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## neo- -republicanismo

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# NEO-REPUBLICANISMO



## Le néo-républicanisme en débat

Introduction par Roberto Merrill

Le républicanisme recouvre généralement deux significations : la première, courante en théorie politique, consiste à voir dans le républicanisme une idéologie politique opposée à la monarchie. C'est typiquement le sens qu'il revêt lors des Révolutions américaine et française du 18<sup>e</sup> siècle. La république est alors conçue comme une forme de gouvernement dans laquelle les détenteurs du pouvoir politique sont élus par les citoyens. On n'hérite pas du pouvoir, on le mérite, à l'inverse d'une aristocratie nobiliaire ou d'une monarchie. Et ce pouvoir doit être placé sous la vigilance permanente des citoyens, afin notamment de contrôler les dépenses militaires et l'augmentation de la dette publique. Mais le terme « républicanisme » ne désigne pas seulement une idéologie politique, il permet aussi de décrire le mode de relations que des individus devraient pouvoir nouer entre eux dans une société. A travers cette deuxième signification, le républicanisme met l'accent sur l'égalité entre les individus et la nécessaire participation de ces derniers aux affaires publiques, afin de garantir à tous les citoyens la jouissance de la liberté en les préservant de la domination d'un autre (*dominium*) ou de leur gouvernement (*imperium*), dans quel que domaine que ce soit.

Deux théories dominent le débat contemporain sur le républicanisme : la théorie néo-aristotélicienne et la théorie néo-romaine. Le républicanisme d'inspiration néo-aristotélicienne, parfois appelé humanisme civique, fait de la participation à la vie de la cité une composante essentielle de toute vie humaine, déterminant ce que doit être une «vie

bonne», centrée sur la maîtrise de soi. Cette variante républicaine peut être assimilée à une forme de théorie communautariste dans la mesure où elle semble impliquer au moins les trois thèses suivantes communautaristes : (1) la thèse perfectionniste, selon laquelle l'État peut légitimement promouvoir des conceptions particulières du bien ; (2) la thèse participative, selon laquelle la conception centrale du bien (ayant une valeur intrinsèque) est la participation et la coopération politiques à l'intérieur de la communauté ; (3) la thèse relativiste, selon laquelle le bien de la communauté est déterminé par les valeurs et traditions de cette communauté.

Le républicanisme d'inspiration néo-romaine, en revanche, ne semble impliquer aucune des ces trois thèses. Selon cette théorie, la participation politique n'a qu'une valeur instrumentale au service de la liberté comprise comme non-domination, le bien de la communauté n'est pas déterminé par les valeurs et traditions de cette communauté mais par une conception de la justice comme réduction de la domination, et le but de l'État est de promouvoir la justice comme réduction de la domination et non pas de promouvoir des conceptions particulières du bien. Les articles proposés dans ce dossier s'inscrivent tous dans ce courant néo-républicain d'inspiration cicéronienne.

C'est sans nul doute avec la parution, en 1997, de *Républicanisme. Une théorie de la liberté et du gouvernement*, que le philosophe Philip Pettit a donné une visibilité nouvelle à cette conception du républicanisme. Les travaux consacrés au néo-républicanisme se sont depuis développés dans plusieurs directions. Notre ambition dans ce dossier est de donner un aperçu de leurs derniers développements les plus féconds. Trois lignes d'approche du néo-républicanisme composent ce dossier : (1) un ensemble de réflexions relatif aux moyens de promouvoir un néo-républicanisme global ; (2) des propositions précises de « néo-républicanisme appliqué » au problème du multiculturalisme et à celui de la propriété privée ; (3) des critiques adressées au néo-républicanisme à partir de trois points de vue ; celui de la définition de la liberté comme non domination, celui de la compatibilité du néo-républicanisme avec le marché, enfin celui de la tension entre la promotion de la justice comme non domination et le maintien de la responsabilité distributive des individus.



(1) Les trois premiers articles développent des arguments en faveur de la promotion d'un « républicanisme global ». Dans son article intitulé « A Republican Global Minimum », Frank Lovett analyse les conditions d'une justice distributive globale à la lumière de la promotion de la liberté comme non domination. Il montre de quelle manière la promotion de la liberté comme non domination au niveau de la justice mondiale devrait impliquer un engagement envers un revenu inconditionnel minimal global, en dépit des difficultés pratiques de sa mise en œuvre. John Maynor, quant à lui, dans « Fighting Back Against Domination: Republican Citizenship and Unbounded Reciprocity », soutient que malgré la diminution de l'autonomie des États due à la mondialisation et la réduction corrélative des protections institutionnelles des citoyens, la « réciprocité illimitée » peut néanmoins aider à réorienter et redynamiser la citoyenneté républicaine pour aider les individus à lutter contre la domination. Enfin, José Luis Martí, dans « A Global Republic to Prevent Global Domination », aborde la question de la plausibilité empirique de la démocratie mondiale. Il tente de montrer comment l'un des principaux éléments de la tradition républicaine, le principe d'un gouvernement mixte, peut servir à soutenir une conception plausible et normativement attractive de la démocratie mondiale.

(2) Les deux articles suivants développent des exemples d'application du républicanisme aux problèmes que soulèvent d'une part le multiculturalisme et d'autre part le rapport entre citoyenneté et propriété privée. Sophie Guérard de Latour, dans « Reworking the Neo-republican Sense of Belonging », aborde la question du sentiment d'appartenance nationale et de l'importance qu'il revêt pour les auteurs néo-républicains, dans le sens où il est souvent considéré comme une condition cruciale de la légitimité politique. Elle tente de montrer que quelle que puisse être la légitimité de cette revendication, la définition néo-républicaine du sentiment d'appartenance est trop indéterminée, si bien qu'elle est susceptible de favoriser la formation d'identités nationales exclusives, même lorsque celles-ci sont favorables au pluralisme des valeurs. Dans son article intitulé « Citoyenneté et propriété : une conception républicaine de la propriété privée », Vincent Bourdeau examine les raisons avancées par l'économie républicaine pour valoriser les formes d'appropriation privée, raisons qu'il distingue de celles proposées dans le libéra-

lisme. A travers une analyse approfondie de la conception républicaine du concept de propriété privée, il suggère que cette dernière vise, plutôt que la seule préservation des rapports qu'un individu établit vis-à-vis de ses biens, une forme de stabilité dans les rapports sociaux, conformément à une définition de la liberté comme non-domination qui oriente l'élaboration d'une telle conception.

(3) Enfin, les trois derniers articles adressent des critiques au néo-républicanisme en exposant certaines de ses limites tout en proposant des moyens de les dépasser. Christian Lazzeri, dans « Repenser le concept républicain de domination », analyse le concept républicain de domination en soutenant qu'il ne peut pas se réduire à une simple restriction des opportunités d'action et propose d'élargir le concept d'interférence arbitraire en intégrant les différentes formes de déni de reconnaissance. L'auteur soutient que le concept néo-républicain de domination, convenablement élargi, peut permettre aux théoriciens de la reconnaissance de disposer d'un instrument d'analyse rigoureux des conséquences du déni de reconnaissance. Dans son article intitulé « Le marché est-il une institution républicaine? », Jean-Fabien Spitz entreprend de montrer que la domination et le marché peuvent apparaître incompatibles. Selon Spitz, la liberté comme non domination semble formuler une exigence impossible à satisfaire car, dans un régime de libre marché et de libre concurrence, chaque agent négocie ses ressources avec d'autres et doit se plier à leurs volontés pour obtenir les services qu'il attend d'eux. L'auteur soumet à l'analyse la perspective de Philip Pettit selon laquelle le marché n'est pas en soi incompatible avec la liberté comme non domination. Il soutient que la thèse consistant à défendre l'idée d'une compatibilité entre la liberté comme non domination, entendue comme garantie que certaines options peuvent être choisies, et l'existence du marché n'est pas convaincante. Enfin, Roberto Merrill, dans son article intitulé « Égalité des chances, responsabilité individuelle et liberté comme non domination », examine dans quelle mesure le principe de responsabilité distributive individuelle et le principe d'égalité des chances sont compatibles avec une théorie de la justice sociale qui fait de la réduction de la domination son objectif principal. Après avoir exposé l'objection de la « dureté » formulée à l'encontre de l'égalitarisme de la chance (*luck egalitarianism*) et deux réponses possibles à cette objection, il en conclut

que si l'égalitarisme de la chance doit être rejeté comme une théorie de la justice sociale, alors l'alternative consiste à adopter un égalitarisme permettant d'abandonner ou du moins de réduire le plus possible l'élément de responsabilité individuelle distributive. Il examine ensuite cette alternative en se penchant sur la conception néo-républicaine de la justice comme réduction de la domination.

Nous espérons que ce dossier pourra donner au lecteur un aperçu de la vitalité du courant néo-républicain, lequel, bien qu'encore récent, semble déjà au moins aussi réaliste et émancipateur que les autres grandes théories politiques progressistes disponibles dans le marché des idées.

La réalisation de ce dossier doit beaucoup à l'aide précieuse de Vincent Bourdeau, João Cardoso Rosas, Alexandra Abranches, Maria João Cabrita, Paulo Barcelos, Axel Gosseries, Adélaïde Vanhove et Pierre-Laurent Cosset.



# Republican global distributive justice

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## Abstract

In recent years, a small but burgeoning literature has emerged addressing issues of global politics from a broadly civic republican point of view. However, the contributors to this literature have not yet seriously engaged with the extensive previously-existing work on global economic or distributive justice. This paper bridges the gap by presenting an account of global distributive justice in which the promotion of freedom from domination is taken to be our principle aim.

**Key Words:** Civic republicanism - Distributive justice - Domination - Freedom - Global justice - Liberal contractualism - Unconditional basic income.

## Resumo

Nos últimos anos, tem surgido uma literatura pequena mas crescente que lida com questões de política global do ponto de vista do republicanismo cívico. No entanto, aqueles que têm contribuído para esta literatura ainda não responderam seriamente à quantidade de investigação que tem sido produzida em torno da justiça económica ou distributiva global. Este artigo preenche esta lacuna, apresentando uma perspectiva acerca da justiça global segundo a qual a promoção da liberdade em relação à dominação é considerada o nosso principal objectivo.

**Palavras-chave:** Contratualismo liberal - Dominação - Justiça distributiva - Justiça global - Liberdade - Rendimento básico incondicional - Republicanismo cívico.

The republican tradition in political thought, with its emphasis on the importance and value of citizenship in bounded political communities, has often been criticized for its apparent indifference to global justice concerns. Recently, however, some authors have begun to address problems of global justice from a broadly civic republican point of view, most notably James Bohman (2004, 2007, 2009), Philip Pettit (2006, 2010), and Cécile Laborde (2010). While these developments are certainly welcome, relatively little attention in this literature has been so far given to the problem of global economic or distributive justice in particular.<sup>1</sup> Surely among the most striking features of the current global order are the staggering levels of socio-economic inequality and poverty around the world, and it would be disappointing, to say the least, if contemporary civic republicans had little of interest to say about these problems.

In this paper my aim will be to show that a contemporary civic republican political doctrine, suitably developed, does indeed have something of interest to say about global inequality and poverty. Roughly speaking, I will here understand civic republicanism as a political doctrine according to which we should aim to minimize, so far as we can, the extent to which persons or groups are subject to domination.<sup>2</sup> (This can be regarded merely as a more precise way of rendering the traditional republican tendency to hold liberty or freedom from domination as a paramount political value.) A conception of justice as minimizing domination, I will argue, provides compelling reasons for addressing the problems of global inequality and poverty and, moreover, reasons that are stronger in certain respects than those offered in the mainstream liberal-contractualist tradition. This is an interesting and surprising conclusion, since liberalism is usually regarded as the more cosmopolitan, and republicanism the more parochial, doctrine.

## I

Civic republicans are above all concerned with freedom from domination. There are, of course, many accounts of what it means to be subject

1 A partial exception here is Laborde (2010: 51–53), and this paper should be read as an attempt to build on her initial efforts.

2 See Pettit (1997), Viroli (2002), Maynor (2003), and Lovett (2010), though the first three do not use the specific language of “justice as minimizing domination” that I favor.

to domination. On the particular view that I favor, we should say that persons or groups experience domination to the extent that they are dependent on social relationships in which some other person or group wields arbitrary power over them (see Wartenberg 1990; Pettit 1997; Lovett 2001, 2010). This can be called the *arbitrary power* conception of domination. It is terribly wrong for persons or groups to be subject to domination, so understood, when this can be avoided. Without rehearsing at length arguments that can be found elsewhere, I would suggest that this is because possessing some degree of freedom from domination is an important condition of human flourishing: when subject to domination, people are materially exploited, hindered by uncertainty from developing life plans, and deprived of self-respect.<sup>3</sup> Each of these claims is certainly worth further elaboration and support, but for the purposes of discussion we may set such a task aside. Instead, I will discuss the conception of justice most naturally implied by these broadly civic republican views, and especially how such a conception might address itself to issues of global justice in particular.

Justice, on a very old traditional view, is a virtue. On Aristotle's extremely influential account, it is roughly the settled disposition to act justly and wish for what is just (2004: 112 = 1229a7–9). To put this thought in somewhat more contemporary language, let us say that people have various reasons for doing or not doing certain things. Some of these might be called obligations of prudence: at least on some occasions, if not often, we have reasons to promote our own interests. Not all obligations are self-regarding, however. Most believe that we also have at least some obligations to other persons, which might be called obligations of morality.<sup>4</sup> Justice clearly relates to the latter sort of reasons, but in what way? Very broadly, we might consider two different views. On the first, which can be described as a variety of *moral monism*, justice and morality are essentially the same. Thus many utilitarians, such as Peter Singer, believe that justice and morality should both be understood as maximizing the sum total happiness, counting the happiness of each individual person the same; essentially, justice and morality are two aspects of the

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3 For further discussion, however, see Pettit (1997: 85–89), Laborde (2009: 152–156), or Lovett (2010: 130–134).

4 Most, though not all, of course. This existence of distinct moral obligations is denied by moral skepticism and mutual advantage theories of morality. I will ignore these views here.

same thing. Here I will only express, rather than fully defend, my own view that this is not the best way to think about justice. It seems to me at least possible for our obligations of justice to conflict with other moral obligations we might have. It is supposed to be a lesson in Shakespeare's *Measure for Measure*, for instance, that strict justice should sometimes be tempered with humanitarian mercy. This thought cannot be given coherent sense unless we suppose that we have (at least two) different sorts of potentially conflicting moral obligations. On this second view – which can be described as a variety of *moral pluralism* – justice is one distinct part of morality: among our multiple moral obligations are obligations of justice specifically, which may conflict with some of the others (much as either might with obligations of prudence).

If we adopt the latter view, it obviously becomes necessary to explain what distinguishes justice from the rest of morality. On this point, naturally, there are many different views. I will concentrate on the views implicit in the two contemporary political doctrines that are of the greatest interest to me in this discussion – namely, civic republicanism on the one hand, and liberal contractualism on the other. Both doctrines regard justice obligations as distinctly concerned with shared institutions and practices, and thus both can subscribe to the famous Rawlsian dictum that the “subject of justice is the basic structure” (Rawls 1971: 7). But they interpret this dictum in different ways, leading them to embrace rather different approaches to the problem of global justice. Or at any rate, so I shall argue.

## II

Suppose that, as civic republicans, we are most concerned with freedom from domination, for roughly the reasons suggested earlier. What sort of view about the nature of justice does this doctrine imply?

According to the standard civic republican accounts, the degree to which persons or groups experience domination is a function of the political and social institutions and practices that govern (or fail to govern) their relationships with other persons or groups. Suppose that Andrea is considerably stronger than Bob, and that Bob depends on Andrea for protection. In the absence of any institutions or practices otherwise effectively governing their relationship, we would say that



Bob is subject to domination insofar as Andrea is in a position to wield arbitrary power over him. Alternatively, suppose that Andrea and Bob are married in a patriarchal society governed by institutions and practices that foreclose opportunities to women outside of marriage, and simultaneously grant husbands considerable discretion in the treatment of their wives. In this case, we would say that Andrea is subject to domination insofar as Bob is in a position to wield arbitrary power over her. Given that human beings will always be to some extent dependent on one another, the only way to secure some measure of freedom from domination is to establish institutions and practices specifically designed to enhance opportunities, reduce imbalances of power, and constrain arbitrariness with effective rules and procedures. In the classical republican tradition, this line of thinking was summed up in the ideal of a community of citizens governed by shared laws, in which no one citizen was subject to the personal mastery of any other – an “empire of laws and not of men,” in the famous expression of James Harrington (1992: 8).

This civic republican view of things naturally suggests a particular way of understanding justice in general, and global justice in particular. If our foremost political aim is to reduce domination, and if levels of domination are largely a function of the political and social institutions and practices governing human relations, then it is perfectly natural to say (on this view) that the most just configuration of institutions and practices is the one among the set of feasible alternatives that in expectation would minimize the sum total domination experienced, counting the domination of each individual person exactly the same (or, equivalently, that feasible alternative configurations can be ranked from most to least just according to levels of sum total domination they would tend to generate).<sup>5</sup> Justice is here understood as being *about* institutions and practices specifically: our obligations of justice are obligations to support and maintain just institutions and practices so far as they exist (to act justly), and to strive to bring about just institutions and practices so far as they are absent (to wish for what is just).<sup>6</sup>

5 Note that with changes in knowledge, technology, resource availability, and so forth, the set of feasible configurations might change and, accordingly, the most just configuration in that set.

6 This particular view about the distinctiveness of justice is not *exclusive* to civic republicans, of course. Pogge (1992) and Julias (2003), for example, connect justice to institutions in a similar way. Note that on their view, however, the *existence* of an institutional relationship generates obligations of justice, whereas on the view I have described, the *possibility* of an institutional relationship does.

So understood, justice obligations can obviously conflict with other moral obligations we might have, as they can with our prudential obligations. If I can materially contribute to the establishment of a domination-reducing institution only by deceiving certain people, for example, my justice obligations may be in conflict with my moral obligations; if I can do so only at some risk to my personal safety, my justice obligations may be in conflict with my prudential obligations; and so on. Deciding how to weigh such conflicting obligations is obviously a very complicated issue, well beyond the scope of discussion here. Our focus will be simply on justice obligations, considered as such.

Now there are many multi-layered and interconnected ways in which human beings are related to one another on local, societal, and global levels, and accordingly there are a multitude of actual and possible institutions and practices governing those complex relationships. Sometimes it is useful to distinguish between those networks of institutions and practices that operate primarily at a societal level on the one hand, and those that operate primarily at an inter-societal or global level on the other. As an example of the former, we might consider the institutions and practices constituting a political system, or those defining the shape of family relations; as an example of the latter, we might consider the institutions and practices governing (or failing to govern) the conduct of interstate conflict and warfare. In order to match this discussion up with terms already familiar to contemporary political theorists and philosophers, let us call the first network the *basic structure* of a society, and the second the *global basic structure*.

It is important to stress, however, that our suggested distinction between the basic structure of a society and the global basic structure can only be a rough approximation: never has it been the case that these two networks of institutions and practices were perfectly distinct. For example, domestic institutions governing immigration and emigration clearly can have inter-societal effects, and conversely inter-societal institutions governing the recognition of sovereignty clearly can have domestic effects. Just how useful an approximation it is at present may depend on the extent and scope of globalization, a controversial topic in its own right. Supposing that it is at least sometimes a useful distinction, however, it is easy enough to give a rough-and-ready characterization of social and global justice respectively: a theory of social justice is an account of the most just

basic structure for a given society, whereas a theory of global justice is an account of the most just global basic structure. Social justice and global justice supply the referents for our justice obligations. More precisely, the duty of social justice is the obligation of domestic political actors (citizens, political parties, interest groups, etc.) to bring about, maintain, and respect a just basic structure for their society, whereas the duty of global justice is the obligation of inter-societal political actors (states, international aid organizations, etc., and to some extent individuals themselves) to bring about, maintain, and respect a just global basic structure.<sup>7</sup>

However useful this distinction between social and global justice happens to be at any particular historical juncture, it is important to stress that on the civic republican view of things it is a pragmatic distinction only. Civic republicans are concerned above all with freedom from domination, on the grounds that domination presents a serious obstacle to human flourishing. In principle, the flourishing of all human beings should count exactly the same, and so it is strictly an instrumental question what configurations of institutions and practices, at home or abroad, happen to minimize domination. Of course it cannot be disputed that the classical republicans were often parochial in their outlook, but this was not an intrinsic feature of their political ideals. In this respect, civic republicans differ markedly from liberal contractualists, as I will next try to show.

### III

Liberal contractualism is a loose tradition in political thought encompassing such historical figures as John Locke, Jean-Jacques Rousseau, and Immanuel Kant; and such political theorists and philosophers as John Rawls, Brian Barry, T. M. Scanlon, Thomas Nagel, and many others in our own day.<sup>8</sup> Liberal contractualists generally take two basic ideas as

<sup>7</sup> Here I must leave aside the very interesting and complicated issue of the relevant agents of justice – on whom duty of justice falls, so to speak. Instead I will merely observe briefly that when it comes to global justice in particular, the relevant agents will most often have to be collective: as individuals, we usually have to delegate to states and other organizations our obligations to further global justice. This is consistent with believing that we nevertheless retain residual obligations to monitor the collective agents operating on our behalf, and push them in the right direction.

<sup>8</sup> With some caveats, we might substitute the term “political liberalism” (as distinct from ethical or perfectionist liberalism on the one hand, and minimalist or *modus vivendi* liberalism on the other) for the term “liberal contractualism” here.

their point of departure, one descriptive and one normative. The first is the idea of reasonable pluralism – that is, the idea that most societies are characterized by an irreducible plurality of reasonable comprehensive doctrines. The second is the idea that, from a normative point of view, societies should be organized as fair systems of mutual cooperation. Working from these two basic ideas, liberal contractualists contend that just political and social institutions and practices are those that reasonable persons in a pluralistic society would regard as embodying a fair system of cooperation. Roughly speaking, each person agrees to reciprocally privatize the controversial aspects of his or her comprehensive doctrine so as to live together with others who do likewise under the auspices of an impartial system of institutions and practices.

Liberal contractualism is an extremely attractive political doctrine in many ways. For one thing, it is “political, not metaphysical,” as the slogan goes, because it does not appear to depend on the truth of any particular conception of the good or comprehensive doctrine. For another, it holds out the powerful vision of a perfectly voluntaristic society – that is, a society in which no one is forced to live under political and social institutions they do not accept as reasonable and fair. Thus, in Rousseau’s famous words, despite “uniting with all” in a single political community, each person “nevertheless obeys only himself and remains as free as before” (1987: 148). It is thus not surprising that it holds a dominant position in contemporary political theory and philosophy.

The liberal-contractualist political doctrine, much like the civic republican political doctrine discussed above, most naturally implies a particular view about the nature of our justice obligations. Fundamental to this approach, as I have said, is the idea of society as a system of cooperation. Rawls at one point expresses the idea as follows:

... a society is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them. Suppose further that these rules specify a system of cooperation designed to advance the good of those taking part in it. Then, although a society is a cooperative venture for mutual advantage, it is typically marked by a conflict as well as by an identity of interests. (1971: 4)

The thought here is roughly that every society must have some method for distributing benefits and burdens of cooperation among its members

– for example, by coordinating their various activities and resolving their various disputes. The rules specifying a system of cooperation for some society are precisely its basic structure. Since different configurations of the basic structure will benefit different persons in different ways, we may ask which particular configuration would be the most fair, and that is precisely what a theory of social justice is supposed to tell us.

Thus, from a liberal-contractualist viewpoint, justice obligations are most naturally understood as a species of *associational obligations* – obligations we assume by virtue of our membership in an association. Suppose that Andrea and Bob are strangers. Despite being strangers, we would nevertheless assume that they must have some moral obligations with respect to one another: it would be wrong of Andrea, for example, to assault Bob so as to steal his clothes. Now suppose that Andrea and Bob decide to form a partnership in which they will coordinate their activities for mutual benefit. Having done this, we would probably assume that they must acquire some new special obligations in addition to the ones they had before. For example, perhaps it would be wrong of Andrea to conceal some part of the profits from their mutual efforts so she could appropriate them to her own use. Notice, however, that these new additional obligations are *agent-relative*: they are obligations Andrea owes to Bob specifically (and vice versa), but not to Carla, who did not join their partnership. It is also important to observe that although in this example we assumed the partnership was voluntary, this need not be a necessary condition of our having associational obligations. Indeed, when it comes to societies in our world, we are for the most part born to our particular society, and usually do not have the realistic option of choosing not to be a member.<sup>9</sup> Nevertheless, we derive benefits from that membership, and so it might plausibly be argued that we have special moral obligations to our fellow members.

From this point of view, it is natural to conceive of our justice obligations as precisely those associative obligations arising through our membership (whether voluntary or not) in a system of cooperation for mutual benefit. Insofar as that system of cooperation is constituted by its basic structure, we can again understand justice as being *about* insti-

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9 While it is true that some (though not most, probably) could emigrate and renounce their former citizenship, they must always join some other society. Membership in the society of your birth is *usually* involuntary, and membership in some society somewhere is *always* involuntary.

tutions and practices. In this respect, liberal contractualism and civic republicanism are similar. In contrast with utilitarianism, both offer pluralistic accounts of morality, and both relate the distinctiveness of our justice obligations specifically to the institutions and practices actually or potentially governing human relationships. The similarity extends no further, however. On the civic republican view, what matters from the point of view of justice is simply the success or failure of those institutions and practices in realizing freedom from domination. On the liberal contractualist view, what matters from the point of view of justice is rather the fairness or unfairness of the various cooperative associations constituted by those institutions and practices.

This difference is significant because on the latter view, unlike the former, it would appear that the distinction between social and global justice is a matter of principle, and not merely one of (more or less useful) practice. Considering domestic policies of immigration and emigration, for example, what matters to civic republicans are only the effects these policies might have on levels of domination: *whose* domination in particular does not matter. If some policy Andrea and Bob adopt for their partnership subjects Carla to domination, her not being a member of their partnership is no bar to her having a claim of justice against them. From the liberal contractualist point of view, however, membership does matter, since justice obligations arise only within associational relationships. Exactly why this should be – what it is about certain sorts of associations that gives rise to obligations of justice – is the subject of some debate. According to Rawls and his followers, the existence of some sufficient degree or density of mutual cooperation would seem to generate justice obligations (Rawls 1999; Freeman 2006); Blake (2001) and Nagel (2005) argue instead that justice obligations arise only in associations that coerce their own members; and Sangiovanni (2007) and Klosko (2009) point to the role that certain associations play in supplying critical public goods for their members. But these internal debates are less significant for our purposes than what all these authors share: namely, the view that justice is essentially a special sort of agent-relative, associational obligation.

If we regard justice as a species of associational obligation, then it is almost certain that we will regard social and global justice as fundamentally discontinuous. Whatever our view about the extent of globalization

and international cooperation, it is difficult to deny that our associational relationships with fellow society members are very different from our associational relationships (to the extent that they exist) with persons in other societies. It seems to follow, as all of the authors cited above have indeed concluded, either that we have no obligations of global justice at all, or (at best) that they are limited and different in character from our obligations of social justice.<sup>10</sup> The distinction between social and global justice is thus one of principle, and not merely one of (more or less) useful practice. In a surprising reversal of the usual view, we have found liberal contractualism the inherently more parochial, and civic republicanism the inherently more cosmopolitan, political doctrine.

#### IV

From a civic republican point of view, the most just global basic structure will be the particular configuration of inter-societal institutions and practices, among the set of feasible alternatives, that in expectation tends to minimize the sum total domination experienced, counting the domination of each individual person around the world exactly the same. Our first step in filling out this conception of global justice substantively is to think about the various ways in which inter-societal institutions and practices might influence the degree to which individuals around the world experience domination. Three broad areas of possible influence immediately come to mind. (These are meant to be examples, not an exhaustive list.)

First, we might expect the relative danger and instability of the security environment facing states to influence levels of domination. In lawless environments, more powerful states may dominate less powerful ones, and republics may have a difficult time surviving inter-state competition while preserving domestic freedom from domination (Deudney 2006). Civic republicans thus recommend designing global institutions and practices so as to reduce competition, restrain more powerful states, and encourage the peaceful resolution of inter-state conflict (Pettit

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<sup>10</sup> Of course this conclusion is perfectly consistent with believing we may have other (non-justice) moral obligations that are global in scope – obligations of humanitarian charity, for instance. In some way or other, all of the cited authors are careful to point this out.

2010; Laborde 2010).<sup>11</sup> Second, a major source of domestic domination are autocratic governments. But clearly, the prevalence and persistence of autocratic governments around the world can be influenced by the design of the global basic structure: for example, the borrowing and resource privileges presently enjoyed by all sovereign governments may encourage local despots, and certainly help them maintain power (Pogge 2001, 2005). From a civic republican point of view, global institutions and practices should thus be designed so as to discourage autocracy as much as possible, and implement a democratic minimum instead (Bohman 2007, 2009).<sup>12</sup> For the purposes of our discussion here, however, I will mainly be interested in a third area of concern, which has so far received less attention in the civic republican literature – namely, economic or distributive justice. This is roughly the question of what justice recommends when it comes to the distribution of entitlements to socioeconomic goods and services such as income and wealth, education and training, medical and other sorts of care, and so forth (hereafter the “distribution of goods” for short).<sup>13</sup> As noted in the introduction, the staggering levels of inequality and poverty around the world are surely among the most striking features of the current global order, and thus it is important for civic republicans to engage with such issues.

Our first order of business is to think somewhat more carefully about the connection between socioeconomic inequality and poverty on the one hand, and domination on the other.<sup>14</sup> Now it is reasonably safe to assume that most people regard their freedom from domination as a particularly important good. (Why else would so many have struggled to free themselves from despotism, for example, even at considerable risk to themselves?) Nevertheless, freedom from domi-

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11 Assuming, of course, that some sort of world-state is not in the set of feasible global basic structures. Even if it is, however, there may be republican arguments against it – perhaps on the grounds that it would be less effective than smaller territorial states in reconciling the rule of law with freedom from domination. See also Pettit (2010: 80–82).

12 It also follows that states have justice obligations to refrain from propping-up autocratic governments through military or economic support, though these may sometimes conflict with their prudential obligations. To what extent they also have justice obligations to intervene and topple autocratic governments is a complicated and controversial issue, well beyond the scope of discussion here.

13 Note that, strictly speaking, it is always the distribution of entitlements to things, and not the things themselves, that is at issue; properly understood, this does not affect the main debates.

14 See also the more detailed discussion in Lovett (2009: 822–825; 2010: 192–196).



nation is only one good among others. People also have what might be called *basic needs* – the need for an adequate level of nutrition and health, for minimal clothing and shelter, for an education sufficient to function in their community, and so on. In order to secure her basic needs, a person must have entitlements to the goods or services that doing so requires. If someone needs a life-saving bypass operation, for example, then she must have either the money to pay for it, or else an insurance plan that covers it, or else a publicly-funded entitlement to receive it, or else some other equivalent. Reasonable people do not typically regard failing to secure their basic needs as an option, and it follows that they might be willing to trade away some of their freedom from domination – highly valued as that may be – in order to do so. Among the innumerable instances of this world-wide, we might cite as representative the example of individuals who, in the desperate hope of providing for themselves and their families, seek employment as illegal or undocumented workers in wealthy societies, despite the fact that this means placing themselves under the arbitrary power of those who employ them.

The exact level at which reasonable people begin to trade away their freedom from domination in order to secure basic needs no doubt varies according to the time, place, and individual in question, of course. The minimum acceptable level of education, for instance, differs widely according to the culture and level of economic development in a given society. We will return to this point shortly. For the moment, what is important is the general fact that people may be willing to accept higher levels of domination rather than fail to secure their basic needs, and this remains true even if we regard exact content of basic needs as relative to circumstance. Civic republicans will thus have strong reasons for being concerned with severe inequality and poverty, wherever it might be found: the more inequality and poverty there is in the world, the more often people will find themselves compelled to subject themselves to domination in order to meet other basic needs. Given that freedom from domination is a necessary condition for complete human flourishing, justice demands that we do something about this.

What in particular does justice demand that we do? Various possibilities might be considered. Perhaps we might try to prohibit the relevant sorts of exchanges. On a global level especially, this would probably

be infeasible; even if it could be done, to prohibit such exchanges without addressing their underlying motivation is only to take the dismal choice scenarios faced by the economically desperate and make them worse. Perhaps instead we might aim to better regulate the relationships arising from such exchanges, restricting the arbitrary powers employers might wield over their employees, for example. Alas, this strategy also is unlikely to be of much help in the long run, given that it will always be possible to find ways to evade and manipulate the regulations. Our best strategy, therefore, is probably to attack the problem from the other end: if we want to discourage people from trading away their freedom from domination, the most reliable and least intrusive method is to ensure that their basic needs have been secured to begin with. Not having to subject themselves to domination in order to meet basic needs, few would presumably choose to do so, thus considerably reducing the aggregate domination experienced.

Having clarified the connection between socioeconomic inequality and poverty and domination, I will in the next and final section discuss what this suggests for a civic republican account of economic or distributive justice.

## V

It is obvious that configurations of political and social institutions and practices will have a considerable influence on the degree to which people find their basic needs met. Furthermore, since it is domestic institutions and practices that probably have the largest impact, securing basic needs will primarily be a matter of social justice. From this point of view, I have elsewhere argued that the optimal configuration of domestic institutions and practices would be a broadly free market economic system combined with an unconditional basic income set at the highest sustainable level (Lovett 2009: 825–828; 2010: 196–203). Roughly, the idea is that either an unconditional basic income or a scheme of means-tested welfare benefits might reduce the probability that individuals will find themselves compelled to subject themselves to domination in order to meet basic needs, but that the former has additional advantages in not itself introducing unnecessary dependency on the arbitrary discretion of public authorities. Thus an unconditional basic income will usually

be the more congenial option from a civic republican point of view.<sup>15</sup> Since our aim is to *minimize* domination so far as this is feasible, and since the greater the basic income grant the less likely it is that people will trade away their freedom from domination, justice requires that we set the grant at the highest sustainable level.

That said, it is almost certainly the case that inter-societal institutions and practices constituting the global basic structure also have some influence on inequality and poverty around the world. For example, the existing network of trade agreements and barriers, the composition of international development agencies such as the IMF and the World Bank, the autonomy of states to set their own immigration and foreign aid policies, the structure of global capital markets, and so forth, surely must have at least *some* impact on the ability of various societies around the world to secure basic needs for their members, even if the extent and nature of that influence is disputed.<sup>16</sup> From a civic republican point of view, we would want to favor whatever configuration of the global basic structure can be expected to best encourage and facilitate these efforts.

Before speculating as to what an optimally just configuration might be, it is worth reiterating here that the civic republican argument for being concerned with global inequality and poverty is very different in structure from the liberal contractualist one. The former does not depend, as the latter does, on the extent and nature of inter-societal relationships. This is fortunate: it is sometimes difficult for people to view themselves as engaged in a system of mutual cooperation *even with the members of their own society*, much less with the members of other distant societies. Civic republicanism does not tether justice to our associational obligations. Justice obligations, on the civic republican view, arise out of the universal importance of freedom from domination as a condition of human flourishing. This seems to me a significant strength of the doctrine.

Now, finally, what configurations of the global basic structure might best serve the aims of economic or distributive justice? Since this is largely a pragmatic question that experts in development economics are best positioned to address, the following remarks will be fairly general.

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15 This will not be true in all circumstances, of course. When faced with extreme poverty, for example, humanitarian considerations might assume priority, thus requiring more targeted approaches.

16 Here see the debates in Pogge (2002; 2005), Risse (2005), and Hayward (2008). According to Risse, we are already at what is in effect the most just alternative in the feasible set of global basic structure configurations, but this seems to me unlikely.

One thought might be that if the argument for a domestic unconditional basic income is sound, then so too would be an argument for a global unconditional basic income. This conclusion is perhaps too hasty, however. Even supposing that a global unconditional basic income were feasible, for reasons alluded to above it would have to be significantly adjusted to accommodate for local circumstances. Our aim, recall, is to reduce the probability that people will subject themselves to domination in order to secure what they regard as basic needs, but clearly very different things can be regarded as basic needs in different circumstances. Basic income grants that are generous in some societies might be woefully inadequate in others. In order to roughly approximate the ideally necessary schedule of adjustments, then, we might charge each society with the responsibility for providing the most generous basic income it can for its own members.

This rough approximation will still be far from ideal, however. Different societies have vastly different capacities to provide for the basic needs of their own members. Societies may be disadvantaged by history (perhaps they suffered a period of colonial exploitation), poor natural resource endowments, an unfavorable geography, etc., and as a result they will be comparatively less able to supply a satisfactory level of basic income – even on a meaning of “satisfactory” suitably adjusted to relative circumstances. In order to minimize the sum total domination, counting the domination of each individual person exactly the same, it will thus be necessary for the relatively capable societies to assist the relatively incapable ones through foreign aid. How much should the former give? Justice demands that they increase aid levels until the marginal benefit of additional aid (in terms of reducing domination abroad) would be equal to the marginal benefit of increasing their domestic basic income grant (and thus reducing domination at home).

What *sort* of foreign aid is best is, of course, an issue for development economics. If, for example, the currently popular institutional theories are correct, then the most effective aid might be support in building political and social institutions so the aid-recipient societies might provide for the basic needs of their own members in the future. Speaking generally, however, it would be best from a civic republican perspective if the mechanisms for delivering foreign aid did not themselves introduce avoidable domination. Suppose for example that foreign aid were supplied unilat-

erally by relatively capable societies according to their particular whims. While this might do some good, it might also introduce relationships of inter-societal dependency. Thus it would perhaps be better if there were a set of global institutions specifically designed to collect and distribute foreign aid through public and non-arbitrary procedures. The details of such a system are unfortunately best discussed another time.

This paper offers only an initial sketch of a civic republican account of global economic or distributive justice, and even then many important issues are inevitably delegated to professional development economists. Nevertheless, it is important that we have the right aims and goals in view. Civic republicanism, I have argued, supplies clear and compelling reasons for being concerned with global inequality and poverty, and moreover suggests some specific principles that might guide our attempts to address it. In this respect, civic republicanism is a political doctrine worth endorsing.

## Works Cited

- Aristotle (2004), *The Nicomachean Ethics*. J.A.K. Thomson and Hugh Tredennick, trs. New York: Penguin Books.
- Blake, Michael (2001), "Distributive Justice, State Coercion, and Autonomy", *Philosophy and Public Affairs*, 30: 257–296.
- Bohman, James (2004), "Republican Cosmopolitanism", *Journal of Political Philosophy*, 12: 336–352.
- (2007), *Democracy across Borders: From Dêmos to Dêmoi*, Cambridge, MA: MIT Press.
- (2009), "Cosmopolitan Republicanism and the Rule of Law", In *Legal Republicanism: National and International Perspectives*, Samantha Besson and José Luis Martí, eds. Oxford: Oxford University Press.
- Deudney, Daniel (2006), *Bounding Power: Republican Security Theory from the Polis to the Global Village*, Princeton University Press.
- Freeman, Samuel (2006), "Distributive Justice and The Law of Peoples", in Rex Martin and David A. Reidy, (eds.), *Rawls's Law of Peoples: A Realistic Utopia?* Malden, MA: Blackwell Publishers.
- Hayward, Tim (2008), "On the Nature of Our Debt to the Global Poor", *Journal of Social Philosophy*, 39: 1–19.
- Julius, A. J. (2003), "Basic Structure and the Value of Equality", *Philosophy and Public Affairs*, 31: 321–355.

- Klosko, George (2009), "Cosmopolitanism, Political Obligation, and the Welfare State", *Political Theory*, 37: 243–265.
- Laborde, Cécile (2009), *Critical Republicanism: The Hijab Controversy and Political Philosophy*, Oxford: Oxford University Press.
- (2010) "Republicanism and Global Justice: A Sketch", *European Journal of Political Theory*, 9: 48–69.
- Lovett, Frank (2001), "Domination: A Preliminary Analysis", *The Monist*, 84: 98–112.
- (2009), "Domination and Distributive Justice", *Journal of Politics*, 71: 817–830.
- (2010), *A General Theory of Domination and Justice*, Oxford: Oxford University Press.
- Maynor, John (2003), *Republicanism in the Modern World*, Cambridge: Polity Press.
- Nagel, Thomas (2005), "The Problem of Global Justice", *Philosophy and Public Affairs*, 33: 113–147.
- Pettit, Philip (1997), *Republicanism: A Theory of Freedom and Government*, Oxford: Oxford University Press.
- (2006), "Rawls's Peoples", in Rex Martin and David A. Reidy, (eds.), *Rawls's Law of Peoples: A Realistic Utopia?* Malden, MA: Blackwell Publishers.
- (2010), "A Republican Law of Peoples", *European Journal of Political Theory*, 9: 71–94.
- Pogge, Thomas (1992), "Cosmopolitanism and Sovereignty", *Ethics*, 103: 48–75.
- (2001), "Achieving Democracy", *Ethics and International Affairs*, 15: 3–23.
- (2002) "Moral Universalism and Global Economic Justice", *Politics, Philosophy, and Economics*, 1: 29–58.
- (2005), "World Poverty and Human Rights", *Ethics and International Affairs*, 19: 1–7.
- Rawls, John (1971), *A Theory of Justice*, Harvard, MA: Belknap Press.
- (1999), *The Law of Peoples*, Harvard, MA: Harvard University Press.
- Risse, Mathias (2005), "How Does the Global Order Harm the Poor?", *Philosophy and Public Affairs*, 33: 349–376.
- Rousseau, Jean-Jacques (1987), "On the Social Contract", In *The Basic Political Writings*, Donald A. Cress, tr. Indianapolis, IN: Hackett Publishing
- Sangiovanni, Andrea (2007), "Global Justice, Reciprocity, and the State", *Philosophy and Public Affairs*, 35: 3–39.
- Viroli, Maurizio (2002), *Republicanism*, Antony Shugaar, tr. New York: Hill and Wang.
- Wartenberg, Thomas (1990), *The Forms of Power: From Domination to Transformation*, Philadelphia, PA: Temple University Press.

# A global republic to prevent global domination

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## Abstract

Most of students of the global order, including those who approach it from a republican perspective, have opposed the idea of a world state motivated by their fear of tyranny and potential domination. In contrast, this paper argues for the creation of a global republic composed by an authoritative institutional system constituted, as well as constrained, by a global constitution. As any other republic, its constitutional framework should establish the principles of separation of powers, checks and balances, and the rule of law, among others, in order to prevent the risk of becoming a powerful dominating agent. But such global republic must be authoritative enough to interfere and limit part of states' sovereignty. The paper compares this view with three other competing normative views of the global order: the statist multilateral one, the idea of a republican law of peoples, and the idea of a transnational deliberative democracy. The argument to prefer the creation of a global republic to these other alternatives is that it is better suited to prevent global domination, which is the main goal that a republican view of the global order needs to be committed to achieve.

**Keywords:** Cosmopolitanism – Democracy - Global Republic - Global Order - Non-Domination.

## Résumé

La plupart des chercheurs sur l'ordre mondial, y compris ceux qui l'étudient du point de vue républicain, se sont opposés à l'idée d'un État mondial motivés par

la crainte d'une tyrannie et d'une domination potentielles. Cet article plaide au contraire pour la création d'une république mondiale composée par un système d'autorité institutionnelle constitué, ainsi que contraint, par une constitution mondiale. Comme toute autre république, son cadre constitutionnel devrait établir les principes de séparation des pouvoirs, des procédures de contrôles et de contrepoids, et la primauté du droit, entre autres, afin de prévenir le risque de devenir un agent dominant puissant. Mais cette république mondiale doit avoir une autorité suffisante pour intervenir et limiter le cadre de la souveraineté des Etats. L'article compare ce point de vue avec trois autres points de vue normatifs divergents de l'ordre mondial: celui du multilatéralisme étatiste, celui d'une loi républicaine des peuples, et celui d'une « demoi-cratie » délibérative transnationale. L'argument en faveur de la création d'une république mondiale comme alternative à ces autres points de vue normatifs, c'est qu'elle est la mieux adaptée pour éviter la domination mondiale, ce qui constitue l'objectif principal qu'une conception républicaine de l'ordre mondial vise à atteindre.

**Mots-clés :** Cosmopolitisme - Démocratie - Non-domination - Ordre mondial - République mondiale.

In the last few years, the aim of making international or global relationships more just or more democratic has captured the attention of many scholars from different disciplines and diverse political ideas.<sup>1</sup> Some come from the republican tradition of thought; others hail rather from more liberal or more conservative perspectives; but most –regardless of their ideology- have proposed different strategies to bring more legitimacy to the global order. This paper is an attempt to contribute to the republican perspective of such global order, by opposing, though, one of the main claims that scholars from this tradition have persistently made. As all republicans, they have been especially concerned with new forms of domination. But they have opposed the creation of a world state, moved by fear of tyranny and of global scale domination. I will argue, nevertheless, that, in order to prevent domination, and especially global domination, we need a global polity that adopts the form of a global republic.

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1 I am very grateful to Andrew Williams for several conversations discussing and helping to improve the ideas expressed in this paper, and to Julie Scales for her very efficient editing work.



As is the case with any other republic, this global one must to be characterized by a centralized set of institutions enforcing the republican principles of mixed government, separation of powers, rule of law, checks and balances, democratic representation, and public invigilation. But this global republic must also be of a particular kind: it must be significantly constrained by legal or constitutional means –more so than a domestic republic–, it must adopt innovative ways of securing political representation, accountability, and popular control, and it must be, at the same time, compatible with the preservation of nation-states' sovereignty over a wide range of issues.

Philip Pettit has recently analyzed in some detail how republican principles, and in particular the principle of non-domination, can be applied to the international domain to found relations of justice among states, private transnational agents and international public organizations (Pettit 2010b). He has also explored, in a different work, the conditions under which the international order can be said to be legitimate (Pettit 2010a). In both works Pettit constrains himself to an idea of a global order in which states continue to be the principal and privileged agents. The existence of nation-states, he assumes, is: “a sort of permanent feature in our society.” In contrast with many other students of the global order, his reason for opposing the idea of a global democracy –under some form of world state, federal or confederal– has nothing to do with fears of its excessive power.<sup>2</sup> On the contrary, for him, it is basically a matter of feasibility:

“A world state might serve in the role envisaged [the role of preventing international domination], at least in principle, but nothing even approaching such a state is feasible in current circumstances and, given the diversity and distrust between cultures, it is doubtful if such a state ever could be successfully established” (Pettit 2010b: 81).

My analysis here picks up where Pettit's paper ends. It is an attempt to step further into global democratic theory being free of the short-term feasibility constraints adopted by Pettit. In this respect, my argumentation should not be taken as a contradiction to Pettit's, which I

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2 In one of these works, Pettit adds a second argument to oppose a world federation, one of a normative nature. I will discuss this argument in the last section. And although it is certainly related to a fear of tyranny of such a world state, the motive to be fearful of this tyranny is not the concentration of power in a unified set of institutions, as is the case of the most popular version of the argument mentioned in the text, but with the lack of a right to exit.

support to a good extent. Rather, it aims to significantly complement his line of reasoning, as I will show in the following pages.<sup>3</sup>

Pettit describes the world as it might be. In doing this, he is certainly doing normative theory, one that can be readily applied to the world in which we live right now. And there is certainly a need for such a normative, but applied theory. But his last words in the sentence quoted above are in my opinion too skeptical. I see no reason to categorically reject at least the possibility of envisaging some kind of a global polity composed of some democratic institutions representative of, and accountable to, individuals, not only to states. I will rather adopt here a more optimistic view in order to question whether such a global democratic polity, in the case it could come into existence, would be desirable under republican principles or not. It is also my aim to employ normative theory, but one with a longer term –not necessarily ideal- perspective.<sup>4</sup>

What I propose to carry out is, however not merely a futile exercise of political fantasy. On the contrary, I think the thrust of my arguments has important implications for the way in which we approach the current political reality. If, at some point, the maintenance of a world operated by states becomes a limitation, rather than an advantage, in terms of securing and advancing non-domination, this will provide us with a reason to militate against such a world. But I insist that this does not cause me to contradict with Pettit's analyses, at least not in a significant way.<sup>5</sup>

3 To be more precise: my argumentation shares a good deal of common ground with Pettit 2010b, and is indeed complementary to it, but it is a bit more at odds with Pettit 2010a, in which Pettit's opposition to the idea of a world state is more normatively grounded.

4 Some will say that what I am positing here is a sort of ideal theory, one certainly more ideal in degree than that advanced by Pettit. But I reject this characterization. It is obviously true that we differ on the number of counterfactual or conditional assumptions we adopt. But I do not take this as a relevant difference. What distinguishes my project from his is that I am not assuming the existence of nation-states as a permanent feature of our world, but assessing how a global democratic polity would rate in comparison to an international order based merely or principally on states.

5 In one of the works mentioned in the text, Pettit states that "in this article, I do not resolve the issue as to how a normative theory of international relations should be best developed. As explained, he adopts the assumption that sovereign states will continue to exist and makes a theory in accordance to that fact, giving those states the autonomous role they need to play in order to legitimize international institutions. Otherwise it would entail to defend illegitimate –non freely accepted- international institutions imposing their views to legitimate international actors –the states-, and bypassing such agents would also be "unworldly and infeasible" (Pettit 2010b: fn. 7, pg. 91).

The aim of this paper is rather to dispute the widespread judgment that the creation of a global democracy under a form of a world state would be undesirable because of its potential to exert domination over human beings. This has been a constant warning in literature subsequent to Kant's *Perpetual Peace* (Kant 1795: First Supplement). In some way, this fear has been also assumed by republican theorists, with the notable exception of Pettit, who have for that reason defended weaker or more moderate forms of transnational, democratic governance (Pogge 1992; Held 1995: 229-231; Archibugi 1995 and 2004: 454; Franceschet 2000: 294; Bohman 2004 and 2007: 35; Dryzek 2006; Besson 2009c: 66 and 2009d: 386). In opposition to this view, but precisely with the same aim of preventing new forms of global domination, I intend to advocate for the creation of a centralized, though strongly constrained, set of political institutions at the global level, which might deserve the name of global republic.<sup>6</sup>

In effect, creating a global polity under the form of a global republic is, in my view, the only way to effectively protect liberty as non-domination around the world. Any other articulation of the world order that fell short of creating a global democratic law under constitutional constraints would fail in achieving that end. As I will attempt to show, we have good reasons to endorse the traditional adage of *extra republicam nulla iustitia*. The goal is not to deem it impossible to find relations of justice and legitimacy at the global order, but rather to show quite the opposite: to show precisely why we need to build some kind of global republic in order to protect human beings from global forms of domination.

I do not see any intrinsic value in any competing conception of the global sphere. To rely on the existence of fully sovereign states freely interacting with each other, or to recur to the creation of –thinner or thicker– global political institutions invested with some authority, is just a choice among different instruments that only makes sense in the context of their instrumental value to realize or promote some other value or aim. The legitimacy of a global republic, or of a particular form of it, then depends to a great extent on how it ranks in comparison to its alternatives to provide, secure or maximize such other aim.

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6 I will take for granted, then, that the collective goal we find valuable to pursue, both at the domestic and global level, is that of the prevention of domination. This claim is shared by all those authors I want to discuss here.

In the following I will begin by offering a rough description of the new scenario emerging in our global sphere, which is both generating new threats and challenges and forcing us to reconsider our political institutions. Secondly, I will characterize the republican principle of non-domination, in similar terms to those used by Pettit, as it applies to the international sphere. I will focus then on global domination as a general category capable of encompassing a large part of the threats and challenges mentioned above. Next, I will compare four different institutional settings defended respectively by four normative views of the global order in terms of how well they prevent national and global domination. These views are: (1) the statist one, as defended by many so-called realists; (2) the republican law of peoples, as has been defended by Philip Pettit, and to which I take to be quite close in significant respects to Rawls' and Habermas' proposals; (3) the transnational deliberative democracy, as has been defended by authors like James Bohman, John Dryzek and Samantha Besson; and (4) the global republic, a possibility that, as I intend to show, has been largely overlooked by the literature. I will attempt to show why the last view is better suited to prevent global domination than the other three.

## **1. A New World and the Circumstances of Global Politics**

We live in a new world. The circumstances that currently characterize the international sphere are significantly changing due to a process of deep transformation. They no longer resemble the circumstances existing at the time of the creation of the statist or Westphalian international order in 17<sup>th</sup> Century, circumstances which had persisted more or less unaltered for more than three hundred years. In the following I will offer a brief sketch of the kinds of phenomena that, in my view, are transforming this set of circumstances in such a significant way.

There are at least two different processes transforming our world: i) the economic, social and cultural globalization which is externally –so to speak- affecting our societies and ii) their own, internal transformations towards an information society. Of course, they are not disconnected phenomena, but rather seem to reinforce each other. Both are complex social processes involving changes in our behavior, attitudes, beliefs, and preferences. And they are well-known enough, after hundreds of

sociological, politological and anthropological studies, that I will not try to describe them here (for an overview of the effects of globalization on the international sphere, see Held 1995; for a general description of the information society, see Castells 1996-1998).

What is my concern now is how these transformations are allowing the emergence of new threats and challenges for human beings around the world, and how these challenges may affect the way in which we conceive of international relations and politics. I will make no attempt to offer an exhaustive survey of these threats and challenges, but I will mention some of the most central ones in order to provide the background necessary for my analysis of global domination in the following section.

First, it has been said that state's full sovereignty is under special pressure because of globalization (Held 1995, 1998, 1999 and 2000; Rosenau 1998; Goodin 2008). Our societies are immersed in a process of mutual enmeshment, with growing interrelations among each other which make their fates more interdependent (Held 1999 and 2000). A number of important political decisions are no longer in the state's hands. Some even talk about how states are losing control over their own affairs as a consequence of a change in the sites of power, as well as of the growing mutual pressures for coordinating actions (Sassen 1996). There is also some talk of "a newly emerging global public domain that is no longer coterminous with the system of states," which is "an institutionalized arena of discourse, contestation, and action organized around the production of global public goods," and "constituted by interactions among non-state actors as well as states" (Ruggie 2004: 519; see also Bohman 2007 and Pettit 2010b).

In effect, it is hard to deny that our governments are no longer able to make their own decisions and policies on a number of issues or even on entire fields. They are, as a matter of fact, giving up part of their sovereignty. This is not merely the result of the emergence of coordination policies promoted by multilateral international organizations. It is indeed true that these kinds of organizations have produced a huge array of agreements, treaties and other coordinating instruments voluntarily accepted by many states. It is also true states are increasingly finding it difficult to escape from or avoid the scope of these instruments and in practice have seen limits placed on their sovereignty. But there are some other factors contributing to this loss of effective power.

As a matter of fact, our economies are more and more interdependent. Certain facts –like a particular financial crisis associated with certain irresponsible decisions made by some sectors- which take place in only one country may have quick and direct effects over the economy of the rest of the world, as part of the recent economic crisis has shown. This can also be seen in the fact that the different national plans and strategies designed to aid the economies in each country need not only coordinate under some international forum, but in many countries the plans seem to be directly imposed by other more powerful countries or organizations. Leaving the discussion of the current economic crisis aside, it is nevertheless patently obvious that the high degree of interdependence in our economies makes the whole idea of national economic or financial sovereignty a myth. Economic decisions made in China may affect immediately the prospects of EU or US economies. Still worse, decisions made in developed countries may restrain in significant ways the range of actions taken and decisions made in many underdeveloped countries. International pressure, therefore, may render impossible, for most states, most of the alternative economic policies. They are, so to speak, “induced” to what they decide on these issues.

Quite the same happens in many other issues different from economy, such as immigration policies, toleration of drug trafficking, international prostitution mafias, etc. Climate change and other environmental challenges like species or nature conservation are good examples too. The states are immersed in a sort of Prisoner’s Dilemma here. All of them need the cooperation of others to control pollution, but each has individual incentives to continue their CO<sub>2</sub> emissions. All of them need the cooperation of others to preserve whales and many other endangered species, but some continue to show their preference for actions that aggravate the situation. And, in most cases, the many initiatives that have been attempted by multilateral statist organizations have proven to be completely useless.

In other cases, like the combat against fiscal dumping and “tax paradises” –countries that do not levy taxes and ones that maintain bank secrecy-, the sovereignty of nation-states acts as an obstacle to any effective solution. If a Caribbean Island enjoying statal sovereignty opts to remain a “tax paradise”, the other countries in the world can do nothing to impede tax evasion. It has often been said that these other coun-

tries might be able to force or press “tax paradises” to reveal their bank accounts details or to impose taxes. But empirical experience shows that this is not true. Similar cases arise regarding very different issues, like the fight against international terrorism, the adoption of food safety standards, the defense against highly contagious diseases and protection from pandemics, nuclear security, and so on.

In all these cases, people around the world may have a legitimate claim as to how some states make their internal arrangements in terms of policies or internal legislation. European citizens from different countries have a legitimate claim on how Russia administers its nuclear arsenal and how it protects its nuclear reactors. All human beings had a legitimate claim on how Mexico dealt with the “swine flu” at the very beginning of the pandemic. All of us have a claim on how certain countries are reacting towards international terrorism, even though it is no longer a matter of war among states in the traditional sense. In all these cases, we need some common legal standards and rules. Free coordination policies among states are, in most of cases, simply impossible to achieve. And the traditional response that all the states enjoy the sovereignty needed to organize their own policies to combat all these perils is no longer satisfactory, given the existence of such legitimate claims and the inefficacy of autonomous sovereign strategies.

Finally, we find some specific cases in which the population of many countries worldwide is changing its mind about sovereignty and global duties. The main one is the protection of human rights, mostly against gross and massive violations. The creation of international courts with the jurisdiction to adjudicate this kind of violations, like the International Criminal Court, and the popular approval of them, show how many people are increasingly reluctant to allow the principle of state sovereignty to be trumped by immunity for genocide. Similarly, the idea of state sovereignty is perceived by many as a way of distracting us from our duty to fight severe poverty and destitution around the world.

The aim of this paper is not to discuss each one of these issues in detail. Rather, my intention is only to show how, for different reasons and on a wide range of issues, the idea of a world solely operated by absolute sovereign states is no longer attractive. Either, as a matter of fact, they have ceased to be sovereign on many issues, or they are incapable of solving certain collective problems on their own on the sole basis

of their freely assumed coordination policies. There is a widespread perception that we need some kind of international or global authority to effectively deal with these and other global problems. In conceiving the global sphere as a scenario in which different sovereign polities try to coordinate with each other, regardless of whether agreement is reached, the principle of non-interference in others' domestic issues is respected. This idea of course presupposes that we can draw a sharp distinction between domestic and foreign affairs; otherwise it is useless to solve our common problems.

The arguments in this section can then be summarized by saying that i) a number of particularly serious problems with a global dimension have arisen and they require from all of us a collective decision or a common course of action; ii) it is a fact that we all disagree on how to solve such problems, especially on who should provide the solution and at what cost; and iii) even in those cases in which we might be able to reach some fundamental agreement, we –different peoples around the world- still have such strong and conflicting interests and incentives that it is utopian to expect each of us to agree on a freely-assumed coordinated policy. This is what experience can tell us about those issues in which the international community has already spent considerable effort, like climate change, severe poverty, nuclear security, and so on.

If all this is true, then we can affirm that we live in the “circumstances of global politics.” Adapting Jeremy Waldron's idea –which was developed for the domestic context-, it is possible to say that given i) the existence of significant problems or conflicts at a global level the solution of which would require a common course of action, and that ii) we disagree on which course of action ought to be taken –which are respectively the two circumstances of politics-, then it is necessary for politics at the global sphere to arise (Waldron 1999: 101-103). This does not yet establish which kind of politics we need at this level. I further elaborate on this notion in section three below. But at least this gives us a rough idea of the kind of challenges we need to face in this new world, and of the limitations faced by traditional international relations to overcome them.



## 2. Global domination

In the last section, I provided an abstract and rough depiction of what the new global sphere looks like and the kind of new threats and challenges we can identify there. In this section I want to focus on a particularly republican way of looking at these threats and dangers, basing my analysis on the evil of domination. As I stated in the introductory pages, there is a general agreement in the republican literature on the global sphere that views non-domination as the main value to protect or promote, even though scholars disagree on how to precisely interpret such value.<sup>7</sup> It is not so relevant, for my purposes here, to take a position on the issue of which is the concrete notion of domination that we should honor or promote, so I will be able to simply ignore such discussion. I will assume a particular notion of domination, the one defended by Philip Pettit. But I am persuaded that the conclusions I will raise here can be easily extended to the other competing views, at least the republican ones.

The aim of preventing domination, understood as the reverse of liberty, has been a central concern for republicans along history. As Skinner and Pettit have persuasively defended, this aim deserves to be considered the central principle characterizing political republicanism, at least when it comes understood by its neo-roman tradition (Skinner 1984, 1985, 1998; Pettit 1997). This tradition, as it refers mainly to Cicero and Machiavelli and their defense of liberty as non-domination, would therefore contrast both to a neo-Aristotelian republicanism and to the liberal, much newer conception of liberty.<sup>8</sup> Aristotelian republicanism would be based on the ideal of a virtue life and would equate liberty with intrinsic value of political participation. The liberal conception of liberty, instead, would be based on the notion of liberty as non-interference, as it was unprecedentedly stated by Thomas Hobbes, and followed afterwards by Jeremy Bentham, William Paley, Benjamin Constant, Isaiah Berlin or Robert Nozick, among many others. But it is not the object of this paper to discuss these opposing views.

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<sup>7</sup> I will assume in this paper Pettit's definition of domination because it has been so far the most influential one, especially in the republican literature of the global sphere. To see two contrasting republican views, see Bohman 2007; and Laborde 2010: 54-58.

<sup>8</sup> In a recent work Pettit has referred to these two traditions respectively as the Mediterranean-Atlantic tradition (the neo-roman one) and the Franco-Prussian one (the one based on Rousseau and Kant). See Pettit 2010c: 42.

Pettit has recently defined domination as a “relationship in which one party enjoys a degree of alien control over another” (Pettit 2010b: 73; see also Pettit 2010c: 34-38). The notion of alien control is, in turn, defined as follows: A exercises control over B’s choice just insofar as A acts moved by her desires over B’s choices in a way in which the probability of B’s taking the desired –by A– choice is raised beyond the level it would have had in A’s absence. Previously, Pettit had famously defined domination as “having certain power over other, in particular a power of interference on an arbitrary basis” (Pettit 1997: 52). The notions of alien control or arbitrary power may be taken here as synonymous.

The important thing is that domination does not require actual interference. Someone may exert domination over someone else merely through the means of invigilation, inhibition or intimidation, and sometimes through subtle variants of them. There exists domination since the moment itself in which there is potential interference from one individual or agency on another, a potentiality supported upon a particular social structure. Let me reproduce some of Pettit’s examples of non-domination to illustrate this point: “the immigrant or indigenous person whose standing is vulnerable to the whims that rule politics and talk radio”, “the employee whose security requires keeping the boss or manager sweet”, “the wife of the occasionally violent husband”, “the pupil of the teacher who forms arbitrary likes and dislikes”, or “the older person who is vulnerable to the culturally and institutionally unrestrained gang of youths in her area” are all cases of domination (Pettit 2010c: 33).

Domination –or alien control, or arbitrary power– needs to be distinguished from two forms of non-alien control –or non-arbitrary power: i) reasoned or deliberative control, in which “A reasons with B about what to do, giving B further insight or information about a choice”, and ii) checked or non-arbitrary control, under which A actually interferes with B, but this interference “is carried out with B’s permission” (Pettit 2010b: 73-75). This is crucial since these two forms of intervention do not alter our sphere of self-control; they constitute the mechanism by which the government may exert coercion –interfering in our choices– without dominating us. First, when we authorize, or give our permission to, others to exert certain interference in our choices, and retain the final control on these interferences, as we all do in the functioning of democratic states, such interference does not constitute a case of

domination over us. Second, when I am engaged with my fellow citizens in a public, democratic deliberation as to how to rule in particular circumstances or how to evaluate the government's performance, and we mutually exchange reasons and considerations for and against certain proposals, we are trying to convince others with the force of our arguments, but not dominating them.

Consequently, the only form of government compatible with the ideal of freedom as non-domination is the republican one. In order to prevent domination, avoiding alien control, I need to enjoy certain basic liberties. To protect such liberties I need to be subject to a legal system that gives me this particular status or immunity (Pettit 2010c: 39). And the "common basis of protection in the republican tradition is provided, of course, by the rule of law as exercised by an impartial government, operating under the control of the citizens" (Pettit 2009: 48). And this is finally the reason why the republican concern for liberty as non-domination "will provide a case for constitutional and legal regime that enables people to claim the status of free persons in relation to one another. And though the regime required will license quite a rich form of intervention in civic life, providing for the protection of people against all forms of alien control, considerations of liberty will also argue for constraining the regime in important ways" (Pettit 2009: 59).

I have been referring so far to the general idea of domination, as it may occur at any level of our individual life. It is time to turn to a specific type of domination, the one that involves an interference, invigilation, inhibition or intimidation in which one of its elements operate beyond the borders of a nation-state. This specific case of domination occurs, so to speak, in the international sphere. But in a world in which nations have lost part of their centrality, I prefer to speak about the global sphere.<sup>9</sup> For that reason, I will call this case of domination "global domination."

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9 The expressions international and transnational share the same problem of recurring to the word "nation," which I take at this moment to be misleading. To use the word "global" helps me to reinforce the idea that all the problems that occur at that level should concern us as humanity. When in a federation like the US I say that a particular action constitutes a federal crime, as opposed to a simple state illegal action, I am not saying that all the citizens of the federation have participated as offenders or as direct victims in this action. But in some sense we can affirm that all of them are concerned by that action, all of them constitute the public indirectly offended by that crime. Roughly the same structure may be applied to the distinction between domestic issues and global ones, although such distinction is becoming more and more difficult, given the increasing interrelation among the population of different countries in the world.

Thus, a particular case of domination counts as global domination if either the dominating and the dominated agents are nationals of, or simply live in, different countries, or the alien control or arbitrary power –arbitrary interference, invigilation, inhibition or intimidation– is displayed by some means articulated in different countries. Given the two wide transforming processes mentioned in the previous section –globalization and the turn to an information society–, we can foresee an increasing number of global domination cases arising. Now, let's pay some attention to the origins or sources of such global domination.

In his “A Republican Law of Peoples,” Pettit identifies three main sources of domination at the global sphere. He restrains, though, his analysis to a view under which the nation-states remain the main agents to take into consideration at this global sphere. Therefore, he refers to domination or alien control over *states*, and not directly over individuals or private associations. He also introduces, to justify this restriction, the distinction between effective, representative states and ineffective or non-representative states. The former would be, in principle, those capable of preventing domination over their own citizens. The sources of alien control, however, would be the same in each case, while the instrument justified to resisting or preventing such domination would vary.

The three main sources of domination over states, according to Pettit, are: first, domination from other states; second, non-domestic, private bodies, such as corporations, churches, terrorist movements, and the like; and third, non-domestic, public bodies that are often created by states themselves, such as the United Nations, the International Monetary Funds and many other international organizations and committees (Pettit 2010b: 77). This provides a classification of global domination cases according to who is the dominating agent, which I take to be relevant for my purposes here. The restriction to cases in which the dominated agent is a nation-state, though, seems to me unjustified.

Pettit's restriction on the analysis presupposes that we can exhaustively divide the cases of domination between those which occur at the domestic level, the victim being an individual or a collective agent, and those in which the dominated agent is directly a nation-state, and only indirectly the people who live in that state. For this to be true, we need to presuppose further that those cases in which a person is under the dominion of a foreign agent, like the victims in a case of international

terrorism, the domination is somehow mediated by the state of the victim. The victim is attacked only as a consequence of either a previous and more direct domination from the terrorist over the victim's state, or a previous domination from that state over the victim. The idea is, to that end, that if we are able to make of this state a free, undominated and undominating state, any kind of external domination over its citizens would immediately cease. But I take these presuppositions to be, at least in many cases, highly implausible (for a different criticism, see Laborde 2010).

Private individuals, as well as their states, may be subject to global domination, and not always as a consequence of a failure of their state or because such state is being in some way dominated. Some of these cases, true, will be the result of the fact that their states are subject to previous domination. In a military invasion from another state, the invader state dominates the invaded one, and this produces the domination to the latter's population. Similarly, when multinational companies impose some low prices on producers for certain commodities, especially when the commercialization of these commodities is mediated by the government of the producer country, this makes such government subject to the domination of those companies, and the people who live in that country indirectly subject to it. The reason is, in short, that such government should be able to mediate in the market of commodities to avoid the kind of inequality that allows the international company to impose low prices on producers. A government's inability to do this results from its ineffectiveness in its functions. The company is in some way dominating it. And producers might have a claim against their own government for not protecting them, more than against the international company. Again, should the country be undominated by such a company, it will protect properly its citizens, provided that it is a representative, undominating state.

But things might look different in other cases. The expected effectiveness of our states to protect us against global domination is not unlimited, and the scope of that effectiveness is actually reducing given the actual transformations of our globalizing world. International terrorism may be very difficult to prevent, and the victim's claims might be addressed not only to their states for not having protected them effectively, but mainly to the terrorists as well as to the states that have not

prevented the formation of such groups. The same might be said in cases of nuclear security affecting neighbor countries, global pandemics, or climate change. In many of these cases there is no particular dominating agent subjecting a particular state. What we find is rather an absence of the kind of “legal immunity” that republicans praise from the constitutional and legal system, and that protects us against others’ arbitrary interference.

As I stated in the previous section, all human beings around the world might have a legitimate claim on how Mexican authorities dealt with “swine flu” at the very beginning of that pandemics; likewise all Europeans have a legitimate claim on how Ukrainian or Russian authorities deal with –safely organize and preserve– their nuclear arsenal or their nuclear facilities. I do not find it intuitive to say, in cases like these, that all human beings have legitimate claims against their own states to force them to protect their interests properly in the international fora, by exerting some pressure on the authorities of these countries to make effective decisions on these issues, although they might also have these kinds of claims. Nor is it intuitive to claim that all human beings in the world should have a final say, a voting, on the domestic affairs of Mexico, Ukraine and Russia. Rather, it seems clear to me that in these cases there actually exist transnational or even global, public interests that global authoritative agencies, through the instruments of global law, should take into account and protect.

Many of the global threats and challenges mentioned in the previous section might be at the origin of new cases of global domination, cases in which it is not clear at all why the direct victim of such domination needs to be the mediating state, rather than individual persons or collective private agents, or why the final victims might only have legitimate claims against their own states, and not against international authorities. Thus, extending Pettit’s analysis of global domination to this other kind of case, we will be able to affirm that there are three different sources of global domination –other states, private agents and international public organizations–, and two potential victims of such domination –states and individual or collective private agents. This gives us six possible combinations of global domination that we aspire to prevent. And now it is time to explore which might be the most adequate means to achieve such a goal.

### 3. Four Strategies to Prevent Global Domination

If we agree that global domination is the evil, or at least one of the evils, to be prevented and resisted by the international or global order, then naturally the question arises of how to effectively prevent or resist it. Or, more concretely, which kind of institutions at this level would contribute better to that aim. If we approach the question in this way, it makes sense to compare alternative global institutional settings, the ones advocated by different competing normative views of the global order, as to how they perform in preventing domination. The more effective one in this comparison, will be, *pro tanto*, the one more justified.

This approach is normative in nature. It is not my interest here to discuss what the international order, as a matter of fact, currently is –or what it was, or what it will probably be. I do not adopt a historical, or a descriptive, or even a predictive perspective at all. Though, I have to say, such descriptive perspective is by no means pacific either. Many competing views in the international relations literature are in intellectual battle to capture the essence of the current international system, if such a thing actually exists. We find scholars who claim that the world continues to be divided into fully sovereign states interacting among each other and guided only by their own self-interest (Krasner 1978, and Gilpin 1984 and 1987). Others believe, instead, that we actually live in a world with a developing, but real quasi-constitution that has seriously compromised the sovereignty of traditional nation-states in the name of, say, a world public interest (Archibugi 1993, 1995: 157, 2004; Held 1995; Besson 2009a: 210, 2009b, 2009d: 384; Tomuschat 1997; Falk 1998). And we may find many other views in between these two extremes. But it is not the object of my interest here to respond to the question of what the actual international order looks like as it is not my concern to predict how the world will probably be in a couple of years, or even in ten years. I am, rather, interested in responding to the normative question of how the world –how the international institutions- might be better configured in order to prevent global domination. I want to compare, therefore, *normative* views of the global order.

Among the many views and proposals promoted in this huge body of literature, I will consider four main alternatives, three of them largely argued from republican grounds: (1) the statist view, which is the only

one that republicans have not supported; (2) the republican law of peoples; (3) the transnational deliberative democracy; and (4) the global republic. Let me briefly describe their concrete proposals.

The statist view, which is still the majority one, vindicates the Westphalian international order that has characterized the world since 1648, in which fully sovereign states interact with each other, on the basis of their formal equality and independence, despite the existing and evident material inequalities among them. The state, according to a Weberian view, is a political organization that possesses a centralized monopoly of the legitimate use of force in a particular society and in a particular territory (Weber 1978, also Wendt 2003: 504-505). Sovereignty is, then, to have authority over the members of a society, to enjoy the exclusive right to enforce the laws of said society, where exclusivity means being unconstrained, unsupervised or irrevocable by any other internal or external agency or organization. To have absolute sovereignty means, in addition, that no other agency or organization has authority over the same individuals on any field (for this qualification, I have followed Pogge 1992: 57).<sup>10</sup>

As part of the international system, this formal notion of absolute sovereignty requires treating states as equally independent, and establishes the prohibition of interference in the domestic affairs of other states.<sup>11</sup> Any interference of this kind would imply an external challenge to the legitimate monopoly of the use of force, and therefore a violation of the state's absolute sovereignty. For that reason, the nation-states are conceived as the only legitimate actors in the international sphere. The international sphere, according to the most classic presentation of this statist view, can only be a sort of Hobbesian state of nature with self-interested states under permanent conflict or confrontation (for a

10 This is how Pogge defines sovereignty and absolute sovereignty (Pogge 1992: 57): (1) A is governmental body or officer ('agency'), and (2) B are persons, and (3) A has unsupervised and irrevocable authority over B to (a) lay down rules constraining their conduct, or (b) judge their compliance with rules, or (c) enforce rules against them with preemption, prevention, or punishments, or (d) act on their behalf vis-a-vis other agencies (ones that do or do not have authority over them) or persons (ones whom A is sovereign over, or not). As Pogge has pointed out, this notion needs not be absolute. A has absolute sovereignty over B, if and only if, (1) A is sovereign over B, and (2) no other agency has any authority over A or over B which is not supervised and revocable by A.

11 That sovereignty is a formal notion means that even when another agency or organization –like the mafia or a terrorist group– breaks its legitimate monopoly of the use of force, the state remains formally sovereign, which means, in turn, that it has the right to react in its defense.



complete characterization of this Westphalian system, see Cassese 1986; and Falk 1969).<sup>12</sup>

This classic version of the statist view, however, has proven to be too simplistic in account of the UN era of international relations and has been confronted by a more sophisticated version (for a general analysis of that position and its evolution, see Gilbert 1992; for those who still represent the more classic view, see Krasner 1978, and Gilpin 1984 and 1987).<sup>13</sup> Sophisticated statistes no longer see the international system as a state of nature characterized only by conflict and confrontation. They emphasize, in turn, the centrality of the cooperation and coordination strategies for current, stronger multilateral organizations –still compatible, though, with the assumption of the narrow self-interest behavior of the states- (Keohane 1984; Ruggie 1992). These multilateral institutions envisaged by the statist view are to take a more central role in the international sphere to respond to the increasing interdependence among the states and the subsequent erosion of the boundaries between domestic and foreign affairs caused by globalization (Rosenau 1997; Keohane 2001 and 2003; Keohane, Macedo and Moravcsik 2009). And these multilateral institutions may therefore become legitimate actors in

12 It is for that reason that the Westphalian system is basically multilateral and statist. And, as depicted by the International Relations realist theories developed during the 20th Century, such a Westphalian system is sustained only on the free will of sovereign states, with no common imperative law, in a sort of international state of nature. Sovereign states can only behave internationally in a self-interested way, since there are no common imperative rules or objective normative values. There is no basis, then, for a moral international behavior either. And there is no such thing as an international or global polity or authority beyond this self-interested multilateralism.

13 In contrast, some realists, especially in the United States, have radicalized their statist views according to either an international Hegelianism or to a neo-conservative ideology. Neo-Hegelians, such as Francis Fukuyama or Samuel Huntington, emphasize the idea that the international system can no longer evolve, that we have arrived at a sort of end of our history, and that there is no prospect for anything else but for an international state of nature in which states continue to defend their narrow self-interest against each other. Conflict or clash among civilizations is the only expected outcome, and it needs to be faced with strong and aggressive unilateral policies. There is little room for transcending the narrow self-interest of states, especially for the strongest ones, which generally do not benefit from multilateralism or cooperation. Neo-conservatives share this view with neo-Hegelians. In contrast with them, though, neo-cons are less interested in spreading the values of democracy and freedom around the world than in their own religion and conservative morality. I will simply not take these positions into central consideration here, since I prefer to focus on what I take to be the strongest alternative to global democracy: liberal and democratic statism. Some of its objections against global democracy, however, can surely be shared by neo-cons and neo-Hegelians, so these two positions will be somehow indirectly addressed. In any case they deserve a more in-depth discussion than space constraints allow me to give them here.

the international sphere provided that they remain significantly voluntary and consensual (Christiano 2010).

This sophisticated view also welcomes the appearance of non-state transnational actors creating transnational relations and networks that are significantly transforming the world order (Keohane and Nye 1977; Slaughter 2004). Many begin to talk about international governance, even in the absence of an international government (Rosenau and Czempiel 1992; Falk 1993; Rosenau 1998). And some have even accepted the existence of a democratic deficit in international organizations (Crawford and Marks 1998; Keohane 2001 and 2003; Falk and Strauss 2001; Dahl 1999; Christiano 2010). What still characterizes this sort of multilateralism as a statist view is the fact that they continue to believe in the principle of absolute sovereignty as a trump card that can be used by nation-states to prevent the existence of any other kind of international authority. They hold that there should not exist in the global order any political authority other than the ones represented and consented by sovereign, independent states. In this sense, they can only admit mutual organizations which proceed on a consensual basis or adopt the rule of unanimity of all their member states.

The reasons to hold this statist view may vary, but most scholars share the assumption that this is the best way to preserve democratic legitimacy (Dahl 1999: 34; Thompson 1999: 118-120; Thaa 2001: 508-509; Hirst and Thompson 2000; Brennan 2001: 84; Christiano 2010) and to prevent cultural domination over persistent minorities (Kymlicka 1999: 113-118; Thaa 2001: 508-509; Christiano 2010). Our efforts should be concentrated, according to this position, on reinforcing democracy at the domestic level, improving it in those countries in which it already exists and extending it to the non-democratic ones (Dahl 1999; Nagel 1995; Thaa 2001; Kymlicka 1999; Christiano 2010). In being supported by democratic countries, our multilateral international institutions will be indirectly democratic as well (Keohane, Macedo and Moravcsik 2009) and they will be able to play a more central and legitimate role in international relations.

The second strategy I want to compare is what Philip Pettit has called the "Republican Law of Peoples." This view shares with the statist view the idea that states must continue to be the main legitimate actors in the international sphere and their sovereignty must be preserved, though

republicans are careful to point out that sovereignty is valid only so far as it is compatible with the ideal of global non-domination. The expression “Law of Peoples” openly resembles John Rawls’ idea of creating a world law of peoples in which decent societies live in mutual respect (Rawls 1999), though, unlike Rawls himself, it focuses attention “on the preconditions that must be fulfilled to make such a regime of respect possible” (Pettit 2010b: 73).<sup>14</sup> These preconditions relate to the general aim of preventing global domination, and this is the reason that this approach can be called “republican.” Similarly, in my understanding, Jurgen Habermas’ account of the global sphere is close enough to Pettit’s ideas to fall into the same category in this classification of four competing normative views (see Habermas 1998, 2001, 2003).<sup>15</sup> I will focus my argumentation, though, on the work of Pettit.

All these strategies –Pettit’s, Rawls’ and Habermas’–, share the idea that the states, as a matter of fact but also as a desirable feature of the international sphere, should retain their sovereignty –which is taken to be “a sort of permanent feature in our society”– and states remain the most legitimate actors of that sphere. In contrast to the statist view, they also share a belief in the existence of some sort of public global interest as well as a limited conception of states’ sovereignty. Again, to use Pettit’s terms, if the aim in the international sphere is to maximize states’ non-domination, this means that i) it is important to preserve states’ sovereignty to be able to carry out their self-determination and to not exert an alien control or an arbitrary interference over them, but ii) some interference will be justified in the form of non-alien control, as described in the previous section. Thus, according to this view, states’

14 We might actually dispute whether Rawls’ thought would be better respected if aligned with the sophisticated version of the statist view, instead of being compared with Pettit’s idea of a republican law of peoples. Perhaps the only reason to mention him here is because of the obvious resemblance in the names of their proposals. This is a very thorny issue that I would prefer to avoid here. In this paper I prefer to focus not on Rawls’ proposals, but on Pettit’s. For further discussion, see the next footnote.

15 In short, Habermas proposes a multilevel system with different political units at the supranational, transnational and national levels, a system that also incorporates the idea of constitutionalization of international law. Much like both Pettit’s and Rawls’ treatments of the statist view, Habermas envisages states as the main operators in this minimal Kant-inspired cosmopolitan order (Habermas 1998). And even though international institutions must normally operate, in Habermas’ view, in a way compatible with states’ sovereignty, they might be suited to intervene to safeguard human rights in at least extreme cases in which the states have repeatedly failed in their functions. See also Lafont 2001.

sovereignty will not be absolute as the statist view outlined above presupposes.<sup>16</sup>

For those who hold this second normative view, it is clear that a statist view is insufficient to deal with the problem of global domination. Strictly voluntary multilateral organizations –as they can be understood up to this point–, as instruments of coordination to preserve the states' self-interests, are too narrow to create the kind of policies needed to protect states themselves from global domination. These international "networks of authorities and officials" may try to "impose a rule of international law and convention –a global, quasi-constitutional arrangement–" in order to reduce global domination (Pettit 2010b: 81). They may even aspire to be publicly accountable, certainly not on the basis of electoral contestation, but rather by allowing global civic movements to "exercise a significant degree of oversight," and by routinely subjecting their decisions "to objection and review by the states affected." But such institutions cannot "represent a solution for our problem," since "they will not have the resources to provide for the effective policing of state-state domination" (Pettit 2010b: 81).

I take this criticism to be fundamentally correct. As it was pointed out in the previous section, new circumstances and phenomena are deeply transforming our global sphere and new serious threats and challenges continue to arise. Today, the world –its citizens as well as its states– is exposed to a higher risk of suffering global domination. And absolutely sovereign states have proven to be incapable of solving such problems and threats. I see no reasons to expect that they will be able in the future to coordinate with each other in such an effective way to prevent all these new sorts of global domination. They lack the appropriate

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16 The republican law of peoples, however, is close to the most sophisticated versions of the statist view, and it is not always so easy to distinguish the borderlines. Scholars like Christiano, Keohane, Macedo and Moravcsik might perhaps accept most of the claims made by what I present as the model of a republican law of peoples (see Christiano 2010 and compare with Pettit 2010a; see also Keohane, Macedo and Moravcsik 2009). In my presentation of such sophisticated version, though, I said that the main difference still is that they would not accept the creation of any authoritative international organization. They tend to interpret such organizations as instruments of coordination among fully sovereign states. On the other hand, for Pettit and Habermas the creation of such authoritative international institutions should be extremely limited, but they both justify the intervention, for instance, for humanitarian reasons or in extreme cases of dominating illegitimate states. In the end, the distinction between the republican law of peoples and the closest version of the statist position depends on how much adopting the goal of preventing domination might justify a certain degree of external intervention in domestic affairs.

structure, the necessary means and resources, and the legal capacity to bind the most powerful states, without which no kind of equal non-domination is possible. As republicanism has convincingly shown at the domestic level, there cannot be freedom as non-domination outside a legal framework that gives security to individuals, and in this case also to states, against alien control. This is essentially why the statist view seems to rank very poorly in terms of preventing global domination.

The idea of a republican law of peoples favors, then, a different strategy, in addition to reinforcing such multilateral organizations. It proposes constraining states and organizations by establishing “a currency of common global reasons,” and by making “reasoned deliberation... into the default option in the mutual accommodation of states” (Pettit 2010b: 83). According to this view, this will create “a base for determining the common liberties that states should each be able to enjoy, as a matter of international law and understanding, protected against the alien control of others; these might be cast as basic international liberties, on a par with the basic liberties that we want to secure for citizens” (Pettit 2010b: 83). Moreover, establishing such a global public sphere ruled by global public deliberation and global public interest, will reinforce the effectiveness of multilateral organizations and of quasi-constitutional international arrangements.

This idea of believing in a sort of global common good or common interest as the basis for stronger, quasi-constitutional international law makes then the difference with the statist view patently obvious; it also provides us with an ideal of a republican law of peoples very close to what I want to advocate under the label of a global republic. The republican law of peoples, though, in contrast to my view and the transnational deliberative democracy perspective, constrains itself to consider the states –or multilateral organizations that are voluntarily made up of states–, and not individuals or private associations, as the principal legitimate actors in the international order. And above all, it resists the idea of creating central *representative* institutions to operate authoritatively at that level.

As I mentioned above, the republican law of peoples takes the idea that the world will continue to be divided into sovereign states as a realistic constraint, as a “permanent feature of the global order.” For this reason, it discards from the very beginning the idea of a world state or a world republic, one that would reproduce at the global level the

republican features of domestic republics, such as “election and rotation in office, the separation of powers, the rule of law, exposure to public invigilation” and so on. (Pettit 2010b: 80). Nothing approaching such an ideal is taken to be “*feasible* in current circumstances and, given the diversity and distrust between cultures, it is doubtful if such a state ever could be successfully established” (Pettit 2010b: 81; emphasis added). I will return to the feasibility issue in the last section of this paper, after presenting the next two alternative strategies.

The republican law of peoples focuses on preventing global domination over sovereign states. Pettit and Habermas admit the possibility of creating international institutions voluntarily composed of states and able to intervene in state’s sovereignty at least in serious humanitarian catastrophes or other extreme cases. But they discard the idea of having authoritative institutions in a strong political sense able to impose freedom-protecting rules on any state. Pettit himself discards the idea of having strong institutions able to impose freedom-protecting rules on any state, including the powerful ones because such institutions do not have sufficient resources –and he seems to presuppose that they are not going to have these resources in the future either.

With the aim of reverting, at least in part, this situation, the third normative view I want to compare here proposes the creation of strong authoritative international institutions, though dispersed and circumscribed to specific functions and issues. This is the idea that James Bohman has called a transnational deliberative demoi-cracy. This position shares with the statist view and with the republican law of peoples the rejection of a world state with a unified setting of political institutions, even under a federal form. With the republican law of peoples in particular, it also shares roughly the same idea of the central value or aim for the global sphere: the prevention of global domination.<sup>17</sup> But contrary to these two views, it advocates creating authoritative international institutions, thus severely limiting nation-states sovereignty and making them democratically accountable by means of generating diverse, specific and transnational public spheres and the corresponding democratic contestation (Dryzek 1999, 2000, and 2006; Bohman 2004 and 2007; Besson 2006 and 2009a). To avoid the convergence of these

17 At least this is how Bohman has envisaged the idea of a transnational deliberative demoi-cracy (Bohman 2007). Others like Dryzek and Besson do not need to share this republican goal.

institutions into a unified setting, they are conceived of as dispersed and mutually independent authorities.

These institutions, to be legitimate, must be somehow democratic. But we should not pretend apply at this level the same traditional notion of electoral democratic representation, or simply replicate the traditional domestic republican structures. According to these scholars, we need, therefore, to rely on innovative forms of deliberative accountability that lead to a different sense of democratic representativeness.<sup>18</sup> The creation of deterritorialized and flexible deliberative fora composed, and representing the interests, of citizens of different countries and transnational civic movements will provide the basis for democratic –yet, non electoral– contestation. Transnational institutions need to have some authority over the states in order to limit important aspects of their absolute sovereignty. And dispersed as they are, in the sense of non belonging to a unified polity or being subordinated to a global sovereign, they may form a sort of transnational deliberative democracy. Or, given that the obvious lack of a global, unified demos, it can better be named a transnational deliberative demoi-cracy.<sup>19</sup>

Transnational authorities may represent, and be accountable to and by, “functional, deterritorialized, transnational, and overlapping demoi” (Bohman 2004, and 2007: ch. 1; see also Besson 2006, 2009a and 2009c). “Functional and deterritorialized” mean that these demoi are gathered in a flexible way dependent on the kind of issues that each institution is going to face. “Transnational” adds the idea that each institution’s authority concerns people, movements and interests belonging to more than one nation-state, but also that they do not concern the whole world or a unified global demos. Such a unified demos is considered unnecessary, and even undesirable, for transnational deliberative democracy. These demoi may, therefore, overlap from one institution to another depending on the functional divisions that they themselves impose.

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18 The European Union is an ambiguous referent for that purpose. On the one hand, it provides a good precedent of how to build a transnational polity or a transnational citizenship, built on dispersed, distributed or fragmented sovereignty (Pogge 1992; Bohman 2004, 2007: 44-45, and 2009; Dryzek 2006; Besson 2006). On the other hand, it fails to be a good referent of an adequate democratization of that fragmented polity (Thompson 1999: 115).

19 Others have preferred to call this idea “cosmopolitan democracy,” as Thomas Pogge, who seems to defend the same view (Pogge 1992).

The idea of dispersed sovereignty is the key to escape any temptation of a concentration of power and sovereignty under a unified global government (Pogge 1992; Dryzek 1999, 2000, and 2006; Bohman 2004 and 2007; Besson 2006 and 2009a). States' sovereignty, in this account, would be limited since new authoritative institutions would acquire jurisdiction on several issues. Sovereignty, so to speak, would be fragmented and dispersed, echoing the principle that republicans have always advocated. But no such thing as a global sovereign would arise. These scholars share the Kantian fear of a world sovereign based on the assumption that such a sovereign would accumulate too much power and might too easily turn to tyranny. In the literature, however, there is not much discussion about the basis for this assumption.

The last view normative view about the global sphere proposes unambiguously the creation of a global republic, that is, the creation of a global polity composed of a unified set of political and democratic institutions. This global republic would resemble domestic republics in some fundamental aspects, though certainly not in all. This position shares with the views of the republican law of peoples and transnational deliberative democracy the goal of preventing global domination, as well as the claim that a purely statist view is incapable of reasonably achieving such goal. It also shares with the transnational deliberative democracy the further idea that in order to effectively prevent global domination it is necessary, to a certain extent, to limit states' absolute sovereignty with the creation of authoritative and democratic international institutions. But it does not share the fear of the idea of a unified global republic under the umbrella of which all these authoritative democratic institutions might flourish in a harmonic way.

This fourth view has been largely overlooked by the literature. Some scholars, true, have defended global or cosmopolitan democracy understood in a way quite compatible with the idea I am presenting here (see, in general, Held 1995 and 1998; Archibugi and Held 1995; Archibugi 1993 and 2004; Domingo 2010; Segall 1991; Heater 1996; Falk and Strauss 2001). Proposals such as the creation of a second chamber in the UN to be representative of all human beings independently of their nationality; or the enforcement of a global constitution whose addressees are the individuals and not only the states, establishing the conditions for global law to emerge under democratic conditions, and creating an



international judicial system to adjudicate such law; or the creation of a truly new global deliberative forum to represent transnational and even global public interest in order to design a new world order under republican principles; all these proposals might resonate in one way or another with the idea of a global republic. But most of their advocates have expressed, anyway, their reluctance towards the creation of a world state or a world federation.<sup>20</sup>

Other students of the global order –including some of the advocates of transnational deliberative democracy– have also emphasized certain elements which may work as preconditions for any sort of a global republic. Thus, some have ascertained the current formation of a global civil society (Dryzek 1999: 43-48, and 2006: 59 and 121-123; Falk 2000, Kaldor 1998 and 2003, Wilkinson 2005; Goodin 2008). Others have proposed the creation of a global or a world citizenship (Falk 1993, Linklater 1996, Heater 1996 and 2002, Carter 2001, Dower 2003, O’Byrne 2003). The emphasis on civil society and the citizenry is essential to the idea of a global republic since it cannot rely on top-down strategies intended to build democracy in an elitist way. It claims, rather, for bottom-up strategies –or combined ones– for which international and transnational street-level politics carried out by engaged citizens becomes indispensable (Rosenau 1998; Cochran 2002; Bohman 2004 and 2007: 91; Dryzek 2006: ch. 8). These citizens need to be organized in transnational networks and organizations and to extend common channels of communication and coordination through a dynamic global public sphere –or through a number of transnational, distributed public spheres (Bohman 2004; Dryzek 1999 and 2006: ch. 8; Besson 2009c; Koehler 1998; Goodin 2008).

Only in that way may a global public deliberation emerge to ensure good quality in global decision-making and institutional responsiveness and accountability (Held 1995: 15; Besson 2009a and 2009c; contra: Cochran 2002). This means not only that democratic global institutions need to articulate deliberative procedures in their internal decision-making, but most importantly, that such institutions need to be responsive or reason-giving to organized citizens in the global public sphere, and that such citizens need to have the chance to be involved in transna-

20 One of the few scholars who have unambiguously defended the idea of creating a world state is Alexander Wendt. He has even dared to predict its creation in 100-200 years (Wendt 2003).

tional informal deliberation to determine what they consider the common good and to invigilate and control what the institutions do. All this shows the common ground between the views of transnational deliberative democracy and a global republic.

Nevertheless, I will resist the temptation to be too explicit with regard to the specific proposals that can be made to advance the idea of a global republic. I would prefer to avoid the kind of criticism or objection that focuses on a concrete institutional setting, rather than on the general idea I am arguing for. What is essential to this fourth view, what characterizes it as opposed to the other three, is the generic aim of creating a unified and republican global polity, that is, the instauration of a common system of authoritative global institutions with the power to intervene in some states' domestic affairs, so limiting their sovereignty, in order to prevent global domination both over states and individuals. This institutional system must be, however, significantly constrained by a constitutional framework, which gives it limited powers and establishes the principles of separation of powers, checks and balances, and the rule of law. In this respect, it proposes more or less the same formula that republicanism has always advocated for the nation-states themselves. I will develop further this idea while discussing the merits of the other three views in comparison to this fourth alternative in the next and last section.

#### **4. The necessity of a global republic**

As I pointed out after presenting the statist view, a global order based purely on absolute sovereign states as the only legitimate actors acting according to their will, and with no legitimate interventions in the domestic affairs of other states, is incapable of facing the new problems and threats that globalization and the information society have brought upon the world scenario. Even if they try to coordinate their actions, always on a voluntary basis, they will probably be unable to provide adequate solutions, as actual experience has proven time and again. And there are at least three reasons for this.

First, many of these new threats evolve or emerge in a situation of prisoners' dilemma under which states' interests, individually considered, clash with the common or global public ones and give (all or some

of) them incentives to not cooperate or coordinate. Multilateral organizations based on a statist model are incapable of inducing conditions conducive to cooperation and are particularly ill equipped to force free riders to cooperate unless they possess enough independent authority and sufficient resources to interfere in some states' sovereignty.

The second reason is that these new challenges to global domination are highly complex, subtle and changing. In order to effectively handle all these threats, multilateral international organizations need to adopt the form of efficient agencies with enough power and resources to intervene quickly, make appropriate decisions, and adopt general policies of prevention. Operating under the rules of consensus or unanimity of all member states would lead to collapse. But any other rule would lead to a failure to respect a state's absolute sovereignty.

States may well submit voluntarily to multilateral institutions or agencies which then might function subsequently with no consultation to the member states. They could even maintain their right to exit, as in any other voluntary association. But if such agencies are given executive functions and are designed to be powerful enough to be effective in preventing global domination –as no current institution actually is-, why would they be so different from the institutions within a republic, especially if they prevent domination over individuals and not only over the states? To be sure, this sort of institution has never existed and it seems quite improbable that they may ever exist, considering the opposing incentives of sovereign nation-states. But even if they did happen to exist, strong international agencies empowered to frequently and authoritatively interfere in the domestic affairs of its member states, with the mere excuse of having been initially authorized by the government of these states, are no different from those endorsed by the ideal of a global republic.

The third reason why a statist world order is incapable of effectively preventing global domination is that existing nation-states are so unequally powerful compared to each other that any system aspiring to respect equal sovereignty among them would be expected to produce much more domination than what it would be capable of preventing. In other words, there is an imbalance problem in the actual distribution of power among states (Pettit 2010a). This is nothing other than what actually happens in our world order. Powerful states constantly impose

their will to the weakest ones. True, no single state is powerful enough to unilaterally impose its will on all the others. But the powerful usually manage to find convenient equilibria among each other to submit the less powerful to their interests. They succeed in dividing the world into areas of influence. And when two or more powerful states enter into conflict with each other, they force the weakest ones to align.<sup>21</sup>

This would be a sort of realist objection. An advocate of the statist view might react by saying that she intends to develop a normative theory, rather than describing what is likely to happen, exactly the sort of reaction I have to defend the normative appeal of the ideal of a global republic. But, in order to satisfy the conditions under which an ideal statist world would be able to secure non-domination, we should promote first measures like disaggregating or dividing the powerful states into smaller units, or forcing the less powerful to join one of the more powerful, to give all of them a barely equal force of negotiation before creating any multilateral organization. And this seems to me particularly utopian and unrealizable.

But the inequality objection goes beyond the realistic obstacle just mentioned. Pettit, again, expresses that “the forms whereby more powerful states can control less powerful states are so various that no form of central regulation, and certainly not the sort that is associated with currently existing bodies, could effectively prevent state-state domination” (Pettit 2010b: 82).<sup>22</sup> And things become still harder if, as I proposed in section 2, we enlarge the idea of global domination to include cases of domination over individuals.

For all those reasons, the statist view proves to be too limited and constrained to effectively prevent global domination. But is the idea of a republican law of peoples better suited to achieve that end? I do not think so. And the reasons are, indeed, quite similar.

There are two assumptions or constraints in Pettit’s theory that I want to reject at this stage: 1) the general idea that a normative view of the

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21 As Pettit has pointed out, “National states come in enormously different sizes, and with greatly different degrees of strength. It would be utopian to expect the more powerful to allow others an equal stake in the control of such bodies and, even if they allowed this, to let such bodies exercise any intrusive degree of jurisdiction over their behavior” (Pettit 2010b: 81).

22 See Pettit 2010a, though, for a more optimistic view of the kind of strategies that less powerful states might follow in order to overcome what he calls “the imbalance problem” in the distribution of power among states.

global order should take into account short-run feasibility constraints; and 2) in connection with the first point, the idea that the global order needs only to care about global domination exerted over states, and not over individuals. As I said in the introductory pages, what I propose here does not need to be at odds with Pettit's proposals, if we understand them as short-run practical recommendations, necessarily constrained by feasibility issues. I am not concerned here with this level of normative theory. Rather, this paper is an attempt to examine what should be a normatively appealing long-run horizon.

I cannot specify with exactitude the number of years separating his short-run considerations from my long-run perspective, but it is certainly not a matter of years. One can only build a short-run set of practical recommendations based on feasibility constraints once has adopted a more idealistic or long-run normative theory. In other words, having adopted the long-run aspiration of creating a global republic to prevent global domination, one can begin to explore immediate difficulties and obstacles and elaborate on suitable and reasonable practical recommendations.

My defense of a global republic is, therefore, unconstrained by these kinds of short-term feasibility considerations. It is not my interest here to theorize about the likelihood of such an institutional setting being built at the global sphere in the next few years. It does not seem relevant, to my purpose, to consider the kind of conduct that nation-states might have incentives to carry out from a self-interested point of view. My concern is, rather, with what states –and the other global actors– have moral reasons to do, with which international system is better in normative terms, that is, which is instrumentally better to achieve the goal of preventing global domination.

This is not to say that long-run normative theory is subject to no feasibility constraints at all. I am not proposing here a sort of naive utopia only appropriate for gods or angels. As Jean-Jacques Rousseau declares at the very beginning of his *The Social Contract*, we need normative theory made on the basis of “men being taken as they are and laws as they might be” (Rousseau 1762). Thus, even the more idealistic normative views must be cast taking into consideration that human beings are not angels –though they are surely not demons either. I do not think that the idea of a global republic is impossible at all, or even unlikely. I do not expect

it to be created in ten years, to be sure. But I see nothing that cannot be accomplished in this idea. Perhaps it is unattractive from the narrow view of states' self-interests endorsed by defenders of statism, but, again, my concern here is with what morality requires at the global level.

This contrast between my view and Pettit's regarding the feasibility constraints is important because his first argument to reject the creation of a federal, world state is that "it is very hard to see how existing states and peoples might be persuaded to give up their sovereignty irrevocably to a distinct entity" (Pettit 2010a; also Pettit 2010b: 81). Accordingly, he takes the existence of states as the main legitimate actors in the global sphere to be one of its "permanent features." I do however concede Pettit's point that some states and peoples may be reluctant to give up part of their sovereignty to global structures. No institution, so to speak, happily loses control and power, particularly those who benefit from their current allocation of power. But I want to make three observations regarding this issue. First, not all the states will be equally reluctant. At a minimum, those who are harmed by the current distribution of power among states may actually be very happy to defer to global structures made to represent individual interests rather than national ones.

My second reflection on Pettit's skeptical view is that even the people living in the most powerful countries may realize how convenient it is for them to defer to global authoritative institutions, provided that such institutions are republican –and thus democratic– in form and constitutionally constrained, to combat issues such as international organized crime, prevent global pandemics, protect whales, or resist climate change. And finally, even if it were true that giving up sovereignty is contrary to strategic incentives of many actors involved in the global sphere, what I expect from a normative theory is to tell me what we have moral reasons to promote, and not what is convenient for the actors. And what we have moral reasons to promote, as Pettit himself has established, is the prevention of global domination, which leads me to the second assumption of Pettit that I want to discuss here.

The second constraint adopted by Pettit is the idea that we only need to prevent global domination exerted over states. As explained in section 2, he distinguishes between effective and representative states and ineffective and non-representative ones. And his considerations towards both types of states are clearly different. He claims, regarding the first

ones, that “we have to condemn the exercise of dominating control over legitimate states that speak and act for their peoples; dominating those states means dominating the individuals who form them” (Pettit 2010a; Pettit 2010b: 72). Thus, the only kind of international structures legitimate to mediate among representative states are voluntary multi-lateral associations as those envisaged by the sophisticated version of the statist view. What distinguishes Pettit from that view, even from the most sophisticated version, is, first, that he believes in the existence of a global public interest or common good and trusts in the benefits of global, transnational or inter-state deliberation in order to create the common reasons global forum that will make global domination more difficult (Pettit 2010b: 82-85).

Regarding the ineffective and non representative states, now, and since this kind of states dominate their citizens, there is sufficient reason to justify interfering in their domestic affairs, that is, to take “international steps to help relieve suffering and deprivation in disordered states and to take suitable, if proportional measures to replace or reform oppressive regimes” (Pettit 2010a). While the advocates of a statist view can never justify interference in another state’s sovereignty, the supporters of the republican law of peoples may be willing to limit absolute sovereignty for protecting people in a humanitarian catastrophe or in extreme domination situations. But Pettit tends to minimize the range of cases in which this strategy is recommended. First, he considers that giving full membership in the international order to “less than properly legitimate and representative states” will sometimes be the best way to enable “a maximum number of peoples to live under legitimate states,” thus pushing these states towards greater legitimacy and giving their citizens more instruments against their dominating states (Pettit 2010a). And second, he is optimistic about the kind of pressure that legitimate states may exert over illegitimate ones to become more effective and representative (Pettit 2010b: 88-90).

But I find this restricted notion of the global domination unattractive for two reasons (for a partially different criticism, see Laborde 2010). First, as I already pointed out when I explored the idea of global domination, we can only ignore international domination exerted over individuals if we assume that any kind of international domination is mediated by states. In other words, an individual or a private collective

agent may be dominated by a foreign agent –another state or a private transnational actor- only if its own state has failed in protecting her liberty as non-domination. In a world divided into legitimate, representative states, all citizens would be free from significant direct domination. The only kind of domination they might suffer would be indirect as a result of living in a state which is being dominated by an international agent. This is why we need to restrain our concern to those cases in which global domination is exerted only over individuals.

But this assumption is simply not true in current circumstances. Perhaps it was in a world in which the peoples lived in a relatively isolated way, in which interactions between individuals from different countries, or between individuals and foreigner states and transnational corporations, were less significant in number and intensity. But this is no longer the real world. Our current world is characterized by an increasing number of new transnational forms of potential domination. There are quite a number of examples of new phenomena that produce potential global domination: people who live in another state which does not possessing political rights, decisions made by an alien state with clear effects on our actual lives, transnational corporations' moves and decisions with immediate consequences for huge numbers of human beings, etc. And the effects of global domination are not necessarily mediated by failures of legitimate states in all these cases, at least of the kind of failures that might be resolved or avoided.

Most states are no longer able to effectively protect their citizens from these varieties of global domination. It is not that they have actually failed in a particular decision or adopted a particular policy, something that they should have decided otherwise. It is simply that they have no means to prevent such global domination, that they are no longer in a situation to protect their citizens from certain kinds of domination on their own. This is why they need to adopt stronger and developed forms of global legislation as well as a set of authoritative transnational institutions. If the assumption that representative states are still capable of preventing –external or internal- domination over their citizens is false, then we have no reason to restrict our concerns about global domination only to cases in which the domination is exerted over states.

The second reason to reject such restriction has to do with the second objection Pettit raises against the creation of a world state, which is



closer to the fear of global tyranny and domination expressed by many others. His objection is this: any voluntary association, as the one he envisages among legitimate states as a model for the international order, needs to grant the right to exit to any member. If such an association becomes a world state, it would be no longer able to grant such a right, since there would be no other place to go. This argument, though, has been said to lead to anarchism when applied to the domestic level as well, since it is not true that individuals may be granted their right to exit their nation-states.

A republic, at the domestic level, is not supposed to be a voluntary association whose members enjoy the right to exit. It is legitimate, rather, because it is conceived of as the most effective way to promote freedom as non-domination. And every citizen consequently has a reason to endorse it. This is what legitimizes the coercive power of republics, not they guarantee of a right to exit. If domestic republics are no longer as well suited to prevent domination over their citizens as they used to be when they were created, for the reasons mentioned above, then the natural move would be to explore which measures a republic should adopt, again, in order to be effective against the new sources of domination. If a global republic is better suited to prevent such forms of domination over individuals, then this is a reason to endorse it, not the fact that it may or may not guarantee the right to exit. In other words, similarly to what occurs at the domestic level, a global republic will be legitimate if it is true that it better protects its citizens from alien domination. And I think this is the case.

I believe that the reason why Pettit makes the normative argument of the right to exit against a world state is that he previously reduces the notion of global domination to domination exerted over states only. Once he adopts such a constraint, he bases his analysis on the kind of interests, incentives, decisions and moves that a state may have or do. But once we break such an assumption, it becomes clear that the right to exit argument and the constraint itself of considering the states as the only legitimate actors in the global sphere are blocking, with no further reason, diverse alternative possibilities or global orders that might be much more effective.

If I am right, and Pettit's two arguments against the creation of a world republic –the short-term feasibility and the lack of a right to exit–

are unsound, and given that we have good reasons to enlarge our concern for global domination to those cases in which such domination is exerted over individuals, rather than on legitimate states, the weakness of the idea of a republican law of peoples relies on its excessive statist assumptions. We have no reason to take the existence of absolute sovereign states as a “permanent feature” of our global order. And we need openly authoritative international institutions to effectively prevent global domination over individuals, as well as over states, thus limiting in a significant way states’ sovereignty. Pettit and Habermas admit the legitimacy of international interventions in domestic affairs at least on extreme cases. To the extent that they were willing to generously interpret the range of these cases and the kind of authoritative institutions needed to deal with them, their proposal would be compatible with that of creating a global republic. If, on the contrary, they prefer to emphasize their assumption of considering sovereign states as the main legitimate actors of the global order, they will be object of the same criticisms addressed to the statist view.

All what I have said so far might be applauded by an advocate of a transnational deliberative democracy. They also define global domination in a way that includes domination over individuals. They also recognize the need for authoritative transnational institutions empowered to limit states’ absolute sovereignty in order to effectively prevent global domination. The difference between them and those who support a global republic relies, then, on their fear of creating a world sovereign with an extreme potential to dominate all human beings. In order to prevent such danger, they propose that authoritative transnational institutions remain as dispersed and disconnected as possible, and as materially and functionally limited as possible.

In my view, their fears of a global dominator are justified, but such a danger might be perfectly prevented in a different way. I take their solution to that problem as paying a price in terms of effectiveness in achieving the goal of preventing global domination. It seems to me obvious that a set of dispersed and disconnected institutions may have the peril of being ineffective in fighting against global domination. I have no objection to decentralized governments. And I see no other possible form for a global republic than that of a highly decentralized federation. As any other republic, it should be constituted by a constitutional

framework establishing the principles of separation of powers, checks and balances and the rule of law. Any global republic must be intensely constrained. And the idea of dispersion of power is the only guarantee that no individual or group of individuals will become powerful enough to take the power to dominate others. But all this can perfectly work in a harmonic and unified system. It actually needs to work in this way, in order to be equipped with the constitutional instruments required to make the constraints to the powers valid and effective.

Should the variety of transnational authoritative institutions be fragmented and dispersed in the way proposed by transnational democrats and you will find institutions competing and conflicting with each other too much to effectively exercise their functions in a world in which sharp demarcation of jurisdiction is not possible. Or, to put it in negative terms, you will find different institutions trying to escape from their responsibilities by imputing each other the jurisdiction to resolve a problem. Dispersing and decentralizing powers is fine provided that a centralized system to solve conflicts among institutions and making final decisions also exists (Thompson 1999).

I am convinced that current republican structures, developed for the particular circumstances of this scale and for kind of society are not to be simply applied as such at the global order. The global republic must be of a different sort. We need, therefore, to carry out an enormous exercise of political imagination and creativity to innovate regarding the kind of structures that might be appropriate for this new world. It is the sort of exercise that humanity has been forced to do in very decisive times. It is impossible not to mention another decisive and historical moment, the one in which, at the birth of modernity, the current nation-states with large scale democracies were created: the moment in which revolutionary France and some brand new independent states in America defined the institutional face of modern republicanism. The sooner we realize that we are facing another such historical moment, that we are facing the necessity of adapting old structures and creating new ones, the better we will be at finding promising paths to innovate our institutions to prevent global domination.

## Works Cited

- Archibugi, Daniele, 1993: "The Reform of the UN and Cosmopolitan Democracy: A Critical Review", *Journal of Peace Research*, 30(3): 301-315.
- 1995: "From the United Nations to Cosmopolitan Democracy", in Daniele Archibugi and David Held (eds), *Cosmopolitan Democracy: An Agenda for a New World Order*, Cambridge, Polity Press, 1995.
- 2004: "Cosmopolitan Democracy and Its Critics: A Review", *European Journal of International Relations*, 10(3): 437-473.
- Archibugi, Daniele and David Held (eds) 1995: *Cosmopolitan Democracy: An Agenda for a New World Order*, Cambridge, Polity Press.
- Besson, Samantha, 2006: "Deliberative Democracy in the European Union. Towards the Deterritorialization of Democracy", in S. Besson and J. L. Martí (eds), *Deliberative Democracy and its Discontents*, Aldershot, Ashgate, ch. 9.
- 2009a: "Ubi Ius, Ibi Civitas: A Republican Account of the International Community", in Samantha Besson and José Luis Martí (eds), *Legal Republicanism*, Oxford, Oxford University Press: 205-237.
- 2009b: "Theorizing the Sources of International Law", in Samantha Besson and John Tasioulas (eds), *Philosophy of International Law*, Oxford, Oxford University Press: ch. 7.
- 2009c: "Institutionalizing global democracy", in L. Meyer et al. (eds), *International Law, Justice and Legitimacy*, Cambridge: Cambridge University Press.
- 2009d: "Whose Constitution(s)? International Law, Constitutionalism and Democracy", in J. Dunoff and J. Trachtman (eds.), *Ruling the World: International Constitutionalism*, Cambridge, Cambridge University Press.
- Bohman, James, 2004: "Constitution Making and Democratic Innovation. The European Union and Transnational Governance", *European Journal of Political Theory*, 3(3): 315-337.
- 2007: *Democracy Across Borders. From Demos to Democracy*, Cambridge (Mass.), MIT Press.
- 2009: "Cosmopolitan Republicanism and the Rule of Law", in S. Besson and J. L. Martí (eds), *Deliberative Democracy and its Discontents*, Aldershot, Ashgate: 60-77.
- Brennan, Timothy, 2001: "Cosmopolitanism and Internationalism", *New Left Review*, 7, Jan-Feb: 75-84.
- Carter, April, 2001: *The Political Theory of Global Citizenship*, London, Routledge.
- Cassese, Antonio, 1986: *International Law in a Divided World*, Oxford, Clarendon Press.

- Castells, Manuel, 1996-1998: *The Information Trilogy* (in three volumes), Oxford: Blackwell.
- Christiano, Thomas, 2010: "Democratic Legitimacy and International Institutions", in Samantha Besson and John Tasioulas (eds), *Philosophy of International Law*, Oxford, Oxford University Press: ch. 5.
- Cochran, Molly, 2002: "A Democratic Critique of Cosmopolitan Democracy: Pragmatism from the Bottom Up", *European Journal of International Relations*, 8(4): 517-548.
- Dahl, Robert, 1999: "Can International Organizations be Democratic? A Skeptical View", in Ian Shapiro and Casiano Hacker-Cordón (eds), *Democracy's Edges*, New York, Cambridge University Press: 19-36.
- Domingo, Rafael, 2010: *The Global Law*, Cambridge: Cambridge University Press.
- Dower, Nigel, 2003: *An Introduction to Global Citizenship*, Edinburgh, Edinburgh University Press.
- Dryzek, John S., 1999: "Transnational Democracy", *Journal of Political Philosophy*, 7(1): 30-51.
- 2000: *Deliberative Democracy and Beyond*, Oxford, Oxford University Press.
- 2006: *Deliberative Global Politics*, Cambridge, Polity.
- Falk, Richard, 1969: "The Integrity of Westphalian and Charter Conceptions of the International Legal Order", in Cyril Black and Richard Falk (eds), *The Future of the International Legal Order*, vol. 1, Princeton, Princeton University Press: 32-70.
- 1993: "The Making of a Global Citizenship", in J. Brecher, J.B. Childs, and J. Cutler (eds), *Global Visions: Beyond the New World Order*, Boston, South End Press.
- 1998: *Law in an Emerging Global Village: A Post-Westphalian Perspective*, Ardsley, Transnational Publishers.
- 2000: "Global Civil Society and the Democratic Prospect", in Barry Holden (ed.), *Global Democracy: Key Debates*, London, Routledge: 162-178.
- Falk, Richard and Andrew Strauss, 2001: "Toward Global Parliament", *Foreign Affairs*, 80(1): 212-20.
- Franceschet, Antonio, 2000: "Popular Sovereignty or Cosmopolitan Democracy? Liberalism, Kant and International Reform", *European Journal of International Relations*, 6(2): 277-302.
- Gilbert, Alan, 1992: "Must Global Politics Constrain Democracy? Realism, Regimes and Internationalism", *Political Theory*, 20(1): 8-37.
- Gilpin, Robert, 1984: "The richness of the tradition of political realism", in Robert Keohane (ed.), *Neorealism and its critics*, New York, Columbia University Press.

- 1987: *The political economy of international relations*, Princeton, Princeton University Press.
- Goodin, Robert, 2008: *Innovating Democracy. Democratic Theory and Practice After the Deliberative Turn*, Oxford, Oxford University Press.
- Habermas, Juergen, 1998: "Kant's Idea of Perpetual Peace: At Two Hundred Years' Historical Remove", in *Inclusion of the Other: Studies in Political Theory*, C. Cronin and P. DeGreiff (eds). Cambridge, MA: MIT Press.
- 2001: *The postnational constellation*, trans. Max Pensky, Cambridge, Mass., MIT Press.
- 2003: "Toward a Cosmopolitan Europe", *Journal of Democracy*, vol. 14, n. 4.
- Heater, Derek, 1996: *World Citizenship and Government*, Basingstoke, Macmillan.
- 2002: *World Citizenship: Cosmopolitan Thinking and its Opponents*, London, Continuum.
- Held, David, 1995: *Democracy and the Global Order*, Cambridge, Polity Press.
- 1998: "Democracy and Globalization", in Daniele Archibugi, David Held and Martin Koehler (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, Cambridge, Polity Press: 11-27.
- 1999: "The Transformation of Political Community: Rethinking Democracy in the Context of Globalization", in Ian Shapiro and Casiano Hacker-Cordón (eds), *Democracy's Edges*, New York, Cambridge University Press: 84-111.
- 2000: "The Changing Contours of Political Community: Rethinking Democracy in the Context of Globalization", in Barry Holden (ed.), *Global Democracy: Key Debates*, London, Routledge: 17-31.
- Hirst, Paul and Grahame Thompson, 2000: "Global Myths and National Policies", in Barry Holden (ed.), *Global Democracy: Key Debates*, London, Routledge: 47-59.
- Kaldor, Mary, 1998: "Reconceptualizing Organized Violence", in Daniele Archibugi, David Held and Martin Koehler (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, Cambridge, Polity Press: 91-110.
- 2003: *Global Civil Society: An Answer to War*, Cambridge, Polity Press.
- Kant, Immanuel, 1795 (1983): *Perpetual Peace and Other Essays*, Hackett.
- Keohane, Robert O., 1984: *After Hegemony. Cooperation and Discord in World Political Economy*, Princeton: Princeton University Press.
- 2001: "Governance in a Partially Globalized World", *American Political Science Review*, 95(1): 1-13.
- 2003: "Global Governance and Democratic Accountability", in David Held and Mathias Koenig-Archibugi (eds), *Taming Globalization: Frontiers of Governance*, Cambridge, Polity Press.

- Keohane, Robert O. and Joseph S. Nye, [1977] 2001: *Power and Interdependence*, 3rd ed., New York, Addison-Wesley.
- 2000: "Introduction", in Joseph S. Nye and John D. Donahue (eds), *Governance in a Globalizing World*, Washington, DC., Brookings Institution Press, 2000: 1-41.
- Keohane, Robert O., Stephen Macedo and Andrew Moravcsik, "Democracy-Enhancing Multilateralism", *International Organizations*, 63: 1-31.
- Koehler, Martin, 1998: "From the National to the Cosmopolitan Public Sphere", in Daniele Archibugi, David Held and Martin Koehler (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, Cambridge, Polity Press: 231-251.
- Krasner, Stephen D., 1978: *Defending the national interest: Raw materials investments and U.S. foreign policy*, Princeton, Princeton University Press.
- Kymlicka, Will, 1999: "Citizenship in an Era of Globalization: Commentary on Held", in Ian Shapiro and Casiano Hacker-Cord' on (eds) *Democracy's Edges*, New York, Cambridge University Press: 112-126.
- Laborde, Cécile, 2010: "Republicanism and Global Justice", *European Journal of Political Theory*, 9: 48-69.
- Lafont, Cristina, 2009: "Alternative Visions of a New Global Order: What Should Cosmopolitans Hope for?", in Samantha Besson and José Luis Martí (eds), *Legal Republicanism*, Oxford, Oxford University Press: 256-277.
- Linklater, Andrew, 1996: "Citizenship and Sovereignty in the Post-Westphalian State", *European Journal of International Relations*, 2(1): 77-103.
- O'Byrne, Darren, 2003: *The Dimensions of Global Citizenship: Political Identity Beyond the Nation-State*, London, Frank Cass.
- Pettit, Philip, 2009: "Law and Liberty", in S. Besson and J.L. Martí (eds.), *Legal Republicanism*, Oxford: Oxford University Press.
- 2010a: "Legitimate International Institutions: A Neo-Republican Perspective", in Samantha Besson and John Tasioulas (eds), *Philosophy of International Law*, Oxford, Oxford University Press: ch. 6.
- 2010b: "A Republican Law of Principles", *European Journal of Political Theory*, 9: 70-94.
- 2010c: "Civic Republican Theory", in J.L.Martí and Ph. Pettit, *A Political Philosophy ni Public Life. Civic Republicanism in Zapatero's Spain*, Princeton: Princeton University Press, 2010.
- Pogge, Thomas, 1992: "Cosmopolitanism and Sovereignty", *Ethics*, 103(1): 48-75.
- Rawls, John, 1999: *The Law of Peoples*, Cambridge, Mass., Harvard University Press.
- Rosenau, James N., 1997: *Along the Domestic-Foreign Frontier. Exploring Governance in a Turbulent World*, Cambridge, Cambridge University Press.

- 1998: "Governance and Democracy in a Globalizing World", in Daniele Archibugi, David Held and Martin Koehler (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, Cambridge, Polity Press: 28-57.
- Rosenau, James N. and Ernst-Otto Czempiel (eds) 1992: *Governance Without Government: Order and Change in World Politics*, New York, Cambridge University Press.
- Rousseau, Jean-Jacques, 1762 (2010): *The Social Contract*, Createspace.
- Ruggie, John Gerard, 1992: "Multilateralism: The Anatomy of an Institution", *International Organization*, 46: 561-598.
- 2004: "Reconstituting the Global Public Domain: Issues, Actors and Practices", 10(4): 499-531.
- Sassen, Saskia, 1996: *Loosing Control? Sovereignty in the Age of Globalization*, New York, Columbia University Press.
- Segall, Jeffrey, 1991: "A UN Second Assembly", in Frank Barnaby (ed.), *Building a More Democratic United Nations*, London, Frank Cass: 93-109.
- Slaughter, Anne-Marie, 2004: *The New World Order*, Princeton, Princeton University Press.
- Skinner, Quentin, 1984: "The Idea of Negative Liberty", in R. Rorty, J.B.Schneewind and Q. Skinner (ed.), *Philosophy in History*, Cambridge: Cambridge University Press.
- 1985: "The Paradoxes of Political Liberty", in S. McMurrin (ed.), *The Tanner Lectures on Human Values*, Cambridge: Cambridge University Press: 227-250.
- 1998: *Liberty Before Liberalism*, Cambridge: Cambridge University Press.
- Thaa, Winfried, 2001: "'Lean Citizenship': The Fading Away of the Political in the Transnational Democracy", *European Journal of International Relations*, 7(4): 503-523.
- Thompson, Dennis, 1999: "Democratic Theory and Global Society", *Journal of Political Philosophy*, 7(2): 111-25.
- Tomuschat, Christian, 1997: "International Law as the Constitution of Mankind", in *International Law on the Eve of the 21st Century: Views from the International Law Commission*, 37, United Nations Publications.
- Waldron, Jeremy, 1999: *Law and Disagreement*, Oxford, Oxford University Press.
- Weber, Max, 1978: *Economy and Society*, Berkeley, University of California Press.
- Wendt, Alexander, 2003: "Why a World State is Inevitable?", *European Journal of International Relations*, 9(4): 491-542.
- Wilkinson, Rorden (ed.) 2005: *The Global Governance Reader*, London, Routledge.



# **Fighting back against domination: republican citizenship and unbounded reciprocity**

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## **Abstract**

One of the consequences of the decline in state autonomy due to globalization is that citizens have a diminished range of institutional protections and options available to them to secure their freedom. As a result, individuals have become increasingly exposed to forms of interference (and potential instances of domination) that arise from sources both at home and abroad, but which they have no real ability to counter. For republicans, this presents a significant challenge since republican liberty is thought to be ‘institution-dependent’. While this dilemma raises many important questions, in this paper I focus narrowly on one aspect of the way forward for republicans. In particular, I argue that unbounded reciprocity can help reorient and reinvigorate republican citizenship to help individuals fight back against domination.

**Keywords:** Citizenship – Globalization – Non-domination – Reciprocity – Republicanism.

## **Resumo**

Uma das consequências do declínio da autoridade estatal provocada pela globalização é a diminuição da gama de opções e proteções institucionais de que os cidadãos dispõem para assegurar a sua liberdade. Por consequência, os indivíduos tornam-se cada vez mais expostos a formas de interferência (e poten-

ciais instâncias de dominação) surgidas a partir de fontes tanto internas como externas, face às quais não têm capacidade real de retaliação. Para os republicanos este facto constitui um desafio significativo, já que a liberdade republicana é usualmente concebida como dependendo da existência de instituições. Sendo que este dilema levanta muitas questões importantes, neste texto concentro-me estritamente num aspecto do caminho a seguir para os republicanos. Em particular, defendo que a reciprocidade irrestrita pode ajudar a reorientar e reavivar a cidadania republicana, de modo a auxiliar os indivíduos a reagir contra a dominação.

**Palavras-chave:** Cidadania – Globalização – Não-dominação – Reciprocidade – Republicanismo.

## Introduction

Conventional wisdom holds that since civic republicanism is primarily rooted in the past and tied to the existence of classical notions of sovereignty, construction of a contemporary and relevant version of it is difficult, especially in light of the forces of modernity and globalization. As has become evident, politics, along with economic and cultural ideals and institutions, is no longer bound by the traditional borders of the nation-state. Moreover, many argue that due to globalization state autonomy has declined. One result of this is that individuals have become increasingly exposed to forms of interference and potential instances of domination that arise from sources both at home and abroad, but which they have no real ability to counter.

