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## Andrey Zvyagintsev's *Leviathan*: The Unbearable State of Nature<sup>2</sup>

### 1. Introduction

*Leviathan*, a 2014 movie directed by Andrey Zvyagintsev, is the tragic story of a man who suffers from the lack of a Hobbesian social contract.<sup>3</sup> This widely appreciated<sup>4</sup> cinematic masterpiece tells the story of a simple car mechanic, Kolya Sergeievich (played by the acclaimed movie star Aleksey Serebryakov), who leads an undisturbed life together with his beautiful wife Lilya (Elena Lyadova) and adorable son Roma (Sergey Pokhodaev) in a house on a spectacular cliff looking out to the Barents Sea. His precious property becomes the primary source of Kolya's misery: the greedy mayor Vadim (Roman Madyanov) wants to place an unlawful embargo on Kolya's house, a small auto-repair shop, and land in order to build yet another mansion for the Russian oligarchs there. According to the plot, set in contemporary corrupt Russia, from the beginning his efforts are doomed to end in total hopelessness. Zvyagintsev gives his audience universally understandable symbolic hints leading to the fatal conclusion, the only possible scenario unfolding in the face of problems of the Russian society.

In this paper, I argue that the situation in that country can be read as a metaphor for a "failed state", where the social contract as envisioned by Thomas Hobbes did not succeed. The small town of Pribrezhny is a depiction of the state of nature, where a war of all against all takes place and where the virtue of self-restraint is unknown to the majority of people. There is no sovereign that can guarantee peace, and therefore there is no need for "bridling" the passions to resolve the problems of temptation and assurance.<sup>5</sup> This disordered microcosm can hardly be considered to be a political community. From the Hobbesian perspective, there is no law, and with no law there is no social contract, while concepts like justice and injustice do not convey anything meaningful.

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<sup>3</sup> A. Zvyagintsev (dir.), *Leviathan* (film), Non-Stop Production, Russia 2014.

<sup>4</sup> The film's most notable distinctions include a nomination and award obtained for Best Foreign Language Film at the Golden Globe Awards in 2014 and a nomination for the Academy Award in 2014. Moreover, the movie gained acclaim even in Russia, where *Leviathan* won six prizes from the Russian Guild of Film Critics.

<sup>5</sup> J. Coher, *Getting Past Hobbes*, in: S.A. Lloyd (ed.), *Hobbes Today: Insights for the 21 Century*, Cambridge 2013, p. 5.

Therefore, in order to understand this world, one cannot apply socio-legal concepts, but instead must make an effort to use the language of theology or anthropology. This will be discussed later in the article.

This paper makes use of the interpretative tools applied in “law and film” studies. This is still an evolving area of research and thus lacks an established or precise methodology.<sup>6</sup> When applying this interdisciplinary approach, scholars focus on diverse problems, ranging from legal and cinematic constructs, ideologies, symbols, or images to re-read them from a socio-legal perspective. A method of analysis of cultural images of law proposed by William MacNeil entails “reading jurisprudentially”<sup>7</sup> and relies on interpreting pop-cultural or cultural texts (be they film or literature) by bringing them into dialogue with dogmatic law or political theory. Therefore, the focus of this method is not on how culture represents law, but how it instead insists that popular culture has something important to say about the condition of law and society.<sup>8</sup> This paper makes use of this approach.

Since both law and cinematic art share the feature of narrativity, this approach enables them to convey meaning through storytelling, universalizing meaning through the language of symbols. Narratives about the law are “the fairy tales of modernity,”<sup>9</sup> stories of contemporary times that explain how the world came to be. Moral and ethical issues arising in the legal sphere are expressed in visual language and displayed as specific social dilemmas of fictional characters. In other words, when interpreting a movie, one can reveal the value systems, or the real cultural roots and values of the society that is depicted.

Following the deconstructionist approach elucidated by Pierre Bourdieu and other critical theorists, a film can shine a spotlight on common social practices that are so obvious and seem so “natural” that we do not even realize the injustice: be it systemic inequality, procedural non-transparency, or institutional corruption. In other words, a movie can make Monsieur Jourdain realize that he speaks prose, and it can be a shocking discovery if the fact was either inherently invisible, or the society was in complete denial of an unpleasant truth about itself. A (good) movie then could be understood as a microcosm that exposes to us all the discomfiting facts about society’s hidden injustices. Moreover, a film itself can be depicted as an artistic judgement on the social reality, conducted by the director or inspired by philosophy or a sociological theory (the most famous directors who apparently applied this perspective were Ingmar Bergman, Krzysztof Kieślowski, and Andrey Tarkovsky). Artistic expression might therefore serve as personal commentary on social injustice, the corruption of the legal system, and an individual’s incapacity to live in a pluralistic society, as is the case with the director of *Leviathan*.

## 2. The two Leviathans

Let us begin with the formal aspects of the film. The title itself invites two references: the political one evoked by Thomas Hobbes’ *Leviathan* and the socio-cultural

<sup>6</sup> O. Kamir, *Why “Law-and-Film” and What Does it Actually Mean? A Perspective*, “Continuum: Journal of Media & Cultural Studies” 2005/2, p. 257.

<sup>7</sup> W.P. MacNeil, *Lex Populi: The Jurisprudence of Popular Culture*, Stanford 2007.

