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Phenomenology of the social world – A fresh encounter

Fenomenologia do Mundo Social – Um Novo Olhar

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Abstract

In this short essay, I try to draw the lines for a renewed phenomenological theory of the social world. I criticize the traditional approach, which focuses on intersubjectivity, and try to show that the crucial element of the social world is the nomic connections established between individuals. I also critically examine the modern assumption that the State is the culmination point of the social world. I then move on to the constructive part. I distinguish three types of nomic bonds, which I call socialitas, imperium, and oikeiosis, and point to them as the three fundamental axes of the social world. I defend the thesis that they do not overlap but have different structures and dynamics. Finally, I show how some important objective institutions of the social world are fundamentally, although not exclusively, based on one of these three types of nomic bonds. I designate them as Agora, Palace, and Temple. At the very end, I emphasize that the deep layers of any social world are labor and knowledge, which should be accounted for in full-fledged phenomenological research concerning the essential elements of any social world whatsoever.

Keywords: Social World. Phenomenology. Intersubjectivity. Normativity.

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Resumo

Neste pequeno ensaio, tento traçar as linhas para uma teoria fenomenológica renovada do mundo social. Critico a abordagem tradicional, que se centra na intersubjetividade, e tento mostrar que o elemento crucial do mundo social são as ligações nómicas estabelecidas entre os indivíduos. Examino também criticamente o pressuposto moderno de que o Estado é o ponto culminante do mundo social. Passo depois à parte construtiva. Distingo três tipos de vínculos nómicos, a que chamo socialitas, imperium e oikeiosis, e aponto-os como os três eixos fundamentais do mundo social. Defendo a tese de que eles não se sobrepõem, mas têm estruturas e dinâmicas diferentes. Finalmente, mostro como algumas instituições objectivas importantes do mundo social se baseiam fundamentalmente, embora não exclusivamente, num destes três tipos de vínculos nómicos. Designo-as por Ágora, Palácio e Templo. No final, sublinho que as camadas mais profundas de qualquer mundo social são o trabalho e o conhecimento, que devem ser tidos em conta numa investigação fenomenológica completa sobre os elementos essenciais de qualquer mundo social.

Palavras-chave: *Mundo Social. Fenomenologia. Intersubjectividade. Normatividade.*

1. A preliminary descriptive circumscription of the social world

Since its inception, the only partially true thesis that a phenomenology of the social world should be anchored in the face-to-face relationship and, therefore, in the stratum of intersubjectivity, has served as a guiding thread. This orientation comes from Husserl, and although in his work the theory of intersubjectivity serves a transcendental, foundational purpose, the idea emerged that the description of how there is an awareness of an alter ego will be the very foundation on which a theory of sociability and the social world in general should be built.

However, this focus on describing face-to-face relationships also contributes to obscuring the structures of the social world, in which all relationships with an alter ego are always embedded. Indeed, subjects always find themselves in the middle of a specific social world, and not as bare subjectivities with nothing in common. Consequently, the structures and forms of connection of a given social world must be made explicit through phenomenological analysis. The forms of connection between individuals or groups, as well as the objective structures in which these individuals or groups display their social life, should, therefore, in my opinion, be the real focus of a phenomenology of the social world.

Indeed, describing a social world is not to describe a collection of individuals and the ways in which they may know about each other, that is, about their coexistence. Describing a social world is tantamount to finding how one can speak of a social world, i.e., not of a multiplicity of individuals, but instead of how there is cohesion among them in the form of a shared social world. On this basis, the eidetic approach I will adopt here will focus on forms of sociability and on the anonymous and objective structures of social worlds, which must be exhibited in their typical eidetic forms and their lateral interconnections.

Thus, as a first approach to the subject, I would like to make several remarks.

First of all, the social world is a concept that contains several layers of meaning, namely intersubjectivity, communication (which can be both direct and indirect, simultaneous or deferred in time), and, above all, specific forms of lasting connections among individuals or groups.

Secondly, as is perfectly clear, both intersubjectivity and communication are necessary conditions for the existence of a social world, but neither of them, nor even their joint presence, will be a sufficient condition for us to be able to speak of the existence of a social world. Indeed, the mere awareness of an alter ego does not yet constitute a bond between those subjects who are reciprocally or unilaterally aware of each other. Regarding communication, whatever its form, it does not in itself constitute a bond between subjects, but only a precarious link that will last as long as the communicative exchanges remain. Thus, both elements, when considered in isolation, can only constitute an ephemeral relationship among individuals or groups.

Therefore, a third remark is in order. It is the following: For a social world to exist, it is not enough to be aware of another subject and to establish communicative ties with the subject of which one is aware. Furthermore, each subject's self-awareness must contain a binding relationship with other subjects, so that, in their self-awareness, there must be a stable internal relationship with other individuals or groups, even when they are not present in the intersubjective relationship or when there is no actual communication among them. Of course, we are not talking about a plural self, but rather a self that is "communalized" in bonds that may be more or less permanent and have their typical forms of production and dissolution. Such self-awareness, containing a more or less stable bond with other subjects, is precisely the phenomenon I intend to uncover and describe. I call it a bonding, and specifically a nomic bonding (from the Greek νόμος),

since there are other forms of bonding, which can be biological, affective, or even physical. Only nomic bonds will be at issue in my approach to the forms that give cohesion and density to the simple multiplicity of individuals or groups and bring them together within a single, common social world, which is the world of their shared everyday life.