For republicans, this realization presents a significant challenge since it is widely thought that republican liberty is institution-dependent. In other words, for many republicans, freedom as non-domination only makes sense in a political environment where certain properly constituted republican institutions are present. The problem for republicans, then, is that it appears that globalization has diminished the ability of the very institutions they rely on to minimize domination and shield individuals from external sources of arbitrary interference. While this dilemma raises many important questions, in what follows, I will focus narrowly on one aspect of the way forward for republicans. In particular, I want to highlight the role that unbounded reciprocity might play in

reorienting and reinvigorating republican citizenship to help individuals fight back against domination.

The argument proceeds like this. First I outline the republican conception of liberty as non-domination and sketch out some of the changes brought about by globalization, both on an institutional level and for individuals. I then turn my attention to the reciprocal power found within the republican conception of liberty. Finally, I look at republican citizenship and see how the reciprocal power can reorient and reinvigorate it. To be sure, the arguments put forward in this paper are not meant to be the last word on these issues. Rather, my aims are more modest and I hope to highlight a possible way forward in light of the challenges presented by globalization.

## Section 1 - Republican Liberty as Non-domination and Globalization

By now, many readers will be familiar with the so-called republican revival and its focus on a particular conception of liberty as non-domination. This way of thinking about liberty has recently been articulated by several contemporary theorists, most notably in the work of Philip Pettit (1997 and 2001) and Quentin Skinner (1997 and 2002) who argue that freedom consists neither in the non-interference of others, as in negative liberty, nor is it equated with self-mastery, as in positive liberty. Instead, for republicans, individuals are free to the extent that they are not subject to any interference that arises apart from their own *arbitrium* or will. Seen in this manner, individuals are free to the extent that they live under the conditions where they count as “a ‘freeman’ rather than a ‘bondsman’, a *liber* rather than a *servus*” (Pettit, 2006: 134). For republicans, an individual is considered to be at liberty when she is free from any interference that is not forced to track her common avowed interests.<sup>1</sup> For Pettit (2008: 106-8), republican liberty is defined as the absence of alien or alienating control on the part of other persons that negatively affects an individual’s freedom of choice.

An attractive aspect of the republican approach is that it identifies arbitrary power as the nemesis of freedom. To combat this, republicans main-

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1 Hereafter I will simply refer to this as an individual’s interest. See Pettit 2001: 156.

tain that there is a constitutive relationship between non-domination and the citizenry, institutions, laws and values of the state. As Lena Halldenius (2010: 12-3) has recently argued, “republican freedom makes sense only in an institutional setting; it is institution-dependent.” Thus, republicans think of freedom as a kind of status, one that is recognized by others and receives institutional support, which shields or immunizes individuals from arbitrary interference (Pettit, 2006: 133; Honohan, 2002: 184). It follows, then, that republican institutional design, the rule of law, and the political virtues that support them, all point to a more robust form of liberty that seeks to secure citizens from arbitrary interference. This is similar to a recent point made by Christian List (2006: 218) that the republican conception has a built-in “rule-of-law” component that highlights the definitional relationship between liberty as non-domination, the institutional and legal structures that support it and the common good. Understood this way, an individual is free in the republican sense only if she is recognized by others as enjoying a kind of status that resiliently serves to protect her from any interference that does not track her interests and promotes her equal status as citizen (Laborde and Maynor, 2008: 9).

Republican institutions, guided by principles such as checks and balances and the dispersion of power across a range of legislative, administrative, and judicial levels, seek to minimize arbitrary interference through inclusivity, democratic contestation and active civic engagement (Maynor 2003 and 2005). In minimizing arbitrary interference, democratic institutional structures allow individuals to bring their interests out into political forums so they can be accounted for and tracked by others and the state. What this points to is a kind of constitutional power that transforms policies so they are not considered alien to the many individuals and groups that make up society. There is, however, a growing realization among republicans that such a reliance on institutions presents a significant challenge. This is because it appears that globalization has weakened the very institutions republicans rely on to minimize domination and that these have a diminished ability to shield individuals from external sources of domination.

There is little doubt that globalization has caused individuals, citizens, nation-states, multi-national corporations, etc., to respond to what James Bohman (2004) has called “the new global circumstances of politics.” David Held describes globalization as “a shift or transformation

in the scale of human organization that links distant communities and expands the reach of power relations across the world's regions" (Held, 2004: 1. Also see Held *et al*, 1999: 4-5). At the heart of these changes is the growing interconnected and fluid nature of social, political, and economic activities and processes that stretch across traditional national boundaries and their increasing velocity and intensity. It follows, then, as Jürgen Habermas has suggested, that the traditional territorial, national, and social nature of the nation-state has become "*ensnared* in the interdependencies of a global economy and society," which has led to the forfeiture of the state's capacity for autonomous action (Habermas, 2003: 89-90). Habermas thinks that "spontaneous border crossings" – things such as "environmental degradation; organized crime; security risks produced by advanced technology, the arms trade, epidemics, and so forth" – have exposed the impotence of individual states. States can no longer protect their citizens from the external effects of certain decisions or actions taken by other actors or from "the causal chain of decision-making processes originating beyond the national borders" (Habermas, 2003: 89-90). The result is that the forces of globalization have undermined the nation-state's capability to draft and implement an increasing range of public policies due to the interconnected and interdependent nature of global markets. As a result of these kinds of changes, states have lost a significant portion of their autonomy and their boundaries have become increasingly porous.

For their part, individuals have become increasingly exposed to forms of interference (and potential instances of domination) that arise from sources both near and far, but which they have no real ability to counter. The upshot is that the disempowerment of the nation-state has left individuals at a distinct disadvantage with respect to the control of their lives and the liberty that they enjoy, or at least would like to enjoy. Laborde frames the problem as one that pits "complex new forms of unchecked arbitrary power exercised across national borders" by distant and usually anonymous agents and agencies against vulnerable individuals who have little capacity to counter this kind of arbitrary interference. Moreover, "instead of relationships of cooperation or interdependence, which would imply reciprocity and mutual benefit, the current international order is marked by one-sided and largely coerced domination and dependency" (Laborde, 2010: 50).

What we are left with is an image of seemingly powerless individuals who are subjected to real and sustained instances of arbitrary interference without any means of effectively countering it. These individuals live at the mercy of others – others who do not track their interests and who exercise their power at will and with impunity – all without any effective means of fighting back and regaining their freedom. What this points to is a legitimization deficit in certain decision-making processes in instances where individuals are exposed to certain actions or decisions in which they have no capability to influence through the existing networks of democratic participation. Not surprisingly, these deficits represent a serious problem to the liberty of individuals since, as I have pointed out, these interferences are often arbitrary in nature and signal domination and dependency.

For republicans, the erosion of state autonomy and the disempowerment of governmental institutions is especially troubling since, as I pointed out above, republican liberty and the constitutional power that accompanies it is said to be institution-dependent. If, at a minimum, it can be taken for granted that individuals will inevitably be exposed to the kind of interference described above, the next thing to consider is what, if anything, can be done to empower them to cope with it. In order to more carefully consider this, I want to return briefly to the republican conception of liberty since I believe that there is an aspect of it that has been somewhat overlooked in recent debates, but is something that I think republicans have good reasons to further explore.

## **Section 2 – The Reciprocal Power of Non-domination**

Earlier I mentioned that republican liberty as non-domination was primarily seen as something that was institution-dependent and best realized through properly constituted republican institutions. However, as I have just pointed out, there is a thought that globalization has weakened state institutions and the constitutional power of non-domination. Importantly, though, the constitutional power of non-domination is not the only power present within the republican conception of liberty. Earlier I pointed out that in order for individuals not to be in a position of domination, their interests must be accounted for and tracked (Pettit, 1997: 52-3 and 2001: 154-6). It follows, then, that the converse

is also the case. Namely, that individuals must take account of and track others' interests before they can act without dominating them. To this end, individuals must consider how their actions may affect others and vice versa by treating them with sufficient levels of civility and mutual respect. To not dominate others, individuals must make an effort to discover what others' interests are, and then respond appropriately. In this manner, individuals share an equal footing that is both secure and common knowledge and, importantly, not necessarily bound by national boundaries (Maynor, 2003: 53).

As individuals account for and track each other's interests, they are exposed to each other's ways of life. They realize that they stand on equal footing with each other because they do not seek to interfere arbitrarily with the other's choices. The same works in reverse, as individuals publicize their interests to ensure that they are being accounted for and tracked, they are secure in the knowledge that others will do the same. What this points to, in addition to the more formal constitutional power of non-domination, is a more personal and intimate reciprocal power of non-domination (Maynor, 2003: 51-9). This means that individuals must respect each other's non-dominating interests and accept their choices all while treating them with civility (just as I treat theirs in the same manner).

Not surprisingly, communication and those virtues that help foster vibrant exchanges of information play a central role in the reciprocal power of non-domination. Some of these are likely to involve things such as an ability to listen and articulate responses and the willingness and courage to accept decisions that are opposed to an individual's own view. This connects to what Skinner (1996) refers to as the watchwords of republicanism, "*audi alteram partem*, always listen to the other side" (Skinner, 1996: 15-6; also see Pettit, 1997: 189). Thus, for republicans there is a built-in requirement for individuals to listen to the other side and treat others in a non-dominating manner. This is important since listening to the other side can contribute to the development of certain democratic values that support increased social harmony, political tolerance, and ultimately higher levels of social trust (Mutz, 2006: 84-6). What this also points to is the presence of certain normative powers of citizenship that accompany the reciprocal power of non-domination. I turn to this now.

### Section 3 – Republican Citizenship

Above I argued that in addition to a constitutional power, republican liberty also contains a reciprocal power and that this power most readily resides within the republican conception of citizenship. In this final section I want to explore this point in more detail and sketch out some of the related virtues and values found within republican citizenship. Citizenship implies membership of a specific political community that extends an individual's loyalty beyond certain close ties such as family or clan and instead vests these within the broader experiences of the nation-state. Having this kind of membership allows individuals to participate in the wider legal community that points to a political organization whose subject is a type of polity (Preuß, 1998: 139-42). For Aristotle, in the strictest sense, a citizen was one who shared in the administration of justice, was able to take office, and was able to take part in the deliberative forums of the state. However, modern notions of citizenship are not just about membership of a political community, but rather also focus on certain questions of entitlement and responsibility. It follows, then, that while citizenship is most easily understood as a type of status, its real significance is derived from the rights and responsibilities that accompany this status (Maynor, 2008a). Thus, not only must any serious theory of citizenship specify who gets to be a citizen, it must also outline what rights and entitlements these citizens get and what obligations and responsibilities are expected of them.

Russell Dalton has recently argued that citizenship is a “shared set of expectations about the citizen's role in politics” that form four norms: participation, autonomy, social order, and solidarity (Dalton, 2009: 21-29). Not surprisingly, the norm of participation helps to define the role that citizens play within the political process. It includes things such as voting, activities within social or political organizations, and choosing products for political, social, or ethical reasons. Related to this, the norm of autonomy implies that citizens need to be sufficiently informed about political or social matters and use their knowledge in democratic deliberations and discussions with other citizens. The norm of social order focuses on those things that imply an acceptance of state authority such as a citizens' willingness to obey the law, pay taxes, serve in the military,



etc. Finally, the norm of solidarity implies that citizens have a concern for one another and that they have an interest in helping others.

Within these four categories, Dalton argues that two broad and distinct dimensions of citizenship can be discerned.<sup>2</sup> The first centers on the idea of “citizen-duty,” the thought that citizen-subjects primarily have a duty to vote, pay taxes, follow the law and contribute to national needs such as military service (Dalton, 2009: 27-8). These activities point to duty-based citizens as prioritizing the norms of participation and social order. Alternatively, the second revolves around “engaged citizens” who view political participation more broadly than just the simple act of voting to include non-electoral activities such as ethical buying and being active in civil society through public service activities like volunteering for community groups or non-profit organizations. Dalton concludes that unlike duty-based citizens, engaged citizens stress the norms of autonomy and solidarity. Moreover, engaged citizens have a different view of participation, one that stresses more direct-action and elite challenging activities like mass protests and the use of social networks. Thus, the engaged citizen is “one who is aware of others, is willing to act on his or her principles, and is willing to challenge political elites” (Dalton, 2009: 28). It is my belief that these traits highlight the growing awareness of individuals of the important virtue of what I call unbounded reciprocity, something I believe is an integral part of republican citizenship.

As I argued above, the reciprocal power of non-domination operates on an informal and more personal level and stresses the virtues associated with reciprocity. These virtues, such as the willingness and ability to listen to the other side and to treat others in a non-dominating manner, help to empower individuals as they play a necessary active role in their own non-domination. These powers are important not only in helping to specify how agents relate to government institutions, but also in shaping how they relate to one another in civil society. The problem, of course, is that due to globalization, civil society is no longer the old, narrow one bounded by the traditional borders of the nation-state. Thus, in order to realize fully the reciprocal power of non-domination, individuals will need to broaden their perspectives and come to under-

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2 Although Dalton's study only focuses on the U.S., there is evidence that the trends he detected are present in other countries. See Inglehart (2001 and 2005).

stand just how globalization has modified their position relative to others. This is especially the case since interference that arises from outside of an individual's nation-state might be seen as an inevitable effect of increasing globalization.

The trick, then, is going to be in how individuals use the reciprocal power of non-domination to ensure that this interference is not arbitrary. So the key question is not whether individuals experience the kind of interference that arises outside of one's nation-state – it seems inevitable. Rather, the key question is what can individuals do about it both from an institutional point of view and from a personal perspective. Thus, we need to focus on giving individuals both the institutional ability and the personal ability to respond effectively to this kind of interference.

This thought connects to something I brought up earlier that certain normative powers of citizenship are necessary to not only minimize any arbitrary interference experienced by individuals, but also in shaping their obligations in a democratic manner. There I argued that to act without dominating others, individuals must take account of and track the others' interests. Therefore, individuals must consider how their actions will affect those others by treating them with the necessary civility and mutual respect that the reciprocal power of non-domination requires (Maynor, 2003: 51-5). Thus, individuals who desire the resilient nature of republican liberty are more secure in their own freedom if they cast their ends in a manner that does not subject others to arbitrary interference. And to not act with domination toward others, individuals must be active in discovering what those interests are so they can respond appropriately. By accounting for and tracking another's interests, regardless of whether they reside inside or outside of my nation-state, I am exposed to their way of life as they promote it. The upshot here is the need for republican citizenship to have a rich, and unbounded, notion of reciprocity – one that takes seriously two key understandings. The first is the thought that an individual's liberty is in part dependent on his ability to let others know what their interests through the publication of those interests. The second is the requirement that individuals have an obligation to treat others in a manner that does not subject them to arbitrary interference, regardless of whether these others reside within or outside of their nation-state.

So what are some of the things that individuals might do to cultivate this? Although there are many potential activities that would serve to help individuals be oriented in this manner, because of space considerations I will briefly sketch out some possibilities. First of all, individuals may want to acquire certain skills that will help them make connections, real or virtual, with others so that they can publicize their interests and make an attempt to discover the interests of others. Individuals may need to work on acquiring skills to enable them to utilize fully technologies such as the internet and social media portals to engage others in active dialogue. Some of these practical skills might involve acquiring some additional language skills or making an attempt to follow other countries' affairs using the internet. It may also involve participating in discussion boards, commenting on blogs, following twitter feeds or other forms of new media (Maynor, 2009). It may also be something that is woven into certain domestic priorities such as the internationalization of the public school curriculum.

People can also make an effort to engage others on a more personal, local level. There may be opportunities to engage with other diverse individuals in someone's own community that may help them understand the interests of others. There may be immigrants or refugees local to someone's area or there may be opportunities to engage others through supporting or participating in mission trips. Furthermore, there are ample opportunities to join or follow organizations such as the ONE Campaign<sup>3</sup> or KIVA<sup>4</sup> who engage in various activities aimed at collectively addressing persistent global problems. The point here is to become more aware of the interests of others all the while helping others understand your interests.

Doing these sorts of things is not enough, though. In fact, one of the most powerful ways that individuals can shield themselves from potential domination is by acting democratically to exert influence over their own nation-state's international activities. These kinds of activities range from reaching out to politicians or policy makers by holding them accountable for the consequences of their (in)actions. Moreover, individuals should exercise their collective voting power by casting their ballots with foreign affairs in mind and by pressuring their own gov-

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3 <http://www.one.org>

4 <http://kiva.org>

ernments to act responsibly toward others. What these kinds of moves point to is a kind of Tocquevillian proprietary relationship between citizens and nation-states. Seen in this manner citizens should view the actions of their state as an extension of their own actions and accept responsibility for them. Individuals can also become discerning and informed consumers and make sure that their buying decisions do not have the effect of facilitating or exacerbating the arbitrary interference that others experience. In the end, it may be overly cliché, but the slogan “think globally, act locally” may best characterize some of the key virtues needed to orient individuals so that they are able to play the necessary active role in reducing the amount of domination they are exposed to, and the amount of arbitrary interference they dish out.

In light of these suggestions, I want to comment briefly on three potential lines of critique. First of all, some might argue that doing these kinds of things may lead someone to flourish in a particular manner. However, this is not why I advocate a rich notion of republican citizenship and the kinds of virtues associated with it. Instead, I would argue that this conception of citizenship is perfectly compatible with the kinds of instrumental goods so often associated with modern notions of citizenship that do not prioritize conceptions of the good. In others words, while this version of citizenship may contain virtues and values that are intrinsically valuable to some, it is best articulated and defended as an instrumental one – one that has the effect of minimizing domination and thus enhancing liberty. This particular line of critique connects to an objection put forward by Christopher McMahon (2005), who argues that any policies that emerge from a state characterized by republican liberty will be marked by a certain level of indeterminacy.<sup>5</sup> To avoid this, McMahon argues that any republican state will have to “supplement freedom as non-domination with other social and political values” (McMahon, 2005: 92).

However, what McMahon’s criticism fails to account for is that it would be unrealistic to imagine that a republican state would not have to supplement liberty as non-domination with other social and political values. In fact, there have been several attempts to do just this by several writers who connect republican liberty as non-domination to the kinds of social and political values found in the republican tradition such as

5 For a sample of other recent critiques see Carter (2008), Kramer (2008) and de Bruin (2009).

properly constituted republican institutions, certain civic virtues, and a particular version of citizenship.<sup>6</sup> What McMahon's critique highlights is a debate over whether republican liberty as non-domination provides a "moralized" conception of liberty. While Pettit (2006) maintains that his version does not, I believe that there are certainly aspects of republican liberty as non-domination that shade toward self-mastery and the kinds of virtues and values that support that ideal (Maynor: 2008b). However, in and of itself, within republicanism there is no comprehensive theory of the good and thus those kinds of final questions are left unanswered to be defined by individuals acting toward their own chosen interests or ends.<sup>7</sup> Cécile Laborde has recently made a similar point that like most conceptions of liberty, non-domination is "inevitably moralized: it is definitionally connected to particular human interests that we have reason to value..." (Laborde, 2010: 55. Also see Richardson, 2002 and Bohman, 2007 and 2008). It follows, then, as I pointed out earlier, that an important aspect of this understanding is that certain normative powers of citizenship are necessary to not only minimize any arbitrary interference experienced by individuals. But also, as Bohman points out, in shaping "the content of particular obligations democratically" (Bohman, 2008: 198-9).

The second objection concerns how participating in public life in the manner outlined above might cause an undue burden on individuals. Some might object that many individuals may feel as if republican citizenship is overly robust with too many demands. There are two replies to this kind of criticism. First, as pointed out above, due to the forces of globalization, individuals will inevitably be exposed to increasing levels of domination and the porous nature of the contemporary nation-state means that the old way of shielding individuals from this kind of domination is no longer as effective as it once was. So the key question centers on not only what can the nation-state do to protect me from domination, but what can I do to protect not only myself from domination, but others as well. To be sure, as I argue above, the nation-state has an important and essential role in minimizing domination through its constitutional power. However, individuals must bear some of the

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6 For a sample of these kind of efforts see Richardson (2002), Maynor (2003), Bohman (2007), White and Leighton (2008), and Laborde (2008).

7 For a more complete discussion of this point see Maynor, 2003, chapter 4.

responsibility themselves and must take seriously their role in minimizing domination.

The second reply to this kind of criticism connects to what I characterize as the “episodic” nature of contemporary citizenship (Maynor, 2006: 134-5). Individuals will pick which activities they may want to embrace just as they will choose the timing and intensity of those activities. Moreover, as Miller has pointed out, it is not necessary for citizens “to regard political activity as the *summum bonum* in order to adopt the republican point of view” (Miller, 1995: 144). The kinds of things highlighted above do not necessarily have to be adopted *in toto*, nor should they be seen as an exhaustive list. Instead, they should be viewed as a sample of the kinds of ways that individuals can increase their exposure to others so that their interests can be tracked and so that they can track others’ interests in turn. As such efforts and exchanges increase, the hope is that domination will fall and individuals will be empowered to pursue their own chosen (non-dominating) ends.

The final objection centers on where this version of republican citizenship should be vested. I argued above that this form of citizenship should be vested within the existing structures of the nation-state but have some outward orientation. However, some writers embrace a cosmopolitan approach and argue that citizenship should be vested in some kind of transnational entity.<sup>8</sup> Stripped down to its essence, cosmopolitans believe that in light of our common humanity, individuals are members of a shared global community and that rights and obligations are owed to all equally. This involves a thesis about identity – seeing oneself as a “citizen of the world” – and it involves a thesis about responsibility – acknowledging certain universal obligations owed equally to others both near and far (Brock and Brighouse, 2005: 2-3). It follows, then, that in order for these rights and obligations to be realized effectively there is a need for some kind of transnational political institutional structure that reflects this kind of global orientation with some degree of sovereignty over traditional nation-states (Halldén, 2010: 23). The thought is that moves like those underway in the European Union demonstrate that these kinds of rights and obligations can be vested in some kind of transnational polity. There is not enough space

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8 For the purposes of this article I will not address whether republicanism and cosmopolitanism are compatible. For a sample of work in this area see Bohman (2004) and Halldén (2010).

in this article to consider fully those claims, however, I do want to make one point.<sup>9</sup> Regardless of whether or not the EU can be said to be this kind of polity, there is something instructive about how EU citizenship has developed that helps answer this particular line of critique.

First of all the rights and benefits of EU citizenship are currently only available to citizens through their member states. Second, EU citizenship does not replace national citizenship but is an addition to it.<sup>10</sup> In other words, an individual's status of EU citizen is solely dependent on her status as citizen of one of the EU's member states and any rights or benefits she receives are more or less mediated by that state. So both statuses coexist, representing two different principles of political organizations (Preuß, 1998: 147). While this points to a characterization of citizenship that is dual and complimentary, since it draws its content from both national and transnational sources, it also points to the realization that the primary repository for citizenship is that of the nation-state. This may well change in the future, but as Kymlicka has pointed out, at the moment the "only forum in which genuine democracy occurs is within national boundaries" (Kymlicka, 2001). Thus, unless a real and meaningful transnational civil society develops, citizenship must be vested within the nation-state.

## Conclusion

I began this paper by pointing out that a significant problem was that as globalization has eroded state autonomy, it has also diminished the ability of the very institutions republicans rely on to minimize domination. I then argued that while republicans need to address the decline in the constitutional power of non-domination, a renewed focus on and expansion of the reciprocal power that also accompanies republican liberty was also necessary. In particular, I argued that unbounded reciprocity could help reorient and reinvigorate republican citizenship to help individuals fight back against domination. While these ideas have not been fully developed and explored here, I hope that I have at least

9 For a broad sample of Euro-republican approaches, see Bellamy (2001 and 2007); Frieze and Wagner (2002); Habermas (1996 and 2003); Lavdas and Chryssoschoou (2006); Miller (2008); and Maynor (2008a).

10 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0001:01:EN:HTML>.

been able to point the way forward as republicans continue to explore how their approach can cope with the considerable challenges brought about by globalization.

### Works Cited

- Bellamy, Richard (2007), *Political Constitutionalism: A Republican Defense of the Constitutionality of Democracy*, Cambridge, Cambridge University Press.
- (2001), “The ‘Right to Have Rights’: Citizenship Practice and the Political Constitution of the EU” in Bellamy, R. and Warleigh A. (eds.), *Citizenship and Governance in the European Union*, London, Continuum, pp. 41-70.
- Bohman, James (2007), *Democracy Across Borders: From Dêmos to Dêmoi*, Cambridge, MA, MIT Press.
- (2004), “Republican Cosmopolitanism”, *The Journal of Political Philosophy*, Vol. 12, n° 3, pp. 336-352.
- Brock, Gillian and Brighouse, Harry (2005), *The Political Philosophy of Cosmopolitanism*, Cambridge, Cambridge University Press.
- Carter, Ian (2008), “How are Power and Unfreedom Related?” in Laborde, Cécile and Maynor, John (eds.), *Republicanism and Political Theory*, Oxford, Blackwell.
- Dalton, Russel (2009), *The Good Citizen: How a Younger Generation is Reshaping American Politics*, Washington, CQ Press.
- de Bruin, Boudewijn (2009), “Liberal and Republican Freedom”, *Journal of Political Philosophy*, Vol. 17, n° 4, pp. 418-439.
- Friese, Heidrun and Wagner, Peter (2002) “Survey Article: The Nascent Political Philosophy of the European Polity”, *The Journal of Political Philosophy*, Vol. 10, no. 3, pp. 342-64.
- Habermas, Jürgen (2003), “Toward a Cosmopolitan Europe”, *Journal of Democracy*, Vol. 14, n° 4, pp. 86-100.
- (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, Polity.
- Halldenius, Lena (2010), “Building Blocks of a Republican Cosmopolitanism: The Modality of Being Free”, *European Journal of Political Theory*, Vol. 9, n° 1, pp. 12-30.
- Held, David (2004), *Global Covenant*, Cambridge, Polity.
- Held, David *et al* (1999), *Global Transformations*, Cambridge, Polity.
- Honohan, Iseult (2002), *Civic Republicanism*, London, Routledge.
- Inglehart, Ronald and Welzel, Christian (2005), *Modernization, Cultural Change and Democracy: The Human Development Sequence*, New York, Cambridge University Press.



- Kramer, Matthew (2008), "Liberty and Domination" in Laborde, Cécile and Maynor, John (eds.), *Republicanism and Political Theory*, Oxford, Blackwell.
- Kymlicka, William (2001), "Citizenship in an Era of Globalization: Commentary on Held" in Kymlicka, William, *Politics in the Vernacular*, Oxford, Oxford University Press.
- Laborde, Cécile and Maynor, John (eds.) (2008), *Republicanism and Political Theory*, Oxford, Blackwell.
- Laborde Cécile (2010), "Republicanism and Global Justice: A Sketch," *European Journal of Political Theory*, Vol. 9, n° 1, pp. 48-69.
- (2008), *Critical Republicanism*, Oxford, Oxford University Press.
- Lavdas, Kostas and Chryssochoou, Dimitris (2005), "Public Spheres in the European Polity", in Honohan, Iseult and Jennings, Jeremy (eds), *Republicanism in Theory and Practice*, London, Routledge.
- List, Christian (2006), "Republican Freedom and the Rule of Law", *Politics, Philosophy and Economics*, Vol. 5, n° 2, pp. 201-220.
- Maynor, John (2009), "Blogging for Democracy: Deliberation, Autonomy, and Reasonableness in the Blogosphere," *Critical Review of International Social and Political Philosophy*, Vol. 12, n° 3, pp. 443-468.
- (2008b), "The Scope and Robustness of Modern Republicanism: A Reply to Langlois", *Politics*, Vol. 28, n° 2, pp. 112-117.
- (2008a), "Constitutional Patriotism or Neo-republican Citizenship: A Way Forward for the EU?" in Mouritsen, Per and Jørgensen, Knud Erik, *Constituting Communities: Political Solutions to Cultural Difference*, Palgrave Macmillan, London.
- (2006), "Modern Republican Democratic Contestation: A Model of Deliberative Democracy" in Honohan, Iseult and Jennings, Jeremy (eds), *Republicanism in Theory and Practice*, London, Routledge.
- (2003), *Republicanism in the Modern World*, Cambridge, Polity.
- McMahon, Christopher (2005), "The Indeterminacy of Republican Policy", *Philosophy and Public Affairs*, Vol. 33, n° 1, pp. 67-93.
- Miller, David (2008), "Republicanism, National Identity, and Europe", in Laborde, Cécile and Maynor, John (eds.), *Republicanism and Political Theory*, Oxford, Blackwell.
- (1995), "Citizenship and Pluralism", *Political Studies*, Vol. 43, n° 4, pp. 432-450.
- Mutz, Diana (2006), *Hearing the Other Side: Deliberative versus Participatory Democracy*, Cambridge, Cambridge University Press.
- Pettit, Philip (2008), "Republican Freedom: Three Axioms, Four Theorems", in Laborde, Cécile and Maynor, John (eds.), *Republicanism and Political Theory*, Oxford, Blackwell.

- (2006), “The Determinacy of Republican Theory: A Reply to McMahon”, *Philosophy and Public Affairs*, Vol. 34, n° 3, pp. 275-283.
- (2001), *A Theory of Freedom: From the Psychology of the Politics of Agency*, Cambridge, Polity.
- (1997), *Republicanism: A Theory of Freedom and Government*, Oxford: Oxford University Press.
- Preuß, Ulrich (1998), “Citizenship in the European Union: a Paradigm for Transnational Democracy?” in Archibugi, D., Held, D., and Köhler, D. (eds), *Re-imagining Political Community*, Cambridge, Polity.
- Richardson, Henry (2002), *Democratic Autonomy: Public Reasoning About the Ends of Policy*, Oxford, Oxford University Press.
- Skinner, Quentin (2002), “A Third Concept of Liberty”, *Proceedings of the British Academy*, Vol. 117, pp. 237-68.
- (1997), *Liberty Before Liberalism*, Cambridge: Cambridge University Press.
- (1996), *Reason and Rhetoric in the Philosophy of Hobbes* Cambridge: Cambridge University Press.
- White, Stuart and Leighton, Daniel (2008), *Building a Citizen Society: The Emerging Politics of Republican Democracy*, London: Lawrence and Wishart.

# Reworking the neo-republican sense of belonging

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## Abstract

The paper focuses on neo-republicans' emphasis on the national sense of belonging which is often judged as being crucial for political legitimacy. It argues that, however legitimate this claim may be, neo-republicans' definition of the sense of belonging is worryingly indeterminate and still likely to foster exclusive national identities, even if they explicitly support value pluralism.

**Key-words:** Citizenship – Identity – Immigration – Multiculturalism – Nationalism – Patriotism – Pluralism -Republicanism.

## Résumé

L'article examine l'importance que revêt le sentiment d'appartenance nationale pour les auteurs néo-républicains, lequel est souvent considéré comme une condition cruciale de la légitimité politique. Il fait valoir que bien que cette revendication puisse être légitime, la définition néo-républicaine du sentiment d'appartenance est trop indéterminée, au point de favoriser la formation d'identités nationales exclusives, même lorsque celles-ci sont favorables au pluralisme des valeurs.

**Mots-clés:** Citoyenneté - Identité - Immigration - Multiculturalisme - Nationalisme - Patriotisme - Pluralisme-Républicanisme.

## 1. Introduction

In his paper “Reworking Sandel’s republicanism”, Philip Pettit addresses one of the main problems that the revival of republican thought has to face, namely the problem of value pluralism. In order to elaborate a convincing theory of modern republicanism, he insists on the necessity to adapt this venerable tradition to the “fact of pluralism” that exists in liberal societies, and to justify why political liberalism is not the good answer.<sup>1</sup> This is precisely what Sandel intends to do when he accuses liberal “public philosophy” of being responsible for the “democracy’s discontent” experienced by American citizens, and pleads for a revival of American republican traditions (Sandel, 1996). However, as Pettit points out, “Sandel’s claims (...) are worryingly indeterminate about the precise nature of America’s lost republican ideals, about what those ideals would require of us as citizens, and about where they would lead governmental policy” (Pettit, 1998: 73). Such indeterminacy is problematic since nothing proves that reintroducing some public concern for the common good – rather than restricting politics to fair procedures – would not lead to intolerance. Therefore, Sandel’s republicanism needs to be “reworked” in order to specify the nature of its political ideal. By replacing the “no-value neutralism” of liberals by a “shared-value neutralism”, founded on the value of freedom as non-domination, Pettit aims to defend the possibility of a tolerant republicanism.<sup>2</sup>

In this paper, drawing on Pettit’s initiative, I will focus on another indeterminacy of the “democracy’s discontent” diagnosis. Not only does Sandel blame liberalism for its inability to acknowledge the need for a common good, he also considers that such public philosophy fails to express the “sense of belonging” without which self-government cannot happen, thus reinforcing the citizens’ feeling of disempowerment. “Deliberating well about the common good requires more than the

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1 In this paper, I will use the term “neo-republicanism” and “neo-republicans” simply to refer to modern republicanism, which means a liberal form of republicanism, an understanding of republican ideals – such as self-government, civic virtues, patriotism, etc. – adapted to the fact of pluralism. My use of this term is not as specific as in Pettit’s works for example, where neo-republicanism specifically refers to the neo-Roman model of republicanism by contrast to the neo-Athenian model.

2 “While republicanism rejects no-value neutralism, it does this because of explicitly giving one overall value – freedom as non-domination – a guiding role for law and government, not because of wanting to let loose the dogs of moralistic enthusiasm.” (Pettit, 1998: 90)

capacity to choose one's ends and to respect other's rights to do the same. It requires some knowledge of public affairs and also a sense of belonging, a concern for the whole, a moral bond with the community whose fate is at stake" (Sandel, 1996: 5). In his objection, Sandel obviously thinks of the national community; yet he does not examine this aspect precisely and maintains an indeterminacy about which true neo-republicans should worry. The "sense of belonging" issue differs slightly from the "common good" issue because it raises the problem not only of value pluralism but also of cultural pluralism, two aspects that overlap in many ways but are nevertheless distinct. It is not enough to say that the ideal of non-domination is the common value upon which all citizens can and should agree, because shared identities are somehow independent from shared political values. As Will Kymlicka points out, "the boundary between Sweden and Norway does not mark a boundary in conceptions of justice, nor the boundary between Belgium and Holland, or Spain and Portugal, or Australia and New Zealand" (Kymlicka, 2002: 255). These countries think of themselves as distinct ethical communities while sharing the same range of principles of justice. So if political values cannot be confused with political identities, the "shared-value neutralism" is not enough to solve the problem of ethnocultural pluralism in democratic nations. To put it differently, just as republicans should worry about the intolerant shift of any public discourse about the common good, they ought to be cautious about the exclusive cultural shape that the political sense of belonging might take.

To be sure, such risk is a real concern for liberal democracies which are more and more conscious of their ethnic diversity and looking for legitimate ways to deal with it. This is why some neo-republicans have already tried to "rework" the republican tradition in this second sense, in order to specify how the political "sense of belonging" could include citizens of different cultural backgrounds. Hence, there has been a growing literature aiming at updating patriotism, a traditional republican concept that seems likely to reconcile the commitment to universal political values with the allegiance to particularistic national identities. In these debates, two main positions can be identified which I propose to label post-national republicanism and neo-republican nationalism.<sup>3</sup>

3 I coin this expression on the model provided by Yael Tamir's "liberal nationalism". In no way does republican nationalism refer to ethno-nationalism. Rather, it is a justification of national

On the one hand, some theorists, especially those following Jürgen Habermas, have theorized post-national forms of citizenship, considering in particular a kind of citizenship that gained salience within the institutions of the European Community. Through various interpretations of “constitutional patriotism”, they argue that the republican sense of belonging should be fostered by abstract and universal principles and consequently be disconnected from the traditional national bonds.<sup>4</sup> On the other hand, some theorists still acknowledge the intimate links between national cultures and moral universalism. For example, introducing concepts such as the “principle of nationality” (Miller, 1995) and “civic patriotism” (Laborde, 2002), they suggest that “citizens strive to sustain their political culture and institutions because these represent their way of collectively realizing universalist ideals” (Laborde, 2002: 599).<sup>5</sup> Agreeing with David Miller on the fact that “politics remains overwhelmingly national in character” (Miller, 2008: 154) and taking into account that Euro-republicanism is still an ideal to be worked out, in this paper, I will concentrate on the second position, namely neo-republican nationalism.

I will argue that neo-republicans, and in particular neo-republican nationalists, have not sufficiently reworked the national “sense of belonging” in order to prove its ability to welcome cultural differences. A more precise apprehension of this concept is particularly important if neo-republicans hope to offer a convincing alternative to liberal multiculturalism (Carens, 2000; Kymlicka, 1995; 2007; Raz, 1998). As I will show, my scepticism stems from the observation that, although explicitly liberal, neo-republican nationalism, do not necessarily support an

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solidarity on the grounds of republican principles. Therefore, just as liberal nationalists, republican nationalists envision the national identity as a dynamic and inclusive focus of identification, able to let people from different cultural backgrounds feel “at home” in the nation.

4 “The social bond in a liberal-democratic state should be, in the words of one of Habermas’ followers, ‘juridical, moral and political, rather than cultural, geographical and historical’” (Laborde, 2002: 593).

5 David Miller and Cecile Laborde are the neo-republicans who clearly defend nations as ethical communities. However, when discussing the problem of the connection between political identity and national identity, I will also draw on the works of other neo-republicans like Philip Pettit or John Maynor who do not address this issue explicitly but who nevertheless assume that nation-states empirically remain the basic units of politics. It is also partly the case in Iseult Honohan’s *Civic Republicanism* that I will mention, though she insists more than other neo-republicans on the logical disconnection between citizenship and nationality and on the merge of post-national forms of political solidarity (Honohan, 2002: 273 sq.).

inclusive political identity. My argument will proceed as follows: in the first section of this paper, I will briefly review the communitarian dimension of the republican polity, which is still at the heart of liberal versions of neo-republicanism. Thereby, I intend to identify a particular paradox that neo-republicans have to face when dealing with the issue of shared identity, and especially when they aim to address the problem of ethno-cultural justice. In the second section of this paper, I will show how neo-republicans have tried to overcome that paradox by drawing on the concept of patriotism. I will also discuss the difficulties that this proposition raises in the context of cultural pluralism. In the third and fourth sections of the paper, I will raise doubts about the deliberative solution that national neo-republicans often propose to solve these difficulties.

## **2. Neo-Republicanism and Communitarianism**

The link between republicanism and communitarianism is somehow confusing. Some republicans like Sandel are labelled as “communitarians” and suspected of as political conservatism, while others following Skinner and Pettit clearly uphold their liberal commitment. Despite this variety, there is an essential link between republican thought and the concept of community which derives from its consequentialist perspective. Indeed, insofar as republicans consider freedom as a common good to be promoted, rather than as an individual right to be secured through fair procedures, they ground the sense of justice on the very existence of the political community. This appears clearly in the reworking of key republican concepts by modern theorists, such as citizenship and self-government. In the same way as republicans such as Aristotle maintained that there is no freedom except for citizens living under the rule of fair laws, Pettit insists on the constitutive link between institutions and freedom: freedom is not a individual power but a social good which exists insofar as the members of a community share the common sense of security created by democratic institutions, namely the feeling that these juridical protections “immunize” them against arbitrary powers (Pettit 1997: 71). Similarly, just as traditional civic humanists considered political participation as the only way to control one’s life, Habermas still sees the internal relation between private and public forms of autonomy

as the essential feature of political legitimacy: <sup>6</sup> rights are worthless if they are granted in a paternalistic way, i.e. if the individuals submitted to the laws are not able to see themselves, at least partly, as the authors of these laws (Habermas 1998: chap. 10).

These two famous references underscore that neo-republicanism still depends upon a social ontology (Pettit 1993, Habermas 1993) which does not infer justice from the vantage point of rational individuals but from the type of political community within which they are socialized. To this extent, the concept of community plays a greater part in the neo-republican thought than in the liberal one. Even if it is now widely acknowledged that liberalism is not deemed to foster social atomism and that many liberals admit the value of membership (whether cultural, civic or national), the liberal account of community remains essentially instrumental and would not go as far as asserting that individual rights ontologically depend on political membership.<sup>7</sup>

Given its close connection with the concept of community, one can easily understand the trend to associate republican ideals with communitarianism, as in Sandel's case. However, some qualifications are needed in order to see how neo-republicanism can be both communitarian and liberal. First, the neo-republican emphasis on community should not be understood as a form of traditionalism (Pettit 1997: 96): contrary to thinkers like MacIntyre, neo-republicans - Sandel included - do not think that "the way to think about justice or rights is simply to base them on the prevailing values of any given community, for the obvious reason that those values may be wrong or oppressive" (Sandel, 2003: 179-180). Sandel therefore suggests to distinguish traditionalism and perfectionism and accepts to be labelled a communitarian in this second sense, i.e. in as much as "the principles of justice that define our rights cannot

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6 Habermas does not label his own theoretical position as neo-republican, since he criticizes American neo-republicans such as I. Michelmann for unduly reducing political deliberation to ethical issues (i.e. concerning common identity) and for missing the universalist dynamics of the moral point of view. However, even if his deliberative model tries to elaborate a third way between political liberalism and neo-republicanism, he still attributes more importance to the concept of public autonomy than liberals do. Like theorists such as Skinner and Pettit, he considers that individual rights are not normatively independent, since they rest ultimately on a certain kind of political community and depend on a certain quality of public deliberation. (Habermas, 1999).

7 See for example Kymlicka's discussion of the Sandel and Rorty's conception of moral reasoning (Kymlicka 1989).



be detached from conceptions of the good life” (Ibid.). Yet, according to Pettit, perfectionist communitarianism remains inadequate, not because it preserves directly the traditional conceptions of the good, but because it might do so indirectly. Pettit criticizes the skepticism expressed by some communitarians towards the ideal of neutrality, because such attitudes lead to a dangerously elusive kind of consequentialism. As such, Sandel is wrong to argue that the public debate is necessarily loaded with conceptions of the good without specifying which one should be politically promoted; unless neutrality is publicly upheld as a “shared value”, there is no guarantee that perfectionist republicanism would not “let loose the dogs of moralistic enthusiasm” (Pettit 1998: 90).

As such, neo-republicanism pleads to be a genuinely liberal conception of political legitimacy and thus differs from more radical contemporary versions which strive to update the ancient conception of freedom, based on active citizenry and robust civic virtues, and therefore go back to the classical position of civic humanism (Oldfield, 1990). In Pettit’s work, such political perfectionism, where the state uses its coercive power to publicly promote a specific conception of the good is a form of imperium, i.e. a domination originating from the state that is as illegitimate as the one originating from society, the one republicans call dominium.

Nevertheless, if the neo-republican account of community is specified as non-traditionalist and non-perfectionist, it becomes all the more paradoxical since it calls for a sense of belonging which should be at the same time very tight and very loose. Very tight since, for neo-republicans, being included in the political community and the subsequent feeling of such inclusion provide individuals’ rights with meaning. But the sense of belonging should also be very loose so far as it should only be produced by a “shared value neutralism”. In other words, the need to “thin” the normative substance of the common good, in order to adapt neo-republicanism to value pluralism, is flanked by the simultaneous need to produce a “thick” sense of solidarity, i.e. to foster a strongly experienced common identity. This distinction raises a specific challenge for neo-republicanism: while it is likely to be inclusive from a value point of view, it may at the same time remain exclusive from an identity point of view.

Given the communitarian basis of neo-republicanism, one can easily see why immigration is a difficult topic for neo-republicans. While

the focus on individual rights allows political liberalism to adapt its principles to the immigrants' case, the neo-republican emphasis on the political community is likely to downplay the interests of those who don't initially belong to it. If citizenship is intimately linked with the status of national membership, what happens to immigrants or strangers who don't possess such status but nevertheless participate in the social life of their host country? As immigrants are not citizens from the start, they initially have civil and social rights but no political standing, which tends to undermine the structural co-originary of the private and the public dimensions of autonomy stressed by neo-republicans.<sup>8</sup>

Consequently, I consider immigration as a good test to reveal the internal risk that structures the neo-republican paradox mentioned above. Indeed, since in modern republics social solidarity cannot stem anymore from any substantial conception of the good, it depends all the more upon signs of political inclusion. To put it differently, the less people can gather around shared morals, the more they need to identify with their political membership. But what kind of common identity this political membership implies remains unclear.

### 3. Patriotism neutral or biased?

To shed light on the political culture that should be promoted in culturally diverse societies, neo-republican nationalists draw on the old theme of patriotism. Traditionally, republicans have emphasized the need for civility in order to promote individual freedom. They considered that laws could not be effective unless they were based on something more than the fear of repression. According to Machiavelli, "just as goods morals, if they are to be maintained, have need of the laws, so the laws, if they are to be observed, have need of good morals" (Machiavelli 1965: 241): laws are not merely devices made to regulate individuals' behaviours from the outside; rather, their authority depends on the internalized norms that they produce within the population, norms which make citizens comply somewhat spontaneously. As Pettit has clearly shown, such processes of internalization create a dynamics of self-reinforcement through reciprocal forms of control between individuals that he

8 This situation is not only a matter of temporary transition, since the status of outsider may last a long time when immigrants cannot or do not want to become naturalized.

describes as a “fire-alarm mode of oversight”. According to him, the virtue of civility remains a plausible requirement in modern democracies, because it does not depend on any naive confidence about people’s altruism but more basically on a process of identification that is essentially unintentional - “something that comes to people as naturally as breathing” (Pettit 1997: 256). Identification explains why people sometimes feel personally obliged to repress their egoistic tendencies in order to sacrifice themselves for a collective cause without assuming they have any extraordinary moral powers (Ibid.: 259-260).

Pettit’s defence of civility is of great interest because it explicitly connects the “common good” issue to the “common identity” issue. As he writes, “civility involves not just internalising values, but also identifying with the group whose interests are associated with those values” (Pettit, 1997: 257). This connexion between values and identities explain why republicans have traditionally linked civic virtue with “love of country” (Viroli, 1995). Accordingly, Pettit believes that neo-republicans should still value “patriotism”, understood as citizens’ identification with the political institutions that render them free in contrast to nationalism which binds people to an exclusive ethnic community.<sup>9</sup>

Following Pettit, neo-republican nationalists like Miller or Laborde consider that the paradox mentioned before can be superseded through patriotism: indeed, if the common identity is essentially political, i.e. based on civic principles and democratic institutions, it can be thick (i.e. referring to a strong commitment to a specific political culture) while staying thin on an axiological level. However, they both stress a fact that Pettit tends to neglect, namely that the venerable theme of patriotism cannot easily be transposed from the old republican cities to modern nation-states. Indeed, scholarship about the nation-building has shown that no democratic state can ever be neutral from an ethno-cultural point of view. As demonstrated by the choice of an official language, a national flag or anthem, or religiously motivated public holidays, no democratic nation is purely civic and always involves some ethnic features. This is not to say that patriotism is a sham that only refers to a form of ethnic solidarity. Rather, it suggests that in modern republics, “nationalism can provide the fuel for patriotism” (Taylor, 1997: 40),

9 “If we cherish our own citizenship and our own freedom, we have to cherish at the same time the social body in the membership of which that status consists” (Pettit, 1997: 260).

because pre-political elements provide a strong motivational basis for people to gather around political principles.

However, the tight interconnection between patriotism and nationalism remains highly problematic. Therefore, unless neo-republicanism clearly specifies how the ethnic orientation of the political identity can be reconciled with patriotism, the possibility of a biased form of civility which is likely to be counter-productive remains, i.e. it will produce domination instead of preventing it. Indeed, if people's civility is pre-conditioned by a process of collective identification, then they can feel like acting as responsible citizens when judging or denouncing others according to an exclusive view of their national identity. Think for example about the consequences of Pettit's fire-alarm mode of oversight in a democratic nation dominated by a Christian culture like France. As it appeared in the debates surrounding the Islamic scarf affair in 2004, many French people felt that it was right to condemn harshly the sexist habits of their Muslim neighbours - which were allegedly demonstrated by Muslim women's obligation to wear a veil - while being much more indulgent towards the sexist behaviours performed in their own cultural background.<sup>10</sup> Obviously, the partiality of their moral sensitivity originated in a collective identification which was not purely political; their asymmetric reaction did not only express their pride to be citizens of "le pays des droits de l'homme" - and to free Muslim girls from the grip of sexist traditions - but also suggested that they unconsciously perceived themselves as heirs of an old nation, characterized by its Christian culture. Therefore, when culturally biased, national identification encourages both majority chauvinism and a suspicion towards ethnic minorities on issues about which the majority considers itself as more civilized than minority cultures.<sup>11</sup>

10 This asymmetry originates in cultural habits of a society which is at the same time modern, secularised and still deeply influenced by its Catholic culture. This context partly explains why the wearing of the Islamic scarf hurts the French public opinion more than the hyper sexualisation of women's bodies in advertisements for instance or than the public funding of catholic traditional schools which do not all respect sexual mixity and sometimes still praise patriarchal values, very similar to those condemned by French republicans about Muslims.

11 This was one of the problems raised by the Islamic scarf affair in France in 2003 and 2004, i.e. not only a conflict between irreducible values (gender equality Vs submission of women) but also the monopoly imposed by the cultural majority on the embodiment of political values, a contestation which was formulated especially through the debate between the feminists of the minorities (Macé and Guéniff-Souilamas, 2004) and the feminists of the majority (for example, Elisabeth Badinter).

Generally, such hostility against multicultural claims is seen as a proof that French republicanism is a strong form of communitarianism. But this diagnosis is misleading. French republicanism is neither traditionalist, since it clearly endorses the value of individual autonomy, nor perfectionist, at least in terms of cultural identity. When French republicans address the question of national identity, most of them agree with liberal nationalists: for instance, in her influential works on this issue, Dominique Schnapper does not argue that national integration is necessary because the French culture is intrinsically good but rather because a certain form of cultural assimilation is “the price to pay” in order to realize the civic project (Schnapper 1998: 487). She does not reject cultural diversity *per se* but rather contends, like Brian Barry, that it should not be politicized. In her opinion, there cannot be any political sense of belonging, unless individuals are able to transcend their particularism, even if, by doing so, they ultimately adopt the majority/national culture. Hence, French republicanism can be interpreted as a paradigmatic case of the paradox at work in the neo-republican sense of belonging. In fact, the alleged French communitarianism rather refers to the biased form of patriotism that I have analyzed above. There, republican principles are more preventing the majority of the citizens to identify with the minority causes than encouraging them to do so.

What is worrying from a neo-republican perspective is the fact that biased patriotism makes the fight against non-domination counter-productive: being exclusive, the collective identification of the majority distorts the meaning of cultural differences and tends to evilize them, a process which intensifies racist clichés and prejudices instead of preventing them. As a consequence, rather than maximizing non-domination for all citizens, biased patriotism paradoxically fosters unexpected forms of domination of cultural minorities.

#### **4. Is deliberation a good answer?**

The problem described above can be summed up as follows: if republicanism puts the emphasis on political membership more than liberals do and if political membership is ethnically oriented, there is a structural risk that fostering patriotism will enhance the division between

insiders and outsiders, which in this case boils down to the division between nationals and non-nationals.

In general, neo-republicans suggest avoiding the risk of an exclusive and partial political identity by insisting on the virtue of deliberative politics (Honohan 2002: 257 and sq., Laborde 2006: 372-373, Maynor, 2003). Thereby, they hope to envision the co-originary of the private and public dimensions of autonomy in a larger way than civic humanists do, thus allowing collective deliberation to include the point of view of those who are considered as outsiders of the national community, whether for juridical or symbolical reasons. For instance, when Pettit adds a “contestatory standing” to the electoral-decision model of democracy (Pettit 2000) or when Habermas stresses the communicative power originating in the anonymous and informal chains of the “public sphere” (Habermas 1998: 251-252), they both add to the traditional community of citizens the opinions originating within civil society, i.e. they emphasize the agendas of associations, NGO and the like. As such, the mobilizations of illegal migrants and of their supporters, for example, can be interpreted as civic movements which contribute to political deliberation to the same extent as the programs defended by political parties or the decisions voted by citizens at the local, regional or national levels.

Accordingly, Miller and Laborde consider political deliberation as the privileged way to render patriotism more inclusive, by enriching the political culture of one republic with new points of views expressed by outsiders. *Contra* conservative nationalists, Miller outlines that “national identities are not cast in stone” (Miller, 1995: 127). While Miller agrees with them that a common nationality is needed for a well functioning state, he contests the fact of regarding nations as sacred things to be protected against the danger of cultural differences. Rather, he outlines that the different life styles and values carried by newcomers are the source of an evolution that happens through collective deliberation:

“Ideally, the process of change should consist in a collective conversation in which many voices can join. No voice has a privileged status: those who seek to defend traditional interpretations enter the conversation on an equal footing with those who want to propose changes. The conversation will usually be about specific issues : which language or languages should be given official status; which version of national history should

be taught in schools; what changes, if any, should be made to the constitutional arrangements; and so forth. But behind these lies the wider question: what kind of people are we?" (Miller, 1995: 127; my emphasis)

By referring to a "collective conversation", Miller can assert at the same time that nations are ethical communities whose public culture should be promoted and that this public culture is not exclusive, as long as its content remains open to discussion. As Habermas has shown, from a pragmatic point of view, discussion is based on a universalist dynamics, since it necessarily requires to include all possible arguments. Accordingly, Miller considers that, in order to define the national identity, a discussion should be carried on, within which no point of view should be given any privilege, neither the one expressing the majoritarian and traditional culture, nor the one related to the minorities' diverse cultural backgrounds. By "all points of view", Miller does not refer only to citizens who are members of cultural minorities but also to immigrants:

"Because nationality does not require deference to established institutions or the myths that sustain them, it need not outlaw dissent or select as new members only those who already share the existing national identity. All it needs to ask of immigrants is a willingness to accept current political structures and to engage in dialogue with the host community so that a new common identity can be forged" (Miller, 1995: 129-130).

In sum, in Miller's view, the exclusiveness of the national identity is but a contingent and temporary bias to be corrected by political deliberation. In Laborde's "civic patriotism", the deliberative understanding of the political culture is even clearer than in Miller's "principle of nationality", since she assimilates the political culture with the context within which political deliberation is carried on: "Political culture can be defined as the loose and malleable framework which sustains our political conversation over time (...). We value our country because we value the particular character of its public debate." (Laborde, 2002: 609). Like Miller, she praises the virtue of deliberation to render this framework hospitable to cultural differences, since "civic patriotism (...) insists that the political culture itself be one of the objects of democratic deliberation" (2002: 610). For example, she estimates that during the Islamic scarf affair in 2003-2004, the French state failed to carry on a proper deliberation, likely to include all relevant points of view. Indeed,

the Stasi Commission<sup>12</sup> charged to assess the compatibility between the wearing of the Islamic scarf and the French principle of *laïcité* - i. e., religious neutrality- refused to interview hijab-wearing Muslim women, “on the grounds that the Consultative Commission would ‘not be sensitive to their arguments’” (Laborde, 2006: 373).

However, whatever promises of inclusion political deliberation might make, for several reasons, I consider them as too fragile to be able to avoid the risk of an exclusive political identity. I will outline these reasons in the remainder of this paper. First, though enriched by a “contestatory standing” (Pettit) or a “collective conversation” (Miller, Laborde), neo-republican understanding of political deliberation does not offer any warrant to individuals whose point of view is not juridically secured. In modern nation-states, political membership still largely depends on the owning of a specific status, namely that of national citizenship. Consequently, there is no guarantee that non-nationals’ points of view will be taken seriously and that deliberation will enforce a minority’s point of view about political identity. David Miller’s recent paper on immigration even suggests the contrary. In fact, we can observe conservative turn in Miller’s scholarship, particularly if we compare his earlier account of “the principle of nationality” to his recent writings about immigration. While *On Nationality* pleads in favour an inclusive national identity under the influence of a collective conversation between the majority and minorities, Miller’s article “The Case for Limits” develops an argument in favour of cultural preservation which tends to undermine his earlier position. According to him, cultural preservation, i.e. the protection of the language and of the “physical shape” - i.e. “[their] public and religious buildings, the way [their] town and villages are laid out, the patterns of the landscape, and so forth” (Miller 2005: 200-201) - is a legitimate claim that nationals can make against some immigrants willing to join them. However, if one or several national languages can be publicly promoted as ethical requirements for political deliberation, the physical shape’s argument is worryingly restrictive. It clearly allows the majority to impose its cultural domination, for example by discrimi-

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12 The Commission Stasi was convened by President Jacques Chirac in the summer 2003 to give advice on whether Muslim schoolgirls should be allowed to wear headscarves in state schools. It was composed of twenty experts (mostly academics and lawyers) whom interviewed, between September and December 2003, a number of political, religious, educational and associational representatives.



nating against immigrants whose religious practices would disturb the national landscape.<sup>13</sup>

Moreover, the issue of membership that immigration raises is not strictly juridical. Being an outsider of the “community of citizens” does not only concern people who do not possess citizenship. It also implies naturalized immigrants who are symbolically excluded from the national community, according to cultural prejudices. Consequently, if nationals are justified in refusing access to immigrants whose cultural differences are seen as disturbing, what would prevent them for acting in the same way towards naturalized or even longstanding ethnic minorities living in the country?<sup>14</sup> Even if these people’s points of view would be juridically secured, since they are formulated by members of the political community, they would nevertheless remain marginalized. That a different point of view is acknowledged (because it can be heard in public forums) does not imply that it will be authorized, i.e. that it will be taken seriously (Honohan, 2002: 260-263).

Then, the cultural preservation’s argument shows the limits of Miller’s principle of nationality and suggests that the pre-political identity - which is needed, in his opinion, to foster citizenship and the commitment to social justice will unfairly favour the cultural majority. This is an outcome that severely jeopardizes the project of a multicultural society.

Second, the emphasis on political deliberation tends to focus on value pluralism, thus minimizing the problem of collective identification. Consider for instance Maynor’s answer to Kymlicka’s objection about the “dictatorship of the articulate” (Maynor, 2003: 76-87). For Maynor, it is wrong to argue that cultural rights should not depend upon the political deliberation, given that the political sphere is culturally biased and therefore silences or twists the points of view of minorities that do not fit into the dominant framework. On the contrary, in his view, the cultural bias of the public sphere can be justified through

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<sup>13</sup> See the debates concerning the ban of minarets in Switzerland.

<sup>14</sup> Since the nationals’ decisions are expressed through classic electoral processes, it is more than likely that the cultural majority will systematically outvote ethnic minorities. Recall, for example, that in France, naturalization did not automatically grant the same political rights to nationals and naturalized immigrants, i.e. former non-nationals. The delay in acquisition of political rights imposed on the latter clearly shows that the juridical exclusion of “strangers” point of view is reproduced within the political community itself. See G. Noiriel, *Le creuset français. Histoire de l’immigration en France XIXe-XXe siècles*, Paris, Seuil, 1989.

the promotion of minimal civic virtues by the republican state. Without this promotion citizens may be unable to cast their ends in a non-dominating way.<sup>15</sup> Promoting these virtues goes along with a “formative project” (Sandel, 1996: 6), which is not only instrumental but also substantial, since it intends to enrich the citizens’ life. However, according to Maynor, such “quasi-perfectionism” of the republican state remains legitimate in a pluralist society because it serves the common good “albeit in an individual manner”, i.e. it still allows for a large variety of ways of life (Maynor, 2003: 76).

Yet, as such debates focus on the issue of “state perfectionism”, they inevitably tend to conflate the axiological and the cultural dimensions of neutrality. The cultural bias of the public sphere, however, is not only a matter of political values but rather of political identity. Minorities can be silenced not only because their specific values are neglected but also because they do not recognize the political life of the country in which they live as theirs.<sup>16</sup> This is often the case for national minorities whose language is not officially recognized, and it remains true for ethnic minorities whose members, once they have become citizens of the country, may feel like strangers anyway because of the cultural stigmatization they suffer from. I therefore maintain that neo-republicans should say more about the implications of the state quasi-perfectionism in terms of identity, if they wish to give a convincing answer to the following question: how does a political deliberation centred on the value of non-domination allow for an inclusive conception of political identity?

15 “Where state intervention in a system characterized by liberal neutrality stops at regulating how individuals and groups behave, the republican state continues by challenging how individuals or groups cast their ends” (Maynor, 2003: 87).

16 The example Maynor uses to illustrate the superiority of republicanism over political liberalism when dealing with minority claims is typical of the inadequate focus I criticize here: the Mozart’s case evoked by Maynor deals with Christian fundamentalists who wished to exempt their children from civic education, arguing that civic education promoted values going against their deep moral beliefs (Maynor, 2003: 188). However, the conflict at stake here may have nothing to do with cultural identification. People genuinely considering themselves as “Americans” - as it was probably the case for the people involved in the Mozart’s case - can have radically differing moral values. By contrast, people sharing very similar conceptions of the good life, may display very strong differences in terms of ethnic identifications. For instance, sociologists have shown that for many French Muslim girls who wear the Islamic scarf, acting as such was more a way to express their solidarity to their cultural group than a will to adopt a Muslim fundamentalist way of life and that, by many ways, their way of life was very similar to that of other young French people. Thus, the Islamic scarf often functions as a strong identity marker without implying any significant valuedistance.

## 5. Deliberation and contestation

Finally, I wish to argue that if the deliberative solution that neo-republicans mobilize in order to solve the paradox of a multicultural form of patriotism appears imprecise, it is essentially because this deliberative approach does not sufficiently clarify the relations between deliberation and contestation.

According to Pettit, contestation is one of the key-concepts to understand political legitimacy in republicanism. Founded on consequentialism, neo-republican ideals are not contract-based, in the sense that they do not derive from the agreement on rational and formal moral principles. Rather, republican ideals are realized when members of a community have access to the institutional means to contest the domination they suffer from and when they make use of this means.

It is worth noticing that Pettit considers domination as an identity-carrying concept. Indeed, he does not limit the identification process to the political community, as shown above with the virtue of patriotism, but he also applies the identification process to the groups who seek for non-domination, in particular to ethnic groups. Non-domination is a common good precisely because domination often depends on collective forms of identification. Arguably, a racist insult is not only a private damage offending the insulted person; rather it has an impact on any person who can identify with her because of certain racial traits. Domination is not about effective interference and actual threat of someone's freedom; rather it creates "classes of vulnerability" within which individuals share the common experience of a potential threat. As Pettit says, "those of you in each class sink or swim together; your fortunes in the non-domination stakes are intimately interconnected." (Pettit, 1997: 122). Eventually, he concludes that the negative solidarity stemming from any kind of stigmatization justifies what Young has called a "politics of difference" where stigmatized groups are encouraged to denounce the situation of domination they experience collectively (Young, 1990).

However, the problem lies in the fact that, when Pettit refers to the politics of difference, he implicitly assumes that the negative processes of identification will be reconciled with a positive one, namely the one previously described about patriotism. He sees the politics of difference as likely to foster a "group-centred civility", i.e. a dynamic process

through which all citizens will ultimately identify with each dominated group's fight, because domination is an evil that anyone should reject. I consider that Pettit's optimism requires more justification here. That a "politics of difference" will promote a shared form of civility uniting the majority and the minorities within a single political shared identity is far from being obvious. Indeed, if we acknowledge the fact that patriotism cannot be purely civic but that it is likely to be culturally biased, it is hard to see how the members of the cultural majority can easily identify with the contesting ethnic groups.

In my opinion, Pettit's mistake is to assume that political deliberation is likely to foster a "group-centred civility", as if the universalist dynamic of discussion would automatically give access to the contesting groups' points of view. Such assumption is questionable because contestation should not be confused with a kind of deliberation, namely a deliberation initiated by minorities about the situations of domination they suffer from. Deliberation is ultimately a matter of arguments, of points of view. As such, it refers to the "abstract and ethereal" dimension of cultures (Kymlicka, 1995: 76), i.e. to the beliefs, values and world-visions they carry. By contrast, contestation promotes the identities of groups sharing a common experience. This experience-based shared identity, whatever cultural features it carries, is essentially reshaped by the "social perspective" of marginalization (Williams 1998: 171). As such, contestatory movements build direct and affective ties between people who are used to relate their specific way of living to their collective identity, because this way of life is despised, neglected or aggressively rejected by the majority. Consequently, direct identification goes along with a fair amount of hostility or at least of suspicion, both felt by minorities towards the majority and by the majority towards minorities. In her scholarship on marginalized groups, Melissa Williams has shown why the cause of women or Afro-Americans has been mostly promoted through self-representation in the history of the United States. Underlining the specific "voices" and "memories" of these groups and the subsequent difficulties for their members to "trust" the people who do not share them, she strongly suggests that political contestation cannot easily include people who remain strangers to the specific experience of marginalization. Then, while deliberation is structurally orientated towards the universal point of view - and therefore inclusive - minority

contestation happens through direct and affective ties that tend to be exclusive, hard to reconcile with the dominant culture.

I am not saying that political contestation cannot lead to an argument-based deliberation. Rather I am saying that it primarily exists through an experience-based identification and that such identification tends to undermine the dialogue between minorities and the majority. This point is well-known and not original. But it raises a specific difficulty here. That politics have an agonistic dimension is not a real problem as long as citizens fight about divergent interests but still identify with each other as members of the same political community. However, when contestation concerns cultural minorities, and more particularly ethnic minorities, oppositions are not about interests but about identities. Therefore, one can ask how a common political identity can arise if the contestation follows ethnic lines.<sup>17</sup>

## 6. Conclusion

In this paper, I have argued that neo-republicans, and in particular national republicans, face specific difficulties when they try to adapt republicanism to the fact of pluralism in modern societies. To succeed, they need to prove that republicanism is friendly not only to value pluralism but also to cultural pluralism. Unless they do so, the paradox will remain that liberal forms of republicanism do not automatically support inclusive political identities. Given its communitarian basis, republicanism intimately connects freedom with political membership, which empirically implies many cultural features. However, so far, the emphasis neo-republicans place on political struggles and deliberation has not done

17 This problem is conspicuous from the perspective of the French republican experience, where the strong value granted to political solidarity - defined through the historical commitment of French people to universal citizenship - works precisely against the recognition of any form of ethnic contestation (Guérard de Latour, 2008). It appeared clearly during the year 2005, when, for the first time, two ethnic and racial groups, the Indigenous of the Republic and the Representative Council of Black Associations (CRAN), took a stand in the political scene in order to contest discrimination. Both of them put "the duty of memory" at the core of their fight, arguing that the marginalization of racial and ethnic minorities is greatly an effect of past injustices, namely slavery and colonialism. These groups were harshly criticized, especially by republican intellectuals (Lindgaard, 2007) who condemned their ethnic claims as being inspired by "victimization" and reproached them for weakening the national solidarity, whether by pushing the public opinion into the "tyranny of penitence" (Bruckner 2006) or by undermining the coherence of the national history (Rioux, 2006).

enough work to warrant that their renewed understandings of patriotism and nationality would be hospitable to cultural differences.

### Works cited

- Bruckner, Pascal (2006), *La tyrannie de la pénitence. Essai sur le masochisme en occident*, Paris, Grasset.
- Carens, Joseph (2000), *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford, Oxford University Press.
- Habermas, Jürgen (1993), « L'individualisation par la socialisation », in *La pensée post-métaphysique : essais philosophiques*, Paris, Armand Colin.
- (1996), *Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg, Cambridge, Polity Press.
- (1998), *The Inclusion of the Other : Studies in Political Theory*, C. Cronin / P. De Greif (eds) Cambridge, Mass, MIT Press.
- Guérard de Latour, Sophie (2008), «La France perd-elle la mémoire? Pour une défense républicaine des luttes mémorielles », in J. Guilhaumou and A. Giovannoni (eds), *Histoire et subjectivation*, Paris, Kimé.
- Honohan, Iseult (2002), *Civic Republicanism*, London, New York, NY: Routledge.
- Kymlicka, Will (1989), *Liberalism, Community, and Culture*, Oxford, Clarendon Press, New York, Oxford University Press.
- (1995), *Multicultural Citizenship: a Liberal Theory of Minority Rights*, Oxford: Clarendon Press.
- (2002), *Contemporary Political Philosophy*, Oxford, Oxford University Press.
- (2007), *Multicultural Odysseys. Navigating the New International Politics of Diversity*, Oxford, Oxford University Press.
- Laborde, Cécile (2002), "From Constitutional to Civic Patriotism", *British Journal of Political Science*, Vol. 32, pp. 591-612.
- (2006), "Female Autonomy, Education and the Hijab", *Critical Review of International Social and Political Philosophy*, Vol. 3, September, pp. 351-377.
- Lindgaard, Jade (2007), « L'appel des Indigènes de la République : Contestation ou consécration du dogme républicain ? Etude de cas », in V. Bourdeau and R. Merrill (eds), *La république et ses démons*, Paris, Ère, pp. 123-135.
- Macé, Eric, and Guénif-Souilamas, Nassira (2004), *Les féministes et le garçon arabe*, Paris, Editions de l'Aube.
- Machiavelli, Nicolas (1995), *The Chief Works and Others*, trans. A. Gilbert, 3 vol., Durham, NC, Duke University Press.

- Maynor, John (2003), *Republicanism in the Modern World*, Cambridge, Polity.
- Miller, David (1995), *On Nationality*, New York: Clarendon Press.
- (2005), “The Case for Limits”, I. Andrew (ed.) *Contemporary Debates in Applied Ethics*, Malden MA: Blackwell Publishing, pp. 193-206.
- (2008), “Republicanism, National Identity and Europe”, in C. Laborde and J. Maynor, *Republicanism and Political Theory*, Blackwell Publishing, 2008, pp. 133-158.
- Oldfield, Adrian (1990), *Citizenship and Community: Civic Republicanism and the Modern World*, London, Routledge.
- Pettit, Philip (1993), *The Common Mind. An Essay on Psychology, Society and Politics*, Oxford University Press.
- (1997), *Republicanism. A Theory of Freedom and Government*, Oxford, Oxford University Press.
- (1998), “Reworking Sandel’s Republicanism”, in A. Allen / M. Regan (eds) (1998), *Debating Democracy’s Discontent : Essays on American Politics, Law, and Public Philosophy*, Oxford; New York: Oxford University, pp. 40-61.
- (2000), “Minority Claims under Two Conceptions of Democracy”, D. Ivison, P. Patton, W. Sanders (eds.), *Political Theory and the Rights of Indigenous Peoples*, Cambridge: Cambridge University Press.
- Raz, Joseph (1998), “Multiculturalism”, *Ratio Juris*, Vol. 11, n° 3, pp. 193-205.
- Rioux, Jean-Paul (2006), *La France perd la mémoire. Comment un pays démissionne de son histoire*, Paris, Librairie Académique Perrin.
- Sandel, Michael (1996), *Democracy’s Discontent: America in Search of a Public Philosophy*, J. Cambridge, Mass.: Belknap Press of Harvard University Press.
- (2003), “Justice and Republican Virtues” in Herlinde, Pauer-Studer (ed), *Constructions of Practical Reason. Interviews on Moral and Political Philosophy*, Stanford, Stanford University Press, pp. 179-193.
- Schnapper, Dominique (1998), *La relation à l’autre : au cœur de la pensée sociologique*, Paris, Gallimard.
- Tamir, Yael (1993), *Liberal Nationalism*, New York, Princeton University Press.
- Taylor, Charles (1997), “Nationalism and Modernity”, *The Morality of Nationalism*, R. McKim and J. McMahan (eds.), Oxford University Press.
- Viroli, Maurizio (1995), *For Love of Country: an Essay on Patriotism and Nationalism*, Oxford, Clarendon Press; New York, Oxford University Press.
- Williams, Melissa (1998), *Voice, Trust, Memory. Marginalized Groups and the Failing of the Liberal Representation*, Princeton, Princeton University Press.
- Young, Iris Marion (1990), *Justice and the Politics of Difference*, Princeton, Princeton University Press.





# Citoyenneté et propriété: une conception républicaine de la propriété privée

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## Résumé

L'article défend l'idée que l'on peut opposer une conception républicaine du concept de propriété privée à la conception libérale à laquelle on associe habituellement ce dernier. La conception républicaine repose sur l'idée qu'un régime de propriétaires est républicain lorsque la communauté ne comporte pas de non propriétaires. La propriété privée y est de surcroît considérée comme l'un des attributs du citoyen plutôt que comme une simple option qui s'offre à l'individu –accéder ou non à la propriété– ainsi que le suggère la conception libérale.

**Mots-Clés :** Citoyenneté – Contrôle – Inclusion – Pettit, Philip – Propriété – Propriété privée – Réciprocité –Républicanisme – Simon, William – Waldron, Jeremy.

## Abstract

In this article, we confront a republican conception of private ownership to a liberal one (which is nowadays the most accepted conception of private ownership). The republican conception is based on the idea that a democratic owners' society must be inclusive: ownership has to be a common characteristic of each citizen. This version of private ownership contrasts with the liberal claim according to which property has to be considered as a free option in our democratic societies, and not as a necessary structural and material condition of citizenship, universally distributed.

**Keywords:** Citizenship – Control – Inclusiveness – Ownership – Pettit, Philip – Private Ownership – Reciprocity – Republicanism – Simon, William – Waldron, Jeremy.

Une des questions centrales que suscite le développement économique des sociétés contemporaines est la suivante : “où sont les sujets qui pourraient s’élever contre les formes d’assujettissement très particulières des sociétés économiques ?” (Laval, 2007 : 13). Traditionnellement, le républicanisme est une doctrine politique qui a tenté de penser de tels sujets, sous la figure des “citoyens”. La réponse républicaine, qui paraît aujourd’hui trop peu adaptée à l’ampleur de la tâche dessinée par Christian Laval, fut en effet de dresser un rempart politique à toutes les formes d’agressions – extérieures, dans le visage de pays voisins hostiles, ou intérieures, sous la forme de factions ou de groupes d’intérêts, commerciaux en particulier. Dans cet article, il s’agit de repérer comment l’un des thèmes du républicanisme classique, celui qui lie la figure du citoyen à la propriété privée, peut être discuté afin de savoir quelle conception de la propriété privée aujourd’hui pourrait être défendue dans le cadre néo-républicain de la non-domination et quelles implications cette conception pourrait avoir eu égard au jeu économique actuel dans lequel les perdants se comptent plus facilement que les gagnants, ou, pour le dire dans le langage néo-républicain de Philip Pettit (2004), les dominés plus facilement que les dominants.<sup>1</sup>

Cette question soulevée par Laval renvoie à la critique plus générale conduite par les républicains non contre toutes les formes de réduction des activités individuelles au marché, mais contre l’idée qu’une société puisse être *seulement* définie comme une société de marché (Gaus, 2003). Le républicanisme souligne le fait que la propriété privée, institution au fondement de l’institution marché, est nécessaire pour assurer l’indépendance personnelle et la liberté de l’individu, mais rejette parallèlement toute forme de repli des activités citoyennes dans des relations exclusivement commerciales et privées. Il articule citoyenneté et propriété privée en adossant l’autonomie citoyenne, comprise comme partage de la souveraineté politique, à la propriété privée. Si cette thèse distingue bien l’économie républicaine des conceptions socialistes de l’économie, on ne voit pas en revanche immédiatement en quoi elle la sépare de la théorie libérale. Cet article se propose de montrer pourquoi l’économie républicaine a raison de valoriser les formes d’appropriation privée, pour dégager ensuite ce qu’une telle valorisation peut avoir de républicain par

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1 Dans cet article, je reprends l’analyse –que je discute plus bas– de Jeremy Waldron qui distingue conception de la propriété et concept de propriété (Waldron, 2002 (1988) ; 1985).

différence avec celle que l'on rencontrerait dans une approche libérale. S'il y a bien une conception républicaine du concept de propriété privée distincte de la conception libérale, cette conception doit reposer sur une actualisation des objectifs républicains classiques dans les termes de l'inclusion : un régime de propriétaires républicains aujourd'hui doit être accueillant à l'idée d'une communauté ne comportant pas de non propriétaires. En d'autres termes, si la propriété privée doit être considérée comme l'un des attributs du citoyen plus que comme une simple option qui s'offre à l'individu (celle d'accéder ou non à la jouissance exclusive de biens), alors il ne saurait être question d'écarter quiconque de la propriété au risque de le priver du statut de citoyen réel.

On cherchera donc à montrer d'abord en quoi l'autogouvernement est un idéal républicain et non seulement libéral, lorsqu'il est défini par la capacité d'un individu à ne pas être dominé par un autre et non seulement comme le pouvoir de maximiser l'usage qu'il peut faire de ses propriétés. Pour promouvoir cet objectif d'autogouvernement ou de non-domination, deux stratégies sont envisageables : la stratégie de la réciprocité des pouvoirs et la stratégie constitutionnelle. On tentera de justifier l'idée que la valorisation de la propriété privée, comme attribut de la citoyenneté, peut venir soutenir la première de ces stratégies, parfois délaissée par le néo-républicanisme contemporain. Une telle approche nous conduira à préciser ce que l'on peut entendre par conception républicaine du concept de propriété privée. On s'attachera à montrer que cette dernière vise, plutôt que la seule préservation des rapports qu'un individu établit vis-à-vis de ses biens, une forme de stabilité dans les rapports sociaux, conformément à une définition de la liberté comme non-domination qui guide l'élaboration d'une telle conception. Pour terminer, nous rechercherons le domaine d'application le plus prometteur d'une telle approche. Nous faisons l'hypothèse que les effets pratiques d'une conception républicaine de la propriété privée, dans nos sociétés contemporaines, doivent se faire sentir au sein de la sphère économique ou du travail.

## **1. Le gouvernement de soi : un idéal libéral ou républicain ?**

L'homme économique –c'est-à-dire l'individu moderne– serait le fruit d'une nouvelle normativité apparue aux XVII<sup>e</sup> et XVIII<sup>e</sup> siècles, largement sous l'effet d'une pratique qui place au cœur des échanges humains

le rapport d'argent ou marchand : "Cette normativité nouvelle sous-tend, affirme Laval, (...) une pratique politique de l'État. Cette dernière ne prétend pas tout diriger, mais faire que les individus se gouvernent le plus possible eux-mêmes, soient des centres de décision, *guidés par la poursuite de leur intérêt*" (Laval, 2007 : 325, *je souligne*). Ce lien si évident dans la conception économique classique de l'homme entre le fait de se gouverner soi-même et celui de le faire en vue d'un avantage matériel personnel, sans référence à quelque appartenance communautaire que ce soit et sans viser la non-domination, ne va pas de soi dans le républicanisme.

S'il est vrai que le républicanisme précède pour une bonne part l'apparition de cette nouvelle normativité (Skinner, 2000), il n'en demeure pas moins qu'à partir du moment où elle est apparue, les arguments républicains ont perduré aux XVIII<sup>e</sup> et XIX<sup>e</sup> siècles, comme l'ont montré des travaux récents.<sup>2</sup> Les arguments républicains favorables à l'autogouvernement furent bien plutôt politiques qu'économiques. Le renouveau du républicanisme, au moment de la Révolution française, s'est en grande partie appuyé sur une réflexion économique sans pour autant renverser le rapport entre exigences économiques et politiques, en une veine qui s'est poursuivie, malgré l'éclipse du républicanisme sous l'effet d'émergence du socialisme, jusqu'au néo-républicanisme actuel d'un Philip Pettit. Le gouvernement de soi est moins l'indépendance individuelle *in abstracto* que la faculté de nouer avec d'autres des relations non traversées de domination. Présenté de la sorte, l'idéal d'autonomie républicain pourrait sembler devoir être défendu plus naturellement à travers une architecture constitutionnelle qui ferait de chaque sujet, se voyant attribuer des droits et devoirs égaux, un citoyen.

## 2. Lutter contre la domination : stratégies constitutionnaliste et stratégie de réciprocité des pouvoirs

Pettit repère deux stratégies pour promouvoir la non-domination : l'une est celle qu'il désigne par l'expression de "réciprocité des pouvoirs", tandis que la seconde est appelée "disposition constitutionnelle". La "réci-

2 R. Whatmore l'a montré s'agissant de l'œuvre de J.-B. Say (Whatmore, 2000), R. Scurr l'a signalé à propos de Roederer (Scurr, 2000), G. Stedman Jones l'a rappelé au sujet de Paine et Condorcet (Stedman Jones, 2007). Il ne s'agit là que de quelques exemples.

procité des pouvoirs” implique que chaque citoyen est doté d’attributs individuels qui lui permettent de se tenir dans un rapport d’égal avec ses concitoyens, elle vise à “égaliser les ressources dont disposent le dominant et le dominé, de sorte, idéalement, qu’une personne antérieurement dominée puisse parvenir à se défendre elle-même de toutes interférences engrangées par le dominant” (Pettit, 2004 : 95), il s’agit d’une forme d’*“empowerment”*. Cette stratégie paraît à Pettit peu réaliste et coûteuse socialement. Il privilégie plutôt une architecture institutionnelle permettant d’empêcher qu’un individu en situation de domination puisse utiliser son pouvoir à l’encontre d’un autre. Une telle architecture permet de contenir le pouvoir de nuire de certains : une autorité constitutionnelle, note-t-il, “éradique la domination que certains individus peuvent exercer sur d’autres et, dans la mesure où elle n’exerce pas elle-même de domination sur les autres, [elle] mettra fin à toute domination” (Pettit, 2004 : 96). Si Pettit privilégie cette piste, il n’en reste pas moins que traditionnellement le républicanisme lui a souvent associé la thèse de l’*empowerment*, voyant dans la propriété privée, en particulier du sol, la condition d’accès à la citoyenneté.

William H. Simon a pu montrer, dans un article intitulé “Social-republican Property” comment cette combinaison d’une propriété du sol et de la citoyenneté avait pris des formes nouvelles à l’âge de l’expansion des ateliers et des fabriques. Le lien entre la propriété du sol et la citoyenneté renvoyait à l’implication matérielle des individus dans les affaires de la Cité, grâce à l’entrelacement de l’intérêt particulier et de l’intérêt commun. De la même manière, “la norme critique de l’économie politique républicaine, suggère Simon, est l’indépendance issue de la propriété – la compétence civique fondée dans la propriété du capital” (Simon, 1990-1991 : 1340).<sup>3</sup> L’autonomie est ainsi définie avant tout par une capacité de contrôle de sa destinée qui passe par une capacité de contrôle de son environnement matériel. L’économie politique républicaine, si cette expression doit avoir un sens analytique et non seulement historique, doit précisément œuvrer à dégager l’ensemble des mécanismes économiques qui peuvent encore être pensés en vue de réaliser l’objectif d’une extension de la non-domination par l’intensifica-

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3 Cette citation et toutes les citations d’articles ou d’ouvrages en anglais, non disponibles en traduction française, ont fait l’objet d’une traduction par mes soins dans le cadre de cet article.

tion du contrôle par chacun de sa propre existence<sup>4</sup>. Par là est soulignée la nécessité d'une indépendance socio-économique pour prémunir le jugement politique de toute corruptibilité.

Ph. Pettit, s'il reconnaît avec A. Sen que l'indépendance réside dans "la possession des capacités fondamentales requises pour fonctionner au sein d'une culture locale" (Pettit, 2004 : 208), souligne aussitôt, s'inspirant de la lecture des thèses de Sen par G. A. Cohen (1995), que "si elle ne requiert pas toujours la possession des capacités elles-mêmes, elle suppose la possession des choses que ces capacités permettent normalement à une personne de se procurer" (Pettit, 2004 : 208). Ce sont donc moins les formes mêmes du contrôle qui sont valorisées, que ce que ce contrôle promet théoriquement. Pettit suggère en définitive une distribution de ressources qui aurait intégré la démarche contrefactuelle évoquée par Sen dans *Repenser l'inégalité*, selon laquelle si l'insuffisance des capacités de base dans une société doit être le critère de mesure de la pauvreté des individus, la correction de cette insuffisance doit passer par une distribution de ressources par l'État que ces capacités devraient être normalement en mesure de fournir. Il s'agit bien de se focaliser sur des libertés d'accomplir, mais en évitant le travers, selon Sen, qui consisterait à confondre la participation des acteurs à la mise en place des procédures qui produisent les fonctionnements (*functionings*) et le fait d'être en position de posséder et d'activer ces fonctionnements.<sup>5</sup> Cette approche paraît tout à fait pertinente lorsqu'on s'attaque à l'indépendance socio-économique en général. Elle évite les défauts que pourrait contenir la recherche de l'indépendance socio-économique à travers la seule stratégie de réciprocité des pouvoirs. Cette dernière en effet, à une large échelle sociale, peut paraître intenable dans la mesure où elle repose sur une valorisation de la "liberté comme contrôle". Or, comme Sen a pu le noter, "de nombreuses libertés nous donnent la capacité d'obtenir ce que nous valorisons et voulons sans que les leviers de

4 À ce sujet, on pourra se reporter utilement à la littérature qui défend d'un point de vue républicain ou civique, le droit à un revenu d'existence ou à un capital universel de départ, dans la veine des arrangements imaginés par Thomas Paine, par exemple : Ackerman & Alstott (1999) ; Stuart White (2003) ; Arnsperger (2010).

5 Pour donner un exemple concret, c'est tout le débat, dans les années 1860, qui opposait, au sein du camp républicain, partisans d'un salariat adossé à une législation protectrice du travailleur, notamment via la légalisation de l'activité syndicale, et partisans d'un régime non patronal, associationniste, où chaque travailleur était co-souverain dans l'association, propriétaire d'une part du capital.

commande soient *directement* entre nos mains. Ils sont maniés conformément à ce que nous valorisons et voulons (c'est-à-dire conformément à nos "décisions contrefactuelles" – ce que nous choisirions de faire), et, en ce sens, ils nous donnent plus de possibilités de mener la vie que nous choisirions de vivre. Confondre liberté et contrôle direct peut réduire radicalement la portée et la force de cette grande idée" (Sen, 2000 : 98).

Toutefois, l'approche constitutionnelle écarte trop rapidement les avantages qu'il pourrait y avoir à conserver la stratégie de réciprocité des pouvoirs dans certaines sphères plus circonscrites. Pettit semble ne pas apercevoir qu'en certains domaines, un égalitarisme structurel lié à la propriété privée, c'est-à-dire à la possession d'un certain nombre de biens – en un sens qui distinguerait du coup moins nettement que ne le fait Pettit égalitarismes matériel et structurel – pourrait contribuer à réduire la domination, si ce n'est dans les rapports de l'individu à l'État au moins dans les rapports des individus entre eux, diminuant d'autant la nécessité de l'intervention de l'État pour garantir la non-domination dans ces domaines. Pour cette raison – et même si la stratégie de réciprocité demeure de ce fait modeste – la question de la propriété privée mérite d'être abordée d'un point de vue républicain.

### 3. Qu'est-ce que la propriété privée républicaine ?

#### Concept et conceptions de la propriété

On peut partir de la définition minimale que donne Jeremy Waldron de la propriété, avant même de proposer une définition de la propriété privée : "Le concept de propriété est un concept qui désigne les règles qui gouvernent l'accès aux ressources matérielles et leur contrôle" (Waldron, 2002 : 31). La propriété privée n'est donc pas soluble dans le concept de propriété, dans la mesure où les règles en question peuvent désigner les "droits de plusieurs personnes" sur une même ressource. On peut ainsi distinguer : la propriété commune, la propriété conjointe et la propriété privée.<sup>6</sup> La propriété privée peut donc – si l'on entend éviter de la réduire purement et simplement au concept de pro-

6 Sur l'importance de telles distinctions, voir notamment : Christman (2000). Pour les aspects républicains qui engagent une réflexion sur la propriété commune, je me permets de renvoyer à un article qui confronte les thèses libertariennes de gauche aux thèses républicaines (Bourdeau, 2006).

priété– être définie de la manière suivante : “Dire qu’une personne est *propriétaire* de X, c’est dire qu’elle est investie par la loi de certains droits à l’égard de X. Cette personne n’est pas propriétaire des droits, mais plutôt *a* des droits, et en vertu de ces droits, elle est propriétaire de l’objet en question” (Waldron, 1985 : 326). Ces droits sont des droits d’usage et de contrôle sur X. Le propriétaire d’une chose est celui qui emporte la décision finale quant aux usages qui peuvent être faits ou non de cette chose, en fonction de droits qui définissent précisément ces usages. Ce sont les manières dont ces droits vont être définis qui vont entraîner, à partir d’un concept unique de propriété privée, différentes conceptions de la propriété privée, si bien que Waldron est soucieux de prévenir toute définition qui voudrait assimiler le concept de propriété privée avec la conception moderne occidentale qui inclut des “pouvoirs d’aliénation et de libre échange associés à un usage exclusif” de la chose possédée (Waldron, 1985 : 341).

### **Conception républicaine du concept de propriété privée**

Waldron rappelle que certains concepts (et en particulier certains concepts évoqués dans les débats publics) sont des “concepts essentiellement contestés”, c’est-à-dire qu’ils impliquent “des disputes sans fins au sujet des usages corrects qui peuvent en être faits par ceux qui les utilisent” (Waldron, 1985 : 338).<sup>7</sup> On demeure donc confronté, lorsqu’on spécifie le concept de propriété, à “la question de savoir quels droits spécifiques, quels pouvoirs, libertés, garanties et plus encore devraient être accordés aux propriétaires au niveau des règles juridiques concrètes” (Waldron, 1985 : 349).

Cass Sunstein a proposé une formulation générale d’une conception républicaine de la propriété privée selon laquelle “la propriété devrait être vue comme un droit politique, un de ces droits qui réduit la dépendance vis-à-vis de l’État et crée le genre de sécurité qui est indispensable pour engendrer la citoyenneté dans une démocratie. Les droits de propriété ne sont pas contradictoires avec la démocratie ; par bien des aspects, ils aident à remplir les conditions initiales du gouvernement de soi” (Sunstein, 1997 : 204). Ce n’est que secondairement, affirme-t-il,

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7 Waldron s’appuie sur Gallie (1956).



que la justification de la propriété privée devrait être conduite sur un plan économique : “La création de la propriété privée joue *par ailleurs* (*also*) un rôle indispensable au développement économique” (Sunstein, 1997 : 204, *je souligne*).

Si Sunstein rappelle les différentes raisons pour lesquelles l'économie libérale a pu valoriser la propriété privée (elle est un aiguillon de l'initiative économique, elle joue un rôle de coordination, de résolution de situations type “tragédie des communs”, elle produit un système de stabilité), il insiste surtout sur les rapports entre propriété privée et démocratie : “le point fondamental est que le fait de posséder une propriété privée a un effet important et salubre sur les relations que les citoyens entretiennent avec l'État et –tout aussi important– sur leur compréhension de ces relations” (Sunstein, 1997 : 207). La propriété les libère en partie de leur dépendance à l'État parce que les relations qui se nouent entre les citoyens sont prémunies de toute domination dans un jeu de réciprocité des pouvoirs qui peut se passer de la protection bienveillante de l'État.

William Simon, de son côté, a décrit plus en détail les conditions auxquelles, dans un cadre républicain, la propriété privée pourrait être favorablement accueillie. Selon lui, la propriété privée, dans un cadre républicain, met en avant des clauses plus fortes quant aux transferts et à l'aliénation, afin d'assurer que le “contrôle de la propriété soit bien assuré par les participants actifs ou potentiellement actifs qui constituent la communauté d'usage de cette propriété” (Simon, 1990-1991 : 1341). Une communauté républicaine peut par ailleurs accepter “de limiter les inégalités entre ses membres” par des obstacles mis sur le chemin de l'accumulation, obstacles politiquement décidés.

À ces considérations développées par Sunstein et Simon, il faudrait ajouter un impératif, dans une république inclusive comme la défend le néo-républicanisme par différence avec les formes de républicanisme qui l'ont précédé, qui consisterait, nous semble-t-il, à accorder le statut de propriétaire à tous, à universaliser la propriété, au moins en intensité.<sup>8</sup> Essayons d'en expliquer la raison.

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8 Comme le note Pettit, “[l]a mesure absolue de l'intensité de la non-domination dont bénéficie un individu est fonction de sa mesure relative aux autres pouvoirs : elle est fonction du rapport de pouvoirs dans la société dans son ensemble” (Pettit, 2004 : 152).

### Conception libertarienne et conception républicaine de la propriété privée

Nozick dans *État, Anarchie et Utopie* établit les éléments principaux d'une conception libertarienne de la propriété : "le noyau central de la notion de propriété dans une chose X (...), écrit-il, est le droit de déterminer l'usage qui peut être fait de cette chose".<sup>9</sup> D'une telle définition, strictement interprétée du point de vue de l'individu considéré comme propriétaire de soi, Nozick refuse l'idée qu'une égale distribution des propriétés puisse faire partie d'une conception de la propriété privée. Tout schéma redistributif est jugé contradictoire avec le concept même de propriété qui repose, selon Nozick, sur la liberté totale de contracter. Le jeu légitime des dons, des héritages et des ventes rendrait impossible l'universalisation de la propriété (même en intensité), du moins sans une intervention massive d'un tiers (l'État) qui viendrait enfreindre la propriété de chacun et donc, en dernier ressort, la liberté des individus dont la propriété de soi et de biens matériels qui en découlent sont les manifestations concrètes. Cette approche de la propriété privée semble cohérente avec la définition libertarienne de la liberté, il n'est pas sûr qu'elle le soit avec une définition de la liberté républicaine.

Pour Pettit, la liberté libertarienne est cohérente dans la mesure où elle traite d'un type spécifique de liberté, la liberté comprise comme *liberté de choix* (*option-freedom*). En revanche elle ne nous dit rien sur le *statut de l'agent libre* (*agency-freedom*). Elle porte sur le contexte des choix (la quantité) et non sur la qualité de ce dernier –ou, pour le dire autrement, sur la nature des liens sociaux dans lesquels ces choix s'effectuent. Si l'on résume une telle approche de la propriété, on pourrait dire que, selon elle, moins je suis entravé dans mon usage de mes propriétés, plus ces dernières sont d'authentiques propriétés. Pettit suggère qu'il y a une différence entre une liberté définie par les choix qu'un individu est susceptible de faire ou non et une liberté définie par le statut accordé à un individu comme personne libre : pour un républicain, on peut être lié aux autres et libre, tandis qu'une relation en apparence déliée (l'indépendance) peut masquer en fait des rapports de servilité.

L'exemple typique de la pensée républicaine –que Pettit reprend dans nombre de ses écrits pour illustrer la nature de la liberté comme

9 M. Otsuka, libertarien de gauche, le rappelle et l'accepte lorsqu'il cite ce passage de Nozick au début de *Libertarianism Without Inequality* (Otsuka, 2003 : 12).

non-domination – est la situation de l'esclave soumis à un maître bienveillant. Les choix offerts à cet esclave peuvent être nombreux et variés, il n'en demeure pas moins que l'esclave n'est pas une personne libre. Il est libre de choisir mais sa liberté de choix est elle-même sujette aux choix arbitraires d'un autre. En revanche Ulysse, comme le rappelle Pettit, "n'a pas perdu son statut d'homme libre lorsqu'il a autorisé ses hommes à l'attacher pour ne pas être soumis à la tentation des sirènes" (Pettit, 2003 : 397). Les choix qu'Ulysse pouvait faire une fois attaché avaient pourtant considérablement diminué en extension. En définitive, "l'idée d'être libre est associée à la conception de l'homme affranchi distinct du serf. C'est un idéal qui renvoie à la manière dont une personne est liée à ses pairs, et qui n'est pas déterminé simplement par la quantité de choix dont elle jouit. C'est une question, essentiellement de position sociale ou de statut" (*Ibid.* : 394).

Dans le cas de la stratégie constitutionnelle, "être une personne libre – être un *liber* – c'est être un citoyen qui jouit d'une *protection* égale à celle de ses concitoyens [...] c'est une question de statut dont jouit l'agent parmi ses concitoyen-ne-s" (*Ibid.* : 400). Dans le cas de la stratégie de réciprocité des pouvoirs, que nous explorons ici, c'est la propriété qui devient un atout dans le positionnement que nous pouvons occuper au sein d'une communauté. Le fait d'être propriétaire nous assure une forme de contrôle sur le milieu dans lequel nous évoluons. Le statut, dans ce cas précis, est aussi un atout directement associé à la personne, un atout que cette dernière peut manier elle-même. Mais parce qu'elle renvoie au désir qu'une communauté a d'assurer à ses membres une forme de contrôle sur leur existence, plutôt qu'à celui de sanctuariser la sphère personnelle des individus, la propriété républicaine est par définition inclusive. À l'inverse de la caractérisation de la propriété dans le libéralisme d'un Nozick, la propriété privée dans un cadre républicain autorise ainsi une intervention dans le jeu des dons, des héritages et des ventes afin de garantir l'universalisation de la propriété (en intensité).<sup>10</sup>

Une fois dit cela, on peut se demander quel doit être le champ d'application de cette définition de la propriété : être propriétaire de son logement, être propriétaire de sa voiture, être propriétaire de son animal

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10 À la manière, par exemple, dont le propriétaire d'une part dans une coopérative n'est pas propriétaire du droit de la céder *en tant que part* (c'est-à-dire en tant que pouvoir de décision) sans que cette cession ne soit contrainte par des règles décidées conjointement.

domestique, est-ce la même chose qu'être le propriétaire du capital qui nous permet de travailler ? Si l'on reprend la question initiale posée en introduction, "où sont les sujets qui pourraient s'élever contre les formes d'assujettissement très particulières des sociétés économiques ?" (Laval, 2007 : 13), il semble bien que c'est du côté de la propriété économique qu'il faille orienter la réflexion. Dans la dernière section, nous tâchons d'expliquer pourquoi.

#### **4. L'assemblée des co-propriétaires : modalité pratique de la propriété privée républicaine**

D'après J. Elster, l'idéal marxiste de la vie bonne associée au travail est mieux réalisé lorsque l'agent a la maîtrise des conditions dans lesquelles s'effectue son travail. L'idéal marxiste est donc un idéal participatif qu'Elster juge mieux satisfait lorsqu'il est traduit comme "travail avec les autres" plutôt que "travail pour les autres" (pour le consommateur notamment) : Elster fait référence à ce qu'il nomme une "réalisation de soi conjointement conduite (*joint self-realisation*)" (Elster, 1989 : 152), dans laquelle, selon la formule du *Manifeste communiste*, le "développement de chacun est la condition du développement libre de tous" (cité par Elster, in *Ibid.*) . Cet idéal, d'après Elster, a le mérite d'être plus efficace que l'idéal républicain humaniste civique qui lie simplement la vie bonne à la participation politique. Par différence avec cet idéal, Elster soutient que lorsque la participation concerne des décisions portant sur des aspects très concrets de la vie des individus, celle-ci est plus facilement valorisée et valorisante. Il ne note pas toutefois que l'arrangement "propriété collective" des moyens de production n'est pas forcément le plus efficace pour atteindre l'objectif visé : la réalisation de soi dans le travail. Elster raisonne comme si le contrôle qu'un individu exerce sur son activité de production n'était pas maximisé par le caractère privé de l'appropriation. La raison en est qu'Elster concentre son attention sur le rôle que joue l'inscription personnelle dans un collectif de travail, au point que ce qui se joue dans le travail, c'est la réalisation de soi (de la même manière que dans l'humanisme civique, tout de l'individu est livré à la participation démocratique). Elster substitue une conception de la vie bonne (le travail en commun) à une autre (la participation civique), sans interroger la nécessité d'adopter, en contexte libéral qui est

celui de nos sociétés contemporaines, une approche plus déflationniste en matière de jugement sur la vie bonne.

Le néo-républicanisme qui cherche à promouvoir la non-domination *dans tous les domaines de l'existence* n'a pas besoin de s'adosser à une conception de la vie bonne aussi restrictive que celle que défend Elster. Il permet en revanche d'élargir la conclusion d'Elster : on peut retenir l'idée que la participation politique est pour une bonne part instrumentale, qu'elle a plus de chance d'être source de non-domination quand elle s'attache à des décisions très concrètes qui portent directement sur les destinées des individus décideurs, pour autant il n'est pas besoin de lier la participation à l'intensification de la réalisation de soi dans le travail. Elle peut plus modestement venir limiter la déréalisation de soi dont des décisions arbitraires et porteuses de domination pourraient être la source. En particulier, dans la sphère du travail.

Dans la sphère du travail, et dans le contexte d'une propriété privée perçue comme atout individuel accordé à chaque citoyen, la forme coopérative paraît être la forme la mieux adaptée à l'idéal républicain<sup>11</sup> : elle favorise la propriété privée du capital et donc l'autonomie des sujets dans la mesure où la propriété privée renvoie à la décision qui concerne la chose possédée, toutefois elle préserve des mécanismes pour assurer une universalisation du pouvoir de décider (lié à la propriété) à travers des assemblées de copropriétaires dans lesquelles chacun, quelque soit le montant des quotes-parts, a une voix et une seule. La coopérative articule étroitement le pouvoir de contrôle à la propriété d'une part (une part = un pouvoir de décider), mais dissocie, par ailleurs, les inégalités de richesse des inégalités de pouvoir (un homme = une voix quelque soit le nombre de part). Le contrôle collectif sur la cession, le don ou la vente de cette part assure une transmission plus équitable des parts, sans entériner des situations de concentrations de pouvoir déconnectées du fait de travailler effectivement dans l'association ou coopérative.

Le style général de la justification de la propriété relève moins d'une définition de la vie bonne (que suppose l'approche d'Elster) que d'un souci de promouvoir une maîtrise individuelle –qui passe certes par des formes de coopération– de la fragilité de l'existence (*fortuna*), sans laquelle on est empêché de poursuivre librement les fins que l'on juge

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11 Historiquement elle a eu la faveur des républicains français entre 1848 et 1870, à ce sujet, voir par exemple : Ferraton (2002).

bonnes. Il va de soi que notre dépendance au travail (comme source de revenu) doit être vue plus comme un problème que comme une solution dans cette perspective, et pour cette raison précise, et peut-être pour cette seule raison, le contrôle sur ce domaine-là de l'existence est plus nécessaire que tout autre.

## Conclusion

Au final on pourra retenir que dans la conception républicaine de la propriété privée, si le propriétaire est bien propriétaire de la chose il n'est propriétaire de son titre qu'en regard de sa participation aux décisions qui concernent la chose. La mécanique propriétaire est en quelque sorte inverse de celle qui est à l'œuvre dans la définition libertarienne de la propriété, où c'est la possession de la chose qui donne droit à et non les droits à qui établissent un rapport à la chose. Dans la logique républicaine, une fois sa participation éteinte, l'individu cesse d'être le propriétaire de son *titre* de propriété et peut être contraint de « réaliser » ce titre acceptant par là l'abandon de son droit de contrôle sur la chose.

J'ai concentré mon attention sur la sphère du travail ; est-il possible d'envisager des mécanismes similaires pour ceux qui ne seraient pas inclus dans la sphère du travail ? D'autres formes d'appropriation privée (dans le logement, dans les loisirs, etc.) sont-elles pensables ? Il est tout à fait probable que ce devrait être le cas. Il est toutefois à envisager que, hors du travail, la propriété privée prendra un autre sens puisque non automatiquement pourvoyeuse de revenu, dans ce cas la solution proposée par Pettit en terme d'indépendance socio-économique garantie par une autorité constitutionnelle paraît plus réaliste. Que cette solution s'applique à une plus grande échelle et soit plus inclusive n'empêche pas qu'il vaille la peine de s'interroger sur la possibilité, dans la sphère du travail, de promouvoir la stratégie de la réciprocité des pouvoirs, via, notamment, une conception républicaine de la propriété privée, dont la forme coopérative, en l'état actuel des choses, semble se rapprocher le plus. Mais il est évident que l'objectif étant le partage du pouvoir et de la décision, on ne saurait, dans une société républicaine, limiter le fonctionnement coopératif aux seules unités de production, cette participation devra être attachée aussi à des secteurs très éloignés du travail, comme c'est le cas dans des associations d'usagers de différents types de

biens ou services. Il s'agirait là de définir les "parties prenantes" –nom plus générique des "propriétaires"– d'une question, d'un service, d'un bien ou d'un problème et de remettre sur le métier philosophique une redéfinition de la vie civique contemporaine. Il n'est pas sûr que, dans cette tâche, la définition de la propriété privée républicaine, que nous avons esquissée ici, soit complètement inutile.

### Références bibliographiques

- Ackerman, Bruce & Alstott, Anne (1999), *The Stakeholder Society*, Yale, Yale University Press.
- Arnsperger, Christian (2010), "Revenu d'existence et promotion de la sociodiversité", *Mouvements*, n°64, Nov.-Déc., pp. 102-109.
- Bourdeau, Vincent (2006), "Les républicains du XIXe siècle étaient-ils des libéraux de gauche ? L'exemple d'Auguste et Léon Walras", *Raisons politiques*, Vol.23, n° 3, pp. 93-108.
- Christman, John (2000), "Self-Ownership, Equality, and the Structure of Property Rights", in H. Steiner et P. Vallentyne P. (éd.), *Left-libertarianism and its Critics: The Contemporary Debate*, Palgrave.
- Cohen, Gerald A. (1995), *Self-Ownership, Freedom and Equality*, Cambridge University Press.
- Elster, John (1989), "Self-realisation in Work and Politics : the Marxist Conception of the Good Life", in John Elster & Karl Ove (dir.), *Alternatives to Capitalism*, Cambridge, Cambridge University Press, pp. 127-158.
- Ferraton, Cyrille (2002), *L'idée d'association 1830-1928*, Thèse de 3<sup>e</sup> Cycle de l'Université Lyon II, sous la direction de J.-M. Servet, 450 p.
- Gallie, Walter Bryce (1956), "Essentially Contested Concepts", *Proceedings of the Aristotelian Society*, Vol.56, pp. 167-198.
- Gaus, Gerald (2003), "Backwards Into the Future: Neo-Republicanism as a Post-Socialist Critique of Market Society", *Social Philosophy & Policy*, Vol. 20 (winter), pp. 59-91.
- Laval, Christian (2007), *L'homme économique. Essai sur les racines du néolibéralisme*, Paris, Gallimard.
- Nozick, Robert (1988), *Anarchie, État et utopie*, Paris, Presses Universitaires de France [1974].
- Otsuka, Michael (2003), *Libertarianism Without Inequality*, Oxford, Oxford University Press.
- (1998), "Self-ownership and Equality: A Lockean Reconciliation", *Philosophy and Public Affairs*, Vol. 27, n°1, pp. 65-92.

- Pettit, Philip (2004), *Républicanisme. Une théorie de la liberté et du gouvernement*, Paris, Gallimard [1997].
- (2003), “Agency-Freedom and Option-Freedom”, *Journal of Theoretical Politics*, Vol. 15, n° 4, pp. 387-403.
- Scurr, Ruth (2000), “Social equality in Pierre-Louis Roederer’s interpretation of the modern republic, 1793”, *History of European Ideas*, Vol. 26, n° 2, pp. 105-126.
- Sen, Amartya (2000), *Repenser l’inégalité*, Paris, Seuil [1992].
- Simon, William H. (1991-1990), “Social-republican Property”, *UCLA Law Review*, Vol. 38, n° 6, pp. 1335-1414.
- Skinner, Quentin (2000), *La liberté avant le libéralisme*, Paris, Seuil [1998].
- Stedman Jones, Gareth (2007), *La Fin de la Pauvreté. Un débat historique*, Maisons-Alfort, éditions è\*e [2004].
- Sunstein Cass (1997), *Free Market and Social Justice*, Oxford, Oxford University Press.
- Waldron, Jeremy (2002), *The Right to Private Property*, Oxford, Oxford University Press [1988].
- (1985), “What is Private Property?”, *Oxford Journal of Legal Studies*, Vol. 5, n° 3, pp. 313-349.
- Whatmore, Richard (2000), *Republicanism and the French Revolution: An Intellectual History of Jean-Baptiste Say’s Political Economy*, Oxford, Oxford University Press.
- White, Stuart (2003), *The Civic Minimum. On the Rights and Obligations of Economic Citizenship*, Oxford, Oxford University Press.



# Repenser le concept républicain de domination

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## Résumé

Cet article analyse le concept républicain de domination en soutenant contre les auteurs libéraux « restrictivistes » qu'il comporte un facteur motivationnel et ne peut se réduire à une simple restriction des opportunités d'action. Cette analyse confirme la valeur du concept républicain de domination qui intègre la dimension de la dépendance. Mais elle propose cependant d'élargir le concept d'interférence arbitraire jusqu'à y intégrer les différentes formes de déni de reconnaissance. À ce titre, le concept de reconnaissance semble candidat à l'introduction d'un surcroît d'intelligibilité dans l'analyse des processus de domination. Mais en retour, le concept néo-républicain de domination, convenablement élargi, peut permettre aux théoriciens de la reconnaissance de disposer d'un instrument d'analyse rigoureux des conséquences du déni de reconnaissance.

**Mots - clés :** Catégorisation – Choix – Coercition – Dépendance – Domination – Interférence – Liberté négative – Reconnaissance – Vulnérabilité.

## Abstract

This article analyzes the republican concept of domination by supporting, *contra* “restrictivists” liberal authors, that it should include a motivational factor and cannot be reduced to a mere restriction of opportunities for action. This analysis confirms the value of the republican concept of domination which incorporates the dimension of dependence. But it nevertheless proposes to extend the

concept of arbitrary interference to the point of allowing the incorporation of various forms of recognition denial. As such, the concept of recognition seems to be a candidate for introducing additional intelligibility in the analysis of the processes of domination. But in return, the neo-republican concept of domination, suitably extended, can enable the recognition theorists to have a rigorous analytical tool regarding the consequences of recognition denial.

**Keywords:** Categorization - Choice - Coercion - Dependence - Domination - Interference - Negative freedom - Recognition - Vulnerability.

## Introduction

Il n'est pas exagéré de soutenir que de tous les concepts proposés par les auteurs républicains contemporains, celui de domination est sans doute le plus discuté et le plus controversé, ne serait-ce que par les auteurs libéraux qui ne cessent, pour la plupart d'entre eux, soit de le tenir pour inopérant, soit de le réduire à ce d'avec quoi il cherche à prendre ses distances, à savoir la liberté négative. Il est inutile de prétendre faire l'économie d'une telle confrontation dans la mesure où la simple tentative de définir le concept républicain de domination implique une critique du concept de liberté négative. Il n'est cependant pas impossible de se servir de cette discussion pour tenter d'en déplacer l'enjeu : si le concept de domination est bien distinct d'une simple restriction de la liberté négative parce qu'il présente une analyse plus riche de la limitation de la liberté, ne serait-il pas possible de l'éloigner encore davantage de la liberté négative en l'enrichissant d'une dimension supplémentaire ? N'est-il pas possible d'élargir le concept d'interférence du républicanisme qui constitue le pivot de sa critique de la liberté négative ? On se propose, dans les pages qui suivent, d'étudier la manière dont les théories de la reconnaissance peuvent contribuer à l'analyse du concept de domination en élargissant son extension et de quelle manière le concept néo-républicain de domination peut, en retour, fournir aux théories de la reconnaissance un instrument rigoureux pour analyser les conséquences du déni de reconnaissance. Cet article se divise en quatre sections : la première présente une première définition du concept néo-républicain de domination ; la seconde examine les objections qui lui ont été faites par les théoriciens libéraux au nom de la liberté négative que ce

concept critique ; la troisième montre que la notion « d'interférence élargie » permet d'échapper aux critiques libérales ; et la quatrième examine la manière dont cette interférence élargie peut intégrer le concept de reconnaissance comme instrument d'analyse de la domination.

## 1. Le concept républicain de domination

La structure portante du projet républicain réside dans la construction du concept de liberté comme non-domination et celui-ci s'élabore dans une confrontation avec le concept de liberté négative proposé par Isaiah Berlin et, à sa suite, par nombre de théoriciens de la liberté négative. La thèse que défend ce dernier est que la seule acception possible et désirable de la liberté est celle de la liberté négative qui se définit par la liberté d'action que possède un agent dans la mesure où aucun obstacle ne vient limiter cette liberté. Cette restriction - que l'on peut appeler une « interférence » (*interference*) ou une « ingérence » - se produit, ou bien en vertu de l'usage de la force physique entraînant l'obstruction de l'action, ou bien par la coercition sous la forme d'une menace de contrainte physique de choisir  $x$  et par le fait que cette obstruction et cette menace se traduisent en général par un renchérissement du coût du choix de faire  $x$  qui restreint sa désirabilité<sup>1</sup>. Ces deux types d'interférence possèdent cependant une propriété commune lorsqu'on définit la liberté : c'est, dans tous les cas, leur caractère négatif. L'interférence engendre, dans le premier cas, l'absence physique d'une ou plusieurs options d'action ; dans le second cas, elle renchérit le coût d'une ou plusieurs options au niveau du choix influençant ainsi l'ordre de priorité des choix de l'agent (200 : 132 ). Si on conçoit l'interférence sous l'aspect d'obstacles imposés par certains agents sociaux à d'autres agents, on peut soutenir que le rejet de l'interférence aboutira à s'opposer à toute forme de limitation à l'égard de l'action. Ce rejet définit ainsi un idéal de « non limitation » qui cherche à repousser aussi loin que possible les limitations humaines à la liberté d'action et on aura alors affaire à une conception de la liberté

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1 On peut, bien sûr, se demander s'il est possible et comment de mesurer ce « renchérissement du coût », comme le fait Wall (2001 : 216-230). Mais il est à craindre qu'il n'y ait pas de réponse satisfaisante (Wall n'en donne d'ailleurs pas) à cette question. On devrait plutôt s'en tenir ici à la réponse fournie par R. Nozick (Nozick, 1991) dans lequel il met seulement en avant, à la suite de Hart et Honoré, l'idée d'une moindre désirabilité en faveur de l'action  $x$ .

comme idéal de non interférence<sup>2</sup>. Un tel idéal aux yeux des théoriciens néo-républicains n'est cependant pas exempt de difficultés.

Les théoriciens de la liberté négative soutiennent que les exigences de la liberté comme non interférence sont satisfaites lorsque les individus n'ont subi aucune interférence intentionnelle (ou même non intentionnelle, selon les variantes considérées) dans leur sphère de liberté sous les conditions énoncées ci-dessus. C'est ce qui permettait à Berlin de soutenir qu'il est sans doute possible qu'une démocratie ne respecte pas la liberté négative des citoyens comme le faisait la démocratie antique, et qu'à l'inverse, l'idée d'un pouvoir non démocratique (disons monarchique modéré), peut être acceptable dans la mesure où, même si les sujets ne participent pas au pouvoir, ils disposent néanmoins d'une certaine liberté d'action, dès lors qu'ils n'interviennent pas dans la sphère politique avec des exigences de choix, de contrôle et de participation civique, dès lors qu'ils peuvent prévoir que les gouvernants n'interféreront pas, ou qu'ils peuvent éviter l'interférence au moyen de stratégies spécifiques. Un tel pouvoir, rétorquent les auteurs républicains ressemblerait cependant à celui qu'un maître bienveillant exerce sur son esclave: il peut parfaitement le laisser libre d'agir, ou bien parce qu'il serait trop coûteux de le surveiller constamment sous la menace de l'obstruction physique, ou bien parce que l'esclave a su le persuader par déférence ou flatterie qu'il agirait toujours de manière à ne pas heurter les dispositions du maître. Pour autant, il est difficile de soutenir que le sujet ou l'esclave sont libres du fait qu'il n'existe pas d'interférence effective dans leurs choix et leurs actions et que leur liberté négative demeure intacte. Il se peut qu'il soit peu probable que le maître n'interfère pas dans les actions de l'esclave, il se peut même qu'il n'y interfère *jamais*, comme il se peut qu'un monarque non despotique n'interfère jamais dans les actions de ses sujets ou qu'un mari, pourtant susceptible d'exercer des violences, n'interfère jamais dans les actions de son épouse ou encore qu'un entrepreneur n'interfère jamais effectivement au moyen de contraintes effectives dans les actions de ses salariés. Mais, même dans de telles situations, même lorsqu'il n'existe pas de menace, il est difficile de soutenir que l'esclave, les sujets, la femme, le salarié sont libres du fait qu'il n'existe pas d'in-

2 On laisse ici de côté, par manque de place, la discussion concernant le rapport entre obstacles humains et non humains.

terférence *effective* dans leur action et que peut-être celle-ci n'existera jamais en raison de la bienveillance attestée de l'agent dominant et de la stratégie d'évitement du dominé. L'élève dépendant de l'évaluation arbitraire d'un enseignant, l'employé dont la reconduction de l'emploi requiert qu'il se concilie en permanence les faveurs de son employeur, le débiteur dont le sort dépend des caprices du créancier ou du banquier, le petit entrepreneur dont la viabilité dépend de l'attitude de puissants concurrents, pour le bénéficiaire de l'aide sociale qui dépend du bon vouloir d'un administrateur, l'immigrant dont le statut dépend de décisions politiques elles-mêmes dépendantes de la pression populaire, et le délinquant dont le degré de punition dépend du populisme des politiques pénales, tous se trouvent dans une situation de domination (Pettit, 2004 : 80). Soutenir dans toutes ces situations qu'une absence d'interférence effective témoigne de la jouissance de la liberté pour ces agents revient à négliger le fait que l'absence d'une telle interférence n'équivaut pas en réalité à une absence d'interférence *tout court*. Il existe toujours, en effet même en cas d'une très faible probabilité, la possibilité qu'une *interférence* se produise dans la mesure où le maître, le roi, le mari, l'entrepreneur, le fonctionnaire, le créancier etc. disposent de la possibilité d'interférer s'ils le désirent dans les actions de l'esclave, du sujet etc. sans que rien ne les empêche de le faire puisqu'ils possèdent le pouvoir de le faire. Ils sont maîtres de la décision d'interférer qui dépend à tout moment de leur seule volonté. Or, comme cette interférence *potentielle* anticipée possède les mêmes caractéristiques que l'interférence effective, elle peut provoquer une crainte susceptible de produire un comportement de soumission qui fait que celui qui est l'objet de cette contrainte fait précisément ce qu'on attend de lui sans qu'il y ait besoin d'interférence effective dans ses actions (Pettit et Lovett, 2009b : 4). De ce point de vue, aucune obstruction effective ne limite sa liberté d'agir, mais il se trouve néanmoins dans une relation de dépendance qui lui montre que tous les choix qu'il peut faire ne possèdent pas le même coût. Les choix conformes à ce qu'on attend de lui sont peu coûteux puisque, s'il les fait, il n'y aura pas d'interférence du maître. Les choix non conformes à ce qu'on attend de lui se révéleront au contraire coûteux puisque l'interférence potentielle deviendra effective et que la coercition l'empêchera de les faire. Cependant, les choix conformes à ce qu'on attend de lui seront tout de même coûteux en un autre sens, puisqu'il faudra que, pour agir

conformément à la volonté du maître, il renonce aux options qu'il aurait choisies sans cela et qui représentaient un accroissement de la gamme de ses choix. Il est donc parfaitement possible que cette liberté négative laissée intacte s'accompagne néanmoins d'une *dépendance* à l'égard de la volonté du dominant en vertu de laquelle l'agent voit son action restreinte à partir des choix restreints qui la gouvernent. À côté d'une forme de dépendance qui comporte une interférence coercitive effective dans l'action du dominé, il peut donc exister une interférence potentielle susceptible de restreindre ses capacités de choix, interférence qui enveloppe aussi bien le cas de la menace proférée que celui du pouvoir dont dispose le dominant de d'interférer même sans aucune menace, en se contentant de surveiller la conduite du dominé<sup>3</sup>. Ces types d'interférence sont pour les républicains des variantes d'une même relation de *domination* qui rendent la liberté d'un agent parfaitement contingente<sup>4</sup>. Dans ce cas, les agents dominés se trouvent dans une situation de «vulnérabilité» à l'égard du dominant puisque cette relation de domination signifie qu'ils ne disposent pas des moyens de se protéger contre le pouvoir qui s'exerce ou peut s'exercer de façon arbitraire sur eux parce que leur *ratio* de pouvoir se révèle défavorable. On pourrait rapprocher cette définition de celle proposée par R. Goodin qui définit la vulnérabilité comme une catégorie relationnelle décrivant la relation de dépendance entre deux agents disposant de ressources asymétriques qui font que l'un d'entre eux, le moins pourvu, se trouve exposé, avec un certain degré de probabilité, au pouvoir d'agir de l'autre (Goodin, 1985 : 112).

On peut donc définir la domination de la façon suivante: il existe un rapport de domination entre deux ou plusieurs agents si et seulement si le pouvoir est possédé par un agent (personne, groupe, agence) ou par un système capables d'interférer effectivement où potentiellement

3 Parmi toutes les raisons qui font que P menace R, il y a celle de l'économie de l'exercice direct de la coercition de la part de P. Cependant, dès lors que P n'a même pas besoin de menacer R, son simple pouvoir d'interférer lui fait faire l'économie de la menace au moyen de la pratique de la surveillance. Le pouvoir de P, s'il est rationnel, devrait hiérarchiser des économies de premier ordre (économie de coercition) et de second ordre (économie de menace). On verra plus loin qu'il peut y avoir une économie de troisième ordre (économie de surveillance) dans le cadre d'une interférence élargie.

4 Ce désaccord a lieu aussi avec Q. Skinner, dans la mesure où celui-ci partage avec les libéraux la thèse de la liberté politique comme défense de la liberté négative, bien que dans *La liberté avant le libéralisme* (Skinner, 2000) il ait mis plus clairement en avant la dépendance comme antonyme de la liberté (Pettit, 2004 : 400ss ; 2002 : 339-356).

de façon intentionnelle ou quasi intentionnelle (s'il s'agit simplement de négligence dont l'effet est une forme de domination) dans les actions et sur les choix des dominés. Cette interférence est négative car elle est susceptible de modifier les opportunités d'actions ou de façonner arbitrairement les choix des agents vulnérables, c'est-à-dire exposés sans protection ou immunité à ces dommages. Plus précisément la domination restreint les options de choix des dominés en violation de leurs propres intérêts déclarés en bloquant certaines d'entre elles ou en rendant d'autres particulièrement coûteuses (2005a : 93). Cependant, lorsqu'on parle de domination, on doit remarquer qu'il ne s'agit pas forcément d'une domination qui mettrait aux prises deux agents dans une sorte de relation de face-à-face. Les formulations de Pettit, en particulier, en ce qui concerne les comportements de déférence de la part des dominés pour se protéger de la domination, pourraient le laisser penser. Mais cela est inexact compte tenu de la définition même du critère de la domination. Ce critère ne spécifie, en effet, en rien la nature des agents pris dans des relations de pouvoir. Il peut aussi bien s'agir de rapports entre des personnes physiques, que de rapports entre des institutions et des citoyens et plus généralement de rapports entre des décisions collectives anonymes qui s'expriment à travers des processus impersonnels issus de mécanismes d'agrégation sociale. Si un tel processus social impersonnel s'oppose à l'intérêt d'un agent et peut interférer arbitrairement dans ses choix, on considère qu'il y a domination, même si celle-ci n'est pas intentionnelle. Et c'est bien ce que soutient Pettit au chapitre V de *Républicanisme* lorsqu'il établit la nécessité de l'Etat providence pour corriger les effets de domination produits par le marché, effets de domination qui consistent précisément à priver les individus de ressources pour réaliser leurs choix<sup>5</sup>. Ainsi, là où les économistes et les philosophes libéraux comme Hayek et Nozick voient dans l'existence du marché un simple système d'information sur la nature des prix, ou une simple forme de coopération égoïste entre des agents anonymes, Pettit ne refuse pas de voir à l'œuvre, dans ce processus impersonnel, la production d'effets de domination contre lesquelles les agents peuvent désirer se protéger.

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5 «Par exemple, il est possible que je ne sois pas dépendant d'un individu ou d'un groupe déterminé - que ma dépendance soit en quelque sorte anonyme -, et que je ne puisse pas par conséquent être exposé à la domination par un agent particulier. Mais, d'une manière générale, le fait de ne pas jouir de l'indépendance socio-économique et susceptible d'affecter négativement la perspective que j'ai de jouir de la liberté comme non domination » (Pettit, 2004 : 209).

Au-delà de l'identité des agents, et en revenant aux modalités de la domination, on peut dire qu'il y a domination dans la mesure où l'interférence dépend uniquement de la *volonté arbitraire* de celui qui peut interférer et il en est forcément ainsi dans la mesure où cela se fait à l'encontre des intérêts déclarés du dominé. En empruntant le vocabulaire du droit romain, on peut dire que le dominant est par excellence *sui juris*, c'est-à-dire qu'il vit sous son propre droit parce qu'il ne dépend de personne et que le dominé s'avère *alterius juris* parce qu'il vit sous le droit d'un autre<sup>6</sup>. L'un des effets subjectifs majeurs de ce rapport de domination est que ceux qui peuvent subir une interférence se trouvent dans une position telle que, sans une absence de garantie contre elle, ils seront conduits à éprouver des sentiments d'insécurité constante, à manifester des comportements de déférence et de soumission à l'égard des agents dominants, des comportements d'autocensure, d'adaptation des préférences, ou de ruse pour éviter d'attirer leur attention, c'est à dire en général à manifester des comportements humiliants à leur propre égard (Pettit, 2004 : 118ss, 125 ; 2001 : 79 ; 2005b : 373-375). On peut enfin conclure cette analyse du statut de la domination en mentionnant le fait que celle-ci n'est pas évaluée d'un point de vue «moral», au sens où elle s'opposerait à des normes morales antérieurement établies qui serviraient de critères de définition de son existence. La domination est simplement comprise ici comme une situation objective constatable au moyen de critères.