<sup>8</sup> T.D. Peters, *Cultural Legal Studies, Theology and Speculative Fiction*, in: C. Sharp, M. Leiboff (eds.), *Law, Popular Cultures and the Metamorphosis of Law*, Routledge 2016, p. 260.

<sup>9</sup> M. Lilla, *The Stillborn God: Religion, Politics and the Modern West*, New York 2007, p. 6.

interpretation of a Biblical symbol, a sea monster. In the opening scene of Zvyagintsev's movie, we see the austere scenery of the Kola Peninsula in northwest Russia, with a sublime atmosphere, amplified by the hypnotic swirling of Philip Glass' score. Surrounded by majestic rocks and Arctic waters, it is a place that precludes any thought about escape. The same shot of the peninsula is shown at the end, when the drama has already happened and the protagonist is in a state of moral catastrophe. This formal idea of repetition makes an impression of everlasting imprisonment: there is no hope for change; here, the "rocks must stand and threaten", as Polish poet Adam Mickiewicz put it.<sup>10</sup> This sublime atmosphere is emphasized by the long distance between the obscure place and other parts of Russia. The landscape could be seen as one of the movie characters: not only does it create an ambience of austerity and hopelessness, but it is also dangerous and powerful.

It might be also understood as a place of no choice and a metaphor for the modern state, in which it is impossible to evade the government. A human who later in history becomes a citizen is merely subjected to the state's sovereign (and, as in this case, discrete) power. It is as if people had no influence over their destiny and were dependent on a government that they did not choose. This is where Hobbes' *Leviathan* could be evoked for the first time: the natural surroundings show in the movie suggest the idea of an omnipotent sovereign holding the power of the sword (punitive power): legislative and judicial power.<sup>11</sup> The Hobbesian sovereign is an absolute command mechanism – once established, the Leviathan is not bound by any laws precisely because they are his commands. As Carl Schmitt eloquently states in his interpretation of Hobbes' treatise:

The endeavour to resist the leviathan, the all-powerful, resistance-destroying, and technically perfect mechanism of command, is practically impossible... There are no points of departure for a right to resist, irrespective of whether it be an objective or a subjective right. It has no place whatsoever in the space governed by the irresistible and overpowering huge machine of the state.<sup>12</sup>

The mechanistic imaginary applied by Hobbes emphasizes the strong division between the sovereign and the people; the latter experience passions and engage in irrational behaviour. Law is command, and "civil law is such a command issued by the commonwealth, the sovereign".<sup>13</sup> Legal order, therefore, is conferred to the will of one body, a mortal god.<sup>14</sup> However, that does not mean that the laws enacted by the sovereign cover all the actions of the people, which would be rather unfeasible to attempt (Hobbes wrote his treatise when law enforcement was rather weak, especially in the kingdom's peripheries, due to the speed with which information was disseminated). Establishing a Leviathan does not mean renouncing one's freedom, and the sovereign itself leaves most of the spheres untouched by the law. However, unregulated areas are left to the people who, according to Hobbes, should do what is most profitable for them.

The fate of people is entirely in the hands of the sovereign, who becomes the judge of good and evil. However, this description of the omnipotent state (embodied by an

<sup>10</sup> A. Mickiewicz, *Nad wodą wielką i czystą* [Eng. *Above Water Vast and Pure*], A. Czerniawski (transl.), <https://www.oxfordlieder.co.uk/song/4004>, accessed on: 13 January 2021.

<sup>11</sup> L. Berns, *Thomas Hobbes*, in: J. Cropsey, L. Strauss (eds.), *History of Political Philosophy*, Chicago 1987, pp. 406–407.

<sup>12</sup> C. Schmitt, *The Leviathan in the State Theory of Thomas Hobbes: Meaning and Failure of a Political Symbol*, Westport 1996, p. 46.

<sup>13</sup> L. Berns, *Thomas Hobbes*..., p. 412.

<sup>14</sup> A. Abizadeh, *The Representation of Hobbesian Sovereignty Leviathan as Mythology*, in: S.A. Lloyd (ed.), *Hobbes Today: Insights for the 21st Century*, Cambridge 2013.

individual, the sovereign) proves true only if the conditions for entering into a social contract have been met. Moreover, the social contract that sets up a political entity is binding only if its ultimate goal – security – has been attained. Only then can the sovereign demand obedience; otherwise, we would find ourselves in a “pre-political condition of insecurity, where ultimately one can no longer be certain of one’s physical security because the appeal to justice and truth does not produce any kind of peace but instead leads to war, very wicked and vicious”.<sup>15</sup> Here, total power correlates with total responsibility for protecting people from any insecurities brought about by the fellow citizens. Therefore, even if the closed microcosm of the Kola Peninsula instantly invokes references to the overwhelming power of the Leviathan, the question of whether the state machine functions or not remains unanswered.

