

## **JULIEN FREUND AND THE ESSENCE OF THE POLITICAL, A “MEDIATIONNIST” READING**

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### **Abstract**

In his book *The essence of the Political* (1965), Julien Freund proposed a definition of the political, distinct from politics, articulated around three main relations: between command and obedience, between the private and the public, between the friend and the enemy. The first part of the article gives a brief presentation of Freund's thesis. The second part discusses two particular points, from the point of view of Jean Gagnepain's theory of mediation: government (or hegetic) and violence.

Among French sociologists, Julien Freund is known first of all for his translations of some of Max Weber's works (*Le savant et le politique*, 1959; *Essais sur la théorie de la science*, 1965; *Économie et société*, 1971). He also wrote an introduction to Weber's sociology, in which he tried “to present as clearly as possible Max Weber's sociological thought, in the same way as von Schelting has presented his epistemological thought and Raymond Aron his historical thought” (Freund, 1983). French sociologists also owe him an extensive introduction to the translation in French by Mrs Gasparini of Georg Simmel's *Grundfragen der Soziologie* (1917), completed by four essays already translated and published in French between 1894 and 1912 (Simmel, 1981). Freund is therefore one of the few people who first helped French speaking sociologists to discover the works of the founding fathers of the German sociology. As such, he walked in the footsteps of Raymond Aron, who was his thesis supervisor and whose book, *La sociologie allemande contemporaine* (*Contemporary German sociology*), first published in 1935, was one of the first methodical presentation of the work of Weber in France<sup>2</sup>. But Freund was not only a translator or the writer of introduction to other's thoughts. His own contribution to sociology is significant<sup>3</sup>. At the heart of it, we find his main book, *L'essence du politique* (*The Essence of the Political*), first published in 1965. It will be the subject of the present paper. We will

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<sup>1</sup> Freund refers to Alexander von Schelting, *Max Webers Wissenschaftslehre*, Tübingen, I.C.B. Mohr, 1934 and to Raymond Aron, *La philosophie critique de l'histoire*, Paris, Vrin, 1938.

<sup>2</sup> On the reception of Weber in France, see for instance Pollak, 1988 and Borlandi, 1992.

<sup>3</sup> For a list of Freund's works, see Tommissen, 1981.

begin, however, by giving some information on the life of his author (our biographical sketch is based almost entirely on the biographical information given in the afterword by Pierre-André Taguieff to the new French edition, in 2004, of *The Essence of the Political*).

Julien Freund was born in January 9th 1921 in Henridorff, a little village in the Moselle department (located in the Lorraine region, in the North-East of France). In July 1940, when he was 19, he was held hostage by German soldiers but succeeded in escaping and joining the unoccupied "Free zone". There he applied at the university of Clermont-Ferrand where, since the declaration of war in September 1939, was working the administration and part of the teaching staff of the university of Strasbourg. In January 1941, he joined the resistance movement Liberation in which was already engaged one of his professors, the philosopher Jean Cavaillès (shot by the Germans in February 1944). In January 1942, he entered one of the group of volunteers of the Combat movement, created in Lyon in August 1940 by Henri Frenay. In June 1942 took place his first arrest. He was released but arrested again in September, the same year, and incarcerated in different prisons. It was only in June 1944 that he succeeded in escaping from the citadel of Sisteron in the Alpes-de-Haute-Provence department, in the South-East of France. He then joined the *Francs-Tireurs et Partisans* or FTP (French Snipers and Partisans, a Communist resistance group) in the surrounding Drôme department. In November 1944, he was back in Strasbourg where he witnessed the extra-legal purges following the Liberation of France. As the departmental secretary, until June 1946, of the Democratic and Socialist Union of the Resistance (UDSR), he also discovered what was, from his point of view, the mediocrity of party politics, which, after the parenthesis of the war, was taking back its rights. It was time for him to turn back to the study of philosophy which led him to pass the Agrégation in 1949. It was then that he thought to engage in a PhD research in philosophy on "the essence and the signification of the political". As he related in 1978, in his foreword to *The Essence of the Political*, he first submitted his project, in March 1950, to Georges Canguilhem and Jean Hyppolite, who were among his professors at this time. They hesitated to agree, arguing that political philosophy was no longer being taught at the Sorbonne University. But Jean Hyppolite finally accepted to be his supervisor and Julien Freund began working on his thesis while at the same time teaching philosophy to high school and preparatory courses students. When after a few years he gave some 150 pages of his thesis to read to Jean Hyppolite, a disagreement occurred between the supervisor and the doctoral student : Hyppolite could not accept the role given by Freund to violence and to the enemy in his definition of the political, inspired by his reading of Carl Schmitt. With the approval of Hyppolite, Freund then asked Raymond Aron, who had just begun to teach at the Sorbonne University, to become his new supervisor. Aron agreed and the thesis defense finally took place on June 26th 1965. Besides the supervisor, the jury members were the philosophers Jean Hyppolite, Raymond Polin and Paul Ricœur, as well as the professor of German studies Pierre Grapin. It is this thesis dissertation that was published in 1965 under the title *The Essence of the Political*. It gave Freund the opportunity to be elected professor at the University of Strasbourg

where he became one of the main founders of the faculty of social sciences within which he created in 1970 the institute of polemology, in reference to Gaston Bouthoul, and, in 1972, the *Revue des sciences sociales de la France de l'Est* (Journal of the Social Sciences of the East of France), now the *Revue des sciences sociales* (Journal of the Social Sciences). He also gave lectures at the College of Europe in Bruges (Belgium) and at the University of Montreal (Canada). In the beginning of the 1980's he decided to retire early in order to dedicate himself only to the writing of his books. He died in Colmar on September 10th 1993.

The first part of the present article will give a very brief presentation of the thesis defended by Freund in *The Essence of the Political*, while the second part will discuss two points from the point of view of Jean Gagnepain's theory of mediation: the question of government (or hegetics in the words of Gagnepain) and the question of violence. It is not possible, of course, to be faithful, in such a short article, to all the nuances of Freund's thought, just as it is impossible to make a detailed discussion of it: the little we say about it in the first part of our article must therefore be seen as an invitation to read his books while giving our own readers enough elements to allow them to enter the discussion that will follow.

