

Spring 2019

Myth Busting: Rethinking Social Contract Theory and Reorienting Sovereignty from John Locke to Georges Bataille

Mandalay Maelee Win
Bard College

Follow this and additional works at: https://digitalcommons.bard.edu/senproj_s2019



Part of the [American Politics Commons](#), and the [Political Theory Commons](#)



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 4.0 License](#).

Recommended Citation

Win, Mandalay Maelee, "Myth Busting: Rethinking Social Contract Theory and Reorienting Sovereignty from John Locke to Georges Bataille" (2019). *Senior Projects Spring 2019*. 120.
https://digitalcommons.bard.edu/senproj_s2019/120

This Open Access work is protected by copyright and/or related rights. It has been provided to you by Bard College's Stevenson Library with permission from the rights-holder(s). You are free to use this work in any way that is permitted by the copyright and related rights. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself. For more information, please contact digitalcommons@bard.edu.

Myth Busting: Rethinking Social Contract Theory and Reorienting Sovereignty
from John Locke to Georges Bataille

Senior Project Submitted to
The Division of Social Studies
of Bard College

by
Mandalay Win

Annandale-on-Hudson, New York
May 2019

Acknowledgements

I would like to thank, first and foremost, my loving parents and siblings. Thanks to all other family members who have nurtured me as far as nature would allow. Thanks to Jeremy Hall at Stevenson Library for always having an answer to my never-ending list of questions regarding citations. I would also like to give thanks to my board members for their time and support. To Simon Gilhooley, who introduced me to social contract theory during my first semester at Bard. To Kevin Duong, who once wrote in a crite sheet that I am “a solid student who should continue taking classes in the history of political thought, as she’s great at it.” To all other professors, be careful what you write on our crite sheets! And to my adviser Samantha Hill, who has pushed me to be more daring in my thought and more bold in my pursuit. Your mentorship has meant more to me than any formation of words can accurately express. Lastly, I would like to thank my entire Bard family (you know who you are!) Special thanks to Hannah for being my day one through thick and thin, to Stella for being my Political Studies companion and so much more, and to Livy without whom both this project and my life would be incomplete.

Table of Contents

Introduction.....	1
Locke: A Failure of Theory or a Failure of Practice?.....	6
Reorienting Sovereignty from Social Contract to Sovereign Acts.....	28
Myth Busting.....	50
Conclusion.....	68
Bibliography.....	71

*In Loving Memory of
Skinny Bitch*

Introduction

*Disasters, revolutions, and volcanoes do not make love with the stars.
The erotic revolutionary and volcanic deflagrations antagonize the heavens.
As in the case of violent love, they take place beyond the constraints of fecundity.
In opposition to celestial fertility there are terrestrial disasters, the image of terrestrial love
without conditions, erection without escape and without rule, scandal, and terror.*

—Georges Bataille, *The Solar Anus*

Despite being infamous for his erotic works, such as *The Solar Anus* and *Story of the Eye*, Georges Bataille offers a compelling political philosophy in *The Accursed Share*.¹ While some of his critics devalue his philosophical work on the grounds of his penchant for deviant behavior, the following project will argue that Bataille's political philosophy offers us a persuasive alternative to traditional social contract theory.² This project works to reorient the concept of sovereignty from its normative location in social contract theory to alternative expressions of it in Bataille's writing.

This project is not an attack on social contract theory as a whole, instead it aims to push back against the conventions and institutions which were once derived from a social contract and expose the ways in which they fail to serve the people who they claim to represent today. In the following chapters the various traditional social contract theories of Jean-Jacques Rousseau and Thomas Hobbes will be engaged, as well as nontraditional social contract theories, such as that

¹ Georges Bataille, *Visions of Excess*, trans. Allan Stoekl (Minneapolis, MN: University of Minnesota Press, 1985); —, *Story of the Eye*, trans. Joachim Neugroschel (San Francisco, CA: City Lights Books, 1987); —, *Eroticism and Sovereignty*, trans. Robert Hurley, vol. 2 & 3, *The Accursed Share: The History of Eroticism and Sovereignty* (New York, NY: Zone Books, 1993).

² Critics of Bataille, such as Arendt, Habermas, and Cavarero, will be discussed in further detail in chapter two.

of Plato. However, John Locke's social contract serves as the primary example of social contract theory against which Bataille's philosophy is held.

I decided to focus on Locke over his contemporaries primarily because of his influence on the founding of the American republic. A critical analysis of Locke's social contract theory provides insight into some of the practical shortcomings of the political institutions that give form to American government. The case of America presents us with a unique example of the failure of social contract theory. The uniqueness of the American example, like myth, is twofold: in origin and in perpetuation.

Unlike the social contracts of countries like France or England, America's social contract founded an entirely new political organization. While the French and English revolutions, which inspired the social contracts of Rousseau and Hobbes respectively, resulted in the amendment of existing orders, the American revolution allowed for a radically new social and political beginning. Yet, American Revolutionists limited their political imaginations to the preexisting thought of thinkers like Locke. Despite making a claim in their declaration of independence to ground their political organization in continental reality, early Americans were still bound to the need for mythological explanations and philosophical treatises that rested upon imaginary human conditions. Social contract theory offers us a mythical origin of its political organization that ultimately works to reinforce extant political institutions that are not necessarily reflective of our contemporary moment.

The second paradox of social contract theory is found in the tension between the historical moment in which a text was written and the contemporary life of a philosophical work. In many ways America's collective political imagination is largely reliant on the perpetuation of our foundational myth. The essence of American identity demands a patriotic attachment to land,

to liberty, and most importantly to our shared social contract. This is seen in the invocation of the Constitution when deeming issues either just or unjust, or in more concrete political disputes like one's attachment to the Second Amendment right during gun debates. It is also seen in the narrative of the American Dream, in which anyone can come to America and succeed in a way that early American founders did. The historical truth of the American founding, which rests on genocide, slavery, and the possession of land, is overlooked in order to preserve the philosophical good of its mythical origins. In reality, people prefer the rhetorical security of their constitutional rights over the safety and well-being of their fellow Americans. Who are we without our land? Who are we without our liberty? Who are we without the social contract that binds us together? What is America without its founding narrative? There is much to be said about the political problems that plague America today, in addition to the political strife we face world-wide. Unfortunately, I cannot take up these questions here, though I hope to address them adjacently while focusing on the manifestation of Locke's social contract in the United States.

Understanding the mythology of social contract theory carries with it important implications for our social and political life. While it encourages a level of distrust of convention and skepticism toward prevailing systems of authority, it also encourages us to look beyond standard visions of sovereignty in order to grasp it. Myth's detachment from reality obstructs a social contract's ability to realize its citizens' sovereignty. While myth exists in theory, sovereignty exists in reality and is enforced through legal institutions. The reality of sovereignty is the pervasive problem of who has it and who ought to have it. This question of possession can be theoretically debated but sovereignty is fundamentally a practical matter and the theory around sovereignty should be historically grounded. It is my argument that Bataille's political philosophy witnesses and expresses reality in ways that traditional social contract theory cannot.

It is important to note that Bataille's philosophy does not entirely escape paradox. The issue of his work lies in its necessary dependence on the inventions which perpetuate the very mythology he dispels. Despite claiming that "all words strangle [him]," Bataille is reliant on the conventions of language and knowledge which allow his work to be read, understood, and incorporated into the collective political imagination.³ However, Bataille is able to transcend the paradox between theory and practice which ultimately hinders Locke.

Unlike Locke, Bataille's life and philosophy demonstrate solidarity.⁴ What little we know about his personal life comes from what he himself chose to share with his readers, either in a contemplative forethought or explanatory postscript. We know that Bataille was born in 1897 in Reims, France, to a mother and a paralyzed, blind, and syphilitic father, whom he and his mother abandoned in 1915 when Germany began to invade. In defiance of his father, who refused religion, Bataille temporarily embraced Catholicism until the early 1920s when he began attending school in Spain to train as a medievalist librarian. He ultimately gave up the librarian life to pursue a writing career. He became interested in subjects such as mysticism, eroticism, and temporarily surrealism, until becoming a member of the Collège de Sociologie. Bataille's turn away from surrealism, and so too organized religion, marks his movement toward social explanations that are grounded in physical experience rather than unconscious influences. As a member of the Collège de Sociologie, Bataille developed an interest in human sacrifice, deviance, and sovereignty. Despite having limited knowledge of his personal life, the consistency of his written work, both in poetry and literature, also effectively confirms the integrity of his political philosophy.

³ Georges Bataille, *The Collected Poems of Georges Bataille*, trans. Mark Spitzer (Chester Springs, PA: Dufour Editions Inc., 1998), 13.

⁴ The paradox between Locke's social contract theory and practical participation in governance will be raised in chapter one.

Bataille's work is significant in part precisely because it employs the erotic. While his critics engage in efforts to other and taboo pleasure, Bataille is able to reconcile theory and practical life by grounding his philosophy in what is most personal to the human experience: desire. In fact, he positions desire at the center of sovereignty. His version of desire, much like his version of sovereignty, is nuanced. Both desire and sovereignty, according to Bataille, are unbound by the limits of objective life. The pursuit of desire beyond convention—that is, “beyond the constraints of fecundity” as he proclaims in *The Solar Anus*—realizes one's sovereignty. Expressions of erotic desire unravel the myth in the same way that a “terrestrial disaster” does. They both do so in excess. By acting “without escape and without rule, scandal, and terror” —by acting *excessively*—the individual breaks the binds of the social contract which tells them that their experience of sovereignty is conditional. In turning toward Bataille, who was writing in the middle of the twentieth century against fascism, I hope to show how we might rethink the canon of social contract theory in order to imagine a new form of sovereignty and being together in the world today.

Locke: A Failure of Theory or A Failure of Practice?

“Salus populi suprema lex esto”
—Cicero, *De Legibus*

Social contract theory is deeply embedded in the implementation of government and the individual's role as a citizen. This model of philosophy investigates prevailing systems of authority and works to either justify or dismantle them. Social contract theory, much like other forms of political philosophy, is dependent on subjective or loosely objective interpretations of being. This chapter will set out to explore some distinctive characteristics of social contract theory, its artificial quality, and undeniably precarious attempts at using fiction to ground practical life.

Thomas Hobbes, for example, aims to sanctify the need for an absolute sovereign, what he calls a “Leviathan,” through his writing.⁵ Hobbes' work responds to a need for the legitimization of monarchical rule that arose in England during the 1640s. His *Leviathan* reflects the shift in England's socio-political landscape following the English Civil War up until 1651, when King Charles II was deposed. The English Civil War was inspired by the conflict between Parliamentarians and Royalists. Thus, Hobbes' theory addresses the need for a fabricated, yet reasoned, justification for one form of government over another.

While Hobbes chose to uphold the predominant form of government in his work, other thinkers, like fellow Englishman John Locke, chose to dissent from it. In his response to Sir Robert Filmer's defense of the divine right of kings, Locke advocates for a form of representative government that operates in accordance with what he calls the “common-wealth”

⁵ Thomas Hobbes, *Leviathan*. (Baltimore, MD: Penguin Books, 1968).

against monarchy.⁶ Much like Hobbes, however, Locke's social contract theory was published in 1698 as a reaction to political unrest surrounding the 1688 Parliamentary overthrow of King James II. The historical context of any given social contract is an important consideration because it reveals the need that the theory, and thus the government, responds to.

Although social contract theory often concerns itself with the tension between natural rights and legal rights, consent of the governed, the origins of authority, and so on, it is driven by an essential problem of sovereignty: the question of who has it and who ought to have it. In most examples of social contract theory, the problem of sovereignty serves as the need for the theory itself. Rousseau's social contract theory aims to dismiss the divinely derived power of kings and instead designs sovereignty as the people's general will—the culmination of common interests. In *The Social Contract*, Rousseau writes on his assessment “that sovereignty is inalienable.”⁷ He elaborates by saying that

the first and most important consequence of the principles [of the social contract] so far established is that the general will alone can direct the forces of the state in accordance with that end which the state has been established to achieve—the common good; for if conflict between private interests has made the setting up of civil societies necessary, harmony between those same interests has made it possible.⁸

Rousseau understands that the social contract is authorized by the sovereignty of each individual and, thus, the general will addresses a universal sovereign interest rather than that of a particular sovereign. This is the “common good”—the good which is deemed as such because it is directed by the interests of many sovereigns, not just one. Rousseau also echoes a Lockean understanding that the State was established in response to the formation of civil society and the need for coordinating shared interests. He writes that “it is precisely on the basis of this common interest

⁶ John Locke, *Second Treatise of Government* (Indianapolis, IN: Hackett Pub. Co., 1980).

⁷ Jean-Jacques Rousseau, *The Social Contract*, trans. Maurice Cranston (London, England: Penguin Books, 1968), 69.

⁸ Ibid.

that society must be governed.”⁹ By instituting the State as the proprietor of popular sovereignty, Rousseau’s social contract theory mythologizes a government that cannot alienate its citizens from their own sovereignty. Therefore, social contract theory, in this instance and in many more, is rooted in the conceptual possession and preservation of sovereignty.¹⁰

An early form of social contract theory appears in Plato’s *Republic* among various philosophical explorations of justice.¹¹ A social contract can most clearly be seen when Socrates and his dialogic companions imagine a polis governed by a philosopher king. While Plato’s *Republic* is not often associated with other canonical social contract theories, this specific element of his philosophy clearly does the same work as the likes of Hobbes, Locke, and Rousseau. Due to the fact that this philosophy predated the tradition of social contract theory, which was canonized during the 18th century Age of Enlightenment, Socrates uses another word, “noble lie,” to express the work that is now accredited to social contract theory. Both the noble lie and social contract theory aim to justify the organization of citizens in relation to the State or vice versa.

Plato’s introduction of the noble lie comes in the midst of a discussion between Socrates and Glaucon on the proper appointment of guardians and rulers. After agreeing that those who are most fit to be guardians and rulers should be appointed as such, Socrates and Glaucon set out to find a method through which those fit individuals can be persuaded to assume their just roles. Socrates proposes that they, “contrive one of those lies that come into being in case of need, of which we were just now speaking, some one noble lie to persuade, in the best case, even the

⁹ Ibid.

¹⁰ In contrast to sovereignty, many social contract theories willingly surrender a citizen’s freedom. Most traditional social contract theorists view the exchange of particular freedoms for general sovereignty to be a fair trade. The tension between freedom, the abdication of it, and sovereignty will be addressed later in the chapter in relation to Locke’s understanding of freedom’s operation in a social contract.

¹¹ Plato, *The Republic of Plato*, trans. Allan Bloom (New York, NY: Basic Books, 2016).

rulers, but if not them, the rest of the city.”¹² The necessity of a lie rests on their need to legitimize the socio-political organization of power which stems from their definition of justice. Socrates’ utilitarian model requires that citizens look past their personal interests or desires and instead prioritize a State sanctioned definition of justice. Therefore, in order to achieve their ideal Republic, the philosophers must persuade the citizens that the optimal way to organize is based on just practices that place each individual in a position to maximally profit for both themselves and for society.

