

René-Jean Dupuy and the Tragic City. The Surveyor, the Captain and the Poet

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Abstract

R.-J. Dupuy's works are based on a dialectical approach to international law which integrates the inner strife and the various antagonisms that beset the 'terrestrial city'. Nevertheless he refused Hegel's dialectic which opposes thesis and antithesis to produce a sterile synthesis and leads to rigidity. On the contrary, Dupuy's 'open dialectic' is based on the rejection of mechanistic and deterministic philosophies, and his description of the terrestrial city is dynamic, perpetually confronting opposite points of view through the eyes of the 'Captain', the 'Surveyor', and the 'Poet' symbolizing the need for order, for change, and for transcendence.

Around 1470, a painter from Urbino, perhaps Pierro Della Francesca himself,¹ wishing to demonstrate his mastery of perspective, painted *the ideal city* – cold, fascinating, and formally beautiful. Only a few decades before, another painter engaged in the academic quest for perspective, Fra Angelico, had decided to abandon the quest. His last works returned to a kind of primitivism that exuded a fragile grace, in which formal imperfection enhances the light of landscape and human soul.²

This refusal of the perfect city and geometrical order was also the choice made by René-Jean Dupuy, who endeavoured to describe the 'Terrestrial city', Tragic City, human city, in all its contradictions and essential imperfections. Imperfections that, far from being regretted, are on the contrary perceived as a source of fertility for maintaining man's need to create and advance.

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¹ This attribution was later contested and the work was attributed to Luciano Laurana and Francesco di Giorgio Martini successively. Irrespective of the painter's identity, this work perfects Brunelleschi's invention of perspective by developing all its geometric virtualities. Pierro Della Francesca was a reputed mathematician who wrote two treatises on geometry.

² Compare *The Last Judgement* or *Deposition from the Cross*, painted circa 1432, with the marvellous frescos of the San Marco Convent painted from 1340 onwards.

The thread running through his work is the refusal of the perfect world city in the form of a definitive institution, and the rejection of mechanistic reasoning and deterministic philosophy. And in opposition to some people's certainties, René-Jean Dupuy unceasingly offered fertile doubt, and perfecting through quest rather than ownership. His 'Terrestrial city' may have been tragic and torn apart by conflict; it was also illuminated by the expectancy of the advent of Humanity.

For a proper grasp of René-Jean Dupuy's approach, and to be able to understand his description of the 'Terrestrial city', we have to refer to his intellectual milieu, the philosophy, history, and literature he read, from which he was able to extract the foundations and place them at the service of a new interpretation of international law. No-one was less convinced than he that law was a sphere closed in on itself, or that legal reasoning had to be systemic. In René-Jean Dupuy's intellectual world, 'everything that rises converges',³ and literature, philosophy, and poetry offer keys for deciphering international society.

In reality this is much more than a description of international society, for Dupuy's writing frequently evokes the study of human nature, placing one in front of the other like mirrors.

On this singular path, René-Jean Dupuy sometimes turns his gaze towards some of his travelling companions, enthused by the same quest, and who walked ahead of him: Paul Valéry, Georges Sorel, Nietzsche, Proudhon, Péguy, Saint Exupéry,⁴ and many others.⁵ These paths did not always run parallel, but they were all radiant. And they all contributed to the description of the terrestrial city as a Tragic City, but also as a city open to its redemption.

1 Ways of Looking at the Terrestrial city.

How can we describe international society? This is the first methodology question facing the internationalist doctrine. Certainly it has tried to provide an answer that resides in the impossible quest for the scientifically neutral. René-Jean Dupuy can but observe the multiplicity and subjectivity of the possible points of view. His only demand is their perpetual confrontation.

³ Expression coined by Père Teilhard de Chardin.

⁴ R.-J. Dupuy penned studies on Péguy, Saint-Exupéry, and Valéry: 'Charles Péguy, un utopiste du passé', *Annales de la Faculté de droit d'Aix-en-Provence* (1957) 1; 'La cité de Saint-Exupéry', *Annales de la Faculté de droit d'Aix-en-Provence* (1959) 3; 'Regard de Valéry sur l'univers politique', in *Mélanges offerts à Monsieur le Doyen Louis Troabas* (1980). He also commented on Nietzsche's politics in *Politique de Nietzsche* (1969); Sorel and Proudhon are extensively quoted in various works by the author.

⁵ Also quoted in the works of R.-J. Dupuy are A. Camus (to whom he devoted a study, 'Camus et les droits de l'homme', in various authors, *Camus et la politique* (1985)), C. Lévy Strauss, G. Thibon, Bergson, Bernanos, S. Weil, and N. Kazantzakis. On the other hand it is quite disconcerting to note that it is difficult to detect in the writing of R.-J. Dupuy any deep affinities with this or that doctrinal current of his discipline. A few people only, such as Charles de Visscher, seem to be the exception. And above all it should be noted that references to Maître G. Scelle are rare. This can nonetheless be explained by his loyalty to the ancient/former disciple, and his not having the heart to tackle head-on the person who introduced him to international law.

These different types of point of view have nowhere been better expressed than by Antoine de Saint Exupéry, in a text that René-Jean Dupuy quotes at length:

To show me the town, sometimes I was taken to the top of a hill. 'Look at our city' they would say. And I admired the order of the streets and the design of the ramparts. But others, to show me their city took me across the river so that I could admire it from the far bank. I discovered it in profile, in the splendour of the twilight, its houses, some tall, some small, some low, some wide, and the smoke of purple clouds catching on the spires of the minarets. It revealed itself to me like a fleet ready to set sail. And the truth of the city was no longer the stable truth of the surveyor, but an assault on the earth by man in the prevailing wind of his crusade. Some took me inside their ramparts to have me admire their city, leading me straight to the temple. I entered, gripped by the silence and the cool shade, and I began to meditate. . . This, then, is man's truth, I thought. He only exists through his soul. My City will be run by poets and priests. And they will make man's heart flourish.⁶

René-Jean Dupuy summarized these three types of viewpoints thus: '[t]he city imagined by St Exupéry is governed by the triple authority of architect, leader and spirit'.⁷

René-Jean Dupuy would also express in another form the diversity of the gazes one can use to look at the City, opposing Valéry's way of seeing to that of Péguy and Saint Exupéry: the work of the former – 'as far as it is possible to be from a witness in writing, . . . is research and not revelation, the work of the eye, not of the verb',⁸ while Péguy and Saint-Exupéry left the floor open 'not to theoreticians, but to apostles' and knowledge was defined as '[n]either demonstration nor explanation, but having access to the vision'.⁹

René-Jean Dupuy was too subtle to place these various readings in opposition, and, on the contrary, sought to combine them to give as exhaustive a picture as possible of reality. This is why he rejected readings that corresponded to only one point of view: 'situated' readings. His basic criticism of harmonist or strategist doctrines, which analyse international society from a single point of view,¹⁰ is a response to his need to confront opposing points of view. This was also to lead him to his dialectic method.

