

A conservative denial of the concepts of state exception and sovereignty during the 1940's (Paulo Merêa)

Abstract

This article focuses on the relationship between legal culture and religious culture in terms of the debates on the state of exception, sovereignty and civil rights. The process of subjectification resulting from religious culture's long-term cultural continuities and their effects on juridical concepts of state, civil power and human rights are interpreted by means of the debate remarks of Paulo Merêa on Carl Schmitt's writings (1940s).

Methodologically, we place our analytical practice in the field of studies of social history of ideas, and in the process of circulation of ideas and transnational cultural appropriation between political culture and religion.

Keywords: Paulo Merêa, Carl Schmitt, state of exception, sovereignty, political sentiments, legal culture, religious culture

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Introduction

In this article we shall focus on disputes within the European juridical field during the initial decades of the twentieth century, which discussed the concepts of state sovereignty, the state of exception and civil power.¹ Methodologically, we place our analytical practice in the field of studies of social history of ideas, and in the process of circulation of ideas and transnational cultural appropriation between political culture and religion. In the 1940s and at the height of the European totalitarian regimes in all their fascist variations – of which Portugal underwent the Salazar regime² – we encounter a variant of this debate, mainly dominated by the Catholic juridical field in which sectors of conservative liberalism (although constitutionalist) were opposed to clerical conservatism. In the correlation of political forces within the Catholic field, the constitutionalist field lost both politically and ideologically; clerical conservatism at the turn of the twentieth century appropriated and spread the counter-revolutionary Catholic thought of fundamentalists Juan Donoso Cortés (1809-1853) and Joseph de Maistre (1753-1821).

Donoso Cortés and Thomas Hobbes were particularly historically appropriated and updated in the work of Carl Schmitt (1888-1985),¹ who, in turn, refers to a work by Paulo Merêa (1889-1977), a legal historian in Portugal of the conservative liberal field. Merêa wrote a book in 1941 entitled “*Suárez, Grócio e Hobbes, Lições de História das Doutrinas Políticas*” [Suárez, Grócio and Hobbes, History Lessons from Political Doctrines]. It is a short but dense book and was the fruit of classes taken at the University of Coimbra as part of the Honors Degree Course in Political Sciences.²

¹This work is linked to the research project funded by the Research Grant Program for Foreigners provided by the Calouste Gulbekian Foundation, Lisbon, entitled “*Duas Margens. Ideias Jurídicas e Sentimentos Políticos no Brasil e em Portugal*” [Two Margins: Juridical Ideas and Political Sentiments in Brazil and in Portugal].

²António Oliveira Salazar was in power between 1933 and 1974, until the Carnation Revolution brought an end to the government of Marcello Caetano (the Portuguese Prime Minister who substituted Salazar for a decade after his death).

Everyword in the book is in fact carefully crafted in light of the possible effects of interpretation,³ as the times of censorship and vigilance demanded. The book crowns an intellectual trajectory initiated during the first decade of the twentieth century, when Merêa⁴ was still an academic at Coimbra and published his book.⁵ It was presented at an international congress held in the city of Granada in the same year, as part of commemorations marking 300 years since the death of Jesuit theologian Francisco Suárez.

We consider “Suárez, Grócio and Hobbes” to be the synthesis of Paulo Merêa's thought on the authors of European political thought between the sixteenth and seventeenth centuries, in which ideas proclaimed decades before may be found tied to a mature interpretation. The book reveals a profound reflection on the historic period designated as “dark times”; those of the totalitarian regimes of the first half of the twentieth century. Furthermore, while preparing classes and his countless articles for the newsletter of the Faculty of Law of the University of Coimbra, Paulo Merêa produced a series of critical reviews of books and authors referred to within the European intellectual field in the initial decades of the twentieth century.

