

## **Sovereignty: Between Embodiment and Detranscendentalization**

*Conference Call: Sovereignty and self-determination continue to play a surprisingly significant discursive and political role in today's human rights discourse. The concepts are invoked by countries like the United States and the UK as well as by some developing countries and by certain ethnic and indigenous groups. What might the different invocations have in common, and what might we learn by comparing them? What, if any, is the relationship between internal theories of sovereignty (relationship of the state to its own people) and external notions of sovereignty (state vis-à-vis other states)?*

I'd like to start my paper with a brief reflection on each of the four key concepts in the title for this symposium. This introduction should help air some of the important assumptions buried underneath what seems a very necessary discussion about the connection between internal and external notions of sovereignty. After this introductory reflection, I ground discussions of sovereignty in terms of the Enlightenment philosophical origins of notions of sovereignty and especially the role of two seminal European thinkers who are often identified as having a major impact on notions of state sovereignty for the modern period: Jean Bodin and Thomas Hobbes. I will trace the manner in which early modern sovereignty discourse oscillated between processes of embodiment and detranscendentalization—and to a certain degree, sovereignty theory needs to continue to attend to both aspects of this dynamic. I will discuss the way in which Bodinian and Hobbesian notions of sovereignty have to be reexamined in the light

of the contribution of important twentieth-century political thinkers, including Carl Schmitt and Michel Foucault. While this roster of thinkers might suggest that my focus is exclusively internal to Europeanist sovereignty discourse, my goal is to contextualize these important notions in relation to the larger global context where they are challenged in relation to cultural, political, and religious concerns. Ultimately, I also want to complicate the naturalization of notions of internal and external sovereignty. Such notions equate ideas of the state with territorial jurisdiction, defensible borders, and the vitalist embodiment of sovereigns as super-subjects—“Mortall Gods” as Hobbes referred to them. While such notions are crucial for sovereignty theory and the early modern and Enlightenment context in which it was elaborated, these notions also need to be deconstructed (a process which I describe more precisely as detranscendentalization). Detranscendentalization could demonstrate the constructed and constructive nature of an antifoundationalist human rights discourse.

## I.

There are several questions that ought to be asked about the overall rubric for this conference, but let me begin with four parallel queries. What is *culture*? Why should it be *represented*? What are *human rights*? Why should they be *translated*?

*What is culture?* The notion of culture, of course, is a very old one, even if it has taken certain politicized twists in the modern era. However, it is something never at doubt at the core of any specific culture, but often tends to be explicated in relation to the boundaries between two or more groups who go about doing things differently from each

other. If this were granted, what follows is that a reflection on the notion of culture implies a standpoint at a remove from it, whether placed above or beside it, and always implying more than one to be at stake. Culture requires comparison, juxtaposition, differentiation, and assessment. The discipline that has specialized itself with respect to this examination is anthropology. While many human groups lay claim to the notion of culture, whether defensively through the notion of minority rights, or aggressively through movements that could be described as fascist or fundamentalist, I think it is important to understand something very basic, which is that culture involves a notion of shared criteria among members of a group, and that this group is necessarily limited, even if it is very large, and that there are human beings who belong to the core of that culture, as well as to its periphery, and also, that there are those who are placed wholly outside the circle bounding the group. Of course, culture itself gets complicated through notions of scale, through ideas such as *subculture* and *metaculture*. Expanding the notion of scale to the limit, could one argue that the ultimate metaculture is human culture, and that the ultimate subculture is the particular beliefs and practices of every single human being? In practical terms, I imagine the cultures we are most concerned with are those that exist at the intermediate level, involving the group. At the same time, every single human being on the planet does not subscribe in lockstep to any notion of groupthink.

*Why should culture be represented?* While I managed to simplify brutally the question of what is culture, this question itself leads to others, regarding the nature of representation—whether it is semiotic, realist, mythical, verbal, textual, visual, performative, political, aesthetic, and so forth. One could start with the default

hypothesis in either direction, and work toward the middle. A universalist position worth considering would be that culture need not at all be represented in political terms. The reason why one might argue that culture either should not be represented (or that if it were represented, it shouldn't at all be taken seriously) is that *almost all representations of culture are exclusionary*. Going back to the definition of culture in the previous paragraph, representations of culture are almost always forms of special pleading. This is why, for example, French political republicanism cannot comprehend US-style identity politics, from the standpoint that the moment a society starts representing culture politically, it will lead to special rights and privileges, compromising formal equality. (Needless to say, it could be argued that French republicanism, despite all its claims of universalism, itself constitutes a culture, and we will return to this conundrum). Of course, the political culturalist (who I'm designating as the person who might want culture to be taken seriously in political terms) would likely argue that the reason why culture should be taken seriously is *precisely because* of the exclusionary claims made on its behalf that orients itself toward substantial rather than just formal equality. To be exclusionary is part of what characterizes human group formation. While exclusion might proceed along vectors such as ethnicity, gender, religion, race, class, sexuality, and so forth, in a number of contexts, particular cultures ought to be understood in order to get a thick description of the metaculture that we might designate as human. Once we grant that human beings ought to be understood through culture, it makes sense to do it by studying different forms of representation. Of course, many groups have various ways—both traditional and newly learned—of representing themselves politically, and therefore, “representing” is what groups do in explaining what they want, and also

justifying how they exist in relation to others. This still begs the question of whether there is such a thing as *a* culture embodied in a single group, and whether any members of a group claiming to speak for the group are also caught up immediately in misrepresentation, over-reaching and the self-division of the group from itself. Does every member of the group agree with a unified understanding of it? Who decides? Who represents? Who gains from such representations? How does actual reality correspond to these representations?

*What are human rights?* In this fourfold structure, human rights shift the emphasis to the individual even as culture concerns groups. Human rights could sometimes also be convergent group rights when entire groups are targeted for oppression as they frequently are, but human rights frequently regard issues concerning specific individual rights such as life, liberty, freedom of movement, property, political, cultural, religious and economic freedoms, and so on. Of course, while there are those who will argue that every group has nascent or specific ideas regarding the rights and freedoms of individuals who belong to it, we cannot but acknowledge that at least one very dominant and historically significant philosophy regarding human rights arose through the process we designate as the European Enlightenment. This idea regarding the primacy (or at least, the relative minimum, of the non-subsumability) of the individual in relation to the group could itself be characterized as “the culture of radical individualism,” or “modernity,” or “liberalism,” in which case it is also subject to the same definitional criteria as that of any other content-specified culture. By the earlier definition, even “human rights” is cultural to the degree that it comes up especially when one society or

polity respects (or disrespects) its members in a way that draws attention to another group who has different ideas regarding the relation of the individual to the group. But, of course, the claim behind human rights that we know all too well is that, even if you give or take some relativizing in its manifestations, it aspires to the status of universal metaculture, and global political aspiration, rather than as just one more culture among others. This is why “human rights” are irreducible to *cultural group rights*, but instead stand for something like *transcultural individual rights*, and to some extent, this idea driving human rights makes it irreducible to representations because it involves the axiomatic definition of meaningful human life. While cultures too might have aspects to them that are irreducible to representations, human rights, to count as such, are importantly counted as partly (although not wholly) being beyond representation, because they have to apply in theory and in practice to every single individual anywhere on the face of the earth.

