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Law and Belief: Judaism, Christianity, and the Theologico- Political Predicament of Modernity*

As is well-known, in the 1965 preface to the English translation of his first book *Spinoza's Critique of Religion*, Leo Strauss describes the beginnings of his intellectual journey by stating that

This study of *Spinoza's Theologico-Political Treatise* was written during the years 1925-28 in Germany. The author was a young Jew born and raised in Germany who found himself in the grip of the theologico-political predicament¹.

Also in 1965, *Strauss's The Political Philosophy of Hobbes* was published for the first time in German. There Strauss refers to the "theologico-political problem," deeming it "the theme of my studies"². With the term "theologico-political

* W artykule zachowano oryginalny zapis przypisów.

1 Leo Strauss, *Spinoza's Critique of Religion*, trans. Elsa M. Sinclair, New York: Schocken, 1965, 1.

2 Leo Strauss, *Gesammelte Schriften*, vol. 3, ed. Heinrich Meier, Stuttgart: J.B. Metzler, 2001, 8.

predicament” Strauss links his early intellectual development to his later intellectual themes, including what he calls the quarrel between the ancients and the moderns, the relation between Jerusalem and Athens, as well as to his diverse studies in the history of political philosophy, of Plato, Hobbes, Maimonides, Farabi, and Spinoza, among many others.

In the context of our conference on “Political Theology as the Problem”, I’d like to address the following question: what problem underlies the theologico-political predicament for Strauss? Most recently, the eminent Strauss scholar, Heinrich Meier has argued that the theologico-political problem should be understood in terms of what he claims is Strauss’s life-long effort to create a philosophical school. Meier’s basic contention is that the quarrel between revelation and philosophy as Strauss describes it leaves the careful reader many opportunities to consider whether revelation really does constitute the refutation of philosophy and to realize that philosophy does in fact have philosophical resources with which to respond to revelation³.

In what follows, I wish to respectfully disagree with Meier. I do so by beginning with a point of agreement: the theologico-political predicament does indeed tell the story of how philosophy discovers itself in its encounter with revelation. But, I want to argue, pace Meier, that for Strauss revelation is a serious challenge to philosophy. Ironically, many of Strauss’s interpreters, including Meier, come to the conclusion that Strauss ultimately does not take revelation seriously because they continue to associate revelation with belief or faith. Yet it is precisely the identification of revelation with belief that Strauss wants to call into question.

To understand the problem that undergirds the theologico-political predicament of modernity it is necessary to recognize Strauss’s distinction between law and belief, which itself is built upon Strauss’s implicit distinction between Judaism and Christianity. Once we recognize these distinctions, we can appreciate that the theologico-political predicament of modernity is as much, if not more, a moral problem for Strauss than it is a philosophical or even political one.

³ Heinrich Meier, *Leo Strauss and the Theologico-Political Problem*, trans. Harvey J. Lomax (Chicago: University of Chicago Press, 2006).

Before beginning to make my argument, one important disclaimer is in order. In what follows I do not mean to endorse Strauss's descriptions of Judaism, Christianity, or the difference between them. My aim is rather to stress the importance of understanding Strauss's distinction in order to appreciate his fundamentally moral concern. In the conclusion of the paper I will turn briefly to consider the adequacy of Strauss's claims about Judaism and Christianity as well as the implications of his claims for thinking further about Strauss.

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Let us begin with a brief overview of Strauss's use of the term "theologico-political predicament". In describing the "theologico-political predicament" Strauss continually returns to the questions of the epistemological and political status of revelation vis-à-vis philosophy. He criticizes the modern critique of religion beginning in the 17th century for advancing the idea that revelation and philosophy should answer to the same scientific criteria, maintaining that this notion brings meaningful talk of revelation to an end, either in the form of banishing revelation from conversation or in the form of so-called modern defenses of religion which only internalize this banishment. However, Strauss maintains that because belief in revelation by definition does not claim to be self-evident knowledge, philosophy can neither refute nor confirm revelation:

The genuine refutation of orthodoxy would require the proof that the world and human life are perfectly intelligible without the assumption of a mysterious God; it would require at least the success of the philosophical system: man has to show himself theoretically and practically as the master of the world and the master of his life; the merely given must be replaced by the world created by man theoretically and practically⁴.

