

AUTHORITARIAN THEORIES OF JUSTICE: *FACIES HIPPOCRATICA* OF LIBERALISM

Luis Satie¹

Abstract:

The aim of this preliminary study is to demonstrate, through a dialectical analysis, the fundamental contradiction of political liberalism, namely, that between freedom and authority. However, far from there being a balance between these two poles, in the era of advanced capitalism, freedom has degenerated into submission and authority has been distorted into authoritarianism. As a result, citizens are reduced to the passive and atomized condition of clients of precarious public services, whose potential for resistance is neutralized by the command of leaders in the state apparatus. In this context, conceptual arrangements emerge to justify the position of this minimal citizen, as is the case with certain theories of justice, which, by subjecting the idea of popular sovereignty to the logic of the economy and parties, can become authoritarian theories of the market, tradition, politics, or the administrative state, to the detriment of the idea of freedom. This is when liberalism becomes the antechamber of fascism.

Keywords: Political philosophy - Theories of justice – Criticism.

TEORIAS AUTORITÁRIAS DA JUSTIÇA: *FACIES HIPPOCRATICA* DO LIBERALISMO

Resumo:

O objetivo desse estudo preliminar é mostrar, por meio de uma análise dialética, a contradição fundamental do liberalismo político, a saber, aquela entre liberdade e autoridade. No entanto, longe de haver um equilíbrio entre esses dois pólos, observa-se, na era do capitalismo avançado, a degeneração da liberdade em submissão e a desfiguração da autoridade em autoritarismo. Como resultado, o cidadão é reduzido à condição passiva e atomizada de cliente de serviços públicos precários, cujo potencial de resistência é neutralizado pelo comando de chefes no aparelho de Estado. Nesse contexto, surgem arranjos conceituais para justificar a posição desse cidadão mínimo, como é o caso de certas teorias de justiça, que, ao submeter a ideia de soberania popular à lógica da economia e dos partidos, podem se tornar teorias autoritárias do mercado, da tradição, da política ou do Estado administrativo, em detrimento da ideia de liberdade. É quando o liberalismo se torna a antessala do fascismo.

Palavras-chave: Filosofia política - Teorias da justiça - Crítica.

INTRODUCTION

The idea of society as a sum of autonomous individuals, who encounter each other in a market for the free exchange of goods, has been the *petitio principii* of liberalism. However, how is it possible to deduce the ideas of authority, obedience, and tradition from this conception of atomized entities, whose sphere of deliberation and decision must be

¹ Luís Sérgio de Oliveira Lopes, known in academia as Luis Satie, holds a Master's and Doctor of Laws from the Federal University of Santa Catarina (UFSC) and a Doctor of Philosophy and Social Sciences from the Centre de Recherche sur les Arts et les Langages (CRAL), advanced research laboratory of the Centre National de la Recherche Scientifique and the École des Hautes Etudes en Sciences Sociales (CNRS/EHESS-Paris). lsol_@hotmail.com. ORCID <https://orcid.org/0000-0002-2013-7990>.

legally shielded from other individuals? How is it possible to sustain the idea of individual freedom in the face of a group of individuals organized in a political association, i.e., the State? Better yet, how does the idea of sovereignty or citizenship, derived from the constitutional State, harmonize with the idea of government, derived from the administrative State?

I. The Liberal Problem

Liberalism solved this problem through theoretical juggling, which consisted, roughly, of excluding the material world from the equation. By making individuals inhabit a conceptual world free from social and economic adversities, as if they were equal and interoperable monads, liberal theorists, whether classical or contemporary, developed theories of freedom, ignoring the social content that compels individuals to perceive themselves as subjects or subjected to a certain way of organizing things. By avoiding social reality in their analyses, they are caught *nolens volens* by the vengeance of the forgotten material world, which returns on the subjective plane, like a scorpion injecting the poison of reification with its tail into the conceptual veins of liberal arithmetic, disrupting the system of equivalences.

In other words, the liberal escape from the world was betrayed by the very objectification of its categories, such as individuality, autonomy, and freedom, treated as dogmas shielded from social contradictions. Due to the impossibility of sustaining such categories despite the historical movement, which shakes the *pax romana* of the world of equivalences, liberal academics on duty are forced to base ideas of authority, obedience, and tradition among atomized entities, causing a true distortion of liberal theory, which degenerates into authoritarianism, the only political means to continue ignoring the material conditions of the capitalist social formation, marked by monstrous inequalities between individuals, groups, and classes. In this context, neofascism appears as the new arithmetic of capital, namely, the arithmetic of equivalences imposed on entities subjected to the universal reign of commodities.