*Why should human rights be translated?* The assumption being made behind this question is that if human rights constitute a universal metaculture applicable to all human beings, they *need* to be translated across cultures (culture implies a model of many languages that need to be variously represented sometimes locally and sometimes globally; whereas human rights, as they involve one language or metaculture, need to be translated, presumably into the many languages of culture in order to be comprehended from all vantage points). Translation here implies that human rights have to proceed from the general to the specific, and that in a sense the word has to be disseminated in a manner that privileges the message behind human rights that is global. So does this mean

the arrogation of one specific culture (of individualism, modernity, liberalism) to the position of the universalism? Is translating human rights about the imperialism of human rights? These questions have been asked many times before, both by critics of human rights imperialism as well as dogmatists in favor of human rights. The latter tend to answer that human rights are an undeconstructible notion, such as that of justice, but the faceoff between the cynics and the idealists around human rights is never satisfactory. Those who don't want human rights translated across the board can range from military dictators to cultural particularists and indigenous activists wishing to preserve anthropological diversity; and those who want human rights translated across the board can range from capitalist corporations wishing to create market transparency and individual consumerism, as well as radical civil libertarians and solidarity groups militating for the protection of oppressed groups, whether they be minorities, refugees, or political prisoners. In other words, to be for or against the translation of human rights discourse does not automatically reveal your political allegiances across the spectrum, and as with any position-taking, human rights discourse itself, even though it is ideally only self-referential, can also end up becoming instrumentalized to a range of other agendas that have little or nothing to do with the overall aspirations of an exclusively human rights agenda. It is possible to argue the extremely cynical and the extremely idealist versions of human rights at once. It increasingly becomes clear that translation here has aspects of active transformation and implementation rather than just linguistic re-representation. The translation of human rights involves, in the strong sense, aspects of carrying over, transplanting, and cultivating. The old Latin idea of the *translatio* might be mentioned here in a way that is relevant, as the Latin dictum was that the *translatio*

*studii* followed the *translatio imperii*, or that culture and the arts flourished following the establishment of the Roman Empire's sovereignty and rule. If that could in turn be translated, the *translatio imperii* is that of Western colonialism and imperialism, followed by that of global capitalism, and human rights are the rewards, or the *translatio studii* to be profited from at the end of all that punishment. The compromised origins or the corrupt perversions of human rights never fully argue away their value, just as adulteration or theft does not damage but in fact often enhances the gold standard.

*Why sovereignty?* Now, finally for this introduction, what do sovereignty and self-determination have to do with all four of these motor concepts? Sovereignty is a very old concept in various parts of the world. Self-determination, on the other hand, is a relatively newly acquired democratized notion of autonomy that some would trace to the late eighteenth and early nineteenth century when modern nationalism reimagined the nation against the state, and followed this by attempting to seize the state and reinvent it in terms of the nation. Previously, sovereignty had aspects about it in political terms that had nothing to do with culture as such (or if it was one culture lording it over others, it required little or no apology and was envisaged in fairly static and unchanging terms—until it was replaced by yet another static account). Self-determination, on the other hand, replaced this static representation of sovereignty with a dialectic that kept alternating between constituting and constituted power. If sovereignty imagines a one-way relationship between the sovereign ruler and his ruled subjects, self-determination in ideal terms imagines a people (constituting power) who politically authorizes a state (constituted power), who then in turn takes sovereignty over the people who are now the

state's subjects. After a certain amount of time, this sovereignty is dissolved when the people withdraw their authority, after which the cycle recommences as before.

Sovereignty was therefore reshaped, although not entirely altered, through notions involving those of self-determination. Sovereignty also continued to find many of its own mechanisms of representation that involved justification to the polity rather than representing culture as the version that was finding itself as sovereign. Sovereignty also had specific relations to the question of human rights. One version of sovereignty did not recognize human agency or individual rights as autonomous, but rather expected that human rights were linked to the notion of subjection to sovereignty that always came first and before the notion of natural human rights with the introduction of Enlightenment political philosophy. Subjection and sovereignty became two sides of the same coin in ways that linked back to notions of religious surrender and doctrinal belonging in a number of contexts. Furthermore, sovereignty was always less interested in the question of translation, but stood in the form of an absolute decree regarding the state of things. Sovereignty did not need to insinuate itself into other contexts in the way human rights discourse does, but rather, continued to have aspects whereby it was a fiat regarding specific relations between sovereigns and subjects. There was, of course, another notion of the sovereignty of the individual (or of the subject itself) that arose in relation to the sovereign as ruler, whether in a monarchical or republican structure. In order to contextualize a specific and complicated history of how all four notions of culture, representation, human rights, and translation, relate to sovereignty and its theory, I will take an excursion through the thought of Jean Bodin, followed by that of Thomas Hobbes, and then come to the present to situate sovereignty in light of these examples.

## II.

The rise of new theories of sovereignty in Europe has to be understood against the backdrop of a larger narrative concerning the rise of science and mechanistic materialism against the decline of revealed religion and spirit; and the rise of contractual theories of sovereignty against the decline of religious covenants. The process that was unleashed led to the rise of peoples, public spheres, and literature and the decline of traditional élites, ancient patriarchalisms, and medieval theology. The civic religion of a newly rational man, the new sciences of society, and the empowerment of a resurgent citizen-subject have been heralded as the accomplishments of an Enlightenment political philosophy. Enlightenment became shorthand for the rise of the disciplines, the expansion of the public sphere, the emancipation of women, the culture of politeness, and the importance of libraries, learned journals, and scholarly credentialization. Ultimately all of these developments get linked to the idea of the sovereignty of reason, over and above the initial development of the sovereignty of the state. Whether called *Enlightenment*, *Lumières*, or *Aufklärung*, Kant's proposition in his famous definitional essay on Enlightenment still resonates: "Enlightenment is the emergence of Man from his self-imposed immaturity." The additional *Wahlspruch* or heraldic device of Enlightenment as described by Kant is *sapere aude*, or dare to know; what is wanting in the Enlightenment subject is investigative courage, which, when found, will become the first prerequisite of Man's mature self-knowledge.<sup>1</sup>

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<sup>1</sup> Immanuel Kant, "An Answer to the Question: 'What is Enlightenment?'" in *Kant: Political Writings*, ed. Hans Reiss (Cambridge: Cambridge University Press, 1970) 54-60.

The history of the Enlightenment has undergone some shifts in recent years, with the pioneering work of Margaret Jacobs, John Pocock, Robert Darnton, Roger Chartier, and Jonathan Israel.<sup>2</sup> Because the nominalization of disparate movements under the title of Enlightenment ultimately crystallized itself so much in relation to the French Revolution and looking backwards from it after its occurrence, the Lumières were seen as primarily a mid-eighteenth century French phenomenon, resulting from the literary popularization of the political philosophy of Voltaire, Montesquieu, and Rousseau (as Robert Darnton has analyzed this), and the vast scientific project of the materialists who created the *Encyclopédie* under the leadership of Diderot and D’Alembert. Upon greater reflection, the notion of a Francocentric Lumières was seen as inadequate; it has been taken forward to the capstone given it by Kant’s *Aufklärung*, and also backward to the important English precursors of empiricism, materialism, contractualism, and rationalism—Bacon, Hobbes, Locke, and Newton. While this “English” Enlightenment preceded the French, it represented a largely moderate or mainstream origin that spoke from the experience of scientific experimentalism and the aftermath of the English Civil War. And to this, of course, we can add the idea of various national Enlightenments, whether the Dutch Enlightenment, the Scottish Enlightenment, and so on. The so-

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<sup>2</sup> See Margaret C. Jacob, *The Radical Enlightenment: Pantheists, Freemasons and Republicans* (London: George Allen and Unwin, 1981); J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1957); J. G. A. Pocock, *Barbarism and Religion Volume One: The Enlightenments of Edward Gibbon, 1737-1764* (Cambridge: Cambridge University Press, 1999); Robert Darnton, *The Literary Underground of the Old Régime* (Cambridge, MA: Harvard University Press, 1982); Robert Darnton, *Édition et sédition: l’univers de la littérature clandestine au XVIII<sup>e</sup> siècle* (Paris: Gallimard, 1991); Roger Chartier, *Les origines culturelles de la Révolution française* (Paris: Seuil, 1990); and Jonathan Israel, *Radical Enlightenment: Philosophy and the Making of Modernity, 1650-1750* (Oxford: Oxford University Press, 2001).

