THE GIFT OF TIME AND THE HOUR OF SACRIFICE
A Philosophical-Anthropological Analysis of the Deep Difference between Political Liberal and Populist Politics

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I. INTRODUCTION

George Orwell wrote a review of Adolf Hitler's *Mein Kampf* in which he made the following observation:

"[H]uman beings don't only want comfort, safety, short working hours, hygiene, birth control and, in general, common sense; they also, at least intermittently, want struggle and self-sacrifice, not to mention drums, flags and loyalty-parades."

Philip Stephens brought this observation of Orwell's to my attention in a *Financial Times* article that sought to make sense of the rise of populist politics in Europe and the United States in our time; a development that came startlingly to a head with the British referendum that triggered Brexit and the election of Donald Trump as President of the United States in October 2016.[1]

Orwell invokes "self-sacrifice" in the passage quoted above. The word "self-sacrifice," however, especially when utilised in the context of "drums, flags, and loyalty parades," requires careful scrutiny, as does the word "intermittently." The notion of "self-sacrifice" will be scrutinised only briefly in Section II of this article. Scrutiny of Orwell's use of the word "intermittently" is the task to which Section VIII, the concluding section of this essay turns squarely. It should nevertheless also be considered the overarching concern of the whole essay, beginning with its title: *The Gift of Time and the Hour of Sacrifice*. This title puts forward, in a nutshell, the key thoughts that this essay seeks to put forward regarding Orwell's use of the word "intermittently" in the passage quoted above. It also puts in a nutshell the response this essay finally offers to the "why now?" question that is central to Philip Stevens' engagement with the question of the populism of our time. Why do human beings *intermittently* want self-sacrifice? And why do they seem to want it *now*? These are the key questions that will be of concern in what follows.

Orwell suggests that people can live relatively regular lives focused on the fulfilment of basic needs and adequate levels of comfort for certain lengths – perhaps even considerable lengths – of time. But, then they also need, he writes, at least from time to time, a certain ritualization of a profounder commitment to something that transcends this ordinary life. And it is to this ritualization of transcendence (the transcendence of ordinary life) that the word "self-sacrifice" is linked in the lines

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[1] See Philip Stephens "What Orwell would have made of Trump" *Financial Times*, 24 February 2017, 9.

quoted above. The word "self-sacrifice," as used by Orwell but also generally, require careful scrutiny. Section II of this essay aims to show that the word "self-sacrifice" rarely has any real substance. Sacrifice, even when contemplated as "self-sacrifice," almost invariably turns out to be the sacrifice of someone or something else. It is the essential logic of the archaic concern with sacrifice to substitute self-sacrifice with sacrifice of someone or something else. This point will be argued with reference to key analyses of sacrificial rituals in anthropological and philosophical literature, but also with reference to two very basic and realistic observations regarding the populist politics that Stephens seeks to understand with reference to Orwell's invocation of the notion of self-sacrifice.

After the argument that self-sacrifice invariably boils down to a matter of sacrificing something or someone else put forward in Section II, Section III sets out to explain what is fundamentally at stake in the concern with sacrifice that Stephens invokes – via Orwell – to explain the rise of populist politics in our time. Why do people sometimes – "at least intermittently," as Orwell puts it – experience the need to sacrifice? Here again the question takes its cue from seminal anthropological literature, but also from a clue that Andrei Tarkovsky's film *The Sacrifice* offers in this regard. The main character in the film, Alexander, has the sense that he has done nothing significant in his life. The big sacrifice that he makes towards the end of the film is his attempt to terminate his life-long inaction with a significant act. The current rise of populism in the United States and some countries in Europe may well be considered a fervent endeavour to terminate the perceived "inaction" that political liberalism has imposed on the peoples of the countries concerned. What is at stake in this sacrificial act to which these peoples are committing or threatening to commit themselves? At stake in it is nothing less than an act of founding or re-founding the people; an act of restoring "lost" foundations or laying these foundations for the first time. Section III argues this point with reference to key thoughts of Claude Lefort and Giorgio Agamben.

Section IV then turns more squarely to the "why now?" question announced above as the central concern of this essay. It nevertheless soon finds itself unable to pursue this question without first distinguishing between people who want sacrifice, at least intermittently, and people who do not. Not all people seem to want sacrifice and struggle. Some people indeed just seem to wish for the regular progression of ordinary life to continue. Political liberals wish for just this, contends Section IV. Realistic political liberals nevertheless know that this wish is likely to remain unfulfilled and that political liberalism, too, will in the final analysis not be able to extract itself from a sacrificial struggle for liberal values that it considers sacred. This, however, does not mean that liberals *want* sacrifice and struggle. They should for this reason be exempted from Orwell's generalising categorisation of *people* as at least sometimes desirous of sacrifice. Not all people *desire* sacrifice. Political liberals don't, argues Section IV. Liberals cannot deny that they too are often involved in sacrificial struggles and they surely also do not shy away from sacrifice when it appears inevitable, but they surely do not *desire* sacrifice and would prefer to avoid it. And the fact that they prefer to avoid it has a profound impact on the kind of sacrifices to which they are prepared to commit themselves. The sacrifices which

liberals would prefer to avoid, but cannot, are very different from the sacrifices that populists and fascists want.

Section V begins to illuminate this difference between the sacrifices that populists and fascists want, and the sacrifices that liberals don't want, with reference to a spectrum of sacrificial practices that the seminal works of twentieth century anthropologists distinguish. Anthropologists such as William Robertson Smith, Henri Hubert and Marcel Mauss, as well as René Girard in a different way, distinguish between sacrifices of *communion*, on the one hand, and *expiatory* sacrifices, on the other. The deep difference between political liberals, on the one hand, and populists and fascists on the other, concludes Section V, turns on this distinction between *sacrifices of communion* and *expiatory sacrifices.* Populists and fascists want and celebrate sacrifices of *communion*, that is, sacrifices that put them in touch with sacred origins and essences. Liberals, on the other hand, only invoke the sacred when they have no other choice, and when they do so, they only do so in a way that evidently seeks to take leave of the sacred again as quickly and as safely as possible. For reasons that will become clear in Section V, these sacrifices through which liberalism seeks to extract itself from the sacred should be considered *expiatory sacrifices*.

The essay then turns – in Section VI – to another significant feature of the fundamental or founding act of sacrifice to which Tarkovsky's *The Sacrifice* alerts one. Alexander contemplates his sacrifice as a gift and observes that every gift requires a sacrifice. Following up on this clue, Section VI scrutinises the nature of the link between sacrifice and the gift and explores the possibility of severing it. It does so in order to explore the possibility of drawing a distinction between the politics of sacrifice and the politics of the gift. The politics of sacrifice concerns here the politics of foundation and re-foundation, that is, the politics of keeping the people in touch with its sacred origin and *arche*. It is this *archaic* and foundational – or fundamentalist – politics to which populist and fascist movements are evidently committed. With "the politics of the gift" is meant the non-foundational politics that is regularly associated with political liberalism or liberal democracy. These links between a politics of sacrifice and populism/fascism, on the one hand, and between a politics of the gift and political liberalism, on the other, are then discussed further in Section VII with recourse to a further distinction between (Schmittian) *political theology* and (Rawlsian) *public reason*.

Section VII shows that the politics of the gift to which liberalism aspires cannot be extracted fully from the exigencies of a foundational sacrifice or *sacer facere*. However, to the extent that it cannot extract itself fully from *sacer facere*, its involvement in *sacer facere* remains, as already argued in Section V, a concern with expiation and not with communion. Section VII nevertheless aims to put forward the additional insight that liberal politics ultimately comes into its own when it succeeds in remaining predominantly a politics of the gift and not of sacrifice. This political liberal politics of the gift, goes the argument, is fundamentally inclined towards distancing itself from its own foundations; it is fundamentally inclined towards keeping its own foundations at arm's length and at bay, as far as possible. And in

doing so, it comes as close as politics might – under conditions that are invariably far from ideal for doing so – to sustaining the Lefortian definition of democracy as the one arrangement of power that refrains from naming and fixing its own foundations.

Section VIII then concludes the essay by finally turning squarely to the "why now?" question that has all along been hanging over it. It does so by unpacking the "intermittently" that Orwell invoked to characterise "people's" occasional need for "self-sacrifice and struggle" in terms of the vicissitudes of a temporal alternation between a *typical liberal* concern with *giving time*, on the one hand, and the *typically populist and/or fascist* concern with a moment of "truth" that announces an un-giving and unforgiving *hour of sacrifice*. To be sure, political liberalism can also sometimes become concerned with – and embroiled in – a moment of truth and an *hour of sacrifice*, as already pointed out above. But when the concern with truth and sacrifice does visit political liberalism, it should and can consistently be considered an *a-typical* liberal concern.

With the outlines of this essay drawn in the way they have been drawn above, one key objection to it is already quite predictable. It concerns the subtitle given to the essay: "A philosophical-anthropological analysis of the deep difference between political liberal and populist politics." A critical response to this title may well want to contend that this essay is not a neutral philosophical-anthropological analysis, but a *political liberal* view of the difference between political liberalism and populism. In other words, an objection to the subtitle and to the essay as a whole may well be that it is not concerned with an objective scholarly analysis, but with putting forward a political view, a political liberal view, at that. In response to this plausible objection, I would want to state in the first place that I would have no qualms with any assessment of this essay as a political liberal engagement with the matters it discusses, provided that this political liberal engagement is not confused with neoliberal or libertarian views regarding these matters. In other words, as long as any attribution of a political liberal point of view to this essay would be accompanied by the due regard for the fact that prominent theorists of political liberalism (and many political liberals) conceive of liberalism as a politically progressive and egalitarian or (social democratic) concern,[2] I would have no difficulty at all with that attribution.

However, I would also like to state for the record that throughout this essay I make a real effort to describe the populist and/or fascist view of the themes discussed in a way that a populist or fascist may want to describe it him- or herself. The essay does not seek to put forward a "political liberal caricature" of populist or fascist views. It aims to describe these views in a way that a populist or fascist may well want to

[2] The political liberalism that I have in mind, then, is the kind represented by John Rawls and Frank Michelman. For further discussions and references to the works and key thoughts of Rawls and Michelman, see Van der Walt, *The Horizontal Effect Revolution and the Question of Sovereignty*, Boston/Berlin, Walter de Gruyter 2014, 390-400; Van der Walt, "De-Legitimation by Constitution? Liberal Democratic Experimentalism and the Question of Socio-Economic Rights, *Critical Quarterly for Law and Legislation*, 2015 3, 307-309.

endorse with the observation, "fair enough, that is where we stand."[3] In fact, this essay may well run a higher risk that some liberals may end up responding to it with a dismissive "no, that is not quite where we stand." I nevertheless put forward these thoughts in the hope that at least some liberals may recognize in them a portrayal of a liberalism that is guided by a more rather than a less rigorous conception of the liberality on which liberalism turns. Of concern in this portrayal is a *de-substantialization* of liberal values that indeed aspires to contemplate these values as rigorously and consistently as one might.[4]

II. SELF-SACRIFICE OR SACRIFICE OF THE OTHER?

Anthropological and philosophical literature on the phenomenon of sacrifice in human social arrangements regularly alerts one to a key characteristic of sacrificial rituals: Sacrifice is always essentially a sacrifice of something or someone else, and not of the self. Sacrifice generally turns on a metonymic substitution of the object of sacrifice. To be sure, the demand to sacrifice, the literature tells us, is always directly addressed to the self. The demands of the "sacred" on the self (in Orwell's terms: the demands of deeper significance that transcends ordinary life and endows it with meaning that it would otherwise lack) require that the self must sacrifice him- or herself. However, the intrinsic mechanism of sacrifice always aims at getting the self off the hook of this all too direct demand of the sacred (which, in fact, exacts nothing less than the *complete* life of the self and therefore its death). Sacrifice is the ruse through which the self gets away with its life by sacrificing, instead of its own life, something else.[5] This "something else" must surely matter enough to the self to give the ritual purchase and make it "stick." It – the object of sacrifice – is not quite the self, but it must be convincingly enough something *of* the self. The self must at least *give up* something important to it, some valuable property (that is indeed *proper* to it[6]), preferably some livestock that can be killed and of which the shed blood can symbolise viscerally the "shed" but ultimately unshed blood of the self. This visceral symbolisation of the self's own blood becomes especially forceful when the sacrificial bloodshed concerns not just the blood of something else (animal sacrifice), but someone else (human sacrifice).