Theories of justice appear as a privileged locus of sauvetage for this liberal dogma, that is, as special instances of reconstruction of the idea of the social contract on new foundations, no longer based on the unsustainable notion of autonomy of will and fundamental rights, but on the idea of subjection to the command (authority) of national governments, the disciplinary power of private and public sector leaders (obedience), the

moral values of the ruling classes, holders of capital (tradition), and, above all, the capitalist economy (market). This is what we will demonstrate below.

II. Foundation Of Auctoritas And Obedientia

When one reads “Explaining normativity: on rationality and the justification of reason” (Raz, 2000), one is faced with the announcement of a thoughtful return of reason on sensitivity. Reason widens on its own from spontaneity, from what we are in the world, including the various cognitive, emotional and volitional mixtures of the mind. This anchoring of reason in the world leads to a whole rethinking of the judgment of perception or sensation, so that the idea of normativity can no longer do without «psychological capacities», whose reason for acting, as an «ability to perceive reasons and respond to them (Raz, 2000: 39)» proves to be the central concept of this normative philosophy.

Another equally important concept of this philosophy is that of capacity-rationality, combining capacity and ability, two categories of reason: the first, attached to the theoretical reason (reasoning ability) and the second, to the practical reason. Here, theory plays with practice, as «to recognize the normativity of features of the world (Raz, 2000: 39)» is not a leap into transcendence, but a deep dive into the working mechanism of the world. So, this relationship between reasoning and functioning perfectly defines the ability to judge, according to Raz.

In Kantian terms, the ability to judge is, according to this approach, supported by the binding force of the concepts of understanding and the idea of causality, to the detriment of the idea of autonomy and that of freedom, better, to the detriment of practical reason itself. Raz seems to confirm here the so-called neo-Kantian correction of Kant, based on the final concepts of the *First Critic* (Kant, 2001), in its utilitarian version. However, instead of the concept of utility, Raz uses the concept of function. The skill of reasoning and the ability to act are, in his opinion, inseparable from the concrete movement of things, whose motive is the idea of purpose. Thus, what things are is explained by the intrinsic purpose of their own movement, by the laws of their own appearance. However, with this normative device, sensitivity — and therefore the own faculty of judging — seems to be trapped by the idea of control, the result of the function/purpose equation, in a context limited by the ontic world:

Control consists in the proper functioning of a person’s rational faculty, the proper functioning of the person’s ability to recognise and respond to reasons (...). Control

is manifested when a belief is adopted or endorsed in a process in which the ability to recognize reasons and respond to them (...) is active (Raz, 2000: 44).

In this way, instead of broadening the idea of reason, there is a constraint preventing its deontic leap into the idea of freedom, as well as its critical dialogue with the idea of sensitivity. Without this deontic shift, the ability to act degenerates and turns into a fear of action. The ability to reason then falls into dogmatism, whose essentialization of the idea of authority and the praise of servitude seem to be the most dangerous consequences for the sustainability of democracy.

That's why the essay "The problem of Authority: Revisiting the Service Conception" (Raz, 2006) doesn't question the idea of authority. If, in "Explaining normativity on rationality and the justification of reason", Raz wanted to evade the hypostasis of reason, perhaps because he wanted to avoid the metaphysical leap of reason into the idea of freedom. However, instead of completing this risky leap, he avoids it, thereby resulting in a kind of annihilation of the promises of modern political philosophy. In doing so, Raz naturalizes the idea of obedience, servitude and authority, premodern and preconstitutional categories incompatible with the culture of fundamental rights and guarantees.

Indeed, the essay on authority encourages obedience to the authorities that operate the workings of state institutions. However, this text does not explain the genesis or the right of existence of the authorities; Raz just justifies them. This justification begins by diverting political nature from the idea of authority, that is, by treating authority as a category of morality, as well as the idea of obedience attached to it. Therefore, transforming a political question into a moral one is to give it a second-nature status.

