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– Section 2: Reviews –

Book Reviews

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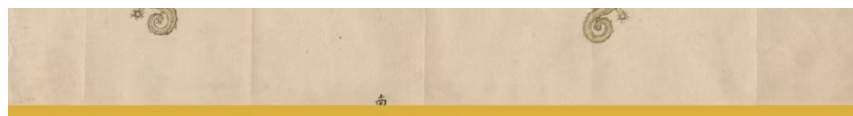
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Book Reviews

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Reviews of Mergey, Pertué et Pollin (dir.), Guillaume-François Le Trosne. Itinéraire d'une figure intellectuelle orléanaise au siècle des Lumières, mare & martin, 2023; Brown, Laws of the Land: Fengshui and the State in Qing Dynasty China, Princeton UP, 2023; Sharvit, Dynamic Repetition. History and Messianism in Modern Jewish Thought, Brandeis UP 2022; Patalano, Capitalismo criminale. Analisi economica del crimine organizzato, Giappichelli 2020.



1 ANTHONY MERGEY, MICHEL PERTUÉ ET JEAN-PAUL POLLIN (dir.), *Guillaume-François Le Trosne. Itinéraire d'une figure intellectuelle orléanaise au siècle des Lumières*. Paris, mare & martin, 2023, 318 pp., ISBN : 9782849346792, € 33.

Offrir au public des spécialistes du dix-huitième siècle et de la physiocratie un volume dédié à Le Trosne ne signifie pas seulement répondre à une exigence de mise à jour de la recherche, face au seul travail d'ensemble qui remonte à 1905¹. Présenter un auteur moins par rapport aux autres physiocrates, le seul juriste du groupe, avec Le Mercier de La Rivière, un penseur, qui tout étant un adepte de Quesnay, témoigne de la spécificité des différentes personnalités qu'on a faussement appelées une école, traiter à travers sa réflexion encore riche de suggestions, de la question vitale de la décentralisation pour une gestion efficace de

¹ Jérôme Mille, *Un physiocrate oublié : G.-F. Le Trosne (1728-1780)* (Paris : L. Larose et L. Tenin, 1905).

l'État, représentent autant de thèmes qui s'imposent et justifient l'intérêt pour Le Trosne. Ce volume répond d'une manière excellente à toutes ces impératifs. Depuis désormais plusieurs années, l'intérêt pour la physiocratie n'est plus une prérogative des économistes. Des contributions innovatrices ont été données par les historiens, les philosophes et plus récemment par les juristes, parmi lesquels Anthony Mergey, Tércence Carvalho, François Quastana et de plus jeunes chercheurs comme Mathieu Chaptal.

Le travail de Mergey, *L'État des physiocrates. Autorité et décentralisation* (2010) représente un point de référence incontournable pour les spécialistes de physiocratie. Carvalho s'est désormais imposé comme le spécialiste de Le Trosne par ses innombrables articles, contributions et éditions d'écrits. Dans le contexte plus général d'une histoire intellectuelle interdisciplinaire, un travail collectif sur Le Trosne représente une acquisition importante.

Les contributions présentées dans ce volume, qui a mobilisé des compétences différentes, historiens, économistes et historiens du droit, touchent à tous les aspects de la pensée et de l'action de Le Trosne : des débats sur la liberté du commerce des grains (Boyer), à la réforme de la justice criminelle (Leroy), de la mendicité (Pertué) et la fiscalité (Glineur), aux questions portant sur la monnaie (Menuet, Villieu), la dette publique (Félix) et la décentralisation (Mergey). Un chapitre est dédié aux rapports de Le Trosne avec son milieu du baillage d'Orléans (Gaël Rideau), à sa stratégie éditoriale (Jean-Pierre Vittu), aux critiques de ses contemporains (Gérard Klotz), au legs de la théorie physiocratique (Jean-Paul Pollin).

En tant que spécialiste de Le Trosne Carvalho a enrichi le volume d'une « Chronologie et Œuvres de Le Trosne » et de la précieuse notice sur le catalogue de sa bibliothèque. Deux textes manuscrits permettent de reconstruire la bibliothèque de Le Trosne, l'« Inventaire général des biens et de la bibliothèque de Le Trosne » dressé en 1780, qui appartient actuellement à la maison de vente aux enchères ALDE, et le « Catalogue des livres qui se sont trouvés après décès de messire François Le Trosne, conseiller du Roy », qui se trouve à la Médiathèque d'Orléans, dont on présente ici la transcription, grâce à Tércence Carvalho et à Gabriel Sabbagh.

La contribution de Carvalho offre une biographie intellectuelle et sociale de Le Trosne, qui met en évidence le double héritage, juridique et économique, dont il fut redevable à Pothier et à Quesnay. À côté de la reconstruction de son

milieu social, familial et professionnel il en ressort l'ancrage de sa figure, que nous donne le récit de Carvalho, synthétique et complet à la fois. Il ambitionne de dépasser, à travers l'accent mis sur un individu, l'interprétation des physiocrates comme un groupe homogène, et à souligner l'apport original de Le Trosne par la rigueur de son approche juridique. L'activité d'avocat du roi du provincial orléanais, sa participation enthousiaste aux discussions sur des questions économiques concrètes, comme la libéralisation du commerce des grains, qui en font un physiocrate, marquent un engagement qui se place aux fondements de sa pensée. Carvalho inscrit la théorie de Le Trosne dans le cadre just-naturaliste pour définir un auteur, qui incarne aussi la figure sociale d'un juriste tout particulier. Loin de voir son activité circonscrite à la science juridique, il choisit d'embrasser activement la nouvelle science de l'économie, en devenant physiocrate et en créant la Société d'agriculture d'Orléans.

Un des traits marquant ce recueil est l'accent mis dans plusieurs contributions sur l'attitude pragmatique de Le Trosne, ce qui dément l'interprétation des physiocrates comme dogmatiques et éloignés de la réalité. En tant que magistrat de province, Le Trosne participait à la vie locale. Dans cette perspective Cédric Glineur donne une interprétation de sa doctrine fiscale centrée sur l'effort de concilier l'idée de fiscalité, qui est au fondement de la théorie physiocratique, avec des solutions pratiques. La réflexion de Le Trosne visait à l'abolition de la Ferme générale et à l'organisation d'institutions locales pour gérer un nouveau système des impôts, dans le cadre d'une stratégie qui visait à obtenir l'adhésion aux réformes des ordres privilégiés et leur participation à l'administration locale, en tant que propriétaires fonciers.

Le même souci pratique inspire les idées de Le Trosne à l'égard de la dette publique, analysées par Joël Félix. Il s'agit d'une question qui ne revêt pas un rôle central dans la pensée physiocratique, mais dont la présence s'accroît dans *De l'Administration provinciale et la réforme de l'impôt*, publié en 1779, à une époque où le mal constant de la dette devenait une urgence face au soutien français à la lutte des colonies américaines contre la Grande Bretagne. Les propositions de Le Trosne étaient orientées sur l'objectif de la libération de la dette publique, comme présupposé essentiel au bon fonctionnement de l'État. On retrouve dans *De l'Administration provinciale* les principes de la physiocratie, enrichis d'un programme complet d'amortissement de la dette, ce qui distingue Le Trosne des autres physiocrates.

