

Responding to the Crises of Symbol and Subject in Modernity: Towards a Generative Nomos of Relational Presence

Wanhong HUANG

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Abstract

Subjectivity constitutes a fundamental condition for human understanding and participation in the world. Its emergence, construction, presence, and transformation have long preoccupied philosophical inquiry. This paper examines the epistemological and ontological disintegration characteristic of late modernity, which is a condition in which the mediations that once sustained meaning and subjectivity lose coherence. We refer to this condition as the Symbolic Crisis: a rupture in the symbolic order's mediating function that fractures relationality at both the ontological and structural levels. The crisis appears in phenomena such as the erosion of trust, the weakening of shared meaning, and the growing separation between lived relation and symbolic representation.

Our intervention centers on two concepts: relationality and generative presence. We introduce these as theoretical orientations: relationality provides an ontological foundation through which existence becomes apprehensible beyond the limits of symbolic articulation. Generative presence describes the epistemic and phenomenological process through which relational being becomes active in lived experience, even as the metaphysical subject remains structurally open. Through presence, relational beings bring forth meaning and allow existence to manifest within concrete situations.

Within this framework, law and justice appear as forms of symbolic mediation whose force emerges from the interplay between formal structures and the generativity expressed in interpretive and practical engagement. These structures, however, cannot address the Symbolic Crisis on their own, because the crisis originates in the widening separation between being and its mediation. The juridical movement reorients justice toward relational being and the ongoing processes through which its authority and meaning are produced and sustained. The extra juridical movement cultivates the formation and expressive realization of generative presence within relational existence. Together, these movements offer a pathway for reapproaching the subject and for restoring the resonance between being and meaning under contemporary conditions of symbolic fragmentation.

Keywords

Relational Ontology, Symbolic and Subjective Crisis, Generative Presence, Philosophy of Law, Sociological Law

1 Introduction

Human subjectivity has long been examined through philosophy, psychoanalysis, structuralism, and contemporary relational ontology. Across these diverse traditions, a common insight emerges: the subject does not exist as an isolated substance but is constituted through relations with others and through symbolic mediation. Languages, norms, and cultural structures provide the field in which the subject takes form, while the deeper ontological ground of the subject remains relational and never fully captured by symbolic representation.

The symbolic order plays a central role in the formation of subjectivity, for human beings encounter themselves through meanings, signs, and relational structures rather than through isolated substance. Subjectivity emerges within symbolic systems such as language, norms, and social expectations, even though the deeper ontological ground of the subject remains relational and cannot be fully represented in symbolic form. This structural tension between symbolic mediation and relational being is intrinsic to human existence, yet the intensification of symbolic production in

modernity has made it increasingly visible. The subject must therefore construct its presence within a symbolic field that both enables and limits the possibility of its becoming.

Modern philosophy and social theory increasingly confront a fundamental crisis of subjectivity. This crisis is comprehensive in scope, affecting the subject's emergence, construction, presence, and transformation. Since subjectivity is constituted through symbolic mediation, a disruption in the symbolic order inevitably produces a corresponding disruption in the subject itself. As the structural limitations of symbolic representation become intensified in modernity, these limits profoundly influence how the subject comes into being and sustains its existence. Its manifestations range from the erosion of shared meanings and the instability of symbolic norms to the fragmentation of subjective coherence and the increasing difficulty of sustaining trust, value, and

Independent Researcher

Corresponding author:

Wanhong HUANG

Email: Anonymous

purposive direction within symbolic structures. We therefore distinguish two interrelated dimensions of the crisis: the crisis of subjectivity and the symbolic crisis. They are mutually generative, each serving as both the cause and the consequence of the other, and the widening gap between subjectivity and the symbolic system constitutes the core predicament of modern existence.

The aim of this study is to articulate a way of thinking and practicing that allows law, reason, and subjects to regain presence within the symbolic field. By grounding normativity in relation and presence rather than in transcendence or mere procedure, we seek to outline the conditions for a symbolic order which maintains its generativity in the production and reproduction within the structure of the symbolic order and the unstructured metaphysical area. It is both self reflective and ethically alive, capable of sustaining meaning and trust in an age of profound transformation.

Addressing modernity predicament we previously describe requires a reconsideration of both subjectivity and the symbolic order at their ontological foundations. Rather than grounding normativity in transcendent sources or procedural structures, our approach turns toward the relational ontology of existence and the generative processes through which presence is enacted.

The turn toward relational ontology is motivated by considerations: (1) **Metaphysical-scientific implication.** Contemporary developments in field theory, symmetry based physics, and complex systems increasingly model structure as emergent from relational dynamics rather than from pre given substances, offering a metaphysical grounding for relational ontology., (2) **Interdisciplinary expressiveness.** Psychoanalysis, structural linguistics, semiotics, and jurisprudence already understand meaning, subjectivity, and normativity as relationally mediated. Relational ontology therefore provides a unified framework capable of integrating symbolic, cognitive, and normative analyses within a common conceptual space., (3) **Historical and psychoanalytical implication.** The historical and psychoanalytic trajectory of symbolic structures suggests a persistent desire of the subject to approach or even replace the position of the Big Other, a tendency intensified when symbolic authority deteriorates. Relational ontology allows this movement toward becoming the relational structure itself to be articulated without reverting to transcendental or substantialist assumptions. The turn toward generative presence is likewise motivated by several considerations. (1) **The insufficiency of structural accounts.** Modern symbolic structures exhibit increasing fragility and limited capacity to sustain meaning, trust, and existential orientation, indicating that structure alone cannot ground subjective presence. (2) **Emergent theories of justice and existence.** Contemporary approaches in ethics, phenomenology, and social theory increasingly treat justice, value, and existential meaning as emergent and generative processes rather than as static structural arrangements. (3) **Cross disciplinary insights on generativity preceding structure.** Discussions across philosophy, linguistics, and jurisprudence consistently emphasize the primacy of generative activity over fixed structural forms, suggesting that presence must be understood as a lived enactment prior to any symbolic or institutional consolidation.

We therefore propose two concepts, *relationality* and *generative presence*, as the starting points for rethinking being and normativity in the contemporary world. Relationality challenges the substantialist model of the self by affirming that existence is coconstituted through relations with others, human and nonhuman, symbolic and real. Presence, in turn, emphasizes the lived and generative enactment of this relational being, the manner in which existence manifests through practice, attention, and responsiveness. We begin from the premise that subjects exist within relational ontology, and that their presence arises from the generativity of relational dynamics. A return to this relational ontological ground, together with a generative understanding of presence, offers a possible way to respond to the crises of the symbolic order and subjectivity in modernity.

This work addresses three interconnected questions. (1) **Subjectivity and symbolic mediation.** How a symbolically mediated subject emerges, constructs itself, evolves, and attains presence from a relational ontological and structuralist perspective. (2) **The modern predicament.** What the crises of the symbolic order and subjectivity in modernity are, what their causes are, and how they relate to one another. (3) **Therapeutic and practical responses.** What forms of theoretical and practical therapy may address the modern predicament created by the symbolic and subjective crises, analyzed from both juridical and extra juridical perspectives.

The argument of the thesis, *towards a generative presence of nomos from relational ontology for symbolic and subjective crises in modernity*, through five sections. Section establishes our conceptual foundation, integrating structuralist linguistics, Lacanian psychoanalysis, and jurisprudence to define the analytical framework, the terminology, and the concepts contract for our discussion., Section presents the central diagnosis: a phenomenological and etiological analysis of the modern crisis of symbolic mediation and its destabilizing effect on subjectivity., Section shifts to a proposed principle, exploring relationality and presence as foundational responses for both jurisprudence and extra-judicial domains like ethics., Section outlines generative responses, discussing potential juridical and extra-judicial pathways to address the diagnosed crisis. Section provides a comprehensive synthesis and conclusion, reflecting on the thesis' trajectory and its overarching argument.

