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Contemporary Republicanism in Spain:

Dialogues with Liberalism and the Left

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Hispanic Languages and Literature

by

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ABSTRACT OF THE DISSERTATION

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Professor María Teresa de Zubiaurre, Chair

This dissertation examines the work of three Spanish essayists, Salvador Giner, Helena Béjar, and Antoni Domènech, who defend republicanism, as opposed to liberalism or diverse left-wing alternatives, as the best current theory for articulating a progressive political vision. It argues that these essayists fruitfully complicate the “revival” of republican thought that began in Anglo-American academia in the late-twentieth century (and that is represented by J. G. A. Pocock, Quentin Skinner, and Philip Pettit) by turning the opposition between republicanism and (a relatively centrist) liberalism that is typical of the revival’s mainstream into a more dynamic discussion between republicanism, liberalism, and broadly left-wing positions, including various forms of Marxism, left-libertarianism and anti-statism, and post-modernism. Work that is being

done in Spain yields a more nuanced definition of republicanism by giving reasons to prefer republicanism to political philosophies that raise different questions than liberalism does, and that challenge republicanism in ways that liberalism does not. Marxism is most appropriately met not through a discussion of liberty (liberal or republican?), but of how to explain social inequality and change (in conversation with Marxism, Giner and Béjar doubt that there is still a privileged revolutionary agent, like Marx's proletariat); postmodern skepticism centers debates on the reliability of human reason, a subject about which liberals and republicans broadly agree and so rarely discuss (Domènech argues that it is important, *pace* postmodern relativists, that we be able confidently to denounce sources of social ills, and to do so on epistemologically secure ground); and anti-state theories invite principled defenses of the state form, which—perhaps because states are not in principle questioned by liberalism—are virtually absent from current republicanism (Giner defends the state because it can create conditions in which the typically diverse populations of modern Western countries can exchange conflicting ideas as civic and political equals). Spanish contributions to republicanism have been largely and unjustifiably overlooked. This dissertation partially remedies this oversight and calls for the work of Giner, Béjar, and Domènech to figure more prominently in political theoretical debates.

The dissertation of Paul Fitzgibbon Cella is approved.

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To my parents, Marian and David, from whom I have learned.

To my brother Joseph, with whom I have learned.

To my nephew, Wyatt, in whom I hope to instill a love of learning.

To Isaura: I am at my best when I do what you have taught me.

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Biographical Sketch

In 2006, I received a Bachelor of Arts in Spanish and History (double major) from the University of Wisconsin, Madison. From 2006-2008, I worked in Chicago and Evanston, Illinois as a project manager in the field of medical translation and as a licensed freelance translator and interpreter. From 2008-2010, I worked as an English teacher (in an elementary school and as a private tutor) in Alcalá de Henares, Spain.

In 2010, I entered a Master's program in Spanish in the Department of Spanish and Portuguese at the University of California, Los Angeles, which I completed in spring 2012. In fall 2012, I began the PhD program in Hispanic Languages and Literatures in the same department. As a Master's and PhD student, several awards have allowed me to devote time to study and to advance my research. These include a UCLA Chancellor's Prize (2010), Del Amo Fellowships (2010-11 and 2012-13), Graduate Research Mentorship (2014-15), and two Graduate Summer Research Mentorships (2013 and 2014). My graduate training has also been enhanced thanks to research apprenticeships in UCLA's Center for 17th- & 18th-Century Studies (2015-16, 2016-17, and 2017-18) and Department of Theater (Summers 2015 and 2017)—the latter with funding from UCLA Arts Initiative Grants—and teaching apprenticeships in the Department of Spanish and Portuguese (2011-12, 2013-14, and 2016-17). I have been honored to serve as president (2013-14) and secretary (2012-13) of the Graduate Student Association of the Department of Spanish and Portuguese, as a member of UCLA's Working Group on the Spanish *Comedia* in Translation and Performance (2014-2018), and on the organization committee for *LA Escena*, Los Angeles' first Hispanic classical theater festival, which will take place in September 2018. My participation in the Working Group has led to several collaborative publications, including a forthcoming introduction to a translation of Félix Lope de Vega's *La noche toledana*

(with Adrián Collado), a forthcoming introduction to a translation of Juan Ruiz de Alarcón's *Los empeños de un engaño* (with Javier Patiño Loira), and forthcoming translations of *La fuerza de la costumbre* by Guillén de Castro, *La viuda valenciana* by Lope de Vega, *La noche toledana* and *Los empeños de un engaño* (with the Working Group on the Spanish *Comedia* in Translation and Performance).

Introduction

Louis Hartz's *The Liberal Tradition in America*, written in 1955, was a bold and confident book. Published when America's liberal politics and liberal capitalist economics were riding high on the wave of victory over fascism in World War II, and, in Hartz's words, were still looking forward to "emerge as the leading national power in the struggle against the Communist revolution" (284), the book argued that America's founding in the 1770s and 1780s, and American socio-political history in general owed virtually all its intellectual debts to John Locke's theory of limited, liberal government—in short, that America "[began] with Locke" and "[stayed] with Locke" (6). Hartz seemed to suggest, if you are not a Lockean liberal, you are out of step with the American political tradition, and therefore not in sync with the political common sense of the world's most powerful and promising country. For Hartz, to be American was to be Lockean, modern, and, most importantly in a world political context, to bear great responsibility as a citizen of the United States, the country that "people everywhere rely upon [. . .] for the retention of what is best in [liberalism]," which included Hartz's essentially individualistic notion of a "Western concept of personality" (308). So, in theoretical terms, Locke's individualistic dictum that states are established to protect each person's rights to "life, liberty, and property"—which had obviously influenced Thomas Jefferson's foundational "life, liberty, and the pursuit of happiness"—seemed quintessentially modern; in practical terms, it was vitally necessary "in an age of world turmoil." It was also, therefore, something difficult to reject, lest one court anachronism, or imperil the fate of nations.

Hartz's paradigm was soon challenged, however. The next twenty years brought three important publications, Bernard Bailyn's *The Ideological Origins of the American Revolution* (1967), Gordon Wood's *The Creation of the American Republic* (1969), and J. G. A.

Pocock's *The Machiavellian Moment: Political Thought and the Atlantic Republican Tradition* (1975), which demonstrated that, in terms of intellectual affinity with America's revolutionaries, Locke's liberalism shared the stage with what Cécile Laborde and John Maynor have called "a coherent republican tradition" that included Aristotle, Machiavelli, James Harrington, and others who spoke less of obligations of states to individuals than of civic participation and public spiritedness—what Spanish republican scholar Javier Peña Echeverría has called "el vigor de lo público" (2012, 249)—as necessary for healthy political arrangements and, most importantly, for the preservation of liberty (2). To give an example from the last of these three works, Pocock—who praised "the interpretation put forward by Bailyn and Wood" for "altogether [replacing]" that of Hartz (509)—wanted to stress "Machiavelli at the expense of Locke," and argued that, in the ideas of America's Founders, one finds aspects of both liberalism, "a theory in which [the individual] appears as conscious chiefly of his interest and takes part in government in order to press for its realization," and republicanism, "the classical theory of the individual as civic and active being, directly participant in the *res publica*" (523).¹

¹ Pocock makes his opposition to Hartz explicit, referencing *The Liberal Tradition* in a footnote to the following sentence: "American social thought has long employed a paradigm, supposedly Locke's, of government emerging from and highly continuous with a state of natural sociability; and it has been seriously contented that no other paradigm than Locke's has thriven or could have thriven in the unique conditions of American society" (527). Pocock drew not only on Bailyn and Wood but also on Zera S. Fink, who, in 1945, published *The Classical Republicans: an Essay in the Recovery of a Pattern of Thought in Seventeenth Century England*, where he argued that, in early modern England, "classical writers and models spoke to men [. . .] with prestige in the field of politics" (ix). One of Pocock's main contributions was to posit the trans-"*Atlantic Republican Tradition*" of his book's title, which brought together Fink's work on the deep republican roots of the seventeenth-century revolution in England, on one side of the Atlantic, and Bailyn and Wood's similar ideas about the influence of classical republicanism in eighteenth-century America. Writing a decade after Pocock, Thomas Pangle, though critical of Hartz, was not convinced that the new paradigm got things right, noting the "surprising extent" to which "contemporary historians have settled into a consensus on the predominance of classical republican thought in eighteenth-century America" (28). Such pushback has occurred in Spain, too, where María José Villaverde Rico has written a book-length critique of the "*Ilusión republicana*" and of republicanism's "*ideales y mitos*," arguing, like Pangle, that Pocock, "en su afán por descartar la visión dominante hasta hace unas décadas [i.e., Hartz's], ha ido demasiado lejos en sus conclusiones" (16-17) and warning of the "riesgos" (e.g., intolerance) of republicanism's appeal to public virtue—or to Peña Echeverría's "vigor de lo público"—in a modern world where it should be assumed that society is morally "plural" and that there does not exist "una única concepción de virtud ni de bien" (18). Ángel Rivero Rodríguez, another Spanish political philosopher, has alleged—similarly, if more bluntly, than Pangle and Villaverde Rico—that contemporary republicanism "falsifica la historia del republicanismo" (136); he has also expressed skepticism that

For our purposes, the details of this debate need not concern us, except for the fact that it made the opposition between liberalism and republicanism the central question for historians and political philosophers who, following in the footsteps of Bailyn, Wood, and Pocock, have argued for the usefulness of republican political theory in tackling current political challenges and articulating a progressive political vision in the United States and other modern countries. As Iseult Honohan and Jeremy Jennings wrote in the introduction to their collection of essays on *Republicanism in Theory and Practice*, “political philosophers [. . .] in reaction to the triumph of liberal individualism, set out to recover and to develop an alternative and more attractive [i.e., a republican] vision of what it might mean to be a citizen in the societies of today” (1). What is being debated, as María José Villaverde Rico interestingly put it, “es *ni más ni menos* que una opción política a la democracia liberal” (12, my emphasis).

In this dissertation, I explore the work of three Spanish essayists—Salvador Giner, Helena Béjar, and Antoni Domènech—who have contributed to what Honohan and Jennings conventionally call the “republican revival” (1). I argue that these Spanish thinkers, though working mostly independent of one another, have complicated the revival similarly by turning the relatively rigid binary opposition between republicanism and (a comparatively politically centrist) liberalism into a more dynamic discussion between republicanism, liberalism, and various other broadly left-wing social and political positions, including Marxism, postmodernism (in the form, e.g., of moral skepticism, relativism, or anti-humanism), and generally anarchistic ideas that reject the state form. If, for example, Honohan and Jennings are typical in their

republicanism—a theory that originated in “un contexto de comunidades políticas pequeñas y de ciudadanía muy restringida” (that is, in classical Greece and Rome)—is a viable alternative to liberalism, which (given today’s larger and, indeed, global societies) does well to value an admittedly more impersonal “representación política” over the republican belief that one’s political liberty is best-realized through direct participation in government.

disregard of Marxism, because it was Marxism's very "demise" (1) which helped make possible the liberal ideological monopoly that, in turn, led to greater interest in republicanism, I will suggest that the more complex set of dialogues that are proposed by Giner, Béjar, and Domènech—which includes Marxism, etc.—yields a sharper and more nuanced definition of republicanism. It does so by giving reasons to prefer republicanism to political philosophies that raise different questions than liberalism does, and that challenge republicanism in ways that liberalism does not. For example, Marxism, notwithstanding Honohan and Jennings's inattention, will be most appropriately met not through a discussion of liberty (liberal or republican?), but of how best to explain social inequality and change (in conversation with Marxism, for example, Giner and Béjar will ask if there is still a privileged revolutionary agent, like Marx's proletariat); postmodern skepticism will center debates on the reliability of human reason, a subject about which liberals and republicans broadly agree and so rarely discuss (Domènech inquires if it is not important, *pace* postmodern relativists, that we be able to confidently denounce sources of social ills, and to do so on epistemologically secure moral grounds); and anti-state theories invite principled defenses of the state form *per se*, which—perhaps because states are not in principle questioned by liberalism—are virtually absent from current republicanism (we will see Giner defending the state because it can create conditions in which the typically diverse populations of modern Western countries can exchange conflicting ideas as civic and political equals).²

² Giner, Béjar, and Domènech are not the only republican theorists who have found the republican-liberal opposition wanting. In their 2008 survey of "three decades" of "republican contribution[s] to contemporary political theory," Laborde and Maynor called it "wrong-headed" to "[judge] republicanism exclusively in terms of its wholesale compatibility or incompatibility with liberalism" (1). Beyond this common insight, however, Laborde and Maynor are different from Giner, Béjar, and Domènech in limiting their objective to exploring "the *sui generis* specificity of the conceptual connections and normative proposals of [republicanism]." Although they set out on a different course than the mainstream revival, they do not undertake the sort of pluri-dimensional conceptual conversation I attribute to Giner, Béjar, and Domènech.

At least in part, the multi-faceted position that Giner, Béjar, and Domènech have developed can be explained, I believe, by Spain's social and political history. If Spanish republicans argue more with the left than their American and European colleagues do, I would argue that they do so because Spanish republicanism—which was the common banner of virtually all of progressive Spain during the civil war of 1936-39 and, perhaps even more so, during the decades of post-war exile—is, as nowhere else in the world, intimately intertwined with the left and has frequently been a principle in relation to which the rest of the left has identified itself. (To be on the left in Spain and not to be a republican is rare, indeed.) I would argue that such closeness, perhaps paradoxically, does not invite complacent satisfaction about existing points of agreement (say, about promoting social justice), but rather offers special incentive to advance smart critique where there is disagreement, or of divergent opinion that is perceived to be misguided. From a republican perspective, the left in general will benefit if, for example, moderate republicans and anarchists—who are similarly inclined to prefer equality to inequality—manage to find common ground about the concept of political sovereignty. (Hence we can make at least some sense of Giner's preoccupation with this concept.) In the conclusion to this dissertation, I will return to consider this historical explanation of the form and nature of contemporary Spanish republicanism. This dissertation's chapters do not try to prove—nor does the effectiveness of their arguments depend on their proving—that my explanation is right. Rather, I propose a theoretical analysis that demonstrates the distinctiveness of the ideas of Giner, Béjar, and Domènech in the context of current republican theory.

If the republican revival's focus on liberalism is narrow relative to what one finds in Giner, Béjar, and Domènech, it has nonetheless made important contributions. It not only tempered American triumphalism (e.g., Hartz) and the intellectual hegemony of what historian

William H. McNeill called “American style” modern democracy, but also provided much-needed conceptual enrichment to a relatively flat notion of liberty, which arguably has been most clearly embodied in the American ethos (in Moulakis, 8). “Don’t tread on me”—a demand that apparently is primarily concerned with how the state might impact, or tread on the liberty of an individual—has been complemented, for example, by the considerations of Aristotle and Machiavelli, which turn this concern on its head.³ How, as Aristotle (together with recent so-called neo-Athenians like Pocock and Hannah Arendt) asked, does the individual’s public engagement foster the conditions for her self-realization, which in turn helps to define the social fabric of a state, or polity? Or, with Machiavelli (and neo-Romans like Quentin Skinner and Philip Pettit), will an active citizenry—say, in the form of a citizen army—effectively prevent both state and private forms of despotism, rather than seeking to do so merely through comparatively simple-minded injunctions to, as one still hears frequently in American political discourse, “get the government out of people’s lives”?

In recent philosophy, Philip Pettit is widely thought to have made the most important contribution to a particularly republican definition of liberty. A mid-century lecture of liberal political philosopher Isaiah Berlin, “Two Concepts of Liberty,” is a main target for Pettit. Berlin’s “two concepts” are, first, negative liberty—the idea that one is free in the absence (hence, negative) of interference or obstacles to one’s actions—and positive liberty, a more nebulous understanding of liberty as one’s assertive, or positive self-realization, self-mastery, or authenticity. Beyond this minimal definition, we should not occupy ourselves with Berlin’s

³ The phrase “Don’t tread on me” appears on the Gadsden flag, a historical American flag with a yellow background and snake in the center named after American general and politician Christopher Gadsden (1724-1805), who designed it during the American Revolution. Currently, it is used mostly by conservative political groups in the United States, such as libertarians and the Tea Party movement of the early 2010’s.

“positive” concept, because Berlin—as Benjamin Constant had done with “la liberté des anciens” over a century earlier—used it, crudely, as an ill-defined foil that allowed him to rail against conveniently caricatured enemies in the tradition, e.g., Spinoza, Rousseau, and Hegel, whose alleged defenses of positive liberty, Berlin supposed, would end inevitably in despotism, because they started with dogmatic convictions about what was good for people politically.

In any case, Pettit is less interested in Berlin’s positive concept than in arguing that a negatively-defined liberty as absence of interference—or, in Jeremy Bentham’s phrase, an “absence of restraint” (2017, 310)—is neither a necessary nor sufficient condition for liberty, properly understood.⁴ Rather, in a manner consistent with republicanism’s traditional antipathy toward despotism—let us think, for example, of the Roman Republic’s foundational rebellion against the Tarquins—Pettit says that one is free if and only if one enjoys an absence of domination—i.e., is without a master or, to continue in the Roman tradition, a *dominus*, who can, at will, compel a subordinate to act; Pettit gives the example of private employers who can treat employees as they will, and without public oversight. Pettit explicitly opposes liberalism’s concept of freedom as non-interference by arguing that interference (such as legal labor regulation) is admissible in case it reduces occasions for domination. Thus Pettit is more demanding than, for example, Berlin in his requiring more than just eliminating government or other external action (2012, 26). The securing of liberty demands a more pragmatic approach, which—not merely negatively, but positively—disrupts the (potential as well as the actual) capacity of persons and groups to have their way with, or dominate others.

⁴ Later in life, Bentham changed his definition of liberty from the “absence of restraint” to the “absence of coercion” (1995, 198). See Rosen 2003, 246-47 for a discussion of the significance of this difference. For our purposes, either definition will suffice as an example of the kind of purely negative liberty that Pettit challenges. In any case, the “absence of restraint” is appropriate here if only because Pettit cites it in 2012, 9, where he does not reference Bentham’s “absence of coercion.”

As Pettit's intellectual ally and fellow neo-Roman republican Quentin Skinner put it in a book that distinguishes between *Hobbes*—who, for Berlin, is an early exponent of freedom as non-interference—and *Republican Liberty*, “freedom [. . .] is subverted by the mere presence of arbitrary power,” or, contra Hobbes, by the very existence of a master-subject relationship (2008, x). In other words, if Hobbes's *Leviathan* defines “liberty” in purely physical terms as “the absence of [. . .] externall Impediments of motion” (145), Skinner and Pettit, arguing against Hobbes, Berlin, and any such negative definition, state that republican freedom has not been achieved in case any Tarquin—i.e., any unchecked source of power—can arbitrarily subject a person to domination. Tarquin the Proud's credible threat of publicly shaming Lucretia, and her corresponding compulsion to submit to his advances are an especially violent example of what domination amounts to.

Republican liberty is thus more attentive to the underlying texture of social relationships, or to realizing what republican scholar Frank Lovett has called a basic “structural independence” (Lovett). Even though she did not endure any real (Hobbesian) “externall Impediments of motion” until Tarquin's attack, Lucretia was never free in a republican sense because, given prevailing social relations, she always depended on the whim of the Etruscan royal, or on what Peña Echeverría has called an ever-precarious “sustrato” of potential domination (2008, 37). To borrow from Trenchard and Gordon's great eighteenth-century republican collection of essays, *Cato's Letters*, Lucretia was, in effect, “at the mere Mercy” of Tarquin, and so lived not in “Liberty”—that is, not “upon [her] own Terms”—but in “Slavery” (249), being just lucky enough to enjoy what another early modern republican, Richard Price, called the “accidental mildness” (26) of a potential tyrant. In a liberal sense, however, Lucretia was free until Tarquin physically impeded her movement. Skinner makes this difference explicit: “liberty can be lost or

forfeited even in the absence of any acts of interference” (xii); Pettit echoes Skinner when he writes that “involuntary exposure to the will of others is inherently troubling [. . .] [e]ven when those others do not exercise their power in actual interference” (2012, 2); and, well before republicanism’s twentieth-century renaissance, Frederick Douglass, writing about his life as a slave in the American south, made a similar, if perhaps unintentional republican distinction: “it was slavery – not its mere incidents – that I hated” (161). In the same spirit as Skinner and Pettit, Douglass tells us that servile conditions (e.g., that of Lucretia, slaves, or any subservient status) are at least as odious as Hobbes’s essentially incidental “[impediments].”

To be sure, liberal thought about freedom is not reducible to what Hobbes had to say on the matter, but I think it has been rightly observed that “this idea of negative liberty [. . .] is today probably the dominant conception” (Lovett). As evidence, one need only consider the widespread idea that if a government just leaves people alone, they are free. The republican revival has generally set out to question this “dominant conception” and to propose something new. In addition to examining the particular contributions of Giner, Béjar, and Domènech to this intellectual project, I will show that theirs amounts to a more ambitious attempt to test republicanism not only against liberalism, but other left-wing theories, which I outline below.

Salvador Giner (b. 1934)

Salvador Giner is one of Spain’s most important sociologists of the latter half of the twentieth century, who—after his *Historia del pensamiento social* (1967), a standard text for at least a generation of Spanish social scientists—became increasingly interested in political philosophy. His motivation was to foster greater exchange between the two fields’ insights into ethical questions, of which he believed they were largely mutually ignorant. The conceptual abstraction of much political philosophy—including, for Giner, much of Pettit’s work—ignored

the principled amoral empiricism of much mainstream sociology, which in a more or less Marxist fashion, understood morality as an essentially derivative epiphenomenon of objective social states of affairs, the latter of which were therefore the only proper objects of study. Conversely, Giner thinks that sociology—which, seeking scientific credibility, and therefore restricting itself to being but “una disciplina descriptiva” (2007b, XXXIII), frequently “se queda sólo en los datos” (XLII), assessing demographic patterns, for example. Frequently dismissing a more theoretically daring, prescriptive “sociología [. . .] que aventura hipótesis y después intenta demostrarlas,” sociology would benefit from political philosophy’s more speculative method of studying the nature of concepts such as liberty, equality, solidarity, or, famously, John Rawls’s epochal *Theory of Justice*.

Giner commends classical sociologists for having, like Rawls, for example, but unlike their modern-day descendants, boldly advanced “una teoría de la movilidad social” (Pareto), “una teoría de la diferenciación social” (Durkheim), and “otra teoría de la dominación social” (Marx). With as much theoretical boldness, Giner—since one of his earliest publications on how properly to “hacer sociología” (1976), which he published in the appropriately-titled journal *Teorema*—has tried to formulate “[un] conjunto de postulados sociológicos sobre la naturaleza humana” and “[un] haz de postulados sobre la naturaleza de la sociedad” (2007b, XV-XVII). Against a sociology with purely scientific aspirations, Giner is not only clear in his opposition; he also teases his colleagues’ *mauvaise foi*, or their inauthentic mimicry of the methodologies of the hard sciences. As he paraphrases Jean-Paul Sartre, “la sociología está condenada a ser prescriptiva” (2007b, XXXIII).

One of his models is Hannah Arendt, whom he has praised for having transformed “la filosofía política contemporánea [. . .] en filosofía moral política” (2006, 16), and for theorizing

in *The Human Condition* and *The Banality of Evil* about human nature and, more specifically, about the possibility that humans are not infinitely malleable—as much current social science is wont to assume—but are in some sense, and *pace* Nietzsche’s crudest followers, naturally both good and evil. For Giner, it is hubristic and an aberration that today’s social theorists should be reluctant to inquire about human nature, which, after all, we have studied “siempre,” and will doubtless continue to do so “dentro de dos mil años” (2007b, XXXII).

Giner’s interest in moral questions can explain in large part his skepticism toward liberalism, which stresses moral agnosticism as an essential element of a free civil society, and his attraction to republicanism, whose obvious concern with the “public” dimension of social life leads naturally to considerations of a society’s collective ethical fabric. Giner, who earned a PhD in sociology from the University of Chicago, may have given the most succinct and accurate synthesis of his profile as a theorist when he—having had as professors Friedrich Hayek, a renowned Austrian classical liberal economist and philosopher, and Hannah Arendt, a German political philosopher who was heavily indebted to Aristotle and the republican tradition—said during an interview in 2001: “fui alumno— aunque no discípulo, que conste—de Hayek [. . .] La verdad es que Arendt me sedujo más” (García Abad).

However, Giner does have liberal sympathies, of which he is well aware, notwithstanding his reservations about Hayek, to whom, to be sure, he always pays respect as his rigorous and attentive “maestro.” As what we might call a liberal republican, Giner is the most Madisonian of the thinkers studied in this dissertation. He is cautiously optimistic that a government that depends ultimately on the people is achievable, but fundamentally pessimistic because he, with Madison, assumes that, because men are not angels—or, in Giner’s strikingly similar metaphor,

because “el dimoni som nosaltres mateixos”—“auxiliary precautions” (Madison) must be taken to control them (Giner 2014; Hamilton 264).⁵

Indeed, to the extent that he is Madisonian, Giner shows that he is Arendtian in more ways than one. Like Arendt, he prefers the American Revolution to the French, and so has made himself vulnerable to a typical rebuke of the traditional European left, including Domènech, Domènech’s teacher, Manuel Sacristán, and their late-twentieth century Marxist circle centered around the journals *Materiales* and *Mientras tanto*. Such thinkers have usually preferred the Commune’s promise of something radically new to America’s revolutionary Whigs, who, for all their enlightened ideas, were just as forceful in their conservative appeal to the noble privileges that their ancestors had wrestled from King John in the Magna Carta, or, closer in time, during England’s Glorious Revolution of 1688, which, more broadly, was a political model for Voltaire, Montesquieu, Edmund Burke, and other Enlightenment skeptics of democracy.⁶ Giner, who believes that “les grans fons de recursos de la terra han de pertànyer a la humanitat” (2014), is no friend of noble privilege. Indeed, he obviously embraces egalitarianism. However, he does not believe that, after a *communard* victory, “le monde va changer de base,” as L’Internationale presages. In fact, that there is something unchangeable at the “base” of social life, which political theory must assume and manage, is one of Giner’s most important convictions.

Giner insists that he is a progressive political thinker—indeed that he continues to hold the “idees comunistes” (2014) that motivated his activism in the Unified Socialist Party of

⁵ The general idea and quotation in this sentence are from Federalist 51, which is traditionally attributed to James Madison, although it was signed pseudonymously by *Publius*, like all 85 articles that Madison, together with Alexander Hamilton and John Jay, wrote in 1787 and 1788 “in Favour of the New Constitution, as Agreed upon by the Federal Convention,” as the title of the collection indicates.

⁶ The relevant writings of Voltaire, Montesquieu, and Burke, respectively, are *Lettres Philosophiques*, *De l’Esprit des Lois*, and *Reflections on the Revolution in France*.

Catalonia (PSUC) and his participation in the “peligrosas páginas” of the journal *Cuadernos del Ruedo Ibérico* in the years immediately before and after the end of Francisco Franco’s dictatorship (1939-75) (2007b, XXXVIII).⁷ This dissertation will argue that Giner’s self-description is accurate, but that his exploration of humanity’s moral frailty has made him a sort of Spanish Albert Camus. If Camus’s reflections on ahistorical, ineradicable evil in *La Peste* affronted French Marxist orthodoxy’s understanding of social ills as essentially products of history, Giner was expelled from Sacristán’s inner circle for being, as he lamented in an interview on Catalanian television in 2014, “excessivamente liberal” (2007b, XXI), insufficiently radical in that he, like Madison and Camus, posited certain natural barriers—for example, evil, egoism, or, referencing a famous essay by La Boétie, “la obediencia voluntaria de los muchos”—to the complete human emancipation envisioned by some Marxists. Arendt shared the fate of Giner and Camus. The Spanish rift was but a more violent reaction to intellectual heterodoxy than the response that Arendt received when an irritated Hans Morgenthau, Arendt’s fellow German-American political theorist, asked her toward the end of her life: “What are you? Are you a conservative? Are you a liberal?” (Arendt 2018, 470).

My chapter on Giner presents his thought as so complex that, like Arendt’s, it invites the exasperation of anyone seeking to place thinkers in neat categories. Unsurprisingly, then, he, like Skinner and Pettit, will not uncritically accept the standard liberal definition of freedom, nor will

⁷ The Partit Socialista Unificat de Catalunya was a communist political party active in Catalonia between 1936 and 1997. It was the Catalan referent of the Spanish Communist Party (PCE). *Cuadernos del Ruedo Ibérico*, which released 66 issues between 1965 and 1979, was published by the Ruedo Ibérico publishing house in Paris until 1979, when it moved to Barcelona, issuing its two last volumes in Catalonia. It was led by José Martínez Guerricabeitia, an anarchist, and Jorge Semprún Maura, a communist, following Semprún’s expulsion from the PCE in 1964. Although it was sympathetic to communism, its editorial line was revisionist, making it an intellectually appropriate medium for Giner. His most important contribution was a co-authored piece written less than a year before Franco’s death in November 1975, where he and Eduardo Sevilla-Guzmán denounced the regime’s “absolutismo despótico,” preferring this term to several others that were commonly used to describe it: from critical options (e.g., “fascista” and Juan Linz’s “régimen autoritario”) to sympathetic ones (e.g., “democracia orgánica” (Sevilla-Guzmán 83-85).

he fail to ask what valuable insights liberalism offers—a line of thought that will put him at odds with left-wing thinkers (e.g., Michael Hardt and Antoni Negri, who figure in Giner’s chapter) for whom “liberty as non-interference” is simply an *ad hoc* justification of economic privilege or, in a Marxist vein, bad faith bourgeois ideology.

Too leftist for the right and too conservative for the left, Giner might well be interrogated by Morgenthau as Arendt was, and would answer as she did: “I don’t think that the real questions of this century will get any kind of illumination by this kind of thing,” i.e., traditional political categories (470). I read Giner as a thinker who—again like Madison and the American Federalists, and also in the more ancient republican tradition of Polybius, who, for Giner, did well to give us “la primera visión trágica de la historia”—conceives of political systems as, at best, tragically fragile and always at risk of collapse (2007b, XXX).⁸ Giner’s caution does not amount to conservatism, however, just as Polybius’s appreciation of the stabilizing effect of Rome’s Senate does not overshadow his approval of the power held by its popular Tribunes, to which, as he admiringly observed, the Senate must “defer,” and which “validate the Senate’s [decrees]” and “decide whether or not to pass into law any proposal” (383), or as Federalist 51 democratically affirms, with aristocratic reservations to be sure: “[a] dependence on the people is, no doubt, the primary control on government” (264).

Having placed Giner in this line of thinkers who see politics as a precarious balancing of competing forces, Chapter One will focus specifically on how he negotiates tensions between our

⁸ After praising Polybius’s (200-118 BCE) tragic vision of history, Giner remarks that the West would have to wait until Saint Augustine (354-430 CE), or more than 500 years for a similar perspective—in the case of the bishop of Hippo, that of a human race forced to live outside the *City of God*. I mention Giner’s apparently incidental comment for what it may reveal about Giner’s connection to Arendt, who wrote her doctoral dissertation on Saint Augustine. An incidental remark of my own: Augustine’s outlook was in an important sense not conflictual or tragic, because his main intellectual target was Manicheanism’s view of the world as a battleground between eternal forces of good and evil, against which he posited an omnibenevolent and omnipotent god, and that evil had no positive existence (as in Manicheanism), but only existed negatively as that which detracted from god.

sometimes incompatible desires for individual freedom, social equality, and interpersonal solidarity. I suggest that his negotiation leads him to rest his politics on a mixed set of ethical philosophical theories—deontology, consequentialism, and virtue ethics—whose basic incompatibility demonstrates both the inevitable complexity of social relations and the impossibility of the harmony that some left-wing thinkers posit as the natural condition of societies that are not distorted by artificially unequal systems like, according to a canonical account, feudalism or capitalism.

The final section of Chapter One will see Giner pushing the margins of the mainstream republican renaissance. In dialogue with this latter sort of left-wing thought (specifically with Hardt and Negri), Giner offers a defense of the modern state form as a bulwark against the break-up of the precarious moral-political structure that he, like Polybius and Madison before him, has created; and since his fellow modern-day republicans rarely make such an apology, as their liberal rivals mostly do not undermine the principle of state sovereignty, Giner's is not only a substantive contribution to republicanism's dialogue with liberalism. It also pays exceptional attention to a significant conceptual challenge from the left.

Helena Béjar (b. 1956)

Helena Béjar, who completed her Master of Philosophy at Brunel University London under Giner's supervision, is an equally iconoclastic left-wing thinker. As Giner has done with human moral frailty and the naturalness of social conflict, Béjar's iconoclasm has led her to consider the usefulness for progressivism of political concepts traditionally thought to be conservative, and, if not anathema, at least not conducive to progressive goals. For example, she has considered private-sector philanthropy or volunteerism, Christianity and religion in general, patriotism, and interdependent relationships (rather than personal autonomy). However, Béjar's

similarity to Giner should not hide an important difference, which, to quote Giner, might be understood in terms of their opposite readings of German sociologist Georg Simmel, for whom “el conflicto estructura más aún que el consenso” (2007b, XXIII). If Giner, like Simmel, bases his theory on conflict, we will see Béjar, by means of philanthropic activity, etc., building bridges of consensus, this last concept being, importantly, and like patriotism, another one that has been reviled by the left at least since Eduard Bernstein’s revisionism and German Social-Democratic debates of the late-nineteenth century. This dissertation will show Béjar’s debts to her former supervisor, but also argue that, in a tradition as old as Western philosophy itself, and as in Raphael’s famous painting, here too, student and teacher point in different directions.

Béjar, who is professor of political sciences and sociology at Madrid’s Complutense University, began her intellectual career as, and remains a progressive critic of individualism. The titles of her first major publications, *La cultura del yo: pasiones colectivas y afectos propios en la teoría social* (1993) and *El ámbito íntimo: privacidad, individualismo y modernidad* (1995a), as well as the irresistibly significant title of an early newspaper article, “Los azares del narcisismo” (1986), are evidence of this initial conceptual focus, which has been a constant in her work. The youngest thinker examined in this dissertation, Béjar is the only one who was only barely politically active during Spain’s transition in the late 1970s from Franco’s dictatorship to its current political system, a constitutional monarchy that is largely on par with its Western European neighbors in terms of recognizing liberal-democratic rights. Comparatively, Béjar’s has been the most exclusively academic career; and—like that of Giner, who is a University of Chicago PhD who has taught in England—hers has been a very international career, with visiting professorships and research stays at New York’s New School for Social Research, Paris’s École d’Hautes Études, and, I suppose most formatively, the University of California, Berkeley, where

she researched republicanism with American sociologist Robert Bellah. A figure like Béjar, Giner, and Arendt, Bellah's *Habits of the Heart* (1985), which is a defense of republican political values, was received with disapproval from both sides of the ideological spectrum. It was too left for some, too right for others.⁹ Controversy and unpopularity notwithstanding, Béjar paid a confident and intellectually revealing tribute to Bellah with her first major contribution to Spanish republicanism, *El corazón de la república*, a self-assured appeal to sentimentality and solidarity, to the chagrin, respectively, of revolutionaries and reactionaries.

If Domènech's republicanism is—as we will see below—the most historically informed, offering a comprehensive analysis of political philosophy from Pericles to Postmodernism, and if Giner is the most conceptually rigorous, subjecting the nature and conditions of human social life to exhaustive analysis, Béjar is the most thematically wide-ranging. Her early critique of modern, liberal individualism—which was no doubt nourished by her time at the New School, a famous home of the Frankfurt School and other critics of self-absorption in bourgeois society—has matured into a consideration of how an excessive attention to individual and group identity in some sectors of the left (e.g., those that, in a Heideggerian vein, generally prize authenticity, difference, and what is generally known as identity politics) works against classic progressive values such as equality and solidarity. Further, in addition to a sustained reflection on the political relevance in today's Western world of the institutions and traditional virtues of Christianity—a line of thought that, incidentally, distinguishes her from Giner, who, like the

⁹ Béjar has also been accused by the left of being insufficiently progressive. Nine days after the already-cited “Los azares del narcisismo” was published in the Spanish daily *El País*, it was the object of pointed ridicule in a letter to the editor entitled “El narcisismo no tiene azares,” in which an apparently progressive reader, a certain Javier Callejo, took issue with what he perceived to be Béjar's desire (arguably in the tradition of twentieth-century Spanish philosopher María Zambrano's *Nuevo liberalismo*) to propose a “revisión del liberalismo” (Callejo 1986). Considering Béjar insufficiently progressive, Callejo alleged her complacency in the face of narcissism, arguing that narcissism cannot be critiqued in isolation or on moral grounds (as Béjar was arguably doing), but must be attacked along with the essentially competitive liberal social order that causes it.

early-twentieth-century French sociologist Émile Durkheim, is interested in the social importance of religiosity in general—Béjar has inquired, both empirically and theoretically, about whether volunteering and patriotism do in fact, and can in theory, curb prevailing individualism in a way that is conducive to broadly progressive political objectives.

In particular, Béjar’s promotion of patriotism as a political value for the left, which has produced a poignantly titled book lamenting *La dejación de España*, is a rare focus in current international republicanism, which, when it has not preferred conceptual abstraction to real-world issues, has usually referred not to specific countries but to Western political systems, more generally. (To be sure, a notable, if partial exception to this pattern is Pettit’s co-authored book on *Civic Republicanism in Zapatero’s Spain* (Martí and Pettit, 2012), which, if obviously focused on a single country, is not about patriotism, but how well the government of Spanish president José Luis Rodríguez Zapatero (2004–2011) fostered republican liberty as non-domination.) That Béjar should encourage patriotism not occasionally, but in a book-length treatise, is also a boldly irreverent gesture in a left-wing tradition that traces its origins to both the “utopian” and “scientific” forms of socialism theorized by Friedrich Engels, that is, to the principled, a-patriotic libertarianism of Charles Fourier, to Marx’s resounding call to the “Proletarier aller Länder,” and, more remotely, to the implicit cosmopolitanism of the atomistic materialism of Epicurus, a main subject of Marx’s doctoral dissertation.¹⁰ It also means that she is superficially in agreement, but fundamentally opposed to the relevant opinion of Giner, a Catalanian who, in the context of current debates about Spanish national sovereignty and Catalonia’s right to national independence, said that, ideally, “[es] permetria que els Catalans ens

¹⁰ The title of Marx’s PhD thesis is: “The Difference between the Democritean and Epicurean Philosophy of Nature.” For Engels on “utopian” and “scientific” socialism, see Frederick Engels, *Socialism: Utopian and Scientific*. New York: Cosimo Classics, 2008.

governéssim a nosaltres mateixos” (2014). For Béjar, as is consistent with her attack on the cultivation of particularism, patriotism has nothing to do with identity in any national or ethnic sense, but with her conviction that social solidarity is more likely to obtain in conditions where there exist commonly-acknowledged civic bonds.

I have stated that, at least when compared to Domènech, Béjar does not stand out as a thinker who is especially concerned with historically contextualizing her ideas. However, this distinction, if useful in defining this dissertation’s set of thinkers in relation to one another, misses the deep influence on Béjar of German sociologist Norbert Elias and French political philosopher Alexis de Tocqueville, whose theories of history are basic to their social thought. As a reader of Elias and Tocqueville, Béjar parts ways with a certain historicist left (à la Heidegger, Gadamer, and, more distantly, Herder) according to which, as these complex German thinkers are often simplistically—yet, alas, influentially—understood, history is destiny, a set of traditions that, because they do inform the present, should do so. Elias—in his work on the early modern emergence of a notion of unique personhood—and Tocqueville—in his study of the historical evolution of modern democratic individualism—together with Béjar—who analyzes modern persons’ increasing reclusion in private space, or her book title’s *ámbito íntimo*—all accept the hardly controversial descriptive claim about historical influence; past social trends doubtless condition current social life. However, they question, as Friedrich Schiller did in writing on aesthetics, the prescription that the living should be deferential to historical facts or cultural inheritance; Schiller wrote, “No doubt the artist is the child of his time; but woe to him if he is also its disciple” (51). Indeed, Béjar et al. would also have agreed with Antonio Machado when he wrote, “ni el pasado ha muerto,” but they also believe, as Machado continued, that the

freedom of the living to (re)interpret the past and future is not therefore restricted: “ni está el mañana—ni el ayer—escrito!” (112).

So, despite her exploration of traditionally conservative concepts, Béjar, together with her predecessors, is in a sense a more radical thinker than those from a left that is in the thrall of cultural relativism, which, as Béjar will bitingly point out, is the original and always fundamental insight of political conservatism. Thus, against Burke, a seminal figure in modern conservatism, who, in writing that “[t]here is some general principle operating to produce Customs, that is a more sure guide than our Theories” (Burke and Burke, 90), interestingly resembles current culturally relativistic ideas that purport to be left-wing, and with Jefferson, who, anticipating Machado, wrote that “the earth belongs [. . .] to the living,” and that “the dead have neither powers nor rights over it” (1958, 392), Béjar will insist on a forward-looking, and literally progressive left-wing politics, one that, like Elias and Tocqueville, uses history to understand the present, but not necessarily to inform social decisions. Importantly, Béjar thus becomes, like Domènech, an Erasmian sort of reformer of left political thought, plumbing its moral *fontes* to correct the aberration of left particularism. Also, again like Domènech, she warns that the left’s aberrant neglect of its classical Enlightenment values of universalism and moral certainty has benefitted conservatives, many of whom (e.g., in the U.S. Republican Party, the French *Républicains* (formerly UMP), and other liberal conservative parties) gain public appeal by presenting themselves as heirs to the Enlightenment, a proclamation that is as unfounded—given conservatism’s essential anthropological pessimism and antipathy toward equality—as it is easy to explain, in light of the left’s politically enervating and short-sighted abandonment of its legacy of aspirational thinking. The concept of social relationships that I attribute to Béjar is her major attempt to reconfigure progressive ideas to stress social connection, interdependence, and the

formation of a republic—a literally publicly-oriented community—beyond the “everyone for himself” competitiveness of liberalism, and the politically ineffectual (because exclusivist) preoccupation of identity politics with the individual self and collective, group selves.

Antoni Domènech (1952-2017)

Like Giner, Domènech first engaged in politics during the political transition that followed Franco’s death, which he always dismissively called not a “transición democrática,” as is conventional, but a “Segunda Restauración borbónica” (2014), an obvious reference to Spain’s first monarchical restoration in 1874-75 and to the fact that Spain’s government is not, strictly speaking, democratic, but also a more subtle, pro-republican allusion to the fact that, in a manner analogous to Arsenio Martínez Campos’s 1874 coup d’etat, which ended the short-lived First Republic and made way for the Bourbon king Alphonso XII, in the 1970s, monarchists prevailed over republicans.

In the 1970s, Domènech established his reputation as a non-conformist, free-thinking member of the Spanish left. However, as Eudald Espluga wrote in a short tribute on the occasion of his recent death, Domènech did not relish his marginality, avoiding the self-indulgent “aspavientos del rebelde autoproclamado” that were typical, for example, of the late-twentieth-century’s politically ineffective, nihilistic idolatry of rebellion without a cause (2017). Rather, as his friend Alejandro Nadal said in his funeral eulogy, Domènech was a “socialista sin partido” not because he wanted to call attention to himself, but to shine light on the left’s history of missteps (2017). In recent Spanish political history, he was neither fully behind (1) the Spanish Communist Party (PCE), which, he thought, should have rejected—during the 1970s transition to democracy—then-president Adolfo Suárez’s offer of legalization and official recognition, and, instead, should have made the most of its “tremenda capilaridad social en el movimiento obrero”

to delegitimize the elections of 1977, Spain's first since 1936; nor did he support (2) the Spanish Socialist Workers' Party (PSOE) or its leaders Felipe González and Alfonso Guerra—whom Domènech called “ese par de logreros de la política”—who, by opportunistically presenting themselves as the continuation of a Spanish left that, in fact, the Communists had done more to hold together domestically during the Franco years, took cynical advantage of the PCE's entrance into government, and its compulsory rejection of the Red Flag of Communism and acceptance of the monarchy's preferred *rojigualda*. Domènech, who devoted much of his career to showing the republican roots of Marxist-communist thought, always regretted the PCE's abandonment of its traditional symbols and acquiescence to the Bourbons, not least because it allowed González, Guerra, and the PSOE in general, insincerely, demagogically, and at the expense of the PCE, to “[comenzar] a agitar la bandera republicana” (2002a).

If of a non-conforming sort, Domènech was nonetheless a member, like Giner, of the Unified Socialist Party of Catalonia (PSUC), the Catalanian branch of the PCE. Perhaps his conformity is to be found in the fact that his political ideas are essentially informed by his interpretation of history, a sign of his considerable intellectual debt to Marx, whom he always called, affectionately, “el viejo” (2002a). However, Domènech's historical focus is not reducible to Marx's heritage, because it is also a uniquely late-twentieth-century reaction to his liberal contemporaries' a-historical, analytical method of doing philosophy, which he, together with his partner and intellectual collaborator, the Argentine political philosopher María Julia Bertomeu, called “el rawlsismo metodológico,” a reference to the philosopher John Rawls's influential *Theory of Justice* (Bertomeu and Domènech 2005, 53). Rawls argued that an ideally just society can be intuited from behind a “veil of ignorance,” where rational people, ignorant of their social advantages and disadvantages, will prefer not a society with great wealth disparity, but one

whose economically worst-off members fare relatively well. Domènech argues that Rawls's definition of justice may make good conceptual sense, but is nonetheless weak because it is "a-histórico y a-institucional," probing merely "la naturaleza" of politically relevant ideas such as justice, but paying insufficient attention to their actual social conditions of possibility (54).

Against this method, Domènech's republican theory is historical in two senses. First, historiographically, it traces the evolution (from ancient Greece to the present) of a particularly republican conception of liberty (defined as material independence or self-sufficiency); and second, adopting an explicitly anti-Rawlsian "republicanismo metodológico," it considers, materialistically, what real conditions are necessary for republican liberty to be exercised by all individuals.

Domènech's philosophical work has been rightly described as "la demolición de las grandes falsificaciones históricas que tanto han distorsionado el pensamiento político de nuestro tiempo" (Nadal). In arguably his most important book, *El eclipse de la fraternidad* (2004), which he privately called his "libro de madurez" (in Raventós, 2017), Domènech describes a centuries-long process of "falsification" of the concept of fraternity, as the title anticipates. He also (and, I would argue, more importantly) offers a definition of that most fundamental republican value, liberty, which—as Domènech argues against Stoic, Lutheran, and later liberal ideas that liberty can be achieved a-politically and in the individual's isolation—can be exercised only by those individuals who are recognized, fraternally, as co-equal members of a political system. As Domènech writes—if a stoic's liberty is her ability to be unperturbed in the face of iniquitous "escaseces tremebundas" and "horrendos pavores" (1989, 106), and if Martin Luther, inspired by Saint Paul, invited each Christian to be firstly an "inward man" (12), experiencing the *Freedom of a Christian* insofar as he alone has faith in and is justified by Jesus Christ—republican liberty

flows not from the achievement of any isolated individual, but from the social achievement of Domènech's "fraternidad," which is the same thing as "libertad e igualdad, pero para todos" (2002a).

In classical and medieval times, political liberty was a condition enjoyed in a legal sense only by those who owned property, because property afforded the possibility of not having to depend on other people; that is, of not having to subject oneself to a condition of un-freedom. Like Marx and the great Marxist historian E.P. Thompson (author of *The Making of the English Working Class*), Domènech cites the transition from medieval Europe's agricultural economy to modern industrialization as crucial in explaining why this definition of liberty was abandoned. Before this transition, liberty was linked to property-ownership to justify greater political rights for landed classes; it was claimed that those without property, because they could not be self-sufficient, could not exercise political liberty, and therefore could reasonably be deprived of it. Modern industrialization gave way, not coincidentally, to the predominance of a new understanding of liberty, as a naturally-endowed and universally-held right. It was an apparent move toward egalitarianism which, in fact, disguised the opposite. To merely affirm, for example, that industrial factory-owners and laborers were equals not only did not make it so. In fact, further suggesting the new definition's insincerity, it legally enabled the former, who could now refer to a theoretically level social playing field, to disregard as baseless any of the latter's protestations against perceived injustice.

Despite the debts to Marx I have mentioned, the subtitle of Domènech's *Eclipse*, "*una revisión republicana de la tradición socialista*," is a reminder of the heterodox sort of Marxist Domènech was since his early publications in the 1970s in the political journal *Mientras tanto*. Co-founded in 1979 by one of Domènech's intellectual mentors, Manuel Sacristán, *Mientras*

tanto still professes, as Domènech always did, both an orthodox Marxist “identificación con los proyectos de emancipación social y política de las clases trabajadoras,” and an equally strong, and hardly Marxist “ecologismo,” which Marx—unequivocally optimistic about industrial abundance—did not consider, and “antisexismo,” which, at most, traditional Marxism considers to be less important than class conflict (“Revista Mientras tanto”).¹¹

Domènech always sought to bring together these diverse strands of emancipatory thought, with the title of one of his first publications calling for dialogue between “Comunistas y ecologistas,” based on his belief that their similarities outweighed differences (e.g., that both were engaged primarily in “la lucha por la paz”), and that an alliance would have mutual pedagogical benefits; e.g., as his title asks: “qué puede aprender de la vieja izquierda el movimiento ecologista y que debe aprender la vieja izquierda de los movimientos alternativos” (1981). Later in his career, Domènech developed his most sustained dialogue with “antisexism,” or feminism. Against both a strictly class-focused Marxism and any feminism that is primarily focused on gender difference at the expense of broader questions about the social distribution of power, Domènech, together with Bertomeu, saw an affinity between feminism and republicanism. Like the famous feminist slogan “the private is political,” both feminism and

¹¹ In an interview in the 1990s, Domènech praised Sacristán for recognizing that Marx’s failure to foresee that industrial growth would be limited by insufficient natural resources and the potential of ecological crisis meant that Marx’s philosophy needed to be fundamentally rethought, specifically in terms of its concept of justice: “en el plano de la ética social, creo que Manolo Sacristán llegó a ver claramente [. . .] sobre todo a raíz de la percepción de la crisis ecológica [. . .] que el tipo de sociedad de la abundancia en que Marx fiaba el advenimiento del comunismo no sería nunca viable. Eso tiene una consecuencia filosófica importante, pues Marx concibe el comunismo de la abundancia como una sociedad situada más allá del espacio de la justicia distributiva, como una sociedad en la que cualquier criterio de justicia será prescindible porque no habrá conflictos de intereses. Por eso se expresó Marx tantas veces de un modo desdenoso respecto de las teorías y las concepciones normativas de la justicia, las cuales le parecían cantilena burguesa. En Marx no hay un teoría articulada de la justicia porque aspira —con mucha prisa, además— a una sociedad que está más allá de la justicia. Creo que Manolo Sacristán llegó a ver diáfano que la filosofía normativa de Marx necesitaba una revisión a fondo en este punto, que un pensamiento emancipatorio a la altura de nuestra época y de los conocimientos científico-naturales y científico-sociales que van con ella necesita armar una concepción seria y articulada de la justicia distributiva (López Arnal and Fuente 445-46).

republicanism argue, unlike liberalism, that the power of one person over another in the private sphere—be it that of a husband over a wife or an employer over an employee—is political in that it effectively denies any political equality that might be recognized legally. For both traditions, in other words, private inequality is political inequality.

Domènech's careful attention to power imbalances in social relations implies his commitment to rational sociological observation, a necessary method if inequality is to be denounced in a systematic way. Domènech's rationalism explains his opposition to postmodernism, whose epistemological skepticism is bound to undermine the confidence that is necessary if social critique is to be grounded on a solid foundation. Against this postmodern subversion, Domènech's position is that "la racionalidad, la sensatez, el buen juicio es inseparable de la política de izquierda" (2002a). Thus, in Chapter Three, we will see Domènech defending republicanism against both liberalism and postmodern anti-rationalism and anti-humanism. Their differences notwithstanding, he will argue that both—liberalism and postmodernism—are impediments to the realization of republican liberty; liberalism, because it posits a natural and pre-political individual freedom, and so is ill-equipped to identify cases in which unequal political relationships effectively diminish freedom; and postmodernism, because its appeal to unreason blinds it to the fact that sure-footed rationality remains the best starting point for denouncing a society that is structured in such a way that republican liberty as material independence is not realized universally.

The book subtitle mentioned above—"una revisión republicana de la tradición socialista"—is indeed evidence of Domènech's Marxist unorthodoxy, but it should not therefore suggest that he abandoned the socialist tradition. On the contrary, one of Domènech's major intellectual undertakings in his later years was to co-edit the political journal *Sin Permiso*, whose

equally revealing subtitle, “republicanismo y socialismo también para el siglo XXI,” makes clear that both republicanism and socialism—properly understood as the fraternal fostering of Domènech’s “libertad e igualdad, pero para todos”—offer important insights for politics in the twenty-first century. His earlier “revisión” of the socialist tradition was not a rejection, but an insistence that socialism should concern itself both with the emancipation of workers, as it has done historically, and other emancipatory movements such as those of victims of climate change and sexism, because, he stated, “cualquier cambio social radical importante no puede ser hecho en solitario por la clase obrera” (2002a). The socialist tradition, and the left in general, should also be faithful to the rational heritage of modern philosophy, from which, despite postmodern deviations, it emerged. Contra postmodernism, not all thought is ideologically inflected, or essentially distorted by language. It is possible to perform a dispassionate examination of whether a society’s structure compels its members, as Marx put it, “[to] live only with [the] permission” of “the owners of the material conditions of labor” (1994, 316). Domènech’s journal reversed Marx’s formulation, but maintained its essential message. A necessary condition for true socialism, democracy, and republicanism is that a society’s members be able to live “*Sin Permiso.*”

Other Spanish Republican Theorists

Contemporary Spanish republicanism is a broad and rich field, which I cannot survey completely in this dissertation. Due to limitations of space, I have had to leave out several noteworthy thinkers. Among them, Andrés de Francisco deserves special mention, as the author of two of the most important recent books on republican theory in Spain, *Ciudadanía y democracia: un enfoque republicano* (2007) and *La mirada republicana* (2012). De Francisco’s arguments that liberalism has historically failed effectively to secure for all people what he calls,

alluding to ancient Roman republicanism, *aequa libertas*, and his dissatisfaction with the left's insufficient attention to the concept of individual liberty mean that he would fit nicely in my current research. I have excluded him only because his emphasis on individual freedom, if original in its own right, makes him more similar to Domènech than are Giner and Béjar, whose work centers less on freedom *per se* and more, respectively, on moral conflict and community and solidarity.

Félix Ovejero—who was a student, together with Domènech, of Manuel Sacristán—is another important figure, who stands out in particular because of his timely commentaries on national debates about republicanism. Notably, he—together with José Luis Martí Mármol (see below)—published an article in 2001 in Spain's main center-left daily, *El País*, entitled “No solo de Pettit vive el socialismo,” which helpfully dispelled a popular misconception that the PSOE—whose secretary general, José Luis Rodríguez Zapatero, had recently subscribed publicly to Pettit's republicanism—had come to rely too heavily on Pettit. Putting forward an argument like the one I develop in this dissertation, Ovejero insisted—against received ideas and, in particular, against an earlier article by Álvaro Delgado-Gal (see Delgado-Gal)—on the diversity of republican theory in Spain. Ovejero has also published important books in the field, such as *Incluso un pueblo de demonios: democracia, liberalismo, republicanismo*, an allusion to Kant's faith in the rule of law's (and, for Ovejero, a good republic's) being able to govern even the demonic. Consistent with the republic revival, Ovejero attempted to demonstrate, like Domènech, that liberalism has a historical and conceptual incompatibility with the “democracy” of the title, and that republican understandings of liberty and equality are more consistent with prevailing preferences for popular sovereignty. However, if he is like Domènech in this sense, Ovejero—an outspoken and prolific critic of national separatism—is, in another important sense,

more like Béjar. My decision to include Béjar instead of Ovejero was due to a personal preference for her more even-handed approach, which contrasts with Ovejero, whose polemical style is evident in the titles of two of his books on (and against) nationalism: *Contra cromagnon: nacionalismo, ciudadanía, democracia* (2007) and *La trama estéril: izquierda y nacionalismo* (2011).

I want to recognize several more republican thinkers who have made significant contributions, and whose not appearing in this dissertation does not have to do with the quality of their work, but my perception that their republicanism—in some cases limited to a single book and related articles—is less developed than those of Giner, Béjar, and Domènech.

Armando Fernández Steinko's *Izquierda y republicanismo: el salto a la refundación* (2010) is a major work, which—in the context of what he describes as “[una] izquierda [. . .] fragmentada y estancada”—calls for “la refundación de la izquierda” on the basis of “una reinención del referente republicano” (20), by which Fernández Steinko—who shares Domènech's admiration of the radical democracies of the Athens of Ephialtes and the France of Robespierre—means “radicalismo democrático” (417).

Gerardo Pisarello has also written an excellent book, *Un largo Termidor: historia y crítica del constitucionalismo antidemocrático*, which argues that the title's “Thermidorian” reaction of 1795 against the radical democratic republic of Robespierre (1792-1794) casts its “anti-democratic” shadow on today's political, and political theoretical, landscape (hence, “largo”). Building on *El eclipse de la fraternidad* (2004)—where Domènech had made Thermidor a watershed in Western European history, where liberals (by illiberal means) consolidated power at the expense of democratic demands—Pisarello examines how, since the

late-eighteenth century, the title's "anti-democratic constitutionalism" has involved a systematic "neutralización del poder constituyente popular" (66).

José Luis Martí Mármol's *A Political Philosophy in Public Life: Civic Republicanism in Zapatero's Spain*, which he co-authored with Pettit, is the best, most complete synthesis of arguably the most important practical political development in republican history in Spain in the post-Franco years, namely, president Zapatero's public commitment to dedicate his term in office to fostering liberty as non-domination—as it had been defined by Pettit—for all individuals.

Finally, I mention Julio Anguita and Alberto Garzón Espinosa together for two reasons. First, they have collaborated in politics as members of various left-wing parties and coalitions, including, most notably, the United Left (IU), a coalition of left-wing parties, of which Anguita and Garzón have served as general coordinator, respectively, from 1986-99 and since 2014. Second, their main publications on republicanism—Anguita's *Conversaciones sobre la III República* (2013), to which Garzón wrote the prologue, and Garzón's *La Tercera República* (2014)—are important elements of contemporary republicanism insofar as they communicate republican ideas to a wide, non-academic audience, and, as their titles suggest, propose a practical path to the establishment of a third republic in Spain. However, to the extent that, in their efforts to educate the public, Anguita and Garzón do not engage as deeply as Giner, Béjar, and Domènech with the debates and concepts that this dissertation presupposes, their inclusion is hard to justify.

Chapter 1: Mixed Ethical Foundations for a Paradoxical, Tragic Modernity: Salvador Giner's

Republicanism as a Way of Managing Social Conflict

Celui qui, dans l'ordre civil, veut conserver la primauté des sentiments de la nature ne sait ce qu'il veut. Toujours en contradictions avec lui-même, toujours flottants entre ses penchants et ses devoirs, il ne sera jamais ni homme ni citoyen, il ne sera bon ni pour lui ni pour les autres. Ce sera un de ces hommes de nos jours, un Français, un Anglais, un bourgeois; ce ne sera rien.
(Rousseau 1966, 40)

Francisco Vázquez García, a philosopher and scholar of contemporary republican thought in Spain, has described Salvador Giner's republicanism (rightly, I think) as being inspired by his “apelación [. . .] a una abstracta *politeia* plural y dialógica” (2017a, 719). This philosophical focus, as Vázquez García further points out, is a sign of Giner's difference from his fellow Spanish republican Antoni Domènech, whose wanting to ensure the material self-sufficiency of all individuals is essentially non-abstract, and makes social plurality at most a secondary concern, something that might become politically interesting once a satisfactory degree of material equality is achieved. Vázquez García's assessment thus also calls attention to the abstract philosophical idealism that has historically complicated Giner's relationship with some sectors of the (more materialist, Marxist) Spanish left, including Domènech and, in particular, Domènech's mentor, Manuel Sacristán, “[Spain's] most important Marxist philosopher” (Muntaner and Fernández Buey, 124), who, according to Giner's own account in a 2014 interview, expelled him from an influential circle of Marxist academics in Catalonia in the 1970s for being insufficiently progressive, or “excessivament liberal” (2007b, XXI). In this chapter, I will assume that Vázquez García's characterization of Giner is basically right, or that, since the 1970s, Giner has indeed been more concerned with accommodating a supposedly irreducible social diversity (and with managing it through dialogue) than with curbing (in a way more akin to Marxism) material inequality—a typically liberal concern that has assured intellectual tension

between Giner and the likes of Domènech and Sacristán, for whom social difference (which can be explained in large part by material inequality) is by definition not irreducible and should not be addressed primarily, but only secondarily. Rather than dwell on this difference, however, this chapter will build on Vázquez García by asking what are Giner’s assumptions (about modern society and humans’ place in it, for example) that underlie, and can help to make sense of his position.

Giner’s theory of republicanism—to add to Vázquez García’s definition—begins with the assumption that modern societies—which, according to Giner’s intentionally broad definition, are “relativamente liberales, democráticas y secularizadas” (2002b, 45)—essentially contain and are shaped by conflict. An internally conflictive, or contradictory set of political values—including freedom, equality, and solidarity—exists inevitably in the typical person living in such societies. As a system that is fit to manage this problem, Giner defends republican democracy, which he calls “la única solución [. . .] al problema de conjugar tres aspiraciones opuestas, e igualmente intensas, del hombre moderno, el deseo de ser libre, el de que todos seamos iguales y el de que los demás se solidaricen con nosotros y nosotros con ellos” (1996a, 181). To define two important terms, I should mention that Giner’s references to the form of “democracia” that he defends will refer always to republican democracy. He argues that even if, in light of experiences such as the French revolutionary Terror and Stalin’s Soviet Union, evidently “no toda democracia es republicana”—that is, a democracy does not entail, as it does in Giner’s preferred republican tradition of Polybius and Montesquieu, a separation of powers—it remains the case that “[t]oda república es democrática”; in other words, unlike the French or Soviet example, republics are essentially deferential to the inevitability of conflict’s arising from the

brute fact of moral plurality among the people—or, as Giner references Aristotle, an important source of republican thought, among “[hombres capaces] de autogobierno” (2012a, 142).

The main objective of this chapter is to explore how Giner has tried to solve the puzzle posed by conflict in his work. In particular, I will pay attention to Giner’s conviction that contemporary political theory must assume that modern democratic societies, or societies founded on principles of individual rights and tolerance of social difference and plurality, are bound to allow for the realization of everyone’s (Aristotelian) capacity for self-government, as they accept the paradox and tragedy entailed by attempts to reconcile, or “conjugar” Giner’s “tres aspiraciones opuestas.” This situation creates a paradox, because freedom, equality, and solidarity tend toward mutual exclusion; the expression of one ideal is likely to hinder the expression of another. For example, as Giner argues, in a world “en el que solo hubiera libertad,” it would be less likely to achieve enduring, publicly-guaranteed social solidarity. In the best case, charity would depend on voluntary altruism, while the worst case would be an unchecked despotism, where, Giner warns, “se enseñorearían los más fuertes de los más débiles” (1996a, 182).

