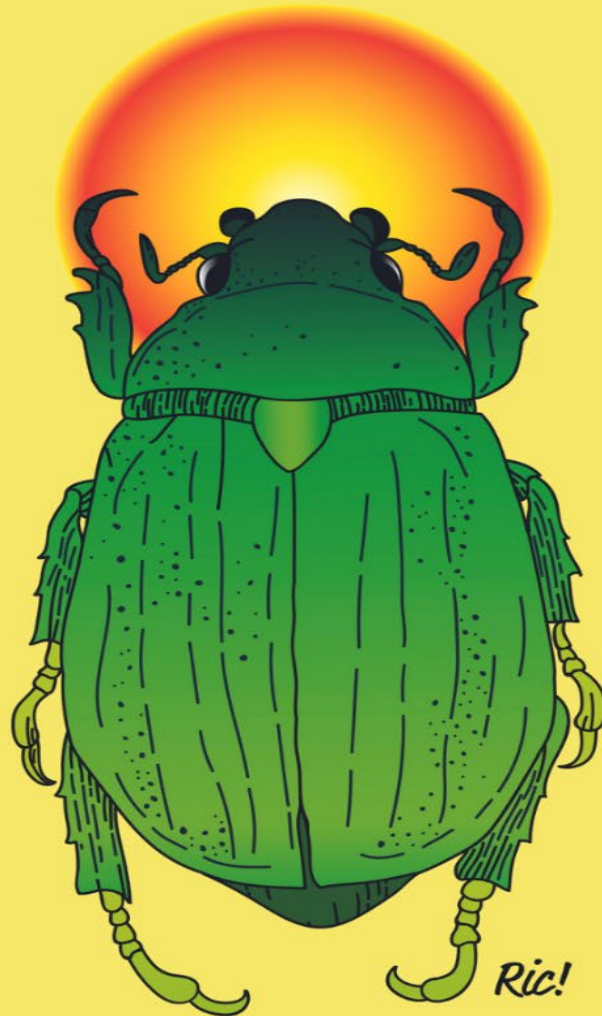


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Presentación

Nos complace presentar a la comunidad académica nacional e internacional el segundo número de *Analítica* (octubre 2022-septiembre 2023), medio a través del cual la Universidad de Panamá promueve y contribuye con la difusión del pensamiento filosófico. *Analítica* tiene como objetivo fundamental la publicación de investigaciones realizadas en el campo de la filosofía por académicos nacionales e internacionales. Para este segundo número contamos con la colaboración de docentes y de jóvenes doctorandos de reconocidos centros académicos, y -desde luego- de profesores vinculados al Departamento de Filosofía de nuestra universidad.

El hecho de que la mayoría de los artículos provengan de investigadores extranjeros es un indicador de que *Analítica*, pese a su corta trayectoria, se está convirtiendo en un referente para la difusión de la filosofía, lo cual es saludable para los objetivos inicialmente planteados.

En este número, los artículos que se ofrecen están relacionados con la dimensión práctica de la filosofía, es decir, con la dimensión ética-política de la existencia humana y que tantos problemas plantea al mundo de hoy. En ese sentido, los problemas que se tratan -aunque expresión de contextos y situaciones particulares- no renuncian al rasgo de universalidad de la filosofía; y este es un aspecto fundamental e irrenunciable para *Analítica*. Desde luego, el lector también encontrará textos sugerentes en los que sus autores tratan con propiedad cuestiones teóricas de la filosofía.

Como sea, el segundo número de Analítica ofrece una mirada a problemas de la filosofía que se mueve literalmente en diferentes coordenadas académicas con contribuciones de estudiosos procedentes de Brasil, España, Serbia, Estados Unidos, Italia y Panamá.

En *Immigration and Collective Property*, **Stephen Kershnar**, profesor del Department of Philosophy, State University of New York at Fredonia, USA, aborda desde la perspectiva de la filosofía política el embarazoso problema de si los inmigrantes tienen derecho a emigrar a Estados Unidos, indicando que ello parece entrar en conflicto con los derechos de propiedad del gobierno o de los ciudadanos. En particular, el autor evalúa los argumentos de Michael Huemer quien, a juicio de Kershnar, ha dado uno de los argumentos más interesantes y provocativos sobre la inmigración en años, reivindicando ese derecho. Aunque, según Kershnar, para que los inmigrantes obtengan el derecho a entrar, Huemer debe pensar que los terratenientes han perdido sus derechos sobre sus tierras, los derechos de los terratenientes están anulados o los derechos de los terratenientes están socavados. Sin embargo, reitera Kershnar, Huemer no muestra que ninguna de dichas opciones sea cierta, por lo cual difícilmente podría reivindicarse ese derecho. Se trata de un artículo provocador que lleva a pensar sobre el alcance de los derechos de los migrantes, no solo en Estados Unidos, sino en cualquier parte del mundo.

Por su parte, **Ruling Barragán**, docente del Departamento de Filosofía de la Universidad de Panamá aborda en *The concept of ius gentium in Suárez's De legibus* el tratamiento que del concepto *ius gentium* hace el pensador español Francisco Suárez. En dicha obra -destaca Barragán- Suárez analiza y critica ideas previas sobre el *ius*

gentium llegando a un examen más completo del concepto. De hecho, Suárez concluye con una nueva concepción del *ius gentium* que es compatible con la concepción moderna del derecho internacional y no es deducible del derecho natural por sí mismo.

En el artículo *Political knowledge and public virtues*, **Denis Coitinho**, professor de filosofía en la Universidade do Vale do Rio dos Sinos, Brasil, reflexiona sobre el alcance del saber político como contrapunto al argumento epistocrático defendido por Jason Brennan en la obra *Against Democracy*, y argumenta -contrario a Brennan- que no hay una razón concluyente para defender la restricción de la participación pública en la vida política.

La doctoranda en filosofía por la Universidad de Málaga, **Natalia Tomashpolskaia**, en *The genesis of Sprachkritik and formation of a philosophy of language in Austro-Hungarian philosophy: its influence on Ludwig Wittgenstein's thought*, examina las características especiales de la atmósfera intelectual en la Viena de la época Habsburgo, que llevaron a la formación de una dirección en el pensamiento filosófico como la crítica del lenguaje (*Sprachkritik*) y la influencia de sus representantes como Karl Kraus y Fritz Mauthner, sobre las opiniones posteriores de Ludwig Wittgenstein sobre el lenguaje. En dicho artículo sostiene Tomashpolskaia que *Sprachkritik* estaba inextricablemente conectado con *Sprachkrise* (crisis del lenguaje), fenómeno fuertemente austriaco debido a razones socioculturales-políticas especiales y que llevó a considerar el fenómeno mismo del lenguaje desde un nuevo punto de vista. Afirma la autora que Wittgenstein, siendo un 'producto' de la Viena de los Habsburgo, estuvo fuertemente influenciado por la atmósfera intelectual de la crítica del lenguaje que reinaba en ella.

Por otra parte, **Sanja Ivic** del Institute for European Studies, Belgrade, en *The Role of Imagination in Understanding Historical Past* aborda la importancia de la hermenéutica de Paul Ricoeur para interpretar y comprender textos históricos, destacando algunos elementos fundamentales para la comprensión del pasado, v.g., que las narrativas históricas pueden compararse con los conceptos no referenciales de las narrativas ficticias. Los conceptos no referenciales en las narrativas históricas y ficticias requieren imaginación y comprensión narrativa.

A su vez, en *In Défense of Critical Ethnophilosophy: Towards a Pragmatic Constructivism*, **Eskendir Sintayehu Kassaye**, estudiante de doctorado en Sant 'Anna School of Advanced Studies, Pisa, Italia, trata el problema del realismo metodológico y el constructivismo en la filosofía africana y defiende la idea de la etnofilosofía crítica, argumentando que la defensa de los contextos locales no debería correr el riesgo de adoptar valores e ideas culturales que están fuera de sintonía con el resto del mundo.

En *La representación como fundamento de la servidumbre política* el profesor de filosofía de la Universidad de Panamá, **Rommel Rodríguez Cepeda** reflexiona sobre la democracia representativa entendiendo ésta como un principio cardinal en la política moderna y contemporánea; sin embargo, advierte que desde el punto de vista histórico y de los problemas prácticos este principio puede estar relacionado con la servidumbre política, pues obliga a los representados a otorgar sus facultades políticas a los representantes, constituyendo una división jerárquica de dominantes y dominados. Se trata, en última instancia, de superar la limitante que supone la representación como precondition para una auténtica libertad.

En *A succinct positing of Parmenidean being over the ontology of the Timaeus*, **Rocco A. Astore**, St. John's University NY, USA, aborda el problema del Ser poniendo en perspectiva la concepción parmenídea y la platónica expuesta en la obra Timeo.

Con este segundo número, *Analítica* se consolida en el camino trazado desde el primer número: convertirse en oasis para la reflexión filosófica en un contexto urgido de pensamiento en el más elevado sentido del término.

Francisco Díaz Montilla, PhD

Editor jefe

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**IMMIGRATION AND COLLECTIVE
PROPERTY
INMIGRACIÓN Y PROPIEDAD
COLECTIVA**

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Abstract

The notion that immigrants have a right to immigrate to the U.S. appears to conflict with the government or citizens' property rights. Michael Huemer has given one of the most interesting and provocative arguments on immigration in years. It turns the dominant view on its head. Unfortunately, the argument fails. U.S. citizens own land, individually, collectively, and via their government. For immigrants to gain a right to enter it, Huemer must think that the landowners have lost their rights to their land, the landowners' rights are overridden, or the landowners' rights are undermined. He does not show that any of these are true. A separate issue and one not discussed here is whether it is a wise policy to reduce or end immigration to the United States.

Keywords: Immigration, Rights, Property, Collective Property, consent.

Resumen

La idea de que los inmigrantes tienen derecho a inmigrar a los EE. UU. parece entrar en conflicto con los derechos de propiedad del gobierno o de los ciudadanos. Michael Huemer ha dado uno de los argumentos más interesantes y provocativos sobre la inmigración en años. Da la vuelta al punto de vista dominante. Desafortunadamente, el argumento falla. Los ciudadanos estadounidenses son dueños de tierras, de forma individual, colectiva y a través de su gobierno. Para que los inmigrantes obtengan el derecho a entrar, Huemer debe pensar que los terratenientes han perdido sus derechos sobre sus tierras, los derechos de los terratenientes están anulados o los derechos de los terratenientes están socavados. Él no muestra que ninguno de estos sea cierto. Un tema aparte y que no se discute

aquí es si es una política sabia reducir o acabar con la inmigración a los Estados Unidos.

Palabras clave: Inmigración, derechos, propiedad, propiedad colectiva, consentimiento.

Introduction

Libertarianism and other free-market philosophies are often thought to be committed to a pro-immigration policy on the basis that there should be an unhindered flow of people just as there should be an unhindered flow of goods, ideas, and so on. The problem is that if some of a nation's property and resources are jointly owned, then it seems that owners, acting jointly, may exclude people in the same way that a married couple who own their house jointly may exclude people from it.

A rival approach might focus on the interests of potential immigrants and how these might justify a right to immigrate. These interests might, on some accounts, even lead to a right to immigrate to the United States. A similarly motivated idea can be seen in the Universal Declaration of Human Rights. It recognizes a right to asylum. Specifically, Article 14 states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution." Note this raises much the same issue to the extent that it implies that one person has a right to enter another country despite not previously having been a citizen there or getting the consent of the member state to enter. Given that the moral justification for the declaration is not the agreement of member states, but rather the "inherent dignity and equal and inalienable rights of all members of the human family," this suggests that people have a right to asylum. A similar argument could be made with regard to immigration. In this paper, I look at this approach. This paper focuses on an argument by Michael Huemer because it is the best-developed account of this view.

The argument in this article matters in part because it shows that Michael Huemer's argument fails. His argument is very influential. More importantly, it shows there is no successful right-based argument for open borders. Nor is there a right-

Analítica (2), oct. 2022- sept. 2023, ISSN-L 2805-1815 Stephen Kershner

based argument for a moral right to immigrate. This is true even if some potential immigrants are in desperate shape. Because of their trumping function, rights are the most important features of non-consequentialist morality. As a result, there likely is no all-things-considered non-consequentialist case for open borders or a right to immigrate. This is a big deal.

Huemer's Argument

In "Is There a Right to Immigrate?" Michael Huemer argues that ordinary, non-criminal individuals have a right to immigrate to the United States.¹ His argument is powerful, interesting, and new. In this article, I argue that it fails.

His argument has two parts. First, he argues that individuals have a *prima facie* right to immigrate. This rests on the notion that individuals have a *prima facie* right to be free from harmful coercion and the claim that immigration restrictions are harmful and coercive. Here is his scenario illustrating these claims.

Marvin is in desperate need of food. Perhaps someone has stolen his food, or perhaps a natural disaster destroyed his crops; whatever the reason, Marvin is in danger of starvation. Fortunately, he has a plan to remedy the problem: he will walk to the local marketplace, where he will buy bread. Assume that in the absence of outside interference, this plan would succeed: the marketplace is open, and there are people there who are willing to trade food to Marvin in exchange for something he has. Another individual, Sam, is aware of all this and is watching Marvin. For some reason, Sam decides to detain

¹ See Huemer (2010).

Marvin on his way to the marketplace, forcibly preventing him from reaching it. As a result, Marvin returns home empty-handed, where he dies of starvation.²

Second, he argues that the prima facie right to immigrate is not overridden. In particular, he argues, he argues it is not overridden because of the fiscal burden of providing social services to immigrants, the state's special obligations to its citizens in general, the state's special obligation to its poorest citizens, and the threat immigrants pose to the nation's culture. Therefore, Huemer concludes, that immigration restrictions are wrongful rights violations.

Huemer faces an argument against his thesis by Stephen Kershnar and Christopher Heath Wellman. They argue against a right to immigration based on an analogy between citizenship and membership in other sorts of organizations.³ The argument is that a nation-state is similar to a private club in that it may, at its discretion, exclude unwanted members even if it does not have good reasons for doing so. Here is Huemer's analogy.

In general, a private club may choose to exclude those whom it does not want as members, even if the club has no very strong reason for not wanting them. Suppose Sam, Betty, and Mike form a private club to discuss philosophy on the weekends. Marvin asks to join. For no particular reason, Sam, Betty, and Mike decide that they don't feel like having Marvin around, so they refuse. Though their behavior is unfriendly, the club members are

² See Huemer (2010).

³ See Kershnar (2010), Wellman (2008).

within their rights. Marvin may attempt to persuade them to change their minds, but he cannot complain of an injustice or rights violation if he is not invited to the gatherings.⁴

Huemer makes two objections.⁵ First, private clubs and nations are not analogous for three reasons. Everyone is compelled to be a citizen of at least one country, but this is not true of private clubs. In addition, states provide extremely important services, but some states are much better than others, such that individuals who belong to worse states are likely to suffer severe and lifelong deprivation or oppression. Also, exclusion from a country generally entails exclusion from any of a vast array of interactions with the citizens of a given country.

Second, if the private club analogy succeeds in showing that foreign individuals have no right to immigrate to the United States and that states have a right to control their membership, then similar arguments can be used to establish that individuals have hardly any rights at all and that states have an almost unlimited right to coerce their members. This is because states have the same sort of rights to control the conditions for citizenship that private clubs have to control the conditions for membership. A private club is within its rights even when it sets onerous, unwise, and unreasonable conditions (but not immoral conditions).

There are other excellent arguments for open borders. Among them Joseph Carens, Phillip Cole, and Chandran Kukathas.⁶ I focus on Huemer's argument

⁴ See Huemer (2010).

⁵ See Huemer (2010).

⁶ See Carens (2015), Cole (2000), Wellman & Phillip, (2011), and Kukathas (2021).

because it occurs in the context of an applied-ethics argument that allows for a direct test of the rights in question.

Landowners' Rights

Huemer's argument fails because it rests on a misunderstanding of rights. On a plausible account of rights, all natural rights are negative rights, in particular negative property rights. Other non-natural rights derive from natural rights when they are conjoined with some commitment or other use of one's body. The commitment might take the form of a promise or consent. The other use of one's body occurs when a person alienates rights through aggression, causes unjust harm, or perhaps merely from being used as an innocent projectile in another's attack.

This picture of rights has numerous advantages. This quick listing will likely not convince anyone but will allow the reader to see the overall framework within which this paper is situated. First, it fits with the best accounts of how people come to own previously unowned things and how they transfer these rights to others (that is, justice in acquisition and transfer). For example, it fits with theories of property acquisition based on first occupation, mixing labor, added value, Lockean Proviso satisfaction, and so on. Second, it fits with theories of self-defense, punishment, and compensation through right forfeiture. Third, it explains how governments gain rights through their citizens' commitments. Fourth, it explains why rights need not track interests. This is an advantage because it intuitively seems that the fact that someone has an interest in something, and perhaps even the strongest interest in it, is not sufficient to ground a right in it. For example, a person whose kidneys have failed does not have a right to one of a healthy person's kidneys just because he

has a greater interest in it.⁷ Similarly, the fact that someone has an interest in something, and perhaps even the strongest interest in something, is not necessary for him to have a right in it. For example, a person can own an old coat even though he has no interest in it. Note that this is true whether we are considering an individual case or classes of cases. A rule-utilitarian might consider classes of cases in determining whether a legal rule promotes aggregate interests. Fifth, it can explain other rights and freedoms that people are thought to have, such as the freedom of association, freedom of expression, and right to privacy.⁸

On some accounts, there are positive as well as negative rights. For example, if one person has a duty to save a second and the first person owes it to a second, then the second has a claim against the first. On a common account, a right is a claim. One person has a claim against a second just in case the second owes the first a duty. On another account, a right is a Hohfeldian power over another Hohfeldian element, often a claim. A Hohfeldian power is the standing by which to leave in place, eliminate, or modify another Hohfeldian element. This is usually, if not always, a claim. The endangered person might be seen as having power over the claim to be saved.

Perhaps the duty to save is a free-floating duty, that is, a duty that is not owed to anyone. Such duties are mysterious because they are justified by the feature of the potential saver and not the person in need of being saved.

If there are negative and positive rights, the negative rights are more stringent. It intuitively seems worse to kill or batter someone than to fail to save

⁷ The idea for this example comes from Thomson (1971).

⁸ For an instance of a reducible right, see Thomson (1975).

him from being killed or battered. Hence, even if rights are not exclusively negative, the argument can be restated in terms of the more stringent rights. The same can be said of free-floating duties. If on the level of a large-scale policy, negative and positive rights must be weighed against one another, it is hard to see how to weigh them and separately weigh the interests (or, perhaps more narrowly, interests in autonomy) they protect without something approximating a consequentialist balance. This moves us far away from the sort of right-based argument on which Huemer and I focus.

An objector might claim that rights are negative, but negative rights are not property rights. Rather, they are rights to association, equality, freedom, humanity, etc.⁹ Hence, the objector continues, the below argument succeeds on its own terms, but this is not a theory of rights that is shared by many libertarian and non-libertarian proponents of open borders. The problem with this objection is that, intuitively, rights to property form the boundaries within which these other purported rights operate. For example, a person's control over his body (self-ownership) and his residence constitute moral boundaries against coercion, even when the activities involving these properties frustrate other purported rights. For example, a person who only engages in intra-racial dating may not be coerced into inter-racial dating even if his dating pattern worsens economic or social inequality. Similarly, a person's right to his body makes it wrong to forcibly take one of his kidneys even if doing so were necessary to fulfill rights to association, equality, freedom, or humanity.

⁹ For a right to association, see Wellman (2008). For the rights to freedom and humanity, see Kukathas (2004). For the right to equality, see Cole (2000).

Again, this quick sketch of the way in which property rights align with negative rights will not convince people who deny rights exist or, instead, see rights as the conclusion of moral reasoning rather than a major justifier in such reasoning. One might think this sketch of rights is too quick and it is.¹⁰ Still, Huemer and I share these assumptions. If one rejects this theory of rights, then the paper should be seen as a debate between people who accept that there are quite stringent negative rights even if there are other rights as well. This is analogous to debates as to whether capital punishment infringes negative rights regarding autonomy, dignity, risk, and so on, but that does not spend much time arguing that people have rights or that negative rights are more stringent than positive ones.

If this is correct and if the land in the United States is owned by private individuals, groups of private individuals, or the government, there is no way for the immigrant to gain a right to use it, whether his use consists of walking on it, eating the crops growing on it, staying in the house located on it, and so on. The mere fact that an immigrant has an interest in doing so does not establish that he has a right to do so any more than the fact that a person whose kidneys have failed has a right to one of a healthy person's kidneys because he can make better use of it. Huemer does not give us any reason to think that immigrants have a right to cross people's lands other than the fact that it is in their interest to do so.

Note that the above argument does not assume that the citizens or the government owns people's private lands or bodies. I do not believe they do. However, in so far as accessing private lands and bodies almost invariably involves

¹⁰ For a developed discussion of rights, see Kershnar (2018).
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crossing collectively owned land, the ownership of collectively owned land is important. The same is true for the consumption of collectively owned resources.

If people in the United States own land in a moral-rights sense, then Huemer must think that (1) the landowners have lost their rights to their land, (2) immigrants have competing rights, (3) the landowners' rights are overridden, (4) the landowners' rights are undermined, or (5) the landowners' and immigrants' rights are compatible. Option (1) can be ruled out because we are assuming that landowners own land. Options (2) and (3) differ in that (2) assumes that landowners' and immigrants' right conflict. (3) makes the same assumption and adds to it that the immigrants' rights consistently override the landowners' rights.

These options exhaust the logical possibilities. If Huemer does not think they own land in this sense, then his essay is misleading because it adopts a framework radically different from that assumed by most readers. Consider the following case.

Al's daughter badly injures her arm and the only way to save her arm is to hotwire Bob's car and drive her to the hospital. It might be permissible for Al to infringe on the car owner's (Bob's) right and do so. Perhaps it is even obligatory for Al to do so. This, however, involves an overriding of a right, rather than a competing right to the car. This can be seen in that Bob neither transferred nor forfeited his right to the car. Forfeiture might occur if Bob used the car as a weapon and thereby forfeited his right to it, perhaps in the context of self-defense or punishment. It might also occur if Bob ran up a debt against Al and the only way he can pay it off is if Al takes the car. None of this happened here. Thus, there is no way for Al to have gained a right to it. In a similar way, if Bob owns some land and part of owning the land includes controlling who goes on it, then he can exclude Al from going on it.

A similar thing is true for a group (Charlene, Dick, and Eric) who jointly own a car and when purchasing it agree that the majority vote will determine who may use the car. Their right to the car might be overridden by an emergency, but unless they have alienated the right to it, they retain it. The same is true if they own land. This pattern holds whether the group is a private club, a collection of individuals bound by contract, or government officials.

Huemer does not show that landowning Americans have lost their right through a commitment or forfeiture. Nor does he show that their rights are overridden. Even if he were to show this, this would not support his thesis because the fact that immigrants have interests that override others' rights to their land does not establish that the immigrants have a right to it. Perhaps he wants to argue that they have a competing right, but the only evidence he provides is that they have an interest in using it. Unless one thinks that interests ground rights, this argument fails.

Consider the notion that the right is undermined. Perhaps there is a way that the right to a car can cease to exist. Perhaps if the owner were to die without any inheritance plan, so the right goes out of existence. However, this did not happen in the cases of Marvin, Al, or the landowners. Nor did it happen when immigrants try to come to the United States. Hence, Huemer does not establish (1) through (4) and his argument fails.

The right Huemer identifies, the right against harmful coercion, is not a right. By "harm," I mean "a setback to a person's interest."¹¹ By "coercion," I mean "an act or, perhaps, a condition that makes an individual's act involuntary." There is no

¹¹ See Feinberg (1984).

prima facie right against harmful coercion. In a case of legitimate self-defense, one person harmfully coerces a second, but this does not infringe on the aggressor's prima facie right. This is because when one person infringes on a second person's prima facie right, a residue duty is generated. The residue duty might take the form of a duty to compensate the injured person or merely to apologize to him, but neither is generated in the case of legitimate self-defense. The same is true for punishment. This is because aggressors and criminals forfeit a right or rights rather than having them overridden.

Huemer might argue that the prima facie right is a complex one so that it has content something like the following: a person has a prima facie right not-to-be-harmfully-coerced-unless-he-does-something-to-justify-defensive-or-punitive-coercion ...¹² However, on this account, rights would not explain when coercion is permissible, but would be explained by it, and this intuitively seems to get the order of explanation wrong. It makes it so rights do not explain the boundaries of how individuals may be treated, and this intuitively seems mistaken. Even if the word or concept "justify" is dropped from the formulation, a right would still not explain why self-defense, punishment, and so on are justified.

I argue that there is no right against harmful coercion. First, there is no right against harm. If one suitor wins a woman's love and breaks another suitor's heart, thereby harming him, the first has not infringed the second's right. Second, there is no right against coercion per se. Consider, for example, just defensive violence. If there is no right against harm and no right against coercion per se, it intuitively seems that there is no right against the combination of them. Rather, there is a right against

¹² The notion that self-defense involves a narrowly bounded right (e.g., a right to life-except-where-necessary-to-save-someone's-life) is discussed in Thomson (1990).

unjust coercion. Unjust coercion is coercion that infringes another moral right, such as a body- or property-right. This presupposes that people have more specific rights, such as rights to body and property. This account of specific rights aligns with the most plausible theories of justice-in-acquisition.

Right forfeiture occurs only if an unjust attacker infringes a right other than the one against harmful coercion. This is because both the attacker and defender use harmful coercion. For the defender alone to be justified, we need another right – a more specific one – that the attacker infringes and that explains why the attacker forfeits a right and the defender does not. The more specific right addresses an individual's legitimate realm of interest, a realm demarcated by specific rights.

More on Landowners' Rights

Other theorists, such as Phillip Cole, might also argue that my argument assumes that the state's relationship to its territory is precisely the ownership of private property in this moral-rights sense. He might claim that there is a problem in trying to establish this. Either the argument will be too strong because it will entail that all territory is owned by the state and not by individuals or collections of individuals. Alternatively, not all territory is owned by the state and hence the state's control over its territory is too weak to include a right to exclude immigrants.¹³ Perhaps, a critic might claim, that private property owners (for example, employers) may grant access to immigrants.

¹³ The idea for this objection comes from Cole (2000). I also wish to thank Phillip Cole for bringing this objection to my attention.

This objection also fails because as long as a potential immigrant will inevitably trespass on state property or take state resources (consider, for example, roads or emergency medical services), then the owner of these resources has a right to exclude them. In the same way, a person may defend against someone who is preparing to steal from him or rob him and need not wait for the injustice to commence. Depending on whether the state is different from the collection of citizens, the party with the right to exclude might be the state, if it differs from the collection of citizens or the collection. That the trespass will occur depends on the degree to which public roads and land (whether federal, state, or local) make it practically impossible to enter and stay in the U.S. without crossing over these properties. A similar issue arises concerning emergency medical services. Because policy must be made based on generalities, the likelihood of the class of immigrants trespassing on state land and using emergency medical services is extremely high.

On one account, the state is distinct from the collection of individuals who compose it because the state might have been composed of a different collection of individuals from those who actually composed it. On some theories of persons, they consist of both matter and form. On this account, then, a person is not reducible to his parts. Perhaps a similar argument could be given with regard to groups or states. A different argument in support of collective responsibility is that group actions are not reducible to individual actions because the relations between individuals are essential to the action.

There is also a third option that is neither too strong nor too weak. Individuals retain their ownership of land but bind their usage of it according to an agreement either with other citizens or with the state. This is analogous to the way in which members of a community can agree to mutually restrictive covenants. Just as such

individuals agree not to house enemy soldiers or weapons on their property, they similarly agree to allow the state to control the influx of immigrants. This generates a right to exclude some or all immigrants in the state or other citizens, without any landowner transferring ownership of his property to another.

An objector might argue that the access rules for a publicly owned property are disanalogous to privately-owned property. If the property is owned by a collection of private citizens, then this objection does not get off the ground. The property would then be analogous to the way in which another joint property is owned, for example, ownership by a married couple. This clearly includes exclusion. This is true whether the right to exclude others (specifically, the claim to non-trespass) is all of a property right or merely part of the bundle of Hohfeldian elements.

A property right is a collection of particular rights that relate to the control of an object. When held by an individual the right is a private one. The essential feature of the right to control an entity is the moral standing by which to exclude others from the use of it and to determine within limits whether and how it is used, changed, or destroyed. Exclusion itself is a multi-faceted relation that relates to the type of object in question. For example, one might be able to exclude another person from walking on or salting her grape fields, but not from enjoying the sight and smell of them from a nearby hill or from viewing them from the sky. A different sense of exclusion may be relevant where the entity is a chemical structure, a dog, or a person's body. Whether the relation extends to abstract objects like songs and machine designs will depend at least in part on whether there are particular abstract things. That the exclusion relation has many parts does not prevent the

central aspect to it, the standing by which to exclude others, from picking out the central moral relation.¹⁴

The exclusion relation is a structurally complex moral relation that often involves a claim against others not to interfere with the possession or use of an object, a power over that claim, and an absence of a time limitation on these elements. A person has a claim against another if the second owes the first a duty. A power is the standing to waive or demand the satisfaction of another Hohfeldian element, e.g., a claim. The standing is moral or legal depending on the type of right that is involved. The elements of the exclusion relation are usually held against all others. There are often other elements that are also part of this complex such as the liberty (absence of a claim in others) to use the property as one sees fit. Also, these structural complexes often include the right to use, derive income from, transfer to another, etc. Justificatory features are somewhat independent of the concept of a private property right; this independence is what allows us to ask whether persons have such rights. The justification of the right also determines whether private property rights are special (i.e., arising out of some particular transaction or relationship) or general (i.e., not special but arising out of a generally held feature, e.g., personhood).

Even if the state is distinct from the collection of citizens, it is still false that it has exclusive ownership of something and yet may not exclude others from it. If in the context of a parcel of land, a person lacks a claim against trespass, a liberty to use the land as he sees fit, and a power over that claim and liberty, it is not clear

¹⁴ For influential statements of idea that ownership is a complex bundle of relations, see Honore (1961) and Grey (1980). For the view that it is unified by exclusion (albeit exclusive agenda setter rather than excluding boundaries), see Katz (2008). Note that Honore and Grey support the notion that property is a bundle of Hohfeldian relations rather than it being relations focused on control or exclusion.

in what sense he owns the land. He might have a moral or legal interest in it, but this is not enough for ownership.

The Private-Club Argument and Exploitation

Huemer's argument against the private club theory is also unconvincing. He argues that if the private-club argument were correct, then states would have an almost unlimited right to exclude their members because a free club has the right to choose whatever conditions it wants for members. Thus, for example, it might require sexual service, organ donation, temporary servitude, and so on. It might also require irrational conditions such as flushing \$1,000 down the toilet every month.¹⁵

Huemer is running together what is permissible versus what a person has a right to do. If one person has a right to something, then he has a right to set the conditions on its use, however unreasonable. This right, however, does not make it morally permissible to do so. Consider the following cases.

The Boat Case. B's boat has capsized, and he has been swimming for hours near the center of a large and seldom frequented lake. He is nearing exhaustion when A's boat approaches. A says to B: "You may climb into my boat and avoid drowning only if you promise to pay me \$50,000 within three days."¹⁶

Lecherous Millionaire. A Pakistani businessman pays for the life-saving surgery of five Pakistani children each year. An attractive Indian woman wants

¹⁵ This example comes from Huemer, 457.

¹⁶ The idea for this case comes from Nozick (1969).

him to pay for her daughter rather than a Pakistani girl. They agree that the businessman will pay for the expensive surgery that alone can save the child's life provided that the woman becomes his mistress for six months. No one else will pay for the life-saving surgery.

Both cases arguably involve wrongful exploitation. On one account of wrongful exploitation, one person wrongfully exploits a second if and only if the first uses his superior bargaining position to take an unfair share of the transaction surplus.¹⁷ A party's bargaining position consists of a party's resources and circumstances. These include both objective features (for example, other options) and subjective features (for example, needs and wants). A transaction is an exchange, and the transaction surplus is the benefit that accrues to the two transacting parties. On some accounts, the boat owner and Pakistani businessman act wrongfully, but they do not infringe on anyone's rights. This is because A has no right to B's boat and the Indian woman has no right to the businessman's money. Similarly, the private club that uses the desperation of prospective members to set one-sided or irrational conditions for membership might act wrongly but does not infringe on the rights of the prospective members.

For people who think that rights alone exhaust the non-consequentialist considerations, at least as relating to morally permissible actions, this distinction will not be available. The idea here is that a moral right is a claim (a duty one person owes a second) and that non-consequentialist considerations, at least regarding permissible actions, consist solely of two-person (or, perhaps, n-person) duties.