2. Critique of the intersubjectivity-based model

The author who moved most deeply in the direction of a phenomenology of the social world rooted in intersubjectivity was precisely a sociologist by training, strongly influenced by the work of Max Weber. I refer, of course, to Alfred Schütz's phenomenology of the social world and, in particular, to his fundamental work entitled *Der sinnhafte Aufbau der sozialen Welt. Eine Einleitung in die Verstehende Soziologie,* published in Vienna in 1932.

In this work, which is, according to my conviction, the most significant essay in the phenomenological research on the subject, a productive appropriation of the phenomenological theory of time-consciousness is made through a deeper analysis of the Weberian formula "sense attached to an action." However, Schütz's *positio quæstionis* and the whole subsequent development moves in this strict framework of presupposing that a theory of the social world is, at its core, a theory of intersubjectivity, that is, of the various ways in which there is consciousness of another subject, although, for Schütz, only a mundane phenomenology, and not one focused on the transcendental constitution of the *alter ego*, can be fruitful in the framework of a social world phenomenology developed from a sociological stance.

This intersubjectivity-based orientation is very well attested by two relevant features of Schütz's approach.

Firstly, by the fact that he defines the social world as the set of associates, contemporaries, predecessors, and successors, as if everything had to be oriented from the point of view of a central "I," which can be anyone, and as if there were no predetermined objective structures of meaning organizing the field of subjectivities in direct or mediated relation.

Secondly, because, for Schütz, the directing path of analysis is given by the basic opposition between the "We-relationship" (*Wir-Beziehung*), in which a direct intersubjective relation of the form "I-Thou" occurs, and its derived form, in which this relation is absent either accidentally (the case of contemporaries) or essentially (the case of predecessors and successors). In this derived form, the direct "I-Thou" relation is wholly transformed into a mediated "I-Thou" relation where the understanding of the other by means of ideal types, in a Weberian sense, intervenes more decisively than in the direct I-Thou relationship, although it also has a place in it.

From the strict point of view of a fully developed theory regarding the higher strata of intersubjectivity, what is obviously missing in this approach is a theory of the phenomenon of *communication,* showing its forms and processes in the framework of consociates and contemporaries (Schütz addressed the issue in a later essay; see 2003, especially 156-163), and also a theory of *generativity*, already sketched out by Husserl (1973: 169; Hua I) and developed by Steinbock (1995), which could account for the longitudinal connection between predecessors, contemporaries, and successors. However, what is missing above all, beyond this narrow framework of the phenomenology of intersubjectivity, is a descriptive theory powerful enough to distinguish clearly between the several forms of sociality and the various dimensions of communitarian self-identification, i.e., a phenomenological inspection of the several forms in which subjects in relation find the pre-given realm of their *social* life.

What is decisively missing, therefore, is a phenomenological theory of the forms of binding relations (*social* relations) and objective structures of the social world. In fact, the I-Thou relationship, which is posited here as basic, is not a relationship between two naked subjectivities, a kind of original discovery of an *alter ego*. That happens very rarely, indeed. In this respect, the encountering of the European and American social worlds is a paradigmatic historical case. However, even in that case, reciprocal perceptions of the status of the other functioned. Certainly, they did not overlap because they stem from the very different social worlds of each group. Nonetheless, in the normal case, both one's own and another's subjectivity are embedded in the structures of a common social world that is pre-given and known to both. Schütz accounts for this to the extent that he states that the I-Thou relation is also mediated by ideal types. The other I encounter is, say, the letter carrier who comes to deliver the letter I am expecting, the policeman who regulates the traffic, the teacher who gives a class, the friend with whom I talk about ordinary matters, etc., not the stranger coming from a completely foreign, exotic, or unknown social world. Despite Schütz's reference to this underlying dimension, there is, in fact, no phenomenological theory of the structures of social worlds, of their possible invariants, let alone any opening for an account of the modes of collision and mutual assimilation of social worlds that are foreign to each other. At a certain point in his analyses, Schütz enumerates the various forms of relationship with contemporaries. He distinguishes those who have left the face-to-face encounter but who may return; those who have been in a face-to-face relationship with another with whom I am not (the relationship is not transitive); those whom I am soon to meet; those whom I know, not as concrete individuals, but who are defined by a specific function, like the letter carrier, whom I know through a functional type only. All this develops, of course, in the realm of a mundane phenomenology of intersubjectivity. Nevertheless, Schütz's other examples are significant for the point I want to underline. In the category of contemporaries, he also lists non-anonymous collective entities, such as the German Parliament, collective entities anonymous by essence, such as State and Nation, and objective configurations of meaning, such as norms regulating social life, language, etc., to finally mention artifacts, which are, *par excellence*, objects of an ontology of the social world (Schütz, 1932: 202). My point is that these last cases pointed out by Schütz should be guiding themes for what I called above a systematic description of the meaning, structures, and objectivities of the social world. Of them, there is only a rhapsodic, i.e., fragmentary mention with no internal guiding principle.