The reviews – just like almost all of his output – are dense and shrewd and his conservative (again, although constitutionalist) tendencies did not imply adhesion to Salazarism. Merêa remained in Portugal, despite his intellectual exile among the arts faculties, and moved to Lisbon, thus leaving the nerve center of the Portuguese intellectual field (the Faculty of Law) and its main hub, Coimbra. He sought refuge in Lisbon, alleging proximity to historic archives.⁴ There are clues suggesting the academic constraints that Merêa experienced in Coimbra in letters exchanged with another Portuguese exile during the period, Fidelino Figueiredo. Like Merêa, Fidelino was a Catholic and a liberal conservative, moving to Brazil, where he taught at the Faculty of Arts at the University of São Paulo.⁶

In this article we shall comment on European political thought on state sovereignty and the state of exception, and to do so we shall analyze the distinct forms of re-reading the works of Thomas Hobbes undertaken by Carl Schmitt and Paulo Merêa. As is widely known, Carl Schmitt occupied an important role as a state philosopher in Hitler's

Germany, founding the sovereignty of the dictatorship,⁷ which he referred to as “state sovereignty”. Both Paulo Merêa and Carl Schmitt experienced a longevity which allowed them to experience various political conjunctures during the previous century. Carl Schmitt was particularly active during the decades after the fall of the Nazi regime, altering and rectifying his most important texts on sovereignty and the state of exception, written during the height of the regime.

In the re-writing of his texts written on Nazism in the 1950s and 1960s, the differences between Paulo Merêa and Carl Schmitt become clear; these are political sentiments resulting from distinct intellectual and religious experiences which shape the authors' empathy. We would like to highlight the relevance of this debate to the present time, as many of the political questions implied in the current international political arena still provide a challenge to interpretation; especially for the juridical field and its strategic inscription in the effects of power in international political disputes. Today's new dark times promoting states of exception are inscribed in the so-called “fight against terrorism”; they weaken juridical security and civil rights in societies proclaimed as bastions of democratic liberties. However, it is also important to highlight the resistance against the totalitarianisms produced by both the liberal and conservative strands of constitutionalism, and here we encounter a wealth of justifications relevant to this work. Paulo Merêa lived in a society whose central role in Europe's destinies did not appear to be of much importance, with the visibility of the Portuguese intellectual field slight. Despite this, his work was received in Germany and in Spain. Carl Schmitt praises “Suárez, Grócio and Hobbes”. We do not, however, encounter the same enthusiasm in Merêa's references to Schmitt.

As a monarchist and a Catholic, Merêa – like many liberal Catholics at the beginning of the twentieth century – experienced great discomfort with the proclamation of the republic (which in Portugal occurred in 1910) and invoked authors of European political thought to express his opposition to the excesses of the proposals of the state of exception.

In this article, we shall emphasize Paulo Merêa's comments on Thomas Hobbes' political thought, as these express the greatest challenges to the idea of the state of exception appropriated and updated by Carl Schmitt.

Within the opening paragraphs of the brief introduction to “Suárez, Grócio and Hobbes”, Merêa interprets the history of political ideas in the seventeenth century as a “tumultuous time”, as a reflection on the great religious conflict.² This interpretation on the seventeenth century reveals an echo of a similarly “tumultuous” time historically experienced by the author in terms of 1908's episodes of regicide, shortly before the implantation of the Portuguese republic; and the (Salazarist) New State. We do in fact encounter in the writings of Paulo Merêa a clear preference for temperance, prudence and discretion, as preconceived by the moral theology of the Spanish Jesuit, Baltasar Grácian.⁸ Produced in the seventeenth century, and Catholic moral theology acts as a long-term historic continuity, to be historically updated and culturally appropriated in the centuries to come. At the turn of the twentieth century, the Catholicism of Third Scholasticism appropriated and updated the Second Scholasticism of the sixteenth and seventeenth centuries.

Among the three authors analyzed by Paulo Merêa in “Suárez, Grócio and Hobbes”, Francisco Suárez receives special treatment. Merêa's admiration for the political theology of the Hispanic-Luso Jesuit is soon highlighted; he is treated with reverence upon the first

