

The catechism of the citizen: politics, law and religion in, after, with and against Rousseau

Simon Critchley

Published online: 3 March 2009
© Springer Science+Business Media B.V. 2009

Abstract As a way of thinking through the bleakness of the political present through which we are all too precipitously moving, this essay attempts to demonstrate the interconnections between three concepts: politics, law and religion. By way of a detailed reading of Rousseau, I try to show how any conception of legitimate politics and law requires a conception of religion at its base and as its basis. In my view, this is highly problematic and in the conclusion an argument is presented for a politics of the supreme fiction, which attempts to show how poetry might take the place of religion.

Keywords Rousseau · Jean Jacques · Law · Politics · Religion · Supreme fiction · Agamben, Giorgio · Badiou · Alain · Stevens, Wallace

In a letter to Voltaire dated 18th August 1756, Rousseau writes,

I would wish, then, that in every State there were a moral code, or a kind of *civil profession of faith*, containing, positively, the social maxims everyone would be bound to acknowledge, and negatively, the fanatical maxims one would be bound to reject, not as impious, but as seditious.¹

¹ Rousseau (1997a, p. 245) (emphasis mine).

S. Critchley (✉)
New School for Social Research, New York, USA
e-mail: CritchlS@newschool.edu

S. Critchley
Tilburg University, Tilburg, The Netherlands

This, of course, is the germ of the argument for civil religion that Rousseau would go on to elaborate in 1762 in *The Social Contract*.² In the letter to Voltaire—and one knows that whatever fellow feeling might have existed between these two was rapidly turning to enmity during these years—the context is Voltaire’s response to the Lisbon earthquake of 1755 about which he had published a poem in March 1756. Rousseau goes on,

In your *Poem on Natural Religion* you gave us the Catechism of man: give us now, in the one I am suggesting to you, the *Catechism of the Citizen*.³

Voltaire, of course, would do no such thing and went on to write his *Candide* in 1759, which Rousseau in his paranoid megalomania saw as the true response to his 1756 letter, which only received a brief, conciliatory reply. However, in this paper I want to explore the idea of a catechism of the citizen or a civil profession of faith as a way of thinking about the relation between three interconnected terms: politics, law and religion.

My argument will continually cut in two directions at once in a way that I hope will not bifurcate too egregiously:

- (i) On the one hand, I want to follow closely at the textual and conceptual level Rousseau’s claim that what is required to solve the problem of politics and law is a civil profession of faith, a civil catechism. I want to show how the problem of politics in Rousseau—the very *being* of the political, understood as the act by which a people becomes a people—is articulated around what we might call a paradox of sovereignty that draws it ineluctably towards a religious solution. To borrow Althusser’s word—and his extraordinarily intelligent reading of *The Social Contract* will be constantly on my mind as I write, as will that of Badiou—the functioning of Rousseau’s thought is only possible because of the play of a series of *décalages*, displacements or dislocations.⁴ Althusser claims

² The literature on civil religion is immense and I cannot begin to do it justice here. For a very useful recent historical account of the emergence of civil religion from the Rome of Numa Pompilius to the French Revolution, which makes interesting remarks about Rousseau, see Silk (2004). For a discussion of American civil religion, see Angrosino (2002).

³ Rousseau (1997a, p. 245) (emphasis mine).

⁴ A formal similarity between Althusser’s and Badiou’s interpretations of Rousseau can be noted, although it conceals a vast difference at the level of the ontologies that are driving the two interpretations. They both display a similar formalism in picking out the contradiction between particularity and generality that both defines and divides Rousseau’s text, but they take this in very different directions. For Badiou, the originality of Rousseau consists in thinking the being of politics in terms of category of the *event* understood as a subjective act of creation whose radicality consists in the fact that it does not originate in any structure supported within being or the situation, such as the realm of the socio-economic. In Badiou’s jargon, the social pact of association is the ultra-one of the event that is in excess of the pure multiplicity of being. On the contrary, for Althusser, this is precisely the failure of Rousseau’s politics, namely its inability to think what he calls the *real* understood as the objective dialectic of forces and relations of production. Linked to this, for Althusser, is Rousseau’s failure to acknowledge the specificity of factional or class interests as politically emancipatory. For Althusser, this failure leads Rousseau towards an entirely ideological politics which is ineluctably drawn back towards an artisanal socio-economic primitivism and has no way of facing up to the savage potentiality of capitalist relations of production. By contrast, the deep Rousseauianism of Badiou’s politics is revealing. Obviously, the key figure behind both of these interpretations is Marx and my own interpretation of Marx is very much on my mind as I read Rousseau. See Critchley (2007b).

that it is the play of these *décalages* that both make possible what Rousseau calls his ‘sad and great system’, and make it impossible at the same time.⁵ That is, Rousseau’s solution to the problem of politics, which goes by the name or, more accurately, as we will see, the *misnomer* of the social contract, attempts to cover over a series of *décalages* that make the articulation of that problem possible. Rousseau’s thought—and, for me, this is an important methodological caveat—is a self-conscious play of dislocations and displacements, a reflexive series of contradictions that make both the articulation and disarticulation of that thought possible. Rousseau’s text is thus a sort of *machine à décalage* of which he was utterly self-conscious and which makes him in my view, along with Nietzsche, the supremely *fictive* philosopher (and I will return to the question of fiction and the possibility of a supreme fiction in politics). This play of *décalages* is one explanation of the multiplicity of possible, plausible and deeply contradictory interpretations of Rousseau, whether Kantian or Hegelian, liberal or communitarian, not to mention totalitarian.⁶ To be more specific, if the problem that Rousseau is trying to solve in *The Social Contract* is the problem of politics, then the solution to that problem requires religion. This means, of course, that we have to read *The Social Contract* and arguably Rousseau’s entire sad system back to front.⁷ That is, the political argument of *The Social Contract* requires the account of civil religion which otherwise looks like an addendum to the book. Which is to say that Rousseau’s purportedly purely *immanentist* conception of the being of politics requires a dimension of *transcendence* in order to become effective; or again, a conception of the political based on the absolute primacy of *autonomy* seems to call for a moment of *heteronomy* for its articulation and authorization. But we will come back to these issues.

- (ii) However, on the other hand, I want to use Rousseau’s thought in order to show how his conception of the political can throw some light on the present situation, that is, on the darkness of our times. What I mean is that if Rousseau’s sad system is a *décalage* machine, then I wonder whether something analogous might be said of our world, defined as it is by a series of nightmarish intrications of politics and religion: politics of religion and religions of politics, where we have entered nothing less than an epoch of new religious war. Thus, my hunch or hope is that following Rousseau’s thinking on politics and religion will somehow allow us to think through and think against our present.

This leads me to the following series of general—maybe too general, possibly paralyzing—questions: is politics conceivable without religion? The answer is obviously affirmative as the evidence of various secular political theories testifies.

⁵ Althusser (1972, p. 107).

⁶ Although this is something I hope to develop separately, I am thinking in particular of Arendt’s influential and deeply misguided critique of Rousseau, in particular on the question of the general will. See Arendt (1963).

⁷ I owe this insight on the relation of politics to religion to conversations with Joe Tinguely, PhD student, New School for Social Research.

But is politics *practicable* without religion? That is the question. And that is the question that Rousseau's thinking of politics faces. Can politics become effective as a way of shaping, motivating and mobilizing a people or peoples without some sort of dimension—if not foundation—that is religious, that is without some sort of appeal to transcendence, however substantive or otherwise that appeal might be? I do not think so. Or rather, I no longer think so. Thus, the exemplarity of Rousseau to my mind consists in the fact that he gives us the definitive expression of the modern conception of politics: that is, politics is the break with any conception of nature and natural law and has to be based in the concepts of popular sovereignty, association, rigorous equality and collective autonomy understood as the self-determination of a people. And yet, in order for this modern conception of politics to become effective it has to have a religious dimension, a moment of what the Romans used to call *theologia civilis*, civil theology. That is, the *secularization* that seems to define modern politics has to acknowledge a moment of what Emilio Gentile calls *sacralization*, the transformation of a political entity like a state, nation, class or party into a sacred entity, which means that it becomes transcendent, unchallengeable and intangible.⁸ So, can a political collectivity maintain itself in existence, that is, maintain its unity and identity, without a moment of the sacred, that is, without religion, rituals and something that we can only call *belief*? Once again, I do not think so. Might we not at least conceive of the possibility of redefining the secularization that is believed to be definitive of modernity with the idea of modern politics as a *metamorphosis of sacralization*, where modern forms of politics, whether liberal democracy, fascism, soviet communism, national socialism and the rest have to be grasped as new articulations and, indeed, mutations of the sacred?

Before continuing, it should be noted that I have come to this conclusion with no particular joy, as someone with little enthusiasm (in the literal sense of the term) for religion, whether organized or disorganized. And I say this not simply in response to the chronic re-theologization of politics through which we are living, which makes this time certainly the darkest period in my lifetime, and arguably for much longer. At the heart of the horror of the present is the intrication of politics and religion, an intrication defined by violence, and this is what I would like to begin to think through. I want to do this not in order to break the connection between politics and religion, but to acknowledge the limitations of any completely secular leftist politics. It seems to me that the left has all too easily ceded the religious ground to the right and it is this ground that needs to be regained in a coherent, long-term and tenacious political war of position. As Gramsci famously wrote, 'socialism is the religion that is needed to kill off Christianity'. As we will see presently, the relation of politics to religion and their intrication raises for me the question of the necessity of *fiction*, of both the seeming necessity for a divine fiction at the basis of politics and the possibility of what Wallace Stevens would call a *supreme* fiction in politics. But I am getting ahead of myself.

⁸ Gentile (2006).