called moderate face of the Enlightenment would feature Descartes and Bayle in France, Newton and Locke in England, and Leibniz in Hanover, but at the same time, we also have the beginnings of the radical underground of the philosophical Enlightenment with the pantheistic or atheistic monism of Spinoza in the Amsterdam of the 1670's, that leads on to Toland, Boulainvilliers, the secret societies, and the Freemasons in the early eighteenth century (as Margaret Jacobs has so fruitfully studied), and also further on to the inveterate materialists and atheists such as La Mettrie and Diderot in the middle of the eighteenth century, and even later, culminating with the pornographic materialism and philosophical egoism expounded by the Marquis de Sade by the end of the century. From parochial beginnings in some cases, the discourse could be, and was transformed into one with cosmopolitan and transnational relevance; for C. L. R. James to suggest that Toussaint Louverture read the black Spartacus passage from Mercier's *L'An 2440*, is as I have discussed elsewhere, only to suggest the crudest of intellectual-diffusionist hypotheses as a placeholder for all that could not historically be known.<sup>3</sup>

These complications, and others, have resulted in rich debates about whether the Enlightenment should be deemed scientific, antireligious, literary, or political in origin; whether there was one European Enlightenment “from Portugal to Russia and Ireland to Sicily” (as Jonathan Israel suggests) or several national discourses, indeed “a family of Enlightenments displaying both family resemblances and family quarrels” (as John Pocock prefers); and whether the Enlightenment created the French Revolution as old-style intellectual history would have it, or whether, as Roger Chartier puts it

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<sup>3</sup> See Srinivas Aravamudan, *Tropicopolitans: Colonialism and Agency, 1688-1804* (Durham, NC: Duke University Press, 1999) 289-325.

provocatively, the French Revolution retroactively constructed and caused the Enlightenment legacy to be taken up as its preferred antecedent over all others.<sup>4</sup>

As is common knowledge, some terrible things happened under the guise of progressive revolutions. Enlightenment was also deemed inhumane in its rationalism; antifeminist in its male-centeredness; racist in its eurocentrism; and capitalist in its scientism. As a result, the new sciences of society Enlightenment enabled resulted in a more efficient capturing and constriction of individuals within the meshes of disciplinary power; the rationalized and secularized civic religions of man Enlightenment promulgated encouraged a modern state-centered ideology of propagandistic indoctrination; and the mechanistic materialism Enlightenment spawned created a global war machine operating under the principle of instrumental rather than synthetic reason (or what Adorno and Horkheimer contrast as *Verstand* against *Vernunft*). To recapitulate, Enlightenment created the very modern subjectivities that it then relentless dominated: citizens controlled by state sovereignty; women and racial others under the leadership of white male privilege; and proletarians instrumentalized by the reifications of capital. Against all these accounts of the freedoms and tyrannies of the sovereignty of reason, we need to think back to Hobbes's idea about man's timorousness that prompts his subjection to sovereign power, as the sovereignty of reason collapses too readily into the tyranny of imperialism. If Enlightenment was the dream of a global universal coming into being, or let's say the vision of Napoleon marching into Jena, "a single point, a man seated on a white horse, mastering and over-running the world," as Hegel wrote, it was also the

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<sup>4</sup> Jonathan Israel, *Radical Enlightenment*, v; J. G. A. Pocock, *Barbarism and Religion*, 9; Roger Chartier, *Les origines culturelles de la Révolution française ?*.

nightmare of the looming Napoleonic monster, a Colossus ravaging everything in its wake even as it is turned away from those it has devastated, in the manner of the famous painting by Goya in the Prado. A postcolonial account of Enlightenment could either be the history of its greater global reach and imperial uses and abuses, or alternatively, a history of its omissions and irrelevance regarding various elsewhere. Yet another history, of Enlightenment as metalepsis, would examine unacknowledged reverse flows from so-called non-Western knowledges; an interpretation of Enlightenment as catachresis would see the term as a convenient intellectual trademark for the multiple emergences of a number of alternative modernities and differential politics that do not necessarily follow the itinerary of the European complex. It is therefore not surprising that we have self-explanatory book titles that document the failure of Enlightenment within Europe, such as Peter Sloterdijk's *Critique of Cynical Reason*, or outside it, as in Gayatri Spivak's *Critique of Postcolonial Reason*; the scaling down of Enlightenment claims, as in Dipesh Chakrabarty's *Provincializing Europe*, or the continued radicalization of them as in Keith Baker and Peter Reill's anthology *What's Left of Enlightenment?* (exploring Enlightenment's remainders and also querying if anything else could be more progressive).<sup>5</sup>

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<sup>5</sup> Peter Sloterdijk, *Critique of Cynical Reason*; Gayatri Chakravorty Spivak, *Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Cambridge, MA: Harvard University Press, 1999); Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton and Oxford: Princeton University Press, 2000); Keith Baker and Peter Hans Reill, *What's Left of Enlightenment?: A Postmodern Question* (Stanford: Stanford University Press, 2001).

### III.

If we move more closely into the diversity of Enlightenment sovereignty discourse, as it evolved from Thomas Hobbes to Edmund Burke, and from Jean Bodin to the Marquis de Sade, we find that Enlightenment sovereignty discourse moved towards modern self-determination discourse by highlighting decisionist elements over historicist ones. Yet, many of these now classical texts of Enlightenment political philosophy masked their decisionism under the cloak of historical accountability. Therefore, the first step in an analysis of what became a fullfledged literary genre is to acknowledge that modern political philosophy always positioned itself doubly as an explanation of history and also as a flight from it. It is this double stance in political philosophy that best characterizes its descriptive as well as prospective nature; for this very reason it also needs to be understood that sovereignty is anachronistic in a number of senses and by way of multiple methods of self-exposure and self-critique. But to call sovereignty talk anachronistic (in that it is always a discourse of the past and about power and jurisdiction) and to call self-determination discourse catachronistic (in that it is always a discourse of the future and about contestation and emancipation) is to say something both truistic and abstruse at once, as it is to signal that there is a historical gap that the discourses attempt to fill even as the very attempt makes visible that that decision is not just a departure from history for greener pastures but generative of a series of false starts that are indeed strict anachronisms and catachronisms—sometimes naïve, serendipitous, and inadvertent, at other moments deliberate and even abusive, and at still other moments, creative and/or tragic. There are also other rhetorical moves: hypostatization, retroactivity, anapopism, pseudoscience, and cryptoempiricism.

If these remarks suggest that I am “down” on both sovereignty and self-determination discourse that is not exactly the case: rather, what I hope to emphasize is that both sovereignty and self-determination discourse are always in a process of assertion and contestation. Both discourses resort to special pleading, justification, and contextual supremacy for a specific purpose, even as each discourse frequently arrogates to itself detachment, universalism, coherence, and comprehensiveness within a general register. Both types of discourses—sovereignty and self-determination—introduce ideal temporalizations and historical narrativizations that never exist as such, but become performative realities through constant reiteration and ritual enactment. Every self-determination discourse has to seize democracy for itself and every sovereign has to either legitimate itself in relation to democratization attempts, or rein in those very attempts so the ground is not cut out from under its feet.