¹⁷ My account is heavily influenced by the Wertheimer (1996).
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This conflicts with the notion that there are moral considerations such as exploitation, fairness, equality, desert, and virtue that are distinct from the realm of rights and that affect the permissibility of an act. Unless Huemer accepts the notion that rights have this exhaustive role, his objection to the private-club argument does not succeed.

On the private club analogy and the *reductio ad absurdum* argument, an objector might claim that the above argument misses Huemer's point.¹⁸ The objector might continue, the examples discussed in his paper—not voting if you are female, cutting off your arm, etc.—were supposed to be examples of things that, intuitively, a private club *has* the right to demand, but the government *does not* have the right to demand. Problems with exploitation, or other values such as fairness, desert, etc., are unrelated to his argument. The objector claims that Huemer was not relying on the fact that a private club would be exploitative (or whatever) if it imposed the kind of conditions mentioned above on membership. Rather, the objector continues, Huemer was only relying on the intuition that the club *would not be violating anyone's rights* in having those membership conditions. Huemer was appealing to an intuition that the government *would* be violating its citizens' rights if it imposed those conditions (for instance, if it prohibited women from voting, or required all citizens to cut off their arms, etc.). From these two intuitions, it follows that there is a disanalogy between clubs and the government, with the government having fewer rights than private clubs.

This objection is unsuccessful if both clubs and governments gain all of their rights from individuals via consent. In the case of the United States, the terms of

¹⁸ I owe the idea for these two objections to Michael Huemer. *Analítica* (2), oct. 2022- sept. 2023, ISSN-L 2805-1815

the Constitution limit the conditions that may be placed on membership. If clubs' rights depend on consent and governments' rights do not, they differ. On some accounts, although ones I find implausible, governments' rights (and legitimacy) depend on the duty of fair play, rationality, hypothetical consent, or Kantian respect. Huemer would still need to show why this other source of rights limits the conditions that can be required of potential citizens. He would also need to show that the conditions cannot be ones that many, if not all, potential immigrants would be unable to satisfy. He provides no such argument. In addition, Huemer would need a picture of rights that differs from the account of negative natural rights sketched above. Again, he does not do so.

Note the claim that the scope of club members' rights is determined by consent is not in tension with the notion that all basic rights are natural. People can waive their rights, or portions of them, through promises or consent. This is what I am claiming is happening in the context of immigration. For example, a woman who agrees to have sex with a man has temporarily waived her natural right against others touching her.

Nor is the claim in tension with the notion that initial-acquisition rights are not promise-based or contractual. This notion does run into trouble explaining how unilateral acts can bind others.¹⁹ It is not clear if this objection succeeds. It threatened to undermine far too many non-consequentialist property rights as well as other rights. Even if initial-acquisition rights rest on a promise or agreement, the acquired rights might still allow landowners to exclude immigrants from their land and from others' land via an agreement with them.

¹⁹ See Waldron (1988).

Another objector might respond that immigration restrictions are wrong, but are not right-infringements, they are wrong in another way. The objector might continue that this is a relatively fine point in this debate. However, if Huemer aims to defend the notion that immigrants have a right to immigrate to the United States, then this distinction is crucial to his argument. In addition, Huemer does not try to show the way in which the restrictions are wrong for other reasons (for example, they are exploitative, unfair, unequal, undeserved, or vicious), so this concession would not fit well with his overall strategy.

Even if the above argument is incorrect and rights are constrained by moral considerations (for example, considerations against exploitative, unfair, unequal, undeserved, or vicious treatment), the refusal to benefit someone whom one has not previously wronged and with whom one is not currently transacting will likely run afoul of these considerations. The considerations depend on the agent doing something to another rather than merely allowing something to occur to her. For example, exploitation requires a transaction that need not occur. Vicious treatment depends on the excluder having an objectionable attitude that she need not have. If excluding is, by itself, a doing, then owners' rights would be strange. For example, if this were correct, then were poor people, with whom I have had no contact, to march into my house and steal food from my daughter's plate during dinner, my rights over my land and the food on her plate would not necessarily be infringed. This sort of thinking requires a radical restriction of property rights.

Some Objections

One objector, perhaps Michael Huemer, might argue, the government also violates the rights of potential immigrants. The general right to property includes

the right to acquire property in the normal ways, for example, by engaging in voluntary transactions with people who want to sell you the property. Imagine that the government made a law saying that women cannot acquire land. No one is permitted to sell a woman's land. This would violate the rights of women. Similarly, Huemer might conclude, that a law that prevents people who own land from granting access to certain immigrants violates the rights of both the landowners and the immigrants.

This objection does not work because the rights of landowners can be bound by consent or promise. For example, if a person buys a condominium, his ownership might be morally limited by an agreement he makes with other condominium owners. Similarly, a landowner can morally waive or trade away certain rights (for example, an easement or other restriction on use). For example, he might do so for money. If government authority in the United States comes from citizens' consent and if one of the conditions to which they consent is a restriction on land use, then landowners' rights are not infringed. In the U.S., there are Constitutional permissions for the government to restrict land use for certain enumerated purposes and, on a consent theory, this is a condition to which citizens consent. If government authority in the U.S., or in general, were to depend on the duty of fair play, rationality, hypothetical contract, or Kantian fairness, and if these justifications do not also justify restricting property rights, then the landowners' rights would be infringed.

The notion that potential immigrants' rights are infringed is less plausible. For example, if A, B, and C all want to buy D's car and E blows it up before any of them can do so, E has infringed on D's right. However, it is hard to see how A's right has been infringed. There is nothing (person, body, or other objects) to which A had a claim before the explosion and to which he no longer had one after it, thus none

of his rights were infringed. A similar thing is true if A, B, and C all want to buy a right to cross D's property and E prevents D from agreeing to let them do so.

Alternatively, Huemer might argue that a believer in positive rights, or some other kinds of rights that I do not recognize, would not be persuaded by the above discussion. Most of these points do not really address why one could not introduce a few additional positive rights. One might think there is some right to receive humanitarian assistance, as illustrated by Singer's Shallow Pond story. In this case, a child drowning in a shallow pond intuitively seems to have a right to be saved even against strangers with whom she has no special relation.²⁰ Huemer might argue that most people's intuition, in that case, is not explained by purely negative rights or property rights and hence these do not exhaust the realm of natural rights.

If persons own their own bodies and if ownership of one's body includes the claim to control what goes in it and what it does, then it is hard to see how others can have a natural right to be saved against a stranger. A critic might respond that the right to use one's body does not include the right to harm another and failing to save someone harms her (at least when it can be done at little or no cost). This confuses causing harm and refusing to benefit someone. After all, it is bizarre to say that where Henry Fonda able to save a dying woman by touching her fevered brow with his cool hand, Fonda causes her death when he refrains from doing so.²¹

Even if refusing to save someone harms her, the relevant right is the right not to be unjustly harmed. This can be seen in the above discussions of self-defense and punishment. If this is correct, then, once again, we face the issue of how

²⁰ See Singer (1972).

²¹ For this example, see Thomson (1971).

potential immigrants have a right to immigrate to the U.S. or, perhaps, a claim of justice to do so, if this is different.

A second objector might argue that if valid consent waives a right, then valid-consent-justified rules do not infringe on a consenters's right. If according to non-consequentialism, a right-infringement is the only wrong-maker, then valid-consent-justified rules are not wrong, no matter how exploitative, unequal, unfair, and so on. Here are the assumptions behind this account of non-consequentialism. Note, that here, we set aside consequentialist overrides.

1	An actor does a wrong act if and only if he wrongs someone.
2	An actor wrongs someone if and only if he fails to satisfy a moral duty owed to someone.
3	An actor fails to satisfy a moral duty owed to someone if and only if he infringes someone's right (that is, infringes someone's Hohfeldian claim).

This entails that, setting aside consequentialist overrides, rules to which the relevant parties have (validly) consented are never wrong. This is distasteful, but the distaste is a smaller price to pay than giving up the simple-and-explanatorily-powerful account of how wrongness, duties, and rights relate to one another. In addition, if there were general rights against exploitation, inequality, unfairness, or so on, these general rights would conflict with full-blooded property rights to particular things.

Third, an objector might object that consent does not legitimate a country, even if consent legitimates a country the authorized entry into it may not be arbitrary or discriminatory, and even if consent legitimates a government and

authorized entry may be arbitrary or discriminatory, actual countries' owners have in fact consented to large-scale immigration.

The notion that consent does not legitimate a government can be seen in a number of arguments: citizens have not in fact consented to their government, and even if citizens have consented such consent is invalid because it is involuntary. A third objection is that the consent-based authorization of a state still depends on the prior consent to the consent-situation. This dependence creates a consent regress that cannot be satisfied. An in-depth widespread discussion of the consent theory of legitimate government (and, also, the related duty to obey the law) is outside the scope of this paper. The residence-as-consent claim needs more than a quick dismissal. The same is true for the notion that a high price of dissent invalidates consent. This is not true, for example, for consent to lifesaving medical treatment.

The regress-of-consent argument is a problem, but it is not as clearly a problem for collective property. Such property can be owned even if the owners' purported agent - the state - is illegitimate. Even if anarchism is true, people might still collectively own public funds (for example, money held for Medicaid, Medicare, and Social Security) or lands (for example, public parks and roads), at least until the current stock of such resources are distributed. Even if anarchism were true, it still would intuitively seem wrong for an undocumented immigrant to help himself to \$100 million of these funds or burn 10,000 acres of these lands to create desirable farmland. Intuitively, these monies and lands are owned. This is true whether they are owned by a collection (for example, the American people), the government, or individuals from whom the land was purchased or stolen.

In short, so long as there is collective or government property and unauthorized immigrants infringe on these property rights, the above argument succeeds. It is implausible that *no one owns* the B-52s, government buildings, roads, and social security money. It is the owners of these things whose rights immigration would infringe.

If there is collective ownership, then it intuitively seems that property ownership allows the owner to determine who may use it. As a matter of justice, he may do it on the basis of a good reason, bad reason, or no reason at all. For example, as a matter of justice, a woman may decide with whom she has sex. This is true even if she does so for a good reason (for example, love), bad reason (for example, bigoted sexual preference), or no reason at all. Similarly, if the owners of collective property want to exclude some immigrants, then – as a matter of justice – they may do so. This is true whether they exclude them for a good reason, bad reason, or no reason at all. An argument is needed as to why body rights allow discretion over whom to let into one's body, but property rights do not allow discretion over whom to let into one's house or land.

There is a notion that even if the owners of collective property may exclude immigrants from their property, they have not chosen to do so. This might be true for every nation, but the point is that the owners of the collective property have the right to do so. Certainly, some countries – for example, Japan and Poland – permit relatively little immigration.

Conclusion

U.S. citizens own land, individually, collectively, and via their government. For immigrants to gain a right to enter it, Huemer must think that (1) the landowners

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have lost their rights to their land, (2) immigrants have competing rights, (3) the landowners' rights are overridden, or (4) the landowners' rights are undermined. None of these are true.

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THE CONCEPT OF *IUS GENTIUM* IN
SUÁREZ'S *DE LEGIBUS*

EL CONCEPTO DE *IUS GENTIUM* EN DE
LEGIBUS DE SUÁREZ

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Abstract

This article introduces the concept of *ius gentium* as it was conceived by Francisco Suárez in *De Legibus*. Throughout this work, Suárez analyzes and criticizes previous ideas on the *ius gentium* reaching a more complete examination of the concept. Thus, Suárez concludes with a new conception of the *ius gentium* that is compatible with the modern conception of international law and is not deducible from natural law alone.

Keywords: *ius gentium*, law of nations, de legibus, international law, inter gentes.

Resumen

Este artículo introduce el concepto de *ius gentium* tal como fue concebido por Francisco Suárez en *De Legibus*. A lo largo de este trabajo, Suárez analiza y critica ideas previas sobre el *ius gentium* llegando a un examen más completo del concepto. Así, Suárez concluye con una nueva concepción del *ius gentium* que es compatible con la concepción moderna del derecho internacional y no es deducible del derecho natural por sí mismo.

Palabras claves: *ius gentium*, ley de las naciones, de legibus, derecho internacional, inter gentes.

Introduction

The aim of this article is to offer an introduction to the idea of *ius gentium*, or law of nations, as it was conceived by the Spanish philosopher, theologian, and jurist Francisco Suárez (1548-1617) in his *Tractatus de legibus ac Deo Legislatore* (1612) (Suárez, 1973). Within this treatise, the *ius gentium* is specifically treated in Book II, Sections XVII-XX, after an exhaustive analysis, classification, and critique of the idea of law since its philosophical and jurisprudential elucidations by Greek philosophers, Roman jurists, and Medieval theologians¹.

Suárez's notion of *ius gentium* constitutes an illustrious and classical account of the philosophical underpinning of international law. His ideas can still be of capital importance for our understanding of the moral and political philosophy that grounds current international law, even though Suárez's thoughts on this matter were developed in the late phase of scholasticism.

One of Suárez's outstanding contributions to international law is to have clearly distinguished and separated the notion of *ius gentium* from that of natural law. Before him, both concepts were commonly confused and somewhat identified. By the same fact, another relevant contribution made by Suárez was to have emphasized the

¹ Of course, these categories often overlap. Among many others, the main authors and works that stand in the background of Suárez' treatment of the *ius gentium* are Aristotle's *Ethics*, Cicero's *On Laws*, Ulpian's *Libri ad edictum*, Justinian's *Digest* and *Institutes*, Gratian's *Decretum*, Saint Isidore's *Etymologies*, Saint Thomas Aquinas' *Summa Theologiae* (particularly I-II and II-II), Francisco de Vitoria's *De Indiis*, Domingo Soto's *De Justitia et Jure*, and Gabriel Vásquez's *Commentarium ac Disputationum*, just to mention a few.

specific human nature of the *ius gentium*, a character especially dear to modern conceptions of international law.

Suárez starts his treatment on the *ius gentium* in section XVII of *De Legibus* under the heading question: “is the natural law distinguished from the law of nations inasmuch as the latter only refers to men while the former is also common to brute animals?” (Suárez, 1973, II, XVII, 1, p. 99). Here Suárez attempts to clarify -and eventually refute- the opinion that human beings and animals can be regarded under the concept of natural law, while the law of nations only regards human beings. Thus, for Suárez ‘it is worth to distinguish the law of nations from the natural law, for both are so similar that many confuse them, or regard the law of nations as a part of the natural law’ (Suárez, 1973, II, XVII, 1, pp. 100-101). Suárez is quite aware of the proximity of the law of nations to the natural law, while positing the former as a sort of bridge between the natural law and positive human law (Suárez, 1973, II, XVII, 1, p. 100).

On the ambiguity of ‘law’

One of Suárez’s main enterprises at this stage is ‘to make some necessary distinctions regarding the term ‘law’ (*ius*), due to its ambiguity’². “Indeed, law

² A preliminary treatment of the term ‘law’ (*lex*) and ‘right’ (*ius*) is offered in chapters 1 and 2 of Book I “On the Nature of Law” in *De Legibus*. In the very first article of chapter 1, Suárez criticizes Saint Thomas Aquinas’s conception of law as being “too broad and general”. Indeed, Aquinas’s notion of law as “a certain rule and measure according to which someone is induced to acting or is restrained from acting” (*Summa Theologiae* I-II, q. 90, art. 1) is not proper to Suárez’s purposes “[f]or in this way [according to that definition] law not only is found in men or rational creatures but in other creatures as well” (Doyle, 2005, p. 120); (Suárez, 1973, I, 1, 1). For Suárez, “the true and absolute designation of law is that which pertains

sometimes signifies the moral faculty [a right or license³] to do something". Other times, Suárez notices, '*ius* means *lex*, which is a rule of acting with probity'. According to Suárez, law as a moral faculty can be called 'useful or real right', while law as *lex* is to be considered as a 'rule to be obeyed' or a 'legal right', properly speaking (Suárez, 1973, II, XVII, 3, p. 101). Both laws can be divided into three categories, namely, natural, of nations, and civil.

to morals. [...] St. Thomas's description must, therefore, be restricted to that, namely, that law is certain measure of moral acts..." (Doyle, 2005, p. 123), (Suárez, 1973, I, 1, 5). Further, "plainly and properly speaking, only that which is simply a measure of rectitude, and consequently only that which is a right and honest rule can be called a law". "Moreover, (Cicero also in Book 2 of his work, *On Laws*) has said that law must be established for the purpose of a just, peaceful and happy life..." (Suárez, 1973, I, 1, 6).

In chapter 2, Suárez attempts to clarify "what right (*ius*) means and how it is related to law (*lex*)" (Doyle, 2005, p. 127); (SUÁREZ, 1973, I, 2, heading). Thus, after exploring some etymologies, Suárez asserts that the meaning of right (*ius*) "is customarily and properly called a certain moral faculty, which each one has with respect to his own possession or to something which is owed to him" (Doyle, 2005, p. 127), (Suárez, 1973, I, 2, 5), while law, which Suárez conceives as being written and non-written, can be considered at times as synonym with right (Doyle, 2005, p. 131); (Suárez, 1973, I, 2, 7). For Suárez, law (*lex*) is essentially defined in the following 'convenient and succinct' formula: "law is a common precept, just and stable, and sufficient promulgated" (*praeceptum, iustum ac stabile, sufficienter promulgatum*)" (Suárez, 1973, I, 12, 4), (Doyle, 2005, p. 246)).

Besides, in relation to the nature of human law, it is worth to mention here that Suárez stands in a conciliatory position regarding the disputes "whether law is an act of the intellect or of the will" (Suárez, 1973, I, 5). Suárez position is that "both an act of the intellect and act of the will are necessary for law... law is composed and comes together from acts of both potencies. For in moral matters it is not necessary to seek perfect and absolute unity, but a thing which is morally one can consist of many things physically distinct and mutually helping one another. Thus, therefore, law requires two things: motion and direction, goodness (so to speak) and truth, that is, a right judgment about what should be done and an efficacious will moving to do that. And therefore it can exist from an act of will and an act of intellect" (Doyle, 2005, p. 172); (Suárez, 1973, I, 5, 20). On this, Suárez further indicates that here we are not dealing with natural or eternal law, but with "law which is established by the will of some superior. About this it is certain either that it consists of acts of both the reason and the will or that it certainly does not exist without both acts, in such way that if it is one of these only it, nevertheless, intrinsically depends upon the other" (Doyle, 2005, p. 173); (Suárez, 1973 I, 1, 22).

³ According to Prof. Doyle's translation in (Doyle, 2005, p. 367).

1. Law (<i>ius</i>) as a moral faculty: useful or real right (<i>ius utile sive reale</i>)	a. <i>ius (utile) natural</i> b. <i>ius (utile) gentium</i> c. <i>ius(utile) civile</i>
2. Law (as <i>lex</i>): rule or legal right (<i>ius honestum sive legale</i>)	a. <i>ius(legale) natural</i> b. <i>ius (legale) gentium</i> c. <i>ius (legale) civile</i>

Fig. 1. Distinctions between ‘law’ as moral faculty and as a rule (legal right), according to Suárez

On these divisions and subdivisions of law, Suárez is specifically concerned with the second (2), the *ius legale* in his second (b) consideration, the *ius (legale) gentium*. ‘What we now have to explain is the second term [b], for its understanding depends on its relationships with the natural law’ (Ibid.). To explain the second term, Suárez firstly takes into consideration the opinion of the jurists. “For the jurists in general, the difference between the natural law and the law of nations consists in that the natural law is also common to animals, while the law of nations only corresponds to men” (Suárez, 1973, II, XVII, 3, p. 102). The union of male and female, procreation and education of the offspring are given as examples that are common to human beings and animals (Ibid.). On the other hand, ‘religion, slavery, wars, the foundations of kingdoms, the distinction of properties, commerce, contracts, ‘and other institutions’ are examples that only pertain to men, so they belong, properly speaking, to the *ius gentium*.

Natural law and ius gentium

According to Suárez, natural law has its proper basis on the rational, not the sensitive nature of human beings (Suárez, 1973, II, XVII, 6, p.106). In this regard, when natural law prescribes something, 'it always implies a nuance of rationality' (*semper involvit modum rationalem*) (Ibid.). This would mean for Suárez that, using the examples given above, the union between man and woman, procreation and the education of offspring are distinctively different from their counterparts in non-rational animals (Ibid.). Accordingly, natural law is properly applied only to human beings, not to animals.

A specific characteristic of the *ius gentium* in distinction to natural law is that its precepts or commands endorse things that are not necessary for right conduct. In the same manner, sometimes, it does not prescribe or prohibit acts that are inherently wrong. Thus, "...[t]he law of nations does not command anything as of itself necessary for goodness nor does it prohibit anything which is essentially and intrinsically bad... this belongs to natural law" (Suárez, 1973, II, XVII, 9, pp.110-111). In this regard, F. Copleston clarifies that "Suárez means that the natural law prohibits what is intrinsically evil whereas the *ius gentium* considered precisely as such does not prohibit intrinsically evil acts (for these are already forbidden by natural law) ..." (Copleston, 1953, p. 391).

Another important difference of the law of nations in distinction to natural law is that its commands and prohibitions are not *necessary* consequences from the principles of natural law. This is because the *ius gentium*, in conjunction with the

principles of natural law, depend on the mediation of human free will, which brings about states of affairs that are contingent, not necessary (Suárez, 1973, II, XVII, 9). An immediate corollary of this is that the precepts and proscriptions of the *ius gentium* are not immutable, as those of natural law.

In section XVIII, Suárez goes on to explore “whether the law of nations prescribes and prohibits, or whether it only concedes or permits”. Here Suárez battles against the opinion that tries to distinguish the *ius gentium* from the natural law ‘inasmuch as one is only concessive while the other is prescriptive’. This opinion is held on the conclusion of the previous chapter, which makes the *ius gentium* free from the necessity proper to the principles of natural law. In accordance with it, the *ius gentium* does not contain proper precepts and proscriptions, but only concessions or permissions. These permissions are given to men ‘as good (*honesti*) but not as necessary for goodness (*honestatem*) and, so they are not as given as commands’. “For if these permissions were made commandments, they will either belong to natural law, when they are commanded by virtue of [natural] reason, or to civil law, when they are commanded by a human will having power [a prince or legislator] [...] Therefore, in order for the law of nations to be a distinct law [from natural law], it must be concessive, not prescriptive” (Suárez, 1973, XVIII, 1, p. 114)⁴.

Curiously, Suárez indicates that he ‘does not understand very well’ the above-mentioned opinion, for he is not sure whether it is meaning “ius” as a moral faculty, or

⁴ This is the opinion presented by Gabriel Vázquez in his *Commentariorum ac Disputationum in Primam Secundae Sancti Thomae* (Compluti 1605, disp. 157, cap. 3, n. 18, pp. 73-74).

as law (*lex*) (Suárez, 1973, XVIII, 2 [p. 115]). For Suárez the first meaning is irrelevant in this discussion while the second can easily be refuted. Accordingly, “there is no greater reason to distinguish a concessive rather than a prescriptive law of nations from the natural law. For in natural law there are many things, which are not commanded and whose opposites are not prohibited, which that can be done rightly in virtue of natural law” (*ibid.*). Thus, there can be concessions in natural law. An example of this is the right to take a wife, which is something morally good by natural law but is not commanded by it.

For Suárez, when it is asserted that the law of nations gives a faculty to do something in the right manner (*honeste*), the important question is ‘whether that faculty comes from natural reason itself (*ratione naturali praecise spectata*), or from the will of men’. If the first is asserted, then that law should be placed under natural law (for it would be equivalent to natural law). However, if it is said that this faculty comes from the will of men, then the law of nations would not seem to differ from civil law. Suárez’s answer to this problem is that the law of nations comes from natural reason but it is not applied to men in an absolute manner, but just insofar as men constitute a specific form of human organization (Suárez, 1973, XVIII, 3 [p. 116]), (Doyle, 2005, p. 383).

On the other hand, Suárez thinks that it does not make sense to separate concessive laws from prescribing or prohibiting ones. For all concession necessarily implies a prescription or prohibition. This is most easily seen in the case of privilege, “[f]or by the fact that it is conceded [by the law of nations] to one person, it [then] is prescribed for others not to impede its exercise” (Suárez, 1973, XVIII, 4 [p. 117]), (Doyle, *Analítica* (2), oct. 2022 – sept. 2023, ISSN-L 2805-1815

2005, p. 393). This reasoning can be applied to every concessive law, either in natural law or law of nations, Suárez asserts. One example is the occupation of dwelling places. “For this is so much permitted to everyone by the law of nations or by the natural law, that no one can justly impede another who has occupied a dwelling place which was not previously occupied. Therefore, that concession has this command joined to it” (Suárez, 1973, XVIII, 4 [p. 118]), (Doyle, 2005, p. 383).

In section XIX, Suárez goes on to explore ‘whether the law of nations is distinguished from the natural law as a simply positive law’(Suárez, 1973, 124), (Doyle, 2005, p. 307). In this regard, Suárez is aware that “[f]rom what has been said so far, “it seems that the law of nations is not comprehended under natural law, but essentially differs from it. For although it agrees with it in many things, nevertheless, by proper and customary differences they are distinguished” (Ibid.). Here Suárez points out a first commonality – out of three – between the law of nations and natural law: they both agree in being common to all men, ‘so they can be called *ius gentium*, if it is a matter of mere names’ (Ibid). “This property is clear in natural law and because of it in the law *Omnes populi* (*Digest, De iustitia et iure* [Dig. 1, 1, 9]) the natural law itself appears to be called the law of nations (which can be noticed in many laws). More properly, however, that name is given to the law which has been introduced by the practice of nations (Cf. in §2 *Institutes, De iure naturali*, etc.)” (Doyle, 2005, pp. 387-388). The second commonality between the natural law and the *ius gentium* is that ‘they both can be applied to men partially or totally’. Thus, “many of the examples which have been placed by the jurists under the law of nations... are properly said to belong only in name to the law of nations” (Suárez, 1973, II, XIX, 1, p. 125) Finally, the

third commonality between the law of nations and natural law is that 'as it was observed in section XVIII, both have prohibitions and concessions or permissions' (Ibid.).

Despite these three commonalities there can be mentioned three important differences between the law of nations and the natural law. The first indicates that obligation under the law of nations, insofar as we are dealing with affirmative precepts, "does not entail the obligation (*necessitas*) of the thing prescribed simply from the nature of the thing through an evident inference from natural principles... such obligation must arise from elsewhere" (Doyle, 2005, p. 388). Likewise, as we have also seen, "negatives precepts of the law of nations 'do not prohibit something because it is essentially evil but, by prohibiting it, the law of nations makes something evil' (Suárez, 1973, II, XIX, 2, p.126).

The second difference between the *ius gentium* and natural law, as it has also been regarded so far, is that "the law of nations cannot be as immutable as the natural law, since immutability is rooted in necessity" (Doyle, 2005, p. 389). A third difference is that the law of nations is not always common to all nations 'but common generally and almost for all'. "Therefore, what some peoples regard as *ius gentium* can cease to be observed in some parts without error" (Suárez, 1973, II, XIX, 2, p.126). Contrariwise, Suárez notes, natural law is always common to all and only ceased to be observed by error.

On the other hand, based on a text by Aquinas, Suárez remarks that we might think that the law of nations is *simply* human and positive (Suárez, 1973, II, XIX, 3). In

this case, we may identify it with civil law⁵. Nevertheless, an outstanding difference between the law of nations and civil law is that “*the precepts of the law of nations differ from the precepts of civil law in that they are not established in writing but by the customs, not of one or another state or province, but of all or almost all nations*” (Suárez, 1973, II, XIX, 6⁶. As an unwritten law based on the customs of all or almost all nations, the *ius gentium* can be understood in two ways: (1) as a law between peoples and nations and (2) laws of individual states within themselves. The first is said to be *ius gentium inter gentes*; the second one is denominated *intra gentes* (Suárez, 1973, XIX, 8)⁷.

Following Justinian's and especially St. Isidore's thoughts on the *customary* nature of the *ius gentium*, Suárez goes to present two main instances to prove this point: (1) the admission of ambassadors; (2) commercial agreements and contracts. On

⁵ A preliminary attempt to distinguish the law of nations from civil law is presented (and rejected) in (Suárez, 1973, XIX, 5). “You will say they differ because civil law is the law of one state or kingdom while the law of nations is common to all peoples. But against this, first, is the fact that this difference seems only one of degree and one which is very much accidental. Second, and more serious is the fact that it seems impossible that the law of nations be common to all peoples and be introduced [only] by human will and opinion. For in things which depend on the opinion and choice of men all nations do not as a rule agree...” (Doyle, 2005, p. 394).

⁶ The translation and italics used here are Doyle's in (Doyle, 2005, p. 394)..

⁷ As Copleston succinctly states in the following. “A particular matter can pertain to the *ius gentium* either because it is a law which the various people and nations ought to observe in their relations with each other [*ius inter gentes*] or because it is a set of laws which individual States observe within their own borders and which are similar and so commonly accepted [*ius gentium intra gentes*]” (Copleston, 1953, p. 391). The same observation and a further specification regarding the *inter* and *intra* distinction in Suárez is given by H. Rommen. “He [Suárez] further insists that one must distinguish two juridical matters which have been entangled within the term *jus gentium*: (1) those rules by which all nations are bound in their mutual relations as members of the community of nations (*jus inter gentes*); and (2) such legal institutions as are found in the internal legal order of all nations (*jus quod regna intra se observant*) – namely, the law of contract, the positive legal order of property, and so on. The *jus gentium* in the proper sense (*propiusime dictum*, Suárez calls it) is the public law of nations regulating the relations of the states among themselves as members of the community of nations; it is the constitutive law of this community, together with the natural law. The *states* are the subjects of this law, not so much the *individuals*” (Rommen, 1948, pp. 458-459).

the first example, Suárez notes that ‘the custom of admitting ambassadors with immunity rights and diplomatic securities, if considered in an absolute manner, is not necessarily of natural law’. Regarding the second example, Suárez points out that ‘it is necessary to distinguish three elements in these contracts and agreements’:

One is the particular way of contracting, which ordinarily pertains to civil law and often can be accomplished by the will of those contracting... Second is the observance of the contract after it has been made, which clearly pertains to natural law. Third is the freedom⁸ to enter into commercial contracts... And this pertains to the law of nations, since the natural law does not directly require this (Doyle, 2005, p. 396).

This last point is of special importance, ‘for the natural law does not impose this sort of obligation in absolute’. “A State [by natural law] could [decide to] live in isolation and without willing to commerce with other States... By *ius gentium*... it has been established that that trade be free, thus it would be a violation of the *ius gentium* to prohibit it without a sufficient justification” (Suárez, 1973, II, XIX, 7, pp. 133-134).

Regarding the distinction between *ius gentium inter et intra*, Suárez considers that the *ius gentium inter se* is the modality that most properly constitute the *ius gentium*. “And to this [law of nations so understood] belong the examples... about ambassadors and commercial practices” (Suárez, 1973, XIX, 8), (Doyle, 2005, p. 396).

⁸ Regarding the contractual or voluntaristic character of the *ius gentium*, Rommen points out that “it would seem that this is the great merit of Suarez: that he stressed the positive character of the *ius gentium* in the strict sense, its ‘contractual’ character. By taking this position, ascribing the rules of warfare... to this man-made law, he prepared the development, not only of more humane methods of warfare but of all the methods of peaceful settlement of international disputes” (Rommen, 1948, p. 460).

Suárez also thinks that war should be included under the *ius gentium inter se*, “insofar as it is based upon the authority [*potestas*] which one republic... has to punish... for injury done to it by another...” (Ibid). Along with war, Suárez includes slavery too, “for peoples and nations observe that law among themselves and it was not necessary from natural reason alone” (Doyle, 2005, p. 397). As well, Suárez includes peace treaties and truces, “not insofar as they must be observed... [for this a matter of natural law, Suárez notices] but insofar as they should be granted and not denied when they are requested reasonably and in a proper way” (Ibid).

In a very important passage, Suárez exposes the essential foundation of the *ius gentium* in the fact that

The human race, although divided in peoples and kingdoms indeed, keeps a certain unity at all times, not only one which is specific to the human race, but one which is quasi political and moral, as it is indicated by the natural precept of solidarity and support that it is extended to all, including foreigners and any nation.

Therefore, even though a State – monarchy or republic – is naturally self-governed and endowed with constitutive elements of its own [...], it is also – in a certain sense and in relation to the human race– a member of this universal community. For the States, individually considered, never enjoy an autonomy so absolute that does not require some help, association and common trade – sometimes for their better well-being, progress and development, and other times even on account of their moral need and lack of resources – as experience itself shows.

For this reason, States have the need of a system of laws by means of which they may be directed and properly oriented in this kind of trades and mutual association. And although, at a great extent this is done by mean of natural reason, natural reason cannot do this directly and sufficiently regarding all matters and circumstances (Suárez, 1973, II, XIX, 9, pp. 135-136).