The story of Abraham and Isaac is telling in this regard. The substitution of the self by something else cannot get closer to the self when the object of sacrifice is another

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[3] For purpose of doing so I constantly kept Carl Schmitt's well-known critique of political liberalism in mind. See Carl Schmitt *Politische Theologie*, Berlin: Duncker & Humblot, 1996 (1922), 63-64. In many respects, I believe this essay actually resonates well with Schmitt's views, apart from, of course, endorsing as a political virtue exactly that which Schmitt considered a vice.

[4] Frank Michelman "Modus Vivendi Postmodernus? On Just Interpretations and the Thinning of Justice" (2000) *Cardozo Law Review* 1945-1970; Michelman, F, "Dilemmas of belonging: moral truth, human rights and why we might not want a representative judiciary" (2000) *UCLA Law Review* 1221-1252; Michelman, "Postmodernism, Proceduralism, and Constitutional Justice: A Comment on Van der Walt and Botha" (2002) 9(2) *Constellations* 246-262.

[5] Max Horkheimer and Theodor W. Adorno, T-W, *Die Dialektik der Aufklärung,* Frankfurt a.M: Fischer Verlag, 1988, 16.

[6] The ancient link between property and selfhood is still evident in the French language in which the word "propre" signifies "one's own", that is, that which belongs to the self.

human being and none other, at that, than the own and only son of the one who brings the sacrifice. One can see how a "pure" logic of self-sacrifice might be at work in the case of Abraham and Isaac. One has already offered up something so close – so deeply intrinsic – to the self by the time one has raised a knife to offer up one's own son in sacrifice, that the actual killing can hardly add something to the sacrifice. God must have realised that he had already received from Abraham all that he could possibly wish to receive from him when he saw Abraham's willingness to sacrifice his son (would the old Abraham not indeed have preferred to die instead of Isaac, and what could the lifeless body of Isaac have added to God's pleasure that Abraham's willingness to die had not already given to it). Seen from a human and mortal perspective, God's incomprehensible cruelty must already have received all gratification it could possibly receive from Abraham, hence perhaps his intervention to spare Isaac. The story of Abraham and Isaac is an exemplary account of the relation between sacrifice and self-sacrifice in the lore and literature regarding sacrificial rituals, but it is also exceptional, for regular practices of sacrifice would always turn on the essential sacrificial manoeuvre of sparing the self in the face of the sacred. The story of Abraham and Isaac is therefore the exceptional example of sacrifice as self-sacrifice and for this reason the impossible possibility (for the exception cannot be an example and the example cannot be exceptional) of sacrifice that conditions (or motivates) all sacrificial rituals and acts without any such act or ritual ever standing a chance of instantiating its own condition or motivation.[7]

One also sees a clear reflection of the need for the ritual offering to get as close to the self as possible – to get *viscerally* and *eviscerating*ly close to the self – in George Bataille's celebratory analysis of human sacrifice in *La Parte Maudite.* The aim of sacrifice is self-sacrifice, maintains Bataille, but human sacrifice in the form of sacrificially killing and offering up another human being to the sacred (to the sun god in the case of the Mexicans to which Bataille refers) can "legitimately" stand in for the sacrificial suicide that self-sacrifice requires, he argued. However, this substitution was only possible, he insisted, if the person thus killed and offered had been conquered in battle during which the one who is sacrificing the other had effectively put his own life on the line and had thus been ready to part with it.[8] In this one respect – in this emphasis on the readiness to part with one self or what is closest to the self – Bataille's analysis of Mexican human sacrifice surely resonates well with the understanding of the story of Abraham and Isaac offered above. Jean-Luc Nancy, whose thoughts on sacrifice are central to the reflections that will be elaborated in this essay, nevertheless observes that Bataille's concern with self-sacrifice effectively remains a concern with the sacrifice of someone else, notwithstanding his significant endeavour to avoid the substitution that is key to the whole mechanism of sacrifice.[9]

Nancy situates the substitution of the self by the other in the context of a whole metaphysics of sacrifice – especially evident in the thought of Hegel – in which the

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[7] See the reflection on the difference between the exception and the example in Giorgio Agamben, *The Coming Community* (Minneapolis/London: University of Minnesota, 2003) 6.7-10.1.
[8] Georges Bataille *La Part Maudite* in Œvres Complètes VII, Paris: Gallimard, 1976 [1949] 55-65.
[9] Jean-Luc Nancy, *La Communauté Désoeuvrée*, Paris: Christian Bourgois, 1999, 36, 42, 46-48, 82.

sacrifice of the self always pivots on the sacrifice of the other.[10] We need not engage with this history here. Suffice it to address this substitution from the perspective of two realistic and common sense questions that one should ask in response to Bataille's contentions regarding self-sacrifice through sacrificing the other.

1) How equal were the odds in the battle during which the self "earned" the legitimate "right" to sacrifice the other by vanquishing him?

2) Even if the odds had been dead even, was the other equally committed to this adventure of self-sacrifice, or was it simply imposed on the other because of the self's interest in "self-sacrifice"?

If the odds were in any way in favour of the one who claims the right to sacrifice the other in an act of "self-sacrifice," the claim becomes empty, for the self will not really have put his own life on the line in the same way the other has done so, and may well not have done so at all. Under these circumstances, the complete reciprocity that pure substitution demands – the complete reciprocity that might have turned the sacrifice of the other into an effective or at least plausible instance of self-sacrifice – all too clearly gives way to the metonymic substitution that is characteristic of all regular sacrificial practices. In other words, without complete reciprocity in all respects (completely equal odds), the self always offers less than the self, and offers, instead, something or someone else. The self offers less than the self for reasons of having put himself less on the line than the other has.

However, even if the material odds could be said to have been equal enough to allow for a "fair" contest, it will not suffice as proof of a fair contest under circumstances where the battle could be imposed on the other against his will, that is, under circumstances where the one could impose the battle on the other, and the other did not command the means to avoid it. Complete avoidance of metonymic substitution is therefore only possible when both parties to the sacrificial contest are committed to the adventure of self-sacrifice from the beginning and commence with that adventure on a completely equal footing. It is therefore not only equal odds, but also equal willingness to engage, that condition the full reciprocity that pure (non-metonymic) substitution demands.

These considerations are key to an incisive understanding of what I would like to call an archaic concern with sacrifice in the populist politics of our time. During his inaugural speech, Donald Trump supplemented his announcement that his presidency will put America's interests first with the "fair" recognition of the right of every other nation on earth to put their interests first as well. The upshot of this is obviously a real-political declaration of an international conflict of interests, one in which all contenders must and can earn the right to subject the interests of all other contenders to own interests in all cases where interests cannot be aligned. However, when one subjects Trump's discourse to the two questions expounded in response to Bataille above, one clearly sees that this discourse can hardly be construed in

[10] See Nancy, *Une Pensée Finie*, Paris: Galilée, 1990, 65-106.

terms of self-sacrifice. Whatever self-sacrifice might be contemplated in it, is surely hedged by the bet that the self will probably get away with sacrificing the other or others without having to sacrifice itself. America is by a huge margin the greatest military power in the world (and the Trump administration is set on increasing the margin, as its first budget makes clear). At stake, here, is therefore nothing but the wish to create conditions under which any real conflict that can be expected to ensue will mostly shed the blood of the other and rarely (if at all) that of the self. And even if the odds were more equal, the question of equal willingness to engage in conflict is still bound to fail the "equal willingness" demand of the pure substitution test. The era of flagrant admission of conflicting interests that the Trump administration appears to favour is one that other nations on the face of the earth will not be able to avoid, however much they may want to do so. On both these counts then – equal odds and equal willingness – the sacrificial logic that the Trump administration appears to have endorsed is not concerned with self-sacrifice, but sacrifice of the other. A very impure metonymy is at play here, and it is doubtful whether the value "offered" even comes close to any offering that could make the ritual "stick." In fact, not enough seems to be offered here to even partly cover up the sheer cynicism at large. Whatever rhetoric of sacrifice may be posturing here, falls dismally short of the logic of sacrifice.

The same observation applies to the discourse of Brexiters who unilaterally wish to pursue Britain's interests in disdain for any concern that is at odds with these interests, and to the whole spectrum of similarly disdainful populist movements on the move in Europe today. None of these movements are informed by a suicidal wish to put self-interest on the line for the sake of self-sacrificial transcendence. Whatever risks they are taking are evidently informed by speculative expectations of augmented self-interest. This mutation of the concern with self-transcendence through self-sacrifice into a concern with self-augmentation through sacrificing others (the mutation of pure sacrifice into instrumental sacrifice, one might say) does not detract anything from the observation that an ancient and archaic language of sacrifice is at work in the current rise of belligerent populisms. Ancient practices of sacrifice never evinced the purity of sacrifice that one might attribute to Abraham's willingness to offer Isaac, or which Bataille allowed himself, in an exuberant moment, to attribute to the Mexicans. Bataille himself recognised the irreducible impurity of sacrifice in other writings. Consider for instance his elaboration of the concept of the fundamental contradiction that burdens human existence in *L'Érotisme*. The aim of sacrifice is to leave behind and break with the sphere of mundane existence, so as to become *one* with the sacred, he argues. But the cost of this union is generally experienced as too high, for union with the sacred demands complete renunciation of all mundane concerns and that demand – if complete – must include the renunciation of life itself. The complete renunciation of the mundane can only be accomplished by embracing an ecstatic death, and it is exactly on this count that self-concern – the concern with survival – invariably gets the better of the concern with self-sacrifice; hence the mutation of sacrificial rituals into instrumental practices that ultimately seek to promote mundane concerns instead of demoting and renouncing them. One sacrifices, in other words, in order to

solicit divine benevolence towards one's earthly concerns. This is how the sacred gets reduced to the mundane realm of profitable "work," as Bataille puts it.[11]

III. THE RETURN OF AN ARCHAIC CONCERN WITH SACRIFICE.

"[H]uman beings …., at least intermittently, want struggle and self-sacrifice," wrote Orwell in his review of Hitler's *Mein Kampf.*

Whence this need for "self-sacrifice," which, we have seen above, ultimately almost always culminates in the act of sacrificing something or someone else? Why is this need for sacrifice felt intermittently? And why might one call this need *archaic*, considering that it is still very much with us, as the current wave of American and European populism makes all too clear?

Andrei Tarkovsky's film *The Sacrifice* offers a significant clue to the first of these three questions? Alexander, the main protagonist in the film, is burdened by the sense that he has done nothing in the course of his life, hence his need to engage in a drastic act of sacrifice. He feels the need to do something significant, and he believes that an act of sacrifice will answer to that need. Why does he feel this way? Why has the long life that he has lived – he is already an old man when the dramatic sequence of events in the film begins to unfold – left him with the empty feeling of never having done anything significant? The idea that one only does something significant when one engages in some act of sacrifice is evidently also what informs Orwell's explanation of the allure of fascism. The experience of ordinary life – life without sacrifice and flags and drums – as empty or devoid of meaning, is written all over it. Whence this sense of a void that human beings feel they need to overcome with sacrifice and drums and flags?

Claude Lefort offers a penetrating answer to this question in his seminal essay "Permanence of the Political Theological." Lefort writes:

> Every religion states in its own way that human society can only open to itself by being held in an opening it did not create.[12]

Let us unpack this dense statement: Human society cannot have a sense of itself – it cannot open up to itself, as Lefort puts it – when it lacks the sense of deriving from and belonging to an origin that is not of its own making. The immediacy of everyday concerns does not allow for this sense of transcendent belonging. Everyday life is saturated with mundane undertakings that ultimately remain the *self-made* products of an endless stream of transient designs. Were life to be reduced to these mundane

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[11] See Bataille, *L'Érotisme* in *Œvres Complètes X*, Paris: Gallimard, 1987 [1957], 34-35, 67, 115-117, 155-63.