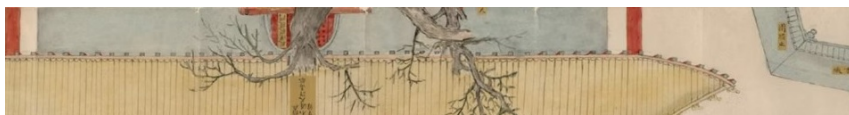
La curiosité intellectuelle face à la réalité est une marque de la personnalité de Le Trosne qui ressort du discours à plusieurs voix développé dans ce volume. Un « Essai de Physiocratie appliquée » définit Claude Michaud deux écrits moins connus, ici présentés aux lecteurs, suscités par les interventions du juriste-physiocrate en 1762, à l'occasion de la guerre des Sept ans, et en 1777, lors de la révolution américaine. Le pragmatisme et les réactions de Le Trosne à son contexte sont d'autant plus conséquents qu'il s'appuie sur la rigueur de la théorie.

C'est le cas de son adhésion à la liberté du commerce des grains. Le Trosne embrassa en entier les principes de Quesnay, en renforçant sa réflexion économique par les lois de la physique, comme l'analyse Jean-Daniel Boyer dans sa contribution sur le lien entre liberté du commerce et ordre naturel. La méthode scientifique qui lui venait de sa formation juridique, est rigoureusement appliquée à la science économique. Si son adhésion à la liberté du commerce est inconditionnelle, sa pensée se différencie néanmoins par rapport à d'autres questions, telles qu'une plus grande attention prêtée aux questions monétaires par rapport aux autres physiocrates, traitée dans la contribution de Maxime Menuet et Patrick Villieu, ou pour la sévérité des propositions avancées pour faire face à l'accroissement de la mendicité et du vagabondage, analysée par Michel Pertué.

La justice pénale et la réforme de l'administration locale sont les deux thèmes sur lesquels Le Trosne a donné ses contributions les plus originales. Thérèse Carvalho mentionne son *Discours sur l'état actuel de la magistrature et sur les causes de sa décadence* de 1763, Michel Pertué touche au thème de la justice dans sa contribution sur les idées de Le Trosne sur la mendicité et le vagabondage. Le chapitre de Jacques Leroy est dédié à la justice criminelle. Il s'agit d'une analyse détaillée des principes qui ont inspiré les *Vues sur la justice criminelle*, considéré « un guide à l'adresse du législateur et des magistrats ».

On aurait souhaité voir plus d'espace dédié à la réflexion juridique de Le Trosne et à sa spécificité, qui en marque la place essentielle dans la construction de la pensée physiocratique, à travers un lien incontournable entre dimension juridique et économique. Plusieurs aspects de ce court écrit mériteraient d'être approfondis. Les *Vues sur la justice criminelle* est un ouvrage de procédure pénale, où la dimension coercitive de la loi est considérée comme inséparable du cadre d'ensemble de l'ordre social. Économie et législation étaient étroitement

liées dans sa réflexion. En témoigne son propos initial de faire paraître en un seul volume l'ensemble de ses articles économiques, bien qu'il en fallu finalement deux, *De l'ordre social*, et *Vues sur la justice criminelle*, publiés la même année. Une analyse comparée avec les idées de Cesare Beccaria peut mettre en évidence l'originalité, dans le cadre du tournant représenté par *Des délits et des peines* qui avaient sorti le thème de la justice du cercle étroit des légistes. On retrouve à maintes reprises les thématiques de Beccaria, tirées souvent presque textuellement de *Des délits et des peines*, sur la prévention du crime, sur l'inefficacité du serment, réduit à néant par l'instinct d'autoconservation et occasion de parjure, sur l'inutilité de la torture, qui lie la preuve à la résistance physique de l'accusé, sur la contrebande. On ne trouve néanmoins aucune référence à Beccaria. La distance entre les deux auteurs est grande et touche surtout aux principes. Le Trosne faisait partie du milieu des magistrats d'Orléans, où Daniel Jousse, qui avait été comme lui élève de Pothier, avait attaqué en 1771 dans son *Traité de justice criminelle* Beccaria et ses principes, accusés de menacer l'ordre établi. L'éloignement entre Le Trosne et Beccaria procède de deux approches différentes à la justice et des conceptions divergentes sur la propriété et l'origine de la société. Les lois naturelles, d'où dérivait les lois positives, étaient la liberté et la propriété – comme le soulignent plusieurs contributions dans ce volume. Le Trosne ne partage pas l'idée de Beccaria d'une origine contractualiste de la société, qui avait pour lui des fondements naturels. La laïcisation du crime ne repose pas pour lui sur le principe d'utilité comme pour Beccaria, mais sur l'essence naturelle de la propriété. L'originalité de Le Trosne réside dans une approche qui encadre le thème de la justice pénale dans un système économique.



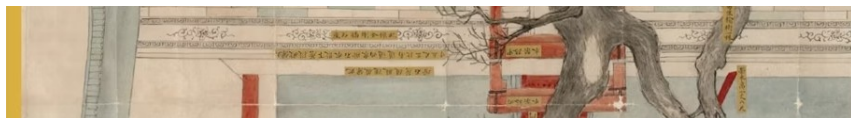
Le rapport qu'il établit entre les lois positives et le contexte auquel elles répondaient soutient aussi sa contribution sur la législation en matière d'administration. *De l'Administration provinciale, et de la réforme de l'impôt* fut publié en 1779, suscité par la première expérimentation d'assemblées provinciales mise

en œuvre par Necker dans le Berry en 1778. Une fois de plus, la raison d'être de cet écrit se trouve dans l'économie et c'est une sorte de traité sur l'impôt. La contribution de Anthony Mergely, spécialiste des projets physiocratiques de décentralisation, débute en soulignant la portée à l'heure actuelle d'un discours de réforme de l'administration au niveau régional. La connaissance approfondie du réseau d'assemblées décentralisées élaboré par les auteurs physiocratiques, développée dans son travail du 2010, permet ici à Mergely de présenter un tableau d'ensemble et détaillé à la fois. *De l'Administration provinciale* émerge comme la formulation la plus complète de la pensée physiocratique pour la réorganisation administrative du territoire national, qui aboutit enfin au projet Sieyès-Thouret et à la création des départements en 1790. Mergely met en évidence la spécificité des propositions de Le Trosne par rapports aux autres physiocrates et l'importance d'attribuer une existence administrative réelle aux circonscriptions provinciales. Les implications politiques d'une réforme de l'administration faisant des propriétaires fonciers les protagonistes d'un réseau d'assemblées représentatives locales qui débouchait sur une assemblée nationale, n'échappa pas aux contemporains. Les ordres privilégiés étaient conscients qu'elles savaient les fondements de la société d'ordres et repoussèrent le plan conçu par Du Pont de Nemours pour Turgot en 1775 et repropoé par Calonne à l'Assemblée des Notables en 1787. Les compétences des assemblées provinciales concernaient uniquement des matières administratives, comme Mergely le souligne. Elles constituaient néanmoins de nouvelles formes de représentations, dont Le Trosne saisit toute l'importance : « Ôter à une Nation le droit d'avoir des Représentans, c'est la dissoudre, c'est la réduire à n'être plus qu'une société civile »¹. La réflexion des physiocrates sur les assemblées provinciales était fondée sur l'idée que le propriétaire foncier, en tant que possesseur de la terre, seule source de la richesse, représentait non seulement son intérêt de classe, mais celui de la nation en entier. Dans cette perspective ils ont donné une contribution originale aux fondements économiques de la représentation politique. Elle se place au cœur de *Qu'est-ce que le Tiers état ?* d'Emmanuel Sieyès et de sa théorisation du gouvernement représentatif. Au-delà de la prudence du langage, la lecture économique de la société élaborée par les physiocrates finit par ébranler la société