Another meaning is conjured up by the image of the enormous skeleton of a sea monster, a whale lying on the seashore, the titular “Leviathan”. The image of this animal is burdened with theological, cabalistic, and historical interpretations that have varied across the centuries.<sup>16</sup> Having scrutinized possible references with which Hobbes might have been familiar, Schmitt concludes that for him a sea animal became the symbol of a peace-making order.<sup>17</sup> Therefore, the depiction of a whale’s skeleton evokes a contrary idea: of an order that is absent, a sovereign that fails in the basic role (providing citizens with vital security) and finally, a “failed state” equated with the state of nature,<sup>18</sup> where the social contract did not succeed. In a disorderly world, nature is capable of easily destroying all human efforts and taking a person’s life; it only returns the remnants (of a ship) and a body (of the main character’s wife). This state of nature puts human life into jeopardy, making it “poor, nasty, brutish and short”,<sup>19</sup> as Hobbes famously wrote. Thus, the Leviathan is much weaker than the evil nature of the world, symbolized both by the environment (which is capable of killing the sea monster) and the human condition. The second meaning in particular is significant with regards to the director’s vision. As Zvyagintsev said in one interview, “the waves at the surface of the ocean form because underneath, below, at the bottom of the ocean – Leviathan is slowly stirring”.<sup>20</sup>

However, this Leviathan should not be understood literally as a living monster, but rather as the driving human passion: fear. In the world of powerful nature, human life constantly faces danger that derives not only from the compelling environment, but also from other people petrified by fear, who are so concerned with preserving their own lives that they are capable of killing fellow citizens. Zvyagintsev explains that this fear is a remnant inherited from the Soviet system that has become ingrained in the psychology of Russians. In other words, Russia, as depicted in the movie, is far from being a modern state. Under such circumstances, people should be willing to enter into a social contract in order to live their lives and cooperate peacefully at the minimum level to have the ability to resist nature’s power. Does this really happen in the severe Russian microcosms of the fictional town of Pribrezhny?

<sup>15</sup> C. Schmitt, *The Leviathan...*, p. 45.

<sup>16</sup> C. Schmitt, *The Leviathan...*, pp. 5–15.

<sup>17</sup> C. Schmitt, *The Leviathan...*, p. 21.

<sup>18</sup> D. Braybrooke, *A Note on Hobbesian Lessons on Bipartisanship*, in: S.A. Lloyd (ed.), *Hobbes Today. Insights for the 21st Century*, Cambridge 2013.

<sup>19</sup> T. Hobbes, *Leviathan*, N. Malcolm (ed.), Oxford 2012, p. 78.

<sup>20</sup> A. Zvyagintsev, M. Trakovsky, D. Cummings, *Leviathan and Loveless*, <http://az-film.com/en/Publications/344-Leviathan-and-Loveless.html>, accessed on: 13 January 2021.

### 3. The State of Nature: A Social Contract That Never Arrives

Thomas Hobbes wrote his famous treatise, which some consider to be the first work of modern political theory, in extremely metaphorical language replete with allegories and analogies. He expressed it with passion and died not long after having finished it. He knew a world of a permanent and brutal conflict: he had witnessed the European Thirty Years' War and later the English Civil War, which culminated in the king's execution. What he experienced then was constant political turmoil, uncertainty, and social divisions that went across families; a war of all against all. It is not surprising that Hobbes had a pessimistic vision of human anthropology.<sup>21</sup> From his perspective, a man is a threat to another a man; the ultimate concern is self-preservation, and every tool to achieve it is believed to be justified. The English philosopher used his experience to conceive a theory of the state of nature, an abstract rather than historical vision of the pre-political human condition with an explanatory purpose. He deduced the truth about man from human passions – man is not naturally social and political.<sup>22</sup> The anthropological foundations of his political theory assume that men are equally capable of killing each other; they are distrustful because they compete for scarce goods and their love of glory and pride (which leads to comparisons and jealousy).

The constant tension between the sense of equality and the desire to be respected more than others leads to a “condition which is called warre; and such a warre as is of every man against every man”,<sup>23</sup> where everybody has the natural right to keep their property and fight with others to acquire more. People are similar in their desires; they are much more equal than they would like to believe. There is one scene in the movie which especially underlines the equality of the people deceived by the illusion of individuality: several women sitting in a bus, driving to a factory suddenly lose their individual dimension; the lights go off and the women become black silhouettes, indistinguishable from each other.

No rules apply apart from the principle of power: the stronger can easily make use of others; there is no sovereign that could be capable of exercising fearful violence in a legitimate way. The only way to curb passions and desires is to make a man enter into a social contract with others and thus give the power to determine the meaning of peace to Leviathan. When people renounce seeking their short-sighted goals and satisfying their individual desires using their reason, they establish peaceful cooperation.

Nevertheless, in the world aptly depicted by Zvyagintsev, this kind of peace-keeping Leviathan simply does not exist. There has been no transition from the state of nature to the political legal order. Kolya's life proves this claim brutally true. It is sufficient to say that he is not strong enough to stand up to the desires of others: in the state of nature, “every man has a right to everything”,<sup>24</sup> and Kolya's property becomes an object of social envy. Therefore, the situation in Pribrezhny is an image of the “failed state”, where the conditions for the social contract were not met because men were not able “to divest [themselves] of [their] right to all things when others are also willing” and are

<sup>21</sup> Laurence Berns interprets Hobbes' anthropological vision, which was inspired by both Niccolò Machiavelli and Francis Bacon, as more realistic than what most of the republican philosophers envisioned. It is so because he deduced “the natural law from what is most powerful in most men most of the time: not reason, but passion”. L. Berns, *Thomas Hobbes...*, p. 397.

<sup>22</sup> L. Berns, *Thomas Hobbes...*, pp. 398–399.

<sup>23</sup> T. Hobbes, *Leviathan...*, p. 77.