More precisely, in the writings of René-Jean Dupuy intellectual figures are to be found that correspond to the Architect,¹¹ the Theoretician, Captain, Poet, and Apostle. Taken individually, each represents an intellectual temptation and possible deviance.¹²

⁶ Excerpt from *Citadelles*, quoted in 'La cité de Saint-Exupéry', *supra* note 4, at 27.

⁷ *Ibid.*

⁸ 'Regard de Valéry sur l'univers politique', *supra* note 4, at 137.

⁹ Excerpt from *Pilote de guerre*, quoted in 'La cité de Saint-Exupéry', *supra* note 4, at 34.

¹⁰ *La communauté internationale entre le mythe et l'histoire* (1986), at 29.

¹¹ Valéry, e.g., was explicitly described as an Architect by Dupuy. This adjective is also implicitly attributed to Scelle, and to those who try to draw up a perfect, definitive institutional system.

¹² Dupuy wishes to specify that 'St-Exupéry's city, far from being totalitarian, remains the headquarters of two kingdoms: the decrees of the architect must not encroach upon the idea'. Nor should the importance Saint-Exupéry also gave to the leader or captain be misinterpreted: 'here at first sight is an austere morality and which does not cease to shock by its resemblances with that of Nietzsche's *ubermensch*. Apparent similitude only. It is not a question of building a society of superior men who would govern to satisfy their desire for power. On the contrary, it is the leader's obligation to honour the man . . . And especially this moral is not the apologue of superior, predestined men. Each individual, whoever they are, can become the hero they carry within': 'La cité de Saint-Exupéry', *supra* note 4, at 26.

So what exactly is the city described by Dupuy? At first sight it is the closed and tragic ‘Terrestrial city’. But a second glance shows a citadel that is open towards its redemption.

2 The Tragic Enclosure and the Captain

‘Enclosed’ and ‘walled’ are adjectives that run like a leitmotiv through Dupuy’s prose to describe the terrestrial city. ‘There are no more hidden faces on earth’, he exclaimed,¹³ in the same spirit as Paul Valéry: ‘[t]oday, the whole inhabited earth has been recognised, noted, shared among nations. This is the beginning of the age of the finite world’.¹⁴

This age, which sees the international community switching from myth to history¹⁵ and which should have marked the beginning of a golden age in the history of humanity is nonetheless doubly tragic. Tragic, first of all, because the Terrestrial city has become a vast enclosed space from which escape is impossible. It ‘leaves no opportunity for exile’.¹⁶ An observation that generates anxiety, so marked is R.-J. Dupuy’s philosophy by the search for opening, movement, surpassing. And he was no doubt struck by this excerpt from *Zarathustra*, which he highlights in the work he devoted to Nietzsche: ‘[t]he earth is free even now for great souls. There are still many empty seats for the lonesome and the twosome, fanned by the fragrance of silent seas. A free life is still free for great souls’.¹⁷ Where can these free spaces be found nowadays? The answer is primarily spiritual. Of this Dupuy is aware: ‘freedom is no longer a life of the spirit. It is a province of the soul. It does not suffer exile’,¹⁸ but no doubt we should also see in the particular appeal René-Jean Dupuy finds in maritime legislation,¹⁹ the spaces unsuitable for state appropriation, a sign of his visceral need to escape from being enclosed in boundaries.

To being closed in and the impossibility of exile are added the conflictual nature of the closed city, evading the promise of happiness of humanity finally united, promised down through the ages:

¹³ *La clôture du système international, la cité terrestre* (1984), at 9.

¹⁴ Dupuy quoted this excerpt on many occasions, particularly in ‘Regard de Valéry sur l’univers politiques’, *supra* note 4 at 149.

¹⁵ According to the very title of the work, *La communauté internationale entre le mythe et l’histoire*, *supra* note 10.

¹⁶ *La clôture du système international, la cité terrestre*, *supra* note 13, at 63.

¹⁷ Excerpt from F. Nietzsche, *Ainsi parlait Zarathoustra* (trans. W. Kaufmann, 1924), at 66.

¹⁸ *La clôture du système international, la cité terrestre*, *supra* note 13, at 110.

¹⁹ See in particular *Le Fond des mers*, in collaboration with C.A. Colliard, J. Polvêche, and R. Vayssière, Preface by J.Y. Cousteau (1971); *L’Océan partagé* (1979); *La Gestion des ressources pour l’humanité: le droit de la mer* (1981); R.-J. Dupuy and D. Vignes, *Le Traité du nouveau droit de la mer* (1985); Vignes, ‘Le statut de l’Antarctique’, *Annuaire français de droit international* (1958) 196; ‘Les appropriations nationales des espaces maritimes’, in U. Leanza (ed.), *La remise en question du droit de la mer* (1973), at 71; ‘Les contradictions du droit de la mer’, *Revue française de l’énergie* (1973) 187; ‘Le régime juridique de la Méditerranée’, in U. Leanza (ed.), *Mediterranea* (1986); *A Handbook on the New Law on the Sea* (1991); ‘Réflexions sur le patrimoine commun de l’humanité’, 1 *Revue française de théorie juridique*, No. 1.

In the most common vision of the life of Nations, the idea that they could constitute a community is to be relegated to the resting space where myths of happiness and peace which gently rock the candour of men are piled up. Now these men are stupefied: unknown to them, the terrestrial city has entered history, but it is not the harmonious city whose picture inhabited the utopias of the world.²⁰

And nothing, in fact, in the description Dupuy gives of the enclosure resembles the 'Harmonious City' Péguy described in a work of his youth, a pacified city in which the arts and the sciences and philosophy flourish.²¹ Nor was there any mention of the utopias, those 'cities of the sun' imagined over the centuries, from Plato to Thomas More, F. Bacon, and Campanella. And here Dupuy differs from Sorel, according to whom utopia, unlike myth, is characterized by a certain proximity to the real.²² Now, the terrestrial city is radically different from the various ideal cities because it is incapable of meeting the first, fundamental demand – civil peace. The terrestrial city remains torn by conflict, and in the enclosure 'people fight for possessions and power. For beliefs, too.'²³

The opposite of the optimism that usually tints the observation of the advent of the international community, René-Jean Dupuy, like Charles de Visscher before him, observed with lucidity this city which, 'deprived of competition with other cities, not being the Athens of any Spartacus'²⁴ had enclosed conflict within its bosom. And this is insoluble: '[i]n terms of the search for peace . . . It cannot reach it because it is itself the reason for the conflict'.²⁵ Thus the Terrestrial city, far from being Péguy's harmonious City, remains the 'City of trials'²⁶ that reaches the 'threshold of despair', since a 'blossoming cloud' above Hiroshima led it to wonder about its chances of survival.²⁷

Dupuy nonetheless refuses to stop at this threshold of despair, which reinforces the sentiment of the strategists that the terrestrial city is intrinsically condemned to

²⁰ La clôture du système international, la Cité terrestre, *supra* note 13, at 7.

