My intention here is to propose two ideas: 1) our present moment may include a renewal in the writing of utopian and legal fictions, a prelude to political action; 2) the forms, contents and modes of production and distribution of these texts can avoid major defects which are either those of certain utopian projects, or are often wrongly attributed to utopia and utopian projects in general.

I will refer to the current context in which we find the struggle between the children of the philosophy of optimism, according to whom our world is the best of all possible worlds and the partisans of “another world is possible”. I will show that the philosophical position of optimism is responsible for the pejorative meaning of the word “utopia”. And I will answer the question: “which utopias for today ?”, and give an account of a program for encouraging the writing of utopian and legal fictions, or what I call “legal utopias”.

The context in which we have most recently found the conflict between optimism and utopia is that of the fall of the Berlin Wall and the collapse of the Soviet bloc.

The belief in marxist communism has been almost abandoned, but the monopoly of marxism on alternative thought was such that almost nobody now dares imagine a concrete content to the idea that “another possible world” may come to exist. Class struggle, at least in terms of images, has been replaced by old time religious and racial hatreds. In parallel, stockmarket capitalism
progresses and claims to be an adaptation to a globalisation which pretends to be something new (Mattelard 1999 and Lebaron 2003).

Resistance is organising itself nonetheless and from the French association ATTAC to the alternative groups who crystallised around Seattle: its slogan corresponds to the hopes stimulated by utopian texts: “another world is possible”; this slogan is the contradiction of another: “our world is the best of all possible worlds”. This is the optimistic slogan. For economical ultra-liberal propaganda is the reincarnation of philosophical optimism, which was once the most radical opponent of political imagination.

I will now deal with the pejorative meaning of the word utopia. Those who are sold on the moral, social and political order of the day have imposed a pejorative meaning on the notion of utopia: that of chimeras or impossible dreams. I am referring specifically to the founders of the theological doctrine of optimism, according to which God created the optimum and the doctrine of liberal political economics according to which social defects are necessary for the collective good. These thinkers wrote as if the authors of utopian fictions did not know they were offering a fiction. In reality, they were fighting the power of texts that could incite people to action or provoke legal texts that would transform social reality.

The idea of optimism emerged around the beginning of the eighteenth century. Leibniz wrote his Essais de Théodicée in 1710, to defend God in the trial that accused him of having created evil (Hazard 1941). Leibniz was not the only optimistic philosopher, but he was the most famous. This mathematician invented a system in which God had imagined all of the possible worlds and then created the one which contained the least evil and the most good. God did not do the maximum (God himself is perfect), but the optimum, the best of all possible worlds. In the 1730s, this idea was disseminated by Alexander Pope in English, and Voltaire in French. In 1737, the Jesuit Father Castel attacked the doctrine which he baptised by the name of “optimism” (Castel 1737-1738).

In fact, optimism is the most important ideology in terms of its incitement to submission to the political and economic inequalities that the eighteen century invented, adapting Christianity to the new mentalités.
The English philosophers reveal the economic stakes of optimism. One of the founders of economic liberalism, Bernard de Mandeville, published in 1705 *The fable of the Bees, or Privates Vices, Public Benefits.* This successful poetic fable tells the story of a beehive. The bees have the vices of humans; society is unequal, only the rich enjoy the hard labour of the poor; everybody complains, even those who benefit from the system. One day, Jupiter is sick of these complaints, and abolishes vices... Society falls apart: luxury related industries disappear along with many jobs; magistrates are no longer necessary, as there are no arguments. Society falls asleep, produces nothing and finally disintegrates. The moral of the story is that evil serves a higher good.

The success of this ideology was staggering, and finally totally imperceptible. In 1788, Colin d’Harleville imposed the psychological meaning of the word “optimism” in his play *The optimist or the man who is happy with everything* (Collin d’Harleville 1988). This very mediocre play was an immense success. In 1789, Pigault-Lebrun published *The Pessimist or The man dissatisfied with everything* (Pigault-Lebrun 1789). From that time on, everybody thinks that optimism is a question of character, that the opposite of optimism is pessimism, and that it is impossible to be neither one nor the other. What has been forgotten, hidden, is that optimism and pessimism are religious and passive attitudes. The real opposite of optimism is active atheism, an atheism which claims that knowledge of cause and effect may allow the transformation of reality. What was also eliminated was the original meaning of the word “utopia”.