With this mechanism, the idea of authority becomes transcendent, while the idea of freedom ends in causality. The idea of authority rises to the firmament of metaphysics, to ward off its criticism, problematization and denial. The essay on authority, in the end, speaks only of obedience and reasons for obedience. Here, it is easy to perceive that the whole reasoning starts from a fixed separation between rulers and ruled, between citizen and authority from a heteronomic perspective, perhaps as forgetfulness that the democratic order provides for an equal orientation of all through principles of justice and constitutional rules.

According to Raz's own methodology, it is impossible to trace a conceptual or genetic unity of the idea of authority from the modern world, seat of the idea of freedom: «One concept is an ancestor if the successor concept emerged as a modification of the ancestral

one and retained sufficient similarity to it, either in its features or its function (Raz, 2006: 1010)». In fact, according to this methodology, the idea of authority is a successor of the idea of *auctoritas* of Roman antiquity. Similarly, the idea of obedience is only a successor of that of *obedientia*. In any case, the operative force of the ancestors plays a considerable role in Raz's essay on authority, which mobilizes conceptual pairs as *de facto* authority/law authority, *be* authority/have authority, theoretical authority/practical authority. Of all these pairs, the category of authority is the noun that exerts a strong attractive power over fact, law, theory and practice.

If the constitutional state does not seem to be the modern substrate of the essay on authority, the administrative state, moreover, the kingdom of leaders — inducted by the party system — adapts perfectly to it as a methodological background. In fact, in modern administrative order, the citizen is stripped of his sovereign power to become a servant, the object of command of the authorities, whose despotic power is exercised through hierarchical power, the exclusive holder of the disciplinary power. Leaders concentrate the powers of discussion, deliberation, control and punishment to judge those who are marked by the seal of passivity and the political obligation to obey. Only the chiefs possess the ability to reason, the capacity-rationality and the «capacity for intentional action, for forming intentions and taking decisions (Raz, 2000: 44-45)».

III. Strength of Tradition

As an antidote to this kind of legitimation of the positions occupied by the authorities imposed by the party system, one can propose the Humean approach which poses the exercise of power as an activity regulated by the synthesis between self-interest and mutual sympathy, so that both must remain in balance in a context of scarcity of resources. Indeed, for Hume (1993: 96) it is only man's selfishness and limited generosity, added to the parsimony of nature when it has provided for its needs, that justice has its origin.

According to Hume, the possibility of expanding the ability to judge opens up, since morality is a product of feelings associated with human relationships. Through these feelings, people can feel compassion for each other as a counterweight to selfishness. By this approach, and to satisfy the self-centeredness of all and the propensity of each to open up to others, the administrative state should be the object of the equal sharing of power among its agents. Indeed, selfishness is conceived only in the acute desire for recognition through strong

actions as well as through the exercise of a will for power. Similarly, sympathy does not go without the universal acceptance of this sharing regime.

Nevertheless, this is not the conclusion of the words of Hume's liberalism. Come what may, this link between selfishness and sympathy would be a source of the democratization of power, if this Humean openness did not fall into the force of tradition. *Hume's contractarianism*, unlike Kant, according to Geoffrey Sayre-McCord (2000: 263), «hopes to account for the evaluative concepts we actually possess». Unable, perhaps, to find immanence from transcendence, this empiricism fails to escape the administered world: «Our capacity to think in moral terms and to talk of reasons depends, on this view, upon resources that are available only certain conventions and practices have been established (Sayre-McCord, 2000: 263)».

Thus, tradition is the source of the values that constitute the evaluative concepts of the ability to judge. This tradition also prevents judgment from being in a bad position, and from being open to criticism of established conventions: «(...) a proper understanding of morality must see morality as a reflection of what those subject to its demands might reasonably accept (Sayre-McCord, 2000: 265)».

As Kant has noticed, sensitivity without transcendence remains blind, imprisoned in the realm of things chained together. In today's world, repeating the state of affairs of yesterday, things are still trapped in the condition of exchange value and private property. As Marx already pointed out in his third manuscript, this dual economic-legal status impedes the development of the civilizing project by catastrophically opposing general nature to human nature, that is, humanity to itself, as part of the material realm. It follows that the subjection of nature tends to be merely a mirror image of the subjection of the spirit, leading to civilizational suicide. In this insensitive environment, values such as morality, empathy, solidarity, and compassion fail to establish themselves in immanence, being easily put to the service of a world governed by individualism: «If you love without arousing reciprocal love (...), if by your vital manifestation as a loving man you do not transform yourself into a beloved man, your love is powerless and it is a misfortune» (Marx, 1996: 212, my translation)².