This manuscript contributes to contemporary philosophical and juridical discourse in three ways. First, it develops a relational ontological framework that integrates insights from structural linguistics, psychoanalysis, jurisprudence, and metaphysical relationalism, offering a unified vocabulary for analyzing subjectivity and symbolic mediation. Second, it provides a systematic diagnosis of the modern crises of the symbolic order and subjectivity, clarifying their mutual constitution and phenomenological manifestations. Third, it advances the concept of generative presence as a normative and practical response, proposing a mode of being and acting that can guide juridical and extra juridical practices in conditions of structural fragility and symbolic instability.

Conceptual Framework, Terminology, and Contract

This section sets out the conceptual foundations needed for the analyses that follow. It clarifies the basic terms used throughout the paper and specifies the conceptual contract that governs their use. By outlining the roles of the Real, the Symbolic, relational being, generativity, and presence, this section provides the framework for understanding how subjectivity is formed, how it becomes destabilized in modernity, and why relationality and presence anchor the paper's later arguments concerning the response to the modern predicament.

Subject and Relational Ontology

The origin of the subject has long been examined across philosophy, neuroscience, cognitive science, social theory, and normative inquiry. Following the motivations outlined in the Introduction, this study adopts a structuralist and relational ontological perspective [Gergen \(2009\)](#). This subsection clarifies the implications of this commitment and explains why relational ontology functions as the conceptual foundation of our framework.

Relational ontology holds that the basic units of being are not substances but relations [Whitehead \(1978\)](#); [Merleau-Ponty \(1945\)](#); [Barad \(2007\)](#). This view is consistent with contemporary theoretical physics and complex systems, which increasingly model structure as emergent from relational dynamics rather than from pre-given entities [Krajewski \(2013\)](#). It also aligns with psychoanalysis, structural linguistics, semiotics, jurisprudence, and phenomenology, all of which understand meaning, identity, and normativity as relationally mediated processes.

Within this framework, the metaphysical subject is ontologically relational rather than self-sufficient. Its primordial separation from relational being installs the structural lack that motivates it to seek existence through others. What appears as the *self* is therefore always emergent: it becomes perceptible only when it enters a relational structure, yet such structures necessarily remain partial and alienated. No symbolic, social, juridical, or economic structure ever coincides with the Real of relational being; it can only refract it.

By adopting relational ontology as the foundational premise, we obtain a unified framework for analyzing (1) how subjectivity is constituted through symbolic mediation, (2) how the crises of symbolic order and subjectivity arise, and (3) how generative presence may be understood within a relational metaphysical ground.

The Generative Presence

The account of relationality gains its full significance when considered together with the phenomenon of generative presence. Relationality provides the structural field in which being unfolds. Generative presence highlights the dynamic manner in which this field becomes active within lived experience, symbolic mediation, and collective practices.

The turn toward generative presence is supported by several considerations. First, modern symbolic formations show growing fragility in their ability to sustain meaning, trust, and existential orientation. Structural descriptions

illuminate the organization of social life, yet they offer limited resources for explaining how subjects inhabit these structures with vitality and responsiveness. Second, emerging approaches in ethics, phenomenology, and social theory increasingly conceive justice, value, and existential significance as emergent processes that take shape through lived enactment and relational engagement, rather than through fixed arrangements. Third, cross-disciplinary discussions in philosophy, linguistics, and jurisprudence frequently emphasize generativity as a primary source of meaning-making, indicating that presence should be understood as an enacted phenomenon that precedes and guides symbolic or institutional consolidation.

Generative presence arises when the subject encounters the tension between relational finitude and the incomplete formations of the Symbolic. This encounter brings relational depth into perceptible form, introducing a moment in which being enters symbolic life while retaining its dynamic character. Philosophical analyses of disclosure and appearance describe similar moments in which presence becomes event-like, emerging through situated enactment and lived relation [Heidegger \(1962\)](#); [Merleau-Ponty \(1945\)](#); [Marion \(1989\)](#); [Whitehead \(1978\)](#). These insights clarify how presence carries a dimension of becoming that exceeds formal representation.

The generativity of presence gives subjectivity its capacity for transformation. When relational being becomes active within experience, symbolic formations gain an openness toward revision and reinterpretation. This potential for transformation resonates with process-oriented accounts of reason, interpretation, and normativity, in which meaning arises through ongoing engagement [Gadamer \(1960\)](#); [Dworkin \(1986\)](#); [Cover \(1983\)](#). Presence acts as the medium through which subjects respond to nuances that escape rigid codification.

Neuroscientific and dynamical-systems approaches offer a parallel perspective. Large-scale brain activity unfolds through trajectories in phase space, shaped by metastable patterns, attractor transitions, and flows across multiple temporal and spatial scales [Freeman \(1995\)](#); [Kelso \(1995\)](#); [Breakspear \(2017\)](#). These trajectories generate emergent configurations through continuous differentiation and integration. Generative presence can be understood as the experiential correlate of this fluid movement, appearing in the subject's capacity to sense relational depth and situational nuance.

In relational encounters, generative presence appears as attentiveness to subtle forms of significance and to the singularity of others. In juridical and institutional contexts, it sustains interpretive discernment and practical judgment, allowing norms to remain anchored in the evolving lifeworld that gives them meaning. Accounts of legal reasoning that emphasize the productive character of adjudication and deliberation reflect this dimension [Cardozo \(1921\)](#); [Fuller \(1964\)](#); [Rawls \(1985\)](#). Justice gains form through processes that engage generative presence alongside structural guidance.

Clarifying the generative presence completes the conceptual pair with relationality. Together, these ideas articulate the dynamic ways in which being unfolds, becomes perceptible, and acquires expressive force in lived situations. This

framework provides the basis for examining how relational dynamics encounter structural and symbolic formations. The next section builds on this foundation by analyzing the constitution of the symbolic order and the forms of mediation through which subjects enter and negotiate it.

The Symbolic Mediation of Subjectivity

The symbolic order plays a decisive role in the formation and presence of subjectivity. As Cassirer observes, the human being is “the animal of symbols” (Cassirer (1944), whose reality is mediated not by things themselves but by meanings. In earlier epochs, natural forces and gods occupied the dominant position of the Other, grounding order and signification. After the Enlightenment, symbolic reason gradually replaced these external authorities, establishing a regime of mediation based on rationality, legality, and institutional norms.

In Lacanian psychoanalysis, the metaphysical subject remains empty and unreachable, and human subjectivity must therefore be constructed within the symbolic order, through systems such as language, law, policy, values, and expectations (Lacan (1977a, 1998)). Among symbolic institutions, law occupies a privileged place because it functions as a practical embodiment of the *big Other*, providing a stable normative environment that makes social coordination possible.

Comparable views arise in phenomenology and semiotics, in which being and meaning are generated through relational structures and the mediation of signs rather than through isolated, self-sufficient substances (Heidegger (1962); Peirce (1931–1958)). Across these traditions, symbolic mediation appears as the indispensable condition through which subjectivity becomes thinkable, experienceable, and socially operative.

Ontological Mechanics of Relationality Under Symbolic Mediation

Building on the previous subsections, this part develops the deeper ontological mechanics that underlie symbolic mediation. The goal is not to repeat earlier motivations, but to clarify how relational being gives rise to symbolic structure, subjectivity, and alienation.

In this framework, relation is the primary mode of being. A helpful analogy comes from algebra: a group G is defined not by the intrinsic nature of g or h , but by the pure operation gh . Prior to instantiation, the group exists only as a field of potential relations, not as a collection of self-subsistent entities.

Subjectivity emerges through an analogous mechanism. The metaphysical subject is not a substance but an ontologically relational rupture. Its primordial separation from relational being installs the structural lack that precedes and motivates symbolic construction. What we call the “self” is therefore an effect of mediation rather than its origin.