3. The eidetic approach and its presuppositions

The second thing that, in my opinion, is decisively missing in the Schützian approach, which is, in any case, relevant for a phenomenology of the social world, has to do with the typification of the forms of connection between individuals, which essentially reflect different dimensions of sociality. In fact, a social world is a dense and cohesive world. A social world is a world with binding forms of relationships among its members. Where the binding among individuals ends, a social world also ends. Here, it is not a matter of the simple possibility of interaction. Rather, it is about the linking chains from which a social world derives its specificity in forms of inter- and supra-individual connection, which give it both density and internal cohesion. Individuals who enter the sphere of con-sociability or contemporaneity are, thus, always embedded in a complex network of connections. These forms of connection are largely to be found. This would be a major phenomenological task. Namely, to know whether there are prototypical forms, invariant for all possible social worlds, that allow us to establish identification processes between types of attachment

within a social world, which I would call "endotypical," and other types in different social worlds, which I will call "exotypical." In this case, there could be something like a transposition from one to the other by process of variation on the ideal type that would allow us to affirm something like: To the endotypical religious, political, family binding forms of the social world of reference *X* correspond the exotypical binding forms of the social world *Y*, which are variants of the ideal-typical, eidetic forms, Family, State, Religion, etc. Husserl approached this ideal-eidetic view of the possible forms of the social and cultural worlds. In a passage from the first of the articles on "Renewal," he writes:

> All the concepts that an investigation that goes to the depths – therefore, an investigation that breaks through to what is of the order of principles – encounters here are of a formal aprioristic generality in the good sense of the term. So is the concept of Man in general as a rational being, the concept of being a member of the community, that of the community itself, and no less all the particular concepts of communities, such as Family, People, State, etc. Likewise, for the concepts of culture and of particular cultural systems: Science, Art, Religion, etc. (equally in normative forms: "true," "authentic," Science, Art, Religion). (1998: 11; Hua XXVIII)

Both the desideratum of a phenomenology of the social world and of the forms of culture are joined here. However, they are put forth with the normative (and somewhat authoritarian) claim of an "authentic" Humanity and Culture, as if there were a proto-typical ideal (an archetype) governing all the open diversity of cultures, an assumption here conjugated, it must be said, with the presupposition that Europe would be the place of its fullest achievement. In fact, as to the prominent place of Europe, this is a self-proclamation that does not belong only to Husserl, who simply gave voice to it, but which comes far in the past. We know how naively and balefully this assumption was assumed in the discovery of the New World, in which the endotypical forms of European culture were projected onto the exotypical social reality of the Amerindian peoples, with the additional devastating bias that the European forms would be, by themselves, the most mature and authentic. What could not be absorbed by them was seen as an expression of the "abnormal" and "anomalous." The persistent discourse on the tasks of dominating to "educate," "civilize," and "save the souls" had its roots here.

Additionally, the ideal types I will later dissociate under the titles of "*Socialitas*," "*Imperium*," and "*Oikeiosis*" should not be read as pure eidetic types, providing the basis for determining aprioristic laws with a supposed normative character for the factual forms of their instantiation. A phenomenology of the social world must remain open to the empirical diversity of history and cultures, instead of closing itself in a supposed pure eidetic theory that takes these types as the bearers of an ideal meaning on the basis of which the "rational," "normative" forms of their concrete realization could be determined. On the contrary, they are "open universals" or "concrete" ones, if I may express myself in a rather Hegelian way: Not simple abstract forms, empty, therefore, but concepts capable of integrating empirical diversity and bringing it to unity under the form of a system of mutual, side-variations and not of variations of a pure prototype taken as the authentic and normative one. Obviously, generic statements covering the concrete forms of diversity are always possible and will be, in fact, the primary theoretical goal that must be fulfilled, as well as the determination of the forms in which these systems interpenetrate and partially merge.

4. An anchylosed model

However, going beyond Schütz and Husserl, the assumption most worthy of questioning is, in my opinion, that a social world is a self-contained structure by a larger, delimiting circle. This final circle would supposedly reach its full expression in the political figure of the State. In fact, so speaks the current assumption, the State would be the figure in which a social world acquires individuality, its mature form, so to speak, which would contain all the smaller societies within itself, and which would connect with other states in a lateral relationship of cooperation, but also of competition and sometimes - indeed, too often... - under the somber colors of armed confrontation. This idea that the social world is like a set of concentric spheres contained in the State's larger sphere is undoubtedly associated with the modern formation of European territorial states. It received its most powerful theoretical "enthronement," among those I know, in the famous assertions of Hegel in his *Philosophy of Law*, where, in his usual grandiloquent manner, he sees in the State "the march of God in the World" ("*Es ist der Gang Gottes in der Welt, daß der Staat ist*," addendum to §. 258, 1986: 403), and characterizes it with the following words,

> The state is the reality of the moral idea [*sittlichen Idee*] – the moral spirit, as the *public*, self-clear, substantial will that thinks and knows itself and accomplishes what it knows and insofar as it knows it. It has its immediate existence in *custom* [*Sitte*] and its mediated existence in the *self-consciousness* of the individual, the knowledge and activity of the same, just as the latter has its *substantial freedom* through the disposition [*Gesinnung*] in it, as its essence, end, and products of its activity. (1986, §. 257: 398)

It is this presupposition that the State would bring to completion antecedent structures that teleologically point to it and are accomplished in it – as if it were their entelechy – that I will examine next. It is against this assumption that I will defend my major thesis, namely that there are not only different but, above all, non-coincident axes in the social world, axes that determine many other spheres that intersect but are not overlapping, spheres that, it is my conviction, a phenomenology of the structures and binding forms of the social world is able to determine.

Additionally, I will maintain that some of these structures of the social world, such as states and identitarian communities, are non-universalizable and will always be local, while, in contrast, another stands out as being a sphere by essence, if not in fact, of global dimension. Before the opposition between particularism, or even parochialism, on the one hand, and cosmopolitan globalism on the other, I will argue that there are globalizing dynamics in the social world that combine, often in tension, with spheres that are forever and by essence historically and territorially local.

In fact, the most common understanding of the social world is made through a process of composition in increasingly broader groupings, which goes from the local to the successively broader until it culminates at the limit point of the global. This is how one passes from the individual to his or her immediate group, from this to the group of fellow citizens, from this to broader communities, such as the religious or political communities, from the political community of the State to relations of proximity and neighborhood among states, from these to multi-state international communities and finally to the abstract whole of the global society of nations, states or even the totality of individuals, as singular members of the earthly orb as a whole.