1 The being of politics, or the misnomer of the social contract

Let's go back to Rousseau. As everyone knows, Rousseau begins *The Social Contract* with the following words,

Man is born free, and he is everywhere in chains. One believes himself the others' master, and yet is more a slave than they. How did this change come about? I do not know. What can make it legitimate? I believe I can solve this question.⁹

Now, the most obvious way of reading these words is to imagine that Rousseau is recommending that we throw off our chains and return to a state of original freedom, what he elsewhere calls natural freedom. This is the romantic or indeed anarchist reading of Rousseau, where revolutionary political activity is justified insofar as it returns us to the allegedly free and original condition of humanity without the shackles of law and government.

However, to read Rousseau in this manner is to misread him. Let's look at those words more closely: man is everywhere in chains, that is, everyone everywhere is in chains, not just the oppressed, the exploited, and the poor. Rousseau is clear, 'One believes himself the others' master, and yet is more a slave than they'. Thus, and this is the dialectical logic that Hegel will develop to full effect, the master who believes himself free because of his ability to oppress the poor and disadvantaged and bend them to his will is mistaken in his belief. On the contrary, his very being as master is utterly dependent upon recognition from the slave from whom he believes himself independent and superior. The master is paradoxically less free than the slave because the former's entire being is constituted through his purported superiority to the latter. Rousseau's point is everyone is a slave, especially the master who believes that he is free.

Rousseau goes on, 'How did this change come about?' That is, how is it that human beings all ended up wearing chains? How did we lose our natural freedom, that is to say, our natural equality? In other words, to coin a phrase, what is the origin and foundations of inequality amongst human beings? Rousseau curtly responds, '*Je l'ignore*', 'I do not know' or 'I am ignorant or unaware of the reason for this transformation'. Now, this is a peculiar thing to say as 7 years earlier, Rousseau had given a quite breathtakingly original answer to this question in the 1755 *Discourse on the Origin and Foundations of Inequality Among Men*, the so-called Second Discourse. Either Rousseau is being inconsistent—and as readers of the *Confessions* are aware, consistency was never a virtue he claimed to possess—or what is going on in *The Social Contract* is not of the order of knowledge or epistemic certainty, but something else. Returning to the opening quotation, we can see an intriguing and important separation of the realm of knowledge from the realm of legitimacy. That is, the political question of the transformation from freedom to bondage is not an epistemic or empirical question that can be resolved with reference to the state of nature or natural law. It is rather a question of the *legitimacy* of this transformation that presupposes a break between the orders of nature and

⁹ Rousseau (1997b, p. 41).

politics. This means that the order of politics begins, to paraphrase Rousseau, by ‘setting aside all the facts’, that is, by disregarding the realm of being, of that which is, and establishing a domain where a new political subject comes into existence, a domain of fiction in the strong sense, the realm of what Badiou calls the event.

With the question of legitimacy, understood as the emergence into existence of a political subject that breaks with the realm of facts and knowledge, we arrive at the problem of politics as conceived by Rousseau. In many ways, it feels more like a riddle than a problem, a riddle that is subject to a series of *décalages* that we will attempt to track. Slightly later in *The Social Contract*, in words set apart in the text with quotation marks, he states the problem in the following terms,

To find a form of association that will defend and protect the person and goods of each associate with the full common force, and by means of which each, uniting with all, nevertheless obey only himself and remain as free as before.¹⁰

That is, how can human beings live according to a law that they recognize as equally binding on all citizens, as legitimate for the collective as a whole, and yet at the same time being a law to which they freely submit because they see it as the expression of their own freedom? If there is no question of a return to nature, to an original freedom where we are finally free of our chains, the anarchist dream of society without the state, then the problem of politics is: how can those chains be made legitimate? Or, better, how can citizens wear legitimate chains? To put it crudely, the problem of politics is the relation and transition from forms of non-consensual to consensual bondage. How can we organize society so that freedom and equality could exist in some sort of equilibrium? As Rousseau writes, ‘This is the fundamental problem to which the social contract provides the solution’.¹¹

But what do the words ‘social contract’ mean for Rousseau? Is it, indeed, a misnomer for what he imagines as the being of politics? Firstly, the matter of politics is about the establishment of the form of *association* spoken of above. This requires a convention or covenant, Rousseau thinks, but one that is not based on the family or any form of patriarchy *à la* Filmer, or the right of the strongest where the conqueror simply enslaves the conquered *à la* William the Conqueror. Importantly, it also excludes the possibility of a primary covenant between a people and a king of the kind imagined by Grotius or, in a different way, by Hobbes. For Rousseau, crucially,

Hence before examining the act by which a people elects a king, it would be well to examine the act by which a people is a people. For that act, being necessarily prior to the other, is the true foundation of society.¹²

Thus, the essence of politics consists in an act whereby a people becomes a people, an original covenant that presupposes that there has been at one time unanimity.

Althusser usefully illuminates this issue with an opposition between *obstacles* and *forces*; namely, the obstacles that stand in the way of such a form of association

¹⁰ Ibid. (pp. 49–50).

¹¹ Ibid. (p. 50).

¹² Ibid. (p. 49).

and the forces which might enable it, a distinction which echoes Marx's distinction between relations and forces of production. This is also where we are obliged to consider the relation between *The Social Contract* and the Second Discourse. Part Two of the Second Discourse gives an extraordinarily powerful account of the obstacles that stand in the way of a legitimate politics, namely the vicious state of war described in its final pages, which it is tempting to translate as the present state of the world, what Agamben in characteristically understated manner describes as 'global civil war'.¹³ In this state of war, human beings exist in a state of total alienation and the previous history of humanity, for Rousseau as for Marx, is the history of the growth of that alienation. The force that can face and possibly overcome these obstacles is the combined bodily power of alienated individuals, not working for particular interests but for the common interest. This is the force that is described in *The Social Contract*, a force that can only take effect as a transformation of human beings' manner of existence, what Rousseau refers to on many occasions as a 'change of nature'.¹⁴ This entails that the relation between the Second Discourse and *The Social Contract* is complimentary but radically disjunctive: the radically unequal state of the world in the former, the possibility of a legitimate politics in the latter. Politics, then, is about the creation of a force that can overcome obstacles, which requires an act of aggregation or what Denis Guénoun calls 'pure assembly' where a people unites and decides to act.¹⁵ Let me leave to one side the vast question as to where this force might come from (where *does* it come from? Does it come? Always?). We can say for sure that it is not given in the situation, but in excess of the situation as a vital but fleeting supplement, a fictional force perhaps. Yet, Rousseau is crystal clear—and such is his pessimism, a tone that one finds echoed in Badiou, Rancière and others—this force is rare and can only exist in very few places: Geneva for a while, Corsica for a while, Poland as a theoretical possibility, and so on. I feel certain that he would not find it in the contemporary regimes that go by the misnomer of democracy. True politics is rare, the obstacles are vast and the force required to bring it about is exceptional.

Now, is this act of association a contract? If it is, then it is a very strange contract. Usually, a contract is understood as a relation entered into by two pre-existing parties, like a marriage. But this does not begin to describe Rousseau's 'social contract'. There is no pre-existing second party. Indeed, there is not even a first party. Let me try and be clear here as the logic of this 'contract' is difficult to grasp. To begin with, there is the first party of the contract, which exists in the state of total alienation described in the Second Discourse, which is to say that it is not free at all but totally enmeshed in systems of social inequality. Yet, this radically unfree, alienated individual still possesses the force—that peculiar, rare force I mentioned just now—to give itself in an act of association with others, that is, with others who also exists in a radically alienated state. Yet, in giving himself to others the subject contracts with no-one except the generality, the imagined association, which is the

¹³ Agamben (2005, pp. 2, 3). See also *ibid.* (pp. 85–88).

¹⁴ Exactly what Rousseau might mean by 'change of nature' would require a separate investigation and would take us into the significant stoical influences on Rousseau's thought.

¹⁵ Cf. Guénoun (2005, p. 15).

expected outcome of such self-giving. Rousseau is crystal clear on this point, ‘...each, by giving himself to all, gives himself to no one’.¹⁶ Thus, there is no contract; I give myself to no one. Indeed, there is no self to give as it exists in a state of total alienation and only becomes a subject through an act of force where it associates with others. The act of association that is the essence of politics is what I would like to call *the fiction of an alienation from alienation*. In other words, the essence of politics is an act and a fiction. Once again, Rousseau is clear,

These clauses (i.e. of the social contract [S.C.]), rightly understood, all come down to just one, namely the total alienation of each associate with all of his rights to the whole community.¹⁷

The so-called ‘social contract’ begins with the *fact* of total alienation, which is overcome by an *act* of total alienation where I give myself to the community, to an imagined generality, to a people *which does not in fact exist*. That is, I totally alienate myself in the name of a fiction of association that would allow me to overcome the total alienation of social inequality. As Althusser rightly underlines, *total alienation is the solution to the state of total alienation*.¹⁸ Thus, and here is a first *décalage*, Rousseau’s ‘social contract’ does not correspond to its concept: it is not a contract based on an exchange between parties, but an act of constitution, of fictive constitution, where a people wills itself into existence. That such a people exists, that it might exist, that the fictional act might become fact, is what Althusser calls Rousseau’s ‘dream’.¹⁹ One of the important issues towards which this talk is trying to grope its way is the necessity of such dreams, such supreme fictions, in the political realm and to provide a key to their interpretation. Let me now turn to law.

2 The general will, law and the necessity for patriotism

Let’s ask, very generally: what is the problem to which law is the solution? As we have seen, the problem that Rousseau is trying to solve in *The Social Contract* is the problem of legitimacy. That is to say, how can we imagine a form of association that would balance the claims of freedom and equality, between individual freedom, on the one hand, and the interests of the collective, on the other hand? Such is, I have claimed, the problem of politics for Rousseau and for us.