mention in the text referring to his book “*De Legibus*”.² We may note Merêa's care in emphasizing the condition of political philosophy for the theology formulated in “*De Legibus*”, as well as for the entire Roman Catholic reform movement, emerging from the First Vatican Council in the final decades of the nineteenth century (1870). In naming features of “political philosophy” in the political thought of Francisco Suárez and identifying long-term historic continuities in Roman Catholic religious culture throughout the centuries at the height of the Enlightenment (in the nineteenth and twentieth century), we are attempting to methodologically maintain a cautious distancing from the ideological and religious debate in the classification of the Third Scholasticism modernization movement.⁹ We are, therefore, aware of the implications of the subject of analysis on the object of analysis, particularly because we are aware of how unconscious formations are present in political discourse,¹⁰ and of the extent to which Thomism (and/or Neo-Thomism) exert(s) a strong presence on the Brazilian intellectual field, in which we play our part, and that of Portugal's, in which the author under analysis was inserted. At the same time, we strive not to deny the contribution of Suárez's political thought to the formulation of the modern conception of politicians both in Brazil and Portugal.

Our position is similar to the approach adopted by Slavoj Žižek, in seeking to capture the political effects of ideological and religious practices in “The Fragile Absolute or Why is the Christian Legacy worth Fighting for?”⁹ Without philosophically adhering to the conceptions of the divine nature of power in Pauline theology, Slavoj Žižek highlights the political and ideological effects of religious and political tolerance which may be captured by means of interpretations and non-fundamentalist appropriations of Pauline thought.³ For Žižek, there is a philosophical possibility which refers to the feminine superego, inscribed in the Pauline theological and political construction. It is seen as being marked by the idea of “renunciation” which may (allegedly) be worked upon politically, taking into account the historic conjuncture of heavy political radicalization based in extremes of religious intolerance. Slavoj Žižek's interpretation dialogues with Alain Badiou's proposal for analyzing the device of Christian faith based on the fantasy constructed by the Pauline political practice which propitiates universality.¹¹ For Badiou, the Epistles are liable to a reading which considers them as a guide for an analysis of the political situation.

To the analysis of the field of political philosophy inhabited by Žižek and Badiou, we add the shrewd observations of historian Carlo Ginzburg on the long-term continuity of reform religious culture in the sixteenth/seventeenth centuries in the ideological shocks formulating and justifying American foreign policy in the wars against Afghanistan and Iraq at the beginning of the twenty-first century. Ginzburg considers the long-term cultural continuities based on an analysis of Thomas Hobbes' work, “Leviathan”. Ginzburg runs through Hobbes' work, identifying his reading methods and the metaphors and expressions he uses, which were taken as clues that the process of laicization was far from being fulfilled in Hobbes' reflections, particularly in the use of the name (“Leviathan”), which in the book of Job refers to a whale (a monstrous and feared creature);¹² and in the citation of the Latin translation of Saint Jerome (“there is no power on Earth to be compared to him”) contained in the frontispiece

³In fact, Žižek does not just consider questions pertaining to the conceptions of the state of nature and natural rights in Saint Thomas of Aquinas' thought (and furthermore – considering the movements of Second and Third Scholasticism), which was the tonic of the discussions made by Paulo Merêa. The author's expanding of his reflections to consider the problems raised through this other prism may have very interesting implications.

of the first English edition of Hobbes' book. In developing his ideas on subjection, reverence and fear, Hobbes was inspired by biblical passages and religious books in circulation in England (and in Europe) in the seventeenth century.

For Ginzburg, Hobbes' perception is that secularization does not oppose religion, but, on the contrary, invades its field (it was he, who, for many of the Enlightenment's interpreters, inaugurated a conception of a secularized state). In capturing the expression "awe" (fear, related to both reverence and subjection), as it appears in both religious texts and those written by Hobbes, Ginzburg alludes to the (neoliberal) fundamentalism present in modern times in a long-term cultural continuity: the name of the military operation for the invasion of Iraq upon the September 11 attacks ("Shock and Awe") retains multiple references to the relations between religion and political culture, which might well be sought in the Hobbesian formulation which underwent a process of historic updating and cultural appropriation.

Hobbes, proclaimed in the field of study of Political Theory as an inaugural author of Contractualism and secularized reflection on power, is currently, at the beginning of the twenty-first century, being reconsidered based on new approaches which take into consideration the relations between political-juridical and religious culture (Badiou, Žižek and Ginzburg). This approach was, however, adopted by Paulo Merêa in the mid-twentieth century.