² «Si tu aimes sans susciter d'amour réciproque (...), si par ta manifestation vitale en tant qu'homme aimant tu ne te transformes pas en homme aimé, ton amour est impuissant e c'est un malheur» (Marx, 1996: 212).

IV. Mercantile Spirit

Following the same reasoning, it is difficult to see how David Gauthier's talk about the delimitation of the meaning of justice to what he calls Kantian naturalism (Gauthier, 1993: 180) could support a morality based on intersubjectivity and the idea of autonomy. In fact, the content of the instrumental meaning of justice, «an individually beneficial refinement on a natural, prereflective disposition to conform (Gauthier, 1993: 197)» is the empirical model of the market, where «Justice requires some correspondence between the effects and the persons affected, so that in a more traditional terminology, each receives his due (Gauthier, 1993: 189)». However, would it be reasonable to negotiate conceptions of the good in a pluralistic context, without calling into question the standards of the cultures at stake to be able to perceive and resolve the suffering caused by community conventions, for example, on women and children?

There are things not interchangeable or replaceable, such as dignity and the right to non-violence. Nevertheless, as part of the theory of rational choice, moral trade «(...) begin from an initial presumption against morality, as a constraint on each person's pursuit of his own interest (Gauthier, 1986: 4)». From this perspective, which, according to Gauthier, finds in Hobbes its true ancestor, all life is like the competitive market, where haggling is found at all levels. In this morally free zone, all individuals can win in the game of concessions and benefits: «Where mutual benefit requires individual constraint, this reconciliation is achieved through rational agreement (Gauthier, 1986: 7)». All considered, in this moral market, «No person should be worse off in the initial bargaining position than she would be in a non-social context of no interaction (Gauthier, 1986: 8)».

Thus, should the excluded be satisfied with being in a position of continuous negotiation rather than stagnating in their situation of distress? How much weight will be given to equality and freedom in the table of principles of negotiation? Would broken promises have a price? If a father promises an apartment to his son as a reward for his good results and his financial situation deteriorates, would that son have the right to claim anything from his father? How should the father react to this new constraint caused by the unintended change in its financial situation? If the European Bank borrows money from the Greek government, should the people of that country pay this debt by bearing the loss of the quality of its public education and health services? In a multicultural context, would a stronger

culture agree to forget its original position to participate in a negotiation, whose products would be the values and assets of the stakeholders?

In this morality, whose rational deliberators must have mutual benefits, to name but three examples above, the father, the Greek people and the ethnic minorities would have no possibility of justifying their debt, unless the son, the bank or the dominant culture operated with other standards of reasoning or rationality. Moreover, in Gauthier's political contractarianism, the frustration of the expectations of the rational deliberators must be sanctioned, not by the creditors of moral trade, but by the state, a *deus ex machina* that appears to restore the lost balance of the contract: «The person is entitled to expect others to conform to the practices, and has reason to demand that those who fail to do so be sanctioned in some way by society (Gauthier, 1997: 135)». Each deliberator is, at the same time, the benefactor and beneficiary of the social benefits negotiated, as he is as much the benefactor as the beneficiary of the sanctions imposed, for, in this generalized trading regime, «Of course, the sanctions themselves must pass the contractarian test (Gauthier, 1997: 135)».

The contradiction in this construction emerges with great emphasis: «(...) through the transfer of deliberative rationality from the individual members of society to a social agent (Gauthier, 1997: 142)», what's more, an off-market, state, social authority. So, the Leviathan is the moral protector of the clauses of this political contractarianism. On the one hand, the interaction between the rational deliberators; on the other, authority, as the seat of public, artificial and agnostic reason, the magistrate of conflicts and imbalances between the conceptions of good in circulation.

Gauthier maintains a harmonious relationship between the market model for intersubjectivity and the model of politics for the reason of state, ignoring the historical tragedies that these two systems — one governed by calculation, the other by force — have engendered. These tragedies that have caused the impoverishment of people are, therefore, exhausted models of our world of total exchange, whose rules dominate even those who have nothing to exchange. In addition, the replacement of the popular sovereignty device by the governing apparatus of the administrative state, current headquarters of an authoritarian culture, produces and reproduces servitude and annihilates the judgment of its agents. With this geometric system to deduct political obligation, we are not convinced that:

The contractarian is (...) the true revolutionary, demanding that we realize a society in which each individual may flourish in accordance not with some impose standard

but rather with an ideal that she chooses for herself, while contributing to the similar flourishing of others (Gauthier, 1997: 148).