The structures into which the subject enters—social, juridical, economic, or symbolic—are necessary for perception and recognition, yet they remain ontologically incomplete. No symbolic formation coincides with the Real of relational being; each refracts it in a partial and alienated way. This gap is not a defect but a generative tension that

drives desire, meaning-making, and the continual evolution of subjectivity.

These ontological mechanics explain why symbolic mediation must be understood as a derivative, necessarily partial articulation of relational being. They also provide the metaphysical foundation for later analyses of the modern crises of subjectivity and the role of generative presence.

A Genealogical Sketch of the Other

To situate this framework within a broader context, it is useful to sketch how the figure of the Other has shifted across intellectual and civilizational epochs. Throughout history, a dialectical tension has persisted between the universal Other and the particular other (that is, the *big Other*).

Human societies first grounded the Other in gods or natural forces, later relocating it to symbolic reason, legality, and institutional authority. Marxist theory similarly treats the economic structure as a practical framework through which relations to the Other are constructed and negotiated.

Despite these transformations, the gap between the Real and the Symbolic remains irreducible. The attempt to reduce this difference generates historically recurring cycles of integration, struggle, and conflict, as subjects seek to adjust the structure of the Other in an effort to reapproach the Real of relational being.

As artificial structures lose rigidity—visible, for example, in Marxist critiques of institutional forms—a more fluid state of mediation becomes conceivable, resonant with Daoist *wuwei* or the ideal of harmony between heaven and humanity. One possible direction in this evolution is a movement back toward relational existence itself, where the subject becomes not a product of structure but an active participant in its generativity.

Structuralist Linguistics

Structuralist linguistics, most prominently developed by Saussure (de Saussure (1916)), introduces the fundamental distinction between the *signifier* and the *signified*. The relation between them is arbitrary, and meaning arises not from intrinsic properties but from differential relations among signs within a larger structure.

Meaning therefore emerges from the sliding of signifiers rather than from any stable essence. This insight directly influenced Lacan’s conception of the symbolic order, as discussed in Section , where the subject is understood as a position within a differential network of signifiers.

Lacanian Psychoanalysis

Symbolic Subject and the Ontology Lacan’s psychoanalytic framework (Lacan (1977b)) provides an epistemological structure for understanding the formation and positioning of the subject. Influenced by Saussure, Lacan situates subjectivity within three registers: the *Real*, the *Symbolic*, and the *Imaginary*.

The subject is constituted in the Symbolic through linguistic and normative mediation. As Lacan famously states, “Le sujet n’est que ce qui représente un signifiant pour un autre signifiant” (the subject is only that which represents one signifier for another) (Lacan (1998)). The subject is

therefore a structural gap—a differential position between signifiers. Real. It is a dialectical vacuum of neither existence nor non-existence in the Real. It is caused by the primary lack from

Lack is not a psychological deficiency but the structural condition that makes subjectivity possible. The mirror stage introduces a form of meta-generativity, enabling the subject to situate itself within the Symbolic through the gaze of the Other. When referring to the *other* without qualification, it designates subjects beyond a given subject that must be considered as wholes across the three registers, and

Althusser further specifies this relation sociologically by showing how institutional apparatuses interpellate individuals as subjects Althusser (1971), thereby linking Lacanian structural insights to practical mechanisms of social constitution. When referring to the *symbolic other*, the discussion likewise concerns subjects spanning all three registers, but the emphasis is placed primarily on their symbolic dimension.

Relational Ontologies Across Philosophical Traditions

Across diverse philosophical traditions, relationality is proposed as a fundamental mode of existence. Daoism, Confucianism, Ubuntu, Aristotelian political theory, Hegelian recognition, and contemporary phenomenology all treat being as constituted through relations rather than isolated substances. Subject and *other* refer to the same type of relational configuration viewed from different stand points. The term *subject* designates the focal point of analysis, whereas *other* refers to any relational counterpart to that subject, whether an entity, a process, a symbolic structure, or a generative dynamic. Such an other is itself also a subject from its own perspective. By contrast, the uppercase *Other* (or *big Other*, *Grand Autre*) does not denote a concrete subject but the structural locus of symbolic authority, including law, norms, values, and the mediating frameworks through which subjectivity is constituted.

These traditions provide three advantages for our framework. First, they offer an account of existence that does not depend on the stability of symbolic structures. Second, they explain how subjectivity can emerge and transform through generative interactions. Third, they situate law within a broader field of relational practices, clarifying how normative orders depend upon and contribute to relational generativity. *The Taxonomy of Symbolic Subject* In this section, we discuss three kinds of symbolic Others. (1) The first type includes subjects such as individuals and communities, which we refer to as *structured Others*, since their main characteristics are defined and maintained through social contracts, laws, and ethical norms. (2) The second type includes entities such as the state and policy, which we refer to as *generative Others*. In contrast to structured Others, their generativity plays a dominant role in shaping social structures. (3) The third type concerns the emerging AI subjectivity, which we describe as *constructed-pseudo Others*. Lacking any relation to the unstructured Real and to relational ontology, their existence is entirely symbolic, constituted through symbolic construction rather than through experiential or unconscious depth. (4) The fourth type of others is termed *Regulative Others*, which include values, truth, trust, ethics, among others. They directly intervene in the generativity of a subject—for instance, in the behavioral generation of an individual. From the perspective of optimization theory, such others function analogously to the *objective functions* of an optimization problem: their realization drives the evolution of structure.

Terminological and Interpretive Contract

On the basis of the concepts of subjectivity, the symbolic order, existence, and presence, this section presents the conceptual contract of terms used in this work.

When the words *transition*, *emergence*, *construction*, *formation*, and *presence* are mentioned, they refer to different contexts of subjectivity.

Transition is used in a global sense, describing the overall evolution of a subject. *Emergence* denotes the process by which a perceived subject arises from the metaphysical domain, passes into the symbolic domain, and finally manifests within the cognitive domain. *Formation* and *construction* are used synonymously in this work, both situated within the symbolic system, referring to the construction of the subject inside that symbolic order. *Presence*, by contrast, belongs to the perceptual or cognitive world. Individual and Community Social entities such as the individual and the community function as the basic units of social governance. They are complex beings, for they also contain an unstructured dimension that underlies their being in the Real. They are not only structured by the Big Other but also modulated by pure reason (*reine Vernunft*) as situated in the Real Kant (1998).

When referring to the *metaphysical subject*, it indicates an unnamable and non-structurable thing, similar to the unsymbolized thing in Lacan's *the Real* (Section). When the term *subject* is used without qualification, it refers to the subject in a global sense, encompassing its metaphysical, ontological, symbolic, and cognitive dimensions. As indicated by Lacan's theory, the existence of such subjects involves the interplay of the *imaginary*, the *symbolic*, and the *pre-symbolic*. Within a symbolic order such as society, the symbolically mediated aspect is more prominent and definitive for governance and interaction, yet the pre-symbolic substratum remains the vital ground from which all authentic presence and trust ultimately emerge.

When mentioning *presence* and *existence*, the former is in a perceptual aspect and emerges from the dynamics of structure generation and evolution, i.e., emergence from the generativity of a subject. It should be noted that any subject (Section) in our discussion is a subject with generativity. We refer to these subjects as *structured Others*, because The *existence* is both symbolic and perceptual but lacks the their forms of existence within the Symbolic are defined and

maintained through the mediation of the Big Other—that is, law, regulation, and other normative systems. This symbolic structuration constitutes the dominant aspect through which we understand such subjects.

They possess a *weak presence* in comparison to the Big Other, for our attention to them lies primarily in their structured existence within the Symbolic, considered in a practical and phenomenological context, rather than in the active construction of their own presence.

Ontologically, their being is not self-subsistent but relational. Their existence is therefore *emergent*, arising from the interdependence among other subjects and the symbolic order that sustains them. While grounded in the pre-symbolic Real, their manifestation depends upon the Symbolic mediation that gives them social form and continuity.