Modern democratic societies also entail tragedy in the sense that their citizens (like typical tragic heroes) are caught between the irreconcilable forces of necessity (e.g., those of upholding the democratic ideals they value) and the right and desire to enjoy largely untrammelled individual liberties, which, if exaggerated, can imperil social cohesion and, consequently, the democratic ideals (of, say, at least some measure of equality) that they rely on. For Giner, republicanism is the form of government best suited to deal with these competing factors, because it is the only one that, in the spirit of Hannah Arendt’s deference toward the creative potential of modernity’s inherent plurality, upholds them all without preferring one or

two over the other(s), as, for example, libertarianism upholds liberty over fraternity, or as communism upholds equality over liberty.¹² He accepts that the result is a tragic—that is, a thoroughly realist or non-idealist—political theory that is based on the inevitability of social conflict, and is generally wary of any “utopian” aspiration to social harmony (2012a, 17). In this sense, despite their philosophical differences, Giner is like Domènech, for whom “la política republicana es realista, no utópica” (2005a, 175). For Giner, “el republicanismo asume el conflicto” as an unavoidable element in the nature of social life, and therefore must start from “un punto de partida preñado de realismo, reacio a todo utopismo” (1998a, 9).

A central part of my argument is that Giner’s tragic outlook manifests itself most clearly by means of the heterogeneity of the moral philosophical theories that he proposes as the guiding principles of republican democracy. Giner bases his republicanism on elements of the three major ethical theoretical approaches—namely, (1) deontology (in particular, Kantian ethics); (2) non-utilitarian consequentialism (that is, a consequentialism whose primary criterion is not, as it was originally theorized by Jeremy Bentham, a concern for maximizing utility, or happiness, but on the consequences of actions); and (3) virtue ethics, which typically draws on Aristotle—and I think that the coexistence of these theories in his republican ideal reveals the tragic perspective underlying it.¹³ I argue that each of these ethical theories tends to enhance the expression of one

¹² For Giner’s extended analysis of Arendt, with some commentary on Aristotle, see Giner 2012a, 144 and *passim*.

¹³ I will not distinguish between morality and ethics. While I do not underestimate the significance of the various conceptual separations that have hitherto been proposed (e.g., Michel Foucault’s and Bernard Williams’s), to elide any such distinction seems justified given that no uncontroversial one exists. Moreover, many (including Giner himself) make no such distinction. Deontology, consequentialism, and virtue ethics are defined at greater length below. Suffice it to say here that, when faced with an ethical question, deontology holds that the most ethically relevant question is “what is the right thing to do? Or what is one’s duty (*deon* being the Greek word for duty)?”; consequentialism asks “what is the right thing to do, given that one aims to achieve a pre-determined consequence X?”; and virtue ethics asks “what would a virtuous person do in this circumstance?” Regarding virtue ethics and its origins in Aristotle’s moral philosophy, some (e.g., Christine Swanton) would contest the claim that virtue ethics has Aristotle as its single source (20). I would side rather with Alasdair MacIntyre, who divided the history of moral philosophy in the West between the “Aristotelian Tradition” and the “Enlightenment Project,” signaling Aristotle’s seminal status without denying subsequent diversity in the development of Aristotle’s basic ideas (see MacIntyre).

(or two) democratic value(s) at the expense of the other(s) (e.g., liberty at the expense of solidarity). Although I do not intend to exaggerate the differences between the theories, which can indeed be complementary and overlapping in theory and practice, crucial differences, which I will sketch out below, do exist.¹⁴ Moreover, my argument should not rest on these theories' basic incompatibility, but on how Giner, by drawing on them, reveals his belief that viable democratic regimes are necessarily characterized by a delicate balance of robust rational individual autonomy (which will find most appropriate ethical guidance in deontology and Kantian ethics), a measure of self-sacrifice that might result in some common good (hence, consequentialism), and community membership and the development and preservation of communally shared traditions, which have been moral priorities at least since Aristotle said, on Giner's reading, that excellent human character, or "la virtud" depends on "aquel tejido social que la haga posible," and is realized most fully "en la comunidad política" (2012a, 34-35).¹⁵

Giner's position may seem so eclectic as to be irresolute. Indeed, Giner himself has anticipated this impression, calling his approach "integracionista, no ecléctico" (1997, 26). To prepare the ground for subsequent analysis of how Giner "integrates" various currents of ethical thought, I want to discard the idea that Giner is an irresolute, because eclectic, thinker, who shies away from strong positions. On the contrary, he has forcefully criticized what he sees as the

¹⁴ See Scanlon and Parfit for recent attempts to reconcile different ethical theories. See Giner 2012a, 256-57 for a brief discussion of Parfit's attempt, where Giner consider the reconciliation plausible, but ultimately questions whether it is "sostenible."

¹⁵ Giner does not fail to notice that Aristotle, in his *Ethics*, apparently held the opposite position to this one, which comes from his *Politics*. For the purposes of this chapter, it is interesting that Giner should express his impatience with scholars who—by separating the Aristotle who emphasizes the influence of context on the individual and the Aristotle who inverts the relationship—insist, or at least imply, that the final interpretation of Aristotle's thought must choose one or the other. Rather, consistent with the thesis of this chapter, Giner argues that we need not make such a choice, but "aceptar que hay una tensión endémica entre las dos fuentes —igualmente potentes—de la vida moral" (2012a, 35). For Giner, both in Aristotle scholarship and the analysis of modern social life, "primar a una sobre la otra genera perplejidad."

unwarranted theoretical certainties of thinkers—such as Rousseau, “[un] optimista irredento” (2012a, 15) and Marx, guilty of an “optimismo histórico [que] ciega a [. . .] progresistas revolucionarios” (2012a, 77)—who have envisioned political systems that might overcome the conflictive nature of human social existence.¹⁶ Also, in later stages of his career, drawing explicitly on the adamant pessimism of Arthur Schopenhauer, Giner has posited an ineradicable evil in humankind—a philosophical position that is daring, because it is extremely unpopular, and “prácticamente intratable” (2012a, 138), as Giner knows, in an intellectual landscape where theories of social determinism predominate, especially among fellow progressives.¹⁷ Moreover, further separating himself from other left-wing thinkers, and, therefore, in a way that is relevant to the broader argument of this dissertation, Giner forcefully, if subtly, distinguishes his own thinking about plurality and conflict from two other sets of ideas that are influential in critical theory. In the last section of this chapter, following a more thorough examination of his views, I will contrast Giner (1) with Chantal Mouffe and Ernesto Laclau and their work on “agonistic,” conflictual democratic politics, and the constant battle to assert hegemony (in a Gramscian sense) that is required in modern conditions of social pluralism; and (2) with Michael Hardt and Antonio Negri’s concept of current society’s essentially plural “multitude” of political actors who, in these authors’ Marxist framework, can achieve a social world that is more harmonious than the essentially antagonistic, stratified system of global capitalism, which they call “empire.”

¹⁶ See Rousseau. Giner criticizes Rousseau’s theory of the General Will, arguing that conflict and discord are inevitable elements of society. Nonetheless, Giner is often quite sympathetic to Rousseau, as he agrees with Rousseau’s idea that a political system must create the conditions that make social solidarity possible. See Marx. Giner criticizes the vision of communism Marx put forward in *The German Ideology*, according to which people living in a communist system would have absolute freedom to engage in a wide variety of daily activities and “criticize after dinner.” Giner mocks this idea, saying that such a society would be so dull that there would be nothing to criticize.

¹⁷ Giner devoted an entire essay to the concept of evil, on the *Sociología del mal*.

I will argue that Giner's views are superficially similar to, if importantly distinct from those of Mouffe and Laclau. I will also show that, notwithstanding interesting conceptual overlap in their theories (e.g., having to do with a shared faith in the creative potential of people acting together), Giner, together with Mouffe and Laclau, is deeply skeptical of Hardt and Negri's conviction that this creative "multitude" might be able to concert a political project that transcends the prevailing status quo of modern democracies, or specifically, as Giner argues, the modern achievement of (at least a degree of) state sovereignty and the sovereign rule of law. As Mouffe concisely put the relevant difference, Hardt and Negri's call for a "withdrawal from [. . .] the state and traditional political institutions" should be countered by a strategy of "engagement with" existing political frameworks in view of radically transforming them (2013, xvi).

Defining Deontology, Consequentialism, and Virtue Ethics

Before taking up Giner's engagement with deontological, consequentialist, and virtue ethics, it will be helpful to provide general definitions of these categories. Let us first consider deontology. Any theory that rightly calls itself deontological must somehow defend the idea that what is right (i.e., the way in which right action or just rules are defined) has greater moral importance than what is good, which may involve personal happiness or well-being. We will see that consequentialism, broadly conceived, holds the opposite to be true; that is, that the good has greater moral importance than considerations of rightness or justice. Deontology is uniquely concerned with providing a normative basis from which to evaluate the rightness of human actions. When I say that it is uniquely concerned with this task, I am referring to deontology's emphasis (which is greater than that of its rival theories) on the primary position of autonomous subjective reason in the determination of what constitutes right action. Individuals, by means of their autonomous use of reason, can know which actions are right, and any good—such as a good

sociopolitical system—that might derive from their action is irrelevant to the deontologist’s moral assessment of the action’s moral worth, although it may be perfectly desirable according to some non-moral criterion.

Consequentialism takes the opposite approach. Consequentialist theories posit conceptions of the good, and argue that a right action is any action that contributes to that good’s coming into existence. They argue, in other words, that a given action is right if its consequence is good, however good is defined. Utilitarianism, no doubt the best-known kind of consequentialism, defines the good as happiness and the absence of pain. According to utilitarianism, therefore, a human action is a right action if it causes there to be greater general happiness or less general pain.¹⁸

Virtue ethics is an entirely different sort of moral theory. Whereas deontological and consequentialist theories base their moral evaluations on a person’s actions, virtue ethics does so on a more holistic assessment of one’s character. Among virtue ethicists, the question of precisely how to evaluate character varies, but there do exist at least two generally held views. A morally excellent person (1) optimally develops her character through engagement in a project whose standards of excellence are determined by a human community, not individually; and (2) enjoys membership in and is a functioning member of some such community. Virtue ethics is, in virtually all its forms, an Aristotelian moral theory, and, as such, assesses character by using two key Aristotelian concepts, *eudemonia* and *arete*.¹⁹ *Eudemonia* (or flourishing) is the condition of living things (human and non-human) that achieve the optimum expression of their being. *Arete*

¹⁸ See Bentham. See also Mill. This definition of utilitarianism is roughly the one formulated by the nineteenth-century British philosophers Jeremy Bentham and John Stuart Mill. Despite the considerable differences between the two thinkers’ moral philosophies, they basically agreed on these fundamental points.

¹⁹ See Aristotle. *Eudemonia* is famously difficult to translate. It can be roughly understood as happiness or flourishing. I prefer the latter and will use it as well as the original Greek word from this point forward.

is a quality of living things that have achieved eudemonia; it is the quality of being virtuous and morally excellent. As an example of non-human eudemonia, Aristotle describes a plant, which optimally expresses its being by digging its roots deeply enough into the ground to ensure stability and nourishment, and growing upward toward the sun. If a plant does these things, then it possesses *arete*. It is a virtuous and morally excellent plant. Human eudemonia is to be understood in basically the same way. It consists of fulfilling a naturally endowed capacity for moral excellence, like the plant from our example, and, as stated above, morally excellent human beings are those engaged in some sort of project and those existing in and contributing to a human community.

Before examining how Giner founds his theory of republicanism on his belief that all three theories of ethics are valid ways of evaluating human social life in moral terms, I should say more about why I believe that Giner's bringing the three theories together is a symptom of his tragic view of modern democratic life, rather than, say, simply a fusion of otherwise compatible doctrines. These theories are not perfectly compatible, and must ultimately be mutually exclusive, because their general application to all states of affairs would yield, in at least some instances, irreconcilable moral judgments. In other words, to admit, as Giner does, the necessary coexistence of these theories is to admit that human social existence necessarily entails moral contradictions.

We will recall that, respectively, the three theories give moral priority to right action (deontology), good consequences (consequentialism), and virtuous character (virtue ethics). Now, let us apply these theories' moral commitments to a famous moral dilemma, a thought experiment that British moral philosopher Philippa Foot called "the trolley problem."²⁰ We will

²⁰ Philippa Foot (1920-2010) taught for many years at Oxford University. She is perhaps best known for her fundamental contributions to the resurgence of virtue and Aristotelian ethics in the twentieth century. For her trolley

see that each theory approaches this dilemma uniquely and that, to be internally coherent, each must draw a conclusion that is, at least in some sense, incompatible with the conclusions of its rival theories. The situation can be described as follows. An out of control trolley is barreling down the tracks. Ahead, there are five people tied to the rails and unable to move. They are directly in the trolley's path. You find yourself standing in the train yard, a safe distance away from the tracks, and next to a lever. If you pull this lever, you will divert the trolley to a different set of tracks, but you see there is one person on this other set of tracks. You have two choices. (1) You can do nothing, and the trolley will kill the five people lying in its path, or (2) you can pull the lever, and thereby move the trolley such that it will kill one person. What should you do?

Our three theories may or may not generate identical answers, but it is more significant that each one leads us to adopt different approaches to Foot's question. The deontologist will start by asking what your duty is; what would be the right thing to do?; the consequentialist will ask what is the sort of good that, through your actions, you ought to seek to bring about in the world and, therefore, what sort of good should you seek through your action; and the virtue ethicist would ask what a virtuous person would do in this situation. Generally speaking, deontologists will conclude that you ought not to pull the lever, for doing so would amount to causing someone's death, which is morally wrong; consequentialists will (with or without moral misgivings) argue that you ought to pull the lever because it will lead to a net saving of four lives, that is, the consequence of your action will be a net saving of lives; and the virtue ethics approach, more complex, would likely say something like "it depends." It depends, for example, on what your socially-informed values are; on what kind of person you want to be; on how your encounter with this dilemma figures into your life as a whole; on what effect(s) your decision

problem, see Foot 1967.

would have on your life; and how it would be judged by your peers? I stress that each theory prescribes asking fundamentally different questions. Deontology states that the right solution will come from the individual (making its Kantian connection clear); consequentialism states that the right solution is intrinsically irrelevant, as long as it brings about good consequences; and virtue ethics, revealing its grounding in both Aristotle and Thomist (i.e., medieval or Scholastic Aristotelian) communal and anti-individualist ethics, states that the right solution, which should be informed by local truths and the practices of social groups, cannot be the result of abstract, or impartial considerations of the sort proposed by deontology and consequentialism. For the virtue ethicist, moral decision-making is necessarily partial and relative to individuals as members of groups. We will see in our examination of Giner's work that he believes all three theories must coexist in his ideal republican political system, and that to accept their coexistence is to accept the inevitability of moral conflict. In the trolley problem as in politics, we must make decisions, and conflict is inevitable if fellow citizens find fault in our decisions.

Now we can take up directly Giner's republicanism and his engagement with moral philosophy. Giner situates himself most explicitly in the deontological tradition, describing himself as being indebted to a classically deontological (e.g., Kantian and Rawlsian) line of thought and to the (also deontological) Kantian social contract tradition. Inasmuch as Giner associates himself with Kantian and Rawlsian deontology, he associates himself with political liberalism, the common thread being the political and moral priority that the two categories give to the rational individual, a self-governing, sovereign decision-maker and social actor. As a deontological ethicist and political liberal, Giner assumes that individuals possess a natural capacity to exercise autonomy, which in turn enables them to dutifully give shape to democratic societies. Citizens are self-governing rational agents, "individuos discretos," in Giner's words,

whose free private action, in conjunction with that of all other citizens, will be the foundation of “todas las instituciones sociales” of a stable society, which is held together not by any supra-individual entity (such as a state), but through the constant reaffirmation of a social contract whereby individuals agree to conduct themselves rationally, or to behave in accordance with a rationally cognoscible moral duty, or *deon*; hence, deontological (Arbós and Giner, 23).

However, as we will see, when he thinks that such an individualistic method of analysis impedes persons from achieving the conflicting “ideales” of modern Western civilization, “libertad, igualdad y comunidad,” Giner un-dogmatically breaks with a strict liberalism, exploring complementary “alternativas,” including consequentialism and virtue ethics (3).

Although he has written that “los hombres [. . .] son consecuencialistas natos,” relative to deontology, Giner is less sympathetic to consequentialism, frequently criticizing, for example, the hedonistic—happiness-maximizing and pleasure-seeking—utilitarian consequentialism associated originally with Bentham (2002b, 69). In Giner’s view, by basing ethical assessment on the results of Bentham’s “cálculo felicífico,” i.e., on the hedonically-defined pleasure produced by actions, utilitarian consequentialism cannot adequately account for the potential benefits of importantly unpleasant examples of “austeridad y [. . .] sacrificio” and other self-denying “renuncias modestas que pueden hacernos menos infelices mañana,” such as, in Giner’s estimation, “la mejora o preservación de nuestra relación con el medio ambiente o nuestra conveniente aportación a la economía de los países pobres” (2002b, 78). Even if he rejects Benthamite ethics, Giner’s work clearly reveals an affinity for consequentialism’s main tenet, namely, that one ought to grant moral priority to some pre-defined good over the right. Indeed, Giner is not a utilitarian—at least not a straightforward seeker of happiness and avoider of pain—but he is a consequentialist, defining the good in other ways; for example, as equality and

social solidarity. Also, in typically consequentialist fashion, Giner posits these definitions of the good independently of any notion of duty or right action. I will argue specifically that Giner defines the good as various forms of what he calls “interés común” (common interest), whose “discovery” and transformation into a “luminoso objeto del deseo,” he argues, are the collective “task” of any democratic society (1996a, 56).

That Giner’s (arguably consequentialist) concept of “interés común” would hardly fit easily in any deontological theory should be clear. The citizens’ collective task, or “tarea” of “discovering” their common interest demands that the focus of ethical consideration move from the private sphere, where deontological ethical reasoning takes place, to the public sphere, where reflections about what is good ought to happen. For the deontologist, the good is a private matter; autonomous rational individuals define their own idea(s) of the good. Giner, for his part, places the good in the public sphere—as a naturally and explicitly visible “luminoso objeto de deseo”—and urges private citizens to adjust their actions in order to contribute to its collective attainment. I will explore these ideas in greater detail below.

Virtue ethics is, again, an outlier. Despite his frequent references to Aristotle, the classic standard of virtue ethics, Giner makes no explicit reference in his work to this area of moral philosophy. (It is clear in my discussion immediately above that Giner does explicitly mention deontology and consequentialism.) I find this omission puzzling and intriguing, for not only do I think that virtue ethics is an important part of Giner’s thought; I also think that it is through his engagement with and commitment to many principles of virtue ethics, such as the moral relevance of community standards, that Giner expresses most eloquently his opinion that human life in the individualistic and pluralistic socio-political space of modern democracies is paradoxical and tragic. Suffice it to say that the essential point here is that human beings living in

modern democracies are confronted with a contradiction—they are innately social, community-oriented beings that live in deeply individualistic and competitive social conditions. Our original problem thus emerges in a more complex form, as the democratic citizen’s moral compass proves to be disorienting. Is morality the product of self-sufficient reason (Kant)?; does it arise from the impartial consideration of common goods (consequentialism)?; or are those closest to us and with whom we share community membership the best source(s) of moral knowledge (virtue ethics)?

Deontology and Individual Liberty

I have stated that Giner is a self-declared Kantian ethicist, by which I mean that he sees morally justifiable political life as a generally liberal political system, in which the guiding moral principle is that each citizen is an autonomous rational subject who should treat all fellow citizens as moral equals, or as other autonomous rational subjects. I have also stated that we must understand Giner’s Kantian ethical commitment as a deontological ethical commitment, or as a commitment to the idea that ethical action is action in accordance with one’s *deon*, or duty. Thus, the question of what ethical duty amounts to arises. Kant’s liberal deontology and contemporary Kant-inspired liberal ethical theories (e.g., Rawls’s) ground ethical duty in the concept of ethical justifiability. They hold, in other words, that democratic citizens have a moral duty if this duty admits of universal justification, or is acceptable in theory to all members of a political community. The task of grounding ethical duty as universally justifiable is generally done by means of some sort of hypothetical appeal to reason—usually a thought experiment—that asks individuals to reflect on how people ought to treat each other in an imagined, ideally just society. Giner has proposed such a thought experiment, which I will lay out after briefly looking at those of Kant and Rawls, two standard points of reference in the tradition.

Kant sought to establish ethical duty, or moral law by means of his categorical imperative, which he formulated thus: “act only according to that maxim by which you can at the same time will that it should become a universal law.”²¹ Kant forces us to consider whether we would be right to act in a way in which we would not wish others to act. Specifically, Kant proposes that we consider whether we would be right to lie and thereby “will [that lying] should become a universal law.” Kant’s conclusion is that it is justifiable to morally prohibit the act of lying, because no reasonable individual would will that everyone should lie.

Rawls, for his part, argued that rational and self-interested agents would discover their moral duties by imagining a hypothetical situation (his “original position”) in which they imagine themselves to be ignorant of the circumstances of their lives (and, specifically, of their social advantages and disadvantages) and that they attempt, in their imagined circumstances, to define a just society.²² Rawls assumed that, in such a situation, rational and self-interested individuals would choose an economically fair, highly egalitarian society, and he based his assumption on his belief that, if self-interested individuals are forced to consider the possibility that they will be burdened by considerable social disadvantages, they will prefer a society in which the least well-off fare the best. Rawls held that this unbiased preference for a fair society was sufficient justification for the establishment of the moral duty to contribute to the construction of such a society.

²¹ See Kant’s formulation of the categorical imperative in *Groundwork*. Kant formulated his categorical imperative in two other ways: (1) Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means; and (2) A rational being must always regard himself as giving laws either as member or as sovereign in a kingdom of ends which is rendered possible by the freedom of will. These two formulations are intended to be subordinate to and dependent upon the one I’ve quoted here.

²² See Rawls’s discussion of the “original position” in *A Theory of Justice*.

In his *Carta sobre la democracia*, Giner introduces his own deontological thought experiment, his “parábola del pacto político” as “una demostración [. . .] de que la democracia es el régimen que más place a la mayoría” (22).²³ Giner sets out, like Kant and Rawls, to probe our moral intuitions by asking us to make a moral judgment from an artificially unbiased perspective. Giner’s “parábola” is intended to demonstrate that we gravitate toward democratic forms of government and that, therefore, we are morally obligated to uphold democratic ideals. I include the following long quotation for its importance, as a clear attempt by Giner to introduce himself into the Kantian-Rawlsian deontological tradition:

Imaginemos que en un país lejano ocurre una gran catástrofe y que perecen en ella muchísimos habitantes. Quedan pocos, y dispersos. A pesar de todo, en un valle remoto se reencuentran unos centenares de ellos. No tienen rey, ha desaparecido la capital, no saben qué ha sido del resto de su patria, al otro lado de las cimas que les rodean. Y están tan acongojados por lo sucedido que han perdido lo que podríamos llamar su memoria política, así como sus malos recuerdos de cómo era la vida antes del cataclismo. Solo les queda la nostalgia de los buenos tiempos. Están, además, poseídos por un deseo de volver a empezar, de reordenar su vida común. Así que se reúnen en asamblea en la devastada plaza de un pueblo, a la sombra del resquebrajado campanario del templo. Parlamentan sosegadamente para darse un gobierno. ¿Cuál crees que elegirán? ¿Una tiranía? ¿Una aristocracia? ¿Una anarquía? ¿Que cada cual se eche al monte y se vaya por su lado? ¿Un gobierno popular, es decir, una democracia? [. . .] Si tu análisis de la situación te lleva a

²³ With his *Carta sobre la democracia*, Giner inserts himself in the liberal tradition not only by including a thought experiment with Kantian and Rawlsian influences, but also, more allusively, through the essay’s title, which recalls John Locke’s *Letter on Toleration*, a seminal liberal text. Although Giner does not reference Locke’s work specifically in his *Carta*, he makes his admiration for Locke clear in a book chapter on “Verdad, tolerancia y virtud republicana.” See 1998b, 126.

colegir que en el caso que presenta la Parábola una mayoría de gentes sensatas no elegirá un amo o unos pocos amos intocables para darse un buen gobierno, sino que decidirá encontrar una alternativa más acorde con la dignidad de todas ellas, estarás entre quienes creen que hay buenas razones para abogar por el establecimiento de un orden democrático. (22-23)²⁴

Giner's "parábola" contains clear Kantian and Rawlsian influences. Kant, Rawls, and Giner ask that we assume a position of impartiality that is supposed to lead us to recognize how we ought to act, obeying the categorical imperative in Kant's case; discovering our preference for fairness and equality in Rawls's; and realizing our inclination toward democratic government in Giner's.²⁵

The Kantian-Rawlsian influence in Giner's thought is also evident in his conception of the democratic individual as essentially endowed with dignity—"dignidad"—and inalienable individuality and ontological separateness ("la dignidad de todas ellas"). It is impossible to overemphasize the importance of these concepts—dignity and individuality—in the deontological tradition. In Kant's moral philosophy, dignity has at least two meanings, (1) a

²⁴ Although Giner agrees with Polybius's separation of political powers to check ambition, Giner's assumption that democratic government would be the first choice of a new political community is the opposite of what one finds in Polybius's *Histories*, where monarchy is supposed to be the original form of government. See Polybius, Book 6. Because of its rustic setting and assumption of humankind's instinctive egalitarianism, Giner's "parábola" bears resemblance to Thomas Paine's account of the origin of society and government in *Common Sense*, which imagines "a small number of persons settled in some sequestered part of the earth, unconnected with the rest," a "state of natural liberty" where "society will be [the] first thought" of the people, all of whom "by natural right will have a seat" (70).

²⁵ Giner seems not to be fully aware of the tradition of rational thought experiments he participates in with his "parábola." For example, I think he unwittingly undercuts the logical strength of his argument by comparing it to the parables of Jesus Christ. Jesus's parables are moral injunctions to, for example, not judge others lest one be judged, or to turn the other cheek in case one is affronted (1996a, 23). They may be compelling in an emotional sense, but they do not pretend to be rationally impressive. Kant, Rawls, and Giner enjoin their audiences to practice certain actions, to be sure, but, by compelling the acceptance of conclusions through sound argumentation, they do so in a way that distinguishes them from Jesus in a radically logical sense.

quality possessed by free and separate individuals that autonomously prescribe moral laws that can be universalized, that is, laws that are in accordance with the categorical imperative; and (2) a quality possessed by individuals that are treated according to Kant's second categorical imperative, the so-called "Humanity Formula," which states that one should never treat others as means only but always as ends in themselves.²⁶ Individuality and separateness are important in deontology in two senses. First, the unencumbered individual is the primary source of morally right judgment. Morally right judgments rely, in other words, on the individual's ability to reason unhindered by external influence. Therefore, the coming into existence of morally right states of affairs (e.g., just societies) depends on all individuals' collective capacity for the free use of reason. The second sense in which individual separateness is important in deontology is that this tradition holds that each individual, provided he act in accordance with reason, or justice, is a source of definitions of the good. So, whereas consequentialism subordinates individual conceptions of the good to some predetermined good outcome, and whereas virtue ethics makes the good dependent on holistic considerations of life circumstances, deontology holds that individuals define the good as they see fit, limited only, as in Rawls's "original position" or Giner's "parábola," by the rational acknowledgement of moral intuitions.

So, like Kant and Rawls, Giner argues that the cumulative action of free rational individuals can generate a just society. Each individual's private pursuit of privately-defined goods, and each individual's rationally motivated just actions are supposed to lead to a polity that contains both a limitless number of conceptions of what is good and a shared (universal) conception of what is just. In Giner's words, "basta con que el ciudadano bien intencionado dé fe práctica y a ser posible cotidiana de su convicción democrática en el rincón del mundo en el que

²⁶ See note above for more on Kant's "categorical imperative."

viva. [. . .] Es la suma de todos los actos cívicos de la ciudadanía lo que a la postre garantiza el porvenir de la democracia como forma de vida” (1996a, 122). For Giner, it is crucial that modern democracies preserve individual freedom and the individual’s ability to freely define moral goods, because, as he has put it, “la gran conquista de la democracia fue la de permitir a los individuos que escogieran su propia senda, según sus inclinaciones, talento e intereses. Nuestras preferencias se expresan en ella sin la coacción de una tradición inviolable ni la servidumbre del poder arbitrario” (1996a, 158). Moral rightness is thus, at least in part, a product of citizens’ abilities to make moral judgments without external conditioning, and in isolation relative to others: “una cierta soledad es necesaria para la emisión certera del juicio moral” (2002b, 88). However, this mention of the moral importance of our enjoying a mere “measure” of solitude—“una cierta soledad”—is markedly circumspect alongside the following emphatic celebration of individual emancipation: “la humanidad ha conseguido sus mejores logros, los más nobles y originales de todos ellos, emancipándose de las servidumbres de su condición” (1996a, 151). However, despite his belief that the moral autonomy of the individual ought to be a foundational principle of democracy, Giner is ultimately skeptical about the compatibility of unrestricted individual liberty and justice. He maintains that a political system made up of individuals pursuing their own ends in relative isolation is likely to generate a society characterized by stark inequalities and little solidarity.

However, before taking up Giner’s ambivalence about individual liberty, let us take one step back to consider what bearing it has on this chapter’s main thesis. If Giner believes that individual liberty has only a limited capacity to found morally just societies, then he must believe that deontology is also so limited. That is, he must believe that the individual cannot be the sole source of definitions of the good. In fact, he argues that such irreducible pluralism as would

result from unlimited individual freedom will tend to undermine equality and solidarity. My contention, therefore, is that Giner recognizes that he must compensate somehow for the social disequilibria caused by the deontological liberal conviction that the individual's rationally motivated actions are the primary origin of justice. I contend further that Giner's compensatory method is a sort of consequentialism that involves his positing various forms of equality and solidarity as goods (that is, good consequences) to be pursued by society as a whole.

The Limits of Individual Liberty

Prior to turning to what I see as Giner's consequentialist commitments, a closer examination of his ambivalence about individual liberty will help to better understand why he turns to consequentialism as a complement to his general theory of ethics. For Giner, individual liberty is a double-edged sword. Positively, our three thought experiments (Kant's, Rawls's, and Giner's) demonstrate that individuals can discover intuitively their duties toward others. Assuming that such dutiful cooperation is possible, Giner admits that individuals should be let alone to interact freely in what he conventionally calls "sociedad civil," which he defines as "un ámbito autónomo de libertades cívicas" that, in normal circumstances, should be beyond the legal reach of any "poder político," and of all forms of "injerencia externa" (2012a, 289). However, in practice, individuals in civil society—which Giner also defines unfavorably as "un conjunto de grupos organizados para la promoción exclusiva de sus intereses"—can fail to heed their intuitions, acting instead in pursuit of private ends and holding biases not in favor of all other persons, but only toward some of their fellows, and, specifically, toward those that share their concept(s) of the good or some interest they seek to promote.²⁷ In other words, Giner

²⁷ As particularly harmful examples of such anti-social biases, Giner references The National Rifle Association (USA) and the international financial and tobacco industries (1996a, 165).

argues, free individuals are as likely to cooperate rationally and disinterestedly, as Rawls's thought experiment prescribes, as they are to pursue factional interests "al margen de si tales intereses son beneficiosos o no para el conjunto de la sociedad" (1996a, 165). The result of such biases will be a situation in which groups of free individuals with common interests or conceptions of the good are, problematically, free to impose their idea(s) on dissenting political equals, possibly without regard for deontological obligations toward all fellow citizens.

For Giner, even if governmental policies (such as those protecting collective bargaining and the rights of workers to strike) can curb the worst abuses of power in civil society, it is necessary to go beyond a palliative strategy and mount a radical, conceptual attack against the presumption that society, trusting in the rationality of the individual, should be morally "neutralista," or constituted only by the agreements made between individuals and groups of individuals. Giner's attack is twofold. He alleges, first, that it is, in an important sense, irrelevant whether those who defend "la sociedad abierta" (1998a, 4)— which, as Karl Popper described it, "sets free the critical powers of man" and makes us "the makers of our fate" (3; 5)—are sincerely committed to liberty, since, in any case, it is obvious that, whatever the theoretical value of individual liberty, the free rein given to individuals in civil society has harmful effects in practice, enabling, for example, "[un] individualismo posesivo," or a limitless accumulation of wealth without regard for the wellbeing of others.²⁸ So, a morally neutral liberalism is at least

²⁸ For Giner on Popper, Giner 1998a and Giner and Giner 1994. In the latter work, the authors criticize Popper's conflation of the "historicism" of Plato, Hegel, and Marx with twentieth-century "totalitarianism," or regimes inimical to individual liberty that, Popper alleges, put these philosophers' theories into practice (Popper 1950). Having strongly linked their thought to recent examples of fascism and communism in Europe, Popper was blind to what Plato, Hegel, and Marx might have to say in favor of personal liberty. For Giner, these thinkers "no fueron ni por asomo responsables" for the tyrannies to which, as Popper reasoned, their ideas lead (19). Elsewhere, Giner shows the faultiness of Popper's logic (and that of conservatives who might be convinced by it) by pointing out that Marx doesn't lead to Stalin, or el "Estado policia que montaron los bolcheviques," any more than "el Evangelio de san Mateo" leads to "los desmanes de la Santa Inquisición" (1993a, 66).

compatible with and arguably entails, in Giner's words, "[un] capitalismo sin trabas," which, because capitalism implies, by definition, unequal access to capital, will require the crystallization of "cierres clasistas." Unbridled individualism results in the consolidation of power within society's dominant private groups, and weaker classes have to compete with their powerful peers as merely theoretical political and moral equals. Worse still, practical inequality will endure as a necessary structural component in civil society, one of whose essential elements, namely, contractual agreements, can exist only where an unevenness of fortune obtains—as Voltaire once wittily noted, only in case inequality is a feature of a society can the provision of services in it be explained, "car, certainement, un homme à son aise ne quittera pas sa terre pour venir labourer la vôtre; et si vous avez besoin d'une paire de souliers, ce ne sera pas un maître des requêtes qui vous la fera" (476-77). If, as the political realist Voltaire concluded, equality is thus "la chose [. . .] la plus chimérique" (477) and that, given inequality, "le cuisinier," or, in general, any unprivileged member of society, "doit faire son devoir," lest society become "pervertie," then, for Giner, Popper's idealistic "pretensión de neutralidad" is, at best, unsustainable (because clearly inadequate) and, at worst, a cynical justification of privilege that self-servingly ignores Voltaire's more appropriate conclusion.

Giner's second line of attack is related to the first in noting a gulf between theory and practice. However, instead of alleging hypocritical apologies for capitalist abuses, Giner makes a critique of Rawls (explicitly) and of himself (implicitly) that is at once more sympathetic and more devastating. Less aggressively, Giner makes the familiar observation that the people that interact in the real world—unequal as they are in power and influence—are nothing like the theoretically equal people imagined in Rawls's (or, by implication, his own) abstract "elucubraciones" (2012a, 210). Although he quickly softens this criticism by recognizing that

Rawls, who argued “*poderosamente en favor de la equidad*,” was (unlike hardcore liberals like Popper) not a cynic, the second prong of Giner’s attack proves to be more damaging, because it serves to discredit not only self-serving defenses of liberal individualism—which, in any case, its self-serving proponents would not likely revise because of rational arguments but only if their interests were different—but also the proposals of Rawls and others that are made in good faith. It should be called to mind that Giner assumes a basic human desire for robust moral bearings that are founded on ideas of “*lo que es recto y bueno*” in some intrinsic, as opposed to accidental, or contractual sense (2012a, 211). Such a desire can hardly be satisfied in a liberal system that, because it is morally neutral, is essentially “*huero de convicciones éticas como no sean las de llegar a acuerdos expeditivos*.” For Giner, predictable consequences of this sort of dissatisfaction will include, in the best case, political indifference and resignation in the face of socio-economic inequalities, and in the worst, fanaticism caused by anger about the perception of marginalization and political powerlessness. Regardless of the particular responses of citizens, Giner observes an evident dysfunction, or “*disonancia moral*” in a liberal society that stands for great principles such as liberty, equality, etc., but presents a disconcerting difference “*entre tal vocabulario y la realidad*” (2012a, 212). In other words, whether it is the product of cynicism, good intentions, or something else, it seems that deontological liberalism, by failing to close the gap between theory and practice, is always somehow incomplete, and so in need of some moral complement.

Opposing those who do not address this incompleteness, Giner warns that an exceedingly uneven distribution of political power will lead to the transformation of democracy—the shared rule of all—into what Robert Dahl called “polyarchy,” a term used to describe the rule of a select

few.²⁹ Civil society's conflicts tend toward the concentration of political power into just a few, as opposed to all, hands. The latter scenario—where power rests with all—happens in democracy, where the whole of the people, or “demos” is sovereign. If, as Dahl presented the distinction, all those living in a democracy, who in a legal sense are “political equals,” correspondingly “have their preferences weighed equally in the conduct of the government,” in a polyarchy, the preferences of an influential minority are weighed disproportionately (1-2).

Although he finds Dahl's conceptual distinction between democracy and polyarchy to be useful, Giner is not close ideologically to Dahl, whose work also considers—less appealingly, for Giner—that polyarchy might create conditions that are favorable to the stability of democracy, even if the conditions are not favorable to democracy's ideological purity as the unmediated, sovereign rule of the people. In fact, Giner is closer to one of Dahl's critics, William Robinson, who implicitly dismisses stability as a political good if its price is, as he thinks it is, “social control and domination” and “political disempowerment” (20-21). Giner goes further than Robinson, showing incisively that civil society seems to entail a paradox. It is logically consistent not only with an uneven distribution of power among its members, but also, in Giner's worst cases, with “la tiranía, o por lo menos, la oligarquía” (2008b, 34). Drawing on Robert Michels's concept of the “iron law of oligarchy,” Giner reminds us that, in a social system that essentially lacks “[un] aparato institucional” (2008b, 36) that can control the naturally unpredictable results of spontaneous interpersonal relations, inimical phenomena such as tyranny

²⁹ It is clearer to contrast Dahl's concept of polyarchy with that of monarchy, rather than democracy. By polyarchy, Dahl meant a system of government, like a monarchy, in which power is concentrated, not spread throughout a population. If monarchy is the rule of one, polyarchy is the rule of a few.

and oligarchy are not accidental, but foreseeable, and perhaps, as Michels grimly reasoned, they are “necessities” (401).³⁰

Translating Robinson and Giner’s focus on social and political power to the realm of economics, Joseph Schumpeter, too, saw civil society under capitalism as inherently contradictory. Although he did not desire the end of capitalism, nor that socialism should be capitalism’s “heir apparent,” as he unenthusiastically predicted, Schumpeter agreed with Marx that capitalism is bound to fail because it undermines itself. Like Marx, Schumpeter looks beyond capitalism’s obvious material success, signaling that it “creates the conditions in which it will not be able to live” (61). Schumpeter—who admired capitalism’s “creativity,” even when it came at the expense of corresponding “destruction”—presents an argument that is at once more friendly to capitalism and more damning than Marx’s. It is more friendly in that, for Schumpeter, entrepreneurial creation, notwithstanding any related destructiveness, is at the service of general human progress, whereas Marx understood entrepreneurship, or the practice of capitalist investment, to be essentially exploitative. However, if Marx predicted that capitalists—owing to capitalism’s intrinsic problems—will be displaced (by the revolutionary proletariat) in a more or less distant future, Schumpeter, like Giner, makes the more immediately-relevant, and therefore more devastating point that some capitalists—especially small merchants—are already marginalized in current capitalism. Capitalism is already tending, as an entailment of its internal logic, to concentrate wealth in fewer hands and “[attack] the economic standing ground of the small producer and trader,” and, generally, of “the lower strata of capitalist industry” (140).

³⁰ For Giner on Michels’s “Ley de Hierro de la Oligarquía” and the formation of elites and oligarchies in modern democracies, see Giner 1996a, 66 and *passim*.

Like Schumpeter and unlike Marx, Giner points out capitalism's internal contradictions not to substantiate a teleological theory of its historically necessary demise, but to earnestly lament its inability to deliver on its promises. Continuing in Schumpeter's vein, Giner makes a case for the structural absurdity of a society based on the economic initiative of individuals; he argues that even the most individualistic conception of civil society will admit that, if nothing else, individualism and individual rights should be upheld collectively. However, as we have seen in Schumpeter, not even this minimum condition can be met if inequality reaches an extreme degree, at which some individuals will be made socially irrelevant.³¹ The tendency of power and influence—and of hegemony in a Gramscian sense—to be exercised by fewer persons, which, as Giner sensibly writes, may well include “los enemigos de la democracia,” correlates inversely to the actual capacity of all individuals to engage in impactful social action. In this sense, Giner argues that a logical, if not a necessary product of civil society—namely, a great disparity of wealth and influence—“se [erige] contra la sociedad civil” (2008b, 34). So, Giner, who wrote in his *Carta sobre la democracia*—which is a cautiously optimistic treatise on modern society—that “la racionalidad y la racionalización pueden crear irracionalidad,” presents a paradox of modernity that is intentionally analogous to Max Weber's notion that the modern era's assumedly rational bureaucratization of human life may undermine itself by fostering irrational social interactions (1996a, 43). For Giner, as for Alexis de Tocqueville, individualism can create conditions that frustrate its own viability in the future, or, at Giner's higher, and

³¹ On the decreasing social relevance of a large majority of the population, see Domènech's discussion of Martin and Schumann's *The Global Trap: Globalization and the Assault on Democracy and Prosperity*. In this work, the authors examine a 1995 meeting in San Francisco where global economic elites predicted that technological innovations would make roughly three-fourths of the population structurally marginal.

consciously Weberian level of abstraction, “las corrientes históricas [tienden] a convertirse, andando el tiempo, en su propio contrario” (1986a, 17).

On Giner’s account, if deontology confines itself to prescribing that individuals should act justly, and if it remains neutral regarding definitions of the good, agnostically allowing individuals, and like-minded groups of individuals to pursue privately conceived goods, then it will degenerate into lopsided struggles for political influence. Though it is created “para lo universal,” as Giner argues, deontology actually enables the opposite, the effective negation of common interest, and the proliferation of “la facción, el egoísmo y el interés sectorial” (1996b, 261). Thus conceived, deontology alone seems to be an insufficient moral guide for democratic societies, because these require more robust, shared ideas of the good than deontology (with its exclusively theoretical emphasis on justice) can provide. Thus Giner, a self-proclaimed Rawlsian, nonetheless criticizes the “vaguedad estéril” (1992, 28) of Rawls’s conception of primary goods, or of his account—which is ill-defined, by Giner’s lights—of what citizens essentially need *qua* citizens, which includes, for example, basic rights and liberties, the social bases of self-respect.³² By alleging vagueness in Rawls’s definition of vital goods, Giner presents him as insufficiently engaged in real-world matters. Further, one wonders if Giner is bringing a similar charge of irresponsible detachment against Kant—who wrote in his essay on *Perpetual Peace* that “justice” should prevail, “though the world perish”—when he writes that “*fiat iustitia pereat mundus* es sólo una muestra de irresponsabilidad” (1998, 139). In other words, Kant’s emphatic Latin is insufficiently attentive to idiosyncrasies that might demand a pragmatic application of justice.³³

³² See Rawls 2001, 58-59 for a complete list of his primary goods.

³³ Although Kant wrote “Let there be justice, though the world perish” in *Perpetual Peace* in 1795, others (e.g., the Holy Roman Emperor Ferdinand I (1503-1564) have also used this phrase, and therefore it is not clearly a reference

Giner sees a problem—namely, that, although Kant and Rawls’s private individual citizens should be potential sources of concepts of the good, they should not be the only such source—and his approach to solving it, stated in general terms, is to supplement Kant with Hegel, and in particular with Hegel’s unique understanding of civil society. Characteristically, Giner finds appealing Hegel’s dialectical method, and especially how Hegel works through dialectically, as Giner puts it, “las deficiencias del individualismo liberal sin caer presa del antiindividualismo,” to attain a synthetic “integración entre el individualismo y el universalismo” (2012a, 295). Evidently, there is a deep affinity between Giner—who, to be sure, remains a Kantian—and Hegelian philosophy, an epochal challenge to the Kantian project. However, I will not overstate, as Giner does not, the traditional scholarly distinction between Kant’s ethical formalism and a supposed Hegelian social organicism. Giner seems to subscribe to the school of Hegel scholarship which he calls “la interpretación liberal,” which challenges the image of Hegel as a conservative advocate for the early-nineteenth-century socio-political status quo in Prussia, and sees, rather, as Giner writes, that Hegel “reconoció explícitamente los derechos de la privacidad, el lugar central de los intereses individuales y la inviolabilidad de los derechos de las personas” (2012a, 295). Giner thinks that the tradition errs by giving interpretive priority to Hegel’s apparent holism or defense of state authority, and by thus reading him inadequately,

to Kant. The coincidence will be significant in any case, given Giner’s extensive use of a Kantian ethical framework. Turning to current political thought in Spain, Giner’s understanding of Kant’s words are importantly different than Domènech’s (1989, 266-67). Domènech presents Kant not (or at least not merely) as saying that moral duty is defined only in terms of individuals’ adherence to universal moral standards (that is, not as Giner presents Kant). Rather, Domènech, looking beyond purely theoretical matters, cites Kant’s reaction to the Terror—the deadliest period of the French Revolution, when the Jacobins (Robespierre, Marat, etc.) had thousands of people executed. Seeking to justify this violence, Kant responded by writing “*fiat iustitia pereat mundus*,” and so he (in a manner reminiscent of Machiavelli and at odds with the strictest deontology) demonstrated a degree of moral pragmatism and a willingness to separate political concerns from ethical ones. We have, then, two interpretations of Kant, Giner’s strict deontologist, and Domènech’s pragmatist, who believes that the conditions for justice are not always available and so must be made (hence “fiat”), assuming that justice is a goal.

literally only half-way through. A complete reading, as Giner suggests, shows that Hegel reserves a generous space for free interaction in civil society. He gives logical priority to the state, to be sure, but he does so not to suppress civil society or what he sees as its basic unit, the individual. Indeed, in a phrase that obviously bridges the standard Kant-Hegel divide, Hegel echoes the “Humanity Formula” of Kant’s categorical imperative, by implying that no one should take advantage of another individual, or, in Hegel’s interestingly individualistic conceptualization, that no one should use merely as a means “the concrete person, who as a particular person is his own *end*” (2008, 180, my emphasis).³⁴

Although it is true that Hegel’s civil society—which Hegel defines as “the territory [. . .] where there is free play for every idiosyncrasy, every talent, every accident of birth and fortune, and where waves of every passion gush forth”—is clearly not substantively different from that of liberalism, an important distinction does derive from Hegel’s reversal of liberalism’s causal relationship between the state and civil society (181). For liberalism, the state is only legitimate if civil society’s members—who are posited as having existence prior to the state’s formation—recognize it as such. Conversely, Hegel reasons that civil society—which is a sphere for the pursuit of particular objectives—“presupposes” some overarching structure (be it a state or something else), because “particularity” does not exist in a vacuum but is “conditioned” by “relation with other people,” which Hegel also calls, more abstractly, “universality” (181). Thus Hegel establishes not—as is held by his anti-statist critics, e.g., the aforementioned Popper—a definition for any specific kind of governmental structure, but the conceptual necessity of some such structure which, as Giner concurs with Hegel, “posibilita la vida civilizada” (2012a, 296).

³⁴ A full version of the “Humanity Formula” of Kant’s categorical imperative is: “Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means.”

Hegel's argument will succeed or fail depending on the conditions of possibility of particularity, or civil society.

Giner expresses the difference between liberal and Hegelian views most succinctly. The distinctive trait of Hegel's civil society is "su autonomía relativa," which implies that it is different from the autonomy of liberalism's civil society, which is absolute, and so does not necessarily rely on anything. So, the difference between the two concepts of civil society is most importantly understood in terms of their role in a network of relations, rather than, say, as bearing on their intrinsic component parts, which in both cases are individuals and—to repeat Hegel's words—the "free play" of interactions between them.³⁵

Kant, Giner argues, was right to insist that individuals' respect for abstract, universal "principios de la conducta moral" is essential to healthy political life, but a theory of ethics should also, as Hegel's does, turn this question around to ask how a society might be constructed so as to make possible a civil society in which morally worthy actions are more likely. In grappling with this latter question, Giner draws on Hegel and a variety of other sources, including, by his own list, "Aristóteles [y] Marx, Max Weber, Émile Durkheim y Georg Simmel," all of which—usefully, for Giner—suppose the individual, whatever her capacity for self-determination, to be somehow conditioned by, or "relative" to social circumstances (2012a, 37).³⁶ So, Giner's democracy is "un universo político dual" (1996a, 142). In it, morality is a matter of both private and public interest—private in its being committed to abstract Kantian "principles," or to providing all individuals with "un armazón de reglas neutrales que permite y

³⁵ See this dissertation's chapter on Helena Béjar, for my suggestion that Béjar similarly draws on Hegel's theory of the relationship between the state and civil society in proposing that the Spanish state should provide a framework for the formation of a coherent national project for the Spanish people.

³⁶ Giner treats all of these thinkers in various places in his work, but has devoted entire works to the social theories of Simmel and Durkheim. For Giner on Simmel, see 2013; on Durkheim, see 2012b; on both, see 2008a.

fomenta la convivencia [. . .] entre personas y grupos con intereses e intenciones diversos y hasta con concepciones distintas del mundo,” and public, because it also, as Giner prescribes, must impress “un contenido específico a la cultura, vivencia y orientaciones de conducta de quienes la habitan.” Thus Giner demands that democracy should “bajar a la moral de las nubes,” that is, that it should be decidedly anti-Kantian, lowering morality from the abstract realm of the “starry heavens above” and, with Hegel, socializing it beyond “the moral law within,” on which Kant, unlike the other theorists referenced by Giner, supposed that society had no bearing.³⁷

Consequentialism and Equality

Giner’s reference to a specific content—or “contenido específico”—of public morality is an instance of his general conviction that a democratic society should possess some sort of common ethical foundation, one that is shared and valued by all its citizens. My purpose in analyzing Giner’s conviction is to demonstrate that he subscribes to ethical consequentialism. We recall that consequentialism can be defined as that ethical theory that begins by defining the good and then considers as just or right all actions that contribute to that good’s existence. We also recall consequentialism’s radical incompatibility with deontology as outlined above; the two theories basically disagree regarding the source(s) of the good, and this disagreement means that, notwithstanding the potential for occasional agreement, to accept that they should coexist is to accept the inevitability of moral conflict. So, if, as I suggest, Giner’s republicanism is founded

³⁷ The following is a fuller version of the famous passage from Kant’s *Critique of Practical Reason*: “Two things fill the mind with ever new and increasing admiration and reverence, the more often and steadily one reflects on them: the starry heavens above me and the moral law within me,” where Kant goes on, importantly, about the ahistorical nature and timeless, infinite applicability of his theory: “[The starry heavens] begins from the place I occupy in the external world of sense and extends the connection in which I stand into an unbounded magnitude with worlds upon worlds and systems of systems, and moreover into the unbounded times of their periodic motion, their beginning and their duration. [The moral law within me] beings from my invisible self, my personality, and presents me in a world which has true infinity but which can be discovered only by the understanding, and I cognize that my connection with that world (and thereby with all those visible worlds as well) is not merely contingent, as in the first case, but universal and necessary” (1997, 133).

on deontological and consequentialist principles, then it is also founded on the presupposition that his ideal political regime will contain fundamental paradoxes and internal contradictions.

Any consequentialist ethical theory must be defined in at least two ways, (1) it must give a definition of the good so that one can evaluate the justice of actions in terms of their contribution to the attainment of this good; and (2) it must explain why it holds this good to be generally desirable, rather than being, say, an arbitrary preference. Utilitarianism, a well-known consequentialist theory, can show how consequentialism takes these two steps. We know that utilitarianism's definition of the good is happiness and the absence of pain. I now add that utilitarianism holds this good to be generally desirable because one can observe (i.e., it is empirically verifiable) that all humans desire to be happy and avoid pain. On this empirical basis, utilitarianism holds that an act is good if it leads to a society's greater general happiness or reduced general pain.

Before turning to Giner's consequentialism, I want to underscore that utilitarianism (like Giner's consequentialism) derives moral laws from empirically observed facts of the world. Notice, for example, that, for utilitarianism, happiness is good *because one can see* that all people desire to be happy. In what follows, we will see how Giner makes a similar move from empirical observation to moral judgment, and we will see that this deduction of norms from facts is significant to this chapter's thesis because this element of Giner's ethics is incompatible with the deontological framework discussed above. It is incompatible because it locates the good outside of, and not wholly dependent on the particular preferences of autonomous rational subjects. Compare this location of the good, for example, to deontology's assertion that the good is privately (not publicly) determined.

Giner takes the two necessary consequentialist steps I have outlined. First, he defines the good as society's "interés común," or as "el interés que [. . .] fuerza al individuo a no vivir sólo apegado a sus intereses más cercanos e inmediatos" (1998, 137); and second, he says that the empirical observation of life in modern democracies justifies his definition. He observes, for example, that—because modern democratic life, with its essentially high degrees of professional specialization and division of labor, is invariably characterized (as Helena Béjar, too, will argue) by interdependence between virtually all its citizens—it entails the moral duty of all to concern themselves with the general welfare. Thus, whatever their differences, Giner resembles Laclau, who, writing on the relationship between private groups to social wholes in modernity, has written that "[t]here is no way that a particular group living in a wider community can live a monadic existence" since "part of the definition of its own identity is the construction of complex and elaborate system of relations with others groups" and the existence of "norms and principles which transcend the particularism of *any* group" (1996, 48). Similarly, Giner, writing on the connection between individuals and society, remarked that, because "[n]uestra condición es la vida en común, la convivencia," we cannot "vivir en solitario," and so we are obliged to "pensar en el otro con delicadeza y respeto" (1998, 54).

Here, Giner makes a point that is informed both by empirical observation and an assumption about human nature, although he relies exclusively on neither, the observation nor the assumption. So, if faced with the fair critique that, in light of economic inequality, general social interdependence does not imply a general public duty to "delicadeza y respeto," because the poor, in this respect, are surely less duty-bound than the rich, Giner can readily admit that he does not have the same expectation of the poor—of those who, as he acknowledges, "viven al día" or "malviven"—as he does of the rich, who, living less precariously, "están libres de tales

servidumbres” (2002b, 71). Strengthening his argument, Giner states that mutual social responsibility depends also on humans’ being naturally social animals, eager to express a universal humanity, or to form ties with other humans *qua* humans, rather than, say, because doing so will allow them to advance selfish interests. Modern life and its individualism have suppressed people’s social nature, and the solution must be a search for equilibrium between humankind’s dual tendency toward both egoism and universalism. Humankind is driven by two opposing tendencies and ought to remain faithful to both. As Giner writes, “frente a la corriente centrífuga que impele a personas, instituciones, empresas, colectivos, gremios y toda suerte de asociaciones y comunidades, a buscar un espacio de realización diverso al de los demás y a veces hasta hostil a ellos, existe una corriente contraria, centrípeta, que nos induce a integrarnos en un todo común” (1998, 113). Modern citizens have given too much expression to egoistic concerns—to Giner’s “corriente centrífuga”—to the detriment of a natural interest in a universally-conceived humanity, which might be experienced thanks to Giner’s “corriente [. . .] centrípeta.” For Giner, modern society ought to achieve a balance by fomenting greater concern for general interests: “La fragmentación, cuando llega a su paroxismo, pide de nuevo unidad. El relativismo moral, cuando se reduce a sí mismo al absurdo, como está ocurriendo hoy en día, exige la mente sobria que reivindique la afirmación de lo justo y lo bueno por encima de las facciones” (2002b, 90).

I stated that it is relevant to this chapter’s thesis that Giner should derive moral norms from observable facts in the world. We have seen that Giner argues that modern citizens, given that they coexist with others in society and do not live in self-sufficient isolation, ought to contribute to society’s general betterment. We have also seen that humankind’s (certainly debatable) social nature and desire for universal human connections mean that we ought to make

possible the general expression of this nature in society. Giner acknowledges that, by moving from fact to norm, he exposes himself to the standard criticism that it is logically inadmissible to move from what is (facts) to what ought to be (norms).³⁸ He also admits that he deliberately sets logic aside not only because, as he assumes, our “naturaleza moral” leads us to make this distinction, i.e., to differentiate “lo que es de lo que debería ser,” but also, on pragmatic grounds, in order to find a solution to the social fragmentation produced by modern life’s excessive individualism (2012a, 19). A functioning society demands a common set of interests—or, as Giner put it in the Rousseau-inspired title of one of his articles, a “religión civil” (1993b)—to hold it together. Even if no logically coherent moral law can demand the existence of such a thing, it is nonetheless reasonable, as a necessary condition of society’s viability, to make such a demand: “echar mano, al final, de una religión profana [. . .] (porque produce consenso), puede ser lógicamente inadmisibile pero es socialmente harto plausible” (1993b, 12).

Describing man as “*homo religiosus*,” which he sees as the communally-oriented opposite of liberalism’s self-sufficient “*homo oeconomicus*,” Giner reminds us of the progressive credentials of this line of reasoning. Giner takes on the classic Marxian thesis that religion is the opiate of the people—or, as Giner paraphrases Marx, that religion is the “sublimación de las lesiones que genera la clase, el dominio y el modo económico de producción”—by citing a series of left-wing figures, including Gramsci, whose atheism did not blind him to the idea that “la humanidad necesitaba fe”; the younger Italian communist Vittorio Lanternari’s mid-century

³⁸ See Hume’s discussion of the “is-ought problem” in *A Treatise of Human Nature*. Bristol, England: Thoemmes Press, 2001. See also G. E. Moore’s discussion of the “naturalistic fallacy” in *Principia Ethica*. Cambridge, England: Cambridge University Press, 1993. Giner credits Durkheim with offering a satisfactory solution to the is-ought problem—or to what Giner calls “la aporía de Hume”—by conceptualizing social facts (which correspond to what is) as Kantian categories of understanding, the means through which we interact with the world. So, in Durkheim’s theory, the study of social facts is a way of arriving at universal ethical norms (or “oughts”) that satisfy Kant’s categorical imperatives (2008a, 13).

work on “los movimientos religiosos de liberación y salvación de los pueblos coloniales y oprimidos”; and fellow Spanish philosopher Rafael Díaz Salazar’s belief in “el potencial que posee la religión como origen de la fuerza moral que empuja a las gentes a una emancipación efectiva” (1993b, 67). According to Giner, logical concerns should not be given priority if popular cohesion depends on the existence of some shared set of moral values; for, as he puts it, “sin devociones cívicas y creencias trascendentales, por mundanas que sean, compartidas por la ciudadanía, no es posible la felicidad pública (1993b, 52).

However, Giner’s commitment to universalism and his thinking about how to hold society together by means of common interests must not make us forget his equally strong, if nuanced, individualism. Always deeply conflicted between individual and communal methods of constructing democratic societies, Giner favors, at once, both and neither of the two options, and so understands himself as drawing on the work of Max Weber, whose seminal contributions to sociology Giner interprets as grappling with the fact that “[l]a imposición de los valores universales sobre los particulares [. . .] es tan destructiva como el caso inverso” (2012a, 100). Despite the impasse that is implied by Weber, if we assume that societies are inviable if they remain entirely neutral in terms of their “valores,” then it follows that they must settle on an “imposición” of some sort. The choice is thus between destructive and necessary impositions.

Giner is nevertheless more deferential to the delicate social conditions that might arise from moral disagreement between individuals than he is eager to impose his own views. So he has offered a partial, twofold solution that consists, first, of individualistic (deontological) decisions that emanate outward into the public, and second, of complementary, universally-defined (consequentialist) concepts of the public good, or common interest, which legitimately can make moral demands on individuals. He readily admits, however, that this proposal, and in

particular its second part, is likely to run into problems with his own commitment to individual autonomy. For, he cautions, no universal ideal should be imposed on a people, or allowed to crystallize, lest it become the object of political manipulation: “Cuando el interés común recibe entidad clara, acecha la amenaza totalitaria y de terror político puesto que ya no hay duda de que ése es el interés que debe ser impuesto” (1992, 28). Nevertheless, if, in this last quotation, Weber’s warning about the destructiveness of communal demands takes precedence, Giner’s dialectic between individualism and universalism carries on. If, as Giner agrees with Weber, extreme—or, in Giner’s words, “totalitarian”—manifestations of universalism are as dangerous as extreme individualism, Giner also proposes turning Weber on his head. He optimistically presents possibilities where the German theorist caution against destruction. For Giner, even if it is potentially damaging to determine society’s course in view of some common interest, the absence of common ideals will leave society disoriented, or, as he argues, “[s]i la existencia humana, y en especial, la existencia en común ha de tener un sentido, necesita un cierto norte que [. . .] debemos definir y construir entre todos” (1998, 11). Giner is no doubt committed to robust personal freedoms, but he worries that if citizens absorb themselves in private affairs, two undesirable consequences will follow, (1) citizens’ lives will lack direction, as we have just seen; and (2) citizens will not take interest in the affairs of others.

Fears of destructive, or “totalitarian” universalism notwithstanding, Giner’s urges the cultivation of some common sense of identity and purpose in the interest of building strong democracies. To this end, he counsels the moderate weakening of private ties, which would make room for the impartiality necessary to feel concern for the welfare of all: “Cuanto más tenues sean los ligámenes que se tengan con los intereses fuertes que presionan sobre la constitución moral de la sociedad, mayores serán las posibilidades de imparcialidad (y no de

indiferencia ética)” (2002b, 88). The autonomous individual’s private interests are no doubt essential, but Giner, despite his Weberian misgivings, pursues his proposal to construct a common interest, an intellectual project that rests on his belief that public inequality—a veritable “cortapisas al ejercicio de la plena ciudadanía”—is a likely, if unintended, result of excessive legal deference to the private sphere (1996a, 54). As Giner argues, although the commitment of a legal system to “[m]antener y cultivar la diferencia será, posiblemente, bueno y deseable [. . .] a nadie debe escapársele que diferencia y desigualdad [. . .] se refuerzan la una a la otra” (2003, 140). Again, Giner shows his basic commitment to individual liberty, but, unlike classical liberals, he prefers not to uphold it dogmatically or despite its real-world inadequacies, but to attend pragmatically to instances in which these values seem practically insufficient.

Characteristically, however, Giner stops short of any decisive disruption of the tension between the private and the public, the particular and the universal. Opting, instead, for equanimity, he promotes citizens’ active participation in the parts of society he believes best reconcile these ever-competing tendencies, which, for him, as for Helena Béjar—the subject of the next chapter—are charitable and philanthropic organizations and social activist groups. Such associations, which belong to what Giner straightforwardly calls “lo privado público” are effective in that they straddle the private-public divide, being both private, or devoted to the pursuit of privately conceived interests, and public, devoted to doing good beyond its members’ particular allegiances.³⁹ They take the best from the private sphere (e.g., individual autonomy and private relationships) and the public sphere (e.g., concern for common interest), without being devoted entirely to one or the other. In sum, they are privately-organized groups with a

³⁹ Giner works out the concept of “lo privado público” in various places in his work. The most thorough discussion can be found in Giner 1995.

clear public dimension: “son agregados voluntarios de ciudadanos que aúnan esfuerzos con el propósito de resolver un problema social determinado o el de satisfacer alguna necesidad humana más allá de los confines de su propio colectivo (1996b, 270). In Giner’s republican ideal, such groups have an enhanced capacity to express themselves and carry out projects, and the common interest can be made manifest when these groups freely exchange ideas.

However, Giner’s concept of “interés común” is not a product of groups’ confronting and being influenced by one another’s particular preferences. If the common interest were merely an assortment of private goods, then it would be indistinguishable from deontology’s public moral agnosticism, which Giner criticizes. No doubt, Giner’s common interest can be understood as emerging from public dialogue in the sense that such interaction is a necessary condition if common interest is to take shape. In this sense, Giner is close to Mouffe and Laclau’s Gramscian idea that society should include ongoing competition for hegemony between social groups. However, the difference between Giner and these thinkers is that, while the latter propose a cyclical return to interaction as the place where competing ideas meet, Giner thinks that, if difficult, it is nonetheless possible that interaction can yield some durable moral agreement, or a collective ethical ideal—his “luminoso objeto del deseo” which I alluded to above. Once such an ideal has been discovered, a citizen’s actions can be assessed as just or unjust not, as Mouffe and Laclau claim, on the basis of their good-faith engagement in contingent interaction, but in terms of whether they contribute to that ideal’s realization.