## 2. Quelques objections

Cette critique du concept de liberté négative à partir du concept de domination soulève cependant un problème selon que les destinataires de cette critique sont les théoriciens de la liberté négative de tendance «radicale» qui défendent des positions «pures» ou «restrictivistes», ou bien les théoriciens de la liberté négative plus modérés qui défendent des positions «impures» ou «non-restrictivistes» (v. définition *infra*). À l'égard des premiers, l'*argumentation* néo-républicaine peut sembler insatisfaisante; à l'égard des seconds, c'est la *thèse* républicaine qui peut sembler insatisfaisante.

6 Cf. sur ce point l'analyse spinoziste des transferts de droit in (Spinoza, 2005 : §§ 10-11) où il recourt à ces deux concepts pour penser les rapports de dépendance par interférence effective ou potentielle.



### (1) La conception restrictiviste de la liberté négative

A l'égard des partisans de la liberté négative «pure» comme H. Steiner, I. Carter ou M. H. Kramer, l'argument républicain concernant l'absence de liberté sous l'effet d'une interférence potentielle du dominant peut sembler insuffisamment développé au point de ne pas parvenir à rejeter de façon convaincante leur propre interprétation de la domination. Prenons le cas relativement simple d'une interférence potentielle constituée par la menace de coercition physique, ou plus largement par l'augmentation du coût d'une option, ou plus largement encore par le fait de disposer d'une capacité d'interférence sans menace explicitement proférée. Pour qu'une telle situation puisse être qualifiée de situation de domination, il faut qu'on ait au moins réfuté les objections que lui opposent les partisans restrictivistes de la liberté négative pure. Ces objections s'expriment sous la forme de deux thèses que l'on peut sommairement exposer de la façon suivante.

(1) La «pure liberté négative» se définit pour les restrictivistes comme une «liberté d'agir» en tant que propriété non d'un *agent*, mais d'une *action* de telle sorte qu'un agent dispose d'une telle liberté si et seulement si il n'existe aucun obstacle *physique* imposé intentionnellement ou non par un agent humain quelconque de nature à empêcher la réalisation d'une action ou l'appropriation des moyens qui permettent de la réaliser. Un obstacle qui rend l'action *x* impossible à réaliser pour R semble rendre R non libre au regard de l'obstacle qui rendrait seulement *x* difficile à réaliser. Autrement dit, un obstacle à la réalisation de *x* qui se révélerait simplement coûteux pour R mais ne rendrait pas *x* physiquement impossible à réaliser laisserait R *libre* de réaliser *x*. On a donc affaire ici à une définition de la liberté comme «concept d'opportunité» qui concerne seulement les possibilités d'action ouvertes à l'agent sans restriction physique (Steiner, 1994 : chap. 2). Cette définition doit en outre permettre, selon ces théoriciens, d'homogénéiser tous les actes de restriction de liberté négative : c'est ainsi qu'une sanction économique qui se traduit par une diminution ou une absence de ressources limite les actes acquisitifs de R qui en dépendent. C'est ainsi que la sanction symbolique qu'une communauté inflige à l'un de ses membres peut se traduire par l'interdiction à R de certains lieux, par l'absence de coopération avec lui,

ce qui limite ses opportunités d'action, ou par des représailles à son égard (Carter, 2004, 15ss). Enfin, une telle définition rend la liberté négative quantifiable et donc mesurable, ce qui permet d'établir des comparaisons possibles entre les situations d'agents dont l'extension des opportunités d'action varie (Carter, 2005 : 25, 61-62, 75 ; 1992 : 38-39 ; Steiner, 1994 : 8 ; Kramer, 2003). Une telle possibilité permet d'assigner à la menace de P un certain degré de probabilité, ainsi qu'à toute interférence possible de sa part, de sorte qu'il existe un certain degré de probabilité pour R de faire  $x$  ou d'en être empêché. Dans ces conditions, on ne doit pas dire avec les républicains que la probabilité de l'interférence de P (l'interférence potentielle) rend R non libre, mais qu'elle le rend *probablement* moins libre (Carter, 2005 : 65-68, Carter, 2004 : 11).

(2) Dans ce cadre, une menace de coercition comme interférence potentielle ouvertement formulée ne peut être tenue, à l'inverse de ce que soutiennent des théoriciens de la liberté négative comme Berlin, Oppenheimer ou Hayek, pour une diminution de liberté tout simplement parce que la définition (1) est une définition de la liberté comme «neutralité en valeur» ou comme «indépendante de toute préférence», ce qui la rend plus restrictive que lorsqu'elle inclut des menaces (d'où le terme *restrictiviste* qui renvoie à une conception purement physique des obstacles). Cela peut être établi au moyen de deux thèses :

(a) Une menace de coercition crédible, quelle que soit son intensité sous la forme «si R fait  $x$ , alors P mettra sa menace à exécution», nôte jamais à R la liberté de faire  $x$ . Malgré la menace, il reste toujours à R l'alternative physique de choisir  $x$  et donc d'exercer sa volition en faveur de cette option (Carter, 2004 : 8 ; 2005 : 62-63). Seule la violence physique de P empêche réellement R de faire  $x$ . Pour autant, un libéral restrictiviste ne dira pas que la liberté de R n'a pas diminué, mais en accord avec sa définition de la liberté, il dira qu'elle a diminué en un sens plus complexe. De fait, ce qui est empêché en raison de la menace de P n'est pas la liberté pour R de faire  $x$ , c'est en réalité la compossibilité d'une classe d'actions libres dont  $x$  est membre, de telle sorte qu'il sera impossible pour R de faire  $x$  et de faire une autre action ( $x_1, y, z, \dots$ ) couplée à  $x$ . Si un dictateur déclare : «chacun est libre d'écrire ce qu'il veut s'il n'a pas peur

d'être emprisonné», il rend, de fait, impossible le fait d'écrire ( $x$ ) et le fait de se promener librement ensuite ( $y$ ), ou le fait d'écrire ce qu'on veut en  $T_0(x)$  et le fait d'écrire de nouveau ce qu'on veut en  $T_1(x_1)$ . Le voleur  $P$  qui dit à  $R$  «la bourse ou la vie» n'empêche pas  $R$  de garder l'argent ( $x$ ), mais empêche pour  $R$  la compossibilité de  $x$  (garder la bourse) et de  $y$  (pouvoir s'en aller librement). Si l'excès de vitesse est punissable par la loi au moyen d'une amende de 1000 euros,  $P$  n'est pas libre de dépasser la limite prescrite en  $T_0(x)$  et de dépenser la même somme en  $T_1(z)$  pour ses loisirs. Si on décrit la liberté d'ensemble de  $P$  ou  $R$  comme la somme de tous les ensembles de libertés spécifiques compossibles, on peut dire alors que : (1) la *violence* ou la contrainte physique de  $P$  sur  $R$  implique qu'une certaine action spécifique ( $x$ ) qui était auparavant membre d'au moins un ensemble d'actions que  $R$  était libre d'accomplir, ne soit plus membre d'*aucun* de ces ensembles et (2) que la *menace* de violence fait que le nombre d'ensembles d'actions que  $R$  était libre d'accomplir diminue ( $R$  aura  $x$  et  $\neg y$  ;  $x$  et  $\neg x_1$ ), nonobstant le fait que  $x$  que  $R$  était libre d'accomplir demeure au moins membre d'au moins un des ensembles d'actions non empêchées ( $R$  peut faire  $x$  avant d'avoir :  $x$  et  $\neg y$  ;  $x$  et  $\neg x_1$ , Kramer, 2008 : 34-35 ; Carter, 1999 : 237-245 ; Carter, 2005 : 61ss). La thèse des libéraux restrictivistes aboutit en fait à trouver un sens physique à la thèse selon laquelle la menace de  $P$  restreint la liberté de  $R$ , sans recourir à aucun facteur motivationnel. Mais elle restreint non pas la liberté de  $R$  de faire  $x$ , mais sa liberté d'*ensemble*, au sens physique, puisque la thèse de l'absence de compossibilité des libertés spécifiques inclut toujours une contrainte physique sur l'un des éléments de chaque ensemble d'actions. Ainsi, contrairement à ce que croient les républicains, les libéraux restrictivistes n'ont pas besoin de supposer que seule une interférence physique actuelle de  $P$  diminue la liberté de  $R$  : si  $P$  menace  $R$  ou dispose simplement du pouvoir d'interférer, alors, selon la probabilité de l'interférence, il existera une probabilité variable que  $R$  soit privé d'un ensemble d'actions compossibles d'extension variable et donc que sa liberté d'ensemble ait diminué (Carter, 2000 : 43-46 ; Goodin & Jackson, 2007 : 252). La liberté d'ensemble de  $R$  doit ainsi être finalement comprise comme la somme de tous les ensembles d'actions théoriquement compossibles pour  $R$ , chacun multiplié par la probabilité (de 0 à 1) qu'il ne sera pas physiquement empêché par  $P$  au cas où il tenterait de le réaliser (Carter, 1999 : 173). De fait, la thèse républicaine

sur la domination sans interférence actuelle s'explique, selon ces théoriciens, par le simple recours à la liberté négative qui obtient le même résultat de façon plus économique et cohérente, *ie.* sans mélanger deux catégories de liberté, la liberté comme non interférence physique et la liberté comme indépendance, alors même que la notion républicaine de domination par *dépendance* se trouve éliminée.

(b) Soutenir, en effet, que la menace de P sur R l'empêche de faire *x* par la crainte qu'il éprouverait introduit une référence inappropriée à des *préférences* dans l'analyse car, en réalité, si la menace produit un effet non refusable sur R on peut soutenir qu'une offre de récompense significative pourtant censée accroître sa liberté produit en réalité un effet équivalent. Il peut exister des offres conditionnelles adressées à R par P et telles qu'elles déterminent son comportement et aient en outre pour conséquence de restreindre la liberté d'action de R (une récompense symbolique contre une absence d'action). Ces offres peuvent compenser les raisons qu'avait R de faire *x*, mais selon les restrictivistes, il n'y a pas de différence avec le cas de la menace puisque celle-ci compense aussi les raisons préexistantes qu'avait R de faire *x* (Carter, 2004, 3). Les deux motivations produisent le même effet avec la même efficacité. Enfin, si on admet que la privation de la récompense d'une offre fait empirer la situation de R comme le fait la menace, on en conclut alors que: 1°) vouloir rétablir la domination comme rapport de pouvoir entre deux volontés conduit à une impasse si on ne peut distinguer réellement entre une offre et une menace et 2°) que l'on doit substituer à une relation de pouvoir entre des volontés une relation de pouvoir seulement *entre des actions* (Carter, 2008 : 72-80). L'élimination de tout recours à des préférences pour penser la liberté de R a pour conséquence supplémentaire la contestation de la thèse républicaine selon laquelle une interférence réelle ou potentielle de P à l'égard de R se traduirait par une restriction de son choix à travers le contrôle du processus du choix entre les options d'un menu. En réalité, pour les restrictivistes, un choix entre des options (biens ou événements) renvoie toujours à un choix entre des *actions* à accomplir (obtenir ou rejeter des biens; favoriser ou rejeter des événements). Ainsi, la liberté de choix se révèle comme un cas particulier de la liberté «tout court», de telle sorte qu'elle se définit aussi comme un concept d'opportunité. Dans ce cas, on dira qu'un agent est libre de choi-

sir si et seulement si il n'existe pas d'obstacle physique pour qu'il sélectionne et exécute sur la base de raisons (afin de distinguer les options) un ou plusieurs éléments dans un menu d'action donné (Carter, 2005 : 79-80). La liberté de choix ainsi définie se distingue clairement du choix *fait librement* si on entend par là la possibilité de considérer délibérativement sans empêchement, *i.e.* sans renchérissement de coût, toutes les options d'un menu, d'abord parce qu'un simple classement des préférences en soi n'est pas un choix (qui se définit par des actions); ensuite parce qu'en raison de (1) le coût d'une option n'équivaut pas l'impossibilité physique de l'exécuter. La liberté comme «exercice» se trouve donc exclue au profit de la liberté comme «opportunité», en stricte cohérence avec la définition initiale de la liberté.

Le point essentiel de la discussion concernant les thèses restrictivistes consiste à savoir si : (1) on peut définir la liberté individuelle de façon purement physique, abstraction faite de tout facteur motivationnel ; (2) s'il existe en effet une équivalence entre une offre et une menace et (3) si la thèse de la non liberté comme dépendance peut être réactivée par les néo-républicains.

(1) La réponse à la première question doit partir du fait que les réponses de Pettit aux restrictivistes ne sont sans doute pas convaincantes. Ces réponses consistent à soutenir que : (1) si la liberté d'ensemble de P ou de R peut être réduite par l'impossibilité de certains ensembles de libertés spécifiques, dès lors que P possède une capacité d'interférence punitive sur R qui la connaît, on aboutit alors aux impossibilités suivantes qui diminuent la liberté d'ensemble de R : R ne peut à la fois faire *x* et ne pas vivre dans la crainte de la coercition de P et il ne peut à la fois faire *x* et ne pas courtiser P pour l'amadouer (Pettit, 2008 : 119-120, Pettit, 2003 : 390ss). Une telle impossibilité est bien réelle, mais si «vivre dans la crainte» signifie ne pas être libre de faire *x*, cette réponse ne résout rien puisque, par définition, les restrictivistes ont commencé par définir la liberté de façon purement physique. L'introduction du facteur motivationnel dans l'argument de Pettit apparaît ainsi comme une pétition de principe puisqu'il tient pour accordé ce qui est justement en question ; (2) de même, soutenir que la menace de coercition de P

aboutit à la réduction de choix des options de R parce qu'elle remplace purement et simplement certaines de ses options par celles qu'impose P et que cela entraîne une autre conception du choix que celui de la liberté comme opportunité, relève de la même démarche.

On devrait cependant pouvoir répondre aux restrictivistes par un argument beaucoup plus direct parce qu'auto-réfutant. Les restrictivistes tentent de rendre compte de la menace à partir de la description de la diminution de la liberté qu'elle entraîne. Le problème est qu'il faut aussi expliquer pourquoi elle est *dissuasive*. Pour cela, il faut faire intervenir des facteurs motivationnels, ce que sont contraints de faire les restrictivistes eux-mêmes. Ainsi, certains d'entre eux soutiennent-ils que la liberté d'ensemble (somme de combinaison de toutes les libertés spécifiques compossibles) permet d'exprimer les choix de l'agent dans les effets qu'il produit sur le monde à proportion de la quantité d'options dont il dispose. Cette liberté possède en outre une valeur constitutive nécessaire, quoique non suffisante, pour l'autonomie de l'agent (Carter, 2005 : 40-45). Il résulte cependant de là une conséquence inattendue pour les restrictivistes : R cède à la menace car il ne désire pas voir sa liberté d'ensemble diminuer en raison de l'impossibilité de deux ou plusieurs libertés spécifiques. Or, un théoricien comme Hobbes (pour autant revendiqué comme un auteur décisif dans la tradition de la liberté négative par les restrictivistes) a clairement montré que si le rapport entre  $x$  et la configuration extérieure des corps ne permet pas d'assurer la conservation de l'individu, il lui sera impossible de *juger* rationnellement que c'est le cas et impossible de *vouloir* faire  $x$  (Hobbes, 1973 : 128-129 ; Lazzeri, 1998 : 104-121). Inversement R peut être emprisonné et être cependant libre de juger qu'une évasion constitue un bon moyen de se protéger et libre de la vouloir, au cas où il pourrait la réaliser (Hobbes, 1966 : 35, 49). En remplaçant «conservation» par «liberté», il sera impossible à R de juger que deux libertés impossibles dont  $x$  est membre, augmentent la liberté d'ensemble et impossible de vouloir faire  $x$  *pour cela*. Inversement, R ne peut à la fois réaliser  $x$  et  $y$  librement, mais être libre de juger qu'ils constitueraient une augmentation de sa liberté d'ensemble et de les vouloir s'il pouvait les réaliser. Il est donc inexact de soutenir avec les restrictivistes qu'il n'existe que des obstacles physiques à la liberté (ou que celle-ci est seulement physique) : manifestement il

existe aussi des obstacles *internes* (impossibilité de vouloir et de juger) liés à des facteurs *motivationnels* (et une absence d'obstacles du même type). Cela ouvre la porte à la considération de toutes les impossibilités internes auxquelles peut faire face R. Qu'en est-il maintenant de l'indifférenciation des facteurs motivationnels qui rendent l'offre et la menace équivalents au cas où on y recourrait ?

(2) Une menace ne se réduit pas simplement pour R à l'empêchement physique de faire *x* ou à la contrainte de le faire : elle comporte aussi une dimension *punitive* qui engendre un dommage supplémentaire. Si la menace est «crédible», *i.e.* si on n'est pas protégé contre ses conséquences conditionnelles, on additionne alors deux coûts : l'empêchement de faire *x* ou la contrainte de faire *z* et la punition liée à la menace. Une offre pour faire *x* ou ne pas le faire présente, à l'inverse, un arbitrage entre le *statu quo* et un gain (faire *x* et obtenir *y*) ou entre deux gains inégaux (renoncer à *x* et obtenir *y*), rendant ainsi une des options plus désirable. De ce point de vue, il est difficile d'identifier les effets de l'offre de la menace : dans le cas de l'offre, le gain conditionnel peut être examiné pour voir s'il ne contient pas un coût caché et refusé si c'est le cas. Mais il n'existe pas de contrainte pour choisir le coût. En outre, à supposer qu'il n'y ait pas de coût caché, le refus de l'offre, s'il se produit, élimine simplement un gain conditionnel de R et ne peut faire empirer sa situation puisque le gain conditionnel n'en crée aucune, sauf à soutenir que «perdre» signifie à la fois ce qu'on peut ne pas gagner et ce qu'on a réellement perdu. Il n'en va pas de même pour la menace dont le refus est plus difficile puisque la situation de R empire de façon nette par l'ajout des deux coûts qui soit, compensent négativement le gain du choix de *x* (sans quoi la menace n'aurait pas d'effet)<sup>7</sup>, soit renchérisse le coût de *z* qu'on ne veut pas faire. Le principe de la menace consiste ainsi à rendre une option non désirable (ou moins désirable) parce que le coût exerce une *contrainte* sur le désir à la manière d'un *obstacle*. Le coût d'une option n'équivaut pas en effet à l'impossibilité physique de l'exécuter, mais à une impossibilité mentale<sup>8</sup>.

7 Il est ainsi inutile, de recourir, comme le fait Nozick à une interprétation relativiste de l'offre et de la menace en fonction du « cours normal et attendu des choses », (Nozick, 199 : 282).

8 L'argument de Carter est d'ailleurs partiellement auto-réfutant des lors qu'il commence par admettre que la menace produit un effet non réfutable sur R (ne serait-ce que pour reconnaître que l'offre produit la même chose), il admet qu'il peut exister un obstacle *interne* à l'égard du choix et comment qualifier une telle situation sinon comme une situation de non liberté ?

Il existe donc une asymétrie entre offre et menace du point de vue même de leur efficace et la réintroduction du facteur motivationnel dans la définition de la liberté n'aboutit pas, contrairement à l'argument restrictiviste, à confondre la première à la seconde. La menace induit donc un obstacle interne qui, selon les termes de Pettit, élimine ou remplace certaines options et constitue bel et bien un antonyme de la liberté, même en l'absence de toute interférence effective<sup>9</sup>.

(3) En l'absence de toute menace explicite et s'il existe une très faible probabilité d'interférence de P sur R, ne devrait-on pas soutenir qu'aucune des options de R ne subit de blocage (cf. l'exemple du «Gentil géant» de Kramer, 2008 : 41-47)? Cette thèse ne peut cependant éviter deux difficultés: (1) qui sera le juge du degré de probabilité de l'interférence de P ? Dans *A Measure of Freedom*, Carter (Carter, 1999 : 190) suggère, pour éviter tout manque d'objectivité dans l'évaluation, de recourir à une sorte d'agent idéal, hypothétiquement pourvu de toutes les informations concernant la probabilité d'interférence de P à un moment donné. Cependant, outre que cet agent idéal serait moins utile aux agents réels que ne l'est le spectateur impartial de Smith aux agents moraux, il n'est même pas sûr, comme le reconnaît Carter, que l'on puisse quantifier de telles probabilités. La solution demeure donc toute théorique. (2) Enfin, tant que la probabilité subsiste, l'interférence de P demeure possible et par conséquent, le simple pouvoir d'interférer ne peut éliminer l'existence d'une contrainte possible sur les options de R qui, malgré l'absence d'interférence actuelle, se trouve néanmoins dans une situation de non liberté comme *dépendance* à l'égard de la volonté arbitraire de P (Skinner, 2008 : 96-97 ; Pettit, 2008c). La notion de non liberté comme dépendance n'est donc pas éliminée par les critiques restrictivistes.

## (2) La conception non-restrictiviste de la liberté négative

Si on se tourne maintenant vers les partisans de la liberté négative non restrictivistes, comme I. Berlin, F. Hayek, F. Oppenheimer, K. Kristjansson ou Ch. Larmore, qui ne réduisent pas cette liberté à une stricte

<sup>9</sup> La place manque ici pour une analyse plus fouillée du débat entre partisans de la liberté indépendante des préférences ou liée à elle, cf. K. Dowding & M. van Hees, (2007) et la réponse de I. Carter et M. H. Kramer, (2008b).



absence d'empêchement physique et incluent dans son analyse la présence de facteurs motivationnels, on devra se tourner vers la seconde branche de l'alternative qui concerne le caractère insatisfaisant de la thèse néo-républicaine. En premier lieu, prétendre, comme le font les néo-républicains, que la non domination se distingue de la liberté comme non interférence du fait que la première, à la différence de la seconde, inclut l'idée d'une interférence potentielle capable de laisser intacte la liberté négative, semble pour le moins étrange. En effet, on ne comprend pas très bien au premier abord pourquoi les penseurs libéraux soucieux avant tout de protéger la liberté négative ne prendraient pas en compte une telle possibilité. Si un libéral comme Berlin souhaite vivre sous le gouvernement d'un monarque ou d'un maître bienveillant plutôt que sous celui d'une démocratie autoritaire, ce n'est certainement pas pour risquer de subir des interférences arbitraires potentielles de sa part sous les trois formes de dominations antérieurement définies ou de se voir priver de choisir ceux qui ont pour fonction de garantir institutionnellement sa liberté négative. Il n'y aurait pas plus de raisons dans ce cas de préférer le monarque où le maître modéré à la démocratie autoritaire. Pour que cette préférence ait un sens, il faut que cette «modération» du monarque soit garantie, c'est-à-dire qu'aucun de ses sujets ne dépende de l'exercice arbitraire de sa volonté s'exerçant contrairement à ses intérêts en risquant de restreindre la sphère de liberté dont il jouit. Jouir simplement d'une liberté négative présente en l'absence de toute interférence effective mais sous la menace d'une interférence potentielle ne constitue pas autre chose qu'un avantage momentané pour chacun des sujets de ce maître. Cet avantage ne pourrait être prolongé qu'en s'appuyant, soit sur la bienveillance du maître en question, soit sur l'effet de la soumission et de la déférence que les dominés manifesterait à son égard. Mais le problème est que même si cette l'interférence ne se produit pas, *rien* ne permet de penser qu'elle n'aura jamais lieu, malgré sa bienveillance supposée ou malgré la stratégie de déférence du dominé. Ou, pour le dire en d'autres termes, dès lors qu'il existe une possibilité d'interférence de la part du maître, on ne voit pas très bien en quoi cette possibilité diffère du fait de proférer, de sa part, une menace ouverte contre le dominé pour le contraindre à agir d'une certaine manière. Il n'existe, en fait, aucune garantie rationnellement établie permettant de penser que l'interférence potentielle pourrait être évitée et qu'on pourrait profiter d'une

liberté présente sans interférence effective, ce qui revient à imputer, sur ce point, aux partisans de la liberté négative une attitude irrationnelle ou de «myopie rationnelle». On ne voit pas bien quels arguments peuvent être invoqués à l'appui de cette imputation. Bref, un défenseur de la liberté négative, devrait vouloir, en principe, se garantir rationnellement de toute interférence potentielle arbitraire, même s'il ne subit effectivement aucune interférence actuelle dommageable. Il doit donc tout faire pour limiter un tel pouvoir et c'est d'ailleurs, en principe, ce que feront les théoriciens libéraux dont Rawls lui-même<sup>10</sup>. Ce dernier, on le sait, est partisan d'une conception de la théorie politique en termes de liberté négative plutôt qu'en termes de liberté positive qu'il rejette dans le sillage des thèses de Berlin (Rawls, 1986 : 238). Or, lorsqu'il justifie le choix par les co-contractants du premier principe de justice qui accorde à tous les partenaires un droit égal à la liberté politique et civile aussi étendu que possible pour chacun et compatible avec le même système de liberté pour les autres, Rawls ne pense pas proposer aux partenaires qu'ils jouissent seulement d'une liberté sans interférence effective en laissant planer la menace possible d'une interférence potentielle. L'existence d'une constitution, d'institutions et de lois traduisant les exigences du premier principe de justice, s'étendent structurellement sur une durée indéfinie et visent - au moins dans leurs objectifs - à prohiber toute possibilité d'interférence potentielle arbitraire. L'examen de ces objections montre, d'évidence, que les libéraux, même non restrictivistes, ne sont pas prêts à accepter ce que les auteurs néo-républicains tentent de leur faire endosser, à savoir subir un rapport de domination en se conformant aux motivations des dominants, fussent-ils bienveillants, afin d'éviter l'interférence effective en rendant leur liberté contingente. Si on ajoute à cela que les défenseurs de la liberté négative ne conçoivent pas tous la coercition comme devant se résoudre en dernier lieu dans une obstruction physique, mais qu'elle peut consister dans des sanctions qui imposent à l'agent un coût dissuasif, la valeur des objections républicaines semble s'amoindrir encore.

On peut donner une version plus précise de cette réponse possible des libéraux à l'égard de cette conception de l'interférence effective

10 Ch. Larmore (2003 : 106-112) veut montrer l'accord entre la conception constantienne de la liberté comme non interférence arbitraire et celle de Pettit ; cf. aussi J. Waldron (2007).

et de l'interférence potentielle qui semble leur prêter une conception si tranchée entre la liberté de l'action et celle de l'individu. Il ne va pas de soi qu'ils s'en réclameraient. Dans un article consacré à la discussion des thèses de Pettit, K. Kristjansson (1998) explique qu'il est inutile de vouloir distinguer la liberté de l'action de la liberté de la personne car il s'agit en fait, non d'une alternative, mais d'une complémentarité entre les deux: ne pas interférer actuellement dans la conduite de R de la part de P, si R agit dans le sens souhaité par P, revient à délimiter une zone d'action interdites (celles que R ne doit pas faire) auxquelles les sanctions peuvent s'appliquer. L'interférence potentielle dont R est menacé produit forcément un effet sur les motivations qui pourraient conduire à une telle action. Les options d'un tel choix se trouvent alors affectées: on est ainsi parti de la restriction de la liberté de l'action pour remonter jusqu'à la restriction de la liberté de la personne. Kristjansson peut ainsi conclure que les théoriciens de la liberté négative reconnaissent que si P exerce un pouvoir sur R, dans la mesure où ce pouvoir dépend de la seule volonté de P, il est possible que, même sans interférence effective de P (et à la rigueur sans qu'il interfère jamais), R ne puisse faire  $x$  à volonté par crainte: R voit son champ d'opportunités restreint, mais ses options de choix sont aussi bien affectées et dans ces conditions il n'est pas considéré comme libre. Pettit se trompe donc en croyant que le libéralisme accepterait de considérer qu'il n'existe aucune perte de liberté s'il n'y a pas interférence effective. Dans sa réponse à Kristjansson, Pettit semble seulement reprendre l'argument de Kristjansson pour le lui opposer, ce qui ne constitue pas vraiment une réponse (Pettit, 1998 : 279)<sup>11</sup>. Bref, les libéraux croient possible d'obtenir le même résultat dans l'analyse de la liberté et de son absence au moyen du concept d'interférence que celui obtenu par Pettit au moyen du concept de domination.

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11 D'où la réponse de Kristjansson : «Je suis plus qu'heureux d'accorder, avec Pettit que si P dispose d'un pouvoir sur R, capable d'interférer à volonté et sans encourir de sanctions dans ce que R entend faire, alors R constitue un exemple paradigmatique de ce qu'est une personne non libre, même si P n'interfère jamais effectivement dans les actions de R», (Kristjansson, 1998 ; 293) [pour des raisons de cohérence, j'ai simplement inversé les lettres dans la citation]. On pourrait dire les choses d'une autre manière en partant de la distinction présentée par Pettit entre la défense de la liberté négative en tant que simple non interférence effective (définition 1) et la défense de la liberté négative en tant que dispositif de sécurité contre la possibilité de l'interférence, ce qui constitue une forme robuste de non interférence (définition 2). Or Pettit attribue la seconde définition exclusivement aux républicains, alors que les libéraux la revendiquent aussi. (Pettit, 2005c : 368-369).

Pettit soutient qu'il peut y avoir liberté d'action, lorsqu'il n'y a pas d'interférence actuelle, mais qu'il n'existe pas de liberté pour la personne au regard de l'interférence potentielle, Kristjansson soutient que l'interférence potentielle aboutit, de toute façon, à l'absence de liberté d'action puisqu'elle produit des effets négatifs sur les motivations de la personne pour agir. Pettit soutient qu'il peut y avoir opposition entre liberté de l'action et liberté de la personne, Kristjansson soutient qu'il y a solidarité entre non liberté de la personne et non liberté de l'action. Pettit parle de liberté d'action parce qu'il n'y a pas d'obstruction physique, Kristjansson parle de non liberté d'action parce que la personne possède des motivations pour ne pas agir. Ils diffèrent donc sur le sens à donner à la liberté d'action, tout en semblant s'accorder sur la possibilité d'une domination même sans interférence effective. Bref, cette discussion semble ne rigoureusement rien changer à l'idée que la domination peut se produire sans forcément d'interférence effective, mais elle montre simplement que cela ne suffit pas à établir une différence entre républicanisme et libéralisme sur ce point. Si les objections de Kristjansson sont justes, il faudrait alors modifier et retourner le titre de l'article de Ch. Taylor contre les partisans de la liberté négative, vers les néo-républicains: «Qu'est-ce qui ne tourne pas rond dans la liberté comme non domination ?», puisque leur position serait finalement très proche de celle des libéraux tout en manifestant une volonté paradoxale de s'en démarquer. Cependant, si on s'en tenait à une telle conception de l'interférence et de la domination, les néo-républicains tout comme les libéraux s'accorderaient finalement sur une conception de la domination qui recoupe peu ou prou de relations de pouvoir étudiées par J.C. Scott (2008) ou par F. Lovett (2010) et qui mettent en rapport le maître et les esclaves, le seigneur féodal et le serf, le propriétaire terrien et le paysan pauvre, le colonisateur et le colonisé, le dictateur et ses sujets, le mari violent et sa femme etc. Dans tout ces cas de figure on assimilerait la domination à l'existence pure et simple d'un pouvoir coercitif d'intensité et d'extension variable susceptible d'interférer de multiples manières. Mais la domination se réduit-elle uniquement à ce type de pouvoir ? À y regarder de plus près, il n'est pas sûr que cette constatation possède la force qu'elle s'attribue et on peut la refuser en examinant certaines propriétés supplémentaires du concept d'interférence pour en élargir la définition.

### 3. Une conception «élargie» de l'interférence arbitraire ?

Tout se passe en effet comme si la réponse libérale aux thèses néo-républicaine ne se fondait que sur ce qu'elle considère, de son propre point de vue et de façon un peu obsessionnelle, comme la seule forme de domination possible, négligeant ainsi d'autres possibilités. Or, rien n'oblige à penser que seules des interférences effectives ou potentielles liées à l'obstruction ou à la menace de coercition arbitraires seraient dommageables au dominé. Il existe bien d'autres types d'interférences arbitraires effectives ou potentielles qui échappent à cette classification. En premier lieu, les agents peuvent aussi affronter une situation d'urgence où la rareté d'un bien dont ils ont absolument besoin et sa possession monopolistique par P, bien que cela puisse être légal, conduise ce dernier à satisfaire leur demande en contrepartie d'exigences qui affectent leur liberté (Pettit, 2004 : 78-79, 187 ; Honohan, 2002 : 195ss). Eux aussi, comme les premiers, doivent affronter une situation de domination dans laquelle on restreint leurs options de choix pour ne pas avoir à subir des dommages élevés, sans que cela équivaille à une sanction de la part d'une autorité quelconque.

En second lieu, il faut rappeler que la troisième forme de domination décrite par Pettit est définie par le fait qu'elle prive l'agent de la *connaissance* des options et de leur coût, influençant ainsi l'ordre de priorité de ses choix : c'est en particulier le cas lorsque P interfère dans la délibération de R en faisant disparaître certaines options, en en renchérissant le coût, ou en les remplaçant ou bien en lui faisant croire qu'elles ne sont pas disponibles (Pettit, 2008b : 69 ; 2009 : 41-42). Pettit résume cette troisième possibilité par l'idée de «manipulation» secrète des options de choix (Pettit, 2004 : 78 ; 2001 : 132 ; 2008 : 110-111). Cette définition n'est pas particulièrement heureuse par le fait qu'elle suggère que si les dominés pourraient ne pas être conscients de la domination subie, les dominants, de leur côté, agiraient sciemment en définissant celle-ci comme un objectif précis à atteindre au moyen d'un ensemble de techniques dont il faudrait, de surcroît, effacer toute visibilité. Il s'agit là d'une conception un peu mécaniste des rapports de domination qui dote les individus et les groupes sociaux dominants de stratégies rationnelles qu'ils semblent particulièrement maîtriser comme dans une sorte de «complot». Cependant, certains des exemples invoqués par Pettit se

rattachent, en réalité, à une conception bien plus large de l'interférence que la simple manipulation. Ils désignent non (ou non seulement) la stratégie consciente d'un dominant mais, de façon plus objective, *l'effet* d'une interaction entre individus et groupes sociaux dans des situations spécifiques qui aboutit, sans faire du dominant un stratège rationnel, à déposséder le dominé de la connaissance, non seulement de telle ou telle option de choix ou de ses conséquences, mais aussi de la *capacité* à pouvoir opérer des choix. C'est ainsi qu'il est possible d'agir sur les croyances individuelles lorsqu'on dispose d'un charisme lié à des fonctions religieuses, nobiliaires ou patriarcales et qu'on est censé interpréter la volonté d'un groupe social. Si ce groupe social décide de l'appartenance de R à ce groupe, le désir de la préserver peut conduire R à adopter le système de croyances porté par les individus charismatiques (Pettit, 2004 : 131)<sup>12</sup>. On peut aussi, en fonction des compétences et de l'autorité dont on est crédité, obtenir la soumission du jugement de R, de telle sorte qu'il se désiste de sa capacité de choisir en référant toute décision à prendre à la compétence et à l'autorité de celui qui les détient (Pettit, 2004 : 86). On peut aussi obtenir par le prestige de la fonction occupée, le pouvoir qu'on est censé exercer ou les ressources dont on dispose, que R se considère comme inférieur au dominant et agisse en conséquence comme tel, c'est-à-dire en perdant toute confiance dans ses propres capacités (Pettit, 2004 : 86, 151). Mais il est aussi possible d'engendrer chez R des états émotionnels à partir de traitements qui rendent leur comportement instable et donc altèrent leur capacité de choix (Pettit, 2004 : 78-79). Que l'on songe simplement au procédé de harcèlement moral sur le lieu de travail qui vise de façon systématique et prolongée à créer un état d'instabilité émotionnelle permanent en contestant toutes les décisions de R, en critiquant son travail de façon exagérée dans un climat de violence verbale; en lui attribuant systématiquement des tâches supérieures ou inférieures à ses compétences; en lui fixant des standards de performances impossibles à remplir; en lui interdisant toute communication avec ses collègues de travail et ses supérieurs; en le discréditant publiquement directement ou au moyen de rumeurs; en faisant pression pour qu'il ne fasse pas valoir ses droits et en lui refusant toute promotion. La consé-

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12 Dans le cas, les formes de soumission idéologiques à des pouvoirs charismatiques de type sacerdotal, nobiliaire ou patriarcal, les agents dominants peuvent croire eux-mêmes en la légitimité de leur pouvoir sans pratiquer une domination instrumentale consciente.

quence de ces formes d'interférence se manifeste à travers des blessures morales qui agrègent dans des proportions variables des sentiments de honte et d'humiliation, une altération de l'identité qui se traduit par une perte de confiance dans ses propres capacités, une rigidification de la personnalité autour de traits paranoïaques (Leymann, 1996 : 253; Hirigoyen, 2001 : chap. 6, 8; Dejours, 2007 : 22 ss). Cependant, une fois que ce type d'interférence se produit et que son résultat est obtenu, il n'a plus besoin de se manifester constamment : ses *effets* sont constants. Enfin, on peut, - comme le montrera ultérieurement *Freedom* - exclure des individus de toute participation à des discussions dans lesquelles doivent être choisies des solutions à des problèmes communs à un groupe quelconque, tout comme il est possible de les y admettre mais de restreindre leur influence discursive ou de leur imposer des coûts prohibitifs pour qu'elle ait lieu (Pettit, 2001 : 73-75 ; 2005c : 373-374). Dans tout ces cas de figure, on peut, parvenir à la situation où l'un et l'autre sont dans l'incapacité de choisir en général, ou de choisir telle option, ou bien sont dans l'incapacité de s'en tenir réellement à leur choix bien que cela puisse varier selon les individus ou les groupes sociaux dominés. Dans tout ces cas de figure se manifestent des comportements de déférence, d'autocensure et de ruse pour se concilier la bienveillance des agents les plus puissants. De ce point de vue, la liberté d'action de R demeure intacte quant à sa liberté négative, mais il ne peut plus l'utiliser ou l'utiliser de façon étendue car ses options de choix sont restreintes ou bien sa capacité de choisir subit des interférences arbitraires qui rendent difficile l'exercice du choix parce que la croyance dans l'existence de cette capacité disparaît ou que disparaît la confiance dans sa valeur. Pour le dire autrement, il est possible de disposer d'une liberté de choix au sens où les opportunités demeurent socialement ouvertes (*choice-based*), même si l'agent n'est pas libre d'en profiter parce qu'il se trouve dominé (il n'a pas de liberté en tant que *chooser-based*, Pettit, 2003). Pour le dire encore autrement, les droits fondamentaux protégeant la liberté négative peuvent demeurer intacts, mais dans le langage de Rawls on pourrait dire que c'est la «valeur d'usage» de la liberté qui tend à être amoindrie. Or, tout cela n'a rien à voir, ni avec l'obstruction physique, ni avec la menace de coercition physique, ni même avec une «manipulation secrète» des options de choix. Pour clarifier la discussion sur ce point, on propose de dénommer l'interférence définie par la simple pratique de l'obstruction

physique, de la menace ou de la surveillance «*interférence restreinte*» et celle qui englobe tout à la fois les effets de la compétence, de l'autorité, du charisme, de la rareté, de la position sociale, «*interférence élargie*». Il faudrait ensuite distinguer au sein de l'interférence élargie celle qui touche aux *options* de choix altérées (disparition, substitution, augmentation de coût..) de celle qui touche aux *capacités* de choix (compétences, autorité, charisme, position sociale, instabilité émotionnelle). L'une des raisons des objections à répétition de la part des défenseurs de la liberté négative (ou de ceux qui ne sont simplement pas convaincus par les analyses de Pettit) vient de ce Pettit n'établit pas clairement ces distinctions que l'on retrouve seulement dans ses textes à *l'état pratique*: de façon générale, il oscille, en parlant de l'interférence, entre l'interférence restreinte et l'interférence élargie, sans expliciter suffisamment la seconde sinon peut-être dans des textes postérieurs à *Républicanisme* comme *Freedom*. Dans le cas où il s'en tient au premier type d'interférence les objections des libéraux ne sont pas infondées. Dans la mesure où il renvoie à l'interférence élargie, les objections libérales perdent de leur valeur, mais on peut alors lui objecter l'analyse insuffisante du rapport entre ses concepts et ses exemples.

Si on prend en compte une telle différence, il faut alors réaménager les distinctions de Pettit et soutenir que, tant que l'interférence demeure définie de façon restreinte, on peut obtenir une forme de domination sans interférence puisqu'il est toujours possible que l'obstruction ou la coercition représentent une menace potentielle arbitraire affectant les choix du dominé. Cependant, dès lors que l'on a affaire à une interférence élargie touchant aux capacités de choix, bien que l'arbitraire de l'interférence ne change pas, la distinction entre interférence potentielle et effective devient difficile à maintenir. La conduite de R n'est plus, dans ce cas, conditionnée par une interférence possible qui modifie ses options de choix, mais par une interférence qui agit plus profondément et de façon permanente sur la *conception* de ses capacités de choix. Cette interférence élargie ne peut pas apparaître comme une obstruction ou une menace puisqu'elle n'agit pas sous cette forme et ne requiert pas non plus d'ailleurs de surveillance: l'exercice de la compétence, du charisme, du prestige social, de l'autorité, la création d'une instabilité émotionnelle, mobilisent d'autres règles d'action et d'autres formes d'efficace que l'obstruction la coercition



ou l'atteinte aux options de choix en tant qu'interférences restreintes et ponctuelles<sup>13</sup>. Lorsque ces interférences se produisent avec succès, elles modifient l'attitude des dominés en créant chez eux des dispositions *permanentes* à ignorer ou à sous-estimer leur propre capacité de choix. Une telle modification a pour conséquence la disparition de la frontière entre interférence effective et potentielle puisque l'interférence est toujours là de par les effets *permanents* qu'elle produit, que les dominants soient ou non bienveillants et qu'ils en soient ou non conscients. Mais elle a aussi pour conséquence, en vertu de cette permanence, l'atténuation du rôle de l'incertitude dans les comportements de déférence.

Lorsqu'on est menacé de subir une coercition au cas où on voudrait, contre la volonté du dominant, choisir ce qui s'oppose à lui, on peut comparer rationnellement le coût des choix (Pettit, 2001 : 45). Mais si le fait de choisir ou de ne pas choisir une option dépend de l'altération des croyances dans les capacités de choix par intériorisation de mécanismes de dépréciation, par instabilité émotionnelle, ou par persuasion de l'inexistence ou de l'inefficacité de ces mêmes capacités, alors la comparaison entre les coûts n'a plus grand sens puisque l'idée même de comparaison disparaît. Elle ne pourrait être maintenue que si on avait accès à un espace contrefactuel de choix, ce qui est difficile dans une telle situation. De ce fait, on peut dire que ce type de domination n'est pas séparable de l'interférence effective lorsque celle-ci est élargie. Cela n'implique évidemment en rien que la définition antérieure de la domination (comme obstruction ou coercition ou menace) ait disparu et il n'y a pas de raison qu'elle ne continue pas à être valable. Mais elle se trouve intégrée comme cas particulier d'une définition qui inclut cette fois l'influence que peuvent avoir des agents dominants sur l'utilisation des capacités de choix des agents dominés. Il suffit de dire que l'interférence prive ces derniers non seulement de la connaissance du choix de telle ou telle option, ou de celle de leurs conséquences possibles, mais qu'elle les prive aussi de la *connaissance de leur capacité à choisir*, ce qui a un effet négatif sur la pratique du choix<sup>14</sup>. Nombre d'exemples cités

13 En ce sens, il est fondé de parler d'interférences qui produisent « des habitudes » ou façonnent « des dispositions », plutôt qu'elles ne s'exercent de façon « ponctuelle », (Pettit, 2008b : 69).

14 De fait on a affaire ici, pour les dominants à une économie de pouvoir de 3e ordre, la plus importante, car on économise tout à la fois, la coercition, la menace et même le principe de surveillance (Bourdieu, 1976 : 122-124 ; Lovett, 2010 : 50-51, 57). F. Lovett peut inclure l'idéologie, bien qu'avec des réserves, dans les facteurs de domination (Lovett, 2010 : 86ss).

par Pettit vont exactement dans cette direction, bien que cela ne soit pas vraiment formalisé. Si on complète ainsi la définition de la domination, on obtient alors une définition que les partisans de la liberté négative ne sont peut-être pas prêts à accepter et leurs objections voient leur portée singulièrement réduite, à moins de changer leur définition de la liberté, ce qu'ils ne sont peut-être pas prêts à faire sans cesser d'être de tels partisans. Pour le dire autrement, tant qu'on avait affaire à une interférence limitée à l'obstruction et à la coercition, la critique que Pettit adresse aux théoriciens non restrictivistes de la non interférence ne disposait pas d'une grande portée. Mais, dans la mesure où on a affaire à une conception de l'interférence élargie, la valeur de la critique devient pertinente et le républicanisme dispose ainsi d'un concept d'interférence théoriquement plus riche et plus puissant que celui du libéralisme<sup>15</sup>. Est-il possible, cependant, de pousser l'analyse de la domination plus loin à la faveur de cette conception de l'interférence élargie en poussant jusqu'à leur terme certaines analyses des auteurs néo-républicaine qui entrent dans cette catégorie ? L'hypothèse proposée ici est que les phénomènes de reconnaissance (incluant la non reconnaissance) peuvent enrichir une telle analyse

#### 4. Domination non domination et reconnaissance

Il faut cependant énoncer deux précisions préliminaires. La première est définitionnelle et la seconde théorique. Au plan définitionnel, il faut commencer par s'entendre sur les termes. À titre d'exemple, dans son livre *Critical Republicanism*, Cécile Laborde (Laborde, 2008 : 230-239) défend la thèse d'une incompatibilité entre théorie républicaine et politiques de reconnaissance défendues par les multiculturalistes radicaux, la première se voulant une théorie de la citoyenneté fondée sur l'égalité civique indépendante des identités sociales; la seconde promouvant une conception différentialiste de l'identité susceptible de se prendre pour seule fin. Il en découle, par exemple, que les seuls conflits de reconnaissance que pourraient reconnaître les néo-républicaine sont ceux qui ont pour seul objectif la réalisation d'une non domination visant

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15 A une conception de l'interférence élargie devraient correspondre des interférences politiques publiques plus larges que celles de la loi et des institutions, mais la place manque pour traiter de cette question.

une pleine intégration civique, au lieu d'une reconnaissance identitaire différentialiste (Laborde, *ibid.* : 238), bien que l'identité des différents groupes puisse trouver une place subordonnée dans ce schéma<sup>16</sup>. Il y a peut-être ici un risque d'ambiguïté qui réside dans le fait que, d'un côté, le concept de reconnaissance est réduit à l'un de ses objets possibles, l'identité culturelle, dont l'antidote serait la réduction à sa dimension purement politique de l'autre. Cependant, rien ne justifie vraiment cette double réduction: le concept de reconnaissance possède aussi une dimension sociale, une dimension économique, ainsi qu'une dimension proprement interindividuelle qu'ont analysé les théoriciens contemporains de la reconnaissance (Honneth, 2006; Fraser, 2005; Renault, 2004; Lazzeri, 2009). Il n'y a donc pas de raison de restreindre l'extension du concept à ces deux sphères sociales et encore moins aux seules thèses multiculturalistes concernant la première. La seconde précision est d'ordre théorique et elle fait valoir que le concept de reconnaissance est déjà intégré dans l'analyse du concept de domination par les auteurs néo- républicains, qui s'intéressent à la manière dont celle-ci mine les bases du respect et de l'estime de soi, mais il l'est d'une manière par trop limitée. Plus précisément, ceux-ci soutiennent qu'il existe des effets de la domination en termes de non reconnaissance comme il existe des effets de la non domination en termes de reconnaissance. Mais il s'agit seulement *d'effets*, c'est-à-dire de phénomènes *dérivés*, de telle sorte que les actes de non reconnaissance ou de reconnaissance ne puissent rien produire *par eux-mêmes* en termes de domination ou de non domination et ne puissent en conséquence être considérés comme des propriétés de l'interférence élargie. Une seconde difficulté s'ajoute à celle-ci si l'on prend garde au fait que les théoriciens de la reconnaissance, de leur côté, intègrent le concept de domination dans leur analyse du concept de reconnaissance, mais que la domination, pour certains d'entre eux, représente une «pathologie sociale» qui fait obstacle à la réalisation de l'autonomie des agents comme maîtrise rationnelle de leur comportement ou comme condition de leur authenticité (Honneth, 1995 : chap. 12 ; 2007 : 248; Taylor, 1993 : 23, 31). Or, les auteurs républicains, on l'a vu, rejettent, hors de leur champ d'analyse l'objectif de réalisation de la liberté positive. Il y aurait donc un désaccord concernant ses objectifs

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16 On trouve une argumentation voisine chez I. Honohan qui traite, elle aussi, des rapports entre républicanisme et politiques identitaire, (Honohan, 2002 : chap. VIII).

de la théorie républicaine et de théorie de la reconnaissance. La place manque pour discuter de ces deux difficultés en détail. On se contente ici de surmonter la première en donnant simplement une brève indication concernant la seconde. Peut-on aller au-delà des limites de l'analyse des auteurs républicains concernant les rapports de la reconnaissance de la domination.

On sait que la domination comporte trois conditions: 1°) le pouvoir d'interférer de P ; 2°) le pouvoir d'interférer de manière arbitraire et négative de P ; 3°) le pouvoir d'interférer de manière arbitraire et négative de P sur l'action, les choix et les capacités de choix de R. Or, dans la mesure où cette domination n'est pas masquée, elle est connaissable aussi bien par P que par R. Plus encore, on peut raisonnablement soutenir que lorsqu'un phénomène de domination se manifeste à l'égard de R, il pénètre, d'une manière ou d'une autre dans la conscience commune. Sur la base de la théorie des conventions développées par D. Lewis (Lewis, 1969), on peut en déduire que les dominants savent qu'ils dominent et les dominés savent qu'ils sont dominés. Les dominants savent que les dominés savent qu'ils peuvent interférer à volonté et que ce pouvoir n'est symétrique et les dominés savent que les dominants savent la même chose. Cependant, au-delà des deux classes de protagonistes, le fait de la domination est l'objet d'un savoir commun de telle sorte que non seulement chacun croit que cette domination existe, mais croit que tous les autres croient qu'elle existe et ainsi de suite (Pettit, 2004 : 85-86 ; 2001 : 72). Il s'ensuit que non seulement les dominés sont inégaux mais qu'ils se considèrent tels et savent qu'on les considère comme inégaux et les dominants savent qu'ils se considèrent eux-mêmes comme inégaux et qu'on les considère ainsi.

Ce savoir de la domination apparaît ainsi comme un savoir commun (*Common Knowledge*, [CK]) et ce savoir peut être interprété en termes d'effets de reconnaissance. Si R ne se trouve pas dans la situation où il peut exercer pleinement ses choix, il sait que sa situation de dominé devient l'objet d'un savoir partagé, d'un CK. Il en résulte que R et les autres, savent en commun que sa situation est une situation d'infériorité sociale ou politique, et que cette situation est collectivement jugée de façon négative. De ce fait, au-delà de sa situation d'infériorité objective liée à la limitation de ses choix (et même de ses capacités de choix), il

existe un savoir partagé de cette infériorité qui risque de renforcer le sentiment issu sa situation. On obtient ainsi une manière subjective de renforcer la domination objective qui passe par la dépréciation de cette relation d'inégalité.

Cependant, de même qu'il existe un CK concernant la domination, il existe un CK concernant la non domination qui renforcera la satisfaction liée à cette dernière. «Ce [...] point est de la plus haute importance, note Pettit, car il met la non domination en rapport avec l'image subjective de soi et le statut intersubjectif» (Pettit, 2004 : 87, 99-101). Le fait de «jouir d'une situation de non domination vis-à-vis d'un autre agent implique la capacité dont vous disposez de faire face à l'autre - pour autant que cet agent soit une personne - confiant dans la connaissance partagée que vous avez que ce n'est pas parce qu'il y consent que vous êtes [...] en mesure de poursuivre, hors de toute interférence arbitraire, les objectifs qui sont les vôtres [...] Vous êtes, autrement dit, une personne à titre légal et social»<sup>17</sup>. Cela se traduit aussi par la possibilité de pouvoir être entendu par les autres, c'est-à-dire d'être «une voix qui compte» pour convaincre les autres (Pettit, 2004 : 124 ; 1997 : 52-76 ; 1999 : 567). Il n'y a ainsi plus de crainte et de déférence à l'égard de ceux qui pourraient dominer: il existe donc bien un sentiment de liberté comme indépendance de la part des non dominés. Ce qui se trouve reconnu ici, c'est à dire socialement valorisé de façon adéquate par un CK, est bien la capacité d'exercer des choix dont les seules limites sont définies par les contraintes acceptables et collectivement acceptées dues à l'interférence de la loi au cas où ces choix ne s'exerceraient qu'en dominant les autres. Cette reconnaissance se traduit par la possibilité de pouvoir à être entendu par les autres, c'est-à-dire d'être une «voix qui compte» pour convaincre les autres (*ibid.*) et cela a pour effet la jouissance d'un certain *respect* de soi-même<sup>18</sup> qui renforce la situation de non

17 [je souligne]. D'autres auteurs républicains marquent clairement le lien entre la liberté comme non domination et la reconnaissance, (Honohan, 2002 : 257ss).

18 «Lorsqu'il est généralement reconnu que quelqu'un jouit de la liberté comme non domination, cela procure à cette personne un solide motif de respect de soi». Lorsqu'à l'inverse les individus sont dominés «l'humiliation suit automatiquement. Les subordonnés doivent prendre garde aux humeurs et aux sentiments de la personne qui domine. Ils chercheront naturellement à se faire bien voir de leur supérieur, si c'est possible ; ils auront tendance à faire des courbettes. Le groupe subordonné vit dans des conditions où les fondements du respect de soi sont gravement compromis ; il est contraint d'accepter une humiliation considérable », (Pettit, 1999 : 570, 567). «Une certaine attention leur sera peut être accordée [aux personnes dominées], mais elles ne

domination, comme le CK négatif renforçait la domination. Cet aspect est, selon Pettit, en contradiction avec la conception libérale de la liberté comme non interférence: celle-ci n'est pas en effet associée à des traits psychologiques spécifiques et elle peut en être parfaitement indépendante en raison de sa seule prise en compte de la nécessité de défendre la liberté négative<sup>19</sup>. Autrement dit, le libéralisme négligerait le lien entre liberté et représentation intersubjective de soi comme indépendance à l'égard de toute interférence de domination. Par contre-coup, il apparaît ainsi que l'idéal républicain de non domination se trouve associé à une représentation de soi dont l'origine est intersubjective à travers le statut du CK. La reconnaissance est donc inséparable d'une conception de la liberté comme non domination.

L'analyse par Lovett des raisons pour lesquelles la non domination représente un objectif important pour les agents sociaux est que la domination qui cumule tout à la fois des dommages matériels découlant de l'exploitation, la crainte constante de l'interférence même si celle-ci à de faibles chances de se produire et le mépris dominants, sape les conditions du respect de soi et fait obstacle à la reconnaissance mutuelle de la valeur des agents (Lovett, 2010 : 130-134). On retrouve le même schéma d'analyse chez J.C. Scott qui, sans défendre une perspective républicaine, subordonne cependant strictement la dégradation symbolique à la domination matérielle : «L'esclavage, la féodalité et le système de caste engendrent toujours des pratiques et des rituels de dénigrement, des insultes et des atteintes aux corps qui occupent une large place dans le texte caché de leurs victimes. Comme nous le verrons, de telles formes d'oppression privent les dominés du luxe ordinaire de la réciprocité négative qui voudrait l'échange d'une gifle pour une gifle, et d'une insulte pour une insulte» (Scott, 2008 : 37)<sup>20</sup>. Il en va de même dans l'analyse que fournit J.W. van der Rijt des rapports entre dignité et domination. C'est parce qu'il existe des rapports de domination fondés sur l'interfé-

pourront pas l'exiger ; on les respectera peut-être, mais elles n'imposeront pas le respect», (Pettit, 2004 : 125). Sur le rapport entre non domination et respect de soi, v. aussi (Pettit, 1997 : 56, 64-65), sur le rapport entre non domination et dignité (Pettit, 1988 : 51-52).

19 Sur la compatibilité du libéralisme et des stratégies institutionnelles d'humiliation cf. Pettit (1997).

20 « Tous les systèmes de domination, sans exception, produisent leur moisson d'insultes et d'atteinte à la dignité humaine - l'appropriation du travail, les humiliations publiques, les châtiments corporels et le fouet, les viols, les gifles, les regards chargés de haine, le mépris, le dénigrement ritualisé, etc. » (Scott, 2008 : 51).

rence coercitive possible du dominant que les effets de dépossession qui en découlent portent atteinte à la dignité en faisant publiquement apparaître les dominés comme vulnérables et socialement inférieurs (van der Rijt, 2009 : 471ss, 480).

Ces différentes analyses ont en commun le fait de faire dépendre sous différentes formes la non reconnaissance de la domination et la reconnaissance de la non domination. Mais si on admet la validité du concept d'interférence élargie, on devra plutôt soutenir que la non reconnaissance, non pas au sens de simple indifférence, mais comme équivalent d'actes de stigmatisation, de dépréciation, de disqualification, de dévalorisation, d'humiliation dans différentes sphères sociales, produira de la domination dès lors que le dominé potentiel, en vertu d'une différence dans le *ratio* de pouvoir et de statut qui le rend vulnérable, se trouve exposé à de telles interférences<sup>21</sup>. Pour le dire d'un mot, ce n'est pas seulement la domination qui crée un déficit d'estime, de respect ou de dignité, mais c'est aussi ce déficit provoqué qui produit de la domination. On peut établir cela au moins dans le cadre des rapports entre non reconnaissance et domination, puisque c'est au concept de domination que l'on s'intéresse ici.

Pour aller à l'essentiel, on peut soutenir que cette forme d'interférence spécifique passe par un processus de «catégorisation sociale». La classification sociale constitue une pratique d'identification qui sélectionne certaines propriétés des agents ou des groupes sociaux en même temps qu'elle les évalue; elle permet ainsi de leur assigner une place de valeur variable dans un univers social hiérarchisé. Si l'affirmation de l'identité poursuit des objectifs d'auto-valorisation, la classification s'insère alors dans un processus de concurrence sociale et permet aux agents sociaux de prendre l'avantage en assignant aux autres une identité négative qui n'est que la contrepartie de la positivité de la leur. La classification procède alors par réduction: l'agent ou le groupe social considéré se voit «réduit» à l'une de ses propriétés tenue pour importante et cette propriété négativement considérée absorbe les multiples composants de son identité ou plus exactement elle se les soumet. D'où le «réductionnisme» de ce type de jugement qui s'énonce le plus souvent sur le mode du : «tu n'es que...» (Bourdieu, 1980 : 92-93). On privilégie ainsi de

21 Pour une analyse des situations d'immunité ou de vulnérabilité face au déni de reconnaissance, cf. Lazzeri (2006 : 367-374).

toute évidence une conception purement dispositionnelle du comportement de l'agent ou du groupe considérés au détriment d'une explication sociale de leur comportement. Pour le dire autrement, on aboutit alors à une conception «essentialiste» de leur comportement par la tendance à naturaliser la propriété négative considérée et à homogénéiser (massifier) la classe des porteurs d'une telle propriété, c'est-à-dire à les rendre individuellement indiscernables, ce qui facilite leur perception réifiante (Honneth, 2007 : 117 ; Lazzeri, 2011 ; Lorenzi-Cioldi 2009 : chap.5). L'efficacité de cette perception disqualifiante s'accroît en outre de ce que la croyance en la validité des autres points de vue sur l'identité de l'agent se trouve neutralisée et que leur concurrence disparaît, privant ainsi le point de vue classant de toute correction possible. Cette perception unilatérale se trouve renforcée lorsqu'elle reçoit une «certification» de la part des institutions politico-administratives. La réduction objectivante crée ainsi un «effet de miroir» car celui qui classe, se classe en classant et il échappe à cette propriété disqualifiante en se requalifiant globalement à travers son propre jugement (Yzerbit & G. Schadron, 1996 : 118ss). Ainsi, on peut dire que la frontière identitaire «activée», selon l'expression de Ch. Tilly et S. Tarrow devient particulièrement nette, ce qui signifie que la différence entre celui qui classe et celui qu'on classe débouche sur la perception et l'affirmation d'identités et d'appartenances sociales différentes qui peuvent aller jusqu'à l'incommensurabilité (Tilly et Tarrow 2008 : 68-69, 137-141). Si les agents ne possèdent pas de communauté *réelle* ou *idéelle* de référence dont la reconnaissance positive vienne compenser intégralement cette catégorisation négative, ou bien si la reconnaissance qu'elle fournit n'est pas assez *intense* (dans le cas d'une communauté idéelle, on ne parvient pas à se *l'imaginer* assez fortement) pour la contrebalancer efficacement, ils se trouveront en situation de vulnérabilité. Dans son analyse de la domination, F. Lovett (2010 : 39-40) montre que celle-ci se caractérise par une dépendance du dominant à l'égard du dominé, dépendance qui comporte un coût de sortie dissuasif. Ce coût peut être évalué de façon réelle par le dominé ou reposer sur une croyance erronée que le dominant a réussi à produire. Toutes choses égales par ailleurs, il est sans doute plus aisé d'évaluer ce coût lorsqu'il s'agit d'obstruction ou de menace. Mais il n'est pas impossible de montrer que ce coût existe au plan symbolique lorsqu'on ne dispose pas d'un groupe de référence capable de distribuer une recon-



naissance qui immunise contre la dépréciation (Lazzeri, 2011). Dans ce cas, la catégorisation engendre alors chez les agents qui ne peuvent s'en protéger une représentation négative de soi qui découle de la représentation de la représentation qu'en donnent les dominants. Mais elle engendre aussi la représentation positive qu'ils se font des dominants en se les représentant comme ceux-ci se représentent eux-mêmes (Bourdieu, 1979 : 229-230). Dès lors, ce sont aussi bien les capacités, les qualités ou les aptitudes à l'effectuation des choix, à la délibération, à la décision qui se trouvent frappées d'invalidité et peuvent ainsi assurer des formes de soumission bien plus efficaces et durables (sans interférence) que celles que l'on obtient par la coercition ou la menace. Dans ces conditions, si le déni de reconnaissance constitue sans doute une entrave à la constitution de la liberté positive, il en constitue certainement une à la production de la liberté comme non domination. À ce titre, ce concept semble candidat à l'introduction d'un surcroît d'intelligibilité dans l'analyse des processus de domination. Mais en retour, le concept néo-républicain de domination, convenablement élargi, peut permettre aux théoriciens de la reconnaissance de disposer d'un instrument d'analyse rigoureux des conséquences du déni de reconnaissance. Reste évidemment à savoir quels sont les effets sur la non domination de la positivité de la reconnaissance. Mais c'est là l'objet d'une autre étude.

## Références

- Bourdieu, Pierre (1976), «Les modes de domination», *Actes de la recherche en sciences sociales*, Vol. 2, n° 2-3, pp. 122-132.
- (1979), *La distinction. Critique sociale du jugement*, Paris, Minuit.
- (1980), *Questions de sociologie*, Paris, Minuit.
- Carter, Ian (1999), *A Measure of Freedom*, Oxford, OUP.
- (2000), «A Critique of Freedom as Non Domination», *The Good Society*, Vol. 9, n° 3, pp. 43-46.
- (2004), «Il rapporto tra potere e libertà: un'analisi» in G. Fede, *Scritti in memoria di Mario Stoppino*, ed. Giuffrè, (la pagination est celle du manuscrit en ligne [www.circa.unisi.it/file](http://www.circa.unisi.it/file)).
- (2005), *La libertà eguale*, Milano, Feltrinelli.
- (2008), «How are Power and Unfreedom Related ? » in C. Laborde, J. Maynor (eds), *Republicanism and Political theory*, , Oxford, OUP, pp. 58-82.

- Dejours, Christophe (2007), *Conjurer la violence. Travail, violence et santé*, Paris, Payot.
- Fraser, Nancy (2005), *Qu'est-ce que la justice sociale ? Reconnaissance et redistribution*, Paris, La Découverte.
- Goodin, Robert (1985), *Protecting the vulnerable. A reanalysis of our special responsibilities*, Chicago, CUP.
- Goodin, Robert et Jackson, Frank (2007), «Freedom from Fear», *Philosophy & Public Affairs*, Vol. 35, n° 3, pp. 249-265.
- Hirigoyen, Marie-France (2001), *Le harcèlement moral dans la vie professionnelle*, Paris, La Découverte-Syros.
- Hobbes, Thomas (1966), *The questions concerning liberty, necessity and chance*, in *The English Works of Thomas Hobbes*, Molesworth ed. [1839-1845], London, repr. Scientia Verlag., vol. V.
- (1973), *Léviathan*, Paris, Sirey.
- Honohan, Iseult (2002), *Civic Republicanism*, London, Routledge.
- Honneth, Axel (1995), *The fragmented world of the social. Essays in social and political philosophy*, Edited by Charles W. Wright, Albany, State University of New York.
- (2006), *La société du mépris. Vers une nouvelle théorie critique*, Paris, La Découverte.
- (2007), *La réification. Petit traité de théorie critique*, Paris, Gallimard.
- Kramer, Matthew (2003), *The Quality of Freedom*, Cambridge, CUP.
- (2008), «Liberty and Domination», in C. Laborde, J. Maynor (eds), *Republicanism and political theory*, Oxford, OUP, pp. 31-57.
- Kristjánsson, Kristján (1998a), «Is there something wrong with free action? », *Journal of Theoretical Politics*, Vol. 10, n° 3, pp. 259-273.
- (1998b), « Reply to Pettit and Norman », *Journal of Theoretical Politics*, Vol. 10, n° 3, pp. 291-298.
- Laborde, Cécile (2008), *Critical Republicanism. The Hijab Controversy and Political Theory*, Oxford, OUP.
- Larmore, Charles (2003), «Liberal and republican conception of freedom », in Ch. Nadeau, D. Weinstock (eds), "Republicanism: history, theory and practice", *Critical Review of International Social and Political Philosophy*, vol. 6, n°1, pp: 96-119.
- Lazzeri, Christian (1998), *Droit, pouvoir liberté. Spinoza critique de Hobbes*, Paris, Presses Universitaires de France.
- Lazzeri, Christian & Damien, Robert (2006), «Qu'est-ce que la lutte pour la reconnaissance ? » in *Conflit et confiance*, Presses universitaires de Franche-Comté, pp. 343-387.
- Lazzeri, Christian & Alain Caillé, eds, (2009), *La reconnaissance aujourd'hui*, Paris, éd. CNRS.

- Lazzeri, Christian (2011a), «Réification et reconnaissance. Une discussion avec Axel Honneth », *Revue du Mauss* (à paraître).
- (2011b), «Conflicts of Recognition and Critical Sociology», in M. Bankovsky, A. Le Goff (eds), *Recognition theory and contemporary French moral and political philosophy: reopening the dialogue*, Manchester UP (à paraître).
- Leymann, Heinz et Gustafsson, Annelie (1996), «Mobbing at work and the development of post-traumatic disorders», *European journal of work and of organizational psychology*, vol. 5, n° 2, pp. 251-275.
- Lewis, David (1969), *Convention*, Cambridge, Mass, Harvard UP.
- Lovett, Frank (2010), *A General Theory of Domination and Justice*, Oxford, OUP.
- Pettit, Philip (1997), «Freedom with Honor. A Republican Ideal», *Social Research*, Vol. 64, n° 1, pp. 52-76.
- (1998), «Comment on Kristjansson : Actions, persons and freedom as non domination », *Journal of theoretical politics*, n° 1.
- (1999), «Liberté et humiliation », *Critique*, n° 625-626.
- (2001), *A Theory of Freedom: From the Psychology to the Politics of Agency*, Polity Press.
- (2002), «Keeping freedom simple. On a difference with Quentin Skinner», *Political Theory*, Vol. 30, n° 3, pp. 339-356.
- (2003), «Agency-Freedom and Option-Freedom », *Journal of Theoretical Politics*, Vol. 15, pp. 387-403.
- (2004), *Républicanisme. Une théorie de la liberté et du gouvernement*, Paris, Gallimard.
- (2005a), «The domination complaint», *Nomos*, Vol. 46, pp. 87-117.
- (2005b), *Rules, Reason and Norms*, Oxford, OUP.
- (2005c), «Enfranchising Silence», in *Rules, Reason and Norms*, Oxford, OUP, pp. 367-377.
- (2008a), «Republican Liberty: Four Axioms, Three Theorems», in Laborde, C. et Maynor, J. (eds), *Republicanism and political theory*, Oxford, OUP, pp. 102-130.
- (2008 b), «Dahl's Power and Republican Freedom », *Journal of Power*, Vol. 1, n° 1, pp. 67-74.
- (2008c), «Freedom and Probability: A Comment on Goodin and Jackson», *Philosophy and Public Affairs*, Vol. 36, n° 2, pp. 206-220.
- Pettit, Philip & Lovett, Frank (2009), «Neo republicanism : A normative and institutional research program», *Annual Review of political science*, Vol. 12, pp. 11-29.
- Nozick, Robert (1991), «La contrainte», in Neuberger, M. (ed.), *Théorie de l'action. Textes majeurs de la philosophie analytique de l'action*, Mardaga, pp. 272-315.

- Rawls, John (1986), *Théorie de la Justice*, Paris, Seuil.
- Renault, Emmanuel (2004), *L'expérience de l'injustice. Reconnaissance et clinique de la justice*, Paris, La Découverte.
- Scott, James (2008), *La domination et les arts de la résistance. Fragments du discours subalterne*, Paris, Editions Amsterdam.
- Skinner, Quentin (2000), *La liberté avant le libéralisme*, Paris, Seuil.
- (2008), «Freedom as the Absence of Arbitrary Power », in Laborde, C. et Maynor, J. (eds), *Republicanism and Political Theory*, Oxford, OUP, pp. 83-101.
- Spinoza, Baruch (2005), *Traité Politique*, Paris, Presses Universitaires de France.
- Steiner, Hillel (1994), *An Essay on Rights*, Oxford, Blackwell.
- Tilly, Charles et Tarrow, Sidney (2008), *Politique (s) du conflit. De la grève à la révolution*, Paris, Presses de Sciences-Po.
- Waldron, Jeremy (2007), «Pettit's molecules», in G. Brennan, F. Jackson, M. Smith, R. Goodin, (eds), *Common minds themes from the philosophy of Philip Pettit*, Oxford, OUP, pp. 143-159.
- Wall, Steven (2001), «Freedom, Interference and Domination», *Political Studies*, Vol. 49, n° 2, pp. 216-230.
- van der Rijt, Jan-Willem (2009), «Republican dignity: the importance of taking offense», *Law and Philosophy*, Vol. 28, n° 5, pp. 465-492.
- Yzerbyt, Vincent & Schadron, Georges (1996), *Connaitre et juger autrui. Une introduction à la cognition sociale*, Grenoble, PUG.

# **Le marché est-il une institution républicaine?**

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## **Résumé**

La liberté comme non domination paraît formuler une exigence impossible à satisfaire car, dans un régime de libre marché et de libre concurrence, chaque agent doit négocier ses ressources avec d'autres et doit se plier à leurs volontés pour en obtenir les services qu'il en attend. Philip Pettit a cependant cherché à infirmer cette objection et à montrer que le marché n'est pas en soi incompatible avec la liberté comme non domination. Toutefois, l'analyse consistant à établir la compatibilité entre la liberté comme non domination entendue comme garantie que certaines options peuvent être choisies (sans garantie de contrôle effectif) et l'existence du marché n'est pas convaincante.

**Mots-Clés :** Marché – Liberté comme non domination - Pettit, Philip – Propriété privée – Republicanisme.

## **Abstract**

Freedom as non-domination seems to make a requirement impossible to meet because in a system of free market and free competition, each agent has to negotiate its resources with others and must abide by their wishes to obtain the services it expects. Philip Pettit, however, has tried to refute this objection by showing that the market is not in itself incompatible with freedom as non-

domination. However, the compatibility between freedom as non-domination, understood as a guarantee that some options may be selected (subject to effective control) and the existence of the market, is not convincing.

**Keywords:** Freedom as non domination – Market – Pettit, Philip – Private Ownership – Republicanism.

Le renouveau du républicanisme contemporain est, on le sait, avant tout fondé sur une définition originale de la liberté. Au lieu de définir classiquement cette dernière comme une absence d'obstacles ou d'interférences, il propose de la penser en termes d'absence de domination et de dire qu'elle consiste dans le fait de ne pas être exposé ou vulnérable à l'intervention de la volonté arbitraire d'autrui dans notre vie et dans l'exécution de nos projets (Pettit, 1997). Les conséquences de cette redéfinition sont importantes de deux points de vue soulignés par Philip Pettit à de multiples reprises : en premier lieu, elle permet de comprendre que certains agents sont soumis à une domination alors même qu'ils ne rencontrent pas d'interférences effectives ; c'est le cas lorsqu'ils sont sous la coupe d'un maître qui a le pouvoir d'intervenir dans leur vie selon sa seule volonté, car cette situation contraint les agents qui dépendent de lui à se plier à ses désirs et à renoncer à l'exécution de leurs projets s'ils savent qu'ils déplaisent au détenteur du pouvoir et risqueraient de provoquer son intervention active. En second lieu, elle permet aussi de montrer que toute interférence n'est pas négatrice de la liberté car, plus que la réalité des obstacles, c'est l'arbitraire qui est en contradiction avec celle-ci. Si donc une instance interfère dans l'existence des agents mais que ceux-ci ont la garantie que cette interférence est contrainte de respecter et de chercher à donner satisfaction à leurs intérêts, cette interférence n'est pas dominatrice. C'est le cas des limitations imposées aux citoyens par un Etat démocratique pourvu que celui-ci soit assujéti à un contrôle rigoureux qui permette aux citoyens à la fois de dénoncer des mesures réelles prétendument prises dans leur intérêt mais orientées en fait vers la satisfaction de certains intérêts particuliers, et d'obliger la puissance publique à prendre en compte les propositions qu'elle aurait tendance à négliger et qui, émanant des citoyens eux-mêmes, sont réel-

lement au service de l'intérêt collectif. Cette conception alternative de la liberté permet en outre de suggérer que l'Etat est dans certains cas plus le vecteur que l'ennemi de la liberté des citoyens, en particulier lorsque, par la loi, il contrôle et limite les formes de domination privée que certains agents sont en mesure d'exercer sur d'autres en raison de leur accès privilégié à certaines positions ou à certaines ressources (Pettit, 2001 ; Pettit, 1993).

Cette conception alternative de la liberté a suscité de nombreuses critiques et interrogations, portant notamment sur la possibilité d'une intervention non arbitraire de l'Etat et sur la catégorie de bien commun ou d'intérêts objectifs des citoyens qui lui est liée (MacMahon, 2005 ; 2007). Il paraît difficile en effet de définir un ensemble déterminé d'intérêts qui constituent le bien commun et de montrer que, lorsque l'Etat agit pour leur promotion, il est non dominateur et ne contredit pas la liberté individuelle. Mais la théorie républicaine est aussi attaquée sur un second front : telle qu'elle est définie, la liberté comme non domination paraît formuler une exigence impossible à satisfaire car, dans un régime de libre marché et de libre concurrence, chaque agent doit négocier ses ressources avec d'autres et doit se plier à leurs volontés pour en obtenir les services qu'il en attend. Si la liberté exige la garantie d'une certaine indépendance matérielle, le marché ne peut assurer cette garantie car, par définition, il expose tous les acteurs à des pertes qui – lorsqu'il n'existe pas de garde-fou et que seul le marché est en jeu – peuvent les laisser entièrement démunis. Le marché lui-même semble en ce sens être un mécanisme de domination puisque l'accès aux biens et aux services y est interdit sauf aux conditions posées par leurs « gardiens » ou leurs propriétaires (Gaus, 2003 ; Brennan et Lomasky, 2006). La vulnérabilité de chaque agent à la volonté arbitraire des tiers semble donc consubstantielle d'une économie de marché où chacun est à la fois exposé à d'autres volontés qui sont nécessairement arbitraires (puisque chacun ne poursuit que son intérêt particulier dans les échanges), et obligé de complaire à ses partenaires pour en obtenir le comportement qu'il désire.

Pettit a cependant cherché à infirmer cette conclusion et à montrer que le marché n'est pas en soi incompatible avec la liberté comme non domination (Pettit, 2006).

Ses arguments se situent sur deux plans.

Tout d'abord, l'existence de l'économie de marché donne inévitablement naissance à des inégalités de propriété. On pourrait être tenté de croire que celles-ci sont par elles-mêmes génératrices de domination, mais Pettit tente de montrer que ce n'est pas le cas. Et en second lieu, le fait que des biens et des services soient échangés selon des prix fixés par la loi de l'offre et de la demande semble peu compatible avec la notion de garantie contre l'arbitraire qui est au cœur de la notion de non-domination. Mais là encore, Pettit pense qu'il est possible de montrer qu'il ne s'agit que d'une apparence.

Il suggère tout d'abord que l'inégalité n'est pas en elle-même incompatible avec la liberté comme non domination si certaines conditions sont remplies. Quelles conditions ? En premier lieu, qu'il soit impossible de s'approprier tout ou partie de la personne d'autrui ; en second lieu que l'inégalité ne dérive pas d'une différence de statuts juridiques ou de la domination légale d'une classe sur une autre qui lui aurait permis d'acquiescer par la force ou l'usage du pouvoir politique la plus grande part de la propriété privée, mais qu'elle se soit développée dans un contexte d'égalité de droits ; et enfin, en troisième lieu, que l'inégalité se soit développée sans fraude ni violence, mais par le seul jeu de la différence des talents et des hasards entre les individus. Ceci ne signifie pas que toutes les inégalités nées de l'impact de ces facteurs sont légitimes mais seulement qu'il n'existe a priori aucune raison de penser que de telles inégalités sont incompatibles avec la liberté. Il est possible que l'incompatibilité apparaisse lorsque ces inégalités atteignent une ampleur excessive, mais l'inégalité dans l'accès à la propriété et aux ressources n'implique pas nécessairement la domination. Ou, en d'autres termes, il est possible que deux personnes disposant de ressources matérielles inégales soient cependant également libres dans le sens qui est pertinent pour la liberté comme non domination, c'est-à-dire qu'elles disposent l'une et l'autre d'un ensemble d'options qu'aucune volonté arbitraire externe ne peut les empêcher d'emprunter (Pettit, 2002).<sup>1</sup>

Cependant, dit Pettit, un système inégalitaire de ce genre aura certainement pour effet de *conditionner* la liberté des plus pauvres, c'est-à-dire de réduire le nombre des options qu'ils pourront effectivement

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1 L'hypothèse selon laquelle la liberté pourrait demeurer réelle pour un agent qui ne dispose d'aucune option – hypothèse parfois évoquée par Pettit comme plausible – paraît cependant contre-intuitive. Cf. P. Pettit (2002).



exploiter sans craindre aucune interférence arbitraire, mais il ne la compromet pas nécessairement s'il s'accompagne d'une structure de droits qui garantit chaque individu contre l'intrusion arbitraire de la volonté d'autrui. Les citoyens auront alors des ensembles d'options qui seront différents et plus ou moins étendus mais ces ensembles seront *également* garantis contre l'intervention arbitraire à la fois des autres personnes privées et de l'Etat, car une telle intervention arbitraire y sera également prohibée par la loi et également rendue improbable par le statut juridique de l'agent (qui comporte en outre un élément identique dans tous les cas de notoriété ou de reconnaissance publique). Cette distinction entre conditionner et compromettre est importante aux yeux de Pettit car elle repose sur la différence entre la liberté de choix et la liberté de l'agent : on dira en effet que la liberté de choix dépend de l'ampleur de l'éventail des options qui sont ouvertes, alors que la liberté de l'agent est fonction de la sécurité ou de la garantie avec laquelle celui qui agit peut effectivement choisir ces options sans risquer aucune interférence arbitraire des tiers (Pettit, 2003 et 2007). Il n'y a pas de contradiction, en ce sens, à concevoir une liberté qui pourrait être très réduite mais très réelle, c'est-à-dire que l'agent disposerait d'un tout petit nombre d'options dont il aurait cependant l'assurance de pouvoir les emprunter sans avoir à tenir compte de la volonté, de la permission ou de la bienveillance d'autrui. Pettit en conclut que la liberté des plus pauvres dans un régime inégalitaire de ce genre serait limitée par le manque de moyens de la même manière qu'elle est limitée par des obstacles naturels et impersonnels qui interdisent à tout un chacun de sauter par-dessus les montagnes ou de passer plus de trois nuits d'affilée sans dormir. Une limitation de ce genre n'empêche pas l'agent d'être libre dans ce qu'il a la possibilité de faire si cette possibilité lui est garantie, c'est-à-dire s'il a l'assurance de pouvoir choisir les options disponibles sans avoir à se préoccuper de la permission ou de la réaction négative des tiers. Cependant, dit Pettit, l'inégalité peut évidemment être l'occasion de la naissance de phénomènes de domination et elle a tendance – bien qu'elle n'en soit pas par elle-même directement et nécessairement la cause – à la favoriser ou à la rendre possible. Cette remarque comporte deux aspects distincts (Pettit, 2006 :140-141). Tout d'abord, le caractère garanti des options dont disposent les moins bien pourvus en ressources risque de devenir de plus en plus aléatoire si les écarts qui les séparent des mieux pourvus

se creusent dans des proportions considérables. La jouissance d'un statut qui protège un éventail d'options peut correspondre à une maîtrise et à une indépendance réelles en présence d'inégalités limitées et perdre de sa substance lorsque les inégalités s'accroissent. Si le fait de disposer de ressources plus importantes ne donne pas nécessairement le pouvoir d'interférer arbitrairement dans la vie d'autrui, tout accroissement des écarts ou des inégalités rend cette interférence arbitraire plus probable et plus aisée et la jouissance des statuts juridiques protecteurs qui garantissent en principe la possibilité de mener certaines actions plus aléatoire. Pettit remarque en second lieu que la valeur de la non domination possède un aspect égalitaire aisé à comprendre : il n'est possible de maximiser la quantité de liberté dans l'ensemble de la société qu'en accroissant les ressources - et donc les options - de ceux qui en ont le moins. Si l'on suppose un ensemble de citoyens qui jouissent tous des mêmes garanties mais qui disposent de ressources inégales, la liberté ne peut être accrue qu'en convertissant des options qui ne sont accessibles qu'en théorie en options effectivement accessibles (tout en demeurant garanties) ; ceci n'est possible qu'en accroissant les ressources de ceux qui en ont le moins car on comprend aisément que, à un certain niveau de ressources, l'ensemble des options accessibles dans un Etat de droit sont réellement accessibles et qu'aucune augmentation de la richesse des plus riches n'aurait d'effet significatif sur la liberté. L'accroissement des inégalités a donc peut être une chance de ne pas accroître la domination - s'il demeure limité et s'il s'accompagne d'un renforcement drastique des garanties juridiques dont jouissent ceux qui bénéficient d'un éventail d'options plus restreint - mais il n'a guère de chances de maximiser la liberté comme non domination. Il n'y aurait donc pas de contradiction, selon Pettit, entre l'idée que l'inégalité n'est pas intrinsèquement productrice de domination et l'idée que l'accroissement de la non-domination exige une réduction des inégalités ou, à tout le moins, que la non domination ne peut se renforcer dans l'ensemble de la société si les inégalités augmentent. L'essentiel demeure cependant de souligner qu'une société de marché dans laquelle les propriétés sont inégalement réparties peut mettre en présence des individus qui, tout en ayant effectivement accès à des ensembles d'options inégaux pourraient, néanmoins être protégés par des statuts juridiques publiquement reconnus qui leur donneraient une garantie égale d'accès aux options qui leur sont ouvertes. Pettit ne

semble pas exclure absolument que les ensembles d'options garanties puissent être inégaux sans cesser d'être réels, mais cette hypothèse paraît peu réaliste car la notion de réciprocité des droits semble inhérente au concept de liberté et il paraît impossible de dire qu'un citoyen est libre s'il est en présence d'autres citoyens qui ont plus de droits ou des droits différents des siens. L'obligation de respecter les actions des tiers ne peut en effet reposer que sur le droit que nous avons de les accomplir nous-mêmes. En revanche, Pettit regarde avec faveur l'hypothèse selon laquelle deux individus ayant des droits garantis égaux, disposeraient d'éventails inégaux d'options qu'ils contrôlent et qu'ils peuvent effectivement emprunter, sans que la liberté de l'un ou de l'autre soit détruite ou affectée négativement.

Cette thèse est en quelque sorte la conséquence de l'affirmation selon laquelle la liberté n'est pas un concept qui décrit un espace dans lequel il n'y a pas d'obstacles mais un concept qui porte sur l'agent et sur les modalités de son action. Si cette action est telle que l'agent peut la mener sans avoir à craindre de représailles et sans avoir à flatter ou à plaire à quiconque, cette action est libre même si, pour certains, le nombre et l'importance des actions de ce genre qui sont réellement accessibles peuvent être plus grands que pour d'autres. Cela semble cependant bien supposer que les garanties sont identiques pour tous et que la différence porte seulement sur l'accessibilité réelle ou la maîtrise des options ainsi identiquement garanties : tout le monde a le droit de voyager à l'étranger, mais certains ne disposent pas des moyens nécessaires pour cela. Cela n'implique cependant pas qu'ils ne sont pas libres car ils sont protégés par un statut qui leur donne le droit de voyager à l'étranger sans avoir à redouter aucune interférence arbitraire ni à solliciter la bienveillance de qui que ce soit pour en obtenir l'autorisation. Là encore, Pettit semble parfois jouer avec l'idée que la liberté comme non domination pourrait exister même pour un agent qui ne disposerait d'aucune option effectivement accessible en raison du manque criant de ressources ; mais cette hypothèse paraît à nouveau peu envisageable car il ne semble pas possible de réduire la notion de contrôle ou de maîtrise d'une option à la simple possibilité juridiquement garantie de la choisir sans avoir à craindre l'interférence d'un tiers et sans avoir à en solliciter la bienveillance. Toute maîtrise effective d'une option paraît en ce sens supposer plus que le droit de la choisir et la notoriété publique de ce droit ; elle

implique aussi des moyens garantis et indépendants – non assujettis au caprice des tiers – de la choisir (White, 2007).

Sur cette première question ; la thèse défendue par Pettit semble donc exposée à deux objections de principe.

La comparaison entre la limitation du nombre des options des moins favorisés en raison du manque de ressources et la limitation des options par les lois physiques est sujette à caution. Il est en effet difficile d'accepter l'idée que l'inégalité des ressources dans une société de marché pourrait avoir le même caractère d'un ordre naturel que les lois de la physique. Même si l'on admet que toutes les inégalités se sont développées sous le seul impact des qualités naturelles (les talents) et du hasard, il n'est pas possible de prétendre que le système social qui récompense certaines aptitudes et non certaines autres est un système objectif ; il résulte d'un ensemble de choix collectifs et il comporte des règles – dont l'objectivité n'est évidemment pas la même que celle des lois de la physique – qui « décident » de privilégier ou de récompenser telle ou telle qualité dont les individus sont porteurs. Certains choix collectifs sont ainsi susceptibles de dévaloriser brutalement certaines qualités : que deviendraient par exemple les stars du « porno » dans une société où ce genre de cinéma serait interdit comme attentatoire à la dignité de la femme ? Par conséquent, si le critère qui permet de faire la distinction entre un facteur qui conditionne la liberté et un facteur qui la compromet est le caractère non volontaire, il n'est pas possible de dire que l'inégalité sociale des ressources conditionne la liberté sans la compromettre car elle résulte nécessairement – c'est-à-dire dans toutes les sociétés de marché possibles - d'un ensemble de choix qui pourraient être différents sous l'effet de la volonté humaine. Ce ne serait pas le cas si la répartition des talents donnait toujours la même répartition des ressources quelle que soit l'organisation de la structure sociale choisie, mais cette hypothèse est trop invraisemblable pour être considérée sérieusement car il n'existe aucune échelle objective des qualités ou des talents producteurs telle qu'il serait possible d'évaluer la contribution de chacun à un système productif en affirmant que la part des ressources sociales qui lui revient ne doit rien à une volonté humaine et ne résulte d'aucune règle artificielle de répartition. Et il ne s'agit pas seulement de dire qu'aucun marché réel n'alloue les ressources de cette manière, mais qu'aucun marché possible ne peut se dispenser de procéder à des décisions et à des

choix en la matière. On doit donc toujours se demander si l'ensemble de règles qui ont pour effet de diriger les ressources sociales de manière plus importante vers les porteurs de certaines qualités (en supposant que toutes les règles, comme celles qui permettent la transmission des patrimoines et celles qui distribuent les richesses en fonction de statuts différenciés ont été éliminées) sont arbitraires ou non, ce qui conduit à se demander si elles tournent à l'avantage de ceux qui ne sont pas porteurs des qualités privilégiées ou, en termes rawlsiens, si elles seraient acceptées par tous derrière un voile d'ignorance. Il faut donc considérer la distinction suivante : si l'hypothèse selon laquelle les inégalités de ressources seraient uniquement l'effet de facteurs naturels (la différence des qualités personnelles, le hasard) sans aucune intervention d'une volonté personnelle ou collective pouvait être fondée, on pourrait accepter la conclusion de Pettit selon laquelle ces inégalités conditionnent la liberté sans la compromettre. En revanche, si l'on adopte l'hypothèse – infiniment plus réaliste – selon laquelle les inégalités de ressources et d'étendue de l'éventail d'options accessibles sont nécessairement l'effet d'une structure sociale instituée qui pourrait être autre, on doit considérer comme plausible la conclusion selon laquelle, dans certains cas, ces inégalités résultent d'une volonté arbitraire qui n'a pas pris en compte les intérêts objectifs de ceux qui occupent la place la moins favorisée dans le système. Bien entendu, le fait que de telles inégalités soient l'effet d'une règle artificielle et non d'une répartition naturelle et objective des qualités ne suffit pas à les condamner car si, conformément au principe de différence rawlsien, il est possible d'affirmer que ceux qui disposent du nombre le plus réduit d'options effectivement accessibles en auraient encore moins dans une structure de base où ces inégalités n'existeraient pas, l'arbitraire de la règle de répartition disparaît (sans éliminer son artificialité) et l'on peut considérer que le « choix » de la structure sociale n'est pas porteur de domination. Mais, en tout cas, il n'est pas possible de dire, comme Pettit semble le faire, que les inégalités résultant de la seule différence des talents sont intrinsèquement non dominatrices parce qu'elles ne sont ni choisies ni instituées. En réalité, elles résultent d'une institution et elles ne sont non dominatrices que si l'on peut établir que la volonté collective qui les institue ou les maintient se préoccupe de l'intérêt de l'ensemble des citoyens, y compris de ceux qui disposent dans le système du plus petit nombre d'options.

La seconde objection est elle aussi très simple. Pettit semble dire que la liberté comme non domination est une caractéristique de l'agent et non de l'éventail d'options dont il dispose. Elle serait en ce sens exclusivement tributaire de la question de savoir si cet agent est protégé par un statut juridique de notoriété publique qui lui confère le droit d'agir d'une certaine manière et qui le garantit contre toute possibilité qu'une instance extérieure, publique ou privée, l'empêche arbitrairement d'agir de cette manière ou interfère arbitrairement dans l'exercice de son droit. Si l'on envisage la liberté de cette manière, on peut avancer que deux agents sont également libres s'ils disposent du même statut tout en disposant de quantités d'options effectivement accessibles inégales. Portée à la limite, cette définition permettrait même de dire que la liberté est indépendante de la question de savoir si nous disposons de la moindre option effectivement accessible, ce qui donne naissance au paradoxe consistant à dire que l'on pourrait considérer comme libre un agent qui a le droit de tout faire mais à qui son manque de moyens interdit la moindre action effective. Mais comment la maîtrise d'une option pourrait être réelle sans l'assurance – non soumise aux aléas du marché – de disposer de manière indépendante des moyens de la choisir ? Ce paradoxe est gênant car, selon le mot d'Anatole France, la liberté de celui qui est réduit à coucher sous les ponts ne paraît pas aussi réelle que celle des travailleurs qui disposent d'un emploi et d'une garantie de ressources. Ceci implique que, au moins sur un plan intuitif, la liberté inclut une forme de pouvoir effectif de faire ce qu'on a le droit de faire. Mais, dans ces conditions, il paraît difficile de prétendre que l'inégalité des pouvoirs n'est pas un obstacle à l'égalité des libertés. Il paraît également difficile de comprendre comment Pettit peut prétendre que la liberté comme non domination comporte un aspect égalitaire : si l'augmentation des ressources des moins favorisés correspond à un accroissement de la liberté, cela implique que la quantité de cette dernière qui existe dans la société est bel et bien tributaire de la question de savoir combien d'agents ont la possibilité effective de mener les actions que leur statut de citoyens leur garantit le droit de faire sans avoir à redouter l'interférence arbitraire d'autrui. De manière irréductible, la question de l'accessibilité ou de la maîtrise effective des options est présente dans la question de la liberté et cette dernière ne peut être exclusivement définie en termes de liberté de l'agent, c'est-à-dire en termes de l'existence ou de la non existence

d'un statut qui garantit le droit de mener certaines actions sans avoir à craindre l'interférence arbitraire des tiers et sans avoir à se concilier leur bienveillance.

Cette seconde difficulté est plus générale qu'il n'y paraît, car elle conduit à remettre en cause la distinction entre conditionner et compromettre (Wall, 2001 ; List, 2006). S'il est impossible d'exclure absolument la considération du pouvoir effectif de la définition de la liberté, on est obligé de prendre en compte la question suivante : certaines restrictions du pouvoir de maîtriser des options sont indispensable à la garantie de la liberté comme non domination puisque cette dernière exige au moins une certaine égalisation des ressources ou, au minimum, un effort en direction du resserrement des inégalités. Ceci suppose que, à statut juridique constant, c'est-à-dire avec une permanence de l'ensemble des options garanties contre toute interférence arbitraire, certains membres de la société perdent des possibilités effectives d'action – par diminution des ressources dont ils disposent – dans le but d'augmenter le pouvoir des plus faibles ou de leur garantir les moyens minimaux de leur indépendance. Dès lors, il n'est pas possible de prétendre que la question de la liberté est neutre par rapport à la question de la répartition des ressources ; toute redistribution à postériori, ou tout changement des règles ayant pour conséquence d'affecter la manière dont les ressources se répartissent au sein de la société affecte la liberté et elle doit donc être interrogée du point de vue de ses effets : est-ce qu'elle maximise la liberté ou est-ce qu'il existe une répartition et un système de règles alternatif qui auraient pour effet de rendre un plus grand nombre d'options effectivement accessibles à un plus grand nombre de membres de la société ? Cela ne signifie pas que l'on plaide pour une répartition égale des ressources car on sait que cette égalité pourrait affecter négativement l'ensemble des citoyens y compris ceux qui sont les moins bien pourvus dans le cadre d'une répartition inégalitaire. Mais cela signifie en revanche qu'il n'est pas possible de dire que l'inégalité de la répartition est, par elle-même, sans effet sur la liberté, et qu'elle se contente de la conditionner sans la compromettre. Si une société de marché conduit à des inégalités, on est donc en droit de se demander si ces inégalités sont favorables ou contraires à la liberté. Les droits égaux étant garantis, ces inégalités de ressources ont-elles pour effet de maximiser l'étendue des options effectivement accessibles dans l'ensemble de la société ou, en

tout cas, pour ceux qui y occupent la position la moins favorisée? Si c'est le cas, elles favorisent la liberté comme non domination parce qu'elles font partie d'un ensemble *institutionnel* (ce que Rawls appelle une structure de base) dont l'objet est de promouvoir l'avantage de l'ensemble des membres de la société. Si ce n'est pas le cas, elles y sont contraires. Mais il n'est pas possible de prétendre que les inégalités sont par elles-mêmes sans effet sur la liberté comme non domination, puisque cette dernière varie en fonction de l'accessibilité effective des options, comme Pettit lui-même le concède lorsqu'il affirme que la liberté comme non domination possède un aspect égalitaire et qu'elle ne peut s'accroître que par l'accroissement des ressources de ceux qui en ont le moins. Ce ne serait pas le cas si les différences dans cette accessibilité étaient indépendantes de la structure institutionnelle collectivement voulue, mais nous avons vu que cette hypothèse était dépourvue de toute plausibilité.

Pour le dire autrement, il n'est pas possible de considérer la structure des inégalités comme un effet de la nature (la répartition inégale des talents) car il n'existe pas et il ne peut pas exister de système social qui ne comporte aucun choix collectif et qui se contente d'enregistrer objectivement les effets différenciants des qualités natives des uns et des autres. Ce choix collectif doit être conforme à la prescription de non-arbitrarité pour pouvoir être défini comme favorable à la liberté comme non domination ou même comme compatible avec elle et il ne possède cette conformité que s'il a pour objet l'intérêt commun défini comme maximisation de la quantité d'options effectivement accessibles pour l'ensemble des citoyens y compris et surtout ceux qui en ont le moins. A cet égard, la distinction entre la liberté de l'agent et la liberté de choix est aussi peu pertinente que la distinction rawlsienne entre la liberté et la valeur de la liberté et, de même que la structure de base n'est conforme au principe de différence que si elle maximise la valeur de la liberté pour les plus défavorisés, la société républicaine ne fonde la liberté comme non domination qu'en garantissant une égalité relative des éventails d'options effectivement accessibles aux différents individus. Comme dans le principe de différence, cette égalité ne peut être que relative puisqu'il y a des chances pour que l'égalité absolue entraîne en resserrement de l'éventail des options réellement accessibles pour tous les citoyens (Hale, 1952, 1923 et 1935 ; Fried, 2001).

Abordons maintenant la seconde question : l'échange marchand est-il par lui-même destructeur de la liberté comme non domination ? –



Pettit s'emploie à détruire l'image selon laquelle tout échange de ce genre est une tentative pour influencer ou pour contraindre un partenaire à agir d'une manière autre que celle qu'il choisirait. Indépendamment des conditions concrètes qui demeurent à examiner – en particulier si les circonstances mettent en présence des partenaires qui disposent de pouvoirs de négociation outrancièrement inégaux – il n'y a aucune raison de penser que l'échange soit porteur de domination (Pettit, 2006 : 142-146). Au contraire, comme l'avait suggéré Adam Smith, l'existence du marché est un facteur de libération dans la mesure où l'acheteur comme le vendeur ont toujours la possibilité de ne pas conclure l'échange qui leur est proposé et de s'adresser ailleurs. C'est un progrès considérable dans la liberté par rapport à une situation où l'échange est non-marchand comme, par exemple, lorsqu'une entreprise d'Etat détient un monopole sur un produit, qu'elle est en mesure d'en fixer les prix, et que les acheteurs n'ont pas la possibilité de s'adresser à un autre fournisseur. Le marché introduit en ce sens une dimension nouvelle, car il apparaît comme une forme d'organisation sociale qui permet de contenir l'exercice arbitraire du pouvoir sans faire appel à aucune activité civique ni à aucun effort conscient, en termes de vertu, de la part des citoyens. Il garantit non seulement contre la domination privée des agents monopolistiques en offrant à l'acheteur ou au salarié la possibilité de s'adresser ailleurs, mais aussi contre l'arbitraire du pouvoir politique à la fois parce que la richesse mobilière qu'il fait proliférer est plus difficile à saisir et plus facile à cacher que la propriété foncière, et parce que l'Etat prend progressivement conscience de l'incompatibilité entre la prospérité marchande et l'exercice arbitraire et imprévisible de l'autorité. En ce sens, le marché est un facteur de régulation et de pacification de l'ensemble des formes de pouvoir existant dans la société, et il réalise cet exploit avec une économie de moyens moraux extraordinaire puisqu'il n'a pas besoin de faire appel à la vertu des agents économiques pour les empêcher d'empiéter sur le domaine de leurs voisins et qu'il lui suffit de tabler sur leur intérêt.

Le marché serait donc un substitut des moyens républicains pour contenir le caractère arbitraire du pouvoir, en sorte que de tels moyens deviennent pour ainsi dire superflus. Si la vertu n'est qu'un instrument, elle devient inutile puisqu'on a trouvé une manière plus efficace et plus économique de lutter contre l'excès d'autorité. En ce sens, la société mar-

chande serait essentiellement libre, c'est-à-dire qu'elle serait par définition une société dans laquelle les individus sont à l'abri à la fois de la vulnérabilité aux pouvoirs privés et des « coups d'autorité », dont le pouvoir s'abstient parce qu'ils sont nuisibles au commerce et à la richesse. Constant montre par exemple que l'autorité est plus facile à éluder dans une société où la richesse tend à devenir mobilière et peut plus facilement fuir ou se cacher (Constant, 1997), mais c'est Adam Smith qui a consciemment posé l'axiome selon lequel le marché serait le substitut de la vertu ; sur le marché, dit-il, les rapports de dépendance ne subsistent plus dans la mesure où chaque acteur doit désormais sa subsistance non plus à une seule personne mais à des milliers dont aucune n'est irremplaçable ; personne n'a donc barre sur lui et il n'est dépendant de personne en particulier (Smith, 1776 ; Satz, 2010).

En ce sens, dit Pettit, l'échange repose non pas sur la menace mais sur la proposition, et il importe de bien comprendre la distinction. Dans la menace, celui qui en est l'objet se voit fermer certaines options en raison des conséquences fâcheuses que l'auteur de la menace y attache au cas où sa victime les emprunterait. En revanche, l'auteur d'une proposition *augmente* la quantité des options ouvertes à son partenaire : ce dernier peut faire A, par exemple donner un bien qu'il a produit à une tierce personne mais, lorsque cette personne lui propose de lui donner en échange une certaine somme d'argent, elle lui ouvre une option *supplémentaire* qui consiste à donner A *et* à recevoir cette somme d'argent en échange. Il n'y a donc aucune raison de principe de penser que le marché serait un facteur de domination et qu'il serait en conflit avec le concept républicain de la liberté.<sup>2</sup> Pettit en conclut que, à la différence des menaces, qui font perdre à celui qui en est l'objet le contrôle effectif d'une option – il est mis en position de ne plus pouvoir la choisir – la proposition ne prive pas celui à qui elle s'adresse du contrôle d'une option (il demeure le maître de la choisir ou de ne pas la choisir) mais elle se contente d'augmenter la probabilité qu'il choisisse cette option de préférence à d'autres. Pour Pettit, cette distinction est significative d'un point de vue normatif (Pettit, 2006 : 144). Bien entendu, cela suppose qu'un certain nombre

2 On remarquera au passage que, d'une manière assez peu cohérente, Pettit affirme ici que si l'échange avait pour effet de fermer des options existantes, il aurait un effet négatif sur la liberté comme non domination et que cet effet consisterait non pas seulement à la conditionner mais bien à la compromettre.

de conditions objectives soient réunies et en particulier que celui qui est l'objet de la proposition ait réellement le choix de la refuser, et que, sur le marché, les acheteurs et les vendeurs aient réellement la possibilité de s'adresser à d'autres partenaires pour négocier leurs échanges (Dagger, 2006). Mais il ne faut pas confondre l'échange lui-même et les conditions dans lesquelles il a lieu. Si l'on tient compte de cette distinction, dit Pettit, on est en droit d'en conclure que l'échange n'est pas essentiellement dominateur, bien qu'il puisse évidemment le devenir dans certaines conditions de contexte (lorsque les pouvoirs des partenaires sont inégaux). Certains commentateurs doutent cependant de la pertinence de cette asymétrie entre menaces et propositions. Hillel Steiner souligne par exemple que toutes deux ont le même effet sur la personne qui en est l'objet puisque, dans un cas comme dans l'autre, celle-ci est conduite à réviser ses désirs (Steiner, 1994 ; Carter, 1999). Si un ravisseur *menace* de tuer mon fils au cas où je ne verserais pas une rançon, je change mes préférences : je préfère maintenant donner mon argent et retrouver mon fils plutôt que le conserver et perdre mon enfant. Si un employeur me *propose* de travailler en échange d'un salaire, je modifie de même mes préférences : je préfère désormais travailler et recevoir le salaire plutôt que ne pas travailler et ne pas recevoir le salaire. L'effet est exactement le même. Steiner est par ailleurs convaincu que ni les menaces ni les propositions ne sont capables d'affecter la liberté de celui qui en est l'objet car, selon lui, cette liberté est fonction de la capacité de faire ce que l'on désire et non pas de la nature des désirs. La menace, en ce sens, ne diminue pas la liberté si elle ne s'accompagne pas de violence physique : avant, je suis libre de faire ce que je désire (garder mon argent) mais je le suis tout autant après que la menace crédible m'a été adressée (je suis maintenant libre de faire ce que je désire, à savoir donner mon argent pour retrouver mon fils). La proposition ne se comporte pas d'une autre manière, en sorte que, si l'on dit que la menace détruit la liberté, on doit dire que c'est également le cas des propositions. Pour Steiner la conclusion de ce raisonnement est que ni les menaces ni les propositions n'ont pour effet de porter atteinte à la liberté de celui à qui elles sont adressées, car cette liberté réside seulement dans la possibilité de faire ce que l'on désire sans rencontrer d'obstacle physique.

Steiner pense que cette conclusion est valide pour toutes les conceptions acceptables de la liberté qui sont toutes, selon lui, formulées en

termes de non interférence effective et cela a pour conséquence, à son avis, d'interdire de traiter différemment les menaces et les propositions, et donc d'enlever toute pertinence normative à cette distinction. Mais, à l'évidence, cette analyse n'est soutenable que pour une liberté définie précisément comme un pouvoir de faire ce que l'on désire sans rencontrer d'interférence ; en revanche, dès le moment où l'on introduit la distinction entre la liberté de choix et la liberté de l'agent, on voit selon Pettit que les menaces réduisent la première en fermant certaines options ou en les rendant inaccessibles, tandis que les propositions l'élargissent en ouvrant des options nouvelles.<sup>3</sup> La différence entre menaces et propositions est donc pertinente, mais elle ne concerne cependant que la liberté de choix et, si l'on suit Pettit, on doit aussi conclure que la liberté de l'agent pourrait demeurer invariante dans un cas comme dans l'autre car elle n'est pas tributaire de l'éventail des options mais de l'assurance avec laquelle nous avons la possibilité de les choisir et de la garantie contre toute possibilité d'une interférence arbitraire dont elle s'accompagne. Intrinsèquement, la menace ne serait donc pas porteuse de domination puisque elle peut porter sur une action légale et dont il est connu à l'avance que celui qui menace de la faire en a le droit. Si un client me menace de me retirer sa clientèle au cas où je ne serais pas capable de lui fournir des produits d'un certain type dans un certain délai, il ne met pas en cause ma liberté comme non domination car il a parfaitement le droit de s'adresser à un autre fournisseur si les conditions que je lui propose ne lui paraissent pas satisfaisantes. Sa menace réduit ma liberté de choix car certaines options possibles en matière de spécification des produits et de délais de fabrication sont désormais exclues si je veux conserver ce client, mais ma liberté en tant qu'agent pourrait demeurer identique sous la menace car, par définition, les effets que ce client menace de produire sur mes affaires sont non-arbitraires, compatibles avec la règle de droit qui a fixé les limites dans ce domaine. Inversement, si ce client me menace de faire sauter mon entreprise ou

3 Il y a cependant ici une certaine inconséquence dans la position de Pettit ; si la distinction entre menace et proposition est – comme il l'affirme – normativement pertinente, cela implique que les effets de l'une et de l'autre sur la liberté sont différents. Mais si la différence réside dans le fait que l'une ferme des options tandis que l'autre en ouvre de nouvelles, cela implique que la quantité d'options ouvertes ou fermées est moralement pertinente dans l'appréciation de la liberté comme non domination. Or on avait cru comprendre que seule la liberté de l'agent devait faire référence d'un point de vue normatif dans l'existence ou la non existence de la non domination.

de m'envoyer des nervis au cas où je ne satisferais pas ses exigences, sa menace porte atteinte à ma liberté en tant qu'agent en même temps qu'à ma liberté de choix (à condition bien entendu que sa menace soit crédible) car sa mise à exécution se traduirait par des interférences arbitraires dans mon existence et dans mes affaires.

Il semble donc, s'agissant des menaces, que nous devions faire une distinction qui ne figure pas chez Pettit : la menace, si elle est crédible, provoque chez celui qui en est l'objet une perte de contrôle sur l'accessibilité d'une des options dont il disposait auparavant, c'est-à-dire qu'il perd le pouvoir de décider de la choisir ou de ne pas la choisir ; il est en quelque sorte contraint de la choisir ou de s'en abstenir. Si le menace porte sur une action illégale (tuer mon fils au cas où je ne verserais pas la rançon, brûler mon entreprise au cas où je refuserais de fournir les produits au prix demandé), non seulement elle me fait perdre le contrôle d'une option (ne pas donner mon argent, ne pas vendre mes produits au prix exigé), mais elle porte atteinte à ma liberté en tant qu'agent (si elle se réalise, elle représente une interférence dans l'exercice du droit que j'ai de ne pas donner mon argent ou de refuser de vendre mes produits en dessous du prix que j'ai choisi). En revanche, si elle porte sur une action légale (cesser d'être mon client), elle affecte ma liberté de choix (je n'ai plus le contrôle de l'option consistant à vendre mes produits avec les spécifications qu'ils avaient auparavant et je suis contraint de les vendre avec les spécifications exigées par le partenaire qui menace de me retirer sa clientèle) sans affecter ma liberté en tant qu'agent (puisque cette menace, si elle se réalise, ne représente pas une interférence arbitraire dans l'exercice de l'un de mes droits ; par définition, le droit que j'ai de vendre n'implique pas que les autres aient le devoir d'acheter aux conditions que je souhaite).<sup>4</sup>

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4 Au passage, ceci nous suggère à quel point la notion d'une intervention arbitraire ou non arbitraire dans l'existence et les actions d'autrui est affectée d'une grave indétermination : si l'on définit non comme non-arbitraire une interférence qui a pour objet la promotion des intérêts de celui qui en est l'objet, il y a une identité entre le fait que mon client mécontent met le feu à mon entreprise et le fait qu'il me retire sa clientèle. Dans les deux cas, l'action est arbitraire puisqu'elle n'est pas conforme à mon intérêt, quelle que soit la manière de comprendre ce dernier. C'est donc seulement à la règle qui permet ou prohibe une action que nous pouvons poser la question de savoir si elle est arbitraire : celle qui permet à l'un de mes clients de cesser de m'honorer de sa pratique est non arbitraire puisque, en dernière instance, elle m'est favorable en tant que membre d'un système de marché fondé sur la liberté de contrat ; celle qui permettrait, par le droit ou par le fait, à un client mécontent de mettre le feu à mes entrepôts ou de me faire subir d'autres représailles (comme par exemple d'inciter par différentes formes de pression d'autres

Par hypothèse, puisque nous examinons la question de la compatibilité entre l'échange marchand et la liberté comme non domination, nous écartons les menaces portant sur des actions illégales. Mais la distinction entre menaces légales et menaces illégales est cependant importante car elle nous permet de comprendre que les menaces qui nous sont adressées sur le marché réduisent notre liberté de choix sans réduire notre liberté en tant qu'agent. Si Pettit pense que cette atteinte à la liberté de choix – qui dans son vocabulaire ne devrait être qu'une manière de conditionner la liberté – compromet la liberté, il doit nous expliquer comment une telle compromission est possible en l'absence de toute action arbitraire de la part d'autrui. S'il pense que les menaces légales ne font que conditionner la liberté sans la compromettre – ce qui semble être le cas dans son analyse – on ne voit plus très bien en quoi la différence entre menaces et propositions est importante et possède une valeur normative. Certes, la menace conditionne la liberté « à la baisse » si l'on peut dire, tandis que la proposition la conditionne « à la hausse » en augmentant le nombre d'actions dont l'agent possède le contrôle. Mais si la liberté est indépendante de la quantité des options effectivement maîtrisées par l'agent, on ne voit pas bien en quoi cette différence est importante d'un point de vue normatif sauf à penser, chose que Pettit paraissait précisément exclure, que l'étendue de l'éventail des options effectivement accessibles (que l'agent contrôle, dont il demeure le maître de les choisir ou de ne pas les choisir) est importante dans l'appréciation de la liberté de cet agent. Si, dans la menace légale, rien ne change dans la quantité ni dans la qualité des options que j'ai le droit de poursuivre en ayant l'assurance que personne ne m'empêchera arbitrairement de le faire, ma liberté en tant qu'agent n'est pas affectée ; il se trouve seulement qu'une des options que je pouvais effectivement choisir avant la menace – j'en avais les moyens – est désormais fermée (le coût, les conséquences, sont trop élevées). Mais on peut dire exactement la même chose des propositions : celles-ci sont également neutres en ce qui concerne la liberté de l'agent puisque rien n'a changé dans la quantité et la qualité des options que j'ai le droit de poursuivre – si j'en ai les moyens – sans que personne n'ai le droit ou la possibilité de m'en empêcher de manière arbitraire ; il se trouve maintenant que l'une des options dont je dispo-

de mes clients à cesser de se fournir chez moi sans que cette action soit avantageuse pour lui) serait évidemment arbitraire.

sais auparavant et dont j'avais la pleine maîtrise (ne pas travailler et ne pas recevoir le salaire) est désormais telle qu'il devient fort peu probable que je la choisisse car les raisons qui m'incitent à en choisir une autre (travailler et recevoir le salaire) sont trop puissantes.<sup>5</sup>

Il y a en réalité une ambiguïté patente dans l'analyse de Pettit ; il estime que nous ne maîtrisons plus le choix d'une option lorsqu'un tiers y annexe, par la menace, des conséquences si fâcheuses que cette option perd toute attractivité, mais il estime en revanche que nous demeurons maîtres de choisir une option lorsque, par l'effet d'une proposition, un tiers annexe des coûts élevés au choix d'une autre option. On ne voit pas du tout pourquoi cette différence aurait une valeur normative ; dans les deux cas, celui qui est l'objet de la menace ou de la proposition est placé devant une alternative dont les deux branches sont désagréables et qui sont telles qu'il s'abstiendrait de choisir l'une et l'autre s'il le pouvait. Dans le cas de la menace d'un partenaire de me retirer sa clientèle, j'ai le choix entre les deux options suivantes : ne pas accéder à ses désirs en matière de prix et de spécifications et perdre cet important client ; accéder à ses désirs et perdre une partie de mon profit. Je choisis l'option la moins désagréable (en fonction de l'importance de ce client, de la part de profit perdu si j'accède à ses demandes, de l'estimation que je fais de la possibilité de trouver d'autres clients pour remplacer celui-ci, etc.). Dans le cas de la proposition d'emploi, les deux options désagréables sont les suivantes : ou bien me passer du salaire qui m'est offert, ou bien me passer du temps libre dont je dispose actuellement. J'aimerais bien ne pas choisir et disposer à la fois du salaire et du loisir mais ce n'est pas une option accessible. Là encore, je choisis l'option la moins désagréable des deux en fonction du contexte (en fonction du montant du salaire, de l'importance que j'accorde à mon temps libre, de l'existence de sources de revenus indépendantes, de la possibilité de trouver un emploi identique ou plus intéressant et mieux rémunéré dans l'avenir). La différence n'est pas normativement significative.

Si l'échange marchand n'est pas en contradiction avec la liberté comme non domination, ce ne peut donc pas être parce qu'il est consti-

5 L'Etat peut par exemple inciter les agriculteurs à abandonner certaines cultures excédentaires en les menaçant d'un texte s'ils continuent à la pratiquer ; il peut aussi leur proposer une prime s'ils se convertissent à d'autres genres de culture. La différence entre les deux méthodes ne paraît guère essentielle d'un point de vue normatif s'il y a une mévente du produit concerné et si les agriculteurs ne peuvent survivre sans la prime qui leur est proposée pour modifier leurs décisions.

tué de propositions dont les effets sur la liberté sont différents de ceux des menaces. Non seulement cette différence est plus apparente que réelle mais en outre, à supposer qu'elle existe, elle ne peut affecter que la liberté de choix et non la liberté de l'agent au sens que Pettit donne à cette distinction. Si Pettit veut démontrer que le marché est compatible avec la liberté comme non domination parce que le déroulement des échanges ne peut faire varier que la quantité des options dont disposent les agents sans faire varier la garantie qu'ils ont de pouvoir les emprunter au cas où ils en ont les moyens, il a peut être raison, mais la raison qu'il invoque est mauvaise car, sous ce rapport, les propositions dont il pense que le marché est exclusivement composé ne se comportent pas différemment des menaces légales qui, elles aussi, n'affectent que la quantité des options et non l'assurance que nous avons de pouvoir les choisir si nous en avons les moyens. Face à toute menace, il se peut que nous soyons toujours non seulement formellement mais réellement en mesure de choisir l'option qui en implique la réalisation : ainsi, je peux vouloir que mon fils meure de la main du kidnappeur, ou vouloir que mon entreprise brûle pour toucher l'assurance, etc.

Cette conclusion est très importante car, en distinguant menaces et propositions, Pettit affirme implicitement que si, sous l'impact des actions et du comportement des tiers, certains agents sont mis hors d'état d'accéder effectivement à certaines options qu'ils ont cependant le droit de choisir sans que personne puisse les en empêcher et sans avoir à obtenir ni l'accord ni la bienveillance de quiconque, la liberté est affectée de manière négative. Il avoue donc que cette liberté n'est pas seulement un statut juridique qui confère aux agents le droit de faire certaines choses sans que personne ait le droit de les en empêcher, mais qu'elle dépend aussi du niveau de maîtrise des agents sur les options qui leur sont juridiquement ouvertes. Comme Pettit le dit lui-même, la liberté est compromise lorsqu'un agent perd le contrôle d'une option, c'est-à-dire lorsqu'il perd la complète maîtrise de la décision de la choisir ou de ne pas la choisir.

Cela implique que Rousseau a raison et que tout échange marchand implique une perte d'indépendance, une manière d'être assujéti aux réactions et aux désirs des tiers, une obligation de construire notre comportement sans en maîtriser totalement les paramètres, c'est-à-dire en ne disposant que d'options dont nous savons que les actions des autres



peuvent nous les fermer, non pas en droit mais en pratique, en rendant leur choix trop onéreux ou trop désavantageux. Sur un marché, il n'existe aucune option dont nous puissions dire que nous la contrôlons absolument : vendre un produit est toujours exposé à la désaffectation de la clientèle pour ce produit, ou à l'apparition d'un produit concurrent plus performant ; acheter un produit ou un service est toujours exposé à une soudaine hausse de son prix à des niveaux tels que nous serions contraints dans les faits d'y renoncer. Si la liberté comme non domination signifie seulement un droit de choisir des options sans avoir l'assurance d'en maîtriser aucune, elle n'est pas atteinte par l'existence des échanges marchands mais on peut dire aussi qu'il s'agit d'une liberté fantomatique et sans substance. Si la liberté comme non domination implique en revanche que certaines options sont telles que nous en sommes les maîtres (elles demeurent effectivement accessibles et nous pouvons réellement les choisir sans dommage particulier quelles que soient les actions des autres) alors l'existence de l'échange marchand est incompatible avec cette liberté puisque le marché consiste précisément dans la possibilité que les autres affectent certaines de nos actions de conséquences si désavantageuses que nous ne disposons plus du pouvoir réel de les choisir (nous ne les contrôlons plus) bien que, formellement, nous ayons toujours le droit de les faire. A cet égard, le marché est comme une partie d'échecs : il existe un très grand nombre de mouvements formellement possibles mais il n'en existe aucun dont un des joueurs puisse affirmer qu'il conserve en permanence la pleine maîtrise de l'accomplir ou de ne pas l'accomplir car, pour tout mouvement possible, il existe une position des pièces de l'adversaire qui le rend physiquement impossible et une autre qui le rend tellement désavantageux que, bien qu'il demeure formellement possible, il n'est tout simplement pas envisageable tant ses conséquences seraient désastreuses.

Petit semble donc confronté à un dilemme : si la liberté comme non domination n'est que l'accessibilité formelle de certains choix (ils ne sont pas juridiquement défendus), le marché ne lui porte pas atteinte mais elle est dépourvue de valeur normative. Si, en revanche, elle consiste dans la maîtrise effective de certaines options, elle est incompatible avec le libre jeu du marché puisque, dans une société exclusivement régie par la loi de l'échange marchand, aucun agent ne pourrait jamais avoir l'assurance de disposer des moyens nécessaires à l'exercice de l'un quel-

conque de ses droits, même le plus élémentaire. S'il n'existe aucun dispositif de correction ou de compensation des effets du marché, certains agents économiques sont en effet exposés au risque de tout perdre et de ne plus disposer d'aucun moyen d'exercer aucun de leurs droits.

Parvenus à ce point de l'analyse, essayons de faire le bilan des objections que l'on peut adresser à l'idée de Pettit selon laquelle, dans le principe, rien n'interdit de penser une société où l'accès à la propriété serait réparti de manière inégale et où les échanges seraient gouvernés par la loi de l'offre et de la demande et dont il serait cependant possible de dire que tous les membres jouissent d'une liberté comme non domination parce que tous ont l'assurance de pouvoir choisir certaines options sans que l'intervention arbitraire des tiers les en empêche.

Tout d'abord le marché implique des inégalités de revenus et de richesses ; or il est impossible de concevoir le marché comme un système de règles d'échange neutre dans lequel ces inégalités seraient la conséquence des seules différences entre les capacités naturelles des individus et du hasard. Le marché est nécessairement un système de règles, et ce système favorise nécessairement certaines qualités et certaines positions sociales aux dépens de certaines autres. Il est donc assujéti à la question qu'il est légitime de poser à toute institution, c'est-à-dire à une œuvre non naturelle, à une disposition juridique instituée : est-ce qu'elle est arbitraire ? Est-ce qu'elle répond aux exigences du bien commun ? Est-ce qu'elle maximise la condition de tous les citoyens par rapport à une disposition alternative ? Si ce n'est pas le cas, le marché tel qu'il est organisé est dominateur et arbitraire, il inclut l'imposition de la volonté de certains acteurs à certaines autres non pas pour l'avantage et dans l'intérêt de ce dernier mais pour l'avantage et l'intérêt de ceux dont la volonté prévaut. L'idée qu'il existerait un « marché » possible qui pourrait se contenter d'enregistrer seulement les effets des différences de qualités naturelles et du hasard sans l'intervention d'aucune structure institutionnelle ayant des effets discriminants est une absurdité.

En second lieu, Pettit se contredit en affirmant simultanément que la liberté comme non domination est indifférente à l'inégalité des ressources et qu'elle possède cependant un aspect égalitaire qui permet de dire qu'elle serait accrue sous l'impact de la réduction des inégalités. De deux choses l'une en effet : ou bien la liberté comme non domination est réellement insensible, en tant que telle, à l'inégalité des ressources et elle ne

possède pas d'aspect intrinsèquement égalitaire, ou bien elle possède un aspect égalitaire et cela implique qu'elle n'est pas indifférente aux inégalités qu'entraînent les différences de ressources en termes d'accessibilité effective des options.

En troisième lieu, il n'est pas possible de se fonder sur la différence entre menaces et propositions pour affirmer que, le marché en tant que tel n'étant composé que de propositions qui laissent toujours à ceux à qui elles s'adressent la possibilité de les refuser, le seul effet du système d'échanges marchands est d'augmenter le nombre des options dont disposent les échangistes. En effet, à nouveau, de deux choses l'une : ou bien le marché est compatible avec la liberté parce qu'il augmente la quantité des options réellement accessibles contrairement aux menaces qui ont pour effet de diminuer le nombre de ces options, mais dans cette hypothèse, Pettit est contraint d'avouer que l'impact du marché sur la liberté se mesure à son effet sur la liberté de choix et non sur la liberté de l'agent ; celle-ci, on l'a vu demeure identique face aux menaces (légales) comme en présence des positions. Ou bien, au contraire, Pettit maintient la thèse selon laquelle le nombre des options contrôlées par l'agent est sans impact sur la liberté de ce dernier et, dans ce cas, la différence entre menaces et propositions est dépourvue de pertinence. Les deux font certes varier la quantité des options dont l'agent a la maîtrise dans des sens opposés, mais cela n'a aucune importance puisque la liberté de l'agent n'est pas fonction de la quantité d'options qu'il contrôle effectivement.

Ces objections devraient nous permettre de comprendre qu'il y a une équivoque essentielle dans la notion de liberté comme non domination et en particulier dans la notion de garantie : ou bien le concept renvoie à la possession d'un statut juridique de notoriété publique qui affirme que l'agent a le droit de faire X sans que personne ait le droit de l'en empêcher, c'est-à-dire que si l'agent décide de faire X, il n'a pas à redouter une entrave arbitraire de la part des tiers (elle est illégale et elle sera sanctionnée si elle se produit) ni à solliciter la permission de quiconque avant d'agir. Dans cette approche, la question de savoir si l'agent dispose des moyens effectifs de faire X n'est pas posée et l'absence de tels moyens serait compatible avec la liberté comme non domination (quoique pas avec la liberté de choix). Ou bien le concept renvoie à l'idée que l'agent dispose du contrôle ou de la maîtrise effective de certaines options, c'est-à-dire qu'il dispose d'une part d'un droit de les

choisir auquel personne n'a le droit de faire obstacle et pour l'exercice duquel il n'a à solliciter la permission de personne, et d'autre part des moyens de faire obstacle à toute action légale des tiers qui rendrait cette option physiquement inaccessible ou excessivement désavantageuse. Par exemple, s'il existe des indemnités de chômage, l'option consistant, pour un employé, à démissionner de son poste s'il est confronté à des exigences inacceptables de la part de son employeur (baisse de salaire, accroissement exagéré de la charge de travail) demeure une option dont l'employé est « le maître » : il la contrôle, il est en position de la maintenir ouverte malgré les actions des tiers qui, en l'absence de toute indemnité chômage, seraient au contraire en état de la lui rendre inaccessible en raison des désavantages excessifs qu'elle comporte (White, 2003 ; Casasas, 2002). On a du mal à croire qu'une conception sérieuse de la liberté des individus dans un contexte social puisse faire entièrement l'impasse sur cette forme de maîtrise ou de contrôle des options et ceci implique que la liberté de choix est partie intégrante de la liberté de l'agent et que, dans la mesure où le fonctionnement du marché libre peut avoir pour effet de réduire drastiquement les options dont certains agents ont le contrôle, il est potentiellement en contradiction avec la liberté.