Paulo Merêa is full of praise for Suárez and the words chosen to refer to him are not in current use in the author's texts: "a wonderful man from Granada", "brilliant lineage" (referring to the Spanish theologians of the seventeenth century); "opulent proponent of Thomism", "masterful", "sublime", "monumental".² Suárez's political thought is termed as a "product of the middle ground", in the sense of being distant from the extremes, (that is to say, the famous Aristotelian motto *in médium virtus*), in pondering the absolutism and the literature which apologized for the rights to popular resistance, destined to contain the king's power, making his deposition legitimate; or even, from a more radical point of view, regicide;

"(...) it is the era of the Monarchomachs".² Suárez's formulation offered the possibility of guaranteeing political stability and prestige, while constraining the absolutist powers of the monarchies. For Merêa, this political doctrine was "democratic, and (...) was not incompatible with an embedded monarchic faith, and even with alleged absolutist predilections".² Thus emerges the emphasis given to the idea of the pact between the community and the sovereign, legitimizing the king's power. The power initially resides in the people by means of the community itself, which, once formed, becomes the holder of civil power – it is a "natural right"; the power is transferred by means of it to the king. Paulo Merêa's caution employed at this point in describing Suárez's political thought reveals his intellectual integrity. Although ideologically attuned to the Neo-Thomist Catholic camp, led by authors to which he does not tire of referring deferentially (Heinrich Rommen, among others⁴), Merêa disagrees with them regarding their more radical democratic interpretations on Suárez's political thought, which he considered as lacking historic foundations. Our hypothesis is that, supported by writings on popular sovereignty by the Jesuit theologian Juan de Mariana (sixteenth century), Heinrich Rommen would have been radicalized in Merêa's eyes, producing ramifications for Liberation Theology – a premise which is excessively popular and democratic and for this reason does not adhere to the innovations of the German theologian, who was opposed to Nazism and sought refuge in the United States.

⁴Merêa reserves his complete disagreement for Juan de Mariana.

In detailing Francisco Suárez's reflections on power, Merêa elaborates on the idea of the pact and of sovereignty placed on the base of royal power. This power is not, however, unconditional. At this point, Merêa highlights the density of Suárez's philosophical imagination: on one hand his formulation returns to the popular origins of civil power as founded on natural law, just as Juan de Mariana states. On the other hand, his political thought highlights the transmission of this power to the king (which should not be unconditional). The pact should imply subjection; this means working on the limits of the right to resistance, deposition and the condemnation of princes, and even, regicide. Suárez also simultaneously introduces another variable limiting royal power: the indirect power exercised by the Papacy, significantly influenced by the doctrine of Cardinal Berlamino, according to which interference in temporal matters was acknowledged to the Pope, whenever the spiritual facilities of the church proved necessary. Merêa concludes his comment on Francisco Suárez by echoing the Catholic intellectual field in terms of the recognition that his thought definitively emancipated the political philosophy of theology. It was no accident that Merêa dedicated a book to the question, whose title is telling: "Suárez, Jurist". Merêa did not reserve another epithet for the Jesuit theologian other than "jurist". This was because Suárez's theoretical and ideological practice would have implicated the production of political and juridical effects, although formed based on the field of theology.

Merêa is cautious in his approach to Grócio, another author he analyzes. The presence of Grócio's juridical and political thought in the Portuguese (and Brazilian) intellectual field is significant. Grócio is frequently cited, and all signs suggest that he was appropriated as part of the legal culture of the two historic cases, which were intrinsically linked, culturally speaking. Grócio's appropriation in Portuguese juridical teaching dates to the Pombaline reforms of University of Coimbra (1772) and the intellectual processes involved in the circulation of ideas and cultural appropriation indicate to us varied and sometimes unexpected forms of expressing the ideas and the political (and juridical) culture in question. We wish to imply that, in line with the intentionality of the historic agents involved, the Pombaline reformists aimed – whether deliberately or not – to Catholicize Hugo Grócio's thought (and that of Pufendorf, who is also heavily cited). The two authors represented areas reformed by Protestantism in Europe, and their theses and political and religious ideas underwent a process of semantic disengagement as they become part of the Luso-Brazilian world through their appropriation.¹³