Edmund Morgan, in *Inventing the People*, provides a contemporary account of such a foundational lie. He states, “governments require make-believe.”¹³ All regimes, from the governments of Britain and the United States, to Russia and China, rely on fictions, or lies, to mold a reality which is optimally compatible with their regime type. The contents of the fictions are not as important as the role of the fictions themselves. Morgan states that, “because fictions are necessary, because we cannot live without them, we often take pains to prevent their collapse by moving the facts to fit the fiction, by making our world conform more closely to what we want it to be.”¹⁴ This is justified, according to Morgan, because the reality of the regime and the fiction which justifies it both rest on a precarious balance of reciprocity. The fiction must resemble reality and vice versa in order for a state’s citizens to believe in it. The practical application of the theory of the Republic, or any regime type for that matter, is reliant on the effective, consistent, and durable perpetuation of its myth.

In his work, Morgan also effectively dispels the negative connotations that often accompany words like “fiction” or “lie,” and instead highlights their essential political purpose. As Socrates states in his introduction of the concept, the fiction comes out of this very *need*

¹² Ibid., 414b.

¹³ Edmund Morgan, *Inventing the People* (New York, NY: W. W. Norton & Company, 1988), 13.

¹⁴ Ibid., 14.

which Morgan emphasizes. In the introduction of his book, Morgan muses that he “can only hope that readers who persevere to the end of the book will recognize that the fictional qualities of popular sovereignty sustain rather than threaten the human values associated with it.”¹⁵

Despite being modes of manipulation, these fictions are the basis upon which we form our political imaginations. The actualization of social contract theory in political society, such as in the foundation and constitution of any modern state, is fundamentally the institutionalization of a fiction.

Some theorists have had the foresight to acknowledge the precariousness of the social contract that they create. Rousseau recognizes that man’s

absolute and naturally independent existence may make him regard what he owes to the common cause as a gratuitous contribution . . . and fancying that the artificial person which constitutes the state is merely fictitious entity (since it is not a man), he might seek to enjoy the rights of a citizen without doing the duties of a subject.¹⁶

The rejection of the social contract, the rejection of the general will, results in the unbound practice of sovereign power. The shift of sovereign power, if we recall, serves as the very need for the creation of a social contract in the first place. Therefore, the perception of the parliament, king, or democracy as a “fictitious entity” delivers the deviant citizen back to the state of being which most social contract theorists desire to move away from. Rousseau warns his readers that “the growth of this kind of injustice would bring about the ruin of the body politic.”¹⁷ The dissolution of the general will makes the State’s goal of a common good obsolete. Furthermore, the absence of shared interest absolves the need for civil society and so too the justification for a communal political body. Thus, most modern states are reliant on the perpetuation of their foundational myth.

¹⁵ Ibid., 15.

¹⁶ Rousseau, *The Social*, 63-64.

¹⁷ Ibid.

Locke goes so far as to establish what Rousseau calls man's "absolute and naturally independent existence" as a "natural liberty" shared by all men.¹⁸ The freedom from arbitrary rule is a complicated yet essential component of Locke's social contract theory. He writes that "this freedom from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it, but by what forfeits his preservation and life together."¹⁹ Preservation is the end of the Lockean vision of political organization, as with most social contract theory. Thus, a government that introduces an "absolute, arbitrary power" into the life of its citizens would betray Locke's social contract. In fact, if the citizen were to accept arbitrary power and forfeit his freedom from it, he too would sacrifice his own life. However, the social contract that Locke and many others theorize confusingly places demands on its citizens to relinquish certain freedoms in exchange for the promise of a freedom that is supposedly secured by the protection of a governing entity.

At this point it is important to question whether social contract theory is practically capable of providing a stable foundation for any kind of durable socio-political organization. Does social contract theory's fictional nature threaten the legitimacy of anything grounded in it? Moreover, is social contract theory in its abstract or practical form successful in addressing the need which brought it into being: threats to political sovereignty?

Based on the interpretation of various social contract theories and the observation of their real-life applications, traditional social contract theory is successful in convincing citizens of the fiction that limited freedom guaranteed by governance is worth abdicating their unlimited sovereignty for. However, this myth ultimately fails to address the problem of sovereignty because the theory itself threatens individual sovereignty. It does so by legitimizing an arbitrary

¹⁸ Locke, *Second Treatise*, 17.

¹⁹ Ibid.

authority which regularly challenges a citizen's ability to act in accordance with one's own sovereignty.

An exploration of Locke's theory and its influence on the foundation of America helps clarify the success, or lack thereof, of the implementation of social contract theory. The first step in such a philosophical exploration should be to dissect Locke's work. By understanding what was at stake for Locke, readers gain insight into the aim of his writing, the aim of those who appropriate it, and the manifestation of those appropriations.

As previously stated, Locke's *Second Treatise of Government* responds to Sir Robert Filmer's claim that kings have a divine right to rule.²⁰ While his first treatise directly refutes Filmer's theory, his second treatise outlines his vision for civil government. Thus, Locke's theory aims to discredit the arbitrary notion of divine right and set forth a reasoned justification for a governing entity's power. He says that divine right is unreasonable because "it is impossible that the rulers now on earth should make any benefit, or derive any the least shadow of authority from that, which is held to be the fountain of all power, *Adam's private dominion and paternal jurisdiction*."²¹ In other words, a divine justification for the right of sovereignty is reliant on the arbitrary assumption that the monarch is a direct descendant of God's first man, Adam, to whom he gifted the earth. Locke takes issue with this theory because he believes that the hereditary line has become too obscure and, therefore, the bond of power is too weak to sustain sovereign authority. Essentially, he argues that the divine right of kings has become an unreasoned myth.

The failure of this method of justification exposes a new need, much like the need for the noble lie which bore Plato's Republic. Locke asserts that he "must of necessity find out another

²⁰ Robert Filmer, *Patriarcha* (London, England: Richard Chiswell, 1680).

²¹ Locke, *Second Treatise*, 7.

rise of government, another original of political power, and another way of designing and knowing the persons that have it.”²² The collapse of the sovereign validated by a divine right plunges sovereignty into a disoriented state—this is where Locke’s social contract theory intervenes. While Filmer’s theory vests sovereign authority in the power of God’s will, Locke grounds authority in the sovereignty of the people who are governed by the social contract. In an attempt to resolve the arbitrariness of governance, Locke establishes a social contract theory that imagines a state of nature, an origin of civil society, and a need which all constitute a reasoned government.

Locke begins his social contract theory by providing a definition of political power as the basis of governance. Political power is an important starting point because it explains the transition from natural to artificial authority. One must first understand what political power is and how it functions before one can theorize “another way of designing and knowing the persons that have it.” Locke defines political power as:

The right of making laws with penalties of death, and consequently all less penalties, for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defense of the common-wealth from foreign injury; and all this only for the public-good.²³

This kind of power can be understood as a mutation of the kind of power found within each man in nature. This mutation is an artificial one that becomes necessary to achieve what Locke calls the “public-good.” This “good,” however, is only relevant in the context of a public domain in which a network of citizens is interdependent and exist collectively. The “all this” which qualifies political power “is only for” the benefit of society. In other words, political power exists only so long as the common-wealth exists.

²² Ibid.

²³ Ibid., 8.

However, before the common-wealth, before the need for government, before political power, there was the state of nature. Locke argues that “to understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a *state of perfect freedom*.”²⁴ The emphasis placed on the “*perfect freedom*” in the state of nature acknowledges the existence of imperfect freedom—the freedom presented to the citizen when they exit the state of nature and enter civil society. Political power, having “[derived] it from its original,” is revealed as the outcome of exchanging perfect freedom for imperfect freedom—the state of nature for the state of citizenship. Furthermore, political power reflects onto man the sovereignty that he once had in nature which now resides fragmented among the various branches of authority in civil society that “[make] laws with penalties of death,” “[regulate and preserve] property, and [employ] the force of the community, in the execution of such laws.”²⁵

Where political power is exercised in civil society, natural right is enjoyed in the state of nature. Locke claims that in nature, men have a God-given right “to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.”²⁶ The origin of political power in natural right is evident. Both displays of agency express a kind of autonomy aimed at Locke’s three essentials: life, liberty and estate.²⁷ However, in nature’s state of perfect freedom man assumes “an undoubted right to dominion and sovereignty” to claim, protect, and preserve their life, liberty, and estate. While in civil society, man must rely on the government’s political power to do so for them.²⁸

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid., 46.

²⁸ Ibid., 8.

Without government, man in the state of nature solely abides by the law of nature in his daily enjoyment of perfect freedom. Locke argues that this law, “obliges every one: and reason which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possession.”²⁹ If this natural law should be violated, man possesses in his natural right the “executive power of the law of nature” which allows him to punish the violator as he sees fit.³⁰ While this form of self-governance might appeal to some, Locke shies away from the anarchist state that he has hitherto mythologized as the state of nature. Locke, concerned with reason, claims that “it is unreasonable for men to be judges in their own cases . . . therefore God hath certainly appointed government to restrain the partiality and violence of men.”³¹ Here, Locke provides an early glimpse at his supposedly more reasonable justification for government: “to restrain the partiality and violence of men.”³² Unlike Hobbes, however, the violence of man does not exist in Locke’s vision of the state of nature. Government is not established as a method of subduing men but rather of preserving them.

If we are to question the government that Locke’s social contract justifies, then we must also question the specific appeals that he makes to men for its justification. Those appeals are essentially life, liberty, and estate. On life, Locke claims that “every man has a *property* in his own *person*: this nobody has any right to but himself.” Life is the one thing that God gives each man that no other man has a right to. Similarly, the liberty of each man is realized, as previously mentioned, in the state of perfect freedom that they experience in nature. Estate, on the other

²⁹ Ibid., 9.

³⁰ Ibid., 12.

³¹ Ibid. One could accuse Locke of committing the same crime that he himself accuses Filmer of committing in his invocation of God in the appointment of government. However, Locke later attempts to further distance himself and his theory from arbitrary power. He also makes a claim that his social contract is not arbitrary because it is grounded in popular sovereignty. This argument will be explored and contended later in the chapter.

³² Ibid.

hand, does not exist in nature nor was it gifted to man by God. In fact, God “hath given the world to men in common.”³³ In order to include estate among the rights that appeal to each man, Locke works meticulously to fictionalize property as a right that is at risk and worthy of protection. In short,

man, by being master of himself, and proprietor of his own person, and the actions or labour of it, had still in himself the great foundation of property; and that, which made up the great part of what he applied to the support or comfort of his being, when invention and arts had improved the conveniences of life, was perfectly his own, and did not belong in common to others.³⁴

Locke manipulates the possession of one’s own body to establish one’s right to private property. By identifying labor as an extension of a person into the earth, Locke justifies the separation between that which is common and that which is private. Men then come to associate private property with the “comfort of his being” or the “conveniences of life.” It is in this way that a threat to property becomes a threat to life. Thus, life, liberty, and estate appeal to men, Locke claims, because they are inalienable rights. Any threat posed to those rights justifies the establishment of a governing entity whose sole aim is preserving them.

Once again, unlike Hobbes, Locke believes that the “partiality and violence of men” does not exist in the state of nature. One could argue that the introduction of private property, which also does not exist in the state of nature, and the introduction of violence coincide in Locke’s theory. In response to the fear of violence and a threat against their natural sovereignty, “the common-wealth comes by a power to set down what punishment shall belong to the several transgressions which they think worthy of . . . any injury done unto any of its members . . . and all this for the preservation of the property of all the members of that society, as far as is

³³ Ibid., 18.

³⁴ Ibid., 27.

possible.”³⁵ According to Locke, the common-wealth is the first political entity that develops outside of the state of nature. In order to join the common-wealth and in order for the common-wealth to “come by a power,” its members must “quit every one [of] his executive powers of the law of nature, and to resign it to the public.”³⁶ Out of a fear for the insecurity of their rights in the state of nature, men surrender their sovereignty, join a political society, and forfeit their natural power in exchange for the political power of the government.

Locke entertains the critique held by some against social contract theory for being paradoxical. He poses the question in anticipation of this criticism: “if man in the state of nature be so free, as has been said; if he be absolute lord of his own person and possessions, equal to the greatest, and subject to no body, why will he part with his freedom?”³⁷ In other words, why would man surrender his freedom in order to be free? He immediately dismisses this concern by claiming that man is “constantly exposed to the invasion of others” in the state of nature which “makes him willing to quit a condition, which however free, is full of fears and continual dangers . . . for the mutual preservation of their lives, liberties, and estates.”³⁸ Although the freedom in nature is perfect, it is constantly at risk. The anxiety geared toward a potential threat is so great that it drives man to submit himself to a government.

Locke’s social contract theory relies on the belief that men would prefer imperfect freedom so long as it is secure. The fear of losing their perfect freedom at the will of another in nature, according to Locke, reasonably explains why

one unites his person, which was before free, to any common-wealth, by the same he unites his possessions, which were before free, to it also; and they become, both of them,

³⁵ Ibid., 47.

³⁶ Ibid.

³⁷ Ibid., 65.

³⁸ Ibid., 66.

person and possession, subject to the government and dominion of that common-wealth, as long as it hath a being.³⁹

While it should be acknowledged that Locke was aware of the paradox of his social contract, the solution or explanation that he offers to abate concern and confusion surrounding it is unconvincing. Advocating that man should become “subject to the government and dominion of the common-wealth” is a far cry from his original declaration that man has an “undoubted right to dominion and sovereignty.” Granted, men enter society for the “enjoyment of their properties in peace and safety, and the great instrument and means of that being the laws established in that society,” but how enjoyable is the enjoyment of a freedom which was far greater before submitting one’s sovereignty to the sovereignty of another?⁴⁰ Furthermore, how peaceful and safe does one truly feel under the authority of another? These are all questions that occupy the pages of those who criticize the work of Locke and other traditional social contract theorists.

Having established the *why* of social contract theory, Locke then moves to the *what*—specifically, *what* the practical appearance of the social contract should look like as a governing entity. Locke reiterates that “the great and chief end, therefore, of men’s uniting into common-wealths, and putting themselves under government, is the preservation of their property” in order to emphasize *how* the government protects the rights of men in a way that nature fails to do.⁴¹ Locke orients the government as a solution for the wants that are neglected in nature. These “wants” are “an established, settled, known law . . . a known and indifferent judge . . . [and] due execution [of the law].”⁴² It is important to note that the need for an “established law” is only brought about because the law of nature cannot govern the unnatural fragmentation of property. Furthermore, the need for a judge and an executioner follow the need for said “established law.”

³⁹ Ibid., 64.

⁴⁰ Ibid., 69.

⁴¹ Ibid., 66.

⁴² Ibid.