[12] Claude Lefort, "Permanence of the Theological-Political" in Hent de Vries and Lawrence Sullivan (eds) Political Theologies (New York: Fordham University Press) 157. The French text – "Permanence du théologico-politique ?" in Essais sur le politique (Paris: Editions du Seuil, 1986) 287 – reads: "Que la société humaine n'ait une ouverture sur elle-même que prise dans une ouverture qu'elle ne fait pas, cela, justement, toute religion le dit, chacune à sa manière, de même que la philosophie, et avant elle, quoique dans un langage que celle-ci ne peut faire sien"

and transient concerns, societies and individuals would remain locked into (closed off by) an *immediacy* of present projects and programmes. These programmes and projects would be *immediate* for reasons of being entirely unmediated by (closed off from) some transcendent orientation. Were life to remain stuck in this immediacy, the lives of peoples and individuals would just come and go without ever having an external register that marks for them who and what they are. Religion typically opens up this space from which life can look back at itself and become a register for and of itself. And sacrifice is the essential act through which this becomes possible. It is the essential act through which religion becomes life's register. It is this sacrificial opening up of a register without which human existence would remain mute and closed off in itself that Giorgio Agamben has in mind when he writes that all significant human action involves sacrifice. "All *facere* is *sacer facere.*"[13] Agamben elaborates the thought in terms of the unfoundedness of human existence that requires that it produces its own foundation. He writes:

> [Sacrifice] furnishes society and its unfounded legislation with the fiction of a beginning … The ungroundedness of all human praxis is concealed in the abandonment to itself of an activity (a sacrum facere) that founds every lawful activity … It is the very ungroundedness of human activity … which the sacrificial mythologeme wants to remedy…[14]

It should nevertheless have become clear by now – see again the reflection on the impossibility of the exceptional example above – that the sacrificial act, or the making of the sacrificial myth, cannot meet the demand that it imposes on itself. It inevitably falls prey to a fundamental contradiction, as we also explained above with reference to Bataille. According to Bataille, we saw, sacrifice seeks transcendence of mundane life by becoming one with the sacred, but it always ends up returning to mundane life (augmenting instead of diminishing it, at that). It does so because the demand that sacrifice really exacts – embracing death ecstatically – is a cost that mundane life considers too high. Let us rephrase this contradiction in terms of the dilemma with which Lefort confronts the fundamental organisation of human society. Human society can only open to itself by being held in an opening it did not create, he writes. But, what exactly gives access to this opening? How is society to be held in it? And who will or must perform this act of "holding"?

Religion has for as long as memory goes back provided the most enduring answer to these questions by imagining semantic frameworks within which aspects of life can be considered or made sacred. Along with this framework – which Lefort calls the "theological-political" (*théologico-politique*) came a veritable "division of labour" that entrusted the task of sustaining this theological-political framework to a relatively small religious elite. The ritual and liturgical practices of this religious elite "held society in an opening that it did not create itself." Of concern in all of this is exactly the foundational work of *sacer facere* that Agamben brings to our attention in the passage quoted above. However, the description of this work or task of *sacer facere* offered here with reference to some (a religious elite) who perform it on behalf of others (everyone else who belongs to this religious community) again

[13] Agamben, Potentialities (Stanford: Stanford University Press, 1999) 135.
[14] Ibid, 136.

underlines the fundamental contradiction from which it cannot escape. Sacrifice or *sacer facere*, as Agamben points out well, cannot hold society in an opening that it did not create, because it is itself the very act of creating that opening. It is ultimately nothing but an instance of human society *itself* holding *itself* in an opening that it creates *itself*. *Sacer facere* too, does not escape from the fatal confines of human *facere*. The sacrificial act remains a human act. It is just *another* human act as Agamben observes acutely:

> However one interprets the sacrificial function, in every case what is essential is that the activity of human community is grounded in another one of its activities.[15]

In the end, sacrifice must fail. It concerns human action that seeks to transcend human action through human action. It returns to itself in the very attempt to take leave of itself. The very act through which society seeks access to an opening beyond itself, from where it might attain knowledge and consciousness of itself, is an act of terminal enclosure from which there is no escape. Bataille is evidently completely correct in this regard. The only human act that could break out of this circle would be the passage from life to death, that is, the act of dying. The question is, of course, whether dying can still be called "an act" and whether it has not already passed into some kind of inaction, the peculiar and singular inaction that indeed inserts human existence into an opening that it did not create itself, and briefly holds it there.

Lefort, however, contends that there is one institutionalisation of human action that has adamantly endeavoured to hold society in an opening it did not create, *without* falling prey to the fundamental contradiction and circular self-confinement of human action from which only death escapes. That institutionalisation is democracy. Let us consider again one of the most well-known and frequently quoted passages from Lefort's work:

> Democracy is of all political regimes … the only one to have represented power in such a way as to show that power is an empty place and to have thereby maintained a gap between the symbolic and the real … by virtue of a discourse which reveals that power belongs to no one.[16]

Democracy, at least in principle, holds society in a space that it did not create. It does so by maintaining an irreducible "gap between the symbolic and the real … by virtue of a discourse which reveals that power belongs to no one." At least in principle. Lefort is aware that the actual history of democracy shows that democracy has often misunderstood its own principle. It has always suffered from an ontological inability to read its own narrative of groundlessness.[17] It too returned to narratives of *sacer facere* on the second day of its first significant experiment with the narrative of groundlessness, as he shows with reference to Michelet's history of the French

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[15] Ibid, 135.

[16] Lefort "Permanence of the Theological-Political" 159. The French - "Permanence du théologico-politique ?" 291 – reads: "[D]e tous les régimes que nous nous connaissons, [la démocratie] est le seul dans lequel soit aménagée une représentation du pouvoir qui atteste qu'il est un lieu vide." Cf. also Claude Lefort, L'invention Démocratique: Les Limites de la Domination Totalitaire (Paris: Fayard, Artheme, Librairie, 1994), 92: "[L]'image de la souveraineté populaire se joint celle d'un lieu vide, impossible à occuper.... "

[17] Lefort "Permanence du théologico-politique ?" 329.

Revolution.[18] Democracy, the only attempt to take leave of political theology or theological politics, almost forthwith returned to it; hence Lefort's elegiac invocation of the "*permanence* of the theological political" in the title of his seminal essay. It is this apparently inevitable "*permanence* of the theological political" that has become manifest again today with the rise of populisms from the midst of societies that present themselves as exemplary democracies. In fact, the populisms on the move today present themselves in many respects as restorations of proper democracy, especially in Europe where they figure as the answer to the undemocratic governance that the European Union is imposing on its Member States.

Today's populisms may not be brandishing the language of divinity and deification in the expressly religious terms in which Michelet's glorification of the French Revolution was saturated. Written all over them, however, is the idea of a sacred core of the people that has been desecrated by immigrants, refugees, Mexicans and Muslims, a desecrated core of the people that demands being made sacred again. The ancient archaic concern with sacrifice, the concern with *arche* and *origin*, is resurfacing today with startling force. And the question that one must ask oneself is indeed *why now*? This question, however, cannot be separated from another question that must be posed in this regard: *Who actually?* Who is it that intermittently – wants self-sacrifice and struggle? Just "people," as Orwell puts it, suggesting that *all* people want sacrifice from time to time, or just some? And if only some, who then?

IV. WHY NOW, AND WHO ACTUALLY?

"Why now?" is exactly the question that leads Philip Stephens to Orwell to understand Trump and Le Pen. Stephens writes:

> Why now? Everyone has their own explanation as to why the Trumps and the Le Pens have succeeded where others have failed to tap into the anger and anxieties of so many. Stagnating incomes, hubristic elites, post-crash austerity, the insecurities thrown up by technology and globalisation, the cultural shocks of migration, all played a part.

One would think that this concise inventory of the sources of the malaise of our time just about says it all, but Stephens doubts its explanatory value. "I am not sure they explain the striking energy of the insurgents," he continues, and it is this uncertainty that leads him to the passage from Orwell's review of *Mein Kamp* quoted above. He feels the need to probe deeper and finds what he is looking for in Orwell's review:

> Nazism and Fascism, Orwell was saying, had caught a psychological current. Emotions elbowed aside economic calculation. Something similar is happening today if not, thankfully, on the same level of evil delusion.

It is debatable whether this invocation of the "psychological current" prevalent at the time, and of "emotions [that] elbowed aside" rational or "economic calculation," takes the inventory of explanations that Stephens has already offered much further. That a dark psychological current and an array of black emotions elbowed out

[18] Ibid, 309.

rationality then, and are doing so again today, would seem to be obvious. This observation just re-invites the questions "why then?" and "why now?" It should be noted that the passage from Orwell's review of *Mein Kamp* indeed prompts one almost expressly to ask the "why then and now?" or "why now and then?" question. As we saw above, Orwell observed:

"[H]uman beings … also, *at least intermittently*, want struggle and self-sacrifice, not to mention drums, flags and loyalty-parades." (emphasis added)

It is this highlighted "at least intermittently" that prompts one to ask yet again: Why then? Why now? Why now and then? Why do humans want struggle and sacrifice, when they do, and why not, when they do not? Many social theorists and/or historians may well just want to take recourse to exactly the kind of phenomena listed in Stephens' initial inventory to answer this question. Why do people sometimes rest content with the comforts of ordinary life, and why do they sometimes not? The answer to this question that these historians and social theorists are likely to offer is this one: People begin to be concerned about a deeper sense of belonging and purpose exactly when their expectations of ordinary material comfort and security become significantly threatened. However, if this is indeed the answer to the "why then and now? and "why now and then?" questions posed here, the list of causes that Stephens already offered should have sufficed to lay them to rest. But Orwell, at least, indicates that a significantly different response to this question is needed, a different response that that shows why Stephens' suggestion that the question has not been laid to rest demands further attention. The passage quoted suggests clearly that people do *not only* want ordinary comforts and security, they *also* want sacrifice:

[H]uman beings *don't only* want comfort, safety, short working hours, hygiene, birth control and, in general, common sense; *they also*, at least intermittently, want struggle and self-sacrifice, not to mention drums, flags and loyalty-parades. (emphasis added)

Orwell's contention is clearly that people *generally* want comfort and security, but sometimes – intermittently, now and then – they *also* want sacrifice and the rest of the paraphernalia of populist if not fascist belonging, purpose and commitment. It still seems fair to say that the latter want is most likely to become more prominent exactly when the former is threatened. It seems fair to say that the "psychological current" that informs the latter is likely to be precipitated or triggered by an insufficient satisfaction of the former. Many historians would agree that the rise of fascism and Nazism in the first decades of the twentieth century can be explained in exactly this way. But Orwell's use of the word "also" cautions us against linking the former and the latter want too closely or inextricably. The insertion of "also" into the phrase cautions against explaining the latter as a result of non-satisfaction of the former. He evidently suggests the latter need, the need for "struggle and self-sacrifice" is a separate, independent and extra need that humans *also* have. Let us therefore take his suggestion seriously by taking a closer look at the difference between these two human "wants." What is it that fundamentally distinguishes the ordinary concerns of life – "comfort, safety, short working hours, hygiene, birth control and, in general, common sense" – from the transcendent concerns

embodied in "struggle and self-sacrifice"? Posing this question is the only way of arriving at the deeper level of scrutinising the "why then and now/now and then?" question at which Stephens evidently seeks to arrive.