This text is especially relevant⁹. In it, Suárez indicates a series of fundamental assertions: (1) the existence of a universal community that somehow unifies the plurality of different nations; (2) the unity posited by this universal community is specifically of a 'quasi political and moral kind', not a natural one (although natural law endorses it); (3) All States are members of this universal community, despite their autonomy or independence, for (4) States need other, because of 'natural and moral reasons' and for their own well-being and progress', which cannot be guaranteed sufficiently by natural law. The well-being and progress of nations is ultimately achieved by the law of nations.

⁹ A summary and some important observation on this passage are given by Copleston. Let us be reminded that the idea of a universal community originally comes from Vitoria. "The rational basis of the *ius gentium* is, according to Suarez, the fact that the human race preserves a certain unity in spite of the division of mankind into separate nations and States. Suarez did not consider a world-state to be practicable or desirable; but at the same time he saw that individual States are not self-sufficing in a complete sense. They need some system of law to regulate their relation to each other. Natural law does not provide sufficiently for this. But the custom of nations has introduced certain customs or laws which are in accord with the natural law, even though they are not strictly deducible from it. And these customs or laws form the *ius gentium*".

It has been said [by J.B. Scott in *The Catholic Conception of International Law*, Ch. XIII, as indicated by Copleston in a footnote] that Vitoria's idea of all nations as forming in some sense a world-community and of the *ius gentium* as law established by the whole world looked forward to the possible creation of a world-government, whereas Suarez idea of the *ius gentium* looked forward rather to establishment of an international tribunal which would interpret international law and give concrete decisions without being itself a world-government, which Suarez did not regard as practicable" (Copleston, 1953, pp. 351-352).

In contrast, the *ius gentium intra se* ‘comprehends precepts and forms of life that are not related to all men in intrinsic and direct way, nor have as an immediate goal a progressive association and international collaboration’ (Suárez, 1973, II, XIX, 10). Thus, by the *ius gentium intra se* each State defines these precepts within its own limits, according to its own constitutional and jurisdictional processes’ (Ibid). However – Suárez notes – these precepts and forms of life are of such a kind that they coincide with those practiced by almost all other nations, ‘reaching something a certain parallelism in the global order’ (Ibid.)¹⁰. Examples of *ius gentium intra se* are the *particular* ways nations have constituted religion. *In general*, the establishment of a religion would belong to the natural law, but the particular mode it adopts in each case belongs to the *ius gentium intra se* (Ibid.). According to Suárez, the same can be said of St. Isidore’s examples, namely, ‘the occupation of territories, the construction of buildings, fortifications, and the use of money’. As well, Suárez includes ‘many particular contracts of buying and selling, which individual nations occupy in within themselves’. The prohibition of inter-religious marriage presents an interesting case for Suárez, who considers it as belonging to *ius gentium intra se* just under a very improbable condition, for that prohibition is usually a matter of civil law¹¹.

¹⁰ It is importance to notice here that this *ius gentium intra se*, as defined and used by Suárez, correspond to what contemporary jurists denominate as “comparative law”.

¹¹ “...I assert the same about the prohibition of marriage with those of another religion [that it belongs to civil law]. For in actual fact, where there is such a prohibition, it does not regard the general communication and society of the human race, but the proper welfare of that community in which such a prohibition is legislated. Furthermore, *if* in this prohibition *there is great similarity among nations (which to me is rather uncertain)* for that reason it could be referred to the law of nations. (Suárez, 1973, II XIX, 9), (Doyle, 2005, p. 399). The italics are mine.

Four differences between ius gentium and natural law according to Suárez

In Section XX of *De Legibus*, Suárez presents the conclusions that derive from the former considerations, which separate the *ius gentium* from the natural law. These conclusions have to do mainly with the just and mutable nature of the *ius gentium*. They are essentially four conclusions: (1) the *ius gentium* is common to all nations without being natural; (2) the norms of the *ius gentium*, that is, its precepts and prohibitions, are not necessary or absolute conclusions from the natural law; (3) the norms of the *ius gentium* have to comply with demands of justice and equity; (4) the *ius gentium* is mutable, for it depends on the human will. In the following, I will present Suárez' final considerations on each one of these conclusions.

The first one of Suárez' conclusions refer to the *ius gentium* in its proper sense, that is, as *ius gentium inter se*. In this modality, we have already seen that it is an unwritten law that is common to all nations but is not natural. According to Suárez, it is not difficult to see that the law of nations in its *inter se* sense could have been propagated throughout the world by means of a gradual, continuous, expansive, and imitative process of practices and traditions among nations (Suárez, 1973, II, XX, 1). The *ius gentium inter se* 'is a law so closely related to and useful for human nature that it indeed expanded itself in a quasi-natural mode along with the human race itself'. "Therefore, it was not written, since it was not dictated by any legislator, but it grew strong from practice" (Suárez, 1973, II, XX, 1), (Doyle, 2005, p. 401). The same can be applied to *the ius gentium intra se*, Suárez thinks.

The second conclusion states that “the precepts of the law of nations are conclusions from principles of natural law and differ from civil law inasmuch as civil laws are not conclusions but determinations of natural law” (Suárez, 1973, II, XX, 2), (Doyle, 2005, p. 401). This offers a sound interpretation of Aquinas, according to Suárez, being especially true ‘with respect to the *ius gentium inter se*’. Here Suárez interprets Aquinas’, following ‘Soto and others’ by stating that “precepts of the law of nations are called conclusions of natural law not absolutely by a necessary inference, but in comparison to the determinations of civil and private right” (Doyle, 2005, pp. 402-403).

The third conclusion indicates that the law of nations has to comply with demands of justice and equity, ‘for this is the essence of every law which is a true law’. Nevertheless, Suárez is aware of the special difference between the *ius gentium* and natural law on those demands, for the natural law ‘prohibits all bad things in such a way that it permits none of them’. As we have already seen, this is not the case for the law of nations, since – at times – it allows certain evils. For Suárez, this is especially true “in that law of nations which in reality is civil law but which from likeness and agreement of nations is called the law of nations. For just as in civil law some evils are tolerated, so also, they can be tolerated by the law of nations” (Doyle, 2005, p. 403). Here Suárez follows a long tradition among Scholastics, who have been tolerant in allowing certain evils to have some sort of legality. “For that toleration can be so necessary, because of the weakness and the condition of men and their affairs that nearly all nations agree in observing it. The toleration of prostitutes seems to be of this kind, as does also the allowance of a small deception in a contract (Ibid.), and similar things (Ibid.).

The fourth conclusion has to do with the mutable nature of the law of nations, 'inasmuch as it depends upon a human consensus'. The mutability that Suárez confers to the *ius gentium* is very restricted and is based on several reasons. One of them is that its mutability has to do with precepts and prohibitions. Other reason for the mutability of the *ius gentium* 'that things prohibited by it are not essentially evil'. Another one is that the precepts of the *ius gentium* "are not inferred by a necessary and evident inference from natural principles". A further reason is that "the obligation of the law of nations does not arise from natural reason alone without some manner of human obliging, introduced at least by general custom" (Suárez, 1973, II, XX, 6), (Doyle, 2005, p. 407).

Conclusions

Regarding the former considerations, Suárez indicates that mutations in the law of nations can occur in two ways. The first occurs within the *ius gentium intra se*, while the second, with the *inter se*. In the first law of nations, laws can be changed by an individual kingdom or states within their own territories, for in this respect they are merely civil law, but are also called *ius gentium* "only by relation to and concomitance with [the laws] of other [states], or because it is so near to natural law that is universality from all or almost all nations stems from that" (Suárez, 1973, II, XX, 7), (Doyle, 2005, p. 407). In the *ius gentium inter se*, mutability is greatly difficult, though. "For it respects a law common to all nations and which seems to have been introduced by the authority of all, and which therefore can be abrogated only with the

consent of all” (Suárez, 1973, II, XX, 8), (Doyle, 2005, p. 407). Changes here are also difficult on account of the closeness of the *ius gentium* to natural law, which is immutable. Nevertheless, there can be mutability in the *ius gentium* if all nations agree, although this does not seem to be likely for Suárez¹².

At the end of section XX, Suárez thinks that all difficulties found in laws and authors regarding the *ius gentium* have been sufficiently explained (Suárez, 1973, II, XX, 10). According to Suárez, these difficulties ‘seem to be based on ways of speaking’. Nevertheless, despite his fairly exhaustive treatment, Suárez finishes pointing out that “emphasis should not be placed on this, both because [those laws and authors] could have used their words in a different sense, and also because the law of nations is a kind of mean between the natural law and the civil law... [t]herefore, sometimes some natural precepts... have been called matters of the law of nations” (Doyle, 2005, p. 409). Nevertheless, Suárez feels confident that “when we speak with rigor and properly distinguish the natures of the two laws, their examples and precepts must also be distinguished” (Ibid).

¹² An interesting note by Suárez is given in the *additiones suarecii* in (Suárez, 1973). The translation is mine. “...even though admitting the possible derogation of a part of the law of nations by means of custom, nevertheless, it is morally impossible that this law comes to disappear as a whole. It would be necessary that all nations coincide in a custom that is contrary to the law of nations. This is morally impossible. First, because there can scarcely be uniformity in any matter. Above all, for the norms of the law of nations are in close harmony to nature and, because of that, there are only a very few cases that go against it”. (Suárez, 1973, §11, p. 164).

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POLITICAL KNOWLEDGE AND PUBLIC VIRTUES

CONOCIMIENTO POLÍTICO Y VIRTUDES PÚBLICAS

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Abstract

The aim of this paper is to reflect upon the scope of political knowledge as a counterpoint to the epistocratic argument defended by Jason Brennan in *Against Democracy*. To this end, I will begin by presenting Brennan's conception of knowledge and ignorance, together with his interpretation of the nature of politics. I will then investigate the meaning of knowledge and ignorance from the standpoint of virtue epistemology. Following this, I will analyze the very essence of the political domain and consider the public virtues of prudence and civic friendship. Lastly, I will discuss the phenomenon of moral progress, in order to show that tribalism is neither the essence of human moral nature nor a preclusion of political knowledge and that there is thus no conclusive reason for defending the restriction of public participation in the political process.

Keywords: Political knowledge, ignorance, prudence, civic friendship, moral progress.

Resumen

El objetivo de este trabajo es reflexionar sobre el alcance del saber político como contrapunto al argumento epistocrático defendido por Jason Brennan en *Against Democracy*. Para ello, comenzaré presentando la concepción del conocimiento y la ignorancia según Brennan, junto con su interpretación de la naturaleza de la política. Luego investigaré el significado del conocimiento y la ignorancia desde el punto de vista de la epistemología de la virtud. A continuación, analizaré la esencia misma del dominio político y consideraré las virtudes públicas de la prudencia y la amistad cívica. Por último, discutiré el fenómeno del progreso moral, para mostrar que el tribalismo

no es ni la esencia de la naturaleza moral humana ni una exclusión del conocimiento político, y que -por lo tanto- no hay una razón concluyente para defender la restricción de la participación pública en la vida política.

Palabras clave: Conocimiento político, ignorancia, prudencia, amistad cívica, progreso moral.

Introduction

In *Against Democracy*, Jason Brennan defends an epistocratic argument by claiming that most voters nowadays are politically ignorant and irrational and that this ignorance is the cause of decisions, which are incompetent, unjust, and illegitimate. As such, he maintains that voters' rights should be restricted and that a specie of epistocracy should be implemented within the democratic process. This is because the choice of who should form a government is a political decision made through universal suffrage (Brennan, 2017, pp. 3-15). The main point of Brennan's argument is to show that most citizens are ignorant, apathetic, and irrational, in other words, they are either *Hobbits* or *Hooligans* who make tribal political decisions, thus compromising the whole democratic system (Brennan, 2017, pp. 3-8). He proposes a conditional thesis, saying that if epistocracy is indeed better for democracy, then it should certainly be implemented so that political power can be distributed according to individual knowledge or competence. This type of epistocracy is based on an "antiauthority tenet" which posits the following:

When some citizens are morally unreasonable, ignorant, or incompetent about politics, this justifies *not permitting* them to exercise political authority over others. It justifies either forbidding them from holding power or reducing the power they have in order to protect innocent people from their incompetence (Brennan, 2017, p. 17).

This appears to imply that the restriction of universal suffrage would be based on the epistemic criterion of ignorance regarding political matters. The problem is that Brennan does not explain in any detail what "knowledge" and "ignorance" are, nor does

he have much to say about the concept of “politics” *per se*. Although I find it tempting to defend democracy against epistocracy, my objective in this paper is much more modest. I shall confine myself to investigating the scope of political knowledge and ignorance, while at the same time trying to reflect on what specifically constitutes the political domain. This is important because it seems unjust to restrict the votes of certain people based on such a complex concept as “ignorance”. The distinction between what people “know” and “ignore” is in any case arbitrary, especially in the political sphere, where those citizens who would suffer this type of electoral restriction would probably come from the most deprived sectors of society.

Firstly, Brennan does not clarify exactly what constitutes knowledge and ignorance. In Chapter 2 of his book, he merely gives examples of voters’ lack of knowledge: that in election years they are unable to identify any of the congressional candidates in their district, that they are unaware of which is the governing party in Congress, and that they underestimate how much public money is spent on international aid (Brennan, 2017, pp. 25-30). These examples appear to show that he is equating knowledge with the possession of information in politics, history, sociology, and economics, as well as in other related fields. But is it true to say that knowledge is indeed equivalent to possessing certain types of information? In addition to this, Brennan treats the concept of knowledge as if it were simply all or nothing rather than a matter of degree. It is as if one either has political knowledge or one is ignorant. Further examples of this would be having sufficient political and legal knowledge to be aware that US policy in relation to the war on drugs is, in fact, counterproductive and biased against minorities, or that having adequate medical knowledge is necessary to save the life of someone who is choking (Brennan, 2017, pp. 117, 122).

This perspective transmits the idea that some citizens have more political knowledge than others, and that political facts are easy to identify. In this way, political knowledge is considered like scientific knowledge, in the sense that it is based on evidence. In the light of this, it is not difficult to see that Brennan is using the concept of knowledge in a traditional manner, i.e., as a synonym for justified true belief. Ignorance is the converse of this and implies the taking of political decisions without reference to evidence, but, rather, basing them on tribal prejudices. I will argue that knowledge is much more complex than Brennan supposes.

Secondly, Brennan does not clarify the scope of politics. He says that politics is not like a poem, thereby distancing himself from any romantic view of the subject, in which it would have the role of bringing together members of the community, educating, and civilizing them, while fostering friendship and sound political principles. In fact, Brennan's view is the direct opposite of this, i.e., to separate, paralyze and corrupt citizens (Brennan, 2017, p. xv).

This implies an instrumentalist view of politics based only on its function as if it were a hammer with the sole purpose of promoting the welfare of the electorate. According to this view, we should choose the political regime which creates the best results, i.e., one which produces more justice, eliminates poverty, brings an end to wars, and guarantees the safety of the population. Brennan maintains that political participation is a source of corruption rather than a force for the development of citizens' moral and intellectual character, in the sense that such participation and its corresponding freedoms have only an instrumental and non-intrinsic value. He,

therefore, believes that a fairer political result will be produced if democracy is replaced by some form of epistocracy (Brennan, 2017, pp. 18-19). Furthermore, he treats politics as if it were a technique and a way of controlling people's lives, a zero-sum game in which victory means the certain defeat of opponents (Brennan, 2017, pp. 124-132).

This instrumentalist view seems to reduce politics to a mere struggle for power, especially in the case of elections and does not recognize the representative and symbolic value of a choice in this domain. No matter how many electors decide and vote according to cognitive biases, especially those of tribalism and confirmation bias, one must recognize that they still give value to their choices. This is because they see themselves as autonomous and responsible so any attempt at restriction will lead to a loss of self-esteem and a perceived change in social practices, particularly in terms of elections as such. It is also important to recognize that, over and above the electoral process, politics appears to be related to an attempt to find negotiated solutions to conflicts of opinion. Indeed, the creation of the United Nations (UN) and the proclamation of the Universal Declaration of Human Rights are based on this very principle.

In the light of the above, my main objective in this paper will be to reflect on the scope of political knowledge. I will begin by investigating the nature of knowledge and ignorance based on virtue epistemology. I shall then discuss two of the most central public virtues, prudence, and civic friendship. Finally, I will consider the phenomenon of moral progress in order to show that cognitive biases do not make political knowledge impossible, but simply more difficult.

Knowledge and ignorance

As stated above, in *Against Democracy* Jason Brennan does not fully clarify the concepts of “knowledge” and “ignorance”, and if we look closely at the examples he gives in relation to these concepts, it appears that he views them from a traditionalist standpoint, namely, he views “knowledge” as a justified true belief or as a true belief assured with adequate evidence (Chisholm, 1957, pp. 54-66) and “ignorance” as a lack of knowledge or of holding false beliefs as a result of insufficient evidence. For Brennan, one of the central problems of politics is that people tend to ignore empirical evidence and make tribalistic decisions (often based on intergroup bias, or as a form of confirmation bias), whilst only accepting evidence, which supports their own point of view.¹

Let us consider an example of political knowledge and ignorance given by Brennan. He says that US voters tend to ignore the effects of the war on drugs in relation to minorities, since taking hard measures against this type of crime tends to be more prejudicial to poor people, Black people, and Latinos. It is more likely that an epistocratic voter would know that such a policy in relation to drug crimes is counterproductive (Brennan, 2017, p. 117). The evidence for this knowledge is that most of those found guilty and imprisoned for such crimes are indeed poor people, Black people, and Latinos and that therefore continuing the war on drugs will only increase

¹ Brennan makes reference to a significant group of cognitive biases which appear to have a negative influence on political decisions: (i) Political tribalism: this is the tendency to feel animosity towards rival groups and to reject everything they claim; (ii) Confirmation bias: the tendency to accept evidence which confirms the person’s point of view, and to ignore all evidence which goes against it; (iii) Availability bias: the tendency towards error in estimating probabilities; (iv) Affective contagion: the tendency to ignore facts for emotional reasons; (v) Framing effects: the tendency to evaluate information at face value; (vi) Peer pressure and authority: the tendency of the person to subject their opinion to that of the majority, and to accept the views of those in authority (BRENNAN, 2017, pp. 39-48).

the prison population of these minorities. The problem is that the affirmation produced by this evidence does not indicate what alternative policy could be introduced to resolve the issue. For example, would it be enough to decriminalize drug use, or should we still legalize the consumption of certain drugs, and is there any guarantee that such an alternative policy would not have a negative effect on the health of the overall population? Even in terms of the empirical world, having sufficient evidence does not automatically imply knowledge (as Edmund Gettier points out), and the situation becomes much more complex within the realm of politics.

In his seminal paper written in 1963, Edmund Gettier puts forward two cases, which show that it is possible to reach a true and justifiable belief randomly, that is, by luck. This traditionalist view is based on the following conditions in relation to the concept of knowledge: (a) S knows that P if and only if (i) P is true, (ii) S believes that P, and (iii) S is justified in believing that P. Or, according to Chisholm: (b) S knows that P IFF (i) S accepts P, (ii) S has adequate evidence for P, and (iii) P is true. Or, according to Ayer: (c) S knows that P if and only if (i) P is true, (ii) S is sure that P is true, and (iii) S has the right to be sure that P is true (GETTIER, 1963, p. 121).

Gettier's main point here is to show that these conditions are insufficient for obtaining knowledge. As a first example, let us suppose that Smith and Jones have both applied for a certain job. Let us further suppose that Smith has robust evidence for the following conjunctive proposition: (d) Jones is the man who will get the job, and Jones has ten coins in his pocket. The evidence that Smith has in favour of this proposition is that the president of the company assured him that Jones would in the end be selected and that he, Smith, had counted the coins in Jones's pocket ten minutes ago. This proposition, therefore, implies that (e) The man who will get the job

has ten coins in his pocket. Let us then suppose that Smith sees that (d) implies (e) and that he accepts (e) on the grounds of (d), in favour of which he has reliable proof. In this case, Smith is clearly justified in believing that (e) is true. But imagine, further, that unknown to Smith, he himself, not Jones, will get the job. And, also, unknown to Smith, he himself has ten coins in his pocket. Then, proposition (e) is true, even though proposition (d) is false (Gettier, 1963, pp. 121-122).

Based on this example, we can see that “being justified in believing that P” “having adequate evidence for P” or “being appropriately sure” do not provide sufficient conditions for guaranteeing the truth of the propositions described above. Knowledge may therefore be interpreted from a more fallibilist perspective, in the sense that the probability and even the disposition of the agents concerned (and their regularity) might have a more relevant role, particularly if one considers the political sphere, which must also be considered, together with the emotions involved in the decision-making process. In the light of this, the virtue epistemology appears to be more adequate in relation to our intention of concentrating on the subject of political knowledge, since it does not understand the concept of knowledge as being a true and justified belief, but more as being a kind of successful performance. In *A Virtue Epistemology: Apt Belief and Reflexive Knowledge*, Ernest Sosa claims that knowledge should be seen as the result of the intellectual virtues of a particular agent and that this is focused on their abilities and character. He also sees knowledge as a kind of successful performance, and as a kind of action, which is aiming for the truth. Knowledge is therefore obtained if the agent’s performance is apt, and this entails viewing knowledge as the result of the agent’s competence or virtues. Thus, performance is apt when it is successful, that is, when it achieves its objective as a result of the agent’s competence.

He/she can be compared to an archer who shoots an arrow in an attempt to hit a target so that, if the archer is competent, the target will not be hit purely by luck. The archer will hit the target because of his/her aptitude and hitting the target, in this case, is tantamount to arriving at a successful belief reflexively (Sosa, 2007, pp. 22-23).

What is interesting about this alternative model is that it is possible to view knowledge as an expression of certain intellectual virtues. An example of this is prudence, which is the disposition to find adequate means to reach an adequate end, and such virtue is achieved through an ongoing process of habituation. It may be understood as a stable disposition of character on the part of the agent and represents a tendency in him/her to behave in a certain way since this virtue is a clear sign of the person's moral character. This disposition is an active one that requires habituation and experience. In *Intelligent Virtue*, Juliana Annas states that this virtue cannot be seen simply as part of a routine, as it needs constant monitoring in order to reach perfection and is therefore a disposition of character which provides a creative and imaginative response to new challenges (Annas, 2011, p. 14). Annas also makes an interesting analogy between virtue and practical ability, as in the case of playing the piano. One acquires a virtue such as prudence by acting prudently, in the same way, that one learns to play the piano through regular practice (Annas, 2011, pp. 1-7). Once one has acquired this virtue, one is more likely to produce a successful performance and achieve one's aim. In relation to the earlier example of the US war on drugs, a prudent person might also consider that the objective of such a policy could be even more damaging to society at large, and therefore decriminalization might be viewed as a better alternative to full legalization.

However, it is worth noting that a feeling of uncertainty about which policy to adopt is a natural practice for a prudent person, as he/she must consider various alternative scenarios before deciding which approach to adopt, without any guarantee that the final decision taken will really be the best one after all. In relation to this, it should be remembered that a state of uncertainty may be interpreted as a manifestation of ignorance. Curiously, this phenomenon is generally interpreted as the absence of knowledge, and since knowledge traditionally aims to reach a true belief that is justified and guaranteed by adequate evidence, ignorance is, therefore, a false belief, as in the case of defending an increase in the level of punishment as a way of reducing criminality and enhancing national security. When viewed once again from a traditionalist standpoint, the prudent agent who has acquired wisdom through practice becomes a paradigm of what he/she knows and not an example of ignorance. But in relation to the criterion of virtue, having prudence may be considered as a kind of knowledge of the measures needed to reach a positive outcome which is circumscribed by a scenario of diversity and uncertainty.²

From the perspective of virtue epistemology, ignorance is best conceived as a state in which the agent uses unsuccessful beliefs as the basis for his/her political decisions, and this can also be understood as a state of absence of certain virtues. The advantage of this perspective is its inclusivity, since ignorance, in addition to being treated as equivalent to guaranteeing a false belief, may be interpreted as the defence of an unsuccessful belief, the suspension of judgment, the absence of careful

² In *Nicomachean Ethics* Aristotle states that political science, which includes ethics and politics, is a type of knowledge with a wide variety of opinions and uncertainties concerning what is right and just, but which may help individuals to make better decisions in complex cases and act in an appropriate and virtuous way. The truth is presented in an approximate form, and the concept of knowledge is intrinsically linked to the experience of agents and their disposition to act virtuously (Aristotle, 1999, 1094b12-20).

consideration of a particular subject, or even a state of uncertainty.³ A prudent agent would therefore be one who acquires political wisdom by making choices on the basis of his/her ability to weigh alternatives, which may be right or wrong, and this capacity can be best interpreted as “knowing how” rather than “knowing that”, i.e. practical instead of the propositional knowledge. The achievement of virtue is therefore practice and a process of moving from ignorance to knowledge in stages, and not just in one fell swoop.

As regards the question of the meaning of knowledge and ignorance, I would like to point out what I consider to be a particular danger in Brennan’s proposition as described above. If political ignorance is indeed a reason for denying the right to vote, and if ignorance is equivalent to a lack of knowledge, or having false beliefs, then all voters would be denied the right to suffrage since it is impossible to verify what exactly knowledge is in this context. For example, someone who defends the government’s policy concerning the war on drugs is deemed to be ignorant, and therefore he/she should be denied the right to vote. On the other hand, defending the decriminalization or legalization of drugs is deemed to be a good example of political knowledge. But how is it possible to distinguish between what is identified as ignorance or knowledge in a domain which is surrounded by such a diversity of opinions, and corroded by uncertainty? Might such a distinction not be arbitrary? In fact, when we consider that we always make judgments based on cognitive biases and our own experiences, it becomes clear that this is almost certainly the case. By way of example, let us imagine a situation in which one person defends a Keynesian approach to obtaining prosperity,

³ Rik Peels defines ignorance as a mental attitude in relation to a true belief. It can be viewed as (i) having a false belief, (ii) suspending judgment in relation to a true proposition, (iii) having no idea about a true proposition, or (iv) suspend judgment about a true proposition. Peels’ position is more inclusive and seems to capture more neatly what is involved in the phenomenon of ignorance (Peels, 2010, pp. 62-64).

while another defends a radical neoliberal policy, which contains a large dose of privatization. Who is then to decide what constitutes knowledge or ignorance? According to Brennan, ignorant people should not be allowed to vote, but we must somehow make room for differences of opinion since it would be arbitrary to restrict some beliefs and not others.

In addition, this approach may be considered unjust if we consider the fact that the conditions necessary to achieve political knowledge are asymmetrical in societies with a high level of economic inequality. In Brennan's research, poor people, Black people, Latinos, and women are those with the highest rates of political ignorance, whereas white, rich, and educated men have the highest rates of political knowledge (Brennan, 2017, pp. 32-33). This is probably because the more deprived groups have not had access to a cognitively fertile environment, i.e., they have not been too good schools, nor have they had sufficient time to study or to be exposed to different kinds of cultural opportunities. It would therefore be unjust to restrict the voting rights of these groups since the asymmetrical conditions they must face are involuntary. Indeed, it would be much fairer if social structures were modified in order to provide equitable conditions for all citizens in relation to the cognitive environment.

Politics, choices, and plurality

Brennan claims that politics is not like a poem, and this means that its purpose must therefore be instrumental. Its value must be measured by the results it achieves, as it has no intrinsic worth and, because of this, epistocracy is preferable to democracy, since it offers a better guarantee for the wellbeing of citizens. This is obviously not an

ideal perspective, since it tries to reflect those institutions which would work best in terms of people's real behavior, rather than asking which would be the best institutions to adopt if all citizens behaved in a rational and moral way. Brennan wants to know how we should view political participation and power in relation to citizens' moral and intellectual weaknesses (Brennan, 2017, p. 19). But he does not define clearly what he really means by "politics".

Since Brennan is making use of a theory that is not ideal, we may assume that he is employing a form of political realism when he adopts the idea of how people "really" behave as his starting point. This appears to be related to a certain skepticism about citizens' moral and intellectual capacity, as well as a belief that politics is in many ways merely a technique or a method, and that political knowledge is equivalent to having relevant information as a basis for making decisions. In this way, and in line with the examples given above, politics may be considered a type of science. As we have already seen, Brennan claims that most voters are ignorant and irrational when dealing with political facts and that they take decisions based on insufficient evidence. He also states, with reference to Caplan, that voters have little sociological and historical knowledge concerning political facts and very limited knowledge of economics. For example, most American voters do not know that the concept of free markets postulated by Adam Smith is superior to a mercantilist approach (Brennan, 2017, p. 29).

Brennan, therefore, believes that a wise political decision must be supported by adequate information and by relevant social theories to identify pertinent information. Questions remain, however, as to whether a political choice can, in fact, be reduced to

a mere identification of factual evidence, and whether politics can really be considered a form of science.

It is important to note that if the choice is concerned with which economic system is the most efficient, i.e., free markets or mercantilism, I might agree that there is sufficient evidence to prove the superiority of the free markets. However, if the choice were between free markets *per se* or a system with a degree of state intervention (to avoid monopolies, for example), the relevant evidence and recognizable facts would not be so clear. Experienced economists would themselves probably disagree on this subject. There would also be disagreement between those who support an economic policy based on the centrality of social welfare and those who defend a policy of minimal state intervention. Once again, we must ask what facts or relevant evidence should be considered by economic experts, and if their scientific opinions differ, it will obviously be far more difficult for ordinary voters to arrive at a suitable decision.

In addition to this reductionist view, which interprets political decisions as the neutral identification of certain facts which can readily be recognized by epistocratic voters, political choice throws up two major issues: that the value of choice is not merely instrumental, since it reveals the type of person who made it, and that this choice is also symbolic since it involves deliberating and deciding between different reasons about which there is a multitude of public doubts and disagreements. This seems to demonstrate that there are significant differences between the political and scientific domains, and their levels of certainty and clarity are quite distinct. We will now consider this in more detail.

Firstly, let us reflect on the value of making choices, which is something we do all the time in our daily lives. We choose people as friends, lovers, and partners, we choose what profession to follow, what films to watch, and what candidate from which political party to vote for. Furthermore, punishment can only be deemed just if we consider that the person who infringed the law knew that he/she had a choice of action. We, therefore, need to ask if the choices we make every day are merely instrumental, i.e., their value depends solely on the results they achieve. I do not think this is the case, since our choices are a symbol of our autonomy, of our capacity not to be heteroregulated, and the concept of autonomy appears to be central to both our personal and social lives. If we imagine a society in which the state would decide what profession we accept or whom we should marry, even if that were to produce positive results (in the sense of having higher levels of productivity or fewer cases of divorce), it is extremely unlikely that it would be acceptable to most individuals. This is because we value our capacity for choice very highly and have built our social order on this premise, which would also appear to be true when we make political choices. I believe that when we choose a particular candidate in an election, that choice also reveals who we are, and which values are important to us.

In relation to this subject, Nozick (1990, p. 286) correctly states that the political power expressed through suffrage is a symbol of equal dignity and autonomy for all human beings. He emphasizes that our political choices, as represented by voting, are not only important for directing the attention of government towards specific areas such as health, education, or the economy, but also for symbolizing our capacity for self-direction, i.e., directing our actions and decisions without external interference (Nozick, 1990, p. 286). Everyone's opinion should have equal weight since otherwise we

would lose our status as autonomous beings. Indeed, what would society be like if did lose this status, so that we could no longer consider ourselves as being self-governed?

Secondly, it is important to recognize the political concept of plurality, which posits that differences naturally exist between different citizens' views of the world, and not just ignorance and irrationality in the choice of policies or even of candidates for political office. In "The Domain of the Political and Overlapping Consensus" (1989), John Rawls reflects on exactly what constitutes the sphere of politics. According to Rawls, five general facts need to be recognized. The first of these is reasonable pluralism, which states that the diversity of comprehensive doctrines (religious, moral, and philosophical) is not merely a historical contingency, but a permanent feature of the public culture of contemporary democracies. The second is the fact of oppression, which tells us that only the oppressive use of state power can maintain a continuing common affirmation of one comprehensive doctrine, as was the case with the Inquisition during the Middle Ages. The third fact informs us that a lasting democratic regime requires the free support of a substantial majority of politically active citizens who are not divided by conflicting doctrines or by social classes which are hostile to each other. The fourth fact states that the public culture of a relatively stable democratic society possesses certain intuitive ideas which are the basis for formulating a political concept of justice. The fifth fact is related to the burdens of reason and shows us that we use a number of our vital senses under conditions where it is unlikely that rational and reasonable people will arrive at the same conclusions after an open discussion (Rawls, 1999, pp. 474-475, 478). Even more importantly, when we analyze the characteristics of politics, we see that a political relationship is manifested between members of the same society (which we enter when we are born and leave

only when we die). This implies differences between the sphere of association (which is voluntary) and the family and personal fields, which are affective in a way that is alien to politics. In short, politics is rooted in the public sphere and is involuntary; it cannot be reduced to the private sphere (Rawls, 1999, pp. 482-484).