Because a completed system is not possible, or at least not yet possible, modern philosophy, despite its self-understanding to the contrary, has not refuted the possibility of revelation.

⁴ Spinoza's *Critique of Religion*, 29.

On Strauss's reading, the Enlightenment's so-called critique of religion ultimately also brought with it, unbeknownst to its proponents, modern rationalism's self-destruction. He reads the history of modern philosophy as beginning with the elevation of all knowledge to science, or theory, and as concluding with the devaluation of all knowledge to history, or practice. In Strauss's words:

the root of all modern darkness from the seventeenth century on is the obscuring of the difference between theory and praxis, an obscuring that first leads to a reduction of praxis to theory (this is the meaning of so-called [modern] rationalism) and then, in retaliation, to the rejection of theory in the name of praxis that is no longer intelligible as praxis⁵.

Whereas in the seventeenth-century, Hobbes, like Spinoza after him, depreciates pre-scientific knowledge in the name of science, Heidegger, in the twentieth-century, depreciates scientific knowledge in the name of historicity. While many philosophers (including Heidegger) have understood Heidegger's philosophy as breaking with modern rationalism, Strauss views Heidegger's philosophy as a logical outcome of that same rationalism. According to Strauss, modern rationalism implodes upon itself: what starts as a modern quest for delineating scientific standards in the name of certain knowledge leads to the conclusion that there are neither such standards nor such truths.

Strauss's attempt to rethink pre-modern rationalism is rooted in his criticism of the Enlightenment's over-stated claims for the self-sufficiency of reason. According to Strauss, the distinction between pre-modern and modern rationalism is captured in their respective stances toward revelation:

A Philosophy which believes that it can refute the possibility of revelation – and a philosophy which does not believe that: this is the real meaning of *la querelle des anciens et des modernes*⁶.

5 Leo Strauss and Eric Voegelin, *Faith and Political Philosophy: The Correspondence Between Leo Strauss and Eric Voegelin, 1934–1964*, ed. and trans. Peter Emberley and Barry Cooper (University Park, PA: Pennsylvania State University Press, 2002), 66.

6 Strauss, as quoted in Meier, *Leo Strauss and the Theologico-Political Problem*, 5.

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What does Strauss mean by “a philosophy which does not believe that [it can refute the possibility of revelation]”? Here is Strauss’s perhaps best-known statement on the topic:

Philosophy has to grant that revelation is possible. But to grant that revelation is possible means to grant that the philosophic life is not necessarily, not evidently, the right life. Philosophy, the life devoted to the quest for evident knowledge available to man as man, would rest on an unevident, arbitrary, or blind decision. This would merely confirm the thesis of faith, that there is no possibility of consistency, of a consistent and thoroughly sincere life, without belief in revelation. The mere fact that philosophy and revelation cannot refute each other would constitute the refutation of philosophy by revelation⁷.

According to Strauss, philosophy begins and ends with the philosopher’s sense of wonder, while revealed religion begins and ends with adherence to the divine law. Yet this situation puts philosophy at a disadvantage and revelation at an advantage. Never claiming to rest on evident knowledge, revelation can rationally approach its truth claims, not to prove them but to understand them. But philosophy, which values reason first and foremost, is led to the unpleasant truth that it is in fact predicated on something that is and remains unevident: that the human question for knowledge is the right life.

In criticizing the self-sufficiency of reason Strauss appears to defend the rational plausibility (though not the certainty) of revelation. Clearly, Strauss’s project is not to make rational arguments for God’s revelation but only to suggest that such arguments are in theory possible. But perhaps because Strauss clearly is not interested in offering a constructive theology, some interpreters have concluded that, despite appearances to the contrary, he did not really take the possibility of revelation seriously.

It is true that some of Strauss’s sketches of revelation do not make revelation compelling from a philosophical point of view. If

⁷ Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 75.

the question about the relation between revelation and philosophy pertains to a decision for faith or philosophy, Strauss's conception of revelation sounds very much like Kierkegaard's conception according to which a leap of faith defines revelation. This theological vantage point is similar to Strauss's description of Franz Rosenzweig and Karl Barth's reawakening of theology. Yet Strauss explicitly rejects this sort of theological decisionism because, he argues, this position amounts to a "farewell to reason"⁸.