<sup>24</sup> T. Hobbes, *Leviathan...*, p. 80.

not “satisfied with just as much liberty against other men as he allows other men against himself”.<sup>25</sup> Why is it that Russians still live in the state of nature in their microcosm?

For Hobbes, to exit from the state of war of all against all and to transform it into society and in order “to make their Agreement constant and lasting”, what is needed “is a Common Power, to keep them in awe, and to direct their actions to the Common Benefit”.<sup>26</sup> The social contract consists of two steps: the first is a covenant of every person with the others, and the second is the authorization by every person of some person(s). As David Gauthier explains, authorization “provides the content of the covenant; each person covenants, with every other person, to authorize some one person or group, which is to say, to treat the acts of that person or group as her own”.<sup>27</sup>

In this contract, parties abandon their rights to a sovereign, but they still remain free to follow their desires. What they gain in exchange for denouncing part of their freedom is security. In fact, the social contract comes into force only when security is achieved:

Obedience is exchanged for protection. Not that men can ever be made completely safe from injury by others. It is sufficient for each citizen to know that anyone who intends to injure him has more to fear from punishment by the sovereign than he has to gain from his crime.<sup>28</sup>

Therefore, experience of legal and existential insecurity, as is constantly the case for Kolya, proves that there has been no conversion from the state of nature to the legal political order in the Russian town. In fact, from the Hobbesian perspective, the very concept of justice cannot precede law. In his own famous words, in the state of nature “[t]he notions of right and wrong, justice and injustice, have no place. Where there is no common power, there is no law; where no law, no injustice”.<sup>29</sup> These concepts are political and as such have no objective meaning at all in the world without a sovereign vested with a punitive power, who is capable of endowing justice with a concrete sense; that is, by restoring peace in society. Justice then is a consequence of the existence of contracts: “[T]he definition of Injustice is no other than the not Performance of Covenant. And whatever is not Unjust is Just”.<sup>30</sup> Leaving aside the reflection over the fact that we know justice only conditionally,<sup>31</sup> it has to be stressed that justice and injustice remain political principles that have no place and make no sense in the state of nature.

What remains instead is constant fear, which is inherent in every person’s life, and pre-political disorder governed by sheer power. In the movie, these conditions are only amplified by the ubiquity of alcohol: every character drinks abundantly, to the extent of losing consciousness, which provokes even more confusion in an already disorderly world. People are unable to create the conditions for the social contract, because they were not invited to use their natural reason to establish a peaceful political order. Or, to put it differently, natural reason advises them to be distrustful of the idea that others can renounce their freedom; instead, they choose to rely only on themselves and make others live in fear. Even if fear has political potential (after all, one of the reasons for establishing the state is self-preservation),<sup>32</sup> in the state of nature it remains a destructive force.

<sup>25</sup> L. Berns, *Thomas Hobbes*..., p. 402.

<sup>26</sup> T. Hobbes, *Leviathan*..., p. 105.

<sup>27</sup> D. Gauthier, *Symposium Papers, Comments and an Abstract: Hobbes's Social Contract*, “Noûs” 1988/1, p. 72.

<sup>28</sup> L. Berns, *Thomas Hobbes*..., p. 406.

<sup>29</sup> T. Hobbes, *Leviathan*..., p. 79.

<sup>30</sup> T. Hobbes, *Leviathan*..., p. 88.

<sup>31</sup> S. Fish, *Thomas Hobbes: The Father of Law and Literature*, “Law & Literature” 2017/1, p. 152.

<sup>32</sup> Even Hobbes appreciated fear as a passion that is not really in opposition to freedom: “Fear and liberty are consistent”, T. Hobbes, *Leviathan*..., p. 129.

As a consequence, there is no central power. The images of Russia's President Vladimir Putin, whose portraits hang in provincial offices, are not the pictures of an absolutist Russian sovereign. He does not have effective control over local officials. There is no law enforcement in the peripheries, because there is no law there at all. The image of Putin is instead a symbol of this lethal disorder; he is an element of the game rather than an omnipotent and, most importantly, authorized sovereign. Taking into account the human rights abuses of Putin's government,<sup>33</sup> his pictures can be interpreted as Zvyagintsev's bitter comment on the political situation in contemporary Russia. In fact, the state has become one of the worst enemies of the citizen.<sup>34</sup>

However, another person in Pribrezhny, unbounded by any contracts, attempts to seize as much power as possible. This is the greedy mayor, Vadim, who has subordinated the local people to his desires. He is a powerful individual who concentrates all of his influence over the citizens of a town, who live under his awe. Vadim is an unchallenged man, who is able to get what he desires most at any moment, be it someone's beautiful wife and lovely child or the property of the main character, Kolya. His motive to seize Kolya's land is also important – the illegal, yet successful attempt, to take over the picturesque area is attempted in order to build a commercial property, to invest and gain a huge profit – just as Hobbes predicted man's profit-seeking behaviour in the areas unregulated by any laws. His greed is uncontrollable, and he can hardly renounce his freedom. Vadim would subscribe to the Hobbesian claim that “there are very few so foolish, that had not rather govern themselves, than be governed by others”.<sup>35</sup> He is incapable of renouncing his freedom or restraining himself.

Even the higher normative system, religious norms, cannot stop him, since he goes hand in hand with the local religious authorities. Both he and the clergymen are in charge of executing fake laws enacted to justify their immoral actions. The priests are not following God's laws; they are also falling into the spiral of fear and vanity. Instead of pursuing the rule of law (the sovereign decisions) or obeying God's precepts (all the spheres not governed by the sovereign but regulated by traditions, morals, and customs), people in town follow the rule of man, which is imperfect and sinful.