Instead of considering the public domain as consisting of certain facts which are recognized by experts in their field, Rawls interprets it based on reasonable pluralism. This interpretation of politics views disagreements in a different way from Brennan, who sees them as the expression of prejudices, individual and intergroup interests, blindness, overreaction, irrationality, and even stupidity, which seems to question the integrity of those who disagree with us. For Rawls, on the contrary, disagreements are seen in line with the complexity of empirical proofs, with the relative weight of pertinent considerations, the indeterminateness, and vagueness of concepts, and with the influence of life experiences in relation to values and proofs.⁴

The interpretation of the sources of disagreement is certainly relevant since it reveals the full complexity of politics. For Brennan, there is relevant evidence that must be identified by those possessing knowledge, and not recognizing this evidence would be synonymous with ignorance. For Rawls, on the other hand, the empirical evidence in relation to specific cases is complex and can be interpreted in many ways. For example, we can attribute different relative weights to evidence and thereby arrive at

⁴ For Rawls, the sources of reasonable disagreement are: (i) the empirical proof supporting a particular case may be contradictory and complex; (ii) we may differ about the relative weight of the type of consideration which is pertinent, and therefore arrive at different conclusions; (iii) all our concepts are, in a certain way, vague and indeterminate, including our moral and political concepts; (iv) our life experiences influence the way in which we evaluate a specific evidence as well as our moral and political values; (v) there are certain basic conflicts relating to values, in the sense that there appear to be normative reasons for particular incompatible actions which must be decided between; (vi) social institutions must select certain political and moral values and prioritise them (Rawls, 1999, pp. 476-477).

different conclusions. In addition, our subjective experiences appear to have a marked effect on how we evaluate a piece of evidence and its intrinsic values. Once again, we can imagine a discussion between someone who defends a policy based on social welfare and affirmative public action, and another person who defends a policy of minimal state intervention. I believe that Brennan would identify neutral evidence which would be accessed by experts in their field as a basis for their decisions. For Rawls, on the other hand, such evidence may be interpreted in different ways depending on the life experiences of those involved. For example, being black or female and having been subjected to a lifetime of racism or sexism may have a decisive influence on how a person interprets evidence and its intrinsic values when defending a certain form of affirmative action such as a quota system. This might not be the case for someone who has never experienced prejudice. The problem with politics, therefore, is not only one of ignorance and irrationality but also of perspective.

The political domain is thus rendered more adequately not as a repository of neutral facts decided on by experts but as a public space containing people who profess different religious, moral, and economic doctrines, and who have distinct and sometimes contrary positions concerning how the problems of society should be resolved. In the light of this, it is very important to guarantee freedom and basic rights, especially the political rights to vote and run for office. If at the end of the day decisions are to be made according to the will of the majority, it would be presumptuous to restrict the political rights of certain citizens based on such an arbitrary criterion as ignorance (as proposed by Brennan), since it may be the case that what is in play is simply a collection of different opinions.

Prudence and civic friendship

Moving on from the discussion of the concepts of knowledge and ignorance, and of the political domain, the next step will be to reflect on the public virtues of prudence and civic friendship, especially in terms of how they are acquired. This is particularly relevant since, according to Brennan, political participation tends to favour stupidity and public antagonism.

For Brennan, political participation tends to have a corruptive influence instead of improving intellectual and moral character, and this creates a high degree of antagonism between voters. He begins the first chapter of *Against Democracy* by making a comparison between Mill and Schumpeter. He says that Mill claims that political participation makes citizens more intelligent, more concerned with general welfare, and more educated and noble, with the result that people gain a wider perspective and cease thinking only of their own immediate interests. Schumpeter, on the other hand, claims that the average citizen has a poor understanding of political concepts, and focuses only on his/her personal interests, so his/her political participation is of a markedly primitive kind. He also claims that, in the current situation, most common forms of political engagement do not make people more educated but tend to make them more stupid and corrupt. Since they are not interested in politics and are ignorant of or completely irrational about many aspects of it, the solution is not to increase political participation but to restrict it (Brennan, 2017, pp. 1-3). In the last chapter of his book, he concludes that politics tends to make citizens hate each other and see members of opposing groups as their enemies, which clearly does not encourage civic friendship (Brennan, 2017, pp. 231-232).

Brennan's argument, therefore, seems to conclude that we should move away from politics, as it encourages stupidity, irrationality, and ignorance, whilst making citizens enemies of each other, and, since social stability is impossible without civic friendship, this means citizens being "engaged in a cooperative venture for mutual gain", thus avoiding "politics as much as possible" (Brennan, 2017, pp. 234-235). This argument seems to be related both to Brennan's all-or-nothing concept of political knowledge and to his concept of politics as a zero-sum game. As we noted above, however, if knowledge is considered as the expression of certain intellectual virtues which are acquired through experience until they become a habit, and if politics is considered as something which is not simply reducible to electoral disputes, but rather as a way of achieving a basic normative consensus, then both political knowledge (which can be viewed as prudence or practical wisdom) and civic friendship will only be possible with political engagement and not with political restriction. This is because no virtue can be acquired without practice, and all public virtues can only be acquired within the political domain. It is extremely difficult to imagine a scenario in which public virtues, such as justice and tolerance, could be nurtured exclusively within the private sphere.

Rather than taking Schumpeter as our point of reference, let us consider the education argument that Mill puts forward as a means of understanding how political engagement can develop citizens' moral and intellectual virtues. Mill claims that political and civic activity requires citizens to make judgements based on an impartial view of their peers' interests, and the overall purpose of this is to achieve general wellbeing. This requires a long-term approach, together with engagement in issues related to morality and social science. As such, political activity will tend to augment

civic virtues and make citizens better informed. Mill's argument emphasizes that political engagement will nurture their powers of critical thinking and increase their knowledge. He correctly claims that involvement in politics will lead them towards a more impartial perspective of the issues raised, so that they will have greater empathy with their peers and will develop a high level of concern in relation to general wellbeing (Mill, 1975, pp. 196-197).

Brennan's problem with Mill's education argument is that he needs to provide empirical data that political participation does, in fact, ennoble and educate citizens. Based on negative sociological data concerning deliberative democracy, together with psychological data relating to cognitive biases, Brennan concludes that the education argument is not a solid one, and therefore political participation should be avoided (Brennan, 2017, pp. 60-73). The difficulty here is that this approach intends to describe the state of human nature and of social relations as something unalterable, and this constitutes a markedly essentialist view. Because of this, it is necessary to reflect on the specificity of the virtues concerned, as they may be considered as second nature, being acquired through a process of habit. In the remainder of this section, I will discuss the public virtues of prudence and civic friendship, which necessitate political engagement if they are to be acquired. I will begin by giving a definition of these virtues and analyze their level of importance, then reflect on the process of how they are acquired.

Prudence (*phronesis*) is defined in classical terms as the disposition to find adequate means to achieve a good outcome (Aristotle, 1999, 1143b21-25). It is seen as the capacity to deliberate successfully about what constitutes a good life. This implies a relationship with the capacity to learn which outcomes are good ones and, more

specifically, a deliberative capacity to achieve successful results by choosing the best ways of reaching them. This would seem to be an essential virtue in the realm of politics since it generally implies identifying the necessary means for achieving a good outcome. If, for example, we consider that the aim of a particular state is to ensure the economic prosperity of its citizens, in addition to guaranteeing their security, it would not be prudent to adopt economic policies which exclude most citizens from benefits such as education, health, and employment. A prudent politician should be able to identify more easily social welfare policies, which are likely to achieve a positive outcome. It is not surprising that Aristotle considers Pericles to be the paradigm of a prudent politician. Pericles was very important in ensuring both peace and prosperity in Athens because of his capacity to identify what constitutes public wellbeing, and this is a fundamental quality for governing well (Aristotle, 1999, 1140b1-2).

The importance of this quality from a public point of view is therefore clearly associated with the capacity to identify the means necessary for arriving at a good outcome. Many politicians desire peace and economic prosperity, but not all of them are able to identify the best ways of achieving these aims, i.e., to identify the most efficient public policies available. This is therefore an essential virtue for any public official, such as a legislator or a member of the executive. In addition, I believe that prudence is extremely important for the population at large. This is because the prudent citizen has less difficulty in assuming his/her responsibilities towards others and is capable of understanding the consequences of his/her actions, thus making it easier to accept civic obligations, such as respecting traffic regulations, following social, legal and political norms, as well as attributing equal weight to the interests of each individual, and showing good judgment in relation to public welfare.

Civic friendship (*politike philia*) is also a fundamental virtue for guaranteeing the integrity of societies and assisting in their welfare. It is a disposition, which involves the mutual concern for the virtuous nature of all citizens, and means wishing them well *per se*. As Aristotle states in *Politics*, civic friendship is a common aspiration regarding a standard of excellence for all citizens (Aristotle, 1995, 1295b1-3). Unlike personal friendship, intimate knowledge and emotional proximity are absent. As a result, behavioral features are expressed through the recognition of social norms regarding how people should treat each other, and this involves a knowledge of the national constitution and its qualities, the level of popular support in relation to what is publicly expected of social agents, and what their common duties should be. As Schwarzenbach says, in contrast to personal friendship civic friendship is gained through a process of public education.⁵

From this definition of civic friendship, it becomes easier to see why it is so important. It can be considered a necessary condition for justice in a particular society since without civic friendship it is difficult to achieve social stability. This is because even if society has rules for justice that guarantee freedom, equality, and dignity for its citizens, without a disposition to desire the wellbeing of others and to share values, objectives, and a sense of justice, it is unlikely citizens will follow the rules of justice which make communal life possible. This is relevant even when we consider states which are currently liberal, and which make a clear distinction between the private and

⁵ In her article “On Civic Friendship”, Sibyl Schwarzenbach states that in a just society, citizens experience a form of mutual friendship which is different from personal friendship; they desire the wellbeing of others, they do important things for their peers, and they share values, objectives and a sense of justice which make communal life possible. Schwarzenbach defends the possibility of civic friendship in a liberal state, but this is not to be confused with so-called platonic community where everything is shared. On the contrary, it is a community where autonomy and privacy are preserved (Schwarzenbach, 1996, pp. 122-123).

public spheres. Even Rawls, in his theory of justice as fairness, sees it as a necessary condition that citizens possess certain political virtues, such as a disposition to honour the duty of civility in order to ensure social stability for the right reasons. These virtues are considered a fundamental part of a particular society's political capital and depend both on the strength of social institutions and the efforts of citizens in their public coexistence (Rawls, 2001, pp. 115-119).⁶

We will next consider the process of acquisition of the public virtues of prudence and civic friendship. Citizens acquire these virtues via a process of habituation, in which repeated practice forms the character of the individual so that it becomes second nature. Not even courage, moderation, or generosity are natural features of character but are acquired through a process of moving away from extremes. As regards courage, for example, one must relinquish temerity, which underestimates dangers, and cowardice, which overestimates them. This process starts with the predisposition of the individual and his aspiration to improve his/her character, but there is an important social role involved since the virtues are normative criteria, which are socially mediated. It is the specific group within a society, which applauds a certain kind of behavior but censures another. For example, the group may generally praise those who are courageous, moderate, and just, whilst blaming those who are cowardly, intemperate, egoistical, and unjust. We can therefore say that the acquisition of virtues is a collective undertaking.

⁶ For Rawls, the political values of public reason reflect an ideal kind of citizenship, i.e., a disposition for dealing with fundamental political issues by considering citizens as free and equal agents who are both rational and reasonable. This ideal then leads to the duty of public civility, which directs citizens towards essential constitutional questions, as well as basic constitutional issues stemming from a limitation of the principle of legitimacy (Rawls, 2001, pp. 91-92).

Bearing this in mind, it becomes clear that the process of the acquisition of virtues will take place within the educational sphere, both inside the family and at school. It is also worth pointing out that, in addition to education, political and legal institutions are an important factor. Civic virtues owe much to those of public institutions within a particular society and, since they are just, it is very probable that citizens themselves will also become just. It is also apparent that political participation is relevant in the acquisition of the virtues referred to. If politics is considered as not being reducible to a single electoral dispute where there is always a winner and a loser, we may conclude that political participation stimulates the acquisition of both prudence and civic friendship.

Let us now consider the example of a constituent assembly, in which citizens can vote for legislators who will be given the task of creating a constitution. Once they have been elected, these representatives will listen to the opinions of various members of society, such as business executives, teachers, shopkeepers, farmers, cattle ranchers, homeless or landless people, ecologists, and LGBT groups. Following on from these consultations, the legislators will form work groups, which will present the text of the constitution as it is being formulated. They will undoubtedly receive criticism, pressure, and praise until the final version of the constitution is published. It seems that popular participation in this process will encourage civic friendship since the final text of the constitution will be the central normative and political point of reference of the society whose involvement was essential. If certain citizens were not allowed to participate in this process, perhaps on the grounds of being ignorant and irrational, there would doubtlessly be strong feelings of resentment and anger against those officials who had decided to exclude them. This would bring about an asymmetrical

situation, which would cause low self-esteem among those who had been disenfranchised and thus create civic enmity.

If we envisage an epistocratic society in which citizens do not elect legislators and members of the executive (just as judges are not elected in democratic states), and if we consider that the aforementioned public authorities have the same role as they do in modern democracies, i.e., making and applying laws, but instead of being elected, they should be selected via public competition. Even if we considered that these authorities were competent enough to guarantee the wellbeing of the whole population, most citizens would probably find it difficult to accept their suitability for carrying out everyday duties (i.e., political, and social responsibilities) without endangering the lives of their peers. How then can the virtue of prudence (i.e., practical wisdom) be acquired without political involvement? Since prudence has very special characteristics as an intellectual virtue (something which is also a precondition for all the other intellectual and moral virtues), it appears that it can only be fully nurtured in the public domain, as the private sphere would not allow it to flourish completely. I believe that if Pericles had not been able to participate in politics, he would not have become a prudent agent who could identify a good outcome and the adequate means of achieving it for the common good.⁷

⁷ Tholen rightly states that political responsibility can be considered as a virtue which voters can learn and acquire. He also states that true political practice is realized by good and virtuous politicians who know how to deal with the conflicts which are typical of politics (Tholen, 2018, p. 31).

Conclusion

As we have discussed above, Brennan's conditional epistocratic argument, which proposes the restriction of the votes of those citizens who are considered politically irrational and ignorant, is based on a traditional conception of knowledge that is synonymous with justified true belief, whilst ignorance is equivalent to holding false beliefs, namely, that these false beliefs are not supported by adequate evidence. Furthermore, Brennan's conditional epistocratic argument understands politics as a zero-sum game, where the victory of one group means the defeat of another, which means taking citizens as agents who decide emotionally and in line with the perspective of their specific group or tribe.

In this last section of my paper, I will deal with what appears to be a certain presupposed essentialism in Brennan's theory, in that he considers human nature to be egoistical and irrational, with social relations mediated purely through self-interest. Since these relations are viewed as immutable, his logical conclusion is that it would be better to reduce political participation, rather than increase it. In the words of Buchanan, Brennan is assuming "the tribalism dogma" when he claims that the moral nature of human beings is indeed tribal (Buchanan, 2020, p. xv; 6-8). However, it is questionable whether human nature is, in fact, immutable. It would be more in line with recent discoveries in the field of neuroscience to see human mental capacities as flexible and adaptable. This could include both tribalism and inclusive morality, which can extend the altruism to take care of the members of other groups.

I will now discuss the phenomenon of moral progress in order to show that although tribalism may be present in our decisions (especially those which are

political), from a historical point of view we are less tribalistic than in the past, and this indicates greater inclusivity in the circle of moral protection, or an “expansion of the circle of ethics”, which could also be called an “inclusivist morality”.⁸ Moral progress, therefore, may be considered a form of evidence that although our cognitive biases are a part of our decision-making practices, they would not make it impossible to include other agents in our specific group, thus guaranteeing the same moral status for a class of individuals who were previously excluded, such as foreign nationals, members of other ethnic groups and genders, as well as non-human species of animal and even the natural world itself. Another way of viewing this issue is to recognize that moral progress provides evidence that the achievement of political knowledge is difficult but possible, as long as it is interpreted from a progressive perspective. In the past, for example, both slavery and sexism were considered normal and morally correct, whereas nowadays they are considered unacceptable and are strongly censured in many societies. We shall now look in greater detail at a paradigmatic example of this type of progress, which is the universal recognition of human rights.

Soon after the end of the Second World War, the Universal Declaration of Human Rights was drawn up by legislative and cultural representatives from all over the world and was proclaimed by the General Assembly of the United Nations on December 10th, 1948, thus instituting normative protection for all members of the human species. In

⁸ This phenomenon signifies greater inclusion in the moral circle. In the case of hunter/gatherers, the protection afforded by care and reciprocity was restricted to members of a small group, and only these individuals would be safe from attack, while others would not be considered as equals, but more as a threat. Within the wider clan, certain members were subject to arbitrary treatment, and women were particularly discriminated against. With the passing of time, other groups were admitted to the clan, such as people of other ethnicities, women, non-human animals, and even the natural world itself. In other words, moral progress moves from tribalism towards a greater normative and ethical inclusivity. Singer, for example, explains this phenomenon as “an expansion of the ethical circle”, whilst Buchanan and Powell interpret it as “an inclusivist morality” (Singer, 2011, pp. 111-124, and Buchanan; Powell, 2018, pp. 62-66).

the Foreword, it states that it is necessary to recognize that the “(...) dignity inherent in all members of the human family and their inalienable equal rights is the cornerstone of freedom, justice, and peace in the world”. It also states that this is “(...) fundamental to promoting the development of friendly relations between nations” and affirms that there is “(...) trust in fundamental human rights, in the dignity of human beings, and the equal rights of men and women”. Its 30 articles ensure the rights to life, freedom, and security for all human beings, and condemn discrimination on the basis of race, gender, religion, or political belief. The Declaration also guarantees protection against torture, cruelty, and slavery, and defends the equality of all citizens before the law, together with the right to political asylum, and the right to work, education, and healthcare, *inter alia*.⁹

Before the establishment of the United Nations and the proclamation of the Universal Declaration of Human Rights, war was the usual way of resolving conflicts between nations, and torture and attacks on civilian populations were frequently employed to obtain victory, while nationalism and patriotism were exalted globally. If we look back through history, we can see that even slavery was considered legitimate in defeating an enemy state. From an economic and political point of view, both colonialism and imperialism were deemed to be justifiable until relatively recently, and in relation to human rights, racial segregation was commonplace in countries such as South Africa and the United States. In more recent years, a process of expansion of the moral and political circle has begun in order to guarantee normative protection for citizens who have previously been excluded. Torture and cruelty have been banned in

⁹ *The Universal Declaration of Human Rights*, <https://www.un.org/en/universal-declaration-human-rights> accessed on August 5th, 2020.

most countries, and both nationalism and patriotism have faced opposition in more cosmopolitan centers. Imperial colonies have ceased to exist, and both imperialism and segregation have been strongly blamed everywhere.

Having said this, it is important to remember that the social and political environment of the type of normative progress exemplified by the global recognition of human rights was instituted by representative liberal democracies. They are characterized by the decentralization of political power and, more specifically, by the limitation of the power of government in relation to citizens' rights, which implies respecting the various demands of groups within civil societies, thereby guaranteeing both individual and social autonomy. For example, without the guarantees of freedom of expression and association, it would have been difficult to abolish slavery, and it is less probable that women would have won the right to vote. Without an order of multiple hierarchies in which powers are clearly separated, especially in relation to the independence of the judiciary, it is also unlikely that racial segregation would have been ended. The right to private property and the institution of free markets incorporating social justice appear to have improved social mobility and to have increased the economic inclusion of those left behind. Even more importantly, without democracy, which is based on the principle that all the different demands of civil society are legitimate ones, it is unlikely that gay people would have gained equality with other citizens or would have won protection against punishment for what used to be considered as a crime, while also guaranteeing the right to same-sex marriage and the

adoption of children. Indeed, it could be claimed that representative liberal democracies are a necessary condition for moral progress.¹⁰

The point I wish to make here is that “tribalism” is not an impediment to normative inclusivity, since there is a demand for altruism both in international relations and in relations between citizens of each specific nation. I believe that although moral progress is neither linear nor necessary it may be considered as evidence of the flexibility of our deliberative moral capacities, thus allowing us to progressively reduce the arbitrariness of our moral and political judgments as we move towards ever greater altruism. I also believe that this progress may be interpreted as evidence that although political knowledge is complex and cannot be reduced to a neutral element, it should not be viewed as an all-or-nothing concept but as a question of the degree to which wisdom is achieved gradually. Since representative democracies have become over time the hegemonical social environment for the expansion of the ethical circle, I think that there is no conclusive reason to defend the restriction of political participation. On the contrary, it would probably be correct to assume that an increase in political participation would produce even more well-being and justice.

¹⁰ Allen Buchanan also claims that a liberal democratic order is a necessary condition for large-scale moral progress. He emphasises the vital role which institutions play in achieving such progress, especially in defending the freedoms of expression, religion, and association, and he also stresses the importance of the decentralisation of political power. Further to this, he defends the hypothesis of the “epistemical social context” as another necessary condition for moral progress, and this context is characterised by: (i) dissemination of ideas through books, (ii) freedom of expression and association, (iii) recognition of cultural diversity, (iv) a culture of presenting reasons and justifications, (v) practising tolerance, and (vi) guaranteeing the rights of moral innovators (Buchanan, 2020, pp. 146-151).

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THE GENESIS OF *Sprachkritik* AND FORMATION
OF PHILOSOPHY OF LANGUAGE IN AUSTRO-
HUNGARIAN PHILOSOPHY: ITS INFLUENCE ON
LUDWIG WITTGENSTEIN'S THOUGHT.

LA GÉNESIS DE LA *Sprachkritik* Y LA FORMACIÓN
DE LA FILOSOFÍA DEL LENGUAGE EN LA
FILOSOFÍA AUSTROHÚNGARA: SU INFLUENCIA
EN EL PENSAMIENTO DE LUDWIG
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Abstract

This article examines the special features of the atmosphere in Habsburg's Vienna, which led to the formation of such a direction in philosophical thought as a critique of language (*Sprachkritik*) and the influence its representatives such as Karl Kraus and Fritz Mauthner on the later Ludwig Wittgenstein's views on language. I argue that *Sprachkritik* was inextricably connected with *Sprachkrise* (crisis of language), *Sprachkrise* was a strongly Austrian phenomenon due to special socio-cultural-political reasons and which led to the consideration of the very phenomenon of language from a new point of view. Here I claim that Ludwig Wittgenstein, a 'product' of Habsburg's Vienna, was strongly influenced by the intellectual atmosphere of the critique of language reigning in it. In Roberto Poli's (1997: 16), scholar in sociology and philosophy, words, the "language-world relationship was a central element of the intellectual debate of those years: suffice it to mention Rainer Maria Rilke and Hugo von Hofmannsthal among writers, and Fritz Mauthner and Ludwig Wittgenstein among philosophers."

Keywords: philosophy of language, critique of language, Wittgenstein, Vienna.

Resumen

Este artículo examina las características especiales de la atmósfera en la Viena de la época Habsburgo, que llevaron a la formación de una dirección en el pensamiento filosófico como la crítica del lenguaje (*Sprachkritik*) y la influencia de sus representantes como Karl Kraus y Fritz Mauthner, sobre las opiniones posteriores de Ludwig Wittgenstein sobre el lenguaje. Sostengo que *Sprachkritik* estaba inextricablemente conectado con *Sprachkrise* (crisis del lenguaje), *Sprachkrise* fue un

fenómeno fuertemente austriaco debido a razones socioculturales-políticas especiales y que llevó a considerar el fenómeno mismo del lenguaje desde un nuevo punto de vista. Aquí afirmo que Ludwig Wittgenstein, siendo un «producto» de la Viena de los Habsburgo, estuvo fuertemente influenciado por la atmósfera intelectual de la crítica del lenguaje que reinaba en ella.

Palabras clave: filosofía del lenguaje, crítica del lenguaje, Wittgenstein, Viena.

Introduction

Analyzing modernist projects for the reform of the language and the work of Ludwig Wittgenstein in particular, many researchers first of all turn to the intellectual atmosphere of Vienna at the turn of the 20th century, emphasizing its importance for identifying the prerequisites for the formation of the philosophical views of this thinker. Thus, C. Schorske, A. Janik (2001), S. Toulmin (Janik and Toulmin, 1973), Hobsbawm (1994), and K. Nyiri (1987) - experts in the field of the modern era, whose views were greatly influenced by the philosophy of Wittgenstein, consider it necessary to identify the connection between the philosophy of early Wittgenstein and the spiritual activities of some other representatives of Austrian culture (Haller, 1981, 1986, 1986a; Smith, 1978). I used in my research the most prominent historical works on the period of the end of the Habsburg Empire: (Schorske, 1980), (Nyiri, 1981, 1982, 1987), (Mulligan, 1990), (Hobsbawm, 1994), (Janik and Toulmin, 1973), (Kenny, et al., 1982). It is important to develop a theme about the relationship of a thinker's life to his thought, to reflect on the nature of contextualism and how philosophical problems intrude into cultural history (Janik and Toulmin, 1973, p. 3). Contextualism here is understood by authors as a historical inquiry into the origins of Wittgenstein's problems in their actual setting. Haller (1986b) described three distinctive features of Austrian philosophy of that time: a critique of language, a search for a scientific method, and empirical verification of the particular. Vienna had a multi-faceted and multi-dimensional character in the context in which Wittgenstein lived and wrote. For the Viennese intellectual elite of that epoch, the question of the causes of the deep moral and cultural crisis, which found its expression, including the sphere of language, was fundamentally important. As a kind of external reason for this interest, one could name a very specific situation about the

language that developed in the Austro-Hungarian Empire, which affected intellectuals. It was the absence of a single language of communication; as a rule, in Vienna people thought and spoke simultaneously in German, Czech, Hungarian, and Hebrew. This also influenced the formation of a certain range of philosophical problems, where the theme of language became dominant. The ambivalent linguistic situation largely contributed to the development of projects for the purification of natural language in philosophy and literature (Kraus, Wittgenstein), the creation of a new language in music (Schoenberg and the Second Viennese School (Leibowitz 1947)) and, indirectly, to the idea of rejecting decoration, unnecessary decor in architecture and design (A. Loos).

Vienna in the *fin-de-siècle* represented a unique combination of philosophical, sociological, political, psychological, and cultural ideas, this city was a locus of intellectual innovation in all spheres of knowledge and arts.

Linguistic line and the origin of Sprachkritik

Returning to the formation of new philosophy in Austria, let us take note of the peculiarities in the field of linguistic philosophy. As Ludwig Wittgenstein wrote in *Tractatus*: “All philosophy is ‘Critique of language’ (but not all in Mauthner’s sense).” (4.0031)

The Austrian phenomenon – the progressive movement of linguistic awareness can be considered using dual methodology: (1) referential language criticism, based on the ontological theory of meaning, and (2) demonstrative language criticism, based on a pragmatic theory of meaning.

In his article Wittgenstein and Austrian Philosophy, Rudolf Haller wrote: ‘Austrian philosophy is largely characterized indeed, in opposition to all transcendental and idealistic tendencies, by its *realistic* line’ (Haller, 1981 cited in Nyiri, 1981, p. 94).

Karl Kraus

I argue that there were two of the most important senior contemporaries in Vienna who had the greatest impact on Wittgenstein’s ideas. There are Karl Kraus and Fritz Mauthner. I focus on the ideas and influence of Wittgenstein, each of them in more detail.

Wittgenstein mentioned K. Kraus¹, along with philosophers, physicists, and mathematicians, whose ideas had a significant impact on the formation of his philosophical outlook. The idea of a *critique of language* later formed the basis of Wittgenstein's *Tractatus*, where he wrote: “All philosophy is “Critique of language” (but not at all in Mauthner’s sense).” (4.0031). Kraus had been the major Viennese publicist and writer of the early 20th century, he seems to be the figure that, in one way or another, unites all representatives of Viennese modernism. In 1899 Karl Kraus who started his literary activity and later, at the beginning of the 20th century, played a special role in Austrian spiritual life, explained the extraordinary revival of interest in literature by political reasons-forced emigration of the Austrian liberalism in the realm of art above all. Kraus draw attention to linguistic issues in his periodical *Die Fackel*,

1 The founder of one of the directions of the philosophical and linguistic doctrine of *critique of language*. Fritz Mauthner was the first who proposed this term. Janik and Toulmin distinguished 3 main directions in the ‘critique of language’ by their representatives: Kraus, Mauthner and Wittgenstein. See, also, Kühn (1975), *Gescheiterte Sprachkritik: Fritz Mauthner, Leben und Werk*.

which he turned into one of the first periodicals in the field of literary, cultural, political, and social criticism. If in the first decade of the journal's existence, Kraus still invited other authors to publish their works in it, then since December 1911, only he had been the only employee and at the same time the publisher of *Die Fackel*. His magazine became for him a kind of platform for language criticism, which he carried out throughout his life. Kraus's journal was a tool to expose any corruption wherever Kraus found it. Kraus was the first to connect the crisis phenomena in his contemporary language with the disintegration of the values of society. Critique of language (under the title *Teaching Language*), carried out by Kraus in numerous articles of *Die Fackel*, became for him, in fact, a criticism of morality, with which language, as he believed, is directly connected. Moreover, Kraus attributed the concept of language, along with the concepts of morality, religion, and nature, to the categories of the *primary source* of the universe (the term *Ursprung*, which means origin or *primary source*, appeared at about the same time among the representatives of the Marburg School of neo-Kantianism. According to Kraus, language has an inherent truth, therefore it is the 'last guarantor' of the preservation of all spheres of humanities, including non-linguistic, for example, values. He believed that communication with concepts in their original meaning is carried out through the word. At the same time, spelling and grammar are understood by Kraus not just as a system of rules, but also as a kind of ethical imperative. Vienna for Kraus was a good platform for the destruction of the world; the most difficult, but the most perfect school. In any case, Kraus was shrewd in identifying and criticizing the decadent tendencies associated with the crisis of European consciousness. He was not satisfied with the diagnosis of the *Decline of the West* and believed that "only general surgery can save society." (Janik and Toulmin, 1973, p. 4)

He focused his attention on literature, theater, and music, and sharply criticized the tastes of the bourgeoisie, which, he believed, reflected the duality of morality that existed in society at his time.

Turning to literature and music was a way to reveal the crisis of moral consciousness. Kraus possessed extraordinary satirical talent, manifested primarily in his impeccable command of the language of controversy, and, also, in the fact that many of his works are very difficult, if not impossible, to translate into other languages. He skillfully manipulated the words of the German language, discrediting his many opponents. Kraus's writing style and his special construction of sentences repeated, exaggerated, and ridiculed, errors in their argumentation. He wrote: "I control the language of others. But my language does whatever it wants with me." (Schorske, 1980, p. 67) Kraus lived only from his works and built his life exclusively around work. The main philosophical concept that Kraus develops - the concept of *primary source*, is at the same time 'practical'. In his works, polemics and satire turned into a weapon, which he directed against everything superficial and inhuman in human behavior and thought, thus returning to the 'primary source' of all values and achieving the regeneration of culture as a whole. On the one hand, Kraus saw language as means of manipulating a person, his judgments, and worldview. But on the other hand, he believed that a 'pure' language is possible, reflecting world connections, representing a kind of 'mirror' of the world, which reveals and eliminates lies, being used correctly. However, it is hardly possible to find in his texts an explanation of the ultimate goal of all his activities, and even more so the developed 'concept' of this activity. Rather, his work itself is a critique of the language, and it appears as such an activity. There are so many resemblances with Wittgenstein's ideas. I highlight, first, all three of them: *critique of language*, *pure*

or ideal language as a mirror of the world, and philosophy and critique of language as an activity. Critique of language runs through all of Wittgenstein's work. The second one relates more to the first period of *Tractatus*, we can find this idea of language mirroring the world throughout the whole text: in 4.121 "Propositions cannot represent the logical form: this mirrors itself in the propositions. That which mirrors itself in language, language cannot represent."; in 5.511 "How can the all-embracing logic which mirrors the world use such special catches and manipulations? Only because all these are connected into an infinitely fine network, to the great mirror;" and in 5.512; 5.514 "These rules are equivalent to the symbols and in them, their sense is mirrored." The third idea – critique of language as an activity is represented in the least Wittgenstein's book, not only related to critique itself but to the whole philosophy and thinking.