How can my freedom be just one amongst many freedoms? If I am free, then any law to which I submit must be my law; it must be a law that I give myself. That is to say, it must be consistent with my autonomy, that is, it is a question of a law to which I freely bind myself. So, how is my autonomy compatible with equality, namely with the demand that the laws that I freely choose should be binding on myself and other free agents? Rousseau elegantly solves the problem by simply

¹⁶ Rousseau (1997b, p. 50).

¹⁷ Ibid.

¹⁸ Althusser (1972, p. 127).

¹⁹ Ibid. (p. 147).

denying that there is an opposition between freedom and equality and making a distinction between the *general will* and the *will of all*.

The will of all is the sum of private interests, of particular freedoms, the interests that can be aggregated together, for example, in the mechanism of a vote in a liberal democracy. The entire problem of liberal democracy from a Rousseauian perspective consists in the fact that one is asked to vote or exercise one's freedom on the basis of one's private interest as an individual rather than the public interest which might well simply conflict with one's private interests, depending upon one's wealth, class, status, property etc. This entails that Rousseau has an entirely negative relation to what we might call 'actually existing liberal democracy' and *The Social Contract* should not be read, as is sometimes the case in the English-speaking world, as an apologia for a liberalism which is supposedly based on a social contract. On the contrary, I see *The Social Contract* as a radical critique of liberal individualism, which is what is called in the Second Discourse as '*le faux contrat*' based on radically unequal private interests and property ownership and which culminates in a state of war.²⁰

The general will, by contrast, is not private interest but the common interest that tends towards the public good. To choose in accordance with the general will is not to choose in relation to my particular, private interest, but in line with what I see as good for the form of political association as a whole. To act in such a way is consistent with what Rousseau calls our civil liberty as distinct from our natural liberty. In passing from the state of nature to society, I give up my natural freedom, which has no limitation other than my physical power, and I gain civil liberty. The latter is a notion of moral freedom that is only acquired in society with others and consists in obedience to a law that I give myself, i.e. which is consistent with my autonomy. As Rousseau writes, 'For the impulsion of mere appetite is slavery, and obedience to a law one has prescribed to oneself is freedom'.²¹ The same argument goes for equality, where I give up the rough natural equality of the state of nature and the vicious social inequality of the state of war for the political equality of all with all. To choose freely is to choose in accordance with the general will, which means that one chooses for all. Therefore, there is no conflict between freedom and equality and the latter is the expression of the former when it is rightly understood. Collective autonomy is the only legitimate political expression of individual autonomy.

To approach matters in this way also solves the problem of sovereignty because the only being who is sovereign in a legitimate polity is the people itself. The core of *The Social Contract* is a defence of popular sovereignty, and I will come back to this theme in my conclusion. Popular sovereignty consists in acts of legislation by the general will, where the people determine themselves by themselves and not through the mediation of any monarch, prince, aristocracy or unrepresentative body. For Machiavelli, the true citizen loves the city more than his own soul. Rousseau's hyper-Machiavellian twist to this wisdom is to add that the city—and this was his hope for Geneva and why he proudly described himself on the title pages of the Second Discourse as 'Citizen of Geneva'—is nothing else but the expression of

²⁰ Rousseau (1997a, p. 173).

²¹ Rousseau (1997b, p. 54).

one's own soul; it is the civic incarnation of the animate. One is a political subject only by virtue of the association of which one forms a part. For Rousseau, there exists a sheer transparency between my freedom and those of my fellow citizens; freedom and equality are two sides of the same coin (although Rousseau detested money, which he always saw as a mere simulacrum and supplement). But the metal that melds the two sides of the coin is a love of one's city, of one's *patrie*, and Rousseau vigorously defends the need for civic patriotism.

On this point—and I think it is an important issue—let me make a brief excursus into Rousseau's extraordinary 1755 entry to Diderot and D'Alembert's *Encyclopédie* on 'Political Economy' in order to restate the argument about politics and establish the link to law. For Rousseau, political association is conceived as a body politic and the soul that animates this body is the general will. The most important maxim of legitimate government is following the general will and this means that all private, particular interests have to be excised from the body politic. But how, then, do citizens freely subjugate their freedom to the general will? Rousseau asks,

How can it be that they obey and no one commands, that they serve yet have no master; all the freer in fact that in apparent subjection, no one loses any more of his freedom than might harm someone else's?²²

And the answer is clear,

These marvels are the work of law. It is to law alone that men owe justice and freedom.²³

Rousseau continues to wax lyrical and describes law as a 'celestial voice'. But the question that this raises is simple and vast: how can citizens take an *interest* in the law? For Rousseau, unlike Kant or indeed Habermas, rationality is not a sufficient nor even reliable guide. Citizens have to be *formed*,

Therefore, form men if you want to command men: if you would have the laws obeyed, see to it that they are loved.²⁴

Citizens must be formed, that is, they must be taught to *love* the law and that requires virtue. By the word 'virtue', Rousseau simply means that which enables the particular will to conform with the general will. Virtue is the becoming-general or becoming-generic of the particular will. How can this be achieved? The answer is simple: love of the *patrie*, the fatherland,

This gentle and lively sentiment which combines the force of *amour propre* with all the beauty of virtue, endows it with an energy which, without disfiguring, makes it into the most heroic of all the passions.²⁵

Therefore, it is *patriotism* which is the key to making people virtuous, it is love of the fatherland that is the passion that forms citizens and teaches them to love the law. This is why the issue of public education is of such political importance for

²² Ibid. (p. 10).

²³ Ibid.

²⁴ Ibid. (p. 13).

²⁵ Ibid. (p. 16).

Rousseau, for without it there would be no way of constituting and maintaining a legitimate polity.

This becomes even clearer in the posthumously published 1770-1 text, 'Considerations on the Government of Poland'. Any project of constitution writing must, for Rousseau, be guided by the following question,

No constitution will ever be good and solid unless the law rules the citizens' hearts. So long as the legislative force does not reach that deep, the laws will invariably be evaded. But how can men's hearts be reached?²⁶

And the answer is shocking. The only way of getting citizens to love the law and the *patrie* is,

Dare I say it? With children's games; with institutions which appear trivial in the eyes of superficial men, but which form cherished habits and invincible attachments.²⁷

These games would be what we might call *ceremonies of nationhood*: spectacles, games and festivals which are always conducted 'in the open',²⁸ like the public festivals described in Rousseau's denunciation of theatre in his 1758 'Letter to D'Alembert'.²⁹ In such spectacles, nothing would be represented, as in conventional theatre. On the contrary, spectacles would be the pure presence to itself of the people through the games or ceremonies which the people enacts. Rousseau recommends horsemanship as 'an exercise well suited to Poles', and which could play a similar role to bullfighting whose role in maintaining 'a certain vigor in the Spanish nation is not negligible'.³⁰

It is not difficult for non-bullfighting, post-Kantian, metropolitan, cosmopolitan metrosexuals like ourselves to ridicule such ideas. But the issues that they raise are more serious. If human rationality is fallible, to say the least, if it cannot be assumed that citizens will always will the good, then this requires a political account of formative passions that might force citizens to love the law, that is, to overcome the obstacles of alienation and inequality through an act of association. Now, is such a thing practicable without fairly robust notions of civic patriotism and public education? I have my doubts.

3 The authority of the law

Let me return to the argument about law in *The Social Contract* and see how the relation between politics and law comes up in Book II. Rousseau writes, 'By the social pact we have given the body politic existence and life: the task now is to give

²⁶ Ibid. (p. 179).

²⁷ Ibid.

²⁸ Ibid. (p. 186).

²⁹ Rousseau (1960).

³⁰ Rousseau (1997b, p. 186).

it motion and will by legislation'.³¹ If the social contract, understood as the coincidence of freedom and equality in the general will, is what breathes life into a legitimate polity, then it is law that gives that polity the motivation and legs to get up and walk. Rousseau defines law in the following fascinating paragraph,

But when the whole people enacts statutes (*statue*) for the whole people it considers only itself, and if a relation is then formed, it is between the entire object from one point of view and the entire object from another point of view, with no division of the whole. Then the matter with regard to which the statute is being enacted is general, as is the enacting will. It is this act which I call law.³²

In French, the verb that is doing the work here is *statuer*, to decree, ordain, rule or enact; in short to make law. The final sentences are much more precise and interesting in French than in English, where Rousseau writes, '*Alors la matière sur laquelle on statue est générale comme la volonté qui statue. C'est cet acte que j'appelle une loi*'. For Rousseau, laws are acts of the general will. If one accepts Rousseau's analysis then it becomes immediately clear that we can no longer ask who makes the laws because laws are the expression of the general will. Laws are acts by virtue of which a people legislates for itself and where sovereignty is entirely popular. It is clear that this conception of law stands opposed to Hobbes's conception of the monarch as he who legislates for a society, but who stands outside the social order in a kind of state of nature. If the total alienation of the state of war requires the *externality* of the monarch, Hobbes' 'mortal god', then Rousseau has a purely *internalist* conception of law and sovereignty where a people contracts with itself in the act of association or assembly. But the obvious difference between Hobbes and Rousseau disguises a deeper similarity in their logic of sovereignty. Althusser is quite right when he writes,

Rousseau's theoretical greatness is to have taken up the most frightening aspects of Hobbes: the state of war as a universal and perpetual state, the rejection of any transcendental solution and the 'contract' of total alienation. But Rousseau's defence against Hobbes is to transform total alienation in externality into total alienation in internality.³³

If Rousseau's logic of sovereignty is entirely immanent, then Hobbes' monarch is the factual transcendence of the sovereign. But the important point here is that the political opposition between monarchical sovereignty and popular sovereignty is a transformation of the *modality* of the Hobbesian logic: God the monarch becomes God the people. As we will see presently, the paradox of sovereignty in Rousseau is that his avowedly immanentist conception of politics is also drawn towards transcendence in two instances: the person of the legislator and the doctrines of civil religion.