In one scene, the jittery mayor comes to the priest's luxurious apartment to ask for advice. There, the religious authority tells Vadim that “all power comes from God”, meaning that the mayor should not worry about the advantageous court decision on Kolya's expropriation. The scene ends with a toast to the cooperation between two usurping powers, which allows only those who already are wealthy to pursue their uncontrolled passion for money. In other words, sheer power acquires legitimacy; no Leviathan is needed.

The character of Kolya's old army friend, the lawyer Dmitri, has an obvious legal meaning. He has come from the capital city to the provincial town to defend Sergeievitch in a rigged trial, hoping that justice will be restored. From the reflections above, we already know that we cannot speak about justice here; it is not a meaningful concept in the state of nature. Dmitri, a legal lawyer, knowledgeable of juridical tricks,

<sup>33</sup> See e.g.: R. Horvath, *The Reinvention of “Traditional Values”: Nataliya Narochmitskaya and Russia's Assault on Universal Human Rights*, “Europe-Asia Studies” 2016/5, pp. 868–892; V. Rotaru, M. Troncoță, *Continuity and change in instrumentalizing “The Precedent”. How Russia uses Kosovo to legitimize the annexation of Crimea*, “Southeast European and Black Sea Studies” 2017/3, pp. 325–345.

<sup>34</sup> J. Shklar, *The Liberalism of Fear*, in: N.L. Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge 1989, p. 37. Shklar meant by this especially the situation in courtrooms.

<sup>35</sup> T. Hobbes, *Leviathan*..., p. 94.

arrives in northern Russia with the hope to apply legal tools. Although Dmitri pursues the procedures and files an appeal against the court sentence, he cannot change anything: when the rule of man is applied, no liberal democratic procedures can affect it. In fact, liberal laws are a luxury that the state of nature cannot enjoy. When the Civil Code does not work and Dmitri realizes that he has to play the game he comes up with an illegal solution. As someone whose spirit is akin to that of a Western European lawyer, he believes only in the facts that are evidenced in writing. Pursuing this conviction and believing in procedures, he forges a document that supposedly proves Vadim's guilt. Obviously, he fails to achieve his goal. In a world unregulated by a sovereign that everyone had agreed upon, the only power that matters is sheer violence. Having decided to blackmail the mayor, Dmitri is kidnapped and tied up. After experiencing violence he relinquishes Kolya's case. In this world, violence has the last word; the law is just an instrument that creates an appearance of justice, an instrument that serves only to give effect to one man's will. As Pierre Legendre writes, "[t]he discourse of law was thus referable to the space of truth; what was fundamental to society, namely the truth, was written".<sup>36</sup>

This means that truth in this world needs words; violence is speechless and simply takes action. The world, therefore, cannot be explained using socio-political concepts. One must rather turn to pre-modern ideas, even theological ones (for some modern political concepts are merely secularized theological concepts)<sup>37</sup> in order to discern meaning in an otherwise disorderly microcosm.

#### 4. Leviathan as the envious monster of a secularized society

If there is no Hobbesian Leviathan, then we should focus on the second connotation evoked by the title. In this sense, Leviathan is a Biblical sea monster described in the Book of Job. The Bible says that "surely the mountains bring him forth food" (Job 40:20) just as in Zvyagintsev's movie, where a whale appears by the austere cliff. In Job 41, the description of his power and violent majesty continues: "None is so fierce that dare stir him up;" (Job 41:10) "When he raiseth himself up, the mighty are afraid; by reason of despair, they are beside themselves;" (Job 41:25) "Upon earth there is not his like, who is made to be fearless" (Job 41:33). In Christianity, Leviathan is associated with Satan. Saint Thomas Aquinas described this figure as a demon of envy whose primary task is to punish sinners. This corresponds to the state of nature in which the people of the town live. If we think now about the Girardian theory of mimetic desire powered by the envy, then we would not be surprised that spiral rivalry for scarce resources here produces a mimetic crisis produced by weak law and the strength of violence.

In the movie, Leviathan appears twice as a sea monster, always with a strong connection to death. For the first time, it is depicted as a whale majestically surfacing at the moment of Kolya's wife's suicide. The symbolic burden of the scene is unbearable: the whale emphasizes the wickedness of her desperate act of renouncing her life because of her sin of infidelity. The second instance is when we see the skeleton of a whale thrown out on the coast, where, paradoxically, Kolya's son runs to find peace when he is anxious after his mother's death.

<sup>36</sup> P. Goodrich (ed.), *Law and the Unconscious. A Legendre Reader*, London 1997, p. 23.

<sup>37</sup> C. Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, Chicago 2005, p. 35.

It seems that those bones of a great monster are a patron of the events happening in town. The skeleton is an eternal and ominous symbol of a state without a powerful and effective sovereign, where envy and greed are the crucial motives for action, and where the law serves the strong. When asked whether there are any dangerous creatures in this desolate land, one character responds: "The most dangerous animal is man". This once again stresses the state of nature in which the people of Pribrezhny live, where man is not someone from whom one should expect help, but who instead poses an existential threat to another man. Although Job is present here as a parallel story, his situation is not a mirror image of Sergeievitch's fate. While Job is described in the Bible as "whole-hearted and upright, and one that feared God, and shunned evil", Kolya has all of that but no fear of God. We do not see him praying or attending service. Only when he finds the dead body of his beloved wife does he cry: "Lord, why?"