### **Freund's thesis**

Freund's purpose, since the first formulation of his thesis project in 1949, was to identify, under the name of "the essence of the political", drawing on his training as a philosopher but also on his experience of the Resistance, the specificity of this human reality, the political, alongside other human realities such as science, economics, religion and morality. In french Freund speaks of "*le politique*" (masculine) that he differentiates from "*la politique*" (feminine)<sup>4</sup>. "*La politique*" (which we will translate by "politics") is a "practical and contingent activity, expressed in variable institutions and in all kinds of historical events" (Freund, 2004, p. 1). "*Le politique*", by contrast, is a special area of social relations, distinct from the economic, moral or religious domains. The political domaine is an "essence": it remains the same through centuries and millennia, independently of "historical variations, spatial and temporal contingencies, regimes and political systems" (ibid.). Freund argues that this political domain is based on three main characteristics which he calls its "presuppositions": the relation between command and obedience, the relation between the private and the public, the relation between the friend and the enemy. After a first part of the book laying the methodological bases of his work, Julien Freund devotes the second part of *The Essence of the Political* to the study of each of these "presuppositions". We will give here a brief definition of them, accompanied, if necessary, by observations on the points of convergence with Jean Gagnepain's model.

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<sup>4</sup> As we will see later, Freund owes a lot to his reading of Carl Schmitt and especially to his book *Der Begriff des Politischen* (1932), translated in English under the title "The Concept of the Political". Our translation is justified by the fact that "the political" in Carl Schmitt's work is exactly what Freund calls "*le politique*".

***The relation between command and obedience***

There is no political without a relation between command and obedience. This is the meaning of this first presupposition. The fact that the command in modern societies is “less and less by personal and direct orders and more and more diffuse through a huge apparatus of auxiliary agents” (ibid. p.104) combined with the fact that “the movement of democratization completed by an extension of legal formalism and legalism has, so to speak, tempered the style of authority” (ibid., p. 104-105) have made it possible to lose sight of the importance of command and obedience. But these undeniable transformations in the mode of exercise of command did not lead to its disappearance. The need to obey has not disappeared either. Even if he is not always aware of it, the contemporary citizen – and on this point Freund agrees with Tocqueville – “depends much more than formerly on the State” (ibid.) and has to submit to an ever increasing number of laws. “People grumble against taxes, but they pay” (ibid.). Doctrines which, like liberalism, wish to “reduce as much as possible the intervention of the State in order to let the economic and social activity evolve as spontaneously as possible” (ibid.) can not completely eliminate the command. They can only delude themselves on this point, insofar as even liberal democracies remain political regimes, thus inseparable from the relation of command and obedience.

His development on command and obedience is an opportunity for Freund to discuss the Weberian typology of forms of domination. The starting point is the definition of the political power, which Freund borrows from Weber. According to Weber, power (*Macht*) “is the probability that one actor within a social relationship will be in position to carry out his own will despite resistance, regardless of the basis on which this probability rests” (Weber, 1978, p. 53). Domination (*Herrschaft*) “is the probability that a command with a given specific content will be obeyed by a given group of persons” (ibid.). In Freund’s words, domination is “the deployment in time and space of a power that has succeeded in enforcing its orders, whatever the means and reasons for this supremacy” (Freund, 2004, p. 142). Domination thus has the same bases as power, but it is, we would say, an institutionalized power. Freund then mentions the three types of domination or authority distinguished by Weber : charismatic, traditional and legal. He does not only, however, repeat Weber, pointing out that “this convenient classification is far from exhaustive. It does not take into account, for example, a type of domination that has acquired in recent decades a growing importance : the ideological type”(ibid.). Freund, at the time he was writing his thesis, thought of Nazi ideology but also of communism, whose effects of domination were irreducible to the types hitherto defined by Weber<sup>5</sup>. But islamic fundamentalism is probably another good example of this ideological type of domination.

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<sup>5</sup> Ten years earlier, in *The Opium of the Intellectuals*, Raymond Aron had tried to explain the reasons for the domination of Communist ideology (Aron, 1962).

***The relation between private and public***

If command and obedience are necessary elements for the definition of the political, they are not the only ones. They find themselves in areas that, according to Freund, are not political: that of the company, for example, or that of the family. There must be another criterion (or “presupposition”) that “specifically defines the sphere of political command and obedience” (ibid., p. 280). This criterion is the distinction between the private and the public. It may be objected, Freund remarks, that since the distinction between the private and the public only appears with modernity and liberal doctrines, it is not a part of the *essence* of the political. But this objection, according to him, does not hold. Although it has not always been made clear, the distinction between the private and the public “underlies all known political structures” (ibid., p. 281-282). There is no independent community without any social activity to protect its members “as they form that community and as such have a common good to protect that is the *raison d’être* of the community” (ibid., p. 292). But this particular social activity, which Freund calls public or political, never covers all activities or social relations. Some of these activities or relations are outside the public sphere and as such are described as private. But the two realities are fundamental: one is not the origin of the other. “The two notions, though contrary, are correlative, and one can not think of one without thinking of the other” (ibid., p. 295). Their boundary, however, “is not definitive or invariable. [...] A case that belongs traditionally to the private sphere can come under the authority of the public and vice versa”(ibid.).

If the boundary separating the public from the private thus vary throughout history, no political system can put an end to this distinction “without perishing itself”. A power that totally suppresses the private by introducing itself everywhere becomes totalitarian. It is precisely this, according to Freund, that defines totalitarianism. Totalitarianism “is a gigantic effort to erase the distinction between the individual and the public, by eliminating this intermediate reality between the public and the personal that is civil society” (ibid., p. 298-299)<sup>6</sup>. In fact, even the Soviet and Nazi regimes which, in the words of Hannah Arendt, engaged in a “totalitarian movement” (Arendt, 1951), failed to remove the distinction between the public and the private. The Soviet family, for example, kept its autonomy and the regime had to agree, despite its ideology, to maintain a private agriculture, in the form of household plots (личные подсобные хозяйства). But the totalitarian effort to erase the distinction between the public and the private led Freund to ask “if totalitarianism [...] is still politics, although, apparently, it appears as a kind of political paroxysm” (Freund, 2004, p. 299-300). Such a question makes sense from the point of view of the sociology of the person. Totalitarianism, indeed, can be seen as an attempt to reduce the person to the subject, when it is not to the individual, by disregarding the

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<sup>6</sup> Although some formulations, such as this one, may be confusing, Freund does not equate the private with the individual and the public with the society. It is very clear that the private and the public are social relations, the distinction of which “is immanent in the political society” (ibid., p. 294). But the private appears, in some formulations, as a sort of intermediary between the personal and the public.

boundaries which she/he gives to her/himself and which allow her/him to define the degrees of “privateness” and “publicness”. There is something common between totalitarianism as a political enterprise and the systematic intrusion or submission scenarios encountered in certain perversions and psychoses. But the principle of autonomy, in the etymological sense of the term, which is precisely the person, also makes it possible to understand why the totalitarian movement can never completely succeed in erasing the difference between the private and the public. As shown by the literature of the camps all along the 20th century, even in those prison conditions where totalitarian enterprise is at its maximum, inmates often succeed in maintaining a relative autonomy<sup>7</sup>.