¹ Guillaume-François Le Trosne, *De l'administration provinciale, & de la réforme de l'impôt* (Basle, Paris : P.-J. Duplain, 1788), t. I^{er}, livreV, chap.II, 540.

d'ordres et la nature de la monarchie. Ce n'est pas un hasard si *De l'Administration provinciale* fut réédité en 1788, à la veille de la convocation des États-généraux, à une époque troublée, où la France était au bord de la banqueroute et on demandait une représentation nationale authentique. Le Trosne élabore un plan complet de réformes et une théorie générale, qu'il appelait ordre social, conçu comme un véritable système. Il s'efforça tout au long de sa vie de conjuguer théorie et pratique. Ce volume nous donne pleinement l'image de ce personnage à facettes multiples.

Manuela Albertone



2 TRISTAN G. BROWN, *Laws of the Land: Fengshui and the State in Qing Dynasty China*. Princeton: Princeton University Press, 2023, 326 p., ISBN: 9780691246727, \$ 45.

1. For some time now, legal studies have turned their attention beyond the limited realm of formal law to study the multiple normativities that come together to describe and prescribe social organization. This study makes it possible to identify the features that what is defined as law in the West takes on in the different experiences and legal traditions that have developed in different parts of the world. It is undeniable that these legal systems are the product of a series of overlapping layers that continue to this day. The very term law, used to refer indiscriminately to all these experiences, does not do justice to the plurality of normativity that has been shaped by multiple cultures, diverse social and economic contexts, colonial conquests, and globalizations.

These and other reflections on the topic can be found in *Laws of the Land: Fengshui and the State in Qing Dynasty China*, by historian Tristan G. Brown, which examines the use of fengshui within the Chinese legal system in the second half of the nineteenth century, during China's last imperial Qing dynasty.

The study focuses the growing use by legal practitioners of a regulatory discursive practice through which the landscape could be studied to determine the most favorable locations and best orientations for burials, houses, temples, and other structures based on rules and principles of harmony between people and their environment.

The fengshui described in this volume is far from the model that circulated in the West after World War II; the practice is reconstructed as a tool, somewhat dated in the Chinese cultural context (9th-10th centuries A.D.), intertwined with Confucian thought, of which it is a spatial projection. According to Confucius, it is necessary to preserve the harmony that unites human beings, living things and inanimate objects; this general principle pervades Chinese normativity; regulatory solutions, even when derived from a judicial decision, must always tend to preserve this harmony. A decision that upholds the appeal of one party and humiliates the other does not pursue the goal of harmonious balance; it merely replaces the disharmony that led to the appeal with another, without finding the compromising solution that can restore harmony between the parties and thus in the system.

Not surprisingly, fengshui is a composite word of the terms feng ("wind") and shui ("water"), indicating the practical and tangible dimension of the principle of harmony. It translates it into space through a set of rules that define how harmony can be achieved and maintained with respect to a particular place, building, or activity. In the nineteenth century, Chinese normativity was characterized by a solid but discreet connection to religion; imperial officials called upon to enforce imperial law were convinced that it was an emanation of a higher cosmic order (4); rules were necessary to keep earthly institutions in line with that order. Long neglected, fengshui takes on a new centrality as it enables the government and administration of the country, becoming a governing tool of the Qing dynasty in its difficult transition to Western colonialism and capitalist economic development.

Brown's volume restores the depth of the normative science of fengshui, its sapiential basis within classical Confucianism of the yin/yang dichotomy, of the five agents (fire, water, metal, wood, and earth) that together constitute the qi substance from which all things, tangible and intangible, are made. The study carried out by the various schools, which allowed a considerable scholarly output, supported the practice of fengshui, which took place through the

application of specialized imperial officials, decisions made by the courts, and consultations for payment made by experts at the request of individuals. The narratives developed on the basis of fengshui, representations that can support the principles expressed by this normative practice and legitimize its organizational role in Chinese society.

This narrative dimension allows the practice of fengshui to be placed in the Chinese historical and cultural context; a certain representation of a place has a religious and cultural character because it represents a connection with a community, with its settlements in that space, with its history. A parallel of interest can be drawn with the institution of *genius loci*, which, far from being a complex normative practice, simply recognized the link between a particular physical place and a deity; this link allowed that space to be linked to a particular activity that characterized it, to a particular cult, to a particular destination. In both cases, a religious and cultural practice imposed a normative rule that established a link between a place, an activity, and restricted its use accordingly. It is a tool for organizing the territory, which allows the protection of the part of the population that affects that place, involving it through the normative practice of fengshui or *genius loci*, decisions are made on the basis of the interests that relate to the space in question, thanks to the practice itself, which ensures that the choices made are shared.

2. Brown's study makes it possible to reconstruct what happened to the Chinese order in the period between the Industrial Revolution, the establishment of the capitalist model of production, and the global development of colonialism. The volume complements and enriches the work of economic historians such as Giovanni Arrighi, Kaoru Sugihara, Bin Wong¹, and Fernand Braudel²

¹ On Eastern capitalism and economic world history, see Kaoru Sugihara, "The European Miracle and the East Asian Miracle: Towards a New Global Economic History," *Sangyo to Keizai* 11 (1996): 38; Kaoru Sugihara, "The East Asian Path of Economic Development: A Long-Term Perspective," and Giovanni Arrighi et al., "Historical Capitalism, East and West", in Giovanni Arrighi, Takeshi Hamashita, and Mark Selden (eds.), *The Resurgence of East Asia: 500, 150, and 50 Year Perspectives* (London: Routledge, 2003), 79, 82, 89–90, and 280–81.

² Braudel is the recognized founding father of this approach: see Fernand Braudel, *Civilization and Capitalism, 15th-18th Century, vol. 1, The Structures of Everyday Life* (New York: Harper and Row, 1981), 23–25; Fernand Braudel, *Civilization and Capitalism, 15th-18th Century, vol. 2, The Wheels of Commerce* (New York: Harper and Row, 1982), 21–22; Fernand Braudel, *Afterthoughts on Material Civilization and Capitalism* (Baltimore: Johns Hopkins University Press, 1977), 39–78.

before them. While these scholars are interested in shedding light on the economic reasons behind the rise of Western capitalism in the late 19th century, Brown reveals the centrality of the Chinese economy at the turn of the century and its role in competing with the colonial economic powers. Brown chooses to dwell on China's social and cultural system in the face of these events, and is concerned with chronicling the efforts and pressures that an economic and productive transformation of this magnitude exerted on the Chinese population and order. Fengshui then becomes a normative tool capable of managing and administering such upheavals, a set of rules peculiar to Chinese tradition and culture that can withstand the prestige and influence of Western legal models.