The intrinsic assertion and contestation at work in sovereignty and self-determination discourses demonstrates a series of shadow opponents that they all seek to master. Bodin’s brilliant justification of embodied monarchic absolutism crafted from whole cloth against the backdrop of the wars of religion leading up to the massacre of St. Barthélemy, Hobbes’ clever characterization of the Leviathan as Mortall God and Artificiall Animal who is a Representative of the people during the interregnum that it nonetheless swallows whole, Locke’s envisioning of the notion of tacit consent as a political fix that could please strongman and dissenter alike, Vico’s pseudoscientific Christian rationalism marching away from the rich mythical innovations of pagan cultures, Montesquieu’s anthropologization of the canard of oriental despotism by way of a fundamental misreading of Ottoman regalian and customary law, Rousseau’s tapping of

the desire for perfectibility within the steady-state equilibrium of primitive rural life, Burke's ventriloquization of the supposed medieval ages of chivalry no longer honored, Sade's unleashing of the absolutist libertine in lieu of the monarch as a mechanism of social denunciation and destruction, and Bentham's post-Piranesian architectural fantasy of the panopticon—to name just a few examples—are major episodes in Enlightenment sovereignty discourse that are not just superficial mistakes or rhetorical tropes, but the full deployment of anachronistic thought as a deeply creative and indeed substantive necessity of political thought indeed as we now know it.

What do all these episodes in the history of Enlightenment political theory suggest? Obviously every single one of these episodes merits close analysis, but a deeper pattern can also be discerned that unites them across their various individual occurrences. An attempted co-ordination of two opposing discourses—an antiquarian fetishism that seeks to ground sovereignty in ancient law, praxis, and custom—is expressed alongside a transgressive modernity or self-determination logic that sweeps these older cobwebs aside for a new and alternative grounding of a revolutionary theorization of politics. If self-determination discourse could abandon the past altogether, it would not be ambivalently anachronistic but just resolutely antihistoricist. On the other hand, if it could embrace the past entirely, it would not be modern, but just ancient sovereignty discourse, in the manner of something such as political theology. It is the precarious balancing act that we see in many instances of Enlightenment political philosophy—an attempted equilibrium between modernity and tradition, a transition from cultural localism to comparative universalization and back again—that makes sovereignty and self-determination discourses anachronistic/catachronistic in a structurally constituent

way. Another way in which this can be said to happen is through the discrepancy that opens up between metaphysical and actual sovereignty—such as that which can be seen in the elegant solution of embodiment provided in the *King's Two Bodies* in medieval times discussed eloquently by Ernst Kantorowicz or most recently, the Escherian paradox of the Guantanamo detainees who were represented as being unavailable to US Supreme Court *habeas corpus* because they were supposedly under nominal but oothless Cuban jurisdiction.

One of the great departures of an Enlightenment sovereignty discourse was that it understood that a ruler's expediency was no longer the only viable formula—in this respect, Bodin's absolutism is a genuine departure for self-determination whereas Machiavelli was not. With the innovations of Bodin, a sophisticated comparativism is at work even despite the great justification of unfettered ruler sovereignty found in his text. But we have in this moment—by the late sixteenth century—the beginnings of new understandings of group identity, and nation-centered and religion-centered sovereignties overlapping with ecological, regional, and corporate understandings. Francisco Vitoria's prescient discussions of colonial guardianship in the Spanish Americas also initiated an imperialist paternalism around the question of sovereignty outside Europe. Sovereignty discourse could be seen as deficient among the dominated even as it was characteristic of the regnant. These inevitable comparativisms had to take place synchronically and spatially as decisionist alternatives outside of specific histories from which they were culled, even as those very decisionist moves could be deployed as cynical “Machiavellian” impositions that wrested historically grounded contestations onto unfamiliar terrain. This is indeed how Hobbesian geometrical spatialism could be

understood when compared to the Levellers' commons-inspired revindication, or the Constitutional Convention in Philadelphia when put against the subsequent demands of the Cherokee nation decades later. The formal unification of polities under sovereignty discourse is the realization of metaphysical sovereignty papering over the actual fact of social differentiation, exclusion, and denial. Hence the success of the three-fifths rule over the necro-citizenship of the African Americans and various others who also occupied the inside but who were not counted as participatory within the whole. Yet it is the anachronistic/catachronistic subjectification of those who are excluded—the part which is no part—that creates out of sovereignty a *political discourse of self-determination*, whereas, until then, it was just a *police discourse of sovereignty*, as Jacques Rancière has put it so eloquently. The opposing prong of anachronistic subjectification—the self-determination claims of the excluded who find promissory notes written to themselves in the text that wasn't written with them in mind—is objectivist desubjectivation as is so clearly indicated in something like the infamous three-fifths rule. Sovereignty is more frequently a discourse of exclusion and denial, conjuncture and coordination that can justify the present on the basis of a convenient reading of history and the present's relationship with that history; but it is also just as much converted into a self-determination mechanism of delivery, catch-up, retroactive identification, and deferred agency that drives a wedge between that earlier conjuncture and coordination in a manner that makes sovereignty look exposed and discrepant the more you look.

At the same time, to every successful Declaration of Independence proclaiming self-determination there are several hundred others that did not have their supposed performative realization; even more so, to every formulated sovereignty discourse there

are many more interesting silences and elisions that can be inferred as potentially about scotched attempts at self-determination that can be deciphered only by other forms of intelligence. How did Hobbes realize that enthusiasm was politically irresponsible but that at the same time the King was the people's sole "representative" in a way that stole the thunder from Parliamentary self-justification? How could Locke justify slavery through just war in the same text that theorizes consent of the governed? How does Rousseau justify the general will through alternating constituent and constituted power such that it just switches power on and off even while eliding consensus with democracy? How could Burke delicately balance his rhetoric supporting the replacement of a vacated throne through the Glorious Revolution even as he opposes the imminent overthrow of another by way of the French? These questions can be multiplied and further subdivided if there was time, but they all lead up to the central point of the structural coexistence of sovereignty and self-determination broadly conceived.

This also brings us to the slippery issue of perceived versus actual anachronism, whereby the latter becomes a proveable technical error (for instance, Bodin's idea that sovereignty has to be indivisible in order to be itself was patently wrong, but all the same this justified two centuries of French absolutist rule). The perception of sovereignty dressed up in anachronistic garb was most famously described by Marx, who saw the Diggers, Ranters, and Levellers of the English Revolution declaiming in the rhetoric of the Old Testament and the deputies in the Constitutional Convention of the French Revolution adopting the garb of the Roman Republic. Perceptive though this point is, it is not just the anachronism of finding new sovereignties in old clothes as Marx saw it, but

whether there is something about the concept itself that reeks of anachronism even while it presents itself as freshly minted. Or is anachronism a misperception of contestation?

If we can return yet again to Bodin's wishful error that sovereignty was indivisible (as it was embodied in the personality of the human being who was ruler) that nonetheless established it as so for political absolutism: what Bodin was fashioning in saying so was a sovereignty that was transitive, and commutative with its instruments, even as it was inalienable unto itself. Sovereignty cannot be assigned unto others as that mitigates and weakens it; any powers exercised by lieutenants or agents of sovereignty are signs that those representatives are not in themselves sovereign but the stand-ins for the original sovereignty that delegated their powers unto them in the first place. What Bodin does is to carve out sovereignty as an absolute, indivisible, centralizing, and perpetual power from a medieval context where it was not absolute but its precise opposite: spatially limited, distributed across several groups and actors through the medieval doctrine of *merum imperium* (or "pure sovereignty") associated with administrative decentralization (xxiv). Therefore, Julian Franklin describes the objective of Bodin's theorization of sovereignty as the "systematic elimination of limitation" placed upon it. The compound polyarchy of the medieval present is reorganized for the very different purpose of absolutist monarchy, even as this redescription is justified through various anachronistic analogies with classical histories and political theories. The major part of the *merum imperium* is taken over by the prince from its various decentralized officeholders, even as minor parts of the discretionary powers of prerogative are ceded to those previously autonomous entities who are now ranged in a pyramidal chain of command that transfers pure sovereignty all the way back up its apex

to the monarch. Bodin's theorization of sovereignty in 1576 was itself the first of many attempts in that decisionist strain: Bodin will put across his radically new interpretation as a mere clarification of already extant powers of prerogative through multiple references to French domestic customary law and non-French universal history. Distilling the best of his wide legal knowledge through a comparative understanding, Bodin distinguishes the essential traits of sovereignty as composed of five crucial attributes: 1) the power to appoint magistrates and assign their duties; 2) the power to ordain and repeal laws; 3) the power to declare war and negotiate peace; 4) the right to hear appeals from magistrates and plaintiffs; and 5) the power of life and death that exists beyond provisions of clemency laid out within law itself. From these legislative powers flow out yet other traits, such as the power to regulate coinage, the power to compel subjects to change their language of communication, forcible religious conversion, and so on.