Language in its historical state, according to Kraus, has degraded, turning only into a means of transmitting messages (although by its nature it is a reflection of reality, so, it has great potential). Criticism of language here manifests itself in the form of criticism of the press: the media, primarily the press, stood between the person and the word and operating with words as a commodity, assumed the functions of religion and literature, thus shaping the consciousness of a person. While the means of direct communication, that is, the press, as well as overly aestheticized literature, discredited the word as a carrier of ethical meaning, satire became, according to Kraus, the only possible method of 'showing' reality. The satirical image, as Kraus built it, helped to break through the original meaning of words, freeing the essence of the word from the 'ornamental' layers of time – signs of lies and deceit. So, the criticism of language becomes for Kraus at the same time a criticism of morality, trying to awaken memories of the original meaning of words, filled with ethical content. Kraus wrote that satire,

gave moral guidelines to a person and partially performed religious functions. The press was Kraus's main target. His main discontent was that the press, as he believed, was taking on an unusual role for it, far from its main function - objective news coverage. Kraus's *Die Fackel* magazine aimed to fight the press, undermine public confidence in it, and reduce the damage caused by the press. *Die Neue Freie Presse* (New Free Press) - the main Viennese newspaper where every journalist dreamed to be published - was the special object of anger of Kraus. This was because the high standards of journalism here were sometimes reduced only to the point of view and self-presentation of the author, which could be anything but objective. Janik and Toulmin (1973, p. 83) noted that “the fear of official censorship made this newspaper a hidden spokesman for the regime, and its elegant articles have always leaned towards industrial interests.” Kraus's satirical change of the name of this Viennese newspaper to *Neue feile Presse* (New Prostitution) underlined its corruption. However, even though Kraus made fun of politicians, his criticism of society “was never exclusively political.” (Janik and Toulmin, 1973, p. 79) The sphere of politics is connected, as he believed, only with superficial problems, while the roots of the modern crisis lie in the spiritual ill health of society. Kraus's resentment about contemporary journalism reached its height when the news was presented exclusively through the prism of class interests. “The hypocrisy of the press was due to greed, it sold itself to the interests of the industry, distorting the facts for money.” (Schorske, 1980, p. 129)

Analysis of the ‘critique of language’ by K. Kraus sheds light on some prerequisites for the emergence of Wittgenstein’s *Tractatus*, who undoubtedly experienced a direct impact from the ideas of his predecessor, also linking language with ethics. Like Kraus, Wittgenstein excludes language in everyday use from

productive analysis; he believes that being illogical, language cannot adequately reflect reality. Wittgenstein's ideal, logically verified model of language largely corresponded to Kraus's ideas about it as a *primary source*. However, unlike Kraus, Wittgenstein denied language as the way to express ethical and religious truths and experiences. Sentences, according to early Wittgenstein of *Tractatus*, can only describe facts but are not able to reflect ethical meanings. Ethics is a form of life, not a system of normative sentences about it; it can be 'shown' by the example of moral behavior. And the main example of the unity of ethics and aesthetics for Wittgenstein was the work of Kraus, primarily his theory of satire as a direct embodiment of the critique of language. Wittgenstein's ideal language mirrors the structure of the world, while moral behavior 'shows' ethics. Wittgenstein's theory of 'showing' can thus also be seen as having been developed under the influence of Kraus's ideas. But, in addition, the literary image, built by Kraus as an image of a word that fell into the context of an ethical vacuum, significantly influenced not only the theory of 'showing', but was also a literary source of his concept of 'silence': the sphere of the ethical must be protected from verbal rationalization. For Kraus ethics and ethical understanding are not a system of rules and norms expressed in language, but activity. This allows concluding that his ideas are close to those of Wittgenstein and even about a certain influence of Kraus's ideas on the formation and development of Wittgenstein's early views.

Ethics cannot be expressed. Ethics are transcendental. (Ethics and aesthetics are one.) 6.421

The first thought in setting up an ethical law of the form "thou shalt [...]" is: And what if I do not do it? But ethics has nothing to do with punishment and reward

in the ordinary sense. This question as to the consequences of an action must therefore be irrelevant. At least these consequences will not be events. For there must be something right in that formulation of the question. There must be some sort of ethical reward and ethical punishment, but this must lie in the action itself. 6.422

As Russell wrote in his Introduction to *Tractatus*, the whole subject of ethics, is placed by Mr. Wittgenstein in the mystical, inexpressible region.

The totalities concerning which Mr. Wittgenstein holds that it is impossible to speak logically are nevertheless thought by him to exist and are the subject matter of his mysticism. The totality resulting from our hierarchy would be not merely logically inexpressible, but action, a mere delusion, and in this way the supposed sphere of the mystical would be abolished. (Wittgenstein, 2010 [1922], p. 19)

Impact of Fritz Mauthner's ideas on Wittgenstein

The next important figure in the Austrian philosophy of language was Fritz Mauthner (1849-1923). He is remembered for his book *Beiträge zu einer Kritik der Sprache (Contributions toward a Critique of Language)*, published in 3 parts and continued in 1903. Wittgenstein acknowledged him in *Tractatus*.

All philosophy is “Critique of language” (but not at all in Mauthner’s sense). Russell’s merit is to have shown that the apparent logical form of the proposition need not be its real form. 4.0031²

Janik and Toulmin (1996, pp. 119, 121-133) say that Wittgenstein took several ideas from Mauthner’s book. In this part, I describe in detail the views of Mauthner and their impact on Wittgenstein’s ideas. Mauthner was one of the first philosophers, who recognized the limits of language.

Cloeren (1988, p. 255) in his analysis of the origin of the critique of language wrote that Mauthner developed his approach in the tradition of British empiricism and early German analytic thought, he was influenced by Hume, Lichtenberg, and Mach. Mauthner was prominent for his clear proclamation of philosophy to be a critique of language. For Mauthner philosophy has become a new epistemology and the science of sciences. He insisted on the rejection of the notion of objective knowledge of the world. By the means of the critique of language, he also rejected metaphysics, positivism, idealism, materialism, and scientism. According to Mauthner, these directions of thought are meaningless. For Mauthner’s radical critique of language, even though all scientific propositions are hypothetical and uncertain, objective knowledge is unreachable. Critique of language liberates from beliefs, and superstitions, both religious and scientific.

Mauthner's philosophical concept took shape late and were set out in his work published posthumously in 1925 – *Die drei Bilder der Welt – ein sprachkritischer Versuch*

² Alle Philosophie ist „Sprachkritik“. (Allerdings nicht im Sinne Mauthners.) Russell’s Verdienst ist es, gezeigt zu haben, dass die scheinbare logische Form des Satzes nicht seine wirkliche sein muss. 4.0031

(*Three pictures of the world*). His doctrine does not assert relativity or plurality of worlds. There is only one world, but our knowledge of it is articulated from three points of view. Mauthner (1925, pp. 23, 136) claims that we have three different and conflicting points of view from which we pass judgments upon the same world. There are three categories of language that help us to understand the world (Mauthner, 1980 [1910], vol. I, p. 17).

The following pictures of the world *cum grano salis* (Mauthner, 1997 [1924], vol. III, p. 362) are in the order of experience:

(1) The adjectival world is the world of everyday language and material objects, the world of sensory expressions of sensory actions. This is the only real-world experience.

There is an adjectival world, the only world, which we experience immediately through our senses; all our sensations, all our sense-data (*Sinnesdaten*) are adjectival; beyond that, all our mental perceptions, our value-judgments, all that we call right, good, beautiful, etc., are adjectival too. This adjectival world falls apart into individual impressions, and does not pattern itself into units; one could call it punctiform (*pointilliert*). (Mauthner, 1980, p.18)

(2) Substantial world (*substantivische Welt*), corresponding to the metaphysical needs of a person; all phenomena in this world, symbols of the unknowable; such are the gods, spirits, and myths. This is a world reminiscent of the world of Plato's ideas.

(3) *Verbal world (verbal Welt)*; it is not being, but only becoming; we get to know him we cannot since we only cognize what has already happened, being that has already become, and not becoming itself. Both memory and soul belong to the verbal world.

There is no stuff, nor any power, nor anything lasting which would have the office of remembering. Memory is no *nomen agentis*... Memory is an activity, is a deed (*ein Tun*), is a motion. (Mauthner, 1925, p. 142f)

Mauthner's philosophical concept of the world very resembles the worldview of the Italian Renaissance philosopher Lorenzo Valla. The origins of this idea lie in Aristotle's writings on categories. Valla reduced Aristotle's ten³ categories to three: substance, quality, and action – corresponding to a noun, adjective, and verb.

Mauthner's philosophical doctrine was expounded by him in *Contributions toward a Critique of Language*, on which he worked for 20 years. The basic aspects of Mauthner's philological concept are as follows. Language is like a craft; it is the craft of communication. A word is just a label object or action. Therefore, there should be no superstitious worship of the word. Mauthner wrote that in the area of philosophical problems of the linguistic cycle, he is close to the skepticism of Hume and Schopenhauer. Rejecting the cognitive capabilities of the language, Mauthner, as he admits, is adjacent to the medieval nominalists and the tradition of English skepticism. The critique of language is a critical philosophical study of the functioning of language.

³ 10 Aristotle's categories of that which exists: (1) substance; (2) quantity; (3) quality; (4) relatives; (5) somewhere; (6) sometimes; (7) being in a position; (8) having; (9) acting; and (10) being acted upon (1b25–2a4).

The processes of speaking and thinking are parallel. Language is a specific social phenomenon, through which a person is associated with society. Language is similar to the rules of the game: the one who started playing must obey the rules. However, in terms of language, there is nothing that before it would not have been in feelings, - so Mauthner repeats the motto of sensationalism, proposed by J. Locke. In feelings nothing is eternal or stable, everything is changeable. Therefore, language takes from the senses only subjective because there is nothing else in feelings. Our language is dependent on the randomness of feelings. With the help of language, we cannot penetrate the essence of things themselves and do not know if there is any. The grammar and logic that lay down the laws, according to which words and things are connected are also random. Their laws are nothing more than the rules of a game of words and things. Parts of speech do not match reality. Mauthner, going from Locke's thesis of sensationalism, follows the path of approaching subjectivity and skepticism of Hume.

Language notations are just conventional symbols, behind which nothing stands; for example, there are the words like 'truth,' 'god,' 'soul,' 'devil,' etc. All nouns are misleading, but some nouns are more misleading than others. Mauthner used a special term *Gedankendinge*, all nouns are things- in thought. Not all nouns or things-in-thought are pseudo concepts.

[...] many of our philosophical concepts are such pseudo-concepts, that is substantival concepts, to which nothing in reality corresponds, or (to express it better), from which no adjectival effect originates; for this is the danger in pseudo-concepts: that they are not abstracted from any reality. (Mauthner, 1980, vol. I, p. cxxix)

For example, the term *final-cause* is a pseudo-concept because there is no experience corresponding to it in a way that would be similar to the correspondence of *red* color with a *red* object that has and possesses this quality. So, the basic criteria to distinguish pseudo-concepts from 'normal' nouns – is experience. Pseudo-concepts could be eliminated from our language without compromising the ability to interact with objects of the real-world experience. Instead of meaningless worshipping God, people need godless mysticism. We don't know much, and we will never know because of the limitation of our language to the world's sensory phenomena. What we do not know, we must be silent. The wise should generally be silent. These maxims of Mauthner in the XX century will be repeated by Ludwig Wittgenstein.

Mauthner's three pictures of the world have resemblances, also, with some other philosophers, for example, Ernst Cassirer, who recognized the most important role of language in the perception of the world by man and in interaction with it, he claimed that humans live in the world of symbolic forms, which they created as a universe of symbolic meanings.

These three pictures of the world are three points of view implicit in language. A person may choose one point of view and follow it in his/her attempt to interact with the world, to understand and explain it. Mauthner believed that the difference between science, art, and mysticism as the different forms and ways of human knowledge could be explained in this manner through three different approaches or points of view described him as three worlds or pictures of the world. Science corresponds to the verbal point of view, art to the adjectival one and mysticism to the substantial (Mauthner, 1997 [1924], vol. III, p. 336; *Beiträge zu einer Kritik der Sprache*, vol. III: 102). But all there three languages of three pictures of the world are insufficient. Mauthner

claimed, that there is nothing better, than natural language. “None of the three pictures can be correct because each of them is burdened with the curse of its specific picture language; their unification will probably not be possible because the unification of the three languages – so far at least – has not been possible except in our ordinary language” (Mauthner, 1925, p. 167). Mauthner wrote that these three languages should complement each other because truth is not in any of these three languages exclusively. “They (languages) must help each other to orientate ourselves a little in the one world (Mauthner, 1997 [1924], vol. III, p. 365).

The most interesting point in Mauthner’s ideas, which undoubtedly had an impact on the formation of early Wittgenstein’s ideas is the following. Mauthner wrote: “Philosophy is the limit of language itself, the limit concept, the *limes*; it is critique of language of human language [...]” (Mauthner, 1982, vol. III, p. x) Critique of language points to the limits of language, it cannot transcend them. Denoting the limit of language, we can assume that there is something beyond this limit. Thus, critique of language leads to mysticism. Mauthner said that only the great skeptics were at the same time mystics (Weiler, 1970, p. 291). The whole subjects of ethics and aesthetics are placed by Wittgenstein in a mystical, inexpressible region. Mystical is beyond the limits of the world and language and it cannot be said, it can only be shown.

There is indeed the inexpressible. This *shows* itself; it is the mystical. 6.522

Our human language is only suitable to serve a practical need in our interaction with reality. When we try to speak about things that are not related to experience, then we put words in a position that they are not suitable for. And the result of it is

misleading. The only way is silence. Only this is not misleading. Wittgenstein wrote at the very end of *Tractatus*:

The right method of philosophy would be this. To say nothing except what can be said, i.e., the propositions of natural science, i.e., something that has nothing to do with philosophy: and then always, when someone else wished to say something metaphysical, to demonstrate to him that he had given no meaning to certain signs in his propositions. This method would be unsatisfying to the other—he would not have the feeling that we were teaching him philosophy—but it would be the only strictly correct method. 6.53

Whereof one cannot speak, thereof one must be silent. 7

Mauthner was not so laconic in his writings as Wittgenstein, which, I believe, helps us to understand Wittgenstein's ideas more clearly. I present a long quote from Mauthner's book *Wörterbuch der Philosophie* because it is important to show his thoughts and one of the first mentioning of the term *language games*:

I shall attempt again to say the unsayable (*das Unsagbare zu sagen*), to express with poor words what I have to give devout infidels (*fromme Ungläubige*) in nominalistic mysticism, in skeptical mysticism...The world does not exist twice. There is no God apart from the world, nor a world apart from God. This conviction has been called pantheism... Why not? There are after all but words. In the highest mystical ecstasy, the Ego experiences that it has become God...Why not? Shall I quarrel about words? For a decade I have been teaching: the filling of the Ego is a delusion. The unity of the individual is a delusion. If I

am not me, yet exist, then I am entitled to believe of all others: they only appear to be individuals, they are not different from me, I am one with them, they and I are one. Are these mere philosophical world-sequences? Games of language (emphasis by me)? No. What I can experience (*erleben*) is no longer mere language. What I can experience is real. And I can experience, for short hours, that I no longer know anything about the principle of individuation, that these ceases to be a *difference* between a world and myself. 'That I become God.' Why not? (Mauthner, 1980, Vol. II, pp. 383-4)

This mystical experience is unsayable and inexpressible, anything we try to say will be misleading. Mauthner's critique of language not only leads to mysticism but becomes mystical. He wrote:

And because thinking is language, this new philosophy is, out of the death-wish of thought, a suicide of language. [...] Critique of language must teach liberation from language as the highest aim of self-liberation. (Mauthner, 1982, vol. I, p. 713)

It is interesting and unusual, what Mauthner says about laughter. We can only laugh at inexpressible. "Pure critique is but an articulated laughter." (Mauthner, 1982, vol. III, pp. xi, 632)

Returning to the impact of Mauthner's ideas on Wittgenstein I would like to emphasize some similarities that have not been mentioned, yet. Earlier I have written only about the similarities and resemblances between the ideas of early Wittgenstein (period of *Tractatus*) and with ideas of Mauthner. There is the main difference between early Wittgenstein of *Tractatus* and Mauthner of *Beiträge* in the approach to language.

The first was a *logician* (Malcolm, 1958, p. 86). Mauthner, on the contrary, believed that only ordinary language and its use should be the subject matter of philosophical interest, not a logical construction. Wittgenstein in *Tractatus* considered the structure of thought to be adequately expressed only by logic, symbols of logic, not in natural language because it is inaccurate, vague, and uncertain.

Man possesses the capacity of constructing languages, in which every sense can be expressed, without having an idea how and what each word means—just as one speaks without knowing how the single sounds are produced.

Colloquial language is a part of the human organism and is not less complicated than it.

From it is humanly impossible to gather immediately the logic of language.

Language disguises the thought; so that from the external form of the clothes one cannot infer the form of the thought they clothe, because the external form of the clothes is constructed with quite another object than to let the form of the body be recognized.

The silent adjustments to understanding colloquial language are enormously complicated. 4.002

Mauthner wrote that four persons helped him to get rid of *Wortaberglaube*⁴: Ernst Mach - from metaphysical mystification, Friedrich Nietzsche – from historical

⁴ This notion is translated as a superstition in relation to the word, language hoax.

mystification, Otto Ludwig – from poetical mystification, and Otto von Bismarck⁵ from political and juridical mystification of words. Otto Ludwig's critique of Schiller pushed Mautner to the idea of the historical relativity of the ideal of linguistic beauty. And from the second 'untimely thinking' of Nietzsche, who argued that history has no laws, Mautner did the conclusion that the history of the language does not have laws, either. Mautner met Mach in 1872. After listening to one of his popular lectures, Mautner asked him a question. On Mach advised Mauthner to read his lecture given in November of the previous year (1971) – „*Die Geschichte und die Wurzel des Satzes von der Erhaltung der Arbeit*“ (*Principle of preservation of work. Origins and root of it*); this lecture made a deep impression on him and had an influence on his thinking (Nyiri 1987: 91). Mauthner borrowed numerous examples of 'critique of language' from Mach, however, there were fundamental differences in the perception of language between both thinkers. Mach considers language as a means of transmitting thoughts. And according to Mautner, no thinking is possible without speech, i.e., without words. Or more precisely: there is no thinking there is only speech. Thinking is nothing but speech, from the point of view of its exchange value. And since our thinking is just speech, in any science we are spinning around descriptions, without reaching explanations. For Mauthner speech, or language, is not a means of understanding the world, the value is not true, but only imaginary, like the rule of the game, which becomes stricter since more players are involved, but which promotes neither change nor understanding of the world. Mauthner's central idea,

⁵ Wittgenstein had read Bismarck's ‚*Gedanken und Erinnerungen*‘ and admired it greatly. The evidence is written by Wittgenstein in his letter to Norman Malcolm on 5.2.1948.

“I read in Grimm's fairy tales and in Bismarck's “*Gedanken and Erinnerungen*” which I admire greatly. I don't mean, of course, that my views are Bismarck's views. It's written in very excellent, though rather difficult German, as the sentences are very long. Otherwise I'd recommend you to look at it.”

Letter 380 in *Letters and Documents*, ed. by McGuinness (2008, p. 423)

that the world is unknowable in the mirror of language, and nothing matches the words in the real world, was primarily influenced by Mach. Mach wrote that scientific terms, that we use to group and collect phenomena are arbitrary formulas, so a theory is not able to explain anything. Mach saw a theory as a conductor from one phenomenon to another. And when a theory performs its task, people do not need it anymore. In Mach's lecture of 1871, mentioned above, he wrote, that a theory is like dry leaves falling away after they have been given the ability to breathe the body of science.

Conclusion

Karl Kraus and Fritz Mauthner were philosophers who stood at the origin of the critique of language the phenomenon that originated at the edge of the 19th – 20th centuries in Habsburgs Vienna. Viennese special socio-cultural environment and its specific intellectual microcosm influenced and rather shaped Wittgenstein's ideas on language and its critique. This *Zeitgeist* influenced the whole of Wittgenstein's life and thoughts. As Roberto Poli (1997: 16) wrote, discussing the features and subject of Central European philosophy, the "language-world relationship was a central element of the intellectual debate of those years: suffice it to mention Rainer Maria Rilke and Hugo von Hofmannsthal among writers, and Fritz Mauthner and Ludwig Wittgenstein among philosophers." Karl Kraus was the founder of the philosophical *critique of language*, he was the thinker who emphasized the *practical* character of language, not theoretical, *language as an activity*; believed that language represents a kind of *mirror* of the world; distinguished expressible and inexpressible, pointed out the transcendental character of ethics, influencing Wittgenstein's concepts of *showing* and

silence. Mauthner was also one of the first philosophers, who recognized the *limits* of language. Philosophy for Mauthner is the limit of the language itself. He insisted on the liberation of language from beliefs, and superstitions, both religious and scientific, by its critique. He distinguished different pictures of the world as three approaches or points of view on the world. Also, Mauthner was the thinker who first introduced the concept of 'games of language'. And in his writings, as Kraus, Mauthner distinguished unsayable and inexpressible calling it mystical from sayable clear. This distinction by drawing the limits of language influenced Wittgenstein's thought directly.

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**THE ROLE OF IMAGINATION IN
UNDERSTANDING THE HISTORICAL
PAST**

**EL ROL DE LA IMAGINACIÓN EN LA
COMPRENSIÓN DEL PASADO
HISTÓRICO**

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Abstract

This paper emphasizes the significance of Paul Ricoeur's hermeneutics in interpreting and understanding historical texts. Historical facts are not objects —they require interpretation. Paul Ricoeur argues that history can be compared to fiction as history can never accurately portray the past, and it thus incorporates fictitious and imaginative elements. According to Ricoeur, the idea of historical representation is based on imagination. Only with the help of the imagination can one represent the past and identify with it. Ricoeur's narrative theory shows that the *past* is presented as a narrative, and it is reconstructed with the help of narratives. Historical narratives, which reflect the past and therefore include non-referring concepts, can be compared to non-referring concepts of fictional narratives. Non-referring concepts in both historical and fictional narratives require imagination and narrative understanding.

Keywords: Ricoeur, history, fiction, narrative, imagination.

Resumen

Este artículo enfatiza la importancia de la hermenéutica de Paul Ricoeur para interpretar y comprender textos históricos. Los hechos históricos no son objetos, requieren interpretación. Paul Ricoeur sostiene que la historia se puede comparar con la ficción, ya que la historia nunca puede retratar con precisión el pasado y, por lo tanto, incorpora elementos ficticios e imaginativos. Según Ricoeur, la idea de representación histórica se basa en la imaginación. Sólo con la ayuda de la imaginación se puede representar el pasado e identificarse con él. La teoría narrativa de Ricoeur muestra que el pasado se presenta como una narración y se reconstruye con la ayuda

de narraciones. Las narrativas históricas, que reflejan el pasado y por lo tanto incluyen conceptos no referenciales, pueden compararse con los conceptos no referenciales de las narrativas ficticias. Los conceptos no referenciales en las narrativas históricas y ficticias requieren imaginación y comprensión narrativa.

Palabras clave: Ricoeur, historia, ficción, narrative e imaginación.

Introduction

Paul Ricoeur is considered one of the most distinguished philosophers of the 20th century. He made a significant impact on philosophy, narrative theory, history, Theology, and linguistics. Ricoeur develops a novel approach to exploring social life and human action in his *Time and Narrative* (1984-1988), *The Symbolism of Evil* (1967), *Freud and Philosophy* (1967), *Freedom and Nature* (1966), *The Conflict of Interpretations* (1974), *Time and Narrative* (1984-1988), *Oneself as Another* (1992) and *From Text to Action* (1991a).

Paul Ricoeur worked on his three-volume *Time and Narrative* from the late 1970s to 1983, bringing together philosophy, history, and literary theory from the viewpoint of threefold *mimesis*, which links the realms of text and life (action). According to Ricoeur, “there is no self-understanding that is not mediated by signs, symbols, and texts, in the last resort understanding coincides with the interpretation given to these mediating terms” (1991a, p. 15). This paper aims to investigate Ricoeur's hermeneutics and narrative theory for comprehending the historical past and historical narratives. Ricoeur's ideas of emplotment and imagination can be applied to historical texts.

While history and fiction are clearly not the same (historians argue, poets invent), there is a convergence of the imaginative intentionalities of history and fiction at the level of the reader. Here history and fiction 'concretize' each other's intentionalities. For narrative theory this concretization corresponds to the phenomenon of 'seeing as' in metaphorical reference (analyzed in detail in the *Rule of Metaphor*) (Kearney, 1995, p. 175).

According to Ricoeur (1988), historical narratives, which reflect the past and therefore include non-referring concepts, can be compared to fictional narratives' non-referring concepts. Imagination plays a significant role in both historical and fictional narratives. While historical texts and ideas refer to objects and events that are no longer part of our reality, they cannot be considered non-referential, according to Ricoeur; they still influence and transform our current understanding of reality. From this viewpoint, as Ricoeur (1988) states, we speak of the “fictionalization of history” and the “historicization of fiction”. As a result, historical narratives can be thought of as a variant of fictional narratives¹, and fictional narratives can be thought of as a variant of historical narratives (Becanovic-Nikolic, 1998).² This takes us back to the issue of whether a clear distinction between “real” and “unreal” can be drawn. Imagination plays a significant role in both historical and fictional narratives.

Part of Ricoeur’s central goal in the imagination lectures is to demonstrate that imagination is not something marginal to or occasional in thought but rather permeates all thought and conceptualization. We have learned, says Ricoeur, from both the psychology of perception and ordinary language philosophy that there is no such thing as an impression, but an impression that is direct and

¹ Ricoeur employs the term ‘narrative’ in a generic sense. He distinguishes between the diegetic and dramatic modes.

² According to Ricoeur (1984), the interweaving of history and fiction makes time human.

unadorned by human structuring. Instead, perception is always structured by physiological and imaginative processes (Taylor, 2006, p. 94).

Paul Ricoeur's Ideas of the "Fictionalization of History" and the "Historicization of Fiction"

Paul Ricoeur (1988) argues that history can be compared to fiction as history can never accurately portray the past, and it thus incorporates fictitious and imaginative elements. The idea of historical representation, according to Ricoeur, is based on imagination. Only with the help of the imagination can one represent the past and identify with it. In *Time and Narrative*, Paul Ricoeur argues that:

History refigures time by certain reflective instruments such as the calendar, the idea of the succession of generations, and archives and documents as traces of the past. Those reflective instruments reveal the 'creative capacity' of that history (Ricoeur, 1988, p. 104). The fictionalization of history embraces a certain role of the imagination in the intention of historians to depict the past as it really was. Past occurrences cannot be perceived, and in this way, the room for imagination is open. (Ivic, 2018, p. 49).

Ricoeur claims that reading records and documents is the only way for a historian to get the information he needs for his work. A historian, as someone who is expected to reflect on the past in his work, works with traces, which is not the case for an author of a fictional narrative: "Through documents and their critical examination

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of documents, historians are subject to what once was. They owe a debt to the past, a debt of recognition to the dead, that makes them insolvent debtors ...Insofar as a trace is left by the past, it stands for it. In regard to the past, the trace exercises a function of 'taking the place of', of 'standing for' or *Vertretung*" (1988, p. 143).

Ricoeur compares and contrasts the quasi-historical nature of fiction and the quasi-historical nature of history: "The interpretation I am proposing here of the 'quasi-historical' character of fiction quite clearly overlaps with the interpretation I also proposed of the 'quasi-fictive' character of the historical past. It is true that one function of fiction bound up with history is to free, retrospectively, certain possibilities that were not actualized in the historical past" (1988, pp. 191–192).

Historical narratives, which reflect the past and therefore include non-referring concepts, can be compared to non-referring concepts of fictional narratives. Non-referring concepts in both historical and fictional narratives require imagination and narrative understanding.

Catherine Z. Elgin (1983) asserts that denotation is timeless; thus, it includes all tenses, even the past. This means that the term 'dinosaur' denotes every dinosaur who ever lived, so the denotation of this term cannot be considered as 'null.' However, this cannot be argued for historical events that are recoverable in textual form and always require imagination in order to revert to former ways of living and even speaking. (Ivic, 2018, p. 54).

Non-referring concepts that reflect past events and things shape our experience by assisting us in comprehending current events and things. Although non-existent,
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those ideas form and reshape our culture. Ricoeur (1979) discusses both non-existent entities portrayed in the poetic *mythos* of fictional narratives, and the unobservables that reflect past events in historical narratives in his *Time and Narrative*. This investigation leads Ricoeur to the issue of what reality is. Paul Ricoeur seeks to address the question of whether there can be a clear difference between real and imaginary.

In the *Time and Narrative*, Vol. 3, Ricoeur argues: “I am by no means denying the absence of symmetry between a ‘real’ past and an ‘unreal’ world, the object being instead is to show in what unique way the imaginary is incorporated into the intended having-been, without weakening the ‘realist’ aspect of this intention” (1988, p. 181). Ricoeur argues that he will not distinguish epistemological and ontological approaches in his analysis of real. His main goal is to figure out what the “real past” is. He claims that historical documents are reconstructions of “real” events (Ricoeur 1988, p. 100), and that it is “exactly the meaning attached to the word ‘reality,’ when applied to the past” that he hopes to revive (Ricoeur, 1988, p. 100).

According to Ricoeur, the quasi-historical character of fiction interweaves with the quasi-fictional character of the historical past: “It is because of its quasi-historical character that fiction can exercise its liberating function with respect to possible hidden elements in the actual past. What ‘could have taken place’—the object of poetry as opposed to history, according to Aristotle—fuses with the potentialities of the ‘real’ past and the ‘unreal’ possibilities of pure fiction” (1988, p. 354).

Paul Ricoeur emphasizes the ontological, refigurative nature of reference. Non-referring concepts not only form our reality, but they are also continually rewritten and reread.

'Our' Homer is not identical with the Homer in the Middle Ages, nor is 'our' Shakespeare with that of his contemporaries. Rather, it is that different historical periods have constructed a 'different' Homer and Shakespeare for their own purposes and found in these texts elements to value or devalue, though not necessarily the same ones. All literary works, in other words, are 'rewritten,' if only unconsciously, by the societies which read them. Indeed, there is no reading of a work that is not also a 'rewriting.' No work, and no current evaluation of it, can simply be extended to new groups of people without being changed, perhaps almost unrecognizably, in the process; which is one reason why what counts as literature is a notably unstable affair (Eagleton, 2003, p. 12).

Hans Robert Jauss and Wolfgang Iser, representatives of the theory of reception, stressed this point. They believed that the theory of reception is based on both historical and individual grounds (Henderson and Brown, 1997). When a text is read by many readers, Jauss and Iser point out that different realizations of the text are possible (this is the domain of reception aesthetics). They claimed, on the other hand, that such readings and interpretations varied in various historical periods (this is the domain of receptive history) (Henderson and Brown, 1997). Those readings and interpretations always rely on imaginative processes.

Many scholars deny any connection between history and narrative text. According to Ricoeur, there is an indirect connection between history and narration. Ricoeur argues that historical knowledge derives from narrative understanding. Relying on the notion of narrative understanding, Ricoeur achieves his hermeneutic goal – that the examination of narrative is not limited to the text, but to include what precedes

the text, as a reality of the world and as sediment of tradition, and then the reception of the narrative text which is based on narrative competence and narrative understanding (Becanovic-Nikolic, 1998, p. 77). Ricoeur's notion of narrative understanding transcends sharp distinctions between the present and the past, the temporal and the atemporal, the real and the fictional.

Ricoeur blurs the distinctions between fictional, historical, and scientific discourse. He problematizes binary oppositions such as reference/non-reference, real/unreal, and literary/metaphoric (Ivic, 2018). Through examining the relationship between historical narratives and fictional narratives, Ricoeur aims to clarify the relationship between historical explanation and narrative understanding. At the heart of this research is Ricoeur's problematization of Wilhelm Dilthey's distinction between explanation and understanding.

Wilhelm Dilthey (1996) made a distinction between the approach used in the natural sciences and the method used in the humanities. According to Dilthey, in the natural sciences, explanation is the basic process, while in the humanities, understanding is the primary method. Dilthey claims that a scientist uses causal relations to explain a specific event, while a historian tries to understand the meaning of a specific event.

Ricoeur's conception of hermeneutic interpretation (which is based on the dialectics between explanation and understanding) unifies the humanities and natural sciences. Ricoeur (1981) claims that the words "explanation" and "understanding" have undergone significant changes. The concept of explanation has changed, and it is not only taken from the natural sciences, but also from the linguistic model. Understanding

has undergone changes in modern hermeneutics that have separated it from Dilthey's psychological concept of comprehension. Ricoeur's (1976) hermeneutics embraces the dialectics between understanding and explanation.