### *The relation between the friend and the enemy*

The two previous relations are not yet sufficient to define the political comprehensively “because they respectively determine the formation and the internal organization of a community, not its relations with foreign communities” (Freund, 2004, p. 488). What defines the latter is the distinction between the friend and the enemy. “The friend-enemy conceptual pair may therefore appear to be above all the presupposition of foreign policy ; but it goes without saying that its action will have repercussions on the inner life of a community, because no State is once and for all safe from a civil war” (ibid.). Freund here relies on the works of Carl Schmitt, one of his masters together with Raymond Aron. It is on this point, that of the necessity of an enemy, real or virtual, that the disagreement with Jean Hyppolite crystallized. The latter wanted to believe in the possibility, albeit distant, of a humanity reconciled with itself, without war and therefore without an enemy. He could not agree to continue to be the supervisor of a thesis in which it was asserted that there is no political where there is no enemy (Taguieff, in Freund, 2004, p. 831).

It is on this point however that Gagnepain is perhaps closer to Freund. “The enemy federates us”, Gagnepain writes, “and the medieval Church understood that, when it decided to unite the Christian West at the expense of the Turks” (Gagnepain, 1991, p. 35). He develops the same idea in his *Introductory Lessons to the Theory of Mediation* when he says that “the Romans defined the *civis* as the opposite of the *hostis*. It is because their had the same enemy that their became fellow citizens. People only unite against others ! I believe in the necessity of conflict, in the necessity of the *hostis*. If we do not give ourselves points of opposition, we can not federate a people” (Gagnepain, 1993, p. 139). Even if Gagnepain, to our knowledge, never explicitly refers to Simmel and Weber, the above quotation makes it possible to include him, alongside Freund, in the sociological tradition of these authors rather than in the functionalist tradition of Durkheim. Contrary to Durkheim who tended to see in any conflict a manifestation of social disorder and anomie, Simmel, more dialectician, insisted on the socializing function of conflict. But he also observed that the existence of an external enemy is not always enough to federate a collectivity : “the condition of strife

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<sup>7</sup> On “total institutions”, see also Goffman, 1961.

[...] pulls the elements so firmly together and places them under an impulse of such unification that they have to get along with each other or completely repel each other ; for that reason too an external war is sometimes the final means for a State shot through with internal hostilities to overcome them; sometimes, however, precisely that allows the whole to disintegrate definitively” (Simmel, 2009, p. 283). A good example of such a disintegration is given by the last years of Tsarist Russia, when the war against Germany and Austria-Hungary increased the internal tensions and led to the February Revolution. Another example is given by France during the Nazi Occupation : many historians do not hesitate to describe as a “civil war” the fight between the Resistance movements and the collaborationists<sup>8</sup>.

For Gagnepain as for Freund, therefore, the political is the realm of conflict, of controversy, possibly of war. It may be tempting to generalize the statement by asserting that the friend-enemy opposition does not only concern foreign policy but also domestic politics, where the “left”, for example, exists only in its opposition to the “right”<sup>9</sup>, the same process occurring within each camp a bit like the same pattern is reproduced in fractals at all scales. This temptation to generalize, however, calls for two remarks. The first is that the notions of “right” and “left” are not, for Freund, part of the essence of the political. They are historical notions, polemical and electoral, which express an opinion. They are also very circumstantial and local, having appeared in France in August-September 1789 during the debates of the Constituent Assembly over the royal veto, that is to say at a relatively recent date (Freund, 2004, p. 825). It would be anachronistic to project them, for instance, on Ancien Egypt at the time of Akhenaton or on imperial Roman Gaul at the time of Childeric I. They don’t apply very well either to post-Soviet Russia, whether that of Boris Yeltsin or that of Vladimir Putin<sup>10</sup>. These observations invite us not to translate too quickly the concepts of synallactic and anallactic proposed by Gagnepain (1991, p. 109 sqq.) by the concepts of left and right, as is sometimes done for the sake of simplification but at the risk of anachronism. The second remark is that Freund has a more restrictive definition of the enemy than Gagnepain. This is what emerges from its definition of the State “as a political unity which has only external *enemies* and which only tolerates *adversaries* within it, that is to say people who may disagree on the general policy of the existing government and constitute a ‘legal’ opposition, without questioning the

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<sup>8</sup> While others doubt the relevance of the concept of “civil war” in this case (see for instance Wiewiorka, 2005).

<sup>9</sup> Jean Gagnepain, on this point, was in agreement with René Rémond, who wrote that “Right and Left are not isolated entities that are independent of historical situations. They are relative positions, well integrated within a system, and both defines themselves in relation to others” (Rémond, 1969, p. 13).

<sup>10</sup> The “reduction of the opposition between Right and Left to the unchanging antagonism of two universal categories, of two timeless forms of political thought, underestimates the diversity of historical experience, and debases the peculiar originality of national political traditions” (Rémond, 1969, p. 23).

existence of the political unity as an absolute sovereignty within clearly demarcated boundaries” (Freund, 2004, p. 569).