²¹ C. Péguy, *Marcel. Premier dialogue de la Cité harmonieuse* (1933). This work refers to a discussion between Péguy and his friend Marcel Baudoin in 1896. Marcel Baudoin died suddenly soon afterwards and Péguy transcribed their discussion in this short essay, that set the scene, in the form of very short chapters, of the place occupied in this harmonious city by art, science, mathematics, and philosophy, now sought out in a disinterested fashion for their own sake. The role played by the academic/savant on the masses nonetheless remains quite ambiguous. Dupuy had commented on this work by pointing out that Péguy's harmonious city was not perfect, but 'almost harmonious'. This adjective is not however used by Péguy himself in the Dialogue, but emerges from the commentary by Marcel Péguy at the end of the 1933 edition. The same philosophy emerges from the text of P. Deloire, 'La cité socialiste', which is itself integrated into the end of that edition: 'the socialist city will be perfect as a socialist city. As a human city, it may well still have some imperfections'.

²² 'It is a composition of institutions which are imaginary but analogous enough with real institutions that the legal expert can reason with them' in G. Sorel, *Réflexions sur la violence* (1908), at 28.

²³ La clôture du système international, la cité terrestre, *supra* note 13, at 97.

²⁴ *Ibid.*, at 14.

²⁵ *Ibid.*, at 52.

²⁶ *Ibid.*, at 158.

²⁷ 'Perceived as an argument in a struggle for inaccessible development, like one of the stakes in the global conflict, like a misunderstanding that generates babelism, the terrestrial city reaches the threshold of despair. For the first time, a series of failures has led humanity to ask itself what its chances of survival are.'

conflict and which makes the harmonists despair. For the permanence of the conflict is not incompatible, in Dupuy's eyes, with the advent of the international community. By reading Proudhon, he learnt that unity does not mean uniformity, but reconciliation and balance between antagonistic phenomena:

As there is no freedom without unity, or what comes to the same thing, without order, in the same way there is no unity without variety, plurality, without divergences; no order without protest, contradiction or antagonism . . . They can neither be separated, nor absorbed one into the other; you have to resign yourself to living with both, and balance them out.²⁸

And René-Jean Dupuy was to transpose this analysis onto the international community: '[t]he strategists are wrong to think that community means absence of conflict. They cannot imagine that conflict and community are not incompatible. They go together. We can even say that unity and conflict are the two terms of tragedy.'²⁹

This being posited, he then endeavoured to study the various antagonisms that beset the international community in order to detect the ferments of tragedy within them, while highlighting the unity factors. Variations of these antagonisms, which can be summed up in the major opposition between the *relational* and the *institutional*, exist in a multitude of oppositions which are studded throughout Dupuy's writings. Just to read the titles is enlightening: 'Sovereignty and community', 'Power and Justice', 'Law and Power', 'Equality and Legitimacy', 'Immanence and Transcendence', 'Misery and Poverty'.³⁰ Finally, René-Jean Dupuy's last article attempts to study the ultimate opposition between globalization and fragmentation.³¹ These antagonisms were not only studied by René-Jean Dupuy within the framework of international society. They were also at the heart of his description of human nature. His insistence, in particular, in describing the internal conflicts of Péguy is in this respect particularly enlightening³² and has an echo in his own interrogations.³³

²⁸ Proudhon, 'Mutuellisme et fédéralisme', in P.J. Proudhon, *Textes choisis* (1953), at 372–383. This statement was already encountered in Heraclitus: '[c]ouples are things whole and not whole, what is drawn together and what is drawn asunder, the harmonious and discordant' (translation of fragment 10), *Fragments* 7 and 9 quoted in P. Foulquié, *La dialectique* (1967), at 44.

²⁹ *La communauté internationale entre le mythe et l'histoire*, *supra* note 10, at 30.

³⁰ Titles taken from the 'cours general, communauté internationale et disparité de développement', *RCADI* (1979-IV) respectively at 145, 101, and 112. The title 'misère et pauvreté' ('hardship and poverty') is a friendly nod to Péguy, the author of the distinction: '[h]ardship is precisely in economics what damnation is in theology; hardship is the total certainty of human death, the total penetration of what remains of life, by death, it is a slight taste of death that is mingled with all life'. Misery and poverty are placed on either side of a limit, 'and this limit is what divides economics with respect to morals ... before this limit, the person in misery is certain that his material well-being will not be assured': 'Charles Péguy, un utopiste du passé', *supra* note 4, at 50.

³¹ 'Le dédoublement du monde', *RGDIP* (1996) 313.

³² 'Companion of Jeanne and soldier of the republic . . . Socialist, he condemned Jaurès; "Dreyfusiste", he quickly found himself isolated; returning to Christianity, he did not repudiate the secularity of his youth, advocating the universal republic, he died an infantryman': 'Charles Péguy, un utopiste du passé', *supra* note 4, at 46; Dupuy summarised these conflicts thus: 'this double loyalty enlightens a political thought that does not seem to be afraid of its contradictions': *ibid.*, at 43.

³³ And no doubt we should see in particular in R.-J. Dupuy's double admiration for Péguy and Valéry the very interiorization of those contradictions he detected in the terrestrial city. Nothing more opposed in fact than the humane and anguished work of Charles Péguy, Apostle of the dry, haughty thought of Valéry,

After observing the antagonisms, Dupuy strove to demonstrate their confrontations, through the key role played by myth. When we start to look among René-Jean Dupuy's travelling companions at which could have led him to accord this importance to myth, we could be tempted to think of Paul Valéry in the first instance. René-Jean Dupuy did in fact quote the author of *The Young Fate* on myths on numerous occasions: '[a]s barbarism is the era of the fact, it is important that the era of order be the empire of fiction, for there is no point of enjoyment capable of founding order on the constraint of body by body alone'.³⁴ Thus, 'the oats, credit, contract, the treatises, signature, relations they presuppose . . . are all entirely mythical. We may say that the social world, the legal world, and the political world are essentially mythical worlds',³⁵ and Dupuy summarizes them thus: 'Valéry, zealot of intelligence, who always sought out precision in the expression of an idea, had no less admiration for myths for the social function they fulfil. They are essential because they allow society to know order'.³⁶ In Valéry, the myth is a stabilizing, conservative factor.³⁷

On the contrary, in the work of René-Jean Dupuy the myth plays the role of the factor which calls into question the existing order. So it is not Valéry's influence we should be looking for, but rather that of G. Sorel and his 'Reflections on violence',³⁸ Sorel himself being the heir to a school of thought which emerged at the end of the 19th century and replaced the study of the myth at the centre of philosophical research.³⁹

he whose intellectual demands for order and discipline bore witness to his 'mathematician qualities' and his 'taste for architecture'. And who in the end would be defined by Dupuy as a 'poet who distrusts the heart'? Dupuy's description of the international society also translates an intellectual and moral conflict, between profound realism and lucidity about the structure of the Terrestrial city (the book on international law he published in the '*Que sais-je*' collection is particularly revealing in this respect), and expectancy related to the almost mystical awaiting for humanity (particularly in the work *l'Humanité dans l'imaginaire des Nations* (1991)). Dupuy certainly sought to escape from the anguish caused by these internal antagonism by intellectualizing them and transforming them into the scientific data of his dialectic method.