Historical Narratives as a Variation of Fictional Narratives

The entire postmodernist discussion on history is based on the question of whether the past can be considered a narrative. Ricoeur's narrative theory shows that the *past* is presented as a narrative, and it is reconstructed with the help of narratives. Hayden White (1973) introduces a linguistic turn in historiography and argues that history may be perceived as a narrative mode. White ascribes emplotment to the narrative structure of history by providing the following arguments: (1) Both historical and fictional narratives belong to the same type of configurations regarding narrative structure; (2) That history is writing, and the historian's work is a literary artifact (Ivic, 2018).

According to Ricoeur, the distinction between historical and fictional narratives should not be understood too strongly, "since the complete meaning of the most fictional narratives cannot be assessed without taking into account its relation to the real world, whether it be a relation of imitation in the narrow sense of copying or an imitation which incorporates such complexities as irony, decision, conscious distortion negation, and so on" (1991b, 105).

Ricoeur compares narrative configurations and historical explanations:

History can also be described as ‘seeing as.’ We learn to see a given series of events as tragic, comic, and so on. What it is, precisely, that makes for me the perennality of certain great historical works, whose scientific reliability has been eroded by documentary progress, is the appropriateness of their poetic art and their rhetoric with respect to their way of ‘seeing’ the past. The same work can be both a great book of history and a fine novel (1988, pp. 185–186).

Ricoeur emphasizes that no fundamental difference can be made between events framed by plot and historical events: “The indirect derivation of the structures of history starting from the basic structures of narrative . . . allows us to think that it is possible through the appropriate procedures of derivation to extend to the notion of historical event the concepts of singularity, contingency, and absolute deviation imposed by the notion of emplotted event” (1985, p. 208).

In *Time and Narrative* (1984–1988) and *The Law of Metaphor* (1977), Ricoeur develops his narrative theory. He explores Aristotle's *Poetics* as a capacity for emplotment creation (*la mise en intrigue*) (Ricoeur, 1985). Ricoeur (1984) develops his poetics by extending Aristotle's concept of *mythos* (plot) and introducing his threefold *mimesis* concept.

Following a narrative, whether fictional or historical, necessitates its reactualization when reading. The text and its reader are connected by emplotment (which Ricoeur closely identifies with the productive imagination). When Ricoeur (1984) uses Aristotle's term *mythos*, he uses the expression *la mise en intrigue* (emplotment, the building of the plot) instead of *intrigue* (plot), because he emphasizes that the process of the genesis of the narrative is dynamic (Becanovic-Nikolic, 1998). Ricoeur

defines plot as an intelligible structure that holds together initiatives, circumstances, ends and means, and unwanted consequences. In *Time and Narrative*, Vol. 2, Ricoeur explores Aristotle's theory of plot (*mythos*):

Plot was first defined, on the most formal level, as an integrating dynamism that draws a unified and complete story from a variety of incidents, in other words, that transforms this variety into a unified and complete story. This formal definition opens a field of rule-governed transformations worthy of being called plots so long as we can discern temporal wholes bringing about a synthesis of the heterogeneous between circumstances, goals, means, interactions and intended or unintended results (1985, p. 8).

Paul Ricoeur's *Time and Narrative* (1984-1988) is significant because it expands the meaning of the terms: "plot", "narrative paradigm," "reference," "*mimesis*," "time," and so forth. Ricoeur includes yet another perspective from which historical texts and literary narratives can be interpreted by broadening the meaning of these terms.

Ricoeur's narrative theory is based on the idea of threefold *mimesis* (*mimesis* 1, prefiguration; *mimesis* 2; configuration and *mimesis* 3, refiguration). Ricoeur argues that in *mimesis* 1, "to imitate or represent an action is first to understand what human action is in its semantics, symbolic system, and its temporality" (1984, p. 64). As a result, narrative texts would be unintelligible if they did not seek to mold reality, which already exists in the realm of human praxis. Ricoeur defines *mimesis* 2 as the 'kingdom of as if' (1984, p. 65). It has a mediating role that stems from the complex nature of

the configurative process, which is why Ricoeur prefers the terms “emplotment” over “plot” and “ordering” over “system” (Ricoeur, 1984, p. 65).

Mimesis 2 and 3 are connected by the act of reading, watching, or listening. *Mimesis* 3 reflects the intersection of the reader's world and the world of the text. According to Ricoeur, “therefore, it is the intersection of the world unfolded by fiction and the world wherein real action unfolds” (1984, p. 72). Ricoeur emphasizes that the operation of emplotment is part of *mimesis* 2 (configuration). Emplotment mediates by “drawing a configuration out of simple succession” (Ricoeur, 1984, p. 66), connecting heterogeneous narrative events in temporal succession with the central thought of the intelligible whole. In this way, narrative unity is created. Ricoeur emphasizes that it is the power of productive imagination on which the synthesis of the heterogeneous elements in emplotments is based.

Ricoeur's conception of narrative is of a hermeneutic character. Ricoeur aims at broadening the idea of plot (*mythos*) as an imitation of action (1985, p. 10). Relying on Aristotle's definition of *mythos*³, Ricoeur argues that “plot was first defined, on the most formal level as an integrating dynamism that draws a unified and complete story from a variety of incidents” (1985, p. 8).

In the framework of Aristotle's conception of plot, “plot could only be conceived of as an easily readable form, closed in on itself, symmetrically arranged in terms of an ending, and based on an easily identifiable causal connection” (Ricoeur 1985, pp. 8-9). In the twentieth century, with the advent of the stream-of-consciousness novel,

³According to Aristotle, *mythos* is “an imitation of an action that is whole and complete in itself” (Poetics, 50b23-25).

the notion of plot seemed to be troubled (Ricoeur 1985, pp. 9-10). For this reason, Ricoeur broadens the idea of representation of reality and truthful representation.

Ricoeur's broadens Aristotle's concept of *mythos* and perceives it as "the synthesis of heterogeneous" in the broadest sense (1985, p. 156). Ricoeur's conception of plots is "a plea for the precedence of narrative understanding over narratological rationality" (1985, p. 158).

According to Ricoeur, every configuration stems from productive imagination:

In Kant's first *Critique*, the categories of the understanding are first schematized by the productive imagination. The schematism has this power because the productive imagination fundamentally has a synthetic function. It connects understanding and intuition by engendering syntheses that are intellectual and intuitive at the same time. Emplotment, too, engenders a mixed intelligibility between what has been called the point, theme, or thought of a story, and the intuitive presentation of circumstances, characters, episodes, and changes of fortune that make up the denouement. In this way, we may speak of a schematism of the narrative function. Like every schematism, this one lends itself to a typology of the sort that Northrop Frye, for example, elaborates in his *Anatomy of Criticism* (1984, p. 68)

Narrativity is based on the idea of intertwined references between historical and fictional narratives. This presupposition is based on Ricoeur's idea of plot as a configurative principle which may be ascribed both to historical and fictional narratives (Becanovic-Nikolic, 1998). Both historical and literary texts require narrative

understanding. Ricoeur's concept of narrative understanding mediates between two opposite approaches. The first one denies the narrative character of historiography, and the second one equates historical narrative with fictional narrative. Ricoeur's research shows that the construction of historical text occurs in accordance with the process of narrative configuration—*mimesis* 2. His ideas are significant in that they may be applied to scientific theories and historical as well as literary narratives.

Conclusion

Historical meaning stems from the narrative organization of historical events, which contributes to the development of a plot (Ivic, 2018). Historians rely on narrative competence, which includes both causal explanations of sequences of events and understanding intentions and motives on which particular human actions are based (Reynhout, 2013). Thus, narrative understanding mediates between fictional and historical texts (Ivic 2018).

Both historical texts and fictional narratives are based on the configurative process of building of a plot, offering the receptive ability to follow a story that includes cognitive and hermeneutic processes of narrative understanding (Ivic, 2018). Both historical and fictional narratives involve a mimetic (and hermeneutic) arc, which includes prefiguration (*mimesis* 1), configuration (*mimesis* 2), and refiguration (*mimesis* 3). Ricoeur argues that even in historical texts⁴ that seem distant from narrative modes, configurative elements that are analogous to emplotment may be discovered in their

⁴ For instance, the works of Fernand Braudel and Jacques Le Goff.

deep structures (Becanovic-Nikolic, 1998). The common denominator of scientific, historical, and literary texts is productive imagination on which the configuration (*mimesis 2*) is based.

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**IN DÉFENSE OF CRITICAL
ETHNOPHILOSOPHY: TOWARD A
PRAGMATIC CONSTRUCTIVISM
EN DEFENSA DE LA ETNOFILOSOFÍA
CRÍTICA: HACIA UN
CONSTRUCTIVISMO PRAGMÁTICO**

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Abstract

This paper deals with methodological Realism and constructivism in African philosophy and defends the idea of critical ethnophilosophy. The necessity to incorporate local values into a universal paradigm constantly challenges the claim of objective truth. Thus, some African philosophers began investigating the ontological and epistemological underpinnings of their cultural values and beliefs. Despite its unusual approach to philosophy, this project demonstrates the need to accommodate local contexts in the formation of knowledge. Globalization is the recognition of the increasing awareness of interdependence not just in the sense of a global fraternity but also in a global competition for scarce resources. This leads to the formulation of a vision of global philosophy that addresses the concerns of humanity but at the same time recognizes local contexts. It is important to note that African philosophers are convinced that a genuine philosophical problem arises in response to a certain social context. This tendency is justified by recurrent appeals to certain readings of Derrida, Marx, Althusser, and Wittgenstein. The contention that there is such thing as African philosophy is not just about recognizing local or Indigenous knowledge claims rather, it is the outgrowth of contemporary philosophy. But it is argued that the Défense of local contexts should not be at risk of adopting cultural values and ideas that are out of step with the rest of the world. This article uses a qualitative methodology by way of extensive discussion and analysis of philosophical documents.

Keywords: Culture, development, ethnophilosophy, globalization, Indigenous knowledge, objectivity, scientific realism, critical ethnophilosophy, rationality.

Resumen

Este artículo trata sobre el realismo metodológico y el constructivismo en la filosofía africana y defiende la idea de la etnofilosofía crítica. La necesidad de incorporar valores locales en un paradigma universal desafía constantemente la pretensión de verdad objetiva. Así, algunos filósofos africanos comenzaron a investigar los fundamentos ontológicos y epistemológicos de sus propios valores y creencias culturales. A pesar de su enfoque inusual de la filosofía, este proyecto demuestra la necesidad de adaptarse a los contextos locales en la formación del conocimiento. La globalización es el reconocimiento de la creciente conciencia de la interdependencia no solo en el sentido de una fraternidad global, sino también de una competencia global por recursos escasos. Esto conduce a la formulación de una visión de la filosofía global que aborda las preocupaciones de la humanidad, pero al mismo tiempo reconoce los contextos locales. Es importante señalar que los filósofos africanos están convencidos de que un problema filosófico genuino surge como respuesta a un determinado contexto social. Esta tendencia se justifica por apelaciones recurrentes a ciertas lecturas de Derrida, Marx, Althusser y Wittgenstein. La afirmación de que existe tal cosa como la filosofía africana no se trata solo de reconocer los reclamos de conocimiento local o indígena, sino que es el resultado de la filosofía contemporánea. Pero se argumenta que la defensa de los contextos locales no debería correr el riesgo de adoptar valores e ideas culturales que están fuera de sintonía con el resto del mundo. Este artículo utiliza una metodología cualitativa a través de una extensa discusión y análisis de documentos filosóficos.

Palabras clave: Cultura, desarrollo, etnofilosofía, globalización, conocimiento autóctono, objetividad, realismo científico, etnofilosofía crítica, racionalidad.

Introduction

African philosophy is an attempt to understand African historical, political, social, and economic situations in the context of Western modernity. Hence, African philosophy is understood as a reaction to the spread of Western modernity in the form of colonization and conquest since 1492 and the struggle for liberation and independence from the underside of modernity by Africans (Gordon, 2000, pp.1-2). Philosophy in Africa is understood in terms of its benefits for social reform and transformation. It is important to note that African philosophers are convinced that a genuine philosophical problem arises in response to a certain social context (Gade, 2017, p. 9). The contention that there is such thing as African philosophy is not just about recognizing local or Indigenous knowledge claims rather, it is the outgrowth of contemporary philosophy. African philosophy is a discourse or body of knowledge that focuses on philosophical problems that pertain to the African predicament. It is triggered by the encounter of the Black man with the white man. So, there is a consciousness of one's own Blackness or Bantu identity in African philosophy (Gordon, 2000, p.11). African philosophy has a political mission but at the same time theoretical pursuits. The political mission is apparently clear given the colonial encounter but there is an interesting point to the politics of African philosophy, that is, the imperative to mould a discourse that speaks to the African context to empower Africans given the dehumanizing colonial experience. Commitments to this mission are apparent in the works of major African thinkers and philosophers such as Nkrumah (1970), Ngugi (1987), Hountondji (1983), Wiredu (1980), and Gyekye (1987). African philosophy is a critical

reflection on the colonial encounter to decolonize the African mind from debilitating categories of the colonial discourse (Messay, 2004, p.1).

According to Pearce (1992), there are three distinct contentions for an African philosophical venture. The first contention is that philosophy is fundamentally a cultural activity. Thus, the proponents of this view argue that Indigenous or traditional African thought is the source of African philosophical problematics and expression. The second contention is imperative to examine the linguistic heritage of culture since language is a repertoire of philosophical thought. For the advocates of this view studying African languages reveals concepts and worldviews that are different from those of the West. The third contention underscores the uniqueness of African traditional or indigenous experience from its Western counterpart (Pearce, 1992, pp.441-442). Hence, these contentions bring to our attention three major social phenomena culture, language, and experience. This implies that African philosophy is an attempt to understand the African social reality from a holistic perspective by synthesizing the major features of social life. It follows that the purpose of this article is to defend the concept of critical ethnophilosophy. The article builds on the works of Hountondji and Wiredu to argue that the study of African or Black cultures and traditions must be a critical activity with a view to bringing about political modernization and development in Africa. This paper is based on the analysis and discussion of primary and secondary literature in the African philosophical discourse. By primary literature is meant the works of original thinkers such as Hountondji, Gyekye, and Wiredu. Commentaries and discussions are also used as secondary sources.

Culture and Philosophy

For Gyekye (1987, p. 27) the human intellect is formed by unconscious social and cultural encounters. From this, we can deduce that intellectual pursuits are deeply impeded in a social milieu. Thus, African philosophy is based on a distinctive African reality (Akiwowo, 1980, 1). The social origin of thought is also reiterated by Nkrumah in his work *Consciencism* (1970). Nkrumah argues that it is impossible to understand Western philosophy in isolation from the social context that gives rise to it. The core of his argument is philosophers are the mouthpieces of a culture (Nkrumah, 1970, p.53). Thus, Nkrumah accuses philosophers of their pretension to transcend a socio-cultural context in their philosophical utterances. Nkrumah's Marxist move is apparent given his emplacement of philosophical thought within a social condition (Nkrumah, 1970, p.30). He argues that philosophical systems can be driven by the social conditions that give rise to them (Nkrumah, 1970, p.38). Nkrumah believes that philosophy can be used to set the ideological terms of political practice. He clearly draws the line between the metaphysical roots of intellectual life and mundane daily existence. Nkrumah argues that an ideology is the reflection of an incumbent social context. Philosophy is an attempt to theoretically capture the context in question by way of elucidation and justification. Thus, Nkrumah argues, "philosophy is an instrument of ideology" (Nkrumah, 1970, p.56). He points out that ideology is the basis of the fraternal bond that forms the identity of a group (Nkrumah, 1970, p.57). Ideology like morality permeates social life without explicit manifestation of its impact. It is an engine that drives society towards a common goal with a view to maintaining a specific moral order (Durkeihm,1964, p.398). Ideology is a holistic perspective on human life and existence

(Nkrumah, 1970, p.59). Nkrumah locates the source of African identity and consciousness in traditional African cultures which are not adulterated either by Christian or Islamic traditions. Thus, Nkrumah argues that the source of African philosophy is traditional African cultures excluding Islamic and Christian traditions in Africa. From this, it follows that Western philosophy is deeply rooted in Western culture and expresses Western ideological convictions. Given this contention, it is imperative to reconsider the significance of Western philosophy in the African context. Moreover, there is a need to be wary of Western philosophical discourse as it vindicated imperial and colonial domination of so-called primitive societies.

The revival of interest in African philosophy can be attributed to Tempel's ground-breaking discussion of a philosophy indigenous to Africa in his work *Bantu philosophy*. Hountondji describes the works of African philosophers who followed Tempel's methodology as ethnology disguised as philosophy (Hountondji, 1983, p. 34). Ethnophilosophy is an ethnographic endeavor to exhume tribal values and beliefs of traditional African societies. Although ethnophilosophy aims at understanding local values and cultures, its inability to rationally justify these beliefs and values makes it philosophically unsatisfactory (Bodunrin, 1981, pp.172-173). The question that must be answered is whether philosophy can be defined in terms of its theoretical goals without reference to a cultural context. What role do social factors play in the development of a philosophical perspective?

Terms that determine the ecological origin of people or ideas alike such as Indigenous, local, native, alien, foreign, and the like are used to distinguish legitimate and illegitimate membership to a place when there are competing claims to

membership (Masolo, 2003, p.22). Social scientists study the origin of material and intellectual heritages of peoples to understand their origin and evolution. The increasing attention given to Indigenous values and beliefs about African philosophy is only a recent development. In traditional politics, an appeal to Indigenous and local values and beliefs is preferable to alien and foreign claims to truth. The post-colonial scenario in African philosophy is characterized by arguments for and against indigeneity (Masolo, 2003, p.22). The quest for Indigenous values and knowledge is part of the emancipatory discourse at the global level. The guiding theme in contemporary political discourses such as multiculturalism and identity politics is the promotion and protection of local values and beliefs against the growing influence of globalization and Westernization. That is why the right of Indigenous groups is considered as a parallel exercise in the fight against the hegemonic discourse for freedom and equality (Masolo, 2003, p.22).

Wiredu draws our attention to the relationship between rigorous scientific thought and philosophy but acknowledges the imperative to examine African traditional beliefs and values to subject them to a critical and rational reflection. Wiredu contends that philosophy is a critical inquiry into the intellectual foundations of culture (Wiredu, 1980, p.20). Thus, he recommends an empirical investigation of a culture to understand what it is or was (Wiredu, 1980, p.14) and then subjecting it to a critical examination to make it palatable to modern standards (Wiredu, 1980, p.41). On contrary, Gyekye is opposed to the idea of subjecting African cultures and traditions to a critical reflection rather he wants to render them more presentable and understandable to the contemporary audience (Gyekye1987, p.29). Because he believes that critique is inherent to traditional thought particularly when it comes to aesthetic judgments

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(Gyekye, 1987, p.49). Gyekye argues that the mark of philosophical discourse is the fundamental nature of its inquiry and the nature of its subject matter (1987, p.51). It follows that folk thoughts concerning fundamental questions of reality, existence, and the good life are properly philosophical. Gyekye underscores that philosophy is inherently a cultural activity, that is “it is part of the cultural tradition and experience of a people” (1987, p.43). Gyekye’s point of departure is the relationship between philosophy and culture (1987, p.25). He states that philosophy is a “conceptual response to basic human problems” which is deeply embedded in “cultural experience and tradition of a people” (1987, pp.39-43). Gyekye argues that unless we engage in an African conceptual scheme it is impossible to establish a respectable tradition of philosophy in Africa (1987, p.37). Thus, for Gyekye it is imperative to make “African experiences, thoughts and categories and cultural values” the basis of African philosophical engagement (1987, p.33). Notwithstanding, it is important to note that this methodological discourse is conterminous with the latest developments in Western philosophy. Hence, it is important to recognize the need to critically reflect on African experiences, thoughts, and categories as pointed out by Wiredu and Hountondji. Because the term African in African philosophy is meant to suggest the scope and subject of inquiry as opposed to a parochial theoretical venture on Africa.

The post-colonial period marks the dawn of independence and hope for most African nations. Gyekye says that postcoloniality paves the way for potential autonomous self-expression of the colonized peoples by way of overcoming the degrading “aspects of colonial mentality acquired through decades of coloniality” (Gyekye,1997, p.25). Nonetheless, post-coloniality by no means implies the complete rejection of “the entire corpus of the colonial heritage” (Gyekye,1997, p.25). There are

some important features of the colonial heritage that the colonized should exploit for their cultural and intellectual development (Gyekye,1997, p.25). Gyekye notes that cultural borrowing “has been a seminal factor in the growth and evolution of cultures throughout the history of mankind” (Gyekye,1997, p.25). Hence, this process of appropriating and owning the most important features of the colonial heritage is a voluntary process of choosing and selecting values, institutions, and instruments of an encountered culture (Gyekye,1997, p. 26). African leaders and intellectuals have tried to produce an African version of Western values and institutions through the notions of African personality, African socialism, and others (Gyekye,1997, p.26). Gyekye notes that philosophy is “a conceptual response to human problems at different epochs” (Gyekye,1997, p. 26). Thus, critical thinking about the cultural and historical problems of Africa helps in the emergence of authentic African philosophy (Gyekye,1997, p. 26). The lack of scientific and technological advancement in colonial and postcolonial Africa can be attributed to “incomprehensible inattention to the search for scientific principles by the traditional technologists” (Gyekye,1997, p.26). The fact that traditional African societies are highly religious, and spiritual has been asserted by many anthropologists (Gyekye,1997, p. 26).

John Mbiti declares, “Africans are notoriously religious” in the sense that each African community has a codified set of rules and regulations for religious belief and practice (Mbiti, 1970, p.1). Mbiti says that religion permeates all aspects of life in traditional African societies (Mbiti, 1970, p.1). He says that atheism is an unthinkable category in traditional African life (Mbiti, 1970, p.38). There is intense and thorough religious immersion in traditional African life that “all life was religious.” (Busia, 1997, pp.1,7). Parrinder described Africans as “incurably religious people.” (Parrinder, 1962, Analítica (2), oct. 2022 – sept. 2023, ISSN-L 2805-1815

p.9). Nonetheless, Gyekye notes that regardless of the highly religious nature of traditional African life, Africans are empirically minded to the extent that their knowledge of God is susceptible to have been derived empirically without the aid of revealed religion (Gyekye,1997, p.27). Gyekye maintains that observation and experience are part of African traditional sources of knowledge for instance agriculture and herbal medicine are the best examples of this point. (Gyekye,1997, p.26). Africans cannot engage in sustained investigations into the scientific foundations of their observations and experiences, which stunted the growth of science in Africa (Gyekye,1997, p.27).

Causal explanations have played a significant role in the growth of science (Gyekye,1997, p.28). Although African cultures appreciate the notion of causality, it “was generally understood in terms of spirit, of mystical power” (Gyekye,1997, p.28). Hence, in our African culture, empirical causation is substituted for supernatural causation and thereby stunting the growth of science. Gyekye says, “empirical causation, which asks what and how questions, too quickly gave way to agentive causation, which asks who and why questions” (Gyekye,1997, p.28). Agentive causation leads to the postulation of mystical powers and spirits as causal agents (Gyekye,1997, p.28). Mbiti explains that traditional African societies do not see physical and spiritual powers separately but rather, as “two dimensions of one and the same universe” (Mbiti, 1970, p.74). Considering, the significance of the notion of causality to understand natural phenomena, a culture that indulges in too much mystical and supernatural causality would hardly make progress in the scientific understanding of nature that can empirically be verified by a community of scientists of today and tomorrow (Gyekye,1997, p.28). I agree with Gyekye that religion and science can reinforce each other if they are used in their respective spheres of application. He says, “... in view of

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the tremendous importance of science for the progress of many other aspects of the culture, it should be able to render unto Caesar what is Caesar's and unto God what is God's" (Gyekye,1997, p.28).

In Défense of a critical ethnophilosophy

The increasing awareness of Indigenous values and beliefs led to a fundamental philosophical critique of scientific realism in the late 1950s and early 1960s which was the intellectual orthodoxy of most disciplines (Masolo, 2003, p.22). Philosophers of science such as Thomas Kuhn questioned the objective view from nowhere promoting the idea that knowledge is a social product. This, in turn, led to the recognition of the human factor in scientific theories. The central idea behind Kuhn's Structure of Scientific Revolutions (1962) is the concept of "paradigms," which stand for objects of consensus in scientific establishments. The margin of agreement in scientific discourse is drawn by the norms of scientific practice which are put forward by the paradigms in question (Kuhn,1962, p.23). This implies that science is no longer the sole language to assess truth claims about the universe. Comparative knowledge of social and cultural values became an area of increasing interest. The dominance of scientific realism has blurred the boundaries between hard sciences, soft sciences, and the humanities in the name of seeking objective scientific knowledge. The contrast between constructed knowledge and what is "out there" to be discovered by scientists has been the most important way to frame a scientific inquiry. Helen Verran (2001) argues that culture plays a significant role in the formation of rationality. She argues that Western models of mathematical rationality have undermined other culturally sensitive models of

rationality in the name of objectivity (p.25). She goes on to argue that since Western models of rationality are taken for granted, they are used as a way of marginalizing and side-lining other ways of knowing. Thus, Verran attributes this clash of methodologies to the inability to adapt to different explanatory procedures that lead to a fruitful scientific engagement (2001, pp.25-26). She argues that African (Yoruba) students and intellectuals are forced to switch consciously between Western and African logic and mathematics. Thus, Verran argues that they can easily shift between various models of science (2001, p.28). She argues that the structure of theories is determined by politics or the expectations of the reactions of others as cohabitants or strangers of a certain epistemic space (Verran, 2001, p.29). Verran brings to our attention fundamental or methodological features of theories in general and scientific theories in particular. Which theories or systems can be described as foundational? What would be the implications of a theory of the universe that is entirely deterministic? These questions run in the face of the invincible epistemological position called realism -the claim that a view from nowhere is possible in the sense of mind-independent knowledge or knowledge devoid of subjectivity.

The African debate on ethnophilosophy is constitutive of the debate between scientific realism and social constructivism. The above discussion is in favour of constructivism in epistemology which is against Hountondji's critique of ethnophilosophy. In addition, the critical perspectives against scientific realism contributed to self-criticism on the part of Western intellectuals by asserting the validity of local knowledge claims on the ground of the social constructedness of knowledge reflecting socio-historical contexts of knowledge production.

The debate between particularism and universalism is internal to the debate between ethnophilosophers and professional philosophers in African philosophy. The universality of Western philosophy and science is the outgrowth of European political, military, and economic imperialism that has come to define North-South relations since the 19th century (Masolo, 2003, p.25). The current focus on “ethnoscience” is putting the foundational assumptions of Western science and philosophy under question. The term “indigenous” is becoming instructive in the quest for self-expression and self-representation of local communities in opposition to foreign ideas and concepts. The concept of indigeneity began to have a normative appeal to distinguish hegemonic ideas and values from local and domestic ideas and values (Masolo, 2003, p.25). It is a revolutionary concept with a Marxist prescription to liberate the oppressed and marginalized societies from the hegemonic Western political, economic, and political domination. Africa was depicted as an exotic, primitive, and backward place by anthropological and historical writings of the West (Masolo, 2003, p.25). Thus, scholarly works by Africans that imitate Western ethnology and anthropology are criticized by Hountondji as extroverted products of knowledge. Indigenous peoples are reduced to mere objects of scholarly work by metropolitan scholars (Spivak,1999). Political economists describe this process of knowledge production as the constitutive act of manufacturing dependency in the Third World. The exploration of African Indigenous culture goes back to the ancient World (Mudimbe,1994). The genesis of African culture is studied by African scholars such as (Appiah 1992, Mudimbe 1988). Critical anthropological writings began to challenge the hegemonic discourse on Indigenous cultures and values in the 80s and 90s (Masolo, 2003, p.25). Particularly the authoritative claim to knowledge of indigeneity by metropolitan scholars has been put

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under scrutiny. The philosophical status of Indigenous knowledge has divided African scholars into different schools of thought. According to Hountondji, culture is a system of responses or a readymade practical recipe in matters of life and death, meaning, medicine, agriculture, and soon (Irele, Hountondji, 1997 p.201). Thus, Indigenous knowledge has the raw materials for philosophical reflection, but critical thinking seems to be absent. Although he recognizes the potency of any culture for philosophical reflection, he is against the attempt to equate a communal worldview to a critical individual thought or philosophy. The need to pursue a development strategy that is deeply embedded in local customs and traditions is legitimate in the sense that it provides a potent foundation to produce knowledge in Africa. However, this can be done only if one exploits the methodological and epistemological tools of the West. Building the capability of a nation to deploy its material and intellectual resources for its transformation is crucial to bringing about sustainable development. To that end, it is imperative to relate to the culture and values of African communities to produce sustainable strategies that will deliver to the concrete demands of Indigenous communities.

Scholars such as Sandra Harding began to take a radical position on this subject asserting the ethnological dimension of scientific knowledge. She reiterates that aside from objectivity, universal validity, and rationality the assertion of scientific knowledge must be properly local. Anti-hegemonic perspectives such as feminism and indigenous studies share a common claim that no matter how universal in scope it may be, science must be locally grounded. Thus, ethnophilosophy is based on this ethnoscientific quest for local contexts of knowledge. According to Sandra Harding, the core subject of the social and cultural studies of science and technology (SCSST) has been to demonstrate

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that practices and cultures shape the cognitive content of modern sciences (Harding, 1997, p.37). Thus, the claim to universality, objectivity, and rationality are specific to a culture, not transcultural claims that are internal to a scientific process (Harding, 1997, p.37). The epistemological position of SCSST is like comparative anthropological studies of modern science and ethnoscience which took shape in the 1960s. The technoscientific discourse reduces any claim to knowledge to a local belief system denying the conventional distinction between objective and subjective truth claims (Harding, 1997, p.37). Harding points out that the proponents of this discourse argue that the comparative explanatory advantage of modern sciences does not follow from their rationality, objectivity, and universality (Harding, 1997, p.37). Both SCSST and comparative anthropological studies reject the transcultural and internalist epistemology of conventional Western Science. But in the eyes of philosophers and historians of science, scientists, and policymakers these two schools of thought have produced untoward conclusions (Harding, 1997, p.38). Harding points out that their constructivist premises and their wholesale rejection of the notions of objectivity, rationality, and universality of Western sciences are unacceptable (Harding, 1997, p.38). Harding identifies a third category of school in contemporary science studies, which does not abandon the conventional epistemological notions. Rather they want to take advantage of these notions to identify “patterns of historically-determinate components of sciences” (Harding, 1997, p.38). According to Harding, the proponents of this third school are Western feminist scholars and SCSST from the global South including development theorists who criticize science and technology transfer models to the global South (Harding, 1997, p.38). Scholars of SCSST from the global South aspire to invent a new scientific paradigm and development strategy for the South that

is deeply rooted in the traditional and social needs of the peoples of the South and the most marginalized and vulnerable segments of the global population. This attempt to recentre epistemological concerns by feminist and postcolonial scholars has not been welcomed by the proponents of the mainstream epistemological traditions. Because feminist and postcolonial studies “reject the internalist status of epistemology -- a position that the older histories, philosophies, epistemologies, and sociologies of science will not countenance” (Harding, 1997, p.38). Harding points out that the feminist and postcolonial epistemological trends totally recognize the cultural situatedness of modern sciences. The feminist and postcolonial schools recognize the need to develop a strong epistemological stance that SCSST and comparative anthropological studies have endorsed (Harding, 1997, p.38). To that end, their approach to knowledge acquisition involves appropriating and building upon the central tenets of conventional epistemology save its internalist thesis that undermines the legitimacy of non-Western ethnoscience (Harding, 1997, p.39). The feminist and postcolonial schools have been trying to identify the social, economic, and political factors that contribute to the growth or decline of human knowledge. Although these schools reject the internalist premises of conventional epistemology they do accept its central notions without losing sight of the cultural situatedness of knowledge. Harding says the feminist and postcolonial or what she calls Southern SCSST schools are misunderstood by SCSST and comparative anthropological studies as being oblivious and unappreciative of the criticisms of internalist epistemology (Harding, 1997, p.39). She argues that the Northern SCSST and comparative anthropological studies are concerned with a critique of internalist epistemology oblivious of the significance of internalist epistemology for other kinds of anti-internalist projects (Harding, 1997, p.39).

The comprehension of language is the gateway to truth in the analytic tradition. The philosopher examines language to uncover the theoretical assumptions and meaning embedded in the everyday form of language. The link between speech and philosophy is clearly demonstrated by the late Rwandan philosopher and anthropologist Alexis Kagame. He clearly showed the philosophical potential of local African languages in the sense that daily language is loaded with philosophical ideas. Kagame also demonstrated that the translation of a language into another language may risk a loose and ambiguous rendition of the ontological and other implications that are inherent to a language. The point is a genuine philosophical reflection begins with every day, the familiar, which is embedded in the Indigenous knowledge and linguistic traditions of African societies. This idea finds its philosophical basis in the ordinary language philosophy of Western philosophy. The significance of everyday language is emphasized both in the analytic and continental tradition in which most African philosophers are trained. For example, Wiredu draws on the analytic tradition as exemplified by Quine and Hountondji draws on the continental tradition as exemplified by Derrida.