For Rousseau, no one in the political realm stands outside of the law for law is willed by everyone in that realm. This line of thinking has the peculiar consequence that subjects of the general will can no longer ask,

³¹ Ibid. (p. 66).

³² Ibid. (p. 67).

³³ Althusser (1972, p. 136).

Whether the law can be unjust, since no man can be unjust toward himself; nor how one is both free and subject to the laws, since they are merely records of our wills.³⁴

In this conception of law, there is a perfect transparency or mirroring of my will in the general will. If, in Hobbes, the authority of the monarchical sovereign lies in their being both inside and outside the society for which they legislate, for Rousseau sovereignty is purely internal, purely immanent, perfectly narcissistic. This is why sovereignty cannot be represented in an external body: a monarch, the state or even parliament. Sovereignty is the pure presence to itself of the body politic animated by the general will. Rousseau writes, in an extraordinary passage from Book 3 of *The Social Contract* that seems to anticipate Schopenhauer,

Sovereignty cannot be represented, for the same reason that it cannot be alienated; it consists essentially in the general will, and the will does not admit of being represented: either it is the same or it is different; there is no middle ground.³⁵

What we find in Rousseau is the source of the modern critique of representation whose *locus classicus* is Plato's critique of *mimesis* and which extends into thinkers like Heidegger (despite his ridiculous underestimation of Rousseau) and Guy Debord: the true 'subject' cannot be the subject of representation and all forms of representation conceive of the subject as subject *to* the spectacle and its theatre of war and inequality.³⁶ We see this at work already in the 1758 'Letter to D'Alembert', where the critique of theatre is essentially a critique of representation and where, by contrast, in the public festivals that Rousseau recommends, nothing gets represented and there is no spectacle. What takes place in the festival is just the presence to itself of the people in the process of its enactment. Rousseau writes,

But what then will be the object of these entertainments? What will be shown in them? Nothing, if you please.³⁷

As such, politics is not about representation, but is rather, as Badiou writes, the manifestation of 'the "collective being" of citizen militants'.³⁸ If it is asked: how does this being show itself? Then the answer is: as nothing, if you please.

As Rousseau tirelessly points out in his tirades against England—and I self-hatingly love him all the more for this reason, 'I have never liked England or the English'³⁹—this is the error of parliamentarianism.

The English people thinks it is free; it is greatly mistaken, it is only free during the election of Members of Parliament; as soon as they are elected, it is

³⁴ Rousseau (1997b, p. 67).

³⁵ Ibid. (p. 114).

³⁶ In this connection, see Badiou (2006, p. 575).

³⁷ Rousseau (1960, p. 126).

³⁸ Badiou (2005a, p. 347).

³⁹ Rousseau (1957, p. 547).

enslaved, it is nothing. The use it makes of its freedom during the brief moments it has it fully warrants its losing it.⁴⁰

As Edmund Morgan points out—and I will return to his *Inventing the People* at more leisure in my conclusion—the idea of political representation is a magical enigma: in a representative government, so the story goes, the people are not just the governed, they are also the government, which somehow happens through the miracle of representation. But how exactly can a few be said to *represent* the many? They cannot. The truth of the situation, rather, is that the spurious legitimacy of representative government rests on the simple fiction of the few *believing* that they represent the many and, if the fiction is believed, vice versa.

Sovereignty cannot be represented because it is the people alone who have legislative authority and who make the law. Rousseau writes, ‘...the instant a People gives itself Representative, it ceases to be free; it ceases to be’.⁴¹ The only representation that is possible in a legitimate polity is at the level of executive power, namely the magistrates who are elected by the people to carry out its will. But the executive does not make the law, as in representative government; it only carries it out. Yet, this move in Rousseau’s argument establishes the distinction between sovereignty and government, which opens a further *décalage*: the distinction between generality and particularity.

How is government instituted? It can only be instituted through an act of the general will which flows from the sovereignty of the people. Yet how does this take place? How does the sovereign, who is by definition general, become government, which is particular, particularly when those people chosen to govern also, by necessity, form part of the sovereign people? Rousseau faces the contradiction head-on: ‘The difficulty is to understand how there can be an act of Government before the Government exists’.⁴² The answer is quite astonishing: it is through the *sudden conversion of sovereignty into democracy*. It should be recalled that democracy was described earlier in Book III as ‘a Government without a Government’ and rejected as being suited to a nation of gods, but not human beings,

Here again is revealed one of those astonishing properties of the body politic by which it reconciles apparently contradictory operations. For this reconciliation is accomplished by a sudden conversion of Sovereignty into Democracy; so that without any perceptible change, and simply by a new relation of all to all, the Citizens having become Magistrates pass from general to particular acts, and from the law to its execution.⁴³

Thus, without any visible change, the sovereign people transforms itself into a government. That is, each of the individuals that constitute the body of the people becomes a magistrate, if only temporarily. Having refused democracy as being too god-like, Rousseau acknowledges that the establishment of legitimate government

⁴⁰ Rousseau (1997b, p. 114).

⁴¹ Ibid. (p. 115).

⁴² Ibid. (p. 117).

⁴³ Ibid. (pp. 117–118).

necessarily requires a passage *through* democracy and from there into the elective aristocracy that he recommends as the most felicitous form of government. Thus, the passage from the general to the particular requires a sudden god-like moment of transfiguration.

This opens up a fault-line in Rousseau's argument that runs through the remainder of Book III and into Book IV and perhaps explains its overlong meander through Roman political history (which is to say that having begun *The Social Contract* with a series of arguments that have a precise, almost geometrical formality, using the language of ratios, it is a book that he doesn't seem to know how to finish). Having insistently argued that the only legitimacy possible in a polity is through acts of generality, the passage from sovereignty to government, from the general to the particular, means that we have to speak of a *qualified generality* or a *divided and particularized universality*. This is nowhere clearer than in the enigma of voting procedures outlined in Book IV. Rousseau is forced to the contradictory conclusion that the general will has to be manifested in the majority, that is, generality only finds expression in particularity which entails that there is no political room for the minorities which also make up the sovereign body of the people. We will come back to this contradiction in relation to Rousseau's account of dictatorship, which is nothing less than the suspension of the sovereign authority of the people by the very agency that claims to speak in its name.

4 The paradox of sovereignty

For Rousseau, the problem that law appears to solve is that of the relationship between freedom and equality. If he is right, then he has solved the problem of politics, which is a problem, as he puts it in his 'Considerations on the Government of Poland', akin to 'squaring the circle in geometry'.⁴⁴ However, my view is not that Rousseau succeeds in squaring that circle, but rather that his text is articulated around a series of conceptual *décalages* of which we are the inheritors. Rousseau's thinking enacts a series of paradoxes that any serious thinking of the being of politics is obliged to confront. This is nowhere clearer than in the problem of the authority of the law.

The problem might be put in the following way: if the only law that I can follow is a law that I give myself, a law that is the expression of the general will, a law that is consistent with my autonomy yet binding on all members of the social group, then by virtue of what does this law have *authority*? The obvious answer is that if the law is nothing else but the act of the general will, then authority becomes self-authorship. That is, there can be no higher court of legal authority than autonomy. Yet, if authority becomes self-authorship, then doesn't a legitimate polity end up as a form of *collective narcissism*?⁴⁵ Despite the immanentist logic of Rousseau's argument, isn't there a need for a moment of transcendent authority in law in order to bind

⁴⁴ Ibid. (p. 179).

⁴⁵ Such, of course, is the central issue in the critique of transcendental philosophy in the 1790s in Jacobi's critique of Fichte. I discuss this in Critchley (2007b, Chap. 2).

subjects to the law, a moment of radical externality or heteronomy like the function of the monarch in Hobbes? If that is the case, if Rousseau also seems to need a mortal god to animate his politics, then is such an authority conceivable without religion? I think these problems will take us to the very heart of the paradox of sovereignty that forces Rousseau into his argument for the legislator and from there into the dependency of politics and law on religion. It is my hope that in this way we might begin to get close to the heart of our current political and legal situation.

Rousseau, of course, being the most supremely fictive and self-conscious of philosophers, recognizes precisely the problem that I have raised. On the one hand, in Book II he writes, 'The People subject to the laws ought to be their author'.⁴⁶ Yet, on the other hand, he goes on, seemingly to contradict himself, 'How will a blind multitude, which often does not know what it wills because it rarely knows what is good for it, carry out an undertaking as great, as difficult as a system of legislation?'⁴⁷ That is, how can an uninformed and ignorant multitude will the good? How can they learn to act not simply on the basis of private interest but common interest, not the will of all but the general will? Rousseau concludes, 'By itself the people always wills the good, but by itself it does not always see it'.⁴⁸ Therefore, Rousseau claims, the people needs a guide, it requires something or someone that will, in the fatefully misunderstood words of Book I of *The Social Contract*, force the people to be free.⁴⁹

This leads Rousseau to the beautiful fiction of what he calls the 'legislator' or 'lawgiver', an 'extraordinary man' or 'genius'.⁵⁰ The legislator is described by Rousseau as the engineer of the state machine. He is the person who legislates for society, but who has to stand apart from society. The legislator belongs neither to the order of nature, as he intervenes in politics by establishing the constitution, nor to the political order because he is not subject to the laws that he declares. The office of the legislator is strictly paradoxical, 'This office which gives the republic its constitution has no place in that constitution'.⁵¹ That is, in order for the internalist laws generated by the general will to have authority, they have to be decreed or 'statuted' by a quasi-external lawgiver, who belongs neither to the realm of politics nor nature, but who exists in a 'no place' (like Augustine's God in Book X of the *Confessions*).⁵² It is by occupying this quasi-external, quasi-divine 'no place' that the lawgiver gives a fictional majesty to the law. Rousseau writes,

When Lycurgus gave his fatherland laws, he began by abdicating the Kingship. It was the custom of most Greek cities to entrust the establishment of their laws to foreigners. The modern Republics of Italy often imitated this practice: the Republic of Geneva did so as well and to good effect. Rome in its

⁴⁶ Rousseau (1997b, p. 68).