China's regulatory experience takes on greater importance in relation to the centrality of its economic system. China is experiencing similar, and in some ways greater, social development than the West did between the 18th and 19th centuries. The industrial revolution and population growth are phenomena that affect China's economic space on timelines similar to those of the colonial powers. The Chinese economic model was characterized by a work-based institutional framework centered on the family and the village. Unlike the Western model, in which small-scale production lacked internal forces for economic improvement, this social system had important advantages over the large-scale, class-based production that was becoming dominant in England and Europe. Whereas the English economic system deprived workers of the opportunity to share management concerns and develop the interpersonal skills necessary for flexible specialization, the Chinese favored the ability to multi-task rather than specialize in one task, and encouraged the willingness to cooperate with other family members rather than the development of individual talent. Above all, it was important for each family member to try to fit into the working pattern of the farm, to respond flexibly to the needs of production, and to be sympathetic to problems related to production management and to anticipate and prevent potential problems. Management skills, with general and non-specialized training, was a skill actively sought at the household level.

Such an economic system seems to have been modeled on the social composition of China described in Brown's volume. The choice to fractionalize labor at the family and village levels, the inclination toward the cooperative paradigm at the expense of the individualist paradigm, and the tendency to favor the

shared management of production say much about the prescriptive capacity of Chinese law with respect to these productive and social transformations, and testify to the resistance of the Chinese imperial state to the thrust of the productive forces. Brown speaks of fengshui to recount the emergence of the state as the necessary counterpart of capital.

Reading this volume, one cannot help but think of Karl Polanyi, who, in *The Great Transformation*¹, reconstructs the controversial role of the English government and legislature in slowing down and regulating the phenomenon of enclosures, as a reminder of how, beginning with the original accumulation, capitalist development and market formation processes take place in the shadow of a state system that develops a set of tools to manage these phenomena according to its social and cultural context. Fengshui is particularly effective because of its diffusion among the Chinese population, a normativity that lies on the border between religion, custom and law, with solid roots in the Confucian tradition. Moreover, it is a practice made up of flexible rules that can be known by all consociates, yet technical enough to be in the hands of an elite of specialized practitioners, allowing both its enforcement by local courts and its appeal to imperial magistrates.

Add to this the spatial dimension that fengshui retains, the ability to organize society in its relationship to space: burial, land, water, village, mining, railroads and telegraphs all occupy a physical space and a social space in the geomantic practice of fengshui. The very idea of underground veins, invisible canals that connect different parts of the land, the presence of flourishing vegetation, the flow of a stream, all indicate the well-being of the earth, its harmony that can only be disturbed under certain circumstances. It is no coincidence that topographical mapping is so relevant and is often required by the courts when an appeal is made on fengshui grounds (ch. 2). Legal cartography has established a link between mapping a territory and the desire to order it, to bring it under one's control, the need to connect it to the people who inhabit it and the activities that take place there. Brown points out that the mapping of places affected by decisions about fengshui leaves room for other kinds of surveying, the map becomes a tool to connect the place to the family that inhabits it, to

¹ See Karl Polanyi, *The Great Transformation: The Political and Economic Origins of our Time* (Boston: Beacon, 1957, 1st ed. 1944), 218 ff.

affirm its social status and properties. In mapping, the step from description to prescription is rather short.

3. Another interesting issue is the relationship that Chinese law, and fengshui in particular, has with Western law. The choice of an instrument so deeply rooted in the Chinese culture of the time and its tradition takes on a strategic connotation at a time when the prestige and diffusion of Western law is reaching a virtually global dimension. The very characteristics of fengshui, its religious matrix, its informality and discretion, and the mystical narrative surrounding it were in perfect opposition to the dictates of Western law. Nineteenth-century European legal thought had just abandoned eighteenth-century legal naturalism and replaced it with a rigid positivism that took the form of the Napoleonic Code in France and, a few decades later, the systematics of Savigny and the conceptualism of Pandectics in Germany. Both understandings accommodated a rationalist, formal, logico-scientifically grounded conception of law; law was the product of European economic and social progress, its liberation from religion, and its state dimension. Colonial Eurocentrism could therefore not tolerate a Chinese law that eschewed rationalism for Eastern philosophy, that rejected European legal models in order to preserve an informal law whose flexible interpretation allowed for multiple possible solutions to a single specific case.

The extensive use of fengshui signals a different approach by China's elite legal practitioner to confront Western legal models. The circulation of Western law and legal thought through colonialism forced jurists to do a special job of transposing the systems that received European models. Different strategies were implemented, ranging from resistance to the introduction of foreign legal institutions, as Taiwanese jurists did with the family law of the Japanese colonizers, to assimilation, as South American jurists did with the civil code model, to negotiated management of any Western legal instrument, as in the Japanese legal system after the Meiji Revolution. For much of the twentieth century, China chose another strategy, perhaps relying on its economic strength and the continental size of its state: with the exception of some port cities such as Shanghai, Chinese magistrates and officials chose (unconsciously?) to use fengshui as a typical regulatory tool of Chinese law to deal with issues related to the capitalist transformation, from infrastructure construction (railroads) to the regulation of mining (ch. 5).

4. The final chapter of the volume describes the final stage of the use of feng-

shui in Chinese law. This normative practice loses the consensus of those legal elites, officials, and magistrates who allowed its application. The Chinese legal system opens up to Western legal models, and the array of social interests protected by the fengshui body of rules is overtaken. The protection of burials and adjacent sites is failing, mining activities are intensifying, and railroad infrastructure is ripping landscapes and mountains apart, severing the veins of earth that connect them. This bleak picture seems to herald the end of tradition and the beginning of modernity, but that would be a partial view.

Brown recounts fengshui as a Chinese legal model for administering capitalist change that, far from being a collection of superstitions, gathered together the knowledge of an ancient legal culture shared not only by imperial jurists, magistrates, and officials, but by every individual integral to the community. I think there is no better explanation than that provided by the Qing Dynasty's Foreign Affairs Bureau, the Zongli Yamen: "If a foreign country rents or purchases a landed foundation and does not permit our people to believe in *fengshui*, it will surely bring on quarrels. This is not the way for peace between China and foreign peoples. This is really the situation in China, I do not say this as a mere excuse. If your settlements do not hinder the dwellings of our people and their orientations, our people are prohibited from finding any pretext to cause confusion" (310).

Giacomo Capuzzo



3 GILAD SHARVIT, *Dynamic Repetition. History and Messianism in Modern Jewish Thought*, Waltham, MA: Brandeis University Press 2022, 332 p., ISBN: 9781684581030, \$ 45.