I feel obliged to point out that Giner’s theory of the common interest as an “objeto del deseo” is so abstract that one struggles to see how a citizenry could collectively identify and agree to uphold it. When, for example, does an ideal cease to be private to become the object of both private and public appreciation?; and what can one do about the potential powerful minority

of dissenting private citizens, who might fight against ideals that enjoy broad popular support? In any case, these questions are of only secondary importance, since I am not primarily interested in the practical applicability of Giner's ideas, my primary interest being a theoretical analysis of Giner's engagement with moral philosophy. Nevertheless, perhaps Giner is right to say that, in many contemporary societies, objects of popular desire do really exist and include, for example, gender equality and environmental protection, which he describes as collective not in the sense that everyone embraces them, but in the mitigated, yet no less encouraging sense that no one can admit to being against them, lest they risk general public admonition (1992, 42).⁴⁰ In any event, the relevant point here is not the practical application of Giner's theories, but to make clear Giner's republican vision—a political system composed not of disengaged private citizens, but of citizens who promote the common good and blur the line between private and public by assuming responsibility for the problems of others, including strangers. As Giner has written, turning Voltaire's famous critique of Leibniz's *optimisme* into his own gibe at today's individualism, “[I]a tarea que todos compartimos y que consiste en mejorar el mundo en que moramos no puede ser otra, en condiciones de modernidad, que la de cultivar el huerto común” (2002b, 97). For the same Voltairean Giner, the error of individualists is to proclaim their modernity, even as they outmodedly ignore that “la mudanza de nuestros tiempos ha hecho hoy del huerto de cada cual predio de todos.”

Giner's republic is a society in which this sort of publicly-minded citizens abound, but he recognizes two obstacles, (1) the human tendency to form exclusive communities that restrict

⁴⁰ Giner makes a similar argument about universal human rights, which are also part of “nuestro panorama moral compartido” such that even those who do not respect them in practice “no osan negar que existan” (2012a, 391). He admits that cynicism is surely a factor of this apparent consensus, but adds that it is not therefore the case that the existence, if only in theory, of a public standard of decency does not foster the good behavior of some people, nor that it, if more rarely, might serve as the foundation for a critical social mass in support of durable change.

their members' concerns for public affairs; and (2) that many citizens lack the means—education, time, and money—to effectively practice civic engagement. In what follows, I will examine the second of these obstacles, and take up the first later in this chapter, when I turn to the importance of virtue ethics in Giner's thought.

Giner defends as especially republican the idea that social inequality is an impediment to civic engagement, and that, therefore, if we assume as given that a society (and in particular one that is committed to republican values) should promote civic engagement, then it should also keep social inequality from becoming too great. Indeed, prominent republican theorists from the classical (Aristotle), early modern (Machiavelli), and modern (Rousseau) periods, stressing such an inverse relationship between inequality and public participation, have insisted that inequality ought to be limited.⁴¹ Inserting himself in this tradition, and alluding specifically to the effective civic irrelevance of those citizens who lack certain means, Giner has put things this way:

La preocupación por las posibilidades reales de las gentes para florecer como seres humanos ha sido siempre propia de filosofía moral y política republicana. [. . .] quienes están discapacitados para una participación cívicamente igualitaria en la esfera común sufren injusticia. Todos somos ciudadanos pero solo lo somos de veras quienes podemos objetivamente serlo. (2012a, 199)

A republic derives its legitimacy from its citizens' having a real capacity to participate civically, and thus to influence socio-political institutions. Today, unlike any previous time, democracies uphold the idea that all adults should be citizens, and so the task of contemporary republicanism

⁴¹ See Aristotle, Machiavelli, and Rousseau for their discussions of the inverse relationship between inequality and civic engagement.

is to enable all to intervene in public life, to practice meaningful civic engagement.⁴² With this aim in mind, Giner underscores the urgency of making possible the participation of the less well off. This task falls to governments and popular participation in political affairs, which ought to promote civic equality by facilitating the redistribution of public resources:

Son las leyes, la ciudadanía y los gobiernos – todos juntos – los que han de esforzarse por crear las condiciones adecuadas para que se produzca la solidaridad y el altruismo. Las conductas generosas y altruistas no aparecen por arte de magia. Deben ser estimuladas a través, entre otras cosas, de la reconducción de recursos públicos en beneficio de los más necesitados. (1998, 45)

Giner is not so naïve as to think that there exists a direct causal relationship between improving citizens' living conditions and those citizens' subsequently engaging in public affairs. However, to criticize him for naiveté would be to miss a more important point, namely, that Giner's consequentialism is here given a slightly different and very fruitful formulation—a high level of civic engagement is something that is good *per se* and, therefore, all means that are likely to promote it are just. A just political policy would be, then, to maximize citizens' opportunities for civic engagement, or, to put it another way, to maximize citizens' capacities to make their voices heard and effect change in the public sphere. Why? Giner's rationale is two-fold, (1) given a satisfactory level of social equality, citizens that feel they have a real capacity to effect social change will be more likely to assume responsibility for society's general welfare, that is, for its

⁴² Admittedly, many adults (e.g., some convicted felons) are denied full citizenship rights, and the theoretical truth of this affirmation does not imply its practical truth; that is, many adults (e.g., some poor or unemployed adults) cannot exercise their rights in practice, though they possess them in theory. Nevertheless, it is this theoretical possession of rights that interests Giner, since, he argues, the extension of citizenship to all adults (if only in theory) constitutes a significant step forward relative to any previous political paradigm. Today, no mainstream political party advocates that some adults should be deprived of full citizenship rights (e.g., for reasons of class, race, gender, property, etc.), and this reality provides a foundation for the extension of practically exercisable rights.

common interest; and (2) citizens that assume responsibility for society's common interest will be more likely to become the kind of citizens that routinely set aside private interests for the sake of the interests of others. A virtuous circle is thus created.

I have yet to explain with sufficient clarity why Giner thinks that widespread civic engagement and citizens' shared capacity to effect social change are, in and of themselves, goods that society ought to pursue. I think Giner's relevant ideas can be rightly synthesized in this way. If citizens enjoy a satisfactory level of civil equality, that is, if they have largely similar opportunities to practice civic engagement and effect social change, then they will be able to satisfy their dual (natural human) tendencies toward particularism and universalism. Citizens' particular interests will be satisfied when, encountering their civic equals in the public sphere, they present private grievances and desires for change. Then, citizens' desires for universal human connection will be satisfied when they—wanting (as they do) to assume responsibility for a society that gives them a real capacity for effective public intervention—put private interests aside to discover what they can share with others. The result of this encounter is, then, the advancement of private interests and the discovery of common interests. Thus, citizens will have two sets of interests, one private and one public. Public and private interests are not to be thought of as entirely separate. They are partially separate, to be sure, but they also maintain a rich complementary relationship. Common, public interests complement, or enrich each citizen's private interests, since the civically empowered citizens I have described will embrace as their own the interests they share with others. Republican democracy and, specifically, the civic equality that goes with it, teaches citizens that the problems of others are everyone's problems. In Giner's words, it teaches citizens to:

ver los problemas, dificultades y aspiraciones con los que se enfrenta la comunidad como situaciones que no dependen de la fatalidad, sino de nuestra voluntad. Tienen solución. Nuestra tarea [. . .] es hallarla y ponerla luego en práctica a través de la legislación, la actividad gubernamental y otras medidas de origen político [. . .] La democracia difunde la convicción de que el mundo depende en gran medida de nosotros mismos. (1996a, 143)

Private citizens exercise universal concern for others without renouncing the integrity of their private space. We see in Giner's discussion of this complementary relationship between common and private interests another example of his attempt to resolve a paradox of modernity, the necessary coexistence of, and tension between the public and the private, the universal and the particular.

For Giner, however, this compromise between private and public interests is not a definitive solution to the problem of building a functioning republican democracy. Questions remain. He seems to wonder, for example, whether this compromise is even plausible in the first place. Let us recall that he thinks that the citizens of a republican democracy should have in common some basic set of political and moral values: "una democracia republicana sólo puede echar raíces hondas si existe una cultura política y moral compartida" (2003, 1). Is it reasonable to think that there will ever be enough citizens committed to upholding such a set of values, rather than, say, systematically giving preference to their own values or to those of their communities? Is it even sensible to expect such a commitment to public affairs in the first place? Giner suggests that republican theory should acknowledge at least the possibility that human beings are not naturally inclined toward civic engagement when he asks: "¿Hasta qué punto es

posible generalizar la inclinación por la virtud cívica y la fraternidad a toda la ciudadanía?” (1987a, 97).

Giner worries that the ideal of universal citizenship based on a shared set of values, despite its being necessary, in his view, for democratic government, will prove too abstract a concept for citizens to uphold consistently. Because of its abstractness, universal citizenship may be unable to provide citizens with the concreteness they desire, or, specifically, with tangible, face-to-face human connections. Faced with this dichotomy of abstract universality and tangible concreteness, Giner considers its moral implications. In particular, he asks what (universalism or particularism?) gives people more meaningful moral direction. Universal citizenship no doubt is politically important in that it is an essential component of an ideal democracy, but people’s connections to immediate relationships (e.g., families and social organizations) are perhaps more important, because they are the contexts in which people develop their characters and acquire the values that give their lives the most meaning. Giner highlights specifically the causal role that personal relationships have on people’s beliefs, and further, the role of beliefs in providing firm ground in an otherwise uncertain world: “nos las habemos con el mundo a merced de nuestras creencias, sea cual sea su naturaleza. En ellas se anclan nuestros anhelos. Ellas son las que disipan nuestras perplejidades, orientan nuestro comportamiento, otorgan sentido y orden a nuestros trabajos y a nuestros días” (2003, 115). I turn now to a closer examination of Giner’s ideas on these matters, discussing specifically the relationship between these ideas and virtue ethics, and how Giner’s engagement with virtue ethics bears on his theory of republican politics.

Virtue Ethics: Solidarity and Community

We have seen that virtue ethics holds that moral assessments of one’s actions must consider how the actions contribute to the enrichment of one’s important life projects, such as

nourishing a loving relationship or learning a skill, or of one's membership in communities as diverse as religions, local clubs, and nations. Virtue ethics is interested in the context(s) of a person's life and bases moral evaluations on contextually relevant criteria. Notice the difference between this formulation and those of deontology and consequentialism. If virtue ethics defers to contextual particularity, deontology and consequentialism, albeit in different ways, both aspire to trans-contextual, universal applicability. Kant's categorical imperative, for example, can, in theory, be applied anywhere as a means of determining right action; and Bentham's utilitarian Principle of Happiness can be similarly applied. Differently, virtue ethics takes stock of the circumstances of its application. What does it mean to do the right thing, given that one is, for example, a citizen of a certain political system? What is it to be a good person as a member of a particular religious faith? Is a given person performing a given practice optimally according to a given set of standards (e.g., as the practitioner of a trade)?

Virtue ethicists claim that deontologists and consequentialists fail to adequately acknowledge the role of circumstances in people's lives and, in particular, how circumstances inform decisions, goals, and values. Susan Wolf, one prominent virtue ethicist, has argued that this intersection of circumstance and morality ought to be central to ethical theory, and that deontology and consequentialism have focused excessively on defining morality abstractly, as they have downplayed circumstance's moral relevance. The result has been an impoverished conception of human life that fails to account for the possibility that ideas of right and good do not admit of general applicability, but are held by individuals in the pursuit of particular life goals. "It is misleading," as Wolf claims, "to insist that one is permitted to live a life in which the goals, relationships, activities, and interests that one pursues are not maximally morally good" (425). Here, Wolf indicts deontology and consequentialism for being committed to the idea that

one's life can have moral worth if one does one's duty (deontology) or contributes to the good (consequentialism) but does not excel in personal endeavors. For Wolf, such neglect of particular projects for the sake of finding universally applicable moral theory is inadmissible, and, to avoid such a one-size-fits-all approach, she thinks the good ought to be defined in tandem with overarching life questions, such as who am I?; who do I want to be?; who is important to me?; and what is important to me?

Similarly, Joel Kupperman has suggested that deontologists and consequentialists, by ignoring such questions, ask us to examine human behavior in a way that is precisely the opposite of what should be considered appropriate. They ask us to assess one's actions and, subsequently, to determine one's moral worth; or, to put it more abstractly, they go from concreteness (action) to generality (life). Virtue ethics—more appropriately, according to Kupperman—takes the opposite approach, studying first a person's life trajectory and asking how a given action should be understood within it. So, virtue ethics goes from generality to concreteness. Kupperman writes, “it is easy for someone who is reading some of the works of either school [i.e., deontology and consequentialism] to get the picture of an essentially faceless ethical agent who is equipped by theory to make moral choices that lack psychological connection with either the agent's past or future” (120). Kupperman's “faceless agent” is an allusion to his rival theories' commitment to seeing all humans as morally indistinguishable, or as capable of being judged morally according to the same criteria. Virtue ethics sees humans as morally diverse in that they have diverse goals, beliefs, and ideals, or, as Kupperman writes, diverse “past[s]” and “future[s]” that must be taken into consideration in moral evaluations of their behavior.

Virtue ethics—as I have defined it, as stressing particularity and local standards over universality—may seem to be the sort of relativistic ethical theory that most philosophers reject outright as being unpalatable insofar as it cannot furnish principles that support the condemnation of undeniably unethical acts, like gratuitous and cruel violence. However, to understand virtue ethics as relativistic would be too simplistic. It is true, to be sure, that, by generally giving priority to contextual over universal assessments, virtue ethics accepts a certain degree of relativism. However, to give priority to context is not necessarily to disregard universality, or, as Giner has put it, even if one accepts a “pluralidad de concepciones de lo que debe ser,” one is not compelled therefore to reject universalism or to embrace its opposite, namely, “una visión relativista, débil e imprecisa de la moral” (2012a, 196).

Indeed, however skeptical of it in practice, virtue ethics does not in principle presuppose the impossibility of universality, or more specifically, of inter-contextual judgments—such as those emitted from one nation to another—or of one’s aspiration to extra-contextual goods, e.g., a member of a given group rejecting the group’s morality and finding moral direction elsewhere. In other words, an important difference between virtue ethics and relativism is that relativism is strictly contextually limited, while virtue ethics is not. In fact, in most forms of virtue ethics, context is not used, as it is in moral relativism, to justify particular moral norms, which might include obviously immoral rules to punish certain transgressions with death. Rather, for virtue ethics, context serves a fundamentally different function, not to do with justification, but explanation. Context, instead of abstract ideas, is the best way to explain how people gain moral bearings, ground personal identities, develop senses of self, and subsequently, thanks to the moral, psychological security provided by such a nurturing medium, flourish as human beings.⁴³

⁴³ See previous note on the concept of flourishing in Aristotelian-virtue ethics.

In this sense, in virtue ethics, context is less morally significant than it is ontologically important, informing self-understanding and furnishing life with direction, purpose, and ideals toward which to aim decisions and actions.

Another leading virtue ethicist, Alasdair MacIntyre, has defended an idea similar to this one. He has argued that contexts—or, as he calls them, practices—are structures in which humans internalize certain standards of excellence, which, in turn, serve as a sort of point of departure and point of reference for subsequent action:

By a practice I am going to mean any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realised in the course of trying to achieve those standards of excellence which are appropriate to and partially definitive of that form of activity with the result that human power to achieve excellence and human conceptions of the ends and goods involved are systematically extended. (67)

Human excellence, on this view, is a product of one's having learned established standards of excellence. The development of human excellence takes place within concrete relationships and community participation.

MacIntyre's link between concreteness and excellence, or his idea that concreteness creates the conditions for the possibility of excellence, recalls Giner's conviction that real social connections will provide better moral orientation than abstract ethical rules.⁴⁴ In effect, Giner

⁴⁴ Below, I try to show similarities between Giner's views and MacIntyre's, but I want to include, too, a separate case of Giner's distancing himself from MacIntyre, to further demonstrate Giner's ambivalence, which is an important part of the thesis of this chapter. In the opening paragraph of a book chapter defending a measured moral universalism, Giner called out MacIntyre's defense of particularism by derisively mentioning the title of the latter's most famous book, *After Virtue*. Implying that he was not convinced by the book's argument, Giner wrote: "Dícese que las sociedades modernas están huérfanas de moral [. . .] se afirma que no poseen una moralidad única, o por lo menos una que sea preeminente, que planea con suficiente autoridad sobre las demás. Según tal concepción viviríamos en una «época postmoral». Una época «*tras la virtud*» en la que criterios y normas morales diversos compiten entre sí, cuando no coexisten sumidos en la mutua indiferencia" (2002b, 43, my emphasis).

agrees with both Michael Sandel—another philosopher associated with virtue ethics, who wrote influentially that humans are most adequately understood not as “unencumbered” selves that are free of attachments, but as selves that are essentially embedded in and shaped by social circumstances—and Montesquieu, whom Giner credits with calling attention to the obvious, if previously unacknowledged “fuerza de las condiciones sociales” on personal character (2002b, 46).⁴⁵ However, if, despite these commitments to a socially-informed ethics, Giner stresses that our moral development will be incomplete unless we free ourselves, or “[nos liberamos] [. . .] de las cadenas del condicionamiento social,” or figuratively unyoke ourselves from its “yugo” to achieve “[un] uso desapasionado de la razón moral,” then it is unclear how his ideas about the moral relevance of Montesquieu’s social circumstances fit in his theory of republicanism, which, after all, is supposed to depend on some inter- or trans-communitarian morality, one that is utterly “dispassionate” and not necessarily dependent on context (2002b, 68).

Nevertheless, for Giner, it remains the case that the modern, or post-Cartesian Western philosophical tradition, which depends in one way or another on what Descartes called “our own native intelligence, without any sensory [i.e., circumstantial] experience” (222) has overemphasized the role of reason in shaping moral judgment, and, conversely, underemphasized

⁴⁵ It may be more accurate to describe Sandel as a communitarian than as a virtue ethicist. Communitarianism is not a theory of ethics, but a political theory that shares many principles with virtue ethics, namely, a focus on community and the context of action. See Sandel for his critique of the “unencumbered self,” a concept that he attributes to Kant and Rawls. Sandel has criticized Kant and Kant’s follower Rawls for theorizing the self as being comprehensible independent of context and as being capable of context-independent self-reflection and self-fashioning. Recall that, for Kant and Rawls, self-reflection and self-fashioning are the products of universal human reason, as opposed, say, to being somehow conditioned by circumstance. Regarding Montesquieu, although Giner recognizes as sensible, indeed “obvia,” Montesquieu’s insight, he regrets that some social theorists (specifically, “positivistas y conductistas”) have taken the French philosopher too literally, making people mere mechanical products of circumstance when Montesquieu said that circumstance together with other factors, such as individual judgment, in fact informed moral development. Giner also warns against exaggerating the role of context to such a degree that one subscribes to “determinismos biológicos y sociales [que desvanecen] tanto la culpa como la responsabilidad” (49).

community's role in this regard. The result has been an incomplete understanding of human complexity—incomplete in the sense that, by the lights of modern philosophy, humans are not both autonomous agents, who are conditioned by rational thought, and community members, who are conditioned by communities, or by the human groups from which, as Giner affirms, “lo moral surge” (2012a, 203). Instead, humans are conceptualized primarily as creatures of the former kind, the sort of “unencumbered selves” that Sandel criticized; and relations between them are the subject of what Giner calls “[un] análisis ahistórico,” which is uninformed by specific social facts (2012a, 113).

In a further challenge to modern thought, Giner assumes that Descartes's “native intelligence” is not a product of dispassionate philosophical reflection on human nature, but a projection of how modern people want to understand themselves; that is, as somehow self-sufficient, or independent. Giner argues that this desire is misguided, for it is not at all clear that humans prefer autonomy to the influences (and benefits) of community membership. He suggests that humans “no pueden vivir sin ligámenes comunitarios,” and so predictably will yearn for the sorts of shared beliefs and values that these provide (2007a, 11). He also raises a very different question about whether proponents of the self-sufficiency of the individual are disingenuous; for, he observes, “ni los racionalistas más arbitristas y utópicos han imaginado una sociedad humana ideal compuesta solo por calculadores racionales, impávidos ante cualquier tentación comunitaria” (2003, 214). It may indeed be the case that even Descartes—who was doubtless a “racionalista,” and maybe even of the arbitrary sort that Giner attacks—would have abandoned his concept of the purely rational person upon trying to imagine a human society. In fact, perhaps Descartes's liberal heirs, rather than Descartes himself, are a more appropriate foil, if Benjamin Barber was right to say that “liberals were more Cartesian than Descartes,” by which

he meant that they thought that “[p]olitics [. . .] could not be portrayed or understood in political terms but required antiseptic categories untainted by the subject matter that was to be their object”; that is, categories untainted by the supposed biases produced by real human relationships (48).

To further illustrate his criticism of the social impact of modernity, Giner draws on Ferdinand Tönnies’s distinction between *Gemeinschaft* (community) and *Gesellschaft* (society).⁴⁶ A *Gemeinschaft* is a product of Giner’s “tentación comunitaria,” or a manifestation of what Tönnies called *Wesenwille*—our essential will to be members of social systems defined by common goods that, in Giner’s words, “nos identifica con pueblos, naciones, comunidades, tribus y etnias” (2008c, 1293). In a *Gesellschaft*, or a voluntary association of individuals, we behave as what Giner calls “calculadores racionales”; we express Tönnies’s *Kürwille*, the rational and instrumental will to, as Giner has put it, “lograr satisfacer alguna necesidad o cumplir nuestras intenciones” in cooperation (through, e.g., business agreements or political constitutions) with strangers or others outside our *Gemeinschaft* (2008c, 1293).⁴⁷

A modern society, and especially a modern state—in positing, as Hobbes did in his *Leviathan*, the individual as its basic structural component, and in making society an aggregate sum of these parts—is a *Gesellschaft* (“puramente asociativo,” as Giner writes) that has pushed

⁴⁶ See Tönnies. Giner credits Tönnies with marking classical sociology’s “fecha muy precisa de nacimiento” with the publication of his seminal *Gemeinschaft und Gesellschaft*, whose title’s concepts and relevant ideas I sketch below (2012b, 107). For Giner on Tönnies, see 2012b, 107 and *passim*.

⁴⁷ I have left out of this quotation Giner’s allusion to Hobbes’s theory of the state, according to which naturally equal individuals ought to agree to give absolute political power to a single sovereign (in the form of a king, legislative assembly, or some other indivisible body) that will rule over them, the objective of such a covenant’s being to ensure social peace and security. Giner (and Tönnies before him) sees Hobbes’s covenant as a purely instrumental decision, which satisfies a human desire to exercise civic freedom without the interference of others, while—insofar as it addresses exclusively a desire for individual expression—ignoring the value of *Gemeinschaft*, or community.

Gemeinschaft into the background, even if, as Giner insists, it has not always “displaced” or “destroyed” communal ties (2012a, 108). Regardless of the degree of displacement, such an individualistic conception of society has been detrimental to Gemeinschaft, or to communities whose members’ common feature is not necessarily their rationality or autonomy (or, in Hobbes’s case, their desire for self-preservation and fear of violent death), but common motivations tending toward morally significant ends, such as faith-based devotion or a common *Weltanschauung*. To be sure, Hobbes’s claim that an all-powerful sovereign can only be legitimate because the members of a society voluntarily agree to endow him with legitimacy, which cannot derive, say, from god or tradition may ring true to modern intuitions. However, modern intuitions are not therefore Hobbesian, since the implication that all social facts are products of rational agreement may not seem so right. Indeed, it seems wrong to Giner, for whom it is a “brute fact” that Gemeinschaft, not Gesellschaft, is the natural sphere of action of the human being, who is “esencialmente comunitario, un ser de comunión” (2003, 109). Modernity’s individualistic conception of the self, which traces its origins to “[l]a reivindicación cartesiana de la validez suprema de la razón,” has hindered the expression of this “hecho,” keeping us from seeing ourselves, at least in a basic sense, as members of particular cultures and groups (2002b, 66). Giner argues that, despite this broadly Cartesian legacy, the need for community, or “la necesidad que tiene el hombre por los lazos comunitarios [. . .] no ha sido eliminada” (2003, 295). Far from it. The need for “visiones que ordenen y den dirección a lo comunitario, las identificaciones que estructuren emocional y simbólicamente nuestras vidas [. . .] continúan en gran demanda” (1987b, 182).

Although he calls attention to the modern world’s “gran demanda” for community, Giner is not an anti-modern conservative, nostalgic for lost communitarian bonds. In fact, Giner

describes himself as being “consciente”—as Tönnies also was, incidentally—“de las estrecheces y miserias de lo comunitario, su localismo, sus prejuicios, sus servidumbres,” but he reasons that, if people’s (arguably natural) desire to form communities apparently persists despite modernity’s shift toward *Gesellschaft*, then to ignore this facet of human sociability in a modern ethical theory must be deemed unacceptable (2012a, 109). It seems all the more unacceptable in light of the dangerous possibility that a “demand” for community might be exploited by demagogues, agitators, charismatic charlatans, or, as Giner fears, any entity—including “[un] gobierno, una empresa publicitaria, un sindicato y un partido político a la busca de votos”—that might cynically offer a sense of belonging by means of “[e]l uso táctico de la pasión, la manipulación política de la fe o del patriotismo” (2012a, 108). It may be the case that Giner, though not anti-modern, is a very moderate sort of conservative, since he makes the classic conservative, Burkean, anti-Cartesian argument that humans are essentially informed by social mediums. However, to dwell on this aspect of his thought is to risk missing Giner’s astute warnings about an impassioned reemergence of *Gemeinschaft* in a *Gesellschaft* whose members lack adequate moral orientation.

What is the moral relevance of the *Gemeinschaft*-*Gesellschaft* distinction? If, as Giner argues, there continues to be high demand for the “direction” and “structure” of community, then what are the moral implications of the coexistence of these two spheres—one individualistic and the product of rational agreement and the other communal and the product of tradition and custom? I think most significant implication, both in general and for the purposes of my argument, is that Giner, to the extent that he sees community membership as having a necessary role in moral development, takes a decidedly anti-Kantian (i.e., anti-deontological, anti-individualistic) moral position. In Kant’s ethics and deontology, decisions for action originate in

the mind. In Giner's community-oriented ethics, with its apparent sympathies to virtue ethics, decisions for action are mediated by community standards, collective projects, and shared ideals. Giner's sympathies toward virtue ethics thus clash with his commitment to Kant.

To better understand this clash, it will be helpful to refer to Kant's distinction between categorical imperatives—which are universal, deontological—and hypothetical imperatives, which are contingent and accidental. Categorical imperatives are general obligations that apply independent of circumstance, while hypothetical imperatives are obligations merely as they pertain to one's (or a group's) desire to reach a given end.⁴⁸ We have seen that Giner, following Kant, is at least partially committed to the plausibility of universally applicable ethical rules. Recall, for example, his clearly Kantian thought experiment, the “parábola del pacto político,” whose aim is to bind all rational agents to the duty of upholding democratic values. However, Giner's sympathies toward community-oriented ethics also seem to commit him to the possibility of circumstantial moral commands, which will prescribe that: “if you aspire to X, then you should Y,” or, concretely, “if you aspire to be a law-abiding citizen of Spain, then you should abide by Spanish tax laws,” or “if your football team aspires to win the league championship, then your team should practice and train hard.” In these examples, imperatives (e.g., a team's practicing football) are dependent upon particular aspirations, like winning the league championship. The hypothetical imperative demands a certain action only as long as the desire to obtain the result of that action exists. As virtue ethicist Philippa Foot once put it, “the desires on which a hypothetical imperative is dependent may be those of one man, or may be taken for granted as belonging to a number of people, engaged in some common project or sharing

⁴⁸ See Kant for the original formulation of this distinction. See Foot for a response to Kant and a reformulation of Kant's categorical-hypothetical imperative dichotomy.

common aims” (308). The intention of making moral imperatives so conditional on particular circumstances is not to trivialize acts of apparently intuitive moral worth, like complying with Spanish tax laws, but to point out that it is not at all intuitive how one could ground the claim that people could have an absolute obligation to pay taxes irrespective of their particular life projects, which may, for example, not have anything to do with being a Spanish citizen. As these matters bear on our purposes here, my contention is that Giner argues that our aspirations, or “desires,” to use Foot’s term, are (and indeed should be) to some extent products of our circumstances, or the communities to which we belong, and that he thus backs away from his Kantian-deontological commitments to defend the contingency of morality.

Having established the idea that our aspirations generate hypothetical imperatives to act such that we might attain them, we ought to take a step backward and ask what generates our aspirations. Phrased as a question, what makes us aspire to do what we do? Giner’s response would be, in a word, our “creencias,” or more specifically, the beliefs that we share with others, be they fellow members of a religion, ethnicity, nationality, profession, or any collective that is important in shaping a sense of self (1997, 84). Giner defines “creencias” as “configuraciones mentales compartidas,” which include “valores, mitos, saberes prácticos y teóricos” (1997, 55). These sorts of collectively-held beliefs generate aspirations, which, in turn, constitute reasons, in the form of hypothetical imperatives, to undertake certain actions: “Toda creencia incita o exige a quien la posee a expresarse de acuerdo con ella” (1997, 54). For example, returning to Kant and Foot’s formulations of hypothetical imperatives, we might say that a labor union’s belief that it deserves higher wages and better working conditions will “incite or demand” that the union’s members adopt strategies conducive to these ends. So, working backward, the original

motivation for action can be found in beliefs, which originate not in an individual's mind, but in a group; or, to put it another way, group memberships can account, at least partially, for action.

Giner's insistence that the beliefs of communities are causally related to actions is a direct challenge to the theoretical plausibility of Kant's and deontology's rational agent, who is always able to act autonomously, free of community-generated biases. While Kant's categorical imperative, with its plain prescriptions for rational and right action, implies that external influence on one's convictions will be either irrelevant (because it is practically inconsequential), or, worse by Kant's standards, a source of essentially irrational bias, Giner complicates the idea that bias—or, as he might put it more charitably, firmly-held “creencias”—are opposed to reason. In fact, Giner dissolves Kant's opposition, allowing that even false beliefs are consistent with reason; he writes, for example, that “cuando alguien cree algo (por falso que sea) no es irracional que se conduzca de acuerdo con ello” (2012a, 171). In a further, transparent attempt to modify Kant, Giner also wrote that “nuestras intenciones, creencias e intereses no son solo fruto de nuestra subjetividad, sino que se hallan socialmente constituidas” (1997, 111). If it is true, as Giner continued, that “con mucha frecuencia obedecemos normas o aspiramos a objetivos dentro de los cuales hemos sido socializados,” then it will seem that only an excessively rigid Kantianism would fail to consider social conditioning in explaining human action.

Giner's argues that we believe collectively and that collective beliefs function as a sort of impetus, or “[recurso] para la acción” because he wants to call into question our status as unencumbered rational actors, and to suggest the absurdity of a society—like Tönnies's *Gesellschaft*—that is founded on a theory of autonomous rational agency (1997, 55). He assigns ethical theory the more complex task of evaluating actions by taking into account both a Kantian “componente racional en las creencias” and socially-informed “razones e intenciones que

impulsan la acción” (2012a, 171). Given the moral relevance of group membership, moral assessments become messier than can be captured by any universal theory, because it is at least highly probable that a society will include “comportamientos encontrados y mutuamente hostiles,” all of which must be granted, at least in principle, “sus razones para existir,” regardless of whether they satisfy the high ethical bar of Kantianism or some other general theory (2012a, 171). Social life, on Giner’s view, “no es solo una resultante de agregaciones simples de innumerables interacciones minúsculas (1997, 59). It is also an inherently conflict-ridden composition of “concepciones compartidas o creencias sobre el poder, la economía, la conducta legítima, por parte de quienes integran grupos, etnias, clases, organizaciones e instituciones heterogéneas e internamente diferenciadas” (1997, 59).

With these words in mind, we can reformulate with increased clarity the puzzle with which we opened this chapter: “La democracia es la única solución que hemos hallado al problema de conjugar tres aspiraciones opuestas, e igualmente intensas, del hombre moderno, el deseo de ser libre, el de que todos seamos iguales y el de que los demás se solidaricen con nosotros y nosotros con ellos.” How are we to think of the pieces that make up a democratic citizenry? As individuals acting freely, the combination of whose actions amounts to what Giner calls “agregaciones simples de innumerables interacciones minúsculas?” As equal citizens? If so, what is the nature of their equality? If their equality is of a legal, formal nature, then does it overlook real differences, such as those related to social extraction or community membership? Or are we to think of a democratic citizenry as being joined by a shared commitment to social solidarity?; and if so, is it reasonable to expect that citizens’ solidarity will extend beyond the boundaries of their own communities and personal relationships, or as Giner put it, beyond their “grupos, etnias, clases, organizaciones e instituciones heterogéneas e internamente

diferenciadas”? For Giner, a democratic citizenry should do all these things—it should be a collection of free and equal individuals, some of whom will have overriding community loyalties, but all of whom ought to commit to mutual solidarity. Giner admits that the lasting viability of such a solution will depend on a given democracy’s ability to maintain a delicate equilibrium between the antagonistic social forces to which its citizens are subjected: “La democracia implica a un tiempo comunidad y diferencia, pertenencia y separación, vida pública y vida privada. La democracia posee, por así decirlo, dos lógicas internas, la comunitaria y la de la independencia, que responden a esas dos corrientes, centrípeta y centrífuga” (1998, 122).

For Giner, the virtue of republicanism is that it promotes the sort of civic engagement and strong public sphere that make it possible for otherwise very different citizens to discover something in common; their common interest, for example. Republicanism is equipped to account for the paradoxes of modern life, or for our necessary presence in and cultivation of private lives (with diverse private loyalties and biases) and public lives (with its concomitant demand that one set aside partialities for the common good). Giner thinks that republicanism’s rival political theories (specifically, liberalism, communitarianism, and socialism) put forward various theoretical certainties about what human political life should consist of, whereas republicanism is appropriately less demanding. If, for example, for liberalism, the protection of the private sphere and, in particular, of the rights and freedoms of the individual must take precedence over all; if communitarianism holds that the integrity of communities and their moral worth must be privileged; and if socialism maintains that equality and solidarity are paramount, Giner’s conciliatory response is that to be a republican means to champion liberal, communitarian, and socialist values without preferring any one scheme to the others. Here again, Giner’s compromise is not evidence of weakness, but of a firm conviction that modern social

life, tragic as it is, is constitutively uncertain, conflictual, and plagued by contradiction. In Giner's sobering, and perhaps overly pessimistic words, "lo inteligente es ver las cosas por su faz sombría" (1998a, 7). We ought to be wary of any political theory that offers certainties where one should assume the permanence of ambiguity and the inevitably fragmentary and unpredictable nature of modern social life: "Nuestros dilemas no encontrarán jamás solución en fórmulas simplistas e inaplicables. La vida social es endémicamente conflictiva y la modernidad de aspiración democrática lo es también irremediamente" (1987a, 35).

In Defense of Sovereignty and the Rule of Law

On the surface, Giner's acknowledgement of the diversity of human experience is hardly controversial. Traditionalist conservatives and left-libertarian anarchists would agree with him. However, if conservatives prescribe the neat separation of different groups and anarchists demand that irreducibly unique individuals be allowed unimpeded free expression, a Solomonic Giner finds both approaches insightful yet insufficient, and tries to reconcile them. Giner's attempt leads him to affirm the sovereign rule of law, as a capacious, if authoritative and orderly framework wherein diversity can flourish; and by stating that, in republicanism, only the law—instead of, say, a despot or the people—is "soberana" (2004, 8), he puts himself in a republican tradition that includes Aristotle, Livy, and James Harrington, the last of whom, writing during the short-lived English Republic of 1649-1660, and citing his great republican predecessors, called his ideal *Commonwealth of Oceana* an "empire of laws and not of men," and understood it as a context in which social difference can be nurtured but no less regulated by "common right or interest," that is, by the equality of rights and responsibilities that the rule of law can, at least in principle, guarantee (8).⁴⁹ If Giner's defense of the rule of law has him participate in the

⁴⁹ In the same chapter on the "Preliminaries of Government," Harrington expands on the debt that the concept of the "rule of law" owes to Aristotle and Livy: "if the liberty of a man consist in the empire of his reason, the absence

republican tradition, it also sets him against various theories of the autonomist left, including Hardt and Negri's project of the *Multitude*, which they have defined as an "alternative" to sovereignty, "an internally different, multiple social subject" that, because "it can act in common and thus rule itself," is "capable of forming society autonomously" and thus "poses a clear challenge to the entire tradition of sovereignty" (2004, xi-xviii; 100). Giner disagrees. Attacking the anti-state left, and in particular what he calls the left's enervating "degradación" into "utopismo libertario y espontaneísta," which—"[habiendo] perdido toda esperanza en el estado," and preferring to dismantle or ignore existing institutions rather than reform them from within, or, with Mouffe, to "[engage] with" them—are, according to Giner's unequivocal disapproval, "algo a evitar" (1995, 21).

To understand the relevant difference between Giner and Hardt and Negri, it will be instructive to study their distinct readings of Plato and Hobbes—as important theorists of the relationship between government and the governed—and, more significantly, the importance they ascribe to these seminal figures in the history of philosophy. For Hardt and Negri, Plato begins Western political thought's general insistence that "only 'the one' can rule, whether that one be conceived as the monarch, the state, the nation, the people, or the party" (328). The Western tradition is thus reduced to various ways of asking who (e.g., the King, *aristoi*, people, or vanguard?), having emerged from Plato's Cave, and so knowing what Hardt and Negri skeptically call the "immutable ontological foundation" of truth, should have the power to rule (329)? For Hardt and Negri, this whole enterprise—"the continuing legacy of Plato"—is

whereof would betray him unto the bondage of his passions; then the liberty of a commonwealth consisteth in the empire of her laws, the absence whereof would betray her unto the lusts of tyrants; and these I conceive to be the principles upon which Aristotle and Livy [. . .] have grounded their assertion that a commonwealth is an empire of laws and not of men" (20).

misguided. It assumes the permanence of power, and thus ignores the possibility of a collective, such as the “multitude,” wherein there is “never [. . .] any obligation in principle to power” (340).

As in the case of Hardt and Negri, for Giner, too, the “multitude” breaks with the Platonic heritage, but not for the reason Hardt and Negri believe. The multitude is, by definition, greater than the individual and so, for Giner, it is importantly similar to a decidedly un-Platonic tradition that includes Rousseau and Marx. This tradition holds that (essentially supra-individual) social structures are a theorist’s raw materials that, when properly arranged, are supposed to, in Giner’s words, “[determinar] la conciencia” so that a desired kind of individual, a “[mero subproducto],” will come into existence (2004, 8). (In short, Giner alludes broadly to social determinism and historical materialism.) For Giner, Plato bequeathed the opposite causal relationship. He studied social structures “a partir de la naturaleza humana,” and understood “[el] ser humano como materia prima, y la estructura social como secundaria” (2004, 7; 12). Evidently, Plato does something that many in the modern era, particularly on the political left, are loathe to do. He makes assumptions about human nature and constructs a political theory that is appropriate, given the assumptions.

Giner need not, and in fact does not agree with Plato about the content of human nature; he does not agree, for example, with the sexist premise of Plato’s asking whether it is “fitting to prescribe a different work to [a man or woman] according to its nature” (1991, 131), nor with Plato’s extremely conservative, corporatist and classist notion that it would mean the “destruction of the city” if “one who is a craftsman or some other kind of money-maker by nature [. . .] tries to get into the class of the warrior” (1991, 112-13).⁵⁰ In other words, Giner does

⁵⁰ Although some parts of Plato’s *Republic* can be read as sexist, one should not fail to note that Plato is also plausibly read as a feminist *avant la lettre*, because of passages such as this one: “Men and women, therefore, also

not like Plato's answer, but the question that Plato allows him to ask about how human plurality and the conflict that derives therefrom—which are Giner's "materia prima"—inform a theory about what kind of political system is realizable?

This question is as Platonic as it is Hobbesian, so it is unsurprising that Giner considers Hobbes's particular formulation and response to it. According to a straightforward interpretation, Hobbes, in his books *On the Citizen* (1642) and *Leviathan* (1651), supposed that man, if unrestrained, is a "wolf" to other men, and he essentially fears and avoids physical assault, finally concluding that the best form of government is undivided sovereign rule that is strong enough to halt aggression and allay fear (1998, 3).⁵¹ Giner takes Hobbes at face value, and thus recognizes that, for Hobbes as for Plato, assumptions about human nature are doing the logical heavy-lifting to reach a conclusion about political organization. Hardt and Negri, good postmodernists that they are, do not take Hobbes at his word, but read him symptomatically.

have the same nature with respect to guarding a city" (134). Plato famously held that men and women, without distinction, could be worthy of a place in any social class.

⁵¹ Some scholars have done well to note that Hobbes's much-quoted "Man is a wolf to Man" is, in fact, the second clause of a sentence, whose first clause is: "Man is a God to man." Indeed, as it is argued, the full phrase suggests, however slightly, that Hobbes's view was not as bleak as we are otherwise likely to believe. (See Downes 105 and Lev 49 for their reflections on how Hobbes can be misinterpreted when the second clause is emphasized at the expense of the first.) However, scholars are wrong when they say that, in view of the entire sentence, one should feel compelled to revise her reading of Hobbes as an anthropological pessimist. Ironically, such calls for modification would benefit from taking an additional step backward, and quoting Hobbes's next three sentences: "[Man is a God to man, and Man is a wolf to Man.] The former is true of the relations of citizens with each other, the latter of relations between commonwealths. In justice and charity, the virtues of peace, citizens show some likeness to God. But between commonwealths, the wickedness of bad men compels the good too to have recourse, for their own protection, to the virtues of war, which are violence and fraud, i.e., to the predatory nature of beasts" (3-4). Hobbes remains fully pessimistic about the conditions of human life when passions are not restrained by absolute, undivided sovereign rule. The "relations of citizens," wherein men can be gods to one another, can exist only after humans have left their natural state—where they are wolves—and submitted to such strong government. In Hobbes's seventeenth century, and still today, the world's countries (or, to use Hobbes's word, "commonwealths") have not agreed to be governed by a single, global sovereign, and so are, according to Hobbes's scheme, analogous to individual, unrestrained wolves, living without the "justice and charity," and "the virtues of peace" that *Leviathan* promises. Finally, Hobbes's saying that, as citizens of a single commonwealth, men are gods to men not only does not temper, but confirms his dim outlook on human social relations. His ideal political system does not seem to entail any collaboration or communion between individuals, but suggests that humans will coexist best when they are separate from each other, standing in mutual awe, as men do with respect to the divine.

Hobbes's sovereign is not—for Hardt and Negri—the result of logical argumentation, but, in a Marxian sense, a product of the Englishman's own early modern middle-class ideology—or, a power that “the nascent bourgeoisie needed to call on [. . .] to guarantee its interests” (xvii).

Thus, Hardt and Negri argue that sovereignty is not, nor can it be the reasoned conclusion that it is for Plato, Hobbes, and Giner. Rather, essentially a political convenience, sovereignty does not follow from but precedes the process of reasoning; it is the intended goal before any reasoning happens. So, on this account, to properly understand Hobbes's argument is to see that it does not arrive dispassionately at an appropriate political theory on the basis of assumptions, but is self-servingly designed to justify the theory it prefers.⁵²

For Giner, Hardt and Negri's symptomatic reading of Hobbes is wrong not so much because its method is flawed, but because it makes the wrong diagnosis. By focusing on Hobbes's bourgeois ideology, they miss his metaphysical and theological importance. *Pace* medieval Scholastics, Hobbes made the epochal argument that the justification of power is not transcendent or to do with divinely ordained natural law.⁵³ Rather, since Hobbes, political theory has had to grapple not, or at least not only, with the supernatural, but with the literally mundane question of how to adapt a political scheme to, as Giner has put it, “gentes que desean cosas” (2008c, 1291).

⁵² Domènech has come down clearly on the side of Hardt and Negri; he wrote in the late-1980s, many years before *Multitude*, that “[l]a soberanía de Hobbes es una soberanía puesta al servicio del desenvolvimiento de la economía de mercado” (1989, 196).

⁵³ Giner refers to Hobbes's derision of the Spanish Scholastic philosopher Francisco Suárez, who functions as the esoteric foil to Hobbes's emphasis on this world. After quoting Suárez, Hobbes expressed his exasperation: “What is the meaning of these words. The first cause does not necessarily inflow any thing into the second, by force of the Essentiall subordination of the second causes, by Which it may help it to worke? They are the Translation of the Title of the sixth chapter of Suarez first Booke, Of the Concourse, Motion, and Help of God. When men write whole volumes of such stuffe, are they not mad, or intend to make others so?” (1996, 59).

Like in the case of Plato, even though Giner does not share what he calls Hobbes's "pesimismo antropológico" (2008c, 1292)—which is apparent in Hobbes's bleak vision that unregulated appetites will make life, in a famous phrase, "solitary, poore, nasty, brutish, and short" (1996, 89)—Giner finds Hobbes useful in opening lines of philosophical inquiry. If Giner's own account of what people want—"ser libre [. . .] que todos seamos iguales y [. . .] que los demás se solidaricen con nosotros y nosotros con ellos"—is obviously less pessimistic, it no less raises a Hobbesian question. How to go from a natural state of difference to a legal state of equality? For Giner, this question makes Hobbes's work "una aportación decisiva para la teoría de la ciudadanía," because it implies a commitment to the idea that all really existing inequalities are either examples of natural differences—like, in Giner's words, "la fuerza de cada cual"—that have yet to be duly neutralized by legal means, or—as in the cases of "la aristocracia, la nobleza"—social categories that, as Giner argues, are legally established "constructos, artificios inventados por el hombre," which, as such, should be eliminated—just as they were instituted—through legal means.

Again, Giner's difference relative to Hobbes is not fundamental in terms of method, but a matter of degree. For Giner, Hobbes, like the much-maligned Machiavelli before him, told a basic, if unpleasant "verdad." As Giner's sketch runs, although, for Hobbes, the goal of social life should be to realize a system in which "[t]odos somos iguales" by virtue of our "dignidad ontológica," it will always remain the case that inequalities in terms of "recursos, inclinaciones y pasiones [. . .] no nos inclinarán jamás a la paz y a la colaboración a menos que instituyamos leyes –reglas de convivencia– a las que obedezcamos, so pena de sanción" (2008c, 1292). Crucially, although Giner agrees with Hobbes that the absence of law means the persistence of inequality, his summary indicates—I suspect unwittingly—what separates him from Hobbes

through a small, but significant error. Hobbes is interested in securing peace, as Giner correctly writes, but Hobbes cared little about any “colaboración” beyond the social agreement to institute sovereign power. This is Giner’s addition to Hobbes’s insight.⁵⁴

Collaboration and Agonism under Sovereign Rule

Indeed, for Giner, as for Mouffe and Laclau, the concept of social collaboration within an institutional framework, whose legitimacy is widely recognized, should be a key element of modern democracies. To be clear, however, collaboration is not to be understood in this case as something harmonious. In fact, the opposite is true. It means people engaging with their fellows in politics, which all three think of as essentially competitive, conflictual, or, with Mouffe, as “agonistic.” Showing broad agreement with Giner’s reading of Hobbes, Mouffe—in proposing a *Return of the Political*, where the political is understood in this agonistic sense—wrote that the more or less dangerous, pre-legal “state of nature in its Hobbesian dimension can never be completely eradicated but only controlled” (2005, 6). So Hobbes is useful to Giner, Mouffe, and Laclau, because his sovereign power is necessary to channel antagonism toward political discourse, or as Mouffe writes, “to provide the institutions [. . .] where the opponents are not enemies but adversaries among whom exists a conflictual consensus,” that is, an agreement to collaborate (2013, xii).

If Giner, Mouffe, and Laclau broadly agree that the sovereign rule of law is necessary for healthy politics, they have significantly different accounts of what the political action that happens within the legal context should consist of. If Giner—who is more committed than Mouffe and Laclau to modern philosophical assumptions that reason is universal and human

⁵⁴ To be sure, Giner does seem to know that Hobbes does not discuss collaboration after the social contract when he writes that Hobbes’s “contrato social [. . .] es un pacto de conveniencia para vivir y dejar vivir” (2008c, 1292). Obviously, no mention of socially meaningful interaction appears in this quotation.

nature is knowable—insists on maintaining these presuppositions (albeit with qualifications that respond to deconstruction and other critiques of modern certainty), Mouffe and Laclau are steadier in assuming the indeterminacy of reason and the fragmentary nature of identity, and in particular, tenets of deconstruction and poststructuralism. To illustrate this point, I will compare Giner’s concepts of “lo privado público” and “active tolerance” of difference, and Mouffe and Laclau’s “hegemony.”

The comparison I propose is interesting because the two positions, if importantly different, are alike in a basic sense, and so offer an opportunity to contrast two ways of undertaking a fundamentally similar project. Indeed, both assume irreducible social plurality, and start with the conviction that the left should rid itself of that aspect of Marx’s legacy which holds that the aim of politics is to achieve social harmony, and that it will be possible to do so following the elimination of the “alienating” factors (e.g., wage labor) that distort human relations, and so make disharmony seem like the natural order of things. So they are also opposed to Hardt and Negri’s “multitude,” which, however plural in its internal composition, refers obviously to something singular and unique. Marxism’s universal working class is here reconceptualized as a single collection of victims of various forms of oppression. Hardt and Negri are not alone. Mouffe and Laclau point out that “[m]any have devoted themselves since the 1960s to the search for a new privileged revolutionary subject which might come to replace the working class” (2014, 152-53).

Giner, Mouffe, and Laclau want to move the point where politics is thought to take place from somewhere inside some “privileged revolutionary subject,” however it is defined, to what Mouffe and Laclau call the “articulation” between a “political subject” and the social world that the subject acts upon, or to the space between what Giner calls “lo privado,” the private sphere,

and the “público,” which he calls “lo privado público.” Giner’s “privado público” is like his “tolerancia activa.” Both call not for passive indifference toward what one finds morally objectionable, but for active attempts to eradicate it; and, *pace* relativists, such attempts are unapologetic affirmations of “convicciones firmes,” which nonetheless avoid “fanaticism” by assuming, tolerantly, that politics essentially consists of the confrontation of radically different moral views and some measure of irresolvable conflict (1998b, 132). It is crucial that, for Giner as for Mouffe and Laclau, the political is not embodied in any particular subject (be it individual or collective), but is external to—albeit dependent upon—persons; that is, the political happens when an actor engages with something outside itself, trying to assert influence, or “hegemony,” for Mouffe and Laclau, or attempting to enrich public space with an epistemologically confident private viewpoint, for Giner. Thus a political theory that is more adequate to social plurality is articulated, because it does not have to adapt to anything singular—the proletariat, say—but admits, at least in principle, an infinite number of connections between the internal and external spaces that have been proposed.

For Giner, politics happens when private citizens take it upon themselves to intervene in public to defend a cause, which—according to a list where Giner intends to suggest an almost unlimited variety—range from “la salvaguarda de la naturaleza, a la asistencia a los desvalidos locales, al socorro de víctimas de guerras o genocidios lejanos, a la protección de marginados y discriminados, a cubrir las necesidades educativas o sanitarias de una categoría específica de personas, a combatir la tortura o la pena de muerte, y así sucesivamente” (1995, 16). As a progressive, Giner is sensitive to criticism from the left that his understanding of politics as voluntary action is, at best, *petit-bourgeois* sentimentalism, and at worst, compatible with a conservative, minimal- or night-watchman state liberalism, which would make private charity

(instead of the public sector) the only legitimate means of addressing social problems. Giner, like Mouffe and Laclau, deflects this attack by reframing the debate. By alleging political ineffectiveness, the attack underestimates—with Althusser and against Gramsci—the creative and hegemonic potential of the private sphere, or civil society, which essentially, if not always successfully, negotiates social authority dialectically with public institutions. The left’s attack also assumes—wrongly and even more problematically, Giner et al. claim—that, in today’s liberal democratic societies, it is enough that one should will to intervene in the public sphere to be able to do so, and that intervention is something that really happens as much as it might. Giner argues that this assumption is wrong, indeed, that it is a paradox that, even though a moral cornerstone of liberal democratic societies is “el derecho de cualquier entidad social a existir y a entrar en la lid competitiva,” myriad obstacles to the real exercise of this right—e.g., Giner’s intellectually stifling “monopolios políticos, económicos, culturales”—prevent the existence of liberalism’s ideal “marketplace of ideas” (2002b, 61).⁵⁵ Giner’s broad variety of forms of action that I referenced above represents his attempt to make good on liberalism’s promise of a truly rich, diverse intellectual market, one that, as Giner suggestively put it, truly allows competing ideas to “flourish,” but that liberalism, which emerged historically not to enable, but to set limits on politics, defends in theory, but denies in practice (1998b, 132-33). If we accept the limitations that liberalism imposes, then the left’s critique of private philanthropy makes sense, because

⁵⁵ The history of the concept of the “marketplace of ideas” is widely thought to date to John Milton’s *Areopagitica*, where we do not find these words exactly but the author’s conviction that “Truth” will prevail not when “Falsehood” is prohibited from “[playing] upon the earth,” but in “a free and open encounter” (51-52). Similar ideas appear in writings by Thomas Jefferson and John Stuart Mill, but it is most interesting that the concept has been most explicitly and rigorously developed in U.S. Constitutional jurisprudence. For example, in his concurring opinion in the U.S. Supreme Court case *United States v. Rumely* (1953), Justice William O. Douglas wrote, “Like the publishers of newspapers, magazines, or books, this publisher bids for the minds of men in the market place of ideas.” It is generally believed by scholars studying the Court that subsequent cases, notably *Brandenburg v. Ohio* (1969), have enshrined Douglas’s concept as an overriding legal precedent.

legitimate action will be so restricted that it, like charity of a Christian sort, can address acute problems but not chronic injustice. However, Giner, Mouffe, and Laclau go beyond liberalism, seeking maximum quantity and quality of what Giner calls “participación ciudadana” (1998b, 119). Traditional barriers to civic engagement, or virtue—a key republican value, as Giner reminds us—should be largely eliminated.

At the point where a very high degree of freedom for social interaction is achieved, Giner parts company with Mouffe and Laclau. In simplest terms, the difference is between Giner’s positing truth (even if it is “[siempre inalcanzable]” and merely the object of a collective public search, or “busca”) as the goal of interaction (1998b, 119), and Mouffe and Laclau’s conceptualization of society’s ontological structure as one of “radical negativity,” whereby its base, or root—inherently undefinable—essentially denies, or negates the possibility of any sort of positive affirmation, including a clear notion of truth (2005; 2013).

However, in this case, too, a difference between Giner and Mouffe and Laclau risks occluding an important similarity. Their theories are meant to address the danger posed by current forms of exclusive sectarianism, including highly xenophobic, racist nationalism and religious fundamentalism. All three contend that liberalism—for which so much social interaction is politically irrelevant, in the sense that it is relegated to liberalism’s essentially apolitical private sphere—enables intolerance by failing to foster sufficiently fluid dialogue between groups, and by systematically privileging judiciaries (i.e., established legal codes), instead of public discourse, as means of resolving disputes. The distasteful result is that some political demands, lacking a legitimate means of expression, do not disappear, but manifest themselves violently. As Mouffe argues, when the “democratic process” does not consist of “a vibrant clash of political positions and an open conflict of interests,” “it can too easily be

replaced by a confrontation between non-negotiable moral values and essentialist identities” (2005, 6). Giner insists on Mouffe’s paradox. It is when a society encourages “conflictos y negaciones mutuas” that it experiences less “extremismos” and “asperezas,” not the other way around (2012a, 392). Although they do not cite him, both thinkers are giving voice to William James’s century-old idea that “peace [. . .] will [not] be permanent on this globe, unless the states pacifically organized preserve” some “Moral Equivalent of War,” be it James’s “competitive passion,” Mouffe’s “vibrant clash,” or Giner’s “conflictos y negaciones” (James 222).

To be sure, however, lest Giner’s faith in the benefit of social interaction (whether in the form of competition, clash, or conflict) be understood to contradict his previous defense of the rule of law, it should be clear that he does indeed uphold legal sovereignty, and therefore, the notion that law, instead of social discourse, should in some sense be society’s final legal arbiter. His defense is simply less conservative than, for example, a strong advocacy for a constitutional judiciary’s right to judicial review, which empowers judges to strike down laws that result from the democratic process. Giner’s position is not absolute in this sense, and, confident as he is in human rationality, it is more deferential to the effects of political intercourse.

There remains, however, important intellectual distance between Mouffe and Laclau, who think that conflict will reveal the essential contingency of identity—the “negativity” that lies at its root—and Giner, for whom, amid competing social interests, the occasional “reconocimiento mutuo de humanidad compartida” still is a durable truth, whose “luz” we can see only in conditions of “convivencia” (1998b, 137). Importantly for the current study, this distance can be explained, at least in part, by their relative sympathies toward republican political theory. In *The Return of the Political*, Mouffe calls out republicanism directly, as an improvement on traditional modern liberal individualism, which nonetheless is ultimately

inadequate, because it is unable to “wholly provide us with the political language needed for an articulation of the multiplicity of today’s democratic struggles,” or to respond to the “demand that we abandon the idea of a unique constitutive space of the constitution of the political” (20). As we have seen throughout this chapter, Giner is highly sympathetic to Mouffe’s call for a flexible political theory that responds to “las aspiraciones opuestas, e igualmente intensas, del hombre moderno.” However, Giner’s basic republican convictions always bring him back to the idea that politics is, at some fundamental level, literally the public’s business, or the *res publica*—which implies that the public should be understood as being in some sense a cohesive unit—and so must privilege “the idea of a unique constitutive space” that Mouffe scorns. However, for Giner, such cohesion remains an impossible ideal, “[siempre inalcanzable],” of which society catches only “vislumbres.” It is not the purposeful, overriding force we have seen in Marx’s revolutionary class, or Hardt and Negri’s multitude. In any case, if Giner’s ideas of political unity (however weak), and of a society’s common purpose (however unrealizable), function—like his “luminoso objeto del deseo”—merely as intangible, emotional influences on society, which imply his trust that good political action can result from shared convictions, then they bring him close to Helena Béjar, the subject of the next chapter.

Chapter 2: Helena Béjar's Republic of Relationships

Which now of these three, thinkest thou, was neighbour unto him that fell among the thieves?
And he said, He that shewed mercy on him. Then said Jesus unto him, Go, and do thou likewise.
(Luke 10:36-37)

And the Lord said unto Cain, Where is Abel thy brother? And he said, I know not: Am I my
brother's keeper?
(Genesis 4:9)⁵⁶

We ended the last chapter thinking about a causal connection between characteristics of societies and political actions of individuals that make them up. How does (or should) one thing affect the other? It is an abiding question for Giner as it is for Helena Béjar. That one can identify a common thread in Béjar's *oeuvre* does not mean, of course, that she has not had a rich and diverse career. She has earned advanced degrees in Spain (a PhD) and the United Kingdom (an M.Phil.); worked closely in the United States with renowned philosophers such as Agnes Heller (in the New School for Social Research) and the republican theorist Robert Bellah (at the University of California, Berkeley); and published important works in at least two distinct fields—in political theory, notably her major contribution to Spanish republicanism, *El corazón de la república* (2000b), and empirical sociology, including *La dejación de España* (2008) and *El mal samaritano* (2001a), for which she conducted field interviews as bases for theoretical analyses of, respectively, patriotic sentiment and volunteer philanthropy in Spain. Throughout, she has sought to understand how society as a whole and the individuals that live in it are, in fact, connected and—bolder in theoretical terms—how they should, ideally, be connected, or, as the title of this chapter suggests, how they are related.

⁵⁶ This chapter's epigraphs (which include an excerpt from the Gospel of Luke's record of Jesus's parable of the Good Samaritan and verses from the Biblical story of Cain and Abel) refer, respectively, to Béjar's essay *El mal samaritano*, a study of altruism and apathy in modern society, and to her critical engagement with Alan Wolfe's *Whose keeper?*, whose title plainly recalls the fratricidal Cain's evasiveness before God. Finally, both epigraphs refer to Béjar's concern for the state of human relationships in modern democracies and her critique of individualism and indifference toward the lives of others, which will be the focus of this chapter.

Béjar's book titles reveal her constant theme. They refer, if sometimes only implicitly, at once to the general and the particular in society. Her first major publication, *El ámbito íntimo* (1995a)—which examines, as its subtitle makes clear, the concepts of *privacidad, individualismo y modernidad*—regrets modernity's rupture of a supposed pre-modern relationship between the public sphere and the title's intimate, private sphere. *La dejación de España* (2008) takes, in a sense, the opposite approach, focusing not on the particular in order to comment on the general, but starting with a collective category, Spain, and asking how individuals should be incorporated in it. As important as these texts are, it may be the case that the best concise expression of Béjar's thought can be found not in one of her books, but in an article that she wrote in 2001, whose title's explicit focus on "Filantropía democrática" (2001b) evinces—by evoking a general love of humanity—Béjar's theme of social connection, as does one of the essay's most important sentences, whose image of the bonds, or links ("[l]a concatenación") that should join together diverse social spheres in an ideal republican government makes it a good representation of her whole philosophical project:

La concatenación entre gobierno, costumbres y leyes es una de las ideas madre del republicanismo [. . .] el republicanismo cree que se hacen buenos ciudadanos inculcándoles buenas costumbres a través de unas buenas leyes. Pero cuando el gobierno se entiende como un enemigo no cabe esa interrelación entre los tres vértices del triángulo virtuoso republicano (96).

Implicit in Béjar's words is a critique of the impact of modernity on republicanism. If republicanism is possible in conditions of broad consensus on matters political and moral, or when "gobierno, costumbres y leyes" are somehow linked, it becomes impracticable if society's members yield to the (typically modern) temptation to see themselves as self-sufficient

individuals who, as such, understand governmental administration of “costumbres y leyes” as an “enemy” imposition that is invariably in need of justification.

Perhaps the best (because unqualified) example of such an adversarial notion of government is found in the work of the twentieth-century American philosopher Robert Nozick, a libertarian whom Béjar has described as the “versión más radical” of an understanding of liberty as an essentially apolitical “autosuficiencia” (1996, 166). In defending a radical distinction between individuals and government, and arguing against contemporary proponents of public welfare (e.g., John Rawls), Nozick famously reasoned that, given that “[i]ndividuals have rights” and that, therefore, “there are things no person or group [e.g., a government or society] may do to them (without violating their rights),” then “[t]he fundamental question of political philosophy” is “[w]hy not have anarchy?” (1974, ix, 4).⁵⁷ Why not, in other words, eliminate government altogether, if doing so would be the best way to protect the rights of individuals? Nozick’s conclusion relies on an unstated assumption, which Béjar’s words call into question—since governments are artificial, they can be cleanly added to and subtracted from human life. His reasoning does not allow for the plausible idea—which one can glean from Béjar—that government (defined broadly as some measure of systematic socio-political administration) should be understood as being always essentially interwoven into social worlds and, therefore, as not being susceptible to being neatly removed from them. “Anarchy,” then, may not be an option in the first place, but an aberration, or a figment of Nozick’s imagination.⁵⁸

⁵⁷ See Rawls for the primary philosophical target of Nozick’s libertarian theory.

