of the law? The same applies to all monstrous criminals and all those nomadic figures who circulate around the social body but whom the social body does not recognize as belonging to it [...] ¹⁸

Against this background The Law on Declaring the Criminal Nature of the Communist Regime in Bulgaria, promulgated, State Gazette, Issue No 37 of 5 May 2000 deserves special attention, since it is an event, clearly expressing

¹⁶ Georges CANGUILHEM, “Monstrosity and the Monstrous”, in *Diogenes*, 1964, vol. 40, pp. 27–42.

¹⁷ Andrew SHARPE, “Structured Like a Monster: Understanding Human Difference Through a Legal Category”, in *Law and Critique*, July 2007, vol. 18, no. 2, pp. 207–228.

¹⁸ Michel FOUCAULT, *Abnormal. Lectures at College de France 1974-1975*, London: Verso, 2003, p. 96.

the monstrous nature of communism's public representation, constructed during the transitional period.

But let's see first which are the typical features of the monster and the how it leads into dead-ends. The monsters are traditionally construed as liminal beings, transgressive and transformative, carrying the taint of all that must be excluded in order to secure the ideal of an untroubled social order¹⁹. The legal category monster referred either to the actual live births of, for example, conjoined twins, hermaphrodites or creatures of corporeal excess, or to imaginary creatures uncoupled from embodied reality. The latter are, perhaps, best captured by the figure of the human/animal hybrid²⁰.

According to Foucault, the notion of the monster is essentially a legal notion, in a broad sense, since what defines the monster is the fact that its existence and form is not only a violation of the laws of society but also a violation of the laws of nature²¹. Its very existence is a breach of the law at both levels. The field in which the monster appears can thus be called a "juridico-biological" domain. Monstrosity is the kind of natural irregularity that calls law into question and disables it. Essentially, the monster is the casuistry that is necessarily introduced in law by the confusion of nature. Similarly, the birth of a being that will inevitably die, for example, but which nonetheless lives for some moments, hours, or days, also poses problem for the law²². However, the monster emerges within this space as both an extreme and extremely rare phenomenon. The monster is the limit and the exception, combining the impossible and the forbidden. It violates the law by its very existence. One of the first ambiguities in its definition is that the monster is a breach of the law that automatically stands outside the law. The second is that monster is, so to speak, the spontaneous, brutal, but consequently natural form of the unnatural²³. The monster's frame of reference is nature and society, the system of the laws of the world: the monster is a cosmological or anti-cosmological being. It is by definition the exception, challenging both the medical and the judicial system²⁴.

The monster is the fundamental figure around which bodies of power and domains of knowledge are disturbed and reorganized²⁵. From the Middle Ages to the eighteenth century the monster is essentially a mixture of two realms: the animal and the human: the man with head of an ox, the man with bird's feet. It is the blending, the mixture of two species; the mixture of two individuals; it is the mixture of two sexes; it is a mixture of life and death. Finally, it is a mixture of forms: the person who has neither arms nor

¹⁹ Margrit SHILDRICK, *Embodying the Monster: Encounters with the Vulnerable Self*, London: Sage, 2002, p. 4.

²⁰ Andrew SHARPE, *op. cit.*, p. 209.

²¹ Michel FOUCAULT, *op. cit.*, pp. 55–56.

²² *Ibidem*, p. 64.

²³ *Ibidem*, p. 56.

²⁴ *Ibidem*, p. 57.

²⁵ *Ibidem*, p. 62.

legs. Consequently, the monster is the transgression of natural limits, the transgression of classifications, of the table and of the law as table²⁶.