There is, however, another good reason for asking this question. It concerns the conditions that inform the political liberalism with which Stephens begins to take issue in the wake of his engagement with Orwell. The first set of wants that Orwell describes – comfort, safety, short working hours, hygiene, birth control and, in general, common sense – can be considered representative of the form of life that contemporary political liberalism generally presupposes. Liberals would of course want to add or emphasise a whole array of political and moral values such as the rule of law, individual liberty, non-negotiable respect for human dignity and equality before the law, but most of them would probably also accept that all these political and moral values can be subsumed under "common sense." The Rawlsians among them may well want to refer to this common sense as "public reason."[19]

The re-description of Orwell's first list of wants in terms of a normative framework that one associates with political liberalism allows one to rephrase our "why then/now?" question differently: Why do the concerns and convictions of political liberalism sometimes hold, and why do they sometimes just seem to give way to the "psychological current" and emotions associated with populism and fascism? Posing the question in this way is important, for it allows one to take much needed critical distance from the thesis that Paul Kahn develops in his book *Putting Liberalism in its Place*. According to Kahn, the *constative* normative vision with reference to which political liberals generally put forward their optimistic vision of social co-existence and cooperation all too often lacks adequate recognition of the *performative* context of political struggle and sacrifice through which liberal political systems come into existence and which remains necessary to sustain them.[20] Stephens seems to conclude his article on a similar note by suggesting that liberals all too often complacently assume the political struggle for liberalism is over. They too easily adopt an "end of history" mentality that blinds them to the reality that the fight for liberal values is far from over. In his own words:

> For Orwell's generation the only answer was to fight for its values. Perhaps there is a message here too for the liberals who have blithely assumed these past few decades that it was enough to declare the end of history.

This realistic regard for the reality that political liberalism concerns an on-going struggle for values that are far from safely established cannot be faulted. It can also not be denied that this struggle for liberal values will continue to exact bitter sacrifices that will always seem to put these values in question. Further to this, it must also be conceded that this sacrificial struggle for liberal values will, more often than not, if not invariably, concern sacrifices of others and not self-sacrifice. However, there is one respect in which liberalism can and must be exempted from

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[19] See Rawls, *Political Liberalism*. New York: Columbia University Press, 1996, 212-254.

[20] Paul Kahn, *Putting Liberalism in its Place*, Princeton/Oxford: Princeton University Press, 2005, 113-142.

the considerations drawn from Orwell's passage above. One cannot say liberalism *also wants* sacrifice. It regards sacrifice as a lamentable aspect of human existence that should be avoided as far as possible, while knowing that it cannot be avoided completely. Liberals are quite content to live lives that afford them basic security, comfort and common sense and would easily pass up all opportunities for sacrifice, were this possible. It is also possible that some liberals indeed believe that the struggle for liberal values has been won and that history is over. Francis Fukuyama forwarded an almost caricature version of this "Hegelian" contention when the Soviet Union came to a fall towards the end of the 1980s.[21] But politically realistic and politically intelligent liberals realise well that liberal politics is a precarious concern that is always pursued in a context of struggle and sacrifice. If they are less vociferous about struggle and sacrifice than nationalistic populists and fascists, it may well be because they would have preferred things to be different; because they would have preferred life to be an affirmation and even a celebration of ordinary existence. Kahn, to whom we return below, would have put liberalism better in its place had he not neglected to observe this key aspect of the political liberal frame of mind.

Proper recognition of the very different attitudes to sacrifice that respectively characterise liberal mind sets, on the one hand, and populists and fascist ones, on the other, also requires that one grasp the very different social functions that sacrifice performs in these different mind sets. The social function of the sacrificial practices that liberals lament differs significantly from the social function of the sacrifices that populists celebrate. The next section of this essay will endeavour to throw some light on this difference. Before we turn to it, however, it seems necessary to conclude this section with the concession that we have not yet offered an answer to Stephens' "why now?" question, despite having announced – see the heading again – that this is the question that will be addressed in this section. We simply seem to have turned from the "why now?" to the "who?" question. Who rests generally content with ordinary life? (Liberals, we suggested.) And who, at least "sometimes," also want sacrifice? (Populists and fascists, we contended).

However, the "sometimes" obstinately keeps on raising its head here, and it does so with good reason. One cannot turn the "why now?" question into a simplistic "who?" question, because the temporality of this "who" continues to complicate this question. This complication relates to the simple fact that there are sometimes enough people around who are content to live and celebrate ordinary life as liberals presumably do, and sometimes not. There are indeed times during which a psychological current – *suddenly* at large – turns just enough people (not even a majority is necessary) into celebrators of sacrifice to precipitate a wave of populism and/or fascism. It is with regard to this temporal swing from liberalism to populism and/or fascism that we need to restate and re-address the "why now?" question and we shall indeed come back to do so below. However, we postpone the question for now, for we will only be able to engage with it incisively enough once we have come

[21] See Fukuyama, F, *The End of History and the Last Man,* 1992, London: Penguin Books.

to understand the different social functions that sacrifice play in liberal and populist mind sets. Let us therefore turn to this question first.

V. EXPIATION, COMMUNION, REDUCTION OF AMBIGUITY

This section of this essay will take a closer look at the three anthropological theories regarding the social function of sacrifice that came to the fore in the work of William Robertson Smith, Henri Hubert and Marcel Mauss, and René Girard. It will do so in order to pursue further the question regarding the difference between liberal and populist attitudes to sacrifice that have come to the fore in the previous section.

Robertson Smith distinguishes between two main categories of sacrificial rituals, *mystical* rites and rituals aimed at sustaining *communion* and *contact* with the sacred, and those aimed at atonement after events that may have disrupted this sacred communion and contact. The communality and solidarity of the communities that took part in these rituals were believed to be conditioned by the deep connection with the sacred that these rituals established and maintained. The latter kind of rituals, those aimed at atonement and reconciliation with an offended god, argues Smith, were actually just different and later versions of the old rites of mystical communion. As Smith puts it:

> It has appeared in the course of our inquiry that two kinds of sacrifice … continued to be practices by the ancient Semites. The first is the mystic sacrifice ... The other kind of offering … consisted of holocausts, and other sacrifices, whose flesh was not conveyed to the god and eaten at his table, but burned without the camp, buried, or cast away in a desert place. This kind of service … was differentiated from the old communion sacrifice…. [An] analysis of [these] ritual holocausts … and all the variations of atoning ceremony [nevertheless shows that they are] nothing more than inheritances from the most primitive form of sacramental communion … for the ritual exactly corresponds with the primitive ideas, that holiness means kinship to the worshippers and their god, that all sacred relations and all moral obligations depend on physical unity of life, and that unity of physical life can be created or reinforced by common participation in living flesh and blood. [22]

Smith goes on to explain that the atonement rituals, far from being a new or different kind of ritual, simply reflected the inception of a new interpretation of the old mystic sacrifices in the course of time. This inception of this new interpretation reflected the gradual (but never complete) displacement of the older ideas of mystic union by the idea of atonement or expiation of sin.[23]

Hubert and Mauss take Smith's study of ancient Semitic rituals of sacrifice as the point of departure of their own investigation into the meaning and function of rituals of sacrifice in ancient societies, but they end up attributing a significantly different meaning to Smith's distinction between rituals of communion and rituals of atonement or expiation, a different meaning that especially concerns the role of the rituals of atonement or expiation. According to them, rituals of atonement and expiation were principally aimed at extracting the sacrificial community from its

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[22] Willian Robertson Smith, *Religion of the Semites* (London/New Brunswick: Transaction Publishers, 2002(1894)), 398-400. See also 339-352; 430.
[23] Smith, *Religion of the Semites* 400-405.

immersion in sacred solidarity, so that the members of this community could emerge from it as separate individuals who could recommence with mundane life and the social divisions – and divisions of labour – concomitant to mundane life. These rituals of separation and extrication served to establish a mundane sphere of instrumental cooperation within the boundaries of which communal existence took on different forms of individualised cooperation for purposes of procuring and securing the material conditions under which life as such could be sustained. This specific function of *extrication from the sacred* of rituals of expiation, contend Hubert and Mauss, demands that one draw a more fundamental distinction between these rituals and those aimed at *communion*, than the distinction Smith draws. They dismiss the simple equation of expiatory rituals to rituals of communion and holy immersion that results from Smith's reduction of the apparent difference between them to the different meanings attributed to them in the course of time.
This reduction ultimately prevents an accurate understanding of the complex unity of the sacrificial scheme, they argue.

According to Hubert and Mauss, rituals of expiation and communion performed distinctly different functions within the overall sacrificial scheme, and any reduction of the former to the latter, or vice versa, cannot but lead to a misunderstanding of the overall unity of the scheme. The distinct and categorical difference between expiation and immersion within the sacrificial scheme must be respected and maintained for purposes of understanding the way they belonged to very different moments of the process through which the overarching sacrificial order was sustained. In order to do just this, Hubert and Mauss explain the sacrificial order in terms of a scheme of concentric circles, the traversal of which from the periphery to the centre and from the centre to the periphery consisted in two series of ritual acts. The first series of rituals gradually raised the levels of exposure to the sacred source of the community and of existence as such. These were the rituals of immersion and communion. They facilitated a spectrum of different levels of exposure to the sacred, at the far end of which ensued the most direct and unmediated experience of the sacred from which mortal life could not return. The most typical example of this irreversible entry into sacred communion was dying in battle, but falling under the axe of the executioner was closely related to it. Ancient societies relied on warriors as well as criminals and criminal law to sustain a direct connection with the sacred from which some individuals would never return. But short of this ultimate exposure, they also relied on a series of sacrificial practices that afforded a proximity with the sacred from which mortals could return unscathed, that is, without abandoning selfhood completely for the sake of an irreversible union with the sacred.[24]

It follows from the above that war and the punishment of criminals – especially capital punishment – constituted the ultimate scenes of sacrifice and the ultimate sources of sacred solidarity and communal existence. When one steps down from this ultimate level of sacred exposure, one encounters what might be called *the penultimate scene* of the sacrificial scheme. At stake at this level of sacrifice was the

[24] Hubert, H and Mauss, M, *Essai sur la Nature et La Fonction du Sacrifice* in Mauss, M, *Oeuvres 1. Les Fonctions Sociales du Sacré*, (Paris: Les Éditions de Minuit, 1968), 194-266.

highest level of sacred communion that still allowed for a return from this communion and for the re-entry of the mundane sphere of regular life. This penultimate scene of sacrifice was reserved for priestly officials who themselves had to be ritually consecrated before becoming capable of performing these rituals without exposing themselves and the community they served to lethal contaminations with the sacred. Proper consecration rendered the priests able to perform sacrificial rituals without causing contaminating spillages of the sacred into the mundane. Avoidance of such spillages was crucial for upholding the essential sacrificial order of existence, for this order depended fundamentally on a stable distinction between the sacred and the mundane. In other words, the consecration of priests and sacred places conditioned the essential primordial spacing and mapping of existence without which communal existence lacked the imaginary or symbolic framework that rendered it possible. Communal life had to be mapped and spaced before it could be lived and the sacrificial order provided it with this essential mapping and spacing.

The sacred communion performed by priests allowed the rest of the sacrificial community an indirect communion with the sacred. In the wake of this communion followed a series of rituals that allowed for the return to the mundane. These were the expiatory or purifying rituals through which the members of a community exited the sacred solidarity that resulted from communion and returned to various modes and levels of individualisation, social differentiation and instrumental cooperation, that is, to the social zone of the division of labour which Durkheim called the organic solidarity (as opposed to mechanical solidarity).[25]

Hubert and Mauss' interpretation of archaic sacrificial ordering alters Robertson Smith's interpretation considerably, but both their interpretations sustain the same religious or ideological framework. Both pivot on the understanding of ancient understandings of sacrificial rituals as vehicles or mechanisms of union with the sacred. An analysis of archaic sacrificial practices that does offer a significantly different understanding of the sacrificial scheme is the one that Rene Girard develops in *La Violence et Le Sacré* (*Violence and the Sacred*).[26] Girard focuses on the way archaic communities resorted to sacrificial rites and practices to terminate and regulate violence. He explains the archaic administration of violence in terms of the need to prevent social ambiguities that are likely to give rise to eruptions of violence, on the one hand, and the need to terminate violence that has already erupted, on the other. Archaic social orders turned fundamentally on the establishment of unambiguous semantic orders within the range of which the likelihood of eruptions of violence was minimal or at least minimalized as far as feasible. The establishment of an unambiguous semantic order created a social space within the boundaries of which individual expectations could largely be harmonised. Within this space, individual members of a society shared a relatively clear concept of valid entitlements and expectations and consequently refrained from making or imposing demands on others that conflicted with their expectations. The regulation and maintenance of unambiguous sexual and familial relations were crucial in this regard

[25] Emile Durkheim *De la division du travail social,* Paris: PUF, 2007 (1930).
[26] René Girard, *La Violence et Le Sacré*, Paris: Editions Bernard Grasset, 1972.

and any occurrence that might disrupt the unambiguous semantics of familial and sexual orders had to be dealt with effectively to prevent further pollution of the social order. The birth of twins, especially of twin brothers, threatened unambiguous family lines significantly and called for sacrificial measures that restored the stability of the social order. In many societies, the second born twin child was often left exposed to the elements so that its "natural death" could restore the familial order.[27] But even two brothers of different ages could threaten ancient social orders with volatile ambiguity, as the stories of Jacob and Esau and Eteocles and Polynices symbolised well. The existence of two brothers in a family always endangered the social order and easily caused eruptions of violence.[28]

When violence erupted, priestly sacrificial rites had to intervene in order to prevent the escalation of violence. Girard emphasises the miasmic nature of violence, that is, its tendency to pollute and contaminate more and more elements of the social order, once it erupts. Of concern, here, is the vicious potential of a first act of violence to precipitate spiralling circles of ever more violent vengeance. The arbitrary selection and sacrifice of a scapegoat was the way in which ancient societies sought to terminate such spiralling circles of violent revenge and to extinguish its potential to re-erupt. Sacrifice thus emerged as the essential device through which unambiguous social orders could be restored and maintained.[29] According to Girard, the essential social role of sacrifice consisted in reducing social ambiguity, that is, in restoring the unambiguous semantic order on which social cooperation depended.