I metaphorically call this agglutinating scheme, very widespread in common understanding but not only in it, as the "matryoshka" or "Russian dolls" model. In fact, it is as if it were a system of fitting structures

into others, according to a uniform relationship from continent to contained, in which only the most minor structure is *not empty*, and all the others are just replicas similar on their surface, but without an internal content of their own except *amplifying* those contained therein. Inside, it will only have other equally hollow structures, and these, still others, only the smallest atomic element being provided with definite content. Two interpretations are possible: either the substantial will be the basic atomic element, the individual, or the fully effective will be the place of its amplification and transmutation in the top form, which would contain, develop, and project the individual against its very ultimate horizon: the state polity, as in the Hegelian organicist view.

However, in this scheme, there are several inaccurate things that immediately jump to anyone's eyes. One seems decisive to me. The passage to broader units is made according to *different relations* that are not clearly defined. Indeed, from the individual to the family group, from the family group to fellow citizens, from fellow citizens to particular associations and communities of various kinds, from these to the State, from the State to connections among states, there are plenty of forms of binding that are not clearly considered in their content and proper dynamics. To return to the analogy of the Russian dolls, we are forever enmeshed in the double reading that it permits: Is the State, as a top figure, a mere mechanism to make the social life of individuals secure, they alone being the real element, as the defenders of the liberal tradition have constantly affirmed, or is the State an organic totality that absorbs and transcends individuals, communities, and particular societies, as the heralds of the organicist conception of the State have defended? This question, always debated again, directly impacts the determination of individual rights and freedoms and the so-called "minor" associations within the State. However, it is also a question vitiated by a misleading model for understanding the plurality of dimensions of the social world.

5. A three-axial theory of the social world

My proposal for a phenomenology of the social world begins precisely here. It is attentive to forms of inter-individual binding and supervening objective structures beyond the old model of Intersubjectivity and face-to-face relationships.

As for the forms of inter-individual binding, I distinguish three axes, namely,

1. The connections arising from the sense of belonging to a specific community, in which the concrete identity of individuals is built – I call them by the Stoic term *Oikeiosis* (οἰκείωσις), which I will define later.
2. The connections arising from relations of command and submission, which have multiple forms and concrete conditions of effectuation, all of them entailing, nonetheless, a vertical relationship between unequal entities, be they individuals or groups – I name them by the Latin word *Imperium*.
3. Finally, the connections arising from exchanges, from the circulation of social goods, and from express agreements among individuals or groups (promise, contract, an association for the pursuit of any ends, etc.), which are made in a "horizontal" position of rough equality among the parties – I call them by the Latin term *Socialitas*.

These three forms of connection have not only different contents as to their internal meaning and how the individuality of individuals is defined in them (by belonging to a community space, by chains of

command and obedience, by the capacity for choice and free assent) but also distinct dynamics, which definitively push away the "matryoshka" model, as I called it above. None of them can subsist in isolation. However, each one of them has a different power of expansion. Individuals become constituted in them under different figures. In one, by the sense of belongingness to a community, which has with other communities a relationship of progressive estrangement to the limits of total alienation and mutual incommunicability. In another, by the position in the various hierarchical systems of command, in which, simultaneously, everyone holds both powers and obligations to which he is bound. Finally, by equality with other individuals, where all rights and duties can be traced back to an express act of voluntary agreement or consent. I would say, then, to abbreviate it into a simple formula, that in each of these, individuals are constituted by the different principles of the *I am* (which has to do with an identity deeply constituted within a community), the *I can* (which has to do with the contours of possible action within a hierarchical network of power), and, finally, the *I will* (which refers back to the system of exchanges based on a free decision).

Moreover, and this is particularly important to emphasize, there are *objective* structures of the social world, namely institutions, that are based predominantly on each of these forms of connection, although they always contain elements of the others as well. Those larger objective structures of the social world in which each of them has primacy are what I will name, in a very general way, in order to cover the multiple forms of their institution throughout cultures and history, the *Temple*, in which the sense of belonging to a community holds primacy; then the *Palace*, in which it is the hierarchical power structure that is in the dominant position, opening up the space that we nowadays perceive as the political phenomenon; and, finally, the open field of circulation and exchange of all kinds of social goods among individuals and groups, from ideas to merchandise, a field that I name, not obviously by "market," but by the Greek term *Agora* (ἀγορά), a more polysemic word and, therefore, more apt to capture the broad spectrum of circulation, communication, and exchange of social goods, from material to intellectual, spiritual, and moral ones.

That said, an internal clarification of the meaning of these structures shows several important aspects. First, the Palace has an always local dimension, confined to a territory, and would not be universalizable except in the excessive, aberrant figure of a World State or Empire, which would contradict its own nature. Second, the Temple is organized not from the political category of the territory but from the sacral category of the *place* or places of worship, and, by its very nature, it constitutes a porous and diffuse community that is not contained within the limits of a "political" territory. Third, the Agora, by its very essence, can only be thought of as global, because everything that prevents this universal dimension of exchange and circulation of individuals and social goods comes either from geographical limits, now almost overcome, or from the political sphere of palaces or from an incommunicability stemming from the communitarian sphere. Therefore, its potential globality is only hindered by forces or motives that are external to it.