However, by mistakenly assuming that Strauss defines revelation as blind faith, many of Strauss's interpreters have concluded that he does not in the end take revelation seriously from a philosophical point of view. In support of this position, Meier quotes Julius Guttmann's critical response to Strauss, which is that Strauss shows an

indifference towards the content of revelation... Whether Jewish or Christian revelation is of concern makes no difference whatsoever⁹.

For Guttmann, this supposed indifference to revelation's content means that Strauss gets medieval Jewish rationalism wrong. For Meier, this supposed indifference means that despite what seems to be Strauss's defense of revelation's capacity to criticize philosophy, revelation is in the end for Strauss a straw man. As Meier puts it,

What appears to the believer to be "indifference" proves on closer inspection to be conscious dissociation and ultimately a rejection¹⁰.

Yet Strauss was not indifferent to the content of revelation and certainly not to what he regarded as the difference between Jewish and Christian notions of revelation. In fact, Strauss strongly criticizes what he sees as a particularly Christian view of revelation not in order to banish revelation from intellectual conversation once and for all but to suggest that modernity's intellectual ills stem in large part from the legacy of Christian theology. Strikingly, it was

8 *Spinoza's Critique of Religion*, 31.

9 Julius Guttmann, as quoted in *Leo Strauss and the Theologico-Political Problem*, 20.

10 *Leo Strauss and the Theologico-Political Problem*, 20, n25.

on the basis of the Islamic, as opposed to the Christian, reception of classical political philosophy that Strauss turned to reconsider the meanings of philosophy, revelation, and politics. Strauss's very attempt to move beyond modern philosophy is predicated on a distinction between the Jewish and Islamic conception of revelation on the one hand, and the Christian conception, on the other hand. Strauss makes this distinction both in his early and mature work. For instance, in *Philosophy and Law* he writes:

We do not deny ... that the problem of "belief and knowledge" is the central problem of medieval rationalism. Our quarrel with Guttman is only about the meaning of "belief" here, and it seems to us more precise to say "law and philosophy" rather than "belief and knowledge"¹¹.

And he continues:

the Islamic and Jewish philosophers of the Middle Ages are "more primitive" than the modern philosophers because they are guided not, like them, by the derived idea of natural right, but by the primary, ancient idea of law as a unified, total regimen of human life; in other words, because they are pupils of Plato and not pupils of Christians¹².

And here is how Strauss puts it in "Persecution and the Art of Writing":

For the Christian, the sacred doctrine is revealed theology; for the Jew and the Muslim, the sacred doctrine is, at least primarily the legal interpretation of the Divine Law (t a l m u d or f i q h).....The precarious position of philosophy in the Islamic-Jewish world guaranteed its private character and therewith its inner-freedom from supervision. The status of philosophy in the Islamic-Jewish world resembled in this respect its status in classical Greece¹³.

11 Leo Strauss, *Philosophy and Law: Contributions to the Understanding of Maimonides and his Predecessors*, trans. Eve Adler (Albany, NY: State University of New York Press, 1995), 141, n24.

12 *Ibid.*, 73.

13 Leo Strauss, *Persecution and the Art of Writing* (Chicago: University of Chicago Press, 1952), 18-19.

Strauss problematizes the Christian view of revelation as doctrinal knowledge that must be believed. From his early to his mature writings, Strauss contends that the making of revelation into knowledge in scholastic theology ultimately led to modern philosophy's far too over-reaching claims. As Strauss puts it rather succinctly,

On the *querelle des anciens et des modernes*: I do not deny, but assert, that modern philosophy has much that is essential in common with Christian medieval philosophy; but that means that the *attack* of the moderns is directed decisively against *ancient* philosophy¹⁴.

Or, as he puts it elsewhere,

modern philosophy emerged by way of transformation of, if in opposition to, Latin or Christian scholasticism¹⁵.