³⁴ In 'Regard de Valéry sur l'univers politique', *supra* note 4, at 143.

³⁵ *Ibid.*, at 143.

³⁶ Valéry also gave a more common, 'passive' meaning to the myth as an unfounded ancestral belief, related to the presuppositions of an era: '[i]n sum, we find ourselves in front of the confusion of the social system., verbal material, myths of all kinds that we inherited from our fathers': quoted in 'Regard de Valéry sur l'univers politique', *supra* note 4, at 151.

³⁷ *Ibid.*, at 143.

³⁸ We know that Sorel, like Péguy, attended Bergson's lectures on Plotin at the Collège de France in 1901, and was struck by the importance accorded to the myth to which Plato had been forced to have recourse to explain the passage from the world of Ideas to the world of sense objects. Sorel had tried to demonstrate the mobilizing force of the myth in revolutionary movements, particularly the myth of the general strike.

³⁹ It was starting from the very end of the 19th century that there was a resurgence in philosophy's interest in the myth. Louis Couturat initiated this movement by writing a thesis in 1896 on the myths of Plato. P. Tannery, Greek science historian, and Emile Brehier, author of *Philosophie et mythe, Revue de métaphysique et de morale* (1914), legitimized this renaissance.

According to Sorel, unlike utopia,⁴⁰ myths can be defined as a ‘means of acting on the present’,⁴¹ the extent to which they match the reality of fact being of little importance.⁴² According to Dupuy, the myth also has a ‘prophetic’ function which drives the mobilization of the developing world and should therefore not be understood ‘in its pejorative acceptance as an unrealistic idea’. On the contrary, it opens onto action: ‘the virtue of the myth comes from a vital impetus. A beam of motor images, at the service of a forceful, globalising and mobilising idea, its truth demonstrated by its efficacy’.⁴³

The myth of the general strike, weapon of the working classes destined to trigger the revolution in the work of Sorel, in the hands of René-Jean Dupuy becomes the myth of the international community, weapon of the peoples from the emerging countries destined to call into question the positive order in the name of legitimacy and justice: ‘[t]he myth of the community is indeed the decisive factor in contesting a mode of relations that denied solidarity between peoples and ignored the responsibility of all for the development of each’.⁴⁴

René-Jean Dupuy places the myth in a central position in his work, and describes the City in motion, with the eye of the Captain: ‘[a]nd the truth of the city was no longer the stable truth of the surveyor, but an assault on the earth by man in the prevailing wind of his crusade’.

3 Dialectics of the Surveyor and the Poet

While the captain leads people from the emerging countries to board the Tragic City, the surveyor and the mathematician measure the new layout of the town and try to analyse and systematize the impact of the assaults on it.

René-Jean Dupuy seeks out a method of giving consistency and perhaps meaning to the antagonisms and struggles that rack the City. The dialectic method imposed itself naturally, as it was able to integrate the inner strife of the Terrestrial city and bring

⁴⁰ ‘[Utopia is] the product of intellectual work; it is the work of theoreticians who, having observed and discussed the facts, seek to establish a model on which to compare existing societies to measure the good and evil they contain; it is a composition of institutions which are imaginary but analogous enough with real institutions that the legal expert can reason with them . . . while our current myths lead men to prepare for a combat to destroy what exists, utopia has always had the effect of directing minds towards the reforms that could be performed by dividing up the system; it is therefore not surprising that so many utopists could become skilful statesmen, once they had acquired more experience of political life’: *Réflexions sur la violence*, *supra* note 22, at 23.

⁴¹ *Ibid.*, at 94. ‘We can speak about revolt indefinitely without provoking a revolutionary movement if there are no myths accepted by the masses; this is what gives such great importance to a general strike, and what makes it so odious to socialists who are afraid of a revolution’: *ibid.*, at 2.

⁴² ‘While revolutionaries are totally mistaken when they paint a fantasy picture of the general strike, this picture could have been, in the course of the preparation for the revolution, a first rate element of force, if it had admitted, in a perfect way, all the aspirations of socialism and if it gave to the whole of revolutionary ideas a precision and firmness that other ways of thinking could not have provided them with’: *ibid.*, at 94.

⁴³ *Ibid.*, at 31.

⁴⁴ *Ibid.*

the myth into play in the role of antithesis.⁴⁵ The aim of this method is to remedy the errors in perspective of both voluntarist and objectivist doctrines, which 'envisage the international legal phenomenon as a static entity. Now, more than any other, it is a dialectic sphere in which social forces that partake of different philosophies confront each other without any one triumphing in a sustainable way'.⁴⁶

For all this, René-Jean Dupuy's analyses are not in line with a Hegelian vision of history for he refutes this reading from the outset:

Let us remember that there are two ways of using dialectic reason: on the one hand, what we call 'finality' dialectic, which opposes thesis and antithesis to produce the synthesis. This is Hegel's dialectic and also Marx'. The synthesis provides the promise of progress; this is a dialectic that consoles and is prophetic, for it announces a better tomorrow. Irrespective of the respect due to those who profess this dialectic, we believe there is little point in anticipating the future. . . and this is why we use what I would call 'open' dialectic. It does not provide a synthesis, it remains open because it leaves each party free to extract an ethical or scientific synthesis if they feel the need to do so. As far as we are concerned, we study the antagonisms for their own sake.⁴⁷

The influence of Nietzsche is no doubt present here, as René-Jean Dupuy had summarized his thought thus: '[t]here are no other unities than life itself, open to continuously renewed contradictions, to conflicts with no sustainable resolutions possible'.⁴⁸

The refusal of the synthesis meets a double demand: methodological and philosophical. The synthesis in Hegel and Marx is an expression of progress, an evolution, a sense of history. But Dupuy's realism leads him to consider that the facts disprove this analysis: '[u]nity and conflict are the terms of tragedy. The history-progress couple has proved the optimism of the last century wrong, revealing its multiple weaknesses. It had to be admitted that history destroys as much as it builds and that progress and recession are fighting for the same ground'.⁴⁹

Like Péguy⁵⁰ and Nietzsche, Dupuy rejected the historians' 'reassuring progressive theory, that dispenses a clear conscience'⁵¹ and, like Valéry, refused to 'want to explain a unique present through history'.⁵²

⁴⁵ Note that according to J. Freund, in *L'Essence du politique* (3rd edn, 2003), law is by nature a dialectical phenomenon because, unlike the economy, it is not an *essence*. This dialectic that animates the law is Ethics, Justice, and Power, themes that are close to those of René-Jean Dupuy.

⁴⁶ R.-J. Dupuy, *Droit international* (2001), at 17.

⁴⁷ *La communauté internationale entre le mythe et l'histoire*, *supra* note 10, at 30.

⁴⁸ *Politique de Nietzsche*, *supra* note 4, at 12.

