

# DIALÉTICA DA NÃO-IDENTIDADE: MODELO CRÍTICO APLICADO À QUERELA ENTRE LIBERALISMO E COMUNITARISMO

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**Resumo:** Ensaíamos aqui um modelo de análise dialética sem síntese, para a filosofia social e política, a partir da dialética negativa de Adorno. Esse modelo traduz-se como atualização crítica das categorias de Kant, Hegel, Marx e Adorno para constituir um dispositivo de análise fortemente orientado pela estética. A abertura da razão à sensibilidade é a melhor garantia de que a esfera singular e particular da existência não seja sufocada pelo Leviatã, encarnado na figura histórica do Estado administrativo. A ampliação da faculdade de julgar, orientada pelo modelo estético, pode impedir que o espaço público seja destruído pela violência de gênero, de grupo e de classe; colonizado por interesses particulares de coletivos, partidos e empresas; monitorados por costumes, tradições, religiões e culturas; dividido por ideologias raciais e paralisado por filosofias da história. Utilizamos como *experimentum crucis* a querela entre liberalismo e comunitarismo para demonstrar a eficácia do dispositivo crítico proposto.

**Palavras-chave:** Dialética Negativa – Estética - Filosofia Social e Política – Liberalismo – Comunitarismo.

## DIALECTIC OF NON-IDENTITY: CRITICAL MODEL APPLIED TO THE QUARREL CONCERNING LIBERALISM AND COMMUNITARIANISM

**Abstract:** We rehearse here a model of dialectical analysis for social and political philosophy, based on Adorno's negative dialectic. This model translates as a critical updating of the categories of Kant, Hegel, Marx and Adorno to constitute a device of analysis strongly oriented by aesthetics. It is the openness of reason to sensibility that is the best guarantee that the singular and particular sphere of existence is not suffocated by Leviathan, embodied in the historical figure of the administrative state. The expansion of the faculty of judging, guided by the aesthetic model, can prevent the public space from being destroyed by gender, group or class violence; colonized by the private interests of collectives, parties and companies; monitored by customs, traditions, religions and cultures; divided by racial ideologies and paralyzed by philosophies of history. We use as *experimentum crucis* the quarrel between liberalism and communitarianism to demonstrate the effectiveness of the proposed critical device.

**Keywords:** Negative Dialectics – Aesthetics – Social and Political Philosophy – Liberalism – Communitarianism.

### Introduction

In times of exalted and polarized positions, in which the cancellation of thinkers, ideas and traditions of thought, in the name of a certain search for origins, originalities and lost times, seems to put back on the agenda the need for guidance in thought. Dialectics, once

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threatened by the simplifications of Stalinism and vulgar materialism, is now under attack from messianism, the renewal of racial ideology and the fragmentation of social analysis, in which the relationship between the singular, particular and universal dimensions of the social phenomenon is lost, thus threatening the human sciences with analytical impoverishment and reducing their capacity to understand the contradictions that weave the immanence.

The aim here is to update the discourse of the dialectical method, based on the reflections of Adorno's negative dialectics, showing its potential for analysis of contemporary issues. We start from the idea that dialectics was reconstructed by Adorno thanks to the work of materialist aesthetics, founded on the non-identity between subject and object, between idea and reality, between theory and practice. It would be an absurd simplification to understand this critical reconstruction of the dialectic as a negation of the subject/idea/theory triad and transform Adorno into an *avant la lettre* canceller of thinkers and thoughts, calling him to fight alongside the front of easy and dogmatic thought.

Below we will show the richness of the non-identity dialectic when applied to the contemporary debate between liberals and communitarians. This *vexata quaestio* translates, on the one hand, into the *disputatio* between antinomic concepts, such as individual/community, autonomy/heteronomy, universal/particular, citizenship/culture, etc.; and, on the other hand, into the neglect of criticism of the current system of social and economic organization, which subjects individuals and communities to the same logic of exchange value of capitalist society in its advanced stage, in which cultures and signs become commodities. At this stage, complementing the moment of annexation of the labor force, which encompasses the 18th, 19th and 20th centuries, the soul itself is annexed, the ultimate field of the work of reification of capital.