V. Dismantling the Spiritual Faculties System

As we have seen, the market, tradition, authority and obedience continue to square the circle of contemporary theories of justice, with the concept of freedom being merely an alibi to hide the growing problem of social inequality that affects the community of nations. Ultimately, the idea of freedom in liberal theories of justice presents itself as a corollary of economic freedom, of the freedom of movement of capital, a device for justifying the minimum rules of the game to be followed by governments.

It is to provide this minimum level of governance that corporations and States join forces to promote new models of leadership and innovations in the social division of labor. However, despite the dissemination of the culture of entrepreneurship and the ideology of merit in an environment of innovation in labor relations, the liberal individual is unable to realize the dream of a good life, being increasingly imprisoned by unfair distributions of income within and outside national borders, by policies restricting the international movement of people, by attacks on social, economic and cultural rights, and by the shackles of financial capital.

Behind this vaunted culture of innovation, the sacred dogma of the separation between those who own the means of production and those who only have the labor force for their self-preservation remains untouchable, in a growing scenario of precariousness of social rights and subordination to the command superstructures in the social division of labor:

In our age of big business, the independent entrepreneur is no longer a typical figure. The common man finds it increasingly difficult to plan for his heirs and even for his remote future. The contemporary individual may have more opportunities than his ancestors, but his concrete prospects are increasingly short-lived (...). Thus the subject of individual reason tends to become a shrunken ego, captive of the evanescent present, forgetting the use of the intellectual functions by which he was once able to transcend his real position in reality (Horkheimer, 2002: 142, my translation)³.

³ «Nesta época nossa de grandes negócios, o empresário independente não é mais uma figura típica. O homem comum acha cada vez mais difícil planejar para os seus herdeiros e mesmo para o seu futuro remoto. O indivíduo contemporâneo pode ter mais oportunidades do que seus ancestrais, mas suas perspectivas concretas têm prazo cada vez mais curto (...). Assim, o sujeito da razão individual tende a tornar-se um ego encolhido, cativo do presente evanescente, esquecendo o uso das funções intelectuais pelas quais outrora era capaz de transcender a sua real posição na realidade. (Horkheimer, 2002: 142)».

Unable to become a subject, the individual is condemned to become the absolute thing, the total commodity, the one whose appearance is perfect and whose use-value is null. Automated by algorithms, the individual is induced by big techs to nourish their own ego and become an appreciator and admirer of their own self, fulfilling the desire to influence a legion of admirers, who, in a game of inverted mirrors, are a mere idealized projection of what they would like to be and have. Thus, social networks function at the same time as a space to compensate for the lack of freedom and equality in the real world, and as a space to strengthen the image of a weak and powerless individual.

In this environment of interaction between disembodied monads, the unconscious manifestation of the death drive prevails, which controls the narcissistic circuit of enjoyment: the fun consists in canceling the weak who want to announce themselves as something other than an object and who dare to participate in civilization with autonomy, in the free exercise of their mental faculties:

Everything that is in a state of inferiority attracts aggression: one experiences the greatest joy in humiliating those whom misfortune has already struck. The less risk there is for the one who finds himself in a state of superiority, the more he will take pleasure in the torture he is about to inflict: it is only in the face of the total despair of the victim that domination becomes joy (...). Loud laughter has always denounced civilization (Adorno; Horkheimer, 1974: 121, my translation)⁴.

Fragmented and submissive to the network of impressions and perceptions that seem to have neither syntax nor semantics, the individual in the commodity society is so virtualized that he begins to dispense with his own body and real social relations: the anorexic individual is the counterfeit of the faculty of feeling. So accustomed to not connecting phenomena together, he loses the ability to understand, to operate analytical or synthetic syntheses. Without body or mind, this automaton becomes a full-time *voyeur* of everything that happens in private life, but at the same time incapable of expressing feelings of compassion, respect and of performing acts of solidarity and justice, that is, acts of reason: «The mind and body are actually separate, as the libertines, those indiscreet bourgeois, demanded» (Adorno; Horkheimer, 1974: 116, my translation)⁵.