I do not believe, however, to distort Freund’s thought by asserting that the difference between the adversary and the enemy is only a question of degree : “as soon as internal rivalries evolve in the direction of the distinction between friend and enemy, the civil war will arise which risks annihilating the political unity of the State” (ibid., p. 445). This was the case in countries where the Marxist parties, in order to seize the power, clearly assumed the designation of the enemy on the basis of the irreducible opposition, according to them, between the bourgeoisie and the proletariat. It was particularly clear in Lenin’s ideology. “Revolution is war”, he wrote. “Of all the wars known in history it is the only lawful, rightful, just, and truly great war. This war is not waged in the selfish interests of a handful of rulers and exploiters, like any and all other wars, but in the interests of the masses of the people against the tyrants, in the interests of the toiling and exploited millions upon millions against despotism and violence”<sup>11</sup>. Freund points out in this connection that, for Schmitt, one of the characteristics of Marxism was “to have given to classical liberalism the sense of the enemy” (ibid., p. 511, see also p. 576). For one of the essential principles of classical liberalism, until then, was precisely the negation of the existence of the political enemy “so as to allow only economic competitors to subsist” (ibid., p. 493)<sup>12</sup>. But the rhetoric of the class struggle was reconciled in many cases with a reformist political practice. Only empirical study can determine, in matters of domestic policy, whether one remains in a conflict of opinion between opponents or enters a more acute conflict between enemies. What is certain is that there is no politics without adversary and that the latter is not necessarily the class adversary. This is another point of convergence between Gagnepain and Freund. The first reproached Marx for having reduced the social struggle to the class struggle by considering only “the particular case of the relation between capital and labor” (Gagnepain, 1993, p. 138). The second added that “the Greeks could have said with as much accuracy that history is the struggle between the cities. [...] The political struggle is multifaceted and can not be reduced to a single type of conflict. It is related to all possible forms of enmity, that is to say, it arises as soon as the distinction between friend and enemy is affirmed in any aspect whatsoever” (Freund, 2004, p. 538).

To conclude on this point, let us give a last important precision relative to the concept of enmity : Freund’s perspective is not a normative or prescriptive one, that would call to build any policy on the designation of an enemy. It only takes into account the fact that enmity

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<sup>11</sup> V. I. Lenin, “Revolutionary Days”, published in *Vperyod*, no. 4, January 31, 1905 ; English translation : *Lenin Collected Works*, Moscow, Foreign Languages Publishing House, 1962, Volume 8, p. 101-123. The quote was placed by soviet cinema authorities in the Prologue of Eisenstein’s silent movie, *Battleship Potemkin*.

<sup>12</sup> “In a very systematic fashion”, Schmitt argues, “liberal thought evades or ignores State and politics and moves instead in a typical always recurring polarity of two heterogeneous spheres, namely ethics and economics, intellect and trade, education and property” (Schmitt, 2007, p. 70).

exists and that not wanting an enemy does not give the assurance of not having one. The enemy often “imposes himself upon us by his own will, without us having chosen or even desired him” (ibid., p. 483)<sup>13</sup>. This was expressed in another way by Winston Churchill’s remark to Neville Chamberlain after the latter’s signing of the 1938 Munich Agreement : “You were given the choice between war and dishonor. You chose dishonor, and you will have war”. But it was also discovered, too late for them alas, by those Westerners who, before falling into the hands of their jihadist executioners, sometimes imagined themselves as citizens of a world transformed into a vast playground for tourist encounters.

### **Two points of discussion**

The first part of this article, which was intended to outline Freund’s thesis, also provided us with an opportunity to highlight some points of convergence between Freund and Gagnepain. In this second part, we will rather be interested in divergences between the two authors, without any pretension to the completeness. The two issues we have chosen to discuss are that of hegetics, as defined by Gagnepain, and that of force or violence, which according to Weber and Freund, is the specific means of the political.

### ***Politics and hegetics***

Anyone interested in Gagnepain’s conception of politics has, so to speak, the choice of entries. The first entry is that of the theory of the person. Politics or political (Gagnepain does not differentiate the two concepts) is defined as the performative reinvestment of the ethnic arbitrariness of the person. It is a moment in a dialectical process, that of the negation of negativity. In this sense, politics refers to a very general process, which “far exceeds the more or less official circumstances of its staging” (Gagnepain, 1991, p. 109). The difference is clear from the definition of the political by Freund, since the definition of politics by Gagnepain excludes to reserve it to a special field : “the family [...] is not less political than our trade unions, our communes or our States” (Gagnepain, 1991, p. 36). But there is another possible entry, which Gagnepain calls hegetics<sup>14</sup>. By this word, he designates the government,

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<sup>13</sup> A good example is given by R. Aron when he reminds us at the end of his book on Clausewitz that “the Jews of Europe learned at their own cost that it was not enough to refuse to resort to violence to escape death” (Aron, 1983, p. 412).

<sup>14</sup> In his *Introductory Lessons to the Theory of Mediation*, Gagnepain states that the term comes from the Greek ἡγεύομαι, meaning “to lead, to conduct, to command, to rule” (Gagnepain, 1993, p. 173). But neither the Bailly nor the Liddell-Scott dictionary give the name \*ἡγέτικη. The Bailly gives only the adjective ἡγετικός, “fit to guide”. A search on the World Wide Web reveals that the neologism “hegetic” was coined by the French socialist Marcel Sembat. “By this neologism, Sembat designates the personal effort tending to the conscious control of his existence. Through this effort, he hopes to conjure up the ‘erotic reveries’ that seem to regularly seize his mind, but also exhaustion, depression, aboulia, so many symptoms of chronic oblomovism, in which dissolves what he conceives as his vital energy” (Ducoulombier, 2008). It is unlikely, however, that Gagnepain borrowed the neologism from Sembat. He

in the sense of the action of governing. Hegetics thus defined involves the institution of the norm (ibid., p. 106) or, to put it another way, the legalization of the legitimacy (Gagnepain, 1993, p. 302-303). In perhaps more telling terms, this means that the action of governing presupposes, from a sociological point of view, a division of roles with delegation of the role of command to a minority, but also, from an ethical point of view, the ability of the rulers to regulate their own desires. This notion is probably not the clearest of those bequeathed to us by Gagnepain. It nevertheless will serve us as basis for the discussion of Freund's thesis. Firstly because it directly evokes, with the idea of the delegation of the power to decide and command, Freund's first presupposition of the political, namely the relation of command and obedience, but also because its confrontation with Freund's thesis may help to precise its definition.

In *The Essence of the Political*, Freund devotes several pages to precise the definition of the political enemy and the consequences of its negation. His conclusion is that "the moralization of politics is no better than the politicization of morality : in both cases it is a confusion of essences causing more problems than it solves and more horrors than it stops" (Freund, 2004, p. 500). This conclusion, which insists on the strict separation of politics and morality, may seem to lead us in a direction very different from that of Gagnepain, who on the contrary defines the government as a legalization of the legitimacy. But we must first understand that what leads Freund to this conclusion is the observation made by Weber "that ethics may first appear in a morally highly compromised role" (Weber, 1946, p. 38). This is the case for instance, according to Weber, whenever a partner in a negotiation tries "to gain favors through admission of guilt" at the expense of what Weber calls "the ethic of responsibility"<sup>15</sup>. Once this is understood, Freund's and Gagnepain's points of view do not appear so opposite. But in order to show it, we need to examine the question more thoroughly.