⁴⁹ It was also in this way that R.-J. Dupuy commented on the advent of Nietzsche's Übermensch: '[a]s History does not have a sense, it would be a mistake to see in the Übermensch the gradual realisation of human ascension': *ibid.*, at 61.

⁵⁰ Péguy refuted the ambition of history to lead to 'a humanity that has become God through the total infinity of its knowledge, by the infinite amplitude of its total memory': *ibid.*, at 33.

⁵¹ *Ibid.*, at 32.

⁵² 'Regard de Valéry sur l'univers politique', *supra* note 4, at 143. 'It is quite vain to try to conjecture what will follow this general state of lostness, based on historical knowledge . . . ; the number and importance of new elements introduced into the human sphere in so few years have almost abolished any possibility of comparing what was happening fifty years ago with today': *ibid.*, at 145.

While the knowledge of history in no way facilitates the prediction of the future, René-Jean Dupuy also refuses to draw on scientific or economic indicators, and rejects, in particular, predictions, which were common in internationalist milieus in the period between the wars, according to which the growing interdependence between peoples would inevitably lead to the unification – and uniformization – of the Terrestrial city.⁵³

The dialectic should therefore remain open because no knowledge – historical, philosophical, scientific, or economic – can be used to determine its resolution. And this is why all possibilities, including the most dramatic, must be envisaged: '[i]t may be that the contradictions in our present day world take humanity to a higher, more rational and fairer level – we do not exclude this possibility, but it could also be that we are involved in teaching the international law of the era of the apocalypse'.⁵⁴

The first justification for having recourse to the method of the open dialectic is therefore scientific, and related to the impossibility of predicting the future or even of simply considering that history is moving in a given direction. The influence of Nietzsche is felt here again: 'ardent refusal of all progressivism of finality inspiration, rejection of evolutionism, affirmation of the will to power engenders a series of dominations and resistances that do not take place according to a pre-determined direction'.⁵⁵

The use of the open dialectic method is above all a response to a philosophical query, which is based on two pillars. The first is that of the refusal of determinism which negates human freedom: '[n]o doubt genetic life takes place according to a cyclical function that perpetually loops the same loop according to a precise process. But man also has a renewal and diversification function'.⁵⁶ Here, René-Jean Dupuy rejects the dialectic of the surveyor and the mathematician, that of fixed truths or the ineluctable order to come, that of Pierro della Francesca's city: '[I]ook at our city, they said to me. And I admired the organisation of the streets and the design of the ramparts. . . the town . . . was . . . stable order and surveyor's truth'.

In the framework of this dialectic, the future of the closed city can be read in an equation and no escape is possible. But 'the terrestrial city is a reality open towards its freedom'.⁵⁷ Between predestination and free choice, Dupuy opts for the latter. And while he does not strip grace of all its roles,⁵⁸ he always gives man the ultimate freedom to choose his destiny, right to tragedy.

⁵³ And thus he distinguished himself from those who 'magnify the signs of world solidarity. Proceeding from the scientist dream inherited from the last century, they see in the interstices of communications, the steady progress of an interdependence that is already apparent in the multiplication of international organisations': *La clôture du système international, la cité terrestre*, *supra* note 13, at 10.

⁵⁴ *La communauté internationale entre le mythe et l'histoire*, *supra* note 10, at 31.

⁵⁵ *In Politique de Nietzsche*, *supra* note 4, at 231.

⁵⁶ *La clôture du système international, la cité terrestre*, *supra* note 13, at 155.

⁵⁷ *Ibid.*, at 147.

⁵⁸ The major theological quarrels of the 16th and 17th centuries relating to Protestantism and Jansenism had led to a renewal of studies of grace, which became the subject of subtle distinctions between necessary, effective, and sufficient grace. In this context, we may say that Dupuy makes 'sufficient' grace coexist with works (*les œuvres*). He referred to this theological concept directly in a number of his works, particularly in the following excerpt: '[d]oes escaping to utopia mean choosing grace and ignoring nature?

The second argument is based on the refusal of the synthesis, 'creationist' and 'crystallising',⁵⁹ annihilating in man this need to create and go beyond himself which is at the heart of the work of Nietzsche and Saint-Exupéry. The certainty of the future is perceived as snuffing out the 'impetus of life'.⁶⁰ The synthesis leads to rigidity, to a closed world where no form of protest, openings or freedom is possible: '[t]his philosophy of movement therefore led to rigidity and the fixation of acquired values; or tended towards the temporal deification of the haven it led to, the State'.⁶¹ In this context, the ultimate stage of development is reached, and man has nothing more to fear or to hope for, nothing more to build or contest.

The ultimate synthesis is also sterile: '[c]losed is the city in the throes of idols. Openness is availability; dogmatism is the only thing it rejects. . . . The renewing, open and opening cultures, infused with the desire for the infinite, draw their vitality from the conviction that the truth always has to be perfected, that its models are always provisional'.⁶² The refusal of the definitive synthesis therefore also obeys an intellectual demand for the perpetual calling into question of certainty, a demand that Dupuy had already admired in Proudhon.⁶³

And once again Dupuy switches from the description of the nature of the international society to the nature of man who, as Nietzsche,⁶⁴ Péguy, and Saint-Exupéry had already remarked, tends towards a goal. The refusal of the definitive synthesis is also the refusal of ownership. This is indeed how he sums up the work of Saint-Exupéry: '[t]he pursuit of a goal brings growth, not possession'.⁶⁵

The refusal of the synthesis is an appeal to perfection since 'all contradictions with no solution, all irreparable differences . . . mean you must grow to absorb them'.⁶⁶

Lastly, the third pillar on which the open dialectic is based is more metaphysical. Research and analysis make way here for 'vision'. The gaze of the Apostle distinguishes

Does choosing realism mean accepting only nature an scorning grace? Isn't there a utopia which, refusing to flee, would wish to be active in history, to open up a path in nature for grace?': *La clôture du système international, la cité terrestre*, *supra* note 13, at 155.

⁵⁹ *Cours général*, *supra* note 30, at 68.

⁶⁰ *Politique de Nietzsche*, *supra* note 4, at 36.

⁶¹ *Ibid.*, at 33.

⁶² *La clôture du système international, la cité terrestre*, *supra* note 13, at 137.

⁶³ And he added the excerpt from one of Proudhon's letters to his political science manual: '[f]irst, although my ideas in the matter of organization and realization are at this moment more or less settled . . . I believe it is my duty, as it is the duty of all socialists, to maintain for some time yet the critical or dubitative form; in short, I make profession in public of an almost absolute economic anti-dogmatism. Let us seek together, if you wish, the laws of society, the manner in which these laws are realized, . . . but, for God's sake, do not let us in our turn dream of indoctrinating the people; . . . let us never regard a question as exhausted, and when we have used our last argument, let us start again if need be with eloquence and irony': letter to K. Marx, quoted in R.-J. Dupuy, J. Imbert, and H. Morel, *La pensée politique* (1969), at 439.