Au demeurant, Pettit n'est pas en désaccord avec cette conclusion, puisqu'il admet que sa thèse de la compatibilité entre marché et liberté ne préjuge en rien de ce qui se passe sur les marchés réels où les positions des partenaires les uns par rapport aux autres peuvent être structurées de telle manière qu'elles engendrent des phénomènes de domination (Pettit, 2006 : 145-146). C'est le cas pour les clients contraints de s'adresser à une entreprise en situation de monopole, des employés sur un marché du travail où l'emploi est rare et les allocations-chômage très faibles ou inexistantes, et pour de multiples cas dans lesquels certains agents voient leur existence précarisée et assujettie aux effets des décisions des tiers dans des conditions telles qu'ils ne disposent plus du moindre éventail d'options garanties. Mais cette position est contradictoire : si un employé est confronté à un employeur qui, de fait et non de droit, est le seul susceptible de l'embaucher, il ne contrôle pas l'option consistant à refuser la proposition qui lui est faite. Cette situation compromet-elle sa liberté en tant qu'agent ou bien se contente-t-elle de conditionner sa liberté en réduisant le nombre des options qui lui sont effectivement accessibles ? Il paraît délicat de choisir la seconde réponse, car cela

impliquerait qu'une telle situation d'asymétrie pourrait être le produit des seules qualités naturelles de l'employeur et de l'employé. Mais c'est tout simplement impossible car elle est nécessairement aussi le résultat d'une série de règles qui pourraient être autres si une décision collective l'exigeait, en particulier de l'ensemble des règles qui défendent la propriété privée. Même si, par impossible, on pouvait imaginer une société dans laquelle les individus ne possèdent que le produit de leurs efforts et les conséquences de leur propres qualités, il resterait à prouver qu'une organisation sociale comportant une règle permettant à un individu de détenir ce qui lui est superflu et de s'en servir pour imposer à celui qui est dépourvu de ce qui lui est nécessaire des conditions qu'ils n'accepterait pas s'il avait la possibilité de les refuser est légitime et non dominatrice, c'est-à-dire qu'elle n'a pas pour but et pour conséquence de faire de l'intérêt privé de certains la loi commune de la société. Ou encore, il resterait à prouver qu'une telle règle de répartition, qui s'impose à tous, n'est pas arbitraire, qu'elle est juste et qu'elle peut être considérée comme acceptable par tous.

Poser cette question, ce n'est pas la résoudre. On peut légitimement être convaincu qu'une société de marché «pur» est non arbitraire c'est-à-dire qu'elle tourne à l'avantage de l'ensemble de ses membres qui y sont toujours mieux lotis que dans une société qui, par exemple, prélèverait une partie des profits des plus riches pour garantir à tous un revenu minimum et un accès égal à l'éducation et aux soins (par exemple), ou dans une société dont les règles imposent un salaire minimum et encadrent les contrats de travail et les procédures de licenciement. Ces questions sont discutables et l'on peut augurer que, n'ayant pas de réponse univoque et établie, il appartient à la démocratie de les trancher et de faire les choix qu'elle juge les plus judicieux. Mais elles nous aident à comprendre qu'il ne peut exister aucun marché pur, ne mettant en jeu que les qualités naturelles des individus et dont on pourrait dire qu'il est par lui-même sans effet sur leur liberté en tant qu'agents. Il n'existe que des systèmes sociaux, c'est-à-dire différents systèmes de règles et d'institutions qui envisagent de répartir de manière différente les pouvoirs effectifs que les différents individus ont de contraindre les autres à les laisser maîtres de certaines options. S'il existe un salaire minimum, si le licenciement d'un employé est assujéti à certaines conditions, les employeurs perdent certains pouvoirs de contrainte au profit de leurs

employés, c'est-à-dire qu'il existe désormais des actions qu'ils ne contrôlent plus, dont ils ne sont plus les maîtres (payer un employé au-dessous du salaire minimum, licencier sans motif et sans préavis) ; inversement, les employés sont désormais maîtres de certaines options qui n'existaient pour eux que de manière aléatoire auparavant. Ce rééquilibrage n'est pas nécessairement souhaitable, car la question essentielle est de savoir quelle est la répartition des options dont les individus conservent le contrôle qui est la plus favorable au bien commun de la société.

Certains pensent que la liberté effective de maîtriser certaines options sera maximisée dans le groupe social par un système qui libéralise maximale les échanges et confère aussi peu de maîtrise à priori à quiconque que possible (Hayek, 1960). Dans cette optique, c'est l'exposition au risque qui accroît la quantité d'options maîtrisées, pas de manière égale pour tous, mais de manière optimale pour l'ensemble et par le moyen de la mise à disposition des individus d'un maximum de ressources possibles. D'autres sont convaincus que c'est au contraire en organisant une redistribution qui donne aux perdants de la compétition des moyens compensatoires leur permettant de maîtriser un minimum d'options que l'on optimise la liberté. D'autres enfin sont convaincus que seul un marché encadré qui bloque certains transferts et certaines transactions (par exemple la transmission des patrimoines, la concentration économique, mais aussi nombre d'autres transactions qui auraient pour effet de détériorer les relations de réciprocité et d'égalité entre les individus) peut produire une telle optimisation, dans l'ensemble de la société, d'une liberté entendue sous son double aspect : l'égalité des droits et la maximisation pour chacun pris individuellement, de la quantité d'options dont il conserve le contrôle. Il est possible en effet que ce soit uniquement lorsque certains échanges sont rendus juridiquement impossibles (Pettit cite lui-même les transactions portant sur certaines parties du corps humain) que l'on peut maximiser pour chaque individu l'éventail des options dont il conserve le contrôle.

Mais en tout état de cause, l'analyse consistant à établir la compatibilité entre la liberté comme non domination entendue comme garantie que certaines options peuvent être choisies (sans garantie de contrôle effectif) et l'existence du marché est peu prometteuse. Or si l'on y inclut la question du contrôle effectif des options on voit d'une part que cela déséquilibre la distinction entre la liberté de l'agent et la liberté de choix

(ainsi que la distinction connexe entre conditionner la liberté et la compromettre) et d'autre part que la question de la compatibilité de principe entre liberté républicaine et marché perd de son intérêt au profit d'une autre question : puisque toute société est un système de règles qui autorise ou bloque certains échanges, qui les assortit de certaines conditions ou leur annexe certains avantages ou certains coûts, quel est le système de droits et de répartition des ressources qui maximise la liberté réelle de chaque citoyen de pouvoir développer ses propres projets sans avoir à demander la permission ou à obtenir la bienveillance de quiconque ?

## Références

- Brennan, Geoffrey et Lomasky, Loren (2006), "Against Reviving Republicanism", *Politics, Philosophy and Economics*, Vol. 5, n° 2, pp. 221-252.
- Carter, Ian (1999), *A Measure of Freedom*, Blackwell.
- Casassas, David (2007), "Basic Income and the Republican Ideal: Rethinking Material Independence in Contemporary Societies", *Basic Income Studies*, Vol. 2, n° 2, article 9.
- Constant, Benjamin (1997), De la liberté des anciens comparée à celle des modernes, in Constant, *Ecrits in Ecrits Politiques*, (éd. par Marcel Gauchet).
- Dagger, Richard (2006), "Neo-Republicanism and the Civic Economy", *Politics, Philosophy, and Economics*, Vol. 5, n° 2, pp. 151-73.
- Fried, Barbara (2001), *The Progressive Assault on Laissez Faire: Robert Hale and the First Law and Economics Movement*, Harvard University Press.
- Gaus, Gerald (2003), "Backwards Into the Future: Neo-Republicanism as a Post-Socialist Critique of Market Society", *Social Philosophy & Policy*, Vol. 20 (Winter), pp. 59-91.
- Hale, Robert (1952), *Freedom Through Law*, Columbia University Press.
- (1935), "Force and the State: A Comparison of "Political" and "Economic" Compulsion", *Columbia Law Review*, Vol. 35, n° 2, pp. 149-201.
- (1923), "Coercion and Distribution in a Supposedly Non-Coercive State", *Political Science Quarterly*, Vol. 38, n° 3, pp. 470-494.
- Hayek, Friedrich (1960), *The Constitution of Liberty*, Chicago University Press.
- List, Christian (2006), "Republican Freedom and the Rule of Law", *Politics, Philosophy and Economics*, Vol.5, n°2, pp. 201-220.
- McMahon, Christopher (2005), "The Indeterminacy of Republican Policy", *Philosophy and Public Affairs*, Vol. 33, n°1, pp. 67-93.

- (2007), “Nondomination and Normativity,” *Pacific Philosophical Quarterly*, Vol. 88, n°3, pp. 319-327.
- Pettit, Philip (2007), “Free Persons and Free Choices,” *History of Political Thought*, Vol. XXVIII, n°4, pp. 709-718.
- (2006), “Freedom in the Market,” *Politics, Philosophy and Economics*, Vol. 5, n°2, pp. 131-149.
- (2003), “Agency-Freedom and Option-Freedom,” *Journal of Theoretical Politics*, Vol. 15, n° 4, pp. 387-403.
- (2002), “Keeping Republican Freedom Simple: On a Difference with Quentin Skinner,” *Political Theory*, Vol. 30, n°3, pp. 339-56.
- (2001), *A Theory of Freedom: From the Psychology to the Politics of Agency* Polity Press, Oxford University Press, New York.
- (1997), *Republicanism: A Theory of Freedom and Government*, Oxford, Oxford University Press.
- (1993), “Negative Liberty, Liberal and Republican,” *European Journal of Philosophy*, Vol. 1, n°2, pp. 15-38.
- Satz, Debra (2010), *Why Some Things Should Not Be For Sale: The Moral Limits of Markets*, Oxford University Press.
- Smith, Adam [1776], *Wealth of Nations*, Online Liberty Fund Library, T. 1.
- Steiner, Hillel (1994), *Essay on Rights*, Blackwell, 1994.
- Wall, Steven (2001), “Freedom, Interference and Domination,” *Political Studies*, Vol. 49, n°2, pp. 216-230.
- White, Stuart (2007), “The Republican Case for Basic Income: A Plea for Difficulty,” *Basic Income Studies*, Vol. 2, n° 2, article 13.
- (2003), *The Civic Minimum: On the Rights and Obligations of Economic Citizenship*, Oxford, Oxford University Press.



# Egalité des chances, responsabilité individuelle et liberté comme non domination

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## Résumé

Dans cet article, j'examine dans quelle mesure le principe de responsabilité distributive individuelle et le principe d'égalité des chances sont compatibles avec une théorie de la justice sociale qui fait de la réduction de la domination son objectif principal. Je commence par développer l'objection de la « dureté » formulée à l'encontre de l'égalitarisme de la chance et j'expose deux réponses possibles à cette objection. Si l'égalitarisme de la chance doit être rejeté comme une théorie de la justice sociale, alors l'alternative consiste à adopter un égalitarisme permettant d'abandonner ou du moins de réduire le plus possible l'élément de responsabilité individuelle distributive. J'examine cette alternative en me penchant sur la conception néo-républicaine de la justice comme réduction de la domination.

**Mots-clés :** Anderson, Elizabeth – Arneson, Richard - Egalitarisme - Egalité des chances – Liberté comme non interférence - Liberté comme non domination – Lovett, Frank – Pettit, Philip – Prioritarisme- Rawls, John - Responsabilité individuelle – Suffisantisme.

## Abstract

In this paper, I examine to what extent the principle of individual distributive responsibility and the principle of equality of opportunities are consistent with a neo-republican theory of social justice which main objective is the

minimization of domination. I begin by developing the “harshness” objection made to luck egalitarianism and formulate two possible replies to that objection. If luck egalitarianism should be rejected as a theory of social justice, then the alternative would be to adopt an egalitarianism which abandons or at least minimizes the importance of individual distributive responsibility in a theory of social justice. I evaluate the plausibility of this alternative by examining the neo-republican conception of justice as minimizing domination.

**Keywords:** Anderson, Elizabeth – Arneson, Richard - Egalitarianism - Equality of opportunities – Freedom from interference - Freedom as non domination – Individual responsibility - Lovett, Frank – Pettit, Philip – Prioritarianism - Rawls, John – Sufficientarianism.

## 1. Introduction

Le principe d'égalité des chances tient une place centrale dans la théorie égalitariste libérale de la justice. Le principe fondamental soutenant la conception libérale de l'égalité des chances semble être celui d'équité, principe selon lequel les individus ne devraient pas être désavantagés pour des raisons au-delà de leur contrôle, mais devraient, en toute équité, être considérés responsables de leurs choix volontaires. Selon l'égalitarisme sensible à la responsabilité individuelle (appelé *luck egalitarianism* dans le jargon de la littérature égalitariste anglophone), les inégalités de richesse entre les individus sont donc justifiées lorsqu'elles sont le résultat de choix pour lesquels les individus peuvent être considérés comme responsables. Inversement, les inégalités causées uniquement par la chance ou la malchance (le hasard) ne sont pas justifiées et doivent donc être corrigées.<sup>1</sup> Cette caractéristique de l'égalitarisme de la chance est importante car elle permet de respecter la liberté des individus dans leurs choix, en les protégeant également d'une redistribu-

1 Dans la littérature anglophone sur les théories contemporaines normatives de la justice distributive, le courant « luck egalitarian » semble dominant aujourd'hui. Cette théorie s'est développée à partir des travaux de John Rawls (1971), puis à travers la critique de l'égalitarisme de Rawls par le libéralisme de droite de Robert Nozick (1974) et enfin par la tentative de Ronald Dworkin (1981 ; 2000) de surmonter l'égalitarisme rawlsien et le libéralisme de droite. L'expression « luck egalitarianism » provient d'Elizabeth Anderson (1999) et est aujourd'hui la plus utilisée pour décrire cette théorie égalitariste qui donne une place centrale à la responsabilité distributive. La quantité de littérature engagée dans le débat concernant la plausibilité de cette théorie est vertigineuse. En langue française, c'est à ma connaissance chez Jean-Fabien Spitz (Spitz, 2008) que l'on trouve la plus exhaustive et pertinente critique de ce courant.

bution abusive des ressources résultant des comportements imprudents des autres individus.

Si les individus peuvent et doivent être tenus pour responsables des conséquences de leurs choix, cela veut dire qu'ils doivent supporter les coûts (ou jouir des gains) de leurs choix. Cependant, parfois les résultats de certains choix peuvent laisser un individu dans une situation psychologique et économique d'extrême détresse. Dans ce cas, puisque responsable de son choix, l'individu ne peut pas légitimement compter sur le soutien de politiques sociales de l'Etat. Certains auteurs égalitaristes considèrent que cette conséquence rigide de l'égalitarisme de la responsabilité démontre son incomplétude théorique et sont favorables à son rejet. Car pour un égalitariste, même sensible à la responsabilité individuelle, c'est en effet une intuition commune de considérer qu'il n'est pas acceptable d'exiger que les personnes doivent payer le coût des conséquences de leurs choix quand ces choix les mettent dans des situations de souffrance extrême (même lorsqu'elles en sont entièrement responsables).

Nous devrions toutefois nous demander pourquoi une telle exigence ne serait pas acceptable. Car c'est aussi une intuition commune égalitariste que de considérer que les personnes doivent assumer les coûts de leur choix lorsque ceux-ci sont effectués dans des circonstances d'une réelle égalité des chances. Cependant, ces deux intuitions centrales ne convergent pas toujours dans la pensée égalitariste. Cette absence de convergence est particulièrement évidente lorsque les personnes sont confrontées à des situations désespérantes résultant de choix individuels effectués dans un contexte de réelle égalité des chances.

Dans cet article, je commence par développer l'objection de la «dureté» formulée à l'encontre de l'égalitarisme de la chance et je formule deux réponses possibles à cette objection. Toutefois, puisque aucune de ces réponses ne permet de rejeter l'objection de la «dureté», l'égalitariste est confronté à l'alternative suivante: soit accepter l'objection comme une conséquence inévitable et justifiée de l'égalitarisme de la responsabilité, soit accepter que l'égalitarisme de la responsabilité est une théorie incomplète et rejeter cette théorie comme une version plausible de l'égalitarisme. Si nous rejetons l'égalitarisme de la chance, alors l'alternative serait d'adopter un égalitarisme permettant d'abandonner ou du moins de réduire le plus possible l'élément de responsabilité indi-

viduelle distributive. Je développe par la suite cette alternative en me penchant sur certains travaux d'auteurs néo-républicains. Il me semble que chez les néo-républicains qui font de la réduction de la domination le but principal de la justice, le principe de responsabilité individuelle distributive a une importance moindre dans une théorie de la justice sociale que celle que lui accordent les égalitaristes de la chance. En outre, le principe d'égalité des chances, central dans l'égalitarisme de la chance, semble secondaire dans une théorie républicaine de la justice sociale. Mon objectif principal dans cet article est donc d'examiner dans quelle mesure la responsabilité individuelle et le principe d'égalité des chances sont compatibles avec une théorie de la justice sociale qui fait de la réduction de la domination son principal objectif. Je termine cet article en comparant l'alternative républicaine à l'égalitarisme de la chance avec deux variantes égalitaristes qui tendent également à réduire l'importance de la responsabilité distributive : la variante de la « réelle égalité des chances » (Wolff et De-Shalit, 2007) et la variante de l'« égale liberté » (Fleurbaey, 2008).

## **2. L'objection de la dureté à l'égalitarisme de la chance**

Selon l'objection de la « dureté » formulée à l'encontre de l'égalitarisme de la chance, puisque l'un des principes fondamentaux de cette théorie consiste à considérer que parfois les individus sont responsables de leurs choix même lorsque les conséquences de ces choix sont excessives pour eux, cette théorie ne permet pas de justifier l'aide de l'Etat par des politiques sociales aux victimes de la malchance sans entrer en contradiction avec son égalitarisme sensible à la responsabilité individuelle.

En effet, selon l'égalitarisme de la responsabilité, vivre dans des conditions misérables est acceptable si cette vie est le produit d'un choix responsable fait dans un contexte résultant d'une réelle égalité des chances, i.e. lorsque les inégalités moralement arbitraires (telles que celles provoquées par la loterie sociale et génétique) peuvent être considérées sinon neutralisées, du moins atténuées (Mason, 2006). Or, cette conséquence semble trop dure, du moins pour une théorie égalitariste. Ainsi, nous pouvons formuler au moins trois raisons pour prendre au sérieux l'objection de la « dureté » : (1) l'égalitarisme de la responsabilité n'est pas suffisamment sensible à la relation entre la probabilité d'un risque et la

gravité du résultat associé à ce risque; (2) l'égalitarisme de la responsabilité ne peut facilement justifier la satisfaction des besoins fondamentaux des individus. Or cette justification a un intérêt particulier au sein d'une théorie de la justice distributive; (3) l'égalitarisme de la responsabilité semble insensible à l'obligation de soulager les souffrances extrêmes des individus lorsque les résultats de leurs choix peuvent être attribués à leur seule responsabilité (même lorsque aider les victimes d'un mauvais choix ne représente aucun coût pour l'Etat).

Toutefois, il convient de souligner que l'égalitarisme de la responsabilité implique la prise en compte des effets de chance brute inégale (*unequal brute luck*) sur les choix des individus responsables, comme par exemple avoir eu dans sa vie des options d'action disponibles limitées ou ne pas avoir eu un accès facile aux informations pour permettre l'examen raisonnable des conséquences éventuelles de ses choix. Autrement, il ne serait pas possible d'assigner une responsabilité réelle aux choix des individus, puisque ceux-ci seraient faits dans des circonstances d'inégalité des chances, donc arbitraires d'un point de vue moral. Par conséquent, les inégalités qui résultent de choix influencés par une inégalité provoquée par la chance brute (i.e., résultant de causes naturelles et sociales arbitraires et inégales) doivent être rectifiées autant que possible, conformément à l'égalitarisme de la responsabilité. Si l'on tient en compte cette clause égalitariste corrigeant les inégalités résultant d'une chance brute inégale, l'objection de la « dureté » à l'égalitarisme de la responsabilité, correctement formulée, est donc la suivante: lorsqu'une personne fait un choix pleinement responsable non déterminé par une chance brute inégale et le résultat de ce choix la met dans une situation d'extrême détresse, l'égalitarisme de la responsabilité implique que l'Etat n'a pas l'obligation d'assister cette personne, même lorsqu'il n'y pas de coûts associés à une telle assistance (Voigt, 2007: 402). L'égalitarisme de la responsabilité peut répondre à cette objection de la « dureté » au moins de deux façons:

(1) La première réponse à l'objection de la « dureté » - appelons-la la réponse « prioritariste », combine l'égalitarisme de la responsabilité avec des considérations prioritaristes : la priorité est donnée à l'appui de l'État envers les plus défavorisés dans la société, indépendamment de la responsabilité individuelle qu'ils peuvent avoir concernant leur

situation (Arneson, 2000 ; 2009). La principale objection à cette réponse prioritariste est la suivante: étant donné que l'égalitarisme de la responsabilité et le prioritarisme reposent sur deux conceptions très différentes de ce qui fait qu'une répartition des richesses peut être juste, on voit mal comment déterminer de manière non arbitraire l'importance relative de chacun de ces deux principes - le principe de priorité, d'une part, et le principe de responsabilité individuelle, d'autre part.

(2) La deuxième réponse à l'objection de la «dureté» - appelons-la la réponse «suffisantiste», consiste à considérer légitime d'introduire l'exigence d'un seuil minimal suffisant de biens de base qui soit toujours accessible à tous les individus, même lorsqu'ils sont entièrement responsables d'être tombés en dessous de ce seuil minimal dans des circonstances impliquant une égalité des chances réelle (Crisp, 2003). On pourrait défendre cette réponse de la manière suivante: puisque l'égalitarisme de la responsabilité est une théorie qui donne une importance centrale aux choix individuels responsables, il est très improbable que les individus puissent formuler des choix réellement responsables lorsqu'ils sont formulés dans des conditions en dessous d'un niveau minimal de biens (Anderson, 1999; White, 2003). La principale objection à la réponse du niveau minimal des biens de base est la suivante: cette solution implique que nous ne respectons pas les principes de base de l'égalitarisme de la responsabilité, chaque fois que des ressources sont redistribuées envers une personne située en dessous d'un niveau minimal de biens alors qu'elle est responsable de cette situation. Cette solution semble impliquer également une restriction paternaliste de la liberté des individus, puisqu'elle nie que les individus puissent formuler des choix réellement responsables lorsqu'ils sont formulés dans des conditions en dessous de la satisfaction d'un seuil minimal de biens.

Sur ces deux réponses des défenseurs de l'égalitarisme de la responsabilité contre l'objection de la « dureté », la conclusion est la suivante: la réponse « prioritariste » et la réponse « suffisantiste » semblent impliquer une tension avec l'égalitarisme de la responsabilité de même que le risque d'une restriction paternaliste de la liberté des individus.

### 3. Liberté comme non interférence et liberté comme non domination

Selon certains égalitaristes critiques de l'égalitarisme de la chance, le but de l'égalitarisme n'est pas seulement de réaliser une distribution juste des ressources, mais aussi de créer une société d'égaux (Wolff, 1998 ; Anderson, 1999; Scheffler, 2003). Or, en effet, l'égalitarisme libéral tel qu'il s'est développé ces dernières décennies, certainement sous l'impulsion initiale des travaux de John Rawls, mais surtout sous l'influence des travaux de Dworkin (1981a; 1981b; 2000), semble s'être limité au premier aspect de l'égalité (lequel implique de manière lexicale plus au moins cette suite d'exigences : d'abord l'égalité des droits et libertés de tous devant la loi, puis à travers l'anti-discrimination, une promotion d'une réelle égalité des chances, enfin une justification de l'accès à la propriété privée tant que cet accès se fait de manière à améliorer les conditions des plus défavorisés de la société ). Toutefois, la perspective de la justice comme équité, qui donne à la responsabilité individuelle et à l'égalité des chances une place centrale dans l'égalitarisme libéral, est peut-être trop limitée et peut heurter les intérêts de ceux que la théorie prétend défendre en premier lieu, i.e. les plus défavorisés de la société. En effet, comme l'a souligné Wolff, le principe d'équité peut rentrer en conflit avec les bases du respect de soi et mettre à mal le modèle social de la justice égalitariste (Wolff, 1998 ; 2010).<sup>2</sup> L'égalitarisme de la chance ferait-il alors fausse route, en rendant quasiment synonymes la justice et l'équité par le biais de l'importance centrale que cette théorie accorde à la responsabilité distributive des individus? Nous essayerons de répondre à cette question en nous penchant sur certains des points de la conception néo-républicaine de la justice sociale qui se distinguent de l'égalitarisme de la chance.

Selon les auteurs néo-républicains, la justice concerne non pas fondamentalement l'équité mais la réduction de la domination. Or, le principe d'égalité des chances ne peut être dérivé d'une conception de la

2 Sur ce conflit entre équité et respect de soi provoqué par l'exigence d'une responsabilité distributive des individus dans l'égalitarisme de la chance, Wolff écrit: "[...] the responsibility element incorporated into luck egalitarianism forces a distinction between those who are responsible for their difficulties and those who are not, and in some cases it can be humiliating to have to reveal—first to oneself and then to others—that one lacks talents others have. This is why the term “shameful revelation” is used, and the suggestion is that those who have to make shameful revelations are not treated as equals” (Wolff, 2010).

justice dont le but est de minimiser la domination, car l'égalité des chances donne une place trop importante à la responsabilité individuelle, au point de tenir les individus responsables de leurs choix même lorsque les conséquences de leurs choix les placent dans une situation de domination. Dans la perspective néo-républicaine de la justice comme réduction de la domination, l'égalité des chances (du moins lorsqu'elle est dérivée de l'équité) et la non domination (qui est dérivée de la justice) seraient donc deux principes différents, qui au mieux doivent être pesés lorsqu'ils rentrent en conflit, et au pire sont incompatibles.

Dans quelle mesure la justice comme réduction de la domination peut-elle être incompatible avec la responsabilité individuelle et l'égalité des chances ? Et dans quelle mesure la justice comme réduction de la domination, lorsqu'elle implique un rejet de la responsabilité distributive individuelle, est-elle une théorie plus juste et plus cohérente que l'égalitarisme de la chance ?

Pour répondre à ces questions, commençons par rappeler la définition de la liberté comme non-domination. Si celle-ci est une liberté « négative », elle est néanmoins de type républicain et non libéral. La liberté républicaine porte l'accent sur le fait de ne pas être dominé, tandis que la liberté « libérale » se focalise sur le fait de ne pas être gêné dans ses actions ou empêché physiquement d'agir. C'est chez Philip Pettit (1997) que l'on trouve la conception la plus élaborée de la conception de la liberté comme non domination. Pettit propose une complexification de la typologie de la liberté proposée par Benjamin Constant au début du 19<sup>e</sup> siècle et reprise par le philosophe Isaiah Berlin dans les années 1950. Au sein de la liberté négative, Pettit propose d'opérer une distinction entre la « liberté comme non interférence » et la « liberté comme non domination », entre la liberté libérale d'un côté et la liberté républicaine de l'autre.

Une définition sans doute trop large mais consensuelle de la liberté comme non domination est la suivante: « un agent A domine un agent B si A est en position d'interférer arbitrairement sur quelques unes des actions et choix de B ». De manière plus précise, trois idées permettent de définir la domination: la dépendance, le pouvoir social inégal, et l'arbitraire. Un individu est dépendant dans une relation sociale si le fait d'y rester est relativement involontaire (i.e., lorsque les droits de sortie de cette relation sont élevés). Un individu ou un groupe possède un pou-



voir social inégal sur un autre individu ou groupe social si les premiers ont la possibilité de changer ce que les derniers ne veulent pas. Enfin, le pouvoir social est arbitraire si son exercice n'est pas contraint par des règles et des buts qui ne sont pas connus de tous ceux impliqués par cet exercice. La dépendance, le pouvoir social inégal, et l'arbitraire sont les conditions nécessaires de la domination et les niveaux de domination varient en fonction des degrés de ces conditions (Lovett, 2009 ; 2010).

Pettit utilise souvent l'exemple du bon maître et de l'esclave pour illustrer ce qui sépare la liberté libérale de la liberté républicaine. Selon lui, la définition de la liberté négative traditionnelle ne permet pas de décrire un esclave soumis au pouvoir d'un bon maître comme privé de liberté, si «être un bon maître» signifie «ne pas interférer dans les actions de l'esclave». Le bon maître pourrait même avoir une attitude bienveillante à l'égard de l'esclave, le couvrir de richesses et étendre son champ d'actions possibles, si bien qu'on pourrait voir en lui un vecteur de la liberté de l'esclave comprise comme non-interférence. Pour Pettit, le fait qu'il n'y ait pas, dans les relations entre le maître et l'esclave, d'interférences réelles, n'enlève rien à la situation sociale qui fait qu'un individu a un statut d'esclave et qu'un autre jouit d'un statut de maître. La relation de domination, même si elle n'est pas actualisée en permanence (et quand bien-même elle ne le serait jamais) dans un mauvais traitement ou dans des interférences réelles, est toujours susceptible de l'être : il est inscrit dans la relation entre le maître et l'esclave que le maître peut –son statut social l'y autorise– changer de comportement et se révéler un mauvais maître.

Il n'est pourtant pas certain que la définition de la liberté comme non domination des républicains soit vraiment différente d'une manière pertinente de la définition traditionnelle de la liberté comme non interférence des libéraux, car la liberté des libéraux ne doit pas être nécessairement comprise comme non-interférence, mais peut aussi bien être comprise comme non-domination. Ainsi, si l'on examine à titre d'exemple la conception de la liberté chez Rawls (1971), celle-ci ne renvoie certainement pas à une triviale conception de la liberté négative en tant que non-interférence. D'abord, il faut rappeler que pour Rawls on ne peut jouir de la liberté en l'absence d'autres individus car les droits et libertés de base qui composent le premier principe de sa théorie de la justice, sont celles de citoyens et non pas d'individus isolés. Toutefois, il est cer-

tain que le deuxième principe de justice rawlsien, celui d'une égalité des chances équitable, permet en effet des inégalités dans la distribution des positions sociales et des ressources économiques. Ce deuxième principe rend donc légitime le fait que certains individus peuvent bénéficier d'une plus grande facilité que d'autres dans l'exercice de leurs libertés de base. Néanmoins, ceci n'implique pas nécessairement une plus grande domination de certains individus sur d'autres, car on peut aussi défendre que l'exercice des libertés de base est mieux rempli par une égalité des chances équitable et par le principe de différence rawlsien que par d'autres principes qui viseraient l'égalsation des ressources économiques de tous mais qui rendraient par exemple cet égalitarisme vulnérable à l'objection du nivellement par le bas, objection selon laquelle un monde plus égalitaire est un monde nécessairement plus juste même lorsque cette égalisation des ressources rend tous les individus plus pauvres.

Toutefois, il nous faut insister sur le fait que la liberté comme non domination semble, malgré tout, se différencier de la liberté comme non interférence en ce sens que la non domination rend possible l'interférence non arbitraire qui ne compromet pas la liberté. Ainsi, selon la liberté républicaine, parmi les interférences possibles, certaines peuvent être réputées, en effet, non arbitraires, ce qui ne serait possible que dans le cadre d'une liberté comprise comme non-domination. Une interférence qui ne s'accompagne pas de domination peut être qualifiée d'interférence non arbitraire, c'est-à-dire une interférence soumise à un contrôle et destinée à servir le bien commun. Des interférences de cette nature –souvent matérialisées dans des institutions– ne doivent donc pas être vues automatiquement de manière négative, dans la mesure où la réduction de la domination ne peut se faire sans le secours d'institutions protectrices. Néanmoins, là encore, les partisans de la liberté comme non interférence peuvent être d'accord sur ce point pourvu que ces interférences soient justifiées (Costa, 2009).

Il me semble que la différence entre les deux conceptions de la liberté devient plus visible lorsque nous sommes confrontés à des cas où un individu est effectivement dominé (et donc soumis à l'interférence arbitraire) mais sans qu'il souffre effectivement d'interférence arbitraire. On peut dire des républicains qu'ils sont, à la différence des libéraux, concernés par la possibilité d'une relation structurelle de la domination, laquelle peut être intrinsèquement injuste. Cette possibilité d'une réelle

domination qui ne s'accompagne pas d'interférence réelle permet de mieux expliquer la formation des préférences adaptatives chez les individus, afin d'éviter des interférences arbitraires réelles.<sup>3</sup> Certes, la plupart des libéraux égalitaristes partisans de la liberté comme non interférence peuvent argumenter que ces situations de préférences adaptatives équivalent à des situations de menaces explicites à la liberté comme non interférence. Et en ce sens, il n'y aurait pas non plus de différence significative entre les deux conceptions de la liberté. Pour trouver une différence plus marquante entre ces deux types de liberté, peut-être faudrait-il alors préciser notre propos en nous intéressant au champ d'application de l'exigence de réduction de la domination. Cette exigence peut s'appliquer à deux champs distincts : la réduction de la domination arbitraire qui a pour source l'Etat et celle qui a pour source les autres individus. Sur le premier type de domination, il est certain que la définition de la liberté comme non domination ne peut pas être séparée d'une théorie du pouvoir politique et de sa distribution dans la société. En somme, elle ne peut être séparée d'une théorie du gouvernement républicain, qui se loge non dans les silences de la loi et des pouvoirs, mais dans le contrôle et la contestation de ces derniers. La participation politique, dans le néo-républicanisme, prend ainsi la forme de possibilités données aux citoyens de contester une décision ou de faire intervenir leur voix dans un processus de décision qui les concerne. Il nous semble néanmoins que la conception de la justice comme équité de type rawlsien protège également les individus de la domination de l'Etat à travers la priorité que cette conception de la justice accorde à la protection des droits et libertés de base de tous les individus.

Cependant, pour ce qui est de la réduction de la domination ayant pour source les autres individus et non pas le pouvoir de l'Etat, la justice comme équité de type rawlsien ne protège pas aussi bien les individus des dominations privées que la conception de la justice comme réduction de la domination, car elle permet des inégalités significatives de pouvoir dans la société civile. Toutefois, la différence sur ce point entre ces deux conceptions de la justice dépend du sens que nous pouvons donner au principe d'une égalité équitable des chances ainsi que

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3 Mais là encore, le débat entre égalitaristes concernant ce que signifie un « choix responsable » est très développé sur ce point concernant les préférences adaptatives. Pour une bonne synthèse de ce débat, *vide* Fleurbaey (2008 : chap.10).

du principe de différence. Chez Rawls, par exemple, l'égalité équitable des chances implique que tous doivent avoir les mêmes droits à l'accès de toutes les positions sociales avantageées. Or, il découle de l'égalité des chances équitable, d'une part que toute discrimination est illégitime, et d'autre part que les effets des loteries sociale et naturelle doivent être compensés. Pour ce qui est du principe de différence, il faut également rappeler que Rawls défend une démocratie de propriétaires (2001: 135-148), ce qui implique une distribution très égalitaire des ressources.

Pour conclure, si l'on peut défendre que la justice comme équité et la justice comme non domination permettent de protéger de manière similaire les choix des individus de l'intervention arbitraire de l'Etat, il semblerait néanmoins que la justice comme réduction de la domination permet de mieux protéger les individus des dominations privées, étant donné l'importance limitée qu'elle accorde à l'équité en tant que principe permettant de justifier les inégalités dont on peut attribuer aux individus la responsabilité distributive.

#### 4. Non domination sans responsabilité?

Il existe plusieurs définitions de l'égalité des chances dont les plus débattues et plausibles sont l'égalité des chances formelle, l'égalité des chances équitable et l'égalité réelle des chances (pour une synthèse éclairante, *vide* Cardoso Rosas, 2003). Evaluer et comparer ces variantes excéderait le propos de notre article. Qu'il nous suffise de rappeler que pour les égalitaristes de la chance, l'égalité des chances réelle est considérée comme étant la conception la plus plausible de l'égalité des chances. Rappelons également que pour réaliser une égalité des chances réelle, il est nécessaire de neutraliser les inégalités provoquées par le hasard (*bad brute luck*). L'égalité des chances réelle est donc rendue possible lorsque des personnes ayant des capacités et des ambitions similaires ont les mêmes chances de succès grâce à la neutralisation des inégalités moralement arbitraires comme celles provoquées par la loterie sociale et la loterie génétique.

Bien qu'il y ait un accord presque unanime pour considérer qu'un principe d'égalité des chances réelle doit être inclut dans une théorie de la justice distributive, le désaccord semble toutefois tout aussi unanime concernant l'endroit où placer la ligne de démarcation entre les choix

responsables des individus et les choix dépendant de circonstances moralement arbitraires dont les individus ne doivent pas être tenus pour responsables. Faut-il alors considérer que l'égalité des chances ne devrait pas être fondée sur la distinction entre choix et circonstances afin d'éviter de buter sur la difficulté de devoir situer une ligne de démarcation entre des choix individuels responsables et des choix individuels non responsables?

C'est en effet la position que semblent défendre certains républicains. Ainsi, Frank Lovett peut-il suggérer que la question de savoir quelles inégalités peuvent être équitables et donc attribuables à la responsabilité individuelle est une question dont la réponse est sans importance, du moins du point de vue de la justice comme réduction de la domination.<sup>4</sup> Lovett propose la définition suivante de la justice comme réduction de la domination: « The political and social institutions or practices of any society are just to the extent that, in expectation, they will tend to minimize the sum total domination, counting the domination of each person equally » (Lovett, 2009: 820). Ainsi, selon Lovett, une conséquence importante qui découle de cette conception de la justice consiste à attribuer à chacun un revenu inconditionnel minimal, car c'est la manière la plus sûre et la moins stigmatisante et intrusive de décourager les individus d'abandonner leur liberté de ne pas être dominés.<sup>5</sup> En effet, il est probable que peu d'individus décident d'abandonner leur liberté de ne pas être dominés afin de subvenir à leurs besoins de base. Cet engagement envers un revenu inconditionnel permettrait également de respecter les choix individuels, et donc ne serait pas soumis à l'objection de « paternalisme ». En effet, une possible objection de paternalisme à la justice comme réduction de la domination est la suivante : qu'en est-il de ceux qui acceptent volontairement la domination, voire qui la désirent (par goût du risque, par exemple)? Dans ces cas-là, imposer une réduction de leur domination serait une atteinte

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4 Selon Lovett, du point de vue de la justice distributive dérivée de la justice comme réduction de la domination « [...] figuring this out turns out not to matter much at all [...]. What does matter is that, as socioeconomic inequalities (fair or unfair, deserved or undeserved) accumulate over time, many people will eventually face the prospect of having to trade away their freedom from domination in order to meet their basic needs » (Lovett, 2009).

5 Voyez toutefois Eyal (2010) pour une réfutation de l'idée qu'un revenu minimal conditionnel implique nécessairement une stigmatisation des individus pouvant bénéficier de ce revenu conditionnel.

à leur autonomie et serait donc paternaliste. Toutefois la réduction de la domination n'a pas besoin d'être imposée. L'important est de savoir que nous pouvons réduire la domination en respectant l'autonomie des individus (i.e., lorsqu'ils souhaitent ne pas être dominés). Or, comme ce respect de l'autonomie est possible, l'objection paternaliste n'est pas pertinente.

Il est certain que cette conception de la justice comme réduction de la domination semble incompatible avec la priorité donnée à la responsabilité individuelle, laquelle est centrale dans la conception de la justice défendue par les égalitaristes de la chance, car on peut défendre que des lois qui forcent les individus à accepter les conséquences de leurs choix qui les exposent à une situation de domination sont des lois incompatibles avec une égalité des chances reposant sur une conception de la justice visant à réduire la domination. Toutefois, il faut aussi noter que selon Lovett, c'est au libre marché de déterminer les distributions des ressources au-delà d'un niveau minimal de ressources, ce qui implique que la conception de la justice comme réduction de la domination laisse de la place à la responsabilité individuelle et à l'égalité des chances équitable (Lovett, 2009) au-dessus de ce seuil minimal.

Si l'on résume la position néo-républicaine, l'idée est qu'en dessous d'un certain seuil minimal de ressources, la responsabilité individuelle n'a aucune force normative dans une conception de la justice comme réduction de la domination. En revanche, au-dessus de ce seuil minimal de ressources, il devient légitime, dans des conditions d'égalité réelle des chances, d'attribuer de la responsabilité distributive aux individus concernant les conséquences de leurs choix. Or, ce point semble poser un problème de cohérence interne à la théorie de la justice comme réduction de la domination car l'on peut aussi être exposé à la domination arbitraire au-dessus d'un niveau « suffisantiste » défini à partir d'un seuil minimal de ressources, et pas seulement en dessous de ce seuil. Dans les deux cas, puisqu'il y a domination arbitraire, attribuer de la responsabilité distributive aux choix des individus ne devrait pas être acceptable. Par conséquent, la théorie de la justice comme réduction de la domination, devrait, pour rester cohérente, rejeter toute force normative à la responsabilité individuelle indépendamment de la question de savoir si les choix individuels sont faits au-dessus ou en dessous d'un niveau suffisant de ressources.

Ainsi, la distinction entre choix responsables et choix dont nous ne devons pas considérer les individus comme responsables, bien qu'elle soit rejetée comme non pertinente au-dessous d'un certain seuil suffisant de satisfaction des besoins par les défenseurs de la justice comme réduction de la domination, toutefois, au-dessus de ce niveau suffisant, il serait légitime d'exiger aux individus de faire face à leurs responsabilités. Autrement dit, l'idée de responsabilité individuelle est réintroduite à partir d'un certain niveau, alors qu'elle avait été rejetée. Au-dessous de ce niveau « suffisantiste », il n'y a certes que la responsabilité collective. La justice comme réduction de la domination défendue par les républicains semble donc confrontée au même dilemme que la conception de la justice comme équité défendue par les égalitaristes de la chance : soit accepter cette contradiction et l'assumer comme une conséquence inévitable de la théorie, soit rejeter jusqu'au bout toute notion de responsabilité individuelle. On peut donc dire que la théorie néo-republicaine est contradictoire sur ce point, ou du moins incomplète.

Il faut aussi noter que l'on retrouve une minimisation de l'importance de la responsabilité distributive dans certains travaux de libéraux égalitaristes. Ainsi, par exemple Wolff et De-Shalit (2007) proposent-ils d'oublier le débat toujours plus sophistiqué concernant les différences entre la conception subjective du choix responsable (Dworkin, 2000) et la conception objective (Cohen, 1989 ; Arneson, 2000), et demandent à la place : quels fardeaux est-il raisonnable d'exiger à des individus victimes des conséquences de leurs choix ? Si les conséquences de leurs choix ont trop d'impact dans leur bien-être on peut dire de ces choix qu'ils ne permettent pas une réelle égalité des chances mais seulement une égalité formelle. De même trouve-t-on chez Fleurbaey (2008) une autre manière de rejeter la responsabilité individuelle en tant que justification morale des inégalités. A la place d'une égalité des chances, Fleurbaey propose une égalité des libertés : au lieu de à un individu demander s'il est responsable de sa misère, on peut lui demander si sa situation correspond à un choix libre. Si celle-ci correspond à son choix de vie, alors les inégalités sont justifiées, et si elle ne correspond pas, alors elles ne le sont pas ; ceci indépendamment de considérations concernant sa responsabilité distributive.

Néanmoins, ces deux alternatives proposées par Wolff et de De-Shalit ainsi que par Fleurbaey sont elles aussi soumises aux mêmes objec-

tions que celles formulées à l'égalitarisme de la chance. La première objection est que ces théories combinent l'égalitarisme de la chance avec une forme de « prioritarisme » ou bien avec une forme de « suffisantisme », même si elles présentent l'avantage significatif de ne pas impliquer l'élément moralisateur de la responsabilité présent dans l'égalitarisme de la chance. La seconde, c'est qu'elles s'exposent toutes deux à l'objection de paternalisme ou du moins d'un perfectionnisme explicite (ce que certains, comme Fleurbaey (2008: 264), revendiquent), puisque ces théories impliquent que les individus qui vivent dans des conditions qui sont en-dessous d'un seuil suffisant de ressources ne peuvent pas être des individus autonomes.

## 5. Conclusion

Nous nous demandions dans notre introduction dans quelle mesure la responsabilité individuelle et le principe d'égalité des chances sont compatibles avec une théorie de la justice sociale qui fait de la réduction de la domination son objectif principal. Nous comprenons à présent pourquoi la conception de l'égalité des chances la plus compatible avec la justice comme réduction de la domination est celle qui réduit autant que possible l'importance de la responsabilité individuelle sans toutefois pouvoir l'éliminer. Nous avons vu que les néo-républicains admettent qu'en dessous d'un certain seuil de satisfaction des besoins de base, la responsabilité est sans importance, mais pas au-dessus de ce seuil. Le principe de non domination et celui d'égalité des chances seraient donc compatibles, même s'il est difficile d'évaluer les avantages que l'on peut tirer de cette théorie de la justice comme réduction de la domination par rapport aux théories de la justice sociale déjà existantes et défendues par certains des égalitaristes cités, lesquelles collectivisent la responsabilité jusqu'à un certain seuil, que ce soit pour des raisons prioritaristes ou bien suffisantistes, sans toutefois éliminer la responsabilité individuelle à partir du seuil défini.

La conception de la justice comme réduction de la domination n'est sans doute pas moins exposée aux incohérences théoriques présentes chez certains des libéraux égalitaristes qui défendent une conception équitable de la justice. Toutefois, les libéraux égalitaristes, bien que progressistes, semblent être devenus incapables d'inspirer des politiques de



gauche, et cela n'est probablement pas sans rapport avec la place centrale prise par la notion de responsabilité individuelle au sein de la théorie libérale égalitariste. Or, se concentrer autant sur les difficultés théoriques que pose la responsabilité individuelle à la pensée égalitariste alors que les conditions d'une réelle égalité des chances sont encore si loin d'être réunies (ce d'autant plus que c'est seulement lorsque celles-ci sont réunies qu'il devient légitime d'attribuer de la responsabilité distributive aux individus), révèle au mieux une absence de réflexion engagée dans les difficultés de la relation entre une théorie idéale de la justice et le monde réel. En ce sens, le courant néo-républicain, en faisant de la liberté comme non domination l'idéal émancipatoire central de la justice sociale, et en accordant moins d'importance que les théories égalitaristes concurrentes à la responsabilité individuelle, semble à la fois plus réaliste et plus émancipateur.

## Bibliographie

- Anderson, Elisabeth (1999), "What Is the Point of Equality?", *Ethics*, Vol. 109, n° 2, pp. 287–337.
- Arneson, Richard (2009), "Equality of Opportunity: Derivative Not Fundamental"; manuscrit en ligne: <http://www.raison-publique.fr/Equality-of-Opportunity-Derivative.html>
- (2000), "Luck Egalitarianism and Prioritarianism", *Ethics*, Vol. 110, n° 2, pp. 339–349.
- Cardoso Rosas, João (2003), "Justiça Social e Igualdade de Oportunidades", *Diacrítica*, Vol. 17, n° 2, pp. 203–216.
- Cohen, Gerald A. (1989), "On the Currency of Egalitarian Justice", *Ethics*, Vol. 99, n° 4, pp. 906–944.
- Costa, Victoria (2009), "Rawls on Liberty and Domination", *Res Publica*, Vol. 15, n° 4, pp. 397–413.
- Crisp, Roger (2003), "Equality, Priority and Compassion", *Ethics*, Vol. 113, n° 4, pp. 745–763.
- Dworkin, Ronald (2000), *Sovereign Virtue*, Cambridge, Harvard University Press.
- (1981a), "What is Equality? Part 1: Equality of Welfare", *Philosophy and Public Affairs*, Vol. 10, n° 3, pp. 185–246.
- (1981b), "What is Equality? Part 2: Equality of Resources", *Philosophy and Public Affairs*, Vol. 10, n° 4, pp. 283–345.

- Eyal, Nir (2010), "Near-Universal Basic Income," *Basic Income Studies*, Vol. 5, n° 1, article 5.
- Fleurbaey, Marc (2008), *Fairness, Responsibility and Welfare*, Oxford, Oxford University Press.
- Lovett, Frank (2010), *A General Theory of Domination and Justice*, Oxford, Oxford University Press.
- (2009), "Domination and Distributive Justice", *The Journal of Politics*, Vol. 71, n° 3, pp. 817-830.
- Mason, Andrew (2006), *Levelling the Playing Field: The Idea of Equal Opportunity and Its Place in Egalitarian Thought*, Oxford, Oxford University Press.
- Pettit, Philip (1997), *Republicanism: A Theory of Freedom and Government*, Oxford, Oxford University Press.
- Rawls, John (2001), *Justice as Fairness: A Restatement*, (éd. Erin Kelly), Cambridge: Harvard University Press.
- (1971), *A Theory of Justice*, Cambridge, Harvard University Press.
- Scheffler, Samuel (2003), "What is Egalitarianism?", *Philosophy and Public Affairs*, Vol. 31, n° 1, pp. 5-39.
- Spitz, Jean-Fabien (2008), *Abolir le hasard ? Responsabilité individuelle et justice sociale*, Paris, Vrin.
- Voigt, Kristin (2007), "The Harshness Objection: Is Luck Egalitarianism Too Harsh on the Victims of Option Luck?", *Ethical Theory and Moral Practice*, Vol. 10, n° 4, pp. 389-407.
- White, Stuart (2003), *The Civic Minimum: On the Rights and Obligations of Economic Citizenship*, Oxford, Oxford University Press.
- Wolff, Jonathan et De-Shalit, Avner (2007), *Disadvantage*, Oxford, Oxford University Press.
- Wolff, Jonathan (2010), "Fairness, Respect and the Egalitarian Ethos Revisited", *The Journal of Ethics*, Vol. 14, n° 3-4, pp. 335-350.
- (1998), "Fairness, respect and the egalitarian ethos", *Philosophy & Public Affairs*, Vol. 27, n° 2, pp. 97-122.

# CULTURA CLÁSSICA



# Analogia casa / Estado na República de Cícero

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## Resumo

No *Tratado da República* de Cícero a tradicional analogia entre governo da casa e governação do Estado é completada com a analogia entre a casa terrestre e a morada cósmica (*mundus totus* ‘todo o universo’). Por esta via, Cícero oferece um paradigma benévolo para a governação política: o *paterfamilias* e o Sol (deus, *hegemonikon*, *mens*). A analogia entre a música humana e música das esferas completa esta mensagem de bem-estar social e de harmonia.

**Palavras-chave:** analogia, astronomia, Cícero, *dominatio*, *dominus*, música (das esferas), *oikos*, *paterfamilias*, *princeps*, *polis*, *res publica*, Sol

## Abstract

In the *De re publica* of Cicero, the traditional analogy between household and city / State management is completed with the analogy between earthly house and cosmic house (*mundus totus* ‘the whole universe’); in this way, Cicero can present a paradigm for political governance: the *paterfamilias* and the Sun (god, *hegemonikon*, *mens*). The analogy between human music and the music of spheres completes such a message of social welfare and harmony.

**Key-words:** analogy, astronomy, Cicero, *dominatio*, *dominus*, commonwealth, household, music (of the spheres), *oikos*, *paterfamilias*, *polis*, *princeps*, *res publica*, Sun

## 1. A analogia casa / Estado

A analogia casa / Estado, ou *oikos* / *polis*, é muito característica na cultura grega, onde, por exemplo, preside à construção de toda a comédia *Os Cavaleiros* de Aristófanes e é tema recorrente em autores clássicos como Platão, Demóstenes e Aristóteles.<sup>1</sup>

A analogia casa / Estado é também um dos motivos marcantes do tratado ciceroniano e concretiza-se logo ao nível da partilha de virtudes como a parcimónia (*Rep.*4.7):

*optimum autem et in privatis familiis et in republica vectigal duco esse parsimoniam.*

De facto, tanto a nível particular, das famílias, como do Estado, considero que a parcimónia é o melhor rendimento.

A este raciocínio subjaz um pressuposto interessante: a casa, isto é, a habitação permanente e sobretudo em aglomerado populacional, é já por si uma marca de civilização, sociabilização e tendencial organização cívica (cf. *Rep.*1.40-41), chegando *domus* a significar simplesmente Roma como entidade política (*Rep.*1.63).

No *Tratado da República* esta analogia também se desenvolve através de uma técnica do diálogo filosófico, aliás de natureza dramática: a integração do cenário na temática da peça. De facto, Cícero relata uma conversa havida entre altas individualidade da aristocracia, da ciência e da política romanas, todas pertencentes ao mesmo círculo de amizade, as quais se refugiam numa casa de vilegiatura da personagem central, Cipião Emiliano, durante as Férias Latinas.<sup>2</sup> Aí aproveitam para debater questões de teoria política. Quer dizer: mesmo quando deixam o palco

1 No caso de Platão, ver *Cármides*, 171d-172a, *Protágoras*, 318e-319a, M. Schofield 2006, em esp.34-35. Para Aristóteles, cf. B. S. Strauss 2002 40: "He also objects to a prevalent contemporary argument asserting an analogy between slave management and statesmanship: the first an activity within the household, the second an activity in the polis (*Pol.*1252a8-18, 1255b15-20). Aristotle asserts a fundamental, qualitative distinction between polis and oikos, even if a small polis and large oikos each should contain about the same number of people (*Pol.*1252a8-13)"; W. G. Cavanach 1999 99: "Aristotle seems to see the oikos as the polis writ small, or a sort of building block from which the polis is constructed"; M. Schofield 1999, em especial sobre a *Ética a Nicómaco*. Para os oradores áticos e em particular Demóstenes, cf. B. Strauss 2002 47 e 476.

2 Ver *Rep.*1.14. As Férias Latinas, em honra de Júpiter Lacial, duravam três dias e tinham um significado político: a necessidade de harmonia com os aliados itálicos de Roma.

da política activa, Roma, e procuram refúgio num ambiente campesino e pacato, estas personagens transformam um domínio privado em entidade cívica. A vila suburbana torna-se, de tal feição, centro do mundo, carregada de simbologia política.

## 2. A casa pequena, ou o modelo de governação

No ambiente doméstico, os modos de convivência e as relações de poder dentro do casamento e da família são como que a base das regras de civilidade e o modelo do exercício do poder político.

A importância política do casamento, da procriação e da educação dos filhos é registada a propósito da *lex Canuleia*, que abrogara a restrição dos casamentos mistos imposta pelos patrícios com a Lei das XII Tábuas.<sup>3</sup> O famoso rapto das Sabinas é visto como uma decisão de Estado (*Rep.*2.12), tão importante que foi aprazado para uma cerimónia cívica e culminou em casamentos, formatando práticas que se consagrariam como modelo para a posteridade (*Rep.*6.2). Essas normas e privilégios familiares entrevêm-se, na sua dimensão política, em *Rep.*5.7, na boca de Cipião:

*Ad vitam autem usumque vivendi ea discripta ratio est iustis nuptiis, legitimis liberis, sanctis Penatium deorum Larumque familiarium sedibus, ut omnes et communibus commodis et suis uterentur, nec bene vivi sine bona re publica posset, nec esse quicquam civitate bene constituta beatius.*

Porém, para a vida e para os hábitos de vida, essa regra distribui-se por casamentos segundo o direito, filhos legítimos, moradas consagradas aos deuses da família, os Lares e os Penates, de modo a que todos gozem das facilidades comuns e das suas e não seja possível viver bem sem um bom Estado, nem haver algo mais feliz que uma cidade bem constituída.

Pelo contrário, o exemplo da casa onde não há qualquer autoridade, aqui descrita com o termo *dominatio* ‘dominação’ – o poder do *paterfamilias* sobre todos os dependentes –, ilustra a forma anárquica de constituição (*Rep.*1.67)<sup>4</sup>:

3 Sobre a interpretação deste plebiscito do ano 445 aC, cf. A. Watson 1975 20-23.

4 Este passo é explicitamente apresentado por Cícero como uma tradução de Platão (*A República*, 562c-563e).

(...) *ut necesse sit in eius modi re publica plena libertatis esse omnia, ut et privata domus omnis vacet dominatione, et hoc malum usque ad bestias perveniat, denique ut pater filium metuat, filius patrem negligat, absit omnis pudor (...) ex quo leges quoque incipiunt negligere, ut plane sine ullo domino sint.*

(...) em consequência, em tal Estado, forçosamente em tudo existe liberdade plena, a tal ponto que até as casas particulares estão totalmente livres da dominação (sc. do seu senhor) e tal desgraça chega aos próprios animais –, e, enfim, o pai teme o filho, o filho despreza o pai, todo o pudor desaparece (...) Daí comecem também a ignorar as leis, para ficarem absolutamente sem senhor algum.

Esta mesma ideologia é bem notória em Aristóteles, para o qual *oikos* e *pólis* estão intimamente conectados e não existe Estado bem organizado sem regulação do próprio *oikos*.<sup>5</sup> Mas tanto o Estagirita quanto Cícero reconhecem que a paz civil se sobrepõe à paz doméstica, justificando eventual quebra da solidariedade do pai para com um filho em nome do interesse comum.<sup>6</sup>

Dentro da casa, o poder do *paterfamilias* ou *dominus* permite comparação com o domínio político e psicológico, pois que, no pensamento clássico antigo, desde Atenas, “the father-son relationship served as a powerful, multivalent symbol of authority. It is but one example among many in classical Athens of the pervasive analogy between *oikos* and *polis*, and it was an important component in Athenian ideology”.<sup>7</sup>

Assim, no âmbito doméstico, apesar de todas as formas de constituição aí estarem prefiguradas, singulariza-se a figura do *paterfamilias*, ou simplesmente do *pater*, que logicamente está apto a simbolizar, enquanto fonte e símbolo de autoridade, o modelo de governação do Estado. A comparação baseia-se essencialmente na polaridade pai / filho, relação de poder que Aristóteles qualifica como monárquica.<sup>8</sup>

5 A opinião é de B. S. Strauss 2002 40.

6 Para Cícero, ver *Rep.* 4.8. Sobre o modelo aristotélico de comunidade, escreve Schofield 1999 96: “Aristotle is celebrated for his explicit advocacy of an organic model of society. It is not just that in 1.2 he advances the proposal that the *polis* is naturally prior to the individuals who belong to it, like the body and its parts ... There is accordingly no inevitable conflict between organicism and the idea that the point of the political life is to achieve happiness and the good life for individuals.” Sobre a eventual conflitualidade entre *oikos* e *pólis* e até dentro do *oikos*, cf. J. Roy 1999.

7 B. S. Strauss 2002 21.

8 M. Schofield 1999 114: “Both *Ethics* take the same line (*EE* VII.9, 1241b27 ff; cf. *EN* VIII. 10, 1160b23–1161a9): ‘All forms of constitution exist together in the household, both the correct



Ora, por tradição, o modelo do *paterfamilias* é, em Roma, um modelo de autoridade e autoritarismo<sup>9</sup>, com poderes extremos de vida e de morte sobre o filho (*Rep.*2.60). É neste enquadramento tradicional e aristocrático que sobressai, no *Tratado da República*, o binómio pai / filho como modelo de relação de poder. Numa óptica benévola, o progenitor interessa-se directamente pela educação do descendente, a quem transmite os valores tradicionais<sup>10</sup>; por sua vez, o filho é respeitador (*Rep.*1.18), imitador (*Rep.*1.30 e 6.26), obediente (2.1) e venerador da memória do seu pai (2.44). Nesse aspecto, a relação de Cipião Emiliano com os seus ascendentes, particularmente sublinhada no final do tratado, exemplifica sobremaneira o paradigma.

A dimensão política dessa relação é bem enfatizada no seu conteúdo pedagógico, como se verifica em dois passos relevantes (*Rep.*1.35 e 1.70):

35. ... *ego cum mihi sit unum opus hoc a parentibus maioribusque meis relictum, procuratio atque administratio rei publicae (...)* 70. (...) *ea, quam patres nostri nobis acceptam iam inde a maioribus reliquerunt.*

... tendo-me sido legado pelos meus pais e antepassados um único mister, a governação e a administração do Estado (...) 70.... aquele Estado que os nossos pais nos legaram e que já tinham recebido dos seus antepassados.

Todavia, logo na abertura do tratado fica bem explícito que, para além desta interdependência e deste poder, existe uma escala de valores que dá primazia à entidade colectiva, a pátria (*Rep.*1.fr.1a):

*Sic, quoniam plura beneficia continet patria, et est antiquior parens quam is qui creavit, maior ei profecto quam parenti debetur gratia.*

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forms and the deviations (for the same thing is found in constitutions as in the case of musical modes) — paternal authority being royal, the relationship of man and wife aristocratic, that of brothers a republic, while the deviation-forms of these are tyranny, oligarchy and democracy; and there are therefore as many varieties of justice'. And both suggest that the household already contains the blueprint or even the seeds of political forms of organisation: 'resemblances to these —indeed, a sort of pattern of them— can also be found in households' (*EN* VIII.10, 1160b23); 'hence in the household are first found the origins and springs of... political organisation' (*EE* VII. 10, 1242a40)".

9 Cf. *Rep.*1.48: *a regum et a patrum dominatione* 'a dominação de reis e de *patres* (senadores)'; 2.56: *patrum auctoritas* 'a autoridade dos *patres*'; 2.15: *ad illam vim dominationis adiuncta auctoritas* 'se à força dessa dominação fosse associada a autoridade'; 2.34: *dominatio* equivale a *tyrannus*; *auctoritas* a *princeps*.

10 Ver *Cic. Rep.*1.23 tirocínio militar; 1.36; 6.13, 23, 29.

Assim, uma vez que a pátria implica mais benefícios e é um progenitor mais antigo do que aquele que nos gerou, a ela se deve mais gratidão do que a um progenitor.

Esta mesma sobreposição do colectivo ao particular é apresentada como garantia da estabilidade política (*Rep.*4.8):

*porro cum pax domestica membrum sit civilis pacis, si pax domestica a domesticis violanda sit ne civilis pereat, erit tunc pax domestica inter patrem et filium distrahenda, quemadmodum illos scripsisse legimus, qui de statu rei publicae facundius disputaverunt.*

Ora, sendo a paz doméstica uma parte da paz civil, se a paz doméstica tiver de ser violada pelos da casa para que a paz civil não desapareça, então deve a paz doméstica entre pai e filho ser quebrada, como lemos naqueles que com mais eloquência escreveram acerca da estabilidade do Estado.

A mesma ideia está presente num trecho parenético do Sonho de Cipião, a moldura que encerra o *Tratado da República*. Aí, o próprio progenitor Paulo Emílio, depois de evocar o modelo paradigmático de educação, baseado na imitação dos antepassados, e em especial da figura paterna, lhe antepõe a observância dos deveres políticos para com a comunidade (*Rep.*6.16):

*sed sic Scipio ut avus hic tuus, ut ego qui te genui, iustitiam cole et pietatem, quae cum magna in parentibus et propinquis, tum in patria maxima est.*

Mas, Cipião, tal como aqui o teu avô, tal como eu, que te gerei, cultiva a justiça e a piedade, as quais, devendo ser grandes para com os progenitores e parentes, devem ser máximas para com a pátria.

Por outro lado, pela noção abrangente do conceito romano de *familia*, que engloba dependentes e escravos<sup>11</sup>, e para além da questão da qualidade moral do exercício do poder e do seu detentor, o modelo de governação proposto enfrenta uma dualidade conceptual entre *pater* e *dominus*, já anteriormente entrevista.

*Pater* reporta-se a uma governação régia baseada no afecto (*Rep.*1.54). Neste caso, a formação do *pater familias* serve de modelo à formação do

11 Tal como o conceito grego de *oikos*: cf. J. Roy 1999 1-3.

governante, o qual, “tal como um bom pai de família, tem necessidade de uma certa experiência da agricultura, de construção, de contabilidade” (*Rep.*5.4). Este modelo de governação possui uma base natural e religiosa, atestada com a autoridade de Homero<sup>12</sup>, para utilidade geral: *ut rex putaretur unus esse in caelo ... idemque et rex et pater omnium* ‘acreditar que existe no céu um rei único ... rei e pai de todos’ (*Rep.*1.56). No plano histórico, tal modelo encontra-se abalizado pela autoridade de Rómulo, o fundador de Roma, divinizado pelos coevos como guardião da pátria, pai e progenitor (*Rep.*1.64):

(...) *non eros nec dominos appellant eos quibus iuste paruerunt, denique ne reges quidem, sed patriae custodes, sed patres, sed deos ...*

... não chamavam ‘donos’ nem ‘senhores’ àqueles a quem haviam obedecido, de acordo com a justiça, enfim nem sequer ‘reis’, mas ‘guardiões da pátria’, mas ‘pais’, mas ‘deuses’ ...

*Dominus* significa o exercício da autoridade parental ou régia como desvio deste padrão de bondade, desvio causador da maior perturbação, logo no ambiente doméstico, onde, citando Platão, *R.*562e, e com um sugestivo quiasmo que retrata uma inversão de valores típica da anarquia, *pater filium metuat, filius patrem neclegat* ‘o pai teme o filho, o filho despreza o pai’ (*Rep.*1.67).

Em ligação com a analogia psicológica, a dualidade do modo de exercício da autoridade do *paterfamilias* é explicitada na *distinctio* presente em *Rep.*3.37:

*sed et imperandi et serviendi sunt dissimilitudines cognoscendae. nam ut animus corpori dicitur imperare, dicitur etiam libidini, sed corpori ut rex civibus suis aut parens liberis, libidini autem ut servus dominus, quod eam coercet et frangit ...*

Mas há que distinguir as diferentes formas de governar e de servir. Pois tal como se diz que a alma governa o corpo, também se diz que governa os apetites. Mas governa o corpo como um rei governa os seus cidadãos ou

12 Sobre Homero, escreve C. Ando 2000 402-403: “Although Homer occasionally referred to Odysseus as a “king” and “father”, the latter name and the qualities it implied did not become part of Hellenistic titulature”; cf. *Od.* 2.231–234, onde Mentor caracteriza Ulisses como *basileus* e *pater*.

um pai os seus filhos; pelo contrário, governa os apetites como um senhor governa os servos, pois os reprime e refreia.

Este passo não faz eco da distinção aristotélica relativa à diferença qualitativa entre o domínio sobre os filhos, que é de natureza monárquica<sup>13</sup>, e o domínio sobre os escravos, que para o Estagirita não é de natureza política e prescinde da consideração do interesse dos dominados.<sup>14</sup>

A expressão final evoca uma governação pelo ódio e pelo terror, típica do rei que degenerou em tirano (*Rep.*2.47):

*Videtisne igitur ut de rege dominus extiterit, uniusque vitio genus rei publicae ex bono in deterrimum conversum sit? hic est enim dominus populi quem Graeci tyrannum vocant; nam regem illum volunt esse, qui consulit ut parens populo, conservatque eos quibus est praepositus quam optima in conditione vivendi, sane bonum ut dixi rei publicae genus. sed tamen inclinatum et quasi primum ad perniciosissimum statum.*

Estais, pois, a ver como de um rei despontou um senhor e como, pelo vício de um só, esse tipo de constituição se converteu, de bom, em detestável? Este é, de facto, aquele senhor do povo a que os Gregos chamam tirano por entenderem que rei é aquele que, como um progenitor, cuida do povo e conserva na melhor condição de vida possível aqueles à frente dos quais foi colocado. Seguramente um bom tipo de constituição, mas inclinado e como que propenso a uma forma extremamente perniciosa.

A utilização política do domínio do *paterfamilias* está naturalmente ajustada aos regimes de um só, e, para além dos antecedentes gregos e dos precedentes republicanos, irá ter largo futuro na titulação imperial, com o título de *Pater Patriae*.<sup>15</sup>

13 B. S. Strauss 2002 41: "Aristotle pursues the analogy between the art of ruling and the paternal or matrimonial art: a husband rules his wife like a statesman (*politikós*), a father rules his children like a king (*basilikós*)".

14 Cf. Schofield 1999 114: "Aristotle introduces discussion of the master-slave relation at a number of later places in the *Politics*. His interest in doing so is once again to distinguish political rule from the rule of the master. Thus in III.4 he argues that political rule is something one learns by being ruled (like military command), whereas the master does not need to learn the 'necessities' which are the job of the slave, only how to make use of them (1277a25-b13; cf. I.7, 1255b20-35)".

15 C. Ando 2000 402: "Seneca wrote of the duty of a good *princeps* that it resembled that of good parents, who should not disinherit a son at his first offense: 'A parent must follow this course

Todavia, o génio de Cícero vai transcender o domínio da domesticidade e aproveitar a terminologia institucional romana para implicar o regime de uns tantos. De facto, a palavra *pater*, especificamente na forma do plural *patres*, também significa senadores, e, por essa via, a comparação estende-se à aristocracia, isto é, aos *optimates* (*Rep.*2.23), e à oligarquia. De resto, já em *Rep.*2.14 se entrevê essa componente aristocrática da constituição romana na fraseologia referente à criação, por Rómulo, de um conselho régio formado por cidadãos de primeira, *qui appellati sunt propter caritatem patres* ‘os quais, pela sua afeição, foram chamados *patres* (pais, senadores)’.

A mesma vertente aristocrática aparece na mudança das constituições, que em latim se diz (*com*)*mutatio rerum publicarum* e em grego *metabole politeion*, tal como é exemplificada em *Rep.*1.65:

*quem si optimates oppresserunt, quod ferme evenit, habet statum res publica de tribus secundarium; est enim quasi regium, id est patrium consilium populo bene consulentium principum.*

Se foram os *optimates* ‘aristocratas’ que o derrubaram, como acontece de ordinário, a constituição assume a segunda das três formas; surge, de facto, um conselho como que régio, ou seja, paternal, de cidadãos de primeira a tomar boa conta do povo.

O ambiente doméstico romano, pelo menos no caso do ambiente aristocrático e de elite correspondente ao nível social retratado no *Traçado da República*, de proprietários com várias *villae* administradas por escravos de confiança que, na ausência do *dominus* ‘senhor’ geriam (verbo *praeesse*) a propriedade e exerciam um poder delegado sobre a restante criadagem, permite a Cipião usar a analogia<sup>16</sup> para defender a

of action, and also a *princeps*, whom we call father of his country, though not through empty flattery’. Romans, Seneca added, had given other titles as honors – he listed ‘Great’, ‘Blessed’, and ‘August’ – ‘but we have given the name *pater patriae* [to our *princeps*] so that he should know that a father’s power has been given to him, constraining him to think of his children’s interests and placing his after theirs’. Seneca clearly did not realize, or did not wish to say, that this interpretation of that name had been an innovation of the Augustan age”.

16 A linguagem da teoria política usa com frequência a expressão imagética, a metáfora, a alegoria, o exemplo, a comparação, o símile e a analogia, sem procurar distinções precisas. É nesse sentido que utilizo conceitos como semelhança, analogia e comparação. Os escritores antigos procuravam embelezar o texto com ornato que designavam por *loci a simili*, a *comparatione*, *exempla*, *similitudo* e *translatio*, como escreve P. H. Schrijvers 2007 257 n.4, acrescentando na

sua ideia de primazia da constituição monárquica, designada no texto pelos semantemas *regere* e *dominatus unius / singulorum* (Rep.1.61):

(SCIP.) *‘quia animum adverti nuper, cum essemus in Formiano, te familiae valde interdicere, ut uni dicto audiens esset.’* (LAEL.) *‘quippe vilico.’* (SCIP.) *‘quid? domi pluresne praesunt negotiis tuis?’* (LAEL.) *‘immo vero unus’ inquit.* (SCIP.) *‘quid? totam domum num quis alter praeter te regit?’* (LAEL.) *‘minime vero.’* (SCIP.) *‘quin tu igitur concedis itidem in re publica singulorum dominatus, si modo iusti sint, esse optimos?’* (LAEL.) *‘adducor,’ inquit, ‘et prope modum adsentior’.*

(CIPIÃO): É que me dei conta recentemente, quando estávamos em Fórmias, que tu ordenavas terminantemente aos teus escravos que fossem obedientes às ordens de um só!

(LÉLIO): Claro! Ao feitor!

(CIPIÃO): Diz lá: em tua casa (sc. em Roma) há vários a presidir aos teus negócios?

Respondeu (LÉLIO): Bem pelo contrário, há só um!

(CIPIÃO): Diz lá: além de ti, existe um segundo a governar toda a tua casa?

(LÉLIO): De modo algum!

(CIPIÃO): Porque é que tu, afinal, não concordas que também num Estado esse mesmíssimo domínio de um só, desde que seja justo, é o melhor?

(LÉLIO): Rendo-me! E estou quase a ponto de concordar!

Ao utilizar a expressão *valde interdicere* ‘ordenar terminantemente’, que corresponde à possibilidade discricionária de violência física sobre o quinteiro incompetente, que era de condição servil, este breve diálogo deixa entrever que a relação *dominus* / escravo é de puro autoritarismo, como já fora assinalado, pela boca do interlocutor Lélio, e com a expressiva referência à *ira*, em Rep.1.59:

(...) *sed imitor Archytam illum Tarentinum, qui cum ad villam venisset et omnia aliter offendisset ac iusserat, ‘a te infelicem’ inquit vilico, ‘quem necassem iam verberibus, nisi iratus essem’.*

p.256, sobre a analogia: “When we consider the natural sciences in Antiquity, a very striking contrast can be observed between the frequent use of argument from analogy, and the paucity of systematic theoretical reflexion on this principle of explanation ... There is the same disproportion in rhetoric between the frequency with which orators resort to argument from analogy and the scarcity of theoretical discussions of this procedure”.

Pelo contrário, imito o conhecido Arquitas de Tarento, o qual, ao visitar uma quinta e deparar com tudo diferente do que ordenara, exclamou para o feitor: «Ai de ti, desgraçado, eu matava-te à chicotada se não estivesse irado!»

### 3. A casa grande, ou os prémios da governação

Na caracterização das mais relevantes personagens do *Tratado da República*, encontramos o interesse pela astronomia em Cipião Emiliano, que com Rútílio Rufo “até sob as próprias muralhas de Numância costumava indagar sobre este género de eventos” (*Rep.*1.17 e 29), em Quinto Élio Tuberão (*Rep.*1.15 e 29) e em Lúcio Fúrio Filo (*Rep.*1.19). O próprio Lélío não despreza esse saber, embora prefira as questões políticas.

No caso de Cipião Emiliano, pudera este comprovar a importância prática da astronomia com o eclipse da lua acontecido nas vésperas da batalha de Pidna, em 168 aC, quando a explicação do matemático e astrónomo Gaio Sulpício Galo conseguira pôr termo ao terror supersticioso dos soldados romanos (*Rep.*1.23-24).

Este facto, juntamente com a longa referência à esfera de Arquimedes, desde 212 aC exposta no Templo da Virtude para contemplação do vulgo, confirma o enorme interesse dos romanos pela astronomia, já desde a época de Énio, a crer no passo que dele é citado: *Quod est ante pedes nemo spectat, caeli scrutantur plagas* ‘Ninguém olha para o que está a seus pés! Perscrutam as zonas do céu!’ (*Rep.*1.30).

É suposto que, no tempo de Cícero, fossem de uso comum modelos dessa esfera<sup>17</sup>, para ensino dos jovens e curiosidade dos interessados,

17 O artefacto referido em *Rep.*1.19-26, esp. 21-22, supõe a teoria da esfericidade da terra atribuída a Eudoxo de Cnidos (408-340 aC). Ver Le Boeuffe 1975 XVI sobre a moda da astronomia em Roma, parceiro do alargamento dos conhecimentos geográficos. Em época Augustana, “Agrippa’s cartographers were already making up the maps of world organization, conquest, and frontier diplomacy that resulted in such monuments as the great Map of Agrippa, set up in Rome in the *Porticus Vipsania* not long after Horace’s death” (D. Armstrong 2010 23; cf. C. Nicolet 1988, esp. 103-131). Quanto à cultura do destinatário, o próprio Cícero pretende um vasto leque de leitores, e não apenas especialistas, conforme afirma em *Rep.*1.fr.1c, um fragmento transmitido por Plin. *Nat.praef.*2 e já retomado do satirista Lucílio (c. 180 – c.102 aC): “Não é para os mais doutos”. O mesmo se passa com o geógrafo Estrabão, como observa D. Dueck 2000 161: “Strabo’s intended reader must be educated. He should be familiar with elementary geometry in order to be able to recognize straight and curved lines, a circle and a globe, and he must be familiar with some astronomical facts such as the seven stars of Ursa Maior and the difference between latitudes and longitudes on the globe”.

ensino justificado pela utilidade prática do conhecimento astronómico, com precedente em Péricles (*Rep.*1.25).

É este enorme interesse cultural da elite romana que ajuda a explicar a invulgar importância da temática astral no *Tratado da República*, que circula por toda a peça e que, através do motivo solar, se desenvolve numa verdadeira composição em anel.<sup>18</sup> Sendo a astrologia tradicionalmente lidada ao pitagorismo (cf. *Rep.*1.16), fácil é entender que toda a sua força imagética se vai relacionar com outro tema da escola, o da imortalidade da alma, conceito que se liga à ideia de glória e se torna motivo central em todo o *Tratado da República*. E falar de glória na Roma antiga, é falar primariamente de glória alcançada na política e na sua componente indissociável, o comando militar.

Assim, depois do cenário terrestre e doméstico descrito no preâmbulo, a temática solar, da grande casa, funciona como uma espécie de cenário celeste e universal para a mensagem do diálogo, quer quanto ao domínio da governação (a melhor organização da *domus*, da pólis e do cosmos), quer quanto à glorificação do *pater* e governante.

Ainda na fase preliminar do tratado, é Élio Tuberão, o primeiro convidado a chegar ao *hortus* do anfitrião, quem vai lançar a inquirição sobre um fenómeno astronómico que na altura todos comentavam, o avistamento de dois sóis ou parélio (*Rep.*1.15). A chegada do sábio Lélío – uma das personagens mais idosas (*Rep.*1.18) –, por um lado, irá reconduzir a questão puramente científica para o domínio político, ao desenvolver a analogia entre casa e Estado; por outro, contra Filo, irá desconsiderar o estudo do macrocosmo celeste enquanto especulação pura e supervácuo.<sup>19</sup> Diz ele, em resposta ao defensor da via puramente científica, Filo (*Rep.*1.19, réplica de Lélío):

*ain vero Phile? iam explorata nobis sunt ea quae ad domos nostras quae-  
que ad rem publicam pertinent? siquidem quid agatur in caelo quaerimus.*

18 Para além das influências filosóficas e científicas, ao nível poético deve acrescentar-se a importância do poeta helenístico Arato, cujo poema astronómico o próprio Cícero traduzira para latim. Como escreve Albrecht 2003 74, “On the level of metaphors, there is interaction between the astronomical lore of the *Aratea* and the imagery of the *De Re Publica*”.

19 Implicada está aqui a dualidade *otium* / *negotium*, vida activa / vida contemplativa (cf. *Rep.*1.19-20), sendo esta normalmente desconsiderada por absolutamente estéril e inútil, o que autores latinos definem com o termo derogativo *supervacuum*. De qualquer modo, o desdém de Lélío pelo motivo do parélio, muito claro em *Rep.*1.32, tem uma função importante, que é eliminar o motivo do terror normalmente associado ao fenómeno.



Estás a falar a sério, Filo? Acaso já explorámos o que diz respeito às nossas casas e ao Estado, para estarmos a investigar o que se passa no céu?

Filo não se deixa intimidar e logo explicita o seu entendimento amplo do conceito de *domus* ‘casa’ (*Rep.*1.19):

*an tu ad domos nostras non censes pertinere scire quid agatur et quid fiat domi? quae non ea est quam parietes nostri cingunt, sed mundus hic totus, quo domicilium quamque patriam di nobis communem secum dederunt, cum praesentim si haec ignoremus, multa nobis et magna ignoranda sint.*

Será que tu consideras que não diz respeito às nossas casas saber o que se passa e o que acontece em casa? Não me refiro àquela que as nossas paredes cingem, mas a todo este mundo, que é o domicílio, que é a pátria que os deuses nos deram, comum a eles! Se tal ignoramos, muitas e grandes coisas serão por nós ignoradas!

Não podendo negar tal afirmação, tanto mais que se cobria de justificação religiosa, e pelo facto de entretanto ter chegado nova personagem, o diálogo vai continuar com o tema astronómico, no qual se incluirá a descrição da esfera e uma visão cósmica da Terra. Mas fica deste modo lançada uma ponte entre várias analogias possíveis ou delineada uma analogia transversal: *domus* ‘casa’, *res publica* ‘Estado’, *caelum* ‘céu’, *mundus totus* ‘mundo na sua totalidade’, designação que me sugere a expressão “a grande casa”.

Simultaneamente, através da complementaridade de opiniões e da ênfase na utilidade prática, sai legitimada uma ciência que, na visão romana tradicional, tinha um carácter puramente especulativo e, portanto, inútil.

Tais motivos permitem a Cipião Emiliano introduzir por acréscimo outro dos tópicos a desenvolver no Sonho de Cipião (*Rep.*6.21-22), o do relativismo dos valores terrenos, no caso o conceito de glória.

Tendo por referente o passo anteriormente transcrito, o trecho seguinte ilustra à perfeição esse relativismo através da sugestiva antítese entre *magna* ‘grande’ e *parva*, *exigua* ‘pequena, exígua’ (*Rep.*1.26):

*quid porro aut praeclarum putet in rebus humanis, qui haec deorum regna perspexerit, aut diuturnum, qui cognoverit quid sit aeternum, aut gloriosum, qui viderit quam parva sit terra, primum universa, deinde ea pars*

*eius quam homines incolant, quamque nos in exigua eius parte adfixi, plurimis ignotissimi gentibus, speremus tamen nostrum nomen volitare et vagari latissime?*

Além disso, o que é que pode reputar admirável, entre as coisas humanas, quem tiver perscrutado estes reinos dos deuses? Ou duradouro, quem tiver conhecido o que é eterno? Ou glorioso, quem tiver observado quão pequena é a Terra, primeiro toda ela, depois aquela parte que os homens habitam e pela qual, apesar de localizados numa exígua parte dela e completamente desconhecidos da maioria das nações, nós esperamos, contudo, que o nosso nome esvoace e mui largamente se espalhe?

Até pela sua autoridade, Lélío rapidamente encontra forma de intervir para transitar da temática solar para a imagem da divisão do senado, ou seja, da discórdia na casa política, matéria que reputa de maior importância para ser discutida do que a duplicação do sol. É que está em causa o fim último da ciência política, o bem-estar social (*Rep.*1.31-32, intervenção de Lélío):

*quid enim mihi L. Pauli nepos, hoc avunculo, nobilissima in familia atque in hac tam clara re publica natus, quaerit quo modo duo soles visi sint, non quaerit cur in una re publica duo senatus et duo paene iam populi sint? (...) aut enim nullus esse potest, aut sit sane ut visus est, modo ne sit molestus, aut scire istarum rerum nihil, aut etiamsi maxime sciemus, nec meliores ob eam scientiam nec beatiores esse posumus; senatum vero et populum ut unum habeamus et fieri potest, et permolestum est nisi fit, et secus esse scimus, et videmus si id effectum sit et melius nos esse victuros et beatius.*

Como é que o neto de Lúcio Paulo, com um tio como este, nascido numa família nobilíssima e neste Estado tão ilustre, me vai perguntar porque é que foram avistados dois sóis e não pergunta porque é que num único Estado existem dois senados e já como que dois povos? (...) 32. De facto, quer não exista nenhum, quer exista, tal como foi avistado mas sem ser prejudicial, nada se pode saber destes fenómenos, ou, por mais que se saiba, não podemos ser melhores nem mais felizes com tal conhecimento. Mas quanto a termos um único senado e um único povo – e isso não só é possível como até é extremamente prejudicial que não aconteça –, quanto a isso, sabemos que se passa o contrário e compreendemos que, se tal for concretizado, viveremos melhor e mais felizes.

O motivo do eclipse permite, ainda, relacionar directamente a imagética astral com o bom governante, e logo desde o fundador de Roma, em relação ao qual esse fenómeno solar significou a sua apoteose (*Rep.*1.25, palavras de Cipião):

*quibus quidem Romulum tenebris etiamsi natura ad humanum exitum abripuit, virtus tamen in caelum dicitur sustulisse.*

Apesar de, durante essas trevas, a natureza ter levado Rómulo ao termo da sua vida, diz-se, contudo, que a virtude o transportou até ao céu.

Esta interpretação evemerista da apoteose ou divinização do bom governante quadra bem com as reticências posteriormente referidas, e refutadas, quanto à veracidade dos factos (*Rep.*2.17, fala Cipião):

*Ac Romulus cum septem et triginta regnavisset annos, et haec egregia duo firmamenta rei publicae peperisset, auspicia et senatum, tantum est consecutus, ut cum subito sole obscurato non comparuisset, deorum in numero conlocatus putaretur; quam opinionem nemo umquam mortalis adsequi potuit sine eximia virtutis gloria.*

E Rómulo, depois de reinar trinta e sete anos e criar estes dois egrégios alicerces do Estado, os auspícios e o senado, tanto sucesso alcançou que, tendo deixado de ser visto por ocasião de um súbito eclipse do Sol, se acreditou que ele fora colocado no número dos deuses. Tal reputação, jamais mortal algum a poderia alcançar sem a exímia glória da sua virtude.

Sintomático é que o motivo da composição em anel, que preside à construção do *Tratado da República* e funciona exemplarmente entre o livro I e o VI, apoiado em balizamentos ocasionais ao longo da obra, permite transitar esta imagem solar, com a sua vertente política, para uma nova imagem, filosófica e de amplidão universal, com a noção de fim de um ciclo e o surgimento de um novo ano cósmico, o que enfatiza a relevância do papel do fundador e, por extensão, de todo o bom governante (*Rep.*6.24, fala o Africano Maior, avô adoptivo de Cipião Emiliano):

*namque ut olim deficere sol hominibus exstinguique visus est, cum Romuli animus haec ipsa in templa penetravit, quandoque ab eadem parte*

*sol eodemque tempore iterum defecerit, tum signis omnibus ad idem principium stellisque revocatis expletum annum habeto.*

E tal como outrora os homens viram o Sol eclipsar-se e extinguir-se quando a alma de Rômulo penetrou neste mesmo santuário, assim também, no dia em que o Sol tornar a eclipsar-se na mesma parte e na mesma hora, com todos os signos e estrelas de volta ao mesmo ponto inicial, terá então um ano completo.

O raciocínio por analogia, na sua feição biológica, vai permitir ainda relacionar o destino do plano particular (o do indivíduo), com o plano político e com a dimensão cósmica, e de forma muito explícita. Nesse propósito, introduz uma expressão de grande tradição literária, a comparação entre o grande e o pequeno, que remete para a antítese já anteriormente assinalada, não para estabelecer antagonismo, mas para vincar a hierarquia de valores (*Rep.*3.34):

*itaque nullus interitus est rei publicae naturalis ut hominis, in quo mors non modo necessaria est, verum etiam optanda persaepe. civitas autem cum tollitur, deletur, exstinguitur, simile est quodam modo, ut parva magnis conferamus, ac si omnis hic mundus intereat et concidat.*

Para um Estado, não existe desaparecimento como existe para o homem, no qual a morte não só é inevitável como até muitas vezes é desejável. Mas quando uma cidade é destruída, arrasada, aniquilada, comparando as coisas pequenas às grandes, é como se todo este mundo acabasse e se desmoronasse.

Esta referência ao mundo reconduz-nos à imagética cósmica, solar, estelar e planetária, que tem o seu esplendoroso auge, como convém, no célebre trecho final, o Sonho de Cipião, quer com a invocação ao Sol, sugestivamente colocada na boca do rei berbere Masinissa (*Rep.*6.9: *Grates tibi ago summe Sol, vobisque reliqui caelites* ‘Dou-te graças, a ti, supremo Sol, e a vós, restantes deuses do céu’), quer na visão do Sol como *hegemon* ou *hegemonikon*, em fraseologia estóica (*Rep.*6.17, fala o Africano)<sup>20</sup>:

20 Já em Platão, *R.*508a-509d o Sol aparece como deus na analogia ou símile entre Sol e Ideia do Bem. Para o estóico Cleantes, o Sol era o “órgão central espiritual do mundo” e o seu *hegemonikon* (cf. M. Pohlenz 1978 83, 95-96 e 162).

*deinde subter mediam fere regionem Sol obtinet, dux et princeps et moderator luminum reliquorum, mens mundi et temperatio, tanta magnitudine ut cuncta sua luce lustret et compleat.*

De seguida, mais abaixo, ocupa aproximadamente a região intermédia o Sol, chefe, príncipe e moderador dos restantes astros luminosos, mente e equilíbrio do mundo, de tal grandeza que tudo alumia e enche com a sua luz.

A terminologia não pode deixar de evocar a titulatura do governante ideal em Cícero, na ocorrência dos termos *dux*, *princeps*, *moderator*, e coloca o Sol na posição de rei do universo e modelo de liderança política racional e equilibrada (*mens*, *temperatio*). Esta perspectiva teológica imanente é o culminar de uma sequência de expressões que remetem para a esfera de um mundo em última instância governado e permeado pela divindade: *principi deo qui omnem mundum regit* ‘o deus primeiro que rege todo o mundo’ (*Rep.*6.13), *deus is, cuius hoc templum est omne quod conspicias* ‘aquele deus, cujo templo é tudo isto que avistas’ (*Rep.*5.13).

Mas, a recolocar o elo entre a grande e a pequena casa, está também implícita uma ideia de delegação de poder ou até de vicariato divino. De facto, a divindade estabeleceu, para o homem, uma missão: *qui tuerentur illum globum, quem in hoc templo medium vides, quae terra dicitur* ‘zelar por aquele globo que vês no meio deste templo e que se chama Terra’ (*Rep.*6.15).

Toda a restante visão astral e cósmica do final do tratado mais não almeja do que comprovar que a glória que se alcança na pequena casa terrestre (*Rep.*6.16 e 19-22) nada é se comparada com a glória eterna que se disfruta no domicílio astral, morada dos deuses e dos homens (*Rep.*6.25: *sedem et aeternam domum*). Esta referência à grande casa remete para a problemática enunciada em *Rep.*1.19, o primeiro trecho transcrito neste apartado, fechando o anel da composição e lembrando a já referida hierarquia de valores.

#### 4. A mesma música

Vou rematar com um apontamento musical referente à analogia entre a música terrestre e a música celeste. Na verdade, a analogia musical é um tema clássico, até para ilustrar as formas de constituição.<sup>21</sup>

O culto da música aparece no tratado de Cícero como sinal de avanço civilizacional em *Rep.*2.18 (sobre a época de Rômulo), e 4.14, onde se descreve como já no tempo de Numa os músicos têm função pública ao executarem “em todas as solenidades religiosas públicas”.

A música celeste é a famosa música das esferas, a harmonia da casa grande provocada pelo rolar dos astros na sua movimentação cósmica, apresentada na tonalidade pitagórica de um som doce e forte (*Rep.*6.18)<sup>22</sup>:

*(...) ille qui intervallis coniunctus inparibus, sed tamen pro rata parte ratione distinctis, impulsu et motu ipsorum orbium efficitur, et acuta cum gravibus temperans varios aequabiliter concentus efficit; nec enim silentio tanti motus incitari possunt, et natura fert ut extrema ex altera parte graviter, ex altera autem acute sonent. quam ob causam summus ille caeli stellifer cursus, cuius conversio est concitator, acuto et excitato movetur sono, gravissimo autem hic Lunarise atque infimus; nam terra nona immobilis manens una sede semper haeret, complexa medium mundi locum. illi autem octo cursus, in quibus eadem vis est duorum, septem efficiunt distinctos intervallis sonos, qui numerus rerum omnium fere nodus est; quod docti homines nervis imitati atque cantibus, aperuerunt sibi reditum in hunc locum, sicut alii qui praesentibus ingeniis in vita humana divina studia coluerunt.*

Este é aquele som que, conjugando intervalos desiguais mas harmônicos, definidos por uma proporção racional, é provocado pelo impulso e pelo movimento dos próprios discos e que, temperando os sons agudos com os graves com equabilidade, provoca acordes variados. É que não

21 Platão, *A República*, 424c, cita Dâmon como estudioso das relações entre música e ética, afirmando que a perversão dos modos musicais pode acarretar perturbação na cidade; Aristóteles, *Ética a Eudemo*, 1241b; *Ética a Nicómaco*, 1160b-1161a relaciona modos musicais e formas de constituição. Ver C. A. Huffman 2005 13 e 135.

22 Ver Cic. *Rep.*6.18: “sons definidos por sete intervalos, número que é como que o cerne de todas as coisas”; 6.12: “oito vezes sete idas e vindas do sol”; 1.16: “números e geometria e harmonia, ao jeito de Pitágoras”. Sobre a música das esferas, já presente em Platão, *A República*, 530bc (números harmônicos e desarmônicos, utilidade e inutilidade) e 617b, implícita no *Timeu*, 34b-37a (a alma do mundo) e discutida em Aristóteles, *De caelo*, 290b-291a, cf. Büchner 1976 esp. 67-70; Zetzel 1995 ad 6.18; C. A. Huffman 2005, e. g. 131, 137, 150, 481-482.

podem tais movimentos ser produzidos em silêncio: a natureza faz com que, nas extremidades, de um lado sejam emitidos sons graves, do outro, agudos. Por esse motivo, a órbita mais alta do céu, a das estrelas, cuja revolução é mais rápida, move-se com um som agudo e vibrante, ao passo que a da Lua, que é a mais baixa, se move com um som muito grave. A Terra, em nono, permanecendo imóvel, está sempre fixa no mesmo lugar, ocupando o centro do mundo. Mas aquelas oito órbitas, duas das quais têm a mesma força, produzem sons definidos por sete intervalos, número que é como que o cerne de todas as coisas.

Essa música da casa grande é logo entrosada com a música da casa pequena e funciona como modelo destinado à imitação humana. Esse entrosamento é estilisticamente marcado pelo quiasmo *vita humana / divina studia* (Rep.6.18):

*quod docti homines nervis imitati atque cantibus, aperuerunt sibi reditum in hunc locum, sicut alii qui praestantibus ingeniis in vita humana divina studia coluerunt.*

Os homens doutos que imitaram com cordas e cantos estes sons, abriram para si um caminho de regresso a este lugar, tal como outros que, dotados de talento superior, cultivaram, durante a vida humana, estudos divinos.

Para o destinatário da obra, dotado de cultura geral humanística, esta afirmação não pode deixar de convocar o épico nacional, Virgílio, e a sua listagem de personalidades merecedoras da planura elísia — sacerdotes castos, vates piedosos, inventores, beneméritos (Verg. A.661-664) —, listagem aqui acrescentada com os músicos.<sup>23</sup> Ora, na classe dos inventores e dos beneméritos cabiam tradicionalmente os fundadores e bons governantes.

Mas, para além deste registo, que remete para categorias de indivíduos, a analogia entre as duas músicas tem um timbre social e colectivo desenvolvido sob a forma de símile (Rep.2.69, fala Cipião):

*ut enim in fidibus aut tibiis atque ut in cantu ipso ac vocibus concentus est quidam tenendus ex distinctis sonis, quem inmutatum aut discrepantem*

23 O protótipo do músico é Orfeu, como em Verg. A.645-646: *Threicius ... sacerdos / obloquitur numeris septem discrimina vocum* 'o sacerdote Trácio, em sua veste comprida, entoa, com seu ritmo, as sete diferentes notas'.

*atures eruditae ferre non possunt, isque concentus ex dissimillarum vocum moderatione concors tamen efficitur et congruens, sic ex summis et infimis et mediis interiectis ordinibus ut sonis moderata ratione civitas consensu dissimillorum concinit; et quae harmonia a musicis dicitur in cantu, ea est in civitate concordia, artissimum atque optimum omni in re publica vinculum incolumitatis, eaque sine iustitia nullo pacto potest esse.*

Ora, tal como a tocar lira e flauta, tal como no próprio canto e nas vozes se deve manter uma certa consonância entre os diferentes sons, que nenhum ouvido apurado consegue suportar se for monocórdica ou dissonante – mas essa consonância torna-se afinada e congruente através da moderação de vozes muito diferentes –, assim também, entrecruzando as ordens sociais mais altas com as mais baixas e com as médias, como se fossem sons, numa mistura racional, uma cidade canta a uma só voz, com o consenso dos mais diferentes elementos. E o que pelos músicos é chamado harmonia no canto, isso numa cidade é concórdia, o mais apertado e o melhor vínculo de incolumidade em qualquer Estado. Mas ela de modo algum pode existir sem justiça.

É muito interessante notar que existe notória recorrência vocabular entre este passo e *Rep.*6.18, acima citado: *cantus, concentus, distinctus, effici, imitatio / imitari, infimus, medius, ratio, sonus, summus*.

Tal recorrência é reforçada, na sua dimensão social, pelo som prefixal societário *con-*: *concentus, concinit, concordia, concors, congruens, consensu* (*Rep.*2.69); *complexa, concentus, concitator, coniunctus, conversio* (*Rep.*6.18).

Por sua vez, na música humana do primeiro passo (*Rep.*2.69), este prefixo societário cria uma polaridade com a voz do prefixo de divisão e ruptura *di-* (*discrepantem, distinctis, dissimillarum, dissimilorum*), o qual, quase iludindo a paradigmática música astral, se centra no domínio terrestre.

Por outro lado, a ideia de moderação e temperança é registada através de *variatio* (*moderatio* e *temperare*) e é uma nota que consente evocar a analogia musical usada também por Aristóteles para exprimir os conceitos de harmonia e constituição ideal resultantes de um intermediação entre dois extremos.<sup>24</sup>

<sup>24</sup> Ver Platão, *Laques*, 188d (música e ética); *Leis*, 700a-701d (música, teatrocracia e dissolução dos regimes políticos); Aristóteles, *Política*, 1290a20-29 (a harmonia e a constituição ideais são como que uma feliz mistura de sons).



## 5. Conclusão

Se, como escreve Albrecht, mesmo um prosador procura tornar vívida e colorida a sua escrita<sup>25</sup>, a análise efectuada comprova que Cícero procurou, de facto, rodear a sua mensagem de efeitos retóricos que a tornassem mais apetecível para o destinatário, um leitor de cultura média e elevada.

Cícero conseguiu entretecer toda a temática numa rede tentacular de analogia, comparação, metáfora ou símile, como se quisesse chamar, a qual, numa composição em anel completada com recorrência de símbolos, como o da esfericidade, e de vocábulos, unifica o tratado e dá consistência à mensagem.

A múltipla analogia casa / Estado / *caelum* / *mundus totus*, completada com a analogia musical, permitiu vincar quatro ideias essenciais.

A primeira: a boa governação segue um modelo paternal — seja ele do âmbito doméstico, com o *paterfamilias*, seja do âmbito astral, com o Sol, seja do âmbito teológico, com o *deus* que é *pater omnium* (*Rep.* 1.56, sobre Júpiter: *rex et pater omnium*).

A segunda: não há separação entre a grande e a pequena casa, pelo contrário, a governação de qualquer desses espaços não pode alhear-se da vertente universal, e este registo pode interpretar-se sob várias facetas: um ponto de vista filosófico, com as noções implícitas de simpatia universal e de interdependência das partes; uma visão teológica, com a imanência da divindade e de valores oferecidos por uma entidade superior, chame-se *deus*, natureza ou providência; uma dimensão imperial, com a consciência de uma missão política tutelar, individual ou colectiva, sobre todo o orbe implicado.

A terceira é a mensagem retirada da desgradação da glória terrena, logo pela noção de vários orbes, em favor de um incentivo que convoca o homem político a situar os prémios da sua virtude no além, na grande casa.

Finalmente, em quarto lugar, a insistência na ideia de concórdia ou harmonia social, que foi transmitida através da analogia musical e, como se fossem as notas de uma partitura, de registos linguísticos que ora sugerem os valores societários necessários a qualquer orquestra, ora

25 M. von Albrecht 2003 239: “even a prose writer who wants to render his presentation graphic and colourful, will try to achieve a certain verve through unobtrusive use of metaphors, allegories, or comparisons”.

esconjuram os tons dissonantes, ora apregoam a necessidade de equilíbrio e moderação.

Finalmente, um apontamento de natureza autoral e cultural: é maravilhosa a arte com que Cícero entretece as influências gregas com a tradição histórica e literária romana, e, sobretudo, como consegue inserir na teoria helénica a tradição latina, como no caso da lenda da apoteose de Rômulo (*pater, deus*) e da fraseologia tipicamente romana com as suas nuances e implicações ideológicas típicas (*paterfamilias, dominus, patres*).

E se, como escreve D. J. Depew, não se pode compreender a visão política aristotélica sem entender a sua concepção do governo da casa<sup>26</sup>, também para Cícero se pode afirmar que a sua analogia casa / Estado não fica completa sem a analogia *oikos* / *mundus totus*.

## Referências

- ALBRECHT, M. von (2003), *Cicero's Style. A Synopsis*. Leiden.
- ANDO, C. (2000), *Imperial Ideology and Provincial Loyalty in the Roman Empire*. Berkeley.
- BRÉGUET, E. (1980), *Cicéron, La République*, 2 vols. Paris, Les Belles Lettres.
- BÜCHNER, K. (1976), *Somnium Scipionis. Quellen, Gestalt, Sinn*. Wiesbaden.
- BOEUFFLE, A. Le (1975), *Germanicus, Les Phénomènes d'Aratos*. Paris.
- CAVANACH, W. G. (1999), "Surveys, cities and synoecism" in J. Rich — A. Wallace-Hadrill, *City and Country in the Ancient World*. London, 98-119.
- CHAMPION, C. B. (2004), *Cultural Politics in Polybius's Histories*. Berkeley.
- DEPEW, D. J. (2009), "The ethics of Aristotle's Politics" in R. K. Balot ed., *A Companion to Greek and Roman Political Thought*. London, 399-417.
- DUECK, D. (2000), *Strabo of Amasia. A Greek Man of Letters in Augustan Rome*. London.
- HUFFMAN, C. A. (2005), *Archytas of Tarentum. Pythagorean, Philosopher and Mathematician King*. Cambridge.
- LANE, M. (2006) "Plato's political philosophy: the Republic, the Statesman, and the Laws" in M. L. Gill, P. Pellegrin, edd. *A Companion to Ancient Philosophy*. Oxford 170-191;
- LLOYDS, G. E. R. (1966), *Polarity and Analogy: Two Types of Argumentation in Early Greek Thought*. Cambridge.

<sup>26</sup> D. J. Depew 2009 416.

- NICOLET, C. (1988), *L'inventaire du monde. Géographie et politique aux origines de l'Empire romain*. Paris.
- OLIVEIRA, F. (2008), *Cícero: Tratado da República*. Lisboa.
- POHLENZ, M. (<sup>5</sup>1978), *Die Stoa. Geschichte einer geistigen Bewegung*. Göttingen.
- ROCHA-PEREIRA, M. H. (<sup>9</sup>2001), *Platão: A República*. Lisboa.
- ROY, J. (1999), 'Polis and Oikos in Classical Athens', *Greece & Rome* 46 1–18.
- SCHOFIELD, M. (1999), *Saving the City. Philosopher-Kings and Other Classical Paradigms*. London.
- SCHOFIELD, M. (2006), *Plato. Political Philosophy*. Oxford.
- SCHOFIELD, M. (2008), "Social and political thought" in K. Algra, J. Barnes, J. Mansfeld, M. Schofield (eds.), *The Cambridge History of Hellenistic Philosophy*. Cambridge 739-770.
- STEVENSON, T. R. (1992) "The ideal benefactor and the father analogy in Greek and Roman thought." *CQ* 42 421– 436.
- STRAUSS, B. S. (2002), *Fathers and Sons in Athens: Ideology and Society in the Era of the Peloponnesian War*. London.
- STRIKER, G. (2006), "Aristotle's ethics as political science" in B. Reis, ed., *The Virtuous Life in Greek Ethics*. Cambridge 127-141.
- ZETZEL, J. E. G. (1995), *Cicero: De re publica. Selections*. Cambridge UP. [edição adoptada]
- ZIEGEL, C. (<sup>7</sup>1969), *M. Tullius Cicero: de re publica*. Leipzig, Teubner (ed. utilizada).
- WALLACH, J. (2001), *The Platonic Political Art. A Study of Critical Reason and Democracy*. The Pennsylvania State University Press.
- WATSON, A. (1975), *Rome of the XII Tables*, Princeton UP.



# A influência do *paterfamilias* na educação da elite política romana de finais da República: o exemplo de Marco Túlio Cícero

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## Resumo

Tomando por fonte a vastíssima colecção de cartas escritas (e recebidas) por Cícero em meados do século I a.C., este estudo, que se centrará na análise de algumas das referências feitas pelo epistológrafo à educação e entrada na vida pública do filho, permitir-nos-á perceber em que medida o percurso educativo e a integração na vida pública do jovem aristocrata romano foram condicionados pela acção do *paterfamilias*.

**Palavras-chave:** Cícero; *epistulae*; República romana; século I a.C.; educação romana; *paterfamilias*; elite política romana.

Entre todos os monumentos da literatura antiga, a correspondência de Cícero tem sido apontada como um dos que mais facilmente consegue captar a atenção do público letrado, não apenas pelo seu inegável valor literário, mas, sobretudo, porque constitui, para os estudiosos dos últimos anos da República romana, uma fonte inesgotável de informações de toda a espécie (*apud* Constans, 2002: v. 1, 7).<sup>1</sup> Testemunhos de um

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1 Cf. Gómez (1997) 321: “La correspondencia de Cicerón constituye uno de los mayores legados de la antigüedad romana y la más completa expresión de su autor”; Hutchinson (1998) 1: “Cícero’s

tempo em que ainda não existia a imprensa, as cartas são, para o leitor moderno, como um jornal quase diário dos anos a que se reportam.<sup>2</sup> Definidas por muitos como “retrato de uma época, testemunhos vivos da história de Roma” (André, 1993: 156),<sup>3</sup> nelas perpassam os principais acontecimentos que compuseram o agitado quotidiano do seu autor.<sup>4</sup> A informação nelas veiculada permite-nos fazer a reconstituição dos conflitos e intrigas que marcaram a actualidade política da Roma de finais do século I a.C.<sup>5</sup> – de que Cícero, foi, aliás, protagonista<sup>6</sup> –, mas também de aspectos da vida privada dos Romanos, como a família e as vivências a ela associadas.

Uma das vivências tradicionalmente associada à família romana de finais da República era a educação dos seus elementos mais jovens.<sup>7</sup>

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correspondence forms one of the most remarkable collections of texts in Latin. Not only do these letters throw a uniquely penetrating light on the social and political world of the late Republican élite, and the events of a momentous period; not only are they vital to understanding one of the most central figures in Latin literature, and fundamental to our knowledge of many contemporary authors; they also contain a great quantity and variety of powerful and vivacious writing.” Este último autor faz uma análise dos aspectos literários das cartas com o objectivo de aferir da sua literariedade: “Most strikingly of all, the literary aspects of the letters have rarely been explored. (...) The book aspires to justify a literary approach to the letters by trying it out in practice. Concrete analysis is the best means of displaying the value of the letters as literary texts, and experience of that value is the best reason for regarding them as literature.” (p. 2).

- 2 As cartas reportam-se aos últimos vinte anos da vida do autor, a que corresponde sensivelmente o período que se situa entre o ano do seu consulado (63 a.C.) e o ano 43 a.C..
- 3 Cf. Cugusi (1983) 161 *sqq.*, onde se elencam os diversos factores justificativos da importância e valor documental das cartas. O primeiro enunciado pelo autor é precisamente o facto de as cartas “constituisciono uno specchio fedele, quasi di sapore ‘documentario’, dei fatti turbinosi che portarono allo sconvolgimento dell’assetto della repubblica ed alla conseguente creazione dell’impero, fatti dunque di enorme portata: donde il loro basilare valore come fonte storica.” Os próprios contemporâneos de Cícero reconheciam o valor documental das *epistulae* (Nep., *Att.* 16.3). Leia-se também Pereira (2006) 94.
- 4 Cf. Cugusi, *ibidem*: “Nelle lettere private, colloquiando con persone del suo stesso ambiente, Cicerone scrive senza paludamenti sui fatti rientranti nella routine quotidiana: perciò l’epistolario è specchio fedele della vita giornaliera della classe agitata.”
- 5 Todas as datas que venham a ser referidas de ora em diante deverão ser entendidas como anteriores à era de Cristo (a.C.).
- 6 Têm sido muitos os autores a dedicarem-se ao estudo deste período conturbado da história de Roma. Citaremos apenas alguns: Badian (1968); Brunt (1971), (1988); Gruen (1974); Holmes (1923); Mitchell (1979); Patterson (2000); Stockton (1971); Syme (1939); Wiedemann (1994). Sobre a violência no final da República, leiam-se ainda Lintott (1968); Nippel (1995).
- 7 A educação era uma das principais preocupações da família. Cf. Rawson (1986) 38: “It not only must have influenced Roman’s attitudes but its content was in turn much influenced by the family itself (by parents, by parents’ friends and associates, and by slaves and freedmen associated with the family).”

Nesse tempo, o Estado delegava essa responsabilidade nos familiares directos dos mais novos, em especial, no *paterfamilias*. Talvez por isso, nas cartas que trocou com os familiares e os amigos, sejam inúmeras as referências feitas por Cícero à educação do filho Marco Cícero.<sup>8</sup> Na sua correspondência, estão patentes as diversas etapas do percurso educativo trilhado pelo jovem e da sua entrada na vida pública (*apud* Bradley, 1991: 104). Partindo dessas mesmas referências, conseguimos perceber também o alcance da influência paterna nos destinos do filho.

Dos dois filhos de Cícero,<sup>9</sup> Marco é o menos conhecido entre os estudiosos da literatura e cultura romanas.<sup>10</sup> Lamentavelmente, não nos chegou nenhuma das cartas escritas pelo jovem ao pai, tão-pouco nenhuma das missivas que, por sua vez, Cícero lhe escreveu. Sabemos apenas, pelo próprio filho, que estas continham palavras afectuosas.<sup>11</sup> Sabemos, também, que foi a Marco que Cícero dedicou, possivelmente em 46, as *Partitiones oratoriae*,<sup>12</sup> fazendo dele, aliás, um dos interlocutores do diálogo.<sup>13</sup> Zeloso em relação à educação do filho, ofereceu-lhe também, em 44, o tratado *De officiis*,<sup>14</sup> manual de conselhos do pai para

8 De acordo com o uso corrente na onomástica romana, o jovem recebeu o nome do pai: Marco Túlio Cícero. No epistolário ciceroniano é referido apenas com o nome *Cícero*.

9 Cícero teve também uma filha, Túlia, cerca de catorze anos mais velha do que Marco.

10 São poucos os estudiosos que indagaram sobre o carácter e a vida do filho de Cícero. Leiam-se e.g. Balbi (1907), Norcio (1968) e, mais recentemente, Bradley (1991) 103-106. Veja-se, ainda, o nosso trabalho: Oliveira (2006), em especial, o capítulo quarto da terceira parte (pp. 379-415), onde se traça o percurso biográfico do jovem Marco Cícero e do qual este estudo é, aliás, devedor.

11 Cf. *Fam.* 16.21.1, de Setembro de 44.

12 Apesar de muitos estudiosos apontarem o ano de 54 como a data de composição das *Partitiones*, afirma Bornecque (1960) xii-xiii: “Le fils de Cicéron, alors âgé de onze ans et qui, nous le savons, n’était pas exceptionnellement doué, aurait été vraisemblablement incapable de suivre ces développements profonds ou ingénieux sur la philosophie ou le droit civil. Aussi bien les jeunes Romains n’abordaient-ils pas si jeunes l’étude de la rhétorique. A onze ans, ils n’avaient même pas commencé à fréquenter le *grammaticus*.” O estudioso aponta, por isso, como mais provável, outra datação: “Marcus Cicéron étant parti en 45 pour Athènes, où il allait se perfectionner dans l’étude de la rhétorique et de la philosophie, le présent traité serait comme une préparation à ce séjour: il aurait donc été composé à la fin de 46 ou au début de 45.”

13 As *Partitiones oratoriae* constituem um manual de retórica, composto por Cícero, durante um retiro no campo, para o filho, supostamente a pedido do jovem, que quereria receber em latim os ensinamentos que o pai já lhe havia dado em grego (cf. *Cic., Part.* 1).

14 Cf. *Off.* 3.121; *Att.* 15.13a.2; 16.11.4.

o filho,<sup>15</sup> quando este estava ausente em Atenas, a aperfeiçoar os seus estudos de retórica e filosofia.<sup>16</sup>

Marco nasceu em Julho do ano 65<sup>17</sup> e, à medida que foi crescendo, o pai foi depositando nele as mais elevadas esperanças.<sup>18</sup> Ainda que a absorvente profissão de advogado e a política o mantivessem intensamente ocupado, Cícero revelou-se escrupuloso no acompanhamento do filho. Desde cedo, antes mesmo de Marco completar seis anos de idade, confiou-o aos cuidados de óptimos mestres, como Aristodemo de Nisa, que era, simultaneamente, o tutor do sobrinho Quinto.<sup>19</sup> É o que podemos deduzir destas palavras relativas ao seu filho, que dirigiu ao amigo Ático:

O Cícero encarrega-te de responderes sobre ele a Aristodemo o mesmo que respondeste sobre o primo, o filho da tua irmã.<sup>20</sup>

As famílias mais abastadas optavam por proporcionar aos filhos o ensino/aprendizagem das matérias em casa, sob a orientação de professores particulares contratados para o efeito.<sup>21</sup> Quando as famílias dispunham de tempo e de recursos financeiros para se dedicarem à educação

15 Já Catão-o-Antigo havia escrito para o filho os *Libri ad Marcum filium*, uma enciclopédia das ciências úteis à actividade do Romano na Antiguidade, como a medicina, a agricultura, a oratória e a arte militar. Cf. Paratore (1983) 105: “O objectivo do autor foi fornecer ao filho aquela cultura que, então, os filhos das famílias importantes pediam aos mestres gregos, coisa que jamais ele teria tolerado em sua casa.”

16 *Off.* 3.121.

17 O pai anunciou o seu nascimento ao amigo Ático com uma frase breve, mas suficientemente expressiva do orgulho sentido: “Quero que saibas que, durante o consulado de L. Júlio César e G. Márcio Figulo, fui pai de um filho. Terência encontra-se bem.” (*Att.* 1.2.1).

18 Cícero alentava o sonho de ver o filho imitar os seus passos e rivalizar com o seu nome e fama. Leia-se *Off.* 3.6.

19 Aristodemo, presumivelmente, terá, também, educado os filhos de Pompeio e o geógrafo Estrabão. Vide Shackleton Bailey (1999) v. 1, nota 8 *ad Att.* 2.7.5. Este mestre, no papel de *litterator* (cf. Gr. γραμματιστής), deverá ter ensinado Marco a ler e a escrever. Num nível mais básico, ensinava-se a ler, escrever e contar através da repetição mecânica e contínua e sob a disciplina de uma vara (Rawson (1986) 39). Somente depois de apreenderem os rudimentos da leitura e da escrita, as crianças eram levadas a aperfeiçoarem a escrita e instruídas em matemática e estenografia (Paoli (1999) 168).

20 *Att.* 2.7.5, de Abril de 59.

21 Como afirma Rawson (1986) 38 *sq.*, “classroom facilities at Rome were primitive. There was none of the sophisticated equipment that we have come to think important in teaching and learning – usually there were merely the basics for reading and writing. In public schools, the space available was noisy and crowded; at Rome it would probably be any room or corner vacant. Teachers, dependent on fees from parents, were poorly paid, of low social status, and enjoyed little prestige.” Entre as classes menos favorecidas, poucos ou nenhuns podiam dar-se ao luxo



dos filhos, nos primeiros anos de existência, era a mãe que, tradicionalmente, assumia a responsabilidade de educar os filhos. Com o apoio de mestres particulares, a sua influência poderia até prolongar-se um pouco mais para além da infância (*apud* Rawson, 1986: 40).<sup>22</sup> Não existem, porém, nas cartas de Cícero referências à participação activa de Terência, a mãe de Marco, na educação do filho. Já quanto ao pai, sabemos que chamou a si essa responsabilidade. Não obstante ter confiado a instrução do jovem a mestres como Tirânion<sup>23</sup> e Dionísio,<sup>24</sup> não abdicou

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de proporcionar uma educação formal às suas crianças. Por vezes, estas aprendiam um ofício com os pais, já que não havia ensino técnico público em Roma. *Cf. idem*, 40.

- 22 Na p. 56, nota 121 *ad* 40, a autora recorda os exemplos de duas mães. A primeira é Corélia Hispula, que educou o filho em conjunto com mestres particulares até ele ter cerca de catorze anos de idade (*cf. Plin., Ep. 3.3.3-7*, em que o epistológrafo recomenda a Corélia um mestre para o filho). A outra é Júlia Procila, mãe do sogro de Tácito, Agrícola, que supervisionou a educação do filho até este se ter tornado um jovem adulto (*cf. Tac., Ag. 4.2-5*).

- 23 Segundo Shackleton Bailey (1999) v. 1, 363, nota 10 *ad Att. 2.6.1*, Tirânion, que, na verdade, se chamava Teofrasto de Amiso – estabeleceu-se em Roma em 68 ou 66, tendo-se notabilizado como professor e erudito. Em 56, deu aulas em casa de Cícero (*Q. fr. 2.4.2*, de Março de 56) e ajudou-o a organizar a sua biblioteca de Áncio (*Att. 4.4a.1*; 4.8.2, ambas de Junho(?) de 56). Treggiari (1969) 116 acrescenta, entre outras informações, que “L. Licinius Tyrannio was an eminent grammarian of Amisus before he was captured by Lucullus in 68-66 B.C. and transferred to Rome.” Acerca da identidade deste homem (e também de Aristodemo de Nisa), leia-se ainda Bonner (1977) 27; 28-30; 139.

Segundo Paoli (1999) 169, eram variadas as áreas de conhecimento abrangidas pelo magistério de um *grammaticus*: “The language and literature of Greece and Rome were taught in the school of the *grammaticus*, poetry being particularly studied, and some attention was paid to the fundamentals of history, geography, physics and astronomy, necessary for a complete understanding of the texts.” Normalmente, estes textos eram ditados e, ao estudá-los, o aluno aprendia a pronunciar bem as palavras, a ler com expressividade, a explicar com clareza o seu significado e a fazer a sua análise métrica. Lidos os textos, o mestre pedia ao aluno que decorasse algumas passagens e que as explicitasse oralmente e por escrito (*cf. ibidem*). Segundo Rawson (1986) 39, o currículo tradicional baseava-se quase exclusivamente em textos de literatura grega e latina, geralmente, poesia. Em questão de história, geografia, ciência e quase todas as restantes matérias, o conhecimento dos alunos derivava do comentário feito pelos professores desses mesmos textos: “There was a canon of approved texts which was seldom changed, and the method of dealing with them changed little over a long period.” Até mesmo num nível mais elevado, a educação dependia muito do ditado, da memorização e da recitação, já que os manuscritos literários eram caros. Segundo a autora, “this in itself gave much emphasis to the spoken word, and this aspect was consciously developed since almost all public life depended on the ability to speak well.”

- 24 Segundo Shackleton Bailey (1965-1970) v. 2, 189, nota 5 *ad Att. 4.8a.1*, Marco Pompónio Dionísio era um culto liberto de Ático (*cf. Att. 4.11.2*, de Junho de 55) que terá ensinado os jovens *Cicerones* durante alguns anos. Inicialmente, terá causado boa impressão a Cícero (*cf. Att. 4.15.10*, de Julho de 54). Entre ambos parece ter-se estabelecido uma grande amizade, de tal forma que, quando o liberto se ausentava, pai e o filho sentiam a sua falta (*cf. Att. 4.18.5*, de finais de Outubro ou inícios de Novembro de 54). O liberto terá mesmo acompanhado Marco e Cícero durante o proconsulado deste último na Cilícia, entre 51 e 50 (*cf. Att. 5.9.3*, de Junho de 51, remetida de Áccio, quando se encontravam já em plena viagem). Cícero elogiou por

de o educar pessoalmente.<sup>25</sup> Numa carta datada de Maio de 54 que dirigiu ao irmão, mostrando-se disponível para acompanhar os estudos do sobrinho Quinto Cícero, confessou ter adquirido alguma prática nesta matéria, quando, durante as férias, orientou os estudos do seu próprio filho:

Na verdade, a minha maior preocupação será ver o teu Cícero (ou o nosso) todos os dias e verificar o maior número de vezes possível o que está a aprender; e, se ele não rejeitar essa hipótese, tornar-me-ei até seu professor, tendo adquirido alguma prática nesta ocupação, ao acompanhar nos tempos livres destes dias o nosso Cícero mais novo.<sup>26</sup>

Durante a sua ausência, entregava a erudição dos *Cicerones pueri* a um *rhetor*.<sup>27</sup> No que diz respeito a outros aspectos da formação, Cícero assumia todas as responsabilidades:

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diversas vezes as suas virtudes pedagógicas, apesar das queixas dos dois jovens primos relativamente ao carácter irascível que parecia ter (cf. *Att.* 6.1.12, de Fevereiro de 50). *Vide*, também, *Att.* 7.4.1, de Dezembro de 50. Em *Att.* 7.7.1 e 7.8.1, de Dezembro de 50, e 7.18.3, de Fevereiro de 49, Cícero exprimiu algumas reticências em relação ao carácter aparentemente pouco fiel de Dionísio; ao que parece, este não atendera o pedido feito pelo Arpinate de acompanhar os seus pupilos, que se haviam refugiado em Fórmias, quando rebentou a guerra civil. Essas reticências deram lugar a queixas por parte do estadista, que chegou mesmo a acusá-lo de ingratidão, tagarelice e falta de aptidão para o ensino (cf. *Att.* 8.4.1, de Fevereiro de 49). Cícero chegou até a escrever-lhe uma carta violenta. Pediu, no entanto, a Ático que a interceptasse antes de chegar às mãos do libertos, já que aquele lhe tinha ido pedir desculpas (cf. *Att.* 8.5.1, de Fevereiro de 49). Entretanto, porque não chegou a acordo com ele, deixou-o ir embora, desgostoso por perder o mestre do filho e do sobrinho, mas aliviado por ver partir um homem ingrato (*Att.* 8.10, de Fevereiro de 49). *Vide*, ainda, *Att.* 9.12.2, de Março de 49; 9.15.5; 10.2.2; 10.16.1). Algum tempo depois, Dionísio viria, novamente, a cair nas boas graças de Cícero (*Att.* 13.2b, de Maio de 45). Leiam-se, também, Treggiari (1969) 119-121; Bonner (1977) 30-32.

25 Alguns Romanos, como Cícero, tomaram a seu cargo a educação dos próprios filhos. Catão-o-Antigo e Emílio Paulo, por exemplo, decidiram retirar-se da vida pública para ensinar os filhos a contar ou para os acompanhar em cerimónias solenes, como atestam alguns fragmentos da *Ara Pacis*. Este costume antigo não foi, todavia, universalmente adoptado. De facto, como afirma Paoli (1999) 167, “from the end of the Republic onwards most men either entrusted their sons’ education to a tutor, usually a Greek, or sent him to school (*ludus, ludus litterarius*).”

26 *Q. fr.* 2.13.2, de Maio de 54. Cícero, a pedido do irmão, tomou igualmente a seu cargo a educação do sobrinho (cf. *Q. fr.* 3.1.19, 3.7.9 e, sobretudo, 3.3.4, em que transmitiu a Quinto o que entendia ser o método de ensino mais adequado). No verão de 51, chegou mesmo a levá-lo consigo para a Cilícia (cf. *Att.* 5.17.3; 5.18.4; 6.1.12) e, a pedido do pai, impôs-lhe a toga viril (cf. *Att.* 5.20.9; 6.1.12). Cícero acompanhou-o na fase difícil do divórcio dos pais, que coincidiu com a sua estadia na Cilícia (cf. *Att.* 6.2.1-2; 6.3.8; 6.7.1; 6.9.3).

27 Cf. Paoli (1999) 170: “The *rhetor* was the teacher of eloquence; at his school boys were prepared for public life by enlarging their culture through the further study of classical texts, the emphasis

O nosso Cícero, durante a minha ausência, não teve um minuto de descanso com o professor de retórica. Quanto à sua instrução, não há motivo para ficares preocupado, pois conheces o talento dele e eu sou testemunha da sua dedicação. Eu encarrego-me de tudo o resto que lhe diz respeito, como julgo que é meu dever assumir essa responsabilidade.<sup>28</sup>

Em dias de jogos, que, na verdade, abominava, aproveitava para levar o filho consigo para a *uilla* de Túsculo, com o objectivo de o instruir:

Escrevo esta carta no dia 24 de Outubro, dia em que têm início os jogos, enquanto parto para Túsculo e levo comigo o meu Cícero, para aprender, não para brincar aos jogos.<sup>29</sup>

As viagens por países de civilização antiga constituem um meio magnífico de instrução e de enriquecimento cultural. Cícero, que bem o sabia, em Junho de 51, quando partiu para o governo da Cilícia, levou consigo Marco<sup>30</sup> e o sobrinho Quinto. Nesse verão, visitaram a Grécia,<sup>31</sup> Éfeso,<sup>32</sup> Laodiceia<sup>33</sup> e outras cidades importantes da Ásia Menor.<sup>34</sup> Atendendo ao facto de Marco ser ainda muito jovem – contaria, então, perto de catorze anos –, é difícil sabermos se teria já a sensibilidade estética necessária para apreciar os tesouros de arte e de civilização dos lugares que visitava. Note-se, todavia, que era normalmente a partir desta idade que os pais começavam a preparar os filhos para a vida pública.