We have no dogmatic or normative intention to indicate the analysis model, which will be outlined here, as the only method of social analysis to be followed by the human sciences. We are only moved by the idea of pointing out the richness of negative dialectics,

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found here as the dialectic of non-identity, in which negative and positive moments are equally subjected to the work of criticism. In this sense, the non-identical is not necessarily confused with negation *tout court*. The non-identical is the differential moment of dialectics, namely, the moment of criticism, as we will see.

### **I. The problem: dogmatic debate between liberals and communarians**

The consistency of liberalism amazes any unsuspecting and hasty critic in condemning it on the charge of the source of modern individualism. Such a moralistic stance does nothing but reprise the attack that the ancients directed at the Christian religion for expressing, in the context of ideas, the liberation of individuality against the ancient state. The same can be said about communitarianism, which embeds a set of reflections of the greatest importance for political philosophy, and it is not fair to identify it with totalitarianism *tout court*, as if the idea of community inexorably attracted that of oppression on the side, or, as if the idea of tradition were confused with that of ancient, static, backward society, as is the case with the well-known critique of pre-modern societies and their most tenacious defenders, that is, romantics and decolonialists.

If we want to avoid the embarrassment of easy criticism, an effective way is to adopt the Hegelian attitude of considering that the real is the rational, albeit without the intention of absolutizing modern rationality, which would lead us not to criticism but to justification. Hegel's merit was to have understood the decay of the ancient city without flouting religion, as did the Enlightenment of the 18th century. Instead of ignoring it, it would be best to recognize the manifestation of its rationality in the phenomenal world. The liberal *ratio* is historically presented as economic, political and legal rationality. However, it is legal rationality that condenses the main achievements of economic and political rationality, after the *experimentum crucis* of social existence. On the other hand, the liberal juridical-political form condenses, based on social reality, the community demands of respect for cultures and the different modes

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of community existence, and it is not reasonable to mechanically oppose liberalism and communitarianism, as if the same reason belonged to different worlds.

Due to this complexity, we could, as a methodological experiment, approach liberalism and communitarianism in a legal key, submitting them to the scrutiny of the phenomenology of the forms of law. I understand by *form* the social content mediated by the norm and available to the conscience in a mediated manner, regardless of the subject and the immediate event, ie, of the situation of conflict that generated it. In the history of philosophy, there are at least three significant ways of understanding the content-form binomial. I designate the analytical use of this dialectical triad the Critical Model (CM). Just by way of example, we will apply them here to the concise examination of the quarrel between liberalism and communitarianism, without exploring its impacts on extreme collateral theories such as neoliberalism and decolonialism, a categorical exacerbation of the poles of that discussion.

### **II. Negative moment: criticism of authoritarian theories of justice**

The first mode of understanding was inaugurated by Kant (2001). He cared less about the existence of the object than with its form: the possibility of knowing the object was something more relevant than the object itself. This pre-occupation led Kant to the study of the faculties of knowledge, with the aim of detecting *a priori* forms of thought, which are independent of the sensitive world and give him formal cladding. The application of this method to understand the position of liberalism in this debate is useful as it emphasizes the imprescindibility of the form for the understanding of the legal-political phenomenon. For the master of Königsberg, in fact, justice is a *a priori* form of our reason and, as such, is attached to the universal principles of ethics (Kant, 1985).

Here we have the first moment of our approach to the object: a transcendental approach without historicity. From this derives, for instance, Rawls' methodological artifice (1955, 1963, 1997, 2008), such as his abstract charge, that his methodological proceduralism

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does not hide, with categories such as original position and veil of ignorance. But what does negative momentum negate, precisely?

It denies authoritarian theories of justice, such as those that place tradition, authority, obedience, market laws, ideas of function, utility, purpose and system as parameters to subject the individual to the logic of social development, whether it comes from the ideological matrix of individualist economic liberalism or totalitarian thought, from a Nazi-fascist or Stalinist matrix. It was against these authoritarian tendencies that Rawls' social liberalism asserted itself and gained notoriety in academia, placing the idea of equity as an operational category for the distribution of justice in an environment of inequality and plurality of world views.