Today, in all the dictionaries, the meaning of “utopia” is pejorative. In French, “Utopie” towards the middle of the nineteenth century is synonymous with chimera, an unrealistic dream; “utopian” is synonymous with “idealist”. This meaning is the result of a long series of attacks that do not start, as the dictionaries say, around 1848 from liberal economists. It dates from the beginning of the eighteenth century (and in English maybe before), and stems from the founding texts of what I call the optimistic-liberal theology.

To believe that Thomas More is utopian in the modern meaning of the word is the deepest possible nadir of a clearly hypocritical bad faith. People forget the first part of *Utopia*, the fictional dialogue which analyses the socio-economic situation of an England struck by misery and criminality in the wake of
agricultural reforms. Also, the name of the country, Utopia, plays with Greek etymology: eu-topos, the place of happiness, is precisely u-topos, the place that does not exist. Thus, More is the first to claim that it is really a work of fiction! By calling the authors of utopias “utopian”, one pretends that they do not know that they write works of imagination, works whose aim is to stimulate the political imagination (Abensour 2000; Madonna-Desbazeille 1998 and 2002).

In English, the adjective “utopian” has been used with a pejorative meaning since the middle of the seventeenth century. As far as I know, the two first authors, in English and in French, to use the word “utopia” as a common noun, and with a pejorative meaning, are Mandeville, in 1705, and Leibniz, in 1710. The moral of Mandevilles’s fable runs as follow:

THEN leave complaints: Fools only strive
To make a great and honnest Hive
T’enjoy the world’s convenencies
Be fam’d in War, yet live in Ease
Without great Vices, is a vain
EUTOPIA seated in the brain

This text, translated into many languages (into French in 1736), is the first to use “utopia” (here “eutopia”, according to the word-play in a stanza in Utopia probably by More) as a noun which is associated with More’s text but which is already a common noun, and already pejorative.

As to Leibniz, in the Theodicée (1710), he pretends to believe for a moment that we could imagine a world better than that created by God. He writes: “It is true that we may imagine possible worlds, without sin and without unhappiness; we could conceive Novels, Utopias, Sévarambes”. But he goes on to explain that it is in fact impossible to imagine a world better than the best of all possible worlds (Leibniz 1969: 109).

So that the critique of utopia is already there in the theologico-economic philosophy of optimism, and dates from three centuries ago.

Then, there was another attack against Utopia. While recognizing its debt to traditional utopias, marxism has contributed to the disqualification of the word “utopia”, of the rich imagination and the subtle and sophisticated belief that its written words allow. I think of the text of Engels, first published in French in
1880, under the title: *Socialisme utopique et socialisme scientifique* (Engels 1977). Whatever the interest of its economic philosophy, marxism in this case sought to eliminate the competition of other socialist ideas.\(^{15}\)

Contemporary neo-liberal faith inherits much from the *optimist* doctrine; it feels itself as strengthened by the fall of the Wall, seen as the death of the idea that “another world is possible”. But the praxis of utopian ideas is necessary today so as to combat neo-liberal powers. And I want to suggest that the end of the idea that communism suffices to solve problems raised by relationships between individuals is perhaps a precondition for rethinking practical utopia. For this we must free our imaginations from the *exclusiveness* of the communist idea, and give content to the idea that “another world is possible”.

Now, I would like to think about utopias for today: freedom-oriented utopias\(^{16}\), I would say, are based on three paradoxes. The first paradox: make-believe vs. not “making believe”. A utopia creates a tension between two beliefs: the belief in fiction, a precondition for reading as a game, and the belief in the possibility of another world, a precondition for political action.\(^ {17}\) Readers must not believe that an author’s fiction is perfect, and that all we have to do is to realize it in this world. In More’s case, the very meaning of the word “utopia”, the place that does not exist, allows this ironic distance. There are texts that play on this ambivalence between belief and doubt, which avoid fanatical belief. Fiction offers to politics an interesting model of paradoxical belief: the adherence to fiction necessary for reading does not prevent critical distance; it may be desirable that political involvement focuses on ideas while maintaining the critical distance needed to prevent threats to freedom.\(^ {18}\)

The second paradox pertains to the economic and anthropological system of utopia. I would distinguish two types of utopian anthropologies: the Christian and paradisal model of virtuous beings and the deist model which values passions, integrates evil, history and diversity (Morel-Daryani 2000 and 2004). The first model inspires communism, the second liberalism. I myself am in the paradox: against absolute perfection and against optimism: they both prevent imagination and action!