Thus, I will suggest that if one looks at the social world freed from the assumption that all particular societies are minor circles within the larger encompassing circle of the states, one will clearly see that there are axes with different internal dynamics and that there are objective structures with different latitudes as well, some of them local, others crossing borders and others global. Therefore, I will oppose the model of coincident circles in the unity of a larger circle to the view that the several circles certainly intersect but never overlap. I am emphasizing this despite (but not against) the historical evidence that the development of territorial states in modern Europe entailed, to a large extent, an attempt to close the universe of exchanges within state territories, in a vain mercantilist project of autarky and exchanges managed by the objective of State's surplus,

which culminated, theoretically, in the counter-natural Fichtean proposal of a "closed commercial state." Alongside this, there was also the attempt to limit the cross-broader character of the Temple, as in England, with the creation of the Anglican national religion dominated by the regal power of Henry VIII, and even, later in Europe, to synthesize the various identitarian communities in the romantic dream of the Nation, to then express these "national" identities politically by the new idea of the Nation-State.

Despite the internal force of this movement of modernity in Europe bringing about the state as the paramount form of social life, which spread worldwide after the decolonization movement in the second half of the 20th century, the circles remain stubbornly non-coincident: Religion continues to be a cross-border phenomenon; there also are several national communities contained within a single political power, and there are, on the opposite side, national communities divided by different states. This European movement towards the constitution of the secular, territorial, and then national State is the basis for the supposed evidence that I have discussed that all the smaller societies and communities congregate and are contained within its circle. The constant hindrances to this State hypertrophy were also a sign of how forced and contrary it was to the other internal dynamics of the social world that it ended up subjecting.

Thus, there is not *a* social world under some totalizing and unifying instance, but worlds with differentiated dynamics and amplitudes and with either local or global nature. Certainly, they intersect and interpenetrate, but they never fully overlap into a single structure of concentric circles. If I were allowed to invert the "matryoshka model," I would also say that it is the global circle of the Agora, supported by what the peninsular classics confronted with the discovery of the New World, such as Francisco de Victoria, named the *ius perigrinandi, ius communicandi* and *ius comercii* as cosmopolitan rights,[1] I will say that it is this global circle of the Agora where for the first time the figure of a unique Humanity emerges, that involves the different smaller circles of the palaces and temples, always plural and local, so that, in theory, none of these political, confessional or communitarian circles has the right to artificially close the global circulation of people, ideas, and goods. The other way around, to nuance this rather one-sided statement, I will also say that states and communities always have legitimate authority to shape this larger cosmopolitan right, but not to suppress it altogether.

6. Outline of a phenomenology of the social world

What I have just said about the three axes should not be read disjunctively. That is the first point to stress. The social world consists of complex connections between all of them, and none of them is, by itself, a sufficient condition that would constitute a dense and cohesive social world. However, none of them being more than a necessary condition, the set of these conditions can be considered sufficient for the constitution of a social world. Indeed, a social world limited to a system of exchanges, freedom of circulation and communication, or even of fixation – the "ultra-liberal dream" – would be a defective social world. It would lack a concrete identity for individuals and an organizational system based on fixed powers and obligations, giving a coercive structure to the connections among individuals or groups. *Mutatis mutandis*, the same could be said of the two remaining axes.

Let me outline a preliminary characterization of the specificity of each of these axes.

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[1] In his *Relectio de Indis* of 1532, question 3, article 1, §§. 2 and 3, Francisco de Victoria was referring to the rights of Spaniards. However, as is implicitly recognized, these are the rights of any individual, considered from a cosmopolitical stance (see Vitoria, 2016: 143-147).

First, there is a sphere of relations that creates interindividual or group bonds that can be referred back to an express act of acceptance or agreement, and that will not exist if such an act has not occurred. A promise, a contract, an association for a particular purpose, an exchange of social goods of any kind (not necessarily buying and selling only, although these are included), a gift, and similar acts are forms of this kind of relationship. They depend on an instituting act and a reciprocal acceptance: The promisor and the promisee, the contracting and the contracted, the seller and the buyer, and so on. As an essential characteristic, they involve individuals or associations of individuals who possess what the natural law classics called the *sui iuris* condition, that is, the state of being master of themselves and being able to perform, therefore, acts instituting new connections for which they become responsible. Thus, these are bonds established between individuals who are in a state of mutual equality in relation to each other and who are constituted as having the power of free choice. Moreover, another essential feature is that all the commitments in this sphere can be thought of genetically, from a phenomenological point of view, which involves a genealogy of meaning, as arising from an original position where no one yet has any claims or obligations towards others: A kind of "original state" in which everyone is allowed to do what they want, insofar as these acts do not affect others. From this zero-point, so to speak, a system of reciprocal rights and duties emerges step by step, as individuals engage in reciprocal acts of voluntary agreement, thus creating a growing network of normative connections that have a binding force. These ties do not mean that one's original freedom is taken away. On the contrary, they are a substantial densification of it, for they are a product of free choices and create as many new duties as new rights, which add to the original situation. Kant named this process as an *Einschränkung* of freedom, a concept that should not be interpreted as a sheer limitation, but as a mutual conditioning from which spring rights and obligations that individuals did not hold in their ideal original position, a situation that natural lawyers used to treat as the difference between "innate" rights and "adventitious" rights, born of legal dealings, such as contracts and others, in a supposed "state of nature."

This is a horizontal system of relations, from which normative constraints that have binding force can arise (the contract must be fulfilled, the promise must be kept, etc.). It can also occur between groups, i.e., associations of individuals, and between higher-order personalities, such as states (the *ius contrahendi*, e.g., treaties, alliances, etc.). Although it may involve entities that are not mere individuals, its horizontality is not hindered by that. Moreover, each normative constraint can be referred, in a finite set of steps, to an act of institution, which functions as its *effective* origin.