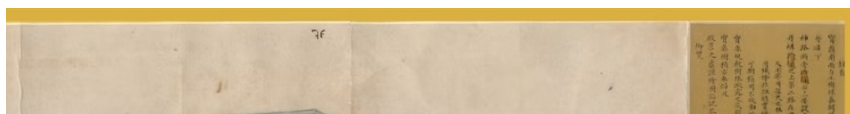
This comprehensive study by Gilad Sharvit begins with a Talmudic allusion by reinterpreting the well-known story of the Messiah at the Gate of Rome. In

this narrative, Rabbi Yehoshua travels to Rome with the hope of meeting the Messiah, who, according to the prophet Elijah, is disguised among the poor and lepers, continuously changing his bandages. Upon encountering the Messiah, Rabbi Yehoshua inquires about the time of his arrival, to which the Messiah responds, “Today”. However, the Messiah does not appear that day. When Rabbi Yehoshua recounts the incident to Elijah, the latter offers a different interpretation: “Today, if you will listen to his voice”. Sharvit emphasizes that these dual interpretations encapsulate divergent conceptions of Jewish messianism: one views the Messiah’s arrival as independent of human action, while the other suggests it hinges on humanity’s continual efforts. Sharvit brings attention to a frequently overlooked detail of the story—the Messiah’s methodical healing process: untying, treating, and retying his bandages in a perpetual cycle. In fact, the Messiah at the gate of Rome is portrayed as someone who treats his wound one after another: “He unties his bandage, then treats the wound, and then ties the bandage again, one wound after the other, again and again, in an endless cycle of repetition” (3). From the beginning of this book, Sharvit introduces the *tertium datur*, interpreting it as an alternative model of temporality that offers a third perspective on messianism characterized by repetition

This concept serves as a foundational theme throughout Sharvit’s examination of early 20th-century German-Jewish thinkers like Rosenzweig, Kafka, Benjamin, and Freud. These intellectuals were positioned in the tumultuous backdrop of rising antisemitism and the decline of traditional Jewish life. These thinkers, who lived in the shadow of catastrophe—to recall Rabinbach’s famous book—and experienced a profound crisis of values amidst rising antisemitism and fascism, were sceptical of the optimistic Zionist project and grappled with their complex heritage. Sharvit positions them within a “constellation of repetition”, challenging the modern philosophical emphasis on individual experience by proposing a collective, intersubjective dimension to historical repetition. These thinkers advocated a conception of temporality that rejects a linear historical progression, positing that transformative change in the present is achievable only by perceiving the present as a repetition of the past. They agree that a way to change radically the present is based on historical repetitions: “A change in the present is possible only when the present is understood as a repetition of the past, a repetition that highlights differences crucial for radical intervention in the present” (7). However, their models are different: if

Benjamin and Kafka consider repetitive structure or patterns of repetition as the precondition for a messianic intervention, Freud and Rosenzweig interpret the experience of cyclical time as redemptive.

The structure of the book is thoughtfully divided into three parts: “Preliminaries”, which frames the philosophical and historical contexts; “Repetitions and Its Others”, focusing primarily on Rosenzweig’s interpretations alongside Kafka’s contributions; and “The Breaking of History”, where the discussions of Benjamin and Freud underscore the transformative potential of repetition against the backdrop of historical continuity and disruption. Through meticulous analysis, Sharvit articulates how these German-Jewish intellectuals proposed innovative models of repetition that not only challenge traditional narratives but also offer a framework for understanding their unique approach to Jewish history and messianism. The study is a lucid, rigorous, and original contribution to the discourse on repetition and messianism in Jewish thought.



In the opening segment of the book, Sharvit delves deeply into the philosophical roots and historical contexts of the concept of repetition. He begins by examining the ancient idea of the eternal return, using Mircea Eliade’s explanation of how societies shifted from profane to mythical time to cope with the “terror of history” (23). This initial discussion quickly pivots to a comparison with the Christian model of linear history—a well-explored theme that I suggest could have been analysed more compellingly, particularly given that the Christian liturgical year also embodies cyclical aspects. Sharvit posits that this linear perspective sharply contrasts with the Jewish conception of history, which is inherently cyclical. He highlights how, in Christian thought, history progresses linearly from the Fall to redemption, directly opposing the Jewish cyclic view of time. This topic has been extensively studied by scholars such as Nathan Krochmal, Moshe Idel, and Eliot Wolfson, to whom Sharvit acknowledges a significant intellectual debt. The chapter further extends into the philosophical developments of repetition by engaging with Nietzsche’s emphasis on

the will in the eternal return, Kierkegaard's framing of it as a religious act, Heidegger's kinetic structure of Dasein, and finally, Deleuze's dynamic production of difference and alterity. This segment sets a comprehensive stage for the subsequent exploration of 20th-century German-Jewish thinkers, weaving together a historical and philosophical tapestry that enriches our understanding of how repetition has been variously interpreted and its profound implications for modern thought.

In the second chapter, Sharvit explores the historical and cultural context influencing German-Jewish authors during the *fin-de-siècle*, a period characterized by intense scrutiny and transformation of Jewish heritage. This era, shaped by the challenges of cultural, generational, and political assimilation, inspired these thinkers to reevaluate and often reinvent their past to forge what Sharvit refers to as "a new Jewish tradition" (46). This process of reinvention is vividly illustrated in Kafka's letter to his father, which delves into generational tensions and the father-complex as cornerstones of Jewish psychoanalytic theory. Similarly, this theme resonates in the Jewish Renaissance, reminiscent of the Italian Rinascimento, which called for a return to foundational texts and principles, "*ad fontes!*" It is also reflected in the efforts of Hermann Cohen and Franz Rosenzweig, notably in Rosenzweig's creation of the *Freies Jüdisches Lehrhaus* in Frankfurt. Sharvit contrasts these reflective and cyclical engagements with the past with the Zionist movement's approach, which recast Jewish history in a mythologized, robust framework intended to sever ties with the diaspora and assimilation. For Zionism, repetition was a tool to erase the complexities of Jewish alterity and to realign Jewish history along a linear, progressive trajectory. If repetition for Benjamin, Freud, Kafka and Rosenzweig was seen as a rupture of the linear time to produce alterity, for Zionism was the opposite: "it was to erase Jewish alterity and produce the conditions for the return of the Jewish people to their supposed proper, and thus, linear, progressive history" (63). While Sharvit effectively highlights the tension between these intellectual perspectives and Zionist ideology, his analysis could benefit from a deeper exploration of the political consequences of this fundamental disagreement on the nature of repetition. Addressing this gap would provide a more comprehensive understanding of how these divergent views on repetition have shaped broader political and cultural discourses within Jewish thought.

The second part of the book focuses on Franz Rosenzweig and his signifi-

cant contribution to the discourse on repetition, particularly through his work in *The Star of Redemption*. Sharvit offers a nuanced hermeneutic analysis, linking Rosenzweig's concept of repetition to the "worldly unliveliness of Judaism" (68) and what he describes as the "dynamic eternity" of Judaism, a form of "non-historical eternity" (90) generated through repetitive acts. For Rosenzweig, Jews, exiled from land, language, and law—elements belonging to God—have a peculiar temporality that resists the linear progression observed in Christian temporal frameworks where history moves decisively towards an eschatological end. Sharvit elucidates Rosenzweig's idea that Jewish time, characterized by repetition, does not seek redemption at history's culmination but anticipates it continuously through the liturgical calendar's performative gestures. This anticipation of redemption embeds eternity not outside but within history, experienced intensively in the present through repeated temporal cycles—hourly, weekly, yearly—that collectively constitute a profound narrative framework. Sharvit's discussion critically engages with and diverges from Mosès' interpretation, emphasizing that in Rosenzweig's thought, "the content of time affects the form of time" (79), thus reinforcing the inseparability of temporal content and form in Jewish thought. Furthermore, Sharvit draws an intriguing parallel between Rosenzweig's and Kierkegaard's interpretations of repetition. Both philosophers view repetition through a religious lens, rejecting the notion of it as a mere return of the same and instead proposing it as a mechanism for creating difference. However, Sharvit's commentary also suggests a missed opportunity to explore more deeply the political implications of repetition as a foundational element for community, a theme lightly touched upon through the communal vs. individual dichotomy discussed by Batnitzky in her *Idolatry and Representation*.