Regardless, these wants inspire the government's end. Locke asserts that these wants are the "original right and rise of both the legislative and executive power, as well as the governments and societies themselves."⁴³ While the introduction of additional branches of government is aimed at more accurately addressing the needs of the people as Locke sees them, it further weakens his case against arbitrary power. His primary critique against Filmer is for his arbitrary appeal to Scriptures for the legitimization of monarchy, yet Lock's own theory falls into a similar pattern. Additionally, he enacts a secular form of arbitrary power by creating new positions and roles of authority. Locke tries to clarify later in the text that "all the power ought not to be arbitrary and at pleasure, so it ought to be exercised by established and promulgated laws."⁴⁴ His assertion is that his social contract is conducive to God's will but, unlike Filmer, it is also grounded in the will of the people. By creating known judges, established laws, and an authority figure that executes some form of justice, Locke believes that charges of arbitrariness against the power created by his social contract are absolved. However, the application of his theory proves quite the contrary. Ultimately, the paradox of his theory empties the social contract of any reason that Locke attempts to infuse it with.

While excerpts of Locke's social contract are cut out and held up as radical liberal groundworks, an in-depth and unfragmented reading of the *Second Treatise* confuses this reputation of his writing as well as Locke himself. His work fails to live up to itself. That is, his social contract is unable to provide any substantial answers to the question of sovereignty as it theoretically sets out to do. Instead, his writing describes a hollow vision of real-world problems and practical solutions. It indulges in the tradition of social contract theory in the way that it synthesizes the complexities of life in order to make its problems diagnosable and therefore

⁴³ Ibid., 67.

⁴⁴ Ibid., 73.

solvable. Furthermore, later appropriations of Locke's theory to practical governance expose the disparity between his suspended mythical solution and contemporary reality.

Much of Louis Hartz's work establishes Locke as a key, if not primary, influence upon the constitution of America's government—specifically in its embodiment of liberalism. Hartz describes America in his book on *The Liberal Tradition in America* as “a society which begins with Locke, and thus transforms him, [and] stays with Locke, by virtue of an absolute and irrational attachment it develops for him.”⁴⁵ Critics of Locke often downplay his theory's role in America's founding. Hartz's interpretation of America, however, is exclusively Lockean. America's transformation of Locke and “irrational attachment” to him will be later evaluated, but America as it “begins” in relation to Locke must first be addressed. One of the most recognizable applications of Locke's theory in America's foundation is in *The Declaration of Independence*. Thomas Jefferson echoes Locke in his claim that, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”⁴⁶ Although Jefferson famously replaces Locke's claim of the right to estate with an even more ambiguous right to “pursue happiness,” Locke's influence on the document, and more broadly on America's Founding Fathers, is evident.

Although he supports Locke's theory, and clearly asserts the prevalence of it in America's historical framework, Hartz does not hesitate to locate failings in its practical manifestations. In fact, according to Hartz, America “at the bottom is riddled with paradox.”⁴⁷ The most notable failing that he addresses in *The Liberal Tradition in America* is that of

⁴⁵ Louis Hartz, *The Liberal Tradition in America* (New York, NY: Harcourt, Inc., 1991), 21.

⁴⁶ Thomas Jefferson, et al, *Copy of Declaration of Independence*. 1776. Library of Congress. Accessed April 22, 2019. <https://www.loc.gov/item/mtjbib000159/>.

⁴⁷ Hartz, *The Liberal*, 28.

sovereignty. In describing the idiosyncrasies of America, he says that “it has a quiet, matter of fact quality, it does not understand the meaning of sovereign power, the bourgeois class passion is scarcely present, the sense of the past is altered, and there is about it all, as compared with the European pattern, a cast and almost charming innocence of mind.”⁴⁸ That “innocence of mind” is due to what Hartz describes as a bypassing of the struggle for sovereignty. America, “compared with the European pattern,” evades a history, specifically a feudal one, in which sovereignty is repeatedly used against the people of a country by those who govern it. American liberalism is born out of a distinctly Lockean tradition in which sovereignty is assumed to be vested within each citizen at birth. Thus, Hartz argues, the American social contract is built upon a paradox in which its citizens cling to something that they do not and cannot fully understand.

Richard Aaron, another defender of Locke, also identifies the ambiguity of sovereignty as a downfall of Locke’s social contract. He writes that “a question of considerable difficulty which now arises is that as to sovereignty” and asks “who is sovereign in Locke’s state?”⁴⁹ This suggests that countries, specifically America, that were founded upon Locke’s theory find themselves constantly having to confront the question of sovereignty which has previously been set forth in this project: who has it and who ought to have it? This question becomes increasingly more difficult when, as Hartz suggests, the people who are tasked with answering it do “not understand the meaning of sovereign power.”

Aaron doesn’t stop there with his critique of Lockean sovereignty. He further argues that “Locke’s political theory is devoid of any clear-cut theory of sovereignty.”⁵⁰ This is exacerbated by the very fragmentation of power that occurs in the creation of a legislative and executive power that was previously highlighted. Locke seems confused by his own attempt to assert the

⁴⁸ Ibid., 23.

⁴⁹ Richard Aaron, *John Locke* (Oxford, England: Clarendon Press, 1955), 281.

⁵⁰ Ibid.

power of each branch. For example, Locke says that the “legislative is not only the supreme power of the common-wealth, but sacred and unaltered in the hands where the community once placed it.”⁵¹ Although he acknowledges that the community was once the authority that founded it, it is now “sacred and unalterable.” Additionally, the executive has the sovereignty to execute the laws which the legislative sets forth. Thus, the legislative is limited in its ability to fully realize the authority of their power in law. Sovereignty gets further confused when Locke insists that “the community perpetually retains a supreme power of saving themselves from the attempts and designs of any body, even their legislators.”⁵² Each power being supreme is incompatible and impossible. Aaron is right to question the location of sovereignty in Locke’s state.

Aaron also recognizes that the powers that come out of Locke’s theory are arbitrary because the foundations upon which they were created are fictitious. He says that,

moreover, it cannot be denied that [Locke] deals too frequently in artificialities. His individual is artificial. He has no family ties . . . So also Locke’s state is artificial. It is a community of free and independent individuals bound together by a compact into which they have entered freely for the better security of their lives, liberties, and estates—and nothing more.⁵³

While Locke seems perfectly content with the grounding of authority in “nothing more” than the compact as a way of ridding his social contract of arbitrariness, Aaron is less than satisfied.

Modern debates that continue to grapple with the inconsistencies of America’s foundation seem to support Aaron’s discontent.

J. G. A. Pocock, however, charges Aaron with misconstruing Locke’s theory. Despite illuminating various failings of Locke’s social contract, Pocock dismisses Aaron’s defenses of Locke as “a classic instance of the substitution of philosophical for historical explanation that

⁵¹ Locke, *Second Treatise*, 69.

⁵² *Ibid.*, 78.

⁵³ Aaron, *John Locke*, 284.

sometimes ensues.”⁵⁴ According to Pocock, Aaron engages in the same act of distortion that Locke employs in his social contract: equating philosophy with history.⁵⁵ This judgment stems from Pocock’s assertion that Locke’s liberal influence—that is, his vision of natural rights, consensual governance, and popular sovereignty—has had a limited influence on American history. Pocock’s rejection of Locke’s theory as a real “piece of history” is in clear opposition to Hartz’s interpretation of Locke and the tradition of American liberalism.⁵⁶ Furthermore, through this critique, Pocock claims that the American tradition is actually one of republicanism not liberalism as many Locke supporters contend.⁵⁷ Ultimately, Hartz, Aaron, and Pocock all engage in similar attempts to correct interpretations of history that conflict with their understanding of modernity and the ways in which American society arrived at its present moment. This debate is unsettled among scholars and reflects uncertainty about America both in its theoretical roots and in its practical appearance. The various ways in which Locke’s theory is exposed as being contradictory, by his supporters and critics alike, speak to the fictionality and unreliability of social contract theory itself.

On top of being susceptible to incompatible interpretations, social contract theory is also prone to inconsistent applications. One of the most antithetical uses of Locke’s words was committed by Locke himself in his contribution to the *Fundamental Constitutions* of the Carolina colony. The inconsistency between his biography and his alleged liberal agenda further

⁵⁴ J. G. A. Pocock, *Politics, Language and Time: Essays on Political Thought and History* (New York, NY: Atheneum, 1971), 8.

⁵⁵ This phenomenon occurs as a means of grounding an author’s theoretical work in something relatable to their reader—in something real as opposed to artificial. While Pocock does not doubt that there “is a point at which historical and political theory meet,” he does not believe that Locke’s theory exists at that point. In fact, he believes that Locke’s social contract “is wholly circular and that it is masqueraded in his own mind as a piece of history.” *Ibid.*, 233 and 9.

⁵⁶ *Ibid.*, 9.

⁵⁷ Isaac Kramnick takes issue with Pocock’s attempts at revising America’s political origins. He contends that “‘Republican revisionism and the debunking of the influence of Locke have come principally from the right’ and are, in part, ‘rereading of the American Revolution intended to free it from decades of progressive scholarship.’” Kramnick confirms that Locke’s influence on American politics is a contentious topic, specifically along party lines. Isaac Kramnick, *Republicanism and Bourgeois Radicalism* (Ithaca, NY: Cornell University Press, 1990) 36.

disorients Locke's social contract theory. David Armitage argues that Locke is "a crucial link in the historical chain joining liberalism with colonialism."⁵⁸ His authorship of the founding document is significant because it is a practical betrayal of Locke's own political philosophy. In his service as secretary to the Proprietor of the province of Carolina, Earl of Shaftesbury, Locke helped create a feudal aristocracy as well as sanction one form of absolute authority. Despite debunking any kind of absolute power other than that of each man in his *Second Treatise of Government*, Locke contradicts himself by institutionalizing the subjection of individuals in Carolina's constitutional framework. In the *Fundamental Constitutions*, Locke writes that "every freeman of Carolina shall have absolute power and Authority over his Negro slaves, of what opinion or religion so ever."⁵⁹ There exists a fundamental inconsistency between the liberalism presented in the *Second Treatise of Government* and in Locke's later governing practices. This inconsistency uncoincidentally hinges on sovereignty.⁶⁰

While Armitage identifies Locke as a hypocrite and his writing as unequivocally colonial, others locate those who appropriate Locke as the true sources of offense.⁶¹ Regardless, the many paradoxes examined thus far, specifically those surrounding sovereignty, bare the

⁵⁸ David Armitage, "John Locke, Carolina, and the 'Two Treatise of Government,'" *Political Theory* 32, no. 5 (2004): 603, <http://www.jstor.org/stable/4148117>.

⁵⁹ James Farr, "Locke, Natural Law, and New World Slavery," *Political Theory* 36, no. 4 (2008): 499, <http://www.jstor.org/stable/20452649>.

⁶⁰ One interpretation of colonialism can be seen as a distortion of Locke's view on property and the transformation of it into a "pursuit of happiness." Armitage views Locke's theory as an agriculturist argument which was appropriated as a means of colonial subjection. He says that "the only remaining argument [for colonialism] was the contention that dominion fell to those best able to cultivate the land to its fullest capacity, not least to fulfill the divine command to subdue earth," yet "the peculiar form of Locke's argument therefore had identifiably colonial origins, though not exclusively colonial applications." Despite holding Locke accountable for racial subjugation, Armitage locates a dissonance between Locke in theory and Locke in practice. While Armitage sees the theory as essentially colonial, he detects room for the theory's application outside of its colonial binds. Armitage, "John Locke," 619.

⁶¹ Although Locke's authorship of the *Fundamental Constitutions* is undeniable, James Farr dissents with the belief that Locke's theory justifies the institution of slavery. Contradicting Armitage's understanding of Locke in theory and in practice, Farr recognizes various applications of Locke as racist and his theory free of liability. He asserts that "the question regarding *legitimation* of slavery is: did Locke articulate or embrace a racial *doctrine* or *theory* that justified new world slavery given the failure of the just-war theory to do so?" To which he answers that "if—as is logically or biographically possible—Locke thought new world slavery was justified on the basis of race—or anything else, for that matter—he wrote not a word of it [in the *Second Treatise*]." Farr, "Locke, Natural," 510.

moral consequences of Locke's social contract theory. The social contract's ambiguous treatment of sovereignty enables the manipulation of it toward malicious ends. By inventing sovereignty as both essential to man and essential to governance, Locke weakens his own noble lie. Whether you believe that the interpretation of Locke as a racist colonizer emerges from his own theory or from other people's utilizations of it, the very real ways in which his writing has been, and still is, used to subjugate certain individuals is undeniable.

One example of this is John Norris' invocation of the authority that Locke places in the people to overthrow an unjust government in defense of South Carolina's rebellion against the *Fundamental Constitution*.⁶² This appropriation is ironic because it pits Locke against himself. His words in the *Second Treatise* are weaponized against his words in the *Fundamental Constitutions* by people like John Norris who viewed the founding document as a source of tyrannical subjugation against the people of South Carolina. South Carolina, of course, would go on to become the first state to secede from the Union due to an attachment to pro-slavery sentiments. Another example is the appropriation of Locke to justify a defense for antebellum race relations in the South. Southerner Thomas Dew proclaimed that "even Locke . . . admits the right to make slaves of prisoners whom we might just have killed."⁶³ One could dismiss these applications of Locke's theory as mere misinterpretations. However, James Farr is adamant in arguing that the high degree of variation among the ends to which Locke's theory has been applied suggests that the theory itself is ambiguous enough to encourage these "ironic appropriations."⁶⁴ While the theory itself is neither especially harmful nor has mal-intent, its practical application to society has established Locke's social contract as deeply problematic.

⁶² Ibid., 511.

⁶³ Ibid., 513.

⁶⁴ Ibid., 511.

Contemporary material examples of Locke's theory in practice don't always explicitly accredit the writer or his work. Instead, attachments to "life, liberty, and the pursuit of happiness" have become subliminally ingrained throughout America's collective political imagination. An example of this is modern cases in which the "stand-your-ground law" is used to justify murder. This law assumes an individual's right to defend themselves or others when confronted with a perceived threat by whatever means necessary, even deadly force. It also relies heavily on sentiments expressed in Locke's work that establish the threat to one's life—either bodily or by proxy through property—so great an offense that it warrants an individual's punishment of another individual with death.⁶⁵ The likes of George Zimmerman, Michael Drejka, and too many more unknowingly benefit from the political mythology created by Locke. On a legislative level, Locke's social contract justifies this form of self-defense which is legal in over half of the United States. On a psychological level, Locke's theory participates in a tradition that has perpetually conditioned the minds of people like Zimmerman and Drejka to believe that it is their inalienable right to defend themselves, that they will not be punished for killing someone while doing so, and that they should value their life and sovereignty over those of an other. Despite not expressly citing Locke in stand-your-ground laws, lawmakers, law enforcers, and killers alike still engage in similar controversial manipulations of Locke's theory as did Norris and Dew.

It is in these ways that Locke's social contract theory fails to address the need which brought it into being. Instead of answering the question of sovereignty, Locke's theory and its later manifestations have further confused it. Instead of asking "who has it and who ought to have it?" of sovereignty, one might find themselves now asking "what even is it?" or "will I ever

⁶⁵ Locke states that one's right to punish someone who poses a threat to one's own life is rooted in the law of nature. With natural law serving as the basis of political life in Locke's social contract, "in the case, and upon this ground, *every man hath a right to punish the offender and be executioner of the law of nature.*" Locke, *Second Treatise*, 10.

have it?” — “can it even be had?” By attaching it to a mythological conception of how the world is and how it ought to be, Locke and other traditional social contract theorists lose sovereignty amidst the various systems of authority and fiction that they create in order to justify their philosophies. Sustaining the fiction replaces sovereignty as the main concern and, once again, the contents of the fictions become less important than the role of the fictions themselves.