### **III. Positive moment: sublation (*aufhebung*) of the negative moment**

Regarding liberal theories of justice, Hegel's words (1997: 127) of the preface of his Phenomenology are worth: «The instrument of this same-tone formalism is no harder to handle than a painter's palette, on which there would be only two colours (my translation)»<sup>2</sup>.

The second way of understanding is aimed precisely at avoiding this methodological blindness, about which Hegel predicted (1997: 133, my translation): «To enter the state into the immanent content of the matter, he always overlooks the whole and stands above the individual existence of which he speaks, i.e., *he does not see it at all* (my emphasis)»<sup>3</sup>. Thus, if we want to understand the determinations of liberal theories of justice, we must investigate its content: it is then that Hegel (1989; 2000) emerges as the philosopher of objectivity, bringing history to the bosom of philosophical categories to examine its rationality.

<sup>2</sup> «Das Instrument dieses gleichtönigen Formalismus ist nicht schwerer zu handhaben als die Palette eines Malers, auf der sich nur zwei Farben befinden würden (Hegel, 1997: 127)».

<sup>3</sup> «Staat in den immanenten Inhalt der Sache einzugehen, übersieht er immer das Ganze und steht über dem einzelnen Dasein, von dem er spricht, d.h. *er sieht es gar nicht* (Hegel, 1997: 133, my emphasis)».

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History is rational and, as such, must be the object of philosophy. The Hegelian method is useful for examining liberal theories of justice, by subjecting its general and abstract form to the relentless critique of the history of reason, embodied in the plane of the determinations of the being. This incarnation of the universal in the particular inevitably leads us to the world of contradictions. Nonetheless, Hegel's dialectic resolves the contradiction between the abstract and solipsistic form of Liberalism's idea of justice (*thesis*) and the historical content that this form refuses (*antithesis*), by the denial of this denial, that is, by the affirmation of public law (*synthesis*). Thus, Hegel expresses the true objective spirit, operating the sublation (*Aufhebung*) of freedom subjectivized by Kant in political domination of the rational state (Hegel, 1989).

### IV. Differential moment: criticism of negative and positive moments

This brings us to the third moment of our approach: the most complex, because in it we will recover the non-identity of Hegel's dialectics, best themed in his "Phenomenology of the Spirit" (1997) but forgotten in his "Philosophy of Law" (1989). The contradictions between content and form are not resolved in the sphere of absolute spirit. These contradictions just don't solve themselves: *the real is not the rational*. The subjective moment is inescapable and its retreat or refusal from the administered society cannot be excluded from philosophy or from the world of life (*Lebenswelt*). The negativity of subjective reason cannot be capitalized in favor of the annihilation of the individual. This is what Hegel tends to do in his philosophy of law, to whom Adorno's pertinent criticism is in his "Negative Dialektik" (1997: 343): «The lack of concrete determinateness of the concept of subjectivity is exploited as an advantage of higher objectivity of a subject purified from contingency; this makes it easier to identify subject and object at the expense of the particular (my translation)»<sup>4</sup>.

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<sup>4</sup> «Der Mangel konkreter Bestimmtheit des Subjektivitätsbegriff wird ausgebeutet als Vorteil höherer Objektivität eines von der Zufälligkeit gereinigten Subjekts; das erleichtert die Identifikation von Subject und Objekt auf Kosten des Besonderen (Adorno, 1997: 343)».

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### **IV.1. Criticism of the negative moment**

It is Adorno (1995; 1997), therefore, who develops more deeply, after Marx, the negative power of Hegel's dialectics. To continue with our example, by using his dialectic of non-identity to investigate Rawls's social theory, we will finally escape the *vexata quaestio* between content and form. Henceforth, the form is sedimented content; and this is full of consequences for the study of liberal theories. The study of its forms is already the study of its content.