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid. (p. 53).

⁵⁰ Ibid. (p. 69).

⁵¹ Ibid.

⁵² Augustine (1960, p. 254).

finest period witnessed the rebirth of all the crimes of Tyranny in its midst, and found itself on the verge of perishing, for having united the legislative authority and the sovereign power in the same hands.⁵³

Of course, if we lived in a society of gods and not human beings—a democracy—then this problem would not arise. Although, as we have just seen, there is a miraculous god-like moment in the transition from sovereignty to government, we are not gods, at least not for more than a moment. Therefore, what is required is a separation of sovereign power, which resides in the people, from legislative authority, which belongs to the lawgiver. Here we approach the paradox of sovereignty: it is only through the strangeness of the foreigner that the laws are seen to have authority and to be binding on an autochthonous people. On the one hand, the law is and has to be the free expression of the general will, the perfect interiority of a people to itself, but on the other hand, there has to be a lawgiver, that is, someone who stands outside society and by virtue of which the law has authority beyond the self-authorising acts of the general will. The only legitimate law is one that we give ourselves, yet the law has to be given to us. As we know, Rousseau—the troubled Genevan, the internal exile and the foreigner in France—wrote fascinating and revealing projects for the constitutions of Poland and Corsica. One has to invent the fiction of a legislator from outside in order to lend authority to the law, even if that law is only legitimate if it is a law that society gives to itself. Such is the paradox of sovereignty at the heart of political legitimacy. Rousseau confesses the point, and reading the text here is like watching an ice-flow break up,

So that one finds at one and the same time two apparently incompatible things in the work of legislation: an undertaking beyond human force, and to execute it an authority that is nil.⁵⁴

As Groucho Marx might say, don't let appearances deceive you, these 'two things' do not just look contradictory, they *are* contradictory. Such is the *décalage* machine of Rousseau's text. The authority of the law whose essence is the general will requires the fiction of a lawgiver who overrides the will of the people. The people cannot give the law to itself without the fiction of the law being given to them by an outside agency. Political self-authorship has to be underwritten by a ghost author, a quasi-divine legislator.

The vast question that this raises is the relation of politics, law and legal authority to religion and religious authority. This is the problem that Rousseau tackles in the final, fascinating pages of *The Social Contract* that deal with civil religion. To say that this is a contemporary political problem is to risk considerable understatement. If it is the fiction of the legislator that provides the necessary authority for a people to self-authorise itself through the general will, then can we have such authority without religion? That is, can we have law without religion, without some moment of sacralization? Rousseau puts the problem much more sharply: in order to establish a legitimate political order, there would need to exist, 'a superior intelligence who saw

⁵³ Rousseau (1997b, p. 70).

⁵⁴ Ibid.

all of man's passions and experienced none of them, who had no relation to our nature yet knew it thoroughly'.⁵⁵ In short, 'It would require gods to give men laws'.⁵⁶ In an intriguing footnote, Rousseau cites Machiavelli when the latter writes,

The truth is that there has never been in any country a lawgiver who has not invoked the deity; for otherwise his laws would not have been accepted. A wise man knows many useful truths which cannot be demonstrated in a way that will convince other people.⁵⁷

Every legislator has to authorize the law with reference to the beautiful fiction of a divinity.

Rousseau's reasoning at this point is subtle and revealing, involving a further *décalage*, this time an inversion of the order of cause and effect. Rousseau writes,

Each individual, appreciating no other scheme of government than that which bears directly on his particular interest, has difficulty perceiving the advantages he is supposed to derive from the constant privations required by good laws.⁵⁸

In order for the individual to understand the beneficial effects of submitting to the general will, he or she would *already* have to live in the legitimate polity which those effects bring about. That is, '...the effect would have to become the cause...men would have to be prior to laws what they ought to become by means of them'.⁵⁹ It is only the effect of the law that might bring the privately interested individual to will the cause, that is, to will generally. In order for this conundrum to be solved, the lawgiver must appeal, 'to an authority of a different order, one which might be able to compel without violence and to persuade without convincing'.⁶⁰ Rousseau goes on,

This is what has at all times forced the fathers of nations to resort to the intervention of heaven and to attribute their own wisdom to the Gods.⁶¹

If the privately interested citizen can be compelled to believe that the laws which govern political life have the same divine source as those which govern the universe—in, for example, the fiction of natural law—then he or she might be persuaded to assume the yoke of the general will without being in a position to be rationally convinced by it, for this rationality will only follow from entering a legitimate political association. That is, the beneficial effects of a subject submitting to the law can only lead that subject to will the cause when appeal is made to a divine cause.

Of course, reasoning in this way also contains the seeds of what Rousseau sees as the Caligula solution to political authority, namely that one declares oneself a god at

⁵⁵ Ibid. (p. 68).

⁵⁶ Ibid. (p. 69).

⁵⁷ Ibid. (p. 71).

⁵⁸ Ibid. (pp. 70–71).

⁵⁹ Ibid. (p. 71).

⁶⁰ Ibid.

⁶¹ Ibid.

the same time as declaring that the people are animals. The exquisite historical irony of *The Social Contract* is that Rousseau asks at a certain point, ‘which people, then, is fit for legislation?’⁶² He assembles a characteristically Rousseauesque list of criteria, ‘[a people] whose every member can be known to all...one that can do without all other peoples and without which every other people can do’.⁶³ A people fit to receive laws should live on the edges of history and not at its centre, possessing customs that are solid but also malleable. This sounds very nice, but where might one find such a place? Rousseau casts around and declares that Corsica is the one country in Europe fit to receive laws. He goes on, ‘I rather suspect that this small island will 1 day astound Europe’.⁶⁴ Of course, not too many years later something came out of Corsica that did astonish Europe, namely Napoleon, who dramatically limited the legislative power of the French Republic in order to allow for a massive expansion of imperial, executive power which culminated in his breathtakingly narcissistic self-coronation as emperor in 1804. It would seem that there is little to prevent the legislator from becoming a tyrant, from believing that he is a mortal god that incarnates the general will. Such is the risk that is always run when politics is organized around any economy of the sacred, where the deeper and more searching question is whether politics is practicable without a moment of sacralization.

In this regard, Rousseau’s argument for dictatorship in Book IV is extremely revealing. Rousseau asserts that the legislator should not frame the constitution and establish political institutions with such rigidity, ‘to the point of depriving oneself of the power to suspend their effect’.⁶⁵ That is, the laws which issue from the sovereign authority of the people must be able to be suspended, what Roman jurists called *iustitium*, and which Agamben has interestingly analysed.⁶⁶ Such *iustitium*, a suspension or literally a standstill, is only permitted in the case of an emergency, *un danger*, which arises when the safety of the *patrie* is at stake. That is, when national security is threatened by external attack or—although Rousseau doesn’t mention it explicitly—internal dissent, then the sovereign authority of the general will can be suspended. He writes,

If however the peril is such that the laws as an instrumentality are an obstacle to guarding against it, then a supreme chief (*chef*) is named who silences all the laws and provisionally suspends the Sovereign authority.⁶⁷

This supreme chief is the dictator who does not have the power to make laws, but can suspend their operation. What Rousseau is envisaging here is the state of exception when *iustitium* is required in order to preserve the security of the political order of the *patrie*. The obvious questions that this raises are: who decides on the state of exception, for how long and what is permitted or, more accurately, forbidden in such a state? Rousseau turns once again to Roman history for guidance,

⁶² Ibid. (p. 77).

⁶³ Ibid.

⁶⁴ Ibid. (p. 78).

⁶⁵ Ibid. (p. 138).

⁶⁶ See ‘Iustitium’, in Agamben (2005, pp. 41–51).

⁶⁷ Rousseau (1997b, p. 138).

where the senate decided upon the choice of the dictator and the period of dictatorship did not exceed 6 months otherwise it would become tyrannical. The fascinating corollary of this position, particularly for contemporary devotees of so-called ‘civic republicanism’, is the necessary co-implication of republicanism and dictatorship. For Rousseau—and this is the classical view—one cannot have one without the other; that is, the sovereign authority of law cannot exclude the possibility of its suspension; no justice without *iustitium*.

Of course, the contemporary dilemma is whether, as Agamben thinks, following Benjamin, in modern bio-politics ‘the state of exception...has become the rule’.⁶⁸ If this is the case—and Agamben provides compelling, if partial, legal evidence to justify his claim—then dictatorship is the generalized form of contemporary government. This entails that in a situation of declared danger or peril to the ‘Homeland’—after a ‘terrorist’ attack, say,—the executive power of a president can override the legislative authority of the other organs of government, not to mention international legal institutions like the U.N. and niceties like the Geneva Conventions. In a time of war, particularly something as vague and indefinite as a ‘war on terror’, justice becomes *iustitium* and the republic slides into dictatorship. It is difficult to think of a more plausible interpretation of the novel category of ‘unlawful combatant’ in the case of detainees in Guantanamo Bay, where the legal framework of the Geneva Conventions that protect the rights of prisoners of war was suspended by the invention of a new legal category that permitted the extension of executive power.