⁵⁸ Like Béjar, Salvador Giner critiques (if with more qualifications, as we saw in chapter one) the idea that state and society are mutually opposing concepts. Giner contrasts his own views with those of Austrian economist Friedrich Hayek (1899-1992), who was active in Europe and Chicago roughly a generation before Nozick published his major works at Harvard. Giner has written that Hayek held that “el estado es enemigo de la sociedad civil,” and he showed his skepticism of this view through a caricature, which attributed to Hayek an unrealistic caveat, that the enmity between state and society will cease to exist only if the state “está orientado a [dejar] en paz [a la sociedad]” (2012a, 291). Because, as we will see in detail in chapter three on Antoni Domènech, state intervention in society is

A less thoroughgoing example of this government-as-enemy idea would be the social contract tradition in political philosophy, whose most influential exponents are Thomas Hobbes (1996) and John Locke (1988). According to this tradition, government is erected and legitimized by means of a contract between rational, self-interested individuals, each of whom is supposed to be, as Béjar writes incredulously, a self-sufficient “núcleo del conocimiento, centro de la moral y pivote del orden social,” and for whom the main purpose of government is to guarantee stability, an elusive public good when all independently seek their own benefit (2000b, 13). Government is compelled to satisfy the (self-centered) individuals (recall Béjar’s images of them as nuclei, centers, and axes) that created it, lest government’s artificers come to consider it unnecessary (because it seems hostile to their private, pre-political interests). Thus, according to the social contract view, government is always either a potential or actual adversary. Nevertheless, social contract theory suggests a less hostile view of government than Nozick does, because its purpose is to move from anarchy—which is variously assumed to be undesirably dangerous (in Hobbes), or insufficiently capable of securing individual property rights (Locke)—toward government. Nozick, for his part, makes anarchy a perpetual (and, in fact, the default) option.

In addition to implicitly criticizing the theoretical likes of Hobbes, Locke, and Nozick, when Béjar refers to the distinction between the republican links and non-republican, modern divisions between “gobierno, costumbres y leyes,” she is also making a subtler and more sweeping point about modern society, one which goes beyond theories about government. On the surface, she is comparing one world, characterized by its relationships (between “gobierno,

necessary even to give structure to what are misleadingly called “free” markets, the exception that Giner ascribes to Hayek is obviously satirical.

costumbres y leyes”), to another, whose founding principle is separation (between government and those that are governed). More abstractly, her comparison is between two fundamentally different visions of society. The first is inspired largely by the sociology of Norbert Elias, and seeks to explain social life in terms of what Elias called the “invisible chains” that bind “interdependent persons,” or in terms of an Eliasian “figuration”—a form of social organization that Elias (normatively and descriptively) understood as “a structure of mutually oriented and dependent people” (2000, 482).⁵⁹ The second, more modern vision imagines individuals in society as being united only by (Nozick’s, e.g.) optional, conventional bonds and separated, as Elias lamented, by an “invisible wall” that “[cuts individuals off] from everything outside, including every other human being” (2000, 472).⁶⁰

This chapter explores Béjar’s republicanism, defining it as her commitment to the first, “interdependent” vision of society, and her insistence on the importance of human relationships to healthy political life. Along with this exploration, I argue that the emphasis that Béjar, a self-proclaimed progressive political thinker, places on relationships is so consistent and basic to her

⁵⁹ For Béjar’s dialogue with Elias, see Béjar 1991, 1994, and 2011b. For Elias on “interdependence” and “invisible chains,” see Elias 1991 and 2000. On “invisible chains,” he writes: “each of the people who pass each other as apparently unconnected strangers in the street is tied by invisible chains to other people, whether they are chains of work and property or of instincts and affects” (1991, 14). To explain his concept of “figuration,” Elias wrote that it “can be conveniently explained by reference to social dances [. . .] One should think of a mazurka, a minuet, a polonaise, a tango or a rock’n’roll. The image of the mobile figurations of interdependent people on a dance floor perhaps makes it easier to imagine states, cities, families and also capitalist, communist and feudal systems as figurations” (2000, 482).

⁶⁰ For his concept of the “invisible wall” and, in particular, for his “sociogenetic” theory of history, which argued that the mutual isolation of individuals emerged as a result of social circumstances (hence, sociogenesis), see Elias 2000, where he writes, “People who ate together in the way customary in the Middle Ages, taking meat with their fingers from the same dish, wine from the same goblet, soup from the same pot on the same plate, with all the other peculiarities . . . such people stood in a different relationship to one another than we do. And this involves not only the level of clear, rational consciousness; their emotional life also had a different structure and character. Their affects were conditioned to forms of relationship and conduct which, by today’s standards of conditioning, are embarrassing or at least unattractive. What was lacking in this *courtois* world, or at least had not developed to the same degree, was the invisible wall of affect which seems now to rise between one human body and another, repelling and separating.”

political philosophy that it leads her conceptually to approach several political categories differently than it might be prescribed by the tradition of left-wing thought, which has tended to emphasize emancipation, social justice, and economic equality over relationships *per se*.

This chapter will address four such categories. First, individual autonomy and authenticity, which, although relatively more akin to the individualism of economic liberalism than to the left, have been embraced by progressives—including left-libertarians, whose endorsement of the concept of freedom as independence (as opposed, say, to freedom in socio-political relationships) means that they resemble (however unwittingly) more conservative liberal capitalists and individualists; and various demands for cultural and identity rights, which (sometimes regardless of socio-political circumstances) have stressed the irreducible uniqueness of groups, without properly appreciating the fact of inter-group dependence. For Béjar, such apolitical trends are detrimental to the republic of relationships that the left ought to cultivate. A second political category that Béjar thinks about in a way that is unorthodox on the left is philanthropic volunteer cooperation in civil society (or the so-called third sector), where a self-consciously Tocquevillian Béjar sees promising signs of an increasingly thick social fabric, despite its having been traditionally reviled by the left as an example of the private sphere's assuming responsibilities that ought to be taken up by the state. Thirdly, Béjar assesses the relevance of Christianity for left-wing political thought. For centuries, Christianity's supposed otherworldliness and political quietism have motivated attacks from various sorts of anti-conservative advocates of immediate political action, from the implicit Roman critics who prompted Augustine of Hippo's *City of God* to Edward Gibbon's quip about the post-Constantine Roman Empire's "pusillanimous reign of the monks," and Karl Marx's warning against the political inefficacy of religion (or, "the opium of the people"), which he described as

humankind's intoxicating evasion from "a heartless world," from which we must not flee, but "change," in Marx's famous phrase and epitaph.⁶¹ Béjar does not utterly deny the merit of these criticisms, but she argues that the selflessness, compassion, and essential human interconnectedness preached by Christianity—in short, the Christian conviction that, in Béjar's words, "[l]a sociedad y los individuos son todos orgánicos formados por miembros que no pueden separarse sin afectar al conjunto"—are useful concepts for her ideal left, despite their vulnerability (e.g.) to Hume's case against self-denying, "monkish virtues" (Béjar 2001a, 176; Hume 146). The fourth and final category is patriotism and nationalism. Centering her treatment of these concepts on her native Spain, Béjar offers strong critiques of Spanish nationalism, particularly of the chauvinistic national essentialism typical of the Spanish right and, more specifically, of Francisco Franco's dictatorship (1939-75) and its apologists. However, with equal strength, and on the same, anti-essentialist grounds, Béjar also criticizes Spain's sub-state separatist and nationalist movements, particularly those of Catalonia and the Basque Country. Her proposal for a newly defined non-nationalist, Spanish patriotism—one which rejects notions of pure national identities, advances progressive values, and acknowledges the human need for group belonging (in this case, to a state)—is an intriguing contribution to the left, which has long

⁶¹ One often neglects to recall the full title of St. Augustine's greatest political book: *The City of God against the Pagans*, which makes explicit that it is a work of Christian apologetics, directed at the pagans who blamed the Christians for the decline of the Roman Empire and the sack of Rome in 410 CE. For example, in a letter addressed to Augustine by *The City of God's* dedicatee, Flavius Marcellinus, Marcellinus alleged that Rufius Antonius Agrypinus Volusianus, a Roman aristocrat and contemporary of St. Augustine, held that "Christ's teaching and preaching must be incompatible with the ethics of citizenship. For he told us – it is agreed - *to return to no one evil for evil* [Rom 12.17; 1 Thess 5.15], *to offer the other cheek to an assailant*, *to give our cloak to someone demanding a tunic*, and *to go twice the required distance* with someone who wants to requisition us [Mt 5.39–41]. [Volusianus] alleges that all these commands are contrary to the ethics of citizenship. Who would allow an enemy to steal something from him? Who would be unwilling to inflict evil, in the form of a just war, as recompense for the ravaging of a Roman province? [...] Volusianus thinks that [...] it is obvious that under the Christian emperors the empire is in a very bad way" (Augustine 29, original emphasis). See Gibbon (37). For "the opium of the people," see Marx 1970; see Marx 1963 for "The philosophers have only interpreted the world, in various ways; the point is to change it."

been characterized by its Marxist, socialist *inter*-nationalism, and wariness of patriotism, at least in its right-wing, authoritarian form.⁶²

Béjar does not deny the importance of emancipation, equality, or any other concept traditionally central to left-wing thought. Rather, drawing upon Elias's work, she criticizes traditional sociological approaches, which typically reify either society (e.g., Marxist and Durkheimian theories) or the individual (e.g., Weberian frameworks). Elias believed that his sociology provided a new methodology, which called upon sociologists to “give up thinking in terms of single, isolated substances [be they reified individuals, groups of individuals, or societies] and to start thinking in terms of relationships” (1991, 19). Elias's emphasis on interdependence is useful to Béjar because, by assuming constant interaction between individuals and society, it makes it impossible to study social life in terms of individuals or societies as mutually independent objects of analysis. For Béjar, to study society in this latter way would be to divert attention from relationships not only between her republican “gobierno, costumbres y leyes,” but also between individuals and their own minds and self-perception (hence, her critique of individual autonomy and authenticity), their sense of social responsibility (hence, her favorable view of philanthropic volunteer cooperation in civil society), communities of faith and spirituality (hence, her interest in Christianity), and collective identities (hence, patriotism).

Béjar, in Dialogue with the History of Ideas

For Béjar, republicanism questions the stability of Nozick's, and modernity's individual-government dichotomy, without which it is senseless to think of government as being an

⁶² In her critique of nationalism, Béjar joins Antoni Domènech, for whom “[e]l “nacionalismo” is an essentially reactionary political position, and wholly un-republican: “nada tiene que ver con el republicanismo” (2015b, 81). A tension seems to exist, however, between Béjar, who defends patriotism, and Domènech, who, although a republican like Béjar, understands republicanism differently as essentially “cosmopolita.”

“enemy,” opposed to individuals. Following Elias’s work on *The Civilizing Process* and the “sociogenesis” of the idea of the individual, Béjar has been concerned throughout her intellectual career with how modern Western civilization and state governments (including Spain’s) have made possible the concept of an individual who sees himself as an independent, self-enclosed entity, or, to borrow Elias’s concept, as “*Homo clausus*.” As Elias’s thesis has it, by the nineteenth century, people in the West spoke of civilization in a way that showed they had forgotten the early modern “process” of civilization—a history that had included the subordination of medieval warrior nobilities to ever-more powerful state monarchies, and effected the shift of power from feudal estates to commercial cities and the rise of merchant, middle classes. At court, aristocratic codes of behavior prescribed more self-restraint than had previously been customary among medieval nobles and peasants. A result was greater stress on individual responsibility for behavior and careful management of social interactions and emotions, which provided sufficient conditions for what Elias called “the conception of the individual as *homo clausus*, a little world in himself who ultimately exists quite independently of the great world outside. [. . .] Every other human being is likewise seen as a *homo clausus*; his core, his being, his true self appears likewise as something divided within him by an invisible wall from everything outside, including every other human being” (2000, 472). If the civilizing process has indeed had the effect of “closing” individuals off from social context, then maybe Nozick had it backwards, after all; maybe naturally rights-bearing individuals are not the only potential sources of a government’s legitimacy, but that European modernity has enabled individuals to imagine themselves as bearing natural rights.

When Béjar, acknowledging her intellectual debt to Elias, wrote that “[e]l proceso de civilización corre paralelo, junto al de la estatalización, al avance de la individualización,” she

synthesized the major questions that have motivated her academic work; (1) what are the origins, implications, and consequences of the individualization of modern societies, that is, of the conception of society as a collection of discrete individuals, in Spain and other modern liberal democracies?; (2) how has the process of civilization impacted modern political thought and, specifically, ideas about individual and collective responsibility toward other individuals and society in general?; and (3) what role should states play in modern politics? (2011b, 343). An admirer of Alexis de Tocqueville, Béjar expressed in this phrase another concern, that modern democratic states—with their powerful, centralized bureaucracies and the impersonal, representative systems that political centralization makes possible, and perhaps demands—foster what Tocqueville called *individualisme*, “un sentiment [. . .] qui dispose chaque citoyen à s’isoler de la masse de ses semblables et à se retirer à l’écart avec sa famille et ses amis ; de telle sorte que, après s’être ainsi créé une petite société à son usage, il abandonne volontiers la grande société à elle-même” (97).⁶³ For Tocqueville and Béjar, modern democratic states, by making all citizens equally responsible to a single bureaucratic system, by restricting citizens’ political role to the election of government officials, and by failing to effectively support the public acknowledgement of individual distinctions (as Tocqueville’s *ancien régime* had done), encourage (self-interested and self-loving) individuals to lose interest in the public sphere and prioritize private pursuits. Béjar reasons that if, in public life, “todos somos iguales” (at least in the legal sense that citizens have the same rights and duties), then it is rational that people, instead of feeling like replaceable parts of an impersonal public system, should prefer to

⁶³ When discussing individualism, Tocqueville is keen on making clear that he does not ignore what some might see as a universal (i.e., not historically conditioned) human tendency toward selfishness. In fact, he distinguished between *égoïsme*, “un vice aussi ancien que le monde [qui] n’appartient guère plus à une forme de société qu’à une autre” and *individualisme*, which was “une expression récente” and “d’origine démocratique” (97). Béjar is most interested in Tocqueville as a critic of the anti-social behavior that has arisen because of the conditions of modern democratic life.

“desplegar [sus] características más particulares en el dominio íntimo” (1995a, 64). However, if rational, individualism is socially pernicious. Tocqueville’s critique of modern democratic devotion to privacy and neglect of public affairs was sharp: “je vois une foule innombrable d’hommes semblables et égaux qui tournent sans repos sur eux-mêmes pour se procurer de petits et vulgaires plaisirs, dont ils emplissent leur âme. Chacune d’eux, retiré à l’écart, est comme étranger à la destinée de tous les autres [. . .] il ne les voit pas ; il les touche et ne les sent point ; il n’existe qu’en lui-même et pour lui seul” (265).

Béjar’s interest in Tocqueville is due not only to his attention to individualism, but also to his praise of the example of America’s political culture, which encouraged a countervailing civic engagement in the form of town hall meetings, local political advocacy, and membership in social organizations (e.g., churches). Tocqueville’s highly nuanced description of American society (including his ambivalent assessments of pre-modern, *ancien régime* social hierarchies and modern, egalitarian democracy) has led later generations to label him variously as a conservative (nostalgic for a pre-revolutionary class structure), a liberal (opponent of the state’s intervention in social issues), and a republican.⁶⁴ Béjar calls him a republican, arguing that, just as she believes that “gobierno, costumbres y leyes” ought to exercise a mutual influence on one another, Tocqueville, “[c]omo buen republicano, cree que depende de las leyes y de la acción de los gobiernos dirigir adecuadamente ese ‘instinto vago de la patria que nunca abandona el corazón del hombre’” (Béjar 2000a, 224). Contra liberalism, we see here that Béjar’s republicanism embraces the Tocquevillian idea that the individual’s potential for beneficial political action is only latent (or an “instinto vago”) in the absence of legal, governmental action. Individuals alone are not the basic pieces of political systems, as liberals typically claim. Their

⁶⁴ See Engster and Lakoff for illustrations of these various interpretations.

“customs” are, in Béjar’s words, but one of the “vértices del triángulo formado por los gobiernos, las costumbres y las leyes, de cuya interacción creativa y socialmente liberadora se hace eco el republicanismo” (2006, 49).

For Béjar, Tocqueville’s usefulness for republican theory is twofold. He draws attention to the interdependence between state and individual, and he warns against “la cara oculta del individualismo,” which is “nada menos que el despotismo” (1987a, 70). Béjar’s fear of the possibility of despotism (i.e., the self-serving exercise of unchecked power) flows from her assumption that the human condition is one of “dependencia” and “fragilidad,” which means that humans have a “profunda necesidad [. . .] del prójimo” (2001a, 106; 1995a, 241). In isolation, humans are, by definition, limited in their power (because they are “fragile”), and they lack the human relationships they “deeply need.” So, given a social context where individualization obtains, power can only be exercised by a source other than the isolated individual (e.g., states, private [moneyed] interests, or social collectivities). Béjar’s assumption that humans are dependent and fragile does not only put her at odds with liberalism (which always postulates some degree of natural pre-political isolation, in which independence—which presupposes the ability (or strength) to exist unassisted—is possible); it is also a cornerstone of her republican political philosophy.⁶⁵

⁶⁵ Béjar’s critical engagement with liberal and republican political thought appears in nearly all her published works. Her most important work on the liberal tradition is *El ámbito íntimo: privacidad, individualismo y modernidad* (1995a), where she traces the history of the rise of the modern state and society and individuals’ parallel loss of interest in public affairs. She sees liberalism and individualism as the moral paradigms of late-twentieth and early-twenty-first-century Western societies, referring to the “imperio del liberalismo” as “triumfante” (2001a, 21; 2000b, 12). The best single source for her treatment of republicanism is *El corazón de la república: avatares de la virtud pública* (2000b), in which she explores the history of republicanism—or liberalism’s current “tradicón alternativa”—and the viability in modern liberal democracies of realizing typical republican values, such as the practice of public virtue and devotion to the public welfare (2000b, 12). By identifying republicanism as an “alternative” to a “triumphant” liberalism, Béjar (along with Giner) distinguishes herself from Andrés de Francisco and Antoni Domènech. These latter thinkers would agree with Béjar that we live in an “imperio del liberalismo,” but their alternative to it is a mixture of republicanism and socialism—a tradition that Béjar and Giner pay little attention to.

At least since the late-seventeenth century, liberals have typically maintained, with Locke, that humans are naturally in “a *State of perfect Freedom* to order their Actions, and dispose of their Possessions, and Persons as they think fit [. . .] without asking leave, or depending upon the Will of any other Man” (269, original emphasis).⁶⁶ One implication of Locke’s text for a [very un-Bejarian] metaphysical theory of the self is, as Charles Taylor put it in an essay entitled “Atomism,” that “men are self-sufficient outside of society,” or, to quote Béjar, that men do not “depend” on society or the will of others to act or dispose of their persons (Taylor 1985, 200). To avoid a conflation of Locke with later liberalism, it should be noted that Locke was subtler than liberal followers (such as Nozick) who thought government’s primary task is to preserve already-existing liberty. If Nozick identified only (or at least gave overwhelming priority to) pre-political liberty, Locke distinguished between “[t]he *Natural Liberty* of Man,” where the only rule is “the Law of Nature,” and an essentially (post-)political (i.e., non-liberal) “*Liberty of Man, in Society*,” or “*under Government*,” where freedom is not, as

⁶⁶ The roots of liberalism are usually traced to the rise of commercial states in Western Europe in the seventeenth and eighteenth centuries, although the terms “liberal” and “liberalism” were coined in their political senses in the nineteenth century in Spain and France, respectively. In Spain, the “*liberales*” were advocates of Spain’s 1812 Constitution; and “*liberalisme*” appears for the first time in 1818 in France in the *Journal* of Maine de Biran. For some scholars (e.g., Leo Strauss and Salvador Giner), Thomas Hobbes (1588-1679)—who published his major political work, *Leviathan*, in 1651, nearly four decades before Locke’s most important contribution to political theory, *The Second Treatise of Government* (1690)—should be considered a seminal figure in the liberal tradition. For example, see Strauss’s *Natural Right and History*, where he writes, “[i]f we may call liberalism that political doctrine which regards as the fundamental political fact the rights, as distinguished from the duties, of man and which identifies the function of the state with the protection or the safeguarding of those rights, we must say that the founder of liberalism was Hobbes” (2000b, 181-82). See also Giner’s “Hobbes: fundador de la concepción moderna de ciudadanía,” where, *pace* Strauss, Hobbes is a pioneering liberal thinker not because he defends natural human rights, but because he argues that political legitimacy is derived from the consent of the governed, who, recognizing that they are vulnerable to attack by their fellows, endow the state with absolute power to protect them from one another: “[para Hobbes,] es la voluntad y el deseo de los hombres [. . .] lo que genera el orden en el que vivimos” (2008, 1293). Against Strauss and Giner, others, including Béjar, argue that Hobbes’s illiberal conclusion that the state, once constituted, ought to wield unchecked power (barring its failure to provide the protection for which it was created) places him outside the liberal tradition: “En efecto, el Estado [de Hobbes] se crea a partir de las voluntades particulares pero [. . .] el ejercicio público de la razón individual [i.e., the cornerstone of liberal political theory] no puede tolerarse porque, al ser fuente de una pluralidad de significados, acaba por minar el cuerpo político” (1995a, 32).

Locke quoted Robert Filmer's more individualistic, a-social definition, "*not to be tyed by any Laws,*" but, in a formulation closer to Béjar, something "common to everyone of that Society," and artificially "made by the Legislative Power erected in it" (283-84, original emphasis).⁶⁷

Locke's relative subtlety notwithstanding, however, Béjar's republicanism rests on a fundamentally different ontology of selfhood than Locke's (proto)liberalism does.

Acknowledging her intellectual affinity, although not her complete agreement, with Taylor and the Aristotelian and communitarian moral philosophical themes of his work, Béjar rejects an essential premise of Locke's political philosophy, that one can speak sensibly of "a state of perfect freedom" as something that is natural to humans. Taylor (1989) is critical of Western philosophy's ahistorical conception of the self, inherently capable of a rational apprehension of universal truth. In his work, he makes abundant references to Aristotle's moral philosophy, as do communitarians and so-called neo-Aristotelian republicans, who are inclined toward communitarianism (e.g., Hannah Arendt and, to varying degrees, several contemporary Spanish republicans; including Béjar, Giner, and Domènech).⁶⁸ For communitarianism and

⁶⁷ A more complete version of Locke's disapproving reference to Filmer's *Observations upon Aristotle's Politicks* is as follows: "The *Liberty of Man, in Society*, is to be under no other Legislative Power, but that established, by consent, in the Common-wealth, nor under the Dominion of any Will, or Restraint of any Law, but what the Legislative shall enact, according to the Trust put in it. *Freedom* then is not what Sir [Robert Filmer] tells us, [*Observations upon Aristotle's Politicks*], *A Liberty for every one to do what he lists, to live as he pleases, and not to be tyed by any Laws.*" For Filmer's original text, see Filmer 1696, where one can read: "A great deal of talk there is in the World of the Freedom and Liberty that they say is to be found in Popular Commonweals; it is worth the enquiry how far, and in what sense this Speech of Liberty is true. *True Liberty is for every man to do what he lists.* But such Liberty is not to be found in any Commonweal; for there are more Laws in popular Estates than any where else; and so consequently less Liberty" (143, original emphasis). Incidentally, I think it is not a coincidence that current liberal antipathy toward government very much resembles these words from one of seventeenth-century England's greatest proponents of monarchical political rule, or, as in the title of Filmer's major political treatise, *Patriarcha, or, the Natural Power of Kings*; see Filmer 1991.

⁶⁸ Domènech's is perhaps the most ambivalent voice in this group, in terms of his ideas about the relationship between republicanism, communitarianism, and Aristotle. He makes clear his appreciation of Aristotle's moral and political philosophy (which, in his view, is thoroughly republican, if of a conservative sort). In particular, Domènech likes that Aristotle makes civic virtue depend on material wealth, or the ownership of property. However, although Aristotle's status as a fountainhead in the history of republican thought is a major theme of his work, Domènech ignores communitarianism as scarcely interesting; he writes: "no me parece una gran tradición histórico-política [. . .] sino más bien una moda académica anglosajona [including Taylor, et al]" (2002, 28). Also, of the three Spanish

republicanism, Aristotle's philosophy is useful because, unlike Plato's unchanging Forms, it is attentive to the variety and contingency of human experience (e.g., diversity among communities), or, as Béjar has put it, to the fact that "[e]l hombre," being "esencialmente social," exercises liberty not in isolation but "en un contexto de vínculos definidos por responsabilidades colectivas" (1996, 166). Taylor, despite his debt to Aristotle, has never embraced the communitarian label, which has been attributed to him by scholars, including Béjar, who gives Taylor's *Sources of the Self* (1989)—"un ensayo [. . .] que trata de reparar el olvido de la génesis de nuestra identidad moral" (167)—a seminal place in communitarianism's late-twentieth-century development. Nevertheless, if we define communitarianism broadly, as a theory according to which humans can only be adequately understood in terms of community membership, then communitarian is an appropriate description of Taylor, given his notion of the self as embedded in and shaped by human networks of significance, or his assertion that:

I can define my identity only against the background of things that matter. But to bracket out history, nature, society, the demands of solidarity, everything but what I find in myself, would be to eliminate all candidates for what matters. Only if I exist in a world in which history, [. . .] or the needs of my fellow human beings, or the duties of citizenship,

philosophers listed here, Domènech is the least self-consciously Arendtian, attributing to Arendt the same simplistic reading of Aristotle (and ancient political philosophy in general) as the one popularized by Benjamin Constant, an early-nineteenth-century French thinker, whose "De la liberté des Anciens comparée à celle des Modernes" distinguished influentially (and erroneously, according to Domènech) between an ancient sort of liberty, realized exclusively in the public sphere, and modern, private liberty. For Domènech, liberty is both public and private (as it is arguably for Arendt, too, incidentally), and the ancients were, in fact, concerned with individual freedom. Therefore, he opposes the particular preference for privacy that one finds in Constant and the bias toward public action of Arendt, whom he counts among modernity's "nostálgicos de una supuesta *vita activa* [i.e., active, or public life] de las repúblicas antiguas" (2003, 305). In sum, both latter thinkers held overly schematic opinions of ancient and modern societies, which they divided, in Domènech's words, between "la imagen de un mundo antiguo, cuyos ciudadanos están energuménicamente entregados a la participación política y de un mundo moderno compuesto cada vez más por individuos frenéticamente ocupados en sus negocios particulares" (2003, 305).

or the call of God, or something else of this order *matters* crucially, can I define an identity for myself that is not trivial” (1991, 40-41, original emphasis).

In Spanish academic debates, Béjar has disputed Giner’s assessment of the relationships between communitarianism, republicanism, and liberalism. Giner makes a sharp distinction between the three, writing that “[e]l liberalismo fragmenta. El comunitarismo aísla. El republicanismo, en cambio, relaciona” (2000a, 171). Although she would agree with Giner that liberalism “fragments” society (in descriptive and prescriptive senses) into isolated individuals, Béjar claims to identify with communitarianism, and therefore with Taylor, more than Giner does. She has written that Giner, by saying that communitarianism “isolates” some people from others, is understanding it “de una manera [. . .] reduccionista como “tribalismo” y nacionalismo” (2007a, 264). Béjar’s understanding of communitarianism brings it closer to republicanism. In fact, Béjar suggests that communitarianism furnished “el marco teórico a partir del cual [. . .] se gestó el republicanismo,” and that communitarianism and republicanism share “supuestos comunes que replican la moral y la política del liberalismo” (2007a, 265). These anti-liberal “supuestos comunes” include their thinking of humans as essentially interdependent and their connection of Béjar’s “gobierno” and “costumbres,” or their “consideración de las instituciones como núcleos de la educación moral” (2000b, 205). I think that the differences between Béjar and Giner are not as significant as Giner’s tripartite distinction might make it seem. In fact, in this dissertation’s chapter on Giner, I present him as arguing that community membership is a necessary part of an inevitably conflict-ridden modern political life, which, in a way that accords with its presumption of socio-political disagreement, will “fragment,” “isolate,” and “bring [people] together” all at once. In Giner’s own words, “los seres humanos no pueden vivir sin ligámenes comunitarios,” and it is “un hecho bruto” that “el ser humano en general es

esencialmente comunitario, un ser de comunión” (2007a, 11; 2003, 109). Demonstrating a similar commitment to the political relevance of community membership, Béjar holds that “[e]l hombre *realiza* su naturaleza moral *a través de* la participación [política]” (2003, 1, my emphasis). Because it is “realized [. . .] through participation,” man’s nature is logically and practically inseparable from interaction with others. Therefore, it does not obtain independent of society, but only in human communities.⁶⁹

Although Béjar’s claim that “[e]l hombre realiza su naturaleza moral a través de la participación [política]” does not logically imply that participation is a necessary condition for humans’ realization of their moral nature, but only that it is a sufficient condition for it, I assume that she intends as well to suggest that participation is necessary, given her sustained attacks against liberalism’s presupposition that the pre-social self is a meaningful political concept. So, I read this phrase as “[e]l hombre [*solo*] realiza su naturaleza moral a través de la participación.” However, even if this reading is unjustified, Béjar’s previous Tocquevillian assertion that latent moral potential is informed by political participation is still a challenge to Locke’s robust pre-social self, because it renders philosophically uninteresting Locke’s primary motivation—to justify political power. For Locke, political power can be justified only if it respects the “perfect freedom” of the pre-social being. Béjar’s primary concern is not to determine the limits of legitimate government, but to actualize human possibilities through collective action.

Homo Clausus: Individual Autonomy and Authenticity in Modernity

⁶⁹ Béjar’s conclusion shows how she distinguishes her position from that of Taylor, whom she criticizes for trying to make compatible the communitarian commitment to group-dependent identity and the liberal goal of socially independent self-realization. She writes: “A mi entender o se está por los horizontes y las prácticas comunitarias [. . .] o se defiende la autenticidad y la privacidad como aliados de la elección individual [. . .] Es decir, o se apuesta por el bien común, la vía comunitaria, o por la privacidad, la vía liberal. Pero intentar maridar horizontes y autenticidad, como Taylor, es hacer encaje de bolillos intelectual” (2000b, 186).

Attempting to shed light on and, ultimately, to bridge modernity's gaps between individual, society, and government, Béjar has devoted much attention to how the modern idea of the individual's natural independence has impacted (1) modern psychology (in a twofold sense of the academic discipline, and of prevalent ideas about the nature of human minds), and (2) the individual's sense of her place in the world and responsibility to social networks. When I refer to "prevalent ideas about the nature of human minds," I think, for example, of Gilbert Ryle's influential *The Concept of Mind*, where Ryle derided what he called the popular "myth," or, to echo the "deliberate abusiveness" of the author's own ironic epithet, "[t]he *official doctrine*, which hailed chiefly from Descartes [. . .] [that] every human being has both a body and a mind" (11). For Ryle, according to this widely held view, "[h]uman bodies are in space [. . .] [b]ut minds are not in space [. . .] The workings of one mind are not witnessable by other observers; [the mind's] career is private" (11). Drawing on Elias's concept of interdependence and several theories that posit the natural, worldly embeddedness of reason (e.g., those of Taylor and Zygmunt Bauman), Béjar, like Giner, will criticize this Cartesian theory of a private mind (and Cartesian-inspired philosophies of mind; e.g., some strands of existentialism), which conceptually equips humans to imagine their rationality as "distanciada," or outside of the physical, causally-determined world (Giner 2002, 66). For Béjar, if people believe that their minds are independent of the material world, then logically they must conclude that their minds are not necessarily affected (positively or negatively) by that world (1996, 167). What is more relevant in political terms, if the most intimate (because "not witnessable") repository of the modern self is believed to be detached from the world, then modern selves may conclude that they are not necessarily duty-bound or morally answerable to the world's social networks. They may also conclude, as I discuss below, that the way to be true to oneself (or authentic) is to look

inward, at a supposed inner self. The confluence of the goal of authenticity and the presumption that this goal will be achieved through introspection may dissuade people from, as it were, looking outward at one's socio-political circumstances.

Notwithstanding the diversity of modern philosophy—which is evident, for example, in romanticism's (cultural, nationalist) reaction to the (universalist, cosmopolitan) Enlightenment and in the so-called linguistic and cultural turns away from subject-centered (e.g., Cartesian and Kantian) epistemologies—Béjar critiques the modern philosophical tradition's enduring, and indeed basic commitment to the value of the authenticity of the individual, a commitment that is a product of an underlying assumption that understanding individuals *qua* individuals is possible in the first place. Béjar is interested in the concept of authenticity and in the practical, political effects of authenticity's being an ideal that is widely shared by people across the political spectrum, from right to left, as Béjar believes that it is. This consensus amounts to an effective refutation of the viability of republicanism because, whereas republicanism is committed to understanding politics in terms of social bonds between citizens, authenticity, however defined, is in some sense asocial, because to say that one's authenticity depends on a social system, or that it is social, would be to say that it is not inherent to one's self, or to one's *autos*. Therefore, as a social concept, authenticity would be, at best, trivial, because it would be reproducible and not intrinsic to any self, and, at worst, it would be logically incomprehensible, as a contradiction in terms. “The notion of authenticity,” as Lionel Trilling, the author of *Sincerity and Authenticity*, suggested, “[is a] private thing [. . .] It is one's self who judges whether or not one is authentic, that is to say that one is following one's true desires, following the laws of one's true being without any modifications, without responding to any of the sanctions or seductions of

society” (94).⁷⁰ In the context of Béjar’s political thought, Trilling’s ideas are important because they contrast sincerity—which Trilling presents as having an essentially public quality, being exercised and assessed necessarily in interaction with others and in terms of conventional standards—against “private” authenticity, which Trilling admittedly tried to “bring [. . .] into as much disrepute as [he] could” (1999, 15). One of Trilling’s major themes, which Béjar takes up in her own work, is his lamenting an increasingly privatized, inward-looking moral sense, which has come in the wake of a gradual abandonment of sincere subscriptions to publicly defined moral goods. Conversely, republicanism, in Béjar’s words, prescribes that social institutions should not be perceived as things against which hypothetically authentic selves are defined. Rather, referring mainly to public education, a Rousseauian Béjar asserts that social institutions “pueden forjar buenos ciudadanos” (2000b, 15). The image of society as a forge turns the ideal of authenticity on its head. If authenticity is assumed as an objective, then one should avoid the social contamination of one’s *autos*, while seeking to discover a presumably untainted self. So, as Trilling put it, by being committed to authenticity, one has “a less acceptant and genial view of the social circumstances of life” (1973, 11). However, if one assumes, differently, that society should play a formative role in people’s lives, it makes no sense to speak of a person’s self being discovered. The concept of personal character should presuppose a relationship between people and their social environments that is radically and thoroughly complementary.

Although Béjar follows the (more decidedly republican) Rousseau of *Émile*, and his defense of education as a civically edifying practice, she distances herself from Rousseau’s *Confessions* and *Rêveries*; that is, from a seminal romantic theorist and, in Béjar’s words, “[un]

⁷⁰ See Trilling (1973). Despite the dichotomy of the title and the apparently stark contrast of my very brief synopsis, Trilling’s conceptual analysis of the two terms (below) is sufficiently nuanced to allow for positive and negative assessments of both.

adaliid del ideal de *autenticidad*” and the private self (1995a, 171, original emphasis). For Béjar, by denouncing the corrupting effects of *les sciences et les arts* of civilization, and by proclaiming “el ‘yo’ [como] fundador de la verdad” (172), Rousseau has largely inspired modernity’s romantic, private quest for authenticity—a quest that has manifested itself variously; first, as narcissistic, asocial individualism; and second, as devotion to idealized, unpolluted communities and group identities, including essentialist definitions of nations, races, and genders. Béjar argues that both manifestations can be asocial, and therefore un-republican. That the former—i.e., narcissism—is asocial is obvious, but the latter is asocial, too, when it exhibits a depoliticizing apathy toward matters of general public interest (such as environmental degradation and wealth inequality) that do not impact them—or, for that matter, any single group—*qua* group. In the words of Richard Sennett, another influential thinker for Béjar, individuals and groups, attempting to preserve or search for true (private) identities through “ties of family or intimate association,” have little use for the “interchanges with strangers” that are basic to the essential diversity of “the cosmopolitan city.” So they flee the public, which they “[look] on as at best formal and dry, at worst as phony” (3). Public “phoniness” or artifice is devalued to the advantage of privacy, where people hope to find “what is authentic in [their] feelings” (4). For Béjar “[I]os individuos modernos están aprendiendo a la fuerza que la dependencia (de una ciudad [. . .]) es una esclavitud de la que tienen que escapar” (2007b, 131).

Both Béjar and Sennett critique what they believe to be the paradoxical nature of this value distinction between artificial public interaction and authentic private life. Sennett has written that this distinction remains stable as a conventional belief, even though “[f]ew people today would claim that their psychic life arises by spontaneous generation, independent of social conditions and environmental influences” (4). Here, Sennett describes an apparent disconnect

between two beliefs that are commonly held, despite being seemingly irreconcilable. Both thinkers would add to Sennett's description a twofold normative claim about (1) the enervating effects that the avoidance of public engagement has on the individual's psychology and (2) how public exposure, including Sennett's "social conditions and environmental influences," in fact, stimulates the individual's self-understanding, rather than frustrating it. For Sennett, "precisely because we are so self-absorbed, it is extremely difficult [. . .] to give any clear account to ourselves or to others of what our personalities are. [. . .] [T]he more privatized the psyche, the less it is stimulated, and the more difficult it is for us to feel or to express feeling" (4-5).

Beginning with a similar insight, Béjar explores the detrimental social consequences of the generalization of the internal search for self-identity and meaning. Like Sennett, she maintains that "[e]l hombre íntimo no puede estar solo porque, anclado en su ensimismamiento solipsista, carece de referencias significativas fuera del universo privado" (1995a, 205). Thus, the separation of "[e]l hombre íntimo" from public interaction, far from enabling a search for an authentic identity, in fact, "profundiza la incertidumbre y los conflictos de individuos solos frente a una interioridad aislada y desprovista de referencias sociales" (2011a, 357).

Despite these paradoxes, cloistered in what Sennett and Béjar describe as an unnatural solitude, modern individuals and groups, driven as they are by the private ideal of authenticity, consistently translate what Béjar, borrowing from Jerzy Karylowksi, has called their "endocentric," or inwardly-focused self-perception into a similarly "endocentric," or, borrowing from Sennett, a "psychomorphic" framework of social analysis—one that interprets social facts in terms of the self, or as what Béjar calls "un mero reflejo del 'yo'" (2001a, 27; 1995, 205).⁷¹

⁷¹ See Karylowksi (1982) for the concept of endocentric altruism. Karylowksi distinguishes between beneficent acts that are intended to satisfy one's ego more than they are intended to help others or effect social change, and acts for which the opposite is the case. I will return to Béjar's use of Karylowksi's concept again when I turn to the place of volunteer philanthropy in her theory of republicanism.

Contra Elias and Béjar's understanding of social reality in terms of human "interdependence," modern authenticity prescribes the presumption that the circumstances of people's lives, as well as essentially public socio-political challenges (e.g., poverty and social exclusion), are to be explained solely in terms of individuals and independent groups of individuals, not in social terms (2001b, 17). One might recall here Kierkegaard's distinction between the concept of the individual in ancient and modern tragedy. If the hero of ancient drama "rested in the substantial categories of state, family, and destiny" (552), the modern hero is merely "subjectively reflected in himself," and is thus "reflected [. . .] out of every immediate relation" to contexts that transcend himself (553). The modern hero is a lonely individual. Lacking "substantial categories" through which he can be understood, "[he] stands and falls entirely on his own acts," "[he throws] his whole life upon his own shoulders, as being the result of his own acts," and makes himself "accountable for everything." To translate this discussion into sociological terminology, the modern quest for individual separateness and authenticity assumes the theoretical lens of methodological individualism, which, according to Jon Elster's influential (and unconventionally Marxian) "Case for Methodological Individualism," is "the doctrine that all social phenomena (their structure and their change) are in principle explicable only in terms of individuals" (453); or, as Steven Lukes negatively defined it, it is "a doctrine about explanation which asserts that all attempts to explain social (or individual) phenomena are to be rejected [. . .] unless they are couched wholly in terms of facts about individuals" (110). Further, authenticity is incompatible with the opposite of methodological individualism, methodological holism, or the idea that macro-social phenomena (e.g., crime and inequality, or Kierkegaard's "state, family, and destiny"), whose existence is supposed not to be reducible to discrete,

individual actions (as in methodological individualism), are the preferred sources of explanation for the facts that define the lives of people in society.

For her part, Béjar assumes a holistic approach to sociological study, writing in self-consciously Marxian (i.e., classically holistic) terms that “el conflicto, el poder o la desigualdad [. . .] están en el origen de las cuitas humanas” (2011a, 34). Understandably, then, Béjar will lament that the asocial quest for authenticity (which puts the self, or “el yo,” “más allá de la comprensión social”) should keep one from appreciating the holistic notion that—as in Kierkegaard’s ancient tragedy—social conditions can explain the fortunes of individuals (due, for example, to “el conflicto, el poder o la desigualdad”), or that common, public problems (such as those mentioned) can be addressed socially (2015, 66).

However, holism is at odds with modern society, where, in the words of Ulrich Beck, “the individual becomes for the first time in history the basic unit of social reproduction” (2004, 63-68). The individual, then, in a manner consistent with methodological individualism, is also the basic source of social responsibility, even if, paradoxically, she is simultaneously overwhelmed by forces that seemingly cannot be attributed to any single person, such as what Zygmunt Bauman has called modernity’s uncertain, “liquid” flux, or Beck’s social “risks.” Béjar regrets that, even though widespread social ills exist, it is increasingly difficult to determine who or what bears responsibility for them. Employing an image reminiscent of Bauman’s concept of liquid modernity, that is, of his “individualized, privatized version of modernity,” in which “responsibility for failure [falls] primarily on the individual’s shoulders” (2000, 7-8), Béjar deplores the “dilution” of public responsibility for common problems (2007a, 270). Given modern individualism, responsibility of course is not understood to lie in social institutions. However, given Bauman’s uncertainties and Beck’s risks, neither can responsibility be

effectively assumed by (overwhelmed) single persons, even though these persons are supposed, in theory, to be capable of exercising responsibility naturally and rationally, according to traditional (e.g., Cartesian, Lockean) tenets of modern political philosophy.

In this indeterminate flow between social and personal entities, Béjar argues that responsibility has become “reflexiva” (2007b, 188). By “responsabilidad reflexiva” Béjar means to describe a sort of responsibility that is, at best, rigorously individualistic (or, as she writes, a socially indifferent “fundamentación de la moral [. . .] exclusivamente psicológica”), and, at worst, an oxymoron (1990, 57). It is an oxymoron in the sense that, if the word responsibility—which is linked etymologically to the Latin word *respondere*—implies interaction with (an)other person(s), then “responsabilidad reflexiva” is apparently a contradiction. If responsibility is merely reflexive, or “auto-referenciada,” then it answers only to one’s self, and does not, as Béjar reasons, “responder por los propios actos ante los demás [o] ante la sociedad” (2011a, 33). However, reluctant (or incapable) as modern people are to admit those moral demands that come from without, or that arise from Bauman’s uncertainties or Beck’s risks, it may be that this paradoxical, self-referential responsibility, which comes merely from within and impinges only upon one’s self, is all that is left of the original notion of accountability vis-à-vis others.

But even if no such paradox exists, reflexive responsibility, by reducing responsibility to the individual—that is, by making it, as Béjar writes, “puramente privada”—is unavailing in social terms (1995a, 206). Individuals alone become responsible for the “carga que supone para cada uno ser el único hacedor y gestor de la propia vida, personal y social,” irrespective of how Beck’s risks might impact what liberal individualism would prescribe that one label as exclusively private aspects of people’s lives; among which Béjar includes “su mundo afectivo,” “sus redes sociales,” “su situación ocupacional y hasta [. . .] su salud (2007b, 16). So, reflexive

responsibility is incompatible with republicanism because, in Béjar's words, "desconecta lo social de lo personal (2007b, 193). Béjar notes, with Bauman and Beck, that, because (liquid) modernity's divorce (or, to use Béjar's metaphor, its "disconnection") between the social and the personal ascribes ultimate responsibility to individuals, while necessarily denying it to theoretically conventional social structures (e.g., societies or states), individuals, having only themselves to rely on, must take the brunt of the uncertainties of modern life. For Beck, in this "risk society," the social can have no basic moral bearing on individuals or be intrinsically responsible for them. Béjar, consistent with her normative and republican commitment to integrate the social and the personal, bemoans the individual's vulnerability (to risk) when "ni el Estado ni el resto de las instituciones se hacen cargo ni de los desastres en la esfera pública [. . .] ni de las desgracias privadas" (2007a, 270).

However, Béjar also tries to reconcile her normative republicanism with an observation that suggests to her that contemporary society is not readily adaptable to her political prescriptions. If, today, people from across the ideological spectrum (right and left) are, to use Beck's phrase, "institutionally forced to construct their own lives to a qualitatively new degree," then Béjar wonders if her republican "concatenación entre gobierno, costumbres y leyes" is possible, or if, conversely, the barriers between Beck's institutions and individual life-constructors are insurmountable (Beck 2004, 63-68). Assuming, if only for the sake of argument, that they are indeed insurmountable, Béjar asks herself how (favorably or unfavorably) individuals perceive this separation. Although the resonant holism of Beck's reference to institutional force is noteworthy, given Béjar's underlying, and Elias-inspired, concern with how "[e]l proceso de civilización corre paralelo [. . .] al avance de la individualización," it is just as

relevant here to emphasize that modern people and groups of people of all ideological stripes, regardless of whether they are “*forced* to construct their own lives,” may *want* to do so.

In light of this emphasis, my discussions of authenticity and responsibility come together. That is, they come together if one understands people’s desire to construct their own lives as an indication that people want to be *responsible* for the construction of their (ideally *authentic*) lives. As Béjar writes, “[e]n los países de democracia avanzada, la mayoría del electorado se ha transformado en una masa satisfecha con su condición de gerentes independientes de sus destinos particulares” (1995b, 58).

While a liberally-minded Béjar is generally sympathetic to this desire for self-determination (and, in fact, she describes the “liberación de dependencias” as “irrenunciable”), in typical republican fashion, she is nonetheless skeptical of its more extreme expressions, which entail demands for rights to privacy, protection, and independence from society, but show little or no concern for civic duty and responsibility (2000b, 201). To illustrate this liberal versus republican distinction, she writes that “[f]rente al universo de los derechos [. . .] del paradigma liberal, el republicanismo enfatiza el deber, la contribución cotidiana a la colectividad [. . .]” (2000c, 57). Like Giner, she assumes that political life is inevitably conflictive and therefore must be collectively controlled through, for example, “contribucion[es] cotidiana[s],” lest unchecked private interests impose their will upon a divided citizenry. So, she is wary of apolitical demands on the part of individuals and groups for the right to distance and shield themselves from the political fray, or of individuals’ and groups’ “negación del exterior social y [. . .] retirada en el refugio cálido y seguro de la privacidad” (1995a, 206).

However tempered by her liberal sympathies to privacy, Béjar’s wariness of a general neglect of public affairs (and any accompanying increase in the public’s shared vulnerability to,

e.g., Beck's risks) leads her to critique both individualist (e.g., John Stuart Mill) and romantic, culture or identity-based (e.g., Johann Gottfried von Herder) traditions of thinking about rights to private separation from the public sphere. Whatever their differences, both the former tradition, which Béjar associates with the Mill of *On Liberty*, and the latter, which she traces to Herder, are open to Béjar's criticism not because they defend, respectively, the rights of individuals and identity-based groups to develop themselves independently, which are rights that Béjar herself calls "irrenunciable[s]." Rather, Béjar's dissent applies only to cases in which (individual or group) rights might "trump" (Dworkin 1984) or distract from (her republican) attempts to achieve some degree of public agreement about moral goods.

Béjar criticizes Mill for starkly separating private and public ethics, although she recognizes that this separation is not always neat or absolute in his work. For example, she distinguishes between the Mill of *Utilitarianism*, whose private-public distinction was qualified, as he, like his mentor and fellow utilitarian Jeremy Bentham, was primarily concerned with the social consequences of the actions of individuals; and the Mill of *On Liberty*, who devotes himself mainly to a philosophical defense of individual rights against the interference of others, or, as Mill put it hyperbolically, of "all mankind" (48). Béjar criticizes the latter Mill for placing all private acts *per se* (regardless of what Mill called their "extravagance") beyond the reach of justified public scrutiny (Béjar 1995a, 76; Mill 48).⁷² It is this Mill and his morally *sui generis* "person" against "all mankind" that stands in opposition to the "dependent" and "fragile" human ontology that is presupposed in what I call Béjar's socially interdependent republic of

⁷² A more extensive version of Mill's moral justification of private "extravagance" in and of itself, or independent of its public consequences, is: "If, for example, a man, through intemperance or extravagance, becomes unable to pay his debts, or having undertaken the moral responsibility of a family, becomes from some cause incapable of supporting or educating them, he is deservedly reprobated, and might be justly punished; but it is for the breach of duty to his family or creditors, not for the extravagance" (1875, 48).

relationships. Given Béjar's belief in human (inter)dependence and mutual need, she will argue against the portrait of self-sufficiency that one gets from Mill, whose "lenguaje individualista," as Béjar tells us, produces a tragic paradox: "el valor de la autosuficiencia más el ideal de libertad negativa y sus sentimientos morales fríos producen la desaparición de la necesidad" (2001b, 113). Mill's individualism makes human dependence and mutual need effectively invisible.

Although clearly not individualistic, the proponents of rights to protect groups with common identities (whom, for Béjar, are "sin saberlo - herederos de Herder y su valoración de las culturas particulares", and whom she criticizes for advancing "[u]na política de vergonzante resentimiento grupal," echoing Friedrich Nietzsche and Harold Bloom's famous attacks against supposedly misguided theories of emancipation), offer nothing more promising than individualism to avoid her "paradoja trágica," or to make social interdependence appear, as it were (1996, 171; 2001a, 107). Still, Béjar sees intellectual kinship between her position and theirs, to the extent that the (unwittingly) Herderian, romantic (i.e., anti-Enlightenment/anti-universalist) "partidarios de la Diferencia," reacting to modernity's (Lockean, Millian, anti-republican) separation of morality and politics, seek to recover a sense of community belonging (1995b, 57). Despite this qualification, Béjar's position is different from, and ultimately critical of, that of extreme theorists of difference, or identity politics. If Béjar seeks above all bonds that might obtain across society and between groups, theorists of difference prefer to cultivate internal, or intra-group moral ties. If Béjar is worried that a politics of difference—despite its being in a sense salutary, morally restorative, or, in her words, "reconstituyente"—might degenerate into a chiefly internal "afirmación sectaria de la identidad que impida la identificación del individuo con una sociedad y una cultura común" (1996, 185), then she might

challenge it with a question like the one posed by Kal Alston, an American philosopher of education, who, if generally sympathetic toward identity-based rights claims, shares Béjar's worry that groups' emphases on idiosyncrasies (and Mill's extravagance?) may obstruct the establishment of strictly social connections. To express this worry, Alston asked: "How can each of us articulate an identity with cultural texture that does not erase us and our particular experiences yet does not become idiosyncratic and disconnected?" (58).

Like Alston, Béjar is not opposed to difference as such, but to the proposition that a group's traits (be they idiosyncratic, extravagant, or otherwise) ought to enjoy legal protection (and thereby "disconnection" from social discourse) merely by virtue of their belonging to a group. In view of this objection, it becomes clear that Béjar criticizes a politics of identity and liberal individualism on similar grounds—the private, socially independent individual of liberal theory becomes identity politics' private group. In the latter case, groups, in a manner analogous to Locke's (pre-)social contractor, Mill's "person" against "all mankind," or Taylor's "atoms," engage in politics *qua* groups, or, in Béjar's words, as "identidades sociales paralelas" (1996, 184). Society is no longer "atomistic" (to borrow Taylor's pejorative description of liberalism), but, as Béjar's own scientific metaphor might have it, stratiform, consisting of an array of "parallel" communities.⁷³

In terms of Béjar's republicanism, which both presupposes (descriptively) and prescribes (normatively) interdependence, a politics of difference "se aleja de la meta republicana," by

⁷³ I attribute to Béjar the idea that identity politics prescribes a stratiform society in light of her reference to "identidades sociales paralelas," which I quote here, and a contention she makes elsewhere, that identity politics imagines "una suerte de *sociedad de castas* al revés donde el hecho de haber padecido un daño reemplaza a las ventajas de la cuna" (2001a, 107, my emphasis). However apt my representation of her thought is in this case, what I call Béjar's stratiform society should not be confused with the theory of social stratification. If the former is a critique of identity politics' normative separation of society, the latter is a descriptive theory of the reality of social distinctions, inequality, class or caste structures, etc.

stressing what Béjar calls a “particularismo grupalista” over “el bien común” or “la consecución de metas colectivas” (2000b, 206). Further, its affirmation of group specificity betrays a crucial theoretical weakness; namely, a selective and inconsistent application of holistic and individualistic (or subjectivist) analytical frameworks. To be sure, a politics of difference (holistically) postulates oppressive social structures (e.g., racial segregation and gender-based income inequality) that condition social experience. In this way, it is consistent with Béjar’s republicanism. However, as Lois McNay argues, even if proponents of difference typically use a (Hegelian) holistic framework to explain the social formation of subjects and groups, they often apply it inconsistently. For example, by considering (in a manner more consistent with methodological individualism) subject/group identities not in interaction with society, but in isolation, or as capable of being understood without reference to the social context in which they emerged (McNay 2008). Like McNay, for Béjar, in identity politics, neither liberalism’s individual nor holism’s social context is ultimately the privileged means of explaining social phenomena. Rather, the group that was thought, initially, to have been shaped holistically by a particular set of social circumstances assumes a self-sufficient identity as robust and independent as liberalism’s pre-political individual. The move from liberalism to identity politics has thus left a fundamental liberal tenet virtually untouched; not the individual but “el grupo,” as Béjar observes, becomes the basic building block of society, or “[e]l nuevo paladín de la verdad” (1996, 184).

Béjar’s ironic epithet—“[e]l nuevo paladín de la verdad”—brings to mind Sonia Kruks’s concern about the (anti-)social implications of granting to groups (of a “race,” “ethnicity,” or “gender”) an epistemological deference which she calls “an epistemology of provenance” (4). Specifically, she opposed “the claim that knowledge arises from an experiential basis that is

fundamentally group-specific and that others, who are outside the group and who lack its immediate experiences, cannot share that knowledge.” Béjar, together with McNay and Kruks, calls upon theorists of difference to retain their commitment to the explanatory power of social structures, and to avoid subjectivist affirmations of unique experience. Subjectivism, if understood as coming from “palad[ines] de la verdad” or a group’s unassailable (because incommensurable) “epistemology of provenance,” cannot be disputed in favor, for example, of inter-group denunciations of and actions against systematic injustices (e.g., unequal access to education or medical care), whose impact is felt irrespective of group affiliation.

Whatever differences exist between a politics of difference and liberal individualism, Béjar, given her republican commitment to interdependence, cannot accept either, because both fail to appreciate sufficiently that a society’s impact on groups and individuals is such that it is impossible to speak of the latter, while ignoring the former. In her attempt to move beyond the “atomism” of liberalism and the stratification of identity politics, Béjar asks whether the theories and practices of volunteer philanthropy, Christian ethics, and patriotism might give currency to the idea that sociability is a collective enterprise, or that a polity must discover “un entronque entre lo público y lo privado” (1987, 90).⁷⁴

Volunteer Philanthropy in Action

⁷⁴ Always ambivalent in the debate between modernity’s inalienable (“irrenunciable”) individualism and the dangers entailed by its extreme anti-social manifestations, here, too, Béjar is of two minds, although she finally comes down on the side of strengthening communal bonds: “En el amor, en la amistad, en el trabajo, en la comunidad, nos hacemos confrontados a los demás. El hombre es un ser que precisa activar su voluntad en una empresa que traspase los muros de la intimidad. Es necesario hallar *un entronque entre lo público y lo privado*. Y, sin embargo, todas estas propuestas caen en el voluntarismo. La reivindicación de los valores «societarios» no deja de parecer empeño de nostálgicos sesentaiochistas o de conservadores irredentos anclados en un ideal comunitario intemporal. Con todo, sus voces nos advierten de los peligros que entraña la entronización del individuo y nos recuerdan el alejamiento del neo-individualismo con respecto a la teoría que dio origen a la valoración de la esfera privada y, más concretamente, a la noción de privacidad.”

In her discussion of volunteer philanthropy, Béjar establishes value distinctions between three types of volunteer activity. The first, which she dislikes, because she thinks it is an extension of the various private, asocial quests for authenticity we have examined, assumes that the volunteer's purpose is somehow "endocéntrico" (recalling Karylowksi's concept of "endocentric altruism"); that is to say—through philanthropic work, volunteers intend to do one or both of two things (2001b, 99). First, they may intend primarily to realize their own privately-conceived, authentic personality (in this case, perhaps to be benevolent), thereby achieving, as Béjar puts it contemptuously, "la satisfacción íntima resultante de la asistencia prestada" (2001a, 100). Second, they may seek to enable the future, independent self-realization of those that receive their assistance. In both cases, ultimate responsibility lies endocentrically with individuals, whether they are those that provide aid or those that receive it. The second type of volunteer activity is Christian charity and compassion, whose appeal to Béjar and relevance to her political thought I will take up below. Béjar's third, and preferred, type of volunteering is, as a matter of course, intended to help others, but also, functioning as her desired "entronque entre lo público y lo privado," has *sensu stricto* the more radical consequence of enabling volunteers to experience political life anew. Through civic participation, volunteers can come to appreciate society as being defined by (public) interdependency among its (private) members, and as a space where individuals can engage in what Hannah Arendt (1958)—who has had a major impact on Béjar—called the "action" that gives shape to political life.

Before discussing Arendt's place in Béjar's thought, I should comment briefly (as a reference to one of this chapter's arguments) on Béjar's defense of volunteer altruism as an example of her intellectual deviation as a left-wing political thinker from a position that is widely held on the left. Béjar defends volunteering against opinions from the left that, because volunteer

organizations (such as NGO's) are private remedies to problems whose causes and solutions one ought to understand, in holistic terms, as public, such organizations are inadequate means of achieving their stated aims. In debate with this view, Béjar grants that volunteering is but a band-aid solution, a "parche" (2001a, 37) that is unsatisfactory not only because it only superficially addresses social ills, but also because it usually fails, in Béjar estimation, to "mobilize" benefactors to look beyond their particular acts of assistance to appreciate, more appropriately, "la naturaleza colectiva de los problemas" (38). Béjar would largely agree with proponents of the left's standard pro-public, anti-private arguments against volunteerism, including Neil Levy, who has suggested that "[a]ll essential services ought to be provided to our fellow-citizens by government, not by philanthropic organizations" (99). Béjar does indeed defend volunteer philanthropy as necessary in case the modern welfare state is, as she believes it is, in "irremediable retroceso" (2001a, 16), but she nonetheless recognizes, like Levy, that if states transfer social responsibility toward the private sector, they create an inherently precarious condition for the poor, abandoning them, as Béjar writes, "en las piadosas manos de los individuos altruistas" (16)—that is, into relying on generosity that can disappear as soon as it come. However, Béjar's support of volunteer organizations is not due to any faith in their effectiveness in eradicating social ills, but to their potential to transcend their initially private nature and become explicitly political forums, "un medio de deliberación de proyectos colectivos entre los pares" (2001a, 127). Béjar would thus disagree with how Levy, for example, frames the debate between proponents and skeptics of private sector philanthropy. The most relevant question is not, as Levy would have it, where "essential services" should come from, or, in Béjar's words, whether "el voluntariado es o no funcional para el Estado" (2001a, 18). Rather, the problem should be posed in terms of the effects that volunteer activity has (both potentially

and actually) on a society's political fabric and how a society's members perceive their relationships with their fellows. Phrased as a question, what sorts of socio-political climates could potentially come about thanks to a population's practice of volunteer philanthropy, and which ones really can be observed in modern socio-political landscapes?

For Béjar, volunteering is politically important because it builds a bridge between the private and public—"entre el individualismo liberal, de un lado, y la participación cívica, de otro" (2001a, 120). Here, Béjar resembles Giner, who has also defended volunteering against progressive skeptics, arguing that it constitutes a socio-political category that lies between the public and private spheres—a category that he straightforwardly calls "lo privado público," a conceptual space that describes the actions of private citizens who responsibly (and, unlike Béjar's reflexively responsible individualist, responsibly) "se hacen cargo del espacio común" (2012, 145). By recovering "la dimensión ética de la actividad social [y] la implicación activa en la esfera colectiva" (2001a, 120), Béjar thinks that volunteering creates conditions that are favorable for what Arendt called "action," which the German philosopher defined as the fact of cooperation and communication of a plurality of citizens that gives shape to public life, or that "[founds] and [preserves] political bodies" (1958, 8).⁷⁵ Arendt contrasts her concept of action (which is necessarily public, that is, defined as the "appearance" of human plurality, which can only manifest itself through public interaction) to her concepts of "labor" and "work," which in different ways are primarily private activities in that they tend toward the preservation of discrete lives more than the establishment of public connections (50). I will discuss "labor" and "work"

⁷⁵ Béjar's reference to "actividad social" understands the social as synonymous with the political and the public, and thus fails to make Arendt's *sui generis* distinction between the social (as private) and the political (as public). Béjar's intended meaning is nonetheless easy to grasp. However, Béjar does follow Arendt's political/social dichotomy elsewhere; see for example Béjar 2001c, 133. For Giner's analysis of the same elements of Arendt's thought that Béjar grapples with here, see Giner 2012a, 140 and *passim*.

first, because understanding these concepts will allow for better comprehension of “action” and its relationship to volunteering and Béjar.

Labor, “the most natural and least worldly of man’s activities,” is what humans are by nature compelled to do to sustain themselves biologically, or to “[obey] the orders of immediate bodily needs” (e.g., food production and consumption) (Arendt 100-101). One should appreciate the qualified contempt implicit in Arendt’s reference to the naturalness of labor, which she will distinguish from the artificiality (i.e., the positively connoted creativity) of action. To be sure, according to Arendt’s definition, labor is no doubt essential to life, and so it is a good thing in some sense. However, it is politically irrelevant, because it involves only natural, “immediate bodily needs,” which humans can satisfy on their own, without human companionship, or a-politically. Therefore, when doing labor, humans are at their “least worldly”; they are the least compelled to be in contact in public with (naturally non-immediate) others. (Here, Béjar’s critique of the supposed self-sufficiency of the liberal individual—recall Locke—should come to mind. For Arendt, Locke’s understanding of human beings accounted, as it were, for only one of their three aspects; that is, Locke only tells us about humans as they are self-sufficiently engaged in “labor,” but says nothing, as we will see, about Arendtian work and action, which entail dependency on others.) It is no wonder, then, that Arendt argued that, in modern liberal democracies, labor (as she conceptualized it) has taken over public life. In liberal democracies, public life, by consisting primarily of the collective production and rapid consumption of things, has come increasingly to resemble “nature’s never-ending process” of cyclical growth, decay, death, and rebirth (152). In other words, in the modern liberal system, public priority is given to the satisfaction of basic (or natural) human necessities, which is to say that priority is given to labor. Of course, the most important human necessity is survival. So, not a space of creative

“action,” that is, not generative of political significance through interpersonal exchange, public life is where human laborers (or, to use Arendt’s term, “*animal laborans*”) merely and literally “make a living,” as Arendt put it with pointed irony.⁷⁶ In liberal modernity, the activity of humans is devoted primarily to ensuring their survival, as opposed to their participating in the potentially life-expanding interactions that can only exist as a result of public intercourse (127).⁷⁷

Turning from labor to work, for Arendt, humans are “working,” or being what she called *homo faber*, when they are building and maintaining their material and “man-made world of things,” e.g., “from the simplest use object to the masterwork of art” (121). Unlike labor, the goal of work is, according to Arendt, “not - at least, not primarily - to help the human life process” by, for example, making things that are intended to be consumed to sustain human life (151). Rather, the things that humans fabricate in “work” are more durable, giving “stability and solidity” to their physical life-world, and offering them “a dwelling place more permanent and more stable

⁷⁶ In a manner consistent with the Aristotelianism that characterized her (and Béjar’s) political work, Arendt identified political engagement as one of humankind’s essential activities, and referred to those activities that take place prior to and independent of politics as in some sense not properly human, or, in this case, as pertaining more to animals: “The activity of labor does not need the presence of others, though a being laboring in complete solitude would not be human but an *animal laborans* in the word’s most literal significance” (22).