We have seen above that Gagnepain agreed with Freund to make the identification of an enemy a condition of the political bond. Gagnepain indicates that the word enemy, in this case, must be understood in the sense of Latin *hostis*, the opposite of *civis*. Freund, following Schmitt, provides additional precision. He reminds that the Greeks made a difference between πολέμιος and ἐχθρός just as the Romans made a difference between *hostis* and *inimicus*. The two terms, of course, were polysemous, in Greek as in Latin. *Inimicus* in some texts is synonymous with *hostis*. But the second terms of these conceptual pairs usually referred, according to the dictionaries, to hatred and hatred sometimes called "personal", whereas the former referred to the political enemy, the enemy of war, without the connotation of hate or detestation<sup>16</sup>. It is

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probably coined it himself independently.

<sup>15</sup> He is joined by contemporary specialists in the conduct of negotiations, who insist on the need to separate the people from the problem, which includes not engaging in recriminations and reciprocal accusations (Fisher and Ury, 2011).

<sup>16</sup> It is Schmitt, who, before Freund, insists on this distinction by emphasizing the fact that the commandment "love your enemies" in the Gospels (Matt. 5:44 ; Luke 6:27) refers to the private enemy (ἐχθρός, *inimicus*) : "*diligite inimicos vestros*" and not "*diligite hostes vestros*" (Schmitt, 2007, p. 29). In the

on the basis of this distinction that Freund relies to regret the confusion of the political and morality. To moralize the political, according to him, is to take the risk of treating the *hostis* as an *inimicus*, that is to say to make him someone “intrinsicly guilty”, an “incarnation of the devil or evil” (Freund, 2004, p. 498-99). In such a case, peace, which politically “consists of a contract or a treaty” (ibid., p. 493), is no longer possible because it needs to recognize that the enemy remains a political interlocutor (which is the case of the *hostis*). When any moral ideology turns the enemy into a culprit, he becomes an *inimicus*. Far from contracting with him, one believes on the contrary to render “a service to humanity by making him disappear” (ibid.). This is the case whenever “the intrinsic superiority [...] of one category of men over others in the name of race, class or religion” is affirmed (ibid., p. 499). This was the case, for instance, of the Treaty of Versailles, which “broke with the normal and only politically logical diplomatic tradition, in refusing to negotiate with the vanquished and imposing purely and simply the conditions of the victor” (ibid., 494). This is probably what Weber had in view in his lecture on “Politics as a Vocation” when he said : “instead of searching like old women for the ‘guilty one’ after the war – in a situation in which the structure of society produced the war – everyone with a manly and controlled attitude would tell the enemy, ‘We lost the war. You have won it. That is now all over. Now let us discuss what conclusions must be drawn according to the objective interests that came into play and what is the main thing in view of the responsibility towards the future which above all burdens the victor’” (Weber, 1946, p. 39)<sup>17</sup>.

What Freund denounces, therefore, is not the legalization of the legitimacy, nor the legitimization of legality, in the sense of Gagnepain. He admits without difficulty that the adversaries in any conflict consider that their respective interests are legitimate. Although he claims, after Machiavelli, that “we do not ask a statesman to be an example of virtue<sup>18</sup>, but to succeed in his enterprises” (ibid.), what he says about “the authority and personal worth of the man who is in command” (ibid., p. 110) accords with what Gagnepain says of the government. What Freund fears in the “moralization of politics” is the abuse of justifications or moral pretensions (ibid., p. 498, 505-506, 744). He places himself explicitly, on this point, in the lineage of “the authors of the 17th century and especially Hobbes, Locke and Spinoza”, who reflected on politics after wars of religion in which the various parties, “who claimed they want to put into practice, as much as possible, the same precepts of the Gospel”, finally arrived at “the most ignominious

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medieval definition of the concept of just war, it is on the other hand to the public enemy (*hostis*) that the Catholic tradition referred (see Thomas Aquinas, *Summa Theologica, IIa IIae, Q. 40* ; discussed also by Schmitt, 2006, p. 154-158). Sartori (1989) proposes to translate *hostis* by “enemy” and *inimicus* by “foe”.

<sup>17</sup> “Max Weber looked upon the German negotiations in Versailles as unworthy of a great nation. He believed that the German side had had to indulge in self-humiliation, in the hope of winning better conditions from the enemy, and he rebelled against that” (Mommson, 1984, p. 311).

<sup>18</sup> In the sense of moral virtue, distinct, precisely, from Machiavellian *virtù*.

massacres in the name of the highest moral purity, leading their countries in civil war and undermining the foundations of community cohesion” (ibid., p. 162). Freund’s conclusion is that “morality can not take the place of politics, because it too easily transforms itself into ideology and thus justifies killings in a infamous way by presenting the political enemy as an incarnation of the evil that must be exterminated” (ibid.). It was also one of the consequences of Marxism, as a revolutionary ideology : by fostering the illusion of a final struggle, allowing the establishment of a classless society where the very principle of conflict would have disappeared – the Redemption in a communist society was supposed to come after the Fall in the alienation – it ended up justifying the worst violence. “The trickery”, says Freund, “consists in condemning liberalism by relating to a number of reprehensible means used as expedients, while approving communism for the nobility of its end, although it openly advocates violence as a means. It is therefore condemning violence in a regime that actually limits it, and justifying it with all its horrors in another, provided that it claims to overcome all violence in an absolutely unpredictable future” (Freund, 2004, p. 520)<sup>19</sup>.