However, we must not forget that the sedimentation of the content is already the sedimentation of contradictions. This implies assuming the investigation of liberal theories of justice as an examination of the contradictions immanent to its form. In a word: with the dialectics of non-identity, we operate a double negation, namely, the dialectical negation of the abstract negation of liberal conceptions of justice in the face of communitarian conceptions. In other words, we operate the critique of liberal critique, not for the same reasons as Hegel, as we will see below, in topic IV.2.

Indeed, the attempt at social liberalism fails to empower citizens in the face of economic and political-administrative systems, both organized according to the logic of capitalism, which places the economy and the State at their service, before which the atomized and abstract citizen becomes powerless and neutralized. In fact, this theory does not deny but affirms the *status quo*. In other words, liberal abstraction is only a repressive mimesis of social existence, reflecting in its form the impotence of the subject in the face of the determinations of the administered world.

### **IV.2 Criticism of the positive moment**

Ultimately, the dialectic of non-identity also carries out the critique of Hegel's critique of liberalism, for the following reasons. The *synthesis* operated by Hegel points to an identity between content and form that does not satisfy; the state becomes the axis of this identity, the end of contradictions, confusing with the real rationalized. It is this Hegelian soil

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that explains the return to Aristotle in contemporary political philosophy and which, for example, feeds the strength of Charles Taylor's communitarianism (1979, 1989, 1992), by opposing community and individual and extolling the figure of belonging, to the detriment of liberalism's idea of freedom.

Thus, Communitarian theories represent the suffocation of the singular and the particular by the repressive universality, that is, of the individual by the group and of the group by the national community. Devoid of a deontic form, in the sense of pointing out what should be in opposition to what simply is, these theories carry a suffocating ontic weight, by not unveiling the tensions immanent to the current social formations, preventing the thought from methodologically thematizing the possible ruptures of static and naturalizing structures of violence, throughout its particular history. *Ergo*, the communitarian device prevents the evolution or perfectibility of collective existence, by imprisoning it to a pre-established harmony, derived from a hypostasized conception of a particular historical community, naturalized as an entity without movement or tensions.

Reacting to this identification operated by communitarians between the idea of community belonging and that of freedom, Marx (1971), in his critique of Hegel's philosophy of law, observed that the Prussian State did not have universality, because it was a particular state, itself a bourgeois state, namely a class state, in which only «(...) a *part of bourgeois society* emancipates itself and comes to general domination (...) a certain class undertakes from its *particular situation* the general emancipation of society (Marx, 1971: 90, my translation)»<sup>5</sup>.

### **Consciousness of non-identity**

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<sup>5</sup> «(...) ein Teil der bürgerlichen Gesellschaft sich emanzipiert und zur allgemeinen Herrschaft gelangt (...) eine bestimmte Klasse von ihrer *besondern Situation* aus die allgemeine Emanzipation der Gesellschaft unternimmt (Marx, 1971: 90)».

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It follows that both communitarianism, by subjecting the individual to tradition and the secular social norm, and liberalism, by opposing an abstract, contentless, and disembodied individual to a concrete administrative state, despite the strength of their respective approaches, they end up assimilating the singular and particular dimension of social existence to the realm of repressive causality, enthroned in the figure of the administrative state and justified by political science, shepherdess of hegemonic universality.

Whether by their methodological impotence or by capitulating to the decisive injustice of capitalist economic forces, before which they only formulate the principles of belonging — as in Taylor — and difference — as in Rawls — communitarianism and liberalism capitulate to the suffering inflicted on individuals, social groups and people, affected by social and economic inequality. Accordingly, liberals and communitarians, each in their own way, provide the silogistic justification to contemporary barbarism. In doing so, Taylor e Rawls — to stay with the most emblematic representatives of these two strands of political philosophy — turn the injustices responsible for the reproduction of capitalism into a dogmatic category, thus making the principles of belonging and the difference work as a *petitio principii* of his theories of justice.