Modern political philosophers are tasked with retroactively patching the holes left in political organizations by traditional social contract theory and theorists. In the meantime, an individual might look elsewhere for answers to the question of sovereignty. One potential answer can be found in the philosophical, and oftentimes erotic, work of Georges Bataille. Bataille writes outside of the tradition of social contract theory in order to conceptualize of ways in which an individual can engage in sovereign acts in order to harness their freedom instead of relying on the fictional sovereignty promised by external systems of authority.

Discovering new and unfamiliar locations of sovereignty is necessary in a present historical moment in which individual lives are inextricable from their political significance. However precariously, we live within the various social contracts that we are born into. Some might seek refuge from the weight of living a lie by attempting to return to the state of nature. Others seek loopholes or gaps—*spaces of excess*—within the prevailing order in which the mythical world is mediated by the material world and true sovereignty, *unrestricted sovereignty*, is rendered attainable.

Reorienting Sovereignty: From Social Contract to Sovereign Acts

“Keep your mind in hell, and despair not.”
—Gillian Rose, *Love's Work*

Sovereignty is a pervasive concept within the tradition of Western political thought. This is evident in works ranging from Plato's location of sovereignty in the individual who is free of bodily need and thus free to pursue the objective good in relation to the polis, to Rousseau's theory of popular sovereignty which vests authority in the general will, to Locke's assertion that the sovereignty of the State is rooted in the sovereignty of the people who authorize it.⁶⁶ Carl Schmitt's definition of sovereignty as the ability to disregard normative power structures and practice authority autonomously is widely accepted by Western political theorists.⁶⁷ This definition, however, becomes complicated by the word's application and varied use throughout the tradition of social contract theory. An investigation into sovereignty first requires the identification of the problem of sovereignty that each philosopher's theory, specifically their practical definition and vision of its implementation, aims to solve.

Within social contract theory, the problem of sovereignty is often framed as a fundamental tension between those who possess sovereignty and those who are subject to the sovereignty of another. For Plato this tension is between the unjust man and the just man, while for both Rousseau and Locke it is between the monarch and the citizens. The solutions set forth by traditional social contract theorists tend to take the shape of a governing entity, such as

⁶⁶ Plato, *The Republic*; Rousseau, *The Social*; Locke, *Second Treatise*.

⁶⁷ Carl Schmitt, *Political Theology*, trans. George Schwab (Chicago, IL: University of Chicago Press, 2005). Schmitt theorizes on the quality of sovereignty and the problems that arise in moments of exception, such as in the pre-war European context of his writing. His vision of the sovereign is rooted in the ability to make decisions on and during these exceptions. His theory will be teased out later in conversation with Bataille's notion of sovereignty.

Plato's philosopher king, Rousseau's general will, and Locke's representative government. However, the arbitrary introduction of authority, and thus new forms of sovereignty, only perpetuates the very problem of sovereignty. Instead of relieving the tension of sovereign power, the solutions introduce artificial explanations and, in turn, lose their grasp of reality.

In other words, traditional social contract theory is not successful in solving the problem of sovereignty because its solutions include in themselves a paradox: sovereignty vs. freedom. Sovereignty is often presented in social contract theory as a decision. Individuals are given a choice between sovereignty, complete self-governance, and freedom, which might be defined as the absence of or liberation from the threat of another. Sovereignty offers the individual a life free of restriction but remains in danger of the sovereignty of another. This choice leaves the individual free from the bounds of institutional safety but also exposes them to the unrestricted will of other sovereigns. By choosing freedom, the individual accepts a limited version of autonomy which is reliant on and mediated by the sovereignty of a supposedly protective governing body. The problem of sovereignty presents itself in most traditional solutions as resolved through the decision made by a political subject as a means to meet a need. This solution is mythological.

While some social contract theories are built upon concepts of a state of nature, this chapter will set out to explore an alternative theory of sovereignty generated by French philosopher and writer Georges Bataille's economy of excess. Bataille's economy is founded within society in order to think through experiences of human anxiety and responds to the need for political organization. His political theory works to question the mediated forms of sovereignty and the appearance of institutional life that is set forth by traditional social contract

theorists.⁶⁸ It breaks through the myth of the social contract by grounding itself in the realities of every man.

Bataille's general economy accounts for a share of unattributed human energy and advocates for its expenditure on "useless" and classically extra-political sovereign acts. While traditional social contract theory's solution focuses on the individual in relation to the State, Bataille envisions the individual as essentially political; attaining within them the ability to access sovereignty at any moment under any circumstance. Bataille's solution focuses on the expenditure of human energy and the ways in which this expense can be reoriented to contest contemporary systems of power.

In *The Accursed Share*, Bataille outlines his political economy in three volumes. The first volume, *Consumption*, establishes what he means by "economy" and how a scientific method of exchange can be applied to human interaction and life. It is in this volume where he suspends the notion that one should be driven by fear of scarcity and instead advocates for luxurious motives. The second volume, *The History of Eroticism*, puts Sade in conversation with theology to set forth a vision of liberation at the hands of love and the erotic. Within these luxurious acts he locates moments of sovereignty. The third volume, *Sovereignty*, uses the other two volumes to develop the sovereign as someone who rejects the restrictiveness of the objective world and freely pursues desire.

Bataille's theory unfolds *in medias res*, in that it uses the institutions which have already been theorized by and erected in response to the work of traditional social contract theory in order to conceptualize his own political philosophy. Unlike social contract theorists of the past, Bataille's theory does not aim to vindicate governance. Rather, it navigates the political

⁶⁸ Georges Bataille, *Consumption*, trans. Robert Hurley, vol. 1, *The Accursed Share: An Essay on General Economy* (New York, NY: Zone Books, 1988.)

individual through the unease which drives them and around the institutions which limit them in order to reclaim sovereignty. This approach is especially pointed considering what was at stake for Bataille during his writing process. *The Accursed Share* was written and published in a post-World War II European political climate. In his work, Bataille reflects on the rise and spread of fascism in the mid-20th century, specifically in relations to the ways in which governing entities fail the citizens whose interests they claim to represent.

By enacting excess energy and spending it luxuriously, the political individual is able to momentarily reject the prevailing forms of authority and reclaim sovereignty in the space opened up by their absence. Bataille appropriately names this excess energy the “accursed share.” The share’s undetermined expenditure damns it to liminality and grants it its accursed status. However, both Bataille’s economy and his definition of sovereignty are reliant on the presupposed existence of the notion of surplus. This implies that within man exists a set pool of energy from which shares are divvied up and predestined. The accursed share, Bataille’s potential solution to the problem of sovereignty, depends upon the language that the social contract invents in order to perpetuate its mythological origins. Nonetheless, Bataille sets out to overcome the very intelligible form to which his written work is unavoidably bound.

In order to evaluate whether or not Bataille’s economy is successful in mitigating the problem of sovereignty despite its precarious expression, one must first understand the economy and all of its parts which allow it to function. Consumption plays a key role in Bataille’s general economy. According to Bataille, consumption is one of the human activities that is distorted by organized life. His general economy reverts the traditional economic motivation of scarcity and instead strives for waste. He explains that his economy is, “the general movement of exudation (of waste) of living matter [which] impels [man] . . . [H]is sovereignty in the living world

identifies him with this movement; it destines him, in a privileged way, to that glorious operation, to useless consumption.”⁶⁹ The act of consuming luxuriously or wastefully marks a sovereign in Bataille’s theory. This “wasteful” consumption acts in opposition to that of utility.

Consumption becomes a means rather than a luxury in organized life. Usefulness is invented by authority figures to perpetuate the myth of political hierarchy. Thus, the need which drives consumption also serves as the need for governance. Bataille understands this need as a constructed notion which is dangled before the political individual in order to organize and mediate the expenditure of their energy. Bataille acknowledges that “humanity exploits given material resources, but by restricting them as it does to a resolution of the immediate difficulties it encounters (a resolution which it has hastily had to define as an ideal), it assigns to the forces it employs an end which they cannot have.”⁷⁰ The “end” which “they,” humans, “cannot have” is unattainable because it is an artificial construction and thus limited by man’s ignorance. Men require material things for basic functioning, eating, drinking, shelter, and so on, but their consumption of materials to reach an ideal end—their restriction of the earth for some arbitrary greater cause—is misled.

Bataille sees that humans limit and prohibit the materiality of nature by making it “useful” in order to resolve the “difficulties,” anxieties, fears, of unorganized life. By distorting consumption as a means of resolution, an individual’s energy is manipulated as a tool for achieving the “ideal.” For example, the transformation of consumption and utilization of nature is emphasized by John Locke in his *Second Treatise of Government*. The invented utility is an extension, or rather a mutation, of the aforementioned bodily needs. In his work, Locke says that the conversion of nature into private property is justified because, “the earth, and all that is

⁶⁹ Bataille, *Consumption*, 23.

⁷⁰ *Ibid.*, 21.

therein, is given to men for the support and comfort of their being.”⁷¹ This type of sustaining consumption exists in the shares of energy which would not be considered accursed by Bataille. However, the artificial expansion of the term “utility” occurs in response to the practice of accumulating these life sustaining natural goods beyond basic need.

This consumption constructs the *need* for an early type of exchange-based market and, as Locke goes on to argue, a *need* for government. This excess is mitigated by the arbitrary assignment of value to other natural resources, “and thus came in *the use of money*, some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for the truly useful, but perishable supports of life.”⁷² Money, markets, and government all represent ways in which humans consume and create toward an arbitrary end. They are justified by a mythic *need* which propels them toward some intangible and nebulous goal. The introduction of these regulatory institutions also ushers in newly invented laws and limitations.

Living in a state of prohibition, man comes to accept façades of values which are also deemed as “useful,” such as justice and freedom, guaranteed to him as inalienable rights. These values, however, are systematized. They are based on necessity not desire and on utility instead of pleasure. Man, in submitting himself to these mediated forms, dilutes their possibilities. For example, the political subject accepts a precarious form of freedom in exchange for the State’s promise of justice. Bataille states that, for anyone living

under the mask of justice, it is true that general freedom takes on the lackluster and neutral appearance of existence subjected to the necessities: If anything, it is a narrowing of limits to what is most just; it is not a dangerous breaking-loose, a meaning that the word has lost. It is a guarantee against the risk of servitude, not a will to assume those risks without which there is no freedom.⁷³

⁷¹ Locke, *Second Treatise*, 18.

⁷² *Ibid.*, 28.

⁷³ Bataille, *Consumption*, 38.

Justice is useful to the State because it sets limits and boundaries in society which further work to perpetuate the mythic ideal. Freedom, then, is gestated as yet another restriction aimed at narrowing the appearance of reality and the collective political imagination.⁷⁴ For example, the American Constitution introduces and preserves an individual who is vested with a freedom that allows them to pursue the universe as it was envisioned by the Founding Fathers. Bataille, pushing against the work perpetually done by the Constitution, would argue that American citizens and their “freedom” are actually restrained by the State which they so ardently preserve.

American citizens are ascribed a set of rights which protect their freedom, further delimiting what it means to be free. The Second Amendment, on the freedom to bear arms, states that, “a well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”⁷⁵ This freedom, set forth in 1789, is rooted in the need for an effective military to protect the State. Freedom, like consumption, has been distorted to inspire political subjects to strive toward the mythic ideal.

Present day confusion and animosity incited by the invocation of this freedom exposes the artificial fragility of the freedom itself. Without the need for civilian engagement in war, the freedom to bear arms is found void. The amendment now exists as a remnant of the condition of society in a historical moment which found utility in arming citizens. Further examination into this use of freedom as a momentary political solution exposes the tensions that arise when authority is arbitrarily introduced. This is precisely where traditional social contract theory’s

⁷⁴ Bataille’s sense of freedom differs from its traditional application and implication within organized political life. In fact, he critiques those who seek political solution based on anxiety because they, “[combine] the pursuit of freedom with the imperatives that are the most opposed to freedom.” His understanding of freedom, on the other hand, is of the mind. He insists, “on the fact that, to freedom of mind, the search for a solution is an exuberance, a superfluity; this gives it an incomparable force.” His identification of freedom’s false appearance is rooted in his belief that a free mind is reconciled with the experience of anxiety and, thus, is able to approach political problems and concerns of freedom with a “lucid attitude.” Ibid., 13-14.

⁷⁵ U.S. Const. amend. II (amended 1791.) Accessed December 3, 2018.
https://www.senate.gov/civics/constitution_item/constitution.htm#amendments.

solution fails to solve the problem of sovereignty. In the American Founding Fathers' attempt to mitigate the tension between the sovereign and those who were subject to him, they founded a new system of power which equally threatens a citizen's autonomy, albeit not as overtly.

The pushback in response to modern attempts of gun regulation is representative of Bataille's assertion that the linguistic distortion of words for utility's sake results in a hollow or "lackluster" appearance of freedom presented to the people who claim it. Freedom is paradoxical in definition and use. Bataille hints at this in his disappointment in the "meaning that the word has lost." Freedom comes from two Old English roots, "free" and "-dom." "Free" comes from the Old English "freo" which means "not in bondage" or "acting of one's own will," and comes from a Proto-Germanic word, *friaz*, meaning "beloved" or "not in bondage." It is derived from a Proto-Indo-European root, **pri-*, "to love."⁷⁶ The etymological and cultural transformation of language, which once expressed the act of loving and now comes to describe one who is unbound, can be traced back to the differentiation between those who were enslaved and those who were not—those who were objectified as tools working toward an end and those who were the family or loved ones of the slave owner.

The second half of the word, "dom," as a suffix comes from the Old English "dom" which means "statute" or "judgement." Ironically, "dom" as an independent word went on to form the Middle English word, "doome," later "doom," which means "a decision determining fate or fortune, irrevocable destiny."⁷⁷ While freedom has come to promise a "guarantee against the risk of servitude," its origins lie in the judgement of loving; this will have greater implications for Bataille's vision of a return to sovereignty. By appropriating freedom as a

⁷⁶ "free, adj., n., and adv." OED Online. December 2018. Oxford University Press. <http://www.oed.com/view/Entry/74375> (accessed December 04, 2018.)

⁷⁷ "-dom, suffix." OED Online. December 2018. Oxford University Press. <http://www.oed.com/view/Entry/56646> (accessed December 04, 2018).

political right, the State dooms its citizens to a precarious subjectivity constantly needing to be externally qualified by the State itself.