In another compelling chapter dedicated to Rosenzweig, Sharvit delves into his translations of medieval Jewish philosopher and poet Jehuda Halevi. This analysis reveals the utopian potential of translation as an act of repetition that both preserves and transforms. Sharvit innovatively links translation, alterity, and repetition, showing how Rosenzweig's translations introduce a form of repetition that not only preserves the linguistic structure of Hebrew in German but also embeds messianic implications within the liturgical calendar, thus crafting a temporal reality integral to his model of eternity. The strategic annotations Rosenzweig places in his translations act as "dams and breaks" (111), compelling

the reader to pause and reflect, thereby transforming the reading experience into a cyclical engagement that replaces “linearity with circularity” (113).

In a succinct interlude, Sharvit explores the theme of repetition in Kafka by focusing particularly on his reinterpretation of the biblical story of Abraham, as presented in a 1921 letter to Robert Klopstock. Here, Kafka offers three narrative variations—termed the “prompt waiter”, the “other Abrahams”, and the “ugly old man”—that collectively serve to deconstruct and redefine the traditional image of Abraham portrayed in religious texts. Sharvit argues that Kafka’s depiction disrupts the traditional Christian view of Abraham, famously analysed by Kierkegaard in *Fear and Trembling* as a figure of fanatic obedience. Instead, Kafka presents Abraham as an ambiguous character, marked by hesitation and a lack of self-identity, through a series of repetitive narrative shifts. This portrayal not only challenges the singular, heroic narrative typically associated with Abraham but also reflects a broader critique of historical narratives within Jewish tradition. Similar to how Rosenzweig views the reading of the Torah as a way to anticipate redemption in the present moment, Kafka uses literary repetition to propose alternative perspectives on Jewish history, suggesting a dynamic, evolving understanding of biblical figures and their implications for contemporary identity.

The third part of the book, titled “The Breaking of History”, primarily focuses on Benjamin’s complex interpretation of repetition, with the concluding chapter exploring Freud’s perspectives. Sharvit delves into Benjamin’s analysis starting with how the notion of the eternal return influences modern experiences, specifically through the lens of the collective unconscious as depicted in the early stages of the *Passagenwerk* as “a reservoir that keeps images of the past intact” (141). Here, Benjamin views historical memory as a repository that preserves images of the past, which he describes as a critical medium for accessing “primal history” (*Urgeschichte*) and transporting its contents into the present.

Sharvit examined Benjamin’s account of tradition that was the intersubjective medium for meaningful experience and also the key to access to primal history (*Urgeschichte*), by letting the content in the past be transported into the present. However, the degradation of traditional experiences in modernity, from *Erfahrung*, a comprehensive, deep form of experience, to *Erlebnis*, a more immediate, lived experience, mirrors the broader disintegration of tradition.

This shift reduces tradition to a mere structural form devoid of its original content, prompting Benjamin to describe tradition in modernity as a phantasmagoria—a mere shadow within the capitalist material conditions. This perspective is further explored in Benjamin’s essay *On Some Motifs in Baudelaire*, where “the violent potential of repetition” (153) under capitalism is highlighted. However, Sharvit points out that Benjamin also sees in repetition a disruptive potential that could lead to a “messianic cessation of happening” (*ibid.*), a transformative interruption in the flow of historical continuity. This dual nature of repetition—both destructive and redemptive—is a central theme in Benjamin’s thought. The author places Benjamin’s theories within the broader intellectual landscape of his interactions with other thinkers such as Blanqui, whom Sharvit considers “mediocre”—a point I contest, given the intricate beauty of Blanqui’s ideas. Nietzsche is also discussed, notably admired for his boldness in “transgressing modern boredom” (159). Furthermore, I suggest that the text could benefit from a deeper analysis of how Benjamin perceives boredom not just as a passive state but as a moment ripe with philosophical and historical potential, as illustrated in his essay on Leskov. Such an exploration would enrich our understanding of Benjamin’s unique approach to the temporal and experiential aspects of modernity.

Moreover, Sharvit’s discussion of Benjamin’s theoretical framework centres on the concept of repetition, particularly as it is explored in the *Epistemo-Critical Prologue* of the book on *Trauerspiel* and his 1916 essay *On Language as Such and on the Language of Man*. Sharvit identifies this form of repetition as a “repetition of opposites” (162), which not only echoes Deleuze’s nominalism but also aligns with Jewish mystical traditions. He argues that this dynamic repetition serves as a crucial strategy in Benjamin’s intellectual arsenal, employed to combat the notion of the archaic eternal return that looms over modernity. A key element of Benjamin’s thought, as Sharvit interprets, is the notion of *Ursprung* (origin), which Benjamin does not view as a literal genesis but rather as a metaphor to think about the relationship between ideas and their manifestations in the phenomenal world. According to Sharvit, the *Ursprung* is constantly reinvented through its repetitions, each occurrence in history unique and never merely a reiteration of the past. This innovative interpretation of *Ursprung* ties deeply into Benjamin’s broader philosophical inquiry, illustrating how historical manifestations are interconnected through a series of op-

positions and non-linear connections, thereby infusing reality with dynamism and intensity. Sharvit highlights that Benjamin's conception of repetition transcends mere historical recurrence, involving a complex network of oppositions that not only generates dynamism and tension but also reshapes reality and history, positioning repetition as a transformative force that challenges static views of time and fosters a dynamic, interconnected historical understanding.

Furthermore, Sharvit connects Benjamin's notion of the "repetition of opposites", to his account of language, suggesting that the act of naming—akin to the biblical Adamic tradition—necessitates both the discovery and re-creation of the named object's essence. This dynamic process involves not just uncovering pre-existing structures but actively constructing them through acts of recognition, with each repetition simultaneously revealing and shaping reality. He writes: "Similar to the Adamic act of naming, we find repetitions as much as we create them. A structure of repetition is not simply discovered but forged in an act of recognition. A repetition is produced as much as it is identified" (187). Further, Sharvit addresses how despite the degradation due to the Fall, the repetitive structure in language retains the potential to uncover truths, a notion that extends into Benjamin's later work. Here, repetition becomes a complex interplay between past and present, challenging the linear progression of history and introducing possibilities for transformation. However, in contrast to Sharvit's optimistic interpretation of naming and repetition, I would argue that in the bourgeois conception of language that follows the Fall, this optimistic vision is largely untenable. The modern degradation of language complicates the potential for such clear acts of recognition and truth-recovery.

In Benjamin's later works, Sharvit connects these linguistic theories to broader historical and redemptive themes. Here, repetition acts as a dynamic interface between the past and the present, challenging linear historical narratives and introducing possibilities for transformative breaks. This conception contrasts sharply with Heidegger's emphasis on individual existential experiences. For Benjamin, history is shaped by collective experiences that not only reflect but can also disrupt historical continuity, thereby "harboring the potential for a change" (194); if Heidegger focused on individual experience, Benjamin on collective reality. Thus, Sharvit adds: "The emphasis of Heidegger was on terms such as locating, retrieving, acknowledging, and finding—each indicates continuity—but repetition in its Benjaminian key stood for arrest and inter-

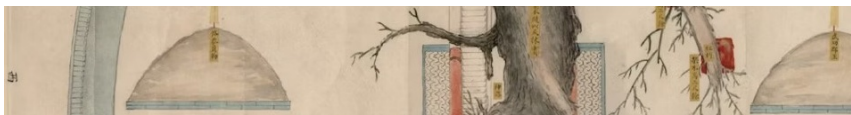
ference” (*ibid.*). Sharvit characterizes Benjamin’s approach to repetition as an innovative disruption of homogeneous historical time. But this does not mean that his theory of repetition is divorced from history, even though the *Jetztzeit* can be seen as an anarchic moment from above. Sharvit rightly writes: “His repetition allows him to combine anarchism with historical materialism: the motivation for the investigation is grounded in the present—for example, the principles of the polarization of the idea reflect the miseries of the working class—but the result of the investigation transcends historical evolution. In this repetition, while the idea comes as if from outside history, it is deeply embedded in history” (198).