There are evident links or similarities between Hubert and Mauss' conceptualisation of the sacrificial scheme, on the one hand, and Girard's conceptualisation of this scheme, on the other, notwithstanding the obvious difference between them to which we will turn below. Sacrificial rituals can very plausibly in both cases be understood in terms of the religious absorption and channelling of a latent existential desire for bloodshed that can arguably be presumed to have existed in all archaic societies. In ancient societies, the archaic existential yearning to exit the mundane order of instrumental social cooperation so as to re-establish a connection with sacred origins would appear to have been embodied in an ambiguous complex of deep dread and desire, the most telling and compelling of which may well have been the dread of and desire for bloodshed. That a blend of deep dread and desire may well be a persistent anthropological phenomenon from which modern and enlightened humanity never quite escaped – or escaped at all – is rather evidently reflected in the Kantian definition of the sublime; hence perhaps the persistence of war as the ultimate ritual ordering of social orders even today.

It is not difficult to see how war might fulfil both the social functions related to the ambiguous desire for and dread of bloodshed that come to the fore in Hubert and Mauss' and Girard's studies of sacrificial rituals. It puts a community in touch with the "sacred lifeblood" that sustains its unity and solidarity (it makes this lifeblood

[27] Girard, *La Violence et Le Sacré*, 89.
[28] Girard, *La Violence et Le Sacré*, 92-104.
[29] Girard La Violence et Le Sacré 59, 142-143.

tangible by shedding or risking to shed it), on the one hand; and it plays a pivotal role in the maintenance of unambiguous social orders that curtail the desire for bloodshed within communities, on the other. The externalisation of the projected object of libidinal violence that war facilitates (through identifying and targeting a foreign enemy), may well serve to reduce the desire for violence within communities. War may accordingly be considered an exportation of the deep potential for violence that lies latent within all social and semantic orders. One of the most pressing questions that the emergence of a global social order – equipped as it is with apocalyptically self-destructive armaments – poses to humanity today may well concern the increasing lack of export destinations that could accommodate this externalisation of violence. The current "clash of cultures" between secular and/or Christian capitalism, on the one hand, and Islamic fundamentalism, on the other, may well be considered one of the last resorts for this archaic mode of sacrificial social ordering.[30]

Two key questions should be posed with regard to the sacrificial ordering of human existence expounded above: Might humanity one day liberate itself from its sacrificial origins, as Jean-Luc Nancy suggests it might?[31] And if not, might it at least contain its desire and or need for sacrificial foundations to sustainable levels? The answers that one may wish to offer in response to these questions may well benefit from observing a key difference between Hubert and Mauss' scheme of sacrifice, on the one hand, and Girard's, on the other. Despite all the imaginable and real continuities between their respective schemes of sacrifice, at least one crucial difference seems undeniable. Girard's theory of the scapegoat, unlike Hubert and Mauss' configuration of concentric zones of sacrificial ordering, focuses predominantly on the need for expiation. In Girard's scheme, communion and immersion with the sacred is something that is not deliberately pursued, but something that occurs inadvertently and adversely. The sacred need thus not be pursued or approached by means of sacrifice. It can be expected to intervene in social and individual life from time to time. One need not pursue it. It will simply befall one. It will all too often suddenly be around like a seductive psychological current. The real origin of this current remains a mystery, but it seems plausible to consider the miasmic potential of bloodshed as one of its key catalysts. In Girard's scheme, the need for sacrifice thus only concerns the need to avoid the sacred and to exit it as effectively as possible when exposure to it is evidently no longer avoidable. Girard's conception of sacrifice can thus be understood as predominantly concerned with the dynamics that might sustain and restore mundane existence.

This key difference between Hubert and Mauss' and Girard's respective conceptualisations of the sacrificial ordering of society provides one with a promising point of departure from which one may proceed to distinguish between two kinds of politics, one that turns predominantly on expiatory conceptions of sacrificial social orders, and one that turns predominantly on the quest for communion with sacred or holy communities. The two kinds of politics that are of concern here can roughly

[30] Hence, perhaps, also the incoherent notion that some countries should not attain nuclear capacity, for that would render contained military violence against them increasingly unfeasible.
[31] Nancy, *Une Pensée Finie*, 105.

be classified in terms of liberal and theological politics, that is, liberal politics based on, for instance, Rawlsian conceptions of public reason, and theological politics based on typically Schmittian notions of political theology. The future of sustainable levels of sacrificial social ordering (considering or at least assuming for now that some level of sacrificial ordering must be presupposed as inevitable), and the avoidance of apocalyptic ones (that can be considered excessive, unnecessary and potentially disastrous), depends largely on the former politics. It depends largely on a liberal politics that endeavours to restrict the human appetite for sacrifice to a minimum, and further to that, also endeavours to restrict this appetite to a mode of sacrifice that seeks to escape from the sacred instead of soliciting it. This thought will be pursued further in Section VII below. Section VI, to which we turn now, will first look into another mode of social ordering that may well aid the liberal concern with restricting the human appetite for sacrifice to a minimum.

VI. THE RELATION BETWEEN GIFT AND SACRIFICE IN ARCHAIC SOCIETIES

The introduction above already invoked the observation of Alexander, the main protagonist in Tarkovsky's film *The Sacrifice*: Every sacrifice entails a gift and every gift a sacrifice. Alexander's observation may well be inaccurate, but it touches suggestively on a complex problematic with which Marcel Mauss engages expressly in his seminal *Essai sur le don*. The brief engagement with this text that follows cannot and does not pretend to do justice to its richness and complexity. The aim here is only to highlight one its central themes with reference to a number of key passages. The first of these key passages is one in which Mauss contends that the morality and economy of the gift still constitutes one of the pillars of contemporary society:

> We shall observe the morality and economy at work in these transactions. And since we shall contend that this morality and economy still function constantly in our societies as its underlying dynamic, so to speak, since we believe to have found here one of the rocks of humanity [literally human rocks /*rocs humains*] on which our societies are built, we can infer from it some moral conclusions regarding a number of problems that result from the crisis that our law and our economy currently face.[32]

The transactions to which Mauss refers here concern the various practices of exchanging gifts in archaic societies that his essay analyses. The morality and economy that informed these practices, he claims, still underpin the morality and economies of European societies. He believes to have discovered in these transactions nothing less than *one* of the rocks of humanity on which human societies are built. What might the other or others be that Mauss has in mind when he refers to *un des* (one of the) *rocs humains sur lesquels sont bâties nos sociétés*?

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[32] Mauss *Essai sur le don*, Paris: PUF, 2007, 67-68 : Nous verrons le moral et l'économie qui agissent dans ces transactions. Et comme nous constaterons que cette morale et cette économie fonctionnent encore dans nos sociétés de façon constant et pour ainsi dire sous-jacente, comme nous croyons avoir ici trouvé un des rocs humains sur lesquells sont bâties nos sociétés, nous pourrons en déduire quelques conclusions morales sure quelques problèmes que posent la crise de notre droit et la crise de notre économie et nous nous arrêterons là.

He never comes back expressly to this point, but another passage early in the essay may well be a key to this question:

> The relations that result from these contracts and transactions between humans and between humans and gods explain one whole side [*tout un coté*] of the theory of sacrifice.[33]

The ritual exchanges of gifts between humans, on the one hand, and humans and gods, on the other, claims Mauss, clarifies one complete side (*tout un coté*) of the theory of sacrifice. What might the other side of the theory of sacrifice be, and how might these two sides of the theory of sacrifice relate to the other rock or rocks of humanity on which our societies are built, according to the passage quoted earlier? Mauss is again far from systematically clear as far as this question is concerned, but one point seems clear enough at this stage of our inquiry into his text: The theory of the gift or the analysis of the gift is part of a broader theory of sacrifice. This much is corroborated by the distinction between the sacrifice of communion, on the one hand, and the sacrifice-gift, the *sacrifice-don* or *offrande*, on the other, that he and Hubert draws in their *Essai sur la nature et la function du Sacrifice*. The *sacrifice-don* represents a later development in early forms of social organisation that partly displaced the blood sacrifice, the ritual of holy communion with the sacred, in which human life was offered to the gods. It constituted the first prototypal form of contract, namely, the contracts between humans and gods in which non-human animal life and later even vegetable agricultural products were offered to the gods instead of human life. Elements or cases of human sacrifice still prevailed after the inception of the *sacrifice-don*, but they henceforth remained predominantly restricted to the expiatory form of sacrifice related to criminal law and the punishment of crimes.[34]

Might human sacrifice be the other rock, then, or one of the other rocks of humanity on which our societies are built according to Mauss? It is not absolutely clear from the text, but it is surely one of the possible inferences for which the text allows. Let us return to the analysis of the rituals of giving in the *Essai sur le don* to see if we can gain greater clarity in this regard. The essay distinguishes two major ritual forms of gift-exchanges, the regular *prestation totale* and the exceptional *potlatch.* The former entailed a major inter-familial or inter-tribal event in which not only material gifts were exchanged, but also immaterial social gifts. Societal relationships in the broadest sense possible and not only material economics were at stake in these total performances of giving and receiving of gifts. Donors gave something of themselves through the gifts they bestowed on beneficiaries (*présenter quelque chose à quelqu'un c'est présenter quelque chose de soi*) This giving of (a part of) the self that accompanied the material gift established and maintained deep social ties between the givers and receivers of gifts.[35] Daughters were given away as brides, along with dowries, etc. Not only social but also sexual and familial relations were formed and regulated by means of ritual exchanges of gifts. The magic force of the gift that

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[33] Mauss, *Essai sur le don*, 94 : Les rapports de ces contrats et échanges entre hommes et de ces contrats et échanges entre hommes et dieux éclairent tout un coté de la théorie du Sacrifice.
[34] Hubert and Mauss, *Essai sur la Nature et la Fonction du Sacrifice*, 195.
[35] Mauss, *Essai sur le don*, 86.

created the social bond, which Maori jurists called the spiritual power or *hau* of the gift,[36] was the essential force that underpinned the communal ties effected by ritual exchanges of gifts. This spiritual power or *hau* of the gift is also that which made the return of the gift compulsory. The appropriation of the gift for oneself invited serious bad luck, even death"[37]

The gift economy evidently embodied two imperatives, the imperative to give and to receive gifts (to refuse a gift signalled a wilful severance of the social tie and basically amounted to a declaration of war) and the imperative not to appropriate for oneself any gift thus given and received. The second imperative, the proscription of any appropriation of the gift for oneself, relates to the social solidarity and the religious dimensions of the gift economy. Something of the self was given to the other but this something always had to be preserved and returned, and vice versa. From this resulted a network of close social ties, the force of which literally tied individuals to one another so that no one could lay claim to a completely independent form of existence, severed from the existence of others. The goal of the gift was primarily the solicitation of friendly relations, not the transfer of economic value – "*[l]e but est avant tout moral, l'objet en est de produire un sentiment amical entre les deux personnes en jeu, et si l'opération n'avait pas cet effet, tout en était manqué…*"[38]