While Bodin's apologetics would pave the way for the myth of the embodied and benevolent despot it would also need the shadow double of the equally embodied yet enslaving tyrant—hence the distinction he makes between *une monarchie royale ou légitime* that respected God and the laws of nature versus *la monarchie seigneuriale* that took a slaveholder's approach to its subjects. This unconstrained sovereignty legislates with no reference to any other entity and from this generative fount flows all other subsidiary traits that Bodin attaches to it. However, such power comes with the paradox of untransferability as well as serendipity—the right to pardon cannot be transferred to others, Bodin suggests, giving the example of Francis I disallowing his mother from being able to exercise *le droit de glaive*, even as the famous power of sovereignty to

pardon could itself be an anachronistic vestige, dating back to the vestal virgins in Rome, who had the power to pardon a condemned man who crossed their path. This tradition of serendipitous pardon, Bodin suggests, was still extant in Renaissance Rome if a condemned man happened to cross a cardinal's path (the irony of Renaissance cardinals taking up the task of vestal virgins is of course a question to be taken up elsewhere).

Interestingly, amidst all this explication of sovereignty, Bodin's greatest fear is not the now unconstrained embodied prince but the nearly embodied specter of the vengeful subject—seeking self-determination. His chapter on tyrannicide, after careful consideration of despotic excesses, concludes that no circumstances whatsoever justified tyrannicide, with the interesting exception that other (presumably more benevolent) princes can proceed against tyrants but not their subjects. In other words, self-determination could happen when one embodied sovereignty pushes up against another. This is a perception whereby the interference in the internal affairs of another country is precisely how to make democracy possible rather than allow self-determination to take its course. The surprising obverse of this recommendation is the exemption he suggests for all those who were princes of the blood—even if those of royal blood plotted against a monarch, they ought not to be executed, as the monarch who executed a blood relative inexorably fashioned a weapon that could later be used against himself. Suffice it to say that there is much in Bodin that is innovative, and yet these innovations are possible because their justifications are historically fanciful—yielding the uses of embodiment and anachronism as consonant with ideas regarding sovereignty and self-determination.

### III.

Now, I would like to move on from aspects regarding embodied forms of sovereignty and self-determination to the other side of this process, which is linked to skepticism and what I am calling detranscendentalization of sovereignty. Hobbes's *Leviathan: Or, The Matter, Forme, and Power of a Common-Wealth Ecclesiasticall and Civill*, is one of the great founding texts of Enlightenment political philosophy. At first glance, it appears to constitute something like a truth-event in Alain Badiou's terms: inaugurating a radically new discourse of political philosophy that produces a new subject of an universalist conception of sovereignty. In this section, I will explore the possibility of considering Hobbes's political philosophy as a form of subtractive universalism that might bear some similarities with Badiou's reading of Saint Paul's foundation of Christianity, but that is ultimately even more radically detranscendentalized than is Badiou's Sartrean metaphysics. In doing so, I will especially pay attention to the unresolved status of the category of religion in *Leviathan* that forms the subject of at least two out of its four books. This should return us to the questions regarding the nature of the relationship between sovereignty/self-determination and the representation of culture.

The political discussions in *Leviathan* have been the target of much discussion in contemporary philosophy and theory, whereas the religious controversialism of the last two books has generally been consigned to the expertise of seventeenth-century specialists. While I am not an expert on the religious controversies surrounding the treatise, I will speculate on why it is important for us to engage these sections of the text just as much as the attention that continues to be paid to the treatise's first half. Ultimately, my proposition is that the kind of political and religious universalism put

forward by the text is not at all in terms of the so-called militant subject favored by Badiou, but rather, towards normalizing the newly timorous and detranscendentalized subject made visible by Hobbes—who carves a space for himself against sovereignty. Paradoxically, the weakness of this Hobbesian subject is, precisely, its deconstructionist and detranscendentalized strength. Hobbes’s model of universalism remains a form of arrested if representational detranscendentalization, rather than the presentational universalism favored by Badiou. This notion of a sceptical detranscendentalization is something crucial for a nonfoundationalist human rights discourse that would be willing to divest itself of cultural imperialism. Commitment to human rights can indeed go alongside humility regarding the manner and contingency of its renewed rediscovery in a variety of cultural and historical circumstances.

There are three historical factors (or evental sites or situations in Badiou’s terms) that form the background against which Hobbes’s innovations do indeed appear to take the form of something like a diagonal or subtractive departure. These three situations can be named as follows: 1) the Treaty of Westphalia promulgated in 1648; 2) the execution of Charles Stuart, formerly monarch of England on January 30, 1649; and 3) the promulgation of the Acts of Navigation by Cromwell’s Parliament in 1651. The first situation, of the Westphalian one, has been analyzed by Carl Schmitt and others as ushering in the *Jus publicum Europaeum*, one that soon makes possible the formal identity of coherent and indivisible sovereignty within territoriality, as well as the commutative forms of justice among such fully empowered sovereigns. The famous myth of the state of nature is both proposed and left behind as an interstitial space between and outside territorial and state-based sovereignty. *Leviathan*, as a doctrine of

state, makes eminent sense in this incipient post-Westphalian context of the invention of European international law. The seventeenth-century wars of religion were the violent prelude that actually birthed this modern sovereign state in a number of guises.

*Leviathan* is a blueprint for sovereignty as internal coherence and external enemy, in the idealist sense of such a development, even if empirical realities don't always match Hobbes's model. For instance, Schmitt argued that the Hobbesian state was never realized in England or even quite in France, but perhaps took its eventual form in Bismarck's Prussia and Czarist Russia. The countervailing reason why the Leviathan was never actualized in England derives from the third situation. Oliver Cromwell's Acts of Navigation, promulgated in 1651, heralded England's and subsequently Britain's development as the largest territorial European empire, paradoxically because of how this legislation sped up the development of the country's pre-eminence as deterritorialized maritime power along with her land-based imperial territorializations, all the way through to the late nineteenth century.

However, while both the first and the third eventual sites are important, the second is the most significant, if taken in terms of a psychoanalytical understanding of politics. The eventual site or element of fabulation that inescapably produces *Leviathan* is at its heart a very simple occurrence: on January 30, 1649, the head of one man, Charles Stuart, was separated from his body in fulfillment of judgment after a trial. Obviously, before this moment, many other men in history had suffered similar decapitations. While this was not even unique in English history, that had seen several previous regicides, the political truth that Hobbes discovers after the King's execution is a radical discursive departure that has to be linked to this eventual site. Refusing any simple understanding of

this event from a viewpoint on either side of the quarrel, *Leviathan* inaugurates the truth of political philosophy as a brand new discourse that perplexes the protagonists of divine right as well as parliamentary privilege. The truth Hobbes produces in this instance is a process, rather than an illumination, to paraphrase Badiou, and constitutes itself as a third or a new discourse of universal singularity. This truth is immediately universalizable, but any subject who adheres to it has to break with any stable notion of his identitarian position within the earlier debate. Hobbes's position makes a mockery of the various factions formed by the Parliamentarians or the Royalists, and is therefore resultantly treated with hostility or incomprehension by a multiplicity of the parties to the quarrel. In the manner of Saint Paul who declared that there was neither Jew nor Greek in a meaningful way after the revelation of Jesus's resurrection, Hobbes famously borrows Parliamentary vocabulary to construct the quasi-monarchical sovereign as a composite representative of the aggregate that is the people. The imagined creation is a monstrous fiction that is acceptable neither to Parliamentarian nor to Presbyterian, and neither to Royalist nor to Leveller. At one go, this Hobbesian truth undercuts old forms of privilege and prerogative for a new form of baroque theatrical representation that can be manipulated by all as this process is described in Chapter XVI.