It is not just Grócio's thought which possesses a certain superficiality when confronted with Francisco Suárez's thought, as for Merêa, the Dutch (Protestant) author did not have his own philosophical system: "Grócio's supposed philosophy is thus an inorganic eclecticism, which is superficial, and is very often not even ennobled by an effort to reach a conciliation".² Grócio was, however, primarily "(...) a sincere believer, a Protestant with touches of Catholicism, engaged in the approximation of various confessions (...)"² Grócio was born in Delft, to a Protestant father and a Catholic mother. Merêa does however open the chapter on Grócio by lamenting the fact that Suárez's work "*De Legibus*" did not receive the same reception as "*De Jure et Belli*", published thirteen years after Suárez's book.

Of course, Merêa does not simply deal with the clash between Suárez, Grócio and Hobbes, but also between Protestantism and Catholicism, just as the theological and ideological disputes of the seventeenth century were inclined to do so, as well as those of the beginning of the twentieth century. Just as Merêa emphasizes the

hypertrophy of the idea of the state, which seriously compromises the sovereignty of law; he observes a more obvious situation in the Protestant world which appears “resoundingly” – Merêa uses this grave expression – in the work of Thomas Hobbes.

The circulation of ideas and the intellectual debate in the seventeenth century were intense, and the writing of treaties was undertaken in Latin, facilitating exchange within different countries in the European intellectual field. It was a time in which commercial trade intensified and European societies expanded. The exchange of correspondence between Erasmus, Thomas Morus, Luther and various others was extensive. John Locke sought exile in the Netherlands, Hobbes, in France, while Erasmus stayed at Morus' house in England¹⁴ and exchanged correspondence with Luther, outlining his reasons for not adhering to the cause of Protestantism, which he claimed was as dogmatic as the Catholicism of the Curia which both struggled against.¹⁵ Spinoza, in a letter addressed to his protector, the republican politician Johan de Witt, mentions having read Hobbes and develops an argument disagreeing with his idea of natural rights.¹⁶ Paulo Merêa and other authors active at the end of the nineteenth century and the beginning of the twentieth century historically updated an old thematic guide (that on the state, sovereignty and the origin of civil power) – in times of political radicalization and of dictatorships.

At this point we shall resume the thread running through the analyses undertaken by Paulo Merêa on authors of European political thought during the centuries of transition to modernity: the ideological positioning of the authors is considered in terms of their position on religion. The central problem conducting Merêa's readers to the authors implies the same window of observation: the extent of their pessimism (or lack of pessimism) regarding the human condition; which Paulo Merêa defines by means of the authors' position “vis-à-vis their similarities”.

Paulo Merêa reserves his most cutting of criticisms for the chapter analyzing Thomas Hobbes' thought. If the highest of praise was used to describe Suárez: brilliant, magnificent, remarkable; Merêa uses much less favorable expressions for Grócio: scant originality, inorganic eclecticism, superficial. For Thomas Hobbes, Merêa expresses respectful admiration; the type of respect shown by someone who wishes to distance themselves. The first phrase used to refer to Hobbes says it all: “Few books shall have such a strong personality as this strange book “Leviathan” (...).”² The adjectives Merêa uses to interpret Hobbes are eloquent: an anticlerical fanatic, anti-Pope, and a skeptical pessimist; and strange... Merêa particularly highlights in Hobbes the latter's pessimism regarding the human condition. He situates this pessimism in an Erastist position (from Erasto); a Calvinist theological tendency which appropriates the Augustinian idea of predestination. It is as though he agreed with Hobbes, but was unable to agree with him (for motives of a religious nature). For Paulo Merêa's intellectual tastes and religious and theoretical preferences, Hobbes' work is sophisticated and full of declamations. In fact, the key point upon which we might locate Paulo Merêa's dislike of Hobbes would be the latter's pessimism regarding the human condition.² Merêa does not go as far as to say it, but here the opposition is between a pessimistic (Augustinian) vision of predestination to evil (and grace) and a Thomist (Second Scholasticism) vision which is much more optimistic, founded on Jesuit theological Probabilism.