As I mentioned above, this is the sphere I call *socialitas*. It is not essentially limited. It can grow indefinitely without any inner limit beyond the possibility of mutual understanding and communication. Moreover, it is self-regulating. The universe of exchanges, transmissions, and agreements among individuals concerning any social good depends precisely on each individual's assessment of the "goodness" (worth) of that social good. It is also a self-propelled sphere. In fact, the tendency to exchange is always growing, if no external factor hinders it. This internal growth of the system of exchange and circulation of any goods, commodities, or "spiritual" goods propels the effort of constant innovation and search for the difference that increases the "value" of the social goods. Thus, the sphere of *socialitas* is dynamic, geared toward differentiating innovation and satisfying ever-new needs. As I stressed above, it is a global sphere by nature. Despite the cultural or political limitations that may arise from the other spheres that develop from the other axes of the social world, it contains no internally self-limiting principles. It,

therefore, has the potential to create a universal, objective structure of the social world. In fact, historically, trade, which is the most basic form of the sphere of exchanges, has always gone through the diversity of cultures and different political powers, albeit in a limited and episodic way at the beginning, and then it has always reinforced to the extreme point of a "global market." Nevertheless, to escape this "mercantile" bias of this objective structure of the social world based on the system of exchanges, I name it, as I said above, by the semantically richer word "Agora." The Agora is, thus, an objective structure of the social world, a kind of "global society of human beings," based precisely on the axis of *socialitas.*

The second axis I mentioned concerns the tie among individuals based on a common feeling of belongingness. As I underlined, it is not so much a matter of belonging to each other, although this is also the case, but, more profoundly, of belonging together to something common to them. This bond defines the contours of a *community* in the strong sense of the term. Several notes characterize it.

Firstly, the experience of the forms and structures of the social world is marked by the polarity of the proper and the strange (Husserl approached a phenomenology of this dimension with his opposition between *Heimwelt* and *Fremdwelt,* and also Steinbock). This opposition between the own and the strange is not, however, monolithic. Instead, it is gradual and nuanced. Certain elements of the social world (customs, ideas, values, rules of life, etc.) are experienced as more or less proper and more or less strange, passing through intermediate elements that are experienced with the note of the "familiar" but not, however, of the proper. The same individual always has such a relationship with various differentiated communities, polarized between what is "his own" and what is increasingly stranger: The family and its ancestors, the inter-family groups, the people of which it is a "son", etc., as against symmetrical communities that appear with the sense of progressively unfamiliar, strange, or even abnormal. The extreme points would be, on the one hand, the feeling of being "totally at home" in one's *Heimwelt,* and, on the other, the sense of being "alienated" in the complete strangeness of another social world that would touch the extreme of incommunicability.

Secondly, it is important to stress that this is the dimension of the "roots," of the "lineages," of the *gens*, to use the Latin expression. There is in it a double reference: To a *past* that gathers the members of the community and of the community to a *place* in the physical terrestrial space, taken as the site of provenance, foundation, or birth. This relationship with the shared past entails a powerful dynamic of conservation. Fidelity to the past predominates, despite other factors that tend toward transformation. This fidelity to the past that supports a community has typically been handed over to the figures of the elders, who would hold an authoritative voice (but not power, in the sense of political power) regarding the constant repristinating of the founding forms of each community.

In a nutshell, I will say that this constitutive nomic bond of a community experienced with the sense of "one's own," "mine," or rather "ours" is the bond of tradition: The reception of an originally instituting deposit of meaning, the transmission, reinterpretation, and constant renewal of origins. If the sphere of *socialitas* refers to instituting acts whose origin can be traced, because it is based on an express agreement, this sphere of belongingness dives into a remote origin that cannot be traced back to an original consent and instituting act that takes the form of an express "I want." Instead, it dives into a past beyond individuals' pasts, a past that often presents under the narrative of a misty and "enchanted" founding gesture. In the same way, the bonds between individuals do not involve acts that refer to the *sui iuris* status that I underlined above. Instead, they are nomic bonds that are learned silently and semi-consciously and that are constitutive of a concrete identity, beyond the abstract identity of individuals who, masters of themselves, agree,

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exchange or contract through explicit acts of acceptance. In this sphere, one neither agrees nor accepts: One *is* what belonging to a community has always made of her beforehand. That identity can be later changed, but not erased, because it is precisely on it that the successive steps of self-construction are based.

I call this sense of "being at home" or of the "world of one's own." the *Heimwelt*, constitutive of a community's nomic bond oriented on a shared past and continued in a tradition, I call it, as I said, by the stoic word *oikéiosis*, which comes from *oikos*, "house" and "family," and I then speak of an "oikeiotic" nomic bond, if I may also use this neologism. Oikeiotic communities are of various kinds, as I pointed out above, and they combine with each other in various ways, including by agglutination, as, for example, in cases where the tradition of one clan is connected with another and with still another to form the larger oikeiotic community of a people, as in the case of the twelve tribes of Israel and their reference to the common ancestor Jacob.