⁷⁷ Obviously, Arendt uses the word “labor” in a radically different way than some of its other well-known modern theorists; namely, John Locke, Adam Smith, and Karl Marx. Throughout *The Human Condition*, Arendt pursues a critique of these philosophers’ conceptual equation of labor and work, which she wants to undo. Notwithstanding their differences (and although Marx, e.g., did distinguish between “labor-power” and “labor”), according to Arendt, Locke, Smith, and Marx failed to differentiate between labor and work (as she defined them) because they assumed that the ability to labor/work was humankind’s most elemental and inalienable property; literally, their “property,” in both Locke and Marx (See Locke; Marx 1968). From this assumption, they conclude that humankind’s essential activity and fullest self-expression is to mix this ability, or “labor-power” (in Marx’s phrase), with the physical world, or to manipulate and give shape to the physical world as a means of self-expression. Crucially, for these thinkers, this activity is supposed to lead to the production of things that are both *tangible and durable*, i.e., not susceptible to consumption. So, only productive activity is taken into consideration as being relevant to collective human life, and it is irrelevant whether such activity is called labor or work. Unproductive “menial services”—to quote Smith—or merely life-sustaining activity (which Arendt called labor, and which produces things that may be tangible, e.g., food, but are not durable, e.g., manufactured goods) are either ignored or conflated with what Arendt would call (productive) “work” (See Smith). In any case, regardless of this distinction between labor and work, *pace* Locke, Smith, and Marx, Arendt thinks that humankind’s essential activity (i.e., the activity without which humans would cease to be humans, even if they would not cease to be animals) is not labor or work, but political intercourse in the public realm, that is, action.

than themselves” (136; 152). By creating things that are “more stable than themselves”—and that are also, by extension, “more stable than” the cycles of their biological necessities—humans at “work” transcend the “never-ending process” of production and consumption that nature demands. Work is thus more politically valuable than labor because it is worldlier. When they are “working,” people are in contact with the stuff of the world, while *animal laborans* is more in contact with himself, as it were. However, despite overcoming the natural urgency that drives labor, work is still less politically valuable than action. For while action is intrinsically creative in the political sense of bringing novelty into existence by means of public intercourse, work is not creative in this way. Because work only produces things that are to be used (even if not consumed) by humans, it is by definition utilitarian, meaning that it always privileges instrumentality over, say, creativity, and requires, as Arendt stressed its incompletely political character, that “everything must be of some use, that is, must lend itself as an instrument to achieve something else” (154).⁷⁸

Homo faber turns the world into an “instrument,” and so, for Arendt, he degrades all things by turning them into means to serve ends (156). “Action,” conversely, as “the only activity that goes on directly between men without the intermediary of things or matter” (7), dispenses with the practical, instrumental concerns of human existence and devotes itself to ends that have “intrinsic and independent value,” such as the “doing of great deeds and the speaking

⁷⁸ To avoid confusion, I should clarify that Arendt is not referring here to the moral philosophical theory of Utilitarianism (with a capital U), which, championed initially by Jeremy Bentham and John Stuart Mill in the nineteenth century in Britain, gives ethical priority to ends over the means employed to achieve those ends. Arendt speaks of utilitarianism (with a lower-case u) as that which stresses the practicality and functionality of means. According to Bentham and Mill, properly ethical behavior was that which tended to maximize what they believed to be the highest moral end, i.e., utility, or happiness. At best, the practicality and functionality of the means of reaching that end were only incidentally important. I do not mean to suggest that these terms are antonyms, but that Arendt is trying to call attention to the moral crassness of (small u) utilitarian thinking. Given their moral philosophical commitments, Bentham and Mill would not be compelled to embrace crassness, which is not implied by Utilitarianism.

of great words,” which is the essence of political action (173).⁷⁹ However, these ends will lack, to be sure, the necessity of labor, which is equally independent, because it is naturally occurring. In political terms, the ends of action represent the pinnacle of the human experience, not its base. If work is to have political value, then, it will depend on whether it is a means toward the construction of a life-world that is fit only for the basic cycle of “labor”—which could not possibly generate purely political value—or an eminently political world that is “fit for action and speech, for activities not only entirely useless for the necessities of life [i.e., useless for labor] but of an entirely different nature from the manifold activities of fabrication by which the world itself and all things in it are produced [i.e., entirely different from work]” (173-74). “Action [. . .] is boundless,” for Arendt, and so it is not limited to the needs of the body (that is, to labor) or to the practical concerns of material existence (work) (201). Action thus lends itself to being understood as an essentially political activity, because to get beyond the boundaries inherent in labor and work is to enter a space populated by other people. People’s interacting so un-bounded is the beginning of Arendtian action.

Béjar’s dialogue with Arendt is possible because Béjar believes that action can happen in social spaces devoted to volunteer altruism, or when individuals, by means of interaction, give shape to their common space through what Béjar calls, echoing Arendt, “un diálogo creativo a varias voces” (2001, 127). Béjar’s words allude to two inextricably related concepts that are central to Arendt’s theory of action, natality and plurality. “Dialogue” among people can be “creative” because all human beings—by virtue of the novelty that is entailed by their coming

⁷⁹ The “doing of great deeds and the speaking of great words” is Arendt’s rendition of the classical Homeric heroic ideal, embodied most emblematically by the greatest Greek hero, Achilles, to whom these words, with minor modifications, are spoken in the *Iliad*. In Book 9, Phoenix says the following to Achilles, his former pupil, beseeching him to return to battle against the Trojans: “For this cause sent he [i.e., Peleus] me to instruct thee in all these things, to be both a speaker of words and a doer of deeds” (Homer, 427).

into the world (i.e., by their natality)—are irreducibly distinct from all other human beings. Crucially, however, this individual distinctness is not the liberal idea of self-sufficient private persons who can reveal their uniqueness in public. For liberalism, public space is one suitable context among others for the act of self-revelation, the preferred context certainly being the private sphere. Contrariwise, for Arendt and Béjar, the interaction of individuals in public space is a necessary (if not a sufficient) condition for the actualization of their distinctness.

Volunteer activity, of which Béjar cites as examples “el altruismo organizado” and “comunidad[es] asociativas,” curbs liberalism’s “tendencia al privatismo” by creating what Béjar calls “un comunitarismo estimulante,” which exemplifies “el poder grupal” of political actors, and encourages a plurality of people to engage in “el ejercicio de la deliberación de problemas comunes” (2001b, 110). Or, in obviously republican terms, Béjar’s “comunitarismo estimulante” fosters a collective sense of “libertad republicana,” which Béjar, in an explicit reference to Arendtian action, defines as the feeling that groups of people can “hacer cosas [. . .] a lo Arendt [i.e., do or engage in action]” (2001d, 89). In this way, volunteering is important less in terms of its practical ability to tackle socio-political challenges than because (in the republican tradition of civic pedagogy of Aristotle, Rousseau, and Tocqueville) it can be effective as a kind of “educación moral” (Béjar 2000b, 203). By creating a spirit of community and demonstrating the power of group action, it can teach those that participate in it to appreciate what Arendt called the “miracle” of natality—the newness that each person can bring into the world only by means of interaction with peers (247). Finally, if one understands, as Arendt does, that the peers one encounters in public are defined by their innate diversity, or, borrowing Arendt’s concept, by the plurality that follows from their unique births, then volunteer activity, by potentially making one aware of difference among humans, may compel one to assume more responsibility for the

resolution of socio-political problems that impact others and do not directly affect oneself. In Béjar's words, "[l]as organizaciones filantrópicas," in addition to bringing its participants together by means of "un fuerte sentido de pertenencia," contribute to the "humanización del «otro marginado» (presos, inmigrantes, incapacitados)" (2001c, 128). In sum, volunteer activity can make participants see the public realm differently; for example, by seeing it as the preferred space for addressing issues that concern its inhabitants and as being populated by individuals whose miraculous natality and natural plurality require publicity to pass from latent to actual form. Even if volunteering's real socio-political achievements are in some sense unsatisfactory, as Levy and Béjar may believe they are, that volunteering should invite a reimagining of public life makes it politically interesting.

Christianity and Compassion: Preferring the Good Samaritan to Cain

In addition to asking whether the experience of acting with others in public might lead one to better appreciate others' potential as public actors, Béjar has wondered if public intercourse might also sharpen one's capacity for feeling the pain of others; that is, for experiencing compassion, or, literally, suffering with others. She will affirm confidently that "la proximidad" that people experience among others in public space "aviva la compasión" (2001a, 77). Her question, then, will be whether compassion is a fruitful emotion, given progressive political aims.

In crafting a progressive defense of compassion, Béjar is forced to confront the fact that, traditionally, the (republican and non-republican) left has been ambivalent regarding this feeling—a feeling I will understand here (as Béjar understands it) in three ways, (1) as an element of Christian ethics, (2) as being entailed by the Christian virtue of charity, and (3) as a

quality inhering in Rousseau's ideal, naturally good, human being.⁸⁰ The left is straightforwardly compassionate in the sense that it prioritizes the alleviation of people's suffering—that is, of their passion—over, say, a typical conservative priority, such as privileging the interests of social elites—be they (ancient) Roman patricians, (medieval) nobles, or (modern) businesspeople—who are supposed to wield power so that all members of society, including those that suffer, might benefit. However, compassion also has seemed too sentimental and paternalistic to the left. Regarding sentimentality, Marx's lambasting of his insufficiently historical and excessively romantic, “utopian” socialist contemporaries—namely, in Marx's own estimation, “Saint-Simon, Fourier, and Owen” (1967)—has had an enduring influence. In his *Manifesto of the Communist Party*, Marx, in partnership with Friedrich Engels, attacked what he called “Critical-Utopian Socialism and Communism” for “reject[ing] all political, and especially all revolutionary, action,” and for preferring instead their own “fantastic” plans for a better society (116). Following Marx, many on the left (e.g., Louis Althusser) have scorned what one might call fanciful, or wishful thinking that lacks a practical theory for its actualization. For Marx, the likes of Saint-Simon, Fourier, and Owen, by “standing apart from” the political fray and urging the inter-class understanding necessary to “reconcile the class antagonisms,” “form mere reactionary sects” (117). Their supposed reactionary conservatism is understood to follow from their compassion. They care “chiefly for the interests of the working class” not because they see it as the collective agent of the coming revolution (that is, not as Marx sees it), but because the

⁸⁰ With regard to charity as a socio-political concept, Béjar is different from Domènech, who has taken a more typically left-wing position, making a clear distinction, for example, between charity and solidarity. Béjar understands the two concepts as continuous with and entailing one another. For Domènech, “la caridad” is a way of giving aid, or “[una] acción auxiliadora,” which, despite being of “indudable bondad moral,” is also “esencialmente desentendida de los bienes sociales.” Therefore, it lacks the political dimension of solidarity, which aims to achieve “el bien social de la emancipación de [un] grupo” and implies “[una] cierta voluntad de acabar con el estado de vulnerabilidad de un grupo social” (2000, 156-57).

working class is “the most *suffering* class” (116, my emphasis). From the point of view of the utopians, because workers suffer the most, they are the most deserving of compassion in the modern era’s unequal societies, and, *pace* Marx, modern inequality demands class reconciliation, not revolution. Against such moralistic socialism, the anti-sentimental legacy of Marx and Engels’s *Manifesto* has done much to turn the left generally against idealistic moral exhortations, for example, to be compassionate. The goal has been, rather, to realize a society of such equal conditions among people that compassion is superfluous.

Turning to the left’s association of compassion with paternalism, Guy Standing—a British economist and the author of a revealingly titled book, *Beyond the New Paternalism: Basic Security as Equality*—has reasoned that “the notion of compassion seems to imply a sort of privatized paternalism.” Like many on the left, Standing rebukes purportedly compassionate attempts by both the left (in the form of the social democracy of, for example, the late-twentieth- and early-twenty-first-century British Labour Party and Spanish Socialist Workers’ Party) and the right (in the form of the “compassionate conservatism” of former U.S. President George W. Bush) to control the extent of socio-economic marginalization that obtains in capitalism, without casting doubt on capitalism’s predominance as an economic system. Instead of such *ad hoc* poverty relief, Standing, who is also the co-founder of the Basic Income Earth Network, wants to ensure, as he suggests in the subtitle of his book, a fundamental “equality” among people by giving them the “basic security” of a guaranteed income—an income that is “basic” and provides “security” in the sense that it is enough to live on.⁸¹

⁸¹ Antoni Domènech and one of his closest collaborators, Daniel Raventós, are also affiliated with the BIEN and have written extensively on the topic of universal basic income. I discuss Domènech’s ideas about basic income in the chapter devoted to him in this dissertation.

In her defense of compassion, Béjar returns to her assumption about human nature—that, if humans are defined by their “fragilidad genérica” and their “necesidad insoslayable del prójimo” (2001b, 113), then they rely, necessarily, on the social recognition of human “interdependencia” (2001, 102). Although her goal is always the vaguely (materialist) Marxian aim of, as she puts it, effecting “la transformación de las estructuras [de la sociedad],” as opposed to, say, the (idealist) goal of encouraging primarily the moral improvement of citizens, or “la mudanza moral hacia una mayor «sensibilización» o tolerancia hacia el otro,” Béjar, assuming the general fragility of human beings, advances a two-part defense of the relevance of compassion to progressive politics—one that draws upon the ethics of Christianity and the philosophy of Rousseau (2001b, 108).

First, in Christian terms, Béjar argues that compassionate acts need not be perceived, as Marxian anti-idealism is wont to perceive them, as insufficient (because superficial and *ad hoc*) remedies to social problems, whose seriousness might demand some more radical approach. Rather, urging that her readers rid themselves of any “prejuicios antirreligiosos,” she writes that compassion can be “duradero” if compassionate actors assume a Christian worldview (or any other effectively similar worldview), which, like Béjar’s preferred method of sociological analysis, is characterized by “una concepción holista del mundo,” whereby the object of compassion is not independent of all other parts of society, but, like all human beings, is essentially dependent on others (2001b, 113; 2001a, 176.) Or, in Béjar’s words, the object of one’s compassion “ya no es un Otro al que se debe tolerancia, sino un prójimo al que se ama, al que se presta una caridad fraternal” (2001b, 113). Turning to scripture, Béjar presents Saint Paul’s (arguably holistic) enjoinder that Christians should “[b]ear one another’s burdens” as an

effective rhetorical tool against individualism (Gal. 6.2-3).⁸² By citing the apostle, she calls attention to the kinship between his and her own (non-liberal) assumptions about the relational nature of human ontology: “For if any one thinks he is something, when he is nothing, he deceives himself.” For Béjar, both this Biblical injunction and the deep identification experienced with others in “caridad fraternal” can mean moving away from social separateness (or, e.g., from Taylor’s atomism), and toward what Béjar, referring again to Bauman (and to Bauman’s debts to Elias), calls “human togetherness” (2007b, 132).⁸³ In Béjar’s own words, the lessons of Pauline ethics and the practice of mutual assistance “puede[n] dar lugar a lazos profundos que trasciendan la distancia” (2001b, 113). Although Béjar is ever-cognizant of what she and others (e.g., Marxists) perceive as Christianity’s political “debilidad” (i.e., that its means of moral transmission is “sentimental,” rather than structural), she nonetheless asks, if the “distancia” between people is overcome, could the resulting “lazos profundos” be “la base de un altruismo democrático duradero” (2001a, 179; 2001b, 113)?

⁸² Quoting St. Paul directly from Béjar would have required some awkward manipulation of grammar and syntax, and so, for the sake of readability, I have preferred to provide these Biblical references in English. Moreover, the idea of quoting such an eminent source second-hand seemed inappropriate. In any case, in the interest of thoroughness, I include also Béjar’s reference to St. Paul’s epistle: “«Ayudaos mutuamente a llevar vuestras cargas y cumplid así la ley de Cristo. Porque si alguno se imagina ser algo, no siendo nada, se engaña a sí mismo» (Epístola a los Gálatas 6, 2 y ss.)” (2001a, 102).

⁸³ Béjar’s dialogue with Bauman is extensive. Her reference to his image of “human togetherness” comes from her book on Bauman, *Identidades inciertas: Zygmunt Bauman*, where she highlights the Polish-British sociologist’s ambivalent relationship with modernity (as both rigid and reassuring) and postmodernity, or as Bauman prefers to call it, liquid modernity (as both insufficiently stable, given human needs for stability, and liberating). Here, citing Bauman’s work on *Modernity and Ambivalence*, Béjar describes Bauman’s (and Elias’s) critique of modernity’s elevation of individualism and rejection of dependency, as well as his defense of togetherness as a social necessity: “En el marco de la individualización, la dependencia con respecto a los demás es anatema y, sin embargo, la vinculación sólida la contiene necesariamente, puesto que implica duración e intensidad de los vínculos. Como el último Elias, Bauman reivindica la dependencia como propia del vínculo social y moral de lo que llama *human togetherness*. La fragilidad del hombre contemporáneo se explica por la falta de creencias que no sean autorreferenciadas y la necesidad, al mismo tiempo, de establecer relaciones ligeras y descomprometidas. (Me refiero a creencias en un sentido teórico débil, pero presentes en el vocabulario moral de nuestra modernidad líquida como la autoestima, la independencia y demás vocablos psicologicistas.)”

In any case, notwithstanding her optimism about Christian ethics, Béjar echoes the classic republican attack against it—which has existed at least since Machiavelli’s *Discourses on Livy*—namely, that Christianity saps public spirit, rather than strengthening it.⁸⁴ She is further aware of Christianity’s thoroughly anti-republican, principled deference to political authority, in whose most extreme manifestations, as Béjar acknowledges, “el pobre ha de aceptar su destino siguiendo la concepción medieval jerárquica de la gran cadena del ser” (2007b, 181). Béjar has tried to forge a middle path, calling attention to the potential social benefits of Christian moral decency, as she criticizes Christianity’s passivity: “el cristianismo, haciendo a los hombres justos, moderados y pacíficos, es muy ventajoso para la sociedad general pero debilita la fuerza del resorte político” (2000b, 101).⁸⁵

⁸⁴ Referring to the emergence and great subsequent influence of the mendicant orders (e.g., the Franciscans and the Dominicans) in Medieval Christendom, Machiavelli, writing in the early sixteenth century, scorned the submissiveness of Christians that were enthralled by the orders’ recovery of the evangelical virtues of austerity and otherworldliness. Although he argues in the very same chapter of the *Discourses* that it is necessary that both republics [i.e., political communities] and sects [i.e., religious communities] “draw [themselves] back often toward [their] beginnings,” he claimed that Christianity’s tendency to want to restore its faith by returning to the imagined simplicity and humility of Christ made it a weak political force, because it was excessively inclined toward obedience: “But as to the sects, these renewals are also seen to be necessary by the example of our religion, which would be altogether eliminated if it had not been drawn back toward its beginning by Saint Francis and Saint Dominic. For with poverty and with the example of the life of Christ they brought back into the minds of men what had already been eliminated there. Their new orders were so powerful that they were the cause that the dishonesty of the prelates and of the heads of the religion do not ruin it. Living still in poverty and having so much credit with peoples in confessions and sermons, they give them to understand that it is evil to say evil of evil, and that it is good to live under obedience to them and, if they had made an error, to leave them for God to punish. So they do the worst they can because they do not fear the punishment that they do not see or believe” (209; 211-12).

⁸⁵ In the Spanish intellectual context, Béjar’s “middle path” runs between the positions of Domènech and Demetrio Velasco. Domènech has echoed Machiavelli’s republican critique that Christianity’s praise of humility has as a political consequence a countenancing of despotic government, which emboldens rulers to disregard their responsibilities vis-à-vis the governed. Quoting approvingly from the *Discourses*, he has written that Christianity “ha puesto el mayor bien en la humildad, la abyección y el desprecio de las cosas humanas, mientras que [el paganismo] lo ponía en la grandeza de ánimo, en la fortaleza corporal y en todas las cosas adecuadas para hacer fuertes a los hombres. Y cuando nuestra religión [i.e., Christianity] te pide que tengas fortaleza, quiere decir que seas capaz de soportar, no de hacer, un acto de fuerza. Este modo de vivir parece que ha debilitado al mundo, convirtiéndolo en presa de los hombres malvados, los cuales lo pueden manejar con plena seguridad, viendo que la totalidad de los hombres, con tal de ir al paraíso, prefiere soportar sus opresiones que vengarse de ellas” (2001, 87-88). Velasco’s expressed purpose is the exact opposite of Domènech’s: “[ver] hasta qué punto republicanism y cristianismo son compatibles en la realización [del] empeño democratizador de nuestras sociedades” (139). In an important sense, however, the ways in which Domènech and Velasco focus the question are, if different, not diametrically opposed to one another. If Domènech says that republicanism—which, properly understood, should contest authority—cannot accept Christianity’s traditional, if perhaps not essential, deference to authority, Velasco

However, Béjar does more than seek a compromise between Christianity and republicanism. She also argues that Christianity and republicanism, jointly, are antithetical (and, therefore, important intellectual opponents) to the individualism that prevails in two groups, which are apparently different, but, in an important sense, similar. The first are liberal, free-market conservatives, and the second are certain self-proclaimed progressives, who, by limiting their political demands to the governmental recognition and dispensation of rights, are effectively indistinguishable from liberals, and, so, whose individualism conflicts with the left's traditional values of solidarity and collective action. Despite their differences, then, Christianity and republicanism could work together to strengthen the social fabric that is weakened by individualism; for example, as Béjar urges, by speaking of “deberes (frente a la insistencia individualista en los derechos),” or of “tareas que hay que llevar a cabo desde referencias morales que trascienden al yo [individualista]” (2001a, 20). It is true that, in republican writings (excepting Rousseau's), compassion traditionally has not appeared alongside public liberty and active citizenship as a political virtue, but Béjar nevertheless reasons soundly that it does not follow that compassion (understood in Christian terms or otherwise) and republicanism are incompatible. In fact, by prompting cooperation among people, the institutional promotion of compassion could represent a Christian means to a conventionally republican end; namely, the recovery of “el entusiasmo de la felicidad pública republicana” (2001c, 139).

does not make the contrary claim, that republicanism can admit of Christian influence. (The latter claim is more similar to Béjar.) Rather, continuing a long tradition of a relatively progressive political Christianity—which includes Thomas Münzter, German Anabaptists, English revolutionary Diggers, and others—Velasco urges Christianity to absorb republican insights, and so to recover the Gospel's true, egalitarian essence: “el republicanismo debería ser para la Iglesia un argumento que le llevara a recuperar la verdadera inspiración evangélica que, sin duda alguna, está mejor encarnada por el ideal republicano” (155). In sum, Domènech says republicanism and Christianity are opposites; Velasco says they are not only compatible, but that incorporating republican ideals into Christianity would allow the latter to recover its true inspiration; and Béjar is undecided, believing that a measured insertion of Christian charity, or love would be socially beneficial, but wary of Christianity's history of complacency regarding injustice and docility toward unjust powers.

Béjar’s belief in the potential benefits of promoting compassion (and political virtues, in general) through institutions is the most important link between her political thought and Rousseau’s.⁸⁶ Like Béjar’s, Rousseau’s writings consider what social and political institutions (such as education systems and structures of authority) ought to be like, given what human beings are assumed to be like. For example, Rousseau famously wrote in the opening lines of his *Contrat social* that he sought to define legitimate political administration “en prenant les hommes tels qu’ils sont, et les lois telles qu’elles peuvent être” (249, my emphasis). In a manner that defies those political theories from both the right (e.g., classical liberalism) and the left (e.g., various forms of epistemological and moral skepticism, and social constructionism) that are loathe to make assumptions about human beings “tels qu’ils sont” (that is, about human nature), Béjar assumes, with Rousseau, that compassion (or, to use Rousseau’s synonymous term, “pitié”) is natural. Béjar will follow Rousseau, who distinguished in his *Discours sur l’origine de l’inégalité* between “les hommes tels qu’ils se sont faits,” which, because they were socially defined, were theoretically unimportant to his political philosophy, and “les premières et plus simples opérations de l’âme humaine,” which, because they inhered in humans prior to the moral corruption that is inevitable in human society, Rousseau wanted to understand first and foremost in his process of developing a political theory (1989, 20). Hypothetically, two principles would obtain in the simple (that is, uncorrupted and natural) soul of human beings—first, a desire for self-preservation; and second (and more importantly for our purposes), compassion, pity, or, to quote Rousseau, “une répugnance naturelle à voir périr ou souffrir tout être sensible et

⁸⁶ To better understand my reference to the general promotion of political virtues (e.g., compassion and solidarity), recall the quote from early in this chapter where Béjar expresses her conviction that social and political institutions (and particularly, laws) can have a positive influence on public mores: “La concatenación entre gobierno, costumbres y leyes es una de las ideas madre del republicanismo [. . .] el republicanismo cree que se hacen buenos ciudadanos inculcándoles buenas costumbres a través de una buenas leyes. Pero cuando el gobierno se entiende como un enemigo no cabe esa interrelación entre los tres vértices del triángulo virtuoso republicano.”

principalement nos semblables” (1989, 20). In the light of this premise, a rational political aim—which both Rousseau and Béjar seek—will be to favor a society in which people see one another as fellows, or as being somehow related, in French, as “semblables,” whose eventual suffering they, naturally, will want to mitigate.

Béjar proposes two ideas that are intended to contribute to the achieving of this aim. The first, which I will take up in the final section of this chapter, is the cultivation of a form of patriotism, one that is compatible with progressive political objectives (such as reducing inequality and checking arbitrary power), and that foments a sense of fellowship among residents of a *patria* so that mutual responsibility and duty are to some degree normalized. Béjar’s second idea, which builds on an intellectual tradition that goes back to classical Athenian tragedians, and continues through Aristotle and several, more recent thinkers, is to raise public awareness of both the actual urgency and the hypothetical universality of suffering. According to this tradition, given that suffering is an experience that affects many and could affect anyone, it should elicit everyone’s repugnance (Rousseau) and efforts to alleviate it.⁸⁷

Béjar’s second idea is bold, given the widespread, liberal assumption that individuals are, in principle, disconnected from society, and not necessarily responsible to or for it. In short, contrary to an idea that is at the core of modern democracies, namely, that people are equal as exercisers of socially guaranteed rights to, for example, Jefferson’s “life, liberty, and the pursuit of happiness,” or Locke’s right to property, Béjar asks if people might better appreciate their equality not in terms of their potential to live freely and pursue enterprises, say, but in terms of their natural weakness. In either case, and irrespective of compassion’s political importance, the

⁸⁷ For its content and analysis, I am indebted to Nussbaum’s important article on compassion, “Compassion: The Basic Social Emotion,” which presents some elements of the intellectual lineage I mention here.

social recognition of human weakness, or, as Béjar puts it, of the fact that “la condición humana [es] inseparable de la precariedad, la enfermedad y la muerte,” is a necessary condition for the existence of compassion in a society (2001a, 71). By making this assertion, Béjar has turned a key assumption of Locke, Jefferson, and the entire liberal tradition on its head. While the American Declaration of Independence presupposes the existence of citizens that are ready to take advantage of their rights, and while the same document contains no provision for those that are unable to do so, Béjar assumes that the inability to participate in social life is inseparable from the human condition. Béjar’s plea that her readers stop looking at those who suffer as being “lejanos” is a further indictment of liberalism, according to which those who are ill-prepared to enjoy individual rights are most appropriately understood as exceptions, anomalies, special cases, or, metaphorically, as “lejanos,” far from what is supposed to be normal.

When Béjar wrote that she would prefer that we look at those who suffer not as “lejanos,” but as “nosotros metonímicamente” (2001a, 151), she was both extending her assault on liberalism, and giving voice to a traditional defense of compassion that can be traced at least to Sophocles’s *Philoctetes* and has continued through Leo Tolstoy’s *The Death of Ivan Ilyich* and U.S. president Bill Clinton. At the beginning of *Philoctetes*, the Chorus, horrified, imagines the plight of Philoctetes, a Bronze-age Greek soldier who, years before the opening scene, having been bitten by a snake and writhing from the excruciating pain of his uncured wound, was abandoned on an island by his companions as they traveled to Troy. It is crucial that the Chorus imagines Philoctetes’s awful condition, rather than describing it based on observation. Without having seen him or even knowing where he is, the Chorus “pit[ies] him for all his woes, for his distress, for his loneliness,” and so it suggests to the audience that it is sufficient to imagine suffering to acknowledge its existence (17). At least in emotional and psychological terms, we

learn, as Béjar would have it, that suffering is never far away, or “lejano.” Even if it takes place somewhere that is physically remote, it can be felt strongly, or, as Béjar suggests, “metonímicamente,” as a sobering reminder of humanity’s general susceptibility to misfortune. Indeed, so it is felt by Sophocles’s Chorus in the fifth century B.C.E, and, attesting to the durability of Sophocles’s insight, so it appears in 1993 in the first inaugural address of U.S. president Bill Clinton—who suggested, as it were, that Philoctetes’s painful state is universal(izable) when he said that “but for fate we, the fortunate and the unfortunate, might have been each other” (in Warshaw, 370)—and in the fiction of Leo Tolstoy, whose *Death of Ivan Ilyich* is a cautionary tale against the ethical individualism of the eponymous protagonist, a small-minded judge who has spent his career uncompassionately “ruining anyone he fancied ruining” (173) only to be struck down by a painful, untimely death.⁸⁸ As it were, Béjar laments a deficiency of Sophocles’s sympathetic Chorus and an excess of the thoughtless individualism of Ivan Ilyich, who is oblivious to what Béjar calls “la cara oculta de la vida que nuestra cultura individualista y civilizada ha desterrado hasta casi eliminarla” (2001a, 177). As Béjar wants to cultivate a collective social “imaginación” or “facultad” to “ponernos en el lugar del otro, «entrar en su cuerpo, sufrir sus tormentos»” (51), Sophocles teaches that adversity exists in the world whether one sees it or not, Tolstoy shows that one’s failing to appreciate others’ adversity is so tragically short-sighted as to lead to death, and Bill Clinton “[tempers]” “the very idea of America” to include both those people that have the Jeffersonian wherewithal to “pursue happiness” and those who—like Philoctetes—are downwardly-mobile on Fortuna’s wheel. In each case, not to acknowledge the pain of others is to betray ignorance of the reality of the affairs

⁸⁸ Here, too, I draw upon Nussbaum’s article on “Compassion,” which, offering a different excerpt of president Clinton’s first inaugural address, led me to consult Warshaw’s complete transcription of it.

of humans, that is, of those of Philoctetes, of the hapless Russians in Ivan Ilyich's courtroom, Bill Clinton's "unfortunate," or Béjar's "otro."

If Sophocles, Tolstoy, and Clinton compel audiences to recognize the ubiquity of suffering, Aristotle and Rousseau, similarly, present misfortune as a phenomenon that, if properly appreciated, can make evident two things—the folly of the self-satisfied individual, naively secure in his self-sufficiency, and the basic equality of humans as creatures that are ever-susceptible to hardship. However, Aristotle and Rousseau are different from the others in referring not primarily to the capacity of humans to feel compassion abstractly, for hitherto unseen, or hypothetical sufferers of the world. They speak, rather, of human compassion, or *pitié* (Rousseau) for those who are somehow perceived, concretely, as one's fellows, or, to quote Rousseau, one's "semblables." Aristotle—who, to be sure, is doubtless the most famous, and perhaps the most laudatory critic of Athenian theater (and of Sophocles, in particular)—wrote, in his *Rhetoric*, that the pain of others will arouse one's compassion most acutely not, or at least not necessarily, when it compels one to confront the needs of humanity in general, but when it brings to mind the possibility that some similar ill might befall one's self or one's fellows, however this latter category is defined: "we feel pity whenever we are in the condition of remembering that similar misfortunes have happened to us or ours, or expecting them to happen in the future" (1984, 113-14).

Likewise, Rousseau—who told his readers to "distrust" the abstract theories of "those cosmopolitans who search out remote duties in their books and neglect those that lie nearest" (1991, 39)—insisted that pity will be felt most intensely when it is preceded by a sense of commonness with the potential object of this feeling. In *Émile*, his major treatise on education, Rousseau focused on this connection, arguing that educators ought to instill in their pupils, of

which the title character is Rousseau's model, the idea that sameness, not difference, should be the basis of social relationships. Where the perception of difference prevails, pity is an improbable emotion, or, as Rousseau advised his ideal teacher: "n'espérez pas lui apprendre à les plaindre, s'il les considère comme lui étant étrangers" (1966, 291). In other words, and now I am paraphrasing Rousseau, kings and the rich will have no pity for their subjects and the poor, respectively, if they believe—however naively, and contra Clinton—that their lots could not be reversed. However, where perceived sameness obtains, Rousseau's "répugnance naturelle" toward the pain of others is likely to appear. For Rousseau, therefore, the task of the teacher must be to show his student that he is united with others by "les vicissitudes de la fortune," and the "maux [qui] sont sous ses pieds."

Despite their differences, the various Sophoclean, Aristotelian, and Rousseauian defenses of compassion are compatible. They share the view, which is central to Béjar, that the public notoriety of the reality of suffering can lead members of a society to feel compassion for their fellows. Significantly, Sophocles's Chorus *publicizes* Philoctetes's anguish; Aristotle's community is humbled by its *gaining knowledge* of others' misfortune; and Rousseau's ideal student is taught to *see* the destitute differently (as "semblables"), and, crucially, *never to avert his eyes* from them. Like Tolstoy and Clinton, who, similar to these older examples, implied the importance of general public awareness by conveying their ideas through mass media (respectively, through a widely distributed novella and a(n inter-)nationally televised speech), Béjar has adapted classic and early modern references to modern times. She has pointed to the ability of today's visual media technology to make suffering visible to millions of people, or, in any case, to many more people than could attend the Dionysia. Although she does not mention him explicitly, I consider this idea to be an ironic, but no less effective reworking of Guy

Debord's theory of the *Société du spectacle* (1967). If, for Debord, images were a distraction from real, lived experience or had, in some sense, become a substitute for reality, for Béjar, images can have a second, more positive function, which Debord failed to notice. If, as Debord argued, images can distort (or, more charitably, change) one's perception of reality, Béjar adds that they also uncover and can force one to confront scenes of distress, especially those that happen in places of which the public, as if in the thrall of a spectacle, is usually blissfully unaware, such as hospitals and nursing homes, poor and dangerous urban neighborhoods, prisons, violent homes, and exploitative workplaces. As a means of publicizing this (Debordian, unmediated) reality, Béjar straightforwardly calls upon socio-political institutions to "explicitar la imagen y producir los discursos cruciales alrededor de la necesidad: la pobreza, la soledad, la enfermedad, la muerte" (2001a, 176). In this way, writing in 2001, Béjar's work both anticipates and complements Susan Sontag's better-known 2003 essay *Regarding the Pain of Others*.⁸⁹ In her later work, Sontag revised her reflections *On Photography* from decades earlier.

"Photography," Sontag had written in the 1970s, "is a powerful instrument for depersonalizing our relation with the world" (1977, 167); "living with the photographed images of suffering [. . .] does not necessarily strengthen conscience and the ability to be compassionate. It can also corrupt them" (1977, 20). In 2003, Sontag recapitulated this idea before casting doubt on it. She recalled her earlier argument, that "we become callous" "[i]n a world [. . .] hyper-saturated with images," where "photographs shrivel sympathy," but immediately asked, "Is this true?" and answered, humbly, "I'm not so sure now" (105). Sontag now argued that images—particularly those of "human suffering caused by war"—can have positive socio-political effects; they can be an "invitation to pay attention [. . .] to examine the rationalizations for mass suffering offered by

⁸⁹ I am grateful to María Teresa de Zubiaurre for her recommendation that I include Sontag in this discussion.

established powers” (2003, 117); and raise important political questions such as: “Who caused what the picture shows? [. . .] Is there some state of affairs which we have accepted up to now that ought to be challenged?”

Two years before Sontag’s critical self-assessment, which dealt mostly with photographs of the horrors of international military conflict, Béjar published complementary ideas on the social function of pictures that shed light not on distant violence, but on the hidden “*crudeza de la vida*” in our more immediate surroundings, such as “*la absoluta soledad de los ancianos, la muerte de los enfermos terminales, [y] la indefensión de los mendigos*” (2001a, 177). If closer in space than Sontag’s wars, Béjar was nonetheless calling attention to a reality that is usually just as far from the mind of the average person, as it is for the likes of Tolstoy’s egotistical bourgeois prototype, Ivan Ilyich, and from Béjar’s similarly self-centered individual, whom she, in an interesting inverted Biblical reference, calls “*El mal samaritano*” (2001a). Like Sontag, Béjar believes that the public’s consciousness of suffering can goad political action, or that “[l]as imágenes del infortunio crean un «impacto» que redundo en la ayuda” (2001a, 33), and she explores this idea in relation to her usual themes of volunteer philanthropy (“Uno toma la decisión de hacerse voluntario cuando se enfrenta con el dolor”) and Christian ethics (“El descubrimiento del sufrimiento puede ser vicario,” that is, it can have the effect of a religious authority encouraging the faithful to effect social change) (77). For Béjar, even if the early Sontag was right to say that an excess of tragic images can result in “*la saturación de la sensibilidad*” (33), only if we see misfortune, can we gain the wisdom to *foresee* it, and thus be more likely to prevent it.

Patriotism and Nationalism, Collective Identity from Right to Left

If the explicit publication of images of distress is Béjar's direct way of moving people to appreciate the needs of others, the cultivation of patriotism is her indirect means of accomplishing the same goal. Presumably, if one defines patriotism, with Karl Deutsch, as "an effort or readiness to promote the interests of all the persons born or living with the same *patria*, i.e., country" (232), then the effective cultivation of patriotism will mean that the interests of one's compatriots, including, of course, their interest in avoiding hardship, will be visible, in the abstract sense that people will be more inclined to notice them. In any case, these interests will be more visible, as compared to the less visible trials of those persons toward whom one is indifferent, because one shares with them no sentimental bonds, be they bonds of patriotism or some other sort.

In her conceptualization of a progressive form of patriotism, Béjar distinguishes her position from two others, which she believes are more conservative than hers, and should be called not patriotism, but nationalism. Béjar defines nationalism, with the British sociologist Anthony D. Smith, as insisting principally on the basic sameness of the members of a nation, as opposed to patriotism, which is centered on internal diversity whose cohesion derives from common socio-political frameworks and projects, e.g., (the construction of) a just society. As Béjar paraphrases Smith, nationalism is "una doctrina para alcanzar y mantener la autonomía, la unidad y la identidad de una población que algunos de sus miembros consideran que constituye una nación presente o futura" (2008, 16). Making rare explicit references to contemporary Spanish politics, and thus departing from her work's mostly theoretical content, Béjar contrasts her notion of patriotism with the first of her rival, nationalist positions, that is, against conservative state-nationalism, and in particular, the Franco dictatorship and its post-dictatorship

sympathizers.⁹⁰ She calls this position “el españolismo tradicional,” or the conservative Spanish nationalism associated with the country’s predominantly (national) unitarian (i.e., anti-federalist and anti-separatist) right-wing, and with Franco’s famous (and unequivocally nationalist) motto: “España una, grande y libre” (2008, 17; 72).⁹¹

The second position is different in being politically peripheral and typically autonomist or separatist, where conservative state-nationalism is centralist and unitarian. It is also more internally diverse, consisting of the sub-state national independence movements of the Basque Country and Catalonia, e.g., the *Ezker abertzalea* (the Basque “patriotic left”) and the ERC (the Republican Left of Catalonia).⁹² Despite its differences relative to a conservative “españolismo tradicional,” and despite its sometimes explicitly referring to itself as left-wing (e.g., the ERC), for Béjar, sub-state nationalism—or, in Béjar’s Spanish, “el nacionalismo subestatal”—is nonetheless conservative in important ways (2008, 38). For example, it is as Fichteian as state nationalism, according to a conservative interpretation of Fichte’s *Address to the German Nation*, meaning that it upholds as politically relevant socio-political categories that are typically conservative (and romantic)—namely, unchosen (or given) sources of identity, such as “la

⁹⁰ To be sure, Béjar also departs from her predominantly conceptual analytical style in her books and articles on volunteering, where she reports her findings from interviews with volunteers in Madrid and assesses the network of philanthropic organizations in the Spanish capital. In my discussion of this aspect of Béjar’s work (above), I do not refer to her empirical data for the sake of space and clarity. Her ideas on the political consequences and efficacy of philanthropy seem to me more germane to her republicanism. For Béjar on volunteering, see 2000a, 2000c, 2001a, 2001b, 2001c.

⁹¹ Since Franco, two political parties—the Alianza Popular (1977-1989) and the Partido Popular (1989-present)—have been the main representatives of this sort of unitarian, conservative nationalism.

⁹² In Béjar’s discussion of sub-state nationalism, the Basque Country and Catalonia get much more attention than, for example, Galicia (which gets almost none). Remarkably, she pays more attention to Andalucía—which local nationalists (in a way that is generally typical of nationalist discourses) refer to as a timeless and living “ente”—than to Galicia, whose nationalist sentiment is absent from Béjar’s account, barring a few passing references to Galicia’s place alongside the Basque Country and Catalonia as a ‘historical nationality’ with special recognition in Spain’s current Estado de las Autonomías (2008, 132).

cultura” and “la lengua y la historia” (2008, 13; 19).⁹³ So, for Béjar, it is unfit to be recognized as politically progressive.⁹⁴

Pursuing her broader dispute with the left, Béjar will deny the progressivism of sub-state nationalism, even though it is widely acknowledged to be progressive by progressives themselves. Presumably, she argues, the best explanation for this apparent paradox is that the left is sympathetic to sub-state nationalist movements because these have long been associated with the contestation of established power. Béjar points, for example, to “[el] halo de antifranquismo,” that is, the aura of anti-power worn by Basque and Catalanian nationalists (during and since the dictatorship), which allows them to exercise what Béjar calls “un progresismo confortable,” meaning that, because of their historical opposition to Spanish national conservatism, their progressive credentials are assumed, and never questioned (2008,

⁹³ See Fichte’s *Addresses* (2013) for the relationship between language, history, and nation. It is a matter of controversy whether Fichte should be considered a founding figure of conservative modern nationalism. Such is a standard interpretation of his work—one that is certainly plausible, regardless of Fichte’s (hotly debated) intentions, which are supposed to include liberalism, republicanism, and chauvinism. Fichte is also seen as offering a vision of cosmopolitanism, the achievement of which demands, first, the consolidation of discrete national characters. For a defense of this latter view, see the introduction to Fichte 2013.

⁹⁴ By casting doubt on the appropriateness of thinking of Spain’s sub-state nationalisms as left-wing, Béjar is similar to Félix Ovejero, another important figure in Spanish republicanism in the post-Franco era whom I discuss briefly in the Introduction to this dissertation. Like Béjar, Ovejero—who has authored the descriptively titled books *Contra cromagnon* (2007) and *La trama estéril: izquierda y nacionalismo* (2011)—has argued that the phenomenon of nationalism, whatever its merits, “es esencialmente reaccionario” (hence, *Contra cromagnon*), because it demands some measure of loyalty based on the randomness of one’s *natio*, *ethnos*, or clan (2007, 19). Also, like Béjar, Ovejero has been critical of the Spanish left’s political and ideological alliance with sub-state nationalisms (hence, *La trama estéril*), and has called on the left to develop a set of principles based not on the supposition that a shared history, language, or identity are politically relevant, but in a commitment to social and economic justice and solidarity. In this sense, Béjar and Ovejero’s positions are different in important ways from those of Domènech and Giner, contemporary republicans who have been more sympathetic toward nationalist movements (if not always toward nationalism as a concept), even though they have not devoted nearly as much intellectual energy to this question as Béjar and Ovejero have done. In any case, although Domènech defends a highly decentralized federalist administrative system for Spain, and Giner has publicly (though not vociferously or systematically) supported Catalanian independence and national identity, it is plausible that all four could agree, in principle, that nationalism and left-wing politics do not mix neatly. In fact, in 1986, Giner, while acknowledging the ideological ambivalence of Spain’s regional nationalisms, referred also to their conservative (and specifically Carlist) roots: “Muchos de los primeros representantes del autonomismo vasco y catalán poseían lazos ideológicos con el carlismo, y en muchos casos hasta familiares. Aunque sería inadmisibles entender el catalanismo y el vasquismo de hoy como formas de neocarlismo, sería también erróneo ignorar las continuidades históricas que han existido entre ellos” (441).

269).⁹⁵ However, one should indeed cast doubt on their progressivism, since they shift the focus of political discourse from a traditionally progressive emphasis on economic justice for all to regional demands for the political independence of some. In a series of interviews with Spaniards on the subject of patriotism, which she compiled and analyzed in her book *La dejación de España*, Béjar spoke with Diego, a supporter of Spain's United Left party, who pointed to sub-state nationalism as a distraction from the attainment of vital economic objectives: "Mi problemática es eso, que cierren la fábrica, que me despidan y me quede en paro, que la sanidad esté cada vez peor... y no la banderita que lleva cada cual" (2008, 43-44). Diego's comment recalls Béjar's criticism of the left's (postmodern) fascination with identity difference (Diego's "banderita"), and its relative neglect of economics. For Béjar, the left errs when it presupposes the progressivism of the supposedly difference-promoting "causa de la autodeterminación de los pueblos," and the "descentralización" of political power (2007c, 39; 2008, 271). Rather, the progressivism of socio-political phenomena—e.g., peoples, nations, countries, and political party platforms—ought to be determined in terms of their characteristics, not stated goals, which, in the cases of Basque and Catalan nationalisms, is political independence.

At its core, then, Béjar's controversy with sub-state nationalisms is about the relative importance of means and ends in politics. Béjar, like other contemporary republicans, such as

⁹⁵ Béjar's explanation is similar to one advanced by the political theorist and historian Andrés de Blas (discussed below). If Béjar has thought that the left's support of national separatist movements can be explained by the traditionally adversarial relationship of the latter to centers of power, De Blas, arguing that the left was looking not to the past but toward the future, observed that, given the decline in the mid- and late-twentieth-century of revolutionary left-wing parties in the West, nationalism (along with environmentalism, feminism, and pacifism) was supposed to be among the most promising checks on established power. So, as for Béjar, for De Blas, despite "el pasado [. . .] conservador o reaccionario de buena parte de estos movimientos," the progressivism of nationalist movements was taken for granted. The left's was "una actitud "neoromántica" ante unos movimientos nacionalistas europeos que, en los años setenta, pudieron ser vistos por algunos como una renovación de la llama revolucionaria [. . .] [D]e los nuevos movimientos sociales [. . .] se esperaba la alternativa revolucionaria que no podía protagonizar ya la socialdemocracia europea" (1989, 76).

Giner and Domènech, will attack the left's theoretically undisciplined embracing of traditionally conservative socio-political means—notably, (national) identity essentialism—to achieving progressive ends, like political liberty. For Béjar, then, *pace* Gayatri Spivak and her “strategic essentialism”—i.e., her adoption of “an essentialist position with respect to identity categories [. . .] in order to mobilize a collective consciousness for achieving a set of chosen political ends” (Pande)—political ends, such as “la autodeterminación de los pueblos,” do not justify means, such as essentialist identity claims. Rather, means and ends must always justify one another.⁹⁶

Although she is engaged in debate with disparate forms of nationalism from the right and the left, these dialogues contribute jointly to Béjar's broader project of rethinking left-wing politics. Given the left's history of violent confrontation with conservative nationalism (e.g., twentieth-century republicans, socialists, and communists against German Nazis, Italian Fascists, and Spanish *Nacionales* and Francoists), it is unsurprising that she should reject conservative nationalism (including, for example, nostalgia for Spain's imperial past and the socio-political empowerment of the Catholic Church). However, rejection is not enough. Unsatisfied with a primarily negative stance, and unconvinced by the idea, which is widespread on the left, that patriotism is essentially conservative or, at least, tends toward conservatism—or, in the Spanish

⁹⁶ Spivak ended up backing away from “strategic essentialism,” having observed, as Béjar surely would have predicted, that many of its proponents were more committed to affirming supposedly essential identities than they were to generating group solidarity and to continuously subjecting admittedly non-essential identities to critique. I mention Spivak and “strategic essentialism,” nonetheless, because Spivak's affirmation and disavowal of this idea represent at one and the same time the two trends in left-wing thought that Spanish republicans (and Béjar, in particular) have railed against most; namely, the moral relativism that leads Spivak to adopt “strategic essentialism,” having recognized that skepticism is an ineffective political tool; and identity essentialism, which the left has championed, despite its own historic commitment to universalism and equality. Domènech has been especially critical of this latter break (from universalism to particularism) in the left's intellectual history.

context, that if one is a patriot, then one is a Francoist; and if one is anti-Franco, one must be against patriotism—Béjar wants to formulate a positive theory of left-wing patriotism (2007d).⁹⁷

Against her stands the left's notion that patriotism is conservative, which goes back at least to Marx, for whom historically necessary progress would come in the form of an international, explicitly non-patriotic revolution carried out by the "workers of the world," a proletarian class whose statelessness is an indispensable part of Marx's theory of revolution, which is based on social class, not citizenship. Curiously, the left's reservations about patriotism are sometimes evident even when it argues in favor of love of country, for instance, in Jürgen Habermas's theory of "constitutional patriotism" (in German: *Verfassungspatriotismus*), which, as it is worded, seems to imply that patriotism without an adjective (in this case, without "constitutional") is at least unsatisfactory, and perhaps inadmissible.⁹⁸ As a case in point, in Spain, the writings of José Álvarez Junco, a moderate progressive historian whose work I discuss

⁹⁷ By trying to rescue the idea of patriotism for the left and from the right, Béjar places herself in a tradition of politicians from the post-Franco left that have tried to reconcile themselves with this concept. This tradition arguably began in 1977 (during the so-called Transition from dictatorship to democracy), when Santiago Carrillo, the Secretary General of the Spanish Communist Party (PCE), spoke with significant fanfare in front of a large Spanish flag, thus symbolizing his support of domestic political processes, something uncharacteristic of communists, who were traditionally internationalists. (Two years earlier, in 1975, the way was perhaps paved for this act, when the PCE's *Manifiesto-Programa*, notwithstanding its support of the right of minority nationalisms to choose their political futures independently, defended the unity of Spain as a (federal-republican) country: "Los comunistas propugnamos la libre unión de todos los pueblos de España en una República Federal" (1975). More recently, and since Béjar's publications on patriotism, Pablo Iglesias, the Secretary General of Podemos (a left-wing political party founded in 2014), has flown the official Spanish flag (the *rojigualda*) at his rallies—an act that is brave and unconventional, given the central place that the Republican *tricolor*, a symbolic adversary of the *rojigualda*, occupies on the left.

⁹⁸ Giner, for his part, remarkably seems to be free of prejudice toward the concept of love of country in his scattered references to constitutional patriotism. Tracing "*Verfassungspatriotismus*" beyond Habermas to its origins in the work of German political philosopher Dolf Sternberger, who coined the term in 1979, Giner uses the concept as a tool to propose social unity against the risk of disunity that is posed by multiculturalism, which in extreme forms prescribes loyalty to one's immediate or inherited culture rather than a country. Giner not only shows none of the left's typical uncertainty. In a forthright rejection of Habermas's reconceptualization of patriotism, he sets aside the adjective "constitutional" as the overly abstract idea of "un germánico elucubrador" (2002a, 20). He prefers to plainly espouse patriotism *per se*, or "la lealtad cívica efectiva a un orden político determinado," and an accompanying non-multicultural "atenuación de las intensidades culturales diversas" (14).

below, are proof that *Verfassungspatriotismus* can be appealing to progressive thinkers, even if they find the reference to patriotism unsettling; Álvarez Junco writes, “Más atractiva [que el nacionalismo dogmático] me parece la propuesta habermasiana del “patriotismo constitucional” (aunque el primero de estos términos siga sonando a redoble de tambores)” (2006b, 18).

In the Spanish context, and in opposition to the conceptual conflation of patriotism and conservatism, Béjar follows Andrés de Blas, a professor of political science, in suggesting that the union of these concepts is not a logical necessity, but a consequence of history. Béjar and De Blas point to the Franco era as the period when the left distanced itself from patriotism, having associated it with the right: “el solapamiento entre antifranquismo y antiespañolismo se forjó durante la dictadura” (Béjar 2007d, 15). De Blas argues that, before the dictatorship, Spanish liberals and liberal-republicans, such as Manuel Azaña, could differentiate less problematically between forms of patriotism that were conservative (e.g., European fascism in the 1920s and 30s) and progressive (e.g., the French *Solidarisme* of Léon Bourgeois, to which Azaña owed a considerable intellectual debt). This distinction was apparently possible even among socialists, for whom the doctrine of internationalism might have made patriotism an improbable sentiment. For example, in a famous May Day speech in Cuenca in 1936, less than three months before the outbreak of the 1936-39 Civil War, Indalecio Prieto—then president of Spain’s main socialist party, the PSOE—proudly manifested his love for Spain: “A medida que la vida pasa por mí, yo, aunque internacionalista, me siento cada vez más profundamente español. Siento a España dentro de mi corazón, y la llevo hasta en el tuétano mismo de mis huesos” (in López Villaverde, 19).⁹⁹

⁹⁹ De Blas has summarized the Spanish left’s long (pre-Franco) history of support of the unity of Spain, which, with the exception of the communists, (“capaz de pasar de las actitudes filonacionalistas de signo periférico en los años republicanos al extremo discurso nacionalistas español de la guerra civil”), was upheld regardless of subdivisions within the left itself—“[p]osibilismo castelariano, radicalismo de Ruiz Zorrilla, hasta el federalismo de Pi y Margall, son coincidentes en este punto. La tradición progresista (Esquerdo, Lerroux, Sol y Ortega), el reformismo (M. Álvarez, G. de Azcárate), los posteriores dinamizadores del republicanismo (Albornoz, Azaña) y el grueso de la inteligencia que acompañó de forma más o menos próxima al movimiento republicano (Costa y buena parte del

If, after the Civil War, the distinction between patriotism and conservatism breaks down, Béjar, drawing on the work of three of her academic contemporaries, Borja de Riquer, Álvarez Junco, and De Blas, suggests that the causes of the conceptual collapse go back at least to the nineteenth century, when it was clear that progressive forms of patriotism, because weak, could not compete with, and might be absorbed by, conservative nationalism. Álvarez Junco's book *Mater Dolorosa* explores how, since the nineteenth century, which witnessed the consolidation of modern France, Italy, and Germany, Spain's modern, progressive elites, which were less successful than their European neighbors in creating strong national institutions, yielded more rhetorical space (than was the case, e.g., in France) for rival socio-political actors—including internationalist communists, minority nationalists, and nationalist conservatives—to articulate other ideas of the nation (2001). Similarly, Borja de Riquer has suggested that conservatism's control over the definition of the nation in Spain may have its roots, in part, in that, since the nineteenth century, the left has failed, while the right has succeeded, to "hacer españoles" (1994, 20); specifically, Spaniards who might effectively defend a progressive point of view. The reason for this failure is that Spanish liberals and progressives, at least since Antonio Alcalá Galiano (1798-1865), have made the task of making Spaniards more difficult for themselves than it has been for the right. Liberals and progressives have assumed (contrary to the right) that building a nation is, as the philosopher José Ortega y Gasset (1883-1955) put it, "un proyecto sugestivo de vida en común," that is, something to be undertaken now and in the future.

Likewise, they have assumed, with a young Emilio Castelar (1832-1899), that "las naciones [. . .]

regeneracionismo, Ortega, Unamuno, Pérez de Ayala, Marañón, Araquistáin, etc.) se mantendrán en la misma línea. Apenas hay otra quiebra en ella que la aventura de Solidaridad Catalana, algunas divisiones dentro del federalismo, los excesos de un oportunismo anti-monárquico, y las actitudes de un republicanismo catalán dispuesto a transformarse en catalanismo republicano. Y dentro del socialismo español, un difuso patriotismo liberal es quizás el hilo que permite unir el discurso de P. Iglesias con los posteriores discursos a izquierda y derecha del PSOE anterior a la guerra civil (I. Prieto, J. Besteiro, F. De los Ríos, F. Largo Caballero)" (1989, 29).

pueden cambiar cuando les plazcan [sic] las leyes fundamentales, y cuando les plazca, derogar, cambiar, transformar, destruir, renovar los poderes supremos” (1921, 25; 1999, 303).¹⁰⁰

Conservative nationalism thinks less about Ortega’s projects or Castelar’s changes, both of which imply a willingness to adapt to future circumstances, than about continuity according to tradition. It prescribes, for Béjar, the uncritical “adhesión” of its natural “miembros” (2008, 234-35), or, in the words of De Blas, a dutiful, “Burkean” deference of the living to “la decantación de un largo pasado” (2006, 8).

In terms of gaining popular support, the right has benefitted from a less nuanced approach, one that is appealing thanks to historical simplifications that provide desired, if false, certainty; that, as De Riquer ridicules a frequent, and extremely crude conservative appeal, “España es la nación más antigua de Europa” (2014).¹⁰¹ Alcalá Galiano, along with his liberal intellectual heirs, was subtler, recognizing in 1835 that the Spanish nation, if anything, was a future-oriented collective undertaking, and not an already-existing object to be venerated. It was necessary, therefore, to “hacer en la nación española una nación, que no lo es ni lo ha sido hasta ahora” (in De Riquer 2014). Alcalá Galiano’s intellectual honesty lacks the emotional accessibility of conservative nationalism, which, from the Inquisition to Francoism, has allowed Spaniards to define themselves in contrast to the supposed enemies of the nation, including

¹⁰⁰ One of the four presidents of Spain’s First Republic (1873), Castelar, a moderate republican and anti-monarchist in his early career, became more conservative later in life, famously coming to support the monarchy as a sign of his satisfaction with the passage of the Ley Electoral de 1890, which legalized universal male suffrage in Spain.

¹⁰¹ Béjar will also deny this sort of historicist nationalism to Basques and Catalonians. It is not, for Béjar, “[una] realidad incontestable de las naciones sin Estado que hunden sus profundas raíces en la Historia,” (notice the capital H) (2008, 277). Nor is it true, in any politically relevant sense, when Basques say: “los vascos somos el pueblo más antiguo de Europa” (2008, 26). Béjar’s intellectual distance from the influence of (historicist) romanticism on the modern left is evident here, again. Béjar follows Ernest Gellner (2006) in affirming that nations are not (as they are in the German romantic tradition of Herder and Fichte) objects to be (re)discovered, but modern “invenciones de las élites políticas” (2008, 17).

religious heretics, regional separatists, and, of special relevance to the present ideological discussion, the twentieth century's allegedly anti-Spanish political left. In De Riquer's words, by the end of the nineteenth century, in terms of their abilities to inspire the national imagination, the left was weak, and the right was strong: "las izquierdas no habían construido un proyecto nacionalista realmente alternativo al tradicional discurso españolista conservador, no habían articulado un proyecto que tuviera capacidad de integración ideológica y política" (1994, 20). By the middle of the twentieth century, nationalist conservatism, or (National Catholic) Francoism, lacking serious competition, became synonymous with *la patria*, an equation, moreover, that was possible not only due to feeble opposition from the left, but also because of the intolerance typical of Francoism.¹⁰² For Álvarez Junco, Franco, by means of an exclusivist campaign of nationalization that "carecía de capacidad –y de voluntad—integradora," and where "sólo cabía lo católico-conservador," stigmatized domestic nationalism as particularly reactionary (2006a, 461).¹⁰³ Béjar agrees. A case in point is one of her interviewees in *La dejación de España*, Salvador, a supporter of the PSOE, whose testimony indicates a causal link between Francoism and the left's apathy toward things patriotic, the feeling alluded to in the book's title: "yo nunca he tenido esa sensación de patriota español. Quizá como resistencia a lo que nos vendía Franco, a mí se me creó una especie de dejación de España" (2008, 35).¹⁰⁴ Finally, in the light of historical

¹⁰² In addition to Álvarez Junco (2006a), see De Blas (2003-2004 and 2006) for a history of how National Catholicism competed with and displaced liberal nationalism.

¹⁰³ Álvarez Junco also shows how the Franco regime contributed to the association of pro-Spanish sentiment with the dictatorship: "No hay que olvidar que el '¡Arriba España!' se veía inevitablemente acompañado de un '¡Viva Franco!' Medio país, al menos, se sentía ajeno a aquel conjunto de mitos y símbolos" (2006a, 462). Phenomena (e.g., the Catalan language) that fell outside the regime's understanding of Spanish-ness were branded as alien: "se humilló a catalanes católicos y conservadores con los 'no hables como un perro' o 'habla la lengua del imperio.'"

¹⁰⁴ Above, in a reference to Indalecio Prieto, and his presidency of the PSOE (which is the acronym of the Spanish Socialist Workers' Party (Partido socialista obrero español), I call the PSOE socialist, not center-left. In fact, from the 1930s (and Prieto's presidency) to the 2000s, when Béjar conducted this interview, the party moved toward political center, abandoning the objective of socialist revolution and defending social democracy.

analyses and contemporary public opinion (such as Salvador's), Béjar concludes that Franco's regime "tiñó de oprobio al nacionalismo español [y] desprestigió el sentido de pertenencia español durante decenios" (2008, 269), "consigui[endo] que los españoles identificaran el españolismo con su régimen y el antiespañolismo con la oposición al mismo" (2010, 5).

To remedy this historically conditioned, but not conceptually necessary association between the political right and patriotism, Béjar will follow Carlo Rosselli, an Italian anti-fascist who was killed in 1937 by French fascist henchmen. In his *Socialismo liberale*, which was written in 1929, Rosselli, in a way not unlike Spain's Alcalá Galiano had done almost a century earlier, wrote that the concept of country ought to be important for the left, and that "Italian socialism in the future must pay much more attention to specifically national problems and break the monopoly on patriotism held by so-called national parties" (122). As Béjar thinks of Spain's post-Civil War left—where, however misguided, it is seemingly *de rigueur* that influential voices like the novelist Francisco Ayala should call the idea of country "una antigualla embarazosa" (137)—so Rosselli thought of the Italian left. In the interwar period, Rosselli's peers were so blinded by their hatred of fascism's "factious patriotism" (i.e., "a primitive and extremely dangerous phase of patriotism [. . .] cloaked in the false trappings of national honor"), and of fascism's travesties of patriotism—e.g., its jingoistic "exploiting [of] the national myth" of past grandeur—that they failed to appreciate that patriotism is a core political virtue: "for the sake of combating . . . primitive or degenerate, or selfish forms of devotion to country, the socialists persist in ignoring the highest value of national life" (123). Specifically, the socialists ignored patriotism, or "love of country," in the words of Maurizio Viroli, an Italian political

philosopher and republican theorist for whom Rosselli is “[o]ne of the most important examples of rediscovery of the language of patriotism.”¹⁰⁵

For Béjar, the wisdom of Rosselli and Viroli lies in their having separated conceptually patriotism, which can be progressive or conservative, from nationalism, Roselli’s “primitive or degenerate” form of love of country, both of which terms have been conflated for different reasons by the right, which has been happy to embody both concepts, and the left, which has long been uninterested in either. Like her Italian predecessors, Béjar, in a synthesis of Viroli’s work, insists on “un patriotismo republicano, y no nacionalista” (2008, 85). Further, with considerable intellectual courage, and following the lessons of Rosselli, she presents her patriotism not as a break with authoritarian nationalism (although it certainly is such a break), but as an improvement upon it, a “new” kind of patriotism, which she calls “neoespañolismo,” thus boldly evoking the conservative, explicitly Francoist, “españolismo tradicional,” as she implies its obsolescence (2008, 14-15).