Hountondji (1983) and Wiredu (1980) contend that a genuine African philosophical engagement begins through a parallel exercise in a robust scientific discourse. Although Wiredu is less radical than Hountondji when it comes to faith in reason and science, he is convinced that reason is a universal category that applies regardless of geographical and racial origins. Hountondji (1983) says “the politicization of philosophical discourse...constitutes the most serious obstacle to any theory of the political” (p.175). But the proponents of ethnophilosophy defend cultural relativism, that is, an extensive generalization that knowledge is constituted by its social, cultural, ecological, and linguistic origin. But the rationalist argument affirms the principle of

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non-contradiction that no proposition can be both true and false at the same time. The affirmation of a particular epistemological position should not risk arrogance by way of an over-generalization about the ultimate way to truth. Although the attempt to produce a criterion for truth is compelling, some dose of scepticism must be in order to leave room for a new methodology. The cultural relativist debunks the rationalist position in philosophy and science. Because if the cultural relativist is right, it is impossible to disagree on ground evidence or reason since the terms of discourse are mutually exclusive. Because the cultural relativist terms cannot necessarily have the same meaning but only accidentally. That is, the meaning of terms in a language derives not from the outside world but rather from a set of linguistic conventions internal to a specific linguistic community. Thus, this argument destroys the whole idea of the possibility of a rational and objective truth claim. The concepts of rationality, objectivity, and universality depend on applying universal standards to ascertain the truth and falsity of propositions. But if we assume that the rules of thought are relative to a culture then we cannot adjudicate incommensurable truth claims from two distinct cultural communities. This leads to the conclusion that all claims to knowledge are fundamentally relative, subjective, and particular to the context of their enunciation.

Conclusion

It is wrong to conceive Indigenous values and beliefs as immune to criticism in the name of unanimity. A critical attitude towards Indigenous values and beliefs is crucial to make them compatible with the increasing dialogical complexity of the world in political, cultural, and economic spheres. Hountondji endorses rootedness in a local

tradition as the core of development and this makes Indigenous knowledge vital to efforts aimed at African development in contrast to the colonial denigration of African traditions and values. The worldview of society evolves in the course of history linking the imaginations and values of generations of people from the past, the present, and the future by passing certain intellectual habits on to successive generations. Indigenous knowledge is a live option for philosophical reflection in the African context. But it should be subjected to a formal epistemic analysis to integrate it into the written words of scientific discourse.

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**LA REPRESENTACIÓN COMO
FUNDAMENTO DE LA SERVIDUMBRE
POLÍTICA
REPRESENTATION AS THE
FOUNDATION OF POLITICAL
SERVITUDE**

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Abstract

Representative democracy is a cardinal principle in modern and contemporary politics; but, analyzing the historical development and the practical problems of the representation, we see that this principle can be related to political servitude, since it forces the represented ones to grant their political powers to the representatives, constituting a hierarchic division of dominant and dominated.

Keywords: Servitude, representation, political philosophy, democracy, politics.

Resumen

La democracia representativa es un principio cardinal en la política moderna y contemporánea; pero, analizando el desarrollo histórico y los problemas prácticos de la representación, vemos que este principio puede estar relacionado con la servidumbre política, pues obliga a los representados a otorgar sus facultades políticas a los representantes, constituyendo una división jerárquica de dominantes y dominados.

Palabras clave: Servidumbre, representación, filosofía política, democracia, política.

Introducción

El mundo moderno erigió el principio político de la representación en uno de los pilares de todo régimen de gobierno; pero, generalmente, la representación política afianzó a una minoría elegida en el nivel de la dominación por encima de la mayoría de los electores, quienes son condenados a la obediencia; por consiguiente, la representación política parece ser uno de los fundamentos más evidentes de la servidumbre política.

Este ensayo pretende analizar las relaciones que existen entre la representación y la servidumbre en el ámbito político; para ello, en un primer momento, definiremos nuestra noción del ámbito político; luego, ubicaremos el lugar de la representación en el marco de la política, a la vez que desentrañamos las condiciones que podrían vincular a la representación política con la servidumbre; después, describiremos la formación y las problemáticas que presenta este principio político de la representación, lo cual podría desvelarnos su esencial correspondencia con la servidumbre; seguidamente, por último, enunciaremos algunas ideas tendientes a la construcción de una nueva política, superadora de la representación y la servidumbre política.

El ejercicio teórico-especulativo aquí desarrollado nos ha permitido reflexionar, con libertad, acerca de una importante materia de la filosofía política; en ese sentido, esperamos que las argumentaciones y las conclusiones aquí esbozadas sirvan para un ulterior estudio más profundo sobre la representación y la servidumbre política.

Servidumbre y representación política

El ámbito de la política

En esta primera sección intentaremos esbozar una definición de la política, tal que nos permita ir desbrozando el camino que nos conduzca a encontrarnos con el lugar que ocupa la representación en el marco de la política; dilucidada esta segunda tarea, la posición de la representación política, nos abocaremos a señalar la forma en que se vincula la servidumbre política con la representación.

La forma y materia de la política

La cuestión que nos interesa precisar en primera instancia es ¿qué es la política?; no obstante, para nuestro caso, estipularemos una definición que, aunque posee un tinte personal, creemos que no se aleja de los cánones más dogmáticos.

Desde nuestra perspectiva, dos son los aspectos que apuntaremos como esenciales en la definición de la política; por una parte, no puede faltar la noción del ‘poder’ como materia substancial de la política; el poder, el cual lo entendemos como: *la facultad, la capacidad, la autoridad para ejecutar algo o para dejar de hacer algo*; éste es un elemento indispensable de la política; en cierto modo, podríamos decir que la concepción de la política que no tenga entre sus contenidos el tema del poder, sería insuficiente.

Por otra parte, la noción de poder, por sí solo, no basta para comprender la política, ya que dicho poder ha de ser ejecutado, accionado, actuado, logrado; es decir,

la política nos remite, igualmente, al ejercicio del poder; por consiguiente, el segundo aspecto que apuntamos como esencial en la definición de la política es el que llamaremos: *deliberación decisiva* o *decisión deliberativa*; en otras palabras, la conjunción de dos momentos que han de ser casi inextricables: la *deliberación* y la *decisión*; este elemento enuncia la forma en que se ejerce el poder; en este sentido, si ya vislumbramos la política como la ‘forma’ de ejercer el poder, dicha forma se manifiesta a través de *decisiones deliberativas*; obviamente, esta mezcla de los conceptos: decisión y deliberación, apunta hacia un intento por no desembocar en el *decisionismo* –aunque, a veces, parece que el punto crucial del ejercicio del poder está en la ‘decisión’-, entretejiendo el momento de la decisión con el espacio de la discusión, la reflexión, el debate, la consulta, la deliberación.

Hasta aquí, hemos podido acotar, entonces, dos elementos substanciales de nuestra concepción de la política; por un lado, la *materia* de la política está en el *poder*; y, por otro lado, la *forma* de la política está en la *deliberación* y la *decisión*; así, podemos intentar responder nuestro cuestionamiento primordial: ¿qué es la política?

La política es la deliberación y decisión sobre el poder. Esta definición nos permite ubicar en el ámbito de la política a diversas temáticas, ordenándolas según atiendan a la materia o a la forma de la política; verbigracia, problemáticas como la soberanía, el Estado, el gobierno, se orientarían hacia la materia de la política; o sea, las manifestaciones concretas del poder; a su vez, en los asuntos referentes a la forma de la política localizamos cuestiones como: el constitucionalismo, el contractualismo, la representación –que es el área que más nos interesa-; es decir, cómo se ejecuta el

poder. Esta estructuración bipartita que realizamos tiene un propósito tanto metodológico como conceptual, en el sentido que, en primer término, nos permite ubicar el tema que nos interesa estudiar: la representación política, en un espacio político-conceptual determinado: la forma política (la decisión deliberativa); en segundo término –como se irá desvelando en el transcurrir del ensayo–, facilitará la propuesta de nuevos elementos para una concepción política alternativa, como intento de superación de la forma y materia de la política actual.

La forma de la servidumbre política

La política, por su forma, requiere de los elementos decisorios y deliberativos; por una parte, la decisión es imprescindible en el ejercicio del poder; sin ella, la autoridad o la facultad política sería insubstancial e impotente, carecería de actualidad, no se concretaría y sería como un rey en cuya cabeza no hay corona; pero, por otra parte, igualmente, la deliberación ha de ir conjugada con la decisión en el ejercicio del poder; la acción política cuya forma se limite a la decisión, despreciando la deliberación, desembocaría en el voluntarismo irracional, en un poder enajenado, sería como una corona en la cabeza de un mono (o de cualquier otro animalito simpático se así se desea); ahora bien, en ese mismo orden de ideas, la forma política deliberativa y decisoria requiere actuar sobre la materia de la política: el poder; la forma política discurre y determina en torno a la actualización, interpretación, transformación o apropiación del poder; sin esa consubstancialidad con el poder, la deliberación y la decisión serían mero juego deportivo, competencia mercantil, ritual religioso o contubernio amoroso. Antes de acabar con esta puntualización de las relaciones entre la forma y la materia de la política, algunos podrían argüir que a la política, para

significar tal, le alcanza con el elemento del poder; no obstante, el poder (la materia de la política), por sí solo, como ya se ha dicho, no adquiere su plena substancia política si no está acompañado de la decisión deliberativa; sin su forma, la materia estaría en una dimensión irreal, imposibilitada para manifestarse y actuar; ello solamente puede ocurrir en el plano de la metafísica (por ejemplo, el dios metafísico aristotélico, que es poder sin más, sin decisión ni deliberación, pues le es innecesario, siendo acto puro), de la ciencia ficción (como el robot *Exterminador*, cuya misión es asegurar el poder de las máquinas, estando sus acciones predeterminadas por un chip) o de la *servidumbre*.

La *servidumbre*, esa *sujeción grave u obligación inexcusable de hacer algo que coarta la libertad*, es la manifestación del poder sin los consubstanciales complementos decisorios y deliberativos; en dicha condición de *servidumbre* se encuentra la mayoría de las personas en el mundo actual, refiriéndonos al ámbito político; en otras palabras, la *servidumbre política*, esa *sujeción grave u obligación inexcusable de hacer algo que coarta la libertad formal deliberativa y decisoria*, es uno de los fenómenos políticos más difundidos en el planeta; pero, ¿cómo ocurre ello? ¿por qué vivimos en la *servidumbre política*?

Como ya se adelantó, si el puro ejercicio del poder sin la decisión deliberativa es mera irrealidad, es la política ilusoria; y, si las personas (los ciudadanos, quienes son los llamados a participar en la esfera de la política) están obligadas a acatar el ‘principio de la representación política’, ejerciendo el sufragio universal (en el mejor de los casos) y delegando sus actos deliberativos y decisorios en otras personas por un periodo determinado; entonces, concluyentemente, durante dicho periodo, en el cual

los ‘representantes’ son los únicos facultados para deliberar y decidir políticamente, los ‘representados’ (la mayoría de los ciudadanos) carecen, en la realidad política, de decisión deliberativa, postrándose en la servidumbre política.

Sin embargo, de inmediato surgen las controversias; la crítica nos lleva a colocar como antítesis de la formación de la servidumbre política supuesta, la idea de ‘soberanía popular’ como refutación contundente, pues se argumentaría que la evolución de la política moderna ha edificado la supremacía política en el pueblo, siendo todos los ciudadanos, en todo momento, los auténticos depositarios del poder político; ya decía la Constitución francesa de 1793 que *la soberanía reside en el pueblo*; por consiguiente, no parecería tener sentido el afirmar que los ciudadanos se suman a la servidumbre política por ejercer el principio de la representación política, dado que siempre queda el principio de la soberanía popular.

No obstante, si seguimos con rigurosidad nuestro discurrir, observamos que esta antítesis no tiene cabida en nuestro esquema teórico, pues el principio de la soberanía popular no concerniría a la forma de la política, sino a la materia de la política; en otras palabras, la soberanía popular es una manifestación del poder, siendo uno de los elementos concretos en que se muestra el poder. El poder, esa materia de la política, ¿qué es?, ¿dónde está? ¿en quién o quiénes se concreta?; a estas cuestiones, la teoría política moderna respondió con la noción de la soberanía popular (y no es la única respuesta posible, otras pueden ser la monarquía constitucional, la soberanía nacional, el poder constituyente, etc.). Por lo anterior, siguiendo nuestro esquema bipartito, que distingue entre la forma y la materia de la política, la manifestación de la soberanía

popular no invalida el fenómeno de la servidumbre política; al contrario, refuerza su realización, ya que, aunque el poder se encuentre (*idealmente*) en el pueblo, en el conjunto de los ciudadanos, ello solo reafirma la tesis según la cual el poder, por sí solo, sin la forma deliberativa y decisoria es pura irrealdad y deviene en servidumbre política; en otras palabras, presenciamos a múltiples ciudadanos, detentores del poder de la soberanía popular (la materia política), pero carentes de la consubstancial forma política, sin decisión ni deliberación; en fin: la pura servidumbre política.

Todavía no escapamos a la crítica, pues, efectivamente, la principal contra-tesis de la concepción sobre la servidumbre política aquí esbozada habría de provenir, directamente, de la idea de representación política. ¿Acaso la representación política no emerge para darle voz y voto al universo de ciudadanos? Luego de un extenso y arduo proceso histórico, pasando del sufragio por unos pocos al sufragio por la mayoría, pareciera que la democracia moderna encontró en el principio de la representación una alternativa viable para establecer la correspondencia entre gobernantes y gobernados; según el politólogo Giovanni Sartori, la representación política es “una práctica que hizo sobrevivir a la democracia a sus propias tensiones, la hizo practicable en contextos masivos, en grandes sociedades, la dotó de funcionalidad y se constituyó en el mecanismo principal que la hizo durar.” (Sartori, 1991, p. 342)

Acerca del desarrollo, caracteres, bondades y defectos del principio de la representación política versará la siguiente parte de este ensayo, teniendo el propósito de descifrar, con mayor detenimiento, ese argumento que pretende vincular la servidumbre con la representación política.

La representación política

La representación política puede entenderse como el “acto mediante el cual un representante -gobernante o legislador- actúa en nombre de un representado para la satisfacción, al menos en teoría, de los intereses de éste.” (Monedero, 2007, p. 74). En esta parte describiremos la formación histórica de este principio político, intentando sopesar en qué medida ese desarrollo refleja elementos vinculantes con la servidumbre política; en segunda instancia, también procuraremos caracterizar los tipos y problemas que se derivan de este principio de la representación política.

La formación de la representación

La representación política es una figura que puede rastrearse hasta la antigüedad greco-romana; según afirman algunos estudiosos del tema, en la democracia ateniense encontramos muestras de la representación política; considera Rodríguez Lozano (1996, pp. 62 y ss.) que el Consejo de los quinientos y la Asamblea del pueblo (*ecclesia*) atenienses reflejan claros elementos de representación; en el caso del mundo romano, la representación se hace más patente; instituciones como el Senado y las magistraturas: el consulado, la pretoria, la censura y, sobre todo, el tribunado, manifiestan que se practicaba, indudablemente, la representación, si bien aún no se había precisado teóricamente dicho principio.

No obstante, la era medieval europea es la que presencia la formación más concreta de la representación política, la cual se convierte en una práctica profusa, aunque, por supuesto, nunca alcanzó la sustentación teórica que adquiriría en la modernidad; sin embargo, la práctica de la representación política no emerge -como

señalarían algunos de sus defensores- para proteger los intereses de los ‘representados’ y menos para darle voz y voto a los súbditos de la corona; por el contrario, la representación política se afianza e impulsa para otorgar y garantizar el control financiero de los monarcas en su feudo; en otras palabras, esta figura política no emerge para relacionar las aspiraciones de los súbditos con el poder, sino para relacionar al poder con los caudales de sus súbditos. Según las palabras de Rodríguez Lozano:

Los concilios y asambleas eran cosa común en la Edad Media. En un principio exclusivamente eran convocados los grandes magnates del pueblo, nobleza y alto clero. Bajo la influencia del derecho romano se hizo extensiva la convocatoria a todos aquellos hombres libres que habitaban en ciudades y burgos [...] Así, cuando los monarcas necesitaron un subsidio extraordinario, mayor al autorizado por la costumbre feudal, la ley feudal les obligó a obtener el consentimiento de quienes serían afectados por ese nuevo impuesto. (Rodríguez Lozano, 1996, pp. 96-97)

De esta forma y con la elaboración de nuevas disposiciones jurídicas que les permitían a los monarcas vincularse con los tesoros de sus súbditos, principalmente burgueses, fue propiciándose la práctica de una representación política desligada, en gran medida, de los intereses de los ‘representados’; así, los supuestos ‘representantes’ se fueron convirtiendo, realmente, en una especie de agentes fiduciarios de los reyes:

Quizá para evitar que los representantes de la burguesía se rehusaran a aprobar la ayuda financiera o a demorar el otorgamiento de su consentimiento, los juristas reales sugirieron que los mandatos de los representantes fueran dotados de plenos poderes –*plena potestas*- e instrucciones suficientes –*sufficienter instructus*-. Con estas dos fórmulas del derecho romano, los representantes estarían en condiciones de poder realizar cualquier cosa. En la práctica se desvinculaban de sus representados al ser relevados de la obligación de recabar nuevas instrucciones. Ello puede considerarse como la esencia de la representación política contemporánea. (Rodríguez Lozano, 1996, pp. 97-98)

Para no abusar de una descripción en extremo detallada sobre la evolución histórica de la figura de la representación política, ahora pasaremos al momento en que, al parecer, la práctica política representativa se transforma en uno de los principios fundamentales de la democracia moderna; la representación aparece como uno de los pilares de la política moderna en el periodo de las grandes revoluciones del siglo XVIII; por ello, nos detendremos en la noción que se tenía de la representación en tiempos de las revoluciones norteamericana y francesa.

Para los teóricos de la revolución norteamericana, la representación política resultó ser un mecanismo maravilloso, que permitiría establecer correlaciones entre gobernantes y gobernados, legitimando el poder; personajes como Hamilton, Madison y Jay, en el famoso texto *El Federalista*, esgrimen elogios para con la representación política; veamos, verbigracia, las elocuentes palabras que pronuncia Madison, aseverando que la representación permite:

refinar y ensanchar las opiniones públicas haciéndolas pasar por el conducto de un cuerpo elegido de ciudadanos cuya sabiduría pueda discernir mejor el verdadero interés de su país y cuyo patriotismo y amor por la justicia sean los menos susceptible de sacrificar ese interés a consideraciones efímeras y parciales. (Hernández Quiñones, 2006, p. 42)

Realmente, en el fondo de este planteamiento de Madison se encuentra la reticencia a convertir la política en el gobierno de una mayoría inculta; es decir, el propósito del principio representativo, según los padres fundadores norteamericanos, no era vincular a la mayoría del pueblo con las deliberaciones y decisiones del poder, sino, contrariamente, mantener al populacho a la raya del gobierno; ésta es la noción auténtica de la representación para los revolucionarios estadounidenses:

la democracia representativa se diseñó para evitar que las instituciones y las decisiones públicas cayeran presa de las pasiones y/o ambiciones de las facciones formadas por la ciudadanía que estuvieran al servicio de la tiranía de la mayoría. Los fundadores del sistema representativo consideraron que las mayorías tendían a actuar apresurada y apasionadamente. (Hernández Quiñones, 2006, p. 40)

En Francia también se acoge el principio de la representación política como una figura imprescindible para relacionar a gobernantes y gobernados; Montesquieu, Sieyès, Mirabeau, Condorcet y otros, defendieron la representación política, enlazándola con

el principio de la soberanía popular, dándole a los ‘representantes’ la potestad de deliberar y decidir con total libertad, pues eran depositarios de la ‘voluntad popular’. Esta concepción de la representación como mancuerna de la soberanía popular fue criticada, no obstante, por Rousseau, quien puntualizó, con gran claridad, la incoherencia de la conjunción de dichos principios, señalando que: “el soberano, que no es más que un ser colectivo, no puede ser representado sino por él mismo” y, por ello, “los diputados del pueblo, pues, no son ni pueden ser sus representantes, son únicamente sus comisarios y no pueden resolver nada definitivamente. Toda ley que el pueblo en persona no ratifica es nula.” (Rivas Acuña, 2006, p. 27); no obstante, a pesar de esos defectos, Rousseau acepta el principio de la representación, dada la imposibilidad de practicar una democracia directa en los grandes Estados modernos.

Podría pensarse que este impulso del principio representativo es propio de tendencias revolucionarias, lo cual evidenciaría el carácter radicalmente democrático y popular hacia el que propendería este principio; sin embargo, una de las defensas más sobresalientes y recordadas del principio de la representación proviene de uno de los más célebres políticos conservadores ingleses del siglo XVIII, Edmund Burke, quien, en su *Discurso a los electores de Bristol* de 1774, apoya la idea de la representación parlamentaria como manifestación de las razones e intereses que mejor convienen a la totalidad nacional; aunque, también se ha sustentado que la concepción de Burke refleja claras motivaciones *elitistas* (Sartori, 1998, p. 4; Garzón Valdés, 1989, p. 144); además, lo que si es obvio es que Burke se opone a la institución de contrapesos (*teoría del mandato*) vinculantes entre ‘representados’ y ‘representantes’.

Para terminar esta exposición sobre las proclamaciones de los beneficios de la representación política, que reflejan la aceptación que dicho mecanismo político alcanzó en la modernidad, presentamos el decidido elogio que hace de la misma John Stuart Mill, uno de los afamados adalides del liberalismo utilitarista del siglo XIX, al decir que la democracia representativa es “el gran descubrimiento de los tiempos modernos, donde podemos encontrar las soluciones a las dificultades especulativas y prácticas de la *democracia*.” (Stuart Mill, 1985, p. 7)

De esta forma, reconocemos que la representación política se ha convertido en uno de los pilares de la filosofía política; ahora bien, será preciso adentrarnos en un análisis más profundo y problemático de la representación, intentando comprender los problemas más importantes y actuales que provoca este principio de la representatividad política.

La problemática de la representación

A pesar de la aparente simplicidad que se observa al definir la representación política en una primera aproximación, en realidad son diversas las formas en que se puede concebir y, principalmente, ejecutar el principio de la representación; pero, podemos encontrar algunos elementos claves que serían esenciales a la idea de representación; tal como señala Bernard Manin (1998, p. 17) hay cuatro caracteres que definen la representación política; primeramente, la elección: los gobernantes son elegidos por un tiempo establecido; segundo, la independencia: los representantes son libres para tomar decisiones sin quedar sujetos al control de sus electores; tercero, la libertad pública: los representados tienen la libertad de opinar sobre los asuntos

públicos sin que ello implique perjuicio para ellos; y cuarto: la deliberación, el debate, forma parte de toda decisión pública.

No obstante, esos elementos esenciales de la representación política muestran una visión abstracta de la representación, pues, en realidad, la misma se concibió y ejecutó como un mecanismo *aristocrático* para que se perpetuaran en el poder algunas clases privilegiadas, social y políticamente preestablecidas; a la vez -siguiendo las ideas de Manin-, “la representación política moderna supone necesariamente la sustitución de los ciudadanos por los representantes en el ejercicio del poder. Bajo dicha perspectiva la representación política ‘nunca’ podría ser equivalente al gobierno del pueblo en un sentido material.” (Mella Polanco, 2005, p. 4)

Por otra parte, queriendo hacer un análisis que rescate el carácter más positivo de la representación política, algunos teóricos proponen una interpretación multidimensional de la representación, sentando que dicho principio político se manifiesta de diversas formas; al respecto, Hannah Pitkin elabora los siguientes tipos de representatividad: la representación como autorización, la representación como responsabilidad, la representación descriptiva, la representación simbólica y la representación como actuación sustantiva; para nuestro caso, solo nos interesa revelar que la ‘actuación sustantiva’ sería, según Pitkin, la mejor formulación de la representación, entendiéndose como:

actuar en interés de los representados, de una manera sensible ante ellos. El representante debe actuar independientemente; su acción debe implicar

discreción y discernimiento; debe ser él quien actúe. El representado debe ser también (se le concibe como) capaz de acción y de juicio independientes, y no comportarse meramente como necesitado de cuidado. (Pitkin, 1985, p. 233).

Esta noción de representación, sin embargo, nos parece claramente romántica, respondiendo más a las buenas intenciones que a la política real, puesto que, de hecho, la representación política nunca se ha caracterizado por seguir esta modalidad propuesta por Pitkin.

Por mucho que se redefina la noción de representación política, en su esencia, parece que siempre acarreará algunos defectos que la convierten, auténticamente, en un dispositivo para apuntalar la servidumbre política; incluso, algunos de los defensores contemporáneos de la representación política apuntan hacia las evidentes carencias de este principio político; por ejemplo, Sartori (1998, p. 5) sintetiza, por lo menos, tres problemas que afronta la representación; el primero es de índole demográfico, referente a la gran cantidad de personas que han de ser representadas; el segundo trata sobre la enorme variedad de materias o asuntos de los cuales debe encargarse el representante; ambas dificultades, a nuestro parecer, no son tan importantes, puesto que se pueden resolver en lo administrativo; el tercer inconveniente sí lo consideramos esencial; éste tiene que ver con la calidad de los representantes; en este punto, Sartori se adhiere a ideas similares a las de Madison, Burke y Stuart Mill, abogando por una representación que refleje la calidad por encima de la cantidad; es decir, el principio representativo ha de tener como objetivo que la mayor cantidad de personas (en su mayoría -dice Sartori- “analfabeta” e in-calificada

ante los complejos temas del gobierno) escoja a una minoría cualitativamente superior y facultada para gobernar; Sartori niega que estas nociones impliquen un sesgo elitista, y prefiere hablar de la apuesta por retornar (como ocurría -según él- en los comienzos de la representación política moderna) al gobierno del merecimiento:

Nuestro mundo liberal-democrático nación [sic], por tanto, de la reivindicación del principio de que el gobierno por derecho de herencia o por la fuerza debe sustituirse por el gobierno del merecimiento. Por tanto, en nuestras democracias las elecciones se concibieron inicialmente como un instrumento cuantitativo para elegir entre opciones de forma cualitativa. (Sartori, 1998, p. 5)

Esta manera de resolver el problema de la cualificación de los representantes se entrelaza, claramente, con la renuencia a consentir dispositivos que sirvan de contrapeso o control jurídico contra los representantes; es decir, la ‘teoría del mandato’ o cualquier instrumento parecido, es tachado de improcedente e inaceptable; ahora bien, este fehaciente elitismo, que subyace en la esencia misma de la representación, no es un ardid contingente ideado por tales o cuales autores; sino que es consubstancial al principio de la representación, ya que la formación del mismo –como vimos- expresa el intento por deshacer cualquier relación de equilibrio entre gobernados y gobernantes; de la misma forma, éste es un principio político para reforzar y perpetuar la jerarquización entre los de ‘arriba’ (representantes) y los de ‘abajo’ (representados); por ello, esta dificultad, que Sartori diluye con el truco del ‘gobierno del merecimiento’, en realidad es un talón de Aquiles de la representación

política; es una evidencia a favor de la vinculación entre la representación y la servidumbre política.

Por lo anterior, los defensores de la representación hacen ingentes esfuerzos por librarse de los instrumentos de control que pueden idear los electores ante los elegidos; la representación, en efecto, implica que los gobernados pierdan sus capacidades deliberativas y decisorias, siendo enajenadas por los gobernantes; el mismo Sartori lo reconoce al sustentar que:

En cualquier caso, en el derecho público desaparecen ambos elementos: las instrucciones vinculantes y la revocabilidad inmediata. El principio de que los representantes no pueden estar sujetos a ‘mandato imperativo’ está firmemente arraigado en la teoría de la representación política y el constitucionalismo [...], al igual que el de la imposibilidad de su sustitución hasta que expire el plazo de ejercicio de su función. (Sartori, 1998, p. 3)

Como ya hemos señalado, en esta trampa de la representación no solo cae Sartori, sino toda una pléyade de admiradores de la figura representativa; desde los más conservadores como Burke, hasta los más radicales como Sieyès, pasando por los más liberales como Stuart Mill. Sin embargo, ya el lúcido Rousseau había anunciado este engaño de la representación, que pretendía aniquilar la voluntad popular en la figura de los representantes; igualmente, uno de los más reputados juristas contemporáneos, Hans Kelsen, también ha demostrado que el principio de la representación, mientras más rechaza y difumina los vínculos y controles entre

representados y representantes, más va decayendo en el vicio de la inconsistencia legal, sentenciando que “si no hay ninguna garantía jurídica de que la voluntad de los electores sea ejecutada por los funcionarios electos, y éstos son jurídicamente independientes de los electores, no existe ninguna relación de representación o de mandato.” (Kelsen, 1995, p. 345)

No obstante, a pesar de concebir la representación como una ficción política que está viciada por su inadecuación a la estructura del mandato, aunque propio del derecho privado, Kelsen apuesta, en última instancia, por aceptar la representación política, siempre que se busque con ella *la implementación de un procedimiento que permita aproximarse a la libertad y a la igualdad a través de la negociación y el compromiso entre los participantes.* (Garzón Valdés, 1989, p. 156); sin embargo, esta ilusión kelseniana no escapa a la trampa de la representación, pues dicha negociación y discusión en pos de la libertad y la igualdad seguirá estando en manos, exclusivamente, de los representantes, manteniendo a los representados imposibilitados de la deliberación y la decisión, condenados a la servidumbre política.

Por todo lo comprendido hasta aquí, queda claro que la representación política es un sustento imprescindible de la práctica política actual, tomándose como un supuesto esencial para la democracia; pero, más que constatar este hecho tan obvio, lo más importante es haber podido puntualizar algunos elementos críticos que desvelan las inconsistencias de la representación; a tenor de ello, antes que refutar la aseveración que equipara servidumbre política con representación, más bien la refuerza.

Una nueva política

La representación política, tal como se ha desvelado hasta ahora, esconde la trampa de la servidumbre, pues, en su naturaleza, desliga a los ciudadanos del ejercicio de la deliberación y la decisión. Pero, de ser ello cierto, ¿hay alternativas?, ¿cómo superar esa situación de alienación de la *forma* política?

La crisis de la representación

Entre los grandes inventos políticos de la modernidad liberal está, sin duda, la ficción de la representación, para hacerle creer a los ciudadanos que, ejerciendo el sufragio, poseen el control de la deliberación y la decisión política, siendo los representantes, meramente, unos delgados de los ciudadanos ante el poder. Indudablemente, es una portentosa creación, principalmente para aquellos estamentos, grupos, clases o facciones que siempre han controlado las altas esferas del poder; asimismo, es un trampolín perfecto para los demagogos y oportunistas, de cualquier clase social, que aspiran a elevarse hasta las más altas jerarquías políticas.

Dicha escisión entre el ejercicio del poder y los ciudadanos (que conlleva a la consolidación de la servidumbre política) no es un misterio o una estratagema encubierta para la teoría política relativa a la democracia representativa; los mismos gurús de la politología contemporánea reconocen que la representación política se sustenta en la división de ciudadanía y poder, y en el desplazamiento del ejercicio del poder lejos de las manos de los ciudadanos; en palabras de Sartori, el gobierno representativo se apoya en “dos presupuestos de la teoría liberal: la distinción entre

sociedad y Estado y la afirmación sobre el carácter delegado de la autoridad política.” (Sartori, 1991, p. 363)

La constante reticencia de los defensores de la representación hacia cualquier mecanismo que implique un mayor control de los electores sobre los elegidos, denota ese carácter enajenante y elitista que apuntamos en el principio representativo; de la misma forma, el elitismo que muestran las nociones representativas de los teóricos políticos clásicos del siglo XVIII y XIX (que vimos, por ejemplo, en Madison, Burke y Stuart Mill) es ilustrativo del sentido aristocrático propio de la representación política.