Evoking Leviathan has yet another meaning, a religious one. This is intertwined with Job's drama, which is recalled perhaps too literally by an ordinary Orthodox monk, who cites a passage from the Bible on this topic in the presence of Kolya. After losing his wife, the desperate man asks the monk: "Where is your merciful God?". He receives an unsettling answer: that the monk's God is with himself, but he does not know where Kolya's God is. In the world of a disintegrated society with no solidarity and no binding laws, God becomes privatized. In fact, wars have been conducted in the name of God, especially in Hobbes' time (and in the ahistorical times of the state of nature).

The secularized world from which God has been expelled is depicted in yet another scene with the same monk. He drops pieces of bread into a muddy pen, where pigs will soon devour them. A strong symbolic meaning is behind this consequence of inattention: bread, a sacred object and an incarnation of Christ in Orthodox Christianity, is simply left here by a monk to feed dirty animals. What this emphasizes is the fact that even religion fails to restrain people and has no power over their morality – it is just an empty set of rituals.

However, apart from the plain monk, no one else seems to care about faith. In this world, religion has no transcendence. It serves only to achieve political goals, keep up appearances, or has no importance at all. When it comes to Kolya's son, Roma, he escapes his family house and spends time in the ruins of the local Orthodox church (the ancient ruins of the temples and the sense of past good times are immediately evoked by this scenery). Roma drinks, sings, and plays the guitar with his peers. The church has become a spot for meetings devoid of any religious character. Kolya is mad at his son, but not because of this sacrilege, but rather for education-related reasons. He does not want Roma to become an alcoholic like his father. Perhaps Kolya still hopes for a better future for his son, but that is just another character trait proving that he does not belong to this world. In the state of nature, people are concerned solely with their own well-being, paying little or no attention to others.

The ordinary people from the town do not follow the rules of religion, either. We do not see them in church, so the church ruins seem to be the only remnants of past religious times. However, while having sex with Dmitri, Lilya asks him whether he has been baptized, but he seems to treat this religious ritual as a meaningless superstition. Even though for Lilya religion needs to be embodied by some rituals, she herself does not obey the fundamental rules. When she realizes that she could not escape with Dmitri (who, as a positive lawyer, believes only in facts and not in love) and stand Kolya's forgiveness, she commits suicide by jumping off the cliff into the heavy Arctic waters. This act is followed by the appearance of the Leviathan – a symbol of horror.

In the same vein, at the end of the movie a mass takes place in a great and modern Orthodox church, where a corrupt priest preaches a sermon to a gathering of officials, including the mayor and his family. The self-serving priest claims that “the most important thing is be faithful to the Orthodox Church and to the truth”, but the viewers already know how devoid of meaning these words are. Religion here becomes a ritual that only has to be fulfilled by an individual in order to stay in the game: officials should attend a mass in their best clothes (and arrive there in SUVs).

After the mass, they pray not for God's mercy but to make business with other swindlers. In this sense, religious gestures are the law with neither enforcement nor transcendency, whose ultimate purpose is to strengthen the moral position of corrupt politicians. Moreover, even though in the sacred place everyone ought to be equal, and there should be no differences between the members of the congregation, in this case religion creates a moral excuse for the officials not to change their behaviour. If everyone is judged by symbolic gestures, who can be accused of doing evil? As Walter Burkert writes: “[T]he concept of ritual has long been used to describe the rules of religious behaviour”<sup>38</sup>; here, it boils down to mere appearances. When describing this situation in terms of a social contract, such a thing exists neither between people on earth and God, nor between the people themselves.

## 5. Kolya as a scapegoat: fear of the state

From an anthropological perspective, Kolya is the perfect candidate for a scapegoat. At the beginning of the movie, he is presented as a reliable and hard-working car mechanic, who lives on a majestic, isolated spit of the coast in an old inherited house. He has a beloved second wife, who seems not to be from his world; her delicate beauty does not match the severe conditions surrounding her. He also has several friends from Pribrezhny – one of whom is a local policeman – and an old friend from the army, Dmitri. Nonetheless, at the end of the film, Kolya is a drunk with no house, no wife (who betrayed him before committing suicide), no friends (they suspect Kolya of killing his wife and consequently testify against him – a situation reminiscent of Job), and no freedom (accused of murder, he is sentenced to fifteen years in a severe penal colony). His story resembles a gloomy joke or the story of Kafka's Joseph K., who is accused for no reason and without a judgment. We do not know how Kolya is going to live through that, since the story ends when he hears his sentence. It was an inevitable fate as in the case of Oedipus – no matter how much he wanted to avoid the fulfilment of the prophecy, his actions precisely led to his unfortunate finale.

It is worth mentioning that according to Zvyagintsev himself, the plot of *Leviathan* is based on a true story of Marvin John Heemeyer, an American welder and an automobile muffler repair shop owner.<sup>39</sup> He could also be seen as a scapegoat, a victim of legal procedures, but he took his fate into his own hands and failed. Heemeyer purchased land in Colorado to set up a business and subsequently agreed to sell it to Mountain Park Concrete to build a concrete batch plant. However, the price was not as high as Heemeyer demanded, and the town approved the decision to build a concrete

<sup>38</sup> W. Burkert, *Homo Necans: The Anthropology of Ancient Greek Sacrificial Ritual and Myth*, Berkeley 1983, p. 23.