⁴ «Tout ce qui est em état d'infériorité attire l'agression: on éprouve la plus grande de joies à humilier ceux que le malheur a déjà frappés. Moins il y a de risques pour celui qui se trouve en état de supériorité, plus il prendra plaisir à la torture qui il est sur le point d'infliger: ce n'est que devant le désespoir total de la victime, que la domination devient jouissance (...). Le rire sonore a de tout temps dénoncé la civilisation» (Adorno; Horkheimer, 1974: 121)».

⁵ «L'esprit et le corps sont em réalité séparés, comme l'ont exigé les libertins, ces bourgeois indiscrets» (Adorno; Horkheimer, 1974: 116)».

The fetishism of commodities thus becomes the anti-philosophy of the individual free from himself and the anti-politics of civilizing promises. Its anti-nature attracts the relativism of violent experiments, opening the way for the realization of monstrous, atavistic desires, to justify, ultimately, the meaning of being alive, beyond the pleasure principle. This, perhaps, explains the growth of the fascist war machine in the world today, a powerful artifact of identification of the frustrations of the objectified individual with everything that is dead and inorganic: «Instead of being allied with tenderness, pleasure is allied with cruelty» (Adorno; Horkheimer, 1974: 121, my translation)⁶.

All in all, we are witnessing the dismantling or disarticulation of the system of the faculties of the spirit: reason, understanding, sensitivity. The occupation of the last territory — that of the autonomy of the will — coincides with the annexation of the soul itself, possibly marking the *end of an era*. Or are we facing the era of the end of the faculty of judgment? In this age of rotten brains, blessed are those who perish without judgment, contrary to the promises of the Enlightenment:

Kantian formalism still expected a contribution from the individual who had been taught to take fundamental concepts as reference to the multiple experiences of the senses; but industry has deprived the individual of his function. The first service that industry provides to the customer is to commoditize everything for him. According to Kant, a secret mechanism acting in the soul already prepared the immediate data in such a way that they adapt to the system of pure Reason. Today, this secret has been deciphered (Adorno; Horkheimer, 1974: 133, my translation)⁷.

Leaving aside these questions, the theories of justice analyzed above seem to show themselves, with technical refinement, as stratagems of ideological justification of the mental framework that destroyers of worlds and their victims share on the path that leads them to the slaughterhouse, blind to what awaits them. Indifferent to the idea of social justice, they continue to categorize the old metaphysical separation between body and soul with the ideas of tradition, obedience, authority and the market.

The inexpressiveness of liberalism in the face of contemporary challenges is revealed in its aporetic formula of unjust justice, of autonomy without a subject and of a dehumanized man: «Production does not only produce man as a *commodity*, the *human*

⁶ «Au lieu de s'allier à la tendresse, le plaisir s'allie à la cruauté» (Adorno; Horkheimer, 1974: 121).

⁷ «Le formalisme kantien attendait encore une contribution de l'individu à qui l'on avait appris à prendre les concepts fondamentaux pour référence aux multiples expériences des sens; mais l'industrie a privé l'individu de sa fonction. Le premier service que l'industrie apporte au client est de tout achématiser pour lui. Selon Kant, un mécanisme secret agissant dans l'âme préparait déjà les données immédiates de telle sorte qu'elles s'adaptent au système de la Raison pure. Aujourd'hui, ce secret a été déchiffré» (Adorno; Horkheimer, 1974: 133).

commodity, man in the form of a commodity; according to this situation, it also produces him as a *spiritually and physically dehumanized being*» (Marx, 1993: 174, author's emphasis, my translation).⁸

Final Considerations

The history of politics has shown us the existence of tension, rather than a pre-established harmony between the concepts of government and sovereignty. This tension arises in the form of a dangerous colonization of the constitutional state by the administrative state, making political association an instrument for satisfying the immediate interests of political and economic forces. Such forces tend to instrumentalize the public sphere and govern it with the ideas of efficiency and profit, to the detriment of the concept of justice.

As we analyzed here, similarly, this tension is also present in the field of contemporary normative political philosophy, discipline that has been highlighted in the pen of the Israeli philosopher Joseph Raz (2000, 2006), the Geoffrey Sayre-McCord (2000) and the Canadian philosopher David Gauthier (1986, 1993, 1997).