In his genealogy of the abnormal individual Foucault depicts the shift in legal concern from irregular bodies to deviant identity. What he teases out is a change in legal focus from the externality of the body, its materiality, to the interiority of the mind. He understands this shift in terms of a process that develops between 1765 and 1820–1830²⁷. In the beginning of 19th century monstrosity is no longer the undue mixture of what should be separated by nature. It is simply an irregularity, a slight deviation, but one that makes possible something that really will be a monstrosity, that is to say, the monstrosity of character. The attribution of a monstrosity emerges that is no longer juridico-natural but juridico-moral²⁸. This is the moment when the figure of the monstrous criminal, of the moral monster, suddenly appears with great exuberance²⁹. The first moral monster to appear is the political monster: the political criminal is the first or at least the most important and striking moral monster to appear at the end of the eighteenth century³⁰.

Very similar is the structure of qualifications, ascribed to the post-socialist communism. It resembles the monster in being a double breach of some allegedly universal laws of order – these of history and of the (just) society. It is also a historical period, which should inevitably die, but nevertheless survives; it is an exception and violation of the laws of order and reason – it is qualified as “grand historical experiment”³¹, “epochal illness and insanity”³², “state-monster”³³, “long night, long derangement”³⁴; its strength, its domination, its cruelty, its violence, control and surveillance are “total”, “unbounded”, “monstrous”³⁵; it is “one of the gravest maladies in the human history”³⁶; the communism is the age of “monsters in the night”³⁷. Qualified in such totalizing terms, communism could hardly be inserted into the judicial order in any uncontroversial way.

When we are on the plane of politics, the resemblance with the image of socialism/communism becomes even more visible. Foucault focuses on the fundamental kinship between the criminal and the tyrant, between the law breaker and the despotic monarch, two individuals who reject, disregard or break the fundamental social pact. This theme of the link between the sovereign above the law and the criminal beneath it, the theme of these two outlaws, the sovereign and the criminal, is found first of all in his analysis of monstrosity. Before the

²⁶ *Ibidem*, p. 63.

²⁷ Andrew SHARPE, *op. cit.*, p. 218.

²⁸ Michel FOUCAULT, *op. cit.*, p. 73.

²⁹ *Ibidem*, p. 74.

³⁰ *Ibidem*, p. 92.

³¹ Georgi FOTEV, *The Long Night of Communism in Bulgaria*, Sofia: East-West Publ., 2008, p. 269.

³² *Ibidem*, p. 4.

³³ *Ibidem*, p. 16.

³⁴ *Ibidem*, p. 42.

³⁵ *Ibidem*, pp. 381–392.

³⁶ *Ibidem*, p. 433.

³⁷ *Ibidem*, p. 449.

French revolution, this analogy was visible in the pallid and commonplace form of the arbitrariness of the tyrant's rule being an example for possible criminals, or of his fundamental illegality being permission for crime³⁸. The despot is someone whose existence is united with crime, whose nature is therefore contrary to nature.

The despot is an individual who promotes his violence, his limits and his irrationality as general law. This means that the king – at least – the tyrannical king is quite simply a monster in the strict sense³⁹. The first juridical monster is the person who breaks the fundamental social pact.

I will expand this point in turning to the Law on Declaring the Criminal Nature of the Communist Regime, mentioned above, in Bulgaria. Indeed it opens with the statement of breaking the fundamental social pact, embodied in the Constitution: “Art.1. (1) The Bulgarian Communist Party (named at that time Bulgarian Workers’ Party (Communists)) seized the power on 9 September 1944 with the help of a foreign force, which had declared war on Bulgaria and in contradiction to the Constitution in force (Tarnovo Constitution)” and continues: “The communist regime is responsible for... violating the main principles of democracy, rule of law, international agreements and legislation in force thus placing the Communist Party and its representatives’ interests above the Law”. Here we can see exactly the feature of fundamental illegality being permission for crime as well as the effort to enact the conviction that we are faced with an entity whose existence is paired with crime, whose nature is therefore contrary to reason and order: “Art. 3. (1) The circumstances specified in Art. 1 and Art. 2 give ground to declare the criminal nature of the communist regime in Bulgaria from 9 September 1944 to 10 November 1989”, responsible for “committing unpunished crimes”.