The utopia of the communist paradise has perhaps functioned as negative for the transformation of socio-political relationships as the optimistic
faith. A possible solution: understanding that the distinction between communism and liberalism does not suffice to characterize a social, cultural and political system, and that we must enlarge perspectives to avoid forms of inequality that can be found both in liberal utopias and communist ones.\textsuperscript{19} Another solution: aim for a better world, and not a perfect one. And as one must continue the struggle against the enemies of utopia who accuse all utopias of unrealism, I have invented a word: “alterrealism”.\textsuperscript{20} Utopia must be neither realist nor unrealistic, but \textit{alterrealist}.

The final paradox involves the written form of utopias, as an answer to the question: how do we write utopias without being authoritarian authors (Loty 1998)? Dialogue is or should be the predominant form for the genre which connects fiction and reality, belief and demystification.\textsuperscript{21} It is this form that allows an escape from the authoritarian monologue of a perfect world. Dialogue allows a distanced kind of belief.

For the utopian imagination to work well, it must stimulate the desire for dialogical writing: this will produce many collective texts, especially legal texts, which unite imagination and reality, and possess the virtue of changing reality if we all believe in them.\textsuperscript{22}

Finally, one must hope for the emergence of some equivalents of Thomas More’s dialogical \textit{Utopia} for today’s world, and also the development of a large-scale collective movement, the association of individualities ready to reinvent utopia and politics. Numerous texts. A few powerful texts, but no unique or sacred texts. Texts that inspire others, especially legal work, so that in this world, everyday more violent, we may hope for a legal radicality that may reduce the level of physical violence.

I will end with an account of a program for encouraging the production of new utopian and legal fictions, a program that I have opened to my students already. The first stages were the following: I proposed to my students at the University of Rennes that they write a utopian or juridical fiction, outside of their required work. The first time, I got four fictions. The following year, about twenty texts, and I xeroxed a collection of them. Each year the number increased: I think this comes at once from the greater force of my conviction and from the increasing urgency of planetary politics. There are now three collections from
Rennes (Loty 2002c, 2004 and 2005a). This year (2005) I have given some seminars and talks in the United States, with my American friends Julia Douthwaite and Mary Baine Campbell. Julia and Mary have proposed to their students that they write utopias as well. The collection from Notre Dame University has already arrived, and we expect the collection from Brandeis University soon (Douthwaite 2005; Campbell 2006). Anne-Rozenn Morel, who is writing a doctoral thesis on utopias written during the French revolution, has just edited a collection from the University of Haute-Alsace ([Morel-]Daryani 2005).24 Next time we are going to edit a Franco-American collection (and this time, or soon afterwards, we hope to include texts from others countries and languages, especially Portuguese...). The project also involves reflection on the uses of the internet, especially the collective writing of legislative texts (laws, statutes, etc.). Jean Sallantin invited me to present this program during a week of meetings organized by the National Center for Scientific Research (CNRS) on theories of law and juridical systems as complex evolutionary systems – a series of meetings organized specifically by Danièle Bourcier and Paul Bourgine (Loty 2005c); in the wake of our work together I hope sometime to put in place, at the intersection of law, literature and informatics, some experimentation with software for the collective drafting of bills (projets de loi), or a Constitution (the collective and democratic writing which we so lacked in the case of the “European Constitution”).

The eventual aim of this program is the organization of a large editorial operation, the publication of pamphlets and small-format books, from utopian fictions to legislative bills. This will be accompanied by an Internet site permitting the diffusion of brief texts and experiments in the collective writing of legal texts.

My hope is to arrive eventually at a very large distribution of many texts, including if possible an international edition. Hundreds of thousands of copies will still be too modest compared to the need for renewal of a form of belief in politics, and for the collective elaboration of positive new projects for the battles and the victories to come.