This is not the kind of morality Gagnepain talks about. The question of hegetics is that of the delegation of power to people whose authority (*auctoritas*) results first from their power over themselves. Power here must be understood as the one “which autocastration gives us” (Gagnepain, 1991, p. 175). The question, in other words, is that of the regulation and control of drives, in the psychoanalytical meaning of the word, that is of the ability to withstand frustration and delay satisfaction. History shows that political leaders, whatever the way they are brought to power, are not necessarily masters of their own desires. “Authority, as we know, comes only in addition : such is lacking of it – and it is the most frequent case – whose power, however, is legal ; such enjoys it,

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<sup>19</sup> A good example of the justification of violence by a communist leader is given by Lenin’s quote above. See also “How to organize competition ?” written on December 24-27, 1917 (January 6-9 , 1918), shortly after the creation of the Cheka, and first published in *Pravda* no. 17, January 20, 1929. For instance : “No mercy for these enemies of the people, the enemies of socialism, the enemies of the working people ! War to the death against the rich and their hangers-on, the bourgeois intellectuals ; war on the rogues, the idlers and the rowdies ! [...] The rich and the rogues are two sides of the same coin, they are the two principal categories of *parasites* which capitalism fostered ; they are the principal enemies of socialism. [...] Variety is a guarantee of effectiveness here, a pledge of success in achieving the single common aim – to *clean* the land of Russia of all vermin, of fleas—the rogues, of bugs—the rich, and so on and so forth” (V. I. Lenin, “How to organize competition ?” ; English translation : *Lenin Collected Works*, Moscow, Progress Publishers, 1977, Volume 26, p. 404-415). The rejection of violence by Christianity was also one of the reason for its definition as an adversary of communism by Nikolai Bukharin : “Christian love, which applies to all, even to one’s enemies, is the worst adversary of Communism” (the quote is given as coming from *Pravda*, March 30, 1934 ; we find it for instance in Jacques Maritain, *Humanisme intégral*, Paris, Aubier, 1936, p. 280 ; but Maritain himself borrowed it from a book by Hélène Iswolsky, *L’Homme 1936 en Russie soviétique*, Paris, Desclée de Brouwer, 1936, english translation : *Soviet Man Now*, New York, Sheed and Ward, 1936).

which has never received or even solicited the investiture” (Gagnepain, 1991, p. 83).

The theory of the mediation then incites to imagine a kind of ideal constitution in which the political power would only be entrusted to people who actually have such authority. Political staff obviously has not always been a paragon of moral virtue, but it should be ensured in the future. Gagnepain himself gives way to such a reading, when he says, in the *Introductory Lessons*, “that the ‘scandals’ of our politicians come essentially from the fact that, most of the time, we legalize illegitimacy”, before wondering about how to “give a certain competence to the statesman” (Gagnepain, 1993, p. 303). “The National School of Administration, from our point of view, serves strictly nothing, if not to place its graduates in interesting positions. It makes administrators, but not the men of authority we need” (ibid.). Or again, in the third volume of *Du Vouloir Dire*: “one could not, more generally, doubt the interest which our legislators would have to benefit, even more than the magistrates, from the training given by a real National School of Authority, rather than of Administration, attentive to overcome the traditional antagonism between economics and the moral sciences through a better articulation of the *ius* and the *lex*” (Gagnepain, 1995, p. 57). The purpose – to articulate the plane of morality (*ius*) and that of politics (*lex*) – is easily deduced from the model. But there is a gap between deducing an idea from the model and defining practically what could be a school of authority that would actually do better than anything existing so far in the field of “human engineering<sup>20</sup>”. The idea, moreover, of forming more virtuous leaders is not new: it was already, as everybody knows, that of Plato in *The Republic*<sup>21</sup>.

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<sup>20</sup> Human engineering is the object of a particular development in the *Introductory Lessons* (Gagnepain, 1993, p. 298 sqq.).

<sup>21</sup> But it is to Isocrates that Gagnepain makes explicit reference on this subject (Gagnepain, 1991, p. 233). It may seem odd, for if we believe Henri-Irénée Marrou, it is Isocrates, and not Plato, who was the true father of the Hellenistic culture, based on the primacy of the *logos*, valuing the eloquence and the “most just opinion” (Marrou, 1964, p. 127-143). Gagnepain has frequently asserted that the emergence of the human sciences rang the death knell of literary universities, heirs of Hellenistic humanism. But he refers to a passage from Isocrates saying that “whoever is not able to ensure in himself and his family the human order, should not solicit the government of the city” (Gagnepain, 1993, p. 230). I did not succeed so far in locating in Isocrates a passage exactly corresponding to this quote. Is there one actually? In the speech to Nicocles, Isocrates says: “Manage the city as you would your ancestral estate” (§ 19). In Nicocles’ speech to the Cyprians: “if kings are to rule well, they must try to preserve harmony, not only in the states over which they hold dominion, but also in their own households and in their places of abode” (§ 41). In the *Antidosis* he says that governing “wisely both our own households and the commonwealth [...] should be the objects of our toil, of our study, and of our every act” (§ 285). But this was a common morality in Antiquity, of which we find other expressions in Sophocles (*Ant.*, 661-662), Xenophon (*Mem.*, III, 6), Eschine (*Tim.*, 30), Polybius (*Hist.*, X, 22, 5), Plutarch (*Conj.*, *Praec.*, 43, *Mor.*, 144C) (Zamfir, 2013, pp. 81-82). It is less a question of “autocastration”, in the axiological sense, than of respect for traditional obligations and roles.

Let's admit, however, that a National School of Authority succeeds in selecting and training political staff (as the army selects and trains the fighter pilots on other criteria) in order to exclude from political roles those clearly suffering from mental disorders (neurotic, psychopathic, perverse and psychotic). There would only remain, then, well-balanced personalities, responsible and morally virtuous. This would not put an end, however, to the ever-possible conflict between legality and legitimacy. In the "private" domain, in the sense of Freund, and to give just one example, we will probably never prevent some people from judging illegitimate the tax rates to which they are legally subject and hence from considering perfectly legitimate to resort to "tax optimization" techniques. In the "public" domain, the opposite camps have probably the same proportion of responsible and morally virtuous people and there will probably ever be controversies about what is legitimate. Some are convinced of the harmful nature of financial capitalism, others denounce immigration, others advocate for sustainable development or political ecology, etc. All are convinced that their beliefs are "good" beliefs, that the policies they intend to conduct are the "right" policies. How to choose? In a "democratic" way? But apart from the fact that there are various forms of democracy, often opposed to one another<sup>22</sup>, democracy never makes the whole decision. This is particularly clear in the "crucial moments" when "the eyes almost instinctively turn towards the man who, rightly or wrongly, is deemed to possess the necessary energy, even to force him to return to the rank once the danger has passed" (Freund, 2004, p. 110). It is not forbidden, of course, to imagine improving the constitution and the exercise of command (Freund does not dispute this), but the phenomenological point of view obliges us to recall that the field of the political, whatever the regime and the constitution, remains that of arbitrariness, limited only by the force of things, in which enters the polemic nature of politics and the unpredictability of human behavior, as well as what Machiavel called *fortuna*<sup>23</sup> (ibid., p. 269 & 440). As Freund writes, "there is no evidence that man would accommodate himself to a perfect constitution, so it is very likely that it would have to be imposed on him in an authoritarian manner in the name of ideality, that is to say in contradiction with the very principles of such a constitution" (ibid., p. 344).