When Agamben talks of the contemporary geo-political situation as a ‘global civil war’, then this can, I think, be heard as an echo Rousseau’s analysis of inequality culminating in a state of war in the Second Discourse. It is hard to disagree with such a diagnosis at the present time.⁶⁹ For Rousseau, the necessity for the passage from popular to dictatorial sovereignty arises when there is a purported threat to national security. At such moments, the dictator can declare *iustitium* and legitimately banish or put to death those who threaten the nation: the internal or external enemy. It is at this point that the entire sacred underpinning of sovereign power turns on the determination of the figure of *homo sacer*, as he who can be legitimately killed without being sacrificed. It is curious to note that, as part of a critique of theocracy in the final pages of *The Social Contract*, Rousseau writes,

Then to die for one’s country is to become a martyr, to break the laws is to be impious, and to subject the guilty man to public execration is to deliver him to the wrath of the Gods: *sacer estod*, be accursed.⁷⁰

⁶⁸ Benjamin quoted in Agamben (2005, p. 6).

⁶⁹ However, what I say should not be interpreted as a political agreement with Agamben’s position. Although I find Agamben’s work diagnostically very powerful, particularly at the level of philology and the history of law, particularly Roman law, Agamben has very little to offer politically other than making some Benjaminian noises about ‘divine violence’ and a ‘politics of pure means’ or Arendtian noises about praxis. See the concluding paragraph of *State of Exception*, *ibid.* (p. 88). What Agamben lacks is precisely what can be found in Rousseau: a conception of the being of politics understood as the act of association.

⁷⁰ Rousseau (1997b, p. 147). On this point, see Gourevitch’s helpful elucidation, ‘*Sacer estod* “be accursed”: the ancient Roman formula uttered upon delivering someone to public execration and the Gods’. *Ibid.* (pp. 305–306).

5 The problem of civil religion

The conclusion to Rousseau's argument for the legislator is clear: there can be no legal authority, and hence effective political legitimacy, without an appeal to religious authority. There can be no legitimate polity, and legitimacy implies immanence, without an appeal to transcendence, ultimately transcendence in the form of the sacred. It is this problem that leads Rousseau towards the issue of civil religion with which *The Social Contract* concludes. But these extraordinary pages are not, as might appear on a cursory reading, an addendum to the main argument about politics, but its transcendental condition of possibility. Therefore, as I said in my Introduction, *The Social Contract* has to be read back to front. However, it is my contention that Rousseau's argument about civil religion is also the condition of *impossibility* for his conception of politics. His text wavers between the paradoxes or *décalages* which make its articulation possible. Once again, I am not suggesting that Rousseau was unaware of this. On the contrary—self-conscious factor that he was—he was acutely aware of what he was doing. A system of thought, even and especially Rousseau's 'sad system', is a consequence of the articulation and disarticulation of a series of *décalages*.

Civil religion can be thought of as a profession of faith that is paradoxically both transcendent and subordinate to the immanentism of popular sovereignty. In Robert Bellah's formulation, civil religion is that religious dimension that is arguably found in the life of every people through which it interprets its historical and social experience in the light of some transcendent reality, usually God.⁷¹ What Rousseau tackles with alarming directness, much more radically than in his other writings on religion, and more than a century before Nietzsche, is the problem of Christianity and politics, namely the Christian separation of theological and political authority. In the religions of antiquity there was an identity of theological and political authority. One need only read the *Oresteia* or the tragedies of Sophocles to realize that the gods of the Athenians were gods of the city, civic gods without universal jurisdiction. Although cities and peoples were jealously proud of their local gods, this pride seems to have gone hand in hand with the recognition of the relativity of religious belief; namely, that the gods of Sparta were not the gods of Athens, Corinth or Thebes and furthermore the adoption of such gods would not be good for the Athenians, the Corinthians, the Thebans or anyone else. Oddly, this relativity of belief never seems to have led to religious war. Christianity, by contrast, which requires universality of belief has led to little else but religious wars for the past couple of millennia. Christianity divides political and theological authority, declaring that the kingdom of God is not of this world, but of the next. It is, for Rousseau, an essentially anti-political religion. He declares, '...after all what does it matter in this vale of tears whether one is free or a serf?'⁷² and goes on,

What is more; far from attaching the Citizens' hearts to the State, it detaches them from it as from all earthly things. I know of nothing more contrary to the social spirit.⁷³

⁷¹ Bellah (1992).

⁷² Rousseau (1997b, p. 148).

⁷³ Ibid. (p. 147).

In an eerie anticipation of Nietzsche's argument in *On the Genealogy of Morals*, Rousseau writes that Christianity is slave morality, 'True Christians are made to be slaves; they know it and are hardly moved by it; this brief life has too little value in their eyes'.⁷⁴

The task of a civil religion—a task that Rousseau sees as avowedly Hobbesian in explicit opposition to Warburton's idea of a necessary alliance between church and state—is that of 'reuniting the two heads of the eagle' that is, bringing together political and theological authority.⁷⁵ Rousseau's critique of the political utility of Christianity is, in my view, compelling, but it leads him to construct a conception of civil religion that is at best syncretic and at worst cynical. He declares that,

The dogmas of civil religion ought to be simple, few in number, stated with precision, without explanations or commentary.⁷⁶

The positive dogmas include belief in an omnipotent and provident deity, the happiness of the just and the punishment of the wicked, the sanctity of the social contract and the laws, without forgetting the necessity of a belief in the afterlife. It would not, I believe, be an exaggeration to describe this miscellany of dogmas as somewhat opportunistic. In addition, anyone who acts against the laws can be banished, '...not as impious but as unsociable, as incapable of sincerely loving the laws, justice, and, if need be of sacrificing his life to his duty'.⁷⁷ What's more, if someone is found to be a social hypocrite by publicly acknowledging the authority of the laws but behaving as if he did not believe them, then 'let him be punished with death; he has committed the greatest of crimes, he has lied before the laws'.⁷⁸ *Sacer estod*—the sacredness of civil religion requires the execution of the *homo sacer*. If the purpose of civil religion is to provide a transcendent, sacred underpinning to the immanence of the general will, then it does not require much imagination to see how such sacredness might be violently employed to legitimate the most ugly forms of state repression and state terror, particularly when we link them together with Rousseau's argument for dictatorship. In the period of the National Convention in France after 1792, pacific invocations of the *Être Suprême* in civic festivals found their echo in the bloody violence with which blasphemers were executed. The general will can become murderous.

And yet...*must* the general will be murderous? If Rousseau's conception of civil religion amounts to little more than a cynical amalgam of neo-pagan dogmas, then does this discredit the whole idea of civil religion? I don't think so for at least two reasons, one diagnostic and descriptive, the other more normative or perhaps simply hopeful. I will develop the more hopeful reason in my Conclusion, so let me begin descriptively. It is my belief that there is no way of understanding contemporary political reality without a clear understanding of the nature, history and force of civil religion, by which I mean the sacralization of politics in its diverse and

⁷⁴ Ibid. (p. 149).

⁷⁵ Ibid. (p. 146).

⁷⁶ Ibid. (p. 150).

⁷⁷ Ibid.

⁷⁸ Ibid.

contradictory forms, which arises when a political unit transforms itself into a sacred entity as a way of buttressing its claim to legitimacy.

This is most obviously the case in American civil religion, which finds banal but compelling empirical confirmation in the weird symbolism of the one dollar bill, complete with the words ‘In God we Trust’, although it was only added by Eisenhower in 1956.⁷⁹ In addition to the Roman eagle of the Great Seal of the United States, we find two allusions to Virgil, the inscription ‘*Novus ordo seclorum*’, ‘a new order of ages’ and ‘*Annuit coeptis*’, ‘he has approved our undertaking’. These allusions bring together the divine source for the polity with a prefiguration of the idea of Manifest Destiny. It is the divine source whose radiant sun-like eye stares out at us at the top of the incomplete Masonic pyramid, with its thirteen steps symbolizing the number of the original colonies and the Roman numerals MDCCLXXVI. It is the God of American civil political religion who underwrites the act of republican association, the unification of a disparate plurality, ‘*E pluribus unum*’. Beyond the materiality of the greenback, the articles of American civil religion find expression in the pledge of allegiance, the worship of the flag, the cult of the war dead and entire culture of war.

To move far too quickly, the presence of civil religion can be seen in various European nationalisms, but it can be seen most strikingly in the extraordinary symbolism of the European flag, with its crown of 12 yellow stars on a blue background. The flag was adopted by the Council of Europe on December 8th, 1955 and was based on a design by Arsène Heitz. It seems innocent enough with the stars representing the diverse European peoples (at least, ‘the Europe of the 12’) on a background of the blue Western sky. It is apparently a simple symbol for European integration. However, Heitz was a pious and devoted Catholic and his design was directly inspired by the history of the apparitions of the Blessed Virgin in the Rue du Bac in Paris. In the summer of 1830, the Virgin Mary appeared to Catherine Labouré, a novice in the Sisters of Charity in the Rue du Bac. The Virgin is reported to have said that, ‘The times are very evil. Sorrows will befall France; the throne will be overturned. The whole world will be plunged into every kind of misery’. Despite the apocalyptic tone, it is truly impressive that the Virgin Mary should take such an interest in the political affairs of 19th Century France. The Virgin went on to demand that Catherine have a medal struck, the ‘Miraculous Medal’ that was worn by millions of Catholics by the time of Catherine’s death in 1876, when the Rue du Bac began to be eclipsed by the slightly later apparition of the Virgin at Lourdes. On this medal, the Virgin is depicted with a halo of twelve gold stars around her head in an allusion to the Revelation of St. John (12:1). Now, if all of this seems like a flight of fancy, then one might simply note that the day the European flag was adopted by the Council of Europe, December 8th, is also the Feast of the Immaculate Conception, adopted by Pius IX on December 8th 1854, exactly 101 years earlier. I am not suggesting that the European Union is a covert catholic conspiracy, but there is at the very least a story to tell and a history that requires uncovering.⁸⁰

⁷⁹ I borrow here from Gentile (2006, pp. xi–xii *et passim*).