So, what seemed to be an opposition between liberalism and communitarianism turns out, after all, to be an identity of opposites. In effect, the affirmation of the individual and the community, as poles of a merely formal and static controversy, ignoring the inescapable contradiction between capitalist social formation and social progress, does not present itself as an effective response to the problem of injustice. The bourgeois world continues, in the 21st century, to exclude the majority of individuals, groups, classes and peoples from the sphere of protection of fundamental rights and guarantees. Thinking responsibly in social philosophy is to delve into immanence and understand the similarity of what seemed different, as well as understanding the difference of what seemed similar, to overcome human suffering and build

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a good, dignified and sustainable life on Earth. In a word: «Dialectics is the consistent awareness of non-identity» (Adorno, 1997: 17, my translation)<sup>6</sup>.

### VI. Critical model

From the above, the first approximation appears applied as negative or subjective moment; the second, as a positive or objective moment and the third, as a differential moment or moment of non-identity. If we use these three moments to analyze the *vexata quaestio* between liberalism and communitarianism in the face of the problem of social barbarism and political despotism (situation) we will have to, for instance, after recognizing that Rawls repositioned the idea of justice to respond to the challenges arising from an environment of democratic diversity and plurality (negative moment), his restricted conception of the good seems to exclude *in limine* the most disadvantaged citizens from the political-administrative association, being his restricted conception of the good no more than a restricted conception of citizenship, or, in other words, a bureaucratic conception about the power to direct the public affairs (criticism of negative moment).

On the other hand, Taylor's conception, in the fight against individualism, according to him, an inevitable corollary of the solipsistic and Euclidean vision of liberalism in general, and, consequently, of Rawls' neocontractualism, in particular (transitional moment), suggests the conciliation between the singular, particular and universal dimensions of social existence, following the example of what Hegel did in his philosophy of law and politics (positive moment). To contest this forced idealist conciliation, provoked by Hegel and – *avant la lettre* – by his communitarian successors, Marx, in his critique of Hegel's philosophy of law, demonstrated that his idea of universality – the bourgeois domination of the world – was nothing more than a class particularity and individualistic values of a hegemonic group. This

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<sup>6</sup> «Dialektik ist das konsequente Bewusstsein der Nichtidentität» (Adorno, 1977: 17).

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group would be using the state to increase and ensure their lust for hoarding public goods and legally ensure the appropriation of surplus value in the private sphere.

Such criticism was updated by Adorno in his dialectic of non-identity, in a blunt philosophical libel against the society managed by late capitalism. Adorno's negative dialectic also examined the false positivity of ideological Marxism, propagated by Stalinism and similar movements, a moment of dogmatic and totalitarian drift of Marxist categories in a mystifying philosophy of history (criticism of positive moment). I call these two moments criticism of criticism - namely, criticism of the negative moment and criticism of the positive moment - the differential moment, which is the moment of infinity or permanent openness of thought to overcoming traditional epistemic models and to the architecture of new forms of social existence. Rather, it is the moment of historical and epistemological non-identity between subject and object or between concept and thing. By applying this critical model of analysis, I have shown elsewhere that certain theories of justice, forgetting the idea of freedom, can become authoritarian theories of the market, tradition, politics or administrative state. Such theories are the object of the first denial, inaugurated by Rawls' theory of justice.

However, as we internally examine the category system of Rawls's theory, we see that his weak conception of citizenship strengthens at the same time the political power of the Leviathan and the economic power of the monopoly bourgeoisie, to the detriment of concrete freedom and real equality, bringing his theory of justice closer to the authoritarian theories of his interlocutors. In this key, the *disputatio* between liberalism and communitarianism, including its extremes – neoliberalism and decolonialism – degenerates into pax Romana, into inertia in the face of dogmatism of worldviews (*Weltanschauungen*), into despotism in the exercise of political power and the destruction of natural and social existence as the only method of economic power. In a tight summary, we organize this analytical device on the table below:

|                          |        |       |             |             |
|--------------------------|--------|-------|-------------|-------------|
| <i>Revista Dialectus</i> | Ano 15 | n. 40 | Agosto 2026 | p. 89 - 103 |
|--------------------------|--------|-------|-------------|-------------|