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being mainly laid on prose writers, and trained in the difficult art of speaking according to a carefull though out system.”

28 *Q. fr.* 3.1.14, de Setembro de 54.

29 *Q. fr.* 3.4.6, de Outubro de 54.

30 Prova de que o jovem foi com o pai é o facto de Cícero, já em Áccio, poucos dias antes de chegarem a Atenas, enviar, por carta, lembranças, do filho, a Ático: *Att.* 5.9.3.

31 Chegaram a Atenas no dia 24 de Junho (*Att.* 5.10.1). A beleza desta cidade e a afabilidade dos seus habitantes agradaram particularmente a Cícero (*Att.* 5.10.5).

32 A chegada deu-se a 22 de Julho (*Att.* 5.13.1).

33 Alcançaram Laodiceia no dia 31 de Julho (*Att.* 5.15.1).

34 Enquanto o pai cumpria os seus afazeres de governador da Cilícia, Marco Cícero, juntamente com o primo e guiado por Dejótaro (filho de Dejótaro, rei da Galácia, defendido por Cícero diante de César, com o *Pro rege Deiotaro*), deverá ter visitado outros sítios. *Cf. Att.* 5.17.3; 5.18.4; 5.20.9.

De regresso a Roma, em 50, passaram por Tarso (*cf. Att.* 6.7, *Fam.* 2.17; 15.11, escritas e enviadas dessa cidade, em Julho de 50) e terão visitado a cidade de Rodas, antes de passarem novamente por Éfeso e Atenas. *Cf. Att.* 6.7.2, de Julho; *Fam.* 2.17.1, de 18 de Julho; *Att.* 6.8.1, de 1 de Outubro; *Fam.* 14.5.1, de 16 de Outubro.

Entendia-se que os jovens atingiam a idade adulta entre os catorze e os dezasseis anos (*apud* Rawson, 1986: 41).

Em Novembro do ano seguinte, pai e filho regressaram a Itália,<sup>35</sup> mesmo nas vésperas da guerra civil entre César e Pompeio. A iminência do conflito preocupava Cícero seriamente;<sup>36</sup> estava particularmente ansioso pelo destino do filho. Inicialmente, embora com algumas hesitações, ainda pensou enviá-lo para a Grécia, no intuito de o proteger dos horrores e massacres que as guerras costumam comportar:

Pensava na conveniência de enviar os rapazes para a Grécia, quando o que parecia pretender-se era a fuga de Itália.<sup>37</sup>

Três meses depois, porém, mudou de ideias e decidiu mantê-lo na casa de Fórmias, na companhia da irmã e da mãe.<sup>38</sup>

A estadia foi, no entanto, breve. O pai depressa percebeu que o seu lugar era ao lado de Pompeio, e o jovem, apesar de ter tentado demover o pai de o fazer,<sup>39</sup> acabou por decidir participar directamente na guerra civil, ao lado daquele. Assim, pouco tempo depois de atingir a maioria (com a imposição da toga viril, em Arpino),<sup>40</sup> nos primeiros dias de Junho de 49, embarcaram ambos em Caieta para Dirráquio.<sup>41</sup> Sob a égide do pai, Marco começava a dar os primeiros passos na aprendizagem da vida militar e política.

35 *Cf. Att. 7.2.1.*

36 *Cf. e.g. Att. 7.5.4; Att. 7.6.2.*

37 *Att. 7.17.1* (Fevereiro de 49); *cf. 7.17.4; 7.13.3* (Janeiro de 49).

38 *Cf. Fam. 16.12.6*, de 27 de Janeiro de 49; *Att. 7.18.1*, de 3 de Fevereiro; *7.20.2*, de 5 de Fevereiro; *7.26.3*, de 13 de Fevereiro (?).

39 Alguns amigos e, sobretudo, os familiares de Cícero, que entretanto haviam recebido uma mensagem de Célio nesse sentido, aconselharam-no a esperar pelo resultado dos combates que opunham, na Hispânia, os exércitos de César e de Pompeio, antes de deixar Itália, para se juntar àquele último. Cícero, sem abandonar o seu plano, acabou por ceder às pressões dos que lhe estavam mais próximos, admitindo aguardar pelo resultado das operações militares e retirar-se, provisoriamente, para Malta, como, aliás, Célio lhe havia sugerido (*cf. Fam. 8.16.5*, de 16 de Abril; Beaujeu (2002) v. 6, 43 *sq.*). Ficava especialmente comovido com as lágrimas do filho, que não queria ver o bom nome do pai manchado pela desonra (*cf. Att. 10.9.2*, de 3 de Maio).

40 Este período foi particularmente difícil para Cícero (*cf. Att. 9.17.1*), pelo que se tornara impossível impor a toga ao filho em Roma. O filho terá recebido a toga no dia 31 de Março (*cf. Beaujeu (2002) v. 6, 10*). *Cf. Att. 9.6.1*, de 11 de Março de 49; *9.18.2*, de 28 de Março; *9.19.1*, de 1 ou 2 de Abril de 49.

41 É o que podemos constatar da leitura da carta de despedida que enviou à esposa e à filha (*cf. Fam. 14.7.3*).

Cabia ao *paterfamilias* preparar os filhos para a vida pública. É, por conseguinte, provável que, por essa altura, Cícero já o tivesse levado consigo para a cidade, apresentado aos amigos e permitido que observasse a vida no *Forum*, assistindo a reuniões públicas, observando os tribunais e, como membro de uma família senatorial, escutando, ainda que a partir do exterior da Cúria, os debates do Senado.<sup>42</sup> Ao atingir a maioridade, o jovem romano tornava-se cidadão na plena aceção do termo, com a concessão do direito de voto e da possibilidade de seguir uma carreira política. O pai, entendendo que o filho estava preparado para assumir as responsabilidades inerentes à vida adulta, e porque era da sua competência integrá-lo na vida pública, levava-o então consigo, na companhia de amigos, para que fosse inscrito na lista dos cidadãos. Tendo em conta que o filho era inscrito na divisão de voto (*tribus*) do pai e que iria depender da mesma rede de contactos, era certamente grande a pressão exercida sobre o adolescente para que fizesse as mesmas escolhas que o pai (*apud* Rawson, 1986: 41).<sup>43</sup>

Na batalha de Farsalo,<sup>44</sup> tendo acabado de completar dezassete anos, Marco comandou, com bravura, um esquadrão de cavalaria, feito pelo qual veio a merecer o elogio de Pompeio.<sup>45</sup> A estreia do jovem no serviço militar pautou-se, pois, pelo sucesso, ainda que o exército pompeiano tenha sido vencido.

Em 46, graças à intervenção do pai, Marco, juntamente com o primo e com M. Césio, tornou-se edil em Arpino, dando, assim, mais um passo para a sua entrada no mundo da política. Foi isso mesmo que Cícero comunicou a M. Bruto, quando lhe pediu que os apoiasse nas novas funções:

42 Cf. Rawson (1986) 40 *sq.*; Taylor and Scott (1969) 533.

43 Cf. *ibidem*: “It was probably these circumstances – the early age of admission to voting rights, the ceremonial surrounding the coming of age, the political inexperience of the boy, and the basis of electoral support – rather than the effect of *patria potestas* that strengthened a boy’s natural inclination to adopt his father’s political attitudes.” A dependência monetária do filho em relação ao *paterfamilias* também contribuía grandemente para que pai e filho perfilhassem os mesmos ideais de vida pública. Como afirma a mesma autora, na p. 17, “a generation gap is hardly possible in such circumstances.”

44 A batalha de Farsalo teve lugar a 9 de Agosto de 48.

45 Cf. *Off.* 2.45. Vide, ainda, Stockton (1971) 262; Bradley (1991) 105, onde se afirma: “Even if the military command Marcus held under Pompeius when he was only sixteen was little more than honorific, the dangers and excitement of Pharsalus can scarcely have failed to make an impression.”

De facto, a fim de consolidar o município, quis que o meu filho, este ano, fosse nomeado edil, bem como o filho do meu irmão e M. Césio, pessoa muito próxima de mim. Esta magistratura, na verdade, e nenhuma outra, é a que se costuma eleger no nosso município. Honrar-nos-ás, e sobretudo a mim, se a ecomomia do município, graças ao teu empenho e diligência, for bem administrada. Peço-te encarecida e insistentemente que o faças.<sup>46</sup>

A derrota do exército pompeiano não extinguiu o ardor belicoso e o espírito aventureiro de Marco. De facto, no final de 46, decidiu partir para a Hispânia, desta vez, para se unir ao exército de César, contra o qual, até então, havia combatido. No Outono desse ano, Ático informou Cícero de que o jovem tinha em mente duas coisas: ir para a Hispânia, ao encontro de César, e pedir ao pai uma mesada generosa.<sup>47</sup> Quanto a esta última, o pai respondeu ao amigo ter explicado ao filho ter em mente conceder-lhe uma mesada semelhante à que o cônsul Públio Cornélio Léntulo Espínter e o *flamen* Lúcio Léntulo Nigro haviam dado aos filhos.<sup>48</sup> Já quanto ao projecto de ir para a Hispânia, afirmou ter tentado dissuadi-lo, advertindo-o, por um lado, para a eventual reprovação que tal atitude poderia gerar entre os pares, e, por outro, para a tristeza que o próprio iria certamente sentir quando percebesse ter sido ultrapassado em amizades e influências de todo o tipo pelo primo, Quinto Cícero, que tomara o partido de César bastante tempo antes:

No que diz respeito à Hispânia, disse duas coisas: em primeiro lugar, o mesmo que a ti, que temo as críticas. (...) Depois, que sofrerá quando se vir superado pelo primo em amizades e influências de todo o tipo.<sup>49</sup>

Na verdade, o *paterfamilias* tinha outros planos para o filho<sup>50</sup> – enviá-lo para Atenas para continuar os seus estudos – e Marco acabaria,

46 *Fam.* 13.11.3, de 46.

47 *Att.* 12.7.1.

48 *Cf. ibidem.* Estes *Lentuli* eram velhos amigos de Cícero. Para mais informações acerca da identidade destes homens, *vide* Shackleton Bailey (1965-1970) v. 5, 305, nota 7 *ad loc.*

49 *Att.* 12.7.1.

50 Era ao pai que assistia, entre outros, o direito de decidir o futuro dos filhos. Gardner (1986) 146, afirma: “The *potestas* of a father over his legitimate children included the right to custody of the child and, as well as those powers of discipline and punishment (...) and the ownership of all property acquired by the children, it also included powers which might be classed as ‘care and control’. The father would have the final on such matters as the child’s education and marriage, where the child would live and so on.” Mesmo depois do divórcio, o pai mantinha *potestas* sobre

efectivamente, por desistir da ideia de ir para a Hispânia. A exemplo de muitos outros jovens, e do próprio pai, iria aperfeiçoar os seus estudos de filosofia e de retórica em Atenas, em vez de ir combater ao lado de César. No Mediterrâneo oriental, existiam alguns mestres que gozavam de excelente reputação. Tal levou a que algumas das famílias mais favorecidas dos tempos da República tivessem deixado os filhos ir estudar para fora durante longos períodos de tempo com esses mestres (*apud* Rawson, 1986: 39).

Assim, em Março do ano seguinte (45), considerando ter chegado o momento ideal para a partida do filho,<sup>51</sup> Cícero consultou Ático sobre a melhor forma de garantir o financiamento de uma eventual estadia em Atenas, isto é, se Marco poderia receber o dinheiro através de uma letra de câmbio ou teria de levar consigo para a Grécia a quantia correspondente à anuidade.<sup>52</sup>

Quanto ao Cícero, parece que já está na hora; mas pergunto se a quantia de que necessita pode ser disponibilizada mediante letras de câmbio em Atenas ou se tem de levá-la consigo (...).<sup>53</sup>

Alguns dias depois, encarregou o amigo de fazer a Marco uma proposta: para que ele pudesse manter-se em Atenas, estava na disposição de lhe ceder entre 80.000 a 100.000 sestércios, provenientes do aluguer dos imóveis do Argileto e do Aventino, que faziam parte do dote da ex-

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os filhos, pelo que Cícero, separado de Terência desde o final de 47, assumiu inteiramente a responsabilidade de zelar pela educação de Marco. Cf. *ibidem*. Vide ainda Rawson (1986) 16 *sq.*.

51 Em Julho, Marco completaria vinte anos.

52 Marco, na qualidade de *filiusfamilias*, não podia deter quaisquer bens. Enquanto o *pater* fosse vivo, era dele que dependia a subsistência do filho. Cf. Gardner (1986) 9, onde se afirma: "Persons in *potestate* could own no property. Anything given or bequeathed to them belonged to the *pater*. The principle, despite its manifest inconveniences, and indeed absurdities, remained throughout the classical period. A son might be a grown man, with an active commercial or professional career, active in public life, even a leading magistrate, married and with children, and yet legally own nothing." Uma forma de contornar esta situação consistia em permitir ao filho gerir determinada quantia de dinheiro, um *peculium*, para fazer faces aos gastos pessoais (cf. Rawson (1986) 16 *sq.*). Cícero terá recorrido a este expediente quando decidiu enviar Marco para Atenas. Leia-se ainda Dixon (1984) 93.

53 Att. 12.24.1. Três dias depois, Cícero voltaria a fazer uma breve alusão a este assunto, dizendo que iria aceitar a sugestão de Ático, ou seja, permitir ao próprio Marco a escolha do momento ideal para partir (Att. 12.27.2).

mulher e que, ao que parece, ele retivera para esse fim.<sup>54</sup> No seu entender, estes rendimentos seriam suficientes se Marco optasse por alugar uma casa em Roma, como inicialmente pensara fazer:<sup>55</sup>

Gostaria que proponhas ao Cícero o seguinte, se, todavia, tal não te parecer injusto: que acomode as despesas desta estadia no estrangeiro às rendas do Argileto e do Aventino, com as quais facilmente se teria contentado se permanecesse em Roma, como pensava fazer.<sup>56</sup>

Pedi, ainda, a Ático que, depois de feita a proposta, se encarregasse pessoalmente da gestão desses rendimentos, isto é, de fazer com que o dinheiro necessário ao sustento de Marco em Atenas lhe fosse sendo disponibilizado:<sup>57</sup>

E depois de lhe teres feito esta proposta, gostaria que tu pessoalmente organizasses o resto, ou seja, o modo como lhe poderemos proporcionar a quantia de que precise a partir destas rendas.<sup>58</sup>

Admitindo, quiçá, a hipótese de o filho vir a exigir mais do que o pai oferecia, foi dizendo a Ático ter conhecimento de que outros três jovens oriundos de famílias nobres, futuros estudantes em Atenas, não iriam dispor de uma quantia superior à que aquelas rendas proporcionavam:

54 É esta a opinião de Shackleton Bailey (1965-1970) v. 5, 326, nota 2 *ad Att.* 12.32.2 e de Beaujeu (2002) v. 8, 31 *sq.*. Aquele refere que os imóveis em questão consistiam em *insulae* 'casas' (cf. *Att.* 15.17.1) que faziam parte do dote de Terência (cf. *Att.* 15.20.4), bens aparentemente retidos por Cícero depois do divórcio para benefício do filho. Dixon (1984) 94 *sq.* partilha desta opinião.

55 Como afirma Dixon (1984) 93, "A senatorial youth like Marcus Cicero was dependent on his father for his livelihood: as a *filiusfamilias*, he could not, strictly speaking, own or alienate property on his own account. Cicero was liable for Marcus' debts (...)." Esta dependência económica do pai não era, todavia, factor impeditivo do seguimento de uma carreira política independente – embora tal não fosse muito usual – e até de uma existência desafogada. O pai podia custear-lhe o aluguer ou até a compra de casa própria. Cf. Rawson (1986) 17.

56 *Att.* 12.32.2.

57 Atendendo à condição social de Cícero, era perfeitamente normal que este se preocupasse com o conforto material do filho. Leia-se, a propósito, o que afirma Bradley (1991) 103: "When a son was born to parents of aristocratic status in Rome of the central period, it can be assumed that the child's early years were spent in relative ease and comfort. By definition, as the boy was educated and groomed to take his eventual place among the ranks of his social peers in the public life of the community, his material needs were automatically met, so that economic hardship and deprivation were largely unknown to him."

58 *Att.* 12.32.2.



Garantirei que nem Bíbulo, nem Acidino, nem Messala, que, ouço dizer, irão estar em Atenas, farão gastos superiores ao que se receberá destas rendas.<sup>59</sup>

Ático encarregar-se-ia, também, de encontrar arrendatários cumpridores e de estudar a quantia necessária à viagem para Atenas e à aquisição do equipamento indispensável à instalação do jovem naquela cidade:

Assim, gostaria que vejas primeiro quem são os arrendatários e quanto pagam; depois, que sejam dos que paguem pontualmente; e também a quantia suficiente para a mudança e para a equipagem.<sup>60</sup>

O pai, generosamente, quicá na esperança de que o conforto favorecesse o proveito nos estudos, procurou proporcionar a Marco uma estadia digna e confortável o mais possível.<sup>61</sup> Eram, por isso, constantes os apelos a Ático no sentido de que nada faltasse ao jovem. Disso, aliás, dependia a sua reputação social:<sup>62</sup>

É, pois, vergonhoso para mim que ele, seja de que índole for, passe necessidades.<sup>63</sup>

Estes pedidos intensificaram-se, em Junho de 44, quando Cícero soube que a desonestidade do seu agente, Eros, havia provocado embaraço financeiro a Marco. O jovem havia escrito a Tirão, secretário pessoal do pai, informando-o de que, depois do dia 1 de Abril, ou seja, um ano depois de ter ido para a Grécia, ainda não havia recebido o dinheiro necessário à sua manutenção por mais um ano naquele país, apesar de gasta

59 *Ibidem*. Lúcio Calpúrnio Bíbulo era o único filho vivo do cônsul de 59 e de Pórcia, filha de Catão. Uniu-se a Marco Bruto em 43; depois da batalha de Filipos, passou para o lado de António. Morreu como governador da Síria, em 32. Quanto a Acidino, pensa-se ser descendente dos *Manlii Acidini*, uma família influente da primeira metade do século II. Messala, por sua vez, será Marco Valério Messala Corvino, filho de Messala Nigro (*cf.* Shackleton Bailey (1965-1970) v. 5, 326, nota 7 *ad loc.*).

60 *Att.* 12.32.2.

61 Cícero esperava que o filho correspondesse à generosidade do pai com estudo e trabalho (*Off.* 3.6).

62 *Cf.* *Att.* 14.7.2; 14.16.4.

63 *Att.* 13.47, de Agosto de 45. Depois deste, seguiram-se outros pedidos: *Att.* 14.11.2 (Abril de 44); 14.17.5 (Maio de 44).

a primeira soma anual transferida para Atenas. O pai, comovido com o facto de Marco nada lhe ter contado, pediu ao amigo, uma vez mais, que transferisse para Atenas a quantia necessária a uma estadia digna naquela cidade, até porque era a sua reputação social que estava em questão:<sup>64</sup>

O nosso Cícero quanto mais modesto se mostra, tanto mais me comove. Sobre este assunto, na realidade, nada me escreveu, a quem, sem dúvida, deveria tê-lo feito em primeiro lugar; escreveu, porém, a Tirão o seguinte: que desde o primeiro de Abril (pois, então, cumpre-se uma anuidade) não se lhe tinha dado nada. Sei, pela tua natureza, que sempre te pareceu bem, e consideraste inerente à minha própria condição, que ele seja tratado por mim não apenas com grande liberalidade, mas também com luxo e opulência. Por esse motivo, peço-te que te encarregues (e não te aborreceria se pudesse fazer isto por intermédio de outra pessoa) de que seja transferida para Atenas a quantia necessária às despesas de um ano.<sup>65</sup>

Para fazer face às despesas, Ático adiantou-lhe 100.000 sestércios e informou o amigo dessa operação. Cícero sugeriu-lhe então que cobrasse a soma a Eros, já que este havia recebido as rendas dos alugueres dos imóveis situados no Argileto e no Aventino:<sup>66</sup>

Quanto ao que me escreves de que te faltam cem mil sestércios, que foram proporcionados ao Cícero, pergunta, por favor, a Eros onde é que está a renda das casas.<sup>67</sup>

Depois de lhe ter comunicado a intenção de interrogar Eros acerca das suas finanças, Cícero agradeceu ao amigo o empenho que revelara para que nada faltasse ao filho:

Tomei conhecimento das contas de Eros por intermédio de Tirão e chamei-o a ele pessoalmente. Estou-te muito grato por garantires que nada vai faltar ao Cícero.<sup>68</sup>

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64 Dixon (1984) 94 comenta desta forma as preocupações de Cícero: "It was partly affection which prompted the wish, but also a matter on Cicero's own standing."

65 *Att.* 15.15.4.

66 Como afirma Dixon (1984) 95, "the HS 100,000 advanced to Marcus by Atticus appears to have been in lieu of the second annual payment which the agent Eros had failed to transfer."

67 *Att.* 15.17.1.

68 *Att.* 15.17.2.

Uma vez que o produto desses alugueres não ficou imediatamente disponível, Ático comunicou ao cunhado a necessidade de fazer um empréstimo de 200.000 sestércios por cinco meses, para poderem fazer face às despesas. Cícero pediu-lhe que se encarregasse de fazer essa operação, já que ele próprio se não encontrava em Roma:

Escreves que é necessário fazer um empréstimo por cinco meses, isto é, até ao primeiro de Novembro, de duzentos mil sestércios; (...). Queria, pois, já que Tirão assegura que não te parece razoável que eu me desloque a Roma por esse motivo, que, se esse assunto não te incomoda, vejas de onde levantar o dinheiro e mo debites.<sup>69</sup>

Ático acabou por conseguir um empréstimo de 210.000 sestércios, quantia que excedia o produto do aluguer dos imóveis. Cícero, no sentido de orientar os gastos do filho, deu instruções precisas ao amigo relativamente à administração desse dinheiro. Como soubera, através de Óvio,<sup>70</sup> que, para o filho, seriam suficientes os prometidos 80.000 sestércios anuais – ainda que Xénon<sup>71</sup> lho fosse entregando com alguma parcimónia –, determinou que o empréstimo conseguido serviria para cobrir a anuidade que o jovem ainda não havia recebido, mas que o restante se destinaria a liquidar despesas que remontavam ao ano anterior, relativas à viagem por ele feita para Atenas:

Com respeito aos duzentos e dez mil, óptimo. Há que esclarecer as contas do Cícero; com efeito, Óvio acaba de chegar. Ele, muitas coisas que eu queria ouvir, incluindo, entre outras mensagens, esta, que não é má: para ele são mais que suficientes os oitenta mil sestércios, bastantes até, mas Xénon disponibiliza-os muito parcamente e *com mesquinhez*. A quantia em que a tua letra de câmbio excedeu o rendimento dos imóveis deve ser afectada àquele ano ao qual se acrescentaram as despesas da viagem. Este

<sup>69</sup> Att. 15.20.4.

<sup>70</sup> Julgamos tratar-se de um colega de Marco em Atenas ou de alguém da confiança de Cícero. Segundo Shackleton Bailey (1965-1970) v. 6, 282, nota *ad Att.* 16.1.5: “Nothing is known of Ovius.”

<sup>71</sup> Segundo Shackleton Bailey (1965-1970) v. 6, 390, nota 1 *ad Att.* 13.37.1, Xénon ficara incumbido de proporcionar a Marco Túlio tudo o que fosse necessário durante a sua estadia em Atenas (*cf. Att.* 13.37.1). Xénon teria proposto custear a estadia do jovem como forma de pagamento de uma dívida que contraíra com Cícero ou com Ático (*cf.*, ainda, 14.16.4; 15.21.2; 16.1.5; 16.3.2).

ano, a partir do dia 1 de Abril, que se acomode aos oitenta mil sestércios; é que neste momento os imóveis rendem tão-somente isso.<sup>72</sup>

Preocupado com o futuro do filho, discutiu com o amigo o problema do sustento do jovem depois do seu regresso a Roma. Ao que parece, chegou a equacionar casar o filho com alguém que levaria consigo para o casamento um dote generoso. A mãe da candidata, porém, parecia não reunir as condições que considerava necessárias:<sup>73</sup>

É preciso pensar no que faremos quando ele estiver em Roma; na verdade, não creio que aquela mulher seja suportável como sogra.<sup>74</sup>

Um ano depois de Marco ter ido estudar para Atenas, ou seja, em Abril de 44, começaram a surgir as primícias das aulas de retórica recebidas na Grécia. É famoso o purismo do orador que, nas cartas que enviava ao filho, não deixava de lhe recordar as exigências de uma correcta linguagem.<sup>75</sup> Ora, o estilo de uma carta que o filho entretanto enviara, de Atenas, ao pai, muito agradara ao orador, que via, assim, cumprir-se um dos principais objectivos da viagem:

Chegou-me uma carta de Cícero verdadeiramente *envolta numa pátina de estilo clássico* e razoavelmente extensa. O resto pode ser fingido, a *pátina do estilo* da carta indicia que ele está mais instruído.<sup>76</sup>

72 Att. 16.1.5.

73 Era necessário o consentimento do pai para que Marco pudesse casar. Cf. Gardner (1986) 10 e 41, em que se afirma: “The father’s consent was apparently necessary in law at all times. In the Republic, he could prevent a marriage.”

74 Att. 16.1.5. Shackleton Bailey (1999) v. 4, nota 6 *ad loc.*, afirma, a respeito desta questão: “Nothing is known of the match proposed for M. Cicero junior.” Beaujeu (2002) v. 9, 285, nota 3 *ad* 239), todavia, afirma: “Cicéron avait en vue un riche mariage pour son fils, ce qui aurait résolu le problème de ses moyens d’existence, après son retour à Rome; mais, apparemment, la mère de la candidate n’était pas acceptable comme belle-mère.” Como afirma Treggiari (1991) 96, “to an upper-class man at first marriage, particularly if he had not yet inherited family property, his wife’s dowry could be expected to bring essential capital at an important moment in his career.” Ora, Cícero, esperando que Marco, assim que regressasse de Atenas, iniciasse uma carreira política, perspectivava o casamento do filho como uma alternativa ao dinheiro que recebia do pai para se sustentar.

75 Quint., *Inst.* 1.7.34.

76 Att. 14.7.2. A propósito da expressão “carta envolta numa pátina de estilo clássico” (*litterae πεπινωμένως scriptae*), que volta a surgir na carta Att. 15.16, explica Shackleton Bailey (1965-1970) v. 6, 218, nota 2 *ad loc.*: “πίνοϋς is literally patina on bronze. In a literary context it denotes

Orgulhoso, aplaudia os seus progressos.<sup>77</sup> A pensar no bem-estar e na educação de Marco, não só encarregara Xénon de controlar os gastos do jovem, como incumbira Leónidas<sup>78</sup> e Herodes<sup>79</sup> de o manterem regularmente informado de todos os passos do filho.

Não obstante, porém, os progressos revelados nos estudos, não foi preciso muito tempo para que o pai começasse a ficar apreensivo com alguns rumores que lhe iam chegando de Atenas sobre o comportamento do filho.<sup>80</sup> Em Maio, as palavras de Leónidas já não o tranquilizavam:

Na verdade, a carta de Leónidas que me enviaste, pergunto-te, que tem de especial que possa deixar-nos contentes? Nunca me parecerá que ele é suficientemente elogiado enquanto for elogiado nestes termos: “como está até agora”. Não é este o testemunho de alguém que está confiante, é mais o de alguém que está apreensivo.<sup>81</sup>

A simples ausência de notícias por parte de Herodes levava-o a temer o pior:

Por outro lado, tinha incumbido Herodes de me escrever *amiúde*; até ao momento, porém, não recebi carta alguma. Receio que não tivesse nenhuma informação que, em sua opinião, me iria agradar quando dela me inteirasse.<sup>82</sup>

Leónidas mantinha algumas reservas relativamente ao comportamento do jovem na Grécia, mas Herodes, em contrapartida, quando escrevia, tecia elogios a respeito dele. Cícero preferia acreditar na boa

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an agreeably old-fashioned quality of style or, with a slightly different nuance, classical correctness without slang or neologisms – for which C. was a stickler.”

77 Cf. *Att.* 14.11.2.

78 Leónidas era um dos companheiros de Marco em Atenas. Periodicamente, tal como Herodes, aliás, escrevia a Cícero a dar conta do que Marco ia fazendo. Cf. *infra*, *Att.* 14.16.3 e, ainda, 14.18.4, 15.16 e *Fam.* 16.21.5.

79 Cf. *infra*, *Att.* 14.16.3, de Maio de 44, e *Att.* 15.16, de Junho(?) de 44.

80 Pouco tempo depois de o filho ter partido para Atenas, isto é, em finais de Maio, Cícero mostrou-se grato a Ático pelo facto de este ter escrito a Marco e a dois dos seus colegas, o Túlio Montano e Túlio Marciano, ao que parece, para lhes dar alguns conselhos. O orador afirmou ainda ao amigo que ou as palavras dele produziriam efeito nos jovens, ou, então, teriam de deixar de se preocupar (*Att.* 13.1.1).

81 *Att.* 14.16.3.

82 Cf. *ibidem*.

conduta do filho; Marco escrevia pouco, é certo, mas, quando o fazia, deixava o pai orgulhoso do estilo que usava na redacção das suas cartas:

Finalmente, um correio da parte do Cícero; mas, por Hércules, a carta está escrita *com uma pátina de estilo clássico*, o que poderia indiciar algum *progresso*, e os outros, do mesmo modo, escrevem cartas excelentes. Leónidas, todavia, mantém aquele seu “até agora”; mas Herodes, na verdade, tece os maiores elogios. Que queres que te diga? Nesta questão deixo-me levar facilmente pelas palavras e gosto de me mostrar crédulo.<sup>83</sup>

Na verdade, Cícero tinha motivos para isso. É que nem todas as notícias eram más. Ao pai, chegavam também cartas elogiosas, como a que Gaio Trebónio, acabado de chegar a Atenas,<sup>84</sup> escreveu, no final de Maio de 44. Nela referia-se a Marco como um jovem exemplar:

Cheguei a Atenas no dia 22 de Maio e aí, coisa que desejava muitíssimo, vi o teu filho entregue aos melhores estudos com uma elevada reputação em virtude da sua boa conduta.<sup>85</sup>

Depois de advertir o amigo para o facto de os elogios por si tecidos em relação ao filho serem sinceros, Trebónio referiu a popularidade de que o jovem gozava em Atenas, bem como a sua dedicação aos estudos:

Não penses, meu caro Cícero, que quero afagar os teus ouvidos com esta informação. Não há ninguém mais apreciado para todos os que estão em Atenas do que o teu jovem filho ou, melhor, nosso – já que tu não podes ter nada que fique à margem de mim –, nem ninguém mais dedicado ao estudo das artes que tu aprecias de modo especial, isto é, das melhores.<sup>86</sup>

O pai estava de parabéns pelo filho que tinha, e Trebónio congratulava-se com o facto de poder privar com um jovem da sua estirpe:

E assim, também te felicito de bom grado – coisa que posso fazer com sinceridade –, e não menos a mim mesmo, porque este, de quem era neces-

83 Att. 15.16

84 Trebónio seguia viagem para assumir o governo da província da Ásia que César lhe havia atribuído. Cf. Shackleton Bailey (1977) v. 3, nota 1 *ad loc.*

85 Fam. 12.16.1.

86 *Ibidem.*

sário gostar, fosse qual fosse a sua natureza, têm-lo em tal consideração que também o estimamos de bom grado.<sup>87</sup>

Marco manifestara o desejo de visitar a Ásia, pelo que o amigo do pai, na qualidade de governador, decidiu convidá-lo a viajar até àquela província. Antes, porém, terá prometido a Cícero acompanhar o jovem com o mesmo desvelo e afecto com que o pai o acompanharia:

Como me deu a entender em conversa que queria visitar a Ásia, não apenas o convidei, como também lhe pedi que o fizesse de preferência enquanto eu estivesse à frente do governo da província. Não tenhas dúvidas de que vou cumprir a minha obrigação para com ele com o mesmo amor e carinho com que tu o farias.<sup>88</sup>

Para que Cícero não ficasse a pensar que a viagem representaria umas férias dos estudos, o amigo prometeu-lhe tomar providências no sentido de fazer acompanhar o jovem do seu mestre, Cratipo.<sup>89</sup>

E tomarei também providências no sentido de que Cratipo esteja com ele, para que não penses que na Ásia vai haver férias dos estudos para os quais é estimulado com o teu incitamento.<sup>90</sup>

Elogiando, uma vez mais, a dedicação de Marco aos estudos, o próprio Trebónio assumiu o compromisso de incentivar contínua e diariamente a aprendizagem do jovem:

Na verdade, preparado que está, segundo vejo, e avançando a passo acelerado, não deixarei de exortá-lo para que progrida cada dia mais na sua aprendizagem e exercitação.<sup>91</sup>

Cícero, todavia, quicá porque tinha motivos para temer que o tom encomiástico desta e de outras cartas se devia à imensa simpatia nutrida

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<sup>87</sup> *Ibid.*

<sup>88</sup> *Fam.* 12.16.2.

<sup>89</sup> Filósofo peripatético que se mudou de Mitilene para Atenas, no final de 46, ou já em 45, e que deu aulas ao filho do orador. Segundo Plutarco, a pedido de Cícero, César concedeu ao filósofo a cidadania romana (*Plu., Cic.* 24.7-8). Cf. Shackleton Bailey (1977) v. 2, nota 5 *ad Fam.* 12.16.

<sup>90</sup> *Fam.* 12.16.2.

<sup>91</sup> *Ibidem.*

pelo jovem ou ao escasso conhecimento da sua conduta, não se deixou convencer. Tinha planeado esta viagem ao pormenor e esperava que o filho cumprisse os objectivos traçados. Até então, Marco não tinha brilhado pelo amor ao estudo. De facto, já no ano 50, em carta escrita, da Cilícia (Laodiceia), a Ático, Cícero, referindo-se aos dois jovens que o acompanhavam (o sobrinho Quinto e o filho Marco, que contava então quinze anos), reiterou aquilo que Isócrates havia dito de Éforo e Teopompo, isto é, que um tinha de ser refreado – Quinto, entenda-se – e o outro, por ser preguiçoso ou rebelde, espicaçado.<sup>92</sup>

Quando decidiu enviar o filho para Atenas, foi com a esperança de que o contacto com colegas prestáveis, o magistério de Cratipo e a memória histórica da preclara cidade despertassem nele o gosto pelo estudo e o interesse pela filosofia.<sup>93</sup> No entanto, a influência de um mau mestre, Górgias, que era hábil em despertar nos jovens tendências menos boas,<sup>94</sup> em vez disso, despertou nele o gosto pelos prazeres fáceis.

O pai, porém, não podia resignar-se a ver destruídos todos os projectos que tinha feito para o filho, pelo que em de Abril de 44, cerca de um ano depois de Marco ter ido para Atenas, terá começado a ponderar a hipótese de se deslocar até à Grécia.<sup>95</sup> Inicialmente, tê-lo-ão movido razões de natureza exclusivamente familiar: sentia que a sua visita poderia devolver ao jovem a concentração nos estudos.<sup>96</sup> Posteriormente, tê-lo-ão também movido razões de natureza política; é que esta viagem à Grécia, como *legatus*, permitir-lhe-ia evitar o perigo de um massacre iminente.<sup>97</sup> Ao optar por esta solução, temia, no entanto, incorrer em algum tipo de reprovação, por abandonar a República num momento tão difícil:

92 Cf. *Att.* 6.1.12. Vide, ainda, *Orat.* 3.36; *Brut.* 204.

93 Cf. *Off.* 1.1.

94 Este mestre de retórica conheceu grande notoriedade em finais do governo de Augusto. A sua obra de retórica *Σχῆμα Διαβολῆς καὶ Λέξεως* foi apontada por Séneca-o-Velho como a fonte do tratado de Rutilio Lupo, o *De Figuris Sententiarum et Elocutionis* (cf. Münzer, *RE* 7.1604 sq.). Segundo Plutarco (*Cic.* 24.8-9), Górgias terá exercido má influência sobre o jovem Marco, levando-o a comportar-se de forma desregrada e boémia, pelo que Cícero terá, com justiça, procurado afastá-lo da companhia do filho, escrevendo-lhe uma carta, em língua grega e em tom irado, a manifestar o seu desagrado.

95 Cícero pensava poder fazer a viagem daí a três meses. Cf. *Att.* 14.7.2.

96 Cf. *D.C.* 45.15.4.

97 Cf. *D.C.* 46.3.2.



Se partir, conforme tinha decidido, na qualidade de legado para a Grécia, parece-me que até certo ponto evito o perigo de um massacre iminente, mas incorrerei em algumas críticas por ter abandonado a República num momento tão grave. (...) Além disso, há as considerações de natureza particular, pois sinto que é sumamente útil à estabilidade do Cícero que eu viaje até lá; e não tive nenhum outro motivo para partir quando tomei a decisão de me fazer nomear legado por César.<sup>98</sup>

Decidiu que viajaria até à Grécia ao encontro do filho, logo que tal se revelasse oportuno, para ver de perto como estavam a correr os seus estudos e fazer com que regressasse ao bom caminho:

Agora, meu caro Ático, procura livrar-me de obstáculos; anseio por sair correndo para a Grécia, assim que tiver cumprido plenamente as minhas obrigações para com o nosso amigo Bruto. É de grande interesse para o Cícero ou, melhor, para mim, ou, por Hércules, para um e outro, que eu intervenha nos seus estudos.<sup>99</sup>

Apesar da morte de César nos Idos de Março, sentia que de nada lhe valia estar em Itália; por outro lado, insatisfeito com as notícias que Leónidas lhe ia dando, pensava, de dia para dia, cada vez mais, na viagem até à Grécia:

Eu, pelo que vejo que se está a preparar, considero que não serviram de muito os Idos de Março. E por conseguinte, penso cada dia mais e mais na Grécia. (...) A carta de Leónidas não me agradou muito.<sup>100</sup>

Nas vésperas da partida, ainda revelou a Ático as hesitações e preocupações que esta viagem lhe trazia à mente,<sup>101</sup> mas admitiu, também,

<sup>98</sup> *Att.* 14.13.4.

<sup>99</sup> *Att.* 14.16.3, de Maio de 44.

<sup>100</sup> *Att.* 14.18.4. No entanto, ainda em Maio, Cícero confessou a Ático que, apesar de ter decidido manter-se afastado de Roma, não tinha decidido definitivamente abandonar Itália (*Att.* 15.5.3). As hesitações eram muitas. *Cf.* *Att.* 15.18.1; 15.19.1; 15.20.4; 15.21.3 (neste último passo, como noutros, discute com Ático o local de embarque. *Cf.* *Att.* 16.4.4).

<sup>101</sup> *Cf.* *Att.* 15.23. As hesitações relativas ao momento ideal para viajar foram muitas. (*cf. e.g. Att.* 15.25). O que mais lhe iria custar nesta viagem era a separação do amigo (*cf. Att.* 15.27.2). Outro inconveniente seria, tendo em conta a sua idade, a fadiga inerente a uma tão longa e difícil viagem. Por outro lado, parecia-lhe absurdo o momento escolhido para se ausentar: partiria de Itália com paz, para regressar com guerra, e iria consumir dias no estrangeiro que poderiam ser tranquilamente passados nas suas belas e aprazíveis *uillae* (*cf. Att.* 16.3.4).

que os benefícios que o jovem Marco Cícero poderia vir a colher desta visita compensariam o esforço despendido:

Uma coisa me consola: ou farei algo pelo Marco, ou avaliarei quanto se pode fazer.<sup>102</sup>

A *legatio* acabou por ser aprovada.<sup>103</sup> Apesar da disparidade de opiniões relativamente à sua saída de Itália, acabou por ceder à pressão a que sentia estar sujeito.<sup>104</sup> Partiu, então, de Pompeios no dia 17 de Julho de 44.<sup>105</sup> Depois de ter passado por Vélia, Vibão e Régio,<sup>106</sup> partindo já de Leucópetra, rumou a Siracusa. Daqui, no dia 6 de Agosto, dirigiu-se para a Grécia, mas os ventos contrários lançaram-no para a costa de Leucópetra, tendo ficado alojado na *uilla* do seu amigo Valério.<sup>107</sup> No dia seguinte, foram visitá-lo alguns cidadãos acabados de chegar de Roma, que lhe comunicaram a vontade de António se submeter às decisões do Senado. Disseram-lhe ainda que as pessoas desejavam o seu regresso e que, de certa forma, criticavam a sua ausência da Urbe.<sup>108</sup> Tais notícias induziram-no a renunciar à viagem à Grécia e a regressar o mais depressa possível a Roma, para seguir mais de perto o curso dos acontecimentos.<sup>109</sup> O assassinato de César havia criado uma situação política difícil e o grande orador não podia ficar indiferente ao chamamento da pátria, pelo que desistiu da viagem.<sup>110</sup>

102 Att. 16.3.4

103 A 4 de Junho, Dolabela constituiu Cícero seu lugar-tenente honorário. A *libera legatio* que lhe foi concedida permitiria a Cícero viajar pelas províncias sem ter quaisquer deveres a desempenhar. Cf. Phil. 1.6; Att. 15.11.4; 15.29.

104 Att. 16.1.3; Att. 16.2.4.

105 De facto, na carta a Ático datada de 17 de Julho, pode ler-se que a mesma foi escrita durante o percurso que media entre a sua *uilla* de Pompeios e o local de embarque (Att. 16.3.6).

106 Cf. Att. 16.6.1; Fam. 7.19.

107 Cf. Att. 16.7.1.

108 Cf. *ibidem*.

109 Numa carta escrita a Trebácio Testa em finais de Julho de 44 (Fam. 7.19), Cícero comunicou ao amigo a intenção de regressar a Roma. Mais tarde, num bilhete escrito a Cornificio, Cícero disse ao amigo tê-lo escrito no decorrer de uma sessão do Senado (cf. Fam. 12.20: *haec cum essem in senatu exauri*), possivelmente aquela em que Cícero pronunciou a *Primeira Filípica*, ou seja, no dia 2 de Setembro. Nessa data, o orador já estaria, então, em Roma. Cf. Beaujeu (2002) v. 10, 23; Shackleton Bailey (1977) v. 2, 478, introd. ad Fam. 12.20.

110 Cf. Cic., Off. 3.121; D.C. 46.3.2.

Marco permaneceu em Atenas desde Março de 45 a Outubro ou Novembro de 44. É pouco provável que, nos últimos meses da sua estadia, tenha decidido dar ouvidos ao pai e adoptar um comportamento radicalmente oposto àquele que adoptara nos últimos meses. Da leitura da única carta que dele nos chegou, escrita no verão de 44, fica-nos, no entanto, a certeza da promessa de mudança.

Tirão informara-o dos rumores que a mudança – ou promessas de mudança – do seu comportamento haviam suscitado em Roma, pelo que Marco prometeu não desiludir as esperanças dos seus familiares e empenhar-se para que o juízo favorável que as pessoas faziam então de si crescesse de dia para dia. Os erros cometidos no passado, que tanto desgosto haviam causado ao pai, enchiam-no de arrependimento:

Não duvido, meu caríssimo Tirão, de que os rumores que chegaram sobre mim te agradam e correspondem aos teus desejos, e vou provar-te e esforçar-me para que esta opinião que começa a formar-se sobre a minha pessoa se torne, de dia para dia, cada vez mais sólida. Por isso, confirmo a tua proposta de te tornares arauto da minha reputação, e podes fazê-lo com total confiança; de facto, causaram-me uma dor e um tormento tão grandes os erros da minha juventude que não apenas a minha mente sente aversão a estes feitos, como também os meus ouvidos a qualquer recordação. (...) Assim, tendo tu então sofrido por minha causa, empenhar-me-ei agora em proporcionar-te o dobro da alegria.<sup>111</sup>

Referiu, depois, os seus progressos nos estudos de filosofia e a diligência com que seguia as lições do filósofo Cratipo, que gostava de ouvir e cuja companhia muito apreciava:

Quero que saibas que estou muito ligado a Cratipo, não como um discípulo, mas como um filho; na verdade, não apenas o escuto com prazer, como também aprecio bastante o seu encanto pessoal.<sup>112</sup>

Marco confessou ainda passar grande parte do seu tempo com este mestre, que, durante a *cena*, costumava pôr de parte o ar sério de filósofo, para assumir uma atitude mais descontraída e cúmplice para com

111 *Fam.* 16.21.2-3.

112 *Fam.* 16.21.3.

o discípulo. Não admira, pois, que o jovem desejasse que Tirão o conhecesse pessoalmente:

Passo dias inteiros na companhia dele e muitas vezes parte da noite; na realidade, peço-lhe que jante comigo com muita frequência. Depois que se instituiu este hábito, ele aparece sem que dêmos por isso durante o jantar e, sem a austeridade própria da filosofia, brinca muito afavelmente connosco. Por isso, procura conhecer este homem tão especial, tão agradável e tão eminente, logo que possível.<sup>113</sup>

Estava decidido a seguir os conselhos do pai, que considerava Cratipo o mais proeminente filósofo da época.<sup>114</sup> De facto, Cícero admoestava-o com frequência a respeitar os ensinamentos do mestre, a tornar-se digno da cidade que o acolhia e a não trair as esperanças que o pai nele depositava.<sup>115</sup>

Outro mestre com quem costumava privar era o retor Brútio.<sup>116</sup> Este, além de levar uma existência frugal, tinha a capacidade de aliar o divertimento ao estudo. Marco, com o pouco dinheiro de que dispunha,<sup>117</sup> decidiu custear o aluguer de um espaço próximo do local onde se encontrava instalado para o mestre que vivia com dificuldades. Na verdade, o jovem, que exercitava já, com Cássio,<sup>118</sup> a *declamatio*<sup>119</sup> em língua grega, pretendia exercitá-la também em Latim, com Brútio. Esta decisão agradaria, com toda a certeza, ao pai, que defendia o estudo combinado do Grego e do Latim não apenas na aprendizagem da filosofia, mas também na prática da oratória.<sup>120</sup>

<sup>113</sup> *Ibidem*.

<sup>114</sup> Cf. *Off.* 3.5. Vide, ainda, *Off.* 1.2; 2.8.

<sup>115</sup> Cf. *Plu.*, *Cic.* 24.8; *Cic.*, *Off.* 3.6. O empenho de Cícero na formação do filho ressalta ainda do proêmio das *Partitiones oratoriae*. Ao lê-lo, recordamos o quanto Cícero gostava de acompanhar o filho no estudo da eloquência, e como acalentava o desejo de ter em Marco um digno seguidor da sua arte.

<sup>116</sup> Não existem informações acerca da identidade deste professor de retórica (cf. Beaujeu (2002) v. 9, nota b *ad Fam.* 16.21.4; Shackleton Bailey (1977) v. 2, 477, nota 1 *ad Fam.* 16.21.4).

<sup>117</sup> Apesar de a anuidade concedida pelo pai ser mais do que suficiente, em Junho, Marco tinha-se queixado que Xénon lhe entregava o dinheiro com excessiva parcimónia (cf. *Att.* 16.1.5).

<sup>118</sup> Segundo Shackleton Bailey (1977) v. 2, 477, nota 2 *ad Fam.* 16.21.5, “another unknown professor of rhetoric. The Roman name could conceal a Greek one (*Castorem? Cassandrum? Ctesiam?*)”.

<sup>119</sup> O magistério do *rhetor* compreendia exercícios escritos e orais. Cf. Paoli (1999) 170.

<sup>120</sup> Cf. *Off.* 1.1. A propósito, leia-se Paoli (1999) 170: “Greek was very widely spoken throughout the Roman world; the contacts which had existed from earliest times with Magna Graecia, the

E que posso eu dizer de Brútio, que em momento algum suporto que fique longe de mim? Não apenas o seu modo de vida é simples e austero, como é também muito agradável a sua companhia; com efeito, o divertimento não anda dissociado da erudição e do *debate* quotidiano. Aluguei-lhe uma casa muito próxima da minha e, conforme posso, sustento com os meus parcos recursos a sua indigência. Além disso, decidi exercitar-me na arte de declamar em Grego com Cássio, mas quero praticar em Latim com Brútio.<sup>121</sup>

Marco convivia com outros eruditos, nomeadamente, amigos e conhecidos de Cratipo que o filósofo havia trazido consigo de Mitilene. Privava ainda com Epícrates<sup>122</sup> e Leónidas, entre outras pessoas da confiança do pai:

Tenho por amigos íntimos e companheiros diários pessoas que Cratipo trouxe consigo de Mitilene, homens doutos e muito estimados por ele. Também está muitas vezes comigo Epícrates, figura de proa de Atenas, bem como Leónidas e outros do mesmo género.<sup>123</sup>

Em observância às sábias recomendações do pai, decidira não mais dar ouvidos aos maus conselhos do professor de retórica Górgias, ainda que reconhecendo a sua utilidade no exercício da *declamatio*. Não queria de forma alguma trair a confiança do *paterfamilias*:

Em relação, porém, ao que me escreves sobre Górgias, sem dúvida que ele me era útil na prática quotidiana da declamação, mas passei tudo para segundo plano, contanto que obedeça às regras impostas pelo meu pai; na verdade, ele tinha-me escrito *em termos claros* que o mandasse embora imediatamente. Não quis tergiversar, para que a minha *dedicação* excessiva não

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residence in the oriental Hellenised provinces of many Roman soldiers and merchants, and, above all, the large number of Greek slaves in Roman families from whom children spontaneously learnt a second tongue, made the Romans a bilingual people. (...) with the passage of time the learning of Greek seemed so essential, particularly in aristocratic families, that elementary and secondary education began with it."

121 *Fam.* 16.21.4-5.

122 Shackleton Bailey (1977) v. 2, 477, notas 5-6 *ad Fam.* 16.21.5, refere que este Epícrates foi identificado por P. Graindor (*Athènes sous Auguste* (1927) 105 sq.) como sendo um filho de Calímaco que desempenhou importantes funções na cidade de Atenas, no início do governo de Augusto. Cf. Beaujeu (2002) v. 9, 288, nota 1 *ad* 264.

123 *Fam.* 16.21.5.

lhe inspirasse alguma suspeita. E depois também me ocorreu o seguinte: que era penoso eu fazer juízos sobre o juízo feito pelo meu pai.<sup>124</sup>

Marco pediu, depois, a Tirão que lhe enviasse o mais rapidamente possível um culto secretário, de preferência, instruído em grego, que pudesse ajudá-lo a tomar apontamentos das lições. É que essa tarefa tomava muito do seu tempo:

Peço-te, todavia, que me seja enviado o mais depressa possível um copista, especialmente um que seja Grego. Perco, de facto, muito tempo a copiar as minhas notas.<sup>125</sup>

A leitura desta missiva deixa-nos tentados a acreditar nas belas palavras de Marco, na nobreza dos seus propósitos e no seu entusiasmo pelo estudo da filosofia e da retórica. No entanto, a volubilidade com que, por vezes, alterava as suas decisões não nos permite acreditar em absoluto nesta declaração de virtude.<sup>126</sup> Além do mais, ainda que o desejasse ardentemente, Marco não terá disposto de muito mais tempo em Atenas para dar cumprimento às promessas que fizera. Na verdade, esta carta, que data dos últimos meses de 44, precede pouco tempo a sua integração no exército de Marco Bruto, que viria a recrutar na Grécia muitos jovens romanos que se encontravam a estudar em Atenas.<sup>127</sup>

Com a sua incorporação no exército de Bruto, Marco entrava na fase final da aprendizagem da vida militar, que se fazia sob o patrocínio de uma alta entidade a quem o jovem devia respeito e veneração. O breve período vivido pelo jovem ao lado de Bruto, que foi, talvez, o mais brilhante da sua existência, ficou marcado pelo seu imenso espírito de iniciativa e entusiasmo. Investido das funções de tribuno militar, exerceu-as de forma exemplar, tendo alcançado o mérito de aliciar algumas coortes cesarianas.<sup>128</sup> Bruto não se cansou de o elogiar junto do pai. Em

124 *Fam.* 16.21.6.

125 *Fam.* 16.21.8.

126 Não nos esqueçamos, por exemplo, que, em 46, dois anos depois de ter combatido corajosamente em Farsalo, ao lado de Pompeio, estivera disposto a pôr-se ao serviço de César.

127 *Cf. Plu., Cic.* 45.3; *App., BC* 4.6.51.

128 *Cf. Plu., Brut.* 24. Em Abril de 43, Marco Bruto, que se encontrava na Grécia, comandava oito legiões contra Marco António (*cf. App., BC* 3.11.79 e 4.10.75): duas que ele próprio recrutou, duas conduzidas por Q. Hortênsio Hórtalo, governador da Macedónia, as três legiões da Ilíria que se aliaram a ele e, por fim, a última das seis legiões cesarianas da Macedónia. Algumas coor-

carta datada de 1 Abril de 43, nas vésperas da batalha de Mútina, enumerou as qualidades que o caracterizavam e louvou a excelência do seu carácter, não fosse ele filho de quem era:

O teu filho Cícero conquista de uma tal maneira a minha estima com a sua energia, coragem, empenho, nobreza de carácter, enfim, com todo o tipo de serviços, que parece bem não esquecer por um instante ser filho de quem é.<sup>129</sup>

Cícero não pôde deixar de se sentir orgulhoso da conduta do jovem, ao sabê-lo tão estimado por Bruto:

Quanto ao meu filho Cícero, se existe nele tudo quanto escreves, fico tão feliz quanto devo, e, se o afecto que sentes por ele te leva a exagerar, só o facto de gostares dele deixa-me incrivelmente feliz.<sup>130</sup>

O seu agrado era ainda maior quando essas virtudes bélicas chegavam ao conhecimento do Senado:

Na verdade, a tua carta, que foi lida no Senado, revela o valor e a indústria do general e dos teus soldados, entre os quais o meu filho Cícero.<sup>131</sup>

Na perspectiva do pai, Marco Bruto era um exemplo a seguir. Pediu, por isso, ao amigo que se fizesse acompanhar do filho sempre que possível:

Mantém, por favor, do teu lado o meu filho Cícero o mais possível, meu caro Bruto. Ele não encontrará em parte alguma melhor escola de excelência que a observação e imitação do teu exemplo.<sup>132</sup>

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tes desta legião tinham-se rendido ao jovem filho de Cícero, que Bruto fizera tribuno militar; as restantes acabaram por ser capturadas em Apolónia (cf. Beaujeu (2002) v. 10, 200). Cf. *Phil.* 10.13. Ao afirmar que o filho assumiu o comando de toda a legião anteriormente comandada por L. Calpúrnio Pisão, Cícero quis amplificar os sucessos militares de Marco. Na verdade, Marco António conservou o comando de sete das dez coortes que compunham a legião. Cf. Willeumier (1960) nota 3 ad 133.

129 *ad Br.* 2.3.6. Sobre os feitos militares de Marco Cícero, *vide* também *Plu., Brut.* 24.

130 *ad Br.* 2.4.6.

131 *ad Br.* 2.5.2.

132 *ad Br.* 2.5.6.

Em Maio do ano 43, em plena guerra civil e a pouco tempo de Marco completar vinte e dois anos, entre outros assuntos que dominavam a actualidade, discutiu com Bruto as hipóteses de uma eventual candidatura do jovem a um lugar no *collegium pontificum*.<sup>133</sup> Não obstante a gravidade e a incerteza da situação político-militar, o estadista não deixou de se preocupar com a carreira do filho:

Quero que o meu filho Cícero seja cooptado para o teu colégio.<sup>134</sup>

Admitiu perante Bruto a hipótese de esta candidatura poder ser feita *in absentia*, isto é, sem que o jovem precisasse de estar em Roma. A corroborar esta ideia, o orador aduziu o exemplo de Gaio Mário, que fora eleito áugure durante o tempo que esteve na Capadócia, e referiu a inexistência de qualquer lei que impedisse outros, em semelhantes circunstâncias, de fazerem o mesmo:

Sou inteiramente da opinião que os candidatos ausentes podem ser tidos em consideração nos comícios sacerdotais; na verdade, isso já aconteceu anteriormente. Efectivamente, Gaio Mário, mesmo estando na Capadócia, foi eleito áugure de acordo com a lei Domícia, e nenhuma lei proibiu que tal fosse permitido posteriormente.<sup>135</sup>

Depois de ter sido informado por Bruto de que este lhe iria enviar o filho para que ele se pudesse candidatar ao lugar no colégio, o pai respondeu-lhe dizendo que havia já enviado mensageiros que aconselhariam Marco a regressar para junto de Bruto. Havia tempo para se candidatar. Mais importante do que qualquer outra coisa, nesse momento, era a guerra. Para que não restassem dúvidas relativamente a este seu desejo, tinha escrito mais do que uma vez ao filho a informá-lo de que, graças ao esforço que dispendera nesse sentido, tinha conseguido que as eleições para o colégio de sacerdotes fossem adiadas até ao ano seguinte:<sup>136</sup>

133 Cf. É esta a lição de Shackleton Bailey (2002) nota 1 *ad ad Br.* 1.5.3.

134 *ad Br.* 1.5.3.

135 *Ibidem*.

136 Em Agosto, porém, Octaviano, apesar de não ter mais de vinte anos, com a ambição de ser eleito cônsul, fez designar dois particulares, com poder consular, para que se pudessem reunir os *comitia* e, desse modo, realizar as eleições consulares (cf. D.C. 46.45.3). Sobre este assunto, *vide* Beaujeu (2002) v. 11, 13, nota 3.



Eu, porém, quando me escreveste sobre o facto de o Cícero te ter deixado, imediatamente despachei correios e uma carta para ele, para que, mesmo que já tivesse chegado a Itália, regressasse para junto de ti; com efeito, nada é mais grato para mim, nada é mais honroso para ele. De resto, tinha-lhe escrito por diversas vezes que, em virtude de um grande esforço da minha parte, os comícios sacerdotais haviam sido adiados para o ano seguinte (...).<sup>137</sup>

O pai preferia que Bruto, em vez de enviar o jovem para Roma, o trouxesse consigo para Itália, integrado no seu exército. Se Bruto estivesse efectivamente empenhado em salvar a pátria, deveria rumar a Itália com urgência, já que a guerra havia recrudescido por culpa de Lépido:

Assim, peço-te com toda a urgência, meu caro Bruto, que não mandes de volta o meu Cícero, mas que o tragas contigo; e isto, se tens em consideração a República, para a qual vieste ao mundo, deves fazê-lo imediatamente; é que a guerra reacendeu-se, e uma guerra de grande amplitude, devido ao comportamento criminoso de Lépido.<sup>138</sup>

A urgência deste pedido voltou a ser evidente nas duas cartas que, no mês de Julho, ainda escreveu a Bruto.<sup>139</sup> Estes apelos, juntamente com o que dirigiu, igualmente no mês de Julho, a Cássio, constituem as últimas missivas que nos chegaram da sua correspondência. Com a formação do segundo triunvirato (António, Octaviano e Lépido), Cícero ficou entregue à fúria de António e passou a integrar as listas de proscritções.<sup>140</sup>

Apesar de ter sido proscrito juntamente com o pai, que acabou por ser assassinado, Marco conseguiu escapar às garras de António, porquanto se encontrava na Macedónia, ao serviço de M. Bruto.<sup>141</sup> Após a derrota republicana na batalha de Filipos, em Outubro de 42, na qual se bateu valentemente ao comando de uma unidade de cavalaria, Marco passou pela Ásia, onde se aliou a Cássio de Parma,<sup>142</sup> que tentava resistir

<sup>137</sup> *ad Br.* 1.14.1.

<sup>138</sup> *ad Br.* 1.14.2.

<sup>139</sup> *Cf. ad Br.* 1.15.12 e 1.18.1-2.

<sup>140</sup> Octaviano, depois de dar alguns sinais de ruptura com o Senado, acabou por entrar em acordo com Marco António e, consequentemente, por trair Cícero (*vide* Guillen (1981) v. 2, 433-450). Sobre a morte de Cícero, leia-se *e.g.* Stockton (1971) 332.

<sup>141</sup> *Cf. App., BC* 4.4.19.

<sup>142</sup> *Cf. App., BC* 5.1.2.

a Octaviano e António. Da Ásia passou pela Sicília, onde se juntou a Sexto Pompeio,<sup>143</sup> e, em 39, logo depois do tratado de Miseno,<sup>144</sup> regressou a Roma. Octaviano, lembrando-se então da colaboração que havia recebido de Cícero na luta contra António, e como forma de se desculpar por ter traído o orador, decidiu pagar ao filho a dívida de gratidão que contraíra para com o pai, –nomeando-o pontífice menor e, depois, no ano de 30, constituindo-o seu colega no consulado.<sup>145</sup> Enquanto cônsul, o Senado ordenou que fossem derrubadas as imagens representativas de Marco António, anulou todas as suas outras honras e determinou que nenhum dos *Antonii* pudesse usar o nome *Marcus*.<sup>146</sup> Após Octaviano ter anunciado a derrota de Marco António em Áccio, Marco Cícero, a fim de dar conhecimento desse facto ao povo, mandou que se afixasse a notícia nos mesmos *rostra* onde antes havia sido exibida a cabeça do malogrado pai.<sup>147</sup> Mais tarde, talvez em 28, o jovem tornou-se procônsul na Síria<sup>148</sup> e na Ásia,<sup>149</sup> sendo este o último acontecimento relativo à sua carreira de que temos notícia.<sup>150</sup>

No *De officiis*, Cícero chegou a escrever ao filho que o primeiro conselho que daria a um jovem em demanda de fama e glória seria a conquista de uma carreira militar.<sup>151</sup> Para o pai, porém, a juventude de

143 Cf. App., *BC* 4.6.51.

144 Entre Pompeio e António e Octaviano estabeleceu-se um acordo de paz, celebrado ao largo do promontório Miseno, na Campânia (cf. App., *BC* 5.8.69-75).

145 Cf. App., *BC* 4.6.51; D.C., 51.19.4.

146 Cf. Plu., *Cic.* 49.6; D.C., 51.19.3.

147 Cf. App., *BC* 4.6.51; D.C., 47.8.3.

148 Cf. App., *BC* 4.6.51.

149 Cf. Sen., *Suas.* 7.13.

150 Encontramos, todavia, em diversos autores algumas referências ao seu carácter temperamental e a hábitos de vida pouco aconselháveis que não abonam muito a seu favor. Da sua intemperança na bebida, por exemplo, temos um aceno seguro em Plínio-o-Velho, que nos diz que Marco tinha o hábito de beber dois cõgios de um só trago e de, já embriagado, atirar à cara de Marco Agripa, genro de Augusto, o conteúdo do copo (cf. *Nat.* 14.147). Por sua vez, Séneca-o-Velho conta-nos um episódio anedótico da sua falta de memória, quicá agravada pelo vício da bebida. Refere o autor que o filho de Cícero, durante o seu proconsulado na Ásia, convidou certa vez para jantar o retor Céstio. Como o conhecia apenas de ouvir falar, perguntou a um escravo, durante a refeição, o nome do desconhecido que partilhava consigo a mesa (era Céstio). O servo disse-lhe o nome, mas Marco depressa o esqueceu, perguntando-lhe o nome outras vezes. Entretanto, ou porque perdera a paciência, ou porque queria gravar definitivamente o tal nome na mente do seu senhor, disse-lhe o servo: “Este homem é Céstio, que dizia que o teu pai não conhecia as letras”. Marco, num acesso de fúria, mandou vir um chicote e açoitou violentamente o convidado (cf. *Suas.* 7.13).

151 Cf. 2.45.

Marco havia coincidido com uma guerra em que uma das facções envolvidas – o partido de César – cometera demasiados crimes, e a outra – a ala pompeiana – saíra derrotada, pelo que a glória alcançada pelo filho na luta corajosa ao lado de Pompeio caíra por terra, no momento em que havia caído também a República,<sup>152</sup> com a derrota do exército republicano em Farsalo, em Agosto de 48. Havia, porém, outro meio de alcançar a glória – a eloquência, em especial, a eloquência exibida nos tribunais<sup>153</sup> –, e Cícero teria certamente preferido que o filho enveredasse por essa via.

O estadista colocou os seus extraordinários dotes oratórios ao serviço da pátria e em prol da República, e foi com esses dotes que conseguiu desarmar e vencer muitas vezes os seus inimigos políticos.<sup>154</sup> Desejava, por isso, ardentemente, que o filho se tornasse um digno herdeiro desta sua arte.<sup>155</sup> Postulava que o empenho cívico de um mero cidadão não era menos digno de louvor do que a coragem de um soldado. Pelo contrário, àquele exigia-se mais energia e dedicação do que a este.<sup>156</sup>

Marco, todavia, renunciou ao destino para o qual o pai quis que ele nascesse. Foi-lhe proporcionado tudo aquilo que poderia desejar para se tornar um advogado famoso e um orador brilhante: um pai culto e empenhado em guiá-lo na busca do saber, excelentes e reconhecidos mestres, generosos meios financeiros, oportunidade de conhecer locais e civilizações interessantes e longínquas. Rejeitou, no entanto, a actividade forense, pela qual Cícero tanto quis que enveredasse.<sup>157</sup> Ao invés, preferiu as armas à toga e, à imagem de muitos outros jovens pertencentes à elite política romana de finais da República, enveredou pela carreira militar. Não gozou, certamente, da notoriedade e projecção social de que gozou o pai na tribuna, mas, em compensação, tomando as

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<sup>152</sup> Cf. *ibidem*.

<sup>153</sup> *Off.* 2.49.

<sup>154</sup> Cf. *Off.* 1.78.

<sup>155</sup> Cf. *ibidem*.

<sup>156</sup> Cf. *ibid.*.

<sup>157</sup> Neste aspecto, estamos de acordo com Bradley (1991) 105 *sq.*, que afirma: “In spite of his educational opportunities and preparation for public life, all set in the context of great wealth and parental commitment, Marcus ultimately was never to emulate his father’s achievements. (...) Although one might wonder about his emotional response to growing up in the shadow of the consul of 63 B.C., Marcus’s lack of distinction cannot be attributed to any lack of material advantage in early life.”

rédeas do seu próprio destino, granjeou alcançar um lugar de destaque nas fileiras do exército romano.<sup>158</sup>

A liberalidade e, ao mesmo tempo, o desvelo com que Cícero educou o filho contrastam, pois, com a ideia redutora e tantas vezes propalada de que, em Roma, o *paterfamilias* tinha poder absoluto sobre os filhos e que estes lhe deviam absoluta obediência. A este respeito, estamos pois, em total acordo com Saller, que afirma:

The key terms most commonly associated with the Roman family are *pietas* and *patria potestas*. What configuration of authority and obligation did these quintessentially Roman concepts legitimize in family relations? (...) it is a gross oversimplification to represent Roman fathers as endowed with unlimited power, obeyed by children under unlimited obligation underwritten by the duty of *pietas*. This may have been the way that the Greeks as conquered foreigners understood Roman legends, but it is not the way that the Romans themselves understood family bonds. Roman culture drew a clear distinction between the father's relationship with his children, characterized by mutual obligation and concern, and the master's exploitative power over his slaves.<sup>159</sup>

Em rigor, os filhos permaneciam sujeitos ao poder do pai (*patria potestas*) durante toda a sua vida, mesmo depois de atingida a idade adulta e de terem acedido aos mais altos cargos públicos (*apud* Pereira, 1984: 184). O relacionamento entre pai e filhos permitia, no entanto, uma certa flexibilidade não prevista pela lei – sobretudo durante a República, em que os contornos mais severos do poder absoluto do *paterfamilias* sobre os filhos se foram esbatendo – e as convenções legais acabavam muitas vezes por traduzir-se em regras abrangentes que, em contexto privado e familiar, poderiam ser harmonizadas com as circunstâncias e os interesses dos visados. No exemplo em estudo, não há dúvida de que o principal e verdadeiro educador de Marco Cícero foi o pai, mas a influência por este exercida na formação e integração na vida pública do jovem, ainda que expressiva, não impediu que este enveredasse por um caminho que não correspondia exactamente ao que o pai ambicionara

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158 Apesar de Séneca ter atribuído o mérito dos cargos políticos ocupados por Marco à fama do pai (*Ben.* 4.30). O próprio Cícero admitia que o filho tivera a sorte de herdar do pai a fama e o nome (*cf. Off.* 2.44).

159 (1994) 72 *sq.*.

para ele. O desequilíbrio de forças que, à primeira vista, poderia caracterizar a relação entre *pater* e *filiusfamilias* não era, afinal, tão acentuado; na prática, pai e filho pautavam o seu relacionamento pela noção do dever e respeito mútuos.

## Referências

- ANDRÉ, C. A. (1993), “Sementeiras de Tristeza: Cícero, precursor das lágrimas ovidianas”, *Humanitas* 45, pp. 155-192.
- BADIAN, E. (1968), *Roman Imperialism in the Late Republic*, Oxford, Blackwell.
- BALBI, V. (1907), “Cenni biografici sul figlio di M. Tullio Cicerone”, *Rivista di Storia Antica* 11, pp. 260-271.
- BAYET, J. (2002), *Cicéron. Correspondance* (vol. 5), Paris, Les Belles Lettres.
- BEAUJEU, J. (1980-1996), *Cicéron. Correspondance* (vols. 6-11), Paris, Les Belles Lettres.
- BONNER, F. S. (1977), *Education in Ancient Rome: from the elder Cato to the younger Pliny*, London, Methuen.
- BORNECQUE (1960), *Divisions de l'art oratoire; Topiques*, Paris, Les Belles Lettres.
- BRADLEY, K. R. (1991), *Discovering The Roman Family*, Oxford, Oxford University Press.
- BRUNT, P. A. (1971), *Social conflicts in the Roman Republic*, London, Chatto and Windus.
- (1988), *The Fall of the Roman Republic*, Oxford, Clarendon Press.
- CONSTANS, L.-A. (2002), *Cicéron. Correspondance* (vols. 1-3), Paris, Les Belles Lettres.
- CONSTANS, L.-A. et BAYET, J. (2002), *Cicéron. Correspondance* (vol. 4), Paris, Les Belles Lettres.
- CUGUSI, P. (1983), *Evoluzione e Forme dell'Epistolografia Latina: nella tarda repubblica e nei primi due secoli dell'impero; con cenni sull'epistolografia preciceroniana*, Roma, Herder.
- DIXON, S. (1984), “Family Finances: Tullia and Terentia”, *Antichthon* 18, pp. 78-101.
- GARDNER, J. F. (1986), *Women in Roman Law and Society*, London, Croom Helm.
- GRUEN, E. S. (1974), *Last Generation of the Roman Republic*, Berkeley, University of California Press.
- GUILLÉN, J. (1981), *Héroe de la Libertad. Vida política de M. Tulio Cicerón* (vols. 1 e 2) Salamanca, Universidad Pontificia.

- HOLMES, T. R. (1923), *The Roman Republic*, Oxford, Clarendon Press.
- HUTCHINSON, G. O. (1998), *Cicero's Correspondence. A Literary Study*, Oxford, Clarendon Press.
- LINTOTT, A. W. (1968), *Violence in Republican Rome*, Oxford, Clarendon Press.
- MITCHELL, T. N. (1979), *Cicero: The Ascending Years*, New Haven, Yale University Press.
- NIPPEL, W. (1995), *Public Order in Ancient Rome*, Cambridge, Cambridge University Press.
- NORCIO, G. (1968), "Il figlio di Cicerone", *Convivium* 36, pp. 351-355.
- OLIVEIRA, E. M. R. (2006), *As epistulae de Cícero: um olhar sobre a família*, Aveiro, Universidade de Aveiro – Departamento de Línguas e Culturas (reprodução policopiada – dissertação de doutoramento).
- PAOLI, U. H. (1999), *Rome. Its People, Life and Customs*, trad. R. D. Macnaghten, London, Bristol Classical Press.
- PARATORE, E. (1983), *História da Literatura Latina*, trad. de Manuel Losa, Lisboa, Calouste Gulbenkian.
- PATTERSON, J. R. (2000), *Political life in the city of Rome*, London, Bristol Classical Press.
- PEREIRA, M. H. R. (1984), *Estudos de História da Cultura Clássica* (II volume, Cultura Romana), Lisboa, Calouste Gulbenkian.
- PEREIRA, V. S. (2006), "Plínio e a sombra tutelar de Cícero", *Ágora. Estudos Clássicos em Debate* 8, pp. 79-103.
- PÉREZ GÓMEZ, L. (1997), "La epístola en Roma. Siglos III-I a.C.", in C. Codoñer Merino, (ed.) (1997), *Historia de la Literatura Latina*, Madrid, Ediciones Cátedra, pp. 317-330.
- RAWSON, B. M. (1986), "The Roman Family" (1986), in B. M. Rawson (ed.) (1986), *The Family in Ancient Rome: New Perspectives*, London, Croom Helm.
- SALLER, R. P. (1994), *Patriarchy, property and death in the Roman family*, Cambridge, Cambridge University Press.
- SHACKLETON BAILEY, D. R. (1965-1970) *Cicero's Letters to Atticus* (vols. 1-7), Cambridge, Cambridge University Press.
- (1977), *Cicero. Epistulae ad Familiares* (vols. 1-2), Cambridge, Cambridge University Press.
- (1999), *Cicero. Letters to Atticus* (vols. 1-4), Cambridge, Harvard University Press.
- (2001), *Cicero. Letters to Friends* (vols. 1-3), Cambridge, Harvard University Press.

- (2002), *Cicero. Letters to Quintus and Brutus. Letter Fragments. Letter to Octavian. Invectives. Handbook of Electioneering*, Cambridge, Harvard University Press.
- STOCKTON, D. (1971), *Cicero: A Political Biography*, Oxford, Oxford University Press.
- SYME, R. (1939), *The Roman Revolution*, Oxford, Oxford University Press.
- TAYLOR, L. R., and SCOTT, R. T. (1969), "Seating space in the Roman senate and the *senatores pedarii*", *Transactions of the American Philological Association* 10, 529-582.
- TREGGIARI, S. (1969), *Roman Freedmen During the Late Republic*, Oxford, Clarendon Press.
- (1991), *Roman Marriage: Iusti Coniuges From the Time of Cicero to the Time of Ulpian*, Oxford, Oxford University Press.
- WIEDEMANN, T. (1994), *Cicero and the End of the Roman Republic*, London, Bristol Classical Press.
- WUILLEUMIER, P. (1960), *Cicéron. Discours. Philippiques V-XVI*, Paris, Les Belles Lettres.





# Entre Ulisses e Ovídio: Manuel Alegre e o seu exílio sem remédio

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## Resumo

Aparentemente, na poesia de Manuel Alegre haverá, pelo menos, dois tempos: o do exílio e o que sucedeu ao regresso. Mas só aparentemente. É verdade que a sua poesia dos tempos em que viveu desterrado possui as marcas iniludíveis desse degredo: ele é, ao mesmo tempo, Ulisses, o paradigma de todos os exilados, e Ovídio, o poeta que Augusto desterrou para Tomos, nos confins do império, e que configurou os traços fundamentais da poesia de exílio. Mas não é menos verdade que o regresso do poeta Manuel Alegre foi apenas aparente. Porque ao exílio no espaço corresponde, fatalmente, um outro, o exílio no tempo; e deste não há retorno possível, porque a irreversibilidade é condão inelutável do fluxo temporal. Isso mesmo o demonstra a poesia de Manuel Alegre, depois do seu regresso a Portugal, em 1974: de volta ao seu país, que sempre buscou, parece, de facto, nunca ter chegado, verdadeiramente, a consumir esse regresso. Este trabalho pretende demonstrar como são recorrentes e iniludíveis as marcas de exílio na poesia de Manuel Alegre, seja durante o tempo em que esse exílio físico era uma realidade, seja depois de ele ter terminado. Ou, por outras palavras: pretende demonstrar que, como Ulisses ou como o Romeiro, de Garrett, o poeta Manuel Alegre, em boa verdade, continua e continuará em busca da utopia de um retorno por acontecer.

**Palavras-chave:** Exílio – Regresso – Frustração do Regresso – Nostalgia – Ulisses – Ovídio

Não estava longe, ainda, a pátria. Não o estava, pelo menos, no tempo, pois não fora há muito que sentira na carne e na alma as dores de uma partida a contragosto. O sangue nascido de uma ausência forçada era, portanto, recente, a ferida mantinha-se por cicatrizar. Como tantos outros antes dele, como Ovídio, porventura o mestre de todos eles, buscava o poeta, entre os que na desdita se lhe igualavam, um nome que lhe servisse de modelo e, quem sabe?, de desafio. Um nome grande, na vasta galeria dos arrancados à pátria, para com os dele comparar os seus males e, assim, os engrandecer. Esse nome tinha de ser – só podia ser – Ulisses, o rei de Ítaca que a guerra de Tróia levava para longe e fizera percorrer os caminhos de um prolongado e penoso degedro:

*Como Ulisses te busco e desespero  
como Ulisses confio e desconfio  
e como para o mar se vai um rio  
para ti vou. Só não me canta Homero.*<sup>1</sup>

Nesta quadra inicial do primeiro dos “Dois sonetos de amor de Ulisses”, integrados no canto V de *O canto e as armas*, com o título de “Lusíada exilado”, define Manuel Alegre, de uma assentada, o que o aproxima do herói grego e o que dele o afasta. Irremediavelmente. Inelutavelmente.

Aproxima-os o desterro, como é bom de ver, e, com ele, a procura incessante da pátria perdida, a desesperança dia a dia avolumada de não mais conhecer o momento do retorno, a força do apego às raízes, tão violenta como a corrente de um rio em direcção ao oceano, pai e mãe e destino natural de todas as águas. Aproxima-os um sentimento constante de insegurança e incerteza, a sucessão desencontrada de sentimentos contraditórios, a oscilação entre a crença e a descrença. Aproxima-os, enfim, a certeza, se não do rumo, pelo menos da vontade que o determina: “para ti vou”.

Muito mais os distingue, porventura, do que aquilo que os assemelha. “Só não me canta Homero” é, apenas, o modo mais simples de exprimir todas essas diferenças. Deixemos de lado o reconhecimento do estatuto de herói mítico, que, por interposto cantor épico, só ao senhor de Ítaca podia caber. Atenhamo-nos, tão-só, a esta simples distinção: Ulisses foi cantado por outrem; Alegre será cantado por si mesmo.

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1 *O canto e as armas*, 1967. *Obra poética*, Lisboa, Dom Quixote, 2000, 208. Salvo indicação em contrário, todas as citações serão feitas a partir desta edição.

Aqui assenta, afinal de contas, a fronteira entre os dois modos fundamentais como se apresenta a nossos olhos a poesia de exílio: o modo odisseico e o modo ovidiano<sup>2</sup>. No primeiro, o desterrado é objecto de um canto alheio, por via de regra uma narrativa de terceira pessoa. No segundo, converte-se em objecto do seu próprio canto, como que condenado à autoflagelação que constitui a contemplação da sua própria dor.

Assim Manuel Alegre se assume, talvez inconscientemente, como um novo Ovídio português (outros muitos houve, antes dele, desde Camões), muito embora não evoque, em um só verso de toda a sua obra, o poeta romano que na desdita o antecedeu. Não será, talvez, por acaso que esse esquecimento, deliberado ou não, acontece: é que Ovídio jamais regressou a Roma, a cidade de onde fora expatriado, e acabou por morrer no exílio em Tomos, faz agora, justamente, dois mil anos. Assumir a máscara poética ovidiana poderia significar, implicitamente, a perda da esperança no regresso; e isso o poeta jamais seria capaz de aceitá-lo.

Porque a verdade é que, mais do que de consciência de exílio, é de determinação firme e inabalável de retorno que se tece a poesia de Manuel Alegre. Desde que partiu. E, também, paradoxalmente, depois que regressou.

O que vale por dizer que, nesta simples quadra, Manuel Alegre traçou, acaso sem o saber, os trilhos de dois dos seus mais frequentes paradoxos: a fusão dos dois modos de cantar o exílio, o modo ovidiano e o modo odisseico, e a identificação (como quem mantém acesa a esperança de regresso) com o herói que, em boa verdade, jamais regressou – Ulisses. Mas disso só muito mais tarde terá consciência.

Olhemos o primeiro desses paradoxos: o poeta assume como modelo Ulisses, mas para celebrar o seu próprio degredo, como Ovídio. Esta é uma atitude inequivocamente ovidiana. Um dos mais frequentes *topoi* do exilado de Tomos, de facto, é a comparação com o herói da *Odisseia*, com o objectivo de engrandecer a dimensão da sua própria desgraça:

Tr. 1.5.65-66:

Ille suam laetus patriam uictorque petebat;  
a patria fugi uictus et exul ego.

2 Distinção estabelecida por C. GUILLÉN, “On the literature of exile and counter-exile”: *Books Abroad* 50.2 (1976) 271-280.

«Ele, pleno de contentamento e coroado de vitória, era a pátria  
que buscava:  
da pátria parti eu, com a humilhação da derrota e do exílio.»<sup>3</sup>

Nesse, como em outros aspectos, Alegre segue insistentemente (sem nunca o assumir, insista-se) o cantor dos *Tristia* e das *Epistulae ex Ponto*. Uma das características essenciais da sua obra poética tem a ver com essa evocação permanente das raízes, esse apego obsessivo à pátria ausente, essa persistente evocação de Portugal, como se, dessa forma, jamais dele se tivera apartado.

*Aquela clara madrugada que  
viu lágrimas correrem no teu rosto  
e alegre se fez triste como se  
chovesse de repente em pleno Agosto.*

*Ela só viu meus dedos nos teus dedos  
meu nome no teu nome. E demorados  
viu nossos olhos juntos nos segredos  
que em silêncio dissemos separados.*

*A clara madrugada em que parti.  
Só ela viu teu rosto olhando a estrada  
por onde um automóvel se afastava.*

*E viu que a pátria estava toda em ti.  
E ouviu dizer-me adeus: essa palavra  
que fez tão triste a clara madrugada.*<sup>4</sup>

É duplo, porém, o exílio de todos os expatriados. Duplo, por ser, à uma, do espaço onde deixaram raízes e do tempo em que partiram. Vivem da memória. E o que lhes habita a lembrança não é o espaço de hoje, em que acontece a evocação, mas o espaço/tempo do passado, aquele em que partiram. A “topofilia”, de que falam alguns estudiosos do comportamento humano<sup>5</sup>, envolve, em simultâneo, o apego a um espaço

3 O paralelo com Ulisses é longo (vv.57-84). Vd. ainda Tr. 3.11.61-62. A comparação pormenorizada das realidades envolventes de cada um dos exilados é feita em Pont. 4.10.9-38.

4 “E alegre se fez triste”: *O canto e as armas*, 1967. *Obra poética*, 193-194.

5 Yi-Fu TUAN, *Topofilia: um estudo da percepção, atitudes e valores do meio ambiente*, São Paulo – Rio de Janeiro, Difel, 1980; vd., do mesmo autor, “Geopietty: a theme in Man’s attachment to nature

e um tempo indissoluvelmente ligados. Na memória dorida, de facto, ambas as realidades se confundem, como se não fora possível separá-las. Até que, por fim, mais pesa a segunda, o tempo, que a primeira.

Dessa atitude é fértil em exemplos Ovídio, que se não cansa de olhar Roma, os seus pórticos, as suas fontes, os seus templos, no modo como os conheceu, sempre apegado ao dia da partida, como se, dessa forma, fosse alimentando o desejo (impossível) de não a concretizar.

Assim age, também, Manuel Alegre. O país que sistematicamente evoca tem as tonalidades da infância e da juventude; mais do que a evocação de Portugal distante, o seu canto de poeta exilado é uma tentativa, frustrada, é certo, de regresso aos lugares e tempo da infância e juventude, dos dias de outrora, dos rostos de outrora.

Porque a lembrança, em Alegre, como em Ovídio, é, em si mesma, não um objectivo, mas um instrumento: o instrumento do regresso.

Em Paris, nas margens do Sena, como que parado no tempo ou com horror ao fluxo temporal, iam os olhos com as águas:

*E havia uma rua. Havia uma casa.  
Havia um cesto de cerejas sobre a mesa.  
Havia um puro cheiro a pão. Uma varanda  
e roupa branca a secar.  
Havia uma pátria.  
E havia tecedeiras subterrâneas  
tecendo em Coimbra a primavera.  
Havia o António e uma guitarra incendiada nos seus dedos.  
E a minha irmã morava nesse ritmo.  
A minha mãe bordava...<sup>6</sup>*

Porque a verdade, é o próprio poeta quem o afirma, é que só lhe é possível cantar “a raiz do espaço na raiz do tempo” (169) ou, como se fora o mesmo, “a raiz do tempo na raiz do espaço” (*O canto e as armas – Obra poética*, 197, em dois poemas consecutivos). Verso insistentemente repetido, como um refrão, como uma obsessão de que não consegue libertar-se, na angustiada consciência de que um e outro se fundem na evocação da lembrança que é, ao mesmo tempo, semente de frustra-

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and place”: D. LOWENTHAL and M. J. BOWDEN, *Geographies of the mind: essays in historical geosophy in honor of John Kirtland Wright*, New York, Oxford University Press, 1976, 11-39.

6 *O canto e as armas. Obra poética*, 204.

ção. Por isso o repete, canto a canto, em *O canto e as armas*. Assim abre o canto VI, de novo: “canto a raiz do tempo na raiz do espaço” (*Obra poética*, 214). Desejaria voltar “de novo ao tempo da inocência” (214) e, no “país da brisa”, cantar:

*Rio Águeda que vais  
banhando a verde fragrância  
das margens do Nunca Mais  
onde fica a minha infância.*<sup>7</sup>

Quando do país lhe chegam cartas, vozes, silêncio, trazem-lhe nomes que lhe povoam a memória de infância. Trazem-lhe vinho e broa. Trazem-lhe “palavras de há vinte anos”, trazem-lhe “notícias de mim mesmo de há vinte anos”. Trazem-lhe “a Maria do Brás que ficou sempre menina / dentro de mim em Águeda há vinte anos”<sup>8</sup>.

Mas em vão. Ele o sente, como se de uma condenação se tratasse:

*E o mal é este:  
procuras pelo mundo o Portugal  
que em Portugal perdeste.*<sup>9</sup>

Ou, no *Lusíada* exilado:

*Eu que fundei Lisboa e ando a perdê-la em cada  
viagem. (Pátria-Penélope bordando à espera.)  
Eu que já fui Ulisses. (Ai do Lusíada:  
roubaram-lhe Lisboa e a primavera.)*<sup>10</sup>

Porque o seu objectivo último, como o de todos os deserdados de uma pátria ausente, é o regresso. O regresso ao espaço, sim, mas também, porventura sem que disso se aperceba, o regresso ao tempo. Esse é o anseio último que subjaz, sem dúvida a *Um barco para Ítaca*, a peça de teatro escrita dois anos antes da Revolução, em 1972. A nau que ali evoca, desde o título, será o barco que há-de trazê-lo de volta, dois anos

7 *O canto e as armas* – *Obra poética*, 215.

8 *O canto e as armas* – *Obra poética*, 220-222.

9 *O canto e as armas*, 1967. *Obra poética*, 206.

10 *O canto e as armas*, 1967. *Obra poética*, 211.

mais tarde, sem que o saiba ainda. Haverá regresso, seja como for; está certo disso:

*Vai tu ó brisa: com tuas asas voando sobre o mar  
vai tu anunciar o meu regresso  
vai dizer que onde havia um acabar  
de novo é tempo de começo.*

*[....]  
Vai dizer que por sua Penélope e por seu povo  
Ulisses voltará.<sup>11</sup>*

Palavras premonitórias, sem dúvida, que o futuro próximo tornará realidade. Por isso vive eufórico esse dia do regresso: “Não perguntem por mim: eu estou aqui.” E, logo depois: “Não perguntem se volto: eu já voltei”. (*Coisa amar*, 1976: *Obra poética*, 344).

Esse é, portanto, o tempo do conforto, o tempo do contentamento, o tempo em que, finalmente, pode proclamar, sem ambiguidades ou incertezas:

*Este foi o mês em que cantei  
dentro de minha casa  
debaixo  
das oliveiras.<sup>12</sup>*

O ciclo, aparentemente, cumpriu-se. O retorno consumou-se. O poeta regressou, enfim, ao ponto de partida.

Regressou?

A verdade é que cedo o júbilo cedeu lugar ao desencanto. Citemos, a este respeito, o filósofo francês Vladimir Jankélévitch que, com rara argúcia, determinou ser a irreversibilidade a marca fatal da nostalgia<sup>13</sup>. Dele adapto a fábula:

Parte um passageiro, um dia, da *Gare du Nord*. Parte no comboio das dez, com Lille por destino, em viagem de ida e volta. Embarca nos cais número 9, onde o acompanharam dois amigos, de quem ali se des-

11 *Um barco para Ítaca – Obra poética*, 263.

12 *Ibidem*, 351.

13 V. JANKÉLEVITCH, *L'irréversible de la nostalgie*, Paris, Flammarion, 1974.

pede, no momento do embarque. Tem o comboio em que segue viagem o número 36, sentar-se-á no lugar 234, da carruagem 23. Finda a jornada, retorna a Paris, no mesmo dia, no mesmo comboio, na mesma carruagem, no mesmo lugar: comboio 36, carruagem 23, lugar 234. Na *Gare du Nord*, no cais número 9, esperam-no os mesmos dois amigos, no mesmo sítio exacto, como se dali não tivessem chegado a apartar-se. São dez da noite. Doze horas se passaram, entre a viagem de ida e a da volta. O regresso consumou-se. Mas não por inteiro. Entre o momento da partida e o momento da chegada decorreram doze horas. Só no espaço, portanto, a ida e volta se cumpriu. Porque há uma diferença fundamental, insuperável: aquelas intransponíveis doze horas. Elas tornam impossível o retorno. Por outras palavras: no espaço, a viagem de regresso anula a de ida, mas, no tempo, as doze horas entretanto transcorridas acrescentam-se ao momento em que partiu. Este é o sentido último, fatal, da nostalgia.<sup>14</sup>

Por isso, cedo o poeta se dá conta de que não regressou ao país que incessantemente buscava durante os anos de ausência. Por isso, o desencanto e a frustração sobrevêm depois das primeiras horas de euforia.

Os exemplos vão-se acumulando, à medida que a obra poética de Manuel Alegre vai evoluindo.

O poeta sabe que a distância (não no espaço, mas no tempo) lhe foi fatídica; no longe se perdeu, assume, logo em *Coisa amar*, ainda em tempo de festejos (*Obra poética*, 346).

No “Primeiro soneto do português errante” (*Atlântico*, 1981, *Obra poética*, 378), confessa ser “o solitário o estrangeirado”, garante que é “o ausente mesmo se presente” ou, logo depois, “o que ficando fica de passagem”. E por isso se reconhece como Ulisses, não na Ítaca a que voltou (se voltou), mas o que em Tróia combateu; está em casa, mas diz-se “perdido como o grego em outra *Ilíada*”.

E, no “Segundo soneto do português errante” (*Ibidem*, 379), interroga-se, angustiado, sobre quem lhe “roubou tempo e lugar”, depois de assumir, sem equívocos, que foi “quem partiu e não voltou”, ou “o que ficou aquém do quando / pelo tempo em pedaços repartido”.

Dói-lhe, por isso, a evidência: “difícil é o verbo regressar”.

Esta é uma quase angústia que se vai adensando à medida que evoluem os sucessivos “sonetos do português errante”. O terceiro, por

14 *Ibidem*, 371, 373 e 375.



exemplo, persiste na afirmação da ausência, simbolicamente veiculada através da nau S. Gabriel, aquela que se fez ao mar rumo à descoberta, mas que jamais regressou da viagem empreendida; a repetição insistente da mesma ideia é disso a imagem: “trago em mim uma nau que nunca chega”; “trago em mim uma nau que nunca pára”; trago em mim uma nau que não sossega” (*Ibidem*, 388).

Logo depois, por isso, não é já Ulisses, aquele que voltou (se é que voltou, como adiante se verá), mas o Romeiro de Garrett, o que retornou sem identidade, o que voltou como se não voltasse, o que regressou efígie de si mesmo (*Ibidem*, 390).

*Coisa amar*, de resto, é a primeira grande manifestação do desencanto, o momento poético em que o poeta se dá conta daquilo a que Jankélévitch chama a irreversibilidade da nostalgia. Um novo “Soneto do Português Errante”, o quinto, reconhece: “o que ficou de mim é uma aventura / que não tem espaço no país do pouco” (*Ibidem*, 391); e, no sétimo soneto, confronta-se, angustiado, com uma nova realidade, a da rejeição, por parte de um país “a quem dei tudo e me rejeita” (*Ibidem*, 394-395).

Corre-lhe, por isso, a memória para os tempos de ausência: Lausana, Genebra, Berlim, os comboios da Europa, o tempo de solidão e apartamento, o Báltico, viagens, peregrinações, errâncias; é uma nova nostalgia a que vive, tocado do paradoxo de quem ainda se não encontrou na terra da procura. Porque, afinal de contas, “o meu próprio país é meu exílio” (“Oitavo soneto do Português Errante”, *Atlântico – Obra poética*, 398).

Mesmo assim, persiste, a espaços, em manter viva a esperança de regresso, como se ele não houvera ainda acontecido. É, ainda, em *Atlântico*, o livro, parece, de todas as contradições:

*Um dia como Ulisses voltarei  
em cada homem há um lugar e um momento  
uma tarde uma plenitude um êxtase  
um dia. Como Ulisses.*<sup>15</sup>

Não se dissipam, porém, as dúvidas nem a frustração que delas parecem emergir. *Babilónia*, de 1983, é disso um espelho evidente. O

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15 *Atlântico – Obra poética*, 426.

seu modelo, agora, é Che Guevara, cujo sucesso teme não ser capaz de igualar:

*Nunca mais entraremos  
com o Che  
em Havana.*<sup>16</sup>

Aqui se intensifica a angústia, filha da incerteza que o domina; porque a verdade é que não sabe já se chegará a tempo: “não sei se chegarás antes da noite” (*Ibidem*, 468), com tudo quanto de simbólico a palavra noite pode encerrar em quem tantas vezes a celebrou como espaço e tempo de amargura e de tristeza.

Babilónia, a cidade que tem tanto de histórico quanto de mítico, a cidade que dá o nome ao livro, é, no plano simbólico, a terra da confusão, o mesmo é dizer, o país de todos os expatriados. Incapaz de comunicar, sente-se, ali, o homem-poeta no reino exacto da solidão, um espaço que é uma espécie de ermo povoado de gente, entregue a si mesmo e ao seu canto e à sua memória. Todos lhe trazem o passado, tecido de partidas e viagens, mas sem rumo nem lembrança que possam servir-lhe de arrimo:

*Recordas a partida e a viagem  
e a tua alma está sentada numa estação qualquer  
perplexa  
como se tivesse perdido a memória e o lugar.*<sup>17</sup>

Sentado “à espera de um sentido”, procura em volta e em volta se procura; e mais não encontra do que “a sombra de um menino azul / na cadeira da infância”; visão que de angústia lhe semeia o horizonte da sua contemplação e o leva, melancolicamente, a concluir que “esta cadeira onde te sentas / não é sequer o teu sítio” (*Ibidem*, 473). Nessa revisitação impossível do passado impossível, sobra-lhe, tão-somente, o canto, que o mais é território de ausência: “o que fica de ti é a tua ausência” (*Ibidem*, 474).

Resta-lhe, pois, como ao poeta romano que o antecedeu na desventura, o canto: o único caminho de regresso que a Ovídio era consentido.

16 *Babilónia* – *Obra poética*, 467.

17 *Babilónia* – *Obra poética*, 472.

E, no entanto, ao contrário de Ovídio, regressou. E, no entanto, reencontrou a pátria que tanto buscara. E, no entanto, retomou a cadeira de outrora, o lugar de outrora. E, no entanto, verificou que nada mudou desde o dia da partida. Nada, excepto uma coisa simples; e essa lhe dita a dolorida conclusão:

*E agora o que é que resta? Agora  
que está tudo como dantes e nós a mais?*<sup>18</sup>

A repetição, como se de um refrão se tratara, deste “e nós a mais” é marca, em si mesma, da nostalgia, assumida como condição irreversível de quem um dia partiu para um exílio sem retorno. Sobra-lhe a saudade, sobra-lhe a nostalgia, como um ferrete que jamais se lhe apagará da pele: “nostálgicos da própria nostalgia” (*Ibidem*, 477).

Sentado à mesa do poema, é assim mesmo que se retrata: não como quem repousa, tranquilo, de longa jornada e viagens sem fim, não como quem se reconforta no sossego do ambicionado tempo de parança, mas como quem prossegue o seu destino intermínio de andarilho, um “ausente quando presente”, aquele que mantém “um certo jeito de quem / está sempre a partir”, o que prossegue as navegações um dia encetadas, o que vive “no avesso da hora”:

*E não se tem a certeza  
se está do lado de cá*

*ou se está do outro lado  
deste lado onde não está.*<sup>19</sup>

À semelhança de Camões, que celebrou, num dos seus mais belos e acabados textos, o exílio do povo hebreu em Babilónia, também Alegre se detém, anos depois do retorno, a compor uma série de poemas a partir das redondilhas “Sôbolos rios”, a paráfrase do salmo 137, *Super flumina*.

*Caravelas te levaram  
caravelas te perderam*

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18 *Ibidem*, 476.

19 *Ibidem*, 486-488.

*esta é a cidade onde chegas  
nas manhãs de tua ausência  
tão perto de mim tão longe  
tão fora de seres presente.*<sup>20</sup>

É que, de regresso a casa, o que sente não é a pátria, mas, como os hebreus no desterro, o que o faz cantar é a ausência:

*Esta é a cidade onde estás  
como quem não volta mais  
[....]  
em cada dia regressas  
em cada dia te vais  
[....]  
Esta é a cidade onde estás  
como quem nunca mais vem.*<sup>21</sup>

*Chegar aqui*, de 1984, parece ser, uma vez mais, a afirmação da pertença à pátria, o reconhecimento, enfim, do retorno. Poderia ser a festa do reencontro; mas é uma não festa ou, se se preferir, uma festa não acontecida. “Regresso a Ítaca”, um dos seus poemas emblemáticos, é isso mesmo que aparenta afiançar, nas suas contradições e nos seus paradoxos. É, como o próprio título sugere, o regresso a casa, aquela que identifica pelos cheiros, pelas flores, pelo quintal, pelos odores de outrora, pela música e pelo silêncio, pelas vozes, as que se ouvem e as que povoam paredes e móveis:

*Mas eis que chegas e algo está mudado  
É certo que na vila os velhos te reconheceram  
Como a Ulisses o fiel porqueiro*

*Porém na casa algo está diferente  
O teu próprio retrato te parece um outro  
E mais do que nunca sentes-te estrangeiro*

*Por isso o teu exílio é sem remédio.*<sup>22</sup>

<sup>20</sup> *Ibidem*, 481.

<sup>21</sup> *Ibidem*, 492.

<sup>22</sup> *Chegar aqui* – *Obra poética*, 535-536.

Fatal e fatídica conclusão, convenhamos. É aqui, por isso, que tem a percepção aguda da irreversibilidade do tempo, como se cada instante carregasse consigo um “ciclone invisível”, porque é assim mesmo o “fluir do tempo”:

*Não é possível parar o turbilhão  
Há um ciclone invisível em cada instante  
Os pássaros voam sobre a própria despedida  
As folhas vão-se e nós  
Também.*<sup>23</sup>

Continuará, portanto, um poeta do degredo, por muito que o espaço que o envolve pretenda assegurar-lhe o contrário. Exilar-se-á, como fez, desde o dia da partida, no canto; sem remédio nem remissão: “Por isso o meu cantar é outro exílio” (*Sonetos do obscuro quê – Obra poética*, 651).

E prossegue o seu regresso ao passado, persistente e obsessivamente. É a busca incessante da infância, da adolescência, da juventude, a tentativa (vã) da fusão impossível do lugar, ou antes, dos lugares e do tempo. *Coimbra nunca vista*, de 1995, representa isso mesmo: um esforço mais para recuperar esse passado, a que se lhe torna cada vez mais difícil voltar. É uma das poucas obras onde os poemas surgem, todos eles, dominados pelo imperfeito do indicativo, escolha reveladora dessa vontade inquebrantável de a situar no passado. O passado a que pertencem os nomes e rostos que lhe povoam esses versos, como Bentes, Quintela, Assis Pacheco, mas também espaços, ruas, paredes, casas e tantos, tantos mais elementos de que se lhe compõe a memória que só aí existe – no espaço ilusório de si mesma, esse que insistentemente revisita, ainda que nele mais não encontre que fugazes sombras, fogos-fátuos, simulacros de uma realidade que jamais saberá retomar, ou, por outra, à qual jamais saberá tornar, por lhe faltarem os caminhos e os rumos.

Volta-se, então, para outros destinos, outros lugares, outras paragens; ensaia no Alentejo um esboço de nova procura, posto que espelhe, logo no título, uma certa frustração desse acto mesmo de buscar: *Alentejo e ninguém*, de 1996, traz-nos, assim, uma emblemática “Canção da errância”, como quem espelha, sempre, um vaguear que parece não conhecer termo nem destino:

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23 *Ibidem*, 544.

*Eu sou o irregular o vagabundo o erradio  
eu sou da errância e da distância e da errática  
e proibida margem de outro rio.*

[....]

*A minha terra é sempre em terra estranha...*<sup>24</sup>

E, do alto das colinas de Monsaraz, de onde se avistam todas as planuras, de onde pode vislumbrar, terra adentro, Espanha, símbolo de todas as fronteiras, sente-se a proclamar o irremediável:

*E o meu país é esse além  
Entre o vento e a seara  
Na terra de ninguém.*<sup>25</sup>

À medida que os anos vieram decorrendo, desde o dia da chegada a Portugal, em 1974 (quem sabe se desde antes, quem sabe se desde sempre), a progressiva consciência da realidade torna-se-lhe cada vez mais amarga. Indicia-o, desde logo, a sucessão dos títulos: *Um barco para Ítaca*, em 1971, *Nova do achamento*, em 1979, *Atlântico*, em 1981 (não esqueçamos que foi Mediterrâneo o seu mar de exílio), *Babilónia*, em 1983, *Chegar aqui*, em 1984, *Coimbra nunca vista*, em 1995.

E, já mais recentemente, *Rafael*, obra de ficção, mas indubitavelmente de pendor autobiográfico, poderá ser ou o reconhecimento da impossibilidade do retorno, ou, talvez com mais propriedade, a tentativa de recomeçar, uma vez mais, o caminho do regresso, esse que, nas vésperas de Abril de 1974, antecipava, sem que ele então o soubesse ainda, os passos que à terra pátria o haviam de reconduzir.

Mas *Rafael* toma por título, e não, decerto, por acaso, o nome do marinheiro português protagonista da *Utopia*. Rafael revive, em simultâneo, os anos de ausência, os passos do exílio e os dias que precedem, de muito perto, os acontecimentos do 25 de Abril de 1974 que haviam de criar as condições para que se cumprisse o desejo desde sempre alimentado. Mas *Rafael*, ao contrário do que seria, eventualmente, de esperar, não tem por desenlace o tão ambicionado retorno. Como se esse, de facto, nunca tivesse acontecido.

<sup>24</sup> *Alentejo e ninguém* – Obra poética, 743.

<sup>25</sup> *Ibidem*, 747.

Datado de 2004, vinte anos depois de Abril, *Rafael* poderá ser o reconhecimento implícito de que o regresso largos anos buscado e ambicionado durante o tempo de degredo, está, ainda, por acontecer. E, porventura, nunca acontecerá, por mais que se repitam os passos que a ele conduzem.

Quem o afirma, afinal, é ele próprio, em poema de 1998, onde toma por título a mesma personagem que fará protagonista da novela a publicar seis anos mais tarde: “Rafael: marinheiro de utopia” (*Obra poética*, 843).

Rafael é quem toma por companheiro em viagem à terra de ninguém:

*Com Rafael irei a Nusquama*  
*[....]*  
*com Rafael irei à que se chama*  
*Nusquama: Utopia: Em Parte Alguma.*

Porque a viagem de Rafael tem por rumo uma espécie de sonho impossível, toma por destino a terra que só na miragem do seu desejo existe; essa é a viagem “difícil”, sinónimo aparente de impossível.

A ilha desse português marinheiro (cuja identidade assumirá no romance de 2004) é “a ilha onde só está quem lá não está”; será uma ilha que pode existir no “algures em qualquer mar ao fim da viagem”; sim, é verdade; mas porque a viagem parece não ter fim, a ilha será sempre a ilha indescoberta, ou seja, “Nusquama: Utopia: A Que Não Há”. Com Rafael há-de partir, portanto, rumo a um lugar, uma ideia, um espaço sem contornos mais do que os que o desejo lhe traça:

*De todos uma só ou só nenhuma*  
*lá onde talvez todos e ninguém.*  
*Nusquama: Utopia: Em Parte Alguma.*

E por ser essa a terra que buscou, vão terá sido o sucesso de sua procura. Como o de Ulisses, afinal.

Voltemos, pois, ao herói homérico, modelo, desde sempre, do poeta. Ulisses é, afinal, o que jamais chegou a regressar à terra pátria. A *Odisseia* narra a viagem de retorno do guerreiro a Ítaca; mas não, porventura, à sua Ítaca, aquela que buscava, aquela que na memória conservava,

desde o dia da partida. De volta à ilha, poucos o reconheceram. Nem Penélope, semente e objectivo do seu peregrinar, nem a sua Penélope o reconheceu. Penélope que, não o esqueçamos, é em Manuel Alegre, desde a obra primeira do exílio, a metáfora da Pátria. Ora, para Ulisses, chegado à ilha, o reencontro com Penélope é mais um encontro que um reencontro. Já em *Atlântico*, em 1981, ele olhara Ulisses como aquele que, de volta a casa, era como se tivesse desembarcado em outro lugar. O marinheiro que chegava era um estranho em estranho lugar:

*E de repente os cães viram Ulisses  
e correram assanhados para ele.*<sup>26</sup>

De regresso a casa, o herói grego perdera, no seu peregrinar, nos anos de ausência, no tempo de afastamento, não apenas a pátria, mas a própria identidade. Ele o antevira, simbolicamente, quando, à pergunta do Polifemo sobre a sua identidade, respondera ser “Ninguém”. Como o Romeiro do *Frei Luís de Sousa*, que Manuel Alegre, não por acaso, evoca num outro dos poemas de *Atlântico*. Ser Ninguém pode ser, afinal, a sua sina, o seu destino. Porque Ninguém, afinal, é aquele que, se não possui identidade, não possui, igualmente, um lugar a que possa chamar país.

Essa é a confissão do poeta, uma vez mais, em *Senhora das tempestades*, de 1998:

*Não há senão esse buscar. Esse incessante  
navegar pelo sonho essa viagem  
de Ulisses sem regresso. Como alma errante  
não mais que um viajante de passagem.*<sup>27</sup>

E, a concluir, não sem uma sombra de melancolia:

*Eu pescador Ulisses alma errante  
Navegador da noite procuro nem sei bem  
Uma luz um robalo um breve instante.  
O coração do mundo. Ou de ninguém. Ou quem.*<sup>28</sup>

<sup>26</sup> *Atlântico* – Obra poética, 430.

<sup>27</sup> *Senhora das tempestades* – Obra poética, 894.

<sup>28</sup> *Ibidem*.



Essa é, em suma, a busca do poeta. Uma busca que teve o seu início no dia da partida, talvez, mesmo, antes, uma busca que percorreu os trilhos da guerra, que sentiu soar a metralha em Nambuangongo, que viajou por Paris, por essas capitais da Europa, que combateu em Argel. Essa é a busca de quem, anos volvidos, ao regressar, sente na alma a impossibilidade desse regresso. Essa será, porventura, a busca do poeta exilado, aquele que, consciente do tempo e da sua marcha de sentido único, sabe, de um saber profundo, com um amargo travo de lancinante lucidez, que há um ponto a que jamais poderá voltar. Porque esse ponto se não circunscreve a um espaço, antes junta, numa espécie de vértice inacessível, as duplas coordenadas de espaço e tempo. Aquelas que são, por definição, inatingíveis.

Esse é, afinal, o condão da sua sempre buscada Utopia.



**VÁRIA**



# Emotions, Art and Immorality\*

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## Resumo

Este texto aborda algumas das formas através das quais as obras de arte suscitam no espectador uma empatia, ou mesmo uma simpatia, por situações e personagens que seriam normalmente sentidos como moralmente repulsivos. Introduzindo a noção de “emoção assimétrica” e re-equacionando as condições de separação entre o ficcional e o real, é proposta uma explicação para o facto de a reacção emocional a estados de coisas que sabemos serem imaginados se encontrar muitas vezes próxima da reacção que reservamos às manifestações da virtude ou do vício.

**Palavras-chave:** estética, emoções, teoria da narrativa, imaginação ficcional.

## Introduction

At one level it is easy to see why art works deal with morally bad characters and situations from Shakespeare's *Richard III* to Irvine Welsh's *Trainspotting*. We are naturally interested in why people are bad, come to be so or come to do bad things. What looks more puzzling is how and why works get us to empathize, sympathize, and even admire bad

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people or react to morally problematic situations as we would or ought not to ordinarily. Consider how you might likely react to the following newspaper headlines:

Wife-killing paedophile kidnaps young step-daughter  
 Suburban homeowner is psychopathic mafia boss  
 Trendy Shoreditch moron sleeps with 13-year-old model  
 Beethoven lover rapes wife of respected author  
 Adulteress arranges husband's murder and betrays lover  
 Bully Manager made staff's lives hell

In real life if we read about the events as encapsulated in such headlines or witnessed them our moral shock and horror would likely preclude sympathy for or empathy with the perpetrators involved. Yet given that the mock headlines above refer to Humbert Humbert from *Lolita*, Tony in *The Sopranos*, Nathan Barley in *Nathan Barley*, Alex in *A Clockwork Orange*, Cora in *The Postman Always Rings Twice*, and David Brent (UK) or Michael Scott (US) from *The Office* respectively, we know that this is not the case with respect to many art works. Indeed it is a mark of the success of such works as art that they do get us to sympathize with Humbert Humbert, empathize with Alex's thrill of violence, laugh at Nathan's apparently exploitative underage sex, or be indignant with Tony Soprano at someone grassing the family up to the Feds.

In contrast with newspaper headlines, art works are complex artefacts intentionally designed to prescribe and promote sophisticated imaginings that draw on our emotional responses and the ways in which they interact at various levels. In *Lolita* Nabokov purposefully cultivates empathy with Humbert at his wife's crass vulgarity to underwrite the reader's sympathy for Humbert and contempt for Charlotte. The novel's capacity to do this rests in part on the fact that Humbert's retrospective telling of the story is constrained by his refusal or inability (except right at the very end) to take up the viewpoint of anyone else. All we have is Humbert's attempt to persuade the reader of what he retrospectively takes himself to have been convinced of at the time. If Nabokov had used an omniscient narrator allowing for a perspective detached from Humbert's own, then not only would our imaginings be rather different (we might then know what *Lolita* thought and was actually like) but so

too would our emotional responses. We might then have been repulsed by rather than sympathetic for Humbert in the first half of the novel. The language and literary techniques used shape and structure our emotional responses in ways that facilitate our ability to feel and respond emotionally as we ordinarily would or perhaps ought not to.

### **Emotional Asymmetries**

Nonetheless, even if we strip away the complex interactions between a work's features and the emotional journey we undergo in responding to them it is worth noting that the asymmetries involved can occur at two distinct levels.

### **Symmetric Emotions, Asymmetric Valences**

We may feel the same type of emotion in response to the same kind of events both ordinarily and as represented in art works and yet enjoy the emotion in one case and not in the other. The feelings of fear, moral repugnance, or horror found to be distinctly unpleasant in ordinary situations may be found to be exhilarating when solicited in response to similar types of events in art works. If we witnessed an unprovoked attack in a bar the feelings of fear, horror, and anticipation may be experienced as deeply unpleasant and traumatic. Yet when watching *The Sopranos* we may nonetheless enjoy being horrified at Tony Soprano's deliberately explosive and unprovoked attack on his driver. This is a common phenomenon. We often enjoy feeling emotions in responding to art that we would ordinarily be distressed to feel due to the morally relevant features of the situation or characters.

### **Asymmetric Emotions**

In engaging with art works we often allow ourselves to have emotions to the same kind of events that stand in contrast to the types of emotions we would ordinarily have. The very things we might ordinarily respond to as fearful, horrific, or repugnant in real life may be ones we respond to with amusement, hope, or joy when engaging with art works. In watch-

ing *Arsenic and Old Lace* we are amused by rather than straightforwardly appalled at the spinster aunts who have the 'bad habit' of poisoning lonely old men. When reading David Foster Wallace's *Brief Interviews with Hideous Men* we may find hilarious the dispassionate dissection of the ludicrous narcissism of the clinically depressed. Yet ordinarily we might not or would not be able to allow ourselves to respond thus to the events represented. The serial murders of old men or clinical depression are after all, at least ordinarily, no laughing matter.

We're normally motivated to avoid empathizing with evil or bad people and tend to judge them morally in real life. How is it that we respond emotionally or enjoy certain emotions when engaging with art works in ways we ordinarily would or should not due to morally relevant features. What is valuable about doing so?

In what follows it will be argued that the asymmetries involved cannot all straightforwardly be attributed to a neat distinction between fact and fiction. Furthermore the narrative artistry that is often concerned with soliciting empathy and sympathy can facilitate the suspension of moral judgement, norms, and values. Works often solicit the suspension of particular moral assumptions in order to imaginatively explore different ways of seeing, feeling, responding to, and valuing the world. We do so for the values realized in and through such imaginings. Finally, it is suggested that the complex inter-relations between the evaluation of our emotional responses to what we imagine, our own character, and the moral character of works of art is more complex than is commonly assumed, and future directions for research are suggested.

## **Fiction, Non-Fiction, and Narrative Art**

### **Fiction vs. Reality**

One obvious thought is that what makes the difference falls neatly out of the distinction between fiction and reality. Insofar as we take something to be fictional we are thereby free to indulge emotions in ways we would not if we took them to be true (no-one gets hurt and no real person is the formal object of our responses). If we see a student deliberately knock down her professor in a hit-and-run then we are both motivated to respond and act in various ways (assuming moral decency). We may be horrified, angry, worried for the victim, rush to help them, and



so on. Yet if we are reading or watching a fiction then we are not only freed from the constraints of action but we are free to respond in ways we ordinarily would not depending upon the literary or artistic treatment of the events as represented. A serious work might characterize the event from the student's point of view and empathizing with her motives of revenge we may allow ourselves to feel glad at the success of her malicious intent. Apprehending the work as a fiction enables us to enter into the glee which the student feels as she pulls away as we would not for moral reasons were we to read about the event as, say, a newspaper report. Alternatively a comic treatment might render the whole thing farcical. The ludicrous indignity of the way the cyclist is represented as being knocked down, the juxtaposition of garish safety clobber encasing the large frame of the victim on a spindly bike, may solicit amusement and hilarity at the absurdity of it all. If we were to take the events as represented to be fact rather than fiction we might be repulsed rather than delighted by the comic treatment and refuse to laugh. According to this view apprehending a work as a fiction allows us to feel and explore emotional responses it would be callous to indulge were we to apprehend the events as reported matters of fact.

It might be held that the difference stems from differences in the nature of our emotional responses to fiction and non-fiction. We respond to real life events with genuine emotions but only with quasi-emotions to fictional events (Walton 1978; 1990). On this view quasi-emotions have the same affect and phenomenology as genuine emotions; it is just that they involve the imagination as opposed to belief. Perhaps the asymmetries can be explained in virtue of quasi-emotions not being subject to the same constraints as genuine emotions since belief is constrained in ways in which the imagination is not. Alternatively it might be held that apprehending something as fictional brings with it an aesthetic or psychic distance that enables viewers to attend to the artistic and aesthetic features (Bullough 1995). Such distance is often held to be crucial when we are engaging with unpleasant subject matter.

As appealing as such views initially seem, they cannot be quite right. First, many great art works that deal with morally problematic characters and situations are works of non-fiction. Milton's sonnet *On the Late Massacre in Piedmont* concerns an act of genocide against the Vaudois, considered by some to be the original Protestants due to their

excommunication in 1215. In 1655 the Catholic Duke of Savoy sent his troops in to expel them and the end result was the massacre of nearly 2000 people. The appropriation of historical events for artistic purposes (including wider political aims such as Milton's) is hardly rare in the world of painting, literature, or cinema. Consider Géricault's *The Raft of Medusa*, Goya's *Disasters of War* series, or Georg Buchner's non fiction tragedy *Woyzeck* (the basis for Berg's opera *Wozzeck*). There are even great non-fiction documentary tragedies (Friend 2007). All of these works and so many more involve the representation of real life events and partly depend on the knowledge that this is so in shaping and prescribing our emotional responses to them. In at least some such cases the narrative artistry involved is devoted to cultivating empathy with and sympathy for real people we would normally be morally repulsed by and thus unwilling or unable to have such responses for. The publication of Truman Capote's non-fiction novel *In Cold Blood* was greeted with immediate controversy due to its sympathy for and empathy with the killers of the Clutter family, and David's great painting *The Death of Marat* successfully solicits admiration for a bloody secular saint of the French Revolution. How we respond to someone as represented in a novel or painting need not dovetail with how we would respond to such a person in real life.

Second, it cannot be the case that just in virtue of something's being a fiction we are thereby free to indulge emotional responses unconstrained by real world considerations. Many works of fiction rely upon characters as fictional instances of recognizable real-world types (Gaut 1998a). In doing so they invite emotional responses and inferences that are not just tied up with the apparent fictional object but also with respect to real world counter parts. Indeed, it would otherwise be deeply puzzling what the appeal of much satire or nineteenth-century realist psychological fiction is supposed to be. It is sometimes taken to follow from this that even in fiction our emotional responses are subject to criteria of appropriateness which depend upon what the relevant justified cognitive-affective world-directed attitudes are, for example that cruelty is wrong or killing for self-gain is bad (Gaut 1998b). This is, as we shall see below, a difficult matter. Furthermore, fictions often cultivate our empathy for characters in order to deepen our imaginative understanding. This can in turn direct us to apply the relevant cognitive-affective

attitudes to the world (Kieran 1996). Harper Lee's *To Kill A Mocking Bird* not only shows us why racism is morally pernicious but gets us to care about it through shaping our emotional responses in the contemplation of its near-disastrous consequences – consequences narrowly averted in the fiction through heroic action but by implication all too easily realizable in the actual world.

### Narrative Artistry

A work's fictional status is not always what is crucial to explaining the asymmetry of cognitive-affective attitudes we might have to events as represented in a work in contrast with events as represented in newspaper reports or witnessed. What is always crucial are two things that are non-contingently closely associated with fictionality: (i) the states of affairs as represented are at a distance from us, i.e. we cannot intervene and (ii) the use of artistic devices mediating the representation of events portrayed ranging from pictorial techniques, poetic form, imagery and metaphor to interior monologues. These two features enable us to appreciate represented events in a distinctive way, such that we are freed from practical reasons to intervene and thus respond emotionally to aspects of what is represented in ways we might or could not were we to be present at the actual scene. The recognition that we cannot intervene in events as represented is as true of past events or modal facts as it is of fictional ones. A significant difference between imagining entertained scenarios, many asserted scenarios, and witnessing events inheres in the fact that it is often only in the last type of case that we can intervene or something might happen to us. When reading *A Clockwork Orange* or *In Cold Blood*, for example, it neither makes sense to be afraid for ourselves or to think that we can intervene in the events represented. Thus as readers we are free to respond in ways that we otherwise would or could not. We are free to empathize with Perry and sympathize with Alex in ways we might be unable to were we to meet them. Furthermore, it is not as if the shock or horror always precludes sympathy or empathy.

At least where a story or report is not too close to home we can be amused at or take a prurient interest in reports and stories very much as we would do if a narrative were fictional. A headline such as 'Police help dog bite victim' might be funny in a way that precludes empathy or

sympathy for the victim unless say you saw the event or recently were the victim of a dog bite (and understandably fail to see the funny side of it). Hence the appositeness of Charlie Chaplin's famous dictum that 'Life is a tragedy when seen in close-up but a comedy in long shot'.

It should be emphasized that, whilst a distinction between engaging with a representation and witnessing some state of affairs helps to explain some asymmetries of emotional response, much of the work is done by the manipulation of artistic techniques, imagery, thematic exploration, and structuring. It is the imposition of structure and form on events as represented for artistic purposes that sustains and builds from the differences that arise from watching a film or reading about as opposed to witnessing an event. Hence the huge difference between mere news reports of the slaughter of Herbert Clutter, his wife, and two of his children and Capote's *In Cold Blood*. One of the purposes to which such artistry can be put to, in contrast with mere reports, is the facilitation of empathy with and sympathy for those we might not normally want or be able to have an emotional feeling for (e.g. disturbed or immoral characters). The techniques for doing so are many and varied, ranging from point of view shifts, narrational suspense, and authorial treatment to the use of free indirect style. Consider Maisie's thoughts as she wonders about her governess whose daughter had died in Henry James's *What Maisie Knew*: 'Clara Matilda ... was in heaven and yet, embarrassingly, also in Kendal Green, where they had been together to see her little huddled grave.' We see things from Maisie's point of view and thus feel her confusion whilst nonetheless grasping the complexity of the situation from an adult perspective. Indirect free style enables the narrative to 'take on the properties of the character, who now seems to "own" the words ... Thanks to free indirect style, we see things through the character's eyes and language but also through the author's eyes and language. We inhabit omniscience and partiality at once' (Wood, 2008). Techniques that achieve such an imaginative characterization of a situation enables artists to explore themes that are central to human drives, desires, and moral action. *Lolita* or *The Sopranos* get us to empathize with the central characters (what they feel, think, are disposed to do) in ways that facilitate the dramatic exploration of interesting and profound themes such as the nature of self-deception, psychopathy, and the conflation of morality with power.

## Emotions, Moral Criteria, and Artistic Value

The above explanation seems to fit neatly with the idea that, once we allow for differences between witnessing an event and engaging with an artistically designed narrative, we should respond emotionally to art works as we ought to in real life. In other words the overall cognitive-affective attitudes manifest in the work that solicit emotional responses from us are subject to the same criteria of appropriateness that our real life attitudes are. One motivation for the view derives from the recognition that we often draw on our standard moral norms and presumptions to fill in and respond emotionally to narratives in order for them to succeed. How we do so automatically often depends upon shared moral assumptions. The suspense in thrillers, for example, often arises concerning whether or not the perpetrator will be caught or the innocent man be let off. In such cases it is not as if the narratives need to explain or prescribe us to imagine valuing innocence or assuming that criminals are bad. This happens all the time with narratives. If a reader fails to empathize with and feel sorrow for Dorothea on her honeymoon then this betokens a failure to get *Middlemarch*. It is not just that a reader must recognize how the narrative characterizes events but she must respond appropriately in order to understand it (Carroll 1996; 1998). Furthermore, emotional responses solicited by art works are subject to evaluation in terms of whether they are merited or not. A horror movie may aim to scare us but if the monsters or aliens as represented are ridiculous, hapless, or unthreatening then we ought not to be scared. This would make for a failure in a work as a horror movie. We should respond with hilarity rather than horror (as is infamously true in the case of Ed Wood Jr.'s *Plan 9 from Outer Space*). In general, works can fail as art in virtue of soliciting emotional responses that are not merited. Where solicited responses come apart from what is merited then this is a failure in the work as art. On this basis it has been argued that where emotional responses involve moral considerations then whether or not the emotions solicited are merited or not will depend upon moral considerations. Thus, according to this line of thought, wherever the moral character of a work is defective and related to the emotional responses a work prescribes its audience to take up, a moral defect is always an artistic one and a moral virtue an artistic one (Gaut 1998*b*; 2007). Indeed,

insofar as works draw us into identifying with characters and call upon emotional responses which in turn enable us to gain imaginative insight into attitudes or human psychology it looks as if 'truth to life' is an important art evaluative criterion (Kieran 1996).