<sup>39</sup> C. Veltman, *Director: Oscar-nominated 'Leviathan' a Colorado tale with a Russian twist*, CPR News, 20 February 2015, <https://www.cpr.org/2015/02/20/director-oscar-nominated-leviathan-a-colorado-tale-with-a-russian-twist/>, accessed on: 13 January 2021.

construction, while the welder would have had no adjacent property for his shop. He started the legal battle against the authorities' decision, but in vain – not only was he fined, but his appeals were rejected. To fight back, he bought a bulldozer, armoured it, and on 4 June 2004, drove his deadly machine through the wall of his former business, the town hall, the office of the local newspaper that published editorials unfavourable to him, the home of a former judge's widow, a hardware store owned by another man Heemeyer named in a lawsuit, and many others, after which he fired many bullets from his semi-automatic rifle.<sup>40</sup> In other words, he destroyed all the institutions that took part in the process of his expropriation. Immediately after this outrageous and hopeless act, he committed suicide.

In some sense, Heemeyer acted like corporal Denis Lortie, described by the French scholar Pierre Legendre: both men used violence in response to the written law. Denis Lortie notoriously attacked the government and the National Assembly of Quebec, killing three government employees and wounding at least eight others. He wanted to access the Chamber Assembly and kill members of Parliament, but – to his great surprise – it was almost completely empty. He was persuaded to surrender and had a proper trial during which he explained his motives. Denis Lortie famously said: "The government of Quebec had my father's face", which Legendre interpreted as a "genealogical crime" embedded in a family history that made a son seek revenge on a violent father.

According to Legendre, Lortie "killed the person who, in the concrete life of his family, represented the transgression of the taboos and the principle of differentiation".<sup>41</sup> Questions of law "imply or address a series of institutional subjects and can never be fully accounted for without attending to personal questions of motive and desire, phantasm and truth".<sup>42</sup> Law and legal norms cannot be understood abstractly; they have to refer to a specific and concrete person and his or her understanding of the world. Law could be perceived as a father, "whether that father was God, the emperor, the sovereign, the people, or the head of the family".<sup>43</sup> Both Lortie and Heemeyer had no good image to identify with (an image understood by the scholar as "the mechanism of subjective submission to social authority") and therefore, both felt "the need to kill an external father – a bad father – so as to make room for a good father within".<sup>44</sup> Thus, their hopeless gestures were symbolic attempts to restore justice within the corrupt institutions of modern society.

Something different happens to Kolya. He obeys the rules and pursues legal procedures, yet ultimately loses anyway. Every time when he uses legal measures, he is neutralized by the same means: first, at the court during the expropriation process, then during giving testimony at a police station (where he got arrested for asking questions too vigorously), and finally, while being sentenced to the penal colony. This could be seen not only in terms of him being a scapegoat, but also in Legendre's terms of identity – while obeying the rules and accepting them unwittingly, Kolya has established "the necessary bond between subject and law", which for the author means that "the legal

<sup>40</sup> C. Brennan, O.S. Good, D. Frazier, *Rampage in Granby*, Rocky Mountain News, 4 June 2004, archived at: <https://web.archive.org/web/20070220134042/http://umdstudents.com/viewtopic.php?t=6125>, accessed on: 10 February 2021.

<sup>41</sup> P. Goodrich (ed.), *Law and the Unconscious: Legendre Reader*, London 1997, p. 34.

<sup>42</sup> P. Goodrich (ed.), *Law...*, p. 4.

<sup>43</sup> P. Goodrich (ed.), *Law...*, p. 10.

<sup>44</sup> P. Goodrich (ed.), *Law...*, p. 36.

order depends not simply upon fear of law's violence but much more generally upon a structure of political love".<sup>45</sup> His behaviour could be interpreted as that of a good citizen, obeying the law and making use of accepted procedures that are appreciated in liberal democratic European countries, where the law needs to be internalized and intersubjective. When the drunk mayor trespasses his property at night, his response (prompted by the lawyer friend) is to write a legal complaint (which in reality has no chances of being successful). However, when the law is corrupt, as in the world depicted in *Leviathan*, it gives an individual a false identity that is not subordinated to the principle of justice.

"Law masks conflict and represses dispute", Legendre writes, and it "presupposes a corresponding theatre of enactment, a disqualification of the real, the use of deception and of masks, and the concordant noises which ceaselessly both destroy and recreate identity".<sup>46</sup> Corrupt legislation cannot fulfil its main function (namely, to establish and maintain order), so it is not a "theatre of justice and truth" anymore, but it rather becomes a Girardian theatre of envy, based on mimetic rivalry for desired yet scarce goods. Moreover, in the Russian peripheries there is no law to identify with, there is no God, emperor, or sovereign. All of that is replaced by sheer violence. Vadim cannot violate the law, which is virtually non-existent.