The myth of the Leviathan, as whale or sea-monster, is instead made to perform the counter-intuitive function of representing the aggregate through a complex chain of metaphors that form the four corners of a Greimasian rectangle—corners that include Man, God, Beast and Machine. The Leviathan is therefore, referred to both as Mortall God and Artificial Animal. This new discourse of the state as universal container and also political representative of the totality confounds parliamentarian and monarchist

alike, perhaps in the manner that Saint Paul oriented his Christian antiphilosophy as extraneous to the Jewish language of signs and the Greek discourse of wisdom. Yet just as Saint Paul's third discourse of Christianity as the news from elsewhere flirts with but also suppresses the fourth discourse of Christian miracles and mysticism [*arrhēta rhēmata*], Hobbesian political philosophy, our symmetrical analog of St. Paul's Christianity, flirts minimally with philosophies of the radical Enlightenment such as scientific materialism and atheism, something that it nonetheless does not address except indirectly. Hobbes places himself in extreme fidelity to a declaration regarding the moral and scientific bases of his political philosophy, thereby subtracting his truth from any communitarian grasp of politics, and modeling his political insights on favored disciplines that had never been applied to politics, such as optics and geometry. Human rights discourse is also radical in this way that reaches for epistemological novelty as precisely discontinuous to the background of culture or history from which it arose.

In this respect, although Hobbes represents his truth as wholly objective, it is a roundabout way of acknowledging that it is, if anything, entirely subjective. Hobbes's truth is declared in a manner that is indifferent to the state of the situation: after being Charles II's tutor in the French court, Hobbes returns to Cromwell's England in 1651 after having written the treatise. He is tolerated but never quite understood by Cromwell and also by Charles II after the Restoration. It is this essential Hobbesian indifference to the political situation that is often misunderstood in the secondary and controversialist literature that declares Hobbes to be an opportunist and/or a *de facto* theorist of sovereignty. Hobbes can get away with what he says precisely because it is fundamentally incomprehensible to his fellow controversialists in a number of ways that

doesn't enter into competition with established opinions. *Leviathan* generates entirely new values that are, at least at that point, discursively uninterpretable.

I have published elsewhere an interpretation of the logic of representation that involves all three grammatical persons in *Leviathan*, something that also echoes recent discourse on the relationship of the political with the police in Jacques Rancière's *La méésentente (Dis-Agreement)*. However, for the remainder of this section, I want to discuss Hobbes's treatment of religion in Books 3 and 4 that ultimately revises the discourse of subtractive universalism in Books 1 and 2 into a somewhat different register of detranscendentalization than the radical Christian asceticism behind Badiou's model.

While the first two books of *Leviathan* (and especially the methodological individualism of Book I) are subtractive in relation to political theory, Books 3 and 4, return to the sphere of religion in order to derive a political theology from religious history. While there are a number of complex issues at stake in these books I want to identify and discuss three of them: 1) the nature of covenant 2) the hierarchization of religious in relation to political authority and 3) the declaration of war against the Kingdom of Darkness in Book of IV.

1) *Covenant*: This is of course one of the central and most discussed concepts in Hobbes. There is a doctrine of tacit consent by the subject that underwrites the establishment of sovereign authority and the notion of collective responsibility, whereby the subject paradoxically becomes, in Hobbes's terms the Author of the sovereign, who is himself therefore always the subject's representative or Actor. Therefore, whatever the sovereign does to the subject is what the subject is doing to himself through the mediation of the state. There is room outside this arrangement even if it is to some extent

a non-option, as Hobbes suggests that “He that is taken, and put into prison, or chaines, is not Conquered, though Overcome; for he is still an Enemy, and may save himself if hee can: But he that upon promise of Obedience, hath his Life and Liberty allowed him, is then Conquered, and a Subject; and not before” (485). However, Hobbes gets into considerable theological difficulty when he intends to derive his notion of political subjection from the notion of covenant within Biblical sources. Famously, Filmer attacks Hobbes for asserting a covenant between God and Man even while another royalist, Clarendon, attacks him for doing precisely the opposite, i.e. denying that there is a covenant between God and Man. Filmer, an apologist of divine right, wishes to model monarchical prerogative on the notion of the Christian faithful’s absolute obedience to God about which there ought not to be a question of consent, as God’s omnipotence does not fit within any notion of mutual obligation but simply that of one-way fealty. This type of arrangement has been described as a suzerainty covenant, in other words, the commandment of a stronger party such as God, over weaker parties such as Men who he supposedly created. Obligations that exist in such an arrangement are one-way, and they are owed from the weak to the strong with no necessary obligation in the other direction. This type of covenant is considerably different from that which could be described as a parity covenant, i.e. of the type that supposedly equal men make with each other while in the State of Nature to appoint one man monarch, who will then ensure and exercise the “mutual relation between Protection and Obedience” in Hobbes’s words.

The problem is that the Bible nowhere has anything like a parity covenant. Rational decision outside a theistic framework that treats God as Man’s equal who is then promoted above his fellow men as a rational option is not possible. However, the Bible

does represent two different types of covenants. One type is the covenant of something like divine commitment, slightly different from the notion of suzerainty covenant, where God declares his love of Man, or designates his bounty to Man's productivity as in God's statement to Abraham in *Genesis 15* without necessarily requiring or receiving anything in the form of a direct response. This is a unilateral covenant of a gift or a pledge to deliver in the future, something that is made willingly by God with no direct expectations of a return—or God's entirely voluntary charitable contribution to Man. The second type is something more like a conditional contract or stipulation, that we can discern in the declaration of human obligation, as for example in *Exodus 19-24* after Moses undertakes the task of the mediator and promises that the Jews will follow divine law in exchange for divine protection. A contractual covenant can happen only with a mediator—and Edwin Curley argues that in these two Biblical examples Moses is a mediator but Abraham is not. Hobbes, who is very keen to issue a representative and contractual function in all instances of covenant, misinterprets Abraham as also promising obedience, a reading that is not borne out by the Biblical text (see Ch. 35, p. 281). At other points it appears that the Bible rejects covenant theology altogether, when God rejects the advice given to Job by his comforters. Hobbes wants to normalize all covenants as tacitly two-way, even though the Biblical record is ambivalent if not downright contradictory.

The implications of this problem are that in the return for a political relationality with the religious sphere, there is an unbridgeable discrepancy in modelling political authority on religious framework. What seemed to be a diagonal departure of subtractive universalism returns through spiral relationality to the pre-existing discourse but with a view to discovering new principles of detranscendentalizing religion into the political.