Bataille argues that political entities which propagate a mythic ideal, which promise their citizens a shallow form of freedom, fail to embrace nature in any fulfilling way. The State is essentially and intentionally limited by its reliance on artificial utility. As previously stated, its very origins are based on an anxiety induced need. Therefore, “the State cannot in any way use up that part of ourselves that comes into play in eroticism or in individual love, for it cannot rise above interest (the generality of interest), and a share of ourselves (precisely the accursed share) cannot in any way be given within the limits of interest.”⁷⁸ Here, Bataille asserts that the State cannot provide an outlet for the excess energy which inevitably builds up in man. The State’s attempts to rechannel man’s sovereign compulsion to consume wastefully and desire freely are unsuccessful. Ultimately, governing entities are unwilling and unable to provide man with the type of catharsis granted by sovereign acts like death, love, and eroticism.⁷⁹

After exploring the efforts and failures of the work done by traditional social contract theory, Bataille presents his understanding of sovereignty. He momentarily sets aside state sovereignty and the sovereignty traditionally used to discuss international relations. Instead he says that he, “speak[s] in general of an aspect that is opposed to the servile and the subordinate.”⁸⁰ A sovereign does not serve at the pleasure of others but instead indulges in the pleasures of himself. Additionally, their actions are not executed out of necessity but out of desire. Based on the investigation conducted thus far on the manipulation of freedom, Bataille

⁷⁸Bataille, *Eroticism and Sovereignty*, 160.

⁷⁹ Catharsis refers to emotional purification achieved by specific acts. This release of emotions brings relief to the individual experiencing it. Aristotle is considered the originator of this concept in his comparison of the relieving effect that tragedy has on the mind to the effect that cathartic laxatives have on the body. Aristotle, *Aristotle's Poetics*. (New York, NY: Hill and Wang, 1961), 1449b.

⁸⁰ Bataille, *Eroticism and Sovereignty*, 197.

seems to use the word “sovereignty” to describe the state which has previously been called “freedom.” His dismissal of “freedom” as a term is largely due to its weaponization by authority figures. By swapping “freedom” for “sovereignty” Bataille reinstates the autonomous power which was robbed from the political individual when they entered into a social contract.

Bataille works to reestablish the sovereign outside of a state of usefulness. For, “life beyond utility is the domain of sovereignty.”⁸¹ In that liminal state, one is able to experience sovereignty in joy, satisfaction, satiation as he is consumed by the moment of being rather than the anxiety that accompanies need. Utility, according to Bataille, distracts from the present moment by prioritizing the result of consumption rather than the act of consumption itself. In contrast, “what is sovereign in fact is to enjoy the present time without having anything else in view but this present time.”⁸² The freedom to live in the moment is that of a sovereign alone. In not having to contemplate a time beyond the present, the sovereign is freed from the need to know.

Knowing, operating within a paradigm of knowledge that is oriented toward the utility of knowing, prompts striving toward that end goal. Once the end of any given knowledge is achieved another round of knowing commences and the knower is tempted to engage in an infinite repetition of thought. Bataille asserts that, “knowledge is never sovereign: to be sovereign it would have to occur in a moment,” however, “the moment remains outside, short of or beyond, all knowledge.”⁸³ How does one reach that moment? How does one break the cycle of knowledge to fully be pleased by the present moment? In order to isolate one’s knowledge to that of the present moment, one must engage in the act of unknowing according to Bataille.

⁸¹ Ibid., 198.

⁸² Ibid., 199.

⁸³ Ibid., 202.

Bataille and Schmitt's shared geo-political context inspires an urgency to unknow in both of their philosophies on sovereignty. They both use their work to grapple with the changing political landscape of Europe in the mid-20th century. In his pre-war critique of liberalism and advocacy for dictatorship, Schmitt presents his definition of sovereignty as, "sovereign is he who decides on the exception."⁸⁴ Furthermore, "what characterizes an exception is principally unlimited authority, which means the suspension of the entire existing order."⁸⁵ Although Schmitt's definition of sovereignty demands a similar act of shedding the objective world as Bataille's, his vision of sovereignty remains in the organized political realm. Their linguistic understandings of sovereignty overlap, but Bataille rejects the dictatorial ideology endorsed by Schmitt by locating sovereignty in each individual rather than solely in one.

Acts of unknowing come about during events or experiences that rob us of our knowledge. During these moments, what we know ceases to be of importance and we are briefly suspended in an instance of unfamiliarity. Bataille muses that

this is the case if we weep, if we sob, if we laugh till we gasp. It's not so much that the burst of laughter or tears stops thought. It's really the object of the laughter, or the object of the tears, that suppresses thought, that takes all knowledge away from us. The laughter or the tears break out in the vacuum of thought created by their object in the mind.⁸⁶

These moments of weeping, sobbing, laughing, and so on, create a sovereign by forcing a person out of their thoughts and into their body. After doing the work of suspension, the object of the weep, the sob, the laugh, disappears for that moment and allows us to exist in a temporary subjective state. It is in that state where utility ceases to be and sovereignty is displayed.

By forcing the sovereign to unknow their context, the moment and the sovereign exist free of anticipation. Anticipation, in many ways, binds us to knowledge. It is, "precisely in the

⁸⁴ Schmitt, *Political Theology*, 5.

⁸⁵ Ibid., 12.

⁸⁶ Bataille, *Eroticism and Sovereignty*, 203.

miracle, we are thrust from our anticipation of the future into the presence of the moment, of the moment illuminated by a miraculous light, the light of the sovereignty of life delivered from its servitude.”⁸⁷ If we expect something to happen at any given time we wait for it, we hope for it, we dread it. We are taken out of the moment by this hope and dread and, in turn, act in service to the pleasure of socialized time and space. Our actions become utilitarian to meet the ends of this anticipation. By rejecting knowledge, utility, and anticipation, the individual lifts the weight placed upon their sovereignty by objective life.

This new unrestricted sovereign, according to Bataille, is now free to live in the domain of excess. This freedom, unbound by past and future knowledge, allows the sovereign to participate in acts of deviance. Bataille says that, “often the incipient transgression develops into an unbounded transgression: the disappointed anticipation heralds the reign of the moment, clearing the way for sexual disorder and violence, for revelry and frantic squander” and it is, “in this way, [that] sovereignty celebrates its marriage with death.”⁸⁸ As these unbound moments create a sovereign, they also create unbound behaviors. Without anticipation for what might be, the sovereign engages in acts that further work to disrupt objective life. According to Bataille, these acts pursue a cathartic void by seeking annihilation.

While the embrace of death offers a path to sovereignty for Bataille, he also proposes “life-creating” acts of sovereign making in love and in the erotic. These are both forms of consumption that the individual can engage in in order to invoke sovereignty. They do so by breaking the individual boundaries which constrain the self and allow the other in. While the erotic, that which is raw and tabooed, elicits the moment of a gasp, love breaks down historically formed social barriers and opens up space for unconstrained erotic pleasure. Bataille says that,

⁸⁷ Ibid., 207.

⁸⁸ Ibid., 211.

“in actual fact, individual love, precisely in that it doesn’t involve society but only the individual, is the least historical thing in the world.”⁸⁹ The experience of love forces the individual to unknow the objective world around them because it constructs a wholly new world, a world between the individual and their loved one. According to Bataille, love, like anger, is a disruptive force. It is both constitutive and destructive.

Gillian Rose’s autobiographical contemplation on life, love, and death provides deeper insight for our understanding of the work that love does in Bataille’s theory. Both Rose and Bataille formulate their theories of love with Hegel as a primary influence. Love, according to Rose, “commands the complete unveiling of the eyes, the transparency of the body.”⁹⁰ A loving relationships serves as a space in which a subject is confronted by the other and is plunged into disorientation by the recognition of a self existent outside of their self. Love demands that the loved ones see the other not as a body in relation to its positionality in objective life but rather as a subject suspended by love’s work.

The subject is rendered vulnerable because they are at risk of unrecognition and, in turn, annihilation at the hands of their loved one. Rose asserts that, “there is no democracy in any love relation: only mercy” and “to be at someone’s mercy is dialectical damage.”⁹¹ Similar to Bataille, Rose identifies a loving relationship outside of the bounds of organized power relations, such as democracy. The power enacted in a loving relationship is a precarious one. Not only is an individual in love at the mercy of their loved one’s power but also the possibility of losing their love and the power that it gives them. Rose poetically proclaims that

a crisis of illness, bereavement, separation, natural disaster, could be the opportunity to make contact with deeper levels of the terrors of the soul, to loose and to bind, to bind and to loose. A soul which is not bound is as mad as one with cemented boundaries. To

⁸⁹ Ibid., 157.

⁹⁰ Gillian Rose, *Love's Work* (New York, NY: Schocken Books Inc., 1995), 106.

⁹¹ Ibid., 60.

grow in love-ability is to accept the boundaries of oneself and others. While remaining vulnerable, woundable, around the bounds.⁹²

By embracing the dialectical damage that accompanies a loving relationship, the subject experiences a constant loosening and binding of their soul. In other words, they are drawn into a perennial state of becoming. Love works to reorient the world around us in a way that forces us to reconsider the self and the ways in which we reckon with subjectivity, engage with the world around us, and spend our energy.

Meaning, which had previously been informed by history, the State, and external authorities, is now derived from the recognition achieved between the self and the other. The ideal fed to the individual by the State is no longer relevant; “in other words, in both individual love and impersonal eroticism, man is immediately in the universe.”⁹³ Bataille understands that man, through the State, attempts to approach the universe as an individual. While in love, they become the universe with their partner. Love is one of the forces which works to reject the symbolic order, releases the individual from the bonds of conditioned being, and makes way for the mediation of sovereign desire.

The suspension of language is one way through which the individual can reject their political significance within the social contract. Oftentimes, moments in which words fail work to open up spaces of catharsis. In silence the individual isolates themselves from the history of meaning and the implications that language carries with it. Expressions of subjectivity can then be achieved by other means, specifically those of eroticism. Eroticism in boundless relationships provides a gateway through which the individual is able to disengage from the historical world and enter the universal one:

⁹² Ibid., 105.

⁹³ Bataille, *Eroticism and Sovereignty*, 160.

Only eroticism is capable, in silence and transgression, of admitting the lovers into the void where even the mumbling is stopped, where no speech is conceivable, where it is no longer just the other but rather the bottomlessness and boundlessness of the universe that is designated by the embrace.⁹⁴

In eroticism, the individual spends energy to its extreme. It is in the testing of their energy's limits that they experience the gasp, the climax, the universe. The "boundless" quality which was lost in the meaning of freedom during its redefinition and utilization by the State is rediscovered in individual erotic acts and, as its etymological root might suggest, in loving.

Having established what threatens sovereignty and what has the potential ability to rejuvenate it, Bataille delves into a deeper analysis of the historical implication of sovereignty among men in common. As he understands it, "of course, sovereignty—in a practical sense, the use of resources for nonproductive ends—cannot be given as the goal of history . . . that goal is perhaps, on the contrary, classless society; classless society is at least the direction that history has taken in our time."⁹⁵ Bataille's assessment of progress through a historical lens is evidently informed by Karl Marx's political philosophy.⁹⁶ Sovereignty, within Bataille's framework, cannot be envisioned in history because it does not have language or meaning to conceptualize it. He argues that sovereignty comes into being only when history is negated. A classless society is, in theory, an achievable goal because its essence is able to be captured by conventional uses of language.

When addressing the goal of classless society, Bataille echoes Marx. He claims that, "in becoming, by means of an all-around qualification, a fulfillment of the thing, a perfection of

⁹⁴ Ibid., 168.

⁹⁵ Ibid., 181.

⁹⁶ Karl Marx and Friedrich Engles, *The Communist Manifesto*, ed. Gareth Steadman Jones (London: Penguin Books, 2002.)

utility, hence of servility, [man] stops being reducible to a particular element, as things are.”⁹⁷

Man escapes alienation by embracing his utility and sees his being reflected in the products of his labor. This assertion builds upon Hegel’s dialectic.⁹⁸ Although it seems contradictory, by embracing negation and focusing on his labor, the individual is consumed by the present rather than anticipating the future. This argument, however, complicates Bataille’s theory as it seems to embrace the utility which he has thus far worked to challenge.

Ultimately, for Bataille, the cathartic converse of consuming luxuriously is the engagement in war. War is the utilitarian expenditure of the accursed share of energy which, in its result of death, has the capacity to both propel history and return man to the condition of the life that he is risking. Bataille concludes that Stalin, Marx and Helmuth von Moltke, the German and Prussian military chief, all operated under one assumption: “that war was the motor of history, and without war the world would stagnate.”⁹⁹ By participating in a war, the State allocates its citizens excess energy for them—in acts of violence or in emotional and laborious preoccupations necessary only during wartime. War reaffirms the need for governance. It perpetuates the myth that a citizen is constantly in danger and in need of external protection.

The fear of stagnating, of being negated, is so great that it triggers within the State and its citizens a fervent reclamation of the “freedom” which is threatened by war—that is the freedom to live, the freedom of sovereignty. However, also in war, “modern man is brought back to what

⁹⁷ Bataille, *Eroticism and Sovereignty*, 302.

⁹⁸ For Hegel, self-consciousness exists in itself and for itself, only in relation to the other. Hegel’s master-slave dialectic is initiated at the moment when a self-conscious being is confronted with a being outside of themselves. Driven by the fear of their own negation, the two beings engage in a battle to the death. Hegel envisions a possibility for reconciliation in which one subject negates the other in order to attain self-consciousness and, in turn, reduces the slave to a mere object which mediates the lord and the world around them. However, the lord ultimately is unable to attain full self-consciousness because the image of self-consciousness which is reflected back to him is that of the slave. The slave, however, attains self-consciousness through their work and the material impact that they have on their surroundings. Georg Hegel, “Independence and Dependence of Self-Consciousness: Lordship and Bondage,” in *The Phenomenology of Mind* (1807), accessed December 3, 2018, <https://www.marxists.org/reference/archive/hegel/works/ph/phba.htm>.

⁹⁹ Bataille, *Eroticism and Sovereignty*, 307.

is at stake which he avoided seeing and which only emerges from the suddenness of the moment.”¹⁰⁰ Tragically, or rather ironically, one of the most pervasive outcomes of war also happens to be one of the returns to sovereignty that Bataille envisions: annihilation. While war spends a citizen’s energy on activities based on their utility, they are still confronted with the desires only fulfilled by luxury. The mass mortality of war brings the gasp to the citizen’s lips and the evidence of their being to their conscience. Annihilation takes them out of a future oriented utilitarian life and into one that focuses on their present material moment. With war as its alternative, Bataille makes a convincing argument for the personal reclamation of sovereignty by means of love, eroticism, and a reconciliation with the fear of death

Adriana Cavarero invokes Bataille in her ontological research on death and the State which she conducts in *Horrorism*.¹⁰¹ Her use of Bataille is in direct response to Hannah Arendt’s discussion of the atrocities committed by Nazi Germany during World War II in her work on *The Origins of Totalitarianism*. Arendt’s critique of Bataille, although largely interpreted as a misunderstanding by Cavarero, lies in his “think[ing] it superficial to dwell on horrors.”¹⁰² Arendt misreads Bataille’s criticism of organized society’s aversion to disgust. While Bataille disregards the experience of disgust as a socialized emotional response toward that which is unknown or outside the realm of desirability, Arendt claims that this dismissive attitude toward horror ignores the implications of violence and the lives lost during horrific events, such as the Holocaust.

Cavarero emphasizes the tension between Arendt and Bataille, specifically in their shared post-war context and their varied approaches toward understanding the events of war. She says

¹⁰⁰ Ibid., 346.