In the first paragraph on the chapter on Thomas Hobbes, Merêa describes the title page of “Leviathan”. He mentions every detail of the engraving in which a crowned giant stands behind a hill; the giant is composed of a thousand Homunculus, and carries a

spade in his right hand and a crosier in his left; at his feet is a city and on his head is the biblical phrase: *non est potestas suer terram quae comparetur ei*. Before beginning the description of Leviathan the giant, Merêa expresses his opinion on Thomas Hobbes' book: “Very few books shall have such a strong personality as this strange book “Leviathan” (...).”² The author's severe tone is direct in revealing his first conclusion on the book: there is an abyss which separates Hobbes from Francisco Suárez and even from Grócio. However, the abyss does not prevent Merêa from making observations on the book's qualities: “(...) he is one of the greatest and most original thinkers of all time, a figure without which Spinoza would not have become what he did and Rousseau would not have written his Social Contract”¹ Merêa then proceeds to provide important information for the composition of the historic and theoretical context of “Leviathan”. Hobbes spent eleven years living in France, during the politics of the “Long Parliament”. In France, he lived with other realist exiles and wrote “De Cive” and “Leviathan”. Even before his exile, Hobbes had traveled to France and experienced the French intellectual field, going on to meet Galileo. During over a decade of exile, Hobbes frequented the circle of Marin Mersenne, a great proponent of mathematical paradigm and the idea of scientific law.

It is interesting to highlight that Paulo Merêa provides this information which is precious to the composition of the theoretical and historic context of Hobbes' political thought and also even affirms that the appropriation of the innovations spread via the Mersenne circle were decisive to Hobbes becoming a free thinker and a sworn enemy of Scholasticism; “(...) the representative of the new mentality in its most daring feature.”² Or, in other words, “(...) *ce qui se cache d'outrecuidance dans ta vertu*” [that which is daringly tied to its own virtue]. This was not, however, in Merêa's calculations, and he would not have done it himself. But the most important detail of all is that Merêa does not mention the presence of Pascal in this circle within the same context (in the mid-seventeenth century). As is widely known, Pascal also attended Father Mersenne's meetings¹⁷ and the phrase that Merêa chooses for the second epigraph of the chapter on Hobbes is by Pascal: “(...) *et ainsi, ne pouvant faire que ce qui est juste fût fort, on a fait que ce qui est for fût juste*”. The comments on Hobbes highlight his anti-papist intransigence, an anticlerical fanatic, a “(...) skeptical pessimist, the man who compared the mysteries of the faith to pills which must be swallowed without chewing.”² Then come Merêa's most acidic comments for any of the authors he commented on: all of Hobbes' work has an artificial air, which is difficult to take seriously; all of Hobbes' work is of suspect religiosity, in which nothing is saved; adopting the Galilean method, Hobbes was a heterodox materialistic in nature. The adoption of the Galilean method implicated the appropriation of the idea of the law. “Human nature – the preferred object of his dissections – is presented as essentially selfish.”² Therefore, between traditional political thought, of (Scholastic) theological and humanist inspiration, an “abyss” was carved (the word was used twice by Paulo Merêa). The abyss is thus the distance that Merêa establishes between himself and another interpreter of Thomas Hobbes at the beginning of the twentieth century: Carl Schmitt. In the review of Carl Schmitt's book dedicated to Hobbes' “Leviathan”, Merêa registered his opinion on the German philosopher, who was treated as the bearer of an (...)

“(...) opulent polyphony dominated by Carl Schmitt's magic wand, the leitmotif escapes at times and the exhibition errs through a certain laxity of the logic nexus, although the sin is easily absolved, so rich is the book in ideas and suggestions and so extraordinary is the conductor's baton...”¹⁸

A particular detail draws our attention: Merêa praises Carl Schmitt's book, referring to it as "rich" and to the author as a "conductor", the bearer of an extraordinary baton. However, the reference to polyphonic opulence and magic speaks volumes on Paulo Merêa's aversion for these same qualities he highlights in the epigraph opening the chapter: "*Je me méfie des déclamations, des bien-pensants, des bons-apôtres et commence par déglonfler leurs discours (...)*" [I distrust declamations, the well-thinkers, the good-apostles and start by draining their discourses (...)]. In the epigraph, we are able to interpret not just Paulo Merêa's political, aesthetic or intellectual preferences, but also the political sentiments which conduct his empathy. Citing Carl Schmitt three times in the chapter on Thomas Hobbes in the footnotes⁵, Merêa establishes a distance from Schmitt's positions.