⁸⁰ In future work on this topic, I hope to discuss Zionism in relation to politics and religion, where the State of Israel is based on a complete identity of politics and religion and where any critique of the

Without an understanding of the intrication of politics and religion, we have little hope of comprehending the present through which we are all-too-precipitously passing. Ours is a time of new religious war, as I mentioned in my Introduction, what an as yet unpublished report by the Rand Corporation calls a time of ‘cosmic war’ where political actors are religious believers or ‘cosmic warriors’ with a Manichean opposition between Good and Evil. It seems to me that any attempt to understand politics at the present time has to begin from the datum of *sacred violence*, of political violence carried out in the name of the divine. As the authors of Rand report write,

Religious contestation in Europe before the age of nationalism and Marxism is a better guide to the future than the secular conflict of the Cold War.⁸¹

It is in relation to a triangulation of politics, religion and morality that the present is playing itself out and I see little sign of this changing in the foreseeable future. For example, the much-discussed factoid about the presence of moral values in the exit polls from the U.S. Presidential elections of November 2004, which caused a minor panic amongst American liberals, is deeply interesting to a humble philosopher. Citizens are making political decisions that are really moral judgments and these judgments flow from a religious metaphysics, to be precise the alleged will of God. Although one may argue that such a religious morality is pernicious, in either its U.S. Christian version or its Jihadist obverse, there is no doubt that the triangulation of faith, morality and politics is a powerful framework of intelligibility that makes powerful sense and motivates subjects in a way that far outstrips its secular opponents. To go further, one might say with Robert Bellah that the intrication between faith, morality and politics is one of the most enduring features of civil society in the U.S since the time of its original, violent settlement, through to the eulogies of Tom Paine and Tocqueville. Any political movement in the U.S or elsewhere ignores this connection between faith, morality and politics at its peril. This, it seems to me, is what the religious right in the U.S. have powerfully and with ever-growing hegemony understood since the late 1970s. In my view, there can be no leftist, egalitarian politics without an acknowledgement of the motivational force of religion and an attempt to harness that force for progressive ends. This entails facing up to issues like civic patriotism, moral education and the necessity for populism, even ceremonies of nationhood. Once again, to be clear, I say this with reluctance and little enthusiasm, but these are dark times.

Such is what we might call the ‘actuality’ of Rousseau and this is the reason why I have sought to follow closely the intrication of three terms in Rousseau’s text: politics, law and religion. We have followed a series of conceptual *décalages* around which Rousseau’s ‘sad system’ is staged, where the condition of possibility

Footnote 80 continued

political regime can therefore be condemned as an anti-Semitic religious slur. I also intend to look at Arab nationalisms of various kinds, such as Bourghiba in Tunisia, Nasser in Egypt, Gaddafi in Libya and, until fairly recently, Saddam Hussein in Iraq. Finally, Islamism or Jihadism in its diverse forms would have to be analysed, where political action is entirely legitimated in religious terms, where Osama bin Laden justifies al-Qaida in terms of an opposition to the ‘Zionist-Crusaders’ and vindicates his own position in terms of a logic of martyrdom.

⁸¹ Rand Corporation (2006). I’d like to thank Jack Miles for letting me see a draft of this document.

for any legitimate form of political association requires the externality of the legislator for its authorization and the transcendence of civil religion for its sacralization. Sadly, this condition of possibility is also the system's condition of impossibility and we have seen Rousseau's political argument result in a rather improbable conception of civil religion. But it might lead elsewhere. With that in mind, let me turn to my Conclusion and to my more hopeful reason for focusing on the theme of civil religion.

6 Conclusion—the politics of the supreme fiction

There is a double miracle at work in politics. On the one hand, politics requires a willing suspension of disbelief. It requires that the many believe in the fictions told to them by the few who govern them. That is, government requires make believe, whether the belief is in the divine right of kings or the quasi-divinity of the people that is somehow meant to find expression through the magic of representative government, the organ of the party, the radiant sun-like will of the glorious leader or whatever. But, on the other hand, the extraordinary thing about politics is that it not only *requires* a willing suspension of disbelief, it also *receives* it. The force in any polity always lies with the many, yet somehow, for most of history—with certain rare and usually brief, glittering, but fleeting exceptions—the many submit to the will of the few who claim not only to be working in their interest, but to embody their collective will. Of course, it might be pointed out that political power is always possessed by the people with the 'guns and sticks', usually the police and the military, and if the many don't possess them, then they are powerless. That is, of course, incontrovertible, but it doesn't begin to explain what we might call the *fictional force* whereby the many submits to the few without the constant threat of physical violence. Considered closely but disinterestedly, politics is a very curious matter. In order to understand its operation, all we possess is history, which is what make the work of historians of politics so essential.

With that in mind, I'd like to turn briefly to Edmund Morgan's *Inventing the People: The Rise of Popular Sovereignty in England and America*. The central theoretical category in this fascinatingly rich historical account of the transition from monarchical to popular sovereignty in England and America during 17th and 18th Centuries is *fiction*. The main concern of Morgan's book is to explain how it is that the fiction of the divine right of kings gave way to that of the sovereignty of the people. The interesting thing about this conjunction of fictions is that whereas it is difficult from this end of history to see the idea of the divine right of kings as anything more than an absurdity based on the idea of the king as the visible god, the overwhelming majority of people and politicians are attached to, or at least ventriloquize, some version of the idea of popular sovereignty: that all human beings are equal or indeed created equal, that government should be by the people and for the people, that government embodies and enacts the will of the people, blah, blah, blah. Morgan's point is that *historically* one fiction succeeds the other in the extraordinary years of 1630s and 40s in England and in a different but strongly related way in the American colonies in the 1760s and 70s. But, more importantly perhaps, *conceptually* one

fiction resembles the other much more closely than we might like to imagine: God the king becomes God the people. As Rousseau writes in his discourse on ‘Political Economy’, ‘...the voice of the people is indeed the voice of God’.⁸² Morgan notes,

The sovereignty of the people was not a repudiation of the sovereignty of God. God remained the ultimate source of all governmental authority, but attention now centered on the immediate source, the people. Though God authorized government, He did it through the people, and in doing so He set them above their governors.⁸³

Indeed, it might be said that the fiction of popular sovereignty is a more fictional fiction than divine right.⁸⁴ A king is a visible presence with a crown and scepter and usually a large family with expensive tastes, but where might one *see* the people? One can see people, but where exactly is *the* people to be found? The fact that most of us might happen to believe in the fiction of popular sovereignty and the idea or ideal that legitimate government is the expression of the will of the people, in no way diminishes its fictional status. A moment’s thought reveals that it is based on a series of logical *décalgages*: namely, that the people are the governed, but also the government, and that this identity of government and the governed somehow happens through the miracle of *representation*, which is truly the central shibboleth of liberal democracy. But how exactly can a few be said to *represent* the many? How can a particularity speak for a generality when the latter is not actually present? Of course, it cannot. What is the case, however, is that the *legitimacy* of the few rests on the fiction of *believing* that they represent the many. At which point, a number of opposing possibilities arise: either politics and politicians are entirely cynical—and I am not ruling that out at all—or they actually believe that they incarnate the will of their voters and the people as a whole through the magic of representation. Similarly, either the electorate believes that their politicians are a group of cynical, self-interested, money-grabbing crooks or they actually believe that their will is miraculously represented through the mechanism of the vote. One powerful option at this point is to return to Rousseau’s critique of representation and to ask the question of size. As we have already seen, in order to avoid the magic of representation, the sovereign authority of the people can only be exercised in a polity that is very small. As Rousseau nicely points out at the end of his critique of political representation,

All things considered, I do not see that among us the Sovereign can henceforth preserve the exercise of its rights unless the City is very small.⁸⁵

For Rousseau, like Montesquieu and Voltaire, small is beautiful in the political realm as it minimizes the gap between the sovereign legislative authority of the people and the executive power of government. As Voltaire succinctly puts it, ‘The bigger the fatherland the less we love it, because divided love is weaker’.⁸⁶

⁸² Rousseau (1997b, p. 8).

⁸³ Morgan (1988, p. 37).

⁸⁴ Ibid. (p. 153).

⁸⁵ Rousseau (1997b, pp. 115–116).

⁸⁶ Voltaire (2005, p. 54).

In this regard, it is fascinating to consider Madison's reversal of this argument from size in the debates around federalism that found their expression in the great Constitutional Convention of 1787 and subsequently in the U.S. Constitution. The problem that Madison grappled with in the years following Independence, was how to bring about a national government that might override the interests of the various states. Madison's view was that the vigorous and long-established attachment of citizens to their particular states worked against the forging of a new national identity, what Morgan calls 'the invention of an American people'. Madison's innovative solution, based explicitly on Hume's ideas on government, was to propose extremely large constituencies with relatively few representatives. The assumption was that large constituencies would ensure the election of the right kind of people, namely the 'natural aristocracy' of landowning gentlemen, indeed people rather like Madison and his friends. Although this natural aristocracy eventually gave way to the capitalist plutocracy that still happily governs the United States, it is worth recalling that this system of government is, in Madison's revealingly candid words, 'the only defence against the inconveniences of democracy consistent with the democratic form of Government'.⁸⁷ Representative government prevents the inconveniences of democracy, namely the genuine sovereign authority of a people. In my opinion, the United States of America is the *least* representative of the Western democracies.