The concluding chapter of Sharvit’s work focuses on Freud’s exploration of repetition, specifically through his essay *Moses and Monotheism*. Written between 1934 and 1939, during Freud’s transition from Germany to exile in London, this essay serves as a critical reflection of his Jewish identity. Sharvit interprets *Moses and Monotheism* as both an analysis of antisemitism and a culmination of Jewish intellectual responses to the era. Specifically, Freud’s account details the murder of an Egyptian Moses followed by the Israelites, fatherless and seeking direction, adopting a new religion under a second Moses—a priest of the pagan god Yahweh. This narrative illustrates a cyclical pattern, where repressed memories resurface and profoundly shape collective Jewish identity. Ultimately, the repression associated with the initial murder reemerges, leading the Israelites back to the laws of the first Moses, which “engraved the principles of the Egyptian Moses’s religion on the Jewish character” (210). This cycle highlights the persistent impact of historical traumas on the formation of cultural and religious identity. The concept of the return of the repressed, as illustrated by the collective trauma of Moses’ murder, is a recurring theme across religious narratives, highlighting the continual oscillation between guilt, as often associated with Jewish tradition, and sensuality, typically linked with Christian doctrine. Freud describes this dynamic as something that “can be seen to relieve us of the obligation to a supposedly abstract and absolute truth” (206). This oscillation challenges any definitive eschatological vision, suggesting instead that history is crafted through endless cycles of repetition. Consequently, the idea of redemption as a “radical breakout or collapse of the eternal repetition” (219) is portrayed not as a tangible reality but as a mere fantasy. However, as Sharvit noticed, the return of the repressed is not a return of the same, but it has to

do with a belated effect of the trauma: “Repetition, in this Freudian sense, is a movement within the limits of history—never outside history—that undermines those same limits” (222).

Sharvit draws parallels between Freud and Benjamin in their treatment of history, noting both thinkers’ emphasis on the transformative potential of repetition. However, while Benjamin views repetition as a potential interruption that can radically alter history, Freud sees it as a continuous process that subtly undermines and reshapes historical narratives without ever fully escaping them. This ongoing process acts as a resistance to “eternal truths”, providing a means to reinterpret and heal historical wounds. In other words, the weak messianic revelation that Freud’s theory of repetition can offer a sort of antidote against the eternal truths and the recognition of their falsehood, “not a figuring out of a truth but a healing of humanity from the seductive power of eternal truths” (223). This approach frames Freud’s work as part of a broader intellectual endeavour to use the concept of repetition not as a mere return of the same, but as a dynamic force that allows the past to inform and transform the present, encapsulating the study with a clear, rigorous, and innovative perspective. Liberating from the power of the truth through repetition and a waiting that offers a revelation, Sharvit draws a poignant connection between Freud and the Messiah at the Gate of Rome, elegantly closing this intense and accurate study. His insights offer a profound and illuminating perspective on the interplay between historical continuity and transformative change, making this work an indispensable contribution to the study of modern Jewish philosophy.¹

Libera Pisano



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4 ROSARIO PATALANO, *Capitalismo criminale. Analisi economica del crimine organizzato*, Torino: Giappichelli, 2020, 288 p., ISBN: 9788892134683, € 27.

L'actualité récente a mis en lumière l'importance du développement du crime organisé à l'échelle de l'Europe ; Voir le Monde du 30-04-2024, qui devient une véritable menace pour les États et pour les sociétés. Le monde du 30 avril : « Il est temps de considérer le narcotraffic pour ce qu'il est : un marché ultralibéral dont les caractéristiques sont une production massive et mondiale, une concurrence féroce des prix, un renouvellement effréné du produit et un marketing culturel à l'efficacité redoutable. Il prend racine dans le capitalisme le plus sauvage, prospère sur l'asservissement d'une main-d'œuvre majoritairement issue des quartiers populaires pour enrichir quelques barons vivant un exil doré à Dubaï ou ailleurs ».

Ce qui auparavant n'était qu'une des caractéristiques du sud de l'Italie ou de certains pays des Balkans est devenu un problème global de l'Europe des 27. C'est la raison pour laquelle l'ouvrage paru en 2020 *Capitalismo criminale* de Rosario Patalano, sous-titré, *Analyse économique du crime organisé*, est un ouvrage qui mérite une lecture et un compte rendu.

Cet ouvrage de 265 pages est divisé en quatre chapitres, le premier chapitre traite de la nature et de la finalité du crime organisé. Le deuxième des évolutions historiques et des caractéristiques des principales organisations criminelles, le troisième en termes économiques : de l'agent et du marché et le quatrième de la macro-économie du crime organisé. L'introduction de l'ouvrage cadre déjà en 2020 que le phénomène mafieux c'est-à-dire la criminalité organisée n'est plus confinée aux territoires sous-développés, caractérisés par une mentalité archaïque, résidu des anciens rapports sociaux, économiques et culturels, mais que ce crime organisé assume aujourd'hui et représente une dimension planétaire, avec une grande capacité d'influence sur la société.

La thèse de l'auteur indiqués dès l'introduction, concerne ce qu'il appelle le « stade d'évolution du mode de production capitaliste complexe » qui a généré une forme particulière d'organisation qui peut être définie comme le capitalisme criminel. Il développe son argumentation en indiquant que la ligne qui sépare l'économie légale de l'économie criminelle devient de plus en plus faible à partir du moment de la financiarisation qui a été favorisé par l'activité du recyclage de l'argent sale. Cette nouvelle forme de capitalisme a été favorisée par

les processus de libéralisation financière, des dernières décennies nous a laissé un héritage, représenté par l'énorme pouvoir financier d'origine criminelle qui ne connaît pas la crise. L'introduction se poursuit par un certain nombre de rappels historiques sur les auteurs qui ont travaillé sur ces questions.

L'objectif de l'ouvrage indiqué est d'offrir aux lecteurs, une synthèse des principaux résultats que la science économique contemporaine a obtenu malgré ses limites dans l'analyse du thème complexe du crime organisé. Les deux premiers chapitres sont consacrés aux interprétations sociologiques et à l'évolution historique du phénomène mafieux dans différents contextes culturels. Le troisième chapitre est dédié à l'analyse micro-économique du crime organisé. Et le quatrième chapitre se concentre sur les aspects macro-économiques, en prenant en compte les effets de la criminalité organisée sur la croissance économique.