2) The second point regarding religion in Hobbes is the issue of placing religion under the control of the sovereign. The doctrine of the indivisibility of sovereignty requires that either politics is subordinated to religion, or the other way around (see end of Chapter 33). This takes shape in the attack on Cardinal Bellarmine in Chapters 42 and 44. In the seventeenth-century context, Hobbes's polemic against Bellarmine is quite simple. The Pope's claim to divine authority and moral control over political authority is unacceptable, as is the claim by radical Protestant divines to base society on revelation. Placing political under religious authority is downright dangerous. But, the answer to this is not the separation of Church and State, because privately revealed religion, polemically referred to as enthusiasm and false prophecy, is what caused the English Civil War in the first place. Religious prophecies are responsible (Ch. 36, p. 297) just as much as metaphysical notions such as transsubstantiation that Hobbes attacks roundly (Ch. 8, p. 59). The separation of church and state cannot be contemplated at a moment when the private/public distinction was still rudimentary, and even now, one can see many problems that arise when private religion reasserts itself unexpectedly in the public sphere in a number of polities and liberal democracies in the US, Europe, and Asia. Hobbes neutralizes the private authority of self-appointed mediators by suggesting that the only way that interlocutors can distinguish between false and true prophets is by confirmation through divine revelation. But if the interlocutor already had direct access to revelation and Godhead, why would he need to believe the prophet? By this logic, all prophecy since Moses cannot be trusted, and the only way to control such a condition is to place the civil sovereign in the position of the mediator of religious doctrine. By attributing the authorship of the Pentateuch to Ezra rather than Moses, Hobbes is not so

much directly attacking Christianity in the manner of Voltaire later, but revealing the crucial existence of a framework of mediation and political institutionalization whereby something like the religious text can make its appearance. Hobbes's innovation in favor of a synthesis of politics and religion is repeated by Rousseau, in the famous penultimate chapter to *Of Social Contract* where Rousseau proposes to reunite the two heads of the eagle as no state was ever founded without religion at its base. Following from Hobbes, Rousseau declares that it is fatal to have two separate spheres of politics and religion, giving men "two legislations, two chiefs, two fatherlands" subjecting them "to contradictory duties and prevent[ing] their being at once devout and Citizens" (146-47). At best private religion allows men to bond freely around matters of doctrinal commonality, but at worst it creates social discord, division, and faction. A dogma of fraternal universalism created through religion creates conformism to social mores and reduces the unpredictable effects of religion on politics. Doing so again places the sovereign in the privileged position of declaring true religious doctrine and also detranscendentalizing religion into political authority. "The Civill Sovereign is the Supreme Pastor to whose charge the whole flock of his Subjects is committed" (Ch. 41, p. 373). Religion is taking the place here of social glue, or civil society. Hobbes unites religion to politics in Books 3 and 4 precisely so that the split between public and private does not recreate privatized religion as a fourth discourse. To allow too much freedom to Christian theism is to return to a reiterated binary opposition of a secular political sphere and a private religious sphere that is indeed but a variation of the earlier conflict between Parliamentarian and Monarchist that Hobbes wishes to eschew altogether (see also Badiou 53). Social conformism might lead to men paying lip service to the publicly

declared religion even as they could pursue their private beliefs unmolested, as long as they don't try to proselytize or convert others to their views. A true religious accommodation is thus to take place through the suppression of unofficial religious speech, and the promulgation of an official religious truth that is a purely formal social truth that everyone has to publicly acknowledge, but doesn't have to privately believe. It is as if the public assertion of a religious belief relieves men of needing to believe at all, and to the extent that they believe, the non-articulability of that belief turns it into an inchoate and uncommunicated incoherence. This is the positive effect of Hobbes's contextual "Christian" atheism that undertakes the task of detranscendentalization in a manner that ultimately does not also give in to a different fourth discourse of radical materialism or unmoored atheism. "There can therefore be no contradiction between the Laws of God, and the Laws of a Christian Common-wealth" (Ch. 43, p. 414).

3) The third and final point is the declaration of war against the kingdom of darkness, something that in Hobbes's case is a declaration against the Pope as well as any forms of private enthusiasm, demonology, or what he calls vain philosophy. Catholicism's claim to public right and the superiority of Papal over monarchical authority is rejected, but so is Protestantism's ultimately naïve belief that every believer can have direct and unmediated access to the divine word in the Biblical text. Revealing that Ezra reconstructed the Pentateuch rather than Moses is not necessarily driving a hole through the Christian religion per se, but making a crucial intervention that religion ought to be detranscendentalized within the public sphere as institutional constructed authority. In order for this to happen, it also needs to be maintained under sovereign regulation and authority. The indivisibility of sovereignty, this old prejudice against mixed forms of

monarchy that goes back to Jean Bodin, means that Trinitarianism can be continued through the monarch as God's apostle, whereas Moses had been the representative of God the Father and Jesus the representative of God as Son (Ch. 42, p. 340).

Written during World War II, R. G. Collingwood's *New Leviathan* refashions Books III and IV of Hobbes's *Leviathan* into a reflection on the distinction between civilization and barbarism. However, what he does here is to convert *Leviathan* from the timorous text that it is, invested in religious detranscendentalization, into a militant text of Kantian perpetual peace. The project of *New Leviathan* ultimately is, as is the project of any militant universalism, whether St. Paul's or Badiou's, to civilize others. Any form of anti-universalism or counter-universalism is by analogy with Hobbes's attack on the kingdom of darkness, a form of barbarism. To civilize as a verb has its opposite, which is to barbarize. Collingwood has updated the Christian commonwealth to that of the threatened nature of liberal democracy, and barbarism at his moment stands for the dictatorial movement of Nazism. Collingwood finds a prehistory to Nazi barbarism in the Arabs or Saracens, the Albigensians, and also the Ottoman Turks, thereby revealing the earlier threats to the specifically Christian nature of Europe that have in our moment been updated through the Straussian versions of Hobbes into an attack on radical Islam.

In conclusion, by analyzing Hobbes's intervention into religion in this section, I have been trying to say that Hobbes's timorous and subtractive universalism in the first two books means something entirely different when put under erasure by the quasi-deconstructionist project of religious detranscendentalization through its specific Christian referents. What appears to be the diagonal formation of the new subject of universalism, by way of a third discourse of political formalism is a departure, and

returns from evental sites in Books I and II, returns to a project of reinstated relationality with the history of political theology through the discussions in Books III and IV. Timorous universalism is placed under erasure, and is forced to carry the burden of something like the *différance* that the subtractive power of Books I and II placed on Christian theology. Incorporating the Protestant and the Catholic justifications of religious domination, Hobbes finds that a reversal of the hierarchy of political over religious cannot escape its own internal division. Timorous universalism is replaced by arrested deconstruction, and the marking of the institutional limits that name and situate the phenomenology of belief. This is ultimately a patient labor, rather than a militant grandstanding where Badiou-style declarations can be made about truth, philosophy, and political singularity. Hobbes's newly created timorous subject is re-employed by an ongoing relation with religious ideology that is officialized by the sovereign, making the situation ripe for religious detranscendentalization. Such an operation produces a result closer to the project of the deconstruction of Enlightenment universalism along with a renewal of the fragile yet contingent discourse of self-determination and human rights, rather than that of its militant but Romantic desire for an elsewhere.

#### IV.

While the Hobbesian idea of sovereignty appears to be antihistoricist or at least resistant to political historicism as described by Foucault and others in terms of its geometric and spatialist metaphors, there have been several developments in sovereignty theory that reintroduce temporality even if this might be in terms of the evolution of what was once a newly-born theory.

One of them was, of course, Carl Schmitt, whose rightist take on the atrophying of sovereignty under modernity eventually leads to a reaffirmation of something like meta-sovereignty through land acquisition in works such as *Nomos of the Earth*. Land-appropriation is followed by control not just of land and sea but also air and space in the twentieth century, by superpowers creating spheres of influence and control (*Großräume*) or even a single global hyperpower that will seek to colonize outer space. The idea of nomos becomes a mechanism of acquisition, production, and redistribution, becoming the engine of everything economic, political, and legal. We could see Schmitt as representing a long line of the hypertrophying school, and others, including Giorgio Agamben and Achille Mbembe, perform different permutations of this argument even if they are situating themselves as broadly “leftist” critics of sovereignty within the Foucauldian tradition, rather than just as its defender and promoter in the manner of Schmitt.