Strauss's distinction between Judaism and Islam, on the one hand, and Christianity, on the other, is decisive for understanding his conception of the relation between revelation and philosophy as well as for appreciating his conception of the theologico-political problem, as a diagnosis of modernity's philosophical, theological, and political ills. On an epistemological level, philosophy may well have good arguments to make in response to revelation. Strauss explicitly criticizes what he regards as Rosenzweig's and Karl Barth's decisionist conception of revelation, i.e. revelation as a leap of faith, which, he maintains, holds no promise of rationalism. From an epistemological point of view, philosophy understood as a way of life, concerned with problems and unconvinced of promises of absolute solutions, will appear more rational to potential philosophers.

Yet for Strauss the serious argument with which revelation challenges philosophy is not epistemological but moral. Strauss argues, both in his early work on medieval Jewish rationalism and in his mature American work, that only revelation, and not philosophy, can provide the basis of a universal morality. Nowhere does Strauss

14 "Correspondence Concerning Modernity," trans. George Elliott Tucker, *Independent Journal of Philosophy*, 4 (1983): 106.

15 Leo Strauss, *Jewish Philosophy and the Crisis of Modernity*, ed. Kenneth Hart Green (Albany, NY: State University of New York Press, 1997), 252.

highlight this point more than in his seminal 1943 essay on the medieval Jewish thinker Judah Halevi. This essay became an integral part of *Persecution and the Art of Writing* and far from an obscure relic of an interest in things Jewish and medieval, Strauss's reference to this essay forms a decisive part of his argument in *Natural Right and History*.

Strauss's reading of Halevi centers on the question of what Halevi, in his *Kuzari*, could have meant by the "law of reason". Through a detailed analysis of the Halevi's *Kuzari*, Strauss concludes, "the *iura naturalia* are really not more than the indispensable and unchangeable minimum of morality required for the bare existence of any society". But as Strauss points out, the unchangeable minimum of morality is in fact, from a moral point of view, not very much after all. In explicating Halevi's position, Strauss elaborates on Halevi's comment in the *Kuzari* that "Even a gang of robbers must have a kind of justice among them if their confederacy is to last", (the analogy refers to, without mentioning, Plato's parable of the robbers in *Republic*, Book 1, 342b-d). Strauss writes:

he [the philosopher in Halevi's *Kuzari*] mentions among the governmental laws of the Divine code the prohibition against murder, e.g. while he does not mention it among the governmental and rational *nomoi* which are known independently of revelation; this again is easily understandable considering that the Bible prohibits murder absolutely, whereas a gang of robbers, e.g., would merely have to prohibit the murder of other members of the gang¹⁶.

Strauss concludes his study of Halevi by suggesting that

by going so far with the philosophers...he [Halevi] discover[s] the fundamental weakness of the philosophic position and the deepest reason why philosophy is enormously dangerous¹⁷.

On Strauss's reading of Halevi, philosophy leads to the dangerous denial of an absolute morality that is not contingent upon allegiance to a specific group.

In *Natural Right and History* Strauss does not deny that we can know right and wrong, but he does question strongly whether

16 *Persecution and the Art of Writing*, 132.

17 *Ibid.*, 140.

philosophy in and of itself can defend a universal morality beyond that of a closed city or society. Significantly, Strauss alludes to Halevi's analogy of a gang of robbers when he writes:

But it is unfortunate for the defenders of justice that it is also required for the preservation of a gang of robbers: the gang could not last a single day if its members did not refrain from hurting one another, if they did not help one another, or if each member did not subordinate his own good to the good of the gang¹⁸.

Strauss's allusion to Halevi is made all the stronger by a reference to his essay on Halevi in a note to the following sentence:

There exists an alternative medieval interpretation of Aristotle's doctrine [of natural right], namely, the Averroistic view or, more adequately stated, the view characteristic of the *falāsia*, as well as of the Jewish Aristotelians¹⁹. (NRH, p. 158).

The context of this comment and note is Strauss's distinction between the Aristotelian view of natural right and the Socratic-Platonic view. For Aristotle, Strauss writes,

there is no fundamental disproportion between natural right and the requirements of political society²⁰.

In contrast, Strauss maintains, the Platonic-Socratic view of natural right recognizes a fundamental discrepancy between the justice of natural right, which is independent of law, and the justice of the city, which is of necessity dependent on law. The Platonic-Socratic view of natural right points to the philosopher's lack of inner attachment to the laws of society.