But there was more to the giving of gifts than the feelings of friendship solicited between two people or two groups of people. The fact that the gifts circulated in successive exchanges ultimately belonged to no one in particular implied that they must have some transcendent origin. The ancients involved in gift economies shared the sense that the gifts ultimately came from and belonged to the gods. They were similarly also considered to issue from the sheer generosity of nature and the giving of gifts between persons were also considered capable of soliciting this generosity – "*les échanges de cadeaux entre les hommes … incitent les esprits des morts, les dieux, les choses, les animaux, la nature, à être "généreux envers eux. L'échange de cadeaux produit l'abondance de richess …*"[39] Exchanging gifts was for this reason also a way of evading bad spirits. "*On écart ainsi les mauvais esprits [et] les mauvaises influences …*"[40] The circulation of gifts thus tied all individual members of a gift society to one another, to the gods and to their natural environment in very fundamental way. At issue was literally a mixing of the human spirit with the spirits of things – "*on mêle les âmes dans les choses, on mêle les choses dans les âmes…*"[41]

However, in some communities, more or less restricted to northwest American Indian cultures, the circulation of gifts mutated into a destructive competition of giving. In this way developed, in contrast to the more regular forms of the *prestation totale* described thus far, the *potlatch*. The *potlatch* was an exceptional form of gift exchange in the course of which every donor sought to surpass the value of gifts

[36] Mauss, *Essai sur le don* 84.
[37] Mauss *Essai sur le don* 83.
[38] Mauss *Essai sur le don* 102.
[39] Mauss *Essai sur le don* 92.
[40] Mauss *Essai sur le don* 97.
[41] Mauss *Essai sur le don* 103.

received by giving ever more valuable gifts in return. Instead of merely confirming with every gift given in return that nothing had been covetously appropriated when the gift was received, and instead of thus merely confirming the *communality* and *community* that resulted from participation in the circle of giving, the *potlatch* turned into an excessive *individual* gesture through which the donor showed that the material worth or value of the gift meant nothing to him; hence also the development of an extreme form of the *potlatch* in the course of which gifts were no longer received and returned, but ostentatiously incinerated.

The gifts given under this extreme form of the potlatch curiously transformed the transcendental order of the gift economy. The generous giving and receiving of gifts solicited the benevolence of the gods and the generosity of nature, as we saw above. But it did so *through* giving to others and *through* receiving from others. In the most extreme forms of the potlatch this communal element of the gift economy disappeared. It was as if this extreme practice of competitive giving bypassed communal relations in order to establish a direct relation to the gods. In this respect, they could hardly be distinguished from certain practices and rituals of sacrifice. In fact, according to Mauss, these extreme forms of *potlatch* constituted a complete conflation of gift and sacrifice and an erasure of all differences between them – "*nous avons ici, purement et simplement, la confusion des deux principes du sacrifice et du don.*"[42]

We have now put enough material from Mauss' text on the table to point out its underpinning complexity and ambiguities. On the one hand, we encountered at the outset of our engagement with the text Mauss' observation that exchanges of gifts between humans constituted one whole side of the theory of sacrifice – "*tout un coté de la théorie du Sacrifice*." This observation suggests clearly that the study of the gift is a part – or side – of the bigger study of sacrifice. On the other hand, we have now also noticed Mauss' invocation of a "simple conflation" of gift and sacrifice that occurs in the irregular practice of the potlatch. Further to this, we also noticed Hubert and Mauss' observation of a certain overlap between gift and sacrifice in certain forms of sacrifice, notably the *sacrifice-don* or *offrande.*[43] These invocations of *irregular* conflations of gift and sacrifice in the practice of the potlatch, or specified overlaps between them in the practice of the *sacrifice-don*, suggest that Mauss assumed the general stability of the distinction between gift and sacrifice. An irregular conflation or specified overlap is only possible on the back of a regular distinction. And this oblique but nevertheless pertinent invocation of a regular distinction between gift and sacrifice clearly renders Mauss' initial subsumption of the study of the gift *under* the study of sacrifice (as part of the bigger study of sacrifice) puzzling and in need of further qualification and explication.

The aim of this close scrutiny of elements of Mauss' *Essai sur le don* text and Hubert and Mauss' *Essai sur la nature et la function du Sacrifice* is not to point out logical deficiencies or banal contradictions in these celebrated texts. The aim is, on the contrary, to affirm these texts as perceptive engagements with irreducibly complex

[42] Mauss *Essai sur le don* 146.
[43] Hubert and Mauss *Essai sur la Nature et La Fonction du Sacrifice*, 195

and ambiguous social phenomena that manifest themselves in variations of stable distinctions between, and occasional conflations of, gift and sacrifice. The upshot of our engagement with these texts is this: Archaic sacrificial rituals and archaic exchanges of gifts can and should neither be simply conflated with one another, nor completely distinguished from one another. Analytically one may want to make more precise sense of the various complexities that come to the fore in Mauss' *Essai sur le don* and Hubert and Mauss' *Essai sur la Nature et la Fonction du Sacrifice* along the following lines:

1) The gift can be considered a form of sacrifice, provided one understands sacrifice as a broad category of all social practices that serve as transcendental conditions for all other social practices (the pillars on which society rests, as Mauss calls them).

2) The gift must generally be distinguished from sacrifice when one considers sacrifice narrowly as a sub-category of social practices that evince specific features that are not generally attributable to the exchange of gifts. In other words, gift and sacrifice both become sub-categories of the broad category of sacrificial social practices that includes them both, but which Mauss nevertheless – for reasons on which we shall reflect briefly below – prefers to broadly call "sacrifice" (see again 1 above).

3) Among the sub-categories of social practices that can more narrowly be understood as either gifts or sacrifice (as in 2 above), there are also a number of very specific practices – the *potlatch* and the *sacrifice-don* or *offrande* – that evince characteristics of both gift and sacrifice and sometimes do so to the extent of actually erasing the key features that distinguish them from one another.

4) The very specific conflations between gift and sacrifice – *potlatch* and *offrande* – considered under 3 above belong to the overall category of sacrifice (1 above) through belonging to the sub-categories of gift and sacrifice (2 above). This specific sub-sub-category of practices that cannot be distinguished clearly as either gifts or sacrifice, contemplated under 3, should therefore not be confused with the overall assumption of gifts under sacrifice under 1.

The distinction between gift and sacrifice that will be invoked in Section VII to illuminate the essential difference between political theology and political liberalism will pivot on the understanding of gift and sacrifice as sub-categories (2 above) of the overarching category of sacrifice (1 above) that include the whole set of social practices or acts that transcendentally condition the possibility of all other social practices. Let us nevertheless reflect briefly on the relation of the sub-categories of gift and sacrifice to the overarching category of sacrifice before we turn to Section VII. Why does Mauss refer to both gift and sacrifice as sacrifice in a broad sense? It is fair to infer from the readings of both the *Essai sur le don* and the *Essai sur la Nature et la Fonction du Sacrifice* that he prefers to ultimately categorise both gift and sacrifice as sacrifice, because of the way in which they both produce the effect of the sacred. They both concern acts of *sacer facere*, acts of *making sacred.*

Why does Mauss also want to distinguish between these acts of *making sacred*? He surely does so because they produce the effect of the sacred in two very different ways. A reading of the *Essai sur le don* expounded above shows that gift exchanges were acts of solidarity that produce the effect of the sacred. When archaic communities solicited one another's generosity through gift exchanges, we saw above, they also solicited the generosity of the gods, of ancestors and of nature, but the solicitation of generosity and solidarity among humans came "first." Sacrifice, on the other hand, also solicited solidarity, but the reading of the *Essai sur la Nature et la Fonction du Sacrifice* expounded above shows that sacrifice solicited solidarity through acts that firstly sought to solicit the benevolence of the gods and the presence of the sacred. In other words, in the case of sacrifice, the solicitation of the gods came "first" and "solidarity" second. Solidarity was produced through soliciting the benevolence of the gods. This explains Mauss' observation that some extreme forms of the *potlatch* were aberrations of the gift that turned the gift into an act of sacrifice. This was evidently the case in practices of the potlatch that no longer circulated goods and goodness among humans, but simply incinerated goods for purposes of exhibiting a sovereign disdain for and defiance of all mundane concerns with value. These forms of the potlatch evidently sought to communicate directly with the sacred through a complete disregard for the mundane.

The overlaps and distinctions between gift and sacrifice expounded here are crucial for the distinction between political liberalism and political theology that will be drawn in Section VII, to which we turn now. Section VII will argue that both political liberalism and political theology are concerned with or involved in sacrifice or *sacer facere* in the broad sense contemplated under 1) above. They are both concerned with and involved in the transcendental conditioning of social co-existence. However, political liberalism and political theology largely (not completely) part with one another with regard to the sub-categories of gift and sacrifice contemplated under 2 above. Political liberalism, it will be argued, would prefer to establish the transcendental conditions of social co-existence through gift exchanges. Political theology, on the other hand, is inclined to do so through sacrifice (in the narrow sense of the word), and specifically through acts of sacrifice that seek communion with the sacred. To the extent that political liberalism cannot rely entirely on gift exchanges but also sometimes has to rely on sacrifice to establish the transcendental conditions of social existence, it typically engages in acts of sacrifice aimed at escaping from the sacred, that is, expiatory forms of sacrifice. The ideal type of political liberalism that will be described below, pivots on a principled refusal to engage in sacrifices of communion.

VII. POLITICAL THEOLOGY AND PUBLIC REASON

Seen from a Girardian perspective, both Schmittian conceptions of political theology and Rawlsian conceptions of public reason turn on sacrificial foundations. Both political theology and public reason seek to establish unambiguous social and semantic orders on the basis of which expectations within a community can be secured and coordinated in terms of a circumscribed set of rights and duties that

every member of the community can be expected to know and respect.[44] There is, however, a crucial difference between a political theological and a political liberal social order and this difference turns on the respective levels of semantic ambiguity that they are prepared to tolerate.

Schmittian notions of political theory seek to expel all ambiguity from the semantic order. It externalises all elements of social difference with reference to a constitutive friend-enemy index that turn political communities into unambiguous circles of pure "friendship," pure solidarity and complete unity.[45] The crucial operative terms in Schmitt's conceptualisation of politics are *existential unity* (*Einheit*) and *sameness* (*Gleichheit*). *Sameness*, moreover, encapsulates for Schmitt two further operative notions, namely, *identical similarity* and absolute *equality.*[46] It should be clear that no hermeneutic failure is thinkable *within* political communities that are constituted by an existential unity and sameness of which the key features are identical similarity and absolute equality. The semantic orders that organise (or emerge from the organisation of) such communities of unity and sameness evidently aim to avoid social ambiguity completely, or as far as absolutely possible. The only semantic ambiguity that can arise against the background of such unity and sameness must come from clear exceptions to the regular order. Criminal refusals to abide the law, on the one hand, and foreign hostility that threaten the semantic order from *outside*, on the other, are the quintessential examples of such exceptions to the order. When these exceptions materialise, the community declares them as such. They declare the exception and acts upon it in sovereign fashion. It does so through acts of expulsion and mobilisation. It declares non-abiding members of the group *outlaws* and *non-members*. Hostile foreigners or hostile foreign groups are similarly declared *enemies*. These sovereign acts restore the semantic order in no uncertain terms. They expel from it the ambiguity that threatened the unity and sameness of the community during the state of exception.