⁶⁴ This is how Nietzsche's 'will to power' is described by G. Deleuze, not as the instinct to dominate, but as an instinct to create: G. Deleuze, *Nietzsche, sa vie, son œuvre avec un exposé de sa philosophie* (1965), at 20.

⁶⁵ 'La cité de Saint-Exupéry', *supra* note 4, at 24.

⁶⁶ Quotation from Saint-Exupéry which makes for a significant ending of the article Dupuy devoted to him: *ibid.*, at 27.

two Kingdoms, one that is not of this world and the provisional Kingdom of the Earth, at the same time seeking out their correspondences. It is indeed the Kingdom of the earth that René-Jean Dupuy describes, and the expression ‘Terrestrial city’ flows frequently from his pen.⁶⁷ As for the other Kingdom and its Master, no doubt out of modesty, and perhaps agnosticism, Dupuy scarcely refers to it.⁶⁸ and only as a mirror of perfection towards which the Terrestrial city should strive. But in any case, the Terrestrial Kingdom, precisely because it is human, is condemned to remain the Kingdom of imperfection and approximation: ‘[j]ustice will never reign undivided in the Terrestrial city, but to survive, men need to mime the constructions of his Kingdom’.⁶⁹

The human city is condemned to make do with relative truths or ‘situated’ truths: ‘[s]cientific truths are only relevant within a theory, a system in which they are drawn up’.⁷⁰ In this respect, within the framework of the terrestrial city, René-Jean Dupuy seems to join the structuralism of Valéry:

I only conceive through my representation and the language I use. Truth only exists when perceived and spoken. Stimulants for pushing scientific exploration ever forward, these various signs of the relativity of certainties strike a terrible blow to all closed systems ... How could a truth be pure objectivity when it is seen from a certain position, when it is positioned in a sector that is preferential to the supposed finder?⁷¹

The terrestrial city, however evolved it is, is therefore destined for imperfection, relative truths, and, in the end, disappearance. The theologians, philosophers, and even painters have never ceased to contend: *et in Arcadia ego*. . .⁷² And if by the impossible, imperfection and even death were eliminated from the terrestrial city, it would become unbearable for men, who would have nothing left to hope for. Gustave Thibon, another fellow traveller, had already demonstrated this.⁷³

⁶⁷ ‘The international community is at the heart of these two series of images. It takes responsibility for harmony as for conflict. It emerges from the awareness of being isolated in the enclosure. It imposes both cooperation and confrontation. This world of contradictions is none other than the “Terrestrial City”’: *La clôture du système international, la cité terrestre*, *supra* note 13, at 11.

⁶⁸ He sometimes scarcely mentions the Creator, the one whose ‘spirit breathed on the waters’: *L’Humanité dans l’imaginaire des Nations*, *supra* note 33, at 241. If God chased man from the earthly paradise and exiled him on Earth, he gave as good as he got. We remember the humour Dupuy used in mentioning the fact that the question of a reference to God in the 1948 Universal Declaration being posited, God was ‘voted on’ and eliminated.

⁶⁹ *La clôture du système international, la cité terrestre*, *supra* note 13, at 157.

⁷⁰ Dupuy does not, however, beyond truths, reject the existence of the Truth, but considers that it no doubt belongs to transcendence and to the world to come. Thus he criticizes modernity that has become ‘the science of knowledge’ and observes that it ‘manhandles truth itself’: *La clôture du système international, la cité terrestre*, *supra* note 13, at 130.

⁷¹ *Ibid.*, at 132–133.

⁷² The name of a painting by Poussin representing the shepherds of Arcadia when they discover that even in this blessed land death exists.

⁷³ In his play ‘*Vous serez comme des dieux*’, depicting a world both terrestrial and perfect, in which disease, suffering, and even death have been conquered.

4 Prophecies

Progress, regression, uncertainty, relative truths, and the refusal of determinism – does all this mean that all history is incoherent and absurd? This inevitably reminds us of Macbeth's final soliloquy:

Tomorrow, and tomorrow, and tomorrow,
 Creeps in this petty pace from day to day,
 To the last syllable of recorded time;
 And all our yesterdays have lighted fools
 The way to dusty death . . .
 it is a tale told by an idiot, full of sound and fury, signifying nothing.⁷⁴

And the work of René-Jean Dupuy bears witness to a certain ambiguity regarding whether or not his dialectic should, as a matter of principle, have no synthesis or whether the synthesis is admissible on condition that it is indefinitely liable to be called into question.⁷⁵

In reality, and first of all, it is in spite of everything a direction in these contradictory and incoherent movements that seem to animate the Terrestrial city, and Dupuy's analyses seem to evolve somewhat on this subject. The international law of the era of the *apocalypse*, as it appears in 'the closure of the terrestrial system' leaves room for – or coexists with, it depends – the recognition of progress in history. In his '*cours général*', he asserted, 'There is progress in history, but it is not uninterrupted'.⁷⁶ He also made use of the poignant image of Sisyphus helped by Prometheus.⁷⁷ More than a negation of progress, it is therefore a refusal of the linearity of progress and especially of the ultimate stage that confirms, and therefore renders sterile, all the aspirations that served as a motor force to history.⁷⁸

⁷⁴ W. Shakespeare, *Macbeth* (1984), at 358.

⁷⁵ Compare, e.g., '[i]n a dialectic with no resolution, thesis and antithesis do not lead to a synthesis, the ultimate refuge of a surpassing of oneself that is blocked. The synthesis stage is not the parking offered for the eternal rest of the dialectic. It is the springboard to a new antithesis' (in *La clôture du système international, la cité terrestre*, *supra* note 13, at 137) and 'and this is why we use what I would call open dialectic. It does not provide a synthesis, it remains open because it leaves each party free to extract an ethical or scientific synthesis if they feel the need to do so. As far as we are concerned, we study the antagonisms for their own sake' (in *La communauté internationale entre le mythe et l'histoire*, *supra* note 10, at 30).

⁷⁶ *Cours général*, *supra* note 30, at 283; Dupuy's position on this point is close to Engels': 'the world is not to be comprehended as a complex of ready-made things, but as a complex of processes, in which the things apparently stable no less than their mind images in our heads, the concepts, go through an uninterrupted change of coming into being and passing away, in which, in spite of all seeming accidentally and of all temporary retrogression, a progressive development asserts itself in the end': F. Engels, *Ludwig Feuerbach et la fin de la philosophie classique allemande* (1976), at 34.

⁷⁷ *La clôture du système international, la cité terrestre*, *supra* note 13, at 158.