My final words will be to say that we are looking for writers, on the one hand students, from all countries and languages, to whom their teachers propose participation in our program; we are also looking for some more
experienced writers – perhaps among you, readers – who would like to try writing longer texts. This activity will constitute a meeting-place of reflection and action. So please don’t hesitate to join us.

Notes

1 I thank David Allen and Mary Baine Campbell who have helped me translate this article. Any linguistic faults which remain are my own.

2 The full program proposes the writing of imaginative political texts, from utopias to law. Between these two kind of texts, there is what I call “legal fictions” (or “legal utopias”), which are legal texts presented in utopias or as utopias (proposed or adopted in a fictive place). The best example of such an author (but not a good ideological model!) is Rétif de la Bretonne, who wrote, at the end of the eighteenth century, a number of legal texts or constitutions presented as realised in an imaginary country, or to be adopted in this world: L’andrographe [or Anthropographe], ou idées d’un honnête-homme, sur un projet de règlement, proposé à toutes les Nations de l’Europe pour opérer une Réforme générale des mœurs, et par elle, du Genre-humain, 1782 [The Andrographe (or Andrographe), or ideas of a gentleman concerning a regulatory project, proposed to all the Nations of Europe for putting into effect a general Reform of manners, and by that means, of Human-kind]. See also Rétif de la Bretonne 1980a, 1980b and 1987. The complete works of Rétif have been published in a facsimile edition by the Éditions Slatkine (Genève); a series of critical editions is in production from Éditions Champion (Paris). For an account of the whole set of works by Rétif, see Testud 1977; Coward 1988 and Coward 1991. On L’Anthropographe, see Loty 1988. See also the website of the Société Rétif de la Bretonne: http://www.retifdelabretonne.net/

3 Berlin is a geopolitical and geo-cultural epicenter for thinking utopia today. For a study of attitudes towards utopia in the two Germany’s before the fall of the Wall, see Baillet 2003 (for a review of this book, see Loty 2005d). For a profound and ironic view of contemporary modes of utopian hope, see also the film Good Bye Lenin! (2003), directed by Wolfgang Becker from a screenplay by Bernd Lichtenberg: http://www.ocean-films.com/goodbyelenin/sommaire.htm

Berlin has played an important role in my thinking, at the intersection of investigations presented first in France and then in the USA and Europe. I thank Fernando Vidal and Claudia Swan, who invited me in 2002 to the Max Planck Institute of the History of Sciences in Berlin, a few steps from the former Wall and the former headquarters of the Gestapo, to give a talk entitled: “Discours sur l'imagination divine et pratiques de l'imagination utopique: un combat politique” [Discourse on the Divine Imagination and the Practices of the Utopian Imagination: A Political Struggle] (Loty 2002a). In January 2004, Lorraine Daston enabled me to pursue my research in Berlin as a Visiting Scholar at the same branch of the Max Planck Institute, in the framework of the research program “Knowledge and Belief”. My two stays in Berlin occasioned the beginning my collaboration with Mary Baine Campbell and Julia Douthwaite, who invited me in 2005 to teach classes on utopia at Brandeis University in Massachusetts and at Notre Dame (Indiana), and to give at Notre Dame, as well as at Harvard University’s Center for the Humanities (thanks to the kind invitation of Lynn Festa and Susan Staves), a talk on the subject of “Optimism as a religious Faith, vs. Utopia as a political Belief. Is another World possible? (1705-2005)” (Loty 2005b). (This academic collaboration, pedagogical and editorial, could not have taken place without the financial aid of the Nanovic Institute for European Science at Notre Dame, for which I am especially grateful.)

4 Since this talk was delivered, France has undergone serious urban violence, during October and November 2005. It is essential to get beyond the growing ethnicisation of many practices and interpretations (which can also, paradoxically, arise from certain forms of anti-racism); it is necessary to look into political solutions at once educational and economic at the height of the problems. The situation is complex, but this does not prevent the understanding that a terrible economic violence and the lack of a belief in a political alternative have produced in turn a
sterile aggression (see the newspaper article of Hémery et al. 2005: 36: “The forces which are reclaimed from democracy and social justice must urgently organize a solidarity movement, to affirm the imperative of a radical change from the neo-liberal decisions which have led to the present explosion, the refusal of an ethnicisation of the problems, and the necessity of looking into solutions at the global level”).