Whilst the considerations of narrative comprehension, merited response, and cognitive gain differ, we can see how they can all be used to ground roughly the same conclusion. Namely, that the evaluation of our emotional responses to art works should be evaluated in moral terms as we would and should evaluate them in real life. Narrative suspense requires us to know who the innocent or good guys are and the happy ending may only be truly happy if it is in some sense deserved. It is often crucial that we are being asked to admire that which truly is admirable and that the putative insights shown to us through our emotional engagement with a work are indeed genuine. Artistic failings in works are very often to be explained in terms of failures along these very lines. Furthermore, such grounds make sense of why we resent or are repulsed by works that prescribe emotional responses or attitudes we judge to be morally inappropriate. Hence literary and cinematic criticism sometimes involves diagnosing whether, where, and why some work may be morally defective, offensive, or cruel. Critical controversies over works ranging from D. H. Lawrence's oeuvre to Shakespeare's *Taming of the Shrew* revolve around whether or not they rest upon morally problematic views of sex and gender that get in the way of our engagement with and responses to the texts. D. W. Griffiths *Birth of a Nation* and Leni Riefenstahl's *Triumph of the Will* solicit emotional attitudes ranging from hope to admiration towards that which we should only feel dread and disgust. This is not to deny the artistic virtues of such works but it is to hold that, insofar as the glorification of the Ku Klux Klan and the Third Reich respectively underwrites emotional responses sought from us, they fail as art. Where the emotions solicited from us involve taking up attitudes that are racist or misanthropic, say, then even if we could we should not allow ourselves to respond accordingly. Conversely the various grounds make sense of why we enjoy feeling certain emotional responses and praise some works as morally profound. Jane Austen's oeuvre, for example, is much more than the comedy of romantic misunderstanding set amongst late eighteenth-century genteel society. If Austen's novels amounted to no more than this then they would be

pleasurable but inconsequential. Rather each novel takes as its central theme certain human failings and through the narrative explores how they give rise to misunderstandings that fundamentally threaten the prospect of the central protagonists' happiness. The central protagonist in *Emma* is a snob given to meddling with the private lives of others due to her own romantic flights of fancy. Austen cultivates empathy with and sympathy for a character that in ordinary life many of us would neither want to be around nor like very much. This is part of Austen's achievement. We see Emma's faults and yet feel for her. Sympathy for Emma is required in order for the novel to work as it does. Devoid of sympathy we would neither hope for the eventual romantic resolution nor fear for the all too close possibility that it might not happen. Furthermore, the way our emotional responses are prescribed through the novel guides our apprehension of the ways in which good intentions can be bound up with snobbery in ways that may blind us to the value of others and lead us into acting badly. In following Emma's recognition and emotional trajectory, the lessons Emma learns thereby become the readers. Emma's self-condemnation is arrived at in a way that both provides the dramatic basis from which she can go on to rectify the misunderstandings she has caused and allows the reader to hope that she is successful in doing so. The fear that Emma might not be able to and the hope that she can is merited because the self-knowledge arrived at and what she is prepared to do to set matters right show that she comes to deserve to find happiness. Devoid of any such self-revelation in the narrative the solicited emotions on the part of the reader would seem far from merited. It is common in narrative art for there to be a complex interplay between the moral development and understanding conveyed through the work and the emotional responses sought from the audience. From works such as Steinbeck's *The Grapes of Wrath*, pictures such as Hogarth's *Rake's Progress* to films such as *The Lives of Others*, the profundity of narrative art works often rests upon the extent to which the emotional responses sought from us in engaging with them are appropriate. Conversely, where works ranging from D. W. Griffith's *Birth of A Nation* (*The Clansman*) to Lars von Trier's *The Idiots* solicit emotional responses from us that endorse or depend on morally problematic or incoherent attitudes, we may be unable to (Walton 1994) or might refuse to (Gendler 2000) indulge the emotions as prescribed. Indeed, even where we

can and do respond emotionally as solicited it might be thought that we should not (Moran 1994; Gaut 2008) where such responses depend on views that are at odds with how things are morally speaking.

Despite general arguments against such a view (Jacobson 1997; Kieran 2003*b*; Patridge 2008) it does seem most plausible when we think about straightforward nineteenth-century realist novels or genres that depend upon importing to our engagement with narratives the moral norms we take to be justified. Nonetheless, at the very least it cannot do justice to the complex ways in which our emotions operate when engaging with other kinds of art works. The assumption of transitivity from what merits the appropriateness of emotional attitudes in ordinary life to what merits emotions in responses to narratives as artistically represented is too literal-minded. What seems out of synch here is the underlying presumption that what matters in terms of the appropriateness of our emotional responses is how they would line up with respect to the real world. Our primary interest in engaging with a narrative work as art is playing games of make-believe and responding to them as prescribed (Walton 1990). We are cued by the work to take certain presumptions as given in exploring the make-believe world as represented. Whether or not the emotions that the work solicits from us are merited or not depends upon the presumptions we are to take as given in playing the game and what the work does through the dramatic unfolding and characterization of events. While moral criteria are often relevant to the emotional responses solicited from us it does not thereby follow, however, that whether the relevant emotional responses are merited or not in responding to the work depends upon whether they would be (or we would judge them to be) such in real life.

### **Imagined Worlds and Moral Commitments**

Consider the Norse legends. Out of the regions of fire and ice come the evil giants and the righteous Gods who are at constant war with one another. It is in part a fantastical world according to which Odin created man and woman, the treacherous Loki's children issued from congress with an ogress, and the Berserkers fail to discriminate between allies and enemies in the heat of battle. The emotions solicited from the reader depend upon a code that prizes valour, honour, and truth highly but in many ways is at odds with the moral norms we would take to be



(and let us assume for the sake of argument are) justified. Furthermore the Icelandic sagas (from which much of our account of Norse legends derives) are in various parts principally historical texts. Written primarily in the twelfth and thirteenth centuries along with some supernatural mythology and no little humour they relay the previously oral history of particular individuals and communities. A striking moral divergence between the presumptions embodied in the Icelandic sagas, upon which various emotional responses depend, and those one might expect in much contemporary literature is the way in which honour or vengeance killings are treated. Vengeance is represented as a legal and honourable way of resolving conflict whilst even more strikingly amicable resolution outside the law is judged much more harshly than blood vengeance. Moreover, vengeance need not take the form of killing the original perpetrator of some sleight or crime but is represented as justifiably consisting in the killing of one of the original perpetrator's family or group. Considerations ranging from status to consequences are often carefully calibrated in the sagas and mistakes in calibration often lead to negative cognitive-affective attributions of foolishness or shame at dishonour.

In reading the sagas and appreciating them we can allow for different moral presumptions and allow our emotions to respond accordingly. We can recognize that, given the moral code underlying the sagas, reluctance to kill ought to lead to worries about manhood and a character's honour. It is not that we think that as such these attitudes and emotional responses are merited. It is just that in the world as represented through the sagas these are appropriate and merited cognitive-affective responses and attitudes to have. This is far from rare. Engaging with many narratives ranging from Homer's *Iliad* and *Odyssey*, stories from the Bible, *A Thousand and One Arabian Nights*, the *Mahabharata*, revenge tragedies such as *The Spanish Tragedy*, *Titus Andronicus*, *Hamlet*, *The Revenger's Tragedy* to comedies such as *The Taming of the Shrew* and *The Man of Mode* involves (a least for many of us) the imaginative taking on of moral commitments and values other than our own.

It might be tempting to think that the complex ways in which we can suspend and play with our underlying moral presumptions arises only in the case of works that are associated with psychologically distant worlds that imaginatively explore only nominally available possibilities or ways of viewing the world. Perhaps, it might be thought, we can allow

ourselves to respond in a game of make-believe in ways we would otherwise deem not to be merited precisely because the values implicit in the make-believe narrative worlds issuing from Ancient Greece, India, or the Iceland of the middle ages are psychologically distant and thus unthreatening. Imagine a narrative according to which the central protagonist sets about an honour killing depending upon presumptions akin to those we find in the Icelandic sagas. He must do so in order to avenge himself and his family, uphold honour and doing so is a matter of duty. In doing so various emotional responses of admiration, hope, and sympathy are called upon. The only significant difference is that this narrative is set in contemporary London. It seems plausible that the very same narrative set within an Icelandic saga would be less troublesome in terms of successfully soliciting the emotional responses called upon than the one set in contemporary London. Why should this be so? One possibility is that we engage with an Icelandic saga as laying out some far-off make-believe world that bears fairly indirect and complicated relations to our own. We do not take or respond to the narrative as endorsing or implying that honour killing within the world we inhabit is praiseworthy. Yet we may be repulsed in the extreme by a contemporary novel that prescribes a pro attitude towards honour killing. What we imagine in engaging with the Icelandic sagas may be engaged with as the exploration of something that is merely a nominal possibility whilst the contemporary novel's endorsement is seen as an all-too-real possibility. Thus our emotional reactions to the moral praiseworthiness of revenge killing as represented in the two cases may diverge markedly.

Even if the distinction between nominal and real confrontations of value explains some differences it cannot be the whole story since we can suspend and play with our moral presumptions in imaginatively engaging with respect to more contemporary works. We grasp works as belonging to particular genres in a way that makes a significant difference to the emotional reactions that are appropriate and the inferences we make between the relevant fictional worlds and the real one (Nichols 2006; Weinberg 2008).

Contemporary noir fiction, action movies, espionage thrillers, westerns, farce, satire, and black comedies all often involve responding with emotions that draw on moral presumptions at odds with those that are or would be judged to be merited in real life. Indeed, it is difficult to see

how audiences could be drawn into the excitement or humour of certain works if this were not so. Consider works in the thriller or hard-boiled detective genre. *Donnie Brasco* draws the audience in as Brasco himself is drawn into the excitement and style of the 'bad' life. The shift of moral outlook only comes home when Brasco manages to meet with his wife and realizes how far his outlook has changed. If we pick up novels by Dashiell Hammett, James Cain, or James Ellroy we know that we are entering a moral universe where men tend to be predatory by nature, cynicism rules, and yet there remains a perpetual conflict between honour and corruption. In James Ellroy's *L. A. Quartet*, consisting of *The Black Dahlia*, *The Big Nowhere*, *L. A. Confidential*, and *White Jazz*, the central characters we empathize with are recognizably vile. The racism, misogyny, and psychopathic tendencies in the central protagonists are deeply ingrained whilst nonetheless we can go along with them and respond emotionally as solicited. The explanation for this lies in the moral universe Ellroy's work operates within. It is a Hobbesian world shot through with a heavy dose of Freud. Everyone acts from self-interest, even those who appear to be conventionally good. Consider *L. A. Confidential*. The dark, psychological secrets of the protagonists explain why they act in the way they do. Those that are driven towards the right actions are motivated by idiosyncratic reasons going back much earlier in life. Bud White's mania for protecting women issues from his father's systematic brutality towards his mother. The clean-cut Ed Exley's ambitiousness is driven by the desire to outdo his father and fulfil his late brother's role. The characters are designed to reveal not just their own peculiar individuality but also to reflect something about the baseness of the city itself. The nostalgia for an innocent 1950s Americana is rendered as a fantastical projection from a world where rank hypocrisy, murderous exploitation, and corruption are the order of the day. In dramatic terms the noir style and fragmentary narrative heightens suspense as the most disparate elements turn out to be intimately related. In *L. A. Confidential* the bloody shoot-out at an all-night café turns out to be tied to a pornography ring and beneath it all lies police corruption of the deepest order – in Exley and White's own department. Underlying the dramatic plot is the driving force of the postwar construction of L. A. Rapacious greed is the generator that constructs the city and explains why the individuals involved face the choices they do. Importantly the

difference between the 'good' guys and the 'bad' guys sometimes only turns on differences of consciousness. In *White Jazz* the central protagonist Klein is a right-wing, racist, psychopathic cop implicated in 'killings, beatings, bribes, payoffs, kickbacks, shakedown. Rent coercion, music jobs, strikebreaker work. Lies, intimidation, vows trashed, oaths broken, duties scorned. Thievery, duplicity, greed, lies, killings, beatings, bribes, payoffs" (Ellroy 1993: 331). What distinguishes Klein from the novel's villains is the recognition of what he has done and his attempts to grasp not just the how but the why of the crime central to the novel. In such a universe all the characters are morally implicated and besmirched. Nonetheless, we respond emotionally in ways we would not judge to be merited or appropriate in the real world. This is because the artistry involved makes use of and builds from two significant factors. First, our ability to take as given in what we imagine something like the presumptions of Hobbes and Freud (independently of whether or not we think they hold true in the world). We can entertain hypothesis and assumptions distinct from the ones we actually do hold. This is just as true in games of make-believe as it is in moral argument. Second, in cultivating our capacity to empathize with and have sympathy for the central characters. This is not merely a product of representing matters from the relevant characters' points of view (though that is a part of it). It also usually depends upon the central characters embodying redeeming traits in contrast with the utter amorality, lack of feeling, or failure to try and understand of the villains.

Our capacity to play such imaginative games of make-believe and respond emotionally to works as we ordinarily would not depends upon our capacity to suspend moral judgement, norms, or values in order to explore different ways of seeing, feeling, responding to, and valuing the world. Engaging with works in moral terms is not an all-or-nothing matter. Emotional responses to works traffic in and call on moral concepts and norms but it does not thereby follow that we should respond to art works as we should respond ordinarily. Works may solicit emotional responses we find intelligible in the light of certain background moral assumptions, ones we may entertain rather than share (Kieran 2001, 2006). There might be all sorts of ways in which we find the application of moral terms or the evaluative component central to them intelligibly variable. Hence we are often prepared to entertain actions as, for

example, honourable, sentimental, or callous in engaging with make-believe works in ways we would not were we to be confronted by them in actuality. We can and often do isolate off or suspend moral norms and commitments in order to imaginatively explore the make-believe worlds played out before us in the narrative. Indeed, if this were not so it would be deeply puzzling as to how people could engage fully with works from other cultures, epochs or, at least for some, genres outside of nineteenth-century psychological realism. The reason we do so is the payoffs such imaginings will bring, which ties in to the basic motivations for and values realized in so doing.

## Motivations and Values

### Aesthetic

Entertaining fictional states of affairs frees us from immediate practical motivations and worries, thus facilitating the realization of aesthetic value. The artifice of narrative artistry in fictional works is free to invent characters, scenes, and events that facilitate the exploration of a work's underlying themes. Even in non-fiction work the artistry involved is often free in terms of how exactly events are framed or pre-criterially focused, which scenes to concentrate on, and how to bring out the putative exploration of motivations and themes. This allows artistic narratives, at least typically, to be epistemically transparent to a degree that ordinary works often cannot be. This is not to deny that fictionality as such can make a difference. Schrader and Scorsese's *Taxi Driver* was loosely based on Arthur Bremer's infamous shooting of George Corley Wallace, the 1972 Democratic presidential candidate. As a fiction a work is free to determine the nature of its central protagonists and why they do what they do in ways in which a work of non-fiction is not. It follows that *Taxi Driver* is open to a range of critical and emotional responses that a biographical film would not be. In a crucial scene in the movie Travis Bickle (Robert De Niro) takes Betsy (Cybill Shepherd) on a date to a Swedish sex movie. This is supposed to manifest Travis's cluelessness regarding how to treat women in particular and inability to understand people more generally. Betsy is deeply offended and storms off. This event precipitates Travis's decline into obsessively violent thoughts, seeking out the moral decay he is so repulsed by. Given that the film is

a fiction the artistic choice in inventing such a scene as well as choices made concerning how it is played out are subject to critical evaluation. We respond with sympathy for Bickle in a way we might not in real life because it is clear what he is trying to do and why. By contrast, in real life perhaps it never was or became clear why Bremer was motivated to do what he did. It is also important to note that the scene and the relevant solicited emotions are subject to appraisal in terms of the themes explored through the work. It is open to question whether the scene amplifies or undermines the thematic working out of the narrative. Travis is drawn towards Betsy because her clean, waspish beauty allows him to project his romantic fantasies of angelic innocence on to her. Travis does have some sense of and aspires towards some kind of fantastical purity and beauty. Thus it would be a criticism of the movie to say that even given Travis's lack of understanding it would be psychologically incredible to think that he would take her to see a Swedish sex movie rather than something more in line with his fantastical projection of her. If that is right then perhaps our sympathy for Travis is or should be undercut (and to the extent this is so, it constitutes a flaw in the work). The fictional status of a work also more easily allows for the aestheticization of things like violence to enhance the sense of spectacle or humour. Focusing in on the movement of bodies, wounds inflicted, and so on can enhance the aesthetic properties of a work as can be seen from the choreography of violence in Tarantino's *Kill Bill* to various John Woo films. Alternatively farcical treatment enables us to find violence humorous, as can be seen from Mazzini's comic journey to a baronetcy by knocking off his aristocratic relatives in the satirical *Kind Hearts and Coronets*. If a non-fiction film delighted in showing us scenes of violence in the manner of a John Woo film or treated it farcically along the lines of an Ealing Comedy we should judge it cruel or callous. However, given that we know such films are fiction we are free to delight in the aesthetic aspects of the violence portrayed or find them humorous as we otherwise would not be.

Nonetheless, as argued above, works of non-fiction can similarly aspire to the realization of aesthetic value. It is just that as non-fiction they are subject to additional constraints. Works of non-fiction as such are at the very least not free to invent central scenes or protagonists. They are nonetheless open to artistic choice in terms of the way in which

events are framed through context, emotional tone and tenor, use of imagery, and thematic exploration. Compare the two recent biographical films of Truman Capote, both of which represent many of the same scenes. *Infamous* introduces us to Capote in his element as the gay society figure. The initial setting provides a sharp relief to Capote's subsequent visit to Holcomb, Kansas, where he becomes caught up with the town's response to the murders and then the killers themselves, especially Perry Smith. The initial delight Capote took in his own munificence as a society figure is represented as being of a piece with and foreshadowing his subsequent betrayals of all who came to trust and confide in him. The underlying thematic explanation is the narcissistic pursuit of self-glory. *Capote*, by contrast, starts with him on the way down to Kansas with Harper Lee. It delves straight into Capote's investigations into what happened and why. Hence *Capote* cultivates a much greater degree of empathy with his internal struggles as a writer, in contrast with the external perspectives more often afforded in *Infamous*. The strong identification with Perry Smith in *Capote* is elaborated in terms of common childhood experiences (as opposed to lust) and this is represented as feeding into his egoistic but sincere qualms about whether Capote could have done more for Smith. The egoistic way Capote uses the people around him is made clear but the greater degree of empathy cultivated by *Capote* enables the viewer to feel greater sympathy for him. *Capote* leaves us feeling sorry for a talented but ultimately selfish man whereas *Infamous* leaves us feeling appalled at and repulsed by utter treachery.

### Emotional Intensity

People enjoy experiencing intense emotional states, though the degree to which this is so and, moreover, which ones people enjoy feeling intensely are agent-relative matters. After all, this is what explains why some people like, for example, roller coasters, rock climbing, car racing, or certain types of dance music (Morreall 1985; Gaut 1993). Narrative artistry can facilitate and promote enjoying vicarious thrills and spills gained from engaging with works without any moral cost. This is most obvious when we are dealing with fictional works and helps to explain a range of immersive phenomena from the popularity of CGI in violent movies to the role empathy plays in allowing us to feel the

emotions of the central protagonist. At least some of the pleasures in such cases arise from the heightened sense of emotional arousal that comes with greater immersion. It makes just as much sense to complain of a game that it is not violent enough or the central protagonists in a novel are not bad enough as it does to complain of a horror movie that it is not scary enough. Indeed with art more generally one of the things that appeals (at least to some) are the ways in which works successfully solicit emotional responses from us that are often stronger and more intense than those we ordinarily feel. No doubt part of the joy taken in Anthony Burgess's *A Clockwork Orange* lies in the play with language along with its concomitant aestheticization of violence. Yet given that the story is narrated from Alex's point of view, the aestheticization plays a crucial role in enabling us to delight in the primal vitality expressed through his violent acts. Indeed, part of the point of the novel is to show the reader through arousing such joy and excitement in Alex's actions that the appeal of violence lies in its passionate intensity. Indeed many artistic techniques are often designed to heighten the audience's emotional intensity. Thus, for example, in Hubert Selby Junior's *Last Exit to Brooklyn* where a couple is rowing the text suddenly cuts to whole pages written in capitals ratcheting up both the emotional ante and the reader's affective response.

### Cognitive Gains

Another reason we are drawn to engaging with and appreciating works that take immoral characters as their central protagonists or play with morally problematic situations concerns cognitive value. In watching *Rome* or *The Sopranos* we may be reminded of how easy it is to conflate power and morality when issues of loyalty and admiration arise. The viewer may root for Tony and admire him whilst nonetheless apprehending his good family man routine as a self-serving deceit that facilitates his manipulateness. Furthermore, what we attend to and the ways in which we attend often vary depending upon which emotional state we are in the grip of. Artists can use this not only to convey how the world seems to a character, and thus what state he is in, but to draw audiences more deeply in to 'seeing' the fictional world as the character does. To take one example, in *The Sopranos* season six, episode seventy,



Tony is out of hospital and worried about the erosion of his authority. His physical weakening has eroded the fear he is held in by his captains, the fear that is essential to the exercise of power as head of the family. The episode builds up our sense of Tony's situation through several strategies including Tony's worrying about it with his psychiatrist and his crew's incessant joking about weakness. As the captains sit around laughing we suddenly see them from Tony's point of view and in slow which enhances the apprehension of them exhibiting primate-like basic group behaviour. Tony then unleashes an unprovoked but furious assault on the most physically impressive guy in the room, the new driver Perry Annunziata. The arbitrary nature of the attack combined with Tony's victory re-establishes his dominance. This serves not just to remind us of the importance of fear in maintaining the family's hierarchy and what Tony is prepared to do to maintain it but orientates the ways in which we apprehend apparent shows of friendship and loyalty in the show. Indeed more generally it is a powerful reminder of the ways in which apparent professions of collegiality or friendship (on one's own part or that of others) can sometimes be much more self-serving than perhaps we tend to admit. Works prime our emotional responses and shape them in the journey through a narrative. Often they do so in order to remind us of the things we may already tacitly know or in ways that extend or deepen our understanding (Carroll 1998). Park Chan-Wook's *Vengeance* trilogy, for example, explores different ways in which the lust for revenge can seem natural and its various consequences. In *Lady Vengeance*, the last of the trilogy, we see the families of murdered children brought together. They exact revenge on the killer of their children by turning aggressors themselves, each participating in the taking of the murderer's life. Afterwards the initial feeling of cohesion brought about by the group action dissipates as the feelings of guilt start. Gradually everyone leaves citing trivial excuses and the viewer is left with a sense of their not wanting to see each other again. The arc of our emotional responses shows us how feelings of vengeance can give way to guilt and isolation. As can be seen from works ranging from *American Psycho* to *Dangerous Liaisons* the ways in which works engage our emotions through the exploration of violence, sexuality, betrayal whilst taking a host of morally problematic actions as their subject matter can be used to promote knowledge and understanding (Kieran 2003*b*; 2006).

A little observed but important way we can also learn concerns not so much the insights we may glean from emotional engagement with a work but the enhancement of our cognitive-affective skills and capacities (Kieran 2005: 138-47). *Series 7: The Contenders* is a film set in a near-contemporary or future world where we see, for the most part, scenes from a reality television show in its seventh run. The show's conceit involves matching up ordinary people to fight to the death, bringing with it all the normal clichéd interviews and faux emotional trajectories we would expect of the genre. The exploration of reality television involves a by turns amusing and horrifying parody of the exact look and feel of its conventions. Prior to *Series 7*, Chris Morris's *Brass Eye* had similarly parodied television news media conventions and the ways in which public figures could easily be persuaded into talking nonsense or making claims about subjects they knew nothing about. *Brass Eye* caused a storm of controversy not just because of the highly emotional nature of the subject matter (from paedophilia to drugs) but also due to the ways in which public figures had been duped. Independently of the particular message of these shows, the astute parodies of television news and reality show conventions facilitate the viewers' capacity to see how and why the relevant conventions are there. Thus such works enhance our ability to see where, why, and how such shows are constructed for emotionally manipulative reasons. More generally, engaging with artistically constructed narratives may enhance readers' capacity for empathizing with people in real life since they tend to expose us in imagining to a wider range of how people can behave and cultivate the abilities involved in inferring intentions and underlying patterns of action.

### Drives and Desires

Art works can and often do call on emotions that are related to motivating drives or desires that we may have. Representations of adultery, betrayal or violence abound where our responses are not straightforwardly solicited in terms of what is permissible, right or good but rather in terms of empathy with or sympathy for central characters (understandably perhaps) transgressing moral boundaries. To the extent that such representations are successful, part of what is involved may call upon emotions of excitement, arousal or desire that normally we would

consider to be prohibited (Kieran 2002). In real life scenarios where we are subject to such emotions we would normally work to suppress them or distance ourselves from them, whereas, depending upon the work in question, in the artistic case we may allow ourselves to indulge them. The underlying drives or desires might normally be taken to be intrinsically problematic, for example emotions such as envy, malice, or Schadenfreude. Alternatively works may cultivate emotions that would not themselves be considered to be morally problematic except that the way in which they are directed or the extent to which they are indulged may normally considered to be so. This may also include a range of complex meta-responses as well. After all works sometimes self-consciously set out to prompt in the reader second order responses of pleasure (as well as disgust) at the first order emotional responses successfully solicited. These may range from pleasure taken in the moral rectitude of one's abhorrence felt at a character's adultery to pleasure arising from the delights of moral transgression. Hence the appeal of works by Céline, de Sade, the Earl of Rochester, and John Waters.

### Artistic Values

We have isolated central explanations as to how and why we enjoy empathizing and sympathizing with immoral characters but this is not to deny that works tend to draw on them in complex ways. Indeed, great works tend to make symbiotic use of the different motivations in ways that enhance the value of their works. The appeal of an emotional roller-coaster movie such as *Saw* when contrasted say with *A Clockwork Orange* tends to diminish given the realization that *Saw* is merely an effective emotional intensifier rather than a work which puts emotional impact in the service of exploring a rich theme about human existence. Where a work attempts to get us to isolate off aspects of our normal moral commitments and respond emotionally to what we imagine in ways we ordinarily would not then we expect there to be a payoff for so doing. There will be individual variance since what values an agent is able or prepared to allow herself to take on or isolate with respect to what is imagined may well be an agent-relative matter (Stokes 2006). Indeed, even individuals who share the same evaluative commitments may give them different priorities. Furthermore, it not only depends on an agent's

values and commitments but also on the agent's capacities, for example the ability to empathize may vary. Variance may also arise depending on how the appreciator understands the relations between the responses solicited in engaging with the artistic object and real-world attitudes. In the same way that there is permissible variance amongst individuals with respect to horror movies, so too there is permissible variance over individuals as to the degree to which norms can be suspended in underwriting empathy with and sympathy for characters who would normally be judged to be deeply immoral. If there is no payoff in terms of the motivations outlined above then the work will have failed to justify itself. Furthermore, in certain cases we may judge that whatever the payoff is, it is insufficient to redeem what the work has put us through as readers or viewers.

Consider Haneke's *Funny Games*, which charts the psychopathic descent of two characters trespassing on a conventionally nice middle-class family holiday. The film self-consciously plays with cinematic conventions and foregrounds the ways in which the film is being played out for the viewer's sake. We see no violence directly, but are prompted to imagine what happens in ways that trigger a range of intensely uncomfortable emotional reactions. The charge of the movie rests on the self-conscious condemnation of its audience. The payoff here is minimal and the film's character is disingenuous. A work that prompts an audience to be voyeuristic at misery and degradation through its manipulation of artistic conventions and then morally condemns the audience for being voyeuristic constitutes a kind of artistic hypocrisy. This goes hand in hand with Haneke's failure to provide the trespassers with any real motivation. Indeed, the film flaunts its failure to do so as if this constitutes an act of artistic daring required for the thematic conceit and ultimate accusation. Yet the conceit is flawed since the audience is always entitled to ask for what purpose a writer or director is doing something. Is it intelligible? Is what we are being put through artistically justified? Characters depend on reasons for action. Devoid of such, the psychopathic descent in *Funny Games* leaves the viewer numb and blank since there is nothing there to empathize or sympathize with. Haneke's film prompts the viewer to imagine increasingly unspeakable acts and then accuses the viewer of a systematic disposition towards cruelty or Schadenfreude. All it reveals, however, is that viewers expect the dramatic development

of the film to have some payoff despite the apparent lack of explanation or emotional engagement. If the analysis is right, then this is artistic cowardice presenting itself as artistic courage or daring. The flaw lies with the character of the film and what the director is attempting to do rather than with the audience.

### Emotions, Imaginings, and Character

Underlying much of the debate is the presumption that our emotional responses to what we imagine can be morally problematic because of what they express or reveal about our character. The thought is familiar enough both from the extant literature and contemporary cultural discourse (Gaut 2007: 48). Nonetheless, little has been done to justify and work out the presumption in any great detail. It faces two distinct challenges. The first is epistemic. Narrative art works are often shaped as they are to get us to respond emotionally in certain ways. The same kind of event may be represented from a victim's, perpetrator's, observer's, or third person point of view. The very choice as to which viewpoint(s) a scenario is represented from and the order in which this is done can make a significant difference to the reader's emotional responses. The point of view(s) the reader is prescribed to attend to and how they are guided through the event as represented influences the nature and tone of the audience's emotional reactions (Goldie 2003; Kieran 2003a). Where a work is good as art then presumably it will elicit the sought-for emotional responses across a wide range of readers. After all, it is taken as a mark of artistic value that a work speaks to people across different times, places, and cultures. Yet if this is the case then surely someone's responding with empathy, disgust, or indignation to what they are prescribed to imagine doesn't necessarily tell us anything interesting about their character. It only tells us that in common with a whole host of other people they can be successfully made to feel certain emotions in response to having their imaginings prescribed in certain ways. We may laugh at the attempt to knock off the old lady in *The Lady Killers* or flinch with repulsion at the horrific details of psychopathic killings in *American Psycho* but as yet all that is revealed is how human emotions generally can be shaped in particular ways through artistic narratives. It reveals little or nothing significant about someone's character in particular. Furthermore, given that we can and do isolate aspects of

our moral norms and codes in engaging with works, it is not clear what exactly is revealed in terms of dispositions towards feeling and acting morally with respect to actual events. How we respond to works in what we imagine need not systematically reflect how we would be disposed to respond when actually confronted with putatively morally problematic people and events. The mere fact that someone empathizes with Tony's outrage at being grassed up to the Feds or enjoys the range of emotional responses bound up with the illicit activities portrayed does not yet tell us anything about that person's actual dispositions to act and feel when confronted by such people and scenarios in the real world. Consider an analogy to sexual fantasies. It is well documented that there seems to be little general causal relation between people's sexual fantasies and how they would respond if confronted with the real-life equivalent (Williams 1979; Bauserman 1996). Thus even if it is the case that certain imaginings are revealing about basic traits or tendencies what is revealed may be fairly indirect and have little or no implications for actual scenarios putatively closely related to the imagined ones.

The second challenge is moral. We should distinguish between something being revealing about character in imagining morally problematic scenarios and something manifesting character in ways that are morally problematic. Emotional responses to art works that involve imagining morally problematic characters and states of affairs may under certain circumstances reveal character but it does not thereby automatically follow that the imaginings and emotional responses to them are as such morally problematic or condemnable. Consider the analogy to sexual fantasies further. Imagine that someone indulges in fantasies involving illicit activities, partners, or sex without consent. The erotic interest taken in and aroused by imagining activities that would be morally problematic were they indulged in actual activities may be revealing about someone's character. Exactly what might be revealed is a difficult matter but let us assume that the particular fantasies involved can be said to reveal that someone is submissive or dominant, a sexual thrill seeker, and so on. Thus such imaginings may reveal basic traits of someone's sexual character. Nonetheless, given that the person is aware of what is being imagined as a fantasy it is far from clear that the imaginings are or could be morally problematic as such. After all, the internalized moral prohibitions of the person could be such that they never

would act as they imagine in the fantasy. This holds for imaginings more generally. In reading the Icelandic sagas or watching *The Lady Killers* we apprehend and emotionally respond to the works as artistically constructed narratives. If someone responds with indignation or hilarity at certain junctures in the respective films it may reveal that they are more hostile or less serious-minded than others. It might also manifest a capacity to dissociate aspects of standard moral systems or norms more easily when compared to others who do not have the same emotional reactions to the relevant scenes. What is not clear is that such emotional responses to what is imagined issues from someone's character in a way that connects up straightforwardly with a disposition in real life to be callously amused at murder, admire honour killings, or act in associated ways issuing from such a disposition.

The two challenges presented are not tantamount to a denial that our emotional responses in what we imagine may sometimes be revealing of character or indeed morally problematic. However, they highlight the ways in which the contemporary debate needs to take much greater account of the complex inter-relations between what we may be prescribed to imagine, what we can or are prepared to imagine, how we do so, the artistic payoff of so doing, our attitude towards such, and the ways in which character may be implicated through doing so. What is required is a more complex story about the reasons to hold when, where, and why our empathy for and sympathy with morally problematic characters in artistically-shaped narratives issues from or cultivates more general dispositions to do ill (or good): work which requires a greater philosophical and psychological understanding of the complexities involved. Psychological work is required since much will depend on how and the extent to which emotional responses interact with belief and imagination systems and in what ways so doing may reflect or cultivate more general dispositions of character to feel and act. Put more plainly we not only need to know more about the underlying mechanisms that enable us to empathize and sympathize with morally problematic characters in narrative art but how, if at all, so doing may corrupt our more general patterns of emotional response and character. Philosophical work is required since even if we arrive at such a psychological understanding, we need a better conceptual grasp of the ways in which emotionally responding to imagined states of affairs might manifest virtue and vice.

## Works Cited

- Bauserman, R. (1996). 'Sexual Aggression and Pornography: A Review of Correlational Research'. *Basic and Applied Social Psychology* 18: 405-27.
- Bullough, E. (1995). 'Psychical Distance', in A. Neill and A. Ridely (eds.), *The Philosophy of Art: Classic Readings*. New York: McGraw-Hill.
- Carroll, N. (1996). 'Moderate Moralism'. *British Journal of Aesthetics* 36: 223-37.
- (1998). 'The Ethical Criticism of Art', in J. Levinson (ed.), *Aesthetics and Ethics: Essay at the Intersection*. Cambridge: Cambridge University Press, pp. 126-60.
- Ellroy, J. (1993). *White Jazz*. London: Arrow.
- Friend, S. (2007). 'The Pleasures of Documentary Tragedy'. *British Journal of Aesthetics*. 47: 184-98.
- Gaut, B. (1993). 'The Paradox of Horror'. *British Journal of Aesthetics* 33: 333-45.
- (1998a). 'Just Joking: The Ethics and Aesthetics of Humour'. *Philosophy and Literature* 22: 51-68.
- (1998b). 'The Ethical Criticism of Art', in J. Levinson (ed.), *Aesthetics and Ethics: Essay at the Intersection*. Cambridge: Cambridge University Press, pp. 182-203.
- (2007). *Art, Emotion and Ethics*. Oxford: Oxford University Press.
- Gendler, T. S. (2000). 'The Puzzle of Imaginative Resistance'. *Journal of Philosophy* 97: 55-81.
- Goldie, P. (2003). 'Narrative, Emotion, and Perspective', in M. Kieran and D. Lopes (eds.), *Imagination, Philosophy, and the Arts*. London: Routledge, pp. 54-68.
- Jacobson, D. (1997). 'In Praise of Immoral Art'. *Philosophical Topics*. 25: 155-99.
- Kieran, M. (1996). 'Art, Imagination and the Cultivation of Morals'. *Journal of Aesthetics and Art Criticism* 54: 337-51.
- (2001). 'In Defense of the Ethical Evaluation of Narrative Art'. *British Journal of Aesthetics* 41: 26-38.
- (2002). 'On Obscenity: The Thrill and Repulsion of the Morally Prohibited'. *Philosophy and Phenomenological Research*. 64: 31-55.
- (2003a). 'In Search of a Narrative', in M. Kieran and D. Lopes (eds.), *Imagination, Philosophy, and the Arts*. London: Routledge, pp. 69-88.
- (2003b). 'Forbidden Knowledge: The Challenge of Cognitive Immoralism', in S. Gardner and J. L. Bermúdez (eds.), *Art and Morality*. London: Routledge, pp. 56-73.
- (2005). *Revealing Art*. London: Routledge.



- (2006). 'Art, Morality and Ethics: On the (Im)Moral Character of Art Works and Inter-Relations to Artistic Value'. *Philosophy Compass*. 1: 129-43.
- Moran, R. (1994). 'The Expression of Feeling in Imagination'. *Philosophical Review* 103: 75-106.
- Morreall, J. (1985). 'Enjoying Negative Emotions in Fiction'. *Philosophy and Literature* 9: 95-102.
- Nichols, S. (2006). 'Just the Imagination: Why Imagining Doesn't Behave Like'. *Mind & Language* 21: 459-74.
- Patridge, S. (2008). 'Moral Vices as Artistic Virtues: Eugene Onegin and Alice'. *Philosophia* 36: 181-93.
- Stokes, D. (2006). 'The Evaluative Character of Imaginative Resistance'. *British Journal of Aesthetics* 46: 387-405.
- Walton, K. (1978). 'Fearing Fictions'. *Journal of Philosophy* 75: 5-27.
- (1990). *Mimesis as Make-Believe*. Cambridge, MA: Harvard University Press.
- (1994). 'Morals in Fiction and Fictional Morality, I'. *Proceedings of the Aristotelian Society*, suppl., 68: 51-66.
- Weinberg, J. M. (2008). 'Configuring the Cognitive Imagination', in K. Stock and K. Thomson-Jones (eds.), *New Waves in Aesthetics*. London: Palgrave Macmillan, pp. 203-23.
- Williams, B. (1979). *The Williams Report: Report of the Committee on Obscenity and Film Censorship*. London: HMSO, Cmnd. 7772.
- Wood, J. (2008). *How Fiction Works*. New York: Farrar, Straus, and Giroux.



# Justiça global: o influxo rawlsiano e a demarcação da Lei dos Povos

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## Resumo

Neste exercício de reflexão procurarei elucidar: 1) em que medida a noção de justiça global (Pogge e Beitz) se enraíza na expectativa da aplicação do princípio da diferença à sociedade internacional; e 2) o modo como na Lei dos Povos Rawls se afasta da perspectiva cosmopolita, propondo um dever humanitário em detrimento de um dever de justiça.

**Palavras-chave:** cosmopolitismo, justiça global, posição original, dever de assistência, dever de justiça.

## Abstract

In this reflective exercise I shall try to elucidate: 1) the extent to which the notion of global justice (Pogge and Beitz) is rooted in the expectation that the difference principle should be applied to international society, and 2) the manner in which Rawls, in the *Law of Peoples*, distances himself from the cosmopolitan perspective and proposes a humanitarian duty instead of a duty of justice.

**Key words:** cosmopolitanism, global justice, original position, duty to assist, duty of justice.

## Breve prelúdio

A noção de “aldeia global”, que nos é incutida a cada instante pelas auto-estradas da informação, faz-nos sentir “cidadãos do mundo”, despontando-nos para realidades que até há bem pouco tempo não faziam parte do nosso horizonte. Ou por, simplesmente, serem indetectáveis a “olho nu” – caso do aquecimento global do planeta decorrente dos infundáveis desastres ecológicos a que o “progresso tecnológico” o tem submetido – ou por serem distintas da nossa – as fomes, epidemias e guerras que dizimam, em grande medida, o continente Africano. Mesmo que a actual crise económica e financeira se agrave no mundo ocidental e nos consciencialize da sua lógica global, será difícil entrarmos nos meandros desta triste realidade. Até porque, tendencialmente, a lemos à luz de valores democráticos que reivindicamos como “invenção” do Ocidente, da democracia compreendida como “escrutínio e eleições” e não num sentido mais lato, “como exercício da razão pública”<sup>1</sup>.

Face à crescente sensação de pertença ao mundo e da preocupação com a injustiça generalizada tem florescido uma variedade de concepções da “justiça global” – a deontológica e de feição rawlsiana, a utilitarista e a que exige um novo entendimento do mundo, como a de Phillippe Van Parijs, substanciam as mais relevantes (veja-se Rosas, 2006: 546s). Compreensões que se encontram na esteira quer do cosmopolitismo estóico – deslocando a ênfase da *polis* para o *cosmos*, os estóicos atribuíram proeminência aos deveres para com a humanidade como um todo – quer do cosmopolitismo kantiano – Kant ligou esta ideia a uma concepção inovadora de “uso da razão pública”, concebendo a participação na sociedade cosmopolita como um “justo título” e o “direito cosmopolita” como “hospitalidade” (veja-se Held, 2005: 11). A ideia de “cidadão do mundo” assimila, de resto, duas teses fulcrais ao cosmo-

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1 “Les longues traditions consistant à encourager et à pratiquer le débat public sur des problèmes politiques, sociaux et culturels dans des pays tels que l’Inde, la Chine, le Japon, la Corée, l’Iran, la Turquie, le monde arabe et dans nombreuses parties de l’Afrique, exigent une reconnaissance beaucoup plus complète de l’histoire des idées sur la démocratie. Cet héritage global offre suffisamment matière à la remise en question de l’opinion fréquemment rappelée selon laquelle la démocratie n’est qu’une notion occidentale, et qu’elle ne serait donc qu’une forme d’occidentalisation. La reconnaissance de cette continuité de l’histoire a un rapport direct avec la politique contemporaine en montrant cet héritage global qui a consisté à protéger et à promouvoir les interactions pluralistes et le débat social qui ne peuvent pas être moins importants aujourd’hui qu’ils ne l’étaient dans le passé, quand on se battait pour leur cause”, in Sen, 2003: 16s.

politismo, a da identidade e a da responsabilidade. A primeira ilustra como cada um de nós é uma pessoa marcada, ou influenciada, por uma variedade de culturas (veja-se Sypnowich, 2005: 56s); a segunda mostra como a responsabilidade de cada pessoa se estende muito para além do seu círculo restrito, do bairro ao mundo.

Esta última tese está na origem da divisão de águas entre a via que defende a existência de algumas obrigações extra-nacionais com um certo peso moral – cosmopolitismo fraco (ou fino) – e a via que advoga que qualquer princípio de justiça distributiva social é, igualmente, um princípio global, que não temos qualquer direito de usar a nacionalidade como pretexto de comportamentos discricionários – cosmopolitismo forte (ou espesso). Distinção ilustrativa do contraste entre uma concepção de justiça global que respeita as condições universalmente necessárias aos seres humanos para levarem uma vida minimamente adequada e a que focaliza as desigualdades entre pessoas para além-fronteiras, tomando-a como um assunto da justiça no outro (veja-se Miller, 2000: 174). Ambas as vias tomam o princípio do individualismo igualitário como um axioma, mas atribuem-lhe um peso distinto – enquanto a forte lhe confere uma importância absoluta, a fraca relativiza-a ao reconhecer a existência de diferentes esferas de raciocínio moral.

Os princípios básicos do cosmopolitismo forte são princípios que podem ser universalmente partilhados e que geram a base de protecção e fomentação do igual valor de cada pessoa na esfera moral de toda a humanidade. Desta listagem fazem parte os princípios de igual valor (moral) e dignidade; de agência activa (ou de auto-determinação); de responsabilidade e comprometimento pessoal; de consentimento; de tomada de decisão sobre matérias públicas através do sistema de votação; de inclusividade e subsidiariedade; de revogação de danos graves; e de sustentabilidade (Held, 2005: 12s). Os três primeiros reflectem as características orgânicas ao universo moral cosmopolita; os três seguintes fundamentam a actividade individual, ou privadamente determinam actividades mais amplas, em estruturas de acção ou regimes reguladores colectivamente aceites ou sancionados; e os restantes substanciam a estrutura avaliativa da prioridade da necessidade e da conservação dos recursos.

A procedência dos princípios cosmopolitas remete, como sublinha Held, para a distinção entre as questões sobre a sua origem e as questões sobre a sua validade (ou peso) – as primeiras aludem às circunstâncias

éticas ou à motivação subjacente à sua escolha; as segundas constituem a base de apreciação da sua validade intersubjectiva. A justificação racional dos princípios cosmopolitas depende, assim, de dois metaprincípios fundamentais ao discurso ético: o metaprincípio da autonomia (MPA) e o metaprincípio do raciocínio imparcial (MPIR). O primeiro constitui o âmago do projecto democrático – o MPA pode ser compreendido como uma noção embebida na cultura política das sociedades democráticas e das democracias emergentes. Os princípios cosmopolitas não presumem – como esclarecido pelo princípio de inclusividade e subsidiariedade – a compreensão da ligação entre auto-determinação, responsabilidade, democracia e soberania em termos meramente territoriais. É possível que a democracia se renda à aspiração estóica de múltiplas formas de filiação – local, nacional e global.

A linguagem da autonomia e da auto-determinação substancia um compromisso, ou pré-compromisso, com a ideia de que todas as pessoas possam ser igualmente livres. Testar a generalidade de reivindicações e interesses envolve o raciocínio do ponto de vista dos outros – como ilustram, por exemplo, a posição original rawlsiana, a situação ideal do discurso habermasiana e o raciocínio imparcial de Brian Barry. Qualquer um deles conceptualiza um ponto de vista moral imparcial a partir do qual se acede a formas particulares do raciocínio prático; se testa a validade intersubjectiva das diferentes concepções de bem. O MPIR constitui, deste modo, a via de exploração de princípios, normas e regras que podem ordenar razoavelmente o acordo. Ou seja, se o MPA estabelece o espaço conceptual em que o raciocínio imparcial toma lugar, o MPIR constitui a base para o prosseguimento desse acordo.

A variedade de perspectivas cosmopolitas extravasa a distinção entre “forte” (ou espesso) e “fraco” (ou fino). A esta juntam-se as distinções de Charles Beitz, entre os cosmopolitismos como ideal moral e como reivindicação institucional; de Samuel Scheffler, entre os cosmopolitismos como reivindicação da justiça e como reivindicação da cultura e identidade social individual; e entre os cosmopolitismos “extremo”, como o solo moral e a fonte dos nossos valores, e “moderado”, que avalia os valores cosmopolitas como fundamentais mas não como fundamento. Por outro lado, a defesa contemporânea da “justiça distributiva cosmopolita” (Barry, Beitz, Onora O’Neill, Pogge, Caney, Shue e Singer, entre outros) tem crescido a par da defesa da “democracia cosmopolita”

(Richard Falk e David Held, entre outros) – apologias que, como mostra Caney, são ou complementares ou essenciais uma em relação à outra<sup>2</sup>. Tanto mais que a implementação da justiça global requer a existência de instituições globais democráticas e não um Estado mundial.

A encerrar este breve prelúdio lembre-se que a ideia cosmopolita de justiça distributiva implica as variantes cosmopolitas de ideal moral e de reivindicação da justiça, e não as institucional e cultural. Consequentemente, como evidencia Kok-Chor Tan (2004; 2005a; 2005b; 2005c), não entra em conflito com o nacionalismo e o patriotismo. O nosso compromisso com o mundo não invalida o cuidado especial com os compatriotas, mas limita-o ante as demandas da justiça distributiva cosmopolita; ou seja, nos contornos liberais o nacionalismo é compatível com o cosmopolitismo. Distintamente do nacionalismo comunitarista, para o qual as reivindicações da justiça global não podem ser determinadas independentemente dos compromissos nacionais (Tan: 2004: 187), o nacionalismo liberal comprova a analogia das relações entre as reivindicações nacionais e a justiça global e entre as prossecuções pessoais e a justiça na sociedade doméstica. As demandas de uma nação esbarram no quadro global, tal como as de um indivíduo no quadro social, sendo ambos imparciais.

Enquanto a justiça distributiva cosmopolita é imparcial quanto à nacionalidade e cidadania das pessoas<sup>3</sup> – apreciar-se as reivindicações dos patriotas como prioritárias às necessidades dos estrangeiros constitui uma contradição moral – o patriotismo é parcial. Todavia, são comensuráveis caso a preocupação patriótica se restrinja ao horizonte das demandas da igualdade cosmopolita (Tan, 2005b) – “patriotismo limitado” que, para além do mais, é coerente com a percepção comum da relação entre a justiça e a crescente procura pessoal nos contextos

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2 “Working at the simplest level we may, then, note the following possibilities:

- (1) Cosmopolitan democracy is compatible with the successful implementation of cosmopolitan principles of distributive justice;
- (2) Cosmopolitan democracy is essential to implement correct principles of cosmopolitan distributive justice; and
- (3) Cosmopolitan distributive justice is essential to bring about a cosmopolitan democracy”, in Caney, 2005b: 33.

3 Trata-se, aqui, da imparcialidade como segunda ordem de reivindicação, ou sobre os acordos institucionais, e não tanto da imparcialidade como uma reivindicação substantiva, ou sobre a interação específica no seio das regras das instituições. Como salienta Tan: “(...) the aim of cosmopolitan impartiality is not to eliminate all forms of national and other associate concerns, interests, and pursuits, but to determine the global context and rules within which such concerns and interests may be legitimately pursued” in Tan, 2005c: 184).

da vida. Ao ter por desígnio definir e assegurar as condições globais de fundo, sobre as quais os indivíduos podem tanto favorecer as demandas dos seus compatriotas como prosseguir outros projectos nacionais, a justiça cosmopolita não nega o ideal patriótico.

## I

Uma vez elucidados alguns pontos essenciais à filosofia política cosmopolita, urge esclarecer o horizonte de análise. Reporto-me, aqui, à “justiça global” como justiça económica e social, especialmente à promoção da igualdade de oportunidades e à distribuição de rendimento e de riqueza ou, na terminologia rawlsiana, a “bens sociais primários”. Tratam-se, a par dos direitos, das liberdades e do auto-respeito, das condições de realização de qualquer projecto de vida, dado traduzirem as necessidades primárias ao desenvolvimento das capacidades morais da «pessoa» – para agir de acordo com o sentido da justiça e para formar, rever e prosseguir uma concepção de bem – subjacentes à autonomia do cidadão (autonomia plena) numa sociedade bem ordenada (veja-se Rawls, 1971: 55s; 78s). Conquanto confira prioridade à protecção dos direitos e liberdades individuais, Rawls valoriza as exigências da justiça social ao advogar que todos os bens sociais primários devem ser distribuídos de modo igual, a menos que uma distribuição desigual seja vantajosa para os mais desfavorecidos da sociedade – norma substanciada no princípio da diferença.

Neste horizonte, cinto a análise à via cosmopolita neo-rawlsiana, focalizando a discussão gerada no seio do liberalismo igualitário pelos contornos “inesperados” assumidos pela teoria rawlsiana no âmbito da sociedade internacional; a uma perspectiva que assinala a fragilidade das noções rawlsianas de direitos humanos, de recursos naturais e de justiça distributiva, inerentes à Lei dos Povos. Alguns dos seus teóricos reconhecem o princípio da diferença como o princípio de justiça distributiva global mais adequado (Beitz, Pogge, Barry, Richards, Tan, etc) e, entre estes, alguns defendem o seu primado relativamente ao princípio da diferença doméstico (Pogge e Tan); outros, assinalando o erro da argumentação rawlsiana em prol do princípio da diferença, sustentam um princípio de distribuição global distinto (Allen Buchanan). Mas todos advogam, distintamente de Rawls, a existência de *standards* de justiça social que têm um significado global.



Em grande medida, a visão cosmopolita neo-rawlsiana enraíza-se na expectativa da aplicação do princípio da diferença às estruturas básicas globais do mundo e não e não meramente à estrutura básica da sociedade doméstica – à qual cabe, nos trâmites da teoria da justiça como equidade, assegurar as condições de fundo sobre as quais decorrem as ações dos indivíduos e das associações<sup>4</sup>. Ao estenderem a aplicação da justiça distributiva aos “cidadãos do mundo”, acentuam o estatuto do indivíduo como “a unidade final do valor moral, e com direito a igual consideração, independentemente das contingências como a nacionalidade e a cidadania” (Tan, 2004: 35).

Na perspectiva rawlsiana, se os interesses e fins individuais dependem das instituições existentes e dos princípios da justiça que satisfazem – princípio das liberdades básicas (ou da igual liberdade) e princípio da diferença – e que traduzem a imparcialidade moral, o valor destas instituições deriva exclusivamente dos benefícios que trazem aos indivíduos humanos, às pessoas (Rawls, 1971: 194). Ou seja, a teoria doméstica rawlsiana confere peso apenas aos interesses individuais. Distintamente, como veremos, a sua teoria internacional exclui-os (Pogge, 2006: 210s) e, apresentando contornos próximos aos do comunitarismo (Tan, 2004:75), reflecte um liberalismo social e não cosmopolita (Beitz, 1999: 518s), dado recusar estender ao mundo o critério da justiça distributiva aplicado no seio da sociedade doméstica.

A primeira incursão rawlsiana no âmbito da justiça internacional decorreu no contexto específico da teoria moral abrangente de *A Theory of Justice* (1971). Ao indagar a aplicabilidade da teoria do dever político à política externa, na §. 58 daquela obra, Rawls delimitou os princípios do direito internacional público. Sucintamente, a justiça entre Estados é, conforme esta exposição, determinada pelos princípios escolhidos na posição original em que as partes são representantes de diferentes Nações; após a aplicação do mesmo dispositivo à sociedade doméstica e a escolha dos princípios de justiça da sua estrutura básica. Nesta posição original internacional as partes encontram-se numa situação equitativa, dado que, sob um véu de ignorância, ignoram as circunstâncias particu-

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4 «The role of the basic structure is to secure just background conditions against which the actions of individuals and associations take place. Unless this structure is appropriately regulated and corrected, the social process will cease to be just, however free and fair particular transactions may look when viewed by themselves», in Rawls, 1977: 160.

lares das suas sociedades, a sua força e poderio relativamente às outras e a sua própria posição no seio dela (Rawls, 1971: 331s); escolhendo princípios familiares ao direito internacional, a igualdade e o respeito aos tratados. Do primeiro preceito decorrem os princípios de autodeterminação e de autodefesa (em caso de agressão) – este inclui o direito de formar alianças defensivas para respectiva protecção. O segundo princípio – princípio básico de obrigação – estabelece os contornos de reciprocidade nas relações internacionais.

Ao perfilar o contrato internacional Rawls entra em conflito com o seu compromisso individualista, ilustrado na concepção de sociedade como «uma associação de pessoas mais ou menos auto-suficientes» (Idem: 4), na medida em que o desvia do enfoque conferido, na teoria da justiça como equidade, à estrutura básica da sociedade e à pessoa moral livre e igual. Por outro lado, a confirmação de princípios familiares ao direito internacional enlaça-o a uma concepção de ordem mundial que, assente em princípios de um *modus vivendi*, é por natureza instável<sup>5</sup>; dado que, como viria a esclarecer, reflecte um equilíbrio de forças entre os Estados e não uma progressiva aprendizagem moral dos indivíduos (Rawls, 1993b; 1999). Diferentemente, como assinalado por Thomas Pogge (1989), no contexto da interdependência global é visível a dependência mútua entre a estabilidade da estrutura de base nacional e a estabilidade da estrutura de base global.

A caracterização do contrato internacional rawlsiano despontou de imediato a crítica dos adeptos do contrato global (Barry, Pogge e Beitz, entre outros) no seio do horizonte ideológico em que se inscreve a teoria da justiça como equidade, o liberalismo igualitário. Segundo estes, o contrato estabelece-se entre indivíduos e não entre Estados, como determina a visão realista das relações internacionais perfilhada por Rawls em *ATJ*. Ou seja, propõem uma situação hipotética de escolha em que pessoas fictícias se comportam como representantes de qualquer indivíduo do mundo, evidenciando como da aplicação do princípio da diferença à escala global resulta numa redistribuição fortemente igualitária dos recursos mundiais.

Conquanto a incerteza sobre os benefícios que o princípio da diferença global possa trazer quer aos países mais pobres, quer aos paí-

5 «(...) The prevailing *modus vivendi* framework is the equilibrium state toward which an international system regulated by this law of nations will tend regardless of initial government attitudes and good will. A world order based on these ground rules is inherently unstable (...)», in Pogge, 1989: 245.

ses mais ricos, até porque a aptidão das pessoas para “viver bem” não depende apenas de um acesso justo aos bens materiais essenciais, Brian Barry questiona: «se os argumentos rawlsianos são válidos para a justiça doméstica, porque não podem os mesmos argumentos obrigar os representantes dos países a escolher um princípio da diferença global que governe as relações entre países?»<sup>6</sup>. Centrado na estrutura básica da sociedade doméstica, Rawls negligencia a questão da redistribuição mundial da riqueza, reduzindo o universalismo da sua teoria ao tratamento de todas as sociedades de uma mesma maneira – a um universalismo de alcance. A transição rawlsiana de uma teoria da justiça abrangente para uma teoria da justiça política, em *Political Liberalism* (1993), arrastou consigo algumas dificuldades a este nível.

Em *PL* a justificação do liberalismo igualitário, advogado em *ATJ*, é aplicável apenas às sociedades cuja cultura política é democrática. Nela fundem-se as seguintes condições gerais: 1) a diversidade de doutrinas religiosas, filosóficas e morais razoáveis, ou o “facto do pluralismo razoável”; 2) a adopção de uma determinada doutrina abrangente é assegurada e mantida, unicamente, pela opressão do poder do Estado; e 3) a estabilidade do regime assenta no consenso entre cidadãos politicamente activos. A ênfase conferida, aqui, ao «facto do pluralismo razoável» exigiu a reformulação do quadro simplista da justiça internacional, anunciado na §. 58 de *ATJ*, tanto mais que remete para uma concepção de sociedade internacional integradora de valores e práticas diversas, regida por uma lei dos povos razoável. Mudança de registo patente na conferência apresentada pelo filósofo em “The Oxford Amnesty Lectures” (1993), onde indaga os limites razoáveis da tolerância liberal – intitulada “The Law of Peoples”, constitui o primeiro esboço da versão corrigida e ampliada, publicada em 1999.

Rawls estabelece, aqui, a distinção entre dois tipos de sociedades bem ordenadas – as sociedades liberais e as sociedades hierárquicas decentes – e, na sua esteira, completa a ideia de uma posição original internacional, desenvolve uma teoria ideal aplicável a uma sociedade de povos bem ordenados e, assente nela, uma teoria não ideal sobre as linhas de orientação da sua política externa, no relacionamento quer com

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6 «If Rawls's arguments are valid for domestic justice, why not the same arguments compel the representatives of countries to choose a global difference principle to govern the relations between countries?», in Barry, 1989: 189.

as sociedades expansionistas (direito à guerra), quer com as sociedades sobrecarregadas (dever de assistência). É precisamente nesta exposição que refuta a objecção de Brian Barry, evidenciando que a aplicação do princípio da diferença não constitui um meio realista para se liquidar o problema geral das condições adversas das sociedades sobrecarregadas. Como entrave maior, salienta: «existem diversos tipos de sociedades no seio de uma Sociedade de Povos, não se podendo esperar que todas aceitem um princípio liberal particular da justiça distributiva»<sup>7</sup>.

Os princípios que presidem à justiça distributiva nas sociedades democráticas constitucionais não são generalizáveis, numa concepção política construtivista, a uma sociedade de Povos. Contra os adeptos do contrato global, Rawls considera a pertinência moral das fronteiras nacionais; rejeitando, porém, a justificação comunitarista, segundo a qual as fronteiras servem para preservar a especificidade cultural de um povo<sup>8</sup>. Este caracteriza-se, na perspectiva rawlsiana, não tanto pela especificidade cultural que procura preservar como pela responsabilidade colectiva exercida pelos seus membros, por meio de instituições políticas, sobre o seu território e pela sua capacidade para se perpetuar. Dada a sua natureza moral, o contrato internacional rawlsiano passa a ser celebrado entre os representantes dos povos e não entre os representantes dos Estados – como justifica na versão final de “The Law of Peoples” (Rawls, 1999: 23-27).

A utilização de ideias liberais numa posição original global esbarra, segundo Rawls, na impossibilidade de se estender a concepção liberal de «pessoa» a todos os tipos de sociedades e de culturas. Numa sociedade caracteristicamente associacionista, como a hipotética sociedade hierárquica decente descrita pelo filósofo (o Kazanistão), as pessoas são encaradas como membros responsáveis e cooperantes dos seus respectivos grupos e não como cidadãos livres e iguais (Rawls, 1993b: 546; 1999:66). Consequentemente, é preferível seguir-se um processo ascendente a dois

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7 «(...) there are various kinds of societies in the society of peoples and not all of them can reasonably be expected to accept any particular liberal principle of distributive justice; and even different liberal societies adopt different principles for their domestic institutions», in Rawls, 1993b: 558.

8 “A community’s culture is the story its members tell so as to make sense all the different pieces of their social life – and justice is the doctrine that distinguishes the pieces. In any differentiated society, justice will make for harmony only if it first makes for separation. Good fences make just societies”, in Walzer, 1983: 319.

níveis: iniciado com os princípios de justiça da estrutura básica de uma sociedade doméstica – liberal, fechada e auto-suficiente – e, só depois, progredindo a uma sociedade de povos bem ordenados. Primeiramente às sociedades liberais, ou seja, às democracias constitucionais razoavelmente justas, e só depois às sociedades hierárquicas decentes, a povos cuja estrutura básica se revê numa hierarquia de consulta decente, dado regerem-se por uma ideia comum de justiça que assegura o respeito pelos direitos humanos. Realista e eticamente sustentável, esta posição original superior dilata a base dos Direitos dos Povos e expressa a tolerância liberal ante outras formas razoáveis de ordenação social.

O alerta rawlsiano perde sentido caso se desloque a ênfase dos cidadãos para os indivíduos. Como assinalado por Pogge na análise sobre a assimetria dramática entre as teorias doméstica e internacional rawlsianas (Pogge, 2006: 222), o interesse de cada povo bem ordenado, liberal ou decente, na preservação da sua igualdade e independência, pode acordar com o interesse dos seus cidadãos, mas os indivíduos têm outros interesses relevantes para a regulamentação da boa conduta dos Estados – como por exemplo, um interesse em evitar a pobreza extrema de que possam sofrer mesmo numa sociedade liberal ou, no mínimo, decente. Para além disso, convém aos cidadãos de uma sociedade evitarem discrepâncias excessivas entre o seu nível sócio-económico e o das sociedades mais ricas.

Antecipando as críticas de Barry e Pogge à posição original internacional rawlsiana, em *Political Theory and International Relations* (1979) Charles Beitz considera que a justificação de um princípio de justiça distributiva internacional deve ser tecida por analogia à argumentação rawlsiana do princípio de justiça distributiva da sociedade doméstica, o princípio da diferença. Tanto mais que, conquanto as discrepâncias entre as realidades doméstica e internacional, não existem razões para não se estender o dispositivo da teoria política doméstica, o contrato original, às relações internacionais. Adoptando o cosmopolitismo como via alternativa quer ao cepticismo internacional, quer à moralidade dos Estados, Beitz advoga: “pessoas de diferentes cidadanias têm obrigações de distribuição umas para com outras nos mesmos moldes que as têm os cidadãos de um mesmo Estado” (Beitz, 1979: 128). Ou seja, considera que as obrigações de distribuição internacional assentam na justiça e não na ajuda mútua.

Limitar-se a aplicação dos princípios de justiça social contratualistas aos Estados constituiu, na perspectiva de Beitz, um erro crasso confirmado pela própria realidade – esta nega a auto-suficiência dos Estados. À sociedade doméstica liberal rawlsiana, concebida, na sua fórmula mais recente, como um sistema social auto-suficiente e fechado, em que se entra pelo nascimento e se sai pela morte (Rawls, 1993a: 40; 1999: 26), Beitz contrapõe a sociedade aberta – no âmbito das relações internacionais a noção de “comunidades nacionais auto-suficientes” é atenuada, pois de outro modo não faz sentido considerá-las. Caso as sociedades sejam concebidas como abertas, num sistema interdependente, o mundo como um todo pode ser descrito como um sistema social cooperativo e os argumentos para os dois princípios da justiça como equidade são aplicáveis, *a posteriori*, ao nível global (Beitz, 1979 :132). Ou seja, partindo da estrutura institucionalista rawlsiana Beitz mostra, contra Rawls, que existe um sistema de cooperação global e a aplicabilidade do princípio da diferença neste contexto.

Este argumento positivo em prol da justiça distributiva cosmopolita é antecedido por um argumento negativo (Caney, 2005a: 108s). Do mesmo modo que Rawls considera a distribuição de talentos, na sua análise sobre a posição original na sociedade doméstica, como arbitrária do ponto de vista moral (Rawls, 1971: 63s; 87), Beitz assinala a arbitrariedade moral da distribuição de recursos naturais na posição original internacional, sugerindo que as partes contratantes proponham um princípio de redistribuição de recursos<sup>9</sup>. Mas eleva duas objecções à discussão rawlsiana sobre os talentos naturais: primeiro, o significado da apreciação “são moralmente arbitrários” é obscuro – que ninguém mereça nascer com um determinado talento não significa que a sua posse precise de ser justificada; segundo, as capacidades naturais fazem parte do sujeito, não constituindo meros atributos. Dificuldades apontadas, de resto, pelo liberalismo libertário (Nozick, 1974: 213-231) e que subjazem à crítica comunitarista ao sujeito despojado e descontextualizado da teoria da justiça como equidade (Sandel, 1982).

9 “The fact someone happens to be located advantageously with respect to natural resources does not provide a reason why he or she should be entitled to exclude others from the benefits that might be derived from them. Therefore, the parties would think that resources (or the benefits derived from them) should be subject to redistribution under a resource redistribution principle”, in Beitz, 1979: 138.

Os recursos naturais são moralmente arbitrários como os talentos naturais, mas não são, como estes, necessários à nossa personalidade, dado precisarmos de nos apropriar deles. E se esta apropriação não exige uma justificação num estado de abundância, como no estado de natureza lockeano, exige-a no estado de escassez. Nestas circunstâncias a apropriação de um recurso por alguém coloca todos os outros em desvantagem, proporcionando-lhes um nível fraco de bem-estar. Segundo Beitz, a perspectiva rawlsiana falha precisamente por não focalizar esta questão – como veremos, na Lei dos Povos o que é central ao bem-estar da sociedade é a cultura política, as virtudes cívicas e civis dos seus membros, e não a arbitrariedade dos recursos naturais.

A interdependência económica constitui, na perspectiva de Beitz, a base de um sistema de cooperação internacional que distribui direitos e deveres por todos os indivíduos do planeta. Consequentemente, a par do “princípio de redistribuição dos recursos”- que proporciona a cada sociedade a oportunidade de estabelecer instituições políticas justas e uma economia que possam suprir as necessidades básicas dos seus membros (Beitz, 1979: 141), que salvaguarde a protecção dos direitos humanos garantidos pelos direitos individuais – Beitz advoga a existência de um “princípio de distribuição global”- que redistribui os benefícios decorrentes dos maiores recursos dos países mais ricos pelos países mais pobres. Princípio que se aplica prioritariamente ao mundo como um todo e só depois às sociedades domésticas ( Idem: 175).

Thomas Pogge, à semelhança de Beitz, constata a existência de um sistema internacional (de regras, instituições e práticas) e apresenta um princípio de justiça distributiva igualitário, um princípio suficiente que tem em vista regular as desigualdades entre os indivíduos do mundo, minimizando os danos que a comunidade internacional tem causada nos mais pobres, através de um direito que concede privilégios aos chefes de Estado em nome dos seus países – tais como o de acesso a recursos naturais e de acesso a empréstimos à banca internacional (Pogge, 2002: 29s; 118s). Propõe neste sentido, e na esteira da noção lockeana de propriedade, que se institua um imposto sobre o uso dos recursos naturais, a que denomina de “Dividendo sobre os recursos naturais” (GRD). Pretende, assim, acabar com a fome no mundo através da distribuição aos países mais carenciados do produto de um imposto que recai sobre os países mais ricos, dado que, pela sua capacidade e desenvolvimento,

consomem mais recursos naturais. Um pequeno imposto sobre os combustíveis fósseis bastaria, na perspectiva de Pogge, para acabar com a fome no mundo.

Esta solução permite estreitar a distância entre as perspectivas igualitária e libertária, quer pela recorrência à visão lockena sobre o direito de propriedade, quer pelo reconhecimento de que, quando se reclama um cuidado constante em relação a todos, os deveres negativos, como o dever de não causar dano aos mais pobres, são mais rigorosos que os positivos (Pogge, 2002: 132). Da mesma forma, a proposta é justificável nas terminologias contratualista e consequencialista. Recorrendo a uma estratégia ecuménica, que começa por mostrar como o mundo é pervertido pela desigualdade radical, por uma desigualdade que concerne a todos os aspectos da vida humana, Pogge aspira tornar o GRD razoável a qualquer via do pensamento político ocidental.

## II

Na versão revista e ampliada de “The Law of Peoples” (1999), Rawls demarca-se claramente do cosmopolitismo, ainda que contribua para a sua conceptualização e construa a sua utopia realista na esteira da ideia de *foedus pacificum* de Kant. Tanto mais que, como faz questão de sublinhar, a perspectiva cosmopolita preocupa-se com o bem-estar dos indivíduos e não com a justiça das sociedades (Rawls, 1999: 119). Conquanto compreenda os apelos cosmopolitas de Beitz e Pogge a um princípio de justiça distributiva global, alerta para a sua redundância num mundo não-ideal e questiona a sua falta de objectivo definido e, consequentemente, de desfecho (Rawls, 1999: 106) – falha que determina a periodicidade da sua aplicação. O dever de assistência, tal como a poupança justa, princípio da justiça inter-geracional, é um princípio de transição – uma vez alcançado o fim a que se propõe, proporcionar as condições necessárias à emergência de uma estrutura básica justa nas sociedades sobrecarregada e à sua respectiva manutenção, cessa.

A aplicação de um princípio global de justiça distributiva a um mundo hipotético conduz, na perspectiva rawlsiana, a resultados inaceitáveis. Tanto mais que a maior riqueza de uma sociedade liberal (ou decente) em relação a uma outra, resulta frequentemente não tanto das diferentes condições de partida (como o nível de riqueza, da dimensão



populacional ou da taxa de crescimento, etc), como das suas escolhas distintas (industrialização e aumento da taxa de poupança (real) *versus* actividade agrária, lazer e reafirmação dos valores sociais; do maior ou menor papel atribuído à mulher no mundo político e económico, etc). Será aceitável exigir às sociedades mais ricas que paguem pelas más opções das sociedades mais pobres? Rawls diz-nos que não, aproximando-se, assim, duma visão próxima à libertária – conquanto, não tome o *laissez-faire* absoluto como a regra geral de interacção económica no seio da Sociedade dos Povos (Freeman, 2006b: 32).

Na análise de *TLoP* sobre as sociedades sobrecarregadas, o filósofo escreve: “os níveis de riqueza e bem-estar entre as sociedades pode variar, e presumivelmente variam; mas ajustar esses níveis não é objectivo do dever de assistência”<sup>10</sup>. Tanto mais que nem todas as sociedades sobrecarregadas, às quais se aplica este dever, são pobres, do mesmo modo que nem todas as sociedades bem ordenadas são ricas – uma sociedade é bem ordenada caso as suas tradições políticas, lei, propriedade e estrutura de classes com as subjacentes cultura e crenças religiosas e morais sejam análogas à de uma sociedade liberal ou decente, não pelos recursos e pela riqueza que detém. Neste sentido, a cultura política, e não a pobreza, constitui o impedimento para que um povo não se possa organizar como sociedade bem ordenada. Em última instância, ela constitui a causa mais profunda da pobreza de um povo.

A preocupação maior do liberalismo igualitário rawlsiano no âmbito da sociedade internacional prende-se com a eliminação das injustiças políticas e o estabelecimento de instituições básicas justas, com a fomentação do respeito pelos direitos humanos – direitos básicos que estabelecem os limites de soberania dos Estados e cuja violação é condenada pela sociedade de povos bem ordenados – e não com o ajustamento entre os níveis de riqueza e de bem-estar das sociedades. Tão pouco se prende com igualdade económica entre os indivíduos, pois a igualdade aqui focalizada é a igualdade entre povos. E ainda que sublinhe a urgência em se aliviar o sofrimento e privações dos pobres, atende que isso não exige a igualdade económica entre os indivíduos (Rawls, 1999: 114). Na perspectiva rawlsiana temos uma responsabilidade positiva relativamente à pobreza global, mas não a responsabilidade de mitigar

10 “The levels of wealth and welfare among societies may vary, and presumably do so; but adjusting those levels is not the object of the duty of assistance” in Rawls, 1999: 106.

os danos continuamente causados pela comunidade internacional aos mais pobres – uma responsabilidade negativa (Pooge, 2001: 22).

Ao sustentar uma tese da pobreza puramente doméstica (TPPD), Rawls olvida os factores internacionais da pobreza quando, na verdade, existe um amplo conjunto de instituições e práticas internacionais que causam danos aos mais pobres (Pogge, 2001: 219). Como assinala Pogge, o amplo acolhimento da TPPD no mundo desenvolvido deve-se 1) ao facto de constituir uma crença cómoda; 2) à consciência de ampla disparidade entre os comportamentos económicos dos países em desenvolvimento; 3) ao enfoque conferido pelos sociólogos às diferenças entre as trajectórias de desenvolvimento de nações e regiões (em detrimento da evolução global da pobreza e desigualdade em todo o mundo); e 4) à persistência de governos e elites brutais e corruptas nos países pobres (Idem: p. 225-230).

Em detrimento de um princípio de distribuição global, Rawls fornece uma lista de direitos humanos, alegando que as necessidades básicas de todas as pessoas no mundo são satisfeitas, em parte, como uma questão de direitos humanos – eis a base do dever de assistência, um dever humanitário e não de justiça. Mas estas necessidades básicas são distintas das necessidades de subsistência protegidas pelos direitos humanos. Além dos direitos humanos, Rawls pretende que as pessoas sejam capazes de tirar proveito dos direitos, liberdades e oportunidades da sua sociedade, que exigem direitos e liberdades institucionais e os meios da economia, que vão para além do que é necessário ao exercício daqueles (Freeman, 2006: 35). Consequentemente, a exclusão de certos direitos democráticos – como os da participação política, da liberdade de expressão e da liberdade de associação – da lista rawlsiana de direitos humanos não significa que não constituam um ideal a que todas as sociedades devam aspirar.

No mundo real a eficácia duma distribuição global dos requisitos básicos à vida humana depende, em primeira instância, da reinvenção cultural e política das sociedades mais carenciadas, da sua reestruturação, ou senão mesmo, reinvenção social. De outro modo, a aplicabilidade da justiça global funcionará como um remendo da miséria humana, como uma “fuga para a frente” quando o peso da responsabilidade, que recai sobre cada um de nós, se torna insuportável. Neste sentido, cabe-nos ser humanitários uma vez que sejamos mais justos.

**Bibliografia:**

- BARRY, Brian (1989), *Theories of Justice*, Berkeley, University of California Press, 1989.
- BEITZ, Charles (1979), *Political Theory and International Relations*, Princeton, Princeton University Press, 1999.
- (1999), «Social and Cosmopolitan Liberalism», in *International Affairs*, 75, 3 (1999), pp. 515-529.
- CANEY, Simon (2005a), *Justice Beyond Borders: A Global Political Theory*, Oxford, Oxford University Press, 2006.
- (2005b), «Cosmopolitanism, Democracy and Distributive Justice», in *Global Justice, Global Institutions*, ed. by Daniel Weinstock, *Canadian Journal of Philosophy*, Supplementary vol. 31, Canada, University of Calgary Press, 2005, pp. 29-63.
- FREEMAN, Samuel (2006), «The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice», in *Justice and Global Politics*, ed. by Ellen Frankel Paul, Fred D. Miller, Jr. and Jeffrey Paul, New York, Cambridge University Press, 2006, pp. 29-68.
- HELD, David (2005), «Principles of Cosmopolitan Order», in *The Political Philosophy of Cosmopolitanism*, ed. by Gillian Brock and Harry Brighouse, Cambridge, Cambridge University Press, 2005, pp. 10-27.
- NOZICK, Robert (1974), *Anarchy, State, and Utopia*, Oxford UK & Cambridge USA, Blackwell, 1974.
- MILLER, David (2000), *Citizenship and National Identity*, Cambridge, Polity Press.
- POGGE, Thomas W. (1989), *Realizing Rawls*, Ithaca, Cornell University Press, 1989.
- (2001), «Priorities of Global Justice», in *Global Justice*, ed. by Thomas Pogge, Malden, Blackwell Publishing, pp. 6-23.
- (2002), *World Poverty and Human Rights : Cosmopolitan Responsibilities and Reforms*, Cambridge, Polity, Second Edition, 2008.
- (2004), «The Incoherence between Rawls's Theories of Justice», in *Fordham Law Review*, 72(5), 2004, pp. 1739-1759.
- (2005), «A Cosmopolitan Perspective on the Global Economic Order», in *The Political Philosophy of Cosmopolitanism*, Edited by Gillian Brock and Harry Brighouse, Cambridge, Cambridge University Press, 2007, pp. 92-109.
- RAWLS, John (1971), *A Theory of Justice*, Oxford, Oxford University Press, Revised Edition, 1999.
- (1975), «A Kantian Conception of Equality», in *Collected Papers*, ed. by Samuel Freeman, Cambridge, Harvard University Press, 1999, pp. 254-266.

- (1977), «The Basic Structure as Subject», in *American Philosophical Quarterly*, 14 (2), April 1977, pp. 159-165.
- (1993a), *Political Liberalism*, Columbia University Press, New York, 1993.
- (1993b), «The Law of Peoples», in *Collected Papers*, ed. by Samuel Freeman, Harvard University Press, Cambridge, 1999, pp. 529-564.
- (1999), *The Law of Peoples*, Harvard University Press, Cambridge, 1999.
- ROSAS, João Cardoso (2006), “Sobre as Condições de Justiça Global: Desenvolvimentos Recentes”, in *Actas do III Congresso da Associação Portuguesa da Ciência Política*, Lisboa, Fundação Calouste Gulbenkian, pp. 541-554.
- SANDEL, Michael (1982), *Liberalism and the Limits of Justice*, Cambridge, University Press, Second Edition, 1998.
- SEN, Amartya (2003), “Les Racines Globales de la Démocratie”, in *La Démocratie des autres*, Paris, Éditions Payot & Rivages, 2006 pp. 7- 47.
- SYPNOWICH, Christine (2005), “cosmopolitans, cosmopolitanism, and human flourishing”, in *The Political Philosophy of Cosmopolitanism*, ed. by Gillian Brock and Harry Brighouse, Cambridge, Cambridge University Press, 2005, pp. 55-74.
- TAN, Kok-Chor (2004), *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, Cambridge, 2004.
- (2005a), «International Toleration: Rawlsian versus Cosmopolitan», in *Leiden Journal of International Law*, 18 (4), 2005, pp. 685-710.
- (2005b), « The Demands of Justice and National Allegiances », in *The Political Philosophy of Cosmopolitanism*, ed. By Gillian Brock and Harry Brighouse, Cambridge, Cambridge University Press, 2005, pp. 164-179.
- (2005c) “Cosmopolitan Impartiality and Patriotic Partiality” in, *Global Justice, Global Institutions*, ed. by Daniel Weinstock, *Canadian Journal of Philosophy*, Supplementary vol. 31, Canada, University of Calgary Press, 2005, pp. 165-192
- WALZER, Michael (1983), *Spheres of Justice – A Defence of Pluralism and Equality*, Oxford, Basil Blackwell, 1983.

# Religion and State secularism, laïcité and multiculturalism today

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## Abstract

There are many authors who have claimed that religion would necessarily collapse, under a wave of secularism, where the ideals of Enlightenment would take over the principles of the individual's identity formation based on cultural traits, religious memories or urban myths. In this paper I will try to answer a specific question, namely, what role can we assign today to the concept of a 'civic' religion, as Rousseau propose in *The Social Contract*, and how can it help us to understand the dynamics of multiculturalism and pluralism in today's society? To answer this question I will establish a parallelism between the American exceptionalism and the French case of *laïcité*, in order to better understand the role religion played and still plays in defining the social landscape, and determining the individuals' relationship to the State. This paper has three moments: First, I will set the stage providing some background on Rousseau's placement under the Enlightenment movement. Second, I will look at the American case and at what America has of 'exceptional' in treating religion both in judicial and constitutional terms. Finally, I will compare America and France and reflect upon the implications of both models.

**Keywords:** religion, laïcité, american exceptionalism, Enlightenment, Rousseau

## I. Setting the Stage - Religion versus Enlightenment?

Rousseau is an author who has diverse works in different areas of knowledge, including art. One can read each work for its own sake - for instance, *The Social Contract* has in itself enough matters that enlighten us on what Rousseau thought was the best form of government - or one can adopt a more transversal approach to Rousseau, where voices of different works find a common resonance - for instance, reading *The Social Contract* having in mind *Émile* and even both *Discourses*.

From a general perspective and considering the historical momentum of when Rousseau does his writing, it is very important to acknowledge the two leit-motifs that conduct Rousseau throughout his work: first, the assumption regarding human nature that man is 'good'; second, his total commitment to the principles of equality and liberty. Actually it is via these two principles that human nature will be characterized, defining the entire project of 'rediscovering' man and making him/her a virtuous citizen. Why these two principles and not others? It would be relevant here to place Rousseau in context.

One is easily tempted to characterize the Enlightenment Movement strictly based on the 'rational' component of humankind, which is the foundation for an emancipated, free and equal conception of man. However, the Enlightenment Movement, like Adorno and Horkheimer pointed out, was full of *dialectics* - reason comes with non-reason and even irrationality that must be understood in the nest where it finds its origins. Having said that, the Enlightenment Movement irrupted from the necessity of radicalizing and overcoming the Ancient/ Medieval 'way of life' - understood both as political form of government, economic model, and as social organization with cultural and religious repercussions. This movement prepared the transformative climate propitious for the great American and French Revolutions. Natural rights were born and with them a panoplia of other rights: from individual freedom and right to property (the more Lockean approach) one arrives and/or discloses the motor assumptions of equality (political and moral), of right to choose one's mode of living (or pursuing happiness or a conception of the 'good life'), right to (equal) justice and punishment of offenses, among others.

The ideas of freedom and equality are not as obvious as one tends to think today. To affirm freedom and equality as principles and guiding

lines for a future conception of form of government and even justice was, literally, a revolutionary thing, since it intended to overcome the previous conception of 'hierarchy' of social classes and races, which had sharp examples in Europe and America. These ideas have direct repercussions in all spheres of life: suddenly, government starts being seen as the 'tool' that is supposed to guarantee natural rights and protect them (instead of subjugating individuals in the name of major interests); and religion, which had a key function in sustaining and promoting social cohesion while justifying the Medieval 'government', lost its foundation. If government could no longer be conceived as deriving directly from God, and if one had to re-conceptualize the government's forms of legitimization and justification, so too one had to re-conceptualize the role of religion in social and political life. If the State is humanized, insofar as it begins to be perceived as a human institution which legitimacy can only derive from the popular will, what happens to religion? If God can no longer serve as justification of government, who is God and what is his purpose?

Rousseau lived with these and other questions, preparing the mental change that could support the physical and social transformation. But how would he place himself vis-à-vis religion?

### **Announcing the 'public' religion**

Let us look at how Rousseau conceptualizes Religion in *The Social Contract*. Rousseau starts by telling us:

"Religion, considered in connection with societies, whether general or particular, can be divided into two categories, the religion of the man and the religion of the citizen."

(1968:181)

The difference between the two is that, while the first is unorganized and informal, the second is determined and focused; it is a "civil religion" that represents a single country, a single nation. It exemplifies the values one should adopt, taking patriotism and civic virtue seriously. However, Rousseau doesn't stop in these two. To this, Rousseau adds a third religion with two main characteristics: on the one hand, it is

organized; on the other hand, it is independent of the state and which can be common to many nations. In reflecting upon which kind of religion should one choose, Rousseau immediately excludes this third kind of religion, since it easily leads to division and sectarianism within a nation. As he says: 'Everything that destroys social unity is worthless; and all institutions that set man at odds with himself are worthless.' (1968:181) What characteristics of the previous two kinds of religion should one endorse?

The religion of the gospels, like Christianity, is according to Rousseau holy, sublime and true. Its value must be recognized. However, Rousseau tells us that Christianity *per se* is bad for the state, because it projects individuals outside the social landscape and political reality they live in. By focusing on the strict spiritual side, it promises to individuals a 'home' that is not of this world. Therefore, it creates and promotes detachment from the physical world and underestimates the importance of patriotism and war, if necessary to fight for the country's autonomy.

Civil religion, on the other hand, is the best kind of religion because it is the only one that reinforces the 'sense of belonging' to a particular community, underlying the importance of the State in each individual's life. This kind of religion embodies the state with moral values and content that otherwise the State could not reclaim to possess. However, civil religion has too its faults. To start with, it gives space for intolerance and superstition. How should one overcome the problems of these two trends of religion? The answer for Rousseau lies in allowing and granting tolerance to all religions that will grant it to others.

At this point one could think that Rousseau is recognizing religion as a purely private matter, a question of conscience and personal choice; however, religion plays a role that cannot be reduced to the private sphere of citizen's life. From the moment one acknowledges the fact that religion is a key component in any kind of social construction, one needs to figure out the way through which one can 'maintain' all the positive side of religion, and 'overcome' the bad side. In Rousseau's world, this comes down to promoting a special kind of public religion. In what is this public religion different from the others?

To start with, public religion consists on a set of dogmas that should be recognized as valid to all citizens. More than spiritual dogmas it is a



matter of underlying social dogmas, social rules that should be adopted as universal. It is not a question of the State promoting a specific religion; rather, it is a question of the State making sure that no religion can harm the social stability and the social body.

### **Implications of Rousseau's conceptualization of public religion**

By introducing this kind of civic or public religion, Rousseau is transcendentalizing politics or, in its turn, de-sacrilizing 'religion'. After reading the chapter on religion in *The Social Contract* one could argue that Rousseau tries to almost deify the General Will and that in recognizing Christianity's values, Rousseau is to some extent secularizing its principles and making them legitimate, universal and valid, without appealing to a transcendental figure of God. But is this really the case? What are the implications of having a public religion? Is it viable as a political project, is it desirable? At what cost?

Rousseau's challenge is to import 'religious' qualities to the sphere of civic society and political life. The role of God is now played by the General Will, who can choose the kind of religion it wants to adopt. One could argue: if the General Will chooses to adopt a more intolerant religion, one is 'forced' to adopt it, since the General Will in principle is always right. So, how can we avoid intolerance as a matter of fact?

The difficulty in answering this question lies in Rousseau's conceptualization of the 'state of nature' and human nature as such. Rousseau idealized man as a 'free' being who, to maintain his freedom in the social state had to transform it via consent and recognition of each individual members' of the community equality. The social contract transforms human freedom into a will to commit, giving birth to a collective moral body with a political component – the General Will. Under this light, apparently (at least) it seems that Rousseau is *not* appealing to any kind of transcendence. Instead, transcendence is replaced by the feeling of 'equality' of human beings. Religion in this context derives its necessity and importance from being 'felt' and 'shared' by the community and not by being imposed by the Legislator upon the subjects. What is exactly the role of religion in a new social human condition, post social pact?

There is an ambivalence and almost paradox in Rousseau's conceptualization: on the one hand, the Legislator cannot force or impose reli-

gion on anybody; on the other hand, the pre-political man, which is not yet fully enlightened nor educated, needs to have something that allows him/her to grasp and/or have the intuition of some kind of universality attached to the legislation. Briefly, the origin of the social pact could never be immanent because otherwise it could lose its validity or even dissolve itself. The origin of the social pact must be such that guarantees an universality and validity that cannot be questioned or doubted about. In order to do so, one must appeal to some kind of religion, with the mission of educating and enlightening individuals to become virtuous citizens. In this manner, civil religion works as 'a species of passional disposition put into practice in order to overcome reason's deficiencies since reason, by itself, would never do something as gracious.' (2006:109)

While Christianity as institution was associated by Rousseau to the end of peace and resistance, even slavery, Christianity as the word of Christ was the example to take. Rousseau invented a public religion that would condense the advantages of Christianity and overcome its faults (under the historical dimension), combined with the advantages of a natural religion and a civil religion as well. This invention is crucial to justify, on the one hand, sociability; on the other hand, to allow its expression as virtuous practice. With a public religion, the city of men is united with the city of God, the world of particulars is united to the world of universals, and morality can finally be applied in concrete, by internalizing a republican virtue and externalizing it in the political world. With this invention came a new political ethics, where the heart is united to reason, where the common good is in pace with the particular interest, where everyone is 'forced to be free'.

This Rousseaudian expression of having to be 'forced to be free' seems contradictory, however, it enlightens the relationship between the private and public use of freedom of conscience. In principle, public religion is compatible with religious pluralism. However, it stops being compatible from the moment some beliefs have public repercussions and threaten the common good. We arrive at the notion that everyone is free to believe in whatever one wants, *as long as* it does not interfere nor endanger the social body. A question must be posed: who determines the limit between the permissible and non-permissible in religious pluralism and religious practice? What are the limits of the State in religious matters?

In order to answer this fundamental question I would like to turn to the concrete case of American exceptionalism, by analyzing the first amendment of the Constitution and making punctual parallelism with the French case of *laïcité*.

## II. The American case

For Tocqueville America was the example of a democratic society grounded on common values and a sense of shared republican virtue. From the very beginning, America was a religious society and even today one can identify multiple references to God in political speeches and documents. The first amendment points out that reality – the fact that there were so many forms of religion, imposed a duty of tolerance upon the new American population, duty which can be identified in the ‘wall of separation’ principle. Mainly, it was a way of guaranteeing that no religion would have priority over any other and that no religion could interfere with the State, having an official character. While it is questionable if this is the case in practice (one sees several ways in which religion may interfere in the political sphere), the USA is an example of balancing individual freedoms with the common good. In this section I want to account for the meaning of religious freedom in the American context, having as background Rousseau’s influence. Second, I want to argue that the First Amendment can be read not only as guaranteeing ‘freedom of’ religion, but also ‘freedom from’ religion’. In this sense, those who are ‘free from’ religion should remain free, i.e., non-coerced by the State to engage in religious practices. This will help us to reflect upon the ‘limits’ that should exist between state and religion. After doing that, we will turn to the next section where we will look at the implications of this principle, comparing it to the French case under the Rousseaudian heritage.

### Looking at the First Amendment

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

The First Amendment is arguably the most important part of the U.S. Constitution in the sense that it guarantees freedoms of religion, speech, writing and publishing, peaceful assembly, and the freedom to raise grievances with the Government. For our purpose in this paper, we want to analyze how freedom of religion is generally understood and how is it guaranteed.

The First amendment affirms the intrinsic right of individuals to have freedom of religion – the state should not privilege a religious belief over other(s) and the state should not prohibit the free exercise thereof. Under this light, one could say that the First amendment condenses perfectly the Rousseaudian idea and principle of tolerance. However, as we will see, it also implies some (unspoken) limits and conditions to this tolerance, limits which vary according to the historical momentum and constitutional interpretation across time.

### **The origins of a discourse of freedom of religion**

The roots of the First Amendment can be traced to the Seventeenth century, with the publication of John Locke's *Letter Concerning Toleration* and with several states gradually granting 'liberty' of worship to different religious groups. By 1779 Thomas Jefferson proposed the first bill of rights to the Virginia Legislature - Jefferson states that "no man shall be forced to frequent or support any religious worship, place or ministry whatsoever." Seven years later, on 1786, this bill becomes law.

Jefferson represents the theoretical and practical shift from the Old to the New World's attitude towards religion. Contrary to Europe that lived a visible tension between religion and the State, Jefferson argued that all forms of Christianity were legitimate and that all deserved to be in an equal footing with other faiths. From a theoretical point of view this step of granting religious freedom meant two things: First, it meant freedom *of* religion, in the sense that all individuals have the innate right to chose and practice their faith. Second, it meant freedom *from* religion. By treating religion as a matter of personal choice, it follows that the religion of Christianity, or one of its denominations could not be recognized as an established state Church - the nation should not endorse a particular religious sect in detriment of all others, at the expense of opening a realm for discrimination and injustice.

Until here one can easily recognize the Lockean influence in the American legacy; however, one also identifies Rousseau. While it initially may seem that America gives priority to the individual's autonomy *vis-à-vis* the State and religion, it is also true that American society gives much importance to the fact of 'belonging' to a religious community or church. America is the perfect example of a country where there is an organized civil religion, which underlines the process of production and reproduction of meaning, national and social consensus and national identity. One could ask: isn't American experience closer to Rousseau than to Locke? For authors like Fernando Catroga the answer is positive, given that American civil religious developed in an environment of struggle for civil tolerance, being the only totally developed historical case 'en tant que dimension religieuse de la politique qui, tout en se réclamant d'un Dieu transcendant, a acquis sa propre autonomie à l'égard des religions traditionnelles, sans pour autant entrer en conflit avec elles, mais en s'attirant au contraire leus appui et leur collaboration dans la construction d'un système de croyances, de mythes, de valeurs et de symboles relatifs À la nation américaine, provenant en grand partie, dans leur structure fondamentale, de l'Ancien et du Nouveau Testaments.' (2006:162-3)

Benjamin Franklin, as Rousseau, recognized the necessity to establish and promote a 'public religion', while Lincoln talked about a 'political religion' as key element to interiorize values that were crucial for the development of the republican virtue.

While acknowledging the fact that there is a civil public religion in America, it is also the case that the dynamics between the right of freedom of and from religion remains problematic, once one considers that despite the universalistic and tolerant discourse lies the assumption that Christianity is the religion where this freedom is framed.

### **Dismantling the "Wall of Separation" concept**

As President, Thomas Jefferson wrote a letter to the *Danbury Baptist Association of Connecticut* on January 1<sup>st</sup> 1802. It contains the first known reference to the "*wall of separation*". The essay states in part: "...I contemplate with solemn reverence that act of the whole American people which declared that their legislature should 'make no law respecting

an establishment of religion, or prohibiting the free exercise thereof; thus building a wall of separation between Church and State...”

The US Supreme Court has interpreted the First Amendment as if it requires this “wall of separation” between church and state. It not only prohibits any government from adopting a particular denomination or religion as official, but it also requires government to avoid excessive involvement in religion. This necessary separation derives from the awareness that any visible link between religion and state could in fact compromise the success of the union. However, religion has always played a crucial role on the American culture throughout history. By 1833 every state granted to its citizens basic liberty of conscience and free exercise of religion, however, it did not mean that states didn’t patronize a general form of public religion, ostracizing those who didn’t belong to the mainstream culture. Most state officials would recognize and hold common (and generally Christian) practices and beliefs. We have examples of this past inscribed in currency, stamps, state seals and government stationery. Biblical References are inscribed in public offices as well as schools and buildings and religious symbols are erected in parks and public spaces. State holidays generally reflect the Christian calendar, and prayers are offered in Congress and State legislatures. One should not be surprised that legislation reflects these Christian beliefs and teachings, since Christianity has been until now ‘part of the common law’.

This pattern of granting religious freedom to all private religions while patronizing a common Christian religion worked well enough during the (hypothetical) homogenous times. However, with the increasing of pluralism in American society, the waves of immigration and all the cultural transmutation it implies, this system of ‘freedom’ and tolerance towards differences became harder to maintain. In coming to a new country, one knows that the tendency is generally to accept assimilation, at least culturally speaking, but only to a certain extent. Many groups like Jewish, Protestant, Orthodox Catholics and others refused to conform to the norm of American identity. The tensions brought by these new groups, especially after the waves of immigration of the 1870’s, led many states to change their constitutions, while others offered more resistance to change. The history of the Supreme Court is a vivid example of that. To this we now turn.

### Some Examples

The first Supreme Court case that addressed the issue of free exercise clause of the First Amendment was *Reynolds v. US* in 1878, in which the Court held a federal law banning polygamy over objections by Mormons who argued that the practice of polygamy was their religious duty. In this case, the Court distinguished between religious beliefs and religious conduct, arguing that despite the fact that Congress had no legislative power over opinion, it had, nevertheless, the power to determine actions which were in violation of social duties or actions which were subversive to social order. Here, the government could not punish individuals or groups for their religious beliefs; however it could regulate religiously motivated conduct as long as it had a rational basis for doing so. The criteria of rationality become the standard for determining whether a law that referred to religious practice violated or not the free-exercise clause.

By 1940 with *Cantwell v. Connecticut* and more particularly in *Everson v. Board of Education* in 1947, the Supreme Court incorporated the First Amendment free-exercise and establishment clauses into the due process clause of the 14<sup>th</sup> Amendment – with the free-exercise clause government cannot restrict religious expression, discriminate against religion or invade the autonomy of religious bodies or Churches. Until this time there was no cause of action against the state for laws that may have impinged on religious practices. With the establishment clause, the government cannot coerce the conscience, mandate forms of religious expression, discriminate in favor of one religion over the others, or ally the state with a Church. Together, these clauses provide reciprocal protections to the principle of freedom of conscience, freedom of religious expression, religious equality and separation of church and state. In this manner, the First Amendment must be read not only as guaranteeing religious freedom but also of binding state governments to assure this liberty.

With the 14<sup>th</sup> Amendment, a national law on religious freedom was created to the extent that one reads ‘liberty’ in the passage ‘(nor) shall any State deprive any person of life, liberty or property, without due process of law’ as including liberty of conscience. In such a manner federal courts could enforce this principle against federal, state and local

governments alike. However, we must clarify what are the criteria that determine if religious freedom has been violated and how is the enforcement of the First and Fourteenth Amendments made.

The First Amendment must be read in its double role: on one hand of protecting individuals, on the other of protecting groups. In a context where there is a general, even if non-official endorsement of Christianity, the individuals or groups who endorse different religious beliefs asked for special protections from general laws. In order for religious claims to be heard by the Supreme Court, there is a main condition, namely, they cannot compromise the freedom of other individuals and/or groups, i.e., they must be neutral and generally applicable.

The *Everson* case was a challenge to spread practices, since there was a long tradition of state and local policies that patronized a specific religious orientation. From 1947 to 1989 the Supreme Court created a strong establishment clause, eradicating traditional privileges that have been attributed to public Christianity, especially in public schools. In *McCullum v. Board of Education* (1948) and *Engel v. Vitale* (1962) the Court held that public schools could not offer prayers or moments of silence, could not read religious books, teach theology or creationism, nor could they display the Ten commandments. At the same time, the Court removed religious schools from most state aid and support.

In 1963 in the *Sherbert v. Verner* case, the Supreme Court decided to afford some degree of government accommodation of religious practices. Later in 1971, in *Lemon v. Kurtzman*, the Court distilled these principles in a general test to be used by establishment-clause cases: every law that challenged establishment-clause would be constitutional only if: a) it had a secular purpose; b) it had a primary effect that neither enhanced nor inhibited religion, c) fostered no excessive entanglement between church and state. This test created a great obstacle to many forms of state patronage of public religion.

In 1972, Yoder and other members of the Old Order Amish refused to allow their children to go to school after completing on the eight grade, despite the compulsory attendance law of Wisconsin. They believed that by sending their children to school they would 'not only expose themselves to the danger of censure of the church community, but (...) also endanger their own salvation and that of their children.'(1995: 368/9) The state stipulated that the defense argument was sincere.



Old Order Amish communities share a fundamental belief that salvation requires life in church community separate from the world and its influence. This concept of life is central to their faith. They object to high school and higher education in general, because in school children are exposed to other values, different from Amish way of life. The worldly influence conflicts with Amish beliefs. While school promotes education, knowledge, competitiveness and success through a social life with others, Amish society emphasis informal learning and a life of 'goodness', rather than a life of the intellect; wisdom, rather than technical knowledge, community welfare rather than competition, and separation from the world, instead of integration.

High school is contrary to Amish beliefs not only for these reasons but also because it takes children from their community in a crucial period of their lives. Elementary school is ok, because children must have basic skills in order to read the bible, to be good farmers and citizens, and to be able to deal with non Amish people in a civilized manner.

The State has the responsibility of education of its citizens. Either the state does not deny the free exercise of religion, or the state needs to show that there is a state interest of sufficient magnitude to override the interest of Amish people is depriving their children from higher education.

Evidence of 'almost 300 years of consistent practice,, and strong evidence of a sustained faith' of Amish people, support the claim that enforcing the state's requirement of compulsory education after 8<sup>th</sup> grade would endanger, and even destroy the free exercise of religion.

This case raises the question: how to conciliate the First Amendment guarantee of free exercise of religion with a law of general application that is 'neutral' toward religion, yet burdens the right by requiring individuals to act contrary to their religious beliefs. In *Yoder*, the Court required the State to show a compelling interest in the legislation in order to stand.

After *Sherbet* and *Yoder* the Court applied the religious exemption doctrine by examining two questions: Has the government significantly burdened a sincerely motivated religious practice? If so, is the burden justified by a compelling state interest?

However, in the 1980's the Court relaxed its separationist logic. We should ask: what triggered the shift in Court's logic? Why did the Court close the eyes to the principle of neutrality? What is the rela-

tion between the changing of interpretation of the law, with the specific interests of groups or individuals, in Congress or Senate? What is the role of this abandonment in the general political agenda of the President and/or a certain administration? From mid 1980's on, the Court held that religious groups must have equal access to public schools facilities that were open already to other civic groups and that religious students were as entitled to state services as non-religious ones. Many of these cases have been controversial, because they raise questions to which no easy answer can be given: how do we accommodate pluralism in a democratic society? What kind of hierarchy of values should regulate a pluralistic society? How can we promote a balance between different beliefs, convictions and practices? Until now the Court has not yet found a set of principles according to which decisions ought to be made. The rulings to each case oscillate between the proper accommodation of religion under the establishment clause, as necessary protection of religion under the free-speech clause, as simple application of the equal protection clause, among others. The Court still needs to find a more integrated law of religious freedom.

### **Between France and U.S.A.**

France and the U.S. represent totally different paradigms in what regards religious freedom. While the U.S. reads the First Amendment as an intrinsic human right to practice religion without government interference, as long as there is no conflict between others' freedom, France takes the principle of neutrality as *laïcité*, meaning that religious manifestations should be banned from public life. How different are these approaches? Which of them reflects more Rousseau's principles and his conceptualization of a 'civil religion'? How can looking back at Rousseau help us to understand the dynamics of multiculturalism and pluralism in today's society?

To answer this question I will establish a parallelism between the American exceptionalism and the French case of *laïcité*, in order to better understand the role religion played and still plays in defining the social landscape, and determining the individuals' relationship to the State. In order to do so, I will take the famous 'head scarf' dilemma as example.

The U.S. sees the head scarf as well as other religious symbols, as a manifestation of religious freedom that the state ought to protect rather than prohibit. For Americans, one has the right to make publicly visible one's belief and practices as long as it does not conflict with others. In an attempt to regulate the limits of conflict and respect and in the attempt to protect the rights of minorities, the U.S. develops a political discourse governed by identity politics and multiculturalism.

The way France deals with immigration and diversity is not by promoting a speech of identity politics or multiculturalism, where specific rights are granted to specific groups. French leaders do not think that by granting specific and special rights to minorities the conflict among different groups will disappear or at least be attenuated. Instead, France polity is to promote the French identity – peace among people of different faiths and different cultures ultimately emerges from the fact that everyone shares the *Frenchness* condition. It is in this frame of mind that banning of the head scarves must be understood.

In this sense, the process of assimilation and integration of a Muslim, Jew or Buddhist in France is moved by a radical concept of freedom as freedom *from* religion – if religion is a matter of private conscience and choice, it should not interfere in public spaces. However, the head scarf discussion touches many other issues, not only religious freedom but also secularization and the rights of women. This question would, however, lead us outside the scope of this paper.

### Rousseau's heritage in France's laïcité

For more than ten years France was dominated by the question of head scarves, more precisely, if head scarves, as well as other ostentatious religious symbols, should be banned from public schools. The unique character of France's experience derives from the fact that France has the highest rate of Muslim population in Europe – between 7 and 8% and the lowest rates of religious practice among its Catholic population. The fact that this issue finds its anchor in the institution of the school is not hazardous either, which may partially explain the different approaches of the two countries. In France, education is determined by the central government, it occupies a large piece of the national budget, French are well organized in tutor's unions and finally, following Rousseau's teach-

ing, the French believe that the school is the place where societal values are transmitted and where the individual is molded. This makes that if one is at school one should be in an environment where values of respect for the other should be inculcated, and if this enterprise of civic education is to be successful it increases its chances by eliminating a priori differences between its participants. Rousseau's conceptualization of a public religion supports the idea that civic virtue is the core to a healthy, coherent and strong nation. In fact, the entire Rousseaudian enterprise can be understood as stages of identification of necessary conditions to create, promote and sustain civic virtue. Equality and Freedom play a determinant role in structuring the republican project, which is necessarily a pedagogic project as well, along with the political, social and cultural dimensions. Religion has a key role because it is what links human necessity and attraction to the 'sacred' with physical life in the real world. Religion is the best possible field to inculcate, determinate and spread republican values that would culminate in a more enlightened, participative and reflective people. Following the principles of equality and freedom, every subject is free to belief what he wants, as long as it does not interfere with the social stability and does not endanger the common good.

While in the American case one can also identify this concern, the French case shows how this concern is taken to its extreme. One cannot forget that the approach to the question of religious freedom in these countries differs due to its historical weight and collective memory. The process that has consolidated religious pluralism in America has a judicial-constitutionalist basis, contrary to the statist or laic foundation present in the French case. However, as Fernando Catroga asks: 'Has the definition of warrants, necessary to freedom of conscience and religion, in a context of separation between Church and State along with the respect for fundamental rights of individuals, been enough just by itself to secularize political power?'. (2006:157)

Far from eliminating the tensions between the several groups, the wall of separation manifests itself in a different way. The first amendment captures a tension between the religious clauses, a civic religion that underlines the conception of the Independence Declaration of 1776 and particular religions; it also captures the tension between the right of states and federal right, between the religious practice and social and

political sphere; between private conscience and individual interests and duties towards the community following a shared notion of the common good.

The exceptional character of America lies in the fact that religion had a positive role to play from the beginning, despite the differences of religions or the predominance of Christian faith in the constitution of an American way of life. People had to accommodate to each other, because they were in a new land, with new opportunities. Underlying all religious options, choices and preferences, is the mainstream conviction that the American people are protected by 'God'. This 'God' transcends the religious God of Christianity, Islam or Judaism. It is the God of a public religion that 'provides a fundamental value orientation that binds a people together in common action with the public realm. It is religious in so far as it evokes commitment and within an overall worldview, expresses a people's ultimate sense of worth, identity and destiny. It is civil in so far as it deals with the basic public institutions exercising power in a society, nation, or other political unit.'

American people see themselves as sharing a Great moral community, protected by a God beyond all gods. This civil religion manifests itself in its rituals and habits. As such, one can conclude that in America 'civil religion is based upon a monotheist postulate, where transcendence and prophanity became allies and almost unite themselves in order to institute, simultaneously, a biblical and national religion.' (2006:170)

The French case is totally different. The secularism invented and initially promoted by Rousseau was a movement that was in direct opposition to the mainstream Church. In France, there is the sharp consciousness that religion (specially the Catholic Church) had been the cause of many unjustified wars, and that Church should be separated from State in all possible senses. Instead of clinging to a religious imaginary as America, France defines itself as a country by promoting a national identity that finds its roots in the idea and practice of citizenship. It is through citizenship that each individual constructs his/ her sense of belonging to a nation, and this sense of belonging is prior to any others.

France is, like America, an exception, but in a different sense. Differently from America, who rescued 'God' and brought transcendence to immanence, France placed *la Patrie* in the locus of God. There was

not simply a question of separating Church from State; it was more radical than that – it was a question of de-christianizing society and almost ‘replacing’ the Church by the State. The French State, for more than two hundred years assumed the role of molding and nationalizing individual consciences, sacrilizing the social contract and creating a new era where the individual is intrinsically free and equal to others.

As concluding remarks, I would simply finish by saying that either by choosing to look at America’s interpretation of ‘wall of separation’ between Religion and State, or to look at France’s commitment to *laïcité*, it is evident that religion did not and will not disappear from the public sphere. In fact, it seems that while Rousseau’s concept of secular religion is still present as background, in order to promote social cohesion it is increasingly more important to account for religious differences and religious and cultural dialogues.

### Bibliography

- Catroga, Fernando, *Entre Deuses e Césares. Secularização, Laicidade e Religião Civil*, Almedina Editora, Lisboa, 2006
- Padover, Saul (revised by Jacob Landynski), *The Living U.S. Constitution*, Meridian Book, New York, 1995
- Rousseau, Jean-Jacques, *The Social Contract*, Translated and introduced by Maurice Cranston, Penguin Books, 1968.

# L'inconscient comme question éthique ou l'objection aux lois apathiques de Kant et de Sade dans le Séminaire VII de Jacques Lacan

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## Résumé

L'article se penche sur le *Séminaire VII* et *Kant avec Sade* pour y dégager les lignes de réflexion qui ont orienté la mise en place d'un paquet de redéfinitions : celle de l'inconscient comme question éthique, celle du sujet du désir en tant que corrélat d'un objet (fantasme), celle du symbolique comme structure inconsistante et impure. La réflexion de Lacan sur les éthiques de Kant et de Sade y est un élément clé, qui a par ailleurs des conséquences au niveau de la scientificité de la psychanalyse.

**Mots-clés:** sujet, objet, loi, Chose, désir

I

L'habitude est installée dans les études lacaniennes de discuter de la pertinence de l'organisation de l'œuvre de Lacan en deux ou même trois étapes majeures, parfois articulées avec les conflits institutionnels et les déménagements du séminaire (Sainte Anne, rue d'Ulm, Panthéon, Vincennes), et appelées *Premier Lacan*, *Second Lacan*, *Dernier Lacan*. Je pense que ce partage est pertinent et les désignations utiles à condition de souligner que ces phases ne sont ni étanches ni essentiellement dif-

férentes. Cela permet de rendre compte et d'interroger certains points critiques de la pensée de Lacan comme la perte de prévalence du symbolique, l'introduction et la redéfinition de concepts comme l'objet *a*, la lettre et la *pastoute*, et aussi l'évolution de la position de Lacan par rapport au statut scientifique de la psychanalyse, depuis l'exaltation jusqu'au désenchantement. Tout en reconnaissant la cohérence et la stabilité de l'œuvre de Lacan, marquée par le postulat du langage comme le seul *a priori* (Lacan, 1974 :59) l'ontologie négative et le thème majeur de la castration, il faut reconnaître aussi son ouverture et comprendre ses points de crise et d'instabilité. Il faut aussi rendre compte du fait que la valorisation dans les années cinquante de ce qui constitue la notion centrale du structuralisme, le rapport, est suivie d'une valorisation de ce qui met à mal le même rapport et donc la structure. L'ontologie structurale est une ontologie négative, mais le négatif viendra à être pris en charge par des concepts qui relèvent du réel. Il y a deux sortes de négativité chez Lacan : la structurale-symbolique, qui négativise l'être, selon le modèle de l'*Aufhebung* (annuler dans le réel pour élever à la condition de symbole), plus proche en fait, comme Vladimir Safatle l'a montré (cf. Safatle, 2005) de la subsomption kantienne que de l'*Aufhebung* hégélienne; et celle du réel, qui négativise la structure, non pas dans le sens de l'annuler mais dans celui de l'ouvrir et détotaliser. Ajoutons et soulignons le postulat de base de la psychanalyse, qui la détache de la philosophie, selon lequel le négatif est d'ordre sexuel et vice-versa.

Bien que le passage du négatif-sexuel du symbolique au réel ne suffise pas à faire de Lacan un poststructuraliste, il est indéniable que, ne serait-ce que pour des raisons de clarté de l'exposition, il est profitable de discerner chez lui deux axiomes majeurs. D'abord celui qui postule que le sexuel est dans le rapport signifiant. C'est le tout-signifiant du structuralisme, entraînant l'unité logico-linguistique de l'inconscient et la définition du sexuel comme phallique, c'est-à-dire comme signifiant. Vient ensuite l'axiome selon lequel le sexuel est dans le non-rapport, dans l'impossibilité (de la) logique que définit le réel. Le phallique n'absorbe pas tout le sexuel, il y a un reste et ce reste constitue une jouissance hétérogène aux places et aux rapports structuraux. Les modes du reste de la structure, l'objet *a*, la lettre adjointe à la jouissance féminine, le *sinthome*, n'y apportent pas de l'être. Ce sont des négatifs qui atteignent le seul être structural possible: le rapport.



Je soutiens que Lacan se rapproche de Freud à travers l'abordage et la théorisation de ces modalités du reste, du négatif-réel, du sexuel qui se définit du non-rapport et qui, tout en présupposant la structure, l'attaque. Avec *le retour à Freud* des années cinquante, Lacan proclame que Freud a anticipé le structuralisme. Que l'inconscient freudien soit structuré comme un langage, qu'il se phénoménalise dans la parole, qu'il constitue un ordre de sens qui évacue la jouissance, ce sont là des idées fondatrices de la pensée de Lacan qui commence par affirmer et démontrer la convergence entre Freud et le structuralisme. Mais par la suite Lacan touche du doigt les points sensibles où la chose freudienne heurte l'ordre structural et tout son effort théorique vise à rendre compte de la constatation que l'inconscient freudien ne s'épuise pas dans le langage, la parole, le jeu du signifiant. Je soutiens que la théorisation de concepts comme l'objet *a*, la lettre, la *pastoute*, qui dérivent de la chose freudienne et posent la question de la jouissance, rapproche Lacan de Freud tout en l'éloignant du structuralisme *standard* représenté par Lévi-Strauss. En effet de tels concepts essayent de cerner quelque chose qui n'a pas de place dans la pensée de Lévi-Strauss et qui est non seulement le sujet mais surtout la singularité radicale, indéductible, de son désir, le réel qui résiste aux rapports signifiants, aux échanges, aux solidarités, aux liens – ce qui, du sexuel, « reste comme chose ».

En 1960, *le Séminaire VII* jette les coordonnées du bouleversement théorique qui fait de l'objet un corrélat du sujet. Je rappelle que chez le Premier Lacan l'objet est tout simplement un objet imaginaire corrélatif du moi. Ce qui dans les schémas L et R est le petit *a* est un objet spécularisable dans lequel le moi contemple son image idéale (moi idéale). Cependant, dans sa qualité d'objet lié au sujet, le petit *a* n'est pas spécularisable, il est plutôt une opacité, une tâche dans l'image, un bout de réel qui la troue et l'abîme. *Le Séminaire VII* inaugure le Second Lacan qui y développe une réflexion sur le réel à partir des éthiques de Kant et de Sade, si bien que l'inconscient, défini jusque là comme une question logique, devient une question éthique.

La démarche théorique de Lacan poursuivie en six ans d'enseignement a détaché des zones d'incompatibilité entre *freudien* et *structural* qui aboutissent à l'antinomie de la loi du désir. Celle-ci découle du fait que le sujet du désir pur, effet de l'opération structurale de la castration, est une structure qui, ayant été évidée de tout contenu, de toute

substance, de toute jouissance, se soutient du seul désir, du désir pur, c'est-à-dire intransitif. Cela étant, le sujet est seul face à la loi du désir. Inévitablement, la loi devient son seul objet de jouissance. La loi du désir, qui négativise, interdit, écarte les objets de jouissance, se réifie, se positivise et devient elle-même l'unique objet de jouissance pour le sujet. Il y a là un court-circuit : soustrait à la jouissance irrespirable grâce à la castration, le désir pur y est condamné de nouveau. Dépourvu d'objet sur lequel (se) re-reposer, le désir pur est un désir frénétique. C'est Dom Juan. Rien n'arrête Dom Juan, sauf la statue du Commandeur, cette statue qui se met à parler et à bouger – autrement dit, le Père Mort qui revit : la loi réifiée en Chose. Cet effondrement du désir intransitif dans la Chose est la fin aussi bien de la dialectique que de l'axiome structuraliste de la priorité de la différence, étant donné que le désir est homogène à la loi et le sujet est 'consubstantiel' à la structure. Il faut donc trouver une issue à ce domaine de l'identique. L'accent mis sur le réel, qui caractérise le Second Lacan commence donc avec l'analyse dans le Séminaire de 1960 de l'éthique de la psychanalyse.

## II

Cet article subit l'inspiration de l'œuvre de Vladimir Safatle, *La passion du négatif. Lacan et la dialectique*. Safatle y soutient que le *Séminaire VII* (1959-1960) et *Kant avec Sade* (1962) sont à comprendre comme l'épuisement du premier paradigme lacanien, basé sur ce qu'il appelle *l'intersubjectivité*, à entendre non pas comme rapport entre sujets mais comme rapport du sujet à la structure (cf. Safatle, 2005 :146). Dans la mesure où il y a convergence entre le concept lacanien d'intersubjectivité, « impliquant la Loi phallique comme le seul opérateur de socialisation du désir », et le concept kantien d'intersubjectivité qui se pose « comme horizon régulateur de l'expérience morale », Lacan a pu faire « de Kant son double en le critiquant là où il voulait en fait s'autocritiquer » (cf. Safatle 2005 et 2002). Le *Séminaire VII* et *Kant avec Sade* mettent en place au jeu orchestré par Lacan contre soi-même : Lacan contre *Lakant*.<sup>1</sup>

1 Safatle ajoute que la matrice philosophique de l'intersubjectivité lacanienne était beaucoup plus kantienne que hégélienne étant donné que la stratégie structuraliste de Lacan était en grande partie, comme tout structuralisme, une sorte de kantisme appliqué aux sciences humaines (cf. 2005 :148).

Kant et Sade ont en commun le fait qu'ils inaugurent, le premier avec *Critique de la raison pratique* (1788), le second avec *La philosophie dans le boudoir* (1793), une subversion de l'éthique traditionnelle, qui s'annonce: on est bien dans le mal. C'est là ce que Freud appellera en 1920 l'au-delà du principe du plaisir et la pulsion de mort. Lacan commence par montrer que les maximes de Kant et de Sade sont deux versions, apparemment opposées, de l'impératif surmoïque (le non-plaisir du devoir chez Kant, le non-plaisir comme devoir chez Sade) :

Comment Kant ne voit-il pas à quoi se heurte sa raison pratique, toute bourgeoise, de s'ériger en règle universelle ? La débilité des preuves qu'il en avance n'a en sa faveur que la faiblesse humaine, dont le soutien le corps nu qu'un Sade peut lui donner, de la jouissance sans frein et pour tous. Il y faudrait plus que du sadisme – un amour absolu, c'est-à-dire impossible (Lacan, 2005 :62-3).

Le corps nu est ce par quoi la maxime de Sade se distingue de celle de Kant: « la morale devient, d'un côté, pure et simple application de la maxime universelle, de l'autre, pur et simple objet » (1986:85). Le point où Sade s'éloigne de Kant avait été pressenti par Freud qui rapprochait l'impératif surmoïque de l'impératif catégorique kantien, mais considérerait la pulsion sadique comme une phénoménalisation de la pulsion de mort dans la mesure où elle se structure autour d'un objet.

Mais Lacan va montrer que Kant et Sade sont le point de départ de Freud mais non pas son point d'arrivée. Freud donne à l'objet un statut et une fonction qui détache l'éthique freudienne des morales apathiques de Kant et de Sade. La définition lacanienne de la fonction de l'objet comme l'incarnation de « l'impasse de l'accès du désir à la Chose » (Lacan, 2004 :313) rencontre la centralité de la notion d'objet chez Freud et détermine une éthique qui s'inscrit dans la tension entre la Chose et l'objet.

Qu'est-ce que la Chose ? Dans l'*Entwürf*<sup>2</sup> Freud appelle das Ding ce que dans l'Autre ou dans la réalité reste comme chose – inaltérable, impossible à changer, à signifier, à subsumer. C'est le noyau dur, qui revient toujours à la même place, le réel. Lacan voit la Chose comme

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2 Dans la traduction française, l'*Esquisse pour une psychologie scientifique* constitue un chapitre de *La naissance de la psychanalyse*.

l'élément que le sujet isole comme étant étranger et hostile. Elle est le premier extérieur, qui n'est pas la réalité, mais l'Objet introuvable dans la réalité, et autour de quoi et à l'écart de quoi le sujet organise son désir en tant qu'il l'oriente vers un objet, selon le principe du plaisir. En effet le concept de *das Ding* apparaît dans *l'Entwurf* dans le cadre d'une réflexion sur la dialectique entre principe du plaisir et principe de réalité. Or, la Chose est impossible à retrouver au niveau de cette dialectique. la Chose attend que le sujet aille au-delà pour avoir accès à la jouissance – au plaisir négativisé par son propre excès, par son propre déraillement transbiologique. C'est ce à quoi visent les lois morales de Kant et de Sade. Elles convergent sur le point de la douleur. Selon Kant, le seul sentiment que la loi morale peut produire c'est la douleur dans la mesure où elle porte préjudice à toutes nos inclinations. De même, sur le chemin sadien qui mène à la jouissance, le chemin qui ouvre « toutes les vannes du désir », ce qui se tient à l'horizon, c'est la douleur (Lacan, 1986:97). La pointe extrême du plaisir, son bout – soulignons le jusqu'au-boutisme de Sade – coïncide avec le point de plaisir de la loi morale. Ce point où la douleur émerge du forçage du principe du plaisir, de cet exploit que constitue le passage au-delà de cette limite ou de ce bord, c'est cela la jouissance:

Ce que j'appelle jouissance au sens où le corps s'expérimente est toujours de l'ordre de la tension, du forçage de la dépense, voire de l'exploit. Sans aucun doute il y a de la jouissance au niveau où commence à apparaître la douleur et nous savons que ce n'est pas qu'à ce niveau de la douleur que peut s'éprouver toute une dimension de l'origine qui autrement reste voilée (Lacan, 1966a:9)

La Chose est hors-signifié et c'est d'avec cet hors-signifié que le sujet garde la distance. L'éthique est la question de la distance à la Chose et l'inconscient est une question éthique dans la mesure où la chaîne signifiante, portée et régulée par le principe du plaisir, déplace le matériel refoulé autour de la Chose pour en garder une certaine distance: voilà la fonction des détours de l'inconscient, de sa rhétorique. Ça parle pour protéger du réel muet et irréprésentable de la Chose<sup>3</sup>. En même temps,

3 (...) au niveau des *Vorstellungen*, la Chose (...) se distingue comme absente, étrangère (Lacan, 1986:78). D'où sa neutralité axiologique : elle n'est ni bonne ni mauvaise car le bon et le mauvais sont déjà des représentations. Mais Lacan dit dans le même *Séminaire* qu'avec *das Ding*,

la distance par rapport à la Chose est la condition de la parole. La portée éthique de la loi fondamentale de l'interdit de l'inceste est justement de régler la distance du sujet à la Chose de façon à ce que le bien humain par excellence, la parole, subsiste.

Chez Kant l'impératif catégorique abolit l'objet. *Das Gute*, le Bien qui est l'objet de la loi morale, se pose envers et contre tout petit bien dans la mesure où la valeur universelle du Bien exclut tout ce dont le sujet peut pâtir dans son inclination ou intérêt pour un objet: pulsion, affect, sentiment. Cette condition pathologique de l'objet vient du fait que, dans la pulsion ou sentiment, sujet et objet sont soumis au même enchaînement phénoménal et qu'aucun phénomène n'a de rapport constant au plaisir. De par cette discontinuité – où nous reconnaissons le fonctionnement du principe du plaisir –, le pathos de la relation objectale est incompatible avec l'universalité du Bien, qui est l'universalité de la Chose exigée dans la demande d'amour. Transcendant le niveau phénoménologique, la loi morale implique que le sujet est sans aucun objet en face de lui et que le seul qui reste c'est la voix dans la conscience qui s'y articule en « impératif catégorique, autrement dit inconditionnel » (Lacan, 1966:766). Celui-ci se présente donc comme l'ordre d'une raison pure pratique ou volonté. Cette volonté accède à la dimension de loi – qui est une dimension universelle au sens de la logique – dans la mesure où elle vaut pour tous les cas:

Agis de telle sorte que la maxime de ta volonté puisse toujours valoir en même temps comme principe d'une législation universelle (...). La volonté est conçue comme indépendante des conditions empiriques, partant comme volonté pure, déterminée par la simple forme de la loi (...) qui est un fait de la raison pure (Kant, 1997:30-1).

La volonté ou loi morale suppose donc une conception de la morale comme une pratique inconditionnelle de la raison. Aussi, Lévi-Strauss se considère-t-il « un hyper-kantien [qui] englobe la vie morale dans la problématique de la raison pure » (Lévi-Strauss, 2001:224). La loi morale exprime l'autonomie de la raison pure pratique par rapport aux conditions empiriques de l'expérience. Remplaçons *raison pure pratique*

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Freud s'approche du problème du mal (*idem*:124). La Chose est la haine : la haine de soi, la haine narcissique du Moi tournée vers le monde et vers le moi-même (cf.2.2.3.), la haine de la foule et la haine du père de la horde. La Chose est *ce qui, dans la vie, peut préférer la mort (idem:idem)*.

par *symbolique* et nous retrouvons l'autonomie structurale du symbolique – sa transcendance universelle – par rapport à la vie en général et à libido en particulier. Loi morale et loi phallique convergent.

Mais cette convergence a une limite qui est le fait que, contrairement à la loi morale, la loi du désir est inconsciente. Le but de Lacan est de décoller la loi du désir de la loi morale chez Kant avec laquelle elle ne pouvait pas éviter de se confondre lorsqu'elle était conçue comme loi phallique, tirant le désir vers la Chose. L'éthique de la psychanalyse n'est pas l'impératif catégorique. En 1964, au bout de la période qui consolide les acquis et redéfinitions issus de la *crise éthique*, Lacan écrit dans la dernière page du *Séminaire XI*:

[...] la loi morale (...) n'est rien d'autre que le désir à l'état pur, celui-là même qui aboutit au sacrifice, à proprement parler, de tout ce qui est l'objet de l'amour dans sa tendresse humaine – je dis bien, non seulement au rejet de l'objet pathologique, mais bien à son sacrifice et à son meurtre. C'est pourquoi j'ai écrit "Kant avec Sade" (1973:306).

Sauf à considérer que *Kant avec Sade* marque un tournant dans la pensée de Lacan : couper le cercle vicieux du désir a comme conséquence que la Chose, objet de la jouissance-toute, l'envers du désir pur, est remplacée par l'objet *a*, forme objectale de la jouissance en moins, du peu de jouissance, des lichettes de jouissance. En effet, ce que Lacan soutient dans cet écrit, c'est l'attachement du désir du sujet aux objets pathologiques, aux petits biens: le désir ne se conjoint pas seulement au *logos* – conjonction dont le phallus est le signifiant privilégié – mais il a besoin aussi du *pathos* pour s'accrocher à la réalité. Je ne suis pas en train de dire que le transcendant est réduit au phénoménologique ; les deux domaines sont bel et bien à distinguer mais leur différence n'est pas, pour le sujet, insurmontable. Voilà donc l'objet *a* introduit dans la structure et le symbolique qui perd de sa consistance et de son autonomie.