### *The question of force and violence*

Freund, of course, refers to Weber's famous definition of the modern State as "a human community that (successfully) claims the monopoly of the legitimate use of physical force (*Gewalt*) within a given territory"

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<sup>22</sup> Moments of insurgency generally oppose different sources of "democratic" legitimacy. That, for instance, of the student "general meeting" (AG), with votes by show of hands, against that of the university authorities, with vote by secret ballot and presentation of the student card. Experience shows that what makes the difference, in these cases, is the will and the balance of power.

<sup>23</sup> A fortune that Machiavelli considered to be the arbiter of half of our actions, insofar as it allows itself to be partially governed: "*la Fortuna è donna; ed è necessario, volendola tener sotto, batterla, ed urtarla*" (*Il Principe*, capitolo XXV).

(Weber, 1946, p. 3-4)<sup>24</sup>. It is clearly making force or violence one of the characteristics of the State and therefore of politics<sup>25</sup>. “Of course, force is certainly not the normal or the only means of the State – nobody says that – but force is a means specific to the State” (ibid.). Physical force, in other words, is the means used “in last resort”, as stated by the saying engraved on the cannons of Louis XIV : *ultima ratio regum* (“the final argument of kings”). But Freund does not just repeat Weber on this point. He introduces a conceptual distinction that we believe is necessary between power, force and violence (Freund, 2004, p. 513 sqq.). The definitions he gives to these concepts, however, do not seem to us entirely satisfactory. Is it useful, for instance, to include as he does, in the definition of force, all the possible meanings of the word, including the “force” of a mathematical demonstration (ibid., p. 711) ? We think it is not. Our purpose here, therefore, will be to clarify the distinction between power, force and violence proposed by Freund<sup>26</sup>.

We propose to reserve the concept of force to the physical force, which can be multiplied or assisted by different technical devices. To be more precise, it is possible to retain the distinction made by Aristotle between force as potency (*δύναμις*) and force as actuality (*ἐνέργεια*)<sup>27</sup>, speaking of power in the first case and force in the second. Power thus appears as a potential force, which does not always need to be implemented to produce an effect (power alone can be dissuasive without the need to actualize it as a force, as in the case of nuclear deterrence). These definitions are consistent with the distinctions made by Freund. It is to him indeed that we have borrowed the idea of relying on the Aristotelian distinction between potency and actuality in order to clarify our definitions : “It seems that power belongs to the order of potentiality rather than that of actuality. To be powerful is to have the potency to do something or to be able to do something” (Freund, 2004, p. 135). But Freund, in our view, did not sufficiently distinguish the different meanings of power and of the capacity to do something, including in his definition physical or technical capacity as well as legal capacity and moral capacity, the last one resulting from audacity (as when someone is told that he is not able in the sense that he will not dare). The moral dimension has of course its importance. It plays a role in deterrence : will they dare ? But it must be distinguished from the

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<sup>24</sup> The German original quote is : “Staat ist diejenige menschliche Gemeinschaft, welche innerhalb eines bestimmten Gebietes – dies : das „Gebiet“, gehört zum Merkmal – das Monopol legitimer physischer Gewaltsamkeit für sich (mit Erfolg) beansprucht”.

<sup>25</sup> H. H. Gerth and C. Wright-Mills, in the first English translation of “Politics as a Vocation”, chose to translate *Gewalt* by “physical force”. So did Dagmar Waters, Benjamin Elbers and Tony Waters, in their new English translation (2014). Julien Freund, in the first French translation (1959), and Catherine Colliot-Thélène, in her new translation (2003), translate by “violence physique” (physical violence).

<sup>26</sup> Our reflection on this subject started during an investigation we conducted with Armel Huet in 2003-2004 at the request of the Chief of Staff of the French Army on the theme “Army, Complexity and Social Bond” (see Huet and Le Bot, 2008).

<sup>27</sup> Aristotle, *Metaphysics*, 8, 6, 1045b 20-24. See also *Physics*.

technical dimension and from the legal dimension. An example will show it. During the investigation we conducted with Armel Huet on the question of the social bond in the French Army, a participant in one of the working groups told us the following story. The action takes place during the 1990s Yugoslav wars. A group of French soldiers has spotted a sniper who is about to shoot civilians. The officer asks his marksman to kill him. "But he has not done a damned thing yet", answers the marksman. "Precisely, don't wait, kill him first", says the officer. The marksman still hesitates and the officer must insist: "It's an order! Kill him!" What does this story tell us? The marksman is skilled in precision shooting. He has the weapon for it. He has, in other words, the technical ability. He is also authorized to shoot by his officer and by the rules of engagement (ROE). He therefore has also the legal ability. But he hesitates because he is wondering if it is right to kill someone who did not shoot yet. He is not sure, in other words, to have the moral ability. The story demonstrates clearly, in our view, the necessity to distinguish between these three types of "ability": the technical one, the legal one and the moral one.

What now about violence? This notion of violence seems to add an additional characteristic which is that of a non-mastery, a disproportion or, better, a mismeasure of the force. There is a ὑβρις in the violence, whereas there is not necessarily in the power and in the force. This excessive character of violence is present in the definition given by Freund, who distinguishes it, as we do, from force and power. Violence, he says, "is power corrupt or unleashed or sometimes voluntarily driven to excess. Not that the force would be innocent, since there is no power without force, but it allows itself to be regulated and disciplined by forms, that is to say, it is generally carried out in the respect of the rules and conventions of legality. Violence, on the other hand, instinctive and passionate by nature, terrifies, massacres, slaughters, tortures and upsets everything in confusion. A disciplined army is the typical image of the force, a raised and tumultuous mass is that of the violence" (Freund, 2004, p. 514).

How to explain this unleashing, this excess that characterizes violence? The physical or technical considerations are not enough here. Violence, after all, uses the same means as force. But psychiatric observations allow us to precise the conceptual distinctions initiated by Freund by confronting us with two types of mismeasure of violence: the mismeasure that can be observed in the psychoses and the one that can be observed in the psychopathies.