¹⁰¹ Adriana Cavarero, *Horrorism*. Translated by William McCuaig. (New York, NY.: Columbia University Press, 2009.)

¹⁰² Hannah Arendt, *The Origins of Totalitarianism* (New York, NY: Harcourt Publishing Company, 1951), 44.

that, “for Arendt, there is an alarming continuity between the post-1918 stance promoting the sacrificability of the self and the theses expounded at the end of the 1940s by Bataille.”¹⁰³ Thus, an Arendtian reading of Bataille evokes concern surrounding his desensitization toward human violence. She goes so far as to suggest that mentalities like the one expressed in Bataille’s writing lead to and allowed for the violence against Jews during World War II to be committed.

However, differing from Arendt, Cavarero finds value in Bataille’s unique conception of sovereignty through a kind of death wish. She outlines Bataille’s thesis of sovereignty as, “through death . . . the discontinuous beings that we are dissolve, not without voluptuousness and trembling, into the continuity of being, setting themselves free of the condition that attaches them to mortal individuality.”¹⁰⁴ In her interpretation of Bataille, she rejects Arendt’s notion that we embrace death with ease. In fact, according to Cavarero, Bataille’s sovereignty is only accessed at the point of luxury with such unease that it forces a physical response of involuntary shaking, of “trembling.” In her reconciliation of him, Cavarero notes that Arendt’s reading of Bataille is not uncommon and his reputation as a political philosopher is oftentimes obstructed by his controversial subject matter. She points out that, “it is telling in fact that the new theorists of community tend to cast a veil of silence over Bataille’s committed affinity of orgy, torture, and bodily suffering, as well as his obsessive insistence on eroticism understood in terms of violence and violation.”¹⁰⁵ Many of Bataille’s critics are hung up on the erotic quality of his writing and commit the very act of dispelling taboo which he warns against in his work. Their discomfort with his vision of sovereignty, Bataille might suggest, only displays how deeply embedded they are in objective life.

¹⁰³ Cavarero, *Horrorism*, 50.

¹⁰⁴ *Ibid.*, 51.

¹⁰⁵ *Ibid.*, 53.

A similar critique can be found in *The Philosophical Discourse of Modernity*, in which Jürgen Habermas criticizes Bataille for his inclination toward the obscene. Although he is not particularly offended in the same way that Arendt and other theorists are, Habermas still seems unable to read Bataille's work as that of radical political thought rather than pure erotica. On more than one occasion Habermas refers to Bataille as "the erotic writer" in his critique of the author. However, he acknowledges that Bataille's work serves as an interesting counterpart to the critiques of modernity presented in the theoretical work by the likes of Lukacs, Horkheimer, Adorno, Weber, and Marx. Habermas attests that, "in contrast, Bataille's approach of moral critique is concerned not with discovering still deeper *foundations* of subjectivity, but with *unbounding* it—with the form of expression that leads the monadically self-encapsulated subject back again into the intimacy of a life-context that has become alien, confined, cut off, and fragmented."¹⁰⁶ While other theorists focus on the "foundations of subjectivity" or opportunities for subjectivity to be recognized in organized society, Bataille's theory breaks loose from those traditions quite literally. The rejection of the very need for a foundation or reification is at the root of Bataille's sovereignty.

Habermas ultimately problematizes Bataille's theory for its inability to reconcile the tradition in which it exists and the goal that it sets out to achieve: an unbound sovereign. Marx, being an important source of reference for Bataille, is ultimately out of his reach. Habermas argues that

Bataille cannot adopt a politico-economic explanation in the Marxist style because the latter is related to changes within the system of social labor—and not to the interplay of the economy with a violence that is not rooted in economic domains or in those of calculating reason at all, but transcends the process of material exchange between human beings and eternal nature from the very start, as the other of reason.¹⁰⁷

¹⁰⁶ Jürgen Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, trans. Frederick Lawrence (Cambridge, MA: The MIT Press, 1992), 214.

¹⁰⁷ *Ibid.*, 230.

Bataille's attachment to Marx undeniably confuses his theory. While they both desire to reject the systematization of individuals in objective life, Marx offers a vision of subjectivity within modernity that is reliant on the prevailing order. Bataille, on the other hand, offers a deviation from these systems as a loophole to modern reality's condition. These two cannot be reconciled. While Bataille can certainly be, and certainly is, inspired by Marx's theory, Marxism cannot participate in Bataille's work in any resolving way. Any attempt to reference or relate Bataille's theory to Marx's renders Bataille's work awkward.

According to Habermas, Bataille's theory is debilitated by its occupation of a liminal theoretical space. He states that, "in the end Bataille oscillates between an incoherent reattachment to the Hegelian project of a dialectic of enlightenment, on the one hand, and an unmediated juxtaposition of scholarly analysis and mysticism, on the other."¹⁰⁸ Habermas seems confused by Bataille's attempts to break free from the tradition while still writing within it, invoking it, and appealing to its audience. Bataille's reconfiguration of social contract theory can come across as unintelligible to those who are used to its traditional form. In Habermas' opinion, "the erotic writer can still use language in a poetic way, such that the reader, assaulted by obscenity, gripped by the shock of the unexpected and unimaginable, is jolted into the ambivalence of loathing and pleasure," while practically speaking, "philosophy cannot in the same way break out of the universe of language."¹⁰⁹ While his theory looks and sounds like the theory of those philosophers that Habermas compares him to, Bataille's writing ultimately works to disrupt the very tradition that those theories reinforce. Ultimately, for Habermas and many other readers of Bataille, his work comes across as paradoxical and fantastical. Bataille's solution is seen as inaccessible by those who are unable to imagine the reality of an unbound life.

¹⁰⁸ Ibid., 216.

¹⁰⁹ Ibid., 237.

However, Bataille's theory is evidently hindered by its conception within the very framework that it works to reject. The issue with Bataille's theory is not his vision of some grotesque cathartic pleasure, but its inseparability from the very bounds that he asserts are necessarily broken during sovereign moments. While his conception of modernity and the struggles that face man in daily life are accurate and the modes through which he envisions a return to sovereignty are believable, the problem lies in his concept of the accursed share. The accursed share, excess energy, itself is reliant on the capitalist notion that surplus should be reinvested. Thus, in order to reach sovereignty the subject must first acknowledge and ratify the very structures which seek to limit them. Needing to ground ecstatic reclamations of sovereignty in something that is familiar is understandable, but can Bataille's theory survive this complication?

Would it be possible to accept all aspects of Bataille's theory while rejecting the very namesake of his work? The accursed share is named just that because of its precarious existence. In Bataille's theory it is spent on either luxurious, "wasteful" sovereignty or overflows and is spent on violent warring behaviors. Presented with this ultimatum, specifically in the context of a post-war landscape, most individuals would prefer sovereignty over war. So, can there be sovereignty without an excess of energy? It is undeniable that political individuals work, they go to school, they participate in acts that orient them in objective life, but they also gasp, in laughter, in sob, in sex. In those moments they are sovereign because they are not enacting some *excess* energy which is deemed as such because it cannot be spent usefully elsewhere.

Despite its contradiction, Bataille's vision for sovereignty engages in death and eroticism in an inspiring way. While his argument does not present itself as traditional social contract theory, it displays some of its key qualities. This is evident in his questioning of how individuals

become sovereign and his confrontation of the impediments which obstruct self-governance. However, his assertion that sovereignty allows for deviance breaks from the tradition and makes way for the exploration of unbound sexuality, identity, and subjectivity. It is in the unbinding of these sovereign moments that the subject is liberated. Free from the limits of history and objective life, man disrupts normativity and, in turn, opens up a void in which sovereignty can be experienced.

In these moments an individual is truly sovereign because they experience an ecstasy in which they can no longer be constrained by any bond, including the named bond of *excess*, which ties them to organized life. Despite being unavoidably grounded in the reality of the material world and limited by the words which bring him into the realm of intelligibility, Bataille's political philosophy is successful in guiding a political individual through the unease of socially contracted life.

Myth Busting

*“It would seem that we are condemned for some time
yet always to speak excessively about reality.”
—Roland Barthes, *Mythologies**

Social contract theory contributes to the tradition of mythological foundings.¹¹⁰ In its origin, social contract theory is a political form of mythology that arises during a specific material moment in history. It responds to the need for an effective explanation of the present moment and the reimagination of a more desirable future. The origin of a social contract theory is mythological because it disrupts a political reality and inserts an alternative one. In its perpetuation, the present moment continually places demands on a social contract to invent systems through which we form our communal understanding of reality. The perpetuation of a social contract is mythological because it relies on a constant reinvention of the collective political imaginary. It is in these processes of reimagination that social contract theory enacts a mythical quality which both drives and limits the social contract itself. The fictional character of its theory ultimately endows the social contract with a precariously paradoxical existence.

The political mythology of social contract theory is not in itself bad or harmful in any moral sense. Myth, in fact, is one way in which new meaning can be found within prevailing systems of authority in order to liberate oppressed individuals. Mythology forms a coherent

¹¹⁰ The identification of social contract theory as a form of mythology in this chapter is meant to emphasize the detachment from reality which burdens a social contract and is often associated with myth. Henry Tudor argues that “in common usage, the term ‘myth’ stands for any belief that has no foundation in fact. A myth, we are told, is a fiction or illusion, the product of fantasy and wishful thinking rather than the result of any serious attempt to tackle the world in which we live; and political myths are simply fictions or illusions about political matters.” Mythology is a collection of myths which form a tradition. Social contract theory is a mythology in the way that it creates systems of understanding that inform universal conceptions of political subjectivity. Henry Tudor, *Political Myth* (New York, NY: Praeger Publishers, 1972), 13.

system of meaning making which enables individuals to express their sovereign particularity. However, it is also this essential mythical quality which inhibits a social contract's ability to fully realize and address the need which brought it into being. Moreover, while the myth itself is not damaging, efforts made to perpetuate or distort the myth in modern times have had an adverse effect. It is important to evaluate the practical appearance of a myth in relation to its theoretical creation in order to better understand the ways in which the myth has deviated from its foundation.

Due to political mythology's practical intention, the social contract harms its citizens by placing artificial limits on their sovereignty. Such is the case with Locke's social contract, these artificial limits are omitted in theory but oftentimes surface in practical manifestations. A social contract's constant reinvention of the political imagination incessantly delimits an individual's political subjectivity. These inventions encircle both the political subject and their social contract with their mythical origins. Nontraditional social contract theorists, such as Georges Bataille, offer alternative methods of breaking the fictitious chains placed upon individual sovereignty.

Social contracts are more necessary and most relevant in the event of a beginning. It is no coincidence that the likes of Hobbes, Locke, Rousseau, and so on, all found themselves creating their respective social contracts in times of social uncertainty and political unrest. In an attempt to create something new from and through these social contracts, traditional theorists engage in a retelling, or reorienting, of what some might call the "political anthropology" or what others refer to as history.¹¹¹ This is the mythological origin of a social contract.

Friedrich Nietzsche might associate the act of reorientation that social contract theory engages in with what he calls "critical history." In most cases, the creation of a social contract can be found precisely at the point when, "in order to live, man must possess the strength, and

¹¹¹ Torrey Shanks, *Authority Figures* (University Park, PA: The Pennsylvania State University Press, 2014), 111.

occasionally employ it, to shatter and disintegrate a past.”¹¹² Here, Nietzsche’s words design the need for a new social contract as a means of survival. It comes about when a contemporary way of life threatens to negate individual subjectivity and the prevailing political imaginary must be reimagined.

Another essential element of critical history is the way in which individuals who engage in the tradition attempt to reshape the collective political imagination. Due to the fact that “it is impossible to free ourselves completely from this chain [which links us to the mistakes of earlier generations] . . . we plant in ourselves a new habit, a new instinct, a second nature, so that the first nature withers.”¹¹³ This “new habit, new instinct, second nature,” enacts mythology. It requires planting and is, thus, artificial. It is also essential for the distinction between a past and present or future. While the past was based on the first nature, an old social contract, or possibly no social contract at all, the present or future ought to be based on the second nature—on a new social contract. Eventually, “for those who struggle, for those who use critical history in the service of life, there is significant consolation in knowing that even this first nature was once a second nature, and that every victorious second nature will become a first.”¹¹⁴ This is to say that a social contract, and so too a political myth, a noble lie, a founding fiction, and so on, becomes ingrained in the collective psychic character over time. Americans make unconscious claims for their life, liberty, and pursuit of happiness just as a ruler is assumed to have gold spun into them by the gods in Plato’s *Republic*.¹¹⁵

By disrupting prevailing political and social orders, critical history demarcates the past and opens up the present and future to new ways of socio-political organizing. Although the past

¹¹² Friedrich Nietzsche, *Unmodern Observations*, trans. Gary Brown (New Haven, CT: Yale University Press, 1990), 102.

¹¹³ *Ibid.*, 103.

¹¹⁴ *Ibid.*

¹¹⁵ Plato, *The Republic*, 415a.

colors the present with both its successes and failures, it also boldly outlines the present as set apart or different from previously predominant systems. Traditional social contract theory stakes a claim on the contemporary moment and asserts that it, whatever *it* is, is better equipped to realize the modern needs of the individuals who it attempts to organize. Modern revolutions similarly engage in critical history through their efforts to create something wholly new.

While her notions of freedom do not participate in the same assessment of sovereignty that this project attempts, Hannah Arendt's work on political action and new beginnings is important to consider in our analysis of the practicality of a social contract's mythical origins.¹¹⁶ Arendt contends that "crucial, then, to any understanding of revolutions in the modern age is that the idea of freedom and the experience of a new beginning should coincide."¹¹⁷ Attention should be drawn to the emphasis placed on "the *idea* of freedom and the *experience* of a new beginning." Arendt is careful not to empower freedom and beginning alone as the forces behind revolutionary action. Instead, the *idea* of freedom accompanied by all of its ambiguous guarantees sparks a revolt. Similarly, the *experience* of a new beginning, the feeling of isolation or fragmentation from a previously normative way of life, inspires insurgency. Thus, revolution occurs when individuals are inspired to radically redefine and reorient their subjectivity in the world and begin something new according to this transformation.¹¹⁸ Despite being radical in her

¹¹⁶ Arendt notably locates freedom inextricably within the realm of politics and sovereignty as a direct contradiction to that realm. On this point Bataille and Arendt would agree. However, Arendt ultimately believes that freedom attained through revolution should be the aim of a political subject. Despite criticizing the confusion of freedom for sovereignty, as previous chapters of this project have done, Arendt diverges from Bataille in her attachment to the political realm. Hannah Arendt, "What is Freedom?", in *Between Past and Future* (New York, NY: The Penguin Group, 1961).

¹¹⁷ Hannah Arendt, *On Revolution* (New York, NY: The Penguin Group, 2006), 89-90.