## 6. The last word: the trial

A ritualistic feature of law is obvious in the scenes where the court hands down the decisions on the fate of Kolya's property and on his alleged guilt for his wife's death. By and large, ritual is a practice of law, a feature that has been emphasised for example by Mark Cammack. This scholar stresses the ritualistic functions of trials and claims that a trial is "an attempt to 'say something'" in a modern symbolic way.<sup>47</sup> He perceives rituals as a universal feature of social life. Indeed, it is quite common in the contemporary social sciences to apply the methods of social anthropology focused on religion to the analysis of secular social structures. Thus, trials cannot be understood only in their practical significance, since formality "is a magical aspect of a rational activity". As he explains, the occasion and content of the trial is determined by formal criteria: to bring a trial into existence, one must recite certain things in a proscribed legal procedure, they happen in a specific place and time, and their duration is defined according to the formal procedures. "Behaviour in these roles is closely specified and is frequently exaggerated and stylized" and they are suffused with mystery and secrecy, manifested in a specific language.<sup>48</sup>

Participating in a trial results in the parties achieving a catharsis – but only when the trial is fair and just. What happens if the judgment is based on fake evidence and results in a false interpretation leading to an unjust solution? This happens in Kolya's case – ritual as a practice of law goes in the wrong direction. A judge speaking in the name of the court (interestingly, there are only three female judges who decide on Kolya's fate; they rather seem more like Shakespearian witches from *Macbeth* than

<sup>45</sup> P. Goodrich (ed.), *Law...*, p. 25.

<sup>46</sup> P. Legendre, *The Dance of Law*, in: P. Goodrich, *Law...*, p. 38.

<sup>47</sup> M. Cammack, *Evidence Rules and the Ritual Functions of Trials: Saying Something of Something*, "Loyola Los Angeles Law Review" 1992/3, p. 784.

<sup>48</sup> M. Cammack, *Evidence...*, p. 790.

Montesquieu's professional and unbiased judges that are "the mouth that pronounces the words of the law") does so with the speed of a machine gun and without pausing, giving no room to protest. It is a ritual with no catharsis, and the judgment cannot be perceived as a legitimate one, yet Kolya has to submit himself to it.

This situation may be interpreted in the context of Giorgio Agamben's essay *Pilate and Jesus*. The Italian philosopher analyses the etymology of the word "crisis", which has a different meaning in Greek – it is understood as a moment of suspension just before the ruling is pronounced by a court or before a doctor presents his or her diagnosis.<sup>49</sup> Agamben carefully and philologically looks at the text of the Bible and states that the encounter between Jesus and Pilate is a moment of mutual judgement: God judges man and a man judges God.<sup>50</sup> However, Agamben argues that if we read the biblical text carefully, then we realize that in a technical sense Pilate gives no judgment according to the Roman law: "[T]he one who has come to fulfil the law, who has been sent into the world not to judge it but to save it, must submit himself to a trial without judgment".<sup>51</sup> This process or trial, insofar as it does not conclude in a judgment but relies only on handing over, is in a state of permanent crisis, just like our contemporary world.

As Agamben writes: "[B]ut what is a trial without a judgment? The trial, jurists remind us, is always and only *processus iudicii*; it coincides with the judgment, with the crisis in which it is necessarily resolved".<sup>52</sup> The trial is now subordinated to purely physical rules and no judgement could be made over humans' behaviour. Human law then becomes only a form of usurpation, which enables pretending that everything can be judged. Paradoxically, the moment when the ritual (though Agamben does not use this word) does not work exposes the truth about the contemporary world. When we use this description to refer to Kolya's situation, we discover that human (positive) law does not work; it is not even present. A judgment is sheer usurpation of power, and it is not legitimate since the ritual is not conducted properly. The trial is fiction that takes place in the state of nature, where there is no restriction of the power for the strongest. Thus, the verdict is not really decisive. It is a fiction of the verdict, a fake word ("guilty") that destroys Kolya's life and identity. This is the verdict on Russia's contemporary situation, when it pretends to be a modern state. Zvyagintsev's movie is like Agamben's *crisis*, a pessimist diagnosis of Russia's condition and its potential to survive.

### Andrey Zvyagintsev's *Leviathan*: The Unbearable State of Nature

**Abstract:** *Leviathan* by Andrey Zvyagintsev is a movie that depicts the world in a state of nature, with no prospects for creating a Hobbesian social contract. Set in the Russian peripheries, the film depicts a respected and caring family man who is gradually deprived of everything because of lack of political order with enforceable law and justice. The movie is a depiction of a contemporary "failed state", equalized with the state of nature, where there is no legitimate power and violence remains the only tool to achieve goals both in private and public spheres. Religion consists of empty rituals that serve corrupt officials to maintain power. This world cannot last without innocent victims, scapegoats of the society, one of whom is the protagonist of the movie. This paper offers a legal and philosophical inquiry into the

<sup>49</sup> G. Agamben, *Pilate and Jesus*, Stanford 2015, p. 13.

<sup>50</sup> G. Agamben, *Pilate...*, p. 37.

<sup>51</sup> G. Agamben, *Pilate...*, pp. 51–52.

<sup>52</sup> G. Agamben, *Pilate...*, p. 49.

film, as it draws especially on the theory of the social contract proposed by Hobbes. It depicts a Russian town as a symbol of the state of nature as envisioned by Hobbes and describes the reasons why the social contract has not been made. According to Hobbes's theory, in the state of nature concepts like justice and injustice do not convey any meaning; therefore, this paper investigates other: theological and anthropological concepts, to explore the meaning of Zvyagintsev's *Leviathan*.

**Keywords:** Leviathan, Hobbes, Legendre, Agamben, crisis, ritual, religion, law

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