Quel est maintenant l'énoncé de la maxime chez Sade? Lacan dit qu'il s'agit d'une règle universelle de la jouissance, qui s'attaque également à l'objet. Dans l'ordre sexuel de l'utopie républicaine sadienne, la relation objectale est refusée au nom de l'extinction de la propriété, notamment celle des femmes:

Une femme même, dans la pureté des lois de la nature, ne peut alléguer, pour motif du refus qu'elle fait à celui qui la désire, l'amour qu'elle a pour un autre, parce que ce motif en devient un d'exclusion, et qu'aucun homme ne peut être exclu de la possession d'une femme, du moment qu'il est clair qu'elle appartient décidément à tous les hommes. L'acte de possession ne peut être exercé que sur un immeuble ou sur un animal; jamais il ne peut l'être sur un individu qui nous ressemble, et tous les liens qui peuvent enchaîner une femme à un homme, de telle espèce que vous puissiez les supposer, sont aussi injustes que chimériques (Sade, 1976:221).

La règle de jouissance est aussi sévère que la loi morale. Aucune inclination, aucun attachement à un objet déterminé, ne sont permis par la loi de la nature. La nature est cette instance transcendante qui fait des plaisirs un devoir: « Sexe charmant, vous serez libre; vous jouirez comme les hommes de tous les plaisirs dont la nature vous fait un devoir » (Sade, 1976:227). Lacan énonce la maxime sadienne de la façon suivante: « J'exerce le droit de jouir de ton corps sans qu'aucune limite m'arrête dans le caprice des exactions que j'aie le gout d'y assouvir » (Lacan, 1966:768-9). Cette maxime peut être réduite à l'impératif surmoïque : « Jouis ! ». Il est logiquement inévitable que, dans l'état de nature auquel la République doit s'élever, le Nom du Père n'existe pas: il est forclos dans et avec l'abolition conjointe du mariage et de la paternité. Le père est remplacé par la Patrie, qui est en fait une mère, et la famille est remplacée par la fratrie républicaine. Il n'est donc pas surprenant que l'inceste ne soit pas interdit aux enfants de la Patrie. La nouvelle société proposée par Sade liquide ce qui fait l'arête du symbolique dans sa fonction d'ordonner la sexualité en référence aux structures de parenté : la culture ne se superpose pas à la nature, elle s'y dissout. Comment mieux dire que la pureté de la loi la pervertit au point de la dissoudre dans la jouissance ? Comment mieux dire que l'au-delà du principe du plaisir est incompatible avec la stabilité structurelle de l'ordre symbolique (et pas seulement avec l'ordre social de l'Ancien Régime)?

L'utopie républicaine sadienne montre que le monde humain ne subsisterait pas à une conception purement logique et logiquement pure de sa loi. L'interdit de l'inceste n'est pas seulement, tel que Lévi-Strauss le pose, un principe formel à partir duquel se déploie la grammaire de la structure de parenté. Il a une dimension éthique et cette dimension éthique exige que le symbolique ne soit pas (tout) vu tout simplement comme un ordre

transcendant au monde (un cadre transcendantal neutre qui donne forme au contenu contingent) mais, de façon plus complexe, un ordre transcendant qui n'est pas tout à fait neutre puisqu'il est coloré par le reste de matérialité contingente et pathologique du contenu qu'est le 'petita'. C'est ce que Zizek appelle le paradoxe de l'apriori pathologique (Zizek, 2007 : 371-2) : un reste de pathos soutient le cadre formel dans lequel il se produit. Dans les mots de Lacan, 'le champ de la réalité ne se soutient que de l'extraction de l'objet a qui pourtant lui donne son cadre' (1966 :554).

Ainsi perçu, le symbolique devient moins structural et plus freudien : il ne tourne pas le dos au particulier et au contingent ; il n'est pas étranger au principe de réalité, ce qui veut dire qu'il n'est pas étranger au principe du plaisir. La loi du désir relève du principe du plaisir : « le fantasme fait le plaisir propre au désir » (Lacan, 1966 :773-4).

### III

La redéfinition de la loi du désir conduit Lacan à réviser le fantasme. Dans le *Séminaire V*, l'analyse que Lacan donne du fantasme masochiste *On bat un enfant* le réduit à la fonction du fouet comme instrument de la loi phallique, et en fait un signifiant soutenant le désir dans l'au-delà du principe du plaisir. Or, dans *Kant avec Sade*, le fantasme devient un dispositif de conversion de la jouissance en plaisir, qui fournit un objet à \$.

Dans le fantasme sadien, dit Lacan dans *Kant avec Sade*, la Chose, la pureté de la loi morale kantienne, c'est-à-dire la pureté du symbolique, descend de son inaccessibilité pour devenir l'agent du tourment. Étrangement séparé du sujet, l'exécuteur garde l'opacité du transcendant mais en même temps sa jouissance se fige en objet dans le fantasme où il est « être de chair et serf du plaisir jusqu'aux os » (1966:773). Il est sans figure, *fétiche noir*, mais néanmoins saisissable en tant que corps, substance sensible, chair. Le fantasme phénoménalise la transcendance de la loi qui se rabat sur la contingence empirique de l'objet dont le relief apparaît « à quelque bosse du voile phénoménal » (1966:772). La jouissance s'y fige en plaisir. Or le plaisir n'est rien d'autre que l'impuissance du désir à se séparer de son *pathos*:

Le désir, qui est le suppôt de cette refente du sujet, s'accommoderait sans doute de se dire volonté de jouissance. Mais cette appellation ne le



rendrait pas plus digne de la volonté qu'il invoque chez l'Autre, en la tentant jusqu'à l'extrême de sa division d'avec son pathos; car pour ce faire, il part battu, promis à l'impuissance (idem:773).

Lacan figure cette impuissance au moyen d'une métaphore sexuelle, celle de la retombée précoce de l'aile du désir dans son élan vers l'impossible (de la) jouissance:

Puisqu'il part soumis au plaisir, dont c'est la loi de le faire tourner en sa visée toujours trop court. Homeostase toujours trop vite retrouvée du vivant au seuil le plus bas de la tension dont il vivote. Toujours précoce la retombée de l'aile, dont il lui est donné de pouvoir signer la reproduction de sa forme. Aile pourtant qui a ici à s'élever à la fonction de figurer le lien du sexe à la mort (idem :idem).

Le plaisir rappelle le désir, poussé à la transcendance par le fouet du signifiant, à sa limite biologique : la détumescence. Le désir n'est donc pas seulement de nature signifiante, il est également de nature vivante; le sexuel n'est pas seulement phallique, il a aussi un lien à la vie. Le fantasme c'est le repos de D. Juan. Là où la loi phallique déterminait la frénésie du désir intransitif, la statique du fantasme le stabilise dans le rapport à l'objet qui réduit la jouissance à un plaisir borné, éphémère, discontinu. Lacan ajoute: « Laissons-la reposer sous son voile éleusien » (idem:idem). Lorsqu'on compare ce texte avec ce qu'il disait dans le *Séminaire V* sur la fonction du phallus dans les mystères d'Eleusis, on constate une inflexion d'accent: du dévoilement (du phallus) au voile, de la fustigation au repos, de la mutilation (nécessaire à ce que l'organe accède au domaine signifiant) à la retombée (le phallus redevient organe). Apaisant et stabilisant, le fantasme prolonge le Nom du Père dans sa fonction de normalisation de la pulsion sexuelle. Qu'à la fin de *La philosophie dans le boudoir* la mère cousue reste interdite signifie que le fantasme est au service de l'interdit de l'inceste.

Le voile du fantasme rejoint l'Éros freudien dans la mesure où, une fois aliéné à un objet, le désir acquiert (un) sens érotique qui l'engage dans la réalité phénoménologique, dans le monde empirique. Le fantasme est ce par quoi le symbolique, au lieu de subsumer le réel dans son creux, vient l'imprégner de signification et le configurer comme réalité. Le résultat en est que la substance de la réalité est fantasmatique et que le

monde du désir est une scène qui jette sur l'irreprésentable de la Chose le voile de la signification. Ce faisant, le fantasme défend du réel, ce qui est congruent avec la conversion de la jouissance en plaisir qu'il opère.

Dans *La logique du fantasme* (1966-1967), Lacan dit que dans le fantasme l'identification du sujet au relief de l'objet remplit le manque-à-être subjectif qui, tout en méconnaissant « le nihil même d'où procède la création » (Lacan, 2001 :324), se perçoit comme créature. Le relief imaginaire de l'objet du fantasme cache le vide qui constitue la substance véritable de l'objet *a* en tant que délégué phénoménologique de la Chose. Mais en voilant pudiquement le trou, le fantasme fait apparaître l'objet comme être et, dans son identification à l'objet, le sujet ignore son manque-à-être en se faisant l'illusion d'être – d'être une créature, d'être un corps<sup>4</sup>. C'est de cette illusion que le désir se soutient dans le bonheur qui est l'agrément du sujet à sa vie.

#### IV

Maintenant j'aborderai, en guise de conclusion, quelques conséquences de l'avènement de l'objet *a* au niveau épistémologique. Qu'en est-il de l'ambition scientifique du Premier Lacan ?

La crise éthique exprime la dissidence de Lacan par rapport à la référence kantienne du structuralisme *standard*. À partir du moment où la mise en question de la loi phallique introduit l'objet *a* dans la structure et, avec lui, apporte du *pathos* à l'inconscient, y reconnaît la place d'un *particulier absolu*, pour employer l'expression de Žižek, un reste dans le désir impossible à universaliser, l'éthique de la psychanalyse blesse profondément l'ambition scientifique du structuralisme. L'objectivité de l'objet *a*, « corrélat d'un pathos de coupure » (Lacan, 2004 :248), ébranle la notion d'objectivité scientifique, « corrélat d'une raison pure qui (...) se traduit dans un formalisme logique » (idem :idem). Or l'objet *a* est « cette part de notre chair qui reste nécessairement prise dans la machine formelle » (idem :249). Impossible de continuer à affirmer que l'objet scientifique, l'inconscient en l'occurrence, n'est autre que la structure en tant qu'objet purement intelligible, objet théorique disponible

4 L'identification du sujet à l'objet du fantasme n'est pas celle du moi à l'image idéal du corps. « Interrogez l'angoissé de la page blanche, il vous dira qui est l'étrou de son fantasme » (Lacan, 1966 :818). Il s'agit bien plutôt de destitution subjective.

à la mathématisation, selon l'idéal du structuralisme. La livre de chair coince le logos.

L'objet *a* souligne et élucide la corrélation antinomique entre sujet de la science et sujet de l'inconscient. Celui-ci ne serait pas la provocation ou le défi épistémique et éthique qu'il est, si ce n'était pas l'objet *a* qui donne forme à ce que la division structurale du sujet produit de réel inassimilable par la structure. Tandis que le sujet est un être de lettre (\$), homogène à la structure, l'objet *a* lui est hétérogène et la lettre qui, apposée, le désigne, ne lui est pas consubstantielle (on dit 'l'objet *a*' mais on ne dit pas le 'sujet \$'). Ce en quoi le sujet gêne la science ce n'est pas tellement la non-coïncidence entre les axes de l'énonciation et de l'énoncé, car la non-identité du sujet avec soi-même s'y trouve surmontée en homogénéité du sujet divisé avec le signifiant (aliénation). Poser la division du sujet en des termes uniquement linguistiques revient à accepter que, dans la mesure où l'être du sujet est entièrement négativé par le signifiant, il est un être logico-structural finalement approprié à l'objectivité scientifique, soit comme agent (celui qui fait, produit, de la science), soit comme patient (celui qui est fait et effet de la science). La perception purement linguistique, purement signifiante, de la division du sujet côtoie son abolition. Le parcours théorique de Lacan montre que, pour que la division du sujet tienne, il faut l'obstruer d'un objet, il faut donner forme d'objet au négatif subjectif. Si l'autocritique de *Lacan* a un sens c'est justement d'avoir montré que l'inconscient freudien ne rentre pas tout dans l'inconscient structural et que le sexuel résiste à l'épuration en désir intransitif (désir de la loi phallique) et s'attache à des objets pathologiques. Le sujet jouit, et cette jouissance ne s'évapore pas entièrement en signification, elle se dépose comme réelle. Aussi, l'apport vraiment subversif de l'inconscient vient-il de ce réel opaque de l'objet *a*, de cette jouissance qui est ce que, du sujet, la science tâche d'expulser de son champ.

Ce n'est pas par hasard que la phase de la pensée de Lacan la plus désireuse de reconnaissance, validité et légitimité scientifiques (dans ses propres termes, le désir du désir de l'Autre) soit justement celle de l'épuration du sujet et du désir. Le manque à être et à jouir ne gêne pas la science, au contraire, il en est la condition. C'est bien ce que signifie l'identification (restreinte) de \$ avec le cogito dans leur négation du sujet de la connaissance :

Le pas de la science a consisté à exclure ce qu'implique de mystique l'idée de la connaissance, à renoncer à la connaissance, et à constituer un savoir qui est appareil se développant à partir du présupposé radical que nous n'avons affaire à rien d'autre qu'aux appareils que manie le sujet et, plus encore, que celui-ci peut se purifier en tant que tel, jusqu'à n'être plus rien que le support de ce qui s'articule comme savoir ordonné dans un certain discours, un discours séparé de celui de l'opinion et qui s'en distingue comme étant celui de la science (Lacan, 2006 :280).

Le déplacement de l'accent du symbolique vers le réel et l'avènement de l'objet *a* ont une portée épistémologique qu'il ne faut pas escamoter. La psychanalyse n'est aucunement une coupure épistémologique par rapport à la science. Elle est, au contraire, une extension de la coupure épistémologique de la science moderne. Aussi suit-elle la voie spécifiquement scientifique de liquidation du sens et de l'être, la voie austère du langage formel, qui constitue l'aspect majeur de ce que Lacan appelait « la démarche acosmologique de la science moderne ». La fascination du structuralisme pour la logique formelle était à la mesure de son ambition scientifique. Mais si la psychanalyse n'est pas toute dans la science, si elle est la vérité de la science, si elle y occupe une place d'exclusion interne, c'est à cause du réel, le réel de la chose freudienne. Escamoter ce fait c'est rétrécir l'œuvre de Lacan à sa première décennie marquée par la suprématie du symbolique et l'absorption du réel dans l'imaginaire. Or, la richesse et la complexité de l'œuvre de Lacan se trouvent dans l'effort critique pour dépasser la première phase de la théorie, en prolongeant le retour à Freud par une mise en lumière des points où la rencontre est manquée.

## Bibliographie

- Freud, Sigmund (1996) *La naissance de la psychanalyse*, Paris, PUF/ Bibliothèque de psychanalyse
- Kant, Emmanuel (1997) *Critique de la raison pratique*, Paris, PUF/Quadrige
- Lacan, Jacques (1966) *Écrits*, Paris, Seuil
- (1966<sup>a</sup>) "La place de la psychanalyse dans la médecine", <http://www.ecole-lacanienne.net/documents/1966-02-16.doc>
- (1973) *Le Séminaire XI. Les quatre concepts fondamentaux de la psychanalyse*, Paris, Seuil

- (1974) *Télévision*, Paris, Seuil
- (1986) *Le Séminaire VII. L'éthique de la psychanalyse*, Paris, Seuil
- (1998) *Le Séminaire V. Les formations de l'inconscient*, Paris, Seuil
- (2001) *Autres Écrits*, Paris, Seuil
- (2004) *Le Séminaire X. L'angoisse*, Paris, Seuil
- (2005) *Le triomphe de la religion*, Paris, Seuil
- (2006) *Le Séminaire XVI. D'un Autre à l'autre*, Paris, Seuil
- Lévi-Strauss, Claude (2001) *De près et de loin* (1988), Paris, Odile Jacob
- Sade, Donatien-Alphonse-François (1976) *La philosophie dans le boudoir*, Paris, Gallimard/Folio
- Safatle, Vladimir (2005) *A paixão do negativo. Lacan e a dialética*, São Paulo, UNESP
- Zizek, Slavoj (2007, 1999) *Le sujet qui fâche*, Paris, Flammarion



# Transatlantic crossing: U. S. cultural studies and german cultural sciences compared\*

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## Abstract

This article outlines the different thought styles of Anglo-American cultural studies and German cultural sciences (Kulturwissenschaften) and demonstrates that although both intellectual projects are disparate in terms of roots and objectives, they nevertheless have a commensurable theoretical orientation. By sketching the shortcomings of this shared poststructuralist paradigm it will be argued that cultural studies and cultural sciences are equally in need of re-conceptualizing the complex interplay of culture and society and forced to develop a more refined understanding of historical contexts.

**Keywords:** Cultural Studies, Cultural Sciences, Kulturwissenschaften, Traveling Theories.

The term 'transatlantic crossing' refers to multiple phenomena, firstly to the migration of people, capital, and goods, a theme picked up by recent cultural studies, specifically in diaspora and transnational consumer studies, secondly to the movement of British cultural studies' scholars to

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the US not least fostered by *Margaret Thatcher's* rigid higher education policy in the 1980s, thirdly to the exchange of theoretical paradigms between Europe and North America foremost crystallized in the phenomenon of 'French Theory', which means the unprecedented success story of Poststructuralism in US humanities departments, and last but not least transatlantic crossing refers to academic jet set rituals, so ironically described in the novels of David Lodge, himself a professor of literary studies and frequent benefactor of transatlantic mobility.

The meanwhile obvious fact, that in the humanities so-called 'traveling theories' acquired more importance than it used to be the case in the post-World-War-II-period brings us to the theme of this presentation, namely the comparison of US cultural studies and German cultural sciences. One of the major arguments I would like to make is, that both formations although disparate in terms of intellectual origins, institutional policies, and research agendas nevertheless share a common theoretical outlook characterized through some intensive reception of poststructuralist theories of language, subjectivity, media, and culture. But the term 'comparison' does not really fit the kind of perspective I would like to apply—rather I will sketch contact-zones and describe thematic thought styles, which both intellectual formations build upon since no direct exchange did take place so far and each formation has a different intellectual history. And last but not least, cultural studies from the onset were understood as a political project of the New, and then postmodern Left, which is not at all the case with German cultural sciences as they took shape from the 1980s onwards.

Let me start with the latter, alias *Kulturwissenschaften*, a term less familiar to Anglo-American audiences, since 'science' is clearly attributed either to natural sciences such as physics, chemistry or biology, or to certain social sciences attempting to formulate general laws of human action especially in economics, cognitive sciences, and behavioral sciences. In Continental Europe, in particular in German-speaking countries, the development of human and natural sciences took a quite different path in the 19<sup>th</sup> century when the humanities in competition with the new 'hard sciences' tried to establish a distinct disciplinary identity and public recognition by defining themselves as *Geisteswissenschaften*. It had been the highly respected profession of German philosophers (Wilhelm Windelband and Heinrich Rickert), which pro-



moted the idea that natural sciences and humanities are not categorically separate epistemological projects, but are rather aiming at different forms of knowledge: 'ideographic' or descriptive knowledge as in the case of historiography, attempting to capture the uniqueness and particularity of its objects, and 'nomothetic' or explanatory knowledge as in the case of physics or chemistry, aiming to establish general laws of nature. This positioning of the humanities as sciences was also meant to support Imperial Germany's self-fashioning as 'Kulturnation' in contrast to the supposedly utilitarian-minded vision of civilization in Great Britain and France, who Germany viewed as main competitors in European power politics before the Great War.

This specific historical constellation had some severe consequences not only for the development of the German humanities but equally for the formation of early *Kulturwissenschaften* around 1900. Since the primary object of humanist scholarship was not only the specificity of history, but also the specificity of culture as defined by the intellectual achievements of Schiller, Goethe, Hölderlin, Herder, and Kant, 'culture' acquired the status of a demarcation concept characterizing the uniqueness of Imperial Germany, her people and in particular her educated elite. Thus, cultural sciences from the very beginning endeavored to investigate and theorize the layers of high culture, especially in literature, the arts, music, and historiography. Since the arts, and especially serious literature in the sense of 'Dichtung', obtained the superior role of revealing the delicate interplay of subject and society and of representations and structures, the intellectual inquiry of high culture became the respected domain for debating key issues of public life and matters. Unlike in Great Britain and the United States, the social sciences for a long time did not constitute a respected part of public discourse but were rather seen as instrumental devices for uncovering and explaining the 'iron laws' of modern society, industrialization, and rationalization. Though this intellectual schism profoundly changed after the Second World War, not least because of the radical abuse of *Dichtung* through the Nazi ideology, the epistemic disjunction between life and social structure—*Leben und Gesellschaft*—somehow survived below the surface. By this trajectory, culture was perceived as separated from society and primarily attached to the sphere of aesthetics and exclusive taste. Even prominent figures of the Frankfurt School, such as Theodor W.

Adorno, followed this trace by disregarding mass culture as mere seductive mind-manipulating industries hindering the self-emancipation of the people. Consequently, theorizing the schism of culture and society and analyzing the contradictions between life-worlds and social structures constituted a major agenda in the works of the successors, notably in the early writings of Jürgen Habermas.

Whereas in the formative period of the cultural sciences around and after 1900, in spite of the dominant mode of high-culture-studies, some exponents such as Georg Simmel and Siegfried Kracauer tried to fuse cultural and social analysis in their writings about modernity and urbanism, the renaissance of cultural sciences during the 1980s started from premises which by large excluded the 'social' as legitimate field of inquiry. It is no coincidence, that Aleida Assmann, one of the leading scholars in present German Kulturwissenschaften, defines her field as apolitical and positioned afar from critical social studies:

If we compare the shapes and designs of cultural studies in the United States, the United Kingdom and Germany, the differences are rather striking. While American and British cultural studies redefine culture in such a way as "to provide ways of thinking, strategies for survival, and resources for resistance" for the marginalized, German Kulturwissenschaften seem to do the very opposite; they cool rather than ignite, they ward off rather than encourage political action. Their insistence on signs and symbols, on systems, media and memory constitute an approach to a theory of culture that cannot immediately serve as matrix for political action. (Assmann 1999A, 91)

This quote reflects a historical context in which the re-establishment of cultural sciences was seen as means to promote a modernization of the humanities which suffered a deep crisis following the collapse of academic Marxism in the 1970s and the subsequent self-confinement of humanistic thinking within narrow disciplinary boundaries. Aleida and her husband Jan Assmann were junior members of a loosely organized group named 'Poetik und Hermeneutik' (poetics and hermeneutics), which triggered a series of inspiring conferences and publications thereby outlining new interdisciplinary endeavors in such divergent fields as literary studies, philosophy, history, egyptology, art history, and linguistics. This group provided not only founding impulses for reform

universities such as the one in Konstanz but also for the meanwhile famous Bielefeld 'Zentrum für interdisziplinäre Forschung'. The core group, internationally influential scholars such as Hans Robert Jauss, Wolfgang Iser, Max Imdahl, and Reinhart Koselleck fostered the intellectual exchange across academic boundaries and helped to frame new approaches for the study of poetics, media, and symbols. This anchoring of the new cultural sciences within a reformulated hermeneutical project and within a cultural-poetic approach, and the pioneering work of both Jan and Aleida Assmann concerning the logic and function of historical memories for cultures (Assmann 1992, Assmann 1999B), in particular the role of Holocaust memory for post-war Germany, had formative consequences for the shape of Kulturwissenschaften. Beside literary studies transgressing the narrow field of philology and contextualizing texts within broader historical and cultural contexts, the study of history as memory and the inquiry of modes and practices of remembrance became key features of the field. In parallel to the flourishing of memory studies and reformulated literary criticism, the latter opening up to New Historicism and poststructural text analysis, the intensive reception of Barthes, Derrida, Deleuze, and Foucault gave new impulses for media studies and the implementation of semiotic and discourse analysis in history and other disciplines of the humanities.

Without reservation it can be stated, that the last three decades brought to the fore an astonishing renaissance of interdisciplinary humanities as cultural sciences (for an overview, see Böhme et al., 2002; Musner & Wunberg, 2002; Nünning & Nünning, 2008). This renaissance did not only generate specific Germanic research paradigms such as memory studies, the poetics of knowledge (Vogl 2002) analyzing the interplay of literary tropes and scientific discourse and last but not least media studies which inquire the media-shaped production of cultural artifacts and the a-priori of media for human understanding (Kittler 1999). This innovative drive also insinuated a sharpened sensibility for international developments concerning cultural anthropology, gender, migration and postcolonial studies, the new science studies, and novel fields of inquiry labeled under such catchwords as spatial and visual turn (Bachmann-Medik 2006).

However, what remained largely unchanged is the distance of Kulturwissenschaften to social studies, to sociology, political science, and

political economy. The only exception being Niklas Luhmann's system theory that allows a de-politicised, so to say 'cool' concept of culture understood as operation of meta-observation of symbolic processes and practices. Apart from some younger scholars explicitly adopting cultural studies and few scholars in European Ethnography, the influence of the Birmingham School remained marginal, and the new post-Marxist approaches in cultural studies were taken up less as a distinct paradigm of its own than more eclectically as theme-inspiring thought-style for example in fields such as subaltern studies, queer theory, gay and lesbian studies. It can be said that most scholars in contemporary cultural sciences subscribe to a concept of culture which is either a variation of Clifford Geertz's notion of 'culture as text'—as densely woven fabric of meanings—or operate with a concept of culture as realm of media logic and media effects. By contrast, a definition of culture as symbolic articulation of societal phenomena, and an investigation of cultural practices as decisive factor of social, economic and historical phenomena are mostly absent in mainstream cultural sciences. Culture perceived as a way of life and a dynamic terrain of social struggle and political antagonism may be found in some historical and anthropological studies but hardly so in most reference books of Kulturwissenschaften.

Let me now turn to some developments in contemporary cultural studies, especially in the United States. Due to the sheer size of the country and its highly diversified higher education landscape, it is less easy to make generalized statements as with German cultural sciences which I can much better overview because of my affiliation with the Vienna center for cultural sciences. My first comparative analysis of culture studies in the US and Central Europe in the late 1990s was influenced by the perception that Austrian and German cultural sciences were in a crisis of proper self-definition whereas US cultural studies seemed to be in a much better shape and well established in academic circles (Musner 1999). But when browsing through cultural studies journals and publications of recent years, I got the impression that cultural studies are now in the situation Kulturwissenschaften had been around 2000, namely going through a period of severe troubles and struggling for proper self-definition within academia. Michael Bérube, Professor of English at Pennsylvania State University, gave an illustrating account of today's cultural studies at last year's U S Cultural

Studies Association conference when asking if – at all – cultural studies have changed the means of transmission of knowledge and made American universities more egalitarian or progressive institutions. His answer is: “... sadly no. Cultural Studies hasn’t had much of an impact at all.” (Bérube 2009, 1)

While acknowledging worthy programs at Kansas State and George Mason University, and flourishing interdisciplinary study programs at a fair number of other universities, and while acknowledging the great influence cultural studies had wielded in the humanities in terms of agenda-setting and theory, he nevertheless accentuates a negative view “in order to point out that over the past 25 years, there has been a great deal of cultural-studies triumphalism that now seems unwarranted and embarrassing” (*Idem*, 2). Bérube’s discomfort is based on two accounts: Firstly, that cultural studies did not exercise the kind of momentum to really change the universities since in most institutions they don’t have a footing at all and graduate students can only hope to get some hiring in congenial departments although cultural studies’ scholars are now working in such disperse fields as geography, anthropology, urban studies, and museum studies, but the bad news being that cultural studies had the greatest impact in English departments, representing just a tiny part of the higher education landscape. Secondly, and this counts more seriously, Bérube is deeply disappointed by the critical potential cultural studies did perform when dealing with the far-reaching transformation of American society in recent decades starting with the ascent of neoconservatism and neoliberalism. This deficiency, according to him, had not only its cause in equating cultural studies with often shallow popular culture studies, revealing no specific methodology and no subject matter, but is also rooted in what he calls the ‘manufacturing consent’ model, claiming that people are universally manipulated by the power of corporate mass media. Alluding to Stuart Hall’s work on the rise of Thatcherism, in particular his book *The Hard Road to Renewal: Thatcherism and the Crisis of the Left* (Hall 1988), Bérube does not only criticize naïve accounts of the narcotizing powers of media, but equally dismisses naïve conceptions of how economics determines culture and politics. Polemically he formulates the dilemma of much well-intended leftist cultural criticism facing the devastated landscape of Post-Reagan-Post-Bush-America as follows:

How often do we find ourselves ascribing disparate political events and cultural phenomena solely to neoliberalism – that is, the evisceration of the social welfare-state and the privatization of social goods? (...) But I want to ask, in a general way, whether cultural-studies theorists are starting from the fact of neoliberalism and then proceeding to the analysis, or whether the analysis simply concludes where it begins, with “It’s the neoliberalism, stupid.” There seems to me all the difference in the world between those two approaches: The material base doesn’t always determine the most influential ideas and cultural artifacts of the superstructure. As Hall argued, monocausal explanations have the advantage of simplicity. They just don’t work very well as accounts of the world. (Bérube 2009, 6)

I quote this passage in some length since Bérube’s critique of the epistemology and diagnostic means of cultural studies is significant and shared by other, no less important voices. Lawrence Grossberg, himself a student of Stuart Hall and one of the pioneers of cultural studies in the United States, makes a similar argument in a recent article provocatively entitled “Does Cultural Studies Have Futures? Should it?” (Grossberg 2006). Though Grossberg does not lament about the failure to turn the American university into a more egalitarian and progressive institution, he equivocally criticizes much of recent cultural studies’ work as having failed to grasp the historical specificity of recent societal changes and goes on arguing in the spirit of Stuart Hall that culture does not matter politically in the ways it used to do. According to him we are in the midst of a conjunctural crisis through which ‘culture’ itself is being recalibrated and relocated since the older paradigm of liberal modernity, characterizing especially the post-war constellation of liberal democracy, economic corporatism, and welfare-state institutions, is replaced by another modernity. But in contrast to other critics who claim a rupture or even an epochal shift towards populism, flexible capitalism, and control society, Grossberg prefers to name the conjuncture a ‘war of positions’ which implies a struggle from both the left and the right over the very formation of modernity itself, not just about the achievements of post-war modernity, but also about the foundations of liberal modernity in the past century and its roots in the enlightenment. His favored term ‘conjunctural crisis’ serves as a conceptual strategy of not precisely naming the ingredients of this ‘war of positions’, but emphasizing the transitional character of the ongoing social and political

struggles through which we are living through in a moment of the post, between the old state and upcoming governance structures, between old and newly emerging economic constellations, and between old cultural phenomena and new ones, articulating a novel affective map of meaning organized around the poles of fear, humiliation, and sentimentality. Grossberg's approach is a relational one conceptualizing the phenomena of domination, civility, and social structure in a liquid state of transfiguration and arguing for a re-theoretization of power involving the narrower concepts of politics, state, and governance and their interactions with culture at large. This implies a re-orientation of cultural studies which should not confine their analysis to the media, the popular or conventional forms of textual culture.

We may need to be asking different sorts of questions – recognizing that the culture wars are not in the last instance about ideology, and that ideology has become largely a matter of internal management of political alliances; recognizing that culture is no longer the unique and uniquely important site of subjectification and identification (...). I am not saying that culture is being integrated into a military-industrial-entertainment complex (although this may well be true) but that, as a result of a new locus of relationality, as part of an emergent structure of feeling, its very existence as a (set of) discursive formations is being reconstructed, even as it is involved in a reorganization of everyday life. It seems to me that media and popular culture are becoming less important – in terms of questions of ideology, or identity (ethnos), or as meaningful sites of agency, and more important in other, as yet largely unexplored, ways. (*Idem*, pp. 22 –23)

Grossberg's intention, although not exemplified in any concrete case study, is to come to terms with the paradoxical fact that people act like they believe media lies while at the same time knowing that the media lie, subsequently eroding traditional accounts of manipulation and subjugation. In his focus on new structures of feeling, in particular emotions of both fear and sentimentality, and his insistence to understand the still opaque ways through which common sense is articulated as deepest layer of culture, echoing societal transformations which are not anymore 'ideological' but point at some new interplay of 'the economic' and 'the political', Grossberg makes a strong argument for 'post-culturalist' cultural studies.

So, to borrow one of Grossberg's beloved phrases: What's really going on in cultural studies? One might say, as Jan Baetens has made the point, that the current crisis and the announced death of cultural studies are inextricably linked with the final legitimization of the discipline, and that entering the post-culturalist stage implies the need of a repositioning in the shifting field of humanities at large, instead of taking for granted that the ultimate future of the humanities will be that of cultural studies itself. It cannot be overlooked that, although cultural studies did not become the leading discipline and, by the way, was not intended to do so according to Stuart Hall and others, cultural studies has had a tremendous impact on many disciplines ranging from literary studies to art history. The fact that culture is now seen as 'a way of living' and not confined to realms of high culture, and the fact that culture is now seen as a contested terrain of struggle upon which social interest groups, women, ethnic minorities, gays and lesbians, and people from the so-called 'third world' compete for influence and recognition, demonstrate the great influence cultural studies wielded in academia, and to some extent also outside universities. Not to speak of the theoretical refinements which cultural studies brought to the fore when dealing with symbolic practices, notions of identity, race, and gender.

Jan Baetens rightly claims that, even if the stated crisis were so deep causing the disappearance of cultural studies, its results cannot be undone since "the scholarly and social transformation made possible by cultural studies have reached a point of no return that characterizes all major changes" (Baetens 2005, 2). What we are facing as crisis is, according to my view, less a crisis of paradigmatic nature or a crisis of theoretical work in detail, than much more a fundamental dilemma in which cultural studies are caught by the fact that many exponents head for two contradictory objectives, namely, being a widely recognized academic endeavor and, equally, an explicit political project not only reforming the meanwhile managerial university, but even more changing society at large. One can rarely have both and it is not by chance that pioneers such as Richard Hoggart, Raymond Williams, Edward P. Thompson, and Stuart Hall himself had only marginal positions in the academic landscape. And matters of politics for cultural studies get further complicated by the decline of the left in the United States and the collapse of Social Democracy in Europe. And last but not least, the kind of cultural



activism new social movements such as anti-globalist movements exercise, seems less inclined to the self-reflective and conceptually rigorous theoretical work cultural studies are doing when avoiding generalized and essentialist notions of capitalism, neoliberalism, global hegemony, and 'the political' in the age of some new transnationalism. This is not to make a plea for a de-politization of cultural studies' work but, as I shall argue in my conclusion, a plea for more humble aspirations. Rather than being political as everyday practice, cultural studies should analyze the politics of the post-cultural constellation we are living through. This post-cultural constellation, challenging the 'culturalist' approach which mainly focuses on signifying practices in media and popular culture, has been plotted in various accounts such as in the writings of Fredric Jameson, but not yet grasped in its full impact. Still, we do not know exactly what it means that contemporary mass entertainment is fostering moments of the de-centered, the excessive, the repetitive, and the rhythm- and pulse-oriented, and still we do not understand how neo-baroque features such as fragment, enigma, chaos, and an overall plasticity – so starkly present in contemporary art and lifestyle – are redoing the foundations of liberal modernity.

But before I will touch upon the intellectual challenges facing cultural studies and cultural sciences alike in my concluding remarks, I will shed some light on their shared poststructuralist framework, its achievements and shortcomings, and the intellectual trajectories that moved us to the point where we are standing now. If one does some parallel reading of *Kulturwissenschaften* and cultural studies over the past two decades or so, one recognizes that there had been a proliferation of related themes and similar theoretical approaches. Although *Kulturwissenschaften* have never had any engagements with Marxism as it was the case with (early British) cultural studies, both share some synchronicity regarding research topics and turns they took up. Likewise they experienced a strong influence of Michel Foucault's conceptions of discourse and power, and to varying degrees they responded to the challenges of Gilles Deleuze's writings about psychoanalysis and film. In terms of themes, both experienced a boom of gender theory including queer theory, both went through and still go through a far-reaching linguistic turn that problematizes the ability of language to grasp the specificity of power relations, and both discovered spatiality as essential dimension of culture. Beside the radical

deconstruction of gender and sex, the thematization of race and ethnicity became a strong preoccupation related to a fruitful encounter with questions of colonial history, its consequences for the definition of the 'West', and its lasting heritage in post-colonial constellations.

Culture studies of various types and intellectual origins headed for a common goal, namely the radical deconstruction of language-bound social reality, of homogenous concepts of culture, and of political visions based upon the Western model of liberal democracy by unveiling the oppressive, hegemonic, and colonizing dimensions of modernity. Anglo-American cultural studies and German Kulturwissenschaften likewise received the core message of poststructuralist thought by replacing social class through cultured identities, structure through agency, subjectivity through a gendered self, and history through contested memory. By doing so, both subscribed to a 'hermeneutics of suspicion' (*Paul Ricœur 1974*) deciphering fixed identities as fake, the universal as the particular, rationality as means of dominance, scientific narratives as ideologies, and ambivalence as a mechanism of social control. The demystification of concepts such as subjectivity, culture, gender, race, class, science, and nation represent key achievements of the many turns cultural studies and Kulturwissenschaften went through and thereby changed the scope and breath of the human sciences at large.

But at the same time it was widely overlooked that in taking up these impulses, culture studies were actually swept along by much larger social forces, in particular the transformations of world capitalism since the 1980s. The erosion of social relations since then certainly did not determine in a rigid sense the above sketched changes in cultural thought. But the widespread concern with the problem of agency, the trope of forever constructed and deconstructed subjectivity, the immense impact of Foucault's microphysics of power, the return to micro-level forms of analysis, and the retreat from ambitious historical narratives, no less than postmodernism with its appeal to some universal plasticity and contingency of cultural forms – all of these diverse movements of thinking can be read as manifold responses to the radical volatilization of social relations brought to the fore by the recent triumph of deregulated capitalism. What William Sewell criticizes as shortcomings of the New Cultural History, specifically, the retreat from the analysis of economic processes, might also be applied to cultural studies and cultural sciences:

But as I see it, the rethinking of historical concepts and methods, in all its national variants, has tended to suffer from a common defect. It has retreated from macro-causation in general and from consideration of the dynamics of capitalism in particular – and has done so during the very time when the dynamics of capitalism have demonstrated a renewed ability to disrupt profoundly and refigure fundamentally our own social, political, and cultural lives. More disturbingly, the particular form of the historians' retreat – their passion for the small, the local, the elementary, the culturally constructed – appears, for all its intellectual excitement, to a share certain logic with the processes of deregulation and ever-rising economic flexibility characteristic of contemporary capitalism. (Sewell 2005, 77)

Although we should avoid stepping into the trap, as sketched by Michael Bérube, namely, starting with and ending with neoliberalism as reference point of investigation, both cultural studies' and cultural sciences' scholars should be aware that there could be potential complications between contemporary forms of speculative capitalism and postmodern cultural analysis. If neo-Marxist ways of doing cultural analysis and social studies tended to privilege some naïve logic of deciphering culture as mere reflection of political economy, cultural studies and cultural sciences, at least in their poststructuralist versions, seem to deny the very possibility of access to any realities beyond the discursive structures of texts. We should be sensible to the fact that the 'undecidability' of cultural texts and the potentially endless play of intertextuality has made cultural thought extremely reluctant to refer to social structures, modes of economic production, or social hierarchies working outside of textual patterns. Fredric Jameson studying the transition from Fordist to post-Fordist regimes of capital accumulation is right when arguing that the experienced volatility of social relations and the decline of predictability in everyday life had been a major source of postmodern thinking (Jameson 1991). And in addition the increasing role of information and aesthetics in economic production and the rise of cultural industries have made it more plausible that our world should be understood as thoroughly culturally constructed. But – as William Sewell reminds us – we should be aware that "the changes in what we experience are products both of the changes in social relations and of changes in the cultural categories through which we understand them" (Sewell 2005, 59).

## Conclusion

The short presentation of intellectual developments in cultural studies and cultural sciences should have made clear that both formations represent vital fields of inquiry and, that the debate about the present status of cultural studies is more an indication of stabilization within academia than a symptom of lethal crisis. Though I have not touched upon the respective debate in *Kulturwissenschaften*, quite similar problematizations of their claims doing sober interdisciplinary work are going on with the important exception that no one is querying their political relevance since they never pretended being political. When we ask which kind of intellectual challenges cultural studies and cultural sciences might be facing next, we can point at some themes which for both seem to be relevant.

The first theme being the rethinking of 'the social', which means that the rigid paradigm, that there is nothing outside the text, has to be undone in ways avoiding that the achievements of the linguistic turn are thrown away with a triumphant gesture of some naïve material turn. Rather cultural textures should be perceived as deeply stained by social processes, and symbolic practices should be conceptualized as tightly embedded within the social fabric with its increasing economization of life-worlds without reducing 'the cultural' to a simple annex of whatever late capitalism. Rather culture should be analyzed as the other side of 'the social'.

The second theme being the rethinking of 'the historical' since both intellectual formations have lost a sense of the historicity of culture in the sense that contexts of culture do not refer just to the history of cultural forms and practices but to broader patterns of social and economic history. Hence, culture should be perceived as an ensemble of practices and meanings through which ordinary people try to cope with the circumstances under which they have to live in a way that allows them not only economic survival but a meaningful biography, a sense of community, a sense of social rooting and last but not least a sense of personal dignity.

And the third theme being the rethinking of 'the post-cultural' posing the challenge to understand the transformation of contemporary culture in new ways that transgress traditional culturalist modes of inquiry. As outlined before, the societal changes we are going through

seem to reveal a new interplay between modes of capital accumulation, advanced information technology, social regulations, and lifestyles generating novel symbolic forms through which people try making sense of the accelerated turnovers in their everyday lives. Thus, if it is the case as Herman Parret argues, that we are living amidst some neo-baroque trajectories “which block the construction of the unity in perception and hurl the soul with dysphoric uneasiness” (Parret 2000, 47), and if is true, that the emphasis on fragment, enigma, chaos, and liquidity is shattering liberal modernity, then we have to question basic premises of culture studies. Then we are in need of closely investigating the scale and depth through which the ‘risk society’ – as described by Ulrich Beck (1992) – has changed structures of feeling, patterns of self-narration and self-attachment, and signifying practices with which peoples in various locations, settings, mobilities, and ways of living are looking for sources of hope, orientation, and coherence without attributing them cheap notions of media manipulation, and of consistent neglect of political self-interest. If people supposedly do the wrong thing according to traditional leftist accounts, then this should bring us – paraphrasing Stuart Hall – to the following presumption: the thing to ask about the post-cultural constellation, or name it post-Fordist cultural constellation, that so unexpectedly succeeds in organizing people’s consent, is not what is false about it but what is true about it. Since people are not mere dupes of some corporate media-economy-politics-complex, there must be something auspicious in this post-cultural constellation, which we still do not understand.

## Bibliography

- Assmann, Aleida (1999A), “Cultural Studies and Historical Memories”, in: *The Contemporary Study of Culture*, ed. by Bundesministerium für Wissenschaft und Verkehr & Internationales Forschungszentrum Kulturwissenschaften, Vienna, pp. 85–99.
- (1999B), *Erinnerungsräume. Formen und Wandlungen des kulturellen Gedächtnisses*, München.
- Assmann, Jan (1992), *Das kulturelle Gedächtnis. Schrift, Erinnerung und politische Identität in frühen Hochkulturen*, München.
- Baetens, Jan (2005), “Cultural Studies After The Cultural Studies Paradigm”, in: *Cultural Studies*, Vol. 19, No. 1, January 2005, pp.1–13.

- Beck, Ulrich (1992), *Risk Society. Towards a New Modernity*, New Delhi.
- Bérube, Michael (2009), "What's the Matter With Cultural Studies? The popular discipline has lost its bearings", in: *The Chronicle of Higher Education*, September 14, 2009, <http://chronicle.com/article/Whats-the-Matter-With/48334/>, accessed on 10/11/2009.
- Böhme, Hartmut et al. (2002), *Orientierung Kulturwissenschaft. Was sie kann, was sie will*, Reinbek bei Hamburg.
- Jameson, Fredric (1991), *Postmodernism, or, The Cultural Logic of Late Capitalism*, London.
- Grossberg, Lawrence (2006), "Does Cultural Studies Have Futures? Should it? (Or What's the Matter With New York?)", in: *Cultural Studies*, Vol. 20, No. 1, January 2006, pp. 1–32.
- Hall, Stuart (1988), *The Hard Road to Renewal. Thatcherism and the Crisis of the Left*, London.
- Kittler, Friedrich (1999), *Gramophone, Film, Typewriter*, Stanford University Press.
- Musner, Lutz (1999), "Locating Culture In The US And Central Europe—A Transatlantic Perspective On Cultural Studies", in: *Cultural Studies* 13 (4) 1999, pp. 577 – 599.
- Musner, Lutz & Wunberg, Gotthart (Hg.) (2002), *Kulturwissenschaften. Forschung – Praxis – Positionen*, Wien.
- Nünning, Ansgar & Nünning, Vera (Hg.), (2008), *Einführung in die Kulturwissenschaft*, Stuttgart.
- Parret, Herman (2000), "Is postmodern culture postcultural?", in: *The Future of Cultural Studies*, eds. Baetens, Jan & Lambert, José, Leuven University Press, pp. 43–49.
- Ricœur, Paul (1974), „Philosophische und theologische Hermeneutik“, in: Ricœur, Paul/ Jüngel, Eberhard (Hg.), *Metapher. Zur Hermeneutik religiöser Sprache*, München, pp. 24 – 45.
- Sewell, William H. (2005), *Logics of History. Social Theory and Social Transformation*, Chicago.
- Vogl, Joseph (2002), *Kalkül und Leidenschaft. Poetik des ökonomischen Menschen*, München.

# **As Monjas e a Arte Musical mulheres de talento dos séculos XVII e XVIII em Portugal**

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## **Resumo**

Apesar dos constrangimentos próprios de uma disciplina ascética rigorosa, a vida monacal permitiu às mulheres com talento musical um espaço particular de expressão pessoal e de dedicação à música, que provavelmente a sociedade laica lhes teria negado. As monjas beneditinas, de modo particular, foram protagonistas de um conjunto significativo de manifestações culturais, nomeadamente festas religiosas, representações teatrais, eventos musicais e literários nos abadessados e outeiros por ocasião das eleições das Preladas. À luz da documentação estudada, releva-se o triplo papel que a música assumiu na vida das comunidades - essencialmente litúrgico, mas também educativo, cultural e lúdico.

**Palavras-chave:** Conventos femininos, prática musical monástica, monjas-artistas.

À semelhança de países como Espanha e Itália, havia em Portugal, durante os séculos XVII e XVIII, um grande número de comunidades religiosas. As casas conventuais estavam repletas de mulheres que haviam ingressado no estado religioso. Sabe-se, porém, que a escolha da vida religiosa se realizava por necessidade, por imposição da família ou

por circunstâncias de natureza diversa, sendo em número reduzido as mulheres que abraçavam o estado religioso por vocação. Como afirmou Ana Hatherly, a vida religiosa “era *uma profissão* que garantia protecção e prestígio, desde que se cumprissem as regras.”<sup>1</sup> A admissão nos conventos *pela prenda de solfa ou de órgão* ou, como também se dizia, *pela prenda de cantar ou tocar* está documentada nos livros de registo de entrada de noviças. A entrada no convento sem dote era apenas permitida às religiosas com conhecimentos musicais, restringindo-se nestes casos a vida monacal ao ensino e prática musical.

Os conventos femininos eram de direito diocesano, sendo da responsabilidade dos bispos o controle disciplinar da vida comunitária das monjas. As visitas canónicas realizavam-se de três em três anos, por ocasião da eleição das abadessas. Os Bispos nomeavam ainda *Visitadores* que, deslocando-se aos mosteiros, se inteiravam da observância das monjas. Estas *Visitas* eram registadas em acta, sendo as monjas obrigadas a obedecer às ordens deixadas pelos *Visitadores*. Por vezes a oposição das religiosas conduzia a uma maior responsabilização das Abadessas, no sentido de fazerem cumprir as determinações dos *Visitadores*. No entanto, e apesar das restrições, a vida quotidiana das monjas prosseguia, assumindo a música um papel fundamental nas celebrações litúrgicas realizadas ao longo do dia, nas celebrações do Natal e Páscoa, nos dias dos Santos Padroeiros, na educação das noviças e nos momentos de lazer.

A nomeação de um rol de oficiais, designado ao longo dos tempos por Cantora Mor, Mestra do Coro e Cerimónias, Mestra de Capela, Cantoras ou simplesmente Senhoras Músicas e tangedoras de órgão ou outros instrumentos, assegurava um conjunto de funções previamente definidas e regulamentadas. As suas obrigações consistiam, no que se referia à prática musical, na preparação e celebração do Ofício Divino com toda a dignidade e esplendor.

A formação musical das monjas era objecto de cuidada atenção pelos responsáveis das Ordens monásticas. As monjas tinham *lições de solfa e instrumentos*, estudo do cantochão e de Latim. As *lições de solfa* destinavam-se às monjas beneditinas com aptidões vocais e eram realizadas diariamente durante duas horas. Os bons resultados revelados na

1 Ana Hatherly, “Tomar a Palavra. Aspectos De Vida Da Mulher Na Sociedade Barroca”, *Revista da Faculdade de Ciências Sociais e Humanas*, Lisboa, Edições Colibri, nº9, 1996, p. 271.



aprendizagem e o empenhamento demonstrado davam direito a mais um tostão na propina a que cada religiosa tinha direito.

### As representações de *Autos* no Convento dos Remédios

As monjas do Convento de Nossa Senhora dos Remédios, de religiosas franciscanas da Terceira Ordem da cidade de Braga, fundado entre os anos de 1544 e 1549 pelo Bispo de Dume, gostavam particularmente de representar *Autos*, *Comédias*, *Entremezes* e *Dialogos* e cantar e bailar, tocando os seus tambores. Estas representações eram proibidas pelos arcebispos, mas a forte influência da música profana nas celebrações litúrgicas e a sua prática intramuros nos momentos de lazer correspondia a uma expressão pessoal, necessária ao equilíbrio psicológico de quem vivia debaixo da observância monástica.

Na Biblioteca Geral de Coimbra conservam-se um conjunto de manuscritos musicais do século XVII provenientes do Mosteiro de Santa Cruz de Coimbra, constituídos por Romances e Vilancicos, na sua maioria anónimos, com a indicação de Conventos do Porto e Braga. Efectivamente o manuscrito de *Chansonetas de Natal* (P-Cug MM238) contém *Romances* e *Folias* com a indicação de “Remédios, Braga”, o que leva a crer terem sido destinados às monjas do Convento de Nossa Senhora dos Remédios.<sup>2</sup>

Ao tempo do Arcebispo D. Rodrigo de Moura Telles (1704-1728), as monjas do convento dos Remédios ocupavam uma boa parte do seu quotidiano a ensaiar e representar *comédias*, *bailes* e *intermezzi*. O Arcebispo viu-se obrigado a enviar um decreto proibindo estas actividades:

“[...] Por nos constar que nos conventos, de religiosas de Nossa Jurisdição (...) se estudão, ensaião, e com effeito se representam comedias, bailes, e entermezes, o que he não só contra a modestia do sexo, e estado religioso, mas huma relaxação, e inquietação da comunidade faltando as que se occupão em taes profanidades as obrigações dos actos della, como he a reza, e a assistencia do coro, que deve ser nellas o mais desvalado emprego. E porque devemos atalhar por todas as vias semelhanças indecencias, relaxações; ordenamos a Reverenda Madre Abadessa do Nosso Convento dos Remedios, com pena de ser deposta do cargo; mas não per-

2 Sobre este repertório ver Elisa Lessa, *Os Mosteiros Beneditinos Portugueses (séculos XVII a XIX)*, *Centros de Ensino e Prática Musical*, Lisboa, Universidade Nova de Lisboa, Dissertação de Doutoramento, 1998.

mita, não só que se não reprezentem, mas nem ainda se estudem comedias, bayles e entermezzes [...]”<sup>3</sup>

As regras impostas procuravam dar cumprimento a um quotidiano monástico rigoroso, próprio ao estado religioso. O apelo ao recolhimento e ao silêncio era constante e os momentos de lazer eram também objecto de restrição. No entanto, todos os normativos transmitiam apenas uma dimensão ideal, assumindo a música um papel fundamental contra o ascetismo e permitindo a vivência dos sentidos e emoções.

Kendrick,<sup>4</sup> no estudo que realizou sobre o repertório musical escrito e cultivado por monjas beneditinas dos séculos XVI e XVII em Milão, concluiu que a música era não só uma espécie de recreação espiritual mas também personificava de modo completo as suas vidas. Para estas religiosas, tal como para as monjas portuguesas, a música era também um alimento espiritual.

### Os dias de festa no Convento de Santa Clara de Guimarães

No Natal, na Páscoa e em dias de festa dos santos padroeiros ou outras ocasiões festivas, o convento de Santa Clara de Guimarães, fundado no século XVI por Baltasar de Andrade, Mestre Escola da Colegiada de Guimarães, contava com músicos vindos de fora. Isso mesmo nos dá conta o *Livro de Contas* de 1692, com a indicação de despesas com doces aos músicos da Semana Santa e à Misericórdia, por vir com a procissão de quinta-feira santa ao convento.<sup>5</sup>

A festa de S. Gonçalo era comemorada no Mosteiro com grande entusiasmo pelas monjas músicas. Na *Devassa da Visita* ao Convento, a Madre Abadessa refere que a Madre D. Anna Maria dos Reis acompanhava os festejos tocando órgão e que no choro se cantava e bailava ao som de instrumentos de percussão:

3 ADB, Visitas e Devassas, n.º 19, f. 101.

4 O autor cita um conjunto de cartas escritas pela monja milanese Angela Confaloniera ao Arcebispo Federigo Borromeo, que revelam as sensações e sentimentos que esta religiosa experimentava quando interpretava música (vd. Robert L. Kendrick, *Celestial Sirens: Nuns and their Music in Early Modern Milan*, NY, Clarendon Press Oxford, 1996).

5 ADB, FMC, Sta Clara, F587, Docs.197-222.

“[...] nas eleições das Preladas antecedentes a ella [...] costuma fazerem-se seos entremezes, e bailes, a que ella testemunha não consentiu na sua porem ainda se pratica na novena de S. Gonçalo virem algumas criadas ao choro com seos lenços atados no rosto, a cantar, e bailar tocando com seus pandeiros, e tambores [...]”<sup>6</sup>

A 17 de Dezembro de 1736, o arcebispado, em sede vacante, deu autorização para ser recebida no mosteiro, como secular, Maria Grabiela, natural de Arrifana de Sousa, “perita em solfa, tocar harpa e órgão”. As suas funções incluíam o ensino musical das religiosas e a assistência no serviço do Coro para tocar harpa e órgão.<sup>7</sup> No entanto, as monjas de Santa Clara de Guimarães revelaram alguma falta de interesse pelo serviço musical litúrgico quotidiano. D. Micaela Ângela da Glória, Mestra do Coro em 1759, respondendo ao interrogatório da *Visita* declarou:

“[...] as religiosas falam no coro durante o Ofício Divino, usam espartilho, decotes e até se vê a fivela dos sapatos a algumas e a D. Ana Joaquina quando tem qualquer agonia costuma praguejar e muitas religiosas deixam de ir ao Coro a Prima”. D. Teresa Dorotea de S. Bento também interrogada, testemunhou que “quando há missas cantadas costumão estar no coro fora das cadeiras do que vem o inconveniente das conversas. [...]”<sup>8</sup>

A maior parte das monjas de Santa Clara preferia confeccionar doces, como o toucinho do céu, as tortas ou outras iguarias; festejar as eleições das preladas com bailes e comédias, motes e glosas; realizar celebrações festivas em honra dos Santos Padroeiros, comemorar nascimentos e aniversários; promover festas a propósito de eleições no âmbito da hierarquia da Igreja, participar em Lausperenes e nas célebres procissões saídas do Convento.

### As aulas de música no Convento de S. Salvador em Braga

No Mosteiro de S. Salvador em Braga, além do ensino diário do canto-chão, as monjas tinham aulas de canto polifónico e instrumentos com

6 ADB, Visitas e Devassa nº 40.

7 Arquivo Municipal Alfredo Pimenta, de Guimarães. MS *Licença para Maria Gabriella ingressar no Convento de Santa Clara*.

8 ADB, Mosteiro de Santa Clara, Visitas e Devassas, nº76.

professores que para o efeito se deslocavam ao mosteiro. O Arcebispo Sebastião de Matos Noronha, na *Visita* realizada em 1638, determinou que uma pequena dependência existente junto à cela da madre abadessa fosse utilizada para o ensino da música.<sup>9</sup> D. José de Bragança, um dos quatro arcebispos de Braga que no século XVIII e inícios do século XIX mais controlou o “modus vivendi” feminino,<sup>10</sup> proibiu a prática de canto d’órgão no mosteiro. De acordo com a ordem do Arcebispo, apenas seria permitido o uso do canto gregoriano em todos os serviços litúrgicos. Esta ordem visava acabar com a participação de músicos quer no ensino ministrado às monjas, quer na realização musical nas cerimónias litúrgicas. No Decreto de 25 de Janeiro de 1743, o Arcebispo determinou:

“[...] Para o saudável fim da perfeição Religiosa senão executarem com detrimento da mesma a que he conveniente não haver nelle muzica de canto de órgão a fim para se evitar a comunicação com as creaturas do século que de outra sorte fica sendo necessário para se ensinarem a tocar alguns instrumetos en cantar muitos papeis e como outros mais inconvenientes (...) que daqui em diante se cantem os officios e se solemenizem as festas de cantochão usando do missal Antifonario [...]”<sup>11</sup>

O ensino musical no Convento de S. Salvador havia dado frutos. As *Senhoras Músicas*, aplicando os conhecimentos musicais adquiridos, interpretavam, na opinião de D. Gaspar de Bragança, Arcebispo de Braga nos anos de 1758 a 1789, “ [...] solfas de esquisita composição e harmonia que são mais proprias do recreio dos theatros que da devoção dos coros das esposas de Christo [...]”<sup>12</sup> proibindo mais uma vez o uso de instrumentos, com excepção do órgão, e permitindo apenas o canto gregoriano.

### **As Senhoras Músicas do Convento de Avé Maria do Porto**

Os espólios musicais do Convento de Avé Maria e de Santa Clara do Porto, conservados na Biblioteca Nacional de Lisboa, tornam-se par-

9 ADB, Visitas e Devassas nº37, f.29.

10 Segundo Ivone da Paz Soares, in “A visita “ad limina” de D. José de Bragança”, *Bracara Augusta*, Revista Cultural da Câmara Municipalkde Braga, vol. XLVIII, 1998/99, p. 151.

11 ADB, Registo Geral nº 305

12 ADB, Visitas e Devassas nº 30, f. 114.

ticularmente curiosos pelo facto de terem sido compostos ou por encomenda das próprias religiosas, ou a elas dedicado. O repertório, correspondendo à realidade musical do mosteiro, confinado em parte aos conhecimentos e capacidades musicais das *Senhoras Cantoras e Instrumentistas*, torna-se revelador da capacidade da *praxis interpretativa* das monjas. Ernesto Vieira, referindo-se às qualidades musicais das monjas beneditinas de Avé Maria, compara-as às famosas cantoras Adelina e Catarina Patti.<sup>13</sup> A *Lição* dedicada a Florinda Rosa do Sacramento composta pelo Mestre Capela da Sé do Porto, António da Silva Leite, trata-se, segundo Ernesto Vieira, de uma obra em estilo floreado requintado, contendo as mais difíceis volatas no registo agudo da voz. Outras das obras mencionadas por Vieira de António da Silva Leite, dedicada à Mestre Capela do mosteiro, D. Ana Inácia de Freitas, é uma *Hora de Noa* em estilo italiano, para quatro sopranos, violinos e órgão “[...] cujos floreios entrelaçados nas quatro vozes fazem lembrar um desafio de rouxinoes [...]”<sup>14</sup>

As monjas intérpretes, e em particular as que ocuparam o cargo de Mestres Capelas dos Mosteiros, foram certamente exigentes quanto à qualidade musical das obras, revelando um gosto muito próprio. Certamente este facto terá levado António da Silva Leite a ter anotado, na partitura de um *Miserere* composto em 1784 a pedido da Religiosa D. Teresa Rita, o seguinte: “Perdoe se não estiver a seu gosto.”<sup>15</sup>

Com a proibição de se aceitarem novas monjas, a partir de 1833, o mosteiro entrou num período de decadência. Apesar dos dias difíceis que se viveram, a prática musical continuou até à extinção do convento em 1892. Desta época são conhecidos os famosos outeiros de abadessados realizados nos conventos femininos de S. Bento e Santa Clara. Os certames poéticos que então tiveram lugar no convento de Avé Maria, contavam com escritores (entre os quais Camilo Castelo Branco) e poetisas que glosavam motes dados pelas Monjas. Em 1868, o estudante Alberto Pimentel, com 19 anos de idade, assistiu a um destes famosos outeiros no Mosteiro de S. Bento de Avé-Maria a convite do historiador

13 Adelina Patti (Madrid, 1843 – Wales, 1919) foi uma famosa soprano do seu tempo, que em 1888 cantou em Lisboa (vd. Elizabeth Forbes, “Patti, Adelina”, *The new Grove Dictionary of Opera*, vol. Iii, London, Macmillan, 1992, p.918).

14 Ernesto Vieira, *Diccionario Biographico de Musicos Portuguezes*, vol.II. Lisboa, Lambertini, 1900, pp. 23-24.

15 P-Ln, MM 323/5.

e poeta Sousa Viterbo. O jovem ficou deliciado com a doçaria conventual e os vinhos finos e encantado com a música interpretada por figuras de relevo da vida musical portuense: o pianista e compositor Miguel Ângelo Pereira, o violinista Marques Pinto e o Mestre Moreira de Sá<sup>16</sup> Os poetas glosaram até altas horas a contento de todos.<sup>17</sup>

## Nota Final

No que diz respeito às igrejas conventuais dos mosteiros femininos são vários os testemunhos registados nos fundos monásticos sobre música a vários coros e instrumentos, “eloquentes” *Te Deum*, e outras manifestações musicais realizadas nesta época.

Embora sujeitas à autoridade do Arcebispo e da hierarquia da Ordem religiosa masculina, as monjas tiveram um papel activo na promoção de obras de arte e cultura. Resistindo ao modelo de devoção imposto, as monjas-artistas evidenciaram os seus carismas pessoais, tornando-se protagonistas de manifestações religiosas musicais palco das maiores ligações entre o sagrado e o profano.

Apesar de não ser possível hoje conhecer as histórias de vida destas mulheres de talento que num espaço de recolhimento físico e emocional exerceram a sua actividade musical, fica o testemunho das próprias congregações, que em reconhecimento da sua Arte e da importância do serviço prestado à comunidade, ofereciam *Mimos e Ramos às Senhoras Músicas, Cantoras e Tangedoras de Instrumentos*.

## Abreviaturas

ADB – Arquivo Distrital de Braga. Universidade do Minho.

FMC – Fundo Monástico Conventual

P-Ln – Portugal, Lisboa, Biblioteca Nacional

MM – Manuscrito Musical

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16 Bernardo Valentim Moreira de Sá [1853-1924] foi pianista e conferencista, director de orquestra e de coros orfeónicos, professor de violino, piano, composição, estética, ciências matemáticas e físicas e línguas.

17 In *Figuras Literárias Portuenses* de Artur Magalhães Basto, Porto, Livraria. Simões Lopes de Manuel Barreira, 1947.

# **A poesia filosófica de Edmundo Curvelo: O manuscrito ‘caminho dos homens’**

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## **Resumo**

Este artigo faz o primeiro estudo conhecido do espólio literário do filósofo português Edmundo Curvelo (1913-1954), aberto recentemente aos investigadores. Apresenta os grandes temas dos papéis de Curvelo e publica pela primeira vez um manuscrito com poemas de Curvelo. Não se conhecia até à data nenhuma actividade literária deste lógico português. O artigo explica por que razão o manuscrito com os poemas de Curvelo é dissonante com a sua obra publicada em Lógica e em Filosofia.

**Palavras-chave:** Curvelo, Edmundo (1913-1954), lógica (século XX), poesia portuguesa (século XX), filosofia (em Portugal), Quine, W. V. O. (1908-2000), Church, Alonzo (1903-1995), espólios e papéis pessoais.

## **Abstract**

The present article is the first known presentation of the literary estate of the Portuguese philosopher Edmundo Curvelo (1913-1954), recently opened to researchers. The article introduces the main thematic areas of the papers handwritten by Curvelo, and publishes for the first time a book of poems by Curvelo. Until now it was totally unknown any literary work written by this Portuguese logician. The article explains the reason why a handwritten book of poems is completely dissonant with Curvelo's published work in Logic and Philosophy.

**Keywords:** Curvelo, Edmundo (1913-1954), logic (twentieth century), Portuguese poetry (twentieth century), Philosophy (in Portugal), Quine, W. V. O. (1908-2000), Church, Alonzo (1903-1995), literary estates and personal papers.

## I

O estudo da obra publicada de um autor costuma ser suficiente para investigar o seu pensamento. A situação é diferente a respeito do filósofo português Edmundo Curvelo devido à sua morte precoce e ainda não explicada totalmente. A abertura aos investigadores do espólio manuscrito e da biblioteca pessoal de Curvelo permite compreender a evolução do pensamento deste professor da Faculdade de Letras de Lisboa. Em primeiro lugar, a curiosidade recai sobre manuscritos filosóficos ainda não conhecidos. Curvelo foi um autor muito fecundo que publicou uma vasta obra de livros e artigos durante a sua curta vida. A investigação do espólio pode ser um meio de averiguar o que Curvelo se preparava para publicar e quais eram as grandes preocupações do seu pensamento. Em segundo lugar, o espólio revela os laços que estabeleceu com autores estrangeiros a todos os títulos notáveis. Vivendo no Portugal dos anos 40 e do início dos anos 50, Curvelo correspondeu-se com grandes nomes da Filosofia e da Lógica da sua época; pense-se, como meros exemplos, em Willard Van Orman Quine e em Alonzo Church. A correspondência com os seus contemporâneos portugueses também é rica em informação biográfica e intelectual. Destaca-se a este respeito a correspondência que trocou com Joaquim de Carvalho, o grande professor da Universidade de Coimbra. O espólio inclui trabalhos autografados oferecidos por António Sérgio.

A tudo isto há que acrescentar o homem. Os interesses intelectuais de Curvelo eram excepcionais para a universidade portuguesa da época. Destaca-se a reflexão filosófica ampla nas áreas da Filosofia da Mente, da Filosofia da Psicologia, da Lógica e da Ética. Esta reflexão filosófica caracteriza-se pela argumentação exigente e rigorosa, nos antípodas do discurso vago de muitos dos seus colegas. Igualmente relevante para se ter uma noção do que interessava a Curvelo, está a sua actividade enquanto teórico da orientação profissional que ajudou a introduzir em Portugal os laboratórios psicotécnicos. O contacto com apontamentos e correspondência privada permite que se tenha hoje uma ideia mais



nítida da personalidade de Curvelo e das relações afectivas que manteve. Os Filósofos não são caminhantes das nuvens, como a sátira de Aristófanos afirmava. O pensamento filosófico é sempre obra de alguém que vive em condições concretas. Apesar de serem coisas diferentes e de não se poder avaliar o valor de uma obra filosófica pela vida do homem que a escreveu e vice-versa, é inegável que a vida auxilia o esclarecimento da obra e esta o esclarecimento de muitos aspectos da vida.

Um inventário rápido do espólio de Curvelo mostra as grandes áreas que o interessavam. Em primeiro lugar, é necessário considerar a sua biblioteca particular, à guarda do Instituto de Orientação Profissional da Universidade de Lisboa. O inventário desta biblioteca, feito pelos funcionários do Instituto, revela a grande curiosidade intelectual de Curvelo e o vigor do seu estudo e investigação. Numa época em que o acesso às publicações estrangeiras era muito difícil, Curvelo tinha quatro estantes com quase três mil e quinhentos livros de natureza científica.<sup>1</sup> (Há notícia de uma outra parte da sua biblioteca, à guarda de familiares e ainda não inventariada, que terá muitas mais obras de natureza literária.) Do lado da grande literatura mundial, destacam-se autores como Jorge Amado, Chesterton, Daphne du Maurier, Goethe, Ibsen, Kipling, Llorca, Maugham, Shaw, Swift, Tagore, H. G. Wells e Virginia Woolf. A Filosofia está amplamente presente com os clássicos, mas também com autores como Dilthey, Husserl, William James, Leibniz, Ortega e Sartre. Curvelo acompanhava a produção dos intelectuais portugueses da época e as suas estantes são ricas em obras de autores como Barahona Fernandes, Sílvio Lima, Egídio Namorado e António José Saraiva.

Os papéis do espólio de Curvelo estão à guarda da Biblioteca António Botto, de Abrantes, devido à generosa oferta de uma sobrinha de Curvelo. Sendo provável que se encontrem ainda outros documentos de Curvelo noutros sítios, o espólio de Abrantes é indubitavelmente o melhor local para se conhecer o modo de trabalhar e o que interessava ao Prof. Edmundo de Carvalho Curvelo, nascido a 18 de Outubro de 1913, na freguesia de Assunção, em Arronches, e falecido a 13 de Janeiro de 1954 em Lisboa. Os documentos do espólio ocupam cerca de vinte e cinco caixas de arquivo. Os papéis estão organizados por categorias: correspondência privada com a esposa Noémia Cruz, de quem se viria a divorciar; apontamentos de aulas; enunciados de exames para

1 Mais precisamente: 3463 livros.

os seus alunos; fichas de leituras dos muitos livros que leu; esboços de textos que viria a publicar ainda em vida; provas tipográficas dos textos que publicou; lições das aulas e exercícios práticos para a disciplina de Lógica; esquemas de trabalho; textos de conferências e palestras que realizou (como o manuscrito «Amanhecer»); traduções que realizou (do filósofo americano William R. Montague e do historiador da arte Leonhard Adam); documentos e projectos de lei de que foi consultor científico (por exemplo, um projecto de lei sobre espectáculos para menores e regulamentos de laboratórios psicotécnicos); reprodução de ensaios curtos de autores estrangeiros, talvez em preparação de uma eventual tradução, como o ensaio de H. G. Wells, «What are we to do with our lives?», e, de Bertrand Russell, «Let the people think»; apontamentos de aulas de cursos de línguas estrangeiras, nomeadamente de língua alemã. Duas categorias de documentos são especialmente importantes para a história intelectual portuguesa da primeira metade do século XX: a correspondência com autores estrangeiros e os manuscritos em fase adiantada de acabamento para obras futuras. O espólio de Curvelo revela que este se correspondia com autores estrangeiros na área da Lógica Filosófica e Matemática, como Alonzo Church, Stephen Kiss e Quine. O espólio guarda os sobrescritos e algum do material trocado, mas não as próprias cartas cujo paradeiro ainda se desconhece. Assim, por exemplo, há dois sobrescritos enviados por Quine desde o Emerson Hall da Universidade de Harvard, um com a data de carimbo de 16 de Outubro de 1950 e outro de 1953 (data de carimbo ilegível). Quine enviou a Curvelo separatas autografadas de alguns dos seus textos, como «Conventional logic and modern logic», «On mental entities», «The problem of simplifying truth functions», «On an application of Tarski's theory of truth», textos de 1952, e «On a so-called paradox», de 1953.

## II

A segunda categoria é a dos manuscritos prontos para publicação ou em estado avançado de preparação. Há notícia de que Curvelo tencionava publicar em forma de livro as suas lições universitárias sobre Ética e sobre os Pré-socráticos. Existem muitas fichas de leitura e apontamentos para aulas sobre estes assuntos mas ainda não se descobriu o manus-

crito destas obras. Com o inventário exaustivo do espólio, actualmente em curso, será possível contornar a dificuldade da caligrafia de Curvelo e o estado de degradação de alguns papéis, já muito amarelecidos pela passagem do tempo. Alguns grupos temáticos de apontamentos revelam que Curvelo teria a intenção de os desenvolver em forma de livro. Desconhece-se o título final das obras a que dariam origem, mas os temas seguintes são facilmente discerníveis: o problema escolástico dos universais; a psicologia; aulas de Lógica; conceitos e problemas fundamentais da Lógica Dedutiva; e a natureza da ciência (nomeadamente o Manuscrito L, que começa com a frase «Uma ciência caracteriza-se pelo objecto e pelo método»). Existe também um ensaio de 1952 com o título «Máquinas e Homens». É uma grande perda para o pensamento filosófico português que Curvelo não tivesse oportunidade de terminar estes manuscritos.

A grande surpresa positiva do espólio de Curvelo que hoje se conhece (a negativa é o desaparecimento da correspondência com Quine) é a existência de um manuscrito dactilografado com um livro pronto para publicação. As razões da surpresa são óbvias. Curvelo foi o filósofo português que mais valorizou o rigor da escrita e o trabalho de análise filosófica sobre conceitos. A visão que Curvelo tinha dos seres humanos defendia que a razão humana tem recursos suficientes para compreender na íntegra todas as experiências humanas e todas as estruturas possíveis da mente humana. É indubitável que esta é uma agenda magnífica. Para Curvelo, a Lógica e a Matemática serão capazes de representar no futuro tudo quanto se sente e se é. Se isto é assim, um autor que explora estas ideias não precisaria de recorrer à linguagem vaga e imprecisa das línguas naturais para expressar os seus estados de alma. De facto, poderia expressar o que sentia através de fórmulas lógicas bem formadas ou de equações matemáticas. O espanto é, pois, grande.

O manuscrito *Caminho dos Homens* é aquele que, no conjunto do espólio conhecido, se pode considerar como o que estava mais próximo de publicação. Esta colecção de vinte e três poemas intimistas foi dactilografada em sessenta páginas; a colecção inclui um índice e paginação; o manuscrito está razoavelmente encadernado e não apenas agrafado como muitas dezenas de outros; tem folha de rosto e uma epígrafe de S. Jerónimo; já depois de dactilografado, tem correcções feitas à mão; a colecção inclui três poemas em língua inglesa. Para

que este manuscrito se transformasse em livro só faltou acrescentar os desenhos de Noémia Cruz, como indica a folha de rosto. A colaboração com a sua esposa foi efectuada nos artigos de natureza pedagógica que Curvelo publicou, nomeadamente «A bomba atómica, a tabuada e o mais que adiante se verá», «O resto da bomba atómica», «Dois professores e uma história a meia voz», de 1946, e «Os paradoxos de Mestre Xis: paradoxos lógico-matemáticos», do ano seguinte. A autoria dos desenhos destes artigos foi grafada com o nome de casada da esposa, Noémia Curvelo, não Noémia Cruz como consta da folha de rosto do *Caminho dos Homens*. Estes artigos foram publicados pela revista *Mundo Literário*, dirigida por Jaime Cortesão Casimiro e editada por Luís de Sousa Rebelo.

O espólio não dá nenhuma indicação que explique por que razão um manuscrito quase terminado não chegou a ser publicado, seja em revista, seja sob a forma de livro. Pode ter acontecido que o manuscrito não seguiu para publicação devido a algum problema pragmático (atraso dos desenhos de Noémia Cruz, dificuldades em encontrar uma casa editora, etc.). Também é verdade que a falta de publicação talvez se tivesse devido à anomalia que estes poemas constituem em relação ao pensamento filosófico de Curvelo. A um pensamento que afirma que pode compreender na íntegra problemas filosóficos momentosos como o da mente humana, o *Caminho dos Homens* revela um Curvelo frágil, à mercê dos mistérios do mundo e das emoções humanas. À obra de um filósofo que só se ocupou de assuntos humanos (Ética, Matemática, Psicologia, Arte, etc.) e que não dedicou nenhuma página conhecida a Deus e a assuntos religiosos, esta colecção de vinte e três poemas é, surpreendentemente, próxima do religioso e inclui poemas que são verdadeiras orações a Deus. Outros poemas são diálogos entre amigos, sendo Deus um dos amigos com que fala.

O actual estado de desconhecimento da biografia privada, não académica, de Curvelo não permite avançar com nenhuma explicação definitiva. *Ignoramus et ignorabimus*. Uma conjectura impõe-se, todavia. Curvelo conhecia indubitavelmente os problemas que o professor Sílvio Lima viveu devido à publicação do livro *O Amor Místico (Noção e Valor da Experiência Religiosa)*, que saiu pela Imprensa da Universidade de Coimbra em 1935. A segunda parte deste livro nunca foi publicada e Sílvio Lima acabou por ser despedido da Universidade de Coimbra devido

ao Cardeal Cerejeira. Este ambiente, a que é preciso acrescentar a existência de censura prévia no Portugal ultra-conservador da época, não permitiria a publicação de um livro de poemas em que Curvelo, aqui e ali, toca na blasfémia, dirigindo-se a Deus directamente e, sobretudo, censurando Deus. Veja-se como alguns versos do poema *Portões Arrombados* são tão libertários que podem ser considerados blasfemos: «Que desconsolação e que tragédia imensa / Esta de termos que Te renegar, Senhor!»; ou «Bem vês que falar Contigo é o mesmo que pregar a uma parede!...»; ou ainda «Mas é a Tua certeza que nos atraiçoa, Senhor!». Os recursos que só a Poesia tem é que permitiram a Curvelo a audácia de censurar Deus. Repare-se também em alguns versos do poema *Na Hora*: «Há pecado no meu corpo, Senhor, / E és Tu que tens a culpa / De que haja pecado no meu corpo, Senhor!»; ou ainda «Senhor, eu sou um criminoso, / Mas és Tu que tens a culpa, Senhor, / De que eu seja um criminoso / E de que eu tenha nascido morto».

Tivesse sido a vida de Curvelo mais longa e pudesse ele ter escrito tudo o que desejava escrever, é inegável que nos teria deixado um texto em que explicaria a diferença entre Poesia e Filosofia, bem como a razão de não ter ousado escrever ensaios filosóficos sobre os mesmos assuntos dos versos acima citados.

O presente trabalho de edição do manuscrito *Caminho dos Homens* não conseguiu localizar no espólio os desenhos de Noémia Cruz, nem alguma informação sobre se chegaram a ser realizados. Como os desenhos seriam muito interessantes para a publicação sobre a forma de livro mas sem grande valor para se conhecer este aspecto do pensamento e da personalidade criativa de Edmundo Curvelo, um dos nomes grandes da Filosofia Portuguesa do século XX, esta edição faz uma transcrição do manuscrito, inclui os acrescentos que Curvelo fez à mão sobre o texto dactilografado, actualiza a ortografia, e corrigiu aqui e ali algumas gralhas. Foram tomadas duas decisões da exclusiva responsabilidade do presente editor. Curvelo utiliza a letra minúscula sempre que se dirige a Deus; como isto abala a elegância normal da escrita em português, o presente editor uniformizou as referências a Deus em maiúscula. A segunda decisão deve-se a razões de espaço e não tem consequências ideológicas. Como seria complicado publicar o *Caminho dos Homens* com a disposição gráfica habitual dos poemas, indubitavelmente importante, usam-se barras simples (/) para indicar a mudança de linha dos

versos dos poemas e barras duplas (//) para indicar uma linha de separação entre as estâncias dos poemas.<sup>2</sup>

### III

#### Transcrição do Manuscrito

##### *Folha de rosto*

EDMUNDO CURVELO / CAMINHO DOS HOMENS (Poemas) /  
Desenhos de / NOÊMIA / CRUZ / LISBOA / 1940

##### *Epígrafe*

Eu sou aquele filho pródigo que, / depois de ter dissipado o quinhão que  
/ o pai me deu, nem ainda me lancei de / joelhos a seus pés, nem comecei, sequer, / a renegar os encantos que me seduziram. / S. JERÓNIMO  
/ (*Epistola ad Theodosium et caeteros anachoretas*).<sup>3</sup>

##### *Poemas*

##### I

##### **Hallali**

No tempo em que isto aconteceu, / Havia trovões e relâmpagos no céu...  
/ Eu encontrei-me, pela noite nua, / Afagando a cabeleira pálida da lua...  
// O nevoeiro era cinza que andava no ar, / Tão fria, tão densa, que mal  
se podia respirar... / E eu parei defronte da casa dos medos, / Perdida no  
meio de velhos rochedos... // Parecia uma estalagem das que havia dan-  
tes, / Dessas de atrair e matar os caminhantes... // Os ramos das árvo-  
res, torturados, / Eram braços torcidos de enforcados... / Os penedos  
tristonhos caídos no chão, / Rebanhos de homens chacinados... // Até o

2 A publicação deste trabalho não teria sido possível sem o auxílio do Professor Augusto J. Franco de Oliveira, da Universidade de Évora. O trabalho que o presente autor realizou junto do espólio de Curvelo só foi possível devido à hospitalidade do Dr. Francisco Lopes, director da Biblioteca António Botto, de Abrantes. A tradução de uma epígrafe latina contou com o auxílio da Prof.ª Ana Lúcia Curado, da Universidade do Minho. O nosso profundo agradecimento aos três.

3 Em latim no original: '*Carta a Teodósio e aos Outros Anacoretas*'.

ar que envolvia a casa deserta / E estagnava os campos da minha alma alerta, / Era um ar pesado de cemitério... // A neve caía, macia, tão fria, / Caía, caía... caía, caía... // O chão amarelo, / A casa de sangue, / O luar exangue, / O próprio caminho... // ...Portanto era ali o reino da morte. / – A terra dos mortos! A terra dos mortos! / Gritava-me na cara a casa dos silêncios mortos... // ...No tempo em que isto aconteceu, / Havia trovões e relâmpagos no céu... // ...Senti alguém atrás de mim... // Não era da casa sem porta, / Que tinha a carne rasgada / Na ferida duma janela torta... // Era o caso que da escuridão / Desflorando o silêncio assombrado, / Nascia um grito de loucura, de alma perdida, / Um grito negro, / Um grito lúgubre de assassinado... // O uivo calou-se e recomeçou... / E eu queria segurar os pobres bocados / Em que me estilhaçara ao ouvir o grito / Cercar-me, cercar-me de todos os lados... // Era o Hallali! dos caçadores, / O grito das trompas e dos vencedores! / Hal-lali! Hal-lali! Hal-lali!... // Arquejante e desfigurado / Larguei-me a correr, a correr... / Hal-lali! Hal-lali! Hal-lali!... / Capaz de me endoidecer / Na noite de pesadelo! / Hal-lali! Ha-lali! Hal-lali! / Hal-lali! Ha-lali! Hal-lali! Hal-lali! // ...No tempo em que isto aconteceu, / Havia trovões e relâmpagos no céu... / Um disco vermelho falava de perigo, / No rio de água verde corriam venenos... // ...E do Hal-lali! Ha-lali! Hal-lali! / Do Hal-lali! sem fundo nem fim, / Se nem sequer sei o que é, / Nem o que possa querer de mim, / Sei ao menos – isso posso dizê-lo – / Que são horríveis estas noites de pesadelo!...

## II

### Sinais de Agouro

Na música da noite alagada de sonho, / Num gemido desmaiado de sentidos perdidos, / Num crepúsculo vago e pálido, tristonho, / Num murmúrio violeta lânguido e tristonho, / Tu vieste, de braços estendidos... // Depois da meia-noite, e com a noite morta, / Acordei ao barulho dos teus passos perdidos, / Empurraste a escuridão que me guardava a porta, / Ficaste branca e fria no limiar da porta, / De braços estendidos... // Senti na cara a dor das lágrimas cansadas, / Já liberto das algemas dos sentidos, / E tu encheste a noite negra de casas assombradas, / De monges e milagres, florestas encantadas, / E sorriste, de braços estendidos... // Cheio de agouros saí de casa negramente, / Perdido de mim mesmo e

dos sentidos partidos; / Já tudo nessa noite morrera mansamente, / Mas eu vivia em cheio, vivia bravamente, / E tu vieste, de braços estendidos...  
// Segui-te como um fantasma, p'rás montanhas, / Guiado pela bran-  
cura dos teus cabelos caídos, / Por entre moitas, armadilhas e paisagens  
estranhas, / Lá onde só havia aventuras estranhas, / E tu chamaste-me,  
de braços estendidos... // Aproximei-me e soube ao certo que era a hora,  
/ Porque me aconchegaste a cabeça nos teus vestidos, / Eu estava can-  
sado, e tu falaste, que era a hora: / – Fecha os olhos, meu irmão, e dorme  
agora, / Já sabes por que vim, de braços estendidos...

### III

#### Acabai por Entender!...

Em gaiolas, dentro delas, / Muito bem engaiolados, / Uns pequenos ani-  
mais. / Mas, no dia de finados, / Cada um dos enjeitados / Faz-se ao mar  
e solta as velas, / Não se importa com os mais. // Derrubada pelo sol, a  
carne de marfim desfez-se em pó, / Saltou da cruz. / E o corpo-fogo já  
não é de enjeitado, já não está só, / É um corpo loiro esposo da luz. //  
Ondas e aventura, correr, correr, / Animal e vegetativa alegria de viver!  
// Depois de transpostas as tuas fronteiras, / Meu país das maravilhas  
e da música silenciosa, / É que se descobrem as acanhadas e estreitas  
barreiras / Das verdades da vida catalogada e harmoniosa. // Meu país  
das maravilhas e da pintura sem cor, / Da escultura sem formas, nem  
linhas, nem espaço, / Dos silêncios musicais, sofrimento sem dor, / Das  
palavras sem voz, do desenho sem traço...

### IV

#### Realejo

Um e um e dois... um e um e dois... / Fazia o chiar do meu carro de bois...  
/ Um e um e dois... um e um e dois... / Dizia baixinho o cantar dos rouxi-  
nóis... // Na sombra da noite e na luz da lua, / Na solidão da noite vasta e  
nua, / Tosca e nua, / Vaga e nua, / Um e um e dois... / O carro de bois... /  
Um e um e dois... um e um e dois... um e um e dois... // E depois, depois...  
/ O carro dos bois / Gemia consigo consigo consigo / Gemia o perigo / Do  
tempo antigo / Gritava um grito contrito contrito / Um grito aflito aflito  
contrito / Os grandes castigos / Dos tempos antigos / Abrigos abrigos / Os  
perigos os perigos / Dos tempos antigos // Da noite dos medos / O bater



dos dedos / No carro de bois... / Um e dois... um e um e dois... um e um e dois... // E depois, depois... / Só era guinchar de carro de bois / A dor dos penedos / Com garras nos dedos / Segredos segredos / Figueira com figos / E eu e os figos / O carro de bois / O carro dos dois / Depois e depois / Morreram as vacas ficaram os bois... / E um e um e dois... e um e um e dois... e um... e um... e dois. // É tão lindo tão lindo tão lindo, / – Chorava, baixinho, / No murmúrio da noite imensa e nua – / O triste luminoso da luz da lua!... // E nas ondas brancas / Do marfim da luz parada e crua / O carro dos bois... / Um e um e dois... / No preto avermelhado e cheiroso de *perfume*, / No quente luminoso da palavra *lume*, / Gritavam sóis / Como faróis / Ao carro nos bois: / – Um e um e dois!... Um e um e dois!... // Bati nos bois / E o carro dos bois / Um e um e dois um e um e dois / Desatou a fugir a fugir de nós dois / De mim e dos olhos da noite agoirenta / Que de repente se tinha tornado pardacenta... / O carro dos bois / Já era dos dois!... // Não adivinho / Se foi ilusão / Mas vi um clarão / Saltar-me ao caminho... // Eu e eu e eu já não era eu... / E sempre que começava a cair em mim / Distinguia os *seus* olhos poisados em mim... / E o carro dos bois... / Um e um e dois... um e um e dois... / Sentia-me só, perdido na noite, / E tinha a certeza de *não* estar só, no carro de bois... // Da sombra do mato / Dos ramos esguios / Do verde mulato / Do luar em fios / Vinha chegando a música dos sóis / O canto alto dos heróis / Sonata que era simultaneamente / A marcha fúnebre de nós os dois / E'stridor de latas p'r'rreliar a gente, / O latir obcecante do carro dos bois / Um e um e dois um e um e dois um e um e dois... / Um e um e dois... um e um e dois... e um e dois... um... e um... e... dois...

## V

### Apocalipse

*Dies irae, dies illa*

*Solvat saeculum in favilla!*<sup>4</sup>

Quis saber / Como era a minha voz e o meu canto, / E fui escutar o eco. // Quis saber / Como era a minha alma e a beleza do meu corpo, / E fui mirar-me no lago. // E gostei tanto / De ouvir a minha voz e o meu canto, / Que à água calma, / Onde mirava o meu corpo e a minha

4 Em latim no original: 'O dia da ira, o dia em que se destruirá o século em cinzas!' Numa cópia do MS, o poema Apocalipse tem uma dedicatória a Dorian Gray, personagem célebre, como se sabe, de Oscar Wilde. A dedicatória aparece cortada e desapareceu do MS principal.

alma, // Pedi um milagre: / *Dá-me essa imagem!* // Pois o eco me tinha prometido / *Dar* para ela as palavras que eu tinha proferido. // O lago acedeu. / E eu tomei pelo braço a minha imagem. / E fi-la cantar / E rir. / ...E levei-a para me consolar / E me divertir. // Fui viver a minha vida: / A subir e a descer, / Sem poder / Querer ou não querer. / Deitei almas a perder / E julguei ter já cumprida / A sina do meu penar. // E disse prà minha imagem: / – Podemos ir descansar! // Disse, mas duvidei, / Quando ouvi a sua voz, / Que fosse ela a minha imagem, / Pois, na viagem, / Outra se tinha tornado. // Não era a velha companheira / Entusiasta, heróica e santa: / Era como a consciência matreira / Que nos atraiçoa / Quando a lembrança se escoia / E o sol da vida se levanta. // Vi levantarem-se os mortos / Nos seus olhos de traição, / A brilhar, sem compaixão / Das penas / Que nós ambos havíamos passado. / Vi caminhar / Nas suas pupilas frias / As minhas melancolias, / Teimosias / De me ver sem me encontrar. // Meditei, então, / No mistério aterrador / Que fizera a criação / Juiz do seu criador. // – Tu me criaste, mas só o eco me revelou! / Tu me criaste, mas só o lago a ti me ofertou! / Murmurou a imagem – e eu estremeci. / Pairava no ar / A angústia eterna dos grandes momentos. // E eu tive a certeza / De que iam a desencadear-se os ventos. // ...E só por cobardia não fugi. // Depois daquilo já não duvidava / Que mesmo assim / Não era p'ra mim / A *minha* imagem, como eu cuidava. // E quis sofrer / E ter prazer / Em esgaravatar nas feridas. / E tive amor / Pela minha dor. / Quis endeusá-la / Em lindas festas servidas / Por lacaios meus algozes. / Quis cantá-la / Na tal voz que me obrigou / A querê-la sem desejá-la / E a mim p'ra sempre a ligou. // Mas a minha imagem princesa / Dizia em modos de tristeza / Que me faltava sinceridade. / Sempre sorria / Quando eu dizia / Que amava e sofria / A eternidade. // Sorria / E eu não sabia / Que era pecado, / Que era heresia / E falsidade / O desejar ser aquilo / P'ra que não temos capacidade. // Finalmente, / Tão deprimente / Era p'ra mim / O seu sorriso, / Que eu, sem cautela, / Decidi acabar com ela. // Convidei-a a me seguir, / E ela veio, sempre a sorrir. // ..... / Levantei o braço, e ela sorriu. / Meu braço, então, com força caiu / Ferindo-lhe o peito. // ..... / Soou um grito nos montes! / Parou a água nas fontes! // ..... / E viu-se, depois, / A minha imagem, ajoelhada, / Com a cabeça inclinada, / Chorando a morte de nós dois.

## VI

### A Revolta dos Fantasma

Na casa de paredes altas e arcos em ogiva, / Eu tiro do esconderijo a pedra misteriosa / Que tem clarões de fogo e despede raios cor-de-rosa, / E então morre a noite morta e nasce a noite viva. // É ali o meu tesouro, / Mas não julguem / Que eu tenho lá pedras preciosas e montanhas de ouro / Em arcas de ferro guardas por aranhas e miasmas, / É apenas a casa / Onde eu converso com os meus fantasmas. / Faço os meus encantamentos, / E depois / Ouvem-se arrastar as correntes na sala dos tormentos / Onde vivem os fantasmas pálidos e submetidos, / Abre-se a parede, / E os fantasmas aparecem, contorcidos. // O silêncio desta cena é tão pesado e silencioso, / Que eu, não sendo impressionável nem medroso, / Chego a pensar / Que nunca mais ali hei-de voltar / E devo deitar fora a pedra misteriosa / Que tem clarões de fogo e despede raios cor-de-rosa. // Os fantasmas / Tomam conta da sombra das paredes e da luz dos archotes / À medida que vão entrando, / Uma vez um a um e outras vezes em magotes. // Começamos a discutir / A nossa trágica situação, / Eles condenados à morte por não poderem dormir, / Eu condenado à vida, sem resignação. // Estabelecemos a base das alianças / Com vantagens p'ra eles e p'ra mim, / E no fim / Celebramos o acordo com abraços e com danças. // Eu vou deitar fora a pedra misteriosa / Que tem clarões de fogo e despede raios cor-de-rosa, / Pois os meus fantasmas já são os meus companheiros / E não os meus prisioneiros... // Mas na sala de paredes altas e arcos em ogiva / Desmoronam-se os arcos e rebentam as paredes, / E neste tremor de terras e de sonhos e de sedes / Desvanece-se outra vez a noite viva. // Os fantasmas aproveitam a confusão / E lançam-se sobre mim como um trovão. / E eu fico de olhos molhados / Por ter que voltar à mesma dos fantasmas emparedados. // Levanto a pedra misteriosa, / Restabeleço a disciplina rigorosa, / E volto ao mundo, sem aranhas nem miasmas, / Como quem não tem os seus fantasmas.

## VII

### Cavalcade

I am going away! / I am leaving you! / I am going away this is good-bye for me and you! / I am going away, / Away, away and away! / I am going away this is the end of me and you! // I am going alone, / Without any

cry and moan, / I leave the death and fears, / My sorrows leave and tears,  
 / I am going away, / Away, away and away!... // It was a night of snow,  
 / My feet and legs a plow, / Digging up the falling snow. // I heard the  
 voice of night / To fill the sky of light, / I meant to get the day, / I was  
 going away, / Away, away and away!... / I wanted being worn, / Wanted  
 wear away / My body and soul dust-born, / Away, away and away!... // I  
 didn't know, of course, / That night would be source / Of my dangerous  
 day. // Because the fingers of night / They were the nicest singers, / They  
 touched me, the fingers, / Invited me to fight. // And as the butterfly / Is  
 a little bit of sky, / I felt undoubtedly / The night becoming me! / – I'm  
 awaiting, I'm awaiting, / I'm awaiting, awaiting for you! / You forget /  
 But I remember / That time you were I<sup>5</sup> / When I was you! / Oh, please,  
 wait for me, / I am reaching you! // She was following me, / I began at  
 once to run, / But she had surrounded me, / I shall for ever shun, / She  
 will be pursuing me... // And since that lonesome day / – A night that  
 seemed a day – / I am going away / But not going ahead, / I am going  
 away, / Only' way and away, / Away, away and away!... // I am running  
 away, / I am flying away, / I am going away, / Away, away and away!...

## VIII

### Canção de Gesta

Disse a profecia / Do conto do menino de estrela de ouro na testa: /  
 Desta torre-da-má-hora onde me prenderam / Eu próprio me libertarei!  
 / Mas ai de mim! Não ser bem fadado / E ter uma sina a cumprir!... //  
 Ter uma sina a cumprir... / E deixarem-me ficar assim em bruto, / Assim  
 mal talhado à martelada!... // Sabeis vós, ó homens de boa-vontade, /  
 O que é levar-se uma vida inteira espezinhado? / O que é viver-se uma  
 vida inteira a fazer / Porque os outros querem que se faça? / Sabendo  
 que é mal, / Sabendo que é estupidez? // Sabeis / O que é a sirigaita de  
 enjeitada / Da vida dos que nasceram vivos? // Mas sabei também, ó  
 homens de boa-vontade, / Eu quero ser como sou / Não quero ter carne  
 de mel, / Quero ser assim apenas esboçado, / Quero ter espinhos e car-  
 dos na pele! // Ó deuses que tudo tendes subjugado, / Deuses e satãs ou  
 qualquer outro que governe o mundo, / Eu desafio / O mais forte e o  
 mais bravo / De vós / A combater comigo / No altar do sacrifício! // Vós,  
 deuses, / Tendes essa mania pretensiosa de meter o nariz em tudo, / Essa

5 Lapso provável; melhor: 'That time you were *me*'.

mania de sempre dizer que não / Mesmo própria / Do vosso espírito de contradição. / Mas isto agora já não vai assim... // Se for eu o abatido / Continuareis a guardar os rebanhos / E metereis sempre / A cabeça tresmalhada nos apriscos... // Digo-vos, porém, / Que vos hei-de combater até vencer, / Porque eu – eu, aquele que eu sou cá dentro – / Não posso morrer. // E hei-de partir as cancelas, / Hei-de espatifar as gaiolas, / Só para rir / – Rir porque nunca me ensinaram a saber chorar – / Com o temor das ovelhas sem pastor, / Com os trambolhões dos pássaros / Que desaprenderam de voar... // Ah, lá que hei-de rir, hei-de rir, / Hei-de pregar a partida!... // ...Se não for eu a bater / Com os costados no chão, / Se for eu a ganhar / Esta causa perdida...

## IX

### Corpo de Deus

Eu sei que no mais fundo do meu ser, / Há outro eu que em sonhos me aparece: / Verdugo do meu corpo – o adormece; / Verdugo da minha alma – a faz sofrer. // Eu sei que não sou eu a querer viver, / À noite, quando a vida se esmorece. / E, ao ver o que nasce e o que cresce, / Eu sei que não sou eu a querer morrer. // Sentir que não sou eu, ser desigual, / E ser eu sempre – Sabei, é o meu mal, / Ó meu deus, meu irmão e meu amigo! // O bem é ser eu só e ter mil corpos, / Ser eu nos vivos e ser eu nos mortos, / Ser eu vivendo em mim, ser eu contigo...

## X

### Auto-Retrato

Acordei de noite, e dava saltos, dava gritos, / No terror louco da visão do meu terror. / E fiquei de joelhos, de joelhos aos pés do meu pavor, / Que já não me atrevi a duvidar dos velhos mitos. // Depois quis pintar o quadro, mas os meus braços contritos / Já não me obedeciam: eu já não era o meu senhor. / E a visão tinha braços, braços que desafiavam o meu amor, / Desejos estridentes como o silvar de mil apitos. // Teimeei, teimeei, e acabei por borrar a tela. / Mas a tela era nocturna e grávida de escuridão: / Levei-a para o meu quarto escuro e contemplei-a à luz duma vela. // A pintura afogueou-se e falou com um rumor de procissão, / De tal modo, que não sei se a loucura me vem dela / Ou se sou eu – eu! – que enlouqueço a aparição!

## XI

**Oração**

Não me deixes, homem de Deus, ai não me deixes, / Não me deixes, homem de Deus, / Que a voz tenho cansada, homem de Deus, ai tenho cansada, / De tanto chamar por Ti. // Falei-lhe, Senhor, / Quando estive com ele na encruzilhada, / Falei-lhe, Senhor, / Quando sem falar nem ouvir<sup>6</sup> / Esta pena a cumprir / Ainda parece maior. // Ele fitou-me, Senhor, / Mas voltou-se e perdeu-se na poeira da estrada, / Fitou-me, Senhor, / Mas viu-me de mãos postas / E fugiu das mãos postas... / ... E eu pensei que assim era melhor... // Não me deixes, meu Deus, ai não me deixes, / Não me deixes, meu Deus, / Que a voz tenho cansada, meu Deus, ai tenho cansada. / De tanto chamar por Ti... / Mas se me deixares, Senhor, / Quando me perco na encruzilhada e levanto as mãos para Ti, / Então, Senhor, / Não cairei de joelhos / Nem Te abraçarei os joelhos... / Porque isso seria pior. // Se me deixares, Senhor, / Como o outro que me fitou e se voltou e se perdeu na poeira da estrada, // Então, Senhor, / Já não chamarei por Ti, / Hei-de passar bem sem Ti / Como passei sem o outro que vi na encruzilhada. // E não me digam, por Deus, ai não me digam, / Não me digam, homens de Deus, / Que já não chamo por Deus. / Que a voz tenho cansada, por Deus, ai tenho cansada, / De tanto chamar por Deus!

## XII

**Deus feito Homem ou a Culpa de Prometeu**

Depois que me abriram as portas da prisão / E me vi de chofre sem a luz da minha dor, / Vieram em bandos, numa procissão, / Entoando hinos e canções de amor. // Rasgaram-me o peito e arrancaram-me o coração, / Cobriram-no de incenso, entronizado num andor, / Enquanto me insultavam e batiam, num clamor, / Arrastando a minha carne sangrenta pelo chão. // Perdeu-se ao longe o rumor dos bandoleiros / Que afiavam os instintos carniceiros / Cevando em mim o seu furor de escarnecer; // Mas nas vascas da minha agonia / Ouvi que o pobre coração explodia / Nas mãos dos ladrões que o adoraram sem o amar nem me conhecer.

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6 Início do verso rasurado.

### XIII

#### On the Top

My eyes are full of tears, / Old man! / Of shadows and tears... / My heart is empty of life / And love... / The sun does not light me, / I do not hear the sea, / Old man! / In my soul there are waves / That have the sound of graves / And death... / I have lost all my fears, / My eyes are full of tears, / Old man! / Of shadows and tears!...

### XIV

#### Portões Arrombados

Que desconsolação e que tragédia imensa / Esta de termos que Te rene-  
gar, Senhor! / E temos pena principalmente por Ti, / Que sempre nos  
deste esperança / E confiança. / Mas tem de ser, Senhor, / Já não é o  
momento de esperar. / Tu foste como no conto do velho pescador, /  
Cantaste e colheste-nos na rede, / E agora... / Bem vês que falar Contigo  
é o mesmo que pregar a uma parede!... // É verdade que não mentiste, / É  
verdade que a Tua esperança / Não é um conto fantástico da carochinha.  
/ Mas é a Tua certeza que nos atraiçoa, Senhor! / Do que nós precisamos  
afinal / É dos contos fantásticos de riscos e aventuras, / Dos perigos em  
que se pode morrer. / Do que nós precisamos é de viver, Senhor! // É de  
não mais ouvir o Teu perdão envergonhado: / – Pois então não havia de  
perdoar-Te, meu pobre sentenciado?! / É de desatarmos aos pinotes e  
aos rugidos, / A fingir que nos tinham presos e andamos fugidos...

### XV

#### Bailada

É a Primavera, amigo, as flores gritam nos campos, / Casaram terra e  
céu e daí nasceu a cor! / Ouvi a voz da terra à hora do sol-pôr, / É a Pri-  
mavera, amigo, as flores gritam nos campos! // Ouvi lutar o vento nas  
velas dos moinhos, / Ouvi, amigo, ouvi e abandonei... / Ouvi os meus  
pés calcarem a poeira dos caminhos, / Ouvi, amigo, ouvi e abandonei...  
// Ouvi, na solidão, / Ouvi a voz da terra chamar-me, e não escutei... /  
Ouvi a voz das sombras voando em multidão, / E eu, amigo, e eu aban-  
donei!... // Mas agora há Primavera, / É a Primavera, amigo, e as flores  
gritam nos campos! / Já vejo as feiticeiras em danças pelo ar, / Voando  
nos cabelos vermelhos da alvorada, / E nas asas musicais da noite enlu-

arada / Já vejo as feiticeiras em danças de luar. / É a Primavera, amigo, e  
as flores gritam nos campos!...

## XVI

### A Certain Travel...

Once upon a time, long time ago, ago, / I was a little child – and I am  
when I go... –, / I felt the clamour of night, / In my skin the clamour of  
night. // A sorceress came to me, / Her eyes deep into my eyes / – 'Twas  
perhaps the moonlight / That was lighting me –, / Took my hand: –You,  
come with me! // In a green wood with trees and trees, / A haunted for-  
est, sleeping, nice, / entered with my ghost, / And then, skies and seas,  
/ Myself and the world, and that and this, / All was lost. // In the black  
country of the darkness, / In the shadows, and shadows, and shadows,  
/ There was nothing but shadows, / The land and me, and my own wil-  
derness, / The forest and meadows, the meadows, the meadows, // Sud-  
denly my senses began to dance, / By little and little, and not at once... /  
I shall not live again that life in store, / I shall not live again, never more,  
never more! // I saw the silence singing, / I heard the birds gleaming. /  
I smelled harsh and wiping / The sounds plenty wiping.<sup>7</sup> // Without any  
light and colour / The clouds were gold in powder, / My body vanished  
in powder / My science empty and lore. // This is my wonders country,  
/ This is the world of my dream, / The moonlight in which I swim. //  
My dream, white-black, and rose, and blue, / And green, and yellow,  
and red, / And violet those days of the view. // And when my heart  
was coloured-like rose, / And my soul had reached the sky, / My ghost,  
livid and pale, / Cut short the song of the nightingale. // Perhaps you  
don't believe, / I heard me to cry: / – Please, let me live, / I'm sure that  
dreaming is living / And awakening means to die! / My rivers flow in  
the air, / My flowers are not able to die, / Oh, please, let me cry! / In my  
mountains, fields and lakes, / There are never prayers but rapes, / The  
secret waves of my best delight. // Blood-like tears fell into me / Out  
of the land gleamingly. // At last my world is closed, / It says to me the  
last good-bye. / My ghosts in bow, my shady rain-bow, / Mountains of  
clouds, lakes of sky, / Shadowy deserts made of stars, / At least say to  
me good-bye! // And you, perhaps, you will not agree / And will say,

7 MS: 'plently.'



you, will say it is a lie, / But I am sure this is true, / This is the true, the true, the true for me.

## XVII

### Na Hora

Não há entusiasmo nos meus olhos / Nem energia na minha boca. / Os meus cabelos não são mais / Os cabelos revoltos duma cabeça louca. / Em vez da epidemia de flores / Da beleza, / Veio agora uma epidemia de dores / E de tristeza... // E parei. // Há pecado no meu corpo, Senhor, / E és Tu que tens a culpa / De que haja pecado no meu corpo, Senhor! / Mas a mim / Importa-me lá que haja pecado no meu corpo?! / Pois hei-de ficar no ermo duma paisagem agreste, / No túmulo da morte? / Pois hei-de derramar lágrimas e entristecer os ares com o meu lamento, // Se tudo isto é pior do que um cata-vento?! / Pois hei-de me esconder / Da festa e da claridade / Lá porque vou pecando sem bem saber porquê?! // Senhor, eu sou um criminoso, / Mas és Tu que tens a culpa, Senhor, / De que eu seja um criminoso / E de que eu tenha nascido morto. / És Tu que tens a culpa das minhas heresias / E de que eu ande metido na pele do Diabo / Nesta guerra viva de todos os dias. // E ainda mal, Senhor!<sup>8</sup> // Mas eu não quero nem sei / Ser galo de capoeira. / É verdade que me falta ainda / Aquilo que eu sou verdadeiramente... / Mas não tenhas compaixão!... // Terás percebido bem? / Terás percebido bem o que eu quero dizer? // É a loucura que me chama, / Eu quero ter os pés firmes / Bem enraizados na terra. / Pois então viva a loucura! / Quero ser o louco maior / Dos loucos que haja na terra!

## XVIII

### Coroa de Louros

Garras bronzeadas cravadas nas minhas barbas vermelhas, / Sentinelas de silêncio, rondas de escuro e solidão. / Dentro de mim chinfrim de feira, bater de tampas de latão, / Delíquio de paixões murchas num rasgar de sedas velhas. // Ruivos gritos de lua pulverizada nas minhas guedelhas, / Peias quebradas, noite-cristal, sonho da lua, dou beija-mão. / Religiosamente, turíbulo-fumo, sobrepeliz, luz-oração, / Perfume de carvalho bento, flor de rosmaninho, rubi-centelhas. / De barão ao pes-

8 Início do verso rasurado.

coço, medonhos, vão chegando os convidados, / Sonâmbulos da lua, fugas, angústias pálidas de trincheira, / Soldados mortos dos exércitos que um dia comandei na guerra. / Repúdio. Desprezo dos corpos inúteis e desfigurados. / Sismo, ruir de lendas, fico em migalhas, poeira de poeira. / Agora sim! Tanto mais me encontro quanto mais sou terra!

## XIX

### Tragicomédia

Foi-se o bom tempo, amigo, / Foi-se o bom tempo que não volta mais.  
/ Foi-se o bom tempo das paixões bravias, / Foi-se o bom tempo / Em que os outros todos eram teus iguais. // Foram-se os dias de combater / Pelo que não vinham / Mas ainda, certo, havia de nascer. / Vieram os dias de suspirar / Pelo que morreu / E já nunca mais há-de reviver. // É a hora triste... / É a hora certa do não-pode-ser, / A hora solene de me abrir a porta, / De sair daqui e desaparecer. // Falo eu comigo, / Amigo, / Digo-me comigo / Digo ao meu amigo / Que sou eu que digo. / Mas não sei, amigo, / Se é o meu amigo / Que fala comigo / Ou sou eu que digo / Sem saber eu digo. // É assim que vivo / Sem saber que vivo / Ou que já vivi. / Não sou eu que vivo / Nem sou eu que digo / Nem sei o que digo / Nem se ainda vivo / Ou se já morri. // E no fundo / – Digo ao meu amigo / Ou digo comigo, / Sou o meu amigo – / És agora como sempre desde que nasceste, / No centro do mundo / No centro do tempo / Querendo ser o mundo / Querendo ser o tempo / Querendo ser o sonho em que te meteste. // ...Que isto é divagar da hora triste, / Já sem ter amigos que nos venham ver. / Morreram um a um... / Fez-se um grande vácuo em toda a nossa volta, / Já aqui não temos nada que fazer...

## XX

### Mascarada

Sei lá porque prefiro os dias do calor que berra, / E escolho as noites frias p'ra sonhar os meus sonhos abissais, / Porque amo o sol e a cor, a vida, o céu e a terra, / E vou construir o meu castelo entre pântanos tristes e matagais?... // Nesse castelo de granito, onde moro, / Com pântanos em volta e matagais / Povoados de febres e chacais, / Nesse castelo de granito, onde moro... // Fecha-se a noite em água e negridão, / Ouvem-se as lágrimas da terra vagamente, / Movem-se sombras em

silêncio estranhamente, / Povoam-se a minha solidão... // Há corredores de loucura, no castelo, / Povoados de lamúrias e lamentos, / Com a alma coalhada em pensamentos / Percorro esses corredores do meu castelo... // Ao fundo dos corredores há uma sala / Forrada de vermelho como sangue... // Tem lá dentro urna cadeira de espaldar, / E eu entro vagaroso e oscilante, / Bem de negro na fogueira chamejante, / Sento-me na cadeira p'ra sonhar... // Fugido da dança fantástica da morte das cores, / Do tilintar agoirento dos vidros partidos, / Dos homens que me querem mal, à espreita, escondidos, / Fugido dos meus pavores... // E sonho que um dia tarde, talvez um dia, / Hei-de sentir saudades dos terrores de agora, / Saudades dos desejos de me ir embora, / Saudades destas noites de melancolia... // ...E sei lá porque hei-de acusar o sonho de dizer / Que só eu é que sei o que quero de mim, / Sei lá de quem é a culpa desta triste figura. / Sei lá o que hei-de fazer deste mar alto de loucura / Da sala de vermelho mascarada de sangue, / Sei lá o que hei-de fazer de mim!...

## XXI

### Jornal de Viagem

Tive arranque de leão e saída de burro, / Quis dar um rugido e saiu-me um zurro!... // Vivo dentro da minha loucura, / Sou o cavaleiro da triste figura!

## XXII

### Jogo da Confusão

Chorar... mas chorar de quê, amor? / Seguimos a nossa estrela / E deixámos estradas por atalhos... / O chão onde enterrámos os pés / Abriu em ruínas... / Mas não tivemos medo de sonhar, / E defendemo-nos nos nossos castelos no ar. / Chorar... mas chorar de quê, amor? // Nós levantámo-nos para a luta! / Patinhámos na valeta / A dor da vida em carne viva... / Caímos da graça de Deus / Sem nos importarmos com isso... / Nunca fomos para ninguém / Mais do que piolho pegadiço... / Mas nós levantámo-nos para a luta! // Deixa que tudo isto rebente por uma vez / Neste jogo de ir por aí fora!... / Ainda bem / Que não lutámos p'ra vencer! / Tu sabes bem, / Ainda que às vezes fosse como se não soubesses, / Que os nossos pais um com o outro / Tiveram de lutar por lutar / Para que pudéssemos nascer. / Deixa que tudo isto rebente por uma

vez! // Senta-te a meus pés e abraça-me os joelhos, amor, / Vamos contar um ao outro a nossa desilusão... / Sim, tu também tens uma caveira / E hás-de apodrecer debaixo da terra... / Mas havemos de ser / Velas encarnadas de papoilas no oceano verde dum trigal... / E cheiro próprio dos campos em primeiro dia de Primavera... / Não te envergonhes de ser homem, / Que eu não tenho medo de ser mulher... / Senta-te a meus pés e abraça-me os joelhos, amor...

### XXIII

#### Oratória em Quatro Quadros

##### *Peito a Peito*

É tal a vontade que eu tenho de trocar de vós / E de vos cuspir na cara o meu desprezo, / Que dificilmente sou capaz / De não vos dizer que vos aborreço. / Tanto que escutais no grande silêncio sem voz / O que julgais um dos vossos, / Não percebeis que eu tenho a alma a ferver, / Sem poder estoirar / Mais do que palavras geladas da minha boca, / Que me deixam por dentro a ponto de chorar. // Sabeis apenas / Que eu não sou um dos vossos, / Quando alguma coisa cá dentro se partiu / E o meu riso se escancara de surpresa, / E então começais a rir de mim, / Como dum palhaço que vos divertiu. // Não é porque haja dois dentro de mim, / É simplesmente / Porque eu sou um só e sou mesmo assim...

##### *Sangue na Terra*

Santificado seja o meu nome, / Porque o meu coração não me pertence. // Hei-de partir-me em bocados / E dar-me aos pobres e enfeitados, / Porque o meu coração não me pertence. // Hei-de esfacelar a minha vida, / Gastar-me sem conta nem medida, / Porque o meu coração não me pertence. // Quero ser feirante de mim mesmo / E exhibir-me no circo da minha feira, / Porque o meu coração não me pertence. // Dar-me a quem não tem eira nem beira, / Dar-me todo aos outros para ser eu mesmo, / Porque o meu coração não me pertence. // Dar-me como pérolas a porcos, / Aos que se julgam mas já são mortos, / Porque o meu coração não me pertence. // Dar-me de presente / A toda a gente, / Porque o meu coração não me pertence.

*Mão nas Mãos*

Se nunca tiveste descanso nem conforto, / E há tristeza nos teus olhos,  
/ Vem comigo, / Digo-te que é para sempre. // Se me ouves melhor  
quando não te falo, / E me procuras mais quando não te chamo, / Vem  
comigo, / Digo-te que é para sempre. // Se não te passaram despercebi-  
das / As pancadas ásperas da minha luta, / E sentiste aberto na tua carne  
/ O sofrimento bárbaro das minhas feridas, / Vem comigo, / Digo-te que  
é para sempre.

*Filho do Homem*

Eu quero / Que tu me atraíções nos teus pensamentos, / E dou-te licença  
/ De me abandonares, / Porque o meu coração não me pertence. // E  
quando voltares / Hei-de-te combater, / Por amor da tua vida verda-  
deira, / E porque é esta a minha maneira de ser. // Como hei-de com-  
bater o meu próprio Deus, / Porque o meu coração não me pertence. //  
Como hei-de recolher-te nos meus braços, / Porque o meu coração não  
me pertence. // Para sempre / Santificado seja o meu nome, / Porque o  
meu coração não me pertence.<sup>9</sup>

9 Os quadros desta Oratória são numerados; retirou-se a numeração. O MS termina com o índice que aqui não se reproduz.



# TRADUÇÃO





## “Três Mundos”, de Karl Popper: nota introdutória

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No ano transacto, como se sabe, foi celebrado, dentro e fora do mundo académico, o cinquentenário de um dos textos mais influentes na cultura contemporânea: *Logic of Scientific Discovery* de Karl Popper<sup>1</sup>. Muito tendo sido já dito e, sobretudo, escrito sobre ele durante o meio século que medeia desde a sua publicação, tal momento foi interpretado também como uma oportunidade para revisitar outras temáticas e problemáticas da obra do filósofo austro-britânico. Em razão disso, entendi nessa altura que seria interessante reapreciar uma vertente do pensamento do autor quicá menos conhecida do que as da Epistemologia e da Filosofia Política e Social onde a sua influência mais se fez exercer: a *sui generis* Ontologia que elaborou, em particular a sua teoria dos três mundos. Projectei, então, a conversão para o nosso idioma do texto da Conferência Tanner sobre Valores Humanos que proferiu a 7 de Abril de 1978 na Universidade do Michigan (E.U.A.), intitulada “Three Worlds”, onde sintetizou exemplarmente esta última<sup>2</sup>. Infelizmente, por motivos que escaparam largamente ao meu controlo, foi-me impossível concluí-la no marco desse ano. Apresento-a agora, precedida da curta

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1 O texto constitui uma versão traduzida, revista e ampliada de *Logik der Forschung*, que, ao contrário da sua versão inglesa, seja por ter sido publicada em 1934, no contexto de domínio do Positivismo Lógico do Círculo de Viena, seja por ter sido redigida no idioma alemão, não mereceu o reconhecimento que a última teve no contexto pós-guerra.

2 O texto da conferência foi publicado, quase imodificado, com o mesmo título no *Michigan Quarterly Review*, 18, nº 1, 1979: 1-23.

introdução que se segue. Ela pode ser encarada como um eco ainda dessas comemorações.

Quero agradecer à Universidade do Utah, na pessoa da directora das Conferências Tanner sobre Valores Humanos, Suzan Young, a permissão concedida para publicar esta versão portuguesa do ensaio de Popper.

Quero também agradecer ao Doutor Jaime Becerra do Departamento de Estudos Ingleses e Norte-Americanos da Universidade do Minho a generosa revisão linguística da tradução por mim efectuada, ressaltando que eventuais gralhas ou erros persistentes na mesma são da minha responsabilidade.

### O trinismo ontológico de Karl Popper

A Ontologia, pode dizer-se, constitui a parte da Metafísica – a ciência do ser, em geral – centrada na discussão dos tipos fundamentais de entidades que supostamente o nosso mundo encerra, tradicionalmente estruturada nos termos de um antagonismo de posicionamentos, com os partidários de uma perspectiva monista, de um lado, a advogarem a existência de um único tipo, material ou espiritual, de entidades e os adeptos de um enfoque dualista, de outro lado, a pleitearem a existência de dois tipos de entidades, materiais e espirituais, radicalmente diferentes.

Alcançado, porém, o entendimento, não só de que a discussão desse problema não tem necessariamente de ser prosseguida desse modo, como, também, de que o dualismo constitui, como é óbvio, a modalidade mínima de pluralismo ontológico, outras formas mais ricas deste último foram propostas, entre as quais a de Popper que, reputo, pode ser qualificada de trinista<sup>3</sup>.

3 Ele expô-la pela primeira vez em dois artigos semanais, “Epistemology Without a Knowing Subject” (in: B. van Rootselaar e J. Staal, orgs., *Proceedings of the Third International Congress for Logic, Methodology and Philosophy of Science: Logic, Methodology and Philosophy of Science III*. Amsterdam: North-Holland Publishing Company. 1968: 333-73.) e “On the Theory of Objective Mind” (in: *Akten des XIV International Kongresses für Philosophie*, 1. Wien: Wien Universität e Verlag Herder. 1968: 25-53.) e continuou a desenvolvê-la especialmente na obra que redigiu conjuntamente com John Eccles, *The Self and Its Brain: An Argument for Interactionism* (Berlin et alii: Springer International. 1977.) e na primeira adenda de *The Open Universe*, o segundo volume do pós-escrito a *The Logic of Scientific Discovery* (Ed.: W. W. Bartley III. London e Totowa (New Jersey): Hutchinson e Rowan and Littlefield. 1982.). A conferência “Three Worlds” representa neste quadro um texto em que faz um balanço menos técnico da sua concepção.

Com efeito, segundo esse filósofo o mundo pode ser dividido em três distintos mundos particulares, habitados com diferentes entidades, respectivamente denominados Mundo 1 (M1) ou das coisas materiais, Mundo 2 (M2) ou das experiências subjectivas e Mundo 3 (M3) ou dos produtos objectivos da mente humana<sup>4</sup>, tendo o penúltimo emergido do primeiro, isto é, da complexificação de estruturas físico-químicas que deram origem a sistemas nervosos suficientemente poderosos para suportar intellectos conscientes, embora transcendendo-o e deixando de se identificar estritamente com ele e o último dimanado do segundo, ou seja, resultado da aptidão de mentes evoluídas, como as nossas, para engendrar artefactos simbólicos sofisticados, conquanto, de certo modo, também tenha adquirido uma espécie de vida própria, destacada da dos seus autores.

O seu trinismo, como facilmente se percebe, é não apenas compatível com o chamado monismo materialista, na medida em que não põe em questão a subsistência de um mundo físico-químico independente (M1), mas igualmente com o denominado dualismo tradicional, uma vez que reconhece a imaterialidade, irredutibilidade e autonomia do mundo psíquico (M2). Todavia, ao mesmo tempo, procurou demarcar-se desses posicionamentos postulando a existência de um mundo autónomo de criações culturais – e.g.: histórias, mitos, teorias científicas, problemas científicos, instituições sociais, obras de arte (M3).

Um mundo com tais características, como Popper, ele mesmo, reconheceu, teve nas visões fregeana de “terceiro reino” (*dritte Reich*) – domínio de conceitos e proposições que não dependem de uma qualquer língua específica (entidade do “primeiro reino”) nem do sistema psicológico de qualquer indivíduo (entidade do “segundo reino”) para existir –, bolzaniana de âmbito dos “enunciados em si” – plano destacado dos processos mentais, onde essas expressões proposicionais mantêm, uns com os outros, relações puramente lógicas e não psicológicas –, hegeliana de “espírito objectivo” (*objektiver Geist*) – esfera sócio-cultural criada pelo “espírito subjectivo”, mas que o transcende e *ex post* o condiciona – e platónica de “mundo de (puras) formas (*εἶδος*)” – região metafísica de ideias (re)apreensíveis por anamnese e intuição intelectual

4 As designações originalmente adoptadas por Popper foram “primeiro mundo”, “segundo mundo” e “terceiro mundo”. No entanto, dado que estas adquiriram uma conotação político-económica, por sugestão de John Eccles, substituí-as pelas correlatas que emprego no corpo do texto (cfr., e.g., a nota 7a de *Unended Quest: An Intellectual Autobiography*. La Salle (Illinois): Open Court. 1976).

que funcionam como condições de possibilidade da nossa actividade cognitiva – contrapartidas precursoras dignas de menção<sup>5</sup>.

Contudo, o seu Mundo 3 apresentou-se distinto de todas elas, muito especialmente da última, da qual Popper mais empenhadamente procurou afastar-se. Com efeito, o Mundo 3 popperiano, ao contrário do mundo eidético de Platão, não só possui uma origem humana e não divina, como é composto por entidades mutáveis e não eternas, que, não sendo necessariamente verdadeiras, podem também ser falsas e, mais importante, apesar disso, perdura como uma realidade, nalguma medida, independente e objectiva. Recorrendo a um exemplo que Popper usou com frequência, um livro, entidade típica do Mundo 3, ou, melhor, o seu conteúdo – ideias, argumentos, etc. – constitui obra humana, que pode conter tanto frases verdadeiras como falsas e que não cessa de existir quando ninguém está a lê-lo e a pensar sobre ele, conservando, nessa situação, um potencial para estimular a nossa mente.

Para além disso, Popper sustentou também que, ao contrário do que se passa no completo e perfeito mundo de (puras) formas de Platão, não apenas regularmente surgem novos objectos no Mundo 3, como, de modo característico, eles geram consequências – isto é, factos e problemas inéditos – não intencionadas e de início inapreensíveis. Convocando um outro exemplo seu predilecto no campo das matemáticas, o que supostamente se passou após a invenção dos números naturais foi o quase imediato aparecimento dos números pares e ímpares, assim como dos números primos, antes mesmo de alguém ter reparado nisso e, mais tarde, o problema da finitude ou infinitude dos últimos, cuja descoberta levou tempo a ocorrer.

A capacidade que os objectos do Mundo 3 detêm para interagir eficazmente com objectos materiais, isto é, objectos do Mundo 1, fornece, segundo Popper, razão suficiente ou boa justificação para acreditarmos na sua realidade. Para entendermos isso, comecemos por considerar que um acontecimento em M1 pode provocar alterações em M2 – e.g.: a observação de um feroz animal por um indivíduo pode desencadear uma reacção de medo na sua mente – assim como uma ocorrência em M2 pode levar a modificações em M1 – e.g.: a convicção interior de que é capaz de alvejar tal fera com um dardo anestesiante pode conduzir esse mesmo indivíduo ao comportamento respectivo. Reconheçamos, de seguida, que,

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5 Cfr., e.g., *Unended Quest*, referida na nota anterior, pp. 90, 251-252 e 258; assim como a nota 8 de “Three Worlds”.

por exemplo, quando alguém escuta uma peça musical e isso lhe induz um sentimento de prazer estético ou quando essa mesma pessoa recria, idiossincrasicamente, a respectiva partitura, estamos perante um caso de intervenção de M3 sobre M2 e outro de intervenção de M2 sobre M3. Porém, como podem M3 e M1 efectivamente interagir? Na verdade, só o podem de modo indirecto, ou seja, tendo M2 como mediador. A título de exemplo, um arquitecto interessado em projectar uma nova ponte, ao estudar as várias concepções disponíveis sobre edificação de estruturas desse tipo (M3), sofre alterações na sua mente (M2) e procura seleccionar aquela que melhor conduzirá à construção da mesma (M1) e, inversamente, quando a geografia física imponha especiais desafios ao erigir de uma estrutura com essas características (M1), é provável que tal arquitecto perceba a sua dificuldade (M2) e a necessidade de imaginativamente engendrar uma original concepção para a pôr de pé (M3).