⁷⁸ This is already an echo of the criticism of Hegel by his student Weisse, a partisan of 'unlimited dialectical progress' who reproached the Master with having betrayed himself: 'Venerable Master, you yourself told me one day that you were fully convinced of the necessity of new progress and new forms of universal spirit, even beyond the science completed by you': Letter from Weisse to Hegel, 11 July 1829 quoted in G. Lebrun, *L'envers de la dialectique, Hegel à la lumière de Nietzsche* (2004), at 234. This contradiction between dialectic method and fixist synthesis was also held up against Marxism and cast aside by its

Does this not then lead to a kind of headlong escapism, due to the fear of static systems, a perpetual escapism as a matter of principle even, which can be appeased only in the ‘province of the soul’, or in the Other Kingdom? In reality, it is the possibility of a resolution based on a perfect institution that Dupuy rejects. The definitive, perfect institution is part of a ‘utopia of means’ which is ‘mechanistic’. And on this subject, René-Jean Dupuy is severe: ‘[l]aborious agencer of complex structures, whose captive builds models of ravishing perfection . . . it sets its sights on a final, prefabricated model, supposed to contain the magic formula’. This mistake is in the excessive rationalizing which encloses man in utopia ‘whereas his function is openness’.⁷⁹

Dupuy proposes no final institutional solution, a haven for an international community that has finally spent its fury. He does not really believe in the advent of a Global State as the ultimate perspective for the Terrestrial city. This hypothesis is, in essence, ‘creationist and sterile’. Besides, he considers that a centralized global state would not put an end to the strife in the Terrestrial city.⁸⁰ His institutional preferences seem close to Proudhon’s federalism. However, it appears to him that even federalism, which tends towards preferences, could not be integral.⁸¹ The maintaining of nations would therefore be inevitable as much as necessary: ‘[e]ach Nation has its own identity; this identity cannot be wiped out in a unified, centralised system, and it must also contribute its originality to the formation of a cooperating whole: the international community can only be multi-vocational’.

In reality, René-Jean Dupuy is convinced that the perfect international system, from an institutional point of view, does not exist and he shows no regret about this: ‘[t]he most serious misunderstanding about our approach would be to believe that we regret the fact that we are not in a perfect institutional system’.⁸² The variance with Scelle’s ideas is manifest, and modestly evoked in the following terms: ‘[i]n Scelle there is a fascination with the necessary institution’.⁸³ This gives a better understanding of René-Jean Dupuy’s silence regarding Scelle, the Master, but also the Architect, the

doctrine with the following arguments: ‘[p]erhaps the project to go beyond Marxism does not mean very much . . . because Marxism is the conception of the world that goes beyond itself . . . Marxism surpasses itself smoothly and with no contradictions by achieving greater depth and enrichment’: H. Lefebvre, *Le marxisme* (1948), at 125. This argument is interesting because it includes certain similarities with the notion of Humanity as it appears in Dupuy’s works, Humanity which also constitutes the ultimate stage the Terrestrial city can attain, while continually renewing itself. However, the comparison stops here, for Humanity represents the spirit or Idea in the Hegelian sense which realizes itself in the history of the Terrestrial city and is therefore totally incompatible with Marxist materialism.

⁷⁹ *La clôture du système international, la cité terrestre*, *supra* note 13, at 156. Dupuy distinguished between utopia of means, based on a perfect institution, and the utopia of ends, similar to ‘Sorel’s mobilising myth’, which ‘maintains humanity in its vocation to create’ and ‘opens up its path in nature to grace’: *La clôture du système international, la cité terrestre*, *supra* note 13, at 155.

⁸⁰ *L’Humanité dans l’imaginaire des Nations*, *supra* note 33, at 264.

⁸¹ *Ibid.*, at 265 ff.

⁸² Cours général, *supra* note 30, at 68.

⁸³ *La communauté internationale entre le mythe et l’histoire*, *supra* note 10, at 18.

one who wants to build perfect, frigid worlds. On the other hand, once again his relation to Péguy re-emerges here, with his 'horror of systems'.⁸⁴ As far as he is concerned, René-Jean Dupuy states clearly in his studies that he refuses 'to build a new system' and 'does not intend to add to the stock of existing theories'.⁸⁵

But while there may be no definitive synthesis expressing a perfect institutional solution, on the other hand his dialectic seems effectively to lead to a higher stage. For, beyond the study of confrontations, his work indeed contains the description of a stage in which antagonisms have been surpassed or, more precisely, have been reconciled, in a relation that is no longer *dialectic* but *harmonious*. This is the stage of the Advent of Humanity.⁸⁶

Does this not then lead in spite of everything to an ultimate stage of perfecting in the international community, a stage that is refused in the form of Global State but accepted in the form of Humanity? In this context, Immanence and transcendence,⁸⁷ truths and truth coexist without confrontation and are part of unity.

Does the dialectic close in on itself? The answer to this question requires several prior explanations: first of all, the Advent of Humanity does not correspond to a misappropriation of a utopia of means.⁸⁸ Indeed, Humanity – and this is in fact its principal handicap as it emerges within current substantive law – is precisely typified by the absence of institutionalization, by the absence of predefined and rigid entities that represent it.

On the other hand, and by virtue of this very fact, humanity is able to remain an open concept, indefinitely subjected to renewal and perfecting. This is therefore an ultimate stage, but not a fixed stage: '[h]umanity is an open concept, because it is in a process of becoming that will last as long as humanity lasts',⁸⁹ he also stated. Or again:

⁸⁴ According to Dupuy, Péguy 'abhorred all systems, that tend to make individual actions uniform'. Péguy appears to him 'like the opposite of a disciple of Montesquieu. Whereas for the latter, freedom was to be the result of the specific organisation of powers and the relations between them, in Péguy's eyes techniques are nothing more than tools for producing the most varied or even opposing buildings, depending on the men and who use them': 'Charles Péguy, un utopiste du passé', *supra* note 4, at 54–59. On the other hand, Saint-Exupéry and Valéry have a more ambiguous position on the question: Saint-Exupéry accords a certain role to the Architect, even though this is tempered by the point of view of the poet. Saint-Exupéry believes in structures and regimes, but 'on condition that they allow man to realize his entire potential'. Valéry, on the other hand, regards regimes as such with a certain amount of disdain – nonetheless showing a preference for Montesquieu's time – and could accommodate most of them, even with an authoritarian tendency, as long as they do not encroach on the domains of the aristocracy of intelligence he belongs to.

⁸⁵ *In la communauté internationale entre le mythe et l'histoire*, *supra* note 10, at 29.

⁸⁶ On this point, see in particular the flagship work, *L'Humanité dans l'Imaginaire des nations*, *supra* note 33.

⁸⁷ In regard to man, Dupuy wondered, 'How can transcendence be instituted right in the midst of immanence. In the name of which truth? We know Pascal's: man infinitely surpasses man': *La clôture du système international, la cité terrestre*, *supra* note 13, at 153.

⁸⁸ See *supra* note 80.

⁸⁹ *L'Humanité dans l'imaginaire des Nations*, *supra* note 33, at 233. Here Dupuy radically distances himself from Nietzsche, abhorring Humanity: '[h]as there ever been a more hateful old woman among all?', quoted in *Politique de Nietzsche*, *supra* note 4, at 299.