What is common to these philosophers, despite their affiliation with liberalism, is the paradoxical subjection of the theory of freedom to a theory of authority, to the detriment of the possibility of the citizen directly engaging in the creation and collective management of the state and its policies. In this respect, we can, to some extent, apply these conclusions to the social liberalism of the North American philosopher John Rawls (1955, 1963, 1997, 2008). In effect, the Rawlsian citizen, as occurs in Raz's legal positivism, Sayre-McCord's moral realism and Gauthier's neo-Hobbesianism, is incapable of exercising his citizenship on a concrete level, since, once the veil of ignorance is removed, he is left with a body without a soul, a carcass, an individual devoid of power, annulled by the administrative State and its command positions, filled by the party system.

From the above, we have a clue as to the possible force of attraction existing between liberalism and authoritarian regimes, as we have observed in the current world, due, perhaps, to the economic exclusion of the masses from the civilizing process and the promises of the welfare state. Once the resources of persuasion and fear are exhausted, the only way to

⁸ «A produção não produz unicamente o homem como uma *mercadoria*, a *mercadoria humana*, o homem sob a forma de mercadoria; de acordo com tal situação, produ-lo ainda como um ser *espiritual e fisicamente desumanizado*» (Marx, 1993: 174, author's emphasis).

keep the poor excluded from universal charters of rights and fundamental guarantees is to justify the return of the gendarme state.

In effect, so that these theories of justice put into practice the ideas of authority, obedience and mercantile spirit, in a line of continuity with the tradition and values of the Western world, such as property, freedom, equality, security, managed by the invisible hand of the market, the guarantee and vigilance of a strong State is necessary. This, like a *deus ex machina* incarnated in the figure of Leviathan, generator and reproducer of leaders — with a Bonapartist, military, charismatic or populist profile — can only ultimately maintain the *status quo* through institutional violence and supervised freedom in internal and external borders of the Nation State.

Such theories of justice have been, therefore, updating the clauses of a political pact of subjection, guarantor of the abstract relationship of equivalence in private contracts, as if contemporary societies were not crossed by social inequalities and systemic and structural injustices that impede the proposition of true formulas of justice, namely, those that suggest the overcoming of capitalist society by a social formation based on pluralism, biodiversity, cooperation, socialization of the means of production and the evolutionary self-preservation of collective life, in accordance with human rights and fundamental guarantees.

Bibliography

ADORNO, T; HORKHEIMER, M. (1974): *La dialectique de la raison*, Paris, Gallimard.

GAUTHIER, D. (1986): *Morals by Agreement*, Oxford, Oxford University Press.

_____. (1997): «Political Contractarianism», *The Journal of Political Philosophy*, vol. 5, n° 2, pp. 132-148.

_____. (1993): «Value, reasons, and the sense of justice», *Value, Welfare and Morality*, vol. 35, pp. 180-208.

HORKHEIMER, M. (2002). *Eclipse da razão*, São Paulo, Centauro.

HUME, D. (1993): *Traité de la nature humaine* (1740), Paris, Flammarion.

KANT, E. (2001): *Critique de la raison pure* (1787), Paris, Gallimard.

MARX, K. (1993): *Manuscritos económicos-filosóficos*, Lisboa, Edições 70.

_____. (1996): *Manuscrits de 1844*, Paris, Flammarion.

RAWLS, J. (1997): *Théorie de la justice*, Paris, Ed. du Seuil.

<i>Revista Dialectus</i>	Ano 14	n. 38	Setembro – Dezembro 2025	p. 94 - 107
--------------------------	--------	-------	--------------------------	-------------

_____. (2008): *La justice comme équité*, Paris, La découverte.

_____. (1963): «The Sense of Justice», *The Philosophical Review*, vol. 72, n° 3, pp. 281-305.

_____. (1955): «Two Concepts of rules», *Philosophical Review*, vol. 64, n° 1, pp. 3-32.

RAZ, J. (2000): «Explaining normativity: on rationality and the justification of reason», in J. Dancy (dir.), *Normativity*, Oxford, Blackwell Publishers, pp. 34-59.

_____. (2006): «The problem of authority: revisiting the service conception», *Minnesota Law Review*, vol. 90, pp. 1003-1044.

SAYRE-MCCORD, G. (2000): «Contractarianism», in H. La Follette (dir.), *The Blackwell Guide to Ethical Theory*, Oxford, Blackwell Publishers, pp. 247-267.