For Béjar, neoespañolismo is related to republicanism; “se emparenta con el lenguaje republicano” (2008, 15). By recalling Béjar’s definition of republicanism as the tripartite “concatenación entre gobierno, costumbres y leyes,” it is clear that Béjar’s neoespañolismo—which encourages “un patriotismo cívico,” that is, the commitment of citizens to shared privileges and obligations, and which defends not exclusivist or essentialist national(ist) identities, but “una pertenencia múltiple (española, vasca/catalana, europea)”—represents a principled commitment to her republican “triángulo virtuoso.” Specifically, where conservative and separatist nationalisms emphasize, above all, common identity, mores, or “costumbres,”

¹⁰⁵ For Viroli on patriotism, see Viroli 1995. For Viroli on republicanism, see Viroli 2002. For Béjar’s use of Viroli’s ideas, see Béjar 2008, 85.

Béjar's neoespañolismo is equally mindful of each of republicanism's three vertices. First, government is both a framework for shared "civic" identity (Béjar's "patriotismo cívico"), and is sufficiently flexible that republicanism's second vertex, including diverse customs, traditions, and "una pertenencia múltiple," might flourish.¹⁰⁶ Finally—by respecting diversity so that citizens, whatever their differences, might see themselves as equally valuable members of society, and by enabling inter-group solidarity through a system that makes all equally entitled and responsible, an idea, incidentally, that resembles Spanish republican philosopher Andrés de Francisco's ideal of *aequa libertas*, or equal liberty—the law, the last side of Béjar's republican triangle, will not be a burden, but a necessary condition for freedom. As De Francisco has written, law is burdensome, in principle, to liberals, for whom liberty is an apolitical "libertad frente a las leyes" (2012, 72, original emphasis). Conversely, law can be liberating, in principle, for republicans, for whom freedom is realized thanks to good laws, or "por las leyes." Similarly, Béjar suggests that citizens, justly governed, will embrace the laws thanks to which, or "por las [cuales]" they enjoy freedom, and the commitment of citizens to their legal system will have a virtuous cyclical effect. Citizens that, for love of country, responsibly exercise legal rights and accept readily, with "patriotismo cívico," their duties, will be effective models for their compatriots, thus extending the practice of civic virtue and normalizing political allegiance.

Here, Béjar's proposal and reasoning resemble not only De Francisco, but also Giner, who has argued that a political system ought actively to make its members feel that they have a stake in society, since doing so will promote civic-mindedness, an essential republican virtue

¹⁰⁶ Béjar is quick to show that her theoretical preference for multiple social identities is also the preference of a majority of Spaniards, according to polls: most Spaniards "se siente[n] preferentemente español, más español que de su propia comunidad o tan español como de su comunidad (que es la pertenencia dominante como muestran las encuestas)" (2007c, 40).

which, crucially for Béjar and Giner’s arguments against liberalism, is not a product, as liberals would have it, of individual responsibility or independent choice. Rather, more holistically or materialistically, civic-mindedness depends on circumstances. Recall the following quote from Giner: “Son las leyes, la ciudadanía y los gobiernos – todos juntos – los que han de esforzarse por *crear las condiciones adecuadas* para que se produzca la solidaridad y el altruismo. Las conductas generosas y altruistas *no aparecen por arte de magia. Deben ser estimuladas* a través, entre otras cosas, de la reconducción de recursos públicos en beneficio de los más necesitados” (Giner and Camps 1998, 45, my emphasis). Although Giner and Béjar happen to stress different means of achieving greater civic virtue—Giner speaks of wealth redistribution, where Béjar points to a common, just legal framework and respect for multiple identities—both thinkers make another, more fundamental point; they posit the causal efficacy of supposedly ideal socio-political circumstances, e.g., good laws and economic justice, in bringing about desired political action.

However, despite this supposition, both Giner and Béjar are uncertain that the causal relationship will always materialize. For example, Giner has asked, even if more equal material conditions among citizens were to obtain, “¿[h]asta qué punto es posible generalizar la inclinación por la virtud cívica y la fraternidad a toda la ciudadanía?” (1987, 97). He suggests, in other words, that favorable conditions for the emergence of civic-mindedness are meaningful only to the extent that people are generally willing to exercise this virtue. In the end, then, the causal link may not be, or, at least, may not always be the one between propitious economic circumstances and virtue. Giner and Béjar both ask if the cause of virtuous behavior is not, instead, perceived sameness, or common group membership. For example, Giner wonders, what if people, far from being compelled to act as a result of legal or material conditions, respond

more readily to the stimuli of group dynamics; namely, to his “visiones que ordenen y den dirección a lo comunitario, [y] las identificaciones que estructuren emocional y simbólicamente [sus] vidas” (1987b, 182). Although Béjar has no doubt that “[e]l respeto a las leyes y a la Constitución es necesario para crear espíritu ciudadano,” she, like Giner, observes the limited capacity, relative to community membership, of legal frameworks—e.g., a constitution—to “anclar socialmente” (2008, 266). Unlike communities such as essentialist nationalist movements—which, by inspiring passionate loyalty, may more effectively provide Giner’s “orienting visions” and “emotional structures,” and more securely “affix themselves” (or “anclar”) to people’s self and collective perceptions—Béjar recognizes that her neoespañolismo may be too “abstracto y frío” to move hearts and, therefore, to motivate action: “resulta muy difícil apostar por el universalismo de las leyes frente al particularismo de la pertenencia” (2008, 265).

Confronted with this problem, that is, given Giner’s possibly “ungeneralizable” civic virtue and Béjar’s “abstract and cold” constitutional arrangements, Giner and Béjar have looked in opposite directions for sources of meaning in modern public life. Respectively, they have sought meaning in the small group and the large nation state, in particular, Spain. Giner, without renouncing his commitment to universalism, has maintained, like Ferdinand Tönnies and his concept of the *Gemeinschaft*, or community, and the virtue ethics tradition, including Philippa Foot and Alasdair MacIntyre, that political theory cannot ignore that people naturally seek meaning in their lives, and that meaning comes mostly from the shared values and conventions of communities, whether these are socially defined (like “etnias, clases”) or voluntary

associations, such as “organizaciones e instituciones heterogéneas e internamente diferenciadas” (1997, 59).¹⁰⁷

Like Giner, Béjar assumes that “la condición humana necesita, además de la ciudadanía, la pertenencia” (2008, 276). For her, a fruitful source of “pertenencia” may be, instead of Giner’s smaller, more immediate groups, a non-conservative, non-essentialist, and non-historicist understanding of a Spanish nation, an understanding that, in the tradition of Alcalá Galiano, Ortega, etc., “reconstruya un nacionalismo español liberal e integrador” (2008, 278).¹⁰⁸ The stakes are high, given Béjar’s assumption of the (moral and epistemic) importance of community membership, which, in a Hegelian sense, is essential for self-worth and (self-)knowledge. Béjar’s reconstruction is presumed to be necessary for Spaniards to feel “orgullo nacional,” and their collective pride is necessary, in turn, for a collective sense of “autoestima psicológica,” a pillar of a (morally and epistemically important) sense of self (2008, 271). To be sure, by making a group’s self-esteem depend on its bonds as a nation, Béjar certainly overstates things, restricting unnecessarily the conditions for communal “autoestima,” for example. She nonetheless makes a powerful, if not unassailable, case that it is (emotionally and psychologically) urgent that Spaniards think about what ties them together as a country, and how they might live in a way that is generally beneficial. She finds it unacceptable that many politically moderate, and potentially patriotic Spaniards “poseen una identidad disminuida” relative to the more robust identities of their state and sub-state nationalist compatriots, whose strength is founded (in part)

¹⁰⁷ For a discussion the relevance of the ideas of Tönnies, Foot, and MacIntyre to Giner’s thought, see this dissertation’s chapter on Giner.

¹⁰⁸ One should not be distracted by Béjar’s references to Spain’s “liberal” tradition, which clearly brings to mind liberalism, or the political theory against which Béjar defines her republican ideas. Insofar as the liberal tradition (along with progressivism, generally) is critical of conservatism, it is fundamental for republicanism. Such an appeal to, and revision of, the liberal tradition is common to all the republicans I study in this dissertation.

on a complacent certainty of the historical vindication of their causes (2008, 271). Meanwhile, unfairly, a non-nationalist, but country-loving “parte de la población reivindica la nación española, pero le cuesta darle un contenido” (2008, 271-72).

However, Béjar faces an obvious problem, how to defend the idea of a (or, harder still, the) Spanish nation without being devoured, so to speak, by the Scylla of essentialist historicism or the Charybdis of jingoistic conservatism, in contrast to which she has defined her position? To speak of Spain, even as a project, surely implies a subscription to an interpretation of history according to which the past informs the present and future (Scylla), a position that, if defensible, is at least controversial, in fact, and borders on a logical double standard. The specter of self-righteous intolerance of threats to group unity—e.g., the unity of a nation (Charybdis)—will haunt Béjar’s intellectual undertaking, as it would haunt any but the most thoroughly anarchical socio-political schemes, understood literally as those lacking any underlying or ordering principle.

It may be the case that Béjar does not solve this problem satisfactorily. In fact, when, at one point in her discussion of sub-state nationalism, she laments the lesser access to public employment that non-Catalan speakers, as compared to Catalan speakers, have in Catalonia, her rhetoric is self-serving; she cites a well-founded cause of indignation, without considering, as a more dispassionate argument might do, how laws, including those that demand a degree of linguistic proficiency in certain jobs, forestall indeed the erosion of aspects of minority cultures, like the Catalan language in Spain (2008, 274). However, it is also true that to ask whether she succeeds in this regard would be to miss a more important point, that Béjar stakes out a position that is significantly different from those of her opponents, however susceptible it is to the same pitfalls. Hers is not, or at least not primarily an appeal to history, identity, or tradition. Rather,

given her early-twenty-first-century global political context—where, for example, trans-national private enterprises rival countries in terms of political and economic influence—hers is a pragmatic call to strengthen existing modern nation states, like Spain, in the face of two phenomena. First, the examples of conservative state-nationalists, such as some elements of Spain’s Partido Popular or the U.S.’s Republican Party, whose institutional support of their countries’ trans-national capitalists—for which countries are a legal, institutional means to increasingly global economic ends—will tend to weaken state institutions relative to private ones, which are loyal to their shareholders, not to unassociated citizens—an extremely dangerous fact for the future of democracy. Béjar urges that progressives be vigilant, especially when trans-national capitalists celebrate ideas that may seem to be consistent with progressive values and that are, in fact, championed by many progressives, particularly cosmopolitanism. Pointedly, Béjar describes the cosmopolitan glamour of the jet-set, the allure of globetrotting, which is a luxury even on a shoestring, and the privilege of voluntary expatriation, which is available only to a small elite, as “una añagaza,” “una burla,” which diverts attention from “la auténtica condición de hombre, la de ciudadano” (2000c, 58). Referencing Rousseau on the civilizing effects of his *Social Contract*, Béjar writes that it is as citizens of “nuestras sociedades particulares” that we can begin to “transformarnos en hombres” (2000c, 58). It is not the other way around; that is, one cannot begin, like the Roman playwright Terence’s Chremes in *The Self-Tormentor*, by affirming “Homo sum,” to conclude that “humani nihil a me alienum puto.” Crucially, from the point of view of Rousseau and Béjar, Terence, along with the cosmopolitan tradition, has skipped citizenship, which is a civic practice, not an abstraction generalized worldwide to all humans. In sum, unlike the cosmopolitan capitalist, or, speaking more historically, the classic liberal ideal of the global mobility of commodities, people, and

commodified people (i.e., labor in capitalism), Béjar suggests that the “condición de hombre,” in theory, as well as most human beings, in reality, are not citizens of the world, or trans-national, at least not in any practical sense. Rather, their worlds, and their concerns, are local, like those of Béjar’s subject Diego, who is afraid, for example, “que cierren la fábrica.”

When discussing the second phenomenon against which she defends Spain as a nation state—the enervating force of sub-state nationalism—Béjar turns again to Zygmunt Bauman, and in particular to his book *In Search of Politics*. Like Béjar, Bauman regrets the decline of “nation-state,” which no longer condenses “the orthodox centres of economic, military and cultural powers,” powers which are “now sapped and eroded simultaneously from ‘above’ [i.e., internationally] and ‘below’ [i.e., internally]” (1999, 97).¹⁰⁹ With “above,” Bauman refers—as Béjar refers to trans-national capitalism—to “the political economy of postindustrial and global capitalism,” both of which, in Bauman’s words, by effectively enabling the transfer of consequential decision-making from nation states to supra-national entities, like the European Central Bank, and essentially market-(not public)-oriented multi-national corporations, make nation states “increasingly toothless and impotent to guard or adjust the conditions vital for the life of the citizens” (1999, 169). Nation states, “[h]aving lost much of their past sovereignty and no longer able to balance the books on their own or to lend authority to the type of social order of their choice,” see a reduction in the capacity of their citizens (e.g., Béjar’s Diego) to influence policies that affect their lives, or, in Bauman’s words, “to negotiate and jointly decide ‘the public good’, and so to shape a society which they would be prepared to call their own and to which they would gladly give their oath of unswerving allegiance” (169). If such is the pressure from

¹⁰⁹ Béjar does not mention that this idea does not originate with Bauman, who is in fact (and by his own admission) glossing part of the seminal work of Claus Offe on the history of the modern state, *Modernity and the State: East, West*. See Offe.

on high, Bauman's "below" refers, in Béjar's assessment, to the positive valuation of "todo tipo de particularismo" (like the Spanish left's support of sub-state nationalism), or a tendency, in the context of increasingly impersonal global governance and decreasing civic empowerment, to encourage minority differences and diversity *per se* as countervailing forces to the capitalist ideal of a uniform global marketplace. Drawing on Bauman, Béjar observes that "ambos," both forces from above and below "contribuyen a la decadencia" of states (2007b, 115).

The subtlety of Béjar's position becomes clear here. She is no doubt a proponent of difference in some sense—for example, in the form of community membership—as we have seen throughout this chapter. However, pragmatically, and given current world-political circumstances, she prefers, with Bauman, the nation state (to sub-state groups) as an effective point of reference for identity, and as a capable contender with private capital for power on the world's stage. She is also not ready to admit that all such points of reference, or all markers of difference, *per se*, will do; specifically, sub-state, or particularistic nationalism is insufficient. Her reluctance in this regard derives from her conviction, which is based, again, not on dogma, but pragmatic observation, that global capitalism thrives in a context of political fragmentation, such as a quarrel between Barcelona and Madrid over their shares of power: "[l]os sistemas expertos de las finanzas globales y la información dependen de la libertad de movimientos a escala transnacional, que se manejan mejor en la fragmentación del escenario mundial" (2007b, 116).

However, the disagreement between Béjar and sub-state nationalists is, importantly, not fundamental, but a matter of degree. The two are fundamentally similar in imagining a world that is made up of sovereign nation states. If Béjar speaks of relatively large, existing nation states, her opponents speak, analogously, of smaller, non-existent ones. So, the debate turns on the

question of size, and any assertion of what countries are big enough or too small will be arbitrary. Some sub-state nationalists claim that small states are better, because they are theoretically more responsive to citizens' concerns, but what is the relevant meaning of small? If Spain is compared to Catalonia, it may seem unwieldy, too large, but if it is compared to Russia, in what objective sense can it be said that Spain is big, and Catalonia small? In the latter comparison, both appear minuscule, and, therefore, by the lights of the argument under consideration, better able (than Russia) to attend to popular demands. A Catalonian nationalist might therefore be answered as the opponents of the U.S. Constitution were by Alexander Hamilton in Federalist 9, where—referring not to the autonomous communities of today's Spain but, analogously, to the confederated American states of the mid-1780s—the future founder of the U.S. Federalist Party noted the arbitrariness of the anti-federalists' "[assiduous]" appeal to Montesquieu's preference for small republics: "When Montesquieu recommends a small extent for republics, the standards he had in view were of dimensions far short of the limits of almost every one of these States. Neither Virginia, Massachusetts, Pennsylvania, New York, North Carolina, nor Georgia can be any means be compared with the models from which he reasoned and to which the terms of his description apply" (43-44). Catalonia is a bit bigger than Massachusetts and, thus, at least according to Hamilton, not small enough to fit Montesquieu's definition of a small republic.

In any event, to fully appreciate Béjar's position, one must again appreciate her attention to practical matters, and in this case, to the political consequences of regional separatism. It is true that the Spain of today and the (hypothetical) Catalonia of tomorrow, for example, would be similar in that they both would be nation states, albeit of different territorial extensions, but, by dwelling on this conceptual similarity, one risks ignoring what Béjar thinks would be a harmful

effect of the process of sorting out Spain's, or any country's internal sovereignty claims; that is, the relative strengthening of transnational capitalism amid national strife: "el auge del nacionalismo y la balcanización de los Estados en unidades más y más pequeñas [. . .] azuza el odio entre comunidades cercanas [. . .] y facilita la primacía del mercado sobre el Estado que refuerza la globalización" (2007b, 116). In a word, lest progressives, such as those that support sub-state nationalism, forget that, notwithstanding their historic disagreements, the privatization of wealth and power—whether in the hands of a medieval nobility or modern financiers—has never waned as a result of discord among progressives, they would do well to recognize, collectively, that the private concentration of socio-political influence is still, or, perhaps more accurately, is once again the problem most deserving of their attention, assuming that their goal is social justice, which, after all, is the traditional hallmark of the left. This goal demands not divisive squabbling, but unified solidarity, as Bauman cautioned: "When the poor fight the poor, the rich have every reason to rejoice [. . .] The more pulverized they are, the weaker and more minute the units into which they are split, the more their wrath is expended on fighting their similarly impotent neighbors next door, the smaller is the chance that their act will ever be got together" (2001, 105).

Bauman's words contain not only a practical recommendation to act together, but the implication that, in political terms, unity is stronger than disunity. Béjar, for her part, would agree with both, the recommendation and the implication. Indeed, this chapter has argued that Béjar's political theory can be defined by its basic commitment to human relationships, which entail unity in some sense. Nevertheless, however valuable relationships and unity are, neither is uncontroversial as a criterion for progressive politics, which Bauman and Béjar espouse. In fact, while Béjar would not counsel disregarding Marx's relevance for today's political philosophical

questions (in fact, Béjar's debts to Marx have been made clear), it is perhaps the case that Marx's philosophy, whose influence goes beyond communism, extending, for example, to forms of historical materialism and socio-economic determinism, has been used to justify, and indeed to demand disunity, based on a theoretical certainty about the outcome of history such that accommodation to prevailing political systems—e.g., notoriously, that of Eduard Bernstein—is, at best, unnecessary and, at worst, traitorous. Béjar takes a different tack, thinking, like Giner, not in terms of historical necessity, which risks blinding one to advantageous compromise, or of Gabriel Peri's "lendemains qui chantent." Rather, she asks, what can be accomplished, even toward radical political ends, by cultivating human connections in a republic of relationships?

Chapter 3: Antoni Domènech: On Republicanism, Individual Freedom, and Natural Rights

Freedom is so much the essence of man that even its opponents implement it while combating its reality; they want to appropriate for themselves as a most precious ornament what they have rejected as an ornament of human nature. No man combats freedom; at most he combats the freedom of others. Hence every kind of freedom has always existed, only at one time as a special privilege, at another as a universal right. (Marx 1974, 23)

One of the most peculiar uses man has made of reason is perhaps to think it a masterpiece never to use it. (Lichtenberg, 164-65)¹¹⁰

In a photograph of Antoni Domènech that heads an obituary written on the occasion of his death in September 2017, the philosopher appears, with a relaxed pose and broad smile, in front of a plaque dedicated to Giuseppe Garibaldi, the left-libertarian hero of Italian independence, whose radical politics had forced his temporary exile to South America, where he also worked in favor of popular emancipation (Raventós 2017). The image was a fitting one, both because Domènech had put Garibaldi in the select company of “Marx,” “Engels,” and “Mazzini,” representatives of what he called modern Europe’s tradition of “*democracia social revolucionaria*” (2002a), and as a subtle reminder that, when choosing between moderately progressive political reform and more far-reaching change, Domènech always picked the latter. He would side, for example, against an Emmanuel-Joseph Sieyès in France, a James Madison in the United States, or, in Italy, a Camillo Cavour, and with the likes of Maximilien Robespierre, Thomas Paine, and Garibaldi, whose radical commitment to the freedom of all people was so complete that, in 1861, not satisfied with decades of revolutionary activity as the trans-Atlantic “Hero of the Two Worlds,” he volunteered his highly-sought-after military services to Abraham

¹¹⁰ These epigraphs announce two major themes in Domènech’s work, which I will discuss throughout this chapter; namely, his defense of republicanism against economic liberalism—or against what Marx calls the “opponents” of freedom—and against the anti-Enlightenment, postmodern left. In his critique of the latter, Domènech shines light on the conservative, regressive implications of anti-rationalism and thoroughgoing historicism (i.e., deference to convention), which become apparent when one considers that Lichtenberg’s remark, which was directed at his conservative, anti-humanist contemporaries, might as well be an allusion to certain thinkers on the left today.

Lincoln's Union Army in the U.S. Civil War (1861-65), on the condition that the U.S. abolish slavery.

Although it was taken near the end of his sixty-five-year life, the photo homage also hearkens back to Domènech's early political-philosophical career. As a young activist and intellectual in the 1970s, Domènech positioned himself not in anachronistic opposition to Cavour's centrist institutionalization of Italy's revolution, but, analogously, against the post-Stalin Soviet Union and its associated European communist parties, the most notorious twentieth-century example of progressivism's ceasing to pursue new revolutionary horizons. Following the defeat of communist revolutions in Europe after World War I, Joseph Stalin and Nikolai Bukharin preferred to secure "socialism in one country," a decision that went against Trotsky's "permanent revolution" and the legacy of Garibaldi's indefatigable globe-trotting. This chapter argues that Domènech, like Garibaldi and Trotsky, always sought to deepen and extend social progress, and that this objective manifests itself most clearly in his life-long philosophical inquiry into what social conditions will allow the greatest number of individuals to most fully exercise their freedom in society. To make a contrast with the thinkers studied in the previous chapters of this dissertation, if Salvador Giner asks the durkheimian question of how society, despite its conflictive nature, might be held together, and Helena Béjar, like Aristotle, Rousseau, and Tocqueville, bases her thought on the concept of the (naturally interdependent) social relationship, which both informs human character and implies civic responsibility, Domènech is remarkably individualistic. He focused more on individual liberty and rights, and usually shunned organic concerns such as Giner's and Béjar's as so much of what he dismissively called "crítica romántica procomunitarista" (2007a).

An attention to the optimal conditions of the social existence of all individuals was an abiding concern from Domènech's early activism against Francoist dictatorial repression (in the ranks of the Unified Socialist Party of Catalonia [PSUC]), and his early scholarship against gender-based discrimination and the destruction of the natural environment and human/animal habitats (in the pages of *Mientras tanto*, an unorthodox Marxist journal that he co-edited with his mentor Manuel Sacristán). Domènech continued in this vein throughout this career, as he probed the history of political philosophy to develop a theory capable of offering the greatest degree of individual liberty to all people. Testaments to this focus include his wide-ranging and unprejudiced, but no less critical engagement with thinkers from vastly different philosophical traditions, who had in common a concern for the place of the individual in society. In search of his ideal theory, Domènech engaged in genuinely open-minded dialogues with analytical Marxists, because they did well to critique Marxists' insufficient appreciation of the explanatory power of methodological individualism (specifically, rational choice theory and game theory) which, as the important analytical Marxist Jon Elster argued—although it is “rejected by many Marxists who wrongly link it with [bourgeois] individualism in the ethical or political sense”—is “invaluable to any analysis” of several social phenomena that are central to Marxism, namely, “exploitation, struggle, alliances, and revolution” (453)¹¹¹; with John Rawls—the late-twentieth-century's preeminent theorist of how to make equality compatible with liberalism's primary attention to liberty—whose work Domènech translated into Spanish; and with Philip Pettit, whose seminal contribution to republican theory, *Republicanism*, Domènech also translated, even though he thought Pettit's conceptualization of individual liberty to be excessively abstract, and insufficiently grounded in real-world conditions, or in “*Las condiciones materiales de la*

¹¹¹ For Domènech's use of rational choice theory and game theory in his social analysis, see Domènech 1989.

libertad,” to quote the title of a book by Domènech’s close intellectual collaborator and fellow University of Barcelona professor Daniel Raventós, for which Domènech wrote the prologue.¹¹² Also, a hint of Domènech’s individualistic emphasis can be gleaned from the title of the journal *Sin Permiso*, which he edited in collaboration with Raventós. Since its founding in 2005, the journal’s official “Presentation” has stated that an ideal, republican society will be one in which each person, enjoying the material conditions necessary to meet basic needs, is able to live autonomously, or without the permission of others.

The only limits of Domènech’s intellectual curiosity are to be found precisely at the boundaries of those schools of thought which he believed did not take the question of the individual’s relationship to a social whole as seriously as they might. In this chapter, I will analyze Domènech’s sustained attacks on conservative liberal individualism, as a set of ideas that are tailor-made not for all individuals, but such that already-privileged, property-owning individuals can defend themselves against social interference. I will also examine Domènech’s antipathy toward postmodernism, whose proclamation of the “death of man,” particularly as it was most simplistically (i.e., anti-individualistically) understood by legions of Foucauldians in what Domènech contemptuously called “la izquierda académica,” is, of course, anathema to him (2003a; 2007a).

Liberal and Republican Concepts of Freedom and Rights

In addition to the concept of individual liberty, this chapter examines Domènech’s particular definition of individual rights, which he understood as inhering naturally in persons, existing universally across time and space, and as “fundamental” to good republican government

¹¹² For Domènech’s translation of Rawls, see Rawls, John. *El liberalismo político*. Translated by Antoni Domènech. Barcelona: Crítica, 1996. For Domènech’s translation of Pettit, see Pettit, Philip. *Republicanism: una teoría sobre la libertad y el gobierno*. Translated by Antoni Domènech. Barcelona: Paidós, 1999.

(Domènech and Raventós 2007, 7). I argue that, in his defense of individual rights—which draws on a political-philosophical tradition that includes a Greco-Roman conception of citizenship, Roman law, and most importantly, Maximilien Robespierre and the Jacobins of France’s First Republic, or the “tradición robespierreana” that Domènech considered to be the origin of Garibaldi’s “democracia social revolucionaria”—Domènech maintains that this kind of right is properly part of the republican (as opposed to the liberal) tradition (2002a).¹¹³ While liberals, who, despite their diversity, typically prioritize individual rights over social goods, and therefore are likely to defend primarily, with Samuel Warren and former U.S. Supreme Court Justice Louis Brandeis, an anti-social, or asocial “right to privacy,” or “right to be let alone,” Domènech argues that this order of preference impedes the real exercise of each individual’s rights. It amounts, rather, to a “liberal bourgeois” sort of “pseudoindividualismo” (Domènech, Guiu, and Ovejero, 40). From a republican perspective (and here Robespierre and the Jacobins are

¹¹³ Following Domènech, I speak here of a Greco-Roman conception of citizenship although I am aware of work such as Eric Nelson’s that “assumes that Greek and Roman political theory were substantially different from one another” (4). Whatever the merits of this assumption, this chapter will show that Greek and Roman political theories are importantly similar, specifically in terms of the relationship between citizenship and property. The origin of the Jacobin Club was a group of Breton deputies to the assembly of the Estates General of 1789 (which was called by King Louis XVI); notably, Isaac Le Chapelier, Jean-Denis Lanjuinais, and Jacques-Marie Glezen. When the assembly moved to Paris, the deputies reconstituted as the “Société des amis de la Constitution” and held meetings in the Couvent des Jacobins de la rue Saint-Honoré, hence “Jacobin.” According to the French historian Jules Michelet, this “jacobinisme primitif” was “parlementaire et nobiliaire,” and so very different from the more popular, democratic variant that is better known to history, and which Domènech refers to exclusively (71). This latter face of the Jacobins developed after Louis XVI attempted to escape from France in June 1791, when moderates, preferring a relatively lenient response that recognized the King’s invulnerability and restored his powers, formed a separate faction in the Couvent des Feuillants, leaving the Jacobins as an essentially anti-monarchical (and so, in an original sense, left-wing) institution. Calling for a harsh punishment of the monarch, Louis Antoine de Saint-Just, a prominent left-wing Jacobin, perhaps expressed this anti-royalist position most severely: “Louis XVI doit être jugé comme un ennemi étranger” (in Soboul, 63). Domènech’s references to Jacobinism are to roughly 1792-1794—the years after this split and before the Club, which, after Louis XVI was overthrown and the First Republic was proclaimed in September 1792, changed its name to the Société des amis de la Liberté et de l’Egalité, demonstrating its commitment both to the broadly middle-class value of liberty and popular demands for equality. From 1792-1794, having, in the words of Michelet, placed its “conscience dans la main de Robespierre,” the Société was the most prominent political organization in the Republic, which lasted from 1792 until 1804, when Napoleon Bonaparte, who had governed France as First Consul since the Coup of 18 Brumaire in Year VIII (November 9, 1799), declared the First Empire, 1804-1815 (72).

representative for Domènech), Warren and Brandeis beg the question. They elide the fact that a concern for the privacy of individuals assumes that they have the means to exist independently in society (193).¹¹⁴ Robespierre and Domènech reject this assumption. Quoting Robespierre, Domènech suggests that “[l]a première loi sociale” is not to let people alone, but to “[garantir] à tous les membres de la société les moyens d’exister” (1965, 53). The most important individual right is “celui d’exister,” which must not be assumed, but guaranteed; and, if necessary, it should be guaranteed by means of legislation—a valid conclusion if it is assumed, with Domènech, that “el bien individual” is not realized, or at least not realized completely in Warren and Brandeis’s “privacy,” but has “una dimensión propiamente colectiva” (1989, 84).

As in previous chapters, when I speak of liberalism, I am admittedly oversimplifying a complex tradition, which ranges from classical, economic liberalism and libertarianism (that is, extreme antipathy toward public interference in the economy [e.g., Murray Rothbard]) to social-democratic and welfare-regulatory liberalism (i.e., a greater, though still measured tolerance of public regulation of the private sphere [e.g., John Rawls and Anthony Giddens]).¹¹⁵

Nevertheless, as William H. Simon reasoned, although social democracy is different from

¹¹⁴ Since I contrast them with the extremely progressive Robespierre, it should be noted that Warren and Brandeis argued not as conservatives, but for a forward-looking expansion of rights, and explicitly against those who might complacently deny that the rights granted by a society ought to change along with social conditions and the needs of its people: “Political, social, and economic changes entail the recognition of new rights [. . .]” (193). I suspect that the republican tradition that includes Robespierre and Domènech would say that Warren and Brandeis did well to go further than was prescribed by the conventions of their time, but did not go far enough.

¹¹⁵ The following is a sample of Rothbard’s view: “On the free market, everyone earns according to his productive value in satisfying consumer desires. Under statist distribution, everyone earns in proportion to the amount he can plunder from the producers”; and “the State is that organization in society which attempts to maintain a monopoly of the use of force and violence in a given territorial area; in particular, it is the only organization in society that obtains its revenue not by voluntary contribution or payment for services rendered but by coercion” (2009, 1363; 2000, 57). Here is a sample of Giddens’s: “[It is necessary] to go beyond those on the right who say the government is the enemy, and those on the left who say government is the answer”; “[a] modern economy can tolerate, and prosper under, a good deal of central planning only so long as certain conditions hold – so long as it is primarily a national economy; social life is segmentalized rather than penetrated extensively by globalizing influences; and the degree of institutional reflexivity is not high. As these circumstances alter, Keynesianism falters and Soviet-type economies stagnate” (1998, 70; 1994, 67).

classical liberalism in defending, for example, more state power over private property (e.g., the power to tax private wealth on the public's behalf), social democracy nonetheless “retains the classical liberal notion of private property rights” (1335). Social democracy places few or no restrictions on rights to transfer, alienate, or accumulate property, and so it, like classical liberalism, relinquishes at least a degree of control over social and economic inequality. Naturally, inequality will tend to increase if property owners—especially “absentee owners” and “speculators,” who, for Simon, are the most harmful social actors—are beyond the control of those people (such as paid laborers) whose livelihoods depend on the property in question, and if, despite this imbalance of (material) power, property owners are allowed to amass wealth limitlessly (1341).¹¹⁶

In addition to this similarity between what we can call conservative and progressive liberalism, liberals in general are also unified in tracing their intellectual heritage to John Locke and John Stuart Mill. Liberals typically prefer a conservative, property-based individualism that they glean (however controversially) from Locke's and Mill's writings, a kind of individualism that is distinct, to be sure, from Domènech's, which, like Robespierre's, prioritizes every individual's right to exist.¹¹⁷ Liberals in general (e.g., Feinberg (1984, 9), Benn (1988, 87), and

¹¹⁶ Importantly, John Rawls, who is usually categorized as a liberal, explicitly rejected in one of his later works, *Justice as Fairness*, the social democratic welfare state on exactly these grounds: welfare-state capitalism surrenders economic control to a small group of rich private actors, and so tends to create a demoralized under-class (137-40). As a remedy to this perceived deficiency, Rawls came to support a Jeffersonian sort of property-owning republican system, which would endow people equally from the start “[by putting] all citizens in a position to manage their own affairs on a footing of a suitable degree of social and economic equality” (139). This and similar ideas of Rawls have led many, including a notable Spanish republican, Andrés de Francisco (who has called Domènech his “maestro”), to move Rawls from the liberal tradition to the republican tradition (for Francisco on Domènech, see Vitullo; for Francisco on Rawls, see Francisco, 2007).

¹¹⁷ Interpretations of Locke and Mill as individualists are not un-controversial. For example, Mill's individualism can be tempered by his notion of “higher pleasures,” which implies the possibility of absolute value judgements that are irrespective of individual preferences, which might include what Mill called “lower pleasures.”¹¹⁷ Domènech, to be sure, is unconvinced that liberal individualists can rightly claim Mill. He wrote, “Mill, en efecto, tenía una concepción participativa y pedagógica de la democracia y del proceso político. [. . .] Lo difícil es sostener que se trate de un autor «liberal». Su teoría económica normativa era quasi-socialista” (1989, 213). Domènech's claim that

Rawls (2001, 44, 112), pointing to Locke's definition of "*perfect Freedom*" as not "depending on the Will of any other Man," or to Mill's arguably similar assumption that, because liberty is a natural condition of human beings, those who might impose restrictions or prohibitions on individuals, even when intending to achieve a social good, bear "the burden of proof," subscribe to what Gerald Gaus has called the "Fundamental Liberal Principle" (162-66). For Gaus, "[individual] freedom is normatively basic," or in other words, normative priority ought to be given to individuals' rights over common goods, the latter of which might include Domènech's preference, which will be studied at length in this chapter, to actively and effectively enlarge civil society through measures that incorporate individuals into it, even if doing so curtails individual property rights, for example.

Domènech admits that liberalism's "fundamental principle" (Gaus) can have both good intentions and consequences. It can, for example, justify the protection of a deserving, oppressed minority against an oppressive majority. However, it also has conservative implications,

Mill's normative economic theory was "quasi-socialista" is arguably consistent with Mill's own writing. For example, although he believed that liberal economics, or what he called the "the regime of individual property" and "the justification of private property," might produce social benefit if they "conformed to the principles in which [they rest]," he was certainly not a dogmatic advocate of liberal economics. Faced with the awful social effects of decades of economic liberalism in mid-nineteenth century Europe (which were described, for example, in Friedrich Engels's *The Condition of the Working Class in England*), Mill, only several years after Engels and Karl Marx published their *Communist Manifesto*, speculated that Communism might have been preferable to the *status quo*: "If [. . .] the choice were to be made between Communism [. . .] and the present state of society with all its sufferings and injustices [. . .] all the difficulties, great or small, of Communism would be but as dust in the balance" (1994, 14-15). As for Locke, some, including Domènech, also insist on an anti-individualist, republican reading of the so-called Father of Liberalism, who argued (seemingly contradicting today's liberals' property-rights-based justification and toleration of great wealth disparity) that individuals' rights to property are subject to the limitation that they leave "enough, and as good [. . .] in common for others" (1988, 2.27). Writing in English, Domènech summarized his interpretation of this aspect of Locke's political philosophy, attributing to him the notably non-liberal idea that property is first and foremost public, but nonetheless accessible to private exploitation, provided that each private exploiter respect all others' equal rights to gain access to the same, primarily public property; he wrote: "Locke's basic idea of private property can be summarized as follows: the property of any basic resource or asset (especially land) is public, and what we call 'private property' is in fact nothing but private appropriation of the resource in question as a public *fideicomissus* [i.e., entrusted by the public] in a Principal/Agent relationship: the private owner (as well as the enfranchised common owner) is merely a trustee of public or sovereign property. The sovereign (the Monarch or the People) is the Principal (the 'trustor') and the proprietor is the Agent (the 'trustee') in the fiduciary social relationship called property" (2016, 251).

including that it might just as well justify the protection of the already-recognized rights of a privileged minority against calls for the extension of rights to some other, and presumably deserving, category, such as a practically (if not theoretically) unprivileged social category (e.g., a race, gender, or ethnicity). It is, in fact, of the nature of liberalism that it can appeal, beneficially, to a persecuted minority (e.g., to what Spanish philosopher José Ortega y Gasset called “enemigo débil”), which could stand to benefit from equality before the law, and, detrimentally, to an economic elite, who can selfishly (if nonetheless based in moral principle) argue that power should reside in individuals rather than groups, such as the majority of the population (1993, 128).¹¹⁸ If all kinds of liberalism can appeal in this way to political conservatives, notwithstanding the fact that conservatives will prefer more conservative forms of liberalism (e.g., Robert Nozick’s libertarianism to, say, John Rawls’s egalitarian liberalism), then general, albeit qualified references to liberalism are justified, if only for the sake of advancing a discussion of Domènech’s dialogue with the tradition.

Contrary to conventional wisdom in political theory, Domènech argues that liberalism, owing to its primary (if not always absolute) commitment to the rights of property-owners to own property (rather than to individuals *per se*), has a checkered history in terms of defending individuals, and, in particular, of defending the (mostly, or perhaps essentially) property-less working class. His position, at least in historiographical terms, is similar to the proposition with which Marc Mulholland has opened a recent book on this uniquely *Bourgeois Liberty*. Property-owners—whom Mulholland, using an admittedly contested concept, calls “the middle classes”—

¹¹⁸ Ortega on liberalism’s tolerance of minorities, social otherness: “El liberalismo [. . .] [p]roclama la decisión de convivir con el enemigo: más aún, con el enemigo débil.”

are “abstractly attached to civil and political liberty,” but “tend to become more illiberal in reaction to the rise of the working class” (1).

However, Domènech’s argument rests not only on historical claims about the political actions of propertied classes, but on the logical implications of liberalism. For Domènech, if it is true, in accordance with Jan Narveson’s blunt (classical liberal or libertarian) claim, that “liberty is property,” or that, as Gaus has more subtly suggested, “[s]ince at least the seventeenth century, liberals have not only understood liberty and property to be fundamental, but to be somehow intimately related or interwoven,” then, at least, the question of what liberals have to say about the liberty of all people, including, of course, the property-less, does not have an obvious answer (66; 209).¹¹⁹ Challenging Narveson and Gaus, Domènech, together with Raventós, does not equate liberty and property, but tells us that “freedom actually derives from property [or] from the material independence of individuals” (2007, 1). Thus, while Narveson and Gaus take liberty as granted and make the accumulation of property a rightful expression of it, for Domènech, liberty, though a “fundamental right,” is realized only if one has enough property not to depend on another person; liberty depends on the possession of property, from which it “derives.”¹²⁰

Domènech, whose oeuvre can broadly be described as considering how to ensure the freedoms and rights of those with and without property, challenges an understanding of the

¹¹⁹ See Robbins and Steiner for views similar to those of Narveson and Gaus.

¹²⁰ Phrasing Domènech’s argument otherwise, I might say that he urges that republican theory pay special attention to the importance of property for actually making individual freedom possible. Stated in this way, Domènech’s resembles at first glance the argument put forward by Erik J. Olsen in his 2006 book on *Civic Republicanism and the Properties of Democracy*, where we read that “Property and the “general neglect” of it by civic republicans are at the heart of [Olsen’s] critique” (4). However, Domènech and Olsen have, in a deeper sense, opposing views. Olsen assumes that for republicanism to take property-ownership more seriously would amount to its distancing itself from certain non-liberal republican notions of civic virtue and *vita activa*, and to republicanism’s reconciling itself partially with liberalism (or with liberalism’s basic commitment to the protection of private property interests). By contrast, Domènech’s republican theory of property-ownership is, as we have seen, directly opposed to that of liberalism. An extended comparison of Domènech and Olsen—who wrote important works in republican theory within two years of each other, in 2004 and 2006, respectively—would be worthwhile.

history of political ideas that is common not only to liberalism, but also to the anti-Enlightenment, postmodern left. He disputes the common sense of liberalism, which claims unfoundedly to uphold optimally any individual rights other than property rights, and the anti-Enlightenment, postmodern left, which has disdained natural individual rights as so much (bourgeois, Euro-centric) ideology, in the Marxian sense of the word. (As a progressive thinker, Domènech particularly laments that postmodernism has thus abandoned to the liberal political center-right a philosophical heritage that is properly progressive.) In his interpretation of the history of political philosophy, Domènech sets himself apart from these disparate traditions, advancing a republican theory of natural rights and the preservation of individuals' political freedoms as tools for addressing current challenges, such as economic inequality, which will be the focus of the final part of this chapter. In terms of this latter objective, together with Raventós, Domènech—who assumes that “sin resolver previamente [las desigualdades económicas] no puede organizarse una vida política republicana”—has proposed a universal basic income (UBI), a means of guaranteeing, in the spirit of Robespierre and “la tradición democrático-revolucionaria de 1792,” every individual's right to existence (1996, 25).¹²¹

¹²¹ In an adjacent phrase, and contextualizing the relationship between republicanism and economic equality in the history of political ideas, Domènech refers to the Gracchus brothers, Tiberius and Gaius, Romans who attempted to pass land reform legislation that would have transferred landholdings from aristocrats to the poor and military veterans. Domènech asks us to recognize the demand for a basic income as continuous with historical demands for land reform (e.g., the various nineteenth and twentieth century fights for “Land and Freedom,” including *Zemlya i volya* (Земля и воля) in Russia in the 1870s and ¡Tierra y libertad! in the Mexican Revolution (1910-1920), and Spanish anarchism in the 1930s. Domènech's connection between the centuries-long history of calls for land reform and contemporary arguments in favor of a guaranteed income is not obvious and is key to understanding his interpretation of the republican tradition: modern urbanization and industrialization have marginalized rural political demands, but ensuring basic subsistence to all people (whether in the form of access to arable land or a living wage) has always been a primary objective of progressive republican politics (as opposed to conservative republicanism, which, although it associated political freedom with material self-sufficiency, did not propose that self-sufficiency should be universalized). For recent scholarship on Domènech on the relationship between republican liberty and economic equality, see Vázquez García, 2017b, and, especially, 2017a.

To further distinguish Domènech from liberalism's approach to individual rights, an additional clarification is necessary, because it may seem odd to identify Domènech, a left-wing political thinker, with individualism, which is usually associated with economic conservatism. Certainly, Domènech is not a (conservative or neoliberal) sort of individualist, who might, like Margaret Thatcher, hold up a copy of Friedrich Hayek's *Constitution of Liberty* to accompany an extremely anti-social creed, such as Thatcher's controversial claim that "there is no such thing as society. There are individual men and women and there are families" (in Evans, 86).¹²² For Domènech, Thatcher—in a way that is typical of liberalism and contrary to republicanism—wrongly conceptualizes "individual men and women" as a single, undifferentiated category. She says nothing, for example, of socio-politically relevant distinctions between them, such as their relative access to wealth, property, or, more generally, levers of economic and political influence. Thatcher's omission invites a contrast with Marx and the republican tradition to which Marx was indebted, which Domènech exploits. While the individuality of Thatcher's "men and women" is to be understood, a-socially, as what Domènech calls—recalling Martin Luther and, from a more recent, (neo-)liberal tradition, Nozick—a purely inwardly-focused "self-ownership," Domènech says that Marx made individuality, or "el desarrollo de la personalidad individual" depend not on one's isolation from society, but on access to "la base productiva de las sociedades" (1989, 332). This relative relationship between the individual and society forces a conclusion that is opposite to Thatcher's, namely, that only the proper configuration of society can enable the individual really to enjoy the right to personal development that liberalism asserts,

¹²² I am aware that, when Prime Minister Thatcher held up Hayek's book during a British Conservative Party policy meeting, she said, "This is what we believe," and that the famous words quoted here are from a different moment, a 1987 interview with *Women's Own* magazine. Despite this apparent chronological confusion, I think I represent Thatcher's views accurately, given the ideological consistency between Hayek's case against state intervention in economic affairs (in *The Constitution*) and Thatcher's absolute distinction between individual and collective actors.

but fails materially to ensure. In terms of Domènech's notion of republican individual rights, whether the social configuration is the communist one that Marx imagined is less important than the conceptual insight that turns on its head Thatcher's assumption about naturally self-sufficient individuals who, at least as far as their freedom is concerned, have no need of society.

Domènech always stressed Marx's debts to the republican tradition. Marx's idea that a society's prevailing mode of production will condition the social lives of individuals was, in effect, a radically democratic version of an originally conservative republican idea, which dates to classical Athens, and in particular to Plato and Aristotle. For Aristotle, one's having a social advantage such as property-ownership or, more generally, the means of social subsistence was a necessary condition for political virtue and, therefore, for the proper exercise of citizenship. In his *Politics*, Aristotle distinguished between (1) individuals with enough material wealth to live without working, whom he supposed to be the best citizens, as the only free persons in a political sense, and (2) those who, lacking wealth and, therefore, being subject to the will of others, lack fitness for citizenship. Aristotle did not hide his scarce faith in this latter group's capacity for civic virtue. Not having the wealth that is essential for complete republican citizenship, they must work, or "perform necessary tasks for an individual," and, in so doing, are "slaves" (72-74). If they "perform [tasks] for the community," then Aristotle calls them, variously, "vulgar craftsmen" or "hired laborers," both of which categories, like that of slaves, entail a deficient capacity for virtue. Domènech generalized this idea to encompass all of ancient political philosophy, or of "los antiguos," according to whom, "el contrato asalariado de servicios, fue siempre visto [. . .] como un contrato de esclavitud temporal, indigno de hombres libres" (2004a, 42).¹²³

¹²³ I state here that, in Aristotle's preferred political scheme, the wealthy are the best citizens, despite the fact that, in Book III of the *Politics*, he famously recognized, albeit with reservations, that the many without property may be, as

Indeed, centuries after Aristotle, another example of the political philosophy of “los antiguos,” the *Institutes* of the Roman Emperor Justinian, and, more generally, Roman law, would make a similar distinction between people who, lacking social advantages such as wealth, were “subject to the power of others,” i.e., *alieni iuris*, and privileged persons who, possessing wealth, were subject to no one, and so were capable of living “in their own power” or “right”; they were *sui iuris*.¹²⁴ J. A. C. Thomas, in his commentary on the relevant passage from the *Institutes*, emphasized this classical republican distinction, which disappears in Thatcher and,

a collective, more virtuous than the few wealthy citizens: “the view that the multitude rather than the few best people should be in authority would seem to be held, and while it involves a problem, it perhaps also involves some truth. For the many, who are not as individuals excellent men, nevertheless can, when they have come together, be better than the few best people, not individually but collectively” (82-83). Aristotle does, however, immediately begin to hedge this position: “whether this superiority of the many to the few excellent people can exist in the case of every people and every multitude is not clear [. . .] it is clear that in some of them it cannot possibly do so” (83). In a separate passage, his qualified concession notwithstanding, Aristotle unequivocally prescribes an inferior political status for those who, not owning anything themselves, must work for (and therefore depend upon) others: “The best city-state will not confer citizenship on vulgar craftsmen” (74). Domènech’s view seems to be in tension with that of Nelson (2004), who, relying mostly on Plato and Aristotle, writes that “the Greek view does not particularly concern itself with freedom as ‘non-dependence’” (15). However, I do not think Domènech and Nelson are in all ways opposed to one another. Nelson, like Domènech, stresses that disparity in access to property impacts the quality of citizenship: “If property is allowed to flow freely among citizens, both Plato and Aristotle reason, extremes of wealth and poverty will inevitably develop. The resulting rich and poor will both be corrupted by their condition.”

¹²⁴ The relevant distinction in the *Institutes* is made thus: “Some persons are in their own power, some are subject to the power of others, such as slaves, who are in the power of their masters” / “quaedam personae sui iuris sunt, quaedam alieno iuri subiectae sunt” (I, VI, 1, 36). Obviously, this phrase (from the Emperor Justinian’s *Institutes*, a sixth century compilation of Roman law) came from Gaius’s *Institutes*, a second-century CE set of legal manuals where one finds exactly the same phrase. Although he predates and evidently influenced Justinian, Gaius’s writings have had comparatively little direct impact on republican theory, or on political theory in general, since they were lost during most of the late antique and modern periods, only being rediscovered in 1816 in Verona, Italy. Finally, I am aware that the works of Gaius and Justinian, which were written after the Roman Republic and during the Empire (understanding the latter broadly to encompass both Gaius’s Rome and Justinian’s Constantinople), are neither self-consciously republican (as was, for example, Titus Livius’s *Ab Urbe Condita*, which was written in the first century BCE), nor have they influenced only the republican tradition. I mention them here because of their impact on various political theories, including republicanism as well as (Catholic) conservatism and liberalism. Regarding their influence on liberalism, I point to Ulpian, who wrote roughly two generations after Gaius and also influenced Justinian, furnishing the *Institutes* with roughly one third of its content. It is widely believed, for example, that Ulpian’s defining “the precepts of the law” negatively as “harm[ing] no one” made its way into modern legal documents that are of a broadly liberal character, such as the French Civil Code of 1804, whose Article 544 likewise outlines property law in negative terms: “La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu’on n’en fasse pas un usage prohibé par les lois ou par les réglemens” (Sajó, 38; Code, 134).

generally, in liberal social analysis: “It is characteristic of the Roman law of persons that everyone either had power over or was in the power of another. A person who was not in another’s power was *sui iuris*; all others, whether free men or slaves, were *alieni iuris*” (25). Domènech makes much of this distinction, because it suggests, against Thatcher and the liberal tradition, that “individual men and women” are separated by politically consequential barriers, which impact their capacity to live as they will, and therefore to be free. As in Aristotle—for whom, Domènech reminds us, “las comunidades políticas [. . .] están escindidas en ricos y pobres —en propietarios y desposeídos” (2004a, 48)—and as in Roman law, for Domènech, an important such barrier is the unequal possession of property and wealth. In a thinly veiled critique of the crude formalism of the likes of Thatcher, who would lump all individuals together in a single category without considering, more subtly, what concrete realities might render practically impossible their abstract equality, Domènech wrote:

el derecho romano [. . .] nunca desligó conceptualmente el problema [. . .] «abstracto» o «formal», de la persona jurídicamente libre o *sui iuris* (y de su capacidad para desarrollar virtudes cívicas), del problema, digamos «concreto», de las bases institucionales y materiales en que se asentaba su libertad, su autonomía y su «virtud» como «persona»: del problema, esto es, de la propiedad (mueble o, sobre todo, inmueble)” (2004a, 42).

As Domènech argues, if “la esencia” of republicanism’s “libertad” is that the individual should exhibit “no dependencia [. . .] respecto de otro particular” (1989, 332), and if disparities in access to what Domènech calls here “la [propiedad mueble]” and “inmueble” mean that property-owners can realistically aspire to classical republican liberty as independence, while the property-less cannot, then the republican tradition portrays society more accurately than liberalism, if liberalism is understood to assert an equality that, given the ubiquity of unequal

social relations, does, in fact, not exist. For Domènech, this preference holds whether one refers to republicanism of a conservative (e.g., Aristotelian or Roman) sort, which relegates materially unprivileged individuals to some inferior status, or of a democratic (Marxian) sort, according to which all should enjoy the material security that is necessary for citizenship. Domènech, who defends democratic republicanism, does not share Aristotle's conservative normative position, that the property-less, given their incapacity for virtue, should be inferior, but he does agree with the related descriptive claim, that the possession of property enables the actual exercise of political rights and freedoms, while a lack of property, by forcing social dependence, makes them practically ineffective.

The French Revolution: A Political and Philosophical Turning Point

For Domènech, the theoretical edifice of liberalism has been built on a denial of the distinction between persons that are *sui* and *alieni iuris*, which was basic to Greek and Roman theories of politics, implicitly for Aristotle, and explicitly in Justinian's *Institutes*. This liberal tradition includes Thatcher, but Domènech traces its origins to the years that followed the French Revolution of 1789; first, to the Thermidorian Reaction of 1794, when French counter-revolutionaries, anti-Jacobin, anti-democratic propertied classes ended the rule of Robespierre and, with it, the first phase of France's First Republic (1793-1794); second, to the Directory (1795-1799), so named for the five-man executive that was put in place by the so-called Thermidorians; and third, to Napoleon Bonaparte's coup of 18 Brumaire, or November 9, 1799—which ousted the Thermidorians—and the *Code Civil*, or *Code Napoléon*, which became law in 1804.¹²⁵

¹²⁵ It is well known that the French Revolution had several phases, including a constitutional monarchy (1789-1792), the First Republic under the Jacobins (1792-1794), the Directory (1795-1799), and the Consulate and First Empire under Napoleon (1799-1815). It is rarely noted, however, that the Revolution, though considered a founding moment of the modern world, remained in a sense incomplete even by the late-nineteenth century, when monarchists (such as

Domènech's analysis of the transition from (classical Greco-Roman) republican to liberal political-philosophical foundations that happened after the French Revolution is crucial for an understanding of his republicanism and his critique of liberalism. In short, he tells the story of an initial adherence to Greco-Roman presuppositions about the relationship between wealth and liberty (during the first, Jacobin phase of the First Republic), and a gradual abandonment of these assumptions. Ultimately, the Napoleonic Code collapsed the classically republican *sui/alien iuris* distinction and advanced what Domènech called, cleverly, a "*fictio iuris*," a juridical fiction that "rompía la tradición republicana" and would reappear, in the twentieth century, in liberal theories of self-ownership, such as Nozick's and Thatcher's, that all people, including manual laborers are by definition property-owners, because they own (in Domènech's Marx-inspired words) "su fuerza de trabajo" (2004a, 94-95).¹²⁶ If, notwithstanding Aristotle's position that they are politically inferior, workers are defined, however misleadingly, as property-owners, then they are, according to republican principles and this new liberal framework, free, and, therefore, politically indistinguishable. To quote Domènech's incredulous summary of this "*fictio iuris*," all people are falsely understood to be fully "habilitados, como todos los demás propietarios, con una igual capacidad jurídica—con una igual «libertad»—para realizar actos y negocios jurídicos (contratos civiles) a partir de su «propiedad»" (2004a, 94-95). In "el nuevo orden civil napoleónico," all persons are full citizens because all, "hasta los desposeídos," "eran propietarios

Albert de Broglie) continued to make up much of the political class of the Third Republic (1870-1940). Even one of the Third Republic's presidents, Patrice de Mac Mahon (who governed well into the nineteenth century, from 1875-1879), was a monarchist. Finally, right down to the early twenty-first century, under the Fifth Republic (1958-present), a trace of the monarchists' preference for strong authority can be seen in the great executive powers granted to the president. So, I do not intend to restrict the idea of the Revolution's phases to the years around the turn of the nineteenth century, on which I will focus, as Domènech does. The tension between popular and elite factions in France not only did not disappear when Parisians stormed the Bastille in 1789 or after Napoleon assumed dictatorial powers, but were played out for many years into the future.

¹²⁶ For Marx on workers owning only their "labour force," see Marx 1976, 273.

de algo (de su fuerza de trabajo),” and so had sufficient “capacidad jurídica para traficar jurídicamente como libres con su peculiarísima «propiedad» (vender su fuerza de trabajo)” (2004a, 42).

Domènech argued that, before the consolidation of the Thermidorian, Napoleonic, and later liberal juridical fiction, Robespierre and the pre-Thermidorian First Republic adopted the Greco-Roman dichotomy between free property-owners and the unfree without property, and added to it a more democratic, normative demand that society should tend toward a universalization of the propertied, *sui iuris* status. For example, in a speech on food distribution in 1792, Louis Antoine de Saint-Just, one of Robespierre’s closest political allies, implied that one’s not having property entailed a social disadvantage (in particular, that of moral corruption), which governments ought to alleviate. In Saint-Just’s words, the Republic should “tirer le peuple d’un état d’incertitude et de misère qui le corrompt” (in Soboul, 62). Crucially, and contrary to simplistic interpretations of his political ideas, Robespierre did not call for a leveling sort of equality, as was suggested, for example, by his Thermidorian and later liberal critics—from François Antoine de Boissy d’Anglas (a bourgeois centrist and instigator of the toppling of Robespierre and the Jacobins in 1794) to Benjamin Constant in the nineteenth century.¹²⁷ To be sure, Robespierre, an egalitarian, did not tolerate legal privilege or vast wealth disparities, which are tolerated by liberals who defend great economic freedom. However, the appreciation of the

¹²⁷ For Constant on Robespierre, see Constant 1814, p 159 : “il faut reconnaître que [le gouvernement] de Robespierre n’était autre chose que du despotisme.” In the context of this dissertation, it is interesting to note that Giner, like Boissy d’Anglas and Constant, has put forward the kind of overly simplistic interpretation that Domènech rebuts; Giner writes categorically, “La república de Robespierre degeneró pronto en la negación de todo republicanismo cívico” (2012a, 142). This difference of opinion between Domènech and Giner can also be illustrated by their divergent interpretations of the work of Constant. If for Domènech, Constant’s famous distinction between *la liberté des Anciens* and *celle des Modernes* (2016) is primarily a reactive attempt to discredit Robespierre and a cynical anti-popular justification of bourgeois privilege, for Giner, Constant earnestly celebrates the modern world’s greater tolerance and emergence from the bigoted and relatively closed societies of the ancients, which intolerantly excluded “mujeres, esclavos y extranjeros” (2012a, 263).

nuances of Robespierre's thought has been complicated by the intransigence of his adversaries, who have usually painted a manichean portrait of a procrustean tyrant. He has been described (by Boissy d'Anglas, for example) as an advocate of "une égalité sans limites" (31), despite his unequivocally accepting a measure of inequality in a speech to the Convention on April 24, 1793, when he stated that, even though "l'extrême disproportion des fortunes est la source de bien des maux [. . .] nous n'en sommes pas moins convaincus que l'égalité des biens est une chimère" (1965, 117). Moreover, the previous year, in a letter to the same body, Robespierre, dispensing with qualifications, had been categorical: "la liberté du commerce," which leads inevitably to inequality, "est nécessaire" (1965, 51). Although he straightforwardly accepted the necessity of at least a degree of economic liberalization, Robespierre was perceived, unambiguously, as a political radical by his enemies in the propertied class. Indeed, it is difficult to reconcile Boissy d'Anglas's claim that *l'incorruptible* defended "une démocratie absolue"—a phrase that we should understand as a conservative slur against mob rule, or, to reverse U.S. Supreme Court Justice Benjamin Cardozo's formulation, against un-ordered liberty—with the latter's hardly controversial, and, one might say, impeccably humanitarian claim that commercial freedom be permitted only "jusqu'au point où la cupidité homicide commence à en abuser."¹²⁸ Contrary to what we might surmise from Boissy d'Anglas's hyperbolic descriptions of his rival as a political extremist (recall: "démocratie absolue" and "égalité sans limites")—exaggerations which, for Domènech (arguing in a historiographical school that includes French historians

¹²⁸ Justice Cardozo's assumption in his majority opinion in *Palko v. Connecticut*, a case that dealt with the Constitution's bearing on legal appeals of criminal convictions, that the U.S. Constitution created a legal framework for the public's enjoyment of "ordered liberty" is famous among political conservatives, presumably because it implicitly degrades social disorder, which is practically (and perhaps even logically) inevitable when a significant challenge to a given (conservative) order is issued. In his majority decision, Justice Cardozo's presupposition about the meaning of the Constitution appears two times, the second of which reads: "The right to trial by jury and the immunity from prosecution except as the result of an indictment may have value and importance. Even so, they are not of the very essence of a scheme of ordered liberty" (*Palko*).

Albert Mathiez, Albert Soboul, and Georges Lefebvre), have since marked liberalism's bad-faith distortions of progressives' measured egalitarian arguments as amounting to unrestrained despotism—Robespierre was not opposed to economic freedom *per se*. In fact, he repeatedly defended it: “le négociant peut bien garder, dans ses magasins, les marchandises que le luxe et la vanité convoitent jusqu'à ce qu'il trouve le moment de les vendre au plus haut prix possible” (53). Perhaps Nick Nesbitt, in a recent essay, has described Robespierre and his movement with sufficient even-handedness, capturing its measured liberalism as well as its anti-conservatism, which understandably threatened his purportedly liberal, but truly reactionary opponents: “Jacobin egalitarianism should be understood as an unsettled mix of a defence of the human right to everything necessary for the preservation and minimal flourishing of life [. . .] all of which was to be held in common by society, and a proto-liberal right on the part of any citizen to an unlimited potential excess (of wealth and property) beyond that minimum” (157). Anyway, whether he was a radical egalitarian, a proto-liberal, or something else, Robespierre certainly opposed a system that tolerated human misery for the sake of upholding unrestricted property rights, stating clearly that “nul homme n'a le droit d'entasser des monceaux de blé, à côté de son semblable qui meurt de faim.”

Domènech hears Greco-Roman echoes in the words of Robespierre, who understands deprivation—which, in this last quotation, takes the form of not having enough to eat—as a state in which the “semblable qui meurt de faim” is dependent on he who might successfully claim “le droit d'entasser des monceaux de blé.” Robespierre's response to this inequality was, unlike that of the conservative republican tradition that includes Aristotle, to favor the absolute removal of dependence, or to favor material independence for all. For Domènech, the realization of such independence demands the elimination of all relationships of domination, including those of a

political sort, such as the power of monarchs with respect to subjects, and the private ties of patrons and patriarchs, etc. to their dependents, slaves, and employees. In practical socio-political terms, Domènech, as he interprets Robespierre, and drawing on a conceptual framework that he inherited from Montesquieu, stands for the transformation from a society that is organized vertically (in three tiers, the political, civil, and family levels) to a society that, consisting of a single tier, is organized horizontally, removing the political and family levels along with the domination that, in the form of unchecked powers, is inherent therein.