Humanity adds a prospective signification to the community; it answers the global notion in space but also in time . . . Humanity, unlike the Nation presented by Comte and Renan as drawing its roots in the past, is the tomorrow even more than the today.⁹⁰

And by an ultimate switch of position, René-Jean Dupuy once more describes, beyond international society, human nature: ‘human nature does exist, but it is not a completed whole. Diogenes is always on the lookout for man in the process of making himself.’⁹¹

The advent of Humanity is thus the final haven, which cannot be surpassed but at the same time is in perpetual internal renewal. It allows man to create and surpass himself, and permits the coexistence of ownership and desire, in a close philosophical kinship with the Kantian notion of finality without a goal, as explained by S. Weil: ‘it contains no property except for itself, in its totality as it appears to us. It offers us its own existence. We desire nothing else, we possess this and nonetheless we still desire.’⁹²

Also revealing of state of mind is this quotation from Claudel, mentioned by René-Jean Dupuy: ‘even in paradise, there will always be something about God that escapes his creature’.⁹³

In some respects the expectation of the coexistence of immanence and transcendence joins the mystical search in his quest for the ‘unifying’ phase described by Saint Jean de la Croix and by Al Haladj.⁹⁴ The relations of immanence and transcendence evoked by Dupuy do not, however, function between man and God, but between man and humanity; the mystical dialectic is turned round and ends in the Multiple and not in the One.

In the context of this ultimate stage, possession nonetheless remains a promise. And here again, the writings of S. Weil, particularly her reflections on Beauty, seem to have influenced the viewpoint of René-Jean Dupuy: ‘[t]here are no ends in this world. . . Beauty alone is not a means to something else. Alone, it is good in itself, which does not mean we find good within it. It seems that itself is a promise and not a good.’⁹⁵ It is not for Beauty that René-Jean Dupuy employs the term promise, but for the Advent

⁹⁰ *La Communauté internationale entre le mythe et l’histoire*, *supra* note 10, at 169.

⁹¹ *La clôture du système international, la cité terrestre*, *supra* note 13, at 118.

⁹² S. Weil, *Attente de Dieu* (1966), at 113. Dupuy quotes this author and this work in *supra* note 13, without developing the reasons why this work inspired him.

⁹³ Cited in *L’Humanité dans l’imaginaire des nations*, *supra* note 33, at 282.

⁹⁴ The unifying phase corresponds to the supreme degree of mystical experience and succeeds the purgative phase and the illuminative phase. This is to be found in the poems of Al Haladj, ‘*Est-ce Toi? Est-ce moi? Cela ferait une autre Essence au-dedans de l’Essence. Loin de Toi, loin de Toi d’affirmer “deux”. Il y a une Ipséité tième qui vit en mon néant désormais pour toujours*’: Akhbar n°50, muqatta’a 55, or in those of Saint Jean de la Croix, such as ‘*La Montée au carmel*’, of which he himself said, ‘*[l]’âme donc demeure aussitôt éclaircie et transformée en Dieu. Et il lui communique son être de telle sorte qu’elle paraît Dieu même et a ce que Dieu même possède. Et il se fait une telle union, lorsque Dieu accorde cette faveur surnaturelle à l’âme, que toutes les choses de Dieu et de l’âme sont unes en transformation participée; et elle semble plus être Dieu qu’être âme, et même elle est Dieu par participation*’.

⁹⁵ Weil, *supra* note 92, at 114.

of Humanity, 'a promise deposited in man the day he was created',⁹⁶ and transmitted down over the ages by the Poet-Apostle.

The description of the *Tragic City* therefore ends on the vision of the Poet-Apostle, who, unlike the surveyor and the captain observing the City from the outside and stopping short at its appearance, seizes the City in its inner being and becoming. 'Some took me inside their ramparts to have me admire their city, leading me straight to the temple. I entered, gripped by the silence and the cool shade, so I began to meditate. . . This, then, is man's truth, I thought. He only exists through his soul. My City will be run by poets and priests. And they will make man's heart flourish.'

The high point of Dupuy's work may reside in the vision of the Poet-Apostle, but this acme should not make us forget that what his writings teach us is the necessity of combining all three points of view. This is a complex exercise, for these points of view seem to be in contradiction with each other as much as or even more than they are complementary:⁹⁷ the surveyor refuses to see that the beautiful harmonious city he is laying out will soon be in flames from the assaults of the captain. The captain wants to own the surveyor's harmonious city but will end up destroying it to gain possession of it. And the Apostle, who takes shelter in the temple, is invisible to the eyes of the surveyor and will then disappear, buried under the ruins of the destroyed temple. But his prophecy will survive through the ages.

These three points of view differ from a chronological point of view⁹⁸ and from a material point of view: the first two concern appearance and the corporeal element of the city, and the third concerns the idea of the city being accomplished through humanity. The conflict between the first two can perfectly well be encompassed in dialectic materialism.⁹⁹ But the concomitant presence of the Poet-Apostle falsifies this analysis and ends the comparison with a form of dialectic that could have been described as a 'logical monstrosity'.¹⁰⁰ The Poet-Apostle then represents the Spirit

⁹⁶ *Cours général*, *supra* note 30, at 282.

⁹⁷ Dupuy seems to be positioned in the straight line of modern dialectic, which, as opposed to the classical dialectic – which consists more in an art of discussion and has no bearing on the actual movement of things – pushes aside the principle of non-contradiction (according to which one thing cannot be and not be at the same time. So when two contradictory propositions are stated successively, one of them is obviously erroneous and synthesis is impossible). Nonetheless, on the one hand, a distinction should be made between contradiction and difference, and, on the other hand, the principle of non-contradiction only prevents the dialectical synthesis between two statements held to be true and contradictory, but not between two propositions that are partially false and contradictory, the synthesis being achieved using the part of truth that each contains. On these questions see P. Foulquié, *La dialectique* (1967), at 55 ff.

⁹⁸ The surveyor's point of view is of course static; that of the captain is dynamic, but focuses on a short-term goal, the immediate possession of the City. The Apostle plunges his gaze into the vast, distant future. Thus, between the latter two points of view, both dynamic in their own way, there is the same difference as the difference between tactic and strategy for Clausewitz.

⁹⁹ Such as Marxism announced.

¹⁰⁰ According to Nicolas Berdiaeff, monstrosity means that 'spiritual qualities must be transposed into matter itself to be able to drive the dynamics of the dialectic': paper by N. Berdiaeff at the international meetings in Geneva in 1947, reproduced in La Baconnière (ed.), *Progrès technique et progrès moral* (1948), at 419. This text is not quoted by Dupuy, who, on the other hand, in his political science manual, presents a text by the same author on the dynamics of freedom. This brings us back to the topic of movement which was so dear to Dupuy.

that animates and facilitates dialectic, in the name of eternal, past, present, and future humanity. Without it, nothing is possible. With it, everything changes and in it everything remains.

The advent of humanity does not therefore correspond to the synthesis stage, but to the idea which is gradually realized, without ever being really attained, and which eternally drives the dialectic. This is, in a way, a Hegelian vision that has not betrayed itself. Dupuy's thought takes on its full consistency here: there is no ultimate synthesis. And the spirit that breathes through his writings continues to carry the reader out into the open sea.