6 The protests in Seattle of 1999 took place at a summit meeting of the World Trade Organization (WTO). Seattle is considered the birthplace of what has been called the “altermondialist” movement, a name which began to appear commonly after the first World Social Forum in Porto Alegre, in January 2001, and after the demonstrations in Genoa against the G8 summit in July of the same year. See Ramonet 2005 and the web site of Le Monde diplomatique: http://www.monde-diplomatique.fr/mav/.


8 On the relations between the idea “optimiste” and economic liberalism, especially the concept we would today call economic ultra-liberalism, see Loty 1993 and 1994. See also Elster 1975.


10 This paradoxically active determinism is that of Diderot in Jacques le Fataliste et son maître (Diderot 2000 [1778-1780 and 1796]) and of Condorcet in the Esquisse d’un Tableau des progrès de l’esprit humain (Condorcet 1988 [1795]); see Loty 1989.

11 For an analysis of the mystifying effects of words like “utopia”, see Loty 2006.

12 The Oxford English Dictionary (online version of 28 April, 2005; http://www.oed.com/) permits me to add, for the adjective form “utopian”, some usages conveying the pejorative notion of impossible idealism earlier than those I had discovered for the common noun. It is difficult to interpret the shifting of usages and the moment of emergence of the pejorative connotation of the word. I cite from the examples in this historical dictionary an occurrence of 1646: “J. Cook, Vind. Law 28, Thats but a Utopian consideration, a possibility which never comes into Act” and, to describe an individual (a “utopiste” in present-day French), another of 1661: “Cowley, Cromwell Wks. 1906 II. 373 You are… a Theoretical Common-wealths-man, an Utopian Dreamer”. Thanks to Mary Baine Campbell and Jason S. McLachlan for helping me to do this research, in the heart of the Harvard Forest (Harvard University).

13 For the transformation of the word from a proper noun invented by Thomas More in 1516 to a common noun with a pejorative sense, my dating (1705 for the first usage in English as a noun at once common and pejorative) differs from the analysis of the Oxford English Dictionary, which only cites the notion of the impossible ideal from 1734.

14 The cited passage continues: “these same worlds, however, would be quite inferior in goodness to our own. I wouldn’t know how to make you see it in detail, because how can I know infinities, how can I represent them to you and compare them to each other? But you must judge them, with me, ab effectu, since God has chosen this world just as it is”. Here is the original in French, with the passage that follows: “Il est vrai qu’on peut s’imaginer des mondes possibles, sans péché et sans malheur; et qu’on pourrait faire comme des romans, des utopies, des Sévarambes; mais ces mêmes mondes seraient d’ailleurs fort inférieurs en bien au nôtre. Je ne saurais vous le faire voir en détail; car puis-je connaître et puis-je vous représenter des infinis et les comparer ensemble ? Mais vous le devez juger avec moi ab effectu, puisque Dieu a choisi ce monde tel qu’il est” (Leibniz, 1969: 109). [ab effectu: from or by the effect]. For a critique of Leibniz’s hypocritical and illogical rhetoric, see my doctoral thesis (Loty 1995). On the Leibnizian practice of hypocrisy, see Friedmann 1962.

15 Our own epoch is, on the contrary, perhaps propitious for the rediscovery of the diversity of socialist ideas. Among them, the ideas in Marx’s texts can be rediscovered, in order that they will no longer be read as absolutely necessary, perfectly sufficient, and definitively sacred. I read with interest Karl Polanyi (Maucourant 2005), and a Marx revisited by anarchism (Zinn 1999).

16 The literary, anthropological and political genre of utopia is neither to be defended nor accused en bloc. Everything is possible, happily and unhappily, in the domain of the political imagination. I have deepened my thinking on this thanks to Marianne Duflot-Czarniak, who invited me to present a talk in June 2003 entitled “L’utopie: de quelle imagination politique avons-nous besoin? [Utopia: Which Political Imagination do We Need?]” (Loty 2003). There are both emancipatory utopias and others which are abominable in their authoritarianism, their
sexism, their racism, their eugenics: see Loty 1986 and Loty 2002b. See also my paper from the conference “Eugenics in Europe, Yesterday and Today” [L'Eugénisme en Europe hier et aujourd'hui], of which the proceedings were supposed to appear from Éditions Autrement: a paper which was summarized by Éric Bacque (Loty 1994b): http://www.genetique-et-liberte.asso.fr/pagecrconference.html#Desutopies

Jean Goulemot has stressed this very old hesitation between the reading of utopias as political texts and their reading as texts of entertainment (Goulemot 1984). Anne-Rozenn Morel-Daryani is pursuing a study of the possible articulation between the ludic and the political (Morel-Daryani 2006).