For Strauss, the "Averroistic view" that is "an alternative medieval interpretation of Aristotle's doctrine" is based on the Islamic reception of Plato's *Laws* and hence is Platonic in a way that the Christian reading of Aristotle is not. Plato and the "Jewish Aristotelians", Strauss insists, recognize a fundamental tension between

18 *Natural Right and History*, 105.

19 *Ibid.*, 158.

20 *Ibid.*, 156.

philosophy and law, which is also the tension between philosophy and “the city”. As Strauss makes clear in *Natural Right and History*, it is the Christian interpretation of Aristotle, and particularly Thomas Aquinas’ notion of natural law, that denies this tension:

The Thomistic doctrine of natural right or, more generally expressed, of natural law is free from the hesitations and ambiguities which are characteristic of the teachings, not only of Plato and Cicero, but of Aristotle as well... No doubt is left...²¹.

We have seen that for Strauss, leaving doubt behind is the intellectual error that led to the theologico-political predicament of the early twentieth-century, with ultimately terrible consequences for reason, morality, and politics.

By repeatedly emphasizing his doubts about philosophy’s ability to ground a universal morality, Strauss suggests that revelation remains and must remain a continual moral challenge for philosophy²². As Strauss concludes his essay on Halevi,

One has not to be naturally pious, he has merely to have a passionate interest in genuine morality in order to long with all his heart for revelation: moral man as such is the potential believer²³.

Strauss models his concept of revelation on Jewish sources when he asserts that “Only by surrendering to God’s experienced call which calls for one’s loving him with all one’s heart, with all one’s soul, and all one’s might can one come to see the other human being as one’s brother and love him as oneself”.

These words paraphrase without citing the biblical verses following the Jewish creed “Hear O Israel, the Lord is our God, the Lord is One” (Deuteronomy 6:4-9). Revelation for Strauss does have a particular content and form. Its content is not blind belief in the grace of God but the prophetic call to care not just for one’s neighbour but also for the stranger and its form is law.

21 *Ibid.*, 163.

22 See also *Ibid.*, 106-07 and *Persecution and the Art of Writing*, 140.

23 *Persecution and the Art of Writing*, 140, emphasis added.

CONCLUSION

I have argued in this paper that for Strauss, the theologio-political predicament represents not only a philosophical and political problem but perhaps more importantly a moral one. This is because Strauss understands revelation not as belief (or faith) but as law and, indeed, as the moral law which commands love of neighbor. Again, in Strauss's words,

only revelation can transform natural man into "the guardian of his city", or, to use the language of the Bible, the guardian of his brother²⁴.

I want to be clear that my argument in no way rests upon the claim that Strauss was a believer. He clearly was not. Meier, along with many others before him, have equated what they take to be Strauss's personal views with his intellectual commitments. This is a tendency that has a long history, which Gershom Scholem captured well in guessing (correctly) that Strauss would likely not receive an academic position at the Hebrew University in the mid-thirties. As Scholem wrote to Walter Benjamin, the faculty would not

vote for an appointment of an atheist to a teaching position that serves to endorse the philosophy of religion²⁵.

The faculty of the Hebrew University's decision notwithstanding, equating Strauss's personal views with his intellectual commitments betrays Strauss's devotion to liberal education and the very idea that one need not believe something to understand it.

All of this said, the question remains what to say about Strauss's descriptions of Judaism and Christianity. And here I just offer four very brief suggestions. First, it is important to recognize that Strauss's understanding of revelation as the moral law to love one's neighbour is very much in keeping with the tradition of German-Jewish thought. In many ways, Strauss tried to distance himself from this tradition

24 *Ibid.*

25 Walter Benjamin and Gershom Scholem, *The Correspondence of Walter Benjamin and Gershom Scholem, 1932-1940*, trans. Gary Smith and Andre Lefevere (New York: Schocken, 1989), 157.