By and large, Pre-French Revolution European societies (with the debatable exception of Great Britain's) had a generally unrivaled monarchical power at the top, followed by persons that were *sui iuris* by virtue of owning property below the monarchs, but above those who, without property, needed to, as Domènech wrote, “depende de otro particular para poder subsistir” (2004a, 85). Domènech applauds Robespierre on two relevant and related accounts. First, he praises Robespierre's calling for the termination, the utter “liquidación” of the first and third tiers, which Domènech, using Montesquieu's original French, called, respectively, “loi politique” (i.e., state power that is not answerable to all the citizenry, or in Domènech's words, that is “incareado e incareable por el pueblo”), and “loi de famille” (i.e., private power such as that exercised by employers (in business) and masters (in domestic spaces) over all kinds of dependents (e.g., employees and domestic servants) (2004a, 103; 2015, 76).¹²⁹ In Domènech's

¹²⁹ Domènech draws on Montesquieu's three-tiered conceptual framework—which consists of *loi politique*, *loi civile*, and *loi de famille*—not because he agrees with the Baron de la Brède's vision of society, but because the French theorist provides a useful scheme (or descriptive tool) for analyzing the distribution of social power. Montesquieu does not argue, as Robespierre and Domènech do, that these three tiers should be reduced to one. Rather, in a way similar to conservative republican predecessors like Aristotle and the Roman Cicero, Montesquieu, accepting an unequal distribution of power, discusses the proper relationships between various social estates. For example, in Book XXVI, Chapter XVI of *L'esprit des lois*, which is entitled “Qu'il ne faut point décider par les règles du droit civil quand il s'agit de décider par celles du droit politique,” Montesquieu focuses on the decisions appropriate, respectively, to the “droit politique” (or political law) of the state and the “droit civil” (or civil law) of the people (54). Those laws which address “l'intérêt des particuliers,” (i.e., of full citizens in a republican sense) are the proper business of civil law, while those laws having to do with “le bien et la conservation de l'État” are

estimation, Robespierre's second praiseworthy position was for the universalization of the second, property-owning tier, which, if realized, would mean that all persons would be citizens (*cives*) in the fullest, republican sense, and so, naturally, would not be subject to an unappealable political law, nor somehow compelled to submit to authority in the private sphere. Such a compulsion, we will recall, was, in the Greco-Roman tradition, tantamount to slavery. All would be subject to the same "loi civile" (borrowing again from Montesquieu), and would enjoy the same status of social independence and equality that was typical of Greco-Roman citizenship. In Domènech's pithy formulation, in the Jacobin program, "todo es sociedad civil" (87).

In a recent and controversial book, James Livesey challenges a view that is widely-held and is also shared by Domènech. Livesey disputes the idea that the Thermidorian overthrow of Robespierre in 1794 was a counter-revolution that ended the Revolution's popular phase and its effective commitment to universal human rights.¹³⁰ Instead, Livesey suggests that the Thermidorians put the Revolution back on a path toward what he calls, questionably and against

properly part of the political law (55). As for the private, "loi de famille," which concerns the relations between masters and their dependents, Montesquieu is consistent with the conservative republican tradition, which recognizes the authority of full, propertied citizens over domestic subordinates. The latter are not part of society—"[ne sont] point dans la société," and, so, civil law does not apply to them ("aucunes lois civiles ne [les] concernent")—and they are legally under the control of their masters—"[ils ne peuvent] être retenu que par une loi de famille, c'est-à-dire par la loi de maître" (28).

¹³⁰ For Domènech, in the mid-1790s, the place of human rights in political debate disappeared not only in France, but, for more than a century, in all the world: "los derechos humanos prácticamente desaparecieron del derecho constitucional en todo el mundo durante 150 años: desde el golpe de Estado termidoriano contra Robespierre en 1794 hasta la Declaración de NNUU de 1948" (2003a). An example of the widely-held view I refer to is Alexis de Tocqueville, whose *Ancien Régime et la Révolution* shows that a debate about whether Napoleon betrayed or continued the Revolution dates at least to the mid-nineteenth century: "Les premiers efforts de la Révolution avaient détruit cette grande institution de la monarchie ; elle fut restaurée en 1800 [i.e., with Napoleon's rise to power]. Ce ne sont pas, comme on l'a dit tant de fois, les principes de 1789 en matière d'administration qui ont triomphé à cette époque et depuis, mais bien au contraire ceux de l'ancien régime qui furent tous remis en vigueur et y demeurèrent" (989). For Tocqueville's part, although he says that it was Napoleon, not the Thermidorians, who betrayed the Revolution's original character, he expresses a view that may be understood as similar to Domènech's, if we subscribe to the argument that Thermidor (and the Directory) and Napoleon (and the Consulate) are continuous (Lefebvre). Indeed, many Thermidorians, eager to achieve stability amid social unrest in the late 1790s, backed Napoleon's 18 Brumaire coup.

Domènech, “democratic republicanism” (234). Despite (or perhaps because of) Livesey’s sloppy use of concepts (e.g., a constitutional order such of the Directory’s, which was explicitly devoted to enshrining property rights against the possibility of popular—i.e., democratic—expropriation, is not democratic), his position is interesting because he, unwittingly, makes one of Domènech’s most important points, that modern liberalism (of which the Directory, by virtually all accounts, is a foundational piece), claims to be committed to universal freedoms. In Livesey’s sympathetic account of the Directory, it was committed to “all particular freedoms” (234). However, needing in practice to privilege the freedom of a property-owning elite, the Directory limited the freedom of members of lower classes, including Paris’s poor, or the sans-culottes. Livesey, again unwittingly, demonstrates the importance of explaining this contradiction by committing a logical equivocation: “[b]efore [Thermidor] Jacobins and sans-culottes had tried, and failed, to create a polity in which universal rights did not corrode all particular freedoms” (138). It is unclear what differentiates “universal rights” and “all particular freedoms.” Robespierre and Domènech would say that nothing does, and if they are right, then Livesey’s sentence would make more sense if it ended with a reference to the corrosion of *some* particular freedoms (notably, those of the coup’s leaders), but not *all* particular freedoms.

Why do Livesey, the Thermidorians, and liberals in general, claim to advance freedom for all if such a generalized liberty is apparently similar to the universal rights of the Jacobins, whom they oppose(d)? One explanation is, as Jon Cowans put it in *To Speak for the People*, that early liberals, in order to protect middle-class economic interests against, for example, royalists seeking a restoration of the Bourbon monarchy, prudently avoided undermining the principle of popular sovereignty (155-57). In other words, they had to coopt from truly popular movements, such as Robespierre’s, the idea that they represented the interests of all. Decades earlier,

historian Albert Soboul proposed a similar theory: “The Thermidorian bourgeoisie could not attack the principle of popular sovereignty [. . .] without denying its own right to political power and thus playing into the hands of the divine right monarchists” (147).¹³¹ Understanding themselves as champions of the 1789 “Déclaration des droits de l’homme et du citoyen,” which stated, in evidently universal terms, that “les hommes naissent et demeurent libres et égaux en droit,” early liberals, much like liberals today (e.g., Livesey), were careful not to acknowledge that, both in theory and reality, they, like their monarchist opponents, did not defend the interests of all, but only of some.

However, Domènech insists that Thermidor and the Directory will be most appropriately understood not as fully-fledged representatives of liberalism in a conceptual sense. To be sure, as compared to Robespierre, they were closer to liberalism in that they asserted a theoretically universal freedom and equality without considering the material conditions that are necessary to sustain them. For Domènech, although they were not liberals in a pure sense, they were, at least, transitioning from a republican conception of the relationship between wealth and freedom toward a later liberal ignorance of it. However, to quote Domènech and his partner and intellectual collaborator María Julia Bertomeu, they nevertheless conserved “esquemas republicanos de razonamiento” (Bertomeu and Domènech 2005, 73).

Indeed, like liberals, the delegates at the Thermidorian Convention in 1795 sought, in the words of the Thermidorian Boissy d’Anglas, to banish the Robespierre-era’s “illusory,” universal “principes [. . .] d’une démocratie absolue et d’une égalité sans limites,” and restore an implicitly

¹³¹ Nesbitt’s relevant explanation presents the Thermidorians as even more cynical in their support of popular sovereignty: “The particular interest of this new class of political functionaries was united only in their having universally profited from the Revolution, and they defended in their constitution the skeleton of the republic only because, having profited from the sale of émigrés’ property and, for many, having voted for the execution of Louis Capet, a return to monarchy would have meant their end, both politically and physically” (161).

non-universal “véritable liberté” (31). Boissy’s narrow definition of liberty also resembled that of liberals in that it, against Robespierre and democratic republicanism, did not mean the extension of freedom to all in the form of material security. However, like republicans, the Thermidorians put in place a Constitution—that of 1795, or Year III—which, like that of their Jacobin predecessors, adopted a Greco-Roman conceptual framework for thinking about the relationship between wealth and liberty. Like the Roman Cicero, whose ideas we will study shortly, the document denied full citizenship rights to those residents of France who did not meet the requisite definition of material self-sufficiency.¹³² In an attempt to concentrate power in the already-existing propertied class, the new Constitution of 1795 reverted to what we might call an Aristotelian (or Ciceronian) preference to entrust propertied citizens with more power than the property-less, or, in the particular case of France in the 1790s, than the *sans-culottes*, or *menu peuple*. Indeed, Boissy d’Anglas’s *Discours préliminaire* reads in some places like Aristotle’s *Politics*. For example, he wrote: “Nous devons être gouvernés par les meilleurs [. . .] à bien peu d’exceptions près, vous ne trouverez de pareils hommes que parmi ceux qui, possédant une propriété, sont attachés au pays qui la contient [. . .] l’homme sans propriété, au contraire, a besoin d’un effort constant de vertu pour s’intéresser à l’ordre [. . .] nous vous proposons donc de décréter que, pour être éligible au corps législatif, il faut posséder un propriété foncière quelconque” (31-32).

¹³² The *Montagnard* Constitution of 1793 never entered into effect. Although it had been ratified in a plebiscite, it was ignored by the Thermidorian Convention following the fall of Robespierre on 9 Thermidor, Year II, or July 27, 1794. For a discussion of the mixture of political ideas in French politics after the fall of Robespierre, see Hanson: “While it is customary to think of Thermidor as marking a turn to the right, the deputies who took a leading role in the plot against Robespierre were for the most part Montagnards – Joseph Fouché, Jean-Lambert Tallien, Jean-Marie Collot-d’Herbois, and Jacques-Nicolas Billaud-Varenne prominent among them” (130). Nevertheless, Hanson recognizes that, ultimately, “it would be conservative republicans who dominated the National Convention over the next fifteen months” and that their policies would be clearly right-wing: “[The Thermidorians] dismantled much of the economic and social legislation of the Montagnards; and created a liberal parliamentary regime that favored the interests of property owners and stifled popular democracy.”

Boissy d'Anglas repeats another classical, conservative republican idea, which we have seen in Aristotle and can also find in Plato and Cicero; namely, that he whose livelihood comes from wages earned for work, rather than from property, has alienated his natural independence. In Boissy d'Anglas's words, "[il] ne possède plus en effet son indépendance naturelle," and is therefore unworthy of citizenship (34). Similarly, for Plato's Socrates, speaking in the *Republic*, "wage earners," or those who "sell the use of their strength" and "call their recompense for this 'pay,'" are excluded from the rank of citizen, and are "not altogether worthy of our community" (171). For the Cicero of *De officiis*, in the case of "wage earners who are paid for their labor," "that wage is recompense for slavery" (81).¹³³ For Boissy d'Anglas, by receiving a salary from an employer, an employee surrenders to his employer "une portion de sa liberté" (34). He is thus "soumis à un autre homme," and thus incapable of properly exercising political rights, for which freedom is a requirement. Importantly, in his Aristotelian justification of the concentration of power, and in this latter (generally Greco-Roman) conception of wage-earners as being less free, Boissy d'Anglas goes a long way toward recreating Montesquieu's three-tiered image of society—between a *loi politique* (or strong political power for those "possédant une propriété"),

¹³³ In the same passage, Cicero makes a categorical distinction between what he calls liberal activities—of which the foremost is to "perceive and inquire into the nature of things," and which, undertaken by free persons, are properly those of citizens, who are free by definition—and "illiberal" (or "sordid") undertakings, which, by degrading one to the condition of having to depend on another, render one unfree (hence, illiberal) and, so, unfit for citizenship (83). Such illiberal activities include almost anything done for a wage and, generally, out of acquisitiveness, such as the work of merchants, and (recalling my above reference to Aristotle) craftsmen: "Now as to arts and acquisitive activities—those considered liberal as well as sordid [i.e., illiberal]—we are generally told these things. [. . .] Merchants who purchase from still other merchants for immediate resale likewise ought to be thought sordid; for they could not make a profit unless they were excessively deceitful—and there is truly nothing more disgraceful than empty deception. All craftsmen are also engaged in a sordid art; for there is nothing liberal about a workshop" (81). Although Cicero does not consider incompatible with civic freedom "those arts in which there is inherently greater prudence or an above-average utility [. . .] such as medicine, architecture," we are nonetheless compelled to reflect on the different statuses accorded to unskilled workers—who, probably being many in number in all eras, should (arguably) be a basic part of any political theory—in Cicero's writings (where their relative poverty and economic dependence are deemed socially consequential) and in prevailing liberal notions of our own day, when formal, civic equality is affirmed (but, arguably, not practically realized) regardless of one's economic standing or occupation.

a *loi civile* (or the sphere of free action in civil society, which is only available to those that are independent by virtue of material self-sufficiency), and a *loi de famille* (or the rules to which the legally unfree, who have ceased to possess their “indépendance naturelle,” are subject).

The Thermidorians simultaneously believed that most of France’s inhabitants—including those who either do not own property or earn a salary—are either unfit to govern or socially disadvantaged, and that, as mentioned above, despite such disqualifications, the French people, generally, must be an essential part of the Republic, lest the undermining of popular sovereignty enable the ambitions of monarchists. So they faced a hard, and perhaps irresolvable, political theoretical problem, how to incorporate into the national polity (the masses of) people that are believed to be ill-equipped for political life? And the resolution of this problem was further complicated by the Thermidorians’ hostility toward the popular classes, a response, in part, to previous Jacobin attempts at wealth redistribution, which led the Directory to adopt anti-popular and authoritarian positions that ended in some of its prominent figures’ (e.g., Emmanuel-Joseph Sieyès) backing Napoleon’s coup d’état of 18 Brumaire. Such anti-popular sentiment was expressed in various ways and with varying degrees of intensity, including Boissy d’Anglas’s relatively measured assessment that, unlike men of property, “[l]’homme sans propriété [. . .] a besoin d’un effort constant de vertu” and his more slanderous statement, that “[u]n pays [. . .] où les non-propriétaires gouvernent est dans l’état de nature.” At an extreme, demophobia expressed itself as physical violence, in the form of punitive attacks carried out by the so-called “muscadins” or “gilded youth,” middle-class gangs, who, according to François Gendron’s largely dispassionate, though admittedly unsympathetic analysis of this *jeunesse dorée*, “aur[ont] été [. . .] utilisée par les Thermidoriens pour lancer et soutenir la Réaction” (Gendron 327-328). It also took the form of what we might call an anti-poor, or anti-demos historiography, such as

that advanced by Louis-Sébastien Mercier, a member of the Council of Five-Hundred (the lower-house of the Directory's legislature), who proposed that the Republic's historical narrative should ignore its first "ignoble" years, and begin only with the triumph of Thermidor: "Après avoir terrassé les ennemis de la Révolution et l'ignoble sans-culottisme [. . .] pouvons-nous, avec quelque conséquence, faire dater l'ère républicaine du 21 septembre 1792? Non, cette ère doit dater du jour où nous avons eu un gouvernement libre" (in Lefebvre 213).¹³⁴

In a classic article, Hunt, Lansky, and Hanson argued that the Directory's bourgeois leaders were finally unable to maintain the (perhaps impossible) balance between their assertion—consistent with the famous Declaration of 1789—of the right of all people to liberty and autonomous rule, and the (seemingly contradictory) exclusion of some people from the sovereign body, be it justified by certain conceptualizations of property and liberty, or by unvarnished hatred. On several occasions between 1795 and Napoleon's coup in 1799 (notably, the coups of 18 Fructidor Year V, Floréal Year VI, and Prairial Year VII), influential members of France's bourgeoisie—recognizing (in the words of Martyn Lyons) that "its power base was too narrow to prevent violent fluctuations in the balance of power"—resorted to authoritarian

¹³⁴ In his work, Domènech often references the *muscadins*, believing them to be (proto-)typical examples of middle class violence against a popular political movement—a pattern in European political history, whereby, he argues, repression is "activamente tolerado por el gobierno," of which instances include fascism: "los *fascios* italianos de 1918-1922 que, activamente tolerados por los gobiernos liberales, con sus criminales incursiones punitivas en ateneos populares, sindicatos, bolsas de trabajo, locales y prensa socialistas y anarquistas, lograron desbaratar casi por completo el contramundo obrero [. . .] y allanar el camino a la marcha de Mussolini sobre Roma" (2004a, 156). (The definition of fascism that is implied here is studied further below.) On another, but related note, it is puzzling that, when writing about the gilded youth, Domènech (e.g., 2004a, 39 and 156) systematically cites Henri Guillemin's *Benjamin Constant: Muscadin*, which is primarily a study of the famous Swiss political theorist, and deals only tangentially with the phenomenon of bourgeois violence under Thermidor *per se*. Gendron, as well as Guérin and Gaxotte (who, more partial than Gendron, very clearly see things from the political left and right, respectively), offer more relevant scholarship in this case. Regarding the hostility of the Thermidorian bourgeoisie: it also manifested itself in irrational and counter-productive refusals to consider the masses as political agents, much less potential allies. For example, a little over two years before Napoleon's seizure of power, one of whose objectives was to thwart the Jacobins' increasing numbers in the Republican legislature in the late 1790s, the Directory staged another coup (that of 18 Fructidor), which, though aiming primarily to weaken royalists, actively excluded Jacobins and sans-culottes, whose empowerment was to be avoided (Lefebvre 32).

assertions of power when they believed that elements of civil society (such as political organization or electoral success) threatened their political or economic interests (1975, 215). On the occasion of the Fructidor coup (4 September 1797), three directors (including Paul Barras, one of the Directory's core members from Thermidor to Napoleon), together with army support, wrested power from royalists, and reluctantly shared it with the Jacobin left. When the fortunes of the left—enabled by Fructidor—improved in subsequent election cycles, the Directory's centrist majority purged the legislature (by unscrupulous, if constitutional means) of new Jacobin deputies, a maneuver known as the Law of 22 Floréal Year VI (11 May 1798). Later, faced with the Jacobins' continued political gains, which inspired fear of a return to the Republic of 1793-1794, they carried out the coup of 30 Prairial Year VII (18 June 1799), which concentrated power in the hands of Sieyès, a clergyman, who had been prominent in the generally middle class *Tiers état* since the late 1780s, and had authored “Qu'est-ce que le tiers-état,” an influential pamphlet of 1789 in defense of the interests of France's third estate. In power and intolerant of political instability, Sieyès would play a central role in orchestrating the coup of 18 Brumaire, whereby Napoleon seized power.¹³⁵

In their assessment of the Directory, Hunt, et al., together with Lyons, make a point that is important to Domènech. Whatever it might stand for theoretically, economic liberalism, which the Directory's leading members sought to implement, has not been, in historical practice or effect, committed to liberty, or, to borrow again from Livesey, to “all particular freedoms.” It should now be clear that, in 1799, when Napoleon unilaterally imposed his authority to quiet

¹³⁵ Although I highlight the Directory's suppression of the political left, I do not mean to suggest that the left was the only repressed faction in France in the late 1790s. As is clear in my reference to Fructidor, the Directory also tried to weaken royalist conservatives. To explain the rise of Napoleon, it is important to stress that the threat posed by conservatives both in France and across Europe, together with a post-Robespierre reemergence of Jacobinism, or what Isser Woloch called “neo-Jacobinism,” motivated the Directory's middle-class leaders to entrust their Republic to the Corsican general.

political agitation, he did not deviate from the standard practice of the Directory's bourgeois leaders, who had already sought multiple times to consolidate political power. In other words, Napoleon did not betray liberal principles, at least not as they actually manifested themselves in France in the late 1790s. Rather, after several years of the Directory's trying to make liberalism prevail in France, Napoleon, a military dictator and later emperor, became the ultimate representative of France's middle class, or, as Hunt, et al. pointedly called him, "the ultimate Director" (759). Similarly, Lyons has written that, "[Napoleon's] coup of Brumaire may best be interpreted not as a rupture with the immediate revolutionary past, but as a new attempt to secure and prolong the hegemony of the revolutionary bourgeoisie" (41-42). Thus Lyons meant to contradict the attempts of liberals in the nineteenth and twentieth centuries to claim the revolutionary mantle, which is supposed to include the values of universal rights and popular sovereignty, as they simultaneously distance themselves from Napoleon, and, generally, from the sort of strong-arm politics that he, much like Robespierre, was supposed to epitomize.¹³⁶ The efforts of liberals are unconvincing. The history of liberalism and strong-arm politics are inextricably linked.

Writing ironically, Domènech summed up the achievement of the Corsican general:

"Napoleón [puso] las cosas en su sitio" (2004a, 105). The bourgeoisie, in order to maintain its

¹³⁶ As in other cases, here, too, Giner is out of step with Domènech (and also, incidentally, with Hunt, Lyons, and others) as he emphasizes Napoleon's willful ambition as a "militar trepador" and the demagoguery that made him the object of the "idolatría" of credulous masses as explanations for his rise to power, thus deemphasizing the relevant impact of middle class interests (2012a, 141). A recent example of what I refer to here as "later liberal attempts to claim the revolutionary mantle [. . .] as they simultaneously tried to distance themselves from Napoleon" is Andrew Jainchill: "The result of the increasingly authoritarian nature of Bonaparte's regime was the betrayal of the French Revolution. The ideals of 1789 were definitively quashed" (246). Jainchill, who readily admits that Bonaparte's coup was a "settlement" between liberal and authoritarian factions, lamenting only that the "liberal side [. . .] was abandoned," holds an obviously problematic position. However, it raises important questions about the grounds on which liberals (like Jainchill) can coherently oppose authoritarianism, if they were willing to reach an agreement with it in 1799, when it was conducive to their ends.

political dominance, refused to relinquish control over what Montesquieu called *la loi politique*, and to quote Henry Heller's concurring opinion, "if the price [of political control] was a more or less unconcealed military dictatorship, so be it" (125). To underscore another facet of Domènech's individualism, it is important to stress the notion of political agency that is implicit in his belief that the bourgeoisie sought primarily to secure its own power. Against what Domènech called "el marxismo vulgar," his interpretation of the French Revolution and subsequent political conflict is not materialist, but idealist. It understands struggle not as a manifestation of economic contradictions, but of different visions of how society should be organized; vertically (i.e., in tiers) or horizontally (in fulfillment of the ideal of popular sovereignty)? Accordingly, references to the bourgeoisie in his thought should not be understood as the monolithic class of Marx's thoroughly materialist, non-humanist legacy, which Domènech abhors. Individuals, for Domènech, are not merely fulfilling a historical function. The bourgeois middle classes, workers, etc. make rational decisions to structure society in a way that benefits them, and, Domènech argues, the most rational decision will be that which contributes to more individuals' enjoying material independence.

Domènech admits that, throughout the late-1790s, and, finally, with Napoleon, the bourgeoisie made the rational, if not praiseworthy decision not to tolerate left-wing attempts to participate in, as he put it, the realm of the *loi civile*. Undoing a major element of Robespierre's legacy, the Directory had, in effect, reintroduced a separation between political and civil law, insisting, with Pierre Samuel du Pont de Nemours, that property-owners—"[les] souverains *par la grâce de Dieu*"—instead of the general population, must be entrusted with the responsibility of ruling over civil society (7, original emphasis). Thus, the middle class sought to rule unchallenged, and, in the process, created a remarkably unfree political landscape. We might

conclude by bringing together insights from Domènech and Hunt, et al. The state of French politics in the wake of 18 Brumaire bore a resemblance to Montesquieu's multi-tiered society, particularly in that its executive power was not, in effect, subject to the popular will. In Domènech's words, executive power was separated from civil power, it was "in-civil" (Domènech 2004a, 92); and civilian power was effectively held in check by a *loi politique* that was "independizado de la sociedad civil, y más o menos incontrolable por ella" (104). French politics thus was not an ideally liberal system, which is supposed to be committed to liberty and popular sovereignty. According to Hunt, et al., France's propertied elite, preferring political power to the natural unpredictability of civilian government, severely undermined the very pillars of liberal government: "the legislature was reduced to impotence, parties lost their function with the abolition of elections, and the executive ruled without opposition [. . .] politics per se was no longer a viable vocation. [. . .] As a consequence, the Revolution's internal mechanism—the mobilization of the political classes, however widely or narrowly defined—was finally destroyed" (759).

Not only did the French revolutionary era finally restore a distinction between Montesquieu's *loi politique* and *loi civile*. According to Domènech, in a further blow to Robespierre, it effected a complementary separation between *loi civile* and *loi de famille*. If the bourgeoisie, in the interest of the coherence of its position, needed to be faithful to the principle of civil equality, on which its stance against legal privileges depended, then all persons—including, of course, the property-less non-bourgeois—had to be incorporated on some kind of egalitarian footing into any post-revolutionary society. In effect, Montesquieu's *loi civile* had to be universalized. However, such a move was practically inconceivable, lest Mercier's "ignoble sans-culottisme" gain political ascendancy. In his classic biography of Napoleon, Lefebvre

described the bourgeoisie's dilemma: "the Revolution" and "bourgeois ideals" were, at once, compatible and incompatible. They were compatible in that the revolutionary principle of civil equality justified bourgeois, or the third estate's empowerment at the expense of the first (royal) and second (clerical) estates, but they were incompatible, because "bourgeois ideals," particularly those regarding the inviolability of private property, could not countenance some of the political demands—such as greater material equality—of certain sectors of civil society, particularly, the sans-culottes (2011, 6). In short, the bourgeoisie had to confront the fact that, for better and for worse, "the Revolution [. . .] remained a revolution of civil equality"; not only the middle classes would want to benefit from the new political era it had ushered in.

Drawing on Marx, Domènech argued that early liberalism, which received legal expression in Napoleon's *Code Civil* (1804), resolved this dilemma (whether by design or in effect is unimportant) in two complementary ways. First, it acknowledged the equal rights of all men to enter contracts, regardless of material inequalities, or of whether, as Marx wrote, the only good with which one could trade was his "labour force."¹³⁷ Thus, a kind of *loi civile* was extended to all men. However, by recognizing not a (Jacobin) right to material equality, but an almost absolute right to private property, the *Code* ensured, at least in effect, that contracting parties would encounter each other in economically unequal conditions.¹³⁸ So, according to

¹³⁷ The relevant provisions in the *Code Civil* (i.e., Articles 1123 and 1124) did, in fact, only extend this right to men; married women and minors were declared "incapables de contracter" (273).

¹³⁸ About the *Code*'s "almost absolute right to private property": although some, including Domènech and Heller, speak, for example, of "un derecho ilimitado de propiedad" or "the unqualified right to private property" under the new legal framework, it should be noted that at least one qualification is made in the *Code*'s most relevant article; i.e., number 544: "La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, *pourvu qu'on n'en fasse pas un usage prohibé par les lois ou par les reglemens*" (Domènech 2004a, 93; Heller, 125; 134, my emphasis). It is surprising that Domènech overstates his case in this regard, because, as we will see below, his critiques—which occur elsewhere in his work—that Article 544's negative definition of the right to property (and other such definitions) enable social domination of the propertied over the property-less, are central to his thought.

Domènech, the Revolution's expressed ideal of equality was only "mentidamente cumplido," as it fostered conditions favorable to social dependence (and therefore, inequality), where the economically weak relied on the powerful for their livelihood (2004a, 108). From Plato to Montesquieu, one reads that social dependence and economic inferiority, by rendering impossible one's effective access to the citizenry, impede the practical exercise of citizenship. In Domènech's words, Napoleon's *Code* "aflojó decisivamente el nudo" that, during some two millennia in Western philosophy, tied social and economic status to one another, or "unía de modo inextricable [. . .] la personalidad libre con las instituciones sociales de la propiedad" (2004a, 42). Far from a sincere effort to extend equality to all people, however, the *Code*, by making the poor compete with the rich as theoretical equals, effectively established what Domènech, again borrowing from Montesquieu, called a "nueva loi de famille," a new private sphere—which included, most importantly, the workplace—where those with fewer resources are compelled to subject themselves to the wealthy (2004a, 96). Contrary to the *Code*'s assertion of civic equality, the existence of what amounted to a new family sphere, which tolerated private domination, was, in Domènech's scheme, "incivil," or literally uncivilized. It was, in other words, the opposite of Domènech's ideal Jacobin republic, where, as we have seen, "todo es sociedad civil," that is, where power relations are not organized vertically into tiers, but horizontally into a single *loi civile*. Domènech rejected the Napoleonic innovation, whereby socially dependent and economically inferior persons are told not—harshly but honestly—that they are unworthy of complete civic recognition, but, disingenuously, that they are full and equal members of civil society.

To be sure, although the *Code Civil* did not go as far to the political left as it might have, it nonetheless moved toward greater equality, and thus toward the left, by culminating what

Domènech called early modern Europe's "lenta obra [. . .] desestamentalizadora de la vida social y económica," the process of removing privileges of class, estate (or, in Spanish, "estamento"), which included granting all men the same kind of "personalidad jurídica," and thus endowing them with an equal right to contract (2004a, 42). So, from a progressive perspective (e.g., for Domènech or Marx) it was an improvement relative to pre-revolutionary law, which had prohibited many contractual agreements, particularly for those living under the legal tutelage of landlords.

Nevertheless, the *Code* was only a partial concession from the bourgeoisie to the less privileged classes, resolving the dilemma between conservative economic interests and the radical implications of the Revolution's ideals so that the former received more careful attention. In a speech to the *Conseil d'État* that would become, with Napoleon's authorization, the official version of the *Code*'s history, Jean Portalis outlined the provisions of the new document. In a tradition that included Boissy d'Anglas's Thermidorian-era statement that "l'égalité civile" was "tout ce que l'homme raisonnable peut exiger," Portalis, in a transparent reference to the presumably unreasonable expectation that, following the Revolution, equality would extend beyond that of social rank, chastised the "licence" of those who, amid past tumult, had wanted to "niveler toutes les fortunes" (299-300). Against such radicalism, he extolled the "idées plus modérées" of the *Code*, which sought only to "nivell[er] tous les rangs."¹³⁹ As the historian Ellen

¹³⁹ In his commentary on Portalis's speech, Michael Tigar argues that the post-Brumaire bourgeoisie, pressured by progressive demands for greater equality of all kinds, moved away from the more radical actions of 1789, when the bourgeoisie's primary rivals were the first and second estates: "There is a great distance between the measured conservative tones of Portalis and the enthusiastic iconoclasm of the revolutionary decrees that preceded it, such as the 1789 decree of the National Assembly abolishing feudalism and promising redistribution of the land" (213). In relation to the major argument of this chapter, and to Domènech's reflections of the status of universal rights and values among liberals, republicans, etc., one wonders, upon reading Portalis's speech and Tigar's corresponding opinion, if it is the case that the bourgeoisie, and liberalism, generally, are essentially pragmatic (i.e., not absolutely committed to anything but self-interest), despite claims to be committed to universal and natural rights.

Meiksins Wood summed up this sort of post-Brumaire political moderation, citizenship, no longer associated with any tangible advantage (such as property), would now only guarantee a formal equality of rank. Recalling the bourgeois dilemma outlined by Lefebvre, we can make sense of one of Meiksins Wood's conclusions: "If the extent of the citizen body could no longer be restricted, the scope of citizenship could now be narrowly contained" (1995, 203).

As had become customary in bourgeois political innovations during the 1790s, the *Code Civil*—in which, according to Michael Tigar, "[t]he notion of free contract pervades"—broke with republican conceptions of property and citizenship, recognizing, for example, property-less workers as fully fledged members of society, despite the position of Plato's Socrates, namely, that those who "sell the use of their strength" and "call their recompense for this 'pay'" are "not altogether worthy of our community" (i.e., of citizenship [226]). For Domènech, it would be uninteresting from a political point of view, and misguided from a left-wing perspective, to lament Plato's apparent inegalitarianism. After all, Plato (together with Cicero and, centuries later, Boissy d'Anglas) contended, in a manner useful for republican thought, that the propertied and property-less were, in fact, unequal. Domènech reminds us that the conceptual watershed was the Napoleonic *Code*, before which: "Ni el mundo antiguo mediterráneo republicano, ni los revolucionarios republicanos norteamericanos y franceses de finales del xviii, habrían admitido nunca la ficción jurídica de que la «propiedad» de la fuerza de trabajo fuera una propiedad de verdad, capaz de dar independencia, existencia social autónoma y separada —libre— a quien la poseyera" (2004a, 42). If, merely by legal artifice, the propertied and property-less were made equal by liberalism in the nineteenth century, as informed by Napoleon's *Code* and Portalis's authoritative speech, and in the twentieth, recalling Thatcher's undifferentiated "men and women," Domènech argued forcefully that the way forward for the left includes insisting, after

two centuries of neglect, that political liberty is a chimera without material self-sufficiency.¹⁴⁰ Consistent with this argument, and despite their different politics, Domènech joined Cicero, for whom a worker's wage was a "recompense for slavery," and Boissy d'Anglas, who insisted that wage-earners were socially dependent, or "soumis à un autre homme," when he referred ironically to liberalism and the *Code's* dubious "igual 'libertad' de contrato" (López 5). He thus called attention to the practical uselessness of a freedom that fails actually to alter unequal relations of power, or that, in the more mundane assessment of the nineteenth-century French intellectual and politician Alphonse de Lamartine, "ne donne pas les mêmes éléments de travail à celui qui n'a que ses bras et à celui qui possède des milliers d'arpents sur la surface du sol" (1861, 204).¹⁴¹ From this perspective, the problem is the preservation of inequality, which perpetuates inter-personal dependence, or, as Domènech put it, "[deja] en buena medida intacta la dependencia de otro particular" (López 6). The early-twentieth-century German sociologist Max Weber not only would have agreed. In fact, he warned of a harmful consequence of

¹⁴⁰ Domènech, I assume, would add to this list the likes of George Fitzhugh, a major proponent of slavery in the antebellum US south. The left, and particularly the republican left, has not seemed to appreciate that, if cynically motivated by a desire to preserve a cruel institution, advocates of slavery argued on similar republican grounds that the living conditions of white workers in the northern US, given that their lack of property meant that they were destitute when not working, was worse than black slaves' in the south, whom the slave-master cared for permanently as a valuable investment and property. That this argument surely inaccurately describes the practice of slavery and disingenuously criticizes northern labor relations does not bear on the truth of Fitzhugh's statement, typical of the pro-slavery position, that "free laborers," who enjoy the dubious freedom of contract, "must work or starve" (in Hinks and McKivigan, 405).

¹⁴¹ I mention Lamartine here because his mid-nineteenth-century quotation clearly anticipates Domènech's position from the turn of the twenty-first century. However, so as not to give the impression that Lamartine would always remain so similar to Domènech, I should mention his later conservative turn, which followed his entrance into government. For example, writing as an embodiment of the conservative backlash against the popular revolutionary movements of 1848—historian G.M. Trevelyan's "turning point at which modern history failed to turn"—Lamartine, reacting specifically to a contemporary socialist proposal to legalize the organization of workers' interest groups, defended the individual's right to contract regardless of economic (in)equality between contracting parts: "l'organisation du travail [. . .] n'étant que l'asservissement du capital et la fixation souveraine et arbitraire du salaire par l'État, supprime la liberté dans le propriétaire, l'intérêt du travail dans le travailleur, et par conséquent supprime le capital, le salaire; et le travail d'un seul coup. [. . .] c'est l'État, Dieu, et le travail esclave, c'est la mort de toute relation libre des hommes entre eux sous prétexte de détruire les abus de la concurrence" (1852, 406).

dependence, namely, domination and subjugation in the private sphere in general and, particularly, in the workplace:

The formal right of a worker to enter into any contract whatsoever with any employer whatsoever does not in practice represent for the employment seeker even the slightest freedom in the determination of his own conditions of work, and it does not guarantee him any influence on this process. It rather means, at least primarily, that the more powerful party in the market, i.e., normally the employer, has the possibility to set the terms, to offer the job “take it or leave it,” and, given the normally more pressing economic need of the worker, to impose his terms upon him. The result of contractual freedom, then, is in the first place the opening of the opportunity to use, by the clever utilization of property ownership in the market, these resources without legal restraints as a means for the achievement of power over others. (729-730)

The domination, or “power over others” that, according to Weber, is likely to obtain not despite but because of contractual freedom seems to justify Domènech’s ironic reference to the “igual ‘libertad’ de contrato.” Using a republican analytical framework, we might remark that a merely formal right to contract enables the sort of hierarchical relationship that, in conservative republicanism (e.g., Aristotle), is typical of domestic relationships between, for example, masters and servants (i.e., of a *loi de famille*). If, as Domènech observed, under a contract of employment, “el trabajador, una vez cruzado el umbral de la fábrica, no tenía [. . .] otro derecho que el de irse (y morir de hambre),” to “take it or leave it,” as Weber put it, then bourgeois civil equality is indeed, as Domènech said, a juridical fiction (2004a, 108).

If Domènech dwells on the social conflict of revolutionary France, it is because he, like the British Marxist historian Eric Hobsbawm, saw in its ebb and flow—or what Hobsbawm

called its “dramatic dialectical dance” of popular demands and impositions of order—a pattern for the future (62). In the light of Thermidor and Napoleon, as Hobsbawm wrote in his *Age of Revolution*, “[t]he main shape of French and all subsequent bourgeois revolutionary politics were [. . .] clearly visible.” Now, I turn to Domènech’s interpretation of the history of liberalism after the French Revolution and the Napoleonic era, to examine his claim that liberals, both in theory and practice, have been remarkably illiberal, claiming to uphold individual rights, but suppressing them when doing so will benefit the particular rights of propertied individuals and, in general, privileged classes. Thus they have contributed not to a horizontally-structured society, toward which, logically, political life should tend in the modern world, one of whose foundational events was a successful (liberal) challenge to legal privilege, namely, the French Revolution. Rather, liberal politics have yielded a society that is organized vertically, where, as Domènech describes it, one finds (1) a consolidated *loi politique* at the top, where propertied classes wield power disproportionately, (2) a *loi civile* that effectively allows the perpetuation of inequality and complicates demands for egalitarian reform, and (3) many people who are members of this *loi civile* in theory, but are in effect subject to Domènech’s “nueva *loi de famille*,” because they are subject to various forms of private domination due to their lack of material independence.

In my study of Domènech’s history of liberalism, I will examine, first, his republican, egalitarian critique of the Spanish liberal philosopher José Ortega y Gasset and his 1929 essay, *La rebelión de las masas*. Domènech alleges Ortega’s paternalistic preference for authority, and so implies that Ortega effectively expels some persons from civil society and into *la loi de famille*, the realm of unchecked, private domination and political inequality. Second, I will discuss Domènech’s indictment of liberals’ collaboration with European fascist movements (in

particular German Nazism) in the 1920s and 1930s, whereby industrial capitalists, for example, gave material and electoral support to the repression of workers' movements. Lastly, my third subject will be Domènech's treatment of neoliberalism, the late-twentieth century's revival of theoretical tenets of classical or *laissez-faire* liberalism. Plainly discrediting their claims to defend individual liberty, some of neoliberalism's most influential exponents (e.g., Hayek) have not only acknowledged intellectual debts to Carl Schmitt, a major legal theorist of German Nazism. They have also argued that, even if economic liberals should prefer democracy to autocracy in ideal conditions (i.e., where economic freedom is absolute), they should prefer autocracy to democracy if the democratic process (e.g., laws enacted by legislative majorities) should threaten to reduce economic liberty—a point that liberals in general have made regularly since as early as the late-eighteenth century, when William Paley, an associate of Jeremy Bentham, wrote that freedom might be as well served by “the edicts of a despotic prince, as by the resolutions of a popular assembly” (2002, 314).¹⁴²

Ortega y Gasset: Liberalism and Authority

Domènech opened a book chapter on *La rebelión de las masas* by presenting two examples of Ortega's preference for strong political authority and inequality. First, Domènech

¹⁴² Neoliberalism is an ambiguous term. It is used, first, to refer to an internally diverse intellectual tradition, but also, by its proponents, as the assumed label of a principled theoretical position in favor of market-oriented policies, and finally, as Daniel Stedman Jones put it in his book on *The Birth of Neoliberal Politics*, as a pejorative “catch-all shorthand for the horrors associated with globalization and recurring financial crises” (2). Despite this ambiguity, I will use it for three reasons. First, and perhaps most importantly, it is appropriate because Domènech uses it. Second, potential alternatives such as classical or *laissez-faire* liberalism are no less problematic, because classical liberals' separation of public and private spheres was neater than that of neoliberals, who typically defend a robust interventionist role for national governments in creating and maintaining economic conditions favorable to private business. Third, although it remains a term of abuse, it emerged originally from conservative academic circles in the 1930s and became a slur later, as Boas and Gans-Morse indicate in the title of their article “Neoliberalism: From New Liberal Philosophy to Anti-Liberal Slogan.” Finally, fourth, ambiguity of definition may be consistent with a basically coherent position. To quote from Philip Mirowski's work on “Defining Neoliberalism,” despite “crucial differences and disagreement among [its] protagonists [. . .] [we] should not therefore conclude that there is no such phenomenon as “neoliberalism” [. . .] [t]here were struggles and even purges along the way [. . .] but that should not disguise [. . .] agreement on some fundamentals,” such as their opposition to the welfare state (418).

mentions Ortega's admiration for the so-called doctrinaire liberals of the early nineteenth century, whom Ortega called "lo más valioso que ha habido en la política del continente durante el siglo XIX," despite (or perhaps because of) their hierarchical vision of society. For example, one doctrinaire liberal that Ortega mentions, François Guizot, a prominent minister under France's July Monarchy of 1830-1848, actively sought to preserve a small upper class—which by its nature exercises social authority—by, for example, maintaining a tax-based voting system that limited the franchise to the wealthy, and, famously, refusing to broaden the franchise to include the poor, enjoining them, rather, to earn more money. "Enrichissez-vous," Guizot is supposed to have said (1993, 51).¹⁴³ Second, Domènech presented *Rebelión* as being primarily an essay on authority, as opposed, say, to moral psychology—a provocative presentation that, if justifiable, is at least debatable. Indeed, although authority—broadly understood both, really, as legal power and, abstractly, as social influence—is no doubt one of the essay's important themes, Ortega clearly emphasized the latter, moral-psychological interpretation. He wrote, for example, that he intended to study the "*desmoralización* radical de la humanidad" and "la clave [. . .] *psicológica* del tipo humano dominante hoy," a man (or "tipo humano") whom he called "el hombre masa" (meaning—like Nietzsche's "last man"—both the self-satisfied, individual "hombre medio" and the collectively conformist "conjunto de personas"), and which, properly defined, amounted to "[un] hecho *psicológico*" (171; 120; 76-77, my emphasis). I would argue, further, that, in calling attention to his essay's psychological significance, Ortega sought actively

¹⁴³ It is a matter of scholarly debate whether Guizot in fact pronounced the words for which, justly or unjustly, he is best known today—"Enrichissez-vous (par le travail et par l'épargne, et vous deviendrez électeur—which have earned him scorn from across the political spectrum (although particularly from the left) for their apparent insensitivity and naiveté regarding the plight of working people, who doubtless work precisely in order to get rich, or at least to improve their economic situation. No debate exists, however, about the more basic question of whether Guizot defended an inegalitarian electorate. So, the controversy amounts to a quibble about whether Guizot spoke these words exactly, or, rather, merely advanced the relevant principles in effect.

to forestall readings that focused narrowly on his treatment of the concept of authority. Ortega seems concerned that such readings—if they understood the title’s “masas” to be referring condescendingly to a rebellious mob—might cast him as a classist, or a conservative scaremonger against an insubordinate rabble. Indeed, Ortega anticipates misinterpretation on the very first page, where Ortega asks that we avoid readings that are “primariamente político[s],” insisting that public life, together with his main concepts—“‘rebelión’, ‘masas’, ‘poderío social’”—is not only political, but also “intelectual, moral, económica, religiosa” (73-74).

If reading Ortega as an unqualified classist is overdrawn, it is no less true that Ortega clearly had more faith in members of the already-existing upper classes and relatively little in lower classes. In short, although he believed that society’s “minoría egregia,” or its *aristoi* (literally, its aristocratic best) could be culled from all social strata, he did not think that each level of society would be equally represented: “Claro es que dentro de una sociedad saludable las clases superiores, si lo son verdaderamente, contarán con una minoría más nutrida y más selecta que las clases inferiores” (1993, 181).

Whatever theme predominates in Ortega’s work, that Domènech should focus on authority (and therefore on politics) is, if incomplete, right, in part, and, importantly for the argument of this chapter, rhetorically effective. Consistent with Ortega’s own acknowledgement, Domènech opens his discussion, in this case un-controversially, by stating that the core, or “núcleo” of *Rebelión* “estaba ya contenido en [. . .] *España invertebrada*,” a 1922 essay that deals squarely with the concept of authority, or with the “minoría egregia”—the metaphorical vertebra—that, Ortega argued, should support Spanish society (Domènech 2006, 342; Ortega 2002, 180). Indeed, Ortega himself recognized this connection in *Rebelión*’s first footnote. He stated that, as a sort of follow-up to “*España invertebrada*,” his present aim was to “recoger y

completar lo ya dicho” (73). In light of this admission, it is of little importance that Domènech does not deal directly with Ortega’s non-political themes. Significantly, by highlighting the thematic relevance of authority from the outset, Domènech clearly establishes the objective of his argument, to present Ortega—a liberal, for whom “el liberalismo [. . .] es la suprema generosidad [y] el más noble grito que ha sonado en el planeta”—as a thinker who, withal his subtlety, is positively committed to authority and, therefore, to inequality among individuals (128).¹⁴⁴

However, according to Domènech, although Ortega defends liberalism (or liberty) and authority, he seems to be aware nonetheless that they are in tension with one another. He tries to resolve this problem by conceptualizing authority as being not onerous (or somehow inimical to liberty), but natural and, as such, not necessarily related to liberty. Importantly, although Ortega’s commitment to authority must imply a corresponding normative theory of the way authority should be exercised (which, presumably, some members of society will find onerous), he fails to provide one. He may think that the naturalness (i.e., the inevitability) of authority exempts him from this task. In any case, the omission is arguably not an oversight, but by design, as a normative theory of authority would cast doubt on his devotion to liberty. So as not to give rise to skepticism about his liberalism, he disguises what should be a normative theory of authority as a non-normative commitment to allowing society to assume its natural, necessary form, which, save for adulterations, or what Ortega called, “graves anomalías,” will include authority—or, hierarchy, which, for Ortega, is “el impulso esencial de la socialización” (2002,

¹⁴⁴ Although he makes plain his criticism of Ortega, Domènech is, as I say, cognizant of his philosophical subtlety. Indeed, Ortega, apparently antithetical to Domènech, defends authority, but he does so according to a sincere conviction about what constitutes human excellence, eschewing unrefined theories that would do so along (existing) lines of socio-economic class—a position that, as Domènech recognized, Ortega called crude, or “tosca”: “Huelga decir que *La rebelión de las masas* está llena de cautelas también contra cualquier ‘sociología tosca’ que identificara directamente a las masas y a las minorías selectas con clases realmente existentes” (344).

181; 1993, 272). Authority, on this account, does not necessarily entail a diminution of liberty. Rather, having no necessary bearing on liberty, authority (or Ortega's "sistema jerárquico") is simply a part of the natural order of things. To deny it would be, according to Ortega, as absurd as wanting to alter evident facts of the world, or, "[t]an absurdo como [. . .] querer deformar el sistema de las órbitas siderales, o negarse a conocer que el hombre tiene cabeza y pies; la tierra, norte y sur" (2002, 175).

For Domènech, Ortega's contradictory assertion that authority—which, logically, must be normative—is non-normative is symptomatic of one of liberalism's paradoxes. Although it is committed in principle to the idea that political power should be light on civil society, advocates of liberalism usually manage to (re)insert authority into their schemes, even when doing so leads to faulty arguments, as is the case for Ortega. Ortega has introduced authority here, too, as he simultaneously boosts the apparent rhetorical power of his position by helping himself to an extremely generous assumption, that authority is natural, and, therefore, avoidable only by means of artificial machinations (such as, in a most extreme case, deforming "el sistema de las órbitas siderales," or, more reasonably, defending egalitarianism). Crucially, a corollary of Ortega's assumption is that political theories ought only to concern themselves with what *is* (e.g., what is natural, or, to quote Ortega, "lo que es") and never with what (according to a particular ideal) should come into being: "lo que debe ser" (1964, 99-100). By a rhetorical sleight-of-hand, the burden of proof is thus lifted from those, such as Ortega, who defend authority—which, because it is natural, only needs to be acknowledged—and it is placed on theorists, such as Domènech, Robespierre, or, as Domènech points out, Immanuel Kant, who would seek, artificially or idealistically, to question (the naturalness of) authority.

In the opening lines of a 1924 essay on *Kant*, Ortega announced his escape from the “prisión” “del pensamiento kantiano” (65).¹⁴⁵ During the rest of his study, he assailed the modern philosophical tradition, which, having begun with the Renaissance, Kant “[llevó] a su forma extrema” (69). The tradition’s error had been to neglect (external) reality (“[volverse] de espaldas a lo real”)—of which authority was, as we have seen, supposed to be a part—and to reduce the concept of reality to the conditions of the individual subject’s mental processes; in Kantian terms, to the transcendental categories of understanding (69). Clearly, Ortega and Kant are at odds with one another. For Ortega, authority is external, a natural thing in the world; and Kant makes the mind the ultimate arbiter of the conceptualization of reality, which of course will include any concept of authority. On the surface, the difference is that Ortega defers to the outside world, while Kant privileges the mind of the individual. Consistent with this superficial assessment, Ortega, penetrating a bit deeper, offers a more fruitful analysis. If his own philosophy is “contemplativa,” patiently limiting itself to “un pasivo espejar la realidad,” for Kant, “[c]onocer no es copiar” (100-101). Rather, relying on the (modern) authority of the mind, to know is to dictate, demand, or prescribe: “Saber no es ver, sino mandar”.

Is Ortega’s self-interpretation accurate? The answer is no, if behind his apparent commitment to a perfectly liberal, non-invasive acknowledgment of supposedly natural social

¹⁴⁵ To be sure, Ortega did not repudiate Kant, calling the prison “magnificent” in a separate passage, and making clear that Kantianism had enriched his thinking and was, in general, an essential phase in any philosopher’s intellectual maturation: “De la magnífica prisión kantiana sólo es posible evadirse ingiriéndola. Es preciso ser kantiano hasta el fondo de sí mismo, y luego, por digestión, renacer a un nuevo espíritu. En el mundo de las ideas, como Hegel enseña, toda superación es negación, pero toda verdadera negación es una conservación. La filosofía de Kant es una de esas adquisiciones eternas [. . .] que es preciso conservar para poder ser otra cosa más allá” (66). An analysis of the exact significance of Kant during Ortega’s post-Kantian period (or of exactly what Kantian elements Ortega conserved) is beyond the scope of this chapter, but it is perhaps worthwhile recalling here the importance for Ortega’s thought not only of Kant, but of late-nineteenth century neo-Kantians, which included some of his most influential teachers, such as Hermann Cohen and Paul Natorp. In light of these influences, it ought not surprise us that Ortega should feel indebted to this tradition.

laws there lies, in fact, an illiberal design to shape society as he wills. Ortega insisted on the merely descriptive, empirical (that is, non-prescriptive) character of his apology of authority, which must be obeyed not because he says so, but because “[s]e trata de una ineludible ley natural” (2002, 167). However, the problem with this argument was staring Ortega in the face. Inevitable laws of nature are, by definition, impossible to break. If the society Ortega lived in did not align with his social ideal, then the ideal could not possibly have been born out of any natural law, which, like “órbitas siderales,” of course, would have been insuppressible. More likely, the ideal was a product of Ortega’s own moral-political preferences. It may not be a coincidence, and it certainly reveals something of the truth of Ortega’s politics, that Ortega, a self-proclaimed liberal, made virtually the same point as Cardinal Richelieu, the renowned theorist of absolute monarchy in seventeenth-century France, who, roughly three centuries before Ortega, defined “[l]a politique” as “[l]’art] de rendre possible ce qui est nécessaire” (in Montferrand, 226). As a matter of course, and as Richelieu and Ortega were surely aware, that which is necessary has no need of human assistance; it will take care of itself.

Domènech saw this problem clearly, and he called out Ortega’s inconsistency: “no se puede criticar impunemente [el normativismo] de Kant [. . .] porfiadamente obstinado en decirnos cómo *debe ser* la sociedad, y al mismo tiempo avilantarse uno a decretar explícitamente cómo *debería* rehacerse la presente vida civil [. . .] a fin de que remanezca en ella [la autoridad]” (2006, 378). Nevertheless, Domènech argued, because Ortega, a self-proclaimed liberal, could not avow any illiberalism, his “modo de argüir” had to rely on nature, not moral injunctions (378). To demonstrate the difficulty of squaring this circle, Domènech offers a parodied version of Ortega’s argument. He suggests that Ortega, despite his liberal pretension, would have no choice but to force his position upon society. So, although he eulogized liberalism’s defense of

individual freedom, Ortega cannot practice what he preaches. Domènech jokes that, as a good liberal, Ortega would have said that “toda pretensión normativa de cambiar [la sociedad] es torpe e inútil además,” and that “desde luego que hay que oponerse a esas exigencias contranatura,” but then he would have slipped his own “pretensión normativa” in the back door, assuring his audience that he sought not to remake society as he willed, but only to “contribuir a que la naturaleza siga su curso, para que [. . .] las aguas discurran por ese eterno cauce de siempre.” The words “eterno” and “siempre” are apt representations. By fixing a supposedly timeless end or objective, Ortega afforded his means, liberal or illiberal, considerable leeway.

Fascism and Liberalism

The study of Ortega’s thought shines light on the willingness of liberals, in a tradition that dates at least to the French Thermidorians, to sacrifice liberal principles in the interest of illiberal goals. If, in a perfectly liberal society, one without public interference in private life, the “hombre masa” eclipses the natural aristocrat, Ortega will want to shore up the latter’s authority, regardless of ideological purity. Domènech showed that, in Europe in the 1920s and 1930s, liberals (specifically, economic elites in finance and industry) exhibited a similar ethical pragmatism when Germany’s labor movement threatened their social advantage. In response, many liberals supported German Nazism—a movement that was decidedly illiberal and antagonistic to the ideal of universal individual emancipation—which took power in Germany in 1933. In a book on *The Nazi Dictatorship*, Ian Kershaw has argued that, in the 1930s, in a context of deep economic recession, resulting distrust of liberal capitalism, and broad appeal of socialism, Germany’s economic elites, though “not especially well disposed towards the Nazis,” whom they thought anti-liberal, nonetheless showed “an increasing willingness [. . .] to tolerate at least a Nazi share in government in order to provide the political framework within which the

capitalist system could reproduce itself” (47-48). Liberals at least in name, they favored, in an apparent contradiction, an “authoritarian solution which would restore profitability [...] through repression of labour.” Their dilemma might be stated as follows. If socialism—the explicitly non-liberal public ownership of banking, industry, and, in general, the economic means of production—seemed increasingly possible, then was fascism—which, however illiberal, was violently anti-socialist, anti-trade union, and, so, in an important sense, pro-business—a preferable alternative?¹⁴⁶ It seemed so for Domènech, who defined fascism as a movement that was “organizado, subvencionado” by economic elites, not only by industrialists “de la cuenca del Ruhr de alemania,” but also in Italy, “por las grandes familias industriales del norte,” and in Spain, by “la gran oligarquía vasca, catalana y andaluza” (2002a). In each case, the aim was to disrupt socialism, or, as Domènech put it, to “romper la vida democrática en la sociedad civil,” and “romper las organizaciones populares, democráticas, la prensa y las universidades obreras, todo el tejido que el socialismo reformista y el marxismo radical habían construido.”

Despite Domènech’s certainty, according to Kershaw, it remains the case that, since the inter-war years, “the relationship between Nazism and the dominant economic forces in Germany has remained one of the most contentious issues of debate among scholars” (45). In

¹⁴⁶ One of the premises of this question—namely, that fascism can be explained as a conservative reaction to a powerful labor movement—is controversial among left-wing anti-fascists, though doubtless defensible. Terry Eagleton, for example, takes an opposing view, as he dismisses the one I allude to, at least implying its relevance and currency, if not its correctness: “It is a dangerous leftist myth that fascism is the product of a frightened counter-reaction by the bourgeoisie to thrusting proletarian insurgency. On the contrary, it signifies a massive offensive by the bourgeoisie at a time when the working class is disorganized and defensive, betrayed by a reformist leadership, lacking a revolutionary alternative” (102). Although the positions are clearly different, I wonder if they are nonetheless compatible. After all, if we assume great social complexity and dialectical class relationships, then it is reasonable to say that the labor movement was politically weak, in some sense, and “thrusting,” to borrow from Eagleton, and that the bourgeoisie was aggressive (despite a lack of provocation) and reactive (to a perceived threat). An exponent of this complex bourgeois position may be Emil Kirdorf, a major figure in the German coal industry and an early financial supporter of the NSDAP, who called Germany’s Weimar Republic (1918-1933) the “rule of the rabble” (in Turner 1968, 327). “Rule” seems to denote a rival power to be reckoned with, while “rabble” suggests an inferior collective, which, as such, must be squashed.

early contributions from the political left, Leon Trotsky, writing in 1932 on both German and Italian fascism, defined them as movements that—whether their demographic make-up was elite, middle-class, or popular—were only possible because they were “directed and financed by big capitalist powers” (5). Like Trotsky, William Z. Foster, who was General Secretary of the U.S. Communist Party from 1945-57, called the Nazis “the party of the big businessmen” (6). Later scholarship has revised this view qualifiedly, calling it “[plausible]” and “valid,” if “reductionist” (Turner 1985, xi), and arguing that, although a “connection between liberalism and fascism [. . .] doubtless exists,” it “is considerably more complex” than is suggested by Trotsky, Foster, and, more generally, “the Marxist thesis” (Breschi 410).¹⁴⁷ As opposed to a full refutation, it seems appropriate that scholars should dissent from left-wing analyses with such qualifications, which do well to amend reductionism, but also, to cite Kershaw, wisely reject the “crass counter-argument denying any structural links between capitalism and the rise of Nazism,” and so recognize that Trotsky and Foster, if overly simplistic, were, in some sense, right (47). After all, Trotsky and Foster’s positions are, to a degree, uncontroversial, given that German industrialists were tried as collaborationists in the International Military Tribunal at Nuremberg.¹⁴⁸ They are also similar to what was once the official position of the United States, which is hardly suspicious of advancing left-wing dogma.¹⁴⁹ For example, during the Nuremberg trials, the

¹⁴⁷ By calling Turner’s challenge qualified, I do not mean to ignore the harsh criticism that his revisionist scholarship has received from authoritative historians, who presumably have seen the relevant nuance in his argument as secondary to his skepticism about the effective influence of German business on Nazism; for example, see Hallgarten and Radkau.

¹⁴⁸ Also, historians are mostly in agreement that large economic interests gave support to the Nazis. Even for revisionists, such as Turner, the debate turns on the “extent and significance” of support, without doubting its existence (1968, 324).

¹⁴⁹ Domènech (like Grietje Baars and Peter Maguire) stresses that these positions were only once (as opposed to always) similar to the official position of the United States. The U.S. prosecution became more lenient (at least in effect) on industrialist defendants after the passage of U.S. political power (in 1945) from President Franklin D. Roosevelt to President Harry Truman, owing, arguably, to the onset of post-war geopolitical tension with the Soviet Union (which motivated many sectors of the U.S. government and society to defend liberal capitalism against left-

U.S.'s chief prosecutor, Telford Taylor, described the Third Reich as an “unholy trinity of Nazism, Militarism, and *Economic Imperialism*,” and stated, further, that Hitler had come to power “on the shoulders” of both a military clique and an “industrial group,” which was led, among other businessmen, by “[Alfred] Krupp, [Friedrich] Flick, [Fritz] Thyssen” (in Knieriem, 502, my emphasis).¹⁵⁰ So, we must grapple with the notion of continuity between liberalism and fascism, and dismiss as overdrawn unqualified opposition to it, such as Luciano Pellicani’s obviously uninformed assertion that it lacks even “a shred” of supporting evidence (394).

An exhaustive review of this debate is beyond the scope of this chapter, but I will stress the two tacks—one empirical and the other theoretical—that Domènech pursues in his contribution to it. He makes, first, the point—hardly controversial given the basic consensus discussed above—that Hitler received support from “un círculo de grandes empresarios y hombres de negocios”—including, “entre otros muchos,” Fritz Thyssen, “[que] ayudó con grandes sumas de dinero a la NSDAP,” the chemical conglomerate IG-Farben, “[que] donó cien mil marcos,” and Otto Steinbrinck, “que era el consejero permanente del responsable de economía de la dirección de la NSDAP” (2004a, 343-344).¹⁵¹ Second, he makes a more

wing politics in general), and to the presidents’ ideological differences—Roosevelt, during twelve years as president, had pursued a progressive economic agenda, seeking to limit the power of big business, while Truman, according to Baars, was “a more business-oriented leader,” under whose administration “the prosecution list was whittled down” (171). Domènech argues that, in the context of ideological struggle with Soviet Communism, influential voices in the U.S. opposed punishing German businessmen. Domènech cites as evidence the efforts of U.S. Senator Joseph McCarthy, a well-known anti-communist, to undermine the American prosecution team, several of whose members were investigated for possible communist sympathies (2004a, 368). Maguire cites the example of U.S. Senator William Langer, who—having stated his belief that the Nuremberg Trials “were decided on in Moscow,” and were consistent with “the Communists’ avowed purpose to destroy the Western World which is based on property rights”—vilified the process as a communist plot “aimed directly at property rights [and] intended to try the accused as aggressors, convict them as having started the war, and then confiscate their property as a penalty” (in Maguire 169).

¹⁵⁰ Telford Taylor was, in fact, the second chief prosecutor for the United States. He replaced Robert Jackson in 1946.

¹⁵¹ Fritz Thyssen was born into one of Germany’s leading industrial families, with interests in mining and steelmaking. Thyssen’s attraction to the Nazis happened early, in the late 1920s, and was due primarily to a shared antipathy for communism and trade unions. In 1933, Thyssen was instrumental in Hitler’s assuming the German

theoretically substantive claim, that regardless of moral concerns, it is rational, and therefore foreseeable, that economic liberals should favor not democracy, but an authoritarian state. An example of this liberal preference for authority is Carl Schmitt, who was both an economic liberal—who sought, typically, as he put it, to “render the distinction between state and economy effective” (in Cristi, 227)—and an authoritarian, whom Franz Neumann, a seminal historian of *The Structure and Practice of National Socialism*, called “the most intelligent and reliable of all National Socialist constitutional lawyers” (Neumann 49). To crush socialism and general popular agitation, he called for a “starker Staat,” an executive body that can circumvent claims (such as those of workers) on the property interests of the wealthy, by, for example, shielding private economic activity from the vagaries of (democratic) politics (in Cristi, 212).¹⁵² Domènech stresses that Schmitt’s reasoning is not an aberration with respect to liberalism, but represents a rational choice for economic liberals to favor a strong state when they perceive their property to

chancellorship, signing a letter addressed to President Paul von Hindenburg that urged Hitler’s appointment. Ultimately, owing mostly to Nazi anti-Semitism and anti-Catholicism, Thyssen broke with the party, and later co-wrote (with Emery Reeves) a quasi-memoir called *I Paid Hitler*, where, in a tone of confession, he detailed his relationship with the Führer (1941). Despite its value as a unique perspective into Thyssen’s biography, because of factual inaccuracies, it is not held in high esteem among historians, generally. After the war, Thyssen was tried for being a Nazi supporter. Avoiding the most serious charges, he was found guilty of a lesser offender, since he left the party before the outbreak of war and, so, was not involved in wartime atrocities. Otto Steinbrinck, a highly-decorated World War I naval officer, was, like Thyssen, a major industrialist. Having been a member of the NSDAP from 1933 until the end of the war in 1945, and a member of the exclusive *Freundeskreis der Wirtschaft* (the Circle of Friends of the Economy), which was later called the *Freundeskreis Reichführer SS*, an officially-recognized group of industrialists that made recommendations to the state on matters of economic policy, Steinbrinck was sentenced to six years in prison as part of the [Friedrich] Flick Trial at Nuremberg.