For this reason, the other figure of central importance is undoubtedly Michel Foucault, who has significantly influenced sovereignty theory through his thesis on discipline to begin with, and governmentality subsequently. Just to remind you of the points at stake here, Foucault is suggesting a political transition if not quite an epistemic break between early modern ideas of sovereignty, as proposed by Hobbes and modified by Rousseau and others, and late modern developments regarding biopower. I’m quoting Foucault: “our societies have proved to be really demonic since they happen to combine those two games—the city-citizen game and the shepherd-flock game—in what we call modern states” (“Politics and Reason” 71). While early modern sovereignty makes die or lets live through an enactment of something like the execution or the reprieve, late

modern biopower makes live or lets die through the regulatory practices of medicine, health, nutrition, sanitation, and other scientific, social, and racially-inflected techniques. Agamben attempts to integrate Foucauldian biopower into what is ultimately a Schmittian take on the state of the exception, but it could be argued that Foucault's thesis of pastoralism following on the heels of governmentality is a much subtler outcome regarding sovereignty than Agamben's state of exception as the rule. Foucault suggests a chronology of sovereignty-discipline-governmentality but also withdraws this linearity for something like simultaneity or co-existence, proposing various interactions between what he calls "the problem of sovereignty" and "the art of governmentality." Sovereignty is a circular problem that is ultimately self-referential, whereas governmentality uses law as a tactic to accomplish its ends. These ends are, in his view, ultimately beyond mere questions of legality, illegality or extra-legality.

What would sovereignty have to say to the question of self-determination or vice versa? First, we ought to acknowledge several developments of sovereignty theory in relation to other spaces and places that situate themselves before, during, and after the Hobbesian moment. While Schmitt's tendency was to dismiss polities with weak state structures as under- or uncivilized and reiterate something like the *Jus Publicum Europaeum* from the Treaty of Westphalia to 1914 as the perfect utopian moment of a set of roughly equal and intercommunicative state sovereigns, political theorists might expand this analysis to the development of the state form in various other non-European locations. Still others, especially anthropologists, would also take the line of exploring custom, use, and various non-state expressions of sovereignty—both in Europe and elsewhere—through customary law, religion, or ecology. Coke's idea of sovereignty,

extracted through 13<sup>th</sup>-century Saxon common law, was archaic or anachronistic for Hobbes, and this type of judgment characterizes the urge to discover—and also the failure to find, and therefore also the need to create—sovereignty in “native” and “colonized” cultures as demonstrated by Anthony Anghie in relation to trustee territories administered by the League of Nations and the continuing ideology concerning the guardianship of immature states by stronger ones. Jean-Luc Nancy’s idea of “sovereignty beyond sovereignty” with respect to the European Union seems to be a straightforward rejection of old-fashioned sovereignty as anachronistic.

Here I would like to signal the need for an engagement with Judith Butler’s recent attempt to discuss sovereignty as anachronistic in her recent book *Precarious Life: The Powers of Mourning and Violence*, and especially with respect to her chapter on Guantanamo turns to this issue of the *merum imperium* in Bodin even though she does not identify that concept as such. Butler follows Foucault’s line of argumentation, one that sees a chronology from sovereignty to discipline to governmentality, followed by a problematization of that chronology with the discovery of the coexistence of these modes of power. In this situation, Butler’s suggestion is that “sovereignty, under emergency conditions in which the rule of the law is suspended, would re-emerge in the context of governmentality with the vengeance of an anachronism that refuses to die...*the historical time that we thought was past turns out to structure the contemporary field with a persistence that gives the lie to history as chronology*” (54). One kind of idea we might propose would be Ernst Bloch’s concept of *Ungleichzeitigkeit* (translated as multichronic synchronicity or temporal incommensurability) regarding sovereignty in the way that has been previously argued using Bloch’s concept to describe conditions of both

postmodernism and postcolonialism. While Wendy Brown argues that sovereignty and governmentality are modes of power that could be conceptualized separately or simultaneously, in contrast, Giorgio Agamben suggests that sovereignty emerges on the obverse other side of law in the state of exception, where it creates an extralegal or paralegal universe (a proposal that makes Agamben a Schmittian who has learned the lesson of Foucault). Butler's twist to permutations such as these is to suggest that an ungrounded and spectral sovereignty re-emerges within the field of governmentality. To quote her more directly, "governmentality becomes the field in which resurgent sovereignty can rear its anachronistic head" (94). Sovereign here are officials such as Donald Rumsfeld and many lower-level operatives who are not ungrounded sovereigns but that many petty sovereigns who derive their authority from the field of governmentality. Now, governmentality for Foucault is far in excess of sovereignty and cannot be derived from it. However, even while it seems that sovereignty has momentarily lost its bearings and overarching function with respect to society, sovereignty and governmentality re-emerge together in the example of the war prison of Guantanamo. As Butler puts it again, "even if one were tempted to declare that sovereignty is an anachronistic mode of power," now, "anachronisms recirculate within new constellations of power" (97-98). Butler presents a position that is the theoretical obverse of Agamben's, in other words, she is a Foucauldian who has learned the lesson of Schmitt.

Another very important recent model of sovereignty that we can call ultra-left is that proposed by Hardt and Negri who see international institutions and treaties develop new forms of governmentality even as the nation-state and corporations continue to

exercise simultaneously older and more anachronistic forms of sovereignty. Of course, the other side of empire for Hardt and Negri is the notion of the multitude, which in my view is a romanticization the notion of constituting power using the *conatus* derived from Spinoza. Eschewing representational or contractualist politics of the people altogether, Hardt and Negri theorize the multitude in relation to an idea of the monstrous flesh and immanence rather than any derivation from transcendental philosophy. Building also on Foucault's idea of permanent war, Hardt and Negri propose an unbounded elaboration of global democracy through this constituting power of the multitude that seems utopian at best, but obscurantist at worst.

I am hoping that a philosopher of history such as Vico can be mined to provide the tools with which to fashion a critical counterpoint in relation to a brilliant political theorist of sovereignty such as Hobbes. I would like to point out, first of all, something like the simple dialectic between objectivist history and subjectivist anachronism using Dipesh Chakrabarty's idea of provincialization, as a cautionary move. Highly objectivist, universalizing and globalizing theories of history and capitalism whether of the Marxist or other sorts, are vehicles of transport that need a good set of brakes just as much as an accelerator pressed to the floor. Secondly, the issue of historical scale is crucial for theories of political agency—in this respect, the Braudelian triptych (of events—conjunctures—structures) is important to emphasize, as the larger the scale, the weaker the conception of voluntarism or direct human agency, and the greater the reliance on accounts of abstractions, overdeterminations, and cycles. This scalar problem goes back to the choice of decisionism versus historicism as described by Chakrabarty, but there could also be other conceptualizations of this problem. Thirdly, the idea of anatopism is

important as a different way of spatializing separation as opposed to just temporalizing it through the idea of anachronism. The idea of anachronism ultimately leads to multiple overlapping frameworks of historical situatedness that do not just neatly line up with any set of nested boxes such as local, national, and global. I wonder how a notion such as *Ungleichraumigkeit* might sit next to the idea of *Ungleichzeitigkeit*. Fourthly, with respect to Vico and Derrida, the ideas of the giant and the specter are both very different themes that bring up analogous difficulties with respect to secular time—and the question of archaic pasts as well as the messianic futures of history. Hardt and Negri also resort to Rabelaisian ideas of the giant, or Hebraic ones regarding the golem, to resurrect the giant as the multitude in lieu of the beast-god-man-machine in Hobbes's representational politics. Ideas such as the giant and the specter also bring in questions of modernity and religious language before the docket of historical rationality or political theology. Fifthly, there is something like the figure of the *lumpen* or the subaltern that has come up several times in our discussions—and how or whether to situate these para-subjects or abject subjects within the peripheral vision of full-blown subjects of history. Sixthly and lastly, the investigation of sovereignty and self-determination brings up the much larger topic of radical global economic and cultural democracy—that will lead to substantial equality rather than formal equality, and the economic rather than just the political promise behind a notion of human rights—that I am trying to avoid but cannot, however theoretical, future-oriented, or unrealized that this concept might be in practice.