But Paulo Merêa does not just direct his criticism toward Hobbes. In the footnote in which the aforementioned comment is made, Merêa also subliminally criticizes Nazism:

"He might object that Hobbes admits the existence of God at the basis of his reasoning, as he considers natural laws as "divine", but – putting aside the insoluble question of the sincerity of his belief – it is evident that Hobbes' God is, if not a God founded in nature, at least a God who, in terms of the things of this world, is limited to confirming nature, something that today might approximate the God of the "*Deutsche Christen*"²

Metaphors and religious references stand out in Merêa's writing. Carl Schmitt committed a "sin": the declamatory exaggerations; the sins were "absolved" by the suggestions and ideas offered by the book. But the criticism directed at Hobbes might well be extended to Carl Schmitt. It is precisely in the "religious question" – the other term adopted by the Catholic intellectual field in Brazil and in Portugal in substituting secularization – in the context of post-Vatican I re-Christianization. Merêa is particularly insightful in highlighting Hobbes' Erastianism, extracting all of the theological, political and theoretical consequences of this fundamentalist Calvinist position. Thomas Erastus (sixteenth century) was a mathematics professor at the University of Heidelberg, a follower of Zuínglo, and affirmed the superiority of the state over the church. The church was thus confronted with the position of the Catholic field inspired by Heinrich Rommen, who received, re-read and appropriated Francisco Suárez in the first half of the twentieth century. Hobbesian pessimism is placed alongside the idea of sovereignty developed by Hobbes (and appropriated by Carl Schmitt).

Hobbes, who officially professed his allegiance to Erastianism, did not need to position himself in the conflict between faith and obedience, as, according to his political theology, a Christian's main duty is obedience to the sovereign. Therefore, on this subject, Hobbes was incompatible with the church in Rome. Finally, we highlight two attributes which evidently do not receive Paulo Merêa's approval: Hobbes' pessimistic materialism and the conception of human nature as essentially selfish. And the idea of the state according to Hobbes implies a Monistic concept (above the sovereign there is no other power), and based on this, the law may be rigorously spoken of, as may property and justice. The state-church dualism is not admitted into his thought.

On the last four pages of the book, where several observations are resumed as part of the conclusion, Paulo Merêa places the emphasis back on the Catholic position in the twentieth century – not just any Catholic position but that which is referred to in the re-reading directed by Heinrich Rommen. Thus, "*(...) the spirit is worth more*

than the letter (...)."² Between the three heads (or three sentences), Suárez, Grócio and Hobbes – who might well form three symbols (each of the authors interpreted by Merêa), Suárez responds the best to the concerns of the beginning of the twentieth century. "*In one word, and appropriating a famous motto: 'For Suárez, beyond Suárez'*". The motto refers to the idea of a process of enriching Thomism, according to Suárez's example.

In a contradiction to his normal style, Merêa reserves several grandiloquent phrases for his concluding paragraphs on Thomas Hobbes. If it had not been for the dark times at the beginning of the 1940s, Merêa would certainly not have exposed himself so much; he would not have fled so far from his usual style. Merêa closes the book assuming even more risks, whether through interpretation or in exposing his political-philosophical conception. Hobbes is, therefore, a precursor and master of totalitarian ideology; "*(...) his mission must be faced (...) like the paradoxical revelation of ideas and values which live eternally in the universal duty and – furthermore – within us, in the perpetual drama of our antinomies.*"² It is an invitation to intimate reflection, but throws to the center of the political arena responsibilities which are both individual and collective, the contention of the excesses of Nazi-fascist totalitarianism.