Seen from the perspective outlined here, Schmittian conceptions of political community are largely in keeping with the Girardian conceptualisation of community in terms of the expulsion of ambiguity and the restoration of univocal semantic order. And, as we shall see below, liberal political orders cannot avoid all elements of this "Schmittian" dimension in their constitutive practices. They have to admit some of them. They too are frequently threatened by criminality and foreign hostility and called to respond to these threats in sovereign fashion. Paul Kahn's "placing" of liberalism within a Schmittian sacrificial order is quite right in this specific respect.[47] However, Schmittian conceptions of political community typically do not stop here. They typically also *embrace* criminality and foreign hostility as invigorating occasions that reconfirm and revitalise the sovereign unity and sameness of the political

[44] I believe the political theological endeavor fails in this endeavor, as I explain elsewhere: See Van der Walt *The Horizontal Effect Revolution and the Question of Sovereignty*,
[45] Carl Schmitt, *Der Begriff des Politischen,* Berlin: Duncker & Humblot, 1996 (1932), 26-47.
[46] Schmitt *Verfassungslehre*, Berlin: Duncker & Humblot, 2003 (1928), 3-11.
[47] Paul Kahn, *Putting Liberalism in its Place*, 233-234.

group.[48] They celebrate the military and soldierly identity of the group.[49] And to the extent that they do this, they evidently reflect a desire for sacrifice that exceeds the need for expiatory forms of sacrificial organisation that societies may well not be able to avoid. In this respect they evidently also turn in many respects on notions of sacrificial solidarity of the kind that Robertson Smith and Hubert and Mauss describe with reference to *sacrifices of communion*.

In other words, Schmittian conceptions of political community ultimately are or become positive concerns with orders of sacred communion and immersion. It is with regard to this positive concern with immersion in and communion with the sacred that liberal politics typically resists Schmittian conceptions of the political. It is with regard to this point that Kahn's instructive but ultimately limited analyses of liberalism require further development. His placing of liberalism within a framework of sacrifice is not entirely spurious, but it can hardly be considered complete, and this lack of completion ultimately renders it inaccurate. Political liberalism characteristically turns on Kantian and Rawlsian concerns with peaceful cosmopolitanism. Political liberal communities, considered as an imaginary community, surely do not imagine themselves in terms of military or soldierly exigencies (from which, all too often, they of course also do not escape, as already mentioned above). They do not understand themselves as organised around a military essence. They are surely not driven by the dark desire to risk bloodshed and thus to touch, taste and confirm the lifeblood of their political existence. Their concern with blood is predominantly the Girardian concern with the prevention of bloodshed and the prevention of the disastrous pollution and contamination of semantic orders that result from bloodshed.

Political liberalism is committed to an inclusive cosmopolitan world order. Liberal political orders would therefore, as far as circumstances would allow, avoid military conflict and the bloodshed concomitant to it. This avoidance has a significant impact on its attitude to sacrifice. Its commitment to an expanded cosmopolitan inclusivism largely discourages it from insisting strictly on unambiguous semantic orders. It therefore also discourages it from externalising ambiguity through criminalisation and military animosity. The result of this attempt at minimising its sacrificial scheme is a significant increase of internal social ambiguity. Liberal societies cannot avoid this loss of unambiguous semantic ordering. It is defined by it. It prides itself with it. At stake in this loss is a live and let live philosophy – a living with differences – that constitutes the liberal heart of liberal democracies.

Social orders that no longer rely predominantly or pervasively on the sacrificial externalisation or exportation of social ambiguity and do so only for purposes of restoring and maintaining minimum levels of internal semantic clarity, surely need other ways of coping with the social ambiguity that they prefer not to export or

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[48] See Schmitt, *Der Begriff des Politischen,* 46-47.

[49] Cf. Schmitt, "Totaler Feind, totaler Krieg, totaler Staat," in *Positionen und Begriffe: im Kampf mit Weimar - Genf - Versailles : 1923-1939*, Berlin: Duncker & Humblot GmbH, 1994, 273: "Deutschland hat diesen Zwiespalt [zwischen bürgerlicher Gesellschaft und preußischem Soldatendstaat] heute überwunden und entfaltet in geschlossener Einheitlichkeit seine Soldatische Kraft."

externalise. This is surely true of liberal social orders. How do liberal societies cope with ambiguity that they prefer not to export? The different way in which liberalism copes with social ambiguity usually goes by the name of *tolerance.* Nancy recently observed that tolerance does not constitute an adequate foundation for social solidarity, hence the eternal return of sacrificial political theologies.[50] In other words, according to Nancy, political theology would seem to secure foundations for social solidarity in ways that liberal tolerance fails to do, hence the eternal appeal of the former, often at disastrous costs of the latter. However, quite to the contrary of what Nancy suggests, liberal conceptions of political community often provide viable and durable alternatives to political theological organisations of society. This suggests that there is much more to liberal tolerance than Nancy would seem to recognise. Could it be that liberal tolerance embodies something that is closely enough related to sacrifice to command much of the religious force that sacrifice commands, but different enough from sacrifice not to demand the refusal to accommodate difference and ambiguity that political theological orders appear to demand? And if this is the case, might this "something" at the root of liberal tolerance not be described in terms of a liberal exchange of social *gifts*? Is it not indeed the mysterious force of the gift – the *hau*, as the Maoris called it – that sustain liberal societies? Is it not the force or energy of the gift that allows liberal societies to live with and overcome most or at least many (certainly not all) difficulties associated with social ambiguities and differences?

John Rawls provides one with a description of the liberal organisation of society that can indeed be likened to an exchange of gifts. He describes the emergence of a stable liberal political ethos in terms of the gradual transformation of an initial *modus vivendi* into a veritable overlapping consensus. The process starts with a compromise that inaugurates a mere *modus vivendi*. The more all the participants in the process abide the terms of the initial compromise, the more do they also gain trust that the terms of the compromise will also be respected in future. In the course of this process, that which usually begins with nothing more than a precarious liberal democratic compromise between individuals with profoundly different burdens of judgment (and conflicting comprehensive worldviews), eventually turns into a more or less stable overlapping consensus. Where and how do considerations of gift and sacrifice figure in this process? To assess the role that the giving and receiving of gifts play in this emergence of a political liberal consensus, one only needs to pay due attention to the simple fact that someone always has to take the first initiative, without knowing whether the initiative will be reciprocated. Someone simply has to take a chance and run a risk. By taking this chance, the person doing so *gives* everyone else involved the chance to respond. The significance of the first social initiative must not be underestimated.[51]

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[50] Jean-Luc Nancy "Church, State, Resistance" in Hent De Vries (ed) *Political Theologies – Public Religions in a Post-Secular World* (New York: Fordham University Press, 2006) 109.

[51] See in this regard my discussion of the role that Nelson Mandela played in the political transition in South Africa in Van der Walt "*Timeo Danais Dona Ferre* and the Constitution that Europeans May One Day Have Given Themselves" in Van der Walt and Ellsworth (eds) *Constitutional Sovereignty and Social Solidarity in Europe*, Baden-Baden: Nomos/Bloomsbury, 294-397.

However, at this early stage of social cooperation, reciprocation too, is hardly any less a matter of taking chances and running risks, and thus of *taking and giving chances* in return. At this early stage, nothing warrants the assumption that the first initiative will be corroborated by another. Only when reciprocation has been forthcoming for a considerable length of time do the chance and risk elements of early initiatives and reciprocations dissipate to make way for significant levels of mutual trust and stable expectations. Only then can one begin to confidently assume the existence of an overlapping consensus that ultimately warrants something like a social contract with constitutional rights guarantees that have been made "sacred" and are no longer to be violated. Indeed, the exchange of gifts can also make sacred. It can also become a process of *sacer facere*, and of laying foundations. This is also why Mauss subsumes the gift under sacrifice in the broad sense of *sacer facere* as we contended towards the end of Section VI (see again the first of the four points of analysis outlined there).

And yet, the gift remains distinguishable from *sacrifice* in significant respects. Perhaps the most important of aspect of its difference from sacrifice lies in its sheer horizontality. It makes or contains no initial appeal to transcendence. It is not accompanied by any claim to truth or authority that can be imposed on the other, from above, so to speak. It turns on an invitation that is unaccompanied by imposition. The self puts him- or herself on the line, but the other remains free to respond or not. Considered from this angle, the bringing of the first gift is the closest thing to *self*-sacrifice imaginable. The bringing of the first or early gift puts only the self at risk. In comparison, sacrifice is always a vertical affair. Whatever communality or horizontality it founds, always comes second, if it comes at all. Sacrificial solidarity is always conditioned by a direct relation to the sacred. The sacred is its foundation. It is already in place in advance, and it therefore justifies an imposition. All of this is different in the case of the gift. The gift commences without foundation, without ground. Its groundlessness is exactly what makes it a gift. Whatever ground it later attains, whatever it may make sacred in the course of time, whatever consensus it eventually establishes, always comes second, and later. This much is clear from both Mauss's exploration of gift economies and Rawls' genealogy of liberal consensus.

We can also learn from both Mauss and Rawls that the consensual grounds that may emerge from an initial exchange of gifts remain conditioned by its initial groundlessness. Mauss suggests – perhaps obliquely but certainly clearly enough – that the element of risk cannot be eradicated from the gift economy.[52] The gift – and the return of the gift – therefore remains groundless. The gift remains a gift. To the extent that it may become an obligation, it never becomes a founded obligation, the "foundedness" of which dispels the element of giving on which it turns. How can Rawls be said to be teaching us something similar? Perhaps his is also no more than an oblique instruction, but it can hardly be doubted that Rawls remains profoundly aware of the irreducible precariousness and fragility of any liberal consensus.[53]

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[52] See Mauss, *Essay sur le don*, 180. For a discussion of the significance of this aspect of Mauss' essay in Van der Walt, "The Origin of Obligations: Towards a Fundamental Phenomenology of Legal and Moral Obligation" in Scott Veitch et al (eds) (forthcoming).

[53] See Rawls *Political Liberalism,* 240-241.

Those liberals who continue to stick to the consensus, do not do so with the secure knowledge that its terms will be enforced. They know that it will often not be enforced or enforceable. Sticking to the deal therefore always remains, in some measure, a matter of groundless graciousness. The transformation of a modus *vivendi* into an overlapping consensus is never complete. The gift of liberal or constitutional democracy concerns the ultimately irreducible rest of risk-taking in which liberal democratic citizens engage on a daily basis. Liberal democracy pivots on this gift of taking risks with others.

Can this reading of Mauss and Rawls stand up to Jacques Derrida's deconstruction of Mauss *Essai sur le don?* Derrida observes in response to the essay that there is no real gift at stake in any of Mauss' contentions regarding the gift economy. Strictly speaking, Mauss is talking about early forms of contract and not about gifts, he claims.[54] The point that he makes is surely forceful. We have seen from Mauss' analyses of the gift economies of archaic societies that stable expectations in long standing arrangements of giving and counter-giving eventually attain a contractual quality that renders the distinction between the reciprocal giving of gifts and mere compliance with regular contractual duties questionable. There is therefore no gift at stake here, in any case no pure gift that truly lives up to its name. However, the very impurity of the gift – the fact that it cannot be extracted from contract – surely also points to the impurity and imperfection of contract. A gift that is at least in part a contract implies a contract that is at least in part a gift. Derrida's insight can be turned against him by insisting that all contracts, at least in so far as they do not turn on sheer sacrifice of the other, must at least partly be a gift.[55] And it is this insight that guides the understanding of political liberalism or liberal democracy that is proposed in this essay. The gift that political liberals and liberal democrats give to one another on a daily basis concerns the irreducible imperfection of the social contract between them. It concerns their willingness to stick to the deal despite its imperfection. This imperfection is the very condition for the graciousness that they show one another on a daily basis, *as long as they show it*. Nothing is really guaranteed, least of all graciousness. That is why Philip Stephens is compelled to ask the "why now question?" that he is asking with regard to the current rise of illiberal

[54] Jacques Derrida, *Donner le Temps 1. La Fausse monnaie*, Paris: Galilée, 1991, 39.