A remarkable objective structure of the social world emerges as the mature form of this intersection and overlapping of multiple oikeiotic linkages. It is the case of the founding mythic narrative that supports the life of a community. From the deeds of heroes or ancestors, one goes back to the mythic foundation of the world, and in this narrative, the oikeiotic community, with its multiple branches now connected, emerges as the receptacle, the guardian and venerator of a tradition. In a word, the institution of the Temple emerges as the central place of reference, with its cult of divinities, its founding mythical narrative, the convictions and rules of life in which fidelity to the origins is preserved, and the community's identity is maintained. Having this sociological function of being the original foundation of a particular oikeiotic community, the phenomenon of "religion" must always be thought of in the plural. The pantheons are the places where multiple community ties come together in a common identitarian narrative, which belongs to all and unites all. Even monotheism has not profoundly changed this situation, I believe. The blatant case is that of Judaism. It evolved from polytheism to monolatry and finally from monolatry to monotheism. But this one God was still the God who had a chosen people, therefore, a particular community whose identity was maintained in fidelity to a cult and a tradition. With the universalization of the religious oikeiotic belonging in the preaching of Paul of Tarsus, founder of Christianity, this structure did not change radically. Certainly, it went from the People of Israel, as the chosen people, to an ecumenism that embraces both Jews and Gentiles, that embraces the entire inhabited earth, as the term *oikoumenikós* literally says. However, despite this universal character, which is precisely what the term "catholic" (*katholikós*) means, the figure of the People of God was maintained, now gathered no longer by ethnicity and generative ties, but rather by devotion and faith. This would enter in a deep tension with the third objective structure of the social world, about which I will speak shortly.

When we look at the oikeiotic background of the Temple and of the religious phenomenon in general, one thing stands out clearly: Despite the claim of some monotheistic religions to a universal church, the religious phenomenon is essentially non-universalizable. The mythical narrative that institutes religion and divinity can only be declined in the plural. A religious globalization, a single religion, and a single god would be the excessive way in which one particular communal bond would crush all others and suppress them. This may indeed happen one day and happened massively with the Christianization of the Amerindian peoples, for example. But that would contradict the rootedness of the Temples in each of the singular oikeiotic communities that are at their origin.

The third and very different axis of nomic links that should be underlined is the relation between domination and submission. It does not have to do with oikeiotic communities and their internal authorities

but with power relations between individuals or groups. While the communal bond is a feeling of common belonging to a cultural space experienced as "ours" and, in the most important cases, connected to an ancestral root by a founding narrative, the power relation does not necessarily have to involve the sharing of a feeling of mutual belonging and is, unlike the previous one, hierarchically structured: It is based on the differentiation of the moral persons of the Superior and the Subordinate. Initially, it seems to be an "atopic" relationship, without roots in a physical place, because it is really a pure relationship among individuals or groups: group or individual X has a power of coercion over a group of individuals Y. However, command entails proximity. Where the distance extends beyond the reach of the one who commands, the relationship between superior and subordinate also dissolves.

It is difficult to see the genetic origin of the superior-subordinate relationship, if there is only one, indeed. Phenomenologically, to trace an origin genetically is not just a factual and positive inquiry but rather the mapping of facts within the larger framework of the reconstruction of the sense of acts of an original institution, according to that model that Husserl followed exemplarily for the origin of Geometry or Europe as a spiritual phenomenon. If we follow that line, the origin of the power of domination must be sought in the sphere of life where necessity supersedes freedom. This is the sphere of labor. It has to do with satisfying the basic needs of material life, which is why it has a constraining and urgent character. Now, work is a cooperative activity, differentiated into a set of coordinated sub-activities with increasing specialization. Not surprisingly, those who are most gifted in managing a cooperative activity will progressively gain control over the entire process and subsequently achieve domination over their fellow workers. Domination is thus multifaceted and takes different forms depending on the various activities in which individuals cooperatively engage. As an essential fact, domination tends to gain an increasingly hierarchical structure. A, who dominates activity X, may, in turn, be dominated by B in the exercise of a more comprehensive activity, and so on. Conversely, the existence of two competing superiors for the same function must culminate in the suppression of one of them or in the reorganization of their respective areas of influence so that an essentially intersubjective phenomenon progressively gains a quasi-territorial projection.

However, the crucial qualitative mutation occurs with domination not over cooperative labor functions but over the land where they are exercised. Apart perhaps from the right of the first occupant, the possession of a piece of land is an act of force. It involves an apparatus of defense, control and coercion, occasional or permanent, which tends to take the form of a warlike force (a militia, say). This transition, which is never without violence, from power to a territorial dimension is thus primarily conveyed by the appropriation of land. It gives a position of permanent dominion, freed from the position each one occupies in cooperative work. In fact, those who have achieved dominion over a portion of land can then subject to their authority all those who inhabit or pass through it and all the activities that are carried out on it. The possession of land is thus the first mark of private property and the remote origin of those permanent inequalities between human beings, which forever differentiate them into superiors and subordinates. The case of feudal Europe is exemplary. Relationships of suzerainty and vassalage distributed the possession of land in a politically organized way in an intricate structure of hierarchical domination among noble lords and, from these, over the whole peasantry. The suppression of the feudal system and the evolution towards the unified state consolidated this pre-existing structure. In my opinion, this evolution should be read as the progressive submission of the multiple landowners to the progressively built unity of a single royal power. The latter "inherited," rather than subverted, the political projection of power over a territory, with its

dimensions of domination and submission. It is not necessary to be a Marxist to see the deep-rooted significance of private property and land ownership, which is apparently at its base, in the internal differentiation between those who command and those who are subject to the command of others. Jean-Jacques Rosseau took the same view, particularly in his essay on the origin and foundations of inequality among men.

From this profusion of command hierarchies among individuals and groups, which is a binding axis in the social world quite different both from the communitarian bond and from *socialitas*, there is an objective structure that emerges as its most complete form: the power we nowadays call *political*. Not the Temple, therefore, as the identification center of a community, but rather the Palace, to use a suggestive expression, that may cover the infinite plurality of forms of the so-called "political" phenomenon. And if the original relations of superior and subordinate in cooperative work were quasi-territorial, political power is, by essence, something that is exercised within the limits of a given territory.