¹¹⁸ Arendt's identification of the notably contemporary coincidence between freedom and beginning is rooted in modern revolutions, such as the American Revolution. In this case and in others, the process of revolution hinges on freedom: the lack of freedom motivated the revolution and the alleged procurement of freedom marked a new beginning. Arendt's judgement of freedom captures the essence of traditional social contract theory and the problem of sovereignty which it attempts to solve. This new beginning is distinguished by a social contract's adjustment of sovereignty. This, according to Arendt, is also what distinguishes the revolutions of modernity from those of antiquity: the creation of something wholly new rather than a return to the ways of past political unrest.

thought on the political catharsis of new beginnings during revolutionary times, Arendt does not go quite as far as her post-war contemporaries, such as Bataille, to rethink political subjectivity outside of the binds of traditional social contract theory.

Conversely, Bataille criticizes the historical tradition of revolutions in order to orient his notion of sovereignty outside of the limits of political organization. Bataille speaks “of those movements that we strive to make immutable, immobile, of those revolutions that we regard as a state, a lasting entity, that we naively preserve, as if their essence were not change.”¹¹⁹ Ultimately, revolution fails to provide the political subject with catharsis, according to Bataille, because it brings the political action which inspires it to a halt. It provides an end for the political imagination and, in so doing, limits it. In order to be truly cathartic, the state which once resulted from revolution must be ever-evolving. The moment in which political action is immobilized and revolution is deemed a threat exposes the limits of a social contract. Such is the case with the American Constitution which has only witnessed twenty-seven amendments in its over two hundred years of existence. It is in this way that revolution could be seen as the first invention through which social contract theory is mythically perpetuated.

In moments of beginning, a social contract fulfills the need introduced by revolution for the invention of newness. While new beginnings make space for artificial explanations of social and political organization, the sustainment of the social contract requires further fabrication. It is in this space where the social contract invents a people to be governed, visions of sovereignty to strive for, systems of power to be wielded, and new uses of language to persuade. These inventions introduce further limits upon both the political subject and their imagination.

Another one of the many artificial restrictions invented by social contract theory is the myth of the people. Each social contract must define to whom it is obliged and the ways in which

¹¹⁹ Bataille, *Eroticism and Sovereignty*, 94.

they can oblige them. In *Inventing the People*, Edmund Morgan addresses the myth of the people and their role in both creating and sustaining the social contract during revolutionary times. Like Arendt, Morgan locates the origin of the myth as an invention which is born during the process of beginning anew. Before the American Revolution, mass discontent with the monarchical style of rule in England triggered, “a new ideology, a new rationale, a new set of fictions [which] was necessary to justify a government in which the authority of kings stood below that of the people or their representatives.”¹²⁰ It is at this point that Locke became inspired to write his own social contract. While English politicians chose to perpetuate a myth of the people that preserved the monarchy, American revolutionaries bound their new beginning to a social contract inspired in part by Locke. Almost one hundred years after Locke published his *Second Treatise*, “after that contest [of the American Revolution] began, Americans explored the meaning and methods of popular sovereignty as though for the first time.”¹²¹ Although their English forefathers had already been grappling with the issue of popular sovereignty for years, American revolutionaries had the experience of beginning a new journey for their idea of freedom. The definition of a people whose sovereignty reigned supreme served as the basis of this journey, as well as the distinction between the English past and an American future.

America’s new beginning was both critical of and reliant upon the historical “chain” which bound it to its colonial roots.¹²² The common problem of sovereignty bonded America to England and confronted the fantasy of their social contract with their material reality. Morgan notes that “Americans were discovering, as the English had discovered in the preceding century, that the sovereignty of the people could pose threats to the very values it was ostensibly designed

¹²⁰ Morgan, *Inventing the People*, 56.

¹²¹ Ibid., 238.

¹²² Nietzsche, *Unmodern Observations*, 103.

to protect.”¹²³ This paradox is irreconcilable within the mythical framework of America’s founding. Early America’s inability to solve the problem of sovereignty reflects the limitations of its social contract and its artificial shortcomings.

In order to overcome the chain which bound them to these shortcomings, American revolutionists took again to the task of invention. Morgan insists that

when the Americans declared independence and went about setting up new governments . . . they had developed at nearly all levels of their society, a degree of political sophistication and experience that enabled them to translate abstractions into practice, or, to put it another way, to give a plausible factual basis to the fictions of popular sovereignty.¹²⁴

The “abstractions” which he alludes to are most evidently social contract theories, specifically that of Locke. While Morgan identifies America as being distinctly successful in inventing the people through consistent and persistent efforts to imbed these “abstractions” at “all levels of their society,” the great difficulty of practically realizing popular sovereignty proves otherwise. Popular sovereignty introduces the problem of representation. How can the sovereignty of the people be realized within a governing entity that undeniably takes power out of the hands of the many and puts it in those of the few? Morgan notes that, in order to answer the question which has been posed, American revolutionaries “discovered a new and more effective way of bending the sovereignty of the people to overcome the deficiencies” of the myth.¹²⁵ Therefore, in order to give “a plausible factual basis to the fictions of popular sovereignty,” American revolutionaries had to “bend” the definition of sovereignty which had originally inspired both their new beginning and their invention of a unified people. It is evident that the invention of the people, in the American case, was largely reliant on the social contract’s invention of sovereignty.

¹²³ Morgan, *Inventing the People*, 254.

¹²⁴ Ibid., 256.

¹²⁵ Ibid., 262.

The myth of the people runs into its limits as it meets those of the myth of sovereignty. Henry Tudor asserts that “myths are untranslatable” because “they cannot be interpreted rationally; they are interpreted only by new myths, by being transformed.”¹²⁶ Thus, the only way to understand the myth of the people is to concoct a myth about their sovereignty. In turn, the only way to rationalize such an absolute sovereignty is to fabricate a commanding people who empower it. Whether the myth of the people came before the myth of sovereignty, or vice versa, will be left up to debate. However, it is unequivocal that the need to fabricate sovereignty and a people coincide in America. In *The Foundations of Sovereignty*, Harold Laski acknowledges the mythical limits of social contract theory, specifically in relation to its invention of sovereignty:

Sovereignty—Locke does not use the word—flows always towards the centre of administration. That is why so much of Locke’s thinking turned upon limitations of governmental power. That was why, not only for himself, but for all his successors to the time of Rousseau, the legal theory of sovereignty proved always too narrow for final acceptance.¹²⁷

Sovereignty, as has thus far been argued, is the great problem which social contract theory sets out to solve but ultimately fails to address. The social contract’s practical inability to realize its inventions, such as the people or sovereignty, is due to the very limits which allow the inventions to be understood. The artificial definitions which bring social contract theory and its inventions into the realm of intelligibility fundamentally wound the myth with a paradoxical narrowness.

Riddled with paradox and inhibited by its fictional origins, popular sovereignty nevertheless persists as the foundation of America’s social contract. Despite classifying popular sovereignty as an “impossible fiction,” Laski contends that “that is not to allege its lack of influence. On the contrary, it is matter of record that it has again and again, been the basis of

¹²⁶ Tudor, *Political Myth*, 122.

¹²⁷ Harold Laski, *The Foundations of Sovereignty* (New Haven, CT: Yale University Press, 1931), 23.

popular action; and it is still, for the most, the theoretical basis of popular government.”¹²⁸ This, however, further reveals the failure of social contract theory in its practical application.

Determined efforts to find logic and reason in an “impossible fiction” as the basis of governance renders the social contract, as well as the political subjectivity which it forms, vulnerable to harmful distortions and a further “bending” away from its theoretical origins.¹²⁹ Thus, a social contract in “practice, in this regard, limps painfully behind the theory it is to sustain.”¹³⁰ Social contract theory, and so too myth, does not hold up to practice in reality. Instead, they appear as mere restrictions arbitrarily placed upon the political subjects who supposedly justify them with their own sovereign power. In spite of being allegedly derived from the will of the people, the social contract in practice betrays their particular sovereignty and instead assumes a more general and hollow appearance.

The ignorance of particular sovereignty is the most significant way in which the social contract practically fails the individual on the problem of sovereignty. Despite being invented as the basis of both government and the people themselves, sovereignty cannot be fully attained beyond its mythical limits. Laski highlights this downfall by stating that “it is useless to call the sovereignty of the people effective if the organs through which it works fail to do justice to popular desire.”¹³¹ He doesn’t stop there. In fact, he further exposes the mythical foundations of sovereignty by emphasizing its rational limits and its inability to satisfy an individual’s desire for uninhibited sovereign acts. He asks “what, at bottom, is justice to popular desire? What popular desire must be accepted by the statesman? . . . Are there, in fact, popular desires to which

¹²⁸ Ibid., 213-214.

¹²⁹ Morgan, *Inventing the People*, 262.

¹³⁰ Laski, *The Foundation*, 228.

¹³¹ Ibid., 222.

attention ought not to be paid, because they are wrong?”¹³² These are questions that a social contract, America’s Founding Fathers, and Locke himself have not and cannot answer. This is when the need arises to look past canonical figures toward other voices that are more accurately representative of society and desire’s function within it.

Desire, for Bataille, does not baffle sovereignty as it does in traditional social contract theory. While desire contradicts the mythical sovereignty that is invented by the social contract, it informs the sovereignty found in Bataille’s theoretical workings. In fact, excessive acts of eroticism and love—expressions of desire—allow the individual to enact a truly powerful unlimited sovereignty. He declares that sometimes

passion, desire and their immediate satisfaction put on reasons that disguise them and give them the appearance of a useful means. Conversely, if the principle of a sovereign value is affirmed beyond the value of utility (the pure means), it remains vague and, lacking definition, is hard to distinguish from that which it aims to contradict.¹³³

Here, Bataille discerns between useful desire and sovereign desire. The former engages in notions of utility that carry with them the weight of predominant, primarily capitalist, concepts of authority. Desire is made useful by authority figures who see it as a means for the perpetuation of their power. Excessive desire—that is, desire which is acted upon outside of the normative systems of power—opens a space in which the individual can practice their sovereignty. Without an externally assigned value, this kind of desire cannot contradict any sense of sovereignty other than that which chooses to act upon the desire in the first place.

The myth fails to translate from theory to practice in part because those who apply it are excluded by their proximity from the circumstance in which the need for a social contract arose. They did not write the social contract, nor did they even experience the reality in which the theory was written. Each application moves the myth further from its origins. Tudor claims that

¹³² Ibid.

¹³³ Bataille, *Eroticism and Sovereignty*, 313.

“a myth does not shape itself” because “it is shaped and reshaped by the men who pass it on; and they shape it in accordance with their own presuppositions and in response to their particular experiences in the world.”¹³⁴ It is in this way that a social contract invents power. Those who shape the myth do so not only “in accordance with their own presuppositions” and “particular experiences in the world” but also in relation to the organization of power which best suits them.

A contemporary material example of this is the political slogan, “Make America Great Again.” While popularized by Donald Trump in his 2016 presidential bid, it was also used in campaign speeches made by Ronald Reagan, as well as both Bill and Hillary Clinton. This slogan fundamentally perpetuates the social contract by diagnosing a problem within society and proposing the institution of government as its cure. Moreover, it mythologizes a moment in America’s history that was once “great.” It calls for a return to the social contract, the revolution, the vision of reality which once provided relief for a political subject’s unease. The use of “again” claims that society has fallen from this “greatness.” By staking this claim, Trump and other politicians empower their notions of “greatness,” the time in which individuals like them experienced it, and a myth of modern reality that might realize it. Trump’s presidency thus far suggests that America was last great during moments of political divisiveness, social homogeneity, and widespread suspicion of difference. “Make America Great Again” distorts reality in a way that not only perpetuates the need for a social contract but also invents the power which allows Trump to “grab [women] by the pussy,” label some countries as “shitholes,” and declare that white-nationalists are “very fine people.”

These acts of distortion rely on the invention of language. By the invention of language, the introduction of new uses of language that form divergent networks of communication which work to transform meaning is implied, not the mere invention of words. Roland Barthes asserts

¹³⁴ Tudor, *Political Myth*, 37.

simply that “myth is language.”¹³⁵ That is, language is comprised of artificial signifying words and images which come to convey meaning through shared universal understanding and employment. Myth, like language, renders an experience more coherent. However, an applied myth, a myth that becomes consumed by its utility, is emptied of its radical expressive quality. Barthes further elaborates that mythology is “a mode of signification, a form,” but “when it becomes form, the meaning leaves its contingency behind; it empties itself, it becomes impoverished, history evaporates, only the letter remains.”¹³⁶ Myth, and so too the social contract, becomes detached from the ever-changing material world in which it appears. It instead becomes attached to a meaning—a meaning which was once able to account for reality but is now constrained by its fixed form. Meaning within systems of language is reliant on objective knowledge and so too the information of objective life.

Myth becomes rhetorical language when its use becomes rigid and it is invested with purpose. Rhetoric, as Barthes defines it, is “a set of fixed, regulated, insistent figures.”¹³⁷ Rhetoric is meant to persuade thought or produce a specific reaction. A mythical social contract which becomes transfixed by rhetoric no longer attempts to relieve its citizens by expressing their reality. Instead, it attempts to persuade them of a specific reality, one that does not necessarily reflect their material experience, needs, or desires. Authority figures who possess the power to distort the foundation of sovereignty and the theoretical framework of a social contract use rhetorical language to empty the myth of its cathartic potential. The myth no longer offers an inspired vision of new beginnings when it is appropriated as a tool by individuals who use it to invent and wield power.

¹³⁵ Roland Barthes, *Mythologies*, trans. Annette Lavers (New York, NY: Hill and Wang, 1972), 11.

¹³⁶ *Ibid.*, 109, 117.

¹³⁷ *Ibid.*, 150.

Although it is difficult to choose just one instance in which Trump has emptied language of its meaning, he clearly did so when he declared “I am your voice” at the 2016 Republican National Convention. The rhetoric of this statement is twofold. First and foremost, it is a figure of speech. The vagueness of “your” speaks to everyman. While one might assume that someone running to be the President of the United States would attempt to represent the voices of all Americans, the event suggests that Trump’s target audience is exclusively Republican. Furthermore, since taking office, his words and actions imply an even more nuanced “you” —a “you” who wants to “build the wall” or “lock her up.” His assertion that “I am your voice” is also rhetorical in the way that it acts as a means of persuasion. It is presented under the guise of providing a voice for the supposed voiceless. However, it just further perpetuates the myth of a reality in which a fixed social contract can fulfill the needs of its ever-changing citizens.

Locke himself employs rhetorical language in the creation of his social contract. While Torrey Shanks views Locke’s rhetoric as doing the work of radical reorientation in *Authority Figures*, this chapter places Locke among those who delimit political imaginations in order to fabricate reality. Despite admitting that “there is something that does not seem to sit right between the style [of rhetoric] and the substance of Locke’s thought,” Shanks believes that, through his work, “Locke creates an alternate history from matters of fact that offers a new vocabulary of judgement.”¹³⁸ It is through this “alternate history” that Shanks locates the success of Locke’s social contract in practice. According to Shanks, Locke grounds his theory in not the chain of history nor the plurality of experience but in “matters of fact.” These “facts” form an “alternate history” which explains a reality that justifies his social contract. The danger of alternative facts should be clear by now.

¹³⁸ Shanks, *Authority Figures*, 13, 109.