¹⁵² It is misleading to claim, as it is usually done, that Carl Schmitt was anti-liberal. To be sure, in a sense, he was anti-liberal, endowing the state with great power at the expense of civil freedom. However, a more nuanced interpretation of his thought would show that he sought to achieve liberal goals (such as the economic autonomy of civil society) by illiberal means (such as strong state authority). For example, in his speech “Strong State and Sound Economy,” which he addressed to the Association for the Furtherance of the Joint Economic Interests of the Rhineland and Westphalia, known in German as the *Langnamverein*, in Dusseldorf in 1932, Schmitt argued—anticipating, incidentally, Friedrich Hayek and neoliberalism, which we will study below—that only a strong state could ensure that certain areas of private life (e.g., the economy) did not “coalesce” with the state, thus remaining private: “only a *very strong state* would be able to dissolve this dreadful coalescence with all kinds of non-state businesses and interests [. . .] the segregation of the state from non-state spheres is, to repeat, a political procedure” (in Cristi 1998, 221, original emphasis). If, despite his defense of an authoritarian state, Schmitt’s goal was, in an important sense, liberal, then, at least in part, so is his theory.

be in danger. As Neumann summed up the position, Schmitt, as much as liberals, sought to “[leave] economic activities unrestricted,” and also depoliticize the economy by neutralizing political demands (e.g., from labor), and, finally, empower business owners (49). In the theoretical aspect of his argument, Domènech is interested not in indicting the actual violence that resulted, in part, from capitalist aid to Hitler, which would have little bearing on any abstract connection between liberalism and fascism, because it is a contingent (rather than a necessary) product of Germany’s experience of fascism, or of what Hermann Heller called (responding to Schmitt in the early stages of Nazism) “authoritarian liberalism” (295).¹⁵³ Rather, Domènech intends to reveal, as William Scheuerman wrote in an article on Heller’s critique of Schmitt, “the core underlying political logic of the ‘unholy alliance’ of free market (economic) liberalism and political authoritarianism” (306).¹⁵⁴

¹⁵³ Heller argued that, in the wake of Europe’s modern revolutions (e.g., France’s), conservatism, still powerful, “inculcated its political sensibilities” into the erstwhile revolutionary liberal bourgeoisie, which became more conservative (e.g., attached to hierarchy and privilege) as a result. In Heller’s estimation, the coming of the twentieth century had witnessed, in a sense, the reverse process, whereby the bourgeoisie, having eclipsed conservatives, imposed its values. The nineteenth century’s conservative consensus (which included a strong executive power and rigid social hierarchy) was preserved, with an exception made for economic activity, which accorded with bourgeois interests. Heller wrote that, in this new relationship, the state remains “authoritarian,” but “as soon as it concerns the economy, the ‘authoritarian’ state waives its authority” (299). One of Heller’s points is that such a state is conservative only in its taste for authority, but is decidedly un-conservative when it, as he quotes Walther Schotte’s 1932 work on the *New State*, loosens the “bonds” between sectors of society, particularly those joining the political and economic spheres (in Heller 299).

¹⁵⁴ In terms of the debate about the relationship between fascism and liberalism, Domènech’s position is more nuanced and responsive than Giner’s to recent scholarly revisions of the relatively simple, traditional view of the allied powers that fascism was antagonistic to liberalism. Giner rightly says that the fascists’ goal of re-politicizing their nations led them to dislike liberalism and “la pobreza o vacuidad de la noción liberal de ciudadanía” (2012a, 272). However, Giner’s words apparently do not grapple with Domènech’s claim that it is the very commitment of liberals to liberalism that should be called into question. By Domènech’s lights, Giner’s suggestion that fascists “fueron [los] culpables de la obliteración de cualquier expresión de ciudadanía” does not seem to consider the idea that numerous historical examples, including interwar Germany, demonstrate that liberals have restricted or been complicit in restricting the meaningful exercise of citizenship. In general, Giner is apparently less up-to-date than Domènech about interwar German society and politics. Giner further grows the divide between himself and Domènech by stating erroneously that Adolf Hitler was elected by the German people in free and democratic elections (2012a, 275; 200b, 29). Giner’s opinion, which is undeniably false, is relevant here because it is something of a *bête noire* for Domènech and further illustrates his argument about liberalism’s paradoxical history of illiberal practices. The proliferation of this opinion since World War II has arguably been possible only because it has served the interests of economic elites, who have an interest in diverting attention from the elite support that Hitler received and, even more hypocritically, in throwing cold water on an idea that is dear to the political left—namely, that the

For Domènech, the “underlying political logic” that brings together economic liberalism and authoritarianism is that social domination—or, unchecked control by some people over others—is an element of both schemes, albeit essential only to the latter, and useful, but not necessary, to the former. Thanks to Domènech’s clear-eyed critique of economic liberalism’s rational relationship to domination, we can make sense of Scheuerman’s “unholy alliance” in a way that is impossible by the lights of conventional wisdom. It is usually thought that domination is an essential part of authoritarianism, but has nothing to do with liberalism, which is about liberty, the apparent opposite of domination.¹⁵⁵ This assumption can lead, problematically, to theoretically inelegant and unwieldy explanations of empirical data, especially when these suggest (in an apparent contradiction of the assumption) that business thrives when wage-earners are subject to domination. In a survey of “German Industry in the Nazi Period,” for example, Christoph Buchheim candidly described as “ironic” the fact that, relative to other periods in German history, “the options which were available to industrialists [during the Third Reich] were in some respects even greater” (21). However, a paradox only exists if one assumes that liberalism and Nazism are at odds with one another, and that, therefore, the economic activities of business leaders should have been frustrated under Hitler. For Domènech, however, it is not extraordinary, but predictable, that business leaders should

common people are generally wise and deserving of high levels of political autonomy. The common people are clearly not wise, this argument goes, because, as Giner writes, thanks to them, “los fascistas llegaron al poder a través de las urnas.”

¹⁵⁵ This usual idea about liberalism can only be maintained by ignoring the work of Friedrich Hayek, a major advocate of liberalism who was as vehement as he was intellectually honest in his defense, implicitly rebuking facile definitions of liberalism as evidently (because etymologically) inseparable from liberty, and accepting, in effect, at least the possibility of Scheuerman’s “unholy alliance.” Infamous for his support, on economic grounds, of Augusto Pinochet’s military regime in Chile (1973-1990), which persisted even in light of the government’s violations of human rights, Hayek had written years earlier that “an authoritarian government may act on liberal principles,” defending in principle what, in the case of Chile, he would later defend in reality (1960, 103).

have prospered under the NSDAP. In fact, Buchheim himself—by observing that “the position of employers within their companies was strengthened, because trade unions and the former workers’ councils were abolished”—furnishes data that, given appropriate assumptions, should yield the (properly un-ironic) explanation that, responding to Scheuerman, liberalism and authoritarianism are united by the logic of domination (21). As Daniel Guérin wrote in his study of *Fascism and Big Business*, both are interested in “taming the proletariat,” or the lower classes, more generally (239).

Indeed, if we assume that, from the perspective of business leaders, a docile workforce is preferable to a demanding one, then “taming” Germany’s labor movement—“the world’s most powerful, disciplined, wealthy and politically cultured,” to use Robert Black’s words—was, however (un)justifiable in moral terms, a rational objective (1). Further, relying on authoritative state power—or, in Domènech’s Montesquieu-inspired scheme, and borrowing from the Thermidorians’ repression of the *sans-culottes*, on an uncontested *loi politique*—to achieve their objective was also rational, if we assume that doing so was likely to advance their own socio-economic interests. Indeed, it did advance their interests, as we have seen Buchheim unwittingly reveal. The (autocratic) NSDAP—which Domènech called “el más radical intento conocido del siglo XX por extremar los rigores de la *loi politique*”—took considerable steps to (help businesses) tame workers, or, to continue with Montesquieu, to domesticate (by depoliticizing) them as a part of a complementary “radical intento contemporáneo de extremar los rigores de la *loi de famille*” (359). For example, within months of Hitler’s becoming Chancellor, the German Communist Party (KPD), which had received 17% of the vote in the previous elections, was declared illegal; the press of the Social-Democratic Party (SPD), which included some 200 daily newspapers and 20 weeklies, was outlawed, before the party itself was

banned and its assets confiscated; the ADGB trade union school, which provided a variety of educational and social services, was occupied by the Nazis; and trade unions, in general, were taken under state control.¹⁵⁶

These repressive measures (whereby, according to Domènech, German labor was “desmantelado y desarraigado”) were followed up by the Work Order Act of 1934 (AOG), a pillar of NSDAP policy which, according to Douglas Lea’s study of “Nazi Labor,” “provided significantly stronger powers to the government and employers in controlling labor relations” (2004a, 355; 43).¹⁵⁷ To be sure, however, although it expanded state and corporate power, the AOG should also be understood as a counterbalance to high-handed dismantling, as it sought, (in a sense) constructively, to establish, in typically conservative fashion, a harmonious and organic (if, no doubt, rigidly hierarchical) business culture, wherein the corporate leader—recognized legally as the *Führer*—would have complete control, and workers—the *Gefolgschaft* (i.e., followers or retinue)—in fulfillment of Section 1 of the statute, would obey “for the common benefit of nation and State” (in Salter, 128). Nevertheless, notwithstanding appeals to communitarian values, it was a priority of the AOG to establish business leaders’ authority, or, as Domènech put it, to legalize “una verdadera dictadura política del capital sobre el trabajo en las empresas” (2004a, 358). As we read in the text of the statute itself, the “master” or “leader [who elsewhere is called the “Herr im Hause”] shall decide on behalf of his followers” (in Mason, 103-04).

Before 1933, workers, by organizing into labor unions, establishing schools, and circulating ideas in print, had achieved unprecedented levels of integration in civil society,

¹⁵⁶ ADGB: Allgemeinen Deutschen Gewerkschaftsbundes.

¹⁵⁷ AOG: Arbeitsordnungsgesetz.

participating, to borrow from Aristotle, in ruling over and being ruled in turn by Montesquieu's *loi civile*.¹⁵⁸ However, reactionary elements in society would not abide what Domènech described as an “inundación democrática de la sociedad civil,” which heralded, threateningly, a future of democratic republicanism in its promise of an egalitarian, horizontal social structure. Domènech's “inundación” also threatened to end the prevailing vertical structure, to lead, in Domènech's words, to “la disolución civil de la *loi politique* y de la *loi de famille*” and to the “universalización [. . .] de la libertad republicana” (360). After 1933, workers were progressively displaced from public life, reduced to dependency on the wills of an employer—a *Führer* in the private sphere—and so, like property-less non-citizens of classical republican theory, domesticated. Radically opposed, in effect, to republican liberty as universal individual independence, the AOG, in Domènech's words, “[quebró] la *loi civile* [. . .] [p]ara poner a cada quién en su verdadero sitio” (360).

Neoliberalism and Fascism

Let us turn from German big business's failure in the 1930s to properly uphold its theoretical defense of individual rights to neoliberalism's failure to do so. Neoliberalism is a policy model that, in theory (if not always in practice), is supposed to transfer control of economic factors from the public to the private sector, shrinking the power of states and facilitating “the extension of competitive markets into all areas of life” (Springer 2). Neoliberals' expressed anti-fascism notwithstanding, neoliberalism is akin to fascist theory (e.g., Schmitt) and practice (e.g., the AOG) in that its viability is enhanced by the state's intervention in and de-

¹⁵⁸ Aristotle's well-known definition of a citizen comes in section 1283b of the *Politics*: “And a citizen generally speaking is someone who participates in ruling and in being ruled” (89).

politicization of civil society.¹⁵⁹ The claim that a kinship exists between neoliberalism (or market capitalism) and any sort of statist political theory, such as fascism, is at odds with a popular (but misleading) notion—which is advanced by neoliberals themselves—that neoliberalism is a (deliberately anti-fascist) theory of minimally-interventionist government and very high degrees of individual (and especially economic) freedom. However, if it makes sense theoretically, this notion does not accurately describe the reality of what Loïc Wacquant, for example, calls “actually existing neoliberalism” (2012). Like Schmitt, market capitalists know, or at least demonstrate in practice, that the actual process of privatization demands not a minimal state, but, borrowing Schmitt’s term, a “very strong state” (or, perhaps hyperbolically, from Domènech, “[un] totalitarismo”) that actively collaborates with (the interests of) capitalists through, for example, pro-business legislation or, more perniciously from an anti-neoliberal perspective, the establishment of (state or supra-state) institutions, such as the U.S. Federal Reserve, the European Central Bank, or the International Monetary Fund, that, without having to answer to public opinion, can grant structural, legal privilege to powerful market actors (e.g., large corporations) (2005c, 335).¹⁶⁰ So, as Marco Briziarelli has argued, under neoliberalism, capitalist classes, effectively rejecting *laissez-faire*, do not seek to be left alone by the state, but to “instrumentalize” it as part of a “state-centric class project” to secure optimum conditions for their private economic activity (2011). Paradoxically, then, privatization is, to use Schmitt’s

¹⁵⁹ For an analysis of the influence of Schmitt on Friedrich Hayek, perhaps the most influential neoliberal ideologue, see Cristi 1991 and 1998, and Scheurman 1999. Neoliberals such as Hayek typically oppose fascism because, they argue, it centralizes economic planning, whereas neoliberalism would have economies be products of spontaneous, un-coerced exchanges between freely contracting individual agents. Below, we will see reasons to doubt the distance that neoliberals put between their own theory and forms of political centralization. Incidentally, neoliberals usually oppose socialism on the same, anti-centralist/statist grounds. For a classic account of this position, see Hayek 1944.

¹⁶⁰ In a 2003 interview given to Salvador López Arnal and the magazine *Rebelión*, Domènech proposed the democratization of the International Monetary Fund, as a means of reducing the problem of unanswerability inherent in this and similar supra-state financial institutions (see López).

words, essentially “a political procedure”; and neoliberalism, which, in theory, separates politics and economics, is better able to prevent their “dreadful coalescence” (Schmitt) with the help of his “very strong state.”

Like Briziarelli, Domènech argues that, despite rhetoric in favor of the disempowerment of governments and the competition-driven self-regulation of markets, the idea that market capitalism has been accompanied by a retreat of state power masks the reality that, in Europe and the United States since at least the 1970s, markets have been “profundamente intervenidos,” shaped by state policies designed to strengthen the positions of particular market agents (e.g., private investors and major employers [2010, 59]). Illustrating this point, David Harvey’s *Brief History of Neoliberalism* points (1) to so called revolving doors, whereby unelected private interests (including, as Domènech specifies, “hombres de Goldman Sachs [y] de la banca privada”) move in and out of government, presumably self-servingly influencing legislation, and generating what Domènech called “[una] invasora influencia de los plutócratas en la vida política” (2015, 121; 2002, 42); (2) to the prohibitive costs (for most) of accessing civil courts, which make “[c]lass bias in decision-making within the judiciary [. . .] pervasive if not assured”; and (3) laws, such as those restricting picketing, that neutralize labor’s organization. Harvey finally concludes that, despite all its rhetoric about privatization, “neoliberalism does not make the state or particular institutions of the state irrelevant,” but rather demands “a radical reconfiguration of state institutions and practices” (78). Similarly, Tayyab Mahmud has argued that “[n]eoliberalism did not displace the state as much as it reformulated it,” citing how states have tipped the (theoretically competitive) playing field toward the wealthy, actively (and, importantly, illiberally) skewing market competition; for example, by contributing (1) to lower real wages (through the manipulation of money supplies), (2) to higher private debt (through the

adjustment of interest rates and inflation of asset values), and, consequently, (3) to workers' weaker negotiating power relative to employers (13).¹⁶¹

Like Mahmud, Domènech identifies the manipulation of wages and credit as an example of states' acting as "instruments" (Briziarelli) of private interests, and thus also, in a practical contradiction of neoliberal theory, of their (illiberally) imposing an economic design on civil society. For Domènech, such a forceful imposition became politically necessary, or perhaps just convenient, as neoliberalism, a pro-business theory, replaced Keynesianism, which addressed more directly workers' concerns such as wage increases, as the economic paradigm in Europe and the United States during the second half of the twentieth century. The de facto post-War economic theory, Keynesianism was, in effect, a compromise between employers and workers, whereby the former accepted better conditions for labor—e.g., by agreeing to stricter governmental regulation of private enterprise, and better real wages for workers)—and the latter, some elements of which, historically, had resisted capitalism, e.g., through (the threat of) revolution, gained a stake in the market economy. In the transition from Keynesianism to

¹⁶¹ Since roughly the 1960s and 1970s—and particularly since the impact of Milton Friedman and Anna Schwartz's 1963 book, *A Monetary History of the United States (1867-1960)*, which, together with broader, (neo)liberal trends in economic thought, influenced governments in the United States (e.g., the administrations of Jimmy Carter and Ronald Reagan) and Europe (e.g., that of Margaret Thatcher) to assume as their primary economic function the control of the money supply, a theory known as monetarism—U.S. and European governments have usually adopted economic policies that, by strategically increasing and restricting the money in the economy, are designed to keep inflation low, and which, therefore, amount (1) to an implicit commitment to the interests of financial investors, such as holders of public bonds and stocks, who benefit from the stability of currency and prices, and (2) to a break with previous public economic policy, which prioritized the promotion of full employment and had looser or non-existent goals for inflation rates. Further, regardless of inflation or any measure of economic stability, policies inspired by monetarism were employed expressly to weaken workers relative to employers—such was the case particularly in Great Britain, about which Alan Budd, economic advisor to the Thatcher government, said after leaving his post: "[t]here may have been people making the actual policy decisions [. . .] who never believed for a moment that this was the correct way to bring down inflation. They did, however, see that [monetarism] would be a very, very good way to raise unemployment, and raising unemployment was an extremely desirable way of reducing the strength of the working classes" (in DeMartino, 280). These facts substantiate the claim that it is inexact to say that "actually existing" (Wacquant) capitalist markets are completely private or characterized by competition that is free of external interference. The hand of public policy in generating structural advantage for capital at the expense of labor is clear.

neoliberalism, which broke this compromise, proponents of neoliberalism, while seeking to reduce workers' (naturally profit-draining) wages and social protections, such as unemployment insurance, nevertheless could not allow purchasing power to fall in a way that might arouse opposition among workers, who, enjoying unprecedented prosperity under the Keynesian compromise, were largely content. The solution—or, as Domènech more critically called it, “[e]l truco”—was to facilitate workers' access to credit (by lowering interest rates, for example), enabling them, despite falling wages and rising job insecurity, to maintain their levels of consumption (2015a). As Colin Crouch put it, the establishment of “credit markets for poor and middle-class people”—whereby “[i]nstead of government taking on debt to stimulate the economy, individuals did so”—served to “rescue the neo-liberal model from the instability that would otherwise have been its fate” (390).¹⁶²

According to Domènech, by putting interest-generating debt in the place of wage income, this solution was both obviously less financially stable and, in conceptual terms, perhaps the clearest example of neoliberalism's disproving in practice its assumed liberal foundations. Committed in theory to minimal government intervention in the economy, neoliberalism is, naturally, also committed to supply-side economics, the stimulation of economic growth through the government's withdrawing from the economy, lowering taxes and loosening regulations for entities, like businesses, that supply commodities (hence, “supply”-side). However, neoliberalism's encouragement of private debt is a tacit recognition that demand also has to be

¹⁶² Domènech would surely think that Salvador Giner, ignoring the increasing relative power of employers vis-à-vis workers, naively describes the current relationship between labor unions and business owners in a way that arguably fits the old Keynesian compromise, a comparatively rosy picture, better than currently-predominant neoliberalism when he writes: “Los sindicatos y los empresarios [. . .] estarán en desacuerdo sobre la tasa de desocupación tolerable, o sobre el salario justo, pero suelen operar dentro de un sistema de gobierno, arbitraje, reglas de huelga y negociación que es aceptado por las partes [. . .] como tolerable, aunque nadie esté satisfecho del todo con el arreglo ni con todas las normas del juego” (2002b, 51). Assuming Domènech's belief about the relative strength of neoliberalism, Giner here suggests an unrealistic degree of parity in negotiating power between labor and business.

managed, or that the neoliberal economy has to resort to (interventionist and, ironically, Keynesian) demand-side economics, the stimulation of economic growth by encouraging demand for commodities. More than merely contradictory and ironic, however, by relying on debt as a means of maintaining habitual levels of consumption, neoliberalism, or as Crouch cuttingly quipped, “privatized Keynesianism,” seems implicitly to acknowledge, damningly, that sweeping economic liberalization causes relative poverty (2009). As Domènech reminds us, neoliberalism’s response to poverty, “contra todos los ideologemas de la propaganda ‘neoliberal’,” is not liberal at all, but dependent on a state that is “capaz de intervenir administrativamente a gran escala,” erecting what Crouch further called neoliberalism’s “unacknowledged policy regime,” which fuels debt-driven consumption, for example, to perpetuate the system (2015a; 2003).

In his discussions of Ortega, German business between the wars, and neoliberalism, Domènech stresses that such self-proclaimed proponents of modernity’s (or, the Enlightenment’s) ideals of liberty, the individual’s right to autonomy, and freedom from unconsented rule fail, indeed, to fulfill the Enlightenment’s promises. Their rhetoric notwithstanding, they are the “opponents [of freedom]” that Marx mentions in the epigraph that opens this chapter. As Marx wrote, they speak of freedom “while combating its reality,” “want[ing] to appropriate for themselves as a most precious ornament what they have rejected as an ornament of human nature.” They combat not freedom itself, but “the freedom of others,” making it “a special privilege,” not “a universal right.” Determined, in Domènech’s view, to “frenar la democracia”—which is a threat to their political power—they have acted not as bona fide proponents, or “[herederos] de la Ilustración” (López 5). Rather, “retorciéndola, y traicionándola,” they have become, as Domènech sarcastically remarked, the Enlightenment’s

“enmendadores” (Domènech 2006, 357). By variously rationalizing the unjust (and remarkably un-enlightened, because irrational) power of some part of society over another—for example, the excellent over the non-excellent in Ortega; a state-industry nexus over workers under German Nazism; and neoliberalism’s financialized technocracy, which, through un-elected institutions, can muffle popular majorities—they have been faithless to the Enlightenment project. In any case, they have not honored the Enlightenment’s social ideal as Jürgen Habermas defined it: as “the rational organization of everyday social life” (1985, 9), or the establishment of a public sphere that is “in principle inclusive” and “could never close itself off entirely and become consolidated as a clique” (1989, 37). They have apparently preferred, as we might glean from Ortega or Schmitt, a rather irrational set of power relationships according to which not all are included, but some are indeed structurally excluded, marginal, or inferior.

Postmodernism’s Mistakes

For Domènech, given that conservative actors have been, hypocritically, vociferous proponents of the Enlightenment and unfaithful to its ideals of rationality and liberty, it is odd (and, worse, a sign of ineptitude) that some parts of the contemporary political left—particularly, postmodernists—should regard these ideals as politically conservative, or as goods that cannot be defended disinterestedly, but are, rather, expressions of a self-serving desire that the world should be, or be conserved, a certain way.¹⁶³ Domènech argues that postmodernists, by equating

¹⁶³ I should justify my use of the term postmodernism in light of the common claim that, since many of the thinkers standardly associated with postmodernism (e.g., Michel Foucault, Jacques Derrida, Jean Baudrillard, Luce Irigaray, etc.) did not call themselves postmodernists and even rejected the term, it is too ambiguous to be useful. To be sure, Baudrillard, for example, did indeed state bluntly that he had “nothing to do with postmodernism,” and Irigaray, similarly, suspected that postmodernism was not a self-conscious movement but a tool, or “the last ruse of patriarchy” (in Gane 1992, 158; in Harding 1990, 85). Nevertheless, although this claim seems to be an important contribution to the study of recent intellectual history, it distracts from the fact that a single term (however imprecise) will be helpful in talking about what David Harvey called “a sea-change in cultural as well as in political-economic practices”—a clear paradigm shift in left-wing social thought that happened during the second half of the twentieth century (Harvey dates it, referring to the end of “the long postwar boom,” to “around 1972”) in reaction to, for example, the emergence of global (financial) capitalism as the world’s dominant economic system, the failure of

the Enlightenment and conservatism, have fallen for conservative hypocrisy as much as conservatives, who see themselves, unjustifiably, as defenders of a venerable cultural and philosophical tradition. Postmodernists have mistaken conservatives' disingenuous championing of Enlightenment values for Enlightenment values *per se*. The juxtaposition of conservative rhetoric about freedom and conservatives' real restrictions of freedom seems to render plausible, in the postmodern view, the idea that a defense of liberty, or Enlightenment values generally, amounts to nothing but a manifestation of a (Nietzschean) will to power, or a radically partisan "regime of truth" (Foucault 1980, 131), designed to push conservative interests that are conveniently masked by apparently attractive morals.

Against this trend in postmodernism, Domènech argued that the Enlightenment's legacy, if imperfect, is not conservative, at least not necessarily so. Rather, it seems to have been a convenient disguise behind which to advance conservatism, which is otherwise anti-modern, always committed to some degree to a Burkean defense of hierarchy, or as Burke himself wrote in his reactionary *Reflections on the Revolution in France*, of the "generous loyalty to rank," and "dignified obedience" to the status quo (2014, 78).¹⁶⁴ Domènech regretted that left-wing political theorists, including postmodernists, which, as part of the progressive tradition, should, in Domènech's view, uphold the Enlightenment's (and more specifically, the French Revolution's)

social protests in the spring of 1968, the decline of broadly Marxist governments around the world (culminating in the fall of the USSR), and the resulting fall from grace of Marxist social analysis (1989, vii; 124). Calling this phenomenon postmodernism, if inexact, makes sense in that it allows us to talk coherently about a complex, but arguably related set of social and philosophical facts. Also, as in the case of neoliberalism, here, an admittedly ambiguous concept is appropriate because Domènech uses it in his writings.

¹⁶⁴ I am claiming that it is part of the essence of conservatism to uphold the wisdom of time-tested conventions and, therefore, to resist progressivism's characteristic taste for the new—or, the modern. A more complete version of Burke's elegy to pre-modern social mores in his *Reflections of the Revolution in France* is: "Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom."

“ideario democrático, republicano, igualitario y fraternal-universalista,” have, instead, distanced themselves from the Enlightenment (2007a). In fact, in extreme cases, they have repudiated it, and thus, paradoxically, have ignored the advice of Foucault, a major influence on postmodernists, to avoid the “alternative simpliste” to be either “pour ou contre l’*Aufklärung*” (2015, 1390); they have taken, as Domènech observed, the unsubtle, un-Foucauldian position of being “radicalmente hostil[es] a los valores éticos [e.g., equality] y epistémicos [e.g., rationalism] de la Ilustración” (2007a);¹⁶⁵ indeed, counterproductively, they have been, at least by implication, hostile to the progressive values that Kant implied when, in his famous answer “What Is Enlightenment?” he stated that it would be “a crime against human nature” for an age to “bind itself and ordain to put the succeeding one into such a condition that it cannot extend its (at best very occasional) knowledge, purify itself of errors, and progress in general enlightenment” (2017, 28).

Domènech viewed this hostility not only as a product of intellectual neglect, but of historical ignorance. The legacy of the Enlightenment is not, as some (postmodern) postcolonial theorists would have it, to have been the intellectual underpinning of European imperialism, or a set of ideas that, designed (in Rana Kabbani’s words) to make “[European] political domination and economic exploitation [. . .] seem fully commendatory,” in fact, “made subtle use of reason, and recruited science and history to serve its ends” (6). Rather, the Enlightenment’s legacy should be gleaned from the radically egalitarian anti-slavery of Louis de Jaucourt’s entry on the “*Traite des Nègres*” in Diderot’s *Encyclopédie*, or from Robespierre’s preference—possibly

¹⁶⁵ Domènech does not mention any postmodern thinker by name in relation to this quotation, but, as an example of a thinker who has demonstrated a rather uncomprising hostility to the Enlightenment’s legacy, Sandra Harding’s asking whether it is not “as illuminating and honest to refer to Newton’s laws as ‘Newton’s rape manual’ as it is to call them ‘Newton’s mechanics’” comes to mind, even though Harding later regretted this statement (1986, 113).

inspired by Jaucourt—that France’s colonies might “périssent” before the French Republic should renounce the principle that slavery be abolished.¹⁶⁶ Whether due to neglect or ignorance, however, the left’s assumption that the Enlightenment’s legacy is conservative has, for Domènech, regrettably enabled thinkers, such as Ortega, etc., who are insufficiently faithful to the Enlightenment to appropriate it for themselves unjustifiably. In reaction to this conservative intellectual (mis)appropriation, and against postmodernism, Domènech would agree with Stephen Bronner that the left ought to [*Reclaim*] *the Enlightenment*, which, as exemplified by Jaucourt and Robespierre, “fueled the critique of [Europe’s] capitalist inequities and injustices,” and thus “remains the best foundation for any genuinely progressive politics” (159).

Like Habermas, Domènech worried that postmodernism gives way to forms of value skepticism that undermine normative social criticism, rendering claims about social ills (e.g.,

¹⁶⁶ Highlighting Jaucourt’s moral universalism and egalitarianism, an excerpted version of Jaucourt’s entry of the “Traite des nègres” reads: “Cet achat de nègres, pour les réduire en esclavage, est un négoce qui viole la religion, la morale, les lois naturelles, et tous les droits de la nature humaine. [. . .] Si un commerce de ce genre peut être justifié par un principe de morale, il n’y a point de crime, quelque atroce qu’il soit, qu’on ne puisse légitimer. [. . .] D’un autre côté, aucun homme n’a droit de les acheter ou de s’en rendre le maître ; les hommes et leur liberté ne sont point un objet de commerce ; ils ne peuvent être ni vendus, ni achetés, ni payés à aucun prix. Il faut conclure de-là qu’un homme dont l’esclave prend la fuite, ne doit s’en prendre qu’à lui-même, puisqu’il avait acquis à prix d’argent une marchandise illicite, et dont l’acquisition lui était interdite par toutes les lois de l’humanité et de l’équité. Il n’y a donc pas un seul de ces infortunés que l’on prétend n’être que des esclaves, qui n’ait droit d’être déclaré libre, puisqu’il n’a jamais perdu la liberté [. . .] ce nègre ne se dépouille, et ne peut pas même se dépouiller jamais de son droit naturel ; il le porte partout avec lui, et il peut exiger par-tout qu’on l’en laisse jouir. C’est donc une inhumanité manifeste de la part des juges de pays libres où il est transporté, de ne pas l’affranchir à l’instant en le déclarant libre, puisque c’est leur semblable, ayant une âme comme eux” (337). For his part, Robespierre, arguing against the constitutionality of slavery in parliament in 1794, took the position of a self-conscious heir to the Enlightenment and of the recently written “Déclaration des droits de l’homme,” and against those that might appeal to it insincerely, stating ultimately that slavery was inconsistent with a free society: “Dès le moment où dans un de vos décrets, vous aurez prononcé le mot esclavage, vous aurez prononcé et votre propre déshonneur et le renversement de votre Constitution. [. . .] vous nous alléguez sans cesse la Déclaration des droits de l’homme, les principes de la liberté et vous y avez si peu cru vous-mêmes que vous avez décrété constitutionnellement l’esclavage. [. . .] l’intérêt suprême de la nation et des colonies est que vous demeuriez libres et que vous ne renversiez pas de vos propres mains les bases de la liberté. Périssent les colonies, s’il doit vous en coûter votre bonheur, votre gloire, votre liberté. Je le répète : Périssent les colonies, si les colons veulent, par des menaces, nous forcer à décréter ce que convient le plus à leurs intérêts. Je déclare au nom de l’Assemblée, au nom de ceux des membres de cette Assemblée que ne veulent pas renverser la Constitution, au nom de la nation entière qui veut être libre, que nous ne sacrifions aux députés des colonies, ni la nation, ni les colonies, ni l’humanité entière” (Mavidal 60). See Gauthier, whom Domènech discusses, on a possible influence of Jaucourt on Robespierre (2015, 81-82).

economic injustice) hardly morally compelling, because they are never generally relevant, but merely relative to particular contexts, be they historical, cultural, or of some other kind (Habermas 1990). For Pauline Marie Rosenau, if we accept such a historicization of reason, we face an unpalatable situation in which “[w]e can convince those who agree with us, but we have no basis for convincing those who dissent and no criteria to employ in arguing for the superiority of any particular view” (137). “[T]he problem with [postmodernism],” according to Rosenau, “is that you can say anything you want, but so can everyone else.”

That postmodernism’s deference to the particular (as opposed to the general) makes it seem, at least superficially, similar to traditional(ist) conservatism’s (e.g., Burke’s) yielding to (essentially particular) conventions has not been lost on Domènech, or any number of thinkers, such as Habermas, Christopher Norris, or Alex Callinicos, who criticize postmodernism from a broadly left-wing perspective.¹⁶⁷ Burke’s urging a “reverence” for tradition begs comparison, for example, with Lyotard’s “postmodern condition,” which, for Norris, “shares the essential characteristics of all conservative ideology,” privileging the “prejudice” of particular perspectives, whether they be micro-narratives (Lyotard) or little platoons (Burke), over any generalizable “rational criticism [that] can hope to dislodge it,” and insisting that social enquiries “have meaning only within the context of a certain informing tradition” (1981, 139; 23-24). In any case, whether conservative, postmodern, or something else, any renunciation of what Norris calls “rational criticism” in favor of the given conditions of “a certain informing tradition” can be contested with Lichtenberg’s apology for rationalism that, together with Marx’s quotation, opens this chapter. For, although Lichtenberg meant to mock conservatives of his own time, he might as well have said to postmodernists that “[o]ne of the most peculiar uses man has made of reason

¹⁶⁷ On connections between Burke and postmodernism, see White.

is perhaps to think it a masterpiece never to use it.” Further, while Callinicos takes seriously the idea that postmodernism “should be seen as akin to conservative nostalgia for an idealized precapitalist organic order” (93), and Habermas writes that postmodernists, his “young conservatives,” “step outside the modern world” and “justify an irreconcilable antimodernism” (1985, 14), Domènech makes the point indirectly, offering a quotation from Benito Mussolini (a conservative to be sure), which, except for a single reference to fascism, is a perfect example of orthodox postmodernism:

Si el relativismo significa el fin de la fe en la ciencia, la decadencia de ese mito, la «ciencia», concebido como el descubrimiento de la verdad absoluta, puedo alabarme de haber aplicado el relativismo [. . .] Si el relativismo significa desprecio por las categorías fijas y por los hombres que aseguran poseer una verdad objetiva externa, entonces no hay nada más relativista que las actitudes y la actividad fascistas [. . .] Nosotros los fascistas hemos manifestado siempre una indiferencia absoluta por todas las teorías (in Domènech 2004b, 15).¹⁶⁸

Domènech demonstrates that “[e]l relativismo extremo y el todo vale” are not radical innovations of modern-day progressives. Decades earlier, they were already “una de las bases «culturales» del fascismo europeo” (2004b, 15).

¹⁶⁸ Connections between the common anti-modernism, anti-Enlightenment, anti-humanism, and relativism of conservatives and postmodernists have been the focus of much recent scholarship; see, for example, Wolin on their both succumbing to the *Seduction of Unreason*, and Sternhell’s work on this diverse *Anti-Enlightenment Tradition*. Domènech quotes Mussolini’s article “Relativismo e Fascismo,” the original of which can be found in V. Morello. *Diuturna*. Milan, 1924. 374-377. It should be noted that Domènech takes Mussolini’s quotation from Neumann’s landmark work on the German National Socialist *Behemoth*, wherein the author, while saying that “[i]t is true that relativism and pragmatism contain authoritarian elements,” which “[b]y denying the validity of objective truth, [. . .] pave the way for the adoration of the existing,” also argues that Mussolini’s “so-called relativism [. . .] is nothing but cynicism and nihilism” and has “next to nothing to do with either philosophical relativism or pragmatism” (463). It is nonetheless unclear what Neumann, writing in the 1930s and 40s and, as it regards “philosophical relativism,” having the pragmatist philosophies of the early twentieth century as his only point of reference, would have had to say about cynicism, nihilism and the adoration of the existing in postmodernist philosophy since roughly the 1960s.

A political consequence of such a relativistic reduction of things (including, of course, the capacity for rational social critique) to contextual particularity is that, as Richard Brosio has argued, “[postmodernism] holds little promise in terms of possible strategies for building an integrative democratic community” (547). For, as Domènech put it, democratic integration implies two things that postmodernism rejects. First, that there can exist some political value (such as liberty or equality) that, transcending particularity, can be a source of aspiration for a society in general, and second, the possibility of what Domènech called an “*exploración racional*” of generally oppressive, anti-democratic social systems (e.g., capitalism, from the perspective of Marx and Domènech), an exploration that relies not on context-specific truth, but “rational” inquiry into injustice (2003a). Joining Steve Matthewman and Douglas Hoey in rejecting postmodernism for making the world “harder to understand” without saying how to make it “a better place” (532), Domènech took a rationally confident position. Assuming an anti-capitalist, Marxist perspective, he argued that, if the most powerful actors in today’s capitalist economies (notably, rich corporations) are powerful enough to influence public policy without regard for democratic majorities, that is, if they, “*horra[s] de careo popular*” (2007b), can, in Domènech’s words, “*disputar con éxito a los poderes públicos el derecho a definir el bien público*” (2004a, 17), then, because they obviously impact people of all identities, the left should oppose them not with postmodern particularism, or what Domènech called Derridean “*majaderías*” about ever-deferred meaning. Instead, shunning such an apolitical “[*huida*] de la realidad social” (2008a), Domènech aspired to an assertive and comprehensive “[*programa político*]” that, challenging corporations’ concentration of political power, could in principal integrate all those people without a stake in the economic injustice of contemporary capitalism. Domènech’s long and, importantly, diverse list of outsiders included: “*trabajadores en la cuerda*

floja de los empleos más o menos precarios [. . .] a los *working poors* [sic], a los parados, a las mujeres que encabezan hogares monoparentales y a los inmigrantes, legales o ilegales” (Domènech and Raventós, 2004). Domènech argued, against Derrida, and postmodernism in general, that for the left to unify these groups—superficially different, but, in general, negatively impacted by capitalism—would be effectively to trade postmodernism’s characteristic micro-narratives—based typically in the subjective experiences of particular individuals and groups—for, with Brosio, a potentially “integrative democratic” meta-narrative, toward which Lyotard famously counseled “incredulity” (xxiv).

Even if it is true, as it has been argued by eminent historians of the Enlightenment, that postmodernism arose as a healthy reaction against modern orthodoxies, specifically against faith in the certainty of rationality and the unified self (of what Appleby et al. call “the individual as knower and doer”), Domènech would agree with the same historians that the reaction went too far. It assumed uncertainty and difference (or “the inevitable fragmentation of personal identity”), and, if ably exposing the limits of reason (and, therefore, of our capacity adequately to comprehend society), it generally failed (where Marxism, for example, had succeeded) to offer a fundamentally transformative vision (Appleby 202). However, Domènech’s point is not to dismiss questions about difference (in terms of identities of race, gender, culture, or any other sort), which, perhaps condescendingly, he admits are not “del todo mal” (2003b). Rather, in a Marxist tone, he laments that the postmodern left’s focus on particular identities, and its complementary debunking of comprehensive interpretive schemes (such as Marxism), whether good or bad, “no es política,” by which he means not that questions of identity are thoroughly apolitical, but rather what Linda Hutcheon meant when she wrote (on gender identity and politics) that “Feminism is a politics. Postmodernism is not” (167). For Hutcheon,

postmodernism is unlike her ideal feminism, which, by implying a unified (rather than fragmented) feminine identity, assumes women's agency and ability to effect change. Postmodernism, in other words, "has no strategies of resistance," and so lacks the essence of political action. As Zygmunt Bauman put it, "the postmodern mind seems to condemn everything, propose nothing" (1992, ix). Like for Hutcheon and Marx, for Domènech, politics is about "resistance" (Hutcheon) and "[changing the world]" (Marx 1963). If Hutcheon focuses on gender, Domènech, like Marx, focuses on (the economic conditions of) workers, and so politics is not the postmodern de-centering of modernity's rational subject, but "lucha de clases, economía, [y] economía política crítica."

The Universal Basic Income, or the Freedom to Live without Permission

In specific terms, Domènech's focus is not, as he mocks the academy's postmodernist "nihilistas de cátedra," to "deconstruir a los colegas de departamento" (2005a, 294), but, using an analytical framework informed by economics, to "averiguar cuál es el salario mínimo interprofesional del país en que uno enseña o dicta sus conferencias" (López 6). Or, more fundamentally, to recognize that, questions about subjective identity notwithstanding, "la vida económica [es el] agente causal principal de los males sociales" (1981, 67).¹⁶⁹ Indeed, regardless of how much attention one should pay in particular to the minimum wage, Domènech's preferred categories of analysis (i.e., class and economics) seem appropriate, if one assumes that Meiksins Wood, a Marxist historian, is right when she argues, that if today's world is structured according

¹⁶⁹ In addition to my claim above that Domènech is not entirely dismissive of postmodern political thought, I will state further that he does not assert dogmatically his preference for an economic approach to social analysis. The 1981 article cited here, "Comunistas y ecologistas en la lucha por la paz: O qué puede aprender de la vieja izquierda el movimiento ecologista y qué debe aprender la vieja izquierda de los movimientos alternativos," makes clear that he understands his position to belong to an "old left" that must "learn" from what by implication are new leftist trends, such as green, or environmentalist movements. He does, nevertheless, distance himself categorically from left-wing thinkers given to irrationalism, whose existence in what he vaguely calls the "nueva izquierda" is cause for "pesimismo y desazón" (67).

to a “totalizing” system, indeed, “the most totalizing system the world has ever known” (namely, capitalism)—which is essentially economic and based in class inequality—then the most effective contestation will be based not on a postmodern “rejection of totalizing knowledge,” but an epistemically confident analysis of society’s class and economic relations (2016, 2).¹⁷⁰ Convinced, like Meiksins Wood, that progressives will most effectively oppose capitalism, a totalizing system, with a similarly broad, systemic alternative, Domènech (arguing on republican grounds in collaboration with Raventós), strongly defended (as “una de las ideas más interesantes de los últimos años para la izquierda”) a universal basic income (UBI). Domènech defined UBI as a proposal that, (1) by guaranteeing “un ingreso básico de ciudadanía, que asegure unas condiciones mínimas de existencia social [o] de autonomía material,” aims to achieve the material security (and, with it, the republican liberty, as defined from Plato to Boissy d’Anglas) of those who are insufficiently capable of accessing the capital that, in a capitalist economy, is necessary for prosperity (2005d), and (2) applies not to specific categories of persons but, equally, “a todos los miembros de la sociedad, por el sólo hecho de serlo” (2005b).¹⁷¹ For Domènech, a UBI would effectively fulfill a traditional promise of republican

¹⁷⁰ In “Rethinking Modernism,” Nancy Hartsock made a similar critique of postmodern anti-rationalism: “In our efforts to find ways to include the voices of marginalized groups, we might expect helpful guidance from those who have argued against totalizing and universalistic theories such as those of the Enlightenment. [. . .] For those of us who want to understand the world systematically in order to change it, postmodernist theories at their best give little guidance. [. . .] Those of us who are not part of the ruling race, class, or gender, not a part of the minority which controls our world, need to know how it works. Why are we—in all our variousness—systematically excluded and marginalized? What systematic changes would be required to create a more just society? At their worst, postmodernist theories merely recapitulate the effects of Enlightenment theories—theories that deny marginalized people the right to participate in defining the terms of their interaction with people in the mainstream” (191).

¹⁷¹ For several decades, and particularly since the 1970s, when it was seriously considered as public policy in the United States by the presidential administration of Richard Nixon, Universal Basic Income has been studied in many fields, including economics, moral and political philosophy, psychology, and sociology, and so has generated, of course, a great amount of scholarship. Unsurprisingly, such an extensive bibliography includes its fair share of controversy, most of which fall outside the scope of this chapter—including questions about economic and institutional feasibility (e.g., is a UBI affordable?) and psycho-social impact (e.g., will people stop working?). Assuming, as Domènech and Philip Pettit (2007) do, that these problems, however serious, are not insurmountable, the focus here will be, like Domènech’s, on moral and political philosophical justifications for a UBI.

democracy, that all people might be able to live without being dependent on anyone else. Suggesting that a UBI would be a modern-day version of fifth-century-Athens's *misthon*, a salary that was paid to the lowest class of citizens—the *thetes*—to enable their civic participation, Domènech looked forward, analogously, to the UBI's ensuring that today's *thetes*—or the poor, in general—“[no] tendrían que pedir permiso a nadie para existir socialmente (2005b, 4).¹⁷²

To be sure, although Domènech considered the UBI to be a politically “ambitious” counterbalance to the (conservative) capitalist status quo, he saw it not as a radical, or revolutionary break with capitalism that would, as Marxist communism had proposed to do, “transformar radicalmente el modo [capitalista] de producir” (2005b). Rather, limited to the provision of economic security within the capitalist system, the UBI would be, at its most radical, in the words of two of its greatest advocates, Robert van der Veen and Philippe van Parijs, “a capitalist road to communism,” where “communism” refers not to historical examples of collectivist state bureaucracies (the Soviet Union) and autocracies (North Korea), but, however vaguely, to Marx's definition of communism in *The Critique of the Gotha Program*, as the consciously non-capitalistic distribution of economic goods “to each according to his needs” (635). If the aim of the UBI resembles Marx's vision of material equality in this particular case, however, the UBI still departs from Marx, by repeating what Charles Fourier, one of the “utopian socialists” that Marx and Engels lambasted in *The Communist Manifesto*, laid out in his *Theory of Universal Unity* as a necessary condition of an ideal society: “in this new order the common people must enjoy a guarantee of well-being, a minimum income sufficient for present and future

¹⁷² Vázquez García (2017b) comments on this aspect of Domènech's work, in particular on p. 154, where he observes that, for Domènech, “la renta básica [es el] verdadero equivalente del salario por los cargos establecidos en la Atenas de Efialtes.”

needs,” a “guarantee [that] must free them from all anxiety either for their own welfare or that of their dependents” (in Beecher, 278). The UBI hews closer to the sort of moral enjoinder to build an ideally good society and to Fourier’s allegedly sentimental plea for *Universal Unity*, which Marx and Engels associated with their utopian rivals, than to Marx and Engels’s own hard-headed scientific socialism, which put less stress on morality than on historical processes that, regardless of ethics, were leading to a communist society.

To say nothing of communism or Marx, however, the UBI’s attention to the social implications (for citizenship, for example) of the economic security or the “autonomía material” of individuals makes it obviously akin, and for Domènech, “inextricably linked” to republicanism, at least as republicanism has been defined in this chapter, as that tradition for which, as Domènech and Raventós remind us, “freedom actually derives from property [or] from the material independence of individuals.” So, Domènech’s support of a UBI, thus informed by his concern for (a republican sort of) individual freedom as material self-sufficiency, recalls one of the main claims of this chapter, that Domènech repudiates the widespread notion—held among liberals and many on the political left—that liberal, free market capitalism should be attractive to those for whom political liberty is a primary political value. Domènech always assumed a republican definition of liberty as possessing sufficient means for social independence, or, as in his definition of UBI, as having “unas condiciones mínimas de existencia social,” and therefore thought it unconvincing to claim that capitalism, a system that is possible only if some people do not have access to the most meaningful form of security—namely, capital—is supportive of freedom. For Domènech, *pace* liberals and the anti-Enlightenment left, anyone who is committed to individual freedom should be a republican, not a liberal.

Lest Domènech's anti-capitalism be taken as the unremarkable dogmatism of a left-wing political thinker, it will be instructive to consider, as Domènech does, that, in addition to the conceptual critique offered here, namely, that capitalism, in any actual form, will be inimical to the freedom of those without capital (notably, the poor), the idea that capitalism threatens the freedom of the economically disadvantaged has been considered seriously (1) by right-wing thinkers, and acknowledged straightforwardly by (2) many powerful business leaders, who think that unprecedented degrees of inequality (and therefore of effective socio-political irrelevance) will obtain in the near future. For example, right-wing thinkers such as libertarian Charles Murray, argued in the 1980s that, in terms of freedom and socio-economic opportunity, the poor were *Losing Ground* in America's economy, and faced the following "Hobbesian state of affairs," a nasty and brutish situation where "[t]he tangible incentives that any society can realistically hold out to the poor youth of average abilities and average industriousness are mostly penalties, mostly disincentives," where the poor are told "[d]o not study, and we will throw you out; commit crimes, and we will put you in jail; do not work, and we will make sure that your existence is so uncomfortable that any job will be preferable to it," and where "[t]o promise much more is a fraud" (177). Also, for many years, and at least since a 1995 meeting of world business leaders in the Fairmont Hotel in San Francisco (USA), the world's economic elites have transparently admitted that, given technological advances, human society will tend to need a smaller percentage of its members to make the global economy function, rendering a growing percentage of persons economically obsolete—which obsolescence, in order to prevent an economically irrelevant majority from toppling the system, will predictably necessitate the

curtailment of their opportunities to exercise political freedoms. In 1995 in San Francisco, famously, a ratio of 20% (useful) to 80% (useless) was discussed.¹⁷³

Admittedly, the ideas of Murray and the Fairmont conference do not detract from the received notion that liberal, free market capitalism generally advances the freedom of the individual. However, Domènech, ever the historically-informed philosopher, reminds us that Western economic elites were once significantly more candid in acknowledging that the prevailing economic system, based on the private ownership of the means of production (i.e., capitalism) was likely to appeal only to wealthy individuals, forthrightly relegating the property-less to, at best, a second-class social status. However, perhaps, in the case of Du Pont de Nemours, who we met in a previous section of this chapter, it was not candor, but self-interest that—as he attempted to justify a tax-based electorate in the immediate wake of the Thermidorian Reaction—motivated him to reveal abiding truths about the systemic dependence, or the un-freedom of the poor in capitalist economies. Property-owners deserved special political rights (such as voting rights) because they were, as we have seen, “souverains par la grâce de Dieu”—a position they held, as Du Pont de Nemours tellingly put it, because, having control of the economic levers of power, they could withhold from the rest of the population their permission, or “consentement” to access vital resources, including shelter and food (7).¹⁷⁴ In the light of Du Pont de Nemours’s quotation, it is evident that Marx did not advance a distinctively radical impeachment of class-based injustice when he wrote, many decades after Thermidor, that

¹⁷³ For a well-known account of this meeting, see Martin and Schumann.

¹⁷⁴ A fuller version of Du Pont de Nemours’s quotation is: “Et que les locataires ne disposent des maisons d’habitation, n’y sont passagèrement les maîtres, que comme *avoués* des propriétaires, et par un contrat semblable à celui du fermier, qui dépose entre leurs mains, à terme, le droit du propriétaire sur cette maison. Il est donc évident que les propriétaires, sans le consentement desquels personne ne pourrait ni loger, ni manger dans le pays, en sont les Citoyens par excellence. Ils sont Souverains *par la grâce de Dieu*, de la nature, de leur travail, de leurs avances, des travaux et des avances de leurs ancêtres.”

“the man who possesses no other property than his labor power must, in all conditions of society and culture, be the slave of other men who have made themselves the owners of the material conditions of labor,” and that this man “can only work with their permission, hence live only with their permission” (1994, 316). Rather, Marx’s seems to be an expression of a reasonably consensual inter-class interpretation of social relations. In this regard, following Marx, and, if a bit more circuitously, Du Pont de Nemours, Domènech asks us to reject the idea that liberal capitalism is a theory about freedom, or at least about freedom for all. Instead, with the allusion to Marx that served as the title of the academic journal he edited until his death in 2017, Domènech urged his readers to embrace a proposal, the UBI, that would guarantee to all people a degree of material security, that is, of republican liberty, such that they could live not, as Marx feared, “only with [the] permission” of “the owners of the material conditions of labor,” but without the permission of any social better, or “*Sin Permiso*.”¹⁷⁵

¹⁷⁵ <http://www.sinpermiso.info/Presentación>. Following Domènech’s death, Daniel Raventós assumed the position of editor of *Sin Permiso*.

Conclusion

In the opening paragraph of the “Conclusion” to their collection of essays on *Republicanism in Theory and Practice*, Honohan and Jennings take it to be their main objective to insist that republicanism is a distinctive political theory, which, as such, should continue to be relevant in political philosophy. Remarkably, they claim to establish its distinctiveness only by contrasting it with liberalism; one reads that republicanism is “a corrective to liberalism” that approaches politics with a different angle of vision,” and whose “perspective on liberty and the conditions of participation and solidarity that it entails bring into relief features that contemporary liberals have tended to overlook” (214). This dissertation has argued that the work of contemporary Spanish republican theorists allows us to challenge a basic assumption of this conclusion—that the debate is only between republicanism and liberalism—and to render the conclusion more complex, by testing republican ideas against liberalism as well as various broadly left-wing social and political positions, including Marxism, postmodernism (in the form of moral skepticism, relativism, or anti-humanism), and generally anarchistic ideas that reject the state form.

It is somewhat ironic that the recent republican revival, which began in British and North American universities, has given what is, in an important sense, a neat answer to the question of how to define republicanism—as, for example, “a corrective to liberalism”—if John Adams (a British subject turned American-republican statesman) wrote, with marked uncertainty, that he “never understood” what republicanism was, and that “no other man ever did or ever will” (Adams and Warren, 353). Contemporary Spanish republicans may not agree with the conservative conclusions that Adams drew from his contention that “[i]nequalities are a part of the natural history of man,” but they have nonetheless been more faithful—in a twofold sense—

to Adams's thinking that the concept of republicanism is hard to grasp ("Letter to John Taylor," 171).¹⁷⁶ By multiplying their conceptual opponents, they seem to assume, first, that the task of staking out a clear position for republicanism is a more complex one; for example, in addition to attacking liberal individualism, Giner defends a republican notion of sovereignty against the autonomism of Hardt and Negri, while Béjar does so for an array of categories historically reviled by the left (including Christianity and patriotism), and Domènech attacks anti-Enlightenment thought that, he thinks, has given way to conservatives' unduly appropriating the Enlightenment's legacy, which is properly progressive. Second, Spanish republicans exhibit great internal diversity, and thus show collectively that Adams may have been right when he wrote, elsewhere, that "[t]he word republic [. . .] may signify any thing, every thing, or nothing" (*Works*, 378). Diversely, Giner's republicanism promises a context for the resolution of conflicting ethical motivations; Béjar's is a space of communion, for humans to express natural sociability; and Domènech supposes his to be the most respectful of individual rights.

From a rhetorical standpoint, too, the binary that is assumed by the republican revival's mainstream seems insufficient. It necessarily simplifies the task of dismissing republicanism, because it cedes to its opponent—liberalism—the rhetorically powerful position of sole theoretical paradigm, and, therefore, the ability to take credit, however debatably, for what is perceived to be good in current politics. If you like what you have now, the revival's liberal opponents might say, don't risk it for republicanism, which is an unknown entity, and may be a siren song. This static, two-sided debate might well give way to a twenty-first-century version of

¹⁷⁶ Outside of Spain, so has Nelson (2004): "This study makes no totalizing claims about the nature of 'republicanism.' [. . .] Indeed, I begin from the premise that the question 'what is the essence of republicanism?' is badly posed. If by 'republicanism' we mean a tradition of taking the 'republic' as the constituent unit of political life, then there will be as many 'republicanisms' as there are uses of the word 'republic'" (17-18).

what Spain's pro-monarchy prime minister Juan Bautista Aznar quipped when he was asked, in 1931, about the possibility of political crisis shortly after the country's passing from monarchy to republican rule: "¿Qué más crisis desean ustedes que la de un país que se acuesta monárquico y se levanta republicano" (in Tusell, 153). By defining itself negatively as that which is not monarchy (in the 1920s, e.g.) or not liberalism (more recently), republicanism has presented itself, too simplistically, as an outsider.¹⁷⁷ So it has hardly attracted to its ranks people, like Aznar, with any stake in the status quo, or, worse, people (e.g., the poor) who have been led to believe, sometimes falsely, that they have such a stake. In fact, republicanism has probably made it more likely that it might incur their wrath—a problem of which Adams seemed, again, to be cognizant when, stressing the importance of conceptual clarity, he asked a friend: "Are we not [. . .] in danger of rendering the word republican unpopular in this country by an indiscreet, indeterminate, and equivocal use of it?" (*Works*, 103). Interestingly, it is not clear in Aznar's quip whether he is a monarchist in a positive sense—because he believes in monarchist principles—or in a negative sense—because he hates anti-monarchy republicans. To the extent that the latter is the case, the burden lies on republicans to express the fullest complexity of their position, and, with Adams, to avoid equivocation. Paradoxically, by taking on more rivals, contemporary Spanish republicans have probably broadened their appeal, because they have erected a bigger theoretical tent.

In Europe, Spanish republicanism has a unique history, which has surely informed its recent developments. Today, one struggles to think of a country where, for example, the practical

¹⁷⁷ The rhetorical weakness I point to here probably renders more convincing anti-republican publications such as Álvaro Delgado-Gal's 2001 article in *El País*, "Republicanism: el conejo en la chistera." Republicanism assumes a greater burden of proof than it should, in principle, have to do, and thus makes more plausible the accusation that it is not a set of ideas that represents broad sectors of society, but something rather outlandish, or, in Delgado-Gal, illusory.

or theoretical opposition of republicanism and monarchism is more appropriate in terms of understanding the country's history than in Spain. Monarchism is virtually irrelevant in France, Italy, Portugal, and Germany; as republicanism is in Great Britain. In the case of Spain—which, like Great Britain, is a constitutional monarchy with very few proponents of republicanism in parliament—one might be tempted to think that republicans are, in effect, as (ir)relevant as opponents of the House of Windsor.¹⁷⁸ To do so, however, would be to misunderstand the Spanish left, which, unlike Britain's, has organized itself around republicanism, even if—or perhaps because—it has done so rather crudely in ideological terms (in a republican gathering in Spain, one finds moderate republicans, communists, and anarchists). Much broader than in Britain, republicanism in Spain signifies a progressive form of government, a unifying tricolor flag, and a peculiar national historical narrative that highlights the contributions of Spain's two short-lived Republics (1873-74 and, especially, 1931-39). Nothing similar can be said of republicanism in Britain. It is not only historically linked to, even if not informed by, the mid-seventeenth-century Interregnum's highly conservative Commonwealth, which was based on the ideals of Christian puritanism; it is also restricted to the early modern period, and thus is so remote that, crucially, it can hardly claim contribution to the urban-labor progressivism that shaped the contemporary era.

The unique relevance of the republic-monarchy dichotomy in Spain makes contemporary Spanish republicanism the most political in Europe. I mean to say that, to be a republican in Spain is politically meaningful to a greater degree than anywhere else on the continent. To be

¹⁷⁸ Neither of Spain's two largest political parties, the People's Party (PP) or the Socialist Party (PSOE), advocates for Spain's changing from a monarchical to a republican form of government. PODEMOS and the United Left (IU), which are important, but significantly smaller parties, do call for such a change. For decades, national polls have consistently revealed solid support for the monarchy, and sizeable, but clearly minority support for a republic. For a summary of several polls taken since the 1990s, see Canal 263-64 or Toharia.

sure, republicanism is nowhere apolitical and, in virtually all cases, it is an affirmation of one's progressivism. However, outside Spain, it carries with it much less charged real-world connotations and implications. If, in France, the republican label is somewhat ambiguous—just about everyone is a small-r republican and the big-R *Républicains* are conservatives—no such ambiguity exists in Spain. As Ángel Duarte has written, in Spain, “la República es la izquierda” (2014), and republican sympathies imply more or less vehement opinions about extremely controversial socio-political issues, such as (1) the legitimacy of the head of state, the monarch, whose royal line returned to power in the 1970s with the help of Francisco Franco, an enemy of republicanism; (2) how Spanish history should be taught in schools and commemorated in public; and (3) how those who died in the civil war of 36-39 should be remembered.

That these questions have barely come up in this dissertation is not due to my oversight. Giner, Béjar, and Domènech are as theoretically inclined as republicans from other countries, and they rarely deal with the sensitive topics I have just mentioned, especially in their most substantive works, whose rich conceptual content I have preferred to highlight. The implications listed above are important, nonetheless, because they can help to make sense of the relative complexity of Spanish republicanism. Unlike their European colleagues, who, having a less explosive history at their backs, can understandably limit their aims to that of conquering from liberalism the ideological center-left or center-right, Spanish republicans, historically, have not straddled the center, but represented the center-left, left, and far-left, or, in more resonant historical terms, the half of the population that sympathizes with the losing republican side in the civil war. In other words, even though, as republican scholar Pere Gabriel reminds us, extreme sectors of the Spanish left have often rejected the Republic as insufficiently radical, or too “burguesa” (2012, 255), Javier Peña Echeverría is right to observe that the particular “relación de

afinidad y cooperación entre republicanismo y socialismo [. . .] fue [. . .] más estrecha que en otros países de Europa” (2012, 242). Evidently, this dissertation has argued that neither Giner, Béjar, nor Domènech has articulated any sort of pan-left-wing theory that encompasses republicanism, socialism, and other diverse positions—a task that, in any case, may be impossible, if Peña Echeverría is right to remind us of the obvious fact that republicanism and socialism “no se identifican” (243). I refer to the ideological breadth of Spanish republicanism not to argue for its eclecticism, but to suggest that it makes sense that thinkers such as Giner, Béjar, and Domènech should be grappling not only with ideas from the right, their natural rivals, but also with the left. Perhaps unexpectedly, that republicans share with the left certain progressive preferences (for equality and social justice, say) does not invite their complacency in agreement on a limited number of points. Rather, historical and ideological closeness is a condition that makes more likely ongoing efforts to address outstanding areas of disagreement.

The scarcity of references to real Spanish politics in this dissertation thus finds an explanation. The most important challenge for Spanish republicanism, both recently and in the future, is not to formulate convincing arguments against monarchism or any element of the status quo (notably, liberalism), but, reaching farther, to articulate a nuanced theory of progressive politics—a task which both entails dialogue with various strands of the left, and promises conceptual robustness by bringing them together. It is sobering to think that neither the disagreements that clearly exist between Giner, Béjar, and Domènech, nor the Spanish left’s violent history of division—whose most tragic example is surely the deadly internecine conflict among anarchists and communists during the early stages of the civil war in 1937—invites optimism about the feasibility of durable communion. In any case, a discussion of the difficulty of the task, if interesting, would be beside the point. The goal of this dissertation has been, at

once, narrower and broader, to study the ideas of three philosophers from one country as they relate to a major international debate in political philosophy; and, as its title suggests, to explore, in terms of conceptual rigor, the result of a republican dialogue with liberalism and the left.

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