It is well known that psychotics can become violent and that their violence can go as far as murder. In the case of paranoia, murder brings to an end "an inexorable rise in an interference against which the paranoid tries to defend himself" (Guyard, 2006, p. 601). The murderous paranoid kills to get rid of his or her persecutor. Murder appears to him or her the only way out in a dual and antagonistic relationship: "either me, or him/her". At a certain stage of delusion, the murderous "acting out" appears largely predictable (if not fatal) as is the identity of the victim. In the case of Aimée, the patient studied in Jacques Lacan's thesis, the attempted murder of Mme Z., one of the most popular theater actresses of the Parisian public at the time, had been preceded by a delirious elaboration in which Mrs. Z. played the

role of the persecutor (Lacan, 1932). In opposition to this predictable murder of the paranoid, some authors have spoken of an apparently “motiveless” murder to describe homicides perpetrated by schizophrenics. In the case of schizophrenia, indeed, the murderous “acting out” seems to occur without apparent motivation. While paranoid delusion refers to the victim in the form of the persecutor, the schizophrenic murder seems at first incomprehensible : “the conflicting motives seem rather slim” (Guyard, 2006, p. 601) and the victim does not appear to be designated in advance as clearly as in the case of paranoia. The schizophrenic homicide remains explicable however : “Whether murder turns into suicide or is exercised on a relative, the schizophrenic built it as an inexplicable act, strange, arbitrary or motiveless, difficult to understand because it is part of an inner delirium, whose violence seems as singular as it is monstrous, but whose outcome – this is the essential point – always consists in restoring an independence which seems to him threatened” (Guyard, 2006, p. 601). Paranoid violence and schizophrenic violence thus appear in many ways opposed to each other. Both occur, however, in situations of conflict, to put an end to this conflictuality : by the suppression of the persecutor in the case of paranoia, by the restoration of a compromised independence in the case of schizophrenia. Both confront us with the highly political question of power over others. This power has no limits for the paranoid, who either try to submit others totally or feels totally submitted to others. Persuaded to be persecuted or victim of a conspiracy, believing itself subject, in other words, to the power of others, the paranoid kills to restore the situation and regain control. The schizophrenic, on the contrary, builds a universe, certainly strange and hermetic, but well defined, in which he/she exerts an omnipotent and non negotiable power. He/she must exclude others from it. Murder is a solution for that if an interference becomes unbearable.

This psychotic violence is in direct link with the relation of command and obedience, which is, as we have seen, one of the “presuppositions” of the political according to Freund. The political, in other words, presupposes a division of roles in which some command while others obey. It is a question of established functions and roles, clearly defined, particularly, insists Freund, in the constitutional regimes where the constitution fixes, for instance, the respective attributions of the President of the Republic and of the Prime Minister. Command in political matters implies the possible use of force. Freund rightly insists on the fact that the political can not be defined only in legal terms : the law is only a corpus of norms in the absence of a power of command which can in last resort appeal to force<sup>28</sup>. It is not enough to vote the law and to take judicial decisions. One must still ensure obedience. But abuses of power are always possible on the part of the command, resulting in an abuse of the use of force. Conversely, the command may be weak either because of a lack of force or by hesitation to use it. It is then that violence occurs. Political violence, in other words, is either the

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<sup>28</sup> The contemporary illusion of believing that law and economics suffice to create a political entity is strongly criticized by Freund. Such an illusion is widespread among supporters of the European Union and it is probably one of the weaknesses of the Union.

result of an abuse of power or “the disorder that arises from weakness” (Freund 2004, p. 721). The first case is that of despotism (δεσποτεία), the second that of anarchy, in the etymological meaning of the term (ἀναρχία). There is, of course, no need to look for a term-to-term correspondence between the psychotic mismeasure of power and its political mismeasure, although it is not only a coincidence if the two great European totalitarianisms of the 20th century were orchestrated by paranoid personalities (Hitler and Stalin). What matters here is to understand that violence can arise from a mismeasure in the delimitation of power as a command.

But violence can also result from a mismeasure of impulsiveness. It is not then a question of power and command but of control over one’s own drives and of level of withstanding frustration. To find the right vocabulary, we can rely again on Aristotle, more precisely on what he says in chapter VII of *Nicomachean Ethics* about akrasia (ἀκρασία) opposed to enkratia (ἐνκρατία), that is, intemperance and temperance or weakness and self-control (opposition linked, in Aristotle, to that of softness and endurance). Akrasia is a mismeasure of impulsiveness, a lack of σωφροσύνη (prudence, wisdom, moderation in desires, temperance). This mismeasure of impulsiveness is at its height in the psychopathic violence, different from psychotic violence. Psychopathic violence was that, for instance, of the French criminal Jacques Mesrine, who described it very well in his autobiographical book, *The Death Instinct* (Mesrine, 2014)<sup>29</sup>.

Freund’s discussion of Weber’s famous definition of the State and its confrontation with the theory of the mediation makes it possible to conclude that this definition combines three dimensions: 1° – the ergological one of force (rather than violence), 2° – the sociological one of the legality of its use (who, in a given society, has legally the right to use force ? in which situations ?), 3° – the axiological one of the control of impulsiveness (in modern societies, soldiers and members of law

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<sup>29</sup> To complete, we should also take into account what the theory of mediation calls the axes of analysis. In the case of psychotic violence, this would lead to an interest in what distinguishes sadistic violence from paranoid violence. The duo Stalin-Beria could be interesting to study from this point of view. In the case of psychopathic violence, the case of Mesrine, according to the hypothesis of Hubert Guyard, gives a good example of a taxonomic disorder, the one Gagnepain calls libertinism. The argument is that Mesrine personified the very type of a gambler. He wanted to enjoy everything : luxury, casinos, beautiful cars, big hotels, beautiful women, but he didn’t want to engage in a boring job for that. His audacity had no limits. He never regretted anything except to have been caught. He felt no guilt. As some sportsmen, he was a “king of the excuse”. It was never him, but the others (the “society”, the prison, etc.) that had to be blamed for his acts. The “society”, he thought, made him what he was and he gave it back what it deserved. But we should also take into account the interference between planes, i.e. how a disorder on one plane have consequences on another one. For example, what is the impact of sadism on the regulation of *jouissance* ? Conversely, what is the impact of psychopathic impulsiveness on the social relationship ? Mesrine, for example, observed a kind of division of labor. He killed only other gangsters or police officers. He obeyed the code of honor of the mobsters. And there was no systematic scenarios of humiliation in his behavior (unlike what happens in sadism).

enforcement agencies are expected to manage their emotions and not to indulge in acts of revenge or unleashed violence against civilians, captives, etc. despite the fact, for soldiers, that combat is a situation where emotions are pushed to their highest level of intensity).

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