These thoughts correspond to the object of the research program “Croyance et Imagination utopique et juridique [Utopian and Juridical Belief and Imagination]” of the research group “Textes et Savoirs, Transdisciplinarité et Politique [Texts and Knowledges, Transdisciplinarity and Politics]” (TSTP), research group drawn from the research team “Centre d’Etude des Littératures Anciennes et Modernes [Center for the Study of Classical and Modern Languages]” [see http://www.uhb.fr/labos/celam/, or for the TSTP seminar: http://www.uhb.fr/labos/celam/seminaires/seminaires2.htm#tstp]. The program is being developed also in connection with the Institute of the Americas at Rennes (http://www.ida-rennes.org/), under the title “Imagination utopique et juridique: France / Amériques”, potentially open as well to comparison with other countries or continents. The research into forms at once powerful and distanced from faith in politics, which belongs with the tradition of utopian irony, is a key to utopias for today (see Campbell 2006a).

I thank Claude Blanchkaert, Jacqueline Carroy and Nathalie Richard, who invited me to present a talk in May 2001 to the seminar “Histoire des sciences de l'homme et de la société [History of the Human and Social Sciences]” at the Centre Koyré, a seminar sponsored by the Société Française pour l'Histoire des Sciences de l'Homme [French Society for the History of the Human Sciences: http://www.bioum.univ-paris5.fr/sfhsh/]. This talk allowed me to sketch a preliminary synthesis of my work on optimism and utopia, to think about the relations between the two and between economic liberalism and communism (Loty 2001b).

I invented the word in the subtitle of a collections of utopian fictiions published in June, 2004 (Loty 2004). On the stakes of this neologism, see “Alterréalistes de tous les pays… [Alterrealists of all countries…]”, introduction to Loty 2005a.

On dialogue as literary and philosophical genre, see Pujol 2005.

Reflection on the particular and combined effects of literature and law is one of the research interests of Philippe Comto (see Boisset & Corno 2006, and see especially Corno’s doctoral thesis in progress: Le divorce dans la littérature de la Révolution française (1789-1804): Textes et représentations, directed by Isabelle Brouard-Arends and Laurent Loty, at the University of Rennes 2).

In order to dare to imagine utopia today, and to incite people to compose them, a consciousness of the dangers inscribed within “reality” is necessary, a consciousness of the ambivalences of the utopian imagination itself, as well as the desire not to dissociate one’s knowledge from action, the freedom of spirit and the combativeness to oppose oneself to academicism without ever losing courage (see Campbell 1999 and 2003; Douthwaite 2002 and Douthwaite & Vidal 2005).

The subject of Anne-Rozenn Morel’s thesis engages new perspectives on utopias in regard to the anthropological conceptions of which they form the vehicles, and to their interactions with historical reality, legal texts, etc.: Imaginaire et politique: les fictions utopiques pendant la Révolution française (1789-1804), directed by Isabelle Brouard-Arends and Laurent Loty, Université Rennes 2.

It was a great pleasure to meet at New Lanark the Portuguese team which has launched an annual competition of new utopian texts; my bet is that the Franco-American and Portuguese teams will figure out how to join together, that writers in France, the United States and other countries will participate in the Portuguese and international competition, that the texts of this competition will be published by the Franco-American editorial venture, which aspires to be world-wide. Who said or even thought that an immense international movement was impossible? Utopian? Alterrealist!

The project is under way with Jean Sallantin, who works at the intersection of law and informatics in the LIRMM: Laboratoire d’Informatique, de Robotique et de Microélectronique de Montpellier [Montpellier Informatics, Robotics and Microtechnology Laboratory] (CNRS). The free software used for the Wikipedia encyclopedia would be interesting for this project (see

It took me a long time to figure out that I could also make this demand of myself. A writing project is under way: for starters, the scene takes place….in Berlin.

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