All these gestures lead to a peculiar outcome: this way of delineating Bulgarian post-communist identity goes through exclusion of this historical period itself. If a society characterises itself as a breach or as an exception, it excludes itself. In such a sense we have very specific reasons to agree with Foucault that “our society has been afflicted by a disease, a very curious, a very paradoxical disease, for which we haven’t yet found a name; and this mental disease has a very curious symptom, which is that the symptom itself brought the mental disease into being.”⁴⁰

3. PRISONERS OF THE PASSAGE

It is time to go back again to the main puzzle: how is possible to punish a monster. A monster possessing the annoying habit of having as a frame of reference always “absolute”, “cosmological or anti-cosmological”, all-transcending,

³⁸ Michel FOUCAULT, *op. cit.*, p. 93.

³⁹ *Ibidem*, p. 94.

⁴⁰ The Noam Chomsky web site, “*Human Nature: Justice versus Power. Noam Chomsky debates with Michel Foucault*”, <http://www.chomsky.info/debates/1971xxxx.htm> (accessed July 11th, 2010)

entities as “the History”, “the Reason”, “the Nature”, etc. It is a breach of all of them and in this way, as something abnormal, as the embodiment of unreason, the monster performs the absolute crime – the crime, transcending all laws of nature, society and history.

But amidst the fundamental principles of modern law is the incongruity of the pathological and the juridical: madness erases the crime and crime cannot be an act having as its grounds the madness; one cannot be simultaneously insane and guilty. The lack of reason deprives the jurisdiction from power. If the punishment is to neutralize the crime, it should be based on their common element – the motive, which amounts to specifying the rationality of the act: “non compos mentis” is the condition which renders the criminal law inapplicable. The reasonableness of the subject is the condition of the enactment of law. Otherwise the act, the crime appears to have no grounds for existence⁴¹ (Kanouchev 2008, 21–26).

Construed as an “absolute” entity going beyond all familiar regimes of order and as a breach and violation of all reasonable laws, communism nevertheless had to be punished as a crime in the juridical framework. Due to this controversial set of requirements, it turned out that it entered “a kind of endless trial...; a trial whereby any transgression in life... becomes a social crime, observed, condemned, and punished; a trial which has no outcome but in a perpetual recommencement in the internalized form of remorse.”⁴²

In a strange resemblance to this description of the asylum in the classical period, our post-socialist treatment of communism resulted in a quite similar situation: the asylum of the age of positivism is not a free realm of observation, diagnosis, and therapeutics; it is a juridical space where one is accused, judged, and condemned, and from which one is never released except by the version of this trial in psychological depth, that is, by remorse... For a long time to come, and until our own day at least, it is imprisoned in a moral world⁴³.

Those who succeeded in confining the terrors of communism, actually succeeded in utilizing the fear: fear was now endowed with a power of disalienation, which permitted it to restore a primitive complicity between the madman and the man of reason. It re-established the solidarity between them. Now madness would never and could never cause fear again; it would be afraid, without recourse or return, thus entirely in the hands of the pedagogy of good sense, of truth, and of morality⁴⁴.

And the others, who declared themselves still prisoners of the communist terror, those, who raised a historical monster, confined themselves in the nightmare of constant transition: “what was once the visible fortress of social

⁴¹ Martin KANOUSHEV, *Social Construction of the Deviant Subject*, Sofia: Critique and Humanism Publ. House, 2008, pp. 21–26.

⁴² Michel FOUCAULT, *Madness and Civilization. A History of Insanity in the Age of Reason*, London: Routledge, 2006, p. 268.

⁴³ *Ibidem*, p. 268.

⁴⁴ *Ibidem*, p. 244.

order is now the castle of our own consciousness”⁴⁵. Since there is no way to punish the sublimely abnormal, as it is a breach of all possible laws, we are still detainees of an illegitimate history.

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⁴⁵ Michel FOUCAULT, *History of Madness*, p. 11.