Le premier chapitre comporte une étude plus historique axée sur les différents écrits qui ont traité de cette question, et notamment sur les développements conceptuels tels qu'ils se sont développés dans les différents courants économiques. L'auteur s'appuie beaucoup sur la commission italienne anti-mafia qui a élaboré des rapports très importants sur ce phénomène. Toutefois, à juste titre, l'auteur, sur les différents courants qui ont analysé ce phénomène, donne un élément critique en précisant que le courant institutionnaliste a eu tendance à exagérer la dimension coercitive de la criminalité organisée, en laissant au second plan les mécanismes de consensus social et d'initiative économique qui accompagnent le phénomène criminel. Il développe son analyse à travers la distinction entre une mafia traditionnelle, présente dans le contexte culturel du Sud de l'Italie et une mafia entrepreneuriale. Pour cette dernière l'élément d'ostentation de la richesse devient un élément crucial de son processus. Le chapitre se conclut par la définition des caractéristiques du capitalisme criminel. Notons que ce chapitre à lui seul pourrait justifier un livre entier. On aurait souhaité que sur tel ou tel aspect, l'auteur poursuive son analyse.

Le chapitre deux développe l'évolution des formes de la mafia en particulier en ce qui concerne l'Italie, qui a été au centre de ce modèle de capitalisme criminel. La dimension historique de ce phénomène et la synthèse réalisée de différents travaux constituent un des aspects les plus intéressants de l'ouvrage à travers lequel les non-initiés apprendront beaucoup de choses. Toutefois, il faut noter que des continents entiers sont absents. En particulier, du côté de l'Asie, de la Chine, de l'Inde et de tout le sud asiatique.

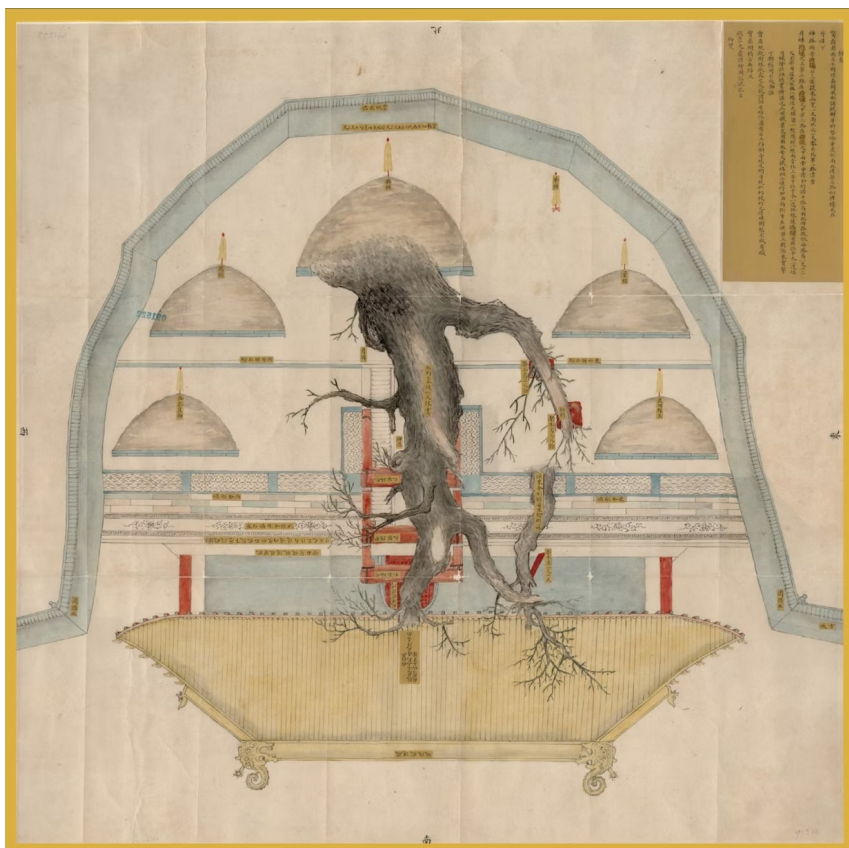
Le chapitre « Agent et marché » présente une revue assez utile des différents modèles économiques d'analyse de la criminalité organisée, en termes de demande, de préférence, d'offre en balayant les différentes approches théoriques de la question de l'entreprise, ce qui représente une difficulté considérable pour juger de la validité de ces modèles, dans la mesure où toute question sociale culturelle, sociologique est totalement évacuée, mais pour celui ou celle qui s'intéresse à ces questions, cela représente une synthèse de l'approche par les différentes théories économiques de la question de la criminalité organisée. La question que l'on peut poser aux économistes autour de ces différents modèles est celle du caractère opérationnel ou de l'application dans des cas réels de modèles et du lien avec la réalité. Mais sur cette question, le chapitre ne donne aucun développement.

Le dernier chapitre sur la macro-économie du crime organisé présente différents tableaux une classification utile pour appréhender à une échelle générale le phénomène. Sur cette question, il y a toutefois un manque concernant l'utilité que cette approche économique peut avoir pour l'État central. Comment l'approche des modèles peut informer les différentes institutions qu'il s'agisse de la police, de la justice ou de l'économie pour trouver des informations utiles à leur action. Dans sa conclusion, l'auteur critique les approches purement économiques du phénomène du crime organisé comme étant beaucoup trop abstraite et comme ignorant pratiquement totalement l'existence de facteurs historiques et culturels essentiel au développement et à la persistance des organisations criminelles. Cette question a été abordé dans les deux premiers chapitres de l'ouvrage, mais on regrettera que dans les deux derniers il n'y ait pas une critique plus argumentée des différents modèles présentés. Enfin la conclusion est sans doute celle qui constitue l'idée essentielle de l'auteur, à savoir que le crime organisé ne peut pas être considéré comme un corps étranger à l'économie de marché, mais qu'il est l'expression d'une formation sociale particulière dans le cadre du mode de production capitaliste, capable de générer des processus d'accumulation, de production et de distribution de la richesse qui sont associés à des mécanismes de consensus social et politiques.

Ce régime particulier, défini comme capitalisme criminel, ne se définit pas selon l'auteur par une séparation entre le domaine de la criminalité organisée et le domaine de l'économie de marché légal, mais comme un entrelacement entre le secteur légal et le secteur illégal. De ce point de vue la criminalité or-

ganisée dans le capitalisme contemporain ne représente pas un processus de sous-développement, mais plutôt une réaction dans la périphérie de l'économie monde au processus de modernisation capitaliste. Cette conclusion intéressante aurait mérité un développement et des illustrations plus conséquentes. L'énorme développement actuel de la criminalité organisée basée en particulier sur le trafic de drogue et la dimension financière gigantesque de cette criminalité représente une menace pour les États. En ce qui concerne par exemple le continent européen, c'est une menace directe contre l'économie de marché. Des représentants directs de l'État ont pu être menacés physiquement dans leur existence, comme aux Pays-Bas ou en Belgique par exemple. On peut dire en quelque sorte que cet ouvrage constitue une introduction à un ouvrage beaucoup plus conséquent à venir qui puisse développer, sur plusieurs centaines de pages, les analyses et les intuitions qui sont présentés. L'ouvrage constitue un élément d'inspiration utile et des points de vue originaux pour tous ceux et celles qui s'intéressent à la criminalité organisée au stade actuel de la financiarisation de l'économie de marché. Notons toutefois ce que nous avons déjà indiqué : qu'en ce qui concerne la Chine et l'Inde, plus de 4 milliards d'habitants, il y a encore une absence considérable d'approche dans l'ouvrage.

André Tiran



Cover illustration of Brown, Laws of the Land.