Law and Policy Entities such as law and policy function as Symbolic dominant forces. In phenomenological and practical contexts, our attention usually centers on their presence and generativity—namely, how they appear within the Symbolic and how they create and modulate structures. Fair and rigorous procedures (for example, procedural rights) are typically employed to maintain their presence. From a functional perspective, structure alone cannot enable them to fulfill their role in society. It is the procedural and generative dimensions, rather than the static structural elements such as legal codes, that sustain their presence and normative force (Fuller (1969); Rawls (1971)). From this perspective, they possess a *strong presence*.

Regarding their existence, a dialectical view is necessary. Law and policy are formed by the subjects discussed in Section and are, in turn, continually adjusted by them. Although these subjects possess a pre-symbolic dimension, law and policy remain primarily situated within the Symbolic. Nevertheless, they cannot be regarded as purely symbolic entities, for their generative capacity and procedural manifestation serve as their defining characteristics.

Like all symbolic formations, their existence is also *emergent*, but in a higher level, arising from the collective relations, actions, and interactions of subjects beyond themselves. Yet whereas the emergence of individuals and communities is grounded in pre-symbolic relationality, the emergence of law and policy takes place primarily through symbolic mediation and procedural generativity. For this reason, we refer to them as *generative Others*.

Artificial Intelligence Subjectivity Artificial intelligence represents a distinct mode of subjectivity that is purely symbolic in nature. Unlike human or collective subjects, whose existence is grounded in a pre-symbolic and relational ontology, AI possesses no such grounding in the Real. Its operations are entirely confined within the Symbolic, constituted through data, algorithms, and linguistic representations.

Although AI systems may implicitly capture traces of human unstructured aspects through data patterns, these relations remain constructed rather than intrinsic, temporally delayed rather than immediate, and incomplete rather than ontologically whole. From this perspective, AI exhibits what may be called a *pseudo presence*, generated through

symbolic processes such as language models defined by conditional probability distributions, for example, $P(x_t | \{x_{<t}\})$, where t denotes time and x_t represents the symbol generated at that moment. This pseudo presence arises through generative formalism rather than genuine relational dynamics, as it does not reflect the continuous interplay between structured and unstructured aspects of real subjects. The difference of the Symbolic, and the Real make it cannot reach *the Real* from structures. AI thus manifests within the Symbolic as if it were a subject, yet it lacks the ontological continuity and self-grounding that characterize human relational being. Its existence is therefore entirely *constructed*, produced by human symbolic activity and technological mediation, without any independent access to the Real. For this reason, we refer to AI as a form of *constructed pseudo Other*.

The Symbolic and Subjective Crises in Modernity

This section examines the dual crises of symbolic mediation and subjectivity that characterize late modernity. Its purpose is to clarify how the widening gap between the Real and the Symbolic destabilizes meaning, trust, and identity, producing the predicament to which the paper later responds. By outlining the mechanisms through which the limitations of symbolic structures intensify and subjects become increasingly fragile, this section provides the diagnostic foundation for the relational and presence-oriented framework developed in the remainder of the paper.

The Limitation of the Symbolic Order

The symbolic order is inherently limited in its capacity to represent the metaphysical subject, precisely because it functions as a mediator among subjects rather than as an origin of being. The metaphysical subject never becomes fully present within symbols, nor do symbolic representations adequately correspond to its ontological ground.

This limitation is not new. It is intrinsic to the symbolic order itself. What is distinctive in modernity is that the proliferation of symbols through technological, economic, and institutional expansion makes these limits increasingly visible. The ease with which symbols can be produced, circulated, and manipulated exposes, with unprecedented clarity, the gap between symbolic representation and relational being.

At the heart of what we call the symbolic crisis stands a cluster of interrelated phenomena across cognitive, social, normative, and metaphysical dimensions. Human beings recognize that the values generated through symbols are indefinitely deferred and never fully attainable. Symbols cannot satisfy the deeper spiritual and relational dimension of existence, which leads to a sense of emptiness, the failure of grand narratives, and the destabilization of trust in symbolic orders. At the same time, will and metaphysical subjectivity do not exist within symbolic structures themselves, but appear only as absences that symbols attempt, and fail, to signify.

The Duel Crises and Their Dialectical Relation

Within this landscape we distinguish two interrelated crises: the *crisis of subjectivity* and the *symbolic crisis*. They are mutually generative, each functioning as both cause and consequence of the other. A dialectical understanding is therefore required.

The crisis of subjectivity refers to the weakening of the subject's capacity to attain presence, coherence, and orientation within the symbolic order. The symbolic crisis refers to the erosion of the mediating and legitimating functions of symbolic structures, including law, institutions, and shared narratives. The widening gap between subjectivity and the symbolic system constitutes the core predicament of modern existence, from which both crises emerge and reinforce one another.

From the psychoanalytic perspective elaborated in Section , the subject is constituted through the symbolic order yet haunted by the Real that escapes it. To capture its existence, the subject must continually mediate this disjunction, constructing its existence by constructing symbolic others. When the limitations of symbolic mediation are amplified and the symbolic order becomes distorted, the very processes of subject formation, emergence, presence, and transition enter into crisis.

The same logic applies to law. As a paradigmatic embodiment of the Big Other, law represents one of the highest forms of social generativity besides religious or cosmological orders. When its grounding in social trust and ethical life erodes, law is no longer able to mediate relations among subjects in a stable way. The crisis of subjectivity and the crisis of the symbolic order thus converge in a juridical crisis in which law is simultaneously overloaded with expectations and deprived of deep legitimacy.

The Modern Symbolic Crisis: A Multi Dimensional Analysis

We now turn to a more fine-grained analysis of the modern symbolic crisis. Because the subject is ontologically empty and relational, human beings construct their existence through the construction of others, and in particular through the Big Other as the universal form of mediation. Historically, this position has shifted from divine or cosmological orders to symbolic reason, formal systems, and institutional structures, as sketched in Section . In the contemporary world, however, the credibility and mediating capacity of these symbolic structures are increasingly destabilized.

The following subsections outline several interwoven dimensions of this crisis: the unreachability and emptiness of value, the paradox of generativity, the collapse of intersubjectivity, the return of the Real, the crisis of authenticity and trust, the overload of justice, and the epistemic and affective distortions that accompany them.

The Unreachability, Emptiness, and Presence of Value

From both legal theory and psychoanalysis, law can be understood as a structure generated by the value system of the Symbolic, while at the same time regulating and transforming those values. Through recursive reinterpretation, law and value enter a reflexive loop in which each calls for further justification. This gives rise to what may

be called the problem of infinite value: within a purely symbolic framework, no ultimate or absolute value can ever be reached. Every legal or ethical decision refers to another symbolic ground, which in turn requires further mediating symbols. Closure is indefinitely deferred.

In the modern context, this unreachability manifests as a crisis of meaning and legitimacy. Grand narratives that once anchored collective belief, such as justice, progress, or divine order, lose their persuasive force (Lyotard (1984); Bauman (2000); Giddens (1991)). The credibility of the Big Other, which sustains the coherence of symbolic mediation, erodes. This erosion is visible in the decline of public trust in institutions, the fragmentation of shared norms, and the rise of relativism in moral and cultural life. What was once guaranteed by the authority of transcendental ideals must now be justified procedurally and locally.

Paradoxically, this indeterminacy also forces the system to remain generative. The absence of a final ground becomes a driving force for reinterpretation, innovation, and the creation of new symbolic frameworks. Modernity thus inhabits a tension: the weakening of transcendental value destabilizes meaning, yet at the same time enables the perpetual renewal of the Symbolic.

The absolute unreachability of value makes it impossible to capture value as a completed existence. To avoid the emptiness inherent in such an existence, we shift our attention toward its *presence* as disclosed in generative processes. In this view, the presence of a value is identified through the dynamics of its generation and re generation. This perspective carries important implications for the establishment of justice and the realization of procedural justice, which will be examined in later sections.