Ahora bien, ¿es posible especular alguna alternativa ante este aparato jurídico-político que aliena la decisión deliberativa de las personas? Al respecto, encontramos una gota de intuición en un texto de Sartori (quien cita a Ernest Haker); no obstante, el politólogo italiano plantea dicha proposición en el sentido elitista anteriormente mencionado: la supremacía de una minoría cualitativa sobre la cantidad mayoritaria; nosotros intentaremos dar vuelta a esa idea, dándole una interpretación totalmente anti-elitista; recordando a Ernest Haker, cita Sartori: “Hemos de encontrar alguna forma de conectar el valor con la cantidad.” (Sartori, 1998, p. 5)

Con ello se puede argüir que es imprescindible preparar con mayor esmero a un grupo selecto de ciudadanos (mientras más, mejor, obviamente), dándoles las facultades para que gobiernen con justicia; o, en otro sentido, también se puede argumentar que en la medida que más personas comprendan, apoyen y valoren el trabajo de los representantes, mejor será el ejercicio de la política. Ambas

interpretaciones no las suscribimos; para nuestro caso, lo que sugerimos es reconocer que el ‘valor’ está en los ciudadanos, en todas las personas que conviven ante la esfera política; los ciudadanos ya poseen, en sí mismos, el ‘valor’ necesario para ejercer el poder; no hay que inventar estrategias alienantes, como el principio representativo, para conectar el ‘valor’ con la ‘cantidad’, pues el ‘valor’ ya está en todos los individuos, en cada uno de los ciudadanos.

Pero, de inmediato saltan dos cuestiones, ¿acaso estamos proponiendo un individualismo político, degenerativo en un libertarianismo o en un anarquismo?, y ¿el principio de la soberanía popular no es ya una expresión de que el poder reside en todos los ciudadanos?

Sobre la primera cuestión, no se propone un individualismo; ello lo explicitamos de la siguiente forma: enunciamos que los individuos (los ciudadanos) poseen, en sí mismos, las facultades deliberativas y decisorias; pero, esta premisa es estrictamente política, no sociológica; es decir, los individuos no son entes disociados que viven cada uno en su mundo; ‘el’ ‘individuo’, el uno, no existe; por el contrario, ‘los’ ‘individuos’ son los que conviven en sociedad; al respecto, siempre debemos tener presente uno de los principios supremos e irrefutables de la ciencia sociológica, fundamentado por el más sabio de los mortales: “la esencia humana no es algo abstracto inherente a cada individuo. Es, en su realidad, el conjunto de las relaciones sociales.” (Marx, 1970, p. 11) Por ello, sugerimos esa distinción entre una proposición estrictamente política y el fundamento sociológico que soporta la misma.

En cuanto a la segunda objeción, podríamos escapar diciendo que, al efectuar esta crítica de la representación, nos situamos en el plano de la *forma* de la política, y no en el nivel *material* –esquema que vimos en la primera parte– en el cual posicionamos a la ‘soberanía popular’; sin embargo, esta argucia nos parece insatisfactoria y, claramente, no solventa la cuestión arriba expresada. Por consiguiente, hemos de intentar por otra vía la dilucidación de aquella duda.

Para ello, categóricamente, admitiremos la concepción según la cual el principio de la soberanía popular (y el de la soberanía nacional igualmente) es una mera ficción, otro invento, otro mito, otra fantasmagoría política creada por los teóricos de la política, que, si bien sirvió para elevar las facultades políticas de los individuos y los pueblos, también facilitó la alienación de los ciudadanos, convirtiéndolos en ciegos creyentes en la existencia de esa ilusoria soberanía popular o voluntad popular como diría Rousseau, uno de los soñadores en dicha quimera. La materia de la política, el poder, no está situada en la soberanía popular, ni en nación alguna; y ello es evidente, pues lo que no existe no puede servir de substancia del poder; consecuentemente, el poder ha de residir en los individuos, quienes son los entes reales.

Tomados como ciertos estos postulados, que la representación política es un invento para despojar a los ciudadanos de la *forma* política esencial: la *decisión deliberativa*, y que la *materia* de la política, el *poder*, pretende ubicarse en una substancia inexistente: la soberanía popular (o la voluntad popular dicen otros), entonces, ¿cómo pueden los individuos convivir y construir relaciones políticas autónomas, libres, superadoras de la servidumbre?

La superación de la política

Por el título de esta sección se creería que vamos a sustentar la desaparición de la política como respuesta para la mejor convivencia humana; sin embargo, con ello estaríamos buscando un escape cómodo, dando la espalda al tema que estudiamos.

Los individuos pueden convivir mejor construyendo relaciones políticas libres y autónomas, apartadas de la servidumbre; dos principios políticos que podrían apoyar esta aspiración humana son los siguientes: el *constitucionalismo ciudadano*, superador de la representación política, y el *poder constituyente*, alternativa a la soberanía popular.

El *constitucionalismo ciudadano* puede entenderse en el sentido que, *los ciudadano¹ instituyen, por sí mismos, la ‘materia’ política a través de sus acciones deliberativas y decisorias*. Como hemos sugerido antes, en los individuos está el valor de la acción política; los ciudadanos son individuos activos, transformadores, *práxicos*, cuyas actividades instituyen material político; en otras palabras, los ciudadanos construyen la *substancia* de la política al ejercer, directa y libremente, la decisión deliberativa, siempre que sea sobre la *materia* de la política (el poder), coexistiendo *forma y materia*; es la forma, actuando sobre la materia, creando institucionalidad política. Como se estableció en la primera parte de este ensayo, la forma política, por sí sola, no es suficiente, requiere de la materia política.

¹ Explicitamos que, ‘ciudadano’ lo concebimos como miembro de la comunidad planetaria global y no como la elitista parte de un Estado determinado; suscribimos las tesis de la ciudadanía universal, planetaria o global.

Por ello, la substancia política, materializada como ‘poder’ institucional, se manifiesta a través del principio del *poder constituyente*, definido en los siguientes términos: *los ciudadanos poseen, en sí mismos, todas las capacidades políticas*, siendo éstas inalienables e intransferibles absoluta o parcialmente; como vemos, tanto la *forma* como la *materia* política se remiten y unifican en los ciudadanos; de esta forma, podemos superar la condición de servidumbre política que emana del principio de la representación y que se apoya en el principio de la soberanía popular; ahora, los ciudadanos no delegan ni pierden su decisión deliberativa, sino que la utilizan para convivir políticamente, con lo cual instituyen materia política, el ‘poder’; estas relaciones políticas serían eminentemente libres, pues emergerían directamente de los ciudadanos.

Ambos postulados políticos aquí esbozados, el constitucionalismo ciudadano y el poder constituyente, pueden formar parte de una nueva perspectiva de la política, superadora de la concepción servil que predomina en la actualidad; esta política asumiría un nuevo esquema, el cual, con un vistazo, ya propusimos en la primera parte de este ensayo.

El *esquema de la nueva política*² sugiere cuatro niveles en la comprensión del ámbito político, en los cuales se ubican diversos elementos, siguiendo la bipartición conceptual de la política según la forma y la materia; en el primer nivel de comprensión política, que denominaríamos *substancial abstracto*, tendríamos la *forma* y la *materia*

² Ver el Cuadro al final de esta sección.

políticas; el segundo nivel, que llamaríamos *substancial concreto*, estaría compuesto por la formalidad de la *decisión deliberativa*, y por la materialidad del *poder*; luego vendría el segmento de los *principios* políticos, en el cual aparecerían, por la forma, desde la *representación política* hasta el *constitucionalismo ciudadano*, que sustituiría a aquélla, y, por la materia, desde la soberanía popular hasta el poder constituyente, el cual reemplazaría a aquélla; en el cuarto sector, que sería el de la *facticidad*, quedarían localizadas las instituciones políticas más específicas como: por la forma, el *parlamentarismo* o el *presidencialismo*, que habrían de ser suplantados por la *administración* y la *especialización del trabajo*, y, por la materia, el *Estado nacional* o el *imperialismo* (o el *Imperio*, si así se le prefiere llamar), que desaparecerían en favor de una *Constitución universal*, suma de normativas universales (como la Declaración Universal de los Derechos humanos, por ejemplo).

Acerca de esta nueva política, sin duda, muchas explicaciones habría que desarrollar para darle más substancia a tal esquema; no obstante, por ahora no tendremos la oportunidad de profundizar más en estos asuntos; sin embargo, deseamos aclarar que representaríamos esta nueva política a través de una analogía con la ‘administración’ de las cosas (por ello su inclusión en el esquema); así, las figuras jerárquicas propias de la política servil desaparecerían; por ejemplo, presidentes, primeros ministros, diputados, alcaldes y similares; por supuesto, las tareas más complejas serían ejecutadas por ciudadanos (sea en concejos o personalmente) designados según su especialización en dicho trabajo; la especialización del trabajo, regida por el mérito profesional, sustentaría las funciones administrativas, y todas las posiciones gozarían del mismo valor político y económico.

Hasta aquí, en cierto modo, parece que con este nuevo esquema político diluimos la ‘política’ dentro de la ‘administración’; ello tiene mucho de cierto posiblemente; sin embargo, creemos que, al final, lo que se logra es muy importante, pues se elimina la representación política y, junto a ella, la servidumbre política; asimismo, con la desaparición del elitismo político y de ficciones políticas alienantes como el Estado nacional o la voluntad popular, entre otras cosas, damos un gran paso en la construcción del mundo libre, justo y feliz: el *comunismo*.

ESQUEMA DE LA NUEVA POLÍTICA

NIVEL	POLÍTICA	
Substancial abstracto	Forma	Materia
Substancial concreto	Decisión deliberativa	Poder
Principios	Representación Constitucionalismo ciudadano	Soberanía popular Poder constituyente
Facticidad	Parlamentarismo/Presidencialismo Administración y Especialización del trabajo	Estado nacional Constitución universal

Conclusiones

1. El ámbito de la política se define por su forma: la decisión deliberativa, y por su materia: el poder.
2. Las decisiones deliberativas se concretan y efectúan, sobre todo desde la modernidad, a través del principio de la representación.

3. La formación histórica y los caracteres esenciales de la representación política evidencian su naturaleza elitista, jerarquizada y autoritaria, designando y desvinculando a electores y elegidos.
4. La representación política adjudica las decisiones deliberativas a una minoría de los ciudadanos (los elegidos).
5. Los ciudadanos (los electores) que no ejercen su decisión deliberativa políticamente, viven en la servidumbre política.
6. La servidumbre política se fundamenta en el principio de la representación política.
7. Una nueva concepción política podría construirse sobre los principios políticos del constitucionalismo ciudadano y el poder constituyente, que emergen desde y por los mismos ciudadanos, superando la servidumbre política.

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**A SUCCINCT POSITING OF
PARMENIDEAN BEING OVER THE
ONTOLOGY OF *TIMEUS***

**UN PLANTEAMIENTO SUCINTO DEL
SER PARMENÍDEO SOBRE LA
ONTOLOGÍA DEL *TIMEO***

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Abstract

As understood by the philosopher Parmenides, and as supported by Jaspers' interpretation, Being, or the ontological grounding of all, establishes that there is always something rather than nothing. Accordingly, we readers would be right to claim that since there is always something rather than nothing, Parmenides' Being is exempt from causation. In other words, Being, as uncaused, is an integral principle of Parmenides' philosophy, and all that follows from Being is Being. Similarly, if we turn to Plato's *Timaeus*, we readers find that the crafter, or demiurge of our cosmos, is exempt from causation too; however, the universe is a product of causation, and thus is not eternal for its coming-to-be serves as evidence of its potential for demise. Yet, who are we to follow, and why, regarding the universe's ontological status as everlasting or able to decay, Parmenides, or Plato? First, this piece will describe Parmenides' metaphysics of Being along with the aid of Jaspers' writings on this Pre-Socratic. Next, this essay will then turn to Plato's treatment of ontology using key excerpts from *Timaeus*. Finally, this article will provide support for Parmenides' doctrine of Being over Plato's division between necessary being and the universe of becoming.

Keywords: History of Philosophy, Metaphysics, Ontology, Parmenides, Plato, Jaspers.

Resumen

Tal y como lo entendió el filósofo Parménides, y tal y como lo apoya la interpretación de Jaspers, el Ser, o el fundamento ontológico de todo, establece que siempre hay algo

y no nada. En consecuencia, los lectores tendríamos razón al afirmar que, puesto que siempre hay algo y no nada, el Ser de Parménides está exento de causalidad. En otras palabras, el Ser, en tanto que incausado, es un principio integral de la filosofía de Parménides, y todo lo que se sigue del Ser es el Ser. Del mismo modo, si nos dirigimos al Timeo de Platón, los lectores encontrarán que el Creador, o Demiurgo de nuestro cosmos, también está exento de causalidad; pero, el universo es un producto de la causalidad, y por lo tanto no es eterno, ya que su llegada a ser sirve como evidencia de su potencial de desaparición. Sin embargo, ¿a quién debemos seguir, y por qué, en lo que respecta al estatus ontológico del universo como eterno o capaz de decaer, a Parménides o a Platón? En primer lugar, este artículo describirá la metafísica del Ser de Parménides con la ayuda de los escritos de Jaspers sobre este presocrático. Este trabajo tratará la ontología de Platón utilizando extractos clave del Timeo. Finalmente, este artículo proporcionará apoyo a la doctrina del Ser de Parménides sobre la división de Platón entre el ser necesario y el universo del devenir.

Palabras clave: Historia de la Filosofía, Metafísica, Ontología, Parménides, Platón, Jaspers.

Introduction

Throughout the history of ontology, questions abound as to the ontological and causal relation between the necessary and the contingent. Accordingly, to contribute to this philosophical riddle, it is the intent of this present essayist to briefly argue for the necessity of Being over contingency regarding the ontological status of the universe. Now, to accomplish this end this present author will limit readers' considerations to Jaspers' writings on Parmenides, the words of Parmenides himself, and statements made by the character Timaeus in the Platonic dialogue of the same name.

Parmenides on Being and Jaspers on Parmenidean Ontology

Parmenides of Elea, the philosopher-poet of the surviving fragments entitled "On Nature", begins his philosophical prose, with a depiction of the odyssey of the thinker's journey from ignorance, or the way of simple seeming to that of the way of knowledge, or that of "well-rounded truth" referred to as *aletheia*. (Parmenides, 1984, pp. 4, 6-7), (Jaspers & Arendt, 1966, p. 9). In other words, Parmenides, as stated by Jaspers, is one who submits we readers to consider two perspectives; one being the way of what Being truly is, versus the way of mere opinion, *doxa*, or that all-too-common everyday manner of how we consider things that exist. (Jaspers & Arendt, 1966, pp. 19-20).

So, from the vantage of Parmenides, and as bolstered by Jaspers, we readers find that Parmenides beseeches us to take the path of *aletheia*, so that we may know that all that is, is and that all that is not, is an impossibility once considered through

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the lens of this all-encompassing perspective, aimed toward comprehensive truth, and the effects such possession of truth may lead us to. (Jaspers & Arendt, 1966, pp. 19-20).

Accordingly, we readers find ways in which Parmenides grounds Being as being all that is whereas nothingness is impossible for it can never truly pan out logically upon reflection. That is because much like double-negation in mathematics Parmenides states, in reference to Being: “The one—that *[it]*is, and that *[it]* cannot not be”. (Parmenides, 1984, p. 55). In other words, Being either is or is not, and therefore still something; however, why is this so?

One reason as to why Being is always something and never nothing is that since all that is, is thinkable, communicable, perceivable, and nameable, we find that for something to not be, it would necessarily be unthinkable, incommunicable, unperceivable, as well as absent of being nameable. (Jaspers & Arendt, 1966, pp. 19-21). However, all that we encounter can never meet all four of these aforesaid standards, and as such, since all that is, falls under the categories of being thinkable or communicable or perceivable or nameable, we find that to Parmenides nothingness is, in fact, unreal. (Jaspers & Arendt, 1966, pp. 19-21). Lastly, because we cannot establish the truth of nothingness, we readers find that Jaspers leads us to another Parmenidean concept; namely, the idea that such tests of Being constitute argumentative, or logical signs that Being truly is, or that the *semata* of Being leads us to *aletheia*, and consequently, such sureness of the truth of Being may further leads us to *hesychia*, or a fundamental peace of mind produced by the knowing of Being’s fullness. (Jaspers & Arendt, 1966, pp. 19-21).

Moreover, another outcome of following the *semata* of Being, aside from *aletheia* and *hesychia*, is that because nothing is not, and thus still something, Being is neither born nor can Being expire. (Jaspers & Arendt, 1966, pp. 19-20). That is because if we state that Being can emerge from a pre-existing being, and is thus born, we are, in fact, stating a logical mistake. That is if we embrace the claim that Being originates from a prior being, we are stating that Being was once not, but now is, which is impossible since if nothing were ever truly real, nothing would only be able to lead to nothingness. (Jaspers & Arendt, 1966, pp. 19-20). Also, since there is no reason for nothing to be, for if nothing were real it would necessarily be void of all qualities of its opposite, Being, then nothing would issue from nothing, which can never be that which can cause Being. (Jaspers & Arendt, 1966, pp. 19-20).

Likewise, Being cannot expire, or extinguish; for, Being has no alternate concept that it can truly fall into for it to be completely nil. (Jaspers & Arendt, 1966, pp. 19-20). That is, if Being were to demise, it would necessarily be other than what it is, and as such that would equate to meaning that nothingness is real, when, in fact, it is logically impossible for nothing to be. (Jaspers & Arendt, 1966, pp. 19-20). Accordingly, Being, by not possessing any alternate concept to pass into, cannot die and because Being is also unborn, it is, to Parmenides, and as understood by Jaspers, a unique indivisibility, One, or monistic entity. (Jaspers & Arendt, 1966, pp. 19-20), (Copleston, 1993, p. 47). Finally, let us now consider the consequences that arise from what we name the differentia of Parmenides' Being to be, that path of mere mortals, of seeming, or of appearance. (Parmenides, 1984, pp. 6-7), (Jaspers & Arendt, 1966, pp. 19, 22-23).

So, as understood by Parmenides through support from Jaspers, we readers find that aside from the path of *aletheia*, there is the everyday common, or base

understanding of reality and existence that constitutes that which leads to opinion, or *doxa*, alone. (Jaspers & Arendt, 1966, pp. 19, 22-23). That is, within Parmenides' "On Nature", we readers find that we mistakenly label things as being separate from Being, when we declare something to be in a space and time that is distinct from all other instances of space and time. (Parmenides, 1984, pp. 10-11). However, such a labeling on our part is erroneous; for, Being as everywhere the same, and as solo and thus indivisible is absent from no space or time. (Parmenides, 1984, pp. 13-14).

Instead, Being as ever-present is within and throughout all time, as "continuous", while atemporal, and thus unfazed by the effects of time. (Parmenides, 1984, pp. 13-14). As such, when we impose names on what appears in space and time, as being separate, we are limiting space and time in a way that is logically absurd; for, Being as everywhere the same, is everywhere always, and thus verily is, while when we limit things present in Being, we are claiming that Being is not everywhere the same always. Thus, when we name things as being distinct from one another, we are, in fact, stating that Being is and is not selfsame at one and the same time, effectively defying the axiom of contradiction as stated by Jaspers. (Jaspers & Arendt, 1966, p. 25)

Plato's take on Being, Becoming, and the Universe's Duration

If we enter Plato's *Timaeus*, we readers find a stark contrast made by the character Timaeus; namely, between that which "always is, but never comes to be" and that which "comes to be, but never is". (Plato, 1984, p. 16) In other words, Plato establishes in the *Timaeus* an eternal, uncaused element of reality and existence, that

serves as a foundational starting point for all that is, to become what we know to be the “visible and tangible universe”. (Plato, 1984, p. 20)

Now, such a being, that “always is but never comes to be”, amounts to be the crafter, or demiurge of the universe, while what “comes to be, but never is,” is the universe for it is indeed in a state of becoming to Plato’s *Timaeus*. (Plato, 1984, pp. 16-17). The knowledge of the differences between these two factors of reality and existence are accessible to us via a “reasoned account” as well as through “unreasoning sensation”, or that the eternal, uncaused demiurge we can speculate about through considering all that is by pure reason alone, whereas what we take to be our universe is best examinable by the perceptions we possess that regard things that are in a state of flux. (Plato, 1984, p. 16).

So, why, and how is it that this permanent feature of reality and existence, the crafter, causes the universe to be? Well, we readers first find that to Plato’s *Timaeus* the universe must be a product of an orderly necessary being, since a mark of things caused is that their changeableness indicates that they are not permanent, and as impermanent they are subject to demise, and by being subject to demise they necessarily possess a beginning. (Plato, 1984, p. 17). Accordingly, since all we sense in the universe is in such a state of impermanency, or that we know that we know all things alter based upon the perceptions we possess of the cosmos, all that is, must derive from something that engendered it of which it is that engenderer’s copy. (Plato, 1984, p. 17). Lastly, this engenderer, to Plato, is the eternal crafter of the universe who, as all-good, or unjealous and thus unbegrudging, attempted to make the universe as near to itself as something caused can possibly be. (Plato, 1984, p. 18).

That is, despite the all-good intention of the demiurge, to make the universe as perfect as itself, we may still infer that our universe as a “visible and tangible” copy of this “eternal being” by being caused, or “corporeal”, as asserted by Plato’s *Timaeus*, is of a lesser degree of perfection than that which is totally absent of corporeality; the demiurge and “*intelligible* living beings,” or Forms that are absent of ageing, and therefore exempt from generation too, and hence, atemporal. (Plato, 1984, p. 19). Thus, these entities, uncaused, to Plato’s *Timaeus* constitute the “eternal model”, or molds that the demiurge, or crafter had in mind, so to speak, as issuing forth from the *Nous* due to the demiurge’s preference for order over a hodgepodge of chaotic basic material elements displaying no harmoniousness. (Plato, 1984, pp. 20-22).

Moreover, after we readers encounter a discussion of how it is that the universe’s crafter organized such basic material elements of existence by the “eternal model”, or paradigm of intellect, or rationality, we find that such a designer of the universe came to form time along with the universe’s coming-to-be. (Plato, 1984, pp. 25-26). Now, time, to Plato’s *Timaeus*, as the moving likeness, or image of eternity, applies to the “visible and tangible” organized universe alone for the demiurge as crafter is exempt from the effects of time, just as all Platonic Forms that are an outcome of the agency, or efficiency of this everlasting demiurge, are as well. (Plato, 1984, pp. 20, 25-26). Such an interpretation of time is evident when Plato’s *Timaeus* asserts that “time was created along with the universe” and additionally when this same character *Timaeus* states, in regard to the organized universe, that it “will be for all time” but not “for all eternity”. (Plato, 1984, p. 26)

Parmenides' Being over Plato's Ontology of the Universe

One argument that we readers may consider, asserting Parmenides' schema of Being over Plato's division between the demiurge, as eternal being and the universe, its product, as in a state of becoming, is that Plato's *Timaeus* defies the axiom of contradiction, when he asserts that there is a pre-existing Being, prior to the universe that can craft chaotic matter into what amounts to be our cosmos. (Jaspers & Arendt, 1966, p. 25), (Plato, 1984, pp. 18, 24). That is because if a crafter, or demiurge crafted the universe, it would indicate that this demiurge is and is not selfsame at one and the same time.

For, if a crafter, or demiurge is that which is outside causation, it would already be Being and could never produce anything other than itself, such as the Platonic depiction of the orderly universe of becoming as an outcome of the crafter, or demiurge as its cause. (Jaspers & Arendt, 1966, p. 20), (Plato, 1984, pp. 18, 24). That is because if such Being is distinct from a fashioned becoming universe, as Plato's *Timaeus* upholds, when the character Timaeus declares that the uncaused crafter, or demiurge caused a universe of flux, then that Being is, in fact, causing something that is unlike itself, or something that is both of Being but also of Non-Being at one and the same. (Jaspers & Arendt, 1966, pp. 20, 24-25), (Plato, 1984, pp. 18, 24) Accordingly, Parmenides as understood by Jaspers would charge that because there must be a likeness that unifies all that is, or Being, then Plato's crafter, or demiurge proves to be something that defies the axiom of contradiction, if there is a divide between the uncaused and the so-called caused aspects of reality and existence.

However, from where does this mistaken understanding of Being arise? Well, we readers may first look to the claim of Plato's *Timaeus* stating that the crafter, or demiurge produced a universe of becoming to be in its image, which is erroneously stating that an acausal Being, apart from the so-called caused universe of becoming, limits itself as time and space so that that caused universe of becoming can be as akin to it as possible, or its image. (Jaspers & Arendt, 1966, pp. 20, 24-25) Yet, Plato's *Timaeus*'s crafter, or demiurge, or uncaused Being, as we also find in Parmenides, cannot be in the confines, or limits of time and space, since the crafter, or demiurge is eternal and, like Being, serves as the ultimate limit of time and space. (Jaspers & Arendt, 1966, p. 20) Thus, how can it be that what is the ultimate limit of all reality and existence, the crafter, or demiurge to Plato's *Timaeus* become something limited, when understood as investing itself into causing the universe of becoming to be its image. (Jaspers & Arendt, 1966, pp. 20, 24-25), (Plato, 1984, pp. 24-25)

As such, if we declare that the universe is in a state of becoming whereas its designer is in a state of immutable Being, we are either mislabeling the nature of the universe or Being. However, such mislabeling cannot apply to Being to Parmenides, since Being alone as even throughout and everywhere the same via reason is exempt from change. (Jaspers & Arendt, 1966, pp. 19-20) Lastly, it is we who mistakenly take the universe to be in a state of becoming, like Plato's *Timaeus*, that we fail to attend to the *semata* of Being as Parmenides would assert, and as such we fail to know "well-rounded truth", or *aletheia* of the universe as being of Being, and thus permanently continuous and that it is we who divide the universe, like Plato's *Timaeus*, when we attend to the way of appearance of "mere mortals" alone. (Jaspers & Arendt, 1966, pp. 19-20)

Conclusion

The purpose of this short article was to introduce to readers basic elements of the ontology of Parmenides and Plato's *Timaeus*. However, this brief paper also sought to advocate for Parmenides' view of ontology over that of Plato's *Timaeus*. That is because Parmenides' strict adherence to Being avoids defying the axiom of contradiction as well as shows how it is that divisions between Being are, in fact, farcical; for, such divides amount to be mislabeling on the part of we "mere mortals". (Jaspers & Arendt, 1966, p. 19) Finally, by arguing for Parmenides' ontology over that of Plato's *Timaeus*, it is the genuine hope of this present author that we may perhaps embrace a more timeless perspective when regarding our surrounding cosmos.

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DEPARTAMENTO DE FILOSOFÍA

FACULTAD DE HUMANIDADES

UNIVERSIDAD DE PANAMÁ

ANALÍTICA

Revista de Filosofía

NORMAS DE PUBLICACIÓN

ANALÍTICA es una revista especializada de filosofía, cuya dirección y edición está a cargo del Departamento de Filosofía de la Facultad de Humanidades, Universidad de Panamá. Su finalidad es fomentar la reflexión filosófica en Panamá. Se publica anualmente (de agosto a julio) en formato electrónico y su objetivo es divulgar investigaciones y ensayos originales e inéditos en filosofía, realizados por autores nacionales e internacionales, escritos en español e inglés.

Instrucciones para los autores

- El propósito de la revista ANALÍTICA es publicar resultados de investigación filosófica originales e inéditos.
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- La revista se reserva el derecho de aprobar o rechazar los trabajos presentados a su consideración.

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- Los artículos pueden redactarse en los idiomas español o en inglés
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- *Textos*

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El artículo debe cumplir con los esenciales textuales, sintácticos y ortográficos, tanto si se presenta en español como en inglés.

La organización o estructura del artículo incluye: el resumen, abstract, palabras clave, keywords, introducción, cuerpo, conclusiones, bibliografía.

Las citas, referencias bibliográficas y las notas deben presentarse en formato Harvard-Anglia.

Debe ser presentado mediante Microsoft Word, con una extensión de 3000-7000 palabras, incluida la bibliografía, escrito en espacio sencillo, fuente Times New Roman, tamaño 12.

En la primera página del artículo debe aparecer: el título en mayúsculas centrado seguido del nombre y apellido del autor (o autores) debidamente espaciado del título,

también centrado. Seguidamente del (los) autor(es) debe aparecer la dirección completa de la Unidad Académica o institución donde fue realizado el trabajo y el correo electrónico del autor principal y de los coautores. Inmediatamente después de la dirección debe aparecer el resumen (abstract) en inglés y en español.

Los subtítulos principales en el texto (por ejemplo, RESUMEN, INTRODUCCIÓN, etc.) se colocarán en el margen izquierdo, escribiendo solo la primera letra de cada palabra en mayúscula.

Cada página debe ser enumerada y las referencias que se mencionan en el texto (así como la bibliografía) deben presentarse en el sistema Harvard-Anglia.

A.1 Estructura del artículo

El manuscrito debe estructurarse de la siguiente manera:

- Abstract
- Keywords
- Resumen
- Palabras clave
- Introducción
- Cuerpo
- Conclusiones
- Bibliografía.

El resumen/abstract no debe tener más de 200 palabras y debe incluir, en forma concisa y precisa, el objetivo de la investigación, así como los principales logros, resultados relevantes y conclusiones.

La introducción debe dejar claro el propósito de la investigación, los antecedentes y su relación con otros trabajos en el mismo campo. Debe expresar con claridad la cuestión

a responder (problemática), la tesis propuesta, la clarificación conceptual (si fuese necesario), la estrategia argumentativa-metodológica y el plan de trabajo.

El cuerpo del artículo debe ser reflejo de profundidad y rigor del investigador, para lo cual se debe considerar particularmente el desarrollo del argumento central, posibles contraargumentos y las respuestas a dichos contraargumentos.

En la conclusión, presentar las reflexiones/consideraciones finales entorno al tópico central del artículo.

La bibliografía final debe presentarse de acuerdo con el sistema Harvard-Anglia.

B. Reseña (crítica y descriptiva)

El género reseña puede ser de tipo descriptivo y crítico, Si la intención es presentar un texto (libro, artículo, ponencia, etc.) resaltando sus cualidades, será descriptiva; pero si, además de lo anterior, se quiere expresar opiniones, evaluar el texto, ampliarlo y hasta debatir o rebatirlo, entonces es una reseña crítica, esto debe realizarse de manera objetiva y respetuosa.

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La estructura organizativa de la reseña comprende: la presentación del escrito y su autor, los objetivos, el alcance, el enfoque, la relevancia, la pertinencia y contribución del texto a los estudios filosóficos, el contexto en el que se realiza la reseña y la bibliografía. Si se pretende realizar una reseña crítica se debe integrar, a los aspectos mencionados, el punto de vista, opinión, evaluación y contribución del reseñador a lo largo del texto.

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El proceso de evaluación tendrá como tiempo máximo cuarenta (40) días para dictaminar la publicación o el rechazo de la propuesta. La decisión de la comisión evaluadora será inapelable.

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ANALÍTICA

Journal of Philosophy

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ANALÍTICA is a specialized journal of philosophy, whose direction and edition oversee the Department of Philosophy of the Faculty of Humanities, University of Panama. Its purpose is to promote philosophical reflection in Panama. It is published once a year (August to July) in electronic format and its objective is to disseminate original and unpublished research and essays in philosophy, carried out by national and international authors, written in Spanish and English.

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The article must fulfill the essential textual, syntactic, and spelling, whether presented in Spanish or English.

The article's organization or structure includes abstract and keywords (in English and Spanish), introduction, body, conclusions, and bibliography.

Citations, bibliographic references, and notes must be presented in Harvard-Anglia format.

It must be presented using Microsoft Word, with an extension between 3000-7000 words, including the bibliography, written in single space, Times New Roman font, size 12.

On the first page of the article must appear the following information: the title in capital letters centered, followed by the name and surname of the author (or authors)

duly spaced from the title, also centered. Following the author(s), the complete address of the academic unit or institution where the work was carried out and the email address of the main author and co-authors must appear. Immediately after the address, the abstract and keywords should appear in English and Spanish.

The main subtitles in the text (for example, Abstract, Introduction...) will be placed in the left margin, writing only the first letter of each word in capital letters.

Each page must be numbered and the mentioned references in the text (as well as the bibliography) must be submitted in the Harvard-Anglia style.

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The manuscript should be structured as follows:

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- Introduction
- Body
- Conclusions
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The abstract should not be longer than 200 words and should include, concisely and precisely, the objective of the research, as well as the main achievements, relevant results, and conclusions.

The article's body must reflect the researcher's depth and rigor, for which the development of the central argument, possible counterarguments, and the responses to counterarguments should be particularly considered.

In the conclusion, the author must present the final reflections on the article's central topic.

The bibliography must be submitted according to the Harvard-Anglia style.

B. Review (critical and descriptive)

The review genre can be descriptive and critical. If the intention is to present a text (book, article, talk, etc.) highlighting its qualities, it will be descriptive, but if in addition to the above, you want to express opinions, evaluate the text, expand it, and even debate or refute it, then it is a critical review, this must be done in an objective and respectful way.

B.1 Review's structure

The structure of the review includes the presentation of the writing and its author, the objectives, scope, focus, relevance, importance, and contribution of the text to philosophical studies, the context in which the review is made, and the bibliography. If a critical review is to be made, the reviewer's point of view, opinion, evaluation, and contribution should be integrated into the aspects throughout the text.

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