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| <b>Critical model (CM)</b>                   |                                                       |                                               |                                |                                                                                         |
|----------------------------------------------|-------------------------------------------------------|-----------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------|
| <b>Situation (s)</b>                         | Heteronomy                                            | Injustice                                     | <b>Economic field</b>          | Inequality<br>Oppression                                                                |
| <b>Negative moment (n)</b>                   | Autonomy                                              | Criticism of injustice                        | <b>Ethical field</b>           | Freedom                                                                                 |
| <b>Transitional moment (t)</b>               | Passage to the positive moment                        | Struggles for hegemony                        | <b>Political field</b>         | Authority                                                                               |
| <b>Positive moment (p)</b>                   | Sublation ( <i>aufhebung</i> ) of the negative moment | Positivation of fundamental rights and duties | <b>Legal field</b>             | Constitutionalism                                                                       |
| <b>Differential moment (d)</b>               |                                                       |                                               |                                |                                                                                         |
| <b>Criticism of the negative moment (-n)</b> | Negation of negation                                  | Non-identity of opposites                     | <b>Dialectical rationality</b> | Infinity of criticism                                                                   |
| <b>Criticism of the positive moment (-p)</b> | Negation of [negation of negation]                    | Communication of differences                  | <b>Aesthetic rationality</b>   | New faculty of judging, founded on the critical dialogue between reason and sensibility |

As per the table above, the differential moment (d) of the CM ensures that the dialectical spiral movement degenerates into a closed circle, ie, into ideology, dogma or jargon. This moment of infinity must accompany both the denial of the situation and the denial of that

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denial. For this reason, this moment must accompany the negation (n) of the situation (s) and the negation of this negation (-n). The aesthetic dimension of this CM ensures the dialogue between reason and sensitivity, permanent listening to the fundamental pain and suffering that prevents a good life in the sphere of the social being.

It is the aesthetic that carries the dialectical movement of expressiveness, a sine qua non condition for the communication of differences, without which sensitivity can be canceled or colonized by the faculty of understanding or by pure reason. Without the aesthetic dimension, in other words, the dialectic runs the risk of being lost in the clouds of Hegelian idealism or in the myth of the philosophy of history of dogmatic Marxism. The CM would, therefore, facilitate the opening of the faculty of judging to the community sense (*sensus communis*), more complex and richer than the private sense (*sensus privatus*) of the solipsistic judgment of physical-mathematical logic, as Hannah Arendt (1991) observed, in his study of Kant's Third Critique (1790).

### **Final considerations**

We sketch here a CM for the analysis of social and political philosophy, from the tensions immanent to the thing analyzed, the heart of fundamental contradictions not resolved by a synthesis, because we understand that the formal resolution of contradictions, at the stroke of a pen, transforms philosophy into a device for the annihilation of truth. Under the dialectical-aesthetic glance of the CM, we recognize, without polarization or mechanism, that the debate between liberalism and communitarianism, used here as *experimentum crucis*, has advanced contemporary political philosophy, because of the mutual struggle they waged with each other, to the point of revealing their dogmatic and mystifying worldviews about the ideas of individual and community. Nevertheless, after recognizing the legitimacy of this *polemos*, we point out its main deficiency: the production of a false harmony between the concept and the thing, between

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the abstract and the concrete, to the detriment of the trade between sensations and perceptions of the sensible world and the intelligible world.

Through this essay, with the contribution of the critical theory of society, we suggest the creative insertion of the non-identity of opposites in the work of thought. This updating of criticism is expressed in the proposition of an aesthetic model for the human sciences, endowing it with an expanded faculty of judgment, as a reasonable antidote to the idea of knowledge founded on the violence of universals, armed with newspeak and jargon canceling people and thoughts.

By bringing sensibility (*aesthesis*) to the core of the work of criticism, the CM aims to recover the epistemological difference between the subject, the name and the thing, placing himself at the service of those who make the critical examination of societies and cultures their craft. Philosophizing these days is much more than the well-known truism: loving wisdom. Instead, to practice philosophy in the contemporary world of opinion and belief, is to love the question and the questioning, with the care to feed the discourse, preserve the enunciator of speech contents and, above all, not to extinguish the problem.

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