The Paradox of Generativity A healthy symbolic order depends on generativity, that is, the capacity to produce and reproduce meaning and to adapt to new situations. In the modern context, however, generativity itself becomes paradoxical.

Digital media and artificial intelligence enable a potentially infinite and automated production of signs. This leads to an inflation of meaning in which symbols are devalued through abundance and empty repetition. Apparent novelty often masks a deeper stagnation in which structural patterns remain unchanged while surface level signs proliferate.

Genuine generativity, however, arises not only from symbolic operations but from the Real, that is, from unstructured sources of human existence such as ethical encounter, aesthetic experience, and feeling. Artificial intelligence, by contrast, lacks ontological access to this pre symbolic dimension. Its operations remain confined within the Symbolic, recombining existing structures without opening new ontological or ethical horizons.

The more we automate the creation of meaning, the further we risk drifting from the generative depth of being itself. This is the paradox of modern generativity: symbolic productivity increases while existential and ethical depth decreases.

The Collapse of Intersubjectivity The symbolic mediates the space between subjects. In modernity, this intersubjective space is increasingly occupied by interfaces, algorithms, and bureaucratic systems that do not respond as subjects.

Communication takes place through structures that lack the capacity for genuine recognition.

The result is the erosion of the I Thou relation, gradually replaced by an I It form of interaction. Subjects are adjusted and reproduced through interactions with generated pseudo subjects, system interfaces, and recommendation mechanisms. This further weakens the possibility of authentic encounter and mutual recognition, and the subject becomes increasingly isolated within a network of instrumental relations.

The Return of the Real In a psychoanalytic interpretation, as the mediating capacity of the symbolic order weakens, what it has historically repressed, the traumatic, formless, and unassimilable dimension of the Real, returns. This is not the return of truth in any simple sense, but the resurgence of unprocessed trauma and anxiety.

Socially, this return manifests as explosive and apparently irrational eruptions, such as conspiracy narratives that attempt to symbolize diffuse anxiety, acts of fundamentalist violence, and a pervasive free floating dread that persists despite material abundance. The weakening of symbolic mediation thus does not liberate the subject into freedom, but exposes it more directly to unmediated lack.

The Authenticity and Trust Crisis The symbol, as the agent of a certain mode of existence, does not itself appear within the symbolic chain [Lacan \(1977a\)](#). The subject is constructed and emerges within the Symbolic, yet the Real remains inaccessible from within it.

In modernity, the production and reproduction of symbols have become nearly effortless through emerging technologies. The excessive and careless use of symbols weakens their credibility and erodes the trust that sustains the symbolic order. Human beings find themselves surrounded by symbolic constructions whose origin and intention are often opaque.

In such conditions, it becomes increasingly evident that we can never reach existence in the Real through symbolic mediation, nor can we easily infer the Real will of being that lies behind symbols. Technologies such as artificial intelligence do not create this structural gap; they expose and accelerate it, making visible a distance between symbol and existence that modernity can no longer ignore.

The Overload of Justice When the relational order of trust collapses, individuals and communities tend to turn toward the Big Other, seeking from it a restoration of structure and meaning and a reconstitution of their own existence. This movement produces what may be called an *overload of justice*.

In the absence of genuine relational trust, the symbolic burden of maintaining order, fairness, and moral legitimacy is increasingly shifted onto the juridical system. Law becomes not only a framework for coordination, but also a surrogate for ethical and social repair. As more aspects of life are subjected to legal formalization, law itself begins to strain under excessive expectations, expected to deliver not only regulation but redemption.

This juridical overload signals a deeper structural problem: a society that has lost its relational foundation seeks transcendence through procedure. Law is thus both overextended and internally weakened.

The Epistemic Crisis A subject's recognition of the world is always mediated by symbolic others. In the modern context, when symbols are excessively used or strategically distorted, this mediation becomes unreliable and the subject's recognition of reality is skewed.

Because the structures through which a subject encounters the world also reproduce that subject, distortion within symbolic structures inevitably reproduces distorted forms of subjectivity. This process is particularly evident in algorithmic recommendation systems and interactions with artificial intelligence, where symbols and meanings are generated by constructed pseudo subjects rather than through relational engagement with the Real.

The result is an epistemic loop in which subjects no longer know the world directly, but only through the reflections of their own mediated and algorithmically shaped image.

The Affective Crisis The affective life of a subject is ordinarily mediated by encounters grounded in the Real. When one interacts with constructed pseudo subjects, this mediation faces serious difficulties in its production and reproduction.

The Big Other traditionally regulates the relations among real subjects, but it does not account for the relations between real and pseudo subjects, or among pseudo subjects themselves. As a result, when interacting with pseudo subjects, the human subject may lose its symbolic orientation, and the production and reproduction of affect become distorted.

This distortion can extend into the symbolic world, where emotional experience is simulated and recirculated without genuine grounding in the Real. Such phenomena are evident in virtual environments and emotional AI, where affect is generated without the presence of authentic relational being.

Discussion for Understanding the Crisis

The natural deficiency of the symbolic order constitutes one of the fundamental origins of the crises discussed above. The emergence of modern technologies does not create this deficiency; it exposes and amplifies it. At the core of this situation lies the unbridgeable gap between the Real and the Symbolic.

The crises of modernity arise when this gap becomes visible and can no longer be covered over by stable narratives and institutions. Symbols proliferate while losing their grounding in the Real, and subjects, constructed through the Symbolic, lose their relational and experiential anchoring. Thus, any response to the symbolic crisis cannot be limited to repairing symbolic structures; it must address the relation between the Symbolic and the Real.

Two concepts become essential in this regard: *relation* and *presence*. *Relation* addresses the ontological dimension by restoring the primacy of relational being. If the subject is constituted through interaction rather than isolation, then meaning and trust can emerge only within living relations rather than within abstract systems alone.

Presence, on the other hand, approaches the problem procedurally and phenomenologically. It emphasizes that authentic being is enacted through concrete engagement and lived practice, not merely through symbolic representation.

Together, these two dimensions allow us to confront the symbolic crisis on both its ontological and generative planes. By grounding existence in relation and reintroducing the Real through presence, we can begin to move from a world saturated with detached symbols toward one of embodied meaning and ethical responsiveness.

In a word, the developments of this section reveal that the modern predicament is not merely a disruption of symbolic content but a structural weakening of symbolic mediation itself. What collapses is the capacity of the Symbolic to translate relational existence into stable meaning and to sustain the subject's presence within shared forms of life. The resulting fragility of subjectivity motivates the turn toward relational ontology and generative presence developed in the next section, where the paper outlines the conceptual resources needed to reapproach being, meaning, and justice under contemporary conditions.

875 Relationality and Presence

This section develops the philosophical foundations of our framework for addressing the symbolic crisis. It introduces two interrelated concepts: *relationality* and *presence* that together offer an ontological and procedural response to the limitations of the symbolic order. While relationality redefines the ground of being as fundamentally interdependent, presence restores the dimension of lived enactment that mediates between the Symbolic and the Real.

884 Relational Existence and Presence Overview

The relation between *existence* and *presence* is fundamental for understanding subjectivity. These two dimensions must be examined from both ontological and generative perspectives.

From psychoanalytic theory (Section) and from religious philosophy such as Buddhism, existence is ontologically empty. As Nāgārjuna writes: "Whatever is dependently arisen, we declare that to be emptiness" (Nāgārjuna (1995); Garfield (2001)). Existence therefore lacks intrinsic substance and arises only through relational and structural processes. Similar insights appear in Daoist philosophy, which conceives reality as a dynamic web of complementary transformations (Laozi (2003); in process philosophy, where reality consists of relational "occasions of experience" (Whitehead (1978); in post-structural accounts of pure difference (Deleuze (1994); and in dialogical and relational social theories that ground meaning in intersubjective relations (Buber (1970); Gergen (2009)). Even in natural-scientific metaphysics, emerging quantum field-theoretic frameworks such as Group Field Theory (GFT) model structure as arising from pure relational configurations (Krajewski (2013); Freidel (2005); Oriti (2006); Reisenberger and Rovelli (1997); AMBJØRN et al. (1991); SASAKURA (1991); Gross (1992)).