[55] It is of course true that the element of risk is reduced significantly by the fact that compliance with contractual obligations can in principle be enforced coercively. However, a significant margin of risk always remains. The possibility of enforcement undoubtedly reduces the risk, but not entirely. Every experience with litigation and the machinery of coercive legal enforcement is still accompanied by immense loss – loss of time, loss of basic existential energy and opportunity, ultimately also the material or patrimonial loss that results from imperfect or frustrated enforcement. The possibility of coercive enforcement never eradicates the significant extent to which contractual transactions turn on taking a chance with the ultimate willingness and ability of the other party to comply with the terms agreed. This is why there is an essential element of giving at the very heart of every contractual transaction. This basic reality is all the more evident in the case of violations of the social contract and the fundamental rights that it "guarantees." These "guarantees" must remain written between scare crows, for no enforcement can restore them in the wake of violation, not only because post-violation enforcement is imperfect, but also because they were never fully warranted to begin with. In the acceptance of the imperfection of fundamental rights "guarantees" – the acceptance of the wide margin with which they always fall short of what they promise – lies the fundamental risk and chance that committed members of liberal societies take with one another on a daily basis.

and anti-liberal populisms. The United States and many regions of Europe seem to have lost the crucial margin of graciousness – we may also call it civility, with Rawls – that they need to hold their liberal institutions in place.

What exactly is it that liberals give to one another on a daily basis, when they do? Let us begin to answer this question by noting that Derrida's "critique "of Mauss ultimately "fails." Contract does not displace the gift in the circle of gift exchanges that Mauss describes, for there is no such thing as a pure contract that is the complete opposite of the gift or complete displacement of the gift. There is no contract that is not at least partly conditioned by the gift. Perhaps one should also note that Derrida's critique was probably never meant as a critique and never meant to "succeed." What *must* be noted, however, is the crucial insight at which Derrida arrives in the course of his "failed" critique of Mauss, for it is in this insight that goes to the heart of the gift that liberals give to one another, when they do or *if* they do. *If* it were possible to distil a moment of pure giving from an impure mix of gift and contract, that moment of pure giving would consist in giving the other the *chance* and the *time* to reciprocate. Giving is then essentially not a matter of giving value. It is a matter of giving *time*.[56] This is also the essential insight regarding political liberalism that this essay seeks to put forward in response to the worrying un-giving and unforgiving tendencies of the time that we live in, assuming – not without trepidation – that we can must still talk about *time* here, and not – not yet – about some dark hour of truth and sacrifice.

The liberal heart of the liberal social contract consists in the essential risk that liberals take with one another, the risk which conditions in *transcendental* fashion the time that they give to one another, and the space that comes with this time. That is how liberals live and let live. Their liberal constitution surely concerns fundamental norms that have become sacred for them, but they never turn to the sacred to become one with it. They turn to it, paradoxically, or perhaps even ironically, only to turn away from it and indeed *to get away from it*. In the final analysis, their liberal constitution remains for them an empty reference or referent that they only invoke procedurally for purposes of getting ordinary life somehow back on track again in the wake of some or other deeply hurtful or at least deeply frustrating social disruption. This, in any case, would appear to be the liberal constitutional spirit that that Frank Michelman envisages when he contemplates a *procedural* constitutionalism that might vault us past our differences and help us, not to resolve them with reference to *substantively* correct answers that embody sacred truths, but simply to get over them so as to get on with things again.[57]

It is a completely different spirit – a very different psychologic current, as Stephens puts it with reference to Orwell – that sets in when people turn to the sacred to realise and give effect to it in everyday life, so as to become fully one with it. When this happens, the spirit of the gift gives way to a desire for sacrificial communion; and the willingness to live with social ambiguity and irreducible uncertainty – gives

[56] Derrida, *Donner le temps*, 45: Ce *[ce] qu'il y a à donner, uniquement, s'appelerait le temps.*

[57] See Frank Michelman, *Modern Law review*, "Constitutional Legitimation for Political Acts," *The Modern Law Review* 66, no. 1 (2003): 1–15.

way to a narrow and unforgiving concern with sacred truths to which everyone must confess in order not to become outcasts or enemies.

But why now?

VIII. THE GIFT OF TIME AND THE HOUR OF SACRIFICE (CONCLUSION)

The aim of the above exploration of different modes of sacrifice and of the possibility of a distinction between gift and sacrifice was to illuminate what really happens at a deeper level of political and social consciousness in temporal swings from liberalism to populism of the kind we are currently witnessing in the United States and Europe. A cloud is nevertheless still hanging over the long way already travelled thus far. The cloud is still Philip Stevens "why now?" question. It is still hanging there and still demands an answer, or some sort of response. This closing section of this essay will now retrace the path it has travelled up to now and then conclude with an at least plausible and hopefully instructive response to Steven's "why now?" question.

This essay drew a number of distinctions on the basis of insights gained from the anthropological works of William Robertson Smith, Henri Hubert and Marcel Mauss and René Girard. Key among them was the distinction between sacrifices of communion and expiatory sacrifices, on the one hand, and the distinction between gift and sacrifice, on the other. A third kind of sacrifice, aimed at the reduction of social ambiguity on which the work of especially Girard focuses, was considered a very specific category of the expiatory sacrifices that Robertson Smith and Hubert and Mauss distinguish from sacrifices of communion.

All these distinctions should be (and were hopefully) approached with due care. They concern highly complex social phenomena that do not allow for the drawing of clear lines and watertight categorizations. Robertson Smith draws a relatively clear distinction between sacrifices of communion and expiation, but also shows that the same sacrificial rituals more or less served both purposes. Hubert and Mauss likewise insist that sacrifices of communion and expiation are different moments in a complex but unitary sacrificial scheme. From Mauss we also learned about another complex bundle of phenomena that seems to allow for a distinction, on the one hand, and fails to allow for it, on the other. Of concern, here, is the relation between gift and sacrifice. A theory of the gift is one part of a complete theory of sacrifice, Mauss claims on the one hand, suggesting that the gift is part and parcel of the phenomenon of sacrifice. However, he also claims, on the other hand, that certain forms of the gift – the potlatch in particular – constitutes an exceptional confusion of gift and sacrifice, thereby suggesting that gift and sacrifice can and must generally distinguished from one another. We unpacked this complexity with reference to an overarching category of sacrifice (*sacer facere*) within which sub-categories of "gift" and "sacrifice" in the narrower senses of these words can be distinguished, sub-categories which in turn comprise sub-sub categories of exceptional phenomena of gift and sacrifice that again seem to erase the distinctions that make the sub-categories possible. The analytical conceptual relief that this unpacking affords

evidently does not dispel the complexity of the social relations involved in the phenomena of gift and sacrifice.

Considering these complex relations between different kinds of sacrifice and between gift and sacrifice, the links constructed in this essay between political liberalism and expiatory sacrifices, on the one hand, and between liberalism and the economy of the gift, on the other, should also be considered unstable and precarious. The same applies to the link forged between populism and/or fascism, on the one hand, and sacrifices of communion on the other. However, the instability and precariousness of these links do not render them spurious. It only means that they should not be presented in terms of over confident identifications of fixed essences or stable categories, but rather in terms of heuristic constructions of *relatively* distinct patterns or constellations of social phenomena that allow for some general and generalising observations while demanding adequate leeway for rather frequent exceptions.

However, with this caveat is firmly in place, nothing seems to pose a serious obstacle to concluding the reflections in this essay with an observation that political liberalism generally turns on a gift economy that avoids sacrificial practices as far as it can. And, to the extent that political liberalism cannot avoid sacrificial social practices, the sacrifices from which it cannot extract itself will generally be of the expiatory kind. They will consist in practices that only invoke the sacred when forced to do so by circumstances that they would have preferred to avoid, and even then, will they mostly consist in a procedural ruse that almost immediately allows for a retreat from the encounter with the sacred that circumstances made inevitable. Liberals will invoke inviolable human or constitutional rights guaranteed by a sacred social contract in the face or wake of traumatic social disruption, but they generally understand well that the procedures – be they executive, judicial or legislative – on which they rely for the enforcement of these rights never *embody* these rights. They do not realise them. They only allow for a plausible retreat from them. They only allow for a retreat that, on the one hand, remains faithful enough to them to sustain the claim that they are duly honoured, while remaining adequately distanced from them, on the other hand, to allow for a politically, socially or functionally effective and speedy return to a mundane existence that is and must remain little concerned with sacred foundations.

That is why "fascist liberalism" or "liberal fascism" or even just "overly zealous liberalism" must be considered unthinkably oxymoronic notions. Liberalism does not seek to embody the principles of liberalism in a way that populisms and fascisms do. When it remains true to itself, it remains true to the paradox that Ernst Wolfgang Böckenförde's salient dictum regarding liberal secular state: The liberal state depends on (literally lives from – *lebt von*) presuppositions that it cannot endeavour to guarantee. It enters this risky condition (without guarantees) for the sake of the liberty that it avows.[58] This is another way of articulating the paradox that Lefort

[58] Ernst-Wolfgang Böckenförde, *Staat, Gesellschaft, Freiheit*, *Studien zur Staatstheorie und zum Verfassungsrecht*, Frankfurt a.M: Suhrkamp, 1976, 60: "Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann. Das ist das große Wagnis, das er, um der

attributes to democracy when he describes it as the one arrangement of power that insists that the seat of power must remain empty and gives effect to this insistence by sustaining an unbridgeable gap between the symbolic and the real. It is this gap that populisms and fascisms seek to erase through sweeping obsessions with identity and essential foundations. Populist and fascist movements pivot on the obsession to embody their constituting symbols and to erase the divide between the symbolic and the real. This is the primal unity that they seek to achieve through a notion of self-sacrifice that always culminates in sacrificing others.

Why *now*? Because populists and fascists decide *now.* The question of time and temporality that Stephens brings into play when he asks "why now?" cannot be answered by providing a list of factors that explain why this obsession with the unity of the real and the symbolic – this obsessed psychological current – occurs *when* they occur. When one approaches the temporal question in this way one can hardly do better than offering the list or reasons that Stephens considers himself – stagnating incomes, hubristic elites, post-crash austerity, the insecurities thrown up by technology and globalisation, the cultural shocks of migration. But the "why now?" question cannot be answered adequately with reference to a list of social factors that happen to subject societies to "new" strains and tensions to which they were not subjected before or up to recently, as Stephens senses quite correctly. It must ultimately be answered with reference to the ways in which people respond to these "new" strains. And is with regard to this response to social strains and pressures that theories of sacrifice and the gift do cast significant light on the "why now?" question. The "now" occurs when critical masses of people decide the time is up; when they decide that the hour of sacrifice has arrived. The "now" does *not occur* as long as critical masses of people decide to *give time*, to *give the gift of more time*.

Social realities always become manifest as mixes of many things, and often as mixes of contradictory things. But to the extent that references to "ideal types" do sometimes contribute to one's understanding of complex social phenomena, one may wish to consider the assessment that populists and fascists are always inclined and ready to declare the hour of sacrifice, they just wait for opportune moments to do so. And when they do, they also seek to make this hour last. They would make the hour of sacrifice last a thousand years if they could. They would terminate ordinary time for the sake of extraordinary time. Political liberals, on the other hand, are always inclined to give more time until misfortune ultimately forces them too to call the hour of sacrifice. However, when liberals finally call the hour of sacrifice, their sole concern remains to retreat from it as soon as they can, so that regular time can commence once more; so that regular time can be given once more. Regular

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Freiheit willen, eingegangen ist. Als freiheitlicher Staat kann er einerseits nur bestehen, wenn sich die Freiheit, die er seinen Bürgern gewährt, von innen her, aus der moralischen Substanz des einzelnen und der Homogenität der Gesellschaft, reguliert. Anderseits kann er diese inneren Regulierungskräfte nicht von sich aus, das heißt mit den Mitteln des Rechtszwanges und autoritativen Gebots zu garantieren suchen, ohne seine Freiheitlichkeit aufzugeben und – auf säkularisierter Ebene – in jenen Totalitätsanspruch zurückzufallen, aus dem er in den konfessionellen Bürgerkriegen herausgeführt hat."

time would appear to be just ordinary time. It is surely much too ordinary from a populist or fascist point of view. However, when one begins to realise that ordinary time turns on a gift that liberal minded people give one another on a daily basis, and very often give one another under difficult circumstances, one also begins to grasp that regular time is not just ordinary time. It is then that one also begins to realise that nothing needs to be done to make time extraordinary.