As entidades do Mundo 3 possuem, por conseguinte, de acordo com Popper, uma natureza abstracta, mas o seu realismo não é inferior ao de qualquer entidade material. Com efeito, defendeu, nós usamos esse tipo de entidades para, entre outras coisas, comunicarmos uns com os outros – e.g.: línguas –, criarmos obras de arte – e.g.: poemas –, fabricarmos artefactos – e.g.: modelos de objectos técnicos –, tentarmos resolver problemas – e.g.: teorias científicas.

Popper deu uma especial atenção a estas últimas, tendo-as concebido como estando essencialmente ao serviço de tal propósito ou, se se preferir, como ferramentas mais de alcance prático, uma vez que organizam e orientam as nossas acções de exploração do mundo, que de interesse cognitivo, na medida em que as privilegiamos como representações fiáveis dele, com um estatuto similar ao de instrumentos de pesquisa tão comuns como microscópios e telescópios.

Teorias desse tipo ou outras de distintos tipos – e.g.: filosóficas, religiosas, artísticas –, assim como, mais genericamente, as restantes entidades do Mundo 3 – línguas, tradições, sistemas de valores, instituições sociais, etc. – conservam, além disso, segundo ele, o poder dual de determinar o que se deve e não deve pensar, dizer e fazer em relação aos objectos a que se aplicam. Esse poder delimitador e regulador que exibem, encerra também, contudo, no seu âmago o germe que instiga à sua própria transgressão. Numa ilustração do seu agrado, Popper mostrou que isso claramente ocorre na evolução da arte. Aí, como noutros

domínios, a inserção numa determinada tradição de saber(-fazer) significa receber uma orientação (normativa) para a criação estética, que também funciona, em contrapartida, como um obstáculo para ela e, em última instância, concita a infringi-la.

Algo de idêntico se verifica, aliás, entendeu Popper, com a ciência *qua* instituição social, dado que os seus resultados, particularmente as teorias sistemáticas, e os processos para a sua obtenção, os métodos e técnicas de pesquisa, são tipicamente passíveis de escrutínio público, ou seja, de serem submetidos à crítica de todos aqueles que possuem as competências adequadas para isso, especialmente de quem pertence à comunidade científica vigente, o que significa dizer, de outro modo, que, enquanto tal, ela exerce um poder prescritivo em relação às crenças e acções individuais daqueles que a levam a cabo – guiando-as, circunscrevendo-as, normalizando-as –, mas não dogmático, uma vez que não se encontra subtraído a alterações e reformas<sup>6</sup>.

Corolariamente, então, a ambicionada objectividade do conhecimento científico não pode ser garantida com base em crenças particulares, por muito verdadeiras e justificadas que elas sejam, mas, antes, por intermédio de consensos que se estabelecem – inter-subjectivamente – no contexto de discussões racionais, isto é, através de trocas de argumentos críticos. Mas isso significa também, ou por outro lado, assim pensou Popper, que ao contrário do que tradicionalmente se propalou, o objecto central da inquirição epistemológica não é o conhecimento subjectivo dos cientistas, aquilo que vai nas suas mentes, as suas ideias e raciocínios particulares, entidades próprias do mundo 2, mas o conhecimento objectivo por eles produzido, os problemas, as conjecturas, os argumentos, as teorias, etc. que expõem em conferências, revistas, livros, etc., precisamente entidades específicas do mundo 3. É desse modo, pois, examinando tais objectos do mundo 3, que podemos chegar a compreender os processos de pensamento dos seus autores, os cientistas. E é por essa via, também, que percebemos como essa vasta rede de conhecimento (objectivo) que constitui o mundo 3 incessantemente impacta e reimpacta as suas mentes, ao mesmo tempo que elas continuamente a fazem e refazem, num virtuoso processo interactivo.

São estas, enfim, as principais ideias contidas na pequena conferência de Popper, “Three Worlds”, cuja tradução seguidamente se apresenta.

6 Cfr., a este propósito, William Gorton, *Karl Popper and the Social Sciences*. Albany (New York): State University of New York Press. 2006.

# **TRÊS MUNDOS**

KARL POPPER

## **A conferência Tanner sobre valores humanos**

Proferida na  
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Tradução: João Ribeiro Mendes  
Revisão Linguística: Jaime Becerra

KARL RAIMUND POPPER nasceu em Viena em 1902. Estudou na Universidade de Viena, onde obteve o seu doutoramento em 1928. Lecionou em Canterbury, Nova Zelândia, de 1937 a 1945 e na London School of Economics (Universidade de Londres) de 1946 a 1969. Sir Karl é associado (*Fellow*) da Royal Society e da British Academy e membro de várias academias nacionais e internacionais.



# I

Nesta conferência procuro desafiar aqueles que sustentam uma visão monista ou mesmo dualista do universo; e proporei, em contrapartida, uma visão pluralista. Proporei uma visão do universo que reconhece pelo menos três sub-universos diferentes mas em interacção.<sup>7</sup>

Há, primeiro, o mundo que consiste em corpos físicos: em pedras e em estrelas; em plantas e em animais; mas também em radiação e em outras formas de energia física. Chamarei a este mundo físico “mundo 1”.

Se assim desejarmos, podemos subdividir o mundo 1 físico no mundo dos objectos físicos não-vivos e no *mundo das coisas vivas*, de objectos *biológicos*; embora a distinção não seja rigorosa.

Há, em segundo lugar, o mundo mental ou psicológico, o mundo dos nossos sentimentos de dor e de prazer, dos nossos pensamentos, das nossas decisões, das nossas percepções e das nossas observações; noutras palavras, o mundo dos estados ou processos mentais ou psicológicos ou de experiências subjectivas. Chamar-lhe-ei “mundo 2”. O mundo 2 é imensamente importante, especialmente de um ponto de vista humano ou de um ponto de vista moral. O sofrimento humano pertence ao mundo 2; e o sofrimento humano, especialmente o sofrimento evitável, é o problema moral central para todos aqueles que podem prestar auxílio.

O mundo 2 pode ser subdividido de vários modos. Podemos distinguir, se desejarmos, experiências completamente conscientes de sonhos ou de experiências subconscientes. Ou podemos distinguir a consciência humana da consciência animal.

A realidade do mundo 2 mental – e com ele, a realidade do sofrimento humano – tem sido por vezes negada; mais recentemente por certos monistas materialistas ou fisicalistas, ou por certos behavioristas radicais. Por outro lado, a realidade do mundo 2 das experiências subjectivas é admitida pelo senso comum. Constituirá parte do meu argumento defender a realidade do mundo 2.

7 Para uma discussão mais completa destas ideias, ver o meu *Objective Knowledge* (Oxford: Clarendon Press, 1972, 1979); a minha Autobiografia in P. A. Schilpp, ed., *The Philosophy of Karl Popper* (La Salle, III.: Open Court, 1974), também publicada como *Unended Quest* (London e La Salle, III.: Fontana/Collins e Open Court, 1976); e os meus contributos para K. R. Popper e J. C. Eccles, *The Self and Its Brain* (Berlin, Heidelberg, New York, London: Springer International, 1977).

O meu principal argumento será devotado à defesa da realidade do que eu proponho chamar “mundo 3”. Por mundo 3 quero significar o mundo dos produtos da mente humana, como as línguas; contos e histórias e mitos religiosos; conjecturas ou teorias científicas, e construções matemáticas; melodias e sinfonias; pinturas e esculturas. Mas também aviões e aeroportos e outras proezas da engenharia.

Será fácil distinguir um número de mundos diferentes dentro do que chamo mundo 3. Podemos distinguir o mundo da ciência do mundo da ficção; e o mundo da música e o mundo da arte do mundo da engenharia. Em benefício da simplicidade falarei acerca de *um* mundo 3; isto é, o mundo dos produtos da mente humana.

Muitos dos objectos pertencentes ao mundo 3 pertencem ao mesmo tempo também ao mundo 1 físico. A escultura de Miguel Ângelo *O escravo moribundo* é ao mesmo tempo um bloco de mármore, pertencente ao mundo 1 de objectos físicos e uma criação da mente de Miguel Ângelo, e como tal pertencente ao mundo 3. O mesmo é válido, claro está, para as pinturas.

Mas a situação pode ser vista mais claramente no caso dos livros. Um livro, digamos o volume primeiro da minha própria colecção das *Obras* de Shakespeare, é um objecto físico e como tal pertence ao mundo 1. Todos os livros individuais pertencentes à mesma edição são, como sabemos, fisicamente bastante similares. Mas o que chamamos “um e o mesmo livro” – digamos, a Bíblia – pode ter sido publicado em várias edições que em termos físicos são amplamente diferentes. Assumamos que todas essas edições contêm o mesmo texto; isto é, a mesma sequência de frases. Enquanto assim permanecerem, são todas elas edições ou cópias de *um e o mesmo livro*, de um e o mesmo objecto do mundo 3, por mais dissemelhantes que possam ser de um ponto de vista físico. Obviamente, este *um* livro no sentido do mundo 3 não é *um* livro no sentido físico.

Exemplos de objectos do mundo 3 são: a Constituição Americana; ou de *A tempestade* de Shakespeare; ou o seu *Hamlet*; ou a Quinta Sinfonia de Beethoven; ou a teoria de gravitação de Newton. Todos estes são objectos que pertencem ao mundo 3, na minha terminologia; em contradistinação de um volume particular, localizado num lugar particular, que é um objecto no mundo 1. Este volume pode ser dito ser uma materialização [*embodiment*] de um objecto do mundo 3.

Se discutirmos a influência da Constituição Americana na vida do povo Americano ou a sua influência na história de outros povos, então o objecto da nossa discussão é um objecto do mundo 3; o mesmo acontece se comparamos as frequentemente diferentes apresentações [*performances*] de uma obra dramática, digamos o *Hamlet* de Shakespeare.

A respeito da maioria, embora não de todos os objectos do mundo 3 pode dizer-se que estão *materializados* (*embodied*), ou *fisicamente realizados*, num ou em muitos, objectos físicos do mundo 1. Um grande quadro pode existir apenas como *um* objecto físico, embora possam existir algumas boas cópias dele. Por contraste, *Hamlet* está materializado em todos aqueles volumes físicos que encerram uma edição de *Hamlet*; e de um modo diferente, também está materializado ou fisicamente realizado em cada apresentação de uma companhia teatral. De idêntica maneira, uma sinfonia pode estar materializada ou fisicamente realizada em muitos diferentes modos. Existe o manuscrito do compositor; existem as partituras impressas; existem as execuções [*performances*] actuais; e existem os registos dessas execuções, na forma física de discos ou de cassetes. Mas existem também os engramas mnésicos nos cérebros de alguns músicos: também estes constituem materializações, e são particularmente importantes. Podemos, se desejarmos, afirmar que os objectos do mundo 3 são eles mesmos objectos *abstractos*, e que as suas materializações ou realizações físicas são objectos *concretos*.

## II

Muitos dos meus filosóficos amigos, especialmente aqueles que são materialistas ou fisicalistas, permanecem em forte oposição a tudo isto. Eles dizem que o meu modo de falar é deveras enganador. Eles asseveram que há apenas um mundo: o mundo dos objectos físicos. Este é o primeiro e único mundo existente ou real; tudo o mais é fictício. Eles afirmam que apenas existem objectos concretos, tais como registos ou cassetes ou execuções, ou engramas mnésicos nos nossos cérebros. Os objectos abstractos rejeitam eles: esses não existem. Afirmam que ao falar em objectos do mundo, sou culpado de hipostasiação; que significa, em português, que eu faço substâncias ou coisas a partir de fantasmas não-existentes, ou de ficções.

### III

Eu encaro a minha principal tarefa nesta palestra como sendo a de tornar claro aquilo que eu quero dizer quando falo de um objecto do mundo 3, tal como uma sinfonia ou uma conjectura ou teoria científica. Desejo, por conseguinte, explicar-vos as fortes objecções às minhas concepções acerca dos objectos do mundo 3 levantadas pelos meus filosóficos amigos, os monistas bem como os dualistas. Deixem-me primeiro explicar o que é que um monista materialista ou fisicalista diria; um monista que insiste que há apenas *um* mundo, o mundo dos objectos físicos; isto é, aquilo a que chamo mundo 1.

Parece que um materialista ou um fisicalista diria que aquilo a que chamo um objecto do mundo 3 pode ser, e deve ser, analisado e reduzido a objectos físicos num modo como o que se segue. Ele diria que uma sinfonia – digamos a Quinta Sinfonia de Beethoven – não existe. O que existe são aquelas coisas físicas a que eu chamei as suas materializações ou as suas realizações físicas: as muitas execuções e discos e cassetes e partituras da Quinta Sinfonia. Mas, diria o fisicalista, as materializações mais importantes são os engramas, os traços mnésicos nos cérebros das pessoas; não apenas no cérebro do compositor original da sinfonia, ou no daqueles peritos que memorizaram a obra completa, mas também naqueles de pessoas mais vulgares que apenas reconheceriam uma ou outro trecho característico; dessas pessoas cujos cérebros estão tão condicionados que os dispõem para proferirem palavras do tipo: “Julgo que recordo isso: é a Quinta Sinfonia, não é?” Aqueles que reagem deste modo possuem, podemos presumir alguns traços mnésicos inscritos nos seus cérebros. Esses traços mnésicos podem fazê-los *falar* na Quinta Sinfonia. Os traços mnésicos ou engramas e os actos de fala são físicos: eles *existem* de facto. Mas a Quinta Sinfonia como tal simplesmente não existe; embora, reconhecidamente, nós frequentemente usemos a linguagem de um modo tal que falamos da Quinta Sinfonia como se ela fosse uma das coisas existentes.

### IV

Esta, em suma, é a posição do monista materialista ou fisicalista. Um dualista, isto é, um homem que aceita tanto o mundo 1 como o mundo 2

como reais, aceitaria quase tudo o que o monista afirma. Mas ele acrescentaria que o monista omitiu a coisa principal: a grande *experiência* de ouvir a Quinta Sinfonia de Beethoven. Esta experiência, concederá o dualista, depende de algum modo da sequência de acontecimentos nos nossos cérebros: se esses acontecimentos cerebrais forem perturbados por um golpe na cabeça ou por uma droga anestésica, a experiência cessará a sua ocorrência. Mas o que motiva um homem a percorrer quilómetros para ir a um concerto e adquirir um lugar que ele talvez dificilmente pode pagar não são os acontecimentos cerebrais mas sobretudo experiências conscientes; e talvez também experiências inconscientes, tal como a sua eventual expectativa inconsciente de ouvir algo maravilhoso e excitante.

Desse modo o dualista estará disposto a aceitar o que o monista afirma acerca de acontecimentos e engramas mnésicos no cérebro, mas assinalará que o monista está grosseiramente equivocado quando insiste que isso é tudo o que há. De facto, o dualista assinalará que o monista ignorou a coisa mais importante: o mundo 2 das nossas experiências conscientes, sem o qual o mundo 1 seria um mundo desperdício sem vida e sem sensibilidade.

Existem, é claro, visões do universo para além das duas visões aqui descritas – materialismo ou monismo fisicalista por um lado, e dualismo por outro lado. (Existe, mais especialmente, um monismo de experiências berkeleyano.) Todavia, restringirei a minha discussão crítica àquelas duas visões que acabei de esboçar sucintamente: ao materialismo ou fisicalismo, porque é amplamente sustentado pelos filósofos contemporâneos; e ao dualismo porque ele corresponde, penso, à visão do senso comum. Não tenho a pretensão de que posso refutar estas duas visões; mas desafio-as oferecendo e defendendo uma visão pluralista.

## V

Que tenho eu como pluralista a dizer ao monista materialista e ao dualista? Antes de mais, estou, como o dualista, preparado para concordar com muito daquilo que um monista materialista diz; de facto, com tudo excepto com a sua negação de um mundo 2 de experiências e de um mundo 3 de objectos abstractos tais como a Quinta Sinfonia. E de modo

idêntico, concordo com tudo o que o dualista diz, excepto com a sua crença implícita de que a Quinta Sinfonia deve ser identificada com as nossas experiências de ouvi-la ou de recordá-la.

Posso talvez partir do facto – ou do que me parece um facto – de que existem melhores e piores execuções da Quinta Sinfonia: melhores e piores execuções ao vivo, melhores e piores gravações, melhores e piores cassetes.

Se isto constitui um facto, e eu penso que constitui um facto, então ele cria uma dificuldade real para o monista materialista. É claro que, se uma má execução pode ser simplesmente identificada com uma das variações da partitura original de Beethoven, e uma boa execução com uma que esteja em consonância com a partitura, então não existirá qualquer dificuldade. Contudo, é bastante possível que uma das melhores execuções tenha aqui ou ali um lapso menor, e que uma das mais desastreadas esteja em consonância com a partitura em cada lugar. Além disso, podemos limitar-nos a comparar execuções e outras materializações que são tecnicamente desprovidas de lapsos. Mas *ainda existirão melhores e menos boas execuções*.

Não vejo como é que um materialista ou mesmo um dualista pode explicar que existem, objectivamente, melhores e piores execuções. Penso que um materialista ou um dualista pode apenas sugerir que chamemos a essas execuções melhores se mais pessoas ou talvez mais músicos reagem de modo aprovativo a elas; seja através de “comportamento verbal” (como diria o materialista) ou por intermédio de real apreciação (como insistira o dualista). Noutros termos, tanto o monista materialista como o dualista teriam de dizer algo como isto: “A execução foi muito boa *porque* muitas pessoas a apreciaram – ou pelo menos disseram que a apreciaram.” Nem o monista nem o dualista podem dizer: “Foi uma execução maravilhosa; e *por conseguinte* muitas pessoas a apreciaram, e ficaram profundamente comovidas com ela.” Ainda menos podiam dizer: “Foi uma maravilhosa execução, *mas* poucas pessoas a apreciaram.” Sugiro, contudo, que este tipo de coisa pode ser dita, e pode muito bem ser verdadeira. Uma execução assim ajuizada é um objecto do mundo 3 na minha terminologia – obviamente, uma que está materializada ou fisicamente realizada – e *pode* ser ajuizada como um objecto do mundo 3.

## VI

A nossa discussão sobre os objectos do mundo 3 conduziu-nos ao seguinte problema: É uma avaliação crítica de uma obra de arte necessariamente subjectiva no sentido em que simplesmente regista a reacção subjectiva do mundo 2 ou a apreciação das pessoas que se depararam com uma materialização do trabalho? Ou pode uma obra de arte ser grandiosa ou maravilhosa enquanto tal? Ficaré claro que a última visão, a visão objectivista, está mais estreitamente relacionada com a visão de que existe um mundo 3, e que existem objectos do mundo 3.

Poderá muito bem dar-se o caso de que objectos e grandes obras de arte do mundo 3 existam, e que nós não tenhamos, ao mesmo tempo, nada parecido com uma medida objectiva da sua grandeza. A única medida à nossa disposição pode de facto ser a reacção subjectiva de certas pessoas à obra de arte. Mas isto pode ser perfeitamente compatível com a tese da grandeza objectiva de uma obra de arte. As pessoas seriam usadas como limalhas de ferro num campo magnético: as suas reacções tornariam visível uma qualidade objectiva da obra de arte. Esta, sugiro, é a verdadeira situação; e a reacção do público é meramente um indicador da qualidade da obra de arte – e certamente não um indicador muito fiável.

Não desejo dizer muito mais sobre os problemas de estética, mas quero deixar este ponto particular bastante claro.

Sugiro que há um mundo 3 de produtos da mente humana, e estou a tentar mostrar que os objectos do mundo 3 podem ser num sentido muito claro não fictícios mas bastante reais: eles podem ser reais no sentido em que eles podem *ter um efeito causal* sobre nós, sobre as nossas experiências do mundo 2, e mais sobre os nossos cérebros do mundo 1, e assim sobre os nossos corpos materiais. Uma sinfonia ou outra obra de arte pode ser um exemplo de um tal objecto do mundo 3; e uma sinfonia pode ser uma grande sinfonia. E dizer isto pode significar que ela é *objectivamente* grandiosa; ainda assim podemos não ter qualquer medida pela qual nos guiarmos, mas apenas a reacção subjectiva de certos seres humanos. Por conseguinte, não devemos concluir da falta de uma medida objectiva nem o carácter subjectivo da obra que está a ser julgada nem o carácter subjectivo dos seus méritos.

Por contraste, tanto o monista materialista como o dualista parecem estar empenhados em afirmar que não há nada de objectivo acerca de uma obra de arte. Se o monista materialista ou mesmo o dualista estiver correcto – se o universo consistir apenas em objectos físicos concretos do mundo 1, ou em objectos do mundo 1 e experiências concretas do mundo 2, mas não objectos abstractos tais como grandes livros ou grandes sinfonias – então todo o discurso sobre tais objectos deve ser fictício. O falar sobre uma grande sinfonia ou sobre uma grande execução teria de ser interpretado como discurso metafórico. Assim se nós dizemos “esta é uma grande sinfonia” não queremos dizer que há uma sinfonia e que ela é grande, e que este facto objectivo possa talvez ser comprovado, se tivermos sorte, pela reacção subjectiva de certas pessoas. Em vez disso, o nosso discurso significará tão-somente que as pessoas reagem, de um certo modo típico, a certos objectos físicos do mundo 1; por exemplo a uma execução musical.

Seria exactamente como se o enunciado “Aqui encontra-se um forte campo magnético” tivesse de ser assumido como metafórico; não como um discurso sobre uma entidade física objectiva, um campo magnético, mas meramente como um discurso sobre o comportamento da limalha de ferro, se a espalharmos num determinado local.

Ora esta visão tem sido de facto adoptada por alguns eminentes filósofos; não só no que diz respeito a campos magnéticos, mas igualmente no que diz respeito a corpos físicos observáveis. Assim um corpo físico tem sido frequentemente interpretado pelos filósofos não como uma entidade física objectiva mas como “uma possibilidade permanente de [causar] sensações” em pessoas.

Esta é uma visão filosófica perfeitamente respeitável. Dá-se o caso de eu a encarar como errada, por várias razões.<sup>8</sup> Isso quer dizer que eu sou um realista em relação ao mundo 1 físico. De idêntico modo, que eu sou um realista em relação ao mundo 2, o mundo das experiências. E que eu sou um realista em relação ao mundo 3 – o mundo 3 que consiste em objectos abstractos, tais como línguas; conjecturas ou teorias científicas; e obras de arte.

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8 Ver, para uma discussão destas questões, os capítulos 3 e 6 do meu *Conjectures and Refutations* (London: Routledge & Kegan Paul, 1963, 1976; New York: Basic Books); também disponível como Harper Torchbook (New York: Harper and Row, 1968).



## VII

Antes de prosseguir na explicação dos meus argumentos em prol deste triplo realismo – um realismo em relação aos mundos 1, 2 e 3 – quero fazer um último reparo sobre as obras de arte. Depois disso voltar-me-ei para a discussão de outros objectos do mundo 3, e especialmente para as conjecturas ou teorias científicas.

Esta última consideração sobre as obras de arte será muito breve. Mas quero deixar claro que ela se prende com um grande assunto, um assunto digno de ser discutido durante horas.

De longe, a mais influente e mais amplamente reconhecida teoria da arte, da música e da poesia é a teoria de que toda a arte é, essencialmente, *auto-expressão*: a expressão ou a revelação da personalidade do artista, e especialmente a expressão das suas emoções. Encaro esta teoria como completamente errada. É *trivialmente verdadeiro* que expressamos o nosso estado interior em tudo aquilo que fazemos, o mesmo se passando, claro, na arte. Mas nós expressamos o nosso estado interior também no modo como andamos, tossimos ou assoamos o nosso nariz. A auto-expressão não pode, por conseguinte, ser usada para caracterizar a arte.

Mas eu não apenas encaro a teoria expressionista da arte como errada. Eu encaro-a como tendo uma influência perniciosa e destrutiva sobre a arte. Na grande arte, o artista considera a sua *obra* como importante, mais que a si mesmo. Esta salutar atitude é posta em causa pela teoria de que a arte é auto-expressão.<sup>9</sup>

## VIII

Entro agora na discussão do meu problema central. São os objectos do mundo 3, tais como as teorias da gravitação de Newton ou Einstein, objectos *reais*? Ou são eles meras ficções, como o materialista e o dualista asseveram? São essas teorias elas mesmas irreais e apenas as suas materializações reais, como o monista materialista diria; incluindo, claro, as suas materializações nos nossos cérebros, e no nosso comportamento verbal? Ou são, como diria o dualista, não apenas essas materializações reais, mas também as nossas experiências de pensamento;

9 Para uma discussão mais completa, ver secções 13, 14, e 40 do meu *Unended Quest*.

os nossos pensamentos, direccionados para esses objectos fictícios do mundo 3, mas não esses objectos do mundo 3 eles mesmos?

A minha resposta a este problema – e, na verdade, a tese central da minha palestra – é que os objectos do mundo 3 são reais; reais num sentido muito próximo daquele em que o fisicalista consideraria forças físicas e campos de forças reais ou realmente existentes. No entanto, esta minha resposta realista tem que ser defendida com argumentos racionais.

Existe talvez um perigo aqui de que o meu problema central, a realidade ou existência de objectos do mundo 3 possa degenerar num assunto verbal. No final de contas, podemos *apelidar* de “real” ou “existente” aquilo que quisermos. Penso que podemos ver-nos livres deste perigo partindo da ideia mais primitiva de realidade e adoptando o método do próprio fisicalista de generalizar esta ideia e, em última instância, substituindo-os conjuntamente.<sup>10</sup>

Sugiro que todos nós estamos bastante persuadidos da existência ou realidade de corpos físicos de tamanho médio: de um tamanho tal que podemos facilmente manuseá-los, virá-los e deixá-los cair. Tais coisas são “reais” no sentido mais primitivo da palavra. Conjecturo que um bebé aprende a distinguir tais coisas; e suponho que tais coisas são muito convincentemente reais para o bebé de tal modo que ele ou ela as pode manusear e deixar cair, e as pode colocar na sua boca. A resistência ao toque também parece ser importante; e algum grau de permanência temporal.

Partindo de uma ideia primitiva de coisas reais como esta, o fisicalista estende a ideia generalizando-a. Sugiro que a ideia de existência física real do materialista ou do fisicalista é obtida incluindo coisas muito grandes e coisas muito pequenas, e coisas que não permanecem por nenhum período de tempo; e também incluindo o que pode causalmente actuar sobre coisas, tal como a atracção e repulsão magnética e eléctrica, e campos de forças; e radiação, por exemplo raios-X, porque eles podem causalmente actuar sobre corpos, digamos, sobre placas fotográficas.

Somos assim conduzidos à seguinte ideia: o que é real ou o que existe é o que quer que seja que pode ter, directamente ou indirectamente, um *efeito causal* sobre coisas físicas, e especialmente sobre essas coisas físicas primitivas que podem ser facilmente manuseadas.

10 Ver a secção 4 da minha contribuição para *The Self and Its Brain*, e também o meu *Objective Knowledge*. capítulo 2.

Assim, podemos substituir o nosso problema central sobre se objectos abstractos do mundo 3 tais como as teorias da gravitação de Newton e Einstein possuem ou não uma existência real, pelo seguinte problema: podem as conjecturas ou teorias científicas exercer, de um modo directo ou indirecto, um efeito casual sobre coisas físicas do mundo 1? A minha resposta a esta questão será: sim, de facto, podem.

## IX

O meu argumento fundamental para sustentar o realismo do mundo 3 é muito simples. Todos sabemos que vivemos num mundo 1 físico que tem sido enormemente modificado fazendo uso da ciência; isto é, usando conjecturas ou teorias do mundo 3 como instrumentos de mudança. Por conseguinte, as *conjecturas ou teorias* científicas podem exercer um efeito causal ou instrumental sobre coisas físicas; bastante maior, digamos, que chaves de parafusos ou tesouras.<sup>11</sup>

Embora eu ache este simples argumento de que as conjecturas ou teorias científicas podem ser usadas para modificar o mundo 1 decisivo e convincente, estou bem consciente do facto de que um monista materialista, ou mesmo um dualista, não estará preparado para aceitá-lo. Cada um deles tem uma resposta para ele.

O dualista dirá que não é a conjectura ou a teoria enquanto tal – não a Teoria da Relatividade Especial de Einstein enquanto tal – que desempenhou o papel de um instrumento, por exemplo, na manufactura da bomba atómica, mas, antes, certos *processos de pensamento* concretos de certas pessoas concretas, como o próprio Einstein e Paul Langevin. Assim, o dualista dirá que foi o *pensamento* de Einstein que o levou, em 1905, a escrever um artigo<sup>12</sup> que forneceu um esboço da sua Teoria Especial da relatividade e que, após a publicação desse artigo (mas no mesmo ano),<sup>13</sup> Einstein deduziu da Teoria da Relatividade Especial um resultado importante. Esse resultado foi inicialmente escrito:

11 O facto das conjecturas ou teorias poderem ser usadas não deve ser interpretado como significando que elas não são senão instrumentos. Ver as referências dadas na nota 2, supra.

12 Albert Einstein, "Zur Elektrodynamik bewegter Körper", *Annalen der Physik* 17 (1905): 891-921.

13 Albert Einstein, "Ist die Trägheit eines Körpers von seinem Energieinhalt abhängig?", *Annalen der Physik* 18 (1905): 639-41. Estou grato a Troels Eggers Hansen pela discussão de alguns pontos relacionados com este artigo.

$$M' - M = E / c^2$$

É agora habitualmente expresso pela famosa fórmula

$$E = mc^2$$

Ora, o dualista insistirá que foram os *processos de pensamento* de Einstein, e de outros físicos – como Paul Langevin – que conduziram a esta fórmula. E Langevin parece ter sido o primeiro a *pensar* que esta fórmula podia ajudar a explicar o tremenda quantidade de energia gerada pelo Sol; e também que ela previa que tremendas quantidades de energia seriam libertadas se conseguíssemos transformar parte da massa de um núcleo atómico em radiação. Assim, de acordo com o dualista, são as *experiências* do mundo 2, os *processos conscientes de pensamento*, que desempenharam um papel causal para se chegar à construção da bomba atómica, mais do que quaisquer objectos do mundo 3 tais como os conteúdos de fórmulas ou teorias. Para além dos processos de pensamento, certas materializações físicas tais como livros, artigos escritos e impressos e fórmulas escritas, também desempenham um papel causal; e claro certos processos cerebrais. Mas, insistirá um dualista puro, não há necessidade de levar em consideração qualquer objecto abstracto do mundo 3 enquanto tal.

O argumento do monista materialista será muito similar, excepto que ele eliminará os processos de pensamento consciente e substitui-los-á pelos correspondentes processos cerebrais do mundo 1. Ele enfatizará, mais que o dualista, as várias materializações físicas da teoria; e asseverará que essas materializações físicas de preferência a qualquer entidade abstracta (tal com a teoria em si mesma) são os instrumentos que são usados na modificação do nosso ambiente físico; que são usadas, por exemplo, na construção da bomba atómica.

## X

Ao responder ao dualista e ao monista materialista, estou agora a chegar ao preciso núcleo do meu argumento em prol da existência do mundo 3.

Eu afirmo que podemos, e de facto devemos, distinguir rigorosamente entre *conhecimento no sentido subjectivo e conhecimento no sentido objectivo*.

Conhecimento no sentido subjectivo consiste em *disposições mentais* concretas especialmente em expectativas; consiste em processos de pensamento concretos do mundo 2, com os seus correlatos processos cerebrais do mundo 1. Pode ser descrito como o nosso *mundo subjectivo de expectativas*.

Conhecimento no sentido objectivo *não* consiste em *processos de pensamento* mas em *conteúdos de pensamento*. Consiste no conteúdo das nossas teorias linguisticamente formuladas; desse conteúdo que pode ser, pelo menos aproximadamente, traduzido de uma linguagem noutra. O conteúdo objectivo do pensamento é aquilo que permanece invariável numa tradução razoavelmente boa. Ou, mais realisticamente posto: o conteúdo objectivo do pensamento é aquilo que o tradutor *tenta* manter invariante, ainda que ele, por vezes, descubra que essa tarefa é impossivelmente difícil.

É o conteúdo objectivo do pensamento de uma conjectura ou teoria que os processos subjectivos de pensamento do cientista trabalham. Eles estão a trabalhar para melhorar os conteúdos de pensamento objectivos por intermédio da crítica. É verdade que o cientista tem de *apreender subjectivamente* as implicações das teorias objectivas, antes de poder aplicar essas teorias de modo a modificar o nosso ambiente físico, que é parte do mundo 1. Isso quer dizer que o mundo 2 actua como um intermediário entre o mundo 3 e o mundo 1. Mas é o apreender do objecto do mundo 3 que dá ao mundo 2 o poder de modificar o mundo 1.

Tentarei explicar esta muito importante distinção entre um concreto mundo 2 de processos de pensamento e um abstracto mundo 3 de conteúdos de pensamento com o auxílio de exemplos.<sup>14</sup>

14 No meu *Objective Knowledge*, capítulos 3 e 4, fiz alguns comentários sobre a história da distinção entre pensamento no sentido subjectivo e pensamento no sentido objectivo. Tenho desde então (na secção 13 do meu contributo para *The Self and Its Brain*) escrito mais sobre a relação das ideias de Platão com a minha teoria do mundo 3, e gostaria agora de acrescentar alguns comentários históricos sobre a história mais recente desses ideias, complementando o que escrevi em *Objective Knowledge*, capítulo 4: Estou ansioso por enfatizar a contribuição de Heinrich Gomperz (cujo trabalho discuti brevemente na nota 89 da minha autobiografia intelectual, *Unended Quest*).

Heinrich Gomperz nasceu em 1873 e era cerca de vinte e cinco anos mais novo que Frege, que nasceu em 1848. Gomperz (na sua *Weltanschauungslehre*, vol. II/i [Jena e Leipzig: Diederichs,

Considerem, como um primeiro exemplo, o seguinte enunciado: “Leonardo pensou que pode ser construída uma máquina capaz de voar como um pássaro”.

Este enunciado menciona uma pessoa, Leonardo, e menciona um *pensamento* de Leonardo. No entanto, o pensamento é aqui caracterizado pelo seu *conteúdo*. De facto, nós sabemos que este conteúdo de pensamento ocorreu a Leonardo bastante frequentemente. Assim, o nosso enunciado refere-se indirectamente a muitos dos seus concretos processos de pensamento, mencionando o seu comum abstracto conteúdo de pensamento. Deve ter havido ocasiões particulares em que este conteúdo de pensamento ocorreu a Leonardo; por exemplo a primeira vez que isso lhe ocorreu e a última vez que isso lhe ocorreu. Nessas várias ocasiões, ele experienciou processos de pensamento concretos. Esses foram indubitavelmente diferentes processos em cada ocasião em que ocorreram. O que eles tiveram em comum foi, precisamente, o seu *conteúdo*.

Se olharmos para este exemplo, poderá parecer que o conteúdo de pensamento é meramente uma abstracção, um mero aspecto, de um concreto processo de pensamento do mundo 2; de tal modo que o dualista poderá parecer estar correcto.

Consideremos agora o seguinte enunciado: “Em 1905 Einstein elaborou a Teoria da Relatividade Especial.”

1908)) distinguiu claramente entre pensamento no sentido objectivo e pensamento no sentido subjectivo. Gomperz foi influenciado nisto pelas *Logische Untersuchungen*, 1900-01 de Husserl; e Husserl, por seu turno, tinha sido fortemente influenciado por Bolzano e Frege (especialmente pela recensão de Frege, em 1894, da psicologista *Philosophie der Arithmetik*, 1891, de Husserl). Desse modo, a obra de 1908 de Heinrich Gomperz foi, sem dúvida, indirectamente influenciada por Frege. Mas Gomperz não sabia disso porque Husserl não reconheceu a influência de Frege sobre ele mesmo.

Tal era o que eu sabia quando escrevi a nota na p. 162 de *Objective Knowledge* (onde discuti Husserl). Mas do que eu não consegui aperceber-me (embora tal decorra da bibliografia nas pp. 150-152 de *Objective Knowledge*) foi que o segundo volume da *Weltanschauungslehre* (1908) de Gomperz foi publicado dez anos antes de “Der Gedanke” (*Beiträge z. Philosophie d. deutschen Idealismus* 1 [1918]: 58-77) de Frege. Isto significa que o papel desempenhado por Heinrich Gomperz na pré-história da ideia que Frege (em 1918) chamou “*Das dritte Reich*” e que eu agora chamo “mundo 3” é muito mais importante do que eu me dei conta quando publiquei *Objective Knowledge* (a despeito do facto de Gomperz ter retrocedido no fim para a uma teoria psicologista; ver o meu *Unended Quest*, nota 89 e texto). A história completa merecerá um cuidadoso re-exame – não é improvável que Frege conhecesse o livro de Gomperz, que foi publicado em Jena, onde Frege estava a trabalhar.

Este enunciado de novo se refere a uma pessoa e aos seus processos de pensamento do mundo 2, e menciona uma ocasião particular – a ocorrência daqueles *processos* de pensamento que conduziram pela primeira vez a este particular *conteúdo* de pensamento, a Teoria da Relatividade Especial.

Mas a Teoria da Relatividade Especial é mais do que um mero aspecto dos processos de pensamento do mundo 2 de Einstein, como o seguinte enunciado mostra. “Existem muitas importantes consequências lógicas da Teoria da Relatividade Especial nas quais Einstein não pensou em 1905; e podem existir importantes consequências lógicas desta teoria que ninguém pensou até agora e que talvez ninguém alguma vez pensará.”

Se considerarem este enunciado verão então que a teoria não é meramente uma abstracção de um concreto processo de pensamento, mas um *objecto* muito semelhante a outros *objectos*; sugiro eu, um típico *objecto* abstracto do mundo 3. É um conteúdo de pensamento, mas nem um conteúdo de pensamento de um processo de pensamento de alguém, nem de vários processos de pensamento; mas antes algo como o conteúdo de pensamento de alguns possíveis assim como alguns actuais processos de pensamento.

O que é mais característico desta espécie de *objecto* do mundo 3 é que tais *objectos* podem manter *relações lógicas* uns com os outros.

Exemplos de relações lógicas são: equivalência lógica; deduzibilidade; compatibilidade; e incompatibilidade. Estas relações lógicas só podem manter-se entre conteúdos abstractos do mundo, tais como conjecturas ou teorias; elas nunca podem manter-se entre processos de pensamento concretos do mundo 2. Mesmo se falarmos de pensamentos *similares*, temos habitualmente conteúdos de pensamento em mente e uma espécie de similaridade *lógica*.

Por outro lado, relações causais tais como a influência de um autor sobre outro pode dizer-se que são mantidas entre processos de pensamento e não entre conteúdos de pensamento.

Assim, se dizemos que James Clerk Maxwell foi influenciado por Michael Faraday, falamos, antes de mais, acerca dos processos de pensamento de Maxwell e sugerimos que esses processos foram parcialmente causados pela leitura dos artigos de Faraday e pela apreensão do seu conteúdo de pensamento. Todavia, nós também damos a entender, ao

mesmo tempo, que se deu uma similaridade lógica entre os *conteúdos de pensamento* dos artigos de Faraday e Maxwell.

Por contraste, se dizemos que existem similaridades entre os pensamentos de Buda e Cristo, então não falamos de processos de pensamento de todo, mas apenas de conteúdos de pensamento. O mesmo acontece se dizemos que alguns desses pensamentos de Buda são incompatíveis com alguns dos pensamentos de Cristo, ou que alguns dos pensamentos de Einstein contradizem certos pensamentos de Newton. Em todos esses casos, não falamos de acontecimentos, de processos de pensamento, mas de doutrinas, ou teorias, ou conteúdos de pensamento: de coisas que, na minha terminologia, pertencem ao 3.

Os conteúdos de pensamento são, podemos conjecturar, produtos da linguagem humana; e as línguas humanas, por seu turno, são os mais importantes e básicos objectos do mundo. Mas as línguas têm, é claro, também um aspecto físico, ao passo que o conteúdo daquilo que foi pensado ou dito é algo abstracto. Podemos dizer que o conteúdo é aquilo que nós aspiramos a preservar, e a manter invariante, numa *tradução* de uma língua para outra. (Se é correcta a teoria de que a dança das abelhas contém uma mensagem que pode ser traduzida: “Há alimento a esta e àquela distância e nesta e naquela direcção”, então a linguagem da dança das abelhas também possui um conteúdo.)

## XI

Do ponto de vista que eu aqui estou a defender, a transição de um pensamento não linguístico para um pensamento linguisticamente formulado é da maior importância. Ao formularmos um pensamento nalguma língua, tornamo-lo num objecto do mundo 3; e por conseguinte tornamo-lo num possível objecto de crítica. Enquanto o pensamento é tão-somente um processo do mundo 2, ele constitui apenas uma parte de nós mesmos, e não pode facilmente tornar-se num objecto de crítica para nós. Mas a crítica de objectos do mundo 3 é da maior importância, tanto em arte como especialmente em ciência. A ciência pode ser descrita como sendo largamente o resultado da crítica – do exame crítico e selecção de conjecturas, de conteúdos de pensamento. Em discussões científicas, o que nós fazemos é criticar conjecturas em competição na óptica delas poderem ou não ser *verdadeiras*.



Não só relações lógicas mas também as ideias de *verdade* e de *falsidade* se aplicam apenas a conteúdos de pensamento, a conjecturas e teorias do mundo 3. Reconhecidamente, nós também falamos por vezes de *crenças* verdadeiras ou falsas; e uma crença é, como uma regra, um objecto do mundo 2. Por exemplo, se nós falamos de uma crença inabalável ou, digamos, de uma crença abalada, falamos de facto, sugiro, não de um objecto do mundo 3, mas de um objecto do mundo 2. Mas se falamos de uma crença *verdadeira* ou de uma crença *falsa*, então falamos não somente de um objecto do mundo 2, mas igualmente de um *conteúdo* de pensamento do mundo 3: o conteúdo teórico conectado com essa crença particular.

Para sintetizar. Sugiro que devemos distinguir entre *processos de pensamento* do mundo 2 e *conteúdos de pensamento* do mundo 3. Os processos de pensamento são concretos no sentido em que eles ocorrem a certas pessoas em certas ocasiões; num certo lugar e num certo tempo. Para além disso, temos justificação para conjecturar que existem processos cerebrais estreitamente conectados com esses processos de pensamento.

Em contraste, existem os conteúdos de pensamento, que são objectos abstractos do mundo 3. Eles podem manter relações lógicas. As consequências lógicas de uma teoria são especialmente características de um conteúdo de pensamento do mundo 3. Nós até podemos conceber esse conteúdo de pensamento abstracto de uma teoria como sendo o conjunto das suas consequências lógicas.

## XII

Ainda poderão estar inclinados a dizer que apenas processos de pensamento e os correspondentes processos cerebrais existem, e são reais, e que os conteúdos de pensamento são apenas aspectos abstractos dos concretos processos de pensamento. Mas considerem o seguinte exemplo. As crianças aprendem a contar. Esta é uma competência, uma invenção humana. Nós aprendemos a contar de tal modo que construímos para *qualquer* dado número o número que lhe sucede, sem fim. Nós chegamos assim a entender a sequência infinita dos números naturais. Mas uma vez que ela é infinita, não há qualquer realização física, nenhuma materialização desta sequência. Contudo, a sequência de números naturais é um objecto do mundo 3 acerca da qual podemos

fazer muitas descobertas. Assim descobrimos que todos os números (e “todos os números” significa infinitamente muitos) são ou ímpares ou pares. E descobrimos que certos números, tais como as 2, 3, 5, 7, 11, 13, são números primos, que é o mesmo que dizer, não divisíveis. (Obviamente, todos os números são ou divisíveis ou primos.) E até descobrimos o teorema de Euclides, de acordo com o qual, embora os números primos se tornem cada vez mais raros quando procedemos na sequência dos números naturais, eles nunca desaparecem completamente: o teorema de Euclides afirma que existem infinitamente muitos números primos na sequência infinita de números naturais.

É perfeitamente verdadeiro, claro, que todas essas descobertas são os *resultados* ou *produtos* de processos de pensamento: o que eu chamo mundo 3 é, de facto, o mundo dos produtos da mente humana; isto é, dos produtos do mundo 2. Mas a sequência infinita de números naturais é, claramente, um objecto abstracto do mundo 3; e é um objecto que nós podemos investigar, e acerca do qual podemos fazer descobertas bastante inesperadas. De facto, existem muitos problemas em aberto acerca deste objecto, problemas de teoria dos números que os matemáticos não conseguiram resolver até agora.

Nós podemos comparar um objecto do mundo 3, como a sequência infinita de números naturais, e os problemas que emergem a ele ligados, com um objecto do mundo 1, como, digamos, o ADN, e os problemas que ele coloca ao bioquímico; ou, grosso modo, podemos compará-lo com uma grande montanha, como o Monte Everest, e os problemas que ela coloca ao montanhista.

Em todos esses três casos somos levados ao objecto da nossa busca pela nossa curiosidade e pelo desejo de resolver alguns problemas difíceis. Em todos esses casos nós investigamos um objecto do qual temos conhecimento parcial, o conhecimento que herdámos de investigadores anteriores. Em todos esses casos podemos ser surpreendidos pelos resultados da nossa investigação. Em todos esses casos os resultados podem ser intersubjectivamente testados, por outros investigadores.

Mas o ponto essencial é que em todos esses casos há uma genuína interacção causal entre o objecto de investigação e nós mesmos. Em cada caso, o objecto é comparativamente passivo ao passo que nós estamos a investigá-lo activamente; tal como um homem que se senta para um retrato é comparativamente passivo enquanto o pintor é activo. Ainda

assim o homem está lá e a sua presença exerce uma influência causal sobre o pintor.

Eu enfatizei que a sequência dos números naturais, dado que é infinita, não pode ser fisicamente realizada ou materializada. É um objecto abstracto, imaterializado, do mundo 3. O mesmo se pode dizer de qualquer conjectura ou teoria, se identificarmos uma conjectura ou teoria – isto é, o seu conteúdo lógico – com o sistema de todos os teoremas que pode ser derivado nela; o mesmo é dizer, com o correspondente sistema dedutivo. Uma tal teoria, ou um tal sistema, é infinito e pode estar cheio de surpresas. Assim, deve ter sido uma surpresa para Einstein quando descobriu, pouco depois de ter escrito o seu primeiro artigo sobre a Relatividade Especial, que a agora famosa fórmula  $E = mc^2$  podia ser deduzida dela como um teorema.

### XIII

Materializações no mundo 1 de objectos do mundo 3, tais como livros manuscritos ou livros impressos, ou artigos em jornais, são extremamente importantes; mas são importantes não como objectos do mundo 1 mas como objectos do mundo 3. Exemplos de outras tais materializações no mundo 1 de objectos do mundo 3 são: um mapa geográfico, um plano de um edifício ou de um motor de um carro ou de um avião. Tais mapas ou planos são baseados em teorias; são, precisamente como livros, materializações de objectos do mundo 3. A sua eficácia causal é muito óbvia: tais mapas e planos, de um novo porto, ou um novo aeroporto, têm de facto sido instrumentais na modificação do mundo 1. Mas como os livros, eles não têm qualquer valor para aqueles que não os podem ler.

Mas não só os mapas e os planos são objectos do mundo 3: planos de acção também o são; e isso pode incluir programas de computador.

Todos esses objectos do mundo 3 possuem a característica de poderem ser melhorados pela crítica. E é bastante característico deles que a crítica possa ser cooperativa: ela pode provir de pessoas que nada tinham que ver com a ideia original. Isto é outro argumento para a objectividade dos objectos do mundo 3, e para o facto de que eles podem estimular pessoas a pensar: mas isso significa, *fazê-las* [*cause them*] pensar. A cooperação crítica no planeamento tornou-se moda e está a tornar-se cada

vez mais isso mesmo. Mas é uma velha ideia. Edmund Burke, o estadista e teórico político britânico, escreveu há duzentos anos, sobre a emenda ou reparação crítica dos planos políticos e militares: “In my course I have known and . . . cooperated with great men; and I have never yet seen any plan which has not been mended by the observations of those who were much inferior in understanding to the persons who took the lead in the business.”<sup>15</sup>

É claro que quando Burke fala aqui de planos, ele tem objectos do mundo 3 em mente, em vez dos concretos processos de pensamento das pessoas que cooperam. Esses concretos processos de pensamento ajudam a *melhorar* o plano abstracto comum. Eles consistem em críticas do plano comum abstracto, e por conseguinte devem ser causalmente influenciados pelo plano abstracto e especialmente pelos objectivos – os ainda inexistentes objectivos – que ele propõe serem atingidos. A cooperação crítica num plano abstracto pressupõe a objectividade do plano. Mais, ao afirmar que um plano pode ser melhorado através da crítica, Burke aponta para um aspecto dos objectos do mundo 3 que os torna de novo similares a objectos do mundo 1: é possível trabalhar sobre um objecto do mundo 3, quase como um mecânico trabalha num motor e para melhorar o seu desempenho.

#### XIV

Deixem-me voltar à minha tese central original. A minha tese foi a de que os objectos do mundo 3, tais como teorias, jogam um papel tremendo na modificação do ambiente do nosso mundo 1 e que, por causa da sua influência causal indirecta sobre os objectos do mundo 1 material, devemos encarar os objectos do mundo 3 como reais. Nada depende aqui do uso da palavra “real”: a minha tese de que as nossas teorias do mundo 3 e os nossos planos do mundo 3 influenciam causalmente os objectos físicos do mundo 1; que eles têm uma acção causal sobre o mundo 1.

Esta influência é tanto quanto sei sempre indirecta. Teorias do mundo 3 e planos e programas de acção do mundo 3 devem sempre ser *apreendidos* ou *entendidos* por uma *mente* antes de conduzirem a acções

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15 Usei esta passagem de Burke como um dos lemas do primeiro volume de recentes edições de *The Open Society and Its Enemies* (London: Routledge & Kegan Paul, 1963, 1977; Princeton, N. J.: Princeton University Press, 1966).

humanas e a modificações no nosso ambiente físico, tais como a construção de aeroportos e de aviões. Parece-me que a intervenção da mente e, por conseguinte, do mundo 2, é indispensável e que só a intervenção do mundo 2 mental permite que os objectos do mundo 3 exerçam, indirectamente, uma influência causal sobre o mundo 1 físico. Assim, por forma a que a Relatividade Especial pudesse ter a sua influência sobre a construção da bomba atômica, vários físicos tiveram de ter interesse na teoria, descortinado as suas consequências e *apreendido* essas consequências. O entendimento humano e, desse modo, a mente humana, parece ser bastante indispensável.

Algumas pessoas pensam que os computadores também podem fazer isso, porque os computadores podem extrair as consequências lógicas de uma teoria. Sem dúvida que podem, se os tivermos construído e instruído por intermédio de programas de computador bem pensados por nós.

Assim, chego a esta perspectiva de que o dualismo mente-corpo se encontra mais próximo da verdade que o monismo materialista. Mas o dualismo não é suficiente. Temos de reconhecer o mundo 3.

## XV

Tendo mencionado os computadores sinto que tenho de dizer uma palavra ou duas sobre um assunto que é muito discutido hoje. Podem os computadores pensar? Não hesito em responder a esta questão com um enfático "Não". Seremos algum dia capazes de construir máquinas desse tipo que possam pensar? Aqui a minha resposta é um pouco mais hesitante. Depois de termos ido à Lua e enviado uma nave espacial ou duas para Marte, não devemos ser dogmáticos acerca do que pode ser alcançado. No entanto, não penso que devamos ser capazes de construir seres conscientes sem antes construirmos organismos vivos; e isto parece-me ser suficientemente difícil. A consciência tem uma função biológica nos animais. Não me parece de todo provável que uma máquina possa ser consciente a não ser que ela *necessite* de consciência. Até nós adormecemos quando a nossa consciência não tem qualquer função a cumprir.

Assim, a não ser que sejamos bem sucedidos a criar vida artificialmente, vida que almeje sobrevivência a longo prazo; e mais do que isso, animais artificiais auto-locomotores que requerem uma espécie de

piloto, não penso que a inteligência artificial consciente se venha a tornar uma realidade. De facto, bastante impressionado como estou pelo poder dos computadores, penso que muito estardalhaço se tem produzido acerca deles.

## XVI

Se eu estiver certo de que o mundo físico tem sido modificado pelos produtos do mundo 3 *da mente humana*, actuando através de intervenção *da mente humana* então isso significa que os mundos 1, 2, e 3, podem interagir e, por conseguinte, que nenhum deles é causalmente fechado. A tese de que o mundo físico não é causalmente fechado mas que pode sofrer as acções do mundo 2 e, através da sua intervenção, das acções do mundo 3, parece ser particularmente difícil de engolir pelo monista materialista monista, ou pelo fisicalista.

E no entanto, esta abertura do mundo 1 material a influências do exterior é apenas uma daquelas coisas que a experiência constantemente nos mostra. Assim sendo, não há razão para pensar que os cérebros humanos mudaram muito nas últimas centenas de anos; mas o nosso ambiente material mudou a ponto de parecer irreconhecível tanto por intermédio das nossas acções planeadas como por intermédio de consequências não intencionadas das nossas acções planeadas. É claro, o materialista explicará tudo isso nos termos dos nossos processos cerebrais; e admissivelmente eles desempenham um papel ao mediar a intervenção de efeitos do mundo 3 pelo mundo 2 até ao mundo 1. Mas onde a grande mudança teve origem foi no mundo 3, nas nossas teorias. Estas possuem, falando metaforicamente, uma espécie de vida própria, embora dependam fortemente das nossas mentes e, muito provavelmente, também dos nossos cérebros.

Penso que isso significa fecharmos os olhos ao óbvio e tentar explicar para além do óbvio, se negarmos que o mundo 1 está causalmente aberto ao mundo 2, e através dele ao mundo 3.

## XVII

Menção deve ser feita também à estreita relação entre o que eu chamo mundo 3 e o que os antropólogos chamam “cultura”. As duas são quase o mesmo. Ambas podem ser descritas como o mundo dos produtos da mente humana; e o termo “evolução cultural” cobre praticamente aquilo que eu devia chamar “evolução do mundo 3”.

No entanto, os antropólogos estão inclinados a não distinguir as materializações do mundo 3 no mundo 1 dos próprios objectos do mundo 3. Isto conduz a uma grande diferença entre o seu ponto de vista e o meu, e entre as nossas visões do universo.

## XVIII

Para sintetizar, chegámos à seguinte imagem do universo. Existe o universo físico, mundo 1, com o seu mais importante sub-universo, o dos organismos vivos.

O mundo 2, o mundo da experiência consciente, emerge como um produto evolutivo do mundo dos organismos.

O mundo 3, o mundo dos produtos da mente humana, emerge como um produto evolutivo do mundo 2.

Em cada um destes casos, o produto emergente possui um tremendo efeito retroactivo sobre o mundo do qual emergiu. Por exemplo, a composição físico-química da nossa atmosfera que contém tanto oxigénio é um produto da vida – um efeito retroactivo da vida de plantas. E, especialmente, a emergência do mundo 3 tem um tremendo efeito retroactivo sobre o mundo 2 e, através da sua intervenção, sobre o mundo 1.

O efeito retroactivo entre mundo 3 e mundo 2 é de particular importância. As nossas mentes são as criadoras do mundo 3; mas o mundo 3, por seu turno, não só informa as nossas mentes, mas cria-as em larga medida. A própria ideia de um eu [*self*] depende de teorias do mundo 3, especialmente de uma teoria do tempo que subjaz à identidade do eu, o eu de ontem, de hoje e de amanhã. A aprendizagem de uma linguagem, que é um objecto do mundo 3, é parcialmente um acto criativo e parcialmente um efeito retroactivo; e a completa consciência do eu está ancorada na nossa linguagem humana.

A nossa relação com o nosso trabalho é uma relação retroactiva: o nosso trabalho desenvolve-se através de nós e nós desenvolvemo-nos através do nosso trabalho.

Este desenvolvimento, esta auto-transcendência, possui um lado racional e um lado não-racional. A criação de novas ideias, de novas teorias, é parcialmente não-racional. Prende-se com o que se chama “intuição” ou “imaginação”. Mas a intuição é falível, como o é tudo o que é humano. A intuição deve ser controlada através de crítica racional, que é o mais importante produto da linguagem humana. Este controlo através da crítica é o aspecto racional do desenvolvimento do conhecimento e do nosso desenvolvimento pessoal. É uma das três coisas mais importantes que fazem de nós humanos. As outras duas são a compaixão e a consciência da nossa falibilidade.



# HOMENAGEM



## **El maestro**

### **Homenaje a los profesores José Luis Barreiro Barreiro y Andrés Torres Queiruga**

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Universidad de Santiago de Compostela

La presente semblanza es un homenaje a dos profesores por los que siento una particular admiración y respeto, al sentirme vinculada a ellos, como discípula y como miembro del equipo de investigación del que ambos forman parte: “Ilustración, censura y modernidad”.

María Zambrano, en uno de sus escritos sobre educación, decía que “el maestro ha de ser quien abra la posibilidad, la realidad de otro modo de vida, de la de verdad”<sup>1</sup> tanto en el aula como en su quehacer diario, en la investigación y en el trato con los alumnos. Pues, la autenticidad del maestro se mide, no sólo en la donación de sus conocimientos, sino en sus cualidades humanas.

En primer lugar, sobre el prof. Barreiro Barreiro, habría que destacar su larga e intensa trayectoria intelectual dedicada a la historia de los sistemas filosóficos, poniendo especial atención en los pensadores decimonónicos españoles, en general, y gallegos en particular. Destacan autores como: Fr. Martín Sarmiento, Amor Ruibal, Alfredo Brañas, Castelao, etc. A través de sus estudios, se puede pensar Galicia con una mentalidad renovada, que incide en la recuperación de la memoria his-

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1 Cfr. ZAMBRANO, M., *Filosofía y educación*, edición a cargo de Ángel Casado y Juana Sánchez-Gey, Ágora, Málaga, 2007, pp.16 -18.

tórica como compromiso intelectual sobre una época envuelta en un tiempo de silencio.

Sus líneas de investigación se perfilan en tres etapas fundamentales: a) amor-ruibaliana, b) romántico-idealista y c) ilustrada. En todas ellas se pone de manifiesto la necesidad de recuperar la identidad con el fin de otorgar a Galicia la identidad perdida por el centralismo y las luchas de poder. Su estilo historiográfico y pedagógico, le otorga una capacidad de síntesis que combina el rigor con un cierto carácter populista que apuesta por el conocimiento claro y accesible, lejos de cualquier cripticismo, para iluminar todo ese saber sumido en el claroscuro.

En segundo lugar, el prof. Torres Queiruga, destaca por sus contribuciones intelectuales en torno a la figura de Amor Ruibal pero, sobre todo, en todos aquellos temas centrados en aspectos filosóficos-teológicos: la saudade, el mal, el problema de Dios en la modernidad...abriendo las perspectivas teológicas a la heterodoxia, partiendo de un fundamento básico: la idea de revelación. Una categoría mediadora sobre la que constituye la relación y el sentimiento originario existentes entre el hombre y lo divino, donde la “humanidad” de la revelación se desentraña a través de una lectura crítica del texto sagrado, que – a su juicio- no debe conformarse con una respuesta clásica *ad pedem litterae*. Para tal fin, debe acudir a una “mayéutica histórica” en busca de una respuesta coherente que permita interiorizar el verdadero sentido de la misma.

Aunque sus interpretaciones son controvertidas, suelen ser objeto de debate y consideración por parte de las distintas confesiones religiosas, cabe destacar su valentía a la hora de proponer una idea de religión planteada desde un ecumenismo no exento de rigor filosófico. Lo cual, supone una revolución dentro de su propio ámbito.

Ambos profesores desarrollaron, en el transcurso de su labor académica, una ardua tarea en la reforma del entendimiento desde la revisión del legado recibido. En la actualidad, el prof. Barreiro Barreiro es Catedrático emérito desde hace un año y el prof. Torres Queiruga a partir de septiembre del presente año, será profesor *ad honorem* de la Universidad de Santiago de Compostela.

Retomando lo mencionado con anterioridad, el verdadero maestro: educa, estimula, comprende, reprende y da ejemplo. Todas estas características se resumen en un verbo (lat.) “vocare”-llamar, porque la vida es vocación a transmitir el ser, vocación, por tanto, a educar en un

contexto social en el que se hace patente una crisis de fundamentos, donde el desamparo del ser humano cobra vigencia y se hacen necesarias respuestas, tras el naufragio de una razón que precisa un horizonte de sentido. “No tener maestro es no tener a quién preguntar”<sup>2</sup> – decía Zambrano - . Por fortuna, puedo decir que sí los tengo y me han transmitido el *sapere aude*, la inquietud de aquel que recibe un sendero por el que seguir caminando.

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2 Ibid. pp.116-118.



## RECENSÕES





## ***Os Classica Digitalia Vniversitatis Conimbrigensis***

Em boa hora o Centro de Estudos Clássicos e Humanísticos da Universidade de Coimbra decidiu avançar com um projecto ambicioso e apresentar (se assim se pode dizer) os amantes da cultura, em especial da cultura clássica e humanística e sua pervivência, com a publicação, **em papel** e simultaneamente **on-line**, de um conjunto (já notável) de textos clássicos e de estudos sobre matéria clássica, divididos em três séries, assim designadas pelos promotores da iniciativa: Colecção “Autores Gregos e Latinos – Série Textos”, “Autores Gregos e Latinos – Série Ensaios”, Colecção “*Varia* – Série Monografias” e Colecção “*Humanitas - Supplementum*”.

Logo a abrir o primeiro volume da COLECÇÃO AUTORES GREGOS E LATINOS - SÉRIE TEXTOS, saído em 2008, a Coordenadora Científica do Centro de Estudos Clássicos e Humanísticos da Universidade de Coimbra, Maria do Céu Fialho, num breve texto sugestiva e auspiciosamente intitulado “Nota Inaugural”, escreveu: “O Centro de Estudos Clássicos e Humanísticos realiza, agora, a etapa inaugural de um projecto de publicação de textos gregos e latinos, em tradução, que visa difundir obras que foram e são determinantes na construção de um processo de comunicação e construção referencial e identitária.” E de facto a colecção inicia-se com o título Plutarco, *Vidas Paralelas: Teseu e Rómulo*, com tradução do grego, introdução e notas de Delfim F. Leão e Maria do Céu Fialho (Coimbra, CECH, 2008). Compreensivelmente: de uma assen-

tada, associam-se Teseu, fundador mítico de Atenas, Rómulo, mítico fundador de Roma, e Plutarco, considerado o “Educador da Europa”, que assim surgem irmanados nas origens e na construção da Europa. Seguiram-se, nesta mesma colecção, os seguintes volumes:

- Plutarco, *Obras Morais – O banquete dos Sete Sábios*. Tradução do grego e notas de Delfim Leão (Coimbra, CECH, 2008). (A título informativo, acrescenta-se que Delfim Leão é o investigador responsável pelo projecto “Plutarco e os fundamentos da identidade europeia”)
- Xenofonte, *Banquete, Apologia de Sócrates*. Tradução do grego e notas de Ana Elias Pinheiro (Coimbra, CECH, 2008).
- Plutarco, *Obras Morais – No Banquete I - Livros I-IV*. Tradução do grego e notas de Carlos de Jesus, José Luís Brandão, Martinho Soares, Rodolfo Lopes. Coordenação de José Ribeiro Ferreira (Coimbra, CECH, 2008).
- Plutarco, *Obras Morais – No Banquete II - Livros V-IX*. Tradução do grego e notas de Ália Rodrigues, Ana Elias Pinheiro, Ândrea Seíça, Carlos de Jesus, José Ribeiro Ferreira (Coimbra, CECH, 2008).
- Plutarco, *Obras Morais – Da Educação das Crianças*. Tradução do grego e notas de Joaquim Pinheiro (Coimbra, CECH, 2008).
- Xenofonte, *Memoráveis*. Tradução do grego e notas de Ana Elias Pinheiro (Coimbra, CECH, 2009).
- Plutarco, *Obras Morais – Diálogo sobre o Amor. Relatos de Amor*. Tradução do grego e notas de Carlos de Jesus (Coimbra, CECH, 2009).
- Plutarco, *Vidas Paralelas: Pércles e Fábio Máximo*. Tradução do grego, introdução e notas de Ana Maria Guedes Ferreira e Ália Rosa Conceição (Coimbra, CECH, 2010).
- Plutarco, *Obras Morais – Como distinguir um Adulador de um Amigo. Como retirar Benefício dos Inimigos. Acerca do número excessivo de Amigos*. Tradução do grego e notas de Paula Barata Dias (Coimbra, CECH, 2010).
- Plutarco, *Obras Morais – Sobre a Face Visível no Orbe da Lua*. Tradução do grego, introdução e notas de Ana Maria Guedes Ferreira e Ália Rosa Conceição (Coimbra, CECH, 2010).
- Licurgo, *Oração contra Leócrates*. Tradução do grego, introdução e notas de J. A. Segurado e Campos (Coimbra, CECH, 2010).
- Carmen Soares e Roosevelt Rocha: *Plutarco. Obras Morais. Sobre o afecto aos filhos / Sobre a música*. Tradução do grego, introdução e notas (Coimbra, CECH, 2010).

Da COLECÇÃO AUTORES GREGOS E LATINOS - SÉRIE ENSAIOS, vieram a lume os seguintes títulos, que englobam estudos de diferentes autores:

- Carmen Soares, José Ribeiro Ferreira e Maria do Céu Fialho, *Ética e Paideia em Plutarco* (Coimbra, CECH, 2008) – o livro que inaugura, simbolicamente, a Série Ensaios, atendendo à importância do texto plutarquiano na configuração ideológica e cultural da Europa.
- Joaquim Pinheiro, José Ribeiro Ferreira e Rita Marnoto, *Caminhos de Plutarco na Europa* (Coimbra, CECH, 2008). (sobre a recepção do polígrafo grego na Europa, particularmente em Itália, França e Portugal)
- Cláudia Teixeira, Delfim F. Leão e Paulo Sérgio Ferreira, *The Satyricon of Petronius: Genre, Wandering and Style* (Coimbra, CECH, 2008).
- Teresa Carvalho e Carlos A. Martins de Jesus, *Fragmentos de um fascínio. Sete ensaios sobre a poesia de José Jorge Letria* (Coimbra, CECH, 2009).
- Maria de Fátima Silva e Susana Hora Marques (eds.): *Tragic Heroines on Ancient and Modern Stage* (Coimbra, CECH, 2010).
- Ália Rodrigues, Carlos M. Jesus e Rodolfo Lopes, *Intervenientes, discussão e entretenimento “No Banquete” de Plutarco* (Coimbra, CECH, 2010).

Da Colecção “VARIA” – SÉRIE MONOGRAFIAS, saíram a lume:

- Mariana Montalvão Matias, *Paisagens naturais e paisagens da alma no drama senequiano. “Troades” e “Thyestes”* (Coimbra, CECH, 2009).
- João Paulo Barros Almeida, *Sentimento e Conhecimento na poesia de Camilo Pessanha* (Coimbra, CECH, 2009).
- Cristina Santos Pinheiro, *O percurso de Dido, rainha de Cartago, na Literatura Latina* (Coimbra, CECH, 2010).
- Ricardo Nobre, *Intrigas Palacianas nos Annales de Tácito. Processos e tentativas de obtenção de poder no principado de Tibério* (Coimbra, CECH, 2010).
- Maria Helena da Rocha Pereira, *Greek Vases in Portugal* (Coimbra, Classica Digitalia/CECH, 2010) [2nd edition with a new supplement].

Por último, da Colecção “HUMANITAS - SUPPLEMENTUM”, saíram a lume:

- José Ribeiro Ferreira, Delfim Leão, Manuel Tröster & Paula Barata Dias (eds), *Symposion and Philanthropia in Plutarch* (Coimbra, Classica Digitalia / CECH, 2009). Neste grande volume de cerca de 570 páginas, que incluem dois preciosísimos índices, um *Index Rerum* e um *Index locorum*

(da autoria de Ália Rodrigues e Rudolfo Lopes), estão reunidos os contributos de cerca de cinquenta autores, divididos em seis secções temáticas, que passo a enunciar, a título informativo e ilustrativo da riqueza e variedade dos estudos e das perspectivas: Secção 1: *Philosophical and Literary Contexts of the Symposium*; 2. *The Symposium as a space for Social and Political Gatherings*; 3. *Disruptive Symposia*; 4. *Philanthropia, Philia and Eros*; 5. *Quaestiones Conuiuiales*; 6. *Conuiuium Septem Sapientium*. Nas palavras prefaciais, os editores referem-se ao público a que se destina, em princípio, este volume, escrevendo (p. i): “Considering the scope and nature pf Plutarch’s multi-faceted work, the studies presented will be of interest to scholars and students from a whole range of disciplines, such as history, politics, philosophy, literature, education and arts.”

Maria Helena da Rocha Pereira, José Ribeiro Ferreira, Francisco de Oliveira (Coords.), *Horácio e a sua perenidade* (Coimbra, Classica Digitalia / CECH, 2009). Doze contributos que atestam o interesse sempre renovado pelo poeta que tinha a certeza de crescer no louvor dos pósteros “enquanto ao Capitólio ascender o Pontífice com a Vestal silenciosa”.

Francisco de Oliveira, Cláudia Teixeira, Paula Barata Dias (Coords.), *Espaços e Paisagens. Antiguidade Clássica e Heranças Contemporâneas*. Vols. I e II. (Coimbra, Classica Digitalia / CECH, 2009).

Algumas teses de doutoramento, obras de grande fôlego, têm também sido aqui editadas. É o caso, entre outras de que não disponho informação, de *Máscaras dos Césares. Teatro e moralidade nas vidas suetonianas*, de José Luís Lopes Brandão.

Como se vê, o volume de publicações editadas entre 2008 (Abril) e 2010 (Agosto) é já impressionante (e espero não ter omitido algum por lapso). Na impossibilidade de dar conta pormenorizada de todos estes volumes referenciados, importa, pelo menos, nesta recensão especial, sublinhar alguns aspectos dignos de nota.

Em primeiro lugar, refira-se que todas as obras editadas nesta biblioteca on-line são sujeitas a arbitragem científica independente, o que desde logo, se não fossem conhecidos os respectivos autores, é garantia da sua qualidade e relevância científica. Uma palavra especial de apreço para o talento e o trabalho de uma nova geração de classicistas que, sob a orientação dos seus prestigiados mestres, vai emergindo e contribuindo para dar a conhecer e valorizar a matéria clássica e a sua permanência através dos tempos.

Em segundo lugar, diga-se que a estrutura dos volumes é idêntica: a uma “Introdução” sobre o autor e obra estudados, segue-se a tradução da mesma e uma bibliografia de referência muito actualizada, fruto da excelente biblioteca do Instituto de Estudos Clássicos, a cada passo reforçada com as aquisições do Centro de Estudos Clássicos e Humanísticos.

Por fim, importa lembrar que estivemos a falar de textos e trabalhos editados em papel e *on-line*. O recurso a uma consulta rápida, *digital*, será sempre possível; mas quem tem a paixão dos livros *em suporte de papel* não poderá resistir à qualidade da impressão, à beleza das capas e à possibilidade de ter junto de si, a preços acessíveis, pequenas obras-primas que fizeram a grande Antiguidade Clássica e estão nas origens da nossa tradição ocidental.

A concluir, uma observação mais. Como todas as colecções, estas são também colecções em aberto. E ao ritmo a que vão saindo – é mesmo possível que entretanto tenham já vindo a lume outros mais –, será necessário aqui regressar muitas vezes – mas da próxima vez de forma mais pausada – para dar conta dos volumes entretanto aparecidos. Com a certeza de que a espera pelos próximos vai valer a pena.

Nota final: Para outras informações, consulte-se o endereço web *classicadigitalia.uc.pt*.

Virgínia Soares Pereira



## ***Cataldo Parísio Sículo, Epístolas, I Parte.***

**Fixação do texto latino, tradução, prefácio e notas de Américo da Costa Ramalho e de Augusta Fernanda Oliveira e Silva. Lisboa, Imprensa Nacional-Casa da Moeda, 2010. 699 p.**

Depois de, há cinco anos, terem vindo a lume as *Epístolas, II Parte*, de Cataldo Parísio Sículo, era aguardada com expectativa a publicação das *Epístolas, I Parte*, do mesmo Cataldo. Os moldes em que se apresentam os dois volumes, saídos a público em ordem inversa, isto é, primeiro a Parte II, depois a Parte I, são os mesmos, contendo cada um, além da edição do texto latino, a sua tradução e estudo pelo Prof. Américo da Costa Ramalho e pela Dra. Augusta Oliveira e Silva.

Motivados pelas clássicas recolhas da correspondência de Cícero (caracterizada pela vivacidade de quem escreve sob o efeito dos acontecimentos) e das epístolas de Plínio-o-Moço (pensadas e recheadas de reflexões de vida ou preceitos sentenciosos), os humanistas tiveram o hábito de reunir em volume as cartas trocadas com amigos, intelectuais, políticos e mecenas, e, em princípio, não destinadas ao público. Ora a publicação do epistolário de um autor, para mais de alguém que viveu há mais de quinhentos anos, tem indiscutível interesse para um conhecimento mais profundo da mentalidade e cultura do meio social em que se insere o epistológrafo. A correspondência de Cataldo Sículo, humanista siciliano radicado em Portugal na penúltima década do séc. XV, que desempenhou entre nós as funções de preceptor de príncipes e

jovens da nobreza, é disso um magnífico exemplo. Basta passar os olhos pela breve introdução (quatro a cinco páginas) a esta volumosa obra – constituída por perto de 170 cartas, em cerca de setecentas páginas (texto latino e tradução) –, para se perceber que temos nas mãos uma correspondência digna de registo, que tem destinatários tão ilustres como o rei D. Manuel; D. Jorge, filho bastardo de D. João II; membros da ilustre casa de Vila Real (D. Fernando de Meneses e os filhos D. Pedro de Meneses, D. João de Noronha e D. Diogo de Noronha); cartas a bispos (como D. Diogo de Sousa, então bispo do Porto e depois arcebispo de Braga, e D. Fernando Coutinho, bispo de Lamego), cartas a médicos (como o Mestre Rodrigo de Lucena, físico-mor e médico régio de D. João II e D. Manuel), juristas (Vasco Fernandes de Lucena, irmão de Mestre Rodrigo), historiadores e humanistas itálicos (Lúcio Marineo Sículo, Joviano Pontano, Platina), para não falar de epístolas dirigidas a personalidades estrangeiras entre as quais avultam reis, papas, duques e condes, igualmente ilustres. O conjunto abre com uma espécie de carta-dedicatória a D. Pedro de Meneses, conde de Alcoutim e discípulo do humanista, e encerra com uma carta deste discípulo dirigida ao impressor, Valentim Fernandes de Morávia, na qual justifica, de certo modo, e em atitude de modéstia, a publicação: “Os meus escritos que me pedes para imprimir são ainda demasiado toscos e rudes, e nem são dignos de tanta nomeada, mas no lugar dos meus envio alguns poucos, que obtive de Cataldo, nosso preceptor, em anos anteriores.”

Com algumas excepções, decorrentes do facto de Costa Ramalho desde há muito ter dedicado a sua atenção à vasta obra do humanista siciliano, estudando e traduzindo algumas delas, temos agora uma oportunidade excelente de ver comentado e traduzido, pela primeira vez, um grande acervo de cartas de Cataldo.

À semelhança do que acontecera com o anterior, o presente volume vai permitir ao seu leitor conhecer, de forma pouco comum, se atendermos aos tempos em que foram escritas as cartas agora editadas (a edição *princeps* é de 1500), a sociedade portuguesa – quer a de corte, quer a intelectual – dos finais do séc. XV, na viragem para o século XVI. É que a correspondência de Cataldo, de grande diversidade temática, tem o interesse suplementar de iluminar alguns escaninhos da grande história, incluindo mesmo diversos apontamentos indiscretos. Acresce que as cartas nem sempre são claras, por tratarem por vezes temas melin-



drosos ou sujeitos a sigilo. E só mediante um vasto conhecimento dos documentos da época e da obra de Cataldo na sua totalidade é possível a sua dilucidação.

A fim de dar uma breve ideia da diversidade dos temas abordados, refiram-se alguns dos conteúdos das epístolas cataldinas. Muito dado a intermitências de humor, o humanista sículo oscila entre a toada laudatória e o estilo sarcástico. Ora elogia hiperbolicamente uma figura da nobreza, ora critica a pouca ou nenhuma pontualidade do tesoureiro régio, por sistematicamente adiar o pagamento dos honorários que lhe são devidos. Aqui, queixa-se de um amigo que lhe não escreve; acolá, alonga-se em considerações de natureza moral ou na exibição das suas infindas leituras dos clássicos. Ou então invectiva a barbárie de quem, como certos teólogos de meia-tigela, despreza a língua latina e um grande poeta como Virgílio. “Oh gente perdida!”, exclama (carta 171). “Esforçam-se por tirar o sol do mundo, para lançarem tudo de novo em negro caos. (...) Oh gente não menos obtusa que maligna! Criticam a língua latina, a conservadora comum de todas as ciências.” E toda a carta, que se estende das pp. 550-563 (texto latino e tradução), prossegue neste registo, próprio de tantos humanistas que, na esteira de Petrarca, consideravam as línguas clássicas uma verdadeira *ianua scientiarum*. Em várias cartas, fala da formação de D. Jorge, filho de D. João II e seu discípulo, que teve uma adolescência difícil e por isso rejeitava os ensinamentos do mestre, preferindo, à *Ética* de Aristóteles, os *Amores* de Ovídio. Numa epístola (a Simão Vaz de Tentúgal), recorda a história de um empregado honesto que nunca tocou no dinheiro do patrão, embora pudesse tê-lo feito, e se deixou tentar pela sua mulher amada, acabando por ser morto, vítima do ciúme e vingança do seu senhor; e a respeito desta historieta (“um caso não menos vergonhoso que digno de compaixão”), que ocorreu, segundo diz, na Alemanha, tece considerações sobre a natureza diversa de duas paixões, uma mais dominável do que a outra: a do dinheiro e a da carne. Numa outra carta, escreve aos governantes de Génova, em nome do rei de Portugal, D. João II, a solicitar permissão para um emissário adquirir, nessa cidade, armas e outro material necessário para a guerra de África. Noutras duas cartas (74 e 75), em nome do mesmo D. João II e de D. Manuel, dirige-se a Henrique VII, de Inglaterra, a solicitar que ponha cobro aos actos de pirataria praticados por um primo do rei inglês, o almirante Carlos Sommerset,

que atacou um navio de Portugal “contra o direito e o nosso pacto de aliança”. Muitas outras cartas são de recomendação de amigos, portugueses ou italianos, por vezes em nome do rei, como a carta 128, de D. João II ao cardeal de Alpedrinha (D. Jorge da Costa), a respeito de Fernando de Almeida, bispo de Ceuta, quando este ia para a Cúria Romana. Outras, de pêsames. Ou cartas que se destinavam a enviar poemas em memória de alguém (Platina, por exemplo) ou a enviar cartas de outros, reveladoras de talentos desconhecidos. Noutras epístolas queixa-se da pobreza em que vive ou da sarna que não o deixa sair de casa (ep. 111). Mas em quase todas um *leitmotiv* está presente, à boa maneira humanística: ou justificação por não escrever, como devia, ou pedidos ao amigo ou destinatário de que não deixe de lhe escrever.

O volume é complementado com dois úteis Índices, onomástico e toponímico (pp. 567-574), Bibliografia (pp. 575-577), Fac-Símiles (pp. 579-691), e um Índice Geral (pp. 695-699).

Diga-se, em conclusão, que a obra em apreço traz relevantes contributos para o conhecimento da sociedade portuguesa e europeia de finais do séc. XV, na viragem para o século XVI. O seu interesse é essencialmente histórico-cultural e denota o olhar de um estrangeiro radicado em Portugal.

Mas um mérito não menos despiciendo deste volume e do anterior é o de pôr em letra de forma um texto que, apesar de já dado à imprensa, se revelava de difícil leitura, tanto mais que estava impresso em caracteres góticos. E de facto, na última carta transcrita (nº 172), D. Pedro de Meneses, discípulo de Cataldo, queixa-se dos tipos góticos do impressor, Valentim Fernandes da Morávia, por terem “um certo sabor germânico”. Pode pois dizer-se que o carácter compacto da mancha tipográfica das páginas do incunábulo, recheadas de abreviaturas, dificultaria a aproximação a estas cartas tão curiosas pela diversidade e tonalidade dos temas tratados. Fazer a fixação do texto e editá-lo de novo, acompanhado de tradução e de notas esclarecedoras, constitui por si só, sem sombra de dúvida, um notável serviço prestado às letras, e não apenas às letras portuguesas.

## ***Revisitar os Saberes. Referências clássicas na cultura portuguesa do Renascimento à época moderna.***

**Coordenação de Inês de Ornellas e Castro & Vanda Anastácio.  
Lisboa, Centro de Estudos Clássicos, 2010. 264 pp.**

Nos últimos tempos temos sido positivamente surpreendidos por publicações que, reunindo contributos científicos de vária procedência (quer do ponto de vista dos ramos dos saberes tratados, quer no domínio das instituições científicas participantes), mantêm viva a chama do interesse pela revisitação do passado clássico. É o caso do volume agora recensado, “dedicado à reflexão sobre a continuidade e a presença dos saberes da Antiguidade na Ciência posterior”, como se diz nas palavras de *Apresentação*. Realizando um percurso inverso do habitual, a ideia inicial foi, segundo as Coordenadoras, partir “da análise de casos concretos da cultura portuguesa entre o Renascimento e o Iluminismo, para chegar a pensar o modo como a ‘ciência da Antiguidade’ foi não só retomada, mas relida, reinterpretada, manipulada e, até, reinventada, à luz de prioridades e de ‘agendas culturais’ próprias do tempo e das sociedades que a invocaram (Descobrimentos, catequese e apostolado, legitimação de posições políticas, etc.)” (*ibidem*). A fim de dar conta da riqueza dos contributos constantes do volume, daremos deles, a seguir, uma breve sinopse.

O primeiro trabalho, da autoria de António Andrade, da Universidade de Aveiro, incide sobre “Ciência, Negócio e Religião: Amato Lusi-

tano em Antuérpia” e reavalia – à luz de dados recentes pesquisados em documentação coetânea existente nos Arquivos Municipais de Antuérpia e justamente editados, em neerlandês e em tradução, no Apêndice Documental que encerra o estudo – a diáspora da família Pires-Cohen, a que o médico português Amato (de nome João Rodrigues de Castelo Branco) pertencia. Profundo conhecedor da vida e da obra de Amato Lusitano, António Andrade revela neste seu estudo o rigor característico da sua investigação acurada.

Segue-se, da autoria de António Groen Duarte, investigador do Centro de Estudos Clássicos de Lisboa, a tradução (esclarecida por oportunas notas) de um texto latino de um outro médico português, cristão-novo perseguido, como Amato. Trata-se do *De Empericis*, de António Luís, um curioso opúsculo – feito de receitas úteis para a saúde, de informações avulsas colhidas em grandes autoridades como Aristóteles ou Galeno, de conselhos práticos ou da apresentação das virtudes de certas plantas – no qual se aliam espírito científico e superstição.

José Pedro Sousa Dias, da Faculdade de Farmácia da Universidade de Lisboa, apresenta um estudo de título bem sugestivo: “Até que as Luzes os separem. Hipócrates e Galeno na literatura médico-farmacêutica portuguesa dos séculos XVII e XVIII”.

Maria José Mendes e Sousa, investigadora do Centro de Estudos Clássicos, presta atenção à “Pervivência dos *Aforismos* de Hipócrates: A edição portuguesa de 1762”. A respeito desta obra hipocrática diz a A. que foi uma autêntica ‘Bíblia dos médicos’, sendo “texto de estudo em muitas universidades europeias até ao século XIX”. Como se diz na p. 92, “No Renascimento a imprensa contribuiu para incrementar a divulgação dos *Aforismos* em todas as línguas de cultura europeias.” A A. procede a uma análise da tradução saída em 1762, da autoria de Francisco Daniel Nogueira, e mostra como, traduzindo a partir da versão latina da obra, Francisco Nogueira andou bem perto do espírito da obra hipocrática, originalmente escrita em grego.

Uma obra como esta, dizem as Organizadoras na *Apresentação*, “interessará a todos aqueles que desejem conhecer melhor a História da Ciência em Portugal”. Mas o público a quem a obra possa interessar é bastante mais vasto. Nestes estudos revisitam-se textos literários, tratados médicos, textos de geometria, como veremos, mas também “papéis” da Restauração, como acontece no estudo “O *Banquete de Apolo*: Olha-

res cruzados sobre um Papel da Restauração”, da autoria das Orgs. do volume. *Banquete que Apolo hizo a los Embaxadores del Rey de Portugal Don Ivan Quarto. Em cuyos platos hallaron los señores combinados, mezclada com lo dulce de alguna poezia, y politica, la conservacion de la salud humana. Dedicado solamente al que le costare su dinero. Por el Licenciado Domingos Pereira Bracamonte* é o barroco título desta publicação saída em Lisboa, En la emprenta de Lourenço de Amberes, y a su costa. Año 1642. Em versão cómica, está aqui expresso o anti-castelhanismo e a correspondente exaltação da nação e dos valores portugueses, que em 1640 se tinham libertado do jugo espanhol. Consideram as AA. que os textos reunidos neste *Banquete de Apolo* são um sinal, entre tantos outros, da “politização da tipografia”, ocorrida na época. Mas aqui encontram-se igualmente muitos poemas em louvor dos alimentos e ainda um tratado de higiene alimentar, que tem a singularidade de ser “um dos primeiros textos autónomos sobre higiene alimentar escrito em língua vernácula no nosso país” (p. 122), pelo que alcançaria mais ampla divulgação do que os tratados anteriores, escritos em latim.

De Raquel Balola é o estudo “O Latim como língua franca da ciência moderna”, que suscita o problema da dificuldade de tradução de obras de carácter científico marcadas pelo tempo em que foram escritas. E cita o caso de certas traduções dos *Philosophiae Naturalis Principia Mathematica* de Isaac Newton.

“Vieira: Entre as ‘Academias das Ciências’ e a ‘Universidade do Mundo’” é o título de um estudo de Isabel Almeida, da Faculdade de Letras da Universidade de Lisboa, que equaciona as relações que Vieira estabelece, em função dos tempos e espaços da sua vivência, entre livros e natureza, ou, nas palavras do próprio, entre as ‘Academias das Ciências’ e a ‘Universidade do Mundo’. No seu desenvolvimento, o estudo prova cabalmente o que é dito nas palavras finais: “Biblioteca e natureza são, no século XVII, termos que se atraem, e é inegável que o discurso de Vieira sobre a natureza, traduzindo uma mundividência, assenta em muito sobre a lição dos livros.”

De Armando Senra Martins, da Universidade de Évora, é o estudo “De Aristóteles a Clávio: O saber científico na obra de António de Castel-Branco, S.I. (1556-1643)”. O A. analisa a “significativa produção científica deste autor jesuíta, que ensina na Universidade de Évora, dedicada essencialmente à filosofia e teologia”, e comenta de forma especial o

interesse desse autor em diversas matérias de natureza científica, visível, por exemplo, no seu comentário à Esfera de Sacrobosco.

“A *Scala Naturae* e a ética de Sêneca”, de J.A. Segurado Campos – o mais recente tradutor para português das *Epistulae ad Lucilium*, do filósofo cordovês –, revisita o interesse científico do *Filósofo* nas questões da natureza, visível justamente na obra *Naturales Quaestiones* e prossegue evocando (revisitando) as obras e autores que em Portugal revelaram ter algum conhecimento da referida obra de Sêneca, acentuando a consciência da correlação da ciência com a ética – aspecto este que modernamente se encontra no centro de acalorado debate.

Na área da linguística surge um contributo particularmente relevante para o conhecimento da terminologia científica portuguesa do século XVI: “A construção de uma linguagem técnica em romance: A tradução de Columela de Fernando Oliveira”, da responsabilidade de Ana Maria S. Tarrío, da Universidade de Lisboa. A A. mostra como, evitando cultismos hoje perfeitamente assimilados e neologismos decorrentes de uma espécie de relatinização da língua romance, Oliveira se revela defensor da vernaculidade – apesar do carácter eminentemente técnico da linguagem a traduzir – tendo em vista a essencial legibilidade da obra de Columela para o público a que se destinava.

“As *Variedades de Proteu*: Pretextos Clássicos na Ópera Cómica de António José da Silva e António Teixeira”, de Pedro Braga Falcão, da Universidade Católica Portuguesa. É objectivo deste estudo mostrar “a forma como o mito, tal como presente na versão de Vergílio [no conhecido livro IV das *Geórgicas*], vai sendo usado e ‘abusado’ para servir os interesses cómicos da peça” e como texto e música se interpenetram num todo orgânico.

“A melancolia do Fauno”, um breve ensaio de Luís M. G. Cerqueira, do Centro de Estudos Clássicos, que, partindo da versão ovidiana do mito da Siringe (*Met.* I, 679ss), e passando pelos *Emblemata* de Alciato, pela *Écloga dos faunos*, de Camões, e pela poesia “de um outro Fauno”, Mallarmé (em *L’après-midi d’un faune*), bem como pelo poema sinfónico de Claude Debussy sobre o poema do poeta simbolista francês, e, finalmente, pelo bailado de “um fauno radical”, Vaslav Nijinsky, que coreografou a música de Debussy, reflecte sobre o simbolismo da natureza lasciva de faunos e sátiros, a relação entre música, poesia e desejo e a complexidade da condição humana.

Bernardo Machado Mota, da Faculdade de Letras da Universidade de Lisboa, escreve sobre “A naturalística da Lua em Portugal nos séculos XVI e XVII”. Revisitando alguns dos textos clássicos mais emblemáticos sobre a matéria lunar, que sempre apaixonou os povos, e prestando particular atenção ao diálogo plutarquiano *Sobre a face visível da lua*, o autor analisa o pensamento dos conimbricenses, plasmado no *De Caelo*, passa às inovações de Kepler e Galileu, e, por fim, ao contributo de professores estrangeiros ou portugueses que em Portugal se dedicaram ao estudo da constituição física da lua.

Segue-se, no volume em apreço, uma incursão pelas matemáticas: “O problema délico no Colégio de Santo Antão: Um problema clássico de geometria e a notação algébrica da prova”. Estuda-se um texto de Inácio Stafford, jesuíta de origem inglesa e professor de matemática no Colégio de Santo Antão de Lisboa, entre 1630 e 1636, intitulado *Arithmetica practica geometrica logarithmica* [...]. Como se esclarece de início, o problema délico é também designado de “duplicação do cubo”, e chama-se délico porque, segundo a tradição lendária, um oráculo exigia aos habitantes da ilha de Delos que duplicassem o volume de um santuário sem, no entanto, alterar as suas proporções (vd. p. 235). Trata-se de um célebre problema clássico de geometria, que desde sempre desafiou os investigadores, também em Portugal, e conduziu ao aparecimento de soluções diversas, algumas em atitude de reverência para com os antigos, outras em clara atitude de inovação.

O volume em apreço, intitulado (lembre-se) *Revisitar os Saberes*, encerra com um texto da autoria de Aires A. Nascimento, assim designado: “No talhe e no trilho dos saberes universitários: Percursos de R. M. Rosado Fernandes”. Como se esclarece, trata-se de um texto escrito por ocasião da “apresentação da 2.<sup>a</sup> edição da tradução e do comentário ao *De Antiquitatibus Lusitaniae* de André de Resende.” Mais do que a apresentação da obra em causa, o texto é antes de mais um testemunho pessoal, pontuado de entrelinhas, que aprecia, com a distância que o tempo entretanto vai permitindo, como o Prof. Rosado Fernandes foi Reitor da Universidade de Lisboa “em tempos de tensão académica”, como abriu caminhos a novos saberes incentivando os outros (alunos, colegas) a trilhá-los, como andou pelas “Américas” e pela Europa, como foi deputado Europeu, como gostava de se reunir com amigos em apaixonadas tertúlias, como se dedicou ao estudo da obra-prima de

Resende, o *De Antiquitatibus Lusitaniae*. Percursos de vida, sem dúvida, do Prof. Rosado Fernandes, mas também retalhos da vida portuguesa e universitária (tantas vezes manchada pela inveja) dos tempos a propósito evocados pelo Professor Aires A. Nascimento.

Por último, agrada ver como neste volume, consagrado a tão diversos saberes e tão diversificadas abordagens da história da ciência em Portugal, está continuamente presente o cruzamento sempre profícuo entre ciências e humanidades. Qualquer dos contributos aqui reunidos demonstra como o progresso das ciências se fez sem voltar as costas ao passado, em grande parte recuperado e guindado a um patamar que permitiu abrir novas perspectivas. Em conclusão, e retomando palavras de Bernardo Machado Mota (p. 231): “Os autores modernos não parecem citar os clássicos; antes, parecem produzir uma acumulação de argumentos e operar uma selecção de teses num processo que acaba por incluir a antiguidade na construção da ciência moderna.”

Virgínia Soares Pereira



**Bombaci, N., *Partire la trascendenza. L'uomo nel pensiero di María Zambrano*, Studium, Roma, 2007, 246 pp.**

El libro del autor italiano Nunzio Bombaci, pone de manifiesto la difusión que está teniendo la vida y la obra de la filósofa María Zambrano en el resto de Europa. Con una breve y cuidada presentación, a modo de prólogo, a cargo del prof. Armando Savignano, se enuncian algunos de los factores que hacen del pensamiento de Zambrano, un saber que busca la autenticidad lejos de tecnicismos o academicismos que pudieran velar el significado de la denominada razón poética. Savignano, hace hincapié en el hecho de que la discípula más heterodoxa de Ortega, acuñara un nuevo modelo de racionalidad impregnada de un valor religioso o “pietas del pensiero” (p.7) que tiene a la poesía como camino y al exilio como tránsito.

La obra en cuestión, se divide en dos bloques temáticos, una primera parte, que va desde la etapa formativa de María Zambrano: infancia, influencias, maestros..., recibidas como una herencia, que se transformaría en un modo de trascendencia a través de la escritura -concretamente, desde la guía y la confesión- dos géneros rescatados del olvido y que podrían calificarse – en palabras de Zambrano- como *ensayos del ser*, que coadyuvan al sueño para detener al tiempo y volver al sentimiento originario. En una segunda parte, se relaciona al hombre con otra forma de autoconocimiento: la piedad; que junto a la escritura, gesta la historia sacrificial y revela la profundidad abismal de lo real, que conecta lo sagrado con lo divino, manifiesto en “l’ansia di vivere una vita pura senza historia” (p.25).

Ya en 2007, Nunzio Bombaci, realizaba una primera aproximación a la figura de María Zambrano, centrándose en el arte, concretamente, en algunos lugares de la pintura desde los cuales proyectar una mirada distintiva y ante todo, reveladora, por contener en ellos un trazo poético que sedimenta en el interior de la persona. Tanto en la presente publicación como en la precedente, hay un afán por unir el tiempo a la experiencia vital, que encarna un discurso antropológico. Una razón mediadora entre la acción y la contemplación, cuyo resultado termina por convertirse en confesión.

Detrás de conceptos como hombre o trascendencia, que ya se anuncian en el propio título de la publicación, se sugiere la idea del acontecimiento, o lo que es lo mismo, el discernimiento de lo que se denomina “signos de los tiempos” en el que la presencia humana queda afectada por el suceso en cuestión, por la atención que imprime todo aquello que es valioso. Detrás de los acontecimientos que surgen en la vida hay una dimensión que las relaciona por la profundidad, universalidad y fidelidad con que se imprimen en la memoria o “maestra interior”, que permite a pensadoras como Zambrano, viajar desde la experiencia propia, para acoger lo real en la actividad transfiguradora. En el libro, se percibe una clara influencia de autores como Mounier, Marcel o Ebner, que otorgan a las experiencias profundas una necesidad de comunicabilidad y de universalidad, por el carácter vinculante del acontecimiento mismo, que genera un nexo de unión por el que no pasa el tiempo, si no es para acrecentarlo.

La trascendencia es una transición del sueño al despertar que enfrenta al ‘yo’ con respecto a aquello que es más grande que nosotros mismos instando a “salir de sí”. Por eso, Zambrano, pertenece a esa categoría de personas en las que se encuadran tres tipologías: testigo, profeta y maestra, como meta alcanzable e ideal a conquistar. Por tanto, la razón poética es un sistema que sirve como iniciación al misterio y al don, aspectos susceptibles a la explicación y abiertos a la creencia (metasentido) del que, el arte, en su máxima expresión, aparece entre nosotros como una forma-sueño que pide ser convertida en obra mediante una fuerza operante o “razón del corazón” transcrita en el espacio de revelación del ser o la forma íntima de la vida humana, donde las cosas no son meras circunstancias.

Todas estas perspectivas se ofrecen en el libro, que abre sus expectativas hacia un horizonte auroral para que nazca la esperanza en la exis-

tencia como “sustancia última de nuestra vida, su último sueño” - según Ortega, y a la que Bombaci da una solución espiritual para superar el caos de un nihilismo sin tragedia. Pero lo realmente innovador del estudio en sí, es su forma de entender la idea de razón poética como razón mediadora, a través del personalismo y el pensamiento dialógico, superador de un raciovitalismo, que aspira a un “vivere che sia convivere” (p.102) lo cual proyecta al ser humano a vivir fuera de sí, ampliando sus límites y experiencias durante el tiempo de vigilia para aspirar a la vivencia de un tiempo múltiple y acceder a las sombras de la vida actuante, a través del subconsciente o “massima attività pensante” (p.109).

Bombaci explora las diversas vertientes de la realidad: la vida interior del hombre, la realidad exterior y el entorno vital, como recursos potencialmente poéticos, pero, ante todo, creativos al dar significado a un mundo lleno de sentido, que no atiende tanto a lo objetivo cuanto a lo ambital, pues a lo que aspira Zambrano es a recuperar la metafísica y con ella su mundo simbólico, porque no se trata de cambiar la realidad sino de verla bajo una nueva perspectiva. En este sentido, Bombaci se convierte en un guía que va mostrando, a lo largo del libro, las estancias que traspasa el ser para salir al encuentro con el alma – entendida como metafísica de la interioridad- que aspira a la salvación por el conocimiento (*nous*). En esta publicación, se nos muestra, cómo el reto de Zambrano es la reforma del entendimiento, con el propósito de que la relación hombre-razón no sea un ejercicio de dominación sino de conversión de lo real en verdadero.

El autor pone su mirada en la reconstrucción cultural y en la idea de Europa para ofrecernos su comprensión sobre esta última, pues en ella están las claves de lo numinoso, aquello que es capaz de reconstruir la experiencia anímica de lo sagrado y de explicar la constitución ontológica y axiológica del hombre contemporáneo. Si se tiene en cuenta la afirmación de Zambrano en *El hombre y lo divino*: “Toda cultura depende de la calidad de sus dioses”, una de las misiones de la filosofía debe ser, contemplar la cultura occidental, para descifrar su vínculo con lo sagrado, la impronta de la infinitud, cuya meta es un saber de salvación. A mi juicio, creo que este libro es fiel a ese compromiso.

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**Burguete, M. y Lam, L. (eds.), *Science matters: humanities as complex systems*, World Scientific, Singapur, 2009, 261 pp.**

Este libro constituye una obra colectiva, cuyo objetivo central es abordar las siempre controvertidas relaciones entre las Humanidades y, en cierta medida, también las CC. Sociales con lo que usualmente llamamos Ciencia, las CC. Naturales. Los autores se hacen eco de las habituales críticas que desde la Ciencia se vertieron sobre las Humanidades cuestionando su carácter científico: que tienen objetos de estudio muy distintos; que las Humanidades no tienen una experimentación controlada, que no pueden proponer nunca leyes o teorías científicas, que no tienen poder de predicción, que la publicación del resultado de sus investigaciones siempre se hace en obras de divulgación y no en foros científicos reconocidos o que carecen de una expresión matemática.

Sin embargo, los autores presentan una nueva perspectiva con respecto a las Humanidades y las CC. Sociales: *Science Matters*. Este es un nuevo concepto de Ciencia, marcado por una aproximación holística y unificada de la Naturaleza y de la Ciencia, que pretende fundamentar y establecer el carácter científico tanto de las CC. Sociales como de las Humanidades. En aras a alcanzar dicho objetivo, el libro está dividido en cuatro partes: una parte introductoria en la que se define el concepto de *Science Matters* y tres partes en las que se analizan diversas áreas de las Humanidades, como Arte y Cultura (Parte I); Filosofía e Historia de la Ciencia (Parte II) y Aumentando el nivel científico (Parte III).

En la parte introductoria, L. Lam presenta y desarrolla las líneas maestras del concepto de *Science Matters*. Así pues, la Ciencia, usualmente entendida como el estudio de la Naturaleza, deja al margen de los estudios científicos los sistemas humanos. Sin embargo, esta Ciencia maneja una interpretación muy restringida del concepto de Naturaleza que Lam rechaza. Él suscribe una interpretación fuertemente materialista de la Naturaleza, pues todo sistema generado por el ser humano o dependiente de él también forma parte de esta última. Por lo tanto, ya no existe una diferencia de objeto entre la Ciencia y las Humanidades sino que comparten el mismo objetivo, los sistemas materiales, pero con diferente grado de complejidad (los sistemas que analizan las Humanidades son sistemas complejos) y con un grado de dependencia diferente de los seres humanos (la Ciencia estudia sistemas humanamente independientes mientras que las Humanidades estudian sistemas dependientes del factor humano).

Por otra parte, Lam analiza la división entre CC. Naturales y CC. Sociales y Humanidades, no es una división entre ciencias, sino que es una división entre sus profesionales, es decir, los científicos y los humanistas. Esta división tuvo su origen con la *Nueva Ciencia* de Galileo, y se fue consolidando con el paso de los años y acentuando hasta nuestros días, con lo que se denomina las dos culturas, término acuñado por P. Snow. Tal y como se indica en el libro, los diversos sistemas educativos que se fueron sucediendo a lo largo de la historia contribuyeron a la formación de estas dos culturas, debido a la ausencia de un lenguaje común y de unos principios compartidos entre los estudiosos de ambas disciplinas. Por esta razón, resulta muy difícil encontrar un departamento interdisciplinar en cualquier universidad del mundo. Otro de los puntos que trata Lam en este primer capítulo es cómo superar el mencionado abismo. La clave está en la mejora de la comunicación entre ambas áreas de conocimiento, lo que exige poner de manifiesto esos principios comunes. En el capítulo 13 del libro, el propio L. Lam analiza la Historia Humana desde el punto de vista de la *Science Matter*, ejemplificando algunas de las propuestas de este primer capítulo.

La Historia no es más que la disciplina científica que estudia un período concreto del pasado del *Homo Sapiens*, el cual constituye un sistema material complejo con sus propias leyes. Es cierto que estas leyes están restringidas a un espacio y a un tiempo, lo que tampoco la dife-

rencia de cualquiera otra ciencia natural. Ahora bien, ¿que características tiene una ley histórica?, ¿cómo se descubren? En este punto Lam tampoco establece una diferencia substancial entre las CC. Naturales y las restantes, puesto que una ley histórica sólo existe si puede ser confirmada. Vemos como Lam se aproxima en este punto a la perspectiva general del Círculo de Viena (al igual que la defensa de una perspectiva unificada de la Ciencia pero sin ser fisicalista), donde el procedimiento de validación de las leyes científicas era ir sumando ejemplos a su favor, es decir, la verificación o la confirmabilidad (según sus sucesivas versiones). Esta visión contrasta con la propuesta del *falsacionismo* de K. Popper, hoy ampliamente aceptada, donde las teorías científicas no pueden ser ni verificadas ni confirmadas, sino únicamente, falsadas.

Con respecto al método de la Historia como *Science Matter*, Lam también apunta en este capítulo, algunas de sus principales características. En primer lugar, las matemáticas y el estudio matemático de los problemas no puede estar fuera del ámbito ni de las Humanidades ni de las CC. Sociales. Él recoge algunos ejemplos relativos a la historia de China donde descubre leyes matemáticamente expresables, como la gráfica de Zipf. Esta es la única herramienta que nos permitirá analizar adecuadamente la toma de datos empírica que exigen la rigurosidad del estudio científico. Por tanto, *Science Matters* es un concepto analizado con rigor, donde se señalan algunas posibles vías para la evolución de los estudios humanísticos y de Ciencias Sociales en aras a ser genuinamente reconocidos como ciencias. Se trata de un concepto debatible, con diversos puntos de discusión, que sin duda suscitarán debate.

N. Sanitt, en “The Trip of Science: Communication, Philosophy and Education” (capítulo 6), profundiza en un problema también ya apuntado por Lam en el primer capítulo: la fractura y el abismo existente entre filósofos y científicos, que no entre Ciencia y Filosofía. Este es un problema fundamentalmente de comunicación, donde los practicantes de ambas disciplinas no se escuchan mutuamente porque no comparten un lenguaje común. Además, esta fractura se prolonga también a la relación entre Ciencia y sociedad, lo que supone un impacto extremadamente negativo para ambos sectores. Sanitt considera que este abismo debe superarse incorporando la Filosofía a la Ciencia, pues permitiría no sólo introducir una dimensión ética a la Ciencia sino también mejorar la comunicación y romper la división con la sociedad. Además, es

inherente a la Filosofía la actitud crítica para con los prejuicios existentes así como un estímulo para abrir nuevas fronteras en la motivación y guía de la investigación.

A pesar de todas las diferencias que se han relatado anteriormente, los humanistas y los científicos están destinados a encontrarse en las inferencias existentes derivadas de sus campos de trabajo, es decir, en su aplicación práctica. Por ejemplo, la neuroteología – a la que hace referencia Alfredo Dinis en el capítulo 4- como una disciplina que estudia la base neuronal de la espiritualidad y que, según el propio autor, se desarrolla conforme a las recientes investigaciones en neurofisiología, como respuesta a preguntas tan ancestrales como el origen de nuestro mundo, su fin último o el porqué de la existencia de la especie humana, que derivan de una necesidad de trascendencia dependiente de conceptos como el mito o el rito. Experiencias biológicas, que estimulan las capacidades cognitivas convertidas en acciones humanas. Algunos de sus defensores son Laurence O. McKinney o Andrew B. Newberg y heterodoxos teólogos como Eugen Drewermann. Otros ejemplos serían, la química computacional, de la que habla María Burguete, y que emplea resultados de la química teórica para incorporar programas de ordenador eficientes o la fisonomía, que según Brigitte Hope (capítulo 3), tiene una especial aplicación tanto en la Ciencia como en el Arte.

Las CC. Sociales también tienen capacidad predictiva de hechos nuevos: mediante la descripción de fenómenos, contrastación empírica, etc. Porque el progreso de las CC. Humanas no sólo es empírico o heurístico, también es teórico-conceptual aunque siempre se ponga el acento en lo empírico y no se advierta la capacidad de anticipar teóricamente hechos nuevos que acuñan nuevas terminologías como *Popsci* y *Sci-comm* citadas por Lam y que se conectan al diálogo Ciencia-sociedad, en un momento en el que crecen el número de estudios especializados, que a su vez hacen necesaria una divulgación de conocimientos básicos que permitan llegar a una inmediata aplicación en el ámbito educativo.

Paul Caro (capítulo 2), ya anunciaba en una conferencia pronunciada en Lisboa en 2007, que el papel de la Ciencia y la Tecnología son apreciados por la sociedad en un contexto democrático y se convierten en esenciales cuando el conocimiento se basa en la economía sin tener en cuenta los problemas sociales y éticos derivados de una globalización que administra su propia cultura “englobante” sin tener en cuenta la



desnaturalización de la misma fuera de su contexto: los estímulos del entorno, la forma de pensar el mundo, etc.

El problema Ciencia- Humanidades se reduce a un tipo de cosmovisión holística vs. analítica. Algunas de estas diferencias se reflejan en el lenguaje o en la conciencia del individuo. La cultura (lat. *colere*: cultivo) analítica focaliza los rasgos individuales frente a la observación del contexto y de las relaciones (comunicabilidad) que genera un legado capaz de moldear nuestra actividad cerebral y nuestros juicios de valor. Otro detalle digno de mencionar es que la Ciencia se especializa conforme a las necesidades del entorno. No es un ente aislado ni puede prescindir de los agentes sociales. Bing Liu y Da-Guang Li (capítulos 8 y 9) se refieren a lo que podría denominarse “folk knowledge” que los filósofos post-Popper entendieron como producción de ideas científicas rodeadas de idiosincrasia psicológica culturalmente variable, bajo un contexto de justificación, transformando una ideología en conocimiento. Esta sensibilidad pluralista de la naturaleza científica deriva de las teorías kuhnianas. La Ciencia, en este sentido, no está conceptualmente ni metodológicamente, unificada. Sus identidades conceptuales proceden de resultados y costumbres derivadas de una tradición mantenida y transmitida para abrir un camino hacia nuevas posibilidades.

Reconocer estos problemas en la práctica científica y humanística, permite clarificar la estructura de la teorías económicas y las relaciones entre ellas. Michael Sherner (capítulo 11) y Tao Zhou, Xiao Pu Han y Bing Hong Wang (capítulo 12) dan buena cuenta de ello. Ward ya sostenía que la economía neoclásica cumplía todos los requisitos de una Ciencia normal en desarrollo. Para Kuhn era la única CC. Social con paradigma dominante. Sin embargo, para otros estudiosos no alcanza nivel científico, si se atiende a su evolución, en la que persisten teorías superadas de forma recurrente.

Sólo una auténtica interacción entre epistemología, metodología y axiología permitirían que la racionalidad científica ganara en coherencia y que a su vez entraran en juego consideraciones relacionadas con los fines y no meramente instrumentales. Por tanto, este libro propone un nuevo desarrollo y una renovación de los estudios sociales de la Ciencia, lo que implica una pluralidad de enfoque, un modelo alternativo que permita una colaboración más estrecha entre los profesionales que integran la comunidad científica, liberando al pensamiento de prejui-

cios o rutinas preestablecidas que puedan hacer de nuestra Ciencia, un modelo de razón fronteriza.

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**Carlos Moulines (2006) *La philosophie des sciences. L'invention d'une discipline (fin XIX<sup>e</sup>-début XXI<sup>e</sup> siècle)*. Paris : Rue d'Ulm-Presses de l'École Normale Supérieure. xii+171 pp.**

O A. desta obra, de origem venezuelana, é uma das figuras mais destacadas da chamada corrente estruturalista em Filosofia da Ciência, que se desenvolveu entre meados da década de 1970 e o final da década de 1980. Este seu mais recente ensaio, lê-se no respectivo “Avant-propos” (vii-xii), resultou da série de conferências proferidas no âmbito da cátedra Blaise Pascal da École Normale Supérieure em Paris, no decurso do ano académico de 2003-4 e nele o A. procurou fornecer-nos «(...) une vision d'ensemble du développement de la philosophie des sciences, depuis ses débuts institutionnels jusqu'à nos jours.» (vii) ou, mais especificamente, uma reconstrução histórica(-temática) panorâmica da Filosofia das Ciências (empíricas) – o plural constitui uma idiossincrasia francesa, como ele no-lo lembra – desde a sua institucionalização disciplinar no final do século XIX – o privilegiar deste critério externo para estabelecer o seu momento fundacional, deveu-se à aparente inexistência, segundo o A., de um consenso interno sobre os respectivos conteúdos e métodos fundamentais (*ibid.*) – até às últimas tendências nela manifestadas nos primeiros anos do século XXI.

No capítulo 1 (1-8) Moulines sugere que a história da disciplina foi preludiada por um longo passado, no qual inclui uma sua “pré-história” – que remonta a Aristóteles e foi até aos Enciclopedistas, passando por

Bacon, Descartes, Newton e Hume – e uma “proto-história” – que se iniciou com Kant e evoluiu, sobretudo, com Comte e Mill. Na parte final do mesmo, propõe uma divisão da história da Filosofia da Ciência em cinco grandes fases – (a) fase de germinação (1890-1918), (b) fase de eclosão (1918-1935), (c) fase clássica (1935-~1970), (d) fase historicista (1960-~1985) e (e) fase modelística (1970 em diante) – que aborda, nos seus traços essenciais, uma a uma, nos cinco capítulos restantes do texto.

O capítulo 2 (9-20) é consagrado ao passar em revista de três dos mais influentes posicionamentos epistemológicos sobre a ciência – devedores, ainda que em distintos graus, do pensamento de Kant – na viragem do século dezanove para o século vinte: o empiriocriticismo de Mach, o convencionalismo de Poincaré e o instrumentalismo de Duhem. Em relação ao primeiro, destacou o A. o seu projecto de refundação das ciências empíricas por intermédio da atribuição às mesmas de uma comum base fenomenal e da introdução de uma análise das sensações correlatas. A respeito do segundo, salientou os seus contributos reflexivos para a discussão do estatuto das leis científicas, nomeadamente a sua reivindicação do seu carácter inapelavelmente convencional. No que concerne ao último, não deixando de recordar o monumental trabalho que realizou no domínio da História das Ciências, deu relevo às que considerou terem sido as suas propostas filosóficas mais marcantes: a afirmação da natureza essencialmente instrumental – ferramentas úteis –, por um lado, e holística – de não funcionarem isoladamente –, por outro lado, das teorias científicas, em especial das do domínio da Física.

O capítulo 3 (21-39) é iniciado por uma curta secção onde o A. apresenta, em *survol*, a evolução da epistemologia em língua francesa – em seu entender, «(...) une exception trop importante pour être passée sous silence (...)» (21) – particularmente os trabalhos de Bachelard nas décadas de 1910-30, de Canguilhem e Koyré nas décadas seguintes e de Foucault a partir da década de 1960, que contribuíram para a elaboração de uma “história filosófica das ciências” mais do que para uma “filosofia historicista das mesmas” (25), razão, entre outras, porque se manteve afastada da linha dominante anglo-austro-americana da disciplina (22). Segue-lhe uma caracterização mais extensa da doutrina do Positivismo Lógico desenvolvida pelo *Wiener Kreis* – especialmente por Moritz Schlick, seu fundador e pelas suas outras três figuras mais destacadas, Rudolf Carnap, Otto Neurath e Hans Hahn, os três autores

e signatários do apelidado manifesto *Wissenschaftliche Weltauffassung* (1929) condensador das linhas fundamentais do ideário do grupo – que até aproximadamente até finais dos anos 1930 não só deu os passos decisivos para a dita institucionalização da disciplina, como a dominou plenamente, onde o A. coloca em relevo a sua descontinuidade com a filosofia (neo)kantiana, a respectiva adopção de uma postura existencial vincadamente anti-metafísica, do uso sistemático de métodos formais, lógico-matemáticos, na análise das teorias científicas, consagração da distinção entre enunciados analíticos e sintéticos, estabelecimento do verificacionismo como critério regulador do saber genuíno e debuxar de um projecto de unificação das ciências subordinado a uma estratégia de reducionismo conceptual (fenomenalista, fisicalista). Termina com breves referências ao operacionalismo de Bridgman e às causas sociais e geográficas da entrada em crise do Positivismo Lógico, mormente a diáspora provocada pelo dealbar da Segunda Guerra Mundial da maior parte dos seus membros.

Em prosseguimento do anterior, o quarto capítulo (41-77) centra-se no que o A. entende terem sido os dois principais motivos que conduziram à paulatina falência doutrinal do Positivismo Lógico, a saber: por um lado, o aparecimento de promissores programas epistemológicos alternativos àquele, em particular o falsificacionismo popperiano e o indutivismo carnapiano e, por outro lado, o acumular de contundentes críticas, oriundas de destacados representantes desse movimento, mas, sobretudo, de outras figuras, que lhe permaneciam externas, em ascensão no firmamento filosófico, em particular Quine, às teses centrais da sua propugnada concepção sobre a ciência, designadamente à diferenciação entre os níveis conceptuais teórico e observacional, à distinção entre enunciados analíticos e sintéticos, ao enfoque fortemente instrumentalista da explicação científica e, por último, à visão das leis científicas como codificação estrita de regularidades empíricas.

Para o quinto capítulo (79-106) reservou o A. a abordagem da “revolta historicista”, isto é da irrupção de «(...) la volonté de rendre compte de l'histoire réelle des sciences, c'est-à-dire de construire des modèles du changement scientifique adéquats aux sciences telles qu'elles se sont développées effectivement a cours de leur histoire (...)» (80) ou, mais brevemente, da passagem a primeiro plano na Filosofia da Ciência de uma perspectiva diacrónica e concomitante apagamento da

orientação sincrónica anteriormente nela preponderante. Não se esquecendo de fazer alusão a Hanson e Toulmin como precursores desse novo modo de encarar a actividade científica, Moulines passa em revista, um após outro, os contributos a ele dados pelos seus maiores representantes, Kuhn, seu principal impulsionador, Feyerabend, Lakatos e Laudan, salientando a transformação por eles encetada nos Estudos Metacientíficos com a introdução, em contraponto ao teorocentrismo – focalização quase exclusiva na análise da estrutura das teorias científicas e nos procedimentos para a sua reconstrução formal – das fases anteriores, de macro-entidades epistémicas (trans-teóricas), paradigmas (ou matrizes disciplinares), teorias globais, programas de investigação científica e tradições de investigação, respectivamente. Na segunda e mais breve parte do capítulo o A. trata o que rotula de “relativismo sócio-epistémico” – um posicionamento mais frequentemente designado de “constructivismo social” ou simplesmente “constructivismo”, como ele próprio faz notar (101) – que constitui uma forma particular do relativismo contemporâneo distinguindo-se «(...) en ce qu’il ne prône pas une relativité des notions épistémiques par rapport à des individus, mais par rapport à des sujets collectifs (cultures, communautés, groupes sociaux).» (*ibid.*), explorado, em especial, pelos sociólogos Bruno Latour, Karin Knorr-Cetina e os dois membros mais reputados da Escola de Edimburgo e do seu *Strong Program*, Barry Barnes e David Bloor, assim como pela filósofa britânica Mary Hesse.

No derradeiro e mais extenso capítulo (107-54) Moulines examina aquelas que foram, em seu entender, as principais propostas surgidas nas últimas três décadas do século XX no âmbito da disciplina e que mais têm contribuído para a sua renovação e desenvolvimento, congregando-as não sob um conjunto de características comuns, que não se lhes detecta, mas sob uma série de traços de aparentamento – o que Wittgenstein designou como “ar de família –, particularmente os seguintes: (a) manifestação de profunda desconfiança ou mesmo aversão em relação ao uso de métodos formais estritamente sintácticos na análise conceptual e reconstrução de teorias científicas, recorrendo, em alternativa, a instrumentos desse tipo supostamente mais robustos, como a teoria dos conjuntos, a teoria dos modelos, a topologia ou as lógicas modais; (b) rejeição da sacrossanta concepção enunciativa das teorias científicas em prol de uma concepção modelo-teorética das mesmas;

(c) preponderância de uma atitude antirealista face às unidades básicas de estruturação do conhecimento científico, teorias e modelos; (d) atenção diligente e enfática ao domínio de actividades práticas da ciência que serve de esteio, influencia e, em boa medida, determina aquele seu outro domínio constituído por tarefas de teorização; (e) preferência manifesta, no plano metodológico, pelo recurso aos estudos de caso de teorias científicas concretas; (f) adopção de um prisma claramente pluralista tanto a nível metodológico como epistemológico e ontológico. Segundo o A., esse conjunto de traços de assemelhamento serve para recobrir as seguintes seis maiores inovações doutrinárias da “nébuleuse modélistique” (109) – tal adjectivação, que também está presente na epígrafe do capítulo, sendo controversa, exprime, julgo, não apenas a convicção do filósofo da ciência venezuelano de que o aspecto mais notável e relevante na recente transformação da disciplina, tem vindo a ser o da substituição progressiva da noção de “teoria” pela de “modelo” ou, se se preferir, dos processos de teorização pelos de modelação, na descrição da formação e organização do saber científico e no modo como este representa o mundo, mas também a sua simpatia por tal mudança, para a qual, aliás, tem activamente contribuído – no período considerado: (1) a abordagem conjuntista (*set-theoretical view*) da Escola de Stanford, liderada por Patrick Suppes, mas incluindo contributos decisivos de Ernest Adams, que, como a própria denominação sugere, «(...) [a] appliqué systématiquement les concepts et les principes de la théorie des ensembles à la reconstruction et à l'analyse des théories des sciences empiriques.» (110); (2) o representacionalismo, ainda associado a Suppes e seus colaboradores, cuja ideia fulcral «(...) consiste à concevoir la connaissance scientifique comme la recherche de rapports fonctionnels (...) entre des structures différentes.» (118), que manteve um fecundo inquérito particular sobre a natureza da medição científica, paralelamente intentado por outros autores, em especial pelo físico alemão Günther Ludwig, cujos resultados, reconhece o A., são pouco conhecidos fora do meio académico germânico; (3) As concepções semanticistas de Bas van Fraassen, Frederick Suppe e Ronald Giere, marcadas pela «(...) prédominance absolue d'une vision sémantique au détriment des analyses syntactiques (...)» (123) na análise das teorias científicas; (4) o estruturalismo meta-teórico – assim prefere o A. apelidar a corrente estruturalista em Filosofia da Ciência – que, após ter sido fundado por

Joseph Sneed e Wolfgang Stegmüller, adquiriu a sua forma madura nas décadas de 1970-80, como assinalei no início desta recensão, com trabalhos desenvolvidos pelo primeiro, por Wolfgang Balzer e pelo próprio Ulises Moulines culminados na sua obra conjunta *An Architectonic for Science* (1987), demonstrativa de que «(...) la manière la plus convenable d'interpréter "l'essence" d'une théorie scientifique ne consiste pas à recourir à un ensemble de propositions, mais à un assemblage de types différents de *structures complexes*, elles-mêmes composées de structures plus simples [modelos potenciais, actuais e potenciais parciais, condicionantes teóricas e não teóricas, conexões inter-teóricas e estrutura de aproximação empírica determinada por uma uniformidade de tipo topológico].» (137); (5) o pluralismo modelístico da filósofa norte-americana Nancy Cartwright que, no fundamental, sustenta não só que as teorias desempenham um papel secundário por comparação com os modelos, mas também que estes «(...) sont des constructions faites, surtout, pour prendre compte des expériences concrètes (généralement) de laboratoires, parfois même indépendamment de toute théorie reconnue.» (145); (6) as novas concepções da natureza da explicação científica, com saliência para as abordagens pragmática de van Fraassen, causal de Wesley Salmon, e unificacionista de Michael Friedman e Paul Kitcher, todas elas alternativas ao modelo para a mesma, considerado clássico, proposto por Carl Hempel.

A fechar o ensaio – antes da bibliografia (157-63) e dos índices onomástico (165-8) e nocional (169-71) –, “En guise de conclusion”, Moulines deixa-nos uma reflexão, em duas breves páginas, sobre o insondável amanhã da Filosofia da Ciência, embraiada pela questão “Quel avenir pour la philosophie des sciences?” (155) conjecturando que ela tanto pode eclipsar-se, como sofrer uma nova transformação profunda – na senda das já ocorridas com a renovação formalista introduzida pelo Positivismo Lógico na década de 1920 e com viragem historicista originada por Kuhn na década de 1960 – ou, é a sua aposta, subsistir enquanto a reflexão filosófica perdurar, uma vez que, como conclui «(...) il serait bien étonnant que disparaisse le type de philosophe qui s'occupe d'analyser en philosophe ce produit intellectuel assez particulier que représente la connaissance scientifique.» (156).

Enfim, trata-se de uma obra que não tem como principais destinatários especialistas, mas todos aqueles que, independentemente da



sua área de formação básica, pretendam receber uma introdução concisa, clara e rigorosa aos conceitos, temas e problemas fundamentais da Filosofia da Ciência. Ainda não vertido para o nosso vernáculo, será por certo, quando o estiver, mais um útil manual de iniciação à disciplina ao serviço dos nossos estudantes. Por último, e porque tudo pode sempre ser melhorado, penso que o capítulo conclusivo do ensaio muito beneficiaria da inclusão de secções que dessem conta dos trabalhos complementares de vários autores que têm vindo a estudar com detalhe e perspicácia, no último terço de século, múltiplos aspectos da práxis científica – talvez a mais vigorosa linha de renovação actual da disciplina –, para além dos de Nancy Cartwright e Ronald Giere, ambos tratados pelo A., especialmente os desenvolvidos pelos filósofos Ian Hacking e Rom Harré e pelos historiadores da Física de altas energias Peter Galison e Allan Franklin ou, preferencialmente, agregá-los numa secção com o rótulo “Neo-experimentalismo” justificável por todos eles terem realizado reflexões convergentes numa renovação do “Vetero-experimentalismo” ou experimentalismo baconiano.

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João Ribeiro Mendes