Politics, then, is a kind of magic show, where we know that the rabbit has not miraculously appeared in the empty hat and the magician's lovely assistant has not been sawn in half, but where we are willing to suspend disbelief and go along with the illusion. This is where Rousseau is so instructive, as he is the most fictively self-conscious of philosophers, whichever genre he works in: the theatrical comedy of manners (*Narcisse*), the sentiment-soaked epistolary novel (*La nouvelle Héloïse*), the didactic treatise in moral education (*Emile*), the quasi-scientific hypothetical history of humanity (*Discourse on Inequality*), the creation of a sexualized subjectivity defined and divided by intimacy (*The Confessions*), or meditative *askesis* (*Reveries*). The concise, near-geometrical abstraction of *The Social Contract* is a political fiction, the fiction of popular sovereignty understood as association without representation, which is, for Rousseau—and I think he is right—the only form of politics that can face and face down the *fact* of gross inequality and the state of war. The being of politics is the act of association without representation. This fiction requires, in turn, other fictions, those of law and religion that we have traced in this talk. The fiction of politics has to be underpinned by the authority of a quasi-divine legislator and the dogmas of civil religion. For Rousseau, the binding of a political collectivity has to be the self-binding of the general will and this requires the ligature of *religio*. Such a religion has to be inculcated through shared beliefs, civic values, and what can only be described as political rituals, such as pledges of allegiance, national anthems, honouring the war dead, the sacredness of the flag, or whatever. Such is the necessary armature of any *theologia civilis*.

So, is my conclusion simply that we cannot and should not enter into discussions of politics without acknowledging the dimension of fiction, particularly religious fiction, in legitimating political life? That would seem to be what lies behind the skeptical,

⁸⁷ Rousseau (1997b, p. 271).

rather Humean, historical approach adopted by Morgan. This approach has much to recommend it, particularly at the level of description, diagnosis and critique of the kind we also find in Gentile's work on the religions of politics, particularly fascism. Politics requires fictions of the sacred and rituals of sacralization for its legitimation and these fictions need to be exposed for what they are. Any empire's new clothes need to be stripped away in order to see the old, rotting flesh of the state.

However, let me push my argument a little further and speculate. It should not be thought that I am opposing fiction to fact here, where the former is adjudged false in the face of the latter's veracity. I do not think that a general critique of political fictions is a mere sacrifice on the altar of empiricism to the god of political realism. In my view, in the realms of politics, law and religion there are *only* fictions, but I do not see this as a sign of weakness but as a signal of *possible* strength. The distinction that I would like to advance in closing is not between fiction and fact, but between fiction and *supreme fiction*. In saying this, I allude to Wallace Stevens, and the dim possibility of a fructive collision between poetry and politics. For Stevens, poetry permits us to see fiction as fiction, that is, to see the fictiveness or contingency of the world. It reveals in his terms 'the idea of order' which we imaginatively impose on reality. Such is what we might think of as the *critical* task of poetry, where I understand critique in the Kantian sense as demystifying any empiricist myth of the given and showing the radical dependency of that which is upon the creative, ultimately imaginative, activity of the subject. More plainly stated, the critical task of poetry is to show that the world is what you make of it. But that does not exhaust the category of fiction. Paradoxically, a supreme fiction is a fiction that we know to be a fiction—there being nothing else—but in which we nevertheless believe. For Stevens, it is a question here of final belief. He writes,

The final belief is to believe in a fiction, which you know to be a fiction, there being nothing else. The exquisite truth is to know that it is a fiction and that you believe it willingly.⁸⁸

As he writes elsewhere, 'final belief/Must be in a fiction' and the hope of a supreme fiction is to furnish such final belief.⁸⁹ In his most important and difficult poem, 'Notes toward a Supreme Fiction', Stevens attempts to articulate the conditions for a such a fiction, but only offers notes towards it, something indeed like musical notes. He writes of the supreme fiction that it is not given to us whole and ready made, but that,

It is possible, possible, possible. It must
Be possible.⁹⁰

My hope here is that we might begin to transpose this possibility from the poetical to the political realm, or indeed to show that both poetry and politics are realms of fiction and that what we can begin to envision in their collision is the possibility of a

⁸⁸ Stevens (1989, p. 189).

⁸⁹ Stevens (1967, p. 187).

⁹⁰ Ibid. (p. 230). I'd like to thank Todd Kronan for persuading me that the roots of Stevens' idea of the supreme fiction lie in his reading of Santayana.

supreme fiction. What is to be hoped for in politics is the possibility of a supreme fiction, the fiction of political association, the fiction of politics *as such*. This requires that we begin to start thinking about politics as radical *creatio ex nihilo*, as bringing something into being from nothing. This is what Marx attempted in his 1843 ‘Introduction’ to the *Critique of Hegel’s Philosophy of Right* where, it seems to me, he gets close to the idea of a supreme fiction. For Marx, the logic of the political subject is expressed in the words: ‘*I am nothing and I should be everything*’ (*Ich bin nichts, und ich müßte alles sein*).⁹¹ That is, beginning from a position of nothingness or what we called above with Althusser ‘total alienation’, a particular group is posited as a generality, which requires ‘the total alienation of this total alienation’, in the act of political association. Marx’s name for the supreme fiction is ‘the proletariat’, which he qualifies as communist, that is, as rigorously egalitarian. To borrow a line of thought from Badiou, what is lacking at the present time is the possibility of such a name, a supreme fiction of final belief around which a politics might organize itself.⁹² What is lacking is a theory and practice of the general will understood as the supreme fiction of final belief that would take place in the act by which a people becomes a people. What is lacking is an understanding of how the fiction of political association requires the fictions of law and religion for its authorization and sacralization. In the absence of a new political name, the political task is the poetic construction of a supreme fiction, what Stevens also calls ‘the fiction of an absolute’. Such a fiction would be a fiction that we *know* to be a fiction and yet in which we believe nonetheless. All we have at the present time are some notes towards this fiction and the open question with which we began, the question that Rousseau asked Voltaire exactly 250 years ago. A catechism of the citizen would be a supreme fiction, a fiction of final belief. It should be remembered that what Rousseau asks from Voltaire in the 1756 letter is a *poem*,

This work, done with care, would be the most useful book ever composed, it seems to me and perhaps the only one needful to men. Here, Sir, is a subject for you. I passionately wish you might be willing to undertake this work and adorn it with your Poetry.⁹³

Is the fact that we are still asking for this poem a sign of hope or a symptom of despair? It is possible, possible, possible it is the former, but the paralyzing prospect of latter causes me to hesitate, and I suddenly see the fancy of a supreme fiction breaking up like an ice-flow. At that point, to be honest, I am not sure what to think. What can I hope?

References

- Agamben, Giorgio. 2005. *State of exception* (trans: Attell, K.). Chicago: University of Chicago Press.
 Althusser, Louis. 1972. Rousseau: The social contract (the discrepancies). In *Montesquieu, Rousseau, Marx: Politics and history* (trans: Ben Brewster), 113–160. London: Verso.

⁹¹ Marx (1994, p. 67).

⁹² Badiou (2005b).

⁹³ Rousseau (1997b, p. 245).

- Angrosino, Michael. 2002. Civil religion redux. *Anthropology Quarterly* 75(2): 239–267.
- Arendt, Hannah. 1963. *On revolution*. London: Penguin.
- Augustine. 1960. *The confessions of St. Augustine* (trans: Ryan, J.K.). New York: Doubleday.
- Badiou, Alain. 2005a. *Being and event* (trans: Feltham, O.). London: Continuum.
- Badiou, Alain. 2005b. Politics: A non-expressive dialectics. Paper presented at Birbeck Institute for the Humanities, November 26, in London, England. <http://blog.urbanomic.com/sphaleotas/archives/badiou-politics.pdf>.
- Badiou, Alain. 2006. *Logiques des Mondes*. Paris: Seuil.
- Bellah, Robert N. 1992. *The broken covenant: American civil religion in time of trial*. Chicago: University of Chicago Press.
- Critchley, Simon. 2007a. *Continental philosophy: A very short introduction*. Oxford: Oxford University Press.
- Critchley, Simon. 2007b. *Infinitely demanding: Ethics of commitment, politics of resistance*. London: Verso.
- Gentile, Emilio. 2006. *Politics as religion* (trans: Staunton, G.). Princeton: Princeton University Press.
- Guénoun, Denis. 2005. *L'Enlèvement de la politique*. Paris: Circé.
- Marx, Karl. 1994. A contribution to the critique of Hegel's philosophy of right: Introduction. In *Marx: Early political writings*, ed. J. O'Malley, 57–70. Cambridge: Cambridge University Press. The German text can be found in *Zur kritik der Hegelschen Rechtsphilosophie: Einleitung*. In 1976 Marx-Engels werke: Band 1, 378–391. Berlin: Dietz Verlag.
- Morgan, Edmund. 1988. *Inventing the people. The rise of popular sovereignty in England and America*. New York: Norton.
- Rand Corporation. 2006. Analyzing religious politics and violence. Unpublished typescript.
- Rousseau, Jean-Jacques. 1957. *Confessions* (trans: Cohen, J.M.). London: Penguin.
- Rousseau, Jean-Jacques. 1960. *Politics and the arts* (trans: Bloom, A.). Ithaca: Cornell University Press.
- Rousseau, Jean-Jacques. 1997a. *The discourses and other early political writings*, ed. V. Gourevitch. Cambridge: Cambridge University Press.
- Rousseau, Jean-Jacques. 1997b. *The social contract and other later political writings*, ed. V. Gourevitch. Cambridge: Cambridge University Press.
- Silk, Mark. 2004. Numa Pompilius and the idea of civil religion in the west. *Journal of the American Academy of Religion* 72(4): 863–896.
- Stevens, Wallace. 1967. *The palm at the end of the mind*. New York: Vintage.
- Stevens, Wallace. 1989. *Opus posthumous*, ed. M.J. Bates. New York: Knopf.
- Voltaire. 2005. *Miracles and idolatry* (trans: Besterman, T.). London: Penguin.