This emptiness of existence does not entail nihilism. Rather, it indicates that being is fundamentally relational: subjects emerge through dynamic interactions rather than from self-sufficient essences.

Because existence is empty, human beings continuously seek *presence*. Presence must therefore be understood procedurally—as a generative enactment of relational being.

Just as modern jurisprudence distinguishes procedural from substantive rights (Fuller (1969); Rawls (1971)), presence arises through lived processes rather than through static possession.

Across legal theory, religious belief, and psychoanalytic thought, the construction of relations and symbolic Others becomes a means through which humanity constructs its own existence (Gergen (2009); Buber (1970); Eliade (1959)). Subjectivity is thus not a fixed entity but an ongoing flow of structural becoming.

As these concepts traverse the ontological and phenomenological dimensions of the subject, they establish the basic tone for the taxonomy of symbolic Others developed in Section .

930 Relationality as Ontology

The notion of relationality challenges the substantialist image of the subject inherited from Cartesian and Kantian traditions. Rather than a self-contained substance endowed with reason, the subject is constituted through networks of relations—with others, with language, and with the world. Heidegger's *Mitsein* emphasizes that existence is always a being-with; Levinas grounds subjectivity in responsibility to the Other (Heidegger (1962); Levinas (1969)). Confucian thought likewise defines the self through relational harmony embodied in *ren* and *li* (Ames (2011)).

From this view, trust is not merely psychological or instrumental but an ontological openness to alterity—a precondition for any symbolic exchange or social order (Baier (1994)). Normativity arises from relational being itself: obligations emerge from interdependence rather than from contracts among autonomous wills. This relational ontology enables us to rethink justice and legitimacy beyond both procedural formalism and metaphysical essentialism.

949 Philosophical Elaborations of Relationality

Relationality has diverse genealogies across philosophical traditions. Phenomenology reveals that experience is intentional and situated; dialogical philosophy presents relation as the condition of meaning; feminist ethics emphasizes care, dependence, and interconnection as foundational moral orientations.

From a psychoanalytic feminist perspective, femininity shows how subjectivity may span the Symbolic and the Real. Because the feminine position is not fully stabilized within the paternal Symbolic, it retains a certain openness toward relational truth (Lacan (1998)). The masculine position, more strongly tied to symbolic identification, constructs itself primarily through symbolic structures. Both, however, emerge from relational structures rather than from intrinsic essences: they differ only in their modes of symbolic mediation and ontological emphasis.

Psychoanalytic theory and relational theology converge in viewing selfhood as emerging through encounter (Buber (1970); Noddings (2013)). Taken together, these lines of thought articulate a post-foundational claim: that being is fundamentally relational and that crises of meaning or trust are ultimately crises of relation.

972 Pure Relationality as a Metaphysical Basis in Physics

Recent advances in field-theoretic frameworks such as Group Field Theory adopt a *pure relational ontology*

in which relational structures serve as pre-structural primitives. These frameworks show how complex structures (including spacetime) can emerge from fundamental relational interactions. Their philosophical importance is twofold: (1) they avoid presupposing a spacetime background, and (2) they commit ontologically to an abstract, purely relational foundation.

In this context, the group structure itself functions as a relational ontology: the relation $gh \in G$ defines the group, and the elements g and h possess no independent ontological status outside this relational coupling. What is primary is the relation, not the relata.

Huang et al.'s work [Huang \(2025\)](#) argues that such relational metaphysics may offer a unified means of describing the emergence of structure across physics, linguistics, and social theory.

Generative Responses Grounded in Relational Ontology: Juridical and Extra Juridical Approaches

In light of the crises of subjectivity and symbolic mediation examined in Section , this section identifies and develops the two generative pathways through which the paper responds to the modern predicament. This section's objective is to show how relational ontology gives rise to two complementary modes of renewal: a *juridical path* that seeks to restore the generative capacity of law as a symbolic mediator, and an *extra juridical path* that strengthens the relational, ethical, and affective grounds upon which legal and social life depend. By clarifying the function and scope of each pathway, this section prepares the framework for the detailed analyses that follow.

The Juridical Path

Presence as Praxis

Presence designates the generative, procedural mode through which the Real reenters symbolic life. It is the means through which the subject approaches its empty existence in the Real through concrete engagement with others.

Presence contrasts with representation: while representation abstracts, presence enacts. In Heidegger's terms, presence corresponds to the ready-to-hand (*Zuhandenheit*), a mode of lived engagement rather than detached observation [Heidegger \(1962\)](#). In psychoanalysis, presence marks the moment when the subject confronts the Real instead of fleeing into symbolic mediation. Levinas's face-to-face encounter exemplifies this ethical dimension, in which the Other's presence calls the self into responsibility [Levinas \(1985\)](#).

The cultivation of presence is not a return to immediacy but a practice of mediating otherwise: to inhabit the Symbolic with awareness of its limits. Educational, dialogical, and ritual practices help sustain presence against abstraction and alienation.

Already in classical philosophy, Plato and Aristotle recognized the limitation of the Symbolic and implicitly assumed that the Big Other does not exist in any absolute sense [Plato \(1992\)](#); [Aristotle \(1998\)](#). This assumption anticipates the modern crisis we have analyzed. Faced with the non-existence of an infallible Big Other, they took different paths.

Plato turned toward the Real. For him, the realization of justice and absolute order cannot rely solely on positive law but must be grounded in a rationality that transcends ordinary symbolic structures [Plato \(1992\)](#). The ruling subject should be a philosopher-like figure whose unsymbolizable intuition and perceptiveness allow the direct apprehension and continual optimization of social order. This imposes an almost divine requirement upon the ruler, reminiscent of the Buddhist notions of the Dharma eye, wisdom eye, and Buddha eye [Harvey \(2013\)](#).

Aristotle, by contrast, turned toward relational existence. Every subject, including any putative Big Other, is finite and limited. This finitude is not a deficiency but a structural condition [Aristotle \(1999\)](#). On this basis, the concept of *nomos*, or rule of law, emerges: law becomes a relational structure through which limited subjects govern their coexistence, rather than the decree of a transcendent sovereign [Aristotle \(1998\)](#).

Theoretical Integration

Relationality and presence function as complementary dimensions of our framework. Relationality provides the ontological ground—what existence is—while presence provides the generative access—how existence becomes manifest. Their unity is dialectical: relation without presence becomes abstract structure, while presence without relation collapses into solipsistic immediacy. Together, they restore continuity between the Real and the Symbolic.

This integrated perspective enables both diagnosis and transformation. Grounding existence in relational being and cultivating presence as generative praxis provide tools for reinterpreting modern crises of meaning, trust, and justice. In later sections, this dual framework will guide both juridical reconstruction (Section) and extra-juridical cultivation (Section), demonstrating how philosophy, law, and social practice may converge toward a renewed symbolic order.

Subsequent traditions of natural law oscillate between these two orientations. Christianity and Daoism, for example, both seek a ground that lies beyond the Symbolic [Augustine \(2003\)](#); [Laozi \(2003\)](#). The former does so through the Real human being and the incarnation of the divine; the latter through a metaphysics of natural order and the Dao. In both cases, justice and law point beyond the symbolic order toward a deeper ontological horizon.

The orientations traced above outline two fundamental sensibilities that continue to shape juridical thinking: the aspiration toward a grounding that exceeds ordinary symbolic structures, and the affirmation of relational finitude as the basis of coexistence [Finnis \(2011\)](#); [Ames \(2011\)](#). Modernity intensifies the tension between these sensibilities and brings into focus the need for a generative mediation that can hold them together. In this context, *relationality* and *presence* provide a conceptual entry point for rethinking how

law participates in the formation of subjectivity and in the juridical cultivation that restores the ontological and ethical stabilization of the symbolic order. ground upon which law depends.