Finally, in analyzing the idea of Jean-Jacques Rousseau's social contract – as dear as the question of the origin of civil power is to Third Scholasticism –, Paulo Merêa invokes his relations with Hobbes' political thought. "(Hobbes) is one of the greatest and the most original thinkers of all time, a figure without which Spinoza would not have become what he did and Rousseau would not have written his Social Contract."² Paulo Merêa once again provides us with clarifications on this relationship between Hobbes and Rousseau in the footnotes, which we shall highlight due to the ramifications of their implications:

"Let us quickly remember that this is not about a pact of subjection between individuals and governors, as in classic doctrine, nor of a simple renunciation of certain natural powers in the hands of the community, as in Locke. The similarity is greater with Hobbes' social contract, which undoubtedly made a strong impression on Rousseau. His social contract is, just like Hobbes',

a Monistic conception. It simply means that instead of individuals being absorbed in the person of the Prince, now it is the "General Will" which assumes this totalitarian function.⁶ (...) Rousseau's state is also a "Leviathan", but a new type of "Leviathan", a "Leviathan" which, through its own essence, may only want what is fair and in whose breast the individual lives as free as before, with the advantage of living safely and in full conscience of his dignity (...)"¹⁹

The Monistic conception of the state thus came to be designated in the scope of a process of semantic disengagement from the political-theological field to the juridical-political field which was initiated through the debates of the sixteenth and seventeenth centuries on the origins of power, supported by James I in England. The Monistic conception of the state thus implies a conception of the sovereignty of secular power which does not see anything above the monarch beyond divine power. Therefore, for Merêa, Rousseau merely placed an undefined monarch in the position of an absolute monarch referred to as General Will. The intellectual process employed by Rousseau for such a theoretical construction is no different from Hobbes'. The difference, therefore, resides in the dualist conception of power, as formulated by the church's theologians from Berlamino

⁶Some similarities with Reinhardt Koselleck's thought are not merely coincidental.²¹

⁵Merêa,² and two notes on p. 107.

and Francisco Suárez. We shall take Merêa's clarification of political-ideological positions (and religious positions, as always) step by step. In considering Rousseau's argumentative structure on the figure of the legislator, Merêa mentions that Rousseau certainly had in mind all of the gallery of historical or legendary figures of the great legislators of humanity; in this sense, Paulo Merêa cites J. J. Rousseau's book in a footnote, "*Considérations sur le Gouvernement de Pologne*"; to conclude what the man from Geneva was thinking, probably, to himself, convoked as they were to palpitate on the constitutions of Poland and Corsica.

According to Paulo Merêa, Rousseau's legislator is the bearer of a "divine voice", to be invoked to act as an oracle: "But the problem cannot be faced merely in terms of history or mythology. It is impossible to read deeply into Rousseau's pages without wanting to know what is, after all, the "divine voice" which for Rousseau's legislator is like an oracle."¹⁹ As may be seen, Paulo Merêa, who is usually cautious and very careful in assuming his positions, does not shy away from adopting a position in this instance. This also occurs at a moment when Third Scholasticism disengaged to positions of the theology of liberation (in the 1950s and 60s); and the recommendations of Father Pedro Arrupe, Superior-General of the Jesuits, were divulged, aimed at the study and possible adoption of the method of Marxist analysis. It was then a step to adoption by the ecclesial base communities (the method of Marxist social analysis and not the philosophical conception of the world). And at least two conferences had been held by the Latin American and Caribbean Episcopal Conference (CELAM). The first was held in Rio de Janeiro, Brazil, in 1955, and led by D. Helder Câmara;²⁰ and the second in 1968 in the city of Medellín in Colombia. Certainly, these events occurring as they did in the 1950s and 60s and culminating in the II Vatican Council, were not ignored by Paulo Merêa.

As different types of conservatives, we may highlight two inferences in this analysis on Paulo Merêa and Carl Schmitt's theoretical practices. The first is that the relations between religion and politics were always extremely present in the long process of the passage to modernity in Western societies. The second is that the lights of the Enlightenment blinded hegemonic interpretations during the nineteenth and twentieth centuries, which developed excessive "scientific" beliefs during the process of secularization. Both Carl Schmitt and Paulo Merêa, however, did not ignore these relations and dared to point them out; each with their own political choice, duly anchored in political sentiments carved by theological and political positions; these were founded within the religious debate which has run through the history of European ideological formation since the sixteenth century.

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Conflicts of interest

The author declares there is no conflict of interest.

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