This basic fact about the Palace is often elided. Indeed, regarding the specific case of the origin of "political" power, land ownership is the missing constan in the traditional contractualistic account, and the major flaw of its entire argument. In fact, in the approach I am setting out, the contractual scheme is tantamount to attempting to derive the Palace from the sphere of *socialitas*, as if political power, the positions of command and submission, had emerged from a fictional contract or primitive agreement among individuals. Apart from its implausibility (the derivation of the *Imperium*, i.e., inequality, from *socialitas*, which is based on the equal status among the parties), this thesis also has several weaknesses. Above all, it does not consider the territorial factor, which, as I have stressed, is fundamental in the genesis of this structure. Indeed, it is difficult to understand how a pact of association among individuals and then a transfer of commanding power to a person, an assembly, or a group (what Hobbes called a "*pactum subjectionis*," in contrast to the medieval tradition of the *translatio imperii*), which is an intersubjective relationship among individuals who can then disperse far and wide, it is not easy to see how this relationship is, however, by essence always concentrated on a given territory and supported by fixed relations of proximity. The question is quite evident in Locke's contractualism. His whole argument lacks the territorial dimension, and because of that, it is not clear why a power resulting from an agreement among individuals can have *ipso facto* a territorial projection and, therefore, an area of incidence and a boundary limit for its effectiveness. Notwithstanding this express absence of the territorial dimension of political power in Locke's account, it is surreptitiously introduced by him into the argument by the fact that those who give their consent are clearly *pater familias* and landowners. Thus, the boundaries of political power are surreptitiously introduced: The land ownership of the supposedly contracting individuals defines *eo ipso* the political boundaries of the political territory. As a result, the territorial dimension of power is covertly introduced by this assumption, although the contractual model does not offer a sufficiently precise description of it. It is like a "hidden constant" in all contractual theory. On the contrary, a good theory of the genesis of the Palace would have to take this territorial factor into account from the very beginning.

As a matter of fact, I believe that, before any questioning about the forms of power, whether autocratic or democratic, dynastic or elective, it is necessary to strongly mark the founding dimension of a geographical projection that takes the form of a territory delimited by borders, when a Palace recognizes the existence of other neighboring palaces, or of an open and ever-increasing territory, when the Palace takes the form of an expanding empire. Commonly, one is obsessively directed towards the morphology of so-

called "political" power, its institutions, and the forms of deliberation, autocratic or democratic, that it may involve. However, from the genealogical point of view, this is already a secondary question. To illustrate this by mentioning an example, the Athenians deliberated democratically in an assembly of all citizens. But they could only do so because, collectively and individually, they were in possession of the territory of Attica. This primitive possession of a territory made collective decision-making possible and, at the same time, delimited the effectiveness and validity of these deliberations: a deliberation in Athens had no value in Lacedaemon or Syracuse. Thus, the Palace always is a local, telluric dimension of the social world. It is projected onto a territory, unlike the Temple, which radiates from a sacred place, or the Agora, which is by its very nature, though not in fact, a global dimension of the social world.

To finish by putting things together, I endeavored to stress that there are forms of nomic binding among individuals distinct from one another. I have called them, in general, the "axes" of the social world: *socialitas*, *imperium*, and *oikeiosis*. They do not necessarily coincide because they have their internal dynamics. Above all, they may give rise to institutions or objective structures of the social world that are predominantly based on one of them and which have expressions that are sometimes local, sometimes territorial, sometimes global. Such is what I have called the "Temple," the "Palace," and the "Agora." The Agora has no internal limits; the Palace extends within territorial limits, while the Temple radiates from a central place (or from several "sacred" places) across several groups and territories. Moreover, complex relations exist between them. They can stand side by side. However, each of them can also have a position of supremacy over the others, and this is what usually occurs throughout history. The Temple may prevail over the Palace or even absorb it in a theocratic state; the Palace may partially merge with the Temple by an apotheosis, as in the Roman deification of the Emperor; or, on the contrary, the Palace may keep untouched but subordinate to its political authority both the Temple and the Agora, as was the case in the modern formation of states in Europe; or the Agora, taking the narrow form of a global economic marketplace, may jump over the territorial authorities of the palaces. Moreover, the Palace itself may be based on a supposedly oikeiotic community, as in the romantic dream of the nation-state. These relations are always tense and subject to change because they link essentially different spheres of the social world.

Finally, I would like to point out that both these different kinds of nomic bonds among individuals and the objective structures that are based on them rest on two underlying strata, which could be considered the founding layers of any social world whatsoever. They are *labor*, which I mentioned in passing, and *knowledge*. It is through labor that the social world actively touches the foundational stratum of the natural world. Genetically, knowledge emerged as know-how, linked to the material reproduction of life, and only later, much later in fact, did it evolve into the "theoretical attitude" whose phenomenological genesis Husserl so insightfully described. Through labor and knowledge, as the founding strata of the social world, this latter gains a vision of its very insertion into the natural and cosmic order. The ancient idea of conceiving the human society as a microcosm that mirrors the cosmic order, although fundamentally misguided, expresses this deep insight that the social world is ultimately and essentially embedded in the natural and cosmic orders.

Data availability statement

The main focus of this article is contributions of a theoretical or methodological nature, without the use of empirical data sets. Therefore, in accordance with the journal's editorial guidelines, the article is exempt from being deposited in SciELO Data.

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