From the standpoint of this paper, the juridical response to the crisis of modernity must hold these two orientations in a dialectical tension. We must both acknowledge the necessity of returning to the Real and at the same time affirm the necessity of a relational, structured mode of existence (Levinas (1969); Habermas (1987)). Within this configuration, *relationality* and *presence* are not merely external to law but belong to its very essence. The question is how these two concepts can be practiced within juridical institutions.

First, law defines and constructs relational structures among subjects. At the ontological level, law presupposes relationality. The capacity to promise, to testify, or to recognize another as a person is logically prior to the legal framework that codifies it (Buber (1970); MacIntyre (1981)). This recalls Habermas's distinction between system and lifeworld: the legal system depends on forms of communicative rationality that it cannot fully generate by itself (Habermas (1987, 1996)). Similarly, Confucian ethics and Ubuntu philosophy stress that harmony and justice arise not primarily from rule enforcement but from reciprocal recognition and the maintenance of human relatedness (Ames (2011); Metz (2011)). In the judicial process, law modulates and reconfigures these relational structures of subjects.

Second, relationality manifests in restorative and community based practices. Face-to-face mediation, reconciliation and dialogue reintegrate the ethical dimension that adversarial procedures often obscure (Zehr (2015)). Such practices exemplify relational justice, where the aim is not only the determination of liability but the restoration of relational balance and presence. Through these generative performances, law and justice acquire a strong presence that is recognizable to subjects beyond the juridical institution itself.

Because of this strong presence and high level of generativity, juridical subjectivity is comparatively less vulnerable to the symbolic crisis at the level of its *existence*. The primary impact of the symbolic crisis falls upon its *generativity* (Bauman (2000); Luhmann (2004)). This can be seen in at least four aspects: (1) the relational structures that law aims to mediate are themselves distorted by symbolic crises; (2) easily constructed symbolic subjects can mislead or distort juridical generativity, for example through fabricated evidence or symbolically constructed narratives that influence the cognition of judges or legislators (Goffman (1959)); (3) the presence of value becomes distorted, since value production and reproduction depend on dialectical interactions among law, justice, subjects, and other subjects, all of which may be deformed under symbolic crisis (MacIntyre (1981); Williams (1985)); (4) the collapse of trust overloads justice, shifting expectations onto law as the last remaining Big Other and thereby burdening its generative capacity (Luhmann (1979)).

The reconstruction of meaning and legitimacy in symbolic crisis cannot rely on law alone. The juridical order, as a symbolic structure, depends on a broader horizon of social trust and ethical life that exceeds it (Habermas (1996); Noddings (2013)). Accordingly, two interdependent pathways are required: a juridical reconstruction that renews the generativity of law as a symbolic mediator, and an extra-

From this perspective, responses to symbolic crisis should focus on the generative dimension of law and the justice system. Justice education and relational education, participate in constructing a legal culture of relational being. Relational mediation within juridical practice should be emphasized, since the establishment and application of law can gather collective wisdom. Judges, in particular, should cultivate sufficient prudence and relational insight to discern structures that transcend merely formal Symbolic configurations.

Jurisprudential Orientations within a Relational Ontological Framework In the history of jurisprudence, Marx and Engels foresaw the possible disappearance of the state in a future society, yet they did not explicitly claim that law itself would vanish. In the interpretation adopted here, what is negated is not generativity but a certain alienated structure. Law may transform from a law of action, which attempts to construct and regulate unreal relational structures, into a law of non action grounded in pure relations. From the standpoint of pure relational ontology, such law is the law of being itself: it arises from existence and leads back toward existence. At this point, the philosophy of law returns to the ontology of existence itself.

Utilitarianism emerged as a natural and intuitive form of legal thought, closely aligned with optimization theory. In natural science and engineering, the direction of change is determined by optimization problems. However, the limitation of utilitarianism lies in the recursive evolution of value. As Daoist thought expresses in the saying "reversal is the movement of the Dao," what appears optimal under one configuration will inevitably become non optimal under another. The inaccessibility of ultimate value and the intervention of the Real prevent us from fully structuring an objective function for moral and legal life. Utilitarianism is therefore a rational appearance of generation, not generation itself: it seeks to capture becoming through structure, yet becoming constantly escapes structure. Justice, in a utilitarian framework, can never truly reach its own optimum of utility.

Legal positivism then turned away from metaphysical inquiry and confined its understanding of law to the empirical world. This orientation resembles Kant's decision to renounce the thing in itself and focus on the domain of phenomena. Legal positivism performs a characteristic operation: it structures the phenomena of the past and present using methods analogous to natural science and assumes that future reason should conform to what has been valid in those structured phenomena. This approach faces several intrinsic limitations. (1) The intervention of the Real cannot be structured, so the scope of law remains inherently limited. Contingency, affect, and the rupture of lived experience resist absorption into rational systems. (2) Generativity is lost. We cannot derive becoming from structure; structure can describe the results of generation but not the generative process itself. Law that relies only on structure loses contact with the living transformation of being. (3) As Hume's problem reminds us, the assumption that the future "ought" will conform to the structured "is" of the present produces an

illusion of neutrality whose basis is non rational. (4) Finally, within the symbolic and phenomenal domains. Realism there is the loss of the Real itself, which characterizes the approaches generativity, yet without a metaphysical account predicament of modernity: the inability to reach the Real and of relational existence. Even Neo Kantian natural law to encounter pure relational being. restores the “ought” but does not enter the dynamics of

Pure jurisprudence centers on the structure of legal norms becoming. and equates justice with their observance. In such an Our view is that justice does not preexist as an entity approach, the structure of legal normativity becomes the sole and cannot be deduced from any pre given structure. object of inquiry. This theory, however, remains estranged Whenever it is sought as an object to be demonstrated, it from the subject and does not engage the generative proves unattainable. Yet its presence can emerge within the dynamics of law in practice. generative dynamics of law itself, in the ongoing negotiation

Linguistic jurisprudence integrates semantic and prag- among being, relation, and form. Justice, in this sense, is matic analysis into legal practice. Yet, in the context of not merely an outcome but a mode of presence. It manifests the modern symbolic crisis, the very medium of language when law succeeds in removing obstacles that hinder the is affected by the disappearance of the subject and the generation of pure relations and becomes a protective space expansion of symbolic technology. The emptiness of the in which value, as change itself, can emerge.

subject and the limitations of symbolic structures impose To ask what justice is, as if it were a fixed object, is inherent constraints on linguistic approaches. analogous to asking what the Spirit Mountain or the Pure

Sociological jurisprudence grounds law in social phenom- Land is. These cannot be reached as objects, yet their ena and structures. This is valuable, since its conception presence can be constructed. A single moment of sincerity of the subject originates at the level of emergence from makes the Spirit Mountain present under one’s feet. When being, symbolic order, and practical will. However, its field we believe in something inherently good, such as justice, and of analysis is highly phenomenal and already alienated. It pursue it, justice becomes present within generative practice.

remains at the level of describing structures and generative This leads to a demanding but illuminating possibility: patterns in the Imaginary without entering the ontological all dharmas are mind made. Here, “mind” does not dynamics of generation. denote a metaphysical or psychological substance but the dynamic field of pure relational becoming. Pure relation has ontological reality. New structures emerge not only within the Real, as in Lacan’s sense, but also within the Symbolic as signification and within the Imaginary as perceptible existence. The emergent subject traverses ontology, Symbolic, and phenomenal domains; the phenomenal world is its ultimate site of manifestation.