but he also acknowledged in a number of places his debt to this tradition (such as in his 1972 preface to the English translation of Hermann Cohen's *Religion of Reason out of the Sources of Judaism*). Second, this German-Jewish tradition can only be understood within the framework of its liberal Protestant context. Ironically perhaps, Strauss presents a very Protestant (and liberal Protestant) view of both Judaism and Christianity. His description of the Christian tradition is certainly inadequate and, oddly, most of his references to Christian theology are to Luther, Kierkegaard, and Barth. Third, I want to suggest that despite these shortcomings, Strauss's distinction between revelation as law and revelation as belief (between Judaism and Christianity) is a useful one for those committed to religions structured by legal frameworks (such as Catholicism). Finally, Strauss made these comments in the context of his understanding of Islam. Strikingly, In Strauss's day, what may have seemed a narrow academic point about revelation as public law versus private belief or knowledge, could not be more relevant today, as we continue to witness the breakdown of the boundaries of what had been a dominant conception of private religion in modern political orders, both in the United States and abroad.

SŁOWA KLUCZOWE:

Leo Strauss, nowoczesność, moralność, prawo, filozofia

Streszczenie

L. Batnitzky, *Prawo a wiara: judaizm, chrześcijaństwo i zagrożenie teologiczno-polityczne w nowoczesności*

Artykuł stanowi próbę właściwego ujęcia „problemu teologiczno-politycznego”, o którym pisał Leo Strauss. Termin ten został celowo wskazany jako klamra dociekań myśliciela słynącego z udanej próby ożywienia w minionym stuleciu klasycznej filozofii politycznej *a contra* nowoczesnej politologii. Autorka polemizuje ze sposobem rozumienia „problemu teologiczno-politycznego” przez Heinricha Meiera, dla którego kwestia ta zamyka się we wskazaniu dogodnej płaszczyzny konfrontacji filozofa z nieakceptowalnymi dlań roszczeniami prawdy objawionej. Tymczasem, choć rzeczywiście mamy tu do czynienia z kształtującym filozoficzną samoświadomość napięciem między filozofią a objawieniem, to należy uważniej przyrzeć się roli objawienia w koncepcji L. Straussa. Rolę tę – mającą zasadniczo sens

moralny – rozpatruje się na podstawie wyraźnego rozróżnienia pomiędzy chrześcijańską i żydowską wersją treści objawionych. L. Strauss pogłębia stale swą refleksję nad przednowoczesną postacią racjonalizmu, nieobarczoną przesadnym zaufaniem do rozumu, charakterystycznym dla intelektualnej spuścizny oświecenia. Nie proponuje on własnych konstrukcji teologicznych (i nie uważa się w ogóle za człowieka wierzącego), jednak wskazuje na gruncie teoretycznym możliwy sens argumentów formułowanych w imię ważności objawienia i nie sprowadza tegoż do aktu „ślepej wiary”. Oznacza to zarazem krytyczne odrzucenie chrześcijańskiej perspektywy na to, co objawione; co kojarzy się raczej z „objawioną teologią” czy doktryną wymagającą intelektualnego zawierzenia, niż z „interpretacją prawną” i w czym odnajduje się ewentualne źródła błędów opasujących myśl nowoczesną. Oddzielne perspektywy objawienia to także różne konteksty uprawiania filozofii, która dla L. Straussa pozostaje nade wszystko „drogą życia” człowieka stale poszukującego prawdy. Wszakże myśliciel ten, według autorki, widzi istotną i zapewne niezbywalną rolę objawienia jako podstawy sądów moralnych mających walor uniwersalności. Przywołane w artykule fragmenty jego komentarzy do średniowiecznych dzieł myśli żydowskiej i muzułmańskiej służą wydobyciu tego właśnie aspektu rozważań teologiczno-politycznych: objawienie w oczach filozofa formuje stałe wyzwanie o tyle, o ile musi on wątpić we własną zdolność do wypowiedzenia – w oparciu o sam rozum – uniwersalnych zasad moralności. Autorka stwierdza wreszcie, że w tym ujęciu objawienie ma z konieczności sens partykularny: jego szczególną formą jest prawo, a treść dotyczy powszechnej troski o każdego człowieka. Należy wszakże zauważyć, że podjęta przez L. Straussa, założona a niekoniecznie eksponowana w jego dziele, krytyka myśli chrześcijańskiej stanowi raczej wątpliwy aspekt powyższych rozważań, powinowaty z nastawieniem niemieckich i żydowskich autorów mieszczących się w tradycji liberalnego protestantyzmu.

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