It is unsustainable, if not reckless, to ignore reality when making judgements on society and creating theoretical frameworks based on those judgements. Revisiting Barthes, the danger arises when myth forgets reality and form replaces imagination: “the meaning contained a whole system of values: a history, a geography, a morality, a zoology, a Literature. The form has put all this richness at a distance.”¹³⁹ Drawing from an alternate history, Locke’s social contract theory suspends itself from practical life. Furthermore, appropriations of Locke’s social contract lack a richness of meaning in every sense of the word. In an attempt to separate a social contract of the present from that of the past, a myth of yesterday from a myth for tomorrow, meaning and meaning making are weaponized as a means of distortion.

Despite acknowledging the generative quality of new beginnings and new meanings, Shanks mistakes Locke’s rhetoric as the latchkey to the expansion of a collective political imaginary. Shanks falsely claims that

to speak of the creation of new vocabularies issuing from new memories and histories reaches beyond what philosophical principles can produce. It is the work of generating meaning and of affective (re)orientations. It is the work of rhetoric that is the condition for judgement beyond existing opinions, or in other words, the conditions of critique.¹⁴⁰

Transcending prevailing systems of “opinions” or “critique” is not the work of rhetoric. Nor is it the work of systematized language or distorted myth. Moreover, it is especially not the work of traditional social contract theory. All of which are bound by form and accursed by intelligible rigidity. In fact, “the work of generating meaning and of affective (re)orientations” belongs in part to what have thus far been referred to as sovereign acts. It is these acts, such as eroticism, love, and death, which work in the margins of normative thought traditions in order to radically rethink political subjectivity and relocate sovereignty.

¹³⁹ Barthes, *Mythologies*, 118.

¹⁴⁰ Shanks, *Authority Figures*, 110.

A dependence on myth to ground reality proves the shortcoming of not only theory but of humanity. Relying on artificial frameworks, external authorities, and someone else's thoughts confine the political subject within an organized life and narrow autonomy. Yet, we eagerly attach out political subjectivity—and so too our claim to reality—to ideologies, parties, movements, and identities which are not of our own making. Barthes says that

the fact that we cannot manage to achieve more than an unstable grasp of reality doubtless gives the measure of our present alienation: we constantly drift between the object and its demystification, powerless to render its wholeness. For if we penetrate the object, we liberate it but we destroy it; and if we acknowledge its full weight, we respect it, but we restore it to a state which is still mystified. It would seem that we are condemned for some time yet always to speak *excessively* about reality. This is probably because ideology and its opposite are types of behaviour which are still magical, terrorized, blinded and fascinated by the split in the social world. And yet, this is what we must seek: a reconciliation between reality and men, between description and explanation, between object and knowledge.¹⁴¹

We cling to myths, regardless of how accurate they are, in an attempt to stabilize our grasp of reality. However, “a serious contradiction has emerged” and men are not put in touch with reality but instead further alienated from it.¹⁴² We are faced with a constant tension between seeking to define reality and freely living it. To Barthes, definition is utilitarian and robs life of its meaning. Yet, living life in the dark presents its own difficulties.¹⁴³ The fixed attachment of life to ideology and the rejection of it both operate out of an aversion to what Barthes calls the “split in the social world” and what Bataille refers to as a “general economy.”¹⁴⁴ Both record a social arrangement in which that which is normatively considered useful or reasonable is pitted against that which is deemed excessive or luxurious. In other words, both Barthes and Bataille identify the conflict between objective life and subjective life as irreconcilable. Additionally, both share

¹⁴¹ Barthes, *Mythologies*, 159.

¹⁴² Tudor, *Political Myth*, 128.

¹⁴³ Such is evident in Locke's *Second Treatise*. Men are driven toward the social contract because the fear of harm outside of organized life “makes him willing to quit a condition, which however free, is full of fears and continual dangers . . . for the mutual preservation of their lives, liberties, and estates.” Locke, *Second Treatise*, 66.

¹⁴⁴ Bataille, *Eroticism and Sovereignty*, 26.

the sentiment that “it would seem that we are condemned for some time yet always to speak *excessively* about reality.”

While Barthes sees excess in linguistic attempts to capture reality, Bataille sees it as an opening in which sovereignty can be experienced in ways that the social contract cannot realize. In many ways Bataille provides the “reconciliation” that Barthes urges “we must seek.” However, Bataille assuages Barthes qualm about the split of the social world by embracing the “mystified” life. That being said, Bataille hesitates to wholeheartedly reject order and instead acknowledges our social and political positionality within set institutions. Bataille surmises that,

all in all, man has become a riddle for himself. The elements of this riddle are scattered in history, and in the present only those sovereign moments in a diffuse state, whose constant reality and deep significance we cannot deny, contribute to a possible solution. The contribution comes from within ourselves, but its objective existence is firmly established.¹⁴⁵

To some’s surprise, he does not attempt to dismantle the institutions found in objective existence but instead chooses to think of ways in which individuals can act in and around institutional authority in order to claim their sovereign subjectivity. Despite being fixed in our lives as social and political beings, we are able to stabilize our grasp on reality during “sovereign moments” which occur in the liminal spaces of objective life.

Bataille’s location of sovereignty bypasses social contract theory because it transcends the need for mythical origins and artificial perpetuations. This is most evident in his treatment of language. He argues that “the world is always richer than language.”¹⁴⁶ If we were to use myth synonymously with language, as Barthes suggests is possible, then a myth is also considered to empty the reality it attempts to explain. Both myth and language systematize experience in order to make it communicable, but in so doing also confine the possibilities of life to those which are

¹⁴⁵ Ibid., 232.

¹⁴⁶ Ibid., 255.

conventional or relatable. Language traps the individual in objective knowledge. While Barthes and others view language as a necessary evil, Bataille explores alternate modes of mediation which allow a subject to orient themselves in their material reality.

Without language, Bataille's subject is tasked with affirming both their subjectivity and sovereignty through other means. This is not to say that Bataille proposes a life of silent solitude. It would be unreasonable to suggest that an individual can only access sovereignty when they cease communicating with others. Yet, the disparity between subjective knowledge, knowledge which is internal and unbound by the need to be expressed, and objective knowledge, that which is universally known, presents a challenge. Ordinarily, this disparity requires language to bridge the two. However, according to Bataille, it is overcome by sovereign acts which express sovereign moments: "we speak of laughter, of tears, of love, beyond the experiences we have of them, as objectively conditioned impulses."¹⁴⁷ Divesting these acts from their objective implications means that they are not perceived alongside their purpose or utility. This requires a process of unknowing. Subjective knowledge says that one does not laugh because they are happy or cry because they are sad—they do so because they can, because their sovereignty desires it. These expressive acts inform an objective knowledge of the laugher, the cryer, the lover's unbound sovereignty in that moment.

Sovereign acts suspend the political individual, however briefly, from their fixedness as part of a myth—of the people, of sovereignty, of power, and of language—of a social contract. They reopen the space that was once filled by the social contract and reintroduce the experience of limitless possibilities which was last witnessed at the point of beginning anew. Language becomes obsolete and the need for a foundational myth seems hollow during "these great tides of miraculous possibility, where moreover the transparency, the richness and the soothing splendor

¹⁴⁷ Ibid., 233.

of death and the universe are to be regained, [and] presuppose the imagination joining together that which is never given except in parts.”¹⁴⁸ The political imagination, no longer obligated to the work of myth or social contract, pieces together the self that was once fragmented by the many demands placed on it by objective life. Then, and only then, can the political imaginary realize the sovereignty vested in a unified subject. It is precisely in these “miraculous” moments that “the work of generating meaning and of affective (re)orientations” is done.¹⁴⁹

It should be clear that the preceding argument is not one against myth. As previously stated, myth has an expressive quality which relieves a political subject from the harsh confines of organized life. In the circumstance in which we find ourselves, one of fallen sovereignty, our imaginations are the sole proprietors of sovereign moments. Fantasy allows for the uninhibited pursuit of desire. Moreover, as Bataille asserts, domains of eroticism, love, death, and so on, are profoundly imaginary. However, fantasy which seeks to distort rather than reveal reality no longer liberates the political subject. When mythology becomes a form of persuasion, as traditional social contract theory has, the imagination becomes accursed.

¹⁴⁸ Ibid., 235.

¹⁴⁹ Shanks, *Authority Figures*, 110.

Conclusion

Normative social contract theory is not reflective of our present historical moment. The space between the theoretical underpinnings of our country and the reality which they still attempt to explain through popular political rhetoric are apparent. The values held by Locke, Hobbes, and Rousseau are not wholly representative of our human condition today. Put simply, our contemporary problems cannot be solved by solutions that were created for problems of the past. We must ask ourselves, why social contract theory, and the institutions born out of it, should remain petrified in our ever-changing world. And simultaneously we must ask: How can we have a more expansive understanding of social contract theory? This project hopes to theoretically contribute to that mission by incorporating Bataille's work, which speaks to many of the political crises we face today.

This project raises more questions than it answers. Who else belongs in the canon of social contract theory? Do other social contract theories fail the people that they claim to constitute and represent? What social, political, and economic problems have been embedded in the political institutions that house life in America today? Does a successful traditional social contract exist? If so, in what ways do successful social contracts differ from those that fail? Another unanswered question is, what of the practical manifestations of social contract theory that lie outside of the American example? Can we think about social contract theory more globally? We might also ask what of Burma or Catalonia? How have these regions' social contracts failed and in what ways must they be updated in order to meet the needs of their peoples' present material moment?

I see future research extending the work done by this project primarily in two ways. The first would use my claim of traditional social contract theory's failure to retroactively assess a country's betrayal of its citizens. For example, someone could attempt to understand the Holocaust as a result of Hitler's distortion of Germany's social contract. This would be a natural extension of this project considering Bataille's political philosophy itself attempts, in part, to retroactively understand the international trauma caused by Nazi Germany. The second way of extending the work done by this project would be to apply its findings to a present or future political circumstance. For example, how can Burma reconcile its present moment with the colonial and post-colonial political myths which have hitherto dictated its socio-political organization? Furthermore, how can the people of Burma vest their political organization with the sovereignty of each and every citizen as they continue the process of democratic reform? Regardless of how future researchers will attempt to extend my claims, this project not only inspires but demands us to continue its work.

While my project starts and ends with Bataille, future projects should continue to expand the canon of traditional social contract theory. The addition of Bataille to the canon of political thought does not render it fixed or satisfied in any way. We should all participate in seeking new and divergent meanings of our political significance. If our contemporary historical moment refuses to stagnate, then so should we and so should our efforts of achieving political representation.

Bibliography

- Aaron, Richard. *John Locke*. Oxford, England: Clarendon Press, 1955.
- Arendt, Hannah. *On Revolution*. New York, NY: Penguin Group, 2006.
- . *The Origins of Totalitarianism*. New York, NY: Harcourt Publishing Company, 1951.
- . "What Is Freedom?" in *Between Past and Future*. New York, NY: Penguin Group, 1961.
- Aristotle. *Aristotle's Poetics*. Translated by S. H. Butcher. New York, NY: Hill and Wang, 1961.
- Armitage, David. "John Locke, Carolina, and the 'Two Treatises of Government.'" *Political Theory* 32, no. 5 (2004): 602-627. <http://www.jstor.org/stable/4148117>.
- Barthes, Roland. *Mythologies*. Translated by Annette Lavers. New York, NY: Hill and Wang, 1972.
- Bataille, Georges. *The Collected Poems of Georges Bataille*. Translated by Mark Spitzer. Chester Springs, PA: Dufour Editions, 1998.
- . *Consumption*. Translated by Robert Hurley. Vol. 1 of *The Accursed Share: An Essay on General Economy*. New York, NY: Zone Books, 1988.
- . *Eroticism and Sovereignty*. Translated by Robert Hurley. Vols. 2 & 3 of *The Accursed Share: The History of Eroticism and Sovereignty*. New York, NY: Zone Books, 1993.
- . *Story of the Eye*. Translated by Joachim Neugroschel. San Francisco, CA: City Lights Books, 1987.
- . *Visions of Excess*. Translated by Allan Stoekl. Minneapolis, MN: University of Minnesota Press, 1985.
- Cavarero, Adriana. *Horrorism*. Translated by William McCuaig. New York, NY: Columbia University Press, 2009.

Cicero, Marcus Tullius. *De Legibus*. Translated by Clinton Walker Keyes. Cambridge, MA: Harvard University Press. 1977.

Farr, James. "Locke, Natural Law, and New World Slavery." *Political Theory* 36, no. 4 (2008): 495-522. <http://www.jstor.org/stable/20452649>.

Filmer, Robert. *Patriarcha*. London, England: Richard Chiswell, 1680.

Habermas, Jürgen. *The Philosophical Discourse of Modernity: Twelve Lectures*. Translated by Frederick Lawrence. Cambridge, MA: The MIT Press, 1992.

Hartz, Louis. *The Liberal Tradition in America*. New York, NY: Harcourt, 1991.

Hegel, Georg. "Independence and Dependence of Self-Consciousness: Lordship and Bondage." In *The Phenomenology of Mind*. 1807. Accessed December 3, 2018. <https://www.marxists.org/reference/archive/hegel/works/ph/phba.html>.

Hobbes, Thomas. *Leviathan*. Baltimore, MD: Penguin Books, 1968.

Jefferson, Thomas, et al. *Copy of Declaration of Independence*. 1776. Library of Congress. Accessed April 22, 2019. <https://www.loc.gov/item/mtjbib000159/>.

Kramnick, Isaac. *Republicanism and Bourgeois Radicalism*. Ithaca, NY: Cornell University Press, 1990.

Laski, Harold. *The Foundation of Sovereignty*. New Haven, CT: Yale University Press, 1931.

Locke, John. *Second Treatise of Government*. Indianapolis, IN: Hackett Pub. Co., 1980.

Marx, Karl, and Friedrich Engels. *The Communist Manifesto*. Edited by Gareth Steadman Jones. London: Penguin Books, 2002.

Morgan, Edmund. *Inventing the People*. New York, NY: Norton & Company, 1988.

Nietzsche, Friedrich. *Unmodern Observations*. Translated by Gary Brown. New Haven, CT: Yale University Press, 1990.

Oxford English Dictionary. Oxford University Press. Accessed April 22, 2019. <http://www.oed.com>.

Plato. *The Republic of Plato*. Translated by Allan Bloom. New York, NY: Basic Books, 2016.

Pocock, J. G. A. *Politics, Language and Time: Essays on Political Thought and*

- History*. New York, NY: Atheneum, 1971.
- Rose, Gillian. *Love's Work*. New York, NY: Schocken Books, 1995.
- Rousseau, Jean-Jacques. *The Social Contract*. Translated by Maurice Cranston. London, England: Penguin Books, 1968.
- Schmitt, Carl. *Political Theology*. Translated by George Schwab. Chicago, IL: University of Chicago Press, 2005.
- Shanks, Torrey. *Authority Figures*. University Park, PA: Pennsylvania State University Press, 2014.
- Tudor, Henry. *Political Myth*. New York, NY: Praeger Publishers, 1972.
- U.S. Const. amend. II (amended 1791). Accessed December 3, 2018.
https://www.senate.gov/civics/constitution_item/constitution.htm#amendments.