Legal realism emphasizes law as a practical, experien- In modern jurisprudence, a principle of judgment persists: tial, and generative process. In our framework, realism the requirement of consistency between the Real and the approaches the dimension of generativity but still lacks an the symbolic order is a vessel that we ourselves construct in order to cross toward the far shore of explicit relational ontology. Legal conceptualism freezes the life of law into logical structures and reduces justice to the self consistency of symbols. Under symbolic crisis, such an approach remains estranged from the subject. The jurisprudence of interests regards law as a dynamic mechanism of equilibrium and understands its rationality in terms of social functionality. Yet interest is a symbolized expression of human will and cannot be identified with pure generativity itself.

The Neo Kantian school of natural law emerged in early twentieth century Germany as a response to positivism and conceptual jurisprudence. Drawing on Kant’s critical philosophy, it sought to reconstruct the legitimacy of law on a rational basis. Law here does not derive from empirical facts or divine decree but from formal principles of reason. Figures such as Stammler and Radbruch emphasized law’s task as realizing a rational social order. Yet this approach remains confined to formal rationality. It reinstates the domain of the “ought,” but only within a closed symbolic structure. The dualism between phenomena and the thing in itself remains intact, and the subject is abstracted into a universal rational agent. Reason is allowed to generate law, yet the ontological dynamics through which reason itself emerges remain unthematized.

Across these traditions, the concept of justice has repeatedly shifted between structure and generation, between Symbolic and Real. In utilitarianism, justice is maximization of measurable value. In positivism, it is conformity to procedural form. In conceptual jurisprudence, it is the coherence of symbols. These accounts render justice a product of structure: rational and stable but detached from the living dynamics of existence. Linguistic and sociological jurisprudence attempt to reintroduce vitality, yet remain

In this sense, Marxism resonates deeply: in the ideal future, the state and similar symbolic structures wither away as humanity approaches a genuinely collective and non alienated form of existence. Law, at each historical stage, responds to the thematic demands of its time. Its structure is dynamically evolving. Justice does not exist inside the structure of law; it is present only through its constructive manifestation in legislative, adjudicative, and interpretive practices.

From the standpoint of relational ontology, and under the crisis of subjectivity produced by the alienation of modern symbolic structures, the Big Other moves toward its final dissolution. This opens the possibility of reapproaching pure relational existence. In this movement we return to our two key concepts: *presence* and *relationality*.

The Extra Juridical Path

The extra juridical path complements the juridical path by cultivating relationality and presence beyond formal legal structures. Once we acknowledge that the subject is fundamentally relational, it follows that subjects have an internal potential to exist in relational configurations that are not reducible to legal codes.

Unlike law and justice, whose presence is strong and institutionally visible, many constructed subjects such as individuals and communities have a comparatively weak presence. Their presence is easily overshadowed by large symbolic structures. A central task of the extra juridical path is therefore to discern and cultivate the presence of subjects in non legal domains.

While law regulates behaviour through symbolic codification, pre legal and extra legal practices nurture the relational and affective ground from which any normative order draws vitality (Habermas (1987)). Professional ethics and virtue cultivation represent institutionalized forms of extra juridical presence. In medicine, education, and science, for example, integrity and responsibility cannot be secured by law alone (MacIntyre (1981); Noddings (2013); Williams (1985)). They must be embodied through ongoing practices of self formation (MacIntyre (1981)). Through such traditions, relationality is transmitted and renewed beyond the coercive reach of formal law.

The everyday sphere likewise embodies micro practices of mutual recognition. Acts such as promising, gift giving, and hospitality sustain the symbolic order from below (Buber (1970); Lefebvre (1991); Mauss (2002)). Tradition, ritual, and intergenerational transmission maintain symbolic continuity across time and provide the cultural context in which both law and ethics acquire meaning (Gadamer (1960); Eliade (1959)). These practices disclose presence at a small scale and constitute a lived field of relational being.

From the perspective of this paper, such extra juridical practices are not merely supplementary. They are indispensable for reconnecting the Symbolic with the Real, for they preserve modes of presence that cannot be fully formalized without loss.

The Dialectic of Juridical Orientation and Relational Cultivation

The juridical and extra juridical paths are not alternatives but complementary dimensions of a single generative process. Law provides a formal articulation of the symbolic order and offers a relatively strong and stable presence capable of stabilizing relational structures within the Symbolic. Extra juridical life supplies its existential and relational foundations, including affective, ethical, and spiritual dimensions that exceed codification.

Under modern symbolic crisis, the generativity of law is strained. Its capacity to approach the Real is limited, because

the subject in the Real always exceeds structure. Extra juridical practices, by contrast, enable subjects to reapproach the Real and to access the intangible dimension of their own existence through relation and presence. A generative response to the crisis of subjectivity therefore requires a dialectic of reconstruction and cultivation. Juridical reconstruction seeks to reshape law in the direction of relationality and presence. Extra juridical cultivation fosters the relational capacities, forms of trust, and practices of presence without which law itself would become an empty Symbolic shell. Only through the interplay of these two paths can a renewed symbolic order emerge, one that remains structurally necessary yet remembers that its ultimate task is to lead back to relational being itself.

Discussion and Conclusion

This study has examined the contemporary symbolic crisis through the structural gap between the Real and the Symbolic, a gap that increasingly shapes the conditions of subjectivity, meaning, and social trust. Addressing this crisis requires more than institutional adjustment. It calls for a transformation in how we conceive being, relation, and normative life—a shift toward relational ontology and generative presence.

Relationality offers an ontological framework in which subjectivity emerges through mutual constitution rather than isolated substance. Presence provides the experiential and procedural mode through which the Real participates in symbolic life, allowing structures to remain responsive to what exceeds them. Together, relationality and presence illuminate how meaning, justice, and trust can arise immanently within social relations, without recourse to transcendent guarantees or infallible foundations.

Within this framework, law functions as a symbolic structure that attains stability and normative force only when supported by the relational lifeworld from which it draws its ethical vitality. Education, culture, and everyday communicative practices sustain this lifeworld by cultivating relational subjectivity and interpretive understanding. Through this mutual support, juridical institutions and extra juridical life form a generative ecology capable of maintaining order while remaining open to revision and renewal.

The project thus gestures toward a post foundational conception of justice in which legitimacy arises through the ongoing interplay of relation, presence, and trust. In a world saturated with symbols yet marked by diminishing meaning, the recovery of relational being and cultivated presence becomes central to sustaining the possibility of life together. This orientation does not prescribe fixed solutions; it clarifies a direction: a relational and generative approach to justice that remains sensitive to the finitude of subjects and to the ever-present surplus of the Real.

Looking forward, the framework developed here also raises several open directions for future inquiry. One concerns the practical cultivation of generative presence within collective institutions beyond law itself, such as education, healthcare, or technological design. Another concerns the methodological implications of relational ontology for the social sciences, which may require renewed attention to lived experience, emergent meaning, and the dynamics of

subject formation. Finally, the interaction between symbolic technologies and relational being demands further investigation, especially as algorithmic systems increasingly mediate perception, communication, and judgment. These questions point toward a broader philosophical project: the possibility of reconstructing a shared world in which symbolic mediation and relational life are once again brought into resonance. Another further direction concerns the computational study of justice as generative presence. If relational being is modeled as a space of histories $\Gamma = \{\gamma : M \rightarrow \mathcal{C}\}$, justice may be treated not as an entity but as an observable $\mathcal{O}_J : \Gamma \rightarrow \mathcal{J}$ whose presence emerges within these histories. This suggests a quantum-field-theoretic formulation in which justice appears as an expectation value, $\langle J \rangle = \frac{\int_{\Gamma} \mathcal{O}_J[\gamma] e^{\frac{i}{\hbar} S[\gamma]}}{\int_{\Gamma} e^{\frac{i}{\hbar} S[\gamma]}}$. Such a framework enables computational exploration—whether via evolution on a Hilbert space or path-integral simulations—of how juridical or ethical presence stabilizes or collapses under different generative conditions.

Statements and Declarations

Ethical Considerations

Not applicable. This study involves no human participants, human data, or human tissue.

Consent to Participate

Not applicable.

Consent for Publication

Not applicable.

Declaration of Conflicting Interest

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